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From: McCartan, Fiona [REDACTED] on behalf of Beggs, Alistair [REDACTED]
Sent: 24 September 2020 15:45
To: Chris Boomer
Cc: DevelopmentPlan@midulstercouncil.org
Subject: DfI Response to Mid Ulster Draft Plan Strategy re-consultation - 24.09.20
Attachments: MUDC dPS Comments Annex 1 - Re-consultation.pdf; MUDC Strategic Response - Re-consultation.pdf; DfI TPMU comments on MUDC Draft PS Re-consultation.pdf; DfI Roads response to Mid Ulster Draft Plan Strategy Reconsultation.pdf; DfI WDPD comments on MUDC draft Plan Strategy Reconsultation.pdf; DfI Rivers comments on MUDC draft Plan Strategy Reconsultation.pdf; MID ULSTER DISTRICT COUNCIL DRAFT PLAN STRATEGY RE-CONSULTATION - 24.09.20.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Dr Boomer

Please find attached letter of response & Encl from Alistair Beggs, Director of Strategic Planning Directorate, DfI for your attention.

Kind regards.

Fiona



Fiona McCartan, Personal Secretary for Alistair Beggs, Director, Strategic Planning Directorate
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Strategic Planning Directorate



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24 September 2020

Dear Dr Boomer

MID ULSTER DISTRICT COUNCIL – DRAFT PLAN STRATEGY RE-CONSULTATION

Mid Ulster District Council re-consulted on the draft Local Development Plan Strategy with a closing date of 24 September 2020. In accordance with regulation 15 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 the Council consulted with the Department for Infrastructure (DfI) in relation to the draft Plan Strategy.

Please find attached updated representations to the re-consultation from:-

- DfI Planning (strategic response and Annex 1);
- Roads;
- Transport Planning Modelling Unit;
- Rivers; and
- Water and Drainage Policy Division.

Please note that the strategic planning response has been updated to include paragraphs 7 – 10 in relation to Covid-19 recovery and climate emergency and paragraph 25 in relation to the updated 2016-based Housing Growth Indicators. Similarly Annex 1 to the strategic planning response has been updated to include updated information in relation to Northern

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Ireland's 2nd Climate Change Adaptation Programme for 2019-24 which DAERA published in September 2019.

Yours sincerely



ALISTAIR BEGGS
DIRECTOR

Encls

Strategic response

Introduction

1. The Department for Infrastructure would like to thank the Council for the opportunity to make further comment on the Mid Ulster's Local Development Plan (LDP) draft Plan Strategy following re-consultation. The LDP should provide a 15-year framework to support the economic and social needs of a Council's district in line with regional strategies and policies, while providing for the delivery of sustainable development¹.
2. The Council's LDP should support and spatially represent the Community Plan vision. Whilst the LDP and Community Plan should work in tandem toward this vision, the LDP has a distinct role in giving spatial expression to the community plan. It is also important to acknowledge that preparation of the LDP is subject to a different statutory process, including an Independent Examination (IE) to test Soundness of the Plan as a whole. This includes examining the content of the Plan by reference to tests set out in guidance. These require Council to take account of the Regional Development Strategy (RDS) 2035 and other policy and guidance issued by the Department.
3. In view of the above, and in keeping with its oversight role², the Department offers this representation in the interest of good practice and to assist the Council to minimise the risk of submitting an unsound Development Plan Document (DPD). In developing this response the Department has looked for clear evidence that the tests set out in Development Plan Practice Note (DPPN) 06 'Soundness' have been addressed. All comments are offered without prejudice to a future Minister's discretion to intervene later in the plan process or to the Independent Examination of the draft Plan Strategy.
4. We acknowledge the considerable amount of work that the Council development plan team have put into preparing the draft Plan Strategy and supporting documents. We would urge the Council to seek legal advice to ensure that all the procedural requirements have been met, including Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA). Responsibility for these matters rests with the Council.

¹ Para 2.6 Development Plan Practice Note 01 'Introduction: Context for Local Development Plans'

² Para 6.2 Development Plan Practice Note 06 "Soundness" (Version 2)

5. This strategic response highlights broad areas which the Department considers may pose a risk to Soundness when considered against the tests set out in DPPN 06. These are the Growth Strategy and Spatial Planning Framework (including the policy approach to Development in the Countryside); cross boundary working; infrastructure availability and monitoring. These aspects have been highlighted by the Department in order to reinforce their importance to achieving an integrated and coordinated approach to higher-level regional planning aims and objectives. These matters are also aspects of Soundness and so the relevant Soundness Tests are highlighted.
6. Detailed comments in relation to specific operational policy matters are addressed in Annex 1.

Covid-19 recovery and the climate emergency

7. The Covid-19 pandemic has had a profound social and economic impact here in the North as elsewhere. While there remains some uncertainty in relation to the medium and long term implications, the immediate impacts upon the retail, hospitality and tourism sectors of our economy have been significant and are well documented. Other impacts include a widespread increase in home-working; greater use of telecommunications technology; a substantial reduction in commuter traffic and a corresponding increasing in active travel including walking and cycling.
8. The planning system has a key role to play in supporting sustainable economic recovery from these effects. The Local Development Plan in particular is an important document that aims to provide certainty for the public and developers and will play a vital role in guiding investment decisions as part of a longer term recovery. The Chief Planners Updates of March and May 2020 acknowledged this by stressing the importance of continuing to liaise with statutory consultees as well as continuing to undertake any necessary technical work in order to progress plans.
9. As set out above, some of the impacts of the pandemic have also created new ways of working and going about our daily lives. Some of these changes have been positive. For example the reduction in commuting by private car and the corresponding increase in active travel can, if encouraged and maintained, contribute to tackling the Climate Emergency as part of an accelerated green recovery from the pandemic.

10. Therefore the impacts of the pandemic and the need to secure a green recovery serve to reiterate the importance of appropriate LDP policies and allocations which take account of the SPPS and in particular the 5 Core Planning Principles that are fundamental to the achievement of sustainable development.

Objectives

11. The policy approach to a number of areas within the Draft Plan Strategy raises concerns about the document's ability to meet its own Plan Objectives and that of the Community Plan.
12. The objective '*To build Cookstown and Magherafelt as economic and transportation Hubs and as the main service centres....*' omits any reference to growing the population of these settlements. This is not consistent with SPF2 which specifically references the need to strengthen these Hubs as residential centres.
13. Furthermore the objective '*To protect and consolidate the role of local towns and villages*' will be undermined by the overall growth strategy, policies for housing growth and economic development in the countryside.
14. The objective '*To provide for vital and vibrant rural communities whilst protecting the countryside in which they live by accommodating sustainable growth within the countryside proportionate to the extent of existing rural communities*' is noted. However, as set out in later paragraphs in this response the approach to perpetuating levels of development in the countryside proportionate to the existing extent of the development is not supportive of the change the RDS spatial framework seeks to achieve. These aspects are discussed in more detail, later in this response.
15. In addition the objective '*To accommodate investment in power, water and sewerage infrastructure and waste management*' is not supported by the growth strategy/spatial framework. This raises challenges in relation to sustainable provision of water and sewerage services to dispersed populations.

Community Plan

16. The LDP should be the spatial representation of the Community Plan (CP). It's vision is '*of a welcoming place where our people are content, healthy and safe, educated*

and skilled; where our economy is thriving and our environment and heritage are sustained; and where are public services excel'. The CP correctly identifies the benefits of early intervention and prevention, acknowledging that ongoing financial constraints make a preventative approach important for the future. It identifies key findings including that Mid Ulster has the longest emergency response times in NI and that public transport is not readily available and there is a heavy reliance on the road network.

17. The CP also identifies key outcomes including: that towns and villages are vibrant and competitive; the district is better connected through appropriate infrastructure; the environment is increasingly valued and enhanced; and that there is better availability to the right health service in the right place at right time.
18. These CP outcomes are not supported by the Plan Strategy, in particular the Growth Strategy and Spatial Planning Framework which do not support a sustainable spatial development framework for the District. It is unclear how these elements of the Plan Strategy have taken account of the outcomes/ success measures identified above. Council is reminded that Soundness Test C2 requires the Council to take account of its Community Plan. These matters are addressed later in this consultation response.

Growth Strategy and Spatial Planning Framework

Consistency tests:

- C1** *Did the council take account of the Regional Development Strategy?*
C2 *Did the council take account of its Community Plan?*

Coherence and effectiveness tests:

CE1 *The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils.*

CE2 *The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.*

19. In the opinion of the Department the draft Spatial Planning Framework fails to have regard to the above tests. The Department considers that this poses a serious risk to the Soundness of the Draft Plan Strategy.

SPF1 – manage growth based on sustainable patterns of development balanced across Mid Ulster, in accordance with the Regional Development Strategy with settlement limits defined for all settlements to provide compact urban forms and to protect the setting of individual settlements.

20. While the Department supports the wording of SPF1 it is of the view that the supporting policies and allocations elsewhere within the Draft Plan Strategy, in particular in relation to housing and economic development, do not support a sustainable pattern of development in Mid Ulster District.
21. The Council state that in allocating growth and defining settlement limits, account has been taken of the existing role and function of each settlement and the ability of each to accommodate sustainable growth in terms of infrastructure, services and connectivity. The Department strongly welcomes and supports acknowledgement of the need to consider sustainability. To assist in this regard, the RDS 2035 sets out a broad evaluation framework to assist with judgements on the allocation of housing growth³. It is therefore important that Council is able to show evidence of how the broad evaluation framework has informed the local housing indicators set out in Appendix 1 of the Draft Plan Strategy⁴. The Department notes the Settlement Appraisals undertaken by the Council and seeks confirmation that these have helped inform the allocation to settlements under the Growth Strategy.

SPF2 – Focus growth within the three main towns/hubs of Cookstown, Dungannon and Magherafelt and strengthen their roles as the main administrative, trade, employment and residential centres within the District.

22. The Department supports strengthening the main towns of Cookstown, Dungannon and Magherafelt as administrative, trade, employment and residential centres. It notes however that the wording, while welcomed, is not consistent with the Draft Plan Strategy Objective in relation to these Hubs which omits reference to growing their population.

³ RDS 2035 page 42.

⁴ Pages 243 – 261 Local Development Plan – Mid Ulster District Council - Draft Plan Strategy

23. Notwithstanding the wording of SPF2, when considered 'in the round' the overall effect of policies and allocations within the Draft Plan Strategy runs counter to its successful achievement. Of particular concern is the approach to residential and economic development in the countryside. In the Department's view this presents a significant risk to the Soundness of the Draft Plan Strategy, particularly in respect of Coherence and Effectiveness Test CE1 which requires that the development plan document sets out a coherent strategy from which its policies and allocations logically flow.

Strategic housing allocation

24. The Council will be aware of the exercise undertaken by the Department to refresh the Housing Growth Indicators set out in the Regional Development Strategy which was undertaken in September 2019. The updated HGIs cover the period to 2030 which aligns with the timeframe for the Council's local development plan.
25. The comments in this response relate to the proposed housing allocation within the Councils draft PS which was produced before the refresh took place. However, the Council should refer to the paper that was produced at the time of the HGI refresh and the accompanying letter from the Chief Planner which advises that Councils should take account of this revised indicator alongside all other relevant evidence gathered to date in considering the appropriate allocation for new homes.
26. The amplifying text for SPF2 states that Mid Ulster District will require 11,000 new homes by 2030. This is the same figure consulted upon in the Preferred Options Paper (POP) in November 2016. Council should update its evidence to account for those dwellings built within settlements and the countryside since this time. The Council states that at present, less than 30% of the District's households are located in the three main towns (identified as Hubs/ local Hubs in the RDS 2035). It also states that focusing growth in the three main towns means that opportunities should be provided in the local policies plan for 60% of the District's Housing Growth Indicator (HGI) to be accommodated within these settlements.
27. Clarification would be welcomed of the 'Housing Growth Local Indicators' in Annex 1 which set out a range of possible growth within each Hub. This reflects a desire to ensure that the allocation is not less than the existing share of households within the

Hubs as a percentage of total for the District (27.4%). The upper limit of 60% of the HGI appears to reflect the evidence presented regarding unimplemented approvals and zonings within these Hubs being sufficient to deliver 54% of the housing need⁵.

28. Whilst the Department acknowledges the need for a degree of flexibility, Council is reminded that the purpose of the Plan Strategy is to establish the strategic direction and provide a level of certainty on which to base key development decisions in the plan area, as well as the necessary framework for the preparation of the Local Policies Plan⁶. Council should consider whether indicating a range of growth scenarios between 30% and 60% provides the required level of certainty. Furthermore it is the Department's view that an allocation of 30% of the HGI to the hub settlements is not sufficiently ambitious and will not support RDS SFG12 to grow the population of the Hubs and clusters of Hubs. It also appears not to take account of the Council's own evidence in relation to the level of commitments within the Hubs. This matter is addressed below.
29. When allocating housing growth within an LDP Council is reminded of the requirement to make an allowance for existing housing commitments by taking account of 'dwellings already constructed and approvals not yet commenced'⁷. In making such an allowance the Council should therefore not allocate substantially less growth to a settlement than can be achieved through existing commitments, unless there is clear evidence of why these will not contribute to meeting housing need in the forthcoming plan period. An allocation which fails to reflect or account for commitments, as required by policy, is unlikely to be considered realistic, appropriate, or founded on a robust evidence base. The Department seeks clarification of the information on existing commitments and residual zonings presented in Appendix 1 of the Draft Plan Strategy.
30. In relation to residual zonings, the Department welcomes acknowledgement of the potential for a phased approach, however little detail is provided other than draft policy HOU1. The Department has concerns with the wording of this policy. This is addressed in Annex 1. Council is reminded that the RDS 2035 sets a regional target of 60% of

⁵ Mid Ulster LDP Preferred Options Paper Public Consultation report – Appendix 8

⁶ Development Plan Practice Note 7 'Plan Strategy', Paragraph 1.2

⁷ Strategic Planning Policy Statement, Page 71, Paragraph 6.139

new housing to be located in appropriate brownfield sites within the urban footprint of settlements with greater than 5000 population. This should not be used to as justify a councils overall allocation of housing growth to Hub settlements⁸. The Department however welcomes acknowledgement that over the plan period the RDS Housing Growth Indicators may change.

Urban Capacity Study and Windfall Assessment

31. The SPPS identifies that *'windfall potential arising from previously developed land within the urban footprint can be a key source of housing supply over the plan period'*. In line with the objectives of the RDS 2035 it is necessary to make full allowance for this source of supply in order to prevent excessive allocation of housing land. This is necessary regardless of the quantum of existing commitments and zonings. The windfall assessment should be confined to the urban footprint.
32. The Department would highlight the need for Council to undertake an Urban Capacity Study (UCS) and further analysis to help inform windfall potential. An UCS is an important part of the preparation of an LDP, providing a comprehensive analysis of the potential for housing growth within the urban footprint. It is also an important part of the evidence base used to inform a phased approach to release of land that supports compact urban forms and more housing in existing urban areas. The Council should ensure that the strategic allocation of housing is informed and supported by an UCS and appropriate windfall allowance.

Economic Development (consider cross reference to paragraphs on supporting recovery)

33. In the Cookstown Area Plan 2010, 71.5% of the land zoned for industrial/business remained undeveloped as at October 2018. Similarly 62% within the Dungannon and South Tyrone Area Plan 2010 and 94% in the Magherafelt Area Plan 2015 remains undeveloped. The Council has presented findings of a survey of businesses which includes a description of activities, numbers of staff and future expansion plans. It is unclear how these surveys have informed the overall land requirement calculation,

⁸ Sustainability Appraisal (including SEA) February 2019 indicates that the housing allocation is based upon the RDS 60% target

especially in view of the low level of uptake of economic development land within extant plans. The position paper does acknowledge further work is required but this is not evident in the survey or other supporting papers.

34. In arriving at a minimum requirement of 8,500 jobs over the plan period, the Council has used 2014 population projections, an estimate of the likely requirement between the years 2023 and 2030 as well as taking into account an increase in the working age population. The method of calculation is based on achieving the DETI Strategic framework goal (2014) of 70% of the working age population economically active by 2023.
35. To facilitate the creation of 8,500 new jobs, the Council estimate that 170 hectares of land is required, based on a ratio of 50 jobs per hectare. It is assumed that all new jobs will be in the secondary and tertiary sectors, as employment in the primary sector has been in decline. The Council acknowledges that not all new jobs will be created on land zoned for economic development and that accordingly 170 hectares will result in a degree of over zoning. Council considers this will encourage economic growth by providing flexibility and choice.
36. The RDS Employment Land Evaluation Framework is an objective means of quantifying the employment land requirement. The Council has taken account of the existing land portfolio in line with Stage 1 of the framework. It is not clear how the results of this Stage and Stage 2 'understanding future requirements' have informed the quantum of employment land required across the main business sectors over the plan period.
37. In accordance with Stage 3 of the Evaluation Framework qualitative site appraisal criteria should be used to identify a portfolio of sites. These criteria should include assessment of the environmental impact of sites relative to each other. This is aimed at promoting sustainable development by ensuring consideration of all the factors set out in the SPPS such as availability of adequate infrastructure, identification of previously developed land within settlements, specialised needs of specific economic activities, potential environmental impacts and compatibility with nearby uses. The Council has identified economic development zones in Dungannon North and Granville within the Draft Plan Strategy. Evidence of the application of qualitative

criteria to inform this selection is not immediately clear. Council is reminded that use of the RDS appraisal framework is important to providing a robust justification for the overall allocation of employment/economic development land in the Plan.

38. Council considers that economic development land should be distributed equitably across the three towns of Cookstown, Dungannon and Magherafelt, with approximately 55-60 hectares zoned in each. This approach is supportive of SPF2 which seeks to strengthen the role of Hubs as the main centres of employment and trade in the District. It also accords with the RDS RG1 and SFG 11 by supporting the supply of employment land in the Hubs, clusters of Hubs and larger urban centres. Development located here is best placed to capitalise on the opportunities provided by the combination of people, goods and available infrastructure within the Hubs. This also acknowledges benefits of the Hubs in terms of connectivity to main transport routes and access to labour and consumer markets.

SPF3 – Consolidate the role of the local towns of Coalisland and Maghera as service centres for their hinterlands providing appropriate development opportunities for housing, employment and leisure activities, in keeping with the scale and character of these settlements.

39. The Department welcomes the commitment to consolidate the role of the local towns of Coalisland and Maghera as important residential centres and employment locations. The Department however notes that in apportioning growth using the housing local indicators set out in Appendix 1, both local towns receive less than the number of units capable of delivery through commitments and residual zonings. In the case of Coalisland the difference is substantial, with 468 units allocated by the Housing Local Indicator compared with the 1234 units available (at April 2016) from existing commitments and zonings. This represents a reduction of over 60%. Again, Council must clarify how they have taken account of existing commitments in arriving at the Housing Local Indicator and what, if any, consideration has been given to the role of phasing.
40. Regional Guidance set out in the RDS 2035 aims to ensure an adequate supply of land to facilitate sustainable economic growth. As previously highlighted, the

Employment Land Evaluation Framework is provided to help with this assessment⁹. In line with the SPPS, Councils should ensure that there is an ample supply of suitable land available to meet economic development needs within the Plan area. In discharging this function, the LDP should offer a range and choice of sites in terms of size and location to promote flexibility and provide for the varying needs of different types of economic activity. It is noted that the Council does not propose to specifically allocate economic development land in Coalisland and Maghera as it is considered 'in the main that these would be privately led'. This reference to 'privately-led' is unclear. Decisions to zone employment land should be informed by the plan evidence and the application of the Evaluation Framework. The question of whether development is privately led or not, should not be relevant to zoning land.

41. The Settlement Appraisals for Coalisland and Maghera identify extant industry and business zonings. Maghera currently has 7.6 hectares of land zoned for industry and economic uses, while Coalisland has 19 hectares of land zoned for this purpose. It is unclear how the Council intends to deal with the existing zonings and clarification is welcomed. For example, is it the intention that in line with Plan Strategy 'no specific allocation of economic land is made to the two local towns', and therefore these zonings will not be carried forward in the Local Policies Plan.
42. The fact that no specific allocation of economic development land has been made to these towns is notable in the context of 'ECON 1 – Economic Development in Settlements'. This policy states that within towns, economic development on land zoned for such purposes will conform to the Plan. However where no such allocation is made, as will be the case in Coalisland and Maghera, proposals will be determined on their individual merits. In the absence of the intention to zone economic development land within these towns, the Council should be satisfied that ECON1 provides sufficient policy direction for the assessment of economic development proposals in towns.

SPF4 – Maintain and consolidate the role of the villages as local service centres providing opportunity for housing, employment and leisure activities in keeping with the scale and character of individual settlements.

⁹ RDS 2035, Page 31 - 32, Paragraph 3.3

43. The approach in SPF 4 of maintaining and consolidating the role of the villages, is not supportive of RDS RG7 'Support urban and rural renaissance' where the focus is upon revitalising the centres of small towns and villages so that they meet the immediate needs of the communities they serve. The Council states that *'villages are not seen as key service centres or locations in which to direct people used to living in the open countryside'* (Paragraph 4.25). Villages however, can provide a range of services such as post offices, local retailing, libraries, local health outreach services, in line with level 1 of the RDS Infrastructure Wheel. Whilst not key service centres villages nevertheless preform a vital role in meeting the everyday needs of rural communities, including those living in the countryside.
44. RDS SFG13 'Sustain rural communities living in smaller settlements and the countryside' requires a strong network of smaller towns supported by villages to sustain and service the rural community. Accordingly, the Council is reminded of the need to revitalise villages especially those that have been static or declining. The Plan Strategy should support appropriate residential development within villages. The present approach fails to acknowledge the consequences for villages where a permissive approach to development in the countryside is set out elsewhere in the Draft Plan Strategy.

SPF6 – Accommodate development within the countryside that supports the vitality and viability of rural communities without compromising the landscape or environmental quality and whilst safeguarding our natural and built heritage.

45. As previously highlighted the RDS SFG13 seeks to sustain rural communities living in smaller settlements and the countryside primarily through measures aimed at supporting a strong network of smaller towns and villages. These include measures to establish the multi-function role of town centres; revitalise small towns and villages and facilitate the development of rural industries, businesses and enterprises in appropriate locations.
46. The SPPS sets out a range of opportunities for residential and non-residential development in the countryside as well as policies for appropriate economic development.

47. The Department however considers that the policies for development in the countryside set out within the Draft Plan Strategy will not support the achievement of SFG 6. They will instead give rise to excessive and inappropriate development which will compromise the landscape and environmental quality of the countryside. The approach also fails to take account of the RDS 2035 and SPPS regional strategic policy objectives. The Council has not presented adequate local evidence to justify departure from the approach set out within these documents. The wording of SPF6 in combination with the operational policies in the Draft Plan Strategy, does not reflect the policy direction of the RDS and SPPS where the emphasis is on the management of growth to achieve appropriate and sustainable patterns of development.

Allowance to Countryside

48. The approach of the Council in allowing at least the equivalent of 40% of the District's HGI (a minimum of 4400 units) to the countryside does not take account of the RDS 2035. Specifically it is not supportive of RG7 in relation to urban and rural renaissance; RG8 on managing housing growth to achieve sustainable patterns of development; SFG12 to grow the population of the Hubs; and SFG13 which seeks to sustain the overall strength of the rural community living in small towns, villages, small rural settlements and the countryside.
49. Furthermore, in allocating the growth indicated by the HGI to specific locations in the District, the Council's decision not to make an allowance for the proportion of development likely to be built in the countryside, is a serious weakness in the methodology. It also represents a departure from the approach to housing allocation set out in the options consulted upon in the Preferred Options Paper.
50. The Council is reminded that the RDS 2035 indicates that the HGI is for the whole Council area.¹⁰ It would have been appropriate to account for the proportion of housing built in the countryside under existing policy as part of the wider allocation to the plan area as a whole. This would take account of the advice set out in the RDS 2035 and would also provide a fairer reflection of the growth realistically available for allocation

¹⁰ RDS 2035, Page 41

to all parts of the District, including Hubs, Local Towns, Villages, Small Settlements and the Countryside.

51. Furthermore, in the event that housing approvals exceed 40% of the HGI, the Draft Plan Strategy applies no contingency other than Plan Review. It therefore provides little certainty in respect of the policy that will apply should this threshold be exceeded. It would appear that in the event of a review being triggered, the Plan Strategy will continue to permit dwelling units to be approved at levels above the 40% threshold.
52. The Council has not presented local evidence to justify departure from the approach set out the RDS and SPPS. Whilst information is presented that 40% of District's households are located in the countryside, this is not in itself evidence that can justify pursuit of an allocation and policy approach that perpetuates and exacerbates existing trends in relation to the quantum of development in the countryside. The approach fails to acknowledge that the RDS supports a drive to promote more high quality housing within existing urban areas and to revitalise the centres of small towns and villages so that they meet the needs of the communities they service, including people living in the countryside.
53. The proposed allocation to the countryside, in combination with the allocation made to rural settlements of approximately 3100 units, (Appendix 1) approximates to 7500 units, or around 68% of the 11,000 units indicated as being required over the plan period. Such an approach to housing development in the rural areas of the District is not supportive of RDS SFG12 to grow the population of the Hubs and clusters of Hubs. It will not support SPF2 or achievement of growth at the higher end of the range indicated for these settlements in Appendix 1 of the Draft Plan Strategy. It also does not support a complementary urban-rural balance of housing growth across the District. The Council is reminded that the SPPS requires policy for development in the countryside to reflect and complement the overall approach to housing growth across a plan area¹¹. As highlighted previously, coherence is a key aspect of Soundness Test CE1 and the approach of the Council in this regard poses a serious risk to the Soundness of the Plan Strategy.

¹¹ SPPS, Page 52, Paragraph 6.72

Operational Policy Approach to Housing in the Countryside

54. In addition to supporting vibrant rural communities and rural economy, the regional strategic objectives for Development in the Countryside in the SPPS include those aimed at managing growth to achieve appropriate and sustainable patterns of development which conserve the landscape and natural resources of the rural area. They also seek to protect the countryside from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution.
55. The SPPS sets out a range of policies that provide specific opportunities consistent with achievement of these higher level regional strategic objectives. Whilst the policy indicates that other types of development may be considered, this should be in line with other policies within the SPPS. Furthermore the SPPS states that in preparing LDPs, councils shall bring forward a strategy for sustainable development in the countryside together with policies and proposals *'that must reflect the aims, objective and policy approach of the SPPS, tailored to the specific circumstances of the area'*.
56. Where a council has included policies and proposals which are not consistent with the RDS it must be able to provide robust evidence of local justification for any departure. The Council justify the decision to bring forward additional opportunities as being consistent with evidence on the proportion of households already in the countryside. The Department does not agree that this provides robust justification for the additional opportunities identified. The decision to provide further opportunities for housing in the countryside is not justified in this regard and will only serve to perpetuate and exacerbate existing growth trends within the District. The Council is reminded that a Plan Strategy should bring forward a housing strategy and adopt a policy approach to meet the requirements of the RDS and SPPS while meeting its objectives for the provision of housing in the settlements of the plan area¹². In so doing Council should show the linkage between policies and proposals and how they help to implement the higher level vision, aims and objectives of the RDS¹³.

¹² Development Plan practice Note 7 'Plan Strategy', Page 19, paragraph 13.2

¹³ Development Plan Practice Note 6 'Soundness', Page 13, paragraph 5.4.2

57. The Department has provided detailed comments in relation to the impact of operational policies for housing in the countryside in the Annex to this response.

Approach to Economic Development in the Countryside

58. Paragraph 4.35 of the Draft Plan Strategy states that *'Mid Ulster differs from other areas due to the successful economic developments located within the countryside'* and that *'this success is because the industry is linked to the countryside by way of agriculture or mineral development or related engineering'*.
59. The SPPS sets out the Regional Strategic Policy Objectives for development in the countryside. These include managing growth to achieve appropriate and sustainable patterns of development in the countryside which supports a vibrant rural community, as well as conserving the landscape and natural resources of the rural area, protecting it from excessive, inappropriate or obtrusive development.

Rural Industrial Policy Areas

60. Under SPF6 the Council proposes to designate Rural Industrial Policy Areas (RIPA's) in order to 'protect and consolidate' existing areas of rural industry located at Tullyvannon (Killeshil) and Desertcreat. The Council considers that these sites are of strategic importance.
61. The Department has significant concerns regarding the policy approach to RIPA's and seeks clarification on a number of matters. As regards the rationale for RIPA designation, Council state that they will *'protect and consolidate existing areas of rural industrial uses and contain them within set limits whereby large scale expansion would not be permitted'*. This wording indicates their primary role is to consolidate existing rural industrial uses and limit their large-scale expansion. While it is accepted that Tullyvannon is a site of existing industry, it is unclear how Desertcreat with no existing industry or associated activity warrants such a status. This site was not suggested in the POP and instead appears to have been considered because it benefits from planning permission. Although the approved development has not yet come forward a revised proposal is highlighted in the Draft Plan Strategy.

62. Further explanation should be provided on the statement that a RIPA is not a zoning, especially in view of the inclusion within the Draft Plan Strategy of Strategic RIPA zonings at Tullyvannon and Desertcreat.
63. Clustering is also given as a justification for RIPA designation. However the benefits of clustering are maximised by promoting economic development opportunities at the Hubs and Clusters first¹⁴. This acknowledges that these are best placed to benefit from and add value to regional economic growth¹⁵. The actual effect of RIPA designation will be to provide additional opportunities for new economic development to locate in the countryside. The effect will undermine the objectives of the RDS and the SPPS where the aim is to direct new economic development opportunities to the Hubs or higher performing town/city in the cluster. This suggested approach within the Plan Strategy does not support the SPPS regional strategic policy of restricting the level of new building for economic development purposes outside settlements.
64. In addition, the RDS acknowledges the importance of an adequate supply of land to facilitate sustainable economic growth¹⁶. It however identifies that employment land should be accessible and located to make best use of available services. At a regional level the focus is therefore on larger urban centres and regional gateways, although it is also necessary to identify a robust and defensible portfolio of strategic and locally important sites in LDPs.
65. The Department is concerned that these designations, and the other potential RIPA's that may be brought forward at the LPP stage will undermine the Council's objectives in SPF 2 to focus growth within the three main towns/Hubs and strengthen their roles as the main trade and employment centres within the District. RIPAs also have the ability to weaken the objectives of SPF 4 to maintain and consolidate the role of villages as local service centres providing opportunities for employment. They also are unsupportive of RDS SFG11 which seeks to promote economic development opportunities at Hubs. As outlined earlier in this response, it is unclear if the Employment Land Evaluation Framework has been applied, especially given that the proposed Desertcreat RIPA is approximately just three miles from Cookstown, a

¹⁴ RDS 2035, Page 72, SFG11: Promote economic development opportunities at the Hubs

¹⁵ RDS 2035 The Spatial Framework, Page 22.

¹⁶ RDS 2035, Page 31, RG1: Ensuring adequate supply of land to facilitate sustainable economic growth.

settlement where three quarters of economic land remains undeveloped. Therefore the Department considers that such designations will not support the development of economic development land within the Hub settlements, an issue already identified within the POP and Draft PS Position Paper.

66. The Council is reminded that in order to be considered sound a DPD should set out a coherent strategy from which policies and allocations logically flow. As already outlined while different approaches are not precluded, departure from SPPS policy must be supported by a robust evidential context. All impacts need to be fully considered in combination with other policies such as the spatial framework, housing, transportation and provision of services and facilities. Without the evidence base it is considered that there is no clear justification for this alternative policy approach.

Operational approach to Economic development in the countryside

67. The RDS 2035 recognises that to sustain rural communities, new development and employment opportunities are required which respect local social and environmental circumstances. Facilitating development in appropriate locations is considered necessary to ensuring proposals are integrated appropriately within rural settlements or, in the case of countryside locations, the rural landscape.
68. The guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with the strategic policy elsewhere in the SPPS.
69. SPPS policy does therefore facilitate farm diversification, reuse of rural buildings and appropriate expansion of existing rural industries. The emphasis is on the re-use of existing buildings and the SPPS is clear that, in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development outside settlements must be restricted. Some exceptions are permitted including a small scale new-build economic development proposal outside a village or small settlement; or a proposal for a major or regionally significant economic development where a countryside location is necessary, although other limitations also apply¹⁷. These

¹⁷ SPPS, Pages 57-58 Paragraph 6.88

provide an appropriate balance between sustaining a vibrant rural community and protection of the environment. Council has not presented compelling evidence to justify departing from the strategic approach contained in the RDS and SPPS.

70. Council states that the area has a large numbers of entrepreneurs in the countryside, often operating on a self-employed basis. The Draft Plan Strategy therefore seeks to recognise this by encouraging farm diversification and facilitating people working from home.
71. Policy ECON2 sets out an extensive list of policy opportunities for development in the countryside. It represents a very permissive policy approach to economic development in the countryside where the emphasis is on new buildings rather than the re-use of existing structures as advocated in the SPPS.
72. The justification for policy ECON2 is in part that '*a healthy level of economic activity facilitates investment which will contribute to retaining and enhancing the appeal of the countryside as a place for people to live and visit*'. The Departments view is that the cumulative impact of these additional opportunities for new development will adversely impact landscape and environmental quality. ECON2 is not supportive of the regional strategic objectives of the SPPS. It will also undermine the economic vitality and viability of settlements and exacerbate the low up take of economic development land in the Hubs. The approach is not supportive of the objectives of SPF2 and SPF3 and is another example of a lack of coherence within the Draft Plan Strategy which raises serious concerns around Soundness, especially in relation to Test CE1.

SPF7 – Support rural regeneration in remoter areas through the designation of Dispersed Rural Communities (DRCs)

73. Council is reminded that the SPPS does not include provision for DRCs. The Council should ensure that they have the appropriate evidence to justify the continued designation within Mid Ulster District. The draft operational policy that will apply in respect of DRCs is set out in Policy CT4. The Department has strong reservations in relation to this policy which is more promotive of single dwellings on the basis that applicants can demonstrate a substantial economic and social contribution. This is addressed in more detail in the Annex to this response.

Infrastructure

Consistency Tests

C1 Did the council take account of the Regional Development Strategy?

C3 Did the council take account of policy and guidance issued by the Department?

Coherence and effectiveness tests

CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base

74. In line with the Draft Programme for Government (PfG) the Department is focused on supporting inclusive growth by connecting people and opportunities through infrastructure.
75. The RDS 2035 seeks to support strong, sustainable growth for the benefit for all parts of Northern Ireland. Importantly it identifies the need for a co-ordinated approach for the provision of services, jobs and infrastructure and a focus on co-operation between service providers. It acknowledges that creating a critical mass to support a level of services raises challenges for service providers in meeting the needs of spatially dispersed populations¹⁸.
76. RG1 'Ensure adequate supply of land to facilitate sustainable economic growth'; RG8 of RDS 'Manage housing growth to achieve sustainable patterns of residential development' and RG12 'Promote a more sustainable approach to the provision of water and sewerage services and flood risk management' are of particular relevance. These regional guidelines emphasise the importance of the relationship between the location of housing, jobs, facilities and infrastructure. The availability of necessary infrastructure, including transport infrastructure, sustainable water resources and sewerage capacity is identified as particularly important.
77. Development Plan Practice Note (DPPN) 7 'Plan Strategy' indicates that the Strategy should show how the objectives for a council may be delivered and by whom, and when. This includes 'making it clear how infrastructure needed to support a Plan Strategy will be provided and ensuring that it is consistent with other relevant plans

¹⁸ Regional Development Strategy 2035, Page 23, Paragraph 2.16

and strategies relating to adjoining areas'. The Practice Note further advises that the Plan Strategy should be both realistic and deliverable, taking into account the resources available and any potential constraints which may arise during the plan period.

78. DPPN 6 'Soundness' indicates that it may also be necessary to set out the infrastructure that will be required to support the DPD and ensure that it remains in line with prevailing regional policy and other relevant plans and programmes both within and beyond a council area.
79. The Council's approach to residential and economic development in the countryside poses significant challenges in ensuring the delivery of services and infrastructure across the Council District. It does not take account of RG1, RG8 and RG12 and is not supportive of the Plan Strategy objective of 'to accommodate investment in power, water, and sewerage infrastructure and waste management particularly in the interests of public health'.
80. Also within this objective reference is made to 'improve connectivity between and within settlements and their rural hinterland through accommodating investment in transportation to improve travel times, alleviate congestion and improve safety for both commercial and private vehicles as well as more sustainable modes of transport including buses, walking and cycling'.

SPF8 – Encourage improvements to public and private transportation provision including railway lines and upgrading of the road network.

Consistency Tests

C1 Did the council take account of the Regional Development Strategy?

C3 Did the council take account of policy and guidance issued by the Department?

81. RG2 of the RDS recognises the need to deliver a balanced approach to transport infrastructure and improve safety by adopting a 'safe systems approach' considering roads, vehicles and road users together. Accordingly, it is crucial that policy in the Draft Plan Strategy gives full protection to access arrangements in the interests of public safety to all road users.

82. Neither Policy GP1 'General Principles Planning Policy' nor TRAN4 'Access onto Protected Routes'; are considered to provide the appropriate level of coverage from an operational perspective to ensure that road safety is maintained. This is examined further in Annexes.
83. The Department welcomes the Councils recognition that public transport is essential for those people who do not have access to the private car; that consideration will be given to providing a safe environment for the pedestrian and cyclist; that when selecting land use zonings greater priority will be given to overall accessibility and that disused railway lines and river banks will be protected for future use. It is however apparent that the draft transportation policies do not fully reflect the spatial planning framework and these sentiments. There appears to be an acceptance that the majority of journeys in the Council area will be made via private car. The transportation section is lacking in a broader sense in regard to policies encouraging a shift to more sustainable travel modes within the District. The Council is reminded of the requirement to promote sustainable patterns of development which reduce the need for motorised transport, encouraging active travel and facilitating travel by public transport in preference to the private car in line with 6.297 of the SPPS.
84. The Department notes SPF8 simply seeks to encourage improvements to public transportation provision. This SPF fails to recognise the strategic imperative to locate new development in areas well served by existing infrastructure. The SPF goes part way to acknowledging the need to link public transport with land-use however it only refers to a town centre first approach to retail, leisure and other uses. It is disappointing that there is no similar recognition within this SFG of the importance of locating new residential development in areas well served by existing transport networks. The proposals in relation to 'designing for public transport', whilst welcome, are primarily an urban design matter and essentially non-strategic in nature. There is a lack of ambition in relation to achieving reduced dependence on the private car and a change in travel behaviour. The sought-after improvements to public transportation will not be achieved in the context of a spatial framework that permits continued dispersed patterns of residential growth, including single housing in the countryside at a level equivalent to 40% of the HGI.

Waste Water Infrastructure

Consistency tests

C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Coherence and effectiveness tests

CE1 The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils.

85. The Department notes the Council's intention to focus growth within the three main towns/hubs of Cookstown, Dungannon and Magherafelt under SPF2 while accommodating development within the countryside that supports the vitality and viability of rural communities under SPF6.
86. The Council will be aware of current capacity issues at the works serving the three main Hubs in the cluster and other sewerage network issues and should continue to work with statutory undertakers to address these issues.
87. The proposed level of growth in the countryside is likely to add to this problem as unsustainable levels of growth in the wrong locations leads to increased incidents of pollution and may have health and environmental risks. The Council should be mindful of the need to deliver on all three pillars of sustainable development when formulating its policies and plans in line with paragraph 3.3 of the SPPS.
88. While the infrastructural requirements of new development in the Council's General Principles Policy GP1 are welcomed, the Council is reminded that capacity is a key requirement when zoning land and there is a need to promote a more sustainable approach to the provision of water and sewerage services and integrate them with land-use planning in line with RG12 of the RDS. This highlights a requirement for close cooperation between planning authorities and the water industry in the preparation of local development plans. There should be full regard given to capacity restrictions of Waste Water Treatment Works.

89. Working with neighbouring councils is important in this regard, particularly in light of the fact that settlements within the Mid Ulster are currently served by six treatment works in adjoining council areas. Consideration of cross-boundary issues is a key test of soundness as outlined above, and Councils should have regard to other relevant plans, policies and strategies relating to any adjoining District and ensure that their policies and allocations are not in conflict with the DPDs of neighbouring Councils.

SPF9 - Facilitate improvements to the A29 which acts as the transportation spine and link between Mid Ulster's hubs and other trunk roads crossing the district.

90. SPF9 makes an important acknowledgement about remote rural communities where travel times to essential acute hospital services are greatest. This is an important issue which is further perpetuated by the Council's spatial growth strategy. The Spatial Framework set out in the RDS 2035 recognises that access to services and facilities is important. Creating a critical mass to support a level of services raises challenges for service providers in meeting the needs of spatially dispersed populations.

Cross Boundary working

Coherence and effectiveness tests:

CE1 The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils.

SPF10 – Facilitate the protection of vulnerable landscapes and conservation interests, from inappropriate and over dominant development while promoting adequate provision of open space and landscaping integrated with broader green and blue infrastructure systems.

91. SPF10 relates to the protection of vulnerable landscapes and conservation interests through existing designations, whilst also identifying new areas for protection. This is an important strategic consideration to ensure the appropriate policy coverage within the Draft Plan Strategy in line with the plan objective to protect and enhance the natural and built environment. Important or vulnerable may extend to neighbouring council areas therefore effective cross boundary working is necessary to ensure a compatible

approach. This is also an important aspect of demonstrating that a plan document is sound in the context of CE1 (above).

92. The RDS provides strong regional and sub-regional guidance through a Spatial Framework for Northern Ireland which divides the Region into 5 components based on functions and geography. Implementation depends upon effective joint working between Councils. This engagement is fundamental to ensuring that the aims and objectives of Council LDPs are integrated and provide a coherent, joined up approach to regional planning issues, including the policy approach to landscape and environmental designations. Such cross boundary working also ensures that LDPs do no conflict with each other and that potential areas of conflict are identified and resolved prior to a Development Plan Document being submitted to the Department to cause an Independent Examination. The Chief Planner's letter dated September 2017 refers.
93. The Council has acknowledged the wider challenges and opportunities arising from its unique central location bordering 6 Councils: Fermanagh and Omagh District Council, Armagh City, Banbridge and Craigavon Borough Council, Mid and East Antrim Borough Council, Causeway Coast and Glens Borough Council and Antrim and Newtownabbey Borough Council; and sharing a border with Monaghan County Council in the Republic of Ireland. The Council's engagement through 3 cross boundary forums of 'The Sperrins', 'Cross Border' and 'Lough Neagh and Lough Beg' is acknowledged. The Department welcomes recognition of the need to work with neighbouring local authorities to provide consistency of approach across the range of issues that the 3 forums seek to address. The Department is supportive of this ongoing work as this is an important aspect of soundness.
94. In general, with regard to these three cross boundary forums and associated proposed policy approaches relating to all cross boundary issues, the Council should be able to demonstrate that policy in respect of cross-boundary designations does not conflict with the DPDs of neighbouring councils as required by Soundness Test CE1. Cross boundary working is particularly important in securing wider regional planning objectives in relation to co-operation between areas. Reference is made at paragraph 1.42 to the council working with neighbouring councils towards agreeing a Statement of Common Ground on the key shared issues and setting out commitments on how to

address them. It is an important part of the evidence base to demonstrate agreements reached on the policy approach, therefore the use of a Statement of Common Ground is welcomed. However, the Department notes that draft policy is being presented ahead of agreeing a way forward on key shared issues that will be addressed in the Statement of Common Ground.

Sperrins AONB

95. The Department is aware of the work that has been progressed by the Sperrins Forum, which began with a Future Search event in September 2017 where a significant amount of work was done to establish a wide range of issues affecting the area. In particular draft Policy NH6 'Areas of Outstanding Natural Beauty' requires development proposals to be sensitive to the distinctive special character and landscape quality of the Sperrins AONB and its visual amenity.
96. Whilst the draft policy refers to proposals needing to be sensitive to the distinctive special character and the quality of the landscape, it is not made clear what engagement or agreement there has been on the policy approach with the other 3 council areas involved in the Sperrins – Fermanagh and Omagh, Derry Strabane and Causeway Coast and Glens. It is noted that the SCA for the High Sperrins is contiguous across the boundary with Fermanagh and Omagh. The Draft Plan Strategy should clarify a policy approach towards subject areas throughout the plan area. For example, the consistency of the approach to minerals development. The Lough Neagh SCA introduces a tight constraint on all development including mineral extraction, but does not refer to the High Sperrins SCA in the same way. Clarity on the application of minerals policy within the High Sperrins would be welcomed.
97. In addition, the two Areas of Significant Archaeological Interest (ASAs) which straddle the boundary with Fermanagh and Omagh District Council, at Beaghmore Stone Circles and Creggandevosky present another cross boundary issue that requires careful policy consideration.

Lough Neagh Policy Approach

98. The Department understands that the Lough Neagh and Lough Beg Forum was set up in recognition of the need to consider the cross boundary issue of these areas. In Autumn 2017 the Council tabled a discussion/policy paper which addressed a range of issues. These included environmental designations, protection of natural heritage, minerals development, sustainable tourism and flooding. It is noted that the policy paper outlined the basis for proposed policies and designations, as set out in the Draft Plan Strategy.
99. One such designation proposes to introduce Special Countryside Areas along the lough shores of Lough Neagh and Lough Beg (Policy SCA 1) within which, it is stated in the corresponding draft policy, there will be a presumption against all new development in order to protect the quality and unique amenity value of the unique landscape. The Department understands the intention behind the Council's proposed additional layer of environmental protection, which is essentially a 'set back' area from the lough shore.
100. The SPPS states that exceptional landscapes designated as SCAs are where the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances. The 5 existing SCAs in Northern Ireland are exceptional landscapes and remain so due to the limitations on development. There are a number of exceptions to the proposed designation within the Draft Plan Strategy which may undermine the overall effectiveness of the designation. The Department will provide further comment on operational policies in Annex 1.

Cross Border

101. Cross boundary working is particularly important in securing wider regional planning objectives in relation to co-operation between areas. This is particularly relevant in the context of the delivery of the A5 flagship major road scheme which is identified in the RDS 2035 as a Key Transport Corridor. As acknowledged in the RDS certain key infrastructure brings mutual benefit to all parts of the island. Co-operation at strategic

planning level ensures that the greatest added value is extracted from investment in shared infrastructure.

Monitoring

Coherence and effectiveness tests

CE3 – There are clear mechanisms for implementation and monitoring.

102. A council may revise its Plan Strategy or Local Policies Plan at any time (after adoption), or by direction by the Department. This requires councils to keep under review the implementation of their plans to ensure that LDP objectives are being achieved.
103. The Department notes the provisions in Draft Plan Strategy on monitoring and framework. However, Council may find it difficult to measure policy effectiveness without any specific targets being identified that would trigger the need for a review. DPPN 6 states that 'monitoring is essential for the delivery of the DPD and should provide the basis to trigger any requirement to amend the strategy, policies and proposals of the DPD.'

Extant planning guidance

104. The Department has clarified its position on the future of extant planning guidance and the Council should consider this in relation to references within the draft Plan Strategy. The Department's website now sets out which guidance has been withdrawn, which will cease to have effect in a council area once the Council adopts its plan strategy and which guidance is retained, unless and until replaced by the Department.
105. In relation to guidance which will cease to have effect when the Council adopts its Plan Strategy, it is considered that this affords councils the opportunity to prepare local guidance on such matters, if so desired.
106. Further detail on each piece of guidance can be found at:-<https://www.infrastructure-ni.gov.uk/articles/guidance-update>

Next Steps

107. The Department is content to discuss any of the issues highlighted in this response which raise possible risks to the soundness of the Draft Plan Strategy. The matter of whether a development plan document is considered sound will be for the Independent Examination and following consideration of representations and counter-representations, it is for the Council to ensure that the Draft Plan Strategy is sound when submitted for Independent Examination.

Annex 1 – Additional Dfl Planning Comments

Further to the comments in the strategic response, the Department wishes to detail some additional points for consideration regarding the operational policies contained within the draft Plan Strategy.

There are significant concerns with the construction and drafting of policy throughout the document. The language used is often unclear and ambiguous. There are also issues around J&A containing policy. Experience has proven that policy, which is not contained within a policy box, is not policy. It is considered that this could pose problems for interpretation particularly by the general public and it is therefore suggested that the drafting of policy is given further consideration to ensure clarity for its operational effectiveness.

Climate Change

The Department notes and welcomes the council's acknowledgement and inclusion of climate change issues with the draft Plan Strategy. It may be beneficial for the council to include reference to Northern Ireland's 2nd Climate Change Adaptation Programme 2019-24 which DAERA published in September 2019, as there are associated actions which will be the responsibility of councils to ensure Climate Change Adaptation has been considered during the development of their LDPs. Council may wish to engage with Climate NI (funded by DAERA) to gain further insight and assistance in bringing forward local planning policies which have regard to climate change issues.

5.0 Implementation of This Plan Strategy

Paragraph 5.4 of the Plan Strategy states that where there is a conflict between the extant plans or any future Local Policies Plan or the Plan Strategy, greatest weight will be attached to the Plan Strategy. Council is reminded that a future Local Policies Plan is legislatively required to be consistent with the Plan Strategy. Furthermore where a Council adopts a local policies plan for a district so much of the departmental development plan as relates to that area shall cease to have effect. Council should ensure that the statement made in Paragraph 5.4 is clear and that it takes full account of the transitional arrangements set out in the legislation.

6.0 General Principles Planning Policy

This policy relates to the consideration of development proposals with regard to amenity; nature and scale; siting, design and general appearance; access, road layout and parking provision. It also makes reference to applications involving advertisement, and the consideration of other infrastructural requirements, landscape character; biodiversity; meeting the needs of people with mobility difficulties; and, planning gain and developer contributions. The Department notes an omission in relation to built heritage or/and archaeology as a general planning consideration.

Preparing a policy that is relevant to the assessment of all development proposals that may come forward presents challenges. Not all the criteria may be relevant to all development forms and the council seem to acknowledge this by stating that the provisions of the policy apply 'as appropriate'. However this may have the potential to introduce uncertainty in the application of the policy. In particular there is potential for ambiguity in the appropriate criteria to apply to the assessment of development proposals depending upon their character or scale.

There is also a need for consistency of wording between the General Principles policy and the more detailed subject policies that follow to avoid difficulties in application where both apply to the assessment of a proposal. For example criteria (c) deals with siting, design and external appearance of new development and requires that it should respect its surroundings and be of an appropriate design for the site and locality. These are urban design considerations which are also addressed under policy UD1 which is more rigorous in requiring development to be of a high standard and to respect the best local traditions of form, materials and detailing to complement the urban grain and character of the settlement.

SOCIAL POLICIES – ACCOMMODATING GROWTH AND CREATING PLACES

7.0 Housing in Settlements

Draft Policy HOU1 – Protection of Land Zoned For Housing

This policy states that land has been zoned as Phase 1 and Phase 2. The Department is supportive of a phased approach where it promotes the managed release of housing land and helps achieve the objective of more compact urban forms and increased housing within existing urban footprints.

The policy states that development of Phase 1 land for housing in line with key site requirements will accord with the plan. Development of Phase 2 land will conflict with the plan subject to a number of exceptions including (i) where it has been re-designated as Phase 1 in the Local Policies Plan or as a result of Plan Review. The Department would query the need for criteria/exception (i). This is because preparation of the LPP provides an opportunity to re-evaluate Phase 1 and Phase 2 land and re-designate as appropriate. In any case the criteria is not operable until adoption of the LPP.

The justification and amplification relating to this policy states that land has been zoned as either Phase 1 or Phase 2 in Cookstown, Dungannon and Magherafelt. It also states that no Phase 2 land has previously been zoned in Magherafelt. The intention seems to be to address the future proposal to zone phase 2 land in Magherafelt however these statements are contradictory and they give rise to uncertainty.

Furthermore the Department seeks clarification on the basis for zoning Phase 2 housing land in Magherafelt. Appendix 1 of the Plan Strategy shows an allocation to Magherafelt, at the higher end of the range indicated, of 1642 units. This is less than the housing capable of being delivered from committed units/residual zonings within Magherafelt (1936 at April 2015); before an allowance has been made for housing from windfall sources. Council should therefore consider the basis for zoning Phase 2 land in Magherafelt or clarify if the intention is to re-designate existing uncommitted zonings as Phase 2.

Council should consider the feasibility of zoning especially where the level of extant permissions and residual zonings are sufficient to meet need. Council should also clarify the approach in light of the conclusions of the Settlement Appraisal for Magherafelt which states that there is a large amount of zoned housing land undeveloped and that there is 'no need for additional housing zonings'. Consideration

of this matter is not helped by the lack of up-to-date information on development completed and extant permissions remaining.

As drafted Policy HOU1 requirements of Phase 1 and Phase 2 have been combined in a way which is unclear, especially in relation to when non-residential uses will be permitted on land zoned for housing. Consideration should be given to rewording the policy to make a clearer distinction between the policy approach in Phase 1 and Phase 2 zonings.

Draft Policy HOU2 – Quality Residential Development

The Department has concerns about this policy approach which affords the same status to both zoned and un-zoned land. Un-zoned land in this context could include previously developed land within the urban footprint but may also include previously undeveloped, un-zoned land within the settlement limit (white land). This approach is not supportive of the phased approach to the release of housing land set out in HOU 1. It also does not support the regional policy objectives in relation to the drive to promote more housing within existing urban footprints.

Draft Policy HOU3 – Residential Extensions.

The Department notes the criteria in relation to residential extensions, but consider this policy would benefit from clearly stating that the policy will apply to all dwelling-houses in the district, including single dwellings in the countryside.

Reference to large extensions in paragraph 7.42 regarding over-dominance, streetscape, amenity etc. may have benefitted from being included in the policy text box. The Department notes that the council intends to issue supplementary guidance on residential extensions, which is welcomed.

Draft Policy HOU4 – Conversion of Existing Buildings to Flats, Apartments or Houses in Multiple Occupation.

The Department notes the content of policy HOU4 which broadly reflects the strategic approach set out in the SPPS and in the addendum to PPS7 on Safeguarding the Character of Established Residential Areas.

Draft Policy TH1 – Travellers Accommodation

The Department notes the content of policy HOU4 which broadly reflects the strategic approach set out in the SPPS and the addendum to PPS12 Policy HS 3 (Amended) 'Travellers Accommodation'. Notwithstanding this, the Department would have concerns with regards to this policy in the context of the countryside. Whilst recognising that the approach is reflective of that set out in HS3 Travellers Accommodation as amended by the Addendum, clarification would nevertheless be welcomed on the exceptional circumstances where a single family traveller transit site or services site would be permitted in the countryside without a requirement to demonstrate need.

8.0 Housing in the Countryside

The draft strategy distinguishes Mid Ulster from other council areas by stating that 40% of households live in the open countryside and has the smallest urban population in NI (para 8.1) and states that the key issue is the provision of a rural policy that will give greater flexibility. Given the level of flexibility already provided for by the SPPS, would a more sustainable approach not be to try and rebalance the countryside/urban split?

The strategy does not acknowledge any issues associated with a large population living in the open countryside such as future infrastructure/service provision, public transport, schools, sewerage, isolation etc. Para 8.5 states that 'our rural policies must provide more opportunities in order to recognise the predominantly rural nature of our population'. It is felt that this approach could compound any associated issues with a large rural population.

Draft Policy CT1 – General Policy

The policy appears to take account of the SPPS which states that the policy approach must be to cluster, consolidate and group new development with existing established buildings. While the policy attempts to address the issues of clustering, integration, rural character and ribboning, urban sprawl and rural design, inclusion of detail from the J&A within the policy box would ensure that it is given appropriate weight.

Policy CT1 also contains a broad exception to the regional strategic policy direction to cluster/consolidate where there are environmental or operational reasons why this is 'impracticable'. Inclusion of this wording within the policy box significantly weakens the policy approach of the SPPS, which applies the general principal of clustering, consolidating and grouping to all development in the countryside (with limited exceptions in relation to Dwellings on Farms). The lack of further clarification within the J&A to justify departure from the regional strategic policy approach, poses further challenges to the practical application of this policy exception.

Draft Policy CT2 '- Dwellings in the Countryside'

Policy CT2 sets out 10 different opportunities for a dwelling in the countryside (a single dwelling is also permitted within Dispersed Rural Communities where an applicant can demonstrate they will make a 'substantial economic and social contribution to the community').

The Department is very concerned that CT2 represents an extremely permissive policy approach to residential development in the countryside for which the Council has failed to provide sufficient evidenced justification. In the Department's view the policy approaches outlined in CT2 will not support an appropriate or sustainable pattern growth and will instead result in excessive, inappropriate and obtrusive development that will damage rural character and mar the distinction between settlements and the surrounding countryside.

The approach is not supported by policy as set out in the SPPS which aims to manage development in a manner that strikes a balance between protection of the environment from inappropriate development, while also supporting and sustaining rural communities. It also fails to support the Plan Strategy's own objectives including in relation to accommodating sustainable growth in the countryside; providing homes in locations accessible to community services, leisure and recreational facilities; protection and enhancement of the natural and built environment; and improved connectivity including more sustainable modes of transport including buses, walking and cycling.

As highlighted in the strategic response, the approach does not take account of the Council's own Community Plan (CP) which identifies issues including the longest

ambulance response times in NI; public transport that is not readily available; and a heavy reliance on the road network. It is not supportive of achieving the outcomes identified within the CP, including towns and villages that are vibrant and competitive; increased environmental sustainability; increased use of public transport and active travel; and better availability to the right health service, in the right place at the right time.

Criteria (a): In relation to dwellings in an Existing Non-farm Cluster outside a farm the policy approach does not require the cluster to appear as a visual entity in the local landscape, as required by the SPPS. This has the potential to increase the number of clusters potentially capable of meeting the policy criteria with implications for the number of dwellings approved under this policy criteria.

Criteria (b) in relation to a Dwelling Infilling a small Gap Site is extremely concerning. The wording that, exceptionally, a single dwelling may be permitted on a smaller gap site between two dwellings is not justified by any evidence presented by the Council. There is no acknowledgement that infill development should take place in a substantial and otherwise continuously built up frontage. Furthermore there is no basis for maintaining that two dwellings fronting onto a road or laneway could constitute such a frontage. For these reasons the Department considers that the approach will contribute to the creation of ribboning type development. In reality this is not an exception but an alternate, lower policy test that will result in a significant increase in residential development with consequential adverse impacts for rural amenity and rural character through the creation of ribboning development forms.

In relation to criteria (c) Replacement Dwelling, the Department is concerned that the policy wording does not acknowledge that replacement dwellings should not have a visual impact that is significantly greater than the existing building. This is an important aspect of the policy set out in the SPPS intended to the impact of new development on the landscape character. The policy approach should reflect that set out in the SPPS. Furthermore the J&A would benefit from clarification that the policy will not permit the replacement of listed buildings or the replacement of retained buildings that have already been replaced under the policy

In relation to criteria (d) Conversion/reuse of Existing Buildings for Residential Use, the Department is concerned that the approach does not reflect the SPPS test of a locally important building. It is noted that the policy allows for the replacement of a non-residential building with a dwelling. If this is intended to be a replacement policy exception it should be highlighted in the policy box under that heading.

In relation to criteria (e) Dwelling on a Farm, the policy takes account of key SPPS criteria of currently active and established farm and no farm dwellings approved in the last 10 years. It does not make reference to the SPPS criteria of no dwellings or development opportunities sold off or transferred. Furthermore there is no reference to the integration of a new dwelling or rural character requirement as per the SPPS, although some of these issues are addressed in the general principles GP1 policy. The introduction of further exceptions in relation to retiring farmers or where an alternative site offers environmental benefits and are likely to weaken the overall objective to cluster/visually link. In respect of the J&A the definition of agricultural activity refers to the previous (EC) Reg. No. 73/2009 as per PPS21 as opposed to the updated SPPS (EC) No. 1307/2013.

The policy at (f) Dwelling in a Farm Cluster permits a dwelling on a farm cluster where the farm is neither active and/or established, or where permission has already been obtained in the last 10 years, is also concerning. This approach does not take account of the SPPS and is not supported by adequate evidenced justification. The policy will give rise to further residential development in the countryside and, in combination with other additional opportunities identified, is likely to give rise to an unsustainable increase in residential development. It also threatens achievement of the objectives of the Plan Strategy, the growth strategy and spatial framework outlined by the Council. The effect is to compromise the intent and overall effect of policy criteria (e). This does not represent a coherent policy response to residential development on farms and poses a significant risk to Soundness.

Criteria (g) Dwelling to meet Personal and Domestic circumstances largely takes account of SPPS however the Department would question whether an attached dwelling is an appropriate alternative solution.

Criterion (h) 'Dwelling for a Carer or someone availing of care' is an approach that has the potential to give rise to a significant and unsustainable increase in residential development in the countryside. Council has failed to articulate clearly the justification or evidence underpinning this policy which does not take account of the SPPS. The reference to research indicating that just over 10% of the population rely on a degree of care in relation to the elderly or children' is not adequately referenced and clarification is requested of the source.

Furthermore the Department is concerned that the level of care referred to is only equivalent in character to the care and support that might ordinarily be provided by family members to other family members. The reference to the social benefits of 'extended families living next door to one another' further confuses the intent of the policy and suggests that the approach also acknowledges kinship ties. Such an approach is likely to pose legal and equality issues and may also raise significant procedural and administrative issues. Clarification is required of the intended approach of the Council as the way the policy is worded could potentially include family members availing of or providing childcare as well as those caring for the elderly.. The council has not presented any compelling local evidence to justify a departure from the regional policy approach set out in the SPPS.

Policy requirements for criteria (h) are arguably more onerous than criteria (g), however the J&A at 8.53 states that strict policy tests apply to Personal and Domestic Circumstances. This appears to weaken the rationale for strategic policy direction of the SPPS which provides a dwelling opportunity where there are compelling and site specific reasons related to personal or domestic circumstances.

In respect of (i) Dwelling for a Business Enterprise the policy approach differs from the SPPS requirement for a site specific need that makes it essential and states only that there should be a site specific and operational requirement for an employee to live next to the business. The J&A further contradicts the policy wording by stating that an established business may require residential accommodation for one of the firm's employees to live at the site for security reasons alone. In the Department's view the need to provide improved security from theft and/or vandalism is unlikely on its own to warrant the grant of planning permission.

The policy provision at (j) for a Dwelling for the holder of a commercial fishing licence is not provided for in regional policy. Council has not provided evidenced local justification of the basis of introducing a policy to provide dwellings in the countryside for the holder of a commercial fishing licence. What is the operational basis for permitting the holder of a commercial fishing licence the opportunity of a dwelling in the area identified adjacent to Lough Neagh? The Department is of the opinion that the Council has not presented an evidential need to make provision for support the local eel fishing communities.

Overall the Department is concerned that Council is adding to the number of policy opportunities that depend on the use of occupancy conditions for their application. The Department is of the opinion that planning decisions for single houses should not be determined on the basis of occupation.

Draft Policy CT3 – Social and Affordable Housing in the Countryside

On balance this draft policy takes account of and reflects the provisions of the SPPS.

Draft Policy CT4 – Dispersed Rural Communities.

The draft policy supports strategic policy SPF 7 'Support Rural Regeneration in Remoter Areas through the Designation of Dispersed Rural Communities (DRCs). The SPPS makes no provision for DRCs to be designated however it is acknowledged that the district already has 3 existing DRCs. The J&A states that some rural areas display symptoms of economic and social disadvantage and that in the interests of promoting rural regeneration the council has designated DRCs. Council should provide the evidence in relation to the economic and social disadvantage that underpins their continued designation, and the identification of any new DRC designations that may be brought forward. The true extent of future DRCs proposed within the district is unknown until adoption of the LPP. It is therefore difficult to assess the overall potential impact of DRCs on the amount of development in the countryside.

The policy makes provision for clachan style development which accords with the approach set out previously in regional operational policy. Tourism, community facilities and 'cottage industries' are also provided for, although no further clarification

is provided on what this may include. The J&A also refers to 'appropriate economic development' which is considered to be insufficiently clear.

Of particular concern is the approach to single dwellings within DRCs. The policy permits a dwelling where an applicant can demonstrate that they will make a 'substantial economic and social contribution to that community'. Although dwellings are required to cluster with existing buildings under CT4, policy CT1 provides an exception to clustering for environmental or operational reasons. The J&A provides little further amplification on how substantial economic or social contribution will be assessed. The Department considers that this approach is too ambiguous and open to interpretation.

Draft Policy CT5 – Temporary/Residential Caravans/Mobile Homes

On balance this policy takes account of and reflects the provisions of the SPPS.

9.0 Health, Education and Community Use

Draft Policy COY 1 – Community Uses

This policy states that, where necessary, land will be reserved through a community zoning or KSR or other land use zoning as designated in the LPP. The Department notes the other criteria for the assessment of community uses proposed elsewhere in settlements. Clarification would be helpful as to whether community uses includes health and educational uses which are also the subject of this chapter.

While the policy aims to facilitate community uses the Department is concerned that it fails to acknowledge or address the challenges posed to service providers in meeting the needs of spatially dispersed populations. As set out elsewhere in the Department's response, these challenges are very likely to be compounded by the levels of residential development permitted in the countryside under the Growth Strategy and Spatial Planning Framework set out by the Plan Strategy. They include those issues identified by the Council, in particular access to acute services and the ambulance response/wait time that is considerably greater than the NI average.

10.0 Urban Design

This draft policy is noted and generally welcomed. On balance it takes account of the SPPS and is quite generic in nature. Further reference could be made to local characteristics, however it does reference the Department's Living Places: An Urban Stewardship and Design Guide and Design, and Access Statements.

11.0 Open Space, Recreation and Leisure

The Council should ensure that policy is formulated with the most up to date information available to them and review this information regularly.

Draft Policy OS1 – Protection of Open Space

This policy advocates a presumption against the loss of open space, aligning with the SPPS. It also goes further than the SPPS (para 6.205) in relation to the exceptional circumstances that must be satisfied before loss of open space is permitted, which is welcomed. However, as the third paragraph of the policy is in addition to the SPPS, further clarification would assist in its application.

Para 11.19 refers to 'assessing the importance of retaining open space', and lists three considerations. Although the J&A indicates the Council will operate a general presumption against the loss of open space, it also details how proposals for the loss of such space will be assessed. The SPPS states LPPs should be informed by a survey/assessment of existing open space provision and future needs. These considerations should inform the evidence base.

In relation to the criteria for community benefits, Council should note that the SPPS specifically defines Intensive Sports Facilities and states they should be within settlement limits, therefore any intensive sports facility needs to be assessed under OS3. The Council should consider the relevance of this requirement of this community benefit under draft policy OS1.

Draft Policy OS2 – Protection of River Corridors

The policy may benefit from the inclusion of para 11.20 within the policy box.

Draft Policy OS3 – Outdoor Sport and Recreation

The policy implies a focus on facilitating open space in the countryside in contrast to SPPS policy. The Council should be able to clearly demonstrate through their evidential context any deviation from SPPS policy. The Department considers that the acceptability of sports facilities in the countryside conflicts with the SPPS policy which defines outdoor sports facilities as an “intensive sports facility” and states that they should be within settlement limits. As an *exception*, a sports stadium may be allowed outside of a settlement, but only where there are clear criteria. The wording of OS3 is unclear, in particular criteria (b).

In para 6.206, the SPPS directs Councils to bring forward policy to require new development of an appropriate scale (generally 25 units or more, or sites of one hectare and above) to provide adequate and well-designed open space as an integral part of the development. In para 7.31 the Council acknowledge this open space provision but do not include it as a specific policy requirement.

There are a number of sections within the justification and amplification which could benefit from being addressed within the policy box for example, ‘Noise Generating Sports and Outdoor Recreational Activities’, ‘Floodlighting’ and ‘Development of Facilities ancillary to Water Sports’.

The policy sets out the approach this type of development outside SCAs, however some detail within the J&A could be included within the policy box. The term “open development” is ambiguous and requires clarification.

The SPPS, in para 6.208, refers to noise sensitive uses and sports or activities which can be disruptive to farm animals and wildlife and may also have a detrimental effect on the natural environment as well as local character. Particular consideration should be taken when siting noise-generating development in close proximity to these uses. Whilst reference to environmentally sensitive areas it is welcomed, policy OS3 does not address noise sensitive uses (for example schools, hospitals places of worship and residential neighbourhoods) referred to in 6.208 of the SPPS.

Draft Policy OS4 – Indoor Sport and Intensive Outdoor Sports Facilities

Paragraph 6.207, states that an intensive sports facility should be located within settlements to maximise use of the existing infrastructure. This policy and para 11.35 do not take account of the SPPS.

ECONOMIC POLICIES – CREATING JOBS AND PROSPERITY

12.0 Economic Development

Draft Policy ECON 1 – Economic Development in Settlements

Policy ECON 1 states that within towns, proposals for economic development on zoned economic land will conform to the plan subject to Key Site Requirements. In other cases they will be determined on their individual merits. As highlighted in the strategic response, in the context of the stated intent not to zone economic land within the local towns, Council should satisfy itself that ECON1 provides sufficient policy direction for the assessment of proposals within these settlements.

Draft Policy ECON 2 – Economic Development in the Countryside

The Council states that entrepreneurs in the countryside should be encouraged through farm diversification or facilitating people working from home. The Council sets out an extensive list of opportunities in which development in the countryside would be possible. Rather than a policy to be applied in exceptional circumstances, policy ECON 2 could be seen to be promotive of development in the countryside.

The Council states that this policy seeks to respond to and support the current trend which is of one of high levels of self-employment and home-grown start up industries by enabling local business start-ups in the rural area. However, evidence states that the number of people self-employed in Mid Ulster (12%) is 2% lower than the Northern Ireland Average (Invest NI Mid Ulster Council Area Profile July 2018.)

The Draft Plan Strategy states that “given the prevalence of self-employment and small businesses in the rural area in Mid Ulster, small workshop development will be considered acceptable on an infill site, an edge of settlement location or where it can be accommodated ancillary to a dwelling inhabited by a workshop operator.” The

Council is reminded that LDP policies must take account of the regional policy context which states that in the interest of rural amenity and sustainability objectives the level of new building outside settlements should be restricted.

The Department is concerned that the Council's policy approach to economic development in the countryside may not be consistent with this direction. The SPPS provides for small-scale new build economic development outside of a village or settlement where there is no suitable site within a settlement or a suitable edge of settlement location. Major or regionally significant economic development may be considered where a countryside location is necessary because of the size of the proposal or for other site specific reasons. In general the approach advocated in the SPPS is to seek to accommodate new economic development activity within settlements or, if there is no suitable site in a settlement, at an edge of settlement location before location within the open countryside. Any departures from this should be explained and justified accordingly.

In the context of the number of existing and potential new dwellings in the countryside, the policy provision to permit workshop accommodation of no more than 100 square metres within the curtilage of a dwelling has the potential to result in significant new economic development within the countryside. Despite indicating that use Class B2: light industry would be the preferred economic use because of the reduced potential for impact on neighbouring residential amenity, no specific restriction is imposed in the policy wording.

The circumstances in which the expansion outside of the existing curtilage of an economic development use where relocation is not possible for operational or employment reasons is subjective and could be seen to be a low bar to overcome. Likewise, the conditions for the re-use of existing redundant non-residential rural buildings appears more flexible than that intended by the SPPS. The SPPS is quite specific on reuse and advocates that suitable locally important buildings of special character or interest should be re-used or converted to secure their upkeep and retention.

It is noted that in all cases an assessment of the likely contribution the enterprise will make to the local economy and information on the level of community support will be

required, however it is unclear how this will be determined. Clarification is therefore required on what level of contribution, monetary or otherwise and community support would be deemed acceptable.

Draft Policy ECON 3 – Protection of Zoned and Existing Economic Development Sites

Policy ECON 3 seeks to protect existing and proposed economic development land. However it is unclear how this policy will apply to Coalisland and Maghera both of which have existing economic land but where no specific allocation in the draft Plan Strategy is made. It is unclear if this land is to be de-zoned or re-zoned. In the absence of clarification on how the Council proposes to treat existing economic land, it is difficult to see how this policy could be applied in practice in the local towns.

In addition, the J & A in paragraph 12.25 could be seen to further contradict matters. It states that 'it is important that economic development land is safeguarded and not lost to other forms of development' and that this 'land is vital if the number of new jobs required to sustain the District over the Plan period is to be realised.' If economic development however, is left to the market as specified in paragraph 4.21, then existing economic sites in Coalisland and Maghera could inevitably be lost undermining the general thrust of this seemingly protectionist policy.

The Council is reminded of the need to ensure that there is an ample supply of suitable land available to meet economic development needs within the plan area and that LDPs should offer a range and choice of sites in terms of size and location to promote flexibility and provide for varying needs in line with paragraph 6.92 of the SPPS. To this end, the Council should set out a coherent strategy from which its policies and allocations logically flow.

13.0 Retailing, Offices and Town Centres

The Department welcomes the Council's town centre first approach which is in line with the SPPS. However, the rationale for the inclusion of 'Edge of Centre Supermarkets and Superstores' within the hierarchy of Hubs does not reflect strategic policy direction. Edge of Centre Supermarkets and Superstores are not afforded protection in the same way as town, district and local centres under paragraph 6.277 of the SPPS and this should not be confused with the application of the sequential test required

when considering applications for main town centre uses under paragraph 6.281 of the SPPS.

Draft Policy RE 1 – Development within Town Centres

The policy states that proposals for new retail and retail related development located within the primary retail core (PRC) will accord with the Plan. It then goes on to state that retail proposals (as well as cultural and community facilities, leisure, entertainment and businesses, and housing) outside the PRC will be given favourable consideration if they add to the vitality and viability of the Town Centre. Whilst the two parts of this policy are supportive of retailing and other development (including cultural and community facilities, leisure, entertainment, businesses, and housing), the intended protection afforded to the PRC is undermined somewhat as there is no requirement to demonstrate that no suitable alternative sites are available within the PRC. This omission could potentially result in development occurring within the remainder of the town centre where property, rent and rates may be less.

Draft Policy RE 2 – Retention of Shop Units in the Primary Retail Core

Council acknowledges that a busy and attractive Primary Retail Core (PRC) is a key requirement for the vitality and viability of any town centre. Accordingly, the Council advocates that a change of use from shops to financial and professional services, restaurants and hot food takeaways will be acceptable unless there would be a significant loss of retail floorspace at ground floor level. No further clarification is provided as to what the Council would consider to be a 'significant loss'. A change of use from shop units in the PRC will also be resisted if the overall area is tending to be dominated by non-retail uses. The term 'tending' is subjective and in the absence of further information, it is difficult to see how dominance can be consistently assessed.

The policy seeks to ensure that the PRC is protected and enhanced. The J & A to the Policy discusses the acceptability of non-retail uses within the PRC which could undermine the overall policy intent and monitoring may be an important consideration here.

Draft Policy RE 3 – Retail and Main Town Centre Uses Outside Of Town Centres

The Council indicates that retailing and other town centre uses outside town centre boundaries will only accord with the Plan where it has been demonstrated that there are no suitable sites available within the town centre. This approach is in line with SPPS. The Council goes on to state that development will only be permitted outside a town centre where there will be no significant impact on an existing centre. Further clarification would be useful to ensure that this aspect of policy can be applied consistently.

Where a developer wishes to undertake a retail development outside of the town centre, the Council requires an assessment of alternative sites in accordance with the established sequential approach. Such development is expected to address a particular retail need and the developer will also have to identify this need as well as providing evidence that the proposal will not have a significant negative impact on the retail offer available within the 'designated town centre'. This appears to suggest that an applicant is only required to assess the impact upon a singular town centre. The Council should note that all town and protected centres should be considered when determining the extent of retail impact within a proposals catchment.

The Council states at 13.28 that 'out of centre development should preferably be located in an edge of centre location before consideration is given to out of centre sites.' However this is contradictory as a proposal located on an edge of centre site cannot be considered to be out of centre development.

Draft Policy RE 4 – Neighbourhood Shops

The Council states that within towns suitably located neighbourhood shops will accord with the plan providing the floor area does not exceed 100sqm. It is unclear whether the quantum of floorspace referred to is gross, net retail or a general net floor area.

Furthermore the Council states that retail units which are under the 100 square metre threshold will not pose a significant threat to the vitality and viability of the town centre but will enable local needs to be met. The impact posed by small retail units is wholly dependent upon their number and relative location.

Draft Policy RE 5 – Retail and Related Uses in Villages and Small Settlements

The Council recognises that small local shops have long played a vital role in meeting the daily needs of residents in small settlements. Policy RE 5 states that 'new development must not impact negatively upon, or lead to the closure of existing retail located within the core of the village/small settlement in question, although it is unclear how this will be determined. The Council is reminded of the need to revitalise small towns and villages in line with SFG13 of the RDS.

The policy states that all such development will normally be restricted to 100 square metres net floorspace. The Council is reminded that policies and proposals for shops in villages and small settlements must be of a scale, nature and design appropriate to the character of the settlement Paragraph 6.278 of the SPPS.

Draft Policy RE 6 – Retail and Related Uses in the Countryside

The Council states that within the countryside, new retail development for a farm shop, craft shop or shop serving a tourist or recreational facility or a convenience shop linked to a service station will accord with the Plan. This indicates an acceptance that in general terms, small scale retailing (up to 100sqm) will be permitted in the countryside. The Council is reminded of the need for policies to be coherent and logically flow. Accordingly, the acceptability of a shop associated with a service station must be consistent with the policy relating to intervening distances and protected routes in TRAN 4.

Paragraph 13.41 of the justification and amplification states that the development of 'small retail facilities which can aid the local rural economy will be acceptable'. However, there is no apparent clarification for what constitutes 'small retail facilities', nor any advice with regard the means to determine how such a development could 'aid' the local rural economy. It is considered that this could be open to interpretation, and would be a requirement that could be easily overcome.

The Council outlines that there are many service stations located throughout the rural area. It is noted that, whilst the specific policy wording refers to the acceptability of a convenience shop linked to a service station, the justification and amplification refers to existing service stations. Paragraph 13.42 further outlines that convenience shops

adjacent to existing service stations reduce the visual impact of such developments as well as traffic generation when compared to a completely new retail development. It is considered that, dependent upon the nature, scale and range of a retail proposal, there could be a significant impact, not only upon the nature of the site, but also with regard to traffic generation.

14.0 Minerals

The draft Plan Strategy highlights the significant role the Minerals industry plays in the Council area and the wider context.

The Department notes the draft Plan Strategy approach to Minerals takes account of the SPPS as detailed in Draft Policies MIN 1 – MIN 5 insofar as it makes provision for mineral reserve policy areas, extraction and processing of hard rock and aggregates, valuable minerals and hydrocarbons, peat extraction and restoration.

As is the case with the Draft Plan Strategy generally, the overall structure and written text for this particular subject policy is however ambiguous and could prove difficult to understand and interpret.

Draft Policy MIN 1 – Minerals Reserve Policy Areas

The identification and spatial designation of Mineral Reserve Policy Areas (MRPA's) is welcomed by the Department, as this is an approach reflected in the SPPS.

Draft Policy MIN 2 – Extraction and Processing of Hard Rock and Aggregates

It is considered that this policy is general in nature and could apply to other types of minerals development. The Department acknowledge this policy takes account of strategic policy, however the presentation is ambiguous leading to confusion. In particular the approach of setting out policy for 'Areas of Constraint on Mineral Development' (ACMD) *before* the criteria for assessing mineral development is an unusual emphasis for a policy regarding extraction and processing. The SPPS (6.164) allows for exceptions within ACMDs, however the Council do not reference scale and time limitations within the policy. The Department considers that the exceptions set out in J&A para 14.16 should be included within the policy wording.

The policy also sets out considerations and criteria for 'elsewhere' or land not designed as an ACMD, however the structure and use of language of the policy creates uncertainty in respect of the criteria that apply within ACMDs and elsewhere in the district.

Policy MIN 2 is the only minerals policy to cross-refer to the general principles policy GP1. Council should ensure consistency against all policies contained within the draft plan strategy.

Furthermore the policy and J&A do not elaborate on what constitutes 'processing' for the purposes of this policy. The SPPS makes no provision for the processing of hard rocks or aggregates at existing quarries, and this could significantly increase the operations of existing quarries which may not be a sustainable form of development.

On a related matter Policy ECON 2- Economic Development in the Countryside criteria (j) provides that in existing quarries, outside of areas designated for their nature conservation, heritage or landscape value, favourable consideration can be given to a directly related industry e.g. cement/concrete works or glass manufacture. Clarification is sought on whether this constitutes processing for the purposes of Policy MIN 2.

It is noted in the J&A (14.17) that SCA around the shores of Lough Neagh introduces a tight constraint on all development including mineral extraction in recognition of its landscape qualities, and the international importance of this wetland. However no reference is specifically made to the High Sperrins SCA for the same development type.

Draft Policy MIN 3 – Valuable Minerals and Hydrocarbons

This policy does reflect the SPPS but would benefit from clearer distinction and separation of the policy in relation to 'valuable minerals including hydrocarbons' and 'unconventional extraction of hydrocarbons'. Minerals development in relation to the valuable minerals is accepted subject to considerations. Unconventional extraction of hydrocarbons or chemical extraction of precious metals is contrary to the plan. In relation to unconventional extraction of hydrocarbons, the policy and J&A do not

correspond, clarification would be welcomed from the Council. It is also noted criteria a)-g) set out in Policy MIN 2 also apply.

Draft Policy MIN 4 – Peat Extraction

The SPPS stipulates that commercial peat extraction will be permitted if proposals are consistent with protection of boglands valuable to nature conservation interests, and with protection of landscape quality, particularly in AONBS.

Commercial peat extraction will not accord with the plan except where 'peat land is not reasonably capable of restoration or it is demonstrated that peat extraction is linked to a management and restoration plan for improved peatlands'. This a stricter emphasis than strategic policy. It is also noted that advice would be taken from the relevant authority on any decisions on peat extraction.

Draft Policy MIN 5 – Restoration of Mineral Sites

The policy wording is vague and open to interpretation e.g. 'all applications for minerals development must include, where appropriate, satisfactory and sustainable restoration proposals'. Use of 'where appropriate' is confusing, and the Department would seek clarification if this policy is applicable to all applications or if some exceptions are accepted.

Furthermore explanation of paragraph 14.31 in J&A would be welcomed. The policy supports proposals for restoration post mineral development however this refers to 'sites being used for completely different purposes post exploitation'. While the SPPS does acknowledge sustainable restoration includes appropriate re-use, draft policy MIN 5 does not refer or consider this as an appropriate option.

Draft Policy MIN 6 – Mines, Shafts and Adits

This policy provision is not within the SPPS however it would appear to be included to address local circumstances.

15.0 Tourism

It is noted that the Council's Tourism Strategy (para 15.11) states that the four policies in this section of the draft Plan Strategy allow more flexibility for major tourism

development and are less prescriptive regarding tourism accommodation, facilities and attractions, while continuing to safeguard tourism assets and important tourist accommodation.

Policy TOU 1 – Protection of Tourism Assets and Tourist Accommodation

Policy TOU 1 relates to the protection of tourism assets and tourist accommodation. Furthermore, the policy clarifies the circumstances whereby a proposal for new tourism development within Tourism Conservation Zones will conflict with the Plan.

Whilst the policy is entitled ‘Protection of Tourism Assets and Tourist Accommodation’, it is in part concerned with new tourism development within Tourism Conservation Zones.

Policy TOU 1 specifically refers to the Glenavon Hotel and the Greenvale Hotel, both of which are located in Cookstown. The policy identifies they should be protected from redevelopment and changes to other uses, alongside any other sites identified in the Local Policies Plan. The Tourism Position Paper identifies these two locations amongst large sites which, in the event of a housing development boom, could come under pressure to be redeveloped for housing. Whilst the policy refers to ‘other sites identified in the Local Development Plan’ the reference to other tourist accommodation (Tullylagan Hotel, Cookstown and Corrick House Hotel, Clogher) has been omitted.

Draft Policy TOU 2 – Resort Destination Development

This policy relates to proposals for resort destination development (incorporating both accommodation and major leisure facilities) in the countryside, outside of Tourism Conservation Zones and Special Countryside Areas. It provides examples of such developments and outlines the circumstances whereby a proposal would accord with the Plan.

Council is reminded that policies and proposals for major tourism development in the countryside may be provided for in exceptional circumstances. Proposals must demonstrate; exceptional benefit to the tourism industry; and sustainable benefit to the locality, and that a countryside location is required by reason of its size or site specific functional requirements.

Whilst the policy wording places a requirement on prospective applicants to demonstrate that a proposal will be of exceptional benefit to the regional tourism industry and the economy, there is no indication that such proposals will only be allowed in exceptional circumstances. The exceptionality of such proposals is not clear until Paragraph 15.25 of the associated Justification and Amplification, which asserts that the Policy should be read to accommodate only one resort destination in the District. However, this appears to limit the acceptability of such proposals to only one in the Mid Ulster District Council Area, with no flexibility for additional developments even if criteria can be met. The policy appears to be extremely limited with regard to its application; amounting to a single-use policy.

Draft Policy TOU 3 – Tourism Accommodation

The policy wording appears to suggest support for the development of hotel and self-catering accommodation on un-zoned land within Dispersed Rural Communities where it does not conflict with the Local Policies Plan and its land use zonings – in the same way that such proposals would be viewed within settlements. Whilst this would facilitate development which may support rural regeneration is not apparent why DRCs would be afforded the same standing as defined settlements in the provision of tourism accommodation.

The intended definition of terms within the policy criteria such as ‘clearly visually associated’, ‘easy access’ and ‘easily accessible’ should be clarified in greater detail to assist in policy application.

Paragraph 15.36 outlines a requirement for the submission of a Design Concept Statement in relation to proposals for new hotels, holiday parks and self-catering accommodation of 3 or more units. Consideration should be given to inclusion of this requirement within the main policy.

Draft Policy TOU 4 – Other Tourism Facilities/Amenities and Attractions

This policy relates generally to proposals for tourism facilities/amenities and attractions that are not covered by the preceding policies. The policy appears to overlap into the realms of open space, sport and outdoor recreation with reference made to golf courses and outdoor activity centres.

The policy is supportive of proposals for outdoor tourism facilities, amenities or attractions within settlements or a Tourist Opportunity Zone or open countryside outside of a Tourism Conservation Zone.

Where a proposal involves indoor tourism facilities in the countryside, outside a Special Countryside Area or Tourism Conservation Zone, the policy is supportive provided an applicant can demonstrate that:

- i. It is in association with, and requires a site at or close to a tourism asset; or
- ii. The type of tourism development in itself requires a countryside location.

The policy outlines that all proposals for tourism facilities, amenities and attractions will be considered with regard to the impact of its scale, design and siting upon the amenity of the area or its landscape character. Furthermore, existing buildings should be used wherever possible, however, if a new building is justified it should be of a quality design, well integrated into its setting and supplemented with generous landscaping and planting. However, no clarification is provided within this policy, which outlines the circumstances under which a new building would be justified.

Where a proposal is located within a Tourism Opportunity Zone, the applicant is required to demonstrate that the development will not have significant adverse impacts on internationally recognised habitats, or there have been mitigated against.

There is no clarification within the policy wording of significant adverse impact. Given the subjective nature of this term, and the potential risk of misinterpretation, it is recommended that clarification is provided within the J&A associated with this policy.

16.0 Agriculture, Forestry and Fishing

It is noted in the draft policy Overview that the overwhelming majority (3,277) of the 4,155 registered farms in the district are classified as very small, which is an important statistic when considering policy provision for farm businesses.

The Council states 'Given that 40% of our households are located in the countryside and are closely linked to agriculture our strategy is to recognise that a permissive approach to agricultural development will assist our farming communities'(para 16.9).

It is worth noting that a significant proportion of households in the countryside may not be directly involved in agriculture.

Draft Policy AFR 1 – Agriculture and Forestry Development and Development Ancillary to Commercial Fishing

This policy relates to proposals ancillary to the operations of an active and established agricultural/forestry holding and/or commercial fishery and broadly reflects the strategic direction set out in the SPPS.

However, in addition to the requirements within the SPPS, this policy sets out provisions for development ancillary to commercial fishing for the storage and maintenance of boats and equipment, subject to an applicant fulfilling a number of requirements. The District Proposals map identifies the area for which this policy is applicable, and it is notable that the building does not have to cluster with existing development. Robust evidence to support this additional development opportunity would be necessary, as there may be potential impact in terms of additional development in the countryside.

While it is noted in paragraph 16.13 of the J&A that development should be located next to existing agricultural and forestry buildings, this paragraph also provides guidance where a building is to be sited away from the existing buildings. It is recommended, that consideration be given to including such clarification within the main policy text.

In addition an exception for new farm start-ups requiring a new building is set out in the J&A (para 16.14), which may have been more beneficial if expanded on in the policy box.

The J&A (Para 16.16) refers to the determining criteria for an active and established business, by reference to that set out under Policy CT2 – Dwellings in the Countryside. It would be beneficial to outline the specific determining criteria for an active and established business within Policy AFR 1.

ENVIRONMENTAL POLICIES – PROTECTING HERITAGE AND PROVIDING

17.0 Historic Environment

The SPPS clearly sets out the legislative framework that protect our archaeological and built heritage environment. However, there is little acknowledgement that this statutory framework exists to protect important environmental features. The Department would welcome greater recognition of the statutory framework for protection of environmental features.

Draft Policy HE1 – Beaghmore Stone Circles – Area of Significant Archaeological Interest

Draft Policy HE2 – Creggandevsky – Area of Significant Archaeological Interest

Draft Policy HE3 – Tullahogue – Area of Significant Archaeological Interest

Draft Policy HE4 – Archaeological Remains of Regional Importance and their Setting

The Department welcomes the Councils attempt to tailor policies to individual ASSIs at Beaghmore Stone Circles, Creggandevsky and Tullahogue as per draft policies HE1, HE2, and HE3. Strategic policy set out in paragraph 6.8 of the SPPS relates to ‘the site and the integrity of their settings’, however draft policies HE 1, HE 2, and HE 3 do not clearly articulate both these elements. It is noted that reference to ‘integrity of their settings’ is made in policy HE4 but as this sits in a separate policy this may lead to ambiguity and confusion. A cross reference to policy HE4 in policies HE1, 2 & 3 would be welcomed.

ASAls benefit from statutory protection and the Council should consider highlighting this statutory requirement. Within the policies HE1, HE2 and HE3 the types of development that would adversely impact on the distinctive qualities of the archaeological remains and the historic landscape are listed. It is suggested that this list is not exhaustive as there may well be other types of development which could adversely impact upon the ASAls. Council may also wish to consider the cumulative effect of developments that may adversely impact the ASAls.

Policy HE4 refers to exceptional circumstances as being ‘where it is demonstrated that the proposal is of overriding importance to Northern Ireland’ and this is in addition to the SPPS.

Paragraph 17.22 should be included in the main policy box.

Draft Policy HE5 – Archaeological Remains of Local Importance and their settings

The policy includes an exception that proposals will not conflict where it is clearly demonstrated the “importance” of a development outweighs the value of archaeological remains and/or their settings. This does not reflect the wording in the SPPS (para 6.9) that “development proposals which would adversely affect archaeological remains of local importance or their settings should only be permitted where the planning authority considers that the need for the proposed development or other material considerations outweigh the value of the remains and/or their settings”.

Draft Policy HE6 – Areas of Archaeological Potential

Policy HE6 states that an archaeological assessment or evaluation will normally be required. Council may wish to elaborate.

Draft Policy HE7 – Archaeological Assessment, Evaluation and Mitigation

Policy HE7 does not reflect fully the SPPS policy (para 6.11), which refers to the preservation of remains in situ, or a licensed excavation, recording examination and archiving of the archaeology by way of planning conditions.

The inclusion of exceptional circumstances lessens the intent of the SPPS policy. The latter part of the policy refers to ‘lesser archaeological importance’ which is considered to be contradictory to HE6 policy on Areas of Archaeological Importance. The inclusion at para 17.35 of ‘suggested’ implies such reports to be carried out by those less competent and qualified.

Draft Policy HE10 – Demolition of a Listed Building

The phrase “or because the structural integrity of the building is dangerous and beyond repair” is not included in the SPPS policy. Its inclusion does not emphasise that there should be a presumption in favour of retaining listed buildings over their demolition.

The Department would direct the Council to para 6.15 of the SPPS for further clarity on regional policy to be implemented, and recommends consideration is given to including Para 17.50 within the policy box.

Draft Policy HE12 – Designated Conservation Areas and their Historic Settings

In relation to demolition, the policy as drafted, in particular the reference to demolition of historic buildings or structures which are capable of re-use, repair or renovation, weakens the intent of the SPPS.

It is noted that para 17.63 broadly correlates with para 6.19 of the SPPS with the omission of one bullet point which refers to 'environmental problems such as noise, nuisance or disturbance'. Although policy GP1 addresses the amenity issues, the wording used is not the same as that contained within the SPPS, and Council should satisfy itself that the SPPS policy is appropriately applied.

Draft Policy HE13 – Non-Listed Historic Vernacular Buildings

The wording of this policy gives rise to potential misinterpretation and should more accurately reflect the intention of the SPPS policy. This policy relies heavily on the will of the developer to adhere with its requirements, and Council are asked to consider what the draft Plan Strategy can do to encourage this type of development.

Council may wish to consider cross referencing to other relevant policies within the draft Plan Strategy (Policy CT2 Housing in the Countryside, Policy CON2 Economic Development in the Countryside, and Policy TOU3 Tourism Accommodation) which allow for the conversion and re-use of existing buildings for residential, economic and tourism development.

Draft Policy HE14 – Areas of Townscape/Village Character

SPPS policy states that in relation to demolition that appropriate arrangements for redevelopment of a site should be made. This is not reflected in this policy as drafted. Also, wording from para 6.22 of the SPPS which states that 'the demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site' is not reflected in the policy.

Draft Policy HE15 – Industrial Heritage Assets

The first sentence of para 17.77 should be contained within the policy box.

Enabling development - the Department notes there is no policy provision for enabling development and therefore the suite of historic environment policies contained within the SPPS is not fully reflected.

18.0 Natural Heritage

The SPPS clearly sets out the EU Directives and legislative framework that protect our natural heritage environment. However, there is little acknowledgement that this statutory framework exists to protect important environmental features. The Department would welcome greater recognition of the statutory framework for protection of environmental features.

Draft Policy SCA1 – Special Countryside Areas

The inclusion of the proposals maps which illustrate proposed SCAs are helpful and aligns with SPPS policy and the Department's Practice Notes. Designation of SCAs are warranted for exceptional landscapes which should be afforded greater protection. Strategic policy advocates development should only be permitted in *exceptional* circumstances. However, the exceptional criteria listed undermines the intent of the SCA policy due to it widening the scope for development opportunities.

Under such exceptions, the policy refers to 'open development' and 'in-situ replacements of existing buildings', but it does not clearly explain what these would entail, or the evidence has not been provided to support these additional opportunities. These contradict the intention of the designation.

The last sentence of para 18.15 of the Justification and Amplification reads as a policy requirement and as such should be considered for inclusion within the policy box.

While it is noted a presumption against all new development applies to Lough Neagh/Lough Beg, Slieve Beagh and the High Sperrins; Policy MIN2 and the associated J&A only makes reference to a tight constraint within the Lough Neagh SCA. Council should ensure that information across policies are consistent.

The Council should be able to demonstrate how this policy is sustainable in terms of the spatial strategy when considered in combination with the other countryside policies and growth policies within the draft plan strategy.

Draft Policy NH1 – International Designations

It is considered that para 18.17 of the Justification and Amplification should be included within the policy box as it reflects the relevant SPPS policy (see para 6.175).

Draft Policy NH3 – National Designations

The criteria would benefit from being expressed more clearly in line with the SPPS. The inclusion of criterion (b) refers to social, environmental or economic benefits of regional importance, which causes ambiguity. This inclusion may lessen the level of protection which should be afforded to the nature conservation designations.

Policy NH6 – Areas of Outstanding Natural Beauty (AONB)

AONBs are designated primarily for their high landscape quality, wildlife importance and rich cultural and architectural heritage under the Nature Conservation and Amenity Lands (NI) Order 1985. The policy does not refer to the quality of “landscape, heritage and wildlife” as set out in para 6.187 of the SPPS. Para 18.31 contains information which could perhaps be included within the policy, however it is noted that it does state ‘account will be taken of’, as opposed to a list of criteria which must be met.

19.0 Flood Risk

In addition to comments made in relation to Flood Risk Policies please refer to DfI Rivers response included in other annexes to this response.

Draft Policy FLD1 – Fluvial Floodplains

The overall approach to flood Risk is noted. This matter is addressed in more detail in the DfI Rivers response which is attached in a separate Annex.

Paragraph 19.5 in relation to the exceptions to development in Flood Plans omits ‘any development located close to flood defences’.

The general policy formulation could cause confusion. The second bullet point should refer to regional or sub-regional economic importance as set out in para 6.107 of the SPPS. Also, the exceptions to the general presumption against development in the floodplains could be more clearly laid out to avoid any ambiguity.

In the final section of the policy, Council should state that flood protection/management measures will only be acceptable if they are carried out by Rivers Agency or other statutory body as set out in the SPPS.

Draft Policy FLD2 – Development and Surface Water (Pluvial) Flood Risk outside Flood Plains

The Department notes that the final sentence of the policy refers to “any impacts beyond the site” as opposed to any “adverse impacts” referred to in the SPPS (see para 6.117).

Draft Policy FLD3 – Protection of Flood Defence and Drainage Infrastructure

This policy is succinct and Council should ensure that it will deliver regional policy as set out in the SPPS.

Draft Policy FLD4 – Development in Proximity to Reservoirs

The Department notes the absence of a policy requirement to demonstrate that the condition, management and maintenance regime of the reservoir are appropriate to provide assurance regarding reservoir safety. The policy does not align with that set out in the SPPS. Council should ensure that its policy reflects guidance issued by the Department.

20.0 Waste Management

Draft Policy WM1 – Waste Management: General Policy

The Department welcomes the overall approach to waste management within the policy but would comment that some aspects of the J&A may be better placed within the policy box. For example paragraphs 20.13 and 20.15 detail matters concerning transportation, odours, dust consideration which would benefit from greater policy weight. With respect to transport in particular, the heavy goods vehicles and frequency

would be an important consideration which may be more appropriately located within policy. It may be the council's intention that this is covered by GP1 policy, although as there is no cross-reference made within WM1, it is not entirely clear.

Draft Policy WM 2 – Waste Collection and Treatment Facilities

The Department acknowledges that this broadly aligns with strategic policy however it is noted that there is stronger emphasis in criteria v) stating 'Exceptionally, where it is demonstrated....', in contrast the SPPS refers to '*alternatively*'. Clarification on the rationale for this change would be welcomed.

Draft Policy WM 3 –Waste Disposal

Whilst it is noted the Council's proposed approach to direct away from waste disposal, this policy sets out the provisions under which waste disposal/landfill or land raising facilities shall be acceptable. Clarification would be welcomed what the Council consider as a 'verifiable need for landfill' as no details have been provided.

Furthermore while it is noted, draft policy WM1 will give a general consideration to 'practical restoration and aftercare proposals' (criteria v.), it is considered that appropriate restoration is crucial for development proposals regarding waste disposal, and should be referenced accordingly.

Draft Policy WM 4 –Development in the Vicinity of Waste Management Facilities

The SPPS (para 6.317) refers to separation of incompatible land uses, but this is not referenced in this policy.

22.0 Renewable Energy

The Department for Economy publishes statistics annually on its website in relation to Electricity Consumption and Renewable Generation in Northern Ireland. Similarly, DfI publish quarterly statistics in relation to planning applications. Council should satisfy itself that its evidence base is up to date and that any statistics used are current.

In para 22.3 Council provides information on the geography of each Council area and how they differ. The Department would welcome an analysis of the characteristics of

Mid Ulster specifically in order to inform its capacity for renewable energy development.

Regional policy context for Renewables is set out in paragraphs 22.6-22.8. The drafting of Para 22.7 refers to 'adverse impact', and does not accurately reflect SPPS policy which refers to "unacceptable adverse impact", and there is no detail of 'planning considerations' outlined in respect of these impacts.

Also within paragraph 22.7, in relation to active peatland, the SPPS states that any renewable energy development will not be permitted unless there are imperative reasons of overriding public interest, however the Council refer to "overriding interest". The wording 'overriding public interest' as defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended, should be accurately reflected.

The omission of key words within this paragraph places a different emphasis on the intention of the SPPS. Council should clarify these omissions and update to reflect accurate wording of the SPPS.

In reference to the statement that 'a separation distance of 10 times rotor diameter to occupied property within a minimum distance not less than 500m will generally apply to development of wind farms', Council should consider reflecting the approach of the SPPS which refers to occupied property.

Draft Policy RNW1 – Renewable Energy

The SPPS (para 6.224) refers to a number of planning considerations which are relevant to this policy, however draft Policy RNW 1 does not include reference to all planning considerations.

Inclusion of the cautious approach to Sperrins AONB, Slieve Beagh and the Clogher Valley Ridge Line is welcomed however, there is no reference to their wider settings. Draft policy RNW1 would however benefit from clear indication within the policy box of the constraint within SCAs which is referred to in para 22.11. Criteria within draft policy RNW1 includes additions at part (vii) and (viii) and also references to hub height

in relation to Areas of Constraint on Wind Turbines and High Structures (AOCOWTHS) and the Council should ensure these additions are evidence based.

The SPPS states (6.227) 'For wind farm development, a separation distance of 10 times rotor diameter to occupied property...' but the Council state '10 times rotor diameter or 4 times the tip height (whichever is the greater)'. Where there is an additional requirement, Council should satisfy itself that this is evidence based. However information in the J&A (22.23) causes confusion as there is reference to 'a minimum separation distance of 10 times rotor diameter or 10 times the height to the hub'. Council should clarify which is the intended criteria.

It is noted in the J&A (Para 22.17) the Council have set out a planning condition, which would not appear to be in line with SPPS policy (para 6.231). If the Council requires measures to be taken regarding decommissioning and site restoration etc., it may be appropriate to refer to this requirement in the policy to more accurately reflect the SPPS policy. This can be drafted and applied during the processing of individual planning applications.

The key tests for wind energy, identified in para 22.21 should align with paragraph 6.224 of the SPPS. Furthermore consideration might be given to including reference to unacceptable adverse impact within paragraph 22.22. Paragraph 22.25 – 22.27 do not align with the policy provisions of paragraph 6.227 of the SPPS and conflicts with Policy RNW 1 (iv) of the draft Plan Strategy.

There are a number of occasions when the justification and amplification does not accurately reflect the text within the policy box. Council should ensure that there is no ambiguity. For example, with reference to policy on active peatland, the J&A creates ambiguity as to how the policy should be implemented.

The Council appear to elevate the local economic benefits from Biomass development proposals within rural areas over environmental and social considerations, as set out in paragraph 22.35. This does not align with the strategic policy provisions of paragraph 6.225 of the SPPS.

23.0 Transportation

The Department is concerned that there is lack of detail within the General Principles Policy GP1, which may not provide full operational policy coverage in respect to transportation.

Draft Policy TRAN1 – New Roads and Road Improvement Schemes

The Council states that 'safeguarding protected routes will improve connectivity between the three main hubs, local towns and the rural hinterland which will improve road safety reduce journey times and alleviate congestion for the private car, business travel and public transport'. In light of this, the Council sets out the exceptions upon which access onto protected routes and other route ways may be permitted (Policy TRAN 4).

Draft Policy TRAN 2 – Disused Transport Routes

The Department notes the Council's approach to the protection of disused transport routes.

Draft Policy TRAN3 – Car Parking

The Council states that there is a local need for sufficient car parking provision within towns to maintain vibrant town centres. Paragraph 6.297 of the SPPS promotes parking policies that will assist in reducing reliance on the private car and help tackle growing congestion. The approach in draft Policy TRAN3 is to maintain the overall level of car-parking provision by protecting existing provision and permitting the loss of car parking spaces only where replacement provision is made of a similar scale and in a convenient location terms of location, accessibility. Moreover the Council does not consider the role of other initiatives to influence modal choice such as park and ride or park and share facilities, designating areas of parking restraint, reducing the supply of long term parking spaces, pricing policy and land use measures. The Department therefore considers draft Policy TRAN 3 is not supportive of strategic policy direction.

Draft Policy TRAN 4 – Access onto protected routes and other route ways

Policy TRAN 4 does not appear to adhere to the hierarchy of public roads identified in the SPPS. It is difficult to see how the Council affords the appropriate level of protection to key routes that fall under categories a) Motorways and high standard dual carriageways & b) Other dual carriageways, Ring Roads, Through-Passes and By-Passes.

Rather than restricting the number of new accesses onto protected routes and promoting road safety for pedestrians, cyclists and other vulnerable road users in line with paragraph 6.297 of the SPPS; policy TRAN 4 could be considered to have a significant impact on road safety and adversely affect traffic progression.

Further comments are provided by DFI Roads and TMPU within the other annexes of this response.

Transport Planning and Modelling Unit
Transport Policy Directorate

1. Thank you for the opportunity to comment on your draft Plan Strategy (dPS). We would like to draw the Council's attention to a four Strategic Areas that may present a risk to the soundness of the plan.
2. In addition there are a number detailed comments provided in Annex A.

Strategic Area 1 - Draft Plan Strategy Objectives

Comment:

3. A number of the dPS objectives refers to providing access for those '*without a private car*' or '*for those people with and without a car*'. Ensuring access for individuals and demographics that do not have access to a private vehicle is an important outcome, however this is must be considered within a wider context of the regional strategic objectives for transportation and land-use planning to:

'promote sustainable patterns of development which reduce the need for motorised transport, encourages active travel, and facilitate travel by public transport in preference to the private car'.
4. The objectives need to go further than promoting development that can be accessed by other means than a private car where the lack of ownership of, or access to, a private vehicle necessitates it. The objective should be to reduce the reliance and dominance of private vehicle by planning for realistic and attractive alternatives for all.
5. The objectives are therefore out of alignment with the regional strategic objectives for transportation and land-use planning as outlined in the Strategic Planning Policy Statement (SPPS) and regional guidance in the Regional Development Strategy 2035 (RDS) and Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation (A New Approach).
6. As the objectives set the context for the Growth Strategy and Policy Framework, these are also out of alignment with the SPPS, RDS and A New Approach).
7. This may impact the soundness of the plan (soundness tests C1, C3, CE1, CE2 & CE3).

Remedy:

8. The objectives should be reviewed to reflect the regional strategic objectives for transportation and land-use planning as outlined in the SPPS, RDS and A New Approach.

Comment:

9. In addition to the above, a number of the policies contained within the dPS do not align with the Objectives, for example:

Objective: "To build Cookstown, Dungannon and Magherafelt as economic and transportation hubs and as the main service centres for shops, leisure activities, public administrative and community services including health and education. These are the most populated places and the town centres are the most accessible locations for people to travel to including those without a car".

10. SPF 6 makes provision for a significant number of opportunities for economic development in the countryside specifically through RIPA's and farm diversification. The text states that it is important that Mid Ulster's 'successful economic development located within the countryside' *"is allowed to continue but that it remains properly managed"* (paragraph 4.36). This policy does not support the above Objective.

Objective: "To provide for 11,000 new homes by 2030 in a range of housing capable of meeting the needs of families, the elderly and disabled, and single people, at locations accessible to community services, leisure and recreational facilities, for those people with and without a car".

11. SPF 6 sets out an approach for development in the countryside where the *"level of development will be managed based on the principles of clustering"*, in accordance with strategic regional policy and *"the special characteristics of Mid Ulster by recognising the needs of fishermen, rural businesses and carers"* (4.33). This policy, which does not make specific HGI allocation for rural dwellings, will permit up to 40% of the Districts houses to be approved in the countryside. This policy does not align with the objective identified above and therefore does not form a coherent strategy.

Objective: "To facilitate the creation of at least 8,500 new jobs by 2030 at a variety of locations where they are accessible to all members of the community, including those without a private car".

12. SPF 2 identifies Economic Development land at Dungannon and Granville (4.14 and Map 1.2-1.3). Accessibility Analyses work carried out by TPMU has identified a number of these sites as having 'fair' or 'poor' active travel and public transport accessibility. Additionally ECON 2 Economic Development in the Countryside provides multiple circumstances where economic development will be permitted in the countryside – this policy does not support the above stated high level objective and therefore does not represent a coherent strategy.
13. SPF 6 makes provision for economic development in the countryside, however makes no reference to the consideration of accessibility. This is particularly concerning for 'those without a private car'.

Objective: "To improve connectivity between and within settlements and their rural hinterland through accommodating investment in transportation to improve travel times, alleviate congestion and improve safety by both commercial and private vehicles as well as more sustainable modes of transport including buses, walking and cycling".

14. The existing dispersed rural nature of the district and the Council's planned housing allocation, particularly SPF 6, will further accentuate the need to travel by private car for employment, education, goods and services.
15. Policies SPF 2 and SPF 6 do not appropriately consider Accessibility Analyses, and specifically the transport implications of such policies. It is the view of the Department that these policies do not flow coherently from the above objective as they will potentially further accentuate the need to travel for employment, education, goods and services.
16. Additionally, the narrative relating to the "provision of safe environs for the pedestrian and cyclist" does not necessarily mean the provision of dedicated cycle ways included under SPF 8, paragraph 4.47, does not coherently flow from the above stated objective. Research produced by the Department (Belfast Bike Life report) tells us that people who want to cycle or cycle more want segregated cycle lanes or traffic-free routes to give them the confidence to do so.
17. Car parking, Park & Ride/Park & Share have a substantial role to play in alleviating congestion and improving safety, however no appropriate policies have been included in the Plan Strategy.

18. This could present a risk to the soundness of the plan (test CE1).

Remedy:

19. The dPS should demonstrate that the principle of the integration of land use and transport is given appropriate consideration in the development of the growth strategy, housing allocations and economic policies (particularly SPF2, SPF6, SPF8, CT1, HOU1, ECON 1 and ECON 2).
20. The dPS should be amended to better reflect research undertaken by the Department into the provision of cycle infrastructure.
21. The dPS should be amended to include policies on Park & Ride/Park & Share and a car parking policy to contribute to reduced congestion and reduced reliance on the private car in line with DfI Guidance on the preparation of LDP policies for transport.

Strategic Area 2 - Growth Strategy and Spatial Planning Framework

Comment:

22. The Growth Strategy and Spatial Planning Framework, which permits a substantial proportion of housing to the countryside where there is generally limited or no public transport or active travel infrastructure, will severely hinder the integration of transport and land-use. This pattern of development is out of alignment with the regional strategic objectives for transportation and land-use planning as it will increase the need for motorised transport, hinder the development of active travel and public transport alternatives (including within existing communities) and will reinforce a reliance on, and the dominance of, the private car.
23. This assessment is acknowledged within your Sustainability Appraisal (SA) (paragraph 5.12) that states:
- By potentially facilitating housing above the HGI allocation, without emphasising an urban focus, it may pose greater risks to the achievement of environmental objectives. Taking into account rural housing trends, it could result in a more dispersed settlement pattern, render sustainable modes of transport becoming less viable and also reduce the possibility of sustainable economic growth being achieved.*
24. We also note the assessment of the Growth Strategy against the following SA/SEA objectives on pages 307-312 in the SA as outlined in Table 1.

Table 1 - SA: Growth Strategy & Spatial Planning Framework and Site Assessment

SA/SEA Objective	Comment
7. To improve accessibility to key services, especially for those most in need.	Greater focus on housing allocations in rural areas and settlements may lead to decreased accessibility to leisure, community, social, shopping and employment facilities. Given the rural nature of the district and projected trends for rural single dwelling approvals it is expected that greater numbers will seek to reside in rural areas, outside of the main hubs.
8. To reduce the effect of traffic on the environment.	Likely minor negative effects on this objective. This option allows for a greater number of housing in rural areas, resulting in the need to travel longer distances to access key services. Potential mitigation through better provision of public transport services.
10. To improve air quality.	Increase in housing numbers generally result in greater household emissions and consequent negative impact on air quality. The positive aspect of urban focus may be diluted under this approach.
18. To encourage sustainable economic growth.	Likely negative effect. Ensuring adequate housing is provided over the plan period will have an [sic] positive impact on the construction industry and related employment sectors. This option will also ensure that there is adequate housing provision for those in rural areas and helping maintain the rural economy for those who want to live and work there. However, Any potential positive effects may be diminished due

	to the need for residents to travel longer distances to access key services.
22. To encourage efficient patterns of movement in support of economic growth.	This option is likely to result in further travelling and commuter journeys and is unlikely to encourage active travel or increased use of public transport.

25. In considering the impacts of the Growth Strategy we note paragraph 2.8 in the dPS that states: *Travel times from some parts of Mid Ulster to an A&E hospital is over 50 minutes, making the need for improved roads and infrastructure a significant priority*. Improving roads infrastructure is not a panacea, it is only one of many decision making roles of public authorities that can improve community access to services, education, employment and goods. The Growth Strategy also has a key role to play to ensure that communities have good access to services, education, employment and goods. It is unclear that the LDPs role to address (or worsen) accessibility challenges within the District has been fully considered. This is particularly pronounced by the absence of this issue in the assessment of the Growth Strategy against the SA/SEA objectives 1, 2, 3 and 19.

26. The strategic approach taken to Transport and Connectivity outlined in the SA (pg. 78) is: *'focused on maximising and promoting sustainable modes of travel while at the same time facilitating a better roads infrastructure. This approach recognises the high car dependency within the Mid Ulster district but also the need to promote sustainable modes of travel'*. However the Growth Strategy, SPF 8 and underlying policy framework does not reflect your stated approach. The dPS does not have a focus on promoting sustainable travel, rather it will continue and reinforce patterns of development that will perpetuate the use of the private car.

27. In addition, whilst the dPS references increasing accessibility in settlements, and considering overall accessibility (paragraph 4.49) it is not clear if you have applied/made use of the Accessibility Analyses tools made available to you. The Accessibility Analyses identifies where public transport services operate currently and therefore where access to essential services may be possible without private car. This approach should be a key element when selecting and prioritising which areas are identified for growth within the Growth Strategy and Spatial Planning Framework. The dPS in its current form will maintain the prevalent settlement pattern of the area – rather than attempt

to 'shape the district' in a way that balances local needs and regional policy objectives.

28. We have previously outlined the importance of integrating transport and land-use. For example a number of issues provided by TPMU/Network Services at the POP stage (such as the settlement pattern, development in the countryside and the importance of Accessibility Analyses) have not been addressed nor do they appear to have been fully considered.
29. We have also provided your office Accessibility Analyses maps and interpretation in relation to potential industrial and social housing zonings - it is disappointing to note that this has not been accurately reflected in the dPS. Economic Development Policies (SPF 2, ECON 1 and ECON 2) do not appropriately apply the principles of integrated land-use and transport. It does not appear you have made appropriate use of the Accessibility Analyses tools and analyses that have been made available to your office.
30. This may impact the soundness of the dPS (test P2, C1, C3, CE1 & CE3).

Remedy

31. The dPS needs to promote patterns of development that allows for the integration of transport and land-use.

Strategic Area 3 - Policy Framework

Comment

32. The dPS does not provide adequate policy framework for when Planning Policy Statements cease to have effect in the areas of accessibility, access, parking and the movement of people of goods.
33. The provisions provided in Policy GP 1, as a general principles policy, does not provide sufficient direction or detail. As a consequence the subject policies are also insufficient.
34. TPMU has consistently advised all councils about the importance of including policy provisions that provide adequate decision making frameworks. The provisions contained within PPS 3 and 13 have been proven to work and are closely replicated (in a strategic way) in the SPPS. We therefore strongly recommended the use of these policies as a sound evidence base for the development of LDPs.

35. The absence of a robust decision making framework will present challenges for the drafting of Local Policy Plans (LPPs) and for development management. This is due to the potential for conflict and delays within, and across, decision making processes, for example in areas such as standards.
36. Furthermore the absence of a robust decision making framework means the LDP will lack the mechanisms to integrate land-use and transportation planning, both in the LPP and in development management. This will hinder your Council's and the Department's ability to contribute to the delivery of regional strategic objectives for transportation and land-use planning.
37. This may impact the soundness of the dPS (tests P2, C1, C3, CE1 & CE2).

Remedy

38. Council need to ensure that the full range of transport policy areas are addressed in the LDP Plan Strategy by developing policy (consistent with DfI guidance) on:
- Sustainable Development
 - Accessibility Analyses
 - Active Travel Networks
 - Park & Ride/ Park & Share
 - Road Safety
 - Transport Assessment (including reference to DfI TA guidance) and Travel Plans
 - Active Travel
 - Walking and cycling provision
 - Parking
 - To contribute to reduced congestion and reduced reliance on the private car
 - Provision of public and private car parking
 - Servicing
 - Design of car parking
 - Temporary car parks

Strategic Area 4 - Monitoring

Comment:

39. The inclusion of monitoring indicators is welcomed, however comments are offered on the following indicators:

'To facilitate the development of new community facilities at locations accessible to the communities they serve, through a variety of modes of transportation in accordance with the community plan': it is unclear which of the outcomes relate to this and how it will be measured.

40. Enhancing the environment and improving infrastructure; Outcomes 1 & 5: – these do not appear to be reflected in either the indicators or the measures.

Remedy

41. Provision should be made to ensure that objectives/ outcomes identified by the council can be appropriately measured.
42. It is also suggested that Council should consider including an additional monitoring indicator in relation to car parking. Data in relation to the turnover of town centre short stay and long stay should be reviewed to confirm the accessibility of the main towns to confirm their continued vitality.

Concluding Remarks

43. It is important to acknowledge that your Local Development Plan is being produced in the context of the severe impacts related to COVID-19. These have been deep and far reaching for all aspects of our society. As we look towards the future the Minister has stated her commitment to seize the opportunities to enable a greener, cleaner, recovery towards a new and better normal for all. Furthermore the Minister has also stated her drive to deliver sustainable infrastructure that will transform communities across Northern Ireland. We would urge you to consider our comments on the draft Plan Strategy and the Ministers commitment to greener, cleaner recovery opportunities and ensure that the Local Development Plan reflects the policies set in the SPPS, RDS and A New Approach.
44. We would also wish to stress our desire to work collaboratively with your office so to resolve as many issues as possible in advance of the Independent Examination process.

Yours faithfully



Planning Officer

Transport Planning and Modelling Unit

Annex A - Detailed Comments on draft Plan Strategy

Ref	Page	Paragraph	Comment
1	16	1.32	<p>Suggested Change:</p> <p>The Department is currently preparing a Regional Strategic Transport Network Transport Plan (RSTNTP) and a Sub-Regional Transport Plan. These documents, along with their associated Transport Studies and the Evidence base set out the transport measures that the Department expect to deliver during the LDP period to 2030 in the Mid Ulster Council Area and will inform the Local Development Plan.</p>
2	18	Figure 5	<p>The departments strategic transport document (the New Approach) should be reflected in this graphic.</p>
3	35	SPF 1 4.10	<p>It is unclear what is intended by 'increasing accessibility'.</p> <p>The final bullet point refers to 'key route ways'. What are these? They are not identified in Map 1.1 or the document glossary</p>
4	38	SPF 2 4.12	<p>It is noted that the plan to distribute equitably economic zonings across the three towns of Cookstown, Dungannon and Magherafelt. It is unclear if transport accessibility of these settlements has been considered in your decision making process.</p> <p>In addition it is unclear what '<i>locations suitable for a mixture of economic uses</i>' means.</p>

5	38	SPF 2 4.14	TPMU has provided Accessibility Analyses in relation to a number of proposed sites for industrial zoning in Dungannon and Granville in January 2018. In general most of the sites were deemed to have poor accessibility by sustainable modes. This has not been appropriately reflected in the dPS and is in contrast to the assessments in the SA.
6	39	SPF 2 4.17	Walking and cycling accessibility should also be afforded priority.
7	39	SPF 2 4.18	<p>It is unclear what Council consider to be '<i>improved access</i>'.</p> <p>It is noted that Council plan to adopt a 'flexible approach to new provision' of community facilities, recreation and open space – it should be acknowledged that such facilities can be significant trip attractors, therefore careful consideration will need to be given to the accessibility of sites by all modes.</p>
8	39	SPF 3 4.21	<p>It is noted that Council state 'no specific allocation of economic land is made to the two local towns' – The LDP should provide a level of certainty to industry by guiding the location of such development. This should also consider sustainable patterns of transport which reduce the need for motorised transport, encourage active travel and facilitate travel by public transport in preference to the private car.</p>
9	40	SPF 4 4.25	The dPS states ' <i>villages are not seen as key service centres or locations in which to direct people used to living in the open countryside</i> ' – the preceding sentence which acknowledges villages as ' <i>important service centres</i> '. It is suggested the wording is amended to ensure transparency regarding what Council is seeking to achieve in these areas.

10	41	SPF 6	<p>It is noted that a number of new small settlements have been designated. The SA states that when assessed against SA/SEA objective 22 (To encourage efficient patterns of movement in support of economic growth) the designation of these settlements would <i>'Likely positive impact by achieving compact urban forms and reducing the proliferation of individual accesses onto main routes'</i>.</p> <p>We are unsure of the basis for this assessment. Their character location and densities may not reflect this. We would continue to advocate the use of Accessibility Analysis processes. The approach to development in small settlements should have cognisance of the regional strategic objectives for transportation and land-use outlined in 6.297 of the SPPS.</p>
11	41	SPF 5 4.29	<p>Further to the comment above. Insofar as it relations to accessibility, we are unsure, how small settlements <i>'are sustainable locations for people looking for individual dwellings or development of a small group of houses'</i></p> <p>The approach to development in small settlements should have cognisance of the regional strategic objectives for transportation and land-use outlined in 6.297 of the SPPS.</p>
12		SPF 6 4.35	<p>We refer to our strategic comments on the Growth Strategy.</p>
13		SPF 6 4.37	<p><i>'existing access'</i> (5th bullet point) – does this relate only to vehicular access or does it consider walking, cycling and Public Transport also?</p> <p><i>'close proximity to a main transport corridor'</i> (6th bullet point) – you should define what is considered to be 'close' and clarify what a main transport</p>

			corridor is. They are not identified in Map 1.1 or the document glossary.
14	43	SPF 6 4.40	For clarity reference should be made to the requirement for a Transport Assessment to be prepared.
15	44	SPF 8	<p>In general the policy wording throughout the Plan Strategy document does not reflect paras 4.47 – 4.51</p> <p>There is a need for additional emphasis on the need for improvements in walking and cycling and parking management.</p>
16	44	SPF 8 4.47	<p>It is suggested that the narrative surrounding this policy should acknowledge that the current settlement pattern in Mid Ulster does not lend itself to the provision of viable public transport services.</p> <p>Research commissioned by the Department (the Belfast Bike Life report) tells us that people who want to cycle or cycle more want segregated cycle lanes or traffic-free routes to give them the confidence to do so. It is suggested that LDP Plan Strategy be amended to reflect this:</p> <p>Paragraph 4.47 - "The draft Programme for Government has a commitment to increase the percentage of all journeys made by walking, cycling and public transport. In order to achieve higher levels of sustainable transport, it is important to provide safe environs to give people the freedom and confidence to walk or cycle for everyday journeys".</p> <p>Research reveals that it is important to provide safe segregated infrastructure such as dedicated cycle ways or traffic-free routes, particularly when it comes to children travelling to school".</p>
17	44	SPF 8 4.48	The approach of linking transport and land use should also apply to housing.

18	44	SPF 8 4.49	Accessibility Analyses should be employed when selecting all land use zonings – not only ‘particularly in our towns’. This paragraph should also refer to cycling accessibility.
19	44	SPF 8 4.50	Road alignments should be referenced here.
20	44	SPF 9 4.52	The Regional Strategic Transport Network Transport Plan (RSTNTP) will produce a prioritised package of schemes relating to the Key Transport Corridors across Northern Ireland. The Department can confirm that schemes including the A29 Dungannon Bypass, Cookstown Bypass (linking the A29 to the A505), A31 Magherafelt and link corridors such as the A505 will be assessed.
21	44	SPF 9 4.54	Taking account of the bullet point 4 under paragraph 6.301, this paragraph should be broadened to new transport schemes, reflecting the potential role of park and ride/share and active travel networks.
22	45	SPF 10	Insofar as it relates to ‘... <i>integrated with broader green and blue infrastructure systems</i> . There is an insufficient policy base to support the delivery of this.
23	52	4.62	In addition to the comments from Network Services, the Key Site Requirements fail to reference to the need for walking, cycling and public transport linkages to housing areas for the Granville sites despite TPU highlighting these issues in correspondence with Council dated January 2018.
24	64	7.9	Regarding ‘ <i>Our villages and small settlements also provide sustainable locations across rural Mid Ulster but the scale of the development needs to be kept in line with the scale of these settlements and the level of services which they offer</i> ’.

			In addition to our strategic comments on the Growth Strategy. Accessibility of settlements should also be referenced having regard to the regional strategic objectives for transportation and land-use planning (including those without access to a private car – noting the wording of your LDPs objectives).
25	65	7.11	It is noted that Councils 'strategy is zoning land in two phases in Cookstown, Dungannon and Magherafelt'. The dPS should appropriately consider the accessibility of potential zonings and prioritise accordingly.
26	65	7.12	Reference is made to 'accessibility'. The dPS should clarify if this is locational accessibility for which DfI have provided Accessibility Analysis maps and guidance or if it refers to access for people with mobility issues or other impairments.
27	66	HOU1 7.16	Your commitment to 'take account of' the position of phase 2 land, in relation to the town centre, overall accessibility to health, community and other facilities' is welcomed. Can you confirm that you have undertaken an assessment of all phase 1 and phase 2 sites to inform your approach?
28	69	HOU 2 7.29 & 7.30	While acknowledging the positive sustainable transport message in these paragraphs, it is suggested that the wording is revisited to fully align with paragraphs 6.297 and 6.301 of the SPPS. Encouraging alternative modes of transport is wider than providing for the needs of 'those without a car'. It should reduce the need for motorised transport, encourage active travel and facilitate travel by public transport in preference to the private car.
29	70	HOU 2 7.36	Public transport should be referenced.

30	108	11.17 11.19	The policy overview acknowledges the accessibility challenges for some open space and recreation facilities, particularly those without a private car. Given regional policy and context of the District it may be appropriate to recognise accessibility by active travel and public transport modes (for all) in paragraphs 11.17 and 11.19.
31	129	RE 3	Regarding the third paragraph of the policy. Traffic Impact Assessment should be replaced with Transport Assessment. The policy should align with the Department's guidance on Transport Assessments as a development's floor area is not the only factor in determining if a Transport Assessment is required.
32	158	TOU 2	In line with Departmental Guidance, a Transport Assessment may be required.
33	161	TOU 4	In line with Departmental Guidance, a Transport Assessment may be required.
34	243-247	Transportation	We refer to our strategic comments on the dPS policy framework.
35	243	23.1	This overview should also acknowledge that settlement patterns also play a key role in achieving improved quality transport infrastructure and accessibility.
36	243	23.2	It is vital that Council acknowledge their responsibility to direct development to accessible locations.
37	243	23.3	The Department will identify the routes of future transport infrastructure works – in consultation with the Council.
38	244	23.5	This summary does not fully encapsulate or reflect the Regional Strategic Objectives for transportation and land-use planning outlined in the SPPS.

39	245	TRAN2	Reference should be made to both the LDP Local Policies Plan and the relevant transport plan.
40	246	TRAN 4	Reference should be included to DfI published guidance – DCAN 15
41	250	Monitoring	It is unclear what outcome relates to the sixth objective ('locations accessible') and how this will be measured. Can Council please clarify?
42	252	Monitoring	Outcomes 1 and 5 do not appear to be reflected in either the indicators or the measures. Can council clarify how this will be monitored?

End.

-+

Submission of a Representation to Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Local Development Plan
Representation Form
Draft Plan Strategy

Ref:
Date Received:
(For official use only)

Name of the Development Plan Document (DPD) to which this representation relates

Representations must be submitted by 4pm on 19th April 2019 to:

Mid Ulster District Council Planning Department
50 Ballyronan Road
Magherafelt
BT45 6EN

Or by email to developmentplan@midulstercouncil.org

Please complete separate form for each representation.

SECTION A

1. Personal Details

Title	<input type="text"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Job Title (where relevant)	<input type="text"/>
Organisation (where relevant)	<input type="text"/>

2. Agent Details (if applicable)

<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>

Address Line 1

Line 2

Line 3

Line 4

Post Code

**Telephone
Number**

E-mail Address

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(i) Paragraph _____

(ii) Objective _____

(iii) Growth Strategy/

Spatial Planning Framework SPF 2- Page 39 Paragraph 4.17

(iv) Policy _____

(v) Proposals Map _____

(vi) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

[https://www.planningni.gov.uk/index/advice/practicenotes/development plan practice note 06 soundness version 2 may 2017 -2a.pdf.pdf](https://www.planningni.gov.uk/index/advice/practicenotes/development%20plan%20practice%20note%2006%20soundness%20version%20may%202017%20-2a.pdf.pdf)).

Soundness Test No. P2

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated 26th January 2017 indicating the importance of the need to target growth where the infrastructure is in place or planned.

The Department would have expected the Council to have taken account of these comments in their Draft Plan Strategy as policy considerations for selecting land to be zoned for housing

(If not submitting online and additional space is required, please continue on a separate sheet)

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The Department recognises that the Council mentions '*access to public transport*' in paragraph 4.17 however allocation of land for housing should clearly take account of existing infrastructure and the requirement for infrastructure that developers will be expected to deliver to facilitate housing development.

In addition to the issues relating to "soundness" outlined above, the following comments are offered.

Growth Strategy and Spatial Planning Framework – Page 34 Map 1.1 –As bypasses are illustrated on this map it should also take account of the A5WTC which is a flagship project for the Department

Growth Strategy and Spatial Planning Framework - Page 42 Paragraph 4.37 – It is suggested that the following bullet point be included "*be able to accommodate infrastructure improvement if considered necessary*"

(If not submitting online and additional space is required, please continue on a separate sheet)

7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(vii) Paragraph _____

(viii) Objective _____

(ix) Growth Strategy/

**Spatial Planning Framework Paragraph 4.62 Page 52 Granville Zones D
ECON 1, ECON 2, ECON 3, ECON 5, Dungannon Zone D ECON 7**

(x) Policy _____

(xi) Proposals Map _____

(xii) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningni.gov.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No. C3, CE2

8. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

In earlier correspondence with Mid Ulster District Council in relation to proposed zoning of economic development land at Granville and Dungannon, the Department provided detailed transport comments dated 12th January 2018, 17th August 2018 and 7th November 2018.

Paragraph 4.62 identifies the proposed economic sites for Granville and Dungannon and their Key Site requirements. If Key Site requirements are to be identified at this stage of the LDP process, the Department would have expected that its comments would have been fully addressed. The key concerns are that the suitability of existing road infrastructure and the need to promote public transport have not been taken into account in the Key Site requirements. This is vital to ensure road safety, traffic progression is not compromised and that sustainable transport is also embedded in planning policy.

(If not submitting online and additional space is required, please continue on a separate sheet)

9. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The Department would have expected their comments in relation to Transport Assessments and Travel Plans to be incorporated within the Key Site requirements. i.e.

"for all sites and depending on the scale of development a Transport Assessment and potentially a Travel Plan, will likely be required as part on any proposal this would help demonstrate the development impacts and proposed mitigations if required".

The Department notes a Concept Masterplan is required for sites D ECON 1, 2 & 4, but is not a requirement for sites D ECON 3, 5 & 7. In the interests of comprehensive development, masterplans would be expected for all sites.

Public Transport

Public Transport should be a key consideration of all the economic zonings and should be promoted to reduce the reliance on the private car and to create more sustainable travel patterns

D ECON 1

For proposed economic site D ECON 1 the Department would have expected the Council to incorporate all of the wording into the KSI's from the advice given in our earlier correspondence i.e. *"to accommodate the extra traffic volumes including HGV traffic that economic development will generate the Eskragh Road must be upgraded to current industrial standards with infrastructure improvements and a footway/cycle way provided to the existing network at Dungannon Industrial Park. Proposals must also demonstrate how all modes of transport will be accommodated."*

D ECON 2

For proposed economic site D ECON 2 the Department would have expected the Council to incorporate all of the wording into the KSI's from the advice given in our earlier correspondence i.e. *"the Killyliss Road is currently unsuitable for the extra traffic volumes including HGV's that would be generated by an economic development site therefore it will require upgrading to current industrial standards with infrastructure improvements and a footway/cycle way provision to the existing network. Access points and junction staggers for the two sites must be in accordance with current guidelines. Proposals must also demonstrate how all modes of transport will be accommodated."*

D ECON 3

For proposed economic site D ECON 3 the Department would have expected the Council to incorporate all of the wording into the KSI's from the advice given in our earlier correspondence i.e. *"the Killyliss Road is currently unsuitable for the extra traffic volumes including HGV's that would be generated by an economic development site therefore it will require upgrading to current industrial standards with infrastructure improvements and a footway/cycle way provision to the existing network. Access points and junction staggers for the two sites must be in accordance with current guidelines. Proposals must also demonstrate how all modes of transport will be accommodated."*

D ECON 5

For proposed economic site D ECON 5 the Department would have expected their concerns to be addressed in relation to strategic traffic access/egress problems from Granville Industrial Estate on to the A45 Granville Road to be taken into consideration. The access from the Granville Industrial Estate onto the A45 Granville Road and the road leading into the Industrial Estate itself must be able to demonstrate that it can safely take the extra traffic that this proposal would generate.

D ECON 7

For proposed economic site D ECON 7 the Department would have expected their concerns to be addressed in relation to visibility improvements to the vertical alignment of the A29 Cookstown Rd and appropriate junction staggers to current design standards. Concerns were also raised in relation to traffic congestion at peak times with extra traffic having to negotiate Dungannon Town. A Transport Assessment will be required to demonstrate the impacts and what mitigation may be required.

(If not submitting online and additional space is required, please continue on a separate sheet)

10. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(xiii) Paragraph _____

(xiv) Objective _____

(xv) Growth Strategy/

Spatial Planning Framework _____

(xvi) Policy **GENERAL PRINCIPLES PLANNING POLICY – Policy GP 1 – Pages 58-60, points d, e and f and TRANSPORTATION - Policy TRAN 3 - Car Parking - Page 245, Policy TRAN 4 - Access onto Protected Routes and other Route Ways - Page 246.**

(xvii) Proposals Map _____

(xviii) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

<https://www.planning.gov.uk/index/advice/practicenotes/development-plan-practice-note-06-soundness-version-2-may-2017-2a.pdf.pdf>).

Soundness Test No. P2, C3, CE2

11. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following ***"It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan"***. This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. The Department for Infrastructure also issued guidance on the preparation of LDP policies for transport on the 7th February 2019 to the Council. This guidance reflected the Department's suggested Best Practice Policy Wording that should be applied to any new Transport Policies that the Council introduced into the Draft Plan Strategy.

The Department has concerns that the draft policy wording for GP 1 items d, e, f and TRAN 3 & 4 does not fully address the Key Considerations that are contained within the above mentioned guidance. These Key Considerations to be addressed are -

- Active travel networks
- Park & share/ride
- Creating an accessible environment
- Access to public roads
- Protected routes
- Transport assessments and travel plans
- Walking and cycling
- Car parking

Whilst the Department would prefer that all transport policies are contained within one policy section in the interests of clarity and consistency, where General Principles policies are to be used their must be clear linkage and sufficient detail provided. There are concerns with the current wording in that there is not sufficient policy coverage or linkage between GP 1 and the various transport policies to be able apply them in the interests of transportation and road safety.

Active Travel - Walking, Cycling and Public Transport

There is not sufficient policy coverage between GP1 and the Transport policies for walking, cycling and public transport. As a result, this will have a significant impact on promoting active travel and the ability to reduce journey's made by car. Programme for Government Outcomes 2 and 11 commit the Department to securing increased levels of journeys made by walking, cycling and public transport. In order to achieve this, walking and cycling as everyday modes of transport, within urban areas, must be made easier. To address this, new development should incorporate safe walking and cycling routes

within the site and provide links to existing or programmed cycle networks. Planning authorities have a key role to play in this through the LDP and development management process.

Park & Ride/Share

The Department notes that there is no proposed policy for Park & Ride and Park & Share sites in the MUDC Draft Plan Strategy. We would consider it essential that one is provided. The Regional Strategic Objectives within the SPPS acknowledge the importance of encouraging active travel and facilitating travel by public transport in preference to the private car and explicitly includes an objective *"to promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion"* (6.297). This is one of the ways in which planning can support the creation of an environment where there are more opportunities for active and sustainable travel through Park & Share and Park & Ride thereby reducing traffic congestion on the transport network.

Access to public roads

The SPPS does not provide detail on access arrangements to public roads that are not classed as protected routes. Therefore the Department would consider it crucial that, any new policy wording contained within the Mid Ulster District Council Draft Plan Strategy gives full protection to access arrangements in the interests of public safety to all road users. It is important to fully consider the effect any proposed new development will potentially have on the transport network. A well designed access is important for the safety and convenience of all road users therefore the Council should ensure appropriate policy wording is included in the LDP. Neither GP 1 nor Policy TRAN 4 take appropriate account of this. There is insufficient policy coverage from an operational level to ensure that road safety, traffic progression and intensification is properly taken account of. It is also recommended that Access to Public Roads and Protected routes are covered separately and not be combined as per Policy TRAN 4 is the interests of clarity and consistency.

Protected Routes

The hierarchy of public roads identified in the SPPS and guidance document as indicated below is not followed. As a result there is no clear protection afforded to key routes that fall under categories 'a' & 'b' which has a significant impact on road safety and traffic progression. There is some protection afforded to category 'c' but needs further policy coverage to be consistent with the SPPS. It is vital to protect these types of roads as they also contribute significantly to economic prosperity by providing efficient links between all the main towns, airports and seaport, and with the Republic of Ireland.

a) Motorways and high standard dual carriageways – All locations: Planning permission will not be granted for development proposals involving direct access – with the potential exception for motorway service areas where there is demonstrable need.

b) Other dual carriageways, Ring Roads, Through-Passes and By-Passes – All locations: Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

c) Other protected routes – outside settlements and within settlements:

Transport Assessments and Travel Plans

There is insufficient policy coverage in GP1 or the Transport policies to ensure that Transport Assessments and Travel Plans are submitted and implemented to support development.

Transport Assessments (TA) are a significant tool that assists with the integration of transport policy and land-use planning. The SPPS identifies the requirement for planning authorities to "apply the Department's published guidance". Travel Plans can also set out complementary measures to help to mitigate adverse impacts highlighted by TA's.

LDP policy should make reference to the Departments current published TA guidance, and include reference to developer contributions – *"where a development necessitates the provision of additional transport infrastructure improvements these costs shall be borne by the developer."*

Car Parking

GP1 or TRAN3 does not provide sufficient policy coverage to ensure appropriate parking and its design is provided for.

The proposed policy wording does not give consideration to:

Car parking and servicing must take account of road safety and not to inconvenience the flow of people and goods

Provision of temporary car parking

Design and layout of car parks

We would suggest expanding on this policy wording in line with the guidance issued to ensure sufficient policy coverage to inform development proposals.

GP1 General Principles Planning Policy 'd' Advertisement -

The Department would have concerns that para 'd' of GP1 is the only policy on the Control of outdoor advertisements. It would be of the view that there is insufficient policy coverage to control the growing area of outdoor advertising. The wording '*no significant impact on amenity or public safety*' would raise some concern for the Department in that how is **no significant impact** determined or assessed. Public safety should not be impacted upon by advertising and should be controlled to ensure it is not prejudiced.

It is suggested that a specific policy is developed to ensure proper planning control and that any new policy should include guidance for LED advertising,

(If not submitting online and additional space is required, please continue on a separate sheet)

12. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

Policy GP1 – General Principles Planning Policy

Advertisement

Policy wording for control of advertising should not be detrimental to amenity or prejudice public safety. In that respect the Department would suggest the following policy wording.

Consent will be given for the display of an advertisement where:

- (i) it respects amenity, when assessed in the context of the general characteristics of the locality;
- (ii) it does not prejudice public safety.

LED advertising is not included in the guidance related to this policy. Due to the increasing numbers of requests for LED advertising and in the interests of public and road safety as mentioned in the SPPS, the Department would suggest the following guidance is added to Appendix 2 Page 262 of the Draft Plan Strategy -

"Digital advertising screens should only display static images and should not contain moving images. The rate of change between successive displays should not be instantaneous and should not include the sequencing of images over more than one advert or a message sequence, where a message is spread across more than one screen image."

"The minimum duration any image shall be displayed shall be determined by the Council."

"The minimum message display duration should ensure that the majority of approaching drivers do not see more than two messages. The minimum message display duration of each image shall be calculated by dividing the maximum sight distance to the digital advertisement (metres) by the speed limit (metres/second) of the road (30mph = 13.4m/s, 40mph = 17.9m/s, 50mph = 22.4m/s, 60mph = 26.8m/s, 70mph = 31.3m/s."

"The luminance of the screen should be controlled by light sensors which automatically adjust screen brightness for ambient light levels, in order to avoid glare at night and facilitate legibility during daytime. The proposed advertising screen should generally comply with the Institute of Lighting Professionals' guidance PLG05, 'The Brightness of Illuminated Advertisements'. Maximum night time luminance of the digital screen must not exceed the appropriate value from Table 4 of PLG05, which must be considered in conjunction with the environmental zones as defined in Table 3 of PLG 05. Proposed luminance levels and control arrangements are to be agreed by the Department for Infrastructure – Roads."

"Advertisements shall not resemble traffic signs or provide directional advice."

"Road Traffic Regulation (NI) Order 1997 makes it an offence to display any sign which resembles a traffic sign on or near a public road."

"Telephone numbers and website addresses should not be displayed."

The Department would suggest that all transport related policies in the Draft Plan Strategy document must take full and proper account of the key policy areas contained in the guidance issued to Mid Ulster District Council. The purpose of this document which is appended contains best practice policy approach and wording to assist Councils with the drafting of sound operational planning policies to be included within the Local Development Plan.

(If not submitting online and additional space is required, please continue on a separate sheet)

In addition to the issues relating to "soundness" outlined above, the following comments are offered.

Policy TRAN 1 – New Roads and Road Improvement Schemes – Page 245 -

Justification and Amplification, paragraph 23.10 – In relation to the A29 Cookstown By Pass, the Department would suggest removing the sentence *"it is anticipated that a new road line will come forward by 2020"* to *"the preferred route was announced in 2010 and its detailed design is been progressed"*

As the A5WTC is a flagship infrastructure project, the Department would expect that it be referred to in the Infrastructure section of the Draft Plan Strategy and specifically were other transport projects are referred to.

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

- (xix) Paragraph _____
- (xx) Objective _____
- (xxi) Growth Strategy/

Spatial Planning Framework _____

- (xxii) Policy **SOCIAL POLICIES - HOU 2 – Quality Residential Development – Page 67 and Policy HOU 4 – Conversion of existing buildings to flats, apartments or houses in multiple occupation – Page 72**

- (xxiii) Proposals Map _____
- (xxiv) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

<https://www.planningni.gov.uk/index/advice/practicenotes/development-plan-practice-note-06-soundness-version-2-may-2017-2a.pdf.pdf>).

Soundness Test No. P2, CE2

13. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following ***"It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan"***. This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. No other opportunities of engagement with the Council on their draft Social/Housing Policies were offered to the Department. The Department is concerned that this draft policy wording does not fully address transport issues such access to public roads, road safety, traffic progression, etc. There is also limited linkage between the Housing Policies, GP1 and the Transport policies which raises concerns.

Policy HOU 2 Quality Residential Development -

The Department recognises that in Draft Policy HOU 2 bullet point 'iv' The Council has mentioned ***"it provides access to other modes of transport other than the car and provides linkages to community facilities"*** (reference also in Justification and Amplification). In paragraph 7.39 page 71, the Council states ***"In addition to the policy requirements, housing developments will also be required to meet all highway standards and accord with the general principles policies...."*** The Department is of the opinion that there is not enough coverage or protection to provide a quality residential development in terms of layout, design etc.

Policy HOU 4 Conversion of existing buildings to Flats, Apartments or Houses in multiple occupation -

The Department recognises that on page 73 paragraph 7.47 The Council mentions ***"Creating Places."*** The Department would also consider it essential to address the road safety issue of ***"any access to the public road will not prejudice road safety or significantly inconvenience the flow of people or goods."***

(If not submitting online and additional space is required, please continue on a separate sheet)

14. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

If the deficiencies in transport related policies were taken account of and appropriate linkages provided to the Social/Housing Policies this would go a long way to resolving the soundness concerns raised.

Policy HOU 2 Quality Residential Development -

Paragraph 7.37 page 71 states *"the Council considers it reasonable to expect that developers will contribute to the cost of provision of necessary facilities or infrastructure"* The Department would consider it essential that developers would meet the full cost of road infrastructure or improvements if necessitated by their development and would suggest the wording be changed to reflect this position.

In addition to the issues relating to "soundness" outlined above, the following comments are offered.

Within the policy wording of HOU2 under bullet point 'vi' we would suggest adding the word *"improvements"* after *"local infrastructure"*

If not submitting online and additional space is required, please continue on a separate sheet)

15. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(xxv) Paragraph _____

(xxvi) Objective _____

(xxvii) Growth Strategy/

Spatial Planning Framework _____

(xxviii) Policy **HOUSING IN THE COUNTRYSIDE – Policy CT 1 – General Policy – Page 79, Policy CT 2 – Dwellings in the Countryside – Page 82 and Policy CT 3 – Social and Affordable Housing in the Countryside – Page 88**

(xxix) Proposals Map _____

(xxx) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

<https://www.planning.gov.uk/index/advice/practicenotes/development-plan-practice-note-06-soundness-version-2-may-2017-2a.pdf.pdf>).

Soundness Test No. P2, CE2

16. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following ***"It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan"***. This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. No other opportunities of engagement with the Council on their draft Housing in the Countryside policies were offered to the Department. The Department has concerns that the draft policies do not fully address access to public roads, road safety, traffic progression and accessibility for all modes of transport. There is also limited linkage between these policies, GP1 and the Transport policies which raises concerns.

(If not submitting online and additional space is required, please continue on a separate sheet)

17. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

If the deficiencies in transport related policies were taken account of and appropriate linkages provided to these policies this would go a long way to resolving the soundness concerns raised.

Planning Policies for Housing in the Countryside needs to take account of the existing infrastructure, access to public roads, road safety, and traffic progression. Consideration also needs to be given all modes of transport.

Policy CT 2 – Dwellings in the Countryside -

The Department would suggest that for a - Dwelling on a Farm the following policy wording be added -

"and where practicable access to the dwelling should be obtained from an existing lane."

(If not submitting online and additional space is required, please continue on a separate sheet)

18. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(xxxi) Paragraph _____

(xxxii) Objective _____

(xxxiii) Growth Strategy/

Spatial Planning Framework _____

(xxxiv) Policy **Open Space Recreation and Leisure – Policy OS 3 – Outdoor Sport and Recreation – Page 110 and Policy OS 4 - Indoor Sport and Intensive Outdoor Sport Facilities – Page 112** _____

(xxxv) Proposals Map _____

(xxxvi) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be **unsound**, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningni.gov.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No. P2, CE2

19. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following ***"It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan"***. This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. No other opportunities of engagement with the Council on their draft Open Space, Recreation and Leisure policies were offered to the Department. The Department has concerns that the draft policy wording within OS 3 and OS 4 does not take into account the road network being able to safely handle the extra vehicular traffic any proposal would generate. There is also no reference to possible need for infrastructure improvements, satisfactory arrangements being provided for site access, car parking, convenience and accessibility for all and means of transport other than the private car. There is also limited linkage between these policies, GP1 and the Transport Policies which raises concerns.

(If not submitting online and additional space is required, please continue on a separate sheet)

20. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

If the deficiencies in transport related policies were taken account of and appropriate linkages provided to these policies this would go a long way to resolving the soundness concerns raised.

Planning Policies for Open Space, Recreation and Leisure needs to take account of the existing infrastructure, access to public roads, road safety, parking and traffic progression. Consideration also needs to be given all modes of transport.

(If not submitting online and additional space is required, please continue on a separate sheet)

21. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

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Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(xxxvii) Paragraph _____

(xxxviii) Objective _____

(xxxix) Growth Strategy/

Spatial Planning Framework _____

(xi) Policy **Economic Policies – Policy ECON 2 – Economic Development in the Countryside – Page 118** _____

(xii) Proposals Map _____

(xiii) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningni.gov.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No. P2, CE2

22. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following ***"It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan"***. This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. No other opportunities of engagement with the Council on their draft Economic policies was offered to the Department. The Department has concerns that this draft policy does not give the full coverage or protection required for Policy ECON 2. In particular it does not take into account the road network being able to safely handle the extra vehicular traffic any proposal would generate. There is also no reference to possible need for infrastructure improvements, satisfactory arrangements being provided for site access, car parking, accessibility for all and means of transport other than the private car.

There is also a concern that this policy could promote a proliferation of economic development in the countryside due the perceived low threshold of acceptability. This could have significant implications for both the rural and strategic road network in terms of access and traffic generation. It is vital that the key transport routes are afforded protection with very limited access as they contribute significantly to economic prosperity by providing efficient links between towns and cities. This policy and TRAN 4 - Access onto Protected Routes and other Route Ways, could create the ability for economic development proposals which are not of regional significance to gain access on to rural sections of the protected route network. There is also a concern that the draft Economic Development policies for the countryside could create a scenario whereby a significant level of retail development could gain approval in connection with an established road side service area/filling station. Such scenarios would be considered unacceptable to the Department.

There is also limited linkage between these policies, GP1 and the Transport policies which raises concerns.

(If not submitting online and additional space is required, please continue on a separate sheet)

23. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

If the deficiencies in transport related policies and the potential conflicts between ECON2 and access on to Protected Routes as per the SPPS were taken account of with appropriate linkages provided to these policies, this would go a long way to resolving the soundness concerns raised.

Planning Policies for Economic Development in the Countryside need to take account of the existing infrastructure, access to public roads, road safety, parking and traffic progression. Consideration also needs to be given all modes of transport

(If not submitting online and additional space is required, please continue on a separate sheet)

24. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

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Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(xliii) Paragraph _____

(xliv) Objective _____

(xlv) Growth Strategy/

Spatial Planning Framework _____

(xlvi) Policy Minerals – Policy MIN 2 - Extraction and Processing of Hard Rock – Page 143 and Policy MIN 3 – Valuable Minerals and Hydrocarbons – Page 145

(xlvii)

(xlviii) Proposals Map _____

(xlix) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningni.gov.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No. P2, CE2

25. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following ***"It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan"***. This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. The Department has concerns that this draft policy does not give the full coverage or protection required for Policy MIN 2 and MIN 3. In particular it does not take into account the road network being able to safely handle the extra vehicular traffic any proposal would generate. There is also no reference to possible need for infrastructure improvements and satisfactory arrangements being provided for site access.

There is also limited linkage between these policies, GP1 and the Transport policies which raises concerns.

(If not submitting online and additional space is required, please continue on a separate sheet)

26. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

If the deficiencies in transport related policies were taken account of and appropriate linkages provided to these policies this would go a long way to resolving the soundness concerns raised.

Planning Policies for Mineral Extraction need to take account of the existing infrastructure, access to public roads, road safety and wheel wash facilities etc.

(If not submitting online and additional space is required, please continue on a separate sheet)

27. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

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Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(i) Paragraph _____

(ii) Objective _____

(iii) Growth Strategy/

Spatial Planning Framework _____

(iii) Policy Tourism – Policy TOU 2 – Resort Destination Development – Page 158 and Policy TOU 3 – Tourism Accommodation – Page – 159 and Policy TOU 4 – Other Tourism Facilities/Amenities and Attractions – Page 161

(iv)

(iv) Proposals Map _____

(vi) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningni.gov.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf).

Soundness Test No. P2, CE2

28. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following "*It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan*". This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. The Department has concerns that this draft policy wording does not give the full coverage or protection required for Policy TOU 2, TOU 3 and TOU 4. In particular the draft policies do not take full account access requirements, infrastructure requirements and accessibility in terms of walking, cycling & public transport.

There is also limited linkage between these policies, GP1 and the Transport policies which raises concerns.

(If not submitting online and additional space is required, please continue on a separate sheet)

29. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

If the deficiencies in transport related policies were taken account of with appropriate linkages provided to these policies, this would go a long way to resolving the soundness concerns raised.

Planning Policies for Tourism need to take account of the existing infrastructure, access to public roads, road safety, accessibility in terms of walking, cycling & public transport parking and traffic progression.

(If not submitting online and additional space is required, please continue on a separate sheet)

30. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(ivii) Paragraph _____

(iviii) Objective _____

(lix) Growth Strategy/

Spatial Planning Framework _____

(i) Policy **Waste Management – Policy WM 1 – Waste Management: General Policy – Page 221 and Policy WM 2 – Waste Collection and Treatment Facility Policy – Page 223 and Policy WM 3 – Waste Disposal – Page 225.**

(ii)

(iii) Proposals Map _____

(iv) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningni.gov.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No. P2, CE2

31. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following "***It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan***". This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. The Department has concerns that this draft policy wording does not give the full coverage or protection required for Policy WM 1, WM 2 and WM 3.

In particular the draft policies does not take full account of access arrangements, infrastructure requirements, parking and servicing.

There is also limited linkage between these policies, GP1 and the Transport policies which raises concerns.

(If not submitting online and additional space is required, please continue on a separate sheet)

32. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

If the deficiencies in transport related policies were taken account of with appropriate linkages provided to these policies, this would go a long way to resolving the soundness concerns raised.

Planning Policies for Waste Management need to take account of the existing infrastructure, access to public roads, road safety, parking and servicing.

(If not submitting online and additional space is required, please continue on a separate sheet)

33. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(v) Paragraph _____

(vi) Objective _____

(vii) Growth Strategy/

Spatial Planning Framework _____

(viii) Policy **Telecommunications, Overhead Cables, High Structures and Other Utilities – Policy TOHS 1 – Outside Areas of Constraint on Wind Turbines and High Structures – Page 228**

(ix) Proposals Map _____

(x) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒ X

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningni.gov.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No. CE2

34. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following "***It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan***". This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. The Department has concerns that this draft policy wording does not give the full coverage or protection required for Policy TOHS 1.

The proposed policy wording within TOHS 1 does not make reference to the positioning of new wind turbines. The Department would expect wording to be included to cover these concerns.

(If not submitting online and additional space is required, please continue on a separate sheet)

35. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The Department would expect any new policy to include wording to cover the positioning of new wind turbines. The following policy wording should be considered –

“Although wind turbines erected in accordance with best engineering practice are considered to be stable structures, they should be set-back at least fall over distance plus 10% from the edge of any public road, public right of way or railway line so as to achieve maximum safety.” (For clarity, fall over distance is total height + turbine blades.)

(If not submitting online and additional space is required, please continue on a separate sheet)

36. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(xi) Paragraph _____

(xii) Objective _____

(xiii) Growth Strategy/

Spatial Planning Framework _____

(xiv) Policy **Renewable Energy – Policy RNW 1 – Renewable Energy – Page 235**

(xv) Proposals Map _____

(xvi) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningni.gov.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No. P2, CE2

Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following "***It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan***". This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. The Department has concerns that this draft policy wording does not give the full coverage or protection required for Policy RNW 1.

The Department has concerns that the draft policy wording within RNW 1 does not address access arrangements, parking, infrastructure requirements, etc.

There is also limited linkage between these policies, GP1 and the Transport policies which raises concerns.

(If not submitting online and additional space is required, please continue on a separate sheet)

37. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

If the deficiencies in transport related policies were taken account of with appropriate linkages provided to these policies, this would go a long way to resolving the soundness concerns raised.

Planning Policies for Renewable Energy need to take account of the existing infrastructure, access to public roads, road safety, parking etc.

We would consider the need for the following wording to be included in the proposed policy -

"Although wind turbines erected in accordance with best engineering practice are considered to be stable structures, they should be set-back at least fall over distance plus 10% from the edge of any public road, public right of way or railway line so as to achieve maximum safety." (For clarity, fall over distance is total height + turbine blades.)

The Department notes that on page 27 paragraph 2.16 the Best Practice Guidance to PPS 18 Renewable Energy will remain as material guidance and within paragraph 22.8, page 234 under Regional Policy Context indicates that it will be taken into account when assessing such applications.

We would like to emphasise the importance of the following wording within the Best Practice Guidance to PPS 18 Renewable Energy especially in relation to Wind Energy on page 237 -

The road access to a wind farm site will need to be able to accommodate trailers carrying the longest loads (usually the blades), as well as the heaviest and widest loads (generally the cranes required in erection). Amendments to existing roads required to gain access to site should be detailed in any wind farm planning application."

"Applicants are advised to consult at an early stage with DfI Roads for development affecting public roads. In the case of railway lines consultation should take place with Translink.

Concern is often expressed over the effects of wind turbines on car drivers, who may be distracted by the turbines and the movement of the blades. Drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attention. At all times drivers are required to take reasonable care to ensure their own and others' safety. Wind turbines should therefore not be treated any differently from other distractions a driver

must face and should not be considered particularly hazardous. The provision of appropriately sited lay-bys for viewing purposes may be helpful in giving an opportunity to view the wind energy development in safety; lay-by size should be adequate to cater for tour buses.

The degree of disturbance caused by the construction phase of a wind farm will depend on the number of turbines and the length of the construction period. Public perception of the construction phase will derive mainly from physical impact and traffic movements. The traffic movements to be expected will involve:

- vehicles bringing aggregate to the site including concrete for foundations;*
- vehicles removing spoil from the site;*
- vehicles (which may be articulated) bringing turbine components to the site;*
- the vehicles of those working on the site; and,*
- the crane(s) to erect the turbines.*

Although construction traffic for a wind turbine development will essentially be no different from other developments, many turbines will be sited in areas served by the minor road network. In such cases, it may be necessary to impose suitable conditions on consents or enter a legal agreement with the developer to control the number of vehicle movements to and from the site in a specified period and, where possible, the route of such movements, particularly by heavy vehicles. Further requirements for strengthening bridges may also be required by DfI Roads. Where culverting of any watercourse under site roads is planned consent from DfI Rivers will also be required.

(If not submitting online and additional space is required, please continue on a separate sheet)

38. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

MID ULSTER DISTRICT COUNCIL DRAFT PLAN STRATEGY

Comments provided by the Department for Infrastructure's

Water and Drainage Policy Division

SEPTEMBER 2020

The Department for Infrastructure's (the Department) Water & Drainage Policy Division (WDPD) has reviewed the contents of the Mid Ulster District Council Draft Plan Strategy and has a number of comments to make on it. In particular, it is concerned that there may be a risk of the Plan being unsound when assessed against the soundness test (set out below).

Soundness Test: C3 Did the Council take account of policy and guidance issued by the Department?

Justification: The Department has previously met with relevant Council officials and presented current policy and legislation on Sustainable Drainage Systems (SuDS), development in proximity to reservoirs and Waste Water Treatment Works (WwTW) capacity constraints. In addition to this, the Department also provided comments on these issues through Council's consultation on the Local Development Plan Preferred Options Paper. Despite this, these issues are lacking in some detail in the Plan.

WDPD comments are set out below

Please note that the comments highlighted in red below are amendments to our original response submitted in April 2019.

Introduction (p8 – p21)

The introduction mentions a number of documents that the Draft Plan Strategy must take account of e.g. RDS 2035 and the Sustainable Development Strategy etc. It would also be useful for Sustainable Water - A Long-Term Water Strategy for Northern Ireland (2015-2040) to be referenced here, including a brief overview of the Strategy's aims.

Growth Strategy and Spatial Planning Framework (p33)

Although this strategy states it aims to promote a more sustainable approach to the provision of water and sewerage services and flood risk management (para 4.1), there is no mention of the regional guidance, "Sustainable Water, A Long-Term Water Strategy for Northern Ireland (2015-2040)". The document would benefit from referencing the Strategy and highlighting its key aims, including that wastewater treatment capacity should be a key consideration when zoning land for development and when considering planning applications.

Spatial Planning Framework (SPF 1)

Table 1 - Hierarchy of Settlements and Related Infrastructure (P36)

The inclusion, in this table, of the need to consider if there is available capacity in the water and sewerage network to facilitate new development, is welcomed.

Spatial Planning Framework (SPF 2)

Page 39 – Paragraph 4.17 - The statement that land to be zoned for housing priority must avail of existing infrastructure such as water, waste and sewerage, is welcomed. When considering zoning land for housing priority, the Council should liaise with NI Water to determine if there is available capacity in the water and sewerage network, as well as the wastewater treatment works, to facilitate the proposed new development.

The reference to SuDS however needs further clarity. It may be helpful to reference the new [legislation](#) introduced in 2016 regarding connection to the public sewer network, which provides a new power for NI Water to refuse a surface water connection if alternative means of dealing with surface water have not been considered. There is an overall lack of detail on SuDS in this section, how the Council will ensure that SuDS are encouraged and used as the preferred means of dealing with surface water, etc.

Our Strategy

There is a general lack of detail on SuDS in this section, particularly how the council will ensure that SuDS are included in new development e.g. does the Council propose to encourage the use of SuDS within private property including green roofs, permeable paving, Water Butts? Does it envisage any key site requirements for the use of SuDS in any new development sites, etc.?

Place Making

Page 57 - Paragraph 6.5 - It is welcomed that the draft Plan supports positive place making. The incorporation of blue/green infrastructure and SuDs will help to deliver successful place making and also help to achieve the additional societal and environmental benefits.

Policy GP1 - General Principles Planning Policy

(g) Other infrastructural requirements (p60)

It is welcomed that all development should demonstrate adequate infrastructure is in place to deal with waste, sewerage and drainage. There is a reference here which states “where mains sewerage is not available the applicant “may” be required to demonstrate that this will not create or add to pollution. The word “may” should be replaced with “is”.

It is also welcomed that development proposals are encouraged to use sustainable drainage systems (SuDS) as the preferred drainage solution.

Provision of Necessary Local Infrastructure and Neighbourhood Facilities (para 7.34, p 70)

The reference that housing schemes must provide necessary infrastructure and that this includes drainage and sewerage is welcomed.

Public Realm (Page 101)

There is reference here to wider blue and green infrastructure. It would be helpful to mention here that SuDS could be considered for inclusion within public realm initiatives which will help attenuate water in town centres and provide important improvements to water quality, biodiversity and provide an amenity space.

Open Space, recreation and leisure - Page 105

There is no mention here of the use of SuDS in new open space. This is something which could potentially be included.

Policy GP1 - General Principles Planning Policy

(h) Landscape Character - 11.7 on page 106

It is welcomed that new development proposals are required to include provision of green and/or blue infrastructure through quality landscape design and open space provision.

Flood Risk (p207-p216)

Regional Policy Context

This section highlights documents that contain flooding policy e.g. RDS 2035 and the Strategic Planning Policy Statement, which the Draft Plan Strategy must consider. Sustainable Water – A Long-Term Water Strategy for Northern Ireland (2015-2040) contains a section on Flood Risk Management and Drainage and this should also be referenced in this section.

Page 209 / 210 – ‘Policy FLD 1 – FLUVIAL FLOODPLAINS Development within the 1 in 100 year fluvial flood plain (AEP of 1%) will conflict with the plan unless the development comprises the following:’ The definition of fluvial floodplains in the Plan Strategy, does not appear to make any reference to Climate Change.

Page 210 – references ‘Rivers Agency’ - this should read ‘DfI Rivers’

Our Strategy

Addendum - Position Paper - Public Utilities (January 2019)

The information in this paper is welcomed, as it sets out the level of available wastewater treatment capacity at each of the wastewater treatment works in the council area as well as the predicted level of housing growth in each settlement. This level of detail will enable NI Water to advise if the current infrastructure can accommodate the proposed growth.

This paper also highlights wastewater treatment works which have available capacity but have related network capacity issues, which may have an impact on new connections / proposed planning applications.

Having discussed these issues with NI Water, the Department understands NI Water is concerned about the proposed level of development in the main hubs where there are network and capacity constraints. To help alleviate the pressure on the wastewater network, the Council should consider wastewater treatment capacity when zoning land and also adopt a phased approach to development. The Department understands NI Water will also continue to help manage this issue by working closely with the council, to help facilitate development, where possible.

In addition, NI Water is also concerned about the growing number of houses outside the main settlements, which could lead to more package treatment plants, which NI Water may have to adopt therefore increasing the company's maintenance costs.

Going forward, it will be important that there is good two-way communication between the Council and NI Water, to ensure both parties are aware of the latest position regarding growth and wastewater capacity, to help facilitate development. This approach will also help to inform NI Water's business planning, which aims to address future water and wastewater needs.

MID ULSTER DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN 2030 DRAFT PLAN STRATEGY

Additional Comments provided by Department for Infrastructure, Rivers.

August 2020

The Department for Infrastructure, Rivers has reviewed the contents of the Mid Ulster District Council Draft Plan Strategy and comment as follows.

Department for Infrastructure, Rivers, considers additional, to previous representation dated 10th April 2019, issues detailed below which the Council will wish to consider for their Draft Plan Strategy.

FLOOD RISK

Policy FLD 1 Fluvial Floodplains

In addition to Suggested Modifications in the Representation from DfI Rivers dated 10th April 2019 due to evolving Policies and Thinking, DfI Rivers would now suggest the following modification to Policy FLD 1 Fluvial Floodplains.

DfI Water and Drainage Policy Division published a document 'Technical Flood Risk Guidance in relation to Allowances for Climate Change in Northern Ireland.' In February 2019.

DfI Rivers have subsequently produced a much clearer definition of fluvial and coastal flood plains in relation to Climate Change predictions.

Flood plains are the generally flat areas adjacent to a watercourse or the sea where water flows in a flood, or would flow, but for the presence of flood defences. The limits of the flood plain are defined by the peak water level of an appropriate return period event.

For planning purposes, taking into account climate change predictions based on the latest available scientific evidence, fluvial and coastal flood plains are as defined below.

Fluvial flood plain - the extent of a modelled flood event with a 1 in 100 year probability (AEP of 1%), plus the latest climate change prediction.

Flood plains, so defined, are depicted on the latest version of Flood Maps NI available on the DfI Rivers website. Development will not be permitted within the defined flood plains unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

Local Councils are advised to use flood mapping that includes the latest climate change predictions at development plan preparation stage and for development management purposes; thus taking account of the most up-to-date information on flood risk.

A recommendation is given that, for design purposes, all finished floor levels (including gardens, roads, driveways and paths) should be placed at a minimum of 600mm above the flood plains so defined above (i.e. Fluvial: 1 in 100 year flood plain, plus the latest climate change prediction and Coastal: 1 in 200 year probability (AEP of 0.5%), plus the latest climate change prediction).

Policy FLD 4 Development in Proximity to Reservoirs

Further to our previous comments in relation to Policy FLD 4 Development in Proximity to Reservoirs which we previously suggested should include the wording "Controlled Reservoirs", the Planning Authority should consider the detail in the Technical Guidance Note 25 (TGN 25) Revised, January 2020 which explains the general approach DfI Rivers will follow when providing advice to Planning Authorities on all relevant applications for development within the potential flood inundation areas of controlled reservoirs as shown on Flood Maps (NI). The TGN25 Revised can be accessed on the Department's website at the web link below:-

<https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/tgn-25-practical-application-strategic-planning-policy-development-in-proximity-to-reservoirs-june20.PDF>"

Council may wish to consider the following wording.

"New development will only be permitted within the potential flood inundation area of a "controlled reservoir", as shown on Flood Maps NI, if:

It is demonstrated that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety, so as to enable the development to proceed; or

Where assurance on the condition, management and maintenance regime of the relevant reservoir/s is not demonstrated, the application is accompanied by a Flood Risk Assessment, or other analysis, which assesses the downstream flood risk in the event of an uncontrolled release of water due to reservoir failure as being acceptable to enable the development to proceed.

There will be a presumption against development within the potential flood inundation area of a controlled reservoir for proposals that include:

- essential infrastructure;
- storage of hazardous substances; and
- bespoke accommodation for vulnerable groups.

Replacement Building(s):- Where assurance on the condition, management and maintenance regime of the relevant reservoir/s is not demonstrated, planning approval will be granted for the replacement of an existing building(s) within a potential flood inundation area of a controlled reservoir provided demonstrated that there is no material increase in the flood risk to the development or elsewhere".

Department for Infrastructure, Rivers

Planning Advisory and Modelling Unit

11 August 2020

Michael McGibbon

From: Maroadi, Julie <[REDACTED]> on behalf of Wilkin, Susan <[REDACTED]>
Sent: 19 April 2019 15:00
To: Chris Boomer
Cc: Sinead McEvoy; DevelopmentPlan@midulstercouncil.org
Subject: DfI Response to Mid Ulster Draft Plan Strategy
Attachments: Letter to Chris Boomer re Draft Plan Strategy - Consultation - 19.04.19.pdf; DfI Strategic Response to Mid Ulster Draft Plan Strategy.pdf; DfI Roads response to Mid Ulster Draft Plan Strategy.pdf; TPMU Response to Strategic issues in Mid Ulster Draft Plan Strategy - Copy.pdf; TPMU Comments to Mid Ulster Draft Plan Strategy.pdf; DfI Rivers response to Mid Ulster Draft Plan Strategy.pdf; WDPD Comments to Mid Ulster Draft Plan Strategy.pdf; Annex 1 - Mid Ulster.pdf

Chris

Please see attached Department for Infrastructure representation to Mid Ulster District Council Draft Plan Strategy consultation.

A hard copy will follow in due course.

I would be grateful if you could acknowledge receipt.

Regards

Susan Wilkin on behalf of Alistair Beggs



Julie Maroadi – on behalf of Personal Secretary for Susan Wilkin. Deputy Director, Strategic Planning Directorate | Department for Infrastructure | Rm 1.01 | Clarence Court | 10-18 Adelaide Street | BELFAST BT2 8GB
(028) [REDACTED] | [REDACTED]

Please consider the environment - do you really need to print this e-mail?

Strategic Planning Directorate



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

Dr Chris Boomer
Planning Manager
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BT45 6EN
[Redacted]

Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8EG
Tel: 0300 200 7830

Email: [Redacted]

Your Reference:
Our Reference:

19 April 2019

Dear Chris

**RE: MID ULSTER DISTRICT COUNCIL – DRAFT PLAN STRATEGY -
CONSULTATION**

Mid Ulster District Council published the draft Local Development Plan Strategy on 22 February 2019. In accordance with regulation 15 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 the Council consulted with the Department for Infrastructure (DfI) in relation to the draft Plan Strategy.

Please find attached representations to the consultation from:-

- DfI Planning;
- Roads;
- Transport Planning Modeling Unit;
- Rivers; and
- Water and Drainage Policy Division.

Yours sincerely

[Redacted Signature]

ALISTAIR BEGGS
Director

AP

Encls

Strategic response

Introduction

1. The Department for Infrastructure would like to thank the Council for the opportunity to comment on the Mid Ulster's Local Development Plan (LDP) draft Plan Strategy. The LDP should provide a 15-year framework to support the economic and social needs of a Council's district in line with regional strategies and policies, while providing for the delivery of sustainable development¹.
2. The Council's LDP should support and spatially represent the Community Plan vision. Whilst the LDP and Community Plan should work in tandem toward this vision, the LDP has a distinct role in giving spatial expression to the community plan. It is also important to acknowledge that preparation of the LDP is subject to a different statutory process, including an Independent Examination (IE) to test Soundness of the Plan as a whole. This includes examining the content of the Plan by reference to tests set out in guidance. These require Council to take account of the Regional Development Strategy (RDS) 2035 and other policy and guidance issued by the Department.
3. In view of the above, and in keeping with its oversight role², the Department offers this representation in the interest of good practice and to assist the Council to minimise the risk of submitting an unsound Development Plan Document (DPD). In developing this response the Department has looked for clear evidence that the tests set out in Development Plan Practice Note (DPPN) 06 'Soundness' have been addressed. All comments are offered without prejudice to a future Minister's discretion to intervene later in the plan process or to the Independent Examination of the draft Plan Strategy.
4. We acknowledge the considerable amount of work that the Council development plan team have put into preparing the draft Plan Strategy and supporting documents. We would urge the Council to seek legal advice to ensure that all the procedural requirements have been met, including Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA). Responsibility for these matters rests with the Council.

¹ Para 2.6 Development Plan Practice Note 01 'Introduction: Context for Local Development Plans'

² Para 6.2 Development Plan Practice Note 06 "Soundness" (Version 2)

5. This strategic response highlights broad areas which the Department considers may pose a risk to Soundness when considered against the tests set out in DPPN 06. These are the Growth Strategy and Spatial Planning Framework (including the policy approach to Development in the Countryside); cross boundary working; infrastructure availability and monitoring. These aspects have been highlighted by the Department in order to reinforce their importance to achieving an integrated and coordinated approach to higher-level regional planning aims and objectives. These matters are also aspects of Soundness and so the relevant Soundness Tests are highlighted.
6. Detailed comments in relation to specific operational policy matters are addressed in Annex 1.

Objectives

7. The policy approach to a number of areas within the Draft Plan Strategy raises concerns about the document's ability to meet its own Plan Objectives and that of the Community Plan.
8. The objective *'To build Cookstown and Magherafelt as economic and transportation Hubs and as the main service centres....'* omits any reference to growing the population of these settlements. This is not consistent with SPF2 which specifically references the need to strengthen these Hubs as residential centres.
9. Furthermore the objective *'To protect and consolidate the role of local towns and villages'* will be undermined by the overall growth strategy, policies for housing growth and economic development in the countryside.
10. The objective *'To provide for vital and vibrant rural communities whilst protecting the countryside in which they live by accommodating sustainable growth within the countryside proportionate to the extent of existing rural communities'* is noted. However, as set out in later paragraphs in this response the approach to perpetuating levels of development in the countryside proportionate to the existing extent of the development is not supportive of the change the RDS spatial framework seeks to achieve. These aspects are discussed in more detail, later in this response.

11. In addition the objective *'To accommodate investment in power, water and sewerage infrastructure and waste management'* is not supported by the growth strategy/spatial framework. This raises challenges in relation to sustainable provision of water and sewerage services to dispersed populations.

Community Plan

12. The LDP should be the spatial representation of the Community Plan (CP). It's vision is *'of a welcoming place where our people are content, healthy and safe, educated and skilled; where our economy is thriving and our environment and heritage are sustained; and where are public services excel'*. The CP correctly identifies the benefits of early intervention and prevention, acknowledging that ongoing financial constraints make a preventative approach important for the future. It identifies key findings including that Mid Ulster has the longest emergency response times in NI and that public transport is not readily available and there is a heavy reliance on the road network.
13. The CP also identifies key outcomes including: that towns and villages are vibrant and competitive; the district is better connected through appropriate infrastructure; the environment is increasingly valued and enhanced; and that there is better availability to the right health service in the right place at right time.
14. These CP outcomes are not supported by the Plan Strategy, in particular the Growth Strategy and Spatial Planning Framework which do not support a sustainable spatial development framework for the District. It is unclear how these elements of the Plan Strategy have taken account of the outcomes/ success measures identified above. Council is reminded that Soundness Test C2 requires the Council to take account of its Community Plan. These matters are addressed later in this consultation response.

Growth Strategy and Spatial Planning Framework

Consistency tests:

C1 Did the council take account of the Regional Development Strategy?

C2 Did the council take account of its Community Plan?

Coherence and effectiveness tests:

CE1 The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils.

CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.

15. In the opinion of the Department the draft Spatial Planning Framework fails to have regard to the above tests. The Department considers that this poses a serious risk to the Soundness of the Draft Plan Strategy.

SPF1 – manage growth based on sustainable patterns of development balanced across Mid Ulster, in accordance with the Regional Development Strategy with settlement limits defined for all settlements to provide compact urban forms and to protect the setting of individual settlements.

16. While the Department supports the wording of SPF1 it is of the view that the supporting policies and allocations elsewhere within the Draft Plan Strategy, in particular in relation to housing and economic development, do not support a sustainable pattern of development in Mid Ulster District.
17. The Council state that in allocating growth and defining settlement limits, account has been taken of the existing role and function of each settlement and the ability of each to accommodate sustainable growth in terms of infrastructure, services and connectivity. The Department strongly welcomes and supports acknowledgement of the need to consider sustainability. To assist in this regard, the RDS 2035 sets out a broad evaluation framework to assist with judgements on the allocation of housing growth³. It is therefore important that Council is able to show evidence of how the

³ RDS 2035 page 42.

broad evaluation framework has informed the local housing indicators set out in Appendix 1 of the Draft Plan Strategy⁴. The Department notes the Settlement Appraisals undertaken by the Council and seeks confirmation that these have helped inform the allocation to settlements under the Growth Strategy.

SPF2 – Focus growth within the three main towns/hubs of Cookstown, Dungannon and Magherafelt and strengthen their roles as the main administrative, trade, employment and residential centres within the District.

18. The Department supports strengthening the main towns of Cookstown, Dungannon and Magherafelt as administrative, trade, employment and residential centres. It notes however that the wording, while welcomed, is not consistent with the Draft Plan Strategy Objective in relation to these Hubs which omits reference to growing their population.
19. Notwithstanding the wording of SPF2, when considered ‘in the round’ the overall effect of policies and allocations within the Draft Plan Strategy runs counter to its successful achievement. Of particular concern is the approach to residential and economic development in the countryside. In the Department’s view this presents a significant risk to the Soundness of the Draft Plan Strategy, particularly in respect of Coherence and Effectiveness Test CE1 which requires that the development plan document sets out a coherent strategy from which its policies and allocations logically flow.

Strategic housing allocation

20. The amplifying text for SPF2 states that Mid Ulster District will require 11,000 new homes by 2030. This is the same figure consulted upon in the Preferred Options Paper (POP) in November 2016. Council should update its evidence to account for those dwellings built within settlements and the countryside since this time. Council state that at present, less than 30% of the District’s households are located in the three main towns (identified as Hubs/ local Hubs in the RDS 2035). It also states that focusing growth in the three main towns means that opportunities should be provided in the

⁴ Pages 243 – 261 Local Development Plan – Mid Ulster District Council - Draft Plan Strategy

local policies plan for 60% of the District's Housing Growth Indicator (HGI) to be accommodated within these settlements.

21. Clarification would be welcomed of the 'Housing Growth Local Indicators' in Annex 1 which set out a range of possible growth within each Hub. This reflects a desire to ensure that the allocation is not less than the existing share of households within the Hubs as a percentage of total for the District (27.4%). The upper limit of 60% of the HGI appears to reflect the evidence presented regarding unimplemented approvals and zonings within these Hubs being sufficient to deliver 54% of the housing need⁵.
22. Whilst the Department acknowledges the need for a degree of flexibility, Council is reminded that the purpose of the Plan Strategy is to establish the strategic direction and provide a level of certainty on which to base key development decisions in the plan area, as well as the necessary framework for the preparation of the Local Policies Plan⁶. Council should consider whether indicating a range of growth scenarios between 30% and 60% provides the required level of certainty. Furthermore it is the Department's view that an allocation of 30% of the HGI to the hub settlements is not sufficiently ambitious and will not support RDS SFG12 to grow the population of the Hubs and clusters of Hubs. It also appears not to take account of the Council's own evidence in relation to the level of commitments within the Hubs. This matter is addressed below.
23. When allocating housing growth within an LDP Council is reminded of the requirement to make an allowance for existing housing commitments by taking account of 'dwellings already constructed and approvals not yet commenced'⁷. In making such an allowance the Council should therefore not allocate substantially less growth to a settlement than can be achieved through existing commitments, unless there is clear evidence of why these will not contribute to meeting housing need in the forthcoming plan period. An allocation which fails to reflect or account for commitments, as required by policy, is unlikely to be considered realistic, appropriate, or founded on a robust evidence base. The Department seeks clarification of the information on

⁵ Mid Ulster LDP Preferred Options Paper Public Consultation report – Appendix 8

⁶ Development Plan Practice Note 7 'Plan Strategy', Paragraph 1.2

⁷ Strategic Planning Policy Statement, Page 71, Paragraph 6.139

existing commitments and residual zonings presented in Appendix 1 of the Draft Plan Strategy.

24. In relation to residual zonings, the Department welcomes acknowledgement of the potential for a phased approach, however little detail is provided other than draft policy HOU1. The Department has concerns with the wording of this policy. This is addressed in Annex 1. Council is reminded that the RDS 2035 sets a regional target of 60% of new housing to be located in appropriate brownfield sites within the urban footprint of settlements with greater than 5000 population. This should not be used to as justify a councils overall allocation of housing growth to Hub settlements⁸. The Department however welcomes acknowledgement that over the plan period the RDS Housing Growth Indicators may change.

Urban Capacity Study and Windfall Assessment

25. The SPSS identifies that *'windfall potential arising from previously developed land within the urban footprint can be a key source of housing supply over the plan period'*. In line with the objectives of the RDS 2035 it is necessary to make full allowance for this source of supply in order to prevent excessive allocation of housing land. This is necessary regardless of the quantum of existing commitments and zonings. The windfall assessment should be confined to the urban footprint.
26. The Department would highlight the need for Council to undertake an Urban Capacity Study (UCS) and further analysis to help inform windfall potential. An UCS is an important part of the preparation of an LDP, providing a comprehensive analysis of the potential for housing growth within the urban footprint. It is also an important part of the evidence base used to inform a phased approach to release of land that supports compact urban forms and more housing in existing urban areas. The Council should ensure that the strategic allocation of housing is informed and supported by an UCS and appropriate windfall allowance.

⁸ Sustainability Appraisal (including SEA) February 2019 indicates that the housing allocation is based upon the RDS 60% target

Economic Development

27. In the Cookstown Area Plan 2010, 71.5% of the land zoned for industrial/business remained undeveloped as at October 2018. Similarly 62% within the Dungannon and South Tyrone Area Plan 2010 and 94% in the Magherafelt Area Plan 2015 remains undeveloped. The Council has presented findings of a survey of businesses which includes a description of activities, numbers of staff and future expansion plans. It is unclear how these surveys have informed the overall land requirement calculation, especially in view of the low level of uptake of economic development land within extant plans. The position paper does acknowledge further work is required but this is not evident in the survey or other supporting papers.
28. In arriving at a minimum requirement of 8,500 jobs over the plan period, the Council has used 2014 population projections, an estimate of the likely requirement between the years 2023 and 2030 as well as taking into account an increase in the working age population. The method of calculation is based on achieving the DETI Strategic framework goal (2014) of 70% of the working age population economically active by 2023.
29. To facilitate the creation of 8,500 new jobs, the Council estimate that 170 hectares of land is required, based on a ratio of 50 jobs per hectare. It is assumed that all new jobs will be in the secondary and tertiary sectors, as employment in the primary sector has been in decline. The Council acknowledges that not all new jobs will be created on land zoned for economic development and that accordingly 170 hectares will result in a degree of over zoning. Council considers this will encourage economic growth by providing flexibility and choice.
30. The RDS Employment Land Evaluation Framework is an objective means of quantifying the employment land requirement. The Council has taken account of the existing land portfolio in line with Stage 1 of the framework. It is not clear how the results of this Stage and Stage 2 'understanding future requirements' have informed the quantum of employment land required across the main business sectors over the plan period.

31. In accordance with Stage 3 of the Evaluation Framework qualitative site appraisal criteria should be used to identify a portfolio of sites. These criteria should include assessment of the environmental impact of sites relative to each other. This is aimed at promoting sustainable development by ensuring consideration of all the factors set out in the SPPS such as availability of adequate infrastructure, identification of previously developed land within settlements, specialised needs of specific economic activities, potential environmental impacts and compatibility with nearby uses. The Council has identified economic development zones in Dungannon North and Granville within the Draft Plan Strategy. Evidence of the application of qualitative criteria to inform this selection is not immediately clear. Council is reminded that use of the RDS appraisal framework is important to providing a robust justification for the overall allocation of employment/economic development land in the Plan.
32. Council considers that economic development land should be distributed equitably across the three towns of Cookstown, Dungannon and Magherafelt, with approximately 55-60 hectares zoned in each. This approach is supportive of SPF2 which seeks to strengthen the role of Hubs as the main centres of employment and trade in the District. It also accords with the RDS RG1 and SFG 11 by supporting the supply of employment land in the Hubs, clusters of Hubs and larger urban centres. Development located here is best placed to capitalise on the opportunities provided by the combination of people, goods and available infrastructure within the Hubs. This also acknowledges benefits of the Hubs in terms of connectivity to main transport routes and access to labour and consumer markets.

SPF3 – Consolidate the role of the local towns of Coalisland and Maghera as service centres for their hinterlands providing appropriate development opportunities for housing, employment and leisure activities, in keeping with the scale and character of these settlements.

33. The Department welcomes the commitment to consolidate the role of the local towns of Coalisland and Maghera as important residential centres and employment locations. The Department however notes that in apportioning growth using the housing local indicators set out in Appendix 1, both local towns receive less than the number of units

capable of delivery through commitments and residual zonings. In the case of Coalisland the difference is substantial, with 468 units allocated by the Housing Local Indicator compared with the 1234 units available (at April 2016) from existing commitments and zonings. This represents a reduction of over 60%. Again, Council must clarify how they have taken account of existing commitments in arriving at the Housing Local Indicator and what, if any, consideration has been given to the role of phasing.

34. Regional Guidance set out in the RDS 2035 aims to ensure an adequate supply of land to facilitate sustainable economic growth. As previously highlighted, the Employment Land Evaluation Framework is provided to help with this assessment⁹. In line with the SPPS, Councils should ensure that there is an ample supply of suitable land available to meet economic development needs within the Plan area. In discharging this function, the LDP should offer a range and choice of sites in terms of size and location to promote flexibility and provide for the varying needs of different types of economic activity. It is noted that the Council does not propose to specifically allocate economic development land in Coalisland and Maghera as it is considered 'in the main that these would be privately led'. This reference to 'privately-led' is unclear. Decisions to zone employment land should be informed by the plan evidence and the application of the Evaluation Framework. The question of whether development is privately led or not, should not be relevant to zoning land.
35. The Settlement Appraisals for Coalisland and Maghera identify extant industry and business zonings. Maghera currently has 7.6 hectares of land zoned for industry and economic uses, while Coalisland has 19 hectares of land zoned for this purpose. It is unclear how the Council intends to deal with the existing zonings and clarification is welcomed. For example, is it the intention that in line with Plan Strategy 'no specific allocation of economic land is made to the two local towns', and therefore these zonings will not be carried forward in the Local Policies Plan.
36. The fact that no specific allocation of economic development land has been made to these towns is notable in the context of 'ECON 1 – Economic Development in Settlements'. This policy states that within towns, economic development on land

⁹ RDS 2035, Page 31 - 32, Paragraph 3.3

zoned for such purposes will conform to the Plan. However where no such allocation is made, as will be the case in Coalisland and Maghera, proposals will be determined on their individual merits. In the absence of the intention to zone economic development land within these towns, the Council should be satisfied that ECON1 provides sufficient policy direction for the assessment of economic development proposals in towns.

SPF4 – Maintain and consolidate the role of the villages as local service centres providing opportunity for housing, employment and leisure activities in keeping with the scale and character of individual settlements.

37. The approach in SPF 4 of maintaining and consolidating the role of the villages, is not supportive of RDS RG7 'Support urban and rural renaissance' where the focus is upon revitalising the centres of small towns and villages so that they meet the immediate needs of the communities they serve. The Council states that '*villages are not seen as key service centres or locations in which to direct people used to living in the open countryside*' (Paragraph 4.25). Villages however, can provide a range of services such as post offices, local retailing, libraries, local health outreach services, in line with level 1 of the RDS Infrastructure Wheel. Whilst not key service centres villages nevertheless preform a vital role in meeting the everyday needs of rural communities, including those living in the countryside.
38. RDS SFG13 'Sustain rural communities living in smaller settlements and the countryside' requires a strong network of smaller towns supported by villages to sustain and service the rural community. Accordingly, the Council is reminded of the need to revitalise villages especially those that have been static or declining. The Plan Strategy should support appropriate residential development within villages. The present approach fails to acknowledge the consequences for villages where a permissive approach to development in the countryside is set out elsewhere in the Draft Plan Strategy.

SPF6 – Accommodate development within the countryside that supports the vitality and viability of rural communities without compromising the landscape or environmental quality and whilst safeguarding our natural and built heritage.

39. As previously highlighted the RDS SFG13 seeks to sustain rural communities living in smaller settlements and the countryside primarily through measures aimed at supporting a strong network of smaller towns and villages. These include measures to establish the multi-function role of town centres; revitalise small towns and villages and facilitate the development of rural industries, businesses and enterprises in appropriate locations.
40. The SPPS sets out a range of opportunities for residential and non-residential development in the countryside as well as policies for appropriate economic development.
41. The Department however considers that the policies for development in the countryside set out within the Draft Plan Strategy will not support the achievement of SFG 6. They will instead give rise to excessive and inappropriate development which will compromise the landscape and environmental quality of the countryside. The approach also fails to take account of the RDS 2035 and SPPS regional strategic policy objectives. The Council has not presented adequate local evidence to justify departure from the approach set out within these documents. The wording of SPF6 in combination with the operational policies in the Draft Plan Strategy, does not reflect the policy direction of the RDS and SPPS where the emphasis is on the management of growth to achieve appropriate and sustainable patterns of development.

Allowance to Countryside

42. The approach of the Council in allowing at least the equivalent of 40% of the HGI (a minimum of 4400 units) to the countryside does not take account of the RDS 2035. Specifically it is not supportive of RG7 in relation to urban and rural renaissance; RG8 on managing housing growth to achieve sustainable patterns of development; SFG12 to grow the population of the Hubs; and SFG13 which seeks to sustain the overall strength of the rural community living in small towns, villages, small rural settlements and the countryside.

43. Furthermore, in allocating the growth indicated by the HGI to specific locations in the District, the Council's decision not to make an allowance for the proportion of development likely to be built in the countryside, is a serious weakness in the methodology. It also represents a departure from the approach to housing allocation set out in the options consulted upon in the Preferred Options Paper.
44. The Council is reminded that the RDS 2035 indicates that the HGI is for the whole Council area.¹⁰ It would have been appropriate to account for the proportion of housing built in the countryside under existing policy as part of the wider allocation to the plan area as a whole. This would take account of the advice set out in the RDS 2035 and would also provide a fairer reflection of the growth realistically available for allocation to all parts of the District, including Hubs, Local Towns, Villages, Small Settlements and the Countryside.
45. Furthermore, in the event that housing approvals exceed 40% of the HGI, the Draft Plan Strategy applies no contingency other than Plan Review. It therefore provides little certainty in respect of the policy that will apply should this threshold be exceeded. It would appear that in the event of a review being triggered, the Plan Strategy will continue to permit dwelling units to be approved at levels above the 40% threshold.
46. The Council has not presented local evidence to justify departure from the approach set out in the RDS and SPPS. Whilst information is presented that 40% of District's households are located in the countryside, this is not in itself evidence that can justify pursuit of an allocation and policy approach that perpetuates and exacerbates existing trends in relation to the quantum of development in the countryside. The approach fails to acknowledge that the RDS supports a drive to promote more high quality housing within existing urban areas and to revitalise the centres of small towns and villages so that they meet the needs of the communities they service, including people living in the countryside.
47. The proposed allocation to the countryside, in combination with the allocation made to rural settlements of approximately 3100 units, (Appendix 1) approximates to 7500 units, or around 68% of the 11,000 units indicated as being required over the plan period. Such an approach to housing development in the rural areas of the District is

¹⁰ RDS 2035, Page 41

not supportive of RDS SFG12 to grow the population of the Hubs and clusters of Hubs. It will not support SPF2 or achievement of growth at the higher end of the range indicated for these settlements in Appendix 1 of the Draft Plan Strategy. It also does not support a complementary urban-rural balance of housing growth across the District. The Council is reminded that the SPPS requires policy for development in the countryside to reflect and complement the overall approach to housing growth across a plan area¹¹. As highlighted previously, coherence is a key aspect of Soundness Test CE1 and the approach of the Council in this regard poses a serious risk to the Soundness of the Plan Strategy.

Operational Policy Approach to Housing in the Countryside

48. In addition to supporting vibrant rural communities and rural economy, the regional strategic objectives for Development in the Countryside in the SPPS include those aimed at managing growth to achieve appropriate and sustainable patterns of development which conserve the landscape and natural resources of the rural area. They also seek to protect the countryside from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution.
49. The SPPS sets out a range of policies that provide specific opportunities consistent with achievement of these higher level regional strategic objectives. Whilst the policy indicates that other types of development may be considered, this should be in line with other policies within the SPPS. Furthermore the SPPS states that in preparing LDPs, councils shall bring forward a strategy for sustainable development in the countryside together with policies and proposals *'that must reflect the aims, objective and policy approach of the SPPS, tailored to the specific circumstances of the area'*.
50. Where a council has included policies and proposals which are not consistent with the RDS it must be able to provide robust evidence of local justification for any departure. The Council justify the decision to bring forward additional opportunities as being consistent with evidence on the proportion of households already in the countryside. The Department does not agree that this provides robust justification for the additional opportunities identified. The decision to provide further opportunities for housing in the

¹¹ SPPS, Page 52, Paragraph 6.72

countryside is not justified in this regard and will only serve to perpetuate and exacerbate existing growth trends within the District. The Council is reminded that a Plan Strategy should bring forward a housing strategy and adopt a policy approach to meet the requirements of the RDS and SPPS while meeting its objectives for the provision of housing in the settlements of the plan area¹². In so doing Council should show the linkage between policies and proposals and how they help to implement the higher level vision, aims and objectives of the RDS¹³.

51. The Department has provided detailed comments in relation to the impact of operational policies for housing in the countryside in the Annex to this response.

Approach to Economic Development in the Countryside

52. Paragraph 4.35 of the Draft Plan Strategy states that *'Mid Ulster differs from other areas due to the successful economic developments located within the countryside'* and that *'this success is because the industry is linked to the countryside by way of agriculture or mineral development or related engineering'*.
53. The SPPS sets out the Regional Strategic Policy Objectives for development in the countryside. These include managing growth to achieve appropriate and sustainable patterns of development in the countryside which supports a vibrant rural community, as well as conserving the landscape and natural resources of the rural area, protecting it from excessive, inappropriate or obtrusive development.

Rural Industrial Policy Areas

54. Under SPF6 the Council proposes to designate Rural Industrial Policy Areas (RIPA's) in order to 'protect and consolidate' existing areas of rural industry located at Tullyvannon (Killeshil) and Desertcreat. The Council considers that these sites are of strategic importance.
55. The Department has significant concerns regarding the policy approach to RIPA's and seeks clarification on a number of matters. As regards the rationale for RIPA designation, Council state that they will *'protect and consolidate existing areas of rural*

¹² Development Plan practice Note 7 'Plan Strategy', Page 19, paragraph 13.2

¹³ Development Plan Practice Note 6 'Soundness', Page 13, paragraph 5.4.2

industrial uses and contain them within set limits whereby large scale expansion would not be permitted'. This wording indicates their primary role is to consolidate existing rural industrial uses and limit their large-scale expansion. While it is accepted that Tullyvannon is a site of existing industry, it is unclear how Desertcreat with no existing industry or associated activity warrants such a status. This site was not suggested in the POP and instead appears to have been considered because it benefits from planning permission. Although the approved development has not yet come forward a revised proposal is highlighted in the Draft Plan Strategy.

56. Further explanation should be provided on the statement that a RIPA is not a zoning, especially in view of the inclusion within the Draft Plan Strategy of Strategic RIPA zonings at Tullyvannon and Desertcreat.
57. Clustering is also given as a justification for RIPA designation. However the benefits of clustering are maximised by promoting economic development opportunities at the Hubs and Clusters first¹⁴. This acknowledges that these are best placed to benefit from and add value to regional economic growth¹⁵. The actual effect of RIPA designation will be to provide additional opportunities for new economic development to locate in the countryside. The effect will undermine the objectives of the RDS and the SPSS where the aim is to direct new economic development opportunities to the Hubs or higher performing town/city in the cluster. This suggested approach within the Plan Strategy does not support the SPSS regional strategic policy of restricting the level of new building for economic development purposes outside settlements.
58. In addition, the RDS acknowledges the importance of an adequate supply of land to facilitate sustainable economic growth¹⁶. It however identifies that employment land should be accessible and located to make best use of available services. At a regional level the focus is therefore on larger urban centres and regional gateways, although it is also necessary to identify a robust and defensible portfolio of strategic and locally important sites in LDPs.

¹⁴ RDS 2035, Page 72, SFG11: Promote economic development opportunities at the Hubs

¹⁵ RDS 2035 The Spatial Framework, Page 22.

¹⁶ RDS 2035, Page 31, RG1: Ensuring adequate supply of land to facilitate sustainable economic growth.

59. The Department is concerned that these designations, and the other potential RIPA's that may be brought forward at the LPP stage will undermine the Council's objectives in SPF 2 to focus growth within the three main towns/Hubs and strengthen their roles as the main trade and employment centres within the District. RIPAs also have the ability to weaken the objectives of SPF 4 to maintain and consolidate the role of villages as local service centres providing opportunities for employment. They also are unsupportive of RDS SFG11 which seeks to promote economic development opportunities at Hubs. As outlined earlier in this response, it is unclear if the Employment Land Evaluation Framework has been applied, especially given that the proposed Desertcreat RIPA is approximately just three miles from Cookstown, a settlement where three quarters of economic land remains undeveloped. Therefore the Department considers that such designations will not support the development of economic development land within the Hub settlements, an issue already identified within the POP and Draft PS Position Paper.
60. The Council is reminded that in order to be considered sound a DPD should set out a coherent strategy from which policies and allocations logically flow. As already outlined while different approaches are not precluded, departure from SPPS policy must be supported by a robust evidential context. All impacts need to be fully considered in combination with other policies such as the spatial framework, housing, transportation and provision of services and facilities. Without the evidence base it is considered that there is no clear justification for this alternative policy approach.

Operational approach to Economic development in the countryside

61. The RDS 2035 recognises that to sustain rural communities, new development and employment opportunities are required which respect local social and environmental circumstances. Facilitating development in appropriate locations is considered necessary to ensuring proposals are integrated appropriately within rural settlements or, in the case of countryside locations, the rural landscape.
62. The guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with the strategic policy elsewhere in the SPPS.

63. SPPS policy does therefore facilitate farm diversification, reuse of rural buildings and appropriate expansion of existing rural industries. The emphasis is on the re-use of existing buildings and the SPPS is clear that, in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development outside settlements must be restricted. Some exceptions are permitted including a small scale new-build economic development proposal outside a village or small settlement; or a proposal for a major or regionally significant economic development where a countryside location is necessary, although other limitations also apply¹⁷. These provide an appropriate balance between sustaining a vibrant rural community and protection of the environment. Council has not presented compelling evidence to justify departing from the strategic approach contained in the RDS and SPPS.
64. Council states that the area has a large numbers of entrepreneurs in the countryside, often operating on a self-employed basis. The Draft Plan Strategy therefore seeks to recognise this by encouraging farm diversification and facilitating people working from home.
65. Policy ECON2 sets out an extensive list of policy opportunities for development in the countryside. It represents a very permissive policy approach to economic development in the countryside where the emphasis is on new buildings rather than the re-use of existing structures as advocated in the SPPS.
66. The justification for policy ECON2 is in part that '*a healthy level of economic activity facilitates investment which will contribute to retaining and enhancing the appeal of the countryside as a place for people to live and visit*'. The Departments view is that the cumulative impact of these additional opportunities for new development will adversely impact landscape and environmental quality. ECON2 is not supportive of the regional strategic objectives of the SPPS. It will also undermine the economic vitality and viability of settlements and exacerbate the low up take of economic development land in the Hubs. The approach is not supportive of the objectives of SPF2 and SPF3 and is another example of a lack of coherence within the Draft Plan Strategy which raises serious concerns around Soundness, especially in relation to Test CE1.

¹⁷ SPPS, Pages 57-58 Paragraph 6.88

SPF7 – Support rural regeneration in remoter areas through the designation of Dispersed Rural Communities (DRCs)

67. Council is reminded that the SPPS does not include provision for DRCs. The Council should ensure that they have the appropriate evidence to justify the continued designation within Mid Ulster District. The draft operational policy that will apply in respect of DRCs is set out in Policy CT4. The Department has strong reservations in relation to this policy which is more promotive of single dwellings on the basis that applicants can demonstrate a substantial economic and social contribution. This is addressed in more detail in the Annex to this response.

Infrastructure

Consistency Tests

C1 Did the council take account of the Regional Development Strategy?

C3 Did the council take account of policy and guidance issued by the Department?

Coherence and effectiveness tests

CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base

68. In line with the Draft Programme for Government (PfG) the Department is focused on supporting inclusive growth by connecting people and opportunities through infrastructure.
69. The RDS 2035 seeks to support strong, sustainable growth for the benefit for all parts of Northern Ireland. Importantly it identifies the need for a co-ordinated approach for the provision of services, jobs and infrastructure and a focus on co-operation between service providers. It acknowledges that creating a critical mass to support a level of services raises challenges for service providers in meeting the needs of spatially dispersed populations¹⁸.

¹⁸ Regional Development Strategy 2035, Page 23, Paragraph 2.16

70. RG1 'Ensure adequate supply of land to facilitate sustainable economic growth'; RG8 of RDS 'Manage housing growth to achieve sustainable patterns of residential development' and RG12 'Promote a more sustainable approach to the provision of water and sewerage services and flood risk management' are of particular relevance. These regional guidelines emphasise the importance of the relationship between the location of housing, jobs, facilities and infrastructure. The availability of necessary infrastructure, including transport infrastructure, sustainable water resources and sewerage capacity is identified as particularly important.
71. Development Plan Practice Note (DPPN) 7 'Plan Strategy' indicates that the Strategy should show how the objectives for a council may be delivered and by whom, and when. This includes 'making it clear how infrastructure needed to support a Plan Strategy will be provided and ensuring that it is consistent with other relevant plans and strategies relating to adjoining areas'. The Practice Note further advises that the Plan Strategy should be both realistic and deliverable, taking into account the resources available and any potential constraints which may arise during the plan period.
72. DPPN 6 'Soundness' indicates that it may also be necessary to set out the infrastructure that will be required to support the DPD and ensure that it remains in line with prevailing regional policy and other relevant plans and programmes both within and beyond a council area.
73. The Council's approach to residential and economic development in the countryside poses significant challenges in ensuring the delivery of services and infrastructure across the Council District. It does not take account of RG1, RG8 and RG12 and is not supportive of the Plan Strategy objective of 'to accommodate investment in power, water, and sewerage infrastructure and waste management particularly in the interests of public health'.
74. Also within this objective reference is made to 'improve connectivity between and within settlements and their rural hinterland through accommodating investment in transportation to improve travel times, alleviate congestion and improve safety for both commercial and private vehicles as well as more sustainable modes of transport including buses, walking and cycling'.

SPF8 – Encourage improvements to public and private transportation provision including railway lines and upgrading of the road network.

Consistency Tests

C1 Did the council take account of the Regional Development Strategy?

C3 Did the council take account of policy and guidance issued by the Department?

75. RG2 of the RDS recognises the need to deliver a balanced approach to transport infrastructure and improve safety by adopting a 'safe systems approach' considering roads, vehicles and road users together. Accordingly, it is crucial that policy in the Draft Plan Strategy gives full protection to access arrangements in the interests of public safety to all road users.
76. Neither Policy GP1 'General Principles Planning Policy' nor TRAN4 'Access onto Protected Routes'; are considered to provide the appropriate level of coverage from an operational perspective to ensure that road safety is maintained. This is examined further in Annexes.
77. The Department welcomes the Councils recognition that public transport is essential for those people who do not have access to the private car; that consideration will be given to providing a safe environment for the pedestrian and cyclist; that when selecting land use zonings greater priority will be given to overall accessibility and that disused railway lines and river banks will be protected for future use. It is however apparent that the draft transportation policies do not fully reflect the spatial planning framework and these sentiments. There appears to be an acceptance that the majority of journeys in the Council area will be made via private car. The transportation section is lacking in a broader sense in regard to policies encouraging a shift to more sustainable travel modes within the District. The Council is reminded of the requirement to promote sustainable patterns of development which reduce the need for motorised transport, encouraging active travel and facilitating travel by public transport in preference to the private car in line with 6.297 of the SPPS.

78. The Department notes SPF8 simply seeks to encourage improvements to public transportation provision. This SPF fails to recognise the strategic imperative to locate new development in areas well served by existing infrastructure. The SPF goes part way to acknowledging the need to link public transport with land-use however it only refers to a town centre first approach to retail, leisure and other uses. It is disappointing that there is no similar recognition within this SFG of the importance of locating new residential development in areas well served by existing transport networks. The proposals in relation to 'designing for public transport', whilst welcome, are primarily an urban design matter and essentially non-strategic in nature. There is a lack of ambition in relation to achieving reduced dependence on the private car and a change in travel behaviour. The sought-after improvements to public transportation will not be achieved in the context of a spatial framework that permits continued dispersed patterns of residential growth, including single housing in the countryside at a level equivalent to 40% of the HGI.

Waste Water Infrastructure

Consistency tests

C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Coherence and effectiveness tests

CE1 The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils.

79. The Department notes the Council's intention to focus growth within the three main towns/hubs of Cookstown, Dungannon and Magherafelt under SPF2 while accommodating development within the countryside that supports the vitality and viability of rural communities under SPF6.
80. The Council will be aware of current capacity issues at the works serving the three main Hubs in the cluster and other sewerage network issues and should continue to work with statutory undertakers to address these issues.

81. The proposed level of growth in the countryside is likely to add to this problem as unsustainable levels of growth in the wrong locations leads to increased incidents of pollution and may have health and environmental risks. The Council should be mindful of the need to deliver on all three pillars of sustainable development when formulating its policies and plans in line with paragraph 3.3 of the SPPS.
82. While the infrastructural requirements of new development in the Council's General Principles Policy GP1 are welcomed, the Council is reminded that capacity is a key requirement when zoning land and there is a need to promote a more sustainable approach to the provision of water and sewerage services and integrate them with land-use planning in line with RG12 of the RDS. This highlights a requirement for close cooperation between planning authorities and the water industry in the preparation of local development plans. There should be full regard given to capacity restrictions of Waste Water Treatment Works.
83. Working with neighbouring councils is important in this regard, particularly in light of the fact that settlements within the Mid Ulster are currently served by six treatment works in adjoining council areas. Consideration of cross-boundary issues is a key test of soundness as outlined above, and Councils should have regard to other relevant plans, policies and strategies relating to any adjoining District and ensure that their policies and allocations are not in conflict with the DPDs of neighbouring Councils.

SPF9 - Facilitate improvements to the A29 which acts as the transportation spine and link between Mid Ulster's hubs and other trunk roads crossing the district.

84. SPF9 makes an important acknowledgement about remote rural communities where travel times to essential acute hospital services are greatest. This is an important issue which is further perpetuated by the Council's spatial growth strategy. The Spatial Framework set out in the RDS 2035 recognises that access to services and facilities is important. Creating a critical mass to support a level of services raises challenges for service providers in meeting the needs of spatially dispersed populations.

Cross Boundary working

Coherence and effectiveness tests:

CE1 The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils.

SPF10 – Facilitate the protection of vulnerable landscapes and conservation interests, from inappropriate and over dominant development while promoting adequate provision of open space and landscaping integrated with broader green and blue infrastructure systems.

85. SPF10 relates to the protection of vulnerable landscapes and conservation interests through existing designations, whilst also identifying new areas for protection. This is an important strategic consideration to ensure the appropriate policy coverage within the Draft Plan Strategy in line with the plan objective to protect and enhance the natural and built environment. Important or vulnerable may extend to neighbouring council areas therefore effective cross boundary working is necessary to ensure a compatible approach. This is also an important aspect of demonstrating that a plan document is sound in the context of CE1 (above).
86. The RDS provides strong regional and sub-regional guidance through a Spatial Framework for Northern Ireland which divides the Region into 5 components based on functions and geography. Implementation depends upon effective joint working between Councils. This engagement is fundamental to ensuring that the aims and objectives of Council LDPs are integrated and provide a coherent, joined up approach to regional planning issues, including the policy approach to landscape and environmental designations. Such cross boundary working also ensures that LDPs do not conflict with each other and that potential areas of conflict are identified and resolved prior to a Development Plan Document being submitted to the Department to cause an Independent Examination. The Chief Planner's letter dated September 2017 refers.
87. The Council has acknowledged the wider challenges and opportunities arising from its unique central location bordering 6 Councils: Fermanagh and Omagh District Council,

Armagh City, Banbridge and Craigavon Borough Council, Mid and East Antrim Borough Council, Causeway Coast and Glens Borough Council and Antrim and Newtownabbey Borough Council; and sharing a border with Monaghan County Council in the Republic of Ireland. The Council's engagement through 3 cross boundary forums of 'The Sperrins', 'Cross Border' and 'Lough Neagh and Lough Beg' is acknowledged. The Department welcomes recognition of the need to work with neighbouring local authorities to provide consistency of approach across the range of issues that the 3 forums seek to address. The Department is supportive of this ongoing work as this is an important aspect of soundness.

88. In general, with regard to these three cross boundary forums and associated proposed policy approaches relating to all cross boundary issues, the Council should be able to demonstrate that policy in respect of cross-boundary designations does not conflict with the DPDs of neighbouring councils as required by Soundness Test CE1. Cross boundary working is particularly important in securing wider regional planning objectives in relation to co-operation between areas. Reference is made at paragraph 1.42 to the council working with neighbouring councils towards agreeing a Statement of Common Ground on the key shared issues and setting out commitments on how to address them. It is an important part of the evidence base to demonstrate agreements reached on the policy approach, therefore the use of a Statement of Common Ground is welcomed. However, the Department notes that draft policy is being presented ahead of agreeing a way forward on key shared issues that will be addressed in the Statement of Common Ground.

Sperrins AONB

89. The Department is aware of the work that has been progressed by the Sperrins Forum, which began with a Future Search event in September 2017 where a significant amount of work was done to establish a wide range of issues affecting the area. In particular draft Policy NH6 'Areas of Outstanding Natural Beauty' requires development proposals to be sensitive to the distinctive special character and landscape quality of the Sperrins AONB and its visual amenity.
90. Whilst the draft policy refers to proposals needing to be sensitive to the distinctive special character and the quality of the landscape, it is not made clear what

engagement or agreement there has been on the policy approach with the other 3 council areas involved in the Sperrins – Fermanagh and Omagh, Derry Strabane and Causeway Coast and Glens. It is noted that the SCA for the High Sperrins is contiguous across the boundary with Fermanagh and Omagh. The Draft Plan Strategy should clarify a policy approach towards subject areas throughout the plan area. For example, the consistency of the approach to minerals development. The Lough Neagh SCA introduces a tight constraint on all development including mineral extraction, but does not refer to the High Sperrins SCA in the same way. Clarity on the application of minerals policy within the High Sperrins would be welcomed.

91. In addition, the two Areas of Significant Archaeological Interest (ASAs) which straddle the boundary with Fermanagh and Omagh District Council, at Beaghmore Stone Circles and Creggandevsky present another cross boundary issue that requires careful policy consideration.

Lough Neagh Policy Approach

92. The Department understands that the Lough Neagh and Lough Beg Forum was set up in recognition of the need to consider the cross boundary issue of these areas. In Autumn 2017 the Council tabled a discussion/policy paper which addressed a range of issues. These included environmental designations, protection of natural heritage, minerals development, sustainable tourism and flooding. It is noted that the policy paper outlined the basis for proposed policies and designations, as set out in the Draft Plan Strategy.
93. One such designation proposes to introduce Special Countryside Areas along the lough shores of Lough Neagh and Lough Beg (Policy SCA 1) within which, it is stated in the corresponding draft policy, there will be a presumption against all new development in order to protect the quality and unique amenity value of the unique landscape. The Department understands the intention behind the Council's proposed additional layer of environmental protection, which is essentially a 'set back' area from the lough shore.
94. The SPPS states that exceptional landscapes designated as SCAs are where the quality of the landscape and unique amenity value is such that development should

only be permitted in exceptional circumstances. The 5 existing SCAs in Northern Ireland are exceptional landscapes and remain so due to the limitations on development. There are a number of exceptions to the proposed designation within the Draft Plan Strategy which may undermine the overall effectiveness of the designation. The Department will provide further comment on operational policies in Annex 1.

Cross Border

95. Cross boundary working is particularly important in securing wider regional planning objectives in relation to co-operation between areas. This is particularly relevant in the context of the delivery of the A5 flagship major road scheme which is identified in the RDS 2035 as a Key Transport Corridor. As acknowledged in the RDS certain key infrastructure brings mutual benefit to all parts of the island. Co-operation at strategic planning level ensures that the greatest added value is extracted from investment in shared infrastructure.

Monitoring

Coherence and effectiveness tests

CE3 – There are clear mechanisms for implementation and monitoring.

96. A council may revise its Plan Strategy or Local Policies Plan at any time (after adoption), or by direction by the Department. This requires councils to keep under review the implementation of their plans to ensure that LDP objectives are being achieved.
97. The Department notes the provisions in Draft Plan Strategy on monitoring and framework. However, Council may find it difficult to measure policy effectiveness without any specific targets being identified that would trigger the need for a review. DPPN 6 states that 'monitoring is essential for the delivery of the DPD and should provide the basis to trigger any requirement to amend the strategy, policies and proposals of the DPD.'

Next Steps

98. The Department is content to discuss any of the issues highlighted in this response which raise possible risks to the soundness of the Draft Plan Strategy. The matter of whether a development plan document is considered sound will be for the Independent Examination and following consideration of representations and counter-representations, it is for the Council to ensure that the Draft Plan Strategy is sound when submitted for Independent Examination.

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Submission of a Representation to Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Local Development Plan
Representation Form
Draft Plan Strategy

Ref:
Date Received:
(For official use only)

Name of the Development Plan Document (DPD) to which this representation relates

Representations must be submitted by 4pm on 19th April 2019 to:

Mid Ulster District Council Planning Department
50 Ballyronan Road
Magherafelt
BT45 6EN

Or by email to developmentplan@midulstercouncil.org

Please complete separate form for each representation.

SECTION A

1. Personal Details

Title

First Name

Last Name

Job Title
(where relevant)

Organisation
(where relevant)

2. Agent Details (if applicable)

Address Line 1

Line 2

Line 3

Line 4

Post Code

Telephone
Number

E-mail Address

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(i) Paragraph _____

(ii) Objective _____

(iii) Growth Strategy/

Spatial Planning Framework SPF 2- Page 39 Paragraph 4.17

(iv) Policy _____

(v) Proposals Map _____

(vi) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningni.gov.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No. P2

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated 26th January 2017 indicating the importance of the need to target growth where the infrastructure is in place or planned.

The Department would have expected the Council to have taken account of these comments in their Draft Plan Strategy as policy considerations for selecting land to be zoned for housing

(If not submitting online and additional space is required, please continue on a separate sheet)

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The Department recognises that the Council mentions '*access to public transport*' in paragraph 4.17 however allocation of land for housing should clearly take account of existing infrastructure and the requirement for infrastructure that developers will be expected to deliver to facilitate housing development.

In addition to the issues relating to "soundness" outlined above, the following comments are offered.

Growth Strategy and Spatial Planning Framework – Page 34 Map 1.1 –As bypasses are illustrated on this map it should also take account of the A5WTC which is a flagship project for the Department

Growth Strategy and Spatial Planning Framework - Page 42 Paragraph 4.37 – It is suggested that the following bullet point be included "*be able to accommodate infrastructure improvement if considered necessary*"

(If not submitting online and additional space is required, please continue on a separate sheet)

7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(vii) Paragraph _____

(viii) Objective _____

(ix) Growth Strategy/

**Spatial Planning Framework Paragraph 4.62 Page 52 Granville Zones D
ECON 1, ECON 2, ECON 3, ECON 5, Dungannon Zone D ECON 7**

(x) Policy _____

(xi) Proposals Map _____

(xii) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningni.gov.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No. C3, CE2

8. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

In earlier correspondence with Mid Ulster District Council in relation to proposed zoning of economic development land at Granville and Dungannon, the Department provided detailed transport comments dated 12th January 2018, 17th August 2018 and 7th November 2018.

Paragraph 4.62 identifies the proposed economic sites for Granville and Dungannon and their Key Site requirements. If Key Site requirements are to be identified at this stage of the LDP process, the Department would have expected that its comments would have been fully addressed. The key concerns are that the suitability of existing road infrastructure and the need to promote public transport have not been taken into account in the Key Site requirements. This is vital to ensure road safety, traffic progression is not compromised and that sustainable transport is also embedded in planning policy.

(If not submitting online and additional space is required, please continue on a separate sheet)

9. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The Department would have expected their comments in relation to Transport Assessments and Travel Plans to be incorporated within the Key Site requirements. i.e.

"for all sites and depending on the scale of development a Transport Assessment and potentially a Travel Plan, will likely be required as part on any proposal this would help demonstrate the development impacts and proposed mitigations if required".

The Department notes a Concept Masterplan is required for sites D ECON 1, 2 & 4, but is not a requirement for sites D ECON 3, 5 & 7. In the interests of comprehensive development, masterplans would be expected for all sites.

Public Transport

Public Transport should be a key consideration of all the economic zonings and should be promoted to reduce the reliance on the private car and to create more sustainable travel patterns

D ECON 1

For proposed economic site D ECON 1 the Department would have expected the Council to incorporate all of the wording into the KSI's from the advice given in our earlier correspondence i.e. *"to accommodate the extra traffic volumes including HGV traffic that economic development will generate the Eskragh Road must be upgraded to current industrial standards with infrastructure improvements and a footway/cycle way provided to the existing network at Dungannon Industrial Park. Proposals must also demonstrate how all modes of transport will be accommodated."*

D ECON 2

For proposed economic site D ECON 2 the Department would have expected the Council to incorporate all of the wording into the KSI's from the advice given in our earlier correspondence i.e. *"the Killyliss Road is currently unsuitable for the extra traffic volumes including HGV's that would be generated by an economic development site therefore it will require upgrading to current industrial standards with infrastructure improvements and a footway/cycle way provision to the existing network. Access points and junction staggers for the two sites must be in accordance with current guidelines. Proposals must also demonstrate how all modes of transport will be accommodated."*

D ECON 3

For proposed economic site D ECON 3 the Department would have expected the Council to incorporate all of the wording into the KSI's from the advice given in our earlier correspondence i.e. *"the Killyliss Road is currently unsuitable for the extra traffic volumes including HGV's that would be generated by an economic development site therefore it will require upgrading to current industrial standards with infrastructure improvements and a footway/cycle way provision to the existing network. Access points and junction staggers for the two sites must be in accordance with current guidelines. Proposals must also demonstrate how all modes of transport will be accommodated."*

D ECON 5

For proposed economic site D ECON 5 the Department would have expected their concerns to be addressed in relation to strategic traffic access/egress problems from Granville Industrial Estate on to the A45 Granville Road to be taken into consideration. The access from the Granville Industrial Estate onto the A45 Granville Road and the road leading into the Industrial Estate itself must be able to demonstrate that it can safely take the extra traffic that this proposal would generate.

D ECON 7

For proposed economic site D ECON 7 the Department would have expected their concerns to be addressed in relation to visibility improvements to the vertical alignment of the A29 Cookstown Rd and appropriate junction staggers to current design standards. Concerns were also raised in relation to traffic congestion at peak times with extra traffic having to negotiate Dungannon Town. A Transport Assessment will be required to demonstrate the impacts and what mitigation may be required.

(If not submitting online and additional space is required, please continue on a separate sheet)

10. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(xiii) Paragraph _____

(xiv) Objective _____

(xv) Growth Strategy/
Spatial Planning Framework _____

(xvi) Policy **GENERAL PRINCIPLES PLANNING POLICY – Policy GP 1 – Pages 58-60, points d, e and f and TRANSPORTATION - Policy TRAN 3 - Car Parking - Page 245, Policy TRAN 4 - Access onto Protected Routes and other Route Ways - Page 246.**

(xvii) Proposals Map _____

(xviii) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningni.gov.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No. P2, C3, CE2

11. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following ***"It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan"***. This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. The Department for Infrastructure also issued guidance on the preparation of LDP policies for transport on the 7th February 2019 to the Council. This guidance reflected the Department's suggested Best Practice Policy Wording that should be applied to any new Transport Policies that the Council introduced into the Draft Plan Strategy.

The Department has concerns that the draft policy wording for GP 1 items d, e, f and TRAN 3 & 4 does not fully address the Key Considerations that are contained within the above mentioned guidance. These Key Considerations to be addressed are -

- Active travel networks
- Park & share/ride
- Creating an accessible environment
- Access to public roads
- Protected routes
- Transport assessments and travel plans
- Walking and cycling
- Car parking

Whilst the Department would prefer that all transport policies are contained within one policy section in the interests of clarity and consistency, where General Principles policies are to be used their must be clear linkage and sufficient detail provided. There are concerns with the current wording in that there is not sufficient policy coverage or linkage between GP 1 and the various transport policies to be able apply them in the interests of transportation and road safety.

Active Travel - Walking, Cycling and Public Transport

There is not sufficient policy coverage between GP1 and the Transport policies for walking, cycling and public transport. As a result, this will have a significant impact on promoting active travel and the ability to reduce journey's made by car. Programme for Government Outcomes 2 and 11 commit the Department to securing increased levels of journeys made by walking, cycling and public transport. In order to achieve this, walking and cycling as everyday modes of transport, within urban areas, must be made easier. To address this, new development should incorporate safe walking and cycling routes

within the site and provide links to existing or programmed cycle networks. Planning authorities have a key role to play in this through the LDP and development management process.

Park & Ride/Share

The Department notes that there is no proposed policy for Park & Ride and Park & Share sites in the MUDC Draft Plan Strategy. We would consider it essential that one is provided. The Regional Strategic Objectives within the SPPS acknowledge the importance of encouraging active travel and facilitating travel by public transport in preference to the private car and explicitly includes an objective *"to promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion"* (6.297). This is one of the ways in which planning can support the creation of an environment where there are more opportunities for active and sustainable travel through Park & Share and Park & Ride thereby reducing traffic congestion on the transport network.

Access to public roads

The SPPS does not provide detail on access arrangements to public roads that are not classed as protected routes. Therefore the Department would consider it crucial that, any new policy wording contained within the Mid Ulster District Council Draft Plan Strategy gives full protection to access arrangements in the interests of public safety to all road users. It is important to fully consider the effect any proposed new development will potentially have on the transport network. A well designed access is important for the safety and convenience of all road users therefore the Council should ensure appropriate policy wording is included in the LDP. Neither GP 1 nor Policy TRAN 4 take appropriate account of this. There is insufficient policy coverage from an operational level to ensure that road safety, traffic progression and intensification is properly taken account of. It is also recommended that Access to Public Roads and Protected routes are covered separately and not be combined as per Policy TRAN 4 is the interests of clarity and consistency.

Protected Routes

The hierarchy of public roads identified in the SPPS and guidance document as indicated below is not followed. As a result there is no clear protection afforded to key routes that fall under categories 'a' & 'b' which has a significant impact on road safety and traffic progression. There is some protection afforded to category 'c' but needs further policy coverage to be consistent with the SPPS. It is vital to protect these types of roads as they also contribute significantly to economic prosperity by providing efficient links between all the main towns, airports and seaport, and with the Republic of Ireland.

a) Motorways and high standard dual carriageways – All locations: Planning permission will not be granted for development proposals involving direct access – with the potential exception for motorway service areas where there is demonstrable need.

b) Other dual carriageways, Ring Roads, Through-Passes and By-Passes – All locations: Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

c) Other protected routes – outside settlements and within settlements:

Transport Assessments and Travel Plans

There is insufficient policy coverage in GP1 or the Transport policies to ensure that Transport Assessments and Travel Plans are submitted and implemented to support development.

Transport Assessments (TA) are a significant tool that assists with the integration of transport policy and land-use planning. The SPPS identifies the requirement for planning authorities to "apply the Department's published guidance". Travel Plans can also set out complementary measures to help to mitigate adverse impacts highlighted by TA's.

LDP policy should make reference to the Departments current published TA guidance, and include reference to developer contributions – *"where a development necessitates the provision of additional transport infrastructure improvements these costs shall be borne by the developer."*

Car Parking

GP1 or TRAN3 does not provide sufficient policy coverage to ensure appropriate parking and its design is provided for.

The proposed policy wording does not give consideration to:

Car parking and servicing must take account of road safety and not to inconvenience the flow of people and goods

Provision of temporary car parking

Design and layout of car parks

We would suggest expanding on this policy wording in line with the guidance issued to ensure sufficient policy coverage to inform development proposals.

GP1 General Principles Planning Policy 'd' Advertisement -

The Department would have concerns that para 'd' of GP1 is the only policy on the Control of outdoor advertisements. It would be of the view that there is insufficient policy coverage to control the growing area of outdoor advertising. The wording '*no significant impact on amenity or public safety*' would raise some concern for the Department in that how is **no significant impact** determined or assessed. Public safety should not be impacted upon by advertising and should be controlled to ensure it is not prejudiced.

It is suggested that a specific policy is developed to ensure proper planning control and that any new policy should include guidance for LED advertising,

(If not submitting online and additional space is required, please continue on a separate sheet)

12. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

Policy GP1 – General Principles Planning Policy

Advertisement

Policy wording for control of advertising should not be detrimental to amenity or prejudice public safety. In that respect the Department would suggest the following policy wording.

Consent will be given for the display of an advertisement where:

- (i) it respects amenity, when assessed in the context of the general characteristics of the locality;
- (ii) it does not prejudice public safety.

LED advertising is not included in the guidance related to this policy. Due to the increasing numbers of requests for LED advertising and in the interests of public and road safety as mentioned in the SPPS, the Department would suggest the following guidance is added to Appendix 2 Page 262 of the Draft Plan Strategy -

"Digital advertising screens should only display static images and should not contain moving images. The rate of change between successive displays should not be instantaneous and should not include the sequencing of images over more than one advert or a message sequence, where a message is spread across more than one screen image."

"The minimum duration any image shall be displayed shall be determined by the Council."

"The minimum message display duration should ensure that the majority of approaching drivers do not see more than two messages. The minimum message display duration of each image shall be calculated by dividing the maximum sight distance to the digital advertisement (metres) by the speed limit (metres/second) of the road (30mph = 13.4m/s, 40mph = 17.9m/s, 50mph = 22.4m/s, 60mph = 26.8m/s, 70mph = 31.3m/s."

"The luminance of the screen should be controlled by light sensors which automatically adjust screen brightness for ambient light levels, in order to avoid glare at night and facilitate legibility during daytime. The proposed advertising screen should generally comply with the Institute of Lighting Professionals' guidance PLG05, 'The Brightness of Illuminated Advertisements'. Maximum night time luminance of the digital screen must not exceed the appropriate value from Table 4 of PLG05, which must be considered in conjunction with the environmental zones as defined in Table 3 of PLG 05. Proposed luminance levels and control arrangements are to be agreed by the Department for Infrastructure – Roads."

"Advertisements shall not resemble traffic signs or provide directional advice."

"Road Traffic Regulation (NI) Order 1997 makes it an offence to display any sign which resembles a traffic sign on or near a public road."

"Telephone numbers and website addresses should not be displayed."

The Department would suggest that all transport related policies in the Draft Plan Strategy document must take full and proper account of the key policy areas contained in the guidance issued to Mid Ulster District Council. The purpose of this document which is appended contains best practice policy approach and wording to assist Councils with the drafting of sound operational planning policies to be included within the Local Development Plan.

(If not submitting online and additional space is required, please continue on a separate sheet)

In addition to the issues relating to "soundness" outlined above, the following comments are offered.

Policy TRAN 1 – New Roads and Road Improvement Schemes – Page 245 -

Justification and Amplification, paragraph 23.10 – In relation to the A29 Cookstown By Pass, the Department would suggest removing the sentence *"it is anticipated that a new road line will come forward by 2020"* to *"the preferred route was announced in 2010 and its detailed design is been progressed"*

As the A5WTC is a flagship infrastructure project, the Department would expect that it be referred to in the Infrastructure section of the Draft Plan Strategy and specifically were other transport projects are referred to.

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(xix) Paragraph _____

(xx) Objective _____

(xxi) Growth Strategy/

Spatial Planning Framework _____

(xxii) Policy **SOCIAL POLICIES - HOU 2 – Quality Residential Development – Page 67 and Policy HOU 4 – Conversion of existing buildings to flats, apartments or houses in multiple occupation – Page 72**

(xxiii) Proposals Map _____

(xxiv) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

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Soundness Test No. P2, CE2

13. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following ***"It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan"***. This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. No other opportunities of engagement with the Council on their draft Social/Housing Policies were offered to the Department. The Department is concerned that this draft policy wording does not fully address transport issues such access to public roads, road safety, traffic progression, etc. There is also limited linkage between the Housing Policies, GP1 and the Transport policies which raises concerns.

Policy HOU 2 Quality Residential Development -

The Department recognises that in Draft Policy HOU 2 bullet point 'iv' The Council has mentioned *"it provides access to other modes of transport other than the car and provides linkages to community facilities"* (reference also in Justification and Amplification). In paragraph 7.39 page 71, the Council states *"In addition to the policy requirements, housing developments will also be required to meet all highway standards and accord with the general principles policies...."* The Department is of the opinion that there is not enough coverage or protection to provide a quality residential development in terms of layout, design etc.

Policy HOU 4 Conversion of existing buildings to Flats, Apartments or Houses in multiple occupation -

The Department recognises that on page 73 paragraph 7.47 The Council mentions "Creating Places." The Department would also consider it essential to address the road safety issue of *"any access to the public road will not prejudice road safety or significantly inconvenience the flow of people or goods."*

(If not submitting online and additional space is required, please continue on a separate sheet)

14. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

If the deficiencies in transport related policies were taken account of and appropriate linkages provided to the Social/Housing Policies this would go a long way to resolving the soundness concerns raised.

Policy HOU 2 Quality Residential Development -

Paragraph 7.37 page 71 states "*the Council considers it reasonable to expect that developers will contribute to the cost of provision of necessary facilities or infrastructure*" The Department would consider it essential that developers would meet the full cost of road infrastructure or improvements if necessitated by their development and would suggest the wording be changed to reflect this position.

In addition to the issues relating to "soundness" outlined above, the following comments are offered.

Within the policy wording of HOU2 under bullet point 'vi' we would suggest adding the word "*improvements*" after "local infrastructure"

If not submitting online and additional space is required, please continue on a separate sheet)

15. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

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Oral Hearing

☒

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Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(xxv) Paragraph _____

(xxvi) Objective _____

(xxvii) Growth Strategy/
Spatial Planning Framework _____

(xxviii) Policy **HOUSING IN THE COUNTRYSIDE – Policy CT 1 – General Policy – Page 79, Policy CT 2 – Dwellings in the Countryside – Page 82 and Policy CT 3 – Social and Affordable Housing in the Countryside – Page 88**

(xxix) Proposals Map _____

(xxx) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound ☐ Unsound ☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

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Soundness Test No. P2, CE2

16. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following ***"It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan"***. This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. No other opportunities of engagement with the Council on their draft Housing in the Countryside policies were offered to the Department. The Department has concerns that the draft policies do not fully address access to public roads, road safety, traffic progression and accessibility for all modes of transport. There is also limited linkage between these policies, GP1 and the Transport policies which raises concerns.

(If not submitting online and additional space is required, please continue on a separate sheet)

17. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

If the deficiencies in transport related policies were taken account of and appropriate linkages provided to these policies this would go a long way to resolving the soundness concerns raised.

Planning Policies for Housing in the Countryside needs to take account of the existing infrastructure, access to public roads, road safety, and traffic progression. Consideration also needs to be given all modes of transport.

Policy CT 2 – Dwellings in the Countryside -

The Department would suggest that for a - Dwelling on a Farm the following policy wording be added -

"and where practicable access to the dwelling should be obtained from an existing lane."

(If not submitting online and additional space is required, please continue on a separate sheet)

18. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(xxxi) Paragraph _____

(xxxii) Objective _____

(xxxiii) Growth Strategy/

Spatial Planning Framework _____

(xxxiv) Policy **Open Space Recreation and Leisure – Policy OS 3 – Outdoor Sport and Recreation – Page 110 and Policy OS 4 - Indoor Sport and Intensive Outdoor Sport Facilities – Page 112** _____

(xxxv) Proposals Map _____

(xxxvi) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be **unsound**, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

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Soundness Test No. P2, CE2

19. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following ***"It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan"***. This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. No other opportunities of engagement with the Council on their draft Open Space, Recreation and Leisure policies were offered to the Department. The Department has concerns that the draft policy wording within OS 3 and OS 4 does not take into account the road network being able to safely handle the extra vehicular traffic any proposal would generate. There is also no reference to possible need for infrastructure improvements, satisfactory arrangements being provided for site access, car parking, convenience and accessibility for all and means of transport other than the private car. There is also limited linkage between these policies, GP1 and the Transport Policies which raises concerns.

(If not submitting online and additional space is required, please continue on a separate sheet)

20. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

If the deficiencies in transport related policies were taken account of and appropriate linkages provided to these policies this would go a long way to resolving the soundness concerns raised.

Planning Policies for Open Space, Recreation and Leisure needs to take account of the existing infrastructure, access to public roads, road safety, parking and traffic progression. Consideration also needs to be given all modes of transport.

(If not submitting online and additional space is required, please continue on a separate sheet)

21. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(xxxvii) Paragraph _____

(xxxviii) Objective _____

(xxxix) Growth Strategy/

Spatial Planning Framework _____

(xl) Policy **Economic Policies – Policy ECON 2 – Economic Development in the Countryside – Page 118** _____

(xli) Proposals Map _____

(xlii) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningportal.gov.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No. P2, CE2

22. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following "***It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan***". This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. No other opportunities of engagement with the Council on their draft Economic policies was offered to the Department. The Department has concerns that this draft policy does not give the full coverage or protection required for Policy ECON 2. In particular it does not take into account the road network being able to safely handle the extra vehicular traffic any proposal would generate. There is also no reference to possible need for infrastructure improvements, satisfactory arrangements being provided for site access, car parking, accessibility for all and means of transport other than the private car.

There is also a concern that this policy could promote a proliferation of economic development in the countryside due the perceived low threshold of acceptability. This could have significant implications for both the rural and strategic road network in terms of access and traffic generation. It is vital that the key transport routes are afforded protection with very limited access as they contribute significantly to economic prosperity by providing efficient links between towns and cities. This policy and TRAN 4 - Access onto Protected Routes and other Route Ways, could create the ability for economic development proposals which are not of regional significance to gain access on to rural sections of the protected route network. There is also a concern that the draft Economic Development policies for the countryside could create a scenario whereby a significant level of retail development could gain approval in connection with an established road side service area/filling station. Such scenarios would be considered unacceptable to the Department.

There is also limited linkage between these policies, GP1 and the Transport policies which raises concerns.

(If not submitting online and additional space is required, please continue on a separate sheet)

23. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

If the deficiencies in transport related policies and the potential conflicts between ECON2 and access on to Protected Routes as per the SPPS were taken account of with appropriate linkages provided to these policies, this would go a long way to resolving the soundness concerns raised.

Planning Policies for Economic Development in the Countryside need to take account of the existing infrastructure, access to public roads, road safety, parking and traffic progression. Consideration also needs to be given all modes of transport

(If not submitting online and additional space is required, please continue on a separate sheet)

24. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(xliii) Paragraph _____

(xliv) Objective _____

(xlv) Growth Strategy/

Spatial Planning Framework _____

(xli) Policy Minerals – Policy MIN 2 - Extraction and Processing of Hard Rock – Page 143 and Policy MIN 3 – Valuable Minerals and Hydrocarbons – Page 145

(xlvii)

(xlviii) Proposals Map _____

(xlix) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningni.gov.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf).

Soundness Test No. P2, CE2

25. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following "***It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan***". This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. The Department has concerns that this draft policy does not give the full coverage or protection required for Policy MIN 2 and MIN 3. In particular it does not take into account the road network being able to safely handle the extra vehicular traffic any proposal would generate. There is also no reference to possible need for infrastructure improvements and satisfactory arrangements being provided for site access.

There is also limited linkage between these policies, GP1 and the Transport policies which raises concerns.

(If not submitting online and additional space is required, please continue on a separate sheet)

26. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

If the deficiencies in transport related policies were taken account of and appropriate linkages provided to these policies this would go a long way to resolving the soundness concerns raised.

Planning Policies for Mineral Extraction need to take account of the existing infrastructure, access to public roads, road safety and wheel wash facilities etc.

(If not submitting online and additional space is required, please continue on a separate sheet)

27. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(I) Paragraph _____

(II) Objective _____

(lii) Growth Strategy/

Spatial Planning Framework _____

(lii) Policy Tourism – Policy TOU 2 – Resort Destination Development – Page 158 and Policy TOU 3 – Tourism Accommodation – Page – 159 and Policy TOU 4 – Other Tourism Facilities/Amenities and Attractions – Page 161

(liv)

(Iv) Proposals Map _____

(Ivi) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningni.gov.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No. P2, CE2

28. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following ***"It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan"***. This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. The Department has concerns that this draft policy wording does not give the full coverage or protection required for Policy TOU 2, TOU 3 and TOU 4. In particular the draft policies do not take full account access requirements, infrastructure requirements and accessibility in terms of walking, cycling & public transport.

There is also limited linkage between these policies, GP1 and the Transport policies which raises concerns.

(If not submitting online and additional space is required, please continue on a separate sheet)

29. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

If the deficiencies in transport related policies were taken account of with appropriate linkages provided to these policies, this would go a long way to resolving the soundness concerns raised.

Planning Policies for Tourism need to take account of the existing infrastructure, access to public roads, road safety, accessibility in terms of walking, cycling & public transport parking and traffic progression.

(If not submitting online and additional space is required, please continue on a separate sheet)

30. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(Ivii) Paragraph _____

(Iviii) Objective _____

(Iix) Growth Strategy/

Spatial Planning Framework _____

(i) Policy **Waste Management – Policy WM 1 – Waste Management: General Policy – Page 221 and Policy WM 2 – Waste Collection and Treatment Facility Policy – Page 223 and Policy WM 3 – Waste Disposal – Page 225.**

(ii)

(iii) Proposals Map _____

(iv) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningportal.gov.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf).

Soundness Test No. P2, CE2

31. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following "***It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan***". This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. The Department has concerns that this draft policy wording does not give the full coverage or protection required for Policy WM 1, WM 2 and WM 3.

In particular the draft policies does not take full account of access arrangements, infrastructure requirements, parking and servicing.

There is also limited linkage between these policies, GP1 and the Transport policies which raises concerns.

(If not submitting online and additional space is required, please continue on a separate sheet)

32. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

If the deficiencies in transport related policies were taken account of with appropriate linkages provided to these policies, this would go a long way to resolving the soundness concerns raised.

Planning Policies for Waste Management need to take account of the existing infrastructure, access to public roads, road safety, parking and servicing.

(If not submitting online and additional space is required, please continue on a separate sheet)

33. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(v) Paragraph _____

(vi) Objective _____

(vii) Growth Strategy/

Spatial Planning Framework _____

(viii) Policy **Telecommunications, Overhead Cables, High Structures and Other Utilities – Policy TOHS 1 – Outside Areas of Constraint on Wind Turbines and High Structures – Page 228**

(ix) Proposals Map _____

(x) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningportal.co.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No. CE2

34. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following "***It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan***". This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. The Department has concerns that this draft policy wording does not give the full coverage or protection required for Policy TOHS 1.

The proposed policy wording within TOHS 1 does not make reference to the positioning of new wind turbines. The Department would expect wording to be included to cover these concerns.

(If not submitting online and additional space is required, please continue on a separate sheet)

35. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The Department would expect any new policy to include wording to cover the positioning of new wind turbines. The following policy wording should be considered –

"Although wind turbines erected in accordance with best engineering practice are considered to be stable structures, they should be set-back at least fall over distance plus 10% from the edge of any public road, public right of way or railway line so as to achieve maximum safety." (For clarity, fall over distance is total height + turbine blades.)

(If not submitting online and additional space is required, please continue on a separate sheet)

36. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

☐

Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(xi) Paragraph _____

(xii) Objective _____

(xiii) Growth Strategy/

Spatial Planning Framework _____

(xiv) Policy **Renewable Energy – Policy RNW 1 – Renewable Energy – Page 235**

(xv) Proposals Map _____

(xvi) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound

☐

Unsound

☒

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at

https://www.planningni.gov.uk/index/advice/practicenotes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No. P2, CE2

Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The Department provided a response to the POP dated the 26th January 2017 advising the following ***"It is important that current policies PPS 3, DCAN 15, PPS 7, and PPS 13 are brought forward into the new plan"***. This was to ensure that well established transport principles and policy wording were incorporated into the new planning policies with appropriate linkages provided to the various development policies. The Department has concerns that this draft policy wording does not give the full coverage or protection required for Policy RNW 1.

The Department has concerns that the draft policy wording within RNW 1 does not address access arrangements, parking, infrastructure requirements, etc.

There is also limited linkage between these policies, GP1 and the Transport policies which raises concerns.

(If not submitting online and additional space is required, please continue on a separate sheet)

37. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

If the deficiencies in transport related policies were taken account of with appropriate linkages provided to these policies, this would go a long way to resolving the soundness concerns raised.

Planning Policies for Renewable Energy need to take account of the existing infrastructure, access to public roads, road safety, parking etc.

We would consider the need for the following wording to be included in the proposed policy -

"Although wind turbines erected in accordance with best engineering practice are considered to be stable structures, they should be set-back at least fall over distance plus 10% from the edge of any public road, public right of way or railway line so as to achieve maximum safety." (For clarity, fall over distance is total height + turbine blades.)

The Department notes that on page 27 paragraph 2.16 the Best Practice Guidance to PPS 18 Renewable Energy will remain as material guidance and within paragraph 22.8, page 234 under Regional Policy Context indicates that it will be taken into account when assessing such applications.

We would like to emphasise the importance of the following wording within the Best Practice Guidance to PPS 18 Renewable Energy especially in relation to Wind Energy on page 237 -

The road access to a wind farm site will need to be able to accommodate trailers carrying the longest loads (usually the blades), as well as the heaviest and widest loads (generally the cranes required in erection). Amendments to existing roads required to gain access to site should be detailed in any wind farm planning application."

"Applicants are advised to consult at an early stage with DfI Roads for development affecting public roads. In the case of railway lines consultation should take place with Translink.

Concern is often expressed over the effects of wind turbines on car drivers, who may be distracted by the turbines and the movement of the blades. Drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attention. At all times drivers are required to take reasonable care to ensure their own and others' safety. Wind turbines should therefore not be treated any differently from other distractions a driver

must face and should not be considered particularly hazardous. The provision of appropriately sited lay-bys for viewing purposes may be helpful in giving an opportunity to view the wind energy development in safety; lay-by size should be adequate to cater for tour buses.

The degree of disturbance caused by the construction phase of a wind farm will depend on the number of turbines and the length of the construction period. Public perception of the construction phase will derive mainly from physical impact and traffic movements. The traffic movements to be expected will involve:

- vehicles bringing aggregate to the site including concrete for foundations;*
- vehicles removing spoil from the site;*
- vehicles (which may be articulated) bringing turbine components to the site;*
- the vehicles of those working on the site; and,*
- the crane(s) to erect the turbines.*

Although construction traffic for a wind turbine development will essentially be no different from other developments, many turbines will be sited in areas served by the minor road network. In such cases, it may be necessary to impose suitable conditions on consents or enter a legal agreement with the developer to control the number of vehicle movements to and from the site in a specified period and, where possible, the route of such movements, particularly by heavy vehicles. Further requirements for strengthening bridges may also be required by DfI Roads. Where culverting of any watercourse under site roads is planned consent from DfI Rivers will also be required.

(If not submitting online and additional space is required, please continue on a separate sheet)

38. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

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Oral Hearing

☒

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

Response to Mid Ulster LDP Plan Strategy

Transport Planning and Modelling Unit welcomes the opportunity to formally respond to the Mid Ulster Local Development Plan – Plan Strategy. We have taken time to review the Plan Strategy and have chosen to respond, in this ‘free’ format, highlighting the strategic areas of the strategy that we consider currently present a risk to the ‘soundness’ of the plan.

We have presented the key strategic issues identified under what we consider to be the relevant ‘soundness’ test. Where an issue is identified we have endeavoured to highlight what modification the council should consider in order to remedy this. We would also wish to stress our desire to work collaboratively with the Council so as to resolve as many issues as possible in advance of the Independent Examination process.

Soundness Test:

P2 Has the Council prepared its Preferred Option Paper and taken into account any representations made

It is not clear to TPMU that the Council has considered the formal feedback submitted by the Department at the POP stage. A number of issues raised by TPMU/ Roads in January 2017 (such as the settlement pattern, Development in the Countryside and the importance of Accessibility Analyses) have not been addressed or do not appear to have been fully considered.

In addition, significant TPMU/ Roads effort went into engagement with the LDP team providing officials with Accessibility Analyses maps and interpretation of said Analyses in relation to potential industrial and social housing zonings - it is disappointing to note that this has not been accurately reflected in the Plan Strategy.

It is the Departments position that the growth strategy and spatial planning framework (which permits a substantial proportion of housing to the Countryside (where there is generally limited or no public transport) does not apply the principles of integrated land-use and transport. Furthermore, whilst Council make reference to increasing accessibility in settlements, and considering overall accessibility (paragraph 4.49) it is not clear if Council have applied/ made use of the Accessibility Analyses tools made available to them. The Accessibility Analyses identifies where public transport services operate currently and therefore where access to essential services may be possible without private car. It is the Department’s view that this approach should be a key element of selecting and prioritising which areas are identified for growth within the Councils growth strategy and spatial planning framework. It appears that Plan Strategy attempts to maintain the prevalent settlement pattern of the area – rather than attempt to ‘shape the district’.

Further, it is also the view of the Department that Economic Development policies (SPF 2, ECON 1 and ECON 2) do not appropriately apply the principles of integrated land-use and transport. It does not appear that Council have made appropriate use of the Accessibility Analyses tools and analyses made available to them.

Modifications

Council need to demonstrate that the principle of the integration of land use and transport is given appropriate consideration in the identification of their growth strategy, housing allocations and economic policies.

Soundness Test:

C3 Did the council take account of policy and guidance issued by the Department?

Council will be aware that DfI Issued Guidance on the preparation of LDP policies for transport to them in February 2019. Whilst It is accepted that the content of the LDP Plan Strategy will have been at an advanced stage of development by that stage, the content of the DfI guidance document, and hence the view of the department (which is consistent with SPPS, PPS 3 and PPS 13), is not appropriately reflected in the LDP Plan Strategy document. The Departments guidance, and operational transport policy position has consistently been communicated to council both at POP stage, through engagement with the Council and through the issuing of guidance.

Modifications

Council need to ensure that the full range of transport policy areas are addressed in the LDP Plan Strategy by developing policy (consistent with DfI guidance) on:

- Sustainable Development
 - Accessibility Analyses
 - Active Travel Networks
 - Park & Ride/ Park & Share
- Road Safety
 - Transport Assessment (including reference to DfI TA guidance) and Travel Plans
- Active Travel
 - Walking and cycling provision
- Parking
 - To contribute to reduced congestion and reduced reliance on the private car
 - Provision of public and private car parking
 - Servicing
 - Design of car parking
 - Temporary car parks

Soundness Test:

CE1 The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils

It is considered that a number of the policies contained within the DPD do not align with the Plan Objectives, for example:

Objective: “To build Cookstown, Dungannon and Magherafelt as economic and transportation hubs and as the main service centres for shops, leisure activities, public administrative and community services including health and education. These are the most populated places and the town centres are the most accessible locations for people to travel to including those without a car”.

SPF 6 makes provision for a significant number of opportunities for economic development in the countryside specifically through RIPA’s and farm diversification. The text states that it is important that Mid Ulster’s ‘successful economic development located within the countryside’ “is allowed to continue but that it remains properly managed”(4.36). It is the view of the department that this policy does not support the above stated high level objective.

Council appropriately makes the point that “Mid-Ulster residents have an average 50 minute travel time to the nearest acute hospital” (23.2) a significant contributor to which is the dispersed nature of Mid-Ulster’s rural population. It is the view of the Department that Policy SPF6 and Policy CT1 will serve to compound and potentially exacerbate this issue, and do not constitute a coherent strategy flowing from the high level objective identified above.

Objective: “To provide for 11,000 new homes by 2030 in a range of housing capable of meeting the needs of families, the elderly and disabled, and single people, at locations accessible to community services, leisure and recreational facilities, for those people with and without a car”.

SPF 6 sets out an approach to development in the countryside where the “level of development will be managed based on the principles of clustering”, in accordance with strategic regional policy and “the special characteristics of Mid Ulster by recognising the needs of fishermen, rural businesses and carers” (4.33). This policy, which does not make specific HGI allocation for the rural appears to permit up to 40% of the Districts houses to be approved in the countryside. It is the view of the Department that this policy does not align with the objective identified above and therefore does not form a coherent strategy.

Objective: “To facilitate the creation of at least 8,500 new jobs by 2030 at a variety of locations where they are accessible to all members of the community, including those without a private car”.

SPF 2 identifies Economic Development land at Dungannon and Granville (4.14 and Map 1.2-1.3). Accessibility Analyses work carried out by TPMU has identified a number of these sites as having ‘fair’ or ‘poor’ walk/ cycle and Public transport accessibility. ECON 2 Economic Development in the Countryside provides multiple circumstances where economic development will be permitted in the countryside – it is the view of the department that this policy does not support the above stated high level objective, nor provide explanation for the deviation, and therefore does not represent a coherent strategy.

SPF 6 makes provision for economic development in the countryside, however makes no reference to the consideration of accessibility. This is particularly concerning for ‘those without a private car’.

Objective: “To improve connectivity between and within settlements and their rural hinterland through accommodating investment in transportation to improve travel times, alleviate congestion and improve safety by both commercial and private vehicles as well as more sustainable modes of transport including buses, walking and cycling”.

It is the view of the Department that the existing dispersed rural nature of the district and the council’s planned housing allocation for Mid Ulster, particularly SPF 6, will further accentuate the need to travel for goods and services and will put additional strain on natural resources.

Council’s SPF 2 and SPF 6 does not appropriately consider Accessibility Analyses, and specifically the transport implications of such policies. It is the view of the Department that these policies do not flow coherently from the above objective as they will potentially further accentuate the need to travel for goods and services and will put additional strain on natural resources.

Additionally, it is the view of the Department that the narrative relating to the “provision of safe environs for the pedestrian and cyclist” not necessarily meaning the provision of dedicated cycle ways included under SPF 8, paragraph 4.47, does not coherently flow from the above stated objective. Research produced by the Department (Belfast Bike Life report) tells us that people who want to cycle or cycle more want segregated cycle lanes or traffic-free routes to give them the confidence to do so.

The Department recognises that car parking, Park & Ride/ Park & Share has a substantial role to play in alleviating congestion and improving safety, however no appropriate policies have been included in the Plan Strategy.

Modifications

Council need to demonstrate that the principle of the integration of land use and transport is given appropriate consideration in the identification of their growth strategy, housing allocations and economic policies (particularly SPF2, SPF6, SPF8, CT1, HOU1, ECON 1 and ECON 2).

The LDP should be amended to better reflect research undertaken by the Department into the provision of cycle infrastructure.

The LDP Plan strategy should be amended to include policies on Park & Ride/ Park & Share and a car parking policy to contribute to reduced congestion and reduced reliance on the private car in line with DfI Guidance on the preparation of LDP policies for transport.

Soundness Test:

CE3 There are clear mechanisms for implementation and monitoring

The inclusion of monitoring indicators is welcomed, however comments are offered on the following indicators:

- 'To facilitate the development of new community facilities at locations accessible to the communities they serve, through a variety of modes of transportation in accordance with the community plan' – it is unclear which of the outcomes relate to this and how it will be measured.
- Enhancing the environment and improving infrastructure: Outcome 1 & 5 – these do not appear to be reflected in either the indicators or the measures.

Modifications

Provision should be made to ensure that objectives/ outcomes identified by the council can be appropriately measured.

It is also suggested that Council should consider including an additional monitoring indicator in relation to car parking. Data in relation to the turnover of town centre short stay and long stay should be reviewed to confirm the accessibility of the main towns to confirm their continued vitality.

Detailed comments on the Mid Ulster LDP Plan Strategy Document

Page	Ref	
18	Figure 5	The departments strategic transport document (the New Approach) should be reflected in this graphic.
35	SPF 1 4.10	<p>It is unclear what is intended by 'increasing accessibility'.</p> <p>The final bullet point refers to 'key route ways'. What are these? They are not identified in Map 1.1 or the document glossary</p>
36	SPF 1 Table 1	Information listed under 'Networks' indicates that a survey of the area has been completed. Council should cross reference where this information can be reviewed.
38	SPF 2 4.12	<p>It is noted that council plans to distribute equitably economic zonings across the three towns of Cookstown, Dungannon and Magherafelt. On what basis is this being done? Has current transport accessibility been considered?</p> <p>It is unclear what 'locations suitable for a mixture of economic uses' means.</p>
	SPF 2 4.14	TPMU provided Council with Accessibility Analyses in relation to a number of proposed sites for industrial zoning in Dungannon and Granville in January 2018. In general most of the sites in question were deemed to have poor accessibility by sustainable modes. This has not been appropriately reflected in the LDP Plan Strategy document.
39	SPF 2 4.17	Walking and cycling accessibility should also be afforded priority
	SPF 2 4.18	It is noted that Council plan to adopt a 'flexible approach to new provision' of community facilities, recreation and open space – it should be acknowledged that such facilities can be significant trip attractors, therefore careful consideration will need to be given to the accessibility of sites by all modes.
39	SPF 3 4.21	<p>It is unclear what Council consider to be 'improved access'.</p> <p>It is noted that Council state 'no specific allocation of economic land is made to the two local towns' – should the LDP not be providing a level of certainty to industry by guiding the location of such development?</p>
	SPF 3 4.23	It appears that Council is making no attempt to re-balance the distribution of housing. On this basis issues in relation to transport accessibility and travel times to A&E (identified as a problem in 2.8) will continue to be problematic for residents of the council area.
40	SPF 4 4.25	Council states 'villages are not seen as key service centres or locations in which to direct people used to living in the open countryside' – this appears to be contradictory to the preceding sentence which acknowledges villages as 'important service centres'.... It is suggested clearer wording

TPMU Comments on
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		should be used to ensure transparency regarding what Council is seeking to achieve in these areas.
41	SPF 5 4.29	It is unclear how council have come to the conclusion that small settlements 'are sustainable locations for people looking for individual dwellings or development of a small group of houses' – in what ways are these sustainable? How has transport been considered in this?
	SPF 6 4.33	It would be useful if a complete cross reference was provided to the 'strategic regional policy' referred to here.
	SPF 6 4.35	It is noted that Council is making no attempt to 'shape' their area or to aim for a more sustainable pattern of growth within the council area which would enable citizens to access key services in modes other than private car. It is particularly noteworthy that no reference is made to public transport.
42	SPF 6 4.36	It is noted that Council has identified 'successful economic developments located within the countryside' – in the interest of clarity it would be useful if council provided a definition of 'success' in this scenario.
	SPF 6 4.37	<p>'existing access' (5th bullet point) – does this relate only to vehicular access or does it consider walking, cycling and Public Transport also?</p> <p>'close proximity to a main transport corridor' – council should define what is considered to be 'close' and clarify what a main transport corridor is. They are not identified in Map 1.1 or the document glossary</p>
43	SPF 6 4.40	For clarity reference should be made to the requirement for a TA to be prepared.
44	SPF 8	<p>In general the policy wording throughout the Plan Strategy document does not reflect paras 4.47 – 4.51</p> <p>There is a need for additional emphasis on the need for improvements in walking and cycling and parking management.</p>
44	SPF 8 4.47	<p>It is suggested that the narrative surrounding this policy should acknowledge that the current settlement pattern in Mid Ulster does not lend itself to the provision of viable public transport services.</p> <p>Research commissioned by the Department (the Belfast Bike Life report) tells us that people who want to cycle or cycle more want segregated cycle lanes or traffic-free routes to give them the confidence to do so. It is suggested that LDP Plan Strategy be amended to reflect this:</p> <p>Paragraph 4.47 - "The draft Programme for Government has a commitment to increase the percentage of all journeys made by walking, cycling and public transport. In order to achieve higher levels of sustainable transport, it is important to provide safe environs to give people the freedom and confidence to walk or cycle for everyday journeys the</p>

TPMU Comments on
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		Research reveals that it is important to provide safe segregated infrastructure such as dedicated cycle ways or traffic-free routes, particularly when it comes to children travelling to school”.
	SPF 8 4.48	The approach of linking transport and land use should also apply to housing.
	SPF 8 4.49	The department would expect that accessibility analyses should be employed when selecting all land use zonings – not only ‘particularly in our towns’. This paragraph should also refer to cycling accessibility.
	SPF 8 4.50	Road alignments should be referenced here.
44	SPF 4.52	The Regional Strategic Transport Network Transport Plan (RSTNTP) will produce a prioritised package of schemes relating to the Key Transport Corridors across Northern Ireland. The Department can confirm that schemes including the A29 Dungannon Bypass, Cookstown Bypass (linking the A29 to the A505), A31 Magherafelt and link corridors such as the A505 have been modelled as part of the RSTNTP work and will be assessed.
52	4.62	The Key Site Requirements fail to reference to the need for walking, cycling and public transport linkages to housing areas for the Granville sites despite TMPU highlighting these issues in correspondence with Council dated January 2018.
57	GP 1 (e)	<p>There is limited reference to sustainable travel modes and their linkage to key services – focus should not solely be on ‘roads’.</p> <p>Transport Assessment should seek to maximise use of sustainable modes with the residual demand dealt with by traffic impact.</p> <p>Reference is made to published car parking standards. What are these? Reference should be included for the avoidance of confusion.</p>
65	7.11	It is noted that Councils ‘strategy is zoning land in two phases in Cookstown, Dungannon and Magherafelt’. Can council confirm that this phasing will appropriately consider the accessibility of potential zonings and prioritise accordingly?
	7.12	Reference is made to accessibility. Is this locational accessibility for which DfI have provided Accessibility Analysis maps and guidance or does it refer to access for people with mobility issues?
66	HOU1 7.16	Councils commitment to ‘take account of’ the position of phase 2 land, in relation to the town centre, overall accessibility to health, community and other facilities’ is welcomed. Can council confirm that they have undertaken an assessment of all phase 1 and phase 2 sites to inform their approach?
	HOU1 7.19	Concern over what this paragraph means in real terms?

TPMU Comments on
Mid Ulster Draft Plan Strategy – April 2019

67	HOU2	Council must clarify under what circumstances 'unzoned' land will be permitted to be used for new housing development.
77	8.3	This approach gives rise to substantial concerns. It would appear that Council is significantly relaxing rural housing policy. This will only serve to perpetuate transport issues identified in earlier parts of the document (reliance on the private car, limited accessibility to public transport, A&E travel times etc).
243	23.1	This overview should also acknowledge that settlement patterns also play a key role in achieving improved quality transport infrastructure and accessibility.
	23.2	It is vital that Council acknowledge their responsibility to direct development to accessible locations.
	23.3	DfI will identify the routes of future transport infrastructure works – in consultation with Mid Ulster District Council.
245	TRAN2	Reference should be made to both the LDP Local Policies Plan and the relevant transport plan.
	TRAN 3 23.14	Has council assessed current car parking demand?
246	TRAN 4	Reference should be included to DfI published guidance – DCAN 15
243-247	Transportation	<p>We would direct Council to DfI Guidance on the preparation of LDP policies for transport. There are concerns that a number of policy areas have not been addressed in this LDP Plan Strategy. Council should consider developing policy as follows:</p> <p>Sustainable Development</p> <ul style="list-style-type: none"> • Accessibility Analyses • Active Travel Networks • Park & Ride/ Park & Share <p>Road Safety</p> <ul style="list-style-type: none"> • Transport Assessment (including reference to DfI TA guidance) and Travel Plans <p>Active Travel</p> <ul style="list-style-type: none"> • Walking and cycling provision <p>Parking</p> <ul style="list-style-type: none"> • To contribute to reduced congestion and reduced reliance on the private car • Provision of public and private car parking • Servicing • Design of car parking • Temporary car parks
250	Monitoring	It is unclear what outcome relates to the sixth objective ('locations accessible') and how this will be measured. Can Council please clarify?

TPMU Comments on
Mid Ulster Draft Plan Strategy – April 2019

252	Monitoring	Outcomes 1 and 5 do not appear to be reflected in either the indicators or the measures. Can council clarify how this will be monitored?
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Submission of a Representation to Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Local Development Plan
Representation Form
Draft Plan Strategy

Ref:
Date Received:
(For official use only)

Name of the Development Plan Document (DPD) to which this representation relates

Draft Plan Strategy

Representations must be submitted by 4pm on 19th April 2019 to:

Mid Ulster District Council Planning Department
50 Ballyronan Road
Magherafelt
BT45 6EN

Or by email to developmentplan@midulstercouncil.org

Please complete separate form for each representation.

SECTION A

1. Personal Details

Title

First Name

Last Name

Job Title
(where relevant)

Organisation
(where relevant)

2. Agent Details (if applicable)

Mr

Walter

Morhall

DfI Rivers

Address Line 1	<div style="border: 1px solid black; width: 230px; height: 130px;"></div>	<div style="border: 1px solid black; padding: 5px;">44 Seagoe Industrial Estate</div>
Line 2		<div style="border: 1px solid black; padding: 5px;">Craigavon</div>
Line 3		<div style="border: 1px solid black; padding: 5px;">Co Armagh</div>
Line 4		
Post Code	<div style="border: 1px solid black; width: 230px; height: 25px;"></div>	<div style="border: 1px solid black; padding: 2px;">BT63 5QE</div>
Telephone Number	<div style="border: 1px solid black; width: 230px; height: 25px;"></div>	<div style="border: 1px solid black; padding: 2px;">[REDACTED]</div>
E-mail	<div style="border: 1px solid black; padding: 2px;">[REDACTED]</div>	

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

- (i) Paragraph _____
- (ii) Objective _____
- (iii) Growth Strategy/
Spatial Planning Framework _____
- (iv) Policy a. Flood Risk, b. Renewable Energy
- (v) Proposals Map _____
- (vi) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound Unsound x

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at www.planningportal.gov.uk/index/advice/practice-notes).

Soundness Test No.

C3

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

DfI Rivers considers the Draft Plan Strategy presently unsound. However it has the potential to be sound if 2 Suggested Modifications are made to the flood risk management policies to align them appropriately with the SPPS.

The 2 Suggested Modifications necessary to make the policy sound and 2 further recommendations to improve the DPS are detailed in section 6 below.

The council are aware of the requirements of the SPPS and the 'Guidance on the preparation of LDP policies for flood risk management' issued by DfI Rivers in June 2018.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

Modifications

FLOOD RISK

Suggested Modification 1

Applicable to

Policy FLD 4 – Development in Proximity to Reservoirs

Suggested modification1:

The title of the policy should be revised to read “Policy FLD 4 - Development in Proximity to **Controlled** Reservoirs

Reason for suggested modification 1:

The policy does not apply to all reservoirs – it applies only to Controlled Reservoirs as defined by the Reservoirs Act (Northern Ireland) 2015

Suggested Modification 2

Applicable to

Policy FLD 4 – Development in Proximity to Reservoirs

Suggested modification 2

The Policy text should include the following:-

“Development within the flood inundation area of a controlled reservoir can only be justified where the condition, management and maintenance regime of the reservoir are appropriate to provide assurance regarding reservoir safety. Accordingly, planning permission for new development should only be granted to such assurance, provided by an All Reservoirs Panel Engineer and supported by DfI Rivers, as the responsible body for the management of reservoir flood risk”

Reason for suggested modification 2:

Without this additional wording the Policy will not align with the Strategic Planning Policy Statement for Northern Ireland ‘Planning for Sustainable Development’ (SPPS), Flood Risk, Development in Proximity to Reservoirs, paragraphs 6.119 to 6.122, and this could be seen as a weakening or divergence from the existing policies.

However we note that Paragraph 19.7 of the Draft Plan Strategy refers to the need for “condition, management and maintenance of the reservoir are appropriate to provide assurance regarding its safety”. Therefore the inclusion of the text suggested above under ‘suggested modification 2’ will align with the DPS in para 19.7

FLOOD RISK

Recommendation 1

Applicable to:

Appendix 4: Guidance for the submission of a Flood Risk Assessment (FRA) and a Drainage Assessment (DA)

Recommendation:

DfI Rivers is currently preparing a detailed specification for a DA and FRA. These documents will be published on the DfI website.

DfI Rivers recommends that the Council uses the DfI Rivers DA and FRA specifications as they are more detailed and specify the methodologies to be utilised by developers in preparing these documents

DfI Rivers will require all DAs and FRAs to comply with this specification and accompanying pro-forma.

Therefore, the Planning Authority may wish to reference these documents when they are fully developed.

RENEWABLE ENERGY

Recommendation 2

Applicable to

RNW 1 Renewable Energy – Hydro - Paragraph 22.41

Recommendation:

DfI Rivers should be included as a relevant authority with whom the Council should consult.

Reason for recommendation

Hydroelectric power generation schemes can significantly alter the flow regime of a river, DfI Rivers will advise against their location within catchments with a flow gauging station which is part of the UK wide National River Flow Archive, as this would result in the loss decades of flow data which contributes to flood risk estimation not only here but across the UK

7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

10th April 2019

MID ULSTER DISTRICT COUNCIL DRAFT PLAN STRATEGY

Comments provided by the Department for Infrastructure's

Water and Drainage Policy Division

APRIL 2019

The Department for Infrastructure's (the Department) Water & Drainage Policy Division (WDPD) has reviewed the contents of the Mid Ulster District Council Draft Plan Strategy and has a number of comments to make on it. In particular, it is concerned that there may be a risk of the Plan being unsound when assessed against the soundness test (set out below).

Soundness Test: C3 Did the Council take account of policy and guidance issued by the Department?

Justification: The Department has previously met with relevant Council officials and presented current policy and legislation on Sustainable Drainage Systems (SuDS), development in proximity to reservoirs and Waste Water Treatment Works (WwTW) capacity constraints. In addition to this, the Department also provided comments on these issues through Council's consultation on the Local Development Plan Preferred Options Paper. Despite this, these issues are lacking in some detail in the Plan.

WDPD comments are set out below

Introduction (p8 – p21)

The introduction mentions a number of documents that the Draft Plan Strategy must take account of e.g. RDS 2035 and the Sustainable Development Strategy etc. It would also be useful for Sustainable Water - A Long-Term Water Strategy for Northern Ireland (2015-2040) to be referenced here, including a brief overview of the Strategy's aims.

Growth Strategy and Spatial Planning Framework (p33)

Although this strategy states it aims to promote a more sustainable approach to the provision of water and sewerage services and flood risk management (para 4.1), there is no mention of the regional guidance, "Sustainable Water, A Long-Term Water Strategy for Northern Ireland (2015-2040)". The document would benefit from referencing the Strategy and highlighting its key aims, including that wastewater treatment capacity should be a key consideration when zoning land for development and when considering planning applications.

Spatial Planning Framework (SPF 1)

Table 1 - Hierarchy of Settlements and Related Infrastructure (P36)

The inclusion, in this table, of the need to consider if there is available capacity in the water and sewerage network to facilitate new development, is welcomed.

Spatial Planning Framework (SPF 2)

Page 39 – Paragraph 4.17 - The statement that land to be zoned for housing priority must avail of existing infrastructure such as water, waste and sewerage, is welcomed. When considering zoning land for housing priority, the Council should liaise with NI Water to determine if there is available capacity in the water and sewerage network, as well as the wastewater treatment works, to facilitate the proposed new development.

The reference to SuDS however needs further clarity. It may be helpful to reference the new [legislation](#) introduced in 2016 regarding connection to the public sewer network, which provides a new power for NI Water to refuse a surface water connection if alternative means of dealing with surface water have not been considered. There is an overall lack of detail on SuDS in this section, how the Council will ensure that SuDS are encouraged and used as the preferred means of dealing with surface water, etc.

Policy GP1 - General Principles Planning Policy

(g) Other infrastructural requirements (p60)

It is welcomed that all development should demonstrate adequate infrastructure is in place to deal with waste, sewerage and drainage. There is a reference here which states “where mains sewerage is not available the applicant “may” be required to demonstrate that this will not create or add to pollution. The word “may” should be replaced with “is”.

It is also welcomed that development proposals are encouraged to use sustainable drainage systems (SuDS) as the preferred drainage solution.

Provision of Necessary Local Infrastructure and Neighbourhood Facilities (para 7.34, p 70)

The reference that housing schemes must provide necessary infrastructure and that this includes drainage and sewerage is welcomed.

Public Realm (Page 101)

There is reference here to wider blue and green infrastructure. It would be helpful to mention here that SuDS could be considered for inclusion within public realm initiatives which will help attenuate water in town centres and provide important improvements to water quality, biodiversity and provide an amenity space.

Open Space, recreation and leisure - Page 105

There is no mention here of the use of SuDS in new open space. This is something which could potentially be included.

Flood Risk (p207-p216)

Regional Policy Context

This section highlights documents that contain flooding policy e.g. RDS 2035 and the Strategic Planning Policy Statement, which the Draft Plan Strategy must consider. Sustainable Water – A Long-Term Water Strategy for Northern Ireland (2015-2040) contains a section on Flood Risk Management and Drainage and this should also be referenced in this section.

Our Strategy

There is a general lack of detail on SuDS in this section, particularly how the council will ensure that SuDS are included in new development e.g. does the Council propose to encourage the use of SuDS within private property including green roofs, permeable paving, Water Butts? Does it envisage any key site requirements for the use of SuDS in any new development sites, etc.?

Addendum - Position Paper - Public Utilities (January 2019)

The information in this paper is welcomed, as it sets out the level of available wastewater treatment capacity at each of the wastewater treatment works in the council area as well as the predicted level of housing growth in each settlement. This level of detail will enable NI Water to advise if the current infrastructure can accommodate the proposed growth.

This paper also highlights wastewater treatment works which have available capacity but have related network capacity issues, which may have an impact on new connections / proposed planning applications.

Having discussed these issues with NI Water, the Department understands NI Water is concerned about the proposed level of development in the main hubs where there are network and capacity constraints. To help alleviate the pressure on the wastewater network, the Council should consider wastewater treatment capacity when zoning land and also adopt a phased approach to development. The Department understands NI Water will also continue to help manage this issue by working closely with the council, to help facilitate development, where possible.

In addition, NI Water is also concerned about the growing number of houses outside the main settlements, which could lead to more package treatment plants, which NI Water may have to adopt therefore increasing the company's maintenance costs.

Going forward, it will be important that there is good two-way communication between the Council and NI Water, to ensure both parties are aware of the latest position regarding growth and wastewater capacity, to help facilitate development. This approach will also help to inform NI Water's business planning, which aims to address future water and wastewater needs.

Annex 1 – Additional Dfl Planning Comments

Further to the comments in the strategic response, the Department wishes to detail some additional points for consideration regarding the operational policies contained within the draft Plan Strategy.

There are significant concerns with the construction and drafting of policy throughout the document. The language used is often unclear and ambiguous. There are also issues around J&A containing policy. Experience has proven that policy, which is not contained within a policy box, is not policy. It is considered that this could pose problems for interpretation particularly by the general public and it is therefore suggested that the drafting of policy is given further consideration to ensure clarity for its operational effectiveness.

5.0 Implementation of This Plan Strategy

Paragraph 5.4 of the Plan Strategy states that where there is a conflict between the extant plans or any future Local Policies Plan or the Plan Strategy, greatest weight will be attached to the Plan Strategy. Council is reminded that a future Local Policies Plan is legislatively required to be consistent with the Plan Strategy. Furthermore where a Council adopts a local policies plan for a district so much of the departmental development plan as relates to that area shall cease to have effect. Council should ensure that the statement made in Paragraph 5.4 is clear and that it takes full account of the transitional arrangements set out in the legislation.

6.0 General Principles Planning Policy

This policy relates to the consideration of development proposals with regard to amenity; nature and scale; siting, design and general appearance; access, road layout and parking provision. It also makes reference to applications involving advertisement, and the consideration of other infrastructural requirements, landscape character; biodiversity; meeting the needs of people with mobility difficulties; and, planning gain and developer contributions. The Department notes an omission in relation to built heritage or/and archaeology as a general planning consideration.

Preparing a policy that is relevant to the assessment of all development proposals that may come forward presents challenges. Not all the criteria may be relevant to all development forms and the council seem to acknowledge this by stating that the

provisions of the policy apply 'as appropriate'. However this may have the potential to introduce uncertainty in the application of the policy. In particular there is potential for ambiguity in the appropriate criteria to apply to the assessment of development proposals depending upon their character or scale.

There is also a need for consistency of wording between the General Principles policy and the more detailed subject policies that follow to avoid difficulties in application where both apply to the assessment of a proposal. For example criteria (c) deals with siting, design and external appearance of new development and requires that it should respect its surroundings and be of an appropriate design for the site and locality. These are urban design considerations which are also addressed under policy UD1 which is more rigorous in requiring development to be of a high standard and to respect the best local traditions of form, materials and detailing to complement the urban grain and character of the settlement.

SOCIAL POLICIES – ACCOMMODATING GROWTH AND CREATING PLACES

7.0 Housing in Settlements

Draft Policy HOU1 – Protection of Land Zoned For Housing

This policy states that land has been zoned as Phase 1 and Phase 2. The Department is supportive of a phased approach where it promotes the managed release of housing land and helps achieve the objective of more compact urban forms and increased housing within existing urban footprints.

The policy states that development of Phase 1 land for housing in line with key site requirements will accord with the plan. Development of Phase 2 land will conflict with the plan subject to a number of exceptions including (i) where it has been re-designated as Phase 1 in the Local Policies Plan or as a result of Plan Review. The Department would query the need for criteria/exception (i). This is because preparation of the LPP provides an opportunity to re-evaluate Phase 1 and Phase 2 land and re-designate as appropriate. In any case the criteria is not operable until adoption of the LPP.

The justification and amplification relating to this policy states that land has been zoned as either Phase 1 or Phase 2 in Cookstown, Dungannon and Magherafelt. It also states that no Phase 2 land has previously been zoned in Magherafelt. The

intention seems to be to address the future proposal to zone phase 2 land in Magherafelt however these statements are contradictory and they give rise to uncertainty.

Furthermore the Department seeks clarification on the basis for zoning Phase 2 housing land in Magherafelt. Appendix 1 of the Plan Strategy shows an allocation to Magherafelt, at the higher end of the range indicated, of 1642 units. This is less than the housing capable of being delivered from committed units/residual zonings within Magherafelt (1936 at April 2015); before an allowance has been made for housing from windfall sources. Council should therefore consider the basis for zoning Phase 2 land in Magherafelt or clarify if the intention is to re-designate existing uncommitted zonings as Phase 2.

Council should consider the feasibility of zoning especially where the level of extant permissions and residual zonings are sufficient to meet need. Council should also clarify the approach in light of the conclusions of the Settlement Appraisal for Magherafelt which states that there is a large amount of zoned housing land undeveloped and that there is 'no need for additional housing zonings'. Consideration of this matter is not helped by the lack of up-to-date information on development completed and extant permissions remaining.

As drafted Policy HOU1 requirements of Phase 1 and Phase 2 have been combined in a way which is unclear, especially in relation to when non-residential uses will be permitted on land zoned for housing. Consideration should be given to rewording the policy to make a clearer distinction between the policy approach in Phase 1 and Phase 2 zonings.

Draft Policy HOU2 – Quality Residential Development

The Department has concerns about this policy approach which affords the same status to both zoned and un-zoned land. Un-zoned land in this context could include previously developed land within the urban footprint but may also include previously undeveloped, un-zoned land within the settlement limit (white land). This approach is not supportive of the phased approach to the release of housing land set out in HOU 1. It also does not support the regional policy objectives in relation to the drive to promote more housing within existing urban footprints.

Draft Policy HOU3 – Residential Extensions.

The Department notes the criteria in relation to residential extensions, but consider this policy would benefit from clearly stating that the policy will apply to all dwelling-houses in the district, including single dwellings in the countryside.

Reference to large extensions in paragraph 7.42 regarding over-dominance, streetscape, amenity etc. may have benefitted from being included in the policy text box. The Department notes that the council intends to issue supplementary guidance on residential extensions, which is welcomed.

Draft Policy HOU4 – Conversion Of Existing Buildings To Flats, Apartments Or Houses In Multiple Occupation.

The Department notes the content of policy HOU4 which broadly reflects the strategic approach set out in the SPPS and in the addendum to PPS7 on Safeguarding the Character of Established Residential Areas.

Draft Policy TH1 – Travellers Accommodation

The Department notes the content of policy HOU4 which broadly reflects the strategic approach set out in the SPPS and the addendum to PPS12 Policy HS 3 (Amended) 'Travellers Accommodation'. Notwithstanding this, the Department would have concerns with regards to this policy in the context of the countryside. Whilst recognising that the approach is reflective of that set out in HS3 Travellers Accommodation as amended by the Addendum, clarification would nevertheless be welcomed on the exceptional circumstances where a single family traveller transit site or services site would be permitted in the countryside without a requirement to demonstrate need.

8.0 Housing in the Countryside

The draft strategy distinguishes Mid Ulster from other council areas by stating that 40% of households live in the open countryside and has the smallest urban population in NI (para 8.1) and states that the key issue is the provision of a rural policy that will give greater flexibility. Given the level of flexibility already provided for by the SPPS, would a more sustainable approach not be to try and rebalance the countryside/urban split?

The strategy does not acknowledge any issues associated with a large population living in the open countryside such as future infrastructure/service provision, public transport, schools, sewerage, isolation etc. Para 8.5 states that 'our rural policies must provide more opportunities in order to recognise the predominantly rural nature of our population'. It is felt that this approach could compound any associated issues with a large rural population.

Draft Policy CT1 – General Policy

The policy appears to take account of the SPPS which states that the policy approach must be to cluster, consolidate and group new development with existing established buildings. While the policy attempts to address the issues of clustering, integration, rural character and ribboning, urban sprawl and rural design, inclusion of detail from the J&A within the policy box would ensure that it is given appropriate weight.

Policy CT1 also contains a broad exception to the regional strategic policy direction to cluster/consolidate where there are environmental or operational reasons why this is 'impracticable'. Inclusion of this wording within the policy box significantly weakens the policy approach of the SPPS, which applies the general principal of clustering, consolidating and grouping to all development in the countryside (with limited exceptions in relation to Dwellings on Farms). The lack of further clarification within the J&A to justify departure from the regional strategic policy approach, poses further challenges to the practical application of this policy exception.

Draft Policy CT2 'Dwellings in the Countryside'

Policy CT2 sets out 10 different opportunities for a dwelling in the countryside (a single dwelling is also permitted within Dispersed Rural Communities where an applicant can demonstrate they will make a 'substantial economic and social contribution to the community').

The Department is very concerned that CT2 represents an extremely permissive policy approach to residential development in the countryside for which the Council has failed to provide sufficient evidenced justification. In the Department's view the policy approaches outlined in CT2 will not support an appropriate or sustainable pattern growth and will instead result in excessive, inappropriate and obtrusive development that will damage rural character and mar the distinction between settlements and the surrounding countryside.

The approach is not supported by policy as set out in the SPPS which aims to manage development in a manner that strikes a balance between protection of the environment from inappropriate development, while also supporting and sustaining rural communities. It also fails to support the Plan Strategy's own objectives including in relation to accommodating sustainable growth in the countryside; providing homes in locations accessible to community services, leisure and recreational facilities; protection and enhancement of the natural and built environment; and improved connectivity including more sustainable modes of transport including buses, walking and cycling.

As highlighted in the strategic response, the approach does not take account of the Council's own Community Plan (CP) which identifies issues including the longest ambulance response times in NI; public transport that is not readily available; and a heavy reliance on the road network. It is not supportive of achieving the outcomes identified within the CP, including towns and villages that are vibrant and competitive; increased environmental sustainability; increased use of public transport and active travel; and better availability to the right health service, in the right place at the right time.

Criteria (a): In relation to dwellings in an Existing Non-farm Cluster outside a farm the policy approach does not require the cluster to appear as a visual entity in the local landscape, as required by the SPPS. This has the potential to increase the number of clusters potentially capable of meeting the policy criteria with implications for the number of dwellings approved under this policy criteria.

Criteria (b) in relation to a Dwelling Infilling a small Gap Site is extremely concerning. The wording that, exceptionally, a single dwelling may be permitted on a smaller gap site between two dwellings is not justified by any evidence presented by the Council. There is no acknowledgement that infill development should take place in a substantial and otherwise continuously built up frontage. Furthermore there is no basis for maintaining that two dwellings fronting onto a road or laneway could constitute such a frontage. For these reasons the Department considers that the approach will contribute to the creation of ribboning type development. In reality this is not an exception but an alternate, lower policy test that will result in a significant increase in

residential development with consequential adverse impacts for rural amenity and rural character through the creation of ribboning development forms.

In relation to criteria (c) Replacement Dwelling, the Department is concerned that the policy wording does not acknowledge that replacement dwellings should not have a visual impact that is significantly greater than the existing building. This is an important aspect of the policy set out in the SPPS intended to the impact of new development on the landscape character. The policy approach should reflect that set out in the SPPS. Furthermore the J&A would benefit from clarification that the policy will not permit the replacement of listed buildings or the replacement of retained buildings that have already been replaced under the policy

In relation to criteria (d) Conversion/reuse of Existing Buildings for Residential Use, the Department is concerned that the approach does not reflect the SPPS test of a locally important building. It is noted that the policy allows for the replacement of a non-residential building with a dwelling. If this is intended to be a replacement policy exception it should be highlighted in the policy box under that heading.

In relation to criteria (e) Dwelling on a Farm, the policy takes account of key SPPS criteria of currently active and established farm and no farm dwellings approved in the last 10 years. It does not make reference to the SPPS criteria of no dwellings or development opportunities sold off or transferred. Furthermore there is no reference to the integration of a new dwelling or rural character requirement as per the SPPS, although some of these issues are addressed in the general principles GP1 policy. The introduction of further exceptions in relation to retiring farmers or where an alternative site offers environmental benefits and are likely to weaken the overall objective to cluster/visually link. In respect of the J&A the definition of agricultural activity refers to the previous (EC) Reg. No. 73/2009 as per PPS21 as opposed to the updated SPPS (EC) No. 1307/2013.

The policy at (f) Dwelling in a Farm Cluster permits a dwelling on a farm cluster where the farm is neither active and/or established, or where permission has already been obtained in the last 10 years, is also concerning. This approach does not take account of the SPPS and is not supported by adequate evidenced justification. The policy will give rise to further residential development in the countryside and, in combination with

other additional opportunities identified, is likely to give rise to an unsustainable increase in residential development. It also threatens achievement of the objectives of the Plan Strategy, the growth strategy and spatial framework outlined by the Council. The effect is to compromise the intent and overall effect of policy criteria (e). This does not represent a coherent policy response to residential development on farms and poses a significant risk to Soundness.

Criteria (g) Dwelling to meet Personal and Domestic circumstances largely takes account of SPPS however the Department would question whether an attached dwelling is an appropriate alternative solution.

Criterion (h) 'Dwelling for a Carer or someone availing of care' is an approach that has the potential to give rise to a significant and unsustainable increase in residential development in the countryside. Council has failed to articulate clearly the justification or evidence underpinning this policy which does not take account of the SPPS. The reference to research indicating that just over 10% of the population rely on a degree of care in relation to the elderly or children' is not adequately referenced and clarification is requested of the source.

Furthermore the Department is concerned that the level of care referred to is only equivalent in character to the care and support that might ordinarily be provided by family members to other family members. The reference to the social benefits of 'extended families living next door to one another' further confuses the intent of the policy and suggests that the approach also acknowledges kinship ties. Such an approach is likely to pose legal and equality issues and may also raise significant procedural and administrative issues. Clarification is required of the intended approach of the Council as the way the policy is worded could potentially include family members availing of or providing childcare as well as those caring for the elderly.. The council has not presented any compelling local evidence to justify a departure from the regional policy approach set out in the SPPS.

Policy requirements for criteria (h) are arguably more onerous than criteria (g), however the J&A at 8.53 states that strict policy tests apply to Personal and Domestic Circumstances. This appears to weaken the rationale for strategic policy direction of the SPPS which provides a dwelling opportunity where there are compelling and site specific reasons related to personal or domestic circumstances.

In respect of (i) Dwelling for a Business Enterprise the policy approach differs from the SPPS requirement for a site specific need that makes it essential and states only that there should be a site specific and operational requirement for an employee to live next to the business. The J&A further contradicts the policy wording by stating that an established business may require residential accommodation for one of the firm's employees to live at the site for security reasons alone. In the Department's view the need to provide improved security from theft and/or vandalism is unlikely on its own to warrant the grant of planning permission.

The policy provision at (j) for a Dwelling for the holder of a commercial fishing licence is not provided for in regional policy. Council has not provided evidenced local justification of the basis of introducing a policy to provide dwellings in the countryside for the holder of a commercial fishing licence. What is the operational basis for permitting the holder of a commercial fishing licence the opportunity of a dwelling in the area identified adjacent to Lough Neagh? The Department is of the opinion that the Council has not presented an evidential need to make provision for support the local eel fishing communities.

Overall the Department is concerned that Council is adding to the number of policy opportunities that depend on the use of occupancy conditions for their application. The Department is of the opinion that planning decisions for single houses should not be determined on the basis of occupation.

Draft Policy CT3 – Social and Affordable Housing in the Countryside

On balance this draft policy takes account of and reflects the provisions of the SPPS.

Draft Policy CT4 – Dispersed Rural Communities.

The draft policy supports strategic policy SPF 7 'Support Rural Regeneration in Remoter Areas through the Designation of Dispersed Rural Communities (DRCs). The SPPS makes no provision for DRCs to be designated however it is acknowledged that the district already has 3 existing DRCs. The J&A states that some rural areas display symptoms of economic and social disadvantage and that in the interests of promoting rural regeneration the council has designated DRCs. Council should provide the evidence in relation to the economic and social disadvantage that underpins their continued designation, and the identification of any new DRC designations that may be brought forward. The true extent of future DRCs proposed within the district is

unknown until adoption of the LPP. It is therefore difficult to assess the overall potential impact of DRCs on the amount of development in the countryside.

The policy makes provision for clachan style development which accords with the approach set out previously in regional operational policy. Tourism, community facilities and 'cottage industries' are also provided for, although no further clarification is provided on what this may include. The J&A also refers to 'appropriate economic development' which is considered to be insufficiently clear.

Of particular concern is the approach to single dwellings within DRCs. The policy permits a dwelling where an applicant can demonstrate that they will make a 'substantial economic and social contribution to that community'. Although dwellings are required to cluster with existing buildings under CT4, policy CT1 provides an exception to clustering for environmental or operational reasons. The J&A provides little further amplification on how substantial economic or social contribution will be assessed. The Department considers that this approach is too ambiguous and open to interpretation.

Draft Policy CT5 – Temporary/Residential Caravans/Mobile Homes

On balance this policy takes account of and reflects the provisions of the SPPS.

9.0 Health, Education and Community Use

Draft Policy COY 1 – Community Uses

This policy states that, where necessary, land will be reserved through a community zoning or KSR or other land use zoning as designated in the LPP. The Department notes the other criteria for the assessment of community uses proposed elsewhere in settlements. Clarification would be helpful as to whether community uses includes health and educational uses which are also the subject of this chapter.

While the policy aims to facilitate community uses the Department is concerned that it fails to acknowledge or address the challenges posed to service providers in meeting the needs of spatially dispersed populations. As set out elsewhere in the Department's response, these challenges are very likely to be compounded by the levels of residential development permitted in the countryside under the Growth Strategy and Spatial Planning Framework set out by the Plan Strategy. They include those issues

identified by the Council, in particular access to acute services and the ambulance response/wait time that is considerably greater than the NI average.

10.0 Urban Design

This draft policy is noted and generally welcomed. On balance it takes account of the SPPS and is quite generic in nature. Further reference could be made to local characteristics, however it does reference the Department's Living Places: An Urban Stewardship and Design Guide and Design, and Access Statements.

11.0 Open Space, Recreation and Leisure

The Council should ensure that policy is formulated with the most up to date information available to them and review this information regularly.

Draft Policy OS1 – Protection of Open Space

This policy advocates a presumption against the loss of open space, aligning with the SPPS. It also goes further than the SPPS (para 6.205) in relation to the exceptional circumstances that must be satisfied before loss of open space is permitted, which is welcomed. However, as the third paragraph of the policy is in addition to the SPPS, further clarification would assist in its application.

Para 11.19 refers to 'assessing the importance of retaining open space', and lists three considerations. Although the J&A indicates the Council will operate a general presumption against the loss of open space, it also details how proposals for the loss of such space will be assessed. The SPPS states LPPs should be informed by a survey/assessment of existing open space provision and future needs. These considerations should inform the evidence base.

In relation to the criteria for community benefits, Council should note that the SPPS specifically defines Intensive Sports Facilities and states they should be within settlement limits, therefore any intensive sports facility needs to be assessed under OS3. The Council should consider the relevance of this requirement of this community benefit under draft policy OS1.

Draft Policy OS2 – Protection of River Corridors

The policy may benefit from the inclusion of para 11.20 within the policy box.

Draft Policy OS3 – Outdoor Sport and Recreation

The policy implies a focus on facilitating open space in the countryside in contrast to SPPS policy. The Council should be able to clearly demonstrate through their evidential context any deviation from SPPS policy. The Department considers that the acceptability of sports facilities in the countryside conflicts with the SPPS policy which defines outdoor sports facilities as an “intensive sports facility” and states that they should be within settlement limits. As an *exception*, a sports stadium may be allowed outside of a settlement, but only where there are clear criteria. The wording of OS3 is unclear, in particular criteria (b).

In para 6.206, the SPPS directs Councils to bring forward policy to require new development of an appropriate scale (generally 25 units or more, or sites of one hectare and above) to provide adequate and well-designed open space as an integral part of the development. In para 7.31 the Council acknowledge this open space provision but do not include it as a specific policy requirement.

There are a number of sections within the justification and amplification which could benefit from being addressed within the policy box for example, ‘Noise Generating Sports and Outdoor Recreational Activities’, ‘Floodlighting’ and ‘Development of Facilities ancillary to Water Sports’.

The policy sets out the approach this type of development outside SCAs, however some detail within the J&A could be included within the policy box. The term “open development” is ambiguous and requires clarification.

The SPPS, in para 6.208, refers to noise sensitive uses and sports or activities which can be disruptive to farm animals and wildlife and may also have a detrimental effect on the natural environment as well as local character. Particular consideration should be taken when siting noise-generating development in close proximity to these uses. Whilst reference to environmentally sensitive areas it is welcomed, policy OS3 does not address noise sensitive uses (for example schools, hospitals places of worship and residential neighbourhoods) referred to in 6.208 of the SPPS.

Draft Policy OS4 – Indoor Sport and Intensive Outdoor Sports Facilities

Paragraph 6.207, states that an intensive sports facility should be located within settlements to maximise use of the existing infrastructure.. This policy and para 11.35 do not take account of the SPPS.

ECONOMIC POLICIES – CREATING JOBS AND PROSPERITY

12.0 Economic Development

Draft Policy ECON 1 – Economic Development in Settlements

Policy ECON 1 states that within towns, proposals for economic development on zoned economic land will conform to the plan subject to Key Site Requirements. In other cases they will be determined on their individual merits. As highlighted in the strategic response, in the context of the stated intent not to zone economic land within the local towns, Council should satisfy itself that ECON1 provides sufficient policy direction for the assessment of proposals within these settlements.

Draft Policy ECON 2 – Economic Development in the Countryside

The Council states that entrepreneurs in the countryside should be encouraged through farm diversification or facilitating people working from home. The Council sets out an extensive list of opportunities in which development in the countryside would be possible. Rather than a policy to be applied in exceptional circumstances, policy ECON 2 could be seen to be promotive of development in the countryside.

The Council states that this policy seeks to respond to and support the current trend which is of one of high levels of self-employment and home-grown start up industries by enabling local business start-ups in the rural area. However, evidence states that the number of people self-employed in Mid Ulster (12%) is 2% lower than the Northern Ireland Average (Invest NI Mid Ulster Council Area Profile July 2018.)

The Draft Plan Strategy states that “given the prevalence of self-employment and small businesses in the rural area in Mid Ulster, small workshop development will be considered acceptable on an infill site, an edge of settlement location or where it can be accommodated ancillary to a dwelling inhabited by a workshop operator.” The Council is reminded that LDP policies must take account of the regional policy context

which states that in the interest of rural amenity and sustainability objectives the level of new building outside settlements should be restricted.

The Department is concerned that the Council's policy approach to economic development in the countryside may not be consistent with this direction. The SPPS provides for small-scale new build economic development outside of a village or settlement where there is no suitable site within a settlement or a suitable edge of settlement location. Major or regionally significant economic development may be considered where a countryside location is necessary because of the size of the proposal or for other site specific reasons. In general the approach advocated in the SPPS is to seek to accommodate new economic development activity within settlements or, if there is no suitable site in a settlement, at an edge of settlement location before location within the open countryside. Any departures from this should be explained and justified accordingly.

In the context of the number of existing and potential new dwellings in the countryside, the policy provision to permit workshop accommodation of no more than 100 square metres within the curtilage of a dwelling has the potential to result in significant new economic development within the countryside. Despite indicating that use Class B2: light industry would be the preferred economic use because of the reduced potential for impact on neighbouring residential amenity, no specific restriction is imposed in the policy wording.

The circumstances in which the expansion outside of the existing curtilage of an economic development use where relocation is not possible for operational or employment reasons is subjective and could be seen to be a low bar to overcome. Likewise, the conditions for the re-use of existing redundant non-residential rural buildings appears more flexible than that intended by the SPPS. The SPPS is quite specific on reuse and advocates that suitable locally important buildings of special character or interest should be re-used or converted to secure their upkeep and retention.

It is noted that in all cases an assessment of the likely contribution the enterprise will make to the local economy and information on the level of community support will be required, however it is unclear how this will be determined. Clarification is therefore

required on what level of contribution, monetary or otherwise and community support would be deemed acceptable.

Draft Policy ECON 3 – Protection of Zoned and Existing Economic Development Sites

Policy ECON 3 seeks to protect existing and proposed economic development land. However it is unclear how this policy will apply to Coalisland and Maghera both of which have existing economic land but where no specific allocation in the draft Plan Strategy is made. It is unclear if this land is to be de-zoned or re-zoned. In the absence of clarification on how the Council proposes to treat existing economic land, it is difficult to see how this policy could be applied in practice in the local towns.

In addition, the J & A in paragraph 12.25 could be seen to further contradict matters. It states that 'it is important that economic development land is safeguarded and not lost to other forms of development' and that this 'land is vital if the number of new jobs required to sustain the District over the Plan period is to be realised.' If economic development however, is left to the market as specified in paragraph 4.21, then existing economic sites in Coalisland and Maghera could inevitably be lost undermining the general thrust of this seemingly protectionist policy.

The Council is reminded of the need to ensure that there is an ample supply of suitable land available to meet economic development needs within the plan area and that LDPs should offer a range and choice of sites in terms of size and location to promote flexibility and provide for varying needs in line with paragraph 6.92 of the SPPS. To this end, the Council should set out a coherent strategy from which its policies and allocations logically flow.

13.0 Retailing, Offices and Town Centres

The Department welcomes the Council's town centre first approach which is in line with the SPPS. However, the rationale for the inclusion of 'Edge of Centre Supermarkets and Superstores' within the hierarchy of Hubs does not reflect strategic policy direction. Edge of Centre Supermarkets and Superstores are not afforded protection in the same way as town, district and local centres under paragraph 6.277 of the SPPS and this should not be confused with the application of the sequential test required when considering applications for main town centre uses under paragraph 6.281 of the SPPS.

Draft Policy RE 1 – Development within Town Centres

The policy states that proposals for new retail and retail related development located within the primary retail core (PRC) will accord with the Plan. It then goes on to state that retail proposals (as well as cultural and community facilities, leisure, entertainment and businesses, and housing) outside the PRC will be given favourable consideration if they add to the vitality and viability of the Town Centre. Whilst the two parts of this policy are supportive of retailing and other development (including cultural and community facilities, leisure, entertainment, businesses, and housing), the intended protection afforded to the PRC is undermined somewhat as there is no requirement to demonstrate that no suitable alternative sites are available within the PRC. This omission could potentially result in development occurring within the remainder of the town centre where property, rent and rates may be less.

Draft Policy RE 2 – Retention of Shop Units in the Primary Retail Core

Council acknowledges that a busy and attractive Primary Retail Core (PRC) is a key requirement for the vitality and viability of any town centre. Accordingly, the Council advocates that a change of use from shops to financial and professional services, restaurants and hot food takeaways will be acceptable unless there would be a significant loss of retail floorspace at ground floor level. No further clarification is provided as to what the Council would consider to be a 'significant loss'. A change of use from shop units in the PRC will also be resisted if the overall area is tending to be dominated by non-retail uses. The term 'tending' is subjective and in the absence of further information, it is difficult to see how dominance can be consistently assessed.

The policy seeks to ensure that the PRC is protected and enhanced. The J & A to the Policy discusses the acceptability of non-retail uses within the PRC which could undermine the overall policy intent and monitoring may be an important consideration here.

Draft Policy RE 3 – Retail and Main Town Centre Uses Outside Of Town Centres

The Council indicates that retailing and other town centre uses outside town centre boundaries will only accord with the Plan where it has been demonstrated that there are no suitable sites available within the town centre. This approach is in line with SPPS. The Council goes on to state that development will only be permitted outside a town centre where there will be no significant impact on an existing centre. Further

clarification would be useful to ensure that this aspect of policy can be applied consistently.

Where a developer wishes to undertake a retail development outside of the town centre, the Council requires an assessment of alternative sites in accordance with the established sequential approach. Such development is expected to address a particular retail need and the developer will also have to identify this need as well as providing evidence that the proposal will not have a significant negative impact on the retail offer available within the 'designated town centre'. This appears to suggest that an applicant is only required to assess the impact upon a singular town centre. The Council should note that all town and protected centres should be considered when determining the extent of retail impact within a proposals catchment.

The Council states at 13.28 that 'out of centre development should preferably be located in an edge of centre location before consideration is given to out of centre sites.' However this is contradictory as a proposal located on an edge of centre site cannot be considered to be out of centre development.

Draft Policy RE 4 – Neighbourhood Shops

The Council states that within towns suitably located neighbourhood shops will accord with the plan providing the floor area does not exceed 100sqm. It is unclear whether the quantum of floorspace referred to is gross, net retail or a general net floor area.

Furthermore the Council states that retail units which are under the 100 square metre threshold will not pose a significant threat to the vitality and viability of the town centre but will enable local needs to be met. The impact posed by small retail units is wholly dependent upon their number and relative location.

Draft Policy RE 5 – Retail and Related Uses in Villages and Small Settlements

The Council recognises that small local shops have long played a vital role in meeting the daily needs of residents in small settlements. Policy RE 5 states that 'new development must not impact negatively upon, or lead to the closure of existing retail located within the core of the village/small settlement in question, although it is unclear how this will be determined. The Council is reminded of the need to revitalise small towns and villages in line with SFG13 of the RDS.

The policy states that all such development will normally be restricted to 100 square metres net floorspace. The Council is reminded that policies and proposals for shops in villages and small settlements must be of a scale, nature and design appropriate to the character of the settlement Paragraph 6.278 of the SPPS.

Draft Policy RE 6 – Retail and Related Uses in the Countryside

The Council states that within the countryside, new retail development for a farm shop, craft shop or shop serving a tourist or recreational facility or a convenience shop linked to a service station will accord with the Plan. This indicates an acceptance that in general terms, small scale retailing (up to 100sqm) will be permitted in the countryside. The Council is reminded of the need for policies to be coherent and logically flow. Accordingly, the acceptability of a shop associated with a service station must be consistent with the policy relating to intervening distances and protected routes in TRAN 4.

Paragraph 13.41 of the justification and amplification states that the development of 'small retail facilities which can aid the local rural economy will be acceptable'. However, there is no apparent clarification for what constitutes 'small retail facilities', nor any advice with regard the means to determine how such a development could 'aid' the local rural economy. It is considered that this could be open to interpretation, and would be a requirement that could be easily overcome.

The Council outlines that there are many service stations located throughout the rural area. It is noted that, whilst the specific policy wording refers to the acceptability of a convenience shop linked to a service station, the justification and amplification refers to existing service stations. Paragraph 13.42 further outlines that convenience shops adjacent to existing service stations reduce the visual impact of such developments as well as traffic generation when compared to a completely new retail development. It is considered that, dependent upon the nature, scale and range of a retail proposal, there could be a significant impact, not only upon the nature of the site, but also with regard to traffic generation.

14.0 Minerals

The draft Plan Strategy highlights the significant role the Minerals industry plays in the Council area and the wider context.

The Department notes the draft Plan Strategy approach to Minerals takes account of the SPPS as detailed in Draft Policies MIN 1 – MIN 5 insofar as it makes provision for mineral reserve policy areas, extraction and processing of hard rock and aggregates, valuable minerals and hydrocarbons, peat extraction and restoration.

As is the case with the Draft Plan Strategy generally, the overall structure and written text for this particular subject policy is however ambiguous and could prove difficult to understand and interpret.

Draft Policy MIN 1 – Minerals Reserve Policy Areas

The identification and spatial designation of Mineral Reserve Policy Areas (MRPA's) is welcomed by the Department, as this is an approach reflected in the SPPS.

Draft Policy MIN 2 – Extraction and Processing of Hard Rock and Aggregates

It is considered that this policy is general in nature and could apply to other types of minerals development. The Department acknowledge this policy takes account of strategic policy, however the presentation is ambiguous leading to confusion. In particular the approach of setting out policy for 'Areas of Constraint on Mineral Development' (ACMD) *before* the criteria for assessing mineral development is an unusual emphasis for a policy regarding extraction and processing. The SPPS (6.164) allows for exceptions within ACMDs, however the Council do not reference scale and time limitations within the policy. The Department considers that the exceptions set out in J&A para 14.16 should be included within the policy wording.

The policy also sets out considerations and criteria for 'elsewhere' or land not designed as an ACMD, however the structure and use of language of the policy creates uncertainty in respect of the criteria that apply within ACMDs and elsewhere in the district.

Policy MIN 2 is the only minerals policy to cross-refer to the general principles policy GP1. Council should ensure consistency against all policies contained within the draft plan strategy.

Furthermore the policy and J&A do not elaborate on what constitutes 'processing' for the purposes of this policy. The SPPS makes no provision for the processing of hard rocks or aggregates at existing quarries, and this could significantly increase the operations of existing quarries which may not be a sustainable form of development.

On a related matter Policy ECON 2- Economic Development in the Countryside criteria (j) provides that in existing quarries, outside of areas designated for their nature conservation, heritage or landscape value, favourable consideration can be given to a directly related industry e.g. cement/concrete works or glass manufacture. Clarification is sought on whether this constitutes processing for the purposes of Policy MIN 2.

It is noted in the J&A (14.17) that SCA around the shores of Lough Neagh introduces a tight constraint on all development including mineral extraction in recognition of its landscape qualities, and the international importance of this wetland. However no reference is specifically made to the High Sperrins SCA for the same development type.

Draft Policy MIN 3 – Valuable Minerals and Hydrocarbons

This policy does reflect the SPPS but would benefit from clearer distinction and separation of the policy in relation to ‘valuable minerals including hydrocarbons’ and ‘unconventional extraction of hydrocarbons’. Minerals development in relation to the valuable minerals is accepted subject to considerations. Unconventional extraction of hydrocarbons or chemical extraction of precious metals is contrary to the plan. In relation to unconventional extraction of hydrocarbons, the policy and J&A do not correspond, clarification would be welcomed from the Council. It is also noted criteria a)-g) set out in Policy MIN 2 also apply.

Draft Policy MIN 4 – Peat Extraction

The SPPS stipulates that commercial peat extraction will be permitted if proposals are consistent with protection of boglands valuable to nature conservation interests, and with protection of landscape quality particularly in AONBS.

Commercial peat extraction will not accord with the plan except where ‘peat land is not reasonably capable of restoration or it is demonstrated that peat extraction is linked to a management and restoration plan for improved peatlands’. This a stricter emphasis than strategic policy. It is also noted that advice would be taken from the relevant authority on any decisions on peat extraction.

Draft Policy MIN 5 – Restoration of Mineral Sites

The policy wording is vague and open to interpretation e.g. 'all applications for minerals development must include, where appropriate, satisfactory and sustainable restoration proposals'. Use of 'where appropriate' is confusing, and the Department would seek clarification if this policy is applicable to all applications or if some exceptions are accepted.

Furthermore explanation of paragraph 14.31 in J&A would be welcomed. The policy supports proposals for restoration post mineral development however this refers to 'sites being used for completely different purposes post exploitation'. While the SPPS does acknowledge sustainable restoration includes appropriate re-use, draft policy MIN 5 does not refer or consider this as an appropriate option.

Draft Policy MIN 6 – Mines, Shafts and Adits

This policy provision is not within the SPPS however it would appear to be included to address local circumstances.

15.0 – Tourism

It is noted that the Council's Tourism Strategy (para 15.11) states that the four policies in this section of the draft Plan Strategy allow more flexibility for major tourism development and are less prescriptive regarding tourism accommodation, facilities and attractions, while continuing to safeguard tourism assets and important tourist accommodation.

Policy TOU 1 – Protection of Tourism Assets and Tourist Accommodation

Policy TOU 1 relates to the protection of tourism assets and tourist accommodation. Furthermore, the policy clarifies the circumstances whereby a proposal for new tourism development within Tourism Conservation Zones will conflict with the Plan.

Whilst the policy is entitled 'Protection of Tourism Assets and Tourist Accommodation', it is in part concerned with new tourism development within Tourism Conservation Zones.

Policy TOU 1 specifically refers to the Glenavon Hotel and the Greenvale Hotel, both of which are located in Cookstown. The policy identifies they should be protected from redevelopment and changes to other uses, alongside any other sites identified in the Local Policies Plan. The Tourism Position Paper identifies these two locations

amongst large sites which, in the event of a housing development boom, could come under pressure to be redeveloped for housing. Whilst the policy refers to 'other sites identified in the Local Development Plan' the reference to other tourist accommodation (Tullylagan Hotel, Cookstown and Corrick House Hotel, Clogher) has been omitted.

Draft Policy TOU 2 – Resort Destination Development

This policy relates to proposals for resort destination development (incorporating both accommodation and major leisure facilities) in the countryside, outside of Tourism Conservation Zones and Special Countryside Areas. It provides examples of such developments and outlines the circumstances whereby a proposal would accord with the Plan.

Council is reminded that policies and proposals for major tourism development in the countryside may be provided for in exceptional circumstances. Proposals must demonstrate; exceptional benefit to the tourism industry; and sustainable benefit to the locality, and that a countryside location is required by reason of its size or site specific functional requirements.

Whilst the policy wording places a requirement on prospective applicants to demonstrate that a proposal will be of exceptional benefit to the regional tourism industry and the economy, there is no indication that such proposals will only be allowed in exceptional circumstances. The exceptionality of such proposals is not clear until Paragraph 15.25 of the associated Justification and Amplification, which asserts that the Policy should be read to accommodate only one resort destination in the District. However, this appears to limit the acceptability of such proposals to only one in the Mid Ulster District Council Area, with no flexibility for additional developments even if criteria can be met. The policy appears to be extremely limited with regard to its application; amounting to a single-use policy.

Draft Policy TOU 3 – Tourism Accommodation

The policy wording appears to suggest support for the development of hotel and self-catering accommodation on un-zoned land within Dispersed Rural Communities where it does not conflict with the Local Policies Plan and its land use zonings – in the same way that such proposals would be viewed within settlements. Whilst this would facilitate development which may support rural regeneration is not apparent why DRCs

would be afforded the same standing as defined settlements in the provision of tourism accommodation.

The intended definition of terms within the policy criteria such as 'clearly visually associated', 'easy access' and 'easily accessible' should be clarified in greater detail to assist in policy application.

Paragraph 15.36 outlines a requirement for the submission of a Design Concept Statement in relation to proposals for new hotels, holiday parks and self-catering accommodation of 3 or more units. Consideration should be given to inclusion of this requirement within the main policy.

Draft Policy TOU 4 – Other Tourism Facilities/Amenities and Attractions

This policy relates generally to proposals for tourism facilities/amenities and attractions that are not covered by the preceding policies. The policy appears to overlap into the realms of open space, sport and outdoor recreation with reference made to golf courses and outdoor activity centres.

The policy is supportive of proposals for outdoor tourism facilities, amenities or attractions within settlements or a Tourist Opportunity Zone or open countryside outside of a Tourism Conservation Zone.

Where a proposal involves indoor tourism facilities in the countryside, outside a Special Countryside Area or Tourism Conservation Zone, the policy is supportive provided an applicant can demonstrate that:

- i. It is in association with, and requires a site at or close to a tourism asset; or
- ii. The type of tourism development in itself requires a countryside location.

The policy outlines that all proposals for tourism facilities, amenities and attractions will be considered with regard to the impact of its scale, design and siting upon the amenity of the area or its landscape character. Furthermore, existing buildings should be used wherever possible, however, if a new building is justified it should be of a quality design, well integrated into its setting and supplemented with generous landscaping and planting. However, no clarification is provided within this policy, which outlines the circumstances under which a new building would be justified.

Where a proposal is located within a Tourism Opportunity Zone, the applicant is required to demonstrate that the development will not have significant adverse impacts on internationally recognised habitats, or there have been mitigated against.

There is no clarification within the policy wording of significant adverse impact. Given the subjective nature of this term, and the potential risk of misinterpretation, it is recommended that clarification is provided within the J&A associated with this policy.

Chapter 16.0 – Agriculture, Forestry and Fishing

It is noted in the draft policy Overview that the overwhelming majority (3,277) of the 4,155 registered farms in the district are classified as very small, which is an important statistic when considering policy provision for farm businesses.

The Council states ‘Given that 40% of our households are located in the countryside and are closely linked to agriculture our strategy is to recognise that a permissive approach to agricultural development will assist our farming communities’(para 16.9). It is worth noting that a significant proportion of households in the countryside may not be directly involved in agriculture.

Draft Policy AFR 1 – Agriculture and Forestry Development and Development Ancillary to Commercial Fishing

This policy relates to proposals ancillary to the operations of an active and established agricultural/forestry holding and/or commercial fishery and broadly reflects the strategic direction set out in the SPPS.

However, in addition to the requirements within the SPPS, this policy sets out provisions for development ancillary to commercial fishing for the storage and maintenance of boats and equipment, subject to an applicant fulfilling a number of requirements. The District Proposals map identifies the area for which this policy is applicable, and it is notable that the building does not have to cluster with existing development. Robust evidence to support this additional development opportunity would be necessary, as there may be potential impact in terms of additional development in the countryside.

While it is noted in paragraph 16.13 of the J&A that development should be located next to existing agricultural and forestry buildings, this paragraph also provides guidance where a building is to be sited away from the existing buildings. It is

recommended, that consideration be given to including such clarification within the main policy text.

In addition an exception for new farm start-ups requiring a new building is set out in the J&A (para 16.14), which may have been more beneficial if expanded on in the policy box.

The J&A (Para 16.16) refers to the determining criteria for an active and established business, by reference to that set out under Policy CT2 – Dwellings in the Countryside. It would be beneficial to outline the specific determining criteria for an active and established business within Policy AFR 1.

ENVIRONMENTAL POLICIES – PROTECTING HERITAGE AND PROVIDING INFRASTRUCTURE

17.0 Historic Environment

The SPPS clearly sets out the legislative framework that protect our archaeological and built heritage environment. However, there is little acknowledgement that this statutory framework exists to protect important environmental features. The Department would welcome greater recognition of the statutory framework for protection of environmental features.

Draft Policy HE1 – Beaghmore Stone Circles – Area of Significant Archaeological Interest

Draft Policy HE2 – Creggandevosky – Area of Significant Archaeological Interest

Draft Policy HE3 – Tullahogue – Area of Significant Archaeological Interest

Draft Policy HE4 – Archaeological Remains of Regional Importance and their Setting

The Department welcomes the Councils attempt to tailor policies to individual ASSIs at Beaghmore Stone Circles, Creggandevosky and Tullahogue as per draft policies HE1, HE2, and HE3. Strategic policy set out in paragraph 6.8 of the SPPS relates to 'the site and the integrity of their settings', however draft policies HE 1, HE 2, and HE 3 do not clearly articulate both these elements. It is noted that reference to 'integrity of their settings' is made in policy HE4 but as this sits in a separate policy this may

lead to ambiguity and confusion. A cross reference to policy HE4 in policies HE1, 2 & 3 would be welcomed.

ASAls benefit from statutory protection and the Council should consider highlighting this statutory requirement. Within the policies HE1, HE2 and HE3 the types of development that would adversely impact on the distinctive qualities of the archaeological remains and the historic landscape are listed. It is suggested that this list is not exhaustive as there may well be other types of development which could adversely impact upon the ASAls. Council may also wish to consider the cumulative effect of developments that may adversely impact the ASAls.

Policy HE4 refers to exceptional circumstances as being 'where it is demonstrated that the proposal is of overriding importance to Northern Ireland' and this is in addition to the SPPS.

Paragraph 17.22 should be included in the main policy box.

Draft Policy HE5 – Archaeological Remains of Local Importance and their settings

The policy includes an exception that proposals will not conflict where it is clearly demonstrated the "importance" of a development outweighs the value of archaeological remains and/or their settings. This does not reflect the wording in the SPPS (para 6.9) that "development proposals which would adversely affect archaeological remains of local importance or their settings should only be permitted where the planning authority considers that the need for the proposed development or other material considerations outweigh the value of the remains and/or their settings".

Draft Policy HE6 – Areas of Archaeological Potential

Policy HE6 states that an archaeological assessment or evaluation will normally be required. Council may wish to elaborate.

Draft Policy HE7 – Archaeological Assessment, Evaluation and Mitigation

Policy HE7 does not reflect fully the SPPS policy (para 6.11), which refers to the preservation of remains in situ, or a licensed excavation, recording examination and archiving of the archaeology by way of planning conditions.

The inclusion of exceptional circumstances lessens the intent of the SPPS policy. The latter part of the policy refers to 'lesser archaeological importance' which is considered

to be contradictory to HE6 policy on Areas of Archaeological Importance. The inclusion at para 17.35 of 'suggested' implies such reports to be carried out by those less competent and qualified.

Draft Policy HE10 – Demolition of a Listed Building

The phrase “or because the structural integrity of the building is dangerous and beyond repair” is not included in the SPPS policy. Its inclusion does not emphasise that there should be a presumption in favour of retaining listed buildings over their demolition.

The Department would direct the Council to para 6.15 of the SPPS for further clarity on regional policy to be implemented, and recommends consideration is given to including Para 17.50 within the policy box.

Draft Policy HE12 – Designated Conservation Areas and their Historic Settings

In relation to demolition, the policy as drafted, in particular the reference to demolition of historic buildings or structures which are capable of re-use, repair or renovation, weakens the intent of the SPPS.

It is noted that para 17.63 broadly correlates with para 6.19 of the SPPS with the omission of one bullet point which refers to 'environmental problems such as noise, nuisance or disturbance'. Although policy GP1 addresses the amenity issues, the wording used is not the same as that contained within the SPPS, and Council should satisfy itself that the SPPS policy is appropriately applied.

Draft Policy HE13 – Non-Listed Historic Vernacular Buildings

The wording of this policy gives rise to potential misinterpretation and should more accurately reflect the intention of the SPPS policy. This policy relies heavily on the will of the developer to adhere with its requirements, and Council are asked to consider what the draft Plan Strategy can do to encourage this type of development.

Council may wish to consider cross referencing to other relevant policies within the draft Plan Strategy (Policy CT2 Housing in the Countryside, Policy CON2 Economic Development in the Countryside, and Policy TOU3 Tourism Accommodation) which allow for the conversion and re-use of existing buildings for residential, economic and tourism development.

Draft Policy HE14 – Areas of Townscape/Village Character

SPPS policy states that in relation to demolition that appropriate arrangements for redevelopment of a site should be made. This is not reflected in this policy as drafted. Also, wording from para 6.22 of the SPPS which states that 'the demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site' is not reflected in the policy.

Draft Policy HE15 – Industrial Heritage Assets

The first sentence of para 17.77 should be contained within the policy box.

Enabling development - the Department notes there is no policy provision for enabling development and therefore the suite of historic environment policies contained within the SPPS is not fully reflected.

18.0 Natural Heritage

The SPPS clearly sets out the EU Directives and legislative framework that protect our natural heritage environment. However, there is little acknowledgement that this statutory framework exists to protect important environmental features. The Department would welcome greater recognition of the statutory framework for protection of environmental features.

Draft Policy SCA1 – Special Countryside Areas

The inclusion of the proposals maps which illustrate proposed SCAs are helpful and aligns with SPPS policy and the Department's Practice Notes. Designation of SCAs are warranted for exceptional landscapes which should be afforded greater protection. Strategic policy advocates development should only be permitted in *exceptional* circumstances. However, the exceptional criteria listed undermines the intent of the SCA policy due to it widening the scope for development opportunities.

Under such exceptions, the policy refers to 'open development' and 'in-situ replacements of existing buildings', but it does not clearly explain what these would entail, or the evidence has not been provided to support these additional opportunities. These contradict the intention of the designation.

The last sentence of para 18.15 of the Justification and Amplification reads as a policy requirement and as such should be considered for inclusion within the policy box.

While it is noted a presumption against all new development applies to Lough Neagh/Lough Beg, Slieve Beagh and the High Sperrins; Policy MIN2 and the associated J&A only makes reference to a tight constraint within the Lough Neagh SCA. Council should ensure that information across policies are consistent.

The Council should be able to demonstrate how this policy is sustainable in terms of the spatial strategy when considered in combination with the other countryside policies and growth policies within the draft plan strategy.

Draft Policy NH1 – International Designations

It is considered that para 18.17 of the Justification and Amplification should be included within the policy box as it reflects the relevant SPPS policy (see para 6.175).

Draft Policy NH3 – National Designations

The criteria would benefit from being expressed more clearly in line with the SPPS. The inclusion of criterion (b) refers to social, environmental or economic benefits of regional importance, which causes ambiguity. This inclusion may lessen the level of protection which should be afforded to the nature conservation designations.

Policy NH6 – Areas of Outstanding Natural Beauty (AONB)

AONBs are designated primarily for their high landscape quality, wildlife importance and rich cultural and architectural heritage under the Nature Conservation and Amenity Lands (NI) Order 1985. The policy does not refer to the quality of “landscape, heritage and wildlife” as set out in para 6.187 of the SPPS. Para 18.31 contains information which could perhaps be included within the policy, however it is noted that it does state ‘account will be taken of’, as opposed to a list of criteria which must be met.

19.0 Flood Risk

In addition to comments made in relation to Flood Risk Policies please refer to DfI Rivers response included in other annexes to this response.

Policy FLD1 – Fluvial Floodplains

The overall approach to flood Risk is noted. This matter is addressed in more detail in the DfI Rivers response which is attached in a separate Annex.

Paragraph 19.5 in relation to the exceptions to development in Flood Plans omits ‘any development located close to flood defences’.

The general policy formulation could cause confusion. The second bullet point should refer to regional or sub-regional economic importance as set out in para 6.107 of the SPPS. Also, the exceptions to the general presumption against development in the floodplains could be more clearly laid out to avoid any ambiguity.

In the final section of the policy, Council should state that flood protection/management measures will only be acceptable if they are carried out by Rivers Agency or other statutory body as set out in the SPPS.

Policy FLD2 – Development and Surface Water (Pluvial) Flood Risk outside Flood Plains

The Department notes that the final sentence of the policy refers to “any impacts beyond the site” as opposed to any “adverse impacts” referred to in the SPPS (see para 6.117).

Policy FLD3 – Protection of Flood Defence and Drainage Infrastructure

This policy is succinct and Council should ensure that it will deliver regional policy as set out in the SPPS.

Policy FLD4 – Development in Proximity to Reservoirs

The Department notes the absence of a policy requirement to demonstrate that the condition, management and maintenance regime of the reservoir are appropriate to provide assurance regarding reservoir safety. The policy does not align with that set out in the SPPS. Council should ensure that its policy reflects guidance issued by the Department.

20.0 Waste Management

Draft Policy WM1 – Waste Management: General Policy

The Department welcomes the overall approach to waste management within the policy but would comment that some aspects of the J&A may be better placed within the policy box. For example paragraphs 20.13 and 20.15 detail matters concerning transportation, odours, dust consideration which would benefit from greater policy weight. With respect to transport in particular, the heavy goods vehicles and frequency would be an important consideration which may be more appropriately located within policy. It may be the council's intention that this is covered by GP1 policy, although as there is no cross-reference made within WM1, it is not entirely clear.

Draft Policy WM 2 – Waste Collection and Treatment Facilities

The Department acknowledges that this broadly aligns with strategic policy however it is noted that there is stronger emphasis in criteria v) stating '*Exceptionally*, where it is demonstrated....', in contrast the SPPS refers to '*alternatively*'. Clarification on the rationale for this change would be welcomed.

Draft Policy WM 3 –Waste Disposal

Whilst it is noted the Council's proposed approach to direct away from waste disposal, this policy sets out the provisions under which waste disposal/landfill or land raising facilities shall be acceptable. Clarification would be welcomed what the Council consider as a 'verifiable need for landfill' as no details have been provided.

Furthermore while it is noted, draft policy WM1 will give a general consideration to 'practical restoration and aftercare proposals' (criteria v.), it is considered that appropriate restoration is crucial for development proposals regarding waste disposal, and should be referenced accordingly.

Draft Policy WM 4 –Development in the Vicinity of Waste Management Facilities

The SPPS (para 6.317) refers to separation of incompatible land uses, but this is not referenced in this policy.

22.0 Renewable Energy

The Department for Economy publishes statistics annually on its website in relation to Electricity Consumption and Renewable Generation in Northern Ireland. Similarly, DfI

publish quarterly statistics in relation to planning applications. Council should satisfy itself that its evidence base is up to date and that any statistics used are current.

In para 22.3 Council provides information on the geography of each Council area and how they differ. The Department would welcome an analysis of the characteristics of Mid Ulster specifically in order to inform its capacity for renewable energy development.

Regional policy context for Renewables is set out in paragraphs 22.6-22.8. The drafting of Para 22.7 refers to 'adverse impact', and does not accurately reflect SPPS policy which refers to "unacceptable adverse impact", and there is no detail of 'planning considerations' outlined in respect of these impacts.

Also within paragraph 22.7, in relation to active peatland, the SPPS states that any renewable energy development will not be permitted unless there are imperative reasons of overriding public interest, however the Council refer to "overriding interest". The wording 'overriding public interest' as defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended, should be accurately reflected.

The omission of key words within this paragraph places a different emphasis on the intention of the SPPS. Council should clarify these omissions and update to reflect accurate wording of the SPPS.

In reference to the statement that 'a separation distance of 10 times rotor diameter to occupied property within a minimum distance not less than 500m will generally apply to development of wind farms', Council should consider reflecting the approach of the SPPS which refers to occupied property.

Draft Policy RNW1 – Renewable Energy

The SPPS (para 6.224) refers to a number of planning considerations which are relevant to this policy, however draft Policy RNW 1 does not include reference to all planning considerations.

Inclusion of the cautious approach to Sperrins AONB, Slieve Beagh and the Clogher Valley Ridge Line is welcomed however, there is no reference to their wider settings. Draft policy RNW1 would however benefit from clear indication within the policy box

of the constraint within SCAs which is referred to in para 22.11. Criteria within draft policy RNW1 includes additions at part (vii) and (viii) and also references to hub height in relation to Areas of Constraint on Wind Turbines and High Structures (AOCOWTHS) and the Council should ensure these additions are evidence based.

The SPPS states (6.227) 'For wind farm development, a separation distance of 10 times rotor diameter to occupied property...' but the Council state '10 times rotor diameter or 4 times the tip height (whichever is the greater)'. Where there is an additional requirement, Council should satisfy itself that this is evidence based. However information in the J&A (22.23) causes confusion as there is reference to 'a minimum separation distance of 10 times rotor diameter or 10 times the height to the hub'. Council should clarify which is the intended criteria.

It is noted in the J&A (Para 22.17) the Council have set out a planning condition, which would not appear to be in line with SPPS policy (para 6.231). If the Council requires measures to be taken regarding decommissioning and site restoration etc., it may be appropriate to refer to this requirement in the policy to more accurately reflect the SPPS policy. This can be drafted and applied during the processing of individual planning applications.

The key tests for wind energy, identified in para 22.21 should align with paragraph 6.224 of the SPPS. Furthermore consideration might be given to including reference to unacceptable adverse impact within paragraph 22.22. Paragraph 22.25 – 22.27 do not align with the policy provisions of paragraph 6.227 of the SPPS and conflicts with Policy RNW 1 (iv) of the draft Plan Strategy.

There are a number of occasions when the justification and amplification does not accurately reflect the text within the policy box. Council should ensure that there is no ambiguity. For example, with reference to policy on active peatland, the J&A creates ambiguity as to how the policy should be implemented.

The Council appear to elevate the local economic benefits from Biomass development proposals within rural areas over environmental and social considerations, as set out in paragraph 22.35. This does not align with the strategic policy provisions of paragraph 6.225 of the SPPS.

23.0 Transportation

The Department is concerned that there is lack of detail within the General Principles Policy GP1, which may not provide full operational policy coverage in respect to transportation.

Draft Policy TRAN1 – New Roads and Road Improvement Schemes

The Council states that 'safeguarding protected routes will improve connectivity between the three main hubs, local towns and the rural hinterland which will improve road safety reduce journey times and alleviate congestion for the private car, business travel and public transport'. In light of this, the Council sets out the exceptions upon which access onto protected routes and other route ways may be permitted (Policy TRAN 4).

Draft Policy TRAN 2 – Disused Transport Routes

The Department notes the Council's approach to the protection of disused transport routes.

Draft Policy TRAN3 – Car Parking

The Council states that there is a local need for sufficient car parking provision within towns to maintain vibrant town centres. Paragraph 6.297 of the SPPS promotes parking policies that will assist in reducing reliance on the private car and help tackle growing congestion. The approach in draft Policy TRAN3 is to maintain the overall level of car-parking provision by protecting existing provision and permitting the loss of car parking spaces only where replacement provision is made of a similar scale and in a convenient location terms of location, accessibility. Moreover the Council does not consider the role of other initiatives to influence modal choice such as park and ride or park and share facilities, designating areas of parking restraint, reducing the supply of long term parking spaces, pricing policy and land use measures. The Department therefore considers draft Policy TRAN 3 is not supportive of strategic policy direction.

Draft Policy TRAN 4 – Access onto protected routes and other route ways

Policy TRAN 4 does not appear to adhere to the hierarchy of public roads identified in the SPPS. It is difficult to see how the Council affords the appropriate level of protection to key routes that fall under categories a) Motorways and high standard dual

carriageways & b) Other dual carriageways, Ring Roads, Through-Passes and By-Passes.

Rather than restricting the number of new accesses onto protected routes and promoting road safety for pedestrians, cyclists and other vulnerable road users in line with paragraph 6.297 of the SPPS; policy TRAN 4 could be considered to have a significant impact on road safety and adversely affect traffic progression.

Further comments are provided by DFI Roads and TMPU within the other annexes of this response.