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Your reference:

Our reference: MUDC DPS Sub1

23 December 2021

Dear Dr Boomer

MUDC draft Plan Strategy Submission

I am writing in relation to the Council's draft Plan Strategy submission which was made to the Department on 29th May 2021. I also wish to acknowledge your recent correspondence of 5th November in which you queried the Department's progression of the Council's submission.

Following the Department's consideration of the Council's submission, there are a number of aspects of the submission which the Department is seeking further clarification on. It may be helpful if I broadly set out how the Department considers submissions made by Councils' at this point in the process.

The Council submitted its development plan document and other associated documentation to the Department under section 10(1) and 10(3) of the Planning Act. In doing so the Council has confirmed under Section 10(2) that it has complied with requirements contained in the Regulations and it considers that the development plan document is ready for Independent Examination.

In more recent correspondence on the 29th November the Council stated that the Department's representation has been taken into account as part of the submission. It is however, in the Department's oversight role that clarification is being sought at this time.

Under s. 10(4) the Department must, unless it intends to make a direction under section 11(2) or 15(1) of the 2011 Act, cause an IE to be carried out. To establish whether an IE should be caused, an overview of the submission material is undertaken.

There are broadly three aspects to the overview; whether the development plan document has been prepared in accordance with relevant procedures; whether there are any fundamental issues which appear to undermine the implementation of the RDS/SPPS; and whether there are obvious gaps in the evidence base.

The Department must ensure that on balance there is sufficient and satisfactory information to enable the PAC to undertake an IE, in matters of process and procedure.

It is important to note that this overview is not a first sift of an assessment of soundness which is the remit of the PAC/Independent Examiner. Furthermore in the event that the Department causes an IE, it is made clear that this is not a determination on the soundness of the DPD.

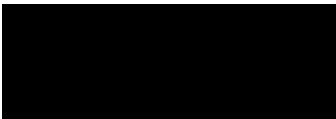
The Department seeks this clarification to confirm how the Council have considered certain aspects of the Plan with reference to the evidence provided in the submission. In reviewing the documentation submitted by the Council, the Department seeks clarification in relation to a number of aspects as set out in the Appendices to this letter under the following areas; Legal/Procedural; Housing/HGI; Economic Development and Development in the Countryside as it is acknowledged that these are important strategic elements of the draft Plan Strategy.

The Department is mindful however that on receipt of any submission or clarification - any further consideration of these aspects at this stage of the process would not be appropriate as this is the purpose of the IE under Section 10 (6) of the Act.

I appreciate that carrying out this overview of the Council's submission has taken longer than initially anticipated, however, pending your response the Department will progress with consideration promptly.

This letter has been copied to Katrina Godfrey and Adrian McCreesh for information.

Yours sincerely



ALISTAIR BEGGS
Director of Strategic Planning

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APPENDIX 1 – CLARIFICATION QUESTIONS - HOUSING SECTION

APPENDIX 2 – CLARIFICATION QUESTIONS - ECONOMIC DEVELOPMENT/ADDITIONAL IN THE COUNTRYSIDE

APPENDIX 3 – CLARIFICATION QUESTIONS ON RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

APPENDIX 4 – CLARIFICATION QUESTIONS ON LEGAL/PROCEDURAL COMPLIANCE

APPENDIX 1 – CLARIFICATION QUESTIONS - HOUSING SECTION

HGI Application and Housing Need

Updated HGIs were published by the Department in Sep 2019. Based upon more recent 2016-based household projections and other updated data they cover the time period 2016-2030. The update indicates 10,300 units for Mid Ulster District Council (MUDC) however Council has retained the existing draft Plan Strategy housing figure of 11,000. MUDC303' Urban Capacity Study' appears to the Department to be the main evidence paper considering the revised HGI. It concludes that the figure of 11,000 (derived from extrapolating the previous HGI of 9500 for the period 2012 – 2025) remains sound because it is 'not a significant reduction' on the Draft Plan Strategy housing figure.

Q1- Can the Council direct DfI to any submitted evidence clarifying why, despite being based on the now superseded 2012-based HGI, the draft housing requirement of 11,000 represents an equally robust approach to one based upon the more recently prepared 2016-based HGI.

Q2 - Where in the submitted evidence has the Council considered what residual housing need remains as of the date of submission once completions from 2015 – 2020 are taken into account?

Distribution of Housing to countryside

The Council's Housing Allocation paper (MUDC209 July 2015) provides allocations for the urban and rural area for 2015-2030. It is said to be based on the most recent household projections available at that time (provided by NISRA March 2015). The paper advises that the position would be revisited and the paper updated when HGIs are revised. (Paragraphs 1.1 & 1.2). There is a reference within the POP to a Housing Allocation position paper addendum dated 2016.

Q3. Can Council direct DfI to the 2016 'Housing Allocation' addendum referred to in the POP or any revisions or updates of the information presented in this Housing Allocation Paper?

The Council proposes an allowance equivalent to 40% of the 'Council's HGI' to account for development that will take place under countryside policies. This is said by the Council to reflect the existing proportion of households in the countryside of the district which is presently 41% (MUDC237). The Council's proposal is that applications will be monitored and a plan review initiated when approvals reach a level equivalent to 40% of the HGI. In the draft Plan Strategy the allowance to the countryside is therefore in addition to the planned housing allocation to settlements. The Department would again highlight the RDS direction (page 43) which states that the HGI figure is for the whole council area.

The Department would also draw attention to the Council's own statement at paragraph 6.16 of its 2014 Housing Paper (MUDC202) that "Within the HGI figure (the Department's emphasis) *an allowance will also have to be made for dwellings in the Countryside*". It therefore appears that the Council previously accepted that the housing need indicated by the HGI related to the whole district, including the countryside, and not just part of it.

Q4 - It would assist the Department's consideration if the Council can refer to the submitted evidence explaining the change in approach between the 2014 Housing Paper and the Draft Plan Strategy with regard to the 40% allowance to the countryside within the context of the HGI figure? An explanation as to why the allowance to the countryside changed from being within the HGI to being outside it?

Q5 – The Council acknowledges the relevance of implementation rates elsewhere in the submitted evidence and indicate that the rate is between 90-95%. As approvals do not equate to completed dwellings can the Council advise why these are considered to be a robust indicator of whether the 40% ‘cap’ is reached and a review initiated?

Q6 - Can the Council highlight where in the submitted evidence explanation is provided of how the Council intends to monitor and implement the 40% allowance in practice and how this may feature in any plan review?

Paragraph 5.5 of the later Policy Review ‘Sustainable Development in the Countryside’ (MUDC228) indicates that ‘there is a requirement’ for 4380 rural houses over the plan period (based on 40% of 10,950). The paragraph draws upon approval data for only the period 2012 – 2014 which shows that existing rural policy permits 220 dwellings per year over this period. The Council apply a 90% ‘implementation rate’ and estimate this would permit 3,300 ‘rural dwellings’. The Council conclude that, taking account of the ‘requirement’ of 4380, there is therefore scope for 1000 additional ‘rural dwellings’ over the plan period. The Council state that while these figures are indicative ‘they provide justification for relaxation of the rural policy in the new LDP’.

Also noted is page 225 of the consultation report (MUDC 114) which contains more recent data on approvals indicating an average approval rate for 2016 – 2019 of 259 per annum. If applied over the plan period the Council state this would result in 3,885 rural dwellings, 585 more than the amount previously estimated by the council in the rural policy review paper (MUDC228)¹. As a result the scope for 1000 additional ‘rural’ dwellings previously identified by the Council is reduced by more than half to 485. It is therefore clear that the number of approvals varies from year to year in response to a range of factors, not just policy.

Q7 –From the above-mentioned figures it appears that the scope to further increase countryside approvals in order to achieve the Council’s ambition of 40% of future housing growth is substantially less than the 1000 previously estimated by the Council. In view of this, has the Council provided evidence of why the proposed countryside policy relaxations remain an appropriate response to the gathered evidence?

Q8 - The evidence shows that existing countryside policies in PPS21 and the SPPS provide flexibility for approval rates to increase over time without the need for a relaxation of policies, could the Council direct DfI to the justification for the further relaxations proposed?

Q9 – As the number of countryside approvals can vary year-on-year, can the Council advise why its original estimate of a ‘requirement’ for 1000 additional dwellings was based upon only 2 years of approval data?

Q10 – Did the Council attempt to obtain information in relation to the number of single and replacement dwelling completions in the countryside of the district? If this is provided in the submitted evidence can the Council direct the Department to this?

Allocation to settlements.

The Council state that at present 27% of their district’s households are located within the three main towns (identified as Hubs/Local Hubs in the RDS). The Council propose to focus growth in these settlements by providing opportunities in the Local Policies Plan for ‘up to 60%’ of the HGI

¹ To note: There appears to be inconsistency in application of implementation allowance.

to be accommodated there. The minimum threshold beneath which the Council will act to release more land is 30%.

It is unclear what has informed the upper ambition of 'up to 60%'. It appears it may have been intended to reflect the regional RDS target of 60% of new housing to be located on appropriate brownfield sites within the urban footprint of settlements greater than 5000 population, although this relates to brownfield and includes more than just Hub/Local Hub settlements (MUDC102SA). It may also be informed by the Council's evidence that unimplemented approvals and zonings within the main towns are sufficient to achieve 54% of the housing need of 11,000 identified by the plan (MUDC116 POP Consultation Report).

The Council's POP originally identified Option 1 'equitable split' as the preferred option, indicating 40% of the HGI to the rural area, 33% to settlements and 27% to the main towns. The POP consultation report also indicates a recommendation to retain the preferred 'equitable split' approach to housing allocation. The SA report (MUDC102) makes reference to a 4th option 'based on the RDS 60% target but without a specific allocation to the countryside' however this is the first point in the plan preparation process where such an option is introduced and selected.

The council state that the Housing Local Indicators (HLI) are not a table of allocations but instead an '*indicator of growth*' to ensure there is adequate land in each settlement to meet targets set by the RDS'.

The Department also notes the Council approach in the HLI of identifying a range of growth scenarios for each of the main towns of between 30 – 60% of the housing requirement of 11,000. The indicated housing growth is therefore between a range 3,285 and 6589 units which is a difference of 3284 dwellings or approximately a third of the overall housing allocation. A further 33% of the allocation to the remaining settlements of the district.

Taking account of the fact that the allowance to the Countryside is entirely outside the HGI (equivalent to 40% of that indicator) there appears to be 7% of the HLI to settlements that is unaccounted for.

It appears that the HLI is informed solely by the proportion of the districts population that currently reside within a given settlement. In their consultation report document (MUDC114) the Council however indicate that the strategic settlement evaluation has identified the services contained within settlements and has informed the approach to the allocation of housing.

In relation to the local towns of Maghera and Coalisland the Consultation Report (MUDC114, April 2021 page 053) indicates these settlements '*will end up accommodating more growth than their percentage share*'. The Council state this will be a matter for the Local Policies Plan. Council have not indicated how much development over and above the indicated allocation they expect these settlements to accommodate. In light of this can the Council provide clarification on the questions below:

Q.11- Can Council clarify from within the submitted evidence the basis for identifying a range of housing growth between 30% - 60% of the HGI in respect of the main Hub and Local Hub settlements of Cookstown, Dungannon and Magherafelt?

Q12 - Can the Council direct DfI to where, in the submitted evidence, the reasoning for the apparent change of approach to distributing the housing requirement is set out? (i.e. from the 'equitable split' favoured at POP stage to the approach eventually adopted in the draft Plan Strategy)

Q13 – Does the range of growth indicated to the hub settlements provide sufficient clarity and certainty on the amount of housing that will take place over the life time of the plan.

Q14. - In order to assist in the Department's assessment of the submission can MUDC provide clarification as regards the 7% of the Housing Local Indicator not accounted for in allocation to settlements?

Q15 - Can the Council clarify the status of the Housing Local Indicators and further explain how existing commitments have been taken into account in the allocation of growth to settlements?

Q16 – Can the Council clarify what evidence, other than a settlements existing share of the district's population, informed the HLI to settlements. In particular, can clarification be provided on whether the Strategic Settlement Evaluation, including assessment of environmental capacity, has influenced these choices?

Q 17 - Can the Council explain the statements within the public consultation report that the LPP may facilitate a different level of growth from that indicated by the Housing Local Indicator in the draft PS? In light of the Planning Act 2011 which requires that the LPP is consistent with the PS (Section 9)

The Council, in their consultation report on representations and counter-representations (MUDC14, p61; p65), state they are not allocating 30% of the HGI to these settlements but instead making provision to accommodate up to 60% of growth while ensuring that land supply does not fall below 30%. The Council also indicate in their consultation report that more land will be released should the supply fall below that necessary to accommodate 30% of the HGI.

In its consultation report on reps and counter-reps (MUDC114) the Council state that by providing opportunities for 60% of the districts HGI to be located in the three main towns there will “inevitably be a growth in their population over the plan period” (page 29).

The most recent housing monitor report for MUDC indicates that at 1 April 2020 there was a remaining potential of 1514 units in Cookstown, 2597 units in Dungannon and 1496 units in Magherafelt. This gives a total of 5607 units. Based on the average build rate for the last 5 years there would therefore appear to be approximately 29 years supply in Cookstown; 41 years in Dungannon and 18 years in Magherafelt. There is therefore approximately 29 years supply based on the current supply and average build rate across all 3 hubs

The table below contains data extracted from the Council's Housing Monitor evidence. It shows the number of completions in Hubs settlements over a 5 year period. The Council may wish to conduct its own assessment to confirm these figures.

	2015 - 2016	2016- 2017	2017 – 2018	2018 – 2019	2019 – 2020	Average
Cookstown	18	6	105	65	66	52
Dungannon	47	9	61	17	179	63
Magherafelt	13	14	231	32	125	83
Total	78	19	397	114	370	196

The Council's minimum target of maintaining housing land availability sufficient to achieving 30% of the Council's housing requirement means that over the lifetime of the plan, as a minimum, sufficient housing land should always be available in hubs to accommodate at least 3,300 units. According to the latest Housing Monitor at 1 April 2020 there was housing land sufficient to

accommodate 5607 units. Therefore the additional capacity available over and above the 30% minimum suggested by the Council is 2307. Based upon the average completion rates within the hubs over the last 5 years (see table above) it would therefore appear that there is approximately 12 years additional supply before the 30% threshold might be triggered (if current completions rates are sustained). This would most likely take the plan beyond its stated end date.

By extrapolating the average figure of 196 units per annum over the remaining 10 years of the plan the anticipated number of completions over the remaining period can be estimated at approximately 1960 units. This is less than the approximately 2300 unit margin (April 2020) that currently exists over and above the 30% 'trigger' point. This also indicates that if current completion rates are sustained the 30% threshold appears unlikely, within this plan period, to trigger the need for a review and/or the release of additional land in the hubs. Furthermore when existing completions in the years 2015 – 2020 are added to this projection the total number of dwellings that can be expected to be completed over the plan period is approximately 2940. Expressed as a percentage of 11,000 this is equivalent to approximately 27% which aligns with the existing proportion of households in hubs as a percentage of the total number across the district. The current evidence therefore appears to indicate that, based on current completion rates, the Council will likely not achieve the objective of strengthening the hubs by increasing the proportion of households located there.

Based upon current data it appears that the draft Plan Strategy is unlikely to deliver the minimum objectives in respect of the Hubs and will likely still result in a proportionally higher share of future growth being directed to the countryside of the district. This appears not to support a strengthening of the Hubs in comparison to other parts of the district, including the countryside.

In light to the above, can the Council give further consideration to the following:

Q18 - Completions in the main towns (based on recent completion rates) appear likely to be approximately equivalent to 27% of the planned housing requirement of 11,000. Therefore, are there any other measures, in addition to the possible release of more land, that's the Council considered to increase the % share of the district wide housing need accommodated in the hubs?

Q19- Can the Council please explain the reason for the contrasting approach between Hubs and the Countryside where a 'shortfall' in approvals below 40% 'cap' of the HGI is presented as justifying numerous further policy relaxations there?

Q20 - Can Council direct DfI to submitted evidence that further explains how the approach to the allocation of growth to the three main towns is in line with RDS regional policy objective of growing the population of the Hubs within the council area?

Phased release of Land

Q21 – Can the Council explain the phased approach to the release of housing zonings and how the high level of commitments outlined within the Draft Plan Strategy is consistent with the Councils approach?

Q22 – The Council identify the need for housing land to be identified as Phase 1 and Phase 2 respectively, however did the Council consider the need for a strategic policy relating to both housing and employment land that would align the release of both in accordance with need/infrastructure availability?

APPENDIX 2 – CLARIFICATION QUESTIONS - ECONOMIC DEVELOPMENT/ADDITIONAL IN THE COUNTRYSIDE

Further opportunities for new economic development in countryside despite significant quantity of undeveloped economic development land in main Settlements/Hubs.

The Council's own evidence indicates a significant amount of land zoned for economic development purposes within extant area plans remained undeveloped. The Council's latest information is contained in their 'Industrial Monitor October 2018' (MUDC302) which indicates that, of the land zoned for 'industry' in the Cookstown Area Plan 2010 some 71.5% remains undeveloped. Of the land zoned in the Dungannon and South Tyrone Area Plan 2010 62% remains undeveloped. Finally of the land zoned in the Magherafelt Area Plan 2015 the vast majority, 94%, remains undeveloped.

MUDC have adopted a more permissive approach to new economic development in the countryside, in particular draft Policy ECON2 (Economic Development in the Countryside). This policy sets out an extensive list of opportunities (criteria a-j). Some of these are based on regional policy set out in the SPPS and PPS4 PED 3 – 6, however Council indicate in their Economic Development Policy Review Paper (MUDC219) that current policy does not reflect the local circumstances in Mid Ulster and greater flexibility (e.g. PED 5 and 6) would allow proposals to be determined on their merits. Council also indicate (MUDC paragraph 4.27) that in areas where there is a high concentration of existing rural industry, 'it could be argued' that rural character has already been altered or indeed in some cases undermined. Council also state that regional policy does not recognise "home grown industries and businesses" are an important aspect of employment and economic prosperity in the area.

Q1 - RDS (RG1) and the regional strategic objectives and policy of the SPPS (para 6.66 and 6.88) support economic development of an appropriate nature and scale however the aim is to direct new economic development opportunities to the Hubs or higher performing town/city and to limit, for rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside of settlements. Can the Council direct the Department to evidence within the submission which outlines how draft policy ECON2, is supportive of strategic guidance contained within the RDS and SPPS?

Q2. Furthermore, in providing clarification, can the Council direct the Department to evidence within the submission outlining how the approach to new economic development in the countryside (ECON2) is supportive of the Council's own plan objectives including SPF2 (to focus growth within the three main towns/Hubs of Cookstown, Dungannon and Magherafelt) and SPF3 (to consolidate the role of Coalisland and Maghera as of the draft Plan Strategy)?

Q3 – The council state that there is already a proliferation of existing rural enterprises meaning that in some locations 'it could be argued' that rural character has already been altered/undermined. Can the Council please highlight what evidence within the updated Landscape Character Assessment Review has informed the Councils view in this regard which provides part of the justification for RIPA designation?

Q4 – Can the Council clarify how the proposed extension of the industrial footprint at the proposed Tullyvannon RIPA is consistent with the stated purpose of RIPAs to consolidate existing industry?

Q5 – Is the Council aware how many other locations within the MUDC district would meet the criteria for RIPA designation set out within the draft Plan Strategy at paragraph 4.37? Furthermore do the findings of the updated Landscape Character Assessment Review support the designation of the RIPAs generally?

Methodology for arriving at the number of jobs, quantity and distribution of economic development land in main settlements/Hubs & local towns.

In arriving at a minimum requirement of 8,500 jobs the Council has developed their own methodology which draws upon data from the 2011 Census as well as NISRA 2014-based population projections. The methodology also includes an adjustment to account for the aim of reducing the proportion of the working age population classified as ‘economically inactive’ (document ‘Enabling Success: Supporting the transition from economic inactivity to employment sets a target of 70% of the working age population being economically active by 2030). While the addendum took account of the 2014 population projections 2016-based and 2018 based projections have been published by NISRA in April 2018 and 2020 respectively.

The Council state at paragraph 5.10 of Position Paper 3 state “the calculated jobs figure is sensitive to economic changes and population projections changes”. Accordingly the Council state that any target set should be kept under review.

Q6. In providing clarification, can MUDC direct the Department to any evidence within the submission which shows consideration by Council of the impact of any later projections?

The objective of the plan states that it aims to facilitate the creation of at least 8,500 new jobs by 2030 at a variety of locations accessible to all members of the community, including those without a private car. The Council estimate 170 hectares of land is required, based on a ratio of 50 jobs per hectare. The council acknowledge this assumes all new jobs will be supported on zoned employment/industrial (paragraph 6.3 of Position Paper 3). Accordingly 170 hectares results in what the Council describe as a “degree of over zoning” allowing the plan to provide a choice of sites in different locations to encourage economic growth.

It appears that the figure of 50 jobs per hectare is based upon a survey of employment on industrial estates in Omagh and Fermanagh carried out by Planning Service in 2006.

Q.7 – Noting that the methodology will result in a degree of over-zoning did the council consider the application of a phased approach to the release of economic development land similar to the approach taken in respect of housing land?

In terms of the distribution, the Council indicate that the 170Ha should be focused in the main settlements with the plan indicating that 60Ha will be zoned in Dungannon, 55Ha in Cookstown and 55Ha in Magherafelt. The Council indicate that this approach is supportive of the Draft Plan Strategy SPF2 which seeks to strengthen the role of the Hubs as main centres of employment. Council indicate that this approach supports the RDS RG1 (to ensure an adequate supply of land to facilitate economic growth) and SFG11 (promote economic development opportunities at the Hubs).

Q8. In providing clarification, can MUDC direct the Department to evidence within the submission showing consideration by the Council of how its approach to economic development

in the countryside will promote economic development at the hubs, in line with SFG11 of the Regional Development Strategy?

Distribution to Local Towns Maghera & Coalisland

The council do not propose to make a specific allocation of economic development land to Coalisland and Maghera as it is considered in the main that these would be privately led. The Settlement Appraisals prepared by the Council 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.

In response to the public consultation it appears that the MUDC consider this to be in accordance with the objective of focusing economic growth in the main settlements /Hubs. The Council state that economic development land will not be zoned in the local towns for flexibility reasons.

MUDC however indicate, within its consultation report, that economic development land may be zoned at LPP stage to protect existing economic activity from competing uses or provide opportunities to meet local need. If the council were to make an allocation to the local towns this would likely be in addition to the 170 Ha already allocated across the three hubs.

Overall this approach appears to differ from that of the draft Plan Strategy which indicates (para 4.21) that no specific allocation will be made to the two local towns.

Q9. In providing clarification, can MUDC direct the Department to evidence within the submission which shows consideration by Council as to reason for the change of approach between publication of the Draft Plan Strategy and subsequent Public Consultation Report for Coalisland and Maghera?

Evidence used to inform and justify policy changes with regard to Economics Development in MUDC.

The main evidence papers supporting the Council's proposed approach to Economic Development include Position Paper 3, Employment and Economic Development (Feb 2015); Economic Development Policy Review (Feb 2016); Position Paper 3- Addendum, Employment and Economic Development (in response to NISRA May 2016 pop projections); and Industrial Monitor October 2018 – Report on Summary of Findings (as at Oct 2018). Other evidence papers are also relevant.

Other than an additional short paper to consider the implications of Covid-19 on the draft Plan Strategy – March 2021 (MUDC 403) there appears to have been no review or update to the policy paper/ addendum highlighted above.

The Covid paper addresses the impact of the pandemic on the economic development and town centre growth. The paper does not draw upon any updated data sources and still refers to the NISRA census of employment 2014. It concludes that the figure of 8500 jobs remains relevant and that the figure of 50 jobs per hectare used to determine the land requirement, although lower than the existing average density for jobs in Mid Ulster of 65- 75 jobs per hectare, is more suited to the continuing requirement for social distancing.

The Council has continued to use the NISRA census of employment 2014 despite other sources of evidence being available regarding employee jobs and the profile of employment for the district (e.g. up-to-date Business Register and Employment Survey prepared by NISRA).

Q10. In order to aid the Department's consideration of the MUDC submission can Council, through directing DfI to evidence within the submission, demonstrate how it has taken account of any updated data sources to support its approach to employment and economic development, to that presented in the papers of 2015, 2016, 2018 and 2021 (as referred above)?

APPENDIX 3 – CLARIFICATION QUESTIONS ON RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

Evidence presented by MUDC indicated that rural dwellings approved between April 2008 & March 2014 in Cookstown were 793, in Dungannon were 1385 and in Magherafelt were 993. It appears that Reserved Matters applications relating to an Outline application decided within the study period are not included, applications seeking to renew an existing approval previously decided within the study period are not included and where there is more than one application/appeal decision relating to the same site within the study period, only one decision is included.

Q1. In order to assist Departmental consideration of the MUDC submission, can Council please direct the Department to evidence which would provide clarification of the Council's adopted methodology in using full and reserved matters approvals in 2 years (2012 – 2014) only?

Q2. In order to facilitate Departmental consideration of the MUDC submission, can Council please direct the Department to evidence providing quantification of housing completions for this period?

The Development Pressure Analysis paper (MUDC212 - September 2015) provides an analysis based on all Outline, RM and Full applications. Paragraph 2.12 states specifically that:

"The trends highlighted above are largely based on a desktop assessment only. It is suggested that a more detailed assessment, including complementary field survey work would be required in order to justify the introduction of a stricter policy regime in certain areas, or relaxation in others as the case may be".

Q3. In order to aid the Department's consideration of the MUDC submission can Council, through directing DfI to evidence, demonstrate how the results of further field survey work undertaken by the council has helped support the proposed policy approach?

Policy CT1 of MUDC Draft Plan Strategy contains what appears to be a broad exception to the regional strategic policy direction to cluster/consolidate where there are environmental or operational reasons why this is 'impracticable'.

Q4. To aid the Department's consideration of the MUDC submission can Council, through directing to the submitted evidence, demonstrate how this approach takes account of the regional strategic 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)?

As a general policy, CT1 applies to all applications for residential development in the countryside. On this basis it represents a significantly different approach to the examples set out by the Council. The SPPS sets out range of specific opportunities within the countryside, consistent with regional strategic objectives. Justification for additional opportunities outlined by MUDC in the Draft Plan Strategy must be based on evidence presented by the Council. The SPPS states that other types of development in the countryside can be considered in line with the other policies set out within the SPPS.

The Department notes the MUDC statement:

“The SPPS clearly provides for housing in the countryside, (our emphasis) along the lines of which the Council has adopted new policies. We have however provided for additional exceptions. Mid Ulster has a high rural population – 40% of our households live in the Countryside. Prior to the introduction of PPS 14 growth in the countryside was approximately 1100 per year. Now we are currently experiencing figures of approximately 270 per year, based on current policy.”

Q5. In order to aid the Department’s consideration of the MUDC submission can Council, through directing DfI to submitted evidence, demonstrate how the above Council Statement is reflective of the SPPS regional approach?

Q6. In order to facilitate Departmental consideration of the MUDC submission, can Council please direct the Department to evidence estimating the likely impact of additional opportunities under proposed policy CT2 in terms of the potential number of additional development opportunities in the countryside? Has the Council considered the impact of these measures in the context of the HGI 40% allowance in respect of residential development?

Q7. In order to facilitate Departmental consideration of the MUDC submission, can Council please direct the Department to evidence explaining the basis for the policy wording and in particular if it has considered the extent to which policy criteria CT2(F) may compromise criteria CTY2(E)?

CT2 (h) of the Plan Strategy document provides draft policy for provision of a dwelling for a carer or someone availing of care. MUDC states that 10+% of the population rely on a degree of care/social benefits of extended families and within the Consultation Report advise that “the Department has failed to recognise the serious structural changes occurring in society”.

In addition to the principle of this policy, it is noted that the approach relies on the use of occupancy conditions that the council have acknowledged elsewhere within their consultation report are “against the ethos of existing rural policy which is based on minimum use of occupancy conditions”.

Q8. In order to facilitate Departmental consideration of the MUDC submission, can Council please direct the Department to evidence underpinning the inclusion of Policy CT2 (H) of the Draft Plan Strategy and how Council envisage the implementation, assessment and enforceability of this proposed policy?

CT2 (j) of the Plan Strategy document provides draft policy for provision of a dwelling for the holder of a commercial fishing licence. It appears that there are 79 licenced permit holders currently residing in MUDC, which amounts to 0.77% of the revised HGI figure of 10,300. It also appears that these dwellings will be restricted for MUDC residents.

Q9. In order to facilitate Departmental consideration of the MUDC submission, can Council please direct the Department to evidence underpinning the need for the inclusion of Policy CT2 (H) of the Draft Plan Strategy and how Council envisage the implementation, assessment and enforceability this proposed policy?

Q10. In order to facilitate Departmental consideration of the MUDC submission, can Council please direct the Department to evidence which outlines the operational requirements of the job

that necessitate being located in the countryside adjacent to the Lough, as opposed to a nearby settlement for example?

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.

Q11. In order to facilitate Departmental consideration of the MUDC submission, can Council please direct the Department to 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.

APPENDIX 4 – CLARIFICATION QUESTIONS ON LEGAL/PROCEDURAL COMPLIANCE

Erroneous References

MUDC405 (Soundness Self-Assessment Checklist) appear to make inaccurate references to documents.

For Example:

- Page 3 of MUDC405 (re Soundness Test P1 regarding the LDP Timetable) signposts to MUDC409 for details of compliance with the LDP Regulations. However, MUDC409 does not appear within the Council's Document Library. It is noted that MUDC407 presents the Council's assessment of compliance with the LDP Regulations.
- Page 4 of MUDC405 (re Soundness Tests P1 & P2 and the Statement of Community Involvement) signposts to MUDC408 for details of compliance with the SCI. However, MUDC408 presents a report on the dPS and linkages to the Marine Plan. It is acknowledged that the Council's assessment of compliance with the SCI is contained within MUDC406.
- Page 5 of MUDC405 (re Soundness Test 2 and POP consultation) signposts to MUDC409 for details of the Council's compliance with the LDP Regulations. As stated above, there is no such reference, and that MUDC407 appears to present the Council's intended assessment. It is noted that the same incorrect reference is made on page 7 of the document in relation to the consideration of representations to the POP.

Q1. It appears that these documents may have been renumbered/reorganised after the Soundness Self-Assessment has been completed – can the council clarify?

Notification to consultation bodies throughout LDP Preparation - Reg 10(c), Reg 15(c), Reg 17(e)(f)

- Councils are required to demonstrate they have notified consultation bodies, and whilst sample correspondence is included (and noted within MUDC407), no distribution lists have been provided for who this was issued to (i.e. consultation bodies) for each of these regulations.

Q2. Can the Council provide a copy of distribution lists to satisfy these regulations?

Council approval of LDP Timetable - Reg 7(1)(a)

- The Council advises that the original draft of the LDP Timetable was approved by the Council and subsequently submitted to the Department for its agreement. Following advice from the Department, a number of amendments were made to the Timetable, which was resubmitted to and agreed with the Department.
- It is unclear from the evidence included within the submission documents, whether the Council was made aware of the amendments made to the document, or if the amended document was approved by resolution of the Council prior to resubmission to the Department.

Q3. Can the Council provide clarification regarding this matter?

Local Advertisements - Regs. 8b, 10d, 15d, 17d

- The Council has provided copies of public notices placed in local newspapers and the Belfast Gazette. However, it is noted that the publications appear to vary (at different stages of the process).
- It is noted that the Council's publicity arrangements for the LDP documents have changed each time the SCI has been amended. Generally, the adverts provided are from publications as specifically stated in the Council's SCI. However, not all adverts (from all publications) have been provided.
- In order to confirm that the Council has complied with its SCI(s) in the context of the requirements for LDP publicity in accordance with the LDP Regulations, could the Council to provide copies of all advertisements placed in local newspapers.

Further information is set out below in relation to the local advertisements requirement

Availability of timetable - Reg 8(b)

- The Council's SCI (May 2016) sets out public notices were to be published in the Mid Ulster Mail and Tyrone Courier re the LDP Timetable. However, the advertisements provided by the Council originate from neither of these publications.

Q4. Can the Council confirm which publications the public notices were placed, and provide copies of those advertisements?

- The Council's SCI (October 2018) sets out public notices were again to be published in the Mid Ulster Mail and Tyrone Courier. **Appendix 16 of MUDC407** provides advertisements that were placed in the Derry Post (4/11 Dec 2018), and in the Mid-Ulster Mail (6/13 Dec 2018), No notice has been provided to show advertisement specifically in the Tyrone Courier.

Q5. Can the Council confirm those publications within which public notices were placed, and provide copies of those advertisements that have not already been submitted?

Availability of the preferred options paper - Reg. 10d

- The Council's SCI (May 2016) states public notices were to be published in the Mid Ulster Mail, the Tyrone Courier and the Belfast Gazette. No notice has been provided to show advertisement specifically in the Mid Ulster Mail, however copies of public notices placed in the Mid Ulster Observer have been submitted. The Department understands the Mid Ulster Observer and Mid Ulster Mail are two separate publications.

Q6. Would the Council be able to provide a copy of this advert from Mid Ulster Mail or provide clarification on this point?

Availability of Dps - Reg 15d

- The Council's SCI (October 2018) states that public notices were to be placed in the Mid Ulster Mail, Tyrone Courier, Tyrone Times, Derry Post, Impartial Reporter and the Belfast Gazette. However, only those notices placed in the Tyrone Courier and Belfast Gazette have been provided as evidence.

Q7. Is the Council able to confirm that public notices were placed in the remaining publications in accordance with the SCI in effect at that time?

- When the re-consultation was undertaken, it is noted that the Council's SCI (Oct 2018) states that public notices were to be placed 'in the Mid Ulster Mail, Tyrone Courier, Tyrone Times, Derry Post, Impartial Reporter and Belfast Gazette.'. Only those notices placed in the Mid Ulster Mail and Belfast Gazette have been provided by the Council in its submission documents.

Q8. Can the Council confirm if there were notices placed in any other publications, and if so, could copies of those advertisements be provided?

Availability of representations on a DPD - Reg 17d

- **Appendix 37 of MUDC407 and MUDC603** includes the public notices placed in the Belfast Gazette (14 & 21 June 2019), Tyrone Courier (12 & 19 June 2019), and County Derry Post (11 & 18 June 2019). These notices detail the availability of representations for inspection, and the places and times that they can be inspected.
- The Council's SCI (October 2018) states that public notices were to be placed in the Mid Ulster Mail, Tyrone Courier, Tyrone Times, Derry Post, Impartial Reporter and the Belfast Gazette. However, only those notices placed in the Tyrone Courier and Belfast Gazette have been provided as evidence.

Q9. Is the Council able to confirm that public notices were placed in the remaining publications in accordance with the SCI in effect at that time?

Provision of Relevant Evidence or adequate 'signposting'

Non-Supportive/Insufficient Evidence

It is noted on a number of occasions the Council provides evidence that may not be sufficient to support its own self-assessment.

For Example: **Reg. 8c** requires the Council to publish its timetable on the Council website. For 'Revision 1' of the LDP Timetable (Nov 2018), the Council presents an email trail which effectively outlines the intention to publish the document online, and confirmation in writing that it had been uploaded.

Q10. Can the council provide a screenshot from the Council's website (as has been provided for the other iterations of the document) to demonstrate this?

Lack of supporting evidence.

- Under Reg. 19, as soon as reasonably practicable after the expiry of the period of consultation on site specific policy representations, the Council is required to make a copy of counter-representations available for inspection at its principal offices (and/or such other places) and online. However, the Council has not provided any evidence to support their self-assessment (particularly in relation to online availability). This is the case with regard to the original dPS consultation and the re-consultation.

- The provision of screenshots from the Council's website at the respective time would be sufficient proof of compliance with this aspect of Reg. 19.

Q11. Can the council provide this evidence?

