



Local Development Plan 2030 – Draft Plan Strategy

Draft Plan Strategy Consultation Report - Consideration of Issues Raised in Representations and Counter Representations



Comhairle Ceantair
Lár Uladh
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Introduction

- 1.1 The 2011 Planning Act states that a council must not submit a plan to the Department (in this case, the Department for Infrastructure) unless it has complied with the requirements of the Local Development Plan Regulations (LDP Regulations) and unless it thinks that the Plan is ready for Independent Examination (IE). In other words, the Council is of the opinion that the plan sound. The tests of soundness include procedural, consistency, and coherence and effectiveness tests as set out in Development Plan Practice Note (DPPN) 6: Soundness.
- 1.2 Regulation 20(2)(g) of the LDP Regulations requires a council to prepare a statement setting out the number and a summary of the main issues raised in representations and counter representations submitted in accordance with Regulation 16(2) and Regulation 18(2) of the LDP Regulations, respectively. The examination guidance 'Procedures for Independent Examination of Local development Plans' (April 2017, PAC) requests the Council to 'set out its views on the main issues identified, perhaps in a series of topic papers, as well as its comments on all representations' when submitting the plan. DPPN 10 Submitting Development Plan Documents for Independent Examination suggests this can also be in the form of a consultation report.
- 1.3 This report is therefore arranged by chapters/topic headings e.g. Housing in Settlements, as set out in the Draft Plan Strategy. Separate chapters are provided for General Issues, Assessments and a Summary of Counter Representations.
- 1.4 Under each chapter/topic heading, the main issues are identified followed by all representations made in support of the draft policy. The regional and local policy context are outlined and a response to specific issues, which includes the reference number of each representation, followed by the Council's consideration and suggested action. Consideration of any counter-representation has also been included. Tables have been included within each chapter/topic which includes each representation (relevant to the topic) and representative's name. Some consider the Plan sound, others consider that modifications to specific policies and proposals are needed to make it sound.
- 1.5 Each topic is supplemented with an Addendum which details the Council's consideration of representations and counter representations received during the re-consultation periods for the draft Plan Strategy.
- 1.6 In all instances, the Council's view is that the policy is considered to be sound and no change is required. However, in a number of cases, while we still believe the Strategy to be sound, the Council has determined that if the PAC are minded, as part of the Independent Examination, to make a change to the DPS then we would be agreeable to this. Whilst the changes in many cases may be important and significant, they are not required to make the plan sound.

- 1.7 Furthermore, we will bring forward to Planning Committee in May 2021 a table of minor amendments, which have been proposed and could be acceptable, which would not impact upon the soundness of the DPS.
- 1.8 In summary, 240 representations were received AND 228 counter representations (19 submissions) from statutory consultees, interest groups, organisations or individuals, the majority of which raised an issue which the Council considered to require further consideration or explanation, or specifically identified the plan as being unsound. Full consideration of each issue is contained within the DPS Consultation Report along with associated remedial action.

Re-Consultation

- 1.9 Following a procedural error, a re - consultation period was launched for the draft Plan Strategy on 25th March 2020 for a period of 8 weeks. The emergence of Covid-19 meant that this re-consultation period was extended until the 24th September 2020. All reps that were received in this period of re-consultation have been listed and considered as “addendums” to each topic/chapter of the original public consultation report.
- 1.10 The table below sets out which topics / chapters have an addendum detailing consideration of additional topics received during the period of re-consultation.

Topic	Original Rebuttal Paper	Addendum to Rebuttal Paper	Appendices
Plan Introduction, Context and Key Issues	✓	✓	-
Plan Vision, Objectives, Growth Strategy and Spatial Planning Framework	✓	✓	-
General Principles	✓	✓	-
Housing in Settlements	✓	✓	-
Housing in Countryside	✓	✓	Appendix 1
Health Education and Community Uses	✓	✓	-
Urban Design	✓	✓	-
Open Space, Recreation and Leisure	✓	✓	-
Economic Development	✓	✓	-
Retailing, Offices and Town Centres	✓	✓	-
Minerals	✓	✓	-
Tourism	✓	✓	-
Agriculture, Forestry and Fishing	✓	✓	-
Historic Environment	✓	✓	Appendices A, B, C
Natural Heritage	✓	✓	-
Flood Risk	✓	✓	-
Waste management	✓	No Addendum	-
Telecommunications	✓	✓	-
Renewable Energy	✓	✓	-
Transportation	✓	✓	-
Settlements	✓	✓	-
Habitats Regulations Assessment	✓	No Addendum	-
Sustainability Appraisal/Strategic Environmental Assessment	✓	✓	-
Monitoring of the Plan	✓	✓	-

Introduction, Context and Key Issues – Topic Paper

1.0 Issues Identified

- 1.1 Issues that have been raised in representations have been grouped alongside the relevant parts of the draft Strategy, to which they relate. The main issues raised are addressed below and are wide ranging as some refer specifically to the Introduction to the Plan, while others refer to the wider Plan document and others refer to the context and key issues section.

2.0 Representations in Support

- 2.1 A number of representations have provided comments to the DPS that are matters for noting; either that they have no comment to make in response to the consultation issued to them, or they have no comment to make. (MUDPS/18/1, MUDPS/19/1, MUDPS/20/1, MUDPS/21/1, MUDPS/159/1, MUDPS/159/4)
- 2.2 Fermanagh and Omagh District Council indicate that our DPS does not conflict with their respect DPS and note that in addressing issues such as mineral and wind energy development in the Sperrin AONB, the policy approaches have been developed slightly different. (MUDPS/89/9)

3.0 Consultations

Representations received from consultation bodies are provided in section 9 of this paper.

4.0 Regional Policy Context

- 4.1 ***Economic growth, new homes etc. depend on sustainable supply of local construction materials and local skills. (MUDPS/29/2)***

Rep welcomes the Council's support for the upgrading of the A29, A4 and A5 but point out that these projects are dependant on the availability of local construction minerals (MUDPS/29/7)

The role of a sustainable supply of local construction materials and local skills in relation to economic growth, new homes etc. is noted and fully acknowledged and understood by this council. The importance of construction materials is set out in Section 14 of the DPS on Minerals, and it is considered that such specific comments are not necessary in the introduction to the Plan Strategy. It is considered that the comments made in the introduction provide a clear and concise position of the purpose of the Plan Strategy. Furthermore, the DPS Vision at paragraph 3.3 recognises the role of the minerals industry and states that we are eager that they are processed in our district.

Action: No action needed.

4.2 *Information sought on how prematurity consideration will be applied- how is the DPS being applied to current applications. (MUDPS/85/1)*

Matters regarding prematurity will ultimately be case specific, and the stage at which the DPS is at in the plan making process will also be a consideration in relation to prematurity. The weight to be attributed to the DPS in relation to decision making will relate to the stage at which the DPS is at in the process, and will be a matter for the decision maker.

Action: No action needed.

4.3 *The document ‘Sustainable Water – A Long Term Water Strategy for NI 2015-2040’ should be referred to and the DPS should include the objectives from it. (MUDPS/115/273, and MUDPS/170/7)*

In making this Plan this Long Term Water Strategy has also been taken into account and is referenced in the SA/SEA Report on the DPS and specifically within the Plans and Programmes at Appendix 2. Therefore the absence of reference to it in the Introduction of the DPS does not render the Plan unsound.

Action: No action needed. However, if the PAC Commissioner is minded to recommend that this Strategy is referenced in the Introduction to the DPS, then we have no objection to this.

4.4 *a) DPS seeks to claim itself as superior to extant plans during period between adoption of PS and LPP. (MUDPS/ 173/1, MUDPS/173/2)*

b)National Trust question the appropriateness of giving greater weight to the plan strategy as per paragraph 5.4 of the dps. A variety of complex social economic environmental and other matters must be balanced in making a decision. The amount of weight given to the extant plans depends on how far along the new emerging plan is while local policies within a new plan stem from the adopted DPS - the reason for a 2 stage process. Paragraph 5.4 should reflect this. (MUDPS/174/7)

The council do not consider this as an issue of superiority but rather an issue of the weight to be attributed to a particular plan/policy in the decision making process.

Given the purpose and content of the Plan Strategy, there are obvious conflicts between the three extant Area Plans (Cookstown Area Plan 2010, Dungannon and South Tyrone Area Plan 2010, Magherafelt Area Plan 2015), for example, we have changed the extent of our primary retail core in some towns, or indeed introduced one where it did not exist before. We have also included or amended strategic constraints within the district, for example, the Areas of Constraint on Mineral Development are amended, Tourism Opportunity Zones are amended as area Tourism Conservation Zones, a Special Countryside Area and an Area of Constraint on High Structures and Wind Turbines are also introduced that do not currently exist. It is therefore correct that the Plan Strategy, once adopted, would be given greater weight than the extant Plans on such matters where

there is a conflict between them. In addition, in relation to considerations that are less explicit, for example Housing Growth Indicators, zonings and settlement limits. We do not feel there is any conflict between the Plan Strategy and extant plans on these. HGI's are indicative and matters of zonings and settlement limits will all be reviewed for the LPP, and once the LPP is adopted the new local development plan will replace the three extant plans in their entirety.

It is also important to highlight that there is a legal position set out in the Planning Act that we are required to follow once the LDP is adopted in its entirety. Part 2, Article 6 of the Planning Act 2011 of course states that *"If to any extent a policy contained in a local development plan conflicts with another policy in that plan the conflict must be resolved in favour of the policy which is contained in the last development plan document to be adopted or, as the case may be, approved."*

Action: No action needed.

4.5 *Departments strategic transport document should be reflected in Figure 5, Page 18.(MUDPS/115/283)*

This comment is noted and the importance of this document is understood and regard has been given to it in preparation of the DPS. The Regional Transportation Strategy and Regional Strategic Transport Network Plan are discussed at page 16 of the DPS. The purpose of Figure 5 is to illustrate how the DPS links to 'other strategies and plans' such as the councils own Economic Development Strategy. Furthermore, the absence of its name from Figure 5 does not render the plan unsound.

Action: No action required.

4.6 *Period allowed for counter representations likely to fall beyond that agreed in Timetable and may require modification. (MUDPS/118/1)*

The period allowed for counter representation is the period set out in the Local Development Plan Regulations i.e.8 weeks and has been fully accounted for in the most recently published Local Development Plan Timetable (November 2018). The Draft Plan Strategy is being prepared in accordance with the published timetable and at this time there is no need to amend the Timetable; it states Independent Examination in Winter 2019/2020 and that is the timeframe we continue to work to.

Action: No action required.

4.7 *Will rural proofing be conducted with public representation? (MUDPS/162/10)*

The Rural Needs Act 2016 requires district councils and other public authorities to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and when designing and delivering public services. The principles of rural proofing are incorporated in the Rural Needs Impact Assessment process. A Rural Needs Impact Assessment accompanies the Draft Plan Strategy. It was published alongside the DPS and was available for consultation at the same time as the DPS. It was referred to in the local press and Belfast Gazette advertisements when the DPS was published and was available on our website and in our 3 council offices for viewing and comment. Indeed the RNIA continues to be available on our website. Therefore, rural proofing has been undertaken in this context and consulted on.

Action: No action required.

4.8 *DPS has not taken account of Sustainable Development Strategy (May 2010) – reference to climate change and living within environmental limits. (MUDPS/162/96)*

The Sustainable Development Strategy (May 2010) has been considered in the DPS, and is discussed at paragraphs 1.25-1.26 of the DPS. Furthermore, it has also been considered in preparing this DPS in the context of the SA/SEA document. It is specifically referred to in the Plans and Programmes section of the SA/SEA (Page 897) where the relevance of it to the LDP is explained, as are the implications of it for the LDP and for the Sustainability Appraisal. Furthermore, climate change has been considered in detail within the SA/SEA. It is one of the objectives against which the DPS has been assessed and therefore each aspect of the DPS has been assessed and considered in the context of climate change. The issue of climate change is also embedded throughout our DPS, with one of our objectives of the Plan being “*To reduce contributions and vulnerability to climate change and to reduce flood risk and the adverse consequences of flooding.*”

Action: No action required.

4.9 *Almost certainty regarding climate change is not reflected in DPS; therefore, it is not reasonably flexible enough to deal with potential eventualities of climate change. Vast majority of scientific community accept that breakdown of climate will bring drastically changing circumstances – this is not reflected in the DPS. (MUDPS/162/99, MUDPS/191/327)*

One of the objectives of the DPS is “*To reduce contributions and vulnerability to climate change and to reduce flood risk and the adverse consequences of flooding.*” At section 4 of our DPS, we have said that our growth strategy for the Plan is based on regional guidance and one aspect of that regional guidance is to “*reduce our carbon footprint and facilitate mitigation and*

adaptation to climate change whilst improving air quality". The issue of climate change is therefore embedded throughout our DPS.

Action: No action required.

4.10 *Objection to the structure, format and design of DPS, and context/criteria of soundness tests and the representation process. Governance guidelines for public administration of consultations not adhered to. Document not considered user friendly, assumes reader has prior knowledge and lack of clarity on the authors and who was involved in the process. (MUDPS/178/1, MUDPS/191/1, MUDPS/178/73, MUDPS/180/1, MUDPS/191/73, MUDPS/162/1, MUDPS/162/2)*

The DPS published by this council is reflective of the requirements set out in law and has taken account of the other Departmental advice on this matter. The structure of the DPS is largely dictated by the matters/subjects that it is required to address. Part 2, Section 8, of the Planning Act 2011 requires that a council must prepare a plan for its district to be known as a plan strategy. It states that the plan strategy must set out the following: the council's objectives in relation to the development and use of land in its district; its strategic policies for the implementation of those objectives; and such other matters as may be prescribed.

In addition, Part 4 of the Local Development Plan Regulations requires that a development plan document must contain: a title which must give the name of the council district for which the development plan document is prepared and indicate whether it is a plan strategy or a local policies plan; a sub-title which must indicate the date of the adoption of the development plan document; and, a reasoned justification of the policies contained in it. Part 5 of the LDP Regulations set out the requirements for making the DPS available for viewing and consultation, and the councils Statement of Community Involvement reiterate this. The requirements of the LDP Regulations have been fully complied with in relation to consultation on the DPS; an 8 week period was provided which commenced on 22nd February 2019.

The LDP Regulations also require that those parts of a development plan document, which comprise the policies of the development plan document, and those parts, which comprise the reasoned justification required by paragraph, must be readily distinguishable. In addition, a development plan document must contain a map or maps, (to be known as "the proposals map"), describing the policies and proposals set out in the development plan document so far as practicable to illustrate such policies or proposals spatially. The LDP Regulations also set out how the development plan document should be consulted on and the process for that. This is further explained in Development Plan Practice Note 9 on the submission and handling of representations. The approach to consultation and handling of representation to the DPS has been followed in line with the legislation and DPPN9. Furthermore, Development Plan Practice Note 7 – The Plan Strategy provides more detailed advice on

what the Plan Strategy should contain and indeed at Table 1 of the DPPN7 provides a suggested structure for the document.

With regard to the tests of soundness, Part 10 of the Planning Act 2011 requires that a development plan document is submitted to the Department for Independent Examination (IE). The purpose of the IE is to determine if the development plan document has satisfied the statutory requirements, and whether it is sound. The requirement to consider the soundness of the DPS is therefore set out in law. How soundness will be tested has been determined by the Department and are set out in Development Plan Practice Note 6 – Soundness. The Planning Appeals Commission also explain in their procedures explain how they propose to examine the soundness of the Plan.

The issues raised in these representations regarding the process and soundness are therefore not a matter that this council can change given their basis in law.

With regard to how user friendly the document is, this is again largely dictated by the matters/subjects that it is legally required to address. While the councils Preferred Options Paper is set out in a manner that allows questions to be posed, due to the fact that it is a consultation document, there is limited scope to set out the DPS in such a manner. There is no assumption made of prior knowledge by the reader, and the publication of all background evidence and supporting documents has taken place to ensure that the reader of the DPS has access to this information to aid the understanding of the approach taken in the Plan. With regard to the clarity of who the authors are, it is clear from the DPS and supporting documents that they are the council's documents compiled by or on behalf of the mid ulster district. council.

With regard to who was involved in the process, the Preferred Options Paper Public Consultation Document explains who has been consulted on and made representations to the process up until that stage. That document was published on the councils website at the same time that the DPS was published. Furthermore, the SA//SEA and EQIA reports both explain within them who has been involved in both those processes.

Action: No action required.

4.11 *Fermanagh and Omagh District Council use entirely different terms, designations, criteria etc. hence this DPS does not meet soundness test C1 and P4. (MUDPS/178/9, MUDPS/178/10, MUDPS/191/9, MUDPS/191/10)*

Cross boundary engagement has been ongoing with our neighbouring councils through the establishment of the cross boundary forums: Sperrins Forum, Cross Border Forum and Lough Neagh Forum. Mid Ulster District Council instigated the setting up of these forums to ensure ongoing discussion on cross boundary/shared issues. All forums are working towards the agreement of a Statement of Common Ground focussing on the shared issues and setting out an agreed approach as to how they will be addressed in our respective LDP's, so as to ensure that conflict does not arise. This Sperrins Forum specifically

includes Fermanagh Omagh District Council. The forums were created primarily to ensure a high level of co-operation and communication among neighbouring councils, ensuring that where cross boundary issues are relevant our Development Plan policies and allocations are not in conflict with the Development Plan documents of neighbouring councils.

In addition, as neighbouring councils we are all statutory consultees to each other in the context of the Local Development Plan Regulations. Therefore, there has been ongoing consultation with Fermanagh Omagh District Council in the preparation of their LDP and vice versa; and similarly with all of our neighbouring councils. We have worked closely with FODC (and the other relevant councils) to ensure that issues relating to the protection of the Sperrins in particular have a broadly similar approach.

It is a matter for each respect Council as to the names and terms they attribute to their planning policy, terms and designation criteria within their respective local development plan. The use of different terms etc. does not render the plans to be in conflict and we do not consider that our plan is in conflict with the FODC.

Action: No action required.

4.12 *DPS has failed to take account of health or human rights legislation and fails to comply with Aarhus convention and climate change legislation. (MUDPS/178/107, MUDPS/191/107)*

Both representations state that the entire DPS has failed to take into account any health or human rights legislation and fails to comply with the Aarhus convention and climate change legislation. The representations do not provide any detail or evidence, on the specific aspects of the legislation and convention that it feels the DPS has failed on.

With regard to health, the SPPS states that, when plan-making and decision-taking, planning authorities must balance and integrate a variety of complex social, economic, environmental and other matters that are in the long term public interest. This is fundamental to the achievement of sustainable development. To assist with the above-mentioned approach the SPPS sets out a number of core planning principles of the two-tier planning system, including “Improving Health and Well-being”. Health considerations and the improvement of health are interwoven throughout the DPS, within the plan objectives, within our criteria for how we will identify settlements limits, and throughout many of our policy topics including minerals and renewable energy. In addition, ‘to improve the health and well-being of the population’ is one of the objectives of the SA/SEA, against which the DPS has been assessed and considered, and therefore human health is considered throughout the SA/SEA. We are therefore of the opinion that in preparing the DPS, full consideration has been given to health matters.

With regard to human rights, while the representations are not clear about which aspect they are referring to, it is common that Article 8 is applied to the planning

process. This draft Plan Strategy has been compiled in accordance with relevant legislation, and prepared following extensive evidence gathering and consultation with the community and consultation bodies, and has been subject to SA/SEA and Equality Impact Screening. By following this process, issues regarding potential harm to the environment and to amenity have been considered where relevant. It is also important to note that a local development plan does grant planning permission for any specific development, and that any proposed development will be the subject of a separate planning application that will be determined in accordance with prevailing planning policy and legislation, taking account of all material planning considerations.

In relation to the Aarhus Convention, it establishes a number of rights of the public with regard to the environment. It provides for the right of everyone to receive environmental information that is held by public authorities, the right to participate in environmental decision making, and the right to review procedures to challenge public decisions that have been made without respecting the two aforementioned rights, or environmental law in general. The Aarhus convention has been specifically cited and considered in the SA/SEA. It is included in the Plans and Programmes considerations at page 894.

There has been a detailed consultation process in relation to the preparation of the DPS and the accompanying documents, including the SA/SEA. Consultation has been carried out in accordance with legislative requirements and as set out in our Statement of Community Involvement (SCI), thereby ensuring that the public are fully involved at all stages of the plan making process. A 'Public Consultation Document' has been drafted and published to take account of the public comments made up until the publication of the POP and a similar process is now underway in respect of the DPS and supporting documents. Furthermore, all those who have made a representation to the DPS and asked to make oral representation, will have the right to be heard at the IE. In addition, all representations made in respect of the SA/SEA and HRA are being considered in detail as part of this process. We are therefore of the view that the process we have followed in preparing the plan respects all aspects of the Aarhus convention.

The representations are not specific as to which climate change legislation they are referring to. Nonetheless, it is important to focus on the fact climate change has been considered in detail within the SA/SEA. It is one of the objectives against which the DPS has been assessed and therefore each aspect of the DPS has been assessed and considered in the context of climate change. The issue of climate change is also embedded throughout our DPS, with one of our objectives of the Plan being *"To reduce contributions and vulnerability to climate change and to reduce flood risk and the adverse consequences of flooding."* Furthermore, specific climate change legislation and programmes are considered in the SA/SEA report, for example the 'Plans and Programmes' at Appendix 2 considers *inter alia* the Northern Ireland Climate Change Adaptation Programme (NICCAP) 2014 -2019; DOE (2012) Northern Ireland Greenhouse Gas Emissions Reduction Action Plan; Climate Change Act 2008 Covering England, Scotland, Wales and Northern Ireland; EC Adaptation Strategy; Kyoto Protocol; Paris Climate Conference etc.

We are of the opinion that our DPS fully considers all of the matters raised by this issue.

Action: No action required.

4.13 *DPS did not take account of RDS. Indeed based on soundness tests C1 - C4 the Ldp contradicts itself given that section 1 lists many documents which Ldp is based upon however c1 only requires the council to take account of RDS. Absence of integration of the DPS with other council strategies. (MUDPS/178/165, MUDPS/191/165, MUDPS/162/6)*

At the outset of commencing the preparation of the local development plan a series of background evidence papers and policy review papers were prepared. All of this background evidence and the options therein have taken account of the RDS. Consideration of the RDS is also evident in the councils Preferred Options Paper (POP) wherein regional planning policy and guidance, is discussed and considered at the outset of each specific policy topic. Furthermore, the RDS is also discussed and considered in the POP, in the context of the growth strategy and spatial framework.

Each section of the DPS sets out the regional policy position on the particular policy topic, referring specifically to the RDS and SPPS. The purpose of referring to the RDS and other regional documents at the Introduction of the DPS is not to explain how the DPS has taken account of them, but rather to explain the link between them. The detailed consideration of the RDS and how account has been taken of it in the DPS is contained within the Growth Strategy, Spatial Planning Framework and the policy topics.

With regard to the integration with other council strategies, the representation has not been specific on where they feel there has not been integration. The LDP spatially represents much of the councils Community Plan and has taken account of the Community Plan and in doing so ensures integration with other council strategies such as the Tourism Strategy and Economic Development Strategy. Furthermore, in preparing the DPS and developing the options and alternatives the various departments and functions of the council were represented on the SA/SEA Project Management Team, thereby ensuring integration of the DPS with the wider functions of the council.

Action: No action required.

4.14 *The absence of relevant and meaningful baseline data linked to strategic direction throughout the document is shocking & wholly unacceptable. For example, an absence of trend analysis data on deprivation, numbers of single parents, levels of child poverty. (MUDPS/162/3)*

Baseline and background evidence on various matters that are material to the preparation of the Plan are set out in the published background evidence papers which are available on the councils website. For example, the published

paper on Population and Growth considers issues regarding deprivation, poverty and marital status. That papers sets out a series of conclusions and recommendations that have been taken forward within the POP, supporting documents and the DPS. Furthermore, one of the objectives of the SA/SEA is to “to reduce poverty and social exclusion” and policies and approach of the DPS has been considered against this objective. Deprivation and employment statistics are contained within the published SA/SEA draft environmental report (Page 44-45).

Action: No action required.

4.15 *Significant concerns with the construction and drafting of policy throughout the document. Language is often unclear and ambiguous. Issues around J&A containing policy. Policy which is not in policy box is not policy. (MUDPS/115/328, MUDPS/115/118)*

This is an overarching comment made by the Department and their more specific comments on the planning policy within the DPS will be addressed within the separate topic papers.

It is our position that all policy should be read in conjunction with the justification and amplification. The text within the policy box provides a summary of the key considerations, while the justification and amplification provides further supporting information which is relevant to a proper understanding and interpretation of policy including how to meet those tests. It is considered both to have equal weight.

Action: No action required.

5.0 Local Context

6.0 Response to the Specific Issues

6.1 *Comments regarding importance of minerals industry are to be welcomed. (MUDPS/29/3)*

This council recognises the important economic role of the minerals industry in Mid Ulster and in Northern Ireland and this is reflected in the sustainable approach to mineral development within the draft Plan Strategy. Detailed consideration on minerals are contained within the Minerals topic paper.

Action: No action is required.

6.2 *Development pattern consisting of high proportion of rural housing is an obvious constraint to mineral development. (MUDPS/101/1)*

It is our view that the existence of a single dwelling in the countryside should not be described as a constraint to development, but are instead they are a

material consideration in the determination of a planning application for a mineral development. If a planning application seeks permission for mineral development in proximity to a dwelling then the applicant will have to demonstrate that the proposals addresses the requirements of the relevant planning policy in relation to potential impact on amenity, noise considerations and all other matters that would be a material consideration in such a scenario.

Detailed consideration of the potential impact of constraints on the availability of mineral reserves is set out in the background paper 'Minerals Development - Identification of Areas of Constraint on Mineral Development & Impact of Surface Development on Aggregate Resources in Mid Ulster - January 2019'.

Within this paper at paragraph 5.2 consideration is given to inclusion of buffers around all single houses in terms of identifying available resources. Paragraph 5.2 of the paper specifically states: "To complete the exercise to establish as much economically viable land for quarrying processes as possible the pointer data was removed from the calculations and instead 100m buffers were placed around each settlement within Mid Ulster District. (Table 4) The theory being that a quarry operator could potentially buy a single dwelling in the countryside in order to overcome that issue if it meant operating or not. The same cannot be said for an entire settlement. It is considered that this methodology is a much more realistic proposition for our district and therefore the result in Table 4 provide a picture of the resource that could be available in Mid Ulster if we are to apply the ACMD and SCA as proposed in Appendix 1."

Furthermore, this background paper provides methodology on the identification of the ACMD in our district. The paper also provides facts and figures on the potential availability of reserves within our district if the ACMD and SCA are applied in the manner identified in the DPS. In addition to this further information on mineral supply and reserves are contained within the Minerals topic paper.

Action: No action is required.

6.3 *Higher dependence on construction in MU emphasises importance of minerals industry and value added manufacturing processes. (MUDPS/101/2)*

This comment is noted. This council recognises the important economic role of the minerals industry in Mid Ulster and in Northern Ireland and this is reflected in the sustainable approach to mineral development within the draft Plan Strategy. Detailed consideration on minerals are contained within the Minerals topic paper.

Action: No action is required.

6.4 *Poor travel times to A&E show necessity of road improvements and ready supply of minerals is required for this. (MUDPS/101/3)*

This comment is noted. This council recognises the important economic role of the minerals industry in Mid Ulster and in Northern Ireland and this is reflected in the sustainable approach to mineral development within the draft Plan Strategy. Detailed consideration on minerals are contained within the Minerals topic paper. The need for road improvements is also something that this council strongly advocates and the guiding principle of our Transportation Strategy set out at paragraph 23.9 of the DPS is a focus on improving connectivity for both rural and urban dwellers.

Action: No action is required.

6.5 *Lack of breakdown of evidence regarding demographics – how does the information regarding aging population relate to people aging well in Mid Ulster, and what will Plan do for those living with illness or disability. (MUDPS/162/11)*

Information in relation to demographics and issues of health in the district are set in background evidence paper 'Population and Growth-September 2014' and there is relevant information within background evidence paper 'Housing Position Paper-November 2014'. In addition, consideration of demographics is contained in the 'key issues' section of the published Preferred Options Paper (POP). Furthermore, one of the SA/SEA objectives is to 'improve the health and well being of the population' in addition to a series of other objectives. In that assessment consideration in relation to the elderly and those living with a disability have been considered where appropriate.

The Equality Impact Screen that has been undertaken and published alongside the draft Plan Strategy the age profile of Mid Ulster is provided in detailed breakdown in tabular form and also mapped according to the DEA's. The potential differential impacts of the draft Plan Strategy in relation to age have been considered in the equality screen and we have also considered the potential impacts of the plan in relation to those with a disability.

The EQI Screen provides detailed consideration in the context of the draft PS and some examples of this includes our ECON policies. In the EQI screen we state *"The rest of the policies will ensure jobs are located and protected in accessible areas which will reduce dependency on the car; something which can be dependent on age and will make employment more accessible for people with mobility issues as well as people who have are unmarried and are single parents (predominantly women) with dependents and therefore may rely on other services which are also located in the hub areas"*.

In relation to our OS policies in the EQI screen we state, "These policies seek to protect existing areas of open space, protect river corridors and facilitate proposals for indoor and outdoor sport. This will have positive effects for people of all ages; elderly people can avail of safe public spaces to exercise and socialise whilst younger people can play active sport at indoor and outdoor

locations. There will also be benefits for people with disabilities who can use areas of open space to improve physical and mental wellbeing”.

In relation to our Housing in Settlements policies we state, “The policies will also have positive effects on elderly people, single people / single parent families and those with disabilities by virtue of the fact that residential developments will be located closer to main services and be linked to transport and community services. Larger developments will be required to provide a mix of house types to suit all types of families and be affordable to people on lower incomes”.

In the context of our Housing in Countryside policies, in the EQI screen we state, “The policies will also enable dwellings to be built in the countryside in order to allow someone who is providing or availing of care, to live close to the carer or person being cared for. This will have obvious benefits for people who are elderly, disabled or have other dependants in need of care”.

We are therefore of the view that this dPS has been prepared with an aging population in mind, and having regard to those with living with an illness or disability. It is considered the plan is sound in this regard.

Action: No action required.

6.6 *Where have we obtained the figure of 40% screening equipment provided by NI? (MUDPS/162/12)*

This is a figure that is quoted by Invest NI and in our DPS it is used in the context of highlighting the important manufacturing role played by Mid Ulster in Northern Ireland, and the wider role of Northern Ireland on the world stage. Invest NI specifically state that, “*Northern Ireland is a recognised centre of excellence in the design and manufacture of materials handling equipment. More than 40% of the worlds mobile crushing and screening equipment is made in Northern Ireland. The region has one of the world’s most successful clusters of engineering companies developing innovative solutions that are exported globally.*”

<https://www.investni.com/hillhead.html>

Action: No action is required. However, if the PAC Commissioner is so minded to recommend that the source of this figure be cited within paragraph 2.5 of the plan then we have no objection to this.

6.7 *What is the evidence for classing health levels as ‘good’. What does this mean? (MUDPS/162/13)*

The background paper ‘Position Paper – Health, Education and Community Uses - January 2016’ provides detailed evidence on the general health levels within Mid Ulster. Within that paper, they are compared to Northern Ireland as a whole and are taken from a paper entitled “Northern Ireland and Social Care

Inequalities Monitoring System – Sub Regional, March 2015”. The findings from that background Position Paper have been considered and the reference to ‘good’ health at Page 25 of the draft PS, is in the context of those findings when compared to the rest of NI. It is also worth noting that the paper “Northern Ireland and Social Care Inequalities Monitoring System – Sub Regional, March 2015” has been updated as of 2019, and an updated comparison table is provided at Appendix 1 to reflect this.

Action: No action required. However, if the PAC Commissioner were minded to recommend that the description of health as ‘good’ should be clarified to reflect the fact that this is when compared to the rest of NI then we would have no objection to this.

6.8 *The document ‘Sustainable Water – A Long Term Water Strategy for NI 2015-2040’ should be referred to and the DPS. (MUDPS/170/8)*

This Strategy has been referred to and taken into consideration in the SA/SEA Report on the DPS and specifically within the Plans and Programmes at Appendix 2 of the SA/SEA Report. Therefore, the absence of reference to it in the Introduction of the DPS does not render the Plan unsound given that it has been considered in the SA/SEA report and therefore in the preparation of the DPS. Indeed the principles and aims of the Strategy are intertwined within our DPS particularly in the context of our General Principles policy to encourage the use of SUDs and requiring development to demonstrate adequate infrastructure is in place to deal with water, sewerage and drainage considerations. Our DPS also provides a range of Flood Risk policies which help address some of the matters within the Long Term Water Strategy document. Furthermore, in preparing the DPS expert advice has been sought from a number of expert consultees such as NI Water and DfI Rivers Agency

Action: No action is required. However, if the Planning Appeal Commissioner considers it necessary to recommend that this Strategy be referenced along with a summary of its objectives, then we have no objection to this.

7.0 Counter Representations

- 7.1 During the period for counter representations to the Draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, one representation was received relevant to this paper.
- 7.2 The counter representation voices opposition to the Special Countryside Area based the evidence based and LA. It also opposes historic environment policies HE1-3 on basis that evidence of harmful effects of wind turbines on ASAI’s or features of it have not been provided. The counter representation also states that Policy TOHS1 is inconsistent with regional policy and not based on robust evidence.

- 7.3 The issues raised a matters that have already been considered in the Natural Heritage (NH) and Historic Environment (HE) topic papers and therefore, the response to such issues would be the same as the responses detailed in the relevant parts of this report. It is our view that these issues have been addressed in the NH and HE topic papers to the initial consultations on the Draft Plan Strategy and do not need to be addressed a second time.

8.0 Recommendation

It is recommended that we progress the approach to the Draft Plan Strategy introduction and context and key issues, in line with the actions contained within this paper.

9.0 Representations received

Respondent	Reference Number
Consultation Bodies	
N/A	
Public Representation	
Mineral Product Association NI	MUDPS/29
Quarryplan	MUDPS/101
Protect Slieve Gallion	MUDPS/162
NI Water – Asset Delivery Directive	MUDPS/170

10.0 Counter Representations received

Counter-Representation Respondent	Counter-Representation Reference Number	Reference number Counter-Representation relates to
Turley on behalf of	DPSCR/127	MUDPS/89

Addendum to Introduction, Context and Key Issues Topic Paper
New Representations Received during the Re-consultation on the DPS

1.0 New comments received during re-consultation

1.1 Suggested change to Para 1.32 to:

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 Mid Ulster Council Area and will inform the Local Development Plan

MUDPS/115/360

Consideration

Paragraph 1.32 states,

“The Department for Infrastructure (DFI) is currently preparing a Regional Strategic Transport Network Transport Plan (RSTNTP) and a Mid Ulster District Council Local Transport Strategy. These documents will reflect the Department for Infrastructures’ intentions for the District and will inform the Local Development Plan.”

The suggested change is akin to what currently exists and the comment is not based on any soundness tests.

Action: No action required.

1.2 The Timetable is behind schedule and the evidence base is out of date. The Plan period should be amended to 2020 -2035 given the delays and to allow flexibility and time for review in the event of a newly amended timetable.

MUDPS/154/7, MUDPS/154/8

Consideration

The Local Development Plan timetable is being revised in accordance with The Planning (Local Development Plan) Regulations (Northern Ireland) 2015. The evidence base have been updated to account for unforeseen delays including those due to COVID 19.

Action: No action required.

1.3 LDP incapable of fully taking into account the Community Plan

The Community Plan is aspirational and the LDP is incapable of fully taking account of the Community Plan, rather it can only pay lip service to it.

Relevant Representations: MUDPS/214/7

Consideration

The DPS is the spatial outworking of the Community Plan and we therefore reject the assertion that we are incapable of fully taking account of the Community Plan.

There is legislative requirement that the DPS must take account of the Community Plan and for this reason, the subject topics within the DPS are clearly linked to the Community Plan objectives. The DPS supports the vision of the Mid Ulster Community Plan to create a region which is 'a welcoming place where our people are content, healthy and safe; educated and skilled; where our economy is thriving; our environment and heritage are sustained; and where our public services excel'.

Action: No Action required

1.4 Paragraph 1.24

Additional bullet point should be added to the PFG section; "we give our ageing and elderly the best of health and wellbeing in their retirement years."

***Relevant Representations:* MUDPS/214/8**

Consideration

The PFG outcome that we all enjoy long, healthy, active lives covers the consideration of older people and their quality of life. This draft PFG outcome states that an important consideration will be "the health and social care needs of an ageing population, promoting positive attitudes to older people and tailoring support to enable them to enjoy better health and active lifestyles."

The consideration of the PFG outcome has been reflected in the draft Plan Strategy.

Action: No Action required

1.5 Reference should be made to ongoing Christian Heritage

MUDPS/214/9 - PARA. 1.39

Tourism and heritage concerns should not just focus on pre-Christian era but also on the ongoing Christian heritage.

Consideration

Our historic environment and heritage policies will protect and safeguard the entirety of our heritage, for future generations and the current generation. The reference to "pre-Christian era" relates to comments about the Central Border Region, where evidence of the pre-Christian era is notably apparent.

Action: No Action required.

1.6 Cross Boundary Forums may collapse

MUDPS/214/10 - PARA. 1.42

The rep is concerned that the cross boundary forums may collapse as has done in the past.

Consideration

There is no intention or suggestion that these forums will collapse. They have been an integral part of developing a cross border approach to issues of mutual concern as we have developed the DPS.

Action: No Action Required

1.7 Anti – Brexit narrative

MUDPS/214/11 - PARA. 1.39

DPS displays anti brexit narrative here. Not the concern of MUDC to create infrastructure and services to facilitate the ROI.

Consideration

The DPS has no agenda or narrative in relation to Brexit or any other political issue. The aim to create improved travel links between the two jurisdictions is not a political consideration, rather something which will help commerce and trade. Incorrect to look at this issue as an “anti-brexit” issue.

Action: No Action required.

1.8 Rural Proofing needs defined

MUDPS/214/12 - PARA. 1.48

RURAL PROOFING NEED DEFINED

Consideration

Rural proofing is defined and set out in the Rural Needs Act. The Rural Needs Impact Assessment which has been carried out for the DPS has been done in accordance with this legislation.

Action: No Action required.

2.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
Department for Infrastructure (DfI)	MUDPS/115
Public Representations	
Square Holdings Ltd	MUDPS/154
Ulster Unionist Party	MUDPS/214

Plan Vision, Objectives, Growth Strategy and Spatial Planning Framework – Topic Paper

1.0 Issues Identified

Issues that have been raised in representations have been grouped alongside the relevant parts of the draft Strategy, to which they relate. The main issues raised are addressed below and are wide ranging and therefore where possible a subtitle capturing the topic or issue has been inserted in the paper.

2.0 Representations in Support

- 2.1** *General support of the vision and objectives is expressed and specifically to the inclusion of housing concerns in the plan vision, namely that communities will be provided access to a range of quality housing to meet everyone's needs, which is safe and offers real sense of community. (MUDPS/92/1, MUDPS/137/1 and MUDPS/192/1)*
- 2.2** Support also expressed regarding objectives to protect and consolidate role of local villages, to accommodate sustainable growth in the countryside, to provide a range of housing, to provide for vital and vibrant rural communities. (MUDPS/186/1, MUDPS/186/2, MUDPS/186/3, MUDPS/187/1, MUDPS/187/2, MUDPS/187/3, MUDPS//188/1, MUDPS/188/2, MUDPS/188/3, MUDPS/138/5, MUDPS/184/2, MUDPS/185/2)
- 2.3** DfE welcome the objective to encourage energy efficiency and promote use of renewable energy.(MUDPS/31/1)
- 2.4** Support for the strategy statements (7.6-7.8) regarding community plan – delivery key interest test. (MUDPS/162/35)
- 2.5** Acknowledgement of role of minerals is welcomed. (MUDPS/29/4, MUDPS/29/5)
- 2.6** Acknowledgement of mid ulster's high employment rate but also high economic inactivity rate – role of proactive approach to employability and skills highlighted. Acknowledgement of links between plan objectives for creation of jobs and promotion of prosperity and PfG delivery plan. (MUDPS/134/13, MUDPS/134/12)
- 2.7** The N2-A5 corridor is of particular economic importance to the central border region and it is acknowledged that MUDC will continue to lobby for improvements to this key transport corridor. (MUDPS/22/4)
- 2.8** RES welcomes DPS vision and commitment to remaining a low carbon economy and supports plan objectives relating to energy efficiencies, addressing climate change and investment in power infrastructure, as these are vital to achieve energy security/targets. (MUDPS/96/40)

2.9 *The recognition in the DPS that over the plan period the RDS HGI's may change and these will be taken into account when preparing the LPP is welcomed. (MUDPS/186/4)*

2.10 *Causeway Coast and Glens Borough Council note the plan objectives.*

2.11 *DfE welcomes the linkages set out within the Council's Plan to the draft Industrial Strategy / Programme for Government including the three DfE-led economic outcomes. (MUDPS/31/18)*

Action: The noting of and support for the vision and objectives is noted.

3.0 Consultations

Representations received by consultation bodies are detailed in section 8 of this paper.

4.0 Regional Policy Context

The regional position of the SPPS and RDS and the local context of the councils own community plan are discussed as relevant and appropriate in detail comments within this paper.

5.0 Response to the Specific Issues

5.1 **Issue raised regarding economic land at Creagh not included within the settlement limit and how Policy ECON2 in their view would apply to such land, which in their view imposes a higher threshold and is contrary to Paragraph 3.3 of the DPS in their view. Feel Plan needs updated to reflect existing employment areas which form part of identified settlement; and include modest rounding off. (Map of area included) (MUDPS/157/12)**

The issue raised in the context of the Plan Vision is noted. However, whilst this is a vision for the plan, the specific issue raised in this representation is a matter for consideration when preparing the Local Policies Plan. At that stage settlement limits will be reviewed. This is not a matter for the Plan Strategy and therefore does not render the Plan unsound.

Action: No Action Required.

5.2 ***In the context of paragraph 3.8 of the plan vision they consider current air controls are in need of improvement. Query what the councils plans are to do this? (MUDPS/162/14)***

In the context of Safeguarding Residential and Work Environs the SPPS tells us that, "the planning system can also positively contribute to improving air quality and minimising its harmful impacts". The SPPS provides examples of how LDP's should have regard to air pollutions considerations, including the zoning of land with a view to minimising the potential for incompatible uses to

become established in close proximity. The draft PS has considered issues on air quality in preparing the plan and this is most obviously borne out both the SA/SEA and HRA reports.

Air and climatic issues have been considered in detailed in the SA/SEA Report. Specifically at paragraph 4.61 of the SA/SEA we state that within Mid Ulster there are now only 3 Air Quality Management Sites designated. These are, Newell Road Dungannon, The Moy and Magherafelt. The pollutant source for all 3 of these AQMA's is road traffic (NO²). The Church Street Dungannon AQMA and the Stewartstown Road, Coalisland AQMA were both revoked in November 2014. The AQMA's are areas assessed and monitored by the councils environmental health department. District Councils are required to review their current air quality and assess whether any locations are likely to exceed the Air Quality Strategy Objectives and this is something that the Environmental Health Department are in the process of doing for at present. The Council has an Action plan for the AQMA's in its District to try to improve air quality in these areas and as part of its Action Plan the Council has committed to holding annual meetings with interested stakeholders to focus on areas of monitoring and initiatives that the Council are undertaking to improve air quality in the District.

Other air quality issues are also considered in the SA/SEA including those relating to ammonia. In addition one of the SA/SEA objectives is to improve air quality. Therefore, the plan has been assessed against this objective, amongst others, and the detail of the assessment for each topic/policy is set out in the published SA/SEA report. Furthermore, our growth strategy for the Plan is based on regional guidance, which is geared to "reduce our carbon footprint and facilitate mitigation and adaptation to climate change whilst improving air quality".

The council is of the view of that air quality has been considered in detail in preparing the DPS, and it will be further considered at the LPP when zoning land for housing and any other uses where matters of compatibility require consideration. Furthermore, air controls are given ongoing consideration by the Council in the context of AQMA's as explained above.

Action: No Action Required.

5.3 *In the context of paragraph 3.13 of the dPS concern is expressed that we do not go far enough and asks what consideration has been given to how technology will help carers in rural areas by the end of the plan period? (MUDPS/162/17)*

This is an issue raised in the context of our DPS, which states, "Our communities will continue to help and care for each other in the confidence that the importance of their role as a carer is fully recognised and facilitated. This

means more of our communities will be able to work from home and will be able to live with and next to those they care for."

It is our view that this DPS fully recognises the role of the carer in this district, and in doing so go beyond what is provided for under the current policy. This is demonstrated in Policy ECON 2, which includes provision for someone to develop a small workshop for self-employment at their dwelling. In addition, at Policy CT2 the DPS includes additional provision for a dwelling for a carer. These policies directly link to our DPS objective "to recognise the needs of both growing families and carers..."

With specific regard to technology, in General Principles Planning Policy GP1 we require that all major planning applications including housing development of 25 units and above are required to ensure provision is made for fibre optic cables within the development. The council wishes to ensure provision of fibre optic cables to all premises. This requirement in relation to fibre optic cables goes beyond the current planning policy requirement in recognition of the importance of connectivity for those who work and live in our district. This policy also helps to address two of the actions of our Community Plan, which are to "develop and implement broadband and mobile phone connectivity solutions across Mid Ulster" and "facilitate the delivery of strategic infrastructure schemes such as broadband and mobile phone coverage"

Action: No Action Required.

5.4 *HED significantly concerned with regard to Policy Text, Policy Approach and Amplification and Justification Section 8.0 Pages 77 - 90 - significant potential to enable inappropriate development within the countryside - limited options to refuse. HED concerned at the large number of available options for seeking to gain approval - notably dwellings within Mid Ulster Area - the Historic Environment will suffer. They state that the potential for negative impact to the historic environment will impact on local identity and distinctive character of the area. (MUDPS/77/258, MUDPS/77/259)*

This is an issue raised in relation to Housing in the Countryside. The planning policies contained within the Draft Plan Strategy have been based entirely on the SPPS. Our policies accord with SPF 6 of our DPS in that they will accommodate development within the countryside whilst safeguarding our natural and built heritage. In formulating all of the policies the approach taken has been to cluster, consolidate and group new development. Mid Ulster Council disputes the assertion that the approach has significant potential to enable inappropriate development within the countryside. The SPPS clearly provides for housing in the countryside, along the lines of which the Council has adopted new policies. We have however provided for additional exceptions. Background evidence papers completed by MUDC, namely 'Sustainable Development in the Countryside' provide detailed information which underpins the policies proposed. The DPS aims to adopt a balanced approach with policies

which are informed by strategic policy and meets the needs of the Mid Ulster District and its people.

This plan is the first attempt to control the overall number of dwellings approved in the countryside. It is the Council's view that the number of houses likely to be approved under these policy provisions would result in only a marginal increase in overall numbers. That said we have proposed a very clear monitoring / review system which will allow us to identify if the rural housing approval figures exceed 40% of the Districts HGI. Should the figure of 40% be exceeded this would trigger the need to change policy at the Plan Review and it could also demonstrate a need for further areas of constraint or a reduction of development opportunities as provided by the SPPS policies.

It appears that HED have not recognised the extent to which the Plan has addressed competing interests in that where protection is needed from Housing in the Countryside additional constraints including Special Countryside Policy Areas have been introduced. Our Plan recognises certain areas in Mid Ulster district council where rural housing would be harmful and Special Countryside Areas have been proposed. Furthermore pressure analysis has been carried out to ensure that an undesirable concentration of rural houses is not developing.

All of the proposed policies within the DPS have been sustainably appraised and have been found to be acceptable when considered against the three pillars of sustainability. It is important to note that all of the housing in the countryside policies have been appraised against the SA/SEA objective to "conserve and where appropriate enhance the historic environment and cultural assets".

Furthermore, where appropriate, all development will be assessed against the Historic Environment policies of the DPS thereby ensuring that the potential impacts on the historic environment are considered. Additionally all housing in the countryside will be assessed against Policy CT1, thereby ensuring that rural character is respected by complementing settlement patterns in the locality.

Action: No action required.

5.5 *Argument that a vibrant minerals industry will help improve education, employment and training opportunities. (MUDPS/101/4)*

This council recognises the important economic role of the minerals industry in Mid Ulster and in Northern Ireland and the wider impacts of this in terms of employment benefits. The recognition of the role of the minerals industry is reflected in the sustainable approach to mineral development within the draft Plan Strategy. Detailed consideration on minerals are contained within the Minerals topic paper.

Action: No action required

5.6 a) Objective 1 to build the 3 main towns as hubs is not sound under which the success of the plan is being assessed. Focus on only 3 main towns is detrimental to district as a whole. Growth should be managed and balanced across Mid Ulster providing for an equitable split throughout the district. (MUDPS/99/11)

b) Objective 1 not sound under which the success of the plan is being assessed and is not based on robust evidence. Focus on only 3 main towns is detrimental to district as a whole. The housing growth figure should be revised to use the previous HGI as the base and apportion the uplift on a pro rate basis across the settlements. Monitoring these figures will give a better indication of plan implementation. (MUDPS/98/8)

The objectives of the DPS must be read together and alongside the Spatial Planning Framework. The objectives of the plan are not prioritised as one ahead of the other and while there is an objective to build the 3 main towns as economic and transportation hubs, there are also separate objectives to protect and consolidate the role of the local towns and villages so that they act as local centres to meet daily needs. There is also a separate objective to provide for a vital and vibrant rural community. There is an objective to provide for 11,000 new homes and to facilitate the creation of at least 8,500 new jobs in a variety of locations.

These objectives must be read alongside SPF2 – SPF 7. Paragraph 3.21 of the RDS clearly articulates that *“the allocation of housing growth to specific locations in a district is a matter for decision through the development plan process. In the allocation process due weight needs to be given to reinforcing the leading role of the Hubs and the clusters of Hubs. Another important step in this allocation process is making judgements to achieve a complementary urban/rural balance to meet the need for housing in the towns of the district and to meet the needs of the rural community living in smaller settlements and countryside.”* The approach of the DPS is to ensure that, in line with the spatial framework of the RDS, we identify and consolidate the role and function of settlements within the cluster of Cookstown, Dungannon and Magherafelt, promote economic development opportunities within them and grow their population. Our DPS ensures that this regional guidance is followed and also ensures that our rural communities are sustained. To provide an equitable split i.e. growth allocated equally throughout the district as suggested this would be contrary to the RDS.

With regard to housing growth and the HGI's, the SPPS states that housing allocations should be informed by RDS HGI's. When revised HGI's are produced then they are material to the plan making process and the DPS should be informed by the most up to date figures. In this case further revised HGI's have been provided since these representations were made to the Plan and a separate background evidence paper on them has been compiled.

Action: No action required

5.7 Department state that objective 1 omits reference to growing population of Cookstown, Dungannon and Magherafelt and is not consistent with SPF2 which specifically references need to strengthen them as residential centres. (MUDPS/115/1)

There is an assumption made in this representation by the Department that first objective is the only one that relates to the growth of the hubs. That is not the case and the objectives of the DPS must be read together, and alongside the Spatial Planning Framework. SPF2 relates to the delivery of a number of the objectives, including the first objective regarding Cookstown, Dungannon and Magherafelt. There is a standalone objective regarding the provision of 11,000 new homes across the district. At paragraph 4.15-4.16 SPF2 clearly discusses how residential development of the three main towns will grow and states “focusing growth in the three hubs means that opportunities should be provided in the LPP for 60% of the districts HG to be located within the three towns”. To focus 60% of the HGI in the three main towns means there will inevitably be a growth in their population over the plan period.

The council are of the view that the approach of the DPS is clear and there is no inconsistency.

Action: No action required

5.8 a) States there are current wastewater system capacity constraints in the 3 hubs. The Dungannon WWTW upgrade is now occurring in 2 phases- with phase 1 to be completed by 2020/2021& phase 2 by 2026/2027. NI Water has provided MUDC with capacity info for wastewater treatment (& where available associated networks) for informing LDP- would welcome opportunity to work even more closely with Council on this aspect. NIW question the information presented in the updated utilities background evidence paper – they state that appears confusing & potentially inconsistent and may provide unreliable view of settlements capacity by not taking proper account of the sewerage/ wastewater collection system's status. (MUDPS/170/1, MUDPS/170/6, MUDPS/170/23, MUDPS/170/24)

b)The Department state that capacity issues and other network issues at works serving three hubs. Six treatment work in adjoining council areas - work with neighbouring council important in this regard. Capacity key requirement when zoning land. Countryside side growth likely add to problem (MUDPS/115/18, MUDPS/115/19)

NIW have provided the council with headroom and capacity information on a number of occasions during the plan making process thus far, with the most recent version (Appendix 1) having been provided in advance of a meeting with NIW during August 2019. It is apparent from previous information provided by NIW, and by this most recent table, that in a number of the settlements issues have been identified in respect of capacity and also the network. It is also noted

that the wastewater system capacity information is subject to change and that NI Water should be contacted directly on water and wastewater capacity issues by Councils.

The purpose of the councils published background paper was to illustrate the potential implications between our growth strategy and the NIW capacity information. In the three main towns the approach of the DPS is phase land release and it would not be released without (amongst other things) appropriate infrastructure. Furthermore, if NIW water do not obtain the required funding to expand or upgrade the various WWTWs then this is a matter that will be considered further at the LPP stage and where relevant developers would be made aware of the need to address WWTW by way of KSR's. In those scenarios an on site package treatment plant may be required.

The Department flag up the importance of capacity in the context of zoning land. Apart from the zoning of interim economic land at Granville and Dungannon, all zoning will take place at the LPP. Specific plan making advice has been received from NIW for those zonings and those zonings are considered later in this paper. It is clear from the addendum to the utility paper published on the councils website that of those settlements where there is likely to be a need for additional growth (beyond the committed units still to be developed and residual zonings) a small number will experience capacity issues. That table has been updated and is attached at Appendix 3. The Department note that 6 of our settlements are served by WWTW in adjoining council areas. In the cases where the settlements will require growth (beyond the committed units still to be developed and residual zonings) either a package treatment plant, or phasing in Dungannon will address this issue if it has not been addressed by NIW before the LPP is prepared.

In addition, Policy GP1 of the DPS requires that all development demonstrate adequate infrastructure is in place to deal with...sewerage and where mains sewerage is not available, the applicant may be required to demonstrate that this will not create or add to a pollution problem. Furthermore, the Water (Northern Ireland) Order 1999 requires appropriate consent such as consent to discharge sewage effluent is gained where appropriate. If it is shown that there is a risk of pollution, this would be a material consideration in the assessment of a planning application. Policy GP1 will ensure that the Department's concerns regarding any development in the countryside are fully and sustainably addressed.

Action: No action required

- 5.9 a) Objective 2 to protect and consolidate the role of local towns and villages. Only allowing consolidated growth within local towns is unfitting and inconsistent, and detrimental to district as a whole. Growth should be managed and balanced across Mid Ulster providing for an equitable split throughout the district (MUDPS/99/14)**

b) In order to fulfil SPF4, consideration should be given to zoning appropriate amount of land in villages such as Aughnacloy for economic development. Will reduce car journeys and improve transport modes within villages. (MUDPS/184/4, MUDPS/185/4)

c) Considered that in order to maintain and sustain existing level of services within villages such as Auchnacloy, greater level of housing allocation should be allocated to villages at the expense of rural housing. MUDPS/184/9

The HGI fails to reflect the Settlement Hierarchy. The simplistic approach is unsustainable & treats all settlements the same in terms of allocation this fails to maximise sustainability benefits of providing an increased proportion of housing in Maghera. We request the council allocate HGIs more appropriately in line with the settlement hierarchy rather than the simplistic mechanistic approach adopted. MUDPS/95/3

We state at Page 33 of the DPS that our strategy is based on Regional Guidance. The RDS sets a spatial framework with guidance requesting that we identify and consolidate the role and function of settlements within the cluster of Cookstown, Dungannon and Magherafelt, promote economic development opportunities within them and grow their population. In relation to the rural area it offers guidance for policy to sustain rural communities.

Our DPS ensures that this regional guidance is followed and also ensures that our rural communities are sustained. To provide an equitable split i.e. growth was allocated equally throughout the district as suggested this would be contrary to the RDS. Furthermore, the protection and consolidation of our local towns does not mean that they cannot grow – this is apparent in Appendix 1 of the DPS where the local housing indicators for the local towns ensures that they would receive their fair share of housing based on their percentage share of households.

SPF4, in line with the RDS, considers that logical location for providing industrial land is in the hubs. At paragraph 4.26 of the DPS we state that “in the main we do not intend to reserve land (in villages) for housing or economic development, although exceptions may exist where there is a need to expand or accommodate an identified rural enterprise within the settlement limits”. This is a matter for the Local Policies Plan.

In relation to the level of housing in villages at the expense of the countryside, the DPS seeks to consolidate the role of the local towns and villages in keeping with the scale and character of these settlements. Therefore, where some villages are slightly larger than others then this will be reflected in the local indicator allocation of housing by providing a fair share in line with the number of households contained within them. In order to provide flexibility however, the DPS does not reserve land for housing or economic development in them, although exceptions may exist where there is a need to expand or accommodate an identified rural enterprise within the settlement limits.

Action: No action required

5.10 The Department note Objective 3, but state the approach to perpetuating levels of development in the countryside proportionate to the existing extent of development is not supportive of the change the RDS spatial framework seeks to achieve. (MUDPS/115/3)

The Department have not been clear in their comments regarding the “change” that they refer to in the context of the RDS spatial framework. Paragraph 3.21 (RG8) of the RDS clearly articulates, *“the allocation of housing growth to specific locations in a district is a matter for decision through the development plan process. In the allocation process due weight needs to be given to reinforcing the leading role of the Hubs and the clusters of Hubs. Another important step in this allocation process is making judgements to achieve a complementary urban/rural balance to meet the need for housing in the towns of the district and to meet the needs of the rural community living in smaller settlements and countryside.”*

The RDS does not prescribe the level of development in the countryside, but rather leaves it to local development plan to establish the appropriate level. Furthermore, the SPPS requires a local development plan to provide for housing development in the countryside. SFG13 of the RDS focuses on sustaining rural communities living in smaller settlements and the open countryside. It states that *“in rural areas, the aim is to sustain the overall strength of the rural community living in small towns, villages, small rural settlements and the open countryside”*.

The approach of the DPS is to ensure that, in line with the spatial framework of the RDS, we identify and consolidate the role and function of settlements within the cluster of Cookstown, Dungannon and Magherafelt, promote economic development opportunities within them and grow their population while also ensuring that the needs of our rural community are met. Our DPS ensures that this regional guidance is followed, and that our rural communities are sustained.

Mid Ulster has a high rural population – 40% of our households live in the Countryside. It would appear from the Department comments above that they do not recognise that the RDS guides us to sustain the overall strength of our rural community. Prior to the introduction of PPS 14 growth in the countryside was approximately 1100 per year. Now in mid ulster we are currently experiencing figures of approximately 270 per year, based on current policy with 273 approvals in the 2018-2019 year and we do see this level of growth as being a problem. In the absence of clear guidance from the Department, our Plan has recognised that if growth occurs disproportionately in the countryside that would be a problem. In looking at allocations is logical however to accept that there will be some growth in the countryside as it is a requirement of the SPPS that we provide for it however the plan has recognised that if this growth is above 40% it would unbalanced and problematic.

This plan is the first attempt to control the overall number of dwellings approved in the countryside. It is the Council’s view that the number of houses likely to be

approved under the policy provisions of the DPS would result in only a marginal increase in overall numbers from that currently under regional policy. That said we have proposed a very clear monitoring / review system which will allow us to identify if the rural housing approval figures exceed 40% of the Districts HGI. Should the figure of 40% be exceeded this would trigger the need to change policy at the Plan Review and it could also demonstrate a need for further areas of constraint or a reduction of development opportunities as provided by the SPPS policies.

All of the proposed policies and spatial planning framework within the DPS have been sustainably appraised and have been found to be acceptable when considered against the three pillars of sustainability.

Mid Ulster Council disputes the assertion that our DPS is not supportive of the RDS.

Action: No action required

5.11 *Objective 4 is to provide for 11,000 new homes. This figure should be revised. Recent HGI figures using new dwelling completion data 2010-2015 are strongly under representative due to sluggish economic conditions in this period. (MUDPS/99/12)*

With regard to housing growth and the HGI's, the Strategic Planning Policy Statement (SPPS) tells us that Local Development Plan (LDPs) should be informed by HGI's and it describes them as an estimate for the new dwellings requirement for each area and provide a guide for allocating housing distribution across the Plan area. The SPPS also explains that the HGI covers both urban and rural housing.

When revised HGI's are produced they are material to the plan making process and the DPS should be informed by the most up to date figures. In this case, further revised HGI's have been provided since representations were made to the Plan and a separate background evidence paper on them has been compiled.

The letter accompanying the revised HGI's, from the DfI Chief Planner and Director of Regional Development, explains that the HGI's do not forecast exactly what will happen in the future. He explains that they are policy neutral estimates based on recent trends and best available data on households and housing stock. He also states that those preparing LDP's should not regard the HGI's as a cap on housing or a target to be met.

It is our view that HGI's are to be used as a guide by planning authorities in the creation of Local Development Plans, in order to ensure that adequate housing land is available for the incoming plan period and are intended to underpin one of the RDS's key objectives of achieving balanced regional growth. They are guidance rather than being seen as a cap on housing development or indeed, as a target to be achieved. They should however inform the Plan and they have informed our DPS Growth Strategy and Spatial Planning Framework. The Plan

recognises that the HGI's can be under estimates as a consequence it is our approach to have phase 2 land which could be released following a review of the plan and permission from the Department if the HGI is revised.

Action: No action required

5.12 *DPS seeks to promote more sustainable patterns of development, the DPS should be amended as set out below to further sustainability. Additional bullet point should be added after 4th bullet in para 3.15 and should read. "To give priority to sustainable locations when identifying land for development and drawing development limits for settlements." (MUDPS/193/1)*

The identification of land for development is largely a matter for the Local Policies Plan. Although the DPS has identified an interim supply of economic land to serve the identified shortfall in Dungannon. The drawing of settlement limits are also a matter for the Local Policies Plan. At page 39 of the DPS criteria have provided to explain how housing land will be selected and criteria for defining settlement limits are set out at page 35 of the DPS. The DPS has been sustainably appraised by way of the SA/SEA and the options and alternatives considered for the LPP will all be sustainably appraised when preparing the next state of the plan. It is therefore considered that the furthering of sustainability underpins the plan and that it is sound in this regard and an objective on this is not required.

Action: No action required

5.13 *Creating Jobs and Promoting Prosperity Failure to separate extraction of aggregates from mining of precious metals – instead refer to all extractive activity as mining. (MUDPS/162/18)*

It is assumed that this representation is making reference to the objective "To promote diversity in the range of jobs on offer recognising the importance of employment in the primary sector (agriculture forestry and mining), secondary sector (industry and manufacturing) and tertiary sector (administration, commerce, retailing, leisure and tourism)".

Part 15, Section 250 of the Planning Act NI 2015 defines mining operations as: "the winning and working of minerals in, on, or under land whether by surface or underground working; and the management of waste resulting from the winning, working, treatment and storage of minerals, and, for the purposes of paragraph (b), treatment does not include smelting, thermal manufacturing processes (other than the burning of limestone) and metallurgical processes.."

It is our view that the reference to mining is an all encompassing term and the policies set out in the Minerals section of the plan will be applied as appropriate to any application coming forward depending on the nature of the mineral development.

Action: No Action Required.

5.14 *Objective 8 not sound under which the success of the plan is being assessed and not based on robust evidence. Creating 8,500 new jobs at a variety of locations, but as economic growth focused on 3 main towns, this will be to detriment of wider district. Growth should be managed and balanced across Mid Ulster as per option1 (the preferred option) of the POP which provides for an equitable split throughout the district. (MUDPS/98/11)*

The objective to facilitate the creation of 8,500 new jobs is based on a detailed and sound evidence base. Background papers have been compiled and a number were published at the time of the POP and DPS. The Employment and Economic Development Position Paper was prepared prior to the publication of the POP and published at the same time. An addendum to that paper was published at the same time as the DPS and a further addendum to it was compiled taking account of the most recent 2016 population projection figures.

The RDS sets a spatial framework with guidance requesting that we identify and consolidate the role and function of settlements within the cluster of Cookstown, Dungannon and Magherafelt, promote economic development opportunities within them and grow their population. SFG11 of the RDS, is to 'Promote economic development opportunities at Hubs'.

The DPS seeks to focus growth within the 3 main towns in accordance with RDS and SPPS. The DPS seeks to consolidate the role of the local towns and villages in keeping with the scale and character of these settlements. In order to provide flexibility however, the DPS does not reserve land for housing or economic development although exceptions may exist where there is a need to expand or accommodate an identified rural enterprise within the settlement limits. The DPS also recognises the legacy of successful economic development located within our countryside and it is important that this success is allowed to continue but remains properly managed. This is achieved through the economic development policy in the DPS which allows of sustainable expansion and recognises the value of clustering through the designation of RIPA's. We also recognise the role and value of self-employment.

We therefore firmly believe that this DPS takes account of the RDS in terms of economic development zoning and that sustainable growth will also be provided by way of the planning policy on economic development.

Action: No Action Required.

5.15 *a) Objective 8 to facilitate the creation of 8,500 new jobs. This figure based on jobs required to sustain a housing growth of 11,000 homes. Therefore would not be adequate to sustain growth based on more appropriate 13,300 homes. The figure for facilitating new jobs should be revised to take into account recommended change to housing growth.*

Monitoring these figures will give a better indication of plan implementation. (MUDPS/99/13)

b) The creation of 8,500 jobs has been calculated based on the level of jobs required to sustain a projected housing growth of 11,000 homes over the plan period and therefore would not be adequate to sustain growth based on more appropriate 13,300 homes. Revise job creation figure upwards in line with suggested revised housing growth figure. (MUDPS/99/5)

The objective to facilitate the creation of 8,500 new jobs is based on a detailed and sound evidence base. Background papers have been compiled and a number were published at the time of the POP and DPS. The Employment and Economic Development Position Paper was prepared prior to the publication of the POP and published at the same time. An addendum to that paper was published at the same time as the DPS and a further addendum to it was compiled taking account of the most recent 2016 population projection figures.

This representation is incorrectly interprets where the 8,500 jobs figure is derived from. This is a figure based on economic activity rates and growth of population within the working age group and has not been based on the housing growth for the district over the plan period.. The evidence papers mentioned above provide the details on how the population projections have been used to arrive at a figure of 8,500. In the most recent addendum to the Employment and Economic Development Position Paper we discuss the 2016 population projections. The most recent population projections show a reduced rate of population growth over the Plan Period and this has implications for our economic strategy because the consequence is a lesser number of jobs than was previously calculated. Whilst there may be other factors involved, it is envisaged that this may be symptomatic of a UK – wide trend of falling population rates because of Brexit.

Regardless of the reason, it is felt that in order to continue facilitate the creation of 8500 by providing a generous supply of zoned economic land and to ensure a degree of flexibility of sites, the strategic approach of providing 170 hectares of economic land continues to be appropriate.

Action: No Action Required.

- 5.16 *There is a paucity of information regarding employment in other primary sectors, such as farming - contend that minerals is in fact the biggest employer in the primary sector. Acknowledgement of their clients responsibilities in protecting environment - ask that economic considerations and the specific need for minerals are used to balance any decision process that we move away from a consultee led approach (MUDPS/101/5, MUDPS/101/6)***

The purpose of the objective to promote diversity in the range of jobs on offer does not prioritise one sector or employment source above the other (primary,

secondary, tertiary) and this representation appears to have interpreted it in that manner.

This council recognises the important economic role of the minerals industry in Mid Ulster and in Northern Ireland and the wider impacts of this in terms of employment benefits. The recognition of the role of the minerals industry is reflected in the sustainable approach to mineral development within the draft Plan Strategy.

The Planning Act 2011 introduced a plan led system. Once the PS is adopted, planning applications for minerals development (and any other applications) will be determined in accordance with the plan unless material considerations indicate otherwise. It will be a matter for the decision maker at the time of determining the application to decide the weight to attribute to the relevant material planning matters. Furthermore, the Planning (General Development Procedure) Order (Northern Ireland) 2015 contains a requirement to consult on an application before the granting of planning permission and Schedule 3 of the GDPO stipulates the consultees to be consulted. This involvement of consultees in the planning application process is a legal requirement and the council must adhere to it.

Action: No Action Required.

5.17 *Representations previously made to POP remain relevant to DPS. To provide diversity in the range of jobs recognising the importance of employment in the secondary sector as set out in the plan objectives. Plan should be updated to reflect existing employment area which form part of the identified settlement.*
(MUDPS/157/1)

One of the objectives of the DPS is to promote diversity in the range of jobs on offer. The published Position Paper Three-Employment and Economic Development (2 February 2015) sets out the socio economic profile for the district and considers the existing employment base and the need for future employment opportunities. The approach taken to the allocation of land for economic development and to planning policy within the DPS ensures flexibility to meet the needs for our growing population over the plan period.

In relation to the amendment of settlement limits to reflect existing employment areas, this is a matter for consideration for the Local Policies Plan.

Action: No Action Required.

5.18 Enhancing the environment and improving infrastructure

a) The objective to accommodate investment in power, water and sewerage infrastructure and waste management is not supported by the growth strategy/spatial framework - raises challenges in relation to sustainable provision of water and sewerage services to dispersed populations. (MUDPS/115/4)

b) Approach to residential and economic development in the countryside poses significant challenges in ensuring delivery of services and infrastructure. Doesn't take account of RDS and not support of this Plan Strategy objective regarding accommodation of investment in power etc. (MUDPS/115/326 MUDPS/115/326)

c) Since maximising the use of existing infrastructure and services is central to promoting more sustainable development a new bullet point should be included after the 3rd bullet point under heading "Enhancing the environment.....new bullet point should read "to maximise the use of existing sewerage infrastructure and services" (MUDPS/193/2)

The RDS sets a spatial framework with guidance requesting that we identify and consolidate the role and function of settlements within the cluster of Cookstown, Dungannon and Magherafelt, promote economic development opportunities within them and grow their population. SFG11 of the RDS, is to 'Promote economic development opportunities at Hubs'.

Paragraph 3.21 (RG8) of the RDS articulates that, *"the allocation of housing growth to specific locations in a district is a matter for decision through the development plan process. In the allocation process due weight needs to be given to reinforcing the leading role of the Hubs and the clusters of Hubs. Another important step in this allocation process is making judgements to achieve a complementary urban/rural balance to meet the need for housing in the towns of the district and to meet the needs of the rural community living in smaller settlements and countryside."*

SFG13 of the RDS focuses on sustaining rural communities living in smaller settlements and the open countryside. It states that *"in rural areas, the aim is to sustain the overall strength of the rural community living in small towns, villages, small rural settlements and the open countryside"*.

With specific reference to economic development, the RDS sets a spatial framework with guidance requesting that we identify and consolidate the role and function of settlements within the cluster of Cookstown, Dungannon and Magherafelt, promote economic development opportunities within them and grow their population. SFG11 of the RDS, is to 'Promote economic development opportunities at Hubs'.

The DPS seeks to focus growth within the 3 main towns in accordance with RDS and SPPS. The DPS seeks to consolidate the role of the local towns and villages in keeping with the scale and character of these settlements. In order to provide flexibility however, the DPS does not reserve land for housing or

economic development although exceptions may exist where there is a need to expand or accommodate an identified rural enterprise within the settlement limits. The DPS also recognises the legacy of successful economic development located within our countryside and it is important that this success is allowed to continue but remains properly managed. This is achieved through the economic development policy in the DPS which allows of sustainable expansion and recognises the value of clustering through the designation of RIPA's. We also recognise the role and value of self-employment.

We therefore firmly believe that the approach of the DPS to economic development accords with the RDS in terms of economic development zoning and that sustainable growth will also be provided by way of the planning policy on economic development.

In referring to dispersed populations, it assumed that the Department are referring to housing in the countryside. The planning policies contained in the DPS on housing in the countryside have been based entirely on the SPPS. Our policies accord with SPF 6 in that they will accommodate development within the countryside whilst safeguarding our natural and built heritage. In formulating all of the policies the approach taken has been to cluster, consolidate and group new development. This approach is reflected in our policies on development in farm clusters, infilling, business uses and our policy for carers. By doing so these houses can take advantage of any service/infrastructure already being provided by neighbouring properties.

The SPPS clearly provides for housing in the countryside, 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. A number of new policy provisions have been brought forward within the DPS, namely; Dwelling Infilling a small gap site, Dwelling in a Farm Cluster, Dwelling for a Carer and Dwelling for Holder of a Commercial Fishing Licence. These tailored policies were brought forward to address a distinct need peculiar to Mid Ulster, e.g. dwelling for a fisherman. The need for each of these policies are addressed in the Housing in the Countryside topic paper.

This plan is the first attempt to control the overall number of dwellings approved in the countryside. It is the Council's view that the number of houses likely to be approved under these policy provisions would result in only a marginal increase in overall numbers. That said we have proposed a very clear monitoring / review system which will allow us to identify if the rural housing approval figures exceed 40% of the Districts HGI. Should the figure of 40% be exceeded this would trigger the need to change policy at the Plan Review and it could also demonstrate a need for further areas of constraint or a reduction of development opportunities as provided by the SPPS policies.

Furthermore, the provision of a satisfactory sewerage arrangement is fundamentally an operational requirement. Notwithstanding this, in order to

obtain planning permission a proposal must also comply with Policy GP1 which requires all development proposals to demonstrate adequate infrastructure to deal with waste, sewerage and drainage and where mains sewerage is not available, the applicant may be required to demonstrate that this will not create or add to a pollution problem.

We are therefore of the opinion that we have taken account of the RDS in both our growth strategy and planning policies, and that any additional development that may come about as a result of the additional flexibility in the plan will be marginal and the application of the planning policies will ensure that appropriate infrastructure e.g. sewerage is provided.

Action: No action required.

5.19 a) Representation states LDP should contain clear, targeted and focused policies and objectives, which promote renewable energy and enterprise and employment development demonstrating what areas of local economy that renewable energy can assist. (MUDPS/12/2)

b) RES concerned that spatial policies introduced in dps do not accord with DPS objectives. Rather the dps has set out policies that restrict wind farms in all viable parts of the county. MUDPS/96/5

The DPS approach the renewable energy has taken account of the SPPS and therefore contains planning policy for Renewable Energy. Policy RNW 1 which provides for a presumption in favour of wind energy development, outside of the AOCWTHS and the SCA and a presumption in favour of renewable energy outside of the SCA. Therefore, the policy operates a presumption in favour of wind and renewable energy across the majority of the District. Mid Ulster is committed to continuing to play a key part in Northern Ireland's status as a low carbon economy and this is shown in the approach to wind energy development. The approach of the DPS therefore is to facilitate appropriate renewable energy development whilst also protecting our environment and most important and sensitive landscapes.

Action: No action required.

5.20 Sustainable development is mentioned throughout the document however the DPS does not consider each individual settlement and what makes it sustainable. The DPS's approach to housing need throughout the district is inappropriate and HGIs are unrealistic. (MUDPS/57/1)

Each existing settlement (as per the extant Area Plans), and new settlements, have been appraised within the published Position Paper – Strategic Settlement Evaluation (July 2015). The settlements have been appraised in the context of six tests identified in the Regional Development Strategy (RDS): Resource Test, Environmental Capacity Test, Transport Test, Economic Development Test, Urban / Rural Character Test, Community Services Test. The settlements have also been evaluated against the 'Hierarchy of Settlements and Related Infrastructure Wheel' within the RDS. The DPS has also been sustainably

appraised, and specifically the settlement hierarchy has been appraised as has been the new settlements. All of the settlements will be further evaluated and sustainably appraised as part of the LPP preparation.

With regard to housing growth and the HGI's, the SPPS states that housing allocations should be informed by RDS HGI's. Paragraph 3.21 of the RDS articulates that *"the allocation of housing growth to specific locations in a district is a matter for decision through the development plan process. In the allocation process due weight needs to be given to reinforcing the leading role of the Hubs and the clusters of Hubs. Another important step in this allocation process is making judgements to achieve a complementary urban/rural balance to meet the need for housing in the towns of the district and to meet the needs of the rural community living in smaller settlements and countryside."*

The approach of the DPS is to ensure that, in line with the spatial framework of the RDS, we identify and consolidate the role and function of settlements within the cluster of Cookstown, Dungannon and Magherafelt, promote economic development opportunities within them and grow their population while also ensuring that the needs of our rural community are met. Our DPS ensures that this regional guidance is followed, and that our rural communities are sustained.

Action: No action required.

5.21 RSPB raise concerns over wording 'to achieve biodiversity' – considers it vague and difficult to measure its effect, subject to interpretation. Inconsistent with legislative provisions-Wildlife & Natural Env. Act (NI) 2011, SPPS and RDS and WANE Act 2011 - they seek to halt the loss of biodiversity (MUDPS/59/1, MUDPS/59/4, MUDPS/59/5, MUDPS/59/6, MUDPS/59/139)

The SPPS states that sustaining and enhancing biodiversity is fundamental to furthering sustainable development. The Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy seek to halt the loss of biodiversity and ecosystems services by 2020. Furthermore, the Wildlife and Natural Environment Act (Northern Ireland) 2011 places a statutory duty on every public body to further the conservation of biodiversity.

The Council in its wider role in the context of planning contributes to furthering biodiversity through appointment of a Biodiversity Officer within the Council and the completion of Sustainability Appraisal incorporating Strategic Environmental Assessment, Habitats Regulations Assessment (HRA) and Equality Impact Assessment (EQIA). These functions are in addition to specific planning policies proposed in the DPS.

It is considered that the wording of the objective is sound and that the objective will be supported and achieved through application of Policy GP1 which under section (i) titled, 'Biodiversity', stipulates that "development proposals should respect, protect and/or enhance the Districts' rich biodiversity and sites designated for their contribution to the natural environment at any level".

In addition, the SPPS notes, Landscape design and planting considerations are also an integral part of design and can contribute to biodiversity. Policy GP 1 part (h) – ‘Landscape Character’ states that “development proposals should respect, protect and/or enhance the region’s rich landscape character, features and sites designated for their landscape quality at any level. They should also reflect the scale and local distinctiveness of the landscape”.

Action: No action required. We consider the objective is sound, however if the Planning Appeal Commissioner is so minded to recommend that the objective is altered to reflect the SPPS and state “sustain and enhance biodiversity” the council would not object.

5.22 *HED have framed responses around other policies they deem appropriate to impacting on the historic environment. HED not having provided comment on other sections of the DPS should not be considered as an endorsement of proposals. (MUDPS/77/10, MUDPS/77/11, MUDPS/77/12, MUDPS/77/13, MUDPS/77/14, MUDPS/77/15, MUDPS/77/16, MUDPS/77,16, MUDPS/77/17, MUDPS/77/18)*

The comment by DfC HED is noted. Other specific comments provided by HED are addressed elsewhere within the topic papers.

Action: No action required.

5.23 *NIEA have advised that Mid Ulster has hydrological links to NI marine area through its river network and is included in a river basin management area that adjoins the sea. Mid Ulster Council should satisfy itself that it has had regard to UK Marine Policy Statement. NIEA advise that the council are legislatively required to make decisions in accordance with marine policy documents/marine plan, unless relevant consideration indicate otherwise - UK Marine Policy Statement is material consideration (MUDPS/167/33, MUDPS/167/34, MUDPS/167/35, MUDPS/167/36)*

The UK Marine Policy Statement makes it clear that the MPS and marine planning systems will sit alongside and interact with existing planning regimes across the UK. It states that in Northern Ireland the Regional Development Strategy and Planning Policy Statements, along with development / area plans, are the key planning documents which set the policy framework for terrestrial planning decisions.

Mid Ulster recognises that as a terrestrial authority it needs to have regard to the MPS. In examining the MP the key issues as they relate to Mid Ulster are heritage assets, climate change, coastal processes and air quality. Mid Ulster does not have a coast line and therefore is slightly divorced from the MP. However the our plan recognises that part of our drainage system is through Lough Neagh and Lough Beg with a small part of the district entering into the Foyle system. These are EU designations and where there would be any risk of pollution a HRA would be needed. As a result, there is a lot of control and

consideration of impacts that may lead to pollution and therefore helps ensure no such impacts on to the marine environment. The other important consideration is drainage and the approach of the DPS is to recognise the existing drainage system of flood plains in terms of being able to absorb excessive run off. Our DPS recognises that there are the most important mechanism for ensuring that we reduce the risk of coastal flooding which could occur as a result of a number of factors including neap tides, a coastal storm and excessive in land rainfall. We also recognise that air quality is an issue and this is being controlled by the HRA process.

In examining the MP we are not directly within any of the policy areas identified. We do however recognise the importance of trees in controlling run-off and absorbing carbon. However as we are not a forestry authority the council role in this is limited. We have however brought about appropriate policies in relation to tree planting as part of landscaping and protection of the natural environment, particularly our river banks.

NIEA Marine Division have not flagged up any specific issues to us thus far in relation to Mid Ulster. If issues were arising for example deposition of material or pollutants this would be a matter to be considered in a planning application.

We are therefore satisfied that we have had regard to the UK MPS and the NI draft Marine Plan.

Action: No action required.

- 5.24 a) *DPS fails to align with the national strategy - NI executive 'everyone involved - sustainable strategy' which aims to address global issues such as climate change. Climate change and need for mitigation and adaption is not addressed in any meaningful or coherent way. (MUDPS/178/326, MUDPS/178/327)***

b) Plan has no policy on how to reverse our impact on climate change – plan should contain a strategy on how to reverse the impact of climate change. (MUDPS/162/20)

Issues regarding climate changes are considered and addressed within the Introduction to the DPS and Context and Key Issues section of the topic paper.

Action: No action required.

5.25 Growth Strategy and Spatial Framework

Overarching growth strategy and spatial framework comments

To Note

5.26 CCG Council notes the Growth Strategy and Spatial Planning Framework (MUDPS/159/3)

Action: The comments of CC&G Council are noted.

5.27 ANBC consider there is no perceived conflict with their emerging DPS, however request that any necessary infrastructure improvements required to deliver the Growth Strategy take account of infrastructure priorities to deliver their growth strategy. (MUDPS/17/1)

5.28 Issues

a) The Community Plan outcomes are not supported by the Plan Strategy and in particular the Growth Strategy and SPF. (MUDPS/115/15)

b) The Spatial Planning Framework fails to have regard to soundness tests, including taking account of Community Plan, and the Department considers that this poses a serious risk to the soundness of the Draft Plan Strategy. (MUDPS/115/322 MUDPS/115/323 MUDPS/115/324 MUDPS/115/325)

c) The limitation in growth which the DPS would result in would run counter to many of the adopted themes in the community plan such as a prosperous economy, vibrant town centres, improving skills etc. (MUDPS/143/1)

The LDP spatially represents much of the councils Community Plan and has taken account of the Community Plan and in doing so ensures integration with other council strategies such as the Tourism Strategy and Economic Development Strategy. Furthermore, in preparing the DPS and developing the options and alternatives the various departments and functions of the council were represented on the SA/SEA Project Management Team, thereby ensuring integration of the DPS with the wider functions of the council.

The DPS was produced taking account of the Community Plan and the evidence base from the community plan was used in developing the POP, DPS and supporting documents. The planning department participated in the preparation of the draft Community plan and joint consultation on the POP and draft community plan took place by way of a number of joint meetings. These joint meetings are detailed in POP Public Consultation Report. In addition, planning officers attended a number of community plan consultation meetings during the consultation on the draft community plan, and this ensured that issues relevant to the LDP were captured. Following adoption of the Community Plan the planning department have continued to engage in developing the action plans for the community plan and to ensure that the Local Development Plan spatially represents the CP.

The Community Plan has 15 outcomes and the DPS spatially supports a significant number of these where possible. For example the interim provision of economic development land at Granville and Dungannon has been provided

in part to address one of the CP actions regarding growth and employment and the CP outcomes that “We prosper in a stronger and more competitive economy” and “We have more people working in a diverse economy”. The CP outcome that “Our towns and villages are vibrant and competitive” is supported by the town centre first policy within our DPS. The CP outcome that “We are better connected through appropriate infrastructure” is supported by our Transport Planning Policies. The CP outcome that “We increasingly value our environment and enhance it for our children” is supported by the additional protection afforded to our most environmentally sensitive sites and landscapes by way of the SCA and AOCTHS, as well as the planning policies to protect our natural and built heritage.

We therefore disagree with the representations that suggest we have not taken account of our Community Plan. We also disagree with the suggestion that there is a limitation in growth in this DPS which runs counter to the Community Plan.

Action: No action required.

5.29 a) *SPF allocation does not take account of the RDS appropriately with no reference to the employment land availability framework or the housing evaluation framework. SPF1 should be revised, taking appropriate account of the RDS 2035. (MUDPS/85/4)*

b) SPF conflicts with the aims of the RDS including supporting sustainable development, improving connectivity, protecting the environment, reducing carbon footprint and promoting urban renaissance through compact urban form. SPF should be revised taking appropriate account of the RDS. (MUDPS/85/5)

RG1 of the RDS asks us to ensure an adequate supply of land to facilitate sustainable economic growth. In doing this the RDS specifically states that to ensure that Northern Ireland is well placed to accommodate growth in jobs and businesses there should be an adequate and available supply of employment land. It should be accessible and located to make best use of available services, for example water and sewerage infrastructure, whilst avoiding, where possible, areas at risk of flooding from rivers, the sea or surface water run-off. One of the steps in addressing this is to assess the quality and viability of sites zoned for economic development uses in the area plans and the Employment Land Evaluation Framework articulates stages of doing this.

The DPS seeks to focus growth within the 3 main towns in accordance with RDS and SPPS. SFG 11 of RDS has a hubs first approach. The majority of economic land will not be designated until the Local Policies Plan but given the identified immediate need for economic land in Dungannon, additional zoned economic land has been included within the DPS.

In addressing the need for an interim supply of economic land at Granville and Dungannon we have looked at the land availability at Granville and taken on board the results of a business survey there. The survey of businesses operating at Granville Industrial Estate has identified an apparent lack of

serviced sites in Granville as having had a significant impact on the ability of operating businesses to grow and deliver investment and job creation in the local area. The survey results demonstrate the existing strong demand for additional land / accommodation in Granville and the detrimental impact the issue has had on operating businesses and the region as a whole. Mid Ulster Council area has lost out on substantial investment and job creation, and regrettably this trend is likely to continue until a supply of economic land and premises of an appropriate quality and standard are available. These sites identified in the DPS are not intended to cater for the longer-term needs of the district but rather to provide an interim supply of economic land. It is considered that the most appropriate means of designating economic zonings for the long term needs of the district is within the Local Policies Plan.

In addressing this interim need two sites have also been identified at Dungannon; one site that is a worked out and restored mineral extraction site while the other sits opposite it and currently benefits from planning permission for economic development.

Each existing settlement (as per the extant Area Plans), and new settlements, have been appraised within the published Position Paper – Strategic Settlement Evaluation (July 2015). The settlements have been appraised in the context of six tests identified in the Regional Development Strategy (RDS): Resource Test, Environmental Capacity Test, Transport Test, Economic Development Test, Urban / Rural Character Test, Community Services Test. These tests are taken from the Housing Evaluation Framework of the RDS. Detailed consideration of economic land sites and the Employment Land Evaluation Framework is something that will be undertaken for the LPP.

It is our view that the SPF of the plan does not conflict with the aims of the RDS because the approach of the DPS has taken account of the RDS spatial framework in relation to the role of our three main towns, our settlements and the countryside.

Action: No action required.

5.30 a) Not clear POP advice considered. Accessibility analyses not accurately reflected in DPS. Growth Strategy and Spatial Framework permits substantial proportion of housing to countryside and does not apply principles of integrated land use and transport. (MUDPS/115/251)

b) Whilst make reference to increasing accessibility in settlements, not clear if made use of accessibility analyses tools. They identify where public transport services operate etc and this approach should be key element of selecting area for growth. (MUDPS/115/252)

Our comments regarding the Department's interpretation of the DPS approach to housing in the countryside are set out above in this Paper, and we will therefore not repeat them.

With specific regard to accessibility analyses, they have been considered in detail in the context of the SA/SEA work undertaken in respect of the interim economic zonings in the plan. Furthermore, Paragraph 4.49 of the DPS states that in selecting land use zonings, particularly in our towns, consideration will be given to overall accessibility, with greater priority given to land within walking distance of town centres and other services followed by sites with good links to public transport.

Paragraph 4.10 continues to note that In defining limits for settlements in order to differentiate potential development land from open countryside consideration will be given to... increasing accessibility.

In terms of selecting specific locations for growth, apart from the interim supply of economic development land, this will be a matter for the LPP, and accessibility will form part of those considerations.

Action: No action required.

5.31 *Although strategy aims to promote a more sustainable approach to provision of water and sewerage services and flood risk management-no mention of the regional guidance 'Sustainable Water, A long-term water strategy for NI' and highlighting its keys aim. MUDPS/115/274*

This document is discussed and considered in the Introduction to the DPS topic paper.

Action: No action required.

5.32 a) *Representations previously made to POP remain relevant to DPS. To reflect important role of Creagh site and reflect in protective land use zoning with additional lands to ease the expansion of the factory complex - include lands at Creagh as outlined in POP, to be included within zone to enable site to be developed for economic use. (MUDPS/157/4)*

b) *Representations previously made to POP remain relevant to DPS. To reflect important role of Kilmascally Road site at Ardboe and reflect in protective land use zoning with additional lands to ease the expansion of the factory complex - include lands at Ardboe as outlined in POP, to be included within zone to enable site to be developed for economic use. (MUDPS/157/5)*

Consideration of sites to be included within settlement limits or as a specific zoning is a matter for the Local Policies Plan.

Action: No action required.

5.33 Approach to Phase 2 land release in local towns.

a) Unclear how Phase 2 land within town tier sit in respect of those in higher tier or if release can be considered across both tiers as part of monitoring. Policy relating to dwelling in the countryside should not be applied to land within settlement limit. Amend Policy HOU1 (i) to include "review of suitability, availability and achievability of Phase 1 sites" and (iii) to state "single dwelling which does not compromise the comprehensive development of the Phase 2 lands". (MUDPS/14/6)

b) Phase 2 lands are located across both tiers of the hierarchy. Policy provides no indication settlements appropriate for release of Phase 2 land will be selected. Phase 2 lands at Colliers Lane should be supported as an area of sustainable growth. The monitoring section should outline details on reacting in a timely manner to changing circumstances & demand within specific areas. Policy support for the growth of housing at the local town tier should be included, particularly Coalisland. (MUDPS/14/7, MUDPS/14/8)

c) Promote Sydney Brown and Son Ltd's phase II housing lands to Phase I housing lands at Derryvale Road, Coalisland. (MUDPS/49/1)

The DPS has confirmed that the settlements as defined in existing extant development plans will remain a material consideration until the local policies plan is adopted. The extent to which settlement limits vary is not a matter which can be speculated upon at the current time. An opportunity for people to propose land to be included and/or removed from the settlement limit will be provided in accordance with our Statement of Community Involvement. With specific regard to phasing and zoning within settlement limits, Paragraph 4.17 of the DPS sets our approach in selecting land to be zoned for housing. Paragraphs 7.16 and 7.17 of the DPS detail how the land will be selected for release. A detailed review of zoned phase 1 and phase 2 land will be carried out at Local Policies Plan (LPP).

With regard to the release of phase 2, once included in the LPP, it is clear from paragraph 7.16-7.17 that phase 2 land will be subject to review and if it is suitable will be released to phase 1. This approach is in line with the SPPS which states that a 'plan, monitor and manage' approach is necessary to ensure that, as a minimum, a 5 year supply of land for housing is maintained. Comments regarding specific land in Coalisland are a matter for the Local Policies Plan.

In relation to Policy HOU1, it is considered that the criteria contained within it is sound in respect of the approach to release from phase 1 to phase 2 and that the clarification contained within the J&A at paragraphs 7.13-7.19 is sufficient to aid this. The J&A explains the considerations in deciding whether to release land, and at LPP and during the reviews, consideration will be given to the degree of commitment and investment made by landowners to release and progress phase 1 housing land.

In relation to Policy HOU1 iii), it must be read in conjunction with Paragraph 7.19 which contains the exceptions for development on phase 2 land. These exceptions recognize that a single dwelling may occur on zoned land provided it meets the policy tests for a single dwelling in the countryside. Paragraph 7.19 makes it clear that in utilizing this exception it is up to the applicant to demonstrate they do not prejudice the remaining zoning. The policy criteria does not require any amendment and is considered sound.

Action: No action required.

5.34 *The aim of achieving “community cohesion” is clearly at odds with the aims to expand the extractive industries. (MUDPS/162/19)*

Consideration of minerals development is set out in the minerals topic paper. The approach of the DPS to mineral development is to facilitate mineral development where all the detailed criteria and aspects of all relevant planning policy can be met, whilst also protecting our most important landscapes and environmental assets. We do not consider there to be any conflict with this approach and our growth strategy to strengthen community cohesion.

Action: No action required.

5.35 SPF1 specific comments

Suggests additional criteria to be included when defining settlement limits – should include: boundaries should be defined by defined features, boundaries should be continuous, existing commitments, buildings and commitments should be considered. (MUDPS/23/2)

In the criteria for defining settlements limits it is unclear what is intended by 'increasing accessibility'. Final bullet point refers to 'key route ways' - what are these? They are not on Map 1.1 or in the glossary. Table 1 refers to a survey of the area-cross reference to where this can be reviewed (MUDPS/115/284)

It is considered that the criteria set out at Paragraph 4.10 of the DPS will achieve the outcomes of the suggested additional criteria regarding boundaries and natural features. The use of boundaries will play a significant role in considering the second and third bullet point at Paragraph 4.10. Drawing a settlement limit is partly to promote and partly to constrain new development within that limit and so maintain a clear distinction between the built-up area and surrounding countryside. Where relevant existing commitments may form part of that consideration.

The reference to 'increasing accessibility' is in the context of ensuring that there is good accessibility in terms of public transport links and wherever feasible by walking and cycling. It is also in reference to the need to ensure that that new development will not negatively impact on the flow of traffic to and within our settlements by the proliferation of new access on to our protected routes.

'Key route ways' describe those routes identified on Map 1.1; they are the arrows representing the roads that unlock our district, i.e. North-South corridor, key transport corridors and link corridors, with our north south being critical to our district, rather than just the east west direction. These routes also happen to be protected routes as defined by the Department.

It is unclear from the Departments comments which survey they are referring to. All surveys undertaken by the council in preparing the DPS have been published on the council website.

Action: No action required.

5.36 *Wording of SPF1 is supported however, policies and allocations in the plan do not support a sustainable pattern of development. Show evidence that the RDS broad evaluation framework has informed local housing indicators. Seek confirmation that the settlement appraisals have helped inform the allocation. (MUDPS/115/5)*

The position of the council in relation to the allocations has been discussed earlier in this paper in the context of the objectives. The approach to allocation has been informed by the RDS to ensure that we identify and consolidate the role and function of settlements within the cluster of Cookstown, Dungannon and Magherafelt, promote economic development opportunities within them and grow their population while also ensuring that the needs of our rural community are met.

Each existing settlement (as per the extant Area Plans), and new settlements, have been appraised within the published Position Paper – Strategic Settlement Evaluation (July 2015). The settlements have been appraised in the context of six tests identified in the Regional Development Strategy (RDS): Resource Test, Environmental Capacity Test, Transport Test, Economic Development Test, Urban / Rural Character Test, Community Services Test. These tests are taken from the Housing Evaluation Framework of the RDS.

The settlements have also been evaluated against the 'Hierarchy of Settlements and Related Infrastructure Wheel' within the RDS. The SPSS states that housing allocations should be informed by RDS HGI's. Paragraph 3.21 of the RDS articulates that *"the allocation of housing growth to specific locations in a district is a matter for decision through the development plan process. In the allocation process due weight needs to be given to reinforcing the leading role of the Hubs and the clusters of Hubs. Another important step in this allocation process is making judgements to achieve a complementary urban/rural balance to meet the need for housing in the towns of the district and to meet the needs of the rural community living in smaller settlements and countryside."*

Following the approach of the RDS has allowed for the positioning of each settlement on the hierarchy of settlements, and this, along with the continued

updating of our annual housing monitor and the HGI's has informed the approach to allocations in the DPS.

The DPS has also been sustainably appraised, and specifically the settlement hierarchy has been appraised, as have the new settlements. All of the settlements will be further evaluated and sustainably appraised as part of the LPP preparation.

Action: No action required.

- 5.37** *Settlement limit for Creagh excludes major area of pre-existing industrial and brownfield land. Ignores long established setting and identity of village. Settlement limits not realistic nor appropriate, and have not considered relevant alternatives. Plan needs updated to reflect existing employment areas which form part of the identified settlement. Should also include modest rounding off to facilitate moderate growth at this site during plan period. Suggested map included in POP submission appended. (MUDPS/157/8, MUDPS/157/9)*

The settlement limits for each existing and new settlement in the DPS Settlement Hierarchy have not yet been reviewed. This will be a matter for the Local Policies Plan using the approach set out at paragraph 4.10 of the DPS.

Action: No action required.

- 5.38** *There may be confusion regarding the settlement limits and how they are defined in the DPS. It is assumed the limits have been taken from the extant area plans but clarification is required here. Clarify on the maps accompanying the draft plan strategy that these settlement boundaries are based on the extant plan and will be determined at the LPP to avoid confusion to the reader. (MUDPS/174/4)*

We are of the opinion that the DPS has been very clear regarding the status of settlements limits within the extant Area Plans. Paragraph 1.10 of the DPS advises that the Local Policies Plan will identify settlement limits, zonings and environmental designations. It also explains that until such times as the Local Policies Plan has been prepared the three existing (extant) Area Plans will remain in operation and in effect represent the Local Policies Plan. Paragraph 1.11 of the DPS explains that the District Proposals Map shows the settlement limits as currently defined in the three existing (extant) Area Plans. This Proposals Map will be republished with the Local Policies Plan (LPP) to reflect any changes to settlement limits that may come about in preparing the LPP.

Action: No action required.

5.39 Settlement Hierarchy Comments
In Support

Support for the upgrading of Gulladuff from a small settlement to a village. MUDPS/165/1

Action: The support for the upgrade of Gulladuff is noted.

5.40 Issues
Status and growth of local towns

a) Coalisland should be considered as one of the main towns as it is similar to the size of Magherafelt. Throughout the plan it is compared to that of Maghera however should be listed as a key settlement. Revise the settlement hierarchy and state Coalisland as a key settlement. (MUDPS/10/1)

b) Appreciate that 3 main towns are designated as hubs however inappropriate to include Coalisland and Maghera within remaining 40% housing allocation with no greater policy provision than smaller settlements/rural housing. Growth at this tier is more sustainable. In terms of identified housing evaluation framework, Coalisland is more sustainable than villages and ideally placed to facilitate an extension to settlement limit, particularly Phase 2 land close to Colliers Lane given the landscape and infrastructure. (MUDPS/14/1)

c) Spatial Planning framework 1 is not based on robust evidence. Furthermore, there is no clear rationale for the revised settlement hierarchy as local towns are not defined within table 1 of the revised types of settlements within the hierarchy. Table 2 of the settlement hierarchy should be revised with Coalisland and Maghera either re-established as main towns, or a local town tier should be included in table 1 identifying why these towns do not fall within the main town or village tiers. (MUDPS/98/13)

d) Unclear how the local town tier of the hierarchy is being promoted above villages, small settlements and rural housing. The DPS fails to provide detail on opportunities for housing in Coalisland at the LPP stage. (MUDPS/14/2)

Coalisland and Maghera are classified as local towns in the settlement hierarchy within the DPS. The rationale and assessment of Coalisland and Maghera as towns is contained within the published Strategic Settlement Evaluations Paper. Coalisland is currently identified in the Dungannon and South Area Plan 2010 as the second largest settlement in that plan, with Dungannon being identified as the main hub in that plan. Maghera is the secondary town in the Magherafelt Area Plan 2015, with Magherafelt being the main town in that Plan. This is the retained position within the DPS – Coalisland and Maghera are identified towns, but not as one of the main towns/hubs in the District. The RDS sets a spatial framework with guidance requesting that we

identify and consolidate the role and function of settlements within the cluster of Cookstown, Dungannon and Magherafelt, promote economic development opportunities within them and grow their population. This is the approach that has been followed in the DPS.

SPF3 of the DPS states that local towns, Maghera and Coalisland, are important as residential centres and for providing employment and that, they are capable of accommodating further growth proportionate to their size and function. The housing local indicator allocation to the local towns is based on their % share of households and therefore this means that the local towns will get a higher allocation than this villages. By looking at an indication of the percentage share of households and existing land supply you would expect Maghera and Coalisland settlements to be able to provide for 345 and 468 housing units, while they had commitments for 490 and 1234 respectively (at 1st April 2015). It is therefore clear that these settlements will end up accommodating more growth than their percentage share. This will however be a matter for the Local Policies Plan.

Any amendments to the settlement limits of Coalisland or Maghera will be a matter for the Local Policies Plan, as is the debate on specific land zonings and whether some of the Phase 1 land would become Phase 2 housing land.

Action: No action required.

5.41 *Magherafelt has incorrectly been named as a "local hub" by the RDS. This is flawed based on errors in the 2001 census. The DPS authors have not taken this into account and have compounded the error and are failing to plan properly for Magherafelt. DPS should correct the population error and redress the disproportionate provision. (MUDPS/25/1)*

We note that the representation correctly states that Magherafelt is identified as a 'local hub' within the RDS. The RDS of course is not under the control of this council. The RDS states that Magherafelt has a population of around 9,000 and is strategically located mid-way between Belfast and Londonderry close to the North West Key Transport Corridor. It states that it has a compact town centre which boasts an excellent independent retail offer and a strong entrepreneurial culture with a high rate of business start-up. The RDS also explains that Magherafelt has the potential to continue to grow a strong retail and commercial centre and to build upon its existing leisure and entertainment sector. These towns are well connected to each other with both Dungannon and Magherafelt within around 10 miles of Cookstown.

The representation has incorrectly assumed that we have identified a lower status for Magherafelt than Dungannon and Cookstown. In the DPS we have used the term main town and hubs and listed the three of them under this heading purely in alphabetical order. Therefore in relation to growth Magherafelt remains a key local for economic growth and population growth. We anticipate that in light of the level of commitments in Magherafelt that while it may not have yet achieved over a 10,000 population number, it will do over the life of the Plan.

Action: No action required.

- 5.42 a) Welcome the identification of Derrytresk as a new small settlement in the DPS. Ask that MUDC move to identify a settlement limit of Derrytresk ASAP in consultation with the local community. (MUDPS/177/2)**

b) Question the assumption of approximately 11 households within the proposed new settlement limit of Derrytresk. Until a settlement limit has been agreed it is difficult to identify how many households are within it. Until a settlement limit has been agreed it is difficult to identify how many households are within it. (MUDPS/177/3)

The identification of the households in Appendix 1 is approximate and is purely to enable a local indicator to be made. As explained at paragraphs 1.9 and 1.11 of the DPS, settlement limits will be identified at the Local Policies Plan. The LPP will be prepared in line with the published LDP Timetable.

Action: No action required.

5.43 SPF2 specific comments

*The representations made in respect of the Economic Zonings at Granville and Dungannon (Zone D Econ 1 - 7), and other sites suggested in the representations and the related counter representations, have been considered separately in at the end of this paper.

In support

- 5.44 NIHE welcome SPF2 and the identified criteria for selecting housing land. (MUDPS/85/6)**
- 5.45 Representation support the DPS adoption of a town centre first approach and a retail hierarchy which is keeping with the SPPS. (MUDPS/89/2)**
- 5.46 Representation supports the plans focus on achieving ambitious housing growth in the council's main towns, to avoid urban sprawl and ensure that housing has good links to services, infrastructure and transport. (MUDPS/92/2)**
- 5.47 In general the Plan Strategy appears to be soundly based in its SPF2 proposal to focus growth within the three main hubs of Magherafelt, Cookstown and Dungannon. Supports proposal for at least 170Ha of Economic Development land across the 3 main towns. (MUDPS/100/2)**
- 5.48 Support commitment in paragraph 4.16 to ensure that at least 30% of the HGI remains available at all times. (MUDPS/100/7)**

- 5.49** *SPF2 accords with the RDS focusing economic growth in the three main hubs. Dungannon is recognised as the weakest hub. Rep states approval M/2014/0572/O for a spine road in Dungannon should be safeguarded as it will enable Council to deliver on SPF2. (MUDPS/155/1)*
- 5.50** *It is commendable that the SPF2 of the dPS does intend to ensure that land zoned for housing, at a level not below 30% is made available throughout the plan period in a phased approach. (MUDPS/158/6)*
- 5.51** *SPF2 of the DPS is in general conformity with the RDS with regards to the compact urban form as it seeks to provide for up to 60% of the districts households within the 3 major towns. (MUDPS/158/7)*
- 5.52** *Lotus homes agree with the statement in paragraph 4.15 relating to 60% of the District's HGIs to be located in the 3 main towns as it takes due regard of the RDS and promotes sustainable development in line with the SPPS. (MUDPS/171/2, MUDPS/172/2)*

Action: The support for SPF2 is noted.

5.53 **Issues**

Concerns with approach to economic development allocation

- a)** *The distribution of economic land proportionately between 3 main towns is not an accurate reflection of market demand. Demand for economic land within Dungannon. The land surrounding DEC has existing provision of services and infrastructure. Rep refers to a specific site adjacent to the DEC to be considered for economic development zoning as an existing serviced site with evidence base to support expansion. This is a more logical approach than the interim supply identified in the DPS. (MUDPS/53/1)*
- b)** *Object to the allocation of specific lands through the DPS because these matters should be dealt with through the LPP therefore it is procedurally unsound to identify individual parcels of land through the DPS. Lands at Dungannon and Granville should not be zoned until the LPP stage of the plan. (MUDPS/192/2)*
- c)** *SPF2 identifies land at Dungannon and Granville but fails to identify a need in Cookstown. The DPS must take a consistent and coherent approach across the whole district and the proper place for identification of lands is LPP. (MUDPS/192/3, MUDPS/192/4)*
- d)** *Strongly contest the allocation of economic lands in Dungannon and Granville - The gestation period for the uptake of industrial land to become occupied is longer than other developments - council's assessment is not effective based on physical uptake. Remove the proposed new economic zonings at Dungannon and Granville, to be considered at the LPP stage only. (MUDPS/127/1)*

- e) ***The DPS and accompanying background papers provide no robust evidence of the shortage/immediate need for economic lands at these locations. Remove the proposed new economic zonings at Dungannon and Granville, to be considered at the LPP stage only. (MUDPS/127/2)***
- f) ***Insufficient economic development land zoned in Dungannon which is restricting business expansion and employment plans. (MUDPS/4/1)***

The DPS seeks to focus growth within the 3 main towns in accordance with RDS and SPPS. SFG 11 of RDS has a hubs first approach. At Appendix 1 of the DPS the local indicator allocation to Dungannon 60 hectares, and 55 hectares to Cookstown and to Magherafelt. The council recognise the demand for economic land at Dungannon and as a result have brought forward an interim supply at Granville and Dungannon to address this. The suggestion of alternative interim land at Dungannon Enterprise Centre is considered in detail at the end of this paper alongside all issues raised regarding the interim economic land zonings.

An interim supply of economic land has been identified to address the shortfall in Dungannon. Background evidence paper 'Employment and Economic Development' was prepared for the Council to provide an overview of the employment and economic development base in the Mid Ulster District Area and to consider the land requirements for economic development uses up to 2030. The paper cited a lack of available industrial land in the Dungannon area, and to facilitate the creation of at least 8,500 jobs there is a need for 170 hectares of economic land. The DPS is seeking to address this need for land through interim supply. Furthermore, a survey of businesses operating at Granville Industrial Estate has identified an apparent lack of serviced sites in Granville as having had a significant impact on the ability of operating businesses to grow and deliver investment and job creation in the local area. The survey results demonstrate the existing strong demand for additional land / accommodation in Granville and the detrimental impact the issue has had on operating businesses and the region as a whole. Mid Ulster Council area has lost out on substantial investment and job creation, and regrettably this trend is likely to continue until a supply of economic land and premises of an appropriate quality and standard are available.

These sites identified in the DPS are not intended to cater for the longer-term needs of the district but rather to provide an interim supply of economic land. It is considered that the most appropriate means of designating economic zonings for the long term needs of the district is within the Local Policies Plan.

Action: No action required.

5.54 Status of Interim Supply of Economic Development Land

- a) ***It is considered unclear whether the interim supply of land for economic use at Dungannon and Granville forms part of the 170 ha of land to be***

zoned for economic use or is in addition to the strategic allocation. (MUDPS/56/1, MUDPS/56/8)

- b) Will the 170ha be in addition to the existing provision made in the currently extant plans or will it include as yet undeveloped elements of those zonings and designation (as identified in the Industrial Land use Monitor) in that figure (MUDPS/190/1)***
- c) How will the interim zonings be considered during the LPP stage? Will the interim zonings be subject to the same rigorous assessment as the other land use zonings? (MUDPS/190/2)***

The interim supply of land brought forward at Granville and Dungannon is to address an identified immediate shortfall, and therefore forms part of the 170ha of land to be zoned for economic development.

The identified need for 170ha of economic development land relates to the land that will be zoned to serve the 3 main towns. Whether the currently zoned land in the three extant area plans forms part of the zonings within the new LDP will be a matter to consider in preparing the LPP, taking into account the level of commitment made to the existing zoning. As explained in the POP Public Consultation Report, the Council will look at unimplemented industrial zonings and explore the reasons why no development has occurred. Consequently the Council may dezone industrial land and remove them from the settlement limit at LPP. This is a matter for the council in preparing the LPP.

The interim zonings brought forward in the DPS will remain as economic development land zonings at the time of the LPP and will be subject to the same policy considerations as any further economic land brought forward at that second stage of the plan. The description of the supply as 'interim' is purely to reflect the fact that it is being brought forward at an earlier stage to address and immediate need.

Action: No action required.

5.55 *Representation stated apparent lack of engagement between Council and DfI in terms of ensuring that the development and dualling of the A6 brings maximum economic benefits to the area. (MUDPS/11/3)*

Our Community Plan states that a key objective of improving the roads network will be facilitated by the development of the Strategic Road Network (the A29-A31, A4, A5 and A6) including by-passes for the three main hubs. DfI are a community planning partner with the council and others in the community plan and therefore engagement with DfI is an ongoing feature of the CP process so as to ensure delivery of the outcomes.

Action: No action required.

5.56 Concerns with approach to housing growth/allocation and approach to HGIs

- a) SPF2 welcomed but not consistent with objective re hubs. Considered in round the DPS policies and allocations run counter to achieving it. Allocation of 30% to hubs is not sufficiently ambitious and not support RDS. Evidence on Economic Zones not clear. Update evidence on housing allocation to account for period since POP. Consider whether range of growth 30-60% provides required certainty. Allocations should reflect or account for commitments. Urban Capacity Study needed. (MUDPS/115/6)**
- b) Concern previously raised in RSPB response to POP regarding 60% of housing growth being accommodated on brownfield lands- that this should have been better reflected in the MUDC LDP to achieve general conformity with RDS. SPF 2 should be amended to explicitly state the 60% brownfield target for accommodating housing growth within 3 main towns & incl. brownfield land as a criterion for priority identification across the settlement hierarchy per se to comply with RDS/SPPS. (MUDPS/59/7)**
- c) The dPS has failed to take into account RG8 of the RDS (incl. the 60% Brownfield target) & also the Housing Evaluation Framework as contained within Table 3.2. SPF 2 should be amended to explicitly state the 60% brownfield target for accommodating housing growth within 3 main towns & incl. brownfield land as a criterion for priority identification across the settlement hierarchy per se to comply with RDS/SPPS. (MUDPS/59/8)**
- d) Concern that dPS undermines the objective of the Planning NI Act 2011 which is to secure the orderly & consistent development of land whilst furthering sustainable development. SPF 2 should be amended to explicitly state the 60% brownfield target for accommodating housing growth within 3 main towns & incl. brownfield land as a criterion for priority identification across the settlement hierarchy per se to comply with RDS/SPPS. (MUDPS/59/9)**
- e) Concern regarding Brownfield land not being a priority for accommodating growth- had raised concern previously in response to POP regarding Urban Capacity Studies being key to informing Councils position on this issue- Urban capacity study not been done. SPF 2 should be amended to explicitly state the 60% brownfield target for accommodating housing growth within 3 main towns & incl. brownfield land as a criterion for priority identification across the settlement hierarchy per se to comply with RDS/SPPS. (MUDPS/59/10)**
- f) Concern regarding housing allocation. RSPB had previously stated in their response to the POP that Option 2 -60% of new housing being located in brownfield sites within the urban footprint of the 3 main hubs was best option. HGI figures across the settlement hierarchy incl. the countryside need to be reconciled against the Plans stated HGI of 11,000 in order to comply with principles of furthering sustainable development within RDS & SPPS. (MUDPS/59/11)**

- g) Appendix 1 illustrates real danger that the Districts HGI of 11,000 could far be exceeded during the plan period-potential for significant over-provision in housing allocation over plan period. HGI figures across the settlement hierarchy incl. the countryside need to be reconciled against the Plans stated HGI of 11,000 in order to comply with principles of furthering sustainable development within RDS & SPPS. (MUDPS/59/12)**
- h) Highlights tension between delivering ever-increasing amounts of housing & safeguarding finite environmental capacity-LDP should ensure this & not burden environment with more housing than actually needed. Growth should be based on a robust evidence base. HGI figures across the settlement hierarchy incl. the countryside need to be reconciled against the Plans stated HGI of 11,000 in order to comply with principles of furthering sustainable development within RDS & SPPS. (MUDPS/59/13)**
- i) Concern regarding LDP significantly exceeding its stated HGI figure. Housing growth / allocations should be based on a robust evidence base. Refers to SPPS, para 3.3 'facilitating sustainable housing growth in response to changing housing need'. HGI figures across the settlement hierarchy incl. the countryside need to be reconciled against the Plans stated HGI of 11,000 in order to comply with principles of furthering sustainable development within RDS & SPPS. (MUDPS/59/15)**
- j) Unclear achievability of 60% HGI allocation to hubs when 32.7% is apportioned to remaining settlements and 40% to the countryside. Unclear how committed units will be considered and how this will impact on phasing & achieving balanced growth. (MUDPS/56/3 MUDPS/56/4 MUDPS/56/5 MUDPS/56/6 MUDPS/56/7)**
- k) SPF2 outlines the hope for the 3 main hubs to double the % of the district households from 30% to 60%. Without key evidence to support the proposed density figures it is unclear how coherent the DPS is and the policies which flow from it. Reconsider the evidence base for SPF2. (MUDPS/60/10)**
- l) Paragraph 4.15 and 4.16 do not represent a coherent strategy and indicate that only 30% of the housing growth could be allocated to the main towns in the first instance. Should it be the case of only 30% of housing land being allocated to the main towns in the first instance, lotus housing state that phase 2 land should be zoned to act as a land reserve and should be additional to the stated housing growth figure. (MUDPS/171/3, MUDPS/172/3)**
- m) Object to a phased approach of housing land allocation because it will create unnecessary limitations to growth over the plan period. (MUDPS/192/5)**
- n) DPS has not taken full account of SPPS requirements particularly the need to provide 5 year housing land supply. HGI is based on recessionary trends & fails to make an allowance for housing provision shortfall, land not being released or delay in adoption. Review HGI allocation. Over-zoning allowance should be made to ensure Maghera has sufficient housing land should LDP**

extend beyond end date. 5 year housing land supply must take account of committed sites, lead-in times, build rates & availability of land. MUDPS/95/4

- o) The Council's current approach to housing allocations is contrary to all of the objectives and policies defined in the RDS's narrative around hubs and clusters, the rural area and gateways and corridors. Present a DPS which describes a site selection process, which begins with a study of the built form of each settlement, consider what makes each community sustainable and use a site selection evaluation framework which is flexible and realistic MUDPS/124/1.**
- p) The evidence base for the allocation of housing as set out in appendix 1 is not robust and is outdated - sites which are seen as committed have been seen as such since the Magherafelt Area Plan and have yet to perform. MUDPS/124/2**
- q) Due to the lack of robust evidence base and the reliance on HGIs, it is unclear how this plan can be implemented and monitored - the sustainability of each individual settlement has not been considered. (MUDPS/124/3)**
- r) The plan at present is not flexible in that it does not allow for changing circumstances, e.g. new families to move to settlements, new households have no opportunity to set up home in the settlement etc. (MUDPS/124/4)**
- s) No evidence provided to back up housing allocations. (MUDPS/162/5)**
- t) Lotus Homes conclude that the housing allocations and figures are incoherent and do not logically flow throughout the document. Plan should allow for at least 60% of housing growth to be allocated to the main towns equating to 6,600 additional dwellings without restriction or phasing. (MUDPS/171/1, MUDPS/172/2)**
- u) Comprehensive review of zoning and extant permissions should be carried out at Local Policies stage of the Plan preparation and Appendix 1 amended appropriately. (MUDPS/184/7, MUDPS/185/7)**

The approach to how housing is allocated across the district is in line with the RDS. Paragraph 3.21 of the RDS articulates “the allocation of housing growth to specific locations in a district is a matter for decision through the development plan process. In the allocation process due weight needs to be given to reinforcing the leading role of the Hubs and the clusters of Hubs. Another important step in this allocation process is making judgements to achieve a complementary urban/rural balance to meet the need for housing in the towns of the district and to meet the needs of the rural community living in smaller settlements and countryside.”

The approach of the DPS is to ensure that, in line with the spatial framework of the RDS, we identify and consolidate the role and function of settlements within the cluster of Cookstown, Dungannon and Magherafelt, promote economic

development opportunities within them and grow their population. Our DPS ensures that this regional guidance is followed and also ensures that our rural communities are sustained. The role of each of our settlements has been assessed in the published Strategic Settlement Evaluation Paper, utilising the Housing Evaluation Framework as part of that assessment.

The DPS recognises the importance of securing sufficient housing land in our three main towns. Our approach to housing growth in our hubs is explained very clearly at paragraph 4.15-4.16 of the DPS. We state that at present less than 30% of the households in our district are located within our 3 main towns. We therefore want to focus growth in our 3 main town providing opportunity for 60% of our HGI to be located there. Therefore we are not allocating 30% of our HGI to our 3 main towns – our approach is to ensure 60% of our HGI can be provided but to also ensure that the level does not fall below 30%. A phased approach to housing development land will therefore be adopted to ensure that land is available for release. The DPS stresses the need to release more land should our housing land supply fall below 30% and our plan monitoring will ensure that land is released from our land bank/phases. Consideration of the land to be phased will be a matter for the LPP.

The SPPS asserts that a ‘plan, monitor and manage’ approach is necessary to ensure that, as a minimum, a 5 year supply of land for housing is maintained. The Council have adopted a phased approach with use of housing growth indicators to inform release of phase 2 land will provide a managed sequential approach with the flexibility suggested by the SPPS. If upon review we are close to or below the 30% housing provision this would trigger the release of phase 2 lands.

We therefore consider our approach to be sufficiently ambitious to ensure that our main towns will continue to grow. The use of a phased approach to the release of land in line with the SPPS plan, monitor manage approach ensures that developers have certainty in terms of knowing where the land bank is and there is also flexibility drawn in to the plan. Paragraphs 7.16 and 7.17 explain the factors to be considered when deciding on the phasing of land.

At present commitments and residual zonings in the main towns can provide for 6294 houses as of 1st April 2015. The zoning of housing land still remains a matter for LPP and the final amount of zoned land will take into account a wide range of considerations of which the local indicator is only one.

In terms of our evidence base, we have continued to update our housing monitor to April 2019 and it is published alongside this topic paper. An Urban Capacity Study is currently being undertaken and it will inform site selection.

With regard to the RDS regional target of 60% of new housing to be located in appropriate ‘brownfield’ sites within the urban footprints of settlements greater than 5,000 population, it is our view that use of the term ‘brown field’ in the context of a market town is incorrect within the RDS. This is a term more appropriate to describe former industrial land. In a market town the supply of this tends to be far less than in perhaps a city. What we are talking about in market towns is land within settlement limits that has never been developed. The 60% figures set out in the RDS is a regional figure and does not relate as a stand-alone figure for each

individual town. Therefore you would expect that Belfast for example would make a significant contribution to that regional target.

Concern has been raised that our approach to housing allocation could exceed the HGI figure. The Strategic Planning Policy Statement (SPPS) tells us that Local Development Plan (LDPs) should be informed by HGI's and it describes them as an estimate for the new dwellings requirement for each area and provide a guide for allocating housing distribution across the Plan area, covering both urban and rural housing. The letter accompanying the most recent revised HGI's, from the DfI Chief Planner and Director of Regional Development, explains that the HGI's do not forecast exactly what will happen in the future. He explains that they are policy neutral estimates based on recent trends and best available data on households and housing stock. He also states that those preparing LDP's should not regard the HGI's as a cap on housing or a target to be met.

It is our view that HGI's are to be used as a guide by planning authorities in the creation of Local Development Plans, in order to ensure that adequate housing land is available for the incoming plan period and are intended to underpin one of the RDS's key objectives of achieving balanced regional growth. Our detailed monitoring of the plan will ensure that our hubs provide for 30%-60% of the HGI, that our local towns, villages and small provide for in the region of 30% of the HGI and that housing development in the countryside will never exceed 40% of the HGI.

Concern has been raised at to whether or not 60% of the HGI can be achieved. Appendix 1 of the DPS illustrates that at 1st of April 2015 committed units still to be developed and residual zonings accounted for approximately 57% of our HGI.

Action: No action required.

5.57 SPF 2 conflicts

a) SPF2 conflicts with SPF1. SPF1 suggests growth is spread across all settlements in the district. SPF2 plans to focus growth on the 3 main hubs. Coalisland classed as non-rural (page 23 of DPS), but not included as hub for focussed growth. Reconsider the focus of growth only to the three main hubs. Growth should be managed and balanced across mid ulster as per option 1 of the POP which provides for an equitable split throughout the district. (MUDPS/98/2)

b) SPF2 fails to satisfy the test of soundness CE2 in that suitable growth across the district has not been distributed. This will have implications on towns such as Coalisland, with a detrimental effect on vitality and viability as growth will be limited. Reconsider the focus of growth only to the three main hubs. Growth should be managed and balanced across mid ulster as per option 1 of the POP which provides for an equitable split throughout the district. (MUDPS/98/3, MUDPS/98/4)

c) SPF2 in conflict with SPF1 which stipulates growth should be balanced across Mid ulster. POP also states if housing growth focused on hubs, stricter controls would be needed on houses in the countryside, having a

detrimental effect on rural communities. Provide an equitable split across the district as per the preferred option within the POP. (MUDPS/99/2)

We do not accept that there is a conflict between SPF1 and SPF2. The purpose of SPF1 is to ensure that a settlement hierarchy is confirmed for the district. Criteria is provided to allow settlement limits to be drawn or reviewed at the LPP. The growth allocated to our settlements in the other SPF's has taken account of the role and function of each settlement.

Paragraph 3.21 of the RDS clearly articulates that *"In the allocation process due weight needs to be given to reinforcing the leading role of the Hubs and the clusters of Hubs. Another important step in this allocation process is making judgements to achieve a complementary urban/rural balance to meet the need for housing in the towns of the district and to meet the needs of the rural community living in smaller settlements and countryside."*

SPF2 sets out the approach to the growth of our 3 main towns/hubs and is in line with the RDS ensuring that they are the focus of both housing and economic growth. SPF3 of the DPS states that local towns, Maghera and Coalisland, are important as residential centres and for providing employment and that, they are capable of accommodating further growth proportionate to their size and function. The housing local indicator allocation to the local towns is based on their % share of households and therefore this means that the local towns will get a higher allocation than this villages. This is set out in Appendix 1 of the DPS and this table also shows that at 1st April 2015 Coalisland had 1,234 committed units still to be developed and residual zonings. To provide an equitable split i.e. growth allocated equally throughout the district as suggested would be contrary to the RDS strategy of focussing on our hubs.

Action: No action required.

5.58 HGI figure and Background Evidence

Projected housing growth of 11,000 homes over the plan period is not flexible or robust, and would not be able to respond to unexpected growth. The housing growth figure should be revised to use the previous HGI as the base and apportion the uplift on a pro rate basis across the settlements. (MUDPS/99/3)

The 11,000 new homes is 6.3% reduction in HGI figure previously allocated to the 3 legacy councils. Also recent HGI figures using new dwelling completion data 2010-2015 are strongly under representative due to sluggish economic conditions in this period. The housing growth figure should be revised to use the previous HGI as the base and apportion the uplift on a pro rate basis across the settlements. (MUDPS/99/4)

In allocating 11000 new dwellings for housing growth the DPS focusses solely on the revised HGI figures published in May 2016. Council should only use this as a guide. Lotus housing believe the total of homes provided by 2030 should be 14,610. Should it be the case of only 30% of

housing land being allocated to the main towns in the first instance, lotus housing state that phase 2 land should be zoned to act as a land reserve and should be additional to the stated housing growth figure. (MUDPS/171/4, MUDPS/172/4)

The DPS is founded on policies designed to limit growths of towns & villages in Mid Ulster. The DPS defines a housing local indicator and records committed units without considering services needed for sustaining a community. Consider the sustainability of local communities rather than setting local housing indicators as a top-down methodology. (MUDPS/67/2) MUDPS/93/2

The DPS relies on flawed evidence. The housing position paper which informed the DPS lacks robustness as it uses statics during a period of recession and economic stagnation. Rep notes Mid Ulster has the highest mean household size in NI. Representation states the DPS should plan for additional housing sufficient to bring the mean household size in Mid Ulster down toward the NI average. (MUDPS/67/3) MUDPS/93/3

There is no definition in the DPS for 'committed units' in relation to housing making it opaque to most readers of the document. Provide a definition of committed units in order to provide transparency for readers. (MUDPS/75/1)

The Council's housing monitor information is not published alongside the DPS making it difficult for the public to understand what the context of committed units is and where those are located. The evidence base must be much more robust and transparent for users. Therefore the housing figures must be reviewed. (MUDPS/75/2)

The DPS is founded on statistics about the district's existing housing figures which are inaccurate. If these inaccuracies are adopted would misguide the makers of the LPP and lead to harmful outcomes which are harmful to the district. (MUDPS/75/3)

In 63 of 85 settlements studied the committed sites are equal to or exceed the LHI. The evidence base which leads to that conclusion cannot be safely relied upon & the entire policy platform which from any conclusions about oversupply is inappropriate. (MUDPS/93/5)

Rep refers to specific phase 2 lands within the current settlement limit of Cookstown, they are requesting this land is rezoned as phase 1 housing land. (MUDPS/38/1)

Promote Mr. Faulkner's phase II housing lands to Phase at Sandholes Road, Cookstown. (MUDPS/46/2)

Mr. Stewart has lands which are currently zoned as phase 2 housing lands at Cookstown Road, Dungannon and would like these to be made phase 1 housing lands in the new plan. (MUDPS/9/1)

The comments made below in respect of SPF4 and the Housing Monitor are relevant to a number of these issues and therefore, in addition to the comments below, please see that section.

Additionally, with regard to housing growth and the HGI's, the Strategic Planning Policy Statement (SPPS) tells us that Local Development Plan (LDPs) should be informed by HGI's and it describes them as an estimate for the new dwellings requirement for each area and provide a guide for allocating housing distribution across the Plan area. The SPPS also explains that the HGI covers both urban and rural housing.

When revised HGI's are produced they are material to the plan making process and the DPS should be informed by the most up to date figures. In this case, further revised HGI's have been provided since representations were made to the Plan and a separate background evidence paper on them has been compiled. It is our view that HGI's are to be used as a guide by planning authorities in the creation of Local Development Plans, in order to ensure that adequate housing land is available for the incoming plan period and are intended to underpin one of the RDS's key objectives of achieving balanced regional growth. They are guidance rather than being seen as a cap on housing development or indeed, as a target to be achieved. They should however inform the Plan and they have informed our DPS Growth Strategy and Spatial Planning Framework.

How they HGI has been allocated throughout the district is explained in the comments earlier in this paper. It is not the case that only 30% of the HGI has been allocated to the main towns but rather that our DPS approach is to focus growth in our 3 main town to provide opportunity for 60% of our HGI to be located there. Therefore we are not allocating 30% of our HGI to our 3 main towns – our approach is to ensure 60% of our HGI can be provided but to also ensure that the level does not fall below 30%. A phased approach to housing development land will therefore be adopted to ensure that land is available for release. The DPS stresses the need to release more land should our housing land supply fall below 30% and our plan monitoring will ensure that land is released from our land bank/phases.

Consideration of the phasing of land is a matter for the LPP. The sites offered for re-zoning from phase 1 to phase 2 (where maps have been submitted) are attached at Appendix 2.

Action: No action required.

5.59

In accordance with growth strategy, supports continued allocation of land for housing development at Ballyronan Road, with modest

extension. This land has good access, can avail of existing infrastructure, not impact on character of town, etc. (MUDPS/100/6)

Although support commitment in Paragraph 4.16 to ensure at least 30% of the HGI remains available, given outline planning approval for this site (LA09/2018/0246/O), this land should be phase 1 housing land. Zone this site at Ballyronan Road, Magherafelt, as phase 1 housing land, due to outline planning permission already approved. (MUDPS/100/8)

The allocation of land for housing is a matter for the LPP.

Action: No action required.

- 5.60** ***Tables in appendix 1 set out the current availability of housing land in settlements. This assessment does not take account of evidence base provided by survey of zoned housing lands referenced at page 21 and appendix 3 of the POP Pub. Con. Report. These figures should be revised and based upon a robust evidence base. Further consideration needs to be given to the overall plan to ensure all elements read together coherently. (MUDP/171/5, MUDPS/172/5)***

The information contained at Appendix is a factual position of the approximate number of households in each settlement, the percentage share of the HGI to be apportioned out to the settlement and then details of the committed units and residual zoning available at 1st April 2015. The work undertaken with landowners at the time of the POP consultation will be considered in detail for the LPP when we identify the land to be zoned.

Action: No action required.

- 5.61** ***Appendix 1 refers only to committed sites. The evidence to show HGIs can be achieved within the current Phase 1 zonings is too simplistic. A reassessment of existing zoned sites is required as it is unclear if de-zoning of phase 2 lands is proposed. (MUDPS/14/4)***

The current extant area plans fall short of the compact urban forms advocated by RDS and SPF1 of DPS. Most likely due to lack of zoned land being released for whatever reason. HGI can only be achieved where land is released. Mechanism for flexibility to ensure housing land supply has real intent of release and development prospects. Re-examine current zoned land and where practicable remove stagnant land. Replace existing phase 2 with phase 1 and preference to adjoining lands. (MUDPS/158/1, MUDPS/158/8)

Appendix 1 refers to committed sites and residual zonings (which will only apply to those settlements where land is zoned). This is a position based on the housing monitor at 1st April 2015. The Housing Monitor has been updated and figures are now available until 1st April 2019. The information contained within Appendix 1 is provided to show how the allocation of the HGI will be apportioned across the district and we can see from the calculations that

approximately 57% of the HGI can be provided for in our 3 main towns. Of course not all of the units referred to in Appendix 1 would be on Phase 1 land, as some will be on other land within the settlement limits.

The SPPS asserts that a 'plan, monitor and manage' approach is necessary to ensure that, as a minimum, a 5 year supply of land for housing is maintained. Paragraph 7.13 of Plan describes the benefits of a phased approach to development, while 7.16 and 7.17 outlines our approach to zoning and the release of phase 2 lands.

It is clear that phase 2 land would be land which is not currently needed as per our local HGI's but where there is a reasonable expectation that towards the end of the life of the Plan, some will come forward.

It is not possible to say exactly how much land would be required for phase 2 as the HGI's are only one factor. This said, having a land reserve which roughly equates to a similar amount to that which is in phase 1 has proven to be a reasonable approach in the past.

The debate on whether some of the Phase 1 land would become Phase 2 housing land is still to be had.

Action: No action required.

5.62

Concerns over lack of accessibility and transport considerations

Department provided response to POP indicating need to target growth where infrastructure in place or planned. Expected council to take account of this in DPS as policy consideration for selecting zoned housing land. Recognise ref to access to public transport but allocation should take account of existing infrastructure and requirement for developers to deliver to facilitate housing. (MUDPS/115/134)

The economic development policies (SPF2, ECON1 and ECON2) do not appropriately apply principles of integrated land use and transport. Demonstrate the principle of integration of land use and transport is given appropriate consideration in identification of their growth strategy, housing allocations and economic policies. (MUDPS/115/253)

Accessibility analyses has shown some of the sites for economic development at Granville/Dungannon as 'fair' or 'poor' walk/cycle and public transport. This does not support objective "to facilitate the creation of at least 8,500 new jobs..." Demonstrate principle of integration of land use & transport is given consideration in growth strategy, housing allocation & economic policies. Amend to better reflect Dept research on provision of cycle infra. Include policy on park & ride/share & car park. (MUDPS/115/259)

SPF2 does not appropriately consider accessibility analyses and transport implications. Does not flow coherently from objective "to

improve connectivity..." as will potentially accentuate need to travel. Demonstrate principle of integration of land use & transport is given consideration in growth strategy, housing allocation & economic policies. Amend to better reflect Department research on provision of cycle infra. Include policy on park&ride/share & car park. (MUDPS/115/263)

Noted council plan to distribute economic zonings equitably across 3 towns. On what basis is this being done? Has current transport accessibility been considered? Accessibility Analyses has not be appropriately reflected in DPS. (MUDPS/115/285)

Walking and cycling accessibility should be afforded priority. Note flexible approach on community facilities, recreation and open space- should acknowledge these are significant trip attractors-consider accessibility by all modes. (MUDPS/115/286)

Increasing housing density levels will be key to achieving SPF2 to focus growth within the 3 main hubs. However, in the absence of evidence supporting the proposed density figures it is unclear how coherent the DPS is and policies which flow from it. (MUDPS/118/6)

Welcomed that land to be zoned for housing priority must avail of existing infrastructure. When zoning land for housing council should liaise with NI Water to determine if available capacity. Ref to SUDs need further clarity and reference 2016 legislation. (MUDPS/115/275)

Accessibility and transportation issues are considered in detail in our Transportation Topic Paper.

Our approach to transportation is set out in SPF8 and SPF8 in the DPS. We encourage improvements to public and private transport provision, including railway lines and upgrading of the road network. We also take the approach to facilitate improvements to the A29 and other trunks roads and remain committed to the provision of by-passes as explained in the Transportation section of the DPS.

Accessibility analyses and transport implications have been considered in detail in the context of the SA/SEA work undertaken in respect of the interim economic zonings in the plan. Indeed it is an objective of the SA/SEA against which the DPS has been assessed including our growth strategy. Furthermore, Paragraph 4.49 of the DPS states that in selecting land use zonings, particularly in our towns, consideration will be given to overall accessibility, with greater priority given to land within walking distance of town centres and other services followed by sites with good links to public transport.

In terms of selecting specific locations for growth, apart from the interim supply of economic development land, this will be a matter for the LPP, and accessibility will form part of those consideration.

The approach of the DPS is to ensure that, in line with the spatial framework of the RDS, we identify and consolidate the role and function of settlements within the cluster of Cookstown, Dungannon and Magherafelt, promote economic development opportunities within them and grow their population. In taking this approach we are ensuring that our focus for growth is at locations where walking and cycling can be easily availed of.

With regard to the specific comment on housing density it appears that an assumption has been made that there will be a need to increase densities to achieve the approach set out in the growth strategy and SPF2. The approach taken in relation to the 3 hubs is to ensure that there is sufficient land to provide opportunity to develop 60% of our HGI (and to not allow this to fall below 30%). The figures for the 3 main towns in Appendix 1 of the DPS show that this can almost be met by way of committed units still to be developed and residual zonings. The detail of the land that will be zoned for housing and the densities appropriate to them will be a matter for the LPP. The DPS at page 68 talks about housing density in the context of creating a sense of place and we state that densities for housing development will normally be in the region of 10-30 units per hectare. We have taken an average density figure of 12 houses per hectare in the context of our housing land requirements thereby allowing for a mix of dwellings appropriate to the location. KSR's will set a density for each site at the LPP.

Action: No action required.

5.63

WWTW Considerations

MUDC should be mindful of temporary or permanent constraints e.g. capacity or encroachment of existing infrastructure - water/waste/sewerage. (MUDPS/170/9)

MUDC should be mindful that there may be compatibility of development issues in proximity to existing infrastructure facilities such as WWTWs (Odour Consultation Zones) NI Water shall provide advice through planning applications/ Pre-Dev Enquiries etc (MUDPS/170/10)

Add to bullet point 'Avoid flood risk' to include text around suitable landscaping opportunity for sustainable drainage (MUDPS/170/11, MUDPS/170/15)

Utility paper is welcomed. WPDD have discussed the issued with NI Water who have concerns about the level of development in the main hubs where there are network and capacity constraints. NIW are concerned about the growing number of houses outside main settlements. In the hubs, consider wastewater treatment capacity when zoning land and also adopt a phased approach to development. Ensure important two-way communication going forward. (MUDPS/115/282)

Capacity issues in relation to WWTW are considered in detail in the context of the DPS objectives at paragraph 5.5 above, and those comments apply to these representations also.

With regard to compatibility issues, this is a matter to be considered in the context of the proposals and the waste policy in the DPS, Policy WM4.

The consideration of opportunities for sustainable drainage are a matter for individual development proposals/applications and our General Principle Policy GP1 encourages the use of sustainable drainage systems as the preferred drainage solution.

Action: No action required.

5.64 **SPF3 specific comments**
In support

NIHE supports the consolidation of the local towns of Coalisland and Maghera as service centres and that they will offer opportunities for housing development. (MUDPS/85/7)

Action: The comments of support are noted.

5.65 **Growth of local towns**

NIHE would like to see the spatial strategy positively direct further growth to the main and local towns rather than simply continuing current trends of housing growth in the countryside. Review SPF3 and provide more flexibility and a different approach to current policy. (MUDPS/85/8)

SPF3 is contrary to SPF1. SPF1 suggests growth is spread across all settlements. SPF3 only allows for consolidated growth. DPS states Coalisland is capable of accommodating further growth. Only allowing consolidated growth is unfitting and inconsistent. Growth should be managed and balanced across Mid Ulster as per option1 (the preferred option) of the POP which provides for an equitable split throughout the district. (MUDPS/98/5)

Amend SPF 3 to state “expand” instead of “consolidate” and replace “in keeping with the scale and character of these settlements” with “in line with their role in the settlement hierarchy and the principles of sustainable development”. (MUDPS/14/2)

Insufficient flexibility for housing grown in Maghera as there is under provision. A rational allocation of HGIs to Maghera of 5-8% show there is inadequate housing land available for the town to meet even the current modest need estimated. Maghera should be allocated 5-8% of the HGI in

order to satisfy demands for housing. Rep refers to a specific site in Maghera for zoning stating this land is consistent with Council criteria for selecting sites and are suitable for housing development. (MUDPS/95/5)

SPF3 fails to satisfy CE4 in that only consolidating growth within Coalisland and Maghera does not allow for flexibility with changing circumstances throughout the plan period. Growth should be managed and balanced across Mid Ulster as per option1 (the preferred option) of the POP which provides for an equitable split throughout the district. MUDPS/98/6

The site referred to in Maghera (MUDPS/95/5) is considered separately in the Settlements topic paper.

Coalisland and Maghera are classified as local towns in the settlement hierarchy within the DPS. The rationale and assessment of Coalisland and Maghera as towns is contained within the published Strategic Settlement Evaluations Paper. Coalisland is currently identified in the Dungannon and South Area Plan 2010 as the second largest settlement in that plan, with Dungannon being identified as the main hub in that plan. Maghera is the secondary town in the Magherafelt Area Plan 2015, with Magherafelt being the main town in that Plan. This is the retained position within the DPS – Coalisland and Maghera are identified towns, but not as one of the main towns/hubs in the District.

The RDS sets a spatial framework with guidance requesting that we identify and consolidate the role and function of settlements within the cluster of Cookstown, Dungannon and Magherafelt, promote economic development opportunities within them and grow their population. This is the approach that has been followed in the DPS.

SPF3 of the DPS states that local towns, Maghera and Coalisland, are important as residential centres and for providing employment and that, they are capable of accommodating further growth proportionate to their size and function. The housing local indicator allocation to the local towns is based on their % share of households and therefore this means that the local towns will get a higher allocation than this villages. By looking at an indication of the percentage share of households and existing land supply you would expect Maghera and Coalisland settlements to be able to provide for 345 and 468 housing units, while they had commitments for 490 and 1234 respectively (at 1st April 2015). Therefore, while both Maghera and Coalisland would have sufficient commitments to address their local indicator allocation, it is clear that these settlements will end up accommodating more growth than their percentage share. This will however be a matter for the Local Policies Plan. Any amendments to the settlement limits of Coalisland or Maghera will be a matter for the Local Policies Plan.

Action: No action required.

Economic Zoning

Welcome consolidation of local towns but for housing they receive less than their commitments and residual zonings. Note not zoning economic land in local towns-decision to zone should be informed by evidence-will extant plan zonings be carried forward. Show how we have taken account of existing housing commitments in allocating. Be satisfied that Policy ECON1 will be sufficient for local towns. (MUDPS/115/7)

There is friction between SPF2 and SPF3 - SPF3 states that the plan will consolidate the role of local towns Maghera and Coalisland however paragraph 4.12 implies economic land will be allocated in the main towns and elsewhere has not been confirmed. (MUDPS/137/2)

Paragraph 4.21 – there is no specific allocation of land made to either town as schemes in the main are expected to be private sector led. Invest NI would like clarification on how this relates to the existing zonings in the extant plans, will existing areas retain or lose their industrial/economic zoning or designation? If the latter, it is a departure from SPPS and PPS4, PED7. (MUDPS/190/3)

Unclear what 'improved access is'. Noted position re no economic land to two local towns- should Plan not be providing a level of certainty to industry by guiding location. (MUDPS/115/288)

The Growth Strategy of the DPS is about focusing development in main towns which is transport driven as it focuses on development in hubs and transport infrastructure. Accordingly, this has been the focus of our Economic Zonings. This said, MUDC recognises our small towns and villages as local service centres and therefore they are appropriate locations for economic development depending on scale, nature and design of such uses.

The DPS seeks to consolidate the role of the local towns in keeping with the scale and character of these settlements. In order to provide flexibility however, the DPS does not reserve land for housing or economic development although exceptions may exist where there is a need to expand or accommodate an identified rural enterprise within the settlement limits. No specific allocations have therefore been made to local towns because it is not possible to quantify this at a strategic level. That said, at LPP stage it may be expected to zone economic land to protect existing industry or to cater for industrial expansion where there is a need to protect existing economic activity from competing land uses, or to provide other opportunities to meet a local need.

Therefore, while the logical location for providing industrial land is in the hubs, it is likely that local towns could also provide zoned land as established in the extant plans.

Of course the majority of economic land will not be designated until the Local Policies Plan but given the identified immediate need for economic land in Dungannon, additional zoned economic land has been included within the

DPS at Granville and Dungannon. This interim need is discussed with elsewhere in this paper.

Action: No action required.

5.67 Access and Travel

Appears council making no attempt to re-balance the distribution of housing - issues re travel times to acute hospital etc will therefore continue. (MUDPS/115/289)

The approach to the allocation of housing in the District is considered to be in line with the RDS and SPPS as discussed in separate sections of this paper. Our approach is in line with Paragraph 3.21 of the RDS which articulates that *“In the allocation process due weight needs to be given to reinforcing the leading role of the Hubs and the clusters of Hubs. Another important step in this allocation process is making judgements to achieve a complementary urban/rural balance to meet the need for housing in the towns of the district and to meet the needs of the rural community living in smaller settlements and countryside.”*

The absence of an acute hospital in Mid Ulster is the significant factor in the poor travel times to where one is located. This is an issue which does not make our plan unsound.

Action: No action required.

5.68 Maghera High School Site

Representation relates to a specific site which is subject to a current planning application -the group object to any attempt to re-zone or re-categorise this area of open space. group assumed no immediate threat of losing this amenity during pop consultation given the POP stated 10 hectares of industrial land was available & recommended enhanced protections under its objectives for such sites of open space. (MUDPS/116/1)

Rep states group assumed no immediate threat of losing this amenity during pop consultation given the POP stated 10 hectares of industrial land was available & recommended enhanced protections under its objectives for such sites of open space. (MUDPS/116/2)

Rep states the site meets definition of open space as outlined in RDS and a park is a more sustainable use. RDS also states 'high quality landscape proposals have been proven to benefit the economy'. (MUDPS/116/3)

Rezoning this area of open space will remove an existing shared space and reduce opportunities for community integration within Maghera

which conflicts with the core planning principle of SPPS creating and enhancing shared space. (MUDPS/116/4)

Query the evidence base to identify this site as potential for economic development which is within a flood plain & while existing business parks remain vacant. This assumes priority over loss of open space and could exacerbate existing town congestion. (MUDPS/116/5)

The DPS does not contain a proposal to re-zone the High School Site. The DPS has recognised that the site is currently undeveloped and notes that it represents an opportunity for economic development. Any re-zoning of the site would be a matter for the Local Policies Plan, which will be produced in line with our published SCI and LDP timetable.

Part of the site is the subject of a current planning application for economic development but it remains undecided at this time.

Action: No action required.

- 5.69** ***Maghera High School Site & Coalisland Clay Works site- states that separation of old drainage systems at sites will be essential & that large open spaces should consider landscaped SuDS to regulate the flow of surface water within sites. (MUDPS/170/12)***

The General Principles Policy GP1 in the DPS states that development proposals are encouraged to use SuDS as the preferred drainage solution. Any proposals coming forward on these sites would be subject to a planning application and issues relating to drainage would be considered at that time in line with prevailing planning policy. The site of the clay works in Coalisland is the subject of a planning application and the DPS states at paragraph 4.22 that the conditions attached to that permission identify the KSR's for the site.

Action: No action required.

- 5.70** **SPF 4 Specific Comments**
In support

SPF4 is considered to be sound. (MUDPS/139/3)

Action: The support is noted

- 5.71** **Issues**
Evidence/Figures

THE FIGURES FOR COMMITTED UNITS IN GULLADUFF AND INDEED FOR OTHER SETTLEMENTS HAVE CHANGED SINCE THE PUBLICATION OF THE POP AND THIS SHOWS THE EVIDENCE BASE IS NOT ROBUST. (MUDPS/65/1)

Draperstown cannot fulfil the plan objectives in para 3.15 - the number of committed dwellings is incorrect as planning permissions have lapsed and the sites that did get permission have shown no evidence of commencing work on the sites. The council should review its housing figures for Draperstown as the numbers predicted are unrealistic. (MUDPS/60/1)

SPF 4 is formulated on outdated evidence and no evidence suggests how the policy would respond to changing circumstances throughout the plan period. Gather more up to date and robust evidence for SPF 4. (MUDPS/60/2)

With respect to Moneymore which is identified as a village, Farrans note that information used to inform the DPS - Housing Monitor and the Strategic Settlement Appraisal is outdated as it dates back to 2014. Council should prepare an up to date Housing Monitor and Capacity Study to provide an accurate understanding of the level of remaining capacity which has reasonable expectation of being delivered to ensure the strategic aim of the policy can be delivered. (MUDPS/78/2, MUDPS/78/3)

The evidence base with regard to the disused quarry in moneymore is outdated - does not address the recent planning permissions for Phase 2 housing and fails to appreciate regeneration potential of the site e.g. walk trails, housing, heritage trails etc. The settlement evaluation for Moneymore should be updated to reflect recent developments and consideration should be given to the proposal detailed by Farrans in Appendix 1 of their submission. (MUDPS/78/4)

APD'X 1 UNSOUND - IT IS BASED ON OUT OF DATE INFORMATION. THE REP STATES THAT HALF OF THE PLANNING PERMISSIONS REFERRED TO FOR DRAPERSTOWN HAVE LAPSED AND THERE IS NO EVIDENCE OF OTHERS HAVING BEEN STARTED. ALSO, THE HOUSING MONITOR IS ALMOST 5 YEARS OLD. ENCOURAGE THE COUNCIL TO PREPARE AND UP TO DATE HOUSING MONITOR. REQUEST THAT FLEXIBILITY IS BUILT INTO PARA 4.27 TO ALLOW FOR NEW RESIDENTIAL DEVT. IF SITES WHICH HAVE PP. DO NOT COME FORWARD FOR DEVELOPMENT. (MUDPS/147/2)

The DPS erroneously refers to a "committed site" in Dunnamore subject to a planning application with no planning approval or evidence of commenced development. We fear a similar lack of rigour will have applied elsewhere across the district. (MUDPS/93/4)

The DPS has been informed by a detailed evidence gathering which has included a publication of a number of background position papers and also the ongoing updating of our annual housing monitor. The figures for committed sites within Appendix 1 is informative and allows a judgement to be made in relation to availability of land and helps the public better understand the current situation in terms of housing land availability. In terms of our evidence

base, we have continued to update our housing monitor to April 2019 and it is published alongside this topic paper. An Urban Capacity Study is currently being undertaken and it will inform site selection.

The column in Appendix 1 which relates to committed sites is not considered to be the key figure within that table as it is a position at 1st April 2015, and it will continue to change as more housing is developed. Indeed the most recent housing monitor report will reflect this.

It is also important to note that the Housing Monitor will continue to be updated as we progress through the plan making process and indeed year on year as part of the monitoring process. Furthermore, each settlement has been strategically evaluated in the published Strategic Settlement Evaluation Paper and they will be assessed in more detail in preparing the LPP.

The comment regarding and Dunnamore has been considered and the figure in the housing monitor report updated to reflect the comments made. In the final plan the table at Appendix 1 in the DPS can be updated to reflect this.

Action: No action required.

5.72 Extension of Settlement Limits

Extension to Ardboe settlement limit required to accommodate need for extra housing and to create a more defined boundary. (MUDPS/2/1)

Housing Growth indicators need to be reconsidered as 0.45% for Ardboe is low and the number of units still to be developed needs to be reviewed. (MUDPS/2/2)

THERE IS A LARGE DISPARITY IN SETTLEMENTS WHICH ARE SIMILAR IN SIZE, REGARDING THE ABILITY TO GROW AND THE AVAILABILITY OF COMMITTED UNITS. THIS WILL AFFECT THE CAPABILITY OF SETTLEMENTS TO GROW IN A "BALANCED" WAY AS PER SPF 1. (MUDPS/65/2)

The allocation of housing indicators for gulladuff is unsound and more land is needed to accommodate housing in the settlement. The rep puts forward the site shown in figure 3 as a candidate site for extension of the S/L. Include land indicated on the REP within Gulladuff Settlement Limit. (MUDPS/165/3)

Gulladuff should receive a higher share of the HGI because it performs above average in all the elements which are set out in the RDS as being relevant to role and function of settlements. DPS fails to take account of RDS housing framework (MUDPS/165/2)

In order to fulfil SPF4 to maintain and consolidate the role if the villages as local service centres providing opportunity for employment, consideration should be given to zoning an appropriate amount of land

***within villages such as Aghinduff/ Cabragh and Benburb..
(MUDPS/186/6, MUDPS/187/6, MUDPS/188/6)***

Gulladuff housing allocation should be significantly increased given its community facilities, proximity to major employer and new WWTW which is increasingly rare in NI where more than 40 WWTW's have no spare capacity and 20 nearing capacity (MUDPS/193/5)

As per appendix 1, after deducting 18 committed sites it is expected 26 units are required in Clady throughout the plan period. Development within villages maintain a rural sense of place. Rep also relies on POP submission for land at Glenroe road Clady. (MUDPS/152/4, MUDPS/152/5)

As explained at paragraphs 1.9 and 1.11 of the DPS, settlement limits will be identified at the Local Policies Plan. The LPP will be prepared in line with the published LDP Timetable. Specific sites that have been put forward to the DPS are set out in the Settlement Topic Paper. The comments above in relation to evidence and below in relation to the role of villages and their growth are also relevant to these representations.

Action: No action required.

5.73

Economic Zoning

Reference is made in paragraph 4.26 that the Council do not intend to reserve land for housing or economic development unless there is an exception - does this mean the Council has no intention of zoning land for such uses? This will inhibit flexibility. farrans seek clarification as to whether Council is stating that there is no intension to zone sites for housing development. If so, the council would need to introduce some degree of flexibility as SP4 at present could not deal with changing circumstance. (MUDPS/78/1)

Paragraph 4.26 of the DPS states that in the main we do not intend to reserve land for housing or economic development although exceptions may exist. The Growth Strategy of the DPS is about focusing development in main towns which is transport driven as it focuses on development in hubs and transport infrastructure. Accordingly this has been the focus of our Economic Zonings. This said, MUDC recognises our small towns and villages as local service centres and therefore they are appropriate locations for economic development depending on scale, nature and design of such uses.

At the LPP stage it there may be a need to zone economic land to protect existing industry or to cater for industrial expansion where there is a need to protect existing economic activity from competing land uses, or to provide other opportunities to meet a local need.

Action: No action required.

5.74

Role of villages

NIHE has concerns with the suggestion that there will be flexibility to accommodate development outside the settlement limits - this goes against the principles of sustainable development. This SPF should be reviewed to become in line with the current principles of sustainable development and any reasons for moving away from these principles should be based on a sound evidence base. (MUDPS/85/9)

NIHE disagree with paragraph 4.25 which states that villages are not appropriate locations for key services and transport routes for people who live in the open countryside - villages are an important part of the settlement hierarchy. This reference to villages should be omitted. (MUDPS/85/10)

Clearer wording needed on the role of villages - wording contradictory at present. (MUDPS/115/290)

THIS PARAGRAPH IS CONFUSING AS IT STATES THAT VILLAGES ARE IMPORTANT SERVICE CENTRES, BUT NOT KEY SERVICE CENTRES. NOT ALL SETTLEMENTS HAVE THE SAME ROLE OR CAPACITY AND SOME (DRAPERSTOWN) ARE MORE CAPABLE OF ACCOMODATING GROWTH THAN OTHERS. REVIEW AMBIGUITY RE: THE ROLE AND FUNCTION OF VILLAGES AS SERVICE CENTRES. REVIEW EVIDENCE BASE TO ENSURE CORRECTLY TAKES ACCOUNT OF THE ROLE AND FUNCTION OF SETTLEMENTS. AMEND SPF 4 TO INCLUDE REFERENCE TO COMMUNITY / EDUCATION/ CULTURAL USES. (MUDPS/147/1)

SPF 4 is in general conformity with the rds. However para 4.26 would seem to be at odds with protecting opportunities for housing within villages. Housing needs to be provided in some settlements, each village should be assessed on its own merit. ongoing monitoring to ensure zoned residential land is developed, whereby within 5 years it is required intent to develop is demonstrated or risk re/dezoning. This would form part of ongoing implementation process&allow flexibility for change. (MUDPS/152/1)

The concerns raised by NIHE in relation to flexibility for development outside of settlement limits is considered in the context of the relevant planning policy topic papers for Health and Community Uses, Economic Development and Housing in the Countryside

Our DPS states that village are important service centres and the role and function of villages is explained at Page 35 Table 1. We state in that table that they are local service centres which provide opportunities for housing and employment and leisure activities appropriate to their scale and character. We therefore see villages as having a very important role in our district, however they are not the focus of growth. We do not consider our wording in SPF4 to be contradictory. Our approach is therefore in line with the RDS and in line with what it says at paragraph 3.28 "Smaller towns, villages and hamlets perform an important function for rural communities. It is these settlements

that can sustain infrastructure as identified at level 2 and level 1 of the Infrastructure wheel in Diagram 2.2.”

With specific regard to housing, each settlement will be further assessed in preparation of the LPP. When the LPP is prepared, consideration will be given on whether it is best to just use settlements providing flexibility or whether there is a need to protect land for housing through zoned housing policy areas. Issues relating specifically to housing development and the application of policy are considered in the Housing in Settlements and Housing in Countryside topic papers.

Action: No action required.

5.75

Growth of villages

Strategy indicates growth in villages will be proportionate to current size and level of services. This basic calculation does not take into account some villages have greater range of services and provide for more sizeable rural hinterland. Those villages with better services should be afforded housing generous allocations which allow for a range and choice of housing locations to serve the local community. (MUDPS/100/9)

Appendix 1 shows that as Bellaghy has 0.8% of population, the HGI share will be 0.8%. This belies the fact Bellaghy performs significant local function with greater range of community facilities and services than majority of other villages. Those villages with better services should be afforded housing generous allocations which allow for a range and choice of housing locations to serve the local community. (MUDPS/100/10)

Suggestion that smaller settlements should be allocated proportionate growth figures to those with a much greater range of services undermines the RDS objectives to ensure development and growth is located in sustainable locations. Those villages with better services should be afforded housing generous allocations which allow for a range and choice of housing locations to serve the local community. (MUDPS/100/11)

Appendix 1 Housing Local indicators and economic local indicators, provides a housing local figure of only 9 units with no consideration or rating given to the level of services on offer as per policy text. Revise housing local indicators for villages in recognition of the services provided in conjunction to the percentage of existing households. (MUDPS/128/1)

IVM 034 is supportive of appendix 1 however believe the 44 units indicated for Clady is not enough given its reclassification from a small settlement into a village. An increased HGI would increase flexibility for

future development here. Increase the allocation of houses for Clady to ensure flexibility. (MUDPS/138/3)

As per appendix 1, 264 committed sites remain in Bellaghy. A large proportion of zoned land has not been developed with no intent. This should not be carried through in the LDP. Rep also relies on POP submission for land adjoining Hunters Park, Bellaghy. (MUDPS/152/2, MUDPS/152/3)

Given that villages have a greater level of services than small settlements, a greater percentage of Housing allocation should be awarded to villages with greater than 120 houses at the expense of small settlements. (MUDPS/184/5, MUDPS/185/5)

It is considered that in order to maintain and sustain the existing level of services within villages such as Benburb, a greater level of housing should be allocated to the villages at the expense of rural housing. (MUDPS/187/5)

All settlements in the district have already been the subject of a strategic settlement evaluation within the published Position Paper – Strategic Settlement Evaluation (July 2015). The settlements have been appraised in the context of six tests identified in the Regional Development Strategy (RDS): Resource Test, Environmental Capacity Test, Transport Test, Economic Development Test, Urban / Rural Character Test, Community Services Test. The settlements have also been evaluated against the 'Hierarchy of Settlements and Related Infrastructure Wheel' within the RDS. The DPS has also been sustainably appraised, and specifically the settlement hierarchy has been appraised as has been the new settlements. The transport test has been a consideration for each settlement evaluated.

The settlements have then been defined in the context of our mid ulster settlement hierarchy. This strategic evaluation has allowed us to identify the services contained within our villages and this has informed our approach to the allocation of housing to them. In the main the largest villages have the most services for example, Fivemiletown, Draperstown, Aughnacloy and they also have a higher population and therefore are allocated a higher local housing indicator than for example Cappagh where services are more limited and the population is lower. The housing indicators have therefore been allocated on this basis and those villages with larger populations will have therefore received a higher local indicator allocation

Detailed consideration of the villages settlement limits will be considered for the LPP.

Action: No action required.

5.76 *LACK OF EVIDENCE PROVIDED ON THE NEED FOR SOCIAL HOUSING THROUGHOUT THE STRATEGY. (MUDPS/162/28)*

Social housing needs are discussed in the Housing in Settlements section of the DPS. Social housing needs are established by the NIHE or relevant housing authority. The SPPS states that the HNA/HMA provides the evidence base for social housing and will be carried out by the NIHE. The

Social housing needs and how they are to be addressed in Mid Ulster are considered in the Housing in Settlements Topic paper and in the Housing in Countryside Topic paper.

Action: No action required.

5.77 *SPF4 should be expanded to make it clear that sustainable sites will be given priority when identifying land for development and drawing development limits for settlements at Local Policies Plan stage. (MUDPS/193/3)*

Settlement limits for all settlements identified at Table 2 of the DPS will be reviewed in preparing the LPP and the criteria at paragraph 4.10 of the Plan will be a consideration in this.

When selecting land to be zoned for housing the criteria at Paragraph 4.17 will be considered and the approach of the paragraph 6.139 of SPPS. When considering land appropriate for economic development further detailed consideration of the Employment Land Evaluation Framework will be undertaken as required by the RDS.

This approach will ensure that sustainable development sites are identified.

Action: No action required.

**5.78 WWTW Capacity
*Paper is welcomed. WPDD have discussed the issued with NI Water who have concerns about the level of development in the main hubs where there are network and capacity constraints. NIW are concerned about the growing number of houses outside main s'tments. In the hubs, consider wastewater treatment capacity when zoning land and also adopt a phased approach to development. Ensure important two-way communication going forward. (MUDPS/115/282)***

Concerned that waste water treatment capacity is a limiting factor for development in many smaller rural settlements where housing need is present and development may be required over the plan period. DPS should consider zoning additional or bigger land parcels for housing where there are WWTW capacity issues so that alternative solutions (such as reed beds) are a feasible option for private and social housing development. (MUDPS/66/5)

States draft plan contains growth outside of the 3 hubs but does not identify where predicted growth to occur. Issue must be considered in more detail in plan as wastewater system capacity should be a key consideration when zoning land for development. (MUDPS/170/2)

Capacity issues in relation to WWTW are considered in detail in the context of the DPS objectives at paragraph 5.5 above, and those comments apply to these representations also.

Action: No action required.

5.79

SPF5 Specific Comments
In Support

Agree that development opportunities within small settlements should be appropriate to their size and scale. (MUDPS/99/18)

Action: The comments of support are noted.

5.80

Issues
Too restrictive

Restrictive scope for development within small settlements (single houses and groups up to 6) is not appropriate for certain settlements. A total of 33 units identified in POP and DPS required to accommodate growth in Killeen, classed as small settlement. Re-designate Killeen as a village as per previous designation in D&ST 2010, or remove restrictive development opportunities for small settlements to allow appropriate growth reflective of size and scale of the settlement. (MUDPS/99/1)

Only allowing development opportunities within small settlements to single houses and small groups of houses is too restrictive. Provided development is appropriate to the size and scale of the settlement, a specific upper limit should not be imposed. Reword SPF5 to: "Spatial Planning Framework 5 - Provide development opportunities within small settlements appropriate to their size and scale". (MUDPS/99/6)

In Mid Ulster there are a large number of small settlement and they tend to comprise of individual houses or small groups of houses clustered around a focal point. These small settlements are not suited to large developments however in order to provide a proportionate number of houses in line with the size of the settlement we would expect that they would only require a few dwellings. This approach has been taken following consideration of the Strategic Settlement Evaluation (July 2015). The settlements have been appraised in the context of six tests identified in the Regional Development Strategy (RDS): Resource Test, Environmental Capacity Test, Transport Test, Economic Development Test, Urban / Rural Character Test, Community Services Test. The settlements have also been evaluated against the 'Hierarchy of Settlements and Related Infrastructure Wheel' within the RDS.

With specific reference to Killeen, it is currently designated as a village and in the published Strategic Settlement Evaluation Paper it was recommended to be re-designated. That assessment states: "Taking into account the level of service provision, the potential for employment within the settlement, the population size and the spatial guidance within the RDS and gaining a balance between such settlement classification criteria, it is recommended that Killeen is re-classified as a small settlement in the new settlement hierarchy. This classification is in conformity with the output of the Settlements and Dispersed Rural Communities Workshop, held in April 2015, whereby members and council officials in attendance agreed that Killeen should be reclassified as a small settlement in the new settlement hierarchy."

Action: No action required.

5.81 *Would have liked to see the Tullywiggan settlement limit defined - as an owner of lands in the area it would have provided clarity for potential use on the land. (MUDPS/1/1)*

As explained at paragraphs 1.9 and 1.11 of the DPS, settlement limits will be identified at the Local Policies Plan. The LPP will be prepared in line with the published LDP Timetable.

Action: No action required.

5.82 *NIHE has concerns with the suggestion that there will be flexibility to accommodate development outside the settlement limits - this goes against the principles of sustainable development. This SPF SHOULD BE REVIEWED TO BECOME INLINE WITH THE CURRENT PRINCIPLES OF SUSTAINABLE DEVELOPMENT AND ANY REASONS FOR MOVING AWAY FROM THESE PRINCIPLES SHOULD BE BASED ON A SOUND EVIDENCE BASE. (MUDPS/85/11)*

NIHE disagree with paragraph 4.25 which states that villages are not appropriate locations for key services and transport routes for people who live in the open countryside - villages are an important part of the settlement hierarchy. THIS SPF SHOULD BE REVIEWED TO BECOME INLINE WITH THE CURRENT PRINCIPLES OF SUSTAINABLE DEVELOPMENT AND ANY REASONS FOR MOVING AWAY FROM THESE PRINCIPLES SHOULD BE BASED ON A SOUND EVIDENCE BASE. (MUDPS/85/12)

The concerns raised by NIHE in relation to flexibility for development outside of settlement limits is considered in the context of the relevant planning policy topic papers for Health and Community Uses, Economic Development and Housing in the Countryside.

The concern raised in relation to the role of villages is discussed under SPF4 above.

Action: No action required.

5.83 *Unclear how council have come to conclusion that small settlements 'are sustainable locations for people looking for individual dwellings or development of small group of houses'-in what way are these sustainable? How has transport been considered? (MUDPS/115/291)*

All settlements in the district have already been the subject of a strategic settlement evaluation within the published Position Paper – Strategic Settlement Evaluation (July 2015). The settlements have been appraised in the context of six tests identified in the Regional Development Strategy (RDS): Resource Test, Environmental Capacity Test, Transport Test, Economic Development Test, Urban / Rural Character Test, Community Services Test. The settlements have also been evaluated against the 'Hierarchy of Settlements and Related Infrastructure Wheel' within the RDS. The DPS has also been sustainably appraised, and specifically the settlement hierarchy has been appraised as has been the new settlements. The transport test has been a consideration for each settlement evaluated.

The settlements have then been defined in the context of our mid ulster settlement hierarchy. At Table 1 of the DPS we are clear that small settlements may contain only a limited amount of infrastructure at a smaller scale than that contained in the village category.

It is in the context of this background research that we are of the view that small settlements are sustainable location for individual dwellings or a small group of houses. All of the settlements will be further evaluated and sustainably appraised as part of the LPP preparation.

Action: No action required

5.84 *SPF 6 Specific Comments*

***The representations made in respect of the two RIPA sites (and other suggested RIPA sites) have been considered separately in at the end of this paper.*

5.85 *Countryside approach too permissive*

Policies for development in countryside will not support achievement of SPF6- they will give rise to excessive and inappropriate development. Wording of SPF6, in combination with the operational policies, does not reflect policy direction of SPSPS and RDS. (MUDPS/115/9, MUDPS/115/10)

Where include policies and proposals which not consistent with RDS must provide robust evidence of local justification for departure. Department do not agree with number of households in countryside as being justification for addition opportunities for housing in countryside. Provide robust evidence for local departure additional opportunities for housing in countryside. (MUDPS/115/14)

In relation to the HGI, there is disconnect between the strategy and Appendix 1 figures. The proposed allocations will encourage a dispersed settlement pattern and place undue pressure on the countryside in terms of landscape, infrastructure & environment. A significant reduction in housing allocated to the countryside through the provision of more restrictive area-specific/district-wide rural housing policy. Reps include specific site for inclusion within Magherafelt SDL, Creagh SDL to be zoned for housing, within Cookstown SDL as Phase 1 housing, and a specific site within Cookstown SDL, Magherafelt, Newmills and Dungannon/Coalisland. (MUDPS/32/1, MUDPS/33/1, MUDPS/36/1, MUDPS/38/1, MUDPS/52/1, MUDPS/86/1,)

Allocation figures articulated in appendix 1 do not reflect a coherent strategy and will result in unsustainable development in the countryside, placing undue pressure on the countryside from a landscape, environmental and infrastructure perspective. Significant reduction in housing allocated to the countryside and that this must be delivered through the provision of more restrictive area-specific or district-wide rural (MUDPS/169/1)

THE PROPOSED ALLOCATIONS WILL ENCOURAGE A DISPERSED PATTERN OF SETTLEMENT AND PLACE ENVIRONMENTAL, LANDSCAPE AND INFRASTRUCTURAL PRESSURE ON THE COUNTRYSIDE. THE FIGURES PROPOSED WOULD LEAD TO A HOUSING FIGURE WHICH WOULD BE 170% OVER THE HGI. A SIGNIFICANT REDUCTION IN HOUSING ALLOCATED TO THE COUNTRYSIDE AND THIS MUST BE DELIVERED THROUGH THE PROVISION OF MORE RESTRICTIVE AREA SPECIFIC OR DISTRICT WIDE RURAL HOUSING POLICIES. (MUDPS/43/1, MUDPS/44/1, MUDPS/46/1, MUDPS/47/1, MUDPS/48/1, MUDPS/49/1, MUDPS/50/1, MUDPS/51/1)

Overly permissive of allowing housing developments and buildings in numerous scenarios would conflict with the RDS 60:40 urban/rural split (paragraph 3.17 of the RDS). Policy should be revised to align with the RDS. (MUDPS/174/1, MUDPS/174/2/ MUDPS/174/3)

Unsound assumption that rate of rural housing will continue to be high which limits the quantum of housing in settlements to accord with HGI. Reviewing planning approval statistics, rural houses are likely to diminish during the plan period to around 2500. DPS states there will be a review of rural policies if approvals exceed 4380. Rep contends the predicted number of rural approvals is around 25000 and seeks the redistribution of the 2000 houses to settlements. (MUDPS/54/1)

There is significant disconnect between the DPS and the number of houses allocated within appendix 1. 40% of housing in the countryside is unrealistic and is not considered sustainable development. Significant reduction in housing allocated to the countryside and this must be

delivered through the provision of a more restrictive area-specific or district wide rural housing policy. (MUDPS/130/1)

THE FIGURE OF HOUSES IN APPENDIX 1 ALONG WITH THE 40% RURAL HOUSING FIGURES RESULTS IN A HOUSING FIGURE OF 19,074, WHICH IS 170% OVER THE HGI. THIS CREATES FUNDAMNETAL TENSIONS BETWEEN THE STRATEGY AND THE PROPOSED GROWTH ALLOCATIONS. SIGNIFICANT REDUCTION IN NUMBERS OF HOUSING IN THE COUNTRYSIDE THROUGH A MORE RESTRCITIVE RURAL PLANNING POLICY. (MUDPS/132/1)

Councils approach places too great a reliance on the provision for housing within the open countryside and small settlements. The need for long term rural housing is not likely to be sustained as household sizes in the rural area decline. (MUDPS/95/6)

Fermanagh and Omagh District Council note that the countryside has no HGI allocation instead if dwelling approvals exceed 40% this will trigger a policy change at the plan review – they query how this relates to the HGI which normally monitors the number of dwelling completions. (MUDPS/89/1)

SPF fails to take account of the RDS and SPPS. (MUDPS/60/3)

SPF has been formulated with no robust evidence base and is at odds with the objectives of the DPS. Formulate a more robust evidence base and reconsider SPF 6. (MUDPS/60/4)

Housing figures for the countryside are unrealistic, allowing more houses to be developed in the countryside than in the main 3 towns. The allowance set out is contrary to the principles of the RDS 2035 (RG8) and is contrary to SPPS. It is recommended that further work is undertaken to consider the implications of SPF 6, particularly in relation to impact on the plan objectives (paragraph 3.15). (MUDPS/78/5, MUDPS/83/1)

Council has failed to consider the environmental effects of such a higher number of dwellings within the countryside in terms of availability of utilities and the interrelationship of homes, jobs and local services and facilities. It is recommended that further work is undertaken to consider the implications of SPF 6, particularly in relation to the impact on the plan objectives (paragraph 3.15). (MUDPS/78/6, MUDPS/83/2)

NIHE objects to SPF6 which allows dev. Of 4380 units or up to 40% of the district's HGIs in the open countryside this is more than that allocated in the main towns therefore this will not be considered sustainable development. HGI figures should be reviewed. (MUDPS/85/13)

NIHE strongly support the aims of sustainable development but believes that a much higher proportion of houses should be allocated to the main

towns, local towns, villages and small settlements rather than such a large proportion in the open countryside. (MUDPS/85/14)

THIS APPROACH TO HOUSING IN THE COUNTRYSIDE IS AT ODDS WITH REGIONAL POLICY AS PUT FORWARD IN THE RDS (RG8). COUNCIL SHOULD REVIEW THE PLAN WITH A VIEW TO DIRECT PART OF THE OPEN COUNTRYSIDE HOUSING ALLOCATION TO MORE SUSTAINABLE LOCATIONS SUCH AS LARGER VILLAGES (DRAPERSTOWN). (MUDPS/147/3)

Council failed to consider the environmental effects of potentially 4,400 new dwellings in the countryside particularly landscape & visual impact. FODC DPS had a similar approach and DfI raised concerns this could conflict with principles set out in SPPS. Recommended further work is undertaken to consider the implications of SPF particularly in relation to impact on the landscape. Recommend comments made by DfI in representations to FODC DPS are considered in light of the approach proposed by mid ulster. (MUDPS/150/9)

In relation to the HGI, there is disconnect between the strategy and Appendix 1 figures. The proposed allocations will encourage a dispersed settlement pattern and place undue pressure on the countryside in terms of landscape, infrastructure & environment. A significant reduction in housing allocated to the countryside through the provision of more restrictive area-specific/district-wide rural housing policy. Rep includes a specific site for inclusion within Clady SDL to be zoned for housing. (MUDPS/35/1)

SPF 6 states that the countryside will not be subject to an allocation of the District's HGI however housing development will be monitored - this is contrary to RDS as it identifies that Housing Growth Figures should allow for both rural and urban housing rural housing is required to be given a formal allocation of the housing growth as per the RDS and as such the dps will be required to reflect this. (MUDPS/171/6)

THE ALLOCATION OF 4380 DWELLINGS TO THE COUNTRYSIDE IS INAPPROPRIATE IN RESPECT OF SUSTAINABLE GOALS AND THE SPPS. ALTHOUGH THE COUNCIL MAKE AN ARGUMENT FOR SUCH, THE EVIDENCE PROVIDED IS FLAWED. AMENDMENTS ARE REQUIRED TO ENSURE ALL ELEMENTS OF THE PLAN STRATEGY ARE COHERENT AND CONSISTENT. RURAL HOUSING IS REQUIRED TO BE GIVEN A FORMAL ALLOCATION OF THE HOUSING GROWTH FIGURE AS PER THE RDS AND AS SUCH THE DPS WILL BE REQUIRED TO REFLECT THIS. (MUDPS/172/7, MUDPS/172/8, MUDPS/172/9)

There is no evidence to support the notion that 40%housing growth in the countryside is beneficial. Urban growth should be promoted because it is significantly more sustainable development. (MUDPS/192/8)

It is thought that the HGI figures are not based on a robust evidence base - these figures should be based on completed or commenced development not only committed land as this would give a more accurate reflection of housing need throughout the district. The word 'approved' should be changed to completed or commenced to give an accurate reflection of what has happened on the ground in terms of the provision of actual housing during the plan period. MUDPS/126/1, (MUDPS/126/2)

This SPF, which does not make specific HGI allocation for rural area appears to permit up to 40% of houses to c'side. This does not align with objective "to provide for 11,000 new homes...". Demonstrate principle of integration of land use & transport is given consideration in growth strategy, housing allocation & economic policies. Amend to better reflect Dept research on provision of cycle infra. Include policy on park&ride/share & car park (MUDPS/115/258)

The dispersed rural nature of MU and the planned housing allocation for it will further accentuate the need to travel for goods good and services and put additional strain on natural resources. Is not coherent with Objective "to improve connectivity.." Demonstrate principle of integration of land use & transport is given consideration in growth strategy, housing allocation & economic policies. Amend to better reflect Dept research on provision of cycle infra. Include policy on park&ride/share & car park. (MUDPS/115/262)

SPF6 advances an unsustainable growth pattern by allowing too much new housing outside settlement limits. The aim to build 40% of new houses in the countryside represents urban sprawl and is inconsistence with regional policy. (MUDPS/192/6, MUDPS/192/7)

Paragraph 3.21 (RG8) of the RDS clearly articulates, "the allocation of housing growth to specific locations in a district is a matter for decision through the development plan process. In the allocation process due weight needs to be given to reinforcing the leading role of the Hubs and the clusters of Hubs. Another important step in this allocation process is making judgements to achieve a complementary urban/rural balance to meet the need for housing in the towns of the district and to meet the needs of the rural community living in smaller settlements and countryside."

The RDS does not prescribe the level of development in the countryside, but rather leaves it to local development plan to establish the appropriate level. Furthermore, the SPPS requires a local development plan to provide for housing development in the countryside. SFG13 of the RDS focuses on sustaining rural communities living in smaller settlements and the open countryside. It states that "in rural areas, the aim is to sustain the overall strength of the rural community living in small towns, villages, small rural settlements and the open countryside".

The approach of the DPS is to ensure that, in line with the spatial framework of the RDS, we identify and consolidate the role and function of settlements within the cluster of Cookstown, Dungannon and Magherafelt, promote economic development opportunities within them and grow their population while also ensuring that the needs of our rural community are met. Our DPS ensures that this regional guidance is followed, and that our rural communities are sustained. The DPS recognises the importance of securing sufficient land in our three main towns, 30 – 60% of our housing. The DPS stresses the need to release more land should our housing land supply fall below 30% and our plan monitoring will ensure that land is released from our land bank/phases. The Council does not envisage that villages will become the main driver for rural pressures. Any development must be proportionate to the size of the village and that larger scale development would be better located in the main towns.

The planning policies contained in the DPS on housing in the countryside have been based entirely on the SPPS. Our policies accord with SPF 6 in that they will accommodate development within the countryside whilst safeguarding our natural and built heritage. In formulating all of the policies the approach taken has been to cluster, consolidate and group new development. This approach is reflected in our policies on development in farm clusters, infilling, business uses and our policy for carers. By doing so these houses can take advantage of any service/infrastructure already being provided by neighbouring properties.

The SPPS clearly provides for housing in the countryside, along the lines of which the Council has adopted new policies. We have however provided for additional exceptions. A number of new policy provisions have been brought forward within the DPS, namely; Dwelling Infilling a small gap site, Dwelling in a Farm Cluster, Dwelling for a Carer and Dwelling for Holder of a Commercial Fishing Licence. These tailored policies were brought forward to address a distinct need peculiar to Mid Ulster, e.g. dwelling for a fisherman. The need for each of these policies are addressed in the Housing in the Countryside topic paper.

Mid Ulster has a high rural population – 40% of our households live in the Countryside. It would appear from the Department comments above that they do not recognise that the RDS guides us to sustain the overall strength of our rural community. Prior to the introduction of PPS 14 growth in the countryside was approximately 1100 per year. Now in mid ulster, we are currently experiencing figures of approximately 270 per year, based on current policy with 273 approvals in the 2018-2019 year and we do see this level of growth as being a problem. In the absence of clear guidance from the Department, our Plan has recognised that if growth occurs disproportionately in the countryside that would be a problem. In looking at allocations is logical however to accept that there will be some growth in the countryside as it is a requirement of the SPPS that we provide for it. However the plan has recognised that if this growth is above 40% it would unbalanced and problematic.

This plan is the first attempt to control the overall number of dwellings approved in the countryside. It is the Council's view that the number of houses likely to be approved under the policy provisions of the DPS would result in only a marginal increase in overall numbers from that currently under regional policy. That said we have proposed a very clear monitoring / review system which will allow us to identify if the rural housing approval figures exceed 40% of the Districts HGI. The fundamental point in relation to housing in the countryside is that the 40% referred to is not a target to achieve but a cap to ensure that development in the countryside does not get to an unacceptable level. Should the figure of 40% be exceeded this would trigger the need to change policy at the Plan Review and it could also demonstrate a need for further areas of constraint or a reduction of development opportunities as provided by the SPPS policies.

It appears that there has also been limited recognition of the extent to which the Plan has addressed competing interests in that where protection is needed from Housing in the Countryside additional constraints including Special Countryside Policy Areas have been introduced. Our Plan recognises certain areas in Mid Ulster district council where rural housing would be harmful and Special Countryside Areas have been proposed. Furthermore pressure analysis has been carried out to ensure that an undesirable concentration of rural houses is not developing.

All of the proposed policies and spatial planning framework within the DPS have been sustainably appraised and have been found to be acceptable when considered against the three pillars of sustainability, environmental, social and economic.

Action: No action required

5.86 Role of Monitoring in Countryside

Approvals in the countryside are to be monitored with 40% of the overall HGI figure triggering policy change. The mechanism for monitoring is unclear in terms of incorporating an early trigger for necessary review that allows sufficient lead in time. Representation considers that further information is required regarding the number of committed dwellings in the countryside and the projected numbers over the plan period. MUDPS/56/1, MUDPS/56/9, MUDPS/56/10, MUDPS/56/11)

Concern regarding the 40% tipping point for housing growth in countryside-states MUDC should make available the conclusions of the Env. Assets appraisal & Landscape Assessment which allows the Plan to support up to 40% of the Districts HGI in the C'side. (MUDPS/59/1)

Concern regarding 40% tipping point for housing growth in countryside-justification for future patterns of allocation based on historic patterns is not considered a sustainable approach- may not further sustainable patterns of development. (MUDPS/59/14)

Concern re: 40% housing growth in C'side. No evidence to confirm if this can either further sustainable development/operate within environmental limits. Inconsistent with RDS & SPPS. Finite capacity of environment requires to be safeguarded in LDP process (MUDPS/59/16, MUDPS/59/17)

NIHE would like further clarification on how this policy would be implemented - once the 40% housing growth is reached would applications for housing in the countryside still be accepted while the plan was under review? NIHE would like further clarification on how this policy would be implemented MUDPS/85/15

FODC has similar transportation characteristics and supports SPF 6 and the transportation approach with the facilitation of a strategy that suits the needs of mid ulster as a rural district. (MUDPS/89/3)

The monitoring section of our plan at paragraph 24.7 explains that one of the key tests that will be considered in monitoring the plan which will inform the council as to whether changes re required when we review the plan is the extent of single house development pressure in the countryside or indeed in particularly sensitive locations.

Monitoring is a critical part of the plan process and it is essential to our approach to housing in the countryside. The figure of 40% is not a target to be met but is a cap on to ensure that development does not get to an unacceptable level. We have proposed a very clear monitoring / review system which will allow us to identify if the rural housing approval figures exceed 40% of the Districts HGI. Should the figure of 40% be exceeded this would trigger the need to change policy at the Plan Review and it could also demonstrate a need for further areas of constraint or a reduction of development opportunities as provided by the SPPS policies.

We have explained in the immediately preceding section what our approach is to housing development in the countryside and those comments are also relevant in the context of monitoring.

We consider our approach to monitoring to be sound.

Action: No action required

5.87

RIPA's

Support

The RIPA policy is an innovative and progressive approach. It clearly states the council has listened and understands the needs of local people and prepared to safeguard established enterprises in the countryside. This approach is commendable. MUDPS/156/1, MUDPS/156/2)

The support for the RIPA's is noted.

Action: No action required.

5.88 Issues

Comment on criteria listed for RIPA's - include additional criteria. Include bullet point - 'be able to accommodate infrastructure improvement if considered necessary'. (MUDPS/115/136)

Object to the proposed RIPAs as set. There is no sustainable logic to underpin the allocation of the Desertcreat Site. This appears to be an unrealistic, speculative proposal to create government-controlled lands. (MUDPS/192/9)

Rep refers to site immediately south of Granville falling within spirit of RIPA meeting criteria in SPF6 & has been subject to interest by private business owners as they recognise it is an ideal site given transport links & proximity to infrastructure. Providing additional land within proximity to nodes of established industry at the edge of settlements & with direct links to arterial route would be a mechanism to enable Council to remain flexible & address changing circumstances throughout plan period. (MUDPS/151/1, MUDPS/151/2)

Significant concern with policy approach to RIPA's. Unclear why Desertcreat is chosen since no existing industrial activity. Effect of RIPAs will be to provide add opps for new economic devel in countryside - will undermine objectives of rds&spps and DPS. (MUDPS/115/11)

Rep queries scale of existing industrial activity to meet ripa & can this be associated with established enterprises that may not adjoin land but are visually connected. Rep states policy does not identify a threshold&queries is this subjective. Provide clarity on site selection. Ongoing monitoring to determine how each potentially adopted designation is progressing, this would justify extension whereby this is not speculative & attached to an established business with genuine need for extension. (MUDPS/151/4)

The scale of established businesses vary across the district. Smaller established enterprises should not be precluded from benefitting from proposed RIPA designation. Suggested site off Kilrea Road meets each of criteria listed for RIPA selection. The suggested site should be given due consideration to be designated a RIPA as it meets the selection criteria and is compliant with the economic objectives advocated throughout the dPS. (MUDPS/156/4)

There needs to be clarification on the scale of existing industrial activity needed to meet RIPA designation. Include indication of scale of existing industrial activity required to meet threshold for site to be considered for RIPA designation. (MUDPS/156/5)

The RIPA policy needs to consider how it will assess any potential increase to established RIPAs that emerge through the plan process. Once land within the RIPA is exhausted, would proposal for expansion be considered against ECON2? (MUDPS/156/6)

Providing a degree of clarity on RIPA site identification and selection would prove useful for next stage of plan process. Ongoing monitoring of how each RIPA is progressing throughout plan period would identify any need for possible extension to site boundary. Extension would be justified on genuine need rather than speculation. (MUDPS/156/9)

Concern regarding selection criteria for RIPAs as it only refers to designated sites and not undesignated areas containing other habitats. The criteria relate to siting of RIPAs in relation to environmental designations and not effects For consistency and clarity the policy should refer to policies NH1 - NH5. Change the wording in this policy to refer to the obligations under the Natural heritage policies NH1 - NH5. MUDPS/167/11

We consider it appropriate to designate RIPAs as this recognises the importance of clusters for the expansion of rural industry and of allowing an opportunity to expand rural business and employment uses. It is contended that their inclusion reflects the local needs of Mid Ulster which is characterised by 'home grown' industries and high self-employment (19% of the males are self-employed compared to an NI average of 14%, 2011 Census). This approach accords with SPG 6 which sets out to 'accommodate development within the countryside that supports the vitality and viability of rural communities'.

Rural Industrial Policy Areas are designated to protect and consolidate existing areas of rural industry and contain them within set limits whereby large scale expansion would not be permitted. Two strategic RIPA's are designated in this Plan Strategy, along with Key Site Requirements. One RIPA, located at Tullyvannon, has been designated to facilitate complimentary industry next to existing. The second RIPA is at Desertcreat which benefits for approval of Police, Fire and Prison Services Training Centre. This site has been specified as Class C3 but should be Class C3 (c) for training centre.

These RIPA's are not land zonings nor are they urban areas subject to settlement limit, they are considered to be rural opportunity sites. Apart from the uses specified in the KSR's any development within a RIPA will be assessed in accordance with General Principles Planning Policy and other relevant policies for development in the countryside, including Natural Heritage policy. It is therefore considered there is no need to expand the bullet point in relation to designated sites. Any other potential RIPA's will be brought forward in the LPP stage providing they meet the criteria for being designated as such. We consider their inclusion significant at this stage of the plan process and therefore consider this policy sound.

Rural Industrial Policy Areas (RIPAs) are not zonings but are areas identified as a rural opportunity in recognition of the success of economic development

in the countryside. The DPS has designated RIPA sites to protect and consolidate Rural Industrial uses. A RIPA is not a zoning and will not be treated as a settlement limit in order to prevent a proliferation of inappropriate development in the countryside.

In order for a location to be identified as a RIPA it has to comply with the criteria identified at Page 42 of the DPS and where candidate sites are offered they will be considered on the basis of what is submitted in accordance with the criteria. It would not therefore be possible to put a figure on the scale of development that would qualify as a RIPA as it is about addressing all of the criteria identified.

Action: No action required.

5.89

Accessibility and Transport

This SPF does not support the objective to build Cookstown, Dungannon etc. This policy will serve to compound and potentially exacerbate the travel time to acute hospital and does not constitute a coherent strategy. Demonstrate principle of integration of land use & transport is given consideration in growth strategy, housing allocation & economic policies. Amend to better reflect Dept research on provision of cycle infra. Include policy on park&ride/share & car park. (MUDPS/115/257)

SPF6 does not appropriately consider accessibility analyses and transport implications. Does not flow coherently from objective "to improve connectivity..." as will potentially accentuate need to travel. (MUDPS/115/264)

Useful to provide cross reference to strategic policy. Noted council making no attempt to 'shape' their area or aim for a more sustainable pattern of growth with the area to enable citizens to access key services in all modes. No ref to public transport. (MUDPS/115/292)

Does 'existing access' relate to only vehicular - or other modes? In 'close to proximity to a main transport corridor' what does 'close' mean? What is a 'main transport corridor'? At 4.40 refer to requirement for TA to be prepared. (MUDPS/115/294)

The consideration of accessibility and transportation are set out at SPF2 and in the objectives section of this paper and they address the issues raised in the representations above. The comments made in our Transportation Topic Paper are also applicable.

Action: No action required.

5.90

Economic Development in Countryside

SPF 6 makes provision for economic development in countryside, however makes no reference to consideration of accessibility - concerning for those without a private car. (MUDPS/115/261)

Noted Council has identified 'successful economic development within the countryside'-what is definition of 'success'. (MUDPS/115/293)

Have not presented compelling evidence to justify departure from strategic approach in RDS and SPPS on operational approach to economic development in countryside. (MUDPS/115/12)

WELCOMES THE COUNCILS SUPPORT FOR FARM DIVERSIFICATION AND POLICY TO FACILITATE PEOPLE WORKING FROM HOME (MUDPS/162/31)

Recognise large no. of entrepreneurs in countryside by encouraging farm diversification and home working. Policy ECON 2 represents a very permissive approach in c'side-empahsis on new buildings rather than re-use. Adversely impact on landscape and environ. (MUDPS/115/24)

The DPS seeks to focus growth within the 3 main towns in accordance with RDS and SPPS. The DPS seeks to consolidate the role of the local towns and villages in keeping with the scale and character of these settlements. In order to provide flexibility however, the DPS does not reserve land for housing or economic development although exceptions may exist where there is a need to expand or accommodate an identified rural enterprise within the settlement limits. The DPS also recognises the legacy of successful economic development located within our countryside and it is important that this success is allowed to continue but remains properly managed. This is achieved through the economic development policy in the DPS which allows of sustainable expansion and recognises the value of clustering through the designation of RIPA's. We also recognise the role and value of self-employment.

We therefore firmly believe that the approach of the DPS to economic development accords with the RDS in terms of economic development zoning and that sustainable growth will also be provided by way of the planning policy on economic development.

Specific comments on the policy relating to economic development in the countryside are set out in the Economic Development topic paper and they address the issues raised in these representations.

Action: No action required.

5.91

WWTW Concerns

Concern regarding resilience of wastewater infrastructure with respect to growth aspiration of 40% HGI outside of major settlements. Currently there are existing wastewater capacity issues in terms of treatment

works serving villages & small settlements. (MUDPS/170/3, MUDPS/167/11)

Capacity issues in relation to WWTW are considered in detail in the context of the DPS objectives at paragraph 5.5 above, and those comments apply to these representations also.

The provision of a satisfactory sewerage arrangement is fundamentally an operational requirement. Notwithstanding this, in order to obtain planning permission a proposal must also comply with Policy GP1 which requires all development proposals to demonstrate adequate infrastructure to deal with waste, sewerage and drainage and where mains sewerage is not available, the applicant may be required to demonstrate that this will not create or add to a pollution problem.

Action: No action required.

5.92 SPF 7 Specific Comments

Welcomes the inclusion of sports criteria in the definition of DRC's & the acknowledgement that sport plays a critical social and economic role in these areas. (MUDPS/134/1)

NIHE do not support the designation of DRCs as this is not considered sustainable development. Dispersed living can isolate people from services and can also have detrimental environmental effects on the environment due to lack of infrastructure. (MUDPS/85/17, MUDPS/85/18)

SPF7 is unsound as it promotes unsustainable patterns of development in the countryside. It is inconsistent with regional policy because it will unnecessarily and unsustainably extend a rural housing policy. (MUDPS/192/10)

SPPS does not include provision for DRC's. Should ensure we have appropriate evidence to justify the continued designation. Strong reservations about Policy CT4 which applies to them. (MUDPS/115/13)

DRCs inclusion in the new Local Development Plan complies with SFG13 to 'sustain rural communities living in smaller settlements and the open countryside' and seeks to achieve appropriate and sustainable patterns of growth in areas where there has been significant rural depopulation. The Council is not proposing to export people to DRC's in order to make them feel isolated. The people most likely to choose to live in DRC's are those with strong connections to the area. Furthermore, nowhere within Mid Ulster is there anywhere which is so remote that there would not be access to a range of services within a 15 minute travel time. The purpose of the policy is to facilitate those people who will assist in rural regeneration and to discourage anyone seeking rural permissions purely for sale, bearing in mind that the DRC's are set in or near to the Sperrins AONB.

The purpose of a DRC is to promote rural regeneration therefore the Council considers that the best way of doing this is by stating that the applicant must make a substantial economic or social contribution to that particular local community. Given the possible scenarios where an individual may be said to make a significant economic or social contribution to a particular local community it would be up to the applicant to state their case and this could vary e.g. district nurse, teacher in a local school, involved in a local business or acts as a carer for people in the community. The merits of individual circumstances will be considered on a case by case basis.

The DPS makes it clear that the determining factor, on any proposal in the DRC including economic development, will be the scale of development proposed, its visual impact, and its association or integration with the existing pattern of settlement. It is important to note the background evidence papers have demonstrated a very limited degree of development over the lifespan of the area plans. The purpose of a DRC designation is to promote rural regeneration, including appropriate economic development, such as tourist development, community facilities and small scale cottage industries, all of which must be of an appropriate scale and type given the remote rural context.

A DRC is not a settlement limit but rather an area of countryside which has suffered from decline over decades and contains a strong sense of identity, with social facilities such as churches, meeting halls, shops and recreational facilities, as well as the local community dispersed across the area. In the interests of promoting rural regeneration Mid Ulster District Council has designated DRC's within the district. This policy is designed to complement existing policies for individual houses within the countryside. In addition to the existing provisions of the current policy, Policy CT4 allows for single dwellings where the applicant can demonstrate that they can make a significant economic or social contribution to that particular local community and provided that it clusters with existing buildings to assist integration.

Action: No action required.

5.93

SPF8 Specific Comments

To Note

NIHE support these policies which aim to increase connectivity and accessibility to and within the district. (MUDPS/85/19)

The comments are noted.

Action: No action required.

Issues

Draft transportation policies do not fully reflect the SPF. Fail to recognise strategic imperative to locate new development in areas well served by existing infrastructure e.g. residential. Lack of ambition to

achieving reduced dependence on private car. (MUDPS/115/16, MUDPS/115/17)

Provision of safe environs for pedestrian and cyclist in SPF8 does not necessarily mean dedicated cycle ways and doesn't coherently flow from objective "to improve connectivity..." Park&Ride/Share has substantial role to play but no appropriate policy in Plan. Demonstrate principle of integration of land use & transport is given consideration in growth strategy, housing allocation & economic policies. Amend to better reflect Dept research on provision of cycle infra. Include policy on park&ride/share & car park (MUDPS/115/265)

In general wording in DPS does not reflect paras 4.47-4.51. Need additional emphasis on need for improvements in walking, cycling and parking management. (MUDPS/115/295)

Narrative should acknowledge that current settlement pattern in MU does not lend itself to the provision of viable public transport services. Research shows people want segregated or traffic-free routes-amend DPS to reflect this. Amended wording suggested for 4.47 regarding segregated cycle or traffic free cycle ways. (MUDPS/115/296)

Approach to linking transport and land use should also apply to housing. Department would expect that accessibility analyses should be employed when selecting all land use zonings-not only in towns. 4.49 should refer to cycling accessibility. (MUDPS/115/297)

Road alignments should be referenced. (MUDPS/115/298)

THIS PARAGRAPH (4.47) IS COUNTER PRODUCTIVE AS IT EFFECTIVELY DISCOURAGES THE PROVISION OF DEDICATED CLYCLE WAYS. (MUDPS/142/1)

At present there are no firm proposals at regional level to extend the bus network/public transport network. As a result the private car remains the key form of transport over the plan period. It also needs to be recognised that Mid Ulster are not the transport authority. Mid Ulster also shares disappointment at the lack of investment in provisions for public transport in the district by DfI.

The comments made in the Transportation topic paper and earlier in this paper at SPF2 address the issues raised in the representations above.

Action: No action required.

5.94 SPF9 Specific Comments

To note

NIHE SUPPORT THESE POLICIES WHICH AIM TO INCREASE CONNECTIVITY AND ACCESSIBILITY TO AND WITHIN THE DISTRICT. (MUDPS/85/20)

RSTNP will produce a prioritised package of schemes relating to Key Transport Corridors. Dep't can confirm that schemes including Dungannon bypass, Cookstown bypass, A31 Magherafelt and link corridors such as A505 have been modelled and will be assessed. (MUDPS/115/299)

The comments are noted.

Action: No action required.

5.95 **SPF10 Specific Comments**
In Support

The introduction of SCA, an AOCWTHS wherein development will be restricted subject to meeting limited criteria is welcome. (MUDPS/22/2)

NIHE support policy to protect landscapes and conservation areas which promote a sense of place and can aid the wellbeing of local people and visitors. (MUDPS/85/21)

Supportive of SPF 10 to facilitate the protection of vulnerable landscapes and conservation interest from inappropriate and over dominant development while promoting adequate provision of open space and integrated with broader green and blue infrastructure. (MUDPS/89/5)

The comments of support are noted.

Action: No action required.

5.96 **Issues**

Important or vulnerable may extend to neighbouring council areas-effective cross boundary working necessary. Note cross boundary forums-welcome and supportive of this work. Should be able to demonstrate not conflict. Note policy presented ahead of SCG. (MUDPS/115/20)

THE COUNCIL NEEDS TO EXPLORE THE CRITERIA AND TO DECIDE IF MORE LANDSCAPES ARE CAPABLE OF PROTECTION THAN THOSE WHICH HAVE BEEN EARMARKED. (MUDPS/162/32)

Suite of publications prescriptive without being based on up to date info. Little detail provided on methodology used to reach policies and no definition of key terms. Therefore unable to determine if councils assessments carried out by competent experts. (MUDPS/96/29, MUDPS/96/30, MUDPS/96/31, MUDPS/96/32)

In order to protect and enhance our natural heritage Mid Ulster's strategy includes identifying sites of international, national and local importance. These designations are accompanied by appropriate policies to ensure their protection and / or enhancement. Mid Ulster's Draft Plan Strategy aims to address the competing demands of achieving social and economic goals while still protecting our environment through the use of spatial designations and bespoke policies which seek to protect our most sensitive and unspoilt landscapes, whilst still allowing for a degree of flexibility in other parts of the district. These new designations take the form of Special Countryside Areas (SCA), Areas of Constraint on High Structures and Wind Turbines (AOCWTHS) and Areas of Constraint on Minerals Development (ACMD). In doing so Mid Ulster Council will provide an additional layer of protection to our most important natural heritage assets from inappropriate forms of development.

MUDC's background evidence papers identified that the High Sperrins, Lough Neagh and Lough Beg, and Slieve Beagh were the district's most vulnerable landscapes and therefore worthy of an SCA designation. MUDC sought the views of all interested parties with regards the concept of an SCA / Area of Constraint on Wind Turbines and High Structures, ACMDs and their potential location, as part of the public consultation of the Preferred Options Paper.

The introduction of spatial policies such as SCA and AOCWTHS accords with the RDS and the SPPS, in that they seek to protect the quality and amenity value of Mid Ulster's most unique landscapes from all forms of new development. These spatial policies have only been applied in Mid Ulster's most vulnerable landscapes namely; the high Sperrins, the Lough Shore and Slieve Beagh. Throughout the remainder of the district Policy RNW1 will apply.

The identification of landscapes to be protected by way of these additional designations has come from detailed desk and site visit analysis and considerations and the papers setting this out are published on our website along with the DPS. The work undertaken on this has been informed by a Landscape Character Assessment review and an audit of the same.

In terms of the cross boundary considerations, cross boundary engagement has been ongoing with our neighbouring councils through the establishment of the cross boundary forums: Sperrins Forum, Cross Border Forum and Lough Neagh Forum. Mid Ulster District Council instigated the setting up of these forums to ensure ongoing discussion on cross boundary/shared issues. All forums are working towards the agreement of a Statement of Common Ground focussing on the shared issues and setting out an agreed approach as to how they will be addressed in our respective LDP's, so as to ensure that conflict does not arise. This Sperrins Forum specifically includes Fermanagh Omagh District Council. The forums were created primarily to ensure a high level of co-operation and communication among neighbouring councils, ensuring that where cross boundary issues are relevant our Development Plan policies and allocations are not in conflict with the Development Plan

documents of neighbouring councils. This has included consideration of how best to address our most vulnerable and sensitive landscapes.

Action: No action required.

5.97

Other Matters

Guidance on flood inundation now recognises that there will be situation were a full risk assessment will not be required based on the condition of the reservoir dams and structures. We therefore advise that it is appropriate to insert “if necessary” in policy FLD4 in our draft plan strategy so that the policy would read “...where it has been demonstrated if necessary through a flood risk assessment ...”

The reason for this change is because a revised technical guidance note has been released. Therefore in the J&A relating to this policy, we would have no objection to the policy saying that in assessing any proposal account will be given to prevailing regional guidance and advice, if the commissioner was so minded as to recommend this change. (MUDPS/145/1)

Action: if the PAC commissioner is so minded to recommend the above changes we would not object.

6.0

Counter Representations

6.1

During the period for counter representations to the Draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, one representation was received relevant to this paper. The details are listed below;

Counter-Representation Respondent	Counter-Representation Reference Number	Reference number Counter-Representation relates to
Turley on behalf of ABO Wind Ltd	DPSCR/127	MUDPS/89
DfC Historic Environment Division	DPSCR/14	MUDPS/48
DfC Historic Environment Division	DPSCR/20	MUDPS/46
DfC Historic Environment Division	DPSCR/67	MUDPS/157
DfC Historic Environment Division	DPSCR/23	MUDPS/49
Emma Walker, Turley	DPSCR/119	MUDPS/22
Emma Walker, Turley	DPSCR/157	MUDPS/22
Emma Walker, Turley	DPSCR/87	MUDPS/89
Emma Walker, Turley	DPSCR/79	MUDPS/22
DfC Historic Environment	DPSCR/43	MUDPS/95
DfC Historic Environment	DPSCR/29	MUDPS/1

- 6.2 The DPSCR/127 counter representation voices opposition to the Special Countryside Area based the evidence based and LA. It also opposes historic environment policies HE1-3 on basis that evidence of harmful effects of wind turbines on ASAI's or features of it have not been provided. The counter representation also states that Policy TOHS1 is inconsistent with regional policy and not based on robust evidence.
- 6.3 The issues raised are matters that have already been considered in the Natural Heritage (NH) and Historic Environment (HE) topic papers and therefore, the response to such issues would be the same as the responses detailed in the relevant parts of this report. It is our view that these issues have been addressed in the NH and HE topic papers to the initial consultations on the Draft Plan Strategy and do not need to be addressed a second time.
- 6.4 The DFC HED counter representations relate to issues regarding the assessment of land that has been put forward for specific uses and concerns of over the extent to which they have been assessed in terms of heritage assets. We consider this to be a matter for the LPP stage of the process.
- 6.5 The counter representations DPSCR/119, DPSCR/157 DPSCR/87 DPSCR/79 all raise issues in relation to designations such as the SCA, the approach to TOHS1 policy, ACMD, Mineral Policies. The issues raised in these repeat the issues raised in their original representations and are therefore considered in the various related topic papers.

6.6 Representations regarding SPF3 in context of Map 1.4 - Opportunity Site for Recreation with supporting economic mixed use development

Issues Identified

- A. Inclusion within SDL
- B. Approach too restrictive
- C. Consideration of Priority habitat
- D. Landscape Assessment methodology

6.7 Inclusion within SDL

Policy ECON2 seeks to control and curtail economic development in the countryside, the historical clay works justifies inclusion of the lands within the SDL which would then benefit from less restrictive policy control making the site more commercially attractive to investment and would align with paragraph 6.93 of the SPPS. (MUDPS/119/1)

Policy ECON2 provides no greater controls to economic development in the countryside than that of existing regional policy. Policy ECON2 takes account of the existing policy approach of PPS4 and the SPPS, however tailors policy to reflect the local circumstances in Mid Ulster providing greater flexibility. The representation refers to Paragraph 6.93 of the SPPS which states where appropriate LDPs should identify previously used land within the settlement

limits for potential economic development zonings. The dPS identified former clay works with an extant planning permission for planning permission out with the settlement limit for an Opportunity Site for Recreation with Supporting Economic Mixed Use Development. The extant permission still requires work to be undertaken in assessing the risk which existing mine shafts pose for development. Accordingly at this stage it would be inappropriate to move to encourage unfettered high density development on the site which could potentially result in over supply of development land.

The remaining portion of the former clay works site has been designated as a Mineral reserve Policy Area in order to protect mineral deposits of economic importance and avoid any prejudice to the future extraction of these mineral deposits. The Local Policies Plan is the second stage of the Local Development Plan and identifies settlement limits, zonings and environmental designations. Therefore, the settlement limits of Coalisland will be a matter for consideration at the next stage of the plan making process.

Action: No action is required.

6.8 Approach too restrictive

A more flexible approach is required in accordance with SPF3. The council has not taken full account of the requirement of SPPS and PPS4. Given the former industrial use, these lands could be restored in accordance with Policy MIN 5- Restoration of Mineral Site. Therefore, the site should benefit from the positive policy approach set out in PED4 of PPS4. Inappropriate to apply the boundary of the permission or conditions of the race track consent as KSR- not all conditions may apply to all of the site. The entire clay works land should be included (Appendix 6) and the designation amended to promote a variety of mixed uses on the lands. (MUDPS/59/146, MUDPS/119/2-3)

It is considered that sufficient consideration was given to regional policy and guidance in accordance with the legislative requirements set out in the Planning Act (NI) 2011 Section 8 Part 5. There is no requirement for the draft Plan Strategy to duplicate existing policy within the SPPS and PPS4. The approach to zoning this land as an opportunity site is considered to align with the SPPS which states planning authorities should take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities (Paragraph 4.19).

The subject lands were identified as an opportunity site given an extant planning permission for the redevelopment of the former clay works. It is therefore considered appropriate to apply the boundary of that permission. Given the constraints of the subject site, the conditions of the previous approval are considered to be appropriate mitigation measures necessary to balance the facilitation of economic development while protecting or enhancing the natural environment. It is considered that Map 1.4 aligns with SPF 3 to 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. It is considered the identification of this land as an opportunity site provides flexibility and promotes mixed-use development. However, specific details of the development will be adequately managed through the development management process having regard to the key site requirements. Issue has been raised regarding the use of the planning conditions as KSR's and how they may not apply to all of the site. By using the planning conditions as the KSR's this will ensure that the site is developed in a sustainable manner and the planning conditions will be applied to the relevant part(s) of the site in the same way as they would be when implementing a planning permission. The council consider the site to pose a risk in terms of the mines and a developer would have to demonstrate that this was not the case for the KSR's were to be addressed.

The identification of an Opportunity Site for recreation with supporting economic mixed-use development will not restrict types of development coming forward which will be assessed against the relevant policy provisions. Any forthcoming planning application for restoration of the site will be considered on the basis of the proposed zoning and the relevant policy context.

With regard to the inclusion of all of the clay works within the opportunity site, the extent of the planning permission granted for the site under planning reference LA09/2016/1307/F has been used to identify the opportunity site. This is considered to be a sustainable approach ensuring that the conditions of that permission act as the Key Site Requirements.

Action: No action is required.

6.9 Priority habitat

Priority habitat is present on the site. Paragraph 6.196 of SPSS states LDP's should seek to protect and integrate certain features of the natural heritage when zoning sites for development through KSRs and mitigation/compensatory measures should be in place to ensure important habitats are not lost. (MUDPS/167/31)

All planning policies and designations included within the dPS have been subject to a Sustainability Appraisal and Strategic Environmental Assessment. The proposed Opportunity Site Map 1.4 was assessed against the SA/SEA objectives which acknowledges negative scorings against the majority of the environmental objectives. The extent of the planning permission LA09/2016/1307/F is identified as an opportunity site on Map 1.4 with the attached the planning conditions identified as the Key Site Requirements to be addressed for development of the site. Therefore, the planning conditions relating to the extant planning permission on the site will provide mitigation measures against any negative impacts on wildlife and biodiversity including priority habitats. Development proposals which meet with the Key Site Requirements will also be required to comply with the relevant planning policy provisions. Policy GP1 underpins all subject policy topics within the DPS and all planning applications will be subject to the detailed criteria which include biodiversity considerations. Given the presence of a priority species on site,

any development proposal will also be required to satisfy the requirements of Policy NH5 - Other Habitats, Species or features of Natural Importance, as well as any other relevant Natural Heritage policy provision. Therefore, it is considered there is adequate protection to natural heritage to ensure the safeguarding of important habitats.

Action: Council consider approach to be sound and no action is required.

6.10 Landscape assessment

Unclear the landscape assessment methodology by which the zones were defined/redefined and how the historic environment bases were used in such a process. (MUDPS/77/254)

The dPS identifies an Opportunity Site with the potential for recreation with supporting economic mixed use development given an extant approval on the site, however this is not a zoning. The principle of development has been established through the planning approval which would have considered landscape and historic environment matters. This is an identified opportunity site, not a zoning as such we have not carried out a detailed landscape assessment process.

Action: No action is required.

6.11 Counter Representations

6.12 In accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, an 8-week counter representation public consultation period ran for any person wishing to make site specific policy representations. Counter-representations relating to this aspect of SPF3 are as follows:

Counter-Representation Respondent	Counter-Representation Reference Number	Reference number Counter-Representation relates to
DfC Historic Environment Division	DSPCR/60	MUDPS/119

6.13 DfC Historic Environment Division counter representations relate to a number of specific representations to the draft Plan Strategy which include location maps to be considered for inclusion within settlement limits or zonings. The counter representation considers the land put forward in the above referenced representations for inclusion within the settlement limit is not based on robust evidence and the specific identification of lands for inclusion at dPS stage is inappropriate. The counter representation also refers to their previous comments made in their representation to the dPS which remain unchanged.

6.14 Council are aware of the appropriate stage of the LDP process for consideration of settlement limits. The above Counter-Representation fails to understand Map 1.4 is not a zoning, rather an identified opportunity site. It is the view of the Council that the response to the issues raised in the counter

representation would be the same as the responses detailed in Section 5.6 of this report and therefore does not need to be addressed for a second time.

6.15 Consideration of SPF2 comments on representations made in respect of the Economic Zonings at Granville and Dungannon (Zone D Econ 1 - 7), and other sites suggested in the representations and related counter representations and Consideration of SPF6 comments on RIPA sites and related counter representations

Main Issues Arising from Consultation

Issues arising from representations are grouped against the various headings in the DPS, against which they were raised.

6.16 The main issues include the approach to economic development zonings and land allocation. These issues are outlined in further detail within this paper with our consideration and recommended subsequently action noted.

6.17 Representations supporting the policy are welcomed and each of the policy sections have been grouped and summarised below:

- **Zone D ECON 1** – Invest NI considers this policy to be in general conformity with the SPPS (MUDPS/190/6).
- **Zone D ECON 2** – Department for Infrastructure considers this policy largely takes account of SPPS (MUDPS/115/44).
- **Zone D ECON 3** – DAERA considers policy sound, however highlights that this zone is adjacent to Black Lough which is designated as a SLNCI (MUDPS/167/27).
- **Zone D ECON 6** – DAERA considers policy sound, however highlights mosaic habitats on previously development land (MUDPS/167/30).
- **Map 1.2** – Zoning considered to comply with test of soundness (MUDPS/3/1).
- **Map 1.5** – Inclusion of land zoned supported and associated Policy ECON 2 (MUDPS/45/1). DAERA notes Tullyvannon RIPA may contain priority habitat (MUDPS/167/29).
- **Map 1.6** – Rural Industrial Policy Area policy shows Council understand the importance of economic activity in the countryside and are prepared to safeguard established enterprises ensuring economic growth and prosperity. Approach is commendable & should be adopted in the Plan Strategy (MUDPS/151/3). DAERA highlights that the Desertcreat RIPA contains long established and ancient woodland (MUDPS/167/28).

6.18 Response to Specifics Issues

This section addresses the main issues identified as being relevant to the Economic Development zonings in the draft Strategy.

Key Site Requirements (KSRs)

a) Key Site Requirements should be reviewed

No objection to policy but recommend that KSR's for I4 must be reviewed in order to allow landowner the chance to develop land independent of factors outside his control.

(MUDPS/27/3) (27/2) (27/4)(MUDPS/59/147)

In recognition of the shortage of economic development land in Dungannon an additional interim supply has been identified at Dungannon and Granville. Key Site Requirements identify those issues be addressed in respect of each. Site 'I4' was designated under CAP 2010. MUDC has not considered the merits of these existing site specific zonings at the DPS stage. Individual industrial zonings and their associated KSRs will be reviewed at the next stage of the plan.

ACTION – No action required; this will be considered at LPP stage.

b) Concerns regarding suitability of existing roads and promotion of public transport

DfI have concerns regarding suitability of existing roads and that the need to promote public transport not taken into account. Public transport is a key consideration. Eskragh Road is to be upgraded with infrastructure improvements to and footway/cycle way to existing network at Dungannon Industrial Park.

(MUDPS/115/137, MUDPS/115/138)

DfI comments regarding reference to suitability of existing roads and promotion of public transport have been noted. The existing road network which currently services Granville Industrial Estate has been upgraded and provides for excellent links to Belfast and the west. A public transport service exists from Dungannon to Granville Industrial Estate. From the Granville Industrial Estate there exists a footpath to the site and a partial cycleway. Due to all of the reasons mentioned above we consider this policy sound.

ACTION – No Action taken; approach is considered sound.

c) Failure to reference need for walking, cycling and public transport linkages

DfI Roads state the KSR's fail to reference need for walking, cycling and public transport linkages to housing for the Granville sites.

(MUDPS/115/317-321)

The issue of appropriate access to each proposed site was a key consideration when reviewing the suitability of each site. Where necessary there is a Key Site Requirement which takes into consideration the need for walking cycling and public transport. The KSRs state that a 'Concept Masterplan' is required which provides provision for '...appropriate access, cycle and walkways'.

ACTION – No Action taken; approach is considered sound.

6.19 Zone D ECON 1

a) Irregular allocation

The allocation of D ECON 1 economic lands are considered irregular with the current economic lands at Granville. Rep suggests to delete D ECON 1.
(MUDPS/42/1)

A counter rep supports the inclusion of lands for economic development as it is consistent with the Council's approach to defining settlement limits as set out in para 4.10 in the DPS.
(DPSCR/1/1-4)

With regards to the allocation of Zone D ECON 1, the scale and shape of the site has evolved throughout the DPS process and reshaped to address issues raised by consultees. A footpath exists from Dungannon / Granville settlements to the site. There is also a partial cycleway from the existing industrial estate to the site. The site has access to excellent roads infrastructure and the irregular shape does not detract from the merits of the site. Due to all of the reasons mentioned above we consider the allocation of Zone D ECON 1 sound.

ACTION – No Action taken; approach is considered sound.

6.20 Zone D ECON 2

a) Site unsuitable for extra traffic volumes

DfI Roads note Killyliss is unsuitable for extra traffic volumes including HGV's so requires upgrading to current standards, and a footway/cycle way to existing. The access and junction staggers to be at current standard. DfI Roads expect this advice to be incorporated into KSR.
(MUDPS/115/139)

The KSRs require the provision of appropriate access, cycle and walkways. The KSRs state that a 'Concept Masterplan' is required which provides provision for '...appropriate access, cycle and walkways'. The details of which can be achieved at the consideration of a planning application. However should the Commissioner require the inclusion of further provision of appropriate access, cycle and walkways within the KSRs, then the Council would have no objection.

ACTION – No Action taken; approach is considered sound.

6.21 Zone D ECON 3

a) No recognition of the area of wet grassland around the lake

Royal Society for the Protection of Birds (RSPB) states there is no recognition of the area of wet grassland around the lake between NE boundary of the Zone D ECON 3, and the existing D101 zoning per se. A KSR should be an

ecological survey to ascertain the relative importance of this area given its proximity to a lake and grassland in order to accord with SPPS & Policy NH 5 of PPS 2 in relation to 'Other Habitats, Species or Features of Natural Importance.

(MUDPS/59/18)(MUDPS/59/145)

Recognition was given to the area of wetland between the site and SLNCI. The site survey identified the importance of this habitat and suggested Key Site Requirement number 2 – a 10 metre buffer planting zone of trees of native species along the southern and south eastern boundaries. The area of wet grassland around the lake was considered, and a KSR was tailored accordingly for this, therefore we consider this policy sound.

ACTION – No Action taken; approach is considered sound.

6.22 Zone D ECON 4

a) Long term maintenance and protection of fen habitat not fully addressed

The RSPB acknowledge the fen habitat is set aside from development under a KSR. However, this is only part of what is necessary to secure the long-term maintenance of such areas. These important sites should be protected and maintained where they occur and should be restored where the condition has declined.

The RSPB wishes to extend the KSR to include an ecological assessment should also be submitted to ensure there is no unacceptable adverse impact on the fen habitat as a consequence of the development or demonstrate how it meets exception test as within Policy NH5 of the LDP.

(MUDPS/59/19-20)

An area of fen habitat exists within the north eastern part of the site. KSR number 3 requires an ecological survey of the northern sector of the zone to be submitted to determine the extent to which development should be set back from this area. We are satisfied that this KSR will safeguard the long term maintenance and protection of fen habitat on the site, and therefore we consider this policy is sound.

ACTION – No Action taken; approach considered sound.

6.23 Zone D ECON 5

a) Zone should be removed

This site was not an option in the POP and no evidence has been presented to explain why the site has been chosen. For this reason and others such as location and access, this site should not have been zoned.

(MUDPS/84/1-3)

Prior to land being allocated for industrial zoning in the DPS, a number of sites in Granville and Dungannon were considered and consultations were issued to external boards to assess each site's suitability. Following the publication of the POP MUDC considered it a reasonable approach to assess each and

every site which abutted the existing industrial zoning of Granville. One of the sites which was considered in this process for economic zoning was D ECON 5. Transport NI commented on this location of the Granville Industrial Estate in relation to strategic traffic and existing access, etc. TNI responded in January 2018 that on balance the accessibility for this site for industrial zoning was assessed as fair. Access could be taken from the existing Granville Industrial Estate road. HED made no comment, and NED had no major issues with this site. NI Water stated the capacity of water and sewerage networks to service development from any future planning applications will require a specific pre-development assessment. For the reasons mentioned above, we consider this site an acceptable option for industrial zoning and it will not be removed.

ACTION – No Action taken; approach considered sound.

6.24 General Comments on Development Zones

a) Zonings unsound

Unsound approach to zoning these areas for economic development – at Granville, Dungannon and RIPA sites. There is a lack of clear landscape assessment methodology by which the zones were defined/refined and how the historic environment bases were used in such process.
(MUDPS/77/252-256)

We consider this incorrect as we believe extensive consideration has been given to the natural and historic built environment when looking at sites for economic development. At Granville, Zone D ECON 2 was reduced in size deliberately to be kept at a significant distance from a rath. There were numerous consultations with HED in arriving at this reduced site. Zone D ECON 3 was purposely kept at a distance from Black Lough to ensure it does not interfere with natural or built heritage. With regards to other sites, consultations took place with HED and we request an archaeological assessment in the KSRs for D ECON 3 and 4. Furthermore, in the SA/SEA assessment, one of the main objectives is “to conserve and, where appropriate, enhance the historic environment and cultural assets”. Detailed surveys were carried out for each site containing landscape assessments. In the SA/SEA assessment, one of the main objectives is “to maintain and enhance the character and quality of landscapes and townscapes”. These site specific surveys also considered, in detail, the presence or lack of, priority habitats and species – all of which fed into the formulation of appropriate KSRs for each site.

ACTION – No Action taken; approach considered sound.

b) Interim supply of land is insufficient

Industrial Land Monitor Update 2018 shows a high demand for industrial land at Granville with most undeveloped land committed. The interim supply is insufficient to accommodate the demand.
(MUDPS/117/1)

As stated in the Preferred Option Paper, Mid Ulster Council Position Paper 3 – Employment and Economic Development calculated at least 8500 new jobs are required by 2030. If these opportunities were to be provided on economic zonings this would mean that a minimum of 170 hectares is required over the plan period. The preferred approach was based on the amount of land that the three former plans zoned for industrial and business use, and factoring in 2014 industrial land uptake figures provided by the DOE, Mid Ulster Council Area had 190 hectares available in 2014. With the indicated need to provide at least 8500 jobs by 2030, equating to 170 hectares, the zoning allocations within the existing Area Plans have the capacity of land zoned to cater for employment up to 2030. Where accessible serviced sites have been provided uptake has been high, in the case of Invest NI's Granville Industrial and Business Park. In recognition of the shortage of economic development land in Dungannon, we consider an appropriate additional interim supply has been identified at Dungannon and Granville. Further land to meet long long term need will be introduced at the next stage of the plan in Local Policies Plan.

ACTION – No Action taken; approach considered sound.

c) Removal of land zoned

Granville Ecopark Ltd have a site within the existing industry and mixed business use zoning. If Granville is zoned as employment land, the wording should be consistent with the SPPS and the identified site removed from the zoning as it is unfair to identify this land as existing employment land given the committed sui generis use.
(MUDPS/87/1)

A counter rep opposes the suggestion that Granville Ecopark Ltd be removed from zoning to facilitate further development of the WMF. The DPS's inclusion of this site is consistent.
(DPSCR/2/1-2)

The existing Granville Ecopark Ltd site was zoned as Existing Industry and Business in the Dungannon Area Plan 2010. The DPS has proposed to bring forward an interim supply of Economic land abutting the existing zoning. The DPS has not sought to retitle or re-zone the Existing Industry and Business land, as this would be a matter for the LPP stage.

ACTION – No Action taken; approach considered sound.

d) Mitigation and/or compensatory measures should be put in place to ensure important habitats are not lost

DAERA highlights Maps 1.2-1.6 may contain important habitats. The SPPS states "LDPs should seek to protect and integrate certain features of the natural heritage when zoning sites for development through KSRs". Therefore mitigation and/or compensatory measures should be put in place to ensure important habitats for biodiversity within these areas are not lost.
(MUDPS/167/27-31).

Where there has been evidence of important habitats or features of natural heritage, KSRs have been tailored to request an ecological survey. We are satisfied that the KSRs will safeguard the maintenance and protection of important habitat and heritage in these areas, and therefore we consider this policy sound. Furthermore, when a planning application is submitted to the Council such issues will be dealt with when determining an application against detailed Natural Heritage policies.

ACTION – No Action taken; approach considered sound.

6.25 Rural Industrial Policy Areas (RIPAs)

a) RIPA designations should require a sequential test

In relation to RIPAS the Northern Ireland Housing Executive would like to see DPS refer to towns as the primary location for economic development with a sequential test undertaken for locations outside the main hubs and local towns.

(MUDPS/85/16)

We consider that a sequential approach in RIPA designations would be too onerous a policy test for applicants. We consider that this more permissive policy approach, which will ensure existing zoned land is utilised, or land in settlements where possible. A number of criteria have been included within the DPS for consideration when selecting locations as potential RIPAs. We consider this policy sound.

ACTION – No Action taken; approach considered sound.

b) RIPA designations are inadequate

RIPA designations are inadequate and fail to recognise the value and economic contribution of manufacturing at Creagh.

(MUDPS/101/51)

MUDC suggested Creagh as a potential candidate as a RIPA site within the POP. As part of the evidence gathering work for the DPS the Council found that a significant portion of the area falls within the Q100 climate change flood levels, as identified by DfI Rivers. As a result the Council subsequently withdrew Creagh as a potential RIPA site and to pursue this option would not be considered a sustainable approach.

ACTION – No Action taken; approach considered sound.

c) KSRs for RIPAs are restrictive

The key site requirements for RIPAs are restrictive in the use classes allowed to be developed here. DVA recommend KSR should be amended to make

provision for 'sui generis' uses as long as the proposed use is appropriate to the site (as per policy GP1).
(MUDPS/136/3)

Rural Industrial Policy Areas are Strategic Zonings in recognition of the success of economic development in the countryside. RIPAs are designated to protect and consolidate existing areas of rural industry and contain them within set limits whereby large scale expansion would not be permitted. Two strategic RIPA's are designated in this Plan Strategy, along with Key Site Requirements. A RIPA is not a zoning and will not be treated as a settlement limit in order to prevent a proliferation of inappropriate development in the countryside.

In order to achieve the aims of the RDS and SPPS it is important to restrict use classes deemed acceptable within zoned economic land in order to protect the vitality and viability of town centre in accordance with Para 6.95 of SPPS. The DPS seeks to limit the development of RIPAs strictly so as to limit the potential impact on neighbouring amenity. To open the type of use classes that would be considered acceptable within economic zonings too widely could jeopardise the future development of such designated sites.

ACTION – No Action taken; approach considered sound.

6.26 Alternative Economic Zone Sites

6.27 A number of sites were suggested by representatives as alternative economic development zones during the representation process. Maps have been appended for each of these sites. It should be reinforced that land brought forward is to meet a short term need and has been located either at Granville where uptake has been demonstrated or at sites previously used for minerals and associated employment uses. We feel this short term need has been met by way of the interim zones. As part of the process of preparing the LPP, it is our intention to further look at provision of industrial land and therefore no action required at this time for all the sites submitted.

6.28 A Sustainability Appraisal (SA) Incorporating a Strategic Environmental Assessment (SEA) Report (Environmental Report) for each of these sites has been undertaken and the conclusions have been summarised below.

6.29 Lands at Dungannon Enterprise Centre (MUDPS/53)

The zoning of any site for economic development will generally result in positive economic and social impacts due to the potential job creation leading to more economic prosperity and increased attractiveness of the area to inward investment. No significant negative impacts have been identified with regards to this site. There are minor negative environmental and mitigation and enhancement which can be alleviated and mitigated if necessary. This site is currently identified as existing open space and therefore any exception for development at this location would need to overcome the policy presumption against the loss of open space. These would be matters for detailed consideration at the LPP stage. If the DEC wishes to proceed with an

application prior to that it would be considered taking into account the exiting policy requirements.

6.30 Lands at Killyman Road, Dungannon (MUDPS/58/1)

There are positive economic and social impacts regarding the zoning of this site. There is a significant negative effect on the landscape, given its overall, topography, aspect and proximity to the roads network. There are also potentially minor negative impacts in terms of traffic generation, air quality, climate change and soil resources.

6.31 94 Old Eglish Road, Dungannon (MUDPS/63)

The economic and social impacts of zoning this site are generally positive. This site scored a significant negative for reducing the effect of traffic on the environment. Any new economic land will lead to increased levels of traffic due to the associated transport required both to and from the site in order to transport finished products and import materials. DfI Roads has advised that the overall accessibility of this site is "Poor". It is considered that whilst the sites proximity to the strategic roads network is relatively close, it is not enough to counteract the sites poor accessibility by walking, cycling and public transport. Furthermore DfI Roads have highlighted that significant infrastructural upgrades to the existing road network, including road widening and a right hand turning lane, would be required to accommodate development of this site. Furthermore, there is a significant negative effect on the landscape. Given the topography and aspect of this site and its proximity to the public road network, any new development located anywhere on the site will be widely visible, resulting in potentially significant adverse visual impacts on the local landscape.

6.32 Lands north of proposed D ECON 4 (MUDPS/117)

The site is detached from the existing zoned land at Granville, and does not present compact urban form in accordance with the RDS. Access to the site is along a minor country road which may require significant infrastructural upgrades. According to DfI Flood Map, a significant portion of the site falls within surface water flooding. If this land was zoned there may be have a negative effect on residential amenity, specifically on the dwelling located east, immediately adjacent, to the site.

Counter rep objects to the suggestion to include land abutting D ECON 4 in new economic zoning. No evidence for including this land in industrial zoning and therefore it would be unsound. Would impact residential amenity and should be concentrated to the south, closer to A4 dual carriageway.
(DPSCR/3/1)

6.33 Lands at Eskragh Road, Dungannon (MUDPS/42)

DfI Roads raised concerns in relation to this site regarding a number of issues. Firstly, the extra traffic volumes and movements generated from the representative's site would cause major road safety concerns. The site is located off a narrow rural road and this has the potential to result in access issues, and would require significant infrastructural upgrades. Considering

these comments from DfI, MUDC considered inappropriate to zone the representative's land.

6.34 Alternative RIPA Sites

- 6.35** A number of sites were offered by reps as alternative RIPA sites during the representation process. These have been outlined below, and maps have been appended. Two strategic RIPA's are designated in the DPS, along with KSRs. Lands at Creagh were also considered as stated previously, however it was found that a significant portion of the area falls within the flood plain and Creagh was withdrawn as a potential RIPA site. We do not consider any sites below are of strategic importance in themselves. The consideration of 'other' RIPAs is a matter for the Local Policies Plan, and therefore no action will be taken, and these will be considered at the next stage. All suggested sites have been noted.

Lands at Hillhead Road, Creagh – Shivers Business Park Ltd owns and operates this existing business site which comprises approximately 1.5ha of commercial property including office, sui generis, retail and light manufacturing.
(MUDPS/34/1)

Lands at Tullywiggan Road, Tullywiggan – Par Renewables Ltd's site which comprises a renewable energy waste recovery scheme and a Centralised Anaerobic Digestion (CAD) plant.
(MUDPS/37/1)

Lands at Creagh Road, Creagh – GTG Biogas Ltd owns and operates a renewable energy development, CAD plant on this site.
(MUDPS/39/1)

Lands at Creagh Road, Creagh – Glassdon Recycling Ltd owns and occupies land north and south of this site for waste related development.
(MUDPS/40/1)

Lands at Aghnagar Road, Ballygawley – Northway Mushrooms Ltd own and control this site with planning permission for a large waste in vessel composting facility (IVCF) bespoke to processing agricultural waste.
(MUDPS/45/1, MUDPS/101/51)

Lands at Tamnamore, Dungannon – Capper Trading Ltd seek to emphasise the strategic and regional importance of existing agri-food business hub operating at this site.
(MUDPS/133)

Lands southwest of Toome at Creagh Road – Land home to several manufacturing businesses which manufacture a range of concrete products.
(MUDPS/151)

Lands located off main Kilrea Road – Site comprises approximately 9.4ha, and a business use operates from land immediately adjoining the site to the north, and Granville industrial lands on the other side of the road to the north. (MUDPS/156)

6.36 Counter Representations

The Committee should note counter representations below.

a) DPS is not the correct stage of the Plan process to consider specific sites

Suggests land to be zoned as RIPA.

(MUDPS/34, MUDPS/37, MUDPS/39, MUDPS/40, MUDPS/45, MUDPS/45, MUDPS/133 – original reps to DPS)

Suggests land to be zoned as Economic Development zone.

(MUDPS/3, MUDPS/42, MUDPS/117, MUDPS/157 – original reps to DPS)

HED argue the land put forward in these representations to be included for development has not been adequately assessed in terms of impact on heritage assets. The simple consideration of the HED historic map viewer is "inappropriate and insufficient." DPS is not the correct stage of the Plan process to consider specific sites.

(DPSCR/10, DPSCR/13, DPSCR/15, DPSCR/16, DPSCR/19, DPSCR/31, DPSCR/36, DPSCR/59, DPSCR/61 – counter reps to above reps)

It is matter for the Council to designate strategic zonings due to the specific needs of the District. All new zonings have been fully assessed within the SA/SEA report. One of the main objectives contained within the report is “to conserve and, where appropriate, enhance the historic environment and cultural assets”, therefore to state land has not been adequately assessed in terms of impact on heritage assets is incorrect.

7.0 Recommendation

It is recommended that we progress the approach to the Draft Plan Strategy Vision, Objectives, Growth Strategy and Spatial Planning Framework, in line with the actions contained within this paper.

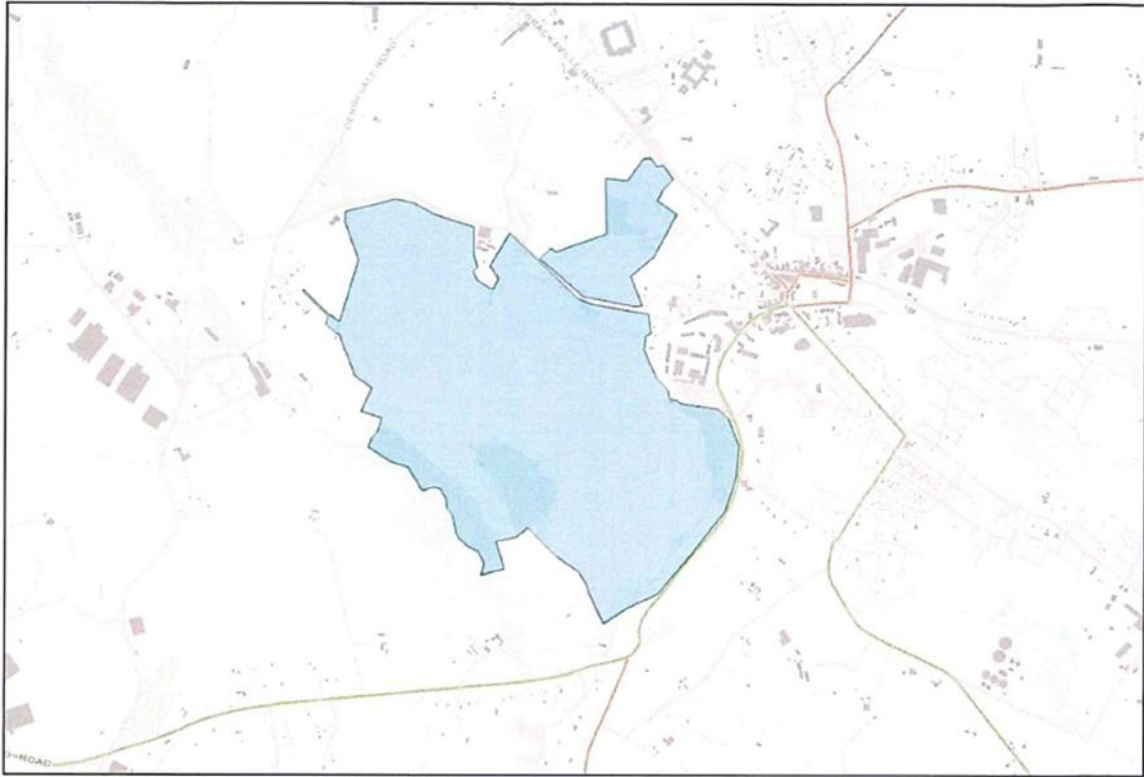
8.0 Representations received

Respondent	Reference Number
Consultation Bodies	
Department of Communities	MUDPS/10
Lightsource BP	MUDPS/12
Newtownabbey Borough Council	MUDPS/17
Monaghan County Council	MUDPS/22
Department for the Economy	MUDPS/31
Armagh Banbridge and Craigavon Borough Council	MUDPS/56
Department for Communities	MUDPS/77
Northern Ireland Housing Executive	MUDPS/85
Fermanagh and Omagh District Council	MUDPS/89
Renewable Energy Systems Limited	MUDPS/96
Department for Infrastructure	MUDPS/115
Department for Communities	MUDPS/134
Causeway Coast and Glens Borough Council	MUDPS/159
NED – NIEA (DAERA)	MUDPS/167
Public Representations	
Sean Donnelly	MUDPS/2
Oonagh Given Chartered Town Planner	MUDPS/3
Sign Reload	MUDPS/4
Rafferty and Donaghy Solicitors	MUDPS/9
Robin Brown	MUDPS/11
One2one Planning	MUDPS/14
C.McIlvar Ltd	MUDPS/23
Ward Design	MUDPS/25
Oriel Planning	MUDPS/27
Mineral Product Association NI	MUDPS/29
Clyde Shanks	MUDPS/32
Clyde Shanks	MUDPS/33
Clyde Shanks	MUDPS/34
Clyde Shanks	MUDPS/35
Clyde Shanks	MUDPS/36
Clyde Shanks	MUDPS/37
Clyde Shanks	MUDPS/38
Clyde Shanks	MUDPS/39
Clyde Shanks	MUDPS/40
Inaltus Ltd	MUDPS/42
Clyde Shanks	MUDPS/44
Clyde Shanks	MUDPS/45
Clyde Shanks	MUDPS/46
Clyde Shanks	MUDPS/47
Clyde Shanks	MUDPS/48
Clyde Shanks	MUDPS/49
Clyde Shanks	MUDPS/50
Clyde Shanks	MUDPS/51

Clyde Shanks	MUDPS/52
J.Aiden Kelly Ltd	MUDPS/53
Ward Design	MUDPS/54
Ward Design	MUDPS/57
Oonagh Given Chartered Town Planner	MUDPS/58
RSPB	MUDPS/59
Turley	MUDPS/60
Daly O'Neill Associates Ltd	MUDPS/63
Erins Own GAC	MUDPS/65
Rural Community Network	MUDPS/66
Ward Design	MUDPS/67
Ward Design	MUDPS/75
Turley	MUDPS/78
Turley	MUDPS/83
Inaltus Limited	MUDPS/84
Clyde Shanks	MUDPS/86
MBA Planning	MUDPS/87
Chartered Institute of Housing Northern Ireland	MUDPS/92
Ward Design	MUDPS/93
Inaltus Limited	MUDPS/95
Gravis Planning	MUDPS/98
Gravis Planning	MUDPS/99
Donaldson Planning	MUDPS/100
Quarryplan	MUDPS/101
Maghera Park Action Group	MUDPS/116
CD Consulting	MUDPS/117
Northern Ireland Federation of Housing Associations	MUDPS/118
Inaltus Limited	MUDPS/119
Ward Design	MUDPS/124
2Plan NI	MUDPS/126
2Plan NI	MUDPS/127
2Plan NI	MUDPS/128
Clyde Shanks	MUDPS/130
Clyde Shanks	MUDPS/132
Turley	MUDPS/133
Juno Planning and Environment Ltd	MUDPS/136
WYG Planning	MUDPS/137
WYG Planning	MUDPS/138
WYG Planning	MUDPS/139
Briege Coyle	MUDPS/142
Ward Design	MUDPS/143
Turley	MUDPS/147
Turley	MUDPS/150
TC Town Planning	MUDPS/151
TC Town Planning	MUDPS/152
TC Town Planning	MUDPS/155
TC Town Planning	MUDPS/156
Jobling Planning and Environment Ltd	MUDPS/157

TC Town Planning	MUDPS/158
Protect Slieve Gallion	MUDPS/162
MBA Planning	MUDPS/165
Clyde Shanks	MUDPS/169
NI Water – Asset Delivery Directive	MUDPS/170
TSA Planning	MUDPS/171
TSA Planning	MUDPS/172
The National Trust	MUDPS/174
Derrytresk Community Committee	MUDPS/177
Pat Haughey	MUDPS/178
T A Gourley Planning Consultancy	MUDPS/184
T A Gourley Planning Consultancy	MUDPS/185
T A Gourley Planning Consultancy	MUDPS/186
T A Gourley Planning Consultancy	MUDPS/187
T A Gourley Planning Consultancy	MUDPS/188
Invest NI – Property Solutions Unit	MUDPS/190
Ross Planning	MUDPS/192
Mrs Aileen Drumm	MUDPS/193

Appendix 6 – Proposed modification to Map 1.4



Map of Clay Works

Addendum

Draft Plan Strategy Vision, Objectives, Growth Strategy and Spatial Planning Framework Topic Paper

1.0 Main Issues Arising from Consultation

- 1.1 This addendum outlines issues that have been raised through the re-consultation period for representations (25th March 2020 - 24th September 2020) (extended consultation period due to COVID 19 restrictions) and counter representations (22nd October 2020 – 18th December 2020). The main issues raised are addressed below. They are wide ranging and therefore where possible a subtitle capturing the topic or issue has been inserted in the paper.

2.0 Regional and Local Context

- 2.1 The regional position of the SPPS and RDS and the local context of the councils own community plan are discussed as relevant and appropriate in detail comments within this paper.

3.0 To Note and In support

3.1 Support and General Comments

General comments include;

- There are opportunities in encouraging energy efficiencies – MUDPS/31/23
- Close alignment with community / community partner - MUDPS/31/23
- Council may wish to engage with Climate NI - MUDPS/115/337

General support has been expressed for;

- The need to reduce carbon footprint - MUDPS/31/24
- SPF3 - MUDPS/137/21
- Paragraphs 4.20 and 4.21 - MUDPS/137/23
- The Plan Objectives - MUDPS/223/1, MUDPS/225/1, MUPS/224/2
- Preserving Disused Railways and protecting Ulster Canal - MUDPS/214/13
- Dwellings for Carers and Homeworking - MUDPS/214/14
- Acknowledgement of Climate Change Issues – MUDPS/115/335

4.0 Summary of Issues

4.1 Inadequate allocations for economic growth

There is inadequate allocations of economic land in Maghera. Without land being set aside for housing and economic growth, villages will wither and die.

Relevant Representations: MUDPS/137/22, MUDPS/214/4

Apart from the zoning of interim economic land at Granville and Dungannon, all zoning will take place at the LPP.

Action: No action required.

4.2 SPF 5 is based on outdated figures from 2012 and clarification needed to policy to avoid ambiguity.

Clarification by guidelines and policies to be developed in parallel with the Draft Plan to avoid ambiguity.

Relevant Representations: MUDPS/223/2, MUDPS/214/16

Consideration

In terms of our evidence base, we have continued to update our housing monitor to April 2020 and it is published alongside this topic paper. An Urban Capacity Study has also been completed will inform site selection at LPP stage. The Spatial Planning Framework 5 (SPF 5) is considered clear in its objective, additional information explaining why clarification is needed has not been provided. Subsequent policies contained within the DPS have been developed in line with SPF 5.

Action: No action required.

4.3 Housing allocations

Allocation for Glen fails to take account of developments adjacent to Glen. 10,000 new homes over the Plan period is a gross underestimate. Strict adherence to HGI figure of 1095-2299 units of Cookstown prohibit the objective of building Cookstown as a hub. Appendix 1 is based on outdated information.

Relevant Representations: MUDPS/214/2, MUDPS/223/3, MUDPS/224/9, MUDPS/224/10, MUDPS/225/8, MUDPS/225/9

Consideration

In terms of our evidence base, we have continued to update our housing monitor to April 2020 and it is published alongside this topic paper.

The Strategic Planning Policy Statement (SPPS) tells us that Local Development Plan (LDPs) should be informed by HGI's and it describes them as an estimate for the new dwellings requirement for each area and provide a guide for allocating housing distribution across the Plan area, covering both urban and rural housing.

The letter accompanying the most recent revised HGI's, from the DfI Chief Planner and Director of Regional Development, explains that the HGI's do not forecast exactly what will happen in the future. He explains that they are policy neutral estimates based on recent trends and best available data on households and housing stock. He also

states that those preparing LDP's should not regard the HGI's as a cap on housing or a target to be met.

It is our view that HGI's are to be used as a guide by planning authorities in the creation of Local Development Plans, in order to ensure that adequate housing land is available for the incoming plan period and are intended to underpin one of the RDS's key objectives of achieving balanced regional growth.

Action: No action required.

4.4 Opposition to DRC designations

DRC's are a misnomer. The entire rural area is indeed a DRC. To prioritise DRC's is to further increase the amount of competition for housing which will be faced by villages and small settlements.

Relevant Representations: MUDPS/214/5

Consideration

DRCs inclusion in the new Local Development Plan complies with SFG13 to 'sustain rural communities living in smaller settlements and the open countryside' and seeks to achieve appropriate and sustainable patterns of growth in areas where there has been significant rural depopulation. The Council is not proposing to "prioritise" DRC's nor is the entire rural area be considered a DRC. The Council does not consider that DRC's will compete with housing in village or small settlements because the people most likely to choose to live in DRC's are those with strong connections to the area. The purpose of the policy is to facilitate those people who will assist in rural regeneration and to discourage anyone seeking rural permissions purely for sale, bearing in mind that the DRC's are set in or near to the Sperrins AONB.

The purpose of a DRC is to promote rural regeneration therefore the Council considers that the best way of doing this is by stating that the applicant must make a substantial economic or social contribution to that particular local community.

Action: No action required.

4.5 DPS Timetable

Tullywiggan Settlement delineation timetable for review of their development boundaries. DPS is no longer in keeping with the SCI and Timetable. LDP timetable needs to be updated. DPS has not been carried out in accordance with the published timetable as it is now 15months behind schedule. The Plan period should be amended to reflect the years 2020-2035

Relevant Representations: MUDPS/154/7, MUDPS/171/12, MUDPS/172/12, MUDPS/214/15, MUDPS/215/1,

Consideration

The LDP Timetable has been amended in accordance with The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 due to unforeseen delays as a result of an error and requirement to re-consult on our DPS as well as delays due to COVID restrictions. The SCI was also revised and updated to reflect these changes.

Action: No Action required.

4.6 SPF – 6: Rural Enterprises

Paragraph 4.36 - Policies on rural economic enterprises need to allow for single business enterprises

Relevant Representations: MUDPS/214/17

Consideration

At paragraph 4.26 of the DPS we state that “in the main we do not intend to reserve land (in villages) for housing or economic development, although exceptions may exist where there is a need to expand or accommodate an identified rural enterprise within the settlement limits”. This is a matter for the Local Policies Plan.

Action: No action required.

4.7 Glossary of Terms

ASAI is not defined in glossary section - P. 273

Relevant Representations: MUDPS/214/42

Consideration

The Council acknowledge the definition for an ASAI is not included – this is an error.

Action: The Council have included this definition in the Table of Minor Amendments.

4.8 Signage

Page 262 - Guidance should be extended to include inappropriately bright and distracting signs. Cites example of one such sign at Bridger Street, Moneymore.

Relevant Representations: MUDPS/214/43

Consideration

Appendix 2 provides design guidelines for signage. This includes information on illuminated signage. In addition, signage proposal often require consultation with DfI

Roads who provide further detailed information on signage illumination to avoid inappropriately bright and distracting signs which may cause risk to road users.

Action: No action required.

4.9 Not all Information published

Not all relevant information as required by REG 15 has been made available alongside the publication of the DPS. For instance, Strategic Settlement Evaluation, Housing Needs Assessment, updated housing monitor.

Relevant Representations: MUDPS/215/2

Consideration

All information is available on the Mid Ulster Council Website including Strategic Settlement Evaluations and the updated Housing Monitor 2015 – 2019. Years 2019 – 2020 are being processed and compiled and will be published as soon as possible. The Northern Ireland Housing Executive is responsible for the Housing Needs Assessment.

Action: No Action required.

4.10 SPF 2 fails to take account of RDS and is at odds with SPF 4.

SPF 2 unsound as it fails to take account of the direction set out in the RDS (SFG 13) 2035 in terms of directing growth in terms of housing into main hub settlements. This is also at odds with SPF 4 of DPS which aims to see villages as local service centres.

Review Strategic Housing Allocation (SHA) considering direction set out in RDS. Reword SPF3-SPF6 in a way which is in accordance with SHA.

Relevant Representations: MUDPS/215/3, MUDPS/215/4

Consideration

The Council do not accept that there is a conflict between SPF2 and SPF4. SPF 2 clearly sets out our aim to 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. SPF 4 does not aim to grow villages but 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.

Paragraph 3.21 of the RDS clearly articulates that *“In the allocation process due weight needs to be given to reinforcing the leading role of the Hubs and the clusters of Hubs. Another important step in this allocation process is making judgements to achieve a complementary urban/rural balance to meet the need for housing in the*

towns of the district and to meet the needs of the rural community living in smaller settlements and countryside.”

SPF2 sets out the approach to the growth of our 3 main towns/hubs and is in line with the RDS ensuring that they are the focus of both housing and economic growth. .

Action: No action required.

4.11 SPF’s not supported by up to date evidence base.

SPF 4 is unsound because it is inconsistent with the RDS (SFG 13) and is not supported by an up to date evidence base within the Strategic Settlement Evaluation. Reword policy to include the importance of village regeneration proposals as per P.77 of RDS. SPF 2 is based on outdated evidence base (Paragraph 4.16). Evidence base needs to be updated.

Relevant Representations: MUDPS/171/13, MUDPS/172/13, MUDPS/215/5, MUDPS/215/6, MUDPS/224/3, MUDPS/224/4, MUDPS/224/5, MUDPS/225/2, MUDPS/225/3, MUDPS/225/4

Consideration

We consider SPF 4 (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) is consistent with the RDS – SFG 13. SFG13 of the RDS focuses on sustaining rural communities living in smaller settlements and the open countryside. It states that “*in rural areas, the aim is to sustain the overall strength of the rural community living in small towns, villages, small rural settlements and the open countryside*”.

The approach of the DPS is to ensure that, in line with the spatial framework of the RDS, we identify and consolidate the role and function of settlements within the cluster of Cookstown, Dungannon and Magherafelt, promote economic development opportunities within them and grow their population while also ensuring that the needs of our rural community are met.

Our DPS ensures that this regional guidance is followed, and that our rural communities are sustained. The DPS recognises the importance of securing sufficient land in our three main towns, 30 – 60% of our housing. The DPS stresses the need to release more land should our housing land supply fall below 30% and our plan monitoring will ensure that land is released from our land bank/phases. The Council does not envisage that villages will become the main driver for rural pressures. Any development must be proportionate to the size of the village and that larger scale development would be better located in the main towns.

Action: No action required.

4.12 DPS has failed to adequately account for WWT capacity for houses outside settlements.

40% of houses are outside of settlements, without specifying location. DPS has failed to adequately account of WWT capacity for these houses therefore in conflict with table 3.2 of the RDS.

NI Water suggest MUDC should be mindful of capacity and encroachment. They suggest the following additional text:

“The principle issue here is the compatibility of development in proximity to these facilities. NI Water shall advise through planning consultation (both site assessments for the next phase of LDP and through day-to-day planning applications/Pre-Development Enquiries (PDEs)) whether a proposal lies within an Odour Consultation Zone.

The purpose of this zone is to trigger a proportionate assessment of odour nuisance risk and may or may not involve dispersion modelling. NI Water will object to development proposals within Odour Consultation Zones unless an appropriate evidence based odour assessment determines low risk at critical receptors.

The size of an Odour Consultation Zone is a function of the WwTW design capacity and describes an offset from the WwTW perimeter boundary. No pictorial data has been provided to date but this is possible. An actual limit of development encroachment might only be provided subsequent to an odour risk assessment.”

Relevant Representations: MUDPS/170/25, MUDPS/170/28,

Consideration

Capacity issues in relation to WWTW are considered in detail in the context of the DPS objectives at paragraph 5.5 of the associated Topic Paper, and those comments apply to these representations also.

The provision of a satisfactory sewerage arrangement is fundamentally an operational requirement. Notwithstanding this, in order to obtain planning permission a proposal must also comply with Policy GP1 which requires all development proposals to demonstrate adequate infrastructure to deal with waste, sewerage and drainage and where mains sewerage is not available, the applicant may be required to demonstrate that this will not create or add to a pollution problem.

Action: No action required.

4.13 Early engagement with NI Water should be incorporated into KSR’s for all economic zonings at Granville.

Relevant Representations: MUDPS/170/25, MUDPS/170/28,

Consideration

Specific plan making advice has been received from NIW for zoning of interim economic land at Granville and Dungannon. These are taken account of in the Summary of Economic Development Sites Assessments contained within the SA/SEA.

Action: No action required.

4.14 Addendum to public utilities paper on WWTW capacity as information is inconsistent with NI Waters message.

Relevant Representations: MUDPS/170/38

Consideration

The purpose of the councils published background paper was to illustrate the potential implications between our growth strategy and the NIW capacity information. In the three main towns the approach of the DPS is phase land release and it would not be released without (amongst other things) appropriate infrastructure. Furthermore, if NIW water do not obtain the required funding to expand or upgrade the various WWTWs then this is a matter that will considered further at the LPP stage and where relevant developers would be made aware of the need to address WWTW by way of KSR's. In those scenarios an on site package treatment plant may be required.

Action: No action required.

4.15 Rural Housing Figures – SPF 2 and Appendix 1

The figures for rural housing are not counted in the overall allocation. Give rural housing a formal allocation and they should be included in the overall allocation and this would lead to an increased overall growth figure of 15,400 units.

RDS requires housing allocation to take account of rural and urban housing. Implement housing allocation as below:

1. The third column represents the allocated housing figures calibrated to represent 100% of the housing total

	Current % Allocation	Current Dwelling Allocation Based on DPS and revised Settlement figure	Revised % Allocation under uplifted HGI
Main Towns	30% - 60%	6600	43%
Settlements	40%	4400	28.5%
Countryside	40%	4400	28.5%
Total	110 - 140%	15,400	100%

Table 1: Potential amendments to Housing Growth Figure

No housing figure allocated to the rural area, this means only 93% of housing allocation accounted for (60%+33%). The remaining 7% should be allocated to small settlements. Failure to allocate all housing figure is unsound. Increase allocation figure for smaller settlements to 4,400

Relevant Representations: MUDPS/171/14, MUDPS/171/15, MUDPS/172/14, MUDPS/172/15

Consideration

Paragraph 3.21 (RG8) of the RDS clearly articulates, *“the allocation of housing growth to specific locations in a district is a matter for decision through the development plan process. In the allocation process due weight needs to be given to reinforcing the leading role of the Hubs and the clusters of Hubs. Another important step in this allocation process is making judgements to achieve a complementary urban/rural balance to meet the need for housing in the towns of the district and to meet the needs of the rural community living in smaller settlements and countryside.”*

The RDS does not prescribe the level of development in the countryside, but rather leaves it to local development plan to establish the appropriate level. Furthermore, the SPPS requires a local development plan to provide for housing development in the countryside. SFG13 of the RDS focuses on sustaining rural communities living in smaller settlements and the open countryside. It states that *“in rural areas, the aim is to sustain the overall strength of the rural community living in small towns, villages, small rural settlements and the open countryside”*.

The approach of the DPS is to ensure that, in line with the spatial framework of the RDS, we identify and consolidate the role and function of settlements within the cluster of Cookstown, Dungannon and Magherafelt, promote economic development opportunities within them and grow their population while also ensuring that the needs of our rural community are met. Our DPS ensures that this regional guidance is followed, and that our rural communities are sustained. The DPS recognises the importance of securing sufficient land in our three main towns, 30 – 60% of our

housing. The DPS stresses the need to release more land should our housing land supply fall below 30% and our plan monitoring will ensure that land is released from our land bank/phases. The Council does not envisage that villages will become the main driver for rural pressures. Any development must be proportionate to the size of the village and that larger scale development would be better located in the main towns.

Mid Ulster has a high rural population – 40% of our households live in the Countryside. In looking at allocations is logical however to accept that there will be some growth in the countryside as it is a requirement of the SPPS that we provide for it. However the plan has recognised that if this growth is above 40% it would unbalanced and problematic.

We have proposed a very clear monitoring / review system which will allow us to identify if the rural housing approval figures exceed 40% of the Districts HGI. The fundamental point in relation to housing in the countryside is that the 40% referred to is not a target to achieve but a cap to ensure that development in the countryside does not get to an unacceptable level. Should the figure of 40% be exceeded this would trigger the need to change policy at the Plan Review and it could also demonstrate a need for further areas of constraint or a reduction of development opportunities as provided by the SPPS policies.

The information contained at Appendix 1 is a factual position of the approximate number of households in each settlement, the percentage share of the HGI to be apportioned out to the settlement and then details of the committed units and residual zoning available at 1st April 2015. The table in appendix 1 is **not a table of allocations.** It is an indicator of growth to ensure there is adequate land in each settlement to meet targets set by the RDS. The work undertaken with landowners at the time of the POP consultation will be considered in detail for the LPP when we identify the land to be zoned.

Action: No action required.

4.16 Villages

The statement that villages are not seen as key service centres or places to direct people to live should be removed as it is contrary to sustainable development.

SPF doesn't set out a coherent strategy insofar as how the Council aims to facilitate development lands within villages. LPP can't flow from this (SPF 4).

Relevant Representations: MUDPS/170/38, MUDPS/171/16, MUDPS/171/21, MUDPS/172/16, MUDPS/172/21

Consideration

In relation to the level of housing in villages the DPS seeks to consolidate the role of the local towns and villages in keeping with the scale and character of these settlements. Therefore, where some villages are slightly larger than others then this

will be reflected in the local indicator allocation of housing by providing a fair share in line with the number of households contained within them. In order to provide flexibility however, the DPS does not reserve land for housing or economic development in them, although exceptions may exist where there is a need to expand or accommodate an identified rural enterprise within the settlement limits.

Our DPS states that village are important service centres and the role and function of villages is explained at Page 35 Table 1. We state in that table that they are local service centres which provide opportunities for housing and employment and leisure activities appropriate to their scale and character. We therefore see villages as having a very important role in our district, however they are not the focus of growth. We do not consider our wording in SPF4 to be contradictory. Our approach is therefore in line with the RDS and in line with what it says at paragraph 3.28 "Smaller towns, villages and hamlets perform an important function for rural communities. It is these settlements that can sustain infrastructure as identified at level 2 and level 1 of the Infrastructure wheel in Diagram 2.2."

Action: No action required.

4.17 Housing Allocations – Appendix 1

Allocation of housing is based on split of existing households. This is an overly simplistic approach based on household figures which are outdated. Not based on RDS. Donaghmore used as an example.

Figures for committed units are not accurate as they show residual zonings from April 2015. These do not represent a robust evidence base.

Figures need uplifted to reflect zonings for the period 2020-2035 and should consider more recent published housing monitor information.

Sites counted as committed units do not benefit from live planning permission and therefore are not capable of being classed as "committed." Likewise, not clear if sites that have a "negative response" to survey have been discounted?

Relevant Representations: MUDPS/171/18, MUDPS/171/19, MUDPS/171/20, MUDPS/171/21, MUDPS/172/18, MUDPS/172/19, MUDPS/172/20, MUDPS/172/21

Consideration

The information contained at Appendix 1 is a factual position of the approximate number of households in each settlement, the percentage share of the HGI to be apportioned out to the settlement and then details of the committed units and residual zoning available at 1st April 2015. Updated Housing Monitor 2015 – 2019 is published on the Mid Ulster Council website. Years 2019 – 2020 are being processed and compiled and will be published as soon as possible.

In relation to committed sites whereby planning permission has lapse, the fact that permission was granted verifies that the land in question was deemed suitable for housing and such land is still available within the settlement limits.

In relation to land which has received a “negative response” this will be reviewed at Local Policies Plan.

Action: No action required.

4.18 Climate Change

Include reference to NI's 2nd Climate Change Adaptation Programme 2019-24. Will be the responsibility of councils to ensure Climate Adaptation has been considered during the development of their LDPs.

Council may wish to engage with Climate NI to gain further insight and assistance in bringing forward local planning policies which have regard to climate change issues.

Relevant Representations: MUDPS/115/336, MUDPS/115/337

Consideration

Issues regarding climate changes are considered and addressed within the Introduction to the DPS and Context and Key Issues section of the Original topic paper.

Action: No Action required, however the Council upon publication are open to changing policy wording to have regard to the prevailing regional guidance on flood risk, if the PAC commissioner was so minded – see Flood Risk Addendum Paper. This is considered the best approach as knowledge in this field is still growing and is highly likely to change over the Plan period.

4.19 Access for people without a Car

Ensuring access for those that do not have access to a private vehicle must be considered within a wider context of the regional strategic objectives. Objective must reduce reliance & dominance of private vehicle.

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

Relevant Representations: MUDPS/115/338, MUDPS/115/339, MUDPS/115/340, MUDPS/115/341, MUDPS/115/342

Consideration

See section 5.90 of the original accompanying Topic Paper – issue already addressed.

Action: No action required.

4.20 Housing in the Countryside

Permitting substantial housing in countryside (page 32-53) will severely hinder the integration of transport and land-use. This is out of alignment with regional strategic objectives. The dPS needs to promote patterns of development that allows for the integration of transport and land-use.

Relevant Representations: MUDPS/115/343, MUDPS/115/344

Consideration

Issue already considered in section 5.85 of original topic paper.

Action: No Action required.

4.21 Roads Infrastructure and Integrated land-use and transport.

Paragraph 2.8 - Improving roads infrastructure not a panacea. Growth Strategy has a key role to play. Unclear LDPs role to address (or worsen) accessibility challenges has been fully considered. The dPS needs to promote patterns of development that allows for the integration of transport and land-use.

(Page 78) - Growth Strategy does not reflect approach outlined in the SA/SEA. DPS will continue & reinforce patterns of development that will perpetuate the use of private car.

Paragraph 4.49 - Council have not made appropriate use of the Accessibility Analysis tools that have been made available to the office. This approach should be key element when selecting & prioritising which areas are identified for growth.

DPS in 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.

Economic Development Policies do not appropriately apply the principles of integrated land-use and transport.

Relevant Representations: MUDPS/115/345, MUDPS/115/347, MUDPS/115/348, MUDPS/115/349, MUDPS/115/350, MUDPS/115/351, MUDPS/115/352

Consideration

Paragraph 4.49 of the DPS states that in selecting land use zonings, particularly in our towns, consideration will be given to overall accessibility, with greater priority given to land within walking distance of town centres and other services followed by sites with good links to public transport. Paragraph 7.16 continues to note that in deciding whether to release phase 2 land, account will be taken of the latest Housing Growth Indicators, the allocations contained in our Growth Strategy, current housing land availability and the rate of house building. In determining which land should be released to phase 1, account will be taken of its position in relation to the town centre, overall accessibility to health, community and other facilities and the availability of infrastructure, thus, ensuring a sequential approach to urban development

ACTION: No action required.

4.22 In adequate Policy Framework for when PPS's Cease

DPS does not provide adequate policy framework for when PPSs cease to have effect in areas of accessibility, access, parking & movement of people & goods. We strongly recommend the use of these policies as a sound evidence base for the development of LDPs. Absence of robust decision making framework will present challenges for drafting of LPP & development management.

Relevant Representations: MUDPS/115/355, MUDPS/115/357, MUDPS/115/358, MUDPS/115/359

Consideration

Issue addressed in Original Transportation Topic Paper section 6(b).

Action: No action required.

4.23 Sustainable patterns of transport

Paragraph 4.21 – should consider patterns of transport which reduce the need for motorised transport, encourage active travel and public transport.

Relevant Representations: MUDPS/115/361

Consideration

Issue addressed in Original Transportation Topic Paper section 6(a).

Action: No action required.

4.24 SPF 6 and SA/SEA objective 22.

DfI note in relation to SPF 6, that a number of new small settlements have been designated and 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 “Likely positive impact by achieving compact urban forms and reducing the proliferation of individual accesses onto main routes.” DfI are unsure of the basis for this assessment. They say that their (the small settlements) character, location and densities may not reflect this. The approach should have cognisance of regional strategic objectives for transportation & land-use outlined in 6.297 of SPPS.

Relevant Representations: MUDPS/115/362

Consideration

Mid Ulster Council have given cognisance to the SPPS including paragraph 6.297, this is reflected in transportation policies. SPF 6 is assessed against the objectives of the SA/SEA as required by legislation.

Action: No action required.

4.25 Park and Ride / Park and Share

Taking account of bullet point 4 under para 6.301, this para should be broadened to new transport schemes, reflecting the potential role of park and ride/share and active travel networks.

Relevant Representations: MUDPS/115/363

Consideration

Paragraph 6.301 of the SPPS refers to • Land Use Allocations and Associated Transport Infrastructure.

TRAN 4 - paragraph 23.18 notes that development of regional significance, such as park and ride schemes will be allowed as an exception for access to a protected route, provided it does not compromise their function of facilitating the free and safe movement of traffic or does not significantly add to congestion.

Action: No action required.

4.26 Insufficient Policy basis in relation to Green and Blue Infrastructure

Page 45 of DPS. Insofar as it relates to '...integrated with broader green and blue infrastructure systems'. There is an insufficient policy base to support the delivery of this.

Relevant Representations: MUDPS/115/364

Consideration

SPF 10 (Page 45 of DPS) states, "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."

Policies UD1, Urban Design stipulates in paragraph 10.12 that "opportunities are taken to connect landscaping and access to the wider blue and green infrastructure."

Action: No action required.

4.27 Marine Plan

Helpful to set out marine legislation requirements for determining planning applications that affect or might affect the marine area. It is essential that these are given consideration in decision making.

DAERA strongly advise to include appropriate ref to UK Marine Policy Statement and draft Marine Plan. Also, give consideration and reference considerations and policy objectives contained within these documents.

Needs to be clear potential impact on the marine area (its uses, activities and environment - including ecosystem services). Not solely restricted to impacts on land.

Advised to have full regard to environmental considerations within the UK MPS that relate to MSFD and MFD. Also, that relate to Surface Water Management and Waste Water Treatment and Disposal.

Regard should be given for UK MPS policy objectives for Marine Protected Areas & especially as protected marine species are present in the districts rivers and Lough Neagh.

Relevant Representations: MUDPS/167/56, MUDPS/167/57, MUDPS/167/58, MUDPS/167/59, MUDPS/167/60

Consideration

The DPS takes full account of the Marine Plan and specificities of how it has been considered are now detailed in the Marine Plan paper.

Action: No action required.

5.0 Representations received

Respondent	Reps
Department for the Economy (CONS BODY)	MUDPS/31
Department for Infrastructure (CONS BODY)	MUDPS/115
WYG Planning on behalf of Specialist Joinery Group	MUDPS/137
TSA Planning on behalf of Square Holdings Ltd.	MUDPS/154
DAERA – NIEA – Natural Environment Division (CONS BODY)	MUDPS/167
NI Water - Asset Delivery Directive (CONS BODY)	MUDPS/170
TSA Planning on behalf of Lotus Homes (UK) Ltd	MUDPS/171
TSA Planning on behalf of Lotus Homes (UK) Ltd	MUDPS/172
UUP Group	MUDPS/214
Turley on behalf of JHT Upperlands	MUDPS/215
Sheila Curtin on behalf of Martin Cavanagh	MUDPS/223
Sheila Curtin on behalf of Joe Hutton	MUDPS/224
Sheila Curtin on behalf of Mr & Mrs Kennedy	MUDPS/225

6.0 COUNTER-REPRESENTATIONS - Summary of Issues Received.

6.1 During the period for counter representations to the draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, a number of representations were received which related to Spatial Planning Framework development. These are listed below:-

- DPSCR/225/1
- DPSCR/225/2
- DPSCR/225/3
- DPSCR/226/1
- DPSCR/226/2
- DPSCR/226/3
- DPSCR/227/1
- DPSCR/227/2
- DPSCR/228/1
- DPSCR/228/2
- DPSCR/228/3
- DPSCR/228/4

7.0 Counter-Representations Site-Specific

7.1 Policy SPF1

a) **DPSCR/225** Maps submitted identifying lands proposed for zoning as residential use. Request for inclusion of lands for residential development. **(MUDPS/54)**

Consideration: All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

Action: No Further Action Required.

7.2 Policy SPF5

a) **DPSCR/226** Maps submitted identifying lands proposed for zoning as residential use. Request for inclusion of lands for residential development. **(MUDPS/210)**

Consideration: All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

Action: No Further Action Required.

b) DPSCR/227 Maps submitted identifying lands proposed for zoning as residential use. Request for inclusion of lands for residential development. **(MUDPS/2)**

Consideration: All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

Action: No Further Action Required.

c) DPSCR/228 Identified lands for proposed zoning in submitted representation MUDPS/24 are in close proximity to the Local Landscape Policy Area at Benburb. Said lands are not suitable given proximity to LLPA and Cordon Sanitaire of the adjoining wastewater treatment works. **(MUDPS/24)**

Consideration: All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

Action: No Further Action Required.

8.0 Counter-Representation

Respondent	Reference Number
Consultation Bodies	
N/A	N/A
Public Representations	
Mr Maurice Devlin c/o INALUS LIMITED	225
Mr Maurice Devlin c/o INALUS LIMITED	226
Mr Maurice Devlin c/o INALUS LIMITED	227
Mr Dermot Donnelly c/o TA GOURLEY PLANNING CONSULTANCY	228

General Principles – Topic Paper

1.0 Issues Identified

- 1.1 The issues identified from representations received in response to our Draft Plan Strategy include concerns pertaining to the policy text and headnote, biodiversity, transportation, LED advertising, parking, Sustainability, SuDS, waste, developer contributions, safe arrangements and siting, design and external appearance.

2.0 Representations in Support

Respondent	Reference
Mineral Product Association NI	MUDPS/29
Department for Economy	MUDPS/31
RSPB NI	MUDPS/59
SPECIALIST JOINERY GROUP	MUDPS/137
SPECIALIST JOINERY GROUP	MUDPS/138
MR MARK NICOLAY	MUDPS/139
PROTECT SLIEVE GALLION	MUDPS/162

3.0 Regional Planning Context

- 3.1 The Regional Development Strategy (RDS2035)
The objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. This means the planning system should positively and proactively facilitate development that contributes to a more socially, economically and environmentally sustainable Northern Ireland.
- 3.2 The Strategic Planning Policy Statement (SPPS2015)
The SPPS advises us to simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. The SPPS states that the guiding principle in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Strategic policy also advises that in furthering sustainable development and improving well-being it is crucial that our planning system supports the Executive's Programme for Government commitments and priorities as well as the aims and objectives of the Regional Development Strategy 2035 (RDS) which is its overarching spatial strategy for Northern Ireland.
- 3.3 The SPPS goes on to state that in formulating policies and plans and in determining planning applications planning authorities will also be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be

paramount, unless there are imperative reasons of overriding public interest.

3.4 Mid Ulster's strategy in relation to General Principles Planning Policy incorporates the regional strategic core planning principles, which are:

- Improving Health and Well-being;
- Creating and Enhancing Shared Space;
- Supporting Sustainable Economic Growth;
- Supporting Good Design and Positive Place Making; and
- Preserving and Improving the Built and Natural Environment.

3.5 This policy is set within the context of the SPPS, which states that sustainable development should be granted permission unless material considerations indicate otherwise.

3.6 This policy underpins the other subject policy topics within the rest of the Plan thereby ensuring balanced decision making in the integration of a variety of complex social, economic, environmental and other matters that are in the long-term public interest.

4.0 Response to Specific Issues

4.1 Policy GP1 Headnote to the policy conflicts with SPPS

a) Concerns were raised in relation to the provision of a definitive list of considerations, given the context of the SPPS and paragraph 6.9 of the DPD which states the criteria of GP1 is not an exhaustive list. They argue that there has been no reference to the pre-cautionary principle and the headnote to GP1 therefore conflicts with the statement.

It was highlighted that in numerous appeal decisions it has been the Commission's view that where there are conflicts between a policy head note and its explanatory text the content of the head note takes primacy. To avoid any conflict, it would be more effective to exclude a defined list of criteria but amend the policy to reflect paragraph 5.72 of the SPPS. Paragraph 5.72 of the SPPS states,

'Planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In such cases, the planning authority has power to refuse planning permission. Grounds for refusal will be clear, precise and give a full explanation of why the proposal is unacceptable.'

Similarly, the following amendment to the headnote text has been suggested, 'Planning permission will be granted for sustainable

development where proposal accords with the Plan and there is no demonstrable harm to interests of acknowledged importance including the following:' **(MUDPS/59/21, MUDPS/77/257, MUDPS/174/5 & MUDPS/174/6)**

Consideration: We recognize the legal principle outlined in The Planning Act (Northern Ireland) 2011 which states,

'(4) Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

Within the justification and amplification text, paragraph 6.9 of the DPD notes that the criteria in policy GP1 represents considerations, which normally apply to a range of different types of proposals. However, it continues to note that it is not possible to indicate all potential material considerations that may arise. It states, that, accordingly a precautionary principle will apply in line with strategic planning policy, which notes, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest.

Action: No Action Required.

4.2 Policy GP1 Biodiversity

a) Concern raised with the use of 'and/or' scenarios within the text to Policy GP1. Representations argued the wording has weakened the Regional Strategic Objectives, (paragraph 6.172 & 6.195) of SPPS, and is a dilution of policy and should be resisted. In contrast, others argue, the policy is not consistent with, nor does it incorporate an appropriate degree of flexibility in line with the SPPS and the RDS. To have a test of 'enhance' is too onerous. It is suggested that the use of the words '*respect, protect and/or enhance*' should be revisited or clarified to state '*respect, protect, and where possible, enhance.*' The and/or scenario's referred to are set under part (i) Biodiversity of GP1 which states,

"Development proposals should respect, protect and/or enhance the District's rich and distinct biodiversity and sites designated for their contribution to the natural environment at any level."

While some acknowledge the Council's commitment to preserving the landscape character and the protection and promotion of biodiversity through GP1, the RSPB contest that the policy does not seek to halt biodiversity & ecosystem services by 2020 as contained within the NI Biodiversity Strategy & EU Biodiversity Strategy. They continue to note that the WANE Act 2011 places duty on public bodies to further the

conservation of biodiversity. (MUDPS/59/22, MUDPS/59/23, MUDPS/59/85, MUDPS/137/5, MUDPS/137/6, MUDPS/138/6, MUDPS/138/7, MUDPS/139/4, MUDPS/139/5 & MUDPS/162/33 - (In support))

Consideration: The SPPS asserts that sustaining and enhancing biodiversity is fundamental to furthering sustainable development. The Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy seek to halt the loss of biodiversity and ecosystems services by 2020. Furthermore, the Wildlife and Natural Environment Act (Northern Ireland) 2011 places a statutory duty on every public body to further the conservation of biodiversity. The Council in its wider role in the context of Planning contributes to furthering biodiversity through appointment of a Biodiversity Officer within the Council and the completion of Sustainability Appraisal incorporating Strategic Environmental Assessment, Habitats Regulations Assessment (HRA) & Equality Impact Assessment (EQIA). These functions are in addition to specific planning policies proposed in the DPS. This includes policy GP1 which under section (i) titled, 'Biodiversity', stipulates that development proposals should respect, protect and/or enhance the Districts' rich biodiversity and sites designated for their contribution to the natural environment at any level.

In addition, the SPPS notes, Landscape design and planting considerations are also an integral part of design and can contribute to biodiversity. Policy GP 1 part (h) – Landscape Character states that development proposals should respect, protect and/or enhance the region's rich landscape character, features and sites designated for their landscape quality at any level. They should also reflect the scale and local distinctiveness of the landscape. For any development located within settlement limits, policy UD1 - Urban Design further states 'take account of any natural features of the landscape' and 'providing open space and landscaping'. We consider regard for biodiversity is implicit within the policies.

However, not every site adopts the same approach to biodiversity. Some sites by their nature have limited capacity in terms of providing habitats through development and biodiversity being designed in. We therefore consider it is best dealt with through the development management process. We consider the policy wording provides sufficient flexibility and is not too onerous as has been suggested.

Action: No Action Required. However, there is opportunity to bring forward guidance on encouraging biodiversity at LPP stage if the commission consider it appropriate.

4.3 Policy GP1 Transportation

a) DfI Roads, consider there is a lack of detail in the General Principles policy, which may not provide full operational policy coverage in

respect to transportation. They say there is insufficient coverage between GP1 and transport policies, which will have a significant impact on promoting active travel, and reducing car journeys. They suggest new development should incorporate safe walking and cycling routes within site and provide links to existing or programmed cycle networks. (MUDPS/115/159, MUDPS/115/147, MUDPS/115/148, MUDPS/115/149, MUDPS/115/150, MUDPS/115/151, MUDPS/115/152, MUDPS/115/153, MUDPS/115/154, MUDPS/115/155, MUDPS/115/156, MUDPS/115/157, MUDPS/115/158, MUDPS/115/159, MUDPS/115/160, MUDPS/115/161, MUDPS/115/162, MUDPS/115/163, MUDPS/115/164, MUDPS/115/165, MUDPS/115/166, MUDPS/115/167, MUDPS/115/168, MUDPS/115/169, MUDPS/115/170)

b) *The RSPB state that the policy makes no reference to the furthering the promotion of sustainable transportation and reducing the reliance on the private car. (MUDPS/59/130)*

c) *DfI continue to note that the SPPS does not provide detail on access arrangements to public roads not classed as protected routes and it is therefore crucial Council policy gives full protection to access arrangements in interest of safety. They suggest access onto a public road and to protected routes should be covered separately. DfI also consider that the hierarchy of public roads as set out in SPPS is not followed and the result is there is no clear protection afforded to key routes under 'a' and 'b' and while there is some protection to 'c' roads, it needs more policy coverage. They suggest the policy should refer to Departments published TA guidance and include reference to developer contributions. In addition, they raised concern that there is no policy for park & ride and park & share sites in Mid Ulster and state that it is essential that one is provided considering the regional objectives of the SPPS acknowledge importance of active travel and by public transport. (MUDPS/115/130, MUDPS/115/147, MUDPS/115/150, MUDPS/115/151, MUDPS/115/152, MUDPS/115/153, MUDPS/115/154, MUDPS/115/155, MUDPS/115/156, MUDPS/115/157, MUDPS/115/158, MUDPS/115/159, MUDPS/115/160, MUDPS/115/161, MUDPS/115/162, MUDPS/115/163 & MUDPS/115/164)*

Consideration: The GP1 policy is formulated to apply to all development and underpin other policies. To avoid duplication, detailed roads, access and parking arrangements have been outlined in separate transportation policies. Our strategic objectives include SPF 8 – Encourage improvements to public and private transportation provision including railway lines and upgrading of the road network. Paragraph 4.47 notes that it is important that encouragement is given to local services, particularly transport which can help to link up our family of settlements to the Ulster Bus Translink provision along the key transport corridors.

In addition to the proposed transport policies, these objectives are supported by Part (e) of GP1, which states;

“Adequate and safe access arrangements, maneuvering and servicing areas should be provided and a movement pattern that, insofar as possible, supports walking and cycling, provides adequate footpaths, respects existing public rights of way and provides adequate and convenient access to public transports.”

The DPS therefore acknowledges and supports sustainable transport, encourages active travel and greater public transport use. In relation to access and hierarchy of roads, policy GP 1 requires adequate and safe access arrangements. Also, part (e) - Access, Road Layout and Parking Provision of GP1 states,

“Proposals should ensure that the existing road network can safely handle any extra traffic the proposal will generate, or suitable developer led improvements are proposed to overcome any roads problems identified.”

In addition, Policy TRAN4 refers to Access on to Protected Routes and other Route Ways states that additional access onto other public roads or intensification of existing access will be permitted where it does not prejudice road safety or significantly inconvenience traffic flow. Account will be given to the views of Transport NI and any published government guidance. Therefore, public safety is a key consideration. It follows that this will be asserted through the prevailing guidance through consultation with DfI roads. This includes DCAN15 - Vehicular Access Standards which DfI have confirmed will be retained.

In relation to Transport Assessment guidance, DfI do not identify in their correspondence of 28th August, that it will be retained, nor do they clarify if it will become obsolete. Part (e) Access, Road Layout and Parking Provision of GP1 notes, where appropriate a Transport Assessment should be submitted to evaluate the transport implications of a development. It also refers to or suitable developer led improvements. Reference to planning gain and developer contributions is detailed in part (j) of GP1.

With regards to Park and Ride / Park and Share facilities, the SPSS states that, LDPs should also consider and identify park and ride / park and share sites where appropriate. We recognise the need for Park and Ride Schemes, in paragraph 23.18 of the DPS which states, development of regional significance such as strategic park and ride schemes, will be allowed as an exception for access to a protected route, provided that it does not compromise their function of facilitating the free and safe movement of traffic or does not significantly add to congestion.

Action: No Action Required. However, if the commission consider it necessary, we have no objection to further reference Park and Ride and /or Park and Share sites within SPF 8 of our strategy.

4.4 LED Advertising

a) *Dfl note that part (d) of GP1 is only policy on outdoor advertisement in the growing area of outdoor advertisement. They have concern with the wording 'no significant impact on amenity or public safety'. They suggest the Council develop specific policy to ensure proper planning control and append to DPS guidance for LED advertising. They suggest wording should read:*

'Consent will be given for the display of an advertisement where it respects amenity in the context of general characteristics of locality and does not prejudice public safety.' **(MUDPS/115/168, MUDPS/115/169, MUDPS/115/170)**

b) *Another representation suggests the Plan Strategy should include robust policy to discourage large illuminated signage rather than it being issued as guidance. **(MUDPS/192/42)***

Consideration: Part (d) of GP1 sub-titled 'Advertising' states, proposal for advertisements, or likely to include advertisement, will be required to demonstrate, they will have no significant impact on amenity or public safety. The SPPS asserts that consent should be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality; and to ensure proposals do not prejudice public safety, including road safety. Considerations in relation to advertising are set out in law. Specific guidance for LED advertising will be brought forward as stand-alone non-statutory guidance.

Action: No Action Required. However, should the commission wish to amend the text to that outlined below (in red), we have no objection.

"(d) Advertisement

Proposals for advertisement, or which are likely to include advertisement, will be required to demonstrate they **respect amenity in the context of the general characteristics of the locality and does not prejudice public safety, including road safety.** ~~have no significant impact on amenity or public safety.~~

In addition, we have no objection to the inclusion of the subsequent text on LED advertising being included in appendix 2 of the DPS, as opposed to stand-alone guidance if the PAC commission consider it necessary.

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 = 22.4 m/s, 60 mph = 26.8 m/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 the daytime. The proposed advertising screen should generally comply with the Institute of Lighting Professionals’ guidance PLG05, ‘The brightness of Illuminated advertisements.’ Maximum nighttime 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 PLG05. Proposed luminance levels and control arrangements are to be agreed by the Department for Infrastructure – Roads.

Advertisements should 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 numbers should not be displayed.

4.5 Delete UD1 and Amend GP1

a) Design policies should be contained within one overarching policy in order that the plan strategy can be read and interpreted in a logical manner. Deletion of UD1 on the basis that criterion (C) of GP1 is redrafted to improve the coherence of the DPS. (MUDPS/60/5, MUDPS/60/6, MUDPS/76/1, MUDPS/78/7 & MUDPS/118/2)

Consideration: Policy of Town Centres and Retailing within the SPPS, Regional Strategic Policy calls for policies and proposals for

shops and villages and small settlements must be consistent with the aim, objectives and policy approach for town centres and retailing, meet local need (i.e. day-to-day needs), and be of a scale, nature and design appropriate to the character of the settlement. This policy can be interpreted as relating to the building and its relation to the surrounding context. There is no current policy in place to address the design of the public realm within our towns and villages. Furthermore, no current policy relates to the provision of landscaping to Retail parks, Business Parks and Industrial Estates.

Government Action for our Urban Environment Published by Place May 2011 sets out 3 action points to help deliver the Principles and Objectives of the Government's Architecture and Built Environment Policy published by DCAL in 2006. The Three Action Points raised in the above publication by Place are as follows:

- Protect our Urban and Rural Environments,
- Enhance the quality of our cities, towns and villages, and
- Improve the knowledge of our places.

The publication by Place identifies that the delivery of good design of our built environment is controlled by a wide range of Government Departments, each with a different objective leading to a fragmented approach. It highlights that no policy is currently in place for the design of our public realm and public buildings. It suggests that the policies set out in PPS7 QD1 should be expanded to encompass the entire built environment and not just residential. A lot of these suggestions have been addressed in the DOE's publication Living Places - An Urban Stewardship and Design Guide for Northern Ireland 2014.

In addition to the core planning principles 'good design and positive place-making', the SPPS notes that design is an important material consideration in the assessment of all proposals and good design should be the aim of all those involved in the planning process and must be encouraged across the region along with the core planning principles. Therefore, it is considered relevant to take a proactive approach to urban design, and provide a nuanced design policy, which will provide an additional layer of requirements that facilitates high quality development and place making within our settlements.

Action: No Action Required.

4.6 Parking

a) NIHE would like to see flexibility in the implementation of GP 1 (e) in terms of parking standards in affordable housing schemes due to different car ownership levels, as would NIFHA. An issue is also raised that DOE parking standards are outdated and unreflective of what is

required in reality with recommendation that the policy is revisited.
(MUDPS/85/22, MUDPS/192/11)

b) *Dfl contend that GP1 and TRAN 3 on car parking does not provide sufficient policy coverage to ensure appropriate parking and design. They note that the policy does not include car parking and servicing re. safety and the flow of people and goods; temporary car parking; design and layout.* **(MUDPS/115/165, MUDPS/115/166, MUDPS/115/167 & MUDPS/115/300)**

c) *Others welcome the use of the word 'should' as opposed to a more onerous 'shall', which may facilitate a more balanced, decision-making process.* **(MUDPS/118, MUDPS/137 & MUDPS/192)**

d) *It is also claimed that GP1 (e) suggests the council is bound to apply 'published standards as set out in supplementary guidance' which is unsound because it is vague and does not provide the council with sufficient flexibility. It is suggested the Council should alter this policy to provide more flexibility for bespoke solutions, stating that any standards set by Dfl will be treated as guidance only.* **(MUDPS/118, MUDPS/137 & MUDPS/192)**

Consideration: Section (e) of GP 1 is titled Access, Road Layout and Parking Provision which states,

'Car parking should be provided in accordance with published standards as set out in supplementary guidance. An exception may be made where the proposal is located in a town centre or other highly accessible location well served by public transport or where there is spare capacity within nearby public car parks or adjacent on street car parking.'

It is noted that NIHE seek flexibility on car parking requirements for affordable housing schemes due to differing car ownership levels. However, consideration of lesser car parking provision for people residing in affordable housing, would not be justified unless detailed evidence to the contrary was provided. To ensure adequate car parking provision, affordable housing should be subject to the same policy tests which incorporates flexibility for all relevant forms of development. GP1 details a number of scenario's whereby proposals may deviate from the published standards.

It is notable that supplementary guidance documents to be retained include, include DCAN 15: Vehicular Access Standards (DOE, 1999), Parking Standards (DOE, 2005) and Creating Places (Achieving quality in residential developments) (DOE, 2000). In addition the policy is

worded to accommodate any new standards if they were to be published by the Council, DfC or DfI.

Policy TRAN 3 Car Parking states,

‘Development of existing public car parks in town centres will conflict with the Plan unless it can be demonstrated that these can be replaced in a convenient location, in terms of accessibility and of similar scale within the town centre.’

DfI consider there is insufficient policy coverage between GP1 and TRAN 3 to cater for car parking and servicing – the safety and the flow of people and goods; temporary car parking; design and layout. It is noted however that the aforementioned published standards exist and unless exception can be demonstrated, proposals will need to satisfy the tests of policy GP1 and adhere to published standards.

On the same note, others consider published standards should be treated as guidance and the policy should incorporate provision for bespoke solutions to provide sufficient degree of flexibility. It is our view that it is unnecessary to include provision for bespoke solutions, as all material considerations are relevant to planning assessment. The Planning Act (Northern Ireland) 2011 states,

“(4) Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Action: No Action Required.

4.7 Policy GP1 Other Specific Issues

a) SuDS, Passive Solar Design and Renewable Energy

Technologies *It is noted that while NIHE welcome the policy, with particular support for the inclusion of SuDS as well as passive solar design and renewable energy technologies, they would like to see further criterion to state all the new buildings should be designed so that they are energy efficient. (MUDPS/85/23, MUDPS/85/24 & MUDPS/25)*

Consideration: It is considered that inclusion and encouragement of passive solar design, renewable energy technologies and SuDS provide adequate provision in relation to energy efficiency. The SPSS notes, in managing development, particularly in areas susceptible to surface water flooding, planning authorities should encourage developers to use sustainable drainage systems (SuDs) as the preferred drainage solution. Further measures to achieve energy

efficiency in developments are achieved through building control and its associated legislation.

Action: No Action Required.

b) Waste, sewerage and drainage *While it is welcomed that all development should demonstrate adequate infrastructure is in place to deal with waste, sewerage and drainage, it has been suggested that in reference to the availability of mains sewerage the word 'may' should be changed to 'is' - required to demonstrate that this will not create or add to a pollution problem. In relation to amenity impact, NI Water recommend a presumption should exist preventing encroachment upon existing WWTWs unless an acceptable evidence based assessment demonstrates suitably low nuisance risk.*

They also note that NI Water will require business plan funding significantly above its current level to address existing & future wastewater capacity requirements in the MUDC area (and elsewhere in NI). (MUDPS/115/276, MUDPS/170/5 & MUDPS/170/14)

Consideration: The Water (Northern Ireland) Order 1999 requires appropriate consent such as consent to discharge sewage effluent is gained where appropriate. We consider it unnecessary in all instances to make it a requirement to demonstrate this will not create or add to a pollution problem. If it is shown that there is a risk of pollution, this would be a material consideration in the assessment of a planning application. In addition policy WM4 – Development in the vicinity of Waste Management Facilities states,

‘Development in the vicinity of a waste management facility will only accord with the Plan where it will not prejudice the operation of such facilities or give rise to unacceptable risks to occupiers of development in terms of health or amenity.’

The SPPS states that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above-mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

Action: No Action Required.

c) Developer Contributions *Invest NI express caution in relation to the imposition of developer contributions on public sector developments where wider societal benefits are already the driving force. They continue to note that the draft Strategy does not distinguish between public and private sector developments in policy terms. They*

suggest it would be useful if the Council would confirm whether there are plans to issue further guidance or policy documentation on the matter. (MUDPS/190/5)

Consideration: Part (j) of GP1 Under the sub-heading 'Developer Contributions' the policy does not distinguish between public or private sector development therefore it is not considered necessary to define them. Developer contributions are not a policy requirement but will be given appropriate weight in determining a planning application. Planning gain is a material consideration if achieved through a S.76 agreement. This may not be limited to infrastructure but also include social benefits. With regards to proposals in which wider societal benefits are already the driving force, the nature of the proposal and any integral community benefit would be given due consideration if material to the assessment of the proposal. We have no plans at present to issue guidance on this matter.

Action: No Action Required.

d) Safe Arrangements *Invest NI underline the need for adequate and safe arrangements, particularly for mixed-use developments or where industrial and non-industrial uses will be in close proximity. (MUDPS/190/4)*

Consideration: Article 13 of The Planning (General Development Procedure) Order 2015 along with Schedule 3 of The Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2016 sets out the types of development where consultation must take place and the organisation that must be consulted. In addition, there will still instances where non-statutory consultees may also need to be consulted on a case-by-case basis. This, for example, could include other council departments with responsibility for matters relating to environmental health or leisure facilities.

It is our view that consideration of safe arrangements of non-compatible uses would be dealt with through the development management process and are intrinsic to the planning process.

Action: No Action Required.

e) Siting, Design and External Appearance *It is considered that in relation to criteria (c) Siting, Design and External Appearance of GP 1 that it is too restrictive and there should be more flexibility afforded to respond to changing circumstances. In contrast, it is also considered there has been an omission in relation to built heritage / archaeology as a general consideration and the siting and design considerations need to be more rigorous. (MUDPS/76/3 & MUDPS/115/26)*

Consideration: We consider that the policy adopts a balanced approach and outlines the key considerations in relation to siting, design and external appearance. We do not considered it to be prescriptive and flexibility is afforded through the various aspects of design and ways in which proposals could respond to them. In relation to built heritage, this is dealt with within the historic environment policies and applicable in relevant circumstances.

Action: No Action Required.

5.0 Counter Representations

5.1 No Counter-Representations relating to this topic were received.

6.0 Recommendation

5.1 It is recommended that we progress the approach to General Principles Planning Policy in line with the actions contained within this paper.

6.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
DEPARTMENT FOR THE ECONOMY	MUDPS/31
HISTORIC ENVIRONMENT DIVISION	MUDPS/77
NIHE	MUDPS/85
DEPARTMENT FOR INFRASTRUCTURE	MUDPS/115
CAUSEWAY COAST AND GLENS BOROUGH COUNCIL	MUDPS/159
NI WATER	MUDPS/170
Public Representations	
MPANI	MUDPS/29
RSPB	MUDPS/59
HERON BROTHERS	MUDPS/60
CLANMIL HOUSING ASSOCIATION	MUDPS/76
FARRANS CONSTRUCTION	MUDPS/78
NIFHA	MUDPS/118
SPECIALIST JOINERY GROUP	MUDPS/137
IVM 034	MUDPS/138
MR MARK NICOLAY	MUDPS/139
PROTECT SLIEVE GALLION	MUDPS/162
NATIONAL TRUST	MUDPS/174
INVEST NI	MUDPS/190
A RANGE OF INTERESTED PARTIES	MUDPS/192

Addendum to General Principles Planning Policy Topic Paper

New Representations Received during the Re-consultation on the DPS

1.0 New comments received during consultation

a) MUDPS/115/356 – No new issue raised, see Para 4.3 (a).

b) MUDPS/115/376 – *Comment of support for positive place making. The incorporation of blue/green infrastructure & SuDs will help to deliver successful place making & help achieve additional societal & environmental benefits.*

Consideration - Support noted.

Action: No action required.

c) MUDPS/115/377 – *Comment of support that new development proposals are required to include provision of green and/or blue infrastructure through quality landscape design & open space provision.*

Consideration - Support noted.

Action: No action required.

d) MUDPS/137/24 – No new issue raised, see Para 4.2 (a).

e) MUDPS/137/25 – No new issue raised, see Para 4.2 (a).

f) MUDPS/170/32 – No new issue raised, see Para 4.7 (b).

g) MUDPS/215/7 – No new issue raised, see Para 4.5 (a).

h) MUDPS/215/8 – No new issue raised, see Para 4.5 (a).

i) MUDPS/241/43 – *Comment of support for Policy GP1.*

Consideration - Support noted.

Action: No action required.

2.0 Representations received

Respondent	Reference Number
Consultation Bodies	
Department for Infrastructure (DfI)	MUDPS/115
NI Water	MUDPS/170
Public Representations	
WYG Planning	MUDPS/137
Turley	MUDPS/215
O'Callaghan Planning	MUDPS/241

Housing in Settlements – Topic Paper

1.0 Issues Identified

An overview of the issues identified from representations received in response to our draft Plan Strategy are listed under the corresponding topic / policy headings below.

- Housing in Settlements Strategy
- Housing Overview
- Policy HOU1 – Protection of land zoned for Housing
- Policy HOU2 – Quality Residential Development
- Policy HOU3 – Residential Extensions
- Policy HOU4 – Conversion of existing buildings to flats, apartments or houses in multiple occupation
- Policy TH1 – Travellers Accommodation

The specific issues are outlined in further detail with our consideration and recommended action noted in section 6 of this paper.

2.0 Representations in Support

2.1 Relating to Policy HOU 2 - Quality Residential Development

- a) Representation supports the needs-led approach to social/affordable housing provision outlined in the plan, as well as the recognition of the strategic role of the housing executive in determining housing need, MUDPS/85/28
- b) The requirement for make provision for necessary infrastructure including drainage and sewerage for housing schemes is welcomed, MUDPS/115/277
- c) The separation distances and amenity reflects current guidance set out in creating places and is welcomed.
- d) Support for the proposed minimum density of 10-30 units per hectare, MUDPS/138/8, MUDPS/138/9, MUDPS/138/10, MUDPS/138/13
- e) Support for paragraph 7.31 - provision of open space
- f) Strategy and policies are noted, MUDPS/59/6, MUDPS/158/6
- g) Recommend Council look at other best practice examples of residential design, MUDPS/59/29
- h) Support for needs led approach, MUDPS/92/3
- i) Support criteria for residential extensions, MUSPD/85/36
- j) Support policy HOU4, MUDPS/85/37
- k) Support for HOU2, MUDPS/139/9

3.0 Consultations

Consultation bodies who responded in relation to this topic are detailed in section 9 of this topic paper.

4.0 Regional Policy Context

4.1 Regional Development Strategy (RDS) 2035 and The Strategic Planning Policy Statement

The Regional Development Strategy 2035 (RDS) acknowledges that housing is a key driver of physical, economic and social change and emphasises the importance

of the relationship between the location of housing, jobs, facilities, services and infrastructure. The RDS recognises that there are significant opportunities for new housing on appropriate vacant and underutilised land, and sets a regional target of 60% of new housing to be located in appropriate 'brownfield' sites within the urban footprints of settlements greater than 5,000 population.

The SPPS outlines the regional strategic objectives for housing in settlements, consistent with regional guidance in the RDS, are to:

- manage housing growth to achieve sustainable patterns of residential development;
- support urban and rural renaissance; and
- strengthen community cohesion.

The SPPS goes on to identify the Regional Strategic Policy for housing in settlements that requires the policy approach to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities

5.0 Local Context

Our Community Plan aims that we place increased value on our environment and enhance it for our children and we enjoy increased access to affordable quality housing. Under the theme of 'vibrant and safe communities', it aims to have greater value and respect for diversity and create safer and stronger communities with less disadvantage and poverty. It also recognises the value of our travelling communities.

The Plan strategy can introduce policies which will allow for better quality of open space within residential developments, placing value on our environment, enhancing it for our children and helping to create safer environments and communities.

6.0 Response to Specific Issues

A response to each issue identified under the aforementioned headings along with our consideration and a proposed course of action are detailed in the following sub-sections.

6.1 Housing in Settlements Strategy

a) Accessibility

The Department question whether the phasing will appropriately consider the accessibility of potential zonings and prioritise accordingly. They query whether the reference to accessibility refers to locational accessibility for which DfI have provided accessibility analysis maps and guidance, or access for people with mobility issues?

Relevant representations: MUDPS/115/301, MUDPS/115/302

Consideration

The accessibility referred to in paragraph 7.12 in the housing in settlements strategy refers to accessibility for people with mobility issues. In relation to locational accessibility and zoning of land, this is also a key consideration which will be examined in detail at local policies plan. Paragraph 4.17 of the DPS sets out criteria for the zoning of land for housing. It states that priority will be given to locations which have access to existing community facilities and services, can avail of existing infrastructure such as water, waste and sewerage and have access to public transport as well as avoid flood risk and do not impact on the character of the town or any heritage assets. The choice of housing zoning is matter for the LPP.

Action: No action required.

b) Phase 2 land as a land reserve.

It is argued that phase 2 housing lands should act as a land reserve to account for changing need over the plan period. Thus, Council should ensure phase 1 lands within main towns represent the full allocation of 6600 dwellings which will reduce risk of under provision. They continue to call for flexibility to be afforded to housing land, particularly for landowners who may not develop land within 5 years but plan to develop by 2030.

Relevant representations:

MUDPS/171/10

MUDPS/172/10

MUDPS/192/12

Consideration

The SPPS asserts that a 'plan, monitor and manage' approach is necessary to ensure that, as a minimum, a 5 year supply of land for housing is maintained. The Council have adopted a phased approach with use of housing growth indicators to inform release of phase 2 land will provide a managed sequential approach with the flexibility suggested by the SPPS. If upon review we are close to or below the 30% housing provision this would trigger the release of phase 2 lands.

At present commitments and residual zonings in the main towns can provide for 6294 houses as of 1st April 2015. The zoning of housing land still remains a matter for LPP and the final amount of zoned land will take into account a wide range of considerations of which the local indicator is only one.

Action: No action required.

c) Delete undeveloped land from extant settlement limits

It is submitted that the DPS should indicate that land which is in extant settlement limits but not developed will be deleted from the limits. They continue request that additional land will be included inside village limits at LPP stage to overcome concerns that land owners in rural settlements often have an attachment to their land that stretches back generations. This "link to land" issue has consistently impacted on the release of land in rural settlements.

Relevant representations: MUDPS/193/4

Consideration

The Plan Strategy confirmed that the settlements as defined in existing development plans will remain a material consideration until local policies plan is adopted. The extent to which settlement limits vary is not a matter which can be speculated upon at the current time other than to note the local housing indicator. An opportunity for people to propose land to be included and/or removed from the settlement limit will be provided in accordance with our Statement of Community Involvement.

Action: No action required.

d) Consultation Process

NIFHA notes that as the key provider of social and intermediate housing in NI housing associations should be a key stakeholder in the LDP making process. Disappointingly associations have been given limited opportunity to be involved or to assist with evidence gathering.

Relevant representations: MUDPS/118/14

Consideration

Statutory consultation bodies are dictated by legislation. We consider that opportunity has been afforded through numerous consultation periods, including on the POP, the DPS, as well as the opportunity for counter representations to be submitted.

Action: No action required.

6.2 Housing Overview

a) Define 'affordable housing'

NIHE strongly support mixed tenures which can be integrated into private housing developments. However a clear definition of affordable housing is needed to provide certainty for developers and so there is a better understanding for all stakeholders.

Relevant representation: MUDPS/85/26,

Consideration

At present DfI are reviewing the definition of affordable housing and Mid Ulster Council will work with what becomes the regionally accepted definition. In formulating the DPS we have assumed affordable housing to include social rented housing and intermediate housing as set out in the SPPS. This includes housing development carried out by housing associations but does not include privately rented housing.

Action: No action required.

6.3 Policy HOU1 – Protection of land zoned for Housing

a) Allow social and affordable housing on phase 1 land

Provision for social and affordable housing is called for on Phase 1 land as opposed to only Phase 2 land noted in HOU1.

Relevant representation: MUDPS/62/1

Consideration

The policy states, 'Development of phase 1 land for housing in line with the key site requirements will accord with the plan.' This does not preclude social and affordable housing.

Action: No action required.

b) Amend text to "meet an identified affordable housing need".

NIHE support the phased approach to housing zonings and specifically the exception allowing phase 2 land to be released for social housing. However would like statement amended to say 'meet an identified affordable housing need'.

Relevant representation: MUDPS/85/27, MUDPS/85/28

Consideration

The policy states,

"It is for social/ affordable housing to meet an identified social housing need."

Presently NIHE only identify need for social housing. Formal confirmation on whether NIHE will identify affordable housing need would be required to justify any amendments.

Furthermore, at present the issue of what is social and affordable housing is under debate. We have defined social / affordable to include a range of housing provision where it has been financially assisted where a need has been identified by NIHE.

Action: No action required, however we would not object to a re-wording to state, “to meet an identified social / **affordable housing** need.”

c) Remove this policy from the dPS

It is submitted that Policy HOU1 assumes all permissions will be built. Some zoned sites may never be developed. A phased approach could prevent other more suitable and viable sites being developed. Believe the market is best placed to decide which sites are developed first.

Relevant representation: MUDPS/99/7

Consideration

We consider there is sufficient information provided within the DPS, on regional strategic policy as well as the background papers, POP and subsequent representations to justify a need for the above policy. Phasing is essential for flexibility. The SPPS asserts that a ‘plan, monitor and manage’ approach is necessary to ensure that, as a minimum, a 5 year supply of land for housing is maintained. Paragraphs 7.16 and 7.17 of the DPS outline our approach to zoning and release of phase 2 lands.

Action: No action required.

d) Query part (i) - not operable until the adoption of the LPP

The Department query use of criteria/exception (i) regarding release of Phase 2 land because prep of LPP provide opportunity to re-evaluate phase 1 & 2 - criteria not operable until adoption of LPP.

Relevant representation: MUDPS/115/27

Consideration

It is clear that phase 2 land will be subject to review and if it is suitable will be released to phase 1. We do not consider the policy or criteria proposed to be unsound because further information and clarification is provided in the justification and amplification.

Action: No action required.

e) Clarify basis for zoning phase 2 land in Magherafelt

It is submitted that in the justification and amplification there is contradiction on zoning of Phase 2 lands in Magherafelt. Clarification is sought on the basis for zoning phase 2 in Magherafelt given numbers in Appendix 1 which indicates there is no need for additional housing.

Relevant representation: MUDPS/115/28

Consideration

The SPPS asserts that a 'plan, monitor and manage' approach is necessary to ensure that, as a minimum, a 5 year supply of land for housing is maintained. Paragraph 7.13 of Plan describes the benefits of a phased approach to development, while 7.16 and 7.17 outlines our approach to zoning and the release of phase 2 lands.

It is clear that phase 2 land would be land which is not currently needed as per our local HGI's but where there is a reasonable expectation that towards the end of the life of the Plan, some will come forward.

The extant area plans identify the following extent of housing zonings:

Dungannon: Phase 1: 109 hectares	Phase 2: 148 hectares
Cookstown: Phase 1: 70.6 hectares	Phase 2: 77.5 hectares
Coalisland: Phase 1: 80 hectares	Phase 2: 41 hectares
Magherafelt: Phase 1: 77 hectares	

It is not possible to say exactly how much land would be required for phase 2 as the HGI's are only one factor. This said, having a land reserve which roughly equates to a similar amount to that which is in phase 1 has proven to be a reasonable approach in the past.

The debate on whether some of the Phase 1 land would become Phase 2 housing land is still to be had.

Action: No action required.

f) Make clearer the distinction between policy approaches for phase 1 and 2 land

DfI contest that the HOU1 requirements for Phase 1 and 2 is unclear as drafted especially for non-residential uses which will be permitted on zoned land. They suggest the Council consider making a clearer distinction between policy approach to phase 1 and 2.

Relevant representation: MUDPS/115/29

Consideration

We consider the distinction between the development of phase 1 and phase 2 housing is clearly stated with exceptions for the development of phase 2 listed.

In relation to the "development of non-residential uses on land zoned for housing will conflict with the Plan unless they are ancillary to the housing development and provide community or recreational uses such as health, education or a neighbourhood shop." We consider phase 1 land is inferred by the second part of this statement.

Action: No action required.

g) Has the Council undertaken assessment to inform the approach to the release of land to phase 1.

To 'take account' of the position of phase 2 land in relation to town centre, overall accessibility to health and community etc. is welcomed. DfI query whether the Council has undertaken an assessment of all phase 1 and 2 sites to inform the above approach?

Relevant representation: MUDPS/115/303

Consideration

During the POP stage, potential directions of growth were investigated by contacting land owners. This data will inform the growth strategy and a detailed examination of phase 1 and 2 sites will be undertaken at Local Policies Plan (LPP).

Action: No action required.

h) Re-examine and remove stagnant land and rezone

It is submitted that no phase 2 housing of Dungannon extant area plan has been developed or committed planning permission. It is suggested that current zoned land is re-examined and stagnant land removed.

Relevant representation: MUDPS/158/2, MUDPS/158/3, MUDPS/158/5,

Consideration

Paragraph 4.17 of the DPS sets our approach in selecting land to be zoned for housing. Paragraphs 7.16 and 7.17 of the DPS detail how the land will be selected for release. A detailed review of zoned phase 1 and phase 2 land will be carried out at Local Policies Plan (LPP).

Action: No action required.

i) Too inflexible - policy should not preclude non-residential uses unless it would lead to a shortfall of housing land.

HOU1 states non-residential uses on housing zonings will conflict unless for certain circumstances. SPPS encourages flexibility to alternative uses, housing zonings generally have not been protected. Policy HOU1 is too inflexible and not consistent with SPPS. The policy should be amended so that non-residential uses are not precluded on either phase 1 or 2 housing land unless this would lead to a shortfall of housing land over the plan period.

Relevant representation: MUDPS/160/6

Consideration

HOU 1 provides flexibility through provisions for non-residential uses on phase 1 land provided they are ancillary to the housing development and will provide community or recreational uses. It also makes provision for the development of phase 2 land if the proposal relates to a health, education or community facility.

The SPPS asserts in paragraph 6.142 that that the LDP should provide for a managed release of housing land, in line a 'plan, monitor and manage' approach. Provision of non-residential uses on land zoned for housing would impact on the ability of the Plan to achieve housing outlined by the growth strategy. We consider adequate flexibility is provided whilst ensuring the housing zoning is not undermined.

Action: No action required.

j) Paragraph 7.19

Concern over what this paragraph means.

Relevant representation: MUDPS/115/304

Consideration

Paragraph 7.19 needs to be read in conjunction with the exceptions for development on phase 2 land. These exceptions recognize that a single dwelling may occur on zoned land provided it meets the policy tests for a single dwelling in the countryside. Paragraph 7.19 makes it clear that in utilizing this exception it is up to the applicant to demonstrate they do not prejudice the remaining zoning.

Action: No action required.

6.4 Policy HOU2 – Quality Residential Development

a) Change the definition of social housing

Co- Ownership consider the DPS sound however suggest that the definition of social housing should be expanded from that of the definition outlined in the SPPS to include the definition of intermediate housing.

Relevant representations: MUDPS/5/1, MUDPS/5/2

Consideration

At present DfI are reviewing the definition of affordable housing and Mid Ulster Council will work with what becomes the regionally accepted definition. In formulating the DPS we have assumed affordable housing to include social rented housing and intermediate housing as set out in the SPPS.

Action: No action required.

b) Biodiversity

RSPB submit that this policy should require biodiversity to be designed into the built environment with further details on how to do this could then be contained within an appropriate supplementary planning guidance document on design.

The policy also lacks accordance with RDS & SPPS, the NI biodiversity Strategy & EU Biodiversity Strategy and the Wildlife & Natural Env Act NI 2011. It represents a backward step in policy formulation for sustainable development & biodiversity.

It should state that planning conditions will be used to require both extensions to existing properties & all new developments to provide sites for species that nest or roost in the built environment.

Relevant representation: MUDPS/59/24, MUDPS/59/25, MUDPS/59/26, MUDPS/59/27, MUDPS/59/28.

Consideration

The SPPS asserts that sustaining and enhancing biodiversity is fundamental to furthering sustainable development. The Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy seek to halt the loss of biodiversity and ecosystems services by 2020. Furthermore, the Wildlife and Natural Environment Act (Northern Ireland) 2011 places a statutory duty on every public body to further the conservation of biodiversity.

The Council in its wider role in the context of Planning, contributes to furthering biodiversity through appointment of a Biodiversity Officer within the Council and the completion of Sustainability Appraisal incorporating Strategic Environmental Assessment, Habitats Regulations Assessment (HRA) & Equality Impact Assessment (EQIA). These functions are in addition to specific planning policies proposed in the DPS which includes policies GP1 and UD1.

Policy GP1 which under section (i) titled, 'Biodiversity', stipulates that development proposals should respect, protect and/or enhance the Districts' rich biodiversity and sites designated for their contribution to the natural environment at any level.

The SPPS notes that landscape design and planting considerations are also an integral part of design and can contribute to biodiversity. Policy GP 1 part (h) – Landscape Character, which is applicable to all development, states that development proposals should respect, protect and/or enhance the region's rich landscape character, features and sites designated for their landscape quality at any level. They should also reflect the scale and local distinctiveness of the landscape.

For any development located within settlement limits, policy UD1 - Urban Design further states 'take account of any natural features of the landscape' and 'providing open space and landscaping'. We consider regard for biodiversity is implicit within the policies.

However, not every site adopts the same approach to biodiversity. Some sites by their nature have limited capacity in terms of providing habitats through development and biodiversity being designed in. We therefore consider it is best dealt with through the development management process.

Action: No action required.

c) Vital policy information should be within text box

It is submitted that planning case law directs that policy should be clearly set out within the policy text box. It is also submitted that reference is made to open space in residential developments in the justification and amplification section (para 7.31), no individual policy has been provided.

Relevant representations:

MUDPS/60/8, MUDPS/60/11, MUDPS/60/17,
MUDPS/76/4, MUDPS/76/7, MUDPS/76/14
MUDPS/78/8, MUDPS/78/10, MUDPS/78/13, MUDPS/78/20
MUDPS/118/4, MUDPS/118/8, MUDPS/118/13
MUDPS/174/9

Consideration

All policy should be read in conjunction with the justification and amplification. The text within the policy box provides a summary of the key considerations, while the justification and amplification provides further supporting information which is relevant to a proper understanding and interpretation of policy including how to meet those tests. It is considered both to have equal weight.

With regards specifically to Open Space, policy HOU2 clearly states – provides adequate public and private open space. This is further clarified in the justification and amplification.

Action: No action required.

d) Social / affordable housing thresholds / needs

It is noted that the DPS should actively support the development of social/affordable housing in rural areas where a need exists. It is contended that the 25unit/1 hectare threshold is inappropriate for smaller towns and villages. The DPS fails to address phasing development under threshold to avoid conditions. The policy is incoherent with no % threshold for 1 hectare sites but 25% for 2 hectare sites.

It is contested that criterion (iii) of HOU2 has no evidence base to support the requirement for 25% social housing. It should be redrafted and focus solely on the promotion of a variety of housing tenures across the district.

Tension is also noted between the headings of paragraph 7.26 and 7.27 and the subsequent text. In addition no information has been provided to demonstrate how criterion (iii) can respond to changing circumstances.

NIHE suggest a lower threshold should be provided to cater for housing need in rural areas such as villages and smaller settlements. They express concern with the threshold proposed and the capability of meeting housing needs as they believe that applications for major development will be limited. They suggest that while an allocation approach through KSR's could be used in areas of high housing need, a development management policy (with the lower threshold or opportunity to adjust the threshold where there is an acute need) would address the issue of applying KSR's to committed sites and would cater for housing need on windfall sites and in rural settlements.

NIFHA consider that when applying a threshold Council should consider the existing mechanisms for the delivery of social housing and density should be applied on a site by site basis. They note that Council should ensure their evidence base has assessed the need for both social and intermediate housing and KSR should be based on detailed and up to date housing need. Also policy requirements for the design of residential development should be based on a robust assessment of need.

It is also contended that any assessment of need should factor in the quality of existing stock to determine whether replacement stock should be planned for within the plan period.

Relevant Representations:

MUDPS/14/3,

MUDPS/60/12, MUDPS/60/14, MUDPS/60/15

MUDPS/66/1

MUDPS/76/8, MUDPS/76/10, MUDPS/76/11, MUDPS/76/12, MUDPS/76/13

MUDPS/78/9, MUDPS/78/14, MUDPS/78/15, MUDPS/78/16, MUDPS/78/17,

MUDPS/78/18, MUDPS/78/19

MUDPS/85/99, MUDPS/85/100

MUDPS/92/4, MUDPS/92/6

MUDPS/118/7, MUDPS/118/9, MUDPS/118/10, MUDPS/118/15, MUDPS/118/17,

MUDPS/118/18, MUDPS/118/20

Consideration

The housing investment plan (HIP), appendix 2 identified a need for 700 houses, however this is concentrated mainly in Dungannon and Coalisland, some need in Magherafelt and Cookstown, and a relatively small need in Draperstown, Donaghmore, Moy and some other settlements with a need of less than 30. The HIP also identifies a need for 1260 intermediate homes.

This Plan has been designed to address these needs rather than a theoretical position on how social housing can be provided. At present phase 1 housing land is largely committed therefore the opportunity to acquire social housing is limited. Furthermore, the extent to which white land / unzoned land is available is unlikely to come forward.

The Plan has recognized the benefits of having social housing with private housing and has therefore set an immediate requirement on sites of over 50 houses or 2 hectares that 25% is for social housing where a need has been identified. This figure was delivered primarily following meetings with NIHE.

The other key issues which emerged from discussion with NIHE is that you would want to be providing at least 10 units to make the provision worthwhile, although clearly an exception may exist in a town centre location. That said the requirements are a minimum and there is nothing in the plan that prevents the provision on smaller sites at a higher ratio. NIHE can if they so wish provide a greater number of units. We feel this creates a balance and the policy is not over-burdening for a developer.

The acquisition of land for social housing is a matter for the housing executive. In order to allow NIHE to acquire land at market price we have made provision for social housing on phase 2 land which is not to be released for private housing purposes. This policy is provisional until LPP looks at local needs across the settlement in greater detail. The approach taken of KSR's is that of the SPPS.

We have also identified the importance of having a mix of house types. An appropriate mix will depend on the nature of the site. In assessing proposals regard will be given to Creating Places.

In terms of the assessment of need, we will be directed by the NIHE on needs within the district.

Action: No action required.

e) Not coherent with SPF2 or other proposed residential or design policies

It has not been demonstrated how this policy is coherent with aspects of SPF2, other proposed residential and design policies or with the other aspects of HOU2 - criterion (i), (ii) and (iii).

Criterion (iii) should be redrafted and focus solely on the promotion of a variety of housing tenures across the District, underpinned by a robust evidence base.

They continue to state that criteria (i) is not founded on evidence which demonstrates that the density range set out in 7.20 is realistic and achievable taking

account of (ii). We note an urban capacity study would have assisted in informing these criterion.

They recommend criteria (i) should read:

'An increase in the density of housing and mixed use developments will be promoted within town centres and other locations which benefit from accessibility to public transport facilities' and paragraph 7.20 should be moved to LPP and identified as a guide.

Relevant representations:

*MUDPS/60/7, MUDPS/60/9, MUDPS/60/13, MUDPS/60/16, MUDPS/60/18
MUDPS/76/5, MUDPS/76/6, MUDPS/76/9,
MUDPS/78/11, MUDPS/78/12, MUDPS/78/23,
MUDPS/118/5, MUDPS/118/8, MUDPS/118/11, MUDPS/118/12*

Consideration

SPF 2 states – 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. We acknowledge the comments made and note that our SA/SEA examined household sizes. In addition our background papers, including our Housing Paper and Population Paper looked at household sizes and ages which informed our Strategy. Notably we are undertaking an Urban Capacity Study and continue to update our housing monitor.

Flexibility is afforded by paragraph 7.20 which notes that higher densities may be acceptable in our town centres, mixed use areas or zonings identified for social and affordable housing.

In looking at allocations, our Plan focuses growth with >60% allocation to the 3 main towns. In relation to density, the figures are a useful tool on sites outside the town centre recognizing for efficient use of land, there needs to be a minimum number of houses to protect character and provide for open space.

The upper figure provides a good indicator of the amount of units you can get while protecting character and providing open space. The Plan recognizes on such sites other considerations will decide density such as car parking and considerations set out in GP1 and UD1.

Action: No action required.

f) Additional flexibility to meet affordable housing need should be considered
NIHE support criterion (ii) however believe that there are alternative options that should be considered in order to meet affordable housing need. They would like additional flexibility to meet affordable housing need, over the plan period than provided by the Key Site requirement / allocation approach set out in the DPS. Policy HOU2 should be revised.

NIFHA note that in general, policy wording should be flexible to adopt changes over time particularly in relation to the delivery of different affordable housing products.

*Relevant representation: MUDPS/85/29, MUDPS/85/31
MUDPS/118/19*

Consideration

We note the comments made. We consider policy HOU2 provides adequate scope for social housing provision through paragraph 7.26. Part (ii) of HOU1 provides scope for affordable housing on phase 2 land.

At present DfI are reviewing the definition of affordable housing and Mid Ulster Council will work with what becomes the regionally accepted definition. In formulating the DPS we have assumed affordable housing to include social rented housing and intermediate housing as set out in the SPPS. Presently NIHE only identify need for social housing. Formal confirmation on whether NIHE will identify affordable housing need would be required to justify any amendments.

Action: No action required.

g) Revise to align with the MUDC community plan.

Currently the demand for housing for people with disabilities cannot be met as there is no requirement for houses to be built as lifetime homes - homes which are accessible for all regardless- of age or ability - HOU2 is not in line with RDS 2035

HOU2 does not take account of the community plan which states that actions delivered must be accessible for all to benefit from, with consideration given to the most vulnerable and those with disabilities.

Relevant representation: MUDPS/85/30, MUDPS/85/32, MUDPS/85/33

Consideration

We consider Building Control regulations will adequately address the issues raised and help to ensure accessibility and maneuverability within the home. Paragraph 7.28 details considerations in order to meet the needs of all through accessibility. In addition we have allowed for low density housing which people with mobility issues may benefit from.

Action: No action required.

h) Zone sites in smaller settlements

NIHE submit that the DPS does not take account of SPPS and sites should be zoned in larger settlements and in smaller settlements housing should meet the full range of identified need. Where a site is required to meet a category of need, it should be identified in the plan.

Relevant representation: MUDPS/85/34

Consideration

Paragraph 6.142 of the SPPS sets our LDP requirements, it does not require us to zone land in smaller settlements. We consider that usual development management practice, policy and all material considerations will adequately address concerns in relation to social housing need on sites which are not zoned in larger and smaller settlements.

Action: No action required.

i) Revise to take into account the need for appropriate housing for the elderly

The draft programme for government delivery plan states there is an under supply of housing for the elderly and appropriate actions should be taken i.e. should be addressed in documents such as LDPs. The DPS does not identify a need for elderly. HOU2 should be revised to take into account the need for appropriate housing for the elderly.

Relevant representation: MUDPS/85/35

Consideration

Our paper, titled 'Housing' provides background evidence for housing policies. Under policy HOU2 – Quality residential development, Paragraphs 7.26, 7.27 and 7.28 'meeting the needs of all' details requirements which relate to mixture of house types, tenure and accessibility for all. Paragraph 7.27 refers to provision of a mixtures of house types to cater for all families and small households. The DPS does not seek to prescribe all housing on all zoned housing land. On zoned housing land there is nothing to preclude houses for the elderly.

Action: No action required.

j) Include criteria that affordable housing is not readily distinguishable in terms of external design

Pleased to see MUDC DPS reflects recommendations of a research report CIH published on the future of social housing policy, mixed tenure developments are valued as they are seen to support sustainable communities.

Recommend the DPS incorporate an additional policy that affordable housing is not readily distinguishable in terms of external design in mixed tenure developments.

Relevant representation: MUDPS/92/5

Consideration

We consider policies GP1, UD1 and HOU2 will ensure all new development is to a high quality. Such considerations will be dealt with through normal development management practice.

Action: No action required.

k) Social Housing

It is noted that the requirements outlined in paragraph 7.26 are not contained within policy wording and an assumption is made that it will not be stringently enforced. Clarification is therefore sought. It is suggested that the policy should clearly state if there will be a threshold that will need to be met with regards to social housing, and should threshold be met, a demonstrated need in the area should be identified.

It is considered unnecessary to impose social housing requirements on developments in areas where no need exists. If there is a blanket policy, some developers may reduce residential development in general, resulting in fewer housing projects, undermining LDP targets.

Relevant representations:

MUDPS/99/8, MUDPS/99/9

MUDPS/140/1, MUDPS/140/2, MUDPS/140/3, MUDPS/140/4, MUDPS/140/5

MUDPS/162/4, MUDPS/162/36

Consideration

As discussed earlier in this paper, we consider text within the justification and amplification to carry equal weight to that in the policy box.

It is noted that paragraph 7.26 states that provision of social housing will apply 'where a need for social housing has been identified by the relevant strategic housing authority.'

Action: No action required.

l) Same status to zoned and un-zoned land

Concern over affording same status to zoned and un-zoned land. This is not supportive of phased approach to release of housing land in HOU1.

Relevant representation: MUDPS/115/30, MUDPS/115/305

Consideration

The SPSS asserts that a 'plan, monitor and manage' approach is necessary to ensure that, as a minimum, a 5 year supply of land for housing is maintained. While the monitoring of development will ensure the Plan can react to circumstances of the district over time. It is important to note that we have undertaken to complete an urban capacity study to inform the LPP.

Within towns, unzoned land primarily comprises land previously developed or land with technical difficulties. In Plan-led systems – zonings are used to direct investment to sites for housing or industry. In the villages a different approach is used, where in the main land is not zoned as it is impossible to logically dictate as development is constrained by settlement limits and need to achieve compact urban forms.

When the LPP is prepared, consideration will be given on whether it is best to just use settlements providing flexibility or whether there is a need to protect land for

housing through zoned housing policy areas. The approach of the DPS is set out in paragraph 4.26 which fits for most villages and small settlements.

Action: No action required.

m) Developers meet full cost of road infrastructure or improvements if necessitated by their development.

DfI Roads, consider it essential that developers meet full cost of road infrastructure or improvements if necessitated by their development. They recommend, 'improvements' is added to criteria (vi).

Relevant representation: MUDPS/115/215, MUDPS/115/216

Consideration

Part (vi) states, 'provision is made for local infrastructure or local neighbourhood facilities where a need is identified.' It is considered that if improvements to existing infrastructure are essential to facilities a development proposal and this need is identified by Transport NI through the statutory consultation procedure then appropriate consideration will be given to this in relation to the scale and type of the proposal as per paragraph 7.35.

Action: No action required.

n) Include affordable housing within the policy in (relation to density thresholds)

In terms of paragraph 7.26 and the 25% rule for the provision of social housing in developments which have 50 units or more, it is believed that the policy should be reworded to include affordable housing.

Relevant representation: MUDPS/126/3

Consideration

DfC are reviewing the definition of affordable housing which is currently undergoing consultation. At present, affordable housing includes social rented and intermediate housing. At present NIHE only identify social housing need, therefore affordable housing provision cannot be catered for until such times as the NIHE confirm they will be identifying affordable housing need.

Action: No action required.

o) Include exceptional circumstances for open space requirements

It is submitted that in relation to 10% open space provision on sites of 1 hectare or development of 25 units or more, the Council should include an exceptional circumstances case. For example where a developer has proposed a larger plot size with the allocation of amenity space provided through private amenity space.

Relevant representation: MUDPS/126/4, MUDPS/126/5

Consideration

Our Open Space preparatory position paper provides the basis for the open space strategy which takes into account the objectives of the RDS and SPPS. It provides background evidence which underpins the requirement for open space within housing developments. We consider private amenity space and public open space different aspects of housing development which are not necessarily interchangeable. The provision of larger plots, in our view does not provide sufficient basis to remove the policy requirement for open space. Open space is a key aspect of and contributes to quality residential environments.

Action: No action required.

p) Clarify/ define a habitable room

Clarity should be provided within J&A on what is considered a 'habitable room'. It is often considered a living room /playroom or kitchen/dining room. This allows for amenity impacts to be properly considered against location of habitable rooms.

Relevant representation: MUDPS/138/11

Consideration

The point raised is acknowledged. A habitable room is not defined in planning legislation or strategic policy. Creating Places under the section Privacy (p.64) suggests a separation distance of 20m or greater between the opposing rear first floor windows of new houses is generally acceptable. It continues to state, consideration may, however, be given to a smaller separation distances which if employed, the design should include mitigating measures to help promote privacy - for example, through the location of bathrooms and the use of high level windows on upper floors to minimize the overlooking of living room windows and gardens of buildings opposite.

In defining a habitable room, current planning practice would exclude service rooms in nature such a halls, stairwells, bathrooms, utilities.

Action: No action required.

q) Wording 'to cater for the needs of families and small households...' is superfluous

Support is offered in relation to the proposed minimum density of 10-30 units per hectare, however the latter of the policy which states: '...to cater for the needs of families and small households...' should be removed as it is superfluous to the overall thrust of the policy.

*Relevant representation: MUDPS/138/12
MUDPS/139/8*

Consideration

We consider the text 'cater for the needs to families and small households' to provide reasoning to the requirement to provide a mix of house types. This includes a mix of size which is suggested by the provision for 'small households'.

Action: No action required.

r) Include flexibility for separation distance

The policy does not align with current guidance on separation distances - it is more restrictive than that set out in Creating Places and it does not incorporate an appropriate degree of flexibility for when 10m requirement can't be met.

Policy should be reworded to state 'providing adequate garden areas for new housing with a rear garden depth of around 10 metres'.

Relevant representation: MUDPS/138/14, MUDPS/138/15
MUDPS/139/7, MUDPS/139/10

Consideration

The justification and amplification to HOU2 states that 'a minimum distance of 12 meters between a front or rear elevation and a gable should be provided in the interest of over dominance, visual intrusion and loss of light. It also continues in paragraph 7.33 to state, 'residential developments will be expected to provide adequate garden areas for new housing with a rear garden depth to be not less than 10metres thus contributing to adequate amenity and separation.'

The policy requires development proposal respect neighbouring amenity, paragraph 7.24 sets out how this can be achieved. Furthermore, flexibility is afforded in paragraph 7.24 which notes, 'smaller separation distances are achievable and normally found within town centers or historic areas.' We consider the text provides sufficient flexibility.

Policy HOU2 takes accounts of Creating Places, provides flexibility but attempts to go further to achieve quality residential environments which are appropriate to our district.

Action: No action required.

s) Respect character - increased density only in exceptional circumstances

Within established residential areas government advises that it is imperative to ensure that proposed new housing development respect the environ and local character. Increased density should only be allowed in exceptional circumstances - para 6.127 SPPS. To accord with the SPPS the wording of policy HOU2 should be revised.

Relevant representation: MUDPS/174/8

Consideration

Policy HOU2 requires development proposals to demonstrate that they respect neighbouring development in terms of character, separation distance and amenity. The proposed density will be a key consideration when assessing the development in relation to this criteria. Paragraph 7.20 sets out appropriate densities which will help to avoid town cramming and contribute to a sense of place.

Action: No action required.

6.5 Policy HOU3 – Residential Extensions

a) State that the policy is applicable to all dwellings

The policy would benefit from clearly stating that it applied to all dwelling houses, including single dwellings in countryside.

Relevant representations: MUDPS/115/31 & MUDPS/174/17

Consideration:

The policy states 'regard will also be given to this policy when assessing extensions to dwellings in the countryside.'

Action: No action required.

b) Move text to policy box

Reference to 'over dominance' etc. in justification and amplification may benefit from being in policy box.

Relevant representations: MUDPS/115/31

Consideration:

The issue of over dominance is dealt with implicitly in the policy by identifying the nature of harm that over dominant buildings cause i.e. being out of character with the surrounding area or unduly affecting the privacy or amenity of neighbouring residents. Furthermore, given extensions are required to be sub-ordinate this also assists in addressing over-dominance.

The text within the policy box provide a summary of the key considerations. The justification and amplification provides further supporting information which is relevant to a proper understanding and interpretation of policy. It is considered both should have equal weight and for clarity reference to this could be considered by inclusion of a paragraph at the start of the DPD which stipulates this.

Action: No action required.

c) Provide separate policy for residential extensions in the countryside / Include provision for larger extensions

There should be a separate policy for residential extensions in the countryside. The policy for extensions in the countryside is at present too onerous and prescriptive where larger curtilages can afford greater opportunities for extensions. Include provision for very small dwellings to be extended to provide a reasonable level of accommodation within them when extended. The second criterion should include the line '(except where the dwelling to be extended is small in scale and a larger extension is required to provide an adequate level of modern accommodation)'.

*Relevant representations: MUDPS/126/6, MUDPS/126/7
MUDPS/189/1*

Consideration:

The comments are acknowledged. The provision of a separate policy for the extension of dwellings in the countryside is not considered necessary given the content of the general principles policy and HOU3. This is also supplemented by CT1 which applies to all residential development in the countryside which makes it clear the key considerations such as prominence, visual impact, rural character and integration as well as design in relation to height, size scale etc. Therefore we do not consider it necessary to provide a separate policy for extensions.

We also do not consider that the aforementioned policies preclude larger extensions, but rather high quality well considered design would be paramount in these instances to bring about an extension which achieves the space required while respecting the existing dwellings and the landscape.

Action: No action required.

6.6 Policy HOU4 - Conversion of existing buildings to flats, apartments or houses in multiple occupation

a) Access to public road / safety

The Department refers to advice provided at the POP that policies PPS3, DCAN15, PPS7 and PPS13 are brought forward in LDP. They have concerns that the policy wording proposed does not fully address issues such as access to the public road and safety.

Relevant representations: MUDPS/115/217, MUDPS/115/218

Consideration

In effort to avoid duplication, detailed roads, access and parking arrangements including access to the public road and safety have been formulated and confined to separate transportation policies. These include;

TRAN1 – New Roads and Road Improvement Schemes

TRAN2 – Disused Transport Routes

TRAN3 – Car Parking

TRAN4 – Access on to Protected Routes and other Route Ways

In addition DfI have confirmed that DCAN 15 is to be retained therefore this level of technical detail does not need to be replicated. It is considered that we shall seek advice and take direction where appropriate through statutory consultation with Transport NI.

Action: No action required.

b) Clarify that the policy relates to buildings within the settlement limits

Although HOU4 is prior to policies relating to housing in the countryside, this policy should explicitly clarify in the headnote that the flat conversion policy relates to buildings within the settlement only to avoid any potential ambiguity.

Relevant representations: MUDPS/174/10, MUDPS/174/11, MUDPS/174/12

Consideration:

Policy HOU4 is set under the Housing in Settlements section of the DPD. Whilst acknowledging policy HOU3 is applicable to dwellings in the countryside, this is explicitly stated within the policy text box. We therefore consider there to be a presumption that policies contained within this section relate only to housing in settlements unless otherwise stated.

Action: No action required, however if the commissioner were so minded we would have no objection to a sentence being added in the justification and amplification to HOU4 to state “this policy does not apply to the development in the countryside.”

c) Additional criteria required

Policy should also include additional criteria on such proposals having no adverse effect on:

The character of an established area including ATC/AVC and conservation areas.
The character, principal components, archaeological, historical interests etc.

Relevant representations: MUDPS/174/10, MUDPS/174/11, MUDPS/174/12

Consideration:

We consider these concerns noted above are addressed through the GP1 policy and Historic Environment Policies which are relevant for development situated in ATC/AVC and conservations areas. It is anticipated that the LPP will provide further guidance on particular ATC's and AVC's. There is also guidance available on conservation areas separate to the Plan.

Action: No action required.

6.7 Policy TH1 – Travelers Accommodation

a) Single family traveler transit or serviced site in the countryside

The Department note that HOU4 broadly reflective of Policy HS3 of PPS12, however have concern with policy in context of countryside. Clarification is sought on single family transit or serviced site in countryside with no need demonstrated.

*Relevant representation: MUDPS/85/38
MUDPS/115/32, MUDPS/115/33*

Consideration

Policy TH1 makes provision for a single family transit or serviced site in the countryside as opposed to a grouped housing scheme, serviced site or transit site where a local housing needs assessment demonstrates need. In these instances, there will be no requirement to demonstrate need but proposals will be assessed on their own merits.

The SPPS states,

“6.146 Where a need is identified for a transit site or a serviced site, which cannot readily be met within an existing settlement in the locality, proposals will be required to meet the policy requirements in respect of rural planning policy for social and affordable housing.”

Policy HS 3 Travellers Accommodation (Amended) of PPS 12 Housing in Settlements states:

“Where a need is identified for a transit site or a serviced site, which cannot readily be met within an existing settlement in the locality, applications will be required to meet the policy requirements of Policy CTY 5 – ‘Social and Affordable Housing’ as set out in PPS 21.”

Exceptionally, and without a requirement to demonstrate need, a single family traveller transit site or serviced site may be permitted in the countryside. Such proposals will be assessed on their merits.

Under transitional arrangements the SPPS asserts that,

“1.12 Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.”

It has not been clear whether the SPPS intended to change policy. Had it done, it would have stated that HS3 no longer applies. Traveler accommodation is a sensitive subject and has been subject of a human rights investigation into whether government bodies adequately take on responsibilities in relation to traveler

accommodation. Government bodies have come under a great deal of criticism due to failure to recognize that travelers are a defined racial group and that needs assessments have not had sufficient information in order to adequately assess need,

In examining the SPPS and policy HS3, there appears to be variance in HS3, where no need is identified compared to the SPPS which has a single statement. Given the department has never indicated it was its intention to introduce a more stringent test, it is Mid Ulster Councils view that the SPPS is less prescriptive and does not introduce a policy change in the retained policy. Indeed to consider this differently would only amplify concerns outlined by the Human Rights Commission.

Furthermore, Under Section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity between the groups listed at Appendix 1. This includes Irish travellers listed under racial groups. The equality of opportunity screening analysis of the SPPS carried out by DOE. It states that there is no likely adverse impact anticipated on equality of opportunity – the SPPS will be applied uniformly across all section 75 categories and a full EIA assessment was not required.

Action: No action required.

b) Travelers needs assessment / consultation

The Group query the status of the Travelers needs assessment - this is a requirement - not clear how the traveling community has been consulted.

Relevant representation: MUDPS/162/34

Consideration

The POP suggested that there was no current traveller accommodation need identified for Mid Ulster. During consideration of the POP responses which highlighted that whilst there may not be a current need for such accommodation, the LDP should include the relevant policy from PPS12 which states that exceptionally, and without a requirement to demonstrate need, a single family traveller transit site or serviced site may be permitted in the countryside. The proposed policy has therefore been tailored from existing strategic policy.

As set out in paragraph 7.49 of the DPS, a Travellers needs assessment is carried out by NIHE and is reflected in Housing needs assessment which is received annually. The assessment is based on an examination at both strategic level looking for larger sites but also identifying where local needs as a result of surveys and discussions with local traveller groups.

In addition the Council undertook an Equality Impact screening report which considered the impact of the policy on section 75 groups including the travelling community. It concluded that, the policies for Housing in Settlements including TH1 would have positive effects on their community by providing policy which enables traveller accommodation to be developed where there is an identified need according to the local housing authority.

Action: No action required.

7.0 Counter representations

There were no representations received in relation to the above policy / policy topic.

8.0 Recommendation

It is recommended that we progress the approach to Housing in Settlements in line with the actions contained within this paper.

9.0 Representations received

Respondent	Reference
Consultation Bodies	
Northern Ireland Housing Executive	MUDPS/85
Department for Infrastructure	MUDPS/115
Public Representations	
N.I Co-Ownership Housing Association	MUDPS/5
One2one Planning	MUDPS/14
RSPB	MUDPS/59
Turley	MUDPS/60
Pat McBride Planning Consultant	MUDPS/62
Rural Community Network	MUDPS/66
Turley	MUDPS/76
Turley	MUDPS/78
Chartered Institute of Housing Northern Ireland	MUDPS/92
Gravis Planning	MUDPS/99
Northern Ireland Federation of Housing Associations	MUDPS/118
2Plan NI	MUDPS/126
WYG Planning	MUDPS/138
WYG Planning	MUDPS/139
Ward Design	MUDPS/140
TC Town Planning	MUDPS/158
MBA Planning	MUDPS/160
Protect Slieve Gallion	MUDPS/162
TSA Planning	MUDPS/171
TSA Planning	MUDPS/172
The National Trust	MUDPS/174
T A Gourley Planning Consultancy	MUDPS/184
T A Gourley Planning Consultancy	MUDPS/185
T A Gourley Planning Consultancy	MUDPS/189
Ross Planning	MUDPS/192
Mrs Aileen Drumm	MUDPS/193

Addendum to Housing in Settlements Topic Paper
New Representations Received during the Re-consultation on the DPS

1.0 New comments received during consultation

a) MUDPS/115/365 – No new issue raised, see Para 6.1 (a).

b) MUDPS/115/366 – *DfI suggest that the wording of HOU1 is revisited to fully align with regional strategic objectives for transportation and land-use planning in Para 6.297 and 6.301 of SPPS.*

Consideration

We consider our DPS is in line with the SPPS and provides sufficient and adequate coverage of transportation policies. These include the General Principle's planning policy GP1 and transportation policies, TRAN1, TRAN2, TRAN3 and TRAN4. The General Principles Planning Policy, Policy GP1, will apply to all development proposals in Mid Ulster and therefore such detailed criteria does not need to be repeated in individual subject policies in the Plan, such as HOU1. GP1, criteria (e) sets out the access, road layout and parking provision details that all development proposals should address and adhere to. We consider Policy HOU1 to be sound.

Action: No action required.

c) MUDPS/115/367 & MUDPS/115/368 – *Policy HOU2 should reduce need for motorised transport, encourage active travel & facilitate travel by public transport in preference to private car. Public transport should be referenced.*

Consideration

We consider Policy HOU2 sufficiently encourages alternative travel in preference to private car. Criteria (iv) provides access to modes of transport other than the car, and para 7.29 of J&A encourages other alternative modes of transport. The lack of reference specifically to public transport does not make this policy unsound.

Action: No action required.

d) MUDPS/170/33 – *NI Water encourages Council to be mindful of sewerage capacity and collection/ treatment when determining land zonings.*

Consideration

Comment noted.

Action: No action required.

e) MUDPS/171/17 & MUDPS/172/17 – Lack of clarity over whether the 30-60% allocation figure is in relation to Phase 1 or Phase 2 land. Council must ensure an adequate supply of land by facilitating 60% of the housing allocation via phase 1 zonings in the three main hubs.

Consideration

Appendix 1 provides information on Housing Growth Local Indicators and Economic

Development Local Indicators for the District over the plan period. It shows that the 30-60% allocation can mostly be achieved through Phase 1 land and committed permissions. Development of phase 2 housing land will conflict with the Plan except for a number of exceptions outlined in Policy HOU2.

Action: No action required.

f) MUDPS/213/3 – Comment of support, rep welcomes the introduction of Policy SCA 1.

Consideration

Action: No action required.

g) MUDPS/214/18 – *Not necessary to reference the migrant population in Para 7.44. Amend wording to remove reference to migrant population.*

Consideration

The rep does not state how this reference to migrant population in Para 7.44 fails the soundness tests. We believe this reference does not make this policy unsound.

Action: No action required.

h) MUDPS/214/19 – *In Policy TH1 some reference should be made to impact on neighbours when considering travellers sites.*

Consideration

The General Principles Planning Policy, Policy GP1, will apply to all development proposals in Mid Ulster and therefore such detailed criteria does not need to be repeated in individual subject policies in the Plan, such as TH1. GP1, criteria (a) considers the amenities of nearby residents. We consider Policy TH1 to be sound.

Action: No action required.

i) MUDPS/215/11 – No new issue raised, see Para 6.4 (c).

j) MUDPS/215/12 & MUDPS/215/13 – No new issue raised, see Para 6.4 (e).

k) MUDPS/215/14 – *Paragraphs 7.26-7.27 relate to House types and tenure, yet the paragraphs only refer to social housing, which is at odds with SPPS definition of affordable housing.*

Consideration

The SPPS states affordable housing relates to social rented housing and intermediate housing. The Department for Communities is currently drafting a new Definition of Affordable Housing, as they consider it is now timely to provide a revised definition of affordable housing, which incorporates a wider range of intermediate housing products. We consider it unnecessary for the Council to provide specific policy for intermediate housing, as there is a much lesser demand for this type of housing in the district unlike social housing. The lack of reference specifically to intermediate housing does not make this policy unsound.

Action: No action required.

l) MUDPS/215/15, MUDPS/215/16 & MUDPS/215/17 – No new issue raised, see Para 6.4 (d) of original topic paper.

m) MUDPS/215/18, MUDPS/224/6, MUDPS/224/7, MUDPS/224/8, MUDPS/225/5, MUDPS/225/6, MUDPS/225/7, MUDPS/226/5, MUDPS/226/6, MUDPS/226/7, MUDPS/230/43, MUDPS/230/44 – No new issue raised, see Para 6.3 (c) of original topic paper.

n) MUDPS/231/15 & MUDPS/231/16 – *Policy HOU2 sets an arbitrary limit for rear separation distances, with no latitude given for imaginative design solutions. Emphasise that imaginative design solutions can sometimes resolve problems of this nature.*

Consideration

Policy HOU2 takes accounts of Creating Places, provides flexibility but attempts to go further to achieve quality residential environments which are appropriate to our district.

Action: No action required.

o) MUDPS/231/17 & MUDPS/231/18 – *Tandem development should not always presume against, as often there are no adverse effects. Allow for tandem development where sites are well screened or where imaginative design solutions can minimise any amenity impact.*

Consideration

Policy HOU2 takes accounts of Creating Places, provides flexibility but attempts to go further to achieve quality residential environments, which are appropriate to our district.

Action: No action required.

p) MUDPS/231/19 & MUDPS/231/20 – No new issue raised, see Para 6.4 (d).

q) MUDPS/231/21 & MUDPS/231/22 – *Provision of Adequate Public and Private Open Space, Para 7.31 and Para 7.33, do not allow for flexibility.*

Consideration

Our Open Space preparatory position paper provides the basis for the open space strategy which takes into account the objectives of the RDS and SPPS. It provides background evidence which underpins the requirement for open space within housing developments. We consider private amenity space and public open space different aspects of housing development which are not necessarily interchangeable. Open space is a key aspect of and contributes to quality residential environments. We believe this policy is sound.

Action: No action required.

r) MUDPS/231/23 & MUDPS/231/24 – *Policy HOU4 (c) does not allow for conversion of buildings smaller than 150m² but which could potentially accommodate conversion to smaller units.*

Consideration

This is correct. The purpose of this is to ensure smaller buildings are not converted.

Action: No action required.

s) MUDPS/231/25 & MUDPS/231/26 – *If Policy HOU4 (e) taken literally, would preclude access from the side.*

Consideration

Comment noted.

Action: No action required.

t) MUDPS/233/11 – No new issue raised, see Para 6.4 (d).

u) MUDPS/241/9, MUDPS/241/10 – No new issue raised, see Para 6.4 (r).

v) MUDPS/241/11 & MUDPS/241/12 – *Para 7.25, if policy adhered to slavishly this will automatically debar certain proposals even where careful design solutions can overcome problems typically associated with tandem development.*

Consideration

Policy HOU2 takes accounts of Creating Places, provides flexibility but attempts to go further to achieve quality residential environments, which are appropriate to our district. We consider this policy sound.

Action: No action required.

w) MUDPS/241/13, MUDPS/241/14, MUDPS/241/15 & MUDPS/241/16 – *Provision of Adequate Public and Private Open Space, Para 7.31 and Para 7.33, do not allow for flexibility. Little recognition for local circumstances.*

Consideration

Our Open Space preparatory position paper provides the basis for the open space strategy which takes into account the objectives of the RDS and SPPS. It provides background evidence which underpins the requirement for open space within housing developments. We consider private amenity space and public open space different aspects of housing development which are not necessarily interchangeable. Open space is a key aspect of and contributes to quality residential environments. We believe this policy is sound.

Action: No action required.

2.0 Representations received

Respondent	Reference Number
Consultation Bodies	
Department for Infrastructure (DfI)	MUDPS/115
NI Water	MUDPS/170
Public Representations	
TSA Planning	MUDPS/171
TSA Planning	MUDPS/172
Siobhan Corcoran	MUDPS/213

Turley	MUDPS/215
2 Plan NI	MUDPS/224
2 Plan NI	MUDPS/225
2 Plan NI	MUDPS/226
TSA Planning	MUDPS/230
O'Callaghan Planning	MUDPS/231
MKA Planning	MUDPS/233
O'Callaghan Planning	MUDPS/241

Housing in the Countryside – Topic Paper

1.0 Main Issues Arising from Consultation

- 1.1 Issues arising from representations are grouped against the various headings in the DPS, against which they were raised.
- 1.2 The main issues include the perceived relaxation of rural housing policy and that there is insufficient evidence to support such a relaxation. A number of respondents have argued that the amendments to regional policy undermines the protection of the countryside and our environmental assets. It is argued that the suggested amendments to rural housing policy contained within the Draft Plan Strategy does not accord with the requirements of the RDS in that it does not adhere to the 60% target for all new houses being located in the urban footprint. Furthermore, it is argued that given the insufficient evidence regarding the quantity of additional dwellings which may be allowed through the policies the overall approach of the DPS is unsustainable.

2.0 Regional Context

- 2.1 Strategic planning policy objective recognises that the distinctive settlement pattern of dwellings in the open countryside is unique within these islands and that many people working on the land are conscious of continuing a cultural tradition and have a strong interest in sustaining that tradition, the land itself and the living that it provides. The strategic planning policy objective also states that sustainable and sensitive development in the countryside should be encouraged.
- 2.2 The SPPS requires the Council to bring forward a policy approach which must cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously old used buildings. It goes on to state that such a sustainable approach facilitates essential new development, which can benefit from the utilisation of existing services such as access and drainage, whilst simultaneously mitigating the potential adverse impacts upon rural amenity and scenic landscapes. It goes onto state that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed. The SPPS requires that the policy approach for development in the countryside should reflect and complement the overall approach to housing growth across a plan area.

3.0 Evidence Base and Supporting Documentation

- 3.1 In preparing the draft Plan Strategy, a considerable amount of background research has been carried out in order to ensure the strategic approach is

based on sound evidence. This work has been published on the Mid Ulster District Council Website along with the Draft Plan Strategy and consists of the following documents;

- Housing Position Paper (DoE/MUDC) November 2014
- Housing Allocation Position Paper (MUDC) July 2015
- Development Pressure Analysis Position Paper (MUDC) September 2015
- Landscape Character Assessment Review, MUDC
- Review and Audit of Landscape Character Assessment Review for Local Development Plan, GM Consultants (October 2018)

Support – Non Committal

MUDPS/66/2
MUDPS/66/3
MUDPS/66/4
MUDPS/85/49
MUDPS/115/48
MUDPS/115/50
MUDPS/159/7
MUDPS/162/37
MUDPS/162/39
MUDPS/177/1

4.0 Responses to Specific Issues

- 4.1 This section addresses the main issues identified and logged by the Development Plan Team as being relevant to the various Housing in the Countryside sections in the draft Plan Strategy.

4.2 Our Strategy

- a) *Policies for development in the countryside will not support achievement of SPF 6 – they will give rise to excessive and inappropriate development. Council have not presented local evidence to justify 40% and departure from RDS and SPPS.*

Approach gives rise to substantial concerns. It appears Council is significantly relaxing rural housing policy which will only serve to perpetuate transport issues.

Relevant Representations: MUDPS/115, MUDPS/115/9, MUDPS/115/10, MUDPS/115/12 and MUDPS/115/306, MUDPS/59/32

Consideration

The planning policies contained within the Draft Plan Strategy have been based entirely on the SPPS. Our policies accord with SPF 6 in that they will accommodate development within the countryside whilst safeguarding our natural and built heritage. In formulating all of the policies the approach taken has been to cluster, consolidate and group new development. This approach is reflected in our policies on development in farm clusters, infilling, business uses and our policy for carers. By doing so these houses can take advantage of any service/infrastructure already being provided by neighbouring properties.

Mid Ulster Council disputes the assertion that we are adopting a more permissive approach. The SPPS clearly provides for housing in the countryside, 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 (see Appendix 1). A number of new policy provisions have been brought forward within the DPS, namely; Dwelling Infilling a small gap site, Dwelling in a Farm Cluster, Dwelling for a Carer and Dwelling for Holder of a Commercial Fishing Licence. These tailored policies were brought forward to address a distinct need peculiar to Mid Ulster, e.g. dwelling for a fisherman. The need for each of these policies will be addressed later under the relevant policy sections.

This plan is the first attempt to control the overall number of dwellings approved in the countryside. It is the Council's view that the number of houses likely to be approved under these policy provisions would result in only a marginal increase in overall numbers. That said we have proposed a very clear monitoring / review system which will allow us to identify if the rural housing approval figures exceed 40% of the Districts HGI. Should the figure of 40% be exceeded this would trigger the need to change policy at the Plan Review and it could also demonstrate a need for further areas of constraint or a reduction of development opportunities as provided by the SPPS policies.

The DPS recognises the importance of securing sufficient land in our three main towns, 30 – 60% of our housing. The DPS stresses the need to release more land should our housing land supply fall below 30% and our plan monitoring will ensure that land is released from our land bank/phases. The Council does not envisage that villages will become the main driver for rural pressures. Any development must be proportionate to the size of the village and that larger scale development would be better located in the main towns.

The comments of DfI implies the introduction of a Greenbelt or policy areas. Such an action in itself would be against the SPPS as it requires for provision for dwellings in the countryside i.e. infilling, dwelling on a farm etc.

All of the proposed policies within the DPS have been sustainably appraised and have been found to be acceptable when considered against the three pillars of sustainability.

Action: No action required.

b) **A Large population living in the open countryside**

DfI note that the DPS distinguishes Mid Ulster from other areas in relation to number of households in countryside - but does not acknowledge issues with large population living in open countryside.

Relevant representation: MUDPS/115/34

Consideration

Background evidence papers completed by MUDC, namely 'Sustainable Development in the Countryside' provide detailed information which underpins the policies proposed. The DPS aims to adopt a balanced approach with policies which are informed by strategic policy and meets the needs of the Mid Ulster District and its people.

DfI have not recognized the extent to which the Plan has addressed competing interests in that where protection is needed from Housing in the Countryside additional constraints including Special Countryside Policy Areas have been introduced.

The SPPS contains an approach to housing in the countryside which it requires local authorities to take account of. Implicit in the regional policy is the need to control rural housing in order to prevent over provision which occupied the turn of the 21st century.

Our Plan has adopted the approach of the SPPS but also recognised certain needs peculiar to Mid Ulster such as Lough Neagh fishermen. Our Plan recognizes certain areas in Mid Ulster district council where rural housing would be harmful and Special Countryside Areas have been proposed. Furthermore pressure analysis has been carried out to ensure that an undesirable concentration of rural houses is not developing.

Action: No action required.

4.3 **Policy CT 1- General Policy**

- a) *Policy appears to take account of regional policy approach to cluster, consolidate and group new development with existing buildings. However Policy CT1 contains a broad exception where there are 'environmental or operational reasons' - this significantly weakens it.*

Relevant representations: MUDPS/115/35

Consideration

The policy approach is to cluster, consolidate and group new development with existing buildings. As stated in the policy justification, para 8.15, an alternative site may be considered where the applicant submits appropriate and demonstrable evidence from a competent and independent authority such as the Health and Safety Executive or Environmental Health to justify the setting. Thereby exceptions have to be justified and will be scrutinized as part of the assessment and determination of any planning application submitted.

Existing regional policy contained within the SPPS (para.6.73) recognises that there can be exceptional reasons already permit replacement dwellings at an alternative site where there are demonstrable landscape, access, heritage or amenity benefits in doing so. Furthermore Policy CTY 10 of PPS 21 allows for the relocation where there are demonstrable health and safety reasons or business requirements. Taking account of this the Council considers that the policy wording has not been weakened but is appropriate as it allows for exceptions in justified cases only. It is considered that the wording of Policy CT 1 is sufficiently prescriptive to ensure clustering, consolidation and grouping, but marginally flexible enough to allow for alternative siting, depending on the site specific circumstances.

Action: No action required.

- b) *POP advice provided stating important current PPS3, DCAN15, PPS7 & PPS13 brought forward in new plan. Concern that GP1 d, e and f do not fully address key considerations. Concern not sufficient coverage or linkage.*

Relevant representations: MUDPS/115/149, MUDPS/115/219, MUDPS/115/220 & MUDPS/115/224

Consideration

We consider our DPS provides sufficient and adequate coverage of transportation policies. These include the General Principle's planning policy GP1 and transportation policies, TRAN1, TRAN2, TRAN3 and TRAN4. We have acknowledged in our DPS that regard will be had for any supplementary planning guidance which may be brought forward. This includes DCAN 15 which DfI have confirmed will be retained.

As stated in para 6.2 the General Principles Planning Policy, Policy GP1, will apply to all development proposals in Mid Ulster and therefore such detailed criteria does not need to be repeated in individual subject policies in the Plan. GP1, criteria (e) sets out the access, road layout and parking provision details that all development proposals should address and adhere to.

Action: No action required.

- c) *NIHE would like to see further criteria that new development should not contribute to "build up" in the countryside. NIHE would also like to see the reference to new planting in Paragraph 8.20 restricted to native species.*

Relevant representations: MUDPS/85/39

Consideration

Mid Ulster has taken its direction from the SPPS. The SPPS does not include criteria that new development does not contribute to build up. Its criteria is set out in paragraph 6.70 to 6.73 and these are reflected in Policy CT 1. The issue raised to a large degree is semantics as the key tests relate to respecting rural character by complementing settlement patterns, whilst avoiding ribbon development or contributing to urban sprawl.

Action: No action required however should the Commissioner be minded to recommend that we include the words 'build up' within the third bullet point of the policy then the Council would have no objection. Policy would read as follows – '*Respect rural character by complementing settlement patterns in the locality and avoid a build up of dwellings and/or avoid creating or adding to ribbon development.*'

- d) *Integration can come in the form of vegetation and landform screening to the foreground of a proposal, the word backdrop is too prescriptive and should be removed.*

Relevant representations: MUDPS/126/8 & MUDPS/126/9

Consideration

The Council maintains that the wording of Policy CT 1 is sound. The policy states that residential development in the countryside shall be required to 'integrate with its setting by utilising existing vegetation and landform to provide a backdrop and soften visual impact'. The Council does consider this as too prescriptive as it will help development integrate into its setting thereby respecting rural character. This is in line with existing regional policy SPPS, para 6.70 and PPS 21 Policy CTY 13 (criteria f) the latter refers to landform and natural features providing a backdrop.

Action: No action required however if the commissioner were to recommend the omission of the words 'to provide a backdrop' the Council would not object to this revision.

4.4 Policy CT2 – Dwellings in the Countryside

- a) *Policy undermines protection of countryside and conflicts with RDS 60:40 urban/rural split; new policy may result in unsustainable patterns of growth*

Relevant representations: MUDPS/115/36, MUDPS/174/13, MUDPS/192/13 & MUDPS/192/14

NIHE support the development in the countryside policy as contained within the SPPS. MUDPS/85/40

Housing development resulting from this policy should be included within the allocation for housing in the countryside.

*MUDPS/59/34 – RSPB***

Consideration

The RDS does not propose an urban/rural split and leaves this as a matter for the planning authority. The RDS does however require under SFG12 to grow the population in the hubs/cluster and SFG13 also requires Councils to sustain rural communities living in smaller settlements and the open countryside. Within RG8 (para 3.14) the RDS looks to achieve 60% of regional growth on brownfield sites within the urban footprints of settlements however this not a uniform indicator for each settlement. It was always envisaged that settlements with high proportions of brownfield sites, such as Belfast, would be the greatest provider of such housing. In Mid Ulster opportunities to provide most housing within urban footprints are limited due to the fact that all of our towns are small in size. This said, none of the existing housing development sites within the towns pose a problem in relation to distances from shops and services, other than to an acute hospital.

Action: No action required.

Because of 40% of houses are located in the Countryside then this reinforces the need to prevent sterilisation of mineral reserves from development of new houses. MUDPS/29/9

Consideration

- b) *Proposed additional provisions for new dwellings are noted. It is unclear if assessments have been carried out to inform potential numbers and distribution of new houses as well as environmental impact.*

Relevant representations: MUDPS/56/15, MUDPS/56/16, MUDPS/56/17 & MUDPS/56/18

Consideration

Mid Ulster Council has introduced a number of additional provisions for housing in the countryside. Each policy provision has been carefully assessed, for instance with regards Policy CT2 (j) 'Dwelling for Holder of a Commercial Fishing Licence' the Council's evidence demonstrates that the number of

licence holders is relatively low and furthermore we would not envisage that all of the fishermen would require a dwelling.

Other policies such as CT 2 (f) 'Dwelling in a Farm Cluster' are more difficult to assess however the fact that the policy requires a dwelling to be located within an existing group of farm buildings would likely act as a disincentive to many other than to those who wish to live beside their family. Policy CT 2 (h) 'Dwelling for a Carer' is broadly in line with existing policy provisions, the key difference being that rather than requiring a link corridor between the existing dwelling and the extension, this policy allows the extension to be self-contained. Similarly the policy requirement to utilise the curtilage of an existing dwelling will also act as a disincentive for speculative proposals and therefore this policy will likely only appeal to family members wishing to live beside their immediate family.

Accordingly it is reasonable for us to assume that the overall yields of dwellings afforded by these new provisions is likely to be small. It should be noted that it is not possible using current policy to predict the numbers of potential new housing and that we can only draw conclusions based upon past trends. It is for this reason it is fundamental that the Council monitor the number of dwellings approved in the countryside over and if necessary amend the policy accordingly.

The Council recognises the difficulties associated with predicting the number of dwellings approved in the countryside with any degree of certainty and that is why we have placed a cap of 40% (4380). A good indication can be achieved whether the 40% figure is going to be exceeded, as we would expect 273 dwellings to be approved per year (Appendix 1).

Action: No action required.

- c) *Policy CT2 does not take account of Community Plan re ambulance waiting times, lack of public transport etc. It is not support of achieving Community Plan outcomes.*

Relevant representations: MUDPS/115/37

Consideration

DfI's response is based on ambulance times and the longest response times are in Cookstown and outlying lands to the west. If the logic of DfI was followed it would mean that the key area for future development would be Toome or Coalisland. The failure of ambulance times is that we do not have an acute hospital and our roads system is poor and the fact that not everyone lives in a hub. The Department has correctly made a link between transportation and planning however they have failed to address that public transport in the heart of Mid Ulster is negligible. The only meaningful routes are from Dungannon and Maghera to Belfast.

More importantly the RDS identifies Cookstown, Dungannon and Magherafelt as a cluster of hubs which should work jointly to provide services to the towns, villages and the outlying rural area. As a result therefore it is envisaged that residents of Mid Ulster will still have to travel between the towns to avail of services. In the absence of a railway it is essential that we have good roads infrastructure linking these towns and reduce travel times so that all residents have good access to services. The notion that our travel to work is unsustainable is ironic given that the travel to work statistics (NISRA) show that 75% of our residents travel to work within the district.

Action: No action required.

4.5 Policy CT2- Criteria (a) Dwelling in an existing non-farm cluster

- a) *Concern approach does not require cluster to appear as visual entity as required by SPPS- potential to increase number of clusters capable of meeting policy and therefore number of dwellings under this criteria*

Relevant representations: MUDPS/115/38

Consideration

The draft policy criteria states that the cluster must comprise a group of four or more substantial buildings, be located at a focal point and must have existing buildings on at least two sides. Given the requirement for four or more substantial buildings located at a focal point, this cluster in itself would already appear as a visual entity in the local landscape. Therefore the policy wording 'appears as a visual entity' is considered as unnecessary. As stated in para 8.32 such clusters have an identity of their own.

Action: No action required however should the commissioner be so minded we would have no objection to re-wording the policy to –*'the cluster must appear as a visual entity in the landscape and comprise a group of 4 or more substantial buildings and be located at a focal point such as a cross roads or a social/community building and can be absorbed through rounding off or consolidation. The site must have existing buildings on at least two sides.'*

- b) *Include 'employment centre/building' as an additional focal point - it reflects historic rural settlement patterns*

Relevant representations: MUDPS/126/10

Consideration

The policy as written is based on the SPPS and does not explicitly define a focal point however examples of what a focal point could be are provided and include a cross roads or a social/community building. The point of the policy is that there is not only a group of buildings but that they are focused on something

which gives it a sense of identity. Accordingly, depending on the nature of the employment use it could well be the focal point of a cluster.

Action: No action required.

- c) *Remove word 'substantial' from a group of four or more substantial buildings and replace 'existing buildings' in the last sentence with 'existing development'*

Relevant representations: MUDPS/189/2

Consideration

The word 'substantial' is important as it would exclude temporary buildings and act as a deterrent to persons who may try and erect small buildings at a focal point in order to gain planning approval under this policy criteria. Furthermore, given that The Act very loosely defines what a building is, as being any structure, the argument could be made that fences, lamp-posts and other such structures represent buildings. Therefore, in order to avoid any confusion it is helpful that this word should remain.

In relation to the term existing buildings we equally feel this helpful as development is defined to include not just buildings but engineering operations and changes of use. Therefore we consider that the policy as proposed offers clarity to both applicant and decision maker.

Action: No action required however should the commissioner consider it necessary to adhere to the wording of the SPPS, the Council would have no objection to the deletion of the word 'substantial' or the replacement of 'existing building' with 'existing development.'

4.6 Policy CT2- Criteria (b) Dwelling infilling a small gap site

- a) *Concern regarding allowing one dwelling between two - not justified by evidence. No acknowledgement that infill should be within substantial and otherwise built-up frontage. No basis to say two dwellings would constitute this. Will contribute to ribboning*

Relevant representations: MUDPS/115/39

Consideration

Policy CT 1 of the Draft Plan Strategy ensures that development will respect rural character by complementing settlement patterns in the locality and avoid creating or adding to ribbon development. The key test here is the impact on rural character. It has already been established that under existing policy that if 2 dwellings with a small gap site between them (one with an ancillary domestic garage to the side) can represent a line of 3 buildings with a frontage. The Council does not feel that the key test should be the presence of a domestic garage, which ironically is the test at present. However in order to

accommodate two dwellings the policy has remained in line with the stated existing policy in PPS 21. It is clear that a house between two existing dwellings would not change rural character provided the site is small.

Action: No action required however the Council would not object to criteria (b) lead sentence reading; 'Dwelling infilling a small gap site within a substantial and continuously built up frontage', providing the rest of the criteria within the policy remains the same.

- b) *Policy wording relating to policy CT2 (b) should correspond with the accompanying amplification text. We recommend that the word dwelling is replaced by building as per amplification text.*

Relevant representations: MUDPS/126/12

Consideration

The word use of the word 'dwelling' within the policy box is important as it would exclude buildings providing the basis for a gap site dwelling and therefore acts as a stronger policy test. Furthermore, given that The Act very loosely defines what a building is, as being any structure, the argument could be made that fences, lamp-posts and other such structures represent buildings. Therefore, in order to avoid any confusion and in order to provide for a more stringent policy it is considered necessary that the word dwelling remains in the policy box.

Action: No action required

4.7 Policy CT2- Criteria (c) Replacement Dwelling

- a) *Concern policy allows off-site replacement without careful consideration to impact on character of area. No guidance on scale, massing, height for a replacement dwelling.*

Relevant representations: MUDPS/77/268 & 269

Consideration

The policy states that the 'replacement dwelling must be located within the curtilage of the original building where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so'. The justification, para 8.36, extends upon this further stating that the new dwelling should be sited within the established curtilage of the existing building unless either the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. This is akin to PPS 21, Policy CTY 3 replacement dwellings and is actually more prescriptive than the equivalent policy in the SPPS. Therefore the Council are satisfied that the policy does give careful consideration to the character of the

area. Scale, height and massing are all considered under the General Principles Policy, Policy GP1, which is applicable to all planning applications received.

Action: No action required.

- b) *Policy justification should include that 'replacement dwellings must not have a visual impact significantly greater than the existing building' as per SPPS*

Relevant representations: MUDPS/85/45, MUDPS/115/40

Consideration

From experience in many cases that the Planning Department have encountered, the dwellings to be replaced are extremely small scaled and the proposed new replacement dwellings though not considered excessive in scale for the site but would still have a visual impact significantly greater than the existing dwelling. Therefore the Council are of the opinion that the suggested wording should not be included. Visual effects of the new development on the surrounding area as well as siting issues and design issues including size, scale, massing, height will all be considered and assessed under the General Principles Planning Policy, Policy GP 1 and Housing in the Countryside Policy CT1.

Action: No action required.

- c) *Justification and Amplification should clarify no replacement of listed buildings*
Justification and Amplification should also clarify that where original building is retained it will not be eligible for replacement again

Relevant representations: MUDPS/115/40

Consideration

It is important to note that the DPS must be considered in the whole. If a development proposal involved the demolition of a listed building then it would have to comply with Policy HE10. Policy HE10 states that a proposal which involves *'the demolition of a listed building will conflict with the Plan unless there are exceptional reasons why it cannot be retained in its original or reasonably modified form or because the structural integrity of the building is dangerous and beyond repair.'* planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances.

Policy CT2 (c) only allows for a single dwelling in the countryside. The current practice is to apply a statutory charge to the building to ensure it is either removed completely or to specify that it shall no longer be inhabited. Justification and amplification, para 8.37, states in the case where the original building is retained it will be subject to a condition restricting its future use.

Accordingly it is implicit within the policy that only one replacement dwelling will be forthcoming under the provisions of this policy.

Action: No action required however should the commissioner require the insertion of a line to clarify that there will be no replacement of listed buildings unless there are exceptional circumstances then the Council would have no objection. Furthermore should the commissioner require the insertion of a statement to clarify that a building will not be eligible for replacement again, then the Council would have no objection to such wording.

- d) *Change wording from 'all external structural walls must be intact' to '3 walls are intact'*

Relevant representations: MUDPS/126/11

Consideration

The test that all walls should be substantially intact is in line with regional policy and also PPS 21. In assessing whether a dwelling is replaceable the key test relates to whether the structure exhibits the essential characteristics of a dwelling. As with all decision making this is taken in the round, looking at what remains of a dwelling e.g. roof, walls, doorways and flooring etc. The four walls being substantially intact sets a marker which clearly excludes arguments that there was once a dwelling on a site where there is no visual indication of a former dwelling.

Action: No action required.

- e) *HED consider the Policy Text and Amplification is not sound / unclear, does not take sufficient account of RDS RG11, 3.30 and SPPS 6.24 and 6.73 (bullet points) - Policy Item c, d, f and h. - Refer Pages 31-32 of Rep.*

Potential for confusion & conflict between this policy & HE13. This policy should be omitted as it is covered by HE 13

Relevant representations: MUDPS/77/260 & MUDPS/77/261, MUDPS/85/45

Consideration

It is claimed that policies CT2 (c) and HE 13 cause confusion. Policy HE 13 is very clear in that it requires the preservation and where possible retention of historic building or structure. The mechanism for achieving this, in most instances, is through re-use and/or conversion and clear guidance is given on this. However it would be inappropriate for the Council to impose greater weight than that for which the policy allows for. These cannot be treated as non-statutory listed buildings and if HED wish for councils to offer such protections then they should list the properties. Policy CT 2 clearly indicates when planning approvals can be granted for single houses and facilitates the conversion of a non-residential building to a dwelling under criteria (d) of Policy CT 2. Criteria

(d) allows for the consideration of all dwellings however if the dwelling is considered to be non-listed vernacular then Policy HE 13 applies.

Action: No action required.

- f) *Remove image of a vernacular farm house - this type of building is exceptionally rare within the area - it should be used in association with HE13 not CT2 - remove from CT2 and insert HE13.*

Relevant Representations: MUDPS/77/262 & MUDPS/77/263

Consideration

This comment does not relate to soundness and therefore should not be subject to debate.

Action: No action required.

4.8 Policy CT2- criteria (d) Conversion / re-use of existing buildings for residential use

- a) *Concern regarding last sentence of this policy - potential to significantly impact character of setting / character of vernacular dwellings*

Relevant representations: MUDPS/77/260 & MUDPS/77/261

Consideration

If HED are seeking the same protection afforded to vernacular buildings as is afforded to listed buildings then they should bring forward the listing of such buildings. It is important to note that the last sentence of policy CT2 (d) allows for more than one residential unit where the existing building is of such a size to accommodate more than one dwelling without the need for a significant extension. This is in line with existing regional policies, the SPPS (para 6.73) and Policy CTY 4 of PPS21 which both allow for the sympathetic conversion of a traditional non-residential building to provide more than one dwelling where the building is of sufficient size.

The siting, design and external appearance of such a proposal will all be considered under the General Principles Planning Policy GP1. The justification and amplification of this policy (para 8.43) makes it clear that 'good design is of the utmost importance and particular care needs to be taken for proposals involving the conversion of traditional buildings to ensure that their character is not lost to the overall scheme of redevelopment.'

Action: No action required.

- b) *In Justification and Amplification, para 8.40, reference to 'listed' buildings should be removed as re-use of listed buildings is covered in policies HE9, HE10 & HE11*

Relevant representations: MUDPS/77/264 & MUDPS/77/265

Consideration

The only reference to listed buildings is to acknowledge that some buildings in the countryside have been listed. Therefore, it is difficult to know how this would cause confusion.

Action: No action required however the Council would have no objection to the deletion of the words *'including some that have been listed'* from the line *'There are a range of older buildings in the countryside, including some that have been listed, that are no longer needed for their original purpose.'*

- c) *Remove 'bad neighbour' from Justification and Amplification para 8.42. unsound - may cause mis-interpretation. This could increase threat of wilful neglect to non-listed vernacular buildings*

Relevant representations: MUDPS/77/266 & MUDPS/77/267

Consideration

The Council maintains that the inclusion of the term 'bad neighbour' does not render the plan unsound. This term was included to provide an example and further explanation as to when the Council may consider appropriate the replacement of a non-residential building with a new dwelling. The term was offered in the context of expanding upon circumstances where a new development may provide substantial environmental and amenity benefits.

Action: No action required however should the Commissioner recommend the removal of the term 'bad neighbour' then the Council would have no objection.

- d) *Concern policy does not reflect SPPS test of 'locally important buildings'*

Relevant representations: MUDPS/115/41 & MUDPS/174/14

Consideration

Whilst Policy CT 2(d) does not explicitly use the term 'locally important buildings', it does make it clear what type of building this policy should apply to through the use of numerous examples, such as; former school houses, churches and older traditional barns and outbuildings. These are the same examples utilised within the SPPS. Paragraph 8.40 of the DPS clarifies that the reuse and sympathetic conversion of 'these types of buildings' can represent a sustainable approach to development in the countryside. It is implicit therefore

that the intent of the policy is to accommodate the reuse and ultimately secure the preservation of such local landmark buildings.

Action: No action required.

- e) *Policy allows for replacement of a non-residential building to a dwelling - policy box heading should reflect this*

Relevant representations: MUDPS/115/41

Consideration

In this instance it has not been the Council's intention to introduce a policy for replacement of non-residential buildings, such a policy exists under CTY 3 of PPS 21, although it is noted that it is omitted from the SPPS. It has been our experience that the operation of policy has raised confusion, as an argument can always be presented that the replacement of a redundant building is a benefit as compared to allowing it to decay. The Planning Act stipulates that the Council, in making any determination, must have regard to the local development plan, unless material considerations indicate otherwise. Any nuisance as a result of development has always therefore been recognised as a material consideration and a reason to go against an established policy. The Council's favoured approach is to encourage re-use and to treat any exceptions under the legal provisions stated above, rather than stated policy. This paragraph only alerts the reader that the Council may do this and does not commit the Council to this approach for all redundant buildings.

Action: No action required however should the commissioner agree, it is considered that paragraph 8.42 would be better located immediately after paragraph 8.39.

- f) *Include policy wording 'Any extensions, alterations or adaptations should not result in a net loss of biodiversity'. Policy should refer to biodiversity features i.e. nesting/roosting bricks, green roofs etc*

Relevant representations: MUDPS/59/233, MUDPS/59/30 & MUDPS/59/31

Consideration

Biodiversity will be considered under the General Principles Planning Policy GP1 which states that development proposals should respect, protect and/or enhance biodiversity.

Action: No action required.

4.9 Policy CT2- Criteria (e) - Dwelling on a farm

- a) *Occupancy conditions should be attached to dwelling for retiring farmer to ensure property is not sold within a short time frame*

Dwelling on farm should be visually linked or sited to cluster with a group of buildings on farms- no exceptions including for retiring farmer

Relevant representations: MUDPS/85/41 & MUDPS/85/44, MUDPS/115/42

Consideration

Exceptions for alternative sites already exist in regional policy PPS21 where there are demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group. PPS 21 also allows for a site adjacent to the building group if it is well landscaped even if the degree of visual linkage between the two is either very limited or virtually non-existent due to the amount of screening vegetation. Therefore, we are satisfied that our draft policy wording aligns with existing regional policy which is currently used in operation.

Our draft policy does however also include an additional criteria– an alternative site where the house is to provide for a retiring farmer to allow for disposal of the farm. This was included in the policy wording for practical reasons – farms are generally considered as non - residential friendly places and this would allow for disposal of the farm without impeding further expansion opportunities at the existing groups of buildings upon the farm. Whilst such an opportunity would not therefore need to cluster with buildings on the farm it would still need to integrate and respect rural character in accordance with policies GP 1 and CT 1.

The council proposes to widen the provisions for a non-clustering dwelling where it is to accommodate a retiring farmer and where the farm is to be sold off. In our view this would be in keeping with the operational requirements of the farm. The Council has not recommended that an occupancy condition be used in such conditions as this goes against the ethos of existing rural policy which is based on minimum use of occupancy conditions. This said the Council recognises there is an argument that if such an exception is given an occupancy condition could be applied.

Action: No action required however if the Commission were so minded the Council would not object to adding retiring farmer to the situations where an occupancy condition will be applied and to the removal of sentence which states that an ‘occupancy condition will not be applied in case for a retiring farmer.’

- b) *Policy does not refer to SPPS criteria of no dwellings / development opportunities being sold off or transferred from farm holding within 10 years of the date of the application*

Relevant representations: MUDPS/115/42

Consideration

At present the operation of this policy is intrinsically unfair. It allows for someone to obtain planning permission for a dwelling on a farm and then to obtain permission for an infill dwelling and/or a replacement dwelling, providing it is done in the right order. However if someone unwisely disposes of a development opportunity prior to seeking all other possible permissions then they lose the presumption of a dwelling on a farm. The Council's approach has been to provide equity for everybody.

Furthermore, the ethos of this policy has not been explained by DfI. The Council assumed the introduction of the permission rule only applied to permissions granted under Policy CTY 10 and therefore it would take 10 years until such time as the permissions would count. Therefore the disposal was the mechanism for bringing this forward earlier. In opportunities over 10 years old therefore this mechanism is no longer required.

Action: No action required.

- c) *No reference to integration of a new dwelling or rural character requirement as per SPPS although notes that some of these issues are addressed in GP1*

Relevant representations: MUDPS/115/42

Consideration

All planning applications are subject to the policy tests of GP1 which assesses visual effects of new development, integration and impact upon rural character of area. All residential development in countryside also have to be assessed under policy tests of Policy CT1 which also policy tests regarding integration and rural character.

Action: No action required.

- d) *The Justification and Amplification definition of agricultural activity (para 8.46) refers to previous EC Reg No.73/2009 (in PPS 21) as opposed to updated EC Reg No 1307/2013 (SPPS)*

Relevant Representations: MUDPS/115/42

Consideration

Should the Commissioner agree then Para 8.46 should be updated and refer to the more recent EC Reg No - as per recommendation below.

Action: No action required however should the Commissioner be so minded the Council could retain definition of 'agricultural activity' in para 8.46 and delete last sentence in this para and update wording to '*This is in line with EU and DAERA regulations; Article 4 of the European Council Regulations (EC) No. 1307/2013.*'

- e) *Concerns that policy does not fully address access to public road; limited linkage to GP1 & transport policies, policy should state 'where practicable access to the dwelling should be obtained from an existing lane'.*

Relevant representations: MUDPS/115/221 & MUDPS/115/222

Consideration

The SPPS specific policy on 'Dwellings on Farms' makes no reference to utilising an existing laneway however it does require development to be visually linked or sited to cluster with an established group of buildings on the farm holding, which we have addressed within Policy CT1. Our approach is following the regional approach as set out within the SPPS. One of the benefits of this approach of clustering, consolidating and grouping with existing buildings is that existing accesses could be more readily be re-used. It is worth noting that problems have arisen for many applicants in terms of developing a dwelling up a laneway of which they have no control over that laneway and where they have to obtain a mortgage. We are finding subsequent applications being submitted for a parallel access following approval of the dwelling house. We have also brought forward our Transportation policies, TRAN 1 – TRAN 4 which will ensure the provision of safe accesses.

Action: No action required.

4.10 Policy CT2- Criteria (f) - Dwelling in a farm cluster

- a) *Support advocated for this policy criteria although states that it is too restrictive*
Relevant representations: MUDPS/162/38

Consideration

Support noted - no further information provided as to how this criteria was too restrictive.

Action: No action required.

- b) *Criteria (f) should be removed as it conflicts with criteria (e) If the farm business is no longer active what is need for a further dwelling - as traditionally the*

purpose of a farm dwelling was to ensure continued working of farm passes from one generation to next.

Approach does not take account of SPPS and is not supported by adequate evidenced justification - will give rise to unsustainable increase in residential development - threatens objectives of DPS - significant risk to soundness

Relevant representations: MUDPS/85/42, MUDPS/174/15 and MUDPS/115/43

Consideration

Criteria (e) is objected to as it provides additional development opportunities and it is not based on sound evidence. It is also argued that the provisions of criteria (e) are not needed as there already exists a policy to cater for a dwelling on a farm. The Council is of the view that the existing policy is detrimental to rural communities in that it does not provide adequate opportunity for farmers to provide dwellings for their children. Traditionally much development in the countryside took the form of family clachans, a group of buildings closely huddled together, allowing all family members to live and work together. The Council is of the view that if development is contained within an existing cluster then it will likely have no detrimental harm to the rural character and demand for such housing is envisaged to be limited in any regard. This policy is in-line with regional policy as set out in SFG 13 of the RDS which aims to sustain rural communities living in small settlements and the open countryside.

Action: No action required.

- c) *Include wording 'or adjacent to' a farm cluster and remove 'excluding domestic garages and small sheds'. This will allow for rounding off. Many traditional small farms may comprise of a dwelling and 1 or 2 small buildings such as a byre, stable, or piggery.*

Relevant Representations: MUDPS/189/2

Consideration

Council notes the suggested amendment to policy wording however in order to ensure clustering and rounding off, the proposed wording 'or adjacent to' shall not be included in the policy wording. This will ensure the policy ethos to absorb new development through rounding off is not weakened.

Action: No action required.

4.11 Policy CT2 Criteria (g) - Dwelling to meet Personal and Domestic Circumstances

- a) *Criteria (g) negates criteria (h). Definition of carer should be provided for clarity and should exclude childcare.*

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 solution.

Relevant representations: MUDPS/85/43 & MUDPS/115/44

Consideration

Issue has been taken with criteria (g) in that it would allow an attached dwelling. The aim of this policy is not to provide for a semi-detached dwelling in the countryside. It has been recognised that applications to provide a granny flat at the family home have run into problems because of the sequential test which requires an extension of a dwelling rather than a new detached dwelling. The key problem that many carers face is that they are unable to raise a mortgage for an extension large enough to meet their needs.

It is the Council's view that if a property is extended to allow for two separate dwelling units and was designed appropriately this would have no greater impact on the countryside than if it were the same design with a connecting door i.e. same residential unit. Accordingly, it is our view that this policy gives the required flexibility to assist in rural communities helping themselves when faced with the pressures of a changing society

Action: No action required.

- b) *Criterion (h) 'Dwelling for a carer or someone availing of care' is an approach that has the potential to give rise to 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 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.*

Relevant representations: MUDPS/115/45 & MUDPS/174/16

Consideration

At present policy recognises that non-residential buildings can be converted. It is the view of the Council that where there is a dwelling in the countryside and within its curtilage is a building suitable for conversion, it is logical that it can be converted regardless of local importance.

In such instances it is unlikely that the normally expected level of amenity would be achieved due to the relationship of outbuildings. However were the purpose of the conversion is to facilitate carers or those being cared for moving closer

together, it is reasonable to assume that they would not require the same degree of amenity in terms of privacy as would normally be expected in a housing development and that they would be willing to share amenity space, access etc.

Equally if a dwelling is capable of being extended without damaging the character of the countryside it is difficult to say why the partition of that unit would be opposed if amenity etc. can be shared. The Council is concerned that the Department has failed to recognise the serious structural changes occurring in society and are reflected in the fact that the largest ever generation of pensioners (across mid Ulster and the UK) need to support not only reaching pension age but begin to need assistance to manage their daily lives.

Furthermore there has been structural changes in society where household incomes are based on two workers and that childcare for many is a major issue and most people are reliant on assistance gained from their family. It is anticipated that the percentage of people in Mid Ulster over 65 years of age will rise from 14% in 2015 to 21% in 2037. This is a rise of 7% as reported in Mid Ulster's community plan consultation document.

Action: No action required.

4.12 Policy CT2 Criteria (i) - Dwelling for a Business Enterprise

- a) *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 justification and amplification further contradicts the policy wording by stating that an established business may require residential accommodation for one of the firms employees to live at the site for security reasons alone. It is DfI's view that the need to provide improved security alone is unlikely to warrant the grant of planning permission.*

Relevant representation: MUDPS/115/46

Consideration

The Council has added the operational need for an employee to live next to the business and therefore is clearly about the delivery of the business. Furthermore in order to prevent policy being abused it will require business to be established for over 6 years, similar to the policy requirement for a dwelling on a farm and the business must be of a scale not less than 150 square metres. It is the Council's view that this policy does not conflict with the SPPS but rather makes its implementation easier. It is the Council's view that the Department has misread the inclusion of security in the justification and amplification to mean that someone merely only needs to state that a dwelling is required to

prevent theft to ensure compliance with this policy. The Council maintains that security is linked to a genuine operational requirement and an individual must demonstrate how a person living in the dwelling contributes to the operation of the business and we do not consider that there is a contradiction within the J & A of this policy.

At present there exists policy provision for a dwelling in relation to a business need. The test within the SPPS is that it is essential that the employee live at the site of their work. The Council recognises that it has clarified this test in recognition that there are a number of rural enterprises in Mid Ulster and that there are benefits from facilitating a dwelling next to a business, such as site security, reducing the need to travel and ensuring the business site is properly kept and maintained.

Action: No action required.

4.13 Policy CT2 (j) - Dwelling for Holder of Commercial Fishing licence

- a) *8.61 - must be more flexible if you are to attract fishermen back into the industry - remove '6 years fishing licence criteria' and 'must have fished in mid ulster in the last 6 years' - what is the justification for this - Page 22 of rep.*

Relevant representations: MUDPS/162/29 & MUDPS/162/41

Consideration

This comment is based on the notion that the purpose of the policy is to increase the number of fishermen. The purpose of this policy is not to increase the number of fishermen but rather to address an identified unique local need, particularly among one of the lower socio/economic groups within Mid Ulster.

The Council recognises the importance of the unique and long established eel and scale fishing industry that takes place on Lough Neagh. The eel fishery alone is worth approximately £3.2m to the NI rural economy and supports approximately 300 families along the lough shore.

In order to provide some control of the numbers of applications for dwellings under this policy, the Council considered it necessary to build in a number of checks into the policy. Namely; the applicant must hold a valid commercial boat owners fishing licence and must have been conducting their fishing operations from Mid Ulster for a minimum of 6 years. In drafting these criteria the Council took account of the checks contained within the established PPS 21 – CTY 10 and the SPPS - 'Dwellings on Farms.' Policy CTY 10 has been operational since June 2010 and the criteria within is considered by the Council to have been effective in controlling the number of dwellings approved under this policy.

The Council considers that without these inbuilt checks the policy may be open to some abuse.

Action: No action required.

- b) *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.*

Although HRA anticipates resultant development from fishermen policy to be low- monitoring and review programme needed to ensure such development does not exceed environmental limits.

Relevant representations: MUDPS/59/33, MUDPS/115/47 & MUDPS/174/16

Consideration

The Council acknowledges that there is no provision within existing regional policy, either the SPPS or PPS 21 for a dwelling for a holder of a commercial fishing licence. As part of its research for the potential introduction of such a policy the Council carried out its own research in order to provide a robust evidence base. The key findings of the Council's research was published in our Public Consultation Report in February 2019. In order to address the issues raised within representations we have since reviewed and updated our evidence base. This revised information is set out within this section.

The Lough Neagh Fisheries Management Plan 2015 (published then by DCAL, this now is the responsibility of the Department of Agriculture, Environment and Rural Affairs DAERA) states that fishing activity on Lough Neagh is dominated by commercial fishing which is controlled by the Lough Neagh Fishermen's Co-operative Society (LNFCS). It states that locally the Lough Neagh eel fishery is worth approximately £3.2m to the NI rural economy and supports over 300 families along the Lough Shore. It is recognised as the largest remaining commercial wild eel fishery in Europe, producing 16% of total EU landings and supplying 3.6% of the entire EU market in 2007- a truly indigenous industry. The management plan states that eel fishing has been a major industry on Lough Neagh for centuries, that traditional skills are passed down to each successive generation within families and that many of the traditional methods of eel fishing are still used.

The LNFCS have secured Protective Geographical Indication (PGI) for the Lough Neagh eel, which was awarded in 2011. This award recognises the heritage, tradition and authenticity of the best quality eels in Europe.

The LNFCS have provided the Council with the following information regarding fishing activity on Lough Neagh. There are two types of commercial fishing licences / permits in operation on Lough Neagh:

(1) An eel fishing permit and

(2) A scale fishing permit

Both types of permits are authorised by the LNFCS. For clarification, DAERA under statutory regulations authorise licences for the operation of different categories of fishing gear such as fishing nets (technical term - fishing engine).

Eel permits

Authorisations take two distinct forms: 1) Boat Owners Licence and 2) Boat Helpers licence. All such licences are renewable each season and therefore valid only for that particular season. The vast majority of the Boat Owners licences are issued to the same fishermen year after year. EU regulations have restricted and controlled the intensity of fishing therefore no new or additional Boat Owners Licence have been issued since the early 1990s but there is a facility for the transfer of existing licences based on specific qualifying criteria which essentially facilitate the transfer of the licence to a person who has operated as a Boat Helper for an extended period of years in that same boat. Therefore, it is not possible for someone with no fishing background or history of having held Helper's Licences to acquire a boat owner's licence. It is much easier to acquire a Boat Helper's licence provided that you have been nominated by the Boat Owner (all of whom are self-employed). Since boat helpers are traditionally family member then the transfer of the boat owner's licences normally takes place within families. LNFCS have indicated that therefore there is a very strong family / historic connection. For example for the eel fishing season, beginning 01 May 2017 there were 108 boat owner licences issued together with 119 helpers licences (some boats have more than one helper) i.e 227 individual fisherman. It should be noted that these figures are for all boat holders and helpers licence holder across all of Lough Neagh.

Scale Fish Permits

A permitting system was introduced for scale fish was introduced in 2016 by the LNFCS (as the fishery owner) based on a previous record of the fishermen having held relevant DAERA licences for fishing gear. More than 250 fishermen qualified for consideration. LNFCS have no plans to add to the current list of fishermen who might qualify for a scale fishing permit. They state that this matter will be reviewed in 2020 but is already massively over-subscribed should all those who have applied take up the offer of a permit. In the year to 28th February 2017 a total of 78 commercial scale fish permits were issued plus 78 associated assistants permits i.e. 156 permits in total.

The licensing / permitting system is based on agreed criteria determined by the Management Committee of the Co-op annually. Currently the criteria includes:

- Have a DAERA licence (fishing gear)
- Name an assistant (minimum of 2 persons per boat in interests of health and safety)
- Have a boat of a minimum size (7 metres)

- To agree and abide to the Co-op's rules and regulations.

There is a degree of duplication with some individuals holding both an eel boat owners licence and a commercial scale fish permit. LNFCS have confirmed that in total (with no duplication) there are approximately 299 individuals who have been issued with one of the following; boat owners licence (eels), boat helpers licence (eels), scale fish permit (as scale fish boat owner) or scale fish assistant permit.

In July of 2017 LNFCS confirmed that as of 28th February 2017 there were **142** individuals with boats licenced to fish on Lough Neagh (for both eels and scale fish with no duplication). Mid Ulster subsequently published this total figure within our PCR in February 2019. Within our PCR we had previously stated that *'assuming over the plan period that all of the boat owners licencee's applied for a dwelling, which is unlikely, this would only result in under 10 dwellings per annum. This equates to 1.29% of the 11,000 Housing Growth Indicator (HGI) figure allocated for the Mid Ulster District over the plan period.'*

In further exploring these figures with LNFCS we have been able to further breakdown the figures specific to Mid Ulster and can clarify that the actual number of licenced boat owners, as of 28th February 2017, who resided in Mid Ulster District was **88** individuals. This is a significant reduction on our previously published figure within our PCR document and equates to 0.8% of the 11,000 HGI figure allocated for Mid Ulster over the plan period.

Following on from the publication of our PCR, Mid Ulster has received a revised HGI figure from the Department for Infrastructure. The revised HGI figure now stands at 10,300 (estimate of total housing need for Mid Ulster 2016 - 2030). Furthermore, the latest figures provided by LNFCS (December 2019) for the total number of boat owners permit holders, with no duplication, who reside in Mid Ulster district must also be factored into the equation. As of December 2019 the total number of licence holders who reside in Mid Ulster is 79. Therefore this latest figure of 79 licenced permit holders, without duplication, equates to a mere **0.77%** of the revised HGI figure of 10,300 for the Mid Ulster district.

The age profile of those engaged in eel fishing (i.e boat owners and helpers combined) is approximately as follows:

Age profile	Commercial eel fishing	Commercial scale fishing	Total
70 years +	13.6%	10.3%	23.9%
60- 70 yrs	19.8%	16.0%	35.8%
50- 60 yrs	26.4%	24.4%	50.8%
40- 50 yrs	17.2%	20.5%	37.7%
30- 40 yrs	12.8%	17.3%	30.1%
< 30 yrs	10.1%	11.5%	21.6%

LNFCs have stated that because the age profile of the fishermen is now very high they wish to find ways of attracting and keeping younger people in the fishing industry in the locality. They state there is a unique cultural and heritage associated with fishing on Lough Neagh as skills and expertise have been handed down through successive generations.

Taking into account the revised data and issues identified above we are of the opinion that a dwelling for a fisherman/person new development opportunity should be introduced to the Mid Ulster District LDP. In order to ensure that the outcome of this new development opportunity can be effectively quantified and to protect the environment from inappropriate development we are of the opinion that this opportunity should be permitted for those with a commercial boat owners (eel / scale fish) licence only.

In accordance with the Planning Act (NI) 2011 and the Environmental Assessment of Plans and Programmes Regulations (NI) 2004 the Council has proposed a Monitoring Framework for the Local Development Plan. Within our Draft Plan Strategy we consider that sufficient control mechanisms have been put in place to ensure that this policy is not abused. Should our monitoring indicate a significant change in the number of boat owners licences and/or should the overall number of planning applications made indicate a significant percentage of boat owners licence holders utilising this policy provision then at review stage consideration would be given to amending or removing the policy altogether.

Action: No action required.

- c) *Representation states the rationale for the actual policy area boundary where the dwelling must be located with respect the provision for a dwelling for the holder of commercial fishing licence policy is unclear.*

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 supporting the local eel fishing communities.

Relevant representations: MUDPS/56/19 & MUDPS/115/47

Consideration

The Council liaised with the Lough Neagh Fishermen's Co-operative Society (LNFCs) to obtain key facts and figures regarding the long established commercial fishing industry on the Lough.

One of the key elements of the information provided by LNFCs was the geographical area within which the fishing licence holders reside. LNFCs confirmed that 61% of all eel fishermen (owners & helpers) on Lough Neagh reside in MUDC area and 64% of all scale fishermen (permit holders &

assistants) on Lough Neagh reside in the MUDC area. LNFCS have stated of those fishermen who live in the MUDC area 45% live in the eastern portion of postal district BT80 (to the east of both Cookstown and Drumullan area and includes Coagh and Moortown areas) and 45% live in the northern half of postal district BT71 (north of Coalisland - includes Stewartstown and Ardboe areas).

The policy area of holders of a commercial fishing licence is shown on our District Proposals Map. Given the information detailed above it is considered appropriate to identify an area along the Lough Neagh shoreline. The proposed Special Countryside Area and any floodplain areas along the shoreline have been excluded from this designation. It is considered that this designated area is likely to be sustainable both socially, as this is where a high percentage of the existing fishermen live who can pass down their skills to their local communities and environmentally, as it will keep travel distances to and from work on the Lough to a minimum.

Action: No action required.

- d) *Concern raised that many farmers are also holders of commercial fishing licences - which doubles up their opportunity of obtaining dwellings in the countryside*
Relevant representations: MUDPS/192/15

Consideration

It is inaccurate to state that many fishermen are farmers, although it cannot be discounted that some fishermen may have farms, the point of the policy is to provide opportunity for those fishermen who are in the main reliant on social or privately provided housing to be located close to the Lough where they spend much of the year fishing. Furthermore, the number of holders of commercial fishing licences, residing within our district, as set out at 4.13 (b) are so small that we feel this issue is inconsequential.

Action: No action required.

- e) *Protect Slieve Gallion Group consider paragraph 8.56 of the DPS to be somewhat restrictive and should be reconsidered. Paragraph 8.56 of the DPS states that 'All permissions granted under this policy will be subject to a condition restricting the occupation of the dwelling to a named individual and their dependents.'*

Relevant representations: MUDPS/162/40

Consideration

No further evidence has been submitted in relation to how the paragraph 8.56 (occupancy condition) is too restrictive.

Policy CT2 (j) seeks to facilitate the provision of a dwelling for those who hold a valid commercial fishing licence with the ultimate goal of allowing this unique local industry to continue for future generations. Therefore a dwelling will only be granted where a convincing case has been made by the applicant, namely that the dwelling is required for a person employed in the Lough Neagh fishing industry and as such will be conditioned accordingly. It should be noted that the normal controls for a farm dwelling, such as clustering with existing farm group, do not apply in this instance. Such an occupancy condition is necessary to ensure the policy is not abused and that a boat owners licence is not utilised to gain someone else a dwelling. As with all other occupancy conditions, it would apply for a period of 5 years.

Action: No action required.

4.14 Policy CT3 - Social and affordable housing in the countryside

- a) *Policy should also include provision for small scale purpose built housing, again based on need confirmed by the relevant authority and if necessary linked to and established social farm incorporating horticultural opportunities.*

Relevant representations: MUDPS/62/2

Consideration

It is very unclear what is meant by this representation or why it would be necessary to link purpose built social housing to a social farm. The policy on social housing has been extended to allow for housing outside of settlement limits where there is a defined need. Any special cases or unique proposals can be considered if conflicting with policy. An individual can always make a case that a particular development proposal should be treated as an exception to policy however without any details of the proposal it is not possible to give a thorough consideration of this representation.

Action: No action required.

- b) *Support advocated for this policy however policy should refer to affordable housing (social and intermediate housing).*

Relevant representations: MUDPS/85/46

Consideration

The title of this policy is derived from existing policy CTY 5 of PPS21 – Social and Affordable Housing. Furthermore, paragraphs 6.73 & 6.143 of the SPSS

also make reference to 'social/affordable' housing. The Council is aware that 'Affordable Housing' is the accepted umbrella term which includes both social and intermediate housing. Whilst Policy CT3 is considered sound as drafted it is acknowledged that the variance in terminology used may give rise to some confusion.

Action: No action required however the Council would have no objection should the Commissioner require amendment to wording to replace the term social and affordable housing with 'Affordable Housing'.

- c) *Policy need to take account of existing infrastructure, access to public road and consideration given to all modes of transport.*

Relevant representations: MUDPS/115/223

Consideration

DPS Policy GP1 part (e) addresses specifically the issues of access, road layout and parking provision. The policy specifically requires that all development proposals provide adequate and safe access arrangements. It also requires that manoeuvring and servicing areas should be provided and a movement pattern that supports walking and cycling, provides adequate footpaths, respects existing public rights of way and provides adequate and convenient access to public transport.

The DPS provides sufficient and adequate coverage of transportation policies. These include not only General Principles planning policy GP1 but also the transportation policies, TRAN1, TRAN2, TRAN3 and TRAN4. We have acknowledged in our DPS that regard will be had for any supplementary planning guidance which may be brought forward. This includes DCAN 15 which DfI have confirmed will be retained.

Action: No action required.

- d) *The J&A refers to a small group in SPPS, this is not stated in the actual policy box and could therefore weaken the policy*

Relevant representations: MUDPS/174/18

Consideration

The policy as worded accords with the SPPS and provides a degree of flexibility when assessing individual development proposals by making it clear that the appropriate number of social/affordable dwellings permissible will depend upon the identified need. Furthermore the policy requires that all development shall be sited and designed to integrate sympathetically with its surroundings.

Action: No action required.

4.15 Policy CT4 - Dispersed Rural Communities

- a) *SPPS makes no provision for DRCs but acknowledged we have 3 existing. Council need to provide evidence of economic and social disadvantage that underpins existing DRC designation and in any new DRC's brought forward in the future. Clachan accords with previous regional operational policy. Concern with provision for single dwellings within DRC.*

Relevant representations: MUDPS/115/49

Consideration

A DRC is not a settlement limit but rather an area of countryside which has suffered from decline over decades and contains a strong sense of identity, with social facilities such as churches, meeting halls, shops and recreational facilities, as well as the local community dispersed across the area. In the interests of promoting rural regeneration Mid Ulster District Council has designated DRC's within the district. This policy is designed to complement existing policies for individual houses within the countryside. In addition to the existing provisions of the current policy, Policy CT4 allows for single dwellings where the applicant can demonstrate that they can make a significant economic or social contribution to that particular local community and provided that it clusters with existing buildings to assist integration.

Action: No action required.

- b) *DRC designations not supported by NIHE as they create isolation for individuals from a range of different services*

For reasons discussed elsewhere in this representation in respect of SPF7, objections are raised with regards policy CT4.

Relevant representations: MUDPS/85/47 & MUDPS/192/16

Consideration

DRCs inclusion in the new Local Development Plan complies with SFG13 to 'sustain rural communities living in smaller settlements and the open countryside' and seeks to achieve appropriate and sustainable patterns of growth in areas where there has been significant rural depopulation. The Council is not proposing to export people to DRC's in order to make them feel isolated. The people most likely to choose to live in DRC's are those with strong connections to the area. Furthermore, nowhere within Mid Ulster is there anywhere which is so remote that there would not be access to a range of services within a 15 minute travel time.

The purpose of the policy is to facilitate those people who will assist in rural regeneration and to discourage anyone seeking rural permissions purely for sale, bearing in mind that the DRC's are set in or near to the Sperrins AONB.

Action: No action required.

- c) *Query how a 'substantial economic and social contribution' will be assessed.*

Clarification requested as to what constitutes 'appropriate economic development' and tourism, community facilities and 'cottage industries'

Relevant representations: MUDPS/85/48

Consideration

The purpose of a DRC is to promote rural regeneration therefore the Council considers that the best way of doing this is by stating that the applicant must make a substantial economic or social contribution to that particular local community. Given the possible scenarios where an individual may be said to make a significant economic or social contribution to a particular local community it would be up to the applicant to state their case and this could vary e.g. district nurse, teacher in a local school, involved in a local business or acts as a carer for people in the community. The merits of individual circumstances will be considered on a case by case basis.

The DPS makes it clear that the determining factor, on any proposal in the DRC including economic development, will be the scale of development proposed, its visual impact, and its association or integration with the existing pattern of settlement. It is important to note the background evidence papers have demonstrated a very limited degree of development over the lifespan of the area plans. The purpose of a DRC designation is to promote rural regeneration, including appropriate economic development, such as tourist development, community facilities and small scale cottage industries, all of which must be of an appropriate scale and type given the remote rural context.

Action: No action required.

- d) *What is the rationale for using a 'clachan' style approach it is not clear in the amplification text.*

Relevant representations: MUDPS/162/42

Consideration

The SPPS requires that new development in the countryside should be to cluster, consolidate and group with existing established buildings. Clachan style development is based on the historical development pattern of remote rural areas across Ireland which centered around small clusters of dwellings. The existing policy CTY2 of PPS 21 recognises the rural regeneration needs of some communities, by providing a policy context for the development of a small

cluster or clachan style development. Regional planning guidance document 'Building On Tradition' highlights that within DRC's a significant number of dwellings have been established over time which traditionally may have been associated with settlement patterns derived from clachan development. Therefore the Council's use of the term clachan is based in regional guidance and existing planning policy and is fully justified in this instance.

Action: No action required.

- e) *Policy allows for up to 6 dwellings in countryside-significant implications for NI Water as Package Wastewater Treatment Plants may be offered for adoption. Policy not sustainable - further small wastewater assets for management by NI Water, there are also funding issues*

Relevant representations: MUDPS/170/4

Consideration

The concept of DRC's has been brought forward from existing Local Development Plans and existing regional policy. A number of DRC's currently exist within the Cookstown and Magherafelt Area Plans. The existing Policy CTY 2 allows for a 'clachan' style development within a DRC of up to 6 houses at an identified focal point. The provision of a satisfactory sewerage arrangement is fundamentally an operational requirement. Notwithstanding this, in order to obtain planning permission a proposal must also comply with Policy GP1 which requires all development proposals to demonstrate adequate infrastructure to deal with waste, sewerage and drainage and where mains sewerage is not available, the applicant may be required to demonstrate that this will not create or add to a pollution problem.

The identification of further DRCs, as stipulated within the DPS includes a criterion requiring the presence of other facilities or services, such as a shop, public house or sewage treatment works. Where a DRC is based on the aforementioned facilities or services it will increase the likelihood of a sewage treatment works and this could help reduce likely significant effects on International sites.

Action: No action required.

- f) *Broughderg and Davagh Upper DRC overlie the Owenkillev SAC. Policy CT4 is promotive of development within DRCs however in European sites there should be no presumption for development. Policy therefore inconsistent with EU Directives / SPPS.*

DRC zones directly abuts SAC. Page 128 of HRA Report states that DRC do not require a HRA. However Cookstown Area Plan did not undergo HRA. Given proximity to European Site the plan must flag up requirement for HRA.

Relevant representations: MUDPS/167/7 & MUDPS/168/11

Consideration

The above comments have been raised in the context of the HRA and therefore these will be addressed in greater detail within the HRA topic paper. The Council is aware that the Broughderg DRC overlies the Owenkillev SAC however the Council is satisfied that all of the potential focal points within the DRC are far enough removed from the Owenkillev River to have any significant impact. Furthermore the identification of DRCs includes a criterion requiring the presence of other facilities or services, such as a shop, public house or sewage treatment works and it is considered that the accompanying infrastructure associated with such focal points could help reduce likely significant effects on the SAC.

Action: No action required.

4.16 Policy CT5 - Temporary/Residential Caravans/Mobile Homes

- a) *Policy too restrictive - states that other countries have used this as a housing solution in the countryside and that no consideration has been given to innovation and technology- modern mobile homes can be made from biodegradable materials.*

Relevant representations: MUDPS/162/43 & MUDPS/192/43

Consideration

The SPPS only provides for temporary under exceptional circumstances and as holiday accommodation and as traveller halt sites. Therefore the DPS has adequately addressed this issue. No evidence has been provided to demonstrate why Mid Ulster council should adopt difficult approach than that advised by regional policy.

Action: No action required.

- b) *Recommends adjusting temporary period from 3 years to 5 years as this would allow temporary accommodation to remain on site for lifetime of planning permission.*

Relevant representations: MUDPS/189/3

Consideration

The three year time for a temporary caravan is provided for by existing policy. The SPPS does not specify a time period however given the notion that it is to facilitate temporary accommodate the Council considers that three years is adequate time for an individual to make permanent arrangements or to erect a permanent dwelling. This said, consideration can always be given to any

circumstances presented to the Council or to consider the renewal of a temporary permission.

Action: No action required.

5.0 Counter Representations

5.1 During the period for counter representations to the draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, a number of counter representations were received which related to representations made to the Draft Plan Strategy's Housing in the Countryside section. These are listed below;

- DPSCR/80
- DPSCR/81
- DPSCR/89
- DPSCR/99
- DPSCR/101
- DPSCR/102
- DPSCR/103
- DPSCR/120
- DPSCR/121
- DPSCR/129
- DPSCR/139
- DPSCR/141
- DPSCR/142
- DPSCR/143
- DPSCR/160
- DPSCR/161
- DPSCR/179
- DPSCR/189
- DPSCR/192
- DPSCR/193

5.2 It should be noted however that none of the above counter representations refer specifically to the DPS's Housing in the Countryside section. Instead the above representations referred to topics such as Minerals, Renewables, SCA, Tourism, Natural Heritage, LCA and Historic Environment. All of which have been covered within the relevant, specific topic papers. It is the opinion of the Council that the representations submitted do not constitute counter representations as defined by the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 insofar as they do not relate to site-specific policy representations.

6.0 Recommendation

- 6.1 It is recommended that we progress the approach to Housing in the Countryside in line with the actions contained within this paper.

7.0 Representations Received

7.1 Representations received in relation to Housing in the Countryside

Respondent	Reference Number
Consultation Bodies	
Armagh Banbridge and Craigavon Borough Council	MUDPS/56
Department for Communities	MUDPS/77
Northern Ireland Housing Executive	MUDPS/85
Department for Infrastructure	MUDPS/115
Causeway Coast and Glens Borough Council	MUDPS/159
NED – NIEA	MUDPS/167
NED - NIEA	MUDPS/168
NI Water	MUDPS/170
Public Representations	
Mineral Product Association NI	MUDPS/29
RSPB	MUDPS/59
Pat McBride Planning Consultant	MUDPS/62
Rural Community Network	MUDPS/66
2PlanNI	MUDPS/126
Protect Slieve Gallion	MUDPS/162
The National Trust	MUDPS/174
Derrytresk Community Committee	MUDPS/177
T A Gourley Planning Consultancy	MUDPS/189
Ross Planning	MUDPS/192

Appendix 1

Mid Ulster Rural Housing Statistics and Trends.

Table 1: Planning Approvals for Rural Mid Ulster 2004-2016

Financial Year	Cookstown District	Dungannon District	Magherafelt District	Total MUDC
2004-2005	206	276	241	723
2005-2006	182	289	261	732
2006-2007	251	472	366	1089
2007-2008	378	506	278	1162
2008-2009	243	494	285	1022
2009-2010	194	294	217	705
2010-2011	122	216	165	503
2011-2012	125	142	117	384
2012-2013	61	87	110	258
2013-2014	48	82	99	229
2014-2015	68	89	80	237
2015-2016	N/A	N/A	N/A	224*
2016 - (Apr-Sept)	N/A	N/A	N/A	116**
2016-2017 (Oct-March)	N/A	N/A	N/A	154
2017-2018	N/A	N/A	N/A	234
2018-2019	N/A	N/A	N/A	273

Source: DFI Analysis, Statistics & Research Branch

*From 01st April 2015 to 01st August 2015 the figure is '50'

** Figure is for April to September only.

2012-2014 Average (as stated in POP P.22)

In the period **2012 to 2014** the average number of single dwellings approved per year in former Cookstown, Dungannon and Magherafelt has been 54, 87 and 104 respectively. Assuming these rates remain constant over a 15 year plan period under the policy context of PPS 21 (which is mirrored in the SPPS) there could be an additional **3670** dwellings approved over the plan period.

2013-2015 Average (revised from POP*)

In the period **2013 to 2015** the average number of single dwellings approved per year in rural Mid Ulster was **233**. Assuming these rates remain constant over a 15 year plan period under the policy context of PPS 21 (which is mirrored in the SPPS) there could be an additional **3495** dwellings approved over the plan period.

*This revision takes into account revised stats from DFI. It is assumed these have been revised to exclude lands which previously fell within Dungannon District that now fall within Armagh City, Banbridge and Craigavon District Council.

2014-2016 Average

In the period **2014 to 2016** the average number of single dwellings approved per year in Rural Mid Ulster was **230**. Assuming these rates remain constant over a 15 year plan period there could be an additional **3450** dwellings approved over the plan period.

It is estimated that between 90% and 95% of dwellings approved in rural areas are completed or at least started within 5 years. This estimate is based on rural permissions and completions from a sample rural housing monitor 2003, 2005 and 2006 (See Paragraph 6.18 of MUDC Position Paper 2 'Housing').

2016-2019 Average

Initially, the figures in the table only went up to September 2016. New figures were obtained from the annual housing monitor information provided by DFI, which now enables a more accurate picture up to and including March 2019. These figures show that the complete number of rural housing approvals for 2016-2017 was 270 (116 + 154). The figures for 2017-2018 and 2018-2019 were 234 and 273 respectively, which mean that the average annual rural dwelling approval rate for 2016-2019 was 259. If this approval rates were to be applied over the Plan Period then there would be **3,885** rural dwellings approved over the Plan Period. This is an increase of 435 dwellings from the previous average between 2014-2016, approximately 29 additional dwellings each year.

Methodology – Filter Approvals, Full, RM, New Dwellings and Replacements against the relative time period.

Addendum to Housing in the Countryside Topic Paper
New Representations Received during the Re-consultation on the DPS

1.0 New comments received during consultation

- a) MUDPS/31/25 – *Comment of support for the exploration of the variety of design solutions contained within the Justification & Amplification of Policy CT1.*

Consideration

Support noted

Action: No action required.

- b) MUDPS/170/26 – No new issue raised, see Para 4.15 (e).
- c) MUDPS/189/4 – *Policy CT2 needs to be capable of reducing the amount of derelict, ruinous and unsightly buildings in the countryside by allowing more opportunities for redevelopment.*

Consideration

We believe Policy CT2 provides sufficient flexibility allowing opportunities for redevelopment in the countryside. It provides scenarios from criteria a-j in which development for housing in the countryside could be contained, subject to other material planning considerations, while taking account of the SPPS. We believe this policy is sound.

Action: No action required.

- d) MUDPS/189/5 – *In relation to criteria f) of Policy CT2, reduce number of substantial buildings on the farm cluster from 3 down to 2. Many traditional small farm groups contained limited number of buildings.*

Consideration

Reducing the number of substantial buildings on the farm cluster from 3 down to 2 would lead to unacceptable proliferation of dwellings in the countryside approved under this policy. We believe this policy is sound.

Action: No action required.

- e) MUDPS/189/6 – *In relation to criteria b) of Policy CT2, remove the stipulation that a dwelling either side of an infill site must have its own defined curtilage.*

Consideration

This policy provides additional flexibility for a single dwelling on a gap site. It must be located between two dwellings, each with their own defined curtilage, fronting onto a road or laneway. This is to ensure that the erection of any new dwelling is set in a defined curtilage, and in character with dwellings and their

curtilage either side. Without this stipulation, there would be no control of the size of the site and applicants would try to use gaps in between structures, such as small agricultural sheds and shelters.

Action: No action required.

- f) MUDPS/214/6 – No new issue raised, see Para 4.13 (b) and 4.13 (c).
- g) MUDPS/214/20 – No new issue raised, see Para 4.15 (a).
- h) MUDPS/214/21– *Policy CT5 not clear. It implies that permission will be granted for a new dwelling if mobile is also approved.*

Consideration

Policy CT5 states temporary/residential caravans/mobiles homes will conform with the Plan where they are for a temporary period of up to 3 years pending the development of a permanent dwelling. We do not believe this implies that permission will be granted for a new dwelling if a temporary/residential caravan/mobile home is also approved, and consider this policy sound.

Action: No action required.

- i) MUDPS/214/22– *In relation to criteria e) of Policy CT2, terms like "next to" and visually linked are unclear and need more clarity.*

Consideration

The SPPS specific policy on 'Dwellings on Farms' requires development to be visually linked or sited to cluster with an established group of buildings on the farm holding, which we have addressed within Policy CT1. Our approach is following the regional approach as set out within the SPPS.

Action: No action required.

- j) MUDPS/231/27 & MUDPS/231/28 – *CT 2 (a) does not allow neatly for the development of a fourth innard to a crossroads for example; does not provide neatly for clustering where there is a substantial structure but not a building.*

Consideration

No evidence has been provided to explain how this makes the policy unsound. The policy as written is based on the SPPS and we believe this is sound.

Action: No action required.

- k) MUDPS/231/29 & MUDPS/231/30 – *CT 2 (b) does not allow for situations where there is a small strip of land to the front of a site, or where a dwelling presents onto a road but only its access actually adjoins the road.*

Consideration

No evidence has been provided to explain how this makes the policy unsound.

Action: No action required.

- l) MUDPS/231/31 & MUDPS/231/32 – *CT 2 (c) does not provide for the replacement of buildings which no longer display the characteristics of dwelling houses.*

Consideration

In line with regional policy and also PPS 21, the key test in assessing whether a dwelling is replaceable relates to whether the structure exhibits the essential characteristics of a dwelling. As with all decision making this is taken in the round, looking at what remains of a dwelling e.g. four walls, roof, walls, doorways and flooring etc. For these reasons we believe this policy is sound as written.

Action: No action required.

- m) MUDPS/231/33 & MUDPS/231/34 – *CT 2 (d) does not provide for conversion of buildings that are substantial, which may be modern but non-traditional.*

Consideration

Criteria CT 2 (d) is in line with existing regional policies, the SPPS (para 6.73) and Policy CTY 4 of PPS21.

Action: No action required.

- n) MUDPS/231/35 & MUDPS/231/36 – *Policy CT 2 (e), too long between opportunities.*

Consideration

No evidence has been provided to explain how this makes the policy unsound.

Action: No action required.

- o) MUDPS/231/37 & MUDPS/231/38 – *Policy CT 2 (f) does not allow neatly for a site that is opposite or beside but not directly abutting other development.*

Consideration

In order to ensure clustering and rounding off, the policy will require the site be bounded by a building on at least 2 sides. This will ensure the policy ethos to absorb new development through rounding off is not weakened.

Action: No action required.

- p) MUDPS/231/36 & MUDPS/140/17 & MUDPS/140/18 – *Policy CT 2 presumes all farms will have existing agricultural buildings. The Policy is too restrictive where more than one child needs a site.*

Consideration

We believe CT 2 provides sufficient flexibility as it provides 10 scenarios from criteria a-j in which dwellings in the countryside could be obtained, subject to other material planning considerations, while taking account of the SPPS.

Action: No action required.

2.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
Department for the Economy (DfE)	MUDPS/31
NI Water	MUDPS/170
Public Representations	
TA Gourley Planning Consultancy	MUDPS/189
Ulster Unionist Group	MUDPS/214
O'Callaghan Planning	MUDPS/231
O'Callaghan Planning	MUDPS/241

Health, Education and Community Uses – Topic Paper

1.0 Issues Identified

Issues identified through the consultation process have been summarised and are grouped below in section 6.

2.0 Representations in Support

- Armagh, Banbridge and Craigavon Borough Council supports the approach taken to reserve necessary land or community use and also bring forward a criteria based policy and have raised no objection to it.
Representation: MUDPS/56/20
- The Northern Ireland Housing Executive (NIHE) supports the proposal and the suggested wording of Policy COY 1.
Representation: MUDPS/85/50
- Specialist Joinery Group are supportive of this policy and believe it provides adequate flexibility in order to assist in delivering needs of the community, in terms of health, education and other public facilities.
Representation: MUDPS/137/7
- Causeway Coast & Glens Borough Council notes the strategy, associated policies and does not find any issues regarding the soundness of this policy.
Representation: MUDPS/159/8

3.0 Consultations

See section 9.0 which provide details of consultation bodies who have submitted representations in relation to this topic paper.

4.0 Regional Policy Context

- 4.1** The Regional Development Strategy 2035 (RDS 2035) does not have a specific section relating exclusively to the promotion of health. The core of the RDS is the need to promote sustainable development and the three main pillars of this are the environment, the economy and society.
- 4.2** One of the aims of the RDS is to “promote development which improves the health and wellbeing of communities.” The RDS acknowledges that improved health and well-being is derived not only from easy access to appropriate services and facilities, but also from the creation of a strong economy set within a safe and attractive environment. The provision of more social and affordable housing also helps to build strong balanced communities.
- 4.3** The Strategic Planning Policy Statement (SPPS) states that Local Development Plans should allocate sufficient land to meet the anticipated needs of the community in terms of health, education and other public services. It also directs

that where appropriate the council may bring forward local policies that contribute to improving health and well-being as well as those which promote social cohesion and the development of social capital, the provision of health, security, community, and cultural infrastructure and other local facilities.

5.0 Local Context

5.1 Within the current extant area plans for the Mid Ulster area, the Dungannon and South Tyrone Area Plan 2010, Cookstown Area Plan 2010 and the Magherafelt Area Plan 2015 have no specific planning policies or zonings relating to health or education.

6.0 Response to the Specific Issues

Policy COY 1- Community Uses

- 6.1)** *The text highlights the lack of services in the Mid Ulster Area such as A&E provision, counselling, citizens advice centres and a lack of mental health provision. It does not acknowledge the number of deaths by suicide in the text.*

Representation: MUDPS/180/7

As stated within the draft plan strategy, the planning system cannot directly create policy for health services, nor can it influence funding towards the provision of these services required in Mid Ulster. However, the policy creates opportunities for the development of any services required and ensures there is sufficient land to meet the anticipated needs of the community.

The background position paper for Health, Education and Community Uses provides the percentage of deaths that suicide account for in Mid Ulster in page 7 & 8 of the paper, and with all the information provided within this paper, they have been considered in the draft plan strategy.

Figures relating to deaths are not included within the draft plan strategy as there is a variance in these figures each year and it is not considered that it is necessary to include these in the draft plan strategy.

ACTION: No change is required the strategy is considered sound.

- 6.2)** *Clarification is sought as to whether 'community uses' includes health and educational uses within the context of Policy COY 1. Concerns have also been raised regarding the policy in that it fails to acknowledge or address challenges posed to service providers for spatially dispersed populations.*

Representation: MUDPS/115/51

The Planning (Use Classes) Order (Northern Ireland) 2015 states that use class D1 Community and Cultural Uses includes the use of a facility for the provision of any medical or health service and for the provision of education. Policy COY 1 will therefore apply to such uses.

In relation to the policy failing to acknowledge or address the challenges posed to service providers, the first two paragraphs of this chapter address this issue and highlight the challenges posed. It also states, “The need to ensure good transport links so residents have access to A&E and other services not currently provided within the District is paramount.” Policy COY 1 recognises the need for catering for dispersed rural community by allowing for community uses to be located next to the settlement limits of a small settlement or village where no other suitable land is available within the limits. Similarly, Policy HOU 1 allows for land zoned as phase 2 lands to be used to meet an overriding need for a health, education or community facility, providing an extra degree of flexibility.

As well as this, the Transportation section of the Draft Plan Strategy recognises that the population in Mid Ulster is a dispersed rural population and places emphasis on improving the local road network in order to reduce travel times for residents to their nearest acute hospital. This is identified as a challenge posed to service providers and the draft plan strategy aims to reduce this travel time.

Policy COY1 is in line with the Council’s strategy, which will help to ensure sufficient land is available to meet the anticipated needs of the community.

Therefore, it is considered our approach is sound.

ACTION: No change is required. However, if the commissioner feels that the title of the policy should be changed to reflect the chapter name: Health, Education and Community Uses, we would have no objection to this change.

6.3) *Further clarification is needed around what is meant by ‘exceptional circumstances’ and ‘comprehensive development of surrounding lands.’ Therefore, the implementation/application of the policy is unclear and clarity is sought.*

Representation: MUDPS/147/4

Exceptional circumstances will be dictated by the case under consideration and therefore we are unable to clarify specifically what they may be. It has been acknowledged that the term is widely used within the SPPS and therefore it is a recognised planning term, which is defined by the case under consideration.

Similarly, comprehensive development is a known planning terms and the council do not believe it a definition is required within the draft plan strategy.

ACTION: No change is required. However, if the commissioner is so minded to clarify this, to explain that it is about ensuring that remaining lands can be developed and does not render the rest of the site unusable.

- 6.4) *The strategic settlement evaluation paper is considerably out of date and it has been requested that the council review this paper to ensure the policy is founded on an up-to-date evidence base.***

Representation: MUDPS/147/5

The Council does not believe the strategic settlement evaluation paper is considerably out of date. There has been no significant changes to the settlement hierarchy since the paper was published. On-going research is being carried out in the form of an urban capacity study and housing monitor assessment for Mid Ulster to ensure evidence is kept as up-to-date as possible.

ACTION: No change is required the strategy is considered sound.

- 6.5) *Identifies the lack of an acute hospital in Mid Ulster as an area of major concern given the current population and the predicted population growth in Mid Ulster. Asks for consideration to be given to access schemes from the remotest areas to be developed and prioritised. The Council must advocate for better health services in Mid Ulster.***

Representation: MUDPS/162/44

The text within this chapter of the draft plan strategy identifies the lack of an acute hospital with A&E provision as a major issue for residents of Mid Ulster.

Within the transportation section of the Draft Plan Strategy, the council identifies that Mid Ulster has a dispersed rural population and travel to and from hospitals and other services is an issue. The transportation section focuses on developing the key transportation corridors between the three main hubs of Dungannon, Cookstown and Magherafelt, the two local towns of Maghera and Coalisland and the rural hinterland.

The council's transportation strategy is to improve connectivity for both rural and urban dwellers. Upgrades to existing road networks and proposed new bypasses of heavily congested towns is critical to improving travel times, which in turn will improve access to health services for the rural population of Mid Ulster.

ACTION: No change is required the strategy is considered sound.

- 6.6) *The strategy is narrowly focused and will have minimal effect for the majority of citizens. Consideration must be given to the links between chronic diseases statistics and predictive analysis plus the best available evidence to devise policies to improve the health and wellbeing for those living in Mid Ulster.***

Representation: MUDPS/162/45

The draft plan strategy as a whole has policies that play an active role in improving the health and wellbeing of people and communities within Mid Ulster. Policy GP1 and other policies collectively contribute to improving health and well-being by creating prosperous areas to live, job opportunities and better access to health care services. The policies contained within this draft plan strategy when read as a whole, will improve the health and well-being for all residents within Mid Ulster.

ACTION: No change is required the strategy is considered sound.

- 6.7) *Paragraph 9.15 states that it aims to reduce the percentage of health related deaths in Mid Ulster, yet how it intends to do this is not clear. More information is required and the link between environment and health warrants escalation and further integration in all aspects of this strategy.***

Representation: MUDPS/162/46

This paragraph relates to the Community Plan for Mid Ulster, which aims to create healthier lives, to support people to live longer and reduce lifestyle related diseases. How it intends to do this is through access to good quality health provision and preventative action. The Health, Education & Community Uses development plan preparatory position paper looked at how the planning system can endeavour to contribute to the creation of a more healthy community and promote general wellbeing. This has been implemented into the draft plan strategy, which aims to ensure there will be sufficient land to meet the needs of the community in terms of health, education and other public facilities.

Improving the health and wellbeing of residents in Mid Ulster is a key theme within the plan strategy with a number of policies contained within the document contributing to improving the health and wellbeing of residents in Mid Ulster.

ACTION: No change is required the strategy is considered sound.

- 6.8) *It has been suggested that Policy COY 1 should reflect the fact that small-scale housing can represent social developments with community wide benefits within the health care environment.***

Representation: MUDPS/62/3

Social housing is exactly that and while it undeniably will have community wide benefits, it will be assessed under the relevant policy being housing in settlements. Any benefits of the social housing can be assessed and considered in a case-by-case scenario.

ACTION: No change is required the strategy is considered sound.

- 6.9) *Recommended to include a planning gain/developer contribution policy within this section to provide community facilities.***

Representation: MUDPS/85/50

All proposals will be determined against the general principles planning policy. Policy GP1, General Principles Planning Policy includes a section on Planning Gain and Developer Contribution. As stated in paragraph 6.2, 'criteria within this policy are not repeated in individual subject policies.' Therefore, there is no need to duplicate what is already covered within Policy GP 1 that applies to all development proposals.

ACTION: No change is required the strategy is considered sound.

- 6.10) *It has been suggested that the Council consider incorporating a specific policy for Specialist Residential Accommodation as part of this policy.***

Representation: MUDPS/147/6

Any proposal for a specialist residential accommodation development will be determined against all other relevant policies and can be assessed on a case-by-case scenario.

ACTION: No change is required strategy is considered sound.

- 6.11) *Requesting the strategy acknowledges an outline planning application for a consolidated Primary Health Care Centre which is consistent with the 'health care hubs' strategy.***

Representation: MUDPS/192/17

This is not deemed relevant or necessary to begin listing specific planning applications within the plan strategy unless those which are mentioned/maintained by the health trusts. The draft plan strategy is flexible enough to allow for the development of health hubs, which ensures that, as a minimum our residents have access locally to those services that would otherwise be available within an acute hospital environment.

ACTION: No change is required the strategy is considered sound.

7.0 Counter-representations

There were no representations received in relation to this topic paper.

8.0 Recommendation

It is recommended that we progress the approach to Health, Education and Community Uses in line with the actions contained within this paper.

9.0 Representations Received

Representations received in relation to Health, Education and Community Uses.

Respondent	Reference Number
Consultation Bodies	
Armagh, Banbridge and Craigavon Borough Council	MUDPS/56
Northern Ireland Housing Executive	MUDPS/85
Department for Infrastructure	MUDPS/115
Causeway Coast & Glens Borough Council	MUDPS/159
Public Representations	
Pat McBride Planning Consultant	MUDPS/62
WYG Planning	MUDPS/137
Turley	MUDPS/147
Protect Slieve Gallion	MUDPS/162
Shane Bradley	MUDPS/180
Ross Planning	MUDPS/192

Addendum to Health Education & Community Topic Paper
New Representations Received during the Re-consultation on the DPS

1.0 New comments received during consultation

a) MUDPS/31/28 – *General comment noting the reference to South West College's plan to develop a centre for engineering/manufacturing at Para 9.10 of the DPS.*

Consideration

Comment noted.

Action: No action required.

b) MUDPS/31/29 – *Rep identifies education opportunity sites, and the challenges for the further education sector.*

Consideration

Comments noted.

Action: No action required.

2.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
Department of the Economy	MUDPS/31
Public Representations	
N/A	

Urban Design - Topic Paper

1.0 Issues Identified

The issues identified from representations received in response to our Draft Plan Strategy include concerns pertaining to biodiversity, building height restrictions, SuDS, Design and Access Statements, heritage assets and rural design. These issues are outlined in further detail in section 6 of this paper with our consideration and recommended subsequently action noted.

2.0 Representations in Support

- a) The policy is welcomed, as is the requirement to provide Design and Access Statements to help foster place making and quality design.

Relevant Representation: MUDPS/85/51

- b) The proposal to produce design guidance for settlements at LLP stage is welcomed.

Relevant Representations:

MUDPS/85/51

MUDPS/159/9

- c) Policy is generally welcomed with suggestion more reference could be made to local characteristics.

Relevant Representations: MUDPS/115/52

Consideration

The policy refers to local traditions of form, materials and detailing, therefore characteristics is inherent in this.

Action: No action required.

3.0 Consultations

See section 9.0 which details respondents who submitted a representation in relation to this topic paper, including consultation bodies

4.0 Regional Policy Context

The regional policy context is provided by the Regional Development Strategy (RDS) 2035, the Strategic Planning Policy Statement and regional planning policy statements. A summary of these documents as they pertain to plan making and urban design policy is provided in the following sections.

4.1 Regional Development Strategy (RDS)

The Regional Development Strategy 2035 (RDS) provides key guidance for planning policy in Northern Ireland and is underpinned by a Spatial Framework and Strategic Planning Guidelines. The RDS contains guidance which provides direction for the Urban Design (UD1) policy contained within the draft Plan Strategy. They include:

- RG6 Strengthen Community Cohesion
- RG7 Support urban and rural renaissance
- RG8 Manage housing growth to achieve sustainable patterns of residential development
- RG9 Reduce our carbon footprint and facilitate mitigation and adaptation to climate change whilst improving air quality
- RG11 Conserve, protect and, where possible, enhance our built heritage and our natural environment
- RG12 Promote a more sustainable approach to the provision of water and sewerage services and flood risk management.
- SFG11: Promote economic development opportunities at Hubs.
- SFG12: Grow the population in the Hubs and cluster of Hubs

The RDS notes that cities, towns, villages and many neighbourhoods have their own unique identities which should be recognised, built upon and enhanced. There should be a focus on integrating new schemes within the existing townscapes with sensitive design of interfaces and access arrangements to allow a wide range of uses to co-exist peacefully.

It states that greater significance should be given to the design and management of the public realm and the provision of additional housing will require sensitive design, including mixed use schemes and integration with green-space, to ensure that they link into the existing urban fabric. Regional guidance recognises that good design plays a significant role in contributing to sustainable development. It advocates the use of Passive Solar Design (PSD), which is the design of buildings to take advantage of the natural energy in materials and air created by exposure to the sun as well as sustainable drainage systems (SuDS) to aid surface water management.

4.2 Strategic Planning Policy Statement

The SPPS sets out Core Planning Principles, at the outset, which highlight principles that are currently not reflected in policy and may be considered when delivering successful urban environments. They include;

- Supporting Good Design and Positive Place-Making
- Improving Health and Well-Being
- Creating and Enhancing Shared Space

4.21 Supporting Good Design and Positive Place-Making

The SPPS places emphasis on good design and place-making. It asserts that good design can change lives, communities and neighbourhoods for the better. It can create more successful places to live, bring communities together, and attract business investment. It can further sustainable development, encourage healthier living, promote accessibility and inclusivity; and contribute to how safe places are and feel.

The SPPS notes that design is an important material consideration in the assessment of all proposals and good design should be the aim of all those involved in the planning process and must be encouraged across the region.

It involves shaping how all elements of the built and natural environment relate to each other through the construction of new buildings, restoration and redevelopment of historic buildings, creation of public spaces and environmental improvements. It is not limited to the appearance of a building or place but should also encompass how buildings and places function in use and over the lifetime of a development.

Good design identifies and makes positive use of the assets of a site and the characteristics of its surroundings to determine the most appropriate form of development. New buildings and their surroundings therefore have a significant effect on the character and quality of a place. They define public spaces, streets and vistas and create the context for future development.

The planning system therefore has a positive role in making successful places through its influence on the type, quantum, scale, height, massing, layout, materials, design and location of development and the use of land.

Place-making is a people-centred approach to the planning, design and stewardship of new developments and public spaces that seeks to enhance the unique qualities of a place, how these developed over time and what they will be like in the future. Key to successful place-making is identifying the assets of a particular place as well as developing a vision for its future potential.

Successful place-making also acknowledges the need for quality, place specific, contextual design. It considers the compatibility of a development with its immediate and wider context, and the settlement pattern of a particular area.

4.22 Improving Health and Well-Being

The SPPS places importance on the protection of existing, and provision of new, quality open space within or close to settlements plays a vital role in promoting healthy living and tackling inequality through facilitating play, sporting activities, passive activity and interaction with others.

4.23 Creating and Enhancing Shared Space

The SPPS supports the creation and enhancement of shared space, places where there is a sense of belonging for everyone, where relationships between people from different backgrounds are most likely to be positive, and where differences are valued and respected.

The planning system has an important role supporting Government with addressing these issues through its influence on the type, location, siting and design of development. Planning authorities should utilise development planning, regeneration and development management powers to contribute to the creation of an environment that: is accessible to all and enhances opportunities for shared communities; has a high standard of connectivity, and supports shared use of public realm.

4.3 PPS 7: Quality Residential Environments

This Planning Policy Statement, PPS 7 'Quality Residential Environments', sets out the planning policies for achieving quality in new residential development. The

policies contained in this Statement apply to all residential development proposals with the exception of proposals for single dwellings in the countryside.

Policy QD1: Quality in New Residential Development of PPS 7, states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. In Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances.

It continues to note that all proposals for residential development will be expected to conform to specific criteria and any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan

Policy QD 2: Design Concept Statements, Concept Masterplans and Comprehensive Planning of PPS 7 requires the submission of a Design Concept Statement, or where appropriate a Concept Master Plan, to accompany all planning applications for residential development.

A Concept Master Plan will be required for planning applications involving:

- (a) 300 dwellings or more; or
- (b) the development, in part or full, of sites of 15 hectares or more zoned for housing in development plans; or
- (c) housing development on any other site of 15 hectares or more.

In the case of proposals for the partial development of a site zoned for housing the Concept Master Plan will be expected to demonstrate how the comprehensive planning of the entire zoned area is to be undertaken.

Any proposal for housing that would result in unsatisfactory piecemeal development will not be permitted, even on land identified for residential use in a development plan.

For a large scheme or a site in a sensitive location, such as a Conservation Area, Area of Townscape Character or Area of Outstanding Natural Beauty, the type of information and detail required for the Design Concept Statement will include some or all of the following:

- an appraisal of the site context highlighting those features in the vicinity of the site which influence the design of the scheme;

- an appraisal of the characteristics of the site - identifying features within the site and how they influence the design of the scheme. This should include landscape features, an analysis of existing flora and fauna and the location of any archaeological or built heritage features or sites of nature conservation importance;
- an indicative layout of the proposed scheme including for example the siting of buildings, existing and proposed public transport facilities, pedestrian and cycle routes, the layout of streets, access arrangements and traffic calming measures proposed;
- sketch details of the design of buildings;
- a comprehensive and readily understood structure to the open space and landscape elements of the scheme including proposals for subsequent management and maintenance; and
- the type and location of any necessary local neighbourhood facilities.

For small housing schemes outside sensitive locations, involving the development of a site of up to 0.25 of a hectare or 5 dwellings or less, a short written statement and a diagrammatic layout will generally suffice.

4.4 PPS 7 (Addendum): Residential Extensions and Alterations

This Addendum to PPS 7 sets out planning policy for achieving quality in relation to proposals for residential extensions and alterations. It also includes guidance which is intended to provide advice to homeowners and to assist in the determination of proposals.

4.5 PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas

This document is a second addendum to PPS 7 'Quality Residential Environments' and is to be read in conjunction with the policies contained within PPS 7 and within the previous addendum – 'Residential Extensions and Alterations'). The addendum provides additional planning policies on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements. It also sets out regional policy on the conversion or change of use of existing buildings to flats or apartments. In addition, the addendum contains policy to promote greater use of permeable paving within new residential developments to reduce the risk of flooding from surface water run-off.

4.6 Planning Policy Statement (PPS) 12: Housing in Settlements

PPS 12: Housing in Settlements defines the processes and policies for provision of housing in settlements that underpin the principles outlined in the RDS.

The objectives of this PPS are:

- to manage housing growth in response to changing housing need;
- to direct and manage future housing growth to achieve more sustainable patterns of residential development;
- to promote a drive to provide more housing within existing urban areas;

- to encourage an increase in the density of urban housing appropriate to the scale and design to the cities and towns of Northern Ireland; and
- to encourage the development of balanced local communities.

5.0 Local Context

5.1 Mid Ulster Community Plan

The Community Plan recognises the importance of good design in terms of improving the attractiveness of our town centres and in respect of public safety, security and the overall health and well-being of our communities within the urban area. Through town centre environmental improvement and village renewal schemes our residents experience a more attractive and better place in which to live, work and play.

6.0 Response to the Specific Issues

A response to each issue identified under the aforementioned headings along with our consideration and a proposed course of action are detailed in the following sub-sections.

6.1 Policy UD1 – Urban Design

a) Biodiversity

The section is limited on key design features from a biodiversity perspective, the policy should require biodiversity be designed into the built environment. Further details could be contained within an appropriate supplementary guidance document on design that would refer back to the UD 1- Urban Design Policy.

Relevant Representations:

MUDPS/59/35, MUDPS/59/36, MUDPS/59/37, MUDPS/59/38, MUDPS/59/39

Consideration

The SPSS asserts that sustaining and enhancing biodiversity is fundamental to furthering sustainable development. The Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy seek to halt the loss of biodiversity and ecosystems services by 2020. Furthermore, the Wildlife and Natural Environment Act (Northern Ireland) 2011 places a statutory duty on every public body to further the conservation of biodiversity.

Any development proposals within settlement limits would be required to adhere to both policy GP1 and UD1. The Council in its wider role in the context of Planning, contributes to furthering biodiversity through appointment of a Biodiversity Officer within the Council and the completion of Sustainability Appraisal incorporating Strategic Environmental Assessment, Habitats Regulations Assessment (HRA) & Equality Impact Assessment (EQIA). These functions are in addition to specific planning policies proposed in the DPS which includes policy GP1 which under section (i) titled, 'Biodiversity', stipulates that development proposals should respect, protect and/or enhance the Districts' rich biodiversity and sites designated for their contribution to the natural environment at any level.

In addition, the SPPS notes, Landscape design and planting considerations are also an integral part of design and can contribute to biodiversity. Policy GP 1 part (h) – Landscape Character, which is applicable to all development, states that development proposals should respect, protect and/or enhance the region's rich landscape character, features and sites designated for their landscape quality at any level. They should also reflect the scale and local distinctiveness of the landscape.

For any development located within settlement limits, policy UD1 - Urban Design further states 'take account of any natural features of the landscape' and 'providing open space and landscaping'. We consider regard for biodiversity is implicit within the policies.

However, not every site adopts the same approach to biodiversity. Some sites by their nature have limited capacity in terms of providing habitats through development and biodiversity being designed in. We therefore consider it is best dealt with through the development management process.

Action: We consider the policy is sound, however there is opportunity to bring forward guidance on encouraging biodiversity at LPP stage if the commission consider it appropriate.

b) Building Height Restriction

There is no evidence of a building height assessment to support or justify a restriction of 2-3 storeys on prevailing building heights within the settlement limit. This should be removed as it is contrary to regional policy which promotes compact urban forms.

Relevant Representations:

MUDPS/76/2

MUDPS/192/18, MUDPS/192/19, MUDPS/192/20, MUDPS/192/21, MUDPS/192/22

Consideration

Development Plan Policy Review Papers published on the Mid Ulster Council website includes a paper titled, Urban Design Policy Review (April 2016). It details the preparatory work and analysis which underpins the Urban Design policy including the requirement to respect the prevailing building height of 2-3 storeys. This paper includes details of a 'Urban Design and Quality Residential Environments Workshop' attended by councillors who were in agreement of maintaining the prevailing building fabric of 2-3 storey with flexibility to assess applications for taller buildings on a case by case basis. Subsequent representations received in response to the Preferred Options Paper, generally offered support for this policy approach. The Ministerial Advisory Group (MAG) for Architecture and the Built Environment highlighted the importance of protecting the established building height. We consider there is sufficient information to justify the suggested policy criteria.

Regional policy, namely the SPPS under the title, 'sustainable forms of development', encourages the use of compact urban forms for housing provision. Within the same context, the SPPS asserts that planning authorities must deliver -

increased housing density without town cramming. It continues to note, that development must respect local character, and be of a scale, nature and design appropriate to the character of the settlement.

It is noteworthy that the SPPS provides strategic guidance however within the district of Mid-Ulster, the prevailing building height in each of the three hubs has been identified as predominantly 2-3 storeys. Thus, development proposals are required to respect this height, with opportunity afforded for taller buildings where it is demonstrated through a design and access statement that the development is of high quality design and will enhance the area. This methodology provides certainty for professionals, developers and the general public due to the simplistic blanket policy approach but flexibility to provide high quality taller buildings which will enhance the area.

We consider the text within the policy box provides a summary of the key considerations, while the justification and amplification provides further supporting information which is relevant to a proper understanding and interpretation of policy. In this case it is stipulated that under UD1 developers will be expected to demonstrate the proposal respects, the height, scale and form of surrounding buildings. The justification and amplification, clarifies that the height has in Mid-Ulster been identified as 2-3 stories.

Action: No action required.

c) SuDS

The Council should promote use of SuDS within Public Realm Schemes/ streetscape improvement schemes in order to improve the resilience of existing drainage systems as SuDS attenuates storm water & thereby mitigates its effect on drainage network capacity.

Relevant Representations:

MUDPS/115/278

MUDPS/170/20

Consideration

The Council acknowledges the need to further sustainable development as set out in regional guidance. To avoid duplication over policies, reference to the use of SuDS is provided only within the General Principles policy, GP1 which is applicable to all development. Section (g) titled, 'Other infrastructural requirements' of GP1 states that development proposals are encouraged to use sustainable drainage systems (SuDS) as the preferred drainage solution.'

Action: No action required.

d) Design and Access Statement

Clarification is sought on when a Design and Access Statement is required with calls for the submission of a Design Concept Statement for residential applications and a Design and Access Statement for major applications.

Relevant Representations:

MUDPS/76/16

MUDPS/118/3

MUDPS/137/8

MUDPS/138/16

MUDPS/139/11

Consideration

The Planning (General Development Procedure) Order (Northern Ireland) 2015 states under section 6:

Design and access statements

6.—(1) Subject to paragraph (4), this Article applies to an application for planning permission

which is for—

(a) development which is major development;

(b) where any part of the development is in a designated area, development consisting of—

(i) the provision of one or more dwelling houses, or

(ii) the provision of a building or buildings where the floor space created by the development is 100 square metres or more.

It continues to state,

(5) For the purpose of this Article, “designated area” is defined as—

(i) a conservation area,

(ii) an area of outstanding natural beauty,

(iii) a World Heritage Site, and

(iv) an area of townscape or an area of village character.

The call to amend policy UD1 to requires a ‘design concept statement’ for residential developments and ‘D&AS’ for major development would therefore be contradictory to and would not satisfy legislative requirements.

Policy UD1, will be applicable to all development within settlement limits. In addition to the legislative requirements we have also put added provision linked to high buildings when not respecting the prevailing building height of 2-3 stories. Paragraph 10.11 – Building heights states, “ Exceptionally, consideration will be given to development proposals above this height where it is demonstrated through the provision of a Design and Access Statement that the development is of high quality design and will enhance the area.” Therefore clear guidance has been given when a Design and Access Statement is required.

However on review, if there is a misunderstanding in relation to the policy and the commission felt it helpful, a minor rewording with “where appropriate through a Design and Access Statement.” is removed.

Action: We consider the policy is sound however if the commission consider it necessary for clarity we would not object to the following amended text:

Development will need to be of a high standard to accord with the Plan. Developers will be expected to demonstrate ~~where appropriate through a Design and Access Statement~~ that the proposal respects:

In addition we have no objection to including the definition of a designated area outlined below in red under paragraph 10.16.

A “designated area” is defined as—

- (i) a conservation area,
- (ii) an area of outstanding natural beauty,
- (iii) a World Heritage Site, and
- (iv) an area of townscape or an area of village character.

e) Heritage Assets

Consideration should be given to the design of development within and close to sensitive heritage assets and their settings. Further criterion should be added to state that design of development should have no significant adverse effect on unlisted and listed buildings, monuments in state care and scheduled monuments, and on the character of areas recognised for their landscape or townscape value, such as Areas of Outstanding Natural Beauty, Conservation Areas, Areas of Townscape Character and Areas of Special Archaeological Interest (as per paragraph 4.26 of the SPPS).

Relevant Representations: MUDPS/174/19, MUDPS/174/20

Consideration

Environmental policies contained within the DPS set out considerations for the assessment of development and any potential impacts on listed buildings, monuments in state care, scheduled monuments, and on the character of areas recognised for their landscape or townscape value, such as Areas of Outstanding Natural Beauty, Conservation Areas, Areas of Townscape Character and Areas of Special Archaeological Interest. These policies are underpinned by a strategy to protect, conserve and enhance our historic environment by sustainably managing change and facilitating appropriate and sensitive heritage led regeneration, tourism and development plan and tailored heritage design guidance. Consequently duplication within urban design policy is not considered necessary.

Action: No action required.

f) Policy UD1 to be removed

The policy is incoherent and potentially confusing with design policies referenced in both GP1 and UD1. Design policies should be contained within one overarching policy with UD1 deleted and criterion (c) of GP1 redrafted.

Relevant Representations:

MUDPS/76/15

MUDPS/118/22

Consideration

Under the Subject Policy of Town Centres and Retailing within the SPPS, Regional Strategic Policy calls for policies and proposals for shops and villages and small settlements must be consistent with the aim, objectives and policy approach for town centres and retailing, meet local need (i.e. day-to-day needs), and be of a scale, nature and design appropriate to the character of the settlement. This policy can be interpreted as relating to the building and its relation to the surrounding context. There is no current policy in place to address the design of the public realm within our towns and villages. Furthermore no current policy relates to the provision of landscaping to Retail parks, Business Parks and Industrial Estates.

Government Action for our Urban Environment Published by Place May 2011 sets out 3 action points to help deliver the Principles and Objectives of the Government's Architecture and Built Environment Policy published by DCAL in 2006.

The 3 Action Points raised in the above publication by Place are as follows:

- Protect our Urban and Rural Environments,
- Enhance the quality of our cities, towns and villages, and
- Improve the knowledge of our places.

The publication by Place identifies that the delivery of good design of our built environment is controlled by a wide range of Government Departments, each with a different objective leading to a fragmented approach. It highlights that no policy is currently in place for the design of our public realm and public buildings. It suggests that the policies set out in PPS7 QD1 should be expanded to encompass the entire built environment and not just residential. A lot of these suggestions have been addressed in the DOE's publication Living Places - An Urban Stewardship and Design Guide for Northern Ireland 2014.

In addition to the core planning principles 'good design and positive place-making', the SPPS notes that design is an important material consideration in the assessment of all proposals and good design should be the aim of all those involved in the planning process and must be encouraged across the region along with the core

It is therefore considered relevant to take a proactive approach to urban design and provide a nuanced design policy which will provide an additional layer of requirements which facilitates high quality development and place-making within our settlements.

Paragraph 10.7 sets out our intention to deliver Settlement Specific Design Guidance at LPP which will provide further guidance on key features.

Action: No action required.

g) Rural Design

A note is made that in relation to design, the policy it relates to urban only but what about rural design?

Relevant Representations: MUDPS/174/72

Consideration

Policy GP1 part (c) titled Siting, Design and External Appearance provides considerations which support good design. It is applicable to all development, within urban and rural settings. It continues to reference design in the countryside, stating development should have regard to the character of the area, the local landscape and not rely primarily on new landscaping for integration. Existing SPG –Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside provides design guidance for building in the countryside and is referenced in paragraph 8.29 within the justification and amplification to policy CT1 – General Policy (Housing in the Countryside).

Action: No action required.

7.0 Counter-representations

There were no representations received which referenced the above policy / policy topic.

8.0 Recommendation

It is recommended that we progress the approach to Urban Design in line with the actions contained within this paper.

9.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
Northern Ireland Housing Executive	MUDPS/85
Department for Infrastructure	MUDPS/115
Causeway Coast and Glens Borough Council	MUDPS/159
Public Representations	
RSPB	MUDPS/ 59
Turley	MUDPS/76
Northern Ireland Federation of Housing Associations	MUDPS/118
WYG Planning	MUDPS/137
WYG Planning	MUDPS/138
WYG Planning	MUDPS/139
NI Water – Asset Delivery Directorate	MUDPS/170
The National Trust	MUDPS/174

Addendum to Urban Design Topic Paper

New Representations Received during the Re-consultation on the DPS

1.0 Representations Received

1.1 The main issues arising following the re-consultation process are set out below:

a) MUDPS/214/23 – *Representation expresses agreement with the requirement in UD 1 to ensure that design is of a high quality.*

Consideration

Support noted.

Action – No Action Required.

b) MUDPS/215/9 - *Policy UD1 is unsound as it replicates policy in GP1 and fails to make clear that Design and Access Statement are not needed unless application is for major development.*

Consideration

D&AS are not just exclusive to major development. They are needed for residential development in a designated area, consisting of 1 or more units or where floor space in excess of 100 sq. floor space is created. Therefore, it is possible that development which is the subject of this policy will require a D&AS. The policy wording does not imply that D&AS are always required but states that they are required “where appropriate” which places the onus on the developer to find out if one is required or not.

Action – No Action Required.

c) MUDPS/215/10 - *UD1, J&A states building heights should respect existing building height of 2-3 storeys - no evidence for this as typical building height and as such, it limits flexibility.*

Consideration

The evidence is self-evident and has been assessed by officers carrying out a visual survey of the main towns. There are no areas within the town centres of these settlements where the predominant building height is above 2/3 stories high. Therefore, this is the typical building height.

See para. 6.1 (b) of original topic paper for further detail on this issue which has also been raised in the initial consultation period for the draft Strategy.

Action – No Action Required.

1.2 Representations Received

Respondent	Reference Number
Consultation Bodies	
	N/A

Public Representations	
Ulster Unionist Party	MUDPS/214
Turley	MUDPS/215

Open Space, Recreation and Leisure – Topic Paper

1.0 Summary of Representations

1.1 Issues raised in the representations have been grouped under the relevant headings they relate in the DPS and are summarised below:

- **Open Space, Recreation and Leisure Strategy** – Reference to SuDS
- **Policy OS1**–Link to tourism; Biodiversity, Fails to align with SPPS
- **Policy OS2** – Policy is unclear; Policy requires greater flexibility
- **Policy OS3**– Noise generating sport; Open Space Policy Requirement; Fails to align with SPPS; Development outside of SCA; Failure to consider traffic generated; Policy amendments Required
- **Policy OS4** – Failure to align with SPPS; Failure to consider traffic generated

2.0 Representations in Support

2.1 Representations supporting aspects of Open Space, Recreation and Leisure policy or noting aspects of this section have been grouped for each of the Tourism policies and are summarised below:

- **Open Space, Recreation and Leisure Strategy** – The strategy and associated policies are noted. Welcomes the commitments given by MUDC regarding the importance of sport & physical recreation and community use of school sports facilities. Approach is consistent with Sports Matters (2009-2019), Our Great Outdoors (2014) and Your School, Your Club policy framework (MUDPS/159/10, MUDPS/134/2, MUDPS/134/3).
- **Policy OS1**– supportive of policy including provision of play parks, however notes redevelopment of open space within an estate can be beneficial to estate structuring. Welcomes that policy aligns with the SPPS and goes further in relation to exceptional circumstances. Encourages Council to apply the general presumption against loss of open space rigorously with stated caveats (MUDPS/85/52, MUDPS/115/53, MUDPS/115/369, MUDPS/134/6, MUDPS/162/48, MUDPS/214/24).
- **Policy OS2** – supportive of policy to protect river corridors and indoor and outdoor recreational facilities. Policy is welcomed as meets the Water Framework Directive Standards (MUDPS/85/53, MUDPS/134/7).
- **Policy OS3** – supportive of policy to protect indoor & outdoor recreational facilities and river corridors. Acknowledgment of the need for collaborative approaches in the development of enhanced and sustainable access to sport in the natural environment & rural locations. Welcomes the specific mention of water sports development and the reference to findings of previous community consultations and the community plan which highlights the importance of integrated approach to community sports facility development. (MUDPS/85/54, MUDPS/134/4, MUDPS/134/5, MUDPS/134/8).

- **Policy OS4** – supportive of policy to protect river corridors and indoor and outdoor recreational facilities (MUDPS/85/55).

3.0 Consultations

Representations received from consultation bodies are listed in section 8 of this paper.

4.0 Regional Policy Context

4.1 Regional Development Strategy (RDS) highlights the need to provide adequate provision for green and blue infrastructure in cities, towns, neighbourhoods and new developments. RDS outlines strategic guidance which provides long term policy direction to guide the public, private and community sectors. Regional Guidance (RG) applies to everywhere in the region and is presented under the 3 sustainable development themes of Economy, Society and Environment. RG7 Support Urban and Rural Renaissance is presented under the Society theme and aims to ensure that environmental quality in urban areas is improved and maintained, particularly with adequate provision of green infrastructure. RG7 highlights the importance to promote recreational space within cities, towns and neighbourhoods and new developments or plans should make provision for adequate green and blue infrastructure.

4.2 RG11: Conserve, protect and where possible, enhance our built and natural heritage is presented under the Environment theme. With regard to the natural heritage, a key aim of RG11 is to sustain and enhance biodiversity, protect and encourage green and blue infrastructure within urban areas. This guidance aims to identify, establish, protect and manage ecological networks which could be of amenity value if linked to the green infrastructure provided by walking and cycling routes to heritage and other recreational interest. Spatial Framework Guidance is additional to the region-wide guidance and is tailored to each of the 5 elements of the Spatial Framework. Policy SFG 13: Sustain rural communities living in smaller settlements and the open countryside is presented under the Rural Area element and establishes the role of multi-functional town centres for business, housing, administration, leisure and cultural facilities for both urban and rural communities.

4.3 Strategic Planning Policy Statement (SPPS) advises when plan making and decision-taking planning authorities should contribute positively to health and well-being through safeguarding and facilitating quality open space, sport and outdoor recreation (Paragraph 4.5). The SPPS recognises the protection of existing, and provision of new, quality open space within or close to settlements plays a vital role in promoting healthy living and tackling inequality through facilitating play, sporting activities, passive activity and interaction with others (Paragraph 4.8). In plan making councils should bring forward an Open Space Strategy (OSS) that must reflect the aim, objectives and policy approach of the SPPS, tailored to the specific circumstances of the plan area. There will be a policy presumption against the loss of open space to competing land uses in Local Development Plans (LDPs) irrespective of its physical condition and appearance. Any exception to this general approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space;

or where it is demonstrated that the loss of open space will have no significant detrimental impact (Paragraph 6.205).

4.4 Planning Policy Statement 8(PPS 8): Open Space, Sport and Outdoor Recreation sets out the planning policies for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation, and advises on the treatment of these issues in development plans. It embodies the Government's commitment to sustainable development, to the promotion of a more active and healthy lifestyle and to the conservation of biodiversity. The preparation of a development plan provides the opportunity to assess existing open space provision within the plan area and to identify, where necessary, suitable locations for future open space development.

5.0 Local Context

5.1 Our Community Plan 10 Year Plan for Mid Ulster summarises high-level findings from community consultation which identified that the provision of good sports or play/leisure facilities is valued in areas throughout the district; and parks/open spaces and sport/leisure facilities are identified as core services performing well. An outcome of Theme 4 Health and Wellbeing of the Mid Ulster District Community Plan is that we are better enabled to live longer healthier and more active lives. To assist in achieving this outcome, the Community Plan identifies a need to deliver a Recreation and Active Lifestyle Plan which will provide formal and informal recreation and play opportunities.

4.2 Mid Ulster District Council Corporate Plan 2015-2019 identified issues of importance which assisted in formulating corporate priorities for the District and includes open space. The Corporate Plan presents four themes, Theme 1 'Delivering for our People' priorities high quality, responsive, indoor and outdoor recreational services with increased customer numbers and satisfaction as a priority (Paragraph 1.3). Theme 3 'Sustaining our Environment' identifies a need to develop and enhance parks, play areas and open spaces to encourage physical activity and open the countryside in a sustainable manner to our community (Paragraph 3.4).

4.3 Cookstown Area Plan 2010 identifies sport, recreation, open space and children's play facilities within the former Cookstown District. The Plan zones 4.1 hectares of land zoned for open space and outdoor recreation in Cookstown and 31 hectares of land for an outdoor sport complex at Loughry College. Plan Policy ROS 1 safeguards areas for open space and outdoor recreational use with planning permission normally only being granted for proposals ancillary to the open space use of the land. Proposals for new housing schemes are required to provide adequate areas of open space in accordance with PPS 8 and PPS 7.

4.4 Dungannon & South Tyrone Area Plan 2010 identifies major areas of existing recreation and open space, such as parks, playing fields and school facilities which

are safeguarded for open space and outdoor recreational use in accordance with PPS 8. Plan Policy ROS 1 Recreation and Open Space Zonings recognises that there is a deficiency of public open space within the heart of Dungannon and that there is a need to improve the overall attractiveness and environmental quality of its town centre. Accordingly, it proposes to zone a site for recreation and open space at Castle Hill, a pedestrian link from the park to Circular Road and the leisure centre and to improve facilities for sports and children's play across the Borough. DSTAP identifies PPS8 and PPS7 as the relevant regional policy for recreation and open space.

4.5 Magherafelt Area Plan 2015 recognises that the District contains a variety of informal outdoor recreational open space, particularly forests, and recreation facilities in association with the natural resources of the area such as rivers, lough shores and heritage sites. The Plan identifies major areas of existing open space which will be subject to the provisions of prevailing regional planning policy when assessing planning applications. The plan offers no specific plan policies, however certain areas of open space have been identified as Local Landscape Policy Areas (LLPAs) within which development proposals will also be subject to Plan Policy CON 2.

4.6 Mid Ulster Position Paper Seven: Open Space, Recreation and Leisure provides the regional policy context for recreation and leisure in the Mid Ulster Area; a review of the existing area plans and masterplans; and an assessment of existing open space provision and the future needs of the council area over the plan period.

4.7 Mid Ulster Open Space, Recreation and Leisure Policy Review provides MUDC objectives, legislative requirements and existing planning policies for open space, recreation and leisure and the linkages between the MUDC objectives for future growth and the Sustainability Appraisal, Regional planning policy and Strategic Planning Policy Statement objectives.

5.0 Response to the Specific Issues

5.1 Open Space, Recreation and Leisure Strategy

Issues Identified –

A. Reference to SuDS

A. Reference to SuDS

No mention of the use of SUDS in new open space, this could potentially be included. (MUDPS/115/281)

The use of SuDS in all new development is a material consideration under the policy provisions of General Principles Planning Policy GP1 which is applicable to all planning applications, including those that involve new open space. Criterion (g) of Policy GP1 relates to infrastructural requirements and requires all development proposals to demonstrate adequate infrastructure to deal with drainage encouraging

the use of SUDS as the preferred drainage solution. Therefore, it is considered there is adequate policy provision to promote the use of SuDS in all new development, including open space.

Action: Council consider the Open Space, Recreation and Leisure Strategy approach is sound and no action is required.

5.2 Policy OS 1 – Protection of Open Space

Issues Identified –

- A. Link to tourism
- B. Biodiversity
- C. Fails to align with SPPS

A. Link to tourism

Passive recreation facilitates could be further promoted including walks and trails in the Sperrins by linking with the tourism strategy and marketing such activities. (MUDPS/162/47)

The development of open space and recreation is intrinsically linked to the promotion of tourism, paragraph 15.16 of the dPS acknowledges that the Open Space and Recreation strategy complements the dPS Tourism strategy. It is also important to note that Mid Ulster Council have a separate Tourism Strategy and Action Plan for the period 2016-2020 and activities such as walking and trails are considered within it.

The dPS Tourism Strategy identifies hill walking and nature watching within the Sperrins as appropriate tourism to promote our holiday/leisure appeal (Paragraph 15.3). However, the role of the LDP is not as a promotion document but to protect or safeguard land for development. The dPS introduces Special Countryside Areas where there is a presumption against new development in order to protect the quality and unique amenity value of unique landscapes with opportunities for appropriate ancillary development only relating to recreation/open space uses to promote appropriate uses in the mountains and lough-shores.

Action: Council consider Policy OS1 is sound and no action is required.

B. Biodiversity

Strengthen policy on the importance of biodiversity protection. Biodiversity and nature educational programmes and data gathering projects should be sponsored by MUDC as well as new bee hives at MUDC owned parks/forests. (MUDPS/162/47)

The Wildlife and Natural Environment Act (Northern Ireland) 2011 places a statutory duty on every public body to further the conservation of biodiversity. The Council in its wider role in the context of Planning, contributes to furthering biodiversity through

appointment of a Biodiversity Officer within the Council and the completion of Sustainability Appraisal incorporating Strategic Environmental Assessment, Habitats Regulations Assessment (HRA) and an Environmental Impact Assessment (EIA) where appropriate. These functions are in addition to specific planning policies proposed in the DPS. The Preferred Options Paper Public Consultation Report identifies the importance of safeguarding all open space irrespective of its physical condition or appearance, in keeping with the principles of environmental conservation and helping to sustain and enhance biodiversity. Policy GP1 is applicable to all planning applications, Criterion (g) 'Biodiversity' requires that development proposals should respect, protect and/or enhance the Districts' rich biodiversity and sites designated for their contribution to the natural environment at any level. The General Principles Topic Paper provides further protection of biodiversity protection within the dPS. Policy OS1 permits exceptions where it has been demonstrated that the development will not only bring substantial community benefit that outweigh the loss of open space but also cause no significant detrimental impact on open space provision, amenity, character or *biodiversity* of an area. It is considered regard for biodiversity is implicit within the policies and Policy OS1 and Policy GP1 provide adequate protection to biodiversity. The comments regarding educational programmes and environmental initiatives such as beehives are noted, however the LDP is not considered the appropriate document to implement such projects.

Action: Council consider Policy OS1 is sound and no action is required.

C. Fails to align with SPPS

- (i) *SPPS sets out a general presumption against the loss of open space however allows for exceptions to the loss of open space where there is no significant detrimental impact. Policy should be revised to reflect SPPS paragraph 6.205. (MUDPS/174/22)*

(i) It is considered Policy OS1 adequately takes account of regional policy and guidance. Policy OS1 reflect the SPPS however provides a stricter policy approach in order to safeguard open space. Policy OS1 presents a general presumption against development that results in the loss of open space irrespective of its physical condition and appearance in line with existing Policy OS1 within PPS8 and the SPPS. Open Space, Recreation and Leisure Policy Review Background Paper provides detail from MUDC LDP workshops which identified open space should be an integral aspect of development and existing policy should be strengthened which reflects the preferred approach presented in the POP and the dPS.

- (ii) *Consideration should be given to the rezoning of open space surrounding centres to allow for the expansion of business/industry uses. (MUDPS/53/2)*

(ii) Policy OS1 presented in the dPS is considered to be appropriate to the circumstances of the district safeguarding open space, while permitting appropriate exceptions. The dPS is the first stage of the LDP process and sets out the objectives, spatial planning framework and planning policies which we propose to

use to deliver the vision for planning land use in our District up to 2030. Site zonings will be a matter for consideration at the next stage of the plan making process, the Local Policies Plan.

Action: Council consider Policy OS1 is sound and no action is required.

5.3 Policy OS 2 – Protection of River Corridors

Issues Identified –

- A. Policy unclear
- B. Policy requires greater flexibility

A. Policy unclear

- (i) *Policy may benefit from inclusion of paragraph 11.20 within policy box. MUDPS/115/54*

(i) The inclusion of the specified main rivers at paragraph 11.20 of Justification and Amplification provide clarity for case officers, developers and the public. This is considered sufficiently clear and it is not considered necessary to amend the dPS to include ‘the rivers of Ballinderry, Moyola, Blackwater, Bann and Owenkillev’ within the policy box.

- (ii) *The term 'Main River' requires clarification, as well as clarification whether policy applies to urban and rural areas. Owenkillev and Ballinderry Rivers are SACs therefore J&A should state 'Planning permission will only be granted for a development proposal that, individually or in combination with existing/proposed plans/projects is not likely to have a significant effect on these SACs'. MUDPS/56/2, MUDPS/56/22*

(ii) Policy OS2 is the relevant policy provision for sites adjacent to a main river regardless whether the site is located within the settlement limits or the countryside. The DPS recognises a European Site includes Special Areas of Conservation (Paragraph 18.18). Development proposals with the potential to impact on a European Site will be required to comply with Policy NH1 – International Designations. It is therefore considered unnecessary to amend Policy OS2 to refer specifically to significant effects on SACS as this will already be assessed through the policy provisions of NH1. Owenkillev and Ballinderry River SACs will also continue to be afforded protection by other statutory bodies by virtue of the SAC environmental designation.

- (iii) *Policy should include guidance to ensure main river banks do not create unnatural landscapes. Policy should refer to developing/maintaining public access to river corridors for angling/engagement with nature/ facilitating community connectivity. MUDPS/56/21, MUDPS/56/22, MUDPS/167/26, MUDPS/168/10, MUDPS/134/7*

(iii) Policy OS2 recognises the importance of river banks for recreational purposes, nature conservation interest and general public amenity and therefore restricts development adjacent to main river banks subject satisfying all outlined criteria which includes the provision of a 10 metre biodiversity strip. Policy GP1 underpins all subject policy topics within the DPS and all planning applications will also be required to demonstrate no harm in relation to a number of criteria including criterion (h) Landscape Character which requires development to respect, protect and/or enhance the local distinctiveness of the landscape. It is therefore considered the policy provision presented in the dPS adequately safeguards from inappropriate development which would result in unnatural landscapes. Any development proposals with the potential to impact on designated sites will also be required to comply with the relevant policy provision under the Natural Heritage Section. Development proposals located on sites with environmental designations will also have to comply with the relevant policy provisions within the Natural Heritage section. Policy OS2 justification and amplification recognises the importance of recreational and conservation uses of river corridors with existing public access on certain sections of river bank and other sections yet to be exploited. Criterion (b) of Policy OS2 requires public access and recreation provision is provided where appropriate, therefore it is considered that policy adequately does refer to accessibility to river corridors for a range of uses which could include those outlined above.

Action: Council consider Policy OS2 is sound and no action is required. However if the Planning Appeals Commission is so minded to include clarification within J&A that Policy OS2 applies to development both within settlement limits and the countryside, Council would not object.

B. Policy requires greater flexibility

- (i) *Policy as currently worded does not provide flexibility to enable it to deal with changing circumstances. Policy OS2 should be reworded to state "proposals on sites adjacent to a main river will 'normally' conflict with the plan". (MUDPS/125/1)*

(i) No evidence has been provided to justify the assertion that Policy OS2 does not provide flexibility to enable it to deal with changing circumstances. When determining planning applications there is a legislative requirement that planning applications should be determined in accordance with the plan unless material considerations indicate otherwise as set out in the Planning Act NI (2011). Therefore, this provides a degree of flexibility which allows the applicant to put forward an exceptions case to warrant approving a proposal not in compliance with the Plan. Policy OS2 reconfigures and tailors existing policy without materially altering the thrust of the policy, providing greater clarity and aligning with the SPSS. The existing policy takes account of and has regard to legislative requirements, regional planning policy and sustainability appraisal objectives at the strategic level and there is no evidence to suggest that this policy is not providing sufficient protection. It is therefore considered

unnecessary to amend policy to provide greater flexibility as suggested by this representation.

- (ii) *It is noted that there is no evidence for the proposed 10m biodiversity strip within the policy review paper and it would appear to be an arbitrary figure. This aspect of the wording should be included as guidance rather than a rule to provide a greater degree of flexibility. (MUDPS/138/17, MUDPS/192/24, MUDPS/192/25)*

(ii) The requirement for a 10m biodiversity strip relates only to the main rivers stipulated in Policy OS2. The provision of a buffer strip establishes a continuous green link, parallel and immediately adjacent to the water, and provides an area of undisturbed refuge and habitat for wildlife. The suggested 10m was taken from J&A within PPS 15, Planning and Flood Risk (Paragraph 6.32) which states “The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times.” It is considered 10 metres would allow for the inclusion of trees and landscaping to maintain a natural riverside, enhancement of biodiversity and amenity whilst providing space for manoeuvring.

The Natural Heritage Background Evidence Paper (February 2016) identifies the LDP process is an opportunity to improve the cross over and linkage between the local policy plan and the local water quality management plans. This was successfully achieved in adopted Northern Area plan, Policy ENV 4 Development Adjacent to a Main River, which includes a 10m biodiversity strip along main rivers and encourages public access provision. The SPPS identifies when zoning for future needs it is necessary to take account of the importance of protecting linear open spaces such as pedestrian and cycle routes, community greenways, former railway lines and river and canal corridors many of which are valuable in linking larger areas of open space and providing important wildlife corridors/ecological networks (Paragraph 6.210). RG11 of the RDS states ‘with regard to the natural heritage the key aim is to sustain and enhance biodiversity, protect and encourage green and blue infrastructure within urban areas, and conserve, protect and enhance areas recognised for their landscape quality’. Therefore, it is considered the inclusion of a 10m biodiversity strip is in accordance with regional policy and should be included as a policy requirement.

Action: Council consider Policy OS2 is sound and no action is required.

5.4 Policy OS 3 – Outdoor Sport and Recreation

Issues Identified –

- A. Noise generating sport
- B. Open Space Policy Requirement
- C. Fails to align with SPPS
- D. Development outside SCA
- E. Failure to consider traffic generated

F. Policy amendments Required

A. Noise generating sport

Shooting is discussed negatively under noise generating sport, however clay pigeon shooting can draw visitors which can help support local services therefore policy should encourage outdoor sport in the countryside such as clay pigeon shooting. Paragraph 11.26 should reference clay pigeon shooting and paragraph 11.28 should state these activities help sustain rural economy by supporting regeneration and creating employment. (MUDPS/95/2)

The Open Space, Recreation and Leisure Policy Review Background Paper identifies a key issue for the LDP is facilitating outdoor sports and facilities which have the potential to impact on residential amenity for example from generating noise or floodlights. Policy has been tailored to the specifics of the district, Mid Ulster's settlement pattern is much more rural based therefore Policy OS3 provides a more flexible approach than the existing regional policy allowing for outdoor sports provision and recreation in the countryside subject to complying with relevant planning criteria. Noise disturbance is a material consideration, therefore it is considered appropriate to restrict noise generating sport to appropriate locations to minimise disturbance or nuisance to nearby residents. This aligns with regional policy with both the SPPS and PPS8 specifically referencing clay pigeon shooting as noise generating sports. It considered overly prescriptive to explicitly refer to clay pigeon shooting within the Justification and Amplification. All applications for outdoor sport and recreation will be assessed for appropriateness on a case by case basis against the relevant policy provisions within General Principles Policy and Policy OS4, as well as any other relevant policy.

Action: Policy OS3 is considered sound and no action is required.

B. Open Space Policy Requirement

Paragraph 7.31 should be a specific policy requirement requiring open space provision. (MUDPS/115/55)

The J&A should be read alongside the policy therefore it is not considered necessary to state within the policy box of Policy HOU2 or within Open Space, Recreation and Leisure Policy the minimum allocation of open space requirements as stated in Paragraph 7.31. It is considered the text within the policy box provides a summary of the key considerations, while the justification and amplification provides further supporting information which is relevant to a proper understanding and interpretation of policy.

Action: Policy OS3 is considered sound and no action is required.

C. Align with SPPS

- (i) *Sports facilities in the countryside conflicts with SPPS, intensive sport should be in settlement. Evidence is required to support this deviation.*
- (ii) *Noise Generating Sports and Outdoor Recreational Activities, Floodlight and Development of Facilities ancillary to Water Sports should be addressed in the policy box. Policy does not address noise sensitive uses including schools, hospitals, places of worship and residential which are included in the SPPS. (MUDPS/115/55)*

(i) The published Open Space, Recreation and Leisure Policy Review Paper provides background evidence to support the approach to intensive sport in the countryside. This approach was presented in the Preferred Options Paper and reflects Mid Ulster's settlement pattern which is much more rural based with high numbers living in the countryside and a strong tradition of existing sports clubs located outside of settlement limits. Policy OS3 shares the key tests with existing PPS8 Policy OS3, OS5 and OS6 and in our view represents a simplification of policy bearing in mind matters relating to heritage and other general considerations are dealt with elsewhere in the dPS. Policy OS4 also includes the key tests found in PPS8 OS4 in that the scale of the development should be in keeping with the scale of the settlement. Other tests relating to access and design and heritage are dealt with elsewhere in the dPS. Within Mid Ulster District there is a network of small settlements in the countryside. If we provided land for speculative recreational activity it would come under pressure for development. The key difference with this policy is that it gives greater flexibility in recognition of existing settlement patterns and settlement limits designed to contain compact urban form, therefore sites may not be available in smaller settlements. The term sports facilities can give rise to confusion in that most outdoor pursuit activities could also be described as sporting activities. Therefore, drawing the line between a team sports activity and an intensive outdoor sports activity is difficult. In most cases such decisions are left to the planning authority on a case by case basis. However to provide greater clarity and to avoid confusion for the reader between Policy OS3 and OS4, there may be benefits in removing all reference to 'sports' in Policy OS3 so that the policy title reads "Outdoor Recreation", as well as amending Policy OS4 title to read "Intensive Sports Facilities".

(ii) Existing policies on intensive sports facilities, noise generating sports and water sports have been amalgamated into two policies. The second part of Policy OS3 refers to development ancillary to water sports within the policy box, however it may be appropriate to change this terminology to 'water activities' to avoid confusion. Additional policies such as that relating to flood lights, is in our view adequately dealt with under Policy GP1 which identifies amenity, visual character and road safety considerations. As previously stated, the J&A should be read alongside the policy box. In this case Policy OS3 provides criteria to avoid detrimental impacts to the countryside and the J&A provides greater detail on outdoor recreation activities and clarifies the features requiring greater consideration. The dPS has taken adequate account of the SPPS, Paragraph 11.30 of J&A refers to '*sensitive features or locations*' it is considered this is clear therefore it is unnecessary to be overly

prescriptive and explicitly state 'schools, hospitals, places of worship and residential' as included in the SPPS.

Action: Policy OS3 is considered sound and no action is required. However, if the Planning Appeals Commission are of the view that confusion occurs we would not object to the removal of all reference to 'Sports' in Policy OS3 as outlined below (in red) including the removal of the words outdoor sports within Paragraph 11.25, 11.27, 11.29, 11.31, 11.33 and 11.34 of J&A. As well as removal of "such as stadia; and large scale stands" from Policy OS3 (b) as outlined below.

Policy OS3 – Outdoor ~~Sport and~~ Recreation

Proposals for outdoor recreation ~~and sports facilities~~ will accord with the plan where they are located in settlements.

Proposals for outdoor recreation ~~and sports facilities~~ in the countryside will accord with the plan provided:

- a) they avoid permanent loss of the best and most versatile agricultural land;*
- b) they remain open in character without large scale buildings ~~such as stadia; and large scale stands~~ and any buildings are ancillary and small in scale;*
- c) it is demonstrated by the applicant that it will not result in unacceptable levels of disturbance to people living nearby; and,*
- d) there will not be an unacceptable level of disturbance to farm livestock and agricultural production or to the use of habitats by wildlife.*

Outside of the SCA proposals for development of facilities ancillary to water ~~sports activities~~ adjacent to inland lakes, reservoirs and waterways will accord with the plan provided:

- a) they are compatible with any existing use of the water, including non-recreational uses;*
- b) it is demonstrated that there is no conflict with the provisions of any local management plan.*

D. Development outside SCA

- (i) Policy sets out the approach to this type of development outside of the SCA, however some detail should be included within the policy box.*
- (ii) The term "open development" is ambiguous and requires clarification. (MUDPS/115/330)*

(i) Policy SCA1 sets out the policy for development within the SCA and therefore it is not considered necessary to address this within Policy OS3. The Council considers that the justification and amplification section must be read in conjunction with the policy box and that both these elements constitute the planning policy. It is considered the text within the policy box provides the key policy tests, while the

justification and amplification provides further supporting information which is relevant to the proper understanding and interpretation of the policy when assessing individual planning applications. Therefore, it is considered the J&A provides adequate detail on the appropriate type of development outside the SCA.

(ii) Policy SCA1 is considered clear, however ultimately there would be a planning judgement as to what open development is appropriate to the landscape. It is considered that Paragraph 11.27 of the DPS provides sufficient explanation in that it highlights examples of 'open development'. The term "open development" relates to ancillary development within SCA's, therefore Policy SCA1 is also applicable and paragraph 18.3 J&A provides further clarity.

Action: Policy OS3 is considered sound and no action is required.

E. Failure to consider traffic generated

DfI provided advice to the POP consultation that policies PPS3, DCAN15, PPS7 and PPS13 are brought forward in LDP. Policy needs to take account of existing infrastructure, access to public road, road safety, parking and traffic progression and give consideration to all modes of transport. (MUDPS/115/225-226)

The DPS takes account of regional policy and guidance and identifies the Programme for Government outcomes from which the Plan Strategy will help to address including connecting people and opportunities through our infrastructure. Mid Ulster is a predominantly rural population with a high reliance on the private car and limited access to public transport including a complete absence of railways. Therefore, the DPS presents bespoke policy tailored to addressing the particular needs and issues within the District. In order to implement the DPS, subject policies have been formulated which apply as appropriate to all development and from which all proposals are expected to conform with. All development proposals are required to comply with Policy GP1 – General Principles Planning Policy which includes criteria for Access, Road Layout and Parking Provision, as well as infrastructure requirements. Policy GP1 ensures all development proposals provide convenient access and safety for access, walking, cycling and public transport. Development proposals complying with Policy OS3 for outdoor recreation in the countryside will also be required to comply with the relevant policy provision under the Transportation section. Account will also be given to the views of Transport NI and any published government guidance. We consider our DPS provides sufficient and adequate coverage of transportation policies including access, parking and traffic flow. We have acknowledged in our DPS that regard will be had for any supplementary planning guidance which may be brought forward including DCAN 15 which DfI have confirmed will be retained. Please refer to the Transportation Topic Paper for further consideration of transportation issues.

Action: Council consider Policy OS3 is sound and no action is required.

F. Policy requires amendments

- (i) *Criteria (a) of Policy OS3 is unsound as there is no defined database of the 'best and most versatile agricultural land' in the district.*
- (ii) *'Watersports Enhanced Together-Get Wet Toolkit' should be referred to as it outlines good practice in development. Further planning criteria is required to ensure no significant impact on features of importance to natural or built heritage or visual amenity to allow integration into the landscape.*

MUDPS/192/26, MUDPS/192/27, MUDPS/134/8, MUDPS/174/21

(i) At a time Northern Ireland had maps grading agricultural land from 1-5, however it appears this is no longer kept up to date with the Department for Agriculture, Environment and Rural Affairs. Whilst the SPPS does not include the quality of agricultural land as a policy consideration for the purpose of open space development, this terminology is included within the dPS as this criteria remains within the retained PPS8 Policy OS3.

(ii) The representation refers to a publication co-funded by the Erasmus+ Programme of the European Union which provides a toolkit to support the development of watersports across the EU. 'Watersports Enhanced Together-Get Wet Toolkit' relates to managing water sports activities to avoid risk and it is not considered to be needed within the LDP. The SA/SEA environmental report reviewed a wide range of plans, policies and programmes at the international and national levels that are relevant to the emerging Mid Ulster Local Development Plan. This included a wide range of EU Directives relating to issues such as water, waste and air quality, most of which have been transposed into UK/Northern Ireland law through national-level policy. The review of Plans and Programmes included within the Environmental Report is not an exhaustive list however it is considered the key strategic PPPS at an international and national level have been included. We do not consider the omission of the referenced publication 'Watersports Enhanced Together-Get Wet Toolkit' within the dPS and associated Environmental Report renders the documents unsound. 'General Principles Planning Policy GP1 sets out detailed criteria not repeated in individual subject policies to ensure balanced decision making in terms of social, economic and environmental impacts. Section 5 of the dPS 'Implementation of the Plan Strategy' clearly states in many cases a number of policies may apply to a development and in such cases it is expected that the development should conform with all of the relevant policies (Paragraph 5.1). Policy GP1 underpins all subject policy topics within the DPS and all planning applications will be subject to the detailed criteria which includes siting, design and external appearance and landscape character. As well as this, any development proposals with the potential to impact on natural or built heritage will also be required to comply with the relevant policy provision under the Built and Natural Heritage Policy. Therefore it is considered the policy provision within the dPS adequately ensure no significant impact on features of importance to natural or built heritage or visual amenity to allow integration into the landscape.

Action: Council consider Policy OS3 is sound and no action is required. If the Planning Appeals Commission consider it appropriate to remove criterion (a) of Policy OS3 and include reference to 'Watersports Enhanced Together-Get Wet Toolkit' in Paragraph 11.27 of J&A, Council would have no objections.

5.5 Policy OS 4 – Indoor Sport and Intensive Outdoor Sports Facilities

Issues Identified –

- A. Failure to align with SPPS
- B. Failure to consider traffic generated

A. Take account of SPPS

Policy OS4 conflicts with SPPS which states intensive sports facilities should be located within settlements. The robustness of OS4 should be strengthened to explicitly state that the applicant must demonstrate specific locational need for intensive sports proposals outside the settlement. (MUDPS/115/56, MUDPS/174/23)

The published Open Space, Recreation and Leisure Policy Review Paper provides background evidence to support the approach to intensive sport facilities in the countryside. This approach was presented in the Preferred Options Paper and reflects Mid Ulster's settlement pattern which is much more rural based with high numbers living in the countryside and a strong tradition of existing sports clubs located outside settlement limits. The test of demonstrating no available site within a settlement limit is a well-established test for industrial development in the context of PPS4 and the SPPS and therefore it is considered an appropriate test in this policy. MUDC recognise that the policy is more permissive than allowing stadia outside of settlements, the reason for this is many of our clubs particularly GAA may well require a sports pitch with changing rooms but the overall development falls short of representing a stadium however they could be intensive due to the extended club use. It would be harmful to recreational provision to insist they are located in settlements particularly as land availability will be problematic. Due to the nature of our settlements, finding appropriate sites is extremely difficult. Accordingly the exception has been widened to accommodate this. The same also applies to indoor sports facility where the principle of land availability and linkage with the settlement is applied. This is an established test applied to economic development, industry, community and social housing outside of settlements.

It is recognised that greater clarity may be required to assist the reader in applying the policy provision of Policy OS4, therefore it may be beneficial to change the policy title to 'Intensive Sports Facility' as previously stated in Section 5.4 (c)(i) and make minor amendments to the policy box as outlined below in red. In providing these minor amendments, it is considered unnecessary to include Paragraph 11.35 and the last line of Paragraph 11.37 could be amended to state "Specific problems may also arise where floodlighting is proposed (advice contained within Paragraph 11.31 and 11.32).

Action: Policy OS4 is considered sound and no action is required. However, should the Planning Appeals Commission wish to amend the policy to that outlined below (in red), as well as remove Paragraph 11.35 and amend Paragraph 11.37 and 11.39 as outlined below (in red), Council would have no objections.

Policy OS4 – ~~Indoor Sport and~~ Intensive Outdoor Sports Facilities

~~In towns~~ ***In Settlements***, proposals for ***intensive indoor sports facilities and recreation or outdoor sports requiring stadia, large scale stands or large ancillary buildings*** will accord with the Plan ***providing the scale of the development is in keeping with the size of the settlement.***

Intensive Sports Facilities outside of a settlement will only accord with the plan where it has been demonstrated that:

- (i) there is no suitable available site within the settlement;***
- (ii) the site is close to the settlement limit and is visually associated with the settlement; and***
- (iii) there is no adverse impact on the settling of the settlement or rural character.***

~~Where there are no available sites available within a town a sports stadium may be acceptable close to the settlement limit. In other settlements, the development should be of a scale which is in keeping with the scale of the settlement. Elsewhere within the countryside small scale indoor sport and recreation facilities will accord with the plan provided: a) it is outside a village or small settlement where there is no alternative site available within the settlement which could accommodate the development, it is located close to the edge of the settlement and is visually associated with it and does not harm rural character; or b) it is part of a farm diversification or tourism project; or c) it involves the re-use of an existing locally important building.~~

11.37 The precise location of intensive sports facilities can be contentious. They can attract large numbers of people, particularly in the evenings and at weekends. They can also generate increased noise levels, operate long hours, attract a large number of vehicle movements and can require large car parking areas. Specific problems may also arise where floodlighting is proposed (***advice contained within Paragraph 11.31 and 11.32*** ~~see also Policy OS 3 which applies to all outdoor sports and recreation~~).

11.39 It is acknowledged that specific difficulties may arise in seeking to locate ***an intensive sports facility*** ~~a sports stadium~~ within a settlement, particularly larger scale proposals. Exceptionally, the Council may be prepared to accept such development at the edge of a settlement. In such cases applicants will need to provide, as part of the application, specific justification for the choice of site together with details of what alternative sites were considered and the reasons these could not accommodate the development. Ease of access will be a key issue in assessing such proposals, in particular, the availability of public transport.

B. Failure to consider traffic generated

DfI provided advice at POP that policies PPS3, DCAN15, PPS7 and PPS13 are brought forward in LDP. Policy needs to take account of existing infrastructure, access to public road, road safety, parking and traffic progression and give consideration to all modes of transport. (MUDPS/115/227, MUDPS/115/28)

Please see previous response, as per Section 5.4 (e) Failure to consider traffic generated.

6.0 Counter Representations

6.1 In accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, an 8-week counter representation public consultation period ran for any person wishing to make site specific policy representations. However no Counter-Representations relating to the Open Space, Recreation and Leisure section were received.

7.0 Recommendation

7.1 It is recommended that we progress the approach to Open Space, Recreation and Leisure in line with the actions contained within this paper.

8.0 Representation Received

Respondent	Reference Number
Consultation Bodies	
Department of Agriculture, Environment & Rural Affairs(DAERA)	MUDPS/167
Department of Agriculture, Environment & Rural Affairs(DAERA)	MUDPS/168
Northern Ireland Housing Executive (NIHE)	MUDPS/85
Department for Infrastructure (DfI)	MUDPS/115
Department for Communities (DfC)	MUDPS/134
Armagh, Banbridge and Craigavon Borough Council	MUDPS/56
Causeway Coast and Glens Borough Council	MUDPS/159
Public Representations	
Beverly Clyde on behalf of National Trust	MUDPS/174
Eamon Loughrey on behalf of Mr Crawford	MUDPS/95
Eamon Loughrey (Inaltus Limited)	MUDPS/125
Less Ross on behalf of interested parties	MUDPS/192
WYG on behalf of Specialist Joinery Group	MUDPS/138
Protect Slieve Gallion	MUDPS/162
Aidan Kelly on behalf of Dungannon Enterprise Centre	MUDPS/53

Addendum to Open Space and Recreation Topic Paper

New Representations Received during the Re-consultation on the DPS

1.0 Summary of Issues

New comments received during consultation

a) MUDPS/115/369 - Policy OS1 No new issue raised, see Paragraphs 5.2 (A) and (C)

Action: No action required

b) MUDPS/214/24 - Policy OS1 No new issue raised, see Paragraphs 5.2 (A), (B) and (C)

Action: No action required.

c) MUDPS/231/39, MUDPS/231/40 - Policy OS2 No new issue raised, see Paragraph 5.3 (B)

Action: No change required. Insufficient evidence submitted.

d) MUDPS/241/17, MUDPS241/18 - Policy OS2 No new issue raised, see Paragraph 5.3 (A) and (B)

Action: No action required.

2.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
Department for Infrastructure (DfI)	MUDPS/115
Public Representations	
Ulster Unionist Group	MUDPS/214
Michael Clarke O'Callaghan Planning	MUDPS/231
Orchard County Contracts c/o O'Callaghan Planning	MUDPS/241

Economic Development - Topic Paper

1.0 Issues Identified

- 1.1 Issues arising from representations are grouped against the various headings in the DPS, against which they were raised.
- 1.2 Although many individuals and private businesses across the district support this flexible approach to economic development, there have been concerns where there has been a departure from the SPPS and the RDS, with various representations requesting justification for doing so. Further concerns have been raised that this departure from regional policy would promote additional development in the countryside which will adversely impact on landscape and environmental policy.

2.0 Representations in Support

Representations supporting aspects of Economic Development policy, and non-committal representations, are welcomed and each of the policy sections have been grouped and summarised below:

- **Economic Development Strategy** – Causeway Coast and Glens Borough Council notes this strategy and associated policies (MUDPS/159/11). DfE welcome the plan's recognition of the need for entrepreneurship by accommodating businesses and attracting new firms (MUDPS/31/19).
- **Policy ECON 1** – The wording of 'economic development' as opposed to 'industry' is welcomed, along with the more flexible approach contained in ECON 1 as opposed to PPS 4 (MUDPS/100/3, MUDPS/137/9). Invest NI considers this policy to be in general conformity with the SPPS (MUDPS/190/6).
- **Policy ECON 2** – Retail NI fully supportive of the policy approach to protecting economic land (MUDPS/148/7). Department for Infrastructure considers criteria (g) in this policy largely takes account of SPPS (MUDPS/115/44). Retail NI suggest no change ultimately, the policy does allow flexibility where "relocation is not possible" (MUDPS/148/4).
- **Policy ECON 4** – NI Water welcomes policy ECON 4 (MUDPS/170/13). SJG welcome policy ECON 4 (MUDPS/137/10).
- **Policy ECON 1, Policy ECON 2, Policy ECON 3, Policy ECON 4** – Policy approach supported by Northern Ireland Housing Executive (MUDPS/85/56-59).

3.0 Consultations

See section 10 which details respondents who submitted a representation in relation to this topic paper, including consultation bodies.

4.0 Regional Policy Context

4.1 Regional Development Strategy 2035 (RDS)

The RDS acknowledges to underpin economic growth, Northern Ireland needs a modern and sustainable economic infrastructure. The RDS provides guidance on ensuring people can connect with a range of facilities and services and how they get to places of work. Planning authorities have to balance economic growth and the environmental impacts on air quality and energy supply for industry and transportation.

RG1 identifies the importance of adequate supply of land to facilitate sustainable economic growth. Land should be accessible and located to make best use of available services, for example water and sewage infrastructure, whilst avoiding, where possible, areas at risk of flooding. Planning authorities must assess the quality and viability of sites zoned for economic development uses in area plans. They must identify robust and defensible portfolios of both strategic and locally important employment sites in their Development Plans. This will safeguard both new and existing employment areas for employment rather than other uses.

The RDS acknowledges land zoned for economic use in Development Plans should be protected as it provides a valuable resource for local and external investment. Protection of such zonings should ensure that a variety of suitable sites exist across Northern Ireland to facilitate economic growth (page 34).

4.2 Strategic Planning Policy Statement (SPPS)

The SPPS recognises supporting sustainable economic growth as a core planning principle which planning authorities, when plan-making and decision-making, must consider. The SPPS recognises a fundamental role for LDPs is to ensure that there is an ample supply of suitable land available to meet economic development needs within the plan area. Therefore, the LDPs should zone sufficient land for economic development over the plan period. The SPPS states the LDPs 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. All applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.

4.3 Planning Policy Statement 4: Planning and Economic Development (PPS4)

PPS 4 aims to facilitate the economic development needs of the Region in ways consistent with protection of the environment and the principles of sustainable development. PPS4 acknowledges when preparing a Development Plan, planning authorities must estimate the amount and the location of land required to ensure an ample supply of suitable land is available to meet economic development needs. PPS4 states a range of acceptable employment uses within designated areas for economic development must be considered, along with supporting action to assist in the delivery of economic development.

5.0 Local Context

- 5.1 Our Community Plan: 10 Year Plan for Mid Ulster prioritises job creation, investment and the enhancement of people's skills and employability. The Community Plan supports Micro and Small to Medium Sized Enterprises (SMEs) and recognises that engineering, agriculture and construction have to be driven forward and planned major capital projects must be implemented.
- 5.2 Dungannon and South Tyrone Area Plan 2010 states in Dungannon, the main focus of industrial development in recent years has been at the Granville and Killyman Road Industrial Estates. The Plan is keen to facilitate the development of new business on suitable sites and encourage the appropriate expansion of existing firms.
- 5.3 Cookstown Area Plan 2010 identifies the Derryloran and Ballyreagh Industrial Estates as the main focus of industrial development in Cookstown. The Plan encourages the development of new business on suitable sites and the appropriate future expansion of existing firms.
- 5.4 Magherafelt Area Plan 2015 acknowledges that industry and employment opportunities within the District are largely concentrated within the two main towns of Magherafelt and Maghera, and also in the rural area close to Creagh. A total of approximately 60 hectares of land was allocated in the Plan for industry under Allocation IND 1 (page 48).

6.0 Evidence Base and Supporting Documentation

- 6.1 In preparing the Draft Plan Strategy, a considerable amount of background research has been carried out in order to ensure the strategic approach is based on sound evidence. This work has been published on the Mid Ulster District Council Website along with the Draft Plan Strategy and consists of the following documents;

- Employment and Economic Development Paper, MUDC (February 2015)
- Economic Development Policy Review Paper, MUDC (February 2016)
- SA/SEA Report, MUDC (February 2019)
- Habitats Regulations Assessment, MUDC (February 2019)
- Industrial Land Monitor Update, MUDC (October 2018)
- POP Public Consultation Report Update, MUDC (January 2019)

7.0 Response to the Specifics Issues

This section addresses the main issues identified as being relevant to the Economic Development Strategy and associated policies in the draft Strategy.

7.1 Overview

- a) **Lack of protection for existing aggregate supplies**

The DPS sets out that 8,500 new jobs must be catered for by ensuring adequate availability of economic land. This does not reflect the lack of Councils protection of future construction aggregate and minerals reserves for future sustainable use.

(MUDPS/29/10)

The acknowledgement of Mid Ulster's reliance on the construction and manufacturing industries is at odds with the earlier statements in the DPS about the importance of the minerals industry.

(MUDPS/29/11)

The SPPS states that Local Development Plans should bring forward appropriate policies to ensure that sufficient supplies of construction aggregates can be made available to meet likely future development needs over the plan period. The Council's Minerals policies seek to facilitate minerals development in appropriate locations. The Council considers that around 75% of the demand for minerals can be satisfied through existing resources, this coupled with the fact that there is a presumption in favour of minerals development elsewhere across the district, mean that the Strategic approach of the DPS will ensure an adequate regional and local supply of minerals. The Council took forward existing MRPA's, and at the time of publishing the DPS no proposals were put forward as areas worthy of safeguarding. There will be an opportunity at LPP stage to bring forward new MRPA's. The Council has consulted with the minerals industry and will continue to liaise in order to ensure that an accurate picture of supply and demand is constructed to ensure a sufficient supply of minerals.

The DPS aims to facilitate development across a range of subject areas which will lead to economic growth. These include retail, tourism, and economic / business development, not to mention the agriculture, forestry and fishing industries. The document does not promote a reliance on the minerals industry. However, it would be erroneous for us not to recognise the massive economic benefits that the minerals industry brings to Mid Ulster and to make efforts to facilitate the sustainable growth of this industry.

ACTION – No Action taken; approach is considered sound.

7.2 Economic Development Strategy

a) Inclusion of RIPA policies

RIPA policies should not be included in this stage of the Plan process, and the allocations do not meet the tests.

No weight should be given to the RIPA policy areas in advance of DFI scrutiny and independent examination.

Clarification on what exactly a RIPA is.

(MUDPS/192/28) (MUDPS/190/7) (MUDPS/136/1-2)

We consider it appropriate to designate RIPAs as this recognises the importance of clusters for the expansion of rural industry and of allowing an opportunity to expand rural business and employment uses. It is contended that

their inclusion reflects the local needs of Mid Ulster which is characterised by 'home grown' industries and high self-employment (19% of the males are self-employed compared to an NI average of 14%, 2011 Census). This approach accords with SPG 6 which sets out to 'accommodate development within the countryside that supports the vitality and viability of rural communities'.

Rural Industrial Policy Areas are designated to protect and consolidate existing areas of rural industry and contain them within set limits whereby large scale expansion would not be permitted. Two strategic RIPA's are designated in this Plan Strategy, along with Key Site Requirements. One RIPA, located at Tullyvannon, has been designated to facilitate complimentary industry next to existing. The second RIPA is at Desertcreat which benefits for approval of Police, Fire and Prison Services Training Centre. This site has been specified as Class C3 but should be Class C3 (c) for training centre.

These RIPA's are not land zonings nor are they urban areas subject to settlement limit, they are considered to be rural opportunity sites. Apart from the uses specified in the KSR's any development within a RIPA will be assessed in accordance with General Principles Planning Policy and other relevant policies for development in the countryside. Any other potential RIPA's will be brought forward in the LPP stage providing they meet the criteria for being designated as such. We consider their inclusion significant at this stage of the plan process and therefore consider this policy sound.

ACTION – No Action required prior to examination, however the Commissioner's attention should be drawn to typo in that the KSR at para 4.40 should refer to Use Class C3 (c) and not C3 as it is not the intention of using this site for residential purposes, as is implicit within the accompanying text.

b) Potential loss of industrial land

The relaxation of the protection afforded under current policy has the potential to lead to a loss of industrial lands in both towns (Maghera and Coalisland). (MUDPS/190/8)

Provision of economic land to only the 3 main towns does not allow for changing circumstances throughout plan period. DPS identifies many industrial and business enterprises in rural areas, so to focus on 3 towns is detrimental to district as a whole.

(MUDPS/98/7) (MUDPS/99/10)

No specific allocations have been made to local towns because it is not possible to quantify this at a strategic level. That said, at LPP stage it may be expedited to zone economic land to protect existing industry or to cater for industrial expansion where there is a need to protect existing economic activity from competing land uses or to provide other opportunities to meet a local need.

Background evidence paper 'Employment and Economic Development' was prepared for the Council to provide an overview of the employment and economic development base in the Mid Ulster District Area and to consider the land requirements for economic development uses up to 2030. The paper cited a lack of available industrial land in the Dungannon area, and to facilitate the

creation of at least 8,500 jobs there is a need for 170 hectares of economic land. The DPS is seeking to address this need for land through interim supply. The DPS seeks to focus growth within the 3 main towns in accordance with RDS and SPPS. SFG 11 of RDS has a hubs first approach The DPS seeks to consolidate the role of the local towns in keeping with the scale and character of these settlements. In order to provide flexibility however, the DPS does not reserve land for housing or economic development although exceptions may exist where there is a need to expand or accommodate an identified rural enterprise within the settlement limits. We consider this policy sound.

ACTION – No Action required, however if Commissioner was minded, it would be appropriate to add a line to para 4.21 to state that “whilst a strategic allocation has not been made to local towns, villages and smaller settlements, consideration will be given at LPP to zoning economic land in order to protect existing economic activity or to provide for its future expansion”.

7.3 **Policy ECON 1**

a) No clarity on the suitability of district centres for office development

The policy does not provide any clarity on the suitability of district centres for office development.

(MUDPS/94/6)

Currently office development is considered within the context of policy contained within the Rural Planning Strategy. We note the comments made on office development and are of the opinion that our draft policy for Town Centres and Retailing should be expanded to include policy for office development. We do not however feel that a particular exception should be applied generally to district centres for office development as major financial and office development is best and most sustainably located within town centres where they can benefit from public transport and the facilities contained therein. Smaller scale office development could be located within district centres in line with the suggested policy.

The Council wishes to clarify there is a typo in policy para 12.13 and ‘RE3’ should read instead ‘RE7’. This issue will be dealt with in the Retail paper under RE7.

ACTION – No Action taken, however typo in policy reference should be noted – RE3 to RE7.

b) DPS should identify sites suitable for mixed use development

The Plan should identify sites suitable for mixed-use development where a combination of employment uses and housing may provide a means to stimulate economic growth in particular circumstances. The SPPS notes “LDPs should identify opportunities for mixed use development...where this would create synergy and underpin the economic viability of the development as a whole”.

(MUDPS/100/1, MUDPS/100/5)

The review of sites suitable for mixed-use development is work to be carried out at second stage of LDP.

ACTION – Consideration will be given for identification of opportunities for mixed-use development sites at the LPP stage.

c) DPS should indicate a flexible approach will be adopted for economic development proposals

Permit suitable areas to be developed wider than Class B2-B4, e.g. care homes, hotels, Class B1 where appropriate.

(MUDPS/100/4, MUDPS/100/12)

It should be stated that ECON1 refers to uses class B1-B4 and Sui Generis uses. It should also be stated that b2-b4 will not be acceptable in the PRC, unless associated with an existing use or form part of a m.u.d.

(MUDPS/148/1)

At present 3 plans zone opportunity sites where mixed use development may be acceptable. Land is zoned for economic development, which facilitates mixed business and industrial use. There is no proposal for changing this flexible approach, however depending on the nature of industry it is clear that some uses would be inappropriate, such as residential care homes.

In order to achieve the aims of the RDS and SPPS it is important to restrict use classes deemed acceptable within zoned economic land in order to protect the vitality and viability of town centre in accordance with Para 6.95 of SPPS. The DPS seeks to limit the development of Economic Zonings strictly so as to limit the potential impact on neighbouring amenity. To open the type of use classes that would be considered acceptable within economic zoning too widely could jeopardise the future development of such designated sites.

ACTION – No Action taken; approach is considered sound.

d) Policy should provide direction for assessment for local towns which will not be zoned for economic land

DfI Roads state if the intention is not to zone economic land within the local towns, then we should be satisfied that Policy ECON1 provides sufficient policy direction for assessment within these settlements.

(MUDPS/115/57)

Policy ECON 1 is written to provide a degree of flexibility, and Justification and Amplification states that favourable consideration will be given to applications for industrial, business and storage or distribution uses on un-zoned land within the settlement limit. Each case will be considered on its own merit. Provided the proposal is of scale, nature and design appropriate to the character of the

settlement and meets General Principles Planning Policy GP1 principles. We consider this policy sound.

ACTION – No Action taken; approach is considered sound.

e) Policy does not appropriately apply principles of integrated land use and transport

DfI Roads wish for it to be demonstrated that the principle of integration of land use and transport is given appropriate consideration in identification of their growth strategy, housing allocations and economic policies.
(MUDPS/115/254,255,260)

The Growth Strategy of the DPS is about focusing development in main towns which is transport driven as it focuses on development in hubs and transport infrastructure. Accordingly this has been the focus of our Economic Zonings. This said, MUDC recognises our small towns and villages as local service centres and therefore they are appropriate locations for economic development depending on scale, nature and design of such uses,

ACTION – No Action taken; approach is considered sound.

f) Evidence base is not robust and is outdated

The evidence base is not robust and is outdated as it is dated 2016. It does not reflect advances in technology, for example advances in robotics and automation, which has resulted in lower employee to land requirement densities. New survey required to establish more up to date employment density numbers.
(MUDPS/127/3-4) (MUDPS/192/29-30)

The Council set out its rationale for the amount of industrial land required over the plan period – see evidence paper Employment and Economic Development Paper. The Council considers the information within this to be timely and does not consider that advances in technology in some business sectors would be of a scale to alter significantly the figures of the paper.

The employment densities of the DPS are low in recognition of the nature of industrial activity with MUDC. The methodology derived after survey and conclusions after the study. The Council has completed a further review utilising the latest employment statistics relating to employment densities and the potential employment opportunities over the plan period (2015-2030). Namely, two addendums:

- Addendum: Position Paper 3: Employment and Economic Development December 2019; and,
- Addendum: Position Paper 3: Employment and Economic Development January 2020

ACTION – No Action taken; approach is considered sound.

g) Settlement limits should be defined at this stage

Recognises that economic land zoned at LPP, but inclusion or non-inclusion within settlement is relevant at this stage as it will determine which of ECON1 or ECON2 applies. ECON2 imposes higher threshold and would disadvantage development at this site.

Plan needs updated to reflect existing employment areas which form part of the identified settlement. Should include modest rounding off to facilitate moderate growth at this site during plan period.

(MUDPS/157/6-17)

The review of settlement limits is work to be carried out at second stage of LDP.

ACTION – This will be considered at LPP stage.

7.4 Policy ECON 2

a) Cumulative impact of additional opportunities in countryside will adversely impact on landscape and environmental quality

DfI are concerned policy could be seen to promote development in the countryside, and it is not supportive of SPPS objectives, specifically the level of new building outside settlements. Policy is not consistent with regional policy and departure from this must be justified.

DfI state this is a permissive policy approach where the emphasis is on new buildings rather than the re-use of existing structures as advocated in the SPPS. No compelling evidence to justify this departure from the RDS and SPPS.

(MUDPS/115/25) (MUDPS/115/58)

DfI concerned criteria (a) has potential to result in significant new economic development in countryside and note preference B2 not stated in policy.

(MUDPS/59)

DfI believe circumstances for criteria (e) is subjective and there is a lower bar to overcome.

(MUDPS/115/60)

DfI believe conditions for criteria (f) more flexible than SPPS, without the requirement of a locally important building, and will result in significant new economic development in countryside.

(MUDPS/115/61)

DfI have concerns this policy could promote proliferation of economic development in the countryside due to perceived low threshold of acceptability.

(MUDPS/115/229-232)

We note all concerns raised by DfI. In preparing ECON 2 full regard has been given to regional policy. With regards to the criteria set out in this policy, we are aligning with the SPPS. There is very limited additional opportunity within this policy, only criteria (a) allowing for the provision of a small workshop. All other policy criteria is broadly based on existing regional planning policy material. Our

policies accord with SPF 6 in that they will accommodate development within the countryside whilst safeguarding our natural and built heritage. MUDC disputes the assertion that we are adopting a more permissive approach. The SPPS clearly provides for economic development in the countryside, and all policies set out in ECON 2 are broadly based on this, with the exception of the introduction of criteria (a). All of the proposed policies within the DPS have been sustainably appraised and have been found to be acceptable when considered against the three pillars of sustainability.

It is important to recognise that outside of Belfast, Mid Ulster is the second largest industrial area in NI, and this base has not grown as a result of historical factors nor is it a result of inward investment. Industry in Dungannon is the main source, and is strongly linked to our own raw materials, minerals, farm produce, etc. The food processing industries have been closely linked to locations within towns whilst concrete and brick making and other quarry products have been located at edge of town or open countryside locations. These locations are also where engineering operations linked to these uses have developed. These engineering companies are supported by a large number of small firms, involved in anything from fabrication to making nuts and bolts. This economic model has proved a success and MUDC recognises that the LDP must encourage this success. Accordingly the accommodation of a small workshop related to a dwelling as set out in criteria (a) allows for single person operations and allows for production of products linked to engineering or any other trade. This means that travel to and from work is reduced allowing for people to meet their duties as a carer, whilst having minimum impact on the environment. The design of such workshops is likely to be very similar to agricultural buildings, therefore there would be no greater impact than a farm shed located next to a farm.

At present, policy allows expansion of existing economic development. The criteria is perverse, with a sequential approach first seeking re-use of buildings or extension before new buildings and not allowing for major expansion of the site area. This is at odd with Permitted Development rights which are extensive for industrial development. It is noted that the SPPS does not advocate the approach as set out in PED 3 of PPS 4. Our approach for expansion within the existing curtilage as set out in criteria (d) is simpler and in keeping with the plan. However, if the expansion is beyond the curtilage then the key tests relate to the operational requirements of the industry, employment factors and the contribution to the local economy as set out in criteria (e). These are exactly the same tests as apply to major expansion of existing industries of PED 3 of PPS 4. Tests relating to rural character, amenity and other material considerations are set out in GP1 which apply to all proposals.

It is not the intention of this policy that it would lead to agricultural buildings becoming separate from farm for industrial uses. In order to avoid confusion the Council would have no objection if criteria (f) of this policy was amended to read “redevelopment of an established economic development use or re use of an existing redundant non-residential locally important rural building” for clarification purposes. To accompany this, the first sentence of para 12.18

should be amended to read “The conversion of buildings is preferred as this is regarded as more sustainable than new buildings being constructed freely”.

ACTION – No Action taken; however for clarification purposes, if Commissioner was minded, the Council would accept the rewording of criteria (f) and the amendment of the first sentence of para 12.18 to accompany this.

b) Clarity on what MUDC consider to be acceptable contribution to the local economy and level of community support.

Dfl noted 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 is needed. Dfl requested clarification on what would be consider to be acceptable contribution to the local economy and level of community support.
(MUDPS/115/62)

It is up to the decision maker to determine what is a sign of economic benefits and the balance against environmental disbenefits of development in the countryside. It will depend on the nature and scale of the proposal, therefore each case will be considered on their own merit. This is normal planning practice and it is line with existing planning policy which does not specify what makes an acceptable contribution to the local economy and level of community support. That being said, if the Commission was minded, the Council would not object to delete “all cases” from para 12.16 of J&A and apply this requirement to criteria (h) and (i) only.

ACTION – No Action taken; however if the Commissioner was minded, the Council would accept amending para 12.16 to apply to criteria (h) and (i) only.

c) Policy fails to take cognisance of RIPA sites that are not deemed as ‘Strategic’

Rep states Policy ECON 2 fails to take cognisance of RIPA sites that are not deemed as ‘Strategic’ and requests clarification.
(MUDPS/37/1)

The DPS has brought forward two strategic RIPA’s considered to meet the criteria set out on pages 42/43 which outlines the consideration for selecting locations as potential RIPAs. Para 4.37 of DPS sets out criteria for RIPAs, the DPS makes it clear that additional RIPA sites may be taken forward at LPP stage should that meet criteria. Therefore we consider this policy in this stage of the DPS to be sound.

ACTION – No Action taken; approach is considered sound.

d) No clarification on acceptable uses within RIPAs and areas detailed in Policy

Unclear whether RIPAs permit expansion of employment uses beyond set limits. Concern that due consideration has not been given to the environment and economic growth within settlements including in ABC borough. [Representation requests clarification as to acceptable uses within RIPAs and areas detailed in Policy ECON 2]

(MUDPS/56/12-14)

Rural Industrial Policy Areas are designated to protect and consolidate existing areas of rural industry. Two strategic RIPA's are designated in this Plan Strategy. The Key Site Requirements for both are contained in the Growth Strategy. These RIPA's are not land zonings nor are they urban areas subject to settlement limit, they are considered to be rural opportunity sites. Apart from the uses specified in the KSR's any development within a RIPA will be assessed in accordance with General Principles Planning Policy and other relevant policies for development in the countryside. RIPAs do not permit expansion of employment uses beyond set limits. SA/SEA considered that there would be likely minor negative effects of RIPA designations overall. Para 4.37 of DPS sets out criteria for RIPAs, the DPS makes it clear that additional RIPA sites may be taken forward at LPP stage should that meet criteria, and this should assist in mitigating against likely negative environmental effects.

ACTION – No Action taken; approach is considered sound.

e) Amend policy wording

Amend policy amplification wording from 'it will therefore be necessary to carry out a relevant wildlife survey, where these species are identified' to 'where the presence of a protected species is suspected'. The revised text should also refer back to the language & legislation contained within SPSS- para 6.180 and 6.181.

(MUDPS/59/40-42)

The SPSS acknowledges the presence or potential presence of a legally protected species is an important consideration in decision-making. Para 6.179 states 'If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish whether it is present'. The Justification and Amplification included within the DPS is therefore sound as it is evidence based. No amendments to Justification and Amplification for Policy ECON 2 wording are necessary.

ACTION – No Action taken; approach is considered sound.

f) Include an additional criteria for cattlemart

Include an additional criteria to Econ 2 for a cattlemart that is located in an area where no mart currently operates and where there is a need. Amend Para 12.20 to include 'cattlemart' as a 'welcome investment in rural mid ulster'.

(MUDPS/95/1)

It would be inappropriate to deliberately adjust policy to facilitate a cattlemart. Such uses are rarely applied for and when they are then they are considered on their own merits. Policy ECON 2 is written to provide flexibility for consideration of a range of development proposals. To insert specific development types could limit and restrict the policy.

ACTION – No Action taken; approach is considered sound.

g) Include provision for industry which is related to quarrying activity, but off-site

Agrees with the principle of ECON 2, and how it provides for existing quarry related activity, however the policy must also cater for existing 'off-site' related industries which for various reasons cannot be located close to the quarry. Provisions should be included which allows for industry which is related to quarrying activity but sited at a different location.

(MUDPS/101/52)(MUDPS/103/8)(MUDPS/105/9)

The DPS gives greater provision for quarry related works near quarries, and Policy ECON 2 criteria (j) provides for sufficient flexibility when considering proposals for industries directly related to quarrying e.g. cement / concrete works or glass manufacture. There is no need to amend this policy to allow for an 'off-site' location for a quarry related industry. Such proposals will be assessed in light of ECON 2 and considered on a case by case basis, and are likely to be subject to an EIA.

ACTION – No Action taken; approach is considered sound.

h) Introduce a sequential test for economic development in the countryside

A sequential test for economic development in the countryside would be beneficial in order to ensure existing zoned land is utilised, or land in settlements where possible, as there are superior linkages and clustering with other services here.

(MUDPS/148/2)

Planning Policy ECON 2 is in line with SPPS paragraph 6.88, which sets out a sequential approach to proposed economic development in the countryside. Firstly, ECON1 will apply consideration given to existing industrial land or suitable lands within development limits. Within Cookstown, Dungannon and Magherafelt and local towns Coalisland and Maghera, specific zonings existing for Industrial Development, created to provide a range of sites from which to choose. Zonings within main or local towns should over provide to ensure there is a degree of flexibility. Mid Ulster has a variety of Villages and Small Settlements, which have defined settlement limits, within which there are no specific land use zonings. In such cases, the sequential test is implicate, within settlement limits first.

Secondly, the Council may consider specific circumstances where an applicant proposes an edge of settlement limit location. In the case of our Villages and Small settlements, which have defined limits, these are locations outside their settlement limits, but adjacent, adjoining or close to the settlement. Specific circumstances of the case will be a consideration and the onus will be on the applicant to provide sound evidence base.

Mid Ulster have allowed Major Development to be located outside industrial zonings and settlement limits, where there were clear, justifiable exceptional circumstances. This approach is implicate for Villages and Smaller Settlements where land is unavailable, small rural enterprises could be located outside the Village / Small Settlement.

ACTION – No Action taken; approach is considered sound.

i) Policy not consistent with SPPS and Policy AFR2

The policy does not clarify that farm businesses must be currently active and established for a minimum of 6 years as per the SPPS. The policy is also inconsistent with policy AFR2 of the local plan. Policy ECON2 should be revised to be consistent with government advice and policy AFR2.

(MUDPS/174/25)

The controlling policy for farm businesses in the countryside is AFR2. In order for development to accord with the LDP it needs to meet all policies. Criteria (g) indicates only what will be considered acceptable. AFR 2 sets out the criteria, including the 6 year rule. We consider policy is sound as written, however if the Commissioner should wish to clarify that the 6 year rule applies, as per AFR2, then the Council would have no objection.

ACTION – No Action required, however if the Commissioner was minded, the Council would have no objection to cross reference criteria (g) ECON 2 with AFR 2.

j) Word ‘self-employment’ should be removed from criteria (a) or a definition for self-employment should be provided

In response to criterion (a) it is recommended that the word ‘self-employment’ is removed from the policy or a definition is provided for self-employment.

(MUDPS/126/13-14)

As outlined in the DPS, Mid Ulster requires the creation of at least 8,500 jobs over the plan period. The district is characterised by ‘home grown’ industries and a high level of self-employment (19% of the males are self-employed compared to NI average of 14 %, 2011 Census). This policy takes account of existing economic circumstances specific to the Mid Ulster District and potential areas for economic growth over the plan period. It is considered that this policy accords with Strategic Planning Guidelines as well as stated plan objectives including, to recognise the importance of self-employment and homeworking, to promote diversity in the range of jobs, to accommodate entrepreneurship and to support rural businesses. The definition is considered self-explanatory, and

each case will be considered on its own merits. MUDC recognises we have a large number of entrepreneurs in the countryside often operating on a self-employed basis, and we envisage that this should be encouraged through farm diversification or facilitating people working from home. The word 'self-employment' does not need to be defined as the word itself is explanatory.

ACTION – No Action taken; approach is considered sound.

k) Amend criteria (b) to reflect Para 8.33-8.34

Criteria (b) should be altered to reflect the wording in Paragraph 8.33-8.34 with regards to development of a small gap site.
(MUDPS/148/5)

The definition of a small gap site is contained within the Justification & Amplification of Policy CT2 para 8.33-8.34, therefore insertion into Policy ECON 2 is not considered necessary.

ACTION – No Action required, however if the Commissioner was minded, the Council would have no objection to cross reference para 8.33-8.34 into the J&A of Policy ECON 2.

l) Objection to final paragraph in ECON 2

This element of the policy does not include the reasonable flexibility required to ensure the plan can deal with changing circumstances.
(MUDPS/192/30)

The last paragraph was introduced to recognise the extent of existing industrial development or regionally significant permissions. The objector has failed to provide any clarity as to what they mean by 'reasonable flexibility'. We believe Policy ECON 2 does provide sufficient flexibility as it provides 10 scenarios from criteria a-j in which economic development in the countryside could be contained, subject to other material planning considerations, while taking account of the SPPS. We consider the DPS includes reasonable flexibility to deal with changing circumstances and this policy, including with the final paragraph, are sound.

ACTION – No Action taken; approach is considered sound.

m) Criterion (e) should differentiate between expansion for isolated business sites and RIPAs

Criterion (e) of Policy Econ 2 does not distinguish between an expansion for isolated business sites or potential RIPAs. Criterion should differentiate between the two types of development schemes as these could vary considerably in scale and need.
(MUDPS/151/5, MUDPS/156/7-8)

The policy itself provides differentiation between expansion for isolated business sites and RIPAs. Proposal areas identified as RIPAs fall under consideration (c) therefore they do not have to meet other criteria in ECON 2, specifically criteria (e).

Criterion (e) seeks to accommodate the expansion of established economic development in the open countryside. This policy would seek to take account of the specific nature of the District, which is characterised by a frequent occurrence of rural industry, whilst at the same time setting a number of policy tests to limit its application.

ACTION – No Action required.

n) Amend policy wording criterion (e)

Plan needs to be updated to reflect operational needs to existing employers to grow and respond to market demands. Remove "...and where the economic use makes a significant contribution to the local economy." from policy ECON 2 criterion (e).

(MUDPS/157/13-15)

This DPS takes account of existing economic circumstances specific to the Mid Ulster District and potential areas for economic growth over the plan period. This policy is in line with SPPS's requirement for LDPs to bring forward a strategy for sustainable development in the countryside, Policy ECON seeks to facilitate economic expansion beyond curtilage but only where the policy tests have been met.

It is considered that this policy accords with the DPS as well as stated plan objectives including, to recognise the importance of existing employers, and to promote diversity in the range of jobs, to accommodate entrepreneurship and to support rural businesses. As stated in the Justification and Amplification, in all cases, proposals must constitute firm proposals for economic development that have a chance of success in the medium to long term. In order to achieve this success, the economic use's level of contribution to the local economy is considered significant. Therefore this policy is considered sound.

ACTION – No Action taken; approach is considered sound.

o) Amend policy wording criteria (h)

Criterion (h) should be reworded because not all major industrial / economic proposals will make a contribution to the NI economy but will instead make a contribution to the mid ulster economy. Change wording of criterion (h) from 'regional economy' to 'district economy'.

(MUDPS/148/3)

The SPPS sets the threshold for economic development proposals in the countryside as making a significant contribution to the regional economy in Para 6.88. This policy therefore accords with this requirement and is considered sound.

ACTION – No Action required.

p) Amend criterion (j)

The policy should include reference in this criteria to the manufacture of bituminous road materials.

(MUDPS/29/12)

The industries cited were example only, it is not an exhaustive list. The policy is sufficiently flexible to accommodate a range of associated industries and therefore considered sound as drafted.

ACTION – No Action required.

q) Exception should be provided for a new building away from the farm group

An exception should be provided for a new building away from the farm group, if it has a significant level of integration and screening, as there would be very limited visual impact and no detrimental harm on rural character.

(MUDPS/148/6)

As set out in para 8.14 in the DPS, our policy approach is to cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously used buildings. This sustainable approach facilitates essential new development, which can benefit from the utilisation of existing services such as access and drainage, whilst simultaneously mitigating the potential adverse impacts upon rural amenity and scenic landscapes arising from the cumulative effect of one-off, sporadic development upon rural amenity and landscape character.

8.15 An alternative site which is removed from existing buildings may be considered, where the applicant submits appropriate and demonstrable evidence from a competent and independent authority such as the Health and Safety Executive, Environmental Health Department of the local Council to justify the siting. We do not feel that a particular exception should be made for a new building away from the farm group and consider this policy sound.

ACTION – No Action required; policy is considered sound.

7.5 Policy ECON 3

a) Policy unclear

DfI Roads comment it is unclear how this policy will apply to Coalisland and Maghera. It is unclear if the land there is to be de-zoned or re-zoned. Para 12.25 of the Justification & Amplification contradicts matters.

(MUDPS/115/63)

The logical location for providing industrial land is in the hubs, however it is likely that local towns could also provide zoned land as established the extant plans. However, this will be a matter for the LPP stage.

ACTION – No Action taken; the zonings of industrial land is a matter for the LPP stage.

b) Amend policy wording

Rep agrees alternative uses on unzoned economic land should not be precluded, however requirement must 'result in environmental benefits' is unreasonable and unnecessary. This is onerous and could prejudice regeneration of brownfield sites contrary to RG7 of RDS.
(MUDPS/160/7)

This policy seeks to improve the environmental quality of sites, and redevelopment can provide such an opportunity. This test is also recognised in Para 6.89 in the SPPS, therefore we consider policy is sound as written. ECON 3 accords with SPPS, paragraph 6.89, which provides the key tests, including flexibility for Council to prepare bespoke Economic Policy for their district, based on specific circumstances. Hence, the Council has retained flexibility to consider alternative proposals that offer clear community, environmental or other benefits; that are considered to outweigh the loss of zoned economic land(s).

Onus will be on the applicant to justify the specific circumstances, by submitting a sound evidence base. This is not an onerous task, for example, regeneration of existing disused industrial buildings or derelict land(s), by its very nature results in environmental benefits. Key considerations are potential impacts on zoned industrial lands including loss of jobs; employment purpose and environmental benefits.

Paragraph 12.27 accords with the SPPS. The reuse and/or conversion of previously un-zoned lands, with an existing industrial use and/or industrial structures shall be considered for alternative, appropriate uses.

ACTION – No Action taken; approach is considered sound.

c) Inconsistent policy test

Policy ECON3 introduces inconsistent policy tests for WMF use which leads to cherry picking policy and disorderly decision making. The DPS should provide clear policy supporting development of renewable biomass plants in appropriate areas. Suggested change that explicit wording in ECON 3 that WMF on zoned economic land/land last used for economic use accords with DPS subject to compatibility with adjacent uses and should not be tasked with proving community and employment benefits to locate in industrial areas.
(MUDPS/87/2)

The rep appears to have interpreted this policy to apply to Waste Management Facilities however it would not, that would fall under Waste Management. The reference set out in Para 12.26 was an example as an acceptable use on non-economic non-zoned land.

ACTION – No Action taken; approach is considered sound.

7.6 **Policy ECON 4**

a) Include areas of safeguarding for mineral resources around existing quarries.

Mineral Product Association NI believe ECON 4 is clear rationale for safeguarding areas of mineral resource around existing quarries. Suggest to include areas of safeguarding for mineral resources around existing quarries.
(MUDPS/29/13)

The Council are fully aware of the importance minerals in Mid Ulster and the associated employment and revenue that it generates. The Council's Minerals policies seek to facilitate minerals development in appropriate locations. The Council considers that around 75% of the demand for minerals can be satisfied through existing resources, this coupled with the fact that there is a presumption in favour of minerals development elsewhere across the district, mean that the Strategic approach of the DPS will ensure an adequate regional and local supply of minerals. The Council took forward existing MRPA's, and at the time of publishing the DPS no proposals were put forward as areas worthy of safeguarding. There will be an opportunity at LPP stage to bring forward new MRPA's. The Council has consulted with the minerals industry and will continue to liaise in order to ensure that an accurate picture of supply and demand is constructed to ensure a sufficient supply of minerals.

ACTION – No Action taken; approach is considered sound.

b) Include reference to 'new or expanded use'

Whilst Invest NI consider the policy to be in general conformity with the SPPS, they request further consideration to including the reference to 'new or expanded uses'.
(MUDPS/190/9)

We consider the suggested wording 'a proposal for development in the vicinity of an existing or approved economic use' is appropriate in itself. The suggested additional wording is not required.

ACTION – No Action required.

8.0 **Counter Representations**

There were no representations received in relation to this topic paper.

9.0 Recommendation

- 9.1 The Planning Department recommend that we progress the approach to Economic Development in line with the actions contained within this paper.

10.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
Department for the Economy (DfE)	MUDPS/31
Armagh, Banbridge and Craigavon Borough Council	MUDPS/56
DfC Historic Environment Division	MUDPS/77
NI Housing Executive	MUDPS/85
Department for Infrastructure (DfI)	MUDPS/115
Causeway Coast and Glens Borough Council	MUDPS/159
Department of Agriculture, Environment & Rural Affairs (DAERA)	MUDPS/167
NI Water	MUDPS/170
Public Representations	
Oonagh Given (on behalf of William McClean)	MUDPS/3
Colleen Savage (on behalf of Terence Eastwood)	MUDPS/27
Gordan Best (on behalf of MPANI)	MUDPS/29
Conor Cochrane (on behalf of Shivers Business Park Ltd)	MUDPS/34
Conor Cochrane (on behalf of Par Renewables Ltd)	MUDPS/37
Conor Cochrane (on behalf of GTG Biogas Ltd)	MUDPS/39
Conor Cochrane (on behalf of Glassdon Recycling Ltd)	MUDPS/40
Eamonn Loughrey (on behalf of Mr. Jordan)	MUDPS/42
Conor Cochrane (on behalf of Northway Mushrooms Ltd)	MUDPS/45
Aidan Kelly (on behalf of Brian MacAuley)	MUDPS/53
Oonagh Given (on behalf of Henry Courtney)	MUDPS/58
Michelle Hill (on behalf of Royal Society for the Protection of Birds)	MUDPS/59
Tim Quinn (on behalf of Derek Magown)	MUDPS/63
Eamonn Loughrey	MUDPS/84
Jenny Mawhinney (on behalf of Granville Ecopark Ltd)	MUDPS/87
Eamonn Loughrey (on behalf of Oaks Centre)	MUDPS/94
Eamonn Loughrey (on behalf of Mr. Crawford)	MUDPS/95
Helena McDonnell (on behalf of Western Building Systems)	MUDPS/98
Helena McDonnell (on behalf of Western Building Systems)	MUDPS/99
Donaldson Planning	MUDPS/100
Chris Tinsley (on behalf of Quarryplan)	MUDPS/101
Chris Tinsley (on behalf of Acheson & Glover)	MUDPS/103
Chris Tinsley (on behalf of Tobermore Concrete)	MUDPS/105
Declan Owens (on behalf of Shane Casey)	MUDPS/117
Sheila Curtin (on behalf of 2Plan NI)	MUDPS/126
Sheila Curtin (on behalf of Cookstown landowners)	MUDPS/127
Brian Kelly (on behalf of Capper Trading Ltd)	MUDPS/133
Andrew Heasley (on behalf of Driver and Vehicle Agency)	MUDPS/136
WYG Planning (on behalf of Specialist Joinery Group)	MUDPS/137
Glyn Roberts (on behalf of Retail NI)	MUDPS/148

Theresa Cassidy (on behalf of Woodmarque Ltd)	MUDPS/151
Theresa Cassidy (on behalf of Drennan Transport)	MUDPS/156
Gemma Jobling (on behalf of Creagh Concrete Products Ltd)	MUDPS/157
Dermot Monaghan (on behalf of LIDL NI)	MUDPS/160
Beverley Clyde (on behalf of The National Trust)	MUDPS/174
Graham Cardwell (on behalf of Invest NI)	MUDPS/190
Les Ross (on behalf of range of interested parties)	MUDPS/192

Addendum to Economic Development Topic Paper
New Representations Received during the Re-consultation on the DPS

1.0 Representations Received Re-consultation September 2020

1.1 The main issues arising following the re-consultation process are set out below:

New comments received during consultation

- a) MUDPS/115/353 & MUDPS/115/354** – Economic Development Policies (SPF 2, ECON 1 and ECON 2) do not appropriately apply principles of integrated land-use and transport.

Consideration

No new issue raised, see Para 7.3 (e) of topic paper.

Action: No Action Required

- b) MUDPS/214/25** – Shops on edge of settlements are detrimental to rest of the settlement, Moneymore is a prime example.

Consideration

The Council will only consider specific circumstances where an applicant proposes an edge of settlement limit location. In the case of our Villages and Small settlements, which have defined limits, these are locations outside their settlement limits, but adjacent, adjoining or close to the settlement. Specific circumstances of the case will be a consideration and the onus will be on the applicant to provide sound evidence base. See Para 7.4 (h).

As specified in Para 12.13 of our DPS, our Plan objectives, seek to have the main employment and service areas located in hubs and clusters i.e. the towns, where land will be zoned for economic development. The Local Policies Plan (LPP) will explain the range / type of economic development uses that will be acceptable within zoned economic development designations. In considering industrial proposals on unzoned land within towns, consideration will be given to the scale and nature of development. Proposals for office development will be addressed elsewhere in the Plan, specifically under Policy RE 3.

Action: No action required.

- c) MUDPS/216/1, MUDPS/217/1, MUDPS/218/1, MUDPS/219/2, MUDPS/220/1**
– All the representations express support for the zoning of interim supply land at DECON 7.

Consideration
Support noted.

Action: No action required.

- d) MUDPS/221/1-10** – The representation supports the zoning of DECON 6 but argues that the Plan will only be considered sound with additional zoning of 11Ha to the North as per application LA09/2017/1407/O.

Consideration

DECON 6 has been brought forward as an interim supply of economic land, the merits of additional economic zonings will be considered as part of the LPP stage of the Plan Process.

Action: No action required

- e) MUDPS/231/41, MUDPS/231/42, MUDPS/238/9, MUDPS/238/10, MUDPS/239/15, MUDPS/239/16, MUDPS/241/19 & MUDPS/241/20** – Economic development zones or mixed use economic development zones in Coalisland not explicitly mentioned in policy ECON 2 (C). Similarly, no mention of small business park (subject to planning appeal) at Ballynakilly.

Consideration

Specific zonings for opportunity sites and similar designations will be considered as part of the Local Policies Plan. RIPA's are strategic designations, therefore they are capable of being included in the draft Plan Strategy.

Action: No action required.

- f) MUDPS/231/43, MUDPS/231/44, MUDPS/238/11 & MUDPS/238/12** – The requirement in ECON 2 (E) to demonstrate that relocation is not possible is required prematurely. It should be limited to major applications only or significant expansions.

Consideration

One of the fundamental characteristics of the policy is to facilitate economic growth in the rural area while still protecting rural character. Accordingly, it would not be appropriate to allow rural enterprises to extend beyond their curtilage without any checks and balances. This would not be conducive to balanced approach to economic development in the rural area, which is the aim of the policy. Where it is not possible for businesses to relocate, then an extension will be permitted where it can be done so in a suitable manner.

In relation to the size threshold being limited to major or “significant” proposals, the representation does not explain how a significant proposal would be defined. Likewise, development which does not fall under the definition of “major” development can still have a considerable impact on rural character. The limiting of this requirement to major or “significant” development therefore is not coherent or practicable.

Action: No Action Required

- g) MUDPS/231/45, MUDPS/231/46, MUDPS/231/17, MUDPS/231/18, MUDPS/238/17 & MUDPS/238/18** – No consideration given to other benefits when considering the possibility of developing land zoned for economic development, for other uses. Policy ECON 3 should permit the change of use of industrial land in settlement limits where there is no need to protect it for employment purposes and / or redevelopment would result in environmental, social, recreational or economic benefits.

Consideration

The matter of which land should be zoned and protected is a matter for the LPP stage. Until such time, the existing three extent area plans will prevail. That said, these on the main do not zone land in most villages although there are notable exceptions. It should be noted Policy ECON 3 can facilitate redevelopment.

Action: No Action Required

- h) MUDPS/240/21, MUDPS/240/22, MUDPS/241/21 & MUDPS/241/22** - Policy ECON 3 - Environmental benefits appear to be mandatory - this does not allow for community or other benefits; does not appear to provide for the alternative use of sites that have previous or pending applications.

Consideration

Policy ECON 3 does allow for alternative development on economic land, where “there are important community benefits.”

On zoned economic development, land consideration can be given to other uses with community benefit. In assessing such proposals, consideration will be given to employment. Retail will be explicitly ruled out.

It should be noted that in zoned land appropriate exception is not given for environmental reasons. Elsewhere in MUDC, clearly recognised some sites have been...and re-use could have environmental benefits and the clarification clearly advises the Council must be satisfied – job shortage, etc.

It is not necessary to expand further in relation to community or recreational uses dealt with in separate policies which give a presumption in favour of the developments.

Action: No Action Required

- i) **MUDPS/238/13 & MUDPS/238/14** – The site specific requirement for major industrial development in the rural area should be removed from policy to allow for development where applicants can show a comprehensive attempt to find an alternative location.

Consideration

In terms of protecting rural character as well as integrating land use with employment, residential development and key transport corridors, the most appropriate place for major economic development is in our towns, not in the rural area. Therefore, the main consideration in allowing major economic development in the countryside, can only be that there are site specific reasons for the rural location being suitable. To alter this to allow development of major economic uses in the rural area because there are no alternative sites in towns, would be to lower the bar for the acceptability of major economic development in the rural area and this would not be a sustainable approach.

Action: No Action Required

- j) **MUDPS/238/15 & MUDPS/238/16** – In relation policy ECON 2 (i) the requirement that the use will be associated with the settlement should be removed.

Consideration

In terms of protecting rural character as well as integrating land use with local communities, employment and residential development, the most appropriate place for a small enterprise centre is in our towns or where necessary on the edge of a settlement, with a clear linkage to a settlement. To remove this requirement would allow such development throughout the rural area and this would not be a sustainable approach in terms of rural character or in making these centres accessible to the public or to those who work in them.

Action: No Action Required

- k) **MUDPS/240/19 & MUDPS/240/20** – Policy ECON 2 (D) does not make provision for economic expansion of an enterprise within the settlement limit, where the extension would be outside the S/L.

Consideration

It is not anticipated that this will be a common occurrence. In any case, in such instances, the development would be assessed under ECON 2 (e).

Action: No Action Required

2.0 Representations Received

Summary of issues received during re-consultation;

Respondent	Reference Number
Consultation Bodies	
DFI	MUDPS/115
Public Representations	
Ulster Unionist Party	MUDPS/214
Fergal Gromley	MUDPS/216
Patrick Curran	MUDPS/217
Seamus Curran	MUDPS/218
Clare Curran	MUDPS/219
Martina Curran	MUDPS/220
Brickyard Developments	MUDPS/221
O'Callaghan Planning	MUDPS/231
Eurosprings c/o O'Callaghan Planning	MUDPS/238
Barrack Hill Quarries c/o O'Callaghan Planning	MUDPS/239
Orchard County Contracts c/o O'Callaghan Planning	MUDPS/241
Sean Jordan c/o O'Callaghan Planning	MUDPS/240

Retailing, Offices and Town Centres – Topic Paper

1.0 Issues Identified

1.1 An overview of the issues identified from representations received in response to our draft Plan Strategy are listed under common issues relative to a number of policies followed by issues specific to the policy headings / strategy's listed below.

- **Retailing, Offices and Town Centres Strategy**
- **Policy RE 1 – Development within Town Centres**
- **Policy RE 2 – Retention of Shop Units in the Primary Retail Core**
- **Policy RE 3 – Retail and Main Town Centre Uses outside of Town Centres**
- **Policy RE 4 – Neighbourhood Shops**
- **Policy RE5 – Retail and Related Uses in Villages and Small Settlements**
- **Policy RE6 – Retail and Related Uses in the Countryside**
- **Policy RE7 – Financial and Professional Services, Office/ Business Use Development**
- **Map 1.8**

2.0 Representations in Support

- a) **Support offered for retail hierarchy as laid out in para. 13.17**
Relevant representation: MUDPS/148/8
- b) **Support, including from NIHE is offered for policy RE1 - Development within Town Centres**
Relevant representations: MUDPS/85/60, MUDPS/148/9
- c) **Support for Policy RE2, RE3, RE4, RE5**
Relevant representations: MUDPS/85/61, MUDPS/85/62, MUDPS/85/63, MUDPS/85/64, MUDPS/85/65
- d) **Support for RE7**
Relevant representations: MUDPS/85/66, MUDPS/148/18
- e) **Causeway Coast and Glens Council note MUDC's strategy and associated policies for Retail, Offices and Town Centres.**
Relevant representations: MUDPS/159/12
- f) **Invest NI consider RE7 to be in conformity with the SPPS.**
Relevant representations: MUDPS/190/10

3.0 Regional Policy Context

- 3.1 **The Regional Development Strategy (RDS)** advocates the creation of more vibrant town centres which offer more local choice in terms of shopping, social activities and recreation. The SPPS supports a town centre first approach in terms of retail and other town centre uses such as community uses, leisure activities and business as well as also advocating the protection and enhancement of the diversity of town centre uses appropriate to their role and function.
- 3.2 **The Strategic Planning Policy Statement (SPPS)** also stipulates that the Plan must be informed by robust and up to date evidence in relation to need and supply. Elsewhere within towns a sequential approach is advocated requiring careful consideration of available sites and potential for an adverse retail impact on existing centres. Inside villages and small settlements retail development should be of an appropriate scale, nature and design to the character of the settlement. Inappropriate development in the countryside should be resisted.

4.0 Local Policy Context

- 4.1 **Mid Ulster Community Plan** Our community plan focuses on economic growth and creating vibrant and safe communities and aims to create a competitive advantage for our principal towns, in line with a 'Town Centre First' approach
- 4.2 **Town Centre Masterplans** Each of our three town centres also have their own non-statutory Masterplans developed by both local councils and the Department for Social Development. They focus on regeneration of the town centres. The Cookstown and Magherafelt Masterplans include a Retail Capacity Study and the Cookstown version also has a Commercial Leisure Capacity Study. The Plans identify strengths and weaknesses of each town centre and identify a range of initiatives and visions for each which will enable growth in the future and aid regeneration.

5.0 Response to Common Issues

5.1 Filling Stations (RE1, RE3, RE4)

a) Without a specific policy in relation to filling stations it will result in a continued 'policy lacuna' on such matters given no regional policy has been provided in the SPPS to replace that previously under PPS5. Filling stations as its main use is not retail and is not a main town centre use as defined by SPPS should not be subject to a town centres first site assessment. It is important to clarify this.

Reword second paragraph of RE3 to include the line 'excluding petrol filling stations with ancillary retail floorspace'

The line in square brackets should be included in the policy wording (RE4): 'suitably located neighbourhood shops [excluding petrol filling stations]....'.
(MUDPS/137/11, MUDPS/137/12, MUDPS/137/13, MUDPS/137/14, MUDPS/137/15, MUDPS/137/16)

Consideration: What we have provided is policy for retailing. If a filling station is primarily retailing, the retail policy will apply. Our policies include, RE6 – Retail and Related Uses in the Countryside which covers a small shop linked to an existing service station as explained in paragraph 13.42 of the DPS, as well as RE3 – Retail and Main Town Centre Uses Outside of Town Centres.

Action: No Action Required.

5.2 Floor space threshold (RE3, RE4, RE5, RE6)

a) It is felt that the 100sq. Metres net floorspace threshold for proposals outside of the town centre is very small and there does not appear to be an evidence base to support it. RETAIL NI would suggest that a 200 sq. metres threshold would be more appropriate in the circumstances.

Regarding the 1000sq. Metres threshold, whilst this is line with the SPPS, the SPPS also allows flexibility to lower this threshold (6.283 of SPPS). Therefore a one size fits all approach is not robust or sound in this regard. It is suggested that the threshold is reduced to 500 sq. metres.

The 100 sq. metres floorspace figure contained in re 4 has no justification and appears to be arbitrary. RE3 should relate to comparison shopping and major retail proposals only; "retail development outside of town centres will only accord with the Plan where it has been demonstrated that there are no suitable sites available within the town centre."

DfI consider it is unclear if 100sqm in policy is gross, net retail or net floor area. Policy states units under 100sqm will not pose a significant threat. However, the impact of these is dependent on their number and location.
(MUDPS/115/68, MUDPS/148/12, MUDPS/148/13, MUDPS/148/15, MUDPS/148/16, MUDPS/164/3, MUDPS/164/6, MUDPS/164/7)

Consideration: It has been proposed to accept neighbourhood shops up to 100sqm in mixed-use areas without the need for further assessment. Units of this size function adequately to provide a small convenience shop, hairdressers or indeed a retail related use serving local needs. However, Policy RE3 recognises that once a site goes above 100sqm the use would be better located in a town centre or edge of centre location. Such uses would include large hardware businesses, large convenience shops, furniture shops, etc. In such cases the applicant is required to provide an assessment of available alternative sites and a justification in terms of the market they propose to serve. However, they are not required to provide a full Retail Impact Assessment, which is reserved for stores over 1000sqm.

Paragraph 6.283 of the SPPS states, all applications for retail or town centre type developments above a threshold of 1000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the LDP should be required to undertake a full assessment of retail impact as well as need. It continues, where appropriate the planning authority may choose to apply a lower threshold taking into account local circumstances such as the size, role and function of their town centres. We do not consider any evidence has been presented to deviate from the recommended retail threshold set out in 6.283 of the SPPS.

DfI suggest the area specified in RE4 is unclear. We consider the 100sqm referred to in paragraph 13.33 (Under RE4 – Neighbourhood Shops) clearly states “a net area of 100 sq. metres”.

Action: No Action Required.

b) Edge of centre sites and impact outside the district (RE3, RE5)

Policy suggests developer only required to assess impact on singular TC - this should be all TC's in catchment. Edge of centre sites cannot be considered out of centre.

The sequential approach is welcomed. The 300m from town centre distance used to justify "edge of centre" is taken from the SPPS and perhaps a more accurate reflection for the relatively smaller main and local towns in Mid Ulster would be 150-200m. Change default distance of 300m from edge of town centre to 150-200m.

The impact on retail provision on nearby settlements outside of MUDC should be considered. This should be clearly set out within policy to ensure due consideration is given to negative impacts on retail provision within neighbouring councils settlements

Relevant representations: MUDPS/56/1, MJUDPS/56/26, MUDPS/56/38, MUDPS/115/67 and MUDPS/148/11.

Consideration

The normal planning etiquette is to define town centre boundaries and therefore by definition any sites within the town centre are within that boundary. The SPPS states that,

“For a site to be considered as edge-of-centre a default distance threshold of 300 metres from the town centre boundary should apply. Councils may set other thresholds to take account of local issues such as constrained areas and topography. The measuring or ranking of alternatives should include an assessment of the physical distance and functional linkage of sites with the primary retail core, and other relevant factors.”

Therefore, by definition, edge of centre is outside the centre. In paragraph 13.28 we make clear that out of centre development should preferably be located at edge of centre (300m from the town centre boundary) before

consideration is given to out of centre which conforms with advice given in the SPPS.

We do not consider there to be any evidence to suggest a need to reduce the distance recommended by the SPPS.

The regional planning policy has been devised where there are cities and town centres closely linked together however, Mid Ulster is devised of 3 town centres and 2 local town centres. It is unlikely that in Mid Ulster there would be any proposal that is likely to draw large amounts of trade due to leakage from other towns. This said, the term town centre does not limit other town centres being considered if there is a reason to assume those town centres would become viable. Indeed the process of retail impact assessment automatically takes into account all centres and major shop units within the catchment and consideration is given to the trade draw whether it be a major shop in for example, Dungannon, Coalisland or Portadown.

Policy RE 5 requires that new retail development within villages and small settlements will not have a significant negative impact on the retail provision within nearby town centres or on retail offer in other nearby villages / small settlements. The policy does not restrict those nearby villages or small settlements to those within Mid Ulster Council district as is suggested by the above representation.

Action: No action required. However if greater clarity is needed and the Commission find it appropriate we would not object to the first sentence of paragraph 13.28 being revised to replace “out of centres” with “site further from the centre”.

c) Protection of single retail businesses & service stations (RE5, RE6)

RE5 seeks to protect the viability of an existing retail outlet. Neither RDS or SPPS seek to protect single retail businesses. This restricts competition, leads to limited choice & higher prices.

Retail Strategy identifies local towns and villages as centres to meet the needs of the area and the hinterland. This is not followed through in policy. Policy RE 5 will discourage investment in these areas and this is at odds with the strategic approach. RE5 protects existing retail even if poor. Sentence, "similarly any new development must not..." is too protective and should be deleted.

Unclear whether the potential impact from retail service stations on existing retail in settlements within MUDC & ABC has been considered.

Relevant representations: MUDPS/56/43, MUDPS/56/44, MUDPS/160/3, MUDPS/160/4 and MUDPS/164/4.

Consideration

Paragraph 6.278 of the SPPS states, “Policies and proposals for shops in villages and small settlements must be consistent with the aim, objectives and

policy approach for town centres and retailing, meet local need (i.e. day-to-day needs), and be of a scale, nature and design appropriate to the character of the settlement.” Here the SPPS recognises the importance of villages and other rural centres and in doing so makes it implicit that Development Plans should offer protection to retail centres. Our retail hierarchy recognises village and other rural centres however due to the nature of our settlements it is not practical to identify boundaries. This is noted in paragraph 13.15 of the DPS. Whilst we are unable to put a line on a map, nevertheless these shops are important as they help to meet the daily needs of local residents particularly residents unable to travel to the main service centres.

Over the past decade the largest threat to these shops has been service stations located outside the village. We consider competition is healthy however if a village shop closes and the only facility is not within easy walking distance this can cause harm to a significant proportion of the population. It is therefore for this reason that the Council considers protection should be given to these stores.

Paragraph 13.43 of the DPS states while provision is made for certain types of smaller retail outlets in the countryside, it is not permitted at a scale which would have the potential to impact negatively on existing retail development in nearby settlements. Thus, potential impact on nearby settlements has been considered.

Action: No action required.

d) Contrary to strategic approach (RE4, RE6)

Reword RE4; "within towns, suitably located neighbourhood shops will accord with the plan provided they do not conflict with the character or amenities of a residential area." If floor space is needed then it should be reflective of modern trends (see rep)

Retail Strategy identifies local towns and villages as centres to meet the needs of the area and the hinterland. This is not followed through in policy. Policy RE 6 will discourage investment in these areas and this is at odds with the strategic approach.

Relevant representation: MUDPS/164/1, MUDPS/164/2, MUDPS/164/5

Consideration

Policy GP1 provides general principles planning policy includes considerations in relation to character and amenity which are applicable to all development proposals. We consider the floor space threshold is necessary as it will provide protection to town centres and will ensure there is not a significant detrimental impact on retail provision. There is no evidence to suggest our approach in RE 4 would detract wanted investment.

We consider that retail provision in local towns and villages will meet the needs of the area and hinterland and existing provision is safeguarded. Policy

RE 6 also restricts types and scale of development which will ensure our strategy of 'town centre first' approach is not undermined

Action: No action required.

6.0 Response to issues specific to each policy or strategy

6.1 Retailing, Offices and Town Centres Strategy

a) Retail Capacity Study required

Prepare a retail capacity study to inform the retail hierarchy & policies. Dungannon will be the largest town in Mid-Ulster and has the weakest retail offer, a full retail capacity study is required to focus growth.

Relevant representation: MUDPS/94/3

Consideration

Paragraph 13.7 of the DPS states that Cookstown and Dungannon have their own non-statutory masterplans prepared by the then Department of Social development, which were accompanied by a retail capacity study. Paragraph 13.3 states that an assessment will be made of the capacity of the market and of town centres to accommodate further retail expansion.

The Council have undertaken to complete a Retail and Commercial Leisure Capacity Study which will inform the Local Policies Plan.

Action: We consider the strategy is sound and no action is required.

b) Oaks Centre, Dungannon (Retail Strategy, RE3, RE7)

There has been no up to date health check and current data is 4 years out of date. Without this, it is inappropriate to devise policies seeking to curtail retail growth at the well-established edge of centre retail development Oaks Centre.

In addition the term 'hubs' is not a term used in the SPPS and would be better described as 'main towns'.

Consolidating retail provision means strengthening retail provision. In order to 'retain district centres' they should be protected in the first instance under the DPS.

Oaks Centre is located in an industrial & business area with a number of housing zonings which are undeveloped and would support additional day to day retail growth. Therefore likely significant demand for local day to day retailers. Amend policy RE3 and supporting text to specifically include district centres and particularly Oaks district centre as a potential appropriate out of town location for retail and main town centre uses.

Illogical that District centres are not given same opportunity to accommodate office development as town & local centres. The DPS fails to recognise Oaks Centre potential to accommodate office development, which may not be accommodated within town centre. Amend policy RE7 and supporting text at Paragraph 13.46 to state proposals within a town 'or district centre' will accord with the plan for office and business uses unless specified otherwise.

Relevant representation: MUDPS/94/1, MUDPS/94/4, MUDPS/94/5, MUDPS/94/7 and MUDPS/94/8.

Consideration

At present, the boundaries as set in the Dungannon and South Tyrone Area Plan will continue to provide the statutory basis for considering retail development at the Oaks Centre. It is envisaged these will be reviewed at local policies plan stage and if there is a case for expansion this will be considered as part of that review.

In order to inform the local policies plan a retail and leisure capacity study has been commissioned. It is not envisaged this will change the retail hierarchy.

The term 'hubs' essentially refers to wider economic and transport role of main towns and is referenced in the Mid Ulster Settlement Hierarchy (page 37 of the DPS) under which includes reference to 'Main Towns (hubs)'.

By consolidating district centres we mean combining the activities that take place there into one more effective entity. Under RE3, it is clear that out of town centre development will only be permitted where it would not have a significant impact on existing centres. This means both town centres and district centres and if they were to be designated local centres. This said, the strategy is a town centre first policy in that; new retail development should be focussed primarily in existing town centres where there is opportunity to do so. The strategy by its nature is not about growing district centres at the expense of town centres.

Action: No action required.

c) Edge of centre supermarkets

Town centre first approach welcomed. Rationale for inclusion of 'edge of centre supermarkets and superstores' within hubs hierarchy is needed. They're not afforded protection in same way - shouldn't confuse with sequential test.

Relevant representation: MUDPS/115/64

Consideration

Paragraph 13.13 of the DPS states that within our three main towns there are a number of locations, which include edge of centre supermarkets and individual shops. It continues that these locations are complemented by shops in the town and can assist in meeting the needs of residents and visitors.

However, they do not warrant designation in our Plan as they are not seen as locations for major expansion. In relation to the hierarchy, the inclusion of edge of centre supermarkets recognises that they exist and is provided for information. At present they make a contribution to retailing however policy neither protects nor favours them for expansion.

Action: No action required.

d) Local Centres

There is a lack of evidence for not designating local centres. Local centres should be included within retail hierarchy to be consistent with paragraph 6.277 of SPPS. Failure to do so prohibits the ability of Council to designate these Centres within the LPP as these will not logically flow from one another. The inclusion of local centres will perform more positively with no negative impacts in the sustainability appraisal than Policy RE5.

Para 13.47 states smaller office development should be located in existing local centres or in an area of existing economic or mixed-use activity which contradicts the retail strategy which states no local centres will be designated.

No evidence provided to identify why expansion of edge of centre locations is unwarranted. Further research required to determine locations that would benefit from provision/retention of shops.

Request further consideration is given to designating a local centre within Moygashel, in order to protect the retail offering for local residents. (map provided)

Relevant representation: MUDPS/154/1, MUDPS/154/2, MUDPS/154/3, MUDPS/154/4, MUDPS/154/5, MUDPS/154/6

Consideration

The existing statutory plans do not identify any local centres. Whilst within the 3 towns there are a number of local shops we do not feel they are geographically consolidated sufficiently to be defined as local centres.

In addition, given the size of our towns which have population of around 10000, there is no particular need for them as most residential areas are within 1 miles walking distance of town centre.

Whilst the SPPS recognises local centres, it should be remembered that the SPPS is a regional policy. In relation to new local shops, we believe our policy provides sufficient flexibility for small shop units up to 100sqm, which could be located in areas where there is already a mixture of uses.

The policy as stands is in line with the SPPS. It is up to the objector to demonstrate why an out of town centre location is acceptable rather than the principle of a town centre first approach, which is an already acknowledged principle. There is also nothing to prevent someone proposing a local or

district centre. It would be up to that person to provide the evidence to support such a designation.

It is noted that Moygashel is not thriving due to vacancies in units, therefore protecting units from re-use would be inappropriate. In relation to local services such as a post office, the Council would not object to any vacant shop units being re-used. However we do not feel this is a location for retail expansion for larger stores and any small units can be considered under the provisions of RE3. In addition we also note that Moygashel poses technical issues in terms of development due to flood inundation zones.

Action: No action required. However if the Commission was minded, Mid Ulster District Council would not object to the inclusion of Moygashel as a local centre provided that the boundaries of which were a matter for determination at local policies plan.

e) Town centre boundaries

LIDL wish to construct replacement stores in Dungannon & Cookstown and are interested in Coalisland. Encourage boundaries of town centres are sufficiently large so there is a range of sites providing retail options as not all sites will be made available. Suggests no specific change to the DPS, the LPP will define the spatial extent of town centres.

Relevant representation: MUDPS/160/5

Consideration

At present, there are a range of available sites within town centre boundaries. The boundaries of towns to facilitate retail provision will be informed by our Retail and Leisure Capacity Study and will be a matter for consideration at Local Policies Plan.

Action: No action required.

6.2 Policy RE1 – Development within Town Centres

a) PRC is undermined

DfI suggest the intended protection afforded to the PRC is undermined as there isn't a requirement to demonstrate no suitable alternative site within PRC.

Relevant representation: MUDPS/115/65

Consideration

The SPSS is provides policy across Northern Ireland. This includes for Belfast city centre and Derry city, both of which have very large city centres with Primary Retail Cores, which could be larger than the town centres of Dungannon, Cookstown and Magherafelt.

There primary retail cores within our three main towns have been primarily designated to protect existing shop units from loss to non-retail uses in order to ensure their town centre remains attractive to shoppers.

Our PRC does not provide opportunities for large retail development. Our town centre boundaries however do contain opportunity sites where retail use will be acceptable under the existing Plans. These in the main, are next to or within easy walking distance of the PRC where most land is already developed.

Action: No action required.

b) Approval M/2014/0572/O

The DPS acknowledges Dungannon has potential to expand spatially therefore council must ensure sufficient provisions & no restrictions to compromise growth. A key feature to grow the vitality & vibrancy of Dungannon town centre will be Approval M/2014/0572/O, which should be protected when moving forward with the LDP process.

Relevant representations: MUDPS/155/2

Consideration

Planning permission M/2014/0572/O for,

“Renewal of residential development (M/2007/0787/O), maximum of 210 units, with access onto Greers Road, Donaghmore Road and Quarry Lane, Dungannon” located at 15m NE of 67a Donaghmore Road Dungannon was approved on 24th Oct 2016.

Permission for the above was granted on 24th October 2016 and it is noted that another planning application (ref: LA09/2019/0854/F) relating to the said land for,

“Proposed new spur road from Greers Road to lands approved (M/2014/0572/O) for outline residential development for maximum of 210 units with access onto Greers Road, Donaghmore Road and Quarry Lane “

It is up to the developer to resolve any issues related to the delivery of this development. Specific land and any extant permissions are a matter for and will be examined at local policies plan.

Action: No action required.

6.3 Policy RE2 – Retention of Shop Units in the Primary Retail Core

a) The policy is internally conflicted.

Policy RE 2 allows change of use in the first section, and prohibits all non-retail uses at the end. This is a conflict within the policy. Delete policy RE 2 on the basis that it is internally conflicted.

Relevant representation: MUDPS/97/1

Consideration

The purpose of the policy is to protect units for retail and related uses. A retail use includes the sale of convenience and comparison goods and activities such as hairdressers and beauticians. A retail related use would be a financial and professional service operating with the use of a shop front or a food and drink outlet such as a café, restaurant or bar.

Non-retail or retail related uses are residential, industrial and offices without a shop front. The first part of the policy recognises uses such as banks, buildings societies etc. are acceptable provided they are not allowed to over-dominate and therefore break up the retail offer on the ground floor making an area unattractive to a shopper.

The second part of the policy states that the loss of ground floor units within the primary retail core to non-retail or non-retail related uses will conflict with the Plan. It ensures shop units are retained and not lost to uses such as residential or offices. Therefore, we do not see any conflict within the policy.

Paragraph 13.23 makes it clear that non-retail or retail related uses are uses such as residential or offices without a shop front. It appears to us that the reader may be mis-reading the last sentence of the policy.

Action: No action required. However, if the Commission consider it appropriate we have no objection to the last sentence being amended to,

The loss of ground floor units within the primary retail core to residential, offices or other such non-retail or retail related uses, not compatible with the retail function will conflict with the Plan.

b) Molesworth Street

Object to inclusion of Molesworth Street in primary retail core. Retail units remaining vacant could be reused as residential development. Council have not undertaken retail capacity study to understand demand and therefore not compliant with SPPS. Exclude client's lands at Molesworth Street from the Primary Retail core of Cookstown. (map provided) Include a policy that permits residential land use at ground floor on Molesworth Street to encourage footfall, diversity and mixed use.

Relevant representations: MUDPS/97/2 and MUDPS/97/3

Consideration

The existing Cookstown Area Plan shows a secondary retail frontage where retail related uses can be acceptable. The same would also apply to the proposed PRC subject to certain criteria. At present the properties on the land in question are used as professional and financial services with both operating with street frontages, accordingly there is no conflict with the Plan. Given the nature of uses along Molesworth Street, bearing in mind retail units opposite

and toward the town centre it is logical for the PRC to end at the physical break of Union Street.

It is notable that the Council has undertaken to complete a retail and leisure capacity study which will inform the local policies plan. In addition, representations received in relation to the POP including that from the Cookstown Town Centre Forum expressed the view that the Primary Retail Core (PRC) in Cookstown might be extended to include Station Square at Molesworth Street. This land has been included in the PRC and will be reviewed at local policies plan.

Action: No action required.

c) Define 'significant loss'

Policy acknowledges a busy and attractive PRC is key for vitality and viability. No clarification is provided on what is a 'significant loss'. Also, use of term 'tending' is subjective - in absence of further info difficult to be consistent.

Relevant representations: MUDPS/115/66

Consideration:

A significant loss is one, which is likely to lead to a loss in footfall. This could occur if a unit was large enough to house an anchor store, which would contain large floor space and ground floor window areas. It is inappropriate to specify an exact size simply because it is likely there would be an attempt made to abuse policy by just keeping below the floorspace threshold.

It is not possible to define and predict all possible eventualities thus, determination of a 'significant loss' will be considered on a case by case basis through the development management process.

Similarly, it is difficult to set a floorspace area, which would result in an area becoming dominated by retail uses due to the varying contexts and factors - therefore we consider the word 'tending' to be appropriate and each proposal should be judged on a case by case basis.

Action: No action required.

d) LOTS and Public Realm

The Rep is fully supportive of policy RE 2 and suggests some points for the council to consider as to how the PRC can be strengthened further.

- the promotion of LOTS in upper floors and
- the improvement of public realm to improve permeability.

Relevant representation: MUDPS/148/10

Consideration:

The controls exerted on shop units as demonstrated in RE2 are about protecting shop uses, they do not constrain uses above ground floor.

Accordingly there is nothing in the development Plan that prevents people from being able to live above the shop provided it can provide a satisfactory level of amenity. The Plan actually recognises that town centres are higher in density. The Planning (General permitted Development) Order 2015 – Schedule - Part 4 (Change of Uses), Class E, gives generous permitted development rights for change of use to shop or office units, which allows the area over a shop to be used as a single flat or mixed-use services. Accordingly, there is no need for any specific policy provision.

In relation to the public realm, our Urban Design policy UD1 will assist in improving the quality of our public realms, which will help to strengthen our PRC's. In addition Living Places: An urban stewardship and design guide for Northern Ireland identifies living over the shop (LOTS) as an important aspect of repopulating our urban centres and a long-term objective.

Action: No action required. However, if the Commission are so minded the Council would have no objection to add to paragraph 13.21,

“However a more flexible approach is taken to the use of upper floors where residential use, and/or office use is generally acceptable. The benefit of such upper floor uses is promoted under the Living Over the Shops schemes by NIHE who occasion make grants available for conversion of such under-utilised space.”

6.4 Policy RE3 – Retail and Main Town Centre Uses outside of Town Centres

a) Define ‘Suitable Sites’ and ‘no significant impacts.’

Representation is supportive of a sequential approach to retail and main town uses. Welcome further clarification within the justification and amplification of what is meant by 'suitable site' and 'no significant impact'.

Relevant representation: MUDPS/56/1, MUDPS/56/23, MUDPS/56/24 and MUDPS/56/39

Consideration

A suitable site is one, which accords with the Plan. A significant impact is one, which would detrimentally impact the vitality of the town centre, that leads to shop closures.

Action: No action required.

b) Requirement for an assessment of need

There is no defined requirement for a need / capacity assessment or the parameters for any accompanying Retail Impact Assessment – should be included in the J&A.

RE3 is inconsistent with Para 6.282 of SPPS in that it forms part of an up-to-date LDP yet still requires an assessment of need. Although SPPS refers to assessment of need this is not mandatory & does not state proposals will be refused if need is not met. Representation suggests the need test be omitted.

Suggest policy is altered to confirm that site suitability within town centre encompasses viability as per para 6.289 of SPPS.

Relevant representations: MUDPS/148/14, MUDPS/160/1 and MUDPS/160/2.

Consideration

Paragraph 6.289 of the SPPS states,

“In the absence of a current and up-to-date LDP, councils should require applicants to prepare an assessment of need which is proportionate to support their application.”

We consider this does not prevent the Council from formulating policies tailored to our district. We consider the policy is in general conformity with the SPPS and the requirement for proposals over 100sqm net floor area to complete an assessment of available sites is appropriate. The thresholds for both this and provision of a retail impact assessment and traffic impact assessment are clearly stipulated within the policy.

Paragraph 6.289 of the SPPS states that applicants will be expected to identify and fully demonstrate why alternative sites are not suitable, available and viable. Paragraph 13.27 of the DPS notes in relation to assessment of alternative sites, which are available, this may involve the consideration of properties, which are available for rent or purchase in the relevant areas. We consider that, “no suitable sites available” means implicitly, suitable, available and viable. The definition of viable in the SPPS is unclear. If a site is suitable and available then why would it not be viable.

However, the use of the term ‘viable’ in an explicit sense only causes confusion as it gives any objector the opportunity to say any site is not viable as profit margins would not be the same due to construction costs, proximity to competing units etc.

Action: No action required.

6.5 Policy RE 4 – Neighbourhood Shops

a) Define a Neighbourhood shop

A clear definition of what constitutes a 'neighbourhood shop' may strengthen the policy.

Relevant representations: MUDPS/56/25

Consideration

A neighbourhood shop does not need defined, as what is a neighbourhood is generally understood as a shop, which serves a surrounding area.

Action: No action required.

6.6 Policy RE5 – Retail and Related Uses in Villages and Small Settlements

a) Scale and nature appropriate to character.

Council reminded of need to revitalise small towns and villages in line with RDS. Policy states such development will normally be restricted to 100sqm. Reminded such proposals must be of scale, nature etc. appropriate to character-as per SPPS.

Relevant representations: MUDPS/115/69

Consideration

Policy GP1 provides general principles planning policy includes considerations in relation to scale, amenity and character, which are applicable to all development proposals. We do not consider duplication across policies is necessary.

Action: No action required.

6.7 Policy RE6 – Retail and Related Uses in the Countryside

a) TRAN4 & Service stations

Consistent with TRAN4 Policy indicates an acceptance that in general terms, small scale retailing will be permitted in countryside. Department remind us of need for policies to be coherent & logically flow. Shop associated with a service station must be consistent with TRAN4.

While policy refers to acceptability of a convenience shop linked to service station, the J&A refers to existing service stations. Para 13.42 refs reduced visual impact of shops adjacent to existing service stations-but depend on scale etc. could be significant.

Relevant representations: MUDPS/115/72

Consideration

Development proposals may be subject to several policies. This includes proposals for small-scale retailing in the countryside will be subject to multiple policies, including GP1 and in instances (along protected routes) TRAN4.

The justification and amplification simply states that there are many existing service stations located across the rural area. It continues to explain that

these have evolved from selling fuel to include a small shop. There is no contradiction as suggested by the representation above.

In reference to scale, paragraph 13.43 notes that the retail development proposed should not exceed 100 sq. metres. In addition policy GP1 will be applicable to all development which stipulates scale will be a relevant consideration.

Action: No action.

b) Small retail facilities

No clarification as to what constitutes 'small retail facilities' nor advice given on how they can aid local rural economy. This could be open to interpretation and easily overcome.

Whilst Retail NI agree with the general approach of RE 6 they would query the evidence base of setting aside the previous threshold of 250 sq. metres (from withdrawn PPS5) and lowering it to 100 sq. metres. The policy should retain flexibility to assess site-specific circumstances and could introduce a retail impact assessment and as assessment of need for any proposal greater than 250 sq. metres to provide robust consideration.

100sq m net threshold for shops in the countryside particularly for petrol stations is too low and undermines the potential viability of petrol stations.

Relevant representations: MUDPS/115/71, MUDPS/148/17, MUDPS/175/1

Consideration

Small retail development is explained further in paragraph 13.43 as retail development, which should not exceed 100sq metres in net floor area. In relation to aiding the local rural economy, this is explicit in paragraph 13.41 which states,

“For example, a craft shop which promotes a unique aspect of local heritage such as local textiles or production techniques. Similarly, a retail outlet such as a gift shop which will increase the appeal of an existing tourism asset in the rural area will also be acceptable. Farm shops can offer an opportunity for farmers to sell their produce on site and directly to the consumer and therefore can be directly beneficial to the local rural economy. In line with policy on farm diversification, such shops should be located within existing buildings.”

In relation to amending the threshold, we note that PPS 5 was withdrawn. The threshold of 100sqm is considered appropriate to ensure development is of a

scale that will not cause significant negative impact on existing retail in nearby settlements. It would be up to the objector to provide sufficient evidence to support any amendment.

Action: No action required.

6.8 Policy RE7 – Financial and Professional Services, Office/ Business Use Development

a) B1 Industrial Use

It is inappropriate that the policy directs b1 industrial use to district centres. To allocate industrial lands in peripheral locations instead of encouraging it to the District centre first is contrary to the principles of sustainability.

Relevant representations: MUDPS/94/2

Consideration

Use B1 is Business use, not industrial use as noted in the representation. In addition paragraphs 13.24 and Paragraph 13.24 (which refers to Use Class B1) and 13.25 of the justification and amplification to policy RE2 has been removed in error. We do acknowledge that paragraph 13.47 states, “Such development should be located in existing local centres. However given we do not have any local centres, we note the term local has been included in error.

Action: No action required. However if the Commission deem appropriate we have no objection to the term ‘local’ in the last sentence of paragraph 13.47 being removed.

b) Impact of flexibility on town centres

Rep. notes flexible approach to financial & professional services, offices/business use development along with provisions in ECON 2. Unclear whether due consideration has been given to impacts this flexibility could have on town centres within MUDC and ABCBC.

Relevant representation: MUDPS/56/1, MUDPS/56/27, MUDPS/56/40 and MUDPS/56/41

Consideration

Mid Ulster district is a largely rural district and policy ECON 2 and RE 7 (which references ECON2) take into account the local context of Mid Ulster which is one of high levels of self-employment and home grown start-up businesses. These policies seek to respond to this trend by enabling economic development in the countryside. That said, opportunities for such development in the countryside are in set circumstances, while the

overarching retail strategy maintains a 'town centre first' approach. This ensures a balanced approach implemented through our retail policies.

Action: No action required.

6.9 Map 1.8

a) KSR DOS 05

To ensure delivery on the core principles & objectives identified in the DPS, the KSR laid out in the extant area plan for designation DOS 05 should be carried forward to ensure the overarching objectives of the DPS will be upheld.

Relevant representation: MUDPS/155/3

Consideration

Specific land referred to within the extant area plan will be examined further and is a matter for local policies plan.

Action: No action required.

7.0 Counter Representations

During the period for counter representations to the draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, a number of representations were received which related to minerals development. These are listed in Appendix B and outlined below;

7.1 Retail Strategy

Counter representations

DPSCR/4	E. Loughrey
DPSCR/5	E. Loughrey
DPSCR/6	E. Loughrey

DPSCR-5, counter rep to MUDPS/154

- Disagrees with the call in MUDPS/154 for Moygashel to be designated as a local centre. There is no justification based on the existing level of retail and the Linen Green is controlled by strict conditions. To do so would also harm the prospects of other shops in the South Dungannon area, who may wish to expand.

7.2 RE 3

DPSCR-4, counter rep to MUDPS/148

- Retail NI support the sequential approach but fail to consider the position and role of the Oaks District Centre.

- Retail NI have provided no evidence for relaxing the edge of centre distance to 150-200m. It would be inappropriate to do this in the absence of a retail capacity study.
- In the absence of a retail capacity study, there is no justification to amend floorspace thresholds from 100sq. Metres to 500 sq. metres

DPSCR-5, counter rep to MUDPS/154

- Disagrees with the call in MUDPS/154 for Moygashel to be designated as a local centre. There is no justification based on the existing level of retail and the Linen Green is controlled by strict conditions. To do so would also harm the prospects of other shops in the South Dungannon area, who may wish to expand.

DPSCR-6, counter rep to MUDPS/164

- Disagrees with the call in MUDPS/154 for Moygashel to be designated as a local centre. There is no justification based on the existing level of retail and the Linen Green is controlled by strict conditions. To do so would also harm the prospects of other shops in the South Dungannon area, who may wish to expand.

8.0 Recommendation

It is recommended that we progress the approach to Retailing, Offices and Town Centres in line with the actions contained within this paper.

9.0 Representations received

Representations received including from consultation bodies, relating to Retailing, Offices and Town Centres.

Respondent	Reference Number
Consultation Bodies	
Armagh City, Banbridge and Craigavon Borough Council	MUDPS/56
NIHE	MUDPS/85
Department for Infrastructure	MUDPS/115
Causeway Coast and Glens Council	MUDPS/159
Public Representations	
E. Loughrey on behalf of Oaks Centre	MUDPS/94
E. Loughrey on behalf of McAleer & Rushe	MUDPS/97
WYG on behalf of Specialist Joinery Group	MUDPS/137
Retail NI	MUDPS/148
TSA Planning on behalf of Square Holdings Ltd.	MUDPS/154
TC Town Planning on behalf of MHA Architects	MUDPS/155
MBA Planning on behalf of Lidl	MUDPS/160
FM Planning on behalf of Henderson Group	MUDPS/164

E. Loughrey	MUDPS/175
Graham Cardwell	MUDPS/190

Addendum to Retailing, Offices and Town Centres Topic Paper
New Representations Received during the Re-consultation on the DPS

1.0 Summary of Issues

1.1 Policy wording of RE3

Third para of Policy RE3, Traffic Impact Assessment should be replaced with Transport Assessment.

Relevant representations: MUDPS/115/370

Consideration

The use of Traffic Impact Assessment instead of Transport Assessment does not make this policy unsound.

Action: No Action required; however if the Commissioner was minded, the Council would accept replacing Traffic Impact Assessment with Transport Assessment in the third para of Policy RE3.

1.2 Policy RE 3 – Retail and Main Town Centre Uses outside of Town Centres

Relevant representations: MUDPS/137/26

- No new issue raised, see Para 6.4 (a) and (b).

1.3 Policy RE 4 - Neighbourhood Shops

Relevant representations: MUDPS/137/27

- No new issue raised, see Para 6.5 (a).

1.4 Town Centre approach within Retail Strategy

Relevant representations: MUDPS/212/1

Comment of support for the town centre first approach as put forward in the Retail strategy.

Action: No action required.

1.5 Opportunity Sites

Relevant representations: MUDPS/212/2

Rep proposes that the site to the rear of 18-20 Scotch Street should be included as an opportunity site.

Consideration: The review of opportunity sites is work to be carried out at second stage of LDP. Proposed opportunity site noted. This will be considered at LPP stage.

Action: No action required.

1.6 Office Development in town centres

Relevant representations: MUDPS/212/3

Comment of support for the inclusion of a policy relating to office development in town centres.

Action: No action required.

1.7 Policy RE6

Relevant representations: MUSPS/214/26

Policy RE6 is practically unenforceable as market forces will dictate.

Action: No action required.

1.8 Response to Common Issues

Relevant representations: MUDPS/214/27

- No new issue raised, see Para 6.7 (b).

1.9 Common Issues, Retail and Related Uses in the Countryside.

Relevant Representations: MUDPS/231/47-54

- No new issue raised, see Para 6.6 (a), 6.7 (a) and (b).

1.10 Financial and Professional Services, Office/ Business Use Development

Relevant representations: MUDPS/231/55, MUDPS/231/56

Policy RE7 does not provide for the conversion of a building that is in non-residential use and where offices would be preferable. It would be preferable for allowance for the conversion of a vacant non-residential building outside centers.

Action: No action required, insufficient information submitted.

Representations

Respondent	Reference Number
Consultation Bodies	
Department for Infrastructure (DfI)	MUDPS/115
Public Representations	
WYG Planning	MUDPS/137
Orla Mulholland (Airfield Enterprises)	MUDPS/212
Ulster Unionist Group	MUDPS/214
Michael Clarke O'Callaghan Planning	MUDPS/231

Minerals –Topic Paper

1.0 Main Issues Arising from Consultation

- 1.1 Issues arising from representations are grouped against the various headings in the DPS, against which they were raised.
- 1.2 The main issues include the perceived inaccuracies in the valuation placed on the minerals industry in Mid Ulster and how this provides an inaccurate starting point from which to approach minerals development across the District. There were also issues raised regarding the reliability of the approach taken in designating the ACMDS as well as the very existence of ACMDS and the absence of Areas of Minerals Safeguarding. Where MRPA's were included in the draft Strategy, it was argued that they do not protect the most important resource in the District, i.e. sand and gravel. Concerns were also raised over the extraction of valuable minerals being potentially permissible and the impact of mining of such minerals on human health.

2.0 Support for DPS Approach

The following representations have expressed some support and acknowledgement for various aspects of the approach to minerals development as put forward in the draft Plan Strategy.

- MUDPS/26/1
- MUDPS/29/19
- MUDPS/181/6
- MUDPS/182/6
- MUDPS/29/22
- MUDPS/29/31
- MUDPS/29/33
- MUDPS/31/11
- MUDPS/31/12
- MUDPS/56/28
- MUDPS/56/45
- MUDPS/89/7
- MUDPS/101/35
- MUDPS/101/44
- MUDPS/101/48
- MUDPS/162/101
- MUDPS/115/74
- MUDPS/120/14
- MUDPS/159/13

3.0 Regional Context

- 3.1 Strategic planning policy objectives state that mineral development should be facilitated whilst also balancing this against the need to protect the environment.
- 3.2 The SPPS requires us to ensure that there is a sufficient supply of construction aggregates available to meet local and where appropriate, regional demand as well as protecting mineral resources which are of economic or conservation value and identifying areas which should be protected from minerals development. SPPS also states that the DPS may identify areas, which are suitable for mineral development.
- 3.3 With regard to valuable minerals, Strategic Planning Policy states that there should not be a presumption against their exploitation in any area.

4.0 Evidence Base and Supporting Documentation

- 4.1 In preparing the draft Plan Strategy, a considerable amount of background research has been carried out in order to ensure the strategic approach is based on sound evidence. This work has been published on the Mid Ulster District Council Website along with the Draft Plan Strategy and consists of the following documents;

- Minerals Position Paper, MUDC (January 2016)
- Background Evidence Paper, MUDC (February 2018)
- Identification of Areas of Constraint on Mineral Development & Impact of Surface Development on Aggregate Resource in Mid Ulster, MUDC (January 2019)
- Landscape Character Assessment Review, MUDC
- Review and Audit of Landscape Character Assessment Review for Local Development Plan, GM Consultants (October 2018).

5.0 Responses to Specific Issues

This section addresses the main issues identified and logged by the Development Plan Team as being relevant to the various minerals sections in the draft Strategy. It also addresses issues that may have been logged against the District Proposals Maps, where they refer to mineral development.

5.1 Minerals Overview

- a) The evidence base is flawed and unreliable. The baseline figure for the economic value of minerals to Mid Ulster is questionable.

Relevant Representations MUDPS/29/1, MUDPS/29/11, MUDPS/29/20, MUDPS/64/1, MUDPS/82/6, MUDPS/101/7, MUDPS/101/28, MUDPS/102/20, MUDPS/103/1, MUDPS/104/1, MUDPS/105/1, MUDPS/106/2, MUDPS/107/2, MUDPS/108/1, MUDPS/109/1, MUDPS110/4, MUDPS/112/1, MUDPS113/1 and MUDPS/114/1.

Consideration: The value of the minerals industry as referred to in para. 14.3 was taken from the DfE Minerals Statement 2016, the only comprehensive source of information available to the Council at that time. Council are aware that this figure is the lowest possible monetary amount and therefore have qualified the statement by saying that the value of the industry is “in excess of £13 million per annum.”

ACTION: No Action Required.

- b) The DPS has failed to safeguard the most important mineral resource in the whole District – Sand and Gravel.

Relevant Representation MUDPS/29/6, MUDPS/29/23, MUDPS/29/24, MUDPS/106/8 and MUDPS/107/3.

Consideration: Throughout the entire District, (accept in Areas of Constraint on Mineral Development) there will be a presumption in favour of mineral extraction, including sand and gravel. The Council are fully aware of the importance of sand and gravel extraction in Mid Ulster and the associated employment and revenue that it generates. At the time of publishing the draft Plan Strategy, there were no proposals put forward for areas to be considered for safeguarding, apart from those already existing in the CAP and DSTAP. Safeguarding areas which have been put forward as part of the draft Plan Strategy will be considered at the LPP stage of the Plan process.

ACTION: No Action Required.

- c) The starting point for the consideration of minerals is already weighted in favour of a certain viewpoint. Some reps state that it is weighted in favour of the minerals industry whilst others argue it is weighted in favour of environmental protection, to the detriment of the minerals industry.

Relevant Representations: MUDPS/29/18, MUDPS/29/21, MUDPS/180/2, MUDPS/180/3, MUDPS/180/4 and MUDPS/26/2.

Consideration: Development of minerals is a controversial topic that can easily become polarised between environmental considerations and recognition of the economic benefits. The DPS attempts to balance both these considerations and to find the correct balance. We believe that our strategy of operating a presumption in favour of development whilst protecting the most vulnerable areas of landscape, wherein existing operations are still afforded scope to expand, achieves this balance.

ACTION: No Action Required.

- d) The approach in the DPS will not allow for a professional application of policy but will leave the minerals industry at the behest of the consultees and their own agenda.

Relevant Representations: MUDPS/106/1 and MUDPS/102/19.

Consideration: There is a presumption in favour of minerals development across the District. The LDP also recognises the important contribution, which is made by the minerals industry to our local economy and to the regional economy. Aim is to facilitate sustainable minerals not hinder such development at behest of consultees. However, this requires a balanced approach, particularly in sensitive areas where expert views given from consultees must be taken into consideration. The final decision is with the Council as the Local Planning Authority.

ACTION: No Action Required.

- e) Instead of promoting a reliance on minerals development, the DPS should seek alternative forms of economic growth, and it has failed to do this.

Relevant representations: MUDPS/120/20, MUDPS/162/15, MUDPS/178/329, MUDPS/178/292, MUDPS/178/293, MUDPS/178/294, MUDPS/191/292, MUDPS/191/293, MUDPS/191/294 and MUDPS/191/329.

Consideration: The DPS aims to facilitate development across a range of subject areas, which will lead to economic growth. These include retail, tourism, and economic / business development, not to mention the agriculture, forestry and fishing industries. The document does not promote a reliance on the minerals industry. However, it would be erroneous for us not to recognise the massive economic benefits that the minerals industry brings to Mid Ulster and to make efforts to facilitate the sustainable growth of this industry.

ACTION: No Action Required.

- f) The DPS refers to “mining and quarrying” when there is no mining in Mid Ulster. This terminology is not used in the RDS, which only refers to “quarrying.”

Relevant Representations: MUDPS/178/213 and MUDPS/191/213.

Consideration: There is no requirement for DPS to use exact language as the RDS. The reference to "mining and quarrying" (14.2) is a quote from the NISRA employment census. All other reference to mining is in policy, which prohibits it eg. HE1, HE3 by saying that it would not be a suitable use within the specific designations referred to in that policy.

ACTION: No Action Required.

5.2 Minerals Strategy

- a) The background papers, which inform the overall minerals strategy, are inaccurate because the figures, which estimate remaining reserves, are inaccurate. This will impact on ability to provide sufficient reserves for Plan Period.

Relevant representations: MUDPS/29/30, MUDPS/64/2, MUDPS/64/3, MUDPS/64/8 MUDPS/101/13, MUDPS/101/14, MUDPS/101/15, MUDPS/101/26, MUDPS/101/27 and MUDPS/101/29.

Consideration: Following submission of representations to the draft Plan Strategy on behalf of the majority of the mineral operators in Mid Ulster, we are now in a better place to gauge the level of supply and demand available within the minerals industry. This information was requested prior to the publication of the draft Strategy and whilst some returns were made during that time, a more comprehensive suite of returns have now been made via individual representations, following the publication of the draft Strategy.

These returns show that of the anticipated demand for sand and gravel up until the new end of the Plan period (32.48 million tonnes), there is roughly 75% of that amount available as existing reserves (23.5 million tonnes). This means that the DPS would need to facilitate approximately 9-10 million additional tonnes of sand and gravel throughout the Plan period in order to ensure a sufficient supply of sand and gravel. These figures do not include sand and gravel reserves within Lough Neagh due to the ongoing processing of a planning application relating specifically to that site.

In terms of hard rock production, the returns show an anticipated demand of approx. 14.9 million tonnes with roughly 48% of this figure (7.25 million tonnes) being available through existing reserves. This would mean that the DPS would need to facilitate an additional 7 million tonnes of hard rock throughout the Plan Period. The details regarding anticipated demand and existing reserves are included in Appendix 1.

It should be noted however, that these figures are not a definite representation of the entire industry and are based on estimated demand which may rise or fall depending on market conditions.

The outworking of these figures are that the Council do not see a need to deviate from the strategic approach as laid out in the DPS. Around 75% of the demand for sand and gravel and half of the demand for hard rock can be satisfied through existing resources. This coupled with the fact that there is a presumption in favour of minerals development elsewhere across the District, mean that the strategic approach of the DPS will ensure an adequate regional and local supply of minerals.

ACTION: No Action Required.

- b)** The Council should identify areas suitable for minerals development in order to ensure that a sufficient supply of local and regional minerals is

facilitated for the future. Three such areas have been identified and are included in Appendix 4.

Relevant Representation: MUDPS/59/46, MUDPS/101/12 and MUDPS/102/8.

Consideration: As outlined above, the Council has considered the availability of an adequate supply of minerals throughout the Plan period and has considered the figures submitted in this regard, from the minerals industry.

It should be noted that across the entire district, outside of ACMD's there will be a presumption in favour of minerals development which in effect means that where the defined criteria are met, there is nowhere outside an ACMD which is not suitable for minerals development. The rationale behind designating these large areas suitable for minerals development is therefore not one that the Council agrees with.

In addition, as has been acknowledged in the representation, regional policy in the SPPS is less definite when it comes to the need for Councils to introduce such designations. The relevant line in the SPPS states that "In preparing their LDP councils may also identify areas most suitable for minerals development within the Plan area." (Para. 6.156 SPPS).

We therefore do not agree that there is a need to introduce such areas given the lack of a requirement for such in regional policy as well as the general presumption in favour of minerals development outside of ACMD's which is evident in the draft Strategy.

ACTION: No Action Required.

- c) The DPS fails to designate areas designed to safeguard minerals from surface development and this is an incorrect approach, which fails to recognise the importance of the minerals industry to the district. A range of representations have put forward specific proposals for safeguarding areas.

Relevant representations: MUDPS/29/34, MUDPS/82/5, MUDPS/101/8, MUDPS/101/9, MUDPS/101/12, MUDPS/102/12, MUDPS/103/3, MUDPS/104/2, MUDPS/104/4, MUDPS/105/2, MUDPS/106/5, MUDPS/106/6, MUDPS/106/7, MUDPS/107/1, MUDPS/111/2 and MUDPS/113/3.

Consideration: The Council are fully aware of the importance of the minerals industry in Mid Ulster and the associated employment that it generates. At the time of publishing the draft Plan Strategy, there were no proposals put forward for areas which could potentially be worthy of safeguarding, apart from those already existing in the CAP and DSTAP.

Areas which have been put forward for minerals safeguarding will be considered but this will be done as part of the Local Policies Plan stage of the

LDP process. The following representations have suggested areas of mineral safeguarding;

- MUDPS/82 – Loughdoo Aggregates – lands at Crocknawarke, Dunamore/Kildress, Drum Road, Cavanoneill Road, Crockadoo and Murphys Pit
- MUDPS/101 –
- MUDPS/102 – McGarrity Bros – Dunamore / Kildress area
- MUDPS/104 – Stanley Bell - Ballynagilly area
- MUDPS/105 – Tobermore Concrete – Lough Fea area
- MUDPS/106 – Creagh Concrete – Brackagh, Murnells and Magheraglass
- MUDPS/107 – Northstone – Greggs Pitt and Carmean Quarry
- MUDPS/112 – Patrick Keenan – Corvanaghan Quarry

ACTION: No Action Required.

- d) ACMDs will hinder future expansion of minerals industry and this is unsound given the undersupply of minerals shown in the council's research.

Relevant Representation: MUDPS/31/13.

Consideration: There is a presumption in favour of all minerals development throughout the entire district, outside of the ACMD. Impact of ACMD has been considered in relation to future expansion see appendix 2 of this topic paper, and this has been discussed with industry representatives

ACTION: No Action Required.

- e) **DPS has failed to bring forward a policy on secondary aggregates.**

Consideration: Secondary aggregates consist of construction and demolition waste that has been recycled through crushing screening and re use. This is not something advocated by the SPPS or the RDS, and not something that there is any evidence of being a requirement in Mid Ulster. The need for such a policy may be monitored throughout the Plan Period.

Relevant representations: MUDPS/101/47 and MUDPS/114/8.

ACTION: No Action Required.

- f) The DPS states (para. 14.6) that its strategic minerals approach is *directed* by the SPPS; this approach is incorrect. Rather, the DPS must only take account of the SPPS.

Relevant representations: MUDPS/62/16, MUDPS/120/1, MUDPS/178/295, MUDPS/178/296, MUDPS/178/297, MUDPS/178/298, MUDPS/178/299,

MUDPS/191/295, MUDPS/191/296, MUDPS/191/297, MUDPS/191/298 and MUDPS/191/299.

Consideration: The Draft Plan Strategy has taken account of the SPPS. Where there is supporting evidence, a council may move away from the approach taken by the SPPS. In this specific instance, the DPS states that the SPPS directs that the Council must ensure a sufficient supply of construction aggregates. However, given the level of concern expressed over this wording, we are open to changing this section of the J&A to say that the SPPS “states (instead of directs) that our Plan should ensure...”

ACTION: No Action taken as wording is considered sound. However, should the PAC suggest that the wording of the J&A is altered to remove reference to the SPPS “directing” the Plan Strategy, then we have no objection to this.

- g) The approach to mineral development is at odds with stated outcomes of the Community Plan and with the principles of sustainable development and the efforts to combat climate change.

Relevant representations: MUDPS/120/2, MUDPS/120/19, MUDPS/120/21, MUDPS/162/23, MUDPS/178/300, MUDPS/178/301, MUDPS/178/302, MUDPS/178/303, MUDPS/178/304, MUDPS/191/300, MUDPS/191/301, MUDPS/191/302, MUDPS/191/303 and MUDPS/191/304.

Consideration: A vibrant and prosperous minerals industry will sustain our economy and continue to facilitate economic growth, housebuilding and infrastructural projects, all of which are outcomes in the Community Plan. The DPS aims to achieve this in a sustainable fashion by ensuring that our most vulnerable landscapes are protected and that the health, safety, and amenity of the public is not impacted upon negatively.

The DPS both caters for sustainable economic development including mineral extraction and seeks to protect the environment. No evidence has been presented as to how the approach is at odds with the Community Plan. Representations have made assertions as to how the DPS is at odds with the stated outcomes of the Community Plan but have not provided evidence to support these claims.

ACTION: No Action Required.

- h) The framework laid out by the strategic approach to minerals is pre-determined to facilitate the mining of precious minerals (with particular reference to Dalradian), of which there is no mention in the RDS. The RDS advocates protection of landscapes through RG11.

Relevant representations: MUDPS/178/2, MUDPS/178/166, MUDPS/178/174, MUDPS/178/192, MUDPS/191/2, MUDPS/191/166, MUDPS/191/174 and MUDPS/191/192 and MUDPS/191/203,

Consideration: The SPPS states that there will not be a presumption against the development of valuable minerals in any place and that the government supports the responsible extraction of such. Having said this, the DPS is not pre-determined to allow the extraction of valuable minerals at any cost and has included provision that it must be demonstrated that a proposal will have no significant impact on human health and will also meet the policy tests laid out in MIN 2. We have also taken measures to protect our most vulnerable landscapes against the impacts of minerals development, renewable energy and high structures. Therefore, the DPS has taken account of the need to protect landscapes in keeping with RG 11 of the RDS.

The planning application lodged by Dalradian is located exclusively within the Fermanagh and Omagh District and therefore it will be determined within the context of the development plan for that district. Since it does not fall within the Mid Ulster District plan area, the mineral policies within our DPS do not apply to that application.

ACTION: No Action Required.

- i) Economic gain has been given preferential treatment in this strategic approach. By defining ACMD's yet at the same time allowing mining, MUDC is complicit in the health and safety implications that will arise.

Relevant representations: MUDPS/178/268, MUDPS/178/269, MUDPS/178/270, MUDPS/178/271, MUDPS/178/272, MUDPS/178/273, MUDPS/178/274, MUDPS/178/275, MUDPS/178/276, MUDPS/178/277, MUDPS/178/278, MUDPS/178/279, MUDPS/191/268, MUDPS/191/269, MUDPS/191/270, MUDPS/191/271, MUDPS/191/272, MUDPS/191/273, MUDPS/191/274, MUDPS/191/275, MUDPS/191/276, MUDPS/191/277, MUDPS/191/278 and MUDPS/191/279.

Consideration: It would be negligent of the Council not to recognise the economic benefits, which can be derived from sustainable minerals development. The fact that the Council has introduced ACMD's in the DPS is a clear indication that economic gain has not been made a sole priority and that the environmental impacts of mineral development have also been considered.

ACTION: No Action Required.

- j) Council should explore a collegiate approach with other councils in relation to mineral development, given the nature of mineral development and the areas where it can take place.

Relevant representation: MUDPS/101/57.

Consideration: Statutory consultation has been carried out with other councils, which border Mid Ulster as well as participation in the Sperrins Forum (MUDC, FODC, D&SDC, CCGBC) and the Cross Border Forum (MUDC, FODC and ABC).

ACTION: No Action Required.

- k) DPS is at odds with the Community Plan and the SCI. It has ignored community involvement at the expense of the installation of turbines and mineral development. Health concerns and environmental objections have been set aside.

Relevant representation: MUDPS/178/7, MUDPS/178/161, MUDPS/178/180, MUDPS/191/7, MUDPS/191/161 and MUDPS/191/180.

Consideration: Strict compliance with the SCI has been maintained all the way throughout the process of compiling the draft Strategy. At the time of preparing, and following publication of, our Preferred Options Paper (POP) the community were consulted in accordance with the SCI; correspondence was issued to those community lists on our SCI and a series of joint meetings were held along with our Community Plan team with specific community groups. All of this is contained in the Public Consultation Report published on our website. In addition the DPS has been advertised and issued to all those who made a representation to our POP; all in accordance with our SCI. It is our position that we have involved the community at all stages of the preparing the LDP thus far. The representations make the case that the community were not allowed to “choose what they want or did not want.” It is clearly not the case that simply because the community were not allowed to “choose what they wanted” that this must mean that proper community involvement and compliance with the SCI was not adhered to.

Likewise, the Community Plan has been taken into account in all subject areas within the draft Strategy. The LDP is considered a spatial representation of our Community Plan (see 4.2 (f)) and therefore our community has in no way been disregarded when compiling the DPS. The issue of health concerns have been addressed elsewhere in this document.

ACTION: No Action Required.

- l) Representations made to the POP particularly in relation to cyanide have been ignored and the LDP has based mitigation measures on Dalradians' Planning application.

Relevant representation: MUDPS/178/162 and MUDPS/191/162.

Consideration: The Public Consultation Report published on the Council website demonstrates how representations which related to the questions posed in the POP were considered. The planning application for gold mining by Dalradian is being assessed by Fermanagh and Omagh District Council and does not fall within our plan area. The minerals policies within our DPS have been formulated following detailed evidence gathering, undertaking SA/SEA and consideration of representations.

ACTION: No Action Required.

m) The LDP should be abandoned until appropriate health, environmental and economic assessments are carried out in relation to LA10/2017/1249/F.

Relevant Representation: MUDPS/178/108, MUDPS/178/109, MUDPS/178/110, MUDPS/178/111, MUDPS/178/112, MUDPS/178/113, MUDPS/178/114, MUDPS/178/115, MUDPS/178/116, MUDPS/178/117, MUDPS/178/118, MUDPS/178/119 and MUDPS/191/108, MUDPS/191/109, MUDPS/191/110, MUDPS/191/111, MUDPS/191/112, MUDPS/191/113, MUDPS/191/114, MUDPS/191/115, MUDPS/191/116, MUDPS/191/117, MUDPS/191/118 and MUDPS/191/119.

Consideration: This issue relates to a planning application, which falls entirely within the neighbouring council district of Fermanagh Omagh, and therefore the processing of that planning application does not impact on Mid Ulster LDPs.

It is important to note that cross boundary work has been ongoing with our neighbours in Fermanagh Omagh to ensure that our respective local development plans do not conflict with each other.

ACTION: No Action Required.

n) Mid Ulster District Council have failed to have due regard to their obligations under the European Convention on Human Rights and The Human Rights Act 1998 as well as the Aarhus Convention and climate change legislation.

Relevant Representations: MUDPS/71/2, MUDPS/178/78-86, MUDPS/178/315, MUDPS/180/9, MUDPS/191/78 MUDPS/191/79, MUDPS/191/80, MUDPS/191/81, MUDPS/191/82, MUDPS/191/83, MUDPS/191/84, MUDPS/191/85, MUDPS/191/86 and MUDPS/191/315.

Consideration: This representation is of the opinion that as a council we have a positive duty to act in manner that affords protection from “harms” and refers to a duty of protection and care. This draft Plan Strategy has been compiled in accordance with relevant legislation, and prepared following extensive evidence gathering and consultation with the community and consultation bodies, and has been subject to SA/SEA and Equality Impact Screening. By following this process issues regarding potential harm to the environment and to amenity have been considered where relevant. It is also important to note that a local development plan does grant planning

permission for any specific development and that any proposed development will be the subject of a separate planning application that will be determined in accordance with prevailing planning policy and legislation taking account of all material planning considerations.

ACTION: No Action Required.

5.3 Other Strategic Issues Raised

a) A range of issues have been identified which relate to the planning application lodged by Dalradian in the Fermanagh and Omagh District (LA10/2017/1249/F). These issues include a wide range of issues including:

- impacts on health,
- the production of radioactive waste,
- the proximity to community facilities,
- use of cyanide,
- traffic impacts,
- EU position on use cyanide,
- impacts on waterways, local RAMSAR site and wildlife,
- production of ammonia,
- use of explosives,
- impact on tourism / dark skies
- tax exempt status of gold and silver
- impact on local engineering companies

Relevant Representations: MUDPS/178/120, MUDPS/178/121, MUDPS/178/122, MUDPS/178/123, MUDPS/178/124, MUDPS/178/125, MUDPS/178/126, MUDPS/178/127, MUDPS/178/128, MUDPS/178/137, MUDPS/178/138, MUDPS/178/139, MUDPS/178/140, MUDPS/178/141, MUDPS/178/142, MUDPS/178/144, MUDPS/178/157, MUDPS/178/158, MUDPS/178/171, MUDPS/178/175, MUDPS/178/177, MUDPS/178/197, MUDPS/191/120, MUDPS/191/121, MUDPS/191/122, MUDPS/191/123, MUDPS/191/124, MUDPS/191/125, MUDPS/191/126, MUDPS/191/127, MUDPS/191/128, MUDPS/191/137, MUDPS/191/138, MUDPS/191/139, MUDPS/191/140, MUDPS/191/141, MUDPS/191/142, MUDPS/191/144, MUDPS/191/157, MUDPS/191/158, MUDPS/191/171, MUDPS/191/175, MUDPS/191/177 and MUDPS/191/197.

Consideration: These issues are not relevant to the local development Plan process in Mid Ulster. They consist of objections to a specific planning application which is located outside of the jurisdiction of Mid Ulster District Council and which the Local Development Plan process in this district is incapable of influencing.

ACTION: No Action Required.

b) The Strategy is deeply conflicted. On the one hand it promotes tourism whilst also promoting mineral extraction in the AONB, which will affect ASSI and SAC designations.

Relevant Representations: MUDPS/178/206 and MUDPS/191/206.

Consideration: The strategy has adopted a flexible approach to sustainable tourism development, which undoubtedly seeks to promote and encourage our underdeveloped tourism strategy. The representation argues that this approach will be hindered by minerals development but does not give any arguments as to why this will be the case, simply makes the assertion that minerals development will hinder the growth of tourism. The representation seems to argue that minerals development will be harmful to ASSI and SAC designations and that this is the link to the harmful impacts on tourism growth. This is despite the fact that Policy MIN 2 states that development must not prejudice the characteristics of internationally / nationally designated sites such as an ASSI, SAC or SPA.

The representation goes on to say the following;

How can FODC have a sustainable tourism industry, as per SEA, but fully embrace a toxic mineral extraction

It is again unclear if the representation has perhaps mistaken the approach in the MUDC draft Strategy for that taken by FODC.

ACTION: No Action Required.

5.4 Areas of Constraint on Mineral Development (ACMD's)

- a) DPS has continued the approach from the POP and has introduced ACMD's across most of the AONB without showing evidence from the Mineral Resource map or levels of production from the industry.

Consideration: The ACMD as proposed in the DPS is a reduced version of that in the POP and as a result, most of the AONB is now not within an ACMD. The Council has consulted with the industry and will continue this liaison in order to ensure that an accurate picture of supply and demand is constructed to ensure a sufficient supply of minerals.

Relevant representation: MUDPS/29/14, MUDPS/29/29 and MUDPS/106/9.

ACTION: No Action Required.

- b) DPS has failed to consider the report into the MAP by the PAC. The boundaries of the ACMD's have merely been shifted on environmental grounds.

Relevant Representation: MUDPS/29/15, MUDPS/29/29 and MUDPS/29/34.

Consideration: The draft Strategy has resisted the idea of imposing ACMD's on a blanket basis across environmental designations. The Council has consulted with the industry and will continue to do so in order to ensure that an accurate picture of supply and demand, so we can ensure a sufficient supply of minerals. This is evidence that in addition to an appraisal of our landscape and consideration of natural heritage and scientific factors;

economic considerations have also been considered in the decision to designate ACMD's in the draft Strategy and that the process has not been based "merely on environmental grounds."

ACTION: No Action Required.

- c) The imposition of ACMD's without sufficient evidence regarding supply and demand is unsound.

Relevant Representation: MUDPS/135/1.

Consideration: As outlined at para. 4.2 (a) of this paper, sufficient information has been gathered to portray as accurate picture as possible of supply and demand in Mid Ulster. Therefore, to say that the ACMD designation has been brought forward without a proper consideration of supply and demand is incorrect.

ACTION: No Action Required.

- d) ACMD's are unsound because the methodology used to define them, The Landscape Character Assessment Review, is not based on detailed landscape of sensitivity studies specific to mineral development.

Relevant Representations: MUDPS/29/34, MUDPS/82/6, MUDPS/101/18, MUDPS/104/5, MUDPS/105/5, MUDPS/105/7, MUDPS/107/5, MUDPS/109/2, MUDPS/111/3 and MUDPS/112/4.

Consideration: The Landscape Character Assessment Review assesses general sensitivity and vulnerability of landscapes to change. Quarrying activity has potential for significant visual impact on landscapes as well as on heritage assets. Therefore, the landscape assessment is considered adequate as a mechanism for assessing the suitability of certain landscapes for mineral development, which can bring about significant change in a landscapes.

ACTION: No Action Required.

- e) AONB overlaps the ACMD designation, which suggests that there is no need for an ACMD designation as sufficient protection already exists.

Relevant Representation: MUDPS/101/20.

Consideration: An AONB designation would not offer the same level of environmental protection as an ACMD. ACMD's operate a clear presumption against mineral development whilst this is not the case for an AONB. Therefore, the level of protection afforded by both designations is not comparable.

ACTION: No Action Required.

- f) There is a lack of evidence to justify why ACMD designations come so close to the boundaries of existing sand and gravel workings.

Relevant Representation: MUDPS/101/21.

Consideration: Where possible, existing quarries, which are close to the boundary of the proposed ACMD designation, have been excluded from the designation. The result is often that the ACMD “line” runs close to the boundary of the existing quarry. In such circumstances, it is envisaged that policy MIN 2 will still permit some form of extension to the existing enterprise.

With specific regard to this issue, representations have been made to the draft Strategy on behalf the majority of minerals operators in Mid Ulster. As part of these representations, the amount of reserves and anticipated demand for each operator have been disclosed. Some other operators had also made returns divulging this information prior to the publication of the draft Strategy. Of those operators who indicated that they had minerals sites with a greater demand than there were existing reserves, most were not indefinitely restricted by the proposed ACMD line, to an extent where they could not expand if needed in order to secure additional reserves. This would suggest that the ACMD line will not significantly restrict mineral extraction sites from fulfilling anticipated demand throughout the Plan Period. The details behind this are included in Appendix 2.

ACTION: No Action Required.

- g) ACMD's are not necessary. EIA is required for quarrying applications and as such, a case-by-case consideration of the effects on the environment will ensure a proper assessment of environmental impacts.

Relevant Representations: MUDPS/166/1, MUDPS/166/2, MUDPS/166/3, MUDPS/166/4 and MUDPS/166/5.

Consideration: The SPPS tells us that we should identify areas, which should be protected from minerals development because of their intrinsic landscape, amenity, scientific or heritage value. Therefore, the direction is taken from regional policy in this regard. ACMD's offer developer's clarity as to where there is a presumption against / in favour of minerals development.

The fact that development constitutes EIA development does not mean that it will not be granted planning permission, rather, it means that all the environmental impacts must be taken into account and properly assessed. Therefore, this approach will not offer the same level of control, which the designation of an ACMD would afford to the council and would result in a similar approach all across the entire District; effectively a presumption in favour of minerals development, even in our most sensitive areas such as the High Sperrins.

ACTION: No Action Required.

- h) ACMD's should also be designated at Lough Patrick, Sixtowns and at wetlands in an around Maghery / Washing Bay, maps provided.

Relevant Representation: MUDPS/59/43, MUDPS/59/45 and MUDPS/59/230.

Consideration: These areas have been proposed by the representation as ACMD's because of an area of Blanket Bog at Lough Patrick, which is also important for cuckoo and historically, curlew (see page 26 and 78 of representation). The area near Maghery has been proposed because it is a peatland / wetland habitat as well as a Ramsar designation (p. 26 and 81 of representation).

The Councils background evidence paper on identifying Areas of Mineral Constraint (January 2019) states that the Areas of Constraint on Mineral Development have aligned largely with the SCA and the AOCWTHS and this is particularly true in the Sperrins and the immediate area near Lough Patrick. Regarding the area at Lough Patrick, it is located in the vicinity of, but not immediately adjacent to the proposed ACMD / AOCWTHS in the Sperrins. If the proposal were to be accepted then it would mean that a large and existing mineral operator would be placed within the ACMD. This would be contrary to the methodology laid out in the background paper, which clearly states that where there are areas of existing quarrying activity, which contributes to the economy of Mid Ulster, then these will be excluded from the ACMD designations (3.5 of background paper). This approach is essential in order to ensure that a balanced approach to minerals development is taken; one which considers economic as well as environmental implications of development.

Lough Patrick also benefits from priority habitat and priority species designations as well as being a listed monument due to the historic status of the site as penitential station / pilgrimage destination. As a result, protection will be afforded to this site via natural heritage and historic environment policies. Also, the representation refers to it as an area of blanket bog and as such it will be protected from development by our natural heritage policies.

The area proposed as an ACMD at Maghery / Reenaderry is already designated as a Ramsar. Whilst it is located in the general area of the extremely thin SCA designation along the loughshore it cannot be said to be aligned with the SCA or the AOCWTHS, given its relative size in relation to the SCA and the non-existence of an AOCWTHS in the locality. It is also stated in the councils background evidence paper (para. 3.6) that areas benefitting from international, national or regional designations are in effect considered to be areas of constraint on mineral development given the protection afforded to them by legislation as well as through application of natural heritage policies.

The Council is of the opinion therefore that the areas proposed as additional ACMD's do not satisfy the methodology or rationale behind the designation of

Areas of Constraint on Mineral Development as laid out in the Councils background evidence paper.

ACTION: No Action Required.

i) The ACMD should be extended to include the entirety of the AONB.

Relevant Representation: MUDPS/120/5.

Consideration: By designating an ACMD based solely on the AONB designation this would not take account of economic considerations and would represent a designation based solely on environmental considerations, which would take preference over economic considerations. This would not represent a balanced approach.

It should also be noted that para. 6.155 of the SPPS states that where environmental designations including AONB's take in expansive tracts of land then mineral development may be acceptable where it avoids key sites and does not threaten the designation as a whole.

We therefore reject the idea of an ACMD designated across the entirety of the AONB.

ACTION: No Action Required.

j) Where there are important resources in environmental areas, their extraction should still be permitted under careful criteria and the ensuring of highest standards as well as acceptable restoration proposals.

Relevant Representations: MUDPS/29/16.

Consideration: This representation seems to advocate the eradication of the ACMD and the operations instead, of a criteria based approach to minerals development. The designation of ACMD's is something, which is supported in regional policy and provides a clear presumption against minerals development in the areas where the designation exists. This represents a stronger level of environmental protection as well as more clarity for developers than would be provided by a criteria based policy.

ACTION: No Action Required.

5.5 Policy MIN 1 and Mineral Reserve Policy Areas (MRPA's)

a) The areas designated as MRPA's are weighted in favour of one operator and they fail to afford protection to any of our sand and gravel resources, which are the most valuable to mid Ulster.

Relevant Representations: MUDPS/28/1, MUDPS/29/17, MUDPS/29/24, MUDPS/64/4, MUDPS/82/1, MUDPS/101/10, MUDPS/101/11, MUDPS/101/31, MUDPS/102/6, MUDPS/102/7, MUDPS/102/11, MUDPS/105/3, MUDPS/107/3, MUDPS/112/2 and MUDPS/114/2.

Consideration: Ownership issues are not a consideration when deciding on plan designations. The three MRPA's in the DPS have been carried through from the extant CAP and DSTAP with slight tweaks having been made. At the time of publishing the draft Plan Strategy, there were no proposals put forward as areas which could potentially be worthy of safeguarding, apart from those already existing in the CAP and DSTAP. If any operators wish to put forward an area from which they wish to extract and feel should be protected, due consideration would be given to this proposal. There will be an opportunity at Local Policies Plan stage to bring forward new proposals for MRPA's.

There is not a presumption against minerals development anywhere in the whole District, which is not within an ACMD designation.

ACTION: No Action Required.

- b) The areas of MRPA's do not recognise gold or any other precious commodity and are therefore contrary to the SPPS which requires councils to protect minerals which are of "economic or conservation value."

Relevant Representation: MUDPS/83/4 and MUDPS/83/7.

Consideration: MRPA's recognise limestone and clay which are valuable to specific industries and therefore are worthy of protection. In relation to precious minerals, no requests were made via POP consultation to protect any such areas. The DPS has brought forward a policy in relation to the extraction of precious minerals and there is not a presumption against their extraction provided that there are no significant environmental impacts or significant risks to human health.

ACTION: No Action Required.

- c) MRPA's only protect minerals within them. There is no protection from surface development outside of MRPA's and therefore the DPS is not in line with the SPPS.

Relevant Representations: MUDPS/83/5 and MUDPS/83/6.

Consideration: The DPS protects areas of mineral reserves which have been identified and which contain minerals of specific value to certain industries. Areas of Mineral safeguarding were not put forward at the time of the POP consultation but some have been suggested as part of the consultation on the draft Plan Strategy. These will be considered as part of the LPP stage of the Plan process, as detailed in para. 4.2 (b) of this paper.

ACTION: No Action Required.

- d) MRPA's are not based on a robust evidence base. There was a reliance on the Mineral Resource Map and no consultations with businesses in neighbouring LGD's. This is contrary to the SPPS, which states that the DPS should ensure a supply of minerals for both the local and the regional market.

Relevant Representations: MUDPS/82/1, MUDPS/102/2, MUDPS/102/3, MUDPS/102/4 and MUDPS/102/13.

Consideration: MRPA's as designated in the DPS are based on evidence of the reserves as supplied by GSNi and generally mirror the designation in the extant Area Plans. The Council has consulted with the industry and will continue this liaison in order to ensure that an accurate picture of supply and demand is constructed to ensure a sufficient supply of minerals.

ACTION: No Action Required.

- e) MRPA's will stop the sustainable expansion of settlements and will impact negatively on the health and well-being of residents.

Relevant Representations: MUDPS/120/3, MUDPS/162/25, MUDPS/178/305, MUDPS/178/306, MUDPS/178/307, MUDPS/191/305, MUDPS/191/306 and MUDPS/191/307.

Consideration: The respective MRPA's at Cookstown, Dungannon and Coalisland will not hinder any required expansion of these settlements. All development granted permission within an MRPA will still be required to comply with the General Principles Planning Policy, thus ensuring adequate consideration will be given to health, wellbeing and amenity of residents.

ACTION: No Action Required.

- f) MIN 1 fails to identify areas for mineral conservation such as hydrocarbons, which should be preserved if we are to avoid the worst effects of climate change.

Relevant Representations: MUDPS/178/308, MUDPS/178/309, MUDPS/178/310, MUDPS/191/308, MUDPS/191/309 and MUDPS/191/310.

Consideration: This in effect, calls for an area where there would be a presumption against mineral development for all forms of hydrocarbons. Such an approach is not advocated in the SPPS and there is no evidence to support the Council adopting such an approach. In relation to unconventional hydrocarbons (e.g. shale gas) there will be a presumption against all forms of such development, in accordance with the SPPS and this negates the need for such a designation as proposed by the representation.

ACTION: No Action Required.

5.6 Policy MIN 2

- a) Exceptions to allow for development within an ACMD as well as the allowance of development outside of ACMD's will still mean there are negative environmental impacts from mineral extraction. ACMD's should be expanded.

Relevant Representations: MUDPS/120/5, MUDPS/120/6, MUDPS/162/49, MUDPS/162/50, MUDPS/162/51, MUDPS/162/52, MUDPS/162/53, MUDPS/162/54, MUDPS/178/314 and MUDPS/191/314.

This approach would be detrimental to the minerals industry, which is vitally important to our economy and would not facilitate sustainable economic growth. No rationale put forward for doing this i.e. where should ACMD's be extended to and what impact would this have on existing quarries which would be effected by the extension, not to mention the jobs sustained by those quarries.

ACTION: No Action Required.

- b) There should be a moratorium on all mineral extraction until a range of criteria is complied with - criteria listed in the REP.

Relevant Representations: MUDPS/162/67, MUDPS/162/68, MUDPS/162/69, MUDPS/162/70, MUDPS/162/71, MUDPS/162/72, MUDPS/162/73, MUDPS/162/74, MUDPS/162/75, MUDPS/162/76, MUDPS/162/77, MUDPS/162/78 and MUDPS/180/8.

Consideration: This is not a reasonable expectation. Any moratorium on future extraction would have the potential to cripple the minerals industry and have severe economic consequences for Mid Ulster. For instance, one of the criteria is that ROMPS is carried out. There is no definite timetable for this and therefore the rep would wish to see an indefinite moratorium on all mineral extraction, which would have severe repercussions for the industry, and by association, for the economy of Mid Ulster.

ACTION: No Action Required.

- c) The precautionary approach advocated by the DPS is at odds with the SPPS, which promotes a balanced approach.

Relevant Representations: MUDPS/29/26, MUDPS/29/27, MUDPS/31/20, MUDPS/82/7, MUDPS/82/8, MUDPS/101/36, MUDPS/101/37, MUDPS/102/15, MUDPS/102/16, MUDPS/103/4, MUDPS/104/1, MUDPS/105/6, MUDPS/106/10, MUDPS/107/6, MUDPS/108/3, MUDPS/109/4, MUDPS/110/2, MUDPS/111/4, MUDPS/112/5, MUDPS/113/5 and MUDPS/114/4.

Consideration: The insertion of the term "precautionary approach" is a reference to the criteria listed at a) - g) of policy MIN 2. Therefore it is a description of tests / criteria and is not in conflict with the SPPS. We consider this policy to be sound.

ACTION: No Action Required. However, if the PAC commissioner is so minded to recommend the term "precautionary approach" is removed then we have no objection to this.

- d) The J&A of MIN 2 projects a negative image of the minerals industry as environmentally damaging. There is no evidence to support this view.

Relevant Representations: MUDPS/29/25, MUDPS/64/5, MUDPS/83/11 MUDPS/101/33, MUDPS/101/46 and MUDPS/101/50.

Consideration: The DPS acknowledges the vital contribution made to the Mid Ulster Economy by the Minerals Industry. It is also a legitimate consideration to acknowledge the potential for minerals development to impact on landscapes, to spoil ridgelines, to scar mountains and to contribute to biodiversity loss. This is not a statement on the acceptability or not of proposals for minerals development, but a realistic appraisal of what the potential impacts of mineral development are. The DPS aims to balance the two considerations to reach a sustainable way forward.

ACTION: No Action Required.

- e) The evidence base for defining ACMD's is not sufficiently robust AND THE Council has not taken on board the recommendations of the GM consultants in carrying out the LCAR.

Relevant Representations: MUDPS/83/10 and MUDPS/106/9.

Consideration: The LCAR has taken on board the recommendations of the GM consultants and the consultants themselves have acknowledged this. Changes include;

- Reference to PPS 21
- Greater reference to Corine Database
- Commentary on Landscape Condition and sensitivity to change of each LCA
- Separate Appendix (Appendix 4) containing photographs of each LCA

ACTION: No Action Required.

- f) No evidence has been presented to show how other environmental designations do not afford a similar level of protection to that afforded by ACMD's. In addition, policy criteria in MIN 2, which will need to be satisfied in any case, will ensure adequate protection without need for ACMDs.

Relevant Representations: MUDPS/83/8, MUDPS/83/9 and MUDPS/101/19.

Consideration: Environmental designations do not offer the same level of environmental protection as an ACMD. ACMD's operate a clear presumption against mineral development whilst this is not necessarily the case for all environmental designations. Therefore, the level of protection afforded by ACMD's and environmental designations such as AONB's are not

comparable. Likewise, a policy-based approach like that in MIN 2 would operate a presumption in favour of mineral development whilst the purpose of an ACMD is to protect the area by operating a presumption against development.

ACTION: No Action Required.

- g) Language in the policy as well as some of the policy tests are not taken from the SPPS e.g. “undue harm or loss,” “essential characteristics” and “impair the safety and amenity of road users.”

Relevant Representations: MUDPS/101/39, MUDPS/101/40, MUDPS/101/41, MUDPS/101/42, MUDPS/101/43, MUDPS/107/7, MUDPS/108/4, MUDPS/109/5, MUDPS/110/3, MUDPS/113/6, MUDPS/113/7 and MUDPS/114/6.

Consideration: There is no requirement for the language of the DPS to mirror exactly that from the SPPS.

ACTION: No Action Required.

- h) The term, “significant biodiversity loss” has no basis or definition in guidance and will lead to further confusion.

Relevant Representations: MUDPS/106/11, MUDPS/82/9, MUDPS/82/11, MUDPS/102/17, MUDPS/103/5, MUDPS/104/6, MUDPS/111/5, MUDPS/112/6 and MUDPS/114/5.

Consideration: The purpose of this particular criteria in the policy is to place the onus on the developer to demonstrate that no undue harm will occur in relation to biodiversity on the site in question. Indeed, para. 3.3 and 4.38 of the SPPS both refer to consideration of the loss of biodiversity. It is considered that our policy has taken account of the SPPS and is sound in this regard.

ACTION: No Action Required. Policy is considered to be sound. However, if the PAC commissioner is so minded to recommend that this criteria b) is clarified then we have no objection to the wording being amended to state;

“Result in undue harm to protected species or biodiversity”.

- i) The criterion that states there should be no risk to public safety uses incorrect language as it is difficult to measure risk in terms of amenity. The correct language should be “significantly impair” amenity. Also, the term “scar” the landscape is incorrect language and not reflective of regional policy.

Relevant Representations: MUDPS/101/41 and MUDPS/101/45.

Consideration: The ways in which amenity can be put at risk of being impaired are explained in the policy e.g. dust, noise blasting etc. The J&A links back to GP 1 which explains how amenity can be impaired via noise, lighting, odour, fumes etc. In relation to the terminology used in criterion (g) (“scar” the landscape), we feel that the meaning behind this terminology is clearly easy to understand, however if the PAC were to amend this wording then we would have no objection.

ACTION: No Action Required. However, if the PAC commissioner is so minded to recommend that this criteria g) is altered in relation to the word “scar” then we have no objection to this.

- j) There should be a presumption against all development within ACMD’s including minor expansion.

Relevant Representations: MUDPS/174/26 and MUDPS/174/27.

Consideration: The SPPS states that there should be a “general” presumption against development in areas, which have been designated as ACMD’s, and this is clearly borne out in the draft Strategy. The SPPS (6.164) also makes allowances for exceptions to this presumption within the protected areas and the draft Strategy has adopted this approach in order to not unduly burden the industry or to disallow small-scale development where impacts would be limited. Therefore, the approach of allowing certain exceptions to development within the ACMD is in keeping with the approach put forward in the SPPS.

ACTION: No Action Required.

- k) The term “short term extraction” is not defined and there is no evidence to justify this time period being included in the ACMD policy as an exception.

Consideration: The reference to “short term extraction” is in keeping with the SPPS para. 6.164. This term is not included as part of planning policy nor the associated J&A. The J&A states that a range of considerations will be considered in relation proposals within ACMDs, one of which is “duration of extraction.”

ACTION: No Action Required.

- l) Both MIN 2 and MIN 3 do not take account of landscape quality, historic environment or protection of the water environment and are therefore not in keeping with 6.152 of the SPPS.

Relevant Representations: MUDPS/77/278 and MUDPS/77/279.

Consideration: MUDC do not agree with this assertion. Consideration of landscape is included in MIN 2 which is also carried across to policy MIN 3. Historic environment considerations will be achieved via HE policies and impact on water quality is a general planning consideration relevant to all development.

ACTION: No Action Required.

m) SPPS allows exceptions within ACMD. Exceptions should be included within the policy wording of MIN2.

Relevant Representations: MUDPS/115/76.

Consideration: Exceptions to presumption against development in the ACMD are set out within the policy wording (1st Paragraph).

ACTION: No Action Required.

n) SPPS makes no provision for processing of hard rock or aggregates at existing quarries & this could significantly increase operations of existing quarries-may not be sustainable.

Relevant Representations: MUDPS/115/78.

Consideration: SPPS clearly links the process of extraction and processing (para. 6.164 and 6.150 for example). This is not something which represents a conflict with the SPPS.

ACTION: No Action Required.

o) Policies PPS 3, DCAN 15, PPS 7 and PPS 13 should be brought forward in the LDP in order to ensure that traffic considerations are addressed. Account needs to be taken of existing infrastructure, access, parking and road safety.

Relevant Representation: MUDPS/115/233, MUDPS/115/234, MUDPS/115/235, MUDPS/115/236, MUDPS/178/214 and MUDPS/191/214.

Consideration: These things will be considered under General Principles Policy and criteria (vi) in policy RNW 1. General traffic considerations can be related to a range of development types and therefore are addressed in GP1 as opposed to being included in every subject policy to which they may be relevant.

ACTION: No Action Required.

p) The term “minor expansion in MIN 2 should be removed and replaced with appropriate expansion in order to allow more flexibility in policy.

Relevant Representation: MUDPS/135/2.

Consideration: The word minor is included precisely in order to limit the scale of expansion within an ACMD. To remove the word and replace it with "appropriate" would enable larger scale expansion and undermine the designation of an ACMD.

ACTION: No Action Required.

q) Where mineral development is proposed within a natural heritage site, then policy wording from MIN 2 should be aligned with relevant natural policies (NH1-5). MIN 2 should make this clear i.e. that relative NH policies will apply.

Relevant Representations: MUDPS/167/8 and MUDPS/168/2.

Consideration: If mineral development is proposed within an international/national site, then the relevant NH policies (NH1, 2ETC) will be used in decision-making process. This is self-explanatory when reading the relevant policies and so not considered necessary to say it explicitly.

ACTION: No Action Required.

r) The wording 'shall not accord with the plan' is weak and should be strengthened to set clear presumption against such proposals. In relation to 14.22 sufficient and robust evidence must be provided on all impacts not only human health and safety.

Relative Representations: MUDPS/174/30.

Consideration: The term "shall not accord with the Plan" implies a clear presumption against such development. It is therefore unclear as to why we would need to change the wording to reflect this more clearly. This terminology has been used throughout the DPS. The policy wording in MIN 2 does in fact state that robust evidence will be required on "all environmental impacts."

ACTION: No Action Required.

5.7 Policy MIN 3

a) There is opposition to the presumption in favour of valuable minerals. The proposal to allow for the extraction of precious minerals is putting human health at risk, aiding the destruction of the environment, destroying tourism and has ignored rural proofing. The majority of people do not want the processing or extraction of precious minerals. Instead, they want the Sperrins as a tourist destination. Rural proofing and needs of rural dwellers seem to have been ignored in this regard. Concern also expressed over the use of cyanide and toxic substances, which MUDC seem to be ignorant of. All mention of precious minerals should be removed from the DPS and PD rights should be stopped.

Relevant representations: MUDPS/71/1, MUDPS/71/3, MUDPS/120/11, MUDPS/162/55, MUDPS/162/56, MUDPS/162/57, MUDPS/162/58, MUDPS/178/4, MUDPS/178/11, MUDPS/178/12, MUDPS/178/13,

MUDPS/178/14, MUDPS/178/15, MUDPS/178/16, MUDPS/178/17, MUDPS/178/18, MUDPS/178/19, MUDPS/178/20, MUDPS/178/21, MUDPS/178/22, MUDPS/178/23, MUDPS/178/24, MUDPS/178/25, MUDPS/178/26, MUDPS/178/27, MUDPS/178/28, MUDPS/178/29, MUDPS/178/30, MUDPS/178/31, MUDPS/178/32, MUDPS/178/33, MUDPS/178/34, MUDPS/178/35, MUDPS/178/65, MUDPS/178/66, MUDPS/178/67, MUDPS/178/68, MUDPS/178/69, MUDPS/178/70, MUDPS/178/71, MUDPS/178/72, MUDPS/178/129, MUDPS/178/130, MUDPS/178/131, MUDPS/178/132, MUDPS/178/133, MUDPS/178/134, MUDPS/178/135, MUDPS/178/136, MUDPS/178/176, MUDPS/178/193, MUDPS/178/195, MUDPS/178/198, MUDPS/178/200, MUDPS/178/210, MUDPS/178/242, MUDPS/180/6, MUDPS/180/10, MUDPS/191/4, MUDPS/191/11, MUDPS/191/12, MUDPS/191/13, MUDPS/191/14, MUDPS/191/15, MUDPS/191/16, MUDPS/191/17, MUDPS/191/18, MUDPS/191/19, MUDPS/191/20, MUDPS/191/21, MUDPS/191/22, MUDPS/191/23, MUDPS/191/24, MUDPS/191/25, MUDPS/191/26, MUDPS/191/27, MUDPS/191/28, MUDPS/191/29, MUDPS/191/30, MUDPS/191/31, MUDPS/191/32, MUDPS/191/33, MUDPS/191/34, MUDPS/191/35, MUDPS/191/65, MUDPS/191/66, MUDPS/191/67, MUDPS/191/68, MUDPS/191/69, MUDPS/191/70, MUDPS/191/71, MUDPS/191/72, MUDPS/191/129, MUDPS/191/130, MUDPS/191/131, MUDPS/191/132, MUDPS/191/133, MUDPS/191/134, MUDPS/191/135, MUDPS/191/136, MUDPS/191/176, MUDPS/191/178, MUDPS/191/193, MUDPS/191/195, MUDPS/191/200 MUDPS/191/210, MUDPS/191/242 and MUDPS/204/2.

Consideration: The SPPS states that there should not be a presumption against valuable minerals in any area and therefore the approach as laid out in draft Strategy is in keeping with regional policy. To remove all reference to precious minerals would be directly at odds with regional policy. The draft strategy goes further than regional policy in the SPPS insofar as it states that where there is a risk of significant, substantiated and proven risk to human health, then the extraction of precious minerals will conflict with the Plan. It also states that a precautionary approach will be adopted to valuable minerals development meaning that the criteria a) – g) of policy MIN 2 will also apply and this will not permit the destruction of the environment. Where there are unconventional methods of extraction such as chemical / biological methods, then robust evidence will be needed in relation all environmental impacts. Council is also keen to promote the Sperrins as a tourism designation and this is evident in tourism policies and designations contained within the DPS.

With regard to permitted development rights, these are set out in the Planning (General Permitted Development) Order (NI) 2015, and the Local Development Plan has no role in relation to these as they are set out in legislation.

A Rural Needs Impact Assessment has been carried out and is published on the Councils' website along with the draft Strategy.

ACTION: No Action Required.

- b) MUDC has a precious minerals agenda and will seek to promote precious minerals at the expense of European designated sites.

Relevant Representations: MUDPS/178/57, MUDPS/178/58, MUDPS/178/59, MUDPS/178/60, MUDPS/178/61, MUDPS/178/62, MUDPS/178/63, MUDPS/178/64, MUDPS/191/57, MUDPS/191/58, MUDPS/191/59, MUDPS/191/60, MUDPS/191/61, MUDPS/191/62, MUDPS/191/63 and MUDPS/191/64.

Consideration: MUDC does not have an agenda to promote precious minerals development. Our approach on this topic is in line with the regional policy in the SPPS. There will not be a presumption against their extraction in any area; however the DPS has also included the provision that there should be no significant environmental impacts. Therefore, the mechanism to protect such European sites as referred to in the representation has been built into policy.

ACTION: No Action Required.

- c) Economic benefits should not be the primary factor in determining extraction of precious minerals. Impact on health and our natural heritage should also be important considerations. Council will be liable for any health concerns, which arise.

Relevant Representations: MUDPS/162/100, MUDPS/178/173, MUDPS/178/224, MUDPS/178/225, MUDPS/178/226, MUDPS/178/227, MUDPS/178/228, MUDPS/178/229, MUDPS/191/173, MUDPS/191/224, MUDPS/191/225, MUDPS/191/226, MUDPS/191/227, MUDPS/191/228 and MUDPS/191/229.

Consideration: The SPPS defines these minerals as those, which are of “particular value to the economy.” Therefore, regional policy draws attention to the importance of the economic benefits, which can be derived from the extraction of these minerals. However, the draft Plan Strategy has went further than regional policy and included other planning considerations meaning that economic considerations do not override environmental, safety and amenity considerations. This is evident in policy MIN 3 where a precautionary approach using the criteria from MIN 2 has been put forward.

ACTION: No Action Required.

- d) The term “metalliferous minerals” is too specific and excludes other uncommon, low value minerals, which are important to the local economy.

Relevant Representations: MUDPS/6/1 and MUDPS/6/2.

Consideration: This term has been used on advice of mineral geologists from GSNi and refers to a range of resources such as gold, copper, zinc, silver and lead. This advice was given at a meeting in June 2016 and again in a written

response in August 2016 to the Councils pre-POP position paper on minerals. Policy MIN 3 does not limit the definition of valuable minerals to metalliferous minerals but rather says that metalliferous minerals are included in the definition of valuable minerals. Other lower value minerals, which are also valuable to the local economy, such as sand and gravel and hard rock, have been dealt with via policy MIN 2.

ACTION: No Action Required.

- e) The requirement to prove there will be no negative impact on human health may be impossible to meet. All activity will have some level of impact.

Relevant Representations: MUDPS/6/3, MUDPS/6/4, MUDPS/31/15 and MUDPS/120/9.

Consideration: The policy wording does not state there should be no impacts on human health but rather it states that there should not be any significant risks to human health. This places the onus on the developer to prove that the development is safe and that identified significant risks are unsubstantiated. In relation to the wording in para. 14.22 of the J&A, this is not policy wording, but rather is text intending to expand upon and clarify the policy wording. This particular paragraph relates to controversial extraction methods such as fracking. These are controversial because of a number of reasons, perhaps predominantly because of widespread claims that the methods cause direct harm to human health. Given the lack of robust evidence base specifically regarding these methods it is the Councils view that any developer will need to prove definitively that there are no impacts, which will cause harm to human health.

ACTION: No Action Required.

- f) Precautionary principle is not in keeping with the SPPS.

Relevant Representations: MUDPS/29/28 and MUDPS/31/14.

Consideration: Para. 3.9 of the SPPS states that where there may be significant risk of damage to the environment then a precautionary approach will be adopted. In the case of the extraction of precious minerals, there are strong arguments put forward about the potentially damaging effects such activities can have on human health and to the environment and this merits the adoption of a precautionary approach.

ACTION: No Action Required.

- g) The policy refers only to human health and should be widened to include environmental impacts.

Relevant Representations: MUDPS/59/57 and MUDPS/59/58.

Consideration: Policy MIN 3 clearly includes consideration of “significant environmental impacts” and in relation to unconventional extraction of

hydrocarbons includes reference to “all environmental impacts.” MIN 3 also refers back to policy MIN 2 which includes criteria such as (b) which protects protected species and aims to resist biodiversity loss. Other policies will also be relevant such as General Principles and in certain cases, natural heritage policies.

In relation to the wording in para. 14.22 of the J&A, this is not policy wording, but rather is text intending to expand upon and clarify the policy wording. This particular paragraph relates to controversial extraction methods such as fracking. These are controversial because of a number of reasons, perhaps predominantly because of widespread claims that the methods cause direct harm to human health. Given the lack of robust evidence base specifically regarding these methods it is the Councils view that any developer will need to prove definitively that there are no impacts, which will cause harm to human health.

ACTION: No Action Required.

- h) There is no safeguarding of resources of gold from surface development despite acknowledgement of their existence.

Relevant Representation: MUDPS/83/14.

Consideration: The DPS adopts the SPPS approach of not operating a presumption against the extraction of gold or other precious minerals in any area. There is no requirement for the DPS to safeguard precious minerals. Prior to the publication of the draft Strategy, no sites were put forward as proposals for safeguarding of any kind of mineral resource.

ACTION: No Action Required.

- i) There is no provision in current or regional policy, which restricts or prohibits the use of chemicals in extraction of minerals. No evidence has been provided for bringing in such a restriction.

Relevant Representation: MUDPS/31/16, MUDPS/83/16, MUDPS/83/15, and MUDPS/83/17.

Consideration: Draft policy MIN 3 is not intended to be a restriction or prohibition, rather a means of ensuring the appropriate level of scrutiny where such methods are proposed. It places the onus on the developer to ensure that there is sufficient and robust evidence to satisfy concerns on environmental impacts.

ACTION: No Action Required.

- j) The use of the word “significant” re. human health and environmental impacts is open to interpretation. Therefore, the policy is invalid.

Relevant Representations: MUDPS/178/316, MUDPS/178/317, MUDPS191/316 and MUDPS/191/317.

Consideration: The word “significant” is widely used in this regard in the SPPS to describe environmental impacts (see paragraph 3.9 for instance). Therefore, it cannot be argued that use of this wording in the DPS renders the policy invalid.

ACTION: No Action Required.

- k)** Objection recorded to the presumption in favour of extraction of valuable minerals. The objection is based on the environmentally damaging methods of extraction – 5 reasons are (slightly abbreviated);
1. there is sufficient gold in circulation to meet current world industrial needs and there are alternatives such as urban mining (mining existing waste) to recover gold and other valuable minerals.
 2. The policy presumption in favour of mineral exploitation 'in any area' that may be 'particularly valuable to the economy' 6.157 is exceptionally permissive - strongly object to 6.157 not sound.
 3. The economic evidence from around the world demonstrates that these industries extract wealth from local economies, can adversely affect jobs in tourism and agriculture and leave long term problems with often irreparable damage...;
 4. With the introduction of the plan-led system the council is not obliged to follow a permissive policy and have a duty to pursue council own policies in the DPS;
 5. A precautionary approach must be adopted - lack of sound primary and secondary regulatory framework - catch up is needed - so a robust planning framework can be established - to do otherwise is premature.

Relevant Representations: MUDPS/120/10, MUDPS/162/22, MUDPS/162/24, MUDPS/162/62, MUDPS/162/63, MUDPS/162/64, MUDPS/162/65, MUDPS/162/66, MUDPS/162/79, MUDPS/162/80, MUDPS/162/81, MUDPS/162/82, MUDPS/162/83, MUDPS/162/84, MUDPS/162/85, MUDPS/162/86, MUDPS/162/87, MUDPS/162/88, MUDPS/162/89, MUDPS/162/90, MUDPS/178/318, MUDPS/178/319 MUDPS/178/320.

Consideration: The strategic direction on the extraction of valuable minerals is based on the direction set out in the SPPS. Objections made by these representations to certain paragraphs within the SPPS are not for consideration as part of the local development plan process. In reference to the reasoning laid out in the representation, the DPS cannot “pursue our own policies” without appropriate evidence for doing so. Policy MIN 3 does indeed adopt a precautionary approach in accordance with para. 3.9 of the SPPS and which is directly referenced in the policy wording within the draft Strategy.

ACTION: No Action Required.

- l) There is no evidence provided to back up the claim by the DPS that metalliferous minerals bring economic benefits.

Relevant Representations: MUDPS162/59-162

Consideration: The DPS does not categorically state that all such development will bring economic benefits. The balance between economic considerations and environmental considerations is a something that will be considered on a case by case basis for each planning application being assessed. No assumption has been made that economic benefits will outweigh environmental benefits.

ACTION: No Action Required.

- m) Policy MIN 3 conflicts with government advice that unconventional Hydrocarbon Extraction will not constitute an exception until evidence that is more robust is available on the environmental impacts. The presumption in favour of valuable minerals is contrary to the SPPS requirement to protect areas from mineral development (ACMDs).

Relevant Representations: MUDPS/29/32, 174/28, 174/29,

Consideration: The approach to valuable minerals within the draft Strategy is in keeping with the SPPS approach as laid out in para. 6.157. MIN3 specifically states that unconventional methods of extracting hydrocarbons will not conform with the Plan until there is sufficient and robust evidence regarding their impacts. The representation appears not to have taken account of this provision within draft policy MIN3.

ACTION: No Action Required.

- n) Policy should be replaced with a presumption against all hydrocarbons and valuable minerals. Policy regarding “unconventional hydrocarbons” should be replaced with a policy covering all “hydrocarbons.”

Relevant Representation: MUDPS/120/1

Consideration: This would be directly contrary to regional policy. The approach taken in the draft Strategy is in accordance with the SPPS. With regard to the second point, the reference to “unconventional” refers to the extraction method for some hydrocarbon rather than the actual resource itself.

ACTION: No Action Required.

- o) The LDP refers to valuable minerals such as gold, silver, lead and copper.” Such reference to minerals as precious metals represents a change from the RDS and should be removed from the DPS.

Relevant Representation: MUDPS/178/169 and MUDPS/191/169.

Consideration: It would seem that the policy being quoted and referred to here is not policy from the draft Strategy but rather policy contained within

FODC's draft Plan Strategy (para 4.72, p. 122 of FODC DPS). We therefore have no comment to make on this in the context of our Draft Plan Strategy.

ACTION: No Action Required.

- p) MUDC have passed a council motion in January 2019, which opposes gold mining, and therefore the DPS must reflect this.

Relevant Representations: MUDPS/178/194, MUDPS/178/178
MUDPS/191/194 and MUDPS/191/178.

Consideration: The motion referred to by the representation does not oppose gold mining, rather it expresses opposition to a specific application for a gold mine, outside of Mid Ulster and also expresses the opposition to any use of cyanide for mining purposes. It is our opinion that there is nothing in the proposed planning policy put forward in the DPS, which is contrary to this Council motion.

ACTION: No Action Required.

- q) There is a seam of uranium running from Donegal to Fintona. This proposed policy will see the exploitation of this seam and will inevitably lead to fracking and lignite mining in Mid Ulster.

Relevant Representations: MUDPS/191/196 and MUDPS/178/196.

Consideration: The location of this uranium resource would appear to be outside of the jurisdiction of Mid Ulster, given its description as being located between Donegal and Fintona.

Policy MIN 3 specifically states that fracking will not accord with the Plan until more robust evidence on the associated environmental impacts. Therefore the assertion that the approach of the LDP will lead to fracking is inaccurate. Likewise the assumption that Lignite extraction in Mid Ulster will inevitably follow as a result of this policy is an assertion which is not backed up by any rationale within the representation. All proposals will be required to satisfy the policy within MIN 3 and the criteria within MIN 2 in order to gain approval so there is not an automatic progression from this policy to the extraction of lignite without appropriate assessment of impacts.

ACTION: No Action Required.

5.8 Policy MIN 4

- a) Policy is too vague and will allow too many scenarios where too much peat extraction is permitted. For example, the scenario of "where the peatland is not reasonably capable of restoration" has not been adequately explained.

Relevant representations: MUDPS/59/48, MUDPS/59/50, MUDPS/59/54, MUDPS/59/47, MUDPS/120/12, MUDPS/162/92, MUDPS/167/12, MUDPS/167/13, MUDPS/167/14, MUDPS/167/15, MUDPS/167/16, MUDPS/167/17, MUDPS/167/18 and MUDPS/167/19.

Consideration: The policy wording has been provided on advice from Natural Environment Division (NED) of DAERA. The first exception to the presumption against commercial extraction (where peatland is not reasonably capable of restoration) will be implemented in accordance with para. 14.27 which explains that land not reasonably capable of restoration is deemed to be no longer be active and will have little or no conservation / scientific interests. To place a cap on the quantum of peat which can be extracted each year based on the figures in the representation would not have any evidenced justification or any basis in regional policy.

ACTION: No Action Required.

- b) The wording of the policy regarding instances where it is demonstrated that peat extraction is linked to a management and restoration plan is too vague and should be removed as it is contrary to peatland conservation.

Relevant representations: MUDPS/59/51 and MUDPS/59/52.

Consideration: This policy test relates to the improvement of peatlands. Therefore, in order for this exception to the presumption against commercial extraction to apply, it will need to be demonstrated by the developer that the extraction proposal and restoration will result in a net gain in the quality of peatlands from those, which existed at the commencement of development.

ACTION: No Action Required.

- c) Council proposes through its approach to minerals development to destroy many important ecosystems such as peat bogs. Peat extraction results in the annual release of 400,000 tonnes of CO₂. MUDC needs to take climate change commitments seriously.

Relevant Representation: MUDPS/59/53, MUDPS/59/55, MUDPS/178/167 and MUDPS/191/167.

Consideration: MUDC takes its commitments to climate change seriously. The DPS operates a clear presumption against peat extraction and the relationship between this stance and climate change is expressed clearly in para. 14.25. In addition, one of the Plans principle objectives (para. 3.15) includes the commitment to “reduce contributions and vulnerability to climate change.”

ACTION: No Action Required.

- d) Para 14.28 should read, “for those sites currently being extracted, restoration plans should be in place for them.”

Relevant Representation: MUDPS/59/49

Consideration: It is not reasonable or indeed possible to introduce retrospective restoration plans for existing peat extraction sites.

ACTION: No Action Required.

- e) Ballynahone Bog and Curran Bog should be protected from peat extraction.

Relevant Representation: MUDPS/59/44

Consideration: The draft Strategy is strategic in nature and will not include site specific zonings of this nature. In any case, we do not consider that there is a need for areas to be designated in this manner as Policy MIN 4 will operate across the entire district and will protect these sites against peat extraction.

ACTION: No Action Required.

5.9 Policy MIN 5

- a) The benefits of a restoration scheme may be assessed via an application on a case-by-case basis.

Relevant Representation: MUDPS/64/6

Consideration: The SPPS requires all applications to include restoration proposals. There is no scope therefore for the appropriateness of a restoration scheme being assessed on a case-by-case basis.

ACTION: No Action Required.

- b) The policy is based on an unsound premise that minerals development can have a major negative impact on the visual amenity of the landscape.

Relevant Representation: MUDPS/83/18

Consideration: As above, the requirement to include satisfactory restoration proposals is in line with regional policy. The representation states that such a comment is made in para. 14.9 of the DPS but no such comment is made in this paragraph. It appears the representation is referring to the J&A of MIN 5 and to para. 14.30 in particular. The Council believe that this premise is totally sound and remain of the opinion that minerals development can clearly have major impacts upon landscapes.

ACTION: No Action Required.

- c) The policy wording is vague and open to interpretation, particularly the use of the words, “where appropriate.”

Relevant Representations: MUDPS/101/48, MUDPS/115/81, MUDPS/120/13, MUDPS/162/93, MUDPS/178/323 and MUDPS/191/323.

Consideration: The policy applies to all applications for mineral development as per the SPPS. The use of the phrase, “where appropriate” acknowledges that there may be cases where restoration is not relevant. In all cases where open cast mining or quarrying is proposed, a restoration scheme will be required.

ACTION: No Action Required.

- d) Restoration is woefully inadequate. Council must insist on public liability insurance with cover paid in advance of mining.

Relevant Representations: MUDPS/178/230-235 and MUDPS/191/230-235.

Consideration: No precedent for doing this. The restoration proposals included in the DPS are in line with the SPPS and even go further in so far as the proposals in the DPS require a programme of works to be included. The Council may secure the restoration and aftercare of a site through the imposition of planning conditions or by the use of a planning agreement, which may or may not involve financial payments being required.

ACTION: No Action Required.

- e) Preferred types of after use should not be restricted in policy.

Relevant Representations: MUDPS/114/7

Consideration: Policy MIN 5 does not restrict what the preferred types of after use should be. Para. 14.32 states that the preferred types of after use will depend on a range of factors.

ACTION: No Action Required.

5.10 Policy MIN 6

- a) Policy should include a statement saying that disused mines cannot be used to dispose of hazardous waste.

Relevant Representations: MUDPS/120/1, MUDPS/178/324 and MUDPS/191/324.

Consideration: The purpose of this policy is not to control the disposal of waste. Its purpose is to ensure safe development of surface lands, which may be affected by historic mineshafts. Applications relating to the management of waste will be assessed under waste management policy.

ACTION: No Action Required.

6.0 Counter Representations

6.1 During the period for counter representations to the draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, a number of representations were received which related to minerals development. These are listed below;

- DPSCR/157
- DPSCR/158
- DPSCR/159
- DPSCR/160
- DPSCR/161
- DPSCR/163
- DPSCR/167
- DPSCR/168-178
- DPSCR/179
- DPSCR/180
- DPSCR/186
- DPSCR/187
- DPSCR/188
- DPSCR/193
- DPSCR/194
- DPSCR/194-198
- DPSCR/208-211

6.2 It is the opinion of the Council that the representations submitted and summarised above do not constitute counter representations as defined by the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 insofar as they do not relate to site-specific policy representations. However, they have still been considered and a summary provided below.

6.3 The counter representations voice further objections to planning policies as well as to the extent of the ACMD. They also object to the proposed MRPA's insofar as they all relate to existing areas of extraction. There is one site-specific objection to a proposal put forward by RSPB as an area to be included in the ACMD but the rationale for the objection has not been explained. These objections to policies and designations simply repeat views expressed in earlier representations to the draft Strategy. Therefore, the response to such issues would be the same as the responses detailed in the relevant parts of this report.

6.4 There are also objections, which have been submitted to specific representations to the draft Strategy, which call for the prohibition of exploration and extraction of valuable minerals as well as the removal of exceptions to the presumption against development within an ACMD.

- 6.5 Friends of the Earth have submitted counter representations, which support the Councils approach to mineral development and the strategic designations of ACMD's. They object to the representations to the draft Strategy which state the rationale behind these designations is flawed as well as the claims that the proper value of the minerals industry has not been put forward. Whilst supporting the designation of ACMD's they would reiterate their view that the ACMD should be extended to cover the entirety of the AONB.

7.0 Recommendation

- 7.1 It is recommended that we progress the approach to Minerals in line with the actions contained within this paper.

APPENDIX 1

Sand and Gravel Supply and Demand

OPERATOR	YEARLY EXTRACTION RATE (TONNES)	DEMAND (TONNES) OVER PLAN PERIOD (2019-2030)	RESERVES (TONNES)
CORE AGGREGATES	300,000	3,600,000	4,600,000
MILBURN CONCRETE	1,500	350,000	75,000
WD IRWIN	100,000	700,000	200,000
FP MCCANN	40,000	480,000 (based on continuation of current ext. rate.)	506,000
TOBERMORE	259,000 (mean figure)	9,700,000	8,560,000
STANLEY BELL	90,000	1,800,000	1,080,000 (exact figure not given, simply stated "12 years")
ACHESON AND GLOVER	100,000	1,800,000	500,000
CREAGH	850,000	9,300,000	3,610,000
REID BROS	Not provided	Not provided	Not provided ("3 acres")
NORTHSTONE	110,000	2,000,000	3,200,000

LOUGHDOO AGGREGATES (LOUGHDOO)	150,000	1,650,000	400,000
LOUGHDOO AGGREGATES (KEENAN ROAD)	50,000	550,000	450,000
LOUGHDOO AGGREGATES (KNOCKALEERY ROAD)	50,000	550,000	300,000
TOTAL	2,100,500	32,480,000	23,481,000

- DEMAND = 32,480,000
- RESERVES = 23,481,000
- **72.3%** of anticipated demand can be addressed through existing reserves.
- Approximately 9-19 million tonnes of additional sand and gravel required to be facilitated throughout Plan Period.
- It should be noted that these figures do not include reserves in Lough Neagh, Creagh Concrete site @Murnells, Cookstown (PP Granted and potential for 850k tonnes) or Hollowpark Site near Iniscarn Rd, Draperstown, which it is hoped will provide 130,000 TPA and which is presently being prepared as a full application. Neither does it include approx. 2 million tonnes @Knockmany Rd, Clogher. This site is owned by Campbell Contracts but not operational.

Hard Rock Supply and Demand

OPERATOR	YEARLY EXTRACTION RATE (TONNES)	DEMAND (TONNES) OVER PLAN PERIOD (2019-2030)	RESERVES (TONNES)
F.P.MCCANN (DRUMARD ROAD)	300,000	3,300,000	3,100,000
F.P. MCCANN (FEGARRON ROAD)	60,000	6,600,000	750,000
J GOURLEY	10,000	130,000	100,000
STANLEY BELL	60,000	1,200,000	1,500,000 (Exact figure not given – this is based on rep “25

			years “ statement; 60k x 25 = 1.5million)
NORTHSTONE	200,000	2,200,000	200,000
PATRICK KEENAN (CORVANAGHAN)	100,000	1,500,000	600,000
PATRICK KEENAN (ROCKTOWN)	DORMANT	N/A	1,000,000
TOTALS	730,000	14,930,000	7,250,000

DEMAND = 9,710,000

RESERVES = 7,250,100

48.6.6% of anticipated demand can be addressed through existing reserves.

Approximately 7 million tonnes of additional hard rock reserves required throughout the Plan Period.

APPENDIX 2

IMPACT OF ACMD DESIGNATION ON SITES / OPERATORS WHO HAVE INSUFFICIENT RESERVES TO MEET ANTICIPATED DEMAND

 SAND AND GRAVEL  HARD ROCK

MILLBURN CONCRETE (ORRITOR QUARRY, BALLYBRIEST RD)

The site is not located within the proposed ACMD but the designation is located close proximity to both the east and the west.

W.D IRWIN – SCHOOL PIT, CAMLOUGH ROAD

Site will not be affected by the ACMD designations should it wish to expand.

TOBERMORE CONCRETE, LOUGH FEA PIT

The site is not located within the ACMD but the designation is in close proximity and may limit future expansion.

STANLEY BELL, BALLYNAGILLY ROAD

The site is not located within the ACMD but the designation is located immediately to the north and the west. A representation on behalf of the operator (MUDPS/104) has indicated that the preferred direction of any future expansion is “eastward.” The rep has included a map with a hatched area showing the potential area of expansion. While some of this area is within the ACMD (and also within other designations such as the ASAI, AONB and AOCWTHS), there is a large area to the east and south which is free from any constraints and where the principle of expansion of the quarry would be acceptable, subject to policy criteria and other general planning considerations being satisfied.

ACHESON AND GLOVER, 210 CAMLOUGH ROAD (POMEROY)

Site will not be affected by the ACMD designations should it wish to expand.

CREAGH CONCRETE, DISERT ROAD, DRAPERSTOWN

The site is located north of the ACMD. Large scale expansion to the south may be hindered by the ACMD designation but expansion in any other direction would be acceptable in principle, subject to policy criteria and other general planning considerations being satisfied.

CREAGH CONCRETE, MAGHERAGLASS ROAD

Site will not be affected by the ACMD designations should it wish to expand.

CREAGH, MURNELLS ROAD

Site will not be affected by the ACMD designations should it wish to expand

LOUGHDOO AGGREGATES, LOUGHDOO ROAD

Site will not be affected by the ACMD designations should it wish to expand.

LOUGHDOO AGGREGATES, KNOCKALEERY ROAD

Site will not be affected by the ACMD designations should it wish to expand.

FP MCCANN, DRUMARD

Site will not be affected by the ACMD designations should it wish to expand.

FP MCCANN, FEGARRON

Site will not be affected by the ACMD designations should it wish to expand.

J GOURLEY, TULNAGEE

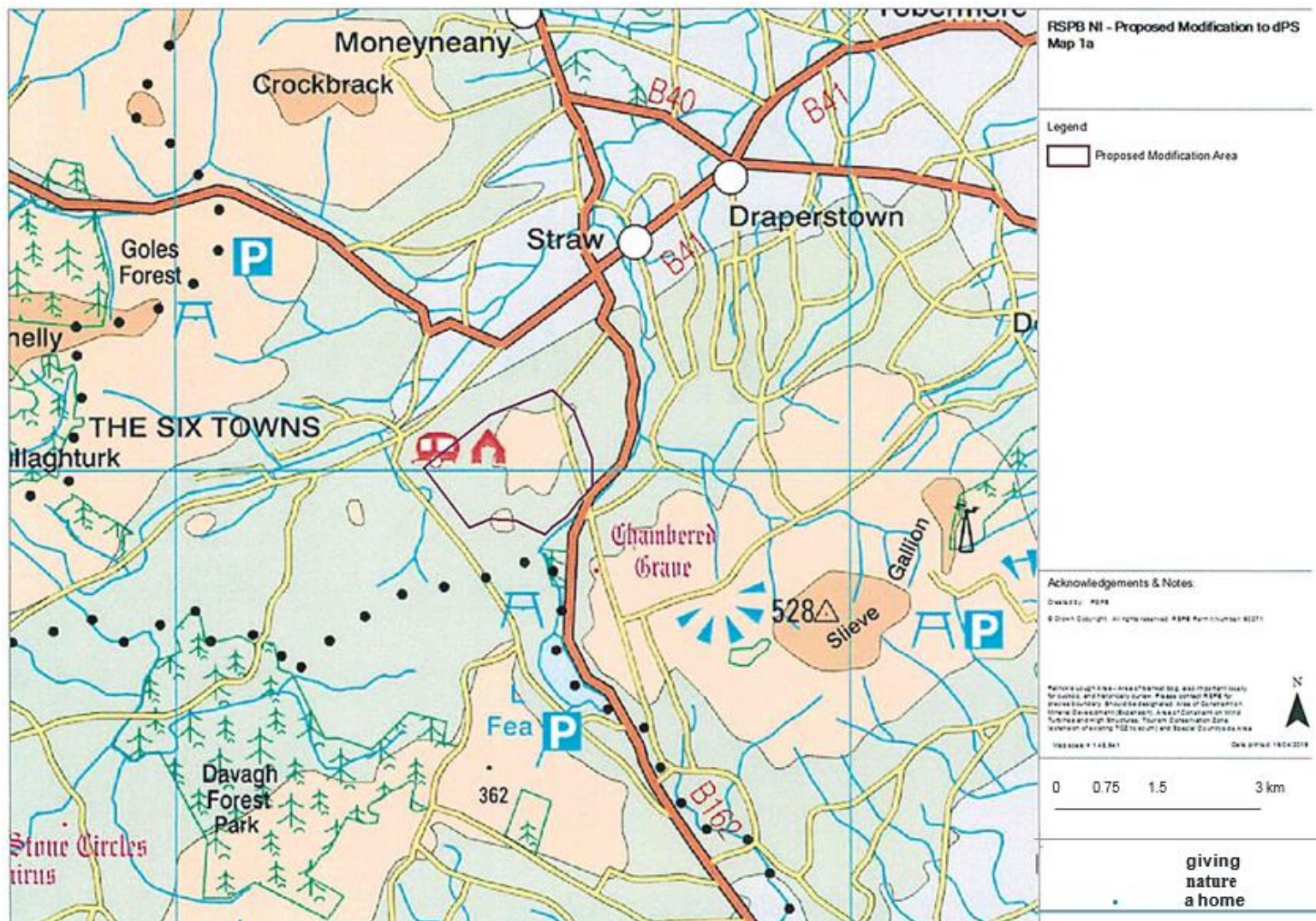
Site is located immediately adjacent to the ACMD. Only southward expansion would be unhindered by ACMD.

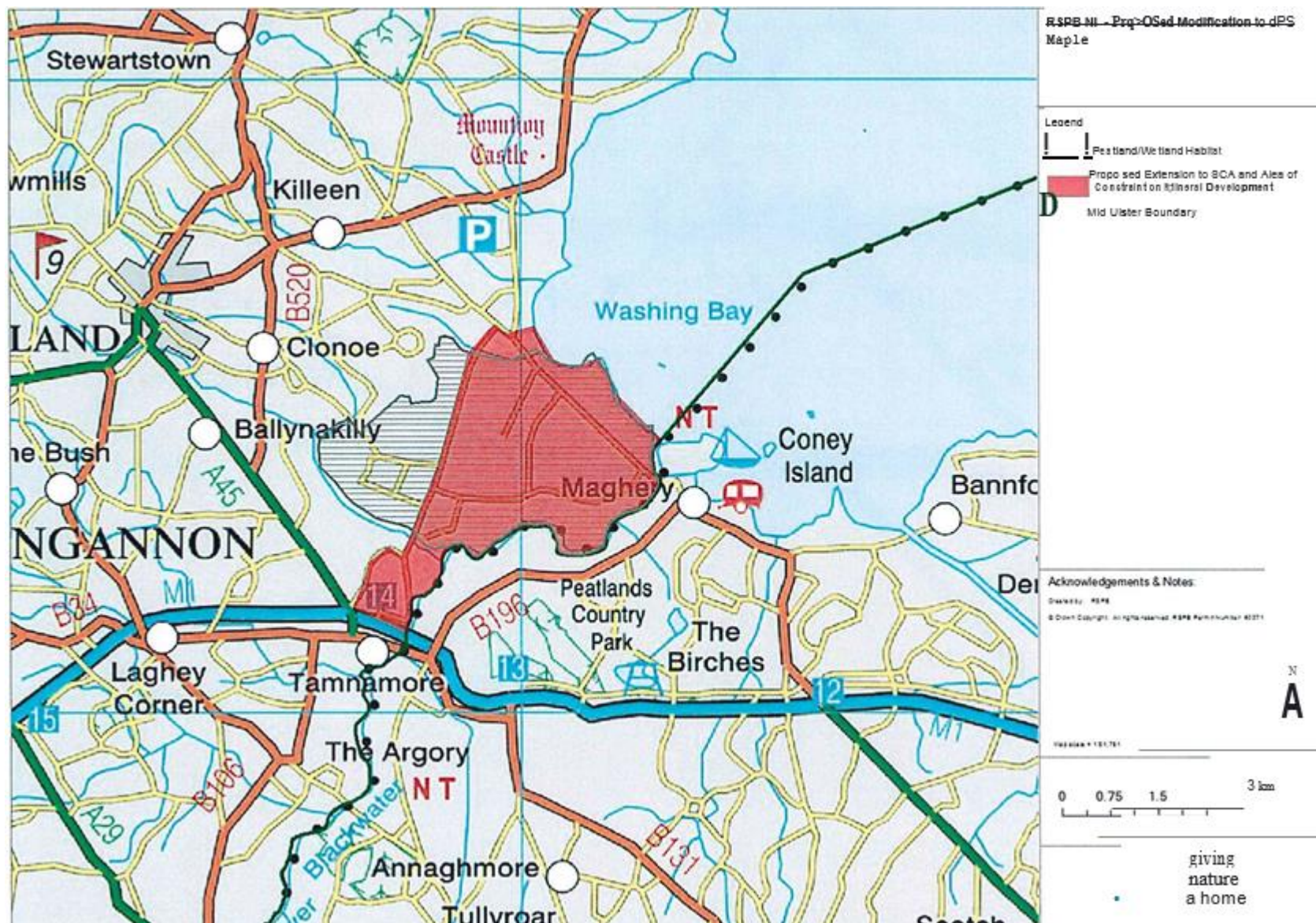
NORTHSTONE, CARMEAN

Site will not be affected by the ACMD designations should it wish to expand.

Appendix 3

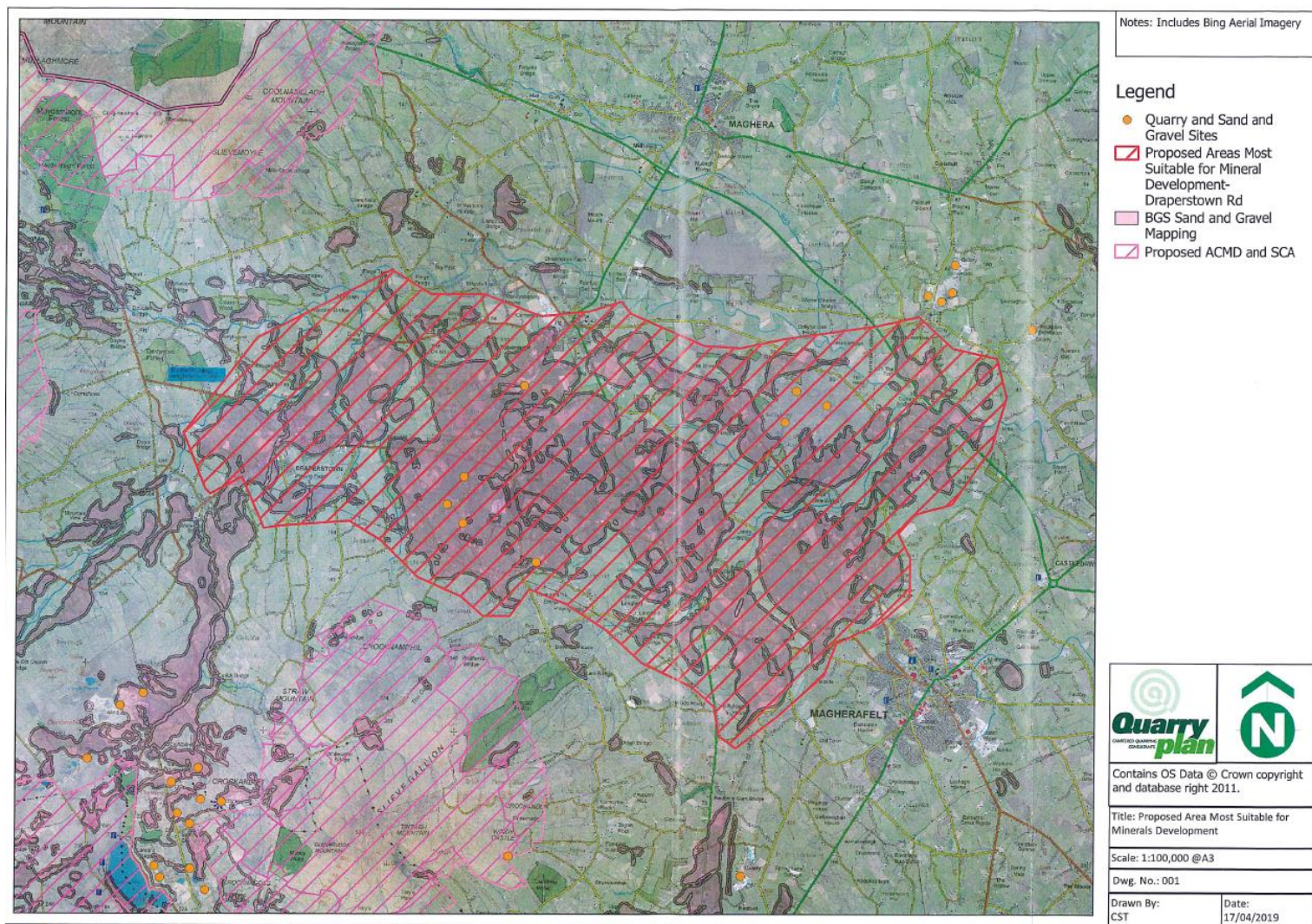
Areas suggested as extension of ACMD.

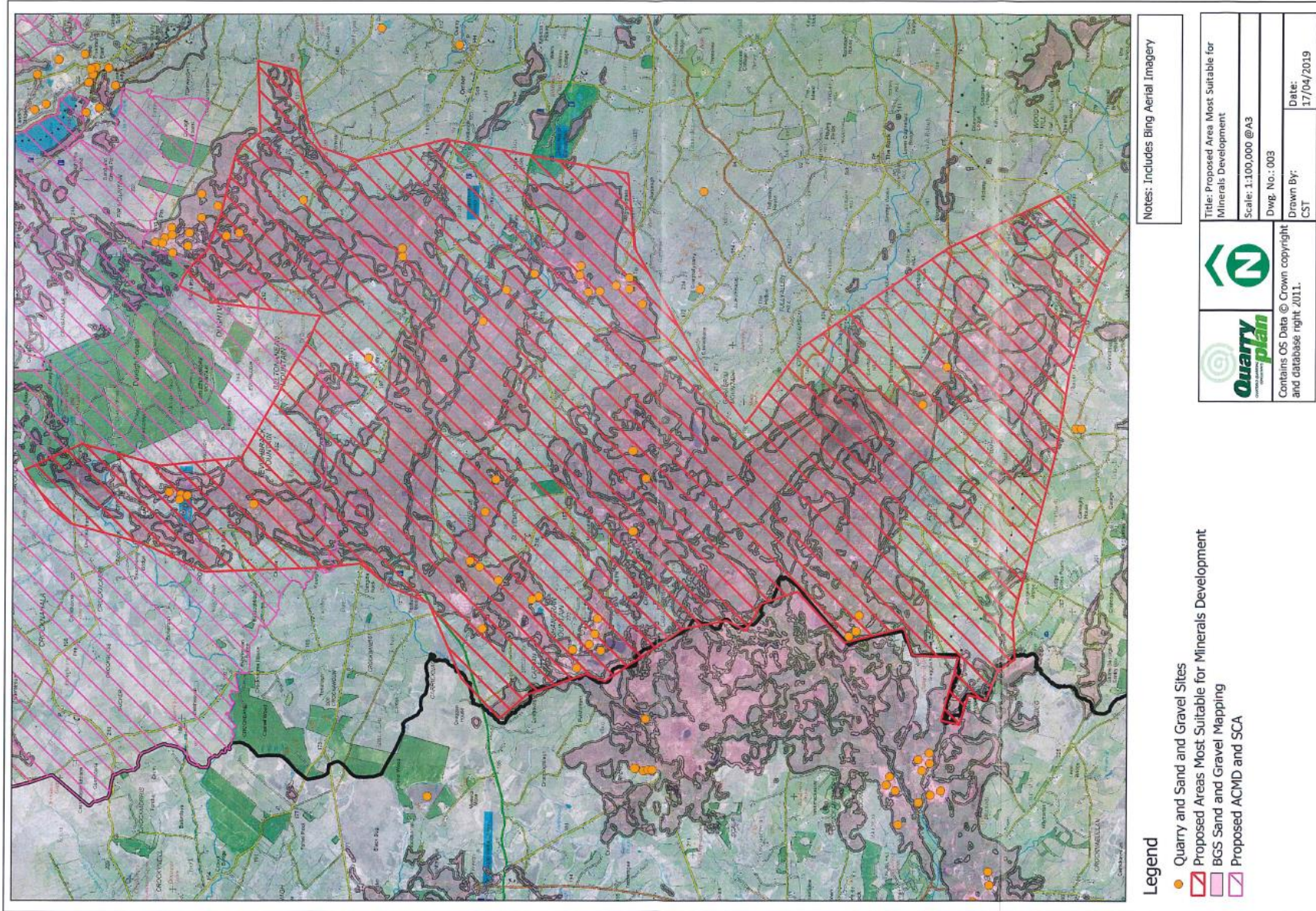




Appendix 4

Proposed Areas Suitable for Minerals Development





Appendix 5

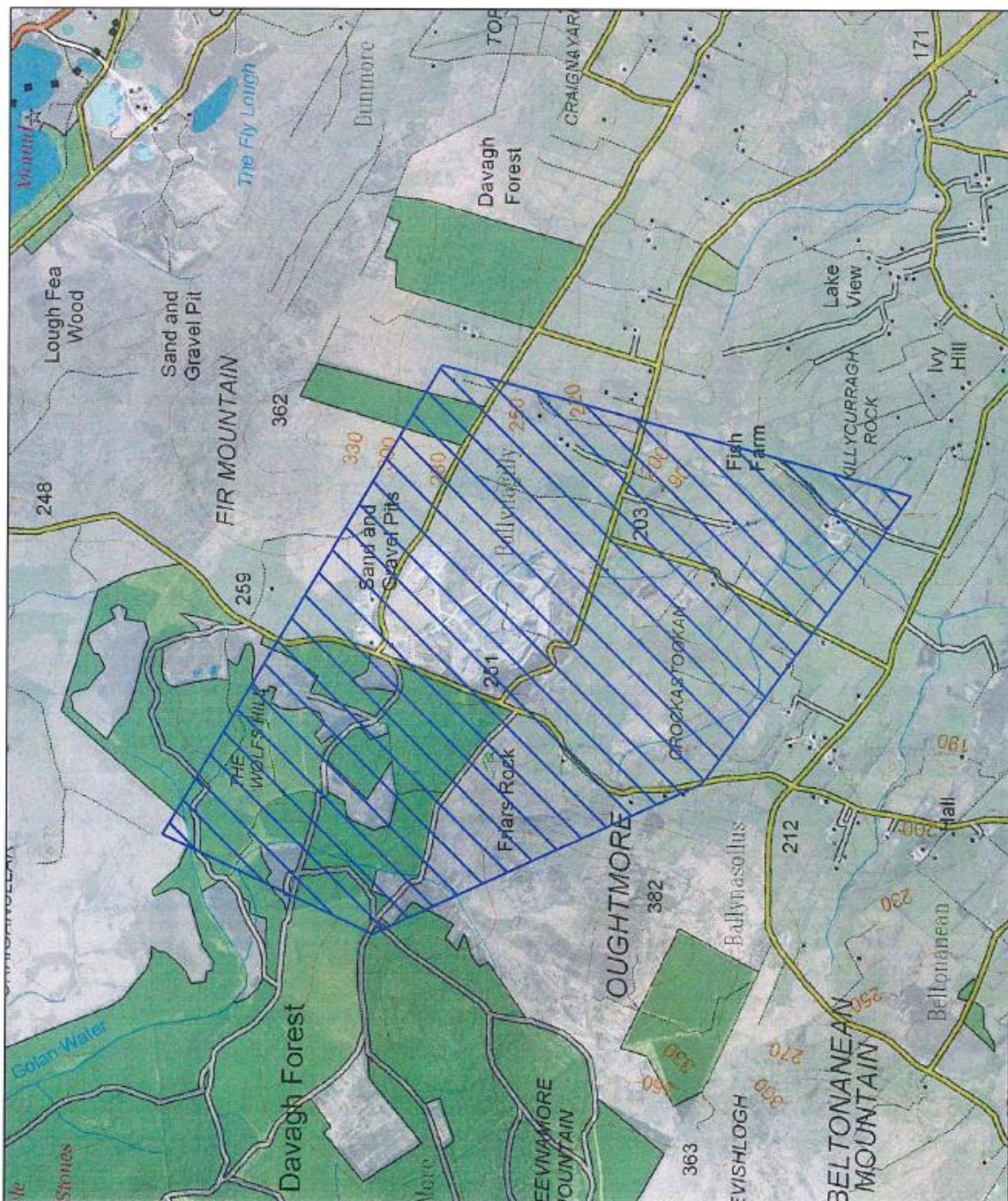
Proposed Areas of Mineral Safeguarding



Notes:

Legend



- ☐ Proposed Potential





Notes: Bing Aerial Imagery

Legend

-  Proposed Extension Lands/
Areas to be safeguarded
from surface development
-  Existing Extraction Sites



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Title: Tobermore Concrete Ltd

Scale: 1:2,500 @A3

Dwg. No: 001

Drawn By:
CST

Date:
16/04/2019

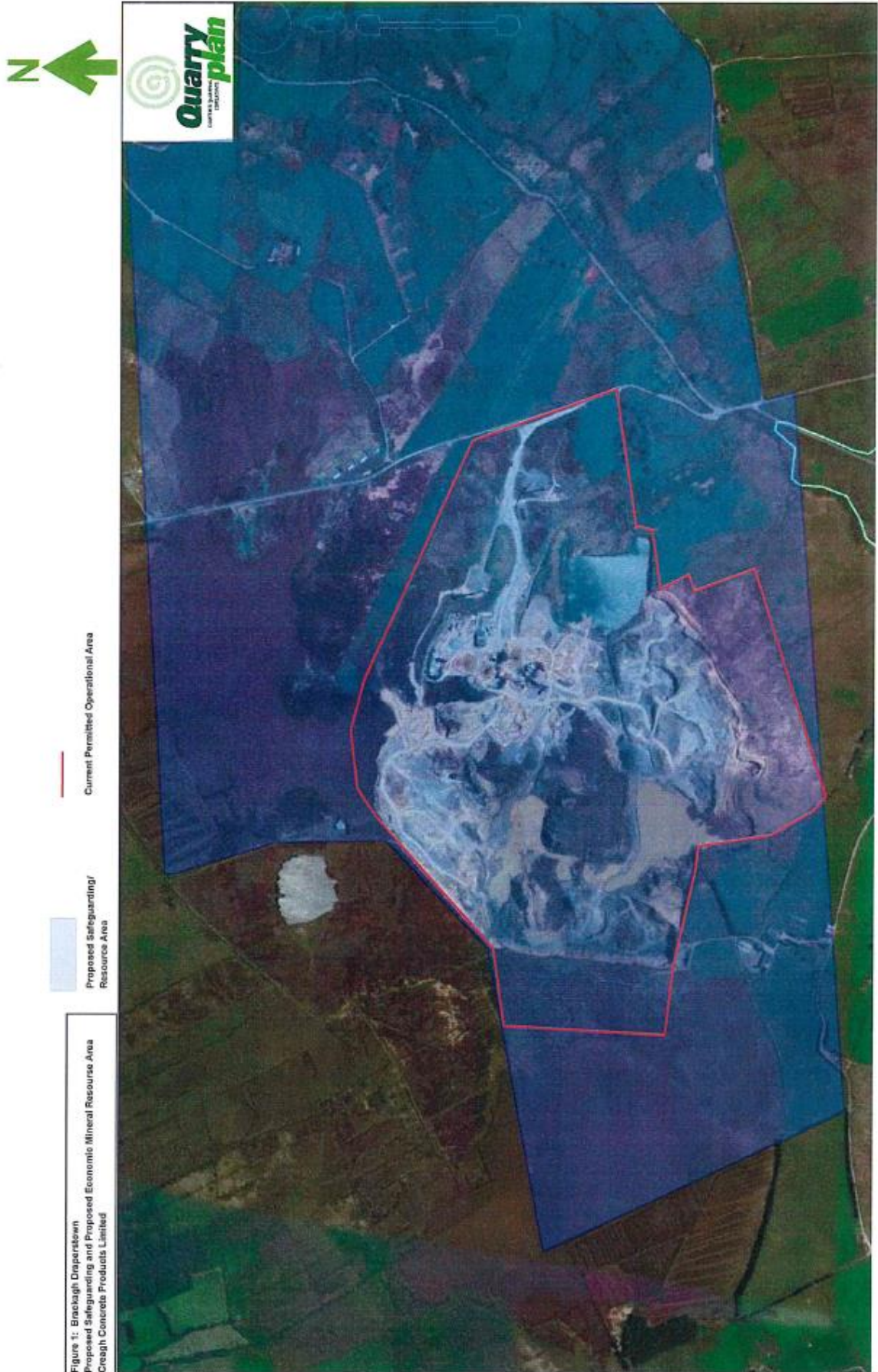






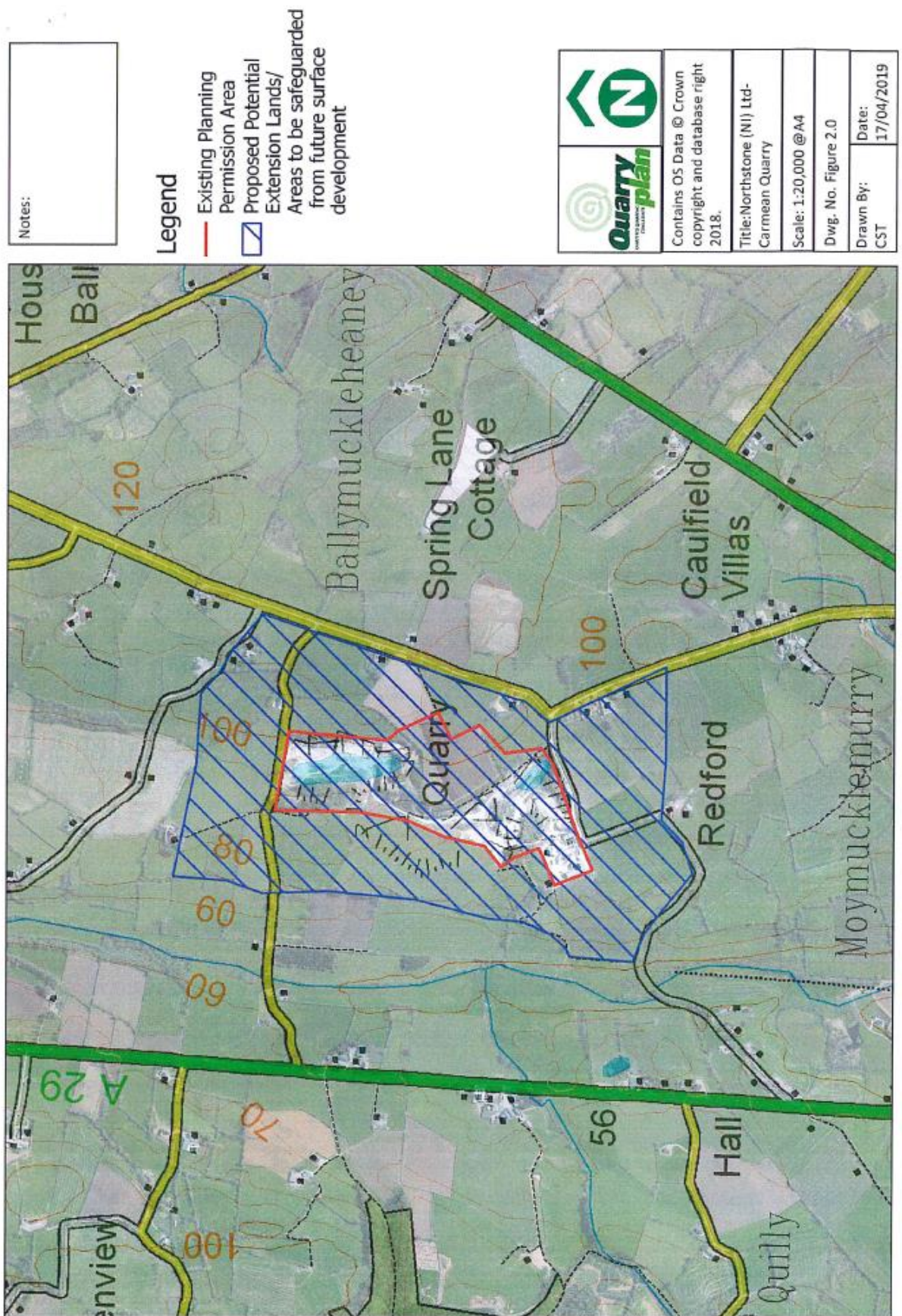
Figure 2: Murrells, Cockstown
Proposed Safeguarding and Proposed Economic Mineral Resource Area
Creagh Concrete Products Limited

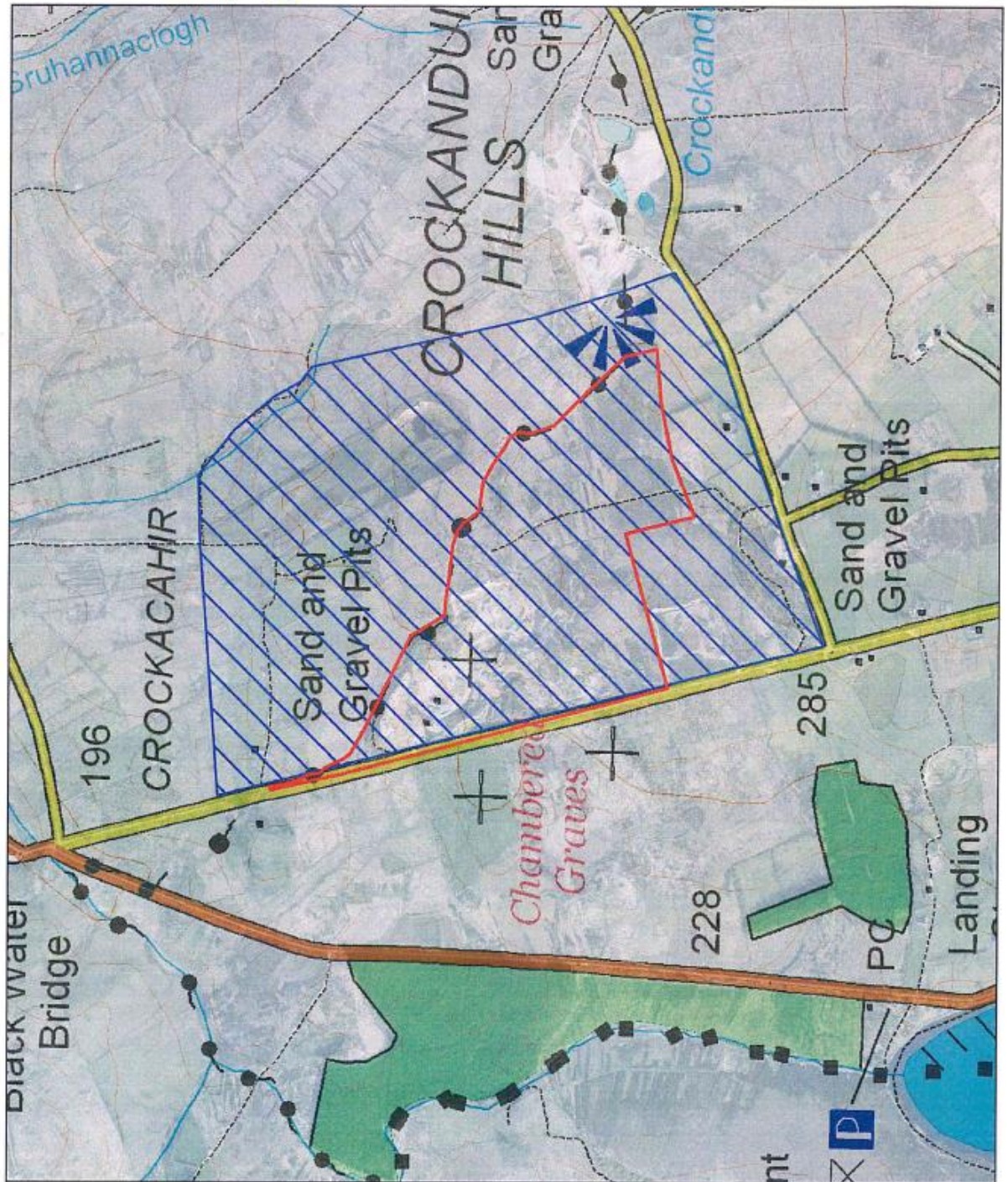
Proposed Safeguarding
Resource Area

Current Operations and Pending 20187 planning application LA092017/1801F



Source: Google Earth



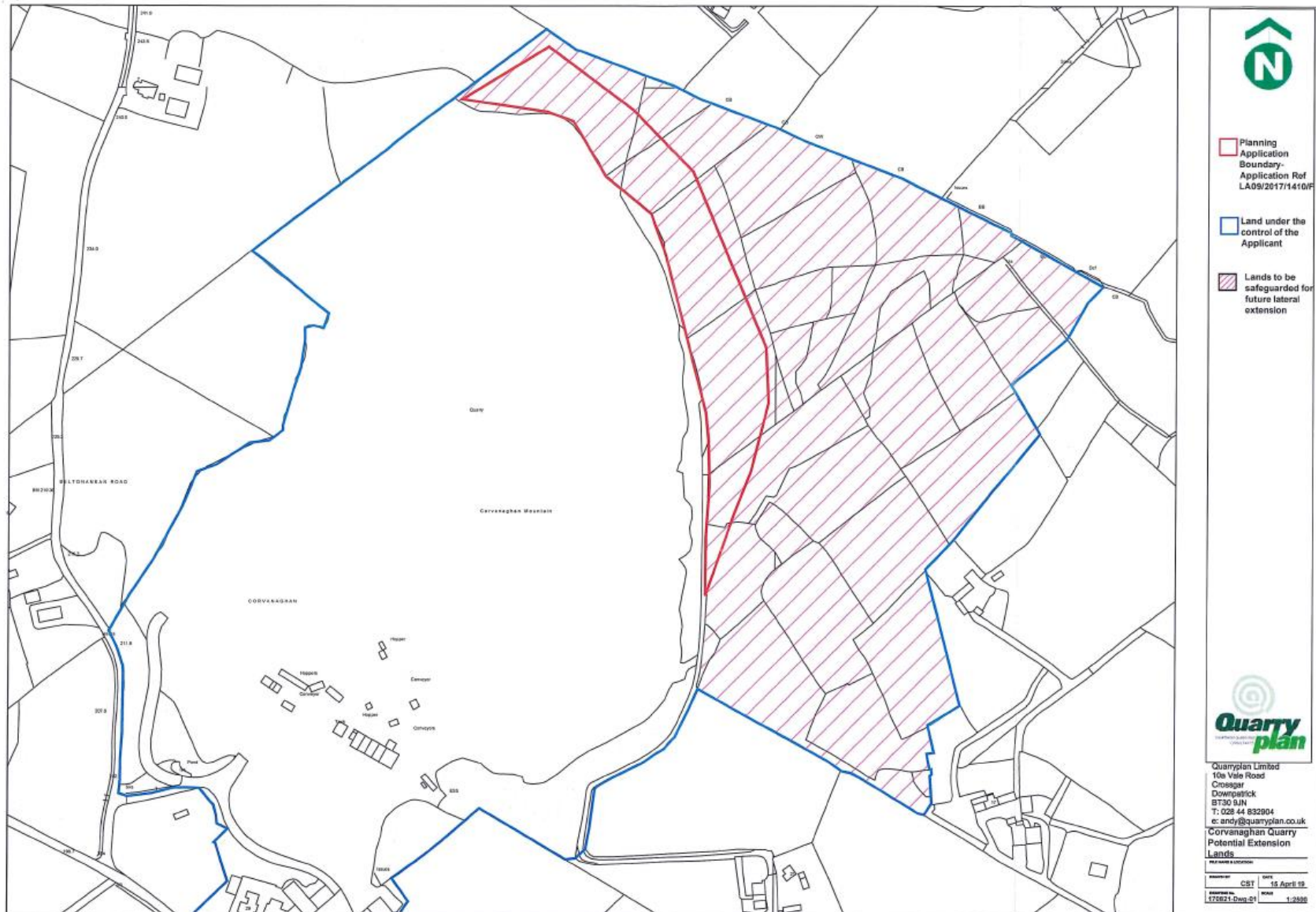


Notes:

Legend

- Existing Planning Permission Area
- ▨ Proposed Potential Extension Lands/ Areas to be safeguarded from future surface development

	
Contains OS Data © Crown copyright and database right 2018.	
Title: Northstone (NI) Ltd- Gregg's Pit	
Scale: 1:20,000 @A4	
Dwg. No. Figure 1.0	
Drawn By: CST	Date: 17/04/2019





Notes: Google Aerial
Imagery

Potential Extensions
Planning Permission
Boundary - 1/72/77



Title: Core Aggregates Existing
Consent and Extraction Area
and Potential Direction of
Extension within the Plan
Period

Scale: 1:12500 @ A3

Dwg. No.: Core 1

Drawn By: APS
Date: 15/04/2019

Figure 1: Crockmawrie Sand and Gravel Pit - Existing Operations
Proposed Safeguarding and Proposed Economic Mineral Resource Area
Loughdoe Aggregates

Prepared Safeguarding
Resource Area



Figure 2: Drum Road Sand and Gravel Alternative Site
Proposed Safeguarding and Proposed Economic Mineral Resource Area
Loughidee Aggregates

Proposed Safeguarding/
Resource Area



Source: Google Earth

Proposed Safeguarding/
Resource Area

Figure 3: Cavanonull Road, Alternative
Proposed Safeguarding and Proposed Economic Mineral Resource Area
Loughdoon Aggregates





Figure 5: Murphy's Pit - Existing Operations
Proposed Safeguarding and Proposed Economic Mineral Resource Area
Loughlin Aggregates

Proposed Safeguarding/
Resource Area

Consented Mineral Extraction
U20000170/F



Addendum to Minerals Topic Paper
PUBLIC RECONSULTATION DRAFT PLAN STRATEGY

1.0 Representations Received Re-consultation on DPS

1.1 The main issues arising following the re-consultation process are set out below:

MUDPS/214/28 The representation asks what expertise the Council have in relation to these matters and queries how we “engage” in relation them.

Council Response –

The Council have engaged extensively with the minerals industry both directly with individual operators and with representative organisations. Meaningful engagement with the industry has allowed us to gather an accurate picture of the reserves held by the industry in relation to projected demand and used to guide the strategic approach taken in the DPS as well as the approach taken within individual planning policies.

ACTION – No action taken policy considered sound.

2.0 Representations Received during Re-consultation

Respondent	Reference Number
Consultation Bodies	
	N/A
Public Representations	
UUP	MUDPS/214

3.0 Counter Representations Received during the Re-consultation

3.1 During the period for counter representations to the draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, a number of representations were received which related to minerals development. These are listed below:-

- DPSCR/215/1
- DPSCR/215/2
- DPSCR/215/3
- DPSCR/215/4
- DPSCR/215/5
- DPSCR/216/1
- DPSCR/216/2
- DPSCR/216/3
- DPSCR/216/4
- DPSCR/216/5
- DPSCR/219/1
- DPSCR/219/2
- DPSCR/219/3

- DPSCR/219/4
- DPSCR/219/5
- DPSCR/220/1
- DPSCR/220/2
- DPSCR/220/3
- DPSCR/220/4
- DPSCR/220/5
- DPSCR/221/1
- DPSCR/221/2
- DPSCR/221/3
- DPSCR/221/4
- DPSCR/221/5
- DPSCR/224/1
- DPSCR/224/2
- DPSCR/224/3
- DPSCR/224/4
- DPSCR/224/5

- a) **DPSCR/215** Derry City and Strabane District Council, support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy MIN2.
(MUDPS/29)

Council Response –

All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

ACTION - No Action taken Policy MIN2 considered sound.

- b) **DPSCR/216** Derry City and Strabane District Council, support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy MIN2.
(MUDPS/31)

Council Response –

All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

ACTION - No Action taken Policy MIN2 considered sound.

- c) **DPSCR/219** Derry City and Strabane District Council, support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy MIN2.
(MUDPS/64)

Council Response –

All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

ACTION - No Action taken Policy MIN2 considered sound.

- d) **DPSCR/220** Derry City and Strabane District Council, support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy MIN2.
(MUDPS/82)

Council Response –

All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

ACTION - No Action taken Policy MIN2 considered sound.

- e) **DPSCR/221** Derry City and Strabane District Council, support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy MIN2.
(MUDPS/83)

Council Response –

All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

ACTION - No Action taken Policy MIN2 considered sound.

- f) **DPSCR/224** Derry City and Strabane District Council, support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy MIN2.
(MUDPS/101)

Council Response –

All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

ACTION - No Action taken Policy MIN2 considered sound.

4.0 Counter-Representation

Respondent	Reference Number
Consultation Bodies	
Derry City and Strabane District Council	DPSCR/215
Derry City and Strabane District Council	DPSCR/216
Derry City and Strabane District Council	DPSCR/219
Derry City and Strabane District Council	DPSCR/220
Derry City and Strabane District Council	DPSCR/221

Derry City and Strabane District Council	DPSCR/224
Public Representations	
N/A	N/A

Tourism – Topic Paper

1.0 Issues Identified

1.1 Issues have been grouped for each of the separate Tourism Policies and are summarised below:

- **Tourism Strategy** – Impact on the environment, biodiversity and wildlife refugees; Appropriate types of development; Importance of Wetland; Pre-determined TOZ & TCZ designations; Failure to prioritise Sperrins AONB and protect from industrialisation; The role of culture in promoting tourism.
- **Policy TOU1** – Protection of tourism accommodation; Failure to take account of Regional Planning Policy; TCZ Exceptions; Policy wording should be strengthened; Policy requires greater flexibility; and Mineral Development in TCZ.
- **Policy TOU2** - Policy does not take account of existing policy or infrastructure; Policy should cross-reference with TOU1; and Policy should accord with SPPS.
- **Policy TOU3** - Impact of relaxation of policy not fully considered; Not in accordance with legislation or existing policy; Policy should cross reference with Natural Heritage.
- **Policy TOU4** - Impact on SCA and European designated sites; Impact to Biodiversity and Protected Species; Should replicate text from existing policy; Impact to landscape; Circumstances for development.
- **Tourism Opportunity Zones Map 1.16-1.19** - Impact on designated sites, Clarification on the future of Traad Point.
- **District Proposal Map 1a** – Consideration of an additional TCZ
- **District Proposal Map 1d** – Proposed modifications to provide nature tourism

2.0 Representations in Support

2.1 Representations supporting aspects of tourism policy or noting aspects of the tourism section have been grouped for each of the Tourism policies and are summarised below:

- **Tourism Strategy** –Tourism Strategy and associated policies noted. Representation believes strategy is in line with regional policy as it seeks to attain sustainable tourism development through meeting the needs of tourists balanced with the conserving tourist assets and the environment. (MUDPS/159/14, MUDPS/89/8)
- **Policy TOU3** – Representation states policy is based on a strong evidence base and has taken into consideration the localised context allowing additional accommodation whilst providing restriction to prevent a saturated market (MUDPS/74/1). The introduction of new Tourism Opportunity Zoning identified at Map 1.16 are welcomed along with Policy TOU3 (MUDPS/163/1-

2, MUDPS/81/1, MUDPS/88/1, MUDPS/123/1, MUDPS/121/1, MUDPS/122/1, MUDPS/123/1, MUDPS/73/1)

- **District Proposal Map 1a** – Representation welcomes the proposed designations including the Tourism Conservation Zonings (MUDPS/181/6, MUDPS/182/6, MUDPS/141/7)

3.0 Consultations

Representation received from consultation bodies are detailed in section 9 of this paper.

4.0 Regional Policy Context

4.1 Regional Development Strategy (RDS) recognises the importance of appropriate siting of new or extended tourism infrastructure having proper regard to tourism benefit and the safeguarding of the natural and built environment on which tourism depends (RG4 Paragraph 3.7). RDS recognises rural areas including towns and villages have a key role in supporting economic growth and tourism can contribute to the economy through the public, private and voluntary sectors working together. The expansion of rural tourism and development which is both sustainable and sensitive to the environment is encouraged (SFG13). The RDS identifies Magherafelt as a local hub and Cookstown and Dungannon as main hubs, with the potential of forming a cluster. The position of the hubs on two Key Transport Corridors in close proximity to both Lough Neagh and the Sperrins has potential opportunities for tourism investment. This Transport Network enhances accessibility to towns and can help to build an integrated regional economy by facilitating tourism travel.

4.2 Strategic Planning Policy Statement (SPPS) aims to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment. The SPPS sets out a general presumption in favour of tourism development within settlements, subject to meeting normal planning requirements. In the countryside, the guiding principle is to facilitate appropriate tourism development where this supports rural communities and promotes a healthy rural economy and tourism sector. A transitional period will operate until such times as a Council's Plan Strategy has been adopted during which time planning authorities will apply existing policy contained within the retained planning policy statements together with the SPPS.

4.3 The SPPS recognises the growth of sustainable tourism should be tailored to the needs and assets of their local area and informed by early engagement with relevant stakeholders. The LDP tourism strategy should include:

- how future tourism demand is best accommodated;
- safeguarding of key tourism assets;
- identification of potential tourism growth areas;
- environmental considerations; and
- contribution of tourism to economic development, conservation and urban regeneration.

4.4 Planning Policy Statement 16 (PPS16) provides planning policies for tourism development and safeguarding tourism assets within the overarching strategic framework provided by the RDS. It seeks to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment. The identification of areas of tourism growth and requirements for safeguarding tourism assets should be incorporated in a tourism strategy tailored to the needs of the particular district (Page 8).

5.0 Local Context

5.1 Tourism in Mid Ulster is largely unrecognized as an economic driver, dominated by day trips and those visiting friends and relatives. Research obtained from NISRA: Tourism Statistics 2014 identified Mid Ulster District has one of the lowest tourist visitor numbers, available beds and expenditure during overnight stays.

5.2 Our Community Plan 10 Year Plan for Mid Ulster seeks to maximise tourism investment and employment in Mid Ulster, via our tailored Tourism Strategy and action plan, with the core objective of getting more people to visit and stay overnight in the District. The Community Plan identifies a need to improve attractiveness as a tourism destination and capitalise on our existing tourist assets of activity, heritage and Seamus Heaney to support economic growth (Page 13). Delivery of this identified action through the LDP will assist in achieving three outcomes within the Economic Growth theme –

- We prosper in a stronger and more competitive economy;
- We have more people working in a diverse economy; and
- Our towns and villages are vibrant and competitive.

5.3 Mid Ulster District Council Corporate Plan 2015-2019 identifies the challenges of a largely rural area with a need to concentrate efforts on creating economic growth and opportunities for expansion within the tourism sector. Theme 3 Environment priorities sustainable tourism development through identification of opportunities and targeted resources to realise tourism potential.

5.4 Mid Ulster District Council Tourism Strategy Document 2021 identifies strategic themes and actions with a focus on developing the Seamus Heaney Homeland, the Archaeology, History and Heritage and the Outdoor Activities of the district which will in turn contribute to economic growth sustaining more jobs and businesses, especially as a year round sector.

5.5 Dungannon and South Tyrone Area Plan (DSTAP) 2010 identifies that tourism is based predominantly on the area's natural and built heritage, with Lough Neagh and the Clogher Valley providing the major focal points. The Plan recognises whilst there is considerable potential for tourism growth, this should not be at the expense of environmental assets and designates Tourism Opportunity Zones capable of best accommodating sympathetic and sustainable tourist schemes. Proposals for new tourism development are required to promote quality in design and meet policy requirements. The Plan sets out the following tourism policies –

- Plan Policy TM 1 - Tourism Opportunity Zones
- Plan Policy TM 2 Design of Tourism Development

5.6 Cookstown Area Plan (CAP) 2010 identifies that tourism is based predominantly on natural and built heritage, with Lough Neagh and the Sperrins providing the major focal points. The Plan designates Tourism Opportunity Zones within these natural assets where it considered sympathetic and sustainable tourist schemes could be accommodated and a Tourism Conservation Zone in the Sperrins where the quality and character of the landscape is considered so special that there will general presumption against new tourism development proposals. Proposals for new tourism development are required to promote quality in design and meet policy requirements. The Plan sets out the following tourism policies –

- Plan Policy TM 1 - Tourism Opportunity Zones
- Plan Policy TM 2 - Tourism Conservation Zone
- Plan Policy TM 3 - Design of Tourism Development

5.7 Magherafelt Area Plan 2015 recognises the historic Magherafelt town is located close to the Regional Strategic Transport Network and the Sperrin Area of Outstanding Natural Beauty which has the potential to develop further as a base for touring within the District. The Plan recognises potential to develop the range and quality of tourism facilities which requires investment in marketing, product development and tourism infrastructure. The plan offers no specific plan policies with regards to tourism development in the area but acknowledges the rich natural environment features and built heritage features of the District.

6.0 Response to the Specific Issues

6.1 Tourist Strategy

Issues Identified -

- a) Impact on the environment, biodiversity and wildlife refugees
- b) Appropriate types of development
- c) Importance of Wetland
- d) Pre-determined TOZ and TCZ designations
- e) Failure to prioritise Sperrin AONB and protect from industrialisation
- f) The role of culture in promoting tourism

a) Impact on the environment, biodiversity and wildlife refugees

Clarification requested on the impact on the natural environment, biodiversity and Lough Neagh from the proposed Tourism policies. There should be strong policy protection for Wildlife Refuges' zonings and areas of natural/semi natural habitat which lack formal designation.

MUDPS/56/46-47, MUDPS/56/29-30, MUDPS/153/59, MUDPS/59/59-60, MUDPS/59/63

Council are aware of the duty of every public body to further the conservation of biodiversity as legislated under the Wildlife and Natural Environment Act (NI) 2011. This is a consideration across all functions of the Council, however with specific regard to Planning in the context of the dPS all policies and proposals have been subject to a Sustainability Appraisal/Strategic Environmental Assessment. SA/SEA objectives for the Mid Ulster LDP address the full cross-section of sustainability issues including social, economic and environmental factors and include an objective to 'Conserve Biodiversity' which all the policies, approaches and designations are assessed against. Therefore, all policies included in the dPS have holistically been considered in this context. In order to protect and enhance natural heritage, the DPS identified sites of international, national and local importance accompanied by appropriate policies which apply a precautionary principle. In areas of formal designation, proposals will be required to comply with Natural Heritage policy requirements. Areas with no formal designation do not have the same level of policy or legislative protection, nevertheless the DPS ensures the safeguarding of biodiversity through the provisions within Policy GP1 – General Principles Planning Policy. Policy GP1 underpins all subject policy topics within the DPS and all planning applications will be subject to the detailed criteria which includes biodiversity, landscape character and infrastructure requirements. It is considered natural heritage in relation to biodiversity is adequately safeguarded from inappropriate development within the DPS and it is not necessary to specifically cross-reference Natural Heritage policy within the policy box. A draft HRA has been carried out to assess impacts of the dPS proposals on International sites that are within or in close proximity to the Council area, or are connected to it by ecological or infrastructural links. The draft HRA includes recommendations to address the impacts and potential effects to International sites, enhance the protection for International sites under the LDP and further reduce the risks of adverse effects on site integrity.

The dPS introduces Special Countryside Area (SCA) designations at Lough Neagh/Lough Beg, Slieve Beagh and in the High Sperrins with a presumption against new development. The SCA around the shores of Lough Neagh introduces a tight constraint on all development in recognition of its landscape qualities and the international importance of this wet land (Paragraph 14.17). Policy TOU1 also requires special care is given to ensure that proposals are sensitive to the character of the local landscape, wildlife and heritage interests. The published Environmental Report acknowledges any new development in the countryside has the potential to negatively impact wildlife, flora and fauna therefore some tourism policies scored minor negative effects on SA/SEA objectives. The preferred approach presented in the DPS provides greater flexibility which will require balanced judgement to ensure tourism development at sensitive locations, such as Lough Neagh, will not impact negatively on the environment. Wildlife Refuges are protected under the Wildlife Order. Wildlife Refuges are considered under the provisions of Policy NH4 Local Designations, development proposals which could have a significant adverse impact on a Wildlife Refuge shall only accord with the LDP where the benefits outweigh the value of the site with appropriate mitigation/compensatory measures.

Action – Council maintains that the Tourism Strategy is sound and no action is required.

b) Appropriate types of development

Unclear whether types of development other than tourism would be acceptable within tourism conservation or opportunity zones if general countryside policy is complied with. (MUDPS/56/31, MUDPS/56/32)

Tourist Opportunity Zones (TOZs) have been introduced to act as a counter balance to facilitate sustainable tourism development within our most sensitive landscapes where constraints on development exist, such as Special Countryside Areas (SCA) at Lough Neagh and the Sperrins AONB as stated at Paragraph 15.29 of the dPS. The proposed Tourism Opportunity Zones are identified areas suitable for sensitive and sustainable tourism development to redress the low tourist activity in Mid Ulster. The proposed tourism zonings are essentially rural by nature. In effect this means they do not promote development for other uses, similar to settlement limits. However the prevailing policies for development in the countryside would apply as these zonings do not safeguard land purely for tourism development. Tourism Conservation Zones have been identified to protect important features of the built and natural environment from excessive development. TCZs are within sensitive landscapes and may be subject to other designations, however other types of development may be acceptable subject to meeting the relevant policy provisions.

Important to define what would be acceptable in attracting nature tourism. Policy should include hill walking and nature observation throughout the Sperrins. Council needs to cross reference tourism with health and well-being and encourage tourism across all sectors, not just leisure. (MUDPS/59/64, MUDPS/162/27, MUDPS/162/103)

The Tourism Strategy aims to grow the economy and create jobs by allowing greater flexibility for tourism accommodation, facilities and attractions, while continuing to safeguard tourism assets and important tourist accommodation. Paragraph 15.3 provides examples of appropriate tourism within sensitive locations including hill walking and nature watching. However, the DPS requires all development to be sensitive to its setting and achieve a high degree of integration (Paragraph 15.35).

At present the Sperrins is under represented in relation to access to the countryside and visitor attractions and accommodation. MUDC's approach to developing the tourism offer is based on the principles of sustainable development and small is beautiful. The Council have invested in promoting the attributes in the area which not only includes the AONB, its archeological heritage and dark skies. The Council have invested in an observatory at Davagh Forest, mountain bike trails through the forest and establishing a walkway from the forest to Beaghmore Stone Circles. In order to assist land owners to provide tourism accommodation and additional facilities, TOZs have been identified in the areas surrounding Davagh Forest and along Sixtowns Road. The LDP facilitates development but is not a mechanism for promoting the tourism offer which is done through a variety of initiatives such as Taste of Ulster etc. and in working with other Councils through the Sperrins Future Search Initiative. In

addition to leisure and heritage tourism, the Council also aims to increase the availability of bed spaces in the main towns, particularly Dungannon. A hotel is a key component of the development brief of Ann Street, Dungannon which is geared at the business, as well as leisure market. In addition, policy facilities motels which would also help to accommodate the business market. The Council also seeks to protect the existing hotels, which cater for conferences and weddings, from competing uses. MUDC would welcome a resort destination based on Health and Wellbeing.

Sustainable nature tourism linked to well-designed sites within Seamus Heaney Home Ground will increase tourism. (MUDPS/59/61)

Our strategy works in the principle of identifying TOZs where tourism facilities and accommodation can be accommodated in specific areas along the Lough Shore and AONB where a presumption against tourism would otherwise exist. The area surrounding the Seamus Heaney Centre is within the open countryside where tourism will be considered in their merits subject to the provisions of TOU3 and TOU4. TOZs are defined based on their capacity to absorb tourism development subject to the considerations of the individual site.

Action – Council maintains that the Tourism Strategy is sound and no action is required.

c) Importance of Wetland

Lough Beg Swan Fields and Certain Wetland Birds 'Loughs Neagh and Beg Water Based Sites' and 'Land Based Sites' directly adjacent to TOZ's should be prioritised. In creating sustainable visitor access, for example at Traad Point, the opportunity to redevelop the wetland in the area should not be lost.

MUDPS/59/62, MUDPS/59/152

Within the Mid Ulster District, the majority of the shoreline of Lough Neagh has been designated Special Countryside Area. SCA designations at Lough Neagh/Lough Beg, directly adjacent to the TOZ's, introduces a presumption against all new development in order to protect the quality and unique amenity value of these landscapes. Lough Neagh will also continue to be afforded protection by other statutory bodies through environmental designations such as Special Protection Areas (SPAs) which protects sites of European importance, classified for their rare and vulnerable birds and for regularly occurring migratory species. Therefore, it is not considered necessary or appropriate to prioritise these areas further. TOZ designations provide an opportunity to provide sustainable tourism development at certain key locations, including at Traad Point. The proposed TOZ designation will not restrict the potential for redevelopment of the wetland. An objective of the DPS is to strengthen our role as custodians over our environment ensuring the wetlands of Lough Neagh and Lough Beg remain internationally recognised sites because of the importance of their habitats (Paragraph 3.8). Policy NH 5 – Other Habitats, Species or Features of Natural Importance provides protection to natural features including

wetlands, unless the benefits of the proposed development outweigh the value of the habitat, species or feature.

Action – Council maintains that the Tourism Strategy is sound and no action is required.

d) Pre-determined TOZ and TCZ designations

DPS has not allowed people the opportunity to choose what we do or do not want. TOZ and TCZ designations are pre-determined and should be removed as they limits options and provide means to industrialise the region.

MUDPS/178/6, MDPS/191/6

The DPS has been prepared taking account of the public representations and consultation body advice made in response to the Preferred Options Paper published in November 2016. The POP presented Tourism Opportunity Zones and Tourism Conservation Zones along with a Tourism map identifying the proposed location of the designations for public consultation. All consultation responses regarding TOZ and TCZ designations were considered and are summarised in the POP Public Consultation Report Update January 2019. TOZ and TCZ designations are included within the DPS to assist in achieving a balance between attaining sustainable tourism development and conserving tourist assets and the environment. TCZ designations restrict development therefore very difficult to see how this could be argued to industrialise the region. TOZ designations provide opportunity for tourism facilities and accommodation. However, the demand for such facilities/accommodation is limited and these designations on the whole existed in the previous plan. The Council do not agree with the notion that the designations are a means to industrialise the region. They are actually an opportunity for local people to invest and diversify their incomes through appropriate located tourism development.

Action – Council maintains that the Tourism Strategy is sound and no action is required.

e) Failure to prioritise Sperrin AONB and protect from industrialisation

Both the TOZ and TCZ are concentrated outside the Sperrin Mountains and must extend across the Sperrins AONB which should be prioritised to develop tourism. TCZs and TOZs should be removed and entire Sperrins area should seek national park status. The entire region is an unexploited hub set aside for precious metals and industrialisation.

MUDPS/162/103, MUDPS/178/36-56, MUDPS/191/36-56, MUDPS/204/1

The DPS tourism strategy aims to balance the needs of the tourism industry with the need to conserve tourism assets and the environment. In line with the RDS, the DPS Growth Strategy recognises Sperrins as an opportunity for tourism investment. The dPS is silent on the issue of National Parks as this is a matter for Central Government. However, the dPS introduces designations within the Sperrins which

are considered appropriate and adequate to promote the vulnerable landscape as an attractive place to visit while protecting the sensitive landscape from inappropriate development.

The DPS takes account of the SPPS and adopts a precautionary approach across the Sperrins AONB designating an Area of Constraint on Wind Turbines and High Structures, Area of Constraint of Mineral Development, Area of Significant Archaeological Interest, Tourism Conservation Zone and Special Countryside Area. Evidence and justification for the siting of the proposed TOZ and TCZ designations is provided in the published Tourism Opportunity Zones & Tourism Conservation Zones Background Evidence Paper. TOZ designations focus tourism development to areas where there will be minimum adverse environmental impacts and maximum economic gains. The designations and policy provision within the dPS will restrict and protect against exploitation and industrialisation of the Sperrins. Further consideration of the Minerals section of the dPS is included in the Minerals Topic Paper.

Action – Council maintains that the Tourism Strategy is sound and no action is required.

f) The role of culture in promoting tourism

Representation refers to the key role of culture, including language, in building a shared community which acts as a driver to promote tourism & economic regeneration.

MUDPS/134/11

The draft Plan Strategy aligns with the SPPS in recognising Tourism plays an important role in supporting culture and heritage, as well as sustaining rural communities and supporting the viability of services and settlements. Mid Ulster dPS strategy in relation to General Principles Planning Policy incorporates the regional strategic core planning principles which includes creating and enhancing shared space. The General Principles Planning Policy underpins the other subject policy topics within the rest of the Plan and all development proposals will be subject to Policy GP1, as well as all other relevant policy provisions. Tourism Position Evidence Paper identifies cultural tourism concerned with the specific culture of the District can contribute to the tourism industry. The Tourism Strategy recognises the opportunities of our historic landscapes and unique townscapes to engage with aspects of traditional culture for visitors, sightseers, and cultural seekers (Paragraph 15.17). The Historic Environment Strategy identifies the historic environment will be utilised for the benefit of the local community by encouraging participation, sharing knowledge and understanding of our distinctive sense of place, cultures and traditions through our shared heritage (Paragraph 17.7). It is therefore considered that the draft Plan Strategy recognises the role of culture in building a shared community which will assist in developing Tourism which in turn will contribute to economic regeneration.

Action - Council maintains that the Tourism Strategy is sound and no action is required.

6.2 Policy TOU1 – Protection of Tourism Assets and Tourist Accommodation

Issues Identified –

- a) Protection of tourism accommodation
- b) Failure to take account of Regional Planning Policy
- c) TCZ Exceptions
- d) Policy wording requires strengthening
- e) Policy wording requires greater flexibility
- f) Mineral Development in TCZ

a) Protection of tourism accommodation –

No robust evidence presented to justify the proposed restrictions on the identified tourism accommodation sites of Glenavon Hotel and Greenvale Hotel. The SPPS does not set out any emphasis on the protection of existing tourist accommodation from re-development.

MUDPS/55/1; MUDPS/61/1; MUDPS/79/1-3; MUDPS/80/1-3; MUDPS/90/1; MUDPS/115/83; MUDPS/161/1

There is no requirement for the DPS Tourism Policy to identically reflect policy within the SPPS, the approach of Policy TOU1 has been tailored to the specifics of the district and is considered to be appropriate. The published Tourism Position Paper identified the Glenavon Hotel and Greenvale Hotel as having the potential to continue to provide important bed spaces. Both of the identified hotels are located on large sites within the existing Cookstown settlement limit, therefore it was considered appropriate to safeguard these sites from redevelopment for housing for example to protect against pressure of a housing development boom (Tourism Position Paper 8, Paragraph 5.11). Therefore, the protection of tourism accommodation from re-development is a response to the background research which identified low number of hotel bed spaces in the district.

Action: Council consider Policy TOU1 to be sound. However if the Planning Appeals Commission is minded to remove the protection of tourism accommodation element from Policy TOU1, Council would not object.

b) Failure to take account of Regional Planning Policy –

Policy fails to take sufficient account of specific sections of the RDS and SPPS. Part b has the potential to detrimentally impact heritage assets and their settings.

MUDPS/77/270-277

The sections of the RDS referenced in the DfC Historic Environment Division representation relate to sustainable and sensitive rural tourism and identifies built heritage as a key tourism and recreational asset requiring sustainable management. Policy TOU1 recognises the District has tourism assets and sensitive landscapes with the potential to attract visitors however this must be protected from excessive development. The references to the SPPS include policy and guidance relating to tourism assets as well as built heritage designations. Policy TOU1 J&A (paragraph 15.19) refers to these built heritage designations which are also afforded policy protection in the Historic Environment section of the DPS.

This Representation fails to understand how to implement the Plan. Individual policies demonstrate how development should accord with the Plan, therefore the policies in relation to Historic Environment Assets apply anywhere where there is a historic asset. Section 5 Implementation of the Plan states a number of the subject policies apply as appropriate to all development, including Historic Environment Policy and Natural Heritage Policy, and it is expected that the development should conform with all relevant policies which apply. Therefore, it is clear that heritage assets and their settings are adequately protected through the policy provision in the relevant sections of the dPS.

Policy fails to identify how impact on a tourism asset will be assessed.

MUDPS/83/21-22

Policy TOU1 safeguards tourism assets from inappropriate or excessive development. The impact on a tourism asset will be assessed on the individual merits of the proposal and asset and against the proposed policy. Policy TOU1 safeguards tourism assets from significant adverse impacts with special care given to ensure development proposals are sensitive to the character of the local landscape, wildlife and heritage interests. In addition to the policy requirements within Policy TOU1, all planning applications in Mid Ulster are to be determined against Policy GP1 – General Principles Planning Policy which sets out detailed criteria not repeated in individual subject policies. The J&A states “a precautionary principle will apply in line with strategic planning policy which states that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest” (Paragraph 6.9).

Policy does not sufficiently protect Owenkillew SAC which is located within boundary of TOZ and overlies TCZ. TCZ overlies Owenkillew SAC, J&A should clarify heritage interests referred to in the policy box including designated European Sites given the potential to result in significant effects. Policy should refer to policies NH1 - NH5 for clarity.

MUDPS/167/9, MUDPS/168/3

Heritage interests incorporates designated European Sites, it is considered this is clear therefore it is unnecessary to be overly prescriptive and explicitly state this within policy. As well as satisfying the policy requirements of Policy TOU1 and Policy GP1, European sites such as Special Protection Areas (SPAs) and Special Areas of

Conservation (SACs) are protected under Policy NH1. Furthermore, European or Ramsar sites are afforded the highest form of statutory protection and are subject to habitat regulations and the Habitats Directive. Accordingly, any proposal within a designated TOZ which was likely to have an adverse impact would need to satisfy the relevant policy requirements within the Natural Heritage section. In addition to status as a SAC, Owenkillew River also has protection under Policy OS2. As previously mentioned Section 5 of the DPS relates to Implementation of the Plan and clarifies a number of policies may apply to a development proposal and in such cases it is expected that the development should conform with all of the relevant policies, listing Natural Heritage as a subject policy to be applied as appropriate to all development. It is considered that the terminology as included within Policy TOU1 is sufficient and appropriate and does not require further clarification or amendments as suggested.

Policy fails to take account of the SPPS exception of valuable mineral extraction within designated sites. Policy wording is more restrictive and should be revised to reflect the SPPS.

MUDPS/83/21-22

Policies on tourism do not relate to valuable minerals, development proposals relating to the extraction of valuable minerals is dealt with under Policy MIN 3 Valuable Minerals and Hydrocarbons.

The representation suggests an amendment of policy wording from 'have a significant adverse impact on a tourism asset' to 'have an adverse impact on a tourism asset, such as to significantly compromise its tourism value' to reflect Paragraph 6.262 of the SPPS. It is considered that appropriate account has been taken of the SPPS and the suggested amendment is unnecessary. The tourism policies provide greater flexibility for major tourism development, however safeguard natural and built heritage assets from inappropriate development. It is considered this allows Mid Ulster to expand in a sustainable manner and therefore aligns with the SPPS ethos of sustainable tourism development.

Action: Council consider Policy TOU1 is sound, however if the Planning Appeals Commission is minded to amend policy wording to reflect Paragraph 6.262 of the SPPS Council would have no objections.

c) TCZ Exceptions -

Separate policy should be provided for TCZ, clarification requested on how exception (b) fits in a TCZ.

MUDPS/174/31-33

Policy TOU1 retains the existing Sperrins TCZ policy provision as specified in the extant Cookstown Area Plan 2010 with a presumption against new development excluding the two specified exceptions. The exceptions included within Policy TOU1 are considered to be coherent. It is considered that the re-use of existing vernacular

buildings for tourism accommodation is an appropriate exception as it will assist in the promotion of tourism by helping to conserve its key environmental and historic assets. The re-use of existing vernacular buildings is in keeping with the spirit of regional policy to promote the re-use of previously used buildings in a rural context (Paragraph 6.69 of SPPS). The conversion of an old barn, school building or other such building to tourism, in our view, would be the sustainable approach and should not be discouraged. A development proposed to re-use an existing vernacular building will be required to comply with Policy TOU1 and GP1, as well as Policy HE13 'Non-listed Historic Vernacular Buildings'.

Impact of TCZ exceptions on the AONB has not been considered while DPS restricts other forms of development in the AONB.

MUDPS/83/23

Detailed consideration of the environmental, economic and social impacts of all tourism policies and designations, where appropriate, is included in the published SA/SEA Environmental Report. The SA/SEA Environmental Report assessed Policy TOU1 against the SA/SEA objectives and considers TCZ designations will safeguard the intrinsic character and quality of built and natural heritage assets including the Sperrins AONB. Given that the proposed TCZ designations currently exist within the extant development plan and no new development is permitted within a TCZ except minor improvements to infrastructure or re-use of existing building, the Environmental Report considered there will be enhanced protection for wildlife, biodiversity, historic assets and the landscape. Development proposals which meet the TCZ exceptions and are located within the AONB will also be required to satisfy the requirements of Policy NH6 and any other relevant Natural Heritage policy provision. The inclusion of TCZs exceptions are considered consistent with the policy requirements of Policy NH6 – Areas of Outstanding Natural Beauty to be sensitive to the distinctive special character and landscape quality of the Sperrins AONB. Furthermore, as with all development proposals, the proposal would also be required to ensure no demonstrable harm through meeting criteria within Policy GP1. It is considered this is adequate protection to safeguard landscape impacts to the AONB.

Information on tourism assets should be available. Policy should reflect the SPPS.

MUDPS/83/23

Paragraph 15.18 of the DPS provides a definition of a tourism asset reflects the definition included in the SPPS as any feature associated with the built or natural environment which is of intrinsic interest to tourists. Tourism assets may change or increase within the district over time therefore to provide an inclusive list or overly prescriptive detail may render the dPS outdated. However the published Tourism Evidence Paper provides examples of tourism assets and the Environmental Assets Evidence Paper identifies all relevant environmental assets, many of which are considered to be tourism assets.

SPPS requires LDPs to bring forward a tourism strategy and address the safeguarding of key tourism assets which the dPS has done. The Plan considers that the Sperrins is an area where there is established tourist initiatives, however we also

recognise as per the SPPS that tourism needs to be safeguarded. The Sperrins AONB is a tourist asset recognised in the dPS, those parts of the AONB particularly archaeology and landscape value need to be protected from adverse impacts of tourism development, accordingly TCZs have been introduced. In contrast where it is felt that tourism could be accommodated, TOZs have been identified in the AONB. It is our view the Plan accords fully with the SPPS.

Action – Council consider Policy TOU1 is sound and no action is required.

d) Policy wording requires strengthening

National trust would prefer policy strengthened to explicitly state that planning permission would not be granted rather than 'shall conflict with the plan' as this terminology weakens the policy.

MUDPS/174/34

The SPPS guides that proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise (Paragraph 3.8). Therefore, the terminology 'shall conflict with the plan' is considered appropriate under a plan-led planning system which gives primacy to the plan in the determination of planning application. Where a development does not conform with the Plan, Policy GP1 makes it clear an application may be refused.

Action – Council consider Policy TOU1 is sound and no action is required.

e) Policy wording requires greater flexibility

The proposed wording for TOU1 introduces a more restrictive policy approach than the SPPS and is unjustified. Policy does not provide flexibility to deal with changing circumstances and should be reworded to state "development shall 'normally' conflict with the plan" or provide exceptions.

MUDPS/125/2, MUDPS/83/20

As previously discussed, policy aligns with the SPPS. The DPS evidence base, including the published Public Consultation Report, Tourism Background Paper and Tourism Policy Review Paper, identified a need to promote tourism development in the district whilst protecting existing key tourism assets and accommodation. It is considered inappropriate to provide further exceptions or greater flexibility within the policy provision for protection of tourism assets as flexibility already exists within the under the provisions of the Planning (Northern Ireland) Act 2011 which states an applicant has the ability to put forward an argument, as a material consideration, for an exception to the requirements of policy. Planning applications will be treated on a case by case basis and determined in accordance with the Plan unless material considerations justify the requirements of the policy not being met. No evidence has been provided to justify taking a different approach or to support the assertion that the policy approach is more restrictive than the existing policy provision. Furthermore

the word 'normally' is now how strategic policy is framed. Therefore, it is not considered the policy wording requires amendment.

Action – Council consider Policy TOU1 is sound and no action is required.

f) Mineral Development in TCZ –

Representation queries Councils sustainable tourism approach to policy but embracing toxic mineral extraction in the AONB.

MUDPS/178/207, MUDPS/191/207

It is unclear whether this point relates to Policy TOU1 of our dPS as the representative as referenced FODC and sited 'Policy TOU01' which is the relevant policy in the Fermanagh and Omagh District Council draft Plan Strategy. It is considered that both the Tourism and Minerals policy provision is sufficient and appropriate to promote sustainable tourism and safeguard the Sperrins AONB from inappropriate development taking account of regional policy. The District Proposals Map 1a identifies an Areas of Constraint on Minerals Development, where there is a presumption against all minerals development, which comprises a vast area of the Sperrins AONB, as well as the designated Sperrins TCZs. Paragraph 4.2 of the Minerals topic paper provides greater detail and consideration with regard the dPS approach to mineral extraction.

Action – Council consider Policy TOU1 is sound and no action is required.

6.3 Policy TOU 2 – Resort Destination Development

Issues Identified –

- a) Policy does not take account of existing policy or infrastructure
- b) Policy should cross-reference with TOU1
- c) Policy should accord with SPPS

a) Policy does not take account of existing policy or infrastructure -

Department provided advice at POP that policies PPS3, DCAN15, PPS7 and PPS13 are brought forward in LDP. Policies for tourism need to take account of existing infrastructure, access to public roads, road safety and accessibility-walking, cycling, public transport, parking and traffic progression.

MUDPS/115/237-238

The DPS takes account of regional policy and guidance and identifies the Programme for Government outcomes from which the Plan Strategy will help to address including connecting people and opportunities through our infrastructure. The DPS is tailored to the specifics of the district, Mid Ulster is a predominantly rural population with a high reliance on the private car and limited access to public transport including a complete absence of railways. Therefore, the DPS presents

bespoke policy tailored to addressing the particular needs and issues within the District. In order to implement the DPS, subject policies have been formulated which apply as appropriate to all development and from which all proposals are expected to conform with. All development proposals are required to comply with Policy GP1 – General Principles Planning Policy which includes criteria for Access, Road Layout and Parking Provision, as well as infrastructure requirements. Policy GP1 ensures all development proposals to provide convenient access and safety for access, walking, cycling and public transport. Development proposals complying with Policy TOU2 for resort destination development will also be required to comply with the relevant policy provision under Transportation subject policy which takes account of both access and parking.

Action – Council consider Policy TOU2 is sound and no action is required.

b) Policy should cross-reference with TOU1 -

Policy should cross-reference with TOU1 in relation to safeguarding tourism assets from unnecessary, inappropriate or excessive development. J&A implies policy will be applied once however this is omitted from policy headnote which would give greater weight.

MUDPS/174/39

Policy TOU2 requires proposals to demonstrate development will be of exceptional benefit to the regional tourist industry and economy, as well as sustainable in relation to adverse impacts on the wider environmental environment. It is therefore not considered necessary to cross-reference Policy TOU1 – Protection of Tourism Assets and Tourism Accommodation given Policy TOU2 requires exceptional tourism benefit and safeguards TCZs and SCAs. Policy TOU2 provides flexibility to redress the low visitor numbers and the need to improve the attractiveness of Mid Ulster as a holiday/leisure destination. The J&A should be read alongside the policy therefore it is not considered necessary to state within the policy box that TOU2 applies to one resort destination only when this is explicitly stated in Paragraph 15.25. Policies to protect other environmental assets, such as built and natural heritage, are located in standalone policies within the dPS.

Action - Council consider Policy TOU2 is sound and no action is required.

c) Policy should accord with SPPS -

Policy should contain criterion on nature, scale, design and wider environmental impacts, as well as a site specific need test with a new major tourism development in the countryside being permitted in the countryside in exceptional circumstances as per the SPPS. J&A means policy is extremely limited amounting to a single-use policy.

MUDPS/56/33-34, MUDPS/174/35-38, MUDPS/115/84

In order to facilitate an increase in tourism development within the District, Policy TOU2 provides a bespoke policy for Resort Destination Development which requires an 'exceptional benefit' in terms of the economy and regional tourism industry as well as sustainable in relation to adverse impacts on the wider environment. The DPS approach is more flexible to facilitating a major tourism development project in the countryside given there is no existing 'resort' destination within the District and the existing low visitor numbers. It is considered that sufficient consideration was given to regional policy and guidance in accordance with the legislative requirements set out in the Planning Act (NI) 2011 Section 8 Part 5. It is also considered policy wording does not require amendments to include criteria in relation to the nature, scale, design and wider environmental impacts given that any proposal is principally subject to Policy GP1 which underpins all subject policy topics within the DPS and requires no demonstrable harm in relation to the aforementioned impacts. Furthermore, the requirement for all proposals to be accompanied by a Design Concept Statement will ensure development is appropriate in terms of nature, scale and design and any forthcoming approval would integrate into the location and surrounding context. The J&A should be read alongside the policy which provides an exceptional test by stipulating policy should be read to accommodate only one resort. The provision of a Tourist Resort Destination within Mid Ulster District would assist in redressing the low visitor numbers, however this must be balanced with the long term sustainability of such a development and continuing to safeguard and promote the existing natural and built tourism assets within the district. Therefore, the stipulation of only one resort of exceptional benefit to the regional tourism industry is considered appropriate.

Action - Council consider Policy TOU2 is sound. However if the Planning Appeals Commission is so minded to amend the wording of Policy to remove the stipulation of one resort destination only following DfI comments, Council would not object.

6.4 Policy TOU3 – Tourism Accommodation

Issues Identified –

- a) Impact of relaxation of policy not fully considered
- b) Not in accordance with legislation or existing policy
- c) Policy should cross reference with Natural Heritage

a) Impact of relaxation of policy not fully considered

The relaxation of policy requires assessment of impacts on the landscape and neighbouring councils. Clarification is requested on why Dispersed Rural Communities are afforded the same standing as settlements. Design Concept Statements should be a policy requirement not J&A. J&A should provide definitions of policy wording such as easy access.

MUDPS/56/35, MUDPS/83/24-25, MUDPS/115/85

The impacts of Policy TOU3 has been considered in the published background evidence papers and SA/SEA Environmental Report. Neighbouring councils have been consulted at each stage of the plan making process with draft Policy TOU3 included within the POP for comment. Furthermore, a Cross Border Forum was created with neighbouring councils to ensure a high level of co-operation and communication among neighbouring councils. Areas of common ground were identified which included the protection of landscapes with a general consensus to address this within individual Development Plans.

Development with DRCs adheres to the sustainability objective of the SPPS to manage growth to achieve appropriate and sustainable patterns of development which will support a vibrant community. However DRC's are rural designations and such need to be considered in this context. DRC's are not considered the same as settlements in relation to tourism. Policy TOU3 accommodates hotels in DRC's, however such proposals must comply with Policy GP1, paragraph 15.35 requires development to achieve a high degree of integration. If required, under recommendation from the Commission, further policy or guidance could be brought forward in the Local Policies Plan either as supplementary planning guidance, future policy guidance or local policies in order to specifically tailor development to particular DRC's.

The requirement for a Design Concept Statement is set out in paragraph 15.36 of Justification and Amplification to provide clarity for case officers, developers and the public as to the circumstances in which a Design Concept Statement is required and the detail this should provide. It is considered the inclusion of a requirement for Design Concept Statements within J&A is sufficiently clear and it is not necessary to amend the dPS to include this within policy. The term 'easy access' is used within the Transportation section of the SPPS, this terminology is considered clear and therefore it is not considered necessary to include a definition within the J&A.

Action - Council consider Policy TOU3 to be sound and no action is required. However if the Planning Appeals Commission were minded, Council would have no objections to the minor re-wording of Paragraph 8.12 to make it clear that Policy CT1 applies to DRCs as well as residential development. Equally, if the Commissioner recommended the inclusion of the Design Concept Statement requirement within the policy box or amendment the policy wording 'easy access' to state pedestrian or vehicular accessibility Council would not object.

b) Not in accordance with legislation or existing policy

Department POP response advised PPS3, DCAN15, PPS7 and PPS13 should be brought forward in LDP. Policies for tourism need to take account of existing infrastructure, accessibility, traffic progression, public transport, safety and walking/cycling. Policy should also include criteria on the nature, scale, design, environment and residential amenity.

MUDPS/115/239-240, MUDPS/174/40

Please see previous response, as per Section 5.3 (a) 'Policy does not take account of existing policy or infrastructure'.

Clarification required on the specific reference to internationally designated habitats only. J&A requirement with respect wildlife and heritage interests (para 15.35) does not go far enough to meet legislative requirements. Final paragraph weakens policy tests set out in SPPS (para 6.175-6.178) and PPS 2 Policy NH1. Policy should be revised in accordance with SPPS.

MUDPS/59/74-77

Development proposals which may impact international designated sites, will not only be required to meet the policy provisions of Policy TOU3 including J&A, with respect wildlife and heritage interests, but will also have to meet the policy provisions within Policy NH1 – International Designations. Therefore, the last paragraph of Policy TOU3 does not weaken policy as the stated policy requirements in the SPPS and Policy NH1 of PPS2 apply and are included within the policy provisions of Policy NH1 of the DPS. The last paragraph refers to development within a TOZ designations, TOZs are located in areas where constraints on development apply in terms of international designations which are afforded the highest form of statutory protection. Therefore, Policy TOU3 provides flexibility for tourism development while adhering to legislative requirements restricting development which will have significant adverse impacts to habitats. In order to protect the integrity of designated sites not awarded international protection, it may be a consideration to expand the criteria within TOU 3 to include national designations also.

Policy conflicts with protecting tourism assets. Clarification required on what constitutes a suitable building.

MUDPS/174/41

Development proposals may be subject to more than one policy, Section 5 of the dPS Implementation of the Plan Strategy states in many cases a number of policies may apply to a development and in such cases it is expected that the development should conform with all of the relevant policies (Paragraph 5.1). It is therefore considered clear that Policy TOU 3 should be read along with Policy TOU1. No evidence base has been presented to support the assertion that Policy TOU3 conflicts with tourism assets. The DPS designates Special Countryside Areas (SCA) and Tourism Conservation Zones (TCZ) in order to protect the districts more sensitive landscapes from inappropriate development. Policy TOU3 restricts development within SCA and TCZ designations which will protect tourism assets landscape, ecology and heritage, while promoting tourism accommodation in appropriate locations to assist in accommodating visitors to our tourism assets.

The reuse/conversion of a suitable building is a circumstance which will accord with the plan for tourism accommodation in the countryside retained from the existing policy provision within TSM 3 of PPS 16. The suitability of a building will be assessed on a case by case basis depending upon the scale, design and materials of the building and in line with policy which specifically requires buildings of a permanent construction and excludes 'steel frame' buildings.

Action – Council consider Policy TOU3 is sound and no action is required.

c) Policy should cross reference with Natural Heritage

Policy should reference Natural Heritage Policies. TOU3 should further biodiversity with no net loss consistent with NI&EU Biodiversity Strategy.

MUDPS/59/78

Please see previous response, as per Section 5.1 (a) 'Impact on the environment, biodiversity and wildlife refugees'.

6.5 Policy TOU4 – Other Tourism Facilities/Amenities and Attractions

Issues Identified –

- a) Policy should be strengthened
- b) Impact to Biodiversity and Protected Species
- c) Should replicate text from existing policy
- d) Impact to landscape
- e) Circumstances for development

a) Policy should be strengthened

Policy criteria should be strengthened akin to suggestions for Policy TOU1 and TOU2 and should include reference to regionally important proposals or extensions to existing development.

MUDPS/174/42-44

The SPPS states policies for tourism development such as tourism amenities will be contained in the LDP along with criteria for consideration of such proposals. Policy TOU4 requires all proposals to be of a scale, design and sited in order to have no significant detrimental effect on the amenity of the area or its landscape character. It is considered the criteria for Policy TOU4 is sufficient to balance social, economic, environmental and other matters that are in the long term public interest. Policy criteria is relevant to the associated policy, Policy TOU1 relates to the Protection of Tourism Assets and Accommodation and Policy TOU2 relates to Resort Destination Development. It is not considered appropriate to repeat this criteria particularly given all applications are already subject to the detailed criteria provisions of General Principles Planning Policy GP1 which are not repeated in individual subject policies in the Plan.

TOZ boundaries should not overlap SAC, SPA or European designations. HRA Report and Policy should specifically refer to impact on integrity of European sites. TOU4 promotes development within TOZ however within European Sites there should be no presumption for development.

MUDPS/168/4, MUDPS/167/6

Tourism within Mid Ulster is significantly underdeveloped, TOZ designations increase flexibility for tourism which in turn will contribute to the regeneration of the Lough Shore and Sperrins area. TOZ designations are introduced in areas with the potential to attract visitors however where constraints on development exists. The introduction of TOZ designations has been appraised with the anticipated effects outlined in the published Environmental Report. TOZ designations have been considered, balancing the negative scoring on the majority of environmental objectives with the positive scoring in terms of SA/SEA social and economic objectives. It is considered appropriate to promote development within the proposed TOZ designation as adequate policy protection is afforded under Policy NH1. Proposals for development located in a TOZ with the potential to significantly effect a European site will be subject to Policy NH 1 – International Designations, as well as the criteria of Policy TOU4. Furthermore Lough Neagh and the Sperrins are also afforded protection by other statutory bodies by virtue of the environmental SPA, SAC and ASSI designations. Given that European sites are already afforded protection under policy provisions within the DPS, it is not considered necessary to include this within Policy TOU4. Development proposals will be assessed on a case by case basis therefore it is not considered necessary to specifically reference regionally important or extensions to existing development.

Clarification required on outdoor tourism proposals within a SCA.

MUDPS/56/36

Outdoor tourism proposals within a designated SCA will be subject to Policy SCA 1 – Special Countryside Areas and Policy GP1 General Principles Planning Policy, as well as Policy TOU4. Policy SCA1 restricts all new development with an exception for ancillary open development relating to appropriate recreation/open space uses, such as pathways, walkways and picnic areas. Section 5 of the dPS ‘Implementation of the Plan Strategy’ states in many cases a number of policies may apply to a development and in such cases it is expected that the development should conform with all of the relevant policies (Paragraph 5.1). Therefore, it is considered unnecessary to amend the first paragraph of Policy TOU4 to state ‘outside of a Tourism Conservation Zone *and Special Countryside Area*’.

Action – Policy TOU4 is considered sound, however if the Planning Appeals Commission consider it necessary to amend the first paragraph of Policy TOU4 to state ‘*outside Special Countryside Area*’ Council would have no objections.

b) Impact to Biodiversity and Protected Species

LDP has critical role in safeguarding protected species and habitats from inappropriate development. The potential disturbance to key birds from recreational tourism should be considered, particularly wet grassland along Lough Neagh and Lough Beg. Policy should reference Natural Heritage Policies. TOU4 should further biodiversity with no net loss consistent with NI&EU Biodiversity Strategy.

MUDPS/59/65, MUDPS/59/68, MUDPS/59/81, MUDPS/174/43

Council are aware of the duty of every public body to further the conservation of biodiversity as legislated under the Wildlife and Natural Environment Act (NI) 2011. This is a consideration across all functions of the Council, however with specific regard to Planning in the context of the dPS all policies and proposals have been subject to a Sustainability Appraisal/Strategic Environmental Assessment. The published Environmental Assets Position Paper provides an overview of the built, natural and landscape heritage within the district. SA/SEA objectives for the Mid Ulster LDP address the full cross-section of sustainability issues including social, economic and environmental factors and include an objective to 'Conserve Biodiversity' which all the policies, approaches and designations are assessed against. This Position Paper identifies protected species and habitats including areas of wet grassland at Lough Neagh and Lough Beg which are designated as SPAs under the European Commission Directive on the Conservation of Wild Birds (The Birds Directive). Potential disturbance to key birds has been considered in the published Draft Habitats Regulations Assessment Report (HRA). The draft HRA Report assesses DPS proposals and potential impacts on international sites, including the grassland along Lough Neagh and Lough Beg. The DPS acknowledges the sensitivity of the shores of Lough Neagh and Lough Beg and introduces a further Special Countryside Area (SCA) designation which protects the sensitive landscape and biodiversity from inappropriate development. Development proposals relating to tourism facilities/amenities and attractions will be subject to Policy TOU4 as well as the criteria in Policy GP1, which includes criteria on biodiversity. The presence of protected species, including key birds, or designated areas is a material consideration with the potential for significant harm to species or habitats to be assessed through the provisions of Natural Heritage policy. It is considered protected species and habitats are therefore adequately safeguarded from inappropriate development within the DPS and it is not necessary to specifically cross-reference Natural Heritage policy within the policy box of TOU4. Furthermore, the granting of planning permission does not ensure legal compliance with other legislative requirements which also provides biodiversity protection.

Action – Council consider Policy TOU4 is sound and no action is required.

c) Should replicate text from existing policy

Department POP response advised PPS3, DCAN15, PPS7 and PPS13 should be brought forward in LDP. Policies needs to take account of existing infrastructure, accessibility, traffic progression, public transport, safety and walking/cycling.

MUDPS/115/241-242

Please see previous response, as per Section 5.3 (a) 'Policy does not take account of existing policy or infrastructure'.

Clarification required on reference to internationally designated habitats only.

MUDPS/59/79-80

A draft HRA has been carried out to assess impacts of the dPS proposals on International sites that are within or in close proximity to the Council area, or are connected to it by ecological or infrastructural links. The draft HRA includes recommendations to address the impacts and potential effects to International sites and enhance the protection for International sites under the LDP and further reduce the risks of adverse effects on site integrity, including from cumulative effects. The draft HRA recommendations stated an exception relating to recreation in any International site potential impacts must be assessed through HRA. The policy includes a statement that development within a TOZ will need to demonstrate that they will not have, or have mitigated against, significant adverse impacts on internationally recognised habitats following draft HRA recommendations.

The facilitation of proposals 'dependent on their impact on rural character, landscape, heritage & other amenity considerations' does not go far enough in meeting SPPS, PPS 2, NI & EU Biodiversity strategies & WANE Act (NI) 2011.

MUDPS/59/80, MUDPS/167/6

Council are aware of the duty of every public body to further the conservation of biodiversity as legislated under the Wildlife and Natural Environment Act (NI) 2011. This is a consideration across all functions of the Council, however with specific regard to Planning in the context of the dPS all policies and proposals have been subject to a Sustainability Appraisal/Strategic Environmental Assessment. SA/SEA objectives for the Mid Ulster LDP address the full cross-section of sustainability issues including social, economic and environmental factors and include objectives to Conserve and Enhance Biodiversity; Landscapes and the Historic Environment from which all the policies, approaches and designations are assessed against. The proposed TOZ designations are in areas where constraints on development apply in terms of international designations which include SPAs, proposed SPA's, SAC's, candidate SAC's, Sites of Community Importance, and listed or proposed Ramsar Sites, to provide flexibility for tourism development. It was considered necessary to safeguard these areas from inappropriate development given these are afforded the highest form of statutory protection. It may be a consideration to expand the criteria within TOU4 to also include significant adverse impacts to national designations.

Action – Council consider Policy TOU4 is sound and no action is required.

d) Impact to landscape

There is a limited amount of supporting evidence to support the policy proposal, particularly a comprehensive assessment of the landscape character and quality. Recommended further assessment carried out to understand the impact of tourism development in the countryside and on the landscape from the proposed relaxation policy.

MUDPS/78/21-22, MUDPS/83/26-27

In undertaking the Plan, account was taken of Northern Ireland Regional Landscape Character Assessment and Northern Ireland Landscape Character Assessment

2000 which informed the extent of the designations. Mid Ulster Landscape Character Assessment Review provides a comprehensive assessment of the landscape character and quality and expands on evidence collated in the published Environmental Assets and Development Pressure Evidence Paper to identify the built, natural and landscape heritage features within the District. The SA/SEA Environmental Report provides a comprehensive assessment of the landscape character and quality of Policy TOU4 against the SA/SEA objectives. The SA/SEA assessment acknowledges there may be negative environmental impacts on biodiversity, landscape, historic and cultural assets however it will depend on the site, scale and type of development. The Environmental Report provides Mitigation and Enhancement which refers to the General Planning Principles a development proposal will be assessed in accordance with and provides mitigation measures includes restrictions on open hours, types of activity etc. The published Tourism Policy Paper and Tourism Position Paper details the evidence base for Policy TOU4 which reconfigures and amalgamates existing policy as contained in policies TSM 1 and TSM 2 in PPS 16, Plan Policy TM 1 in Cookstown Area Plan 2010 and Plan Policy TM 1 Dungannon and South Tyrone Area Plan 2010 Policy TSM2 of PPS 16. Policy TOU4 takes account of the SPPS which states Development Plans should facilitates appropriate tourism development in the countryside which supports rural communities and promotes a healthy rural economy and tourism sector (Paragraph 6.260). Policy TOU4 is tailored to the specifics of the district providing additional opportunities for tourism development within settlements, Tourism Opportunity Zones and in the open countryside given the identified low tourism numbers, however requires development to have no significant detrimental effect on the amenity of the area or its landscape character. The published Environmental Report identified potential negative environmental effects on SA/SEA objective 12 'Landscape' from the introduction of Policy TOU4 given any development could impact negatively. However, landscape impacts would depend on the nature of the development as outdoor amenities range from mountain bike trails to picnic areas. It is considered that the evidence base to support Policy TOU4 is sufficiently robust, the impact on the countryside and landscape will be assessed adequately through the application process in accordance with general planning principles such as access arrangements, design, environmental and amenity impacts. We do not recognise that Policy TOU4 constitutes a relaxation of existing policy as the policy contains the same criteria contained within PPS 16.

Action – Council consider Policy TOU4 is sound and no action is required.

e) Circumstances for development

Policy appears to overlap into open space and recreation policy.

MUDPS/115/86

The dPS recognises that there is a degree of overlap between tourism facilities/amenities and attractions and indoor/outdoor space and recreation within the open space policy. The development of open space and recreation is intrinsically

linked to the promotion of tourism. Paragraph 15.16 of the dPS acknowledges that the Open Space and Recreation strategy complements the Tourism strategy.

Clarification required on the circumstances in which a new building would be justified.

MUDPS/115/86

Development proposals for a new building will be considered on a case by case basis in accordance with the General Principle's policy and Policy TOU4. Policy TOU4 outlines the circumstances in which indoor facilities in the countryside will be acceptable, this is then subject to further criteria in Paragraph 3 of the policy box which applies to all new buildings. Policy TOU4 reflects existing policy TSM 2 Tourist Amenities in the Countryside in PPS 16 which requires proposals to use existing buildings wherever possible, therefore the onus will be on the applicant to justify a new building.

Clarification required on what is considered a significant adverse impact as this is open to misinterpretation.

MUDPS/115/86

The policy includes a statement that development within a TOZ will need to demonstrate that they will not have, or have mitigated against, significant adverse impacts on internationally recognised habitats following HRA recommendations. Paragraph 3.9 of SPPS states where there are significant risks of damage to the environment, its protection will generally be paramount. The inclusion of the policy test requiring no significant adverse impacts on internationally recognised habitats or appropriate mitigation is considered appropriate and in accordance with the SPPS.

Policy should include reference to Clay Pigeon Shooting among the list of tourism attractions in the countryside.

MUDPS/176/1

The policy requires assessment on a case by case basis, it is considered the wording is sufficient and does not require further clarification. Policy TOU4 allows for flexibility, it considered overly prescriptive to explicitly refer to clay pigeon shooting as an appropriate tourism attraction in the countryside. All applications for tourism amenities/attractions will be assessed for appropriateness against the relevant policy provisions within General Principles Policy and Policy TOU4.

Action – Council consider Policy TOU4 is sound and no action is required.

6.6 TOZ designations - Map 1.16, 1.17, 1.18, 1.19

Issues identified –

- a) Impact on designated sites
- b) Clarification on the future of Traad Point

a) Impact on designated sites

New policies should be considered in a sensitive manner to avoid damage or promote extensive development in this area, however some development for education and recreation should be promoted. The efforts of TWCC should be taken into consideration when future development is proposed at the site. TOZ designations are within SPA and ASSI therefore development must take account of the international and national designations. Whilst there is an opportunity to create public access at Traad Point, the opportunity to redevelop the area as a wetland should not be lost. There is a good reed bed habitat just south of TOZ and it is a BTO Constant Effort Site.

MUDPS/59/148-151, MUDPS/146/1-4

The Plan has designated TOZ designations, however we will consider planning applications on a case by case basis. Traad Point represents a tourist opportunity given its former uses as a University of Ulster Site. This said, the level of development which can take place will have to be considered in light of biodiversity interests. This would be considered through the development management process and relevant information to assess the best approach to development of Traad Point would be required to accompany any application, Environmental Statement or HRA.

The efforts of TWCC in making environmental improvements to the area of Traad Point detailed in their representation is noted, it is considered the proposed policy provision will provide adequate environmental protection from inappropriate or excessive development. Lough Neagh, including Traad Point, will also continue to be afforded protection by other statutory bodies through the various environmental designations that have been placed on it by virtue of the RAMSAR, SPA and SAC and ASSI designations. The Tourism Opportunity Zones and Tourism Conservation Zones Addendum Paper takes account of the environmental designations and changes from the original priority wetland habitat to hardstanding at Traad Point and reviews the boundaries along the Lough Neagh shoreline to include the location of existing infrastructure and hardstanding and exclude possible features of the SPA and ASSI.

An objective of the DPS is to strengthen our role as custodians over our environment ensuring the wetlands of Lough Neagh and Lough Beg remain internationally recognised sites because of the importance of their habitats (Paragraph 3.8). The proposed TOZ designation will not restrict the potential redevelopment of the wetland. Policy NH 5 – Other Habitats, Species or Features of Natural Importance provides protection to natural features including wetlands, unless the benefits of the proposed development outweigh the value of the habitat, species or feature. The DPS designates the majority of the shoreline of Lough Neagh as a Special Countryside Area. SCA designations at Lough Neagh/Lough Beg, directly adjacent to the TOZ's, introduces a presumption against all new development in order to protect the quality and unique amenity value of these unique landscapes. Therefore, the presence of reed bed habitat and BTO scheme is acknowledged however it is considered these areas are adequately protected.

Action – Council consider Tourism approach is sound and no action is required.

b) Clarification on the future of Traad Point

Requests clarification on the contradictory approach of designating Traad Point as a TOZ and the inclusion by MUDC of Traad Point as part of a scoping study for a travellers' halting site.

MUDPS/73/1, MUDPS/81/3, MUDPS/88/3, MUDPS/121/7, MUDPS/122/7

The published TOZ and TCZ designation Evidence Paper and Addendum to Evidence Paper provides supporting evidence for TOZ designations. The Evidence Paper identifies Traad Point as an area of potential local tourism facilities and amenities within an otherwise restricted SCA designation which is located adjacent to priority wetland with existing hardstanding and links to infrastructure. Traad Point has been ruled out as a potential travellers' halting site.

Action – Council consider Tourism approach is sound and no action is required.

6.7 District Proposals Map 1a

Issues identified:

a) Consideration of an additional TCZ

Requests consideration should be given to designating an additional proposed Tourism Conservation Zone around Patrick's Lough (Appendix A) - an area of Blanket bog and also an important area locally for cuckoo and historically curlew.

MUDPS/59/73, MUDPS/59/153

The Councils published TOZ and TCZ background evidence paper states TCZ's recognise areas of the District where conservation interests are paramount and restricts tourism development within them. Having carried out an initial desk-based search, it is noted Patrick's Lough is a Local Wildlife Site with presence of Peatland and Breeding Waders. A Penitential Station at Lough Patrick was included in the NIEA NI Sites and Monuments Record (LDY 040:025) in May 2010 following the submission of historic information in objection to a wind turbine planning application (H/2007/0954/F) adjacent to Lough Patrick which was subsequently approved. The purpose of a Tourism Conservation Zone (TCZ) is to protect the sensitive historic landscape and natural and built heritage assets, including archaeological sites, from inappropriate tourism proposals that may cause detrimental harm to the designated or identified asset, either directly or cumulatively. Patrick's Lough is not considered a strategic tourism asset where conservation interests are paramount requiring designation. It is considered that Policy NH5 – Other Habitats, Species or Features of Natural Importance and Policy HE5 –Archaeological Remains of Local Importance and their Settings provide adequate protection to Patrick's Lough and immediate

environment from inappropriate development. Patrick's Lough is not considered to be a strategic site requiring designation of a TCZ, however the merits of such designation on this site could be considered further at Independent Examination.

Action - Council consider the Tourism approach is sound and no action is required. However, if the Planning Appeals Commission is minded to designate this site as a Tourism Conservation Zone Council would not object.

6.8 District Proposals Map 1d

Issues identified:

a) Proposed modifications to provide nature tourism

Requests modifications to map 1d (Appendix B) to include an SCA extension to Curran Bog and Ballynahone Bog, as well as north of the proposed A6 road and an AOCWTHS designation where whooper swans have been identified. Representation states proposed modifications seek to provide a strategic vision for tourism at a landscape scale e.g. Bann Valley vision area or SW Lough Neagh which could be managed sustainably for nature tourism.

MUDPS/59/72

It is assumed that the justification for RSPB's representation proposing an extension of the dPS SCA and AOCWTHS boundary at Ballynahone Bog, Curran Bog and Lower Bann relates to habitat and species importance given the representation refers to "ornithological knowledge and data" (Page 61). Consideration of the proposed inclusion of each of these areas within the SCA and AOCWTHS designations are discussed in detail in the corresponding Natural Heritage and Telecommunications Topic Papers. The locations put forward in the RSPB's representation benefit from International, European and National designations, and encompass areas of priority habitat and priority species therefore protection from inappropriate development exists under the relevant Natural Heritage policies within the draft Plan Strategy. It is considered the Tourism Strategy adequately provides a strategic vision to promote tourism across the District, whilst ensuring development will not negatively impact on the landscape, environment or natural / built heritage of sensitive locations. The dPS specifically identifies the River Bann and associated wetland as an area for recreation and tourism, as well as referring to key locations at Lough Neagh where opportunities exist for sustainable tourism development within designated TOZs (Paragraph 15.30 and 15.31). The proposed modifications are not considered necessary to promote tourism at a landscape scale, the strategic designations included within the dPS adequately promote nature tourism while safeguarding sensitive landscapes.

Action - Council consider Tourism approach is sound and no action is required.

7.0 Counter Representations

7.1 In accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, an 8-week counter representation public consultation period ran for any person wishing to make site specific policy representations. Counter-representations relating to the Tourism section are detailed below.

Counter-Representation Respondent	Counter-Representation Reference Number	Reference number Counter-Representation relates to
Turley on behalf of SSE Renewables	DPSCR/83	MUDPS/73
Turley on behalf of SSE Renewables	DPSCR/92	MUDPS/123
Turley on behalf of ABO Wind	DPSCR/123	MUDPS/73
Turley on behalf of ABO Wind	DPSCR/132	MUDPS/123
Turley on behalf of Dalradian Gold	DPSCR/160	MUDPS/56
Turley on behalf of Dalradian Gold	DPSCR/167	MUDPS/89
Turley on behalf of Dalradian Gold	DPSCR/179	MUDPS/115

7.2 The above Counter-Representations relate to representations to the dPS which note or support the Tourism Strategy or Tourism Policies. None of the above counter-representations have site-specific objections rather simply repeat objections to Policy TOU1, TOU3 and TOU 4, Policy SCA1 and Policy TOHS1 expressed in their previous representations at the draft Plan Strategy public consultation. Therefore, the response to these objections would be the same as the responses detailed in the relevant parts of this report.

7.3 It is the opinion of the Council that the above Counter-Representations submitted do not constitute counter-representations as defined by the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 insofar as they do not relate to site-specific policy representations.

8.0 Recommendation

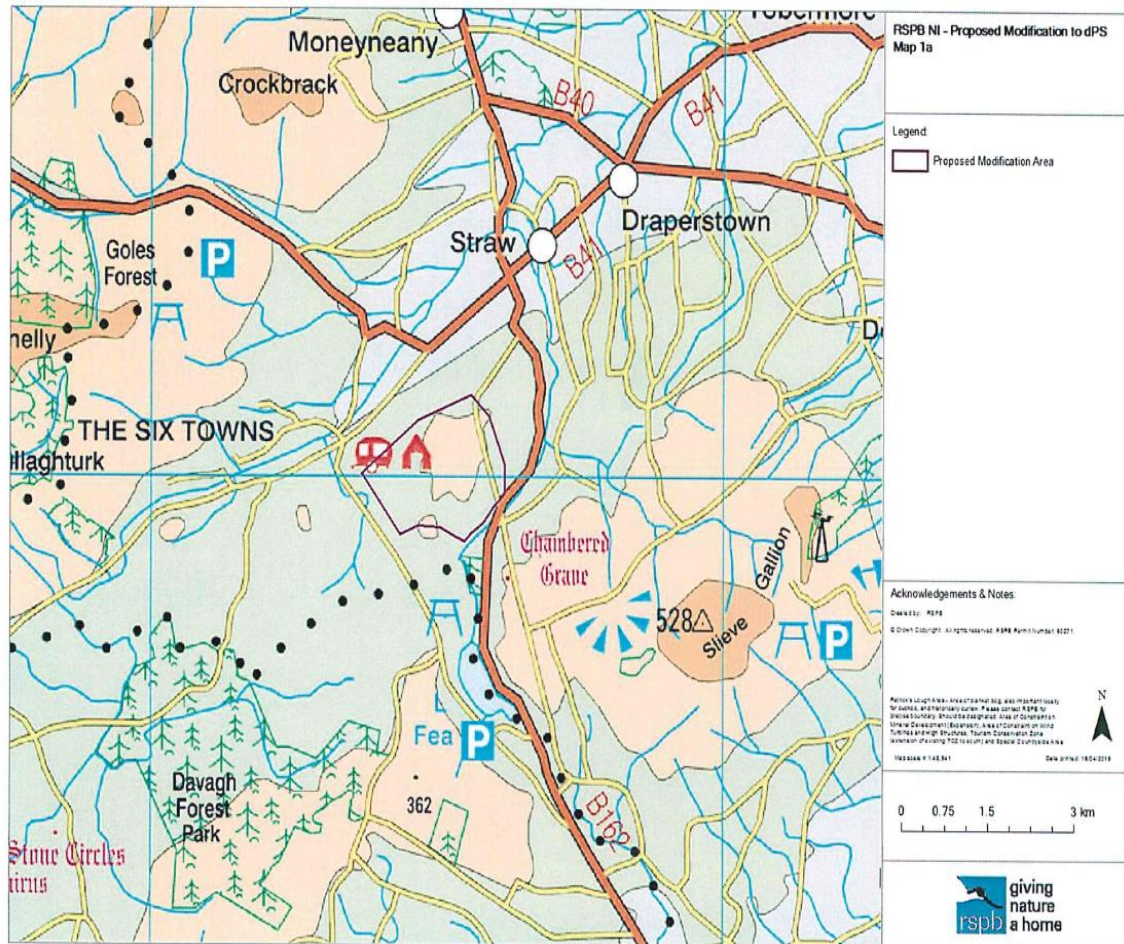
8.1 It is recommended that we progress the approach to Tourism in line with the actions contained within this paper.

9.0 Representation Received

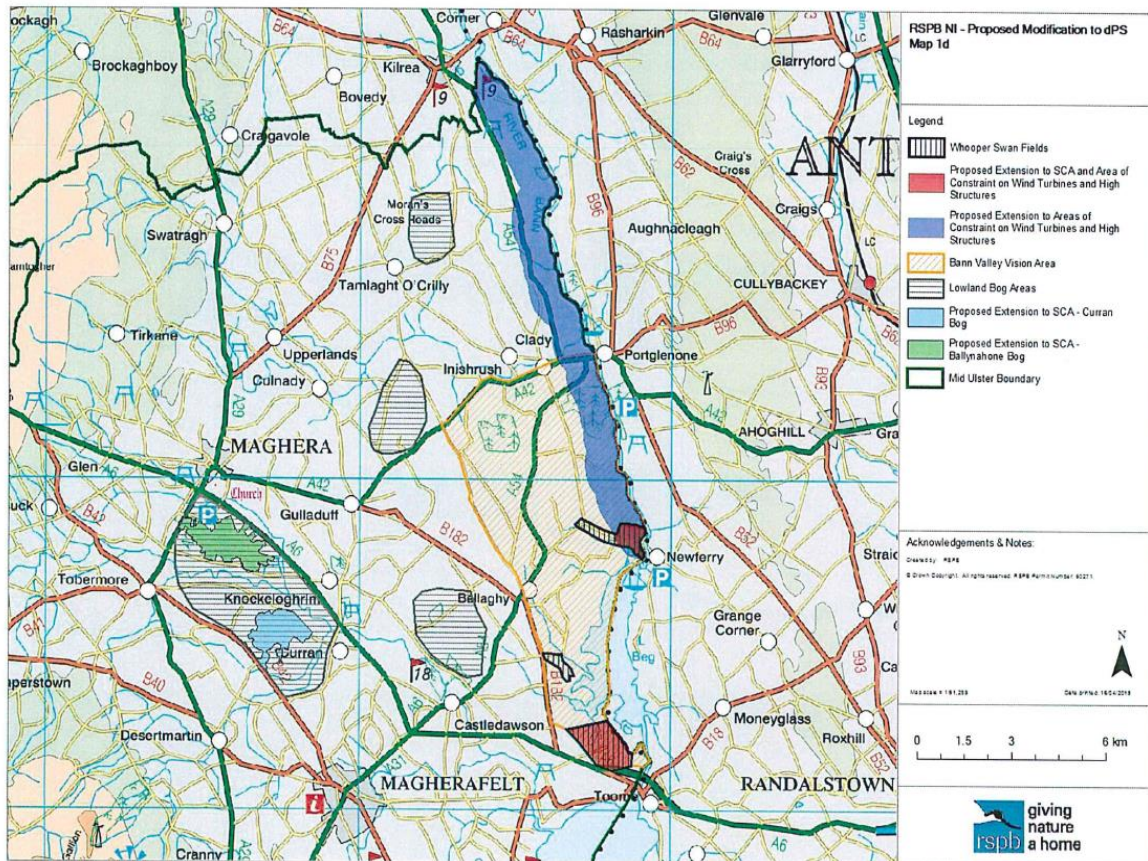
Respondent	Reference Number
Consultation Bodies	
Armagh, Banbridge and Craigavon Borough Council	Reference MUDPS/56
Causeway Coast and Glens Borough Council	Reference MUDPS/159
Fermanagh and Omagh District Council	Reference MUDPS/89
DfC Historic Environment Division	Reference MUDPS/77
Department for Infrastructure (DfI)	Reference MUDPS/115

Department of Agriculture, Environment & Rural Affairs (DAERA)	Reference MUDPS/167
Department of Agriculture, Environment & Rural Affairs (DAERA)	Reference MUDPS/168
Department for the Economy	Reference MUDPS/31
Department for Communities	Reference MUDPS/134
Public Representations	
RSPB	Reference MUDPS/59
Protect Slieve Gallion	Reference MUDPS/162
Pat Haughey	Reference MUDPS/178
Pauline McHenry	Reference MUDPS/191
Ciaran McElhone	Reference MUDPS/55
Francie Molloy MP	Reference MUDPS/61
Ken Moore (on behalf of Glenavon Hotel)	Reference MUDPS/79
Ken Moore (on behalf of Greenvale Hotel)	Reference MUDPS/80
Emma Walker (on behalf of Dalradian Gold)	Reference MUDPS/83
Councillor J McNamee	Reference MUDPS/90
Eamon Loughrey	Reference MUDPS/125
Eamon Loughrey	Reference MUDPS/176
Patsy McGlone MLA	Reference MUDPS/161
Beverley Clyde (on behalf of National Trust)	Reference MUDPS/174
Declan Owens (on behalf of Peter O'Donnell)	Reference MUDPS/74
Turley (on behalf of Farrans Construction)	Reference MUDPS/78
Anne-Marie McStocker	Reference MUDPS/121
Gary McErlain	Reference MUDPS/122
Alice McGlone	Reference MUDPS/123
Alice McGlone	Reference MUDPS/81
Thomas McElhone	Reference MUDPS/163
Damian McElhone	Reference MUDPS/88
Harry Hutchinson	Reference MUDPS/204
Denise Johnston	Reference MUDPS/73
Anne-Marie McStocker	Reference MUDPS/121
John Lynn (Traad Wildlife and Conservation Club)	Reference MUDPS/146
Concerned Broughderg Residents Association	Reference MUDPS/181
Concerned Broughderg Residents Association	Reference MUDPS/182
Standing Our Ground Women of the Sperrins	Reference MUDPS/141

Appendix A - Proposed TCZ at Patrick's Lough



Appendix B – Proposed modifications to Map 1d



Addendum to Tourism Topic Paper

PUBLIC RECONSULTATION DRAFT PLAN STRATEGY

1.0 Summary of Issues

1.1 The main issues arising following the re-consultation process are set out below:

- a) **MUDPS/115/371** No new issue raised, see Para 6.3(a) of original topic paper.
- b) **MUDPS/115/372** No new issue raised, see Para 6.5 (c) of original topic paper.
- c) **MUDPS/123/2** No new issue raised, see Para 6.6 (a) of original topic paper.
- d) **MUDPS/213/1** Comment of support for the Councils designation of Traad Point as a Tourism Opportunity Zone.

Action: No action required.

- e) **MUDPS/214/29** No new issue raised, see Para 6.2 (a) of original topic paper.
- f) **MUDPS/231/57** No new issue raised, see Para 6.2 (c) of original topic paper.
- g) **MUDPS/231/71** Support given but more TOZ's need identified.

Action: No action considered necessary.

- h) **MUDPS/231/72** Support but needs clarification that tourist asset might occasionally fall inside a settlement limit and new development is proposed outside development limit.

Action: No action considered necessary.

- i) **MUDPS/241/23** No new issue raised, see Para 6.1 (b) of original topic paper.
- j) **MUDPS/241/24** No new issue raised, see Para 6.1 (b) of original topic paper.
- k) **MUDPS/241/25** No new issue raised, see Para 6.1 (b) of original topic paper.
- l) **MUDPS/241/26** No new issue raised, see Para 6.1 (b) of original topic paper.

2.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
Department for Infrastructure (DfI)	MUDPS/115
Public Representations	
Alice McGlone	MUDPS/123
Siobhan Corcoran	MUDPS/213
Ulster Unionist Group	MUDPS/214
Michael Clarke O'Callaghan Planning	MUDPS/231
Orchard County Contracts c/o O'Callaghan Planning	MUDPS/241

COUNTER-REPRESENTATIONS

3.0 Counter Representations Received during the Re-consultation

3.1 During the period for counter representations to the draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, a number of representations were received which related to minerals development. These are listed below:-

- DPSCR/221/6
- DPSCR/221/7
- DPSCR/221/8
- DPSCR/221/9
- DPSCR/221/10

a) DPSCR/221 Derry City and Strabane District Council, state support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy TOU4. **(MUDPS/83)**

Consideration: All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

Action: No Action required - Policy TOU4 considered sound.

4.0 Counter-Representations

Respondent	Reference Number
Consultation Bodies	
Derry City and Strabane District Council	DPSCR221
Public Representations	
N/A	N/A

Agriculture, Forestry and Fishing - Topic Paper

1.0 Issues Identified

- 1.1** Issues identified through the consultation process have been summarised and are grouped below in section 5.

2.0 Representations in Support

- 2.1** Causeway Coast & Glens Borough Council notes the Agriculture, Forestry and Fishing strategy and associated policy, they have raised no objections to it.

Representation: MUDPS/159/15

3.0 Consultations

See section 8.0 which details consultations bodies who submitted a representation in relation to this topic paper.

4.0 Regional Policy Context

4.1 Regional Development Strategy (RDS)

The Regional Development Strategy 2035 (RDS 2035) contains policy which allows appropriate and sustainable development which supports the rural community and to protect it from excessive, inappropriate and obtrusive development. The RDS recognises that we must strive to keep the rural areas sustainable and ensure that people who live there have access to services and opportunities in terms of education, jobs, healthcare and leisure.

The RDS recognises the importance of the farming industry in sustaining the rural community network, as well as the forestry and fishing industry in terms of employment and in commercial terms.

4.2 Strategic Planning Policy Statement

The Strategic Planning Policy Statement for Northern Ireland (SPPS) aims to manage development in the countryside, which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.

The approach of the SPPS is based on clustering, consolidating and grouping new development, with existing established buildings and the re-use of previously used buildings. It also states that new development within the countryside must integrate, respect rural character and be appropriately designed.

Planning Policy Statement 21, Sustainable Development in the Countryside sets out the planning policies for development in the countryside, including agricultural and forestry development. The aim of PPS21 is to manage development in the countryside in a manner, which strikes a balance between the need to protect the countryside from unnecessary or inappropriate development, while supporting rural communities.

5.0 Responses to the Specific Issues

Policy AFR1- Agriculture and Forestry Development and Development Ancillary to Commercial Fishing

5.1 Robust evidence is required to support the development opportunity available for fishermen who meet the criteria set out for development ancillary to commercial fishing.

Consideration: The evidence to support the development opportunity available to fishermen who meet the criteria set out within Policy AFR 1 is contained within the Public Consultation Report (Page 59-64) which was published in January 2019.

Within this report, it provides the background as to why this policy criteria is necessary for Mid Ulster and why it has been specifically tailored to the needs of our district. It is acknowledged that fishing is an important economic activity specific to Mid Ulster, particularly eel fishing with the Lough Neagh eel fishery worth approximately £3.2m to the NI rural economy. Substantial evidence and figures surrounding the number of licences issued each year is contained within the Public Consultation Report and ensures robust evidence has been considered when evaluating this development opportunity.

The land based designation approach was considered the most appropriate as the designated area is likely to be most sustainable, both socially and environmentally as this is where a high percentage of the existing fishermen live and can pass on their skills, while also keeping travel distances to a minimum.

Given the number of boat owner licences that are issued has not increased since the early 1990's and it is not possible for someone with no fishing background or history of having held a Helper's licence to acquire a Boat Owner's Licence, the potential impact of additional development in the countryside is limited. In terms of monitoring this development opportunity for fishermen, the planning department will review the number of licences being authorised over the plan period. If it appears the number of licences has significantly increased as a result of this policy, it can be removed from the LDP at either the 5 or 10 year review stage if required.

Therefore, it is considered our approach is sound as robust evidence is contained within the Public Consultation Report.

ACTIONS: No change is required the strategy is considered sound.

Relevant Representation: MUDPS/115/87

5.2 Policy AFR1 fails the soundness test CE4 in that it is not reasonably flexible to deal with changing circumstances, in particular in terms of new buildings, which may be needed for new farms.

Consideration: Policy AFR1 states that exceptional circumstances may exist where an alternative site away from existing farm or forestry buildings may be considered. The onus will be on the applicant to provide details and reasoning behind the need for the new building away from any existing farm buildings. This is in line with the strategy, which recognises a permissive approach to agricultural development will assist our farming community.

We therefore consider the policy to be sound with the necessary flexibility contained within it.

ACTIONS: No change is required the strategy is considered sound.

Relevant Representations: MUDPS/126/15

5.3 Policy AFR1 conflicts with the SPPS in that it allows for new farm enterprises. The SPPS states that farms have to be established for at least 6 years and active.

Consideration: As stated within the draft plan strategy, agriculture plays an important role in the economy of our district given that figures provided in 2015 state that there are 4,155 registered farms in Mid Ulster, second only to Fermanagh and Omagh. This highlights the importance of agriculture within the local economy in Mid Ulster.

Paragraph 6.73 of the SPPS provides types of non-residential development that can be permitted in the countryside including; Farm diversification, Agriculture and forestry development (on active and established holdings) and the conversion and re-use of existing buildings for non-residential use.

Paragraph 6.74 of the SPPS states, “other types of development in the countryside apart from those set out above should be considered as part of the development plan process...” Policy AFR1 provides a new development opportunity for new farm start-ups, ensuring the policy is reasonably flexible to deal with the potential of a new farm to start up requiring a new farm building, of relative scale to the size of the holding. The onus will be on the applicant to

demonstrate why a building is required and of the scale required for a new farm start up.

Outlined by our draft plan strategy in paragraph 16.9, a permissive approach to agricultural development will assist our farming community, which plays a major role within our economy. However, it will do so by way of a balanced approach to ensure there is full consideration given to the potential impacts of the agricultural activities. Therefore, we consider the policy sound.

ACTIONS: No change is required the strategy is considered sound.

Relevant Representation: MUDPS/174/47

5.4 *Policy AFR1 does not provide policy criteria on the need for development related to this policy to integrate into the countryside and respect the rural character. The policy allows circumvention of regional policy relating to how development must integrate and respect the rural character.*

Consideration: All development, which is proposed in Mid Ulster, will be determined against the General Principles Planning Policy (GP1). Detailed criteria, which is included within this policy, will not be repeated in individual subject policies in the plan.

Policy AFR1 states that development ancillary to the operations of an active and established agricultural/forestry holding will conform with the plan where it is to be located next to existing farm or forestry buildings on the holding and where it does not appear incongruous to its rural setting. It also provides the opportunity for an alternative site to be used away from existing buildings where the need for the alternative site is demonstrated. Therefore, Policy AFR1 does not allow for development, which is not in keeping with the rural surrounding requiring a degree of integration, as well as respecting the rural character.

Contained within Policy GP1 is criteria to ensure that all development proposed will not have any demonstrable harm in relation to a number of considerations listed within the policy. In relation to the need for development to integrate into the countryside and to respected rural character, Policy GP1 states development in the countryside should, ‘have regard to the character of the area, the local landscape and not rely primarily on new landscaping for integration.’

Paragraph 16.5 also states that, “all proposals will be subject to Policy CT1...in relation to development in the countryside.” This policy provides a greater level of detail surrounding the design, integration and siting of a building within the countryside, which development proposals relating to agriculture, forestry and commercial fishing must all adhere to, as well as Policy AFR1.

For this reason, it is not necessary for the Policy AFR1 to repeat the considerations that are included within Policy GP1 and Policy CT1 as development proposals for agricultural development will be subject to both these policies, which deal with the integration of a building.

ACTIONS: No change is required the strategy is considered sound.

Relevant Representations: MUDPS/174/46

MUDPS/192/31

MUDPS/192/32

MUDPS/192/33

5.5 *Policy AFR1 which will allow the development of a building ancillary to commercial fishing will not protect the countryside from excessive, inappropriate or obtrusive development, which is contrary to the SPPS.*

Consideration: The Policy AFR1 is consistent with the SPPS as the aim of the SPPS outlined in paragraph 6.65, regarding the countryside is to, “manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.” The RDS recognises that in order to sustain rural communities, new development and employment opportunities are required. As the Lough Neagh fishing trade has strong historical and local connections with Mid Ulster, the area identified on the Districts Proposals Map allows this tradition to be continued by supporting local fishermen and the Lough Neagh fishing community.

The issue raised is that policy, which allows a new building within an identified countryside area, is contrary to the policy objective of the SPPS, which aims to protect it from excessive, inappropriate or obtrusive development. It has been identified through the current figures that 142 individuals have a licence to fish Lough Neagh commercially and not all of these individuals live within the Mid Ulster Area, so the number of development opportunities available within this area will be lower than 142 and over the development plan period it would not be considered excessive development. Regarding the ancillary buildings which are permitted under this policy, these will be granted as per needed for the applicant. The onus will be on the applicant to justify the need for the building. This will ensure there is not an excessive number of ancillary buildings.

With regards this type of development being considered inappropriate; it has been identified that Lough Neagh fishing trade has long and established, traditional links to the rural community of Mid Ulster. The need for the development opportunity is supported via robust evidence, which identifies the

importance of the Lough Neagh fishing trade to both the economy and the local community. As the trade has an ageing population, the need to attract younger generations has been identified as a significant issue, which needs addressed. This policy provides a development opportunity to allow a person with a valid commercial fishing licence to obtain permission for a building ancillary to this use located within the area identified. This will align commercial fishing with agriculture and forestry development, which allows for development of buildings ancillary to the use, ensuring the Lough Neagh fishing trade, has the same opportunities provided to continue to operate and carry on the historical trade.

As previously stated, all proposals are subject to Policy GP1, which will ensure that no development will cause any demonstrable harm in relation to; amenity, siting, design and external appearance and landscape character amongst other considerations included within the policy. Similarly, all proposals for agricultural, forestry or fishing development, which falls within Policy AFR1, will also be subject to Policy CT1 in relation to design and siting. Policy CT1 states that the development must cluster, consolidate and group with existing buildings unless there are environmental or operational reasons as to why this is impracticable. In doing so, this will ensure any development for a building ancillary to commercial fishing is not obtrusive development.

The justification and amplification text of Policy AFR1 states in paragraph 16.18 that, “in instances where there is not an existing building to cluster with, a high degree of integration will need to be demonstrated in selecting the site.” This will ensure that any development opportunities obtained via this policy will not be obtrusive. Therefore, policy AFR1 is not contrary to the policy objectives contained within the SPPS.

ACTIONS: No change is required the strategy is considered sound.

Relevant Representation: MUDPS/174/48

5.6 *Justification & Amplification text states that the development should be located next to existing agricultural and forestry buildings and guidance where a building is sited away. Additionally it also provides details on a new farm start up requiring a new building. Recommended to this is included within the policy text.*

Consideration: The J&A text clearly states where development should be located. Other policies within the Draft Plan Strategy ensure that development is not obtrusive in the landscape and does not have a negative impact on the rural character of the area. In relation to a new farm start up, the J&A text states that the building will be limited in size and to an appropriate scale.

ACTIONS: No change is required; however, if the commissioner were so minded to add the suggested wording to the Policy text, we would have no objection.

*Relevant Representation: MUDPS/115/88
MUDPS/115/89*

- 5.7 *The wording of Policy AFR1 suggests that only intensive farming proposals need to demonstrate that they will not result in significant adverse environmental effects. Suggested change to the wording is, “Proposals for agricultural developments must demonstrate that they will not have a significant adverse environmental impact, particularly in relation to ammonia production.”***

Consideration: The Draft Plan Strategy recognises the importance of protecting the environment from a range of adverse impacts caused by various pollutants, which is realised through Policy GP1 that ensures regard is given to the impact on amenity in terms of odour and fumes, levels and effects of emissions. If it is considered, there is demonstrable harm in relation to odour or fumes, which will include ammonia, planning permission will not be granted.

Regardless of these policies environmental impacts, including ammonia emissions are acknowledged as being a planning consideration and potential reason for refusal. Protection is provided in relation to larger developments and the protection of sensitive areas through the Habitats Regulations Assessment (HRA) and Environmental Impact Assessment (EIA) screening processes.

Policy AFR 1 addresses this issue surrounding ammonia production and therefore, it is considered our approach is sound.

ACTIONS: No change is required the strategy is considered sound.

Relevant Representation: MUDPS/167/23

- 5.8 *Justification and Amplification text of Policy AFR1 should include an explanation of issues surrounding livestock installations and ammonia. It has been suggested that the following text is added;***

‘Ammonia (NH₃) is a gas emitted into the air as a result of many farming activities such as the housing of livestock, the storage and spreading of animal manures and slurries and the use of chemical fertiliser. Air pollution related to ammonia, and the associated nitrogen deposition, is known to have damaging impact on sensitive habitats, wider biodiversity and ecosystem resilience, as well as human health. Agriculture is the dominant source of ammonia emissions, currently making up to 94% of

Northern Ireland's current emission levels, the concentration at which environmental damage occurs.'

Consideration: The policy clearly states that proposals for intensive farming and husbandry are required to demonstrate that they will not have a significant adverse environmental impact, particularly in relation to ammonia production. It is considered that Policy AFR 1 is sound.

ACTIONS: No change is required; however, if the commissioner were so minded to add the suggested wording to the Justification and Amplification text, we would have no objection.

Relevant Representation: MUDPS/167/24

- 5.9** ***In paragraph 16.11 the wording, "... while ensuring the environment is protected" should be added to the end of the sentence.***

Consideration: The Draft Plan Strategy has provided a considerable amount of policy to ensure the environment is protected. Paragraph 16.9 of our strategy sets out our balanced approach in assisting our farming community while also acting in our role as custodians of the environment.

ACTIONS: No change is required the strategy is considered sound.

Relevant Representation: MUDPS/167/24

- 5.10** ***The justification and amplification text of Policy AFR1 should include clarification on permitted development rights for agricultural buildings. The following text has been provided: "When conferring Permitted Development (PD) rights to agricultural developments, there should be strict adherence to The Planning (General Permitted Development) Order (Northern Ireland) 2015, Permitted Development 3 and Part 7 of the Schedule 'Agricultural Buildings and Operations.' Only when subject to the provisions of this Order and regulations 55 and 56 of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995, can planning permission be granted for the classes of development described as permitted development.***

Consideration: Paragraph 16.12 in the Justification and Amplification text provides details surrounding the Planning (General Permitted Development) Order (Northern Ireland) 2015. The GPDO legislation also states that any planning permission granted for the classes of development described as permitted development is subject to the provisions of the order and regulations

55 and 56 of the Conservation (Natural Habitats, etc) regulations (Northern Ireland) 1995.

ACTIONS: No change is required the strategy is considered sound.

Relevant Representation: MUDPS/167/25

- 5.11 Welcomes that Policy AFR1 relates to established active agricultural/forestry holdings in accordance with strategic policy. However, to align with the SPPS, such proposals must be necessary for the sufficient operation of the holding or enterprise.**

Consideration: Policy AFR1 states that, 'development ancillary to the operations of an active and established agricultural/forestry holding will conform with the plan....' Meaning that development which is necessary for the operation of the holding will conform with the plan. A proposal for relating to an active and established agricultural or forestry holding will be required to demonstrate why it is necessary, ensuring that the development is of appropriate nature and scale.

Similarly, all development is subject to Policy GP1 which states planning permission will be granted for sustainable development where the proposal accords with the plan and there is no demonstrable harm in relation to a number of points, including the nature and scale of the development and the siting, design and external appearance.

ACTIONS: No change

Relevant Representation: MUDPS/174/45

Policy AFR2- Farm Diversification

- 5.12 Policy AFR2 does not refer to the value of redundant/old buildings for protected species, nor does it include criteria that such proposals have no adverse impact on the character or quality of sensitive rural landscapes, biodiversity, built or natural heritage assets and their settings.**

Consideration: Policy GP1- General Principles Planning Policy states that planning permission will be granted for sustainable development where the proposal accords with the plan and there is no demonstrable harm in relation to a number of issues including; siting, design and external appearance, amenity, landscape character and biodiversity. As a result, it is unnecessary for Policy AFR2 to repeat policy that is included elsewhere in the plan, which all proposals are subject to. Similarly, Policy CT1 is also considered for any farm diversification proposals, which will require buildings to cluster, consolidate and group where possible and to integrate with its setting. Policy CT1 and GP1 will

ensure that any development proposals will not have an adverse impact on the character or quality of sensitive rural landscapes.

Paragraph 12.17, the justification and amplification text relates to the use of redundant buildings and the possibility of the development causing disturbance to species which may be present in the building such as owls or bats which have legislative protection. The text states, 'It will therefore be necessary to carry out a relevant wildlife survey, where these species are identified.' In addition, any proposals for development, which is likely to impact on protected species, must be fully considered under Policy NH 2- Protected Species.

Additionally, policy ECON2- Economic Development in the Countryside states that economic development in the countryside will conform with the plan where they represent firm and not speculative proposal consisting of a number of scenarios detailed within the policy. This includes the redevelopment of an established economic development use or re use of an existing redundant non-residential rural building, and; a new building as part of a farm diversification scheme where a redundant farm building is not available or there is no suitable building available on the farm.

With this being the case, any planning application submitted for a farm diversification scheme will be subject to the above-mentioned policies. As these policies cover specific issues such as siting of the development, impact on character and protected species, it is not necessary to repeat these policy considerations within Policy AFR 2. Therefore, it is considered our approach is sound.

ACTIONS: No change is required the strategy is considered sound.

*Relevant Representations: MUDPS/59/82
MUDPS/174/49*

- 5.13 *The policy and amplification text of policy AFR2 does not refer to differing policy & legislative provisions of the two types of protected species, i.e. EU & National. It is recommended that the text should refer back to the language and legislation contained within paragraphs 6.180 and 6.181 of the SPPS for EU protected and nationally protected species.***

Consideration: All development proposals will be subject to Policy GP 1- General Principles, which covers the wider issue of biodiversity and ensures that all development proposals should respect, protect and/or enhance the District's rich and distinct biodiversity.

It is not considered necessary to include this within the Justification & Amplification text of this policy as there is a specific policy NH 2- Protected Species, which deals specifically with protected species and ensures that full consideration is given to these. As all proposals, which may involve or affect protected species will be subject to policy NH 2 and NH 5, it is not deemed necessary to duplicate the text as suggested within Policy AFR 2. Therefore, it is considered our approach is sound.

ACTIONS: No change is required the strategy is considered sound.

*Relevant Representation: MUDPS/ 59/83
MUDPS/59/84*

5.14 *It has been recommended that paragraph 12.17 of Policy ECON 2 be copied across to Policy AFR2 and amended to state that a wildlife survey be carried out where the presence of a protected species is suspected.*

Consideration: The above recommendation has also been submitted in the same response relating specifically to Policy ECON 2. The policy and Justification & Amplification text does not need to be duplicated.

All proposals will be subject to Policy GP 1, which broadly deals with biodiversity, and as each case will be dealt with in a case-by-case basis, if protected species are identified or suspected, the proposal will be subject to policies NH 2 & NH 5. These ensure protected species and other habitats, species or features of natural importance are protected. Therefore, it is considered our approach is sound.

ACTIONS: No change is required the strategy is considered sound.

Relevant Representation: MUDPS/174/50

6.0 Counter- representations

No counter – representations received in relation to this topic paper.

7.0 Recommendation

7.1 It is recommended that we progress the approach to Agriculture, Forestry & Fishing in line with the actions contained within this paper.

8.0 Representations received

Representations that have been made that are relevant to Policy AFR1- Agriculture and Forestry Development and Development Ancillary to Commercial Fishing and Policy AFR2- Farm Diversification.

Respondent	Reference Number
Consultation Bodies	
Department for Infrastructure	MUDPS/115
Causeway Coast & Glens Borough Council	MUDPS/159
NIEA (DAERA)	MUDPS/167
Public Representations	
RSPB	MUDPS/59
2Plan NI	MUDPS/126
The National Trust	MUDPS/174
A Range of Interested Parties	MUDPS/192

Addendum to Agriculture, Forestry and Fishing Topic Paper

New Representations Received during the Re-consultation on the DPS

1.0 Summary of Issues

1.1 The main issues arising following the re-consultation process are set out below:

MUDPS/214/30 – *How will agricultural sheds be controlled? Guidance needed on what is acceptable.*

Consideration

All proposals are subject to Policy GP1, which will ensure that no development will cause any demonstrable harm in relation to; amenity, siting, design and external appearance and landscape character amongst other considerations included within the policy. Similarly, all proposals for agricultural, forestry or fishing development, which falls within Policy AFR1, will also be subject to Policy CT1 in relation to design and siting. Policy CT1 states that the development must cluster, consolidate and group with existing buildings unless there are environmental or operational reasons as to why this is impracticable. In doing so, this will ensure any development for a building ancillary to commercial fishing is not obtrusive development.

Action: No action required.

MUDP/231/73 – *Supports Policy AFR 2 but needs modified to provide for certain other forms of development that are not buildings e.g. yard etc.*

Consideration

The comment on the yard is noted, and it is clear that a yard could be seen as operational development. This policy is primarily designed for buildings. There are very few instances where the creation of an agricultural yard would require express planning permission, especially as it is given generous permitted development rights. If the development did not benefit from permitted development rights or is too large, and planning permission is necessary, then it would be reasonable to apply the above policy.

Action: No action required, however the Council would not object to a sentence to be included in the Justification and Amplification for Policy AFR 2 which states that where planning permission is required for the creation of a new agricultural yard then the above policy will apply.

MUDPS/238/19 & MUDPS/238/20, MUDPS/240/23 & MUDPS/240/24 – Policy AFR 1 does not provide for the first building on a unit, or a building on an outlier farm.

Consideration

This policy is designed in order to ensure that farm buildings are sustainable and provide clear guidance when they are acceptable. The policy does not rule out farm buildings in other locations; however, it would be up to the applicant to provide reasoning for this. It is our view that if policy automatically facilitated first buildings on a new holding this would lead to proliferation of agricultural/industrial style buildings which could be harmful to the countryside and create opportunities for policy abuse, such as deliberately positioning agricultural buildings to create gap site for a dwelling or to provide for non-agricultural activity.

Action: No action required.

Representations

Respondent	Reference Number
Consultation Bodies	
N/A	
Public Representations	
Ulster Unionist Party	MUDPS/214
O'Callaghan Planning	MUDPS/231
Europsprings c/o O'Callaghan Planning	MUDPS/238
Sean Jordan c/o O'Callaghan Planning	MUDPS/240

Historic Environment - Topic Paper

1.0 Identified Issues

- a) DfI and DfC, HED consider topic unsound as no reference to legislative context, and it does not align with RDS2035 and SPPS;
- b) DfI and DfC, HED consider HE1 – HE16 are not in alignment with MUDC's Preferred Option Paper, nor do they take account of the subsequent POP representations following the public consultation process;
- c) Other representations consider the HE Strategy unsound, clearly justifying their serious concerns and referencing soundness tests; particularly DfI and DfC, HED;
- d) There are concerns regarding sequencing, structure and content of planning policies HE1 to HE16;
- e) Requests for detailed specific rewording of Policy Box text and new J&A text;
- f) Other representations cite no direct reference to Legislative Context; and
- g) No specific strategic planning policy to replace Planning Policy Statement 23 – Enabling Development for the Conservation of Significant Places.

2.0 Representations of Support

DEPARTMENT FOR COMMUNITIES, HISTORIC ENVIRONMENT DIVISION	MUDPS/77 (28, 69, 70, 228, 233, 234, 237)
NORTHERN IRELAND HOUSING EXECUTIVE	MUDPS/85 (67-82)
FERMANAGH & OMAGH DISTRICT COUNCIL	MUDPS/89 (6)
STANDING OUR GROUND WOMEN OF THE SPERRINS	MUDPS/141 (5, 9)
CAUSEWAY COAST & GLENS BOROUGH COUNCIL	MUDPS/159 (16)
CONCERNED BROUGHDERG RESIDENTS ASSOCIATION	MUDPS/181 (7)

3.0 Regional Policy Context

3.1 The Regional Development Strategy 2035 (RDS2035), aims to provide long-term policy direction with a strategic spatial perspective through Regional Guidance (RG).

- RG11: Conserve, protect and, where possible, enhance our built heritage and our natural environment;
- RG9: Reduce our carbon footprint and facilitate mitigation and adaptation to climate change; and
- RG7: Support urban and rural renaissance.

3.2 The Strategic Planning Policy Statement 2015

The provisions of the SPPS apply to the whole of Northern Ireland (NI). They must, *be taken into account*,¹ in the preparation of Local Development Plans (LDP). The NI Executive judged the SPPS to be *in general conformity* with the RDS 2035. Planning Policy Statement 6, its Addendum and revised annex C: Planning, Archaeology and the Built Heritage adopted March 1999, sets out the policies of the Department for Infrastructure for the protection and conservation of the built heritage. The Addendum provides Policy for Areas of Townscape Character / Village Character adopted August 2005. Annex C updated March 2011. Planning Policy Statement 23, Enabling Development for the Conservation of Significant Places: adopted April 2014. PPS23 formalises policy established in case law where established planning policy may be set aside for a proposal to secure the long-term future of a significant place.

3.3 **International Legislation:** The International Council on Monuments and Sites (ICOMOS) develops Charters and Guidance and promotes networking on the conservation and management of cultural sites. ICOMOS is a global non-governmental organization and its mission statement is to promote the conservation, protection, use and enhancement of monuments, building complexes and sites. Its creation in 1965 materialised in the adoption of the Venice Charter.

3.4 **UK Legislation:** ICOMOS-UK is the UK National Committee of ICOMOS, has ratified several of the ICOMOS Charters and Conventions and therefore such legislation, *shall be given due regard*, when considering strategic planning policy on the historic environment within Northern Ireland. The UK has held the historic environment and its protection enshrined in law since the 18th Century beginning with *the Ancient Monuments Protection Act 1882*. Following the impact of WWI and WWII the need to protect such historic monuments and sites developed into *the 1947 Town and Country Planning Act*. Followed by the *1968 Planning Act*, which explicitly introduced for the first time the concept of *A Listed Building*, a status that now carries full statutory obligations of care and conservation.

4.0 Local Policy Context

4.1 There are three extant Area Plans covering Mid Ulster District Council area, namely,

- **Cookstown Area Plan 2010**
- **Dungannon and South Tyrone Area Plan 2010**
- **Magherafelt Area Plan 2015**

4.2 Preferred Options Paper - November 2016 set out options for Mid Ulster's approach to the Historic Environment including archaeology. Mid Ulster's, overall objective relevant to this topic is the need to protect and enhance the

¹ The Planning Act (NI) 2011

natural and built environment to achieve biodiversity, quality design, enhanced leisure and economic opportunity and promote health and wellbeing.

- 4.3 In preparing the draft Plan Strategy, a considerable amount of background research was prepared in order to ensure the strategic approach based on sound evidence. This work published on the Mid Ulster District Council Website along with the Draft Plan², (www.midulstercouncil.org).
- 4.4 Mid Ulster's Community Plan adopted in 2016, sets out its vision for the area identifying 15 outcomes with a delivery period of 10 years. The continued protection, enhancement and conservation of local heritage assets will facilitate sustainable management goals for heritage-led regeneration, tourism, culture and arts and will be imperative to making a significant contribution to tackling global warming and climate change.
- 4.5 Our Plan to Develop Tourism in Mid Ulster 2021 sets out Mid Ulster's vision for local Tourism. It focuses on three themes, two of which relate directly to the historic environment. Thus, heritage and cultural led tourism is an important theme of Mid Ulster's tourism strategy and therefore careful, consistent sustainable management, maintenance and monitoring of the finite resource will be required.
- 4.6 Mid Ulster District Council Arts and Cultural Strategy 2017-2021 sets out priorities for Mid Ulster up until 2021. The document advocates for a joined up approach between arts, culture, heritage and tourism development projects at Tullahogue Fort, Beaghmore Stone Circles & Davagh forest.
- 4.7 **NI Legislation:** Within Northern Ireland context the following legislation will apply;
- The Planning Act (NI) 2011;
 - Planning Regulations 2015; and
 - The Historic Monuments and Archaeological Objects (NI) Order 1995.

5.0 Historic Environment Policies (pages 173-175).

5.1 Historic Environment Strategy

- a) DfI and DfC, HED consider Historic Strategy and Strategic Planning Policies HE1 to HE16 unsound as they do not achieve the strategic objective or the objectives of Regional Planning Policy, namely RDS2035, paragraph 3.30 and RG11; and, SPPS Section 6.
(MUDPS/77, MUDPS/149, MUDPS/162 and MUDPS/179)

² <https://www.midulstercouncil.org/planning/mid-ulster-development-plan/preferred-options-paper/development-plan-policy-review-papers> and <https://www.midulstercouncil.org/planning/mid-ulster-development-plan/preferred-options-paper/development-plan-policy-review-papers>

Consideration: In most instances, there has been little or no clear justification for the general statements made. The HE Strategy is in alignment with Regional Planning Policy, namely the RDS2035 Regional Guidance 7, 9 and 1, and SPPS Section 6.0. In addition, the HE Strategy is aligned to the Spatial Planning Framework, notably SPF6 and SPF10 and has had regard to the needs of local communities as identified in the Community Plan. The Council's approach to the sustainable management of historic environment assets facilitates opportunities for sustainable economic growth through heritage-led tourism, regeneration, culture and arts projects and programmes. The Historic Environment Strategy and strategic planning Policies HE1 – HE16 are in alignment with the corporate strategies for Economic Growth, Tourism, and Culture and Arts.

In addition, there is a misinterpretation of the layout of draft Planning Policy text. The Council does not differentiate between policy text in the grey box or the justification and amplification. This approach applies to all Historic Environment Policies HE1 to HE16.

Furthermore, the Council will determine all planning applications in accordance with the Planning Act (NI) 2011, the associated Regulations and the Local Development Plan unless other material considerations can determine otherwise. The onus is on an applicant to submit sound written evidence to support their case to the Planning Department.

Action: No Action Required.

Representation Elements 77/1, 77/2, 77/3, 77/4, 77/5, 77/6, 77/7, 77/8, 77/9, 77/36, 77/37, 77/38, 77/39, 77/40, 77/41, 77/42, 77/43, 77/44, 77/282, 149/1, 149/2, 149/3, 162/104, 179/1, 179/2, 179/3, 179/4, 179/5, 179/9, and 179/10.

- b)** DfC, HED consider HE1 – HE16 are not in alignment with MUDC's Preferred Option Paper, nor do they take account of the subsequent POP representations following the public consultation process; namely, feedback POP representation on 20.12.2016 and 30.07.2018 **(MUDPS/77 and MUDPS/179).**

Consideration: The Council's approach to historic environment planning policy is in alignment with Mid Ulster's Preferred Options Paper (POP). The Council has taken into account all the submitted representations following the publication of the POP and details of said consideration is contained within the published Public Consultation Report³ January 2019, published on www.midulstercouncil.org.

³ <https://www.midulstercouncil.org/MidUlsterCouncil/media/Mid-Ulster-Council/Publications/Planning/Local%20Development%20Plan/Public-Consultation-Report-January-2019-Compressed.pdf>

All suggested amendments, which were a material consideration under the Planning Act (NI) 2011, were, *taken into account* by the Council. However, this does not mean that the Council agreed with all the suggested alterations to the POP for Historic Environment Strategy and Planning Policies HE1 to HE16.

Action: No Action Required.

Representation Elements 77/24, 77/25, 77/26, 77/29, 77/30, 77/31 and 179/1.

- c) DfC, HED has suggested the removal of specific wording from paragraph 17.3-17.9, '*sterile museum pieces*' and should consider the use of historic buildings in use not limited to the hotel sector and to have given a wider coverage across the district council. They are concerned about the specific phrasing, wording and tone of the introduction / overview of the Historic Environment strategic planning policy (**MUDPS/77**).

Consideration: There has been little or no clear justification for the comments made in terms of the defined soundness tests. Differing opinions on phrasing, wording or tone does not cause the Historic Environment Strategy and Planning Policies HE1 to HE16 to be unsound.

Action: No Action Required.

Representation Elements 77/32, 77/33, 77/34 and 77/35.

5.2 Enabling Development of a Historical Significant Place

- a) DfI and DfC, HED notes reference is made to Enabling Development, a policy requirement set out in SPPS 6.25, however, no policy is within the Plan Strategy document. DfI also highlight this suggested discrepancy. HED consider the lack of an Enabling Development policy fails the Procedural Test (P2) and Consistency Test (C3) (**MUDPS/77, MUDPS/115 and MUDPS/174**).

Consideration: Representations have raised the issue of no Strategic Planning Policy for Enabling Development for the Conservation of Significant Places, namely, PPS23.

The Council considered this existing Policy at POP stage and through the subsequent public consultation process, which followed. The Council acknowledges that the original preferred option approach was to adopt existing Planning Policy ED1 of Planning Policy Statement 23. However, following consideration of POP representations, and, subsequent internal discussions, it was determined that a specific Strategic Plan Policy for '*Enabling Development*' is not required as the SPPS, para. 6.27 states '*within this context councils **may** being forward **local plan policies***'.

There is no legislative requirement to provide a specific planning policy for so-called '*enabling development*' and in-fact PPS23 and SPPS paragraphs 6.25 – 6.27, state that Policy ED1 is contrary to established Regional Planning Policy. The legal base and justification for Policy ED1 is not clear to the Council. Further legal advice from the Department for Infrastructure on the legislative basis for Policy ED1 would be helpful to the Council. As would the definition of '*a significant place*' under Northern Ireland's current legislative context.

In accordance with para. 6.27., of the SPPS, there is no Regional Policy requirement for a Council to bring forward said policy at the Strategic Plan stage of the Local Development Plan process. However, a Council may consider providing bespoke policy at the Local Policies Plan stage.

Policy ED1 states it is '*a last resort, where the long-term public benefit of securing a significant place decisively outweighs the disadvantages of departing from*' Strategic Planning Policy, (paragraph 4.2, PPS 23). The Council has taken the view that in order to satisfy the planning tests as set out in para. 6.25 – 6.27, development that will met the high benchmark set, will naturally be regarded as Regionally Significant Planning Applications, which will fall within the remit of the Department for Infrastructure, therefore there is reasonable expectation that DfI will be handling such cases, if any arise.

The Council is of the opinion that the SPPS provides adequate strategic planning policy direction regarding this issue, paragraph 6.25 – 6.27. The Council remains of the view that our decision not to provide specific Strategic Planning Policy on this topic is sound.

Action: No Action Required. *If however the Commissioner considers it appropriate to refer directly to paragraph 6.25 – 6.27 of the SPPS, the Council will not object. Suggested wording;*

HE17 Enabling Development: Enabling development is a development proposal that is contrary to Regional Planning Policy and the Local Development Plan. Such a proposal may however be allowed where it will secure the long-term future of a significant place⁴ and will not materially harm its heritage value or setting.

Enabling development typically seeks to subsidise the cost of maintenance, major repair, conversion to the optimum viable use of a significant place where this is greater than its value to its owner or market value.

⁴ A significant place means any part of the historic environment that has heritage value including scheduled monuments, archaeological remains, historic buildings (both statutory listed or of more local significance) together with any historically related contents, industrial heritage, conservation areas, or a historic park, garden or demesne.

The justification for allowing the enabling development lies in the overarching public benefit to the conservation of the significant place and its sustainable future use which would be derived from the implementation of the principle proposal which otherwise would have little prospect of being carried out.

Within this context councils may bring forward local plan policies to provide the flexibility to accommodate such unforeseen imaginative proposals which are clearly in the public interest.'

Representation Elements 77/42, 77/43, 77/44, 77/250, 77/251, 115/106, 174/51 and 174/52.

5.3 Spatial Hierarchy & Archaeology

- a) DfI, DfC, HED and other Representations suggest consideration should be given to the order of draft Planning Policies HE1 – HE4, to reflect a sound hierarchy for archaeological remains and the inter-relationship of Areas of Significant Archaeological Interest (ASAI)s and Regionally Important archaeological remains. Specifically that it does not align with SPPS 6.29. Several representations have raised concerns regarding the lack of a clear sequencing, structure and content of planning policies HE1 to HE16 **(MUDPS/77)**.

Consideration: These Policies, in tandem with, the overarching historic environment strategy, will protect the Mid Ulster's vulnerable landscapes, natural, and, historic built heritage conservation interests, from inappropriate development in alignment with Plan's Spatial Planning Framework 10, SPF10 (page 45). Whilst supporting the vitality and viability of rural communities without compromising the landscape or environmental quality of Mid Ulster's natural and historic built heritage, SPF 6 (page 41). Furthermore, it takes account of RG11 to conserve, protect and where possible, enhance our built heritage and our natural environment, in the public's interest (RDS 2035) and facilitates the sustainable management of heritage led tourism, such as the Dark Skies Project.

The Council's draft Strategic Plan has identified five hierarchical levels of protection through designation to protect vulnerable and sensitive environments from inappropriate development, which has potential to cause a detrimental effect on the inherent aesthetic visual values of the natural and historic landscape, natural, and, historic environment assets and their associated historic values.

- Special Countryside Areas (SCAs), the most stringent of the environmental protection policies, prevents almost all types of development (SCA1, Maps 1a, b, c, d and e).

- Whereas, Areas of Constraint (AoCs) on Mineral Development and on Wind Turbines and High Structures prevents specific types of development within identified areas.
- Areas of Archaeological Interest (ASAI's), presumes against large scaled development, albeit in height such as masts, pylons or wind turbines; or, in area, such as mines and quarry's in alignment with the specific Statement of Significance.
- National Designations such as Areas of Special Scientific Interest (ASSIs) requires that, development, which would adversely affect the integrity of national designations will not accord with the plan, (NH3).
- The Area of Outstanding Natural Beauty (AONB) requires development within the identified area to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife, (NH6).

Action: No Action Required. That said if the PAC Commissioner was to recommend that an additional paragraph is appropriate to highlight the inter-relationship between the three ASAI Policies, Policy HE4 Regionally Important Archaeological Remains, Policy HE5 Locally Important Archaeological Remains and Policy HE6 Areas of Archaeological Potential, the Council would not object. Suggested position after paragraph 17.9 to introduce Archaeology. Suggested wording;

'Archaeology: Within Mid Ulster there are a variety of Regionally and Locally important archaeological remains. The most significant are located where there are a grouping of Scheduled and unscheduled archaeological remains, within an area of historic landscape or townscape.

Within Mid Ulster, such regionally and locally important historic areas have been identified by the Department for Communities, Historic Environment Division and subsequently defined as Areas of Significant Archaeological Interest. Within our three defined ASAI's there are a mixture of different types of Scheduled and unscheduled archaeological remains.

Therefore, it is important to acknowledge that our Strategic Planning Policies HE4 – HE5 will be a consideration together when assessing a proposed development within each of our three ASAI's. They are material considerations.'

Representation Elements 77/19 and 77/20.

5.4 Historic Environment Legislative Context

- a) No direct reference to Legislative Context. Several representations have indicated a need for inclusion of relevant legislation related to the historic environment such as the Valletta Convention⁵, the Venice Charter⁶, the Granada Convention⁷, the Florence Convention⁸ and the Faro Convention⁹. **(MUDPS/77 and MUDPS/115)**

Consideration: It is not clear to the Council how an ASAI benefits from statutory protection under the Planning Act (NI) 2011 or the Historic Monuments and Archaeological Object (NI) Order 1995. The Council sought further clarification from Department of Infrastructure (DfI), who confirmed via email on 05.12.2019 stating:

‘Further to your query, I can confirm that ASAI’s are a development plan designation and that such sites or constitute parts of them may benefit from statutory protection e.g. a Scheduled Monument, under the Historic Monuments and Archaeological Objects (NI) Order 1995.’

The development plan designates the distinctive landscape character and is a planning consideration by ASAI Strategic Planning Policy designations within the Strategic Plan. DfI response detailed in page 26 of Annex is simply suggesting that the council may want to explain/highlight what is scheduled or listed within the site or part thereof for clarity. Therefore, the entire ASAI designation is a planning material consideration only by virtue of its designation in the draft Strategic Plan and the individual historic environment assets within may benefit from statutory protection.

The Council notes that Statutory Undertakers retain permitted development rights within such area designations. The Council maintains that its approach to the Historic Environment Strategy is sound and is in alignment with the Regional Planning Policy, RDS 2035 and SPPS. This approach complies with the Spatial Planning Framework SPF6 and SPF10.

Action: No Action Required

Representation Elements 77/22, 77/23, 77/36, 77/37 and 115/90.

⁵ European Treaty Series – No.143 European Convention on the Protection of the Archaeological Heritage (Revised) Valetta, 16.I.1992

⁶ International Charter for the Conservation and Restoration of Monuments and Sites, The Venice Charter (as amended), 1964

⁷ Convention for the protection of the architectural Heritage of Europe, The Granada Convention (as amended), 1985

⁸ European Landscape Convention, Council of Europe, (as amended) Florence, 2000

⁹ The Council of Europe Framework Convention on the Value of Cultural Heritage for Society, Faro, 27.10.2005

5.5 What are the 'exceptional circumstances?'

- a) Several representations have raised concerns regarding the meaning of the term '*exceptional circumstances*'; seeking details and clarification of what the term means in the context of HE1 – HE7.

MUDPS/77, MUDPS/115 and MUDPS/162)

Consideration: The term '*exceptional circumstances*' is taken directly from the SPPS, paragraph 6.8. It is the Council's stance that it is not our role to define the meaning of this term and in such cases it is likely that it would be the Regional Planning Authority, (DfI), to assess the case specific '*exceptional circumstances*'.

The purpose of an ASAI is not only to protect the regionally and locally important archaeological remains and their immediate environs but also to protect the setting of the historic landscape and the overall enjoyment of the countryside by the public. Accordingly, Policies HE1 to HE7 presumes against development that can harm that enjoyment. It is not the purpose of Policies HE1 to HE7 to introduce a further consideration but to avoid unnecessary debate over the aesthetic attractiveness or obtrusiveness of certain types of development in the countryside.

The Council will determine all Planning Applications in accordance with the Local Development Plan unless material considerations can determine otherwise. If demonstrated, by the applicant, that a proposed development will not have an adverse impact, this in itself will be a material consideration, as will any benefits afforded by the proposed development. In such circumstances, the onus will be on the applicant to submit robust and sound written evidence to the Planning Department.

Action: No Action Required.

Representation Elements 77/196, 77/197, 77/198, 77/199, 115/97, 115/98, 115/100, 162/105, 162/106, 162/107 and 162/108.

5.6 HE1: Beaghmore Stone Circles – Area of Significant Archaeological Interest (ASAI) (pages 175 -176).

- a) Representations raised the suggestion to amend Map 1.20 to identify cross-council context of the designated ASAI has been considered **(MUDPS/77, MUDPS/115 and MUDPS/135).**

Consideration: Areas of Significant Archaeological Interest (ASAI) are identified by the Department for Communities, Historic Environment Division (DfC, HED) in consultation with the Historic Monuments

Council (HMC)¹⁰. DfC, HED has confirmed via counter-representation that Map 1.20 will not be altered. (Appendix B, DPSSCR/70)

Action: No Action Required.

Representation Elements 77/49, 115/330 and 135/3.

- b)** Several representations have raised issues regarding the soundness of the specific evidence used to identify Beaghmore Stone Circles ASAI and failure to identify the features if the ASAI to be protected **(MUDPS/77, MUDPS/83, MUDPS/115, MUDPS/135, MUDPS/150, MUDPS/153 and MUDPS/162)**

Consideration: Areas of Significant Archaeological Interest (ASAI) are identified by the Department for Communities, Historic Environment Division (DfC, HED) in consultation with the Historic Monuments Council (HMC). DfC, HED issued a Statement of Significance which sets out the justification for Beaghmore Stone Circles, Appendix A.

Further consideration of ASAI designations are set out in the Public Consultation Report on the POP, January 2019 (see previous link).

Action: No Action Required.

Representation Elements 77/45, 77/46, 77/47, 77/48, 83/28, 83/29, 115/91, 115/94, 135/3, 150/17, 150/18, 150/35, 153/37, 153/38, 153/39, 153/40 and 162/105.

5.7 HE2: Creggandevosky – Area of Significant Archaeological Interest (pages 177-178).

- a)** Representations raised the suggestion to amend Map 1.21 to identify cross-council context of the designated ASAI has been considered **(MUDPS/77 and MUDPS/115).**

Consideration: Areas of Significant Archaeological Interest (ASAI) are identified by the Department for Communities, Historic Environment Division (DfC, HED) in consultation with the Historic Monuments Council (HMC). DfC, HED has confirmed via counter-representation that Map 1.21 will not be altered. (Appendix B)

Action: No Action Required.

Representation Element 77/53 and 115/331.

- b)** Representations have raised issues regarding the soundness of the specific evidence used to identify Creggandevosky ASAI **(MUDPS/77, MUDPS/83, MUDPS/115, MUDPS/150, MUDPS/153, MUDPS/162, MUDPS/178 and MUDPS/191).**

¹⁰ Historic Monuments Council Letter regarding Mid Ulster ASAs, Prof. Gabriel Cooney BA MA PhD, Chairman, 19.10.2017

Consideration: Areas of Significant Archaeological Interest (ASAI) are identified by the Department for Communities, Historic Environment Division (DfC, HED) in consultation with the Historic Monuments Council (HMC). DfC, HED issued a Statement of Significance which sets out the justification for Creggandevsky, Appendix C, 2.

Further consideration of ASAI designations are set out in the Public Consultation Report on the POP, January 2019 (see previous link).

Action: No Action Required.

Representation Elements 77/50, 77/51, 77/52, 83/30, 83/31, 115/92, 115/95, 150/17, 150/35, 153/37, 153/38, 153/40, 162/106, 178/236, 178/237, 178/238, 178/239, 178/240, 178/241, 191/236, 191/237, 191/238, 191/239, 191/240 and 191/141.

5.8 HE3: Tullaghoge – Area of Significant Archaeological Interest (ASAI) (Page 178)

- a)** A Site –Specific Representation received relating directly to Tullaghoge ASAI (**MUDPS/51**)

Consideration: The Council has considered the site-specific concerns raised through representation MUDPS/51. As the issues relate directly to an identified area within the Tullaghoge ASAI, the representation has been forwarded to DfC, HED for their consideration. Counter-representation DPSCR/76, was submitted by DfC, HED in response to representation MUDPS/51. These representations relate to a parcel of land located within Tullaghoge ASAI (Policy HE3). DfC, HED disagree with the representation's proposed exclusion of a portion of land at Tullywiggan from the Tullaghoge ASAI, and with the proposed alternate boundary put forward.

Action: No Action Required.

Representation Element 51/3.

- b)** Several representations have raised issues regarding the soundness of the specific evidence used to identify Tullaghoge ASAI (**MUDPS/77, MUDPS/115 MUDPS/150 and MUDPS/153**).

Consideration: Areas of Significant Archaeological Interest (ASAI) are identified by the Department for Communities, Historic Environment Division (DfC, HED) in consultation with the Historic Monuments Council (HMC). DfC, HED issued a Statement of Significance which sets out the justification for Tullaghoge, Appendix C, 3. Further consideration of ASAI designations are set out in the Public Consultation Report on the POP, January 2019 (see previous link).

Action: No Action Required.

Representation Elements 77/54, 77/55, 77/56, 83/32, 83/33, 115/93, 115/96, 150/17, 150/35, 153/37, 153/38 and 153/40.

5.9 HE4: Archaeological Remains of Regional Importance and Their Setting (pages 179-180).

- a) DfC, HED raised issues around the legal requirement for Scheduled Monument Consent has been raised by DfC, HED **(MUDPS/77, MUDPS/115 and MUDPS/162).**

Consideration: The Historic Monuments and Archaeological Objects (NI) Order 1995 defines a historic monument as *any scheduled monument; and any other monument the protection of which is in the opinion of the Department (DfC) of public interest by reason of the archaeological, historical, architectural, traditional or artistic interest attaching to it.*

DfC, HED is responsible for compiling and publishing a list of Scheduled Monuments and to control all works affecting Scheduled Monuments, some of which are State owned. Schedule Monument consents are dealt with by DfC, HED and are an issue for DfC, HED as set out in the 1995 Order, not the Council.

Action: No Action Required.

Representation Elements 77/57, 77/58, 77/59, 77/60, 77/61, 77/62, 77/63, 77/64, 77/65, 77/66, 115/97 and 162/108.

5.10 HE5: Archaeological Remains of Local Importance and their Settings (page 180).

- a) DfI and DfC, HED raised concerns regarding specific text and wording. DfC, HED requested the removal of all references to State Care Monuments specifically within paragraph 17.26 **(MUDPS/77 and MUDPS/115).**

Consideration: The Council contends the need to amend existing text in the summary box of Strategic Planning Policy HE4. Although paragraph 6.9 of SPPS and Policy BH2 use different words, the Council have assumed that both situations apply the same test in terms of a material planning consideration. The Council has lifted the word 'importance' from PPS6, BH2. It is the Council's opinion that if archaeological remains (physical objects, artefacts or traces of human activity) have the potential to be a constraint upon any proposed development they should be clearly identified at the earliest opportunity to facilitate early consideration by an applicant.

Early engagement with the Planning Department and DfC, HED will provide an applicant with sufficient time to consideration re-siting or redesigning the development to minimise any potential detrimental impact on the existing archaeological remains. The Council advocates

early engagement between all interested parties when there are physical archaeological remains in situ.

Frontloading such cases will be more effective and efficient in terms of the Development Management process and indeed, allow for a better-informed applicant. In such instances, the preferred approach is to utilise the Development Management PAD process, enabling the clear identification of any archaeological remains at the start of the planning process and therefore facilitating early discussion between interested parties prior to formal submission of a planning application.

In relation to the immediate environs or setting of the physical archaeological remains, it is not, a new concept that, historical interest and importance is a better test. There are existing examples within Mid Ulster where physical archaeological remains (objects and artefacts) and their associated historic setting (immediate environs), have been incorporated into the proposed development, thus protecting the archaeological remains, whilst accommodating the development.

The Council acknowledges the use of specific references to historic environment assets however contend this causes the strategic planning policy to be unsound.

Action: No Action Required. That said if the Commissioner should recommend the removal of references to specific historic assets within paragraph 17.26, the Council would not object.

Representation Elements 77/67, 77/68 and 115/98.

5.11 HE6: Areas of Archaeological Potential (AAP) (pages 180 – 181)

- a) DfC, HED have raised confusion regarding the purpose of a Strategic Planning Policy on Areas of Archaeological Potential (AAP). DfC, HED and DfI have provided several detailed amendments to specific paragraphs and policy text (**MUDPS/77 and MUDPS/115**).

Consideration: The Council wish to draw the Commissioners attention to the extant Area Plans within which there are established Strategic Planning Policies for Areas of Archaeological Potential. Namely, Dungannon and South Tyrone Area Plan 2010 Plan Policy CON 3; Cookstown Area Plan 2010 Plan Policy CON 5 and Magherafelt Area Plan 2015 page 34. The Preferred Option Paper references them on page 84 (25 AAPs) any changes or additions to these will be a matter for the Local Policies Plan to address.

In addition, DfC, HED provide annual datasets on Areas of Archaeological Potential (AAP) and indeed the body provides the ArcView shape files and associated data based on expert knowledge, sound evidence and up-to-date research to identify Areas of Archaeological Potential.

Areas of Archaeological Potential based on first Edition OSNI historical maps, records and are normally within the historic core of an identified settlement, including villages and smaller settlements. For example, there is likely to be archaeological remains located within the known historic cores of settlements within Mid Ulster District Council area, namely, areas of archaeological potential based on first edition historical maps¹¹ (OSNI 1832 - 1846).

Furthermore, it is reasonably logical to inform applicants of the likely potential for archaeological remains to exist within such identified areas. The Council therefore contends it is reasonable to prepare a strategic planning policy for such AAPs and set out the Council expectations for the submission of planning applications within such areas. The purpose of this Strategic Planning Policy is to highlight to potential applicants the likelihood of archaeological remains within such defined areas. It is to facilitate an early conversation regarding the potential archaeological interest of any remains found within such identified areas.

Action: No Action Required.

Representation Elements 77/71 and 115/99.

5.12 HE7: Archaeological Assessment, Evaluation and Mitigation (pages 181-182)

- a) DfI and DfC, HED have suggested detailed amendments for specific boxed text and provided detailed amendments to specific paragraphs; several representations have stated that the Policy is unsound, confusing particularly paragraphs 17.31 – 17.35 **(MUDPS/77)**.

Consideration: There has been no clear justification stating exactly why draft Policy HE7 is unsound. The Council contends the need to amend existing text in the summary box of Strategic Planning Policy HE7. The Council does not differentiate between policy text in the grey box or the justification and amplification. The Council remains of the view that this Policy is sound.

The Council understands that archaeological interest is about the potential of a heritage asset to enhance understanding of the past. Archaeology in essence is the investigation of the past through assessment, evaluation, research and analysis of both the above and below ground elements of the historic environment as part of the same whole.

Action: No Action Required.

¹¹ <https://www.nidirect.gov.uk/articles/about-proni-historical-maps-viewer>

Representation Elements 77/72, 77/73, 77/74, 77/75, 77/76, 77/77, 77/78, 77/79, 77/80, 77/81, 77/82, 77/83, 77/88, 77/89, 77/90, 77/91, 77/92, 77/93, 77/94, 77/95, 77/96, 77/97, 77/98 and 77/99.

- b) DfC, HED have stated that paragraphs 17.38 and 17.39 need to be reconsidered to make them sound and to facilitate and clarify the reporting process for unexpected archaeological discoveries. DfI raised concerns that the Policy as worded may lessen the intention of the Planning Policies BH3 and BH4, of PPS6 and Section 6.0 of SPPS **(MUDPS/77 and MUDCPS/115)**.

Consideration: It is the Council's position that it has already utilised its legislative planning powers to request information in relation to archaeological remains. The purpose of Policy HE7 is:

- to help the applicant determine the likelihood of discovering archaeological remains (physical finds) within the development site; and,
- to facilitate planning-led archaeology, by advocating early engagement with the competent statutory body to establish the heritage values and archaeological importance of any potential finds.

The onus is on the applicant to engage with the competent statutory body (DfC, HED) and provide sound evidence of appropriate and proportionate assessment and evaluation to determine if archaeological remains are in situ. Early engagement with DfC, HED and the local planning authority via such initial archaeological assessments will provide a sound evidence base for the applicant to consider options for adaptive measures, such as re-siting and redesign, of the original proposed development. It assists the applicant to determine the true physical constraints and opportunities associated with a specific area or land and facilitate early viable minimal intervention techniques or amend proposal appropriately.

Access to and submission of, accurate and sound baseline information, at the earliest opportunity is vital to allow the Council to assess the potential impacts a development may have on archaeological remains (physical artefacts / objects / traces of human activity) or, indeed, the potential detrimental impact on the immediate environs of the said remains. It is logical therefore that there is a presumption to submit the required archaeological assessment or evaluation, when requested and to have such conversations with the competent body (DfC, HED) as early as possible.

HE7 acknowledged the variety and need for specific types of archaeological assessment and evaluation reports that shall be required where development will or is likely to have a detrimental impact on archaeological remains. Further details of specific types of

archaeological reports will be set out at through the Local Policies Plan and supplementary guidance, if required.

Where there is uncertainty, regarding the historic interest (importance) of archaeological remains, or what the potential heritage significance of the remains may be, it is vital that the applicant is aware that they should engage early with the competent statutory body for clear advice and guidance, (DfC, HED). Hence, the Council has advised this approach in paragraphs 17.38 and 17.39.

Action: No Action Required.

Representation Elements 77/107, 77/122, 77/123, 77/124 and 115/100.

- c) DfC, HED have raised concerns regarding language used relating to excavation licencing (**MUDPS/77**).

Consideration: With regard to excavation licensing and reporting of archaeological objects, these are legal requirements under the 1995 Order¹² for the Department for Communities, Historic Environment Division. They are not issues for the Council or local planning authority.

Action: No Action Required.

Representation Elements 77/100, 77/101, 77/102, 77/103, 77/104, 77/105, 77/106, 77/108, 77/109, 77/110, 77/111, 77/112, 77/113, 77/114, 77/115, 77/116, 77/117, 77/118, 77/119, 77/120 and 77/121.

5.13 HE8: Registered Historic Parks, Gardens and Demesnes (Pages 182-183)

- a) DfC, HED and others have suggested amendments for specific boxed text to clarify '*assessment criteria*' and provided amendments to specific paragraphs (**MUDPS/77, MUDPS/125, MUDPS/162 and MUDPS/174**).

Consideration: There has been no clear justification stating exactly why draft Policy HE8 is unsound. It is worth noting that DfC, HED only recently (April 2019 Datasets) released specific data on the 19-registered historic parks, gardens and demesne within Mid Ulster District Council.

The Council understands that the purpose of conservation is to care for places of cultural heritage value¹³; such places include historic planned landscapes associated with large historic estates incorporating buildings, structures, planned parks, gardens and any other original component part thereof. Conservation is the process of managing change to a historic place and the heritage assets contained within its setting in ways that will best sustain its heritage values while

¹² Part III, Archaeological Objects, Historic Monuments and Archaeological Objects (NI) Order 1995

¹³ UNESCO Convention concerning the Protection of the World Culture and Natural Heritage, UNESCO, 1972

recognising opportunities to reveal or reinforce those heritage values for present and future generations. The Council advocates this conservation approach through Policy HE8 to achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment¹⁴.

These areas identified in the three extant plans already have established Plan Policy. Policy HE8 simply re-iterates the existing Plan Policy within these three documents and paragraphs 6.16 and 6.17 of the SPPS. In addition, the Council notes that such designations only secured through the Local Development Plan process and there is no legal requirement for such designations under the Planning Act (NI) 2011 or the 1995 Order.

Despite the lack of legal protection in their own right, Policy HE8 recognises that historic parks, gardens and demesnes are part of the historic landscape. Such areas are of local historic interest to the public in that they reflect the local cultural, agricultural, industrial and social economic history of the area; and, constitutes a finite resource. Subsequently, their protection and sustainable management are important to secure their heritage values for present and future generations. Understanding and articulating these heritage values and historical significance of said designated is necessary to inform decisions about its future. The purpose of HE8 is to highlight to potential applicants the need for consideration of the heritage values¹⁵ of each identified historic park, garden or demesnes. The Council remains of the view that the Policy is sound, the tests are clearly set out and the Policy could not be simpler. The suggested changes only help to confuse matters.

Action: No Action Required.

Representation Elements 77/125, 77/126, 77/127, 77/128, 77/129, 125/3, 162/109, 174/53 and 174/54.

5.14 HE9: Change of Use, Alteration or Extension of a Listed Building (Pages 184-185)

- a) Representations have raised concerns that the approach taken with regard to draft Policy HE9 has altered emphasis and created significant misinterpretation regarding the protection, conservation and enhancement of a listed building / structure. DfC, HED in particular have raised concerns regarding the potential of the approach to result in the contravention of legislative protection and failure to meet obligations under international conventions on the protection of the historic landscape¹⁶; the cultural and natural heritage¹⁷; the

¹⁴ European Landscape Convention, Florence, 20 October 2000, UK ratified on 1st March 2007

¹⁵ ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value, as amended, 2010.

¹⁶ European Landscape Convention (Florence, Council of Europe, 2000)

¹⁷ Convention concerning the Protection of the World Cultural and Natural Heritage (Venice, UNESCO, 1972)

architectural heritage¹⁸, and, the archaeological heritage¹⁹. DfC, HED have suggested amendments for specific boxed text, re-formatting within the boxed text to prevent confusion (**MUDPS/77, MUDPS/174 and MUDPS/179**).

There has been no clear justification stating exactly why draft Policy HE9 is unsound. Similarly there has been no clear specific justification as to exactly why there is a query regarding potential to contravene certain UK ratified legislation.

The purpose of Policy HE9 is to highlight to potential applicants the need for consideration of the heritage values²⁰ of a listed building, its immediate environs (curtilage) and its wider historic setting (landscape). It is to facilitate a conversation regarding the special architectural (aesthetic) and historic interest (historical) heritage values of the component parts. There may be evidential (archaeological) and communal (cultural) heritage values depending on associated locally important historical events, people, social and economic changes. Policy HE9 advocate is frontloading of planning applications through utilisation of existing sound evidence, held by the competent statutory body.

The Council has taken account of the legislative context for the protection, conservation and enhancement of a listed building or structure, its associated curtilage and wider historic setting. The Council's conservation approach complies with the RDS 2035, SPPS and the Planning Act (NI) 2011 to protect, enhance and conserve a listed building, historic structures within its curtilage, and wider historic setting (landscape) including the illustrative and associative heritage values²¹, of the said protected heritage asset. The Council advocates the retention, reuse and appropriate adaption of listed buildings in light of the needs of contemporary life.

The Council acknowledges a typo on page 184 regarding the word '*essential*' which should have read '*special*'; however this does not make the overall Policy HE9 unsound. The Council advocates early engagement with the competent statutory body, preferably through the Pre-application Determination (PAD) process. This approach is apparent throughout the Plan Strategy and the Historic Environment theme, not specifically referencing the PAD process within Policy HE9 does not render it unsound.

Action: No Action Required. That said if the Commissioner were to recommend the word change on page 184, the Council would have no objection.

¹⁸ Convention for the Protection of the Architectural Heritage of Europe (Granada, Council of Europe, 1985)

¹⁹ European Convention on the Protection of the Archaeological Heritage (Valletta, Council of Europe, 1992)

²⁰ ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value, as amended, 2010.

²¹ The Burra Charter and Indigenous Cultural Heritage Management, Practice Note, Version 1, November 2013

Representation Elements 77/130, 77/131, 77/132, 77/133, 77/134, 77/135, 77/136, 77/137, 77/138, 77/139, 77/140, 77/141, 77/142, 174/55, 179/6 and 179/7.

- b) Representations have raised concerns regarding the justification and amplification text stating it is unsound, as it does not assist in clarifying the meaning of the policy; or, the decision making process in relation to works impact a listed building or its setting. The development in the setting of a listed building has no protection under the current policy text or test(s). One issue relates to the legal requirement for Listed Building Consent and Design and Access Statements (**MUDPS/77**).

The Council notes that, as there is a legal requirement for Listed Building Consent, and Design and Access Statements, as set out in the Planning Act (NI) 2011 and associated Regulations, these concerns are a matter of law. The Policy tests are clearly set out at the start of Policy HE9. It is the Council view that Policy HE9 could not be any simpler or clear. The suggested amendments will only serve to complicate matters.

Action: No Action Required.

Representation Elements 77/143, 77/144, 77/145, 77/146, 77/147, 77/148, 77/149, 77/150, 77/151, 77/152, 77/153, 77/154, 77/155, 77/156, 77/157, 77/158, 77/159, 77/160, 77/161, 77/162, 77/163, 77/164, 77/165, 77/166, 77/167, 77/168, 77/169, 77/170, 77/171, 77/172, 77/173, 77/174, 77/175, 77/176, 77/177, 77/178, 77/179, 77/180, 77/181, 77/182, 77/183, 77/184, 77/185, 77/186, 77/187, 77/188, 77/189, 77/190 and 77/191.

5.15 HE10 – Demolition of a Listed Building (pages 184-185)

- a) Representations highlight there must be a clear presumption in favour of retaining listed buildings. Demolition is the last resort, only in exceptional circumstance. DfC, HED and others have stated that the draft Policy HE10 does not take sufficient account of RDS, notably 2.10 and 3.30, SPPS notably 5.16, 6.4, 6.12 and 6.15 (**MUDPS/77, MUDPS/115 and MUDPS/174**).

Consideration: There has been no clear justification stating exactly why draft Policy HE10 is unsound. The Council contends the need to amend existing text in the summary box of Strategic Planning Policy HE10. The Council does not differentiate between policy text in the grey box or the justification and amplification. The Council remains of the view that this Policy is sound.

The Council is unclear regarding DfC, HED comment to amend Policy HE10 text to '*identity an opportunity to provide greater clarity*', this suggests that draft Policy should go beyond a material consideration test as identified in the RDS 2035 and SPPS. It is noted that under

the Planning Act (NI) 2011 and associated Regulations there is a legal requirement to submit a Listed Building Consent and Design and Access Statement for development related to a Listed Building, its immediate environs and wide historic setting. The legislation does not apply to designated conservation areas, nor unlisted buildings within such areas.

The Council has taken account of the legislative context for the protection, conservation and enhancement of a listed building or structure, its associated curtilage and wider historic setting. The Council's conservation approach complies with the RDS 2035, SPPS and the Planning Act (NI) 2011 to protect, enhance and conserve a listed building, historic structures within its original curtilage, and wider historic setting (landscape) of the said asset. The Council advocates the retention, reuse and appropriate adaption of listed buildings in light of the needs of contemporary life, (refer to Policy HE9).

Action: No Action Required. That said if the Commissioner recommends a line within the justification and amplification text to cross-reference link between HE 9 and HE 10, the Council would not object.

Representation Elements 77/192, 77/193, 77/194, 77/195, 77/223, 115/101 and 174/56

- b)** DfC, HED have raised the need for a Full Planning Application must be submitted alongside a Demolition consent application. In addition, they have highlighted the requirement to record the listed building prior to any proposed demolition, partial or whole (**MUDPS/77**).

Consideration: The Council recognise there may be a circumstance where a building may need to be demolished. The Council have set out the criteria for deciding this. The Council anticipate that there will be rare occasions when specific exceptional circumstances may arise where an applicant will request the total or partial demolition of a listed building. Policy HE10 has been prepared to facilitate the necessary sound and logical assessment criteria and procedures needed by the Council to ascertain the material considerations for each specific case. The onus in such circumstances will be on the applicant to provide clear, sound written evidence to justify the requested demolition.

Action: No Action Required.

Representation Elements 77/196, 77/197, 77/198 and 77/199.

- c)** Representations have raised concerns regarding the justification and amplification text stating it is unsound, as it does not assist in clarifying the meaning of the policy; or, the decision making process in relation to justification for demolition of a listed building (**MUDPS/77**).

Consideration: There has been no clear justification stating exactly why draft Policy HE10 is unsound. The Council contends the need to amend existing text in the justification and amplification text. The Council remains of the view that this Policy is sound.

Action: No Action Required.

Representation Elements 77/200, 77/201, 77/202, 77/203, 77/204, 77/205, 77/206, 77/207, 77/208, 77/209, 77/210 and 77/211.

- d) DfC, HED and The National Trust have raised specific concerns regarding the introduction of a third exceptional case scenario not in the SPPS (**MUDPS/77**).

Consideration: The Council is unclear about the purpose of a comment submitted from the National Trust regarding their statement on '*a third exceptional circumstance*' specifically to the soundness tests. It is unclear to the Council how there could be a limitation on exceptional circumstances as the nature of the term is specific to each case presented to the Council for consideration. Furthermore, it is unclear why the structural integrity of a listed building would not be a material consideration, provided the applicant submitted and demonstrated such a fact in writing. Such written evidence must be sound and verifiable by an appropriately qualified professional. In all cases, the onus is on the applicant to demonstrate the need for demolition, as it goes against Policy HE9.

Action: No Action Required.

Representation Elements 77/212, 77/213, 77/214 and 77/215.

- e) Missing subheading under Policy HE10 (**MUDPS/77**).

Consideration: The missing sub-heading '*Justification and Amplification*' is acknowledged, this was due to a formatting error. The omission of the sub-title does not make render Policy HE10 unsound.

Action: No Action Required. That said if the Commissioner recommended the insertion of missing sub-heading, the Council would not object.

Representation Elements 77/200, 77/201, 77/202 and 77/203.

5.16 HE11 Advertisement on a Listed Building or Structure (Pages 185 – 186)

- a) DfC, HED considers the policy does not take sufficient account of SPPS, notably 4.26 and 6.14. DfC, HED and others have suggested changes to boxed text and amendments to specific paragraphs (**MUDPS/77 and MUDPS/174**).

Consideration: There has been no clear justification stating exactly why draft Policy HE11 is unsound. The Council contends the need to

amend existing text in the summary box of Strategic Planning Policy HE11. The Council does not differentiate between policy text in the grey box or the justification and amplification. The Council remains of the view that this Policy is sound.

The Council's conservation approach complies with the RDS 2035, SPPS, paragraph 6.14, Policy BH9 of PPS6 and the Planning Act (NI) 2011 to protect, enhance and conserve a listed building, historic structures within its original curtilage, and wider historic setting (landscape) of the said asset. The Council advocates the retention, reuse and appropriate adaption of original authentic shop frontages and signage. Authentic historic built fabric holds historic interest and special architectural merit it is these features that need protected and conserved, therefore it is important to acknowledge and understand which parts of the shop frontages and signage are original and authentic, as these are the historical parts that make up the whole, listed building.

The Council remains content that the draft Strategic Planning Policies HE9, HE10 and HE11 are sound. That said, if the PAC Commissioner was to recommend that, an additional sentence or sub-heading is appropriate to highlight the inter-relationship between the three Listed Building Policies, the Council would not object.

Action: No Action Required.

Representation Elements 77/216, 77/217, 77/218, 77/219, 77/220, 77/221, 77/222, 77/224, 77/225 and 174/57.

5.17 HE12 Designated Conservation Areas and their historic setting (Pages 186–189)

- a) Representations raised concerns regarding Policy HE12 stating that it does not take sufficient account of SPPS, notably 4.26, 5.9, 5.16, 6.18 and 6.19. DfC, HED and others have suggested changes to boxed text amendments to specific paragraphs. Some concerns regarding the amalgamation of existing Policies BH12, BH13 and BH14 of PPS6 are noted. Representations have suggested that HE12 as written applies a lesser test. Other representations consider the Policy to be unnecessarily constrain and should be more flexible to allow the sensitive renewal and redevelopment of conservation areas including demolition (**MUDPS/77, MUDPS/115, MUDPS/125, MUDPS/174, MUDPS/179 and MUDPS/192**).

Consideration: There has been no clear justification stating exactly why draft Policy HE12 is unsound. Reference to '*HE12 applying a lesser test*' is not justified within the representations. It is not clear to the Council what this statement means. The Council remains of the view that this Policy is sound.

The purpose of Policy HE12 is to protect, conserve and where possible, enhance the designated conservation areas, having regard to the desirability of enhancing the character or appearance of that area in cases where an opportunity to do so arise. Policy HE12 facilitates this legislative requirement. It is the overall original, historic built fabric; landscape and architectural characteristics and appearance; and associated social and economic heritage of local historic interest that provide the basis for designating an area, these are the important factors, in terms of material considerations. In instances where an opportunity to enhance of original historic landscape and architectural characteristics of the specific area does not arise, as a minimum the Council will advocate for the preservation and conservation of such historic characteristics.

Action: No Action Required.

Representation Elements 77/226, 77/227, 77/228, 77/231, 77/232, 77/235, 77/236, 77/238, 77/239, 77/240, 77/241, 115/102, 125/4, 174/58, 174/59, 174/60, 179/8 and 192/34.

- b)** DfC, HED suggest that paragraph 17.63 should state only Full Planning Applications shall be acceptable within a designated Conservation Area (**MUDPS/77 and MUDPS/115**).

Consideration: Policy HE12 can request the submission of adequate detail to determine a planning application such as scaled drawings, or, a Design and Access statement, where requested or required; it is not reasonable to restrict planning application types to Full only. The Council notes that this would contravene the Planning Act (NI) 2011 and associated Regulations. In addition, the Council notes that designated conservation areas, unless subjected to an Article 4 Direction, retain permitted development rights.

Policy HE12 is clear in that it states the onus will be on the applicant to demonstrate and justify a proposed development within a conservation area. Where appropriate, the Council has indicated the preferred approach to the applicant; and, provided details of what to submit, where requested. In addition, the Council advocates early engagement with the competent statutory body, preferably through the Pre-application Determination (PAD) process.

Action: No Action Required. The Council acknowledges typo paragraph 17.60 removal of 'listed and', however this typo does not render Policy HE12 unsound. That said if the Commissioner were to recommend the words removal, the Council would have no objection.

Representation Elements 77/229, 77/230 and 115/102.

5.18 HE13 Non-listed Historic Vernacular Buildings (Pages 189–190)

- a) Representations have raised concerns regarding draft Policy HE13 particularly DfC, HED and National Trust. They consider the policy text to be unsound as it does not take sufficient account of RDS RG 11, notably 3.30 and the SPPS, notably 4.26, 5.9, 5.16, 6.21, 6.24 and 6.67. Representations suggested specific changes to boxed text and amendments to paragraphs provided **(MUDPS/77, MUDPS/115 and MUDPS/174)**.

Consideration: The Council contends the need to amend existing text in the summary box of Strategic Planning Policy HE13. There has been no clear justification stating exactly why draft Policy HE13 is unsound. The Council draws attention to the fact that this bespoke Policy clearly sets out the tests for material consideration i.e. preservation, and, where possible, enhancement. This Policy has taken account of the RDS RG11, RG7, RG9 and Section 6.0 of the SPPS.

Action: No Action Required.

Representation Elements 77/242, 77/243, 115/103, 174/61 and 174/62.

- b) DfI and the National Trust are concerned that the wording gives rise to potential misinterpretation. DfI note that the policy relies heavily on the will of the developer to adhere to its requirements and ask the council to consider what the dPS can do to encourage this kind of development. DfI also suggest a cross reference between this policy and policies CT2, ECON2 and TOU3, which allow for conversion and re-use of existing buildings for residential, economic and tourism development **(MUDPS/77 and MUDPS/174)**.

Consideration: The Council contends the need to amend existing text in the summary box of Strategic Planning Policy HE13. There has been no clear justification stating exactly why draft Policy HE13 is unsound. The Council draws attention to the fact that this bespoke Policy clearly sets out the tests for material consideration i.e. preservation, and, where possible, enhancement. This Policy has taken account of the RDS RG11, RG7, RG9 and Section 6.0 of the SPPS. In addition, it accords with the Plan's Spatial Planning Framework SPF6. Furthermore, Policy CT2 part D of the dPS will apply where the proposal is for a dwelling in the countryside.

The dPS clearly sets out criteria for conversion of such heritage assets, which have no legal protection under the Planning Act (NI) 2011 or associated Planning Regulations 2015. Through Policy HE13, the Council advocates for the retention, reuse and repair of historic vernacular buildings and allows for the consideration of proportionate and appropriate adaptation.

Without Policy HE13, there is no planning policy protection for non-designated vernacular buildings, other than paragraph 6.24 of SPPS.

It is highly likely such vernacular buildings could continue to be lost without this bespoke Policy.

With regard to encouraging this type of development, it is clear from the wording of the policy and related J&A, the value that this Council attributes to such development. Indeed, the policy clearly states that proposals, which will deliver the sustainable conversion, active reuse and repair of non-designated historic vernacular buildings, or structures, will accord with the Plan. Subject to meeting the remainder of the policy. Furthermore, the Council advocates' early engagement with the competent body in order identify and define the heritage values and historic significance of an undesignated vernacular building. In such cases, DfC, HED will be required to identify the original historic built fabric to be retained; provide repairs advice; intervention techniques and methods to be utilised in repair works. For the benefit of the applicant and the public, the Council has provided a short list of potential types of vernacular buildings as an indicator, but it is not an exhaustive list. Further advice and guidance may be consider for the benefit of the public and to applicants through local policies plans, or supplementary planning guidance.

The Council remains of the view that this Policy is sound.

Action: No Action Required Policy.

Representation Elements 77/244, 77/245, 77/246 and 174/62.

5.19 HE14 Areas of Townscape / Village Character (Pages 190–191)

- a) DfC, HED, DfI and National Trust consider Policy HE14 is unsound as insufficient account has been taken of SPPS 5.9, 6.21 and 6.22. The draft Policy is incoherent and there are no subheadings and is inconsistent with SPPS regarding demolition of an unlisted building within a designated ATC or AVC. Other representations consider the Policy to be unnecessarily constrain and should be more flexible to allow the sensitive renewal and redevelopment of ATC / AVC's including demolition (**MUDPS/77, MUDPS/115, MUDPS/174 and MUDPS/192**).

Consideration: There has been no clear justification stating exactly why draft Policy HE14 is unsound. The Council draws attention to the fact that the Policy clearly sets out the tests for material consideration i.e. maintain, or, enhances the overall character of the identified ATC /AVC. Policy HE14 has had regard to Policy CON 5 within the Dungannon and South Tyrone Area Plan 2010 and CON 7 Cookstown Area Plan 2010; and, the designations, which already assist within the three extant Area Plans. The Council will undertake a review of the identified ATC / AVCs at Local Policy Plan stage.

Policy HE14 has taken account of the RDS RG11 and SPPS. In addition, it accords with the Plan's Strategy Spatial Planning Framework SPF6. It clearly sets out material considerations for such areas, which have no specific legal protection under the Planning Act (NI) 2011 or associated Regulations. Through Policy HE14, the Council advocates for the retention, reuse and repair of unlisted historic buildings within the designated areas. The Council remains of the view that this Policy is sound.

Action: No Action Required. However, if the PAC feel that clarification is required, and are so minded to recommend that the first sentence under 'Demolition' is deleted, the Council would not object to this.

Representation Elements 77/247, 115/104, 174/63, 174/64 and 192/35.

5.20 HE15 Industrial Heritage Assets (Page 191)

- a) Although DfC, HED has welcomed the provision of a policy around the protection of industrial heritage assets, they state that the policy lacks significant detail relating to how development will be considered against the protection of the industrial heritage asset. The National Trust and others suggest the policy although, welcomed, include a list of criteria to protect industrial heritage assets and their settings from inappropriate development (**MUDPS/77, MUDPS/115 and MUDPS/174**).

Consideration: There has been no clear justification stating exactly why draft Policy HE15 is unsound. The Council draws attention to the fact that the Policy clearly sets out the tests for material consideration i.e. secure the retention, repair and sustainable maintenance of the identified industrial heritage asset. The Council will consider the need for specific assessment criteria at the Local Policies Plan stage and will consider the need for supplementary planning advice and guidance on Industrial Heritage Assets based on the associated DfC, HED Register. Furthermore, Policy CT2 part D of the dPS will apply where the proposal is for a dwelling in the countryside.

Policy HE15 has taken account of the RDS RG11 and SPPS. In addition, it accords with the Plan's Strategy Spatial Planning Framework SPF6. It clearly sets out material considerations for such heritage assets, which have no specific legal protection under the Planning Act (NI) 2011.

Through Policy HE15, the Council advocates for the retention, reuse and repair of identified industrial heritage assets, namely by utilising DfC, HED's Industrial Heritage Asset Register. The Council remains of the view that this Policy is sound.

Action: No Action Required.

Representation Elements 77/248, 115/105 and 174/65.

5.21 HE16 Local Landscape Policy Areas (Page 191)

- a) Although DfC, HED considers the opening sentence of the Policy HE16 fails the consistency test as it does not take sufficient account of SPPS, notably 6.29. The National Trust and others suggest specific word changes and suggest re-writing Policy text to provide a robust policy **(MUDPS/77, MUDPS/125 and MUDPS/174).**

Consideration: There has been no clear justification stating exactly why draft Policy HE16 is unsound. The Council draws attention to the fact that the Policy HE16 is from existing Plan Policies within the three extent plans. Cookstown Area Plan 2010; Dungannon and South Tyrone Area Plan 2010, and, Magherafelt Area Plan 2015 Plan Policies CON 2 Local Landscape Policy Areas.

The Council will review the existing LLPAs within the three extant plans at the Local Policies Plan stage and will consider producing supplementary planning guidance on LLPAs. The Council remains of the view that this Policy is sound.

Action: No Action Required.

Representation Elements 77/249, 125/5 and 174/66.

6.0 Recommendation

- 6.1 The Planning Department recommend that we progress the approach to Historic Environment in line with the actions contained within this paper.

7.0 Representations Received

- 7.1 Representations received in relation to the historic environment topic.

SITE-SPECIFIC REP., CLYDE SHANKS PLANNING DEVELOPMENT	MUDPS/51
DEPARTMENT FOR COMMUNITIES, HISTORIC ENVIRONMENT DIVISION	MUDPS/77
TURLEY	MUDPS/83
NORTHERN IRELAND HOUSING EXECUTIVE	MUDPS/85
FERMANAGH AND OMAGH DISTRICT COUNCIL	MUDPS/89
DEPARTMENT FOR INFRASTRUCTURE	MUDPS/115
EAMON LOUGHREY	MUDPS/125
DONALDSON PLANNING	MUDPS/135
STANDING OUR GROUND – WOMEN OF THE SPERRINS	MUDPS/141
HISTORIC MONUMENTS COUNCIL	MUDPS/149
TURLEY	MUDPS/150
TURLEY	MUDPS/153
TC TOWN PLANNING	MUDPS/155
CAUSEWAY COAST AND GLENS BOROUGH COUNCIL	MUDPS/159
PROTECT SLIEVE GALLION	MUDPS/162
NATIONAL TRUST	MUDPS/174
PAT HAUGHEY	MUDPS/178

ULSTER ARCHITECTURAL HERITAGE	MUDPS/179
CONCERNED BROUGHDERG RESIDENTS ASSOCIATION	MUDPS/181
PAULINE MCHENRY	MUDPS/191
ROSS PLANNING	MUDPS/192

8.0 Counter Representations

- 8.1 During the period for counter representations to the draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, several counter-representations were received which related directly to Historic Environment Strategy and Strategic Planning Policies HE1 – HE16. These were from the Department for Communities, Historic Environment Division, listed below.

DPSCR/7	DPSCR/21	DPSCR/35	DPSCR/49	DPSCR/63
DPSCR/8	DPSCR/22	DPSCR/36	DPSCR/50	DPSCR/64
DPSCR/9	DPSCR/23	DPSCR/37	DPSCR/51	DPSCR/65
DPSCR/10	DPSCR/24	DPSCR/38	DPSCR/52	DPSCR/66
DPSCR/11	DPSCR/25	DPSCR/39	DPSCR/53	DPSCR/67
DPSCR/12	DPSCR/26	DPSCR/40	DPSCR/54	DPSCR/68
DPSCR/13	DPSCR/27	DPSCR/41	DPSCR/55	DPSCR/69
DPSCR/14	DPSCR/28	DPSCR/42	DPSCR/56	DPSCR/70
DPSCR/15	DPSCR/29	DPSCR/43	DPSCR/57	DPSCR/71
DPSCR/16	DPSCR/30	DPSCR/44	DPSCR/58	DPSCR/72
DPSCR/17	DPSCR/31	DPSCR/45	DPSCR/59	DPSCR/73
DPSCR/18	DPSCR/32	DPSCR/46	DPSCR/60	DPSCR/74
DPSCR/19	DPSCR/33	DPSCR/47	DPSCR/61	DPSCR/75
DPSCR/20	DPSCR/34	DPSCR/48	DPSCR/62	

- 8.2 DfC, HED are of the view that the Draft Plan Strategy is not the correct stage of the local development plan process to consider specific areas. DfC, HED state repeatedly that *'The land put forward in this representation to be included for development has not been adequately assessed in terms of impact on heritage assets. The simple consideration of the HED historic map viewer is "inappropriate and insufficient."*

9.0. Appendices

Appendix A Beaghmore Stone Circles (ASAI)

Appendix B Creggandevsky (ASAI)

Appendix C Tullaghogue (ASAI)

Appendix A
Historic Environment
Beaghmore Stone Circles

BEAGHMORE AREA OF SIGNIFICANT ARCHAEOLOGICAL INTEREST



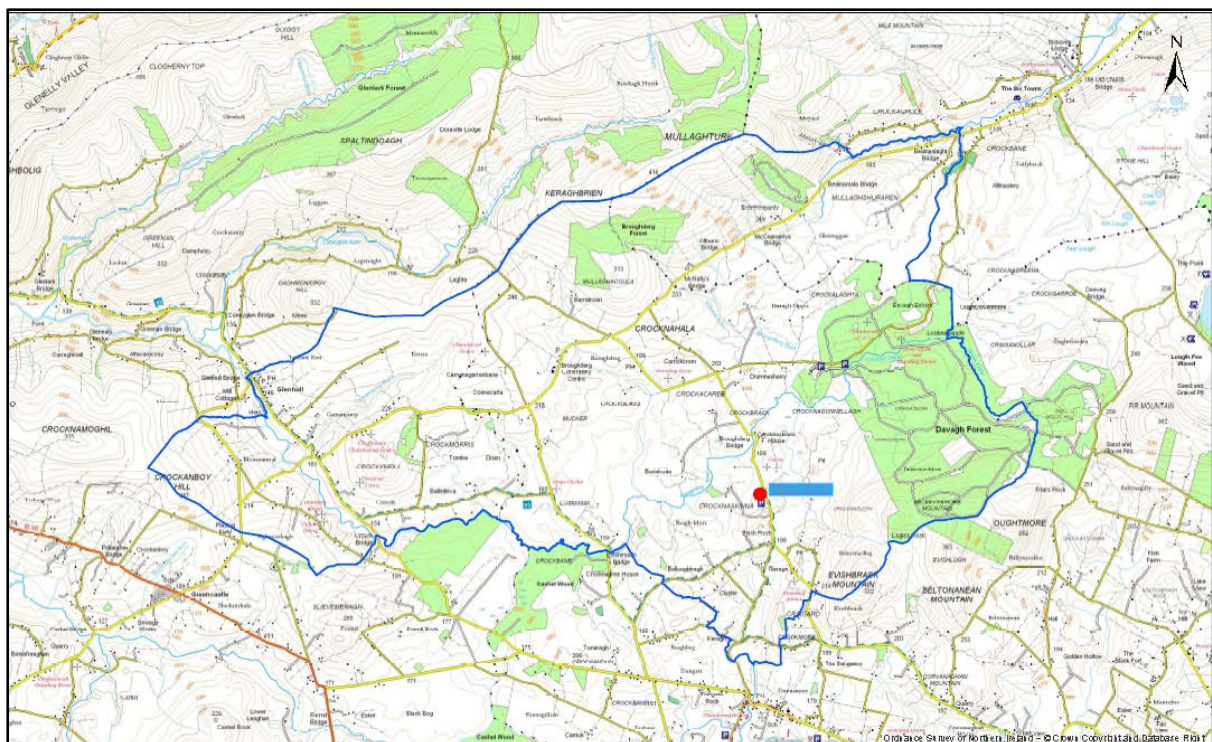
Prepared by DfC Historic Environment Division
Heritage Records and Designations Branch

Contents

1. Preamble
2. Statement of Significance
3. Map
- 4-7. Selected imagery
- 8-13. Lists of Heritage Assets which lie inside the candidate ASAI

Preamble

On 25th July 2017 Department consulted its statutory advisory body, the Historic Monuments Council on the identification of further areas of landscape to be included within the Area of Significant Archaeological Interest at Beaghmore. This ASAI was identified following desktop research and field survey carried out by Historic Environment Division.



Statement of Significance

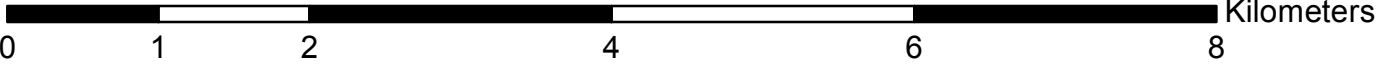
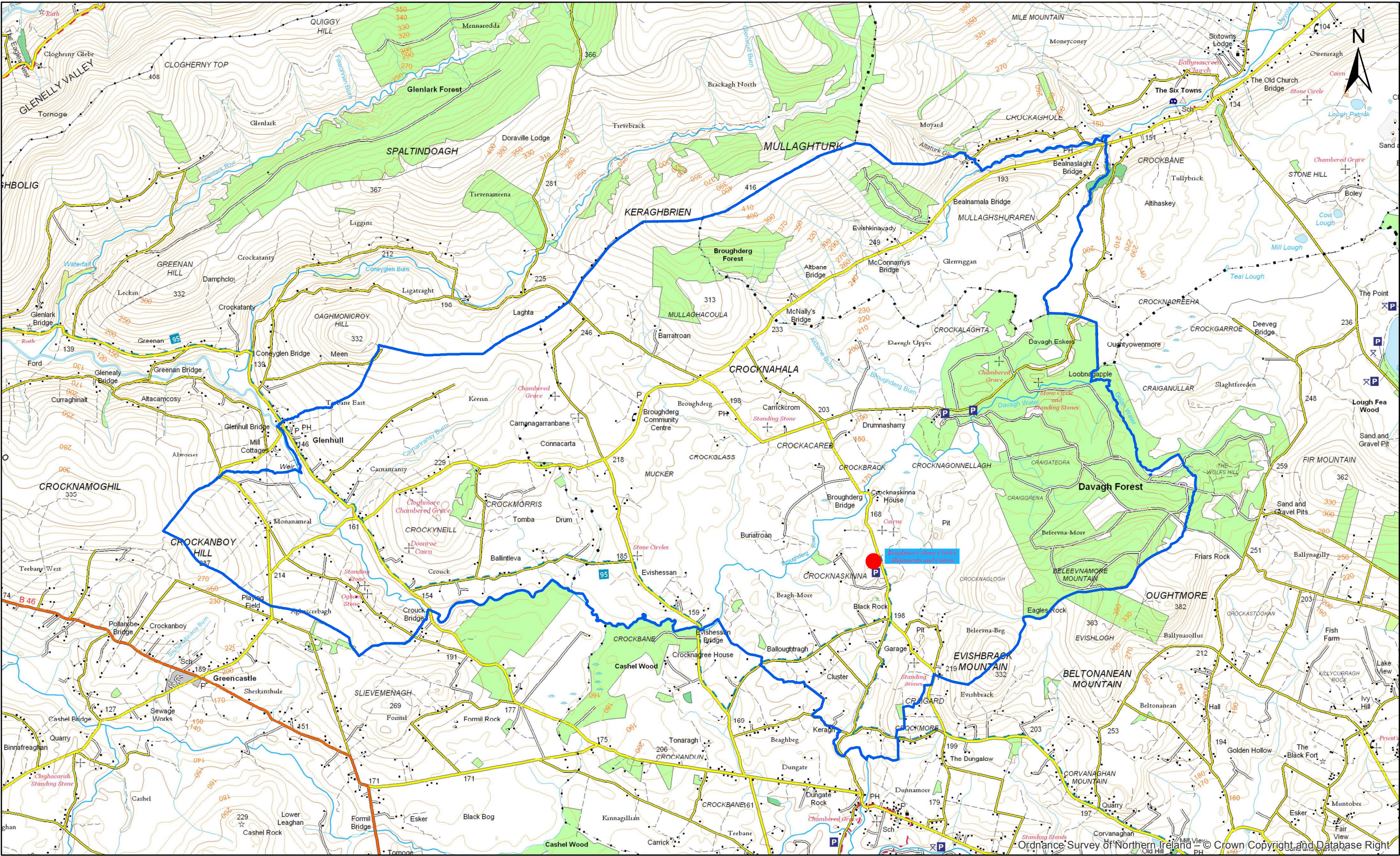
Beaghmore



An extended area has been identified for inclusion within the Beaghmore Area of Significant Archaeological Interest.

Beaghmore is the most extensive stone circle and alignment complex in Northern Ireland and is managed as a State Care Monument. The definition of the ASAI takes into account the surrounding horizons of the landscape which widely encompass and form the setting for the stone circles and alignments. The interactions of this site with the surrounding historic landscape, including far-ranging views from this site toward surrounding landforms and skylines, are particularly important. This area also provides one of the best dark sky environments in Northern Ireland. Along with Beaghmore the ASAI incorporates a large number of prehistoric Neolithic and Bronze Age monuments and also later heritage assets with both discrete and overlapping settings, and their significance is enhanced by their relationships with each other, with routeways and with the natural environment including its topography, waterways and skylines. The evolution of historic townland and placenames in the district has also variously been influenced by heritage assets, natural landscape characteristics, and sometimes historical associations with places.

The landscape has been shaped by traditional farming activity, but is characterised by open, distant vistas with a distinct absence of modern development.

The landscape of this ASAI is sensitive to change which would adversely affect those distinctive qualities outlined above. The erection of masts, pylons, turbines or other large scale development, including large agricultural sheds, or quarrying and mining activities, within this distinctive landscape would adversely impact the landscape character and the contribution it makes to setting, experience and significance of the stone circles and the other heritage assets within the ASAI



-  Proposed ASAI boundary
-  Beaghmore Stone Circles and Alignments

Beaghmore ASAI



1 Aerial view illustrating the layout of the Beaghmore stone circles and alignments



2 The extensive complex once lay beneath blanket bog and it is likely that further remains lie concealed in the landscape.



3 *One of the Beaghmore Stone Alignments*



4 *A key aspect of this site is its interaction with the surrounding landscape and skylines*



5 The site offers far ranging views across the landscape and horizons



6 The landscape has been shaped by traditional farming activity, but is characterised by open distant vistas with a distinct absence of modern development

Sites and Monuments Records within Beaghmore ASAI 29th September 2017

SMRNo	Type	Protection	Townland/s_	Grid_Reference
LDY044:001	STONE CIRCLE		GLENVIGGAN	H6740087900
LDY044:002	STONE SETTINGS - possibly MEGALITHIC TOMB		GLENVIGGAN	H6798087620
LDY044:003	ALIGNMENT? or MEGALITHIC TOMB?		GLENVIGGAN	H6918088150
TYR019:006	STANDING STONE		TEEBANE EAST	H6143085000
TYR019:012	MEGALITHIC TOMB	Scheduled	CROUCK	H6220084450
TYR019:020	BARROW		AGHASCREBAGH	H6127084010
TYR019:021	BURNT MOUND / FULACHT FIADH	Scheduled	CROUCK	H6238084340
TYR019:030	NON-ANTIQUITY		CARNANRANSY	H6223084730
TYR019:031	A.P. SITE - circular cropmark		TEEBANE EAST	H6222085960
TYR019:036	STANDING STONE		CROUCK	H6245084540
TYR019:040	ENCLOSURE		CROUCK	H6260084700
TYR019:041	BURNT MOUND / FULACHT FIADH		AGHASCREBAGH	H6110084720
TYR019:042	FIELD SYSTEM		CROUCK	H6255084730
TYR019:043	PENAL ALTAR?		CROUCK	H6277084580
TYR019:045	STANDING STONE		CROUCK	H6310084980
TYR020:002	CAIRN	Scheduled	BEAGHMORE	H6872084700
TYR020:003	CAIRN	Scheduled	BEAGHMORE	H6856084720
TYR020:004	BEAGHMORE STONE CIRCLE, CAIRNS AND ALIGNMENTS. 7 STONE CIRCLES, 12 CAIRNS & 10 ALIGNMENTS: BEAGHMORE COMPLEX	State Care and Scheduled	BEAGHMORE	H6846084240
TYR020:005	STANDING STONE		CROUCK	H6367084870
TYR020:006	CARNANAGARRANBANE. COURT TOMB: CARNANGARRABANE	Scheduled	BROUGHDERG	H6465086230
TYR020:009	RING CAIRN, STONE CIRCLE & DOUBLE ALIGNMENT	Scheduled	DAVAGH LOWER	H7062086720
TYR020:011	CAIRN		BROUGHDERG	H6522085710
TYR020:012	CAIRN		BROUGHDERG	H6534084170
TYR020:014	STONE CIRCLE		BELEEVNA-BEG	H6902083300
TYR020:015	STONE CIRCLE		BROUGHDERG	H6670086200
TYR020:016	STANDING STONE		BROUGHDERG	H6690086100
TYR020:020	TWO STONE CIRCLES, ALIGNMENTS & CAIRN	Scheduled	BROUGHDERG	H6498086140
TYR020:021	STANDING STONE, THREE CAIRNS & TWO STONE CIRCLES	Scheduled	BROUGHDERG	H6532084400

TYR020:022	STANDING STONE		BEAGHMORE	H6876083500
TYR020:025	STONE CIRCLE?		BROUGHDERG	H6511085850
TYR020:026	NON-ANTIQUITY		BROUGHDERG	H6494085780
TYR020:027	NON-ANTIQUITY		BROUGHDERG	H6779087290
TYR020:028	MEGALITHIC COMPLEX (this covers as yet undiscovered sites under peat bog in the Beaghmore area)		BEAGHMORE	H6860084300
TYR020:029	CIST BURIAL (unlocated)		BROUGHDERG	H6447086550
TYR020:030	STANDING STONE		BROUGHDERG	H6666087170
TYR020:031	CROCKASKINNA, HILL OF THE KNIVES, CROC NA SCINNA. CIST BURIAL (unlocated): CROCKASKINNA - Croc na scinna, mound of the knives		BEAGHMORE	H6874085090
TYR020:032	BURNT MOUND / FULACHT FIADH		BEAGHMORE	H6840085150
TYR020:033	FIELD WALLS & CAIRNS		BROUGHDERG	H6472086130
TYR020:034	FIELD WALLS & CAIRNS		BROUGHDERG	H6516086040
TYR020:035	CAIRNS		BROUGHDERG	H6458086390
TYR020:036	CAIRN		BROUGHDERG	H6424086520
TYR020:038	PRE-BOG FIELD WALL		BROUGHDERG	H6723087260
TYR020:039	CAIRN		BROUGHDERG	H6538084360
TYR020:040	CAIRN		BROUGHDERG	H6751084630
TYR020:041	CAIRN		BROUGHDERG	H6791086250
TYR020:042	CAIRN & 5 SMALL ?FIELD CLEARANCE? CAIRNS		BROUGHDERG	H6590087100
TYR020:043	STANDING STONE		BROUGHDERG	H6634083710
TYR020:044	CAIRNS & ?ENCLOSURE		BROUGHDERG	H6556084190
TYR020:045	CAIRN		BROUGHDERG	H6724087250
TYR020:046	PRE-BOG FEATURE		BEAGHMORE	H6847084850
TYR020:047	STANDING STONE		BEAGHMORE	H6827084500
TYR020:048	CIST & ALIGNMENT	Scheduled	BROUGHDERG	H6772086970
TYR020:049	MEGALITHIC TOMB		BROUGHDERG	H6766087080
TYR020:050	CAIRN		BROUGHDERG	H6510085700
TYR020:051	STANDING STONE?		BROUGHDERG	H6536086020
TYR020:052	MEGALITHIC TOMB?		BROUGHDERG	H6524085930
TYR020:053	STANDING STONE		BROUGHDERG	H6452085440
TYR020:054	STANDING STONE		BROUGHDERG	H6434085570
TYR020:055	MEGALITHIC TOMB?		BROUGHDERG	H6585084200
TYR020:056	STONE CIRCLE		BROUGHDERG	H6546084590
TYR020:057	PRE-BOG CLEARANCE CAIRN		BROUGHDERG	H6553084210
TYR020:058	FIELD CLEARANCE CAIRNS (4)		BROUGHDERG	H6589083950

TYR020:060	possible STANDING STONE		KEERIN	H6329085860
TYR020:061	possible MEGALITHIC TOMB		BROUGHDERG	H6539084720
TYR020:062	BURNT MOUND, STONE CIRCLE AND HUT SITE		BROUGHDERG	H6541085210
TYR020:063	STONE ALIGNMENT AND 2 PRE-BOG CLEARANCE CAIRNS		BROUGHDERG	H6555084130
TYR020:064	STANDING STONE		KEERIN	H6347085980
TYR028:010	STANDING STONE & ?ALIGNMENT		MEENANEA	H6898083030
TYR028:022	SWEAT HOUSE		BEAGHMORE	H6795083050
TYR028:033	STONE CIRCLE	Scheduled	BELEEVNA-BEG	H6913082960
TYR019:051	ENCLOSURE		CROUCK	H6277184516
TYR019:049	HUT SITE		CROUCK	H6301984319
TYR019:052	CAIRNS		CROUCK	H6285984581
TYR019:050	D-SHAPED ENCLOSURE		CROUCK	H6285184621
TYR020:059	STONE SETTING		BROUGHDERG	H6738187019
TYR020:065	SWEAT HOUSE		BROUGHDERG	H6505184841
TYR020:066	CAIRNS		BROUGHDERG	H6536185191
TYR020:067	BURNT MOUND		BROUGHDERG	H6544385172
TYR020:068	CAIRN COMPLEX		BROUGHDERG	H6552083980
TYR019:004	DUN RUADH, DOONROE, DOONROE. MULTIPLE CIST CAIRN. HENG & SETTLEMENT SITE: DUN RUADH, DUNROE or DOONROE	Scheduled	CROUCK	H62328453
TYR019:002	OGHAM STONE	Scheduled	AGHASCREBAGH	H6177783903
TYR019:003	STANDING STONE	Scheduled	AGHASCREBAGH	H6167083967
TYR019:001	'GRAVEYARD'. PREHISTORIC BURIAL: MONUMENT - RING CAIRN?: PAGAN GRAVEYARD	Scheduled	AGHASCREBAGH	H6161783882
TYR019:005	CLOGHMORE. COURT TOMB: CLOGHMORE	Scheduled	CARNANRANSY	H6245385296
TYR020:001	GIANT'S GRAVE, BIG MAN'S GRAVE. WEDGE TOMB: BIG MAN'S GRAVE	Scheduled	DAVAGH LOWER	H7014787081
TYR020:007	CROMLECH. PORTAL TOMB: CROMLECH	Scheduled	KEERIN	H6419386549
TYR020:037	MEGALITHIC TOMB	Scheduled	BROUGHDERG	H6437986366
TYR020:008	COURT TOMB	Scheduled	KEERIN	H6376686080
TYR020:019	STONE CIRCLE & ALIGNMENT	Scheduled	BROUGHDERG	H6593687137
TYR020:013	BRADLEY'S CAIRN. ROUND CAIRN WITH STANDING STONES: BRADLEY'S CAIRN	Scheduled	BEAGHMORE	H6832184015
TYR020:023	CAIRN & ALIGNMENT	Scheduled	BEAGHMORE	H6862484312



Industrial Heritage Assets within the Beaghmore ASAI

County	Townland	IHR number	GRIDREF	TYPE
Londonderry	Glenviggan / Tullybrick	02165:000:00	H71598986	Bridge
Londonderry	Glenviggan	02258:000:00	H68398834	Bridge
Londonderry	Glenviggan	02259:000:00	H67968810	Bridge
Londonderry	Glenviggan	02260:000:00	H67218759	Bridge
Londonderry	Glenviggan	02261:000:00	H67158755	Bridge
Londonderry	Glenviggan / Moyard	02262:000:00	H69118867	Bridge
Londonderry	Moyard	02263:000:00	H69448903	Bridge
Tyrone	Teebane East	04450:000:00	H60638615	Corn Mill site
Tyrone	Altworries / Teebane East	04451:000:00	H60578609	Bridge
Tyrone	Teebane East	04454:000:00	H61148564	Corn Kiln
Tyrone	Carnanransky	04455:000:00	H62708556	Corn Kiln
Tyrone	Teebane East	04456:000:00	H61528517	Corn - Malt Kiln
Tyrone	Carnanransky	04457:000:00	H61608488	Corn Kiln
Tyrone	Aghascrebagh	04465:000:00	H62198335	Corn Kiln
Tyrone	Crouck	04468:000:00	H63188436	Corn Kiln
Tyrone	Beagh-More / Broughderg	04473:000:00	H68388522	Bridge



Tyrone	Broughderg / Davagh Lower	04474:000:00	H69258634	Bridge
Tyrone	Broughderg	04475:000:00	H67738553	Corn Kiln

Listed Historic Building assets within the Beaghmore ASAI

HB_ref no.	Date Constructed	Townland	Current Use	Grid Reference	HB_Ref_No	Current Grade
HB09/01/006	1860 - 1879	Evishessan/Beagh More	Bridge	H6616 8341	HB09/01/0 06	B2

Appendix B
Historic Environment
Creggandevesky

CREGGANDEVESKY CANDIDATE AREA OF SIGNIFICANT ARCHAEOLOGICAL INTEREST



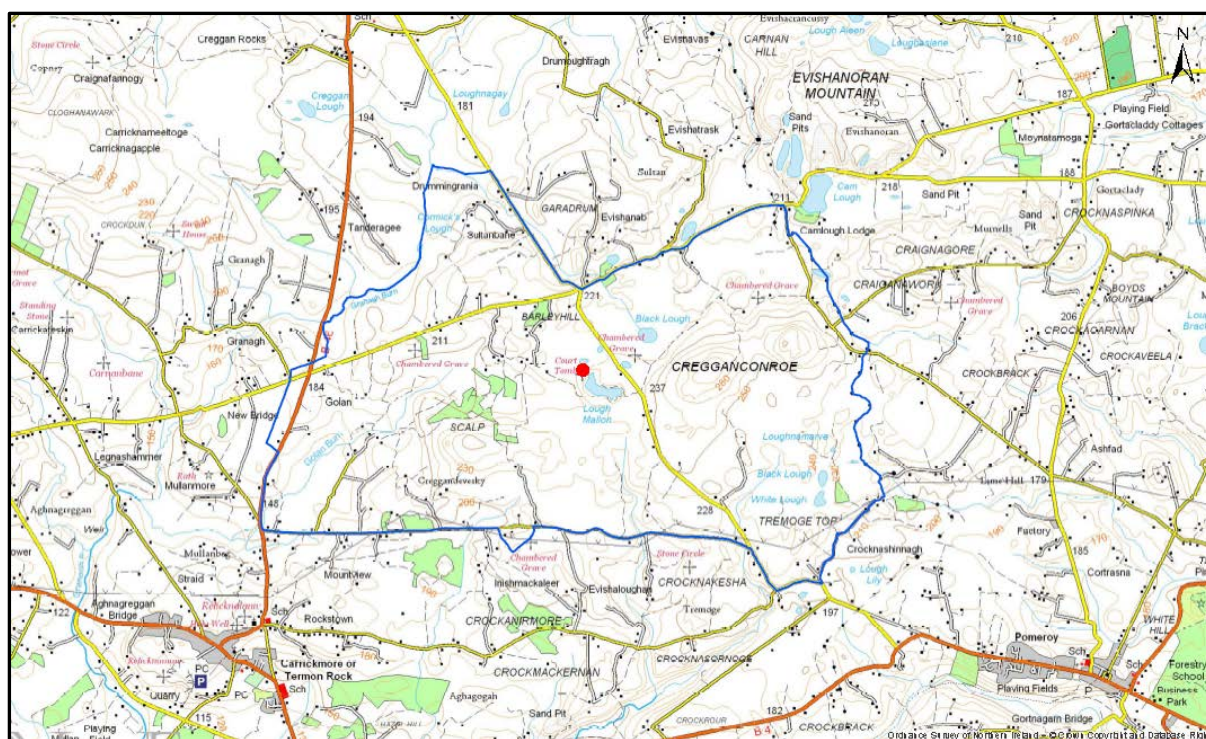
Prepared by DfC Historic Environment Division
Heritage Records and Designations Branch

Contents

1. Preamble
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3. Map
- 4-7 Selected imagery
- 8-10 Lists of Heritage Assets which lie inside the candidate ASAI

Preamble

On 25th July 2017 Department consulted its statutory advisory body, the Historic Monuments Council on the identification of the Area of Significant Archaeological Interest at Creggandevesky. This ASAI was identified following desktop research and field survey carried out by Historic Environment Division.



Statement of Significance

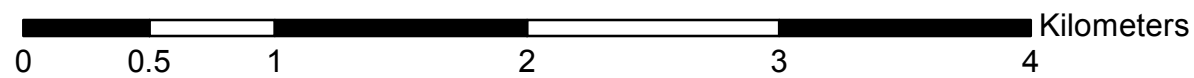
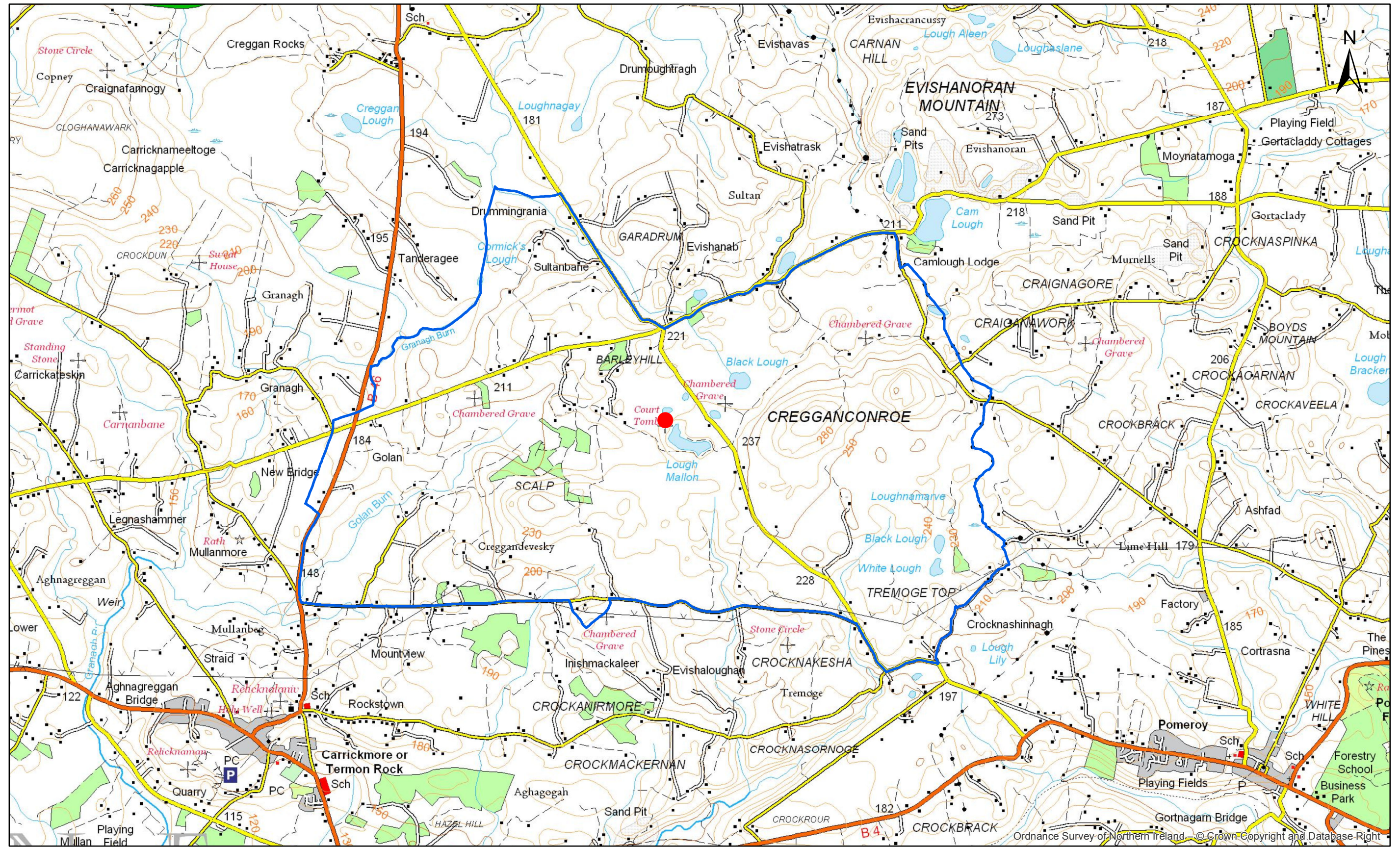
Creggandevesky

An Area of Significant Archaeological interest has been identified, incorporating the wider landscape around Creggandevesky court tomb, which contains a large group of prehistoric sites and monuments with both discrete and overlapping settings. The distinctive rural landscape in which these sites are located is characterised by rugged upland grazing with intermittent improved areas of grassland, blanket bog, occasional water bodies and exposed rock outcrops. The distinctive features of the landscape provide the functional setting for these sites and monuments, and its qualities include the context for these heritage assets and their inter-relationships with each other and with the natural topography and sky lines.

The monuments within the landscape date primarily to the Neolithic and Bronze Age periods. While most obviously of ritual and funerary function, these sites are representative of the wider human occupation of the area in the ancient past. The trapezoidal megalithic tomb at Creggandevesky is a monument in State Care and is one of Northern Ireland's best examples of a court tomb.

To the east and south, the ASAI is defined by the relevant historic roads, townland and parish boundaries that demark the particular local concentration of prehistoric monuments that are located in the vicinity of Creggandevesky. To the west and northwest, the ASAI boundary follows the northern boundary of the Sultin townland. This is to capture the part of the Carrickmore plateau across which views are taken from Creggandevesky towards the unique deglacial landforms of the Murrins. It is of particular note that the historic townland and place names of the area also reflect its distinctive topographical and natural characteristics.

Several wind turbines have been erected within and adjacent to this landscape. The erection of further wind turbines, masts or pylons or large scale development would lead to further cumulative adverse impact on the character of the landscape here, causing deterioration of the integrity of the landscape character and negatively effecting the experience of its prehistoric heritage.



Proposed ASAI boundary

Creggandevesky Court Tomb

Creggandevesky ASAI



1 Creggandevsky Court Tomb. One of Northern Ireland's best examples of this type of Neolithic monument



2 The distinctive rural landscape in which these heritage assets are located is characterised by rugged upland grazing with intermittent improved areas of grassland, blanket bog, occasional water bodies and exposed rock outcrops



3 The distinctive features of the landscape provide the functional setting for these sites and monuments, and its qualities include the context for these heritage assets and their inter-relationships with each other and with the natural topography and sky lines



4 Several wind turbines have been erected within and adjacent to this landscape.



5 The erection of further wind turbines, masts or pylons or large scale development would lead to further cumulative adverse impact on the character of the landscape here

Sites and Monuments Records within Creggandevesky ASAI 29th September 2017

SMRNo	Type	Protection	Townland/s	Grid_Reference
TYR036:004	CASHEL?		MULLAN BEG	H6190073700
TYR036:019	STONE STRUCTURE	Scheduled	CREGGANDEVESKY	H6285073890
TYR037:011	STONE CIRCLE		CREGGANCONROE	H6630075790
TYR037:012	CREGGANCONROE COURT TOMB. COURT TOMB	State Care and Scheduled	CREGGANCONROE	H6622075750
TYR037:013	GIANT'S GRAVE. STONE CIRCLE, ALIGNMENT & CAIRN	Scheduled	CREGGANCONROE	H6503075190
TYR037:014	CREGGANDEVESKY COURT TOMB. COURT TOMB	State Care	CREGGANDEVESKY	H6459975037
TYR037:015	SWEAT HOUSE		SULTAN	H6387075450
TYR037:017	STONE CIRCLE & TWO STANDING STONES		CREGGANDEVESKY	H6366073990
TYR037:021	STONE CIRCLES (3) & ALIGNMENT	Scheduled	TREMOGE	H6574073680
TYR037:030	STONE CIRCLE		TREMOGE	H6642073570
TYR037:031	FINDSPOT of GOLD LUNULA (now in Nat. Museum, Dublin)		TREMOGE	H6664073220
TYR037:033	STONE CIRCLE		TREMOGE	H6625073790
TYR037:036	STONE CIRCLES (2), CAIRNS (2) & ALIGNMENT	Scheduled	CREGGANCONROE	H6479075210
TYR037:037	CIST BURIAL		TREMOGE	H6674073180
TYR037:039	ROUND CAIRN		CREGGANDEVESKY	H6464074790
TYR037:041	STANDING STONE (unlocated)		CREGGANCONROE	H6580075100
TYR037:042	CAIRN		CREGGANCONROE	H6505075080
TYR037:043	MEGALITHIC TOMB, - ?WEDGE TOMB		CREGGANDEVESKY	H6422075290
TYR037:044	FIELD CLEARANCE CAIRNS		CREGGANCONROE	H6518074240
TYR037:046	NON-ANTIQUITY		TREMOGE	H6650073900
TYR037:050	CAIRN		CREGGANCONROE	H6537074150
TYR037:051	MEGALITHIC TOMB		SULTAN	H6338076250
TYR037:052	STONE CIRCLE		CREGGANCONROE	H6623074380

TYR037:054	LAZY BEDS		CREGGANDEVESKY	H6409074780
TYR037:016	PORTAL TOMB	Scheduled	CREGGANDEVESKY	H6398075240
TYR037:019	STANDING STONE	Scheduled	AGHAGOGAN	H6398373516
TYR037:018	CHAMBERED GRAVE, GRAVE. WEDGE TOMB: CHAMBERED GRAVE	Scheduled	AGHAGOGAN	H6394773540

Industrial Heritage Assets within the Creggandevesky ASAI

County	Townland	IHR	GRIDREF	TYPE
Tyrone	Golan	04814:000:00	H62397466	Corn Kiln
Tyrone	Mullanbeg	04815:000:00	H61927377	Corn Kiln



Appendix C
Historic Environment
Tullaghoge

TULLAGHOGE CANDIDATE AREA OF SIGNIFICANT ARCHAEOLOGICAL INTEREST



Prepared by DfC Historic Environment Division
Heritage Records and Designations Branch

Contents

1. Preamble
2. Statement of Significance
3. Map
- 4-6. Selected imagery
- 7-9. Lists of Heritage Assets which lie inside the candidate ASAI

Preamble

On 25th July 2017 Department consulted its statutory advisory body, the Historic Monuments Council on the identification of an Area of Significant Archaeological Interest at Tullaghoge. This ASAI was identified following desktop research and field survey carried out by Historic Environment Division.



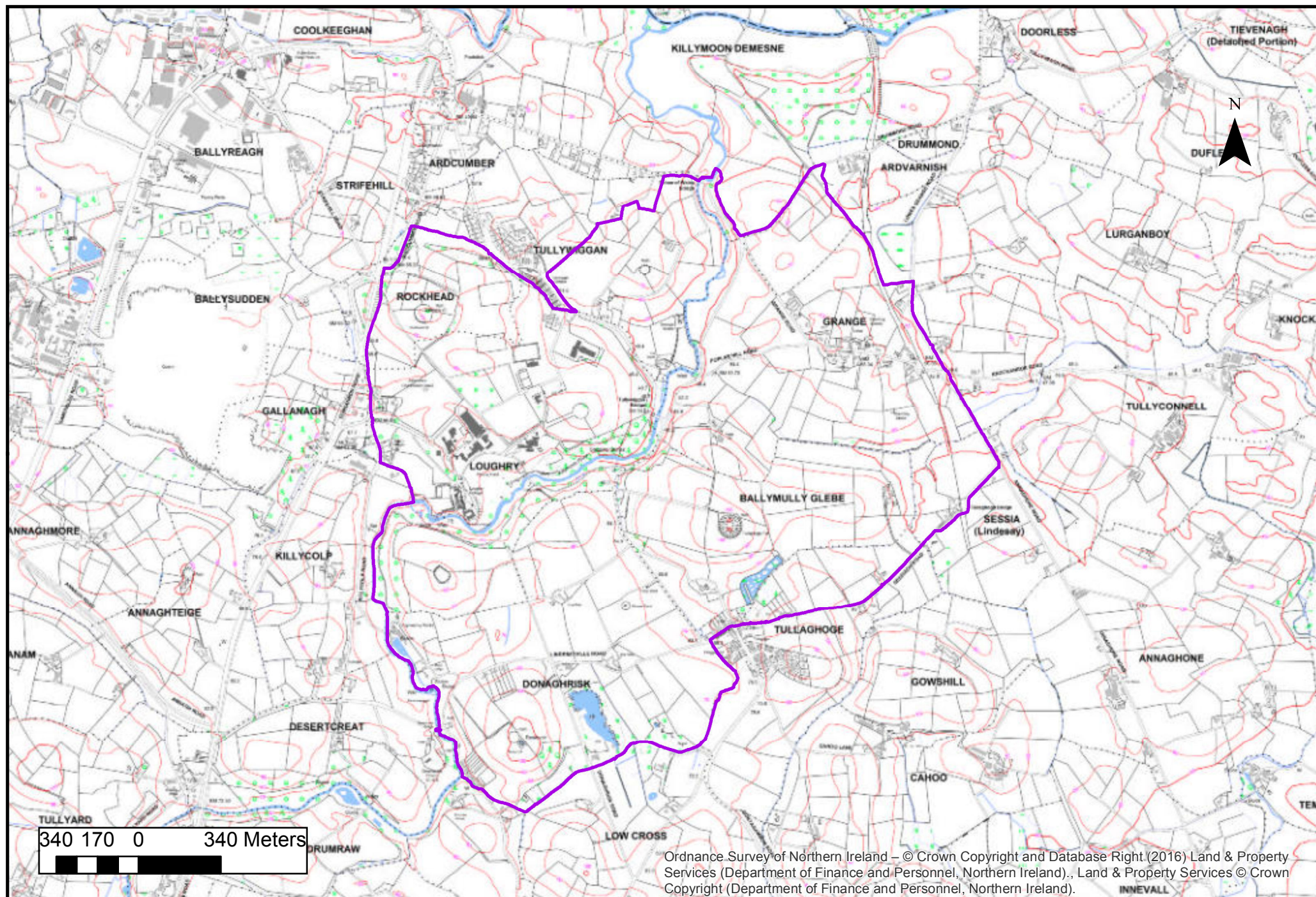
Statement of Significance

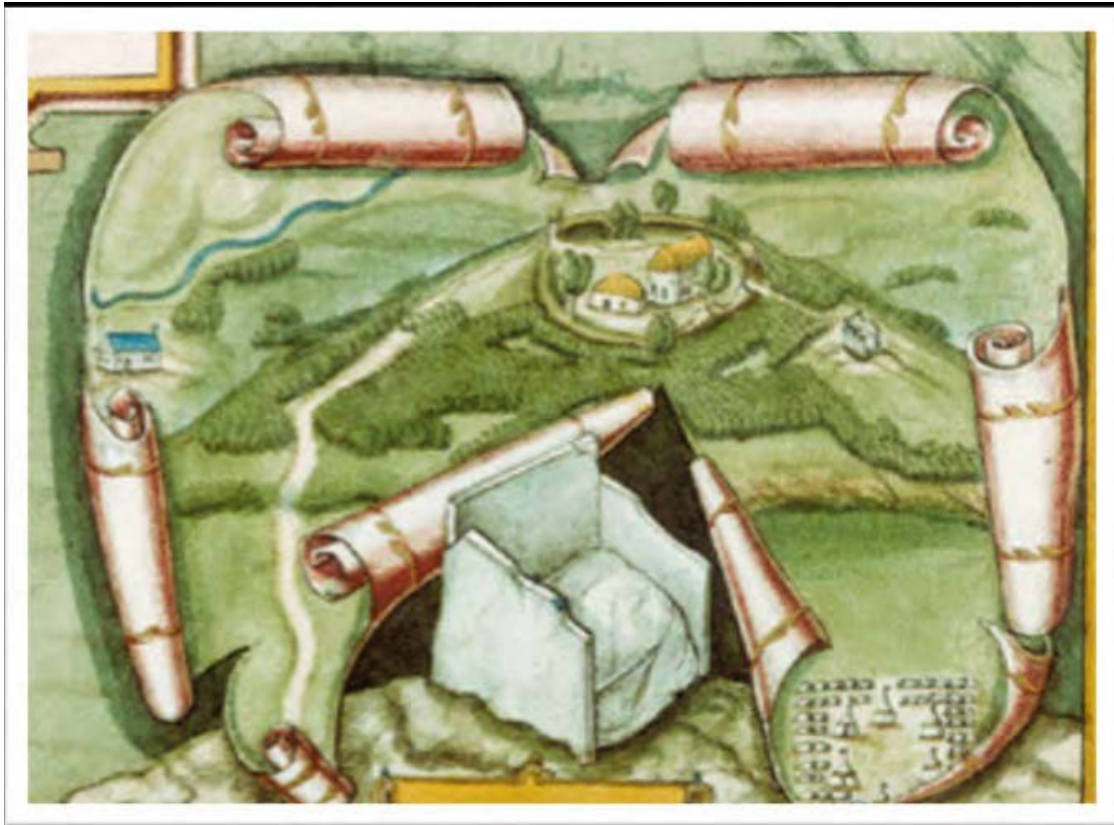
Tullaghoge

An Area of Significant Archaeological Interest has been identified at Tullaghoge. Tullaghoge Fort is a monument in State Care, managed by the Department for Communities. The distinctive landscape included within the identified area makes an important contribution to the setting, experience and understanding of the State Care Monument, and of the other heritage assets that are located within it. The landscape incorporates rolling countryside with distinct hills, part of the Killymoon River valley with the river running through it, and intermittent areas of planted woodland, with large open spaces. The area includes the designed landscape of the Loughry Demesne, which was documented in 1611 as the “manor of Tullaghoge”, and skirts the northern edge of the settlement of Tullaghoge, which has an identified Area of Archaeological Potential.

In the medieval and early modern periods Tullaghoge fort was the inauguration place for the northern branch of the O’Neills. The history of the landscape and its evolution can be traced from the Mesolithic period through to the present day. An important characteristic of the area are the vistas from and toward the fort. From the fort these include important localised and wide views, including views toward other heritage assets. The views from the many roads and approaches which traverse and then converge in this landscape at a river crossing close to and west of the monument, which was historically a place of gathering and ritual, have a particular significance. The prehistoric and historic heritage assets within the ASAI have both discrete and overlapping settings and their significance is enhanced by their relationships with each other and also with the natural environment. The place names of the area have been influenced by both its natural landscape characteristics and the historic environment.

The landscape is sensitive to changes that would adversely impact these distinctive qualities. Large scale development, quarrying, high structures such as wind turbines or mast/pylon infrastructure, or development which interrupts views of the fort from along the surrounding roads, would adversely impact the distinct character of the landscape and the contribution it makes to the enjoyment of the heritage assets that lie inside it.





1 Extract from Bartlett's 1602-1603 maps showing Tullaghoge fort and its partially wooded surroundings



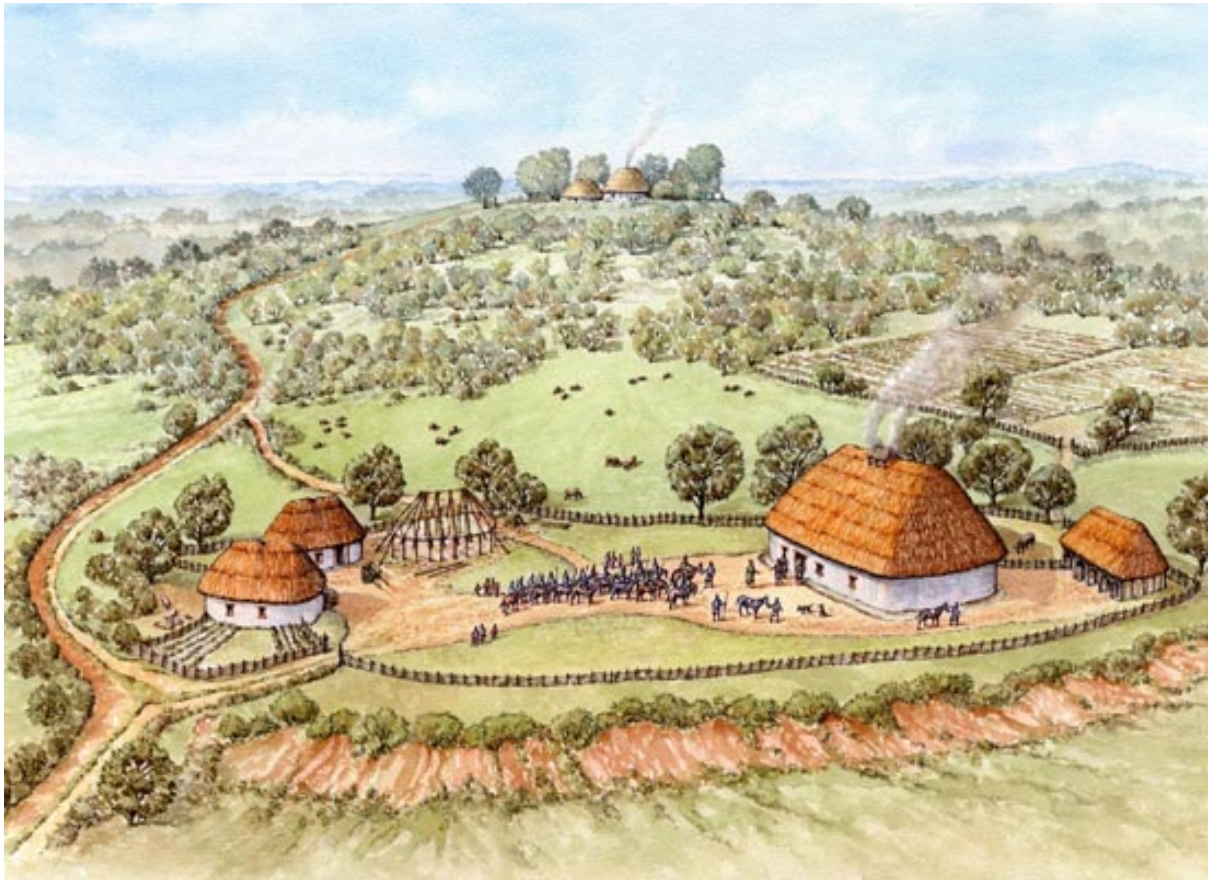
2 A place of gathering, Tullaghoge fort is a dominant visible feature from many of the surrounding historic roads.



3 Aerial view of part of the Tullaghoge landscape from south-west showing the fort, the settlement and interspersed areas of woodland



4 A key aspect of this site is its interaction with the surrounding landscape and skylines



5 A reconstruction drawing of the environs of Tullaghoge Fort based on historical sources and excavated evidence



Department for
Communities
www.communities-ni.gov.uk

Sites and Monuments Records within Tullaghoge ASAI 8th March 2018

SMRNo	Type	Protection	Townland/s	Grid_Reference
TYR038:013	COUNTERSCARP RATH	Scheduled	LOUGHRY	H8132074100
TYR038:014	GRAVEYARD		DONAGHRISK	H8207073970
TYR038:015	FRIAR'S WELL. HOLY WELL: FRIAR'S WELL		DONAGHRISK	H8216074050
TYR038:016	TULLAGHOGE FORT. HILLTOP ENCLOSURE & INAUGURATION SITE OF THE O'NEILLS: TULLAGHOGE FORT	State Care and Scheduled	BALLYMULLY GLEBE	H8250074300
TYR038:017	RATH		TULLYWIGGAN	H8214075360
TYR038:020	GIANT'S GRAVE. WEDGE TOMB: GIANT'S GRAVE	Scheduled	LOUGHRY	H8124074870
TYR038:021	ENCLOSURE		DONAGHRISK	H8180074280
TYR038:023	TREE RING		DONAGHRISK	H8161073420
TYR038:026	TREE PLANTATION		ROCKHEAD	H8123075170
TYR038:030	CIST BURIAL		LOUGHRY	H8116074840
TYR038:038	A.P. SITE - circular cropmark		DONAGHRISK	H8204073750
TYR039:020	GRANGE STANDING STONE. STANDING STONE	State Care and Scheduled	GRANGE	H8317074770
TYR039:021	GRANGE STANDING STONE PAIR. STANDING STONES (2)	State Care and Scheduled	GRANGE	H8307075140
TYR038:047	BRONZE AGE SETTLEMENT & RING DITCH	Scheduled	LOUGHRY	
TYR038:049	FORTIFIED HOUSE		LOUGHRY	

Industrial Heritage Records within Tullaghoge ASAI 8th March 2018

County	Townland/s	IHR no.	Grid Reference	TYPE
Tyrone	Grange	02338:013:00	H83307493	Bridge
Tyrone	Killymoon Demesne / Tullywiggan	04853:000:00	H82387572	Bridge
Tyrone	Tullywiggan	04854:000:00	H82427554	Corn & Flax Mill site
Tyrone	Tullywiggan	04855:000:00	H82317509	Flax Mill & Corn Mill site
Tyrone	Loughry / Grange	04856:000:00	H82207474	Bridge
Tyrone	Loughry	04857:000:00	H82177467	Beetling Mill (in ruins)
Tyrone	Loughry	04858:000:00	H81757450	Corn Mill & Kiln
Tyrone	Loughry	04859:000:00	H81677450	Bridge
Tyrone	Desertcreat / Donaghrisk	04860:000:00	H81297346	Bridge
Tyrone	Donaghrisk	04884:000:00	H81957342	Limestone & Freestone Quarry & Limekilns
Tyrone	Donaghrisk	04885:000:00	H82207343	Limestone & Freestone Quarry & Limekiln
Tyrone	Donaghrisk	04890:000:00	H81127386	Bleach Mill - Weaving Factory - Flax Mill site

Listed Historic Building assets within the Tullaghoge ASAI 8th March 2018

HB Ref	Date of Constructi on (where identified)	Townland	Current Use	Former Use	Grid Reference	Current Grade
HB09/05/02 7	1880 - 1899	Donaghrisk	Orange Hall,	House	H8134 7348	B2
HB09/05/02 4	1860-1879	Grange	Bridge	Bridge	H8330 7494	B2
HB09/05/03 0	1820 - 1839	Loughry / Ballymully	Bridge	Bridge	H8220 7475	B2
HB09/05/00 6			House	House	H8205 7375	B1
HB09/05/00 7	1820 - 1839	Donaghrisk	House	House	H8125 7368	Record Only
HB09/05/02 0 A	1740-1759	Loughry	University	Country House	H8140 7440	B1
HB09/05/02 0 B			University /College	University /College		Record Only
HB09/05/02 0 C	1820 - 1839	Loughry	Garden Features	Garden Features	H8142 7432	B2
HB09/05/02 9 A	1840 - 1859	Donaghrisk	House - Terrace	House - Terrace	H8142 7328	B1
HB09/05/02 9 B	1840 - 1859	Donaghrisk	House - Terrace	House - Terrace	H8143 7327	B1
HB09/05/02 9 C	1840 - 1859	Donaghrisk	Hotel - Terrace	Hotel - Terrace	H8145 7326	B1
HB09/05/02 9 D	1840 - 1859	Donaghrisk	House - Terrace	House - Terrace	H8145 7325	B1
HB09/05/02 9 E	1840 - 1859	Donaghrisk	House - Terrace	House - Terrace	H8146 7324	B1
HB09/05/02 9 F	1840 - 1859	Donaghrisk	House - Terrace	House - Terrace	H8147 7323	B1

Historic Parks Gardens and Demesnes within or intersecting Tullaghoge ASAI 8th March 2018

REF_NO	SITE	STATUS
T-026	LOUGHRY	REGISTER
T-024	KILLYMOON CASTLE	REGISTER

Addendum to Historic Environment Topic Paper

Representations Received during the Re-consultation on the DPS

1.0 Issues Identified

1.1 Historic Environment Strategy

- a) **MUDPS/209/1** – Historic Environment Plan Strategy Policies must provide strong protection for historic buildings / structures and there must be prompt enforcement when buildings demolished without written consent.

Consideration: The Planning Department fully considered the submitted Representation REF:209. Note that Mid Ulster's Planning Enforcement Strategy is in place and includes protocols for the protection of Listed Buildings / Structures. Planning Enforcement is a separate entity under Planning Act (NI) 2011.

Action: No Action Required.

- b) **MUDPS/209/2** – Historic Environment Plan Strategy Policies should advocate for a presumption in favour of retaining listed buildings.

Consideration: The Planning Department fully considered the submitted Representation Ref:209. Note that draft Plan Strategy Historic Environment Policies do advocate for a presumption in favour of the retention of Listed Structures under Policies HE9 and HE10. The Plan does not need to advocate a presumption in favour of listed buildings as this is explicit in law, and therefore there is no need to construct an argument for this. It should also be noted that Policy HE 10 makes it clear that proposals to demolish a listed building, in full or in part, will conflict with the Plan.

Action: No action required.

1.2 Policy HE5

- a) **MUDPS/214/31** – POLICY HE5 concerns raised regarding specific wording of Policy HE5, namely, *'unless it has been clearly demonstrated that the importance of the proposed development outweighs the value of the archaeological remains and/ or their settings.'* Representation suggested wording needs to be more specific and robust.

Consideration: The Planning Department fully considered the submitted Representation REF:214. Note that Paragraphs 17.26 and 17.27 provide an explanation of how the specific importance of local archaeological remains assessed. The identified factors align with DfC, HED best practice guidance for such matters. Note Policy HE7 Archaeological Assessment, Evaluation and Mitigation will apply in such circumstances. In addition, Supplementary

Planning Guidance (SPG) for the specific topic of Archaeology and the Planning Process anticipated.

Action: No Action Required.

1.3 Policy HE10

- a) **MUDPS/214/32** – Concerns raised regarding Enforcement Action specific to Listed Buildings / structures, specifically, demolished without written consent or fall into disrepair.

Consideration: The Planning Department fully considered the submitted Representation REF:214. Note that Mid Ulster's Planning Enforcement Strategy is in place and includes protocols for the protection of Listed Buildings / Structures. Planning Enforcement is a separate entity under Planning Act (NI) 2011.

Under Section 161 of the Planning Act (NI) 2011, the Council in specific circumstances may consider Urgent Works Notices, where there is clear written evidence of a listed building / structure falling into disrepair.

The Council or the Department for Communities, Historic Environment Division may investigate in such instances. This is a discretionary legislative option.

Action: No Action Required.

- b) **MUDPS/231/58-60** – The cost of refurbishment is not referenced in Historic Environment Policies, which is relevant. An exceptional reason should include where it is proven not to be economically viable to refurbish, and/or where the scale of intervention is such that the proposal cannot be truly described as refurbishment.

Consideration: The Planning Department fully considered this point. Note that the Listing process and Listing Database falls within the remit and responsibility of the Department for Communities, Historic Division. All comments should be directed to DfC, HED.

It would be unreasonable to write the above statement into the policy as it does not quantify when refurbishment is not economically viable, as viability not only relates to the nature of works but the finances of the developer. However, the Policy as stands is sound, as it requires any works to a listed building to respect its listed status. This said, there is always possibility of exception to be made, where a good argument on affordability is given to the Council. For example, the usual policy will require windows to be replaced with like, however members have accepted an affordability argument where windows do not make an overarching contribution to the overall character of the building and how it is viewed. In such circumstances, it is up to the decision maker to explain why usual policy arguments can be set aside.

Action: No Action Required.

1.4 Policy HE11

- a) **MUDPS/214/33** – Concerns raised regarding Enforcement Action specific to unauthorized advertisement / signage affixed to listed buildings / structures.

Consideration: The Planning Department fully considered the submitted Representation REF:214. Note that Mid Ulster's Planning Enforcement Strategy is in place and includes protocols for the protection of Listed Buildings / Structures. Planning Enforcement is a separate entity under Planning Act (NI) 2011.

Action: No Action Required.

1.5 Policy HE12

- a) **MUDPS/241/27 & 241/28** – Demolition of Listed buildings does not contain any tests regarding economic viability of repairs. Definition of 'capable of active reuse'. This is subjective and is not properly defined.

Consideration: The Planning Department fully considered this point within original submitted Representation REF: MUDPS 77, 115, 174, 179 & 192. Refer to Historic Environment Topic Paper Policy HE12. The Policy adequately deals with the issue of repairs and costings as part of the criteria set out in Para 17.51.

Action: No Action Required.

1.6 Policy HE14

- a) **MUDPS/241/29 & 241/30** – POLICY HE14 Demolition of Listed buildings does not contain any tests regarding economic viability of repairs. Definition of 'capable of active reuse'. This is subjective and not properly defined.

Consideration: The Planning Department fully considered this Point via originally submitted Representation REF: MUDPS 77, 115 & 174. Refer to Historic Environment Topic Paper Policy HE14. The Policy adequately deals with the issue of repairs and costings as part of the criteria set out in Para 17.51.

Action: No Action Required.

1.7 Policy HE15

- a) **MUDPS/214/35** – POLICY HE15 proposed addition to the Industrial Heritage Register suggested.

Consideration: The Planning Department fully considered this Point via submitted Representation REF:214. Note that the Industrial Heritage Register falls within the remit and responsibility of the Department for Communities, Historic Environment Division. All requests should be directed to DfC, HED.

Action: No Action Required.

2.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
N/A	N/A
Public Representations	
HISTORIC BUILDINGS COUNCIL	MUDPS/209
ULSTER UNIONIST PARTY	MUDPS/214
MICHAEL CLARKE O'CALLAGHAN PLANNING	MUDPS/231
ORCHARD COUNTY CONTRACTS C/O O'CALLAGHAN PLANNING	MUDPS/241

3.0 Counter-Representations

- 3.1 No Counter-Representations received.

Natural Heritage – Topic Paper

1.0 Issues Identified

- 1.1 Representations are grouped against the various headings in the Draft Plan Strategy (DPS) against which they were raised.
- 1.2 The main issues include the perceived lack of recognition of the statutory framework associated with the protection of the natural environment. Issues were raised regarding the wording of proposed natural heritage policies and the perceived dilution of their ability to protect the natural heritage as a result. Issues were raised based on MUDC's use of NILCA 2000 document as a basis for development of Natural Heritage policies, as it is considered by some to be outdated. It was argued that there is no requirement or justification for the imposition of spatial designations such as Special Countryside Areas (SCA) and Areas of Constraint on Wind Turbines and High Structures (AOCWTHS).

2.0 Representations in Support

Natural Heritage Strategy

- MUDPS/131/1 - Mid and East Antrim – Support
- MUDPS/131/2 - Mid and east Antrim – Amendment to SCA / non-committal
- MUDPS/59/171 - RSPB
- MUDPS/159/24 - CC&G Council – No committal SCA

Respondent	Reference
MID AND EAST ANTRIM BOROUGH COUNCIL	MUDPS/131
CAUSEWAY COAST AND GLENS BOROUGH COUNCIL	MUDPS/159

Policy NH1

Respondent	Reference
Northern Ireland Housing Executive	MUDPS/85
Shores of Traad Community Group	MUDPS/121
Shores of Traad Community Group	MUDPS/122
Shores of Traad Community Group	MUDPS/163

Policy NH2

Respondent	Reference
Northern Ireland Housing Executive	MUDPS/85

Shores of Traad Community Group	MUDPS/121
Shores of Traad Community Group	MUDPS/122
Shores of Traad Community Group	MUDPS/163

Policy NH3

Respondent	Reference
Northern Ireland Housing Executive	MUDPS/85/86
Shores of Traad Community Group	MUDPS/121/5
Shores of Traad Community Group	MUDPS/122/5
Shores of Traad Community Group	MUDPS/163/6

Policy NH4

Respondent	Reference
Northern Ireland Housing Executive	MUDPS/85/87
Shores of Traad Community Group	MUDPS/121/6
Shores of Traad Community Group	MUDPS/122/6
Shores of Traad Community Group	MUDPS/163/7

Policy SCA 1

Respondent	Reference
Shores of Traad Community Group	MUDPS/81/2
Northern Ireland Housing Executive	MUDPS/85/83
Damian McElhone	MUDPS/88/2
Shores of Traad Community Group	MUDPS/121/2
Shores of Traad Community Group	MUDPS/122/2
Department of Communities Sports Branch and Sport NI	MUDPS/134/9
Shores of Traad Community Group	MUDPS/163/3
Ms Kerry McCrory	MUDPS/194/1
Mr Laurance McCrory	MUDPS/195/1
Mr Shaun McCrory	MUDPS/196/1
Ms Lucy-Marie McCrory	MUDPS/197/1
Mr Tiarnan McNamee	MUDPS/198/1
Mr Michael McNamee	MUDPS/199/1
Ms Mary McNamee	MUDPS/200/1
Mr Stephen McNamee	MUDPS/201/1
B McNamee	MUDPS/202/1

3.0 Regional Planning Context

- 3.1 **The Regional Development Strategy (RDS2035)** identifies that the improvement in the quality of the environment can make an important contribution towards achieving a better quality of life whilst also recognising that significant progress towards a more sustainable environment cannot be made without a change in attitudes and lifestyles. The RDS recognises that the Local

Development Plan has a significant role to play in furthering sustainable development.

- 3.2 The RDS 2035 aims to protect and enhance the environment for current and future generations. It recognises that Northern Ireland's environment is one of its greatest assets that has benefits in terms of the economy and quality of life. Regional guidance seeks to conserve, protect, and where possible, enhance our built heritage and our natural environment (RG11). The natural heritage of the Region viewed as a key tourism and recreational asset as well as contributing to our sense of place and history and it is important to:

- Sustain and enhance biodiversity
- Identify, establish, protect and manage ecological networks
- Protect and encourage green and blue infrastructure within urban areas
- Protect and manage important geological and geomorphological features
- Protect enhance and manage the coast
- Protect, enhance and restore the quality of inland water bodies
- Recognise and promote the conservation of local identity and distinctive landscape character
- Conserve, protect and where possible enhance areas recognised for their landscape quality
- Protect designated areas of countryside from inappropriate development (either directly or indirectly) and continue to assess areas for designation
- Consider the establishment of one or more National Parks

- 3.3 **The Strategic Planning Policy Statement (SPPS2015)** stresses the importance of managing development in a sustainable manner to preserve and improve the natural environment and halt the loss of biodiversity. This requires an integrated approach to the management of the natural and cultural aspects of the landscape. The SPPS recognises that the planning system plays an important role in conserving, protecting and enhancing the environment whilst ensuring it remains responsive and adaptive to the everyday needs of society. This is a key aspect of the SPPS's wider objective of furthering sustainable development that Mid Ulster District Council has taken into account in the preparation of the Draft Plan Strategy.

- 3.4 **Planning Policy Statement 2: Natural Heritage** advises that the policy objectives for natural heritage are to;

- seek to further the conservation, enhancement and restoration of the abundance, quality, diversity and distinctiveness of the region's natural heritage;
- further sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, economic and environmental development;

- assist in meeting international (including European), national and local responsibilities and obligations in the protection and enhancement of the natural heritage;
- contribute to rural renewal and urban regeneration by ensuring developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment;
- protect and enhance biodiversity, geo-diversity and the environment; and;
- take actions to reduce our carbon footprint and facilitate adaptation to climate change.

4.0 Local Policy Context

- 4.1 There are three extant Area Plans covering Mid Ulster District Council area, namely,
- **Cookstown Area Plan 2010**
 - **Dungannon and South Tyrone Area Plan 2010**
 - **Magherafelt Area Plan 2015**
- 4.2 Local Development Plans should seek to protect and integrate certain features of the natural heritage when zoning sites for development through ‘*key site requirements*’ (KSRs) and identify and promote green and blue infrastructure. Natural heritage features and designated sites should be identified as part of the plan-making process and where appropriate, policies brought forward for their protection and/or enhancement. A hierarchy of designations is available under European and local legislation and designation is primarily the responsibility of NIEA (see Appendix 1 for list of legislation).
- 4.3 **Preferred Options Paper November 2016** set out options for Mid Ulster’s approach to the Natural Heritage. Mid Ulster’s, overall objective relevant to this topic is the need to protect and enhance the natural and built environment to achieve biodiversity, quality design, enhanced leisure and economic opportunity and promote health and wellbeing.
- 4.4 **Our Community Plan** seeks to maximize the economic, social and environmental role of our natural environment. Our Community Plan focuses on the production of sustainable actions that will both protect our environment and also leave a proud legacy for future generations to benefit from. A key aim of our Community Plan is to increase the protection of our natural environment through the improvement of our air and water quality, whilst simultaneously allowing for greater access to and development of our natural assets including Lough Neagh; Sperrins; Beaghmore and our forests.

- 4.5 In order to protect and enhance our natural heritage Mid Ulster's strategy includes identifying sites of international, national and local importance. These designations are accompanied by appropriate policies to ensure their protection and / or enhancement. Mid Ulster's Draft Plan Strategy aims to address the competing demands of achieving social and economic goals while still protecting our environment through the use of spatial designations and bespoke policies which seek to protect our most sensitive and unspoilt landscapes, whilst still allowing for a degree of flexibility in other parts of the district. These new designations take the form of Special Countryside Areas (SCA), Areas of Constraint on High Structures and Wind Turbines (AOCWTHS) and Areas of Constraint on Minerals Development (ACMD). In doing so Mid Ulster Council will provide an additional layer of protection to our most important natural heritage assets from inappropriate forms of development.

5.0 Responses to Specific Issues

5.1 Natural Heritage Strategy

a) 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 the protection of environmental features. (MUDPS/115)

Consideration: The Draft Plan Strategy has taken account of the statutory framework as set out within the SPPS. It is considered that the Draft Plan Strategy makes reference, throughout the document, to the statutory framework which governs the protection of the natural environment. The statutory framework has been referenced within the justification and amplification of individual natural heritage policies rather than within the overall introduction to the topic.

Action: No Action Required.

b) The natural heritage strategic approach should be extended to state that the Council will seek to categorise other areas of constraint. (MUDPS/162/110)

Consideration: Both the planning strategy and topic areas set out the strategy for protecting the countryside, in that our most vulnerable landscapes are protected by Special Countryside Areas (SCA) and Areas of Constraint on Wind Turbines and High Structures (AOCWTHS).

Equally the minerals chapter introduced an Area of Constraint on Minerals Development (ACMD) and it is anticipated that the Local Policies Plan will introduce Sites of Local Nature Conservation Importance (SLNCI) and Local Landscape Policy Areas (LLPA) and any other local policy designations.

MUDC's background evidence papers identified that the High Sperrins, Lough Neagh and Lough Beg, and Slieve Beagh were the district's most vulnerable landscapes and therefore worthy of an SCA designation. MUDC sought the views of all interested parties with regards the concept of an SCA / Area of Constraint on Wind Turbines and High Structures, ACMDs and their potential location, as part of the public consultation of the Preferred Options Paper.

Action: No Action Required.

c) It is hard to reconcile the approach of the Council in protecting the Traad area with its continued scoping of the area as a potential halting site for travellers accommodation. These two things are incompatible and represent contradictory approaches. (MUDPS/163/8)

Consideration: The Tourism Evidence Paper identifies Traad Point as an area of potential local tourism facilities and amenities within an otherwise restricted SCA designation, which is located adjacent to priority wetland with existing hardstanding and links to infrastructure. The inclusion of a TOZ designation at this site will not restrict other types of development coming forward, which will be assessed against the relevant policy provisions.

Action: No Action Required.

d) Draft Plan Strategy has failed to take consideration of international law and essentially allows for the destruction of natural environment. The Black Bog is an internationally recognised Ramsar site and protected under the Ramsar convention, whereby adverse changes to the ecological character is prohibited as per Article 3.2. LDP should safeguard this unique wetland. FODC should use LDP to protect Ramsars, ASSI's, SAC's, nature parks and AONB, instead of creating loopholes to allow mining and saturation of wind turbines. LDP works against public interests. (MUDPS/178 & MUDPS/191)

Consideration: It appears that these representations are not concerned with MUDC's Local Development Plan. MUDC's policies NH1 – NH6 have been introduced in order to protect our environment, including international and local designations, as well as to protect habitats, species, and other features of natural importance, both in terms of nature and landscape.

The policies are based on those advocated by the SPPS, para 6.175 to 6.193, and Mid Ulster Council strongly refutes the allegation that these policies will allow the destruction of the natural environment but rather the Council contends that they will strengthen its ability to protect the natural environment from inappropriate development.

Action: No Action Required.

e) Policy NH1-6 allow exclusions/mitigation to allow destruction of designated land/protected species. Natural heritage should not be impacted under any circumstances which goes against SEA & HRA. Representation queries where in the SEA does it provide Council with guidance to develop this exemption clauses? (MUDPS/178 & MUDPS/191)

Consideration: The policies explain that development will only be permitted in exceptional circumstances, in relation to the relevant statutory provisions, or it is required for imperative reasons of overriding public interest or there are no alternative solutions. Policies NH1 – NH6 are considered to be in line with the SPPS.

The policies have also been subject to a draft HRA and SA/SEA. The HRA concerns Natura 2000 sites, which are areas protected for their conservation value. The HRA work has been conducted alongside the SA/SEA process to ensure the processes inform each other. The HRA should not be integrated with SA/SEA, because the test that it uses (a precautionary approach to the integrity of internationally important nature conservation areas) is quite different from those of SA/SEA.

The SA/SEA makes an important contribution to the plan preparation through ensuring that the environmental, social and economic effects of the LDP strategy, policies and proposals, are fully understood before arriving at the most appropriate choices for Mid Ulster. It is important to note that SA/SEA cannot ensure that development will be sustainable in all aspects. It can only show how sustainable the effects of a policy are likely to be and, where there are harmful impacts, how they can be mitigated. A policy may also have negative environmental impacts but this can be outweighed by positive social and economic aspects of the policy (or vice versa), which in balance allow it to be regarded as sustainable.

It should be noted that the Council is not required to pursue the recommendations from the SA/SEA process. For instance, there may be specific local circumstances that justify choosing an option that does not perform as well as others when appraised against the SA/SEA framework. Mid Ulster's draft Natural Heritage policies have taken account of the RDS and SPPS and have fared equally as well as the existing suite of policies within the SA/SEA assessments.

Action: No Action Required.

f) RSPB request an additional 1km buffer area to SPA/ASSI areas at Lough Neagh / Beg as priority species are not confined to the protected area (MUDPS/59/70 & MUDPS/59/71)

Consideration: MUDC consider that our Natural Heritage Strategy and associated suite of Natural Heritage policies afford the necessary protection to not only designated sites but also the non-designated sites important to wildlife and biodiversity. Policy NH2 is specific to protected species and highlights the need for ensuring legal compliance with other relevant legislation. Furthermore,

it requires that all development proposals to be sensitive to all protected species, and be sited and designed to protect them. Policy NH2 provides appropriate and proportionate protection on all non-designated Natural Heritage areas.

Action: No Action Required.

5.2 Policy NH1 International Designations

a) *States planning authorities should ensure that full protection is afforded to both designated & non- designated sites important for wildlife & biodiversity. (MUDPS/59/3)*

Consideration: MUDC consider that our Natural Heritage strategy and associated suite of Natural Heritage policies afford the necessary protection to not only designated sites but also the non – designated sites important for wildlife and biodiversity. Policies NH1, NH3 and NH4 seek to protect our designated sites from inappropriate development, whereas Policy NH5 provides protection to all other habitats, species or features of natural importance.

Action: No Action Required.

b) *Recommended that the more detailed wording of Policy NH1 contained within PPS 2 should be included within the Draft Plan Strategy. The proposed policy should include exceptional circumstances test, as this would add clarity for involved in the planning process. (MUDPS/59/91)*

Consideration: Draft Policy NH1 of the Plan Strategy has been written to reflect the wording of the SPPS. The Council considers the form of words chosen to be more concise than the existing policy and as such presents a more legible and user-friendly policy to stakeholders.

Action: No Action Required.

c) *There is no reference to the actual statutory provisions: 2009/147/EC Birds Directive and 92/43/EEC the Habitats Directive. Consideration should be given to the future proofing of wording around any 'Brexit' legislative implications. (MUDPS/59/92)*

Consideration: Policy is in line with SPPS and the relevant EU Directives. Draft Policy NH1 of the Plan Strategy and the accompanying justification and amplification has been written to reflect the wording of the SPPS. The justification and amplification of Policy NH1 makes reference to Ramsar and European sites and goes on to define what constitutes a European site.

Action: No Action Required.

d) Recommends that paragraph 5.6 of PPS 2 is copied across to the justification and amplification section of DPS Policy NH1. (MUDPS/59/94)

Consideration: The absence of a list of all protected species of animals and plants does not render the policy unsound.

Action: No Action Required.

e) Paragraph 18.17 of the Justification and Amplification should be included within the policy box as it reflects the relevant SPPS policy. (MUDPS/115/111)

Consideration: The above referenced paragraph was included within the Justification and Amplification section of Policy NH1 – Planning Policy Statement 2. The Council considers that the justification and amplification section must be read in conjunction with the policy box and that both these elements constitute the planning policy.

Action: No Action Required.

f) Policy as currently worded does not provide flexibility to enable it to deal with changing circumstances. The inclusion of the word 'normally' or provision of exceptions in policy is necessary in many instances to ensure there is no confusion of policies. (MUDPS/125/6)

Consideration: It is inappropriate to provide greater flexibility within the policy as flexibility already exists under the provisions of the Planning (Northern Ireland) Act 2011 that states an applicant has the ability to put forward an argument, as a material consideration, for an exception to the requirements of policy. Planning applications will be considered on a case-by-case basis, and; determined in accordance with the Plan unless other material considerations justify non-compliance with the requirements of specific policy. No evidence has been provided to justify taking a different approach or to support the assertion that the policy approach is more restrictive than the existing policy provision. Furthermore, the word '*normally*' is now how strategic policy is framed. Therefore, the policy wording does not require amendment.

Action: No Action Required.

5.3 Policy NH2 Protected Species

a) Policy wording has changed the wording test for European protected species from 'likely to harm' (para 6.180 of SPPS) to 'likely harm'. To avoid potential for the weakening of protection for such species, strongly recommends 'likely to harm' remains in NH2. (MUDPS/59/93)

Consideration: MUDC considers the variance in wording to have little or no bearing on the strength of the policy.

Action: No Action Required. However should the Commissioner recommend changing the wording to '*likely to harm*' a European Protected Species then the Council would have no objection.

b) *Policy is inflexible. This policy should be changed to reflect that adequate mitigation or compensation is a possible solution in all cases.* (MUDPS/192/37)

Consideration: Adequate mitigation or compensation may not be a possible solution in all circumstances. The draft policy stipulates that a development will not accord with the plan 'if it is likely to harm a European protected species'. Mitigation or compensatory measures are only applicable to 'any other statutorily protected species, including national protected species' and not European protected species. Therefore, to include the suggested wording would weaken the policy and not meet the requirements of the Habitats Directive.

Action: No Action Required.

c) *Recommends that paragraph 5.6 of PPS 2 is copied across to the justification and amplification section of Draft Plan Strategy Policy NH1 (Possible error as representation appears to be referring to Policy NH2).* (MUDPS/59/94)

Consideration: Paragraph 5.6 of PPS 2 refers to further details on protected species of animals and plants. The Justification and amplification of Draft Policy NH2 refers to Annex IV of Habitats Directive and Schedules (1), (5) & (8) of the Wildlife Order. Sufficient clarification and guidance is provided within the justification and amplification of Policy NH2 in relation to information on protected species.

Action: No Action Required.

5.4 **Policy NH3 National Designations**

a) *The first line of Policy NH3 and criteria (a) read in contradiction with one another and add another test to wording, which is not present in regional policy SPPS 6.183 – 6.185 or of PPS2 NH3. This is likely to confuse the reader.* (MUDPS/59/95)

Consideration: As it stands, the policy is not unsound and is in line with the SPPS. However, it is somewhat confusing for the reader in that criterion (a) is stricter than what is written in the headline and therefore the Council concedes that it could be better worded.

Action: No Action Required. However, should the Commissioner consider that clearer is necessary, the Council would have no objection to a re-wording as follows:

‘Proposals for development which would have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of a national designation shall not accord with the Plan unless:

- Any unacceptable impacts on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of regional importance.*

In such cases, appropriate mitigation and/or compensatory measures will be required’.

b) *Criteria would benefit from being expressed more clearly in line with SPPS, inclusion of criteria (b) regarding social, economic – economic benefits causes ambiguity. May lessen the level of protection, which should be afforded. (MUDPS/115/112)*

Consideration: The language used is clear and concise. The reference to social, environmental and economic benefits assists in clarifying the potential associated benefits that a proposed development may provide. This clarification is important to stakeholders when assessing the potential benefits of a proposal against the value of the site. The socio, economic and environmental benefits are measured in relation to their regional importance, which is a high benchmark.

Action: No Action Required.

c) *Policy is inflexible. This policy should be changed to reflect the fact that adequate mitigation or compensation is a possible solution in all cases. (MUDPS/192/38)*

Consideration: Policy is in line with the wording of the SPPS. It is incorrect to state that mitigation or compensation is a possible solution in all cases. Such issues can only be considered on a case-by-case basis. Mitigation or compensation will only be considered appropriate where the proposal for development has met the criteria of the policy.

Action: No Action Required.

5.5 Policy NH5 Other Habitats, Species or Features of Natural Importance

a) *Policy application is more restrictive than paragraph 5.12 of PPS 2, Policy NH5. This could exclude other features, which make a significant contribution to biodiversity. (MUDPS/59/96)*

Consideration: The policy box of draft Policy NH5 clearly states that proposals for development which are likely to result in the unacceptable adverse impact on, or damage to 'other natural heritage features worthy of protection, including trees and woodland' shall not accord with the LDP. This wording gives MUDC the scope to consider the impact of a development proposal on any other natural heritage features that are considered to make a contribution to biodiversity.

Action: No Action Required.

b) *Proposed policy should be consistent with Section 1 of the Wildlife and Natural Environment Act (NI) 2011, which places a duty on public bodies to further the conservation of biodiversity and NI / EU Biodiversity strategies to halt loss of biodiversity by 2020. (MUDPS/59/97)*

Consideration: Draft Policy NH5 is considered consistent with Section 1 of the WANE (NI) Act 2011, in that it will ensure that the Council adheres to its statutory duty of furthering the conservation of biodiversity.

Action: No Action Required.

c) *Policy includes a presumption in favour of the retention of all trees. This is considered unenforceable. There are no restrictions on felling trees in other cases, except for TPOs, so applicants will simply choose to remove trees before making applications. (MUDPS/192/39)*

Consideration: The policy does not include a presumption in favour of the retention of all trees. The policy clarifies that the presumption to retain trees is where they make a valuable contribution to the wider environment and local amenity. Section 121 of the Planning Act (NI) 2011 already makes it a statutory requirement for Councils to make adequate provision for the preservation of trees, draft Policy NH5 follows on from this legal requirement. The inclusion of this element within the policy allows for greater protection of biodiversity. It should be noted that the situation already exists where applicants may remove trees before making a planning application and the inclusion of the presumption to retain trees within the draft policy will likely not have any bearing on the current situation.

Action: No Action Required.

5.6 Policy NH6 Areas of Outstanding Natural Beauty

a) Proposed policy wording should refer to the full range of considerations and not just the 'distinctive special character and landscape quality'. This is much narrower interpretation of regional policy PPS 2 NH 6 and para 6.187 of SPPS. Whilst para. 18.31 of DPS addressed the omissions they are weakened as they are not within policy box. In order to accord with the NI and EU Biodiversity Strategy which collectively seek to halt the loss of biodiversity and ecosystem services by 2010, it is strongly recommended that the first paragraph of draft Policy NH6 be amended. (MUDPS/59/98, 59/99, 115/113, 167/4, 167/5, 174/68)

Consideration: The policy tests within paragraph 6.187 of the SPPS requires all development proposals to be sensitive to the distinctive special character of the area and the quality of the landscape, and its heritage and wildlife. Draft Policy NH 6 directly adheres to these first two tests and also requires development to be sensitive to the visual amenity of the AONB. In terms of requiring development to be sensitive to the heritage and wildlife of the AONB, the justification and amplification section of draft policy NH 6 makes it clear that in assessing proposals account will be taken of the extent to which it respects, conserves and enhances the natural and cultural features. Furthermore, the DPS states that MUDC may issue focused design guidance for particular areas of the District where there is a clear local identity of building tradition, such as the Sperrins.

Action: No further action required.

b) Until weaknesses of Policy RNW1 has been addressed the cross reference with Policy NH6 renders this policy unsound. NH6 J&A sets out account will be taken of LCA when considering proposals within the AONB, Council LCA is not considered to be robust. Justification and amplification of policy NH6 sets out that account will be taken of landscape capacity and LCA prepared as part of the draft plan process. As stated previously NILCA 2000 is now outdated and the Council's review of the same is flawed. (MUDPS/150/36 & 42 & MUDPS/83/35)

Consideration: MUDC considers it appropriate to take account of the Landscape Character Assessments produced by central government (NIRLCA 2016 and NILCA 2000). MUDC note the comment that NILCA is considered to be outdated. MUDC carried out a review of NILCA 2000 and considers that the overall character and inherent sensitivities of individual LCA's, as defined in NILCA 2000, have not been significantly affected and the Council therefore considers the document to be sufficiently robust to inform the spatial designations and policies to protect our landscapes. This review of the relevant LCA's was audited by Landscape Architecture specialists, GM Design.

Paragraph 18.31 of the Justification and Amplification of NH6 states that account will be taken of the 'capacity of the landscape to absorb the

development in itself'. This comment is in relation to a localised test of integration and whether or not any proposed development can be accommodated without appearing incongruous in its setting. This comment is not a reference to Landscape Capacities in the wider sense.

These representations have not gone into detail as to how MUDC has failed to properly consider relevant regional guidance on LCA Reviews. Notwithstanding this, the Council will undertake the preparation of a report to address the alleged failings of our LCA Review.

Action: No Action Required.

c) This policy sets out that development will be required to be sensitive to the character of the AONB. With reference to the weaknesses identified within the mineral policies, the same weaknesses apply to policy NH6 which renders this policy unsound. (MUDPS/83/36)

Consideration: MUDC has not adopted the approach of applying an ACMD to all of the Sperrins AONB. Rather MUDC has sought to adopt a balanced approach which provides scope for some minerals development that avoids the most unspoilt and scenically valuable parts of the AONB. It should be noted that the ACMD as proposed in the DPS is a reduced version of that in the POP and as a result, most of the AONB is now not within an ACMD. The Council has consulted with the industry and will continue this liaison in order to ensure that an accurate picture of supply and demand constructed to ensure a sufficient supply of minerals. This matter considered within the Minerals topic paper.

Action: No Action Required.

d) DfI are aware of Sperrins Forum work. Policy unclear as to what engagement there has been with other 3 councils. (MUDPS/115/21)

Consideration: MUDC has gone beyond the requirement of statutory consultation by working with the three other councils within the AONB. As part of that work MUDC has been working on a draft Statement of Common Ground (SOCG), ensuring that additional protection is provided for the Sperrins while also supporting the economic wellbeing of these remote rural communities. It is envisaged that the SOCG will be signed by all relevant councils.

In relation to providing the additional protections, our SCA links with Fermanagh and Omagh Council's SCA designation and our approach to high structures is compatible with their guidance on wind turbines. No objection to our plan policies were raised by either Derry and Strabane Council or Causeway Coast and Glens Council in relation to our Sperrins policy.

Action: No Action Required.

e) *Concern raised that there is no management plan for the Sperrins AONB. States that the Sperrin AONB is the only AONB in the UK that has no management plan and management body. (MUDPS/134/10)*

Consideration: The responsibility for drawing up a management plan rests with DAERA. The need for a management plan has been identified by the 'Future Search' project, the aim of which was to gain agreement from all interested parties to undertake the production of an action plan for the Sperrins AONB. Indicators from DAERA is that they are willing to include such work but to date no timetable has been provided.

Action: No Action Required.

f) *Policy fails to mention proposals having to take account of the relevant LCA and the Sperrin AONB Management Plan and/or local design guide (paragraph 6.188 of the SPPS). This should be included within the policy headnote to provide consistency with SPPS. (MUDPS/174/69)*

Consideration: The requirement to take account of relevant LCA and any other published guidance, including AONB Management Plans and/or design guidance, is contained within paragraph 18.32 of the Justification and Amplification of Policy NH6, thereby taking account of the SPPS.

Action: No Action Required.

g) *NH6 should provide a presumption against developments that would negatively impact the distinctiveness of the Sperrins AONB and the recognition of individual and cumulative impacts. (MUDPS/174/67)*

Consideration: The language of the draft policy wording accords with that of the SPPS. The draft policy requires all development proposals to be sensitive to the distinctive special character, landscape quality and visual amenity of the AONB. Furthermore, in relation to potential impacts, paragraph 18.32 of the justification and amplification of the policy states that in assessing proposals account will be taken of the capacity of the landscape to absorb the development in relation to itself and in relation to any cumulative effects.

Action: No Action Required.

h) *Policy does not align with the neighbouring Council's policy for the Sperrins AONB, which cuts across both council areas. (MUDPS/174/70)*

Consideration: The thrust of MUDC's policy aligns with that of Fermanagh and Omagh District Councils draft AONB policy in that they both seek to protect the distinctive special character of the area from inappropriate forms of development. All councils have been tasked with developing their own tailored

policies and it should be noted that MUDC is not required to reproduce the policies of an adjoining council but rather the test is to have regard to other relevant plans, policies and strategies or to any adjoining council's district. The Council considers Policy NH 6 to be sound.

Action: No Action Required.

i) Policy fails to protect heritage assets from inappropriate renewable energy development albeit it is acknowledged in 22.6, 22.7 and 22.10. Criteria and rigorous tests should be applied to protect heritage assets from inappropriate development. (MUDPS/174/71)

Consideration: Draft Policy NH6 requires development to be sensitive to the distinctive special character and landscape quality. In addition, draft Policy NH6 informs the reader that where proposed development is for specific proposals, such as high structures or minerals development, then they must refer to Policies RNW1 & MIN 1. The consideration of representations to specific policies are dealt with under separate topic papers i.e. Renewables, Minerals etc.

Action: No Action Required.

j) This policy sets out that development will be required to be sensitive to the character of the AONB. With reference to the weaknesses identified within the mineral policies, the same weaknesses apply to policy NH6 which renders this policy unsound. (MUDPS/83/34)

Consideration: Draft Policy NH6 requires development to be sensitive to the distinctive special character and landscape quality. In addition, draft Policy NH6 informs the reader that where proposed development is for specific proposals, such as high structures or minerals development, then they must refer to Policies RNW1 & MIN 1. The consideration of representations to specific policies are dealt with under separate topic papers i.e. Renewables, Minerals etc.

Action: No Action Required.

k) Rep refers to Policy L01 (not in our DPS) stating this undermines the AONB designation, which should be of the highest protection and conservation. The proposal map has only a small area of the Sperrins AONB designation. (MUDPS/178/243 & MUDPS/191/243)

Consideration: These representations do not appear to relate to MUDC's draft Plan Strategy but rather that of Fermanagh and Omagh District Council.

Action: No Action Required.

5.7 Policy SCA1 Special Countryside Areas

a) The introduction of spatial restrictive policies such as AOCWTHS and SCA could greatly inhibit wind energy development particularly given existing separation distance constraints and is considered contrary to DPS objectives to promote renewable energy. (MUDPS/41/1)

Consideration: The introduction of spatial policies such as SCA and AOCWTHS accords with the RDS and the SPPS, in that they seek to protect the quality and amenity value of Mid Ulster's most unique landscapes from all forms of new development. These spatial policies have only been applied in Mid Ulster's most vulnerable landscapes namely; the high Sperrins, the Lough Shore and Slieve Beagh. Throughout the remainder of the district Policy RNW1 will apply. Subject to certain criteria being met Policy RNW1 is a permissive policy which seeks to facilitate the provision of renewable energy.

Action: No Action Required.

b) Council's appraisal of SCA's suggest NED supported the concept however no details of consultation or agreement provided. The lack of information and robustness in the assessment demonstrates proposed SCA's are founded on flawed evidence. (MUDPS/41/7)

Consideration: Mid Ulster District introduced the concept of a Special Countryside Area in the Preferred Options Paper. In response to consultation on the POP Natural Environment Division welcomed the concept of an SCA as it would aid the protection of international and designated sites. A summary of NED's comments were published online within Mid Ulster's 'Preferred Options Paper Public Consultation Report – February 2019. MUDC has also published individual background papers, which set out the methodology to the SCA designations within the Sperrins and Beaghmore and the shores of Lough Neagh/Lough Beg.

Action: No Action Required.

c) LDP has critical role in making space for creation and management of additional habitat along shore of Lough Neagh and Lough Beg for sustainable strategic tourism at a landscape scale. (MUDPS/59/69)

Consideration: MUDC fully recognises it's role for the creation and management of habitats along Lough Neagh and Lough Beg. It is for this reason that MUDC has designated an SCA along the shores of Lough Neagh and Lough Beg with the aim of protecting the unspoilt nature of these landscapes from inappropriate development. The SCA designation will allow space for the creation of additional habitats along the lough shore. However in

order to achieve a balance MUDC has designated a number of Tourism Opportunity Zones within the SCA on sites which are deemed to have the most to offer, either by way of existing outdoor activities, facilities or due to their location. These TOZs promote tourism development within them.

Action: No Action Required.

d) *SCA introduces an additional layer of constraint, which overlaps the AOCWTHS and further restricts wind energy development. Given the conflict between SCA1 and DPS objectives, this policy would fail test CE1. (MUDPS/96/21)*

Consideration: These designations do not overlap but rather sit side by side and complement each other. The introduction of spatial policies such as SCA and AOCWTHS accords with the RDS and the SPPS, in that they seek to protect the quality and amenity value of Mid Ulster's most unique landscapes from all forms of new development. These spatial policies have only been applied in Mid Ulster's most vulnerable landscapes namely; the high Sperrins, the Lough Shore and Slieve Beagh. Throughout the remainder of the district Policy RNW1 will apply. Therefore, it is considered that no conflict exists between the Council's objectives to protect and enhance the natural and built environment and at the same time to encourage the use of renewable energy.

Action: No Action Required.

e) *RES supportive of existing policy. LDP should provide broad guidance in relation to the plan area. Detailed assessment of individual applications is much better reserved for the visual impact assessments as part of EIA to be performed by experts. (MUDPS/96/24)*

Consideration: Wind energy development is a relatively new force for change, particularly since the introduction of the more permissive policy contained within PPS 18 Renewable Energy in August 2009. As such, wind energy development is increasingly evident in many parts of the district with Brougher Mountain, Glenshane Slopes, Slieve Gallion and Slievemore LCA's in particular experiencing substantial change in this regard. MUDC considers that greater policy control above and beyond what currently exists is required within the district's most unique landscapes, for all types of development. The Council considers that it is important that the LDP provides certainty to all stakeholders as to what form of development will be considered acceptable or otherwise throughout the district. Through the designation of SCAs and AOCWTHSs the Council is attempting to assist developers by providing certainty and therefore will not be wasteful of resources. The actual designations only constitute a relatively small proportion of the overall district. Outside of the Council's proposed SCA and AOCWTHS each application will continue to be considered on its own merits.

Action: No Action Required.

f) *RES considers that extent of SCA is founded on flawed evidence. RES recommend that further work is undertaken by MUDC to review evidence base and revise proposals accordingly. RES would welcome the opportunity to participate in this consultation. (MUDPS/96/94)*

Consideration: The SCA has been designated to protect Mid Ulster's most remote, scenic and unspoilt areas that are highly sensitive with little capacity to absorb development. The proposed boundaries of MUDC's SCA have been defined based on a variety of factors and these have been detailed within the Council's SCA background evidence paper, published along with the DPS. This paper provides details of the rationale, methodology and the criteria for bringing forward Special Countryside Areas within Mid Ulster. The detailed boundaries of the SCA were defined in part by a desktop survey using the latest ortho photography. This work was verified by a series of site visits, all of which had regard to NILCA 2000 assessments, NIRLCA 2016 assessments, the Corine Land Cover data, the relevant existing environmental designations, and the Area of Scenic Quality set out within NILCA 2000.

MUDC also carried out a Landscape Character Assessment Review of the NILCA 2000 assessments in association with GM Design. The process was aimed at ensuring the findings of MUDC's LCA Review are sound and that it can be utilised to inform the preparation of the LDP. The resulting final LCA Review is considered to be a more comprehensive and sound document.

Action: No Action Required.

g) *Regarding the SCA at the Loughshore, the Landscape Character Area review has failed to consider the capacity of the landscape to absorb minerals development. Landing points around Lough Neagh have been excluded from the proposed SCA and this is to be welcomed. However, it would be wise to specifically name the areas excluded and also to state within the DPS the reason for their exclusion from the SCA. (MUDPS/101/2, MUDPS/101/53, MUDPS/107/8 & MUDPS/113/8)*

Consideration: The SCA has been designated to protect Mid Ulster's most remote, scenic and unspoilt areas that are highly sensitive with little capacity to absorb development. The Lough Neagh Sand Trader's landing points have been omitted from the proposed SCA designation in order not to curtail the operations carried out at these sites and also because of their lesser biodiversity value as result of the long established industrial processes carried out here. MUDC does not consider it necessary to name the sand traders landing sites explicitly within policy. Mid Ulster's SCA background evidence paper acknowledges the importance of the Lough Neagh Sand Trader's ability to facilitate and support significant growth throughout district and the wider NI

economy and makes it clear that these important landing points should be excluded from the SCA so as not to hamper the economic activity.

Whilst MUDC is not proposing to include these landing sites within the lifespan of the plan it cannot be stated with absolute certainty that they will never be included within the SCA. MUDC will review the plan in 5 years in line with the Monitoring Framework.

Action: No Action Required. However, should the Commissioner consider the naming of specific landing sites to be of benefit then the Council would have no objection.

h) *Inclusion of the proposals maps showing the SCA are helpful and align with SPPS policy. SCA are warranted for exceptional landscapes. The exceptional criteria in the policy undermines the intent due to the widening scope for development opportunities. Under the exceptions 'open development' and 'in-situ' are not explained and evidence is not provided to support these additional opportunities. They contradict the designation. Paragraph 18.15 reads as a policy requirement and as such should be in the policy box. (MUDPS/115/108 & MUDPS/115/109)*

Consideration: MUDC considers that the areas identified as SCA's to be exceptional landscapes, such as mountains or stretches of lough shore, which warrant a greater degree of policy control above and beyond what previously existed. Whilst some of these areas already benefit from international/national designations, these in themselves do not preclude development as the purpose of these designations is to ensure that nature conservation considerations are taken into account before any decision affecting their future is made. The SCA designation introduces a presumption against all new development with limited exceptions.

MUDC does not accept that the exceptions of 'open development' and 'in-situ' require further explanation. It is considered that the 'in-situ replacement of an existing building of a similar size and character' is self-explanatory and requires no further explanation and given the isolated locations of the SCA's it is envisaged that there will be limited numbers of such applications. Whereas paragraph 18.13 of the DPS provides sufficient explanation in that it highlights three examples of 'open development'. Open development such as pathways and jetties are not considered likely to adversely affect the landscape amenity value of these exceptional areas. Furthermore, the Council's Utilities background paper identified that there are no 'Not Spots' currently within the district.

MUDC contends that whatever text contained within the Justification and Amplification is part of the policy consideration however should the commissioner wish to see paragraph 18.15 relocated to the policy box then the Council would have no objection. Notwithstanding the above-mentioned exceptions to the policy the SCA designation would still allow for a greater

degree of protection of these unique landscapes from inappropriate development than the existing suite of policies.

Action: No Action Required.

i) Council should be able to demonstrate how this policy is sustainable in terms of the spatial strategy when considered in combination with countryside policies and growth policies. (MUDPS/115/110)

Consideration: In drawing up the Local Development Plan, the Council created a Spatial Planning Framework. The Strategic Planning Framework was formulated to achieve the Plan Objectives and were designed to accord with regional policy. The concept of an SCA was introduced within the SPPS which highlights that some areas of the countryside exhibit exceptional landscapes, such as stretches of lough shores, and certain views or vistas, wherein the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances. Planning Framework 10 seeks to protect our vulnerable landscapes and conservation interests from inappropriate development and the Council considers draft Policy SCA 1 to be a physical manifestation of SPF 10.

The Council prepared a background evidence paper for the proposed Special Countryside Areas proposed throughout the district. This paper was published along with the DPS and details the rationale, methodology and the criteria for bringing forward Special Countryside Areas within Mid Ulster.

Furthermore, all of the policies proposed within the DPS were assessed within the SA/SEA appraisal. The SA/SEA assessment of this policy considered that the additional protection afforded to our most vulnerable landscapes through the introduction of Special Countryside Areas would bring many positive impacts to MUDC's social, environmental and economic objectives. Consideration of the spatial growth policies and countryside policies are considered in detail within the relevant topic papers.

Action: No Action Required.

j) The boundary of the proposed SCA's have been defined based upon a desktop assessment and NILCA 2000. Relying on out of date evidence, not bespoke to the district is flawed and therefore assessment of such data is flawed. (MUDPS/150/19 & MUDPS/153/41)

Consideration: Whilst the NILCA 2000 document identified a strategic Area of Scenic Quality around all of the shores of Lough Neagh, it is important to note that this strategic designation could not define the detailed boundaries of MUDC's SCA designation along the western shores of Lough Neagh.

The proposed boundaries of MUDC's SCA have been defined based on a variety of factors and these have been detailed within the Council's SCA

background evidence paper, published along with the DPS. This background evidence paper details how the site boundaries were defined. The detailed boundaries of the SCA were defined in part by a desktop assessment and this work was verified by a series of field site visits, all of which had regard to the NILCA 2000 assessments, NIRLCA 2016 assessments, the Corine Land Cover data and also the relevant existing environmental designations. Mid Ulster considers that the NILCA 2000 assessments are still fit for purpose and has carried out a review of the 2000 LCA's in association with GM Design Associates.

In addition NIRLCA (2016) states that its purpose is to 'provide an evidence base which can be used equally by planners, developers and the public' and will enable 'informed decisions concerning the planning, management and protection of Northern Ireland's landscapes' to be made. In clarifying its relationship with the NILCA 2000 document the NIRCLA report advises that 'The purpose of the NIRLCA is not to replace, but to complement, the earlier NILCA 2000' and that 'Until the new local assessments are in place, the earlier Northern Ireland Landscape Character Assessment 2000 (NILCA), comprising 130 character areas, will continue to be applied'.

Action: No Action Required.

k) *The Landscape Character Assessment Review has failed to have regard to or adequately address weaknesses identified by GM Design Associates and cannot be relied upon as robust evidence to justify the designations of an SCA in the district or the proposed extent of such areas. (MUDPS/150/20)*

Consideration: MUDC carried out a Landscape Character Assessment Review of the NILCA 2000 assessments in association with GM Design. The process was aimed at ensuring the findings of MUDC's LCA Review are sound and that it can be utilised to inform the preparation of the LDP. MUDC liaised and worked closely with GM Design Associates throughout the process. Following GM Design's initial findings MUDC made a significant number of amendments suggested by GM Design Associates. The resulting final LCA Review is considered to be a more comprehensive and sound document.

Action: No Action Required.

l) *SCA's should look to alternative ways to provide electricity in Slieve Beagh and the High Sperrins SCA during the lifetime of the strategy. (MUDPS/162/111)*

Consideration: Mid Ulster considers that the designated SCA is highly sensitive to any form of development. The designation has been brought forward in order to protect the quality and unique amenity value of these unique landscapes. For this reason only a very limited number of exceptions have been included. Mid Ulster would therefore be reluctant to further open up the number of exceptions

to this policy. Notwithstanding this, Policy GP 1 (c) seeks to address alternative forms of energy creation by stating that where appropriate, all new development should have regard to the principles of passive solar design and the use of renewable energy technologies.

Action: No Action Required.

m) *DAERA concerned that their letter dated 03/05/2018 has not been taken up regarding the need to create a separate AoHSV policy at Lough Neagh/Lough Beg. Without an adequate buffer, the landscape quality of SCA will be susceptible to adjacent developments. (MUDPS/167/2)*

Consideration: MUDC fully considered the letter of DAERA dated 03/05/2018 and the possible merits of designating an AoHSV. MUDC does not agree however that an AoHSV would act as a buffer to the SCA. The extant AoHSV policy seeks to conserve and enhance the landscape through paying regard to the siting, massing, scale, design, materials, finishes and landscaping of development proposals. Mid Ulster would contend that all of these factors should form part of the decision making process of any development proposal. Indeed all of the above mentioned factors have been addressed within the Draft Plan Strategy's General Policy – Policy CT1.

Action: No Action Required.

n) *SCA methodology excludes areas of amenity grassland etc. DAERA concerned as methodology makes no reference to legislative protection given to the lough under Birds Directive. Also, development on amenity grassland has potential to negatively impact SCA. (MUDPS/167/3)*

Consideration: Mid Ulster is aware of the legislative context of the various International and National designation along the Lough. Whilst there are a series of international/national designations around the lough it is important to note that these designations do not confer absolute protection against development; the purpose of these designations is to ensure that nature conservation considerations are taken into account before any decision affecting their future is made. Whereas within an SCA no development will be acceptable unless it is for the consolidation or in-situ replacement of existing development. The designation of an SCA along the Lough-shore would allow for a greater degree of protection of this unique landscape from inappropriate development.

The SCA has excluded some areas of amenity grassland as it has primarily sought to protect the most unspoilt and unmanaged habitats along the loughshore from inappropriate development. The designation of an SCA seeks to supplement and strengthen the protection available to such unspoilt habitats. Areas excluded from the SCA, such as amenity grassland, may still lie within

an international/national designation in which case any development proposal will still be subject to the rigours of an EIA / HRA assessment.

Action: No Action Required.

o) Draft Plan Strategy at no point allowed the people of Mid Ulster the opportunity to choose what they did or did not want. The SCA designation is pre-determined. On what basis and by whom? Should be removed as it limits options. MUDC has provided means to industrialise the region.

(MUDPS/178/5 & MUDPS/191/5)

Consideration: The concept of a Special Countryside Area formed part of the public consultation on Mid Ulster's Preferred Options Paper in November 2016. Under the heading of 'Protecting and Enhancing our Environment' within the POP the concept of an SCA was suggested alongside two other options. Mid Ulster made it clear at that stage that the adoption of the SCA approach was the preferred option. In preparation for the publication of the Draft Plan Strategy Mid Ulster's Local Development Plan carried out significant research in order to provide the rationale and methodology for SCA designations at Lough Neagh & Lough Beg, High Sperrins and Slieve Beagh. This paper was published on our website, alongside the Draft Plan Strategy. Mid Ulster does not agree that this designation provides the means to industrialise the region. On the contrary, Mid Ulster believes that through designations such as the SCA, the district's most unique and unspoilt areas will be preserved for future generations to enjoy.

Action: No Action Required.

p) Object to SCA 1 which places a virtual ban on development within the proposed SCA areas – it is not reasonably flexible to deal with changing circumstances. (MUDPS/192/36)

Consideration: Mid Ulster is committed to the promotion of renewable energy within the district. Mid Ulster has sought to achieve a balance between protection of our most unique environments from inappropriate forms of development, while still supporting the renewable energy sector. Mid Ulster has sought to introduce an additional layer of protection through the designation of SCAs to a limited part of the district. The SCAs are limited in size and focus on our most unique landscapes. Elsewhere outside of SCAs and AOCWTHSs our renewable energy policy seeks to promote such development subject to full and proper consideration of potential environmental impacts, including potential mitigation measures where necessary.

Action: No Action Required.

5.8 Proposed Extension to SCA - District Proposals Maps

a) *Requests modifications to Map 1d (Appendix 1) to include an SCA extension to Curran Bog and Ballynahone Bog, as well as north of the proposed A6 road and an AOCWTHS designation where whooper swans have been identified. Representation states proposed modifications seek to provide a strategic vision for tourism at a landscape scale e.g. Bann Valley vision area or SW Lough Neagh which could be managed sustainably for nature tourism. (MUDPS/59/72, MUDPS/59/87, MUDPS/59/88 & MUDPS/59/155)*

Consideration: It is assumed that the justification for this representation proposing an extension of the DPS SCA and AOCWTHS boundary at Ballynahone Bog, Curran Bog and Lower Bann relates to habitat and species importance given the representation refers to “ornithological knowledge and data” (Page 61). It is important to note that some of the locations put forward in the representation for inclusion within an SCA / AOCWTHS, such as Ballynahone Bog and Curran Bog, already benefit from European and National designations, and encompass areas of priority habitat and priority species, therefore protection from inappropriate development exists under the relevant Natural Heritage policies within the draft Plan Strategy.

With regards the suggested additional AOCWTHS in locations where Whooper Swans have been identified, the Council considers the inclusion of such one off sites would not accord with the overall strategic nature of the SCA / AOCWTHS designations in that this approach would result in a fragmented and piecemeal form of designation.

The proposed modifications with regards the AOCWTHS along the Bann valley are not considered consistent with the methodology of the AOCWTHS designation. The background evidence paper for AOCWTHS sought to identify those parts of the district that require additional protection, over and above that which is generally applicable in the countryside, due to their particular sensitivities and vulnerabilities. The proposed AOCWTHS has been primarily informed by ‘Prominent Ridges’ and ‘Key views’ as identified within the NILCA ‘Landscape Analysis and Settlement Settings’ maps and associated LCA descriptions.

Action – No Action Required.

b) *RSPB highlight Owenkillew / Ballinderry Rivers are missing from Area of International Importance Map 1.1 Growth Strategy (MUDPS/59/144)*

Consideration: Mid Ulster’s main rivers indicated on Maps 1a to 1f and therefore do not need replicated on Regional Map 1.1

Action: No Action Required.

c) RSPB requests Extension to SCA1 specifically for Hen Harriers and Whooper Swans Map 1c (MUDPS/59/86 & MUDPS/59/154)

Consideration: It is assumed that the justification for this representation proposing an extension of the DPS SCA boundary relates to habitat and species importance given the representation refers to “ornithological knowledge and data” (Page 61). It is important to note that some of the locations put forward in the representation for inclusion within an SCA / AOCWTHS already benefit from European and National designations, and encompass areas of priority habitat and priority species, therefore protection from inappropriate development exists under the relevant Natural Heritage policies within the draft Plan Strategy.

Action: No Action Required.

d) RSPB requests proposed modifications to Map 1e to SCA to be consistent with other SCA zonings, extended at the SW corner of Lough Neagh to replicate the RAMSAR international designation (MUDPS/59/90 & MUDPS/59/156)

Consideration: It is assumed that the justification for this representation proposing an extension of the DPS SCA relates to habitat and species importance given the representation refers to “ornithological knowledge and data” (Page 61). It is important to note that some of the locations put forward in the representation for inclusion within an SCA / AOCWTHS already benefit from International Designations and encompass areas of priority habitat and priority species, therefore protection from inappropriate development exists under the relevant Natural Heritage policies within the draft Plan Strategy.

Action: No Action Required.

6.0 Recommendation

- 6.1 It is recommended that we progress the approach to Natural Heritage in line with the actions contained within this paper.

7.0 Representations Received

Respondent	References
Consultation Bodies	
RES GROUP	MUDPS/96
DEPARTMENT FOR INFRASTRUCTURE	MUDPS/115
DAERA	MUDPS/167
Public Representations	
MINERAL PRODUCT ASSOCIATION NI	MUDPS/29
DEPARTMENT FOR THE ECONOMY	MUDPS/31
NIRIG	MUDPS/41
RSPB NI	MUDPS/59

TURLEY DALRADIAN GOLD LTD	MUDPS/83
QUARRYPLAN LIMITED	MUDPS/101
QUARRYPLAN LIMITED NORTHSTONE NI LTD	MUDPS/107
LOUGH NEAGH SAND TRADERS ASSOCIATION	MUDPS/113
TURLEY SSE RENEWABLES	MUDPS/150
TURLEY ABO WIND	MUDPS/153
PROTECT SLIEVE GALLION	MUDPS/162
SHORE OF TRAAD COMMUNITY GROUP	MUDPS/163
NATIONAL TRUST	MUDPS/174
MR PAT HAUGHEY	MUDPS/178
MS PAULINE MCHENRY	MUDPS/191
A RANGE OF INTERESTED PARTIES	MUDPS/192

8.0 Counter Representations

- 8.1 During the period for counter representations to the Draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, a number of representations were received which related to the topic of Natural Heritage. Listed below:

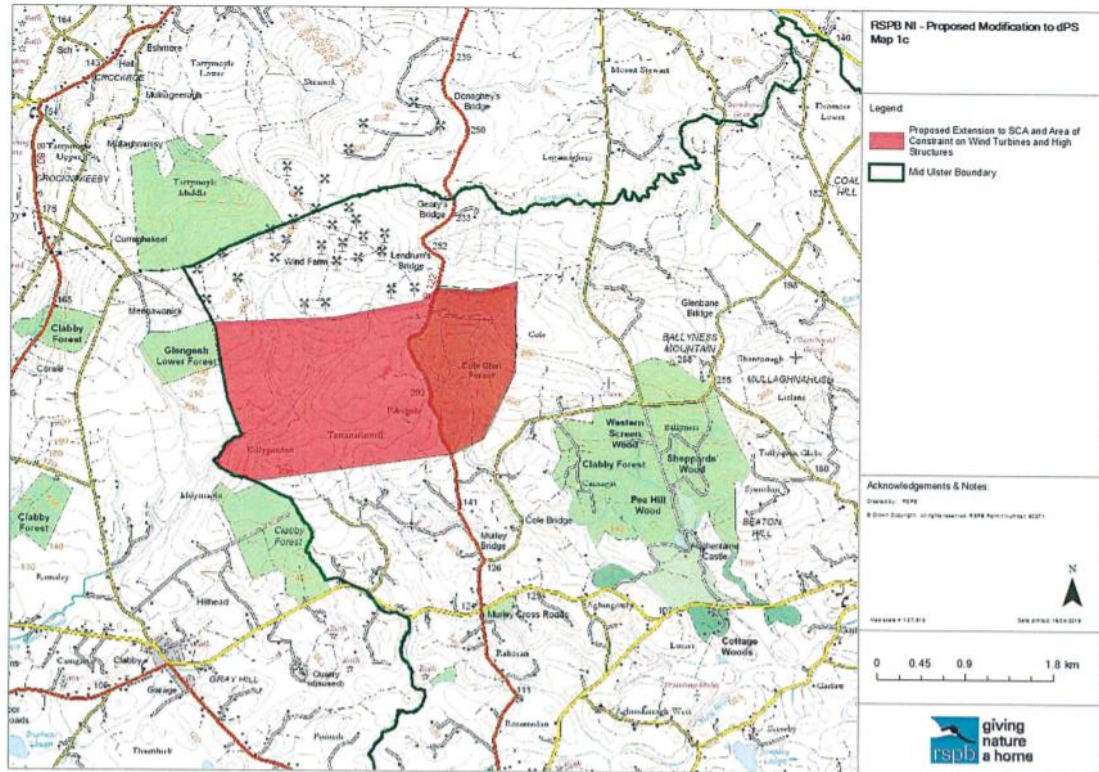
Counter-Representation Respondent	Counter-Representation Reference Number	Reference number Counter-Representation relates to
Dermot Madden DfC	DPSCR/57	MUDPS/113
Turley on behalf of SSE Renewables	DPSCR/81	MUDPS/59
Turley on behalf of SSE Renewables	DPSCR/84	DPSCR/84
Turley on behalf of SSE Renewables	DPSCR/86	MUDPS/88
Turley on behalf of SSE Renewables	DPSCR/89	MUDPS/115
Turley on behalf of SSE Renewables	DPSCR/90	MUDPS/121
Turley on behalf of SSE Renewables	DPSCR/91	MUDPS/122
Turley on behalf of SSE Renewables	DPSCR/93	MUDPS/131
Turley on behalf of SSE Renewables	DPSCR/94	MUDPS/134
Turley on behalf of SSE Renewables	DPSCR/95	MUDPS/137
Turley on behalf of SSE Renewables	DPSCR/96	MUDPS/141
Turley on behalf of SSE Renewables	DPSCR/97	MUDPS/144

Turley on behalf of SSE Renewables	DPSCR/99	MUDPS/162
Turley on behalf of SSE Renewables	DPSCR/100	MUDPS/163
Turley on behalf of SSE Renewables	DPSCR/101	MUDPS/167
Turley on behalf of SSE Renewables	DPSCR/103	MUDPS/174
Turley on behalf of SSE Renewables	DPSCR/106	MUDPS/182
Turley on behalf of SSE Renewables	DPSCR/108	MUDPS/194
Turley on behalf of SSE Renewables	DPSCR/109	MUDPS/195
Turley on behalf of SSE Renewables	DPSCR/110	MUDPS/196
Turley on behalf of SSE Renewables	DPSCR/111	MUDPS/197
Turley on behalf of SSE Renewables	DPSCR/112	MUDPS/198
Turley on behalf of SSE Renewables	DPSCR/113	MUDPS/199
Turley on behalf of SSE Renewables	DPSCR/114	MUDPS/200
Turley on behalf of SSE Renewables	DPSCR/115	MUDPS/201
Turley on behalf of SSE Renewables	DPSCR/116	MUDPS/202
Turley on behalf of ABO Wind	DPSCR/120	MUDPS/56
Turley on behalf of ABO Wind	DPSCR/121	MUDPS/59
Turley on behalf of ABO Wind	DPSCR/122	MUDPS/70
Turley on behalf of ABO Wind	DPSCR/124	MUDPS/81
Turley on behalf of ABO Wind	DPSCR/126	MUDPS/88
Turley on behalf of ABO Wind	DPSCR/128	MUDPS/108
Turley on behalf of ABO Wind	DPSCR/129	MUDPS/115
Turley on behalf of ABO Wind	DPSCR/130	MUDPS/121
Turley on behalf of ABO Wind	DPSCR/131	MUDPS/122
Turley on behalf of ABO Wind	DPSCR/133	MUDPS/131
Turley on behalf of ABO Wind	DPSCR/134	MUDPS/134
Turley on behalf of ABO Wind	DPSCR/138	MUDPS/159
Turley on behalf of ABO Wind	DPSCR/139	MUDPS/162
Turley on behalf of ABO Wind	DPSCR/140	MUDPS/163
Turley on behalf of ABO Wind	DPSCR/141	MUDPS/167
Turley on behalf of ABO Wind	DPSCR/143	MUDPS/174
Turley on behalf of ABO Wind	DPSCR/148	MUDPS/194
Turley on behalf of ABO Wind	DPSCR/149	MUDPS/195
Turley on behalf of ABO Wind	DPSCR/150	MUDPS/196
Turley on behalf of ABO Wind	DPSCR/151	MUDPS/197
Turley on behalf of ABO Wind	DPSCR/152	MUDPS/198

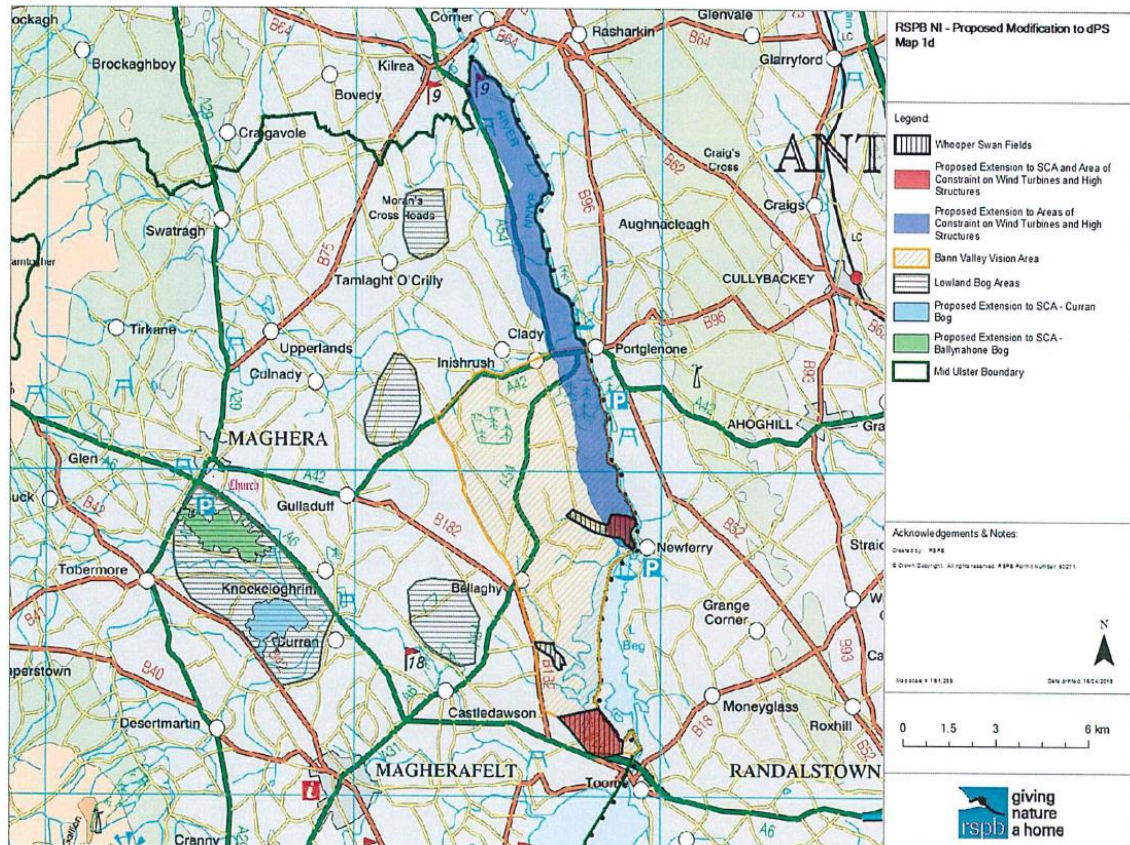
Turley on behalf of ABO Wind	DPSCR/153	MUDPS/199
Turley on behalf of ABO Wind	DPSCR/154	MUDPS/200
Turley on behalf of ABO Wind	DPSCR/155	MUDPS/201
Turley on behalf of ABO Wind	DPSCR/156	MUDPS/202
Turley on behalf of Dalradian Gold	DPSCR/161	MUDPS/59
Turley on behalf of Dalradian Gold	DPSCR/162	MUDPS/70
Turley on behalf of Dalradian Gold	DPSCR/184	MUDPS/131
Turley on behalf of Dalradian Gold	DPSCR/185	MUDPS/134
Turley on behalf of Dalradian Gold	DPSCR/199	MUDPS/194
Turley on behalf of Dalradian Gold	DPSCR/200	MUDPS/195
Turley on behalf of Dalradian Gold	DPSCR/201	MUDPS/196
Turley on behalf of Dalradian Gold	DPSCR/202	MUDPS/197
Turley on behalf of Dalradian Gold	DPSCR/203	MUDPS/198
Turley on behalf of Dalradian Gold	DPSCR/204	MUDPS/199
Turley on behalf of Dalradian Gold	DPSCR/205	MUDPS/200
Turley on behalf of Dalradian Gold	DPSCR/206	MUDPS/201
Turley on behalf of Dalradian Gold	DPSCR/207	MUDPS/202

- 8.2 It is the opinion of the Council that the representations submitted and listed above do not constitute counter representations as defined by the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 insofar as they do not relate to site-specific policy representations. These representations submitted in order to voice further opposition to Natural Heritage policies, which has already been voiced in the initial consultation period. Therefore, the response to such issues would be the same as the responses detailed in the relevant parts of this report.
- 7.3 It is our view that these issues have been addressed in the initial consultations on the Draft Plan Strategy and do not need to be addressed a second time.

Appendix 1 – Proposed modifications to SCA – Map 1c



Appendix 2 – Proposed modifications to Map 1d



Addendum to Natural Heritage Topic Paper

1.0 Representations - Issues Identified

1.1 Representations raised issues related to the Natural Heritage Strategy regarding TRAAD Tourism Opportunity Zone, and, Planning Policy SCA1, regarding its formulation and justification.

2.0 Representations in Support

- a) **MUDPS/213/2** – POLICY SCA1 Representation welcomes the introduction of this strategic policy.
- b) **MUDPS/213/3** – POLICY NH1 Representation welcomes this strategic policy.
- c) **MUDPS/213/4** – POLICY NH2 Representation welcomes this strategic policy.
- d) **MUDPS/213/5** – POLICY NH3 Representation welcomes this strategic policy.
- e) **MUDPS/213/6** – POLICY NH4 Representation welcomes this strategic policy.

Consideration: Representations of Support. The Planning Department has fully considered the comments within the submitted representation (**MUDPS/213**).

Action: No Action Required.

3.0 Response to the Specific Issues

3.1 Natural Heritage Strategy

- a) **MUDPS/213/7** – *NATURAL HERITAGE STRATEGY concerns raised regarding a specific site, namely, TRAAD POINT, a Tourism Opportunity Zone. Concern raised specifically to Council scoping report on a potential Travelers' Halt at the location.*

Consideration: The Planning Department has fully considered the comments raised within the submitted representation (**MUDPS/213**). Note this is a site-specific therefore further consideration given at Local Policy Plan Stage.

Action: No action required.

3.2 Policy SCA1

- a) **MUDPS/231/61 & 231/62** – *Policy SCA1 does not acknowledge the avoidance of harm for 'rounding off' and consolidating existing clusters of development or infill opportunities. Suggested amendment of Policy SCA1*

to allow for ‘rounding off’ or consolidating existing clusters of development or infill opportunities related to ‘informal cluster of buildings’

Consideration: The Planning Department has fully considered the comments raised within the submitted representation **(MUDPS/115)** within the Natural Heritage Topic Paper Policy SCA1 and Housing in the Countryside Topic Paper Policy CT2.

Action: No Action Required.

- b) MUDPS/234/22, 234/23, 234/24 & 234/25** *The Group acknowledge the importance of the objective to provide protection to prized landscapes. However, are concerned that the extent of the SCA1 area, specifically to the north / cross Council connections will prevent key important electrical infrastructure. Concern raised regarding lack of robust evidence for justification of the SCA1 area.*

Consideration: The Planning Department has fully considered the comments raised within the submitted representation REFs: 96,115 & 150 regarding Natural Heritage within the Natural Heritage Topic Paper Policy SCA1.

Action: No Action Required.

4.0 Representations received

Respondent	Reference Number
Consultation Bodies	
N/A	N/A
Public Representations	
Siobhan Corcoran	MUDPS/213
Michael Clarke O’Callaghan Planning	MUDPS/231
NIE NETWORKS C/O RPS GROUP	MUDPS/234

5.0 Counter Representations

5.1 Summary of Issues Received

a) During the period for counter representations to the draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, a number of representations were received which related to Natural Heritage development. These are listed below:-

- DPSCR/216/6
- DPSCR/216/7
- DPSCR/216/8
- DPSCR/216/9
- DPSCR/216/10
- DPSCR/217/6

- DPSCR/217/7
- DPSCR/217/8
- DPSCR/217/9
- DPSCR/217/10
- DPSCR/218/1
- DPSCR/218/2
- DPSCR/218/3
- DPSCR/218/4
- DPSCR/218/5
- DPSCR/218/6
- DPSCR/218/7
- DPSCR/218/8
- DPSCR/218/9
- DPSCR/218/10
- DPSCR/221/11
- DPSCR/221/12
- DPSCR/221/13
- DPSCR/221/14
- DPSCR/221/15
- DPSCR/223/1
- DPSCR/223/2
- DPSCR/223/3
- DPSCR/223/4
- DPSCR/223/5
- DPSCR/224/6
- DPSCR/224/7
- DPSCR/224/8
- DPSCR/224/9
- DPSCR/224/10

6.0 Counter-Representations of Support

- a) **DPSCR/216** *Derry City and Strabane District Council, support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy SCA1. (MUDPS/31)*

Consideration: All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

Action: No Action Required.

- b) **DPSCR/217** *Derry City and Strabane District Council, support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy SCA1. (MUDPS/41)*

Consideration: All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

Action: No Action Required.

- c) **DPSCR/218** *Derry City and Strabane District Council, support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy SCA1. (MUDPS/59)*

Consideration: All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

Action: No Action Required.

- d) **DPSCR/218** *Derry City and Strabane District Council, support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy NH6. (MUDPS/59)*

Consideration: All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

Action: No Action Required

- e) **DPSCR/221** *Derry City and Strabane District Council, support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy NH6. (MUDPS/83)*

Consideration: All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

Action: No Action Required.

- f) **DPSCR/223** *Derry City and Strabane District Council, support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy SCA1. (MUDPS/96)*

Consideration: All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

Action: No Action Required.

- g) **DPSCR/224** *Derry City and Strabane District Council, support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy SCA1. (MUDPS/101)*

Consideration: All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

Action: No Action Required.

7.0 Counter-Representation

Respondent	Reference Number
Consultation Bodies	
Derry City and Strabane District Council	DPSCR/216
Derry City and Strabane District Council	DPSCR/217
Derry City and Strabane District Council	DPSCR/218
Derry City and Strabane District Council	DPSCR/221
Derry City and Strabane District Council	DPSCR/223
Derry City and Strabane District Council	DPSCR/224
Public Representations	
N/A	N/A

Flood Risk - Topic Paper

1.0 Issues Identified

1.1 Issues raised in the representations have been grouped under the relevant headings they relate in the DPS and are summarised below:

- **Flood Risk Strategy** – Water Quality; Greater detail required on SuDS; Modifications required to wording and detail.
- **Policy FLD1** – Policy should replicate existing policy; Policy format is confusing; Policy requires greater flexibility.
- **Policy FLD2** – Policy wording requires amendments.
- **Policy FLD4** – Policy should align with legislation and SPPS; Policy is too inflexible.
- **Policy FLD5** – Policy not in accordance with RDS and SPPS; Policy does not provide flexibility.

2.0 Representations in Support

2.1 Representations supporting aspects of Flood Risk policy are welcomed and each of the policy sections have been grouped and summarised below:

- **Flood Risk Strategy** – Welcomes that the Flood Risk Strategy encourages SuDS uptake and endorses the SPPS approach to prevent development in areas at risk from flooding (MUDPS/159/18, MUDPS/170/1, MUDPS/170/17)
- **Policy FLD1, Policy FLD2, Policy FLD3 & Policy FLD4** – Policy approach supported by NIHE (MUDPS/85/89-92).
- **Policy FLD3** – Considers policy to succinct and Council should ensure that it will deliver of regional policy as set out in SPPS (MUDPS/115/116).

3.0 Consultations

3.1 See section 10 which details consultations bodies who submitted a representation in relation to this topic paper.

4.0 Regional Policy and Legislative Context

4.1 The following legislation regulates flood risk and flooding within Northern Ireland:

- The Water Framework Directive (December 2000) - Requires the protection and improvement of all aspects of the water environment including rivers, lakes, estuaries, coastal waters and groundwater.
- The European Directive on the Assessment and Management of Flood Risks (November 2007) –Rivers Agency have responsibility for complying

with this Directive which aims to contribute to reducing the impact of flooding on communities and the environment.

- Water Environment (Floods Directive) Regulations (Northern Ireland) 2009. (December 2009) - Confirms that development and other man-made changes to the environment can exacerbate the consequences of flooding.
- The Reservoirs Act (NI) 2015 – Ensures reservoirs are managed and operated to minimise the risk of flooding.

4.2 Regional Development Strategy (RDS) acknowledges flooding is a natural phenomenon that cannot be entirely prevented, however recognises a precautionary approach to development in areas of flood risk should be exercised using the latest flood risk information that is available to avoid risk where possible. An assessment of the potential of flooding from rivers, the sea or surface water run-off is required to facilitate sustainable economic and housing growth. Greater use of Sustainable Drainage Systems (SuDS) should be encouraged even of outside flood risk areas (Page 46). The RDS promotes a sustainable approach to the provision of water and sewerage infrastructure and flood risk management by integrating water and land-use planning; managing future water demand; and encouraging sustainable surface water management. RDS highlights the importance of ensuring new and existing infrastructure is as possible to all potential impacts.

4.3 RG12 identifies changes in population distribution, household formation, urban development, and climate change is expected to impact our water environment including river and storm water management and flooding. RDS identifies fully functioning soil reduces the risk of flood and protects underground water supplies by neutralising and filtering out potential pollutants. Therefore, there is a need to manage soil and protect peat habitats (Page 46).

4.4 Strategic Planning Policy Statement (SPPS) aims to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere. The SPPS refers to the European Union Floods Directive which highlights the fundamental importance of preventing or restricting new development in flood prone areas and recognises the role of the planning system in regulating new development in existing built up areas so as to afford greater protection to people and property, where this is considered appropriate and commensurate with the flood risk. The SPPS requires LDPs to adopt a precautionary approach to development in areas that may be subject to flood risk presently or in the future as a result of climate change predictions. In managing development, particularly in areas susceptible to surface water flooding, the SPPS promotes the use of sustainable drainage systems (SuDs) as the preferred drainage solution. The SPPS states LDPs must take account of the potential risks from flooding over the plan period and beyond taking account of the most up to date information on flood risk, in particular that which is available on the Strategic Flood Map.

4.5 Planning Policy Statement 15 Planning and Flood Risk (PPS15) aims to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere. PPS 15 promotes a precautionary approach to development in areas that may be subject to flood risk presently or in the future as a result of climate

change predictions. The PPS advises flood risk management is an important aspect of sustainable development as flooding has far reaching and long term implications for society, the economy and the environment. Therefore, the preparation of a development plan provides a key opportunity for the planning authority to consider how best to plan for and facilitate sustainable patterns of development in the plan area (Page 17).

5.0 Local Context

- 5.1 There are numerous recorded flood areas within Mid Ulster District that affect both settlements and areas within our wider countryside. Development Plan Position Paper Six – Public Utilities provides a summary of the historic areas of flood risk within the District. The DPS approach to Flood Risk is to manage development so as to reduce the risks and impacts of flooding to people, property and the environment.
- 5.2 Our Community Plan 10 Year Plan for Mid Ulster identifies cross-cutting issues against which the Community Plan will be assessed including a sustainable environment with growing need to make a significant contribution to tackling climate change. The Community Plan aims to improve our drainage and sewage network (including the promotion of Sustainable Drainage Systems) resilient to need which will assist in achieving the identified outcomes of Theme 2 Infrastructure, particularly to increasingly value our environment and enhance it for our children.
- 5.3 Dungannon and South Tyrone Area Plan 2010 highlights land subject to flood risk, where relevant for each settlement, however it is acknowledged this list is not exhaustive. The Plan also promote a move to Sustainable Urban Drainage Systems (SUDS). The Plan advises flood risk will need to be taken into account in any development proposals and may restrict the development potential of land in its vicinity. Rivers Agency are identified as the relevant authority to be consulted in relation to the following aspects of planning applications for development:
- susceptibility of land to flooding;
 - discharge of storm water to watercourses; and
 - requirements with regard to designated watercourses.
- 5.4 Cookstown Area Plan 2010 identifies the main areas subject to flood risk, as well as flood alleviation projects to enhance the sewer networks in Cookstown and improvements to the drainage system in Moneymore. The Plan offers no specific plan policies with regards to Flood Risk, however refers to the requirements of national policy, EC directives and international agreements in relation to water quality. The Plan identifies SUDs provide a number of options for draining an area and fall into three broad groups that aim to:
- Reduce the quantity of runoff from the site
 - Slow the velocity of runoff to allow settlement filtering and infiltration;

- Provide passive treatment to collected surface water before discharging into land or watercourse.

5.5 Magherafelt Area Plan 2015 identifies recorded flooded areas that significantly affect particular settlements within the District. The Plan recognises Rivers Agency is the statutory drainage and flood protection authority and will be consulted in relation to applications for development which may affect watercourses and floodplains. The Plan offers no specific plan policies with regards to Flood Risk, however refers to PPS 15 and advises developers to consult with Rivers Agency and NI Water to ensure proper management and acceptable means of storm water drainage systems.

6.0 Erratum

6.1 Your attention is drawn to a minor error at Page 210 within the policy box of Policy FLD 1 – Fluvial Floodplains. A bullet point before ‘Exceptions for Undefended Areas’ has been included in error and should be removed. This has no implications in relation to the soundness of the draft Plan Strategy.

7.0 Response to the Specific Issues

7.1 Flood Risk Strategy

Issues Identified –

- a) Water Quality
- b) Greater detail required on SuDS
- c) Modifications required to wording and detail

a) Water Quality

DAERA WMU reiterates their comments to the POP that water quality issues need to be fully addressed in the DPS and a dedicated water quality section should be included in the DPS, separate from topic of ‘flooding’.

MUDPS/167/32

The published Preferred Options Paper Public Consultation Report Update acknowledged the recommendations of DAERA WMU POP response and as such General Principles Planning Policy GP1 was updated. Policy GP1 criteria (g) ‘Other infrastructural requirements’ was amended to require all development to demonstrate adequate infrastructure to deal with waste, sewerage and drainage and the applicant to demonstrate the development proposal will not create or add to pollution if there is no sewerage infrastructure encouraging the use of SuDS. It is considered criteria (g) within policy provision GP1 adequately addresses water quality in the DPS. The representation referred to the issue of

water quantity and flow from development requiring abstraction, however it is considered this has been adequately addressed in paragraph 22.41 of the DPS. The representation also referred to river continuity options on culverting. The relevant policy provision Policy FLD5 adopts a presumption against artificial modification of a watercourse and recognises culverting to be environmentally unsustainable. The representation refers to Water Framework Directive which requires the protection and improvement of all aspects of the water environment. The Water Framework Directive 2000 has been considered within the Plans, Policies, Programmes and Strategies Assessment of the dPS accompanying Environmental Report.

Action: We maintain that the approach to Water Quality in the dPS is sound. However, if the Planning Appeals Commission was to recommend that additional wording was required within the Regional Policy Context section of Flood Risk, Council would not object to the following wording - "The RDS 2035 recognises quality and ecological status of the water environment should be improved through fulfilment of statutory obligations. The Executive's River Basin Management Plans (2010-15) achieve the Water Framework Directive's aim to improve the quality of our coastal, inland and ground waters. The Water Framework Directive 2000 requires protection of ground and surface water from pollution."

b) Greater detail required on SuDS

Lack of detail on SuDS including how Council will ensure SuDS are included in new development, are they to be used within private property, does the council envisage use of KSR's and advice on public adoptability .

MUDPS/115/279, MUDPS/170/1

The DPS accords with the SPSS in encouraging developers to use sustainable drainage systems (SuDS) as the preferred drainage solution (Paragraph 19.6). The use of SuDS in all new development is a material consideration under the policy provisions of Policy GP1 which is subject to all planning applications. Policy GP1 is considered to be adequate policy provision to ensure the use of SuDS in new development, Criterion (g) relates to infrastructural requirements and requires all development proposals to demonstrate adequate infrastructure to deal with drainage encouraging the use of SUDS as the preferred drainage solution. The DPS encourages developers to use Sustainable Drainage Systems in all new development whether it be private or public and particularly in areas susceptible to surface water flooding. Sustainable drainage aspects of development proposals will be a matter to be considered on a case by case basis and techniques used will be a matter for the developer through engagement with the Planning Department as well as other relevant agencies and disciplines (e.g. architects, drainage engineers, landscape architects, ecologists). The Local Policies Plan will bring forward site zonings which may be subject to key site requirements, however any key site requirements will be a

matter for consideration at the next stage of the plan making process and depend upon the specifics of the site zoning.

Action: We believe draft Plan Strategy is sound and no action is required.

c) Modifications required to wording and detail

The acronym SuDs is incorrect and should be replaced with SuDS. The term 'suitably qualified engineer' should be replaced with 'Panel Engineer' in accordance with the Reservoirs Act (NI) 2015. Recommends reference is made to the DFI's Water & Drainage Policy Divisions 'Technical Flood Risk Guidance in Relation to Allowances for Climate Change in NI (2019)' and Sustainable Water-A Long-Term Water Strategy for NI.

MUDPS/170/21, MUDPS/170/19, MUDPS/170/16, MUDPS/115/280

The acronym 'SuDs' replicates the SPPS, this representation relates to an editing issue and has no implications to the soundness of the text. The term 'Panel Engineer' is provided through a legislative requirement within the Reservoirs Act (NI) 2015. Given this is covered through legislation which may also be subject to change in the future, it is not considered necessary to amend the term 'suitably qualified engineer' within the dPS.

The absence of the Sustainable Water-A Long-Term Water Strategy for NI document from the DPS Flood Risk Strategy does not render it unsound, this document has been considered and summarised within the Development Plan Flood Risk Policy Review Paper and Appendix 2 of the accompanying SA/SEA Environmental Report Plans, Policies, Programmes and Strategies Assessment. In formulating the plan account has been taken of Flood Risk in relation to Climate Change. However, the dPS is aligned with the SPPS (AEP 1%), therefore to implement the suggested '*Technical Flood Risk Guidance in Relation to Allowances for Climate Change in NI (2019)*' could result in a change in policy approach not in accordance with regional policy.

Action: We maintain the dPS is sound and no action is required. However if it was the view of the Planning Appeals Commission, Council would have no objection to the suggested amendment of SuDs to SuDS and replacing 'Suitably qualified engineer' to 'Panel Engineer'. As well as including a reference to the aforementioned documents within the DPS Flood Risk Strategy.

7.2 Policy FLD 1 – Fluvial Floodplains

Issues Identified –

- a) Policy should replicate existing policy
- b) Policy format is confusing
- c) Policy requires greater flexibility

a) Policy should replicate existing policy

Policy should be amended to replicate PPS15 which is to restrict new development in flood prone areas in accordance with the EU Flood Directive, the RDS and SPPS. Natural floodplains and watercourses should be retained as flood alleviation and not subject to development pressure, particularly residential development or including conversion to open space in residential development which could impact on biodiversity. Policy wording should include the 2 criteria to be met referenced in PPS15 FLD1, as well as the wording of paragraph 6.16, 6.18 and 6.26 and the term 'significant intensification of use' referenced in the policy exceptions.

MUDPS/59/100-106

It is considered Policy FLD1 adequately takes account of regional policy and guidance. Policy FLD1 retains and tailors the existing Policy FLD1 within PPS15 restricting new development in flood prone areas unless the applicant can demonstrate that the proposal constitutes an exception to the policy. The exceptions to policy for a replacement dwelling or open space associated with a residential development within defended areas are retained policy exceptions included within the SPPS and are therefore considered appropriate. Any potential impact to biodiversity from a development proposal will be considered under Criteria (i) of General Principles Planning Policy. It is considered Policy FLD1 adequately adopts a precautionary approach ensuring sufficient protection and appropriate mitigation through consultation with Rivers Agency. The representation refers to existing policy criteria and J&A requirements contained within PPS15 which have been omitted from FLD1. Policy FLD1 aligns with the SPPS, the exceptions and policy criteria in which the representation has stated is not provided in the SPPS. It is not considered necessary to include these additional requirements, where the principle of development within the flood plain is accepted policy directs that the applicant is required to submit a Flood Risk Assessment (FRA). Therefore, these issues will be adequately assessed through the development management process. We note the existing exceptions for proposals within defended areas involving a significant intensification of use has not been included within Policy FLD1, however it is considered unnecessary to amend Policy FLD1 to include these for the reasons outlined above.

Action: We consider Policy FLD1 is sound and no action is required.

b) Policy format is confusing

Considered policy formulation could cause confusion and is difficult to follow. Exceptions to policy could be more clearly laid out. Second bullet point should refer to regional or sub-regional economic importance as per SPPS. Policy wording should state flood protection and / or management measures will only be acceptable if carried out by Rivers Agency.

Paragraph 19.5 omits reference to development located close to flood defence.

MUDPS/59/107, MUDPS/115/114

The policy approach as laid out in the existing policy provisions of PPS15 has been restructured and amended to reflect the specifics of the district. It is considered that the policy formation including the layout of exceptions to policy provides clarity for case officers, developers and the public and does not require amendment. The suggested policy wording by DfI regarding 'flood protection and/or management measures will only be acceptable if carried out by Rivers Agency' has been noted however it is considered unnecessary. Rivers Agency are a statutory consultee, therefore will be consulted on any forthcoming development proposal assessed against Policy FLD1 requiring flood protection and/or management measures. Given flood protection and/or management measures will be considered in the FRA based upon advice from Rivers Agency, it is considered this could be adequately managed through the development management process.

The term 'sub-regional' economic importance is considered ambiguous. PPS 15 defines 'regional economic importance' as proposal which will normally contribute to the regional economy and 'sub-regional economic importance' as for example providing employment for a substantial number of people living in one or more district council areas (Paragraph 6.25). In our view, 'regional economic importance' is something which contributes to the regional economy. This could well be part of a network. In effect anything of sub-regional economic importance by definition may be regionally important in that its contribution would be greater than to a locality. Therefore, it is not considered necessary to amend Policy FLD1 to include the term 'sub-regional'. Paragraph 19.5 does not refer to flood defence however this is included within the Policy box of FLD1 therefore repetition to include this within the Flood Risk Strategy text is not considered necessary or coherent.

Action: Council consider Policy FLD1 is sound, however if the Planning Appeals Commission felt it necessary to make the minor amendments to wording suggested in the above representations including the use of the term '*sub-regional*' Council would have no objections.

c) Policy requires greater flexibility

Policy does not provide flexibility to enable it to deal with changing circumstances. Policy wording should be amended to include the word 'normally' to state 'development will not 'normally' be acceptable within the fluvial floodplain. 'Such as power supply and emergency services ' and 'storage of hazardous substances' should be omitted.

MUDPS/125/7

It is considered the inclusion of exceptions within Policy FLD1 provides an adequate degree of flexibility. Policy should only facilitate development where it has been demonstrated that flood risk can be effectively controlled and mitigated. The policy wording aligns with the SPPS and no evidence has been presented to suggest this should be altered, therefore it is considered inappropriate to include the word 'normally' within the policy wording. When determining planning applications there is a legislative requirement that the determination must be made in accordance with the plan *unless material considerations indicate otherwise* as set out in the Planning Act NI (2011), therefore there exists a degree of flexibility. Under the policy provisions of FLD1 essential infrastructure such as power supply and emergency services and storage of hazardous substances are not to be treated as an exception with the justification for this included within Paragraph 19.19 and 19.20. Given the residual flood risk, it is considered inappropriate and unnecessary to omit these categories from the policy text with flexibility provided through the development management process to consider material considerations warranting exception.

Action: Council consider Policy FLD1 is sound, no action required.

7.3 Policy FLD 2 – Development and Surface Water (Pluvial) Flood Risk outside Flood Plains

Issues Identified –

a) Policy wording requires amendments

a) Policy wording requires amendments

Policy FLD2 final sentence should be amended to state 'any adverse impacts beyond site' as opposed to 'any impacts beyond the site'. Policy wording should require developers to include Design for Exceedance within Drainage Assessments.

MUDPS/115/115, MUDPS/170/18

DfI comments are noted regarding use of the word 'adverse', to align with the SPPS. In our view it is implicit from the wording of Policy FLD2, which aligns with the current policy provision within PPS15, that the assessment of 'impacts' beyond the site relates to greater flood risk and would assess 'adverse impacts'. Therefore, the amendment to wording is considered unnecessary. NI Water representation referred to the inclusion of Design for Exceedance within Drainage Assessments. Policy FLD 2 requires Drainage Assessments to demonstrate adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. The terminology 'Design for Exceedance' is not included within existing regional policy and is not considered necessary. However, it may be a consideration to expand this further to require Drainage Assessments to indicate

how the proposed drainage system will manage the flow of waters which exceed normal or expected levels.

Action: We consider Policy FLD2 sound, however if the Planning Appeals Commissioner is so minded to amend the wording of Policy to state any 'adverse' impacts and require drainage assessments to incorporate 'design for exceedance' Council would have no objections.

7.4 Policy FLD 4 – Development in Proximity to Reservoirs

Issues Identified –

- a) Policy should align with legislation and SPPS
- b) Policy is too inflexible

a) Policy should align with legislation and SPPS

Policy wording should be amended to align with SPPS. Policy should include a requirement to demonstrate condition, management and maintenance of reservoirs. Policy title should be amended to refer to 'controlled' reservoirs. Policy wording should include reference to sign-off by a Panel in accordance with the Reservoirs Act (NI) 2015 and reference to forthcoming guidance on DA and FRA.

MUDPS/115/117, MUDPS/115/270-271, MUDPS/170/22

Policy FLD4 within the DPS requires the submission of a Flood Risk Assessment (FRA) for development located within a flood inundation area however does not require the applicant to give assurances on reservoir safety. Paragraph 19.7 of the Flood Risk Strategy acknowledges regional strategic policy requirement that the condition, management and maintenance of the reservoir is appropriate to provide assurance regarding its safety. DfI representations regarding alignment of policy within the SPPS have been noted. It is considered unnecessary to amend the policy wording to include the word 'controlled', it is clear the policy relates to 'controlled reservoirs' as this terminology is used the first sentence of the Policy box. Following receipt of DfI Rivers representation to the DPS, dated 10th April 2019, DfI Rivers circulated to Heads of Planning an amended approach to the policy wording in proximity to controlled reservoirs on 6th June 2019. However, it is considered Policy FLD4 provides adequate and appropriate protection through the requirement of a Flood Risk Assessment to demonstrate appropriate controls are in place to ensure no significant risk to development within a Flood Inundation Area. On 22nd January 2020, revised technical guidance from DfI Rivers was released. Guidance on flood inundation now recognises that there will be situations where a full risk assessment will not be required based on the condition of the reservoir dams and structures. We therefore advise that it may be appropriate to insert "if necessary" in policy FLD4 in our draft plan strategy so that the policy would read "...where it has been

demonstrated, if necessary, through a flood risk assessment ...” Therefore in the J&A relating to this policy we have no objection to saying that, in assessing any proposal, account will be given to prevailing regional guidance and advice, if the PAC commissioner is minded to recommend such an approach.

DfI comments regarding reference to DA and FRA specification have been noted however as these documents have not yet been published or viewed by the Council, it is considered inappropriate to amend policy to include reference to these specifications.

Action: If the Planning Appeals Commission is so minded to recommend the above changes, Council would have no objections.

b) Policy is too inflexible

Policy FLD4 seems to move away from the Councils preferred approach based on the newly published DfI river reservoir map which is insufficient to justify this policy. Policy is too inflexible and onerous on the client. Policy FLD4 should be removed and focus on a better regulatory system ensuring the safety of the reservoirs, thus negating the need for such a policy.

MUDPS/145/1

The preferred approach presented in the POP was to adopt no operation policy until such times as maps or data relating to reservoir inundation areas for the reservoirs within Mid Ulster was available. DfI responded to the POP consultation preferred approach referencing the SPPS requirement for LDPs to take account of the potential risks from flooding over the plan period and beyond. Subsequent to the publication of the POP, DfI Rivers Reservoir Flood maps have been made available. Considering the comments from DfI to the POP, summarised in the POP Public Consultation Report, and the legislative requirement of the DPS to take account of regional policy and guidance it is considered inappropriate to remove this Policy. The DPS introduced Policy FLD4 requiring the submission of a Flood Risk Assessment for development located within a flood inundation area. Guidance on flood inundation now recognises that there will be situation were a full risk assessment will not be required based on the condition of the reservoir dams and structures. We therefore advise that it is appropriate to insert “if necessary” in policy FLD4 in our draft plan strategy so that the policy would read “...where it has been demonstrated if necessary through a flood risk assessment ...” The reason for this change is because a revised technical guidance note has been released by DfI Rivers. Therefore in the J&A relating to this policy we have no objection to saying that, in assessing any proposal, account will be given to prevailing regional guidance and advice, if the PAC commissioner is minded to recommend such an approach.

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Therefore, it is argued this policy approach offers more flexibility.

Action: If the Planning Appeals Commission is so minded to recommend the above changes, Council would have no objections.

7.5 Policy FLD 5 – Artificial Modification of Watercourse

Issues identified –

- a) Policy not in accordance with RDS and SPPS
- b) Policy does not provide flexibility

a) Policy not in accordance with RDS and SPPS

Culverting and canalisation of watercourses does not further sustainable development as per RDS direction. Recommends that there be a presumption against culverting on water courses in all designated sites and supporting habitat consistent with SPPS and RDS.

MUDPS/59/108-9

Policy FLD5 approach presents a presumption against artificial modification of a watercourse which is supported by regional planning policy and guidance contained within the SPPS and RDS. Policy GP1 is subject to all planning applications and requires accordance with a number of criteria to ensure no demonstrable harm in order to further sustainable development. Policy FLD5 adopts a presumption against the artificial modification of watercourses only to be permitted in exception circumstances given culverting or canalisation is considered to be environmentally unsustainable as acknowledged in J&A Paragraph 19.39. Development proposals that fall under one of the policy exceptions within Policy FLD5 and have the potential to impact upon a designated site or habitat will be subject to the relevant planning policy provision under the Natural Heritage section, as well as the Biodiversity requirements under the General Principle Planning Policy provision.

Action: We consider Policy FLD5 is sound and no action is required.

b) Policy does not provide flexibility

Policy does not provide flexibility to enable it to deal with changing circumstances, policy text should include the word 'normally'. The first exception should omit 'less than 10 metres' and change 'of' to 'to' as accepted by DfI Rivers and the 'unconnected with any development proposal' should be omitted from the second exception.

MUDPS/125/8

As identified in the SA/SEA Environmental report, the artificial modification of watercourses is likely to have impacts which run contrary to the objectives of sustainable development as embodied in the Water Framework Directive and the Floods Directive. Therefore, it is considered the correct approach is to adopt a presumption against the artificial modification of a watercourse unless it falls within one of the specified exceptions. Policy FLD5 reconfigures and tailors existing policy without materially altering the thrust of the policy, providing greater clarity and aligning with the SPPS. The existing policy takes account of and has regard to legislative requirements, regional planning policy and sustainability appraisal objectives at the strategic level and there is no evidence to suggest that this policy is not providing sufficient protection. It is therefore considered unnecessary to amend policy to provide greater flexibility as suggested in the above recommendation.

Action: We consider Policy FLD5 is sound and no action is required.

8.0 Counter Representations

- 8.1 In accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, an 8-week counter representation public consultation period ran for any person wishing to make site specific policy representations. However no Counter-Representations relating to the Flood Risk section were received.

9.0 Recommendation

It is recommended that we progress the approach to Flood Risk in line with the actions contained within this paper.

10.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
Causeway Coast and Glens Borough Council	MUDPS/159
NI Water	MUDPS/170
Northern Ireland Housing Executive	MUDPS/85
Department for Infrastructure (DfI) Water Policy & Drainage Division	MUDPS/115
Department of Agriculture, Environment & Rural Affairs (DAERA)	MUDPS/167
Public Representations	
RSPB	MUDPS/59
WYG Planning	MUDPS/145
Eamon Loughrey	MUDPS/125

Addendum to Flood Risk Topic Paper

1.0 Summary of Issues

1.1 FLD2 inadequate wording

MUDPS/214/36 – Policy FLD 2 should include criteria that stipulates there will be a maximum number of units permitted in flood plain to mitigate against developers submitting accumulatively.

Council Response –FLD 2 relates to development outside floodplains. FLD 1 prohibits any development in flood plains except for a very specific range of exceptions.

Action: No action is considered necessary.

1.2 Definition of Fluvial floodplains needs amended

MUDPS/115/378 – The definition of fluvial floodplains in the Plan Strategy does not appear to make any reference to Climate Change.

Council Response –There are clear references in the draft Plan Strategy to the potential for climate change to have an impact on flood risk. For example in the Plan Objectives, a clear link is made between our vulnerability to climate change and the increased risk of from flooding and in the Flood Risk overview section, we state that “climate change is generally expected to increase flood risk.” Para. 19.10 also makes reference to future uncertainties regarding the extent of flood plains and how this can be addressed through climate change predictions.

Mid Ulster Council is cognisant of knowledge on this topic is increasing. Accordingly, the Council has no objection to expanding the Justification and Amplification in order to draw developer’s attention to the fact that account will need to be given to any prevailing regional guidance applicable at time of application.

Action: No action is necessary, however if Commissioner was minded, it would be appropriate to add a line to Para 19.30 – “Developers are advised to take regard of any regional guidance on Flood Risk when preparing planning applications”, and a line to Para 19.38 – “In assessing proposals within a flood inundation area, consideration will be given to any prevailing regional guidance”.

1.3 Amended wording

MUDPS/115/379 – References to Rivers Agency should read DFI Rivers.

Council Response – Comments noted and agreed.

Action: The Council are amenable to a minor change from Rivers Agency to DFI Rivers, however given the frequency Government departments change name it may be more appropriate to refer to the Rivers Authority.

1.4 Flood Maps

MUDPS/115/380 – Council advised to use flood mapping that includes the latest climate change predications thus taking account of most up-to-date information.

Council Response – When identifying sites that are located within a flood plain, planning officers will be guided by the flood maps provided on DFI Rivers website.

Action: No action considered necessary

1.5 Flooding prevention

MUDPS/115/381 – All FFL should be 600mm above the level of flood plains.

Council Response – It is unclear what is meant by this. FFL on all properties or just on properties within Flood Plains. Outside flood plains, there is less risk of flooding occurring so such a condition could not be sustained. Within flood plains, there is a presumption against all development.

Action: No action is considered necessary

1.6 Rewording of FLD4

MUDPS/115/382 - DFI provided amended wording for FLD 4 which Council may wish to consider.

Council Response – See para. 7.4 (a) of original topic paper for Councils position on these matters.

Action: We consider Policy FLD4 is sound and no action is required.

1.7 Climate change in NI.

MUDPS/170/34 - Reference should also be made to the Departments Technical Flood Risk Guidance in relation to Allowances for Climate Change in NI.

Council Response – See Para 7.1 (c) of original topic paper for Councils position on these matters.

Action: No action considered required

1.8 Prevention of development in areas of floodrisk

MUDPS/170/35 - NI Water supports the application of the SPPS aim to prevent development in areas of floodrisk.

Council Response – Comment noted.

Action: No action considered necessary

1.9 Amended wording in document.

MUDPS/170/36 & MUDPS/170/37 - Replace the term "suitably qualified engineer" with "panel engineer" in line with the reservoirs act. Replace all throughout document. & Text should include reference to a sign off being required by a Panel in accordance with reservoirs Act.

Council Response – See Para 7.1 (c) of original topic paper for Councils position on these matters.

Action: No action considered necessary

2.0 – Rewording and clarification required within policy.

MUDPS/231/63 – Distinguish between privately managed reservoirs and those managed by a public body/statutory agency, make it clear that where public bodies/statutory agencies are involved in the monitoring process, that it is likely that any remedial works necessary will be undertaken within a reasonable time frame (at present developers are expected to provide a condition assurance, which is not always possible due to public authorities programming schedules); recognise that at present reservoir owners have a legal responsibility to safely manage and maintain their reservoirs.

Council response: See para 7.4 (a) of original topic paper for Councils position on these matters.

Action: We consider FLD5 is sound and no action is required

2.1 - Culverting

MUDPS/231/64, MUDPS/231/65, MUDPS/240/25 & MUDPS/240/26– Fails to recognise that culverting is not always detrimental; fails to recognise that applicants may already be in possession of a statutory consent to culvert a watercourse; fails to distinguish between the size of the watercourse.

Council response: See para 7.5 (a) of original topic paper for Councils position on these matters.

Action: We consider FLD5 is sound and no action is required.

2.2 – Culverting not always detrimental

MUDPS/231/21 & MUDPS/241/33 – Fails to recognise that culverting is not always detrimental. Fails to recognise that applicants may already be in possession of a statutory consent to culvert a watercourse. Fails to deal with sites where culverting has already taken place to either side of a site.

Council response: See para 7.5 of original topic paper for Councils position on these matters.

Action: We consider FLD5 to be sound and no action is necessary.

2.3 Clarity required in policy.

MUDPS/241/31, MUDPS/241/32 & MUDPS/241/34 – Appropriate controls are not defined. Distinguish between privately managed reservoirs and those managed by a public body/statutory agency; page 8.

Council response: See para 7.4 of original topic paper for Councils position on these matters.

Action: We consider FLD4 to be sound and no action is necessary.

3.0 Representations received

Respondent	Reps
Department for Infrastructure	MUDPS/115
NI Water – Asset Delivery Directive	MUDPS/170
UUP Group	MUDPS/214
O’Callaghan Planning	MUDPS/231
O’Callaghan Planning	MUDPS/238
O’Callaghan Planning	MUDPS/240
O’Callaghan Planning	MUDPS/241

Waste Management - Topic Paper

1.0 Main Issues Arising from Consultation

- 1.1 Issues that have been raised in representations have been grouped alongside the relevant parts of the draft Strategy, to which they relate. The main issues include the perceived failing to take account of the EU Legislation and concerns that policies do not give full coverage of protection required.

2.0 Regional Context

- 2.1 The Regional Development Strategy 2035 recognises the importance that managing our waste has on the environment. Prevention of waste and how waste is dealt with in line with the Waste Framework Directive is also highlighted. Strategic Planning Policy aims to facilitate the development of waste management and recycling facilities in appropriate locations ensuring that the impacts on the environment and local amenity are minimised.

3.0 Evidence Base and Supporting Documentation

- 3.1 In preparing the draft Plan Strategy, a considerable amount of background research has been carried out in order to ensure the strategic approach is based on sound evidence. This work has been published on the Mid Ulster District Council Website along with the Draft Plan Strategy and consists of the following documents;

- Preparatory Position Paper – Utilities
- Waste Management Policy Review
- Mid Ulster District Council Local Development Plan Preferred Options Plan
- Mid Ulster District Council Local Development Plan Preferred Options Plan Public Consultation Report

4.0 Responses to Specific Issues

4.1 Strategic Approach

a) DPS failed to take account of EU legislation on extractive waste

Relevant Representations– (all prefixed MUDPS /)

178/87 -178/106 & 191/87 - 191/106,

The Issue of extraction waste is regulated by The Planning (Management of Waste from Extraction Industries) Regulations (Northern Ireland) 2015. It is set in Law and therefore must be adhered to when dealing with such applications involving extractive waste. For this reason, the council see no reason for it to be part of the Draft Plan Strategy as it is not a local Development Plan consideration.

Whilst the representations don't provide a specific argument in relation to the EU Directives, our strategy has been developed in accordance with the EU Waste Framework Directive.

ACTION – No action required.

- b) **Underground radioactive Waste geological storage facility (GDF) has been sanctioned by NI Executive, imposed by Westminster government. GDF likely to be in the Sperrins, impacting n water supply. LDP should be rewritten to include provision of the GDF.**

GDF will make Sperrins an industrialised mining and wind energy region with intensive windfarms and being the dumping ground for the UK and Europe's nuclear waste. If Brexit occurs we will be the global nuclear waste receptacle e.g., USA, Japan, Australia.

Relevant Representations - (all prefixed MUDPS /)

178/159, 178/160, 191/159, 191/160

It is unclear from the representations if they are in support of geological storage facilities or not. Policy WM1 provides the key test for considering all waste proposals. These include impacts on human health, air quality and soil, as well as overall risks to the environment.

As a result, it is not anticipated that the plan will facilitate Nuclear Waste. However, we understand that consideration was given to potential sites in NI for taking such waste and that land between Cookstown and Omagh was a potential possibility. The present constraints both in this waste policy, the Special Countryside Area Policy, wildlife interests and Archaeological interest including the ASAI are likely to give very little scope for such a facility.

In light of the concern of the local groups in that area we would not be adverse to the policy being amended to provide a presumption against the reception of Nuclear Waste.

ACTION - No action required, however if the commission were so minded, the council would not oppose that the policy commences with a line to state that proposals for nuclear and other such dangerous waste will not accord with the plan.

4.2 Policy WM1 - Waste Management: General Policy

- a) **The application of the precautionary principle with regard to the environment should be added to the amplification & justification section of policy WM 1 on waste management.**

Relevant Representations– MUDPS/59/110

The SPPS states that when the councils formulate policy and plans for determining planning applications they will be guided by the precautionary approach that, where significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest.

Paragraph 20.13 describes how the Council will adopt a precautionary approach along with consulting the Department for Health and its own Environmental Health department when assessing applications.

Further to that, Paragraph 20.14 details how applicants will be required to demonstrate that there will be no unacceptable environmental impacts in terms of natural or built heritage. This will require the developer to detail mitigation measures, which may include archaeological investigation or ecological surveys.

The Justification and Amplification of Policy WM1 in detailing the requirements of applications is quite clear, how it is worded is a matter of opinion and the fact that “precautionary approach & Environmental impacts are in two different paragraphs does not give them any less importance.

ACTION – No action required.

- b) **Policy WM1(vi) requires a demonstrated need for a facility within the context of the prevailing joint waste management plan. This is illogical as the need in JWMP is in respect of LACMW with no expressions of need for privatised waste streams/C&I waste.**

Relevant Representations– MUDPS/87/4

The SPPS states that Councils must assess the likely extent of future waste management facilities for the area plan. Specific sites for the development of waste management facilities should be identified in the LDP together with Key Site requirements. It specifically states in Paragraph 6.316 that “a presumption in favour of waste collection and treatment facilities, and waste disposal will apply where a need for such development is identified through the Waste Management Strategy and the relevant Waste Management Plan.

We have set out in our strategy to make provision for waste management related development by accommodating infrastructure, which is sustainable, and where its impacts are minimised due to its

location and mitigation measures. In addition, due to Mid Ulster's location it is likely to have a role in collection and transfer of waste at sub-regional level. If, and when such a proposal comes forward, it will be considered in line with policies within the plan.

The JWMP section 6.5 states that Commercial and Industrial (C&I) waste is often collected by councils and as such is included as Local Authority Collected Municipal Waste (LACMW). The management techniques will focus on waste prevention, and an increase in quantity and quality of recyclates, with the overarching aim of reducing the proportion of C&I waste sent to landfill. It also states that individual and joint councils will continue to factor C&I waste arisings into the planning and delivery of current and future waste management services for the collection and treatment of LACMW wastes.

This set out clear direction and support for facilities within the region that are looking to develop infrastructure that will contribute to waste prevention, recycling and landfill diversion.

A developer could use the above to outline a case of need particularly in an area that is short of local waste management facilities. This is further enhanced by the Draft Plan Strategy where developers are required to demonstrate how the proposed facility will comply with policies WM1 and WM2 in terms of the siting of a waste management facility showing compliance in the facility design, environmental impact and location.

ACTION – No action required.

4.3 Policy WM1, WM2 & WM3

- a) **Dep't provided advice at POP that policies PPS3, DCAN15, PPS7 and PPS13 are brought forward in LDP. Concerns policies do not give full coverage or protection required for WM1,2&3. Doesn't take full account of access & infrastructure needs, parking, servicing.**

Relevant Representations– (all prefixed MUDPS /)

115/243, 115/244, 115/247, 115/248, 115/245, 115/246

Consideration

In effort to avoid duplication, detailed roads, access and parking arrangements, including access to the public road and safety have been formulated and confined to separate transportation policies. These include;

TRAN1 – New Roads and Road Improvement Schemes

TRAN2 – Disused Transport Routes

TRAN3 – Car Parking

TRAN4 – Access on to Protected Routes and other Route Ways

In addition DfI have confirmed that DCAN 15 is to be retained therefore this level of technical detail does not need to be replicated. It is considered that we shall seek advice and take direction where appropriate through statutory consultation with Transport NI.

Action: No action required.

4.4 Policy WM 3 - Waste Management; Waste Disposal

a) Clarification sought on “Verifiable need for Landfill”

*Relevant Representations– (all prefixed MUDPS /)
MUDPS/115/120*

The reason we used the term “verifiable need” is that we intend to take advice from our council Environmental Services Department on any application brought forward.

ACTION – No action required.

b) Its considered that this policy should reference practical restoration and aftercare as per policy WM1, as appropriate restoration is crucial.

Relevant Representations– MUDPS/115/120

Our Plan Strategy Policy WM1 is the Waste management general policy which sets out the criteria that proposals for waste management facilities shall accord with. As the representation states, practical restoration is one of such criteria. The fact that all applications must comply with WM1 before they can be considered under WM3 negates the need to duplicate such criteria under Policy WM3.

ACTION – No action required.

4.5 Policy WM 4 – Development in the vicinity of Waste Management Facilities.

a) The SPPS refers to separation of incompatible land uses but the DPS policy does not.

Relevant Representations– MUDPS/115/121

The council, by applying policy, have set out in WM4 of the draft plan strategy that development in the vicinity of a waste management facility will only accord with the plan where it will not prejudice the operation of such facilities or give rise to unacceptable risk to occupiers of

development in terms of health or amenity. Thereby ensuring that incompatible Land use are separated were necessary and relevant.

ACTION – No action required, however council would not object to expanding the end of the policy to state that in all cases that there is a need for adequate separation between incompatible land uses.

5.0 Counter Representations

During the period for counter representations to the draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, no counter representations were received which related to Waste Management development.

6.0 Recommendation

It is recommended that we progress the approach to Urban Design in line with the actions contained within this paper.

7.0 Representations Received

Representations received in relation to this topic paper are detailed in the table below.

Respondent	Reference Number
Consultation Bodies	
Department for Infrastructure	MUDPS/115
Public Representations	
RSPB	MUDPS/59
MBA Planning	MUDPS/87
Pat Haughey	MUDPS/178
Pauline McHenry	MUDPS/191

Telecommunications, Overhead Cables, High Structures and other Utilities – Topic Paper

1.0 Main Issues Arising from Consultation

- 1.1 Issues that have been raised in representations have been grouped alongside the relevant parts of the draft Strategy, to which they relate. The main issues include the perceived restrictive nature of the approach to telecommunications development, the lack of allowance for consideration of individual proposals within sensitive areas and the unsuitability of the Landscape Character Area Review (LCAR) as a means of identifying the AOCWTHS.
- 1.2 There was also support expressed for the approach of the draft Strategy in relation to telecommunications development.

2.0 Support for DPS Approach

- 2.1 There was support expressed for the DPS approach via the following representations
- MUDPS/22/1
 - MUDPS/194/2
 - MUDPS/195/2
 - MUDPS/196/2
 - MUDPS/197/2
 - MUDPS/198/2
 - MUDPS/199/2
 - MUDPS/200/2
 - MUDPS/201/2
 - MUDPS/202/2

3.0 Regional Context

- 3.1 Regional policy in the SPPS and RDS aims to improve access to broadband across Northern Ireland, including in rural areas such as Mid Ulster. The SPPS states that telecommunications development should be permitted where it can be done so in an effective manner and where visual impacts are kept to a minimum. It also promotes the principle of site sharing in order to limit the visual impact of a proliferation of new one off telecommunications development.

4.0 Evidence Base and Supporting Documentation

- 4.1 In preparing the draft Plan Strategy, a considerable amount of background research has been carried out in order to ensure the strategic approach is based on sound evidence. This work has been published on the Mid Ulster

District Council Website along with the Draft Plan Strategy and consists of the following documents;

- Preparatory Position Paper – Utilities
- Background Evidence Paper – High Sperrins and Clogher Valley Area of Constraint on Wind Turbines and High Structures
- Landscape Character Assessment Review
- Review and Audit of Mid Ulster District Council Landscape Character Assessment Review

5.0 Responses to Specific Issues

NB – This section addresses the main issues identified and logged by the Development Plan Team as being relevant to the various telecommunications sections in the draft Strategy. It also addresses issues, which may have been logged against the District Proposals Maps, where they refer to telecommunications development.

5.1 Strategic Approach

- a) The DPS is facilitating the provision of a 5G network, which experts have shown to be detrimental to the environment and to human health.**

Relevant Representations– (all prefixed MUDPS /)

178/76, 178/77, 191/76, 191/77

There is no specific reference to the rollout of a 5G network in the DPS. The DPS aims to facilitate the best possible mobile data network in order to increase economic competitiveness and reduce social isolation in rural areas. Mid Ulster is one of the worst served areas in Northern Ireland in terms of 4G coverage and fixed broadband speeds so it is imperative that the levels of mobile communications are brought up to a similar level to the rest of the country.

All proposals will be required to comply with ICNIRP guidelines regarding public exposure to electromagnetic fields.

ACTION – No Action. Policy considered sound.

- b) 25m height restriction will still permit development, which is too high and will have a negative impact. All infrastructure should be undergrounded in order to ensure no negative impact on the AONB.**

Relevant Representations– (all prefixed MUDPS /)

178/280, 178/281, 178/282, 178/283, 178/284, 178/285, 178/286, 178/287, 178/288, 178/289, 178/290, 178/291, 191/280, 191/281, 191/282, 191/283, 191/284, 191/285, 191/286, 191/287, 191/288, 191/289, 191/290, 191/291

25 metre height restriction will only apply in exceptional circumstances and will still be subject to the criteria which states that they shall “not result in an unacceptable impact on visual amenity.”

In relation to the call for all cable infrastructure to be undergrounded, this would not be a proportionate response and would not recognise that many existing overhead cables are sensitively sited and do not have a detrimental visual impact. TOHS 1 states that preference should be given to undergrounding in urban areas but recognises that in rural areas this is more difficult and requires proposals to follow natural boundaries in order to lessen the visual impact.

ACTION – No Action. Policy considered sound.

5.2 Areas of Constraint on Wind Turbines and High Structures (AOCWTHS)

a) **Recommends that the AOCWTHS be extended to include certain areas of habitat importance such as Patricks Lough, Newferry, River Bann, area near Toome and lands north of Fivemiletown.**

Relevant Representations– MUDPS /59/89

i. **Lough Patrick.** Indicated on map showing modifications to map 1A, P. 78 of representation.

This area has been proposed as a potential additional Area of Constraint on Wind Turbines and High Structures because it is an important area of blanket bog. It has also been mentioned in other parts of the representation (p.26) that the area is important for Curlew and Cuckoo.

ii. **Area to the north of Fivemiletown, near Iendrum's Bridge Windfarm.** Indicated on map showing modifications to map 1C, P. 79 of representation.

This area has been proposed as a potential additional Area of Constraint on Wind Turbines and High Structures in order to protect and provide opportunities for hen harriers.

iii. **Gortgill / Toome.** Indicated on map showing modifications to map 1D, P. 80 of representation

This area has been proposed as a potential additional Area of Constraint on Wind Turbines and High Structures based on “ornithological data” and reference is also made specifically to whooper swans in these areas (p.61 of representation).

- iv. **Newferry**, Indicated on map showing modifications to map 1D, P. 80 of representation
This area has been proposed as a potential additional Area of Constraint on Wind Turbines and High Structures based on “ornithological data” and reference is also made specifically to whooper swans in these areas (p.61 of representation).
- v. **River Bann**. Indicated on map showing modifications to map 1D, P. 80 of representation
This area has been proposed as a potential additional Area of Constraint on Wind Turbines and High Structures based on “ornithological data” and reference is also made specifically to whooper swans in these areas (p.61 of representation).
- vi. **Ballynahone Bog and Curran Bog** – not shown as AOCWTHS on relevant maps but alluded to as being included in AOCWTHS on p. 61 of the representation.
This area has been proposed as a potential additional Area of Constraint on Wind Turbines and High Structures based on “ornithological data.”

CONSIDERATION

The AOCWTHS is intended primarily to protect our unique areas of landscape character and to limit the impacts of obtrusive development on these areas. This is borne out in the Councils background evidence paper which states that the AOCWTHS is the product of an attempt to streamline and tailor existing policy in relation to environmentally sensitive areas and in particular to our vulnerable and distinctive landscapes. It also points out that the AOCWTHS has been primarily informed by ‘Prominent Ridges’ and ‘Key views’ as identified within the NILCA ‘Landscape Analysis and Settlement Settings’ maps and associated LCA descriptions.

It would therefore not be in keeping with the rationale and methodology behind the AOCWTHS which has a clear focus on preservation and protection of important landscapes, if we were to include this proposed areas in order to protect areas of blanket bog and any species of birds which may live there. Peatlands are protected in the draft Strategy by policy MIN 4 and NH5.

As well as this, it is also our opinion that the AOCWTHS is a strategic designation, hence its inclusion in the draft Plan Strategy Document. It is felt that the areas put forward here are not strategic designations but rather, given their size and reasons for being proposed as being within the AOCWTHS, are more appropriately described as local designations.

ACTION – No Action. Policy considered sound.

- b) **The LCAR is a general view on various landscapes and does not consider individual proposals or the nature of specific sites.**

Relevant Representations– (all prefixed MUDPS /)

153/22, 153/23

As set out in the Councils background evidence paper entitled *High Sperrins and Clogher Valley Area of Constraint on Wind Turbines High Structures*. The AOCWTHS has been informed by 'Prominent Ridges' and 'Key views' as identified within the NILCA 'Landscape Analysis and Settlement Settings' maps and associated LCA descriptions. Where the AOCWTHS closely follows identified prominent ridges, the outer limit generally ranges from contours of 200m to 250m encompassing some of the more exposed, sensitive and widely visible landscapes within our district. It is the view of the council that development of high structures above this prominent ridgeline would result in negative impacts upon these vulnerable landscapes.

Outside of the AOCWTHS, specific consideration will be given to the individual nature of specific sites where development is proposed.

ACTION – No Action. Policy considered sound.

- c) **AOCWTHS does not take into account the variations in landscape, which can make some sites within the designation acceptable to wind energy.**

Relevant Representations– MUDPS/96/41-47

This has been addressed in section 5.2 (b) of the Renewable Energy topic paper.

ACTION – No Action. Policy considered sound.

- d) **LCAR relies on information from 2000 and doesn't take account of the current landscape position.**

Relevant Representations– MUDPS/153/24

The proposed AOCWTHS has been primarily informed by Northern Ireland Landscape Character Assessment (NILCA) 2000 and its associated 'Landscape Analysis and Settlement Settings' maps. In March 2018, MUDC carried out a review of the NILCA report as far as it related to the Mid Ulster Council area. This Landscape Review concluded that the NILCA 2000 continues to provide robust baseline for informing future decisions concerning the planning management and protection of our landscapes. The Landscape

Review considered that although many parts of the district have experienced key intervening changes since the NILCA was published in 2000, the overall character and inherent sensitivities of individual LCA's, as defined within it, have not been significantly affected. As such, the Landscape Review suggests that proposed environmental policies and associated designations should primarily be informed by NILCA 2000.

ACTION – No Action. Policy considered sound.

- e) **The process for defining the Area of Constraint has not taken into account or considered that upland areas are often the best locations for wind technology.**

Relevant Representations– MUDPS/153/25

MUDC are aware of the conflict that arises from the fact that our unique upland landscapes are also areas which offer the best wind resource in terms of their remoteness from occupied property and higher wind speeds. This is something that has been considered in the LDP and is specifically referenced at paragraph 22.4 of the draft Strategy. It has also been acknowledged in para. 2.7 of the background evidence paper published on the Council website entitled Renewable Energy. However, we are aware that Mid Ulster, has experienced the second highest amount of planning applications for wind energy development of all the Districts in Northern Ireland and this higher degree of pressure on our important landscapes is something which also needs to be considered. Given the progress made to date towards meeting the regional energy targets for renewable energy as well as the amount of unimplemented permissions, we feel that the approach we have taken in introducing an AOCWTHS is a justified one.

ACTION – No Action. Policy considered sound.

- f) **Support is expressed for the ACMD designations**

Relevant Representation – MUDPS / 181/6, 182/6

Support is noted.

ACTION – No Action. Policy considered sound.

- g) **There is no detailed information provided to support statements made throughout the dPS on "vulnerable landscapes" and the "scenic qualities" of the Sperrins AONB. Without knowing what exactly these vulnerabilities and qualities are it is difficult to see how policies can be devised to guide development appropriately.**

Relevant Representations – MUDPS/96/35

This is addressed in the response in section 5.1 (q) of the Renewable Energy topic paper.

ACTION – No Action. Policy considered sound.

5.3 Policy TOHS 1

- a) **The DPS should operate a less restrictive policy and should align itself with national government policy, which aspires that we become a world leading digital economy.**

Relevant Representations– MUDPS/13/1

The draft Strategy undoubtedly seeks to improve telecommunications by continuing to facilitate infrastructure to enable an increase in the use of broadband and mobile data in order to address the rural / urban imbalance, which exists in relation to such services.

ACTION – No Action. Policy considered sound.

- b) i) **Use of NILCA 2000 is not robust and this means that the AOCWTHS has been founded on a flawed evidence base. No planning context or up to date photographs have been provided. Questions also raised over the time and expertise spent in analysing landscape to inform the AOCWTHS.**

Relevant Representations– (all prefixed MUDPS /)

41/3, 83/40, 96/95, 150/25, 150/26, 96/25, 96/26, 96/27, 96/28

- ii) **The LCAR has failed to address the weaknesses, which were identified by the GM consultants review and is not a robust evidence base to justify the designation of an SCA.**

Relevant Representations– (all prefixed MUDPS /)

153/20, 153/21

The background paper published alongside the draft Plan Strategy explains the methodology, rationale and policy context behind the designation of the AOCWTHS. There is also a more detailed description of the landscape context for the AOCWTHS provided at section 4.1 (g) of the Renewable Energy topic paper. The LCAR has taken on board the recommendations of the GM consultants and the consultants themselves have acknowledged this. Changes include;

- Reference to PPS 21
- Greater reference to Corine Database
- Commentary on Landscape Condition and sensitivity to change of each LCA
- Separate Appendix (Appendix 4) containing photographs of each LCA

The published LCAR is not dated and therefore it may appear unclear if it has been written before or after the GM consultants review. Moving forward, a date should be attached to this publication so that the chronology of the LCAR in relation to the consultants review is more apparent.

ACTION – No Action. Policy considered sound.

- c) **No evidence has been provided to support the idea that structures over 15m are inappropriate. The SPPS states that not all turbines / wind farms are considered to be in appropriate (6.231) and neither does it advocate an AOCWTHS. TOHS 1 is in conflict with the SPPS.**

Relevant Representations– (all prefixed MUDPS /)

83/38, 83/39, 96/56, 150/22, 153/14, 153/15, 153/16, 153/19

Planning policies within the DPS are not required to be in conformity with the SPPS, rather they need to take account of the SPPS. Mid Ulster has received an imbalanced amount of applications for wind energy development, a lot of which are located in upland areas. Therefore, we feel we have justification for imposing a differing approach from the SPPS and one which restricts wind energy development in these more sensitive areas to 15m. The 15m threshold is based on the threshold applied by the EIA Regulations as to when any more than 2 turbines is treated as EIA development. This rationale behind the 15 m height restriction is also stated on p. 161 of the Public Consultation Report (January 2019). Development over 15m has a greater potential to cause negative impact on the landscape.

ACTION – No Action. Policy considered sound.

- d) **Restrictions included in this policy will reduce the ability of the LDP to be flexible enough to allow for the generation of sufficient energy supplies.**

Relevant Representations– (all prefixed MUDPS /)

41/6, 91/2, 153/17

Northern Ireland has met the renewable energy target set in the current PfG and is progressing towards meeting the SEF target of 40% of all electricity generation coming from renewable sources by 2020. Latest figures published showed that at from October 2018 – September 2019, this figure was nearly 45%.

Given this progress as well as the level of unimplemented permissions and the significant role that Mid Ulster has played in this progress, it is our view that the protection of these areas is vitally important if we are to protect them for future generations. Should there be a change in regional targets, which necessitates a review of this approach, then this can be facilitated through the

mechanisms for a Plan review as shown in the Plan Review table on P. 252 of the draft Strategy.

ACTION – No Action. Policy considered sound.

- e) **The naming of the policy is misleading and reflects a bias against wind turbines, as they are also high structures. To single them out in this way shows a bias against their development.**

Relevant Representations– (all prefixed MUDPS /)

96/9, 96/10, 192/40

Wind Turbines have the potential to be up to 100m in height and even greater in some instances. This is why they are considered separate to other high structures, which do not have the potential to be as tall and therefore to have such a significant impact. This policy TOHS 1 relates primarily to telecommunications development and not to wind energy development, which is catered for separately via policy RNW 1.

ACTION – No Action. Policy considered sound.

- f) **No explanation has been provided as to how the test of a proposal being “regionally important” will be decided upon.**

Relevant Representations– (all prefixed MUDPS /)

83/37, 150/21, 150/34, 153/12, 153/13

Regional importance will mean that the applicant will need to show that a proposal is needed in order to help Northern Ireland as a whole to operate at an agreed standard or target of performance in a specific field such as telecommunications or renewable energy. Each case will be assessed on its own merits as to whether or not it can be classed as regionally important.

ACTION – No Action. Policy considered sound.

- g) **Council have not considered or taken account of how bespoke elements of individual proposals can result in a proposal being acceptable.**

Relevant Representation– MUDPS/150/27

The principle of a presumption against all development within an SCA is one which is supported by the SPPS at para. 6.75. Therefore, for the LDP to deviate from this stance and allow individual consideration of one off developments in these areas, would be contrary to the rationale for introducing the designations in the first place and would not offer sufficient protection to the areas in question which we consider to be areas of unique landscape value.

As set out in the Councils background evidence paper entitled *High Sperrins and Clogher Valley Area of Constraint on Wind Turbines High Structures*. The AOCWTHS has been informed by 'Prominent Ridges' and 'Key views' as identified within the NILCA 'Landscape Analysis and Settlement Settings' maps and associated LCA descriptions. Where the AOCWTHS closely follows identified prominent ridges, the outer limit generally ranges from contours of 200m to 250m encompassing some of the more exposed, sensitive and widely visible landscapes within our district. It is the view of the Council that development of high structures above this prominent ridgeline would result in negative impacts upon these vulnerable landscapes.

It should of course, be borne in mind that fundamental to any planning decision taken under the Planning Act (Northern Ireland) 2011 is that it is made in accordance with the Local Development Plan "unless other material considerations indicate otherwise." Therefore, bespoke elements of a proposal could potentially warrant the setting aside of the SCA as a consideration.

ACTION – No Action. Policy considered sound.

6.0 Counter Representations

6.1 During the period for counter representations to the draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, a number of representations were received which related to telecommunications development. These are listed below;

- DPSCR/79
- DPSCR/81
- DPSCR/83
- DPSCR/84
- DPSCR/86
- DPSCR/87
- DPSCR/89
- DPSCR/96
- DPSCR/97
- DPSCR/98
- DPSCR/100
- DPSCR/102
- DPSCR/103
- DPSCR/104
- DPSCR/105
- DPSCR/108
- DPSCR/109
- DPSCR/110
- DPSCR/111

- DPSCR/112
- DPSCR/113
- DPSCR/114
- DPSCR/115
- DPSCR/116
- DPSCR/119
- DPSCR/121
- DPSCR/123
- DPSCR/124
- DPSCR/126
- DPSCR/127
- DPSCR/129
- DPSCR/130
- DPSCR/131
- DPSCR/132
- DPSCR/135
- DPSCR/136
- DPSCR/137
- DPSCR/138
- DPSCR/140
- DPSCR/141
- DPSCR/142
- DPSCR/146
- DPSCR/148
- DPSCR/149
- DPSCR/150
- DPSCR/151
- DPSCR/152
- DPSCR/153
- DPSCR/154
- DPSCR/155
- DPSCR/156
- DPSCR/164
- DPSCR/165
- DPSCR/166
- DPSCR/181
- DPSCR/182
- DPSCR/183
- DPSCR/190

6.2 It is the opinion of the Council that the representations submitted and listed above do not constitute counter representations as defined by the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 insofar as they do not relate to site-specific policy representations. However, they have been considered in any case and summarised below. These representations have

been submitted in order to voice further opposition to policy TOHS1 which has already been voiced in the initial consultation period.

- 6.3 The representations reiterate opposition to the policy and how it is inconsistent with the SPPS and not based on a robust evidence base. There is also a level of opposition to how wind turbines have been singled out as a separate entity to other high structures. There is limited detail offered to explain the rationale behind these comments, rather reference is made to the initial representations to the draft Strategy, where further detail can be found.
- 6.4 It is our view that these issues have been addressed in the topic paper to the initial consultations on the draft Strategy (see section 4.3 of this report) and do not be addressed for a second time.

7.0 Recommendation

- 7.1 It is recommended that we progress the approach to Telecommunications Overhead Cables, High Structures and other Utilities, in line with the actions contained within this paper.

8.0 Representations Received

Respondent	Reference Number
Public Representations	
Regional Planning and Community Specialist	MUDPS/13
Monaghan County Council	MUDPS/22
Northern Ireland Renewables Industry Group	MUDPS/41
RSPB	MUDPS/59
Turley	MUDPS/83
Eirgrid	MUDPS/91
Renewable Energy Systems Limited	MUDPS/96
Turley	MUDPS/150
Turley	MUDPS/153
Pat Haughey	MUDPS/178
Concerned Broughderg Residents Association	MUDPS/181
Concerned Broughderg Residents Association	MUDPS/182
Pauline McHenry	MUDPS/191
Ross Planning	MUDPS/192
Kerry McCrory	MUDPS/194
Mr Laurance McCrory	MUDPS/195
Mr Shaun McCrory	MUDPS/196
Lucie-Marie McCrory	MUDPS/197
Tiarnan McNamee	MUDPS/198
Michael McNamee	MUDPS/199
Mary McNamee	MUDPS/200

Stephen McNamee	MUDPS/201
B McNamee	MUDPS/202

Addendum to Telecommunications Topic Paper
PUBLIC RECONSULTATION DRAFT PLAN STRATEGY

REPRESENTATIONS

1.0 Representations Received During Re-consultation

1.1 The main issues arising following the re-consultation process are set out below:

a) MUDPS/31/30 & MUDPS/31/31 – Lacks detail - legislative context missing; the Digital Economy Act 2017; role of Ofcom; UK government strategies future telecoms infrastructure review July 2018; NI digital infrastructure strategy draft industrial strategy for NI - project stratum broadband; Council needs to update baseline data. Also lack of consideration of OFCOMS Connected Nations 2019 Report; NI regional supplement.

Consideration

There is no need to reference all documents in line with regional policy. The draft Strategy aims to continue to facilitate infrastructure in order to enable and increase in the use of broadband. This is in line with regional policy contained within the RDS and the SPPS. Council is aware of broadband inequalities in our rural areas and is engaging with key stakeholders to address the inequalities through initiatives such as Project Stratum

Action: No Action Required

b) MUDPS/214/37 – Wind turbines should be more extensively limited or banned in AONB's. Height restrictions are insufficient.

Consideration

This would be an overly simplistic approach and would not recognise the councils desire to strike a balance between the need to protect our most sensitive landscapes and to continue to promote renewable energy in order to help meet the regional targets for renewable energy generation. Simply banning wind turbines in the entire AONB would not be a sustainable approach.

Action: No Action Required.

c) MUDPS/234/10 – Welcomes the acknowledgement of the importance of good telecommunications in rural areas.

Consideration

Comments noted.

Action: No Action Required.

d) MUDPS/234/11 - Welcomes the acknowledgement of the importance of overhead cables in providing a good electricity network. .

Consideration

Comments noted.

Action: No Action Required

e) MUDPS/234/12 – Concern expressed that the DPS has not provided a policy for the upgrading of energy infrastructure.

Consideration – Policy RNW 1 states that favourable consideration will be given to the re-use, refurbishment, repair and repowering of existing renewable energy development.

Action: No Action Required

f) MUDPS/234/13, MUDPS/234/14, MUDPS/234/15 & MUDPS/234/16 – DPS is unclear and open to interpretation as to what a high structure is; does it relate to structures of 15m in height or 25m in height for instance?

Consideration

There appears to be a typing error in Policy TOHS 1. It should not read “Outside of areas of Constraint on Wind Turbines and High Structures”, but should instead read “Telecommunications, Overhead Cables and Other High Structures”.

This policy sets clear guidance for telecommunications, overhead cables and other high structures. High structures are limited to 15m in height unless exception, in which case it will be limited to 25m, with exception of regional. The policy for wind turbines is set out in RNW 1, which limits the height of a wind turbine in an area of constraint to 15m to its hub height.

Action: No Action required, we consider our Plan is sound. However, the Council suggest for clarity to amend Policy TOHS 1 title to “Telecommunications, Overhead Cables and Other High Structures”.

g) MUDPS/234/17, MUDPS/234/18, MUDPS/234/19, MUDPS/234/20 & MUDPS/234/21 – Para. 21.18 of TOHS 1 has the potential to conflict with RG5 of the RDS (deliver a secure and sustainable energy supply).

Consideration

This paragraph does not prohibit the provision of overhead cables. It states that where possible, their visual impact, should be kept to a minimum. TOHS 1 clearly allows for exceptions to the presumption against high structures, in an AOCWTHS in order to allow for the provision of infrastructure, which is necessary and without which there would be demonstrable hardship. It should be noted that Policy is devised in liaison with SONI so recognition is given to standards they apply to electricity poles and other supporting structures.

Action: No Action Required

2.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
	N/A
Public Representations	
Department for the Economy	MUDPS/31
UUP Group	MUDPS/214
RPS Group	MUDPS/234

COUNTER-REPRESENTATIONS

2.0 Counter Representations Received during the Re-consultation December 2020

2.1 During the period for counter representations to the draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, a number of representations were received which related to minerals development. These are listed below:-

- DPSCR/216/1
- DPSCR/216/2
- DPSCR/216/3
- DPSCR/216/4
- DPSCR/216/5
- DPSCR/217/1
- DPSCR/217/2
- DPSCR/217/3
- DPSCR/217/4
- DPSCR/217/5
- DPSCR/218/11
- DPSCR/218/12
- DPSCR/218/13
- DPSCR/218/14
- DPSCR/218/15
- DPSCR/221/16
- DPSCR/221/17
- DPSCR/221/18
- DPSCR/221/19
- DPSCR/221/20
- DPSCR/222/1
- DPSCR/222/2
- DPSCR/222/3

- DPSCR/222/4
- DPSCR/222/5
- DPSCR/223/6
- DPSCR/223/7
- DPSCR/223/8
- DPSCR/223/9
- DPSCR/223/10

a) DPSCR/216 Derry City and Strabane District Council, state support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy TOHS1. **(MUDPS/31)**

Council Response –

All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

ACTION - No Action taken Policy TOHS1 considered sound.

b) DPSCR/217 Derry City and Strabane District Council, state support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy TOHS1. **(MUDPS/41)**

Council Response –

All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

ACTION - No Action taken Policy TOHS1 considered sound.

c) DPSCR/218 Derry City and Strabane District Council, state support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy TOHS1. **(MUDPS/59)**

Council Response –

All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

ACTION - No Action taken Policy TOHS1 considered sound.

d) DPSCR/221 Derry City and Strabane District Council, state support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy TOHS1. **(MUDPS/83)**

Council Response –

All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

ACTION - No Action taken Policy TOHS1 considered sound.

e) DPSCR/222 Derry City and Strabane District Council, state support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy TOHS1. **(MUDPS/91)**

Council Response –

All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

ACTION - No Action taken Policy TOHS1 considered sound.

f) DPSCR/223 Derry City and Strabane District Council, state support Mid Ulster District Council draft Plan Strategy, specifically Planning Policy TOHS1. **(MUDPS/96)**

Council Response –

All site-specific representations and counter-representations are a planning consideration specific to the second stage of the Local Development Plan process, namely Local Policy Plans (LPP) preparation and assessment.

ACTION - No Action taken Policy TOHS1 considered sound.

2.3 Counter-Representations Received

Respondent	Reference Number
Consultation Bodies	
Derry City and Strabane District Council	DPSCR/216
Derry City and Strabane District Council	DPSCR/217
Derry City and Strabane District Council	DPSCR/218
Derry City and Strabane District Council	DPSCR/221
Derry City and Strabane District Council	DPSCR/222
Derry City and Strabane District Council	DPSCR/223
Public Representations	
N/A	N/A

Renewable Energy – Topic Paper

1.0 Issues Identified

- 1.1 Issues raised in representations have been grouped against the various headings in the DPS.
- 1.2 The main issues include the perceived restrictive nature of the approach and how it will severely impact upon the ability of the District to contribute to renewable energy generation. There are also issues raised over apparent deviations from the SPSS and the inappropriate nature of using NILCA 2000 to guide decisions on the designation of the AOCWTHS. As well as this, there is also support expressed for the Councils approach to renewable energy development, particularly in relation to the AOCWTHS (and the SCA).

2.0 Support for DPS Approach

- 2.1 The following representations have expressed some support and acknowledgement for various aspects of the approach to minerals development as put forward in the draft Plan Strategy.
- MUDPS/70/1
 - MUDPS/85/93
 - MUDPS/137/17
 - MUDPS/181/2
 - MUDPS/181/3
 - MUDPS/181/5
 - MUDPS/182/2
 - MUDPS/182/3
 - MUDPS/182/5

3.0 Regional Policy Context

- 3.1 **The RDS** aims to deliver a secure and sustainable energy supply for the future and aims to increase the contribution of renewable energy to the overall energy supply.
- 3.2 **The SPSS** states that councils should support a diverse range of renewable energy generating facilities whilst ensuring that particular care is taken in relation to the impact on the landscape. It goes on to say that, a cautious approach should be adopted within designated landscapes such as AONB's and that within such sensitive landscapes such as AONB's and in such areas it may be difficult to accommodate renewable energy including wind turbines. However, wider economic, social and environmental considerations are also material considerations in planning applications.
- 3.3 The Strategic Energy Framework for Northern Ireland aims for Northern Ireland to have 40% of all its electricity generated from renewable sources by 2020. At the end of March 2018, this figure had risen to 35.2%.

4.0 Local Policy Context

4.1 Our Community Plan

4.2 Extant Area Plans

4.2 In preparing the draft Plan Strategy, a considerable amount of background research carried out in order to ensure the strategic approach based on sound evidence. This work published on the Mid Ulster District Council Website along with the Draft Plan Strategy and consists of the following documents

- **Preparatory Position Paper – Utilities**
- **Background Evidence Paper – Renewable Energy**
- **Background Evidence Paper – High Sperrins and Clogher Valley Area of Constraint on Wind Turbines and High Structures**
- **Landscape Character Assessment Review**
- **Review and Audit of Mid Ulster District Council Landscape Character Assessment Review**

5.0 Responses to Specific Issues

NB – This section addresses the main issues identified and logged by the Development Plan Team as being relevant to the various renewable energy sections in the draft Strategy. It also addresses issues, which may have been logged against the District Proposals Maps, where they refer to renewable energy development.

5.1 Renewables Overview and Strategy

a) Renewables Strategy and associated policies are too restrictive. Restricting turbines to below 15 metres will have serious implications for the building of new turbines across Mid Ulster, hindering the ability to meet renewable energy targets. These targets should not be considered as a cap.

(MUDPS/96/6, 96/8, 96/11, 96/12, 96/13, 96/14, 96/15, 96/16, 96/17, 153/11, 150/8, 31/4, 41/2)

Consideration: Turbines will not be restricted to 15m in height, unless proposed within the AOCWTHS. Elsewhere, there will be no 15m height restriction. Northern Ireland has met the renewable energy target set in the current PfG and has met the SEF target of 40% of all electricity generation coming from renewable sources by 2020. Latest figures for the period up to June 2019 show that 44% of all electricity generated in Northern Ireland derived from renewable sources. This figure obviously does not include the unimplemented permissions for wind turbines. Changes to this target can be addressed via plan review.

ACTION – No Action Required.

b) LCA review gives a broad overview of the policy and guidance contained within the SPPS and PPS 18, including the best practice guidance. However, these policies have been mis-interpreted in order to facilitate a more

restrictive policy than that which was intended in these documents. PPS 18 and the SPPS recognise that the use of landscape for human activity is acceptable and both documents recognise that visibility of wind energy development does not equate to unacceptability. Although the SPPS advocates a slightly more cautious approach to wind farm development within AONBs it does not recommend a blanket restriction on development in upland areas which is, in practice, what is proposed by the dPS. No evidence to show that all turbines over 15m are inappropriate. **(MUDPS/96/48-54, 150/28)**

Consideration: The DPS does not advocate a “blanket restriction on development in upland areas, so in this regard the representation is inaccurate. Neither does the DPS advocate that any landscape cannot be used for human activity. However, accepting that landscapes can be used in some instances for human activity does not equate to adopting an approach, which facilitates wind energy development in all instances. This must be balanced with the need to protect the environment, especially given the relatively larger contribution to wind energy development, which the landscapes of mid Ulster have made and continue to make.

The SPPS and PPS 18 were written in the context of Northern Ireland striving to meet its renewable energy targets as outlined in the SEF as being the achievement of 40% of all energy generated to be achieved by renewable energy. This target has since been realised and surpassed and it is in this context that the DPS now seeks to offer an additional layer of protection to the prominent ridges of Mid Ulster, which have played a major role in the realisation of this target.

ACTION: No Action Required.

- (c) **97.25% of the district will be sterilised by the approach in the DPS. Approach to separation distances is different to that in position paper.**

Relevant Representation – MUDPS / 153/31, 153/24, 153/35, 153/36, 150/15

The representation produces a map, which shows how the approach taken in RNW1 will sterilise 97.25% of the district from wind energy development, and refers to the corresponding map in the council's position paper, which also demonstrates this. However, the separation distance included in RNW1 refers to wind **farms** in a similar manner to that contained within the SPPS whilst the maps in the respective position paper refer to a 500m separation distance between single turbines. The approach taken in RNW1 in relation to wind farms, whilst not being worded exactly the same as the SPPS, has taken account of the approach of the SPPS and is therefore considered to be sound.

ACTION – No Action. Strategy considered sound.

- (d) **The Strategic approach in the DPS does not accurately reflect the SPPS and is indeed, in conflict with the SPPS as it will sterilise wind energy and prevent assessment on a case-by-case basis. No evidence has been offered for such a divergence from strategic policy.**

Relevant Representations – (all prefixed MUDPS /)

115/122, 150/5, 153/3

Assessment of renewable energy development outside of the AOCWTHS will take place on a case-by-case basis.

The approach of introducing an SCA is supported by regional policy contained within the SPPS (6.75) and the possibility of introducing additional policies and designations of a strategic nature is contained within the SPPS (5.23) which states that, dependent upon local circumstances, Councils may introduce additional strategic policies and designations. The AOCWTHS has been introduced to provide an additional layer of protection to those areas within our district, which require additional protection to that which is generally afforded to the countryside. Those distinctive areas such as the High Sperrins and Clogher Valley have been identified as vulnerable landscapes in need of additional levels of protection. The justification of these areas as part of the proposed AOC is set out in the Councils background evidence paper entitled *High Sperrins and Clogher Valley Area of Constraint on Wind Turbines and High Structures*.

It is felt that these areas along with the SCA's are more likely to come under threat from wind energy development because of their remote nature and higher wind speeds. Given the progress of Northern Ireland in meeting regional energy targets as well as the level of unimplemented permissions and the significant role, which mid Ulster has played in this progress, it is our view that the protection of these areas is vitally important if we are to protect them for future generations.

As part of the POP consultation process, all relevant parties were invited to make comment on the Councils preferred option of introducing an AOCWTHS. NIEA Natural Environment Division welcomed the concept while our neighbouring councils acknowledged the areas are an area of common interest in need of a joined up approach. Representatives of the renewables industry were strongly opposed to the approach and preferred to see the approach of PPS 18 being retained.

Should there be a change in regional targets, which necessitates a review of this approach, then this can be facilitated through the mechanisms for a Plan review.

ACTION – No Action. Strategy considered sound.

- (e) **No evidence has been provided to support the idea that structures over 15m are inappropriate. The SPPS states that not all turbines / wind farms are considered to be in appropriate (6.231) and neither does it advocate an AOCWTHS. TOHS 1 is in conflict with the SPPS.**

Relevant Representations – (all prefixed MUDPS /)

83/38, 83/39, 150/22, 150/28, 150/31 153/14, 153/15, 153/16, 153/19

Planning policies within the DPS are not required to be in conformity with the SPPS, rather they need to take account of the SPPS. Mid Ulster has received an imbalanced amount of applications for wind energy development, a lot of which are located in upland areas as shown in maps in the background paper provided on the AOCWTHS. Therefore, we feel we have justification for imposing a differing approach from the SPPS and one which restricts wind energy development in these more sensitive areas to 15m. The 15m threshold is based on the threshold applied by the EIA Regulations as to when any more than 2 turbines is treated as EIA development.

ACTION – No Action. Strategy considered sound.

- (f) **The DPS has failed to recognise its responsibility in the pursuit of reductions in CO2 emissions.**

Relevant Representations - (all prefixed MUDPS /)

150/2, 153/1

Mid Ulster has played a key part in Northern Irelands progress towards meeting regional targets regarding renewable energy and therefore reducing CO2 emissions. The approach of the DPS is to continue to facilitate renewable energy whilst also protecting our most vulnerable landscapes. Mid Ulster takes its obligations in the reduction of CO2 seriously but this does not mean that some level of landscape protection cannot be pursued simultaneously.

ACTION – No Action. Strategy considered sound.

- (g) **Existing policies in PPS 18 and the SPPS are adequate in terms of providing environmental protection and this is shown in the treatment of**

some recent planning applications e.g. Ballynagilly Wind Farm application.

Relevant Representations - (all prefixed MUDPS /)

41/4, 96/19, 96/20, 96/90,

It is felt that the SCA and AOCWTHS will provide an even greater level of protection for our most vulnerable landscapes. Existing policies can offer adequate level of protection but are also capable of being misinterpreted and / or implemented incorrectly. The stronger policy position afforded by these two designations will offer greater protection against inappropriate development and a greater level of clarity for developers.

ACTION – No Action. Strategy considered sound.

- (h) The AOCWTHS has been based on outdated information from 2000. There is a lack of up to date technical assessment and questions are raised regarding the time and expertise spent in analysing landscape.**

Relevant Representations - (all prefixed MUDPS /)

150/24, 150/29, 150/30, 96/25, 96/26, 96/27, 96/28, 96/37, 96/38, 96/39, 96/40

The proposed AOCWTHS has been primarily informed by Northern Ireland Landscape Character Assessment (NILCA) 2000 and its associated 'Landscape Analysis and Settlement Settings' maps. In March 2018, MUDC carried out a review of the NILCA report as far as it related to the Mid Ulster Council area. This Landscape Character Area Review (LCAR) concluded that the NILCA 2000 continues to provide robust baseline for informing future decisions concerning the planning management and protection of our landscapes. The Landscape Review considered that although many parts of the district have experienced key intervening changes since the NILCA was published in 2000, the overall character and inherent sensitivities of individual LCA's, as defined within it, have not been significantly affected. The LCAR was reviewed by GM consultants who made recommendations to MUDC in order to make the LCAR sound. These recommendations have been implemented and are incorporated in the Councils most recent version of the LCAR, currently published on the Council website.

ACTION – No Action. Strategy considered sound.

- (i) MUDC have failed to have wider cognisance of other impacts of wind energy. The level of investment generated per turbine and the jobs created have not been given adequate consideration.**

Relevant Representations - (all prefixed MUDPS /)

96/18, 96/60, 96/61, 96/91, 96/92, 96/93

MUDC are fully aware of the need to generate jobs across a wide range of sectors and have acknowledged this in the draft Plan Strategy. We are also aware of the social and economic benefits of such development and have included consideration of these issues as part of the policy consideration within the draft Strategy as evidenced in para. 22.16, p. 236.

ACTION – No Action. Strategy considered sound.

- (j) The draft Strategy has pre-determined a framework, which essentially guarantees the installation of wind turbines. Through this draft Plan Strategy, MUDC have provided a means to industrialise the region.**

Relevant Representations - (all prefixed MUDPS /)

178/3, 178/8, 191/3, 191/8, 191/7, 178/7

MUDC has presented a balanced approach. We have taken means through the draft Strategy to actively protect the most vulnerable landscapes of Mid Ulster, including the high Sperrins, Slieve Beagh and the Clogher Valley, from the impacts of renewable energy development as well as a range of other types of development. This has been done with a view to also facilitating wind energy development where it can be achieved without causing the same level of harm to the character of the landscape as could potentially be caused by development in the more sensitive areas. In order to achieve this balanced approach, the draft Strategy must invariably facilitate some renewable energy development. However, this does not equate to an “industrialising” of the District.

ACTION – No Action. Strategy considered sound.

- (k) The LDP should be capable of protecting the entire Sperrins region. Turbines can cause health problems and by failing to do this, MUDC are compliant in any health problems that will arise from wind energy development.**

Relevant Representations - (all prefixed MUDPS /)

178/74, 178/75, 178 / 256, 178/257, 178/258, 178/259, 178 / 260, 178 / 261, 178 / 262, 178 / 263, 178 / 264, 178 / 265, 178 / 266, 178 / 267, 191/74, 191/75, 191/256, 191/257, 191/258, 191/259, 191/260, 191/261, 191/262, 191/263, 191/264, 191/265, 191/266, 191/267, 141/2, 144/2

The introduction of the SCA in the High Sperrins is something that is supported by regional policy within the SPPS. The draft Strategy has went even further than this by introducing an additional level of protection in the form of the AOCWTHS. It is hard to envisage how the draft Strategy could provide an evidenced approach, which went even further again and protected the entire Sperrins Area.

The justification for the extent of the proposed Area of Constraint is explained in the Councils background evidence paper entitled *High Sperrins and Clogher Valley Area of Constraint on Wind Turbines High Structures*.

It appears that the health implications are those referred to Appendix 1 of the representations in question (191&178) which reference noise impacting on sleep disruption and stress levels among other things. It should be noted that harm to safety or amenity of residents including noise, shadow flicker etc. are included as policy criteria.

ACTION – No Action. Strategy considered sound.

- (l) The DPS has effectively airbrushed the RAMASR site and the archaeological site as well as demoting SAC's and ASSI's in order to facilitate the industrialisation of the Sperrins**

Relevant Representations – MUDPS/178/143, 191/143

The representation does not provide evidence of these claims. The DPS has not “airbrushed” any Ramsar sites. This is something that would not be possible to do given that these are internationally designated sites. Development proposals within Ramsar sites will be addressed under policy NH1 and any proposals which adversely affect such a site will only be permitted in exceptional circumstances. The extended (candidate) ASAI site at Beaghmore has also been included in the District Proposals Map so has not been “airbrushed” and neither have any SAC or SPA designations been demoted. All designations such as are given appropriate protection by the DPS, either by way of specific planning policy or given their location within one of the constraint areas (SCA, AOCWTHS, ASAI, ACMD).

ACTION – No Action. Strategy considered sound.

- (m) The AOCWTHS should be extended to include Lough Patrick, Ballynahone Bog and Curran Bog, Whooper Swan Areas at Toome / Gortgill and Newferry, and area along the River Bann running from Newferry towards Kilrea and an Area north of Fivemiletown close to Lendrums Bridge Windfarm. Maps of areas proposed are included at Appendix 1.**

Relevant Representation – MUDPS/59 – P. 61 of representation, 59/66, 59/67, 59/89

Each of these areas are discussed in detail regarding their inclusion within the ACOWTHS in the corresponding telecommunications topic paper part 5.2 (a).

It should also be noted that the locations put forward also benefit from a range of International, European and National designations (Ballynahone & Curran Bog) as well as consisting of areas of priority habitat and priority species and as such will be protected from inappropriate development under natural heritage policies within the draft Strategy. Other priority species such as Curlew will also benefit from the same protection from Natural Heritage policies (NH5).

ACTION – No Action. Strategy considered sound.

- (n) **An area has been identified as one which should be included in the “single turbine consultation zone” (see appendix 1).**

Relevant Representation – MUDPS/59

These designations whilst included in an appendix to the HRA are not development plan designations. They are DAERA designations and not part of the draft Strategy.

ACTION – No Action. Strategy considered sound.

- (o) **Areas which are saturated with turbines have been deemed as having capacity and the AONB is now a targeted area for wind turbines.**

Relevant Representations – MUDPS/178/163 and MUDPS/191/163

There is no rationale provided as to how areas are considered in this representation to be “saturated” with regards to wind energy.

The DPS does not identify any areas which are to be “targeted” for renewable energy development and neither does it identify any areas which are deemed to have capacity. There is no evidence to justify the assertion that the AONB has been “targeted” for renewable energy development.

It is possible that this representation is referring to the Fermanagh and Omagh District Council draft Plan Strategy which was accompanied by a Wind Energy Strategy which identified areas of capacity, limited capacity and no capacity. If this is the case then the representation is obviously not relevant to Mid Ulster.

ACTION – No Action. Strategy considered sound.

- (p) **DPS is at odds with the Community Plan and the SCI. It has ignored community involvement at the expense of the installation of turbines and mineral development. Health concerns and environmental objections have been set aside.**

Relevant representation – MUDPS 178/161, 191/161

This has been addressed in the Minerals Strategy section of the minerals topic paper.

ACTION – No Action. Strategy considered sound.

- (q) **There is no detailed information provided to support statements made throughout the dPS on "vulnerable landscapes" and the "scenic qualities" of the Sperrin AONB. Without knowing what exactly these vulnerabilities and qualities are it is difficult to see how policies can be devised to guide development appropriately.**

Relevant Representations – MUDPS/96/33, MUDPS/96/34, MUDPS/96/35, MUDPS/96/36

No reference has been made within the DPS to the AONB being considered a “vulnerable landscape” so in this regard, the representation is inaccurate. In relation to vulnerable landscapes referred to in SPF 10, this references the lands within the SCA, AOCWTHS and the ACMD. As outlined in the background research paper, these have been based on identified prominent ridges, the outer limit generally ranges from contours of 200m to 250m encompassing some of the more exposed, sensitive and widely visible landscapes within our district. It is the view of the council that large scale wind energy development above this prominent ridge line would not be capable of being absorbed into the landscape and would result in negative impacts upon these vulnerable landscapes

The DPS does refer to the “scenic qualities” of the AONB and this is a description of the inherent nature of the land within this designation. An AONB without “scenic qualities” would be an illogical designation. It is felt that the very existence of the AONB justifies the description of land within it as possessing “scenic qualities.”

ACTION – No Action. Policy considered sound.

- (r) **The DPS refers to energy statistics for 2016 however there is a 2018 version of these statistics available.**

Relevant Representation – MUDPS/31/6, MUDPS/31/8

These statistics were published in September 2019 and were therefore unavailable for the publication of the DPS. We are aware of them and have referenced them elsewhere in this report - see 5.1 (a).

- (r) **Doraville should not be allowed to progress given its scale, complexity and health impacts. AONB must be maintained to preserve our tourism product. Flora / fauna will also be destroyed.**

Relevant Representations – MUDPS/178 /181-191 and MUDPS 191/178-191

The Doraville Wind Farm Planning Application and Public Enquiry straddles both Mid Ulster and Fermanagh / Omagh District. It is not something which the draft Strategy is capable of making a decision on and therefore this representation is not considered to be relevant to the DPS. Mid Ulster District Council have objected to the Doraville planning application which is being determined by DfI Planning.

ACTION – No action, representation not relevant to draft Plan Strategy.

- s) **The statement at paragraph 22.2 is incorrect – should explain that the target is 40% of electricity from renewable sources and not 40% of energy from renewable sources.**

Relevant Representations – MUDPS/31/7

Error noted. This is a comment in the overall context of the topic and not sufficient to make plan unsound. Importantly, the figure used in these topic papers to show that targets have been met is correct - it relates to 44% of *electricity* from renewable sources. Targets for Renewable Energy will be changing and will be subject to review. The Council intends to amend the wording of this section in line with the prevailing target at the time of publication.

ACTION – No action, representation not relevant to draft Plan Strategy. If the PAC are minded to amend the wording in paragraph 22.2 then we would have no issue with this. We are of the opinion that it would be appropriate to change the wording of this section in line with the prevailing targets for renewable energy at the time of publication.

- t) **Mid Ulster District Council need to work with Fermanagh and Omagh District Council in order to provide equal and adequate protection for the South Sperrins Region.**

Relevant Representations - (all prefixed MUDPS/)

141/3, 144/3, 181/4, 182/4, 194/3, 195/3, 196/3, 197/3, 198/3, 199/3, 200/3, 201/3, 202/3

Cross boundary consideration of renewable energy development has been undertaken via the Sperrins Forum and the Cross Border forums. At these forums there was an agreed approach to renewable energy. It was agreed that the method of implementation of the agreed approach would be left up to each individual council.

ACTION – No Action. Policy considered sound.

5.2 Policy RNW1

- a) **HED consider the policy text to be unclear as it does not take sufficient account of SPSS 6.219 second bullet, 6.223 and 6.224 - no reference to the protection of heritage assets within the policy text.**

Relative Representations – MUDPS/77/280, 115/123, 115/126

Para 6.219 – second bullet point; These issues are covered in the relevant natural heritage and historic environment policies. In the interests of streamlining policy it is not considered necessary to repeat such considerations in a range of policy topics.

Para 6.223 and 6.224 – The protection of sensitive landscapes is clearly something which has been addressed in policy RNW1 via the introduction of the AOCWTHS. Also, as indicated above, relevant policies which relate to sensitive areas outside of the AOCWTHS are contained in other sections of the DPS such as the Natural Heritage section of the Plan (e.g. NH6). Issues such as impacts on health, amenity, and landscape character are also addressed in the policy RNW1.

ACTION – No Action. Policy considered sound.

- b) **Policies do not take account of variations in landscape. Parts of the Sperrins are capable of accommodating renewable energy due to the broad rounded profile of the uplands. Views into the AONB can be restricted and agricultural character of surrounding lowlands can help to restrict views. AOCWTHS will direct turbines to undeveloped areas instead of clustering with existing approvals.**

Relevant Representations – MUDPS/96/41, 96/42, 96/43, 96/44, 96/45, 96/46, 96/47.

Outside of the proposed AOCWTHS, all applications for renewable energy will be assessed on their own merits against the proposed policy. This will mean that in these areas, variations in landscape will be considered when assessing proposals.

As set out in the Councils background evidence paper entitled *High Sperrins and Clogher Valley Area of Constraint on Wind Turbines High Structures*. The AOCWTHS has been informed by 'Prominent Ridges' and 'Key views' as identified within the NILCA 'Landscape Analysis and Settlement Settings' maps and associated LCA descriptions. Where the AOCWTHS closely follows identified prominent ridges, the outer limit generally ranges from contours of 200m to 250m encompassing some of the more exposed, sensitive and widely visible landscapes within our district. It is the view of the council that large scale wind energy development above this prominent ridge line would not be capable of being absorbed into the landscape and would result in negative impacts upon these vulnerable landscapes. The representation states that views into the AONB can be restricted but as has been pointed out, the AOCWTHS is restricted to the higher contours and not all of the AONB is within the AOCWTHS, indeed most of the AONB is outside of the designation.

ACTION – No Action. Policy considered sound.

- c) **The policy is more restrictive than and not consistent with existing policy in the SPPS and PPS 18. This approach will sterilise the majority of the District. This conflicts with the commitments to “remain a low carbon economy and an important energy producer,” as stated in the objectives section of the DPS.**

Relevant Representations - (all prefixed MUDPS /)

59/122, 150/11, 150/12, 150/13, 150/14, 150/15, 150/23, 153/28, 153/29, 153/31, 153/32, 153/34, 192/41

There is no requirement for the draft Plan Strategy to be the same as existing policy either within the SPPS or in PPS 18. Policy RNW 1 provides for a presumption in favour of wind energy development, outside of the AOCWTHS. Therefore, the policy operates a presumption in favour of wind energy across the majority of the District, and this is difficult to reconcile with the representations statement that the policy will lead to a sterilisation of the majority of the District. Mid Ulster is committed to continuing to play a key part in Northern Ireland's status as a low carbon economy and this is shown in the approach to wind energy development.

Concern is expressed that the wording in policy RNW1 is different from the SPPS and PPS 18 as far as it states a 500m separation distance for wind

farms will be “required” as opposed to will “generally apply” and that this makes the resulting policy unsound. Again, there is no requirement for the wording of the DPS to exactly mirror the existing policy and we feel that policy RNW1 has taken account of regional and existing policy and is therefore considered to be sound.

ACTION – No Action. Policy considered sound.

- d) **There is an imbalanced focus on the environmental impacts of wind energy, especially the visual impacts. The policy does not focus on the environmental / economic benefits of wind turbines and fails to compare the impacts of wind energy with other forms of renewable energy.**

Relevant Representations - (all prefixed MUDPS /)

41/10, 41/8, 41/9, 12/2, 96/56, 96/57, 96/58, 96/59, 59/121

Wind turbines tend to be located in remote, often upland areas, where distances to neighbouring development are greater and where wind speeds are greater. These areas are also more likely to be areas of landscape sensitivity such as the Sperrins, Clogher Valley and Slieve Beagh for example. For this reason, it is important to protect such landscapes against the potential dominance and visual intrusion of wind turbines on a landscape. That is not to say that MUDC are not aware of the environmental benefits of wind energy as is demonstrated in the wording of policy RNW 1 which states directly that environmental, economic and social benefits of all proposals will be material considerations and this is elaborated on in the overview of the Renewables section of the para. 22.16, p. 236.

ACTION – No Action. Policy considered sound.

- e) **Queries raised on how the preferred approach from the POP has been set aside regarding separation distances.**

Relevant Representations - (all prefixed MUDPS /)

16/1, 16/2, 16/3

Following the publication of the POP we gave consideration to the representations received. Many of these were of the opinion that a 500m separation distance was too restrictive and in order to assess these claims we carried out a mapping exercise to spatially demonstrate the implications of imposing the separation distances included in the POP. Having done this, it was decided that the more prescriptive POP approach would have been unduly restrictive on the wind energy industry by severely limiting the potential availability of land within Mid Ulster where they could install new turbines. This

would not have been a balanced or measured approach. The implications of the approach advocated in the POP have been explained in the background evidence paper published on the Council website entitled *Background Evidence Paper Renewable Energy*. This paper fully explains the reasons for not taking forward the approach advocated in the Preferred Options Paper.

ACTION – No Action. Policy considered sound.

- f) **Department for Economy welcomes the fact that favourable consideration will be given to re-use, re-powering and refurbishment but also states that where proposals are for taller turbines, this policy will hamper such initiatives from being implemented, because such turbines will not be permitted under the approach advocated in the DPS.**

Relevant Representations - (all prefixed MUDPS /)

31/3, 31/5

The policy states that favourable consideration will be given to re-use, refurbishment and repowering of existing turbines. The representation argues that if turbines are limited to under 15m in future, then they will not be suitable for re-powering, repair or refurbishment by virtue of their smaller size. However, the environmental / visual benefits of limiting the size of turbines in such sensitive areas as those within the AOCWTHS must also be considered here and they are potentially of greater significance in this instance. In addition, turbines greater than 15m will still be permitted outside of the AOCWTHS designation.

ACTION – No Action. Policy considered sound.

- g) **Policy is a weakening of the strategic objectives of the SPPS and represents a carte blanche approach to wind energy development. It has narrowed the cautious approach and has removed the criteria set out for renewable energy development.**

Relevant Representations - (all prefixed MUDPS /)

59/114, 59/115, 59/116, 59/117

The policy introduces a level of control on wind turbines which is beyond that contained within the SPPS. It aims to place limitations on turbines in sensitive areas and also introduces a guidance figure to be used by planning officers for what may constitute acceptable separation distances between single turbines and occupied property; again a measure not included in the SPPS. Bearing these things in mind, it is therefore difficult to see how our approach could be construed as allowing “carte blanche” to the renewables industry.

Regarding the criteria named by the representation as being omitted by the policy, these criteria are included in other relevant policies such as GP1 or Natural Heritage policies. In the interests of streamlining policy in the new LDP, it is not desirable to repeat such criteria in multiple subject policies.

ACTION – No Action. Policy considered sound.

- h) **The proposed policy refers to wind energy development on active peatland but the SPPS has a wider scope and includes impacts of all renewable energy development on active peatland. Policy should be reworded to reflect this. Policy regarding renewable energy on active peatland does not accord with SPPS.**

Relevant Representations - MUDPS/59/120, 115/127, 115/128

Wind energy is the most likely form of renewable energy to be sited on areas where active peatland exists (para. 4.8 of PPS 18 names wind energy ahead of any other form of renewable energy). All development on active peatland will be assessed via policy NH 5 which operates a presumption against development on active peatland unless the benefits of such development would outweigh the loss of the peatland in question. Policy wording in RNW1 mirrors that in the SPPS para. 6.226.

ACTION – No Action. Policy considered sound.

- i) **Policy does not include some aspects of PPS 18 such as considering cases for re-use, repowering and refurbishment on their own merits and the requirements to locate proposals close to the source of the resource needed for a particular technology.**

Relevant Representations - (all prefixed MUDPS /)

59/118, 59/119, 59/124

RNW 1 states that re-use, re-powering and refurbishment proposals will accord with the Plan “providing they do not result in unacceptable impacts on the environment or residential / visual amenity.” This means that there will be a consideration of the merits of each proposal and that there will not simply be an approach where all proposals for re-powering, refurbishment or re-use will all be approved regardless of their respective impacts.

The main sources of energy needed for renewable energy are wind, sun, water, heat or biomass. In relation to wind, sun, water or heat it is highly improbable that a proposal will be sited in a location, which hinders its access to either of these sources. The SPPS states that renewable energy proposals need to be sited in “appropriate locations” and does not mention the need for proposals to be sited close to the source of energy that are needed. Any

issues regarding transport of materials (to an AD plant for example) will still be assessed thorough policy RNW 1 –see para. 22.29 for clarification.

ACTION – No Action. Policy considered sound.

- j) **No statutory separation distances exist. The introduction of these along with the removal of the phrase “will generally apply” will hinder future renewable energy development. Also consideration needs to be given to draft ROI guidance to ensure a consistent approach regarding separation distances.**

Relevant Representations - (all prefixed MUDPS /)

96/66, 96/67, 96/68, 96/69, 96/70, 96/71, 96/72, 96/73

The DPS has not introduced any statutory separation distances over and above those which currently exist in the SPPS for wind farm development. The approach to separation distances is that a suggested separation distance has been included in the Justification and Amplification of RNW1 as guidance for case officers as to what the acceptable distance could be in relation to wind turbines and dominance over nearby properties. There is also a degree of flexibility built into the amplification, which allows us to look favourably on wind turbines within this distance, providing there are site-specific circumstances which would mean that a turbine can be approved inside this distance without resulting in harm being caused to nearby properties.

Various options were considered in deciding the preferred approach to separation distances. Options from other countries were considered including ROI. This is explained in the background evidence paper on Renewable energy, published on MUDC website.

ACTION – No Action. Policy considered sound.

- k) **MUDC should consider Scottish guidance and are encouraged to adopt a positive policy that supports re powering and co-location. Re powering is best environmental option and embraces the circular economy.**

Relevant Representations - (all prefixed MUDPS /)

12/1, 96/82, 96/83, 96/84, 96/85, 96/86, 96/87, 96/88, 96/89

The DPS does encourage the re-powering, re-use and refurbishment of existing renewable energy facilities.

ACTION – No Action. Policy considered sound.

- l) The policy approach is inconsistent – it states that renewable energy will accord with the Plan outside of an SCA; then states that wind energy will only accord with the Plan outside an SCA and an AOCWTHS.**

Relevant Representations - (all prefixed MUDPS /)

150/10, 153/26, 153/27

Policy RNW 1 includes a specific section relevant to wind energy development for this reason. No form of renewable energy development (or indeed, any type of development) will be looked on favourably where it is proposed to be located within a SCA. This also applies to wind energy development, which for reasons already discussed will also be subject to the constraints of the AOCWTHS. This is not an inconsistent approach.

ACTION – No Action. Policy considered sound.

- m) The AOCWTHS overlay important international and national designations such as SPA / RAMSAR / SAC and therefore, in these areas there is a presumption in favour of small wind energy development.**

Relevant Representations - (all prefixed MUDPS /)

168/5, 168/6, 168/7, 168/8

Within an AOCWTHS, proposals for wind turbines under 15m to hub height will still be assessed against all normal planning criteria as laid out in policy RNW 1.

ACTION – No Action. Policy considered sound.

- n) Policies PPS 3, DCAN 15, PPS 7 and PPS 13 should be brought forward in the LDP in order to ensure that traffic considerations are addressed. Account needs to be taken of existing infrastructure, access, parking and road safety.**

Relevant Representation – MUDPS/115/249, 115/250

These things will be considered under General Principles Policy and criteria (vi) in policy RNW 1. General traffic considerations can be related to a range of development types and therefore are addressed in GP1 as opposed to being included in every subject policy to which they may be relevant.

ACTION – No Action. Policy considered sound.

- o) RES would challenge statement that lifespan of wind turbines is '20 - 25 years'. Numerous examples of wind farms operating beyond this e.g. Bellacorick, Mayo, Llandinam, Wales, Royd moor, England and Taff ely & Bryn titli both in wales. With new technological development, lifespan can be up to 30 years.**

Relevant Representations - (all prefixed MUDPS /)

96/74, 96/75, 96/76, 96/77, 96/78, 96/79, 96/80, 96/81

This is not a categorical statement rather it refers to the average life expectancy of a turbine and is caveated with the phrase "in all likelihood" have a lifespan of 25-30 years.

ACTION – No Action. Policy considered sound.

- p) Policy does not cater for renewable energy development at sites of existing quarries.**

Relevant Representation - MUDPS/101/54

The first line of RNW 1 represents a presumption in favour of renewable energy development anywhere outside of an SCA. This includes quarry sites.

ACTION – No Action. Policy considered sound.

- q) Where renewable development is proposed within a natural heritage site, then policy wording from RNW 1 should be aligned with relevant natural policies (NH1-5). RNW 1 should make this clear i.e. that relative NH policies will apply.**

Relevant Representations – MUDPS/167/10

If renewable energy development is proposed within an international/ national site, then the relevant NH policies (NH1, 2ETC) will be used in decision-making process. This is self-explanatory when reading the relevant policies and so not considered necessary to say it explicitly.

ACTION – No Action. Policy considered sound.

- r) Reference to planning conditions to impose decommissioning is a step further than policy in SPSS. All such proposals should be included in policy box, not J&A.**

Relevant Representations – MUDPS/115/125

Consideration: Reference to planning condition is included in policy box of RNW 1, with the text of the condition included in the J&A. This approach is in line with para. 6.233 of the SPPS.

ACTION: No Action Required.

7.0 Recommendation

- 7.1 It is recommended that we progress the approach to Renewables in line with the actions contained within this paper.

8.0 Representations Received

Respondent	Reference Number
Lightsource BP	MUDPS/12
Thomas John Johnston	MUDPS/16
Department for the Economy	MUDPS/31
Northern Ireland Renewables Industry Group	MUDPS/41
RSPB	MUDPS/59
Josephine Clark	MUDPS/70
Department for Communities	MUDPS/77
Turley	MUDPS/83
Northern Ireland Housing Executive	MUDPS/85
Quarryplan	MUDPS/101
Department for Infrastructure	MUDPS/115
WYG Planning	MUDPS/137
Standing Our Ground Women of the Sperrins	MUDPS/141
McKenna Family	MUDPS/144
Turley	MUDPS/150
Turley	MUDPS/153
NED – NIEA (DAERA)	MUDPS/167
NED – NIEA (DAERA)	MUDPS/168
Pat Haughey	MUDPS/178
Concerned Broughderg Residents Association	MUDPS/181
Concerned Broughderg Residents Association	MUDPS/182
Pauline McHenry	MUDPS/191
Ross Planning	MUDPS/192
Kerry McCrory	MUDPS/194
Mr Laurance McCrory	MUDPS/195
Mr Shaun McCrory	MUDPS/196
Lucie-Marie McCrory	MUDPS/197
Tiarnan McNamee	MUDPS/198
Michael McNamee	MUDPS/199

Mary McNamee	MUDPS/200
Stephen McNamee	MUDPS/201
B McNamee	MUDPS/202

9.0 Counter Representations

9.1 During the period for counter representations to the draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, a number of representations were received which related to renewable energy development. Listed below

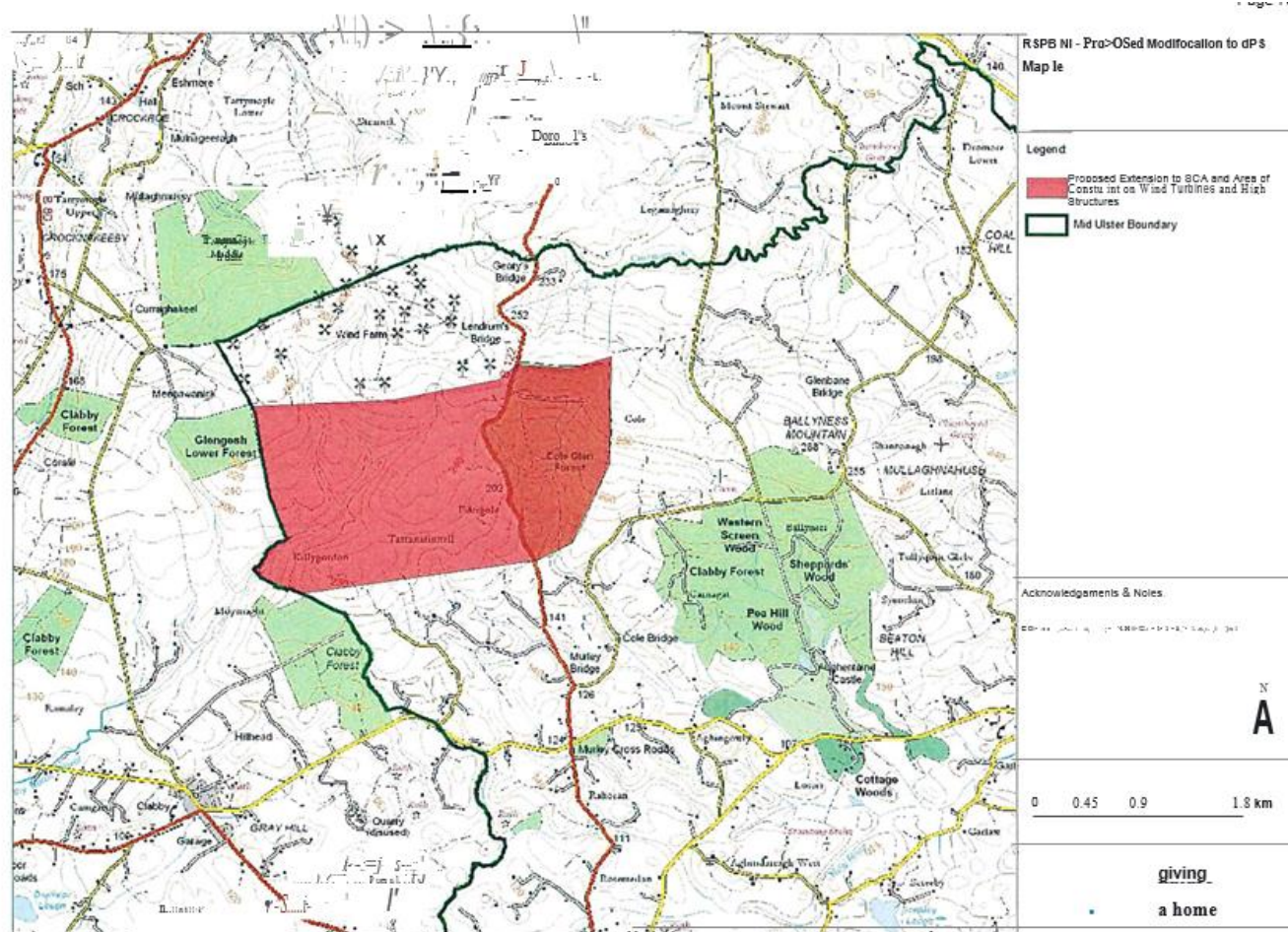
- DPSCR/77
- DPSCR/78
- DPSCR/81
- DPSCR/85
- DPSCR/89
- DPSCR/95
- DPSCR/98
- DPSCR/101
- DPSCR/102
- DPSCR/103
- DPSCR/104
- DPSCR/107
- DPSCR/117
- DPSCR/118
- DPSCR/121
- DPSCR/125
- DPSCR/129
- DPSCR/135
- DPSCR/138
- DPSCR/141
- DPSCR/142
- DPSCR/143
- DPSCR/144
- DPSCR/145
- DPSCR/147

9.2 It is the opinion of the Council that the representations submitted and listed above do not constitute counter representations as defined by the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 insofar as they do not relate to site-specific policy representations. However, they have still be given consideration and are summarised below. These representations have been submitted in order to voice further opposition to policy RNW1 which has already been voiced in the initial consultation period. Therefore, the

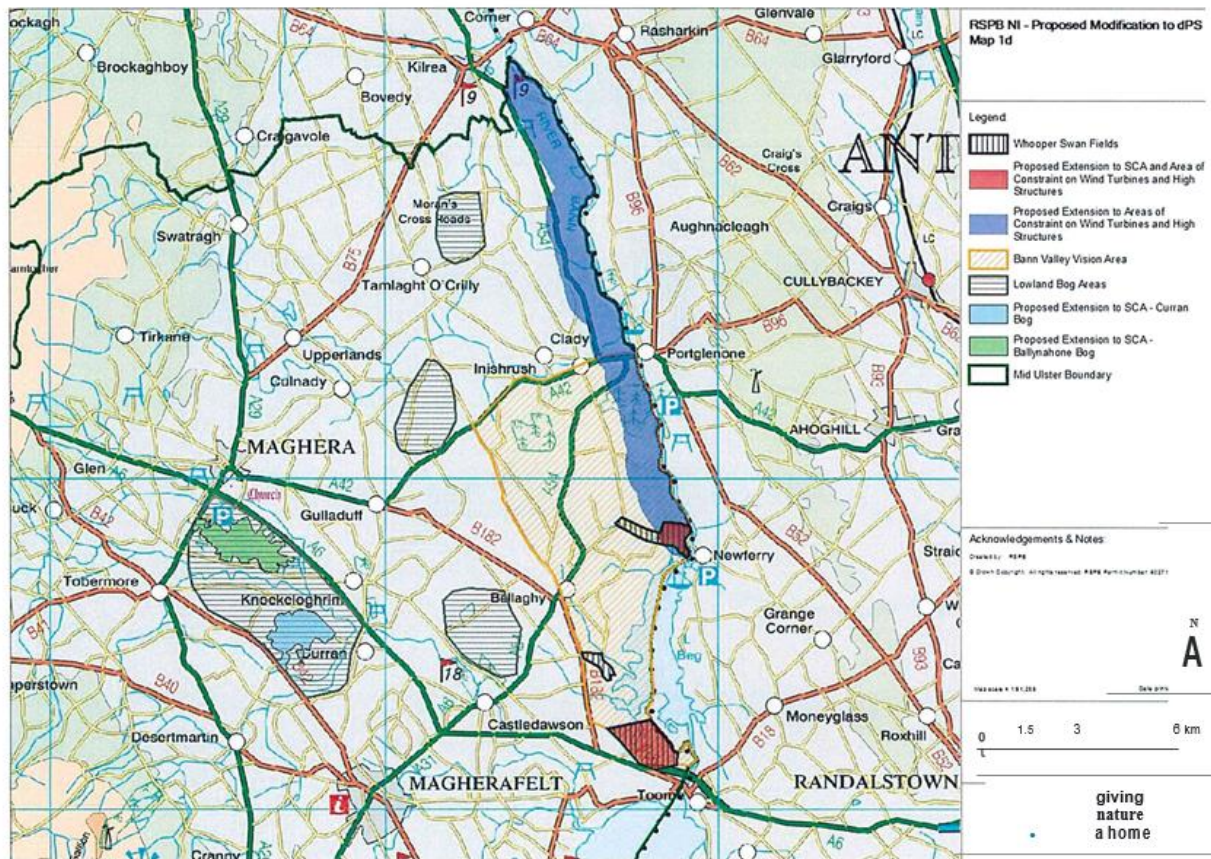
response to such issues would be the same as the responses detailed in the relevant parts of this report.

- 9.3 The representations relate to the policy being too restrictive resulting in a sterilisation of land for renewable energy development as well as inconsistencies with the SPPS and the Councils own position paper on renewable energy. There is a lack of detail on the rationale behind these claims, with reference made back to the representations submitted to the draft Strategy, in order to provide more clarification.
- 9.4 It is our view that these issues have been addressed in the topic paper to the initial consultations on the draft Strategy and do not need be addressed for a second time.

Appendix 1 – Areas Proposed for Extension of AOCWTHS



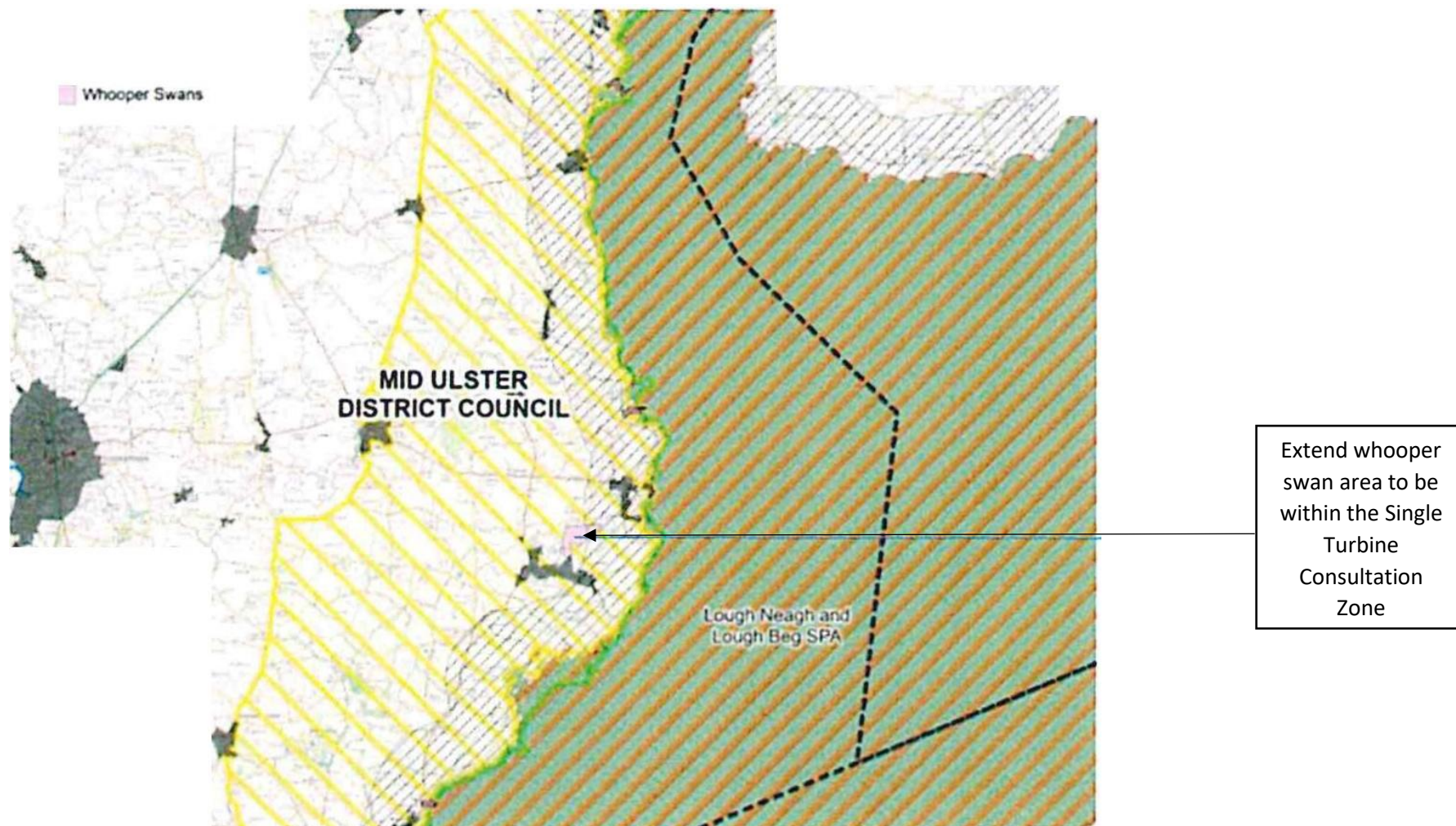
Area north of Fivemiletown - The designations are proposed at this site because of RSPB's "ornithological knowledge" (p. 61) so it is assumed that the designation is proposed on grounds of habitat importance with particular reference to hen harriers.



Area adjacent to River Bann - The designations are proposed at this site because of RSPB's "ornithological knowledge" (p. 61) so it is assumed that the designation is proposed on grounds of habitat importance.

Toome / Gortgill and Newferry – Because these are described as "whooper swan areas" (p. 61) it is assumed they are proposed on grounds of habitat importance.

Ballynahone Bog and Curran Bog – The designations are proposed at this site because of RSPB's "ornithological knowledge" (p. 61) so it is assumed that the designation is proposed on grounds of habitat importance



Addendum to Renewable Energy Topic Paper

New Representations Received during the Re-consultation on the DPS

1.0 New comments received during consultation

a) **MUDPS/16/4** – Plan Strategy must include comments made by UK business secretary that no onshore wind proposals will be permissible without local community consent.

b) **MUDPS/16/5** – Plan Strategy must include comments made by UK business secretary that no onshore wind proposals will be permissible without local community consent.

Council Response –

The Council is not required to be in conformity with the UK business Secretary. This approach would in effect; give a veto to local residents over any renewable energy proposal and this would not be a sustainable approach to renewable energy and would hinder the Councils ongoing efforts to meet renewable energy targets.

Action: No action required.

c) **MUDPS/31/21** – Support expressed for para. 22.5

d) **MUDPS/31/22** – Support expressed for para. 22.10

Council Response –

Support for approach is noted.

e) **MUDPS/31/26** – The rep seeks clarity on how the restriction of turbines to less than 15m within AOCWTHS ties in with permitted development.

Council Response –

In this instance, it is unclear exactly what is meant by the representation. Permitted development will still apply as it has its basis in legislation. Planning policy cannot remove or amend any permitted development rights that are in place. Planning policy only refers to development that requires planning permission i.e. to which permitted development does not apply.

Action: No action required.

f) **MUDPS/214/38** – The representation questions the dimensions for separating turbines from dwellings. Are they adequate and on what basis are they included.

Council Response –

The DPS has not introduced any separation distances for wind turbines over and above those that exist in the SPPS for wind farm development. The approach to separation distances regarding single dwellings is to suggest a separation distance in the J&A of RNW 1 that can be used by planning officers to help them determine what the acceptable separation distance could be in relation wind turbines and dominance regarding nearby properties. There is a degree of flexibility built into the amplification which will allow the Council to look favourably on proposals for turbines within this distance but where there are site specific reasons why permission could still be granted without harm being caused to nearby properties.

Following the publication of the POP, consideration was given to representations received. Many of these were critical of the 500m separation distance and expressed views that it was too restrictive. In order to assess these concerns, we carried out a mapping exercise to spatially demonstrate the implications of imposing the restrictions imposed in the POP.

Having completed this exercise, it was shown that the more prescriptive POP approach of a stated separation distance in policy would have severely limited the amount of land available for turbines in Mid Ulster and this would not have been a balanced or measured approach.

For more clarity on this please see background evidence paper on Councils website entitled *Background Evidence Paper: Renewable Energy*.

Action: No action required.

2.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
DfE	MUDPS/31
Public Representations	
Ulster Unionist Party	MUDPS/214
Thomas John Johnston	MUDPS/16

Transportation – Topic Paper

1.0 Issues Identified

An overview of the issues identified from representations received in response to our draft Plan Strategy are listed under the corresponding topic / policy headings below.

- Transportation Overview
- Transportation Strategy
- Policy TRAN 1 – New Roads and Road Improvement Schemes
- Policy TRAN 2 – Disused Transport Routes
- Policy TRAN 3 – Car Parking
- Policy Tran 4 – Access onto Protected Routes and Other Route Ways

Response to specific issues to each policy are outlined in section 6. Our consideration is detailed in response, along with a recommended course of action.

2.0 Representations in Support

Support is offered for transportation policies including TRAN1 and TRAN 2. Specifically, the protection of disused transport routes, railways and canals through TRAN 2 is welcomed.

Relevant representations: MUDPS/27/5
MUDPS/56/37
MUDPS/59/129
MUDPS/89/4
MUDPS/159/22
MUDPS/115/131

3.0 Consultations

See Section 9.0 which details respondents who submitted a representation in relation to this topic paper, including consultation bodies.

4.0 Regional Policy Context

4.1 The Regional Development Strategy (RDS) 2035 and The Strategic Planning Policy Statement

The Regional Development Strategy 2035 (RDS) advocates managing our road and rail space in a more efficient way and this is to be achieved through a number of key objectives. These are improving connectivity, maximising the potential of the Regional Strategic Transport Network, improving social exclusion and accessibility and road safety. The RDS establishes the three main towns have the potential to form a cluster and are well positioned on key transport corridors.

The Single Planning Policy Statement (SPPS) aims to encourage greater integration of transportation within land use planning. The strategic objectives focus on promoting sustainable transport choices such as walking and cycling and providing more facilities for cyclists. The SPPS also focuses on reducing the reliance on the private car through

appropriate car parking policies. To achieve this Local Development Plans are expected to consider transportation in the allocation of land use, and zoning of housing land. Consideration should also be given to new transport schemes, opportunities from disused railways, provision of car parking and protected routes.

5.0 Local Context

5.1 Mid Ulster Community Plan

Our Community Plan recognises the importance of the roads and public transport infrastructure to facilitate the movement of goods and people particularly between the 'Mid Ulster Urban Cluster' of Cookstown, Dungannon and Magherafelt and the rural hinterland. A key issue identified is the heavy reliance on the private car as Mid Ulster. Key outcomes of the Community Plan are that we are better connected through appropriate infrastructure and we increasingly value our environment and enhance it for our children. This aim shall be met through two main objectives: improving the rural and urban road network and providing facilities that encourage more sustainable modes of transport.

A key objective of improving the roads network will be facilitated by the development of the Strategic Road Network (the A29-A31, A4, A5 and A6) including by-passes for the three main hubs. Within Mid Ulster there is a high proportion of rural dwellers and our Community Plan recognises the need to maintain the local roads network to allow those living in rural communities to access goods and services both in the hubs and local villages.

In terms of sustainable transport, our Community Plan encourages active travel and greater public transport use and this can be achieved by implementing Park & Ride at strategic sites and investigating the feasibility of restoring rail links to and from Mid Ulster. In rural areas the objective is to pilot an 'Integrated Transport Scheme' for rural dwellers and businesses. Also to develop an Intra-Town Transit System to include shuttle bus, cycling and walking links.

6.0 Response to the Specific Issues

a) Sustainable transportation and active travel

Raised under the Transportation Strategy, TRAN1, TRAN2, TRAN3 and TRAN4

It is suggested that the provisions of SPF 8 regarding sustainable transportation should be further translated into active policies within the LDP. The DPS for Transportation has no regard to focusing the promotion of sustainable transport choices, despite referencing regional policy and its own community plan in this regard. There are no policies which seek to encourage walking or cycling as realistic, safe and sustainable modes of transport. It is suggested that policies to encourage walking and cycling should be provided.

It is further submitted that the DPS fails to take account of the SPPS in the following ways; - it fails to meaningfully encourage active travel; effectively discourages developers from providing dedicated cycle routes; contains policies to improve networks for car users.

NIHE also would like to see more emphasis given to sustainable transport methods such as active travel and public transport.

Relevant representations: MUDPS/59/128, MUDPS/59/127, MUDPS/59/131, MUDPS/85/94, MUDPS/85/95, MUDPS/85/96, MUDPS/85/97, MUDPS/115/198, MUDPS/142/2, MUDPS/142/3, MUDPS/142/4

Consideration

Our spatial planning framework for the Plan includes 'SPF 8 - Encourage improvements to public and private transportation provision including railway lines and upgrading of the road network'. In relation to sustainable transportation it states, in the interest of promoting sustainable transport consideration needs to be given to providing safe environs for the pedestrian and cyclist. This does not necessarily mean the provision of dedicated cycle ways as it can often be achieved through careful design of roads and promotion of safer routes, particularly when it comes to children travelling to school.

Active travel and sustainable transportation are encouraged and supported through a number of policies which are listed below;

Policy GP 1 part (e) requires a movement pattern that, insofar as possible, supports walking and cycling, provides footpaths, respects existing public rights of way and provides adequate and convenient access to public transport.

Policy GP 1 part (f) states that all development should take account of people whose mobility is impaired by including ease of access to public transport facilities.

Policy HOU2 – Quality Residential Development, part (iv) requires proposals provide access to modes of transport other than the car and under (vi) - demonstrate that provision is made for local infrastructure (or local neighbourhood facilities) where a need is identified.

Policy HOU 2 - paragraphs 7.29 and 7.30 further refer to accessibility, encouraging other modes of transport and providing connections and linkages to schools, community facilities and public transport networks that connect to the wider community and blue and green infrastructure.

TRAN 2 protects disused transport routes to ensure opportunities for improvements are not lost, this includes the possibility to be reused as active travel pathways such as walk ways and cycle ways.

TRAN 4 - paragraph 23.18 notes that development of regional significance, such as park and ride schemes will be allowed as an exception for access to a protected route, provided it does not compromise their function of facilitating the free and safe movement of traffic or does not significantly add to congestion.

Policy OS4 – Indoor Sport and Intensive Outdoor Sports Facilities - paragraph 11.38 notes that the Council wishes to ensure that development of intensive sports facilities takes place in appropriate locations, are of good design and apply the principles of sustainability. It continues to notes that factors which important in assessing development proposals include the accessibility to this population in terms of walking and cycling distances and proximity to public transport.

In paragraph 11.39 it continues, that in seeking to locate a sports stadium at the edge of settlement, ease of access will be a key issue in assessing such proposals, in particular, the availability of public transport.

Policy TOU 1 – Protection of Tourism Assets and Tourist Accommodation provide exception for development within Tourism Conservation Zones for improvements to infrastructure such as walking and cycle-ways.

Policy HE 9 – Change of use, alteration or extension of a listed building, and Policy HE 12 – Designated conservation areas and their historic settings, paragraphs 17.49 and 17.64 both encourage consideration through a Design Statement of pedestrians and cyclists, and how the proposal connects with existing public infrastructure, including public transport routes and services.

In addition Key Site Requirements set out for Economic Development Zones at Granville and Dungannon North refer in every instance to the provision of appropriate access, cycle and walkways.

Further provision for sustainable transport and active travel will be brought through key site requirements for land brought forward at the LPP stage.

Furthermore under the monitoring of our plan, (p.252) outcomes include,

- We will have created more greenways and cycle ways whilst safeguarding our canals and main river banks for future use.
- There will be more people walking, cycling and using public transport.

Measures include, the provision of new cycle ways and greenways.

We consider substantive measures have been proposed in our DPS to promote sustainable transport and encourage active travel. However these are policies and the only real mechanism for promoting sustainable modes of transport is through infrastructure and service provision. In the main it will be for the local policies plan. It has to be recognised that a Development Plan has no role in co-ordinating service

ACTION: No action required.

**b) Insufficient coverage - DfI guidance on the preparation of LDP policies.
Raised under TRAN1, TRAN2, TRAN3 and TRAN4**

Direct council to DfI guidance on preparation of LDP policies. Concerns that a number of policy areas have not been addressed in the DPS. A structure is provided as to how council should develop policy.

Relevant Representations: MUDPS/115/310, MUDPS/115/311, MUDPS/115/174, MUDPS/115/175, MUDPS/115/176, MUDPS/115/177, MUDPS/115/178, MUDPS/115/179, MUDPS/115/189, MUDPS/115/190, MUDPS/115/191, MUDPS/115/312, MUDPS/115/173, MUDPS/115/199, MUDPS/115/200, MUDPS/115/201, MUDPS/115/202, MUDPS/115/212, MUDPS/115/213, MUDPS/115/214, MUDPS/115/313, MUDPS/115/256

Consideration

We consider our DPS provides sufficient and adequate coverage of transportation policies. These include the General Principle's planning policy GP1 and transportation policies, TRAN1, TRAN2, TRAN3 and TRAN4. We have acknowledged in our DPS that regard will be had for any supplementary planning guidance which may be brought forward. This includes DCAN 15 which DfI have confirmed will be retained.

ACTION: No action required.

**c) Safeguarding existing permission
Raised in relation to TRAN1 and TRAN3**

The representation notes the Plan is sound. It states, approval M/2014/0572/O will provide a connecting route which leads directly to public car parking, the town centre and primary retail core. Safeguarding this permission and the access arrangements conditioned therein will honour this policy.

Relevant Representations: MUDPS/155/5

Consideration

The zoning of land for housing, including extant permissions such as that referenced above is a matter for consideration at LPP stage.

ACTION: No action required.

**d) Park & Ride / Park & Share
Raised under TRAN3 and TRAN4**

The policies are not supportive of strategic policy direction as it does not consider role of other initiatives to influence modal choice e.g. park and ride or share, designated areas of parking constraint etc. DfI note there is no proposed policy for park & ride and park & share sites in Mid Ulster. Essential that one is provided.

Relevant Representations: MUDPS/115/132, MUDPS/115/180, MUDPS/115/181, MUDPS/115/182, MUDPS/115/203, MUDPS/115/204, MUDPS/115/205.

Consideration

With regards to Park and Ride / Park and Share facilities, the SPPS states that, LDPs should also consider and identify park and ride / park and share sites where appropriate.

We recognise the need for Park and Ride schemes in paragraph 23.18 of the DPS which states, development of regional significance such as strategic park and ride schemes, will be allowed as an exception for access to a protected route, provided that it does not compromise their function of facilitating the free and safe movement of traffic or does not significantly add to congestion. Consideration on whether park and ride and/or park and share sites will be identified is a matter for LPP.

ACTION: No action required.

e) Access to and hierarchy of public roads

Raised under TRAN 3 and TRAN4

DfI submit that the SPPS does not provide detail on access arrangements to public roads not classed as protected routes. They note that it is crucial the council policy gives full protection to access arrangements in interest of safety. It is important to consider effect of any new develop on the network.

They suggest the Council should ensure appropriate wording is included in DPS. Access on to public road and to protected routes should be covered separately.

In addition hierarchy of public roads as set out in SPPS is not followed, the result of which is no clear protection afforded to key routes under 'a' and 'b'. Some protection to 'c' but needs more policy coverage. Policy could be considered to have significant impact on road safety & adverse on progression.

Relevant Representations: MUDPS/115/183, MUDPS/115/184, MUDPS/115/185, MUDPS/115/186, MUDPS/115/187, MUDPS/115/188, MUDPS/115/209, MUDPS/115/210, MUDPS/115/211, MUDPS/115/206, MUDPS/115/207 & MUDPS/115/208.

Consideration

In relation to access and hierarchy of roads, policy GP 1 requires adequate and safe access arrangements. Also, part (e) - Access, Road Layout and Parking Provision of GP1 states,

“Proposals should ensure that the existing road network can safely handle any extra traffic the proposal will generate, or suitable developer led improvements are proposed to overcome any roads problems identified.”

In addition Policy TRAN4 refers to Access on to Protected Routes and other Route Ways states that additional access onto other public roads or intensification of existing access will be permitted where it does not prejudice road safety or significantly inconvenience traffic flow. This includes protected routes and other route ways. Account will also be given to the views of Transport NI and any published government guidance.

Public safety is therefore a key consideration. It follows that this will be asserted through the prevailing guidance through consultation with DfI roads. This includes DCAN15 - Vehicular Access Standards which DfI have confirmed will be retained.

ACTION: No action required.

6.1 Transportation Overview

a) Direct transport to accessible locations

DfI note that the overview should acknowledge that settlement patterns play a key role in achieving improved quality transport infrastructure and accessibility. It is vital the Council acknowledge their responsibility to direct development to accessible locations. DfI will identify the routes of future transport infrastructure in consultation with Mid Ulster Council - (paragraphs 23.2 and 23.3 of DPS).

Relevant representations: MUDPS/115/314

Consideration

Paragraph 4.49 of the DPS states that in selecting land use zonings, particularly in our towns, consideration will be given to overall accessibility, with greater priority given to land within walking distance of town centres and other services followed by sites with good links to public transport. Paragraph 7.16 continues to note that in deciding whether to release phase 2 land, account will be taken of the latest Housing Growth Indicators, the allocations contained in our Growth Strategy, current housing land availability and the rate of house building. In determining which land should be released to phase 1, account will be taken of its position in relation to the town centre, overall accessibility to health, community and other facilities and the availability of infrastructure, thus, ensuring a sequential approach to urban development.

ACTION: No action required.

6.2 Transportation Strategy

a) General Comment

Co-operation at strategic planning level ensures the greatest added value is extracted from investment in shared infrastructure. Cross boundary in context of cross border working is important in securing wider regional objective. This is relevant to the A5.

Relevant Representations: MUDPS/115/333

ACTION: No action required.

b) A5WTC

The A5WTC is a flagship infrastructure project, the Department would expect that it be referred to in the infrastructure section and shown on Map 1.1 (p.34) of the DPS.

Relevant Representations: MUDPS/115/172

Consideration

The A5 is referenced in paragraph 23.8 of the DPS and depicted as a key transport corridor on map 1.1.

ACTION: No action required.

6.3 Policy TRAN 1 – New Roads and Road Improvement Schemes

a) Cookstown Bypass

In relation to the Cookstown bypass, DfI recommend removing the sentence that it is anticipated the new road line will come forward by 2020 to 'preferred route was announced in 2010 and detailed design is being progressed'.

Relevant Representations: MUDPS/115/171

Consideration

The text set out in paragraph 23.10 within the Justification and Amplification to TRAN 1 states that it is anticipated that the A29 by-pass will come forward by 2020. Whilst acknowledging the proposal is still undergoing detailed design, such an amendment is not necessary and will not affect the overall transportation strategy or subsequent policy TRAN 1.

This was the view given through our Community Plan. It was anticipated that orders were to be served in 2020. If the DfI commitment has changed this is a matter which can be updated at examination.

ACTION: No action required at present.

6.4 Policy TRAN 2 – Disused Transport Routes

a) Reference LPP and Transport Plan

DfI consider reference should be made to both the LDP policies and the relevant transport plan. The Council does not appear to have taken account of policy and guidance issued by the Department specifically in terms of undertaking a transport survey of the district which is a statutory requirement under the Planning Act 2011. The Council should prepare a robust evidence base to include an up to date survey of the transport system and traffic of the district. Ensure that important sustainable transport principles currently in PPS13 are included with in the DPS.

*Relevant Representations: MUDPS/7/1, MUDPS/7/2, MUDPS/7/3, MUDPS/7/4
MUDPS/115/307*

Consideration

DfI have acknowledged in their own (same) response that they will identify routes for future infrastructure works in consultation with the Council. Paragraph 1.32 – ‘Regional Strategic Transport Network Transport Plan (RSTNTP) and Mid Ulster District Council Local Transport Strategy’ states,

The Department for Infrastructure (DFI) is currently preparing a Regional Strategic Transport Network Transport Plan (RSTNTP) and a Mid Ulster District Council Local Transport Strategy. These documents will reflect the Department for Infrastructures’ intentions for the District and will inform the Local Development Plan.

In a letter of 7th August DfI stated that due to the absence of ministers they had not been able to produce Transport Strategies as originally intended. They note that the Planning Act (2011) and the SPPS set out the need for an evidence based consideration of transport issues in the preparation of a Local development Plan. The SPPS in particular states that a local transport study will assist in the process, although this is not a mandatory requirement.

Their intention, in effort to identify a deliverable way forward is to provide Transport Studies as an evidence base for Council to consider. At present these have not been provided to us, however if and when they become available they will be given due consideration in the Development Plan process.

ACTION: No action required.

6.5 Policy TRAN 3 – Car Parking

a) Car parking

GP1 or TRAN3 on car parking does not provide sufficient policy coverage to ensure appropriate parking and design. Policy does not include car parking and servicing re safety and flow of people and goods; temporary car parking; design and layout. Expand policy wording in line with guidance.

One representation considers the Plan to be sound and states that until public transport inadequacies have been improved sufficiently public car parks should remain within the town centre boundary in accordance with this policy.

*Relevant Representations: MUDPS/115/192, MUDPS/115/193, MUDPS/115/194,
MUDPS/115/308, MUDPS/155/4, MUDPS/155/6*

Consideration

Section (e) of GP 1 is titled Access, Road Layout and Parking Provision which states,

“Car parking should be provided in accordance with published standards as set out in supplementary guidance. An exception may be made where the proposal is

located in a town centre or other highly accessible location well served by public transport or where there is spare capacity within nearby public car parks or adjacent on street car parking.”

It is notable that supplementary guidance documents to be retained include, DCAN 15: Vehicular Access Standards (DOE, 1999), Parking Standards (DOE, 2005) and Creating Places (Achieving quality in residential developments) (DOE, 2000). In addition the policy is worded to accommodate any new standards if they were to be published by the Council, DfC or DfI.

Policy TRAN 3 - Car Parking states,

Development of existing public car parks in town centres will conflict with the Plan unless it can be demonstrated that these can be replaced in a convenient location, in terms of accessibility and of similar scale within the town centre.

DfI consider there is insufficient policy coverage between GP1 and TRAN 3 to cater for car parking and servicing – the safety and the flow of people and goods; temporary car parking; design and layout. It is noted however that the aforementioned published standards exist and unless exception can be demonstrated, proposals will need to satisfy the tests of policy GP1 and adhere to published standards.

On the same note, others consider published standards should be treated as guidance and the policy should incorporate provision for bespoke solutions to provide sufficient degree of flexibility. It is our view that it is unnecessary to include provision for bespoke solutions, as all material considerations are relevant to planning assessment. The Planning Act (Northern Ireland) 2011 states,

(4) Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

ACTION: No action required.

b) Advertisements

Concern that GP1 'D' is only policy on outdoor advertisement in the growing area of outdoor advertisement. Use of words 'no significant impact on amenity or public safety' raise concerns - how is this assessed.

Develop specific policy to ensure proper planning control and append to DPS guidance for LED advertising. Wording suggested-consent given where it respects amenity in context of general characteristics of locality and does not prejudice public safety.

Relevant Representations: MUDPS/115/195, MUDPS/115/196, MUDPS/115/197

Consideration

Part (d) of GP1 sub-titled 'Advertising' states, proposal for advertisements, or likely to include advertisement, will be required to demonstrate, they will have no significant impact on amenity or public safety.

The SPPS asserts that consent should be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality; and to ensure proposals do not prejudice public safety, including road safety.

Considerations in relation to advertising are set out in law. Specific guidance for LED advertising will be brought forward as stand-alone non-statutory guidance.

Action: Our view is the policy is sound with considerations in relation to advertising set out in law. However should the commission wish to amend the text to that outlined below (in red), we have no objection.

(d) Advertisement

Proposals for advertisement, or which are likely to include advertisement, will be required to demonstrate they **respect amenity in the context of the general characteristics of the locality and does not prejudice public safety, including road safety.** ~~have no significant impact on amenity or public safety.~~

In addition we have no objection to the inclusion of the subsequent text on LED advertising being included in appendix 2 of the DPS, as opposed to stand alone guidance if the PAC commission consider it necessary.

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 = 22.4 m/s, 60 mph = 26.8 m/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 the 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 PLG05. Proposed luminance levels and control arrangements are to be agreed by the Department for Infrastructure – Roads.

Advertisements should 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 numbers should not be displayed.

6.6 Policy Tran 4 – Access onto Protected Routes and Other Route Ways

a) DCAN 15

Reference should be made to DfI published guidance - DCAN 15.

Relevant Representations: MUDPS/115/309

Consideration

DfI have confirmed that DCAN 15 will be retained and therefore will be a material consideration in the assessment of planning applications. In addition, Policy TRAN4 refers to Access on to Protected Routes and other Route Ways states that additional access onto other public roads or intensification of existing access will be permitted where it does not prejudice road safety or significantly inconvenience traffic flow. Account will be given to the views of Transport NI and any published government guidance.

It follows that this will be asserted through the prevailing guidance including DCAN 15 through consultation with DfI roads.

ACTION: No action required.

b) TRAN 4 too inflexible

It is submitted that TRAN4 is an inflexible policy in that it makes no commentary on the quality of roadside service facility that exists or is proposed. The policy is taken from the planning Strategy for Rural NI policy IC15 which provides a qualified consideration of roadside service facilities which dates back to 1993. It recognises a need for a range of services including toilet and catering services and picnic sites and adequate parking. In the past 25 years traveller expectations has increased and road users expect high quality roadside services.

As drafted TRAN 4 would prevent modern new roadside services on protected routes where an existing service is provided regardless of what services are provided. It essentially would allow existing roadside services to hold roadside

service developers to ransom irrespective of the quality of the service being offered. Planning policy should allow for exceptions and this is a case where, if travellers will benefit from an improved modern offer, that should be allowed within 12 miles if the quality of existing services are demonstrated to be inadequate to meet modern needs.

Relevant Representations: MUDPS/129/1, MUDPS/115/133

Consideration

Paragraph 23.17 states, in normal circumstances it is considered reasonable to expect a driver to travel at least 12 miles along the main traffic route network before reaching a petrol filling station or roadside service centre (on either side of a single carriageway road). Proposals within 12 miles of existing services will therefore not normally be acceptable.

It continues to state that such facilities will normally be directed to existing settlements unless local circumstances indicate that such a policy would lead to undue hardship or the residents.

ACTION: No action required.

7.0 Counter-representations

There were no counter representations received in relation to Transportation topic and associated policies.

8.0 Recommendation

It is recommended that we progress the approach to Transportation in line with the actions contained within this paper.

9.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
Armagh City, Banbridge, Craigavon Borough Council	MUDPS/56
NIHE	MUDPS/85
Fermanagh and Omagh District Council	MUDPS/89
Department for Infrastructure	MUDPS/115
Public Representations	
Robin Totten - Translink	MUDPS/7
Terence Eastwood	MUDPS/27
RSPB	MUDPS/59
Granville Ecopark	MUDPS/87
Eamonn Loughrey	MUDPS/129
Breige Coyle	MUDPS/142
MHA Architects	MUDPS/155

Addendum to Transportation Topic Paper

New Representations Received during the Re-consultation on the DPS

1.0 Representations Received

1.1 The main issues arising following the re-consultation process are set out below:

a) **MUDPS/214/1** - The draft Strategy does not mention upgrades to the A29 and is therefore contrary to the Community Plan. There is also no mention made of the need to bypass Moneymore, Cookstown and Dungannon.

Consideration

Whilst it is not the council's role to bring forward Infrastructure proposals, any proposals brought forward by the Department for Infrastructure will be detailed within the appropriate future Planning Documents. The Plan Strategy clearly details the council's commitment to future road schemes under the transport section, particularly under Paragraphs 23.3, 23.6, 23.7 and 2.9.

Action: No Action Required

b) **MUDPS/214/39** - What is the rationale for the 12 miles limit on roadside service stops

Consideration

The rationale for the 12-mile limit on roadside service stations came from "A Planning Strategy for Rural Northern Ireland". Policy IC 15 Roadside Service Facilities states that: "were there is a clear indication of need, in normal circumstances it is considered reasonable to expect a driver to travel at least 12 miles along the main traffic route network before reaching a petrol filling station or service centre".

Action: No Action Required

c) **MUDPS/211/2** - the representation which has been made is referring to the contents of the POP and not the DPS, however some comment is relevant - for instance, the rep agrees that land which has been identified for new road schemes should be protected.

Consideration

Support noted

d) **MUDPS/115/373** - We refer to our Strategic comments on the dPS policy framework.

General Comment no response required

e) **MUDPS/115/374** - This summary does not fully encapsulate or reflect the Regional Strategic Objectives for transportation and land-use planning outlined in the SPPS.

Consideration

Whilst the council has not plagiarized the Regional Strategic Objectives set out in the SPPS, they have focused on the key aspects contained within them relating to the district and produced policies which the SPPS states must be taken into account in the preparation of Local Development Plans.

Action – No Action Required

f) **MUDPS/160/8** - Policy TRAN 3 - Car Parking is inconsistent with the thrust of transport policy set out in the RDS (e.g. RG9) and SPPS which seeks to reduce the use of the car. The DPS acknowledges Cookstown and Dungannon suffer from congestion and TRAN 3 would ensure this continues by encouraging cars to the town centre.

Consideration

With Mid Ulster being a predominantly rural District with poor Public Transport Links, as stated in the draft plan strategy there is a high reliance on the private car, for this reason and the importance of maintaining vibrant town center's we feel that there is huge importance in protecting town Centre car parking. TRAN 3 is worded not to increase car parking within town Centre's but to ensure that adequate parking remains to assist in maintaining healthy town Centre's.

Action – No Action Required

1.2 Representations Received

Respondent	Reference Number
Consultation Bodies	
Department for Infrastructure (DfI)	MUDPS/115
Public Representations	
Ulster Unionist Party	MUDPS/214
Patrick Mulholland	MUDPS/211
MBA Planning	MUDPS/160

Settlements - Topic Paper

1.0 Introduction

All representations received during the public consultation period on the draft plan strategy in relation to specific settlements and land and/or sites therein are detailed in section 2.0. Our consideration and proposed course of action are outlined in response to each issue. Section 5.0 provides a table of representations received in relation to a settlement or site-specific location. Section 6.0 is a list of counter representations received and details of which representations they are countering.

This is followed by a number of appendices which are outlined below:

- Appendix A - Maps that were submitted as part of the representation.
- Appendix B – Spreadsheet with summary of relevant representations.
- Appendix C - Spreadsheet with summary of counter representations.

Settlements are often affected by two main issues, namely the need for housing and the need for industry. Currently over the plan period, we aim to provide 11,000 new homes by 2030. At this stage of the development plan process, there are no immediate short-term needs that are required to be met, therefore, any representations relating to the zoning of land for housing or the expansion of settlement limits will be considered in full at the Local Policies Plan stage.

2.0 Response to issues identified

All issues/ representations are presented by settlement.

2.1 Aghaginduff/Cabragh

- ***Land on the Ballygawley Road to be considered for inclusion within the settlement limits of Aghaginduff/ Cabragh.***

Relevant Representation: MUDPS/186/9

Consideration: As this is a site-specific representation, it will be considered in more detail within the Local Policies Plan stage of the Local Development Plan.

Action: No action required.

2.2 Aughnacloy

- ***Two separate representations were received requesting two separate pieces of land be included within the Aughnacloy settlement limit.***

Relevant Representation: MUDPS/184/8, MUDPS/185/8

Consideration: As these are site-specific representations, they will be considered in more detail as part of the Local Policies Plan stage.

Action: No action required.

2.3 Ballinderry

- ***Requesting that land is included within the settlement limit of Ballinderry.***

Relevant Representation: MUDPS/15/1

Consideration: As this is a site-specific representation, it will be considered in more detail as part of the Local Policies Plan stage.

Action: No action required.

2.4 Ballygawley

- ***Requesting land to be zoned within the Ballygawley settlement limit.***

Relevant Representation: MUDPS/74/2

Consideration: As this is a site-specific representation, it will be considered in more detail as part of the Local Policies Plan stage.

Action: No action required.

2.5 Ballynakilly

- ***Requesting lands to be zoned within the Ballynakilly settlement limit.***

Relevant Representations: MUDPS139/12

Consideration: As this is a site-specific representation, it will be considered in more detail as part of the Local Policies Plan stage.

Action: No action required.

2.6 Benburb

- ***Three separate representations were received relating to three separate pieces of land, requesting the lands to be included within the settlement limit of Benburb.***

Relevant Representations: MUDPS/24/1, MUDPS/187/9, MUDPS/188/9

Consideration: As these are site-specific representations, they will be considered in more detail as part of the Local Policies Plan stage.

Action: No action required.

2.7 Clady

- ***Stating lands are available for development, to be zoned for residential development, and included within the settlement limit of Clady.***

Relevant Representation: MUDPS/35/1, MUDPS/138/18

Consideration: As these are site-specific representations, they will be considered in more detail as part of the Local Policies Plan stage.

Action: No action required.

2.8 Coalisland

- ***A representation was received that was an objection to the planning application LA09/2018/1324/F, for a public realm scheme in Coalisland.***

Relevant Representation: MUDPS/8/1

Consideration: As this representation relates to a planning application, it is not considered relevant to the Draft Plan Strategy.

Action: No action required.

- ***Lands to be included within the settlement limit of Coalisland***

Relevant Representations: MUDPS/23/1, MUDPS/30/1, MUDPS/69/1, MUDPS/98/1

Consideration: As these are site-specific representations, these will be considered in more detail as part of the Local Policies Plan stage.

Action: No action required.

- ***Requesting that the area, which is currently zoned as phase II housing, be promoted to phase I housing.***

Relevant Representation: MUDPS/49/1

Consideration: The suggested changes will be considered at the Local Policies Plan stage.

Action: No action required

2.9 Cookstown

- ***The representation supports the retention of Industrial Zoning I4 as identified within the Cookstown Area Plan 2010. Also stated that if further studies show that the land, which is currently zoned, is not suitable, they propose to release other land for industrial zoning.***

Relevant Representation: MUDPS/27/1

Consideration: This representation relates to site-specific zoning and as such, will be dealt with during the Local Policies Plan stage. Any key site requirements will be reviewed at this stage.

Action: No action required.

- ***Requesting lands, currently zoned as Phase II housing to be promoted to Phase I lands.***

Relevant Representation: MUDPS/46/2, MUDPS/38/1, MUDPS/38/2

Consideration: As these are site-specific representations, they will be considered in more detail as part of the Local Policies Plan stage.

Action: No action required.

- ***Requesting land to be zoned for either housing or economic development within the settlement limits of Cookstown.***

Relevant Representation: MUDPS/72/1

Consideration: As this is a site-specific representation, this will be considered further at the Local Policies Plan stage.

Action: No action required.

- ***Requesting that land which is currently zoned as Phase I housing in the extant Cookstown Area Plan, be retained in the Local Development Plan 2030.***

Relevant Representation: MUDPS/130/2

Consideration: As these are site-specific representations, these will be considered in more detail as part of the Local Policies Plan stage.

Action: No action required.

- ***Requesting that the Cookstown Settlement Limit is altered to include the whole site curtilage as identified in the representation.***

Relevant Representation: MUDPS/52/1, MUDPS/52/2

Consideration: As this is a site-specific representation, it will be assessed further as part of the Local Policies Plan stage.

Action: No action required

2.10 Creagh

- ***Requesting lands at the East of the settlement limit to be zoned as an Economic Opportunity Site.***

Relevant Representation: MUDPS/157/18

Consideration: As this is a site-specific representation, this will be considered further at the Local Policies Plan stage.

Action: No action required.

- ***Requesting land to be zoned for housing within the settlement limit of Creagh.***

Relevant Representation: MUDPS/47/2, MUDPS/36/1, MUDPS/36/2

Consideration: As these are site-specific representations, they will be considered further at the Local Policies Plan stage.

Action: No action required.

2.11 Draperstown

- ***Representations have been made relating to two separate areas of land, requesting these be included within the settlement limit of Draperstown.***

Relevant Representations: MUDPS/132/2, MUDPS/147/7

Consideration: These are site-specific representations and as such, they will be considered during the Local Policies Plan stage.

Action: No action required.

2.12 Dungannon

- ***Land which is currently zoned as Phase II lands in the current Dungannon and South Tyrone Area Plan is requested to be upgraded to Phase I lands as part of the new Local Development Plan 2030.***

Relevant Representation: MUDPS/09/1

Consideration: The suggested changes will be considered at the Local Policies Plan stage.

Action: No action required.

- **Requesting land to be zoned for housing within the settlement limit of Dungannon.**

Relevant Representation: MUDPS/171/11

Consideration: The suggested change will be considered at the Local Policies Plan stage.

Action: No action required.

2.13 Gracefield

- ***Requesting that land is included within the development limit of Gracefield in the Local Development Plan 2030.***

Relevant Representation: MUDPS/48/2

Consideration: As this is a site-specific representation, it will be considered in more detail as part of the Local Policies Plan stage.

Action: No action required.

2.14 Gulladuff

- ***Representation has been made requesting lands to be included within the updated settlement limit of Gulladuff.***

Relevant Representation: MUDPS/165/3

Consideration: As this is a site-specific representation, it will be considered in more detail as part of the Local Policies Plan stage.

Action: No action required.

2.15 Killeenan

- ***A representation was made for two separate pieces of land; one to be zoned for economic use and one to be zoned for residential use within the settlement limit of Killeenan.***

Relevant Representations: MUDPS/99/15, MUDPS/99/16

Consideration: These are site-specific representations and as such, they will be considered during the Local Policies Plan stage.

Action: No action required.

2.16 Killyman

- ***The representation is requesting that the settlement limit of Killyman not be extended any further, as there is a sufficient amount of land remaining undeveloped in the Killyman.***

Relevant representation: MUDPS/68/1

Consideration: This representation will be considered during the Local Policies Plan stage.

Action: No action required.

2.17 Maghera

- ***Representation to include lands within Maghera Settlement Limit.***

Relevant Representations: MUDPS/95/8

Consideration: As this is a site-specific representation, it will be considered further during the Local Policies Plan, which is the next stage of the development plan process.

Action: No action required.

- ***The representation states that the landowner has the intention to develop an area currently zoned for Industrial Use and would support the retention of this land.***

Relevant Representations: MUDPS/137/8

Consideration: Any changes made to the zoning of lands and settlement limits will be considered further during the Local Policies Plan stage.

Action: No action required.

2.18 Magherafelt

- ***Representations have been made requesting separate pieces of land to be zoned for residential development within the Magherafelt settlement limit.***

Relevant Representations: MUDPS/11/2, MUDPS/32/1, MUDPS32/2, MUDPS/33/1, MUDPS/33/2, MUDPS/44/2, MUDPS/50/2

Consideration: These are site-specific representations and as such, they will be considered during the Local Policies Plan stage.

Action: No action required.

- ***Requesting land identified in representations to be zoned for economic development.***

Relevant Representations: MUDPS/11/1

Consideration: This representation will be considered during the Local Policies Plan stage.

Action: No action required.

- ***Requesting the land, which is currently zoned for housing in the extant Magherafelt Area Plan, to be retained as such in the Local Development Plan 2030.***

Relevant Representation: MUDPS/43/2

Consideration: This is a site-specific representation and as such, it will be considered during the Local Policies Plan stage.

Action: No action required.

2.19 Moneymore

- ***A Representation has been made identifying a site outside the current settlement limits requesting it to be zoned for housing.***

Relevant Representations: MUDPS/78/4

Consideration: As this is a site specific representation, it will be considered in further detail during the Local Policies Plan stage.

Action: No action required.

2.20 Newmills

- ***Requests that lands identified are included within the Settlement limit of Newmills and zoned as housing/whitelands.***

Relevant Representation: MUDPS/86/1

Consideration: This issue is one for consideration at Local Policies Plan stage.

Action: No action required.

2.21 Tamnamore

- ***Suggestion that the part of Tamnamore located within Mid Ulster Council, is referred to as Tamnamore (Co. Tyrone).***

Relevant Representation: MUDPS/56/1

Consideration: This issue is one for consideration at Local Policies Plan stage.

Action: No action required.

- **Notes that Tamnamore was identified as a potential candidate for a Rural Industrial Policy Area (RIPA) designation in the Preferred Options Paper (POP). They welcome further engagement and discussion surrounding this as to ensure it does not adversely affect upon existing businesses.**

Relevant Representation: MUDPS/56/2

Consideration: Sites at Tullyvannon and Desertcreat have been identified as strategic RIPA's. Further RIPA's will be considered during the next stage of the development plan process and will be brought forward at Local Policies Plan stage.

Action: No action required.

2.22 Tullywiggan

- **Zone land for housing and include within the settlement limit of Tullywiggan.**

Relevant Representation: MUDPS/1/2, MUDPS/51/2

Consideration: As this is a site-specific representation, it will be considered further at the Local Policies Plan stage.

Action: No action required.

2.23 Upperlands

- **Requesting lands to be included within the settlement limit of Upperlands.**

Relevant Representation: MUDPS/169/2

Consideration: As this is a site-specific representation, it will be considered further during the Local Policies Plan, which is the next stage of the development plan process.

Action: No action required.

3.0 Counter Representations

- 3.1. During the period for counter representations to the Draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, a number of representations were

received in response to the representations made relating to settlements in the district. These are outlined below and listed in section 6.0.

- 3.2. DPSCR/7 counter to MUDPS/24. DPSCR/8 counter to MUDPS/32.
DPSCR/9 counter to MUDPS/33. DPSCR/11 counter to MUDPS/35;
DPSCR/17 counter to MUDPS/43. DPSCR/18 counter to MUDPS/44:
DPSCR/20 counter to MUDPS/46. DPSCR/21 counter to MUDPS/47.
DPSCR/22 counter to MUDPS/48. DPSCR/23 counter to MUDPS/49.
DPSCR/24 counter to MUDPS/50. DPSCR/26 counter to MUDPS/130.
DPSCR/27 counter to MUDPS/132. DPSCR/28 counter to MUDPS/169.

The following list of counter representations were received from Historic Environment Division (HED) relating to the representations received during the public consultation period. The counter representation consider the Draft Plan Strategy to be the inappropriate stage to include specific sites and that this should be carried out in the Local Policies Plan stage. They are of the view representations submitted contain a screenshot from historic map viewer, which HED believe is an inappropriate and insufficient assessment of land zoning. They suggest evidence should include more detailed analysis.

HED believe the representations are not based on robust evidence and do not meet the soundness test CE2.

- 3.3. DPSCR/32 counter to MUDPS/11. DPSCR/33 counter to MUDPS/15.
DPSCR/34 counter to MUDPS/23. DPSCR/39 counter to MUDPS/69.
DPSCR/40 counter to MUDPS/72. DPSCR/41 counter to MUDPS/74.
DPSCR/45 counter to MUDPS/98: DPSCR/46 counter to MUDPS/99.
DPSCR/63 counter to MUDPS/138: DPSCR/65 counter to MUDPS/147:
DPSCR/67 counter to MUDPS/157. DPSCR/69 counter to MUDPS/171.
DPSCR/71 counter to MUDPS/184: DPSCR/72 counter to MUDPS/185.
DPSCR/73 counter to MUDPS/186: DPSCR/74 counter to MUDPS/187.
DPSCR/75 counter to MUDPS/188.

The above list of counter representations were received from HED relating to the representations received during the public consultation period. HED state that this is not the correct stage for sites to be considered and that the site identified in the above representations are not based on robust evidence.

- 3.4. DPSCR/76 counter to MUDPS/51.

The above counter representation was received from HED in relation to the representation MUDPS/51. In summary, HED believe that the representation submitted does not refer to the soundness test and have submitted this counter representation contesting the proposed reduction of the ASAI area put forward in the representation.

- 3.5. DPSCR/212 counter to MUDPS/35

The counter representation was received from WYG Planning on behalf of their client who was making the counter representation to the representation MUDPS/35. DPSCR/212 notes reasons as to why the land identified in

representation MUDPS/35 is not suitable to zone for housing and provides a case for their client's lands being zoned in the Clady settlement instead.

4.0 Recommendation

It is recommended that we progress the approach to Settlements in line with the actions contained within this paper.

5.0 Representations Received

A list of representations that have been made relating to settlements in Mid Ulster.

Respondent	Reference Number
Consultation Bodies	
Armagh, Banbridge and Craigavon Borough Council	MUDPS/56
Public Representations	
Helen Moran	MUDPS/01
Coalisland Traders Association	MUDPS/08
Rafferty & Donaghy Solicitors	MUDPS/09
Robin Brown	MUDPS/11
Gibson Design & Build	MUDPS/15
C.McIlvar Ltd	MUDPS/23
Jeremy Skelton	MUDPS/24
Oriel Planning	MUDPS/27
John McGuinness	MUDPS/30
Clyde Shanks	MUDPS/32
Clyde Shanks	MUDPS/33
Clyde Shanks	MUDPS/35
Clyde Shanks	MUDPS/36
Clyde Shanks	MUDPS/38
Clyde Shanks	MUDPS/43
Clyde Shanks	MUDPS/44
Clyde Shanks	MUDPS/46
Clyde Shanks	MUDPS/47
Clyde Shanks	MUDPS/48
Clyde Shanks	MUDPS/49
Clyde Shanks	MUDPS/50
Clyde Shanks	MUDPS/51
Clyde Shanks	MUDPS/52
Killyman Community Forum	MUDPS/68
Michael Herron Architects	MUDPS/69
Andrew Nethercott	MUDPS/72
CD Consulting	MUDPS/74
Turley	MUDPS/78
Clyde Shanks	MUDPS/86
Inaltus Limited	MUDPS/95
Garvis Planning	MUDPS/98

Garvis Planning	MUDPS/99
Clyde Shanks	MUDPS/130
Clyde Shanks	MUDPS/132
WYG Planning	MUDPS/137
WYG Planning	MUDPS/138
WYG Planning	MUDPS/139
Turley	MUDPS/147
Jobling Planning & Environment Ltd	MUDPS/157
MBA Planning	MUDPS/165
Clyde Shanks	MUDPS/169
Lotus Homes	MUDPS/171
T A Gourley Planning Consultancy	MUDPS/184
T A Gourley Planning Consultancy	MUDPS/185
T A Gourley Planning Consultancy	MUDPS/186
T A Gourley Planning Consultancy	MUDPS/187
T A Gourley Planning Consultancy	MUDPS/188

6.0 Counter Representations

A list of counter representations received.

Counter Representation Respondent	Counter Representation Reference Number	Reference Number Counter-Representation relates to
Historic Environment Division	DPSCR/7	MUDPS/24
Historic Environment Division	DPSCR/8	MUDPS/32
Historic Environment Division	DPSCR/9	MUDPS/33
Historic Environment Division	DPSCR/11	MUDPS/35
Historic Environment Division	DPSCR/12	MUDPS/36
Historic Environment Division	DPSCR/14	MUDPS/38
Historic Environment Division	DPSCR/17	MUDPS/43
Historic Environment Division	DPSCR/18	MUDPS/44
Historic Environment Division	DPSCR/20	MUDPS/46
Historic Environment Division	DPSCR/21	MUDPS/47
Historic Environment Division	DPSCR/22	MUDPS/48
Historic Environment Division	DPSCR/23	MUDPS/49
Historic Environment Division	DPSCR/24	MUDPS/50
Historic Environment Division	DPSCR/26	MUDPS/130
Historic Environment Division	DPSCR/27	MUDPS/132
Historic Environment Division	DPSCR/28	MUDPS/169
Historic Environment Division	DPSCR/32	MUDPS/11
Historic Environment Division	DPSCR/33	MUDPS/15
Historic Environment Division	DPSCR/34	MUDPS/23

Historic Environment Division	DPSCR/37	MUDPS/52
Historic Environment Division	DPSCR/39	MUDPS/69
Historic Environment Division	DPSCR/40	MUDPS/72
Historic Environment Division	DPSCR/41	MUDPS/74
Historic Environment Division	DPSCR/43	MUDPS/95
Historic Environment Division	DPSCR/45	MUDPS/98
Historic Environment Division	DPSCR/46	MUDPS/99
Historic Environment Division	DPSCR/63	MUDPS/138
Historic Environment Division	DPSCR/65	MUDPS/147
Historic Environment Division	DPSCR/67	MUDPS/157
Historic Environment Division	DPSCR/69	MUDPS/171
Historic Environment Division	DPSCR/71	MUDPS/184
Historic Environment Division	DPSCR/72	MUDPS/185
Historic Environment Division	DPSCR/73	MUDPS/186
Historic Environment Division	DPSCR/74	MUDPS/187
Historic Environment Division	DPSCR/75	MUDPS/188
Historic Environment Division	DPSCR/76	MUDPS/51
WYG Planning	DPSCR/212	MUDPS/35

Addendum to Settlements Topic Paper

New Representations Received during the Re-consultation on the DPS

1.0 New comments received during consultation

1.1 Dungannon

a) MUDPS/224/1 - *Rep has included a map of lands owned by her client. Although the rep does not specifically state that the lands should be included, the implication is that lands should be included in S/L.*

Consideration

As this is a site-specific representation, it will be considered in more detail within the Local Policies Plan stage of the Local Development Plan.

Action: No action required.

1.2 Maghera

a) MUDPS/137/20 - *Existing planning history on MA11 development ongoing linked to LA09.2019.1027.F and LA09.2020.0010.F proposed masterplan appendix 1.*

Consideration

General Comment

Action: No action required

b) MUDPS/137/19 - *SJG is completely committed to delivering economic development and employment uses on these lands at ma11 must be protected remain within the settlement development of Maghera.*

Consideration

As this is a site-specific representation, it will be considered in more detail within the Local Policies Plan stage of the Local Development Plan.

Action: No action required.

1.3 Tullywiggan

a) MUDPS/1/2 - *Land to be included within Tullywiggan Settlement Limit.*

Consideration

As this is a site-specific representation, it will be considered in more detail within the Local Policies Plan stage of the Local Development Plan.

Action: No action required.

1.4 Swatragh

a) MUDPS/222/1 & MUDPS/222/2 – *Comment of support, rep agree with the designation of Swatragh as a village in the settlement hierarchy.*

Consideration

Support noted.

Action: No action required.

b) MUDPS/222/3 - *Rep calls for the lands in the attached map to be included within the settlement limit. Makes argument for these lands to be included in terms of infrastructural links, lack of constraints, access to services and suitability in terms of impact on local character.*

Consideration

As this is a site-specific representation, it will be considered in more detail within the Local Policies Plan stage of the Local Development Plan.

Action: No action required.

c) MUDPS/233/12 - *Land to be included within Swatragh Settlement Limit.*

Consideration

As this is a site-specific representation, it will be considered in more detail within the Local Policies Plan stage of the Local Development Plan.

Action: No action required.

1.5 Glen

a) MUDPS/223/4 - *Allocated housing units to Glen should be increased to reflect its unique position and lands shown in the representation should be considered for inclusion.*

Consideration

As this is a site-specific representation, it will be considered in more detail within the Local Policies Plan stage of the Local Development Plan.

Action: No action required.

1.6 Ballinderry

a) MUDPS/210/1 - *Land to be included in settlement limit.*

Consideration

As this is a site-specific representation, it will be considered in more detail within the Local Policies Plan stage of the Local Development Plan.

Action: No action required.

1.7 Creagh

a) MUDPS/211/1 - *The representation which has been made is referring to the contents of the pop and not the DPS, however some comment is relevant - for instance, the rep agrees with Creagh's status as a village.*

Consideration

Element of the Rep supports the DPS, support noted.

Action: No action required.

1.8 Gulladuff

a) MUDPS/165/4 - *Letter from P. Birt Estate Agents notes there has been no residential development in Gulladuff since 2004. There is a growing level of demand and recently a large investment in new leisure facilities and it is in close proximity to the new A6 Belfast corridor.*

Consideration

As this is a site-specific representation, it will be considered in more detail within the Local Policies Plan stage of the Local Development Plan.

Action: No action required.

1.9 Donaghmore

a) MUDPS/230/45, 46 & MUDPS/230/47 - *Land to be included within Donaghmore Settlement Limit.*

Consideration

As this is a site-specific representation, it will be considered in more detail within the Local Policies Plan stage of the Local Development Plan.

Action: No action required.

1.10 Bellaghy

a) MUDPS/235/1 - *Land to be included within Bellaghy Settlement Limit.*

Consideration

As this is a site-specific representation, it will be considered in more detail within the Local Policies Plan stage of the Local Development Plan.

Action: No action required.

2.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
	N/A
Public Representations	
Specialist Joinery Group	MUDPS/137
Sheila Curtin	MUDPS/224
Helen Moran	MUDPS/1
McAtamney Family	MUDPS/222
Sheila Curtin	MUDPS/223
Robin Gibson	MUDPS/210
Patrick Mullholland	MUDPS/211
MBA Planning	MUDPS/165
TSA Planning	MUDPS/230
MKA Planning	MUDPS/233
Hugh Graham	MUDPS/235

Draft Habitat Regulations Assessment – Topic Paper

1.0 Main Issues Arising from Consultation

- 1.1 A number of the representation received relate to the draft Habitat Regulation Assessment which is a document supporting the Draft Plan Strategy (DPS) and which was published at the same time as the DPS.

2.0 Regional Context

- 2.1 The Habitats Regulations Assessment (HRA) is required by The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). This Habitats Regulations Assessment of the Local Development Plan 2030- Draft Plan Strategy has been undertaken by the Shared Environmental Service on behalf of Mid Ulster District Council in accordance with the Habitats Directive (Council Directive 92/43/EEC). The Assessment considers the potential impact of the Draft Plan Strategy's policies and proposals on European designated nature conservation sites.

3.0 Evidence Base and Supporting Documentation

- 3.1 Since publication of the draft HRA a number of neighbour councils have published their draft Plan Strategy- Mid and East Antrim, Derry and Strabane. Antrim and Newtownabbey. Shared Environmental Service have considered this and in addition to the published draft HRA have provided the advice below.
- 3.2 Principle 6 of Section C.8.1 of the HRA Handbook (Tyldesley, D., and Chapman, C., (2013) The Habitats Regulations Assessment Handbook, February 2019 edition UK: DTA Publications Ltd) states that, following an appropriate assessment: *'...if on assessment alone it is ascertained that the subject plan or project will in fact have no effect at all on the European site, an adverse effect in combination is ruled out and no further assessment is required. The plan or project may be authorised.'* For all international sites assessed it was found that there are protective measures and overarching policies in the draft Plan Strategy that, with the recommendations, will ensure that development causing an adverse effect on site integrity cannot be approved. There is therefore no risk of a residual effect at this draft Plan Strategy HRA stage, which might act in combination with other plans and projects. No further assessment in combination with other plans and projects is required at this stage.
- 3.3 Information on any further potential sources of in combination effects will be incorporated in the final HRA for the draft Plan Strategy so that it can inform preparation of the Local Policies Plan. Council is aware of a number of HRAs for plans that have been published since the HRA for our draft Plan Strategy was drafted and published, alongside the draft Plan Strategy, for consultation. One was the draft HRA to accompany the NI Water draft Water Resource & Supply Resilience Plan. This found that, for those water resource and resilience

options for which there were likely significant effects, those effects could be mitigated therefore effects that might undermine the conservation objectives can be excluded. Draft HRAs have also been published in support of the draft Plan Strategies for Mid and East Antrim Borough Council, Lisburn and Castlereagh Borough Council and Derry and Strabane District Council. These found that, assuming the recommended mitigation measures are all accepted and the Plan Strategies amended accordingly, it is possible to ascertain that each Plan Strategy will have no adverse effect on the integrity of any international sites.

4.0 Responses to Specific Issues on Habitat Regulations Assessment

- 4.1) Draft HRA states in relation to Housing in the Countryside (Policy CT2) that the number of applications in this context (fishermen houses & developments as per para 18.1) is likely to be low, there is no evidence at this time to support such a conclusion.**

Relevant Representations– MUDPS/59/182 & MUDPS/59/225

Paragraphs 8.60 and 8.61 of the draft Plan Strategy detail the number of families that might be eligible and the eligibility rules on the basis of which it is assumed that the number of applications is likely to be low. Policy NH 1 can be relied upon to afford sufficient protection to international sites and policy CT 2 cannot undermine the conservation objectives of any international sites.

Action: No action required.

- 4.2) Concern re: absence of up-to-date information eg. on hen harrier population/ distribution, lack of in-combination assessments of other projects & other permitted on-going activities such as discharge consents/ abstraction licences**

Relevant Representations – MUDPS/59/212, MUDPS/59/226 & MUDPS/59/227

The data on page 92 is based on the hen harrier population at designation as cited in DAERA 2015 Slieve Beagh – Mullaghfad – Lisnaskea Special Protection Area (SPA) Conservation Objectives. More up to date data, sourced from DAERA Slieve Beagh – Mullaghfad - Lisnaskea SPA: Monitoring Report 2013, is provided on page 93. Recommendation 12 addresses updated information 'Hen Harrier Range: Obtain updated information on hen harrier ranges from DAERA to inform locations of development that could impact on hen harrier.' A response on in-combination assessment is provided for MUDPS/59/174 (Section 4.17).

Action: No action required further to recommendations 2 & 12.

- 4.3) Has concerns that AOCWTHS & SCA zonings exclude certain areas that are important hen harrier areas. This is based on 2016 Hen harrier Census. Need to update info on hen harrier ranges to inform locations of dev. that could impact on hen harrier.**

Relevant Representations– MUDPS/59/190

Recommendation 12 addresses updated information 'Hen Harrier Range: Obtain updated information on hen harrier ranges from DAERA to inform locations of development that could impact on hen harrier.'

Action: No action required further to recommendation 12.

- 4.4) It is evident from the text on hen harrier success in the Slieve beagh- mullaghfad-Lisnaskea SPA that the data is out of date (page 92). This undermines the soundness of the HRA in this regard.**

Relevant Representations– MUDPS/59/191

The data on page 92 is based on the hen harrier population at designation as cited in DAERA 2015 Slieve Beagh – Mullaghfad – Lisnaskea Special Protection Area (SPA) Conservation Objectives. More up to date data, sourced from DAERA Slieve Beagh – Mullaghfad - Lisnaskea SPA: Monitoring Report 2013, is provided on page 93. Recommendation 12 addresses updated information 'Hen Harrier Range: Obtain updated information on hen harrier ranges from DAERA to inform locations of development that could impact on hen harrier.'

Action: No action required further to recommendation 12.

- 4.5) Tests of Likely Significance & AA- draft HRA has been too narrow in its approach to the identification of other relevant plans & projects. In-combination effects cannot be continuously deferred to the next level of assessment.**

Relevant Representations– MUDPS/59/196

A response on in-combination assessment is provided for MUDPS/59/174 (Section 4.17)

- 4.6) Concern re: timing of review of in-combination effects from other projects including those of adjacent councils. States such reviews should be should be undertaken before conclusions of 'no significance effects' can be drawn- this is premature**

Relevant Representations– MUDPS/59/201

A response on in-combination assessment is provided for MUDPS/59/174 (Section 4.17)

- 4.7) Concern that HRA states that in-combination effects from other projects /plans, will be reviewed before HRA is finalised. In absence of a complete review, the conclusion of no significant effect with mitigation is considered premature.**

Relevant Representations– MUDPS/59/202

A response on in-combination assessment is provided for MUDPS/59/174 (Section 4.17)

- 4.8) The effects of existing wind farms within & around the Slieve Beagh SPA on hen harriers should be considered in-combination .**

Relevant Representations– MUDPS/59/198

A response on in-combination assessment is provided for MUDPS/59/174 (Section 4.17)

- 4.9) In respect of Owenkillew River SAC- it does not appear that cognisance has been made to pending planning application for Dalradian Gold mine, or pending application for sand abstraction within Lough Neagh/beg SPA & Ramsar.**

Relevant Representations– MUDPS/59/197

A response on in-combination assessment is provided for MUDPS/59/174 (Section 4.17).

- 4.10) HRA states 'the need to consider & assess further in-combination effects from other projects or plans incl. those of adjacent councils, will be reviewed before the HRA is finalised'. While such a review is welcome in principle, the timing of review is flawed**

Relevant Representations– MUDPS/59/200

A response on in-combination assessment is provided for MUDPS/59/174 (Section 4.17).

- 4.11) This section overlooks dPS -SPF 6. Concern re: Policy Area for Holders of Commercial Fishing Licence & developments permissible within Lough Neagh/Beg SCA (para 18.15 of dPS).**

Potential in-combination effects & increased dev. pressure on SPA & Ramsar

Relevant Representations– MUDPS/59/181

This section is an overview of Appendix 4 in which consideration of SPF 6 is detailed and it is indicated that it is screened in. It notes 'No measures specific to policy. GP1(g) and NH1 apply.' The exception re Policy Area for Holders of Commercial Fishing Licence is acknowledged on page 12 which notes that the number of applications is likely to be low. Policy NH 1 can be relied upon to afford sufficient protection to international sites and SPF 6 cannot undermine the conservation objectives of any international sites.

Action: No action required. In-combination assessment is commented on for MUDPS/59/174. (Section 4.17)

4.12) Concern re: acknowledged need to review other plans prior to finalisation of the HRA - RSPB is of the opinion that a conclusion of no likely significant effect at this time is premature

Relevant Representations– MUDPS/59/213

A response on in-combination assessment is provided for MUDPS/59/174 (Section 4.17).

4.13) It's unclear as to whether any transboundary in-combination effects have been addressed within the HRA thus far. Concerned that the issue of trans-boundary projects appear to have been ignored.

Relevant Representations– MUDPS/59/228

A response on in-combination assessment is provided for MUDPS/59/174 (Section 4.17).

4.14) Environmental Policies- page 13- Further consideration should be given to permitted ongoing activities such as discharge consents or abstraction licences.

Relevant Representations– MUDPS/59/186

A response on in-combination assessment is provided for MUDPS/59/174 (Section 4.17).

4.15) Environmental Policies- Page 13- Within this stage it would also be necessary to consider projects that have been applied for but

not yet granted, consented but not implemented, & consented but undergoing statutory review

Relevant Representations– MUDPS/59/185

A response on in-combination assessment is provided for MUDPS/59/174 (Section 4.17).

- 4.16) Within this stage little/no cognisance has been given to in-combination effects with other plans & projects including permitted ongoing activities. As per the Habitats Directive, consideration of possible in-combination effects is part of the AA process.**

Relevant Representations– MUDPS/59/184

A response on in-combination assessment is provided for MUDPS/59/174 (Section 4.17).

- 4.17) Draft HRA has been too narrow in its approach to the identification of other relevant plans & has ignored projects. States that NIEA should be able to provide guidance on the plans or projects that need to be considered as part of the in-combination test.**

Relevant Representation – MUDPS/59/174

Potential for cumulative impacts is identified in each stage 1 assessment and is further discussed in Chapter 7, page 111, which refers to sites particularly vulnerable to cumulative impacts from projects including livestock installations and recreation. Recommendations 2, 7, 13 and 14 specifically relate to potential cumulative effects.

Principle 6 of Section C.8.1 of the HRA Handbook (Tyldesley, D., and Chapman, C., (2013) The Habitats Regulations Assessment Handbook, February 2019 edition UK: DTA Publications Ltd) states that, following an appropriate assessment: ‘...if on assessment alone it is ascertained that the subject plan or project will in fact have no effect at all on the European site, an adverse effect in combination is ruled out and no further assessment is required. The plan or project may be authorised.’

For all sites it was found that there are protective measures and overarching policies in the draft Plan Strategy that, with the recommendations, will ensure that development causing an adverse effect on site integrity cannot be approved.

It will be important that HRAs for individual developments also consider in combination effects before planning permission is granted. It is not possible at this stage to predict or anticipate what other plans and projects may be relevant to any such future project HRAs in respect of development provided for within this plan as this will be dependent on the timing of future planning applications.

Policy NH 1 is explicit that a development proposal will be subject to appropriate assessment where it is 'likely to have a significant effect (either alone or in combination)'. Policy NH 1 therefore ensures that any development approved under the plan will have to demonstrate compliance with the 'in combination' provisions of the Habitats Regulations. There is therefore no risk of a residual effect at this draft Plan Strategy HRA stage, which might act in combination with other plans and projects, which would not be addressed at later assessment stages.

It is therefore concluded that, on the basis of the underlying reasoning supporting Principle 6 of Section C.8.1 of the HRA Handbook, reliance on Policy NH 1 provides the basis upon which effects which might act in combination with other plans and projects can be ruled out.

No further assessment in combination with other plans and projects is required at this stage. However, information on any further potential sources of in combination effects will be incorporated in the final HRA for the draft Plan Strategy so that it can inform preparation of the Local Policies Plan. This is addressed in Recommendation 2. Cumulative Effects: Identify and consider further plans that, in combination, may lead to a cumulative adverse effect on site integrity in the final HRA for the Plan Strategy. The potential for in combination effects will be reviewed at LPP, and the inclusion of appropriate measures to address any risks considered.

Action: No action required further to Recommendation 2.

4.18) Draft HRA -too narrow in its approach to the identification of other relevant plans /projects. It is necessary to consider projects that have been applied for but not yet granted, consented but not implemented & consented but undergoing statutory review

Relevant Representations– MUDPS/59/175

A response on in-combination assessment is provided for MUDPS/59/174 (Section 4.17).

4.19) Indicators for monitoring objective to 'protect the natural environment' are insufficient as TOZs & potential impacts of

intensive farming-in context of ammonia production & its impact on biodiversity either individually/collectively undermine this obj.

Relevant Representations– MUDPS/59/192

Recommendation 14 of the HRA addresses monitoring of TOZs. The potential impacts of intensive farming-in context of ammonia production are assessed on a case by case basis and informed by data available from the Air Pollution Information System.

Action: No action required.

- 4.20) Development pressure should be monitored through the number & type of: permissions granted in the TOZs, exceptions granted for wind Turbines & high structures within AOCWTHS over 15m, & within Policy Area of Holders of Commercial Fishing Licence.**

Relevant Representations– MUDPS/59/194

The draft Plan Strategy includes a monitoring measure 'The number of permissions for high structures and wind turbines in our Area of Constraint on Wind Turbines and High Structures.' The plan polices as written cannot undermine the conservation objectives of any international sites. Therefore monitoring is not necessary to meet the requirements of the Habitats Regulations.

Action: No action required.

- 4.21) In addition to the measure 'the no. & type of permissions granted within SCAs' there should be a measure which provides for the no. & types of permissions within all natural heritage sites.**

Relevant Representations– MUDPS/59/193

The plan polices as written cannot undermine the conservation objectives of any international sites. Therefore monitoring is not necessary to meet the requirements of the Habitats Regulations. However, monitoring will help inform in-combination assessment and this is addressed in recommendations 13 and 14 for those international sites relating to rivers or TOZs.

Action: No action required further to recommendations 13 and 14.

- 4.22) The condition of internationally and nationally designated sites available from NIEA should also be included within Monitoring & Review section**

Relevant Representations– MUDPS/59/195

The HRA states 'Condition of International sites is monitored by DAERA, typically on a six year cycle, therefore updates on the condition assessment of site selection features should be taken into account at each 5 year plan review.' Each 5 year plan review will be subject to HRA which will take account the most recent condition assessment.

Action: No action required.

4.23) Monitoring requirements should be extended to include the Policy Area of Holders of Commercial Fishing Licence to similarly monitor development pressure around the Loughshore

Relevant Representations– MUDPS/59/224

This is addressed in the draft Plan Strategy 24.7 'There are a number of key tests that will be considered in monitoring the Plan which will inform the Council as to whether changes are required when we review our Plan: the extent of single house development pressure in the countryside or in particularly sensitive locations;'. This is reflected in the Accommodating People and Creating Places monitoring measure 9: 'The number of housing permissions in the countryside by policy justification and the number of registered farms and total number of commercial fishing licences.'

Action: No action required.

4.24) While RSPB welcomes the recommendation in dHRA to 'monitor development pressure in the Loughshore & Davagh Forest TOZs at each plan review'-there is no mention of such a monitoring proposal within the dPS (Section 24 Monitoring of our Plan)

Relevant Representations– MUDPS/59/222 & MUDPS/59/223

The plan polices as written cannot undermine the conservation objectives of any international sites. Therefore monitoring is not necessary to meet the requirements of the Habitats Regulations. However, monitoring will help inform in-combination assessment and this is addressed in recommendations 13 and 14 for those international sites relating to rivers or TOZs.

Action: No action required further to recommendations 13 and 14.

4.25) Where specific zoning covers or adjoins European sites, these must be clearly addressed to avoid adverse effect and to cross-reference Policy NH1 is inadequate to make individual policies

sound. Must not be any presumption of development in European sites

Relevant Representations– MUDPS/168/1

There are 14 recommendations in the draft HRA. Two inform the final HRA for the adopted plan, 10 are recommendations for implementation at development management and two apply to monitoring. It is recommended that council commit to implementing the recommendations of the HRA. For clarification of Recommendation 1 of the draft HRA, this may include Management Plans for international sites and updated Conservation Objectives or condition assessments.

Action: The recommendations of the HRA will be implemented.

- 4.26) The HRA assumes that a no. of SPPS policies which specifically apply to International Designations, will apply to the dPS & that they are material to all decisions on individual planning applications. HRA will need to monitor local tailoring closely**

Relevant Representations– MUDPS/59/177

Although there is reference to the SPPS it is also stated that Policy NH 1 in the draft Plan Strategy reflects the SPPS. Any future iteration or local tailoring of the dPS will be subject to HRA which will ensure that it cannot undermine the conservation objectives of any international site.

Action: No action required.

- 4.27) Welcomes cognisance of the CJEC Case C323/17 (People over Wind & Sweetman) & the cautious approach taken to screening the plan for potential impacts.**

Relevant Representations– MUDPS/59/178

No response necessary.

Action: No action required.

- 4.28) States that in order to secure the long-term presence & stability of the Natura 2000 sites & network climate change should be a key consideration in the application of the Appropriate Assessment (AA).**

Relevant Representations– MUDPS/59/179

The conservation objectives for SPAs do not refer to climate change and those for SACs have an action 'When developing SAC management plans, the likely future impacts of climate change should be considered and appropriate changes made.' Specific climate change measures have not therefore been proposed in the draft HRA as it is considered these should be informed by management plans developed by DAERA. If future site specific evidence and management plans identify climate change adaptation measures these will be taken into account when this HRA is finalised to assess whether any draft Plan Strategy policies inhibit the potential of selection features to adapt to climate change. This will also be considered at future LDP stages.

Action: No action required.

4.29) Concern that HRA places a heavy reliance on avoiding adverse effects at the LPP project-level via project-specific HRAs & an assumption that adverse effects can be avoided by mitigation considered & implemented at the LPP/ Project-level.

Relevant Representations– MUDPS/59/172

The HRA will be reviewed and updated before adoption of the Plan Strategy. The protective measures within the draft Plan Strategy and recommendations of the draft HRA will ensure that the draft Plan Strategy cannot undermine the conservation objectives of any international site.

Action: The recommendations of the HRA will be implemented.

4.30) Of 14 recommendations set out only 2 relate to PS stage,2 relate to Plan Review stage & 10 relate to Development Management. Acknowledges HRA is at a strategic-level, concern however on heavy reliance on avoiding adverse impacts at LLP & Project-level

Relevant Representations– MUDPS/59/203

The HRA will be reviewed and updated before adoption of the Plan Strategy. The protective measures within the draft Plan Strategy and recommendations of the draft HRA will ensure that the draft Plan Strategy cannot undermine the conservation objectives of any international site.

Action: The recommendations of the HRA will be implemented.

4.31) Assumption that adverse effects can be avoided by mitigation implemented at LPP/Project-level-Passes risk to developer

whether mitigation measures will be able to avoid adverse effect on integrity at project-level, under-mines the value of strategic HRA

Relevant Representations– MUDPS/59/204

The HRA will be reviewed and updated before adoption of the Plan Strategy. The protective measures within the draft Plan Strategy and recommendations of the draft HRA will ensure that the draft Plan Strategy cannot undermine the conservation objectives of any international site.

Action: The recommendations of the HRA will be implemented.

4.32) Its important that Mitigation measures (necessary to avoid adverse effect on European sites) are available on time, on site & are effective

Relevant Representations– MUDPS/59/206

The mitigation is considered appropriate to this strategic level of plan making. More specific mitigation can be applied and assessed for effectiveness at LPP, when more specific consideration can be given to sites, and at Development Management, when details of projects are available.

Action: No action required.

4.33) It is important that Mitigation measures (necessary to avoid adverse effect on European sites) are available on time, on site & are effective

Relevant Representations– MUDPS/59/205

The HRA will be reviewed and updated before adoption of the Plan Strategy. The protective measures within the draft Plan Strategy and recommendations of the draft HRA will ensure that the draft Plan Strategy cannot undermine the conservation objectives of any international site. O49

4.34) Need to establish the key sensitivities of the various protected sites to ensure that their needs are reflected in the design of the Plan, & to employ effective avoidance techniques as opposed to mitigation measures(as per tier 1 of mitigation hierarchy)

Relevant Representations– MUDPS/59/207

Chapter 6 assesses, for all sites within or with linkages to the council area, the main threats, pressures and activities with impacts on the site, sensitive of selection features to the plan and impacts that may arise as a result of the plan therefore it does establish the key sensitivities of the sites. This has informed the draft Plan Strategy and will inform preparation of the Local Policies Plan. At Local Policies Plan further measures can be included where appropriate.

Action: No action required.

- 4.35) Concern re deferral of mitigating adverse effects to project level. The recommendations set out at 6 (International sites), 7 (TOZs), 8 (Waterfoul), 12 (Hen Harrier) & 14 (TOZs- Dev Pressure) should be included as additional recommendations**

Relevant Representations– MUDPS/59/208

Recommendations 7, 8, 12 and 14 are already referred to in relation to direct disturbance and it is stated on page 108 that recommendations 1 to 6 apply to all of the potential impacts.

Action: No action required.

- 4.36) Reference is made to SLNCIs -The precise location of international sites in relation to SLNCIs is not yet known & as such no cognisance at this stage can be given to its actual ability as a protective measure in respect of international sites.**

Relevant Representations– MUDPS/59/189

The reference to the potential for SLCNIs to have a protective effect indicates that this should be one consideration at LPP in designating SLNCIs. It is not relied on as a protective measure.

Action: No action required.

- 4.37) Concern that project-level mitigation measures (project- specific HRAs) leads to an inevitable requirement for such measures to be an absolute condition of any planning permission granted under the new MUDC LDP. Undermines value of strategic HRA.**

Relevant Representations– MUDPS/59/173

The level of detail of mitigation is considered appropriate to this strategic level of plan making. More specific mitigation can be applied at LPP, when more specific consideration can be given to sites, and at Development Management, when details of projects are available.

Action: No action required.

- 4.38) Draft HRA informing the LDP is important- ideal time to establish what the key sensitivities of the various protected species are & to employ effective avoidance techniques as opposed to mitigation measures(as per tier 1 of the mitigation hierarchy)**

Relevant Representations– MUDPS/59/188

Chapter 5 summarises protective measures in the draft Plan Strategy which include avoidance measures. At Local Policies Plan further measures can be included where appropriate.

Action: No action required.

- 4.39) Draft HRA informing the LDP is important-now is ideal time to establish what the key sensitivities of the various protected sites are(both within & those with linkages outwith the Council area)to ensure their needs are reflected in design of plan**

Relevant Representations– MUDPS/59/187

Chapter 6 assesses, for all sites within or with linkages to the council area, the main threats, pressures and activities with impacts on the site, sensitive of selection features to the plan and impacts that may arise as a result of the plan therefore it does establish the key sensitivities of the sites. This has informed the draft Plan Strategy and will inform preparation of the Local Policies Plan. At Local Policies Plan further measures can be included where appropriate.

Action: No action required.

- 4.40) Where specific zoning covers or adjoins European sites, these must be clearly addressed to avoid adverse effect and to cross-reference Policy NH1 is inadequate to make individual policies sound. Must not be any presumption of development in European sites**

Relevant Representations– MUDPS/168/1

DAERA, in its role as Statutory Nature Conservation Body, advises that incorporation of the recommendations into the draft Plan Strategy will make it compliant with the Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended).

Action: The recommendations of the HRA will be implemented.

- 4.41) Should include Recommendation 8 (Water-fowl supporting habitat/flight paths) & 12 (Hen Harrier ranges) as changes to the**

hydrological regime can affect food availability /roost sites for Waterfowl.

Relevant Representations– MUDPS/59/210

While these recommendations could be added to the impact hydrological change, they apply to the draft Plan Strategy as a whole therefore the suggested amendment would not change the findings of the HRA or implementation of the draft Plan Strategy.

Action: No action required.

- 4.42) Should include Recommendation 8 (Water-fowl supporting habitat/flight paths) & 12 (Hen Harrier ranges). Changes to upland hydrological regime on peatland & heather can reduce availability of suitable nesting habitat for hen harrier**

Relevant Representations– MUDPS/59/211

While these recommendations could be added to the impact hydrological change, they apply to the draft Plan Strategy as a whole therefore the suggested amendment would not change the findings of the HRA or implementation of the draft Plan Strategy.

Action: No action required.

- 4.43) Recommendation 6:(International Sites- Recreation) should be included. (Indirect disturbance- page 110)**

Relevant Representations– MUDPS/59/209

It is stated on page 108 that recommendations 1 to 6 apply to all of the potential impacts. Action: No action required.

- 4.44) Given RSPB concern with current wording of Policies NH2- NH 6- it is recommended that these policies should be screened in as exceptional circumstances are permitted & as such require further assessment.**

Relevant Representations– MUDPS/59/218 & MUDPS/59/219

It is appropriate to screen these policies out as policy NH 1 can be relied upon to afford sufficient protection to international sites and the omissions or modifications are not such that the policies could undermine the conservation objectives of any international sites.

Action: No action required.

- 4.45) 'To facilitate the development of new community facilities...' has been screened out. However locations of possible development sites are not known & could increase the use of sensitive areas & thus increase disturbance potential.**

Relevant Representations– MUDPS/59/214

It is considered appropriate to screen this policy out. Given the low levels of risk, policy NH 1 can be relied upon to afford sufficient protection to international sites and the policy cannot undermine the conservation objectives of any international sites.

Action: No action required.

- 4.46) SPF 10: This policy has been screened out, while it does aim to protect the environment, exceptional circumstances are however permitted & as such it would remain screened in for further assessment.**

Relevant Representations– MUDPS/59/215

It is considered appropriate to screen this policy out as the screening states that it will be assessed under the relevant subject policies.

Action: No action required.

- 4.47) OS 1- This policy has been screened out on account that it 'does not change the location of or quantity of open space' however exceptional circumstances are permitted, & as such it should remain screened in for further assessment**

Relevant Representations– MUDPS/59/216

It is considered appropriate to screen this policy out. Given the low levels of risk, policy NH 1 can be relied upon to afford sufficient protection to international sites and the policy cannot undermine the conservation objectives of any international sites.

Action: No action required.

- 4.48) TRAN 1- While this policy 'constrains development that could prejudice a transport scheme' there is no assessment of the promotion/facilitation of the road schemes themselves which could have a likely significant effect- this requires further assessment**

Relevant Representations– MUDPS/59/220

The Plan Strategy will allow for, but is not dependent on, and will not deliver these transport schemes. Any transport scheme will be subject to assessment by the Responsible/Competent Authority in accordance with relevant regulations.

Action: No action required.

4.49) Policies HE 1- HE 8 do not preclude all forms of development and/or allow exceptions circumstances, as such it should remain screened in for further assessment.

Relevant Representations– MUDPS/59/217

It is considered appropriate to screen these policies out. Given the low levels of risk, policy NH 1 can be relied upon to afford sufficient protection to international sites and the policy cannot undermine the conservation objectives of any international sites.

Action: No action required.

4.50) Given the omissions from or modifications to policies NH2 to NH 6 in comparison to the provisions of the SPPS & PPS 2, it is recommended that these policies be screened in.

Relevant Representations– MUDPS/59/183

It is appropriate to screen these policies out as policy NH 1 can be relied upon to afford sufficient protection to international sites and the omissions or modifications are not such that the policies could undermine the conservation objectives of any international sites.

Action: No action required.

4.51) Welcomes production of map 18 (Appendix 7 of HRA) but requests that the map (with their suggested modifications- see rep) is included within main body of Plan Strategy to provide additional clarity & be consistent with RDS & SPPS

Relevant Representations– MUDPS/59/112

The consultation zone represents areas beyond designated sites and along important flight paths where NIEA should be consulted on single turbines, in addition to being consulted on applications within any international site. It allows for consideration of impacts on protected species including include hen harrier. At development management planners also refer to other layers of data, including that provided by NIEA for whooper swan. The GIS layer provided by NIEA extends

along the Lower Bann in the area suggested by RSPB as a proposed extension to the AOCWTHS.

Action: No action required.

- 4.52) Seeks clarification on the 'Single Turbine Consultation Zone' as this is the only reference to this zoning within both HRA & dPS. RSPB welcomes this zoning but states it does not cover all of the whooper swan areas as depicted on their map (see page 61)**

Relevant Representations– MUDPS/59/221

The consultation zone represents areas beyond designated sites and along important flight paths where NIEA should be consulted on single turbines, in addition to being consulted on applications within any international site. It allows for consideration of impacts on protected species including include hen harrier. At development management planners also refer to other layers of data, including that provided by NIEA for whooper swan. The GIS layer provided by NIEA extends along the Lower Bann in the area suggested by RSPB as a proposed extension to the AOCWTHS.

Action: No action required.

- 4.53) The H.R.A is fatally flawed because it has not taken account of cumulative effects of development on a cross border or cross boundary basis. This is a breach of the ESPOO Convention and the Gothenburg Protocol.**

Relevant Representations– MUDPS/162/97

A response on in-combination assessment, which includes trans-boundary considerations, is provided for MUDPS/59/174. (Section 4.17)

- 4.54) States it's unclear whether any transboundary in-combination effects have been addressed within HRA- the issue of trans-boundary projects appears to have been ignored.**

Relevant Representations– MUDPS/59/176

A response on in-combination assessment, which includes trans-boundary considerations, is provided for MUDPS/59/174. (Section 4.17)

- 4.55) MUDC shares a land border with Republic of Ireland & a cross-border Natura 2000 site (Slieve Beagh SPA). Such a situation will need to be recognised & addressed regarding Brexit.**

Relevant Representations– MUDPS/59/180

The position relating to national and international legislation and designated sites will be reviewed before the HRA is finalised.

Action: No action required at this time. The matter will be reviewed and if necessary reflected in the final HRA.

Policy CT4 – Dispersed Rural Communities

- 4.56) Broughderg and Davagh Upper DRC overlie the Owenkillew SAC. Policy CT4 is promotive of development within DRCs however in European sites there should be no presumption for development. Policy therefore inconsistent with EU Directives / SPPS.**

Relevant Representations– MUDPS/167/7

The potential implications of the DRC are discussed in the appropriate assessment for Owenkillew SAC on pages 75-76 of the draft HRA. Recommendation 9 applies: 'Wastewater Treatment: Land release should be phased to ensure alignment of housing delivery with planned infrastructure investment and development lead-times. New development cannot proceed until there is evidence of adequate wastewater treatment infrastructure or alternative treatment facilities.' Policy OS 2 - Protection of River Corridors will also apply.

Action: No action required. However, if the PAC commissioner is so minded clarification can be added to the J&A that Broughderg and Davagh Upper DRC includes part of Owenkillew SAC and all development under this policy will be subject to NH 1 OS 2 and GP 1(g).

- 4.57) DRC zones directly abuts SAC. Page 128 of HRA Report states that DRC do not require a HRA. However Cookstown Area Plan did not undergo HRA. Given proximity to European Site the plan must flag up requirement for HRA.**

Relevant Representations– MUDPS/168/11

The potential implications of the DRC are discussed in the appropriate assessment for Owenkillew SAC on pages 75-76 of the draft HRA. Recommendation 9 applies: 'Wastewater Treatment: Land release should be phased to ensure alignment of housing delivery with planned infrastructure investment and development lead-times. New development cannot proceed until there is evidence of adequate

wastewater treatment infrastructure or alternative treatment facilities.'
Policy OS 2 - Protection of River Corridors will also apply.

Action: No action required. However, if the PAC commissioner is so minded clarification can be added to the J&A that Broughderg and Davagh Upper DRC includes part of Owenkillew SAC and all development under this policy will be subject to NH 1 OS 2 and GP 1(g).

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

4.58) ACMDs cover part of SPA, SAC and Ramsar within district. Whilst restrictive for minerals, policy does allow for minor expansion. Policy states precautionary approach and onus on developer however onus is on Local Authority to carry out HRA.

Relevant Representations– MUDPS/168/2

This policy was screened in however, under protective measures the following was recorded 'The policy includes a statement that it is subject to environmental considerations and that a precautionary approach will be adopted. This includes a requirement for the developer to demonstrate that the development will not cause harm in relation to seven criteria. The first criterion refers directly to SACs and SPAs and the second to protected species. Turning to the J&A the designated ACMDs serve to protect some International sites e.g. Slieve Beagh SPA, SAC and Ramsar site and Owenkillew River SAC. It is pointed out that regional and national protected areas are effectively also areas of constraint. The Special Countryside Area around the Shores of Lough Neagh also introduces a tight constraint on minerals. It is highlighted that all proposals will be assessed in accordance with Policy GP1 General Principles Planning Policy and other plan policies.' MIN 2 as written cannot undermine the conservation objectives of any international sites.

Action: No action required. However, if the PAC commissioner is so minded clarification can be added to the J&A that all development under this policy will be subject to NH 1.

Policy OS2 – Protection of River Corridors

4.59) OS 2 states that proposals on sites adjacent to a main river will conflict with the plan unless certain criteria are met. OS 2 policy applies to Owenkillew and Ballinderry Rivers but any proposal likely to have a significant effect requires HRA by council

Relevant Representations– MUDPS/168/10

Given the low levels of risk, policy NH 1 can be relied upon to afford sufficient protection to international sites and the policy cannot undermine the conservation objectives of any international sites.

Action: No action required. However, if the PAC commissioner is so minded to recommend that the requirement is clarified then we have no objection to wording being added to the J&A to state 'some Main Rivers include European designated sites. Any exceptions for development under this policy will be subject to NH 1.'

Policy RNW1 – Renewable Energy

4.60) AOCWTHS identified on Teal Lough SAC. Any development with associated infrastructure would impact negatively on the integrity of the site and would be unacceptable to DAERA.

Relevant Representations– MUDPS/168/7

Policy states that, 'where any project would result in unavoidable damage during its installation, operation, or decommissioning, then the application must demonstrate how this shall be minimised and mitigated ...' RNW 1 in conjunction with NH 1 cannot undermine the conservation objectives of any international sites.

Action: No action required. However, if the PAC commissioner is so minded to recommend that the requirement is clarified then we have no objection to wording being added to the J&A for TOHS and RNW 1 to state 'some AOCWTHSs include or are linked to European designated sites. Any exceptions for development in AOCWTHSs will be subject to NH 1.'

4.61) AOCWTHS is identified over part of Owenkillev SAC. Any development associated infrastructure within or close to, could impact negatively on the integrity of the site and would not be acceptable to DAERA.

Relevant Representations– MUDPS/168/8

Policy states that, 'where any project would result in unavoidable damage during its installation, operation, or decommissioning, then the application must demonstrate how this shall be minimised and mitigated ...' RNW 1 in conjunction with NH 1 cannot undermine the conservation objectives of any international sites.

Action: No action required. However, if the PAC commissioner is so minded to recommend that the requirement is clarified then we have no objection to wording being added to the J&A for TOHS and RNW 1 to

state 'some AOCWTHSs include or are linked to European designated sites. Any exceptions for development in AOCWTHSs will be subject to NH 1.'

- 4.62) AOCWTHS overlies part of SPA/Ramsar. This sets a precedent and creates a presumption in favour of development (up to 15m hub height). MUDC has not ascertained that Policy RNW 1 will not adversely affect integrity of the site.**

Relevant Representations– MUDPS/168/5

Policy states that, 'where any project would result in unavoidable damage during its installation, operation, or decommissioning, then the application must demonstrate how this shall be minimised and mitigated ...' RNW 1 in conjunction with NH 1 cannot undermine the conservation objectives of any international sites.

Action: No action required. However, if the PAC commissioner is so minded to recommend that the requirement is clarified then we have no objection to wording being added to the J&A for TOHS and RNW 1 to state 'some AOCWTHSs include or are linked to European designated sites. Any exceptions for development in AOCWTHSs will be subject to NH 1.'

- 4.63) Renewable energy developments are identified in conservation objectives as a potential threat. Parts of European site have been zoned and could result in loss of 'habitat extent'. HRA has not assessed the impact of future developments arising from RNW1**

Relevant Representations– MUDPS/168/6

Policy states that, 'where any project would result in unavoidable damage during its installation, operation, or decommissioning, then the application must demonstrate how this shall be minimised and mitigated ...' RNW 1 in conjunction with NH 1 cannot undermine the conservation objectives of any international sites.

Action: No action required. However, if the PAC commissioner is so minded to recommend that the requirement is clarified then we have no objection to wording being added to the J&A for TOHS and RNW 1 to state 'some AOCWTHSs include or are linked to European designated sites. Any exceptions for development in AOCWTHSs will be subject to NH 1.'

Policy SCA1 – Special Countryside Area

- 4.64) Policy SCA1 states that certain development within SCA may be acceptable and cross references Policy CT2 in respect of Lough Neagh/Lough Beg SCA however the policy makes no mention of need for HRA within European sites prior to planning approval.**

Relevant Representations– MUDPS/168/9

The draft HRA notes that 'SCA1 also makes an exception for development relating to recreation/open space, however states that an assessment may be required to demonstrate that the ecology of the area has been fully considered.' Given the low levels of risk, policy NH 1 can be relied upon to afford sufficient protection to international sites and the policy cannot undermine the conservation objectives of any international sites.

Action: No action required. However, if the PAC commissioner is so minded to recommend that the NH 1 requirement is clarified then we have no objection to wording being added to the J&A to state 'some SCAs include or are linked to European designated sites. Any exceptions for development under this policy will be subject to NH 1.'

Policy TOU 1 – Protection of Tourism Assets and Tourist Accommodation

- 4.65) Policy states exceptions to TCZs will include minor improvements to infrastructure such as cycle ways, fishing stands etc. TCZ overlies Owenkillew SAC and has potential to result in significant effects on a European Site**

Relevant Representations– MUDPS/168/3

The policy includes statement that special care should be given to ensure that any proposal should respect and be sensitive to the character of the local landscape, wildlife and heritage interests. The J&A highlights that some tourism assets are also protected through statutory designations.

Action: No action required. However, if the PAC commissioner is so minded to recommend that the requirement is clarified then we have no objection to wording being added to the J&A for TOU 1 to state 'some TCZs include or are linked to European designated sites. Any exceptions for development in TCZs will be subject to NH 1.'

- 4.66) Whilst Policy TOU1 states that special care should be given to ensure that any proposal respects and is sensitive to the character of the landscape and wildlife, it does not provide**

sufficient protection of Owenkilleg SAC. Policy not consistent with SPPS

Relevant Representations– MUDPS/167/9

The policy includes statement that special care should be given to ensure that any proposal should respect and be sensitive to the character of the local landscape, wildlife and heritage interests. The J&A highlights that some tourism assets are also protected through statutory designations.

Action: No action required. However, if the PAC commissioner is so minded to recommend that the requirement is clarified then we have no objection to wording being added to the J&A for TOU 1 to state 'some TCZs include or are linked to European designated sites. Any exceptions for development in TCZs will be subject to NH 1.'

Policy TOU 4 – Other Tourism Facilities/Amenities and Attractions

- 4.67) TOZs at Lough Neagh and Davagh overlap SAC and SPA sites introduces a presumption in favour of development. The Council has not ascertained that Policy TOU 4 will not adversely affect these sites.**

Relevant Representations– MUDPS/168/4

The policy includes a statement that developments within a TOZ will need to demonstrate that they will not have, or have mitigated against, significant adverse impacts on internationally recognised habitats. There is general reference in the J&A to consideration of impact on heritage. Given the purpose of the TOZs at Lough Neagh includes providing access to the Lough it is not possible to entirely exclude the designated European or Ramsar sites. The TOZ at Davagh Forest services an existing recreational resource which includes part of Owenkilleg SAC.

Action: No action required. However, if the PAC commissioner is so minded to recommend that the requirement to protect designated sites is clarified then we have no objection to wording being added to the J&A for TOU 4 to state 'some TOZs include or are linked to European designated sites. Any exceptions for development in TOZs will be subject to NH 1.'

- 4.68) TOZs designated over the boundaries of Lough Neagh SPA and Owenkilleg River SAC. TOU 4 is promotive of development within TOZ however, within European Sites there should be no presumption for development. Not consistent with SPPS / EU Directives**

Relevant Representations– MUDPS/167/6

The policy includes a statement that developments within a TOZ will need to demonstrate that they will not have, or have mitigated against, significant adverse impacts on internationally recognised habitats. There is general reference in the J&A to consideration of impact on heritage. Given the purpose of the TOZs at Lough Neagh includes providing access to the Lough it is not possible to entirely exclude the designated European or Ramsar sites. The TOZ at Davagh Forest services an existing recreational resource which includes part of Owenkilnew SAC.

Action: No action required. However, if the PAC commissioner is so minded to recommend that the requirement to protect designated sites is clarified then we have no objection to wording being added to the J&A for TOU 4 to state 'some TOZs include or are linked to European designated sites. Any exceptions for development in TOZs will be subject to NH 1.'

SA/SEA Environmental Report

4.69) Watersheds are shared between NI&ROI, cumulative impact is not understood with the degree of scientific certainty needed to inform robust planning which breaches SEA directive, ESPOO convention, Gothenburg protocol thus habitats regulation is flawed.

Relevant Representations– MUDPS/120/17

A response on in-combination assessment, which includes trans-boundary considerations, is provided for MUDPS/59/174. (Section 4.17)

Availability of the HRA

4.70) When will the HRA be available to the public? (MUDPS/162/9)

The draft HRA was published alongside the Draft Plan Strategy. It was made available on the council website and in the 3 council offices. The draft HRA was referred to in the public advertisement notice for the DPS, and therefore the public were informed of how it could be viewed.

5.0 Counter Representations

5.1 During the period for counter representations to the draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan)

Regulations (Northern Ireland) 2015, no counter representations were received which related to draft Habitats Regulation Assessment.

6.0 Recommendation

- 6.1 It is recommended that we progress the approach to the Habitats Regulation Assessment in line with the actions contained within this paper.

7.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
DAERA - NIEA	MUDPS/167
DAERA - NIEA	MUDPS/168
Public Representations	
RSPB	MUDPS/59
Friends of the Earth	MUDPS/120
Protect Slieve Gallion	MUDPS/162

Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) – Topic Paper

1.0 Issues Identified

1.1 Representations are grouped against the various headings in the Draft Plan Strategy (DPS) against which they were raised. These headings are stated below:

- SA/SEA Process
- SA/SEA Baseline Evidence
- SA/SEA Objectives / Framework
- Growth Strategy
- NILCA 2000 Landscape Character Assessment Review
- Economic Development – RIPAs
- Minerals
- Historic Environment
- Natural Environment
- Renewables / Telecommunications
- Transportation
- Monitoring

1.2 The main issues include the perceived failure to follow the legislative process, the lack of baseline evidence, relating to numerous topics but in particular the minerals industry. Criticisms were made of some of our SA/SEA Objectives and our SA/SEA Framework and its perceived weaknesses. The Consultation Body raised concern regarding Mid Ulster Council's failure to produce a new Landscape Character Assessment for the district and our decision to utilise the NILCA 2000 document for our Draft Plan Strategy. Criticisms were made of our SA/SEA scorings within our assessments across a range of topics and suggested additions to our Monitoring framework have been made.

2.0 Regional Planning Context

2.1 The Regional Development Strategy 2035 (RDS 2035) identifies that the improvement in the quality of the environment can make an important contribution towards achieving a better quality of life whilst also recognising that significant progress towards a more sustainable environment cannot be made without a change in attitudes and lifestyles (page 45). The Local Development Plan has a significant role to play in furthering sustainable development.

2.2 The RDS 2035 aims to protect and enhance the environment for current and future generations. It recognises that Northern Ireland's environment is one of its greatest assets which has benefits in terms of the economy and quality of life. Regional Guidance seeks to conserve, protect, and where possible,

enhance our built heritage and our natural environment (RG11). The built heritage of the Region is viewed as a key tourism and recreational asset as well as contributing to our sense of place and history and it is important to:-

- Identify, protect and conserve the built heritage, including archaeological sites and monuments and historic buildings;
- Identify, protect and conserve the character and built heritage assets within cities, towns and villages; and
- Maintain the integrity of built heritage assets, including historic landscapes.

3.0 Strategic Planning Policy Statement 2015

- 3.1 The SPPS makes it clear that all plans and proposals must be rigorously assessed for their environmental impacts. It highlights that there are a variety of assessments that are relevant to the planning process, some of which are required under European and domestic legislation. These include Sustainability Appraisal (SA) and Sustainable Environmental Assessment (SEA) for all plans and programmes that provide a planning framework.

4.0 Legislative Context

- 4.1 It is a statutory requirement that all plans and programmes that are likely to have a significant environmental effect must be subject to an environmental appraisal. More commonly referred to as a Strategic Environmental Assessment (SEA). European Union Directive '2001/42/EC' states that an SEA is mandatory for plans/programmes which are:

'prepared for agriculture, forestry, fisheries, energy, industry, transport, waste/water management, telecommunications, tourism, town and country planning or land use and which set the framework for future development consent of projects listed in the EIA Directive'.

- 4.2 This European Union Directive was transposed into local legislation in the form of The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004. In addition to the SEA, Sections 8 & 9 of the Planning Act (Northern Ireland) 2011 require a Sustainability Appraisal (SA) to be carried out for the Mid Ulster Local Development Plan (LDP). Similar to SEA, SA must be carried out from the outset and in parallel with the local development plan preparation process. Whilst the requirement to carry out an SA and SEA are distinct, it is possible to satisfy both these requirements through a combined appraisal process. Government guidance therefore suggests an integrated approach can be followed, so this sustainability appraisal incorporates SEA. This involves extending the breadth of the environmental issues required to be considered under the sustainability appraisal. For this reason, Mid Ulster Council has chosen to produce a Sustainability Appraisal, incorporating Strategic Environmental Assessment (SA/SEA).

- 4.3 The Mid Ulster Area Plan 2030 is a qualifying plan for an SA/SEA under the above mentioned legislation. It will provide a framework for the use and development of land within Mid Ulster up until 2030. The SA/SEA process has the potential to make a real contribution to the plan preparation through ensuring that the environmental, social and economic effects of the LDP strategy, policies and proposals, are fully understood before arriving at the most appropriate choices for Mid Ulster.

5.0 Community Plan

- 5.1 Our Community Plan seeks to maximize the economic, social and environmental role of our natural environment. Our Community Plan focuses on the production of sustainable actions that will both protect our environment and also leave a proud legacy for future generations to benefit from. A key aim of our Community Plan is to increase the protection of our natural environment through the improvement of our air and water quality, whilst simultaneously allowing for greater access to and development of our natural assets including Lough Neagh; Sperrins; Beaghmore and our forests.

6.0 Responses to Specific Issues

6.1 SA/SEA Process

A synopsis of each of the representations referencing the SA/SEA are presented below:

- a) *No SA scoping report was published prior to the POP public consultation report. This is a fundamental requirement of SEA/SA guidance and established best practice. **MUDPS/83/41, MUDPS/83/42***

*Para 8.1-8.3 of SA Scoping Report confirm consultation was undertaken with NED & HED however no records provided. The SA Scoping Report should have been submitted for consultation prior to the development & publication for the POP and SA Interim Report. **MUDPS/150/3, MUDPS/153/2***

MUDC's SA/SEA Scoping Report was published for public consultation alongside the Preferred Options Paper in November 2016 and this was the first time that public consultation took place on the Scoping Report.

MUDC considers the consultation approach taken to be in accordance not only with DfI's guidance but more importantly in accordance with the EAPP Regs. (NI) 2004, Regulation 11. MUDC would not agree that there is a statutory requirement for the Council to publish the SA/SEA Scoping report prior to the publication of the POP.

Action: No action required.

- b) *MUDC has not taken account of SA/SEA nor the RDS. Table 2.2 of SEA objectives (final environmental report, sept 2015, all eleven of them support sustainable development, even 8 - material assets. Key principles of SA/SEA ignored. **MUDPS/178/205, MUDPS/191/205***

*LDP ignores main focus of the SEA & related European legislation, RDS, HRS, SPPS, health legislation, human rights legislation. Entire document will fail to /comply with Aarhus convention and climate change legislation. **MUDPS/178/216, MUDPS/178/217, MUDPS/178/218, MUDPS/178/219, MUDPS/178/220, MUDPS/178/221, MUDPS/178/222, MUDPS/178/331, MUDPS/191/216, MUDPS/191/217, MUDPS/191/218, MUDPS/191/219, MUDPS/191/220, MUDPS/191/221, MUDPS/191/222, MUDPS/191/331***

This representation does not appear to reference Mid Ulster's SA/SEA. Table of 2.2 of MUDC's Draft Environmental Report refers to the various stages of the SA/SEA process and not the SEA objectives as suggested. Furthermore, Mid Ulster's SA/SEA has a total of 22 objectives and not the eleven stated. Notwithstanding this Mid Ulster Council would disagree with the assertion that the key principles of the SEA legislation have been ignored. The formulation and structure of the SA/SEA document has been closely aligned with not only the regional guidance published by DfI but it has at all times throughout the process been mindful of the legislative requirements, namely the Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004. To this end Mid Ulster Council has sought to signpost where the relevant requirements of this legislation have been met throughout the SA/SEA document (see Table 1.1 of the Draft Environmental Report).

The critical role of these overarching strategic planning framework documents have been given the appropriate weight throughout the SA/SEA. The RDS and SPPS have both been referenced within the SA/SEA Appendix 2 – Relevant Plans and Programmes and throughout the SA/SEA assessments. Indeed all of the SA/SEA objectives have been formulated so as to closely align with the objectives of the both the RDS and the SPPS.

Action: No action required.

- c) *The SEA is inadequate and reaches incorrect conclusions. It fails to take account of key information and legislation involving environmental protection. Where alternatives are presented there is insufficient analysis of what they mean. **MUDPS/162/94***

Mid Ulster's SEA/SA aims to make the Local Development Plan more sustainable and more responsive to its environmental effects, by identifying the plan's significant impacts and by also identifying ways of minimising its potential negative effects. The SA/SEA has sought to gather enough relevant environmental information to provide a baseline against which the plan's effects can be assessed and monitored, and to identify existing problems (see Chapter 4).

From this relevant environmental information Mid Ulster Council developed a set of key sustainability issues for the District during the Scoping stage of the SA/SEA. Given the iterative nature of the SA/SEA these sustainability issues have been adjusted slightly in light of the comments received by the Consultation Body and due to the updating of some environmental updated data. The SA/SEA has been mindful of the relevant environmental legislation throughout the production of the document and where appropriate the SA/SEA has referenced the appropriate environmental legislation within the relevant plans and programmes and also throughout the individual assessments.

Action: No action required.

Transboundary / Cumulative

- d) *DPS fails to address impacts of mining, quarrying & intensive agriculture for neighbouring council areas or impact of sites located in neighbouring councils on MUDC. No consideration is given to how adjacent council SEAs will strategically align together. Watersheds are shared between NI&ROI. Cumulative impacts from extractive industries & industrialised farms are not assessed with degree of certainty needed thus breaching SEA directive, Espoo & Gothenburg protocol & habitats regulation is fatally flawed. **MUDPS/178/330, MUDPS/191/330***

*Sea is inadequate, reaches incorrect conclusions & fails to take account of key evidence & legislation concerning environmental protection. Alternatives have insufficient breadth in scope to take account of RDS, sustainable development & climate change. Alternatives are constrained by 'development at any cost' ethic. Insufficient consideration of transboundary impacts to ROI. Duty to restore protected EU sites to favourable conservation status not addressed & duty to adopt precautionary approach ignored. **MUDPS/178/325, MUDPS/191/325***

*The sea fails to take into account key information, evidence and legislation concerning environmental protection. When alternatives are presented there is insufficient analysis & insufficient consideration of transboundary impacts of pollutants to the ROI. **MUDPS/120/15***

*DPS fails to address the cumulative impacts of mining, quarrying & intensive agriculture for neighbouring council areas. There is no consideration to how neighbouring council SEAs will strategically align together. **MUDPS/120/16***

*Watersheds are shared between NI&ROI, cumulative impact is not understood with the degree of scientific certainty needed to inform robust planning which breaches SEA directive, ESPOO convention, Gothenburg protocol thus habitats regulation is flawed. **MUDPS/120/17***

The SA/SEA does not take adequate account of cross border or cross boundary issues such as ammonia and nitrates pollution. There is no consideration given

to the SEAs from other Councils and how these will align together.
MUDPS/162/98

The main sustainability issues, identified through the relevant baseline data, were used to develop the final SA/SEA framework, objectives and assessment scoring system. The nature of the framework, objectives and scoring system all closely align with those shown in DfI's guidance - SA/SEA Practice Note 4. To assist in the assessment / scoring of each and every reasonable alternative the SA/SEA framework also provided decision making criteria and indicators which would assist in choosing the most appropriate alternative for Mid Ulster. Given the breadth and scope of the SA/SEA and the many varied and interested parties there are involved in the process, each with their own values and priorities for the goals that should be set, it is understandable that disagreements may arise over the assessments of reasonable alternatives.

Mid Ulster Council would refute the accusation that we have adopted a 'development at any cost' approach. The promotion of sustainable development has been at the heart of Mid Ulster's LDP. The ultimate aim of the accompanying SA/SEA is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation plans and programmes such as local development plans.

Cross boundary work has been ongoing with our neighbours in adjoining districts, including County Monaghan in the Republic of Ireland, to ensure that our respective local development plans do not conflict with each other. It is important to note that all councils have been tasked with developing their own tailored policies and that MUDC is not required to reproduce the policies of an adjoining council but rather the test is to have regard to other relevant plans, policies and strategies or to any adjoining council's district. Whilst Mid Ulster Council has had cognisance to adjoining Councils SA/SEA's, there is no legal requirement for one council's SA/SEA to align with another. The findings of each SA/SEA will be unique given that each Council will have its own set of goals and objectives and its own preferred means of achieving these.

Mid Ulster District Council did not initiate Transboundary consultations as it is of the opinion that our LDP is unlikely to have significant effects on the environment of another Member State (Republic of Ireland). Accordingly, Mid Ulster District Council informed Monaghan County Council and the Consultation Body of this assessment and provided an opportunity for both parties to comment. It should be noted that Monaghan District Council agreed with our screening assessment of Transboundary effects and commended the detail contained within the overall document. **(MUDPS/22/3)**

Action: No action required.

6.2 SA/SEA Baseline Evidence

- a) *Should have provided a full list of the baseline information utilised & include the document 'State of Nature Report' as part of the review. **MUDPS/59/158***

*SA should make reference to Marine Act (NI) 2013 and Marine and Coastal Access Act 2009 and relevant marine policy documents i.e. UK Marine Policy Statement and the draft Marine Plan for NI in the SA. The above mentioned legislation and policy documents should be listed in Appendix 2. **MUDPS/168/37***

A comprehensive list of the Council's baseline information is included within the SA/SEA, namely; Appendices 1 – 4. Appendix 2 sets out a comprehensive list of the relevant Plans and Programmes with regards Mid Ulster's Local Development Plan. The SA/SEA Framework also includes a dedicated SA/SEA objective relating to water quality which states '*To improve water quality; conserve water resources and provide for sustainable sources of water supply.*'

Action: No action required however should the Commissioner consider it necessary the council would have no objection to the inclusion of the suggested document and legislation i.e. 'State of Nature Report' and 'UK Marine Policy Statement and the draft Marine Plan for NI.' in the SA within Appendix 2 – Plans and Programmes and the Marine Act (NI) 2013 and Marine and Coastal Access Act 2009.

<https://www.rspb.org.uk/globalassets/downloads/documents/conservation-projects/state-of-nature/state-of-nature-uk-report-2016.pdf>

- b) *There are other relevant plans / policies & programmes that will affect/ influence the LDP/SA which have not been included in the list. The UK tier appears to be missing from the Plan Policies & Programmes. Review contained within Appendix 4. **MUDPS/59/157***

Appendix 2 of the SA/SEA – Review of Plans and Programmes includes a comprehensive list of relevant national Plans and Programmes. The review provides a comprehensive assessment of the relevant international, national and NI documents. This review of relevant Plans and Programmes is not intended to be an exhaustive list of documents but rather the most relevant to MUDC's LDP and SA/SEA. We have considered plans where they abut the Mid Ulster area however primary policy making has been done within the SPPS and it is at that level that consideration should have been given with its peer documents across the UK.

Action: No action required however should the PAC Commissioner consider it necessary the council would have no objection to the inclusion of a UK specific section.

- c) *NI Climate change adaption programme (NICCAP1) published 2014. UK Parliament publishes UK Climate change risk assessment every 5 years. NICCAP2 under development. Local Authorities have worked with Climate NI so may wish to add something specific in relation to MUDC. **MUDPS/168/34***

Appendix 2 of the SA/SEA – Review of Plans and Programmes includes a comprehensive list of relevant national Plans and Programmes. The review provides a comprehensive assessment of the relevant international, national and NI documents. This review of relevant Plans and Programmes is not intended to be an exhaustive list of documents but rather the most relevant to MUDC's LDP and SA/SEA.

Action: No action required however should the PAC Commissioner consider it necessary the council would have no objection to the inclusion of *NI Climate change adaption programme (NICCAP1)*.

- d) *States it is important for SEA to demonstrate the relationship between different topics e.g. ecology & health - makes reference to useful reports - see rep for further details of these reports (SA page 6 of 15). **MUDPS59/159***

*Inter-relationship between different topics e.g. ecology & health, has not been addressed & there should be additional topic(s) to address the inter-relationship e.g. green infrastructure & ecosystem services. **MUDPS/59/160***

MUDC has attempted throughout the SA/SEA assessments to demonstrate the linkages between the SA/SEA objectives wherever relevant. Such linkages have been discussed within the individual SA/SEA assessments on various strategic approaches, policies and spatial designations.

MUDC produced 22 no. SA/SEA objectives in conjunction with the SA/SEA Project Management Team. The objectives chosen were based upon the statutory requirements of EAPP Regs (NI) 2004, the latest DfI guidance – SA/SEA and were formulated in conjunction with MUDC's Project Management Team. The suggested additional themes of green infrastructure and ecosystem services have been considered more broadly throughout the SA/SEA document.

Action: No action required.

- e) *An ecosystems approach to SEA is absent, its inclusion would allow consideration of the extent to which the LDP (& reasonable alternatives) delivers or affects ecosystems services (i.e. provisioning, regulating, cultural & supporting services). **MUDPS/59/161***

Ecosystem services are the processes by which the environment produces resources used by people that are often taken for granted, such as clean air, water, food and materials. The careful management, maintenance and enhancement of ecosystem services are therefore an integral part of

sustainable development. The SPPS states that where appropriate, identifying the condition of ecosystems, the provision of services and their relationship to human well-being should be integrated into plan-making and decision-taking processes. These considerations were central to the consideration of reasonable alternatives throughout the SA/SEA assessments.

Action: No action required.

6.3 SA/SEA Objectives / Framework

- a) *The SEA has combined the distinct SEA topics of Biodiversity, Flora & Fauna within a single 'Sustainability Objective' to 'conserve & enhance biodiversity'. This gives limited regard to potential impacts on protected & priority species. **MUDPS/59/162***

MUDC does not agree with this issue. The objectives chosen were based upon the statutory requirements of EAPP Regs (NI) 2004, the latest DfI guidance – SA/SEA and were formulated in conjunction with MUDC's Project Management Team. In grouping these topics MUDC is confident that it has not diminished the importance of these themes nor weakened the integrity of the SA/SEA assessments.

Action: No action required.

- b) *Recommends that the following SA Objective is included: Include green infrastructure & ecosystems services (see SPPS SEA by way of example) **MUDPS/59/163***

*Recommends the following SA objective is included: 'Maintain and enhance the amount, range and quality of ecosystems services; and restore or enhance wider habitats and populations of species under the public body duty to conserve biodiversity. **MUDPS/59/164***

Although the SEA Directive does not specifically require objectives to be developed, it is considered that they can provide an effective means to measure any likely significant social, economic and environmental effects of the plan. The SA/SEA guidance published by DfI states that 'the objectives of the SA framework should be proportionate to the level of detail required for the appraisal.' It is considered that SA/SEA objective no.11 and its associated 'Decision Making Criteria' are sufficient to successfully enable the council to undertake a thorough assessment. Throughout the assessments the consideration of green infrastructure and Ecosystems services both formed an integral part of the SA/SEA assessments.

Action: No action required.

- c) *Recommends including the following SA objective: 'Should include protection & enhancement of the status of aquatic & wetland ecosystems.'* **MUDPS/59/165**

It is considered that SA/SEA objective no.11 and its associated 'Decision Making Criteria' are sufficiently broad in their scope to successfully enable the council to undertake a thorough assessment in this regard.

Action: No action required.

- d) *Recommends including the following SA objective: 'Should also include a reference to minerals including maximising opportunities for the ecological restoration of redundant mineral sites.'* **MUDPS/59/166**

Mid Ulster's SA/SEA objective no.11 states 'to conserve and enhance biodiversity'. The assessment of draft Policy MIN 5 – Restoration of Minerals Sites, considered that a more stringent restoration policy, which sets out the requirement for a time-bound restoration scheme, could lead to a significant positive in relation to the protection and enhancement of biodiversity - SA objective no.11.

Action: No action required.

- e) *SA/SEA Framework Pages 26-27 HED consider that additional suitable decision making criteria in relation to the HE needs to be included - Refer Page 2 of Part 2 Rep.* **MUDPS/77/287**

The SA/SEA guidance published by DfI states that 'the objectives of the SA framework should be proportionate to the level of detail required for the appraisal.' It is considered that SA/SEA objective no.13 and its associated 'Decision Making Criteria' are sufficient to successfully enable the council to undertake a thorough assessment.

Action: No action required.

- f) *SA should give recognition to MUDC's river pathways to marine area and their potential impacts on it. E.g. potential impacts on transitional and coastal waters, good ecological status and good environmental status need to be included within objective 9.* **MUDPS/168/35**

Whilst the pathway connections between our rivers and the marine environment are not explicitly stated within our SA/SEA objective relating to water quality, our SA/SEA framework has given a commitment to improve water quality; conserve water resources and provide for sustainable sources of water supply. The Council considers that this objective is sufficiently broad in its scope to successfully enable a thorough assessment in this regard.

Action: No action required however should the PAC Commissioner consider it necessary, the Council would have no objection to the inclusion of *ecological status and good environmental status within the suggested indicators associated with objective 9 of the SA/SEA framework.*

- g) *The potential impacts on and linkages to salmon need to be included and considered within objection 11 on biodiversity. As a result the appraisal of General Principles and natural heritage sections of the SA will need to be reviewed. MUDPS/168/36*

It is important to highlight the strategic nature of the SA/SEA and it is for this reason the SA/SEA framework set out a number of wide ranging objectives, designed to which cover a multitude of potential economic, social and environmental issues. Objective no.11 specifically aims 'to conserve and enhance biodiversity.' This objective was deliberately kept broad in its scope to encompass a wide range of potential environmental issues. That said one of the decision making criteria relating to this objective asks whether or not it '*will protect, conserve and enhance species diversity; and in particular avoid harm to protected and priority species?*' Mid Ulster Council disagrees with the statement that an additional / amended objective relating specifically to salmon is required.

Action: No action required.

6.4 Growth Strategy

- a) *The SA/SEA claims to assess alternative approaches however each alternative uses the RDS HGI at its starting point. The DPS was prepared to fit the HGI cap which is contrary to the RDS objectives and policies for rural areas, hubs and clusters. MUDPS/67/1*

The SA/SEA claims to assess alternative approaches however each alternative uses the RDS HGI at its starting point. The DPS was prepared to fit the HGI cap which is contrary to the RDS objectives and policies for rural areas, hubs and clusters. Council need to revisit the assessment of alternatives and collate a more reasonable and realistic evidence base. MUDPS/93/1

The RDS has a statutory basis. It is prepared under the Strategic Planning (Northern Ireland) Order 1999 and its purpose is to set out a strategy for the long-term development of Northern Ireland. The Planning Act requires Council's to "have regard to" guidance issued by the Department in exercising any functions in relation to development. Accordingly, MUDC has had regard to both the RDS and the HGI figures published by DfI. It is important to note that the Council has utilised the HGI figures not as a cap but rather as a guide for the district.

Action: No action required.

6.5 NILCA 2000 Landscape Character Assessment Review

- a) *LCA Review does not follow DAERA or Landscape Institute best practice guidelines. LCA review does not demonstrate how Natural England LCA document has been taken into account. No reference to landscape wheel. Cultural and heritage have been overlooked. **MUDPS/167/20***

*DAERA concerned that LCA Review does not follow Landscape Institute or DAERA NIEA best practice guidelines as per 'An approach to LCA', Natural England 2014. Therefore DAERA do not agree with the scorings against SA/SEA objective 12 as there is a risk that without robust evidence base, the landscape character of Mid Ulster could be negatively impacted by some of the plan policies. **MUDPS/168/33***

The Natural England document 'An Approach to Landscape Character Assessment' (2014), provides the most up to date published guidance on Landscape Character Assessment. Paragraph 1.6 'Reviewing an updating an Existing Landscape Character Assessment' in England advises on factors that need to be taken into account when deciding whether or not an existing landscape character assessment can be used for a particular task. This document was taken into account as part of Mid Ulster's LCAR. Although DAERA's guidance recognises that the Natural England guidance is an example of good practice, it should be noted that there is no statutory requirement on Local Authorities in Northern Ireland to carry out an assessment utilising this methodology.

It is important to stress that the assessment undertaken by Mid Ulster is only at a strategic level. It has been used to formulate district wide policies however it is also recognised that when work commences on the Local Policies Plan further work on the LCAR will need to be undertaken in the context of settlements and their surrounding landscapes. This will not only take into account landforms but also the natural and built heritage, including archaeology.

Our published Landscape Character Assessment Review (LCAR) has been independently reviewed by GM Design Associates Ltd to ensure the review is comprehensive and sound. The LCAR highlights key intervening changes to the landscape since the original NILCA was completed in 2000 and it is considered this is adequate and appropriate to inform the DPS policies and designations. The SA/SEA objectives have been developed from an identification of key sustainability issues; analysis of the environmental, economic and social baseline information for Mid Ulster; and a review of the relevant plans, policies and programmes to address the full cross-section of sustainability issues. These SA/SEA objectives were drafted early in the LDP process to gauge the views of the key stakeholders and have been refined and finalised following feedback received from consultation bodies and the Project Management Team. The SA/SEA Environmental Report appraises the likely

effects of options and policies against the SA/SEA objectives requiring judgement to differentiate between significant and minor effects. It is considered that the SA/SEA appraisal has identified where there may be significant negative effects including to the landscape character of Mid Ulster. The proposed monitoring framework included in the SA/SEA Environmental Report presents a relevant monitoring indicator for SA/SEA objective 12 to monitor the percentage of new development approved within the urban footprint.

Action: No action required.

- b) *The changes highlighted almost exclusively physical in nature but there is little analysis of alterations to landscape character. It points out distribution of wind turbines, dwellings roads etc. but overall impact on character not assessed. **MUDPS/167/21***

*LCA Review highlights changes since NILCA 1999 but there is very little analysis and assessment of how changes have affected landscape in the broadest definition and the landscape character of the area. **MUDPS/167/22***

One of the pressures on our landscapes has been from wind energy development, much of which has been absorbed by the landscape, based on regional policy which was permissive in its nature and regional guidance which also recognises that a degree of permissiveness is still required. If more energy is going to be obtained from wind energy, our assessment has recognised these pressures and has identified the areas most vulnerable and therefore backs up our policy conclusions for greater restraint in certain areas. In relation to other development such as single houses consideration has also been given to the arising pressures and subject to policy constraints there is no evidence to suggest that this will have significant impacts on the character of the landscape. Indeed our LCAR concludes that the character and inherent sensitivities have not been significantly affected.

Action: No action required.

6.6 Economic Development - RIPAs

- a) *Failure to assess manufacturing businesses in the Creagh as possible RIPA designations, as a reasonable alternative to proposed policy is considered to be a significant shortcoming of the SA/SEA process. **MUDPS/103/7***

*The Councils failure to assess the manufacturing site at 2 Lisnamuck Road, as a reasonable alternative for a RIPA site is a shortcoming on the SA/SEA. Not stated but implied; include site in question as a RIPA designation. **MUDPS/105/8***

Rural Industrial Policy Areas are designated to protect and consolidate existing areas of rural industry and contain them within set limits whereby large-scale expansion would not be permitted. Two strategic RIPA's are designated in this

Plan Strategy, along with Key Site Requirements. One RIPA, located at Tullyvannon, has been designated to facilitate complimentary industry next to existing. The second RIPA is at Desertcreat which benefits for approval of Police, Fire and Prison Services Training Centre.

It is worth noting that a third RIPA site was considered at the Creagh within our Preferred Options Paper. However, following further research and evidence gathering this site was withdrawn as a potential RIPA as a significant part of the site was found to lie within the Q100 Climate Change flood level.

Whilst the Council has proposed to bring forward a limited number of RIPA sites at this stage it is important to note that the DPS has suggested a criteria for the consideration of any other potential RIPA's brought forward at the LPP stage.

Action: No action required.

6.7 Minerals

Economic Value / Evidence base

- a) *SA/SEA is flawed because it relies on under stated estimates of value of the minerals industry. **MUDPS/64/7***

The value of the minerals industry as referred to in para. 14.3 was taken from the DfE Minerals Statement 2016, the only comprehensive source of information available to the Council at that time. Council are aware that this figure is the lowest possible monetary amount and therefore have qualified the statement by saying that the value of the industry is "in excess of £13 million per annum."

Action: No action required.

- b) *MUDC have failed to update the existing evidence base to accurately identify the baseline characteristics of the plan area which includes valuable minerals. Failure to identify all alternatives. Given that those presented will result in sterilisation of gold. **MUDPS/83/49 & 83/50***

Various options were considered with regards our approach to minerals development. In terms of our general approach and with specific reference to valuable minerals and hydrocarbons the assessment concluded that existing policy was too permissive and needed to be strengthened to ensure that more attention is placed on environmental and human health risks. In drawing up the policy it was concluded that a blanket ban on valuable mineral extraction in certain areas would conflict with the approach set out within the SPPS.

The SPPS states that there will not be a presumption against the development of valuable minerals in any place and that the government supports the responsible extraction of such. Having said this, the DPS is not pre-determined

to allow the extraction of valuable minerals at any cost and has included provision that it must be demonstrated that a proposal will have no significant impact on human health and will also meet the policy tests laid out in MIN 2.

Action: No action required.

- c) *MRPA'S are not based upon a robust evidence base. No consideration has been given to LD Aggregates in terms of their expansion plans. The lands surrounding their sites should be protected from land development within the DPS. MUDPS/82/2, MUDPS/82/3, MUDPS/82/10*

Whilst provision is made through MRPA's and Policy MIN1 for safeguarding mineral resources, no provision is made for areas where extraction is considered to be acceptable. SA/SEA is silent on this matter and should have treated it as a reasonable alternative. MUDPS/101/32

The DPS protects areas of mineral reserves which have been identified and which contain minerals of specific value to certain industries. Areas of Mineral safeguarding were not put forward at the time of the POP consultation but some have been suggested as part of the consultation on the draft Plan Strategy. These will be considered as part of the LPP stage of the Plan process, as detailed in para. 4.2 (b) of the Minerals Topic paper.

Action: No action required.

- d) *It is clear that the comments made by Dalradian have not been fully considered in the Preferred Options Paper Public Consultation Report Update, January 2019. MUDPS/83/43*

POP consultation report update fails to appreciate the baseline situation of the plan area and identify the potential extent of valuable mineral deposits within the district, which will result in major long-term economic benefits to local economy. MUDPS/83/44

No requests were made via POP consultation to identify valuable minerals deposits within the district. The DPS has brought forward a policy in relation to the extraction of precious minerals and there is not a presumption against their extraction provided that there are no significant environmental impacts or significant risks to human health.

Action: No action required.

6.8 Valuable Minerals

- a) *Dalradian consider the absence of consideration of valuable minerals within the evidence base means the SA fails to correctly identify the baseline situation of*

*the plan area and develop reasonable alternatives to address the key sustainability issues. **MUDPS/83/45***

Following consideration of the representations to the POP a bespoke Valuable Minerals and Hydrocarbons policy was brought forward within the Plan Strategy. The value of the minerals industry as referred to in para. 14.3 was taken from the DfE Minerals Statement 2016, the only comprehensive source of information available to the Council at that time. Council are aware that this figure is the lowest possible monetary amount and therefore have qualified the statement by saying that the value of the industry is “in excess of £13 million per annum.”

Action: No action required.

- b) *With regard to MRPAs, none of the 3 reasonable alternatives identified propose MRPAs that recognise or protect the gold reserves for future extraction. Dalradian believes this conflicts directly with SPPS. **MUDPS/83/53 & 83/54***

*The assessment of MRPAs is flawed as reasonable alternatives and the preferred option have failed to recognise and consider the valuable gold deposits within the policy despite clear evidence confirming their existence. **MUDPS/83/55***

*In assessing options relating to mineral reserve policy areas, no quantifiable evidence has been put forward. In light of this, it's hard to see how accurate weight can be given to the relevant assessments. **MUDPS/101/56***

Mineral Reserve Policy Areas (MRPAs) are designated because they contain important deposits of local minerals, which have important economic benefits. The MRPAs brought forward by Council were informed by consultations with Geological Survey of Northern Ireland and the Department for the Economy. In some instances individual operators, such as Lafarge Cement, advised the Council where the existing resources, on the north west edge of Dungannon, to protect shale and clay deposits which are used in their business, had been worked out and therefore there was no reason to protect this land further on economic grounds.

No representations were received in response to the POP which sought the introduction of a MRPA to protect gold reserves. Furthermore, even if such a representation had been received the Council would have encountered difficulty in designating such an MRPA given the lack of data currently available on this matter. Rather than conflicting with the SPPS Mid Ulster's approach directly aligns with it, as Paragraph 6.157 of the SPPS states that exploitation of valuable minerals ‘may create environmental effects which are particular to the methods of extraction of that mineral.’ In recognition of the importance of protecting our natural environment whilst at the same time providing for the extraction of valuable minerals, Policy MIN 3 states that ‘extraction of valuable minerals including hydrocarbons and metalliferous minerals will accord with the

Plan providing that there are no significant environmental impacts or significant risks to human health.'

Action: No action required.

- c) *SA states that mineral extraction is likely to lead to significant impacts on the landscape but that the policies should state to extract these responsibly. Dalradian agrees and this is based on a sound evidence base not imposing a blanket restriction. **MUDPS/83/46***

The DPS does not impose a restriction on extracting valuable minerals however it does require that if extraction was to take place, it would need to be done responsibly, having full regard to risks in terms of the environment and human health and that the method of extraction has been demonstrated to be safe.

Action: No action required.

- d) *Dalradian disagrees with the scoring in relation to the strategic approach for minerals. There is no evidence to back up this scoring and therefore the environmental impacts are 'uncertain' and should be scored as such in relation to option 1. **MUDPS/83/47 & 83/51***

Minerals sites close to international, national or locally designated biodiversity sites have the potential to negatively affect such sites. It is acknowledged that whilst the potential for negative impacts against certain SA/SEA objectives is likely the assessment also acknowledges that negative impacts may be mitigated by criterion based policy and/or planning conditions. However, these would be dependent on the exact nature and proposed design of the planned minerals site, which would not be known until the submission of a planning application. The SA/SEA assessment of the strategic minerals approach options adopted a precautionary approach and therefore attributed a minor negative impact, whilst at the same time acknowledging that appropriate mitigation may offset such impacts.

Action: No action required.

- e) *No sound basis for the justification where the precautionary approach detailed within draft policies MIN2 and MIN3 would be applied without the applications of ACMDs. **MUDPS/83/48***

A precautionary approach is exactly what it states, in that responsibility for demonstrating that development impacts are to be minimised rests with the developer. Accordingly, we feel this objection has not understood the difference between precautionary approach versus presumption against development. This said, reference to a precautionary approach could be removed providing the tests in the policy remain, as this would give the required protection.

Action: No action required however this would be a matter for the commissioner to advise on having heard all of the evidence in relation to this policy.

- f) *Dalradian disagree with scoring in relation to ACMD. The assumption of negative impacts is not based on a robust evidence base. Option 1 and 2 for ACMD in the SA score identically but seek to promote only the environmental pillar of sustainable development, failing to acknowledge economic and social objectives. Therefore this fails to deliver sustainable development per SPPS. **MUDPS/83/51 & 83/52***

The assessment of ACMDs considered three reasonable alternatives. The first two considered the retention and review of existing ACMDs. The third option was to remove ACMDs from the district altogether and the assessment acknowledged the potential for negative impacts against certain environmental SA/SEA objectives would be likely given the nature and scale of typical minerals operations. The same assessment also acknowledges that option three would conversely have likely positive impacts on the social and economic objectives.

When forming a judgement, Mid Ulster council had to consider the probability, duration, frequency and the reversibility of the effects on the receiving environment and the characteristics of the area likely to be affected. In carrying out all of the assessments the Council has considered all options from the three pillar perspective i.e. the integration of social, economic and environmental considerations. In all of the assessments the Council has had to weigh up all of the potential benefits of each reasonable alternative and make a balanced judgement. It should be noted that the scoring of the assessments were overseen by a group of impartial experts, taken from various government bodies outside of the Council.

Action: No action required.

- g) *RDS 2035 does not mention mineral development, instead its key strategic guidance - economy, society and environment - focus on sustainable development. SEA refers to minerals but not once is it implied that the minerals are precious metals. **MUDPS/178/168, MUDPS/191/168***

*Does not incorporate an assessment of environmental effects. Does not comply with Directive 2001/42/EC, - minerals development and necessary mitigation measures. Merging of native quarrying to incorporate the development of precious metals ignores impacts. **MUDPS/178/204, MUDPS/191/204***

The SPPS states that there will not be a presumption against the development of valuable minerals in any place and that the government supports the responsible extraction of such. Having said this, the DPS is not pre-determined to allow the extraction of valuable minerals at any cost and has included provision that it must be demonstrated that a proposal will have no significant

impact on human health and will also meet the policy tests laid out in MIN 2. We have also taken measures to protect our most vulnerable landscapes against the impacts of minerals development, renewable energy and high structures. Therefore, the DPS has taken account of the need to protect landscapes in keeping with RG 11 of the RDS.

The SA/SEA assessments of minerals policies and options considered all minerals extraction in the round and did not focus on one specific form of minerals extraction over another e.g. valuable minerals, aggregates or sand. Each assessment includes a detailed consideration of likely social, economic and environmental effects, in accordance with EU Directive 2001/42/EC and our own domestic legislation.

Action: No action required.

6.9 Lough Neagh

- a) *SA/SEA Report is unsound because it is silent on the eventuality of planning permission for Lough Neagh being refused and what that shortfall would be for the minerals industry. This shortfall could be around 1million tonnes per annum.*
MUDPS/101/16

The Planning Appeal Commission issued their report to the Department for Infrastructure on 21st May 2019. The PAC's report recommended that sand dredging on Lough Neagh should be allowed to continue. The matter is currently before the Department for a ministerial decision.

- b) *Given the economic importance of sand being extracted from Lough Neagh, no detail has been provided within the DPS regarding how the protection of this resource has been considered as a reasonable alternative. Council is encouraged to consider extending proposed designations to protect against alternative forms of development and the propositions of areas suitable for mineral development.* **MUDPS/102/9, MUDPS/108/2, MUDPS/110/1, MUDPS/110/1 & MUDPS/111/1**

It is considered prudent to explicitly identify the sand trader landing sites within Policy SCA1. This would acknowledge that the activity is of commercial importance and therefore allows for the minor expansion of facilities. No consideration of alternative approach appears to have been considered within the Councils SA/SEA. **MUDPS/113/9**

The extraction of sand from Lough Neagh of 1 million tonnes per annum provides in excess of 50% of all sand produced in Mid Ulster District. Therefore, the removal of the supply contribution of the Lough would be catastrophic to the concrete industry. Lack of understanding on Councils part and absence of robust and credible baseline the SA/SEA is considered to be flawed.
MUDPS/113/2

The economic importance of the minerals industry has been recognised within both the DPS and the SA/SEA documents. In recognition of this paragraph 14.17 of the DPS set out the Council's position as of February 2019 as follows; *'Whilst the shores of Lough Neagh are designated as an SCA and are therefore protected from extraction the Plan has not introduced a SCA on the Lough, which has historically been used for sand dredging. This activity is subject to a regionally significant application being dealt with by Department of Infrastructure. Mid Ulster District Council will review the approach to extraction in light of the outcome of that application.'*

With regards the protection of this important resource the Council has sought to purposely exclude where possible, existing landing sites of the sand traders, which would otherwise be within the SCA designation. The purpose of this was to allow the existing sand dredging landing sites to continue unhindered. Should the operators need to undertake a minor extension of their sites beyond their current boundaries it is envisaged that policy MIN 2 will still permit some form of extension to the existing enterprise.

Action: No action required.

6.10 Minerals safeguarding

- a) *Safeguarding of minerals at the land in question (specific sites named) in this representation, or indeed across the entire district has not been included as a reasonable alternative within the SA/SEA. Council is encouraged to consider extending proposed designations to protect against alternative forms of development and the propositions of areas suitable for mineral development. **MUDPS/103/2, MUDPS/104/3, MUDPS/105/4, MUDPS/106/3, MUDPS/106/4, MUDPS/107/4, MUDPS/112/3 & MUDPS/114/3***

The Council are fully aware of the importance of the minerals industry in Mid Ulster and the associated employment that it generates. At the time of publishing the Draft Plan Strategy, there were no proposals put forward for areas which could potentially be worthy of safeguarding, apart from those already existing in the CAP and DSTAP.

Areas which have been put forward for minerals safeguarding will be considered but this will be done as part of the Local policies Plan stage of the LDP process. The following representations have suggested areas of mineral safeguarding;

- MUDPS/82 – Loughdoo Aggregates – lands at Crocknawarke, Dunamore/Kildress, Drum Road, Cavanoneill Road, Crockadoo and Murphys Pit
- MUDPS/101 – Joint representation – multiple operators
- MUDPS/102 – McGarrity Bros – Dunamore / Kildress area

- MUDPS/104 – Stanley Bell - Ballynagilly area
- MUDPS/105 – Tobermore Concrete – Lough Fea area
- MUDPS/106 – Creagh Concrete – Brackagh, Murnells and Magheraglass
- MUDPS/107 – Northstone – Greggs Pitt and Carmean Quarry
- MUDPS/112 – Patrick Keenan – Corvanaghan Quarry

To date safeguarding areas tend to be those which provide for particular types of minerals, such as the clay linked to the potential brick making industry and the shale linked to the cement making industry. The question does arise whether it would be appropriate to protect sand and gravel reserves within areas of the open countryside given the extent of potential supply and the fact that it is up to the operator to secure the land and the relevant permissions.

ACTION – No action required.

6.11 Evidence

- a) *Data for the SA/SEA has been partially collected and also misinterpreted leading to an inaccurate socio economic picture being painted of the district. The SA/SEA is based on this picture and therefore is unsound. **MUDPS/101/55***

Mid Ulster Council collated its baseline evidence across the three pillars of sustainability, social, economic and environmental. This data was collected from a wide variety of sources, i.e. government agencies, NGOs etc. As required by legislation the Council consulted with the 'Consultation Body' on the depth and scope of the evidence gathered and took on board the advice and suggestions provided by the Consultation Body. It is unclear which particular aspect of the Council's data is referred to within this representation. In the absence of any further detail it is difficult to consider this point in greater detail.

Action: No action required.

- b) *It is not clear how the SA/SEA has considered the precautionary approach against alternatives. Get rid of precautionary approach in MIN 2 in favour of wording which is loosely aligned to balancing the needs of the economy and the environment. **MUDPS/101/38***

The insertion of the term 'precautionary approach' is a reference to the criteria listed at a) – g) of Policy MIN 2. Therefore it is a description of tests/criteria and is not in conflict with the SPSS. We consider this policy to be sound.

Action: No action required however if the PAC commissioner is so minded to recommend the term 'precautionary approach' is removed then the Council would have no objection.

- c) *The impact of the ACMD designation on the Campbells site at Knockmany has not been assessed, nor has the alternative option of excluding it, as part of the SA/SEA process. **MUDPS/109/3***

Mr Campbell's site is currently within an ACMD, the policy for which was contained within the Planning Strategy for Rural Northern Ireland (PSRNI). The Council considers the existing policy to be more restrictive than the policy proposed within the Draft Plan Strategy which gives some scope for existing businesses to expand. It is important to note that ACMDs do not adversely impact on lawfully operating quarries.

Action: No action required.

- d) *Council has missed an opportunity to set directions and bring forward in the DPS, a policy on secondary minerals. This has not even been assessed as a reasonable alternative in the DPS. Include a policy on secondary minerals within the DPS or at least assess it as a reasonable alternative in the SA/SEA. **MUDPS/114/9***

Secondary aggregates consist of construction and demolition waste that has been recycled through crushing, screening and re-use. This is not something advocated by the SPPS or the RDS, and not something that there is any evidence of being a requirement in Mid Ulster. Therefore no such policy was brought forward within the DPS or assessed as a reasonable alternative within the SA/SEA. Indeed this is not an extraction activity but would be covered under the policies for economic activity. The need for such a policy may be monitored throughout the Plan period.

Action: No action required.

- e) *The SA/SEA is incorrect and inconsistent in relation to its assessment of Policy MIN 1 and the alternatives. It states that MIN 1 will not have any significant negative impacts yet goes on to say that 'both approaches are likely to be negative.' **MUDPS/162/26***

Mineral Reserve Policy Areas (MRPAs) are designated because they contain important deposits of local minerals, which have important economic benefits. The SA/SEA considered two reasonable alternatives;

- i) Adopt existing MRPA Policy (MIN PSRNI)
- ii) Reconfigure existing policy without fundamental amendments.

The above approaches are essentially the same and therefore the findings of the assessments are also similar. Both approaches are likely to facilitate the protection of valuable minerals which are of economic importance to the district and as a consequence have scored reasonably positively in terms of the social and economic objectives. The SA/SEA findings also highlight that neither option will result in likely *significant* effects but that both approaches will however result

in some minor negative effects in relation to the environmental objectives. We consider that this assessment is neither incorrect nor inconsistent.

Action: No action required.

6.12 Historic Environment

- a) *HED maintain an independent role in relation to the LDP process, and operate a SLA with DAERA in relation to SEA, whereby they provide advice and comment in relation to matters of cultural heritage, including architectural and archaeological heritage. MUDPS/77/286*

MUDC note the comments of DfC, HED in relation to their role in the LDP process.

Action: No action required.

- b) *3.46 HED concerned comments since POP have not been taken fully into account - 3.49-50: HED role in this process has been advisory, and not to undertake scoring and assessment of the plan. DfI letter 24.01.2018 MUDPS/77/288*

MUDC understands that for the purposes of the Environmental Assessment of Plans and Programmes Regulations (NI) 2004, in accordance with Regulation 4, DfI, DAERA and DfC form the 'Consultation Body'. The SEA Directive requires authorities with environmental responsibilities to be consulted at specific stages in the SEA process. The EAPP Regulations refer to these authorities as the 'consultation body'. MUDC understands that the consultation body must be consulted, by the Council, at various stages throughout the preparation of its LDP. DfI guidance stipulates that a Council will usually contact the consultation body at four stages during SEA:

- Screening
- Scoping
- Public consultation
- Decision to adopt

The content of paragraphs 3.49 & 3.50 of the SA/SEA are considered to be factually accurate.

Action: No action required.

- c) *The SA/SEA demonstrates a lack of understanding of historic environment issues. MUDPS/77/21*

*HED consider that the assessment of evidence in relation to Historic Environment is not robust and does not justify policy direction of HE dPS Policy. **MUDPS/77/27***

*HED have significant concerns around soundness of the SA in relation to assessing effects on and in relation to the Historic Environment - SA does not provide robust evidence to support the HE policies - not in alignment with POP approach or SPPS. **MUDPS/77/283 / 284***

MUDC's SA/SEA objective in relation to the topic of the Historic Environment and Cultural Assets is to protect, conserve and, where appropriate, enhance the historic environment and cultural assets. MUDC has sought to gather comprehensive baseline data on all aspects of the environment (natural and historic/built) and use this data to accurately assess the impact of proposed development on key assets/areas. The baseline information gathered in relation to this topic was obtained from a variety of sources, including DfC Historic Environment Division datasets. MUDC continually updates these datasets to ensure that they remain relevant to the SA/SEA objectives.

Action: No action required.

- d) *Not sound indicators for Historic Environment Policy to assess the effects of the plan - additional meaningful indicators suggested - refer page 16-18 Part 2 of Rep. **MUDPS/77/291***

MUDC produced 22 no. SA/SEA objectives and associated indicators in conjunction with the SA/SEA Project Management Team. The objectives and indicators chosen were based upon the statutory requirements of EAPP Regs. (NI) 2004, DfI guidance – SA/SEA and were formulated in conjunction with MUDC's Project Management Team. MUDC consider that the indicators selected are specific and measurable. Mid Ulster Council also consulted the Consultation Body on the SA/SEA Interim Report, wherein the same suggested indicators were used within the SA/SEA Framework.

Action: No action required.

- e) *SA/SEA implies a misinterpretation of the policies in their assessment in that it articulates that Evaluation and Assessment will be required by way of planning conditions - fails to take account HED letter 30.07.2018. page 9 rep. **MUDPS/77/84 / 85 / 86 / 87***

MUDC proposes to reconfigure and amalgamate the former PPS 6 policies, BH3 and BH4, into one new policy – HE7. The SA/SEA assessment states that Policy HE7 will be an amalgamation of the PPS6 policies without fundamental amendments. The SA/SEA assessment highlights that the requirement for archaeological assessments and evaluation as part of consideration of planning applications. There was no misinterpretation of these policies.

Action: No action required.

- f) *Page 42 not sound - summary of environmental characteristics – Historic Environment not included. Page 55 Evolution of Issues without the Plan - Cultural Heritage not sound - 4.72 - strongly disagree - Table 4.2 strongly disagree - 4.100 Assessment of Effects – disagree **MUDPS/77/289***

Page 42 of SA/SEA details a description of the social, environmental and economic baseline characteristics and the predicted future baseline. The baseline characteristics are broken down into Environmental, Social and Economic characteristics. This section complies with Schedule 2, Regulation 2, of the EAPP Regulations in that it sets out the 'relevant aspects of the state of the environment' and provides a strategic overview of Mid Ulster's environmental characteristics.

However later within the same chapter (page 53), the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme has been set out in greater detail and tailored to the issues identified within the Regulations, including among others 'Cultural Heritage'.

Action: No action required.

- g) *HED strongly disagree with statement in 3.25 of the SA / SEA - that there will be no significant negative effects from the plan, either individually or cumulatively. MUDC's approach not sound and will lead to negative and significantly negative effects on Historic Environment. **MUDPS/77/285***

MUDC disagree that its policy approach to Historic Environment will lead to negative effects, and sometimes significant negative effects on the resource. The SA/SEA assessments of MUDC's preferred policy approaches to the historic environment theme demonstrate a reasoned consideration of the likely impacts on the historic environment based on the relevant baseline data and issues identified by the SA/SEA – pages 229 to 253.

Action: No action required.

- h) *HED disagree with some of the scoring afforded and the language used within the SA to justify and describe mitigation - review will be necessary refer page 6 Part 2 of Rep. **MUDPS/77/290***

Representation goes onto state that whilst HED welcomes the effects on Historic Environment of new development are often scored uncertain but raise concern that language within assessments often intimates that any new development will likely have impacts on historic and cultural assets. HED highlight that it would be more appropriate to state that development 'has the potential for these types of impacts'.

Action: No action required however should the Commissioner consider it necessary amend language within SA/SEA assessments to state that development 'has the potential' for these types of impacts.

6.13 Natural Environment

- a) *States no plan/programme/project should result in a significant direct impact upon important birds or bird habitats. Environmental Assessments (SEA, EIA, HRA) should be used as tools to minimise environmental impacts. MUDPS/59/2 & MUDPS/59/170*

Both SEA and HRA have been utilised by Mid Ulster District Council in an attempt to minimise environmental impacts, particularly in relation to important birds and birds habitats. Furthermore, in assessing individual policies and designations throughout the SA/SEA, whenever it was considered that there may be a potential impact on the environment, it was also highlighted that any such proposal would not only be considered in line with related LDP policies but also the Planning EIA Regulations (NI) 2017.

Action: No action required.

- b) *The term 'significant biodiversity loss' has no basis or definition in guidance which will add confusion to developers rather than clarifying the existing difficulties encountered in interpretation of PPS2 and in particular the NH5 policies. MUDPS/82/10*

The purpose of this particular criteria in the policy is to place the onus on the developer to demonstrate that no undue harm will occur in relation to biodiversity on the site in question. Indeed, para. 3.3 and 4.38 of the SPPS both refer to consideration of the loss of biodiversity. It is considered that our policy has taken account of the SPPS and is sound in this regard.

Action: No Action taken. Policy is considered to be sound. However, if the PAC commissioner is so minded to recommend that this criteria b) is clarified then we have no objection to the wording being amended to state;

“Result in undue harm to protected species or biodiversity”

- c) *Key elements of SEA was for sustainable development, this has not been specifically considered in relation to overall plans for industrialisation of the Sperrins AONB. AONB must remain intact hence the entire LDP must be re-written to accommodate same. MUDPS/178/164, MUDPS/191/164*

Mid Ulster Council agree that the Sperrins AONB should be protected. To that end the Council introduced the concept of a Special Countryside Area within the upper Sperrins, as well as along the ridgeline of Clogher Valley and the

shoreline of Lough Neagh and Lough Beg. This SCA designation will preclude all forms of development, with some minor exceptions. In addition the Council has also brought forward an Area of Constraint on Wind Turbines and High Structures (AoCWTSHS) on the prominent slopes of the Sperrins and the Clogher Valley. In bringing forward these designations, Mid Ulster's Local Development Plan carried out significant research in order to provide the rationale and methodology for the SCA and AoCWTSHS designations at Lough Neagh & Lough Beg, High Sperrins and Clogher Valley. This paper was published on our website, alongside the Draft Plan Strategy. Mid Ulster does not agree that this designation provides the means to industrialise the region. On the contrary Mid Ulster believes that through designations such as the SCA and AoCWTSHS, the district's most unique and unspoilt areas will be preserved for future generations to enjoy.

Action: No action required.

- d) *DPS fails to align with the national strategy - NI executive 'everyone involved - sustainable strategy' which aims to address global issues such as climate change. Climate change and need for mitigation and adaption is not addressed in any meaningful or coherent way. **MUDPS/178/326, MUDPS/191/326***

The NI Executive's sustainable development strategy 'Everyone's Involved' seeks to ensure socially responsible economic development while protecting the resource base and the environment for the benefits of future generations. This document was included within the SA/SEA, Appendix 2 – Plans and Programmes. The implications of this strategy for our SA/SEA were considered in significant detail within the document.

The formulation and structure of the SA/SEA document closely aligns with the key objectives of the strategy, namely;

- living within environmental limits;
- ensuring a strong, healthy, just and equal society;
- achieving a sustainable economy;
- promoting good governance;
- using sound science responsibly; and
- promoting opportunity and innovation

The role of this strategic document has been given the appropriate weight throughout the SA/SEA. Indeed all of the SA/SEA objectives closely align with the objectives of 'Everyone's Involved.'

Action: No action required.

- e) *RSPB believes that plan-making should seek to integrate the 3 pillars of sustainable development rather than balancing as this could potentially result in environmental trade-offs. **MUDPS/59/1***

Mid Ulster Council's Draft Environmental Report constitutes an integrated Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) of the Draft Plan Strategy and therefore considers issues relating to the three pillars of sustainability; social, economic and environmental. It must be recognised that some conflicts will always arise as our SA/SEA Framework covers such a broad range of environmental, economic and social topics. The role of the SA/SEA is to weigh up the potential conflicts and ensure that a balanced assessment of potential effects in order to assist in achieving sustainable development. It should be noted that the scoring of the assessments was overseen by a group of impartial experts taken from various government bodies, outside of the council.

Action: No action required.

- f) *SEA is incorrect & inconsistent regarding mineral reserve policy areas. It states no significant negative impacts then states both approaches are likely to be negative in terms of all environmental indicators then concludes no major negative environmental effects. Baseline evidence on environmental and social effects of existing and previous extractive projects has not been carried out, then a sea of the potential environmental and social impacts of future activity cannot be relied upon. **MUDPS/178/311-313, MUDPS/191/311-313***

In accordance with the EAPP Regulations the SA/SEA is primarily concerned with potential significant effects of the DPS. The SA/SEA assessment considered that if MRPAs were retained then this would have minor negative impacts upon the environmental indicators because they would facilitate quarrying which would have negative implications for traffic generation, would potentially cause harm to biodiversity and could potentially be harmful to the visual amenity of our landscape. The assessment concluded that such an approach would not have any significant effects on the environment. It should be noted that the SA/SEA is an overarching, high level assessment of the reasonable alternatives available to the Council. At this stage the SA/SEA considered the potential impact of retaining the concept of MRPAs and was not providing an assessment of a specific site.

Action: No action required.

- g) *There is insufficient scope when assessing alternatives, to take into account, sustainable development, climate change and the policies which underpin the RDS. There is no analysis of phosphates, nitrates and ammonia crisis on protected sites for example. **MUDPS/162/95***

The whole purpose of the LDP and SA/SEA are to promote sustainable development such as compact urban forms, prevent development within the flood plain, promote sustainable modes of transport, reduce our carbon footprint and conserve, protect and enhance our built and natural environment. In

considering the above issues, such as phosphates, nitrates and ammonia levels the evidence shows that these are driven primarily by agricultural activities, most of which are not subject to planning control. The issue of intensive agricultural livestock housing and their potential for emissions are being considered by DAERA at regional level.

Action: No action required.

- h) *SEA must take account of Cumulative impact of numerous precious metal mines and their associated chemical processes. Ignored by RDS, SEA and ignored by DPS. Independent body should assess this, appointed by MUDC to establish baseline. **MUDPS/178/172, MUDPS/191/172***

As part of the planning process the impact of mining needs to be taken into account. Accordingly we have proposed policy which adopts a precautionary approach in assessing environmental and / or human health impact. The process for considering these impacts is through an Environmental Impact Assessment.

Action: No action required.

6.14 Scoring of SA/SEA Assessments – Natural Environment

- a) *SA/SEA appraisals for DRCs, Protection of River Corridors, Protection of Tourism Assets, Other Tourism facilities, Loughshore TOZs, Sperrins TOZs, AoCWTHS, Renewable Energy - SA/SEA 11 should be scored double negative unless comments for HRA adopted. **MUDPS/168/30***

We recognise that in certain situations our DRCs and TOZ's overlap or adjoin International and National environmental sites. We disagree however that in designating such sites that this will automatically result in a significant negative effect on the environmental asset. The Council considers that the suite of Natural Heritage and General principles policies brought forward within the DPS will ensure there is sufficient protection of our natural environment.

Council disagrees with DAERAs interpretation of our AoCWTHS designation and Policy RNW1. Within an AOCWTHS, proposals for wind turbines under 15m to hub height will still be assessed against all normal planning criteria as laid out in policy RNW 1. The designation of an AoCWTHS represents an additional layer of protection for this internationally recognised environmental designation.

Action: No action required.

- b) *Policy does not explain 'where peat land is not reasonably capable of restoration and therefore no longer deemed active'. Just because an area of peatland is inactive does not mean that it is incapable of restoration and have no conservation interests. As a result DAERA does not agree with positive score for SA/SEA Conserve Biodiversity, page 266 - Policy MIN 4. MUDPS/168/31*

The terminology used within this policy was formulated by the council in consultation with DAERA. The assumption being that a Peat Bog which is dying and cannot be restored, will not be deemed active. However if DAERA consider this terminology to be incorrect the Council would have no objection to phrasing this in a reasonable manner.

Action: No action required however should the PAC Commissioner recommend the rephrasing of the terminology used with reference to Peat Bog the Council would have no objection.

- c) *Both AONB options are assessed identically. Option (ii) selected but no reasons given. DPS complex cover of policies within AONB, with eight different zonings. NH6 is a lesser test and DAERA do not agree with positive scoring for SA/SEA 11 & 12. Therefore DAERA do not agree with a positive scoring for SA/SEA 11 Conserve Biodiversity and SA/SEA 12 Landscapes and Townscapes. MUDPS/168/32*

The SA/SEA assessed two options relating to the Sperrins AONB policy;

- i) Adopt existing PPS 2 policy (NH6)
- ii) Reconfigure existing policy, NH6 and SPPS, without fundamental amendments.

These policies, as the above options suggest, were essentially the same policy, hence the similar scorings within the assessment. In line with the approach taken throughout the SA/SEA the Council's preferred approach has been to reconfigure existing policies to produce new policies which accord with the SPPS. A number of the eight different zonings referred to already exist within the extant development plans, such as the DRC, TOZs, TCZs and ACMD. the additional zonings brought forward by the DPS should only serve to further protect the AONB, such as the SCA and AoCWTHS.

Action: No action required however as both policies are essentially the same, the scoring for both approaches could be downgraded to a minor positive for the aforementioned objectives, should the commissioner recommend.

6.15 Renewables / Telecommunications

- a) *The SA/SEA fails to robustly assign material weight to the economic and environmental benefits of renewable energy projects, with overriding rational*

*and disproportionate reasoning for adopting SCA and AOCWTHS relating to visual amenity. **MUDPS/41/5***

*SA states that all POP policy approaches performed well on environmental and economic SA objectives. The overriding rationale for adopting SCA/AOCWTHS is preservation of visual amenity, with inappropriate weight afforded economic benefits. **MUDPS/96/62-65***

The SPPS dictates that our environment must be managed in a sustainable manner. Under the preferred approach, Special Countryside Areas will be designated and complemented with Areas of Constraint in other environmentally sensitive areas in order to control specific types of development, namely wind turbines and other high structures. SCA and AoC policies also allow for exceptions to their normal restrictions to address specific circumstances. This will help avoid or mitigate against potentially adverse social and economic impacts from their introduction.

Action: No action required.

- b) *SA suggests that NED support concept of SCA however there is no indication of consultation with NED in relation to specific location and extent of SCA. **MUDPS/96/22***

In their written response to the consultation on our Preferred Options Paper DAERA welcomed the concept of areas of constraint and Special Countryside Areas to protect our most vulnerable landscapes. This support was based on the concept of areas of constraint and not in relation to a finalised boundary. The SA/SEA referenced DAERA's support for the *concept* of areas of constraint within paragraph 5.531.

Mid Ulster District Council has since published its suggested finalised boundaries for SCAs and AOCWTHS and consulted DAERA regarding the same. In their response to the DPS, DAERA has focused it's comments on the methodology utilised by the Council, in defining the boundaries of such designations.

Action: No action required.

- c) *Lack of information in the assessment demonstrates that the evidence used to inform this draft policy is inappropriate. RES suggest that extent of SCA is founded on flawed evidence. **MUDPS/96/23***

The Council's SA/SEA Scoping and Interim Reports contained details on the Council's intended approach to the assessment and its overall level of detail. The Council consulted with the Consultation Body at regular intervals on the proposed scope and the level of detail of the assessment. Article 5.2 of the SEA

Directive states that ‘the environmental report shall include the information that may reasonably be required taking into account....the contents and level of detail of the plan. DfI’s Practice Note 4 states that ‘the collection of baseline information could go on indefinitely, a council should adopt a practical approach and consider what baseline information is required for the SA before embarking on an extensive data collection exercise and to avoid making the task overly onerous and time consuming.’ Mid Ulster Council is satisfied that the level of detail of the assessment and the evidence utilised are appropriate given the level of detail of the plan.

The proposed boundaries of MUDC’s SCA have been defined based on a variety of factors and these have been detailed within the Council’s SCA background evidence paper, published along with the DPS. This background evidence paper details how the site boundaries were defined. The detailed boundaries of the SCA were defined in part by a desktop assessment and this work was verified by a series of field site visits, all of which had regard to the NILCA 2000 assessments, NIRLCA 2016 assessments, the Corine Land Cover data and also the relevant existing environmental designations. Mid Ulster considers that the NILCA 2000 assessments are still fit for purpose and has carried out a review of the 2000 LCA’s in association with GM Design Associates.

Action: No action required.

- d) With respect strategic approach to environmental protection, *Option 1 did not result in adverse effects on any SA objective however no justification provided for rejecting this option. Guidance and case law require SA reports to consider reasonable alternatives to the same extent as the preferred option and explain why reasonable alternatives are rejected. MUDPS/150/1, MUDPS/153/6*

Regulation 15(4) of the EAPP Regulations (NI) 2004 sets out the information requirements for the adoption of the draft plan, which must include the reasons for the choosing the plan as adopted in light of the other reasonable alternatives dealt with.

Both reasonable alternatives for the strategic approach to Environmental Protection were sustainably appraised. The preferred approach (PA) identified within the SA/SEA summary table on page 77 of the SA/SEA is option 2; *Adopt existing policy approach with introduction of new spatial designations.* Paragraph 5.53 of the SA/SEA clarifies that the preferred approach will include the designation of SCA’s at our most vulnerable landscapes in order to protect them from inappropriate forms of development. Council considers sufficient reasons have been provided for selection option 2 in accordance with Regulation 15(4).

Action: No action required.

- e) *No evidence to support assertion wind energy development is likely to impact local tourism. In relation to environmental protection & energy, findings for SA objective 20 are no different for retaining existing policy/implementing more restrictive policy. **MUDPS/150/4, MUDPS/153/8***

The Council considers it clear that wind energy development could impact on local tourism. If visitors are trying to appreciate the Council's Dark Skies attraction and the wider historic landscape of the south Sperrins then a large wind turbine/s with their associated flashing red warning light would clearly have an impact on tourism. This said the policy is not primarily about tourism but about protecting this ancient landscape.

Action: No action required.

- f) *Page 284-286 focus on telecommunications & overhead cable with a single reference to wind energy. Therefore it is unclear whether the adverse landscape effect from retaining existing policy includes wind energy development and how this is derived. **MUDPS/150/6, MUDPS/153/4***

Pages 284 – 286 of the SA/SEA provides an assessment of the reasonable alternatives relating to Telecommunications, Overhead Cables, High Structures and Other Utilities and not wind energy development. The reasonable alternatives considered were:

- i) Adopt existing policy Tel 1 Control of Telecommunication development of PPS 10 Telecommunications (April 2002) and policy PSU 11 'Overhead Cables' of Planning Strategy for Rural NI (September 1993).
- ii) Reconfigure above existing policies and the SPPS policy with the following amendments: *Include additional policy with regard to Areas of Constraint (AoC) designations.*

Council considers that our preferred approach accords with the SPPS, Plan objective 'to improve connectivity through telecommunications', and Spatial Planning Framework (SPF) 10 which seeks to 'Facilitate the protection of vulnerable landscapes and conservation interests, from inappropriate and over dominant development'.

Action: No action required.

- g) *No explanation for inconsistency between negative landscape effect retaining existing policy on Page 285 compared with positive landscape effect for retaining existing policy on page 77 given both refer to wind energy development. **MUDPS/150/7, MUDPS/153/10***

Mid Ulster Council is content that there is no inconsistency in scoring with regards the retention of existing policy. The assessment on page 77 of the SA/SEA is an overarching, strategic assessment of the retention of policies to

protect the environment from all development typologies. It is understandable therefore that the assessment considered that the retention of a suite of policies would likely result in a positive effect on protecting the landscape/townscape.

The assessment on page 285 of the SA/SEA deals with options relating specifically to Telecommunications, Overhead Cables, and High Structures. This more focused assessment considered that, given the typology of development involved in this instance, the retention of existing policies would likely result in a negative effect on the quality of our landscapes. The preferred option in this instance included policies, alongside Areas of Constraint. The assessment concludes that the introduction of AoC's would likely afford greater protection to our most sensitive landscapes.

Action: No action required.

- h) *SA report states following feedback from DfI, option 2&3 for environmental protection approach were combined as there was considered to be no discernible difference. No information provided on DfI Feedback & why these options are considered the same. MUDPS/150/33, MUDPS/153/7*

The following options were set out in the POP;

Option 2) Constraints approach – This approach takes account of existing international, national and local environmental designations but is based entirely on a plan led approach by identifying areas of constraint within the LDP to protect vulnerable landscapes and our environmental assets from inappropriate, over dominant development.

Option 3) Option 3 – Presumption in favour of sustainable development. This option is a more sustainable development method which adopts a measured approach providing a balance between protection and growth. In addition to taking account of existing international, national and local environmental designations Areas of Constraint based on vulnerable landscapes and protection of our most important environmental assets would be identified.

The Council maintains that there is no discernible difference between options 2 & 3 of the POP, stated above, in relation to environmental protection. The Council was therefore justified in combining these approaches.

Action: No action required.

- i) *The 3 AoC are subject to SA, however SA fails to include a reasonable alternative i.e. retain existing policy. Preferred approach will sterilise wind energy in these designations preventing assessment on case by case basis therefore conflicting with SPPS. The approach to consider proposals on a case by case basis when assessing the ability of the landscape to accommodate*

*wind energy development represents a reasonable and policy compliant alternative that should be considered. **MUDPS/150/5***

*Preferred option for renewable energy is not considered a reasonable alternative to the rejected option to retain existing policy. SA report fails to identify and explain inconsistencies between preferred option and national policy. **MUDPS/150/32, MUDPS/153/5***

*Divergence from national policy is not justified and should be supported by robust evidence base. SA states significant adverse landscape impacts from existing policy however this contradicts development pressure analysis and earlier stages of the SA process. Adopt policy in accordance with SPPS considering proposals on a case by case basis is a reasonable and policy-compliant alternative that should be considered. **MUDPS/153/9***

Assessment of renewable energy development outside of the AOCWTHS will take place on a case-by-case basis.

The approach of introducing an SCA is supported by regional policy contained within the SPPS (6.75) and the possibility of introducing additional policies and designations of a strategic nature is contained within the SPPS (5.23) which states that, dependent upon local circumstances, Councils may introduce additional strategic policies and designations. The AOCWTHS has been introduced to provide an additional layer of protection to those areas within our district, which require additional protection to that which is generally afforded to the countryside. Those distinctive areas such as the High Sperrins and Clogher Valley have been identified as vulnerable landscapes in need of additional levels of protection. The justification of these areas as part of the proposed AOC is set out in the Councils background evidence paper entitled *High Sperrins and Clogher Valley Area of Constraint on Wind Turbines and High Structures*.

It is felt that these areas along with the SCA's are more likely to come under threat from wind energy development because of their remote nature and higher wind speeds. Given the progress of Northern Ireland in meeting regional energy targets as well as the level of unimplemented permissions and the significant role, which mid Ulster has played in this progress, it is our view that the protection of these areas is vitally important if we are to protect them for future generations.

As part of the POP consultation process, all relevant parties were invited to make comment on the Councils preferred option of introducing an AOCWTHS. NIEA Natural Environment Division welcomed the concept while our neighbouring councils acknowledged the areas are an area of common interest in need of a joined up approach. Representatives of the renewables industry were strongly opposed to the approach and preferred to see the approach of PPS 18 being retained.

Should there be a change in regional targets, which necessitates a review of this approach, then this can be facilitated through the mechanisms for a Plan review.

Action: No action required.

6.16 Transportation

- a) *SA page 14, point (iv) & page 61, table 4.2... What measures will be taken to improve connectivity using 'sustainable modes of transport' to counteract 'potential increased car and energy' anticipated from developments proposed within LDP. **MUDPS/168/38***

The SA/SEA framework (Appendix 5) Objective 8 seeks to reduce the effect of traffic on the environment and the decision making criteria associated with this objective asks 'will it (the LDP) encourage walking and cycling?' Furthermore, under the monitoring of our plan, (p.252) outcomes include,

- We will have created more greenways and cycle ways whilst safeguarding our canals and main river banks for future use.
- There will be more people walking, cycling and using public transport.

Measures include, the provision of new cycle ways and greenways.

We consider substantive measures have been proposed in our DPS to promote sustainable transport and encourage active travel. However these are policies and the only real mechanism for promoting sustainable modes of transport is through infrastructure and service provision. In the main it will be for the local policies plan. It has to be recognised that a Development Plan has no role in co-ordinating service

Action: No action required.

- b) *Are there any further proposals for park and ride facilities to help reduce the increased congestion in areas like Dungannon? **MUDPS/168/39***

With regards to Park and Ride / Park and Share facilities, the SPPS states that, LDPs should also consider and identify park and ride / park and share sites where appropriate.

We recognise the need for Park and Ride schemes in paragraph 23.18 of the DPS which states, development of regional significance such as strategic park and ride schemes, will be allowed as an exception for access to a protected route, provided that it does not compromise their function of facilitating the free and safe movement of traffic or does not significantly add to congestion. Consideration on whether park and ride and/or park and share sites will be identified is a matter for LPP.

In addition the DPS has brought forward new transport policies to facilitate Park and Ride facilities and in particular Policy TRAN 4 notes that development of regional significance, such as park and ride schemes will be allowed as an exception for access to a protected route, provided it does not compromise their function of facilitating the free and safe movement of traffic or does not significantly add to congestion.

Action: No action required.

- c) *Is there any plan to widen the air quality monitoring network to monitor and assist in measuring the effects of the proposed increase in congestion?*
MUDPS/168/40

The DPS does not propose to increase congestion but seeks to resolve it through a variety of measures, including encouraging the improvement of the A29 spine road through Mid Ulster. The DPS also seeks to improve internet provision throughout the district to promote job creation in Mid Ulster, not just in industrial estates and settlements but also home working. This said the Council has a statutory duty to monitor the air quality of the district as per the requirements of the Local Air Quality Management (LAQM) process as set out in the Environment (Northern Ireland) Order 2002. The LAQM process places an obligation on all Mid Ulster Council to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved. In compiling the baseline data for the SA/SEA the latest data was sought from the Environmental Health Department on the latest Air Quality Management Areas (AQMA's) within the district. The latest data demonstrated that there are no changes required to existing AQMA's within the district. The planning Department will continue to liaise with colleagues in Environmental Health Department regarding air quality monitoring.

Action: No action required.

- d) *The SA/SEA has only considered alternatives in so far as they relate to private car and public transport. There has been no consideration given to walking or cycling.* **MUDPS/142/5**

Under the topic of Transportation the Council considered that there were two reasonable alternatives for its strategic approach:

- i) To maximise the use of public transport and walking and cycling as the primary modes of travel within Mid Ulster.
- ii) Maximise the use of roads whilst promoting the use of sustainable modes of transport through measures such as; designing developments for buses and provision of park and facilities.

Whilst the ability of the DPS to encourage a modal shift may be limited, its ability to achieve greater connectivity across the Mid Ulster region may be achieved in part through the Councils new policies. For instance Policy TRAN 2 seeks to protect our disused transport routes which could open up their use for walking and cycle-ways. Policy TRAN 4 allows development of regional significance, such as park and ride schemes will be allowed as an exception for access to a protected route, provided it does not compromise their function of facilitating the free and safe movement of traffic or does not significantly add to congestion.

In addition the DPS and the SA/SEA considered sustainable modes of transportation in the zoning and assessment of potential industrial land within the Dungannon area. Consideration should also be given to new transport schemes, opportunities from disused railways, provision of car parking and protected routes.

Action: No action required.

6.17 Monitoring

- a) *Advises that caution must be exercised in avoiding a situation where monitoring amounts to simply monitoring trends in the baseline environment which would have occurred irrespective of the LDP. Refers to Dev. Plan Practice Note 04. **MUDPS/59/167***

The monitoring section of the draft Plan Strategy clearly states how we intend to monitor the Plan. By monitoring the Strategy in accordance with this section, we are in accordance with section 25 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015. This legislation states that we must produce an annual monitoring report that includes details of housing land supply, the number of net additional housing units built, the economic land supply and any other issues, which we regard as being relevant to the implementation of the LDP.

It is our opinion that the objectives, indicators, outcomes and measures contained within the monitoring section of the DPS will enable us to comply with this relevant legislation. It should be noted that the monitoring of the plan and the production of the annual monitoring report which will take place annually.

Action: No action required.

- b) *Recommend that MUDC refer to SEA prepared for the SPPS, sections 9.1.5, 9.2.1- 9.2.6. Suggests that MUDC includes the suggestions set out in 9.1.5 as part of its overall monitoring. **MUDPS/59/168***

MUDC's SA/SEA acknowledges that the Monitoring Framework may evolve in response to the results of consultation or changes to the plan. Mid Ulster intends to review the monitoring framework as published within the SA/SEA as part of its annual monitoring work.

Action: No action required.

- c) *Monitoring should including the non-implementation of LDP policies as well as those which are implemented to ensure the identification of any unforeseen adverse effects through the non-implementation of a LDP policy at an early stage & allow remedial action. **MUDPS/59/169***

MUDC's SA/SEA acknowledges that the Monitoring Framework may evolve in response to the results of consultation or changes to the plan. Mid Ulster intends to review the monitoring framework as published within the SA/SEA.

Action: No action required.

- d) *Given the wide range of topics under the remit of LDP, additional measures for the monitoring of both its positive and negative impacts on the environment are suggested; Condition of natural heritage designated sites (both marine and terrestrial) within the LDP area (information provided from DAERA). Number and extent of developments approved and refused in relation to priority habitats and species / within or adjacent to designated sites (both marine and terrestrial) / on features of earth science importance, within ancient and long established woodland / within AONBs, LLPAs, AOHSVs and SCAs / Extent of blue-green infrastructure within the LDP area / with 'Key Site Requirements' which include measures to protect and integrate species, habitats and natural heritage features (both marine and terrestrial) / The percentage of waterbodies at high, good, moderate, poor or bad status, as defined by the Water Framework Directive, in the LDP area using the publication date of the LDP as the baseline (information provided by DAERA) / for culverting of watercourses and sea defences/ Condition of marine (transitional and coastal) surface waters identified under the Water Framework Directive within the LDP area (information provided from DAERA) / in the inter-tidal area / in the developed and undeveloped coast (coastal development) / that considered marine policy documents (UK MPS / Marine Plan) / that considered land and sea interactions / that considered impacts on the marine area / also require a marine licence or other marine consents. **MUDPS/168/12-29***

The monitoring section of the draft Plan Strategy clearly states how we intend to monitor the Plan. By monitoring the Strategy in accordance with this section, we are in accordance with section 25 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015. This legislation states that we must produce an annual monitoring report that includes details of housing land supply, the number of net additional housing units built, the economic land supply and any other issues, which we regard as being relevant to the implementation of the LDP.

It is our opinion that the objectives, indicators, outcomes and measures contained within the monitoring section of the DPS will enable us to comply with this relevant legislation. It should be noted that the monitoring of the plan and the production of the annual monitoring report which will take place annually.

Action: No action required.

7.0 Counter Representations

7.1 In accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, an 8-week counter representation public consultation period ran for any person wishing to make site specific policy representations. Counter-representations relating to the SA/SEA are as follows:

- DPSCR/42
- DPSCR/48
- DPSCR/49
- DPSCR/50
- DPSCR/51
- DPSCR/52
- DPSCR/53
- DPSCR/54
- DPSCR/55
- DPSCR/56
- DPSCR/57
- DPSCR/58
- DPSCR/81
- DPSCR/82
- DPSCR/88
- DPSCR/99
- DPSCR/101
- DPSCR/102
- DPSCR/104
- DPSCR/107
- DPSCR/121
- DPSCR/128
- DPSCR/139
- DPSCR/141
- DPSCR/142
- DPSCR/144
- DPSCR/147
- DPSCR/161
- DPSCR/168
- DPSCR/169
- DPSCR/171
- DPSCR/172
- DPSCR/173
- DPSCR/175
- DPSCR/176
- DPSCR/177
- DPSCR/178

- DPSCR/180
- DPSCR/189
- DPSCR/191
- DPSCR/192
- DPSCR/194
- DPSCR/198
- DPSCR/210
- DPSCR/211
- DPSCR/214

7.2 The counter representations voice further objections to planning policies as well as to the extent of the SCA and the ACMD. They also voice further opposition to the policy and how it is inconsistent with the SPPS and not based on a robust evidence base. These objections to policies and designations simply repeat views expressed in earlier representations to the draft Strategy. Therefore, the response to such issues would be the same as the responses detailed in the relevant parts of this report and the other relevant topic papers.

7.3 It is our view that these issues have been addressed in the topic paper to the initial consultations on the draft Strategy and do not need be addressed for a second time.

8.0 Recommendation

8.1 It is recommended that we progress the approach to the SA/SEA, in line with the actions contained within this paper.

Respondent	Reference Number
Monaghan County Council	MUDPS/22
Northern Ireland Renewables Industry Group	MUDPS/41
RSPB	MUDPS/59
FP McCann	MUDPS/64
Ward Design	MUDPS/67
Department for Communities	MUDPS/77
Quarryplan	MUDPS/82
Turley	MUDPS/83
Ward Design	MUDPS/93
Renewable Energy Systems Limited	MUDPS/96
Quarryplan	MUDPS/101
Quarryplan	MUDPS/102
Quarryplan	MUDPS/103
Quarryplan	MUDPS/104
Quarryplan	MUDPS/105
Quarryplan	MUDPS/106
Quarryplan	MUDPS/107

	MUDPS/108
	MUDPS/109
	MUDPS/110
	MUDPS/111
	MUDPS/112
	MUDPS/113
	MUDPS/114
	MUDPS/120
	MUDPS/142
	MUDPS/150
	MUDPS/153
	MUDPS/162
	MUDPS/167
	MUDPS/168
	MUDPS/178
	MUDPS/191

Addendum to SA / SEA Topic Paper

New Representations Received during the Re-consultation on the DPS

1.0 Representations Received Re-consultation September 2020

1.1 The main issues arising following the re-consultation process are set out below:

- a. **MUDPS/31/27** – *Department of Economy raised concerns under C2 consistency test 2 no specific reference to GAS. The SA/SEA has not taken into account the role of natural gas in reducing Sulphur Dioxide Emission since 2001. No reference made to the existing Gas to the West Strategic Project sponsored by the Department for Economy. Nor is there reference to the benefits of GAS in comparison with coal or oil.*

Consideration

Gas is a non-renewable energy resource and therefore a specific strategic planning policy on this utility is not appropriate in terms of Environmental Policies.

Action: No Action Required.

- b. **MUDPS/115/346** – *Department for Infrastructure raised specific concerns under CE2 test, related to LDPs role to address (or worsen) accessibility challenges not fully considered – absence of this issue in the assessment of the Growth Strategy against SA/SEA objectives 1, 2, 3, and 19.*

Consideration

Note SA/SEA Topic Paper Section 6.16 (d). Note Vision, Objectives, Growth Strategy and Spatial Planning Framework Topic Paper Section 5.62.

Action: No Action Required.

- c. **MUDPS/168/41** – *DAERA raised a general point regarding lack of reference to Draft Marine Policy (Regional Level) and Marine Legislation Act NI.*

Consideration

The Planning Department note general comments. A separate Paper

has examined how the DPS relates to the Marine Plan and we take the view we are fully compliant with the objectives of the Marine Plan.

Action: No Action Required.

- d. **MUDPS/168/42** – *DAERA raised a general point that SA /SEA Sustainability Objectives in relation to water quality and biodiversity does not attempt to draw out potential effects on the marine environment.*

Consideration

The Planning Department note general comments.

Action: No Action Required.

- e. **MUDPS/168/43** – *DAERA raised specific concerns regarding water quality and biodiversity, lack of specific Sustainability Objectives related directly to potential effects on the marine environment – i.e. water quality.*

Consideration

See SA / SEA Topic Paper Section 6.2 a) and b); and Section 6.3 f) and g).

Action: No Action Required.

- f. **MUDPS/168/44** – *DAERA raised specific concerns regarding lack of direct reference to Marine Policy documents, namely, UK Marine Policy Statement and draft Marine Plan for NI. Marine Policy and Plans must take into account as part of the justification within the preferred policy / policy options or reasonable alternatives. Only terrestrial planning documents considered.*

Consideration

See SA / SEA Topic Paper Section 6.2 a) and b); and Section 6.3 f) and g).

Action: No Action Required.

2.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
Department for Economy	MUDPS/31
Department for Infrastructure	MUDPS/115

DEARA	MUDPS/168
Public Representations	
N/A	N/A

Monitoring Our Plan - Topic Paper

1.0 Issues Identified

- 1.1 All issues addressed below have been raised in relation to the monitoring of the draft Plan Strategy. The means by which the DPS will be monitored are contained within the tables at page 250-252 of the draft Strategy document.
- 1.2 The main issues raised were the absence of certain measures, which it was argued would improve the way in which we monitor the draft Strategy. There were also issues raised regarding the perceived lack of measures listed for monitoring specific objectives as well as the lack of clarity in relation to what objectives are relevant to what outcomes/indicators/measures.

2.0 Representations in Support

- 2.1 Some support and acknowledgement of the monitoring process were received.
 - MUDPS/159/23
 - MUDPS/99/19
 - MUDPS/98/10

3.0 Regional Policy Context

- 3.1 The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 states that the Council must monitor the Local Development Plan on an annual basis and produce an annual monitoring report which is required to contain specific matters. These matters are; the housing land supply; the number of net additional units built; the economic land supply as well as any other issues that the Council see as relevant to the implementation of the Plan.
- 3.2 This annual monitoring process is different from the requirement to carry out a Plan review every 5 years.
- 3.3 The table located on p. 250-252 of the draft Plan Strategy explains the information that will be collected as part of an annual monitoring report in order to inform the Plan review (5 year review). If the review identifies the need for changes in the approach taken in the Strategy then these changes will be brought forward subject to consultation.
- 3.4 In terms of housing, if it becomes clear through the monitoring process that the lower figure for housing growth in any of the settlements cannot be achieved then consideration can be given to the release of phase 2 land. Likewise in terms of industrial land supply, the monitoring process will ensure that a generous supply of land is maintained. It is not envisaged that there will

be a shortfall of industrial land throughout the Plan Period but if such a scenario does arise then this can be addressed through the mechanism for review.

- 3.5 In following this rolling programme of review, it may be a possibility that, if the contents of our Strategy remain relevant, then land supply dates (plan period) could be altered / updated to extend the life of the Plan Strategy beyond the 2030.

4.0 Local Policy Context

- 4.1 **Extant Area Plans** There are three extant Area Plans covering Mid Ulster District Council area, namely,

- **Cookstown Area Plan 2010**
- **Dungannon and South Tyrone Area Plan 2010**
- **Magherafelt Area Plan 2015**

- 4.2 **Mid Ulster Community Plan** adopted in 2016, sets out its vision for the area identifying 15 outcomes with a delivery period of 10 years.

- 4.3 **Preferred Options Paper (POP)**

5.0 Response to the Specific Issues

- 5.1 **Monitoring Overview & Strategy**

a) *There is no clear mechanism for monitoring the Plan (MUDPS/178/20 & MUDPS/191/201)*

Consideration: The monitoring section of the draft Plan Strategy clearly states how we intend to monitor the Plan. By monitoring the Strategy in accordance with this section, we are in accordance with section 25 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015. This legislation states that we must produce an annual monitoring report that includes details of housing land supply, the number of net additional housing units built, the economic land supply and any other issues, which we regard as being relevant to the implementation of the LDP.

It is our opinion that the objectives, indicators, outcomes and measures contained the monitoring section of the draft Strategy will enable us to comply with this relevant legislation.

ACTION: No Action Required.

b) *There is no mention of indicators to be used to monitor the goal of "improving quality of life." (MUDPS/162/7)*

Consideration: The representation refers to paragraph 1.3 of the draft Strategy which states that we will accommodate growth in the form of new homes and economic development in order to help improve the quality of life

of our population. This is an overarching aim of the draft Strategy and will be achieved via the implementation of the Plan objectives. The plan objectives are listed on p. 30 -32 and will lead to an improvement in quality of life in a wide range of ways. For example, the objectives include measures such as increasing the number of jobs, improving connectivity, protecting the natural and built environment, facilitation of new community facilities and provision new housing. All of these objectives as well as other stated objectives will contribute to improving the quality of life of the population. The outcomes, indicators and measures that will be used to monitor these objectives are listed in the “Monitoring our Plan” table at p. 250-252.

ACTION: No Action Required.

5.2 Monitoring Outcomes, Indicators & Measures

a) *Outcomes, indicators and measures listed in the Monitoring of Our Plan section do not read across easily to the Objectives. For example;*

- i. In Accommodating People and Creating Places section, there is no way of measuring the loss of open space*
- ii. In Creating Jobs and Promoting Prosperity, there is no indicator for promoting renewable energy or to encourage energy efficiencies*
- iii. The Outcome “mineral extraction will continue to provide...”is devoid of any indicators or measures which enable monitoring.*

(MUDPS/59/132, 59/134, 59/135, 59/136, 59/137, 115/266)

Consideration: We do not accept that each of the objectives does not have a clear link to relevant measures and indicators. In relation to the examples quoted above, we would make the following comments;

- i. The protection of open space is not an objective within the Accommodating People and Creating Places section of the vision and objectives part of the Strategy. That is not to say it is not an important planning principle but is not specifically measured as an overarching objective of the draft Strategy.
- ii. In relation to the promotion of renewable energy, one of the indicators in the relevant section (Creating Jobs and Promoting Prosperity) is the use of regional indicators and targets. This will include the monitoring of regional renewable energy statistics published by the Department for the Economy.
- iii. In relation to the continued supply of mineral products, again this will be monitored via regional indicators such as the annual DfE minerals statements that are being gathered with more and more accuracy every year, from minerals operators.

ACTION: No Action Required.

b) *The measures, which are included in the monitoring section, are not SMART. There is no baseline information from which a trigger point can be identified for remedial action. (MUDPS/59/133 & MUDPS/115/22)*

Consideration: This representation does not relate to any specific measures that are identified as not being SMART. It is our opinion that the measures, which are identified, can be classed as displaying elements of the SMART principles. For example;

- i. there are **specific and measureable** things like the number of permissions for certain types of development, the number of social/affordable homes, vacancy rates, employment levels and uptake of land.
- ii. The measures are **realistic** and are capable of being monitored. Indeed, some other measures which have been put forward have been rebutted by the Council in this report for not being realistic or achievable, such as monitoring all permissions in all natural heritage designations or the “condition” of all natural heritage designations (see para. 3.5).
- iii. The whole monitoring process is **time based** in that it is a legislative requirement that monitoring takes place on an annual basis.

It should be noted that changes to the Plan will come as a result of the review of the Plan which will take place every 5 years is not the same process as the monitoring of the plan and the production of the annual monitoring report which will take place annually.

ACTION: No Action Required.

c) *In the Enhancing the Environment and Improving Infrastructure monitoring section, the objective “to reduce flood risk and the adverse consequences of flooding” should have an associated outcome that there is no development within floodplains. (MUDPS/59/138)*

Consideration: The policy on development in floodplains that has been proposed in the draft Strategy is similar to the existing policy on development in floodplains, which is contained within PPS 15. Both policies operate a strict presumption against development within a flood plain. Therefore, the claim that an outcome of this draft Strategy should be that there will be no development within floodplains is illogical as it implies that the current planning policy is implicit in facilitating development within floodplains. The current policy approach on development within floodplains, which has been continued in the draft Plan Strategy, is not leading to substantive development taking place within floodplains.

ACTION: No Action Required.

d) *The measure for monitoring which states that “the number and type of permissions granted within the SCA....” should also include the number and type of planning permission within all natural heritage sites as well as the condition of all international and national designations. (MUDPS/59/140, MUDPS/59/142, MUDPS/167/37 and MUDPS/167/38, MUDPS/59/193)*

Consideration: The task of monitoring all planning permissions granted within all natural heritage designations would be extremely onerous and would require all permissions to be recorded across a vast geographical area including all of the AONB, all local designations, all national designations and all international designations. The rationale for doing this is not clear when the designations are existing at present and there is no evidence to suggest that the approach of not monitoring current levels of approvals granted within them is causing harm to the designations. The additional layer of protection offered by this draft Strategy, in the form of the SCA is something, which is not currently in place across our District. It provides a clear presumption against development within the designation and therefore the potential for development to be granted permission within this designation if less. By monitoring, the number and type of approvals granted within this new designation will be able to directly oversee the effectiveness of this new layer of protection for our most sensitive landscapes.

There is no clarity provided on what is meant by “condition of all international and national designations.” Whatever is meant by this, it is surely something, which other statutory agencies in possession of the necessary expertise would be better equipped to carry out than the local planning authority who do not possess the necessary range of expertise.

ACTION: No Action Required.

e) *DAERA have suggested a range of measures that could be used to monitor both positive and negative impacts of the LDP. These include;*

- i. Number of developments approved and refused in relation priority habitats and species and protected species and habitats*
- ii. Number and extent of developments approved on active peatland*
- iii. Number and extent of developments approved and refused on features of earth science importance.*
- iv. Number and extent of developments approved and refused within ancient and established woodland*
- v. Number and extent of developments approved and refused within AONBs AoHSVs, LLPAs and SCAs.*
- vi. Extent of blue/green infrastructure within the LDP area*
- vii. Number and extent of developments with key site requirements which include measures to protect and integrate species,*

- habitats and natural heritage features (both marine and terrestrial)*
- viii. Number and extent of developments approved and refused for culverting of watercourses and sea defences*
 - ix. Condition of marine surface waters identified under the Water Framework Directive within the LDP area.*
 - x. Number and extent of developments approved and refused within the intertidal area.*
 - xi. Number and extent of developments approved and refused which considered Marine Policy Documents*
 - xii. Number and extent of Developments approved and refused in the developed and undeveloped coast*
 - xiii. Number and extent of developments approved and refused that considered land and sea interactions and any impacts on the marine area*
 - xiv. Number and extent of developments approved which also require a marine license or other marine consents.*
 - xv. The percentage of water bodies at high, good, moderate, poor or bad status as defined by the water framework directive in the LDP area using the publication date of the of the LDP as the baseline (information provided from DAERA).*

(MUDPS/167/39, MUDPS/167/40, MUDPS/167/41, MUDPS/167/42, MUDPS/167/43, MUDPS/167/44, MUDPS/167/45, MUDPS/167/46, MUDPS/167/47, MUDPS/167/48, MUDPS/167/49, MUDPS/167/50, MUDPS/167/51, MUDPS/167/52, MUDPS/167/53, MUDPS/167/54, MUDPS/167/55)

Consideration: If development is permitted within one of the areas listed by DAERA, then it will have been permitted with consideration having been given to all the effects. Therefore, it is likely that there will be very limited (if any) negative effects on these areas, caused by development. The purpose of these designations is not to enable a basic count of developments taking place but rather it is to protect the relevant unique features of the location, such as habitat, species, earth science etc. It is the responsibility of DAERA to monitor the condition of these unique features. The Council does not monitor these measures at present and there is no evidence to suggest that the failure to monitor them has led to any significant damage to the natural environment.

The draft Plan Strategy advocates that we monitor all approvals granted with the SCA, AOCWTHS and mineral development granted within the ACMD. These are larger, strategic designations wherein there is a presumption against development, therefore monitoring of permissions granted within these designations should be more realistic and meaningful than the wide range of suggestions put forward by this representation.

The SCA and the ACOWTHS are new designations introduced by the DPS and therefore, it is logical that their success and level of impact is monitored.

In relation to monitoring of approvals which impact on land sea interactions, require a marine license and which consider marine policy documents; this is not something which is undertaken by MUDC at present. There is no evidence that a land lock district like MUDC is contributing to environmental harms by not monitoring these things at present.

ACTION: No Action Required.

f) *In relation to the Enhancing the Environment and Improving Infrastructure table, HED are concerned that there are no indicators or measures included for the protection, conservation and enhancement of the historic environment.*
(MUDPS/77/281)

Consideration: In relation to historic environment, the approach outlined in the DPS is similar to the existing approach. It would not therefore be necessary to monitor the impact of the draft Strategy in this regard, because the approach and impact of the policy in relation to the historic environment is anticipated to be the same as the existing approach. The policies as written will not cause any harm to sites of historic environment importance. It is therefore not envisaged that there is a need to monitor the impact of this policy, which is largely in keeping with the existing policy. The responsibility of monitoring the condition of historic environment sites falls within the remit of HED.

ACTION: No Action Required.

g) *Development Pressure should be monitored via;*

- i. Number and type of planning permissions granted within TOZs.*
- ii. Number of exceptions granted over 15m within the AOCWTHS.*

(MUDPS/59/141)

Consideration:

- i.** Tourism Opportunity Zones are large designations covering considerable areas of land. Within them, policy states that tourism accommodation will be acceptable but other types of development will continue to be acceptable as well. It would therefore be extremely difficult to record and monitor all planning approvals granted within these designations and it is unclear as to what purpose this exercise would achieve. Tourism Opportunity Zones are designed to encourage our underperforming tourism sector. It is unclear how monitoring all planning permission granted within these areas as opposed to other areas will be an indication of development pressure.
- ii.** The draft Strategy does propose using this as a means of monitoring. One of the measures which will be monitored as per the table in the draft Strategy is the “number of permissions for high structures and

wind turbines in our Area of Constraint on Wind Turbines and High Structures. If this information is recorded then it would be easy to extract the approved developments which are over 15m in height.

ACTION: No Action Required.

h) The draft HRA commits to monitoring the development pressure within Loughshore and Davagh TOZ's yet there is no commitment within the monitoring section of the draft Strategy to carry out such monitoring. Monitoring of the draft Strategy should involve the number and type of permissions within the TOZ's and exceptions granted within AOCWTHS. (MUDPS 59/194, MUDPS/59/102, MUDPS/59/222, MUDPS/59/223)

Consideration: The purpose of monitoring in relation to the draft Strategy is to monitor the level of achievement (or otherwise) of the strategic objectives. Monitoring will focus on wider environmental (as well as economic and social) objectives of the draft Strategy such as for example, protecting the natural environment and reducing our vulnerability to climate change. Monitoring of development within the TOZ's will be achieved through the wider monitoring of housing and economic development across the district. We will also monitor development within our SCA's, ACMD's and AOCWTHS's which are located right across the whole district. We are therefore of the view that the wider monitoring of the plan will address any issues that may arise within TOZ'S.

ACTION: No Action Required.

i) The monitoring of the draft Strategy, which based on a flawed evidence base will only lead to a revision of the Strategy which is also flawed and which will contribute to reduced housing delivery. (MUDPS/75/4)

Consideration: We do not agree that the evidence base for the draft Strategy is flawed. This representation element is associated with other elements, which state that the figures for housing supply used by the Council are flawed and therefore to monitor any draft Strategy based on these figures will lead to further flaws. These concerns have been addressed in other topic papers (see rebuttal addressing representations made to "Appendix 1 – Housing Indicator Table").

ACTION: No Action Required.

j) Housing approvals in the countryside should be included as an indicator to ensure they don't exceed 40% of the HGI. (MUDPS/85/98)

Consideration: The monitoring table in the draft Plan Strategy does state that one of the measures to be monitored in relation to the Accommodating

People and Creating Places section of the Plan Vision and Objectives is “the number of housing permissions in the countryside.”

ACTION: No Action Required.

k) *It is unclear which outcome relates to the objective of facilitating the development of new community facilities. (MUDPS/115/266 & MUDPS/115/315)*

Consideration: One of the outcomes in the Accommodating People and Creating Places section states; “we will have better health, education and community facilities.” This is a direct outcome of the objective of facilitating “development of new community facilities.” Therefore, this representation is incorrect as there is a direct outcome relating to this objective. One of the measures for monitoring of this section also relates to “the provision of new health, education and community uses in the district.”

ACTION: No Action Required.

l) *Outcomes 1 and 5 in the Enhancing the Environment section of the monitoring table are not reflected in corresponding indicators or measures. (MUDPS/115/267)*

Consideration: Objective 1 aims “to reduce contributions and vulnerability to climate change and to reduce flood risk and the adverse consequences of flooding.” There are two elements of this objective. In relation to the element which targets a reduction of contributions to climate change, this will be monitored via the indicators of the total amount of energy achieved from renewable sources as well as the travel to work survey. These sources will reveal a lessening dependence on fossil fuels and on private transport, both of which are contributors to climate change.

Regarding the element of this first objective that relates to flooding, it would not be practical to monitor and spatially represent all planning approvals that relate to all the floodplains in the District. Planning policy on flooding brought forward within the DPS is in line with regional and existing policy and therefore our approach to flooding is considered to be in keeping with the existing approach and the regional approach. In relation to objective 5 which is “to improve connectivity through telecommunications which both meets the needs of business and private households whilst reducing the need to travel.” One of the indicators in this section relates to the “availability of broadband and the extent of telecommunication not spots” and linked to the outcome that states, “everyone will have improved telecommunications and broadband connectivity.”

ACTION: No Action Required.

m) *The measures listed in the Enhancing the Environment and Improving Infrastructure Section are negative measures. It is better to prohibit permissions at the outset. (MUDPS/178/202 & MUDPS/191/202)*

Consideration: These are measures designed to ensure that we facilitate development in a sustainable manner whilst also enhancing and protecting our environment. In order for development to be permitted in for example, an ACMD (mineral development) or and AOCWTHS (high structures / turbines) it will need to comprise of one of the exceptions to the presumption against development. It is envisaged therefore, that such approvals will not be many in number. In order to ensure adequate protection for these areas, it is essential to monitor the development that is taking place within them. It is hard to see these monitoring measures as "negative measures" in this context.

ACTION: No Action Required.

5.3 Plan Review

a) *The review of the Plan as outlined in the table is limited in its scope. Apart from the release of phase 2 land, there is no mechanism for meaningful change. (MUDPS/183/1 & MUDSP/183/2)*

Consideration: This issue is addressed in section 3 of this paper. The table referenced in the representation will be used by the Council to carry out an annual monitoring report for the Plan, which is a legislative requirement. This annual monitoring report will not propose any changes to the Plan. Changes may be introduced if it is considered necessary, following the 5-year review, which is also a legislative requirement. Therefore, the assertion that the table on page 250-252 of the draft Strategy will not be capable of facilitating required changes is incorrect because it is intended as a means of monitoring the Plan to ensure the objectives are being met, not reviewing it.

ACTION: No Action Required

6.0 Recommendation

- 6.1 It is recommended that we progress the approach to how we monitor the draft Strategy, in line with the actions contained within this paper.

7.0 Representations received

The table below details representations received in relation to this topic paper.

Respondent	Reference Number
Consultation Bodies	
Department for Communities	MUDPS/77
Northern Ireland Housing Executive	MUDPS/85
Department for Infrastructure	MUDPS/115
Causeway Coast and Glens Borough Council	MUDPS/159
NED – NIEA (DAERA)	MUDPS/167
Public Representations	
RSPB	MUDPS/59
Ward Design	MUDPS/75
Gravis Planning	MUDPS/98
Gravis Planning	MUDPS/99
Protect Slieve Gallion	MUDPS/162
Pat Haughey	MUDPS/178
Ward Design	MUDPS/183
Pauline McHenry	MUDPS/191

8.0 Counter-Representations

- 8.1 During the period for counter representations to the draft Plan Strategy, in accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, there were no counter-representations received for this topic.

Addendum to Monitoring Our Plan Topic Paper

1.0 Issues Identified

- 1.1 Representations raised two main issues related to housing allocation within main towns and their respective urban footprints; and, justification for the figure 8,500 new jobs over the Plan period.

2.0 Representations in Support

- 2.1 No specific comments in support.

3.0 Consultations

- 3.1 **MUDPS/115/375** – Outcomes 1 & 5 do not appear reflected in either the indicators of the measures. Can Council clarify how this will be monitored?

Consideration: No new issue raised, see Para 5.1 (I).

Action: No Action Required.

- 3.2 **Housing Allocations**

MUDPS/214/40 - *30-60% of housing provided in our main towns is too wide a target to be meaningful and should be higher to encourage more urban living and less rural houses.*

Consideration: The RDS (RG8, para 3.14) looks to achieve 60% of new housing to be located in appropriate brownfield sites within the urban footprints of settlements greater than 5,000 population. Central Government envisaged that settlements with high proportions of brownfield sites, such as Belfast, would be the greatest provider of such housing. In Mid Ulster opportunities to provide most housing within urban footprints are limited due to the fact that all of our towns are small in size. Furthermore, Mid Ulster has a high rural population – 40% of our households live in the Countryside. It would not be sustainable or viable to increase the target percentage of housing provided in our main towns.

Action: No action required.

- 3.3 **Economic Policies**

MUDPS/214/41 – *What is the basis for the figure 8,500 new jobs?*

Consideration: The figure based upon the updated population projections by NISRA, and a number of assumptions, all of which are contained within Mid Ulster Council's 'Position Paper Three – Addendum Employment and Economic Development'.

Action: No action required.

4.0 Representations Received

Respondent	Reference Number
Consultation Bodies	
Department for Infrastructure (DfI)	MUDPS/115
Public Representations	
Ulster Unionist Group	MUDPS/214
NIE NETWORKS C/O RPS GROUP	MUDPS/234