

Roisin McAllister

From: Blockwell, Steve [REDACTED]
Sent: 24 September 2020 12:29
To: DevelopmentPlan@midulstercouncil.org
Cc: McCartney, Marie
Subject: NI Water response to MUDC Draft Plan Strategy Re-consultation
Attachments: NI Water response to MUDC Reconsult Draft Plan Strategy 20200924.docx

Follow Up Flag: Follow up
Flag Status: Completed

FAO the Development Planning Team.

Please find attached NI Water's submission following the recent Mid Ulster District Council Draft Plan Strategy Re-consultation.

Please don't hesitate from contacting me or Marie McCartney (Senior Infrastructure Planner) should you wish to discuss NI Water's comments on the Plan.

Kind regards,

Dr Stephen Blockwell
Head of Investment Management

Asset Delivery Directorate
northern ireland water
Westland House
40 Old Westland Road
Belfast, BT14 6TE
Mobile [REDACTED]
Email [REDACTED]
Web: www.niwater.com



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Northern Ireland Water
Westland House
Old Westland Road
Belfast
BT14 6TE
www.niwater.com



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

Date: 24 September 2020

developmentplan@midulstercouncil.org

Dear Sir / Madam,

Mid Ulster District Council has allowed amendments to be made on NI Water's original submission as part of a consultation exercise on the Draft Plan Strategy. NI Water is satisfied that the original consultation is still relevant.

Nevertheless, the Department has increased the HGIs (Housing Growth Indicators) in autumn 2019 and from a planning perspective which is most relevant to NI Water as figures for Mid Ulster increases to 10,300. NI Water has also recently provided current information on the Wastewater Treatment Works capacity along with associated network constraints to support the plan (issued September 2020).

In addition, the Covid-19 crisis has highlighted how vital clean water and sanitation are to society. We cannot maintain a modern day economy and a healthy and thriving population without a properly funded water and wastewater service. We need the drains and the cranes for economic recovery and for a flourishing natural environment both within the Mid Ulster District Council area and across Northern Ireland. NI Water's services have never been more essential to the health and wellbeing of our customers than now.

Comments on the Mid Ulster District Council LDP Draft Plan Strategy

Thank you for the opportunity to review the content of the Mid Ulster Draft Plan Strategy and m. NI Water has a number of comments to make, in particular, it is concerned that there may be a risk of the Plan being unsound when assessed against the following soundness tests:

Soundness Test: C1 Did the Council take account of the Regional Development Strategy (RDS)?

Justification: Table 3.2 on page 42 of the Regional Development Strategy 2035: The Housing Evaluation Framework within the RDS states that 'a Resource Test must be carried out to identify physical infrastructure such as water, waste and sewerage, including spare capacity as part of the Council's assessment of the potential location for new housing.'

NI Water Commentary.

Sound infrastructure is necessary to underpin growth in the Council's Development Plan. MUDC indicates a requirement of 11,000 new homes by 2030, with 60% of the Districts' Housing Growth Indicator (HGI) to be located in the three hubs identified as Cookstown, Dungannon and Magherafelt.

NI Water met in December 2018 with MUDC and DfI to discuss this issue at length as there are current wastewater system capacity constraints in these three hubs. We will continue to engage with the council planners on this sensitive issue, particularly regarding Dungannon which has capacity issues at the WwTW and in the network. The Dungannon WwTW upgrade is now occurring in two Phases, with Phase 1 to be completed in NI Water's current business planning period PC15 (2015/16 to 2020/21) and Phase 2 in PC21 (2021/22 to 2026/27).

The draft plan contains growth outside of the three hubs but does not identify where predicted growth is to occur. This issue must be considered in more detail in the Plan as wastewater system capacity (treatment works and sewer networks) should be a key consideration when zoning land for development. In addition, it is the resilience of the wastewater infrastructure with respect to the growth aspiration of 40% HGI in the Development Plan, outside of the major settlements, that is of concern.

Currently there are existing wastewater capacity issues in terms of treatment works serving villages and small settlements. MUDC also has a policy in its plan (CT4) regarding groups of no more than 6 dwellings in a dispersed rural community. This has significant implications for NI Water as Package wastewater treatment plants may be offered for adoption (albeit dependent on compliance with NI Water standards and NIEA compliance conditions). The policy is not regarded as sustainable and it impacts upon NI Water's already constrained funding model i.e. the potential addition of further small wastewater assets for management by NI Water.

Given the long standing public expenditure constraints affecting wastewater infrastructure investment in Northern Ireland it is apparent that NI Water will require business plan funding significantly above its current level to address existing and future wastewater capacity requirements in the MUDC area (and elsewhere in Northern Ireland).

NI Water has provided MUDC with capacity information for wastewater treatment (and where available their associated networks) for informing the MUD Council's Local Development Plan and would welcome an opportunity to work even more closely with the Council on this aspect.

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

Justification: NI Water (and the Department for Infrastructure (DfI)) has previously met with relevant Council officials and presented current information on Wastewater treatment system capacity constraints and information on sewerage

capacity constraints. The information presented in places by MUDC appears confusing and potentially inconsistent with NI Water's message.

Comments provided by the Northern Ireland Water upon document: Mid-Ulster-District-Council-Local-Development-Plan-2030-Draft-Plan-Strategy

1.0 Introduction (p16)

Consider inclusion of a new section after 1.32 in the Draft Plan Strategy, listing the objectives of *Sustainable Water – A Long Term water strategy for Northern Ireland 2015-40* such as:

- *Delivering the European Commission's Blueprint for Water*
- *Sustainable Catchment Management*
- *Funding of Water and Sewerage Services*
- *Financial Investment*
- *Delivering in Partnership with other departmental bodies*
- *Economic Development and Growth*
- *Affordability*
- *Environmental Improvement and Compliance*
- *Flood Risk Management*
- *Sustainable Service Delivery*

This can be referenced at www.infrastructure-ni.gov.uk/publications/sustainable-water-long-term-water-strategy-northern-ireland-2015-2040

2.0 Mid Ulster Context and Key Issues (p27, Section 2.16)

Consider naming as one of the "Any regional guidance contained within the following" *Sustainable Water– A Long Term water strategy for Northern Ireland 2015-40*

4.0 Growth Strategy and Spatial Planning Framework (p39, Section 4.17)

NI Water is not proposing a change of text here but requires MUDC to be mindful of any temporary or permanent constraints e.g. Capacity (T) or Encroachment (P)

NI water suggests the following text is also included:

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.

(p39, Section 4.17)

“Avoid flood risk”; this could be modified to include text around suitable landscaping opportunity for sustainable drainage.

(p39, Section 4.22)

“4.22 In Maghera the former high school represents an opportunity for economic development. In Coalisland the former clay works site is identified in this Plan as a mixed use opportunity site for recreation with supporting economic mixed use development. The extent of the planning permission granted for the site in Coalisland is identified as an opportunity site on Map 1.4 and the planning conditions attached to that planning permission Reference: LA09/2016/1307/F identifies the Key Site Requirements to be addressed for development of the site.”

Separation of old drainage systems belonging to former sites, including identification and correction of misconnections, will be essential. Large open spaces should consider landscaped SuDS to regulate the flow of surface water within the site.

(p52&53) Key Site Requirements for Economic Development Zones at Granville and Dungannon)

“Key Site Requirements for Economic Development Zones at Granville and Dungannon North 4.62 Planning policy requirements contained elsewhere within this Plan Strategy apply to the economic development zones on Map 1.2 and Map 1.3. In addition to those planning policy requirements the following will be required:

Granville Zones

Zone D ECON 1 – Land at Eskragh Road

- Vehicular access should be on to the U1104 Eskragh Road;
- If the existing dwelling within the western sector of this zone is to remain in residential use special attention should be given to development adjacent to it in order not to affect its residential amenity;
- The site will require a Concept Masterplan providing for:
- a 10 metre buffer planting zone of trees of native species along the southern, south western and north western boundaries;
- provision for sewage, drainage, including surface water flooding, and appropriate access, cycle and walkways.

Zone D ECON 2 – Land at Killyliss Road

- Vehicular access should be on to the C646 Killyliss Road;
- The site will require a Concept Masterplan providing for:
- a 10 metre buffer planting zone of trees of native species along the southern and south eastern boundaries;
- retention of the watercourse within the site and provision of an adequate ecological buffer alongside it;

- provision for sewage, drainage, including surface water flooding, and appropriate access, cycle and walkways.

Zone D ECON 3 – Land at Killyliss Road

- An archaeological assessment and evaluation should be provided;
- A 10 metre buffer planting zone of trees of native species along the north eastern boundary;
- Retention of the watercourse within the site and provision of an adequate ecological buffer alongside it;
- Provision for sewage, drainage, including surface water flooding, and appropriate access, cycle and walkways.”

We suggest the following is also included-

Proposals to develop these lands must involve early engagement with NI Water through Pre-Development Enquiry (PDE) to establish accessibility of public water and wastewater services.

6.0 General Principles Planning Policy (p58, GP1)

“a) Amenity

Development should be compatible with surrounding land uses, the amenities of nearby residents and have regard to the character of the area in which it is located.

In considering the impact on amenity regard should be given to the following:

- Levels and effects of noise and vibration;
- Lighting;
- Loss of sunlight, daylight and privacy;
- Odour and fumes;
- Levels and effects of emissions including dust, smoke, soot, ash, grit or any other environmental pollution to water, air or soil.”

NI Water acknowledges the intention to take account of amenity impact and therefore recommend that a presumption should exist preventing encroachment upon existing Wastewater Treatment Works, unless an acceptable evidence based assessment demonstrates suitably low nuisance risk.

7.0 Housing in Settlements (p65, Section 7.10)

“We recognise the importance of providing the right amount of housing land in the right location to meet housing need. Under-provision can lead to price rises which will bring about a reduced level of access to the housing market. If overprovided for, the housing market can crash resulting in a catastrophe for our economy. Equally, if land is zoned inaccessibly or in the wrong place it can result in urban sprawl or land banking where no efforts are made to develop homes. Thus, in order to achieve a sustainable housing supply, we will ensure an appropriate amount of land is available at a choice of locations across the main towns and that opportunities are also provided in the local towns and smaller settlements.”

NI Water encourages MUDC to be aware of sewerage capacity, collection and treatment, in determining land zonings.

8.0 Housing in the Countryside (p89, CT4)

“Dispersed Rural Communities (DRCs) are not an urban designation and whilst they are defined, the extent of these should not be viewed as a settlement limit.

A Single Dwelling in a Dispersed Rural Community will conform with the plan where the applicant can demonstrate they will make a substantial economic and social contribution to that community. In such cases an occupancy condition will be attached.

A group of Dwellings in a Dispersed Rural Community will conform with the Plan where it represents a “Clachan” style development of no more than 6 dwellings, located at a focal point (i.e.) Community Building or Cross Roads.

Single dwellings are required to cluster with existing buildings and all new development must avoid open isolated sites. Tourism and communities facilities and Cottage Industries will also be accommodated in Dispersed Rural Communities”

A new wastewater treatment system to service a dispersed rural community e.g. ‘small settlement’ type development, would have to be provided privately. If the wastewater treatment works serves two or more properties and satisfies NI Water standards and complies with NIEA compliance requirements then the works is adoptable by NI Water. This places additional operation and capital cost burdens on an already heavily cost constrained business.

19.0 Flood Risk (p207, Section 19.4)

“Regional Policy Context

19.4 The Regional Development Strategy 2035 (RDS) recognises the need to avoid, where possible, the selection of flood prone land for employment and housing growth. It urges the planning system to adopt a precautionary approach to development in areas of flood risk and the use of the latest flood risk information that is available in order to properly manage development. The RDS (RG12) also promotes a more sustainable approach to the provision of water and sewerage services and flood risk management.”

A reference might also be made to Department for Infrastructure Water & Drainage Policy Division’s *Technical Flood Risk Guidance in Relation to Allowances for Climate Change in Northern Ireland (2019)*

(p207, Section 19.5)

“19.5 The Strategic Planning Policy Statement (SPPS) aims to prevent development in areas at risk from flooding or where it may increase the risk of flooding elsewhere. It advises us to adopt a precautionary approach in this scenario. The emphasis being on the need to ensure up to date and precise information on flood risk and encourages the promotion of sustainable development, sustainable drainage systems and public awareness. It does not permit built development within flood plains unless the following circumstances apply: that the

development is a valid exception; that it is of overriding regional or sub-regional economic importance; and the development is considered as minor development in the context of flood risk. Even where it does constitute an exception it sets a presumption against certain types of development include bespoke development for vulnerable groups, essential infrastructure and the storage of hazardous substances likely to cause pollution in a flood event. Where the principle of development is accepted a Flood Risk Assessment is required.”

NI Water endorses the application of the SPPS aim to prevent development in areas at risk from flooding.

(p208, Section 19.6)

“19.6 In relation to development at areas prone to surface water flood risk but which are outside of the fluvial flood plain, the regional strategic policy is that development should only be facilitated in areas where there is evidence of a history of surface water flooding when a developer is able to demonstrate, through a Drainage Assessment, that the flood risk can be effectively controlled or mitigated and will not create greater potential for surface water flooding elsewhere. The policy also encourages the use of Sustainable Drainage Systems as the preferred drainage solution.”

Design for Exceedance should be included within Developers’ Drainage Assessments.

(p208, Section 19.7)

“19.7 With regard to development in proximity to reservoirs the regional strategic policy states that new development within the inundation area of a controlled reservoir can only be justified where the condition, management and maintenance of the reservoir are appropriate to provide assurance regarding its safety. That assurance should be provided by a suitably qualified engineer and supported by DfI Rivers, who are the responsible body for the management of reservoir flood risk.”

Replace “suitably qualified engineer” with Panel Engineer in accordance with the Reservoirs Act (Northern Ireland) 2015 – other occurrences should repeat this amendment.

(p209, Section 19.12)

“Our Strategy is to encourage developers to use Sustainable Drainage Systems, particularly in areas susceptible to surface water flooding. Therefore as a General Principle all development is encouraged to utilise a SuDs scheme which can be achieved in a variety of manners and is particularly helpful in areas susceptible to surface water flooding.”

The acronym SuDs is incorrect and should be replaced with SuDS. This change should be made throughout the document.

General SuDS comment: NI Water welcomes the encouragement of SuDS uptake via this strategy but cautions that this should be accompanied by advice on the public adoptability of such features.

In addition, NI Water strongly recommends that Council promotes the use of SuDS within Public Realm Schemes and other Streetscape improvement schemes in order to improve the resilience of existing drainage systems as SuDS attenuates stormwater and thereby mitigates its effects on drainage network capacity.

(p215, FLD4)

"POLICY FLD 4 – DEVELOPMENT IN PROXIMITY TO RESERVOIRS

Development within a flood inundation area of a controlled reservoir will be in conflict with the plan except where it has been demonstrated through a Flood Risk Assessment that appropriate controls are in place to ensure that there would be no significant risk to the development.

Within the flood inundation area of a controlled reservoir there is a presumption against bespoke development for vulnerable groups, essential infrastructure and development for the storage of hazardous substances likely to cause a pollution."

This text should include reference to sign-off by a Panel in accordance with the provisions of the Reservoirs Act (Northern Ireland) 2015.

20.0 Waste Management

(p225, WM4)

"POLICY WM 4 – DEVELOPMENT IN THE VICINITY OF WASTE MANAGEMENT FACILITIES

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."

NI water recognises the parallel comparison with development in the vicinity of wastewater treatment works. We recommend preventing encroachment upon WwTW unless an acceptable evidence based assessment demonstrates suitably low nuisance risk. This is particularly important at existing Pollution Prevention and Control permitted sites e.g. Cookstown WwTW.

Addendum to Position Paper, Public Utilities – revised WwTW Capacity Figures - Comments provided by the Northern Ireland Water (Page 2, 2.2)

"While preparing the original position paper, only information for the capacity of WWTW were included for the Magherafelt area. The information contained within the Cookstown and Dungannon plans relating to the capacity of WwTW was collected from the relevant authority some time prior to the preparation of the paper and due to the passage of time could not be included in the paper. NI Water have since provided new information about the capacity of WWTW in Mid Ulster. However the information provided in the POP related to WWTW across our district."

NI Water welcomes the Addendum - Position Paper – Public Utilities Revised WWTW Capacity Figures paper. NI Water promotes further collaboration with Council to highlight NI Water's Wastewater Capacity challenge across the Mid Ulster District

Council area. NI Water has identified planning process constraints with respect to both its Wastewater Treatment Works and Wastewater (sewerage) Networks. Furthermore, it is paramount that the information provided by NI Water is interpreted carefully.

The Public Utilities paper and addendum would benefit from further review by MUDC and NI Water. The information presented in the Public Utilities paper appears confusing and potentially inconsistent with NI Water's message.

For example, Table 1 states: for certain catchments, that capacity is simultaneously both available and not available. While this is to be understood in the context of the wastewater treatment capacity being sufficient but collection capacity in the sewerage network being constrained, a risk remains over the clarity of the message given, especially if interpreted in terms of connections being permitted.

Similarly, it is not straightforward to relate the information presented in Table 3 with that provided in Table 1. For instance, in Section 3.1 it is stated that *there are a very limited number of settlements where capacity issues may arise if housing growth were to occur in the future*. This is misleading given the number of settlements already with capacity constraints and for which there is no planned wastewater system upgrade by NI Water. It may also provide an unreliable view of a settlement's capacity by not taking proper account of the sewerage / wastewater collection system's status.

The information provided to Council by NI Water was not intended for inclusion within LDP publications. It was provided as a vehicle with which to facilitate and aid discussions between the Company and the Council.

Moy	New connections refused – no capacity.	Limited capacity for further growth up to 20%, no capacity for 30% growth.	
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Please contact either myself or Marie McCartney (Senior Planner; [REDACTED]) should you wish to discuss NI Water's response to the Mid Ulster Draft Plan Strategy.

Yours sincerely,

Dr Stephen Blockwell

Head of Investment Management
Asset Delivery Directorate

