

JohnPaul Devlin

From: matthew.crothers [REDACTED]
Sent: 09 August 2019 15:48
To: DevelopmentPlan@midulstercouncil.org
Subject: Counter Representation to MUDC Local Development Plan 2030 - Draft Strategy Document on behalf of IVM 034 c/o Specialist Joinery Group
Attachments: Counter Representation to MUDC Local Dev Plan 2030 in respect of MUDPS-35.pdf
Importance: High

Dear Sir/Madam,

Please find attached a counter representation to the Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy Document on behalf of our client, **IVM 034 c/o Specialist Joinery Group**.

This counter representation relates to representation **MUDPS/35**.

I would appreciate if you could confirm receipt of this submission by way of return response to this email.

In the meantime should you have any queries or require further information then please do not hesitate to contact myself or a member of the planning team at this office.

Kind regards

Matthew Crothers
Associate

We are now a Tetra Tech company, [click here to read the announcement](#)

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



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Local Development Plan
Counter Representation Form
Draft Plan Strategy**

Ref:
Date Received:
(For official use only)

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

Mid Ulster Council Local Development Plan
2030 Draft Plan Strategy

Counter Representations must be submitted by 5pm on Friday 9 August 2019 to:

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

Or by email to developmentplan@midulstercouncil.org

Please complete separate form for each counter representation.

SECTION A

1. Personal Details

Title

First Name

Last Name

Job Title (where relevant)

Organisation (where relevant)

2. Agent Details (if applicable)

Address Line 1	c/o Specialist Joinery Group 100 Coleraine Road Maghera	1 Locksley Business Park Montgomery Road Belfast
Line 2		
Line 3		
Line 4		
Post Code	BT46 5BP	BT6 9UP
Telephone Number		
E-mail Address		

SECTION B

3(a). Have you submitted a representation to the Council regarding this development plan document?

Yes No

3(b). If yes, please provide Reference No. and summary of issue raised in you representation.

Reference No. MUDPS/138

In summary the response submitted on behalf of IVM 034 supports the identified housing need for Clady and its reclassification as a village. It also seeks additional land to be allocated for housing within Clady in order to consolidate and support its role as a village and confirms that IVM 034's lands at Clady are excellently placed to facilitate both the delivery of the identified housing allocation and any potential increase to it.

The response also provides comments on the following sections of the Draft Plan Staregy Document:

- Section 3.0 Local Development Plan Vision and Objectives (pages 29 to 31);
- Section 4.0 Growth Strategy and Spatial Planning Framework (pages 33 to 53) inc. Spatial Planning Framework ('SPF') 4;
- Section 6.0 General Principles Planning Policy (pages 57 to 61);
- Section 7.0 Housing In Settlements (pages 63-74);
- Section 10.0 Urban Design (pages 99-102); and
- Section 11.0 Open Space, Recreation and Leisure (pages 105 to 113).

Counter Representation

Any person may make a counter representation in relation to a representation seeking a change to a DPD. The purpose of a counter representation is to provide an opportunity to respond to proposed changes to the DPD a result of representations submitted under Regulation 15 and 16 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

A counter representation must not propose any further changes to a DPD.

4. Please provide the reference number of the representation to which your counter representation relates to.

MUDPS/35

5. Please give reasons for your counter representation having particular regard to the soundness test identified in the above representation.

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

See attached submission

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

Signature



Date

8th August 2019

Q5. Reason for Counter Representation
Submission of Counter Representation to MUDPS/35 on behalf of IVM 034
Mid Ulster District Council (MUDC) Local Development Plan 2030
Draft Plan Strategy Document

1.0 Introduction

1.1 This counter representation is made on behalf of **IVM 034** in relation to the site-specific element of representation reference no: **MUDPS/35** submitted on behalf of **JFM Construction Ltd** in respect of lands at Glenone Road and Longlands Road, Clady.

2.0 Reason for Counter Representation

2.1 The representation under reference no: MUDPS/35 seeks lands at Glenone Road and Longlands Road, Clady to be zoned for residential development and included within the Settlement Development Limit ('SDL') of Clady in the emerging local development plan.

2.2 IVM 034's lands are more sustainable and better placed to be brought within the SDL to facilitate the identified housing need for Clady and any potential increase to it than those lands subject of representation no: MUDPS/35.

2.3 We note the lands subject of representation MUDPS/35 are identified on Mid Ulster District Council's ('MUDC') own assessment of Clady in their Clady Settlement Appraisal Map (published at Preferred Options Paper stage) as having constraints on development due to topography which may constrain future development growth (refer to **Appendix 1**), therefore limiting their future development potential.

2.4 In addition, we note that efforts were made to bring the lands subject of representation MUDPS/35 within the SDL of Clady during the **draft Magherafelt Area Plan 2015** ('dMAP') **Examination In Public** ('EIP'). At paragraph 30.1.10 of the Planning Appeals Commission ('PAC') report it refers to the lands as **Land south west of Longlands (PAC Map 30/1-02)** and is identified as site No.02 on the PAC MAP 30/1. An extract from the PAC EIP report and a copy of PAC MAP 30/1 is at **Appendix 2**.

2.5 The PAC's consideration of the lands stated *inter alia*:

"...Such a large site has the potential for more than small-scale development, resulting in a visual intrusion into the open countryside, failing to consolidate the settlement form. Inclusion of all or part of this site within the SDL is not therefore justified...."

Q5. Reason for Counter Representation
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- 2.6 In light of the above, IVM 034's lands are considered to be better placed and provide a more sustainable option for inclusion within the SDL for the purposes of housing than those lands indicated under representation MUDPS/35.
- 2.7 IVM 034's lands, are located outside, but directly adjacent to the SDL for Clady in the adopted MAP 2015. However, they are surrounded by development on three sides (Glenone Park Business Park to the east; residential development to the west and residential development to the south on the opposite side of the Clady Road), with the river Clady to its north. This was acknowledged in the PACs report on the dMAP EIP by stating at its paragraph 30.1.9: ***"there is an impression of built development on three sides of the site..."***. The relationship of IVM 034's lands to the existing SDL are therefore excellent and would be a logical and more appropriate rounding off of the SDL than the lands identified under representation MUDPS/35.
- 2.8 In addition, we note that MUDCs own assessment in their Clady Settlement Map (refer to **Appendix 1**) marks IVM 034's lands as ***"no constraints on development"***. More importantly, we further note that it is the only potential lands in Clady with existing development on three sides.
- 2.9 In addition, the adjacent Local Landscape Policy Area (LLPA CY02) identified within the adopted MAP 2015 is not encroached upon, nor is its setting affected by the lands. The lands are also outwith rivers agency floodplain and there are no surface water issues. Vehicular access is already available from the Kilrea Road and the lands are well screened behind the existing Glenone Park Business Park as you arrive to Clady from the east.
- 2.10 IVM 034's lands must therefore be the front runner for any extension to the existing SDL to accommodate the housing need identified for Clady and any potential increase to it.

3.0 Conclusion

- 3.1 There is an acknowledged need for additional housing in Clady. It is, as correctly identified and proposed by MUDC and supported by IVM 034, to be reclassified as a village. It therefore, in line with MUDC's Plan Objectives and Strategic Planning Guidelines, requires a commensurate housing allocation to maintain and consolidate its role and function as a village. This will require additional lands outwith the SDL.

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- 3.2 IVM 034 own the best placed lands immediately adjacent to Clady's SDL, which are surrounded on three sides by existing development and which, as identified previously by the PAC and, more recently by MUDC offer: ***"No Constraints on Development"***.
- 3.3 In light of the above, our client's lands are better placed and provide a more sustainable option for inclusion within the SDL for the purposes of housing than those lands indicated under representation MUDPS/35.
- 3.4 IVM 034 reserves the right to comment further on this aspect at any Independent Examination in relation to the DPSD and in relation to the subsequent Local Policies Plan stage.

Should you have any queries or require further information on the above please do not hesitate to contact us.

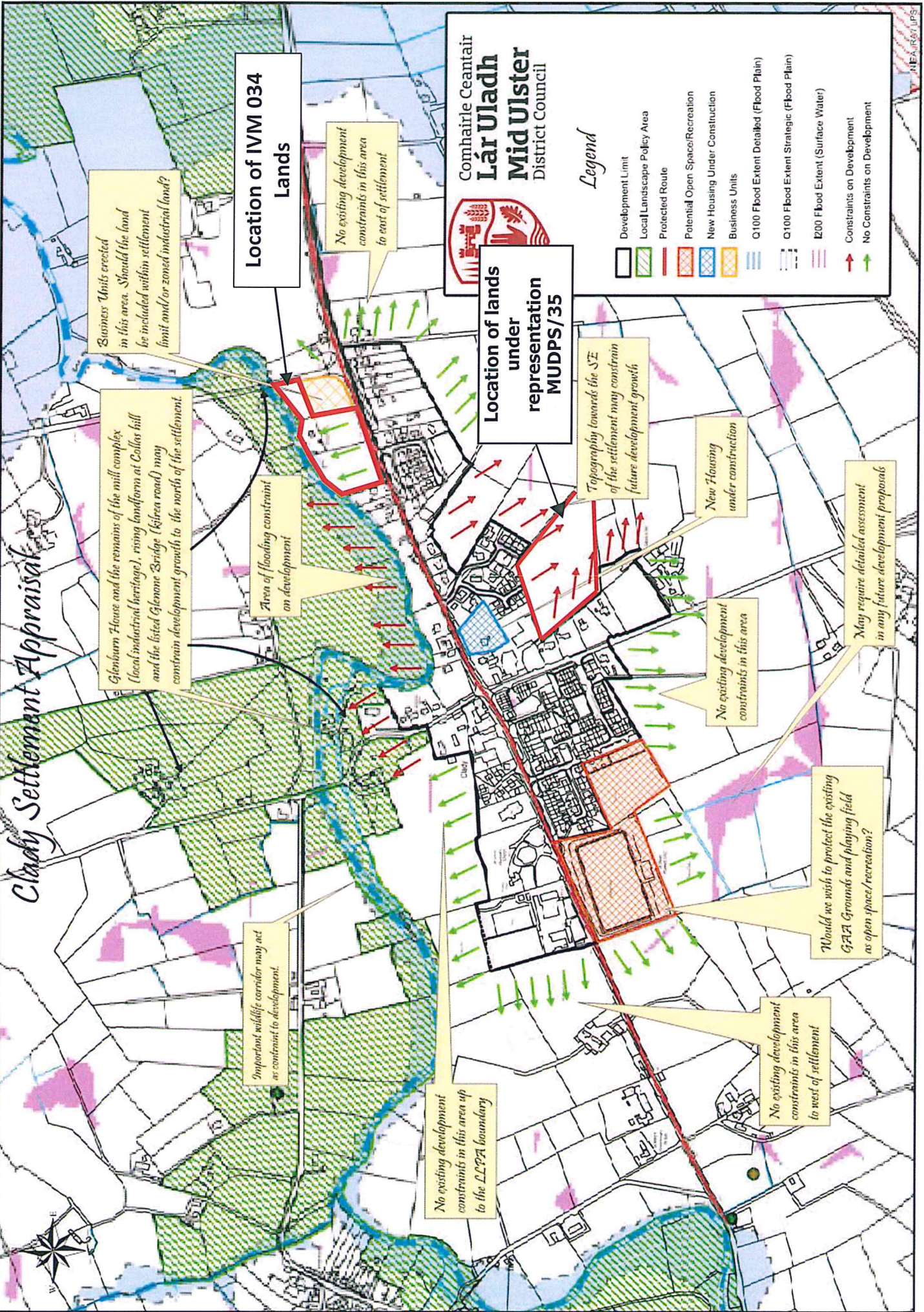
WYG Planning on behalf of IVM 034.

August 2019

Q5. Reason for Counter Representation
Submission of Counter Representation to MUDPS/35 on behalf of IVM 034
Mid Ulster District Council (MUDC) Local Development Plan 2030
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Appendix 1

Clady Settlement Appraisal



Q5. Reason for Counter Representation
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Mid Ulster District Council (MUDC) Local Development Plan 2030
Draft Plan Strategy Document

Appendix 2

30.0 Clady

30.1.0 Settlement Development Limit

30.1.1 Designation CY 01 proposes a Settlement Development Limit (SDL) for Clady as shown on Map No. 89a.

30.1.2 The main issues raised in objection are as follows:

- Clady should be designated as a village ;
- Clady should be designated as part of a Dispersed Rural Community (DRC);
- The Protected Route should not run through Clady;
- The SDL is too restrictive and limits the potential growth; and
- The following lands should be included within the proposed SDL:-
 - at the junction of Mayogall Road and Kilrea Road (known as Clarkes Land) (PAC Map 30/1-01);
 - South-west of Longlands (known as Paddy's Acre) (PAC Map 30/1-02);
 - south of No 20 Glenone Road (PAC Map 30/1-03);
 - St Oliver Plunketts GAC Grounds at Mayogall Road and lands further west (PAC Map 30/1-04); and
 - north of St Oliver Plunkett's Church (PAC Map 30/1-05).

30.1.3 The issues of Clady being designated as a village and/or a Dispersed Rural Community have been addressed in Sections 6 and 9 of this report.

30.1.4 The Protected Route identified on Map No 89a of the draft Plan is shown for information purposes only and does not form part of the draft Plan proposals. As such it is outside the scope of the Examination to make any recommendations in this respect. In any case, Policy AMP 3 of Planning Policy Statement (PPS 3) indicates that Protected Routes can be located inside SDLs and has policy provisions in this respect.

The SDL is too restrictive

30.1.5 Within this small settlement, the Department identified a single uncommitted site north of No 21 Glenone Road as suitable for development within the proposed SDL. Based on a density of 25 dwellings per ha, this 0.7 ha site could yield up to 16 houses. When added to the 12 units approved on committed sites, the SDL has the potential to provide up to 28 units. There may also be potential for further development as a result of infill, rounding off or redevelopment.

30.1.6 Clady is identified as a small settlement in the settlement hierarchy in the draft Plan. As such, it is in the lowest tier of that hierarchy, offering "*only very limited growth potential*" (Page 42 of the draft Plan). Nonetheless, it has been concluded in Section 11 that there is a substantial commitment for new housing in the rural area, including small settlements. In such circumstances, further provision for housing in small settlements, including Clady, is not necessary at a strategic level. In such circumstances, we have concluded that the SDL is not too restrictive.

Land at the junction of Mayogall Road and Kilrea Road (PAC Map 30/1-01)

30.1.7 Since the draft Plan was published, the Department has granted approval for a substantial industrial/commercial building in the south-eastern part of this site. Incorporating approximately 0.85 ha of this 2.05 ha plot subject of objection, a 2-storey block has now been erected which, with its associated parking area, fencing and signage, provides a built-up appearance to this eastern approach to Clady. Taken as a whole, the

fundamental character and nature of the site has altered in light of this new development and the objector seeks inclusion of the entire plot within the proposed SDL.

30.1.8 Only the northern extremity of the site is partially affected by the proposed LLPA extending along the riverbank and the Department recognised that careful and sensitive development could be accommodated on this site without negatively impacting on the LLPA. A small area of predicted flood plain also abuts the northern boundary but would not preclude development of the bulk of the site. The former Waste Water Treatment Works within the site has now been decommissioned and the potential issue of land contamination would no longer be an obstacle to the development of the site. Satisfactory access is available via Kilrea Road and none of the constraints identified are insurmountable.

30.1.9 While there is an impression of built development on three sides of the site, we have concluded in Section 14 that there is much more industrial land available within the District than is likely to be required over the plan period and, in consequence, any further extension to the commercial/industrial area is not justified. In the light of overprovision for housing in the District as a whole, we conclude in Section 11 that, with the exception of the provisions for social housing, there is no strategic need for additional housing in the small settlements. The inclusion of these lands, in whole or in part, within the SDL is not therefore justified for strategic reasons. No adjustment to the SDL is merited in respect of this site.

Land south west of Longlands (PAC Map 30/1-02)

30.1.10 Whilst the objector seeks the inclusion of this area within the SDL, he offered no justification for the change. Although enclosed by buildings along its northern, western and part of the eastern boundary, this large 2.25 ha site extends well beyond the existing built form in a south-easterly direction into the open countryside. Despite the steeply sloping nature in its northern section, the mature trees enclosing it would restrict its visibility from within the village itself with views confined to the Longlands Road from which it would be accessed. Long distant and intermittent views would also be available of the eastern section from the Glenone Road. Such a large site has the potential for more than small-scale development, resulting in a visual intrusion into the open countryside, failing to consolidate the settlement form. Inclusion of all or part of this site within the SDL is not therefore justified and we endorse the SDL as proposed in respect of this site.

Land south of No 21 Glenone Road (PAC Map 30/1-03)

30.1.11 Located on the western side of the Glenone Road, this sizeable agricultural field is bounded by a mature stand of trees to the north which provide a strong defensible boundary to the settlement. Enclosed by hedging on all other sides, this site represents a strong visual break between the settlement and the surrounding rural area and its development would mar this distinction. Its proximity to sports and amenity land and existing facilities would not justify inclusion within the SDL, neither would its setback from the Protected Route. Whilst the SDL extends further to the south on the eastern side of the Glenone Road, this uncommitted site is distinguishable from the subject land due to its mature setting which visually separates it from the rural area further south. Inclusion of this 1.42 ha site, in whole or in part, would however read as an inappropriate intrusion into the countryside. We consider no adjustment to the SDL is necessary in response to this objection.

St Oliver Plunkett's GAC grounds at Mayogall Road and land to west (PAC Map 30/1-04)

- 30.1.12 Whilst it is acknowledged that this site incorporates St Oliver Plunkett's GAC grounds which are well used facilities on the edge of this small settlement, no argument was presented as to why the existing football grounds should be included within the proposed SDL. Although lying outside the SDL, the football grounds and social club will remain a focal point of the settlement. Paragraph 4.11 of Planning Policy Statement 8 states that *“existing open space, regardless of whether it lies inside or outside the SDL, benefits from the protection afforded by Policy OSI”* whereby *“the presumption against the loss of existing open space will apply”*. The two small fields to the west of the GAC grounds are visually divorced from the existing settlement, given the mature enclosure of the football grounds alongside. Positioned to the south-west of and opposite St Mary's College, they visually read as part of the countryside and are not intervisible with the Primary School further west. This is an extensive site with potential for development of a substantial number of dwellings. Development of all or part of this site would result in a visual intrusion into the countryside. For environmental and strategic reasons, no change to the SDL is recommended in response to these objections.

Land north of St Oliver Plunkett's Church (PAC Map 30/1-05)

- 30.1.13 Whilst this 4ha field lies in close proximity to the Church, hall and school which serve the wider community, it does not occupy a central position within the settlement, extending much further north than existing development. Well enclosed by mature vegetation, it does not form part of the LLPA designation but is bounded by it along its northern and eastern boundaries. Its north-western corner may be affected by the flood plain but this would not preclude the development of the remainder of the plot. Access is achievable via the Old Tynaree Road. The Department acknowledged that any nature conservation, flooding concerns and traffic issues would not be insurmountable. Although enclosed by vegetation, it does not fall within the built form of the settlement and would cover an extensive area with potential for some 100 dwellings. We have found no statutory need for significant additional housing in the villages and small settlements and in consequence no adjustment to the SDL in response to this objection is merited.

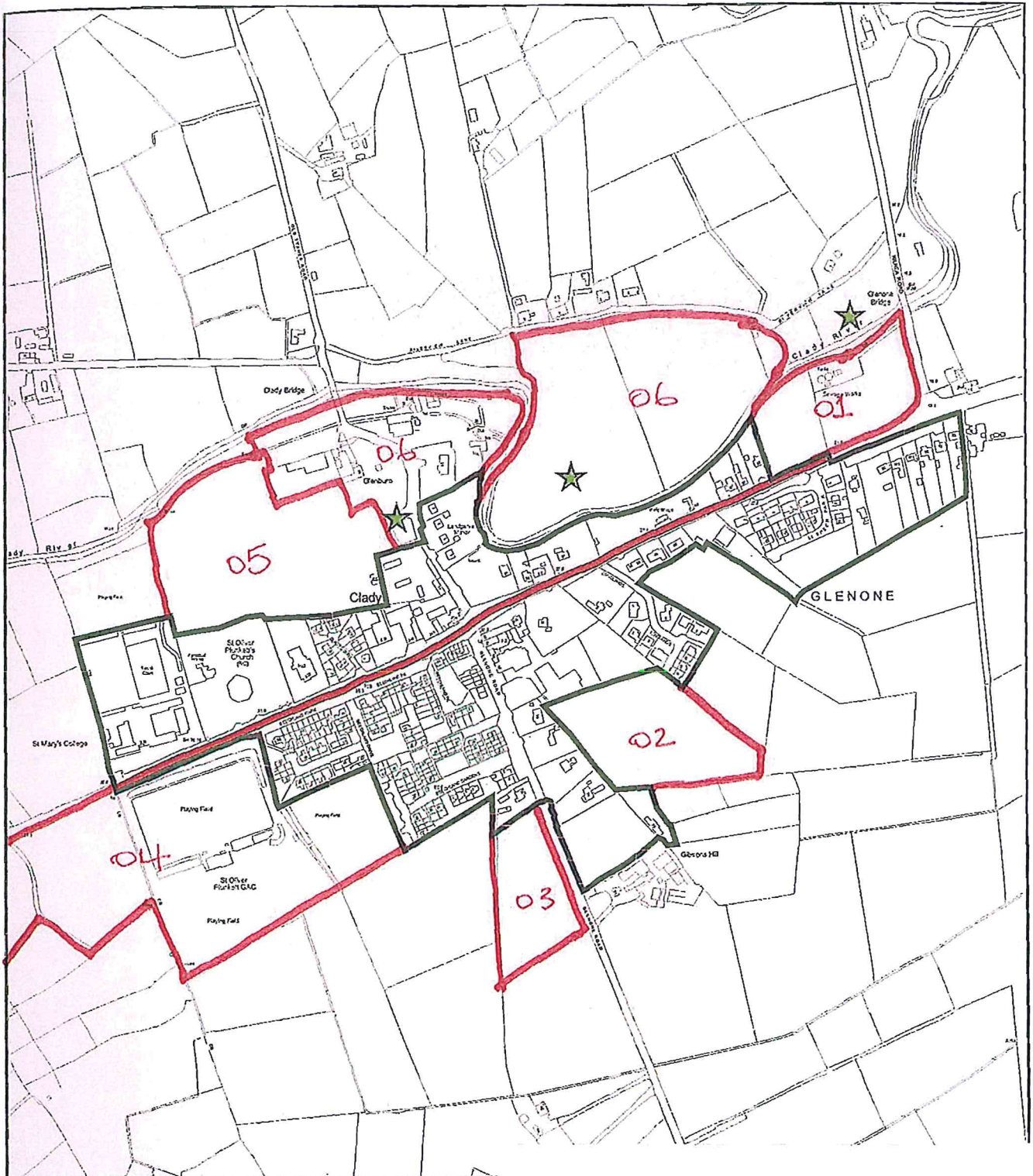
30.2 Local Landscape Policy Area

- 30.2.1 Designation CY 02 proposes a Local Landscape Policy Area (LLPA) to the north of Clady and its extent is identified on Map No. 89b.
- 30.2.2 The Department advised that Designation CY 02 had erroneously included part of Designation IH 02 for Inishrush and requested that the boundaries of CY 02 be amended to exclude the overlap with IH 02. We endorse this correction.
- 30.2.3 The objectors' main concerns are as follows:-
- The proposed LLPA is too extensive; and
 - Land to the south of No 7 Riverview Lane should be excluded from this Designation (PAC Map 30/1-06)
- 30.2.4 Planning Policy Statement 6 (PPS 6) does not set any limit as to the extent of an LLPA. This is a matter dependant on the particular landform and the various landscape elements associated with each settlement. Those features which contribute to the environmental quality, integrity or character of this proposed LLPA are listed in the policy heading of

the draft Plan and the value of these features have not been disputed. The concern relates to the inclusion within the proposed LLPA of lands south of No 7 Riverview Lane, although there is no specific request for its inclusion within the SDL. It was accepted that there is a need to protect the Clady River corridor and its associated vegetation as an important landscape feature. Glenburn House and the mill buildings alongside represent important features in the local landscape which, along with the Clady River corridor, contribute to the environmental quality and character of the area. Consistent with Para. 2.23 of PPS 6, they represent environmental assets worthy of inclusion within Designation CY 02. There is therefore no basis for the revision of the LLPA designation as sought in this objection.

Recommendation

30.2.5 We recommend that Designation CY 02 be amended to exclude the area shown on Map 30/2 in Appendix II.



Magherafelt Area Plan 2015 - Draft Plan
 Map No. 89a - Clady

-  Settlement Development Limit
-  Local Landscape Policy Area (see Clarification Map No. 89b)
-  For information

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Appendix II

Location: CLADY

PAC Map No: 30/1

Subject: OBJECTION SITES