

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 12 January 2015 in Magherafelt District Council Offices**

<b>Members Present:</b>	In the Chair, Councillor Kearney (Chair)  Councillors Bateson, Bell (7.02 pm), Clarke, Cuthbertson, Gildernew, McEldowney, McKinney, McPeake (7.25 pm) Mallaghan, T Quinn, Reid, Robinson and J Shiels
<b>Officers in Attendance:</b>	Mr Tohill, Chief Executive Mr Boomer, Area Planning Manager Mr Melvin Bowman, Senior Planning Officer Mr Phelim Marrion, Senior Planning Officer Ms Sinead McEvoy, Principal Planning Officer Ms Karen Doyle, Planning Officer Mrs Grogan, Committee Services/Senior Admin Officer (D&STBC)
<b>Others in Attendance:</b>	Mr Liam Ward, Ward Design

The meeting commenced at 7.00 pm.

**P1/15          Apologies**

Councillors Glasgow and Mullen.

**P2/15          Declarations of Interest**

The Chair reminded members of their responsibility with regard to declarations of interest.

**P3/15          Briefing from Mr Liam Ward, Ward Design providing an architectural perspective on planning**

The Chair, Councillor Kearney, welcomed Mr Liam Ward, Ward Design who was in attendance to give an architectural perspective on planning.

Councillor Bateson left the meeting at 7.05 pm.

Mr Ward made a presentation on planning in Mid Ulster, an alternative perspective from the private sector. He outlined the aims of the Regional Development Strategy and the likely outcomes for the Mid Ulster area. He stated that it shows that by 2030 Mid-Ulster is projected to have 8.4% of NI population, but only 3.5% of new housing. If housing matched need, Mid Ulster would have 25,000 new homes by 2030. Planners intend to zone land for 17,000 with the yield likely to be half that, 8500.

The Area Planning Manager advised that points raised in the presentation were all very valid but would need to work in partnership with developers to find a balance.

Councillor Clarke stated the presentation was very useful but there is still a need to address zoned land. If land and property values were to increase people would hold out for the best price. He added that banks were a major problem because if they become involved in granting large mortgages or loans then there will be no control over property values and people will not part with land until they gain a maximum price.

Councillor Bell stated that with the rising population there is going to be a shortage of housing, this will result in house prices being driven up and people being priced out of the market. He added there needs to be flexibility.

Councillor Reid stated that there is a need to find a balance between urban and rural areas as they both need to be catered for. He agreed that house prices if forced to increase are depriving people of owning a home. A major problem for some is zero hours contracts, which is holding people off the property ladder, and this needs to be dealt with in order to move forward.

Councillor Gildernew enquired about land zoning as this is a major problem in the Dungannon area. He asked if there was a time limit on zoned land and if it can be utilised again.

Mr Ward stated that donut towns should not be encouraged and that landowners should be given the option of use it or lose it. If there were regular reviews then it could see land de-zoned which would control land and house prices. If a landowner is aware that the price will increase then he will hold out and not sell until they gain the maximum price. The same should be applied to the rural community as a balance needs to be made between the rural and urban areas.

*Councillor Bateson returned to the meeting at 7.25 pm.  
Councillor McPeake entered the meeting at 7.25 pm.*

Councillor Mallaghan enquired how a balance can be reached between urban and rural communities.

Mr Ward felt that it would be unlikely that major regeneration could be achieved in rural villages for such as sports facilities, but it would be just as important for villages to be able to sustain and regenerate themselves.

The Chair thanked Mr Ward for his informative presentation and stated that he and his colleagues looked forward to working with him in the future.

*Mr Ward left the meeting at 7.42 pm.*

## **Matters for Decision**

**P4/15          Receive and Confirm Minutes of the Planning Committee Meeting  
held on Monday 1 December 2014**

Proposed by Councillor Cuthbertson

Seconded by Councillor Reid and

**Resolved** That the minutes of the meeting of the Planning Committee held on Monday 1 December 2014, (P26/14 – P33/14) were considered and signed as accurate and correct.

#### **P5/15 Scheme of Delegation for Officers on Planning**

The Area Planning Manager presented a paper providing members with information relating to the principles and options for delegating authority on specified elements of the planning function and powers to planning officers within Mid Ulster Council from 1 April 2015.

The Officer stated that Section 31(1) of the Planning Act (Northern Ireland) 2011 requires Council to produce and adopt a Scheme of Delegation for its district which must in turn be submitted to the Department for its consideration and consent.

A Scheme of Delegation, specific to planning, sets out decision making processes for an agreed list of application types which are delegated to an appointed Council Planning Officer, in this case the Chief Planner, and also those nominated by the said officer, rather than the Council. This form of delegation facilitates speedier decisions and approved efficiency of business.

The Area Planning Manager advised that best practice from other jurisdictions suggests that 90-95% of all planning applications should be dealt with under delegation arrangements to the respective Planning Manager. An integral driver for bringing a scheme forward is found within the draft Planning (Development Management) Regulations (NI) 2015 where it states that, "council must prepare a scheme of delegation at intervals of no greater than three years".

A scheme brought forward will have the benefit of allowing the Committee the time and resources to determine applications therefore using its time more efficiently.

The paper set out three Options to inform the development of a Scheme of Delegation for Planning within Mid Ulster to authorised officers.

- Option 1: Remove refusals and permissions subject to objections from the scheme of delegation requiring determination by Committee
- Option 2: Allow members to refer any application to the Planning Committee for decision
- Option 3: Defer decision on refusals and approvals subject to an approval for a meeting between elected members and the Planning Manager or his nominee

The Area Planning Manager recommended:

- Members consider for agreement the Scheme of Delegation for Planning Applications as detailed in the paper.

- Members agree that on receipt of approval for the scheme from the Department council formally adopt the scheme and make it available for the public to view.
- Members agree that any planning applications received after 1 April 2015 coupled with any enforcement or other planning decisions be processed under the scheme.
- Members consider whether the Committee system should run on a monthly, bi-monthly or 3 week cycle and whether the scheme has implications for the size and quorum of the Committee.
- Members consider that as well as the planning functions covered by Section 31 of the 2011 Act, that Council also administer the enforcement of planning, Tree Preservation Orders, and the processing of other planning consents, advertising and conservation. Part 4 Section 7 (4) (b) Local Government Act (NI) 2014 allows a council committee to delegate these to an officer of the council. It is recommended that February Committee is presented with an explanation and proposals on delegation of these responsibilities.

Proposed by Councillor Mallaghan  
Seconded by Councillor J Shiels and

**Resolved** That it be recommended to the Council to approve the above recommendations and to go with Option 1.

**P6/15 Verbal update on Planning Seminar hosted by Leitrim County Council**

The Area Planning Manager updated the Committee on visit to Leitrim County Council stating that he found the visit very useful, Leitrim has a low number of applications compared to Mid Ulster, where there would be five times the amount. They have a development plan in place and provide delegation to officers.

He continued by saying that Leitrim controlled housing in rural areas by setting a criteria for dwellings, such as; what people can bring to the area; teachers; and Scout Leaders. The Area Planning Manager said this could be an option for Mid Ulster Council to consider.

Councillor Clarke agreed that this could be a way forward as people from the urban areas building houses in countryside do not contribute to the rural way of living as they send their children to urban schools and shop in nearby towns.

Councillor McPeake agreed with the initiative and advised that this is commonly known as a social test which could prove really positive.

The Area Planning Manager felt it was a very easy notion as a person would have to demonstrate what their contribution would be to the rural way of living. He felt it would be worthwhile investigating the idea further.



**P7/15          Workshop on Examples of Issues Associated with Planning Applications**

Mr Melvin Bowman, Ms Karen Doyle, Mr Phelim Marrion and Ms Sinead McEvoy were in attendance. The officers discussed and reviewed examples of issues associated with planning applications with committee members.

**P8/15          Duration of Meeting**

The meeting was called for 7.00 pm and ended at 9.00 pm.

CHAIR \_\_\_\_\_

Date \_\_\_\_\_

**Subject**                      **Protocol for the Operation of Planning Committees**

**Reporting Officer**      **Dr Chris Boomer**

<b>1</b>	<b>Purpose of Report</b>
1.1	To consider the Protocol for the Operation of Planning Committees published by the DoE (December 2015)

<b>2</b>	<b>Background</b>
2.1	<p>This DOE protocol has been drafted to assist the 11 new councils set up and run planning committees. The protocol highlights what is considered to be best practice and its advice is not mandatory.</p> <p>The protocol offers guidance for planning committees in terms of their remit, size, frequency, format and speaking rights at meetings. It addresses key subjects such as Enforcement and schemes of delegation. It provides advice on pre-determination hearings and deferral of decisions. It also addresses how determinations which do not accord with the planning officer should be handled.</p> <p>Mid Ulster Council can decide if it accepts the recommendations for incorporation into its standing order/constitution. It may also supplement the protocol with setting its own practice guidance on speaking rights, formats for committees, conduct of site visits, etc.</p>

<b>3</b>	<b>Key Issues</b>
3.1	<p>The Protocol advises that Planning Committees should:</p> <ul style="list-style-type: none"><li>• consider applications made to the council as the local planning authority and decide whether or not they should be approved.</li><li>• approve the local development plan before it is passed by resolution of the council.</li><li>• ensure that the local development plan is monitored annually, particularly in terms of the availability of housing and economic development land,</li><li>• reviewed the Plan every five years, giving consideration to whether there is a need to change the plan strategy or the zonings, designations and policies as contained in the local policies plan.</li></ul>
3.2	<p>The Protocol strongly recommends a planning committee should consist of between 20% and 50% of council members (depending on the size of the council) and that there should be a quorum (e.g. 50% of committee members).</p>

	<p>Councils can decide whether substitute members are permitted. The Planning Manager would be expected to attend all planning committee meetings, in addition to the planning officers presenting their reports. The frequency of meetings is a matter for the Committee.</p>
3.3	<p>The Protocol recommends that a scheme of delegation be set to facilitate around 90%-95% of applications to be determined by officers. Members should be provided opportunity to refer applications to the Committee, however, they must specify planning grounds for doing so.</p>
3.4	<p>The Protocol recommends all enforcement activities are delegated to planning officers, who can use their professional judgement on what enforcement action to take, if any, to address alleged breaches of planning control as established by the council's policies. Planning committees can be informed of progress on cases and can request a report from officers to the committee on any enforcement matter (but the committee should not take any decisions on enforcement action).</p>
3.5	<p>The Protocol whilst recognising standing orders is a matter for the Committee, it recommends that:</p> <ul style="list-style-type: none"> <li>• the planning officer should prepare a weekly list that will indicate which applications are to be considered by the planning committee and which are to be determined by officers under delegated powers;</li> <li>• all planning committee members should be sent the agenda in advance of the meeting with a report on each application not delegated to officers;</li> <li>• officers should prepare an addendum on the day of the meeting to report any updates since the agenda was issued; and</li> <li>• the Chair should hold a briefing session with planning officers on each application to be considered in advance of the planning committee meeting.</li> <li>• report is prepared by the Planning Officers recommending approval with conditions or refusal. Plans and photographs may be shown. After the planning officer presents the report members have an opportunity to listen to speakers, ask questions of the officer and debate the case.</li> <li>• the planning committee then discusses the application before taking a vote (proposed and seconded followed by a show of hands) on whether or not to agree with the officer's recommendation. The Chair has a casting vote</li> <li>• Members must be present for the entire item, including the officer's introduction and update; otherwise they cannot take part in the debate or vote on that item. However, the chair of the planning committee can use their discretion in exceptional circumstances.</li> </ul>
3.6	<p>Where an application has been referred to the Department for call in but referred to the Council for determination, a council's planning committee will therefore have to hold a hearing prior to the application being determined. The Protocol advises that Councils may also hold pre-determination hearings, at their own discretion, where they consider it necessary, to take on board local community views, as well as those in support of the development. The intention is to give applicants and those who have submitted relevant representations the opportunity to be heard by the council before it takes a decision. It should be noted this is not the same as office meetings/site meeting which apply to local applications. It would be for an individual council to judge when a significant body of relevant planning objections was a sufficient material consideration to</p>

	<p>warrant a pre-determination hearing, taking account of</p> <ul style="list-style-type: none"> <li>• relevance of the objections in planning terms;</li> <li>• the extent to which relevant objections are representative of the community, particularly in the context of pre-application community consultation; and</li> <li>• the numbers of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.</li> </ul>
3.7	The Protocol recommends that speaking rights should be established, limiting Members to 5 minutes and the public to 3 minutes. Details of the recommendation on speaking is provided in Para 28 of the report.
3.8	Advice is offered on where the Committee member's views differ from Officers. Where an office report is indefensible or has failed to consider matters which should have been considered, it is reasonable to ask the officer to reconsider the report. However normally differences of view may be just that and where the Committee decides to make a determination differing from the report the officers recommendation and the reasons for making a different determination should be recorded in the minutes of the meeting. Equally where a decision does not accord with a development plan it must clearly set out its reasoning as to why.
3.9	Where decision is deferred for consideration at a later meeting the reason for this should be clearly set out and recorded. Site visits by the Committee are permissible but they should only allow opportunity to view the site and not to allow objectors and the applicant to lobby the Committee. The Committee Clerk should arrange such site meetings inviting agents, applicants and members to attend, keeping a record of the site meeting. The officer should report in writing on the findings of the site meeting.
3.10	Where a committee refuses an application recommend for approval consideration should be given to appointing a different officer or body to represent the council at appeal.
3.11	It is recommended that all members sitting on planning committees should be trained, a network of Planning Committee chairs established, an annual review of decisions undertaken, and access to legal advice established.

<b>4</b>	<b>Resources</b>
4.1	<p><b><u>Financial</u></b></p> <p>The arrangements agreed by the Committee will ultimately have financial implications. The Department feels these are adequate, Mid Ulster has already questioned this</p>
4.2	<p><b><u>Human</u></b></p> <p>The operation of the protocol has implication for customers and staff alike. Therefore clarity is important so everyone may be treated equally and fairly.</p>
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b> - N/A
4.4	<b><u>Other</u></b> – NA

<b>5</b>	<b>Other Considerations</b>
5.1	Mid Ulster Council has been considering schemes of delegation, which although differ from the recommendation are acceptable in terms of the protocol. One difference is the refusals and objections will go to Committee. Lists of applications received will be sent to members to allowing them to refer with reasons applications to the Committee. It is important the terms of reference and any additional guidance to be agreed by the Council concur with the protocol or the reasons for differing are clearly explained.

<b>6</b>	<b>Recommendations</b>
6.1	That the Committee give consideration to the Protocol

<b>7</b>	<b>List of Documents Attached</b>
7.1	Appendix: Protocol for the Operation of Planning Committees DoE January 2014

# PROTOCOL FOR THE OPERATION OF PLANNING COMMITTEES



Department of the  
**Environment**

[www.doeni.gov.uk](http://www.doeni.gov.uk)

**January 2015**

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## **PURPOSE OF THE PROTOCOL**

1. This protocol has been drafted by the Department of the Environment to assist the 11 new councils in setting up and running planning committees. This advice and guidance is not mandatory (although it does refer to a number of statutory requirements); rather it highlights what is considered to be best practice with regards to the operation of planning committees (following research in other jurisdictions). While councils have a degree of latitude in relation to how they will run their planning committees, it is important to ensure that planning decisions are taken, and are seen to be taken, in a fair and equitable manner, and that there is a degree of consistency across the 11 councils so that applicants are not faced with a variety of processes. Councils can decide to incorporate any or all of these recommendations into their standing orders / constitutions.
2. Councils should consider drawing up their own procedures to supplement this document; for example, expanding on public speaking rights, format of committee meetings, how to conduct site visits etc. Further advice and guidance may be requested from the Department, if considered necessary.
3. Councillors should refer, as necessary, to the mandatory Councillors' Code of Conduct, guidance issued on the Code by the Commissioner for Complaints, and to any relevant advice and guidance issued by the Department in relation to planning.

## **REMIT OF THE PLANNING COMMITTEE**

### ***Development management***

4. The main role of the planning committee is to consider applications made to the council as the local planning authority and decide whether or not they should be approved. In order to ensure that decisions are taken at the appropriate level, and in accordance with agreed timescales, it is strongly recommended that the decisions of the planning committee in determining applications made to the council should be taken under full delegated authority, meaning that the decisions of the committee will not go to the full council for ratification. However, if councils decide to retain the option of referring certain major applications to the full council for determination, it is recommended that these



should be restricted to applications which are significantly contrary to the local development plan or contentious cross-boundary applications.

### ***Development Plan***

5. Each council is required by section 8 of the Planning Act (NI) 2011 to prepare a plan for its district to be known as a plan strategy. The strategy must set out the council objectives in relation to the development land in its district, and its strategic policies for the implementation of those objectives. After the plan strategy has been adopted the council must then prepare a local policies plan. This will set out the council policy in relation to what type and scale of development is appropriate and where it should be located.
6. Both these documents comprise the local development plan. This plan forms the basis for public and private investment decisions, providing a degree of certainty as to how land will be developed. In law, planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise. This means that where land is zoned for a particular use, the planning committee should ensure it is reserved for that use: for example, an application for housing in an area zoned for housing should be approved unless the design and layout fails in terms of the environmental, open space and access standards, or its design and layout has a detrimental impact on the character of the area or neighbouring amenity.
7. The planning committee's role in relation to the local development plan is to approve the local development plan before it is passed by resolution of the council. The planning committee should also ensure that the local development plan is monitored annually, particularly in terms of the availability of housing and economic development land, and that it is reviewed every five years, giving consideration to whether there is a need to change the plan strategy or the zonings, designations and policies as contained in the local policies plan.

### ***Development Plan Transition Arrangements***

8. Until such time as the council has adopted its plan strategy the council's local development plan will be taken to be the extant Departmental development plan for that part of the council district.

9. When the council has adopted its plan strategy, the local development plan will be the council's adopted plan strategy and the extant Departmental development plan read together. If there is a conflict between the council's plan strategy and the extant Departmental development plan the conflict shall be settled in favour of the council's adopted plan strategy.
10. When the council has adopted its local policies plan, the local development plan will be the council's adopted plan strategy and local policy plan as defined in Section 6 of the 2011 Act.

## **SIZE OF COMMITTEE**

11. A recent study<sup>1</sup> carried out for the Welsh Government into the operation of planning committees in Wales found that there was no simple link between the size of a committee and its efficiency and effectiveness and that, in fact, the bigger committees often had lower attendance levels, greater inconsistency and cost more to operate. In addition, if all members of the council are on the planning committee there is less room for members to act as advocates for their constituents. It is strongly recommended, therefore, that a planning committee should consist of between 20% and 50% of council members (depending on the size of the council) and that there should be a quorum (e.g. 50% of committee members). Councils can decide whether substitute members are permitted. The Head of Planning would be expected to attend all planning committee meetings, in addition to the planning officers presenting their reports.

## **FREQUENCY OF MEETINGS**

12. Councils are free to determine the frequency of their planning committee meetings, depending on their governance models and schemes of delegation. .

## **ENFORCEMENT**

13. It is strongly recommended that all enforcement activities are delegated to planning officers, who can use their professional judgement on what enforcement action to take, if any, to address alleged breaches of planning

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<sup>1</sup> 'Study into the Operation of Planning Committees in Wales' by Fortismere Associates with Arup (July 2013)

control as established by the council's policies. Planning committees can be informed of progress on cases and can request a report from officers to the committee on any enforcement matter (but the committee should not take any decisions on enforcement action). In addition, planning officers should prepare a quarterly report on the progress of formal enforcement cases which should be circulated to all councillors, not just planning committee members (this could be in relation to the number of notices issued, convictions obtained etc. as opposed to individual cases).

14. Each council should prepare an enforcement strategy detailing how enforcement action will be dealt with, which should be agreed by the planning committee.

## **SCHEMES OF DELEGATION**

15. Section 31 of the Planning Act (NI) 2011 requires each district council to introduce schemes of delegation. Schemes of delegation allow decision-making for local, generally non-contentious, applications to be delegated to a council's planning officers to act on the council's behalf in implementing its planning policies. The details of each delegation scheme, which will only relate to applications within the category of local developments, will be for individual district councils to determine (a scheme of delegation cannot include major or regionally significant applications). The Department will be issuing a separate Guidance Note on Schemes of Delegation.
16. This means that the majority of planning applications (and other consents such as listed buildings, advertisements etc.) should be determined by planning officers rather than by the direct consideration and vote of the planning committee; however, such decisions are still, legally, decisions by the council. The overall objective is to ensure that district council arrangements for decision-making on applications for local developments are efficient whilst ensuring that proposals that raise strong local views or sensitive issues for the local environment can still be dealt with directly by elected members.
17. There are certain statutory restrictions on which applications can be delegated to officers – the Planning (Development Management) Regulations (NI) 2015 state that an appointed officer cannot determine an application for planning

permission where the application is made by the council or an elected member of the council, or the application relates to land in which the council has an interest. Instead, these applications must be determined by the planning committee. Apart from these restrictions it will be up to an individual council to decide if it wishes to place any further restrictions on which applications can be delegated to planning officers - for example:

- applications made by a planning officer, senior officer of the council or a close relative or partner;
- applications which have an objection (or a number of objections); and / or
- an associated application is being determined by the planning committee.

## **REFERRAL OF DELEGATED APPLICATIONS TO THE PLANNING COMMITTEE**

18. Delegation of planning applications to officers is seen as a critical factor affecting the overall performance of the development management process as it helps to ensure that decisions are taken at the most appropriate level, procedures are clear and transparent, costs are minimised and members have more time to concentrate on the more complex or more controversial cases. (It is recommended that, over time, councils should aim to have 90 – 95% of applications dealt with under delegated arrangements.) It is essential, however, that members have the opportunity to request, where they consider it appropriate, that an application, which would normally fall within the scheme of delegation, be referred to the planning committee for determination.
19. However, a balanced approach is necessary and councils should ensure that applications are not unnecessarily referred to the planning committee as this may result in delay to the processing of applications. The scheme of delegation should include a procedure, to be determined locally, whereby councillors are able to request that the planning committee consider a proposal. In addition, the Head of Planning can refer any matter which they consider suitable for determination by the planning committee. Members of the public should not be able directly to request that an application be referred to the planning committee. Any referral request must clearly specify the planning grounds on

which the request is being made to ensure that applications are not unduly delayed.

20. It is recommended that councils monitor the number of applications referred to the planning committee to ensure that only those that are significant or controversial are considered by the planning committee.

## **FORMAT OF PLANNING COMMITTEE MEETINGS**

21. Councils are free to operate their planning committees in accordance with their own standing orders. The following recommendations and paragraphs are made to provide some advice and guidance to councils following research into best practice. It is recommended that:
  - the planning officer should prepare a weekly list that will indicate which applications are to be considered by the planning committee and which are to be determined by officers under delegated powers;
  - all planning committee members should be sent the agenda in advance of the meeting with a report on each application not delegated to officers;
  - officers should prepare an addendum on the day of the meeting to report any updates since the agenda was issued; and
  - the Chair should hold a briefing session with planning officers on each application to be considered in advance of the planning committee meeting.
22. The meeting is presided over by the Chair of the planning committee. Following the approval of the minutes of the previous meeting and apologies, councillors should declare any interests they have on the agenda items, which should be recorded in the minutes of the meeting. The councillor must leave the meeting for that item.
23. The report prepared and presented by the case officer makes a recommendation on whether the application should be approved, approved with conditions or refused. Plans and photographs may be shown. After the planning officer presents the report members have an opportunity to listen to speakers, ask questions of the officer and debate the case. The planning

committee then discusses the application before taking a vote (proposed and seconded followed by a show of hands) on whether or not to agree with the officer's recommendation. The Chair has a casting vote. Members can add conditions to a permission but they cannot amend the application itself (for example, by allowing a one-bedroom flat if the application is for a two-bedroom flat). Any additional conditions should be proposed and seconded before being voted on by members. Members should be aware that conditions can be tested at appeal and they should, therefore, be necessary, enforceable, reasonable and relevant to planning and the development under consideration.

24. Members must be present for the entire item, including the officer's introduction and update; otherwise they cannot take part in the debate or vote on that item. However, the chair of the planning committee can use their discretion in exceptional circumstances.

## **PRE-DETERMINATION HEARINGS**

25. In order to enhance scrutiny for applications for major development which may raise issues with particular sensitivity for a local area, Regulation 7 of the Planning (Development Management) Regulations (NI) 2015 sets out a mandatory requirement for pre-determination hearings for those major developments which have been subject to notification (i.e. referred to the Department for call-in consideration, but that have been returned to a council for determination). A council's planning committee will therefore have to hold a hearing prior to the application being determined. In addition, councils may also hold pre-determination hearings, at their own discretion, where they consider it necessary, to take on board local community views, as well as those in support of the development. The intention is to give applicants and those who have submitted relevant representations the opportunity to be heard by the council before it takes a decision. This will make the application process for major development more inclusive and transparent.
26. The scope to hold these hearings is likely to apply only to those applications for major developments which have attracted a significant body of relevant planning-based objections. It would be for an individual council to judge when a significant body of relevant planning objections was a sufficient material consideration to warrant a pre-determination hearing, taking account of:

- the relevance of the objections in planning terms;
- the extent to which relevant objections are representative of the community, particularly in the context of pre-application community consultation; and
- the numbers of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.

27. Any hearing should take place after the expiry of the period for making representations on the application but before the council decides the application. It will be for the planning committee to decide whether it wishes to have a hearing on the same day as the related planning application is determined by the planning committee or to hold a separate hearing. The scale and complexity of the planning issues will have to be considered. In holding a hearing the planning committee procedures can be the same as for the normal planning committee meetings (e.g. number of individuals to speak on either side, time available to speakers etc.). The planning officer will produce a report detailing the processing of the application to date and the planning issues to be considered. If the planning committee decides to hold the hearing on the same day as it wishes to determine the application the report to councillors should also contain a recommendation.

## **PUBLIC SPEAKING AT PLANNING COMMITTEE MEETINGS**

28. Good practice, following research in other jurisdictions, suggests the following procedures should be followed when conducting planning committee meetings:
- planning committee meetings should be open to the public;
  - requests to speak should be received by the council (in writing or by email) no later than 12.00pm two working days prior to the meeting setting out the planning reasons the speaker wishes to raise; however, at the meeting the Chair can decide whether to allow any relevant information to be tabled which was not made available to members in advance of the meeting;
  - the planning committee should be provided with copies of these statements;

- other councillors may attend and speak about an application but only planning committee members can vote;
- local councillors may speak for 5 minutes, members of the public (including agents / representatives etc.) for 3 minutes;
- in addition to councillors addressing the planning committee, one person from those objecting to the proposal and one person in support of the proposal should be allowed to speak. Where there is more than one request to speak, the 3 minutes should be shared between them or they can appoint one representative;
- if an objector speaks the applicant should be allowed to respond if they wish even if they have not registered to speak in advance;
- the planning committee may seek clarification of those who have spoken on any issues raised by them but not enter into a debate with them;
- no documentation should be circulated at the meeting to members by speakers;
- applications where there will be speakers from the public should be taken first;
- Planning officers can address any issues raised and the planning committee can question officers; and
- the Chair may agree to accept representations outside these procedures under exceptional circumstances.

## **DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

29. The planning committee has to reach its own decision. Officers offer advice and make a recommendation. Planning officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the planning committee or its members. This is acceptable where planning issues are finely balanced as there should always be scope for members to express a different view from officers. A planning committee can accept or place a different interpretation on, or give different weight to, the various arguments and material planning considerations.



### ***Overturning recommendation to approve***

30. Any member who does not agree with the officer recommendation to approve an application can propose reasons for refusal, which need to be seconded by another member and then voted on. Any decision by the planning committee must be based on proper planning reasons. The planning officer should always be given the opportunity to explain the implications of the planning committee's decision. The reasons for any decisions which are made contrary to the planning officer's recommendation must be formally recorded in the minutes and a copy placed on the planning application file / electronic record.
31. Councillors who reject a planning application that officers have advised them to accept risk being overturned on appeal (to the Planning Appeals Commission), with the potential for costs awarded against the council if no sound reasons for the decision have been given. The Chair should seek the views of officers (including the council's solicitor) before going to the vote in terms of reasons for refusal that are contrary to officer recommendation. Officers should endeavour to summarise what are considered to be the main reasons for refusal referred to by members during the debate and include advice on what would be reasonable and what would not be reasonable reasons for refusal.
32. If officers consider that the suggested planning refusal reasons are reasonable and capable of being defended on appeal members should vote on the reasons for refusal. If the view of officers is that the reasons for refusal are either in whole or in part not capable of being defended then members should give consideration to deferring determination of the planning application until the next planning committee and ask for a further report (and / or site visit) to ensure it has all the relevant information it considers necessary to inform its decision. Advice and assistance should be sought from council solicitors, as necessary.
33. In the event of an appeal against a refusal of planning permission contrary to officer recommendation, it is a matter for each council to decide who should attend the appeal to defend the decision. However, the following options are available:
  - councils could require planning officials to prepare the case for written submissions and / or attend the appeal even if it is against their recommendation;

- some may require the members who proposed and seconded a motion to refuse consent contrary to officer recommendation to be called as council's witnesses;
- some may use planning consultants or different planners from those who made the original recommendation.

### ***Overturning recommendation to refuse***

34. If the planning committee decides to approve an application against the officer's recommendation to refuse, the planning committee should be aware that, while there is no right of third party appeal, there is the possibility that the decision could be subject to judicial review. Again, councils will have to decide who should defend the council's decision in court.
35. It is critical that the minutes accurately reflect the discussions and decisions taken during the meetings as these could be used as evidence should any complaints be made about how decisions are taken. Members may wish to consider taking their own notes on controversial applications.

### **DECISIONS CONTRARY TO LOCAL DEVELOPMENT PLAN**

36. In general, planning decisions should be taken in accordance with the local development plan (in so far as it is material to the application) unless material considerations indicate otherwise. If a planning committee member proposes, seconds or supports a decision contrary to the local development plan they will need to clearly identify and understand the planning reasons for doing so, and clearly demonstrate how these reasons justify overruling the development plan. The reasons for any decisions which are made contrary to the development plan must be formally recorded in the minutes and a copy placed on the planning application file / electronic record.

### **DEFERRALS**

37. The planning committee can decide to defer consideration of an application to the next meeting for further information, further negotiations or for a site visit. Members should be aware, however, that deferrals will inevitably have an adverse effect on processing times and should restrict themselves, where

possible, to one deferral only. In addition, there should be clear reasons why a deferral is necessary.

## **SITE VISITS**

38. It is recognised that, on occasions, members of the planning committee may need to visit a site to help them make a decision on a planning application (e.g. where the impact or effect of the proposed development is difficult to visualise from the plans or photographs, or the application is particularly contentious). However, these visits should be undertaken on an exceptional basis as they are time-consuming and expensive. Where required, they may be identified by officers in consultation with the Chair or they may be asked for by planning committee members, but these should only be permitted where the benefit is expected to be of considerable value.
39. The planning committee clerk should contact the applicant / agent to arrange access to the site. Invitations should then be sent to members of the planning committee. Site visits are not an opportunity to lobby councillors or to be used to seek to influence the outcome of a proposal prior to the planning committee meeting. Councillors should not carry out their own unaccompanied site visits as there may be issues relating to permission for access to land, they will not have the information provided by the planning officer, and, in some circumstances (e.g. where a councillor is seen with applicant or objector) it might lead to allegations of bias. It is recommended that only planning committee members, officers, and local councillors should be permitted to attend the site visit. Where possible, the full planning committee should attend site visits, unless there are good reasons (e.g. a member is already very familiar with the site). The clerk to the planning committee should record the date of the visit, attendees and any other relevant information.
40. Planning officers should prepare a written report on the site visit which should then be presented to the next planning committee meeting at which the application is to be determined.

## **TRAINING**

41. It is strongly recommended that councillors sitting on planning committees should be required to attend relevant training on planning matters before they can sit on the planning committee – this would allow for a generally consistent approach to be taken. This requirement should be extended to planning committee members continuing to receive relevant training on an ongoing basis. It is also strongly recommended that planning committee chairs should receive separate, additional training in relation to their roles.

## **NETWORK**

42. It is recommended that a network of planning committee chairs should be established and meet regularly to discuss matters of common interest.

## **REVIEW OF DECISIONS**

43. On an annual basis members should inspect a sample of implemented planning decisions in order to assess the quality of decision-making. This should include a sample of decisions delegated to officers to give assurance that the scheme of delegation is operating effectively and in line with the council's views.

## **LEGAL ADVISER**

44. It is strongly recommended that the planning committee has access to legal advice on planning matters, preferably attending each planning committee meeting.

**Subject**                      **Scheme of Delegation on Additional Planning Control and Options Enforcement of Planning Control**

**Reporting Officer**      **Chris Boomer, Area Planning Manager**

<b>1</b>	<b>Purpose of Report</b>
1.1	To provide members with information relating to the delegation of additional planning control and enforcement of planning control functions to planning officers within Mid Ulster Council from 1 April 2015.
1.2	To commence discussion on the Scheme of Delegation of additional planning control and enforcement of planning control functions.

<b>2</b>	<b>Background</b>
2.1	This paper is provided in line with the undertaken given to the Committee on 12 <sup>th</sup> January 2015 following consideration of the Scheme of Delegation for determining planning application under Section 31 of the Planning Act (Northern Ireland) 2011.
2.2	There is a range of additional planning control and enforcement functions not provided for within that Scheme of Delegation which the council may decide to delegate to its officers under Part 4 Section 7 (4) (B) of the Local Government Act (Northern Ireland) 2014.

<b>3</b>	<b>Key Issues</b>
3.1	A Scheme brought forward on the additional planning control functions will have the benefit of allowing Committee the time and resources to decide on cases where their time is best served and required.
3.2	The paper, as attached at Appendix 1, sets out two Options which could inform the development of a Scheme of Delegation of the enforcement of planning control within Mid Ulster.

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b>
	None

4.2	<b><u>Human</u></b>  None
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b>  None
4.4	<b><u>Other</u></b>  None

5	<b>Other Considerations</b>
5.1	N/A

6	<b>Recommendations</b>
6.1	Members agree the suggested Scheme of Delegation at Appendix 1

7	<b>List of Documents Attached</b>
7.1	Appendix 1 - Report on Scheme of Delegation of additional Planning Control and Enforcement of Planning Control Functions

## **Additional Planning Control and Enforcement of Planning Control Functions**

### **1. Background and Introduction**

- 1.1 This paper is provided in line with the undertaken given to the Committee on 12<sup>th</sup> January 2015 following consideration of the Scheme of Delegation for determining planning application under Section 31 of the Planning Act (Northern Ireland) 2011. There is a range of additional planning control and enforcement functions (Annex 1) not provided for within that Scheme of Delegation which the council may decide to delegate to its officers under Part 4 Section 7 (4) (B) of the Local Government Act (Northern Ireland) 2014.

### **2.0 Key Issues**

#### **2.1 Additional Planning Consents and Certificates**

- 2.1.1 Additional planning consents routinely determined include applications for Listed Building Consent, Conservation Area Consent, Hazardous Substance Consent and Advertisement Consent. It is logical that these are dealt with in the same manner which has been applied to planning applications (i.e. that represent a conflict of interest for officers/members, subject to valid planning objection or recommended for refusal) are determined by the Planning Committee.

- 2.1.2 The council will also be required to decide on applications for Certificate of Lawful Use or Development (CLUDS). CLUDS are certificates issued in order to establish:

- An existing use, or operation, or activity in breach of a condition or limitation on a planning permission that has already taken place is lawful on the date specified in the application. It is defined as being lawful if enforcement action cannot be taken against it. This may be because it had, or did not need planning permission, or it may be the case that the use or operation took place so long ago that the time for enforcement action has expired; and,
- What you is proposed does not require express planning permission for example the proposal does not constitute development or is permitted development or already has planning permission.

- 2.1.3 Given that the determination of a CLUD is purely an assessment of fact not involving any assessment of planning policy it is recommended that their determination is delegated to officers.

#### **2.2 Tree Preservation Orders/Applications for Works to Protected Trees**

- 2.2.1 Tree Preservation Orders and application for works to protected trees are a further function that that council will be required to administer on. With specific reference to Tree Preservation Orders there will be occasion when the need for speed and efficiency in the decision making process is paramount. Tree Preservation orders (TPOs) can be made for the purposes of:

- Protecting trees considered to be of special value in terms of amenity, history or rarity, which may or may not be under threat;
- Ensuring the continuance of a woodland area which may be felled with the planning authority's consent, by securing the replanting of trees, where this is considered necessary.

- 2.2.2 In most cases the Council are likely to impose a Provisional TPO which takes effect immediately on the date specified in the notice sent to the owner, and provides protection for a period of 6 months. During this 6 month period, a detailed assessment of the trees can be undertaken by an arboriculturist and a decision is made regarding which trees, if any, should be protected. The provisional TPO will then be confirmed on those trees which are

considered worthy within the 6 months or allowed to lapse if it is considered as a result of the detailed assessment that they are not worthy of protection.

- 2.2.3 Alternatively a full TPO may be served in circumstances where it is considered unlikely there is any significant risk to the trees. Notice is given to the owner and occupiers of the land within a 28 day notice and representation period. Within this 28 day period an assessment of the health and condition of the trees can be carried out by an arboriculturist and a decision is made as to which trees should be protected. A Full TPO will then be made on those trees considered worthy of protection or not proceeded with if as a result of the arboriculturist's assessment they are not considered worthy of protection. Trees in a Conservation Area are also subject to protection as if a TPO is in place.
- 2.2.4 It is recommended that the serving of a full TPO or confirmation of a provisional TPO is presented to the Committee since decisions on these often involve conflict with the landowner. However, in the interests of expediency it is necessary that decisions on the serving of a Provisional Tree is delegated to officers as often these are required in an emergency situation where for example trees are deemed to be at immediate risk from active felling or damage from development on site.
- 2.2.5 In the interests of expediency it is also recommended that all decisions relating to applications for works to trees in Conservation Areas or works to trees protected by a TPO be delegated to planning officers.
- 2.2.6 In due course officers will prepare guidance as to the circumstances in which a TPO is served and how requests for works to protected to protected trees are decided.

## **2.3 Enforcement of Planning Control**

- 2.3.1 Determining whether decisions on enforcement of planning control should be delegated to officers or retained by the Planning Committee is a complex matter. It is therefore useful to set out what the enforcement function involves and the levels of work are involved.
- 2.3.2 A breach of planning control occurs if:
- development is carried out without the required grant of planning permission; or
  - there is a failure to comply with any condition or limitation subject to which planning permission has been granted.
- 2.3.3 While a breach of planning control in itself is not an offence, those responsible for unauthorised development, including owners and occupiers and all those having an estate in the land in question, leave themselves open to possible enforcement action. Accordingly the failure to remedy a breach of planning control when required to do so by a notice served under enforcement powers is an offence and can result in significant fines and possible imprisonment.
- 2.3.4 Enforcement action against a breach of planning control is discretionary and is generally commensurate with the harm being caused, for example, it is usually inappropriate to take formal enforcement action against a minor or technical breach of control which causes no harm to amenity in the locality of the site.
- 2.3.5 Planning decisions taken by the council need to command respect. The key objectives for planning enforcement are:
- to bring unauthorised development under control;
  - to remedy the undesirable effects of unauthorised development including, where necessary, the removal or cessation of unacceptable development; and



- to take legal action, where necessary, against those who ignore or flout planning legislation.

2.3.6 Planning enforcement is an important element of the overall planning system. The delivery of an effective, consistent and efficient enforcement service can have a positive impact on the lives and livelihoods of the people of the area. A strong enforcement section that can react quickly to breaches of planning control will therefore be necessary to secure these objectives and to ensure that the credibility and integrity of the council and the operation of the planning system is not undermined. Whether to take enforcement action and, if so, what action is best suited to the particular circumstances, are nevertheless matters for the discretion of the Council as the Local Planning Authority.

2.3.7 Under the provisions of the 1991 Planning Order, the Department has a general discretion to take enforcement action when it regards it as expedient to do so, having regard to the provisions of the Development Plan and any other material considerations. In exercising this discretion, the Department is mindful of its duty to enforce planning legislation and to ensure that development is managed in a proactive and proportionate manner. The general policy approach followed by the Department in taking enforcement action against unauthorised development is set out in Planning Policy Statement 9 – the Enforcement of Planning Control.

2.3.8 In determining the most appropriate course of action in response to alleged breaches of planning control, the Department takes into account a range of matters. These include the extent of the breach, its potential impact on the environment, relationship to planning policy and the statutory time limits for enforcement action. Any decision to proceed with formal enforcement action will be informed by case law, precedents and relevant appeal decisions.

2.3.9 Investigations into breaches of planning control result mostly from complaints submitted by members of the public, elected representatives and staff in government agencies or public authorities. Currently different types of breaches of planning control are given different priorities dependent upon the nature of the breach. The priority given is determined by the guiding principle that any action in response to a breach of planning control should be proportionate to the harm it causes. The priorities listed reflect this principle and are as follows:-

**Priority 1** – Works resulting in public danger or development which may result in permanent damage to the environment. For example, demolition of, or works to, a listed building, the felling of trees protected by a Tree Preservation Order, demolition of a building in a conservation area, and commencement of building operations without permission.

**Priority 2** – Unauthorised work/uses which cause loss of amenity or any other significant public or private impact.

**Priority 3** – Non compliance with conditions of a planning approval (unless they relate to serious amenity issues in which case it may fall into Priority 1 or 2).

**Priority 4** – Minor breaches that can be regularised. For example, domestic sheds, fences, extensions.

2.3.10 The enforcement of planning control is essentially regulatory in nature; however, many breaches of control are often remedied with the co-operation of those responsible for the breach and without the need for formal enforcement action.

2.3.11 Enforcement cases can be closed for a variety of reasons. There may be no breach evident, the works may constitute permitted development or planning permission may have previously been granted. In other cases, it may not be expedient to pursue action as there is only a minor or technical breach or the unauthorised development may be immune from enforcement action in view of the length of time that has passed.

2.3.12 Annex 2 provides a comprehensive list of the formal enforcement powers that will be available to regularise a breach of planning control.

## **2.4 Current Enforcement Procedures and Trends**

2.4.1 The enforcement of planning control is presently fully delegated to planning staff. Accordingly the investigation of unauthorised development and cases involving the service of formal notices under enforcement powers are not generally reported to the existing Councils. Members will however often be made aware of such cases where a planning application for retention or regularisation has been submitted and is taken before Committee.

2.4.2 The Criminal Justice Inspectorate undertook a review of Enforcement in the Department of the Environment and published a report in October 2007. In that Report the Inspectorate recommended that *"clear procedures must be in place to ensure the independence of the regulatory function so that enforcement staff are not subject to political and other internal / external pressures."* Following on from the CJI review a Protocol for Ministerial involvement in enforcement within the Department was issued in 2012. This provides safeguards for enforcement staff in undertaking their duties and ensures that any Ministerial involvement in enforcement cases must be appropriately recorded.

2.4.3 The table below highlights the level of enforcement cases which were opened in the Magherafelt, Cookstown and Dungannon Districts during the 12 month period from 1<sup>st</sup> January 2014 to 1<sup>st</sup> January 2015.

	Cases Opened	Cases Closed	Notices Served
Magherafelt	41	46	9
Cookstown	65	67	16
Dungannon	87	122	8
<b>TOTAL</b>	<b>193</b>	<b>235</b>	<b>33</b>

2.4.4 The table indicates that over this period there was an average of some 16 new cases reported each month across the council area. During the same period an average of 19 cases were closed each month. The table also highlights the considerable number of formal enforcement notices which have had to be served during 2014. The number of formal notices that may issue in any given year can vary.

2.4.5 In considering the approach to the enforcement of planning control the issue for the Committee is whether this function should be delegated to officers or whether it is a matter for the Committee. It is very difficult to set clear and workable thresholds as to whether certain cases should be delegated or presented to Committee. In this context the following options for dealing with enforcement have been identified for consideration:

### **Option One: Delegate the enforcement of planning control to officers**

2.4.6 This option would delegate all enforcement powers, including formal enforcement action, to the Planning Manager and those nominated by his office. This option would allow officers to use their professional judgement on what enforcement action, if any, to take to address alleged breaches of planning control. This option is likely to be the one that the majority of councils are implementing and the one that the Department have encouraged in their guidance. This option is also similar to the existing system whereby enforcement powers are delegated to officers.

2.4.7 Based on the current trends of enforcement cases within the council area if officers were to present all new cases or all closures of cases to the Committee for consideration and agreement this would significantly add to the Committee's workload. Similarly, given the

number of formal notices served during 2014, if these were all brought before the Committee the workload may increase considerably.

- 2.4.8 It is also important for the Committee to note that in situations where a formal enforcement notice has been served there would remain the opportunity for an alleged offender to make a planning application to regularise the situation. There is also the opportunity to appeal the enforcement notice to the Planning Appeals Commission.
- 2.4.9 Under this option the Planning Committee could request a report from officers to the Committee on any enforcement matter, although the Committee would not actually take any decision on enforcement action. Should the Committee consider that this is the most appropriate option then it is recommended that this be reviewed within the first year of the operation of the new Council to consider the need for any amendment.

**Option Two: Seek Committee approval before serving any statutory notice or initiating court action however delegate all investigative and negotiation powers to officers and retain discretion by the Planning Manager on formal enforcement action where there is significant risk to Public Health and Safety**

- 2.4.10 This option would mean that all formal enforcement action i.e. the serving of statutory notices or initiation of court action would be presented to the Committee for decision. This retains the power over formal enforcement action to the Committee.
- 2.4.11 This option has the potential to slow down the progress of formal enforcement action while awaiting a decision by the Committee and it also is likely to increase the workload of the Committee given the range of complex issues often involved in enforcement cases.
- 2.4.12 This option has however suggested that discretion is delegated on a case by case basis to the Planning Manager to allow for formal enforcement action to be taken in cases where there is significant risk to public health and safety for example, the unauthorised demolition of a listed building or of a building within the conservation area. In these circumstances there may be a need to proceed swiftly to serve an Enforcement Notice and Stop Notice to prevent serious amenity damage arising whilst awaiting Committee meetings. Any such cases would automatically be reported to the next available Committee for ratification.

## **2.5 Recommendation:**

- 2.5.1 That members agree the suggested Scheme of Delegation at Annex 3 in respect of the additional planning consents, certificates and trees preservation orders. If agreed the previously considered Scheme of Delegation on planning applications will be revised to include the Scheme at Annex 3.
- 2.5.2 The Department recommends in 'The Protocol for the Operation of the Planning Committee' prepared by Department January 2015 that all enforcement actions are delegated to officers. However it recognises that Planning Committees can be informed on cases and can request a progress report from officers on any enforcement matter but the Committee should not take any decision on the enforcement action. It also recommends that a quarterly report advising on the number of notices issued should be obtained and circulated to all councillors.
- 2.5.3 That an Enforcement Strategy be prepared within the first year of the operation the new Council. In the interim the provisions as laid out in Planning Policy Statement 9 (PPS9) The Enforcement of Planning Control should provide the basis on which to operate the enforcement function.

**Additional Planning Control and Enforcement of Planning Control Functions**

- determination of any application for a certificate of lawful use or development
- determination of any application for listed building consent
- determination of any application for conservation area consent
- determination of any application for advertisement consent
- determination of any hazardous substance consent
- applications for Non Material Changes
- determination of any application for carry out works to trees
- the serving of a provisional Tree Preservation Order
- the serving of a Tree Preservation Order
- the investigation of formal planning enforcement proceedings through the issuing of enforcement notices, stop notices, temporary stop notices, fixed penalty notices, and planning contravention notices
- the formal reporting of planning enforcement matters to the Public Prosecution Service/  
Commencement of proceedings in a magistrates court.

### **Formal Legal Powers**

Where it is deemed necessary any Council (referred to as) the Planning Authority will have a range of statutory notice powers at its disposal. A breach of the requirements of any of the following notices is an offence and the offender will be liable to prosecution.

**Enforcement Notice: Article 157** of the 2011 Act empowers the Planning Authority to serve an Enforcement Notice on any persons with an interest in land. Any notice must state the required steps to remedy a breach of planning control within a time period. It is an offence not to comply with the requirements of an enforcement notice within the period specified.

**Stop Notice: Article 150** of the 2011 Act enables the Planning Authority to serve a Stop Notice, which can prohibit, almost immediately, any activity to which the accompanying Enforcement Notice relates. A Stop Notice can only be served at the same time or after an Enforcement Notice. It must refer to the Enforcement Notice to which it relates and must have a copy of that notice attached to it. The Stop Notice cannot be served independently. It is an offence to contravene a Stop Notice after it has been served.

**Temporary Stop Notice: Article 135** of the 2011 Act enables the Planning Authority to issue a temporary stop notice to halt a breach of planning control for a period of up to 28 days as soon as the breach is identified and enables the Planning Authority to prevent unauthorised development at an early stage without first having had to issue an enforcement notice. During this period the Planning Authority must decide whether it is appropriate to take enforcement action. At the end of the 28 days there is the risk of the activity resuming if an enforcement notice is not issued and a stop notice is served. It is an offence for any person to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on that person.

**Submission Notice: Article 43** of the 2011 Act gives the Planning Authority the legislative authority to issue a submission notice requiring that a retrospective planning application be submitted to it within 28 days from the service of the notice where it appears that a development has been carried out without planning permission. Failure to comply with this notice is an offence.

**Breach of Condition Notice: Article 152** of the 2011 Act provides the Planning Authority with the legislative authority to issue a Breach of Condition Notice where a condition has clearly been breached and the threat of prosecution is likely to compel the recipient to comply with the condition. It is a 'fast track' enforcement option with no right of appeal. Non-compliance with a breach of Condition Notice within the specified time period is an offence.

**Planning Contravention Notice: Article 133** of the 2011 Act empowers the Planning Authority to request additional information about activities on land where it suspects a breach of planning control has occurred. Failure to comply with a planning contravention notice which may require the person on whom it is served to give such information is an offence. To make a false or misleading statement (either intentionally or recklessly) in response to a planning contravention notice is also an offence.

**Ownership Information Notice: Article 240** of the 2011 Order gives the Planning Authority the authority to serve a notice requiring the submission of certain information regarding the ownership or the use of premises. It is an offence not to provide the information.

**Issue a Fixed Penalty Notice under Article 153** of the 2011 Act where an enforcement Notice has not been complied with, or Article 154 where a breach of condition has not been complied with. A fixed penalty notice may be used by an authorised officer of the Council to offer a person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty to the Council.

**Listed Building Enforcement Notice: Article 157** of the 2011 Act empowers the Planning Authority with the legislative authority to issue a Listed Building Enforcement Notice where it appears that unauthorised works have been or are being executed to a listed building and that it is considered expedient to issue such a notice having regard to the effect of the works on the character of the building as one of special architectural or historic interest.

**Seek an Injunction to the High Court Article 156** of the 2011 Act – This power is generally reserved for occasions where the normal enforcement powers have been exhausted or had little effect, or where a serious breach of planning control may occur which will have irreversible impacts.

## **Other Powers**

**Rights of Entry and Powers of Entry: Article 176, 177, 178 and 236** of the 2011 Act provides the Planning Authority with the legislative authority to enter any land for enforcement purposes. It is an offence to wilfully obstruct a person acting in exercise of these powers.

**Execution and Cost of Works required by an Enforcement Notice: Article 166** of the 2011 Act provides the Planning Authority with the legislative authority to enter onto land, following non-compliance with an enforcement notice to carry out remedial work required by the notice. The Planning Authority may also recover from the landowner any expenses reasonably incurred by it in that behalf. It is an offence to wilfully obstruct a person from entry onto land to carry out remedial works.

**Delegation of Planning Consents, certificates, tree preservation orders and other determinations**

The Scheme of Delegation for planning consents, certificates, tree preservation orders and other determinations was agreed by Mid Ulster District Council at its meeting of XXX following approval by the Department of the Environment for Northern Ireland on XXX. The Scheme of Delegation takes effect from XXX.

**The Planning Committee shall be required to consider and determine:**

- the serving of a Tree Preservation Order
- confirmation of a Provisional Tree Preservation Order.

**Delegated planning consents, certificates, orders and other decisions**

The appointed person within the Council is the Planning Manager and other officers nominated by the Planning Manager.

The following matters are delegated to the appointed officer:

- All enforcement duties including the serving of statutory Notices and the initiation of legal proceedings
- the serving of a Provisional Tree Preservation Order
- any application to carry out works to trees
- applications for Non Material Changes
- determination of Hazardous Substance Consent
- the determination of all Certificates of Lawful Use or Development.

All applications for listed building consent, conservation area consent and advertisement consent are delegated with the exception of:

- The application is made by the council or an elected member of the council.
- The application relates to land in which the council has an interest.
- The application is submitted by members of council staff (or close relatives) involved in the consideration of planning consents, certificates and other determinations including senior council staff.
- The application has attracted valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.
- The application is recommended for refusal.
- Where the Planning Manager considers that the proposal merits consideration by the Committee.

The Planning Committee reserves the right to request a report for information purposes on any of these delegated matters.

<b>Subject</b>	<b>Mid Ulster Employment and Economic Development Paper</b>
<b>Reporting Officer</b>	<b>Chris Boomer, Area Planning Manager</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To provide members with 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.

<b>2</b>	<b>Background</b>
2.1	This is the third of four papers aimed at building capacity with members, providing baseline information and linking with important ongoing work in relation to the development of a Community Plan and other strategic work being undertaken by the Council.

<b>3</b>	<b>Key Issues</b>
3.1	Do the existing Area Plans have the ability to deliver the anticipated number of jobs required up to 2030.
3.2	Consideration of employment growth in sectors other than construction and manufacturing.
3.3	How much land is required to facilitate future economic development uses within the District.

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b> - None
4.2	<b><u>Human</u></b> - None
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b> - None
4.4	<b><u>Other</u></b> - None



<b>5</b>	<b>Other Considerations</b>
5.1	N/A

<b>6</b>	<b>Recommendations</b>
6.1	The Council should be seeking to facilitate the provision of 2500 -3000 jobs in the short term to meet current needs. This need can be met on existing zonings.
6.2	In the medium to long term the Council should be seeking to facilitate the creation of at least 8,500 jobs equating to a need for 170 hectares of economic land. This objective should be presented for public consultation in the Preferred Options Paper.
6.3	How this should be apportioned between Magherafelt, Dungannon and Cookstown is a matter that should be presented in the Preferred Options Paper for public consultation. Each of the hub settlements should at least have a provision of 45-50 hectares. Following consultation the economic objectives should be finalised together with the allocation for publication of the Draft Plan Strategy.
6.4	A review of policies contained in PPS4 should be undertaken identifying options for policy revisions for member consideration. This should include further consideration of whether sufficient protection is afforded to existing industrial sites. The findings should be presented in the Preferred Options Paper to inform industrial policies to be included in the Plan Strategy.
6.5	There is a need for a full evaluation of the deliverability of existing zonings. The Preferred Options Paper should be used to test whether the owners of existing zonings are willing to provide their land for economic development and whether there are any other land owners willing to provide land. An evaluation of sites will be undertaken before final zoning are included in the Local Policies and Proposal Plan.
6.6	The option of creating an economic zoning at Ballygawley interchange and Castledawson interchange should be included in the Preferred Options Paper for public comment. No commitment to this as of yet should be given.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Appendix 1 - Employment and Economic Development Paper



## **MID ULSTER**

Position Paper Three

### **Employment and Economic Development**

2 February 2015

**Purpose:** To provide the Shadow Council with 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.

**Content:** The paper provides information on:-

- (i) the regional policy context for formulating Local Development Plan policies for economic development;
- (ii) a socio-economic profile of the Mid Ulster District;
- (iii) an overview of existing provision and take up of zoned economic development land in the Cookstown, Dungannon & South Tyrone and Magherafelt Area Plans; and
- (v) an assessment of the number of new jobs required and how this can be translated into future economic land requirements.

**Recommendation:** That the Shadow Council consider the findings and considers how future economic growth should be accommodated across the district.

## **1.0 Introduction**

**1.1** This is the third of four papers aimed at:

- building the capacity of members to make informed planning decisions, particularly within the plan making context;
- providing baseline information which will inform planning policy making at local level; and
- linking with important ongoing work in relation to the development of a Community Plan and other strategic work being undertaken by the Council.

**1.2** The purpose of this paper is to inform the newly formed Shadow Council for Mid Ulster on how the provision of employment/economic development land will be addressed in the future. It sets out the regional context for economic development, the supply of industrial zoned land and extent of past take up and an examination of the employment and economic base of the new Council area. It provides an indication of how many jobs are required to both cater for a growing population and to address issues such as unemployment and deprivation. How these jobs can be accommodated across employment sectors and translated into a need for additional employment land up to 2030 is also considered. The paper allows members to commence consideration of

how economic policy may be formulated within the context of the RDS and the Strategic Planning Policy Statement.

## **2.0 Regional Policy Context**

- 2.1** The Regional Policy Context is provided by the Regional Development Strategy (RDS) 2035 and regional planning policy statements. A summary of these documents as they pertain to plan making and economic development policy is provided in the following sections.

### **(a) Regional Development Strategy**

- 2.2** The RDS 2035 provides a framework for strong sustainable economic growth across the region and recognises that a growing regional economy needs a co-ordinated approach to the provision of services, jobs and infrastructure. It provides Regional Guidance to ensure an adequate supply of land to facilitate sustainable economic growth (RG 1) and that the Hubs should be the main centres for employment and services. Land should be accessible and located to make the 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.
- 2.3** The quality and viability of sites zoned for economic development uses in area plans should be assessed against an Employment Land Evaluation Framework (see Appendix 1) which will enable planning authorities to identify robust and defensible portfolios of both strategic and locally important employment sites in their development plans. This means protecting zoned land in development plans and, in order to capitalise on the development opportunity provided by a concentration of people, goods, available infrastructure and business, promoting economic development opportunities in the Hubs (SFG11). It also recognises the importance in sustaining rural communities by facilitating rural industries, businesses and enterprises in appropriate locations. This means not only businesses connected to farming, forestry and fishing but other industries such as tourism and renewable energy which can provide further jobs and opportunities in rural areas as long as they are integrated appropriately within a settlement or rural landscape.

### **(b) Regional Planning Policy Statements**

- 2.4** The RDS is complemented by the DOE's Planning Policy Statements, the most relevant of which is PPS 4 Planning and Economic Development which sets out the Department's planning policies for economic development uses and indicates how growth associated with such uses can be accommodated and promoted in development plans. Its remit covers industrial, business and storage and distribution uses as currently defined in Part B "Industrial and Business Uses" of the Planning (Use Classes) Order (Northern Ireland) 2004. Business uses comprise certain types of office use, use as a call centre and research and development which can be carried out without detriment to amenity. PPS 4 may also be applicable to assessing proposals for other *sui*

*generis* employment uses which are land uses which do not fall into any particular use class in the Use Classes Order.

The key aim of this PPS is to facilitate the economic development needs of the Region in ways consistent with protection of the environment and the principles of sustainable development. It recognises that changing patterns of employment in Northern Ireland require a more flexible approach when determining the types of economic development that are acceptable in particular locations. For instance, high technology, knowledge driven enterprises and light industry and Class B1 high technology office uses may be compatible within an area allocated for general industrial development. It also directs Development Plans to include the safeguarding of existing economic development land where it remains suitable for continuation or expansion of this use. It should be noted that Planning Policy Statement 5 – Retailing and Town Centres also covers employment and economic development insofar that they relate to retailing, however that policy is considered further in the next paper.

- 2.5** PPS 4 details particular matters that should be assessed as appropriate in the course of preparing a development plan. Following such assessments, a development plan will also provide accommodation on certain measures as considered appropriate including meeting economic development needs, acceptable employment uses, and supporting actions such as key site requirements, design etc.
- 2.6** This document is to be replaced by the Strategic Planning Policy Statement (SPSS), a Draft of which was issued for consultation in February 2014. The draft SPSS does not introduce any significant changes to economic development policy but helps to shorten and simplify the guidance for Councils. Both PPS 4 and Draft SPSS set regional policy objectives for economic development which are to:-
- promote sustainable economic development in an environmentally sensitive manner;
  - tackle disadvantage and facilitate job creation by ensuring the provision of a generous supply of land suitable for economic development and a choice and range in terms of quality, size and location;
  - sustain a vibrant rural community by supporting rural economic development of an appropriate nature and scale;
  - support the re-use of previously developed economic development sites and buildings where they meet the needs of particular economic sectors;
  - promote mixed-use development and improve integration between transport, economic development and other land uses, including housing; and
  - ensure a high standard of quality and design for new economic development.

- 2.7** The draft SPPS reiterates the role for LDPs to ensure that there is an ample supply of suitable land available to meet economic development needs on a range and choice of sites in terms of size and location to promote flexibility. Account should also be taken of factors such as availability by all members of the community, availability of adequate infrastructure, specialised needs of specific economic activities, potential environmental impacts and compatibility with nearby uses. LDPs should also where possible seek to identify previously developed land for economic development, to assist in reducing the need for green field development. A system to monitor the take up and loss of land allocated for economic development purposes should also be put in place so that any shortfalls can be identified.
- 2.8** The Draft SPPS also expresses the need, in the interests of rural amenity and wider sustainability objectives, to restrict the level of new building for economic development purposes outside settlements. Exceptions may include where a suitable site cannot be found within a settlement, or where the proposal is for a major industrial development and a countryside location is necessary due to its size or site requirements.
- 2.9** PPS 21 Sustainable Development in the Countryside currently sets out planning policies for development in the countryside including appropriate farm diversification and other economic activity in accordance with PPS 4. As with PPS 21, the Draft SPPS recognises the need to support and sustain vibrant rural communities consistent with the RDS and to strike a balance between facilitating new development and protecting the environment from inappropriate development. The policy approach is to cluster, consolidate, and group new development with existing established buildings and the re-use of previously used land and buildings. Local policies and proposals may be brought forward in the LDP which address development such as farm diversification, agriculture and forestry development, tourism/holiday accommodation; re-use/conversion of existing buildings.

Prior to the publication of the above planning policy statements the prevailing planning policy for development in rural Northern Ireland was a Planning Strategy for Rural Northern Ireland. Although much of the “Rural Strategy” has been superseded by PPSs, there are parts that deal with employment and economic development that have not been. Policies IC 16 and IC 17 are superseded in part by PPS 4 but remain applicable in so far that they relate to office facilities providing financial, professional and other services. With respect to such uses, the policy seeks to facilitate development in town centres or appropriate locations.

Within Northern Ireland public sector facilities such as education and health care providers are significant employers, and, the Rural Strategy requires that sufficient land to meet the anticipated needs of the community, in terms of health and education and other public facilities will be provided (Policy PSU 1). PPS 21 provides policy at the planning application level to permit a necessary community facility to serve the local rural population.

### **(c) Anti-Poverty and Social Inclusion Strategy**

- 2.10** The Government's "Anti-Poverty Strategy" (Lifetime Opportunities) was published by the Office of the First Minister and Deputy First Minister in 2006. It outlines a set of long-term goals and targets to work towards eliminating poverty and social exclusion in Northern Ireland by 2020. Public policy in general is expected to take account of anti-poverty/social inclusion considerations, for example through enabling disadvantaged groups and communities to benefit from better access to employment opportunities. One of the main functions of a development plan is to facilitate development and create a land use framework that will allow investment to take place. For instance, the re-use of previously developed land has an important role to play not only in the supply of sites for economic development, but it can also help to support the Anti-Poverty and Social Inclusion Strategy, and assist with economic regeneration and physical renewal, helping to stimulate enterprise in the most disadvantaged areas in order to tackle long-term unemployment and issues of employability.

### **(d) The Northern Ireland Executive Economic Strategy: Priorities for Sustainable Growth and Prosperity**

- 2.11** The Northern Ireland Economic Strategy was published by the Minister for Enterprise Trade and Investment in March 2012. The overarching goal of the Strategy is to improve the economic competitiveness of the Northern Ireland economy. For the purpose of achieving that goal, the Strategy has focused on creating a larger and more export-driven private sector, a move away from an economy that has traditionally been dependent upon the public sector. The readdressing of this imbalance is to be done through encouraging innovation and research and development, improving skills, establishing a sustainable economic infrastructure, competing in a global market place and encourage growth in existing local companies. In terms of developing economic infrastructure the long terms goals for the region are developing an efficient transportation system, investing in telecommunications to improve capacity as digital and knowledge based economies and the improvement of public infrastructure such as social, health and educational facilities. While it is the responsibility of many Departments to implement the Economic Strategy, these particular goals are areas in which land use planning can have an active part in ensuring the delivery thereof.

## **3.0 Existing Area Plans covering Mid Ulster**

- 3.1** Each of the Area Plans which currently cover the Mid Ulster Council Area set out their approach to facilitating industry and business uses within their respective Plan Strategies. This section discusses the amount of land zoned for 'economic development' uses in each Area Plan and how much of this land remains.

## **Cookstown Area Plan 2010**

- 3.2** The Plan's strategy includes promoting Cookstown town as a key service centre and strengthening its role as the principal administrative, trade, employment and residential centre within the District, to concentrate large scale land use zonings in Cookstown and to protect and extend existing industrial and business areas where they are within easy reach of the urban population. The Plan zoned approximately 65.6 hectares of land for industry/ mixed business use across seven main sites within the town of Cookstown. A further 12.4 hectares are located outside the settlement limit at Loughry College for the purpose of an Agri-Food Park. Land is also specifically zoned for industry/ mixed business use at Ardboe Business Park (Appendix 2 Take up of Industrial Zonings and Appendix 3 Maps).
- 3.3** The Plan also identified three areas of existing industrial land in Cookstown: –
- Derryloran and Ballyreagh;
  - Kilcronagh Business Park;
  - Moleworth Street;

The Derryloran and Ballyreagh Industrial estates comprise most of Invest NI's landholdings. Invest NI own some 13 hectares of land at Ballyreagh (1 hectare remaining) and just under 3.0 hectares at Derryloran (none remaining). Most of these areas are developed. To the southwest of Derryloran is the privately owned Kilcronagh Business Park which is only partly developed (part of I 1 zoning). The third site is located at Molesworth Street and is occupied by the Karro Food factory, the largest pig processing site in Northern Ireland. Whilst the development plan shows them as existing industrial land it does not afford them the same protection as zoned industrial land. Under the provisions of PPS4 industrial zonings can comprise of proposed and existing industrial lands. Consideration should be given to identifying these as economic zonings to protect the land for economic purposes.

- 3.4** The majority (78%) of the land zoned for industrial/business use in the Plan has not been developed (Table 1), although all of the sites apart from I 7, may be described as 'active' in that work has already commenced or a planning permission has been obtained or applied for on part or all of the land. Only two small sites - I 2 and I 7 - have been fully developed. Given the amount of private sector land available, especially at the I 1 zoning, Invest NI has not identified a particular need for additional land to serve their client companies. However, it should also be noted that accessibility is an issue for zonings I 4, I 5 and I 6 on the eastern side of the town as they are dependent on implementation of the Eastern Distributor Road. Unusually, the plan has also zoned land within the village of Ardboe for industrial and mixed business use. Only half of Ardboe's zoning has been developed to date and it has been extended with the benefit of the 2008 planning permission for the Ardboe Business Park to the north. The old airfield at Ardboe has historically been under pressure for economic development however the infrastructure in the area, particularly roads, has not been of an adequate standard to support



comprehensive development. To date, applications have been considered with regards to PPS4 for the rural area (PED6).

### Dungannon and South Tyrone Area Plan 2010

- 3.5** The Plan Strategy includes strengthening the role of Dungannon as the principal administrative, trade and employment centre within the borough and to consolidate Coalisland in its role as the second largest settlement. It also aims to protect and extend existing industrial and business areas where they are within easy access of the urban population. In summary the strategy is to retain the provision of industrial sites and opportunities for work and trade across the Borough whether it is in towns, villages, or the countryside. In terms of implementing this strategy, the Plan zoned 75 hectares of land for industrial and business use at Dungannon across five sites. Four of these sites are located within Dungannon and the fifth is at the industrial estate at Granville some three kilometres south west of Dungannon. Granville is the Borough's strategic location for industrial development where 40 hectares are zoned and is the focus of Invest NI's landholdings in the district. In Coalisland, 19 hectares of land are zoned across two sites (Appendix 2 and Appendix 3).

**Table 1: Uptake of Industrial Zonings in Mid Ulster 2014**

Settlement	Total Area Zoned (Hectares)	Developed (Hectares)	Remaining (Hectares)
Cookstown	65.57	13.95	51.62
Loughry Agrifood	12.40	0.97	11.43
Ardboe	9.20	4.31	4.89
<b>Sub Total</b>	<b>87.17</b>	<b>19.23</b>	<b>67.94</b>
Dungannon	75.25	11.24	64.01
Coalisland	17.76	4.91	12.85
<b>Sub Total</b>	<b>93.01</b>	<b>16.15</b>	<b>76.86</b>
Magherafelt	11.43	0.09	11.34
Maghera	10.85	0.97	9.88
Bellaghy*	0.56	0.17	0.39
Castledawson*	0.84	0.0	0.84
Creagh	19.33	0.0	19.33
Draperstown*	2.03	0.31	1.72
Tobermore*	2.12	0.0	2.12
<b>Sub Total</b>	<b>47.16</b>	<b>1.54</b>	<b>45.62</b>
<b>Grand Total</b>	<b>227.34</b>	<b>36.92</b>	<b>190.42</b>

*DOE Planning Survey 2014 \* Industrial Land Use Policy Areas.*

- 3.6** As in Cookstown, a substantial portion (82%) of zoned industrial land remains undeveloped (Table 1) with no development having taken place at sites DI 03 and DI 04 (Appendix 3). There are however planning commitments on all or part of the sites including non-industrial uses on site DI 05 such as a nursing home, social housing, new Bunscoil school and open space. At Granville, most of Invest NI's 21 hectares has either been sold or leased to their clients.

The two zoned sites in Coalisland located at Farlough Road and Gortgonis Road have experienced little development.

**3.7** In addition to zoned land, the Plan identified 5 sites as existing industry in Dungannon town:-

- Killyman Road Industrial Estate Moy Park;
- Tyrone Brick;
- Tyrone Crystal;
- Dungannon Enterprise Park;
- Ballysaggart Business Complex.

**3.8** There are also 4 sites identified as existing industry in Coalisland which include:

- Derryvale Industrial Estate on Farlough Road;
- Coalisland Enterprise Centre;
- Washingbay Road;
- Gortgonis Road.

As with Cookstown if the Council may wish to afford full protection to this land for economic purposes it should be zoned as economic land.

### **Magherafelt Area Plan 2015**

**3.9** The Plan Strategy includes the designation of additional industrial land that is accessible to major transport routes and the district population particularly in areas of social and economic deprivation. Lands are zoned for industry in the two towns – Magherafelt and Maghera - and at the Creagh. A total of 42 hectares of land are designated across the whole of the district for industrial use - 11.4 hectares are zoned within Magherafelt town and 5.4 hectares within Maghera. Approximately 19 hectares of land has been zoned for industry adjacent to the existing Creagh Business Park which is owned by Invest NI and lies off the A6 just outside the small settlement of Creagh. In the remainder of the district land is designated as Industrial Land Use Policy Areas in the four villages of Bellaghy, Castledawson, Draperstown and Tobermore (Appendix 2 and Appendix 3)

**3.10** As the Magherafelt Area Plan was only adopted in 2011, the take up of zoned industrial land has been small – less than 4%. There are also pockets of vacant or undeveloped land available within areas identified as existing industry within Magherafelt, Maghera and the four villages. Creagh Business Park is a 22-hectare serviced site owned by Invest NI, where approximately 12 hectares have been sold or leased to Invest NI clients. The existing site is considered to be sufficient to meet future needs for the next 5-10 years. All sites at Invest NI's other land holding at Station Road Industrial estate, Magherafelt have been sold off.

**3.11** In Magherafelt key locations identified as major areas of existing industry: -

- Station Road Industrial Estate
- Aughran Road Industrial Estate

- Ballyronaon Road including Council Office
- Moneymore Road

This is also supported by major areas of industry at the Creagh, Maghera and the villages. The conclusion will be full protection through economic zonings should be afforded to major areas of existing industry in the towns and the Creagh. Further consideration will be needed to determine what protection should be offered to sites within individual villages.

## **4.0 Mid Ulster Socio Economic Profile**

- 4.1** In order to assess the provision of economic development land over the plan period it is necessary to consider the present picture of business and the labour market across the district. In examining the situation reference is made to the regional situation for the purpose of comparison and providing a context. Firstly the nature of industry and employment in Mid Ulster is examined in terms of existing employers, where particular strengths may be and the possibility of weaknesses when we consider those areas most affected since the downturn in the economy in the last seven years. The labour market is examined in terms of the number of the economically active population that are in employment and those who are claiming benefits. Finally there is a consideration on the skills and qualifications within the population and how that relates to the type of employment that will drive the future economy.
- 4.2** As outlined in Oxford Economics' report 'Mid Ulster Socio Economic Profile', commissioned for the Mid Ulster Council, the global recession has significantly impacted on the UK and NI economies. Since 2008, the outputs from the construction sector in Northern Ireland have fallen by 30%, the numbers claiming unemployment benefit have increased by 161%, and many businesses report a decline in access to finance. In summary, Northern Ireland's position economically is significantly different than what it was in the years between the turn of the century and the onset of the recession. The report suggests that in the years to come (up to 2024) the construction sector will experience the most significant employment gains and that the most significant employment losses will be in the areas of manufacturing and public administration.
- 4.3** Job market recovery has been slow and, similar to trends in the UK overall, growth is likely to be concentrated in exportable sectors like professional, scientific & technical and administration services, offsetting job losses in manufacturing and the public services. This shift towards a more service-sector oriented economy will have significant implications for those with no or low skills, the unemployed youth and those in long-term unemployment or long-term inactive. As the labour market rebalances towards a more private sector, there may be opportunities for growth in areas such as new technology, care industries and tourism sectors.

### **The Existing Employment Base**

- 4.4** In providing employment, Mid Ulster has a higher proportion of jobs in manufacturing than the regional average. This is a key strength of the new Council area and it has proved to be more resilient than other sectors such as construction which has been seriously affected by the downturn. Within the district over a quarter of all jobs are in manufacturing compared to a regional average of fewer than 11%. The presence of regionally important sand and gravel and clay resources within the District has meant that mining and quarrying is a significant employer along with associated concrete production such as Lafarge Cement in Cookstown and Creagh Concrete in Ardboe and companies specialising in the manufacture of mining and quarrying machinery such as Sandvik and Terex. As well as a portfolio of companies having grown up around the quarrying and construction sectors, food manufacture and the agri-food business is also well represented in the district, such as Linden Foods, Moy Park, and Karro (Vion) Foods. Service jobs are comparatively lower in proportion than the Northern Ireland average (Tables 1 and 2). The role of any future Local Development Plan in addressing unemployment and low incomes through a generous supply of economic development land should not be underestimated.
- 4.5** The spread of a large number of employers in manufacturing throughout the district is a key strength of the new Council area. However in addition to such large firms businesses are typically small in size and the district also has higher levels of self employment and such small businesses may require guidance and support to grow and open new markets (Oxford Economics). Jobs in manufacturing are particularly important to male employment accounting for 41% of all male employment in the district (Table 3).
- 4.6** Jobs in the construction sector, particularly in Magherafelt, have been seriously affected by the downturn and numbers continue to decline with 9.5% in 2011 to 7.95% in 2013, but like manufacturing it is still higher than that for the region (4.25%). The low figures in construction overall are reflective of the current state of the economy at a national level. It is therefore important that major construction projects such as the NI Community Safety College at Desertcreat are realised.
- 4.7** Service jobs also form a lower proportion than the Northern Ireland average (Table 2 and Figure 1) with 63% in Mid Ulster compared to 83% for NI. Most of these jobs are in the wholesale/retail trade/motor repairs where the workforce is mainly female (53%) and of which 61% are part-time. However, most women work in health/education/administration jobs accounting for just over 46% of all jobs occupied by women and more than half of these work part-time. Overall, women are employed in 47% of all jobs in Mid Ulster (Table 3).
- 4.8** Overall Mid Ulster shows a more balanced spread of jobs across the three sectors than that for the whole of the region – its relatively high proportion of jobs in manufacturing being particularly notable, however manufacturing will have a lesser role to play in future economies and it is anticipated that specialised and exportable scientific/technical services will become the

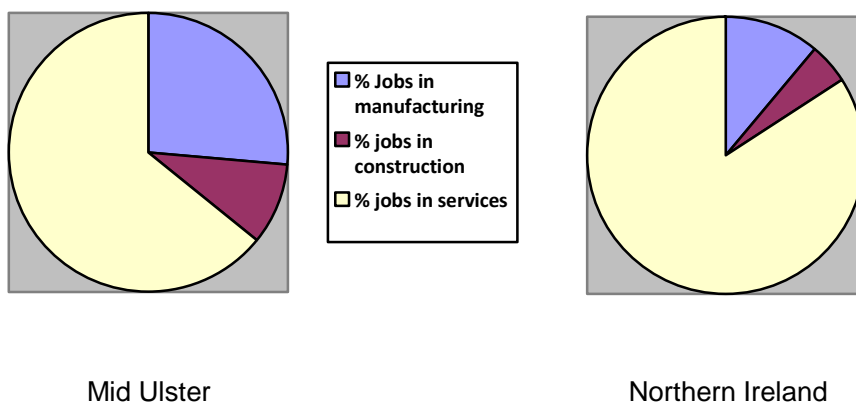
economic drivers. This is a relevant factor in ensuring a generous supply of suitable site through the development plan process.

**Table 2 Jobs by Industry 2013**

	<b>Total No of Jobs</b>	<b>% Jobs in Manufacturing</b>	<b>% Jobs in Construction</b>	<b>% Jobs in Services</b>
<b>Mid Ulster</b>	47,858	27.5	7.95	63
<b>NI</b>	691,501	10.85	4.25	83.5

Source: DETI Northern Ireland Census of Employment 2013

**Figure 1 Proportion of jobs by industry – Mid Ulster and Northern Ireland Comparison**



**Table 3 Employee Jobs for Mid Ulster at 2013**

	<b>Male Full Time</b>	<b>Male Part Time</b>	<b>Male</b>	<b>Female Full time</b>	<b>Female Part Time</b>	<b>Female</b>	<b>Total</b>
<b>Manufacturing</b>	9,951	474	10,425	2,154	586	2,740	13,165 (27.5%)
<b>Construction</b>	3,075	186	3,262	353	193	546	3,808 (7.9%)
<b>Wholesale and retail trade; motor repairs</b>	3,199	1137	4336	1910	3,023	4,932	9,268 (19.4%)
<b>Health,</b>	2,262	871	3134	4499	5952	10,449	13,585

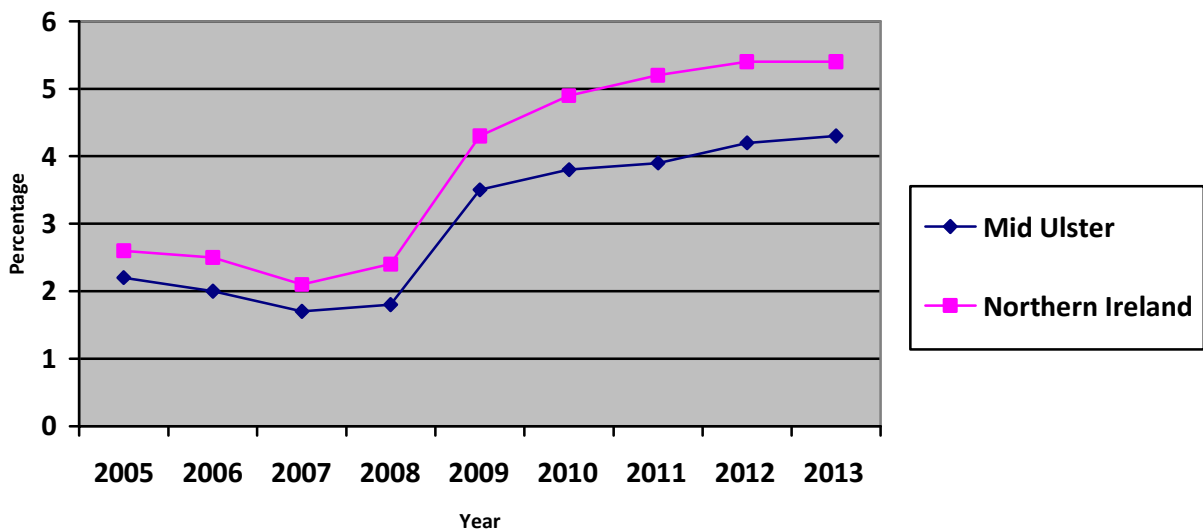
<b>education and administration</b>							(28.4%)
<b>Other</b>	2,882	1,287	4,176	1,660	2,204	3,867	8,032 (16.8%)
<b>Total</b>	<b>21,369</b>	<b>3,955</b>	<b>25,324</b>	<b>10,576</b>	<b>11,958</b>	<b>22,534</b>	<b>47,858</b>

Source DETI Census of Employment 2013

#### Mid Ulster Labour Market

- 4.9** In terms of the broad picture of economic activity in the District, Mid Ulster is reflective of the levels at a regional level. The 2011 census records show the percentage of those who are economically active as being in employment to be 66.8% and the number of the economically active group who are unemployed as 4.7%, which is slightly below the Northern Ireland average. The claimant count rates have steadily increased from 2007 and the onset of the economic recession (Figure 2). It can be seen that the Mid Ulster area consistently outperforms the regional claimant unemployment rate. The claimant count rate at October 2014 for Northern Ireland was 4.4%. For each of the three Mid Ulster Districts, the figures were 3.2% for Cookstown; 2.9% for Dungannon and 3.1% for Magherafelt. According to Oxford Economics, for the claimant unemployment rate to return to pre-recession levels would require getting 2,500 of the unemployed back into work.

**Figure 2 Claimant Count Averages (percentage) 2005 – 2013** (Source DETI)



**Table 5 Economic Activity of the Population (16-74 year olds) in 2011**

	Economically Active				Economically Inactive
	Total	Unemployed	Long-Term Unemployed	Never Worked	Total
<b>NI</b>	66.22% (62%)	4.96%	44.98%	16.81	33.78%
<b>Mid Ulster</b>	66.82%	4.68%	43.53%		33.18%
<b>Cookstown</b>	65.37% (59%)	4.70%	45.97%	17.00	34.63%
<b>Dungannon</b>	67.48% (60%)	4.88%	41.65%	19.19	32.52%
<b>Magherafelt</b>	67.29% (63%)	4.37%	43.59%	43.59	32.71%

Source: - NISRA Census 2011. Figures in ( ) are from 2001 Census.

- 4.10** There is also a higher proportion of people in self employment than there is for Northern Ireland generally - around 12% for Mid Ulster and around 9% for Northern Ireland – which is indicative of the strong entrepreneurial spirit present in the area.
- 4.11** In common with the regional situation, over one quarter of the unemployed are in the 16 – 24 age bracket and so it would appear that young people leaving school and further and higher education are finding it difficult to find employment in the District. Mid Ulster has a relatively high proportion of its population under the age of 16 and while these individuals have the potential to contribute to the local labour force it is important that they are equipped with the necessary skills and qualifications necessary for those areas of work that are likely to grow in the future(Oxford Economics).
- 4.12** There are levels of deprivation in the Council particularly in regard to employment. The NI 2010 Multiple Deprivation Measures indicate that Coalisland North and South and Ardboe, Stewartstown and Maghera were the most deprived in Mid Ulster in terms of employment. Since 2001, the unemployment rates for the districts have fallen slightly from between 5% and 6% to just below 5%. However there are areas within Magherafelt having the lowest unemployment rate of the three districts, unemployment is higher than average in Glebe 2 (8.10%) and Town Parks East 2 (7.70%) in Magherafelt town. Economic activity rates have also improved particularly in Cookstown and Dungannon with the average for the new Mid Ulster Council similar to the regional average (Table i Appendix 1).
- 4.13** As of 2014, N Ireland had higher proportion of long term unemployed (33%) compared to 30.5% for the UK as a whole. The equivalent figure for Mid Ulster was 28%. New employment opportunities are better aligned with well-educated/recently trained individuals and are unemployed for shorter periods (Oxford Economics). The absence of skills and experience that comes with being in long term unemployment makes it more and more difficult to find employment and presents a challenge for the future of the economy.

## Skills Profile

- 4.14** It is anticipated that future economic growth will transition towards high value added exportable activities and if Mid Ulster is to participate in this direction it will have to supply a suitably skilled and qualified workforce.
- 4.15** Education has an important role in promoting economic well-being. Better education improves access to employment opportunities, raises productivity and creativity and promotes entrepreneurship and technological advances. In addition it plays a very crucial role in securing economic and social progress and improving income distribution. Since 2001, the proportion of people aged 16 years old and over who had a degree or higher qualification has significantly increased compared to a much more modest reduction in the proportion that had no or low (1-4 O Levels/CSE/GCSE or equivalent) qualifications (Table 6). This would suggest that the opportunities for those who already have qualifications have improved whereas there is little opportunity for advancement for those with low or no qualifications.
- 4.16** Furthermore, Mid Ulster has the highest average proportion of its working age population with no qualifications (31.6%) compared to any other council area in Northern Ireland (DETI & Oxford Economics). For education, skills and training, Coalisland North and South, Ballysaggart, Glebe 2 Magherafelt and Drumglass all experience higher deprivation rankings under the 2010 Multiple Deprivation Measures. Such statistics may point to the need to consider access to and attendance at educational facilities. Land use planning can assist in that regard by providing suitable sites for centres for education and training. As pointed out in Oxford Economics' report on the council area, a more highly educated workforce is needed to increase export potential and allow higher value added activities to grow which rely on more capital and skills rather than more labour.

**Table 6 Qualifications of Population over 16 years of age in Mid Ulster in 2011**

Aged 16 & Over	Degree or higher qualification %	No or low qualifications %
<b>NI</b>	24.0 (15.8)	40.63 (41.64)
<b>Mid Ulster</b>	20.72	43.00
<b>Cookstown</b>	18.88 (11.1)	45.37 (47.86)
<b>Dungannon</b>	21.17 (13.74)	41.79 (44.94)
<b>Magherafelt</b>	21.67 (13.36)	42.64 (44.33)

Source: Census 2011, NISRA. Figures in ( ) are for 2001.



## 5.0 The Need for Future Employment Opportunities

- 5.1** As set out in PPS 4 Planning and Economic Development, an estimate of the amount and the location of land required to ensure an ample supply of suitable land is available to meet economic development needs. To quantify the land needs three different approaches have been used: -
- past trends in take-up of land for economic development purposes;
  - population growth and numbers in employment;
  - 70% reduction in the economically inactive.

### *Approach 1: Market approach based on up take of land*

- 5.2** Based on the amount of land developed to date (Section 3.0), the average take up of land zoned in the Cookstown Area Plan since adoption in 2004 has been 1.9 hectares per annum, suggesting that 29 hectares will be needed up to 2030. In the Dungannon & South Tyrone Area Plan, the average uptake since 2005, equates to 1.8 hectares per annum suggesting that some 27 hectares are required up to 2030. The Magherafelt Area Plan, being the most recently adopted of the three plans, has only had a take up of 1.5 hectares in total since the plan's adoption in December 2011. If we were to apply a take up rate of 1.5 ha for every three years that would result in a requirement of 7.5 ha of economic/ employment land for Magherafelt District. However it would not be reasonable to estimate Magherafelt's future needs based on the take up rates of only three years. The previous area plan for Magherafelt district covered the period 1976 – 1996, published in mid 1978. That plan zoned some 12 ha for industrial development in Magherafelt town, 10.2 of which was developed prior to the publication of the current plan. Therefore in the 33 year period (start 1979 – end 2011) the rate of take up of zoned land was 0.3ha per annum, suggesting 5ha would be needed in Magherafelt in the next 15 years.
- 5.3** However, the problem of applying such a broad-brush approach is that recognition is not given to disparities between take up on different zonings. For example, take up tends to be greater on zonings where Invest NI has intervened to provide serviced sites. The Invest NI industrial holdings also tend to be more attractive to investors because they are closest to the main communication corridors. Invest NI advise that in relation to their own land needs in the three main towns the situation is as follows:-
- The land at the Creagh should be adequate to provide for their clients' needs in the short to medium term. It is therefore unlikely that they will be seeking additional land whilst the plan is being prepared but depending on demand may seek the inclusion of further land in a future review;
  - In Cookstown their land holding is limited however they consider the other land zonings should be adequate to cater for demand over the foreseeable future;
  - In Dungannon, most of Invest NI's holdings are committed and awaiting development. It is clear that a siting industrial land close to

this population centre, and the M1 motorway could provide a successful location for future zonings.

In relation to zonings under private ownership it is difficult to make an assessment based on take up because it is reliant on both a willing buyer and a willing seller. Accordingly, the consultation process should be used to try to establish whether existing zonings would be on the market for economic development.

#### *Approach 2: Traditional Employment led model*

**5.4** To estimate the number of jobs required, a methodology has been used based on economic activity, unemployment rates and the latest (2012-based) population projections from NISRA. By applying NISRA population projections, it is possible to estimate the number of people who will be economically active in 2030. The economic activity rates etc for each existing district in 2011 have been added together and averaged to give a figure for the new Council area. An unemployment rate of 4% has also been assumed.

**5.5** Thus the following economic activity rates from the Census 2011 have been used:

Cookstown = 65.37%

Dungannon = 67.48%

Magherafelt = 67.29%

Mid Ulster = **67%**

**5.7** By subtracting the number in employment in 2015 from the number in employment in 2030, the total number of additional jobs required between 2015 and 2030 is 8,185 (Table 7). This is lower than the estimated figure of 12,000 jobs suggested in the Population and Growth paper as it used earlier 2008 - based population projections which were largely influenced by net migration which have not continued post 2008.

**Table 7      Estimated number in employment in Mid Ulster 2015-2030  
16 – 74 age group**

	<b>1</b>	<b>2</b>	<b>3</b>
	<b>2015</b>	<b>2030</b>	<b>Jobs created Option 2A (2-1)</b>
Population Aged 16-74 (using NISRA population projections)	102,421	115,147	

Economically Active Population (67%)	68,622	77,148	
The number in employment (less 4% unemployment rate)	65,877	74,062	8185

Columns 1 and 2 indicate the numbers in employment at the start and end of the plan period if the current rates of economic activity (as accounted for above) were to continue. The figure in column 3 is the difference in employment levels over the plan period.

*Option 3 An assessment of the need for economic land based on achieving a 70% economically active working age population.*

- 5.8** In January 2014 the Department of Enterprise, Trade and Investment with the Department for Employment and Learning published *Enabling Success - Driving social change through economic participation: a strategic framework to tackle economic inactivity*. The goal for the strategic framework is to contribute towards a stable and competitive employment rate of over 70% by 2023 through a reduction in the proportion of the working age population classified as economically inactive. That document defines working age as 16 – 64. In order to calculate the number of jobs needed is not easy as there is no uniform data source. Therefore it is necessary to make a number of assumptions which are set out in the step by step approach below:-

Assumption 1:

Population aged 16-64 in 2015 (NISRA 2012 projection) = 91,368

Assumption 2:

The economic activity rate remains at 67% (Census 2011)  
for the 16-74 age group can be applied to the 16-64 age group = 61,216

Assumption 3

The 70% DETI DEL target is applied to the 16-64 age group = 63,958

Therefore,

*The number of jobs need in 2015* = 2,742

Assumption 4

Population aged 16-64 will rise by 2030 (NISRA 2012) = 99,571

Resulting in an increase = 8,203

Assumption 5

70% of the rise of 16-64 will be economically active = 5,742

Assumption 6

The number of jobs needed to be created before 2015  
(Assumption 3 + Assumption 5) = 8,484

- 5.9** In examining this approach closer it is clear that the assumption that 67% of the 16-64 age group are economically active is an underestimate as it is skewed by activity rates in the 65-74 age group. However, this most probably balances out against the pressure to be placed on people to work longer in line with an increasing state retirement pension age. A benefit of this approach is it addresses a methodological deficiency in the traditional model (option 2) which implicitly requires growth in the primary sector, which is highly unlikely. More importantly, the estimate generated that 2742 jobs are needed now is broadly in line with the Oxford Economics study and results in a figure slightly higher than the traditional employment model (approach 2) and suggests a much greater need than past take up.
- 5.10** In determining which figure to adopt it should be reiterated that any calculated figure is sensitive to economic changes and changes to NISRA population projections i.e. the difference between 2008 based and 2012 based projections. Accordingly any target set should be a minimum and kept under review. For the purposes of this exercise it is advised option 3 provides the best approach and that the target should be set at providing economic development land to facilitate the creation of **at least 8,500 new jobs**.

## **6.0 Allocating Economic Development Land**

- 6.1** In determining how much economic development land needed it is assumed that all new jobs will be in the secondary and tertiary sector. Growth in the primary sector is unlikely given that long term past trends suggest employment has been in decline. In Mid Ulster much employment is still based in engineering and the more traditional style industries and it is anticipated that this sector will still have a major role to play, complemented by office based and knowledge based employment.
- 6.2** A survey of employment on industrial estates in Omagh and Strabane (Planning Service, 2006) suggests that for every hectare of operational industrial land, 50 jobs are provided. This figure has been supported by earlier studies in Craigavon and was used as a basis for quantifying industrial needs in the Cookstown and Dungannon Area plans. It also complements parking requirements. Assuming 8500 new jobs were to be provided on economic zonings this would mean that a **minimum of 170 hectares is needed**.
- 6.3** The benefit of setting a target of a minimum of 170 hectares of economic development land is that it has a large degree of flexibility built within it. It implicitly assumes all new jobs will be on zoned land, which will not be the case. Increases in employment can also occur in town centres, and other mixed use areas and other buildings within the town and as a result of home working and farm diversification. Employment densities in existing buildings and in terms of land use may also increase. Oxford Economics identifies that

many new jobs will be knowledge based. In England where call centres can occupy much of an industrial estate employment densities of 200 jobs per ha are common (Belfast Metropolitan Area Plan background studies). Accordingly 170 hectares will inevitably result in a degree of over zoning allowing the plan to provide a choice of sites at different locations and of different sizes to encourage economic growth.

- 6.4** In considering how these sites should be allocated across settlements, the RDS makes it clear that the hubs should be the focus of growth should be in the main hubs and clusters. Dungannon, Cookstown and Magherafelt form a cluster of two main hubs and a local hub, although it does exclude zonings in other locations. Given the three major towns are good locations in terms of connectivity to the main transport routes, and access to labour and consumer markets these should take the lion's share of allocation. Given a minimum figure has been set it is suggested that this be distributed between the three towns based on one of the three options (All figures rounded) .

*Option One: Equal Share*

Provide each of the towns an equal share aiming to provide around 55-60 hectares minimum in each town. The benefit of this approach is that it treats each location with an equality, thus recognises that the full potential of Magherafelt as an employment location has not been fully met.

*Option Two: Hinterlands and Catchment*

Assuming the former council districts broadly coincided with their hinterlands it is possible to proportion growth providing regard to catchment. In Mid Ulster the former districts equated as 27% Magherafelt, 41% Dungannon and South Tyrone and 32% in Cookstown (2011 Census). This broadly equates to 45 ha for Magherafelt, (41%), 70 ha for Dungannon and 55 ha for Cookstown.

*Option Three: Population of Town*

The updated town populations is not available from NISRA as of yet. Based on the 2001 Census 10,566 people lived in Cookstown, 10,983 people lived in Dungannon and 8289 people lived in Magherafelt. Apportioning growth on this basis suggests that 60 hectares should be allocated to Cookstown, 60-65 for Dungannon and 45-50 hectares for Magherafelt. This can be updated when NISRA publishes the information in the spring time.

- 6.5** Given that each option would provide a generous supply it is suggested that these options could be included in the Preferred Options Paper for public consultation. In looking at existing land supply, if the economic zonings in Dungannon and Cookstown for their intended purpose, the number of jobs desired would be delivered. However, it does appear that land supply in Magherafelt, even taking into account the zoning in the Creagh, appears to be in short supply. Although again this supply should be more than sufficient to meet short term needs.

- 6.6 The small towns also have a role to play in providing employment. However, because there needs are smaller attaching a figure an allocation is more difficult. Invest NI suggest that in their experience it becomes viable to provide an Industrial estate at around 12 Hectares, which may provide a bench mark to review provision of the sites. It is not required to zone sites in the villages, and regional policy gives some lee way for small rural enterprises to be developed in the countryside outside of villages where there is no land available. Often this can provide a better solution as it allows residents of the village some separation from economic development uses. .

## **7.0 Locations of Individual zonings**

- 7.1 From the study it appears that certainly for the short to medium term it appears there is sufficient land zoned. This is a view shared by Invest NI who are not currently looking to purchase land in Mid Ulster. This means that there is not a need to bring forward additional land at the Plan Strategy stage, which means it should be possible to prepare a Draft Plan more quickly. However, questions still remain as to whether all of the sites are deliverable in terms of their being a willing seller and someone necessary to invest in any infrastructural requirements. It is therefore advised that a full review of existing sites is undertaken for the Local Policies stage of the Plan process. To aid this, existing land owners should be asked whether they are prepared to release their land for economic development at market value and the Preferred Options Paper used to call for alternative sites, which may be evaluated in the second stage of the plan process.
- 7.2 Dungannon and South Tyrone Borough Council have lobbied for an enterprise zone to be created at the Ballygawley interchange. Whilst the plan in itself cannot deliver an enterprise zone, which offer financial incentives, it can zone land for enterprise, i.e. economic uses. Road interchanges offer an opportunity due to their connectivity into the road system. However, whether Ballygawley is a wise location is open to debate due to the low numbers of people living in that area, to provide workers. To bring such a proposal forward it would also be necessary to review the status of Ballygawley as a settlement, the levels of housing provided and the investment in social infrastructure the Council and other government bodies are willing to invest here. This said there is no reason why this idea could not be included in the Preferred Options Paper so that Members can evaluate the response. The same could also be applied to the Castledawson Road about which could provide an option for future zonings to serve Magherafelt. This location would in some ways be better because of its connectivity to the public transport system and closeness to Magherafelt, therefore not requiring the same degree of public investment in infrastructure.

## **8.0 Conclusion and Key Findings**

**8.1** This paper has provided an indication of the ability of the existing Area Plans to deliver the anticipated number of jobs required up to 2030. With the boom years of construction and manufacturing now in decline and cuts in the public sector recently announced, local economies may need to focus on growth in other sectors such as professional services, information and communications (Oxford Economics, 2014). If more jobs will be found within the service sector and town centre businesses, the amount of land required for economic development uses may be less than estimated. It is also evident that to diversify employment in Mid Ulster also requires more highly skilled individuals which are currently relatively underrepresented in the economy and particularly amongst the unemployed (Oxford Economics, 2014).

**8.2** A summary of the key findings are as follows:-

- (i) Mid Ulster has a strong manufacturing base, which whilst experiencing job loss in the recession will still continue to be a major source of employment. This will be complemented by jobs in the sectors which will provide the bulk of future employment with a growth of opportunities in knowledge based industries.
- (ii) The Council should be seeking to facilitate the provision of 2500 -3000 jobs in the short term to meet current needs. This need can be met on existing zonings.
- (iii) In the medium to long term the Council should be seeking to facilitate the creation of at least 8,500 jobs equating to a need for 170 hectares of economic land. This objective should be presented for public consultation in the Preferred Options Paper.
- (iv) How this should be apportioned between Magherafelt, Dungannon and Cookstown is a matter that should be presented in the Preferred Options Paper for public consultation. Each of the hub settlements should at least have a provision of 45-50 hectares. Following consultation the economic objectives should be finalised together with the allocation for publication of the Draft Plan Strategy.
- (v) A review of policies contained in PPS4 should be undertaken identifying options for policy revisions for member consideration. This should include further consideration of whether sufficient protection is afforded to existing industrial sites. The findings should be presented in the Preferred Options Paper to inform industrial policies to be included in the Plan Strategy.
- (vi) There is a need for a full evaluation of the deliverability of existing zonings. The Preferred Options Paper should be used to test whether the owners of existing zonings are willing to provide their land for economic development and whether there are any other land owners

willing to provide land. An evaluation of sites will be undertaken before final zoning are included in the Local Policies and Proposal Plan.

- (vii) The option of creating an economic zoning at Ballygawley interchange and Castledawson interchange should be included in the Preferred Options Paper for public comment. No commitment to this as of yet should be given.



## Appendix 1 The Employment Land Evaluation Framework (RDS 2035)

<b>Stage 1</b> Taking stock of the existing situation	An initial assessment of the 'fitness for purpose' including the environmental implications of the existing employment land portfolio. This is principally in order to identify the 'best' employment sites to be retained and protected and identifying sites that should clearly be released for other uses.
<b>Stage 2</b> Understanding Future Requirements	Quantify the amount of employment land required across the main business sectors during the development plan period. This is achieved by assessing both demand and supply elements and assessing how they can be met in aggregate by the existing stock of business premises and by allocated sites. Account should also be taken of turnover of existing sites due to relocation or closures. Both short/ medium term and strategic provision need to be considered in this process.
<b>Stage 3</b> Identifying a 'New' portfolio of sites	Devise qualitative site appraisal criteria to determine which sites meet the occupier or developer needs. Confirm the existing sites to be retained, replaced or released, and any gaps in the portfolio. In this allocation, consideration should be given to previously used sites, and in the reallocation, the environmental impact of one site relative to others should be included. The results of Stage 2, together with this site appraisal should provide a robust justification for altering allocations for employment land.

**Uptake of Industrial Zonings in Cookstown District (hectares)**

<b>Site Ref. No.</b>	<b>Location</b>	<b>Total Area</b>	<b>Developed</b>	<b>Remaining 2014</b>
<b>I 1</b>	West of Sandholes Rd	26.72	8.24	18.48
<b>I 2</b>	East of Sandholes Rd	2.68	2.68	0
<b>I 3</b>	Southeast of Sandholes Rd	6.6	0.55	6.05
<b>I 4</b>	Land Between Coagh Road and Old Coagh Road	17.85	1.08	16.77
<b>I 5</b>	Land south of Coagh Road	4.90	0.68	4.22
<b>I 6</b>	Land east of Unipork Factory, Molesworth Road.	6.30	0.20	6.10
<b>I 7</b>	Land opposite Unipork Factory, Molesworth Road.	0.52	0.52	0
<b>I 8</b>	Loughry Agrifood Site	12.35	0.97	11.38
	Ardboe Business Park	9.19	4.16	5.03
	<b>TOTAL</b>	<b>87.11ha</b>	<b>19.08ha</b>	<b>68.03ha</b>

**Uptake of Industrial Zonings in Dungannon and South Tyrone Borough (hectares)**

<b>Site Ref. No.</b>	<b>Location</b>	<b>Total Area</b>	<b>Developed</b>	<b>Remaining 2014</b>
<b>DI 01</b>	Granville Industrial Estate	40.15	7.38	32.77*
<b>DI 02</b>	Coolhill, south of Moy Park and Killyman Road, Dungannon	15.57	3.53	12.04
<b>DI 03</b>	Far Circular Road	7.15	0	7.15
<b>DI 04</b>	Adjacent to Tyrone Crystal,	4.86	0	4.86

	Coalisland Road, Dungannon			
<b>DI 05</b>	Ballygawley Road, Dungannon	7.52	0.33	7.19
<b>CI 01</b>	Farlough Road	8.19	2.57	5.62
<b>CI 02</b>	Gortgonis Road	9.57	2.34	7.23
<b>Total</b>		<b>93.01</b>	<b>16.15</b>	<b>76.86</b> <b>(available 44.09)</b>

\* although land remains undeveloped in Granville Industrial Estate it is committed to an end user.

### **Uptake of Industrial Land in Magherafelt District (hectares)**

<b>Site Ref. No.</b>	<b>Location</b>	<b>Total Area</b>	<b>Developed</b>	<b>Remaining 2014</b>
<b>MT 26</b>	Station Road	0.9	0.09	0.81
<b>MT27</b>	Ballyronan Road, Magherafelt	1.9	0	1.9
<b>MT 28</b>	Ballymoghna Road, Magherafelt	5.0	0	5.0
<b>MT 29</b>	Ballymoghna Road, Magherafelt	3.63	0	3.63
<b>MA 10</b>	Glen Road, Maghera	1.25	0	1.25
<b>MA 11</b>	Moneysharvan Road, Maghera	4.16	0.97	3.19
<b>BY 10</b>	Deerpark Road, Bellaghy	0.56	0.17	0.39
<b>CN 06</b>	Bells Hill Road Castledawson	0.84	0	0.84
<b>DN 10</b>	Magherafelt Road Draperstown	1.25	0	1.25
<b>DN 11</b>	East of Cahore Road, Draperstown	0.84	0.31	0.53
<b>TE 07</b>	Lisnamuck Road	2.12	0	2.12
<b>COU 10</b>	Creagh	19.3	0	19.3
<b>Total</b>		<b>41.75</b>	<b>1.54</b>	<b>40.21</b>

**INDUSTRIAL LAND  
MONITOR 2014**

**Bellaghy**

-  Settlement Development Limit
-  Industrial (Landuse Policy) Area
-  Major Area of Existing Industry
-  Industrial Policy Area Now Developed



1:4,000

**BY10**

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**INDUSTRIAL LAND  
MONITOR 2014**

**Castledawson**

-  Settlement Development Limit
-  Industrial (Landuse Policy) Area
-  Major Area of Existing Industry
-  Industrial Policy Area Now Developed



1:5,000

CN06



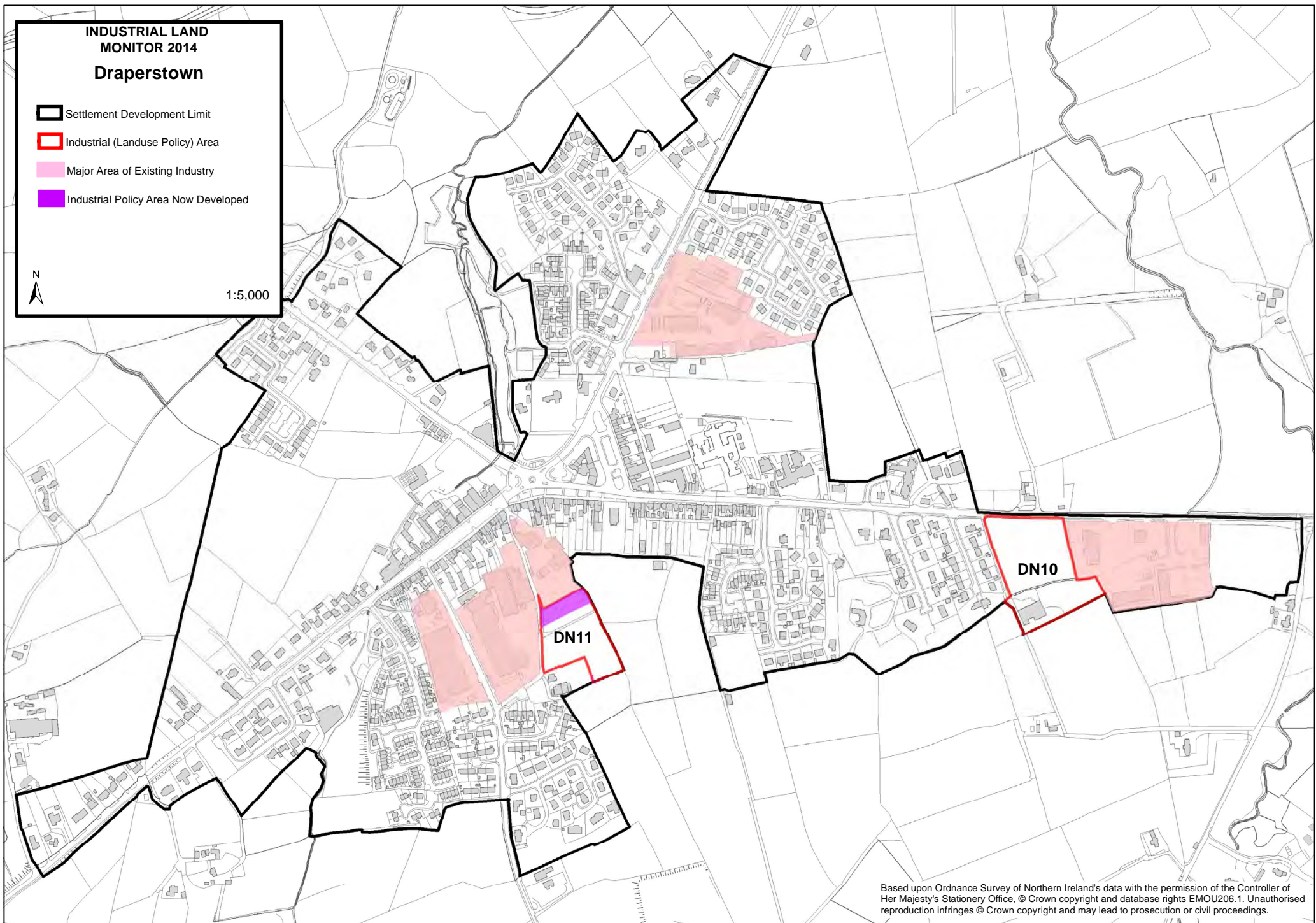
**INDUSTRIAL LAND  
MONITOR 2014**

**Draperstown**

-  Settlement Development Limit
-  Industrial (Landuse Policy) Area
-  Major Area of Existing Industry
-  Industrial Policy Area Now Developed



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**INDUSTRIAL LAND  
MONITOR 2014**

**Tobermore**

-  Settlement Development Limit
-  Industrial (Landuse Policy) Area
-  Major Area of Existing Industry
-  Industrial Policy Area Now Developed



1:4,000

TE07



**INDUSTRIAL LAND  
MONITOR 2014**

**Magherafelt**

-  Settlement Development Limit
-  Land Zoned for Industry
-  Major Area of Existing Industry
-  Land Zoned for Industry Now Developed



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MT26

MT27

MT28

MT29

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**INDUSTRIAL LAND  
MONITOR 2014**

**Maghera**

-  Settlement Development Limit
-  Land Zoned for Industry
-  Major Area of Existing Industry
-  Land Zoned for Industry Now Developed



1:8,500

MA11

MA10

MA10

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**INDUSTRIAL LAND  
MONITOR 2014**

**Creagh**

-  Settlement Development Limit
-  Industrial (Landuse Policy) Area
-  Major Area of Existing Industry
-  Industrial Policy Area Now Developed

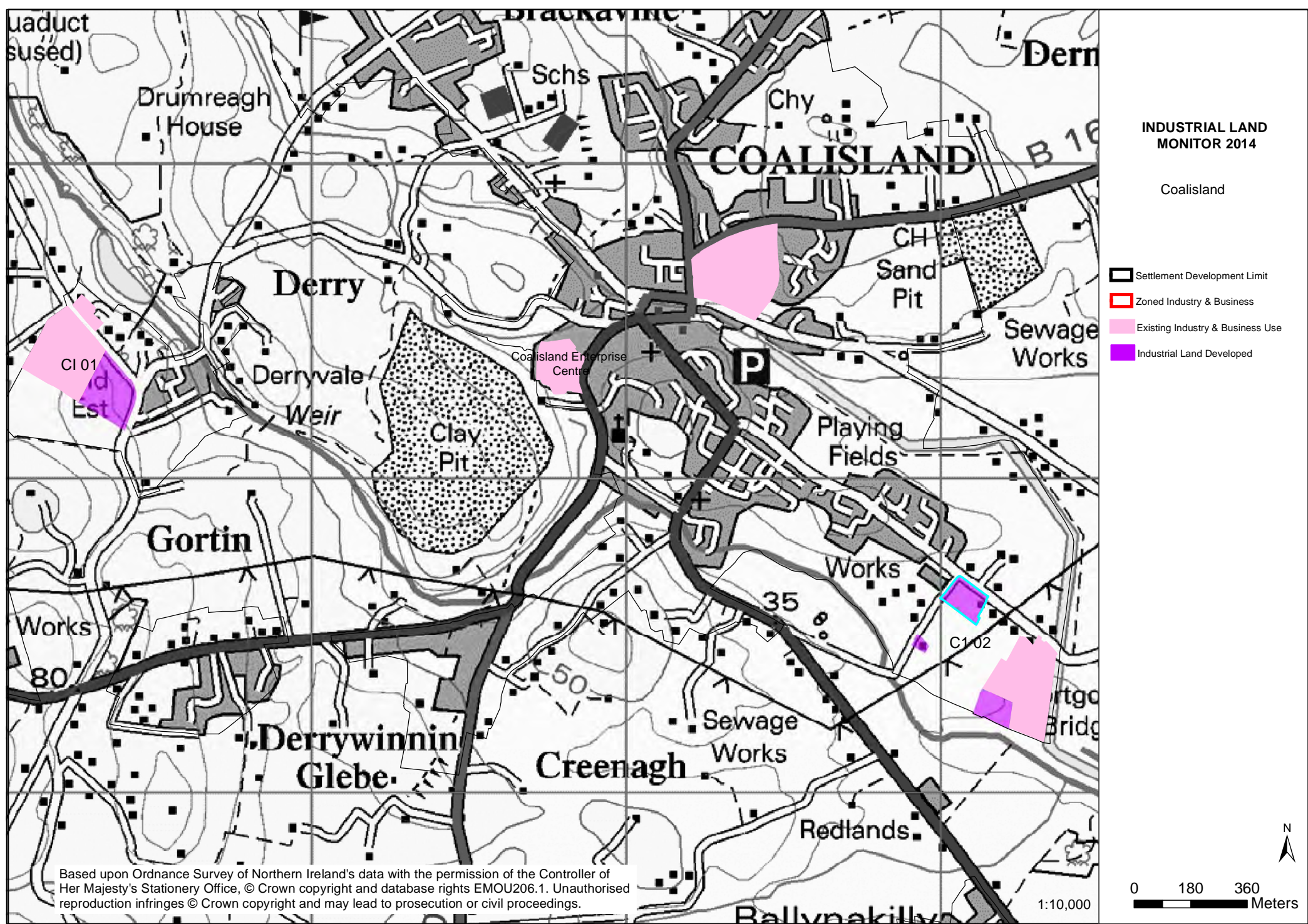


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**COU10**

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**INDUSTRIAL LAND  
MONITOR 2014  
Ardboe**

-  Settlement Development Limit
-  Zoned Industry & Business (DSTAP)
-  Existing Industry & Business Use
-  Industrial Land Developed



1:6,500

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**INDUSTRIAL LAND  
MONITOR 2014  
Cookstown**

-  Settlement Development Limit
-  Zoned Industry & Business (DSTAP)
-  Existing Industry & Business Use
-  Industrial Land Developed



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