

Report on	Correspondence from Department of Infrastructure regarding Planning applications (H/2009/0264/O, H/2009/0270/F & H/2009/0271/LB) at the Former William Clark and Sons Linen Mill Complex at Upperlands, Maghera.
Date of Meeting	7 th January 2020
Reporting Officer	Sinead McEvoy – Head of Development Plan
Contact Officer	Chris Boomer – Planning Manager

Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	x

1.0	Purpose of Report
1.1	The purpose of this report is to provide members, with a copy of correspondence received from Department of Infrastructure regarding planning applications (H/2009/0264/O, H/2009/0270/F & H/2009/0271/LB) at the Former William Clark and Sons Linen Mill Complex at Upperlands, Maghera.
2.0	Background
2.1	Members will recall that the at the September 2019 Planning Committee meeting a report was presented, setting out the Departments (DfI) decision to issue Notices of Opinion (NOP) to approve development of the former Clark's Linen Mill in Upperlands.
2.2	At that meeting, it was agreed that a response issue to the Department to welcome the NOP, but demand an examination unless the Department can reassure us that the number of homes approved would not affect our HGI or designations adversely in relation to other settlements. That response issue to DfI on 10 th September 2019.
3.0	Main Report
3.1	The correspondence attached at Appendix 1 is a letter from DfI to Mr Sammy Wilson MP, in relation to the NOP's, to which we have also been copied in.
3.2	Members will note from the attached letter that the Department have asked the PAC to convene a hearing in respect of these applications, and that the relevant papers have been submitted to them.

4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None identified at this time.
	Human: None identified at this time.
	Risk Management: None identified at this time.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None identified at this time.
	Rural Needs Implications: None identified at this time.
5.0	Recommendation(s)
5.1	That members note the content of this report and the attached letter at Appendix 1.
6.0	Documents Attached & References
	Appendix 1 – Letter from Department for Infrastructure, Strategic Planning Directorate.

Strategic Planning Directorate



Department for

Infrastructure

An Roinn

Bonneagair

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Your reference: SW/SL/19/6488
Our reference: DfIPG 154/19
COR-0553-2019

11 December 2019

Dear Mr Wilson

Re: Planning Applications (Refs. H/2009/0264/O, H/2009/0270/F & H/2009/0271/LB) at the Former William Clark and Sons Linen Mill Complex at Upperlands, Maghera

Thank you for your email dated 22 November 2019 regarding the above planning applications.

I can confirm that our development management report, which accompanied the Department's Notice of Opinion to approve the application, addressed in some detail the concerns raised by the Council in relation to housing allocations. In summary this report clearly advised of our view that whereas the number of units proposed is significant for Upperlands itself, it is not considered significant in the overall context of the district and would not pre-determine decisions about the scale and location of new development which can still be taken in the Local Development Plan Context. Paragraph 3.21 of the report illustrates that the number of new dwellings proposed as part of this development is not significant in numerical or percentage terms.

The report also advised of our view that the fundamental justification for the proposal is the enabling argument – that is the preservation of a unique heritage asset in line with current policy and that the proposal would not prejudice the outcome of the plan process. Notwithstanding this response to their concerns the Council requested a hearing before the Planning Appeals Commission (PAC).

As the Permanent Secretary advised, the Council's Plan Strategy is a draft document and the housing allocation may be subject to change as it progresses through the stages towards adoption. The Department will be ultimately required to consider the recommendations of the PAC following the Independent Examination and will direct the Council to adopt the plan with or without modifications.

At this early stage in the plan process, we are therefore unable to give the firm assurance to the Council that they appear to be seeking on the housing allocations. To do so could prejudice the debate at the independent examination and undermine the Department's position when deciding whether the plan document should be adopted.

As we cannot add to what the development management report has stated generally we have asked the PAC to convene a hearing to hear the Council's grounds for concern. The Department has submitted the relevant papers to the PAC. We acknowledge the applicant's frustration and trust that the matter will progress as quickly as possible through the hearing process.

I trust this information addresses your queries. As a courtesy, I am copying this response to Mid Ulster District Council.

Yours sincerely



Alistair Beggs
Director

CC Anthony Tohill, Chief Executive, Mid Ulster District Council