

<b>Report on</b>	<b>Report for Council on the Submission of the draft Plan Strategy to the Department for Infrastructure (DfI) to Cause an Independent Examination</b>
<b>Date of Meeting</b>	22 April 2021
<b>Reporting Officer</b>	Dr. Chris Boomer, Planning Manager
<b>Contact Officer/s</b>	Roisin McAllister, Senior Planning Officer (Acting) Colin McKeown, Senior Planning Officer (Acting)

<b>Is this report restricted for confidential business?</b>		Yes	x
If 'Yes', confirm below the exempt information category relied upon		No	
x	Information relates to financial or business affairs of a person (including the council)		

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To seek agreement to submit the Local Development Plan Strategy to the Department so that those people making representations on the strategy are provided opportunity to represent their views at a Public Examination(IE).
<b>2.0</b>	<b>Background</b>
2.1	<p>To date, the process for publishing the draft Plan Strategy has incorporated the following stages;</p> <ul style="list-style-type: none"> <li>➤ <u>Preferred Options Paper (POP)</u> – This was published in November 2016 with a 12 week consultation period which ran until 27<sup>th</sup> January 2017. There were 657 responses and these were used to inform the draft Plan Strategy.</li> <li>➤ <u>Draft Plan Strategy (DPS)</u> – Following agreement from Council members on 31<sup>st</sup> Jan 2019, the DPS was published on 22<sup>nd</sup> February 2019 followed by an 8 week consultation period. There were 204 representations during the consultation period. These representation were made available to view online and in the three principal offices and a further 8 week consultation period followed to allow for specific policy representations (counter representations) from 14<sup>th</sup> June 2019 – 9<sup>th</sup> August 2019. There were a total of 214 counter-representations received. All representations and counter representations were considered and collated in consultation reports, which were agreed by Planning Committee over 3 separate meetings between November 2019 – January 2020.</li> </ul>

	<p>➤ <u>Re-Consultation Exercise</u> – Following the discovery of a procedural error in the consultation process, a re-consultation on the Draft Plan Strategy was launched for the period of 25<sup>th</sup> March 2020 – 21<sup>st</sup> May 2020. Due to the Covid-19 pandemic and closure of Councils buildings, this consultation period was extended until 24<sup>th</sup> September 2020 meaning that there was a 6 month re-consultation period. A total of 36 additional representations were received. Again, all representations were placed on display in the three principal council offices and the Council website and subject to another counter representation consultation period between 22<sup>nd</sup> October and 18<sup>th</sup> December 2020. An additional 14 counter representations were received. The updated public consultation report with the additional representations and counter representations was agreed by Planning Committee on 12<sup>th</sup> April 2021.</p>
<b>3.0</b>	<b>Main report</b>
<b>3.1</b>	<p><b>Main Issues</b></p> <p>Council have already agreed the contents of the draft Plan Strategy. The most noteworthy and important elements of the contents of the DPS are summarised below;</p> <ul style="list-style-type: none"> <li>➤ Additional scope for rural housing through an enhanced list of criteria whereby development of single dwellings may be appropriate. This is to reflect the existing rural settlement patterns in Mid Ulster and to support our vibrant rural communities</li> <li>➤ Additional scope for economic development in the rural area in order to reflect the current make up of our District i.e. we have a considerable degree of rural industry / entrepreneurship; particularly in manufacturing.</li> <li>➤ Enhanced protection for our most vulnerable landscapes through additional designations which include; <ul style="list-style-type: none"> <li>○ Special Countryside Area (SCA)</li> <li>○ Area of Constraint on Mineral Development (ACMD) designation and</li> <li>○ Area of Constraint on Wind Turbines and High Structures (AOCWTHS) designation.</li> </ul> </li> </ul> <p>These designations are focussed on the High Sperrins, the Brougher Mountain Escarpment overlooking the Clogher Valley, Slieve Beagh and the shoreline of Lough Neagh and Lough Beg.</p>
<b>3.2</b>	<p><b>Consultation Responses</b></p> <p>A summary of the main issues, which were raised during the consultation period for the DPS, include the following;</p>
<b>3.3</b>	<p><u>Rural Housing</u></p> <p>Unsurprisingly, DfI have registered strong objections to our proposed rural housing policy. They argue that we are facilitating more rural housing which goes against regional planning policy which encourages people to live in towns and cities as opposed to more unsustainable forms of living such as rural dwellings.</p>

	<p>The Councils position is that policies are tailored to our district and they support our vibrant rural communities, allowing them to survive and continue to grow, something that is also reflected in regional planning policy. In doing so, we are also capable of fulfilling the RDS target of 60% of new houses to be located in the hub settlements, as shown in Appendix 1 of the draft Plan Strategy. In effort to ensure rural house building does not exceed existing levels, we have incorporated a review mechanism to monitor levels.</p>
<b>3.4</b>	<p><u>Landscape Character Assessment Review</u></p> <p>DfI have also raised concerns regarding the Landscape Character Assessment (LCA) Review which was carried out to inform the strategic environmental designations brought forward in the DPS and already referenced in this report. The Council considers that the approach taken to its LCA Review is sound. The Council has relied on the robust pre-existing data sources which have been updated as necessary and the Council considers this is an approach which has been relied on elsewhere with success. Furthermore, GM Design Associates, a well respected consultancy, were employed by the Council to carry out an audit of the LCA Review. GM Design Associates and the Council planning department are content that the issues identified throughout their audit process resulted in appropriate amendments and that the resulting LCA Review is a more comprehensive and sound document.</p> <p>A paper defending the approach taken to Landscape Review has been approved by planning committee in March 2021 and will be uploaded to the Council website as supporting documentation to the DPS.</p>
<b>3.5</b>	<p><u>Mining</u></p> <p>In order to protect local communities and important landscapes the Plan Strategy proposes greater protection against inappropriate minerals development, particularly in the Sperrins. This is a subject on which there are very strong and competing views and a public examination is needed to allow everyone to have their say.</p>
<b>3.6</b>	<p><u>Renewable Energy</u></p> <p>The Renewable Energy industry have raised concern that the strategic designations brought forward in the DPS will restrict potential for renewable energy development. The Councils position on this is that Northern Ireland as a country is on course to meet our renewable energy targets, (albeit this will kept under review) and that Mid Ulster is a significant contributor to this achievement. In addition to this, we have to balance the need for further renewable energy with a need to protect our vulnerable landscapes such as the high Sperrins, Slieve Beagh, Brougher Mountain etc. from inappropriate development.</p>
<b>3.7</b>	<p><b>Moving Forward</b></p> <p>The need to re-run our consultation process and to extend it due to covid-19 has meant that the process of progressing the DPS has become somewhat protracted. Consequently, we consider it expedient to ensure that stakeholders who have made a representation or counter representation to the DPS, have their views heard at Independent Examination as soon as possible.</p>
<b>3.8</b>	<p>All issues raised during the consultation periods have been presented to and agreed by the Planning Committee and the DPS Consultation Report will be</p>

	<p>uploaded to the Council website as part of the process of submission. The DPS Consultation Report will not be published on the Council website until submission of the DPS for IE. It can therefore be viewed via the link below;</p> <p><b>DPS Consultation Report - Consideration of Issues Raised in Representations and Counter Representations:</b> <a href="https://midulsterdistrictcouncil-my.sharepoint.com/:b:/g/personal/johnpaul_devlin_midulstercouncil_org/EcPbMX7V05pCkTYTeT03DQABAJZsN5t1yMtuyKubz9JZ6g?e=5RypUd">https://midulsterdistrictcouncil-my.sharepoint.com/:b:/g/personal/johnpaul_devlin_midulstercouncil_org/EcPbMX7V05pCkTYTeT03DQABAJZsN5t1yMtuyKubz9JZ6g?e=5RypUd</a></p> <p><b>Note: If using a laptop or PC this link may need to be pasted into the web address bar</b></p>
3.9	In addition to the DPS Consultation Report, there are a range of reports and supporting documentation, which will form part of our submission which are already uploaded and detailed in appendix A attached to this report.
3.10	Appendix A provides an Overview of Submission Documents with links to view said documents either via the Council website or for those not published, via a private link as provided (as above). This includes documentation required under The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 and relevant to the preparation of the Draft Plan Strategy.
3.11	<p>The Planning Manager will ensure that the following reports are also completed and uploaded as part of the submission process. These reports are required in order to meet legislative obligations on the Council under Section 10 of the Planning Act (Northern Ireland) 2011 and Regulation 20 of <u>The Planning (Local Development Plan) Regulations (Northern Ireland) 2015</u>:</p> <ul style="list-style-type: none"> <li>➤ <b>Soundness Self-Assessment Checklist</b> –in accordance with Section 10 of the Planning Act (Northern Ireland) 2011</li> <li>➤ <b>Self Assessment check on compliance with SCI</b> - in accordance with Regulation 20 (2) (b) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015</li> <li>➤ <b>Statement setting out summary of main issues raised in response to draft Plan Strategy</b> - in accordance with Regulation 20 (2) (g) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (Note: DPS Consultation Report has already been agreed by Planning Committee)</li> </ul>
3.12	<p>Other documentation to be completed and submitted (not legislative requirements):</p> <ul style="list-style-type: none"> <li>➤ <b>Self Assessment Checklist – Compliance with The Planning (Local Development Plan) Regulations (Northern Ireland) 2015</b></li> <li>➤ <b>Excel Charts of all Representations and Counter Representations to the draft Plan Strategy.</b></li> </ul>

3.13	<p>➤ <b>Minor Corrections to DPS.</b></p> <p>Following submission of the DPS, the Department will either direct the Council to withdraw the DPS or will cause an Independent Examination to be held by the Planning Appeals Commission. It is strongly expected that the latter option will be adopted and that an Independent Examination will be caused.</p> <p>It is anticipated that as is normal practice, the Independent Examination will compel the Council to make some changes prior to adoption of the Strategy in its final form. Following adoption, the next stage of the Local Development Plan process will be to advance with the Local Policies Plan which will consider site specific issues such as land use zonings and the extent of development settlement limits for each settlement. Members should be advised that there is no pressing issues of land shortages, and in that regard, extant zonings in the 3 legacy Area Plans are deemed sufficient to cater for the District in the intervening period.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial:None identified
	Human: None identified
	Risk Management: None identified
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: None identified
	Rural Needs Implications: None identified
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	It is recommended that the Council agree the following;
5.1.1	The Planning Manager submits the draft Plan Strategy to DfI subject to the aforementioned reports being completed.
5.1.2	<p>Following the submission of the Draft Plan Strategy and accompanying documents to the Department, the Planning Manager, in accordance with Regulation 21 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 will;</p> <ul style="list-style-type: none"> <li>○ make available for inspection at it's principal offices, the Draft Plan Strategy and all accompanying documents specified in regulation 20(2) and any documents relevant to the preparation of the DPS and,</li> </ul>

	<ul style="list-style-type: none"> <li>○ notify the consultation bodies of the fact that the Draft Plan Strategy and the accompanying documents are available for inspection and the places and times at which they can be inspected and,</li> <li>○ notify any person who has made (and not withdrawn) a representation in accordance with regulation 16(2) or 18(2) of those matters;</li> <li>○ give notice in the Belfast Gazette and by local advertisement of the fact that the Draft Plan Strategy has been submitted to the Department; and</li> <li>○ publish the notice mentioned on its website.</li> </ul>
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix A – Overview of Submission Documents

## Appendix A

### Overview of Submission Documents

#### 1.0 Submission Documents for draft Plan Strategy (already completed)

- Sustainability Appraisal and Strategic Environmental Assessment – in accordance with Regulation 20 (2) (a) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015

<https://www.midulstercouncil.org/MidUlsterCouncil/media/Mid-Ulster-Council/Publications/Planning/Local%20Development%20Plan/Sustainability-Appraisal-incorporating-Strategic-Environmental-Assessment-update-compressed.pdf>

#### Additional SA/SEA Preparatory Papers:

<https://www.midulstercouncil.org/planning/mid-ulster-development-plan/local-development-plan-2030-draft-plan-strategy-an>

*SA/SEA Non-Tech Summary Report*

*SA/SEA Scoping Report*

*SA/SEA Interim Report*

- Statement of Community Involvement – in accordance with Regulation 20 (2) (b) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015

<https://www.midulstercouncil.org/getmedia/fb4b59e1-877e-410c-928d-86db7327ba41/FINAL-AGREED-Revised-Statement-of-Community-Involvement-June-2020.pdf.aspx>

- Timetable – in accordance with Regulation 20 (2) (e) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015

<https://www.midulstercouncil.org/getmedia/1cdcbe9c-413b-47cf-96ad-046280e9767d/LDP-Revised-Timetable-for-August-2020-Agreed-01-09-2020.pdf.aspx>

- Preferred Options Paper – Public Consultation Report - in accordance with Regulation 20 (2) (f) (i) and (ii) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015

<https://www.midulstercouncil.org/MidUlsterCouncil/media/Mid-Ulster-Council/Publications/Planning/Local%20Development%20Plan/Public-Consultation-Report-January-2019-Compressed.pdf>

- Copies of Representations and Counter Representations - *in accordance with Regulation 20 (2) (h) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015*

Representations:

<https://www.midulstercouncil.org/planning/mid-ulster-development-plan/local-development-plan-2030-draft-plan-strategy-an/representations-received-to-local-development-plan>

Counter Representations:

<https://www.midulstercouncil.org/planning/mid-ulster-development-plan/local-development-plan-2030-draft-plan-strategy-an/counter-representations-received-to-draft-plan-str>

- Background Evidence Papers – *in accordance with Regulation 20 (2) (i) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015*

#### **Preparatory Position Papers:**

[https://www.midulstercouncil.org/planning-\(1\)/mid-ulster-development-plan/preferred-options-paper/development-plan-preparatory-position-papers](https://www.midulstercouncil.org/planning-(1)/mid-ulster-development-plan/preferred-options-paper/development-plan-preparatory-position-papers)

[Development Pressure Analysis](#)

[Employment and Economic Development Paper](#)

[Environmental Assets Paper](#)

[Housing Position Paper](#)

[Health, Education & Community Uses](#)

[Housing Allocation Paper](#)

[Landscape Assessment Position Paper](#)

[Minerals Paper](#)

[Open Space Recreation and Leisure Position Paper](#)

[Population Growth](#)

[Utilities Paper](#)

[Strategic Settlement Evaluation Position Paper](#)

[Sustainability Assessment Incorporating Strategic Environmental Assessment](#)

[Tourism Position Paper](#)

[Town Centre Position Paper](#)

[Transportation Paper](#)

#### **Background Evidence (see bottom of page under useful documents)**

<https://www.midulstercouncil.org/planning/mid-ulster-development-plan/local-development-plan-2030-draft-plan-strategy-an>



<b>Background Evidence (see bottom of page under useful documents)</b> <a href="https://www.midulstercouncil.org/planning/mid-ulster-development-plan/local-development-plan-2030-draft-plan-strategy-an">https://www.midulstercouncil.org/planning/mid-ulster-development-plan/local-development-plan-2030-draft-plan-strategy-an</a>
<a href="#"><u>Addendum to Background Paper Considering Tourism Opportunity Zones and Tourism Consideration Zones</u></a>
<a href="#"><u>Addendum to Position Paper Public Utilities</u></a>
<a href="#"><u>Addendum to Position Paper Strategic Settlement Evaluation Paper January 2019</u></a>
<a href="#"><u>Addendum to Position paper 3 Employment and Economic Development</u></a>
<a href="#"><u>Background Evidence Paper Defining 'Countryside'</u></a>
<a href="#"><u>Background Evidence Paper Minerals</u></a>
<a href="#"><u>Background Evidence Paper Renewable Energy</u></a>
<a href="#"><u>Background Evidence Paper Rural Industrial Policy Areas (RIPAs)</u></a>
<a href="#"><u>Background Evidence Paper Tourism Opportunity Zones Tourism Conservation Zones</u></a>
<a href="#"><u>Background Evidence Paper High Sperrins and Clogher Valley Areas of Constraint on Wind Turbines and High Structures (AoC)</u></a>
<a href="#"><u>Background Evidence Paper Lough Neagh Lough Beg Special Countryside Area (SCA)</u></a>
<a href="#"><u>Background Evidence Paper High Sperrins and Slieve Beagh Special Countryside Area (SCA)</u></a>
<a href="#"><u>Background Evidence Paper - Identification of AOC on Mineral Development and impact of Surface Development</u></a>
<a href="#"><u>Landscape Character Assessment Review</u></a>
<a href="#"><u>Review and Audit of Mid Ulster District Council Landscape Character Assessment Review</u></a>
<a href="#"><u>Industrial Land Monitor Update October 2018</u></a>
<a href="#"><u>Housing Monitor Report 2015 – 2019 (Updated 26<sup>th</sup> August 2020)</u></a>
<a href="#"><u>Retail and Commercial Leisure Capacity Study</u></a>
<a href="#"><u>Implications of COVID-19 on Draft Plan Strategy March 2021</u></a>
<a href="#"><u>Addendum to Landscape Character Assessment Review March 2021</u></a>
<a href="#"><u>Report on the Draft Plan Strategy and linkages to the draft Marine Plan</u></a>
<a href="#"><u>Urban Capacity Study March 2021</u></a>
<a href="#"><u>Housing Monitor Report 2019 – 2020</u></a>

- **Policy Review Papers** - *in accordance with Regulation 20 (2) (i) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015*

<b>Policy Review Papers:</b> <a href="https://www.midulstercouncil.org/planning/mid-ulster-development-plan/preferred-options-paper/development-plan-policy-review-papers">https://www.midulstercouncil.org/planning/mid-ulster-development-plan/preferred-options-paper/development-plan-policy-review-papers</a>
<a href="#"><u>Archaeology and Built Heritage Policy Review</u></a>
<a href="#"><u>Economic Development Policy Review</u></a>
<a href="#"><u>Flood risk Policy Review</u></a>

<b>Policy Review Papers:</b> <a href="https://www.midulstercouncil.org/planning/mid-ulster-development-plan/preferred-options-paper/development-plan-policy-review-papers">https://www.midulstercouncil.org/planning/mid-ulster-development-plan/preferred-options-paper/development-plan-policy-review-papers</a>
<a href="#">General Planning Principles Policy Review</a>
<a href="#">Housing in Settlements- Quality Residential Environments Policy Review</a>
<a href="#">Minerals Development Policy Review</a>
<a href="#">Natural Heritage Policy Review</a>
<a href="#">Open Spaces Recreation and Leisure Policy Review</a>
<a href="#">Renewables Policy Review</a>
<a href="#">Sustainable Development in the Countryside Policy Review</a>
<a href="#">Telecommunications and Overhead Cables Policy Review</a>
<a href="#">Tourism Policy Review</a>
<a href="#">Town Centre and Retailing Policy Review</a>
<a href="#">Transportation Policy Review</a>
<a href="#">Urban Design Policy Review</a>
<a href="#">Waste Management Policy Review</a>

- Preferred Options Paper - *in accordance with Regulation 20 (2) (i) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015*

<https://www.midulstercouncil.org/MidUlsterCouncil/media/Mid-Ulster-Council/Publications/Planning/Local%20Development%20Plan/mid-ulster-local-deve-plan-2030.pdf>

Preferred Option Paper Easy Read Guide:

<https://www.midulstercouncil.org/MidUlsterCouncil/media/Mid-Ulster-Council/Publications/Planning/Local%20Development%20Plan/Mid-Ulster-Local-Development-Plan-2030-Preferred-Options-Paper-Easy-Read-Guide.pdf>

- Local Development Plan 2030 – Draft Plan Strategy - *in accordance with Regulation 20 (3) (a) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015*

<https://www.midulstercouncil.org/getmedia/dd8d49d7-79a6-4419-948f-2569cb0d0fa5/Local-Development-Plan-2030-Strategy-for-reconsultation.pdf.aspx>

### **Other Supporting Information:**

- Equality Impact Screening Report of the Local Development Plan 2030 – Draft Plan Strategy. - *This considers the potential impact of the Draft Plan Strategy's policies and proposals on specific groups identified in Section 75 of the Northern Ireland Act 1998.*

<https://www.midulstercouncil.org/MidUlsterCouncil/media/Mid-Ulster-Council/Publications/Planning/Local%20Development%20Plan/Equality-Impact-Screening-Report.pdf>

- Rural Needs Impact Assessment – *required by The Rural Needs Act 2016*

<https://www.midulstercouncil.org/MidUlsterCouncil/media/Mid-Ulster-Council/Publications/Planning/Local%20Development%20Plan/Rural-Needs-Impact-Assessment.pdf>

- Habitats Regulations Assessment - *required by The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).*

<https://www.midulstercouncil.org/MidUlsterCouncil/media/Mid-Ulster-Council/Publications/Planning/Local%20Development%20Plan/Habitat-Regulations-Assessment.pdf>

## **2.0 Submission Documents for draft Plan Strategy (completed but not available on the Council Website (private link))**

- Draft Plan Strategy Consultation Report – Consideration of Issues Raised in Representations and Counter Representations – *as per guidance ‘Procedures for Independent Examination of Local development Plans’ (April 2017, PAC) and ‘DPPN 10 Submitting Development Plan Documents for Independent Examination’ (December 2029, DfI)*

[https://midulsterdistrictcouncil-my.sharepoint.com/:b:/g/personal/johnpaul\\_devlin\\_midulstercouncil\\_org/EcPbMX7V05pCkTYTeT03DQABAJZsN5t1yMtuyKubz9JZ6g?e=5RypUd](https://midulsterdistrictcouncil-my.sharepoint.com/:b:/g/personal/johnpaul_devlin_midulstercouncil_org/EcPbMX7V05pCkTYTeT03DQABAJZsN5t1yMtuyKubz9JZ6g?e=5RypUd)

**\*Note: If using a laptop or PC this link may need to be pasted into the web address bar**

## **Additional documents which will be prepared and submitted by the Planning Manager**

### **2.1 Documents needed before submission – legislative requirements;**

- Self Assessment Checklist of Soundness – in accordance with Section 10 of the Planning Act (Northern Ireland) 2011
- Self Assessment check on compliance with SCI – in accordance with Regulation 20 (2) (b) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015
- Statement setting out summary of main issues raised in response to draft Plan Strategy - in accordance with Regulation 20 (2) (g) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015

### **2.2 Documents to be completed before submission (not legislative requirements):**

- Self Assessment Checklist – Compliance with The Planning (Local Development Plan) Regulations (Northern Ireland) 2015
- Excel Charts of all Representations and Counter Representations to the draft Plan Strategy.
- Minor Corrections to DPS.

NOTE: Over the course of the consideration by the Department for Infrastructure and Planning Appeals Commission, the Planning Manager will also provide additional evidential information as required.