



2002/D001

REPORT

on a reference to the Commission under Article 7 of the Planning (Northern Ireland) Order 1991 in respect of objections to the Dungannon and South Tyrone Draft Area Plan 2010.

On the 20th July 2002, the Department of the Environment (the Department) requested the Commission to hold a Public Local Inquiry into the Dungannon and South Tyrone Draft Area Plan (including Revision 1, which was published in May 2002) (DSTDAP). Commissioners Bertie Allen and Marion McCabe were appointed to conduct the Inquiry which commenced on 20th January 2003 and continued for 37 sitting days until 28th March 2003.

The Commission has considered the Commissioners' report and accepts the majority of recommendations. This report letter refers only to those objections where the Commission does not accept the Commissioners' recommendation or where it wishes to comment on matters which, in its view, merit special emphasis. The Commission follows the Section numbers of the Commissioners' report.

Section 3 – the Policy Framework

<p>3.3 The phased release of housing ground in Dungannon and Coalisland is a fundamentally flawed planning approach (Objection No 206).</p>
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The Commission endorses the Commissioners' analysis and recommendation that the plan policy for the phased release of housing land in Dungannon and Coalisland (HOUS1) should be confirmed.

The Draft Regional Strategic Framework and the Regional Development Strategy (RDS) indicated a change in approach to the allocation of housing lands in development plans and though the DSTDAP was excepted from the legislative requirement to be in general conformity with the RDS, the Department, correctly in the Commission's view, accepted that the strategic policies of the RDS were material to the DSTDAP and introduced the concept of phasing in Policy HOUS1. The evidence to the Inquiry indicates that within the Phase 1 lands in Dungannon and Coalisland and the villages, the housing land available for immediate development is in excess of the RDS allocation to 2015. In addition the figures of housing land available take no account of housing in the open

countryside, sites which were conceded by the Department in preparation for the Public Inquiry or windfall sites. Though a density of 15 dwellings per hectare was assumed for calculation purposes, the Department indicated (responding to Objections 4, 190-197 (Issue 3)) that higher densities of 20-25 dwellings per hectare have applied in Dungannon and Coalisland. The Commission considers that Policy SETT1 or the restriction on multiple unit development in villages is unlikely to significantly restrict the quantum of housing. If housing land is restricted in the main towns, development in village areas will become more attractive and the Commission notes the number of designated villages, particularly in the eastern part of the Borough, the absence of a hierarchy of village settlement and the extensive areas in large land parcels indicated for development in the villages. The Commission therefore agrees with the Commissioners that, overall in the plan area, housing land available for immediate development is significantly in excess of that indicated in the RDS. The Commission recommends that Policy HOUS1 be confirmed.

Having concluded that adequate land is available for immediate housing development, the Commission agrees that further land should only be included if other considerations are judged to be overriding. The Commission further agrees that the re-appraisal in 2005 should take account of the focused review of the RDS.

Section 4 – Dungannon Town Area

4.18 Development land should be made available on the southwest side of Moy Road to allow for the creation of a car retail village (Objection No 264).

The Commission accepts the Department's view that adequate and more appropriate land to facilitate a car retail village has been identified within the Dungannon urban area. Such a use would fall within the scope of Policy IND 1: Industry and Mixed Business Use and the Commission is not convinced by the evidence presented on behalf of the objector that zoned lands would not be available. The Commission also notes that the objection lands fall sharply to the west and southwest so that less than half of the site could be developed for industrial/business use. The objectors' evidence did not address the wider strategic issues appropriate to a development plan inquiry but the needs of the existing business which are more appropriately considered in a development control context.

While the development limit on the opposite side of Moy Road extends closer to the Stangmore Roundabout on the M1, the Commission notes that these are Phase 2 Housing lands, DH33 which will not be developed immediately but will remain subject to restrictive policies until the housing review in 2005. The Commission is not persuaded that imminent change in the current approach to Dungannon is likely. The Commission, in any case, finds the adequacy of zoned industrial /business lands to be the determining factor in considering this objection and accordingly does not accept the Commissioners' recommendation.

The Commission recommends that the development limit of the southwestern side of Moy Road be confirmed.

4.29 An area of ground on the eastern edge of the DH27 lands at Mullaghconor Glebe should be brought into the first phase housing allocation (Objection No 231).

Further to its conclusions on Objection No 206, the Commission accepts the Departmental view that adequate land has been provided to meet anticipated housing needs and does not find the development of this 1.9 hectare site to represent a modest addition. The Commission judges that notwithstanding permissions granted for the development of the DH23 lands, the Department must resolve the development of the DH27 lands in the context of circumstances prevailing when it determines to release them for development. The Commission, in any case, finds the adequacy of the zoned housing lands to be the determining factor in considering this objection and accordingly does not accept the Commissioners' recommendation.

The Commission recommends that the objection lands be confirmed as Phase 2 lands.

Section 5 – Dungannon Eastern Distributor Road (DEDR)

5.1 An eastern distributor road around Dungannon would contravene Green Belt policy, damage the landscape and local nature conservation interests, adversely affect the farming community, other rural dwellers and organisations and weaken the town centre's trading position. The new road should make use of the former railway corridor within Dungannon (Objection Nos 303-307, 309-316, 318-469, 471-527, 530-875, 877-943).

The Commission endorses the recommendation that the DEDR should not be confirmed.

Planning Policy Statement 1 (PPS1) states that development plans provide a measure of certainty about which types of development will and will not be permitted. Planning Policy Statement 3 indicates that the need for roads infrastructure will be established in adopted development plans and states the intention to minimise blight. PPS1 states that plans will normally focus on committed public sector proposals. Though the A29 is identified as a Link Corridor in the Regional Strategic Transport Network, the Dungannon Bypass is not identified as a strategic transport investment priority and the scheme is not included in the 10 year Major Works Forward Planning Schedule. Evidence to the Inquiry was that the DEDR route had economic and environmental implications, that the preference for the eastern route was a finely balanced decision and that the western route option could not be rejected outright. The Commission agrees with the Commissioners that the impact of the DEDR on agricultural land, on farming and wider community activities and on landscape and nature conservation interests has not been adequately considered. The route selected also has implications for the resultant urban form of Dungannon and apparently this was not given further consideration following the decision to opt for the eastern route notwithstanding the plan objective to integrate land use and transportation.

The Commission accordingly has not been persuaded that the DEDR should be confirmed as a proposal of the plan.

Section 7 – The Villages

7.3.1 Aughamullan should not be designated as a village (Objection Nos 22-26, 28-67, 69-73, 84-172, 215-218, 290).

The Commission, in considering Objection No 206 has commented on the extent of land that would be available for housing development within the Plan area and has made particular reference to the large areas of land included within the village settlement limits. The Commission notes that extensive areas of land would be available for development within the proposed settlement limits for Aughamullan. Given the size of the various parcels of potential development land, the Commission finds it difficult to understand how the quantum of development could be controlled by a restriction on residential developments in excess of 5 units.

The Commission acknowledges that substantial numbers of individual dwellings have been permitted, particularly in the area within the speed limits, but notes that other than the primary school, other services normally associated with a village are lacking. This is not surprising as Aughamullan is 6 kms east of Coalisland, the second largest town and is reasonably accessible to Dungannon, the principal centre for the Borough. The Plan acknowledges a significant concentration of villages in the eastern part of the Borough. In view of the extent of housing land available for immediate development within the Plan area, the Commission is not persuaded that there is a need for land for housing and/or local services in the Aughamullan area; neither is it persuaded that any extension of the Countryside Policy Area (CPA) dictates that a further village be designated. The Commission concludes that Aughamullan should not be confirmed as a village.

The Departmental view was that if the village were not confirmed, the CPA boundaries should be extended to include the indicated settlement limit for Aughamullan. This was not challenged and in view of the obvious development pressure in the area, the Commission judges that the CPA should be so extended.

The Commission recommends that:

- the designation of Aughamullan as a village should not be confirmed; and
- the area within the proposed settlement limits of Aughamullan (as indicated on Inset 11 in the written statement) should be designated as Countryside Policy Area.

7.3.2 Land at Aughamullan should be included within the settlement limit (Objection No 283).

Further to its conclusion that Aughamullan should not be confirmed as a village, the Commission agrees that Objection No 283 also fails. While the adequacy of housing lands would of itself have been a determining issue, there is no longer any reason to change the CPA status of this site.

7.14.2 Land to the west of Clonmore should be included within the settlement limit (Objection No 275).

The Commission, in considering Objection No 206, has commented on the extent of land that would be available for housing development within the Plan area and has made particular reference to the large areas of land included within village settlement limits. The Commission notes the extensive areas available for development in Clonmore, particularly on the eastern side of Clonmore Road and finds extension of the settlement limit south of the clear physical boundary at the southern end of the objection lands especially difficult to understand. Notwithstanding this and the existing businesses

adjacent to the objection lands, the Commission finds the adequacy of the lands available for development in Clonmore and in the wider Plan area to be a determining factor. The Commission therefore does not accept the recommendation that part of the objection lands be included within the settlement limits.

The Commission recommends that the settlement limit of Clonmore be confirmed.

7.24.2 Land to the southeast of Tamnamore should be included within the settlement limit (Objection Nos 242 and 277).

The Commission, in considering Objection No 206, has commented on the extent of land that would be available for housing development within the Plan area and has made particular reference to the large areas of land included within village settlement limits. The Commission notes that land has been allocated to facilitate single dwellings and in-depth housing development in Tamnamore. The Plan also seeks to maintain a balance between commercial and other village land uses. The Commission accepts the Departmental argument that there is adequate land for housing within the village and notes the Departmental concession which includes further land at Mullenakill Park. It finds the adequacy of housing land available to be the determining factor. Accordingly, it does not accept the recommendation that objection lands 277, which extend to 2.3 ha; be included for housing within the village limit.

Tamnamore is some 8 kms east of Dungannon, the principal town. The Commission has already concluded that adequate land is allocated for industrial and mixed business use in the Plan area. The evidence presented to justify the inclusion of the objection lands related to the needs of the existing business and not to wider strategic issues, appropriate to a development plan context. The Commission is not persuaded that the needs of an existing business justifies the extension of the settlement area by 2.9 hectares. The Commission agrees with the Department that the open rural character of both objection sites should be maintained. The Commission does not therefore accept the recommendation that objection lands 242 be included.

The Commission recommends that the settlement limit to the southeast of Tamnamore be confirmed.

Section 8 – the Rural Area

8.1.1 The case for designating the Lough Neagh shore and environs as a Countryside Policy Area has not been established (Objection Nos 180 (issue 6), 224 (issue 12) and 190-197 (issue 2)).

The Commission endorses the Commissioner's reasoning and the recommendation as set out at paragraph 8.1.1.25, subject only to the necessary amendments to take account of the Commission's recommendation that Aughamullan be not confirmed as a village and that land within the proposed limits be designated as Countryside Policy Area.

8.2.3 Lands at Tullyallen / Aghintober Roads should be considered as part of a village (Objection No 237 (issue 2)).

The Commission notes the Departmental concession that Tullyallen be designated as a village but given the extent of land available for development within the proposed village and in the wider Plan area, is not persuaded that any additional land should be included. The Commission finds the adequacy of housing lands to be determining and to override the other issues identified. The Commission accordingly does not agree that the eastern field of Area (a) should be included within the settlement limit.

The Commission recommends that Tullyallen should be designated as a settlement in accordance with the settlement limits indicated by the Department.

MAIRE CAMPBELL

Deputy Chief Commissioner

30th January 2004