PLANNING APPEALS COMMISSION

THE PLANNING (NORTHERN IRELAND) ORDER 1991
ARTICLE 7

Report to the Planning Appeals Commission on a Public Local Inquiry into objections to the Dungannon and South Tyrone Draft Area Plan 2010.

Report
By

Commissioners B Allen and M McCabe

PART 1 - REPORT
1.0 INTRODUCTION

1.1. On 20 July 2002, the Department of the Environment formally requested the Planning Appeals Commission (PAC) to undertake a Public Local Inquiry into the Dungannon and South Tyrone Draft Area Plan, published in May 2000 and to Revision 1 which was issued in May 2002. The Inquiry commenced on 20 January 2003 and continued for 37 days of sitting between that date and 28 March 2003.

1.2. In this report, we briefly summarise how the Draft Plan was prepared and amended both in the light of public consultation to its Preliminary Proposals and in response to the emerging Regional Development Strategy for Northern Ireland. Thereafter, we consider objections to aspects of the Plan’s policy framework and other general matters before concentrating on more site-specific concerns in and around Dungannon and Coalisland where we start with town centre issues before dealing geographically in a “clockwise” sequence with other objections. For ease of reference, the villages have been considered in alphabetical order and the concluding sections of our report then focus upon rural matters.

1.3. The separate Appendices report contains location plans that identify those sites which have been the subject of formal objection. The reference numbers on those maps are similar to those allocated to the objection headings in our main report.
DEPARTMENT’S OPENING STATEMENT

2.0
2.1. The Dungannon and South Tyrone Draft Area Plan 2010 along with Revision 1 (collectively referred to in this report as the DSTDAP) has been prepared under Part III of the Planning (Northern Ireland) Order 1991 as a statutory development plan. As such, it provides a broad land use planning framework for the Borough Council's entire administrative area. A range of policies and proposals has been defined to guide development in association with regional planning policy. These will assist public agencies in decisions regarding infrastructure provision and will inform private developers in reaching land use based decisions. The proposed settlement limits and specific land use zonings are intended to meet the anticipated needs of the District over the 15-year Plan period from 1995 to 2010.

2.2. The Department published Notices of Intention to prepare a development plan for the District Council area in mid-September 1995. Consultations were carried out with the Council, community groups, Government departments and agencies, statutory undertakers and other appropriate bodies. All representations received were taken into account in the Plan preparation process.

2.3. Preliminary Proposals were published and placed on display in January 1998. Representations were received at the close of the 14-week consultation period from the Borough Council, a number of statutory and voluntary bodies and from individual members of the public.

2.4. The Draft Area Plan was released in May 2000 and placed on display in Dungannon, Ballygawley, Clogher and Coalisland. By 6 July 2000, the prescribed period for receipt of representations, a total of 300 formal objections and two letters of support had been submitted. Four of these objections were subsequently withdrawn. Of the remaining objections, three related to the Dungannon Railway Throughpass which was the Draft Plan's major road proposal for the town. In considering these responses, the Department for Regional Development (DRD) re-assessed all options and concluded that an alternative route, the Dungannon Eastern Distributor Road (DEDR), should be incorporated into the Draft Plan. As a consequence, the Revision 1 document was prepared and published on 15 May 2002. The period for the lodging of representations relating to the new road line and associated changes to land use zoning ended on 26 June 2002. At the close of that period, 634 objections had been received to these particular aspects of the Plan.

2.5. The regional planning context for the DSTDAP is provided by Departmental publications such as the “Planning Strategy for Rural Northern Ireland” (PSRNI), a series of Planning Policy Statements (PPSs), the “Moving Forward” Northern Ireland Transport Policy Statement and the “Shaping our Future” Draft Regional Strategic Framework (DRSF). Non-statutory supplementary planning guidance has also been a relevant consideration.

2.6. Publication of the DRSF in December 1998, between the issuing of the Area Plan's Preliminary Proposals and release of the Draft Plan, necessitated a review of certain of the initial planning proposals and policies. This exercise ensured that the DSTDAP reflects the provisions of the DRSF as much as can reasonably be expected bearing in mind that plan preparation was under way well before publication of the DRSF and the
Department does not wish to delay completion of the Plan. The final Regional
Development Strategy (RDS) was formulated in September 2001.

2.7. The DSTDAP aims, through its objectives, strategy, policies and proposals, to provide a planning
framework which facilitates the future growth and development of Dungannon & South
Tyrone Borough whilst protecting and, where appropriate, enhancing the natural and man-
made environment and ensuring that development is both sustainable and of high quality.

2.8. The Department, having carefully considered issues raised by objectors to the Draft Plan,
proposes a number of changes to particular policies and proposals. These are listed in
Appendix 1 of the Opening Statement to the Inquiry.
3.0. THE POLICY FRAMEWORK

3.1. THE DRAFT PLAN'S OBJECTIVES DISPLAY AN URBAN BIAS.

Objection No. 224 (Issue 1).

Department's Evidence

3.1.1. The Draft Plan acknowledges (page 6) that the Borough is essentially rural in character and that approximately 50% of its population lives in smaller villages and the open countryside. Part of the Plan Strategy is to sustain a living and working countryside whilst protecting from inappropriate development those areas that are vulnerable to development pressure or that are visually or environmentally sensitive.

3.1.2. In order to remove any perceived urban emphasis:-

- the words “urban and rural” should be inserted after the word “distinctive” in Objective 1;

- Objective 3 should be slightly amended by deleting the reference to “urban areas” and substituting the word “settlements” and,

- Objective 4 should also be modifying by substituting “urban” in the first line with the word “settlement”.

This would acknowledge the wide range of smaller settlements that form focal points for rural communities and would treat all settlements as having a role within the wider development of the Borough.

Objector's Evidence

3.1.3. The modifications to the Draft Plan's objectives, as outlined in the Department's Rebuttal Statement, are welcomed. The Borough Council had strongly believed that the Department had failed to adequately appreciate the significance of maintaining and enhancing the vitality of all rural communities within the Plan area and considered that this matter should be specifically referred to as a Plan Objective.

Consideration

3.1.4. One of the PSRNI's strategic objectives is to meet the future needs of the rural community and the RDS Strategic Planning Guideline RNI 2 seeks to create and sustain a living countryside with a high quality of life for all its residents. We consider that the amendments to the DSTDAP objectives proposed by the Department should overcome any perception of urban bias within the Plan and judge that inclusion of a specific planning objective, as originally sought by the Borough Council, is not necessary.

Recommendation

3.1.5. The wording of Plan Objectives 1, 3 and 4 should be modified as proposed by the Department.
3.2. STRATEGIC DEVELOPMENT NODES SHOULD BE ESTABLISHED ALONG THE SOUTHWESTERN CORRIDOR ROUTE FROM TAMNAMORE THROUGH TO BALLYGAWLEY.

Objection No. 224 (Issue 9.1).

Department's Evidence

3.2.1. The Council has clarified the nature of its objection by confirming that the nodes it refers to are not those of regional scale, as envisaged in Policy SPG 16 of the DRSF, but rather are strategically important places in a Borough context. The Department considers that there is no need to highlight the villages of Tamnamore and Ballygawley in particular as strategic development nodes in the Draft Plan. However, given the number of settlements that benefit from close proximity to the strategic road network, the Department is prepared to insert the following text after the second paragraph on page 15 of the Written Statement:

“Many of the Borough's villages also enjoy relatively good access to the strategic road network including Aghaginduf/Cabragh, Augher, Aughnacloy, Ballygawley, Clogher, Fivemiletown, Killyman, May and Tamnamore. As such, they are likely to be particularly attractive to potential development opportunities”.

Objector's Evidence

3.2.2. Since the Department's rebuttal response is phrased in terms of “potential development opportunities”, this concession does not go far enough. The Draft Plan should be modified to include the phrase “including mixed business and industry”. This would be warranted because of:

- the RDS Policy ECON 2.1 encouragement to locate transport-dependent industries in the corridors at well accessed nodes;
- the commitment in RDS Policy RNI 1.2 to facilitate the development of rural industries, business and enterprise in appropriate locations; and,
- the DSTDAP Technical Supplement acknowledgement that there may be additional industrial opportunities within the Plan area's villages.

Consideration

3.2.3. The DSTDAP policy on industry and mixed business use focuses its attention primarily upon sites within the two main towns although there is a recognition within the supplementary text of Policy IND 1 that potential may exist for appropriately scaled economic development in the villages. However, none are singled out for special mention.

3.2.4. The existence within the Plan area of strategic routes such as the South-Western Key Transport Corridor and the Newry-Coleraine Link Corridor are considerable assets in their own right. Their primary purpose is to enhance accessibility to regional facilities and services and the RDS seeks to exploit the economic development potential of corridors such as these. The Inquiry has not been provided with an appraisal of the potential of the Plan area's main villages or other settlements to attract inward
investment. However, reference to a number of these locations, albeit in the general narrative of the Written Statement as proposed by the Department, could possibly assist the Borough Council in its economic development role. The additional wording suggested by the local authority could be helpful in this respect. It would be more appropriate, in our judgement, to place the additional text in the preamble to the “Settlement” section as it currently appears on page 12 of the DSTDAP.

**Recommendation**

3.2.5. Additional text referring to potential development opportunities, including for industry and mixed business use, within specific villages should be included in the “Settlement” section of the Written Statement.

3.3. THE PHASED RELEASE OF HOUSING GROUND IN DUNGANNON AND COALISLAND IS A FUNDAMENTALLY FLAWED PLANNING APPROACH.

Objection No. 206.

**Department's Evidence**

3.3.1. The Department issued a Supplementary Housing Paper in November 2002 that reviewed developments in regional policy and their impact upon the process of preparing the Draft Plan and outlined the approach that was adopted in selecting Phase 1 and Phase 2 residential sites in Dungannon and Coalisland.

3.3.2. The DSTDAP Preliminary Proposals, issued in January 1998, were prepared within the context of the “Planning Strategy for Rural Northern Ireland” (PSRNI), particularly of policies such as SP 2, SP 3 and HOU 1. These allowed for the defining of development limits, for the inclusion within them of un-zoned ground, and the identification of more land than was required to meet demand within villages. Environmental impact had to be balanced against the need to make land available in locations attractive to developers and to provide an acceptable choice of sites in settlements. The “Shaping our Future” Draft Regional Strategic Framework for Northern Ireland (DRSF) was published eleven months later, in December 1998. It is acknowledged that none of the objectives at Preliminary Proposals stage referred specifically to such matters as maintaining compact urban forms or avoiding urban sprawl. However, sustainability principles, as found and referred to in “This Common Inheritance” (1990) and “The UK Strategy on Sustainable Development” (1994), underlay this emerging Plan's policies and proposals.

3.3.3. The PSRNI-based approach resulted in the following allocations of housing land at Preliminary Proposals stage:

<table>
<thead>
<tr>
<th>Settlement</th>
<th>Hectares (ha)</th>
<th>Units (15 per hectare)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dungannon town</td>
<td>230</td>
<td>3,450</td>
</tr>
<tr>
<td>Coalisland</td>
<td>130</td>
<td>1,950</td>
</tr>
<tr>
<td>All Villages* (Main Villages**)</td>
<td>549 (320)</td>
<td>(4,800)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>909 (680)</strong></td>
<td><strong>(10,200)</strong></td>
</tr>
</tbody>
</table>

* Excludes Aughamullan village which was not designated as such at Preliminary Proposals stage.
** Augher, Aughnacloy, Ballygawley, Benburb, Caledon, Castlecaulfield, Clogher, Donaghmore, Fivemiletown and Moy.
3.3.4. The DRSF, in offering a strategic and long-term perspective on the future development of Northern Ireland, specified a housing target of 3,100 dwelling units for the entire District Council area for the period from 1996 until 2010, with 1,000 of these allocated to the regional town, Dungannon. This level of provision was significantly less than what had been identified in the Area Plan's Preliminary Proposals earlier that year. The DRSF placed greater emphasis on such matters as urban containment, brownfield development, integration with transport and the wise and sensitive use of the rural environment. Appendix 6 of that document did acknowledge that some Area Plans were at an advanced stage of production and it was recognised that some settlements would now have an excess of already-zoned greenfield housing land. The DRSF advised that, in such circumstances, this supply would be expected to last for a longer period than had been previously envisaged in order to maintain an appropriate urban area/greenfield balance.

3.3.5. Planning Policy Statement (PPS) 1 “General Principles”, published in March 1998, commits the Department to work towards sustainable development by giving preference in the zoning of land to brownfield sites within built-up areas before considering development on greenfield ground, provided that a good living environment is created or maintained.

3.3.6. The DRSF in conjunction with PPS 1 represented a policy change in the way that development plans would provide for the housing needs of a particular area. DRSF Appendix 6 stated that, in future, the practice of over-zoning housing land supply would no longer be used in order to avoid undermining the housing drive in urban areas.

3.3.7. The predecessor East Tyrone Area Plan 1974-1994 (ETAP) had allocated 135 hectares (ha.) of housing land in Dungannon whereas the town's requirements had been calculated at that time at 87 ha. The ETAP also estimated that about 40 ha. of housing ground would be needed in Coalisland and land slightly in excess of that amount was identified there. Given those circumstances, it is not unreasonable that a large amount of ETAP housing land still remains undeveloped.

3.3.8. The DRSF was debated at an Examination in Public in late 1999, reported upon by an Independent Panel in February 2000 and responded to by the Department in April 2000, all in the period between publication of the DSTDAP Preliminary Proposals and the release of the Draft Plan in May 2000.

3.3.9. During the DRSF Examination in Public, the Department for Regional Development (DRD) increased housing allocations in the Belfast Metropolitan Area (BMA) and in other Districts by 40% in the light of amended population projections. In preparing the DSTDAP, the Department applied this level of increase in housing provision on a pro rata basis to Dungannon and the remainder of the Borough for the period through to 2010. This equated to 1,400 and 2,940 dwelling units respectively for the 15-year period from 1996 to 2010.

3.3.10. In order to begin the process of bringing the Draft Plan more into line with the DRSF insofar as this was practicable bearing in mind the “consistency” requirement of the 1999 Strategic Planning Order, the following measures were introduced:

- most areas of un-zoned or “white” land on the urban edge of Dungannon and Coalisland were removed from their respective settlement limits;
- sites that had been allocated for housing but where environmental considerations were now paramount were deleted;

- phasing was introduced to ensure that not all housing ground would be available for immediate release;

- tracts of previously un-zoned land within the built-up area were positively identified for housing; and,

- policy SETT 1 and supplementary guidance was provided to control the scale and form of development in the villages.

3.3.11. The outcome of this exercise, when compared with potential housing provision identified at Preliminary Proposals stage, was as follows:-

<table>
<thead>
<tr>
<th>Settlement</th>
<th>Preliminary Proposals (ha.)</th>
<th>Draft Plan (ha.)</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Phase 1</td>
<td>Phase 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dungannon town</td>
<td>230</td>
<td>109</td>
<td>146</td>
<td>255</td>
<td></td>
</tr>
<tr>
<td>Coalisland</td>
<td>130</td>
<td>78</td>
<td>41</td>
<td>119</td>
<td></td>
</tr>
<tr>
<td>All Villages*</td>
<td><strong>549 (320)</strong></td>
<td>565 (329)</td>
<td>***</td>
<td>565</td>
<td></td>
</tr>
<tr>
<td>(Main Villages**)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>909 (680)</strong></td>
<td></td>
<td></td>
<td><strong>939</strong></td>
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</tr>
</tbody>
</table>

* Figures based on an assessment of potential development land.
** Augher, Aughnacloy, Ballygawley, Benburb, Caledon, Castlecaulfield, Clogher, Donaghmore, Fivemiletown and Moy.
*** Includes Aughamullan Village

3.3.12. The DSTDAP quantum of residential land proposed for Dungannon town increased due mainly to the identification of suitable housing ground within its built-up urban edge. The Phase 1 allocation was limited to 109 hectares, which would be capable of accommodating 1,635 residential units at an assumed average density of 15 dwellings per hectare (dph). This represented about 47% of the land area that had been identified within the town at Preliminary Proposals stage and was considered to be an acceptable figure in the light of the assumption that the town might be allocated 1,400 housing units in the finalised Regional Strategic Framework. In Coalisland, there was a slight reduction in the proposed overall supply, with approximately 60% of its residential zoning being allocated for first-stage housing release. The DSTDAP proposed that Phase 2 sites would be held in a land bank and safeguarded for possible future development. A commitment was given to review the housing situation in 2005 and the need to release those lands, either in part or in full, would be dependent upon the uptake of the Phase 1 allocations and local sewerage capacity.

3.3.13. Paragraph 40 of PPS 1 allows for the phased release of development land where circumstances warrant. In November 2000, the DRD advised the development plan team that the phasing arrangements proposed in the Draft Plan appeared to be in line with the DRSF’s general approach. This had been endorsed by the Panel conducting the DRSF Public Examination and was likely to be included in the Regional Development Strategy (RDS). Phasing was preferred by DRD because it would:-
• promote more sustainable and compact patterns of development;

• maintain an appropriate tension between greenfield development and the provision of housing within existing urban areas; and,

• avoid the premature release of land for new housing outside existing urban limits.

In the opinion of DRD, “The provision of an immediately available 10-year supply of housing land for Dungannon could facilitate a “cherry picking” of greenfield sites thereby undermining the urban housing drive and de-stabilising the important regional strategic objective of achieving a balanced spread of development across the region in the most sustainable locations”.

3.3.14. The legal exemption from the Strategic Planning Order Article 5 duty to have regard to the RDS does not require the Department to ignore the overall thrust of the Province's strategic planning framework in preparing this development plan. The RDS contains sound planning principles. The introduction of phasing within the Draft Plan aims to take these on board as far as is possible and to meet its own objectives of maintaining compact settlement forms and providing development opportunities within a quality and sustainable living and working environment. This is considered to be an appropriate means of controlling urban growth given the planning background against which the DSTDAP was prepared.

3.3.15. In distributing the housing zonings between Phases 1 and 2, a sequential approach was adopted which examined the output available from:-

• existing commitments already secured through the granting of planning permission;

• statutorily zoned ETAP land;

• the use of land within the existing urban area;

• minor rounding-off to create a more compact settlement form; and/or,

• opportunities for more comprehensive development schemes.

3.3.16. The Department accepts that only 13 ha. of Phase 1 ground within Dungannon falls within a strict definition of brownfield land. However, the important classification in terms both of the DSTDAP and RDS is “land within the existing urban area”. In this latter context, 20 out of 25 Phase 1 sites are located within the existing urban area, including brownfield ground, and these account for 76% of first-phase housing allocations within Dungannon.

3.3.17. Appendix 7 of the RDS estimated that 77% of the District's population lived outside Dungannon in 1998. The DSTDAP provision for a significant amount of land to facilitate growth beyond the District's principal urban centres is therefore consistent with that situation. It should also be borne in mind that land within the villages can accommodate a range of non-residential uses and that the DSTDAP has introduced constraints on the scale and form of acceptable developments at a number of these
locations. Information derived from the Department's Housing Monitor does not show a shift of developer interest to the District's main villages.

3.3.18. DSTDAP phasing is not intended to create a tension between greenfield and brownfield lands. Rather, the objective is to restrict greenfield development beyond the existing urban area and to maintain compact settlement forms. The phasing approach is not reliant or based upon draft Planning Policy Statement (dPPS) 12 guidance on managing the release of housing land in settlements in two or three stages. The Dungannon Phase 1 lands can cater for the town's needs for the entire Plan period without sub-division.

3.3.19. The RDS, which was formally adopted in September 2001, contains Housing Growth Indicators for entire District Council areas. In all, 4,400 dwelling units are allocated to Dungannon and South Tyrone Borough for the period from 1998 to 2015. The RDS confirms that the location of such provision is a matter for determination through the development plan process. The RDS also recommends that 60% of future residential provision should be within existing urban limits and encourages the utilisation of previously developed, undeveloped and under-used ground within urban footprints. A limited amount of over-zoning, up to a maximum of 10%, is allowed in exceptional circumstances where a potential land supply difficulty is likely to arise. The Department considers that the level of housing provision required in the Borough to accord with RDS growth indicators during the remainder of the DSTDAP Plan period (2002-2010) amounts to approximately 1,690 dwellings. In the light of this guidance, there is no justification in quantitative terms for either seeking or accepting additional land to meet housing needs.

Table 3: Housing Units required in Borough 2002-2010

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<tbody>
<tr>
<td>4,400*</td>
<td>3,172**</td>
<td>1,483***</td>
<td>1,689</td>
</tr>
</tbody>
</table>

* Equates to an average yearly allocation of 244 dwellings ** Assumes an average annual allocation of 244 dwellings *** Source: DoE housing statistics

3.3.20. On average, 370 houses were built per annum in the Borough between 1998 and 2002. If this rate were to continue, there would be a requirement for 3,330 dwelling units over the remainder of the Plan period. The potential output in the towns and the main villages is well in excess of estimated requirements based on RDS indicators without even considering the likely number of houses capable of being provided within the smaller settlements or the approval of rural dwellings. The Department is satisfied that the DSTDAP provides for a more than generous supply of housing land to meet anticipated demand in the Plan area.
**Table 4: Potential Housing Land Immediately Available (May 2000)**

<table>
<thead>
<tr>
<th>Main Settlements</th>
<th>Potential Development Land (ha)</th>
<th>Output (assumed average of 15 dph)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dungannon Phase 1</td>
<td>109</td>
<td>1,635</td>
</tr>
<tr>
<td>Coalisland Phase 1</td>
<td>78</td>
<td>1,170</td>
</tr>
<tr>
<td>Augher</td>
<td>16.6</td>
<td>249</td>
</tr>
<tr>
<td>Aughnacloy</td>
<td>34.1</td>
<td>511</td>
</tr>
<tr>
<td>Ballygawley</td>
<td>25.9</td>
<td>388</td>
</tr>
<tr>
<td>Benburb</td>
<td>13.6</td>
<td>204</td>
</tr>
<tr>
<td>Caledon</td>
<td>24.4</td>
<td>366</td>
</tr>
<tr>
<td>Castlecaulfield</td>
<td>32.4</td>
<td>486</td>
</tr>
<tr>
<td>Clogher</td>
<td>40.2</td>
<td>603</td>
</tr>
<tr>
<td>Donaghmore</td>
<td>31.5</td>
<td>472</td>
</tr>
<tr>
<td>Fivemiletown</td>
<td>61.4</td>
<td>921</td>
</tr>
<tr>
<td>Moy</td>
<td>32.7</td>
<td>490</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>499.8</strong></td>
<td><strong>7,495</strong></td>
</tr>
</tbody>
</table>

**Objector's Evidence**

3.3.21. From its inception, the DSTDAP has been a physically based plan. The Preliminary Proposals document states that settlement limits and zonings were defined following an analysis of development trends and an evaluation of environmental issues, physical features and the availability of services. PSRNI Policies SP 2, SP 3 and HOU 1 were foundational and the approach adopted was consistent with current practice in preparing development plans at that time. The introduction of a phased release of housing land is an effort by the Department to “factor in” DRSF considerations in order that the Draft Plan might be consistent with the emerging Regional Strategic Framework.

3.3.22. At this Inquiry stage, the Strategic Planning (NI) Order 1999 requirement that future planning policies, development plans and development schemes must be “consistent with” the RDS is in the process been amended to one of being “in general conformity with” the provisions of that overarching planning framework. The legislation also provides for a transitional saving of three development plans, one of which is the DSTDAP, which had commenced before publication of the RDS and were at an advanced stage of preparation at the time of its adoption in September 2001. Under these amended arrangements, the Department is exempt from the Article 5 requirement to “have regard to the regional development strategy in respect of these plans”. There is, therefore, no legislative requirement for the DSTDAP to be in general conformity with the RDS. It is accepted that the RDS can be a material consideration that can inform the thinking behind the Draft Plan although it does not necessarily have to play such a role. In the objector's opinion, the RDS Housing Growth Indicators need not determine the release of land for residential development in Dungannon and South Tyrone Borough.

3.3.23. While elements of the RDS, which is a wide-ranging document, may be relevant and may provide an indication of current Government thinking on strategic planning matters, there is no need for the DSTDAP to introduce phasing as a housing land release mechanism. The context for plan preparation may have changed but it is not accepted that the policy basis for such work had changed. If the Department were to disregard the RDS insofar as this Plan is concerned, that position could not be legally challenged. As the DSTDAP
will be exempt from RDS policies, it is plain that the PSRNI must continue to provide the appropriate policy context for this Area Plan. The proposal to phase the release of housing land is, therefore, a flawed approach. Proposed residential areas within Dungannon and Coalisland are capable of being developed effectively and efficiently in the absence of phasing controls without affecting the Plan's own objectives.

3.3.24. Apart from the RDS, the only other policy reference to the phased release of housing ground is to be found in PPS 1. Paragraph 12, for instance, notes that in working towards sustainable development, the Department will give preference in zoning to the development of brownfield sites within built-up areas before considering the use of greenfield land, subject to a good living environment being created or maintained.

3.3.25. The DSTDAP zonings consist primarily of greenfield sites. The only Phase 1 brownfield lands within Dungannon are zoned as DH 01, DH 02, DH 17 and DH 19 and these represent just under 12% of the town's first-stage residential allocations. The majority of the remaining zoned ground is currently in agricultural use. Evidence from an experienced local estate agent confirms that no significant brownfield sites are available for housing redevelopment purposes. Restrictions on the release of greenfield land will not therefore stimulate any significant redevelopment or re-use of brownfield ground within Dungannon. Given the amount and nature of the Phase 1 land allocations, it is hard to see how any meaningful tension will be maintained between greenfield housing and development on sites within the urban area.

3.3.26. Paragraph 40 of PPS 1 confirms that where circumstances warrant, plans may specify a phased release of development land. This may be necessitated by considerations relating to infrastructure or the adequacy of other services. Phasing may also be introduced in areas that are under severe pressure for development where there is evidence that market demand would exhaust planned provision in the early years of a plan. Where phasing proposals are introduced, they will be explained and justified in the written statement. Allowance will also be made for a reasonable degree of choice and flexibility to ensure that the market can work effectively and efficiently.

3.3.27. It is clearly premature for the DSTDAP to phase the release of housing land in the two main towns when paragraph 71 of dPPS 12 advises that the methodology to be followed in this regard in preparing and implementing development plans has yet to be endorsed by the Planning Service. The dPPS also indicates that managing the release of housing land through phasing should be informed by urban capacity studies which are to be undertaken as part of every development plan for towns with a population of 5,000 or more. If the Department is to support a phasing approach to housing land management, it follows that Dungannon, being the principal town in the Plan area, must have a full urban capacity study. However, the Draft Plan is not underpinned by such an exercise.

3.3.28. The May 2000 Countryside Assessment report outlines the Department's method of phasing housing allocations. It would appear that, following the issuing of the Preliminary Proposals document, “white” land on the urban edge of Dungannon and Coalisland was eliminated and the remaining zonings were then crudely divided between Phases 1 and 2 on what appears to be an almost random basis. This is plainly not in accordance with the very specific guidance contained in dPPS 12.

3.3.29. The DSTDAP allocates land specifically for housing purposes only in Dungannon and Coalisland. Each of these sites is plainly considered to be suitable for residential
purposes and the only issue in most cases is the timing of their release for development. This approach contrasts sharply with the situation in the villages where “white” land may be developed at any time within the Plan period, provided site-specific constraints can be overcome.

3.3.30. According to the Department's November 2002 Housing Paper, there is scope for 4,690 dwelling units to be accommodated in the ten main villages on ground that is judged to be immediately available for development. This represents 62% of the total land allocation for the District. It is difficult to understand how any strategic purpose will be served by controlling land release in the two main towns when there is an unrestricted supply in the villages. There is an obvious danger that developers will “cherry pick” the best sites in the villages instead of the District town. This cannot represent a sustainable approach to the planning of a District.

3.3.31. DSTDAP Policy HOUS 1 indicates that Phase 2 lands will not be released prior to a housing review in 2005. Departmental adoption of this Area Plan will probably occur at the end of 2004 or early in 2005, with the intended housing review scheduled to occur almost immediately afterwards. Given that the Draft Plan has an end date of 2010, it seems unnecessarily bureaucratic to carry out a housing land review to cover a five- or six-year time span. Past experience would suggest that a review of this nature would not actually be completed for a much longer period.

3.3.32. Since the proposal to phase the release of housing land is premature, inconsistent and impractical, it should be dropped from the Plan.

Consideration

3.3.33. Parties agreed that, at the initial stages of the DSTDAP exercise, the 1993 PSRNI document provided the strategic context for the preparation of the new development plan. Indications of Dungannon's role in a regional context began to emerge in the November 1997 “Shaping our Future” discussion paper when it was identified as a Main Town with medium growth potential based on factors such as its closeness to a regional transport corridor, the presence of a strong manufacturing base and a buoyant enterprise culture.

3.3.34. The Preliminary Proposals indicated that, based on past trends, 5,500 new dwellings might be required to meet growth during the Plan period, with 1,700 of these being located in Dungannon and 600 in Coalisland. It was also anticipated that approximately 40% of the additional dwellings required would be provided within the rural area and the smaller villages. The first opportunity to publicly examine the underlying assumptions of the Plan came with the publication of the DSTDAP Technical Supplement which, according to a Departmental response during the Inquiry, was released in August 2000, some two months after the deadline for submission of representations to the Draft Plan. Paragraph 2.17 of that Supplement states that the medium growth population projections that had been used to assess land requirements were based on an optimistic model that was not fully supported by past trends. Paragraph 3.25 advises that, in order to allow for a reasonable degree of housing choice and flexibility, the Plan's final allocations would incorporate over-zoning. Although the degree of over-zoning is not quantified, the document states that a level normally in the range of 30% is provided. However the DRSF, when issued in December 1998, clearly signalled that this practice would not be adopted in future development plans. Its housing growth target of 3,100 units for
Dungannon District for the period from 1996 to 2010 represented a significant reduction compared to the level of 5,500 new dwellings that had been considered as being required a few months previously and the DRSF level was substantially below the quantum of almost 7,500 units that could be potentially accommodated on available land in the two main towns and in the larger villages.

3.3.35. The DRSF recognised that in situations where settlements had an excess of greenfield housing land already zoned, this supply would be expected to last for a longer period than had previously been envisaged. Bearing in mind that the Dungannon planning exercise had just passed its initial consultation stage and that there was a new legislative requirement for development plans to be consistent with the provisions of the RDS, we consider that the Department had the option either of withdrawing its Preliminary Proposals or of proceeding to the next stage in the plan making process while seeking to bring its residential zonings somewhat more into line with emerging regional guidance for the Plan area. The phasing arrangements introduced into the DSTDAP were judged by DRD, the Department responsible for preparing the overall regional development strategy, to be generally in line with the approach that had been endorsed at DRSF examination stage and which was likely to be included in the RDS.

3.3.36. The RDS when published in September 2001, indicated that 4,400 additional residential units could be required within Dungannon District in the period from 1998 to 2015. The Department issued a supplementary Housing Paper in November 2002 in response to objections to DSTDAP residential proposals which aimed to:

- review developments in regional policy and the impact of these upon the Plan preparation process;
- outline the approach that was adopted in distributing the Phase 1 and 2 lands within Dungannon and Coalisland; and
- demonstrate that sufficient land had been provided to meet the DSTDAP’s housing needs over the Plan period.

3.3.37. From the information provided in that Paper and during the Inquiry proceedings, it is evident that the Department focused its attention primarily upon the two District towns. If recent house construction rates were to continue unchanged, we calculate that DSTDAP first-phase provision in Dungannon and Coalisland would have capacity to accommodate what has been achieved annually across the entire Plan area through to 2005.

3.3.38 Examination of the Draft Plan shows that very few modifications, mostly of a minor nature, were proposed to the boundaries of the Plan area’s villages, as defined at Preliminary Proposals stage, notwithstanding the fact that potential development land in the ten Main Villages totalled 313 ha, with a possible output of approximately 4,700 dwelling units at an assumed density of 15 dph. Aspects such as the DSTDAP’s limited settlement hierarchy and the basis for selecting the 15 dph figure were not explained at any stage by the Department but these are matters that were not specifically challenged during consideration of the general planning framework or housing allocations at the Inquiry.
3.3.39 No specific constraint was recommended on the numbers of houses likely to be acceptable in the Main Villages under DSTDAP Policy SETT 1. The objectors’ comments on this point and on the possibility of increasing developer interest in the villages are validly made. Such a trend, if it were to materialise, would be inconsistent with sustainability principles and some of the DSTDAP’s stated Plan objectives. Table 2 confirms that the potential within the villages increased between the Preliminary Proposals and Draft Plan stages. Table 4, which provides a breakdown of the amounts of land potentially available in the main settlements, does not contain any estimate of the possible scale of housing that could be achieved in the remaining villages, in the open countryside beyond or of the likely yield from “windfall” sites elsewhere. The possible overall quantum of housing achievable in the Plan area, is therefore, likely to be very much in excess of that indicated in the RDS.

3.3.40 While recognising the Area Plan’s “excepted” status, we nonetheless consider that there is a requirement for appropriate measures to be introduced to secure economy and efficiency as well as amenity in the use of land in order to bring this development plan more into line with RDS guidance which, in our judgement, is an important material consideration. In the context of the evidence before us, including the responses to DSTDAP residential proposals, we conclude that the phasing of land release is justified in planning terms. The criteria applied in selecting Phase 1 and 2 lands are clearly articulated in the Countryside Assessment document and we endorse the methodology used as being logical and defensible.

3.3.41 Given that more than adequate housing land has been identified throughout the Plan area, we consider that the inclusion of additional areas would only be justified if site-specific issues were judged to be overriding or if wider planning objectives would be achieved as a result.

3.3.42 Insofar as Dungannon and Coalisland are concerned, the DSTDAP phasing proposals do not reduce the areas that were initially identified for housing but rather set out to control the timing of such land release in both towns. With the exception of ground that has been identified initially for housing at Eglish Road and in the vicinity of Dungannon Park, the allocations outlined in the Preliminary Proposals document for Dungannon town have been carried through into the Draft Plan and are supplemented at some locations by ground that had been shown earlier as “white” land. The first-stage land releases in Dungannon and Coalisland allow for infilling of as yet undeveloped areas at a choice of locations within the respective urban footprints. Since no significant challenge has been mounted against any of the Phase 1 housing proposals, there is no impediment in planning terms to their early development and the achievement of urban compactness in both towns. We conclude that the overall quantum of Phase 1 housing land that is potentially available is more than adequate to meet anticipated requirements.

3.3.43 The DSTDAP, while confirming that Phase 2 sites will be held in a land bank and safeguarded for future residential development, also contains a commitment to undertake a housing land review in both towns in 2005. However, there is no indication that urban development limits will be re-examined as part of that exercise in order to maintain compact settlement forms. We consider that account should be taken of the outcome of the intended review of the RDS when assessing the further release of housing land in the two towns in the years beyond 2005. Any additional policy guidance and procedures that might be contained within the finalised version of PPS 12 “Housing in Settlements” could be taken on board in that overall re-assessment of local housing land requirements.
**Recommendation**

3.3.44 Phasing should be retained as an appropriate land release mechanism in Dungannon and Coalisland. The text of the Plan should be amended to reflect the reasoning and need for phasing and the re-appraisal of Phase 2 housing sites in both towns should take account of the 2005 focused review of the Regional Development Strategy.

**3.4. THE PLAN SHOULD SPECIFY HOW ITS POLICY ON OPEN SPACE REQUIREMENTS WILL BE SECURED.**

**Objection no. 224 (Issue 4).**

**Department's Evidence**

3.4.1. The provision of open space in new residential developments is part of the Government’s commitment to securing an overall improvement in the quality of such environments. A number of policy initiatives are being developed to assist in the implementation of this commitment. Among these are the supplementary guidance available in “Creating Places”, the provisions of PPS 7 “Quality Residential Developments” and the consultation draft of PPS 8 “Open Space, Sport and Recreation”. This latter document indicates that at least 10% of the total site area in new residential developments should be allocated as open space and that developers should make suitable provision for the future management and maintenance of such areas. A number of ways in which this could be achieved are outlined.

3.4.2. DSTDAP Policy HOUS 3 requires the provision of an “appropriate” level of public open space within all new housing developments and a general level of 10% of the total site area is indicated. Mechanisms for the delivery of such provision are already being negotiated as part of the processing of all major residential planning applications within the Borough.

3.4.3. The Borough Council, in its capacity as a statutory provider, is facilitating the provision of open space and it also has an approved policy for the adoption of common lands that is based on “Creating Places” guidance.

3.4.4. PPS 10 provides an adequate context for determining proposals for the siting of telecommunications masts within open space areas. Where such land is within Council ownership, it will in the first instance be a matter for the local authority to consider whether its sites could be potentially suitable for masts and their associated apparatus.

**Objector’s Evidence**

3.4.5. The Borough Council welcomes the thrust of Policy HOUS 3 but nevertheless holds very serious reservations about its implementation. The policy, as drafted, is vague and the provision of open space within new housing areas still seems dependent upon the goodwill of developers. The Plan must clearly outline how open space inadequacies within housing schemes will be addressed and how, in particular, requirements imposed on developers will be enforced.

3.4.6. The Council also takes a very strong view on the long-term protection of existing open spaces, including the erection of telecom masts on amenity lands. The Area Plan must unequivocally reflect this position.
Consideration

3.4.7. An increasing amount of policy and supplementary planning guidance has been published on the provision, management and maintenance of public and private open space within new housing areas since the Plan's Preliminary Proposals were issued.

3.4.8. PPS 8 became available in consultation draft form in March 1999 and it is evident from the DSTDAP and Section 7 Appendix 1 of its Technical Supplement that the open space requirements for each of the proposed housing sites in Dungannon and Coalisland drew upon emerging Policy OS 2 of that Statement. Criterion (c) of PPS 7 Policy QD 1 expects adequate provision to be made for public and private open space as an integral part of new residential development and paragraphs 4.30 and 4.31 of that publication expand upon this particular aspect of policy. Chapter 5 of “Creating Places” offers additional guidance on the location, level of provision, design and maintenance of public and private open space in achieving quality in residential developments. We note that the Borough Council has based part of its policy for the adoption of common lands on this latter document and sets out in some more detail its other requirements, for instance for equipped play areas.

3.4.9. We consider that DSTDAP Policy HOUS 3, as presently worded, provides a sufficient basis for securing open space and associated facilities within new housing areas either through appropriate planning conditions or, where necessary, by way of legal agreements such as are available under Article 40 of the current Planning Order. Enforcement procedures are available to the Department in instances where breaches of planning control occur. HOUS 3 does not stand alone from regional planning policy statements and it clearly alerts developers to their responsibility to make suitable provision for the future management and maintenance of areas of open space.

3.4.10. In our judgement, it is unrealistic for the local authority to expect that the new Plan could address or rectify shortfalls in open space provision that may exist within housing schemes that have already been completed in accordance with planning permission.

3.4.11. The Council can, if it so wishes, control the erection of telecommunications masts and associated structures on amenity and other lands within its ownership. However, having regard to the recommendations in the May 2000 Stewart Report on “Mobile Phones and Health” or of the provisions of the April 2002 PPS 10 on “Telecommunications”, we do not consider that it would be appropriate or necessary for the Area Plan to place an embargo upon such development in designated open spaces within the Borough.

Recommendation

3.4.12. Policy HOUS 3 should remain as currently drafted.

3.5. THE STATUS OF THE DISTRICT’S STRATEGIC ROUTES NETWORK SHOULD BE SPECIFICALLY REFERRED TO IN THE PLAN.

Objection No. 224 (Issue 5).

Department’s Evidence

3.5.1. The Department accepts that the status of the Key Transport Corridors and of the A 29 Link Corridor, as defined in the RDS, should be reflected in the Area Plan. It proposes to
insert the following text under the Regional Policy Context of the “Transportation” section of the Written Statement:

“Two major roads within the Borough have been identified in the Regional Development Strategy as part of the Key Transport Corridors in Northern Ireland: -

• the A4 Dungannon - Fivemiletown Road: The South Western Corridor;

• the A5 Aughnacloy - Omagh Road: The Western Corridor.

In addition, the A29 Cookstown to Moy Road has been identified as part of one of three additional Link Corridors in the Strategy”.

Objector’s Evidence

3.5.2. While the DSTDAP acknowledges the development of a Regional Strategic Transport Network across Northern Ireland, no mention is made of the designation of the Dungannon to Fivemiletown road as part of the South Western Key Transport Corridor nor of the Ballygawley to Monaghan road as part of the Western Corridor in the Province’s upper tier of regionally important routes. Recognition should also be given to the A29 strategic Link Corridor road from Cookstown through Dungannon to Armagh.

Recommendation

3.5.3. The additional text proposed by the Department should be included in the finalised Written Statement.

3.6. TOURISM DEVELOPMENT SHOULD NOT BE CONFINED TO SPECIFIC OPPORTUNITY ZONES.

Objection No. 224 (Issue 6).

Department's Evidence

3.6.1. The identification of two DSTDAP Tourism Opportunity Zones at Mountjoy and Washingbay is a response to the needs of the local community in the Lough Shore area and is focused around existing recreational and tourist assets. The proposals are aimed at guiding tourism development to the most appropriate locations in an area of international nature conservation importance. All development proposals would continue to be determined in accordance with PSRNI policies.

3.6.2. To clarify matters, the Department is prepared to insert the following sentence at the end of the explanatory text to Policy TM 1:-

“The designation of these two areas does not preclude consideration of other tourist facilities throughout the Borough in accordance with regional planning policy”.

Objector’s Evidence

3.6.3. The Council is concerned that the identification of two Tourism Opportunity Zones on the shoreline of Lough Neagh will prejudice the development of tourism infrastructure, including accommodation, across the remainder of the Borough’s rural areas. Policy TM 1 should make explicit reference to the fact that the Draft Plan is also supportive of
tourism development outside these policy areas in line with the Council’s Tourism Development and Marketing Strategy, with its Access to the Countryside policy and with the Blackwater Catchment Area Strategy.

**Consideration**

3.6.4. PSRNI Policy TOU 1 indicates that, where appropriate, Area Plans will contain a tourism development strategy tailored to the needs and assets of the particular locality. It is evident from the DSTDAP Countryside Assessment that the area's landscape, nature conservation and other heritage assets have been identified in considerable detail. Given the environmental importance and sensitivity of the Lough Shore, we consider it appropriate that the Plan should define locations where favourable consideration will be given to proposals for tourism and recreational developments that integrate appropriately with their surroundings. From our reading of the Draft Plan, Policy TM 2 refers to realising the tourism potential of the Borough and does not confine itself to the two very modest Tourism Opportunity Zones at Mountjoy and Washingbay. The promotion of opportunities for sustainable leisure and tourism development is also one of the DSTDAP's eight area-wide Plan Objectives. Inclusion of the additional text proposed by the Department, while not essential, would be helpful in preventing any misinterpretation of tourism policy within the Plan area.

**Recommendation**

3.6.5. The clarification proposed by the Department should be added to the explanatory text of Policy TM 1.

3.7. THE PLAN SHOULD CONTAIN ADDITIONAL POLICIES TO PROTECT EXISTING SPORTS FACILITIES AND ENCOURAGE NEW AND IMPROVED PROVISION.

**Objection No. 301.**

**Department's Evidence**

3.7.1. The Borough Council is the statutory provider of recreational facilities and the means by which it seeks to improve existing facilities remains a matter for the local authority to decide upon. The Department will facilitate matters where possible.

3.7.2. The issue of planning gain is not a matter that requires addressing in a development plan. Paragraphs 62-66 of PPS 1 indicate that Article 40 of the 1991 Planning Order allows the Department to enter into agreements with developers to provide benefits related to the development and necessary to the grant of planning permission. There is no necessity for the Area Plan to cover the same ground.

3.7.3. DSTDAP Policies HOUS 2 and HOUS 3 together with Policy OS 2 of the consultation draft of PPS 8 deal with open space provision in new housing areas. Paragraph 5.01 of “Creating Places” states that the provision of public open space should be considered as an integral part of the design of residential schemes. These sentiments are echoed in the text that supplements Policy QD 1 of PPS 7. The Borough Council has an approved policy for the adoption of common lands arising from developments that comply with “Creating Places” criteria and guidance.
Objector's Evidence

3.7.4. Because many existing sports facilities are frequently in prime locations, the pressures for development there may be quite intense. It is imperative that developers and sports clubs are deterred from facilitating the loss of existing recreational facilities. The following policy should be considered for inclusion in the emerging Area Plan:-

“The loss of existing public or private recreational open space will normally be resisted unless alternative recreational facilities are provided in a suitable location or it can be demonstrated that there is no longer sufficient demand to sustain the facility”.

3.7.5. The capacity of playing fields is frequently compromised by factors such as vandalism, access and ground conditions. Co-operative action should be taken in seeking to improve existing facilities. A policy in the following terms should be considered:-

“Ways of improving the quality and capacity of existing sporting and recreational facilities through initiatives in both the public and private sector will be investigated. Sources of funding will be investigated to achieve this at Government level through the Lottery, with the governing bodies of sport and through private development proposals”.

3.7.6. An objective should be inserted into the Plan that where residential developments are proposed and where these are likely to generate a requirement for new or enhanced sporting facilities, planning gain will be sought. In situations where an existing facility is lost to another land use, a developer contribution should be sought to facilitate its possible replacement elsewhere.

3.7.7. The requirements for open space associated with new developments are often rigid and prescriptive resulting in technical compliance that end up as poor or dysfunctional layouts. Such spaces do not cater properly for the requirements of sport and the provision of playing pitches in particular.

Consideration

3.7.8. At the time of writing, PPS 8 remains in draft form and the PSRNI's policies on sport and recreation provide the primary reference point in considering this particular objection. The stated purpose of PSRNI Policy REC 1 is to safeguard existing recreational open spaces and amenity land within settlements and to make provision within development plans for new facilities. At the local level, DSTDAP Policy ROS 1 confirms that recreation and open space zonings will be safeguarded for their intended use. Alternative use will normally be acceptable in specified situations such as where a community need no longer exists or where the open space is to be relocated to a site that is equally or better positioned to meet the needs of the community. We are satisfied that these respective policies address the objector's concerns in this regard.

3.7.9. One of the purposes in preparing a development plan is to ensure that adequate land is allocated for organised sport and informal recreation. However, District Councils have primary responsibility for the provision of formal facilities within their administrative areas. Paragraph 7.19 of the DSTDAP Technical Supplement confirms that the Borough Council has a number of initiatives, including a Sports Development Strategy, that are aimed at improving existing provision. In our judgement, no particular land use planning
purpose would be served by including the second of the objector’s suggested policy statements within the finalised Plan.

3.7.10. Paragraph 61 of PPS 1 refers to some of the circumstances where developer contributions will normally be required in order to facilitate particular development proposals. These are not confined to residential projects or to situations where the provision of sports facilities is an issue. The absence of a specific Area Plan objective on this topic would not diminish the Department's development control functions or its ability to negotiate community benefits that are fairly and reasonably related in scale and kind to the development that is proposed.

**Recommendation**

3.7.11. Inclusion of policy statements of the type suggested would not add materially to the planning controls already available to the Department. The finalised Plan should remain unchanged in this regard.

**3.8. ALL LAKES IN THE BOROUGH SHOULD BE CLASSIFIED AS SITES OF LOCAL NATURE CONSERVATION IMPORTANCE.**

**Objection No. 224 (Issue 7).**

**Department's Evidence**

3.8.1. The Borough Council commissioned the Ulster Wildlife Trust (UWT) in 2001 to record all sites of wildlife importance in the Plan area. The results of that survey were assessed by Environment & Heritage Service and 42 areas meriting Sites of Local Nature Conservation Importance (SLNCI) status were included in Draft Plan Policy CON 1.

3.8.2. The Department does not consider that all lakes within the District merit formal recognition as being of nature conservation importance but proposes to designate 14 additional sites at the following locations - Rehaghy Black Lough, Annaghloughlan Bog, Drumcrow Fen, Ballagh Lough, Lough More, Friary Lough, Mullycar Lough, Roughan Lough, Eskragh Lough, White Lough, Lough Gunnell, Lough na blaney bane, Brantry Lough and Tullygiven Hill.

**Objector's Evidence**

3.8.3. Policy CON 1 is less than comprehensive in terms of Sites of Local Nature Conservation Importance. All lakes in the Borough should be accorded such status.

**Consideration**

3.8.4. The DSTDAP Countryside Assessment makes it clear that the sites listed in Policy CON 1 are locations of local nature conservation or earth science importance that are additional to Wildlife Refuges established under the Wildlife (NI) Order 1995, to Local Nature Reserves created under the Nature Conservation and Amenity Lands (NI) Order 1985 and to non-statutory nature reserves managed by public agencies or other voluntary conservation bodies.
3.8.5. We are satisfied from the information before us that the additional locations now proposed for SLNCI designation have been selected as representing best lake types and fen sites with notable indicator species.

**Recommendation**

3.8.6. Fourteen additional SLCNIs should be listed in Policy CON 1 and identified by symbol on the Borough and Inset Maps. Details of their precise boundaries together with a summary their main features should be included as a supplement to the Countryside Assessment document.

3.9. **A GUIDE BOOKLET SHOULD BE PRODUCED TO IDENTIFY MAN-MADE AND NATURAL HERITAGE FEATURES WITHIN THE PLAN AREA. SURVIVING COMPONENTS OF THE CLOGHER VALLEY RAILWAY SHOULD BE RETAINED WHERE POSSIBLE.**

**Objection No. 232.**

**Department's Evidence**

3.9.1. While the production of guide booklets to highlight important features of the Borough's man-made and natural heritage is not part of the statutory requirements of Plan preparation, the DSTDAP Countryside Assessment identifies areas of nature conservation importance, archaeological sites and monuments, listed buildings, areas of townscape character and historic parks, gardens and demesnes.

3.9.2. The Northern Ireland Industrial Heritage Record lists all industrial sites, features and complexes shown on Ordnance Survey maps since about 1830. Additional research and some baseline field survey work has been carried out, particularly in the Greater Belfast area, but a major field survey project is needed to establish the nature and extent of surviving remains throughout the Province. Known features associated with the Clogher Valley Railway can be protected through historic monuments and planning legislation and by way of PPS 6 policies. A number of railway buildings have been listed and have been put to new use.

**Objector's Evidence**

3.9.3. Interpretation of important sites within the Plan area should be enhanced so that the public can more readily identify what exists in the Borough and can understand their significance. A explanatory guide booklet about the main man-made and natural heritage features should be produced.

3.9.4. While Policy CON 2 appears to include most of the obvious built heritage, emphasis should be placed on the importance of the industrial heritage and its vulnerability to brown-field development.

3.9.5. The surviving components of the Clogher Valley Railway should be retained where possible and the associated buildings treated sympathetically.
Consideration

3.9.6. As pointed out by the Department, a considerable amount of map-based and inventory information on the man-made and natural heritage, including reference to some properties and structures associated with the Clogher Valley Railway, is contained within the DSTDAP Countryside Assessment. That document along with other publicly available data sources can function as a useful reference point for parties interested in heritage matters. We note, however, that the Draft Plan contains no safeguarding policy in relation to industrial heritage and that Policy CON 2 applies only to those parts of the Borough where Local Landscape Policy Areas are proposed. Given the importance of the industrial heritage locally, this is a matter that should be addressed by the Department.

Recommendation

3.9.7. A specific policy presumption in favour of protecting the area’s industrial heritage should be included within the finalised Plan.

3.10. THE PLAN FAILS TO ADEQUATELY PROTECT LISTED BUILDINGS AND THE AREA’S INDUSTRIAL ARCHAEOLOGY.

Objection No. 189.

Department's Evidence

3.10.1. The Department accepts that additional text should be provided in the “Conservation” section of the Plan after the first sentence of the fourth paragraph on page 48 to state that:-

“These buildings make an important contribution to the overall character of the Borough. They are also a significant component within the Plan's designated Areas of Townscape Character”.

An additional sentence should be added to the first paragraph of the explanatory text of Policy CON 5 to the effect that:-

“In many of these areas, listed buildings make a significant contribution to their character”.

3.10.2. PPS 6 provides adequate policy protection for the range of archaeology, including industrial archaeology, found or likely to be discovered within the Borough. Development plans can only identify important features of industrial heritage where these are supported by specialist scientific and technical knowledge. Many important industrial heritage features are already protected as archaeological sites, monuments or listed buildings.

3.10.3. DSTDAP Objective 6, in referring generally to the protection and enhancement of manmade features which are of conservation importance and which contribute to the overall character of individual settlements and the wider countryside, encapsulates such features as listed buildings, Conservation Areas, Areas of Townscape Character, archaeological sites and monuments. To list all potential man-made features would make the Objective unwieldy. There is also a danger that other lesser-known features may not be identified,
which would reduce their potential for protection. The suggested amendments to the Written Statement should address this issue.

**Objector's Evidence**

3.10.4. While a policy relating to the protection of trees has been included within the Draft Plan, no equivalent safeguard has been provided with regard to listed buildings. This matter should be addressed and the following policy wording is suggested:

“The Department will conserve the character of listed buildings as being of special architectural or historic interest.

Buildings of architectural or historic interest located within Dungannon have been listed under Article 42 of the Planning (NI) Order 1991 to protect their character. Such buildings are listed for their protection in the public interest because it has been recognised that the quality of our past is an essential ingredient for the quality of our future.

There will be a general presumption in favour of the preservation of all buildings listed as being of special architectural or historic interest. Only in the most exceptional circumstances will consent be granted for demolition or partial demolition. Retention and repair is always preferable to replacement: it also complies with the Department's policy of sustainable development. Proposals to retain only the façade of the building will not normally be acceptable”.

3.10.5. If archaeological sites are to be shown on the Plan's Proposals Maps, listed buildings should also be identified there.

**Consideration**

3.10.6. PPS 6, which deals with planning, archaeology and the built heritage for the whole of Northern Ireland, was published March 1999 in the period between the objector's initial submissions in February 1998 and the later response in July 2000. Policies relating to listed buildings are set out in Section 6.0 of that document. The Introduction section of the Draft Plan states that the contents of current PPSs have been taken into account in the preparation of its policies and proposals and will be material to decisions on individual planning applications and appeals within the Plan area. The various appraisals within the DSTDAP Countryside Assessment report do not raise localised listed building issues and the objector has not pinpointed any specific problems in this regard.

3.10.7. We note that listed buildings have been plotted on the DSTDAP's Countryside Assessment village appraisal maps and are catalogued in appendix 2B of that report. Given the fact that there are more than 500 listed buildings within the Plan area and that survey work is ongoing, we agree that it would be impracticable to include these on the Plan's proposals maps.

**Recommendation**

3.10.8. Additional Area Plan policies relating to listed buildings are not required. The Written Statement and the main Proposals Maps should refer to the inventories of sites and
features of built heritage importance listed in Appendix 2 of the Countryside Assessment document.

3.11. POLICY CON 6 IS TOO SITE SPECIFIC. THE ULSTER CANAL AND RIVER BLACKWATER MERIT PROTECTION.

Objection no. 189.

Department's Evidence

3.11.1. The Ulster Canal does not lie within the Borough. As such, this Area Plan cannot protect historic features beyond its boundaries. The River Blackwater, which formed the navigable link between the Ulster Canal at Charlemont and Lough Neagh, does flow along part of the Plan area's south-eastern boundary. The Department accepts that the Plan should include a more effective policy for the river's protection. It is proposed that Policy CON 6 should be re-titled "Historic Waterways" with the following text added to the head note:

"The Plan also identifies the Blackwater River as the necessary link between any future route of the Ulster Canal and Lough Neagh. Development proposals which would prejudice the use of this waterway as the navigable link between the Ulster Canal and Lough Neagh will not be permitted."

Objector's Evidence

3.11.2. DSTDAP Policy CON 6, which confines itself to the Coalisland Canal, is supported but its terms are too site specific. More general protection should be afforded to industrial archaeology within the Plan area. The Ulster Canal, although not lying inside the Borough, should be given protection from inappropriate development. The River Blackwater is the link between Lough Neagh and the Ulster Canal and should also be protected in view of the likelihood of the re-opening the Canal.

Recommendation

3.11.3. Policy CON 6 should be re-titled "Historic Waterways" and the head note augmented as proposed by the Department.

3.12. THE CONSERVATION IMPORTANCE OF RETAINING SEMI-NATURAL ANCIENT WOODLAND SHOULD BE RECOGNISED AND SUCH AREAS WITHIN THE BOROUGH SHOULD BE GIVEN ABSOLUTE PROTECTION FROM DEVELOPMENT.

Objection No. 201.

Department's Evidence

3.12.1. Regional planning policy as expressed in paragraph 13 of PPS 2 sets out the Government's aims for nature conservation. Important sites are classified on a hierarchical basis and the Appendices section of the DSTDAP Countryside Assessment has identified and detailed the extent of these designations within the Plan area. The Draft Plan has proposed a number of SLNCIs and Policy CON 1 has been introduced to assist in their protection. Many areas of important woodland within the Borough are already included within recognised sites of nature conservation value. The Department does, however, recognise that there may be instances where the knowledge of semi-
natural woodland is incomplete but paragraph 62 of PPS 2 allows for any information obtained through consultation responses from Environment & Heritage Service or representations received from amenity bodies and the general public to be taken into account when determining planning applications.

3.12.2. The Woodland Trust has recently received funding to create the first inventory of ancient woodland in Northern Ireland. Since the extent of such woodland within the Plan area is unknown at present, it would not be appropriate to include a local policy for the Plan area at this point in time. Appropriate degrees of protection could be addressed in any revision of PPS 2 when ancient woodland surveys have been completed.

3.12.3. Areas of significant woodland have been excluded from the Draft Plan's proposed zonings where land has been allocated for development. Submission of a detailed survey of existing vegetation is a planning requirement in many of these instances and trees and hedgerows identified as being in good condition should normally be retained and protected. The provision of buffer zones between woodland and development areas is achievable through normal planning control procedures.

3.12.4. The Department accepts that it is an important function of Area Plans to recognise the significance of urban green space. Major areas of recreation and open space in urban areas have been identified in the DSTDAP and Policy ROS 1 safeguards their use as well as that of smaller zoned areas. Policy CON 2 designates Local Landscape Policy Areas (LLPAs) many of which contain substantial areas of woodland and open areas. Policy HOUS 3 seeks to ensure that adequate open space is provided to meet the needs of new housing areas. Community woodlands identified under Policy AGR 1 will help to increase the total amount of informal open space in Dungannon and Coalisland.

**Objector's Evidence**

3.12.5. Semi-natural ancient woodland (i.e. land continuously wooded since 1600 AD), as the habitat most representative of original, natural and stable conditions, is home to more threatened species than any other habitat in the UK and is irreplaceable. The Government's UK strategy for sustainable development notes the particular value for biodiversity of ancient woodlands and the trend towards their decline and fragmentation. Policies that refer to the absolute protection of ancient woodland from development have been incorporated, for example, into the Lincolnshire Structure Plan Draft Deposit document ("Development which would adversely affect ancient woodland will not be permitted") and within the Leicestershire, Leicester and Rutland Structure Plan ("Development will only be acceptable where it will not result in the loss or damage of ancient woodland"). Although the regional planning context is clearly different in Dungannon and South Tyrone, a similar form of wording should nevertheless be included within the finalised Area Plan.

3.12.6. The DSTDAP indicates that several proposed sites such as DH 02, DH 08, DH 16, DH 18 and DH 19, have boundary trees or dense planting areas within them. The Plan should require that a significant buffer zone is provided between proposed development areas and the woodland edge.

3.12.7. It is essential that Area Plans should recognise the value of urban green space and act upon UK Government guidance. The commitment to community woodlands being established in Dungannon and Coalisland is welcomed. Statements relating to the use of
trees in assimilating new development and contributing to sustainability principles together with the Policy HOUS 3 wording that new residential development will not be permitted unless an appropriate level of open space is provided are also welcomed.

**Consideration**

3.12.8. PPS 2 embodies the Government's commitment to conserve the diversity of habitats and wildlife and paragraphs 64 - 67 of that document seek to protect trees and woodlands of particular nature conservation or amenity importance. The Department has acknowledged that little information exists at present about the extent of ancient woodland within the Province or the Borough. In these circumstances, reliance should continue to be placed on the relevant provisions of PPS 2 pending the completion of a woodland inventory in the Plan area.

3.12.9. The Draft Plan contains a requirement for detailed vegetation surveys as a basis for retaining, protecting and integrating good trees and hedgerows into the overall design and layout of development schemes for major housing sites in Dungannon and Coalisland. At a broader level, Policy CON 7 places a duty on the Department to assess the need for a tree condition survey as part of all development proposals and outlines the circumstances in which planning permission will normally be granted where trees are to be retained. The need for buffer zones between development schemes and important woodlands should be identified as part of this process. We consider that measures such as these, if consistently applied in day-to-day development control practice, have the potential to achieve an appropriate balance between the need for urban development and the requirement for environmental protection.

**Recommendation**

3.12.10. Because of the limited information currently available, the introduction of a blanket policy for the protection of ancient woodland within the Plan area would not be appropriate.

3.13. **DRAFT PLAN POLICY DOES NOT PROVIDE ADEQUATELY FOR THE RESTORATION OF DESPOILED LAND.**

**Objection No. 224 (Issue 8).**

**Department’s Evidence**

3.13.1. The Department has no powers to enforce proper restoration of mineral extraction areas that were abandoned before 1973 or which operated at that time without planning permission. It may be able, depending on individual circumstances, to take enforcement action to have sites restored in keeping with planning permission for enterprises that were approved after that date. Where warranted, agreements under Article 40 of the current Planning Order provide a valuable additional means of achieving satisfactory site restoration.

3.13.2. PSRNI Policy MIN 8 indicates that the preferred after-use of restored sites will depend on a number of factors such as the characteristics of the deposits, the nature of excavation, the availability of fill materials, the surrounding landscape, the needs of the local community and the potential for nature conservation. Since the PSRNI’s provisions
do not preclude recreation as a possible after-use for minerals sites, the Draft Plan does not require amendment.

**Objector's Evidence**

3.13.3. Draft Plan Policy MN 4 does not adequately provide for the restoration of despoiled land. The finalised Plan must support the re-use of former mineral working sites for recreation purposes.

**Consideration**

3.13.4. DSTDAP Policy MN4, as currently drafted, is less prescriptive and narrower in its focus than PSRNI Policy MIN 8 which requires mineral workings to be restored at the earliest opportunity and would allow for reclamation and after-use that, among other things, meets the needs of the local community. No indication was provided by the Department that the Draft Policy had been tailored to meet the specific circumstances and particular needs of the Plan area. In those circumstances, we consider that there is no requirement for a further level of policy and that reliance should continue to be placed upon the relevant PSRNI provisions as a basis for development control decisions.

**Recommendation**

3.13.5. Policy MN 4 and its supporting text should be deleted from the Plan.

3.14. **GREEN BELT DESIGNATION SHOULD BE EXTENDED ALONG THE PLAN AREA’S PRINCIPAL RIVER CORRIDORS.**

**Objection No. 291.**

**Department's Evidence**

3.14.1. The PSRNI indicates that where it is necessary to protect landscapes from excessive or inappropriate development, Green Belts will be designated around cities and towns, and Countryside Policy Areas elsewhere. A number of the river corridors within the Plan area experience little development pressure and, given the lack of access to them in many areas, that situation is unlikely to change in such locations. On that basis, the Department considers that a policy of protecting all river corridors from development would not be justifiable under PSRNI Policies SP 12 and GB/CPA 1.

3.14.2. Inclusion of a specific river corridor policy to restrain development would require detailed survey of watercourses and a determination of the width of the protective cordon along the entire river system. An arbitrary setback of 10 metres within urban areas and an “exceptional” policy test in rural areas would represent a heavy-handed approach.

3.14.3. The Draft Plan strikes the right balance in that the necessary policies to control development adjacent to rivers is exercised in and near settlements where pressure for building is greatest. For example, a significant stretch of the Torrent River lies within the Green Belt close to the urban edge of Coalisland and many of the rivers adjacent to potential development land within settlements are included within LLPAs. The Torrent has also been designated as a Site of Local Nature Conservation Importance and paragraph 62 of PPS 2 makes it clear that habitats, species and features worthy of protection are particularly prevalent in many areas including river corridors and that any
information gathered as a result of consultation on planning applications will be taken into account.

3.14.4. LLPA designation should help to safeguard access to a river in areas where development pressures are likely to be greatest. The physical separation of town and country is a fundamental part of the Draft Plan’s objectives. Proposals for tourism and recreational infrastructure are included where there is a commitment to a site-specific location. While accepting that there could be environmental damage resulting from uncontrolled building along riverbanks, the Department does not consider that all such locations within the Plan area warrant being subject to “blanket” protection in the absence of evident development pressure.


Objector’s Evidence

3.14.6. Rivers and the corridors through which they flow are major natural resources with considerable potential as amenity, tourist, educational and recreational assets. A clear distinction needs to be maintained between towns and the open countryside. Riparian land in these latter areas should be protected from most forms of exploitation and development.

3.14.7. Riverside amenity and tourist related schemes are only practicable if other development is barred from the riparian corridor. The trend for building along river banks is inconsistent with traditional settlement patterns in rural areas. There is a real environmental and ecological danger from ribbon development along riversides. Taken to their logical conclusion, protection policies in Area Plans would result in an extension of the Green Belt concept in attenuated lines along all principal rivers so that their essential character as areas of amenity and recreation for both urban and rural dwellers can be preserved.

3.14.8. Drainage and land improvement schemes should be subject to searching examination.

Consideration

3.14.9. PSRNI Policy SP 12 indicates that, where it is considered necessary to protect landscapes from excessive pressure or inappropriate development, Green Belts will be designated around cities and towns. “Other areas of countryside under pressure or likely to come under pressure for development which would adversely affect the rural character of their landscapes will be designated as Countryside Policy Areas, including important river corridors”

3.14.10. The DSTDAP Countryside Assessment document identifies rivers such as the Blackwater, the Fury, Ballygawley Water and Oona Water as attractive corridors but, from Departmental analysis, these are not listed as being vulnerable areas in terms of development pressure. These corridors are not devoid of existing or proposed statutory protection. For instance, 15 of the 44 proposed LLPAs are river-based. DSTDAP Policy CON 2 advises that planning permission will not normally be granted for development proposals that would adversely affect the intrinsic environmental value, integrity and
character of these designated areas. Appendix 3 of that document lists their principal features in each instance.

3.14.11. We consider that the provisions of the Draft Plan together with other relevant PSRNI and PPS 2 policies should provide an adequate basis for controlling development pressure within river corridors and flood plains and, where necessary, enable their landscape qualities and their amenity, tourism and educational assets to be safeguarded.

**Recommendation**

3.14.12. No amendments are required to the Area Plan in the light of this objection.

3.15. **THE PLAN SHOULD CLARIFY ITS POSITION WITH REGARD TO TELECOMMUNICATIONS DEVELOPMENT AND THE RE-USE OF REDUNDANT UTILITY BUILDINGS OR SITES.**

**Objection No. 227.**

**Department's Evidence**

3.15.1. Proposals for new telecommunications apparatus are currently assessed in accordance with the provisions of PPS 10 published in April 2002 and which supersedes PSRNI Policy PSU 13. The Department has sought, in preparing the DSTDAP, to avoid duplication of matters already covered in Region-wide policy documents and statements.

3.15.2. The Department does not consider it necessary to make positive reference in the Plan to the suitability of re-using redundant utility buildings and associated landholdings for other beneficial purposes. PPS 4 deals with the re-use of redundant non-agricultural buildings for industrial activities and PPS 6 discusses the utilisation of non-listed vernacular properties for a range of appropriate uses. The future of all redundant buildings, regardless of previous use, would be best judged on their individual merits and in the context of regional and local planning policies and guidance.

**Objector's Evidence**

3.15.3. The Draft Plan makes only a passing reference to telecommunications development in noting the supplementary guidance that is contained in Development Control Advice Note (DCAN) 14 “Telecommunications Prior Approval Procedures”. A policy similar to PSU 13 of PSRNI should be included in the Plan or, alternatively, the Written Statement should specify that proposals for telecommunications development will be assessed in accordance with that particular policy.

3.15.4. The DSTDAP fails to make reference to the suitability of re-utilising redundant buildings for other beneficial purposes, including residential or employment use. A significant proportion of the existing telecommunications estate will become surplus in whole or in part within the next 5-10 years. It is therefore important that development plans are sympathetic to the potential for such change and it is crucial that maximum flexibility is written into the Plan to allow for this. The following policy is suggested:-
**Policy EUS 1: Established Utility Sites**

“In circumstances where established utility sites and their associated land holdings are no longer required for their original purpose, the Plan will consider change of use or new development proposals in a positive manner having regard to the need for utility operators to re-invest in services to the benefit of the public.

**Justification**

A range of essential services such as energy, telecommunications, water supply and sewerage is provided within the Plan area. Often these are in specialised buildings, e.g. telephone exchanges, and are protected by wayleaves which safeguard tracts of land from encroaching development.

Advances in technology and the need for resource management often result in the original land requirements becoming surplus. Policy EUS 1 recognises the need to respond positively to such disposals in order that proceeds can be re-invested towards the aim of improved service and infrastructure provision.”

**Consideration**

3.15.5. In the period since this particular objection was lodged, the legislative and policy provisions relating to telecommunications development have changed considerably. As already pointed out, PPS 10 supersedes PSRNI Policy PSU 13 and it also takes precedence over the provisions of existing development plans in relation to telecommunications development. The superseding consultation draft of DCAN 14, published in July 2003, provides complementary guidance about how the radio telecommunications industry can continue to expand its operations in a manner that minimises the visual and environmental impact of equipment and illustrates how apparatus can be suitably installed. The objector has not identified any exceptional circumstances or issues that require tailor-made policies to be drafted for the Plan area. We agree that duplication within this Area Plan of policies that already apply to the whole of Northern Ireland is unnecessary.

3.15.6. The adaptation of redundant buildings for appropriate new uses is usually acceptable in urban and rural locations provided that such proposals comply with the relevant policy, planning and environmental requirements. We do not consider that a specific planning policy relating to the re-use of utility buildings or sites is warranted for the Dungannon and South Tyrone area.

**Recommendation**

3.15.7. Since current planning policies, advice and procedures provide an adequate basis for determining telecommunications related development proposals, no amendment is required to the Plan in response to this objection.
4.0 DUNGANNON TOWN AREA

4.1 DESIGNATION OF LAND AT CASTLE HILL AS A RECREATION AREA IS OPPOSED. 
Objection No. 076. Site

and Surroundings

4.1.1. The 0.6 ha. objection site is located within Dungannon town centre immediately to the north of Market Square, to the rear of the former RIC barracks, and is in Ministry of Defence use.

Department's Evidence

4.1.2. This land was located within the limit of town centre uses in the ETAP and was regarded in the more detailed 1985-1994 Dungannon Town Centre Plan as forming part of a larger area that provided “an excellent opportunity for the development of a major urban park which would be of considerable significance to all of Dungannon”. The Borough Council, when consulted on the 1998 Preliminary Proposals, indicated its intention to develop a town centre park on this site. The area was zoned as recreation/open space in the DSTDAP, with potential for pedestrian connections through to the town’s leisure centre on Circular Road.

4.1.3. Castle Hill is archaeologically and historically important. From the 13th to the beginning of the 17th centuries, this was the site of the O'Neill Castle and the centre of Gaelic power in medieval Ulster. Remains within the summit area of the hill, which has not been developed in modern times, are scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995.

4.1.4. The site is naturally strategic, implying a potentially long history of use before it became the seat of O'Neill power. The panoramic views from the hilltop over several counties together with the historical significance of the location make this site so important that it should be protected from development in the wider public interest. Development here would be contrary to the strategic objectives and policies of PPS 6.

Objectors' Evidence

4.1.5. The owners of this area object to the DSTDAP designation of the Castle Hill lands as a recreation and open space area. It is their intention to develop the grounds and existing buildings once the lease to the Police Authority expires.

Consideration

4.1.6. The Draft Plan proposes that the open aspect and historical importance of the elevated lands comprising the DR 01 zone and the immediately adjacent LLPA 07 area on its eastern side should be protected and that their prominence and location endow them with considerable public amenity potential. It is also evident that the Borough Council, as the principal provider of public sports and recreation facilities, proposes to create a public park at Castle Hill although no indications have been provided as to the likely timescale for implementation or the extent of the area to be so developed. Similarly, no details
have been provided to the Inquiry as to the extent of the objectors' land or property ownership or of their development intentions.

4.1.7. One of the Draft Plan's stated objectives is to protect and enhance landscape features, natural habitats and man-made features which are of conservation importance and which contribute to the overall character of individual settlements and the wider countryside. The greater part of the DR 01 zone is defined in the DSTDAP as being within an area of archaeological potential and it contains a scheduled site and monument. In such circumstances, any development proposals in this part of the town centre would have to be judged in the context of policies such as those in PPS 6 as well as Draft Plan Policy CON 3.

4.1.8. Considering the objection site’s strategic location on elevated ground at the heart of Dungannon town centre together with its archaeological and historic importance, we are satisfied that the Castle Hill area is eminently suitable, in land use terms, to function as an open space and recreational area.

Recommendation

4.1.9. The DR 01 zoning of these lands should be confirmed.

4.2. GROUND AT BEECH VALLEY SHOULD BE INCLUDED WITHIN THE DUNGANNON TOWN CENTRE BOUNDARY.

Objection No. 077, Site and Surroundings

4.2.1. The 0.84 ha. objection site forms part of a larger 5.8 ha. area that lies to the south of the Dungannon Railway Park and directly opposite the bus station. The greater portion of the larger area sits below an escarpment that is bounded in part on its southern side by Windmill Hill Road. The south-eastern portion of the lands comprising Objection Site 077 consists of an elevated plateau of ground that is bounded along its road frontages by a stone wall and statutorily protected trees. Terraced housing exists directly opposite on the south-eastern side of Beech Valley which rises steadily from the bus station to meet Windmill Hill Road and Manse Road.

Department's Evidence

4.2.2. The subject lands lay outside the designated town centre boundary both in the ETAP and the subsequent Dungannon Town Centre Plan 1985-1994. A considerable proportion of the objection site was identified in that latter Plan as an area of change and opportunity. Land was reserved for a new bus station on the eastern side of Beech Valley. The DSTDAP Preliminary Proposals extended the town centre boundary to encompass most of the objection site, the bus station lands and neighbouring ground through to Old Eglish Road in the east. However, the boundary was trimmed back at Draft Plan stage to exclude the objection lands and run along the southern limits of the Railway Park.

4.2.3. One of the objectives of PPS 5 is to sustain and enhance the vitality and viability of town centres. The delineation of a town centre boundary assists in achieving this objective by directing retail development in the first instance to central locations so as to provide a compact and attractive shopping environment. The town's commercial core is centred
upon Market Square, Scotch Street and Irish Street although the new road link via Anne Street has begun to open up development opportunities there.

4.2.4. The DSTDAP identifies eight specific opportunity sites that could meet the terms of Policy RSO 3 and are closer than the objection lands to the existing commercial core of Dungannon. The redevelopment of these derelict or under-used areas is preferable to extending the town centre boundary to include ground that, in the main, already contains operating businesses. While accepting that some of these opportunity sites are in peripheral parts of the town centre, they are not intended solely to serve retail uses in each and every instance.

4.2.5. A “health check” carried out as part of the plan preparation process established that, based on 1995 Valuation and Lands Agency information, there were 48 vacant shops in the town centre, representing 20% of units and 19% of its gross retail floorspace. Such a situation offers further opportunities for development within the existing commercial core.

4.2.6. The objection lands are physically separated from the town's major retail area by the Railway Park, a distributor road and the steep incline of Scotch Street. The “health check” survey of weekend pedestrian movement in September and October 1999, when the new Beech Valley food store was trading, recorded low flow levels, averaging 27 people per hour in both directions, between that area and the town centre. The combination of intervening land uses and topography contributes to this situation. Inclusion of the objection site within the town centre boundary would not assist in meeting the PPS 5 objective of achieving a compact town centre that is accessible to all users.

4.2.7. Various commercial and service uses including a food store occupy much of the lands at Beech Valley and these are compatible with an edge-of-centre location. If, in seeking a boundary change, it is the objector's intention to cater for comparison shopping or mixed retailing, the Department considers that sufficient and better suited opportunities exist within the town centre as defined in the DSTDAP.

4.2.8. The objection lands are positioned furthest away from the town centre and abut the Dungannon settlement limit at Windmill Hill Road. A location such as this does not warrant being designated as part of the town's central area. Planning permission has recently been granted on part of these lands for the provision of a 650 sq. metre retail unit for the sale of bulky goods. This type of development, with its associated car parking, is entirely acceptable adjacent to the town centre. Outline planning permission for a restaurant and hot food takeaway facility on part of the site was renewed in March 2001.

4.2.9. It is acknowledged that the objection lands may have experienced a greater degree of severance from the town centre had the Railway Throughpass route remained as an Area Plan proposal.

Objector's Evidence

4.2.10. The DSTDAP proposal to exclude the subject lands from the town centre boundary should be re-considered, taking into account the following relevant factors:-
• the site has been levelled and prepared for development in conjunction with the neighbouring food store complex;

• Beechvalley House and an adjoining building on site had been used as a bonded store and subsequently as a distribution warehouse until they were destroyed by fire in the 1980s. Outline planning permission was granted for small retail development on that site at that time;

• the Department has indicated that, subject to satisfactory impact assessment results, retail warehouse development may be acceptable here;

• the site, being geographically close to the town centre and adjacent to the bus station, is easily accessible by traffic and pedestrians; and,

• Beech Valley Road would form a natural boundary to the town centre.

4.2.11. Some of the opportunity sites referred to by the Department have lain vacant or in an undeveloped state for several years. Although it is accepted that a modest food store has been constructed recently at Site DOS 02 between George's Street and John Street, other land such as Site DOS 05 fronting onto the Thomas Street/Ann Street Link was acquired some considerable time ago but has not as yet been brought into active use. In terms of commercial reality, the majority of the DSTDAP town centre opportunity sites are not attractive to developers and if this present situation prevails, investors may select other towns for development in preference to Dungannon, which would be to its detriment.

4.2.12. The finalised Plan should recognise the suitability of the Beech Valley lands for development, possibly for retail warehousing, although some interest has been expressed in providing an additional food store there. Retail warehousing schemes in locations beyond the Greater Belfast Area are likely to have smaller gross floorspace areas than the 1,000 sq. metres threshold used by PPS 5 to define such developments. That has already been shown to be the case at the subject site. Provision on this lesser scale, even in cluster form, would not pose any significant threat to the present town centre's retail viability or vitality. Development could be achieved while retaining the protected trees on site.

4.2.13. Many towns in Northern Ireland have steep shopping streets yet this does not preclude such areas from being designated as town centre locations. No good reason exists, therefore, to retain the subject site outside the Dungannon town centre boundary.

4.2.14. The objector is not fully familiar with the tenets of the Strategy commissioned by the Dungannon Regeneration Partnership or of its suggestions for the town centre arising from that study.

**Consideration**

4.2.15. The ETAP aim of realising the commercial potential of central Dungannon and making it attractive to residents and visitors was developed to a greater degree of detail in the subsequent 1985-1994 Town Centre Plan. The originally-defined limit of town centre uses was considerably expanded in that latter Plan and the southern boundary was drawn to coincide with the townward edge of the Railway Park. The 1998 Preliminary
Proposals brought tracts of Beech Valley ground adjacent to the objection site within its intended town centre boundary at a point in time when planning permission had been secured for retail development on those immediately adjacent lands. PPS 5 guidance was available as a material planning consideration from June 1996 onwards. At Draft Plan stage, some retraction of the town centre boundary occurred so that its edge now follows the southern limits of the Railway Park as far as Ballygawley Road and its junction with Newell Road.

4.2.16. The Department provided no clear explanation of the factors that led to its amendment of the town centre boundary at Preliminary Proposals stage or subsequent adjustments when the Draft Plan was published almost 18 months later. The DSTDAP Technical Supplement does not specify when the town centre “health check”, as advised in PPS 5, was carried out although it is evident that some of the work, for instance on car parking capacity, public transport services and shopper surveys, was undertaken in 1999. It is clear, nonetheless, that development in the general Beech Valley area was not particularly curtailed during these stages of plan preparation. The construction of the food store and the granting of subsequent planning permissions at this edge-of-centre location appear to be generally in line with current planning policy on retailing and town centres. The DSTDAP written statement also refers to planning applications having been submitted for major retail development at two of town centre's identified opportunity sites (DOS 04 and 05). In addition, development has been completed at opportunity site DOS 02. No unequivocal or anecdotal evidence was provided of decisions by potential investors to actively bypass Dungannon because of a lack of suitable development sites within the town centre.

4.2.17. Objection Site 077 sits at a higher level than the adjoining lands to the north-west but is capable, if necessary, of being developed separately with a discreet vehicular access from Beech Valley. Indeed, such an access has already been approved. There is no impediment in planning terms to implementing the December 2002 consent for the bulky goods retail unit within the north-eastern quadrant of the subject lands. According to paragraph 43 of PPS 5, favourable consideration will be given to retail warehouse developments of an appropriate scale on suitable sites in edge-of-centre locations and preliminary indications from the Department do not appear to preclude such a possibility here. PPS 5 provides guidance and sets out the policy tests that need to be satisfied if other forms of development such as comparison shopping or mixed retailing were to be contemplated at this site.

4.2.18. One of the eight elements of the DSTDAP Plan Strategy is to “retain and provide development opportunities for shops, services, leisure activities and mixed use within the town centres of Dungannon and Coalisland where they will contribute to their overall vitality and viability and are accessible to all members of the community by a variety of means of transport”. The identification of a primary retail core within the town centre places greater emphasis both on maintaining compactness and accessibility in the heart of the town and on operating policies that encourage regeneration, better use of existing space and new investment of an appropriate type and scale within those defined areas. The revitalisation of Dungannon town centre has been a long-standing aim of the planning process and one that appears to be shared by other agencies promoting its regeneration. Topography is also an important factor in Dungannon where there is a level difference of 36 metres over a distance of 450 metres between the Scotch Street/ Railway Road junction and the cenotaph in Market Square.
4.2.19. Notwithstanding the presence of retailing activities on the neighbouring site, we regard the objection lands as part of a discreet area that is complementary to, but physically divorced from, central Dungannon. We have concluded from the information before us that, as more than 5 ha. of land remains available for development on identified opportunity sites and the issue of underused or vacant floorspace needs to be addressed, an extension of the town centre boundary to encompass Beech Valley is not warranted in planning terms at this point in time.

**Recommendation**

4.2.20. No change should be made to the Plan in this regard.

**4.3. THE DRAFT PLAN'S HOUSING TARGET FOR DUNGANNON IS ARBITRARY AND FAILS TO RECOGNISE THE TOWN'S ROLE AS ENVISAGED IN THE REGIONAL STRATEGIC FRAMEWORK.**

**Objection No. 027.**

**Department's Evidence**

4.3.1. The 15-year DRSF housing target of 3,100 dwellings by 2010 was considerably less than the level of 5,500 units referred to in the 1998 Preliminary Proposals document which had anticipated that 1,700 residences might be required in Dungannon along with 600 in Coalisland. The finalised RDS Housing Growth Indicator for the entire Borough for the period between 1998 and 2015 has now been set at 4,400 dwellings.

4.3.2. The Department does not accept that there has been a historically slow release of housing land in and around Dungannon. A generous oversupply of ETAP zoned ground coupled with insufficient demand for housing may more accurately represent the reasons why development land still remains available within the town.

4.3.3. Broader issues in relation to the town's strategic role fall within the remit of the RDS, the essential purpose of which is to set the spatial planning framework that will guide the Region’s long-term physical development through to 2025. The role of Area Plans is to reflect that guidance. RDS growth indicators can be more than accommodated within the DSTDAP Phase 1 and 2 housing zonings.

**Objector's Evidence**

4.3.4. The Draft Plan suggests a Borough housing target of 3,100 units by 2010 with 1,000 of these located in Dungannon. Apart from that brief statement, there is no evidence in the document as to how that figure was arrived at. In the absence of a demographic technical supplement, it is not possible for those with an interest in the supply and development of housing to assess the validity of the DSTDAP’s underlying population and household projections. The figure of 1,000 units seems arbitrary and would add only 100 dwellings per annum to the town's gross housing stock. Even without access to the demographic assumptions underpinning the Plan, those with knowledge of housing pressures, the availability of development land and the reality of housing need in Dungannon are aware of the historically low release of residential areas in the town. This has resulted in a wide range of planning problems and inefficiencies in both the current and long-term use of land in the Borough. Overall, there has been a failure to recognise the development capacity of Dungannon as described in the Regional Strategic Framework.
4.3.5. A study of the Craigavon housing market by the University of Ulster showed that Greater Belfast was space-packed and that residential opportunities were spreading out to towns close to the M1 motorway. Dungannon is now firmly part of that trend and this needs to be reflected both in the Plan’s housing supply projections and in the range of physical development opportunities to be provided locally.

Consideration

4.3.6. We established during the course of the Inquiry that the Technical Supplement supporting the DSTDAP was not published simultaneously with the Draft Plan, thereby depriving interested parties of an opportunity of studying and commenting on a range of background material. This, in our opinion, is a less than satisfactory approach to development plan preparation. In this particular instance, objector's concerns are directed primarily against the DRSF housing target for Dungannon town.

4.3.7. The matter of regional population forecasts and housing projections was dealt with in some detail during the Public Examination of the DRSF and the Independent Panel's conclusions and recommendations are set out in its February 2000 report. These informed the subsequent RDS and its Housing Growth Indicators for District Council areas now form part of the formally adopted overarching strategic framework for the Province.

4.3.8. No specific evidence has been provided by the objector of the ways in which the Draft Plan has failed to recognise Dungannon's capacity in a regional planning context. One of the stated elements of the DSTDAP strategy is to “promote Dungannon as a key service centre within Northern Ireland and strengthen its role as the principal administrative, trade, employment and residential centre within the Borough”. This, in our opinion, equates broadly with indications of the town's future potential as set out in the December 1998 “Family of Settlements” report. In addition, the current RDS Spatial Development Strategy identifies Dungannon as a Main Hub town, one of a network of such settlements strategically placed on the Regional Strategic Transport Network which have a capacity to accommodate and provide a wide range of complementary services. The town’s role within a regional planning context is therefore clear.

4.3.9. The RDS indicators of housing provision are listed on a District-wide basis and it is the role of development plans to allocate land appropriately and to reconcile any potential conflict between the need for development and the requirement to protect the environment within particular areas. Given our findings earlier in this report regarding the materiality of the RDS (paragraph 3.3.40) and the more-than-adequate allocation of actual and potential housing land in Dungannon and the remainder of the Plan area (paragraph 3.3.41), we conclude that this objection has not been sustained.

Recommendation

4.3.10. The Area Plan should remain unchanged in regard to these matters.
4.4 VEHICULAR ACCESS TO THE DH 01 LANDS FROM QUARRY LANE WOULD RESULT IN DANGER TO RESIDENTS AND ROAD USERS.

Objection No. 009. Site

and Surroundings

4.4.1. This 6.2 ha. Phase 1 residential allocation abuts the Dungannon town centre boundary on its north-western side. It is enclosed by post and wire fencing with occasional tree groupings to the north. A watercourse extends along the western edges of the site while the eastern margins are marked by mature trees to the rear of residential properties at Woodlawn Drive. The southern limits of the subject ground are undefined. Adjacent land uses include a private nursing home, vacant ground to the north-west and agricultural land to the south-east. Ground levels rise from the Quarry Lane frontage to the site's southern boundary.

Department's Evidence

4.4.2. This site was identified for housing purposes in the ETAP. It was allocated as “white” land within the settlement limit at Preliminary Proposals stage but was zoned once more for housing in the Draft Plan.

4.4.3. Roads Service has indicated that, subject to a widening of the carriageway across the site's frontage, access from housing development onto Quarry Lane would not result in any unreasonable problems in terms of the road's carrying capacity or danger to road users. It is used as a town centre by-pass and the 24-hour two-way flow, measured in May 1998, was 8,076 vehicles per day (vpd). The site could accommodate approximately 90 houses at an assumed density of 15 dph which would generate about 940 vpd. Only one injury accident was recorded here in the four-year period from January 1997 to December 2000. Traffic assessments in April 2001 showed an 85th percentile speed of 40 mph. Visibility splays of 4.5 x 120 metres in each direction can be obtained here although some land may be required beyond the limits of the site to achieve these sight line standards. The Department proposes to retain the development requirement that vehicular access to the subject lands should be taken from Quarry Lane and from the proposed Opportunity Site DOS 05 to the south which has a frontage to the Thomas Street/Ann Street Link.

Objector's Evidence

4.4.4. Quarry Lane is an extremely busy route and traffic leaving the town centre has to descend a steep hill. Visibility is very limited at the point of access to the proposed housing area. A real danger will exist both for vehicles leaving the site and for westbound traffic.

Consideration

4.4.5. The subject site is located in a sustainable location close to Dungannon town centre but has remained free of development notwithstanding its long-term zoning as a housing area. The evidence on such matters as traffic flows, accident levels and the carrying capacity of the local road system demonstrates to our satisfaction that the objector’s concerns are not technically sustainable.
**Recommendation**

4.4.6. No change should be made to the Plan. The principal access to this site should continue to be taken from Quarry Lane.

4.5. **LAND AT ROS BEG TO THE NORTH OF DUNGANNON SHOULD BE BROUGHT WITHIN THE DEVELOPMENT LIMIT AND ALLOCATED FOR HOUSING.**

**Objection No. 255. Site and Surroundings**

4.5.1. The objection site consists of 6.4 ha. of open agricultural land that straddles the A 29 Cookstown Road and is bounded on its western side by a watercourse and by steeply rising land at Rossmore Road on part of its eastern extremity. A small cluster of houses exists close to the Cookstown Road/Derraghadoan Road junction opposite the site's north-western boundary while a single dwelling that is screened by a well maintained hedgerow lies immediately to the north-east and gains access to Rossmore Road.

**Department's Evidence**

4.5.2. These lands lay considerably beyond the ETAP limit of development for Dungannon and within an Area of Special Importance that was subject to strict planning control. Following a review of the Department's rural planning policies, the locality was classified as an Area of Special Control and subsequently as Green Belt. That designation remained unchanged on publication both of the Preliminary Proposals and DSTDAP documents.

4.5.3. The strategic role and objectives of the Green Belt in restraining development pressure and the long-term commitment to retention of the open character of these designated areas are set out fully in the PSRNI report.

4.5.4. Removal of the subject lands from the Green Belt would represent an illogical fragmentation of this protected area of countryside. Zoning of the site for housing development without incorporation into the Dungannon settlement limit would result in the creation of an isolated pocket of land that is likely to become the focus of development pressure just beyond the district town.

4.5.5. PSRNI Policy SP 2 requires a planning assessment to be made for each town so as to enable settlement limits to be identified that are appropriate for its future development. The limit for Dungannon has been defined following an analysis of development trends and an evaluation of environmental issues, physical features, and availability of services. Draft Plan objectives, 2, 3, 4 and 5 are also relevant insofar as this particular objection is concerned.

4.5.6. Inclusion of the objection site within Dungannon would promote considerable urban sprawl, contrary to Green Belt and Draft Plan objectives. A generous settlement limit has been proposed for the district town and adequate land has been identified at more appropriate locations within it to meet Dungannon's anticipated needs for the period of the Plan. As such, there is no overriding need to include extra housing land here. Intervening ground between the objection site and the settlement boundary has not been
the subject of objection and is, therefore, likely to remain outside any formalised urban development limit.

**Objector's Evidence**

4.5.7. The Plan boundary should be extended to include the Ros Beg lands for housing development.

**Consideration**

4.5.8. No information was provided on behalf of this objector to challenge the extent or adequacy of DSTDAP housing provision within Dungannon or to establish overriding reasons why the strict control policies that apply within the Green Belt should be set aside in this instance.

4.5.9. The objection site lies about 700 metres beyond the Draft Plan's northern limit for Dungannon and in a landscape setting that has no visual connection with the town's builtup area. The presence of the seven houses to the north at Derragadoan Road does not provide a justification for opening up a new tract of residential land nearby that would have the potential to accommodate about 95 dwelling units.

**Recommendation**

4.5.10. The interests of the Plan would be best served by retaining this area as part of Dungannon's Green Belt surroundings.

4.6. **CONSIDERATION SHOULD BE GIVEN TO THE EARLY PROVISION OF A DAY CARE NURSERY AT ROSSMORE ROAD.**

**Objection No. 017, Site and Surroundings**

4.6.1. This 2.1 ha. site comprises two fields in northern Dungannon accessed from Rossmore Road by a farm laneway that currently serves three residential properties. Adjacent land uses include a GAA sports ground and a largely disused farm complex to the south, a residential property along part of the site's northern limits and generally open agricultural land to remaining boundaries. That part of the site to the east of the laneway is relatively flat. The land to the north rises steadily in the direction of Dungervin Hill.

**Department's Evidence**

4.6.2. This general area had formed part of the Green Belt until it was proposed for housing at Preliminary Proposals stage and was subsequently classified as Phase 2 residential land when the DSTDAP was published in May 2000. Revision 1 of the Draft Plan indicates that the site would be bisected by the proposed Dungannon Eastern Distributor Road (DEDR) as it crosses from Coalisland Road to link with the A 29 route to Cookstown.

4.6.3. There is nothing within DSTDAP Policy HOUS 1 that would specifically exclude a community use of this type from being considered as part of a development scheme on Phase 2 housing land. Policy COM 1 allows for the siting of community uses within settlement limits and reflects the fact that demand for such facilities is difficult to predict.
over the lifetime of a development plan. Phase 2 housing zonings can, therefore, be considered as potential and immediate locations for such uses subject to meeting the relevant policy tests.

4.6.4. Zoning land specifically for community uses could prove inflexible in situations where such development does not proceed on allocated sites. The land in question should remain as Phase 2 housing ground and any planning application for a day care nursery should be determined on the basis of DSTDAP Policy COM 1.

Objector's Evidence

4.6.5. The objector, who has all the necessary qualifications to provide child care services, wishes to build a single storey day nursery that complies fully with the regulations for such a facility.

4.6.6. At present, there are only two other similar developments in Dungannon and both are located in the south of the town. Market research has confirmed that there is an urgent need for this type of service in Dungannon, Coalisland and surrounding areas. Plans to provide a new facility were accelerated following the identification at Preliminary Proposals stage of these family lands as a proposed housing area. However, the more recent classification of the DH 29 area for use in the second phase of the Plan is now a matter of concern. Could this particular proposal, which is well advanced in terms of feasibility, be considered as a “one-off” development capable of proceeding at an earlier stage?

Consideration

4.6.7. This site specific development proposal does not challenge the Draft Plan's allocation of the DH 29 lands as a second phase housing area but rather seeks to explore if a day care nursery would be permissible at an earlier stage in the Plan period.

4.6.8. DSTDAP Policy HOUS 1, as currently drafted, restricts development on Phase 2 lands to single dwellings in accordance with PSRNI Policy GB/CPA 1 until the proposed housing review is completed in 2005. The underlying purpose here appears to be to safeguard these lands from other forms of development, such as non-residential uses, that would normally be acceptable on Green Belt sites. While the Department may have intended to concede this particular request, the evidence raises an immediate conflict in terms of planning policy. On its face, the concession that Phase 2 lands can be considered as potential and immediate sites for community uses would allow such developments to be provided at locations well beyond the present built-up area within Phase 2 areas that might not ultimately be released for house-building. A more sustainable planning approach is warranted in our judgement and Policy COM 1 should address this particular issue insofar as it relates to proposals for community uses on Phase 2 lands within Dungannon and Coalisland. Normal development control procedures should be used to assess and decide upon the Rossmore Road proposal put forward by this objector.

Recommendation

4.6.9. Policy COM 1 should be modified so as to clarify its position regarding community uses on Phase 2 residential lands in the two main towns in the period between adoption of the Plan and completion of the intended housing review.
4.7 GROUND TO THE REAR OF NO. 31 COALISLAND ROAD SHOULD BE BROUGHT WITHIN THE DUNGANNON DEVELOPMENT LIMIT AND ZONED FOR HOUSING. Objection No. 254. Site and Surroundings

4.7.1. This 0.4 ha. field is accessed through the curtilage of the dwelling at No. 31 Coalisland Road on the northern outskirts of Dungannon. It is bordered by mature trees to the north and south, by a well-maintained hedgerow for a large part of its boundary to the west and by scrub vegetation on its eastern side. Agricultural ground lies to the north and east while a business and small shop are located on the same side of Coalisland Road immediately to the south of the site.

Department's Evidence

4.7.2. The site was first shown as “white” land within the Dungannon development limit at Preliminary Proposals stage but reverted to Green Belt on publication of the Draft Plan as a result of the exercise that sought to bring the DSTDAP housing proposals more into line with RDS housing growth indicators. This process included an analysis of development trends, environmental issues, physical features and the availability of services, as outlined in the DSTDAP Countryside Assessment document. “White” lands, if retained as such on the settlement edge, would have had no phasing constraint if selected for housing and would not have contributed to the drive for residential development within the urban footprint.

4.7.3. The Department considers that adequate and more appropriate housing ground has already been identified in this general location. For example, Phase 1 housing areas DH 03 - DH 06 involving 17.4 ha. of land, could potentially accommodate 260 dwellings.

4.7.4. The general extent of the Green Belt in this location has been drawn to take particular account of the need to safeguard the surrounding countryside and protect the setting of Dungannon. The factors listed in paragraph 3.17 of the Countryside Assessment were considered in defining Green Belt limits at a local level. The boundary, as currently proposed along the western flank of the subject lands, provides strong definition by making use of the mature hedge to the rear of the existing dwelling (No. 31) and avoids higher ground beyond that curtilage. It is acknowledged that views of the objection site from the surrounding road network are limited because of its backland location and the presence of neighbouring boundary features.

4.7.5. Considering the speed of traffic on Coalisland Road, sight lines of 4.5 x 120 metres would be required for a development of six houses but a standard of 2.4 x 90 metres would be acceptable if a lesser number of properties is intended. The hedge along the frontage of the adjoining garden to the north of No. 31 would require to be set back and areas on either side of the access would have to be retained clear of obstruction.

Objector's Evidence

4.7.6. This small site lies immediately adjacent to existing housing and is within a kilometre of the town centre boundary. It is very convenient to all amenities and development here would be in a very sustainable location and form. Housing would support the Draft Plan objective of reducing congestion and car journeys and encouraging other modes of
transport such as walking and cycling. While the site would be capable of accommodating six housing units based on the Draft Plan’s density assumptions, the intention would be to provide a lesser number which would be more in keeping with the existing properties fronting Coalisland Road.

4.7.7. The Draft Plan is committed to implementing the regional strategic guideline of providing housing choice to meet community needs. It also recognises that a range of accommodation requirements should be catered for. Not all such needs can, therefore, be provided for in large residential zonings or within village development limits. Release of this small area for individual detached dwellings would help provide for this particular sector of the overall housing market.

4.7.8. Since the objection site was included within the town's development limit when the Preliminary Proposals were issued, it is evident that the Department had selected the rising ground to the east of Coalisland Road as the natural topographical feature to demarcate the urban/rural boundary. The Department has also recognised in its Rebuttal Statement that the subject lands are unobtrusive and not visually prominent when viewed from the local road network.

4.7.9. Paragraph 3.17 of the Department's Countryside Assessment sets out a methodology for determining the outer boundary of the Green Belt rather than its inner edge. The settlement limit identified at Preliminary Proposals stage is a more suitable boundary and it is this line that should be reinstated in the finalised Plan. The small number of dwelling sites that could be provided here, even if as Phase 2 land, would have no impact on overall housing targets.

Consideration

4.7.10. The Draft Plan modified the Dungannon settlement limit by returning a line of six small fields, one of which comprises the objection site, to their earlier designation as Green Belt land. The remaining preliminary “white” lands, some of which had already been developed, were zoned in the DSTDAP as industrial ground.

4.7.11. All parties accepted that the objection site is well screened from public view by road frontage development and planted boundaries. The limited number of houses capable of being built here would have no perceptible impact on the Plan's overall level of residential provision or on the setting of Dungannon when travelling along Coalisland Road. Inclusion of the lands would, however, result in a breaking out from a welldefined set of residential curtilages into a small 80-metre deep field that has no visual separation from extensive countryside beyond. The Draft Plan zones housing lands of varying size and includes opportunities for small-scale development in the immediate vicinity, for instance at the 0.6 ha. DH 03 lands on the opposite side of Coalisland Road, adjacent to Drumglass Special School.

4.7.12. While recognising the modest size of the subject site, we nevertheless consider that the objectives of the Draft Plan would be better served by retaining a compact urban boundary along this eastern section of Coalisland Road.

Recommendation

4.7.13. No change should be made to the Plan insofar as the zoning of this land is concerned.
4.8. **THE DH 30 PHASE 2 HOUSING LANDS TO THE SOUTH-EAST OF LURGABOY LANE SHOULD BE EXTENDED THROUGH TO KILLYMEAL ROAD.**

**Objection No. 258.**

**Site and Surroundings**

4.8.1. The 1.5 ha. rectangular objection site presents a 250-metre frontage to Killymeal Road immediately north and east of the DSTDAP development limit in this locality. An undesignated watercourse exists on its western side while other boundaries are marked by post and wire fencing. The land slopes gradually from south to north. Agricultural ground lies both directly to the north of the site and on the opposite side of Killymeal Road.

**Department's Evidence**

4.8.2. The Preliminary Proposals brought the southern portion of the appeal lands within the Dungannon development limit for possible housing but the entire site was re-designated as Green Belt at Draft Plan stage. That change came about as a result of comments from Environment & Heritage Service to the effect that the subject site consists of a stretch of wet meadow and scrub-land in a drumlin hollow alongside a stream corridor. This together with the presence of willow, as and holly planting provides a good haven for wildlife and a relatively undisturbed area that has a high nature conservation value. Consequently, any development here would destroy its great diversity of habitat. Inclusion within the town's development limit would be contrary to the DSTDAP objective of protecting and enhancing landscape features, natural habitats and man-made features which are of conservation importance and which contribute to the overall character of individual settlements and the wider countryside.

4.8.3. Habitat surveys were not undertaken as part of the Countryside Assessment exercise and wildlife corridors have not been defined in the Draft Plan. This was not one of the locations identified for re-consideration as a Site of Local Nature Conservation Importance by the Borough Council as part of its consultation response to the Draft Plan.

4.8.4. The DSTDAP's overall housing allocation exceeds Dungannon's needs both in relation to RDS growth indicators and assessed requirements as set out in the Draft Plan's Technical Supplement. A generous supply of Phase 1 ground has been provided in this part of the town and zonings such as DH03 - DH06, with a combined area of 17.4 ha., could potentially contribute 260 new dwelling units to the housing stock locally.

4.8.5. The importance of retaining this area of open scrub-land as part of the undeveloped setting of Dungannon would be best achieved by including it within the Green Belt. This would protect and maintain the character, visual amenity and conservation value of the landscape and help to “soften” the settlement edge on the approach to town from the north-east.

4.8.6. The proposed line of the DEDR would only impinge upon a small portion of the objection site, leaving the remainder unaffected. If this objection is successful and the land is allocated for housing, no direct access would be permitted from the new development area to the proposed eastern distributor road around Dungannon.
**Objector's Evidence**

4.8.7. This modest area of land would add approximately 20 houses, or less depending on density, to the total dwelling stock and would not significantly alter the distribution of residential allocations, especially as it would lie within a Phase 2 zoning. The neighbouring DH 30 site does not physically abut a public road at any point along its boundary apart from the proposed DEDR and no access will be permitted from the Phase 2 area to that bypass route. There should be no technical difficulties in linking the objection site and the DH 30 lands directly to Killymeal Road which would be much more preferable than seeking to use the tortuous access to Lurgaboy Lane via the existing Glenree Avenue housing development. It would make good planning sense to incorporate Objection Site 258 as part of the neighbouring Phase 2 housing area and allow for sustainable development close to the town centre.

4.8.8. Nature conservation considerations evidently did not prevent almost half of the objection lands from being identified for housing development when the Preliminary Proposals were released in January 1998. It is also intended that the DEDR will cross a section of the site even though that particular proposal was subject to rigorous environmental appraisal.

4.8.9. The stream, which is referred to as part of this area's high nature conservation value, is bounded on its north-western side by the DH 30 residential zoning. The DSTDAP requirement that "the open water course and associated vegetation along the southeastern boundary should be retained and incorporated into the overall layout" could be repeated for the objection site. The subject lands are not listed as being of nature conservation value in either the Draft Plan or the accompanying Countryside Assessment. Protection of a wildlife corridor and stream-side vegetation could be secured as part of a combined housing development of the DH30 and objection sites whereas the landowner, if he so wished, could clear the scrub vegetation or undertake agricultural improvements without requiring any form of express planning or environmental consent. Retention of the subject lands in an undeveloped state could generate urban fringe problems.

4.8.10. The site is flat and unobtrusive. It would be bounded on its out-of-town side by the proposed DEDR and on two other flanks by Phase 1 and Phase 2 housing. Re-aligning the development limit to coincide with Killymeal Road would result in a well-defined and entirely logical urban edge in this sector of Dungannon. The landscape on the eastern side of Killymeal Road has drumlin characteristics which merit protection as part of the Green Belt.

**Consideration**

4.8.11. Much of the north-eastern section of Killymeal Road is characterised by individual house plots fronting both sides of that road whereas in-depth development at higher density tends to be accessed from Lurgaboy Lane to the north-west. The DH 05 and DH 06 Phase 1 proposals seek to infill an 8.8 ha. area of land between these two roads and it is a planning requirement that new development should be designed so that houses front onto those routes. The nett effect of this would be to extend road frontage development along a 200-metre stretch of Killymeal Road so as to coincide not only with the urban limit on the opposite side of that road just beyond its junction with Kingarve Road but also with the outer edge of the Glenree Avenue development to the north-west. Thereafter, the
DSTDAP development limit runs parallel with, but one field depth back from, Killymeal Road for about 250 metres to meet with the line of the DEDR and enclose the Phase 2 DH 30 lands so as to “square off” the urban form at Lurganboy Lane. Objection Site 258 comprises that single field depth of 60-70 metres immediately beyond the DH 06 area on the north-west side of the road. The Draft Plan proposes that it should remain as Green Belt land.

4.8.12. The DSTDAP Countryside Assessment provides a broad overview of environmental assets across the Plan area in line with PPS 1 advice and identifies 42 sites of local nature conservation or earth science importance. These have been supplemented by 14 additional sites in response to representations by the Borough Council and the Ulster Wildlife Trust. The subject lands are not registered or recognised as being of local nature conservation importance and there are no explicit Draft Plan proposals to offer protection to them. The evidence provided to the Inquiry as to their particular environmental or ecological value was couched in very general terms and was not supported by field study information.

4.8.13. The DH 30 lands rise in a north-westerly direction to higher ground and a ribbon of housing on both sides of Lurgaboy Lane. If residential development is sanctioned here as a result of the local housing review in 2005, the comparatively flat objection site would form a foreground feature when travelling in both directions along Killymeal Road. Its existing infield vegetation, if retained, would filter views of the new urban edge which would also be screened to an extent by vegetation along the watercourse that bounds the DH30 site on its south-eastern margin. However, because of the limited depth of the frontage field, the characteristic sense of openness associated with Green Belt land would not be apparent here and its utility value in terms of agriculture or amenity is likely to diminish over time because of development on its margins.

4.8.14. We consider, on the site-specific merits of this case, that there would be benefits in extending the DH 30 zoning to include the 1.5 ha. objection site, but with provision for access also to be gained to Killymeal Road.

Recommendation

4.8.15. The Dungannon settlement limit should be amended to coincide with the western edge of Killymeal Road and return inland to join with the outer limit of the DH 30 zoning. The objection lands should be allocated meantime as Phase 2 housing ground, subject to review in 2005.

4.9 PROVISION OF PHASE 2 HOUSING LAND IN THE KINGARVE AREA WOULD ALLOW FOR CO-ORDINATED GROWTH IN THE NORTH-EAST SECTOR OF DUNGANNON.

Objection Nos. 027 and 257.

Site and Surroundings

4.9.1 Objection Site 257 (Map PAC 4.9.A) encompasses 13.4 ha. of land on two farm holdings bounded by an agricultural lane to the north, by Killymeal Road to the west, by a section of Kingarve Road to the south and by open countryside on its eastern side. Objection Site 027 (Map PAC 4.9.B) involves 6.1 ha. of ground that belongs to the eastern farm. Field boundaries consist mainly of a mixture of hedgerows and mature trees and there are
some larger stands of trees along the north-eastern extremity of the combined lands. The ground rises at varying gradients to a crest line within the northern portion of the overall site. The steepest inclines are from the south and east while the rise from the west is more gradual.

Department's Evidence

4.9.2 The Department does not accept that the Kingarve area has experienced unplanned and uncoordinated ribbon development. This general locality has been the subject of strict planning control since 1978. Although a small part of the Kingarve Road frontage was brought within the Dungannon development limit as “white” land at Preliminary Proposals stage, all of the ground within both objection sites reverted to its Green Belt designation when the DSTDAP was issued. The Department's preliminary settlement boundaries were based on its own studies and preceded the findings of the Northern Ireland Landscape Character Assessment (NILCA) exercise that was undertaken by consultants on behalf of Environment & Heritage Service and published in July 1999. Revision 1 of the Draft Plan proposes that the DEDR should cross the combined sites diagonally from south-east to north-west.

4.9.3 No justification exists for including additional large-scale additions to either Phase 1 or Phase 2 zonings in the light of regional Housing Growth Indicators for Dungannon District. The objection lands could potentially accommodate just in excess of 200 dwellings at an assumed density of 15 dph. The Green Belt plays a strategic role in restraining urban pressure and in protecting landscapes from excessive and inappropriate development. The objection lands form part of the backdrop to Lough Nacrilly and sit within a wider, attractive and largely unspoiled landscape on the edge of Dungannon and, because of this, they contribute to the rural setting of the town. Development on either site would be prominent in views from the surrounding road network, in particular from Killymeal, Kingarve and Bush Roads. Retention of the objection lands within the Green Belt would assist in safeguarding the surrounding countryside and its open character.

4.9.4 Draft Plan objectives seek, among other things, to:-

• maintain compact settlement forms that avoid urban sprawl, unnecessary ribboning and reduce the need for expansion into the countryside; and,

• provide development opportunities to meet housing and employment needs within a quality and sustainable living and working environment.

The objection lands offer no advantage over existing residential zonings in terms of their potential for housing quality. The impact of development upon the landscape would be significantly more detrimental when compared with areas already allocated for further housing in the locality. That situation applies to the nearby DH 06 zoning which relates more to backland development along Lurgaboy Lane in a landscape that is less elevated and exposed in nature than the objection sites. In addition, inclusion of the subject sites as part of the overall housing land bank would result in a further over-supply of development ground within the town.

4.9.5 Distinctive, low-density residential development aimed at the higher end of the market is not in itself a sufficient reason to warrant inclusion of Objection Site 027 within the
town's settlement limit. The Department will seek quality layouts with an appropriate range of densities and housing mix for all zoned sites in line with supplementary planning guidance such as that contained in the May 2000 “Creating Places” document. These are matters that can be addressed through the normal development control process.

4.9.6 Access would not be permitted from the proposed DEDR to either of the objection sites but it should be possible to serve both areas from Killymeal Road. The exact location of the new road and the format of the bridge/junction of Killymeal Road with the distributor route will not be known until detailed design work on the DEDR has been carried out. Roads Service would have no objection to the inclusion of these lands within the town's settlement limit provided the necessary access standards can be met and the infrastructure required to serve the development can be provided beyond the site.

Objectors' Evidence

4.9.7 The DSTDAP proposals for housing skew long-term expansion in Dungannon to the west of the town. A strategic review of spatial opportunities in the northern and eastern sectors of the town is required to restore balanced residential growth and provide integrated housing, infrastructure and social development.

4.9.8 Killymeal Road is developing as a housing area and is proposed as such in the Draft Plan. The conjoined Kingarve sites would allow for urban extension to meet future housing requirements.

4.9.9 The DSTDAP suggests that development of the DH 31 lands at Drumhariff will involve vehicular access from Killymeal Road and Bush Road. Watercourse management and the provision of sewerage capacity will also be necessary. Given these infrastructure considerations, it would seem both logical and appropriate to include lands in Kingarve within this broader development thrust. This added capacity would support a larger population and ensure a balance in the growth of the town as a whole. In the long term, this would help to ensure that the pressure on schools, local roads and the town centre are managed in an even and spatially efficient way.

4.9.10 Inclusion of the lands at Kingarve would allow earlier unplanned and uncoordinated ribbon development to be consolidated and thereby provide a distinctive residential opportunity for the people of Dungannon. The proposed development at Objection Site 027 would be provided at low density on undulating ground and would facilitate wider choice of residential lifestyles at the higher end of the property market. This would enable the style of development in this area to be planned and implemented in a mature and careful manner without affecting existing property owners, the physical environment or making excessive use of infrastructure capacity. Most new developments in Dungannon, especially at the upper end of the market, seem to be bought before they are built, which is an indication of pent-up demand. Because of this, there is an imperative to provide a diverse and balanced housing structure in the town.

Consideration

4.9.11 The DSTDAP settlement limit currently wraps around a cluster of dwellings at Killymeal Road and along a 250-metre section of Kingarve Road, the majority of which pre-date the release of the East Tyrone Area Plan. The subject lands rise steadily northwards from Kingarve Road, a minor route that connects Killymeal Road with Bush Road, and form
part of a broad sweep of open countryside that is visible over a wide area, particularly from the south-east.

4.9.12 The Preliminary Proposals document states (page 6) that the limits for each settlement and their zonings were defined following an analysis of development trends and an evaluation of environmental issues, physical features and the availability of services. The Kingarve objection sites were almost entirely excluded from the Dungannon settlement limit and retained as Green Belt land at that stage.

4.9.13 Paragraph 2.2 of the May 2000 Countryside Assessment document indicates that its overview of landscape types within the Borough was based on the NILCA appraisal. We note, from that report, that the consultants' study places the objection lands within a buffer zone, the purpose of which is to prevent coalescence with the eastern fringes of Dungannon.

4.9.14 We accept that the distribution of Phase 1 housing lands is concentrated within the northwestern and south-eastern quadrants of the town but opportunities are also available at Oaks Road (DH 04) and fronting onto Killymeal Road (DH 05) in the north-eastern sector, the latter almost opposite the western limits of Objection Site 257. The Phase 2 allocations in north and west Dungannon are counterbalanced by the DH 31 and DH 32 lands on the eastern edge of the town.

4.9.15 Paragraph 1.1 of PPS 7 expressly states that the Government wishes in future to promote a more sustainable form of development through a two-pronged approach of encouraging compact forms and promoting more housing within existing urban areas. This is not new advice but builds upon Departmental aims in working towards sustainable development as set out in paragraph 12 of PPS 1, for example. We are satisfied that the tenets of the DSTDAP and its phased approach to housing are generally consistent with the thrust of these policies.

4.9.16. Having accepted the Department’s evidence that more than adequate residential ground has been allocated to meet current strategic housing indicators for Dungannon District, the site-specific merits of objection lands or the contribution they could make to the achievement of wider planning objectives requires close examination.

4.9.17. We do not consider that the objection lands, either singly or in combination, would form a logical or appropriate extension of the Phase 2 ground at Drumhariff, as was claimed by the objectors. They would represent a relatively isolated and unnatural encroachment into open countryside and, because of its elevated nature, development even in low density form would be prominent in the landscape as viewed on the Bush Road exit from town and when travelling westwards along Kingarve Road. The sites possess no natural topographical or defensible boundaries on their eastern flanks but simply follow farm boundaries. The western fields that front onto Killymeal Road provide a very definite physical and visual transition between the low density suburban housing in well landscaped grounds on either side of the Kingarve Road junction and comparatively flat, open countryside with minimal frontage screening beyond, in the direction of Edendork. None of the DSTAP’s stated Plan Objectives would be advanced by the inclusion of the Kingarve lands for housing purposes.
4.9.18 We have not been convinced that quality residential environments could not be achieved within currently zoned housing areas or that particular sectors of the market would not be catered for by the Plan’s provisions.

**Recommendation**

4.9.19. The Plan should be confirmed and these lands should remain as part of the Dungannon Green Belt.

4.10. LAND ON EITHER SIDE OF BUSH ROAD, GORTSHALGAN, SHOULD NOT BE CLASSIFIED AS GREEN BELT.

**Objection No. 016. Site and Surroundings**

4.10.1. These two agricultural fields, with a combined area of 6.1 ha., lie 300 metres beyond the currently proposed development limit of Dungannon and are bisected by Bush Road. The north-western field slopes gently down towards an open watercourse and the well vegetated margins of Lough Nacrilly. It is bounded on its townward side by a builders merchant's premises and along the roadside by low gappy hedging backed by a post and wire fence. The south-eastern field, which is raised above the level of Bush Road and separated from it by a grass bank and post and wire fencing, rises gradually to a crest in the centre of the field. The curtilage of a red brick bungalow abuts this portion of the lands on their south-western edge while a mature hedge and an adjacent lane mark the site's north-eastern extremity.

**Department's Evidence**

4.10.2. Protection of this part of Dungannon's rural surroundings has operated since the adoption of the ETAP and its designation as Green Belt has remained unchanged throughout the preparation stages of the current Draft Plan. Environment & Heritage Service considers that the lands are not only an important part of the natural buffer between Dungannon and The Bush village to the north-east but also that they form part of the setting of Lough Nacrilly which is fringed by an attractive alder/ carr woodland and a typical succession of habitats from grassland through to marsh/fen.

4.10.3 The objector is not proposing that the site should be included within the development limits of any nearby settlement. If these lands were to be removed from the Green Belt, they would fall to be considered as part of the open countryside where less restrictive planning policies apply and, as such, they are likely to become a focus of development pressure.

4.10.4. Introduction of an “island” of development with a potential capacity for about 90 houses at a distance of 250-300 metres from the settlement limits of Dungannon town and The Bush village on land immediately adjoining the attractive countryside around Lough Nacrilly would:-

- represent an illogical fragmentation of the Green Belt;
- have a detrimental impact on the local landscape; and,
- undermine the strategic objectives of Green Belt policy and the long-term commitment to retain the open character of the countryside.

4.10.5. The Countryside Assessment's development pressure analysis indicates (paragraphs 3.15, 3.16 and 3.18) that without the benefit of the Green Belt, this area is likely to experience further urban sprawl and its planning designation as such makes a positive contribution in preventing the merging of neighbouring settlements. In addition to its own work, the Department recognises that the NILCA analysis defines a buffer zone to prevent coalescence between The Bush and the urban edge of Dungannon. At present, eight buildings are visible between the town's limit of development and the objection site. Housing at The Bush begins to become visible when the south-western margins of both objection fields are reached. In the opposite direction, two properties including Elm Lodge are evident between the limit of The Bush and the edge of the objection lands but views are also available from here across Lough Nacrilly and towards the built-up edges of Dungannon. The Department accepts that Lough Nacrilly is not identified in the DSTDAP as a Site of Local Nature Conservation Importance.

4.10.6. Green Belt policy does not impose a “blanket” ban upon development. Policy GB/CPA 3, for instance, states that in order to preserve the open character and visual amenity of Green Belts, it is necessary to prevent the proliferation of isolated new buildings, including rural dwellings. There will, however, be circumstances in which new dwellings are justified. In all cases, other than replacement or the infilling of a small gap, the onus is on the applicant to provide justification of the need for a dwelling.

4.10.7. Outline planning permission for a dwelling and detached garage was refused on land within the south-eastern field in July 1999 and again in February 2001.

Objector's Evidence

4.10.8. The land at Gortshalgan is being classified once again as Green Belt despite the fact that the objector has been trying for some considerable time to secure planning permission in order to build a bungalow here. It was understood that the new Area Plan might allow this to happen but it does not now seem that this will be the case. Inclusion as Green Belt is objected to in the strongest way possible. This particular matter should be reconsidered in favour of the objector.

Consideration

4.10.9. There is a separating distance of 900 metres between the DSTDAP's proposed development limits of Dungannon and the village known as The Bush. The subject fields lie at a mid-point between these two settlements. This stretch of open countryside is not devoid of development but Green Belt policy places a clear presumption against any new building and against any new use of land which might create a demand for more buildings, apart from a limited number of uses which are, in principle, appropriate to a rural location.

4.10.10. It is evident from the Department's information that comparatively recent planning applications for single houses on part of the Gortshalgan lands have not been successful, presumably because neither proposal met the relevant policy criteria for acceptance within a Green Belt location.
4.10.11. When account is taken of such factors as the proximity of Dungannon to The Bush, the level of development already in existence in the locality and the sensitivity and open character of the local landscape, we consider that a continuation of the strict levels of control inherent in Green Belt policy is warranted here.

**Recommendation**

4.10.12. The Green Belt status of these lands should be confirmed.

4.11. PORTIONS OF THE DH 31 LANDS AT DRUMHARIFF TOWNLAND SHOULD BE ALLOCATED AS FIRST-PHASE HOUSING GROUND.

**Objection Nos. 007, 206, 228 and 299.**

**Site and Surroundings**

4.11.1. These objections relate to three parcels of land within the wider 35.6 ha. Drumhariff zoning which is currently allocated as Phase 2 housing ground.

4.11.2. Objections 007 and 299 (Map PAC 4.11.A) refer to a 1.8-ha. site that abuts Ardkeen Close, a residential cul-de-sac within a small housing development accessed from Killymeal Road on its north-western flank. The site is bounded for the most part along its north-eastern edge by a linear group of trees and a sheugh. Mature vegetation provides some separation on its north-western boundary while post and wire fencing marks the entire south-eastern limits of the site. Adjacent land uses include open agricultural ground to the north, east and south, identified as a DSTDAP Phase 2 housing area, with school playing fields lying along part of its lower south-western margins. Topographically, the land falls in a south-easterly direction and provides elevated panoramic views of the open countryside to the east.

4.11.3. Objection Site 206 (Map PAC 4.11.B) consists of 13.6 ha. of agricultural land. The greater part of its southern boundary fronts onto Bush Road while Kingarve Road acts as its eastern limit. In terms of landform, the site is relatively low-lying and flat in its south-eastern quadrant but the ground rises thereafter in all directions towards a centrally positioned hill-top farm complex. A steep escarpment exists along part of the western boundary closest to Bush Road.

4.11.4. Objection Site 228 (Map PAC 4.11.C) comprises the south-eastern third of the Objection 206 lands and, for the most part, lies below the level of its Bush Road frontage. A residential development of approximately 20 dwellings and known as “The Cairn” is positioned on higher ground immediately opposite on the southern side of Bush Road.

**Department's Evidence**

4.11.5. The 'Ardkeen' objection lands formed part of an area where ETAP policy safeguarded mineral reserves from sterilisation by surface development. It and the other parts of the present objection lands at Drumhariff lay beyond the ETAP development limit of Dungannon and within an Area of Special Importance - Strict Control which was subsequently designated as Green Belt. The DSTDAP Preliminary Proposals brought these areas within the new development limit for Dungannon town and zoned them for housing purposes. Drumhariff was identified as Phase 2 housing land at Draft Plan stage, in May 2000.
4.11.6. The Department sees no justification for including any of these parcels of ground as additional Phase 1 residential land within the Dungannon settlement limit. The 109 ha. of ground zoned for first-phase housing could accommodate development of the order of 1,635 dwelling units whereas the DRSF target for the town through to 2010, which coincides with the end of the DSTDAP plan period, was set at 1,000 units. The sequential approach adopted to inform phasing decisions, as set out in paragraph 4.1.28 of the Countryside Assessment, is considered to be logical in terms of methodology and it has not been necessary to look beyond its outputs in order to arrive at the levels of housing provision proposed in the Draft Plan.

4.11.7. The DH 31 site is the largest of the Phase 2 zonings within Dungannon and the Department would encourage land-pooling in order to facilitate the comprehensive development of this part of the town at the appropriate time.

4.11.8. Insofar as Objection Site 007/299 is concerned, current planning applications which propose the development of a new secondary level college and playing fields at the site of the nearby St. Patrick's Academy and St. Patrick's College do not indicate development on lands within the DH 31 DSTDAP zoning. If planning permission were to be granted here, the new educational development would not jeopardise housebuilding at the objection site or require changes to land use zonings at Drumhariff.

4.11.9. It is estimated that the “Ardkeen” site would be capable of accommodating 27 dwellings. Although the objector's intention may be to provide only 9 houses here, this would not be viewed as a rounding off of development. Sight lines at the Ardkeen Close/ Killymeal Road junction are poor at present but appear capable of satisfactory improvement. Development at this point in time on the town's urban edge, with open views over the countryside, would be visible from Bush Road when approaching Dungannon. To allow such development would be contrary to the fourth of the DSTDAP's stated Plan Objectives.

4.11.10. Objection Sites 206 and 228 could have a potential output of 204 and 67 dwellings respectively, neither of which could be regarded as a minor rounding off of existing development. The Department would not describe the outer boundary of the DH 31 lands as being urbanised. When travelling along Bush Road in both directions, these conjoined sites have the appearance of open agricultural land on the edge of Dungannon. Housing at Killymeal Road, Ardkeen Close and the developed section of Kingave Road would be visible but at a distance of 600-700 metres to the north. While accepting that features such as street lighting, bus stops and infrastructure services already exist along this section of Bush Road and that there is school provision nearby, the DH 31 lands lie entirely on the northern, almost completely undeveloped side of that road. Because of its good vegetative enclosure, existing housing at “The Cairn” has no significant visual or physical impact when approaching or leaving Dungannon along Bush Road.

4.11.11. Given the fact that sufficient residential land exists within Phase 1 zonings to fully meet the RDS Housing Growth Indicator for the Borough and to accommodate current building rates, the DSTDAP already offers a reasonable degree of locational choice and flexibility. The distribution of proposed housing areas was examined as part of a Strategic Environmental Appraisal exercise that accompanied the DSTDAP and was found to be acceptable. While sites such as DH 04, DH 07, DH 08, DH 23 and DH 25 may not be available to other developers, they nonetheless contribute to the on-going housing supply and cannot be ignored. The carry-over of, as yet, undeveloped ETAP
housing zonings is considered important in that such lands may have been acquired or may be subject to options for future house-building based on that Plan's statutory provisions. There can be no absolute guarantee regarding the alleged unavailability of zoned lands for development. Such information can only be regarded as a “snapshot” at a moment in time. Circumstances can change.

**Objectors’ Evidence**

4.11.12. Objection Site 007/299, if zoned for first-phase housing, would be ready for development immediately upon adoption of the Area Plan. Access to the site has been agreed in principle with Roads Service. Foul and storm drains run through the site and all public utilities can be easily extended from the adjoining “Ardkeen” housing area. Since other lands within the DH 31 zoning are to be accessed from Bush Road and Kingarve Road, the “Ardkeen” extension site should be looked at as a more immediate development proposal. Review of the DRSF may allocate more housing to Dungannon than is reflected in the DSTDAP and, in such circumstances, the subject site should be zoned for Phase 1 development.

4.11.13. The Trustees of St. Patrick’s Academy, Dungannon, have purchased lands within the DH 31 zone to be used in conjunction with the provision of two replacement schools, their playing fields, car parking and associated uses. The area in question includes the fields that abut the entire south-eastern boundary of the objection lands. If that project proceeds, the “Ardkeen” objection site would be sandwiched between the extended school campus and existing housing. In such a situation, its development would represent a modest rounding off of the adjoining residential area.

4.11.14. Objection Sites 206 and 228 are relatively inconspicuous in the landscape. Low-density residential developments are located to the south along Bush Road. The recent granting of planning permission for 22 townhouses (M/1998/0862) between “Bushvale” and “The Cairn” means that the entire Bush Road frontage, up to and beyond the objection sites, is either developed or committed. Housing at “The Cairn”, although set in leafy surroundings, is nonetheless indicative of urban development on this part of Bush Road. Dwellings currently exist at Killymeal Road and Kingarve Road, providing firm urbanised boundaries for the DH 31 zoning. These, along with the school grounds immediately to the west, provide urban development on three major boundaries at Drumhariff. The sense of build-up on the approaches to Dungannon from the east commences in the vicinity of the roadside grouping of houses at Lisnaclin Terrace and the dwelling and associated buildings immediately opposite, about 150 metres before the Kingarve Road junction is reached.

4.11.15. Construction work is already under way at a number of Dungannon sites including DH 04, DH 07, DH 08, DH 23 and DH 25 with the result that these are no longer available to prospective developers. The fact that some of the Phase 1 sites such as DH 05, DH 06, DH 09 and DH 12 were included in the ETAP and have never been the subject of planning applications would suggest that they are unlikely to be developed in the near future. It is therefore inappropriate to rely upon them to fulfil the housing needs of the town as part of the proposed Phase 1 allocation.

4.11.16. Investigations have confirmed that sites such as DH 06, DH 11, DH 12 and DH 13, totalling 27.3 ha., are unlikely to be released for housing purposes in the near future. Since this will reduce the effective Phase 1 zonings to 81.7 ha, inclusion of Objection
Site 228 (4.5 ha.) or 206 (13.6 ha.) would not prejudice the achievement of the Plan's objectives. As a planning application has been submitted for the former of these sites, housing development could be delivered within a short period of time.

4.11.17. If a phased release of housing land is retained in the adopted Plan, there are a number of reasons why these particular objection sites should be allocated as part of Dungannon’s first-stage housing development. The Department, in examining five main criteria, adopted a rather simplistic approach to its phasing allocations. Significantly, it has not fully explored factors such as locational attributes, site availability or the distribution of land.

4.11.18. The subject lands lie closer to the town centre and its full range of facilities than the majority of Phase 1 zonings and virtually all of the Phase 2 allocations. Schools such as St. Patrick’s Primary on Killyman Road and the Royal School at Northland Row are within easy walking distance. Existing and proposed employment facilities are located at Coolhill, a short distance to the south-east. The objection sites benefit from good access to the M 1 motorway and, upon completion of the DEDR, their accessibility will be further enhanced.

4.11.19. In terms of the town’s political geography, Dungannon has distinctive north-western and south-eastern sectors. The lands between Bush Road and Killymeal Road tend to represent “neutral” territory. As such, they are ideally located to provide a balanced and all-inclusive community in line with RDS Policy SPG-HOU 6. Since Phase 1 development land in this eastern part of the town is confined to the DH 07 zoning (5.7 ha.), the Draft Plan does not allow for a reasonable degree of choice and flexibility to ensure that the market can work effectively and efficiently, as required by PPS 1.

Consideration

4.11.20. Objection Site 007/299 forms a relatively narrow tract of backland that is capable of being linked to the adjacent Ardkeen Close and, thereafter, to Killymeal Road. Apart from a simple post and wire fence that separates it from lower but extensive open countryside beyond, the site has no natural enclosing features on its south-eastern flank. Development, even on a modest scale, would not result in a natural rounding off of the existing Ardkeen housing area which has been laid out in a classic closed cul-de-sac arrangement.

4.11.21. If, in time, the fields abutting the objection site on its south-eastern boundary do form part of the replacement college campus, they would isolate the subject lands from the remainder of the DH 31 residential zone. However, from the information before the Inquiry, it is evident that in such circumstances the prospect of housing at the objection site would not be jeopardised in terms of service provision or linkage to the local road system. We do not consider that such a situation, of itself, warrants re-allocating this part of the DH 31 lands as Phase 1 housing land.

4.11.22. The Objection 206 and 228 lands in the southern portion of Drumhariff present one of the first extensive views over open countryside when leaving Dungannon on the Bush Road. The sense of urbanisation diminishes north-eastwards beyond the “Glencairn” housing area. Development at “Bushvale” has an extremely limited presentation to the main road and the three houses with a frontage to Bush Road at “The Cairn” are set in
generous and heavily landscaped curtilages. Views to the south along this section of Bush Road are very restricted because of the presence of higher ground.

4.11.23 The eight dwellings at Lisnaclin Terrace are a noticeable, but fleeting, feature on the rural approach to Dungannon from the north-east. Beyond this, the sense of continuing countryside is maintained and the panorama that presents itself from the Kingarve Road junction onwards draws the eye across the objection sites to the farm dwelling and outbuildings that sit as skyline features on a drumlin crest about 200 metres back from Bush Road. Agricultural land with intermittent in-field hedging predominates here and development at Killymeal Road to the north-west, with trees beyond, registers very much as a secondary and distant element in the general landscape. While accepting that the objection lands may be geographically closer to Dungannon town centre than other Phase 1 zoned sites, this section of Bush Road has a greater degree of rural ambience and sense of separation from the general built-up area than other DSTDAP first-stage housing allocations.

4.11.24 We have concluded earlier in this report (paragraphs 3.3.39, 3.3.40 and 3.3.42) that more than adequate land has been allocated for housing development to meet the Plan area’s needs and that, since no challenges have been mounted against any of the Phase 1 allocations, there is no impediment in planning terms to the achievement of urban compactness in either main town. Overriding reasons would have to exist to justify zoning further areas as Phase 1 residential land.

4.11.25 No evidence was provided to demonstrate that:-

- the existing DSTDAP Phase 1 allocations would fail to provide a necessary quantum of housing to cater, at minimum, for the area's estimated needs;

- particular first-stage allocations were unsuitable for residential purposes due to physical, servicing or other constraints; or

- formal requests had been made by owners of, as yet, undeveloped ETAP lands to have these excluded from the DSTDAP residential zonings.

4.11.26 It would not be unusual, some seven years into the Plan period, to discover that construction work was proceeding on lands that represent about 14% of the Draft Plan's first-phase housing sites. The introduction of phasing may influence the release of other allocated areas. However, if objectors' assertions about the non-availability of sites are borne out, we estimate that the residual Phase 1 lands could accommodate in excess of 1,200 dwelling units within Dungannon if an average density of 15 units per hectare were to be achieved.

4.11.27 The DH 31 zoning at Drumhariff is the largest of the proposed Phase 2 residential allocations in Dungannon. Its development, if confirmed as a result of the 2005 housing review, would, in time, connect the town's present outer limits on Killymeal Road with those at Bush Road to provide a more rounded urban form. Guidance in relation to site development is set out in the DSTDAP written statement and Policies HOUS 1 and HOUS 2 indicate that design concept statements and comprehensive design schemes will normally be required for entire zonings contained in Part III of the Draft Plan.
4.11.28 The lands at Drumhariff could offer the possibility of creating a new suburban area that could be planned and developed comprehensively in a manner that meets the objectives not only of RDS Policy SPG-HOU 6 but also of PPS 7 and associated design guidance on quality residential environments. No concept or design statements were tabled to show how any of the objection sites might be developed either in isolation as Phase 1 housing or as part of a longer-term programme for the entire DH 31 area.

**Recommendation**

4.11.29 The entire DH 31 zoning should remain as Phase 2 housing land in the finalised Plan.

4.12. THE BOUNDARY OF LOCAL LANDSCAPE POLICY AREA 04 SHOULD BE AMENDED TO EXCLUDE THE CURTILAGE OF NO. 94 KILLYMAN ROAD.

**Objection No. 078, Site and Surroundings**

4.12.1. This 1.35 ha. objection site (Map PAC 4.12.A) consists of a residential curtilage that occupies the south-eastern third of a proposed Local Landscape Policy Area (LLPA 04) and has a frontage to Killyman Road directly opposite Cunningham's Lane. Its roadside boundary is marked by a substantial hedge with mature trees immediately behind. A steep wooded bank separates the site from the remainder of the LLPA that sits on much higher ground to the north-west while a watercourse and dense vegetation provide a buffer between the subject lands and the “Bushvale” residential area to the north-east. A field where first-phase housing development is proposed (Site DH 08) abuts the site on its south-eastern margins and there is a private nursing home and recently constructed housing beyond this.

**Department's Evidence**

4.12.2. The objection site was allocated for housing purposes in the ETAP, shown as “white” land in the 1998 Preliminary Proposals document and designated as part of LLPA 04 on publication of the Draft Plan in May 2000.

4.12.3. According to paragraph 2.23 of PPS 6, LLPAs consist of those features and areas within and adjoining settlements considered to be of greatest amenity value, landscape quality or local significance and are therefore worthy of protection from undesirable or damaging development. DSTDAP Objective 6 seeks to protect and enhance landscape features, natural habitats and man-made features that are of conservation importance and which contribute to the overall character of individual settlements and the wider countryside.

4.12.4. An analysis of each LLPA identifying those features of intrinsic environmental value is set out in Appendix 3 of the DSTDAP Countryside Assessment. The elements that combine to warrant inclusion of this area as an LLPA include:-

- landform in the north (the steep slopes of a watercourse with mature vegetation);
- substantial characterful residences;
- large and attractively landscaped plots with mature planting;
- tree coverage;
- mature landscaping and an attractive tree-fronted aspect onto Killyman Road;
- informal recreational potential of the watercourse;
- local nature conservation interest; and,
- its role as an important buffer separating areas of built environment.

4.12.5. The objection site represents a verdant and enclosed wedge of landscape within an otherwise built-up area inside the Dungannon settlement limit. It provides visual relief in the urban environment and is therefore of amenity value to users of Killyman Road. The boundaries of LLPA 04 include the watercourse along the entire eastern margins of the proposed DH 08 housing area nearby. It is acknowledged that LLPA 04 was not identified as being significant in the 1999 NILCA study but that particular exercise was based on a broader brush approach than the work undertaken as part of this development plan's preparation.

4.12.6. It is not necessary to have Tree Preservation Orders in force in order to meet LLPA zoning criteria and no approach has been made to the Department to secure the formal protection of trees on site. Nevertheless, the trees on the northern escarpment and on the eastern bank of the watercourse are significant and the LLPA designation would offer an element of safeguarding to them. The trees along the Killyman Road frontage are less important in nature conservation terms but they do act as a substantial visual buffer. The narrow watercourse and its fringing woodland along the eastern edge of the objection site is judged to be an important and undisturbed wildlife corridor that displays a diversity of habitats.

4.12.7. LLPA designation would not necessarily preclude the possibility of development within its boundaries provided the tests in DSTDAP Policy CON 2 can be met. Proposals that do not adversely affect the intrinsic environmental value, integrity and character of such areas will be considered on their merits. The Department would accept that PPS 7 offers a degree of development control but that guidance applies only to residential proposals. Securing control over a wider range of potential uses is best achieved through LLPA designation.

4.12.8. The Concept Plan presented to this Inquiry (Map PAC 4.12.B) indicates that the objection site and the neighbouring DH 08 lands would, together, accommodate approximately 40 dwellings. Vehicular access to this combined area would need to be located at least 60 metres to the north-west of Kilcool Drive to allow a right turning facility for traffic entering that latter street. The objector's proposed access solution would improve the existing substandard sight line at the entrance to his house at No. 94 Killyman Road. An improvement of this nature could be created independently of any access to the DH 08 lands but it could impact on frontage vegetation along Killyman Road. From an initial assessment of the Concept Plan, the Department considers that too many dwelling units are being proposed and the suggested layout does not conform to the area's general landscape characteristics. A smaller number of properties set in generous plots would be a preferable development solution here.
Objector's Evidence

4.12.9. It is accepted that the balance within LLPAs is in favour of conservation and not development but this is not adequately expressed in the Draft Plan's policies.

4.12.10. While the Department has sought to rely on a number of features that characterise LLPA 04, a cursory inspection of the area demonstrates weaknesses in that analysis. The survey commissioned by the objector highlights the presence of trees and vegetation of poor or indifferent quality. For instance, the south-eastern boundary that divides the subject site from the DH 08 housing lands consists of a 150-metre long remnant thorn hedge with some cypress and elder. There are some specimen ash trees within this hedge backed by stands of spruce and larch. The portion of the site that coincides with the watercourse has no boundary feature apart from the edge of a coniferous plantation. The north-western margins of the residential curtilage consist of a post and wire fence with thorn hedge remnants at the top of a steep embankment. The 70-metre frontage to Killyman Road contains a tall hawthorn hedge backed by trees.

4.12.11. On initial inspection from some directions, this proposed LLPA may appear to be homogenous in content and character but on more detailed appraisal and analysis it contains three distinct zones.

4.12.12. The first of these is confined to the stream and its banks that bound the site on its northeastern flank. Vegetation here consists of scrub with some ash and willow that is encroached upon to a degree by soil tipping. The remainder of this area contains rough grass and brambles with a few poplars, ash and alder. That section abutting the DH 08 lands is made up of dense scrub of hazel, hawthorn, ash, sycamore and willow.

4.12.13. Zone 2 is confined to the grounds of Nos. 84 and 86 Killyman Road and the steep tree-covered embankment bordering the garden of No. 94. This area is characterised by late 19th or early 20th century houses set in extensive grounds. The numerous mature trees, most of which are hardwoods, constitute the most important stands of planting within the proposed LLPA.

4.12.14. Zone 3 comprises the remaining portion of the grounds of No. 94 and contains plantations of ornamental and commercial non-native conifers together with a very low percentage of native hardwoods. While these conifers undoubtedly have some amenity value, their visual incongruity in an urban setting is evident. They are of lesser importance to the character of the neighbourhood than the stands of mature hardwoods higher up the hill.

4.12.15. It is significant that the NILCA study makes no mention of the proposed LLPA yet identifies an extensive well-wooded area to the north-west as a Distinctive Landscape Setting. Confining the DSTDAP designation to the lands to the north of the steep escarpment that marks the edge of the curtilage of No. 94 Killyman Road would provide a robust and tangible LLPA boundary.

4.12.16. A detailed evaluation of trees, hedgerows and woodland within the objection site was undertaken in December 2002. Six planted areas or “compartments” were identified (Map PAC 4.12.C) based on the species mix, location or size of plantation. From the inventory of species, condition and age that has been provided, it is evident that the site is dominated by stands of conifers that have not been managed, thinned or brashed. This
has resulted in poorly formed, weak, slender trees with high crowns that have no real commercial value.

4.12.17. There is no public right of way or public access into the objection site. There are no indications of any party expressing an interest in acquiring the subject land for recreational purposes. It is difficult to attribute any significant weight to the claimed recreational potential or “green wedge” function of the watercourse and riverbank area when similar protection has not been afforded to the neighbouring DH08 lands to the south-east. Visual penetration into the site is limited. As a consequence, it is contended that the curtilage of No. 94 Killyman Road has not been and is not currently of sufficient quality to merit inclusion within the proposed LLPA because it does not possess features of greatest amenity value, landscape quality or local significance.

4.12.18. Adjustment of the LLPA boundary, as suggested, would allow for sympathetic development on site that should be carried out in conjunction with the DH 08 area. Any Concept Master Plan for the site must ensure sympathetic development that retains the most important vegetation and introduces plant species of greater visual and biodiversity value. The landscape proposals should include the phased removal of the larch where appropriate, retention of the best of the pines, large specimen cypress and hardwoods coupled with a comprehensive planting scheme that will include significant numbers of additional native hardwood trees. Continuing enhancement could be assured by means of an agreed and formalised landscape management plan. Development in this manner would reinforce the qualities of LLPA 04 and effect an appropriate transition between it, the adjacent residential plots and the proposed DH 08 housing.

4.12.19. The Concept Plan for the site addresses such issues as:-

- access;
- density and quality of design in context;
- the Killyman Road frontage and embellishment of its streetscape by extending the “green” boundary that currently exists to the north;
- enhancement of existing landscape features; and,
- integration of the stream to provide proper recreational potential associated with residential development.

4.12.20. The Concept Plan and illustrative layout seek to retain the watercourse, the northern escarpment and, to a lesser extent, the Killyman Road landscaped frontage. Screening at the entrance to the site could be achieved by positioning gate lodge type buildings on either side of the access. Responsibility for landscaped areas outside individual curtilages would rest with a management company.

Consideration

4.12.21. The present dwelling house on site sits within a natural amphitheatre that is well screened from Killyman Road and protected from view on its remaining boundaries. The main tree groupings take the form of linear belts of planting on the periphery of the site with
blocks of vegetation to the rear of the house. It is evident from the detailed arboricultural survey submitted just prior to the Inquiry that there has been a general lack of management of trees on site. Few are in good condition and some stands of trees have gone beyond a point where active management could restore any value to them. The claim that land within Zone 2 to the north of the escarpment which marks the boundary of the objection site contains more significant stands of trees was not rebutted by the Department's landscape witness.

4.12.22. The neighbouring DH 08 residential site is open in nature and slopes gently down from below road level towards the watercourse on its south-eastern boundary. Housing on higher land to the north-east within the “Bushvale” development forms a very visible backdrop to this site and the unmanaged nature of the hedge that marks the mutual boundary with the curtilage of No. 94 Killyman Road is also very evident, particularly on the approach towards central Dungannon.

4.12.23. Paragraph 2.23 of PPS 6 advises that, because of their amenity, landscape or local significance, LLPAs should be protected from undesirable or damaging development. The Department accepted that development is not necessarily prohibited from such areas and we agree with its interpretation of policy in this regard. The underlying policy test in PPS 6 is that development should not dominate the townscape or landscape characteristics of settlements. DSTDAP Policy CON 2 reflects that situation by stating that planning permission will not normally be granted to development proposals that would affect the intrinsic environmental value, integrity and character of such designated areas.

4.12.24. The Department presented general, rather than specific, evidence about the site's environmental and nature conservation attributes. No indications were provided, for instance, that Tree Preservation Order protection was being contemplated here or in the remainder of the LLPA 04 area in response to this particular objection. We note that while the supplementary text of DSTDAP Policy CON 2 refers to the need to respect and protect the natural and man-made environment within LLPAs, there is no requirement that assets of this nature should be actively managed in the public interest.

4.12.25. Until recently, the LLPA 04 area presented an unbroken a 250-metre landscaped frontage along a gently rising stretch of Killyman Road on the approach to Dungannon town centre. What currently remains provides a degree of visual relief and a woodland interlude within the urban area. Low-density housing subservient to its landscape setting is characteristic of this section of the road on its northern side. Approximately one third of the LLPA's roadside planting marks the front of the objection site. A linear belt of prominent trees immediately behind that hedge adds to the sense of enclosure here. The subject lands differ substantially from the remainder of the proposed LLPA in that they lie well below road level and enjoy considerable seclusion. Because of these natural features, we are satisfied that, with careful control over the design and quantum of housing, the site would be capable of accommodating residential development without impacting to any significant degree on the locality’s intrinsic character or its designation as part of LLPA 04.

4.12.26. Although the Concept Plan proposes the joint development of the objection site with the neighbouring DH 08 lands, we consider that these parcels of ground are so substantially different in terms of topography and character that they should be regarded as separate entities and developed independently of each other. Any approved scheme here should
comply with the relevant requirements of Policy QD 1 of PPS 7, and development within the curtilage of No.94 Killyman Road should provide for long-term active landscape management and be subservient in scale and appearance to its tree’d surroundings in order to retain the site’s mature, secluded character. This could be achieved without requiring the construction of a formal estate road which would ensure that disturbance to the vegetation at the road frontage and along the access driveway is kept to a minimum. Strengthening of the hedge on the mutual boundary with the DH 08 lands would also be beneficial.

**Recommendation**

4.12.27. The LLPA boundaries should remain as proposed in the Draft Plan.

**4.13.** THE GREATER PART OF THE DH 32 AREA SHOULD BE ZONED AS PHASE 1 HOUSING LAND.

*Objection Nos. 200, 221 and 229.*

**Sites and Surroundings**

4.13.1. The entire DH 32 zoning consists of 16.4 ha. of mainly agricultural land that extends eastwards for about 350 metres along Bush Road beyond “The Cairn” housing area as far as the line of the proposed Dungannon Eastern Distributor Road (DEDR) and, thereafter, follows the town’s settlement limit through to Killyneill Road some 800 metres to the south.

4.13.2. Objection Site 221 (Map PAC 4.13.A) is made up of four major fields totalling 8.1 ha. in area in the western half of the DH 32 allocation and these have hedges and occasional tree groupings on all boundaries. They extend southwards from the curtilages of existing housing at “The Cairn” and Lisnaclin Terrace and are bounded on their eastern and southern sides by a local watercourse and on their south-western edge by the DH 07 Phase 1 housing area that lies adjacent to the “Bushvale” development. Topographically, the lands fall gradually to the south and east.

4.13.3. Objection Site 200 (Map PAC 4.13.B) completes the DH 32 zone to the south of the local watercourse and this 2.2 ha. area of land abuts the “Laurel View” housing on its south-western side and presents a 50-metre long frontage to Killyneill Road. Objection Site 229 (Map PAC 4.13.C) consists of two separate parcels of ground – Area “A” which overlaps with the south-western two thirds of Objection Site 200; and Area “B” which occupies the northern half of the DH 07 Phase 1 lands.

**Department's Evidence**

4.13.4. The combined objection sites formed part of the Green Belt until their first inclusion, at Preliminary Proposals stage, for housing purposes within the new suggested development limit for Dungannon. Their peripheral location, their extent and the lack of planning permissions here were factors that led to their identification as part of the Phase 2 land bank when the Department sought to bring its housing proposals more into line with regional planning guidance on these matters.

4.13.5. Development at Objection Site 221 would not “read” with existing housing at “The Cairn”. The lands do not register as part of Dungannon's urban fabric when approaching
the town along Bush Road. In the context of adequate land being available in more suitable locations for first-phase housing, early development of this particular objection site would not be consistent with those DSTDAP objectives which the Department is seeking to maintain in the short term. The land in question would be suitable for housing at a later stage, if required. However, the question as to whether it will be needed within the lifetime of this Plan remains undetermined.

4.13.6. While acknowledging that the Draft Plan requires vehicular and pedestrian linkages between the first-phase DH 07 area and the subject lands, the respective sites do not have to be developed conjointly. Rather, the DSTDAP is at this point in time ensuring that logical links are achievable between these two areas in the event of the release of the DH 32 allocation. Construction is already under way without apparent difficulty on part of the DH 07 lands.

4.13.7. Vehicular access to the objection lands by way of “The Cairn” housing area would require widening of the present cul-de-sac serving that development. Provision of an access from Bush Road at a point to the east of Lisnaclin Terrace would require sight lines of 4.5 metres x 90 metres in each direction which would involve land beyond the present site frontage. Roads Service would have no objection to the site being zoned as Phase 1 housing land subject, for instance, to the developer meeting access standards and providing a footway to link with that at Lisnaclin Terrace.

4.13.8. Objection Site 200 and the smaller area of Objection Site 229 within it are not viewed as warranting inclusion within the Phase 1 housing allocation when considered against the sequential test and output sources listed in paragraph 4.1.28 of the DSTDAP Countryside Assessment.

4.13.9. The Department sees no justification in designating the north-western half of the DH 07 lands as a Local Landscape Policy Area (LLPA) and, by way of compensation, in identifying Objection Site 229 as Phase 1 housing land. No evidence has been submitted to substantiate the claim that the portion of DH 07 which sits on a local ridgeline and contains an area of planting will remain undeveloped. This relatively small woodland area contains mixed commercial species that will almost certainly be cropped at some stage in the future and, as such, no landscape value can be attributed to it. Because of the plantation’s peripheral location, it may not be best placed to perform a meaningful amenity or open space function within any possible joint development of the DH 07 and Objection Site 229 lands. It should also be borne in mind that the objector does not have control of the north-western part of the DH07 lands and there has been no formal request from the owner of that ground to have the residential zoning removed. In fact, outline planning permission was granted for housing here in February 1999.

4.13.10. Upgrading of Killyneill Road would be necessary to cater for the traffic generated by Objection Sites 200 or 229 where 33 and 23 dwellings respectively could be potentially accommodated. Roads Service would have no objection to either site being zoned for Phase 1 housing provided the developer can meet the necessary access standards and provide the infrastructure required to serve the intended development. Alternatively, it might be possible to achieve access from these sites through the adjoining “Laurel View” housing development. The present building site appearance of the lands is due to the fact that development is proceeding on the DH 07 zoning. Storage of construction and associated materials has not been sanctioned here.
4.13.11. Overall, the Department considers that there is no justification for the inclusion of any of these objection sites as additional Phase 1 housing land within the Dungannon settlement limit.

**Objectors' Evidence**

4.13.12. Objection Site 221, located on the mid-eastern side of Dungannon, could function as a quality housing area. Its accessibility may be enhanced by construction of the proposed DEDR. According to the DSTDAP, this new road will relieve the town centre of through traffic and improve journey times on the A 29 route which is part of the Regional Strategic Road Network and is classified as a Link Corridor in the RDS.

4.13.13. The links between transportation and land use are fundamental elements of sustainable planning. The subject site presents the opportunity to provide maximum choice for builders on this route and to achieve an integrated development that attains the standards set down in “Creating Places”. The DEDR will also increase pressure between the outer edge of the town's development limit and the new road line. If the route is adopted, the various junctions with the existing road network will create enhanced development pressure. It is therefore more rational to develop the DH 07 and DH 32 lands together as soon as possible. In many respects the Department has, through its stated site development requirements, already set in motion the need for the comprehensive development of both areas as an entity.

4.13.14. The Objection 221 lands have been identified for housing and the only outstanding question concerns the timing of such development. The introduction of phasing generates no confidence in the Plan's ability to deliver because the Plan, Monitor and Manage methodology has no detailed or robust implementation strategy as yet. This site is not in a peripheral location because it is naturally integrated with the existing “Cairn” development and the on-going house-building at the “Bushvale” and “Laurel View” sites.

4.13.15. The owner of the DH 07 lands has made it known that he does not intend to develop the northern portion of that site for housing and has re-affirmed these views by planting trees. The outline planning permission for residential development of part of the site has now lapsed. His present intentions are consistent with other Phase 1 owners who do not intend to develop their lands. As a result, the large mid-eastern sector of Dungannon will have no Phase 1 housing contrary to the Department's intention to have a selection of sites in a variety of locations.

4.13.16. Re-programming Objection Site 200 as Phase 1 residential land would help to cater for the very strong demand for houses on Killyneill Road.

4.13.17. Objection Site 229 is now in new ownership and LLPA re-classification of Area ‘B’ is no longer being requested.

**Consideration**

4.13.18. These combined objection sites seek to have just over 60% of the DH 32 Phase 2 housing lands released at an early stage in the lifetime of the Plan. When viewed from Bush Road or Lowertown Road on the eastern approaches to Dungannon, Objection Site 221 sits comfortably within the landscape. Development, if sanctioned here, would have relatively little visual impact because of the presence of roadside properties at Lisnaclin.
Terrace and the more in-depth residential development on higher ground at “The Cairn”. The site would not be seen when travelling towards the town centre along Killyman Road because of the intervening crest-line and hill-top hedging within the, as yet, largely undeveloped DH 07 zoning. The frontage of Objection Sites 200 and 229 lies at a low point on Killyneill Road and views into these lands are limited by the presence of ongoing housing development at “Laurel View” to the south-west, and by vegetation and the steeply rising countryside on their eastern side.

4.13.19. The Department’s evidence at an earlier stage in the Inquiry demonstrated to our satisfaction that, relative to RDS housing growth indicators in particular, a more than generous allocation of residential land had been identified at DSTDAP stage and that the general distribution of Dungannon’s Phase 1 zonings achieved an appropriate degree of urban compactness. We consider therefore, that the earlier-than-proposed release of Phase 2 ground would only be warranted if site-specific issues or stated Plan Objectives were judged to have overriding weight.

4.13.20. The DH 07 zoning represents a logical extension of on-going development northeasterwards from Killyman Road and, although it would be very much subsidiary in size to the neighbouring Objection 221 site, the DSTDAP requires provision to be made for vehicular and pedestrian linkages to the DH 32 lands. Concurrent development of DH 07 and Objection Site 221 would not be an essential pre-requisite to achieving these linkages and there are no other known impediments that would prevent the Draft Plan's proposals relating to the entire DH 32 area from being implemented in time.

4.13.21. Evidence was provided at other stages in the Inquiry to the effect that construction of the DEDR, if approved as an Area Plan proposal, would be unlikely to commence before 2010. Although precise junction arrangements with the area's existing road network have not been developed in detail, the preliminary work on an alignment that is not significantly different from that of the DEDR in this part of eastern Dungannon, indicated that the new route is likely to pass under Killyneill Road with no connection to it. The Department's position in relation to the DEDR does not, therefore, lend weight to the case that Objection Sites 200 or 229 should be re-classified as a Phase 1 housing area. Allocations such as DH06, DH07 and DH08 offer immediate choice in terms of Phase 1 development.

4.13.22. Objection Sites 200 and 229 appear to provide the only opportunity for the DH 32 lands to have a direct vehicular connection to Killyneill Road, as required by the Draft Plan. While it might be technically feasible to connect some modest-scale house-building here to the nearby “Laurel View” area, no overriding factors have been identified that would favour early release of these particular lands. We consider that the purposes of the DSTDAP would be better served by maintaining each of the objection sites as part of the overall DH 32 allocation. The request in relation to Objection 229 to designate the northern portion of the DH07 lands as a Local Landscape Policy Area was formally withdrawn during the Inquiry proceedings.

**Recommendation**

4.13.23. The Plan should be confirmed and these particular objection sites should remain as part of the Phase 2 housing allocations.

Objection No. 308.

Site and Surroundings

4.14.1. This 8.4 ha. site forms part of a local hill within a wider drumlin landscape to the east of Dungannon. Its southern margin that fronts onto a 250-metre section of Killyneill Road lies slightly above the level of the road itself and is bounded by post and wire fencing. The eastern limits of the land are marked by post and wire fencing, intermittent hedging and mature trees at intervals along that boundary. A watercourse, fencing, a hedgerow and groupings of trees define the lower northern edges of the site. Part of the western boundary abuts an access laneway leading to a residential curtilage (No. 16 Killyneill Road) and, thereafter, is made up of linear groupings of trees and post and wire fencing.

Department's Evidence

4.14.2. PSRNI Policy SP 12 indicates that Green Belts will be designated around cities and towns where it is considered necessary to protect landscapes from excessive or inappropriate development. Delineation of such areas together with the formulation of appropriate local policies is a matter for the development plan process and the DSTDAP Countryside Assessment exercise helped in defining the extent of the Borough's Green Belt.

4.14.3. The continued designation of the objection site as Green Belt land helps to prevent further extension of Dungannon onto the steeply sloping agricultural ground in this area and onto neighbouring localised hills. The subject lands provide an important buffer between the town's urban edge and the rising landscape to the east. There are open views towards this site when travelling west along Killyneill Road as well as from Bush Road and Killyman Road. Bringing this land with a capacity to accommodate approximately 125 dwellings within the Dungannon settlement limit would contribute to urban sprawl which would be detrimental to the town's setting.

4.14.4. Adequate ground has already been included in the Draft Plan to facilitate housing development. The DSTDAP residential allocations are better integrated visually and physically with Dungannon than the lands on the north side of Killyneill Road. Their use in preference to the subject site would be in line with the Draft Plan objective of maintaining compact settlement forms that respect the individual character and identity of settlements, avoid urban sprawl and unnecessary ribboning, and reduce the need for expansion into the countryside.

4.14.5. PPS 4 contains policies for the full range of industrial development proposals. It also provides guidance on the zoning of land and on development control considerations. The background to Dungannon's industrial and mixed business land needs is set out in the Area Plan Technical Supplement. Of the 75 ha. of additional land that have been allocated for such purposes at a variety of locations in the town, 22.5 ha. are in east Dungannon. In addition to the sites identified as being suitable for new industrial and mixed business development, the land bank required over the Plan period can be further supplemented by opportunities available within existing industrial estates, for instance as
a result of vacancy, dereliction, under-use or through the development of un-zoned ground.

4.14.6. While the objection site could offer locational benefits in terms of access to the proposed DEDR, the Draft Plan's industry and mixed business zonings are also better integrated visually and physically with the town. Since they are adequate to meet local needs throughout the Plan period, inclusion of additional industrial land is not, therefore, necessary.

Objector’s Evidence

4.14.7. The significance of the DSTDAP proposal for a new distributor road to the east of the town, and the development opportunities and demands that would flow from its construction, have been largely ignored in the Draft Plan, as revised. The DEDR proposal has had a negligible impact on Dungannon's urban morphology and, apart from very minor re-zonings in the Revision 1 document, the DSTDAP remains largely intact. The DEDR will constitute the biggest single change that the town is likely to experience and the new road will have ramifications for the future development of Dungannon and adjoining settlements long beyond the current Plan period. Since the change in route alignment cannot be disregarded, a more radical revision of the Area Plan is essential.

4.14.8. The DEDR should act as the new eastern development limit for Dungannon with all the ground on the town side of the road being zoned for housing, commerce or as “white” land. By providing a definite and defensible physical line in the landscape, the road would also comply with PSRNI strategic objectives for Green Belt policy areas in that it would prevent unrestricted sprawl of large built-up areas, preclude neighbouring settlements from merging and safeguard the surrounding countryside.

4.14.9. According to the RDS, towns identified as Main Hubs have the potential to develop as “growth poles” for the clustering of economic activity. They will also play a leading role in accommodating the need for urban housing at the District level. Managing housing growth and its distribution is one of the three key themes in Chapter 9 of the RDS. In this regard, a balance has to be struck between the need to ensure that strategic requirements are met and the necessity to be able to respond to unforeseen demand and need for additional housing land.

4.14.10. Paragraphs 3, 12, 13, 23 and 35-42 of PPS 1 are particularly pertinent in the consideration of this particular objection. Paragraphs 33 and 60 of PPS 2 are also applicable in that the subject site lies outside any designated areas where nature conservation policies apply. Policy QD1 of PPS 7 seeks to achieve quality in new residential development and stipulates that, in established residential areas, proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Draft PPSs 8 and 12 and the guidance within paragraphs 3.08-3.10 of “Creating Places” relating to larger developments on green-field sites are also especially relevant in this instance.

4.14.11. PSRNI Policy SP 2 is arguably more applicable to the objector’s case for inclusion of these lands within the Dungannon settlement boundary than to the Department's basis for excluding the site from the development limit. Re-aligning the settlement limit between Bush Road and Killyneill Road so as to be contiguous with the DEDR would fully
comply with this particular policy because the road line would represent “a permanent boundary for the built-up area ” and a “realistic boundary for planning purposes ”. Policy SP 2 also requires sufficient land to be zoned so as to provide choice and flexibility in the development process, taking account of local circumstances. Areas that may be allocated as “white” land within the development limit would provide a reserve that could be zoned later, as required.

4.14.12. This objection is not calling into question the strategic housing quotas imposed by the RDS or the Department's apportionment of this allowance throughout the Borough. It is, however, challenging the location of the housing reserves and the fact that the total change of road line, from one side of the town to the other, has seen no corresponding variation in the distribution of housing land. The construction of the DEDR, with its direct link onto the A29 route near junction 15 of the M1 motorway, will increase demand and the need for housing on the eastern side of Dungannon.

4.14.13. At present, the objection site's western edge and part of its northern boundary follow the DSTDAP development limit and the proposed DH 32 Phase 2 housing lands. A large proportion of the landscape in and around Dungannon is typical of classic drumlin countryside. The subject ground is characteristic of this undulating landform rather than being a specific, notable landscape feature which merits retention per se. Views of the site are relatively localised. With the construction of the DEDR, the Killyneill Road site would be viewed from the new road as being on the town side of that physical boundary and would be set against the backdrop of the DH 32 allocation to the north and west.

4.14.14. The first phase DH 07 site to the east of “Bushvale” is elevated, steeply sloping and vegetated. It is very prominent in medium range views from the south-west, for instance from the junction of Killyneill Road with Killyman Road. Its development along with the DH 32 lands will result in the effective obliteration of this conspicuous part of the town. It would be inequitable and unfair if Objection Site 308 were to be sterilised from development because of its questionable intrinsic landscape value when elevated sites within the town, which provide a green “lung” amidst existing development, are lost to housing. Sites such as the DH 07 lands have a far more valuable role to play in “greening” the urban landscape and preserving the setting and character of the town than the objection site which is located on the urban fringe and is only visible from a limited number of localised viewpoints. Draft PPS 8 and the guidance within “Creating Places ” seek to retain and create new open spaces within urban areas to make for a better living environment. Proposals to build on green-field sites within the town in order to preserve land on the urban fringe are inconsistent with this policy approach.

4.14.15. Inclusion of the Killyneill Road site as Phase 2 housing ground within the Dungannon settlement boundary would not cause harm to interests of acknowledged importance. There are no sites of local nature conservation significance and no archaeological sites or monuments in the immediate area. The detailed development of this area would be able to comply with the policy objectives of PPS 7, Draft PPSs 8 and 12 and the guidance that is available within the “Creating Places ” document. In the event of the DEDR not “coming on stream” during the Plan period, which is unlikely given the RDS emphasis on upgrading the strategic transport network, development of the objection lands would represent a visual rounding off of new housing between Bush Road and Killyneill Road. The planned review of the release of Phase 2 housing land would be informed by the 10-year forward planning schedule for the development and upgrading of the road network.
4.14.16. Development requirements for the Objection 308 lands could secure:-

- vehicular and pedestrian access from Killyneill Road with a link through housing zone DH 32 to Bush Road;

- retention of the open watercourse on the northern boundary of the site and its incorporation into the development's overall design;

- pumping of foul sewage;

- a detailed survey of existing vegetation together with measures to retain, protect and integrate existing trees and hedgerows that are in good condition within the overall layout. A full planting scheme, using indigenous species, should be prepared and particular care should be exercised in the treatment of the site's western and eastern boundaries;

- incorporation of children's play provision within the overall design of the development; and,

- careful attention to layout, siting, design and density at the southern end of the site because of the sloping nature of the land. So far as possible, the layout should be designed so that houses front onto Killyneill Road.

**Consideration**

4.14.17. Although this objection advocates amendment of the DSTDAP settlement boundary to coincide with the alignment of the proposed DEDR so that the ground that lies between Bush Road and Killyneill Road might be brought within the urban area and allocated for a range of land uses or kept in reserve for development, it concentrates specifically on the 8.4 ha. of agricultural land that extends northwards from its frontage at Killyneill Road and on its suitability for possible second-phase urban house-building.

4.14.18. We support the objector’s contention that the DEDR proposal has had a negligible impact on the Dungannon’s urban form, as put forward in the revised Draft Plan, notwithstanding the strong national policy emphasis upon the integration of transport and land use planning. We note that this objection does not question RDS strategic housing quotas or the Department’s allocation of these throughout the Plan area. It focuses primarily on the location of the Phase 2 reserves relative to the DEDR and contends that if the new road is accepted as an Area Plan proposal, the distribution of housing and commercial land merits re-examination. The DEDR proposal is considered later in this report.

4.14.19. We have satisfied ourselves, on the basis of the materiality of the RDS and evidence provided to the Inquiry, that the DSTDAP has provided a more than generous allocation of housing land to meet the needs of the Plan area. Paragraphs 4.16 and 4.17 of the Technical Supplement confirm that, to allow for a degree of flexibility and choice of industrial sites, the Draft Plan’s zoning has been based on a high growth scenario that assumes a take-up rate twice that of the highest performing years between 1981 and 1993. This, as pointed out by the Department, does not take account of redevelopment or intensification opportunities within existing industrial estates or on suitable “white” land.
sites. We conclude that the needs of industry and commerce are more than adequately catered for by the Plan, as currently drafted, and the locations proposed were not challenged at any stage during the Inquiry proceedings.

4.14.20. The objector’s more expansive written submission that was lodged ahead of the Inquiry questioned the selection of the DH 07 lands, because of their landscape value, for housing development. Since no opportunity was available to parties with an interest in the DH 07 lands (and who had not opposed their inclusion at DSTDAP stage) to respond to those criticisms, we do not intend to address this aspect of Objection 308.

4.14.21. The western portion of the Objection 308 lands consists of a relatively steep shoulder of a local hill while is skirted by Killyneill Road while the remainder comprises of saddle of land opposite Killyneill House that continues eastwards beyond its boundary and melds into relatively flat open countryside. This general area on the north side of the road is devoid of strong natural boundaries. Trees and hedges opposite the site along the southern edge of Killyneill Road prevent the objection lands from being viewed to any material extent from the much lower town approaches along Killyman Road.

4.14.22. The DSTDAP development limit in this part of the town and the eastern extremities of the DH 32 lands do not encroach onto this shoulder of the subject hill. They are visually contained behind nearby housing development and substantial vegetation that flanks the access to No. 16 Killyneill Road on its eastern side. Because of these enclosing features, we consider that the objection site, although fairly representative of Dungannon's drumlin setting, can nonetheless be differentiated as belonging to an area with a separate landscape character. The land here is much more distinctly rural and spacious in appearance, and offers uninterrupted views to the north and north-east from the greater part of its frontage along Killyneill Road. There is an absence of natural features capable of providing a defensible settlement limit here or of enabling urban development to be visually contained within the landscape.

4.14.23. The DH 31 and 32 zonings at Drumhariff and to the south of Bush Road offer scope for considerable future housing development on the eastern side of Dungannon. These sites could be readily linked to the DEDR, if endorsed as a Plan proposal and constructed, by way of Bush Road. We do not accept the contention that Phase 2 housing on Objection Site 308, even in the absence of DEDR implementation, would represent a visual rounding off of the urban area.

4.14.24. We conclude that the development limit in this part of the town is correctly positioned within the landscape. No change is required to the Plan.

Recommendation

4.14.25. The existing zoning of this land as statutory Green Belt should prevail and be carried through into the adopted Plan.
4.15. TWO ADJOINING PORTIONS OF LAND AT THE JUNCTION OF KILLYMAN ROAD AND FAR CIRCULAR ROAD SHOULD BE BROUGHT WITHIN THE DUNGANNON DEVELOPMENT LIMIT. Objection Nos. 261 and 294.

**Sites and Surroundings**

4.15.1. The lands, which have a combined area of 2.1 ha., lie to the east and north of a dwelling and outbuildings at No. 192 Killyman Road. The eastern site (No. 261: Map PAC 4.15.A) consists of 1.5 ha. of open land bordered by a variety of post and wire and wooden fencing on most boundaries and by a hedgerow on its northern side. The line of a disused minor road crosses the southern portion of this site. Wooden ranch fencing separates the neighbouring 0.6 ha. wedge-shaped site (No. 294: Map PAC 4.15.B) from a private laneway on its eastern side that provides access to a vehicle repair business. The site's northern and western limits are marked by linear tree groupings while the southern edge abuts the outbuildings belonging to No. 192 Killyman Road. Individual houses lie to the north and west of the site and a series of dwellings fronts Killyman Road on the opposite, townward side of that road.

**Department's Case**

4.15.2. Both sites have formed part of the Green Belt around Dungannon since 1979, a position that has remained unchanged at each stage in the current Plan's preparation. DSTDAP settlement limits were defined following an analysis of development trends together with an evaluation of environmental issues, physical features, the availability of services and general Draft Plan objectives. Each of these objection sites has been included within the Green Belt to safeguard the surrounding countryside, to limit development, to promote properly structured urban growth and to retain compactness of settlement form.

4.15.3. Objection Site No. 294 portrays urban fringe characteristics and the area further to the south-east, on the opposite side of Killyman Road, contains a number of light industrial premises and individual residences. This site and the neighbouring parcel of ground (Objection Site No. 261) requires protection from development pressure, further degradation of countryside character and urban sprawl along one side of a major approach road to the town.

4.15.4. Killyman Road and Far Circular Road provide a well-defined physical and visual break between the town and the countryside. As such, they would function as effective development limits whereas inclusion of the objection sites within the Dungannon town area would result in the creation of a disjointed and illogical urban boundary. Rural planning policy contains a long-term commitment to retain the open character of the countryside within Green Belts.

4.15.5. The Draft Plan has provided a generous settlement limit for Dungannon and approximately 330 ha. of land have been made available for a range of development opportunities at various locations within the town. Since adequate land is available elsewhere within those boundaries to meet the town's needs for the Plan period, inclusion of additional development ground here is not justified.
4.15.6. It is acknowledged that industrial developments have been approved outside the existing zonings at Killyman Road and Far Circular Road and beyond the ETAP settlement limit. However, these approvals relate to the change of use of former agricultural buildings or development within the curtilage of a long-standing commercial enterprise.

**Objectors' Evidence**

4.15.7. The area in the vicinity of Objection Site 294 has already been developed and the subject lands should be allocated as a Phase 1 infill housing area.

4.15.8. The ETAP zoned 59.3 ha. of industrial land within Dungannon Borough, 31.3 ha. in or close to the District Town and 28.0 ha. in Coalisland. The DSTDAP Technical Supplement indicates that 20.6 ha. of further ground were added to the original zonings, at Granville Industrial Estate and at Killyman Road. “The main focus of industrial activity in Dungannon Borough has been at Granville and Killyman Road to the south and south-west (sic) of the town. Other sites both in Dungannon and Coalisland have seen little or no industrial development during the plan period”. Areas of Dungannon that were zoned for industrial purposes, at Oaks Road, Mark Street and Stangmore, were unsuccessful and have been developed for other uses.

4.15.9. The Draft Plan has again placed most of the new industrial zonings in Dungannon at Granville and Killyman Road, with two smaller allocations at Coalisland Road and Ballygawley Road. The clear lesson from the previous Plan period is that there is considerable demand for industrial land in Dungannon which has good access to transportation infrastructure and where the area zoned is of sufficient size to create economic benefits from agglomeration. Market demand for industrial land has put pressure on areas outside these existing agglomerations. This is clearly evident at Far Circular Road in the vicinity of Objection Site No. 261. Planning permissions have been granted there for a vehicle repair workshop, an electrical workshop, store and trade sales building and premises for the manufacture of window components.

4.15.10. Objection Site No. 261 is immediately adjacent to DSTDAP zonings DI 02 and DI 03. However, commercial/industrial outlets exist outside these zoned areas to the west, north and south-east of the subject lands.

4.15.11 The Department classifies this immediate area as an urban fringe landscape. The Objection 261 lands should be included with the Dungannon settlement limit and zoned for industry/mixed business use for the following reasons:

- the ground is flat, has a good road frontage and part of it is in a degraded condition;
- there are no infrastructural constraints to development;
- there is a clear demand for commercial/industrial land in the area;
- a number of commercial/industrial planning permissions have been granted in the vicinity. These have added to the sporadic spread of development on the urban fringe; and,
- inclusion of the objection site together with the existing businesses and other
**Consideration**

4.15.12. The comparative openness of the lands on the northern side of Killyman Road is due, in no small measure, to the fact that the ETAP settlement boundary coincides with that road line and extends south-eastwards from a point opposite its junction with the Gortmerron Link Road. More recent development such as the car parking provision across the road from the food processing business does not affect that general sense of openness to any marked degree. In our opinion, the presence of the small “knot” of established residential properties and associated outbuildings close to the Far Circular Road junction, some of which are put to low key commercial use, does not jeopardise the Green Belt status of the lands or other relevant planning policies to any significant extent. The background reasons for sanctioning industrial enterprises further out along Far Circular Road have been explained to our satisfaction.

4.15.13. The DSTDAP proposal to extend the industry and mixed business zonings into the Coolhill and Coolcush areas allows for a greater critical mass of such activity to occur at a location where demand for development has been evident. Inclusion of the wedge of DI 03 lands at Far Circular Road, bounded by a former railway embankment and an access laneway, provides further opportunities while maintaining a defensible settlement limit close to the Killyman Road junction.

4.15.14. No sustainable case has been made to the effect that the DSTDAP allocation of 22.5 ha. of industrial and mixed business land or of 23.7 ha. of housing ground relatively close to Objection Sites 261 and 294 is incapable of development or of meeting the likely respective needs in this part of the town during the Plan period. Inclusion of the objection lands within a revised settlement limit for Dungannon would lead to an intensified nucleus of development unrelated to its extensive countryside surroundings.

4.15.15. In our judgement, the DSTDAP intention to confine urban development to the south of Killyman Road and to limit expansion beyond its junction with Far Circular Road is sound in planning and land use terms.

**Recommendation**

4.15.16. The settlement boundary in this part of town should remain as proposed in the Draft Plan.

4.16. **THE DH 33 LANDS AT FAR CIRCULAR ROAD SHOULD FORM PART OF THE TOWN’S PHASE 1 HOUSING PROGRAMME.**

Objection No. 236 (Issue 1).

**Site and Surroundings**

4.16.1.1. This 16.9 ha. wedge of agricultural land stretches north-eastwards from Moy Road and along the undeveloped south-eastern side of Far Circular Road to the access laneway serving the “Cholve” farm complex. The land fall steadily from the mature treed frontage and the “Laurel Hill” farmhouse with its buildings at Moy Road to relatively flat ground with an open aspect adjacent to Far Circular Road over the greater part of its length. Internal field boundaries consist of post and wire fencing with some established hedging and intermittent trees.
**Department's Evidence**

4.16.2. The south-westernmost half of the area now proposed for second phase housing was zoned in the ETAP as land suitable for service industry. The remainder was located outside Dungannon’s limit of development and its initial designation as an Area of Special Importance - Strict Control was subsequently re-classified as Green Belt. At DSTDAP Preliminary Proposals stage, the entire site was included within an extended Dungannon settlement limit and was zoned for housing. On publication of the Draft Plan, the area was identified as part of the overall Phase 2 residential allocation. The DSTDAP Revision 1 document proposed that the lands would be bisected by the DEDR, with 9.2 ha. lying to the west of it and 5.7 ha. together with a strip of “white” land located between the new road line and the town's proposed development limit.

4.16.3. The phased release of housing land is considered to be the most logical way in which control residential expansion in the town. PPS 1 regards phasing as an appropriate planning mechanism for managing housing growth. Five criteria, as outlined in paragraph 4.1.28 of the DSTDAP Countryside Assessment, informed the selection of first and second phase housing land. As part of that process, priority was given to ground within the existing built-up urban edge of Dungannon and Coalisland. In all, 109 ha. of Phase 1 residential land, with the potential to provide 1,635 dwellings at an assumed density of 15 dph, has been identified within Dungannon. This exceeds both the DRSF target of 1,000 dwellings for the town by 2010 and the potential pro rata 40% uplift arising from the revised Departmental indications of regional household growth that were submitted by DRD during the DRSF Examination in Public.

4.16.4. The potential yield from the DH 33a and 33b sites could be of the order of 225 dwelling units which, if included in the finalised Plan, would result in further over-provision of Phase 1 housing ground, possibly of the order of 15% - 20%. Such a proposition would be inconsistent with the DSTDAP's strategic objectives and would conflict with current regional policy guidance on housing.

4.16.5. No landowners have approached the Department seeking to have Phase 1 lands removed entirely from the DSTDAP proposals or requesting a re-allocation of such sites to the later Phase 2 period. The ETAP, in allocating 135 ha. of land in Dungannon, made considerable over-provision relative to calculated housing need at that time so it is not altogether surprising that certain of those zonings still remain to be developed.

4.16.6. The alleged non-availability of certain land zoned for housing development is not something to which the Department attaches significant weight. Such claims are generally representative of a position at a specific point in time but circumstances can change within the life of a development plan.

4.16.7. Far Circular Road would need to be widened and a footway provided along the site's frontage through to Moy Road to cater for vehicular and pedestrian traffic associated with development of these lands. Roads Service would have no technical objection to the advancing of housing zone DH 33 from Phase 2 to Phase 1.

**Objector's Evidence**

4.16.8 There is an evident imbalance and under-provision of housing sites in this part of Dungannon and it is difficult to understand the DSTDAP zoning process in this regard.
It is a comparatively easy task to designate areas for particular land uses but there is no certainty that they will be released or will attract developer interest. That has been the case insofar as sites to the north of Stevenson Park and Ranfurley Heights are concerned. These were allocated for housing in the ETAP and have been carried through into the DSTDAP as zones DH 11 and DH 12. Landowners, when approached by the witness 4-5 years ago, made it clear that these particular sites would not be released for development. They are unlikely to become available during the lifetime of this new Area Plan. However, the objector can provide no written confirmation to this effect from the relevant landowners.

4.16.9 Apart from occasional replacement dwellings and the building of a social club and a church, there has been an almost total absence of development in the Far Circular Road locality. Given this situation, the DH 33 lands should be re-allocated as Phase 1 residential sites. They lie within the 30 mph speed control zone and their availability would widen the range of first-phase sites over an above those already identified as such in the DSTDAP.

Consideration

4.16.10. That section of Far Circular Road closest to the A29 Moy Road contains a series of dwellings, a church and hall on its on its south-eastern side and a football ground and associated social club directly opposite. Beyond these, the remainder of the road runs through largely undeveloped countryside to its junction with Killyman Road. The ETAP had allocated the lands on both sides of Far Circular Road for housing and service industry but these areas have, for the most part, remained undeveloped. The DSTDAP has extended the proposed settlement limit further south-eastwards and re-allocated the former service industrial zoning and the additional land there as Phase 2 housing ground, with the DEDR proposal traversing it at a mid-point.

4.16.11. The DH 11 and DH 12 zonings that lie at short distances from the objection lands represent 22% of the Phase 1 housing allocations within Dungannon. If developed, these would consolidate the area between the Gortmerron Link and Far Circular Road and provide a firm urban edge in the short term. The general area is well served with employment, educational, recreational and community facilities.

4.16.12. Having accepted that more than adequate industrial, mixed business and housing land has been provided for by the Draft Plan, we conclude that the extension of Dungannon’s development limit in this part of town would only be justified if site-specific aspects of the objection or wider planning objectives were found to be determining.

4.16.13. The evidence as to the unavailability of the subject lands for development purposes is based on enquiries made some 4-5 years ago and is not underpinned by more recent confirmations from landowners that this would continue to be the case throughout the lifetime of the new Area Plan. While there can be no certainty that all of the present Phase 1 lands will be released for residential purposes, we consider it nonetheless prudent to seek to maintain compact urban form in line with sustainable development and associated planning principles. The DSTDAP provides the opportunity for a review of the housing situation in 2005, at a median point in the Plan period.
**Recommendation**

4.16.14. The Phase 2 status of the DH 33 housing lands should be confirmed in the finalised Plan.

4.17. **GROWTH IN EAST AND SOUTH-EAST DUNGANNON IS NOT ADEQUATELY CATERED FOR. THE TOWN'S DEVELOPMENT LIMIT SHOULD BE EXTENDED BEYOND KILLYMAN ROAD AND ALONG BOTH SIDES OF MOY ROAD AS FAR AS THE MOTORWAY.**

**Objection No. 236 (Issues 2 and 3).**

**Site and Surroundings**

4.17.1. This objection relates to approximately 170 ha. of mainly agricultural ground between the DSTDAP development limit and the M 1 motorway. It includes the townlands of Culnagor and Coolcush and the area between Moygashel and the Stangmore roundabout. In addition to farm holdings and individual dwellings, there are some industrial and commercial businesses at Far Circular Road and on the townward side of Motorway Junction No. 15.

**Department's Evidence**

4.17.2. The Department considers that there is no planning case for including such extensive areas of ground to meet the needs of Dungannon. The countryside to the north of Killyman Road forms part of an attractive open landscape that should be retained as such. That road forms a good visual “stop” to development and provides a quality approach into the town. Retention of the objection lands as Green Belt would meet those PSRNI Policy GB/CPA 1 objectives that refer to preventing the unrestricted sprawl of large urban areas, safeguarding the surrounding countryside and protecting the setting of settlements. The DI 03 zoning on the east side of Far Circular Road provides for industrial land close to established businesses. Development there would have less impact on the landscape than would be the case if ground on the northern side of Killyman Road were to be released for such purposes. It is accepted that car parking associated with the major food processing enterprise has been permitted recently on the north side of Killyman Road but as there are no buildings on site, a sense of openness has been maintained.

4.17.3. Maintaining the Green Belt between Killyman Road, Moy Road and the M 1 would prevent further elongation and urban sprawl of Dungannon towards the motorway. This area forms an important landscape buffer between the DSTDAP settlement limit and the M 1 which enhances the visual quality of those routes exiting, approaching and entering the town along the A 29, M 1, Killyman Road and Culnagrew Road. Apart from the area around Moygashel, the town remains visually discreet in views from the motorway and the A 4 route.

4.17.4. The DSTDAP provides a more than generous allocation of land to accommodate the levels of housing given the requirements of the RDS, the capacity available in the Phase 1 and 2 zonings and the rates of residential development experienced historically within the town. On the industrial and mixed business front, the Technical Supplement indicates that the average take-up of such land between 1981 and 1993 was 2.2 ha. per annum. The Draft Plan's allocations are based on a more optimistic expectation and, in allowing for a degree of flexibility and choice of sites, the level of take-up has been
assumed at twice the 1981-1990 historic trend. The provisions of DSTDAP Policy IND 1 together with the protection of existing sites and the scope for use of vacant or under-utilised space within them create a situation where there is no need to zone additional land for industrial and mixed business purposes in Dungannon.

4.17.5. In policy terms, there is a general presumption against the creation of new accesses onto Protected Routes such as the A 29 and A 4 roads. However, it would be technically possible, with developer contributions to local road improvements, to serve the various sectors of the objection lands by way of Killyman Road, Culnagrew Road and Syerla Road, for instance. The subject lands are unlikely to be affected by serious flooding from known watercourses. New foul sewage and water mains infrastructure would be required but the existing sewage treatment works at Moygashel and the service reservoir at Castle Hill have sufficient capacity to cope if development were to be sanctioned on the lands encompassed in this objection.

**Objector's Evidence**

4.17.6. In a number of instances, the DSTDAP's proposals will frustrate and hinder the natural growth not of only Dungannon but also of the villages that make up the rest of the Borough. Development has not been adequately catered for to the east and south-east of Dungannon itself. The boundaries of the industrial zoning to the east of Far Circular Road have been drawn in an arbitrary way. Land to the north of Killyman Road should be considered as a natural progression of the existing industrial and mixed business uses in this part of the town. Although this part of the overall area has not been delineated in map form, it equates generally to the 40 ha. tract of land referred to by the Borough Council in an earlier, but now withdrawn, objection.

4.17.7. The DEDR will fragment the DI 02 allocation at Coolhill and, if this road line is confirmed as part of the Plan, it should form the boundary to the industrial zonings there. The Department should be prepared to look again at the use of land to the east of Far Circular Road, possibly for housing purposes.

4.17.8. The M1 motorway should be considered as Dungannon's south-eastern settlement limit and the lands on either side of Moy Road in the vicinity of the Stangmore roundabout should be incorporated within the urban area. This would provide greater flexibility in attracting and catering for the growth of the town. It is highly unlikely that a considerable proportion of the ground that has already been allocated for development in the Draft Plan will be put to that use.

4.17.9. It is conceivable that the general area between the DSTDAP development limit and the motorway involves 120 ha. of ground and the Department's estimates in this regard are not disputed. If allocated for housing, it is accepted that these lands could potentially accommodate about 1,800 dwelling units and thereby double the DSTDAP's Phase 1 housing supply in Dungannon.

**Consideration**

4.17.10. We were able during the course of the proceedings to identify the general extent of the area that was the subject of this objection but it would have been much more beneficial to all concerned if the objector had responded to the Department's early request to define the area of concern in map form.
4.17.11. The case for including these additional lands within the development limit was predicated on the claim that the DSTDAP zonings would frustrate or hinder the natural growth of the town and that considerable areas of allocated land would not be released for development purposes. These opinions were expressed in general terms only and were not supported by any written or first-hand evidence, for instance from the landowners concerned.

4.17.12 We accept, on the basis of the Department’s evidence and the information in its published supplementary statements, that the DSTDAP provides more than adequately for the area’s anticipated residential and industrial needs.

4.17.13. The additional area advocated for industrial and mixed business uses to the north of Killyman Road would represent a 54% increase in the DSTDAP commercial allocations for Dungannon. Paragraph 4.17 of the Technical Supplement confirms that the Draft Plan's zonings are based on a high growth scenario and could result in a requirement for 66 ha. of industrial land over the course of the Plan period. The Department contended that the quantum of land proposed for industry and mixed business use in the southeastern part of the town, although potentially bisected by the proposed DEDR, would have less impact on the landscape than would be the case if part of the overall objection site were to be released for development. While accepting that some historical and more recent development has occurred along the north side of Killyman Road, a sense of openness nonetheless prevails on the approach to the town for a distance of approximately 900 metres from its junction with Far Circular Road. The issue of the possible de-zoning of the DI 03 land was raised for the first time during the Inquiry proceedings and third parties therefore had no opportunity of considering or responding to that proposition. As a consequence, we have not addressed this aspect of the wider objection.

4.17.14. The Stangmore roundabout provides an important link from the strategic road network into Dungannon and the DSTDAP development limit in the area between the Killyman Road and the core of Moygashel generally lies at distances of 300-700 metres to the north-west of the motorway. Inclusion of such an extensive swathe of land within the urban limit without a robust justification of the need for additional ground and careful examination of its landscape an environmental qualities would run completely counter both to the requirements of the planning system to secure economy and efficiency as well as amenity in the use of land and to the declared aims of paragraph 12 of PPS 1 in working towards sustainable development. If accepted, such an allocation would have a startling effect upon Dungannon’s urban form. We conclude that there are no overriding factors in this general objection that would warrant amendment to the Plan.

Recommendation

4.17.15. The lands in question should retain their Green Belt zoning and the Plan should be confirmed in this regard.
4.18. DEVELOPMENT LAND SHOULD BE MADE AVAILABLE ON THE SOUTH-WEST SIDE OF MOY ROAD TO ALLOW FOR THE CREATION OF A CAR RETAIL VILLAGE.

Objection No. 264.

Site and Surroundings

4.18.1. The 4.6 ha. objection site consists of a single agricultural field that is located on the A29 approach road to the town at a point about 400 metres to the north-west of Motorway Junction No. 15. It is separated from Moy Road by timber fencing, a footpath and grass verge with trees planted at regular intervals along it. The front part of the field is flat but the ground falls sharply to its rear boundary. Mature stands of trees exist alongside a stream on the lower part of the site's south-western flanks. Adjacent land uses on the same side of the road include a 1.8 ha. car showroom and filling station complex to the north-west and the wooded grounds of Stangmore House, a guest house property, to the south-east.

Department's Evidence

4.18.2. PSRNI Policy SP 12 confirms that, in preparing development plans, planning policy must take account of the wide variety of landscapes and development pressures. As part of this process, the extent of Green Belts and Countryside Policy Areas (CPAs) will relate to particular local circumstances. Enhancement of urban fringe areas that are designated as Green Belt land is also acceptable. The Dungannon settlement limit has been drawn to take account of Draft Plan objectives and, in particular, that which refers to the maintenance of compact settlement forms that respect the individual character and identity of settlements, avoids urban sprawl and unnecessary ribboning and reduces the need for expansion into countryside. Local landscape and topography are significant considerations at this location.

4.18.3. The DSTDAP Countryside Assessment, in considering Dungannon's general directions of growth, identified a number of physical assets and constraints to development. Among these were proximity to the M1 motorway and the A29 and A4 Protected Routes. While acknowledging that the Countryside Assessment did not refer specifically to the subject lands, their inclusion for development purposes would advance the town limits towards the motorway and would be inconsistent with the Draft Plan's objectives already referred to.

4.18.4. This locality has been subject to strict planning control since 1979 and the DSTDAP Countryside Assessment helped to confirm that the area's Green Belt status should remain unchanged. The open, undeveloped nature of the site offers uninterrupted views from the Moy Road over the surrounding countryside and provides a strong visual break between the developed urban edge of Dungannon and the countryside beyond, particularly when travelling in the direction of the motorway. It is acknowledged that, if implemented, the DH 33a and 33b Phase 2 residential zonings on either side of the proposed DEDR would introduce urban components on the Moy Road frontage at a point directly opposite the objection site.

4.18.5. The Department confirms that a car village falls within its definition of industry and mixed business use and the DSTDAP Technical Statement indicates that this type of
development may be provided on industrially zoned land. Adequate and more appropriate
land that would facilitate the type of use proposed has already been identified within the
urban area. This would include the large DI 02 and DI 03 areas at Far Circular Road to the
north-east. These are better integrated in visual and physical terms with the existing town
and they would provide sites that are capable of being more easily developed.

4.18.6. From visual inspection, only a small part of Objection Site 264 close to the main road frontage
is likely to be capable of easy development for industrial or mixed business use. Much of
the remainder is steeply sloping and could require considerable earthworks and re-grading
to facilitate car village development. While the Department would not dispute the
objector's contention that approximately 2.0 ha. could be developed without requiring
ground levels to be modified, the introduction of buildings here would have a detrimental
impact on the landscape and setting of this part of Dungannon.

4.18.7. The site cannot be regarded in planning terms as an infill opportunity. It consists of open
agricultural land that has a 300-metre frontage onto Moy Road between the car showroom
complex and Stangmore House which is set well back from the main road and at a lower
level within its own landscaped grounds. The sewage treatment works on lower land
beyond and to the south-west of the site are not a dominant feature in the locality. No site-
specific need has been demonstrated that would justify development proceeding here if the
land's Green Belt status were to remain unchanged.

4.18.8. Moy Road is classified as a Protected Route where a policy of control on accesses applies.
When the objection was originally submitted, there was no indication that closure of the
petrol filling station was intended or that the new site would share the neighbouring
development's existing access. If it can be verified, through traffic surveys and impact
assessment, that fewer vehicles will use the existing access in future and that a right
turning lane would be provided here, Roads Service would have no objection to the subject
lands being included within the settlement limit. From the information provided, it might
be possible to link the objection site to a possible roundabout junction on Moy Road that
would serve the proposed DEDR.

4.18.9. The Department acknowledges that all planning permissions at the neighbouring car
showroom site were implemented quickly. The most recent approvals, for change of use as
opposed to further development, may be an indication of the constrained nature of the site
but other commercial factors may underpin those particular decisions. Given the size of the
subject lands and the likely extent of the developable area, it would be possible to provide
considerable landscaping as part of any approved development scheme here. Nevertheless,
the Department considers that the open nature of this site is key to the physical setting of
Dungannon and that development on this ground would have an adverse effect on local
amenity. Roadside trees may filter southward views across the subject lands as they mature
but visibility would be blocked to a much greater extent if buildings were to be erected
here. Development would be prominent in views from the A4 route as far as the off-slip to
the overhead junction when travelling in an easterly direction towards the Stangmore
roundabout.

4.18.10. In drawing the DSTDAP settlement limits for the town, an assessment was made of the needs
of Dungannon as a whole rather than of the anticipated requirements of individual parties
or businesses. The importance of retaining this objection site in an undeveloped
state as part of the town's urban setting would be best achieved by re-confirming its Green Belt designation.

**Objector's Evidence**

4.18.11. As the main District town, Dungannon has an important role to play in underpinning the economic performance of the Borough as well as contributing to the significant role of the M1 transportation corridor. One element of the DSTDAP strategy is to "protect and extend existing industrial and business areas where they are within easy access of the urban population and will not have a significant adverse impact on the environment or local amenity". Development at the subject site as a car retail village would assist the town in realising its strategic role as identified in the RDS.

4.18.12. Use of this site on a “gateway” approach into Dungannon, which is bounded to the north, west and south by various developments that diminish its function as Green Belt land, would allow for an existing successful car sales operation to be rationalised. The cramped nature of the present site results in a situation where a regionally important business operates in substandard conditions that seriously prejudice its continuing development as a hub location. At present, three further franchises have expressed an interest in being represented on site. Their presence in Dungannon would generate 45 additional jobs locally.

4.18.13. Car retailing has been transformed in the 22 years since the business relocated to its present site from central Dungannon. Further changes can be expected as a result of relaxation in EU legislation and increased consumer pressure for choice and competition. Grouping a number of dealerships at a single highly visible location on a major arterial route close to key transport corridors can cater for these emerging trends.

4.18.14. The level of traffic generated by a car showroom complex with servicing and repair facilities is remarkably low. On the basis of TRICS National Database information, a car retail village occupying a 2.0 ha. site would be expected to generate 82 arrivals and 30 departures in the morning peak period and 36 arrivals and 63 departures during the equivalent afternoon period. The objector is willing to close the 8-bay petrol filling station and shop which attracts significant non-essential traffic to the existing site. Using the same database information, it is estimated that a petrol filling station of the size currently on site would generate 87 arrivals and 86 departures in the morning peak and 111 arrivals and 111 departures in the busiest afternoon period. The reduction in traffic resulting from the closure of a petrol sales outlet would more than compensate for the anticipated increase in vehicle movements likely to be generated by the extra car showroom space.

4.18.15. Traffic on the A 29 Moy Road is forecast to increase over the Plan period to a level of approximately 24,000 vehicles per day. As the proposed DEDR will not be constructed until 2012, the A 29 will continue to carry this traffic past the subject lands. A safe access must, therefore, be provided if the objection site is to be included within the settlement limit. Moy Road provides access to a considerable number of existing and permitted developments. The carriageway is narrower at these locations than is the case at the subject site where a generous verge and hard shoulder would permit the provision of an entrance that would comply with current design standards.
4.18.16. There are three access points from the A 29 to the existing complex at present. The creation of a single access serving the combined development area, with a right turning lane for traffic approaching from Dungannon town centre and a left turn slip for vehicles coming from the motorway direction, would not infringe the Department's protected routes policy. The proposal would ensure that all car parking and storage requirements could be contained within the enlarged site thereby providing a safe approach for strategic traffic on the A29 route. In the long term, it would be possible to link the extended site to the proposed DEDR junction at Moy Road in a safe and controlled manner.

4.18.17. The proposal would round off the present “bite” in the settlement limit here and would mirror the DH 33 residential zonings on the opposite side of Moy Road. The natural boundaries to the south and south-west of the subject lands would ensure that there would be no unrestricted expansion of the built-up area and no merging of Dungannon with any other settlement.

4.18.18. The subject lands make a limited contribution to the values normally associated with the countryside. The sense of openness, visual amenity and separateness from urban form is not evident here. The site is, therefore, more of an infill opportunity. Because of topography, development here would not prejudice the physical setting of Dungannon in any way. It is intended that the flatter front portion of the field would be developed and the residual area could, if necessary, be landscaped. A Concept Master Plan would ensure that the type of enterprise proposed would integrate with neighbouring development and it could, if necessary, provide for the retention of some views to the countryside beyond. Allowing the car sales complex to expand would retain the business in the town and avoid possible job losses.

4.18.19. The needs of the business cannot be met at any other location within Dungannon. The DI 02 and DI 03 sites at Far Circular Road have been included in the Draft Plan because the southern part of the town has been most successful as an industrial location. Given the sharp take-up of such land and the increasingly high standards demanded in industrial units, priority should be placed on using these particular sites for industrial activity. Relocating the car sales business to the Far Circular Road area would take it further away from its strategic positioning close to the M 1 and any benefits arising from the DEDR would only be realised beyond the proposed Plan period. There is, at present, no funding commitment for this major road proposal. Such uncertainty is not acceptable in a situation where strategic decisions on commercial investment and positioning have to be made. The car village concept requires to be located within a retail park type of environment. The Far Circular Road sites are not regarded as suitable locations for his type of business.

4.18.20. Year-long negotiations regarding the possible acquisition of lands within the settlement limit that adjoin and lie to the rear of the present complex have been unsuccessful.

**Consideration**

4.18.21. The A29 link from the Stangmore roundabout towards Dungannon consists of a 500-metre section of dual carriageway that terminates at the entrance to the present car showroom and petrol filling station complex. The subject site presents a 260-metre open frontage to the dual carriageway on its south-western side between the walled enclosure of Stangmore House and the objector's current business premises. The land on the opposite side of Moy Road is generally more elevated and, apart from a cluster of houses
and a depot close to the Stangmore roundabout, consists of active agricultural ground associated with two major farm holdings, the latter of which ("Laurel Hill") faces the objection site. The present entrance to the town along this part of the A29 is predominantly rural in character especially on its north-eastern side. The DSTDAP development limit encompasses the Laurel Hill lands as a Phase 2 housing area bisected by the proposed alignment of the DEDR which leads off from Moy Road in a northeasterly direction at a point close to the townward edge of the objection site.

4.18.22. The DSTDAP proposals have extended the ETAP development limit by approximately 300 metres towards the motorway along the north-eastern edge of the A29. No change has been recommended on the opposite side of the road where the settlement boundary continues to wrap around the existing car showroom complex, the sloping lands to the rear and the Moygashel sewage treatment works at a much lower level to the south-west.

4.18.23. The Draft Plan indicates that Phase 2 housing sites will be held in a land bank and safeguarded for future residential development. Decisions on their release, in part or in full, will be made in the light of a housing land review in 2005 and will be dependent, among other things, upon the take-up of first phase allocations. Since there has been no formal objection to this zoning and there is no indication that development limits will be reviewed during the lifetime of the DSTDAP, it is possible that the DH 33 lands opposite Objection Site 264 could, in time, become a housing area. If such development does materialise in future years, the approach into Dungannon from the motorway will become significantly more suburban in character and appearance.

4.18.24. The objection site falls away to the south-west and provides open views over existing development at Moygashel and towards more distant countryside beyond. It does not stand out as a significant topographical feature when travelling on the A4 route because of the 450-metre intervening distance and the masking effect of the slip road connection to the Stangmore roundabout. We have concluded from our examination of the land and its surroundings that the subject site does not register as an important component of Dungannon's physical or visual setting on the approach to the town from the motorway. When travelling in the opposite direction along on Moy Road, the objection lands function more as a visual interlude between the edge of the built-up area and the roundabout connection to the M1 and A4 rather than as a distinct urban/rural interface.

4.18.25. There has been a growing tendency for the grouping together of car franchises both within industrial estates and on edge-of-town sites taking advantage of road frontage locations. The DSTDAP Technical Supplement anticipated that some non-industrial uses such as car and other vehicle sales, including showrooms, may be provided on industrial sites. A degree of land over-allocation was introduced to cater for such eventualities. While the Draft Plan identifies areas for industry and mixed business use and Policy IND 1 refers in its supplementary text to "appropriate businesses ", the Written Statement does not provide any further clarification or examples of the types of enterprise that would be acceptable in terms, for instance, of the current Use Classes Order. The Department did, however, acknowledge during the proceedings that car-retailing businesses would be considered as being acceptable on industrial land and that such a use would, therefore, accord with DSTDAP Policy IND 1. We note that paragraph 37 of PPS 4 is expressed in similar terms.

4.18.26. It is evident that the objector's present business enterprise, which has a range of franchises and discreet showrooms, is operating considerably beyond its physical
capacity on a heavily trafficked route. His attempts to secure additional ground nearby within the existing development limit appear to have been unsuccessful to date. We note that this adjoining ground is in more of a backland position and slopes more markedly in the direction of Moygashel. Although the objector considered that, from his point of view as an established operator, the Moy Road site was superior in locational and trading terms to other identified opportunity sites, no convincing planning case was put that industrial and mixed business zonings such as those at Far Circular Road were incapable of accommodating or attracting a car retail village development. These sites are relatively close to the A29 and would be well placed in relation to the DEDR if that new distributor road proposal were to be sanctioned and constructed as anticipated by the Revision 1 document.

4.18.27. PPS 1 advises that development plans provide a basis for rational and consistent decisions on planning applications as well as a measure of certainty about which types of development will and will not be suitable. They are the primary means of evaluating and reconciling any potential conflict between the need for development and the requirement to protect the environment within particular areas. From the evidence before us, we do not consider that land within Dungannon should be zoned specifically for a car retail village development. To do so could be too limiting in terms of the Department's day-to-day development control functions. The DSTDAP, in our judgement, offers a sufficient policy and zoning context to deal with any such development proposition.

4.18.28. While the Draft Plan allocates Phase 2 residential land directly opposite the objection site, there is no certainty at this point in time that development will materialise on this more rural side of the A29. In our judgement, carefully controlled development that presents a suite of low level buildings and a quality frontage to Moy Road in the gap between Stangmore House and the existing garage and showroom complex could be provided on the objection lands without impinging unduly upon the area's character even in a situation where development was to occur only on one side of the A29 approach to Dungannon. We therefore conclude on the basis of the site's location and characteristics that adjustment of the town’s limit of development here would not undermine the objectives of regional planning policy or of the Area Plan as currently drafted.

Recommendation

4.18.29. Taking account of the characteristics of the Moy Road lands and the uncontested DSTDAP proposals directly opposite, the Plan should be amended so that this objection site is brought within the Dungannon settlement limit and is zoned for industry and mixed business use.

4.19. SITES IN THE VICINITY OF THE FORMER MOYGASHEL MILLS SHOULD BE ZONED FOR INDUSTRY AND MIXED BUSINESS USE.

Objection Nos. 208 (Issue 1) and 236 (Issue 4).

Sites and Surroundings

4.19.1. These objections relate to three discreet but adjoining parcels of ground with a combined area of 15.2 ha. that are located in an arc on the western side of Main Road, Moygashel and in the vicinity of Nunnery Hill. They comprise the 2.2 ha. Linen Green Centre (Area A), the 7.1 ha. “Tir-oen” factory and “Topfield” site (Area B) which, in part, bounds Northland Way, and a 5.9 ha. depot site (Area C) that is located opposite the Howard
Primary School. Housing developments exist to the north, south and south-west of the subject lands.

**Department's Evidence**

4.19.2. These sites were included as “white” land within the ETAP development limit for Dungannon and that situation remained largely unchanged at Preliminary Proposals and Draft Plan stages. The only alteration involved a section of the mill race to the north of the Linen Green Centre that was re-allocated as part of an extensive outdoor recreation and amenity area centred on Milltown House and which has now also been zoned as a Local Landscape Policy Area (LLPA 05).

4.19.3. Adequate land has already been reserved within Dungannon for industry and mixed business uses and its distribution provides a choice of employment locations. This can be further supplemented by opportunities available within existing but underused industrially zoned areas. The objection lands would be suitable for a range of uses but the limitations that would apply to the lands, if zoned specifically for industry and mixed business use, would restrict their development potential. The DSTDAP proposals do not prevent any of the sites from being developed for such uses or for other purposes, subject to compliance with regional and local planning policies. Outline planning permission was granted in November 2001 for a major mixed-use development involving a hotel and leisure suite, art gallery, factory outlet retail village and themed visitor and craft centre at the depot site. Retention of the “white” land allocation on these sites would provide for maximum flexibility in terms of future development opportunities.

4.19.4. The mill race area should continue to be zoned for recreational/open pace use within the proposed LLPA in order to safeguard local features such as the natural slopes, tree cover and the existing pedestrian and cycle way connection.

**Objectors’ Evidence**

4.19.5. The Moygashel factory complex has been refurbished and the whole area revitalised in recent years. Considerable expenditure has also been incurred in acquiring alternative depot accommodation and plans for extensive development involving up to 500 jobs are currently at an advanced stage. The Draft Plan designation of the objection sites as “white” land does not recognise the locality's potential as a future development area. Rezoning for industry and mixed business use would have a significant impact in seeking to expand the area's potential as a prestige centre of retail, software and telecommunications investment and development.

**Consideration**

4.19.6. This traditional area of textile manufacturing has undergone a significant degree of change and redevelopment within the past decade and continues to play an important economic role within the Borough. Developer interest in enhancing its function as a retail outlet centre and in broadening the range of uses on site is evident in that approval of reserved matters pursuant to the 2001 outline planning permission was being sought at the time of this Inquiry. The zoning of the relevant sites as “white” land does not appear to have been an impediment insofar as these and other recent development proposals, such as the construction of nearby warehouse units, are concerned.
4.19.7. We do not consider that re-zoning the area specifically for industry and mixed business use would be of particular advantage in terms of day-to-day planning control or in marketing the Moygashel sites as a specialist centre of economic activity. Current policy guidance together with more localised planning controls should be sufficient in regulating the range of uses that would be appropriate in this part of the Borough.

**Recommendation**

4.19.8. Each of these three objection sites should continue to be classified for planning purposes as “white” land.

4.20. **GROUND TO THE SOUTH OF DUNGANNON PARK SHOULD BE ALLOCATED FOR FIRST-PHASE HOUSING DEVELOPMENT.**

**Objection No. 220, Site and Surroundings**

4.20.1. This 9.9 ha. site consists of relatively flat land stretching beyond the southern extremity of Dungannon Park and onto lower ground to the west of housing at Dunore Avenue and Northland Way, Moygashel. A private road that connects with Northland Way marks the northern boundary of the site while its other margins are defined by hedges or post and wire fences. Some woodland exists in the south-western and south-eastern edges of the objection lands. A small stream bisects the site in a north/south direction. The greater part of the site and the ground beyond is predominantly in agricultural use. A two-storey detached house occupies a central position in the northern part of the lands and is accessed from the private road by a 150-metre long lane.

**Department's Evidence**

4.20.2. The ETAP development limit in this part of Dungannon coincided with the line of the small stream that bisects the objection site. That portion within the town had no specific land use zoning while the residual part was included within an Area of Special Importance and Strict Control that was later classified as Green Belt. The urban limit was moved slightly westwards to run along a nearby field boundary when the Preliminary Proposals were issued in early 1998 but the entire objection site was redesignated as Green Belt land at Draft Plan stage in May 2000. No change to that zoning occurred as a result of the Revision 1 document that was issued in May 2002.

4.20.3. The Department accepts that Policy HOU 1 of the DSTDAP Preliminary Proposals stated that care had been taken “to ensure that housing zonings do not interfere with environmentally sensitive areas, both in terms of the natural environment and the archaeological and built heritage”. Preliminary Policy SMT 3 also confirmed that proposed development limits had been identified for each settlement in the Plan area “to protect its individual character and limit ribbon development and urban sprawl in the surrounding countryside while creating suitably located development opportunities to accommodate the future needs of the major land uses”. Factors such as ribboning and urban sprawl were, therefore, material considerations during the preparation of the Preliminary Proposals.

4.20.4. The Department also acknowledges that it responded to a pre-application enquiry in March 1998 by confirming that it had no objection to the use of the subject lands for
housing purposes subject to satisfactory infrastructure provision. That opinion was based on the ETAP zoning and Preliminary Proposals guidance. It is highly likely that planning permission would have been granted at that time but the enquiry was not followed up by submission of a planning application. Planning parameters changed somewhat with the publication of the DRSF which established a significantly lower housing target for the town than had originally been envisaged for the 15-year period to 2010. Because of the substantial degree of over-zoning inherent in the Preliminary Proposals, most areas of un-zoned land on the town's urban edge were excluded from the Draft Plan's housing development proposals. Existing planning commitments already secured through the granting of planning permission were carried through into the Draft Plan and allocated as Phase 1 or 2 housing allocations. The DSTDAP consultation and public inquiry process allows for objections to these changes in planning proposals to be considered in detail. The witness is not aware of other similar situations within the Borough where preliminary indications of site suitability were overtaken by zoning changes at Draft Plan stage.

4.20.5. The objection site forms part of a parkland landscape and an adjoining inter-drumlin valley that contains small copes of woodland, an area of wetland and willow carr vegetation and a variety of habitats. These features are regarded as being of high nature conservation interest although the DSTDAP does not formally seek to protect them as such. The landowner could, therefore, legitimately undertake drainage works or fell local trees if he so desired. Development on site would not only remove the wildlife corridor along the stream that traverses the land and continues beyond the M1 motorway, but it would also damage local wetland and wooded areas. There is no proposal to extend the adjoining LLPA 05 area beyond the margins of the Park and into the subject lands.

4.20.6. The setting and visual amenity of Dungannon Park has already been compromised by development within and just outside its boundary. The objection site forms part of a tranquil unspoilt landscape on the southern edge of the Park which provides a verdant setting to the town's urban edge at this location and represents a good definitive planning boundary.

4.20.7. The Department sees no justification for the inclusion of additional housing zonings within the Dungannon settlement limit. Adequate land has already been identified for such development in more appropriate and better-integrated locations within the town. The DSTDAP Phase 1 residential allocations represent a generous supply of housing land. Six of the Phase 1 sites that are located close to one another in this general part of the town (DH 10-15) have the potential to accommodate 440 dwellings. Draft Plan Objectives 4 and 5 relating to compact settlement form, avoidance of urban sprawl, unnecessary ribboning, and provision of development opportunities within a sustainable living and working environment should be upheld here.

Objector's Evidence

4.20.8. This general area has a strong mixture of residential, retail and parkland use. The M1 motorway is close by and guarantees access to the transport corridors identified in the RDS. This access will be further enhanced when the DEDR is completed.

4.20.9. The landscape in this part of the town is dominated not by the subject site but rather by the raised ground to the south and west, with a strong presence of community woodland
to the south-east, and by the nearby Dungannon Park which is a major amenity feature. The site's natural “home” is within the settlement limit as initially proposed. At present, the linkages from the Park to existing and, more particularly, to proposed residential developments are weak and poorly defined. A Concept Master Plan could, for example, provide for a series of linked walkways that could connect the Park to housing areas DH 13 - DH 15 and DH 34 - DH 35. This would have the effect of binding peripheral sites to a high quality amenity area, something that cannot be achieved with the current zonings or the draconian deletion of the subject site from the settlement boundary. Much of the land within the six Phase 1 sites referred to by the Department had already been proposed for housing in the ETAP but these remain undeveloped. Release of the subject ground would present another development option to builders who have identified considerable demand for new housing within Dungannon.

4.20.10. Inclusion of the objection site would round off the settlement boundary and reinstate those lands that were deleted from the ETAP development limit. Its natural boundaries would ensure that there is no unrestricted expansion of the built-up area or merging with any other settlement.

4.20.11. The objection lands make a limited contribution to the values normally associated with the countryside. The sense of openness, visual amenity and separateness from the urban area is not evident when standing on site. The subject lands represent more of an infill opportunity because of their flatness and the fact that they contribute nothing of substance to the setting of Dungannon or of the Park. Development that integrates with existing housing is achievable here. The qualities and principles underlying Green Belt designation are present in, and apply to, the area that surrounds the objection lands but not to the subject site itself.

Consideration

4.20.12. The objection site consists of open fields bounded by low hedges that are located between the playing pitches within Dungannon Park to the north and extensive agricultural land beyond to the south and west. Although housing development is evident on the hill-crest to the east and a large dwelling with a relatively modest curtilage is positioned centrally on site, the prevailing character of this area is one of openness and separation from, rather than integration with, urban Dungannon.

4.20.13. Paragraph 42 of PPS 1 advises that Countryside Assessments are an integral part of the plan-making process. However, the precise point at which such an exercise was carried out for Dungannon Borough, whether before or after publication of the 1998 Preliminary Proposals, has not been specified in any of the Area Plan documents. It is evident that the greater part of the objection site and the nearby Park featured as “white” land within the Dungannon settlement limit both in the former ETAP and at Preliminary Proposals stage. The land was re-classified as Green Belt when the Draft Plan was published two years later and after a positive Departmental response had been given to a pre-application enquiry about possible housing development here.

4.20.14. The DSTDAP Technical Supplement does acknowledge (paragraph 2.17) that its population projections are based on an optimistic model that is not fully supported by past trends and that its quantitative assessment of housing requirements allows for a 30% over-zoning (paragraph 3.24). The publication of the DRSF with its clearly specified housing targets undoubtedly represented a material change in circumstances and, as
already mentioned in paragraph 3.3.37 of this report, we consider that the criteria applied and the approach adopted in selecting and phasing housing sites is both logical and defensible. While the Department expressed a preliminary view about the suitability of these lands for development in 1998, no planning permission had been sought or granted at this site subsequent to that enquiry.

4.20.15. The Green Belt appraisal, which is summarised on Map 3.5 of the Countryside Assessment document, identifies the change from the ETAP to the Draft Plan situation. However, it is unclear if the site's re-classification as Green Belt was based upon a close application of PSRNI policy criteria or if the amendment came about as a result of the deletion of peripheral “white” land sites as the Department sought to bring the quantum of proposed housing land more in line with the DRSF target for Dungannon.

4.20.16. Given our acceptance of the Department’s evidence regarding the adequacy of the DSTDAP’s residential allocations, we calculate that inclusion of these objection lands would, increase the town's quantum of first-phase residential ground that could be potentially developed by approximately 9%.

4.20.17. The Phase 1 housing allocations in Moygashel are modest in size and we find that neither they nor the larger Phase 2 sites link naturally or conveniently with the objection lands or with Dungannon Park. While the Park may offer local amenity and recreational benefits, its size and location relative to the town centre may militate against its extensive yearround use as a pedestrian or cycle connection from the objection lands to community, commercial or other facilities in central Dungannon. We have not been convinced that inclusion of this site would bind already allocated residential lands at Moygashel with the Park or that development here would constitute infilling or a local rounding off of the settlement limit.

4.20.18. Although parts of the site may have some ecological interest, no formal protective measures are in force or are proposed here. From assessment on site, we conclude that release and development of these lands for housing purposes would radically change the open countryside character of this part of the District. It would represent a comparatively isolated new “chapter” of development that would not connect naturally with the linear built form that is characteristic of Moygashel. We accept that the setting and visual amenity of the Park, which is an important landscape and recreational asset in its own right, would be compromised to a much greater degree than was sanctioned by the ETAP on its northern heavily landscaped flanks. We do not agree with the contention that Green Belt characteristics and qualities are confined to the lands beyond the objection site's boundaries.

**Recommendation**

4.20.19. The Draft Plan development limit should be upheld and this site should remain as part of the Green Belt.
4.21. THE PROPOSED PERIPHERAL CYCLE ROUTE WOULD INTERFERE WITH RESIDENTIAL PRIVACY AND AMENITY ADJACENT TO DUNGANNON PARK FARM.

**Objection No. 075.**

**Department's Evidence**

4.21.1. The Borough Council proposed a Peripheral Cycle Route under its “Draft Strategy for Access to the Countryside” with the intention of providing a network that would ultimately allow for safe access to and from all neighbourhoods in the town and between these and major community facilities. A planning policy to protect the intended route from development that would otherwise prejudice its implementation was first introduced at Preliminary Proposals stage of the Plan's preparation. It was also hoped that this route would become part of the National Cycle Way in Northern Ireland.

4.21.2. Objections were lodged against that section of the route close to Dungannon Park Farm (Map PAC 4.21.A) and the Department consulted the Council formally on the matter. The local authority recommended that adjustments should be made and the Department now intends to modify that portion of the route directly opposite the entrance to Dungannon Park so that the cycle-way uses the access road between the Manor Court Care Centre and the agricultural buildings at Dungannon Park Farm before continuing north-westwards along the farm tack to eventually connect with Mullaghannagh Lane (see Map PAC 4.21.B).

**Objectors' Evidence**

4.21.3. The siting of this section of the Peripheral Cycle Route adjacent to objectors' property would intrude completely upon privacy, would be detrimental to the amenity of the lands and would impose a type of user that would be totally contrary to the uses and activities carried on there.

**Recommendation**

4.21.4. The Plan should be amended, as shown on Map PAC 4.21.B, to reflect the Department’s concession on this issue.

4.22. THE “BRICKFIELD” SITE AT COTTAGEQUINN AND NEARBY GROUND TO THE NORTH OF THE DUNGANNON PARK FARM COMPLEX SHOULD CONTINUE TO BE PROPOSED AS HOUSING AREAS.

**Objection Nos. 081 and 178.**

**Sites and Surroundings**

4.22.1. The “Brickfield” lands (Objection Site 178: Map PAC 4.22.A), located 120 metres to the west of Dungannon Park and accessed by way of a private road, are bounded in the main by post and wire fencing with mature conifer trees along their north-eastern and southeastern edges. Tall, well-maintained evergreen hedging marks the remaining boundaries. Poultry houses and associated buildings occupy the greater part of this 2.0 ha. hilltop site. The ground immediately beyond this site falls steeply to the west, north and east.
4.22.2. Objection Site 081 (Map PAC 4.22.B) consists of 7.7 ha. of agricultural ground located directly to the north of a range of farm buildings and a nearby residential care centre at Manor Court and to the east of the Parkland playing fields. The majority of the land is relatively flat and low lying but the ground beyond its boundaries rises steeply in an easterly direction towards Moy Road and more gently to the west beyond a fence-lined farm track. Mature woodland, which is a prominent feature in this area, flanks the north-western and south-eastern edges of this general site.

**Department's Evidence**

4.22.3. Both sites lay beyond the ETAP development limit and within an Area of Special Control that was subsequently re-designated as Green Belt. The area containing the poultry houses was shown as “white” land at Preliminary Proposals stage and the southern portion of Objection Site 081 was allocated for housing while its smaller northern sector was defined as an outdoor recreation and amenity area that was crossed by the town's peripheral cycle and pedestrian route.

4.22.4. In re-defining the DSTDAP urban limits and the zoning of both sites, account was taken of such matters as the requirements of the DRSF, environmental issues, development trends within the town and the availability of services. The consultation responses of statutory agencies and of the Borough Council were taken on board and a number of the physical assets and constraints listed in paragraph 4.1.16 of the DSTDAP Countryside Assessment were also considered as part of that exercise.

4.22.5. Objection Site 178 is part of a wider elevated landscape that overlooks Dungannon Park and Lake as well as the neighbouring open countryside. Because of the potential for attractive views and the quality of the surrounding landscape, a location such as this is likely to experience development pressure. Acceding to this would have a detrimental impact on the local landscape and would undermine well-established Green Belt objectives. The situation would be exacerbated if the mature trees that currently screen the buildings on site were to be harvested, as indicated by the objector. Use of the site to store obsolete poultry equipment may or may not require planning permission. If such consent is judged to be necessary, any application would be considered in accordance with relevant planning criteria.

4.22.6. Objection Site 081 has been excluded from the DSTDAP settlement boundary in order to avoid development of agricultural land, to protect the setting of Dungannon and to safeguard local views of this attractive landscape which includes the LLPA 05 area centred on Milltown House and the remnants of the Ranfurly and Ballynorthland Demesnes to the north and east. The site, when combined with adjacent lands to the north and west, provides an important buffer between the town's urban edge and open countryside in this part of Dungannon. Housing development, even at low density here, would change the landscape and visual character of the area and compromise the integrity of the valley. It would be fairly remote from the remainder of the town and would “read” as an isolated block of development.

4.22.7. The elements that give LLPA 05 its intrinsic environmental value are set out in Appendix 3 of the DSTDAP Countryside Assessment. The watercourse at the bottom of the slope forms a natural physical southern boundary for this particular LLPA. The northern sector of the subject lands is currently used as a livestock grazing area but it does not exhibit the environmental qualities that would warrant its inclusion within the neighbouring LLPA.
Its designation as Green Belt land provides sufficient safeguards to prevent the unrestricted sprawl of Dungannon at this location.

4.22.8. The Department accepts that good levels of recreation and amenity space exist close to both objection sites. Public enjoyment of this attractive and tranquil area will be increased when the national cycle route and footpath facilities are in place. Housing would detract from this ambience and would contravene DSTDAP Plan Objectives 4 and 5.

4.22.9. The Draft Plan provides for a generous supply of Phase 1 housing land in this part of town. Zonings DH 10-17 have a potential capacity for 520 dwellings while 30 ha. of Phase 2 ground in the general vicinity will be safeguarded for future development, subject to a housing land review in 2005. Given this situation, the interests of the Draft Plan would be best served by upholding the subject lands' present Green Belt status.

Objectors’ Evidence

4.22.10. The poultry production unit on Objection Site 178 was constructed in the late 1950s and is surrounded by mature conifers that will be harvested in the near future. As a result, these old soon-to-be run down buildings will become a blot on what is a visually attractive area. They would be visible from surrounding areas including the centre of Dungannon. Redevelopment of the land and provision of 8-10 houses in a scheme that incorporates the natural environment would be much more in keeping with the area's surroundings. Alternatively, the site could be used to store obsolete poultry equipment such as old bulk feed bins, processing equipment, etc.

4.22.11. Objection Site 081 can be divided into two main areas. Plot A in the southern part of the site is land that is relatively flat with well-defined natural and man-made boundaries. Plot B to the north is flat, low-lying ground surrounded by mature vegetation. The entire lands nestle into their landscape surroundings and are largely screened from view, for instance from Moy Road, by local topography and long established planting.

4.22.12. This particular site has well defined natural and man-made boundaries that clearly link it to the urban environment. It is not located close to any neighbouring settlement so there is no possibility that development here would result in a merging with another community. House-building in such a physically contained location would not impact on the surrounding countryside or threaten the physical setting of Dungannon itself. It offers quality areas for people to live close to the town centre, to public amenity space and to main transport routes. Because of factors such as these, development here would conform to DSTDAP Plan Objectives and to the Government's wishes, as expressed in PPS 7, to promote more sustainable patterns of living, working and travelling; more effective integration between land-use planning and transport; and the creation of attractive places in which people are happy to live, work and take their leisure.

4.22.13. These particular lands are located less than 800 metres from the town centre boundary. Other residential sites, such as those along Old Eglish Road (DH 18), Coalisland Road (DH 29), Carland Road (DH 28) and Donaghmore Road (DH 23) sprawl out in a linear style yet they have been included within the DSTDAP development limit. Those zonings are not as sustainable as the objection site in terms of location and they do not contribute to compact urban form as advocated by the DRSF. They cut into the rural environment and would be more visible in the context of the town's setting.
4.22.14. When account is taken of the physical layout and character of Dungannon in line with PSRNI Policy SP 2, Objection Site 081 merits inclusion within the town's development limits. This is clearly supported by the fact that the Preliminary Proposals zoned the land for housing and positioned it well within the development limit in January 1998.

4.22.15. Development at each of the objection sites should be in character with their surroundings and consist of detached dwellings in substantial plots rather than high-density housing. A number of policy tools are available to the Department to shape development and ensure that all environmental and planning objectives are met. The northern portion of the Objection Site 081 (Plot B) should be retained as Green Belt rather than forming an extension to the LLPA 05 zone.

**Consideration**

4.22.16. The 1998 Preliminary Proposals brought within the town's intended new development limit a swathe of countryside between Dungannon Park and Moy Road through to Mullaghanagh Wood near Old Eglish Road in the west. According to that document, settlement boundaries were defined following an analysis of development trends and an evaluation of environmental issues, physical features and the availability of services. None of that preliminary survey or analysis information was made available to the Inquiry but it would appear that the approach adopted at that time would have been generally in line with the provisions of PSRNI Policy SP 2. The later Countryside Assessment that underpins the Draft Plan’s proposals follows the format outlined in paragraph 42 of PPS 1 and this, together with the information within the November 2002 Supplementary Housing Paper, explains how the Department sought to refine its residential proposals in Dungannon and Coalisland to come more into line with the levels of growth indicted in the emerging RDS. As part of that local exercise, most areas of unzoned ground on the urban edge of Dungannon were excluded from the DSTDAP’s land allocations We are satisfied at the soundness of that general approach particularly when the adequacy of zoned land is compared with the RDS housing growth indicators for Dungannon District.

4.22.17. We consider that development of Objection Site 178 for housing purposes would result in an isolated pocket of dwellings at an unsustainable location relative to the urban area. If the conifer trees were to be harvested, development, even at the density suggested, would lack integration with its landscape surroundings. Its prominence would be particularly evident from locations such as the Parkland playing fields and the route of the national cycle route as it connects the edge of the town centre with Dungannon Park to the south. Continuing use of the poultry-rearing site for agriculturally related activities would not necessarily conflict with its designation as Green Belt land.

4.22.18. The Objection Site 081 lands sit in a very shallow valley bottom location that melds seamlessly with the open and gently undulating landscape to the north-west and, more particularly, with expansive and attractive countryside towards Cottagequinn to the south-west. The line of the farm track, which is bounded only by post and wire fencing, would not form a defensible western limit of development. The presence of dwellings in such an open landscape would impact visually upon a wide area including the LLPA 05 policy area which extends beyond the site’s eastern boundary towards Moy Road. This broad tract of countryside is an area of high amenity value that penetrates close to the town centre boundary and, in its undeveloped state, maintains the compactness of urban form along the west side of the A 29. It also contributes to the setting of the central
Dungannon by providing northward views of the urban core and its landmark buildings. While the land may be geographically closer to central Dungannon than some of the Draft Plan’s housing allocations, it is somewhat divorced from the urban road network, public transport facilities and the town’s social infrastructure. In our judgement, sitespecific considerations, including proximity, are not overriding in either instance. We do not consider that the introduction of urban development into this part of Dungannon would represent sound planning practice.

**Recommendation**

4.22.19. Green Belt policies should continue to apply at each of these objection sites and in the surrounding area. The Plan should be confirmed in this regard.

4.23. LAND ADJACENT TO PARK VIEW, OLD EGLISH ROAD, SHOULD NOT HAVE BEEN EXCLUDED FROM THE DUNGANNON DEVELOPMENT LIMIT. Objection No. 021.

**Site and Surroundings**

4.23.1. This 0.1-ha parcel of land, which is located 300 metres to the south-east of Ballysaggart Lough, has a mature hedgerow and trees on its roadside and northern boundaries and contains the overgrown curtilage of a hall fronting Old Eglish Road. Residential properties at Park View abut the site on its northern flank while construction of new housing has commenced directly opposite. The ground is relatively flat along its road frontage but falls gradually to the east and then more steeply both to the east and south beyond the site’s boundaries.

**Department’s Evidence**

4.23.2. This site has always been located within a part of the District that has been subject to stringent planning policy, initially as an ETAP Area of Special Importance - Strict Control and then as Green Belt in more recent years. This latter designation was carried through both into the 1998 Preliminary Proposals and the subsequent Draft Plan.

4.23.3. In reviewing this particular objection, the Department has taken account of:-

- the role of the Green Belt and local environmental considerations;

- the need for the land to meet development requirements; and,

- existing uses on site.

It is now acknowledged that the site has a compact form, that it integrates with the exiting urban edge and that there are no technical obstacles to its potential development. Given the fact that this small field contains an apparently vacant mission hall, re-use of the ground is unlikely to involve a significant increase in the amount of built development on site or result in greater traffic flows than may have existed in the past. The Department now proposes to include this land within the Dungannon settlement limit and would seek additional planting on the site’s southern and eastern boundaries as part of any future development.
Objector’s Evidence

4.23.4. Exclusion of this land from Dungannon’s development limit is objected to.

Recommendation

4.23.5. The Dungannon development limit should be extended to include this objection site.

4.24. LAND ON THE SOUTH-EASTERN SHORE OF BALLYSAGGART LOUGH SHOULD BE DESIGNATED FOR RECREATIONAL OR TOURISM DEVELOPMENT.

Objection No. 259.

Site and Surroundings

4.24.1. The 1.4 ha. site lies on gently sloping land on the northern side of the road opposite the small cluster of houses at Lakeside Terrace/Lakeside Gardens. Its roadside boundary is marked by timber ranch-style fencing while its northern edge contains a public walkway and tree groupings that border the Ballysaggart Lough shoreline. The lands to the west are predominantly in agricultural use.

Department’s Evidence

4.24.2. This site was included within the ETAP development limit for Dungannon and formed part of a Landscape Policy Zone that was to be protected from potentially harmful development. That situation remained essentially unchanged in the 1998 Preliminary Proposals but the site was placed outside the Dungannon settlement boundary at Draft Plan stage and, in addition to being allocated as part of LLPA 03, it was also designated as Green Belt land.

4.24.3. Notwithstanding the fact that the landscape and visual amenity of Ballysaggart Lough has already been compromised by development around its southern and eastern edges, the objection site forms part of a pleasant, largely unspoilt landscape on the southern edges of Dungannon. It provides an attractive setting to the urban area and, when combined with the lands to the north and Ballysaggart Lough itself, functions as an important buffer between the town and the open countryside beyond. Retention of the site as part of that undeveloped setting would be best achieved by its continued classification as Green Belt land.

4.24.4. The combination of elements that give LLPA 03 its intrinsic environmental value include:-

- landform, particularly the localised hill with its intact field pattern overlooking the Lough;
- surroundings that are largely free of development;
- significant areas of trees around the historic “Manse” area;
- local nature conservation interest;
• the largely undeveloped landscape and the backdrop of mature woodland on steeply rising ground to the south of the Lough when viewed from Dungannon town centre;

• its contribution to the setting of the town centre in views from Old Eglish Road; and,

• the recreational potential afforded by the variety of open landscapes.

4.24.5. The Draft Plan's provisions do not necessarily preclude appropriate recreational or tourist-related development here provided PSRNI and Area Plan policy requirements are met. Development proposals, if deemed suitable for this site, should take full account of the highest water levels recorded on the Lough.

Objector's Evidence

4.24.6. The subject lands should be brought within the Dungannon settlement limit and zoned for recreational or tourism development in conjunction with the proposed LLPA area.

Consideration

4.24.7. Although the housing opposite part of the southern shoreline of Ballysaggart Lough predated the adoption of the ETAP in 1980, that Plan allowed for low-density residential development at Mullaghannagh on elevated ground to the east of the Lough and included a fairly extensive area of “white” land between that and the dwellings at Lakeside Gardens. The landscape protection zone around the Lough at that time was largely confined to the shoreline and the narrow tract of peripheral land bounded by Eglish Road, Windmill Hill Road and Old Eglish Road.

4.24.8. Notwithstanding the scale and impact of mainly residential development that has occurred on the eastern fringes of the lough, we consider that the revision to the development limit at DSTDAP stage and the re-allocation of the land as Green Belt was warranted and should assist in maintaining the setting and environmental qualities both of Ballysaggart Lough and approaches to the town along Eglish Road in particular.

4.24.9. Although the objector has provided no details of the type of recreational or tourism development envisaged, PSRNI and Draft Plan policies could allow for appropriate proposals in this general area without requiring amendment to Dungannon’s proposed settlement limit.

Recommendation

4.24.10. The Green Belt and LLPA zonings should remain unaltered at this location.

4.25. AREAS OF GROUND BETWEEN GRANVILLE ROAD AND WINDMILL HILL ROAD SHOULD BE ALLOCATED FOR RESIDENTIAL USE.

Objection Nos. 173 and 174.

Sites and Surroundings

4.25.1. Objection Site 173 (Map PAC 4.25.A) consists of three parcels of land with a total area of 6.2 ha. in south-west Dungannon that are bisected by Eglish Road. Area “A” (2.7 ha.),
lying entirely to the west of that road, contains the elevated curtilage of a dwellinghouse and is bounded on its southern side by hedgerows and a linear grouping of trees. Area “B” (0.6 ha.) is located between Eglish Road and properties at Meadowbank, which are part of the Ballygawley Road housing estate that sits on higher land to the east. Mature conifer trees mark the northern limits of that land and deciduous planting defines its southern boundary. Area “C” (2.9 ha.) fronts onto both Eglish Road and Windmill Hill Road and its northern edge abuts the Ballygawley Road housing scheme. Objection Site 174 (Map PAC 4.25.B), which overlaps and stretches beyond Area ‘B’ of Objection Site 173, is a 1.6 ha. wedge of land that extends southwards from the junction of Granville Road with Eglish Road and borders the Ballygawley Road housing estate on its eastern flank. Ballysaggart Lough lies immediately to the south-east of these combined sites.

**Department's Evidence**

4.25.2. The areas in question were shown as “white” land within the ETAP development limit for Dungannon and, with the exception of the greater part of Objection Site 173 Area “A” that was proposed for housing, again as “white” land in the 1998 Preliminary Proposals. Their re-designation as Green Belt and as part of LLPA 03 centred on Ballysaggart Lough occurred at Draft Plan stage. The work to define LLPAs was undertaken in mid-1999, about the same time as the Northern Ireland Landscape Character Assessment (NILCA) document was published. This latter study defined Ballysaggart Lough as an area with a Distinctive Landscape Setting.

4.25.3. The modification in zoning came about in response to DRSF requirements and as a result of the settlement appraisal of Dungannon that was undertaken as part of the Plan's Countryside Assessment. Draft Plan objectives 4, 5 and 6 were also particularly relevant factors in determining the DSTDAP limit of development here. Local landscape features in this area merit special protection. Exclusion of the site from the Dungannon settlement limit would enable the land to be retained as undeveloped agricultural ground in the vicinity of Ballysaggart Lough and to function as an important buffer between the town's urban edge and the open countryside.

4.25.4. If considered in isolation, limited development would be acceptable on Area “B” of Objection Site 173 which has good boundary hedge definition. It is compact, furthest from Ballysaggart Lough and, because of existing buildings nearby, some development could occur here without detracting substantially from local views or from the setting of the town or of the Lough. The resulting marginal increase in the town's housing land supply would not have a significant effect on the Draft Plan's policies overall. That part of Objection Site 173 Area “A” containing the residential curtilage of No. 1 Eglish Road should also be brought within the settlement limit and the LLPA designation should no longer apply to these two parcels of land. The remainder of Objection Site 173 Area “A” and all of Area “C” should remain within LLPA 03 (see Map PAC 4.25.C).

4.25.5. Development within the southern 0.6 ha. portion of Objection Site 174 would not screen or ameliorate the impact of the Ballygawley Road housing estate to any discernible extent as viewed on the approach from the south along either Eglish Road or Windmill Hill Road. The Council considered the possibility of acquiring part or all of the objection lands for recreational use in 1978. However, no indications of continuing local authority interest have been expressed during the consultation stages of this Plan's preparation. Designation of the ground as Green Belt or as part of an LLPA would not preclude...
certain forms of outdoor sport and recreation use on these lands. Outline planning permission for residential development was last granted here in 1981.

4.25.6. More than sufficient ground has already been identified to meet RDS housing targets. The importance of retaining the greater portion of the objection lands as part of Dungannon's undeveloped setting and safeguarding the surrounding countryside would be best achieved by maintaining the Green Belt designation.

4.25.7. The landscape and visual amenity of Ballysaggart Lough and its surroundings have already been compromised by development on its southern and eastern sides. The objection lands form part of a wetland and wildlife corridor that connects with other similar areas around Dungannon but they are not classified in the Draft Plan as a Site of Local Nature Conservation Importance (SLNCI). The Department proposes to uphold the LLPA 03 designation on the objection sites, apart from the conceded portion, in order to protect the wider area's intrinsic environmental value and character.

4.25.8. The Department does not consider that, by excluding these conjoined objection lands from the original settlement limit of Dungannon, it has acted in a way that is contrary to its development plan functions as set out in Article 4 of the 1991 Planning Order.

**Objectors' Evidence**

4.25.9. There is ample justification for retaining the subject lands within the Dungannon settlement limit. Inclusion would not compromise any of the area's environmental qualities. Development here would:-

- utilise existing public services;
- satisfy general Draft Plan objectives;
- provide for a more compact urban form and a better defined settlement limit;
- enhance the landscape and urban setting on this edge of the town; and,
- substantially improve a derelict, low-lying marshy area that has no realistic use at present.

4.25.10 Statutory consultees such as Roads and Water Service and the Rivers Agency have no objections in principle to the inclusion of these lands within the Dungannon development limit. A small housing scheme on Objection Site 174 fronting onto Eglish Road and with open space and recreational provision to the rear would buffer the unsightly back areas of the nearby Ballygawley Road housing estate. The spoilt landscape and the compromised visual amenity resulting from existing piecemeal, untidy and unstructured residential development around the southern and eastern boundaries of Ballysaggart Lough would also be improved by appropriate and careful development of the objection site. House-building, with additional planting of mature timber around and within its site boundaries, would significantly enhance the setting of Dungannon when viewed on approach roads yet such development would not detract from local views of the area. A dramatic improvement could be achieved in the general appearance of the area which is experiencing an element of regeneration at present. Zoning the subject lands for house-
building and, possibly, open space could encourage the redevelopment of local brownfield sites.

4.25.11 Residents on the south-western margins of the Ballygawley Road housing area objected to a proposal for large-scale residential development on the west side of Eglish Road in August 2001 but did suggest that the land to the rear of their properties should be identified for recreational and open space use. The District Council had also expressed an interest in acquiring part of the land for generally similar purposes.

4.25.12 It is difficult to understand why this piece of land which was included within the town's development limit both in the ETAP and Preliminary Proposals documents, and where housing has been approved in the past, was suddenly classified as part of the over-supply of potential development ground at Draft Plan stage. Such action represents an unreasonable exercise of, and is *ultra vires*, the Department's planning powers. The Department has, on its own evidence, accepted a revision of the settlement limit insofar as parts of the Objection 173 lands are concerned. No reason exists why the remaining objection lands should not be similarly incorporated.

4.25.13 This overgrown area is an eyesore. Periodic dumping has occurred and the land is rat infested. The Council's Environmental Health Department has received a number of complaints from local residents about this situation. These lands are a potential danger to children.

4.25.14 The southern portion of the objection sites should be brought within the settlement limit rather than being regarded as part of the Green Belt, as is currently proposed. A modest development of nine high-quality frontage dwellings with open space to the rear would be an appropriate design solution here. Tests on ground conditions have concluded that strip foundations could be used at this site. If the DSTDAP zoning remains unchanged, no-one including the Borough Council would be able to develop the area for recreational use, for instance, by residents of the very high density Ballygawley Road housing estate.

4.25.15 The financial impact on the landowner would also be disastrous because what has, to date, been an ongoing valuable asset that was to provide for his retirement needs would become worthless if the recently introduced Green Belt and LLPA designations prevail.

**Consideration**

4.25.16 The greater part of the subject area between Eglish Road and Windmill Hill Road consists of a wedge of flat, marshy ground that is bordered by low cut roadside hedges. Its is distinguishable in appearance both from the more enclosed agricultural land that rises gradually westwards from Eglish Road towards Granville Road and from the Ballygawley housing area that lies on the local crest line to the north-east. It provides an uninterrupted foreground for Ballysaggart Lough on the journey out from the town beyond the Granville Road/Eglish Road junction and, more particularly, when travelling southwards down Windmill Hill Road.

4.25.17 Although this part of Dungannon was included within the ETAP settlement limit, little development has occurred locally. Outline planning permissions for residential development in 1978 and 1981 and initial approaches by the Council in 1978 regarding potential recreational provision in this locality were not progressed further. The Ballygawley Road housing estate was already fully in existence when the ETAP became
operational in May 1980. The 1998 Preliminary Proposals identified the lands between Eglish Road and Granville Road as being suitable for housing purposes and amended the intended limit of development to a modest extent to allow for this possibility. The subsequent publication of PPS 6, which introduced the concept of Local Landscape Policy Areas (LLPAs), and the NILCA study's identification of Ballysaggart Lough and the lands generally on the east side of Windmill Hill Road as a Distinctive Landscape Setting appear from the evidence and references within the Plan's supporting documents to have led to the revision of the settlement boundary at DSTDAP stage when attempts were made to come somewhat closer to the RDS Housing Growth Indicators for the Borough.

4.25.18. We are satisfied that the Department has acted within its powers under Articles 4, 5 and 7 of the current Planning Order in introducing, publicising and causing a public local inquiry to be held for the purpose of considering objections to its development plan proposals.

4.25.19. No case has been presented by the objectors that their lands are required to meet an expected shortfall in housing provision or that the sites are superior in sustainability or other environmental terms to particular DSTDAP residential zonings within the town. We see some logic in the Department's modest concession regarding Objection Site 173 Area 'B' because of its present boundary definition and the scope that it offers to consolidate the built form that exists and is proposed in the vicinity of the Granville Road and Ballygawley Road junctions.

4.25.20. We do acknowledge that much of the remaining area of objection land between Eglish Road and the housing on higher ground to the north-east has an unmanaged and, in places, neglected appearance. However, it acts as a buffer between the built-up area that straddles Ballygawley Road and the countryside, notwithstanding the fact that some of the rural area beyond is suburbanised, particularly on the eastern side of Ballysaggart Lough. Retention of the gently rising land between Eglish Road and Granville Road as part of the Green Belt would maintain the present sense of openness and separation from the roadside line of properties known as Killymaddy Cottages which would be more logically linked to suburban Dungannon by way of the DH 20 housing allocation.

4.25.21. Green Belt policy, while somewhat restrictive, does not place an embargo on all forms of development but promoters of schemes need to demonstrate that the proposed development is required for a purpose that is appropriate in a Green Belt location or that there is some special reason why it should be allowed. We conclude both from the evidence and our visits to the area that, while finding the Department's suggested amendments to the settlement boundary acceptable, Green Belt and LLPA designations are justified on the residual parts of the objection lands.

**Recommendation**

4.25.22. The Dungannon settlement limit should be revised locally, as shown on Map PAC 4.25.C.
4.26. A MORE DEFENSIBLE DEVELOPMENT LIMIT WOULD BE ACHIEVED BY INCLUDING LAND TO THE WEST OF GRANVILLE ROAD WITHIN THE DUNGANNON SETTLEMENT BOUNDARY.

Objection No. 014.

Site and Surroundings

4.26.1. This 0.8 ha. objection site consists of a single field located to the west of the junction of Ballygawley Road and Granville Road on the western side of Dungannon. It is bounded by hedges along its northern, western and southern sides and has notable mature trees at its north-eastern and south-western corners. Large detached dwellings are located to the east of the site and new housing, with access from Granville Road, is being constructed at the nearby “Ashdene” site. A builders' merchants business operates from premises at the Ballygawley Road/Granville Road junction.

Department's Evidence

4.26.2. This area has always lain outside the statutory development limit for Dungannon and forms part of the town's Green Belt surroundings at present. By retaining this designation, further town expansion onto the steeply sloping agricultural ground and neighbouring hills in this locality can be prevented. The site, when combined with the lands to the north and south, provides an important buffer between the urban edge of Dungannon and the rising landscape to the west.

4.26.3. Sanctioning development here would also result in pressure in the long run to extend the settlement limit so as to include the adjoining fields to the north and south. The Draft Plan has already identified adequate housing land at locations that are better integrated visually and physically with the existing town. Inclusion of additional ground is, therefore, unnecessary.

4.26.4. When defining settlement limits, the Department seeks to utilise strong physical boundary features where possible. Occasionally, where no such features exist because of hedgerow and tree removal or other alterations to the landscape, boundaries will be selected by relying on views that are available from the surrounding road network. No detailed written report exists of the appraisal that was carried out in re-examining the ETAP development limit here. It is accepted that the objection site's eastern boundary is in part undefined but the settlement limit at this point has been drawn to exclude elevated ground. No ecological interest would be affected if this land were to be brought within the urban limit.

4.26.5. Inclusion of the subject lands would allow for development in depth rather than ribboning but it would nevertheless result in an unnecessary extension into an area of elevated countryside rather than securing sustainable urban compactness. While there is some low-density residential development along the site's eastern boundary, the objection lands are bordered generally by agricultural uses and are rural in character. The nearby “Ashdene” scheme of 23 dwellings was approved in February 2002 and outline planning permission is being sought to extend that housing development.

4.26.6. The Countryside Assessment document identifies key topographical features in and around Dungannon. It is not an exhaustive inventory of all rising ground and the subject
lands are not included in that list. The objector's photographic assessment of the subject lands from various representative vantage points is a valid means of evaluating the potential impact of development. The Department undertook no equivalent exercise. However, the visual impact of a series of dwellings would be greater than what is demonstrated by the photographs alone. Development on site would change the visual character of the local area as seen from the lower part of Newell Road (objector's viewpoints 4, 5 and 6), and in the vicinity of the Ballygawley Road/Granville Road junction (viewpoints 7, 8 and 9). It is also acknowledged that, in absolute terms, the objection lands are closer to Dungannon town centre as well as to some social and to other facilities than DSTDAP zonings such as DH 27, parts of DH 28 and all of DH 29. The selection of development sites was not based solely on distance from the town centre. Factors such as topography, urban form, environmental constraints and providing sites at a variety of locations were taken into account when designating the 255 ha. of Phase 1 and 2 residential land within Dungannon. If a case could be made for inclusion of the objection lands within the town's settlement limit, they would be considered as a possible Phase 2 housing allocation.

4.26.7. The January 2003 correspondence from the Geological Survey of Northern Ireland (GSNI) in relation to the DH 29 lands north of Rossmore Road is not conclusive regarding the practicality of residential development there. Consultations with the Department's Minerals Unit and with GSNI at the early stages of Plan preparation did not reveal any problem with the identification and inclusion of this locality as an urban expansion area. The relevant bodies have been re-consulted. However, even if this particular northern part of the town were to be ruled out as a development area, the loss of that Phase 2 land would account for only 2.7% of a very generous housing land supply and would not, therefore, jeopardise the Draft Plan's provisions in this regard.

Objector's Evidence

4.26.8. The local DSTDAP development limit cuts across a field and is unrelated to any feature on the ground. The mature hedgerow and trees along the northern edge together with the ridge-line on the western extremity of the subject lands would act as a natural boundary to development here. This would allow for development in depth on the townward side of the local ridge and would lead to a more compact and sustainable urban structure. Development in this enclave-like part of the Green Belt would therefore have no bearing on the separation that currently exists between Dungannon and the village of Granville. Access to the lands can be provided from Old Ballygawley Road. Infrastructure capacity exists to cater for housing, a form of development that would be compatible with adjoining land uses.

4.26.9. The objector acknowledges that there is a need to prevent extension of Dungannon onto steeply sloping agricultural land and neighbouring hills and that the subject site provides a buffer between the urban edge and the rising landscape to the west. However, if this site were to be included within the urban limit, an adequate and effective buffer would remain due to a combination of topography and existing planting.

4.26.10. In order to provide as accurate an indication as possible of the appearance of development on site, a lifting platform extended to a height of 9.1 metres (which is approximately 2 metres above the anticipated ridge height of a two-storey house) was positioned on the highest part of the field. Photographs were taken from a range of vantage points using a standard and telephoto lens. The subject lands hardly register in
the views from locations along Newell Road between Springdale and McKee's Terrace and the photographs taken with a telephoto lens show that the anticipated ridge level of the houses would be well below the height of the trees along the rear of the site. The site is not visible in views from the junction of Newell Road with Ballygawley Road and it does not register strongly above existing development in the middle distance as seen from Ballygawley Road at a point where it crosses the western limits of the Railway Park. No views of the site are possible at the Ballygawley Road/Granville Road junction, from within the Cloneen housing area to the north-east or from central Dungannon at Beech Valley to the south of John Street. The conclusion from this exercise is that development at the subject site, even with two-storey houses, would not contribute to urban sprawl and would have no adverse visual effects on the town or its setting.

4.26.11. The subject site is located just in excess of one kilometre from the town centre whereas the bulk of housing lands designated in the western part of Dungannon lie beyond that distance, with some of them being more than two kilometres from the central area. Development of those sites would produce a less compact urban form than would result from the inclusion of the objection lands within the urban boundary.

4.26.12. When GSNI information about abandoned mines is superimposed upon the DSTDAP Proposals Map, it is apparent that the bulk of the proposed DH 29 housing area is underlain by workings associated with the former Hibernian Mining Company's operations at the Drumglass Coalfield. The development of these lands would be severely limited by the huge costs associated with the possible stabilising of the ground there. Release of the subject site for housing purposes would make a contribution towards the shortfall caused by difficulties in developing the DH 29 lands. There are no insurmountable technical or infrastructural constraints to the development of the objection site and existing services could be used in an efficient and sustainable manner.

Conside ration

4.26.13. The DSTDAP’s proposed settlement boundary to the west of Granville Road is almost identical to that established by the predecessor East Tyrone Area Plan. The only change in zoning has been the designation for first-phase (DH 20) housing of the two roadside fields located between Killymaddy Cottages and the low density scatter of individual dwellings that sits back from the road to the north. The remainder of the area within the settlement cordon remains as “white” land. The construction of the “Ashdene” housing development and the more recent planning permission for a second building phase has utilised the space between three of these detached properties and the builders’ merchant’s premises at the junction of Granville Road and Ballygawley Road

4.26.14. The objection site is currently screened from view by the existing dwelling on its southeastern flank and we are satisfied that development, if approved here, would have no material impact upon its local or wider surroundings. However, although the “Ashdene” housing scheme, as constructed, makes provision for a vehicular access to the objection lands, the acceptance of development on this modest site would breach the relatively straight lines of the settlement limit and would create a somewhat unnatural 60-metre x 40-metre rectangular incursion into the Green Belt. We consider that the settlement boundary as currently drawn allows for some localised housing construction and yet maintains the general compactness of built form that is characteristic of his section of Granville Road. We see no good planning reason why the boundary should be altered in the manner suggested by the objector.
4.26.15. We accept that the Draft Plan’s housing allocations have the capacity to cater more than adequately for the District’s residential needs even in a situation where development of the potential Phase 2 lands at Rossmore Road proved to be impracticable.

**Recommendation**

4.26.16. No alternation is required to the Plan in response to this objection.

4.27 LAND AT BALLYGAWLEY ROAD ADJACENT TO KILLYMADDY LOUGH SHOULD BE ZONED FOR HOUSING DEVELOPMENT.

**Objection No. 293. Site and Surroundings**

4.27.1 This 8.0 ha. irregularly-shaped rural site to the west of Dungannon is set back from Ballygawley Road on the landward shoulder of a drumlin that slopes down to the shoreline of Killymaddy Lough. It contains a dwelling and a number of outbuildings close to its northern boundary. Linear groups of deciduous trees together with post and wire fencing define its remaining boundaries. The southern part of the site consists of marshy ground that is traversed by a number of watercourses. The lands beyond to the east, south and west are primarily in agricultural use. A few houses, each with individual accesses to Ballygawley Road, exist to the north and north-west of the subject lands.

**Department's Evidence**

4.27.2 This part of the Plan area has been the subject of strict development control since the ETAP became operational in 1980 and the Preliminary Proposals and Draft Plan have reaffirmed that position in policy terms. The objection site along with the neighbouring landscape provides a strong visual buffer between the urban edge of Dungannon and the open countryside beyond. Given the attractive views that are available from here and the quality of the landscape nearby, development pressures would arise if the lands were to be zoned for housing. Such action would undermine the purposes and objectives of Green Belts as set out in PSRNI Policy GB/CPA 1.

4.27.3 The site, which could potentially accommodate 120 houses and is capable of being connected to infrastructure services at Ballygawley Road, is not contiguous with Dungannon’s proposed development limit. Its inclusion would necessitate bringing in additional ground to the south of Ballygawley Road, which has not been the subject of DSTDAP objection, in order to create a coherent settlement boundary. Such an increase in zoned land would adversely affect the area's rural character.

4.27.4 No planning justification has been provided for including additional housing ground here. Adequate residential land that is better integrated in physical and visual terms with the town has already been identified within Dungannon. For all of these reasons, the site's Green Belt designation should be remain unchanged.

**Objector's Case**

4.27.5 Land in the objector's ownership should be included for housing development in the finalised Plan.


**Consideration**

4.27.6 Given our acceptance of the Department’s evidence regarding the more than adequate scale of housing allocations within the Plan area, the inclusion of additional land would only be warranted where there are overriding planning or site-specific reasons.

4.27.7 The lands on the southern side of Ballygawley Road have a distinctly rural ambience notwithstanding the fact that suburban extensions and Phase 2 housing zonings are encroaching into their vicinity at Mullaghmore and Glenadush and that individual dwellings exist at intervals to the north-east and north-west of the subject site. No case has been presented, for instance, as to why the continuing Green Belt designation of these lands is inappropriate in planning terms or that the DSTDAP’s residential allocations will be incapable of catering for Dungannon’s needs over the Plan period. We do not consider that land ownership, of itself, is a sufficient reason to warrant a change in zoning from Green Belt to residential use.

4.27.8 Having visited the area, we are firmly of the view that the selection of Ballygawley Road as a limit to urban development is fully defensible in planning terms. Inclusion of the objection site as a housing area, even in low-density form, would result in a residential outlier that would be very visible in the open countryside, particularly when travelling north-eastwards along Eskragh Road. Development here would have no sustainable linkages with the town or its facilities and, if approved on the basis of the limited information before this Inquiry, could seriously undermine the robustness of current Green Belt policy.

**Recommendation**

4.27.9 Strategic and local planning objectives would be best served by retaining these lands as part of the Dungannon Green Belt. The Plan should be confirmed in this regard.

4.28 GROUND TO THE EAST OF AGHAREANY ROAD MERITS BEING INCLUDED WITHIN THE DH 27 HOUSING AREA.

**Objection No. 241. Site**

and Surroundings

4.28.1 This 3.6 ha. triangle of agricultural ground occupies an indent in that portion of the DSTDAP settlement limit for north-west Dungannon that borders the Phase 2 DH 27 housing lands on the east side of Aghareany Road. The site is generally open in appearance and is bounded by post and wire fencing on its northern and eastern edges. A small watercourse defines the site’s north-western and south-western limits while hedgerows that formerly marked the south-eastern boundary have now been removed. The site, which is generally low lying and rises to its highest point in the south-eastern corner, offers views from Aghareany Road towards Dungannon town and its skyline as well as vistas across active agricultural ground to the north and west.

**Department's Evidence**

4.28.2 This particular site was originally designated as part of an ETAP Area of Special Control but, in more recent years, has been classified as Green Belt ground. The DSTDAP settlement limit was selected following an analysis of development trends together with
an evaluation of environmental issues, physical features, the availability of services and the
general objectives that had been set in preparing the Draft Plan.

4.28.3 The northern edge of housing zone DH 27 is considered to be a more appropriate development
limit than that which would result from inclusion of the objection site within an extended
residential allocation. Any development here would be prominent in views from the
surrounding road network, particularly from Aghareany Road, because of the site's inability
to provide a suitable degree of topographical or boundary enclosure.

4.28.4 Zoning of the objection site for housing purposes would adversely affect the setting of
Dungannon and contribute to urban sprawl at this location. The most effective means of
retaining that undeveloped setting, safeguarding the surrounding countryside and
preserving its open character would be to continue to apply Green Belt objectives, policies
and controls here. Notwithstanding the more recent removal of hedges from the northern
limits of the DH 27 lands in the vicinity of Aghareany Road, the currently proposed
development limits are judged to be both logical and justifiable.

4.28.5 DSTDAP zonings such as DH 21 - DH 27, with a total area of 52.7 ha. and capable of
accommodating more than 700 housing units, are located relatively close to one another in
this general sector of the town. In terms of overall housing quantum, more than sufficient
land has already been identified within Dungannon. The amount of Phase 2 housing land
significantly exceeds that required to meet RDS growth indicators or the levels calculated
in the DSTDAP Technical Supplement. Inclusion of the objection site would result in a
further over-supply of development land contrary to the DSTDAP objective of providing
opportunities to meet housing and employment needs in a quality and sustainable living
and working environment. The DH 27 zoning, as presently proposed, is capable of being
developed comprehensively and could be connected by way of the first-phase DH 23 lands
to Mullaghmore Road. No guarantee can, however, be given that Phase 2 lands will be
made available for development within the lifetime of this Area Plan.

**Objector's Case**

4.28.6 The 1999 NILCA study classifies the area around Dungannon as a drumlin landscape where
settlement is sited in sheltered locations on the lower slopes of such hills. The subject site
falls precisely into this category of landform. There is a significant rise in ground level
immediately to the north-east of the site yet the Department does not appear to have taken
account of this when proposing its development limit here.

4.28.7 The DSTDAP boundary should be more properly described as the inner edge of the proposed
Green Belt rather than as a settlement limit. The concept of phasing, while a convenient
device to reconcile the extraordinary difference between the allocation of land in the
Preliminary Proposals and the Housing Growth Indicators emerging through the Regional
Strategic Framework, has profoundly altered the concept of a settlement limit.

4.28.8 According to the Department's November 2002 Housing Paper, the DSTDAP Phase 2 lands
amount to nothing more than ground held for “possible” future residential development.
With such a caveat, the Department cannot possibly reason that the precise quantity of
Phase 2 lands is immutable or particularly significant. The inner edge of the Green Belt
ought to be drawn with a figure in mind of the full housing land allocation
that might be required over the Plan period. The Supplementary Housing Paper approach, in concluding on the basis of RDS Housing Growth Indicators that no more residential ground should be identified within Dungannon, is flawed. The settlement limit must be capable of refinement to fit local topography even if it marginally increases the quantity of land zoned for Phase 2 housing.

4.28.9 The DSTDAP Countryside Assessment offers little in the way of helpful guidance in defining a soundly-based inner edge to the Green Belt. In its approach to phasing, there is reference to “minor rounding-off to create a more compact settlement form” and “provision for more comprehensive schemes”. There is an inference here that a degree of preference is given to land that offers opportunity for rounding off and creating a fuller, less fragmented urban boundary.

4.28.10. The Phase 2 DH 27 allocation extends around three sides of the subject land and, in particular, along Aghareany Road to the south-west of the objection site. Housing development, if confined to the land adjacent to that country road, will carry all the hallmarks of urban sprawl. The opportunity for a rational rounding off to natural boundaries has been missed, as has the prospect of creating a housing area that is capable of being developed in a more comprehensive manner.

4.28.11. The rising ground to the north-east of the objection site would effectively screen development from views along Mullaghmore Road, a major route carrying 9,000 vehicles per day. Aghareany Road, by contrast, is unclassified and is not very highly trafficked. It is accepted that development of the objection site would be viewed from Aghareany Road approaching Dungannon, but so too would the allocated portion of the DH 27 lands that sprawls out along the frontage of that road. It would be entirely appropriate for the Department, in determining the acceptability of a Concept Plan, to require planting along the watercourse on the north-west boundary of the objection site. That would screen development and reinforce that particular edge as a logical and lasting outer limit to Dungannon at this location. The Plan should be altered accordingly.

**Consideration**

4.28.12. The Draft Plan proposes substantial residential expansion, including the Phase 2 DH 27 lands, to the north-west of the Lisnahull district of town which should, in time, encompass the present outlier of housing at Glebe Park that is accessed from Old Caulfield Road. The western extremity of the DH 27 zoning would result in the infilling of a 150-metre stretch of the minor Aghareany Road between two existing small holdings before linking with the first-stage DH 23 lands near the Willows some 450-500 metres to the north-east.

4.28.13 From the information provided by the Department – particularly that summarised in Tables 2 and 4 of this report – we accept that the DSTDAP’s residential allocations would more than adequately cater for the Plan area’s anticipated housing needs. Overriding planning reasons would have to exist to justify including additional development ground within the Plan.

4.28.14. Aghareany Road rises very gently from its junction with Old Caulfield Road along the frontage of the DH 27 zoning and offers panoramic views over a very flat and open landscape towards the elevated parts of central Dungannon to the east and towards Mullaghmore Road some 500 metres to the north-east. That sense of openness is much
more apparent when travelling from the north along Aghareany Road in the 400-metre approach to the outer edge of the DH 27 zoning. While accepting that the objection site occupies an indent in the settlement boundary between 150 and 300 metres back from Aghareany Road, the existence of that open area is important to the setting of Dungannon along what is, admittedly, a lightly trafficked route.

4.28.15. We consider that the break in slope which, in the objector’s opinion, forms a better planning boundary would provide a limited backdrop for development when viewed from Aghareany Road. There are few other natural features apart from some remaining hedges that would assist in integrating development into its landscape surroundings and, in such circumstances, the drawing of the settlement limit southwards along the central portion of the DH 27 boundary is warranted in our judgement. We note that the Draft Plan requires a full planting scheme, using indigenous species, with particular care being exercised in the treatment of the northern and western boundaries of the DH 27 zoning. Such action would be important in securing a defensible urban edge in this part of town. While, in map form, the objector’s claim that inclusion of the subject site would result in a rational rounding off of the development limit and create a less fragmented urban boundary would appear to have some weight, our analysis of matters on site convinces us that the Draft Plan’s proposed settlement limit is fully sustainable. We endorse the Department’s selection of this boundary.

Recommendation

4.28.16. The Plan’s currently proposed limit of development should be confirmed.

4.29 A SMALL 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. Site and Surroundings

4.29.1 The 1.9 ha. “L”-shaped site consists of a group of small fields and an unoccupied cottage in north-western Dungannon that has a laneway access to Mullaghmore Road some distance to the north-east. The southern boundary of the land encroaches into Mullaghmore Lough. The land slopes gently from its north-eastern boundary towards marshy ground in the south. House-building is progressing to the east of the site, at “The Willows” and “Castle View Heights”.

Department’s Evidence

4.29.2 The lands in question had formed part of the Green Belt on the periphery of Dungannon prior to being identified for housing in the DSTDAP Preliminary Proposals. They were subsequently selected as part of the overall Phase 2 release when the Draft Plan was published. These phasing arrangements are judged to be in line with the general approach that was applied to the emerging strategic planning framework for Northern Ireland. The historic level of over-zoning of housing land, if continued, could defeat current strategic planning objectives.
4.29.3 In applying a sequential approach to the initial housing zonings for Dungannon, the factors that led to the subject lands being excluded from a first-phase allocation centred on:-

- the lack of planning permissions or commitments here;
- their designation as Green Belt; and,
- their location entirely beyond the exiting urban area.

Adequate land has been provided within the Phase 1 zonings to meet RDS Housing Growth Indicators over the Plan period.

4.29.4 The subject site could potentially accommodate 24 houses. Roads Service would have no objection to a change in phasing here provided the developer can meet the necessary access standards and provide the required infrastructure to serve the development.

**Objector's Evidence**

4.29.5 The objector owns land within that part of the Phase 1 DH 23 zoning closest to the Dungannon settlement limit as well as a substantial portion of the Phase 2 DH 27 ground to the southwest. Linkage between these two areas is not possible because of the existence of an intervening field within the DH 23 zone which is in different ownership and has planning permission for development. The various parties who own the residual section of the DH 27 Phase 2 lands through to Aghareany Road in the west have been approached but none of them wishes to sell or have their lands developed. As a consequence, the eastern portion of the DH 27 Phase 2 area is landlocked.

4.29.6 The owners of the DH 23 ground intend to rationalise their respective landholdings whereby this Phase 1 area could be developed by one of them as an entity and construction at “The Willows” could continue beyond its present limits in a westerly direction. To achieve this, the objection lands would require to be re-allocated for firstphase housing. Such an exercise would not involve extending the overall area that is proposed for residential development in this part of Dungannon.

4.29.7 Because of various constraints, the DSTDAP has located the greatest proportion of its Phase 1 housing area on the western side of the town. Objection Site 231 is contiguous with ongoing residential development and with other first-stage housing allocations. Its re-classification as a Phase 1 area would not, therefore, run the risk of fragmenting the built-up area. Educational, social and medical facilities are in place and are adequate to deal with the anticipated extra population in their vicinity.

4.29.8 The objection site is comparatively small yet it could make a worthwhile contribution to housing provision in the Mullaghmore district of the town. Its early development would join the DH 22 Phase 1 lands north of Lisnahull Road with those adjacent to “The Willows” to create a cohesive visual unit that would provide a firm urban edge in this part of Dungannon.
Consideration

4.29.9. The DSTDAP requires that vehicular access to serve the DH 23 Phase 1 lands should be taken from Mullaghmore Road and that it should link through to the Phase 2 DH 27 area to the south-west which fronts onto the more minor Aghareany Road. To achieve this, it is likely that the land parcels within the DH 23 area would have to be developed as an entity or in tandem. Planning permission for residential development has been granted for the separately owned south-western field within DH 23 and the layout makes provision for a vehicular access to the adjoining “Willows” housing area. If this scheme is implemented as approved, the Draft Plan’s development requirements for vehicular linkage between the DH 23 and DH 27 lands, although not mandatory, may not be met.

4.29.10 While accepting that no formal objection has been lodged by landowners in relation to the inclusion of the DH 27 lands close to Aghareany Road, the proposition put forward by the objector seems, on its face, to have some merit provided that an adequate vehicular link between the DH23 and the residual DH 27 area can be safeguarded through Objection Site 231. A modest westward extension of “The Willows” into the subject lands would have no material effect on the DSTAP's overall Phase 1 housing allocations, on the town's urban form or on its landscape setting. It could, in time, allow for at least the eastern portion of the DH 27 zoning to be developed generally as envisaged in the Draft Plan.

Recommendation

4.29.11 This site should be re-designated as a Phase 1 housing area with provision made for suitable vehicular connections through it to the adjoining DH 23 and DH 27 lands.

4.30. THE EASTERN PART OF THE BESSMOUNT LOCAL LANDSCAPE POLICY AREA (LLPA 01) SHOULD BE CLASSIFIED AS “WHITE” LAND.

Objection No. 262. Site and Surroundings

4.30.1. This objection site (Map PAC 4.30.A), which is located to the west of the new Drumglass High School, comprises part of a local hill that has planted field boundaries and a crest dominated by a line of trees which formed part of the planned landscape around the now ruined 18/19th century residence known as “Bessmount”. The land rises steeply westwards from the valley of a small stream and is bounded by mature vegetation along its eastern flank.

Department's Evidence

4.30.2. This site was included as un-zoned land within the ETAP development limit but was identified as an outdoor recreation/open space/amenity area in the 1998 Preliminary Proposals document. It was then proposed as a Local Landscape Policy Area in the Draft Plan taking account of PPS 6 considerations and the sixth of the DSTDAP Plan Objectives.

4.30.3. The elements that combine to give this LLPA its intrinsic environmental value include landform, planted field boundaries, surviving crest-line trees, the lack of built development, the site's prominence, particularly in views from the south and west, and its
contribution as a backdrop to existing and proposed built development. A Tree Preservation Order (TPO) covering the area around 'Bessmount' and including the western portion of the objection lands as originally defined, was confirmed in March 2000.

4.30.4. In general, LLPA designation does not necessarily prevent development and the Department initially contended that any development on this site would lead to the loss of the area's open character and create pressure for the release of further land within the remainder of the policy area. However, having reflected on the amended objection area, the Department considers that a modification of the LLPA boundary so as to exclude the lower portion of the drumlin shoulder to the south-east of “Bessmount” and its designation as “white” land (see Map PAC 4.30.B) would be acceptable from a policy and land use standpoint. If residential development were to be contemplated here, any such scheme would have to comply with the provisions of PPS 7.

Objector’s Evidence

4.30.5. Land uses surrounding this objection site include the ruins of Bessmount House to the north, the Phase 1 DH 02 housing area to the east, existing residential development at Ard Gannon and Meadowvale to the south, and the remainder of the LLPA on the steeply sloping western face of Bessmount Hill which is visually conspicuous from a range of locations throughout Dungannon.

4.30.6. Analysis of the modified objection site, which is now limited to the south-eastern quadrant of the originally-proposed LLPA 01 area, confirms that the most significant features on site are the belt of trees within its western flank and the grassed margins beyond its boundary to the south-west. The sloping pasture on the restricted southeastern shoulder of the hill is visible from a much smaller area because of intervening buildings and trees.

Consideration

4.30.7. We are satisfied from our visits to the site and its environs that the landscape impact of Bessmount Hill and its crest-line trees is experienced to a much greater degree from Quarry Lane and Meadowvale to the south-west than from the Carland Road/Cookstown Road exit from the town to the east. The amenity importance of trees on site has been recognised by the relatively recent declaration of a TPO and the protected area now lies outside, but contiguous with, the modified objection area's north-western boundary.

4.30.8. The redevelopment of the former High School site as the first-phase DH 02 housing area will extend the built frontage of Carland Road some 150 metres beyond Knockmone Drive. This will create a developed foreground to the objection lands which would also be screened by existing mature evergreen planting, if retained, on their eastern boundary. There would be no prejudice to the Area Plan by excluding this part of the hillside from the LLPA. Suitably designed house-building on the objection site would be consistent with sustainable development principles. Existing planning policies and supplementary guidance should provide an adequate basis for securing a quality residential environment.
Recommendation

4.30.9. This modified objection should be upheld and the LLPA boundary altered as shown on Map PAC 4.30.B.

4.31. PART OF THE LANDS TO THE NORTH-WEST OF DRUMGLASS HIGH SCHOOL SHOULD BE RE-ZONED AS A PHASE 1 HOUSING AREA.

Objection No. 003, Site

and Surroundings

4.31.1. This 6.7 ha. site comprises a quadrant of land in the northern part of Dungannon. Its relatively short frontage onto the A 29 Cookstown Road contains an access laneway that serves two occupied cottages close to the main road and a bungalow and farm complex some distance further to the west. The site's surroundings are mainly agricultural in nature although a shale quarry is located a short distance beyond to the north. The western portion of the site, where the farm complex is located, is relatively flat but the ground beyond that undulates and rises towards Cookstown Road.

Department's Evidence

4.31.2. The ETAP placed the subject site within the Dungannon settlement limit but did not specify a land use zoning. It was shown bounded on its western and northern sides by an extension of the town by-pass that was expected to be implemented at a time beyond the ETAP plan period. When the Preliminary Proposals were published, the objection site was included within a major tract of housing land. The line of the proposed western bypass road abutted the objection lands on their southern side where it crossed Carland Road while an intended peripheral cycle and pedestrian route extended partly along the site's northern boundary. The Draft Plan and its subsequent Revision 1 document proposed that the site should form part of the extensive Phase 2 DH 28 housing area that would no longer be affected by the by-pass because an alternative route - the DEDR - was now preferred.

4.31.3. The Department sees no justification for inclusion of additional Phase 1 housing ground within the Dungannon settlement limit. The outline planning permission referred to by the objector related to a smaller portion of the subject lands and expired in December 2000. The objection site consists of a large field outside the town's present built-up urban edge. On the basis of the approach to phasing set out in the DSTDAP Countryside Assessment and the Supplementary Housing Paper, land has been zoned for first-stage residential development in more appropriate locations within the urban footprint. The quantum so identified is capable of meeting RDS Housing Growth Indicators over the Plan period. The potential output of 100 dwelling units from this site would not constitute a rounding off of development. Its inclusion would result in further overprovision of Phase 1 housing allocations and could defeat strategic planning objectives.

4.31.4. The objection lands have been included within the DH 28 housing area which is identified for comprehensive development. A Phase 1 allocation of this site would result in piecemeal expansion in this sector of Dungannon.
**Objector's Evidence**

4.31.5. Planning permission for housing development was granted on a portion of the objection site in December 1997. Because of this, the land should qualify for Phase 1 development status.

**Consideration**

4.31.6. From the information provided, it would appear that the planning permission granted for a comparatively small area on the south side of the access lane close to its junction with the A 29 Cookstown Road has now lapsed. The DSTDAP does not strike at the principle of housing here but introduces a control on the timing of its potential release for development. As indicated in paragraphs 3.3.37 and 3.3.41 of our report, more than adequate land, including Phase 1 ground, has been identified to cater for local housing.

4.31.7. The DH 28 area, which extends to 34 ha., is the second largest of Dungannon's Phase 2 housing allocations. Current planning policy and supplementary guidance seek to achieve quality in residential development that is imaginative and clearly based on an overall design concept in order to promote attractive living environments. DSTDAP Policy HOUS 2 echoes these sentiments and states that developers will normally be required to submit a comprehensive design scheme for the whole zoning and address in detail the specific development requirements for each site as set out in Part III of the Plan. Land-pooling is also encouraged to facilitate this process. We consider that the DH 28 lands, if ultimately released for housing, merit being planned and developed comprehensively in a best practice manner.

**Recommendation**

4.31.8. This site should continue to form part of the overall DH 28 Phase 2 housing allocation.
5.0. DUNGANNON EASTERN DISTRIBUTOR ROAD

5.1. AN EASTERN DISTRIBUTOR ROAD AROUND DUNGANNON WOULD:-

- CONTRAVENNE 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.


Department's Evidence

The Scheme's Evolution

5.1.1. The 1974-1994 East Tyrone Area Plan (ETAP), in addition to proposing that Dungannon should be by-passed on its western side by a new stretch of road from the M1 motorway at Stangmore through to Killymaddy near Parkanaur, also recommended the construction of a south-eastern approach route to the town centre. The intention was that this latter link would leave the existing Moy Road just beyond its junction with Cunningham's Lane and pass behind Wellington Road and Brooke Street on their south-western sides before utilising the line of the former railway to provide access to the centre of Dungannon by way of an improved William Street. It was suggested in the Written Statement that, at a time beyond the ETAP Plan period, the approach road could be extended northwards along the old railway alignment as far as Cookstown Road and function as a through-pass that would reduce traffic loadings on other radial cross-town routes.

5.1.2. The question of a town centre by-pass was raised at a public inquiry in 1995 into the Anne Street to Thomas Street connector road and the Department, while contending that that inquiry was not the appropriate forum for consideration of such a proposal, undertook to fully assess options when preparing the new Area Plan. Consultants, who in 1994 had prepared a traffic model for central Dungannon, were appointed in 1996 to update their information and assess various by-pass options. Six possibilities (see Map PAC 5.1.A) were examined - three to the east and three to the west of the town - in terms of likely traffic flows and economics using the approach set out in the “Design Manual for Roads and Bridges, Volume 12A, Traffic Appraisal in Urban Areas” (DMRB). In terms of traffic forecasts, the consultants concluded, in October 1997, that the town centre would be best served by a western by-pass, since only an alignment on this side of town would succeed in attracting through traffic between all major routes. It was judged that such a proposal would relieve the southern part of the town centre of traffic between the A 29 Moy Road and the B 43 Donaghmore Road in particular.
5.1.3. The results of the parallel economic assessment showed that, in terms of cost relative to scheme length, the western options returned an average of £0.55M/km (1988 prices discounted to 1988) whereas the equivalent cost of routes on the eastern side of Dungannon was £0.63M/km. By-passing the town was, therefore, considered to be economically viable. Of the three western schemes examined, the 4.48-km alignment which was generally similar to that suggested in the ETAP returned the greatest benefit to cost ratio. However, it emerged that planning permission had been granted for residential development on the line of the western routes close to the Wellington Road/Ranfurly Road/Moy Road junction, thereby jeopardising the possible construction of the approach road as originally envisaged.

5.1.4. Of the eastern by-pass schemes, the 5.5-km Option 2 route which ran from Moy Road near the Stangmore roundabout and crossed Killyman Road, Killyneill Road, Bush Road, Killymeal Road and Coalisland Road near the St. Malachy's Edendork GAA sports ground before connecting with the A 29 Cookstown Road just beyond the local brickworks was judged to function as an effective urban by-pass.

5.1.5. This study recommended that, since the route to the west of Dungannon town centre consistently out-performed its eastern counterparts, further consideration should be given to identifying an alignment on the west side of town that would avoid the area of land in the vicinity of the Wellington Road/Ranfurly Road/Moy Road junction where residential planning permission had been granted.

5.1.6. During the course of 1998, the Department for Regional Development's traffic consultants examined the operational and economic performance of a western route that commenced at the Wellington Road/ Ranfurly Road junction with Moy Road, joined the railway embankment to the west of Brooke Street and followed the line of the former track bed as far as Donaghmore Road before departing from it and sweeping on its southern side through open countryside to cross Cookstown Road just north of the cemetery and connect with Oaks Road (part of the A 45 route to Coalisland) at a point close to its junction with Lurgaboy Lane. The consultants concluded that this revised scheme would return similar economic benefits to the original proposal and that a through-pass of this nature could still be justified on those grounds. This alternative, which was distinguishable from the ETAP route, was also judged on the basis of a scoping study to be the best option from an environmental standpoint. This alignment, 65% of which followed the former railway line, became known as the Dungannon Railway Through-pass (DRTP) and was included as the town’s principal road proposal when the Draft Plan was published in May 2000.

5.1.7. Three formal objections to the DRTP proposal were received at public consultation stage. Of these, the Borough Council expressed concern about the route's encroachment across the Railway Park and preferred a scheme that would branch off from the A 4 to the south-west of Dungannon and use a realigned Granville Road to connect with the bed of the former railway in the northern part of the town. Objections lodged by the Lisnahull, Ballysaggart and Mullaghmore Residents Association referred to environmental and safety issues. The owner of the DH 28 lands in the northern part of the town that had been allocated for Phase 2 housing opposed both the DEDR alignment, because it bisected that particular zoning, and the restriction on development pending construction of the through-pass.
5.1.8. In September 2000, the traffic consultants were asked by Roads Service to examine and comment upon these objections and to re-appraise alignments, including revisions both to the east and west of Dungannon. Seven variants of the initial alignments were evaluated - five in the western and two in the eastern parts of the town - taking account of factors such as the alternative route suggested by the Borough Council and major commercial developments that had been approved in the interim on land adjacent to the ETAP settlement limit in south-eastern Dungannon. In essence, these route options included schemes that:-

- start to the south-east of the town centre, avoid central Dungannon and pass through the western edge of the town;

- link the main A 4 route to a point south-west of the town centre and pass through the western edge of Dungannon; and,

- commence to the south-east of the town and pass around the outside of Dungannon on its eastern side.

Since traffic forecasts indicated that Moy Road would reach its carrying capacity during the design life (2012 to 2027) of the western by-pass schemes, these particular route options were also tested with an assumed on-line upgrading of the A 29 to four lanes in the section between the present dual carriageway and the Wellington Road/Ranfurly Road junction.

5.1.9. This particular appraisal exercise was based on Department of the Environment, Transport and the Regions (DETR) “Guidance on the Methodology for Multi-Modal Studies” (GOMMS), which had been published in March 2000. One outcome of this approach requires findings to be reported in an Appraisal Summary Table (AST), a onepage summation that records the degree to which the five Central Government objectives for transport (environment, safety, economy, accessibility and integration) would be achieved and identifies the impacts of particular options. The Dungannon Transportation Study ASTs contain 21 sub-topics under these five headings in line with the March 2001 “bridging” document “Applying the Multi-Modal New Approach to Appraisal to Highway Schemes”.

5.1.10. Local scheme objectives derived by Roads Service from DSTDAP Policy TRAN 1 required that evaluated projects should:-

- improve and upgrade the A 29 link corridor;

- provide a by-pass for Dungannon town;

- improve the environment by removing bottlenecks and relieving the town from through traffic;

- improve road safety;

- reduce journey times on the A 29; and,

- achieve a positive return on financial investment.
5.1.11. As a result of that exercise, the following short-listed schemes were taken forward for further appraisal by the consultants as Phase 3 of their Dungannon Transportation Study:-

- **Western Bypass Option (WBOP) 3d**, running in a clockwise direction on the line of the former railway from near the Wellington Road/Ranfurly Road/Moy Road junction through to the B43 Donaghmore Road. From there, the route follows an alignment to the north of the railway corridor, crosses the A 29 Cookstown Road and joins Oaks Road in the vicinity of the eastern brickworks;

- **Western Bypass Option (WBOP) 4a**, which follows the A 4 route to a point 3.75 km west of the M1 Stangmore roundabout before branching off north-eastwards on a completely new alignment via Granville to cross the Ballygawley Road and then use the line of the derelict railway to pass the Rossmore brickworks on their southern flank before linking through to Oaks Road; and,

- **Eastern Bypass Option (EBOP) 2c**, departing from Moy Road to the south of its junction with Far Circular Road and travelling north-eastwards over Killyman Road and other radial routes to link with the A 45 Coalisland Road near the GAA sports ground before crossing to the A 29 Cookstown Road in the vicinity of its junction with Rossmore Road.

5.1.12. Comparisons were made of anticipated traffic flows along ten sections of the town's road network during the morning, afternoon and off-peak periods in the opening and design years (2012 and 2027 respectively) of these by-passes in order to determine the effectiveness of the various route options in removing traffic from central Dungannon.

5.1.13. A further environmental scoping study was undertaken in the early part of 2001 generally in accordance with DMRB advice. This assessed the impact of each of these routes under the following headings - air quality; cultural heritage; disruption due to construction; ecology and nature conservation; landscape effects; land use; traffic noise and vibration; pedestrians, cyclists, equestrians and community effects; vehicle travellers; water quality and drainage; and geology and soils. The purpose of this exercise was to evaluate the environmental advantages, disadvantages and constraints associated with each of the broadly defined route corridors. It should be emphasised that the scoping study is not to be regarded as an Environmental Statement which is a specific requirement in assessing certain road projects under Article 67 of the Roads (Northern Ireland) Order 1993.

5.1.14. As a result of these exercises, the consultants concluded that the eastern by-pass (EBOP 2c) route seemed to be the best scheme overall although it was not judged to be optimal from either an economic or an environment point of view. It was recommended that, on balance, this route should be considered for inclusion in the Area Plan ahead of the other options. However, it was made clear that detailed assessment, as required by later stages in the statutory process associated with road proposals, should be carried out to confirm the preferred by-pass alignment.

5.1.15. Revision 1 of the Draft Plan, issued in May 2002, stated that, in re-assessing all options, Roads Service had concluded that a new route to the east of the town - EBOP 2c but now
described as the Dungannon Eastern Distributor Road (DEDR) - should replace the Railway Through-pass proposal that had been recommended two years earlier (see Map PAC 5.1.B). The Department invited representations to this revision and to a number of related changes to land use zonings. In all, 634 formal objections to the DEDR proposal had been lodged by the end of the public consultation period.

**The Policy Context**

5.1.16. Government forecasts indicate that traffic levels will increase by 16% from year 2000 values in the period to 2012 and by 36% through to 2027 without development growth. The Dungannon traffic model predicted that, with development as proposed in the Draft Plan, vehicle flows would increase by 37% between 2000 and 2012 and by 88% in the period to 2027. In a situation where congestion already exists at peak hours, a substantial transportation scheme is needed to alleviate future levels of urban congestion.

5.1.17. It is accepted that RDS Policy TRAN 3.1 seeks to ensure that disused transport sites and routes are not severed by non-transport land uses thereby widening the options of using them in future years for sustainable transport purposes. In that regard, the ETAP was farsighted and the Department would acknowledge that there has been a consistent policy to protect the former railway route as a transport corridor. The granting of planning permission for the creation and extension of the Linear Park amenity area and its associated car parking in the early 1990s involved minimal development and did not preclude the possibility of the through-pass scheme being implemented at some future date.

5.1.18. Although the purpose of PSRNI policy in Green Belt areas is to minimise new development, this does not prevent the implementation of projects where “need” is established and proposals meet relevant planning and environmental criteria. The Department accepts that the head note of PSRNI Policy GB/CPA 2 confines itself to the construction of new buildings and to the change of use of existing buildings for appropriate non-residential development. Road projects are not mentioned in this part of the document. However, reference is made in the explanatory text to the fact that “there may be instances where a development by a public service or statutory undertaker is desirable to maintain or improve services to the general public or to assist the rural economy. In many cases, it may not be possible to avoid affecting the Green Belt or CPA due to the nature of the proposals”. The route of the DEDR is considered to be one such case.

5.1.19. Existing PSRNI Green Belt policies such as SP 12, and GB/CPA 1-3 should be able to effectively control any pressures that might arise for development on lands lying between the town’s proposed settlement limit and the intended line of the DEDR.

5.1.20. PSRNI Policy PSU 8 is, on reflection, also relevant in the context of new infrastructure provision and the Department agrees that it must be satisfied that there is an overriding regional or local requirement for such development and that a thorough exploration of alternatives has been carried out.

5.1.21. The DEDR is a Roads Service proposal that has been included in the Draft Area Plan so that its broad alignment can be protected from development that would otherwise prejudice its implementation. The DEDR will, therefore, be regarded as a material consideration in determining planning applications in this part of Dungannon. The route
has been assessed in sufficient detail for it to be put forward as a strategic road network improvement aimed at upgrading the A29 Link Corridor and reducing the intrusion of unnecessary traffic into Dungannon. As such, the DEDR is judged to be in keeping with the Regional Transportation and Development Strategies.

5.1.22. During 2000, the Minister for Regional Development introduced the concept of the Major Works Preparation Pool (MWPP) and the 10-year Major Works Forward Planning Schedule (MWFPS). Together, these represent road schemes that could be funded within the period of the Regional Transportation Strategy 2002-2012. The MWPP is published and comprises a list of high priority schemes approved by the Minister that will be designed and progressed through the requisite statutory procedures with the aim of commencing construction within the first half of the 10-year time frame. The Forward Planning Schedule has not been finalised at this Area Plan inquiry stage but it will, when published, contain a list of schemes that could start within the remainder of the 10-year period. The DEDR is one of a number of projects being considered for inclusion in the MWFPS and it has the unanimous support of Dungannon & South Tyrone Borough Council.

5.1.23. If the DEDR proposal is confirmed in the adopted Area Plan, further design work would then be undertaken to established its detailed horizontal and vertical alignments. If the project is then progressed to the stage of being programmed for implementation, it would be subject to further assessment and public consultation, as required under the Roads (Northern Ireland) Order 1993. The statutory procedures for the detailed design and procurement of a scheme such as the DEDR would include the publication of an Environmental Statement, the issuing of a Direction Order, land acquisition either by agreement or compulsorily, and assessment of compensation to landowners. If necessary, local inquiries would be held to consider objections at the various stages in this overall process. If finally approved, work on the new road could commence in 2010 and be completed by 2012.

**Scheme Appraisal**

5.1.24. When the principal findings of the various studies undertaken from 2000 onwards on behalf of DRD Roads Service are considered in line with current Government guidance on the new approach to appraisal of road schemes and its five overarching objectives for transport, the DEDR and the better-performing of the short-listed western route options (WBOP 3d together with the upgrading of a section of Moy Road) can be compared as follows:-

**Environment**

5.1.25. In general terms, the impact of the DEDR on local air quality would be insignificant because of the low level of population resident within 100 metres of the route and the higher vehicle speeds along it. The equivalent effects associated with anticipated traffic flows on the western railway corridor option would be significant but air quality around existing roads in that part of town would be enhanced because of reductions in traffic there. Overall, the impact of the railway through-pass route is judged to be minor in this regard.

5.1.26. The DEDR route would have no physical impact on any known historic monument contained within the current Northern Ireland Sites and Monuments Record. As the
greatest part of the proposed alignment would cross green-field areas, there is the possibility, borne out by evidence from other linear developments, of archaeological features from any period being discovered. The western route would follow the line of the disused railway for most of its length and features such as signal boxes and other structures are already catalogued in the Northern Ireland Industrial Heritage Record. A series of tunnels, possibly of 16-18th century origin, is reported to exist beneath Dungannon. One, which was discovered at the lower end of Market Street during sewerage pipe laying in the 1950's, is reported to lead to Windmill Hill to the south of the railway line while another apparently branches off from it in the direction of Castlecaulfield.

5.1.27. Neither of the route options impinges upon any designated sites of nature conservation importance. Field assessments show that the DEDR would affect 15 sites of ecological interest including 10 hedgerows with mature trees, a small wetland area, an orchard, a rookery and damp grassland. The mature trees and rookeries at Killyneill and some of the hedges containing high densities of mature trees at Far Circular Road and Lisnaclin townland would experience the most significant impacts. These features would need to be avoided and minor adjustments to the route could also reduce damage to other ecological sites. The damaging effects of roads on the open countryside and its wildlife can include fragmentation and isolation of habitats, disturbance and barrier effects, increased mortality rates, changes in stream flow and hydrology, and pollution of air, soil and water.

5.1.28 The upgrading of Moy Road as an adjunct to the railway corridor option, so as to overcome traffic capacity problems within and beyond the Plan period, would necessitate the felling of a significant number of mature trees and the loss of woodland belts which line this part of the A 29. This loss could not be fully mitigated. Work on this section of the road would affect 19 ecological sites including two of moderate nature conservation value, three of moderate-to-high value and 14 of high value. Because private gardens and estate walls hem in Moy Road for much of its length, opportunities for route adjustment to reduce the damage to trees and woodland would be very limited. While roadside walls could be replaced, regeneration of the tree canopy would take a long time.

5.1.29. It is estimated that the DEDR would cross the boundaries of 37 properties, including 20 farms, whereas the railway corridor option would affect 14 properties, 8 of which are agricultural units. Two private properties would be at risk of demolition if the DEDR were to be constructed as presently envisaged while two business units would be affected if the western alignment were to be sanctioned. Although the western route would have a greater impact on Best and Most Versatile (BMV) agricultural land than the other assessed options, more than half of the ground on either side of its general alignment has already been developed or lies within the Dungannon settlement limit.

5.1.30. An assessment was made of the possible impact of traffic noise on properties within 300 metres of each of the route options. From initial observations, it is likely that extensive mitigation measures would be required in association with the DEDR in the vicinity, for instance, of residential properties at Killyman Road, Killyneill Road, Bush Road, the Kingarve area and at the playing fields and properties at the proposed roundabout junction on Coalisland Road. Insofar as the western road-line is concerned, varying degrees of mitigation would be required where elevated housing exists along the southern section of the route as well as within the Lisnahull housing area and in the vicinity of the cemetery and the playing fields at Cookstown Road at its northern end.
5.1.31. Although residential properties exist on either side of the disused railway line, many of these dwellings are situated in such a way that their gable walls are closest to the proposed alignment or their positioning would allow effective mitigation to be introduced. Many of the buildings in this part of town currently experience relatively high levels of traffic noise. Opportunities to lessen noise impact along a widened Moy Road would be restricted because of the number and relative location of existing properties there. Increased traffic would also occur over time on that section of the A29.

**Safety**

5.1.32 Computer simulations of likely accidents on each of the suggested roads indicate that there could be a reduction in the number, but an increase in their severity, on the DEDR. A slight growth in the number of accidents, but not in fatalities, is forecast for the railway corridor route. Overall, there could be 212 fewer accidents on the DEDR over a 30-year assessment period compared with the expected safety performance of the western route. It cannot be asserted that one route stands out startlingly from other options in relation to the predicted levels of accidents and casualties.

**Economy**

5.1.33 The consultants’ studies indicate that, in terms of relative economic efficiency, the DEDR would have a Net Present Value (the difference between the estimated present value of benefits and the present value of costs) of £6.336 million and a Benefit/Cost Ratio (BCR) of 1.6 whereas the equivalent figures for the western through-pass route would be £16.552 million and 3.1. In general, a BCR of 1 or 2, if achievable, is considered beneficial.

**Accessibility**

5.1.34 Construction of either alternative would present the motorist with a greater number of options for passing through Dungannon. Each route would fully meet the local scheme objective of improving and upgrading the A29 Link Corridor. The DEDR would result in severance to farms. Provision of a road within the railway corridor would have a significant impact on the large community at Lisnahull, particularly on cyclists and pedestrians, because of the area’s renewed separation from the town centre. The through-pass would, admittedly, give greater accessibility to the town centre for vehicles and, in that regard, it has advantages in terms of sustainability. In all cases, the impact of severance could be mitigated by the introduction of underpasses or over-bridges for those communities or farms affected without impairing journey times for vehicle users. Overall, the study concluded that the DEDR appears to be the better scheme in terms of accessibility.

**Integration**

5.1.35 Both schemes would integrate well with the Area Plan’s land use policies. The DEDR is judged to meet each of the local objectives underpinning DSTDAP Policy TRAN 1 whereas the western route option does not achieve the objective of improving road safety.
5.1.36. When the effects of the respective schemes are assessed in Appraisal Summary Table (AST) form and on the seven-point scale devised by DETR in “Understanding the New Approach to Appraisal” which ranges from “large negative” through “neutral” to “large positive”, they compare generally as follows:-

**Table 5: Route Assessments**

<table>
<thead>
<tr>
<th>Objective</th>
<th>Sub-objective</th>
<th>DEDR Assessment</th>
<th>Through-pass with Upgrading of Moy Road Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENVIRONMENT</td>
<td>Noise</td>
<td>Large Adverse</td>
<td>Moderate Adverse</td>
</tr>
<tr>
<td></td>
<td>Local Air Quality</td>
<td>Slight Adverse</td>
<td>Slight Adverse</td>
</tr>
<tr>
<td></td>
<td>Landscape</td>
<td>Large Adverse</td>
<td>Large Adverse</td>
</tr>
<tr>
<td></td>
<td>Townscape</td>
<td>Large Adverse</td>
<td>Minor Adverse</td>
</tr>
<tr>
<td></td>
<td>Heritage Resources</td>
<td>Moderate Adverse</td>
<td>Moderate Adverse</td>
</tr>
<tr>
<td></td>
<td>Biodiversity</td>
<td>Large Adverse</td>
<td>Large Adverse</td>
</tr>
<tr>
<td></td>
<td>Water Environment</td>
<td>Neutral</td>
<td>Neutral</td>
</tr>
<tr>
<td></td>
<td>Physical Fitness</td>
<td>Slight Beneficial</td>
<td>Moderate Adverse</td>
</tr>
<tr>
<td>SAFETY</td>
<td>Accidents</td>
<td>PVB* £1.355 m</td>
<td>PVB* £-0.920m</td>
</tr>
<tr>
<td></td>
<td>Security</td>
<td>Neutral</td>
<td>Neutral</td>
</tr>
<tr>
<td>ECONOMY</td>
<td>Reliability</td>
<td>Moderate Positive</td>
<td>Neutral</td>
</tr>
<tr>
<td></td>
<td>Wider economic impacts</td>
<td>Neutral</td>
<td>Moderate Positive</td>
</tr>
<tr>
<td>ACCESSIBILITY</td>
<td>Option values</td>
<td>Minor Positive</td>
<td>Minor Positive</td>
</tr>
<tr>
<td></td>
<td>Severance</td>
<td>Neutral</td>
<td>Large Adverse</td>
</tr>
<tr>
<td>INTEGRATION</td>
<td>Land use policy</td>
<td>Adverse</td>
<td>Adverse</td>
</tr>
<tr>
<td></td>
<td>Other Government policies</td>
<td>Large Beneficial</td>
<td>Minor beneficial</td>
</tr>
</tbody>
</table>

* Present Value of Benefits

5.1.37. The consultants responsible for the transportation and environmental scoping studies concluded that, on balance, the DEDR route is preferred but care needs to be taken in regard to its impact on farm holdings. While the DEDR has been selected as a result of a balancing of arguments, the consultants would nonetheless accept that a western route option cannot be rejected outright.

**Landscape and Local Nature Conservation Interests**

5.1.38. The broad line of the DEDR as shown on Revised Inset Map 1 of DSTDAP (Map PAC 5.1.B) has been established through preliminary investigation which has taken account of local topography. However, as no detailed design work has been undertaken to date, it is not possible to provide precise information about the road’s horizontal and vertical alignment or about the location or specific configuration of junctions along its length. During 1997, at earlier stages in the investigation process, the possible lines and profile of an eastern bypass were drawn to 1:5000 scale to help establish the likely extent and costs of earthworks. The DRD’s transportation consultants were able to use that engineering information, supplemented by site visits, when assessing the anticipated
impact of such a road. The longitudinal section of this Eastern By-pass Option (EBOP 2) does, for instance, indicate a 30-metre depth of cutting towards its northern end. The DEDR alignment, as currently proposed, is not significantly different in overall terms from Option 2 although it would utilise a longer connection between Coalisland Road and Cookstown Road. It is likely that a cutting of 15-20 metres in depth would be required along this particular section of the DEDR route. The EBOP 2 drawings were prepared as part of an internal Roads Service exercise and the observations of other agencies such as Planning, Construction (Landscape Architects Branch) or Environment & Heritage Service were not sought as part of that investigation and assessment process.

5.1.39. It is accepted that the impact of the DEDR upon local wildlife would be significant. The Appraisal Summary Table classifies its effect on biodiversity as “large adverse”. It should be pointed out, however, that no species protected under the Wildlife (Northern Ireland) Order 1985 were specifically identified during the evaluation of the eastern route.

5.1.40. The February 2002 Non-Technical Summary of the Dungannon Transportation Study confirms that the DEDR would impact on fewer ecologically sensitive sites than the western through-pass option but that its potential damage to the open countryside would be greater. It nonetheless concludes that there would be no difference between the two schemes in terms of damage to flora and fauna mainly because of the effect of the widening of Moy Road on mature trees and broad-leaved woodland in that part of town.

5.1.41. From the assessments carried out to date, it is not anticipated that construction of the DEDR would have a significant impact upon the water table in its vicinity. In those instances where the new road would intercept watercourses, sufficient culverts would be provided to ensure that the risk of “backing up” and flooding is not increased.

5.1.42. Mitigation measures such as creating horizontal and vertical alignments that are sympathetic to the landscape, providing planting to screen the road from view and using low noise surfacing are all capable of being incorporated into the detailed design of the scheme. The Department considers that the benefits of the DEDR in meeting regional transportation policy requirements in the wider public interest outweigh the potential negative environmental impacts of this major road proposal.

**The Farming Community, Other Rural Dwellers and Organisations**

5.1.43. Since this is an Area Plan Inquiry, the Department considers that matters of strategic principle and the broad alignment of the DEDR route should be examined rather than the possible detailed impacts of the proposed scheme upon individual properties. It is not possible at this early stage to fully assess the impact of the new road line on specific dwellings, farm enterprises or other properties. Walk-over surveys were not carried out as part of the transportation consultants' assessment of routes because of BSE restrictions on access but the adverse impacts of DEDR construction would be removed or mitigated as far as practicable. In situations where devaluation of property does occur as a result of the proposed road, the Valuation and Lands Agency would determine the level of compensation payable under the Land Acquisition and Compensation Order 1973. If a landowner is not satisfied with the level of compensation offered, the issue may be referred to the Lands Tribunal for settlement.
5.1.44. Land ownership in a corridor approximately 150 metres wide on either side of the DEDR was identified from Land Registry records. From these, it is estimated that the land-take for the DEDR would cross 20 farm boundaries and would directly affect some commercial businesses, for instance at Coalisland Road. Access difficulties to such enterprises or severance of farmlands caused by the route could be addressed to some extent by mitigation measures. These could include the provision of alternative access lanes, the construction of underpasses or cattle creeps (but not where conacre ground is involved), other accommodation works or, in particular instances, outright purchase of separated lands. The computer modelling of likely accident levels has not taken account of the possibility of livestock crossing local roads to and from grazing grounds. That type of analysis and the need for ameliorating measures would occur at a later stage in the assessment process. The Department will endeavour to minimise the DEDR’s effect on business premises and reduce as far as possible the amount of agricultural land required to provide the new road-line.

5.1.45. The possible impact of the DEDR on the recreational and other uses of minor countryside roads will not be known until detailed design work has been carried out on the horizontal and vertical alignments and on its junctions with the existing road system. Measures to reduce the risks to children walking to local schools will, where necessary, be incorporated into the overall scheme.

5.1.46. While acknowledging that this new road proposal will undoubtedly result in physical separation of neighbouring properties, the Department does not share the view of objectors that this will necessarily isolate the rural community to the east of Dungannon or that it will create division between urban and rural dwellers. It should be noted that, in assessing road schemes as part of the GOMMS approach, references to “severance” relate to the impact of these types of projects on non-motorised modes of transport such as cycling and equestrian activities as opposed to the estimated effect of new road construction on property or lands.

5.1.47. As a result of consultations with the Geological Survey of Northern Ireland (GSNI) and the brick industry, the ETAP mineral reserves policy in north-eastern Dungannon has not been carried through into the current Draft Plan.

5.1.48. The Department is aware of the secondary training and practice pitch belonging to St. Malachy's Edendork GAC at Rossmore Road. Consideration will be given, as part of the detailed design process, to minimising the impact of the new road on the Club's activities at both sites. Existing facilities will be retained where possible.

5.1.49. Draft Equality Impact Assessment (DEQIA) issues that relate to the DEDR will be dealt with by separate procedures under Section 75 of the Northern Ireland Act 1998. Section 75(1) of that Act commits the Department to have due regard to the need to promote equality of opportunity between:

- persons of different religious belief, political opinion, race, age, marital status or sexual orientation;
- men and women generally;
- persons with and without a disability; and,
Section 75(2), which is often overlooked, places an equal obligation to promote the integration of communities. The Department would contend that DSTDAP Policy TRAN 1 is likely to promote integration between communities and that the Department has met its obligations in this regard. The Department would also assert that the proposal to provide the Dungannon Eastern Distributor Road does not breach Article 8 of Schedule 1 of the Human Rights Act 1998 or any other human rights matter, nor does it contravene any relevant aspect of the United Nations Convention on the Rights of the Child.

**Impact on Dungannon's Trading Position**

5.1.50. According to the “health check” that was carried out in line with PPS 5 “Retailing and Town Centres”, Dungannon is trading reasonably well but could perform better. By removing through traffic and providing quicker access to the strategic road network, the DEDR could assist in making the town centre more appealing to shoppers from the surrounding area and trade may increase as a result. In the Department's opinion, it is difficult to substantiate the claim that construction of the DEDR would encourage more trade to by-pass Dungannon in favour of other centres such as Sprucefield or Belfast. The town acts as a local service centre whereas Sprucefield and Belfast are regional centres offering a much more extensive range and level of services.

**The Former Railway Corridor**

5.1.51. The Department considers that a through-pass route along most of the former railway corridor within Dungannon is no longer a realistic alternative to the DEDR proposal. To be effective, such a scheme would:-

- now require on-line widening of Moy Road from the end of the present dual carriageway through to the Wellington Road/Ranfurly Road junction. This would affect the gardens of some properties at Ballynorthland Park, Dungannon Park, Park Lane and Ranfurly Park but would not involve demolition of dwellings there;

- impact severely upon the Local Landscape Policy Area (LLPA 05) centred on Milltown House and the remnants of the Ranfurly and Ballynorthland demesnes;

- impinge upon the Dungannon Railway Park; and,

- result in the partial demolition of the tyre services depot and the builders' merchants complex at Dixon's Yard on the west side of Brooke Street. There may, however, be scope to provide replacement floorspace on that site.

5.1.52. It is estimated that, in a “do-minimum” situation, traffic flows on Moy Road would exceed its carrying capacity by 2012 in peak periods. If provision of a through-pass route were to be undertaken on a two-stage basis, commencing with the section along the former railway, the upgrading of Moy Road would have to follow soon after completion of Phase 1 of the project. No significant benefits would, therefore, arise from a phased approach to construction.
5.1.53 Any proposal to reinstate a through-pass route, generally as advocated by many objectors, would require a formal modification of, or alteration to, the Area Plan, with opportunities provided for public consultation.

**Other Suggested Alternatives**

5.1.54. Routes such as the A 45 link to and from the general Cookstown area via the Tamnamore roundabout on the M1 and Coalisland or Stewartstown, or the cross-country alternative to and from the A 4 by way of Parkanaur, Castlecaulfield and Donaghmore do not form part of the Regional Strategic Transport Network. Improvement of these roads, whilst worthwhile, would not reflect the prioritised need that is set out in the Regional Transportation and Development Strategies. These suggested alternatives would involve increased distances and journey times and would be less effective than the DEDR in removing through traffic from Dungannon. They would also fail to meet local scheme objectives for by-passing the town based on DSTDAP Policy TRAN 1. Overall, none of these routes would represent a viable alternative to the DEDR proposal.

5.1.55. Policy TRAN 1 makes provision for re-alignment of the A 29 at Carlard between Dungannon and Cookstown. This particular proposal is contained within the Roads Service Forward Planning Schedule as a scheme that is likely to be commenced within five years.

5.1.56. Following consideration of the issues raised by all objections to the DEDR, it is the opinion of both Roads Service and Planning Service that the route of the DEDR and the associated land use zonings, as shown in the Revision 1 document, remain the best options for the future development of the town and the wider Plan area.

**Objectors' Evidence**

**The Scheme's Evolution**

5.1.57. The 1974-1994 ETAP identified the line of the former railway to the west of Dungannon as the route of a new by-pass to facilitate strategic traffic and to ease congestion in the town centre. Not only was this a long-standing protected proposal, but detailed studies carried out from 1996 onwards on behalf of DRD provided a technical justification for the continued inclusion of what was referred to in the May 2000 DSTDAP as the Dungannon Railway Through-pass (DRTP). That particular proposal generated only three objections, a remarkably small number for a major road proposal in an urban area. Notwithstanding that situation, the Department instigated a major review of the chosen route and possible alternatives. This resulted in a radically different solution involving a new road beyond the town's eastern development limits that passed through open countryside and undisturbed landscapes. It is not surprising that abandonment of the DRTP alignment in favour of this new route resulted in the lodging of more than 600 public objections to the DEDR proposal.

5.1.58. Given the widespread acceptance of the initially-proposed route, the Department must demonstrate:-

- unchallengeable reasons for this major alteration to the long-term planning of Dungannon; and,
the changes in policy and circumstances in the two-year period between the publication of the Draft Plan and the Revision 1 document that justify proposing such a radical revision to the road network in this part of the Plan area.

The Policy Context

5.1.59. At a strategic policy level, the RDS provides a framework within which key decisions can be made about infrastructure development in Northern Ireland. The Spatial Development Strategy is designed, among other things, to create an upgraded and integrated transport system built around the Regional Transport Network of the key transport corridors with their main public transport services providing the skeletal framework for future physical development. The RDS acknowledges the importance of retaining old transport corridors and ensuring that such sites and routes are not severed by non-transport land uses. The Omagh through-pass and the Comber by-pass projects demonstrate the benefits of this type of approach to land use planning.

5.1.60. The “Regional Transportation Strategy for Northern Ireland 2002-2010” (RTS) sets out a strategic framework for the future planning, funding and delivery of transportation throughout the Province. The strategy's overall development was based on the GOMMS objective-led approach in seeking solutions to transport-related problems and it places particular emphasis upon:-

- protecting the built and natural environment;
- improving safety;
- supporting sustainable economic activity and getting good value for money;
- improving access to facilities for those without a car and reducing severance; and,
- ensuring that all decisions are taken in the context of the Government's integrated transport policy.

5.1.61. The DEDR proposal would cut through the middle of an extensive Green Belt area of extreme natural beauty where development is rigidly opposed. It makes no sense to refuse planning permission for individual dwellings in this restricted policy area and yet propose to drive a monstrosity of a road through it. This new route, if sanctioned, would destroy the well-defined interface between town and countryside in eastern Dungannon. It would become increasingly more difficult in such circumstances to maintain the protected status of those Green Belt lands that would lie between the town's currently proposed development limit and the new road-line.

5.1.62 A significant portion of the DEDR alignment passes through farmland that is classified as being in the Best and Most Versatile (BMV) agricultural categories. Although ground of a generally similar quality would be affected by the western alternative, that land is located within Dungannon's existing statutory development limit.

5.1.63. The conclusion in the Draft Equality Impact Assessment (DEQIA) that the DEDR is likely to promote more integrated communities than would be the case with the western route option is not accepted. In assessing impacts as part of the that particular exercise,
the Department should have considered the views of children and minors as “another group” because their input would have provided substantial evidence of the negative social, cultural and safety impacts of the DEDR.

5.1.64. Construction of the eastern distributor road is strongly objected to on the following legal grounds:

- the European Convention on Human Rights, Article 8, “Right to respect for private and family life”, paragraphs 1 and 2;

- the United Nations Convention on the Rights of the Child, Articles 3 – “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”; 

- the United Nations Convention on the Rights of the Child, Article 16, paragraph 1 – “No child shall be subject to arbitrary or unlawful interference with his or her privacy, family home or correspondence...” and paragraph 2 – “The child has the right to the protection of the law against such interference ” and, 

- the United Nations Convention on the Rights of the Child, Article 31, paragraph 1 – “States Parties recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts ” and paragraph 2 – “States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity ”.

Scheme Appraisal

5.1.65. The objectors are not seeking to criticise the methodology employed by DRD’s transportation consultants but they do consider that the conclusions and recommendation arising from the assessment of schemes are flawed. In particular, it is contended that:-

- the extent of damage to the environment and the local farming industry has not been given sufficient weight; and,

- not enough importance has been attached to the benefits of re-using the historic railway corridor and the consequent reduction of impact on properties and the environment.

5.1.66. The fundamental decision about the new road has to be made in the context of this Area Plan Inquiry. Its likely impact on a range of interests needs to be assessed in some detail at this point in time rather than at the later, more committed stages of the design and development process.

5.1.67. A comparison can be made, based on the consultants' studies in the 2000-2002 period, between the DEDR and the more practical of the short-listed western route options - WBOP 3d (see paragraph 5.1.11). The western alternative assumes an upgrading of that section of Moy Road between the northern end of the present dual carriageway and the
junction with Wellington Road and Ranfurly Road. For the avoidance of doubt, the design characteristics of each option remain as envisaged by the consultants, namely that:-

- the western through-pass would be a 10-metre wide single carriageway road except along the stretch between the A 29 Moy Road and the A 45 Donaghmore Road. Being within the town's development boundary, this new road would be subject to a 40 mph speed restriction; and,

- the DEDR would consist of a 7.3-metre wide single carriageway with a 60 mph speed limit in operation.

5.1.68. In examining and summarising the consultants’ findings in the context of the Government's five over-arching objectives for transport, the following conclusions can be drawn:-

**Environment**

5.1.69. The consultants' Non-Technical Summary concludes that, on the basis of their September 2001 Environmental Scoping Study, the impact of a western through-pass (WBOP 3d) would generally be less than that of the other alternatives examined. The document does, however, state that the effect of this route option on the Linear Park and on the landscape and biodiversity in the vicinity of Moy Road would be significant and that extensive mitigation would need to be considered to minimise these effects to an acceptable level. Objectors would contend that undue emphasis has been given to the route's impact on the Linear Park and not enough weight has been accorded to the effect of the DEDR on farms and the severance of agricultural land along its length.

5.1.70. The DEDR would have devastating consequences for the tranquillity and natural beauty of eastern Dungannon. The additional noise and the pollution associated with this major arterial route will increase the risks to health. The Department cannot justify how any environmental good could result from the DEDR option.

**Safety**

5.1.71. The transportation study predicts that the western through-pass option would generate a slight increase in the number of accidents over the 30-year period from the scheme's opening year whereas the DEDR is forecast to experience a reduction. Objectors would point out that the DEDR, in taking traffic around the urban perimeter, would require a considerable number of junctions with the local road network where there would be additional turning movements as vehicles gain access to and from the eastern parts of the town. The resulting conflict between additional traffic movements on the local road network and high-speed traffic on the DEDR would increase the risk of severe accidents, and the Department’s consultants acknowledge this. Construction of the DEDR would also impede and increase the risk to children walking to some of the local schools. Since it is predicted that the western option would experience only a slight increase in lowerspeed accidents as a result of additional traffic and the extra distance travelled, this general route should be preferred on safety grounds.
**Economy**

5.1.72. The net present value of the western through-pass option, with the necessary improvement to Moy Road, has been calculated by the consultants at £16.5 million compared to £6.3 million for the DEDR. The benefit/cost ratio of 3.1 for the western route is much higher than the 1.6 estimated for the eastern alternative. The documented conclusion is that, from an economic perspective, the western alignment is the best of all assessed schemes.

**Accessibility**

5.1.73. The Non-Technical Summary confirms that the DEDR and the western through-pass both meet the local scheme objective of improving and upgrading the A 29 Link Corridor. That publication also states that severance of farms is an issue for the DEDR whereas severance of communities, particularly of Lisnahull, is a consideration insofar as the western route options are concerned. The report concludes that the DEDR is the best scheme in terms of accessibility. However, the assessment does not take into account the fact that the former railway line has been a long-standing transport corridor and is located entirely within the town's development limit. It is submitted that this route would be more convenient for local traffic whereas the DEDR alignment, at a greater distance from the town centre, could not provide the same level of accessibility for the local community. Public transport provision and the proximity of the bus station to the western through-pass and the town centre do not appear to have been considered as part of the assessment exercise.

**Integration**

5.1.74. The consultants' study advises that, in land use policy terms, all the scheme options that were examined integrated well with the Area Plan. The February 2002 Non-Technical Summary concludes that the DEDR project is the only one that achieves all of the scheme objectives derived from DSTDAP Policy TRAN 1 and that, on balance, it is preferred. It does, however, state that care needs to be taken regarding the impact of that route on farms.

5.1.75. The objectors' appraisal of the route options, when measured against local scheme objectives using the DETR seven-point assessment scale, comes to a different conclusion from that reached by DRD's transportation advisers. The routes compare as follows:-

<table>
<thead>
<tr>
<th>Local Scheme Objective</th>
<th>Railway Corridor</th>
<th>DEDR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improve and upgrade the A 29 Link Corridor</td>
<td>Moderate Positive</td>
<td>Large Positive</td>
</tr>
<tr>
<td>Provide a by-pass for Dungannon Town</td>
<td>Moderate Positive</td>
<td>Moderate Positive</td>
</tr>
<tr>
<td>Improve the environment by relief of traffic</td>
<td>Large Positive</td>
<td>Moderate Positive</td>
</tr>
<tr>
<td>Improve road safety</td>
<td>Slight Negative</td>
<td>Slight Negative (Risk of high-speed accidents)</td>
</tr>
<tr>
<td>Reduce journey times on the A 29</td>
<td>Moderate Positive</td>
<td>Large Positive</td>
</tr>
<tr>
<td>Achieve a positive return on financial investment</td>
<td>Large Positive</td>
<td>Moderate Positive</td>
</tr>
</tbody>
</table>
5.1.76. Based on the consultants’ broad comparison of schemes, the DEDR appears to be a better option under three of the Government’s five overarching objectives, namely “accessibility”, “safety” and “integration”. It is the weight accorded to these particular factors that has been decisive in selecting the DEDR as the Area Plan’s principal road proposal.

**Landscape and Local Nature Conservation Interests**

5.1.77. It is acknowledged that no horizontal or vertical alignments have been produced as yet for the DEDR proposal. However, the Department’s 1:5000 scale preliminary drawings of the EBOP 2 route, which runs slightly to the west of but is not significantly different from the DEDR, provide an indication of the possible effects of the new road on the landscape in eastern Dungannon.

5.1.78. The EBOP 2 route alignment leaves the line of Moy Road via a roundabout approximately 500 metres to the north-west of the Stangmore motorway junction and runs north-eastwards on a 300-metre section of 3-4 metre high embankment before crossing Far Circular Road to meet Killyman Road at an at-grade roundabout junction in the vicinity of the local furniture factory. It proceeds northwards towards Killymeal Road mostly on a 250-metre section of embankment with a maximum height of 12-15 metres before entering a cutting and crossing below Killyneill Road close to the property known as Killyneill House. This section of the road would have a significant environmental impact on the low-lying land and the tree covered hill slopes in this part of Dungannon. Beyond Killyneill Road, the alignment makes use of a 400-metre long embankment 11 metres high at its maximum before the new route connects with Bush Road via an at-grade roundabout positioned to the east of Lismaclin Terrace. Thereafter, the road utilises a 300-metre long cutting and a 400-metre long embankment with an approximate maximum height of 5 metres followed by another section of 4-metre deep cutting and a 300-metre length of embankment that rises to cross Killymeal Road at a height of 10 metres via a new over-bridge. The route uses the rising ground to cross Lurgaboy Lane at grade and then descends on an embankment and a 12-metre deep cutting to an at-grade roundabout junction with Coalisland Road adjacent to the St. Malachy's Edendork GAA sports ground. The alignment at the eastern end Rossmore Road requires a 250-metre long embankment, 3 metres in height, while the final section of the road-line through to an at-grade roundabout junction at the A 29 Cookstown Road descends in a 700-metre long cutting that would be up to 30 metres in depth. The rims of the side slopes in this particular section of the road could be between 135 and 165 metres apart depending on the gradient chosen for the necessary earthworks. Construction of the new road would involve the stopping up of Far Circular Road and Lurgaboy Lane. Given that the EBOP 2 route would be approximately 5.5 km in length, the land-take for a project such as this could be of the order of 12-14 hectares.

5.1.79. The Appraisal Summary Tables in the August 2002 Environmental Scoping Study that relate to the DEDR proposal refer to “large adverse” impacts in terms of noise, the landscape, the setting of the town and biodiversity. Great environmental damage would be caused through tree loss, alterations to the water table, the drying out of wetlands and disturbance of wildlife habitats in eastern Dungannon, particularly in the Killyneill Road area and in the general vicinity of Lough Nacrilly. This general area supports an incredible array of wildlife such as buzzards, snipe, foxes, squirrels, badgers and bats. The Department has a duty to protect the environment.
The Farming Community, Other Rural Dwellers and Organisations

5.1.80. The DEDR route, as currently proposed, would impact to varying degrees on modest roadside dwellings at locations such as Killyman Road, Bush Road and Lurgaboy Lane causing much distress to occupiers and a significant reduction in property values. More substantial residences like Killyneill House, a 200-year-old listed building sited in a prominent position in the landscape, would also be affected. In this latter case, the new road would cut through the lands associated with this property including old woodland, an orchard, mature skyline trees, two rookeries as well as a substantial wildlife area. New plantations have been specifically installed on these lands to function as wildlife corridors. The effects of such a proposal on views to the north and south from the house would be disastrous and the noise of vehicles climbing on this section of the new route would significantly change what is, at present, a very quiet area. Killyneill House is built on clay and there are fears that alterations to the water table caused by the DEDR's construction could result in a drying out of the subsoil thereby putting the building at serious risk of cracking and subsidence.

5.1.81. The intended road line would directly affect a number of significant agricultural enterprises, particularly in the sections between Moy Road and Killyman Road and between Bush Road and Killymeal Road. The owner of the 57-ha. Summerhill Farm, for instance, rents considerable tracts of additional land in the adjoining Bush Road and Lowertown Road areas in order to support a pedigree dairy herd of 130 animals. In common with other affected units, the DEDR would sever the main farm complex with its milking parlours, silos and cubicle houses from the pasture grounds and the internal field lanes and public road connections that are used by animals twice or three times daily as part of the milking regime. Provision of underpasses to cater for the movement of livestock would not compensate for the loss and severance of land. Flooding can occur in situations where cattle creeps are constructed at grade with the main road. The degree of severance at this and other affected farms as a consequence of the DEDR proposal would render them worthless or unmanageable because there would be no demand for a dairy or any other type of livestock unit where a major road divides the grazing lands from operational buildings.

5.1.82. The DEDR proposal has introduced a great deal of uncertainty not only regarding the timescale for a final decision on the scheme but also as to the matter of compensation for those likely to be affected. This situation is blighting on-going investment plans for new farm buildings and equipment.

5.1.83. Many smaller farms such as those at Lurgaboy Lane have been in the same family ownership for generations. The effect of the engineering works on units such as those, for example in the section of the DEDR between Killymeal Road and Coalisland Road, would scar the landscape irretrievably, prevent the recreational use of minor country roads, affect land drainage networks, cause light pollution within the countryside and sever community connections with the church and school facilities at Edendork. Access to other modest holdings and out-farms could be made more difficult and already approved schemes, such as tree planting programmes, may not now proceed.

5.1.84. In overall terms, those involved in agriculture consider that insufficient weight has been given in the examination of route options to the loss of livelihoods that will occur as a result of the severance of farm units in eastern Dungannon. This is borne out, for example, in the transportation consultants’ Appraisal Summary Table for the DEDR.
where the qualitative impact of severance is recorded as “none” and the concluding assessment on this particular topic is classified as “neutral”.

5.1.85. The DEDR would pass through an ETAP mineral reserve area where the Rossmore Mudstones were protected from surface development in order to safeguard the local brick-making industry. Other more recent business premises in the vicinity of the DEDR’s proposed connection with Coalisland Road are at risk of being directly affected by the new route.

5.1.86. St. Malachy's GAC has been the focus of the Edendork community since its formation in 1932. The DEDR alignment would cut off the main entrance to the stadium and, in crossing Rossmore Road between the main playing surface and the new practice ground, it has the potential to seriously blight the Club's social, cultural and sporting activities.

5.1.87. The DEDR seeks to provide traffic relief for Dungannon town at the expense of the countryside and the rural community who would receive no tangible benefit from the new road. The Rural Development Council's Baseline Report has already highlighted the fact that the relationship between rural and urban communities is almost completely severed and asks the Government to take appropriate action to rectify this situation.

**Impact on Dungannon’s Trading Position**

5.1.88. Construction of the by-passing section of the A 4 Ballygawley Road from the M 1 Stangmore junction through to Killemaddy has already drawn business away from Dungannon in favour of centres such as Sprucefield. The take-up of new retail units within the town, such as those recently constructed at Scotch Street, has been slow and there are examples elsewhere within the central area where development has not yet commenced even though planning permission was granted some considerable time ago. From Valuation and Lands Agency information of Zone “A” rental levels in 2001, Dungannon at £360 per sq. metre has dragged behind other towns such as Enniskillen (£460), Omagh (£400), Lurgan and Portadown (each at £375). Not many multi-national retailers are represented in the town. If the DEDR proceeds, it will have a seriously detrimental effect upon town centre trading and will make it even harder to achieve physical and economic enhancement through initiatives such as the Dungannon Regeneration Strategy.

5.1.89. If the DEDR were to be constructed, traffic from the north would be discouraged from entering Dungannon whereas the through-pass, being an urban road, is more likely to attract passing trade. It is acknowledged that, in PPS 5 terms, accessibility is one of a number of factors to be considered in assessing a town centre's vitality and viability.

**The Former Railway Corridor**

5.1.90. Objectors accept that, because of development permitted near the Wellington Road/Ranfurly Road junction, the western route alignment that is being contended for at this Inquiry is not the same as that illustrated in the ETAP. The case being made here hinges on the principle rather than on the detailed alignment of a western alternative to the DEDR. The widening of Moy Road to cater for additional traffic is included as part of this general counter-proposal.
5.1.91. Although the railway line that served strategic traffic and Dungannon from the early 1860s was abandoned many years ago, the track bed has been preserved intact. It should be pointed out that the local authority’s planting and landscaping works about a decade ago to enhance the environment and amenity along the railway were undertaken in the full knowledge of the line's protection for transportation purposes. Since the ground within the railway corridor is mostly in public ownership, there would be no necessity to vest private land. It is surrounded by property that has always had road and rail traffic nearby. The route lies entirely within the Dungannon development limit. It would be convenient for local traffic. Its construction would retain economic benefits for the town and its accessibility to the bus station could facilitate improved public transport services.

5.1.92. While there may be 255 houses at Lisnahull that would be separated from central Dungannon if a through-pass route were to be provided, the resulting severance could be largely addressed by the construction of a bridge over the new road. The building of the DEDR would require major earthworks along various sections of the route and this would result in considerable severance to the farming and rural communities and other interests along its length.

5.1.93. A western route would retain traffic on Moy Road and the forecasts indicate that the carrying capacity of that section of the A 29 would be exceeded within the design life of a new through-pass. It would, however, be possible to provide a portion of the throughpass in the short term at a reduced cost so as to provide a link with the existing Moy Road, only bringing forward improvements to that section between the Wellington Road/Ranfurly Road junction and the present dual carriageway later in the life of the project. This would allow for mitigation measures to be phased in over a longer period of time so that the environmental impact of the necessary engineering works on Moy Road could be minimised. Equivalent action would not be feasible with the DEDR proposal because the entire length of that route would have to be constructed in a single contract so as to provide benefit both to local traffic in the Dungannon area and to strategic traffic on the A 29.

5.1.94. The Planning Appeals Commission should recommend that the Department reinstate the original Draft Plan proposal for the western through-pass route along the old railway corridor in the finalised version of the Dungannon and South Tyrone Area Plan.

**Other Suggested Alternatives**

5.1.95. Large numbers of heavy vehicles travelling to and from the Cookstown area already bypass Dungannon by utilising Junction 14 of the M 1 at Tamnamore and local roads such as the A 45 via Coalisland and the B 520 through Stewartstown. Other traffic uses the A 4 and the links to and from Castlecaulfield, Donaghmore and Cookstown by way of Parkanaur. The upgrading of these routes, which would avoid the environmental destruction associated with the DEDR, should be fully investigated.

5.1.96. Priority should also be given to improving the narrow winding sections of the existing A 29 Dungannon to Cookstown road and to increasing safety on the A 4 route beyond Stangmore.
Consideration

The Scheme’s Evolution

5.1.97. The Roads Service’s re-assessment of route options and its subsequent decision to promote a major new distributor road around the eastern side of Dungannon has been the most controversial element of the current Draft Plan’s proposals.

5.1.98. In determining the future directions of growth within Dungannon, the ETAP brought within the statutory settlement limit a considerable area of ground to the north-west of the town centre that lay between the line of the former railway and the A 29 Cookstown Road, allocated it as “white” land and specified (paragraph 27.9) that major development would not be considered there until the necessary services, including the proposed through-pass, were available. From examination, we note that the through-pass concept was not the subject of formal objection at the ETAP public local inquiry in late 1978.

5.1.99. From the transportation and environmental studies carried out on behalf of DRD from 1996 onwards, a new road running in a clockwise direction from the Moy Road/Wellington Road/ Ranfurly Road junction and utilising part of the railway corridor before departing from the ETAP alignment just beyond the crossing point on the B 43 road to Donaghmore was judged to be the best-performing of the six route options that were examined. The 1998 Preliminary Proposals stated that this route should be protected pending consideration of the transportation study and that the lands on either side of its alignment should be zoned for housing development. The route remained unchanged in the May 2000 version of DSTDAP but the adjoining housing lands were given a Phase 2 designation. No specific reasons were advanced during the Inquiry as to why the remaining section of the railway corridor from Donaghmore Road through to Cookstown Road did not continue as part of the through-pass alignment but was allocated as part of the town's peripheral cycle route.

5.1.100 The re-appraisal exercises that were undertaken in the light of the three formal objections to the through-pass route resulted in a recommendation from DRD's transportation consultants in September 2001 that, on balance, an eastern distributor road lying for the most part beyond the Dungannon settlement limit was now preferred. It was nevertheless acknowledged that, from an economic and environmental standpoint, this alignment was not an optimal solution.

5.1.101 We were provided with no explicit assessment of the robustness, or otherwise, of those original objections to the Railway Throughpass proposal and no explanation was given as to why planning permission had been granted on the line of the ETAP south-eastern approach road. The possible impact of necessary carriageway widening on the tree-lined character and environment along part of Moy Road and the likely implications for two commercial businesses and the Dungannon Railway Park were stated as being the deciding factors in the consultants' and the Departmental preference for the new distributor route to the east of the town. The requirement to widen Moy Road to cater for traffic growth within Dungannon had not featured at any public consultation stage in the Draft Plan's preparation.

5.1.102 It should also be borne in mind that the consultants acknowledged (paragraph 5.1.37) that their preference for the DEDR route was a finely balanced one and that a western route option could not be rejected outright.
The Policy Context

5.1.103 Paragraph 3 of PPS 1 states that the purpose of the town and country planning system is to regulate the development and use of land in the public interest. To achieve this, there is a requirement that all development is carried out in a way that would not cause demonstrable harm to interests of acknowledged importance. “The central concerns of the planning systems are to determine what kind of development is appropriate, how much is desirable, where it should best be located and what it looks like”. Paragraph 37 of that same document indicates that one of the aspects that development plans will normally focus upon is committed public sector proposals affecting specific sites. Road schemes are cited as an example of such projects. At the time of the Inquiry, the DEDR proposal did not figure in the 10-year Major Works Forward Planning Schedule.

5.1.104 One aspect of the hub, corridor and gateway approach of the RDS Spatial Development Strategy (page 43) is to develop the key and link corridors and associated trunk roads as the skeletal framework for future physical development. Diagram 11 illustrates the Regional Strategic Transport Network (RSTN) and the supplementary text of Policy TRAN 1.1 describes the various components of the network and the range of benefits that could accrue from the enhanced accessibility resulting from its development. The A29 through Dungannon forms part of a significant Link Corridor that connects with four other Main Hub towns including Coleraine and Newry.

5.1.105 The Regional Transportation Strategy 2002-2012 (RTS) identifies strategic transport investment priorities and considers potential funding sources and the affordability of planned initiatives over its 10-year lifespan. Figure 5.5 of that publication provides an illustrative representation of strategic highway improvements across the Province but this does not include any provision for the by-passing of Dungannon. The Carland Bridge realignment, which is referred to in DSTDAP Policy TRAN 1, is shown as part of these Region-wide improvements.

5.1.106 Paragraph 26 of the RTS confirms that implementation of the Strategy will be achieved by three Transportation Plans, one of which will cover the RSTN. “Transportation Plans will present detailed programmes of major schemes and transport initiatives that will support the objectives of the RTS and contribute to the RTS targets, taking full account of relevant development plans”.

5.1.107 Strategic Planning Guideline TRAN 3 of the RDS states that the need for closer integration of land use and transportation is central to the application of the Regional Development Strategy and its Guiding Principles, and to reducing the need to travel. These principles along with the promotion of sustainable development have been recurring themes in Ministerial announcements, planning policy statements and the various publications associated with the emerging regional development strategy since at least the mid-1990s. The documents produced at each stage of the DSTDAP’s preparation have expressly referred to these principles and they have been incorporated as Plan objectives. The principal Roads Service witness indicated that, if the DEDR proposal were to be confirmed in the Area Plan, further design work would proceed and, if programmed for implementation, the project would be subject to further consultation under the provisions of the 1993 Roads Order.
5.1.108. According to Department for Regional Development evidence (paragraph 5.1.21), the DEDR is a Roads Service proposal that has been included in the Draft Plan so that its broad alignment can be protected from development that would otherwise prejudice its implementation. However, we note (paragraph 5.1.56) that, following consideration of issues raised by all objectors, Roads Service and Planning Service are both of the opinion that the route of the DEDR and its associated land use zonings, as shown in the Revision 1 document, remain the best options for the future development of Dungannon.

5.1.109. No evidence was provided during the Inquiry proceedings that factors such as Dungannon’s settlement form, the distribution of major land uses or the phasing of housing land release were re-examined by the Department as a result of the decision to substitute the DEDR for the earlier Railway Throughpass proposal. Rather, it would appear that the DEDR, which is largely free-standing in nature, has been loosely grafted on to the general urban form of Dungannon that had been promoted four years earlier, at Preliminary Proposals stage. As there is no certainty that all of the Phase 2 lands would be released following the housing review in 2005, the likely relationship of the DEDR to the town is even more uncertain. In our judgement, this lack of re-examination, which was touched upon as part of Objection 308 (paragraph 4.14.7), has resulted in a situation where the Revision 1 proposals comply to a much lesser degree with the stated Plan Objectives of maintaining urban compactness and integrating land use and transport than had been the case at earlier stages in the DSTDAP's preparation.

5.1.110. The majority of objectors to the DEDR expressed concern that its proposed alignment would affect Green Belt land beyond the Dungannon settlement limit where stringent controls on development apply. PSRNI Policy GB/CPA 1 contains a clearly stated presumption against any new buildings and uses of land in Green Belts and Countryside Policy Areas (CPAs) apart from a limited number of uses which are, in principle, appropriate to a rural location. “No other development will normally be allowed unless there are overriding reasons why that development is essential and could not be located in a town or village or in a part of the open countryside not subject to policy constraint”. This does not place an embargo on development such as a major road within the Green Belt but an overriding case for its provision based on “need” and lack of alternative solutions elsewhere needs to be demonstrated. The need for a new road to relieve traffic congestion within Dungannon and to improve the transport efficiency of the A 29 Link Corridor was not challenged on technical grounds by any party at the Inquiry or by objectors who relied on written submissions.

5.1.111. The Department placed considerable emphasis on the supplementary text of PSRNI Policy GB/CPA 2 which refers to developments by public service or statutory undertakers that, by their nature, may be unavoidable in Green Belt or CPA locations. Although this paragraph does not specify or give examples of the types of development envisaged, we consider that Policy GB/CPA 2 cannot be applied to the DEDR proposal primarily because:-

- the head note of that particular policy refers to the construction of new buildings and the change of use of existing buildings for appropriate non-residential development in the Green Belt and CPAs; and,

- Article 2(2) of the current Planning Order, which deals with interpretation, distinguishes between the term “building” and “road”. 
5.1.112. We concur with objectors that the more appropriate PSRNI policy against which to assess the DEDR proposal is PSU 8 “New Infrastructure”. The supplementary text specifically refers to projects such as new roads and states that “where the requirement for new infrastructure is known at an early stage, land will normally be reserved for such a purpose in the relevant development plan. In dealing with specific proposals, the Department will wish to be satisfied that there is an overriding regional or local requirement for the development and that a thorough exploration of alternative sites has been carried out. Normally, the Department will wish to see the development sited so as to minimise the environmental effects, for example, the alignment and landscaping of a new road should be designed to achieve the maximum degree of integration into the landscape.”. We note that the requirement for thorough investigation is not restricted to infrastructure projects within Green Belt or CPA locations and we recognise that the DEDR is currently a development plan proposal as opposed to a specific design project. Nonetheless, Policy PSU 8 requires that the need for new infrastructure has to be balanced against the objective of conserving the environment and protecting amenity. The supplementary text of PSRNI Policy GB/CPA 1 advises that protection of the open character and environmental qualities of the Green Belt is a paramount consideration, even in situations where development is judged to be both appropriate and acceptable.

5.1.113. Figure 7.3 of the consultants' September 2001 environmental scoping study indicates that the section of the DEDR from its junction with Moy Road through to the Kingarve area close to Killymeal Road would traverse BMV land that lies beyond the town's proposed development limit. We estimate that this represents about 60% of the entire DEDR alignment, as currently proposed. Objectors referred to the fact that BMV land that might be affected by a western route alternative already lies within Dungannon’s statutory development limit. PSRNI Policy AG 1, which aims to protect the best and most versatile agricultural land within Northern Ireland, also states that the quality of such ground is an important consideration in the formulation of development plans. The Department did not, at any point in the Inquiry proceedings, quantify the weight that had been given to this particular aspect of regional policy when preparing the Draft Plan.

5.1.114 We consider that challenges to the Draft Equality Impact Assessment lie outside the remit of this public inquiry. The objections to the DEDR proposal based on the European Convention on Human Rights and the United Nations Convention on the Rights of the Child consisted of extracts from Articles 8 and 3, 16 and 31 respectively but did not define in what specific ways the proposal for the new road was judged to be in breach of these requirements. The Article 8 Convention right, for example, is expressly qualified to permit interference by a public authority in accordance with the law and as necessary in a democratic society. The United Nations Convention rights take into account the interests and well-being of children as part of State activities. We do not consider, in the light of the technical evidence before us, that the proposal to provide additional carrying capacity on the strategic road network in line with regional planning and transportation policies constitutes a disproportionate interference with the objectors’ respective Convention rights.

**Scheme Appraisal**

5.1.115. The GOMMS approach to appraisal of trunk road schemes that was developed from the 1997 “New Deal for Transport” White Paper and the subsequent Roads Review in 1998 enabled the consultants’ principal findings on the main and short-listed route options for Dungannon to be recorded in Appraisal Summary Table (AST) format. This information
was categorised under the Government’s five overarching objectives of transport policy (environment, safety, economy, accessibility, and integration) with finer analysis provided in a series of sub-headings. We summarised those findings relative to the DEDR and the alignment that most closely resembled the earlier DSTDAP through-pass proposal in Table 5 of this report. However, paragraph 1.4 of the “New Deal” guidance document points out that “the Appraisal Summary Table cannot make judgements about the relative value to be put on the criteria and so does not provide a mechanistic way of reaching a decision. It summarises the effects in each area so that decision takers can have a clearer and more transparent basis on which to make those judgements.” The “sister” document “Understanding the New Approach to Appraisal” indicates that AST information is presented in a way that does not give prominence to any one type of effect or to those benefits expressed in monetary terms compared with those which cannot be measured in this way. Paragraph 3.4 advises that “every effort has been made to ensure that the AST includes all the significant impacts. However, it is for decision takers to make judgements about the relative value to be put on individual criteria.” That publication also points out that the seven-point scale used in ranking various impacts makes use of words rather than cardinal numbers to avoid implying a direct comparison between types of impact that are not, in fact, directly comparable.

5.1.116. It should be noted that most of the appraisal criteria or objectives have specific transport-related meanings. For example, paragraph 2.14 of the DETR guidance document states that “the new approach broadly distinguishes between motorised travel, covered by the economy objective and non-motorised travel, covered by accessibility.” Paragraph 8.19 indicates that the community severance objective is concerned with “severance as it affects those using non-motorised modes of travel, especially pedestrians. Cyclists and equestrians are judged to be less susceptible to severance because they can travel more quickly than people on foot.”

5.1.117. While the AST format offers a useful means of distilling assessments down to a singleword description matrix, we consider that other factors raised by objectors to the DEDR need to be applied in order to obtain a fuller appreciation of the likely effects of this major road proposal. We are mindful of the clearly expressed Government commitment to put the environment at the heart of all its policies.

**Landscape and Nature Conservation Interests**

5.1.118. The September 2001 environmental scoping study identified locations and features that could be impacted upon by the DEDR and were judged by the consultants as being ecologically sensitive. It was nevertheless confirmed that the new road would affect no designated sites of nature conservation importance. Particular mention was made of the need to avoid the mature trees and rookery at Killyneill and it was suggested that minor route adjustments could reduce damage to other ecological sites. The scoping study document also acknowledged (paragraph 6.3.) that very little data existed on the visual resources of the routes being examined or of their environs. No known visual survey was available although the Northern Ireland Landscape Character Assessment (where field surveys and mapping was carried out at a scale of 1:50,000) was in draft form at that time. The transportation consultants put forward proposals regarding the inputs that should be included in an environmental assessment of the routes selected for investigation.
5.1.119. The AST synopsis assessed the environmental impacts of the DEDR (the EBOP 2c scheme) as:-

- “large adverse” in terms of noise, landscape, townscape and biodiversity;
- “moderate adverse” in terms of heritage and historic resources;
- “adverse” in relation to the impact on private ground and Green Belt land beyond the settlement limit; and,
- “neutral” insofar as the water environment, safety, wider economic impacts and severance were concerned.

5.1.120. Drawings at 1:5000 scale of the EBOP 2 alignment, which does not differ substantially from the DEDR proposal, were made available during the Inquiry and provided participants and the presiding Commissioners with the first relatively detailed impressions of the possible impact of the new road upon the landscape of eastern Dungannon. We appreciate the design challenges in seeking to create a new route through drumlin topography and it is evident from the preliminary drawings that considerable earthworks are likely to be involved in securing the required engineering and safety standards along its length and in connecting with the main radial routes on this side of the town. We estimate that, if the landform through which the DEDR would pass is generally comparable to that affected by the 5.35km EBOP 2c route, then approximately 50% of the new road could be on embankment and a further 30% could be in cutting. The section of the route between Moy Road and Killyman Road is likely be least affected by potential earthworks whereas the stretch beyond Lough Nacrilly through to the A29 Cookstown Road could be almost continuously on embankment or in extensive cutting. As is normal in such exercises, the degree of possible or necessary mitigation would only become known at the more advanced stages of the design process.

5.1.121. Although we have no particular criticisms to make of the technical input to these drawings or of the practicality of such a route in traffic engineering terms, we consider that the failure of DRD to seek the observations of other agencies that have statutory planning, nature conservation, heritage and environmental remits contrasts starkly with the well-publicised principles and the long-standing aim of securing integrated land use and transportation planning. This, in our judgement, is an unsatisfactory approach to the preparation to this, or any, development plan. As a consequence of this, it was only possible to explore the likely impact of the DEDR on local landscape and nature conservation interests to a very limited extent.

**The Farming Community, Other Rural Dwellers and Organisations**

5.1.122. The work undertaken as part of the consultants' environmental scoping study provided a clear indication of the effect of the DEDR road-line on land ownership in eastern Dungannon. It was mainly from this information, mapped at 1:5000 scale, that a number of objectors were able to assess the possible impact of the road upon their residential, agricultural, commercial and other properties. We acknowledge that our remit at this Inquiry is to consider the acceptability or otherwise of the DEDR as a development plan proposal as opposed to assessing it as a detailed design scheme and examining the extent
to which it would affect individual properties. We, therefore, intend to confine our consideration to the broader issues raised by objectors.

5.1.123. The severance of farm units, especially of dairy enterprises, by the DEDR was raised as a particular issue. While the consultants’ environmental scoping study refers to 20 farms being affected by the road line as currently proposed, the number of active units or the extent of land let in conacre to neighbouring farms is not known. From an examination of the ownership maps, it would appear that the separation of land from farm building complexes would be most pronounced along those sections of the DEDR between Moy Road and Killyman Road (although a substantial part of these units is allocated for Phase 2 residential development and has not been opposed by the relevant land owners), and at Bush Road, Kingarve and Lurgaboy Lane. The effect of embankments and cuttings would also affect other more open farmlands between Killyman Road and Bush Road, for instance.

5.1.124. From the information and personal evidence provided to us, it has not been possible to assess the likely overall impact of the DEDR on farming activities in east Dungannon, in more than very general terms. Since we were dealing with a development plan proposal as opposed to a detailed engineering scheme, the scope for mitigating some of this impact could only be discussed in principle and also at a general level.

5.1.125. We note that the transportation consultants, in concluding that, on balance, the DEDR should be considered for inclusion within the Area Plan ahead of other options examined, did point out that care would need to be taken with respect to the impact on farms. It is clear that the transportation study's appraisal of severance was restricted to the effect of the new road on non-motorised modes of transport and not on the impact of the DEDR on farming enterprises and livelihoods. We were somewhat surprised that no evidence was available from bodies such as the Department of Agriculture and Rural Development regarding the likely severance effects of the DEDR on local farms given the BMV quality of land involved and the scale of some of the farming operations in eastern Dungannon.

5.1.126. The consultants' environmental scoping study also identified some instances where action should be taken, for instance through minor route re-alignment, to lessen the impact of the DEDR on residential properties or their curtilages. Particular mention was made (paragraph 5.1.27) of the need to avoid the mature planting and rookeries at Killyneill and some of the hedges containing mature trees at other locations such as Far Circular Road and Lisnaclin townland. Other possible ways of mitigating the effect of the new road on business premises, on local sports facilities and on other community interests such as the recreational use of minor country roads are matters which could only be considered as the design process advances and the necessary environmental impact assessments are carried out.

**Impact on Dungannon's Trading Position**

5.1.127. We note that the DSTDAP Technical Supplement's overall assessment of Dungannon town centre, based on a “health check” in line with PPS 5 advice, concluded that:-

- for a town of its size, Dungannon was performing in line with its neighbouring centres;
• there was no evidence that the town had experienced any significant trading decline in recent years and it had been able to attract new investment;

• it was reasonably well provided for in terms of shops catering for local needs; but,

• the poor overall environmental quality and the presence of vacant and derelict sites, the level of congestion and the lack of modern large shop units all detracted from the town centre.

In paragraph 5.71 of that May 2000 document, the health check indicated that “the alleviation of congestion by development of the Railway Through Pass may help to protect the vitality of the centre”.

5.1.128. In our judgement, Dungannon functions as a local service centre and the shopper surveys, as summarised in the Technical Supplement, demonstrate a strong customer loyalty from throughout the Borough. The Supplement recognised that Dungannon was not performing as well in terms of rental values as larger neighbouring towns such as Omagh and Enniskillen but that it competed well with Strabane and Cookstown which were slightly smaller settlements. These findings do not differ significantly from the 2001 position as set out by one of the objectors (paragraph 5.1.88).

5.1.129. At present, the great proportion of A29 traffic via Dungannon passes close to the town centre and contributes to congestion, particularly where flows are constrained by limited junction geometry. Provision of a relief road should alleviate this situation and enable essential traffic, shoppers and visitors to gain easier access to the central area, to the benefit of the environment and, possibly, town centre trading. No conclusive evidence was tabled to convince us that provision of a new road such as the DEDR would draw trade away from Dungannon to a material or detrimental extent. The attractiveness and vitality of the town as a trading centre in future years will be influenced by a wide range of environmental and economic factors and will not be solely dependent upon the provision of a route that by-passes the town centre.

The Railway Corridor

5.1.130. It is clear that, in drafting the new planning framework for Dungannon in the period from 1995 to 2000, the practicality of utilising a substantial portion of the railway corridor for the provision of a through-pass road was tested independently on behalf of DEDR and found to be satisfactory in transportation and economic terms. None of the three objections lodged at DSTDAP stage challenged the technical basis for proposing the through-pass route but they were instrumental in triggering a review of options that led, in 2002, to the DEDR being recommended, on balance, for inclusion within the Draft Plan in favour of other alternative routes.

5.1.131. Since our remit at this Inquiry is to assess the suitability, or otherwise, of the DEDR as a development plan proposal, the practicality of utilising the railway corridor to varying extents to provide a through-pass road to the west of Dungannon town centre was not scrutinised in detail. No drawings similar to those associated with the EBOP 2 route were submitted by any of the parties. We are, however, mindful of the transportation consultants' concession that the possibility of a western route could not be rejected outright. The Department correctly asserted (paragraph 5.1.53) that any proposal to
reinstate a through-pass proposal would require a formal modification of, or alteration to the Area Plan as currently drafted. Any such exercise, if it were to occur, would include opportunities for public inspection of proposals and for the lodging of representations or objections.

Other Suggested Alternatives

5.1.132. Those advocating alternative routes to the DEDR around and beyond Dungannon, for instance via Tamnamore or Castlecaulfield and Donaghmore, provided no technical evidence in support of their cases. Since none of these routes form part of the Regional Strategic Transport Network, we concur with the Department’s contention that the improvement of such roads would not reflect the priorities of the Regional Development and Transportation Strategies and that they would not deal effectively with strategic traffic that currently passes through Dungannon on the A 29 Link Corridor.

Conclusion

5.1.133. Paragraph 10 of PPS 1 confirms that the Department, in exercising its planning role, must make provision for necessary developments, such as workplaces, houses, schools and roads, and at the same time protect the natural and built environment. The importance of balancing the need for development against the objective of conserving the environment and protecting amenity and of thoroughly exploring alternatives is specifically highlighted in PSRNI Policy PSU 8 insofar as new infrastructure proposals are concerned.

5.1.134. Although the transportation and associated studies were carried out in line with current Government guidance and ultimately concluded that the DEDR route should, on balance, be considered ahead of other options, we have not been convinced from the information provided prior to and during the Inquiry that, in addition to PSU 8 considerations, other policy matters such as:-

- the integration of land use and transportation;
- the need to respect the open character and environmental qualities of the Green Belt;
- the requirement to protect as far as practicable the best and most versatile agricultural land; and
- the necessity of securing economy and efficiency as well as amenity in the use of land, have been sufficiently or corporately addressed in relation to the DEDR, the introduction of which, in May 2002, resulted in a very significant revision of the Draft Plan insofar as transportation matters are concerned.

Recommendation

5.1.135. While acknowledging the need to improve accessibility on the A29 Link Corridor as part of the Regional Strategic Transport Network, the Dungannon Eastern Distributor Road proposal should not be confirmed in the adopted Area Plan. Reference to the DEDR should be removed from Policy TRAN 1 and the line of the route should be deleted from all proposals maps including the Dungannon & Granville Revised Inset Map 1.
6.0 COALISLAND TOWN AREA

6.1 LAND AT BRACKAVILLE ROAD SHOULD BE INCLUDED FOR HOUSING WITHIN THE TOWN’S SETTLEMENT LIMIT

Objection No. 269

Site and Surroundings

6.1.1 A triangular area of 3.7ha to the west of the Coalisland settlement limit which is divided into two parcels by a mature hedgerow. The land is relatively flat around Roan Lodge, its garden, laneway and associated outbuildings along the Brackaville Road frontage and then falls away to the S and W towards the watercourse which forms part of the western boundary. Mature trees and hedges define the boundaries and the NE corner of the site has mature conifers screening the buildings from the road.

Department’s Evidence

6.1.2 The site was outside the limit of development for Coalisland in ETAP. It became an Area of Special Control following a review of the Department’s Rural Policy and subsequently Green Belt. This has remained the position in both the Preliminary Proposals and DSTDAP.

6.1.3 Adequate land has been zoned for housing development in Coalisland to meet the needs of the settlement over the plan period. It would be inappropriate to include the site given the overprovision of housing land within Coalisland in the Draft Plan. 2.8ha of land is available for Phase 1 housing (Zoning CH02) immediately to the east of the site on Brackaville Road.

6.1.4 This area of land should be retained within the Green Belt for the following reasons:-

- It prevents further elongation of the built up area and urban sprawl along the Brackaville Road. Inclusion of this site would reduce the current narrow 750m separation between Coalisland and Newmills to 550m;

- It retains one of a limited number of gaps which remain within the extensive roadside development on the S side of Brackaville Road;

- It contributes to the open character of the landscape and the long range views to the open countryside to the South.

6.1.5. The proposed settlement limit is a very logical boundary due to a combination of a change in the topography as the land starts to rise, the laneway, and the double hedgerow. The stream and its associated trees and hedgeline are an important rural feature and the natural settlement limit is the line proposed in the Draft Plan.

6.1.6. This is not a brownfield site and only a small portion of the site is occupied by Roan Lodge and its outbuildings. Brownfield by definition excludes private gardens. The thrust of the RDS is to reduce the amount of greenfield housing and the increase the share of future housing development within existing urban areas. Roan Lodge is a well-confined grouping approached by attractive gates and a winding avenue reminiscent of a parkland.
type setting and a component of the open rural character of the area. It is not within the urban footprint and the entrance to Coalisland is already reinforced by the undeveloped nature of the objection site.

**Objector’s Evidence**

6.1.7 The site has no infrastructure problems and while it measures 3.7 ha, it is not proposed to develop the entire area for housing. The narrow triangular point at the S end of the site would not be developed and its limit would align with the S edge of CH02. A triangular area in the NW of the site would be planted as woodland in association with structure tree planting along the stream to provide a prominent treed ridge and a strong entrance point to Coalisland. Development of the remaining land would be on an unobtrusive site below road level.

6.1.8 A substantial portion of the N part of the site is ‘brownfield’ as it is taken up by Roan Lodge, its front and back gardens, driveway and outbuildings. It is a hard dominant urban grouping, effectively within the urban footprint of the town and it doesn’t have the appearance of rural outbuildings. It is a landmark entrance to the town and the objection site is the type of land that the RDS seeks to have developed in preference to green field land. The rest of the site would be screened from view behind the height of the Roan Lodge grouping.

6.1.9 The stand of mature trees, hedgeline and stream along the W site boundary provide strong definition and a natural entrance point to the town on the western approach from Newmills. When leaving the town, Brackaville Road is flanked on both sides by urban development and the only long distance view is through the gap between the road frontage buildings and Roan Lodge. There is the impression of a clean break from the town west of Roan Lodge beyond the stream and urban sprawl is not a feature in this locality.

6.1.10 The designation of the site for housing, preferably immediately as Phase 1, or in the longer term as either Phase 2 or undesignated land within the settlement limit, would strengthen the town’s natural boundary definition and create a permanent settlement limit in this locality.

**Consideration**

6.1.11 More than adequate land has been identified for the expansion of Coalisland over the plan period and no need was demonstrated either for additional land within the town of Coalisland or more locally within this NW sector around the Brackaville Road. The objector did not argue that inclusion of the site would rationalise the settlement boundary but that a stronger entrance feature would be created along Brackaville Road. We do not accept that Roan Lodge and its group of outbuildings meet the policy definition of ‘brownfield’ and although there is street lighting to the front of Roan Lodge, the continuous urban frontage development on the N side of Brackaville Road does not extend as far as this grouping. In our opinion, it is neither urban in form nor in function and it contributes to the definite rural character of this area. The site is not within the urban footprint and inclusion of this peripheral land would represent urban sprawl contrary to the Plan objective of maintaining a compact urban form.
6.1.12 Although there is no visual linkage at present, the rural gap between Coalisland and Newmills is very narrow along Brackaville Road and any further reduction of the gap or visual coalescence between the two settlements would be undesirable. The vegetation along the laneway to the west of CH 02 and the general fall in the land westwards provide strong visual definition for a logical and defensible settlement boundary and we do not accept that inclusion of this site is necessary to define the entrance to the town.

**Recommendation**

6.1.13 No amendment is required to the Plan and the settlement limit at Brackaville Road should be confirmed.

6.2 **PHASE 1 HOUSING ZONING CH 02 SHOULD BE DELETED AND THE LAND RETAINED FOR AGRICULTURAL OR RECREATIONAL USE**

**Objection No 239 Site and Surroundings**

6.2.1 Zoning CH 02 is a 2.8 ha area of agricultural land adjacent to the S and W of Brackaville Road to the north of Coalisland. The land rises from the west towards a crest in the central portion of the site before falling towards the south and east. The S and W site boundaries are mostly mature trees and hedges with a concrete post and wire fence behind a sloping grass verge marks the boundary to the N and E along Brackaville Road. There are 5 dwelling houses along the road frontage. Lands to the south and east of the site are residential while lands to the west have a mixture of agriculture and industrial uses (civil engineering works/storage yard). Primate Dixon Primary School is to the SE of the site towards the centre of Coalisland.

**Department’s Evidence**

6.2.2 The site was located within the development limit for Coalisland in ETAP and zoned for housing but there was no phasing at that time. The site was zoned for housing in the Preliminary Proposals and in the Draft Plan, it is located within the settlement limit and zoned for Phase 1 housing (CH 02).

6.2.3 The objection site should be retained as Phase 1 housing land as it is statutorily zoned housing land and while it is undeveloped, there is no justifiable reason for removing this status in the Draft Plan. Such zonings have generally been carried forward as Phase 1 housing land unless a reassessment indicated otherwise (eg. conservation interests, landscape or recreational potential). No such interest was identified for this site. The site forms a significant element of the overall housing provision in the NW part of the town.

6.2.4 While the development of CH 02 is likely to result in an increase in traffic in the area, the additional traffic generated can easily be accommodated on the existing Brackaville Road (Route C638.) It has an average width of 5.9m, a local width restriction of 5.3m near Primate Dixon Primary School and a peak hour capacity of 633 vehicles in each direction which is 330 vehicles in excess of the current one direction flow. 42 houses on the objection site would generate 23 vehicles in the peak hour in one direction and the excess capacity of 330 vehicles would not be exceeded.
6.2.5 The provision of recreational facilities within the Dungannon and South Tyrone Borough is the statutory responsibility of the Borough Council. It has no plans to develop parkland or passive recreational opportunities at Brackaville.

**Objectors’ Evidence**

6.2.6 The designation of CH02 as Phase 1 housing land in the Draft Plan would lead to an increase in the amount of traffic on what is already a very busy minor road. It would cause immense nuisance in a peaceful rural area. The land should be retained as agricultural land or used for recreation/open space or parkland for the inhabitants of the Brackaville community.

**Consideration**

6.2.7 Although it could be argued that there is no identifiable need for this housing allocation given the high level of residential over-zonning in Coalisland, the objector is not concerned with this aspect of CH02. Two main implications of the zoning were of concern, the traffic that would be generated and the nuisance in what was perceived as a rural area. The land was statutorily zoned for housing in ETAP and no objection was raised in the Public Inquiry in 1975. We accept the logic of transferring undeveloped zoned lands from the previous statutory plan as Phase 1 housing land and a significant part of the frontage of the CH 02 zoning has already been developed with single houses. In addition it is adjacent to a civil/engineering works/storage yard, and the site’s character is more allied to the adjoining urban area. While the objector may perceive this as a peaceful rural environment, it is within the 30mph speed limit of the town and closely related to urban housing.

6.2.8 We note that the Brackaville Road has an average width of 5.9m and from our site visits, we accept that it is capable of coping with the anticipated additional traffic that would inevitably result from the development of the land. The sloping topography of the site is not the most suitable for recreational facilities and in the absence of any firm proposals by the Borough Council to develop it either as parkland or for recreational purposes, we consider that its zoning for housing purposes should be confirmed in the Plan.

**Recommendation**

6.2.9 The zoning of CH 01 for housing purposes should be confirmed

6.3 LAND AT MULLAGHMOYLE ROAD SHOULD BE ZONED AS PHASE 1 HOUSING WITHIN THE SETTLEMENT LIMIT

**Objection No 010 Site and Surroundings**

6.3.1 Two adjoining parcels of agricultural land (Areas A and B) comprising 2.2 ha within the northern part of the Coalisland settlement limit. The land is accessed at two points along the Mullaghmoyle Road on either side of a detached bungalow (No.17) in the middle of the site frontage. The land rises from the Mullaghmoyle Road towards the SE and the two fields are divided by School Lane and a mature hedge. Other site boundaries are mostly mature hedgerows interspersed with trees particularly along the S and E edges. The W edge has a concrete post and timber fence. There is an extensive residential development known as
"Shanoch" to the west of the site and part of the land to the rear of the S boundary has been developed with housing.

**Department's Evidence**

6.3.2 The site was within the development limit for Coalisland in ETAP but with no specific land use zoning. In both the Preliminary Proposals and Draft Plan, the site was located within the proposed limit of development. The western field (Area A) has no specific land use zoning. Land to the east of School Lane (Area B) is zoned as Phase 2 housing land as part of CH 22 (Map 6.3A).

6.3.3 In the DSTDAP some 78 ha have been zoned for Phase 1 housing and a further 41 hectares have been earmarked as Phase 2. Phase 1 sites were identified as being immediately available for development. The distribution between Phase 1 and Phase 2 was based on the following criteria:

- Existing planning commitments secured by the granting of planning permission;
- Statutory zoned ETAP land;
- The use of land within the existing urban area;
- Minor rounding-off to create a more compact settlement form;
- Provision for more comprehensive development schemes.

6.3.4 Land in and adjacent to Coalisland has been the subject of significant mineral workings in the past. Area A is likely to contain a number of former mine shafts and because of this uncertainty, it is not appropriate to give it a positive housing zoning and it has been left as white land. It could be available for immediate development for a range of uses including housing subject to the resolution of normal planning and environmental considerations including any issues in relation to the former mineral workings.

6.3.5 It would not be appropriate to allocate the entire objection site as Phase 1 housing for the following reasons:

- No planning applications have been made for either Sites A or B prior to the publication of DSTDAP;
- There was no zoning of the site within the settlement limit in ETAP;
- Other land has been zoned for Phase 1 housing in more appropriate locations giving priority to sites within the existing built up urban edge;
- The site comprises fields outside the built up urban edge;
- The inclusion of the objection site would result in further over-provision of Phase 1 housing allocations.
**Objector's Evidence**

6.3.6 While the objection site is within the Coalisland settlement limit only part of it is available for immediate development. The other part is zoned for Phase 2 housing. The land is in the process of being sold and it will be of benefit to have both areas zoned for immediate development.

**Consideration**

6.3.7 While Area A to the west of the bungalow is white land in the DSTDAP, on the ground housing development would be logical due to the residential development both to the W and on the higher ground to the SE. The unknown factor is the level of constraint that may be imposed by former mine workings and although no evidence was presented to clarify this aspect, the Department indicated that if this was satisfactorily resolved, planning permission could be granted for a range of uses including housing. In these circumstances it would be inappropriate to change its status from white land.

6.3.8 Topographically Area B relates more closely to the overall zoning of CH 22 which is a significant wedge-shaped area of 10 ha of Phase 2 housing land. To the north it is bounded by a steeply sloping river valley designated as part of LLPA 11 and overall the zoning is of sufficient size to require the submission of a Concept Master Plan for its comprehensive development. Vehicular access to this zoning can only be obtained from the Mullaghmoyle Road and the objection site is strategically placed within the limited frontage to that zoning. As the field is rural in character, separated from Area A by a mature hedgeline and visually outside the current built up area, we agree with the Department that Phase 2 is the more appropriate zoning. The balance of the objection site within Area B should be retained within the Phase 2 area and developed comprehensively if such additional land is required after the re-appraisal in 2005.

**Recommendation**

6.3.9 The current zonings on both parcels of land should remain unchanged from the Draft Plan

**Site and Surroundings**

6.4.1 **Objection Site 295** comprises 2 fields of 2.5 ha to the NE of zoning CH08. It includes the 0.9 ha area of **Site 82** which is the more southern field abutting the Stewartstown Road. Topographically the land rises gradually from the Stewartstown Road to a crest at the reservoir and then falls away towards the east. The land is in agricultural use and there are some individual houses beside the Water Service Reservoir on the western edge of the site. There are mature hedgerows with occasional trees around the S and E boundaries and the N half of the western boundary. The S part of the western boundary is undefined and the northern boundary has an open drainage ditch. A small section of the site lies within Phase 1 zoning CH08, along its W edge.
6.4.2 The site was in open countryside in ETAP but following a review of the Department's rural policy the site became an Area of Special Control and subsequently Green Belt. In the Preliminary Proposals and DSTDAP the objection site was mainly outside the limit of development and within the Green Belt.

6.4.3 The majority of the site is in the Green Belt and the proposed settlement limit on the NE side of CH 08 represents a more appropriate boundary than with the inclusion of the objection site. Zoning CH 08’s inclusion within the town limit partly reflects the local planning history and represents infilling at the urban edge by rounding off the existing development around the Mousetown /Stewartstown Roads junction. Development on CH08 would be largely screened by the existing development when exiting from Coalisland and by rising topography when travelling S along the Stewartstown Road into town.

6.4.4 The site should remain excluded from the Coalisland settlement limit as it meets wider Green Belt objectives preventing urban sprawl and protecting its setting on approaches to and from the settlement along the Stewartstown Road. To the west and south west of the objection site, land is predominately urban in character with considerable scattered residential development. Beyond that to the NE and E the land is open in character and it forms part of generally rising ground on the N side of Stewartstown Road. Any development on it would be visually prominent on approaches to and from Coalisland.

6.4.5 Development on the objection site would be visually prominent by comparison as it would encroach on to a localised hill and cross over a natural crest in the landscape. It would result in a one-sided extension onto rising ground, open in views from the Stewartstown Road. The site provides a buffer of open rising land between the proposed settlement edge of Coalisland and the more open countryside to the N and E. Development would be visually prominent on approaches to and from Coalisland along the Stewartstown Road.

6.4.6 A total of 119 ha has been zoned for housing in Coalisland which is more than ample to meet its needs over the Plan period. Some 78 ha are available in Phase 1 of which 4.9 hectares (6% of the total Phase 1 housing allocation) has been zoned close to the objection site along Mousetown, Tumpher and Stewartstown Roads (CH06, CH07 & CH08). There is therefore adequate zoned land in close proximity to this objection site.

6.4.7 Zoning CH 08 complies with the approval and site requirements of the DSTDAP specifying in-depth development at this location. It does not encourage roadside development as suggested by Objector 295. It is accepted there is no hedge or other boundary between CH08 and the objection site. However CH 08 would be screened by the existing development and topography whereas encroachment of housing onto the objection site would be visually prominent. While outline planning permission was granted and renewed for one house within housing zoning CH 08 (M/1999/0184 and M/2002/0475) there is no permission relating to the objection site.

6.4.8 Land to the east and north of CH08 should be included within the proposed settlement limit. The small sections currently included within DSTDAP would encourage roadside
development as opposed to more acceptable housing development zones. Part of the roadside field already has outline planning permission and it would be logical to extend the settlement limit as there is no hedge or differentiating boundary between the two.

**Consideration**

6.4.9 In Section 3.3 we have concluded that more than adequate land is available for housing in Coalisland. Although the development limit in this locality does not use an existing natural boundary and cuts across an open agricultural field, we do not find this to be determining and development there would not be rounding off. Although Zoning CH 08 is less than 1ha in area, we do not accept that it could only be developed as roadside sites as outline planning permission was granted for housing including a road determination in 1999 and renewed in August 2002. Although no details were provided in evidence, it is likely that the access would have to be provided from either the Mousetown or Tumpher Roads due to the narrow frontage onto Stewartstown Road and its proximity to the road junction. As a result the strong hedgeline on the S edge of the objection sites along Stewartstown Road will be unaffected and will screen the existing development and any new housing on CH 07/CH 08 on the approach into the town, until almost at the junction. Access to the objection lands from Stewartstown Road would remove this vegetation screen and as this area is at the extreme NE corner of the settlement, their inclusion would result in an open one-sided projection of housing into the rural area and would contribute to urban sprawl.

**Recommendation**

6.4.10 There should be no change to the plan proposals as a result of these objections.

**6.5 LAND AT BALLYNAKILLY ROAD SHOULD BE BROUGHT WITHIN THE COALISLAND DEVELOPMENT LIMIT**

**Objection No. 238 Site and Surroundings**

6.5.1 A 3.7 ha site abutting the southern edge of Coalisland with access either onto the Ballynakilly Road or from land adjoining the site at the junction of Ballynakilly Road and Hackingblock Road. The land falls from a high point at south western corner adjacent to Ballynakilly Road towards the Torrent River to the north of the site. The road is significantly higher than the site and land adjacent to the Torrent River is relatively flat. The site is in agricultural use and is bounded by mature trees and riverside vegetation (along the Torrent River) and a mature hedgerow with occasional trees along the western boundary. The eastern boundary is largely open and defined by a drainage ditch with 2 mature trees. The southern boundary along Ballynakilly Road has a 0.5m high concrete post and wire fence and partly a hedgerow.

**Department’s Evidence**

6.5.2 This site was within the limit of development for Coalisland in ETAP but with no specific zoning. There was a road scheme to link the A45 Ballynakilly Road with the Stewartstown Road along the N side of the town and its route bisected the site in a SE - NW direction. The site lies in the Green Belt outside the limit of development in both the Preliminary Proposals and DSTDAP.
6.5.3 The objection site is part of the amended Green Belt in the area and it is important in meeting wider Green Belt objectives. It helps to prevent urban sprawl and protects the setting of Coalisland on approaches to and from the town along Ballynakilly Road. Although there are a number of existing industrial enterprises and individual residences along this road, it is an urban fringe landscape which requires protection from further sporadic development. Inclusion of the site would lead to the loss of part of the increasingly small visual gap between Coalisland and Ballynakilly settlements and would contribute to further urban sprawl along Ballynakilly Road.

6.5.4 The site makes an important visual contribution to the open landscape in this area and forms a strong visual buffer between the open countryside and the urban areas on the N side of the Torrent River.

6.5.5 There are adequate lands zoned for housing and industry/mixed business uses within the Coalisland settlement limit. These areas are more appropriately located with fewer physical constraints than the objection site. Some 9.9 ha of land (12% of Phase 1 housing land) has been zoned to the south of the town close to the objection site:- to the South of Gortevin Terrace (CH15), east of Regents Court (CH16) and on the other side of Ballynakilly Road (CH17).

6.5.6 No use is specified for the objection site but there is also more than adequate land to meet the industrial needs of Coalisland without encroachment onto the objection site. 11ha of zoned industrial/mixed business land is available to the south east of the objection site at Gortgonis (Zoning CI 02) and there is a further 8.2 ha at Farlough Road (CI 01). Given the historically low rates of industrial land take up, there is an ample supply of land zoned for industrial/ mixed business uses to meet the needs of the town over the plan period.

6.5.7 The site is affected by a number of physical constraints so that the proposed settlement limit N and W of the objection site is a more appropriate physical boundary in this part of Coalisland:-

- Inclusion of the site would have a detrimental impact on LLPA 09 and development on it would adversely impact on the setting and character of the Torrent River, its local nature conservation interest and the local landscape generally.

- The eastern part of the site is part of the ‘cordon sanitaire’ around the STW. The Environmental Health Authority has indicated that complaints would be likely if the objection site was developed for housing.

- A significant portion of the site alongside the Torrent River lies within its recorded flood area. The infilling of flood plains for the displacement of flood water that could cause problems elsewhere within the catchment is contrary to PSRNI Policy PSU10. Development of the site could involve the raising of land which is subject to flooding and could have a detrimental impact on the integrity and visual amenity of the LLPA along the Torrent River and its wet grassland habitat and open drains which are conservation value.
**Objector's Evidence**

6.5.8 The settlement boundary along Ballynakilly Road should be extended to include the objection site. A strip adjacent to both the river and the sewage works could be planted out in trees to enhance both the natural beauty of the area and the development.

**Consideration**

6.5.9 We have already concluded that more than adequate provision has been made for housing in Coalisland and this part of the town is particularly well served by Phase 1 housing land with almost 10 ha zoned between CH15, CH16 and CH17. On the map this area of land appears to lie closely to the built-up area but this is countered by a number of physical constraints. Although the objection area is 3.7 ha, a significant portion could not be developed along the Torrent River because of its role as part of the flood plain where infilling to raise the level of land and protect potential new development is opposed on policy grounds. The eastern part of the site is affected by the cordon sanitaire for the STW and the offer of planting would not offset any potential odour nuisance that could be caused particularly to residential properties. We consider that residential development would be broadly confined to the SW part of the site.

6.5.10 This area would appear visually divorced from the urban area by (a) the ground levels within the site (b) the substantial planting to the NW within LLPA 09 adjacent to the Ballynakilly Road and (c) the agricultural land and the STW to the SE both of which have strong vegetation screening along the road frontages.

6.5.11 The adequacy of housing land and the physical and environmental considerations are determining and we consider that this objection site should remain outside the settlement limits.

**Recommendation**

6.5.12 There should be no change to the plan resulting from this objection.

6.6 THE INDUSTRIAL/MIXED BUSINESS USE ZONING ON LAND AT BALLYNAKILLY ROAD SHOULD BE REPLACED BY A HOUSING ALLOCATION

**Objection No 079 Site**

**and Surroundings**

6.6.1 This 3.3ha area is the middle section of the larger industrial zoning CI 02 at Gortgonis within the Coalisland settlement limit. The land is relatively flat with a gentle slope down from N to S towards the Torrent River. A tall hedge with occasional trees lines the W boundary while the eastern side is separated from the concrete works by concrete post and wire fencing. Part of the N boundary abuts 4 residential properties while a private laneway with tall hedging and vegetation define the S boundary. Although the site has no road frontage, access can be achieved between Nos 71 & 79 Gortgonis Road or from Hackingblock Road via the W portion of CI 02.
6.6.2 The site was previously zoned for industry in ETAP. The land to the east is identified as existing industry in the DSTDAP and the objection site plus lands to the W have been retained for industry/mixed business uses. The IDB advised that the site is attractive and practical for industrial development usage and there is evidence of industrial activity east of the zoned area. As the land at Gortgonis is outside the Dungannon Urban area, it is not of direct interest to IDB whose policy is only to hold land in district towns. The Environmental Health Department advises that residential use could lead to noise and dust complaints due to the close proximity of industrial processes.

6.6.3 The need for land for industry/mixed business uses in Coalisland was assessed in Section 4 of the Technical Supplement. The site at Gortgonis is one of the two major zonings for these purposes in Coalisland in the DSTDAP and industry zoning CI 02 comprises some 11ha. The identification of land for industrial purposes was based on the following factors:-

- Sites that would comply with policy guidance in Paragraphs 11-22 of PPS 4;
- Relatively flat easily developed sites free from physical constraints;
- Sites that would give rise to serious loss of environmental quality in adjoining residential areas.

The objection site has a number of locational and physical advantages in that it confirms a statutory zoning, first identified in ETAP and is well located in relation to existing and proposed housing areas. This minimises the length and number of trips by road in accordance with paragraph 21 of PPS 4. These advantages warrant its retention to meet the industry/mixed business use needs of Coalisland over the Plan period.

6.6.4 Housing development on this site would result in the fragmentation of the CI 02 zoning at Gortgonis, prejudice existing industry, the development of the remaining industrial zoning and the types of industry that might be acceptable on the site, contrary to regional policy. Any flexibility in the type of use acceptable on the site would be compromised by the presence of residential development.

6.6.5 There is more than adequate Phase 1 housing land zoned to meet the needs of Coalisland over the Plan period. Of the 78ha of Phase 1 housing land, some 17.2ha has been identified on the northern side of Gortgonis Road (CH12) with further areas to the NW of the objection site (CH15 & CH16) These zonings can more than meet the housing needs of this general area over the Plan period and the inclusion of the objection site cannot be justified.

6.6.6 The objection site should be zoned for Phase 1 housing instead of industry/mixed business uses as there is no demand for industrial units in the area and there is a real need for housing.
**Consideration**

6.6.7 From our site visit, we would accept that this land is an integral part both of industrial zoning CI 02 and an area of Coalisland where industrial development predominates. Although the objector’s view that there is no demand for industrial units would seem to be substantiated by the historical take up of industrial land in ETAP, more recent events may be an indicator to changing circumstances. The approval and ongoing construction of the new Northern Hydraulics Factory at Gortgonis is a positive indicator that may stimulate future industrial consolidation. We note that the planning approval for the new factory abuts the objection site and it makes provision for a new HGV entrance from Hackingblock Road including an indicative future extension eastwards to serve the objection site. Although the Department contended that there was adequate land zoned for industry/mixed business uses in Coalisland, the loss of 3.3ha of centrally located industrial land could be a significant loss in terms of attracting inward investment or the development of its industrial base over the Plan period.

6.6.8 The objector’s assertion that there is a real need for housing was not substantiated by any facts or figures and this would not appear to be the case given both the quantum and variety of housing land zoned within the DSTDAP. Evidently we consider that the retention of the site for industrial/mixed business uses to be the most appropriate course of action.

**Recommendation**

6.6.9 The industrial zoning on this land should remain unchanged.

6.7 LAND AT CREENAGH BRIDGE ROAD SHOULD BE ALLOCATED FOR HOUSING WITHIN THE SETTLEMENT LIMIT

**Objection No. 250 Site**

**and Surroundings**

6.7.1 A 7.5 ha site to the S of Coalisland with access either from Creenagh Bridge Road or by a farm laneway to the rear of No 7. The land rises from Creenagh Bridge Road to the centre of the site and then falls away to the S and E before levelling out along the SE corner. Boundaries are mainly hedgerows except for the road frontage which has open post and wire fencing where the land is about 1m above the level of the road. A telecom mast is situated in the NE corner of the site and there are some derelict buildings grouped among trees in its SW corner. Land on the opposite side of Creenagh Bridge Road down to the Torrent River is zoned as Phase1 housing land. (CH 18)

**Department’s Evidence**

6.7.2 The site was located in open countryside outside the limit of development for Coalisland in ETAP. Following a review of the Department's Rural Policy, the site became an Area of Special Control and subsequently Green Belt. The site was outside the settlement limit and within the Green Belt in both the Preliminary Proposals and DSTDAP.

6.7.3 The proposed settlement limit along Creenagh Bridge Road is a more appropriate boundary and inclusion of the objection site within the settlement limit would result in a piecemeal extension across the road, visually unrelated to other built development. It
includes the top of a localised hill and development on it would be visually prominent at it is open to view particularly when travelling N along Bush Road. Its retention in the Green Belt is important to prevent urban sprawl and to meet wider Green Belt objectives. It helps to protects the setting of Coalisland on approaches to and from the town along the Bush Road. The urban form would be unacceptably changed by the inclusion of this prominent land and the logical settlement limit is along the Creenagh Bridge Road.

6.7.4 The compromise suggestion of zoning only the lower land is equally unacceptable from the critical viewpoints on Bush Road where development would appear as skyline. The bungalow to the N of the site is clearly visible from Bush Road and the hedges on the S boundary are low and gappy. The present grouping of buildings is very loose and includes a number of farm buildings which contribute to the rural character of the area. The boundaries of the amended site would be completely undefined on the ground.

6.7.5 There is adequate land for Phase 1 housing (78 ha) already zoned within the Coalisland settlement limit. Some 16.5 hectares of land (21 % of Phase 1 total) has been zoned to the south of the town in close proximity to the objection site along the Creenagh Bridge, Coalisland, Ballynakilly and Bush Roads (CH17, CH18, CH19 & CH 20). Closeness to the town centre was not a criterion in assessing the Phase1/Phase 2 distribution. Infrastructure improvements to Creenagh Bridge Road will be required as part of the development of CH17, CH19 and particularly CH18. It is accepted that these areas were not developed despite being zoned in ETAP but difficulties related primarily to access onto Bush Road.

**Objection’s Evidence**

6.7.6 It would be preferable if the entire site was zoned as Phase 1 housing land, but Phase 2 designation would be acceptable. A reduction of the area to retain the higher eastern side of the site within the Green Belt (marked A on Map PAC 6.7A) would also be acceptable as this would provide a natural screen to housing, both on the W part of the objection site and zoning CH18 on the opposite side of the road.

6.7.7 The proposed settlement form for Coalisland is neither compact nor sustainable as it has concentrated development on the N, E and S sides of the town. Only 21% of Phase 1 housing in smaller blocks is located in the S part of the town and there is no Phase 2 land zoned at all. This site is very close to the town centre, closer then some of the Phase 1 land to the E and N and much closer than the Phase 2 housing areas. The development of CH 18 will result in some houses facing Creenagh Bridge Road and should be balanced by some development on the eastern side of the road. It would create a more meaningful urban area and counteract the large Green Belt indent in the town’s built form in this area. It would also provide choice and flexibility for housing locations in different parts of the town.

6.7.8 Housing would read with the existing development to the N and the derelict building to the South. It would also result in the removal of the derelict buildings on the site. Creenagh Bridge Road already has some suburban development and building on the lower W part of the site would ensure there were houses fronting onto the road to complement the Phase1 development of CH18. This would be a more economical use of the required improvements to Creenagh Bridge Road. It would not represent urban sprawl as the small hilltop would act as a natural screen and backdrop to the housing development on the lower ground on both sides of the road. The development could be
single storey and integrated into the slope so it would not be prominent or skyline when viewed from Bush Road.

**Consideration**

6.7.9 It was not disputed that there is an excess of Phase 1 housing land within the settlement limit which is more than adequate to meet its housing needs over the Plan period. This site is therefore not required to supplement the supply of housing land and it fails the quantum test. No town develops outward in perfect rings and topography is often determining as to the shape and form of many settlements. The absence of Phase 2 housing land in this part of the town is not critical either in terms of sustainability or its urban form as there are four substantial parcels of Phase 1 land within the southern part of the town and some of these may not be developed until later in the Plan period. Areas such as CH18 on the opposite side of the Creenagh Bridge Road, are more appropriately located on lower, less prominent land.

6.7.10 The release of even the lower western part of this objection site for housing would result in a major wedge of development projecting out into the generally rural topography and higher land to the east of Creenagh Bridge Road. The road level reflects the topography as it marks a change in the slope and although development could be accompanied by significant levels of tree planting, this would take some time to mature. Even single storey development would be prominent from the Bush Road viewpoints and we consider the proposed settlement limit provides a well-defined and appropriate boundary in this location.

**Recommendation**

6.7.11 The settlement limit along this part of Creenagh Bridge Road should be confirmed.

6.8 **LAND AT BUSH ROAD SHOULD BE INCLUDED FOR HOUSING WITHIN THE SETTLEMENT LIMIT**  
**Objection No. 288 Site**

**and Surroundings**

6.8.1 An elongated piece of agricultural land (2.1ha) on the western edge of the settlement limit on the eastern side of Bush Road (A45) adjoining LLPA 09. The S part of the site has been filled up to road level and the N part slopes down from the road to the wooded area along the River Torrent which forms the SE site boundary. There is a steep drop of 3-4m from the petrol station at the junction of Ballynakilly and Bush Roads bordering the N boundary and the unfilled part of the objection site. The NW boundary along Bush Road is wooden post and wire fencing. There is housing to the N of the site and a quarry to the West.

**Department's Evidence**

6.8.2 While the site had no specific zoning in ETAP and the Preliminary Proposals it was historically included within the Coalisland settlement limit. It is now proposed that it should form part of the Green Belt. Roads Service have advised that there would be no objection to development with a maximum of 2 accesses onto the A45 provided the site is within the settlement limits.
6.8.3 The quantum of land required to serve the needs of Coalisland over the Plan period was re-examined in the context of the emerging DRSF and a new policy context emphasising more compact urban forms and the promotion of more housing within existing urban areas. To address the significant over-provision of housing land in the Preliminary Proposals, most areas of unzoned land close to the outer settlement limits were not included in DSTDAP in line with the approach set out in the Supplementary Housing Paper.

6.8.4 In the Bush Road locality the retention of other areas within the settlement limit was reassessed, including current and proposed mineral workings, mineral reserves at Derry, and the open land of the Torrent River valley. These areas are not specifically urban related and better protection could be provided for these unzoned lands by inclusion in the Green Belt. This resulted in an outlier of development at Derryvale.

6.8.5 The rationalisation of the settlement limit at Bush Road will not adversely affect the development of the town as significant areas of land have been zoned elsewhere to meet its development needs over the Plan period. A total of 119 ha have been zoned for housing in Coalisland, of which 78 ha are Phase 1 and 41ha in Phase 2. A further 19ha have been zoned for industry and mixed business development.

6.8.6 The site fulfils strategic Green Belt objectives as it forms part of a largely undeveloped landscape that includes the Torrent River corridor and the elevated land to the SE, designated as LLPA 09. This is one of the few remaining visual breaks between the towns of Dungannon and Coalisland along the Coalisland/Bush Roads. Development on the objection site would be prominent and read as a finger protruding along Bush Road, ‘sandwiched’ between the Green Belt and the LLPA. It would contribute to urban sprawl and be detrimental to the setting of the town.

6.8.7 This site is a distinct part of the Torrent River corridor which is a proposed SLNCI in DSTDAP. Development on it would have an adverse impact on its landscape and nature conservation significance and could potentially detract from its access and threaten water quality.

**Objector's Evidence**

6.8.8 The objection site should be included within the settlement limit.

**Consideration**

6.8.9 We have already concluded that there is no justification for the inclusion of any further development land within the settlement limits and the objector did not elaborate on the reasons why he considered this land should be included. Although the land may have been zoned in ETAP and identified for development in the Preliminary Proposals, in principle it is perfectly acceptable for a statutory development plan to de-zone land identified in an earlier plan, especially where strategic planning policy and local circumstances have changed.

6.8.10 Although this site is not required to supplement the supply of housing land in Coalisland, there are a number of site-specific features that have also to be weighed. A significant proportion of the land has been infilled and this process appears to be ongoing. Although
this fact was referred to by the Department, no evidence was provided as to whether this operation required or had obtained planning consent. Development of this site could result in some planning gain in environmental terms.

6.8.11 The Department placed considerable emphasis on the conservation significance of the site. If this land is a significant part of the SLNCI along the Torrent River corridor it should also have been afforded the protection of LLPA designation. There was no persuasive evidence that sensitive development would have a significant adverse impact on the Torrent River, its nature conservation significance or threaten water quality.

6.8.12 Although there is a significant level of existing and proposed housing further out from the town centre on both the Bush and Coalisland Roads, we agree with the Department that this site forms part of a largely undeveloped ‘green’ landscape on the Bush Road approach. The curvature of the bridge just before the S tip of the site provides a sense of enclosure that is reinforced by the planting on the W side of the Road along the edge of the Mineral Reserves area (now identified as an Area for Landscape Restoration) and the mature planting along the E side of the site, along the Torrent River. The LLPA 09 designation is not the subject of objection and if our conclusions on the former Mineral Reserves areas, as set out in paragraphs 6.16.8 - 6.16.9, are accepted by the Commission, the landscape is unlikely to be materially altered as a result of the Draft Plan. In the absence of the inclusion of adjoining lands as an integral part of the town, we consider that development of the objection site would not read as a logical extension of the urban area despite its size, shape or location. In the final balance we consider that even if a case had been made for additional housing land, any potential planning gain would be outweighed by our assessment that development of this site would represent a visual incursion into the green landscape along this part of the Bush Road approach

**Recommendation**

6.8.13 The site should be retained as Green Belt outside the settlement limits for Coalisland.

6.9 **GROUND AT BUSH ROAD SHOULD INCLUDED WITHIN THE SETTLEMENT LIMIT AS AN EXTENSION OF ZONING CH 20**

**Objection Nos. 020 and 249**

**Site and Surroundings**

6.9.1 A 3.6ha area to the South of Coalisland of which approximately ~ is within Phase 1 housing zoning CH 20. The remaining 2.4ha is outside the settlement limit as part of the Green Belt. This area consists of 5 relatively flat fields to the west of Bush Road whose boundaries are mainly defined by mature trees and hedgerows. An overgrown disused railway cutting bisects the area in an NE-SW direction with its embankment and cutting becoming progressively deeper as it extends to the South. There is a derelict two storey dwelling and outbuildings in the middle of the site frontage.

**Department’s Evidence**

6.9.2 The site was outside the development limits for Coalisland in ETAP and in an Area of Special Importance - Strict Control. This was later confirmed as an Area of Special Control and subsequently part of the Green Belt. This status was retained in both the Preliminary Proposals and DSTDAP.
6.9.3 The site meets wider Green Belt objectives by preventing urban sprawl and protecting the setting and S approach of Coalisland along Bush Road which has been subject to a significant build up of individual dwellings. It is important to retain the remaining strong visual breaks. A one sided extension along Bush Road would contribute to urban sprawl and reduce the amount of open countryside between Coalisland and The Bush village to the South.

6.9.4 The site provides a visual and physical buffer between the proposed edge of Coalisland and the more open countryside to the South. Its vegetation cover is part of a well-treed landscape which forms a good visual ‘stop’ to the primarily urban residential and commercial development northwards along the W side of Bush Road. Its development would result in the removal of a substantial amount of vegetation and change the character of the area. Although there are no major constraints from a roads aspect, land would be required along the objection site frontage to provide sight lines for either the development of the existing CH 20 area or its extension by inclusion of the objection site. The hedge line could be reinstated. It is only one feature within the overall level of vegetation that is important in the short range views from the S approaches The hedge on the S side of the site would not provide a better settlement limit especially as it would result in additional unnecessary urban sprawl.

6.9.5 The proposed settlement limit represents a more appropriate boundary than the S boundary of the objection site. The objection site has to be considered as an entity and it is green field land. Only the disused dwelling and garden are ‘brownfield’ and they occupy a relatively small part of the site. It is currently within the GB and would have to comply with the criteria in PSRNI Policy HOU13 to be eligible for replacement. The area is only built-up within the settlement limit and there is no evidence of a substantially built-up frontage in the rural area. No infill situation therefore exists.

6.9.6 The disused railway cutting has local interest as a feature of the past and it functions as a local wildlife corridor and significant local landscape feature which could form a future greenway. Although it does not have any conservation protection, it is a good buffer feature and contributes to the short public views. Although not specifically mentioned in the DSTDAP, its retention would comply with strategic and Draft Plan objectives. The mature hedgerows are of visual significance and provide a strong wildlife corridor so that natural habitat would be destroyed if the site was developed.

6.9.7 There are adequate Phase 1 housing lands (78 ha) already zoned within the settlement limit. Some 16.5 hectares of land (21 % of Phase 1 total) has been zoned to the south of the town in close proximity to the objection site along the Creenagh Bridge, Coalisland, Ballynakilly and Bush Roads (CH17, CH18, CH19 & CH 20). None of this has yet been developed and more land has been zoned on the S side of the town than was previously zoned in ETAP. Inclusion of the objection site could result in an additional 36 units based on a density of 15 dwellings per ha and would add significantly to the surplus of housing land. Even at a lesser density, there is no justification for the inclusion of additional Phase 1 housing land within Coalisland and there is no need to encroach onto the objection site.
Objectors’ Evidence

6.9.8 The S part of the objection site within the Green Belt could be developed in conjunction with CH 20 for low density housing. There is a strong demand for such housing in the area and if developed at less than 15 dph, its inclusion would not significantly increase the Phase 1 housing numbers in this locality. This lower density would reflect the housing density N of the objection site.

6.9.9 Most of the housing zonings (both Phases 1 & 2) are located to the N and E of the town. Only 16.5ha out of the total 119 ha zoned for housing are on the S side of the town. There is no Phase 2 land in the area and there is little land zoned to the South of the Torrent River. An extended CH 20 would help to redress the balance and provide choice, both in housing type and location.

6.9.10 EHS seeks the retention of the disused railway line both as a feature of local interest and as a wildlife corridor. It lies partly within CH 20 and the Draft Plan does not even mention its existence or specify its retention. The vertical line of the cutting is significant on the objection site, particularly on the W side. It is a significant feature in terms of landscape character and zoning could give some protection to the embankment area and its conservation potential within a comprehensive development scheme. The roadside area could be separately developed with the positioning individual houses either directly onto Bush Road or via an inset road. Low density housing could also ensure the retention of the hedging along the internal field boundaries.

6.9.11 Part of the site is brownfield land due to the railway cutting and the substantial disused dwelling and garden with a group of outbuildings to the N of it. This area is previously developed land and should have been included in CH 20 when the S boundary line along Bush Road was being drawn up. The old dwelling could be repaired/ restored or replaced by a new dwelling. The land to the N may currently represent an infill opportunity and it obviously would comply with the definition, if/when CH 20 was developed.

6.9.12 Development would be the best way of retaining both the dominant roadside hedging on the S side of the site and the internal vegetation to provide a ‘visual stop’ to Coalisland along Bush Road. The requirements for a strong hedge along the S site boundary, and the retention of both the disused railway, the internal hedges and an agreed distance of frontage vegetation along Bush Road could be part of the granting of any planning permission as stated in paragraph 65 of PPS 2. The screen hedging and visual stop could be retained and protected as part of the comprehensive design, development and management of CH 20 ensuring it as a permanent physical feature at this entrance to the town.

Consideration

6.9.13 Although the objector was concerned with the imbalance in the allocation of zoned housing between the N/E parts of the town and the area to the S of the Torrent River, we have already concluded that this is not a determining factor give the quantum of land that has been zoned, irrespective of whether it is Phase 1 or Phase 2. Given this excess of zoned land in Coalisland, we consider that only site-specific circumstances can justify extending or rationalising the settlement boundaries.
6.9.14 In this objection, a number of factors collectively provide a convincing argument for altering the settlement boundary to include the objection site and in particular we would attach significant weight to the following aspects:-

- The access requirements necessitate the removal of the frontage hedge irrespective of whether the objection site is developed or not. The loss of this strong vegetation feature weakens the DSTDAP settlement limit;

- CH 20 is only 3.3ha in area and L-shaped with a narrow road frontage. Inclusion of the objection site would increase the overall size to 5.7 ha and result in a more rational shape increasing the potential for a more imaginative Concept Master Plan;

- Its inclusion would only represent a marginal increase in the over provision of Phase 1 housing land within the Plan;

- Frontage development is likely to occur as the PSRNI Policy DES 7 definition of a substantially built-up frontage does not differentiate between urban and rural frontages. The current level of urban and rural development is significant particularly as the old derelict house structure may represent a replacement opportunity;

- Zoning with the requirement that the site is developed for low density housing would enable the old railway cutting and the internal hedges to be retained, positively used and maintained within an overall housing scheme;

- A strong defensible boundary using the hedge along the S site boundary and supplemented by additional structure planting would be of benefit on this approach into Coalisland.

**Recommendation**

6.9.15 The settlement limit and Zoning CH 20 should be amended to include the objection site.

6.10 **LAND AT DERRYVALE SHOULD BE REMOVED FROM THE COALISLAND SETTLEMENT LIMIT**

**Objection No 006**

6.10.1 A 0.6 ha site which forms part of a larger field to the rear of former IDB Derryvale Industrial Estate. The land falls away steeply towards the NE before it gradually levels out towards the low-lying land adjacent to the Torrent River. Part of the SE corner of the site has been filled and is flat. The NE boundary is partly enclosed with mature trees while the S-SW boundary has a 3 metre high concrete post and wire fence. The NW boundary has mature trees and the SE has a recently planted hedge. Two new industrial units prevent potential access from the industrial estate and vehicular access can only be obtained by the private lanes adjoining Nos 35 and 41 Farlough Road.
Department’s Evidence

6.10.2 Although the site has no specific zoning in DSTDAP, in principle it would be suitable for a number of uses subject to physical and infrastructure constraints. There is no Tree Preservation Order on or adjacent to this site and while foul and storm sewers cross the SE corner of the site, they would not necessarily preclude development. The possible contamination of the Torrent River is a normal planning requirement to be taken into account in the determination of any planning application. Any footpath along the Farlough Road would have to be financed from the Minor Works budget and assessed/prioritised with other proposed schemes in the Dungannon Borough Council Area.

6.10.3 However the site is small in scale and not significant in terms of meeting the industrial, housing or other needs of Coalisland. There is no direct access from Farlough Road and no possible direct link from the existing industrial estate since the recent construction of 2 adjacent workshops. Re-grading the steep slopes and infilling within the site could have a detrimental impact on the Torrent valley landscape (LLPA10). It is acknowledged that the site could act as a buffer between existing industry and the Torrent River Valley to the NE although the provision of tree planting would be at the discretion of the landowner. For these reasons it is proposed that the site should be excluded from the settlement limit and retained within the Green Belt in the statutory plan.

Objector’s Evidence

6.10.4 The objection site should be removed from the settlement limit and designated as part of the Green Belt for the following reasons: -

- Residential amenity of the existing dwelling has been compromised by the construction of 2 new factories within 80 ft of the house;

- The site is unsuitable with trees protected by a Conservation Order;

- There is a main sewer in the middle of the site;

- The site is on a very steep incline to the Mill Pond and the Torrent River, which could become contaminated; and

- The site should be planted with trees to form a barrier between the industrial estate and the residential property. Further development along Farlough Road requires a footpath, as the road is dangerous.

Recommendation

6.10.5 In view of the Department’s concession this objection need not engage the attention of the Commission.
6.11 PLANNING APPEALS COMMISSION

Article 7

ZONING CH 21 SHOULD BE RE-ALLOCATED AS A PHASE 1 HOUSING AREA
Objection No 185

Site and Surroundings

6.11.1 Phase 2 housing zoning CH 21 consists of two fields (1.4ha) of agricultural land to the west of
Derryvale Road. The site is approximately 8-10 m above the level of the adjoining land to
the S and from there, the land rises in a N and W direction. Site boundaries are mainly
mature hedgerows. There is a housing development on the opposite side of Derryvale Road
while land adjacent to the S and W boundaries is proposed as part of LLPA 10. Part of the
N boundary abuts a laneway giving access to Torrent Cottage and a group of farm
buildings known as Torrent Hill. Land to the N and E of the laneway is delineated as
ACMD.

Department’s Evidence

6.11.2 In the context of an emerging DRSF, the development needs of Coalisland were reassessed
between the publication of the Preliminary Proposals and the DSTDAP. Paragraph 2.19 of
the Supplementary Housing Paper outlines the principal measures that resulted from an
attempt to bring the quantum of zoned housing land more into line with the provisions of
DRSF. The historic level of over-zoning could defeat strategic objectives. The most
sustainable approach to development in Coalisland is the concentration of development to
the north, east and southern sides of the town close to the town centre. Development at
Derryvale has been curtailed in the wider interests of promoting a more compact and
sustainable settlement limit for Coalisland.

6.11.3 The rationalisation of the Coalisland settlement limit at Derryvale does not compromise the
overall ability of the town to meet housing needs over the Plan period. A total of 119 ha of
land have been zoned for housing in Coalisland of which 78 ha are Phase 1 and 41 ha as
Phase 2. The overall phasing arrangements are in line with the general approach in the
DRSF.

6.11.4 The site does not comply with the criteria for determining Phase 1 zonings as set out in
paragraph 3.5 of the Supplementary Housing Paper because:-

- it was located in open countryside outside the limit of development in ETAP;
- there were no planning approvals on it;
- it is a large undeveloped field outside the built-up urban edge;
- the additional 1.4 ha could result in a potential output of 19 units. Its inclusion as Phase
  1 housing land would result in further unjustified over-provision compromising the
  strategic objectives of the Plan.

There is more adequate and more appropriate land for Phase 1 development in Coalisland
which complies with the phasing criteria.
6.11.5 It is accepted some approved housing development has been ongoing and completed on CH 01 since the publication of DSTDAP. This is a normal part of the plan process and does not necessarily mean that additional land should be released in this area. The land with no specific land use zoning to the S of CH01 is partly in commercial use and partly undeveloped agricultural land. A housing development is ongoing on the remainder (M/2001/1017F). Neither of these facts preclude the redevelopment of the land for a variety of alternative uses subject to compliance with normal planning considerations.

**Objectors’ Evidence**

6.11.6 The area of land zoned as CH 21 should be transferred from Phase 2 to Phase 1 for the following reasons:-

- A total of 50 houses have now been built on CH 01 as Phase 1 housing during the last 3 years. All of these have now been sold which indicates a demand for housing in this area;

- No other lands have been zoned for development in Derryvale other than a few gardens. Zoning CH 21 should be brought forward to Phase 1 as no alternative exists in this location;

- The ‘white land’ due south of CH 01 is in commercial use and as such cannot be considered for housing;

Evidence from a local estate agent indicates that there is a continuing demand for new dwellings in this area.

**Consideration**

6.11.7 We have already concluded that only site-specific factors can justify the inclusion of additional land for housing purposes in Coalisland and evidently we have not been persuaded that there is any specific need in the Derryvale locality that cannot be met within the urban area as a whole. We do not consider that land should be zoned purely because there is a very localised demand and from our site visit, it appears that the former commercial premises and the adjoining white land to the south of CH 01 are up for sale. It is equally well related to the nucleus of Derryvale and the Department did not rule out housing on this land. As a former brownfield site it would be desirable in sustainability terms if it were developed before the green field land of Zoning CH 21. In terms of the overall development of the town there is no deficiency in the quantum of Phase 1 housing land and this site should be retained in the land bank for Phase 2 development.

**Recommendation**

6.11.8 The Phase 2 zoning on this land should remain unchanged.
6.12 LAND AT DERRYVALE SHOULD BE ZONED AS A HOUSING AREA WITHIN THE SETTLEMENT LIMIT
Objection No. 018 Site and Surroundings

6.12.1 Four fields of land (3.7 ha) to the NE of Derryvale, fronting onto the Derryvale Road to the west and the Derry Road to the N. There is also access to the south and west through Derryvale Park housing estate. The land is in agricultural use and is gently undulating, falling away from the Derryvale/ Derry Road frontages towards the SE and the more elevated S corner. The internal site boundaries generally consist of tall hedgerows.

Department's Evidence

6.12.2 The site inside the limit of development for Coalisland in ETAP and zoned as an area of mineral extraction. It was also located within the proposed limit of development in the Preliminary Proposals but with no specific zoning. The site lies outside the settlement limit for Coalisland in the DSTDAP and within the Green Belt. Land to the N and E of the site is identified as ACMID.

6.12.3 Work was undertaken before the publication of the DSTDAP in the context of an emerging DRSF. The quantum of land required to meet the development needs of Coalisland was reexamined and there is no justification for the inclusion of additional Phase 1 housing within the limits. The limits at Derryvale were also reconsidered as well as the appropriateness of retention of some land within the settlement, including areas of current and proposed mineral workings, important mineral reserves at Derry and significant areas of open land and attractive river valley landscape along the River Torrent. These uses are not specifically urban-related and could be afforded additional protection by inclusion within the Green Belt. The removal of unzoned land has resulted in Derryvale becoming an outlier of development.

6.12.4 The objection site provides a visual and physical buffer between the mineral reserves to the east and both existing residential development at Derryvale Park and any future housing. The commencement of extraction in the Mineral Reserves Area could potentially cause amenity problems for neighbouring residents if the land was zoned and developed for housing.

6.12.5 The objection site is appropriately placed within the Green Belt to fulfil strategic objectives such as preventing urban sprawl and protecting the surrounding countryside. It also prevents development on an elevated site between the outlier at Derryvale and the main part of Coalisland. In this context the site forms part of an open rural landscape particularly in the views travelling SW along the Derryvale Road and west along the Derry Road where the existing industrial development is hidden by the surrounding topography.

Objector's Evidence

6.12.6 The site was included inside the Coalisland settlement limit at Preliminary Proposals stage and was removed at Draft Plan stage. There is now inadequate land available for development, as the only local Phase 1 housing (CH01) has been developed. The only
remaining land to the south within the settlement limits is in commercial use. There is a high demand for housing in the area and inadequate provision has been made within the Draft Plan. The objection site should be included as Phase 1 housing.

**Consideration**

6.12.7 It is somewhat surprising that Derryvale was not identified as a separate village settlement as it now has its own enclosed limit of development and is physically separated from Coalisland by a substantial tranche of land designated either for mineral reserves or for landscape restoration work. This contrasts with both ETAP and the Preliminary Proposals where one settlement limit encompassed all. Within ETAP the site was part of an area safeguarded for mineral extraction, but this zoning was not maintained in the Preliminary Proposals and during the review, the objection fields and other land to the SE lost their white land status inside the settlement limit.

6.12.8 Although the land may have been zoned in ETAP and within the settlement limits in the Preliminary Proposals, it is acceptable for a statutory development plan to de-zone land identified in an earlier plan, especially where strategic planning policy and local circumstances and we accept the Department’s assessment that there is more than adequate land for additional housing land in the overall Coalisland context.

6.12.9 In this objection we consider two factors to be of relevance-

- Topographically the land is elevated and development on this land would result in an obvious break out from the nucleus of Derryvale;

- The proximity of the AMCD and the potential difficulties in ensuring an acceptable level of amenity of any housing on this land.

We have already concluded in paragraph 6.11.7 that the commercial site presents a localised opportunity for housing on a brownfield site and that additional Phase 1 land is not required in the Derryvale area.

**Recommendation**

6.12.10 The settlement limit in this part of Derryvale should be confirmed.

6.13 THE CI 02 INDUSTRY/MIXED BUSINESS USE ZONING SHOULD BE EXTENDED TO INCLUDE LAND AT BALLYNAKILLY ROAD

Objection Nos 180(Issue 1), 224(Issue 9 Part 4 Area A), 245 and 246

**Site and Surroundings**

6.13.1 This group of objections relate to land on the N side of Ballynakilly Road approximately 2kms South of the centre of Coalisland and 4kms to the NE of the M1, Junction 14 (Tamnamore). Objection Nos 180(Issue 1) and 224(Issue 9 Part 4) relate to two areas of flat land totalling 13.1ha adjacent to the S edge of Coalisland bisected by the Torrent River and the proposed LLPA 08. Area A, to the N of the Torrent River was subsequently withdrawn. Area B: 9.4ha of land in 4 relatively flat fields between the Torrent River to the NE and Ballynakilly Road. They are generally flat with a gentle fall from Ballynakilly Road to the River which has a strong belt of riverside vegetation. The
E. boundary has dense trees/hedge close to the Torrent River which becomes less dense towards Ballynakilly Road.

6.13.2 **Objection Sites 245 & 246** relate to a total area of 14ha which is bisected by the Torrent River. **Area A:** The same 3.7ha of low lying fields, North of the Torrent River, referred to above, plus the Area of LLPA 08 were withdrawn at the Inquiry. **Area C:** 10.3ha of land in 4 relatively level fields which rise gently from the Ballynakilly Road frontage before falling towards the Torrent River to the NE. The revised objection site boundary is South of the Torrent River and marked by the LLPA 08 boundary (8.5ha). There is a field laneway access along part of the western boundary separating the site from an industrial complex to the west, with an area of approximately 3ha (McAvoy/ Roancabin). There is a 2 storey roadside dwelling to the NW of them within the objection site. On the opposite side of the road is a fruit and vegetable wholesale business (Quinns)

**Department’s Evidence**

6.13.3 The combined objection sites were in open countryside in ETAP and became an Area of Special Control in 1978 and subsequently part of the GB. It was indicated as GB in the both the Preliminary Proposals and the Draft Plan when the Torrent River and its banks were proposed as LLPA 8. The river is a proposed SLNCI in DSTDAP. The sites would not drain by gravity to the STW and pumping would be required to be provided by any developer and adopted by the Department.

6.13.4 The site is currently part of the statutory GB and meets GB objectives by preventing urban sprawl and protecting the setting of Coalisland on the approaches along Ballynakilly Road. PSRNI contains a long term commitment to retaining the open character of Green Belts. Although there are a number of existing industrial enterprises and individual residences, this urban fringe landscape needs to be protected from further sporadic development. The land is physically divorced from Coalisland acting as a natural green wedge between urban and rural. While it would not physically link with Ballynakilly, its inclusion would result in visual coalescence on the S side of the town. Industrial development would create urban sprawl and have a detrimental impact on the rural character of the Coalisland approach along the Ballynakilly road. It would also lead to fragmented pockets of agricultural land to the N along Ballynakilly Road between the site and the Coalisland settlement limit.

6.13.5 The industrial land in ETAP was focused on the historical, industrial footprint at that time and the CI 02 Zoning related to the area around WD Irwin’s Concrete Works. The lack of demand over the Plan period is demonstrated by the absence of any planning applications. The CI 02 zoning at Gortgonis has been re-measured and has an area of 14.09 ha, and not the 11ha specified in the Draft Plan. Part of this zoning is being developed by Northern Hydraulics. The 2,800m² factory and the associated car parking/servicing will involve about 1 ha of land. The remainder of its 4.54 ha site is being reserved for potential future development. On this basis there are 9.55 ha of land zoned for industry and mixed business uses immediately available to the NE of the objection site within CI 02. This area is better integrated with the town in a more sustainable location closer to the major residential growth areas, especially CH14. There are a further 8.4ha zoned at Farlough Road (CI 01) giving a total of almost 18ha of zoned land in Coalisland available for industry/mixed business uses.
6.13.6 In addition to zoned land there is potential for industrial/mixed business uses to be developed on either brownfield sites or whiteland within the settlement limit. The old sandpit is being developed at present for industrial use. Further opportunities may include the Warehouse building in the centre of Coalisland which is vacant and up for sale or the building beside ‘Northern Hydraulics’ when they relocate to their new building. In addition some of the 70 units in the Dungannon Road site are vacant and there is a lot of space in these sites. There is ample opportunity within the development limits without involving further green field land.

6.13.7 ‘Invest NI’ has not had any requests for industrial land in Coalisland in the last 5 years and there is one pending inquiry. The Property Solutions Unit has a policy of holding industrial land in all 26 District Council Areas, but as Coalisland is not the District town, there is no land availability. Given the historically low rates of industrial land take-up within Coalisland, there is an ample supply to meet the development needs of the town over the Plan period.

6.13.8 The zoned lands also comply with Policy RN1 of the RDS as they would facilitate the development of rural industries, businesses and enterprises. The supply could be supplemented by further opportunities within existing industrial areas through site vacancy, dereliction, under-utilisation of land or by the development of unzoned land.

6.13.9 The objection site has been the subject of three planning application refusals, two of which were for dwellings and the third was for a Joinery workshop and stores (M1988/0357)

6.13.10 The proposed settlement limit to the N of the objection site provides a good visual boundary for the settlement and provides screening for the proposed industry/mixed business use developments.

6.13.11 There is no objection to the site being included within the Coalisland settlement limit on access grounds provided the necessary infrastructure is provided beyond the site boundaries and the necessary standards met. The section of the site N of the Torrent River could be accessed through CI 02 and there should be no difficulty in obtaining access to the area to the S of the River from the Ballynakilly Road as suggested on the Concept Plan. Sites 245 and 246 would have to be combined to enable an access to the necessary standards to be provided.

6.13.12. Objection Sites180 (Issue 1) and 224(Issue 9 Part 4 Area A) and a portion of No 245 lie within the significant flood plain of the Torrent River. A small portion of the NW corner of Site A and a significant part of the NE area of Site B lie within recorded flooded areas. It is accepted that Map PAC 6.13A indicates the extent of the flood plain and the right bank is slightly different from the LLPA 08 boundary. Development of the entire area of the sites would be likely to involve the raising of land in the areas subject to flooding, contrary to PSRNI Policy PSU10 and the resultant displacement of floodwater could cause problems elsewhere within the catchment. It would also have a detrimental effect on the integrity of the LLPA along the Torrent River and adversely affect the visual amenity of this area of landscape quality. The development area outside the flood plain is 3.9ha and it is accepted that the Concept Masterplan protects the floodplain locally. There should be no infilling below the Q100 flood level and the protection of the flood plain area could be covered by appropriate wording in the Plan.
6.13.13. Inclusion of the site would have a number of detrimental impacts on the local landscape and local nature conservation interests along the Torrent River including:-

- The habitat, wildlife and water quality of the Torrent River which is an important feature within the town. Development would block off views of the river;

- The landscape quality of the Torrent valley based on the designation of LLPA8. The publicly accessible river and adjacent fields act as a buffer between urban development to the N and more open countryside to the S. The existing hedge provides adequate screening for CH 02.

6.13.14 The Concept Plan addresses a number of the environmental concerns but it is questionable as to whether reality would measure up to the proposals. The development is not a rounding off and as it would be close to the road it would extend the visual impact of McAvoys’ closer to the town. There is no need to manage the LLPA or to mitigate the effect of the Roanacabin development by allowing further development.

6.13.15 The area has a fascinating history and a the town expanded towards the Torrent River and there were two bridging points at Derryvale and Derrywinnin. The built form of the town has crossed those two points and historically the site had a substantial pottery on it which was replaced by McAvoys. Despite its industrial past, this land was always separated from the town by the river and it should remain the boundary of the town in this locality.

**Objectors’ Evidence**

6.13.16 Coalisland originated as an industrial town located on a small coalfield from which iron, cotton and linen industries developed. Despite its industrial base and legacy, the take up of industrial land has been slow which contrasts with Dungannon’s performance and the industrial development at both Granville and Killyman Road. This is due to their good access to the strategic road network (A4/M1) and the agglomeration of size. Small and poorly located industrial zonings have not been successful. Some of the unsuccessful industrial zonings in Dungannon have been developed for other purposes but overall its zonings are well thought out in accessibility and locational terms. There should be fairness and equality in the distribution of industrial land between settlements and Coalisland should be treated comparably with Dungannon.

6.13.17 The contrast with Coalisland is very stark as only 8.6ha have been developed out of the original 28 ha zoned in ETAP. The remaining 19.4ha have again been zoned despite lying available and undeveloped for 30 years. The land at Gortgonis (CI 02) is an extension of that zoning and it is effectively taken up by two industrialists. The remainder of the land is owned by a farmer who does not wish to sell it. The zoning should be extended further S to improve the access to the M1.

6.13.18 Zoning land for industry is not a mathematical exercise and no ‘new’ industrial land has been proposed in the Draft Plan. Attracting industry has complex dynamics and while suitable land and premises are important it involves other factors such as human resources, skills, recruitment and labour retention, capital, promotion and marketing. A policy response is also required in the form of grant aid and public sector loans to match the competitive position. This process has not been recognised by the Department and it
is no longer a simple need and supply ratio. The new Draft PPS4 has moved away from basing future land on historical take up rates and the emphasis is on ‘a generous supply.’

6.13.19 The objection sites are the most appropriate land for industry in Coalisland. Both the Gortgonis and Farlough Road sites are remote from the strategic road network. The Gortgonis land can only be accessed through the heart of the town and residential roads or using minor peripheral rural roads. A new bridge will be needed and the roads are expected to cater for substantial amounts of housing. The Ballynakilly Road is the main A 45 link between Coalisland and the M1 (Tamnamore junction) which is a straight high quality road which could cope with industrial traffic.

6.13.20 Objection sites 180(Issue 1) and 224(Issue 9 Part 4 Area A) are physically adjacent to and could be joined with the 11.2 ha of zoned industrial land across the River (Cl 02) to give a combined area of 25.3ha. The land is physically suitable and is badly needed for the future prosperity and development of the town. Industry is already there and the site would be a credible industrial entity which could be developed for the benefit of Coalisland and its hinterland. It would be neither excessive nor unreasonable in a Draft Area Plan context.

6.13.21 The experience of the Coalisland and District Development Association (CDDA) is that industrial/business sites are needed in Coalisland. The Business Park that was developed in a disused weaving factory has 50 units which are constantly occupied by SMEs. There are only 2 vacant at present and businesses start there and then move on to the industrial areas. The 1st CRISP project in N Ireland enabled the construction of 6 fully serviced industrial sites on a 8.5 acre brownfield site adjacent to the town. These were all sold and are now fully occupied by 4 factories and a supermarket employing 200 + people. A further three sites are nearing completion on a former sand pit on the Stewartstown Road. Each of them would be about 1 acre in size whereas 2/3 acres are more normally required. Access problems are delaying the project. There are at least 6 people looking to buy these sites including ‘Euro Springs’ who wish to relocate from Dungannon Enterprise Centre and who require 2 acres of land to build a purpose built factory and Offices. Local estate agents have drawn attention to the shortage of land for industrial purposes in Coalisland. The land zoned at Derryvale Road(C1 01) is in the ownership of the Powerscreen Group and is unlikely to be developed for other than the expansion of this company.

6.13.22 The site would expand the strong engineering/fabrication industrial concentration currently within Coalisland and the Borough Council Area generally by building on the existing cluster of enterprises within this area such as the McAvoy Group who moved out of the town because of congestion and whose modern premises are an asset to this main entrance to Coalisland. Industry and commerce have identified the best location within the town. The Borough Council has an Economic Development Strategy, prepared in October 2001 and relating to the period up to 2005 primarily for Structural Fund opportunities and it is accepted that it does not identify the objection sites. There has been a suite of planning approvals in the immediate vicinity since 1995 and the IDB finds this area generally conducive to development. The Invest NI client bank does not represent the totality of business in NI and many entrepreneurs have bypassed IDB and LEDU.

6.13.23 Planning policy supports the inclusion of this land within the Coalisland development limits as it complies with regional planning considerations in the RDS relating to
targeting social need through job creation. Although Coalisland’s 3 wards have been recognised as a disadvantaged community in the Robson Report, the Department does not recognise this. The lands are accessible to the N. Ireland strategic transport corridor network.

Environmental Considerations

6.13.24 The 4 fields (Area B) between the Torrent River and the Ballynakilly Road were studied by a landscape ecologist. The pastures are species poor ‘improved’ grassland and the River Torrent is bounded by mature trees (mainly alder) along the edge of the site. The presence of juncus in the SE field indicates water logging and a high water table. The majority of the wet pasture falls within the flood area and this land would not be developed but incorporated within a nature conservation/landscape/amenity area within the Concept Plan. The area to the N of Gortgonis Bridge was a former sand and gravel works which have been recolonised with a mosaic of willow/alder scrub which will be retained as part of the ‘green wedge’ along the Torrent River.

6.13.25 There are no statutory designations on the site or within a 2km buffer zone. Although the River Torrent is proposed as a site of Local Nature Conservation Importance (SLNCI) there is little information on it. Further study is required at a different time of the year to assess the full ecological value of the site but there is a direct positive correlation between flooding and nature conservation interests in river corridors. Otters are likely to be present which are a protected species under Schedule 5 of the Wildlife (NI) Order 1985. The valued landscape of the River Torrent LLPA along the edge of the objection site will not be compromised by the requested zoning.

6.13.26 The network of mature hedges and trees contribute to the high quality of the area. They should be retained and enhanced as it is assumed they are used by a number of protected species (badger, bat and otter (along the ditch line). It is presumed there is a typical range of breeding birds primarily focused on the hedgelines and the river corridor.

6.13.27 The proposed industrial estate poses no threat to the LLPA designation or conservation interests including the Coalisland canal and the mature trees and hedges within the site could be taken into account in the detailed design. Modern industrial estates are not eyesores and can successfully co-exist with natural and built heritage assets. The PAC could specify that the site is only used for light industry.

Roads Issues

6.13.28 Although a TIA would be undertaken at planning application stage an access to the site could be designed to the necessary standards. To comply with guidance in DCAN 15 the visibility splays should be 6x 165m towards the M1 and 6x 152m towards Coalisland. The master plan scheme would generate 570 daily vehicles movements in and out of which 150 would be in the peak hour. The frontage could be set back if the A45 Ballynakilly Road had to be widened and the access should be positioned away from the crest due to vertical alignment towards the Coalisland end of the frontage and it is feasible to provide it to the full standards within the limitations of the site frontage. A right turning lane can be provided and it should be possible to provide a diverging lane at the access should Roads Service consider it necessary. The requirements for junction spacing can be satisfied and a 2m footpath can be provided across the site frontage.
6.13.29 Sites 245 and 246 can be accessed directly onto the A45 Road and industrial traffic wouldn’t have to go through Coalisland at all. Industry is adjacent to the site in the form of McAvoys.

**Flooding**

6.13.30 It is accepted that a significant portion of the site is low-lying and survey work has been carried out to identify the extent of the floodplain. The Q_{100} flood level has been estimated by the Rivers Agency at three locations and a topographical survey was carried out. Computer modelling has predicted the extent of the 1 in 100 year flood. All of site A and a linear area along the River within Area B would require infilling before development and this portion of the floodplain would be lost. The combined loss of floodplain volume will affect water levels upstream of the site but the effect diminishes with distance and land upstream and downstream is rural in character for at least 400m in both directions. The significance of the increased flooding risk can only be demonstrated by detailed hydraulic modelling of the river system when details of the proposed developments are known. The presence of flooding should not necessarily preclude the site from development as any infilling may not significantly increase the risk of flooding elsewhere or mitigation measures may be possible to satisfy the requirements of PSRNI Policy PSU10. These issues should be addressed at Development Control stage.

**Concept Masterplan: Objection Nos 180(Issue 1) and 224(Issue 9 Part 4 Area A)**

6.13.31 When already developed lands and lands subject to potential flooding risk are excluded from the sites, this objection site relates to a modest 3.4ha. Of this 3 ha are illustrated as developable in the Concept Master Plan and this is far from excessive. It would comply with policy sentiments of a generous and continuous land supply for employment purposes.

6.13.32 The Concept Masterplan indicates that the new development would respond positively to site conditions as Site A and the N sector of Site B would be kept free of development. This Riverside corridor would be a unifying link both to the Canal and Coalisland. Key landscape features including the special character of the area of the Old Gortgonis Bridge, the track to the S of CI 02, the bend in the river and the flood embankment will be protected. There will be no need for a new crossing over the Torrent River. The scheme would introduce extended areas of structure planting and provide scope not only for the retention of the Torrent River LLPA, but its significant enhancement. It will not compromise the role played by the Torrent River or the Coalisland Canal in the wider settlement form. The development would not be physically separated form the town by the canal and it is not accepted that its zoning would lead to a trend towards Coalisland’s expansion across the Canal.

6.13.33 The Master plan for Area B in protecting the core interests of LLPA 8, gives priority to the nature conservation value of the river corridor along the Torrent and provides for limited public access to the area. A Sustainable Urban Drainage System will be provided to ensure there is control of storm and foul water drainage and the ditches in to the River Torrent will be protected. The network of mature hedgelines will be protected as linear woodland features and new planting will respect the local context in type, species and density.
6.13.34 A high quality industrial estate would be comprehensively designed with structure planting which could include tree planting 10m deep to ensure that the development is kept separate from Ballynakilly and that the two settlements do not visually coalesce. It could provide a dynamic entrance point to the town.

6.13.35 Planning Service could use a Development brief with conditions on any planning approval to control the location, siting and design of all new buildings and associated infrastructure.

6.13.36 The objection site provides an opportunity to extend the settlement limit for high profile quality business and industrial uses. The site is well defined and it has the capacity to absorb a suitable scale and form of development to provide a high quality S ‘gateway’ to Coalisland while retaining the main features of the area – the Torrent River, its flood plain and LLPA 08. It would provide a logical extension to the existing settlement form and its outer edge would provide a strong long term defensible boundary. The Ballynakilly Road provides a robust settlement edge in relation to shaping urban form paying regard to the existence of industry on part of the objection lands. The Green Belt gaps between the edge of the objection site and both Ballynakilly Village and Coalisland canal are significant.

**Consideration**

6.13.37 While paragraphs 11-24 of PPS 4 provide the policy basis for the allocation of industrial land in development plans, this document has been revised and a new Draft PPS 4 has been published for comment and consultation. Limited weight can only be attached to it at this stage but the emphasis is similar to its predecessor – the generous zoning of land to meet industrial needs over the Plan period with a good choice of size and location.

6.13.38 PPS 4 is still the relevant policy at this stage and paragraph 17 links land supply to historic industrial land take-up and the analysis of industrial development in the Technical Supplement over the thirteen year period 1981-1993 indicated an average annual take-up over the entire Borough of 2.2ha per annum. It was recognised that this was a relatively short period on which to base future projections and three growth scenarios were developed. Relying on the high growth scenario based on twice the historic take-up rate results seemed to be a prudent approach and this led to a zoning requirement of 66ha over the Plan Period.

6.13.39 Most of the new industrial development over the last 15 years focused on both Killyman and Granville with their excellent locations in relation to the strategic road network and the zoning of additional industrial land was a logical step to build on this strong industrial base. The RDS has designated Dungannon as a ‘main hub’ and it is logical that the largest proportion of industrial land (74.9 ha) should be concentrated there with the zoning of land at three other locations in or around Dungannon. This is a realistic view of Dungannon’s position as the District town and its proximity to the strategic road network. Within the District area, Coalisland comes third and the land allocation in our opinion in numerical terms accurately reflects that position.

6.13.40 It is within this context that this series of objections has to be assessed. The lands at Gortgonis and Farlough were both zoned for industrial purposes in ETAP and there was no critical assessment either as to the suitability of this land or if there were any site specific reasons why it has remained relatively undeveloped. ‘Invest N.Ireland’ is not
interested in providing industrial land in Coalisland as it is not the Borough town and there was no evidence of any significant interest in either area until relatively recently. Although the objectors were concerned that Coalisland was differently treated from Dungannon in that no additional areas are proposed in DSTDAP other than left-over land from ETAP, we do not view this as significant as it is the physical characteristics of the land itself that are relevant to the zoning of land.

6.13.41 The new factory for Northern Hydraulics is currently under construction and with its completion between the two sections of the adjoining Irwin’s concrete works, a strong industrial presence is being established at this end of Coalisland. On this basis we are not persuaded that the remaining 9.5ha within the uncontested zoning at Gortgonis suffers from the difficult access problems as portrayed by the objectors or that its industrial potential is unlikely to be realised over the Plan period. In this respect we note that no party suggested that the industrial zoning should be removed from this land and the objections relate to an extension rather than the deletion of this industrial zoning.

6.13.42 The 8.4 ha at Farlough Road has also lain undeveloped for a considerable period of time. We accept that this land is well removed from Coalisland town centre and that other sites have locational advantages in terms of proximity to the M1 but no evidence was presented to indicate that the lands are unsuitable for industrial purposes. While Powerscreen may own all or a substantial portion of the zoned land, from our site visits we noted that:

- The main Powerscreen factory is on the Edendork Road where there is substantial land around the buildings which may be suitable for any anticipated company expansion;
- This subsidiary factory is a distribution centre and the operational area within their security fencing is tightly confined around the buildings;
- The remainder of the land is reasonably level and is used as agricultural land;
- Roads Service have not identified any access difficulties onto the Farlough Road which links to the Coalisland Road (A45) for access over 2/3 miles into Dungannon. Our site visits indicated a considerable volume of HGV traffic using this route.

The reluctance of unwilling landowners to sell vital zoned land can disappear during the Plan period and a site visit in December 2003 indicated that work has commenced in the NE part of the CI 02 Zoning. Earthworks and the steel structure frames for two buildings are visible and this may stimulate further industrial development in this area. On this basis we are not persuaded that the remainder of this zoned land would be unavailable for development over the Plan period or that it should be excluded from either the amount or choice of industrial land.

6.13.43 In total there are 17.9 ha remaining undeveloped of land zoned for industry in Coalisland. Although the historical annual take-up of 2.2ha per annum in the Technical supplement was not disputed, this relates to the Borough as a whole and no comparable figure was available solely for Coalisland. There was some concern that this mode of prediction was somewhat outdated and that the new Draft PPS 4 advocates “a generous supply” The weight to be attached to it has to reflect its Draft status but the spirit of its guidance
can be incorporated by the use of the highest annual take-up scenario for the entire Borough. On this basis the remaining 17.9ha at the optimistic rate of 2.2 ha per annum would mean there was sufficient industrial land for just over 8 years. In this very basic equation we have not included brownfield or windfall sites that may become available and while these are important in both job creation and regeneration terms they tend to be small in scale and somewhat unpredictable in attracting new industry/business uses to the town. On this basis we consider that the industrial needs of the town have been realistically provided for over the Plan period and the case based on need has not been proven.

6.13.44 Viewed in isolation, the topography of the objection lands along the Ballynakilly Road would be ideally suited to industrial use. We acknowledge the benefits of easy direct access to the M1 and we can understand the logic in Objection Sites 245 and 246 of wanting to build upon the industrial presence created by the substantial McAvoy group and to a lesser degree, Quinn’s business on the opposite side of the road. However in the context of the Draft Plan, the land is physically separated from the bulk of Coalisland by the Torrent River valley with its LLPA 08 designation. No objection in principle was raised to its designation. The constraints caused by its flood plain are extensive including all of Area A (3.7ha) and only 3.4ha out of the total 9.4 ha of Area B (Objections 180(Issue 1), 224(Issue 9 Part 4 Area A) can actually be built upon. This river valley flood plain further segregates the Objection Sites from the existing industrial zoning at Gortgonis.

6.13.45 The Concept Master Plan in itself proposes a reasonable design for a high quality industrial/mixed business area but neither of the objectors proposed industrial structures on the land between the Torrent River and Hackingblock Road. While the substantial structure planting could enhance the LLPA, it would function as a physically divisive feature and the distance involved is such that industrial development here would appear totally divorced from the settlement of Coalisland. In the absence of a proven need, industrial/mixed business uses would be a further intrusion of urban development into the countryside and constitute urban sprawl. The associated buildings and site works would visually reduce the gap between Coalisland and Ballynakilly, be detrimental both to the efficient use of green field land and the strategic objectives of the Green Belt. In this respect we are mindful of DSTDAP’s fourth Objective of maintaining a compact urban form.

Recommendation

6.13.46 The objection sites should be retained in the Green Belt outside the settlement limits of Coalisland.

6.14 LAND AT BALLYNAKILLY ROAD SHOULD BE INCLUDED WITHIN BALLYNAKILLY & ZONED FOR INDUSTRIAL/MIXED BUSINESS USES

Objection No 271

Site and Surroundings

6.14.1 A 1.9ha area of flat land NE of Ballynakilly village with frontage onto the Ballynakilly Road (included with the larger area of Objection No 245). It is in agricultural use and the site boundaries are mainly hedges with gaps interspersed with mature trees. The site frontage is open with a post and wire fence and a grass verge.
6.14.2 The site was in open countryside in ETAP and became an Area of Special Control in 1978 and subsequently part of the GB. It was indicated as GB in both the Preliminary Proposals and the Draft Plan. The site abuts the Ballynakilly settlement limit and meets Green Belt objectives by preventing urban sprawl on the approaches to Ballynakilly and Coalisland along Ballynakilly Road. There are a number of existing enterprises and individual residences nearby and this urban fringe landscape needs to be protected from further sporadic development to protect the surrounding countryside. Its inclusion in Ballynakilly would be contrary to Green Belt objectives and would have a detrimental impact on the visual quality of the N. approach roads to Ballynakilly and Coalisland.

6.14.3 The settlement limit around Ballynakilly was drawn to:

- promote a compact settlement form and minimise further elongation along Ballynakilly and Coash Roads;
- protect the setting of the lake to the East;
- use the vegetation belt to the S of 34 Coash Road as a strong physical boundary to the settlement limit;
- Minimise development on the rising ground to the N of the settlement.

6.14.4 The site has a restricted frontage and access to the required standards can only be achieved by combining with Objection Site No 246.

6.14.5 The focus of the village is currently along Coash Road and the proposed limit at this end of the settlement is defined by the strong physical boundary at Ballynakilly Road. The settlement doesn’t feature prominently along its frontage and at Point A the objection site is part of the open countryside. At Point B the McAvoy group of buildings is separated from the hamlet by a green wedge incorporating the objection site. Inclusion of the site would breach this boundary and lead to pressure for additional development at this location.

6.14.6 There would be 11.7 ha of undeveloped land at various locations within the settlement limit (including concessions on Obj 251 Area A (1.6ha) and Obj 198 (0.5ha)). These lands are more appropriately located and would be more than adequate for a range of uses, including industrial, to meet the needs of Ballynakilly without encroachment onto the objection site. 6 dwellings were approved in the 10 year period 1990-1999. Access to Sites 1, 3 and 4 can be obtained within their site frontages. Although the industrial premises have been derelict for some time, planning permission was granted in April 2002 for a change of use to provide storage for domestic freezers and fridges awaiting disposal (M2002/0063F). Access is from a laneway onto the Ballynakilly Road.

**Objector's Evidence**

6.14.7 The objection site is a buffer between Ballynakilly and Coalisland but unlike Objections 245 & 246, it will not cause urban sprawl. It is a one off site that has merit in being brought into the village. It is accepted that additional land outside the site frontage would...
be required for the access but it could be achieved to the N and no buildings would be affected. The land is available and owned by a local construction company who have an industrial use for it which would be sensitively designed to complement both the surrounding GB and the hamlet of Ballynakilly.

6.14.8 This site is visually associated with Ballynakilly on the approaches to and from Coalisland. It is not a green wedge and has industry on the S boundary of the site, and housing to the E and S, all within the village of Ballynakilly. The Department is naïve in trying to keep all development on one side of the Ballynakilly Road.

6.14.9 The Department has not given recognition to the fact that there are already a number of new industrial/commercial businesses established along the Ballynakilly Road. The site will cluster with these land uses and is close enough to be visually linked with Ballynakilly and the existing industrial land opposite within its development limits. Development of this site will not detract from the existing views to the N given the existing industrial development.

6.14.10 There has been very little industrial activity in Ballynakilly over the past 30 years and using past demand to predict future land needs would give an inaccurate assessment. IDB and LEDU advise that this should not be the only indicator to estimate future industrial needs. There has been a lack of take up of zoned and white land within Ballynakilly. Industrial Zoning CI 02 has serious problems regarding availability. 8-9 acres in the centre of Gortgonis area is up for sale and there are access difficulties. The development of the Northern Hydraulics site involved access problems and the upgrading of part of Hackingblock Road.

6.14.11 Ballynakilly needs regeneration and a sustainable employment injection. It has no shops or a Post Office and the lack of industrial activity can be directly attributed to the lack of industrial land in the locality.

6.14.12 Land inside Ballynakilly village limit is not suitable for industry as the Coash Road is narrow and unsuitable for lorries passing each other. The Ballynakilly Road junction is too tight for turning heavy goods vehicles. They are not attractive to the objector’s client and the industrial suitability of the various areas raises difficulties and would be in contravention of the criteria in PPS 4. Site 1 is not suitable for industry as it is wedged between residential properties, is too restricted in size (less than 1ha) and with a site frontage of 20/30m it could not achieve access standards of 2.4x 70m. Site 2 has a steep slope up to a flat plateau and 8-10m high buildings on it would be prominent and higher than the residential development to the East. Site 3 is very close to the centre of Ballynakilly with residential properties adjacent to the W. Additional land is required for sight lines. Site 4 is small and has no road frontage. A new dwelling has been constructed in the front part of the site. The access would present difficulties requiring part of the triangular field and one laneway. Site 5 is totally unattractive to the objector’s client as heavy vehicles would have to negotiate the narrow road through the village affecting the amenity of residents. The quality of environment in this locality is superior to the objection site, as it is more rural, but it is located at the wrong end of the village for industrial use.

6.14.13 The site has the advantage of its proximity to the main road network including the M1 for efficient distribution. It is strategically linked in employment catchment terms to
Ballynakilly, Dungannon and Coalisland. It is within walking distance from both Ballynakilly and Coalisland and is along the main bus route for the local bus service.

6.14.14 Dungannon and Coalisland are both in a Targeting Social Need Area (TSN) and the creation of sustainable employment in such areas is an objective of Government Policy (PPS 4, page3). The Coalisland area has the highest unemployment of all the wards in the District of Dungannon and 3 Coalisland wards were in the top half of all the District wards in relation to numbers of people claiming Job Seekers Allowance in February 2002.

Consideration

6.14.15 The Department has calculated there are 11.7 ha of land available for development within the village limits of Ballynakilly which is sufficiently generous to meet the full range of development needs over the Plan period. Although Policy SP3 of PSRNI advises that “generally” land should not be zoned for any particular purpose within the villages, an industrial zoning was identified at Granville and if a significant case existed for an industrial zoning within any other settlement, it could be included in the Plan.

6.14.16 We have looked at the various plots of land that were identified within the village limits as suitable for development and while we acknowledge that they may not be ideal for heavy industry, we have not been persuaded that light industry or modern service or mixed business uses would be deterred by the constraints suggested by the objector. In particular there is a significant area of flat land at the S end of the village(Area 5) that could be potentially be developed for industrial use.

6.14.17 Availability is not necessarily determining in zoning land in the context of a development plan process and the Draft Plan has made provision for larger scale development in the towns of Dungannon and Coalisland. Although the objector contended that industrial zoning CI 02 has serious access and availability problems, this was not backed up by any detailed evidence that the objector’s specific heavy industrial needs could not be accommodated within this area. This industrial zoning is a relatively short distance from the objection site.

6.14.18 Having examined the objection site closely in relation to the village of Ballynakilly, we have concluded that it would not represent an acceptable extension of the village for industrial purposes. The main concentration of the village development is along Coash Road and views of it are limited to around the junction of that road with the main Ballynakilly Road. Although development on this site could be grouped with the McAvoy complex, it would be physically removed from the built form of the rest of the village of Ballynakilly. The main road provides a clear-cut boundary at this end of the village and we judge it should not be breached. The availability of the site for the specific needs of the objector’s client is outweighed by the environmental considerations.

Recommendation

6.14.19 There should be no change to the Plan as a result of this objection.
6.15 THE MINERAL RESERVES AREA AT DRUMREAGH ETRA SHOULD NOT BE REDUCED IN SIZE. ADDITIONAL LAND SHOULD BE ALLOCATED FOR MINERALS DEVELOPMENT.

**Objection No 240 Site and Surroundings**

6.15.1 A 3ha area of agricultural land to the NW of Coalisland with access through lands adjoining its S boundary to Derryvale Road. The land rises generally in a northerly direction and trees/hedges form the N, E, and W site boundaries. The Coalisland Community Golf Course and industry are located to the east of the site.

**Department’s Evidence**

6.15.2 The site was in the open countryside in ETAP and it became an Area of Special Control in 1978 and subsequently part of the GB. Land to the west was identified as an Area of Mineral Extraction within Coalisland’s limit of development. It was outside the settlement limit, in the Green Belt in both the Preliminary Proposals and the Draft Plan. Areas of Mineral Extraction in ETAP became Areas of Mineral Reserve in the Preliminary Proposals and the area N of Derryvale Road was slightly increased in extent. All Areas of Mineral Reserve were excluded from the Coalisland settlement limit and included within an extended Green Belt in the Draft Plan.

6.15.3 Policy MIN 5 of PSRNI requires the definition of areas of mineral reserves of particular value to the economy, within development plans. This policy applies to the zoned lands at Drumreagh Etra as they are underlain by shale, which is a mineral used in the manufacture of clay bricks. The zoning of these as a mineral reserve gives protection to this valuable mineral. The land identified in the objection is not underlain by shale and is therefore not zoned as part of a mineral reserve.

6.15.4 The fact that lands are not zoned within an area of mineral reserves does not preclude their inclusion as part of a planning application. The objector has not substantiated his claim that the lands are necessary for the overall quarry development of a clay pit by the submission of a planning application. Their necessity as part of the operation of a clay pit would be assessed within the consideration of any planning application.

**Objector's Case**

6.15.5 The land zoned for mineral development on the north side of the area at Drumreagh Etra has been substantially reduced in the Draft Plan. The reduction is not a workable area for the company and the objection site should be included for mineral development as it is also necessary and in its ownership. It is the intention of the company to apply for planning permission to develop this area as a clay pit operation in the near future.

**Consideration**

6.15.6 The Department’s detailed evidence that (a) the objection site is not underlain by the valuable mineral, shale; (b) its protection is not required by a zoning in the development plan, and (c) its necessity as part of the operation of a clay pit could be assessed within the detailed consideration of any planning application, was not challenged by the objector. Coalisland has a long history of mining and the zoning of mineral reserves is to
protect valuable natural resources. As the objector indicated that the land is within its ownership, the absence of any zoning does not pose any threat to any materials that may exist. All in all we judge that no case has been made for the inclusion of the objection site within the area zoned as mineral reserves.

**Recommendation**

6.15.7 No change is required to the Plan as a result of this objection.

6.16 **OPEN CAST MINERAL WORKINGS IN COALISLAND SHOULD BE REINSTATED WITH SOME OF THE RESTORED LAND BEING USED FOR HOUSING, INDUSTRY AND RECREATION**

**Objection No 180 (Issue 4)**

**Department’s Evidence**

6.16.1 The settlement limit on the western side of Coalisland has been changed from ETAP to exclude large areas of current and proposed mineral workings, important mineral reserves at Derry and significant areas of open land and the attractive Torrent River valley as these were not specifically urban related. Additional protection can be provided for such uses within the Green Belt.

6.16.2 The land is in private ownership and it has an extant planning approval (M/1995/0638) for mineral extraction, granted on 29th January 1997. It is valid up to 2006 (8 years of working and 1 year to remove the last stockpile) and is conditioned to provide progressive restoration of the large area covered by the application. A current application has been submitted for the extraction of clay, which is awaiting an addendum to the EIA before further consultation is carried out.

6.16.3 Public access to the former workings would have health and safety implications so it is unlikely that the site would be available for development for some considerable time beyond the Plan period. The SE area has already been restored but individual portions could not be separated before the restoration work has been completed as per the 1997 approval. Any such land would have to be tested to be certain that it was safe for development purposes and future uses could be determined by later Plan reviews.

6.16.4 The NPFA standards indicates that Coalisland requires a total of 11.4 ha of playing fields rising to 13.2 ha by 2010. The Technical Supplement estimated that there were 11.6ha in May 2000, mostly in playing fields and GAA pitches and not including a number of smaller knock-about areas in public housing estates. On this basis Coalisland is currently adequately provided for in terms of playing fields. The recreational use of land within the Green Belt, outside settlement limits, is not precluded by planning policy. Each site would be assessed under PSRNI and particularly Policies MIN 8, REC 2 and GB/CPA2.

6.16.5 The exclusion of this area does not compromise the planned expansion of Coalisland over the Plan period and 119 ha of land have been zoned for housing. Some 78 ha of this are available as Phase 1 and 41 ha as Phase 2. A further 19 ha have been identified for industry and mixed business use.
**Objector’s Evidence**

6.16.6 The reinstatement of the open cast mineral workings in Coalisland has been slow since the Coalisland Brick Yard closed in 1976. Some of this vast area of land could be used for housing or industrial purposes and with a large and growing population, there is a shortage of land for recreational use. Public and private recreational facilities are under pressure and the Council has been actively looking for 15-20 acres of land over the past two years to provide a District playing fields facility. This may be later then the analysis in paragraph 7.15 of the Technical Supplement, which is at variance with what the Council feel is needed. There is a greater need in Coalisland and Moy and it would be unreasonable to use housing development land for recreational purposes.

6.16.7 The South part of the mineral workings area would be suitable and as the spoil primarily resulted from ‘stripping’ to get at the clay with some waste brick from the Coalisland Brick Co. it would be surprising if there were any contamination. Eight acres of the former brick yard area of the fire clay works has been reclaimed and is now the site of factories and a supermarket.

**Consideration**

6.16.8 More than adequate land has been zoned in Coalisland for housing or industrial purposes and zoning of a specific part of the mineral workings land would result in further over provision. We accept that this area is well located in relation to the town centre and its facilities, and in the longer term, zoning may be appropriate. However there is an extant permission for mineral extraction which is valid up to 2006 and which makes provision for the progressive restoration of an extensive area of the former mineral workings in this locality. The outcome of the current application for the extraction of clay may also have some influence on the future of all or parts of this land. In such circumstances, we consider that zoning in this Area Plan would be inappropriate for either of these uses.

6.16.9 The need for new or additional playing fields in the Coalisland area appears to have progressed since the preparation of the Technical Supplement and the Southern part of this land for may provide an acceptable location for such facilities. We agree with the Department that such a use could be acceptable under Green Belt Policy if issues of potential health and safety/contamination were resolved and there is no necessity to include such land within the settlement limits.

**Recommendation**

6.16.10 There should be no change to the Plan as a result of this objection.

**6.17 AN IN-DEPTH STUDY IS REQUIRED TO ADDRESS SERIOUS TRAFFIC CONGESTION IN COALISLAND**

**Objection No 180 (Issue 3)**

**Department’s Evidence**

6.17.1 It is not appropriate that an Area Plan with a 10-15 year life span should deal with traffic management measures which are generally small in scale and localised in nature. Roads Service meets annually with the Borough Council to consult on traffic management measures and their prioritisation.
6.17.2 An amendment to Policy TRAN 1 has been agreed with the Borough Council to address the issue of a possible by-pass outside the 10 year period.

6.17.3 Banning of heavy lorries from certain routes can only be done where suitable alternatives can be identified. A traffic calming scheme was carried out in 2002 and a lay-by has been provided in Linese to facilitate bus parking off the road and improve two way traffic flows. The issue of crossings is not a Development Plan matter and they are dealt with by Traffic Section in consultation with the Police and the Council as to whether a pedestrian/pelican crossing or warning signs would be required. Other traffic management measures will be implemented as appropriate.

6.17.4 A study was carried out between May and September 2000 which identified 35 vacant car parking spaces in the Linese and Cornmill public car parks. This number of vacant spaces has always been exceeded in the monitoring of car park usage since that date. The water feature was provided by the Regeneration Strategy using public funds and its removal would require a planning application. While there would be no objection in principle, the benefits of additional car parking would have to be assessed in relation to the environmental and visual benefits of retention of the water feature. Any extensions to the existing car parks could be dealt through informal consultation with the Council. Borough Council objection on the same issue has been withdrawn) (No 224 Issue 1 5)

Objector's Evidence

6.17.5 Although the traffic work undertaken by Roads Service and the bus lay-by at Linese have improved the situation there is still serious traffic congestion in central Coalisland which needs to be addressed. Heavy sand lorries should be banned from certain roads within the town. A bypass is the only long term solution but it is accepted that it is not a realistic option.

6.17.6 The car park vacancy figure is questionable and may not have covered Friday afternoons around school times when congestion is heaviest. The removal of the Water feature and Toilet Block could enable provision to made for another 50 car parking spaces. At least 1 additional pedestrian crossing is required, either in the Square or at the top end of Linese.

Consideration

6.17.7 The Draft Plan does not contain a proposal for a bypass for Coalisland and the possibility of such a route beyond the 10 year period of the Plan has been covered by the following amendment to Policy TRAN 1 which was agreed with the Borough Council.

“Future Major Road Schemes

The Ten Year Forward Planning Schedule of Major Road schemes is currently being developed using a process which included consultation with all the District Councils.

Reviews of the Schedule will be required at intervals over the ten year period of the schedule and the need for bypasses of towns and villages such as Coalisland and Moy will be considered as part of those views.”
The other aspects of this objection generally relate to detailed traffic management issues, car parking provision, within the centre of Coalisland and we concur with the Department that these are outside the strategic planning issues that are normally considered within the remit of an Area Plan with a 10-15 year life span.

**Recommendation**

6.17.8 Policy TRAN1 should be amended to reflect the wording of the concession agreed with the Borough Council.

6.18 **RECENT HOUSING DEVELOPMENTS IN COALISLAND HAVE BEEN OF A HIGH-DENSITY NATURE. MORE OPEN SPACE IS NEEDED BACKED UP BY AN ENFORCEABLE PLAY SPACE POLICY**

**Objection No 180 (Issue 2)**

**Department’s Evidence**

6.18.1 Densities in Coalisland are not unusual when compared with other parts of the Borough or other parts of N Ireland. The quality of housing is not necessarily related solely to high density or the lack of open space. General Planning policies in PPS1 and PPS7 and associated supplementary planning guidance, Creating Places provide the detailed control for these issues. In addition Policy HOUS 2 of the Draft Plan is aimed at securing a high standard of design in all new housing developments.

6.18.2 Many of the above policy initiatives also cover the issue of open space and the Draft PPS8 requires the provision of at least 10% of the total site as open space within all new residential developments. In addition Policy HOUS 3 of the Draft Plan requires an appropriate level of open space in new housing developments.

6.18.3 On the basis of the above policies, a qualitative improvement in the layout and design of new residential developments will become apparent.

**Objection’s Evidence**

6.18.4 The high density of recent private housing developments in the area is of concern and more open space should be required in future developments. A more effective and enforceable policy on play space is needed.

**Consideration**

6.18.5 Policies HOUS 2 and HOUS 3 of the Draft Plan require developers to achieve a high standard of design and an appropriate amount of open space within individual sites for new housing developments. These policies are reinforced by planning policies in PPS 1, 7, and 8 and the guidance in Creating Places which collectively provide the overarching regional planning policy on the provision of open space and the density of new housing developments. No detailed evidence of a site-specific nature was provided in relation to either issue and we consider that this objection has been adequately addressed by reference to these policies.

**Recommendation**

6.18.6 No change is required to the Plan in relation to this objection.
THE VILLAGES

AGHAGINDUFF/CABRAGH

THE EXCLUSION OF LANDS AT AGHAGINDUFF/CABRAGH FROM THE SETTLEMENT LIMITS IS OBJECTED TO
Objection Nos. 230 and 268

Site and Surroundings

7.1.1.2 No 230 is a 1ha flat site to the east of the N cluster of Aghaginduff/Cabragh. It adjoins the village limit along its western and southern boundaries. Housing development is ongoing immediately to the west of the site and there is new development to the SW within the settlement limit. The S part of the site contains a dwelling and farm outbuildings with the rest being agricultural land. Site boundaries are mainly hedges interspersed with trees.

7.1.1.3 No 268 is a 2 ha site to the N of the same cluster on the northern side of Fasglashagh Road to the rear of a line of roadside dwellings. It comprises three parcels of land which slope down to the mature trees along the N boundary and the watercourse which defines the W boundary.

Department’s Evidence

7.1.1.4 Both sites were situated in open countryside outside the hamlet of Aghaginduff in ETAP and beyond the proposed village limit in the Preliminary Proposals. They are in open countryside beyond Aghaginduff/Cabragh’s settlement limit in the Draft Plan.

7.1.1.5 These objections have been reviewed in the light of the Draft Plan objectives and it is now proposed to include both sites within the village limits for the following reasons:-

- Development on neither site would compromise the setting of Aghaginduff/Cabragh;
- Their development would constitute in-depth development;
- Their scale and size would not significantly affect the available amount of potential development land.

7.1.1.5 Outline approval has been granted for a housing development on Site No 268 (M/2001/0012). It will be a requirement of any future development on these sites that landscaping will be provided to strengthen the settlement limits.

Objector's Evidence

7.1.1.6 These sites should be included within the village limits. Objectors No 230 wants to develop his site in conjunction with adjacent land and considers there is a real need for housing in this location.
**Recommendation**

7.1.1.7 In view of the Department’s concessions, these objections do not need to engage the attention of the Commission.

7.1.2 **GROUND AT AGHAGINDUff/CABRAGH SHOULD BE BROUGHT WITHIN THE SETTLEMENT LIMIT**

Objection No. 225 **Site and Surroundings**

7.1.2.1 This objection relates to two separate areas of land:-

No 225(a) comprises 5.3ha on the W side of Whites Road between the two clusters of Aghaginduff/Cabragh. The eastern part of the site is relatively flat but it rises to a crest line to the SW. Rose Cottage (No 38) lies within the site boundaries. Adjacent land uses include Ackinduff Park to the N, housing to the S and a dwelling is under construction to the N of 30 Whites Road. Boundaries are mainly a combination of hedges, post and wire fencing and occasional trees.

7.1.2.2 No 225(b) is 0.6 ha of flat land to the west of the N cluster and to the S of Fasglashagh Road. It is about 150m west of the proposed village limit and the site contains a derelict dwelling and agricultural outbuildings. St Joseph’s Church is to the east of the site and there are several single dwellings in the locality.

**Department’s Evidence**

7.1.2.3 Both sites were situated in open countryside outside the hamlet of Aghaginduff in ETAP and beyond the proposed village limit in the Preliminary Proposals. They are in open countryside beyond Aghaginduff/Cabragh’s settlement limit in the Draft Plan.

7.1.2.4 Area (a) has been reviewed in the light of the Draft Plan objectives and planning approval has been granted, since the publication of the Draft Plan, for a single dwelling on part of it (M/2000/0943). This would narrow the gap along White’s Road between the two clusters to the 45m of the single field immediately S of Ackinduff Park. This field had planning permission for a housing development (M/1989/0541)which has since lapsed. It established the principle of development and it is now proposed to include the two road frontage fields (2.7ha) within the settlement limit. Such an amendment would further reduce the gap between the two clusters and it is proposed to unify the two nodes and provide a logical settlement limit in this locality by including the remaining intervening 0.7ha within the village area. This land is not subject to an objection and this would be implemented by separate consultation as a formal amendment to the plan.

7.1.2.5 The revised total of potential development land in Aghaginduff/Cabragh would be 16.1 ha (including the concessions on No 230 (1ha); No 268(2 ha) and the proposed formal amendment on 0.7ha of uncontested land.) This would be adequate for a range of uses over the Plan period and the western 2.6 ha of the objection site should remain outside the revised settlement limit.

7.1.2.6 Area (b) should be retained in the open countryside and excluded from the settlement limits for the following reasons:-
• It is physically divorced from the settlement limits and the intervening land was not subject to objection. Its inclusion as a separate cluster would result in an isolated pocket of development land;

• It would constitute urban sprawl; and

• Adequate undeveloped land (16.1 ha) is available within the settlement limits for a range of development opportunities over the plan period.

**Objector’s Evidence**

7.1.2.7 These sites should be included within the village limits as they are suitable for development and there is a high demand for new houses.

**Consideration**

7.1.2.8 The Department’s partial concession in relation to the eastern 2.7 ha of Area (a) is noted. The proposed formal amendment to the Plan in relation to the adjacent 0.7ha of land to the South does not involve the Commission as it is not objection related.

7.1.2.9 We have noted the Department’s aim in unifying two of the three nodes of this settlement and this has resulted in further land being brought into the limits. We accept the Department’s position regarding the adequacy of land. As there is a marked difference between the topography of the two western fields within Area (a) and the two roadside fields which the Department has conceded, we consider that the revised settlement alignment is logically placed.

7.1.2.10 Area (b) is separated by a distance of 150m from the most W point of the settlement limits which contains the curtilages of three dwellings and some open land. This intervening land has not been the subject of an objection and the boundary in this locality is strongly delineated by the trees and vegetation both along the W side of St Josephs Church and along the laneway adjacent to the roadside dwelling and outbuildings on the opposite side of the road. It would be illogical to include the objection site within the settlement limit as its development would result in a freestanding incursion into the countryside physically and visually divorced from the settlement.

**Recommendation**

7.1.2.11 The concessions in relation to Area (a) have been noted and the revised settlement limit excluding the two western fields should be confirmed. No change is required to the Plan in relation to Area (b).
7.2  **ANNAGHMORE**

7.2.1 **LANDS AT MOOR ROAD SHOULD BE INCLUDED IN THE ANNAGHMORE SETTLEMENT LIMIT**  
**Objection Nos. 247 and 285**

**Site and Surroundings**

7.2.1.1 Site No 285 comprises 3.0ha of relatively flat land to the N of Washing Bay Road and the E of Moor Road, abutting the NE edge of the settlement limit. The S and SE section and site boundaries are extensively wooded and a tree-lined watercourse (the Canal Back Extension) runs along part of the N boundary and cuts across the W part of the objection site. Residential development is under construction to the SW on Moor Road. At the N end the site overlaps with No 247 and the common boundary is a culverted watercourse defined by sparse vegetation and post and wire fencing. This site is a flat and low lying 1.2 ha field fronting Moor Road with sparsely vegetated boundaries including a hedgerow with gaps and occasional trees along the roadside.

**Department’s Evidence**

7.2.1.2 Annaghmore was designated as a hamlet in ETAP but no statutory limits were produced. The Annaghmore area became an Area of Special Control in October 1979 and subsequently Green Belt and while no statutory limits were defined for the settlement, its core was excluded from the ASC/Green Belt Area. This boundary was used for development control purposes and Site 285 was included within the limit while Site 247 was excluded. In the Preliminary Proposals, the settlement limit was amended and the NW portion of Site 285 and all of Site 247 were excluded from the settlement limit. Both sites are in the Green Belt, beyond the settlement limit in the Draft Plan.

7.2.1.3 The settlement limit around Annaghmore was drawn take account of the following physical considerations:-

- Promotion of a compact form and prevent ribbon development along the main approach roads and coalescence with Coalisland;

- Protection of the mature vegetation to the north of the settlement;

- Minimise areas liable to significant flooding to the north of the settlement; and

- Restrict development on the more elevated land to the south of the settlement.

7.2.1.4 These sites have been included within the Green Belt to meet strategic policy objectives of preventing sprawl, protecting the setting of the village and safeguarding the surrounding countryside.

7.2.1.5 Site 285 has a diverse range of species rich habitats, including woodland, wetland and wet grassland, which have a high conservation value. The area provides natural screening and a unique setting for the village and Annesley House. The grassland and woodland is best protected from development by its Green Belt designation in accordance with DSTDAP Objective 6.
7.2.1.6 The proposed settlement limit, marked by two roads, post and wire fencing and dense woodland, is more effective than would result with the inclusion of Site 285. It’s attractive open field with the dense woodland and treed watercourse enhances the visual quality of the setting and approach into Annaghmore both from Moor and Washing Bay Roads. The open attractive nature of Site 247 enhances the visual setting of the Moor Road approach into the village.

7.2.1.7 Site 247 is low lying and part of the site is liable to flooding as the Coalisland Mill Race along the northern boundary is at a higher level than the surrounding ground. The S boundary is formed a culverted watercourse. Site works and infilling to remove the threat of flooding from both watercourses would make the site more prominent in the landscape. Industrial development would be highly visible from both Moor and Washing Bay Roads and this site is physically separate from Annaghmore. There are no existing public surface water sewers to serve Site 285 and its development would further overload the sewerage system and pumping would be required.

7.2.1.8 More than adequate potential development land is available to meet Annaghmore’s development needs over the Plan period. While Objector 247 requested that his site be included for industry within Annaghmore, individual areas of land have not generally been zoned within the smaller settlements for specific purposes. There are 18.8 ha of land at various locations within the settlement limit which would be suitable for a range of uses, including industry, and there is no need to encroach onto the objection sites. 63 dwellings were approved in the 10 year period 1990-1999.

**Objector's Evidence**

7.2.1.9 Both sites should be included within the settlement limits of Annaghmore. It is requested that Site 247 should be identified for industrial development.

**Consideration**

7.2.1.10 The ‘informal’ settlement limit for Annaghmore that was used for many years by the Department for development control purposes included Site 285 while Site 247 was excluded. In the Preliminary Proposals, the settlement limit was amended and all of Site 247 plus the NW portion of Site 285 were excluded from the settlement. Although the main part of Site 285 was included in the settlement limits for many years, little or no explanation was provided as to the change of thinking on the Department’s part. However, there are still over 18 ha of potential development land within the limits and we accept that is sufficient to meet its needs over the Plan period.

7.2.1.11 Site 247 by itself does not abut the Canal Back Extension but we can accept that there is some considerable threat of flooding given the elevation of the Coalisland Mill Race above the level of the adjoining land. No evidence was provided of any site-specific need for industrial land at this location and any infilling of the land would make industrial development prominent in this open approach to the village.

7.2.1.12 Site 285: The Department’s stated objectives make reference to a compact settlement form and the protection of vegetation to the N of the settlement. There is no doubt that the belt of existing vegetation along the frontage of the Washing Bay Road is a strong visual feature that protects the eastern setting of the village and defines the settlement edge. We agree with the Department that development of these sites would be prejudicial.
to the attractive eastern setting of the village. The settlement limit in DSTDAP uses the topography and vegetation to enclose the settlement and we consider that the proposed settlement limit in this locality should be confirmed.

**Recommendation**

7.2.1.13 No change is required to the Plan as a result of these objections.
7.3 AUGHAMULLAN

7.3.1 AUGHAMULLAN SHOULD NOT BE DESIGNATED AS A VILLAGE

Objections: 22-26, 28-67, 69-73, 84-172, 215-218, 290

Site and Surroundings

7.3.1.1 Aughamullan is 6 kms E of Coalisland and the area proposed for village designation extends in a loose linear form along Coole Road and Doon Avenue. Within the settlement limits is a primary school, 36 individual dwellings, a number of farm buildings and a timber yard. There is a public house, Post Office and Shop to the South on Reenaderry Road.

Department’s Evidence

7.3.1.2 Aughamullan was not identified as a settlement in ETAP and the area was in open countryside not subject to Green Belt or CPA constraint. It remained as open countryside in the Preliminary Proposals which indicted that there would be a review of existing CPAs and an assessment of the need for additional ones as part of the plan process. In the Draft Plan, Aughamullan was designated as a village and an extended CPA is proposed along the main approaches into the settlement.

7.3.1.3 Aughamullan was designated as a village because:-

• There is a strong nucleated form to the existing development pattern in the locality. There are approximately 40 dwellings in the proposed village with a significant concentration along this section of Coole Road which forms the main spine to the proposed settlement. It contains a number of commercial enterprises plus a primary school. It has street lighting and a sewerage system is to be implemented in the near future as land acquisition is at an advanced stage. It is anticipated that a pumping station and connections will be available within a year. Killeen STW is capable of serving all development anticipated within the village.

• The extended CPA could result in a reduction of development opportunities in the area and the new village would be a balancing exercise. One of the objectives of defining a development limit would be to promote development within it. Village status may result in the upgrading of existing substandard lane ways. Loss of village status would reduce the development opportunities in the area.

• There is a continuing need for local services including housing. It is a realistic response to the considerable development pressure identified in the area (Part 3 of the Countryside Assessment.) Applications for 19 dwellings were received between 1990-1999 and of these 15 were approved, 3 were refused and 1 was withdrawn. Further linear development would be contrary to the Plan objectives and could lead to urban sprawl and ribboning. Roads and lane ways were used to provide strong physical boundaries for the village.

• It would allow potential for controlled in-depth development in an area with significant community need while helping to maintain the rural character of the area.
The minor road network of the area does not present difficulties in terms of becoming a village and there is a 40mph speed limit on Coole Road.

- Its village status would be in line with other designated villages in the Draft Plan. The development pattern at Derrymain is different from Aughamullan, for although it has a considerable number of dwellings they are more spread out with no focus. It has no street lighting or sewage works and village status was not merited. Although Derrylee has significantly less dwellings than Aughamullan, it has a Post Office and Community Hall and is smaller in scale with only 5.8ha of developable land. It is accepted that Dyan has a very small number of dwellings and not the concentration found in Aughamullan

7.3.1.4 Development pressure relates not only to development proposals but also to the amount and visual impact of existing development. It is accepted there are few facilities within the proposed village but that should not preclude village designation and is only one of a number of relevant factors including development trends, environmental issues and physical features. It is not a prerequisite that all facilities should be within the limit and their dispersed nature means that it would be impractical to include them all within a widely drawn settlement limit.

7.3.1.5 It is recognised there is significant local opposition to the designation. However control of individual pieces of land rests with the landowner and the fact that an area is proposed within a settlement does not compel the landowner to develop. This is not ‘hap-hazard’ planning but a pragmatic way of providing choice and flexibility. Leaving the area as a ‘white area’ within the Green Belt is not an option as it would become the focus for local development pressure.

7.3.1.6 The village designation will have no impact on the Loughshore/wetlands area or the ASSI designation which is protected by other policy designations and is physically removed from the proposed village area.

7.3.1.7 It is accepted that problems can arise with village designations where large scale estate developments have eroded the rural character. The high density and lack of open space in places like Killeen was due to a lack of control in planning policy at that time. The Draft Plan addresses these issues by:

- Controlling the scale, form, design and use of materials through Draft Plan Policy SETT 1 to ensure developments are small scale and of appropriate design and form. This could include single dwellings and development does not have to be in multiple units. Single plot development of frontage sites could lead to ribboning and some small in –depth developments of 2-3 houses could be beneficial and more sustainable

- Creating a balance between provision of a generous supply of land to allow adequate choice for local needs while avoiding large scale housing type developments which are more suited to larger urban settlements. Only proposals of 5 units and less are likely to be acceptable but only where they are in line both with policy and with the character of the area. This level of control will provide a benchmark and if multiples of 5 units were proposed they would have to be assessed in the context of what had already been approved. The guidance will lead to the formation of small clusters and ensure that local rural informal type housing is constructed.
• The strict application of PPS 7 policies in assessing all development proposals. The lack of open space and recreational facilities is a matter for the Borough Council. Cumulative large scale suburban housing estate development will not be considered acceptable.

7.3.1.8 Under the Dispersed Rural Community policy suggested by the objectors, multiple unit housing schemes are permissible.

7.3.1.9 If the Commission decide that the area should not have village designation, there would be implications for the proposed CPA which adjoins the settlement in three places. The void that would be created would require the application of strict control as it would be likely to attract considerable development. If the objection to he retention of the CPA in this general area is not sustained, the CPA boundaries would need to be extended along Coole Road and Doon Avenue to remove this anomaly.

**Objectors’ Evidence**

7.3.1.10 The views of the 144 Objectors are focused on two main issues:-

**Village Designation**

7.3.1.11 Aughamullan should not be designated as a village for the following reasons:-

• It does not have the features and facilities to allow a proper village to be developed eg a church, post office, village hall, shops or pub. There is no focal point and the main social facility, the football club, is one of the majority of facilities that are excluded from the village limit. The nearest church is 2 miles away in any direction. There are no social/community amenities in the area and no developer is likely to provide such facilities.

• The commercial facilities referred to by the Department are very limited. The timber yard is mainly used as a store because the main business is in Annaghmore. No employment is generated and it may currently be rented out. The car repair garage in Balletra Avenue only provides employment for the owner and the large shed opposite the Primary school is empty.

• The present sewage development is to alleviate problems and current need by the existing houses. Its provision is not to accommodate village status. Derrymecin near Killyman has a strong community and most of these facilities but it has been denied village status because the Department stated it does not have enough facilities to warrant designation. The lack of objections to Derrylee’s status as a village may be due to its earlier designation as a hamlet in ETAP.

• Village status would bring an influx of strangers into the townland which could create social problems such as litter, noise, vandalism etc. The designated area is too large and local housing demand has been met without the creation of housing estates. It is not the responsibility of the Aughamullan community to provide housing for people from other areas. They could negatively affect the strong traditional rural community relationships and culture of this loughshore area.
• There are no “strong local development pressures” and 99% of the people in the village area have objected. The 1% relates to one individual (out of the 200 population) who wants to build large numbers of houses. This cannot be viewed as a strong clamour for change. Present demand equates with 3/4 houses per year and new houses are being occupied by people who have moved into the area proving there is no acute local housing shortage. Only 20-30 new houses are likely to be needed over the next 10 years. Most people do not want any village but a compromise solution of single unit development in a linear form along the main roads would be acceptable to others. This would be similar to the level of development permissible under a Dispersed Rural Community scheme. Another suggestion was a ‘white area’ where individuals could take their chance on obtaining planning permission.

• It would lead to the loss of rural character and the scenic setting of Aughamullan. The sprawling hap-hazard urban housing developments in Clonoe and Killen has had a devastating effect on those communities and spoilt their rural settings. Killen is now a dense settlement of over 100 houses with social difficulties which has weakened the community and this is what would result in Aughamullan. If the planners accepted it in Killeen, legally they would have to accept the same in Aughamullan.

• There are other concentrations of development eg along Washing Bay Road as this is the normal pattern of development. These groupings have not been designated as villages. Country roads were not designed for busy traffic flows and they tend to be used as childrens’ playgrounds.

• The value of the existing houses would fall dramatically if the area became a village. There would be competition with more houses on the market and people would not get their full value when selling.

• The use of private laneways to access proposed village development lands. These are ‘pot-holed’ and two of them provide access to the old rampart system leading to Derrylaughan moss, designated as an important wetland area. The local community group is trying to sensitively exploit their tourist potential, provide additional native species plants and to improve access by the restoration of walkways.

**Scale and form of Development**

7.3.1.12 The overall scale of development that could result is of concern to many residents and also to Dungannon and South Tyrone Borough Council, although they are not opposed to the village designation. The policy guidelines are hollow and would have no legal clout. There cannot be one set of rules for one village and a different set for another. Paragraph 3 on page 121 does not specify the distance between developments of 5 units and several phases of 5 dwellings could be constructed leading to a sprawling housing estate. The guidance uses ambiguous words such as ‘normally’, ‘attempt’, ‘may’ and ‘can’ in relation to the promised control to 5 units. How this would be done is not clear and some sort of physical barriers would be preferred. Balanced and restrictive development cannot be achieved by random hap-hazard planning relying on who is willing to sell a field for development. This is not regarded as proper planning by the local community.
7.3.1.13 Although the topics for the appraisal of the 31 villages are identified on page 40 of the Countryside Assessment, the Draft plan does not set a threshold for the number of facilities that have to be available for a settlement to merit village status. Aughamullan is unique in that it is the only area where a new village has been identified and the designation has met with considerable local opposition.

7.3.1.14 We accept the evidence that community infrastructure in the Loughshore Area has largely developed outside the more obvious settlements but we are not persuaded that the area would qualify for consideration as a dispersed rural community under criteria set out in PSRNi Policy HOU 7. What constitutes a settlement is largely a matter of visual appraisal and although there are 36 dwellings within the proposed settlement limit, these are dispersed over a considerable distance. However we do not agree with the objectors that there is no focus, as the Primary school is centrally located opposite the Washing Bay Road junction and is an important community facility. It is also central to the linear development that has developed within the S part of the proposed village along Coole Road.

7.3.1.15 Aughamullan is an identifiable place and this loose collection of dwellings, has in our opinion, developed both the visual characteristics and the basic structures, such as street lighting normally associated with a settlement. Although Aughamullan does not have a sewage treatment works, pumping works are at an advanced stage of preparation. While these works may be designed primarily to accommodate the existing development, they also represent an opportunity to make effective use of public resources. In the case of Aughamullan, we consider that the designation of this localised concentration of development as a village would be good planning practice.

7.3.1.16 The concentration and sense of being in a settlement however does not extend to the entire area proposed for village designation and we see considerable merit in a reduction of the settlement area as proposed by the objectors. The ‘settlement’ is largely confined to the area within the 40mph speed limits and emphasised by the existence of the street lighting. From our site visits, the inclusion of the NW part of the area appears contrived, both to incorporate the existing housing along Balletra Avenue and to use the private laneways as settlement boundaries. However there is strong vegetation and tree cover along Coole Road at the NW end of the village both entering and leaving the village. A reduction of the proposed village area to utilise these as entrance/exit features would have a number of advantages in that the potential development land would be reduced to reflect the lack of community facilities within the village so that it would become comparable with other settlements at the lower end of the village scale such as Dyan. The open semi-rural character of the village would be maintained, and opportunities for ‘estate’ type housing developments would be significantly reduced allaying community fears regarding their physical, social and community impact. In sustainability terms, further elongation along Coole Road would be prevented while making the most effective use of existing facilities and public resources including the spare capacity within the Primary School.

7.3.1.17 We have considered the wording of the Policy SETT 1 and when used in conjunction with other policy guidance such as in PPS 7, consider that the Department has sufficient power to ensure that housing developments are small scale, appropriately located and of sensitive design, materials and form. We acknowledge the difficulties that some of the
objectors expressed regarding the wording but considerate it prudent to use words such as “normally “ to provide some degree of flexibility. The assurances given at the Inquiry that the residential developments within the village area would not be in excess of 5 units should be strictly adhered to with exceptions being permitted only in very special circumstances.

**Recommendation**

7.3.1.18 As we have concluded that Aughamullan merits settlement status but with a reduced village area we recommend that:-

- The village designation is confirmed;

- The village area is reduced by the exclusion of land to the NW of the northern 40mph speed limit on Coole Road(Map PAC 7.3 1 A);

- The Department reconsider the village limit in this area using the strong tree and hedge features as the entrance to the village; and

- The commitment to residential developments of 5 units or less within the village area be strictly adhered to.

7.3.2 LAND AT AUGHAMULLAN SHOULD BE INCLUDED WITHIN THE SETTLEMENT LIMIT

**Objection 283**

**Site and Surroundings**

7.3.2.1 A triangular site (0.9 ha) bounded by post and wire fencing to the SW of Aughamullan on the N side of Washing Bay Road. The land is relatively flat with a gentle rise to a small crest to the NW of the site. Site boundaries are post and wire fencing except for a hedge along the NW edge of the field separating it from the curtilage of the adjoining residence.

**Department’s Evidence**

7.3.2.2 The site was in open countryside within ETAP but within the Lough Shore Study Area. It remained in open countryside in the Preliminary Proposals when the need for additional CPAs and a review of CPA boundaries was identified. In the Draft Plan, Aughamullan was proposed as a settlement, and the site is adjacent to the proposed limit within the Lough Neagh Shore and Environs CPA.

7.3.2.3 The physical constraints in defining the Aughamullan settlement limit are identified on page 45 of the Settlement Appraisal. The objector does not object in principle to the proposed Countryside Policy Area and the general extent along Washing Bay Road was drawn to take account of strategic objectives and in particular to protect the eastern end of this road where significant roadside development is evident.

7.3.2.4 These sites are in one of the few remaining open gaps in development along this part of Washing Bay Road and provide an important buffer between the village limit to the E
and the extensive ribbon to the W. Its development would add to further ribbon development along Washing Bay Road and adversely affect the wider rural landscape and the approach to the village.

7.3.2.5 There are 15.1 ha of land within the village limit which is more than adequate to meet its needs over the Plan period without encroachment onto the objection sites.

**Objector’s Evidence**

7.3.2.6 The objection site should be included within the village limits.

**Consideration**

7.3.2.7 We have previously recommended at paragraph 7.3.1.17 that the village area of Aughamullan should be reduced. If this recommendation is adopted there is likely to be about 6-7 ha of potential development land within the village. No evidence was presented as to why this objection site should be included within the settlements limits and in the absence of any proven need, we consider that the environmental considerations of protecting the setting of Aughamullan and preventing further linear development along Washing Bay Road should be determining.

**Recommendation**

7.3.2.8 No change should be made to the Plan as a result of this objection.
7.4 **AUGHER**

7.4.1 LAND TO THE SOUTH OF AUGHER SHOULD BE INCLUDED WITHIN THE SETTLEMENT LIMIT

Objection No 300 Site

*and Surroundings*

7.4.1.1 A rectangular site (0.8 ha) bounded by a mature hedge along the western boundary with Dunroe Road. The land rises from the roadside to a crest along the E boundary, defined mainly by trees. Part of the N boundary along the curtilage of the adjacent dwelling is post and wire fencing and the remainder is undefined. There is residential development within the village to the N of the site.

*Department’s Evidence*

7.4.1.2 A proposed bypass divided this site in ETAP and the NW part was within the settlement limit of Augher. The remainder of the site was in the open countryside. Policy TRA3 in the Preliminary Proposals abandoned the Augher bypass. The site is in open countryside adjacent to the settlement limit in DSTDAP.

7.4.1.3 It is now proposed to include this site within the village settlement limit for the following reasons:-

- It would round off the settlement limit in conjunction with land to the West and East;
- Its inclusion would result in a more appropriate boundary both visually and physically;
- Access can easily be achieved and there are no technical constraints; and
- Its size and scale does not significantly affect the development potential of the village. The revised total would be 15.6ha (taking account of the exclusion conceded in Objection 199)

*Objector’s Evidence*

7.4.1.4 The objection site should be included within the village limits

*Recommendation*

7.4.1.5 This Concession has been noted.
7.4.2 LAND TO THE SOUTH-EAST OF AUGHER SHOULD BE EXCLUDED FROM THE SETTLEMENT LIMIT

Objection No 199 Site

and Surroundings

7.4.2.1 A 2.4 ha undulating site in two fields, south of a laneway accessed off the Dunroe Road. The land slopes gently from the laneway and is bounded by post and wire fencing along its edge. The W boundary is delineated by mature trees and there is only sparse vegetation along its S boundary. There are 2 dwellings to the NE of the site and some residential development within the village to the North.

Department’s Evidence

7.4.2.2 A proposal for a bypass divided this site in ETAP and the N part was within the settlement limit of Augher. The remainder of the site was in the open countryside. The Augher by pass scheme was abandoned in the Preliminary Proposals and only a small part at the eastern end of the site was excluded from the settlement. In DSTDAP, 1.8ha lies within the settlement limit while the E portion (0.6ha) is in the open countryside.

7.4.2.3 The site has been reviewed in the light of the objection and DSTDAP Objectives. Augher, like most of the villages has generous development limits to allow for choice and flexibility. Given the location of the site and the quantum of potential development land, the loss of 1.8ha is not significant. The revised total in Augher would 15.6ha (including the concession on Objection Site 300).

Objector’s Evidence

7.4.2.4 The objection site is part of the family farm and should be excluded from the village limits

Recommendation

7.4.2.5 This Concession has been noted.
7.5 **AUGHNACLOY**

7.5.1 **THE AUGHNACLOY SETTLEMENT LIMIT IS UNDULY RESTRICTIVE AND LAND AT CALEDON ROAD SHOULD BE INCLUDED WITHIN THE VILLAGE BOUNDARY**

**Objection No 1**

**Site and Surroundings**

7.5.1.1 A 2.2ha area within a large agricultural field abutting the SE side of the village limit fronting onto the Caledon Road (A28). The land rises steeply from both the road and the west to a localised crest within the site and then falls towards the north where it is bounded by a watercourse known as Lisadavil Drain. The road frontage has a steep embankment with some tree planting on it and post and wire fencing. There are mature trees along the eastern boundary of the site while the western boundary is delineated by mature trees and partly by a watercourse. Immediately to the SE of the site is a roadside bungalow set on the top of the embankment and a listed two storey dwelling, Aughnacloy Presbyterian Manse (No 52) accessed via a laneway.

**Department’s Evidence**

7.5.1.2 The site was outside the settlement limit of Aughnacloy in open countryside in ETAP, the Preliminary Proposals and the Draft Plan. A Local Landscape Policy Area (LLPA17) is designated adjacent to part of the N objection site boundary. The W part of the site may be affected by flooding from A/Y1/2 at times of peak flow and some infilling may be required. Part of the site cannot be served by gravity to the foul sewer in Aughnacloy and would require pumping. The WwTW in Aughnacloy is to be upgraded and is in the Water Services’ Capital Works Programme. Completion is anticipated by mid 2004.

7.5.1.3 The settlement limit around Aughnacloy was drawn to take account of the following physical features:-

- Restrict development on the prominent slopes to the E, W and South.

- Protect the wooded area to the N of the settlement;

- prevent ribbon development along the main approach roads.

- protect the setting of the ‘Aughnacloy Thistle’ to the west of the village.

7.5.1.4 The site is part of a localised hill that forms part of the wider undulating landscape between Aughnacloy and Caledon. Development on the S part of the site would be prominent particularly when travelling E along the A28. The drumlins are much steeper to the SE. The approved mobile masts have a much lesser visual impact on the landscape than the scale and massing of housing would have on this prominent site. The site provides a verdant edge to the settlement limits and its rising topography helps to limit views of the settlement on the eastern approaches to Aughnacloy. It is part of a visual buffer between the open countryside and the settlement edge ensuring the retention of the open rural landscape beyond the village.
7.5.1.5 The adjacent land to the west is below road level and is being in-filled. It has not been granted permission for housing and no housing development is taking place. The proposed settlement limit along the western boundary of the objection site is well defined by the belt of mature trees/hedge along a natural fold in the landscape. This strong visual edge is a natural stop to the settlement providing a clear distinction between town and country and the rising topography of the objection site helps to limit views of the settlement on the E approaches. Although the E site boundary has a belt of trees, they define the limit of a steep slope.

7.5.1.6 The A28 is a Protected Route, which is a regional designation and access onto it is controlled by policies contained in PSRNI and PPS3. These are not subject to review or deletion through the Area Plan process. Only one access would be permissible from the additional land onto the Caledon Road provided it was included within the village limits.

7.5.1.7 There are 34.1 ha of undeveloped land at various locations within the settlement limits which is more than adequate to meet its development needs over the Plan period. 69 dwellings were approved in the 10 year period 1990-1999 and since 1999 a further 31 dwellings have been approved. The inclusion of the objection site would result in unnecessary expansion and sprawl into the surrounding countryside.

7.5.1.8 The limits for Aughnacloy are not tightly drawn and the settlement is not being prevented from growing. The amount of potential development land in Aughnacloy compares favourably with other villages- Augher-16.6ha; Clogher- 40.2ha; Fivemiletown- 61.4ha; and Moy-32.7ha. All five settlements have the potential for generous growth over the Plan period.

7.5.1.9 Inclusion of the objection site would have an adverse visual impact on both:

(i) the historic setting of Aughnacloy which was an 18th century planned town. It had a formal geometric plan based on a main street along the summit of a NW-SE glacial ridge at the confluence of 2 tributaries of the River Blackwater. The later expansion of the town was on the NE slope of the ridge along the Dungannon Road while development to the SE followed the river valley and the main Armagh Road. The objection site would be remote both from the historic town and also the more recent development on the surrounding slopes. Development on it would combine with the line of modern houses along the Armagh Road to create a new focus away from the historic town centre.

(ii) the integrity of the setting of the ancient monument, Lisadavil Fort on the crown of the drumlin to the N of the objection site. It is the remains of a defended residence of a family of some status during the period c600-900AD. It is a local landmark and currently seen in an appropriately rural setting. The objection site and the ‘fort’ are topographically linked and development on this prominent S/SE side of the drumlin would visually impact on it when viewed from the E/SE direction (off the Caledon Road).

7.5.1.10 Although the lands on the Benburb Road may be physically close to the fort than the objection site, they do not have the same strong topographical inter-visibility with the Fort. Development on the Armagh Road does not affect views of the Fort. Private rights of way are civil matters between the relevant parties but they are neither material planning considerations nor a reason for restricting development potential.
**Objector’s Evidence**

7.5.1.11 The Plan’s proposals are too constraining on the development of the town and there is a severe lack of housing in this area suitable for families and elderly residents due to the lack of suitable building sites. The ability of Aughnacloy to develop as a community and retain its young people will be severely hampered by the proposed limits especially as the Plan is to be in place up to 2010 and may well be used for considerably longer. The severe lack of housing in the Aughnacloy area is of great concern to the Development Association and was expressed by local residents at consultation meetings after the publication of the Preliminary Proposals. The Caledon Road area is particularly suitable for development and a much smaller area has been included here than in other parts of the town.

7.5.1.12 Much of the land within the settlement limits is unsuitable for development and there is a problem both with a shortage of supply and the non-release of land. Part of the land is subject to periodic flooding and there are significant difficulties in relation to rights of way of the land included in the Draft Plan. The small number of approvals over the decade 1990-1999 is largely due to the lack of suitable sites available within the restrictive settlement boundaries.

7.5.1.13 The objection site is self-contained and its inclusion would provide a stronger visual buffer and edge to the E settlement boundary. Planning Service has recognised that it has mature trees along its length and their quality is substantially higher than on the W side of the site.

7.5.1.14 Other towns within the Plan area of a similar size to Aughnacloy have been treated more generously and in places such as Augher, Clogher, Fivemiletown, Moy etc there is provision for almost doubling the size of the community.

7.5.1.15 In particular the changes to the development limits along the A28 (Caledon Road) are unduly restrictive. Only a small area of land is included within the limits and it has already been filled with housing. A smaller additional amount has been included in this area compared to other parts of the town. Other land previously within the limits is now outside the settlement limits.

7.5.1.16 Development on this site would have limited visual impact on the ‘Fort’ which can only be viewed from approximately 25m of footpath on the Caledon Road. From that perspective views of any housing on this site would be limited as only part of the site can be seen from Aughnacloy. Two approved mobile phone masts slightly to the east of the fort have a much greater impact than any potential development on this site. The objection site is 300m from the fort at the closest point. Housing has been approved on Benburb Road less than 100m from the edge of the Fort. The Aughnacloy Truagh Historic Society considers development of the objection site would not have any significant negative impact on the visual setting of the Fort.

7.5.1.17 Any modern development will, by definition, extend away from the historic focus on the ridge. Lands zoned for development on the Dungannon Road are much further from the historic focus and are much more visible from the town centre. The topography of the land would result in development on it being less prominent than other land within the settlement limits. Views of the site would be limited when travelling E along the A28.
7.5.1.18 The objection site has good sight lines and there were no accidents in the period 1992-95 due to road alignment or restricted visibility. Three of the main routes into Auchnaclay are Protected Routes, not because of the volume of traffic that they carry but purely because they are main roads. Although the A28 is a Protected Route, traffic levels do not suggest that development should be restricted. De-classification of its protected status is requested.

**Consideration**

7.5.1.19 A substantial area of lands for the future development of Aughnacloy has been identified to the NE of the village along both the Rehaghy and Carntele Roads and from our site visits we observed that most of this land remains undeveloped. The objector contended that the low rate of house building over the past 10 years and future growth was curtailed both by inadequate land provision and landowners who are unwilling to release their land. No specific details however were provided in relation to any section of the town, or any individual land holding. Similarly it was contended that private rights of way and periodic flooding were constraints to the development of land within the settlement limits but in the absence of further information, we are unable to verify these assertions. Evidentially we have to agree with the Department that 34.1 ha of potential development land at various locations is a reasonable allocation and comparable with the provision in the other villages referred to by the objector.

7.5.1.20 We have not been persuaded that development of this site would significantly impact either on the monument or on the historic form and focus of the town. Other potential development land would be equally remote both from the historic town and the inclusion of other land in this locality lends little credence to the argument that development of this site would create a new focus away from the historic town centre. The distance from Lisadavil Fort, the nature of the intervening topography and the buffer provided by LLPA 17 with some additional planting along the N site boundary would, in our opinion, ensure the retention of its setting even if this site was developed.

7.5.1.21 Physically the Draft Plan limit is well defined both in terms of topography and vegetation and the land immediately to the West is topographically different as demonstrated by the fact that infilling has been taking place, presumably in preparation for development. The prominence of the land is evident in the open views of the site that are available when leaving the village along the A28 although these views are not of long duration. Development on this land would also be prominent when approaching the village from this direction and we agree that the elevation of the site is important in enclosing views of the settlement from this direction.

**Recommendation**

7.5.1.22 The proposed settlement limit at Caledon Road should be confirmed.
7.5.2 LAND AT REHAGHY ROAD SHOULD BE INCLUDED WITHIN THE AUGHNACLOY SETTLEMENT LIMIT
Objection No 224 (Issue 21.2 Area B)

Site and Surroundings

7.5.2.1 The site of 3.84ha is the flat part of a large field to the east of Aughnacloy on the N side of Rehaghy Road. Land rises beyond the E boundary to the NE forming part of a wider undulating landscape. The S and W boundaries are defined with mature hedges and trees. The N boundary is mainly post and wire fencing with occasional trees and the E boundary is undefined on the ground. Two new dwellings lie to the W within the settlement limit.

Department’s Evidence

7.5.2.2 The site was outside the settlement limit of Aughnacloy in open countryside in ETAP, the Preliminary Proposals and the Draft Plan. The physical considerations which influenced the position of the settlement limits around Aughnacloy are reported in paragraph 7.5.1.3. Service of the site is likely to require pumping of foul sewage.

7.5.2.3 The settlement limit in this area was drawn to exclude rising ground and it is defined by a strong hedgerow which will help assimilate development into the landscape at the settlement edge. Although the objection site does not include the rising ground to the N and E its development would adversely impact on existing rural character. It would also result in an indeterminate settlement edge and urban sprawl with a linear one-sided expansion of the village along Rehaghy Road.

7.5.2.4 There are 34.1 ha of undeveloped land at various locations within the settlement limits which would be more than adequate to meet its development needs over the Plan period. 69 dwellings were approved in the 10 year period 1990-1999. The inclusion of the objection site would result in unnecessary expansion and sprawl into the surrounding countryside.

Objector’s Evidence

7.5.2.5 The settlement limit to the E of Aughnacloy is an insubstantial hedgerow and there is recent residential development immediately to the W. Inclusion of this land has the potential to define a more robust settlement limit. The site benefits from a sense of containment within a generally undulating landscape, with a steep slope to the E while the N and W site boundaries are defined by hedges and trees. The site is suitable for low density development and the rising ground to the E would benefit from additional structure planting to reinforce the sense of containment and ‘round off’ the settlement edge.

7.5.2.6 There are no objections from Roads Service and Water Service. The presence of a marginal flooding risk does not preclude development on the site and the Rivers Agency has indicated that the site is unlikely to be affected by significant flooding. A good drainage system would prevent water logging problems and this is not a flood plain issue.
Consideration

7.5.2.7 The Objector has not argued that inadequate provision has been made within Aughnacloy in terms of potential development land and just over 34 ha would appear to represent a generous supply given the historic building rate of 69 dwellings over the past 10 years. The proposed settlement limit on the N side of Rehaghy Road is well defined by mature trees and a hedge and we agree with the Department that the absence of a defined E boundary to the objection site is critical and would result in an indeterminate settlement edge. Although the land is reasonably level, its development would be very visible on the approaches in and out along Rehaghy Road and it would appear as urban sprawl and a linear expansion of the village along one side of the road.

Recommendation

7.5.2.8 The settlement limit at Rehaghy Road, Aughnacloy should be confirmed.

7.5.3 LAND AT MONAGHAN ROAD SHOULD BE BROUGHT WITHIN THE AUGHNACLOY SETTLEMENT LIMIT AND THE PROPOSED LLPA DESIGNATION ON PART OF THE SITE SHOULD BE REMOVED

Objection Nos 224 (Issue 21.2 Area E) and 297

Site and Surroundings

7.5.3.1 Objection site 297 relates to two adjoining areas of land:-

Area A: A flat area of mainly agricultural land (6.2ha) which is part of a linear strip of poorly-defined land to the NW of Monaghan Road. Watercourses define the SE and NW boundaries and there is post and wire fencing along the NE edge. The SW edge of the site is not defined on the ground and cuts across several fields. It encompasses Aughnacloy WwTW which is screened with trees and vegetation. Neighbouring land uses include residential development to the N (Coronation Park), further E near St Mary’s Primary school, with six new dwellings under construction at the NE corner of the site. There is an amenity site on the opposite side of the road and a dwelling and garage complex to the SE. Objection site 224 (Issue 21.2 Area E) includes all of Area A and a further area to the SW beyond the watercourses.

7.5.3.2 Area B lies entirely within the boundaries of LLPA15 -The Historic Park, Garden and Demesne of ‘Aughnacloy Thistle’ and is located to the N and NE of Area A. It comprises the lower slopes of the escarpment S of Moore Street and slopes from the NE towards the S and W. It is bisected by Ravella Road which has a 2 storey dwelling and garage on its S side at the W edge Area B. Boundaries are strongly defined with mixtures of hedges, trees, fencing and watercourses and there are a number of allotments/small linear gardens at the S end of the objection site.

Department’s Evidence

7.5.3.3 Much of both Areas A and B were in open countryside in ETAP beyond the Aughnacloy Limit of development. A small part of Area A (the WwTW and adjacent land) and a small northern part of Area B were within the development limit. Area B was entirely within the settlement limits in the Preliminary Proposals while Area A was located in
open countryside. Area A was retained in the open countryside in DSTDAP while Area B was also located in open countryside within LLPA15 – The Historic Park, Garden and Demesne of ‘Aughnacloy Thistle’ which lies to the West of the site.

7.5.3.4 The physical considerations which particularly influenced the delineation of the Aughnacloy settlement limit are reported in paragraph 7.5.1.3 and both sites contribute to the wider relatively unspoilt rural landscape to the west of the village. There are open views of the sites particularly when travelling E along Ravella Road. The SE portion of Area A is open to views from Monaghan Road though the screening round the WwTW allow only intermittent views of the rest of this area. The NW part of Area A abuts LLPA 15 and is not contiguous with the settlement limit. Its development would result in an unnecessary isolated outlier of development when viewed from Ravella Road because of the intervening LLPA. The inclusion of Area A would result in unnecessary expansion and sprawl.

7.5.3.5 The sites surround and border the WwTW which is currently being upgraded to a Design Equivalent Population of 1400 which dictates a ‘Cordon Sanitaire’ of c.235m.(MAP PAC 7.5 3C) It is accepted that the 41 dwellings in Coronation Park exist within this distance but increased housing increases the risk of a nuisance problem and inclusion of this site for housing is opposed. As the closest housing is c.90m, proposals for mixed business /industrial uses could be accepted up to a 90m distance. Proposals involving a relaxation of the cordon sanitaire from 235m to 90m would be assessed on their individual merits but catering orientated proposals would be unlikely to receive favourable decision. It is preferable to allocate land for housing away from sewage works and there are other alternatives in Aughnacloy.

7.5.3.6 Area A is low lying and close to the confluence of the River Blackwater and the Aughnacloy Urban Drain. It is all lower than 45.71 m OD which marks the Q 100 floodplain of the River Blackwater and photographs taken from Moy Bridge on 22 October 1987 show the site under flood conditions. Significant infilling would be required to prevent flooding and this would undermine the setting of both the village and the Aughnacloy ‘Thistle’. Any resultant displacement of floodwaters could also cause problems elsewhere in the catchment area and is opposed in principle. There is other more appropriate development land within the Aughnacloy settlement limits.

7.5.3.7 Site B has been designated as LLPA15 in accordance with PPS6 to maintain its intrinsic environmental value and character. It includes both historically important and listed buildings and helps to retain the largely unspoilt landscape setting to the S of the village and the setting of the ‘Thistle’ particularly when viewed from Ravella Road. Both the Natural and Built Heritage Sections of EHS are opposed to inclusion of this land because of the potential detrimental impact on:-

- The historic context and nature of the Aughnacloy ‘Thistle’ as a unique example of a Jacobite symbol in the landscape. It is a Site of Special Historic Interest and is protected from inappropriate change by Policy BH6 of PPS6 and DSTDAP. This sites also lie within the former demesne lands and occupies part of the ‘Thistle’s immediate setting, adjoining the main area of the design and including parts of several drainage ditches which extend out from the design. Development on it would change the relationship between the town and agricultural parkland of the demesne;
• The planned linear form of the historic town and its setting on the spine of a ridge. The appearance of the W half of the original planned town would be changed.

• The habitats of the many ditches, fens and river valley corridors are of high conservation value. Any changes to the open ditches that bound and cross the objection site could endanger the ‘Thistle’ feature itself.

7.5.3.8 The proposed settlement limit is more effective and appropriate than would result with the inclusion of Area A. Approximately 34 ha of undeveloped land exists at various locations within the settlement limit. These would be more than adequate to provide for its development needs and there is no need to encroach onto Area A.

Objector’s Evidence

7.5.3.9 Land at Monaghan Road (Area A) should be included within the settlement limit as it has easy access to the STW and would fulfil the need for housing on the W side of the town. Area B was designated for development in the Preliminary Proposals and its designation within LLPA 15 is opposed.

7.5.3.10 Objection Site 224 (Issue 21.2 Area E) is low lying and visually contained by the built form of Aughnacloy. In landscape terms, this site has two distinct sectors:-

• The SE part is surrounded by urban uses including housing which gives an abrupt edge to the settlement to the N, business units to the SE and the laneway and vegetation screen around the STW to the NW. With recent works to Monaghan Road, this site is an appropriate extension of the settlement.

• The NW sector is a larger more visible expanse of land and has limited capacity at this stage. It has potential for future development subject to the enhancement of the landscape structure and an appropriately designed masterplan which would also take account of the landscape setting of the historic demesne.

7.5.3.11 The presence of a flooding risk does not necessarily preclude development on the site and infilling may not significantly increase the risk of flooding elsewhere. Alternatively it may be possible to provide mitigation measures so there would be no impact and these could satisfy the requirements of PSRNI Policy PSU10. These issues should be dealt with at Development Control stage when the significance of the flooding risk can be determined.

7.5.3.12 The RDS is committed to facilitating the development of rural industries, businesses and enterprises in appropriate locations and the Technical Supplement of the Draft Plan recognises there may be additional industrial opportunities within the villages. PPS 4 indicates that land may be zoned for industrial use in small settlements on an especially suitable site. This is such a site and it should be included within the settlement limits.

Consideration

7.5.3.13 PPS 6 states that the purpose of designating LLPAs is to maintain the intrinsic environmental value and character of an area and LLPA 15 is strategically positioned so that it can protect (a) the distinctive steep escarpment, south of Moore Street and its
contribution to the setting of the town and (b) the setting of the Aughnacloy ‘Thistle’ by maintaining the relationship between it and the relatively unspoilt S side of the village. The objector did not elaborate on the reasons why he considered the LLPA designation should be removed and we do not consider the former inclusion of Area B within the proposed limit of development in the Preliminary Proposals as binding given the status and purpose of this document. Although views of LLPA 15 are limited, based on our observations we consider that the landscape quality of the area, its relationship with the townscape of Aughnacloy and the wider setting of the Aughnacloy ‘Thistle’ are distinctive and impressive and the area merits the protection afforded by the proposed designation as a Local Landscape Policy Area.

7.5.3.14 The two variations of Area A have much in common and both are subject to a number of constraints:

- The constraint imposed by the centrally placed WwTW was not addressed by the objectors and indeed Objector 297 viewed its proximity as a positive factor in favour of development. The Department’s evidence that a substantial ‘cordon sanitaire’ would be required particularly for housing development was not challenged and this affects a considerable proportion of the site.

- The proximity of Area A to the confluence of the River Blackwater and the Aughnacloy Urban Drain is also problematic and with the photographic evidence it would appear that substantial infilling would be required to raise this entire area of land above the floodplain. While it may be appropriate to deal with minor flooding problems at development control stage, it would be illogical to include land for development purposes within a settlement in a development plan context, where the resultant houses would be sited in an unsuitable environment. We agree with the Department that infilling of the land would undermine the setting of both the village and the Aughnacloy ‘Thistle’.

- If our recommendation to confirm the designation of LLPA 15 is accepted, a significant portion of Area A would not abut the settlement limit. In this generally flat landscape, development on it would be dominant and it would inappropriately related to the rest of the urban area and detract from the setting of the ‘Thistle’.

7.5.3.15 From our site visit we can appreciate Objector 224’s views regarding the land uses surrounding the SE part of Area A. Since the evidence was prepared, 6 dwellings are under construction adjacent to the NE corner of the site and benefiting from the road realignment. While these houses are not in as close proximity to the WwTW as the dwellings in Coronation Park, they are within the 235m ‘cordon sanitaire’ which would seem to indicate that the Department views some development as permissible. There would have been some merit in rounding-off the settlement in this area by inclusion of a similar width of land S infilling the area to the garage and bungalow to the South but only a small portion is included in the objection site and the road frontage land is not the subject of objection and outside the remit of this report. In these circumstances and with an adequate supply of development land within the village limits, we consider that the DSTDAP settlement limit should be confirmed in this locality. In so concluding we have taken account of the emphasis placed in the RDS on the encouragement of rural businesses and enterprises but there was no persuasive evidence that this land would be
an especially suitable site for industry particularly in view of its close proximity to housing.

Recommendation

7.5.3.16 Area A should remain outside the settlement limits for Aughnacloy and the designation of Area B as part of LLPA 15 should be confirmed.
7.6 **BALLYGAWLEY**

7.6.1 LAND TO THE NORTH-WEST OF BALLYGAWLEY ROUNDABOUT SHOULD BE BROUGHT WITHIN THE VILLAGE LIMIT AND RESERVED FOR INDUSTRY OR MIXED USE DEVELOPMENT.

**Objections Nos. 207, 237 (Issue 4) and 224 (Issues 9.1 and 9.2)**

Objector 207 contends that Policy IND1 fails to identify sites for industrial or mixed use development outside Dungannon or Coalisland. Objectors 224 and 237 are specifically requiring inclusion of land adjacent to the Ballygawley Roundabout for industrial purposes.

**Site and Surroundings**

7.6.1.1 The largest of these overlapping sites (Site 224 (Issues 9.1 and 9.2) comprises 6 fields and 9.81ha to the west of the A5 Omagh Road (A5) between the two clusters of Ballygawley. Objection Site 207 (6.2 ha) excludes the waste water treatment works (WwTW) and the most western field. It is part of 26 acres adjacent to Ballygawley Roundabout bisected by the Omagh to Ballygawley Road which is the subject of a major planning application for an industrial park: M/1999/0852. Objection Site 237 relates to the N part of this land which was granted outline planning permission for a Meat Processing Plant in 1989 (M/1988/0247).

7.6.1.2 The land is generally flat and low lying, below the level of the Omagh Road. It is more undulating towards the SE part of the site and the highest point is at the junction with the roundabout and the lowest part is in the NW corner adjacent to the river. A ditch runs EW through the site separating the flat land to the N along the river from the drumlin topography adjacent to the roundabout. The northern boundary is marked by the treelined Ballygawley Water. The S boundary is partly fenced and then cuts through the middle of an open field. The western boundary has mature hedges and post and wire fencing with trees along the laneway providing access to the sewage works. The E boundary along the Omagh Road has a post and wire fence with some intermittent vegetation. Internal field boundaries are generally lined with mature vegetation.

**Department’s Evidence**

**Objection to Policy IND 1**

7.6.1.3 Policy IND 1 is set within regional planning policy (PPS 4: paragraphs 11-24) and sufficient land has been identified for industrial purposes in the main settlements of Dungannon and Coalisland. Land has not been specifically zoned in Ballygawley in line with Policy SP3 of PSRNI and there is no requirement in regional planning policy that specific land has to be identified for industry/mixed business uses. The Draft Plan acknowledges that there may be opportunities for appropriately scaled industrial/mixed use developments within villages, despite the absence of specific land usezonings. The objection proposal also contains a variety of uses which do not comply with the industry/mixed business use zoning of Policy IND 1. It is not accepted that there is any inherent failure in DSTDAP Policy IND1. It is in conformity with regional planning policy.
7.6.1.4 Paragraph 13 of PPS 4 allows for specific land use zonings in smaller settlements where there is a clear indication of potential demand or an especially suitable site. The subject lands form part of a current major planning application, M1999/0852/O, for the development of a park for office, light industrial and warehouse development, petrol filling station, shop, travel lodge, housing, fast food outlet and including alteration to Ballygawley roundabout and A5. While its submission may be stated as evidence of demand, the function of a village is to cater for and accommodate local needs arising from the village and the surrounding hinterland. The uses proposed are focused on the site’s proximity to a strategic location on the transportation network (the junction of A4 and A5) and not the expansion of Ballygawley village. The merits of this planning application have yet to be determined through the development control process. The letter on the file from the Article 31 Officer is an individual opinion. It confirms that further information is required and that no recommendation had been made to the Planning Management Board.

7.6.1.5 The Meat Slaughtering Plant proposal (M/1988/0247) was deemed acceptable as agriculture-related industry after an Article 22 Public Inquiry under the 1972 Planning Order and within a different policy context. It was taken account of in the preparation of the Draft Plan, although not specifically mentioned. Details of the scale and size of the operation, the footprint of any proposed building, and consultation responses etc. are no longer available. There were significant environmental concerns at the time including the disposal of potentially highly polluting effluent. However, that proposal was of a different nature, at a different time and approved in 1989 as a rural site. Such an application today would have to be considered under the Policy tests of PPS 4.

Regional Policy

7.6.1.6 Policy ECON 2.1 in the RDS refers to the potential for economic development at selected locations on the strategic network of key transport corridors. It refers to cities, main hubs and towns along those corridors. Ballygawley is not identified as either a main or local hub in the ‘Spatial Framework for the Economy’, illustrated in Diagram 9 on page 135. It is not identified as a strategic location and the policy refers to towns, not villages. The facilitation of rural industries as proposed in Policy RNI 1.2 (page 96) has two qualifying tests - appropriate location and satisfactory integration. The latter can best be achieved by utilising land within the settlement limits. Appropriateness involves assessment of the site specifics and the wider context, including planning and transportation policies.

7.6.1.7 Ballygawley isn’t specifically identified as a location on the Strategic Transport Network in Diagram 11 of the RDS. Although the village happens to be located at the intersection of two Key Transport Routes, it does not make this a strategic settlement and the use of large block capitals in Diagram 12 cannot be accorded significance. The third bullet point in Policy ECON 2.1 refers to transport dependant industries but the zoning suggested by the objectors covers a much wider range of potential uses than storage, movement and delivery of goods. The concession agreed with the Borough Council (paragraph 3.2.1) reinforces the potential of settlements, including Ballygawley, to attract development opportunities because of their good access to the strategic road network. In general terms, the site would comply with the last bullet point of Policy ECON 2.1, but other lands within Ballygawley could equally benefit from relatively good access to the transport node without being located “bang on top of it”.
7.6.1.8 The Draft Strategic Regional Framework was published at the time of DSTDAP preparation and was a material consideration when defining settlement limits. It is not accepted that only a small amount of land has been identified in Ballygawley - 25.9 ha is more than sufficient to meet its development needs over the Plan period and could include opportunities for industry and mixed business uses to meet local needs. While this may be less than the land bank in some other villages, the amount in each settlement relates to a number of planning issues, including specific physical considerations and the need for defensible boundaries. The amount is not related to strategic significance. If the developable site area of 6.2ha was to be included, this would increase the potential development land to 31.92ha but a need has not been shown for this additional land.

7.6.1.9 All of the objection land lies outside the DSTDAP village limits. It was in open countryside adjacent to the development limit of Ballygawley in ETAP and in the 1998 Preliminary Proposals. Two discreet areas of development were identified in ETAP of a similar scale to DSTDAP proposals and two nodes within Ballygawley is not a new concept. The ETAP limit for the W node has not been altered. The Draft Plan designates LLPA 21 along the northern boundary of the objection lands.

7.6.1.10 The overall site is physically unrelated to the main part of the village and its inclusion within the settlement limit would result in additional development pressure on the western side of A5. That would be contrary to the general thrust of the Plan and would be physically unrelated to the existing focus of development and services along Main Street. The proposal would focus new development away from the historic town and result in an overall expansion rather than a compact urban form. It is not necessary to try to join the two nodes. Cohesion would not be possible due to the existence of the main traffic route between the two areas.

7.6.1.11 The zoning of the objection lands for industry/mixed business or mixed uses would be prejudicial to environmental interests associated with the site and the surrounding area as detailed in the following paragraphs:-

Landscape Setting and Conservation

7.6.1.12 Development on these sites would have an adverse impact on both the local and wider landscape setting of Ballygawley. The primary focus of the settlement is the historic town which originated as a mill town on the N side of Ballygawley Water. The secondary focus developed near the out of town railway station on the S bank of the river and there were always two contiguous nodes, connected by a road. The roundabout is a relatively recent (1960s) construction and is now the main separating feature but it is not related to Ballygawley and performs an access function. Development of the secondary focus could change its relationship to the main part of the town and undermine its historic core. The assessment of the archaeological potential of the site within the Environmental Statement on planning application M/1999/0852 is accepted but costly extensive excavation may be required if an early monastic site believed to be in Grange townland is discovered on this site. The impact of the change on the historic form, character and sense of Ballygawley has not been considered by the promoters of the current planning proposal.

7.6.1.13 The area is one of high landscape quality and development will change its landscape and visual character. The sites lie not only at the W entrance to Ballygawley but beside the junction of two important tourist routes- the scenic Clogher Valley and the NW Corridor.
The distinctive form and setting of Ballygawley would be adversely affected by the development of these sites and the land is highly visible travelling S on the A5. The SE field adjacent to the roundabout is prominent and development for industry/mixed business would have a significant impact because of the rural setting.

7.6.1.14 The land opposite on the E side of the A5 may not necessarily be granted permission for reasons such as flooding, loss of recreation and open space, and impact on the setting of historic buildings. Any development on this site would require substantial boundary planting adjacent to the A5 for environmental and amenity reasons. The current application for housing development contains a Concept Plan which indicates a 20m wide planting belt which would reduce the ‘urban’ impact of the proposal and mirror the rural western aspect of the road. There is no indication of industrial uses within this application and it is accepted that this site could all be used up by housing, open space and land constrained by flooding. Defence of the objection site in landscape and visual terms has been somewhat compromised by past planning histories.

7.6.1.15 It is accepted that the river corridor forms a physical link between the two nodes of the settlement and that it links the three areas of open space. LLPA 21 is accessible on foot and development on these sites may improve public accessibility but this doesn’t necessitate the overall development. The river corridor could provide a strong boundary in this area but the DSTDAP limit is as defensible as the river and LLPA 21.

7.6.1.16 Development here would result in loss or damage to the diversity of habitats of wildlife value on and adjacent to the site. There are sandy soils, wet soils with a lot of deep drains, and a network of hedges and trees each with distinctive species. If otters are present in Ballygawley Water, this is to be welcomed. Significant pollution or disturbance to the river hydrology could impact on water quality and adversely affect priority species such as the ‘white clawed crayfish’ which is only found in the Erne and River Blackwater catchments in Northern Ireland. It is accepted that a sustainable urban drainage system (SUDS), if feasible, could assist in protecting the crayfish. Nature conservation interests would not preclude development on the site but full ecology surveys would be required at an appropriate time of the year as a basis for developing appropriate mitigation or protection for its varied nature conservation interests.

7.6.1.17 Development could cause disturbance to the earth science interest of the Ballygawley (or Ballymackilroy) Delta Complex and the setting of an area meriting ASSI designation. Its designation is anticipated within the next few years. It is a prime area for the study of the effects of glaciation and the ACMD is to protect that particular topography. The land under the 70m contour represents a sand and gravel outwash from the previous Fintona Ice into a pre-glacial lake as indicated on Map 7.6.D. It is accepted that the objection site doesn’t have contact with the Delta area but if any development was to be kept at a low level and excluded from the area N of the drainage channel on both sides of the road to avoid disturbance of the landform around the old river meander, the impact on this important glacial topography would be limited.

Access

7.6.1.18 While Roads Service has no objection to the site being included within the Ballygawley settlement limits, there would be difficulties with direct access onto the A5 or the A4 as both are Protected Routes. PPS 3 restricts the formation of new accesses unto the Protected Routes Network and the objector’s proposal would not comply with the four
types of development that would qualify for approval under paragraph 25 of that document. Policy AMP 3 of the new Draft PPS3 contains the same restrictions on access. Paragraphs 29 and 30 of PPS3 would determine whether access would be granted to the site if the land was within the settlement limits and the availability of an adjacent minor road would be considered. Access to the site may be possible, with improvements, from the unclassified Tullybryan Road which is a public road maintained by Roads Service.

7.6.1.19 An access would not be permitted from the existing roundabout and an access from an enlarged roundabout is not recommended as the Design Manual for Roads And Bridges (DMRB) recommends only 3 or 4 entries to a roundabout of this general size. A TIA would be required to identify problems and mitigation measures and the developer would have to meet the necessary access standards and provide any additional necessary infrastructure beyond the site boundaries.

Flooding

7.6.1.20 The N part of the site is low lying and subject to periodic flooding. Development is not objected to in principle but development levels would require careful consideration. A 20m corridor would need to be addressed within the extended Objection 224 site in any appropriate development of this land. An amended wording has been agreed with the objectors for insertion in the Plan as follows:-

“There are actual and perceived flood risks associated with the Ballygawley Water corridor and floodplain.

In keeping with the aim of securing the effectiveness of floodplains for flood defence purposes, it is a requirement that the Ballygawley Water floodplain below the Q100 year contour remains clear of any inappropriate development, most notably buildings or infill.

The preservation of the floodplain in the context of this Area Plan extends from the upstream end of the Enniskillen Road Bridge to the downstream end of the Omagh Road Bridge crossings on the Ballygawley Water.”

Ballygawley WwTW

7.6.1.21 ‘Cordon sanitaires’, which identify the limit of proximity of development to a works, aim to protect the public from potential nuisance. The criteria which determine the distance are set out in Section 1012 of the Water Service Manual and generally relate to the capacity of the WwTW. In this case, a 240m radius is required as the works has a design capacity of 1500 people. On this basis, some 70-80% of these sites lie within the ‘cordon sanitaire’ of the adjacent WwTW. The guidelines permit a reduction in the cordon in certain circumstances but Water Service would object to development within a 155m radius of the works. As there is existing housing at a distance of 130m, a reduction to this distance would be justified for industrial development but not for the proposed catering or hotel/motel facilities. There is no history of nuisance from these houses, including Grange Park, but they lie to the S and W of the works and are not in the line of the prevailing winds. An absence of recorded nuisance does not mean that offensive odours would not be experienced by additional development here. This WwTW serves all of Ballygawley as there is only a pumping station in the main part of the village. It
was upgraded in 1992 and the cordon sanitaire was extended at that time. There are no plans to extend it.

7.6.1.22 The level of vegetation and planting proposed within the Objector 224’s Concept Master Plan is welcomed but there are concerns about the delivery of what is proposed and, in the longer term with changing tenants, about the level of maintenance. Strong belts of planting are important not only for views from the A5 but also in order to enhance the river corridor and create a good visual ‘stop’.

*Objectors’ Evidence*

**Planning Policy**

7.6.1.23 The objection site conforms with regional planning policy. SPG-RN1, SPG-RN1 3.3 and SPG-ECON 2 are particularly relevant in this instance. Paragraph 43 of PPS 4 indicates that a flexible approach should be taken to the location of small rural industries outside Green Belts and CPAs and this site complies with the first of the criteria of Paragraph 44 as a minor extension to the existing development limit, subject to amenity and environmental considerations. The objection site meets all of the criteria of paragraph 29 of PPS 4. It would provide a cohesive village area by joining the two separate parts of Ballygawley together in accordance with Policy DES 3 of PSRNI. Housing is not proposed by Objector 224 and paragraph 13 of PPS 4 permits the zoning of land for a specific purpose if it is an “especially suitable site.” The Meat Plant is evidence of potential demand and the Department failed to take it into account. Objector 224 considered zoning for industry/mixed business uses would allow sufficient flexibility while precluding other uses.

7.6.1.24 DSTDAP doesn’t have to conform with the amendments to the Strategic Planning Order. It complies with page 44 of the RDS and the general theme of promoting regional balance, as explained on page 46. The site contributes to 3 of the 5 strategic rural development objectives (page 93) and the policies which flow from these objectives. There is nowhere better served in the west; it would promote the revitalisation of Ballygawley and it would improve the rural community’s accessibility to employment opportunities.

7.6.1.25 The lands have special strategic significance because of their location at the intersection of 2 RDS Key Transport Corridors. The SW Corridor and the W Corridor both specifically mention Ballygawley and, in diagrammatic terms, it is on par with settlements such as Craigavon, Dungannon and Enniskillen. The lands are very valuable in terms of sub-regional, regional and cross-border accessibility. Thirty two buses pass the site every day and it has good public transport accessibility for a rural area. Policy IND 1 in DSTDAP is flawed because it fails to identify sufficient land for industrial or mixed use development outside Dungannon or Coalisland. Less land has been included within the Ballygawley settlement limits than in other comparable villages such as Castlecaulfield (32.4ha), Clogher (40.2ha), Donaghmore (31.5ha) and Fivemiletown (60ha).

7.6.1.26 Planning history is an important consideration. The approval for a meat processing plant on the N half of the site was only received on 10 February 2003 although it was approved in 1989. The scale of the development was considerable and although never constructed, it established the principle of industry/mixed use development on the site.
PSRN Policy SP3 requires the Countryside Assessment to highlight opportunities but this permission was not mentioned.

7.6.1.27 The objection lands should be included within the limits of Ballygawley for the following reasons:-

1. The Draft Plan has fragmented the settlement into two units. The larger area includes most of the village facilities including schools, churches, shops and other facilities. The smaller unit contains St. Ciaran’s Integrated Secondary School and a number of small modern housing developments.

2. The settlement limits are illogical and largely unrelated to the L-shaped urban footprint of the town with its general SW-NE axis. The Omagh to Ballygawley road bisects the town with 70% to the east of it and 30% to the west. The proposed elongated limit contains land to the N centred on Old Omagh Road, which is elevated, rural in character and heavily vegetated.

3. There is a current planning application for residential development on Area A to the east of the A5. (M/2002/0707) The proposal indicates housing built around a central village green and with strong boundary planting and also bounded to the N by the Ballygawley Water. The application has not been made subject to Article 31 procedures.

4. Further to the N is a sewage treatment works (WwTW) and playing fields. The site is a ‘notch’ in the urban edge of the town, bounded by strong physical features on all sides, especially the Ballygawley Water part of which has been designated as LSPA 21 and which wraps itself around the town. It and the A4 provide virtual enclosure and act as a natural limit of development. Other ‘notches’ in the urban edge include the land between St Ciaran’s school and the WwTW.

7.6.1.28 Physically, the land is suitable for inclusion within the village and the proposed development would generate substantial economic and employment benefits for Ballygawley and the locality as well as providing services for travellers. There have been no other applications for industrial type development in Ballygawley and a substantial amount of land in the settlement is constrained by the ACMD designation. All environmental concerns can be satisfactorily mitigated.

7.6.1.29 Objector 207 submitted the illustrative sketch design as part of the overall scheme for the larger 26-acre site that that been submitted as the Article 31 application (M/1999/0852). (Map 7.6A) This indicates that the petrol station would be the initial development as a part of an area of mixed development with a convenience food retail store and a fast food outlet mall. A housing development of commuter style homes would be provided within the second development area and, when this is taking place, the Business Park aimed at high technology companies would be commenced. There would be a site for a budget hotel/motel and a conference centre would form the final phase of development on site. This proposal will have to be determined in the development plan context but the letter on file from an Article 31 team Officer would appear to support some development and there is no mention of a prematurity issue. An addendum to the EIS has not been requested.
7.6.1.30 Objector 224 illustrated their general development principles in a Concept Master Plan (Figures 13A & 14A) which identifies the main opportunities and the constraints imposed by the flooding of Ballygawley Water.

**Landscape and Visual Impact**

7.6.1.31 The site has no scenic classification either by way of policy designation or as a result of the DSTDAP countryside assessment. It is inconspicuous and low-lying and the landscape to the SW has the capacity to absorb an appropriate scale and form of development:

- Inclusion of the objection site and the development enclave adjacent to Tullybryan Bridge would round-off of the village limit with a strong defensible settlement boundary;

- The proposals would not have a negative impact on the Ballygawley Water Local Landscape Policy Area (LLPA 21) but would provide an opportunity to invest in this landscape resource; and,

- Both schemes would minimise the impact on the landscape and result in a quality environment. Objector 207 proposes that no development will take place within 20m of the site boundaries to allow for perimeter planting and landscaping. None of the units in the business park would have a ridge height greater than 9m.

**Ecology**

7.6.1.32 The site comprises a number of fields with wet improved pasture bounded by maturing and generally unmanaged hedgelines, some with ditches. It is species poor ‘improved grassland’, heavily poached, experiences waterlogging and has a high water table.

7.6.1.33 There is no statutory nature conservation designation on the site or within a 2km buffer zone. The river is likely to be of value to otters, which is a protected species in Schedule 5 of the Wildlife (NI) Order 1985. Ballygawley Water is a Local landscape Policy Area (LLPA 21) noted for its tree-lined character and the absence of an LLPA designation on the objection lands would suggest that the concerns of Environment & Heritage Service are overstated. The pasture is separated from the watercourse by a fence 1.5m back from the edge and this area could be increased to 4m in width to allow an informal access route/buffer zone to development. The site could be developed taking account of nature conservation interests by the provision of a landscape plan that includes:-

- A 5-10m buffer zone along the Ballygawley Water including habitat enhancement and controlled access;

- The protection of mature native species hedgelines as linear woodland features;

- The protection of the ditches network into the river;

- SUDS both as part of the design framework and the landscape plan;

- Respect for the local context in terms of the density and type of planting.
The Concept Masterplan recognises the site’s location within a high quality landscape and addresses all the issues in relation to habitat diversity. Crayfish are quite rare but noone is quite sure if they are present in this part of the Ballygawley Water. Any impact would have to be assessed to ensure that their presence was not jeopardised.

Access

7.6.1.34 There are a number of ways in which an access to the required standards can be achieved:-

- Access is feasible onto Tullybryan Road through the undeveloped land between the Grange Park housing estate and the housing development under construction. A right turning lane would not be necessary and access at this location would satisfy the junction spacing requirements of DCAN 15. The need for improvements is accepted and this would be the preferred choice of access by the Borough Council (Objector 224);

- There is no reason why the Ballygawley Roundabout should not be modified to provide an access to the objection site and Objector 207 proposes an elongated roundabout with two additional arms. Although this would result in 5 entries on the roundabout, there are a large number of roundabouts with more than 4 arms in Northern Ireland either designed or approved by Roads Service;

- Direct access from Route A5 is physically possible. PPS 3 includes the word ‘normally’ in relation to the presumption against direct accesses. The route is operating well below its available capacity and the carriageway and verges are of sufficient width to permit a right turning lane in accordance with TD95/42. Traffic speeds are not excessive because of the proximity of Ballygawley Roundabout; and,

- A TIA would be required to indicate what mitigation measures are required to ameliorate the effect of development-generated traffic.

Flooding

7.6.1.34 The N portion of the site is within the 1:100 year floodplain of the Ballygawley River while the S and W portions of the site are not. It is predicted that in the 1:100 year event there would be approximately 1 m of water over parts of the site.

7.6.1.35 Development of the N part of the site would require infilling and it is estimated that this would result in a floodplain volume loss of 10,400m³. Without mitigation measures, this would affect water levels upstream of the site during the 1:100 year event. There are no properties within 300m upstream of the site and the flooding effect would diminish with distance. Accurate hydraulic modelling would be required to assess the significance of any increased flooding risk and details of the proposed development would be required as an input into such an exercise.

7.6.1.36 The presence of flooding does not preclude development on the site as infilling may not significantly increase the risk of flooding elsewhere. Alternatively, it may be possible to provide mitigation measures so that there would be no impact on flooding risk elsewhere. These would satisfy the requirements of PSRNI Policy PSU 10 and such issues should be addressed at detailed planning application stage.
Proximity To WwTW

7.6.1.37 Although the ‘cordon sanitaire’ sterilises most of the site for housing purposes, the land is nonetheless ideally suited for inclusion within the village limits and should be zoned for industry/mixed business use. Housing is being constructed within the outer circle of the ‘cordon sanitaire’ and Water Service’s consultation response on the Article 31 application makes no reference to the absolute embargo within the 130m radius.

Consideration

Policy IND 1

7.6.1.38 The initial letter of Objection 207 specifically referred to the failure of Policy IND1 “to identify sites for industrial or mixed use development” and as reported in paragraph 7.6.1.28, the proposal scheme indicates a variety of potential land uses. Policy IND 1 is related to industry and mixed business uses which would relate to Classes 3 (Business), 4(Light Industrial), 5,(General Industrial) and 11(Storage or Distribution) of the Planning (Use Classes) Order and such a section is a normal component of any Area Plan. This mirrors the regional policy within PPS 4 which is focused on Industrial Development. Its scope however is slightly extended by paragraphs 36-37 relating to non-industrial uses on zoned industrial land, where storage and distribution are specifically viewed as acceptable while retail uses are normally viewed as unacceptable. No reason was given as to why the remit of the policy should be expanded to include ‘mixed uses’ and there is no requirement in regional policy that provision has to be made for mixed uses, either in industrial zonings or within settlement limits. Each component of a mixed use scheme has to be assessed against the relevant planning policies that are applicable to that use and in our opinion it is entirely logical that Policy IND 1 should set the parameters in relation to industry and mixed business uses. We do not consider the policy to be flawed because it did not make provision for mixed use development and this part of the objection has not been sustained.

Policy Context

7.6.1.39 While Paragraphs 11-24 of PPS 4 provide the policy basis for the allocation of industrial land in development plans, this document has been revised and a new Draft PPS 4 has been published for comment and consultation. Limited weight can only be attached to it at this stage but the emphasis is similar to its predecessor – the generous zoning of land to meet industrial needs over the Plan period with a good choice of size and location. The objectors have not argued that an inadequate quantum of industrial land was zoned in DSTDAP, but merely that insufficient land was zoned outside the main settlements of Dungannon and Coalisland.

7.6.1.40 PSRNI Policy SP 3 advocates flexibility in planning for development within village limits and we accept that there is no requirement in regional planning policy for specific zonings for either industry or mixed business uses. Ballygawley’s designated status as a village has not been challenged and we consider that Policy IND1 is in conformity with regional planning policy on this issue particularly as it draws attention to the potential of unzoned land within settlement limits for industrial and mixed business uses of an appropriate scale. PPS 4 is only applicable to industrial development and we do not accept that paragraphs 43 and 44 are applicable in a development plan context or that development of this site could logically be described as “Small off Farm Rural
Enterprises.” The criteria in paragraph 29 for assessing industrial development proposals are contained within the section on Development Control in PPS 4. While we acknowledge that paragraph 13 of PPS 4 permits the zoning of land for a specific purpose, the proviso is that it has to be an “especially suitable site” and within settlement limits. On this basis, we conclude that regional planning policy and guidance does not support these objections.

7.6.1.41 The purpose of Policy SPG-ECON 1 is “to promote a balanced spread of economic development opportunities across the Region focused on the BMA, Londonderry, Craigavon and the urban hubs/clusters as the main centres for employment and services”. This is related directly to the Spatial Development Strategy for Northern Ireland, as illustrated in Diagram 4 on page 45 of the RDS. Main hubs and local hubs are identified both diagrammatically and by name and are defined at the bottom of the explanatory text on page 43. Clusters are also explained as “clusters of urban centres” to provide a concentration of employment locations and complementary facilities to create a strong magnet for investment and development. Ballygawley is not a “Main Town” and as it is not specifically mentioned, we consider that these RDS provisions cannot be read in support of the objection sites.

7.6.1.42 It is arguable that Policies SPG-ECON 2 and ECON 2.1 are both partly supportive of the objection. We accept that Ballygawley Roundabout is an intersection on two key transport corridors and part of the proposed uses at the objection sites could be transport dependent industries that focus on the storage, movement and delivery of goods. The Strategy encourages their location in the key transport corridors at well-accessed nodes again with the “normally on the edge of towns” proviso which is a status that is not applicable to Ballygawley. We do not accept that the sites comply the general theme of promoting regional balance as explained on page 46 of the RDS as this is specifically explained as the “hub, corridor and gateway functional approach” to spatial development.

7.6.1.43 In our opinion, the central theme of the RDS is sustainability and care for the whole environment. Compact urban forms, the use of land within existing urban areas and the sensible and sensitive use of the rural environment are emphasised. In this context, only limited support can be afforded to the objection sites in the assessment of their site-specific attributes.

**Environmental Issues**

7.6.1.44 All of the land within the objection sites’ boundaries is not suitable for development purposes. The flooding problem is extensive and, although a suitable wording was agreed by the parties that would set the parameters for development (limitation to land above the Q100 level), this reduces the developable land area by almost 3ha. The confinement of structures or buildings to land above the Q 100 level effectively resolves the flooding problem in relation to the principle of development in a development plan context. Similarly, the ‘cordon sanitaire’ around the WwTW curtails the extent and nature of the proposed uses but it does not preclude development, and particularly industry which is a less sensitive land use in relation to potential nuisance. The parties agreed that most of the land is physically suitable for industrial and mixed business uses and that a means of access is achievable either through the upgrading of Tullybryan Road or by a new roundabout at the entrance to Grange Park. All of these issues are capable of resolution and are not, in our opinion, determining.
7.6.1.45 In general terms the earth science and ecology interests can be protected and mitigated against and the amount and nature of planting and landscaping should ensure that wildlife and habitat interests would be taken into account during any detailed development control assessment. In the development plan context we have not been persuaded that they would preclude development of the site.

Planning history

7.6.1.46 Some weight has to be given to the planning history both of the objection site and the surrounding area. The N part of the site obtained planning permission in May 1989 for a meat slaughtering plant and, while this may have been approved as an agriculture related industry on a rural site, if it had been constructed there is no doubt that its built form and environmental consequences would have resulted in some of the arguments against these current objections being somewhat academic. We do however acknowledge that it was approved as rural industry in a different policy context and no evidence was presented that it was viewed as part of the settlement of Ballygawley. It cannot, however, be used to establish the principle of a mixed use development, as proposed by Objector 207, because it was purely industrial in nature and could not be described as a commercial enterprise.

7.6.1.47 The outcome of two major outstanding applications could be of relevance. The first is the current proposal for housing on the opposite side of the A5 on land within the proposed Ballygawley settlement limits to which no development plan objection has been raised. The presumption in favour of development within settlement limits would apply and it appears likely that some form of residential development will be approved taking account of the environmental constraints. Any development of this scale will alter the context of the objection sites although the proposed 10m wide screening along the A5 would assist in enclosing the built form. We consider that this particular parcel of land is more appropriately located in relation to the village form primarily because of its positioning to the east of the A5 route and even if approved, it does not add increased weight to the arguments in support of development on the objection lands.

7.6.1.48 The Article 31 application for the wider scheme does not add any weight to these objections as the components of that proposal are essentially the same. While individual Officers may have expressed their views on the proposal, this is a part of the normal consultation procedure and the Department has not formally issued a 'Notice of Opinion' which is the usual form in relation to an Article 31 application. In the absence of such an assessment we consider that the outcome of this process cannot be prejudged and this scheme has a neutral impact.

Other Factors

7.6.1.49 There are a number of factors which weigh heavily against extending the settlement limits of Ballygawley to include these sites:

- The absence of a proven need for further land for industrial/mixed business uses within the Borough. None of the objectors argued that there was a deficiency of such land within the Borough and the site is only 6-7 miles from Granville which possesses the same locational benefits in relation to the Strategic Road Network;
• Industry and business uses are only a part of the overall proposal for Ballygawley by Objector 207. Retail uses such as the petrol filling station, travel lodge and the hot food outlet mall appear to be focused on the needs of travellers and driven by the site’s proximity to Ballygawley roundabout and not the needs of the local community. Requesting an extension to a village on this basis is somewhat illogical;

• The impact on Ballygawley village was not critically analysed. The mixed use development could become a direct competitor in terms of service provision for the local community and any regeneration spin–off for the village core may be negligible;

• In terms of urban form, we have not been persuaded that inclusion of the sites would be a natural extension of the village or provide a cohesive unit, integrating the two nodes. There was no persuasive argument as to the need for the amalgamation of the two nodes and the physical constraints of the A5 and the dimensions of the roundabout make integration in village terms, unlikely. The two have functioned separately in planning terms since ETAP and given the historic significance of each we do not consider this separation to be unsustainable;

• The proposed expansion is not proportional to the size of the village and would appear totally unrelated to it. Despite the proposed extensive structure planting the topography is such that development, and particularly large industrial type buildings would be seen as urban sprawl along a major road even if their height was controlled.

7.6.1.50 In the final balance we judge that the proposal dose not comply with the thrust of strategic policy with its emphasis on sustainability, compact urban forms, the use of land within existing urban areas and the sensible and sensitive use of the rural environment. Need for additional land for industry /mixed business uses was not established and the sites’ relationship with Ballygawley village and the visual impact of the proposal outweigh the positive features of the schemes.

Recommendation

7.6.1.51 Policy IND1 should be confirmed and the objection sites should remain outside the settlement limits of Ballygawley.
7.7 **BALLYNAKILLY**

7.7.1 **LAND TO THE WEST OF BALLYNAKILLY SHOULD BE INCLUDED WITHIN THE SETTLEMENT LIMIT**

Objection No 198

*Site and Surroundings*

7.7.1.1 A 0.5ha site, to the west of Coash Road abutting the western edge of the settlement limit. It is relatively flat dipping slightly towards the NE corner. The site is in agricultural use and a laneway, with mainly post and wire fencing, defines the S and W boundaries. The NE boundary has mature vegetation. To the east are a number of single dwellings with frontage onto Coash Road.

*Department’s Evidence*

7.7.1.2 Ballynakilly was designated as a hamlet in ETAP and although no statutory limits were defined, the site lay outside the core area of built development that was excluded from the encircling ASC and subsequent Green Belt. This excluded area was used for development control purposes. The site was located within the Green Belt adjacent to the proposed limit of development in both the Preliminary Proposals and the Draft Plan.

7.7.1.3 The settlement limit around Ballynakilly was drawn take account of the following physical considerations:-

- Promotion of a compact settlement form and minimising further elongation along Ballynakilly road and Coash Roads.

- Protection of the setting of the lake to the East,

- Using the vegetation belt to the S of 34 Coash Road as a strong physical boundary to the settlement limit.

- Minimising development on the rising ground to the N of the settlement.

7.7.1.4 It is now proposed to include this site within the Ballynakilly settlement limit for the following reasons:-

- It would not compromise strategic Green Belt objectives nor local environmental and settlement limit considerations;

- Development on it could be visually integrated as it would be screened by existing development and vegetation;

- The site is flat, served by a laneway and there are no technical constraints to its development; and

- It would only marginally increase the available development land from 9.6 to 10.1 hectares.
7.7.1.5. Planning permission for any future development on the site will include a requirement to provide landscaping along the W and N boundaries and the N portion of the E boundary to strengthen the settlement edge in this locality.

The Objector’s Evidence

7.7.1.6 The objection site should be included within the settlement limit. There is no natural boundary separating this site from land to the east within the settlement limit.

Recommendation

7.7.1.7 In view of the Department’s concession, this objection need not engage the attention of the Commission.

7.7.2 LAND TO THE SOUTH OF BALLYNAKILLY SHOULD BE INCLUDED WITHIN THE SETTLEMENT LIMIT

Objection No 251

Site and Surroundings

7.7.2.1 An area of 3.6 ha along Coash Road abutting the south part of Ballynakilly settlement limit. The land is low lying and generally falls in a southerly direction and can be divided into two parcels:- Area A (1.6ha) comprises Ballynakilly cottages, the Working Men’s Club, a small STW and a dwelling and farm complex. Area B to the south (2.0ha) is agricultural land with a watercourse cutting across the SW corner of the site. Boundaries are mainly mature hedgerows.

Department’s Evidence

7.7.2.2 Ballynakilly was designated as a hamlet in ETAP and although no statutory limits were defined, much of Area A was inside the core area of built development that was excluded from the encircling ASC and subsequent Green Belt. The entire site was located within the Green Belt adjacent to the proposed limit of development in both the Preliminary Proposals and the Draft Plan.

7.7.2.3 The considerations used in determining the settlement limits at Ballynakilly are set out in paragraph 7.7.1.3 and it is now proposed to include Area A within the Ballynakilly settlement limit for the following reasons:-

- It comprises a significant cluster of dwellings and facilities with a character and community association more physically and visually associated with the village envelope.

- Its inclusion would provide a well defined and more logical settlement limit along a laneway with a mature hedge.

- Its addition would not compromise the village setting nor strategic Green Belt objectives.
• The land available for development within Ballynakilly would be increased to 11.7ha (including the Objection 198 concession)

No specific land use zoning should be indicated in accordance with PSRNI Policy SP3 that was adopted in other village settlements.

7.7.2.4 Area B should be retained within the Green Belt to prevent urban sprawl along Coash Road and to protect both the setting of the village and the surrounding countryside. It appears as exposed land on entry or leaving the settlement along Coash Road and its inclusion would result in the unnecessary elongation of the settlement along the eastern side of Coash Road. The positioning of the street lights and speed limits provide a strong indication of where the village limits should be and it is not accepted that the two laneways would provide a good settlement boundary.

7.7.2.5 The main character of Ballynakilly is of single dwellings in a loose linear form along Coash Road and although there are 40 dwellings in two small public sector housing developments (Cranebrook Terrace & Brooke Place), they are 900m away at the opposite end of the village and not visually related.

7.7.2.6 It is not accepted that development in Ballynakilly would be severely restricted and the revised amount of 11.7 ha of undeveloped land at various locations within the settlement limit would be more than adequate to meet its development needs over the Plan period. 6 dwellings were approved in the 10 year period 1990-1999. Two outline permissions have been granted for land to the NW of Site A (M1999/0972 & M/1999/0402) with no conditions or indications of dwelling numbers. A more recent application for both areas (M/2001/1104) is being processed and housing numbers are not specified in the proposal. Even with these approvals, some 10 ha of land remain available for development.

**Objector’s Evidence**

7.7.2.7 Ballynakilly is a traditional elongated street village with limited in-depth development away from the main street. Three of the natural features used to define the settlement severely restrict its growth away from the main street - the setting of the lake (E), the rising ground to the N, and the belt of mature vegetation to the S of 34 Coash Road. The NE boundary is the main Ballynakilly Road which is a permanent boundary with no further scope for development in this direction. The only means of expanding Ballynakilly is southwards and the Department recognised this by granting planning permission for 2 housing developments outside the village limits as shown in the Preliminary Proposals. The Department is now actively bringing these approvals into the settlement limits.

7.7.2.8 The concession and inclusion of Site A brings the settlement limit further S but it does not bring any significant amount of new development land into the village. The addition of Site B would provide necessary development land within the village and extend it to the junction of two laneways which would provide a natural long term boundary for the settlement.

**Consideration**

7.7.2.9 Although the Department has conceded part of this site in relation to Area A, this land is dominated by buildings including the Working Men’s Club, and a small STW and is
visually distinct from Area B. Although Ballynakilly does not have a strong village form, this land is physically and visually associated with the village envelope as indicated in DSTDAP. In our opinion, neither the proposed settlement limit on the opposite side of the road or the revised version that would result from the inclusion of Site B would benefit from vegetation to provide a strong settlement edge. In its absence, the existing built development in the form of the two storey dwellings on the E side of Coash Road and the Working Mens Club on the W side provide a cluster of development that visually denotes the extent of the settlement.

7.7.2.10 We have not been persuaded that there is insufficient land available in the settlement and 11.7 ha of potential development land is a more than generous allocation for a ‘dispersed’ village, suitably located to provide a more cohesive settlement form. Area B appears as exposed land and part of the rural landscape both on entry or leaving the settlement along Coash Road and we consider its inclusion would result in the unnecessary elongation of the settlement and urban sprawl.

Recommendation

7.7.2.11 The Plan should only amended to reflect the concession in relation to Area A.

7.7.3 LAND TO THE NORTH EAST OF BALLYNAKILLY SHOULD BE BROUGHT WITHIN THE SETTLEMENT LIMIT

Objection No 273 Site and Surroundings

7.7.3.1 A 0.4ha site, to the SW of Ballynakilly Road and adjacent to the NE end of the settlement limit. It is relatively flat open field and generally level with the road. A sewage pumping station is located in the N corner fenced with concrete post and mesh wire fencing. An undesignated watercourse cuts across the SE corner and drains into a lake approximately 100m S of the objection site. Site boundaries vary with a concentration of trees along the watercourse, post and wire fencing along the road frontage and fencing with trees along the NW and part of the SW boundaries. The rear part of a two storey housing development, Cranebrook Crescent, lies to the SW of the site.

Department’s Evidence

7.7.3.2 Ballynakilly was designated as a hamlet in ETAP and although no statutory limits were defined, the site lay outside the core area of built development that was excluded from the encircling ASC (subsequently Green Belt). The site was located within the Green Belt in both the Preliminary Proposals and the Draft Plan.

7.7.3.3. The objectives in determining the settlement limits at Ballynakilly are set out in paragraph 7.7.1.3 and the promotion of a compact form minimising further linear elongation along Ballynakilly Road is particularly relevant. Inclusion of this site would expand the village into the countryside and open up views of the village and any development on this site from the SE along Ballynakilly Road. The site is also part of the open countryside setting of the lake and its development would encroach towards the lake.
7.7.3.4. The retention of this site as part of the Green Belt is important to meet strategic objectives particularly the prevention of urban sprawl, the protection both of the setting of the village and the character and visual amenity of the rural landscape including the treed watercourse and the setting of the lake.

7.7.3.5 The proposed village limit in this locality is well defined whereas the proposed limit would result in a weaker boundary with intermittent tree screening and a broken boundary.

7.7.3.6 There are 11.7ha of land available for development within the village limits (including the concessions) which is more than adequate to meet its needs over the Plan period without encroachment onto the objection site.

Objector's Evidence

7.7.3.6 The objection site should be included within the settlement limit.

Consideration

7.7.3.7 We accept that generous provision has been made for development within the village limits. At present the village has a very limited visual impact on the Ballynakilly Road and its presence is only apparent with the concentration of housing on entering Coash Road, apart from the open site of the hardware business on the NW side of the junction of Ballynakilly and Coash Roads. From the S approach, the pumping station has a backdrop of mature trees and the site reads as part of the setting of the lake and the wider rural landscape and the topography and vegetation provide a clear break between the village development and the countryside to the south. We accept the Department’s view that inclusion of this site would be contrary to the strategic objectives of the Green Belt and result in urban sprawl into the adjoining countryside along Ballynakilly Road

Recommendation

7.7.3.8 This site should not be included within the Ballynakilly settlement limits.
7.8 **BENBUBB**

7.8.1 **LAND TO THE NORTH OF BENBUBB SHOULD BE INCLUDED WITHIN THE SETTLEMENT LIMIT**

**Objection Nos 181, 182 and 224(Issue 21)**

*Site and Surroundings*

7.8.1.1 A 0.3 ha triangular site to the N of Benburb and bounded by grass embankments with occasional trees along Drumgoose Road to the east and Derryfubble Road to the west. The land is part of a larger parcel of agricultural land which rises from the S to a crestline along the N boundary. There are residential properties to the E and SW and a store has been constructed to the W of the site.

*Department’s Evidence*

7.8.1.2 The site was located outside Benburb’s limit of development in ETAP and it is in open countryside adjacent to the village limit both in the Preliminary Proposals and the Draft Plan. The site had outline planning permission for a Residential Home for 24 people in 1990 (M/1990/0216).

7.8.1.3 The objection site has been reviewed and it is now proposed for inclusion within Benburb as it would round off the settlement limit in conjunction with land on the western side of Derryfubble Road. Its addition would not compromise the setting of Benburb nor significantly affect the overall amount of potential development land to meet village needs. The revised total for Benburb would be 13.9ha. Landscaping along the N boundary will be required in association with the site’s development to strengthen the edge of the settlement limit in this location.

*Objector’s Evidence*

7.8.1.4 Potential development land within the village limits has a number of access difficulties and the objection site could provide access to land that is already included. The site had planning permission for a Nursing Home some years ago but it was not implemented.

*Recommendation*

7.8.1.5 In view of the Department’s concession, these objections need not engage the Commission’s attention.

7.8.2 **PROTECTION SHOULD BE AFFORDED TO THE VILLAGES OF BENBUBB AND DYAN.**

**Objection No. 189**

*Department’s Evidence*

7.8.2.1 The Draft Plan proposes that an Area of Townscape Character (ATC) should be designated within Benburb.
7.8.2.2 The recently refurbished mill complex at Dyan village contributes positively to a sense of place around the local road junction. As the buildings are listed, adequate protection exists against unsympathetic or damaging development. The provisions of PPS 6 also apply in this regard. The area to the west of the former mill complex contains a number of historical features and larger parcels of open ground. This part of the village is screened in views from Dyan Road and does not provide the same visual focus as the corn mill. Since it is likely to be more vulnerable to development, it is reasonable to exclude this particular area from the settlement limit and proposes to amend its boundary accordingly.

Objector’s Evidence

7.8.2.3 Benburb should be classified as an Area of Village Character. An important industrial archaeological site lies within Dyan village yet the area in question has been included within the settlement limit. The importance of the two mills and features such as the head and tail races and sluices should be recognised.

Recommendation

7.8.2.3 No further policy measures are required to protect village character in Benburb. The settlement limit of Dyan should be adjusted to exclude the lands on the north side of Mullyneill Road beyond the listed corn mill, as illustrated on Map 7.8.2A.
7.9 BROCKAGH/MOUNTJOY

7.9.1 LAND TO THE NORTH OF MOUNTJOY CASTLE ROAD SHOULD BE INCLUDED WITHIN THE BROCKAGH/MOUNTJOY SETTLEMENT LIMIT

Objection 15

Site and Surroundings

7.9.1.1 A 0.9ha elongated flat site adjacent to the settlement limit with access onto Mountjoy Castle Road between St Brigid’s Primary School to the South East and a shed to the SW. Further to the west are two dwellings and Mountjoy Castle and its associated buildings. Field boundaries are a mixture of mature trees and vegetation with post and wire fencing along the road frontage. The N boundary cuts across an open field and is not marked on the ground.

Department’s Evidence

7.9.1.2 The land was in open countryside outside the hamlet of Mountjoy both in ETAP and in the Preliminary Proposals. In the Draft Plan it is located within a CPA adjacent to the proposed settlement limit of Brockagh/Mountjoy.

7.9.1.3 This site has been reviewed in accordance with the Draft Plan objectives and it is now proposed to remove it from the CPA and include it within the village settlement limit for the following reasons:-

- Development on it would not compromise strategic CPA objectives given its location and level of screening.
- Development on it could be visually integrated into the landscape,
- It is flat and has no technical constraints.
- Its development would not compromise the setting of Mountjoy Castle
- It would round off the settlement limit as delineated on the opposite side of the road; and
- Its inclusion would not be numerically significant in the overall amount of land available within the settlement limit.

Objectors’ Evidence

7.9.1.4 The objection site should be included within the village limits of Brockagh/Mountjoy as all services are available. Land directly opposite has been included for development in the Draft Plan.

Recommendation

7.9.1.5 In view of the Department’s concession, this objection does not require consideration
7.9.2 LAND TO THE SOUTH OF MOUNTJOY ROAD SHOULD BE EXCLUDED FROM THE BROCKAGH/MOUNTJOY SETTLEMENT LIMIT
Objections 190-197(Issue 1)

Site and Surroundings

7.9.2.1 Three relatively flat fields comprising 2.4ha to the S of Mountjoy Road within the Brockagh / Mountjoy settlement limit. The site and internal field boundaries are mostly mature trees and hedges and there is a dwelling (No 141) sited towards the road frontage in the most eastern field. Part of the eastern boundary is a farm laneway giving access to Duckingstool farm to the SE. Adjacent land uses include St Bridget’s Church and graveyard.

Department’s Evidence

7.9.2.2 Mountjoy was provisionally designated as a hamlet in ETAP but no statutory settlement limits were produced. Mountjoy was designated as a village in Preliminary Proposals and the site was inside the proposed settlement limit. The settlement was renamed Brockagh / Mountjoy in the Draft Plan and the village designation was retained with a proposed Countryside Policy Area along both sides of the Mountjoy Road to the east and west of the village.

7.9.2.3 The physical consideration that formed the basis of the Brockagh / Mountjoy settlement limits are outlined on page 57 of the countryside assessment. This site has been reviewed in the light of the generous land allocation within the village (19.2ha including the proposed concession to include Objection site No15) and most of the objection site could be excluded without reducing choice. The extension to the graveyard and the house and grounds of No 141 Mountjoy Road will remain within the settlement limits. This would result in a loss of 2ha from the village limits resulting in a revised land supply figure of 17.2ha.

Objectors’ Evidence

7.9.2.4 The inclusion of three fields within the village settlement limit would adversely affect the farm holding as it is prime farmland of the highest quality. Other land within the holding is affected by flooding along the Duckingstool River the ASSI along the Lough Neagh Shoreline. The loss of this land would impact on the farm’s viability and it should be removed from the settlement limit.

Recommendation

7.9.2.5 Although this concession does not need to be considered by the Commission, it impacts on the both urban form and the linearity of the settlement. It is noted that the map indicating the revised settlement limit (Map PAC 7.9A) does not appear to have retained the property of No 141 Mountjoy Road within the settlement limits.
7.9.3 LAND TO THE SOUTH OF BROCKAGH/MOUNTJOY SHOULD BE INCLUDED WITHIN THE SETTLEMENT LIMIT AND REMOVED FROM THE COUNTRYSIDE POLICY AREA

Objection No 5

Site and Surroundings

7.9.3.1 5.8ha of flat land in a series of fields along the eastern side of Ballybeg Road on the S side of Brockagh/Mountjoy The N boundary is adjacent to the proposed settlement limit and is marked by a laneway which provides access to the STW and the Duckingstool River which is lined with mature trees. Internal field boundaries are strongly vegetated and other boundaries are generally a mixture of hedges and occasional trees. A dwelling and farm complex lies in the middle of the site frontage and a derelict shed is located to the South of the site.

Department’s Evidence

7.9.3.2 The site was in open countryside in ETAP. It was outside the proposed settlement limit in both the Preliminary Proposals and the Draft Plan. It is within a proposed Countryside Policy Area. Mountjoy STW is operating beyond capacity and the extent to which it will be to upgraded will relate to the settlement limits in the final plan. The current ‘cordon sanitaire’ covers half of the proposed site.

7.9.3.3 Among the physical considerations used to define the settlement limits of Brockagh/Mountjoy were the promotion of a compact village form, the nature conservation importance of the Loughshore and the use of the strong physical boundaries along the Duckingstool River as a southern settlement limit.

7.9.3.4 The objector suggests only single dwellings. Their inclusion within Brockagh/Mountjoy would result in elongation of the settlement along the eastern side of Ballybeg Road. This which would result in urban sprawl and adversely affect the existing rural character of the surrounding open countryside. Ballybeg Road did not suffer from significant development pressure between 1998-1998 but it would, if located outside the settlement limits and removed from the CPA.

7.9.3.5 The retention of the CPA is important in this location to protect the visual amenity of the landscape quality of the Lough Neagh shores and to maintain the rural character of the area. The site is within an area of Special Scientific Interest (ASSI) and an Area of Scientific Interest (ASI). It is part of the Lough Neagh Peatlands Character Area in the ERM report and within the Lough Neagh Area of Scenic Quality. Development of the site would adversely affect its landscape quality.

7.9.3.6 The settlement limit in this locality is well defined by the Duckingstool River and the belt of mature trees along the N site boundary. This provides a definitive limit ensuring the open character of the countryside is retained in the locality.

7.9.3.7 Over half (59.8%) of the total development land within the village amounting to 18.3 ha, is available at a variety of locations to provide a range of development opportunities within the village. 23 dwellings were approved in the ten year period 1990-1999.
**Objector’s Evidence**

7.9.3.8. The objection site should be excluded from the proposed CPA and development permitted for single sites for the following reasons:-

- The area zoned for housing in Brockagh has not made allowance for future extensions in this direction;
- The landowners have limited access to quality building land;
- The landowners have small farms with limited amounts of building land for their dependants;
- There are few sites with access to the public sewer in the area other than the objection site.

**Consideration**

7.9.3.9 Brockagh/Mountjoy is described in DSTDAP as comprised “largely of a loose collection of single dwellings and farm buildings” and visually it has a very rural appearance and character. The land within the limits extends for almost 0.7 kms in an E-W direction and as a settlement it appears somewhat contrived to link the school in the NE of the village with the Church in the middle, and the more recent in-depth housing on the Ballybeg Road. While the Department’s concession in relation to Objections 190-197 will accentuate the linearity of the village S of the Mountjoy Road, there are substantial tracts of land to the N whose development would assist in creating a more cohesive settlement form. Adequate provision has been made for additional housing land and it could not be viewed as good planning practice to zone further land that would result in linear N-S development in the form of single sites as suggested by the objector. We agree with the Department that the Duckingstool River and its associated belt of mature trees provide a strong visual boundary for the S end of settlement.

7.9.3.10 No evidence was provided to clarify the assertion that there are few other sites with access to the public sewer and we note that Water Service have interim works planned to increase the capacity of Mountjoy STW until the upgrading of the works. At paragraph 8.1.1.23 we have recommended that the extended CPA is not confirmed along Ballybeg Road and if this recommendation is accepted, the presumption in favour of single dwellings in the countryside as set out in Policy HOU 8 of PSRNI would apply. This may provide some opportunities for the objectors’ families subject to compliance with planning policy and environmental considerations.

**Recommendation**

7.9.3.11 The settlement limit in this locality should be confirmed.
7.9.4 LAND TO THE NORTH-WEST OF BROCKAGH/MOUNTJOY SHOULD BE INCORPORATED WITHIN THE SETTLEMENT LIMIT
Objection 274

Site and Surroundings

7.9.4.1 A 2.0ha field well above the level of the Mountjoy Road at the junction of the Mountjoy, Gortnaglogh and Ballybeg Roads. The S and E site boundaries abut the settlement limit. The land drops down sharply in the east part of the site to an incised treed watercourse. Site boundaries are mostly post and wire fencing with a linear group of young trees on the embankment along the Mountjoy Road frontage.

Department’s Evidence

7.9.4.2 Mountjoy was designated as a hamlet in ETAP but no statutory settlement limits were produced. It was designated as a village in Preliminary Proposals and the objection site was in open countryside outside the village. The settlement was renamed Brockagh / Mountjoy in the Draft Plan and the village designation was retained with the site being in the proposed Countryside Policy Area.

7.9.4.3 Brockagh/Mountjoy lies close to an environmentally sensitive area and the CPA is important to protect this side of the Mountjoy Road which has experienced significant development pressure, particularly in recent years. It also protects the rural character of the landscape on the approaches along Gortnaglogh and Mountjoy Roads into the village from the West.

7.9.4.4 The physical characteristics which helped to define the settlement limit are set out on in page 37 of the countryside assessment. The most appropriate consideration in relation to this site was compact form and the prevention of ribbon development. The NW settlement limit is well-defined by the prominence of this site and the incised watercourse. The crest encloses the settlement and presents views of open agricultural land which enhances the visual quality of the western approach into the village.

7.9.4.5 Development on this site would be likely to require cutting and levelling which would be visually prominent. Inclusion of this site would contribute to urban sprawl, contrary to Objective 4 of DSTDAP.

7.9.4.6 Adequate land at a variety of locations has been identified elsewhere to meet the needs of the village. This would amount to 18.3 ha (including the removal of 2ha in the concession of Objections 190-197 and the addition of 0.9ha requested in Objection 15). 17.2 ha remain available for a range of development opportunities and 23 dwellings were approved in the ten year period 1990-1999.

Objectors’ Evidence

7.9.4.7 The objection site should be included within the village limits of Brockagh/Mountjoy

Consideration

7.9.4.8 Although the main part of the objection site is level, it is elevated above the road junction and the eastern part slopes down steeply to the incised watercourse. As a result
Development on this site would be prominent especially leaving the village and we accept the Department’s assessment that its development would be likely to involve cutting and filling. Adequate provision has been made for development within the village limits and we consider the topographical features of the objection site provide an excellent buffer between the village and the surrounding countryside. Its development would result in an unacceptable intrusion into the open countryside and urban sprawl.

**Recommendation**

7.9.4.9 No change is required to the Brockagh/Mountjoy settlement limit as a result of this objection.

7.9.5 **HOUSING DEVELOPMENT IN BROCKAGH/MOUNTJOY SHOULD BE IN MEDIUM DENSITY FORM**

**Objections 4, 190-197(Issue 3)**

**Department’s Evidence**

7.9.5.1 This is not a site specific objection and no issue is taken with the general description of the character of the village on page 133 of the Draft Plan. Policy SETT 1 will control the scale, form, design and use of materials in new housing developments and the Draft Plan does not seek to be prescriptive about the density on any particular site or within any settlement. It attempts to balance the need for a generous supply of land and adequate choice with a mechanism to generally guide development to ensure that it is in keeping with the existing traditional character of the settlement and that it does not become dominated by large suburban layouts. It would not be appropriate to specify a density for Brockagh/Mountjoy within the Draft Plan.

7.9.5.2 There are 17.2ha of potential development land within the settlement and the suggested density of 8-10 units per acre (20-25 per hectare) could result in 344-430 houses. This would be of similar density to that achieved in the larger urban areas of Dungannon and Coalisland and would allow potential for significant development wholly out of character with the existing settlement in both qualitative and quantitative terms.

7.9.5.3 Regional planning policies and guidance in documents such as ‘Creating Places’ will have to be taken into account by developers within the context of the guidance on page 133 which specifies that only proposals of 5 units and under are likely to be acceptable. This will require creative design solutions from developers but it will result in more informal layouts. The policy strikes the right balance and will ensure that the cumulative impact of multiple applications does not lead to an incremental build up of large estate type layouts as has occurred at Dernagh/Clonoe and Killen. Its effectiveness over the Plan period will be monitored.

7.9.5.4 The recent difficulties with sewage effluent cited by the objectors has been resolved with the refurbishment of the pumping station on Mountjoy Road. It was hydraulically overloaded but it is now working satisfactorily and there should be no further problems.

**Objectors’ Evidence**

7.9.5.5 Housing density in this area should be medium (8-10 houses per acre) to make the dwellings financially feasible for local families. Neither high nor low density is
appropriate in Brockagh. The O’Neill family (Objectors 190-197) are concerned at the potential scale and nature of multiple unit development within the settlement and the impact on the rural character of the area and utilities particularly sewage. The current facilities are unable to cope with the demand on the system as was demonstrated by sewage effluent affecting a family member’s driveway in the past two years.

Consideration

7.9.5.6 We accept that the wording of the Policy SETT 1 provides an acceptable mechanism to generally guide development in Brockagh/Mountjoy and to ensure that new proposals are in keeping with the existing traditional character of the settlement. Flexibility is built into the policy by the use of the word “normally” and a higher density on a specific piece of land may be permissible where the topography and other site-specific factors warrant it. These issues should be addressed through the development control process and we consider that Policy SETT 1 when used in conjunction with other policy guidance such as in PPS 7, provides the Department with sufficient power to ensure that housing developments are in keeping with the character of this village. Given the large amounts of land that are available in many of the villages, including Brockagh/Mountjoy, and our general comments on the adequacy of land, we consider it essential that these powers are used to ensure developments are small scale, low density, appropriately located and of sensitive design, materials and form.

Recommendation

7.9.5.7 No change is required to the Plan as a result of this objection.
7.10 CAPPAGH

7.10.1 LAND TO THE WEST OF CAPPAGH SHOULD BE INCLUDED WITHIN THE SETTLEMENT LIMIT

Objection No 281 Site and Surroundings

7.10.1.1 A 0.4 ha site located midway along the western edge of the Cappagh settlement limit. The land rises steeply from the minor road off the Cappagh Road and includes a steep farm access road to grazing land to the west. Land to the east is part of residential properties and the adjacent land to the west is in agricultural use. The N site boundary has post and wire fencing with overgrown bushes/vegetation and the SE boundary has a dense row of trees. The W boundary crosses an open field and is not delineated on the ground.

Department's Evidence

7.10.1.2 In ETAP Cappagh was designated as a hamlet but no statutory settlement limits were produced. The site lay in the open countryside and it remains so in both the Preliminary Proposals and in the Draft Plan.

7.10.1.3 The village settlement limits were drawn to take account of the following physical considerations:-

- Promote a compact settlement form and minimise linear expansion along Cappagh Road and the main approach roads; and
- Prevent development on visually prominent land surrounding the settlement.

7.10.1.4 Although the objection site appears, on paper, to round off the settlement limit and form a logical extension to the village area, on the ground the land is steeply sloping. It is only 440 sq m in area and is primarily an access route visually prominent grazing lands to the west. The site is ill-suited to development due to its small size and steep topography. Its development would require substantial earth works cutting into the land to establish a platform on which to build.

7.10.1.5 Inclusion of the site would create a less well-defined settlement limit in this locality with no W physical boundary across an open agricultural field. The densely treed boundary along the SE edge of the site and the minor road off the Cappagh Road provide well-defined physical limits to the settlement.

7.10.1.6 There are 9.3 ha of land available for a range of development opportunities within the settlement limit of Cappagh. This is more than adequate to cope with its development needs without encroachment onto the objection site over the period of the plan.

Objector's Evidence

7.10.1.7 The objection site should be included within Cappagh’s settlement limits.
Consideration

7.10.1.8 The settlement limit in this locality reflects the topography and basically follows the rear of property curtilages that front onto the main Cappagh Road. The more extensive areas for development are located on the lower more open land to the E of Cappagh Road. The objection land has the dimensions of a single building site and in numerical terms could be viewed as insignificant in view of the amount of land included within the settlement limits. However the field containing the objection site has a fairly steep slope rising from the agricultural laneway but contained behind an embankment and the tall vegetation along the minor road off the Cappagh Road. Development even of a small area would have a considerable visual impact in terms of vegetation loss and earth works to provide a level platform and would not sit comfortably into the local landscape. We consider that the site specific factors should be determining and the site should remain within the rural area outside the settlement limits.

Recommendation

7.10.1.9 The settlement limit in this part of Cappagh should be confirmed.

7.10.2 THE PLAN SHOULD PROVIDE FOR AN INSPIRATIONAL CENTRE FOR EDUCATION AND HEALTH TO ASSIST WITH THE FORMATION OF AN ORIGINAL IRISH SPEAKING AREA AT ALTMORE/CAPPAGH

Objection No 210 Site and Surroundings

7.10.2.1 The site is location north of Cappagh mountain some 4kms NW of Cappagh village around the townland of Crockballaghnaagrooma. The area lies within the administrative boundaries of both Omagh and Dungannon and South Tyrone District Councils. The landscape is largely open moorland but with a substantial stand of trees beside the derelict building on the site. The site is accessed via a farm laneway from the Altni Road to the east.

Department's Evidence

7.10.2.2 The site was located in the open countryside in ETAP and it remained in the open countryside both in the Preliminary Proposals and DSTDAP.

7.10.2.3 Discussions have been ongoing with Talamh Gaelach in relation to 7 potential sites for this project and Site 7 was the identified as the preferred option (Map PAC 7.10.2). The main apart of the site lies inside the administrative boundary of Omagh District Council with the southern portion and the access road within the DSTDAP area. Details have been sought on the specific intended uses of the objection land but no clarification has been received.

7.10.2.4 It is understood that central to the project is the need to identify 20 hectares of land to separate the development from any other housing developments in the area to ensure that the Irish speaking ethos is encouraged. It is believed that this would involve the construction of approximately 10 to 12 dwellings over a period of time with associated facilities to support the community including for example a shop and lecture/meeting
rooms. The construction of a housing development and associated facilities in the open countryside would, in principle, be contrary to PSRNI Policy HOU 8.

7.10.2.5 The self-contained nature of the use may also implicitly require the exclusion of other developments close to the site so that the community could remain separate. This could require restrictive policies on land close to the proposed community and would run counter to the broad thrust of planning policy and the presumption in favour of single dwellings in open countryside, outside Green Belts and Countryside Policy Areas.

7.10.2.6 The Department has indicated that it would be unlikely to favourably consider a proposal which seeks to establish residential development of such a scale some distance removed from any designated dispersed rural community or the settlement limits of either Cappagh or Galbally.

**Objector’s Evidence**

7.10.2.7 “Irish Land” wish to develop a Lios (An Inspirational Centre for Education and Health) in the lower reaches of the Sperrins to assist with the formulation of a regional Irish speaking area. It would be similar to the Cregan Visitors Centre and would have a training centre and up to 12 dwelling houses to be built over a period of 3-4 years. Some 50 acres of land would be needed to physically separate it from other housing and encourage the Irish-speaking ethos. The intention is to buy Site 7, of the sites under discussion, as soon as permission is received to develop the land. The project should be included in the Dungannon Area Plan.

**Consideration**

7.10.2.8 The detailed proposals for this project were not elaborated on at the Inquiry and there appears to be some misunderstanding as to the purpose of an Area Plan. It is not an economic strategy for the area and it is not a detailed record of all development proposals that may be designed or brought through from design to implementation within its lifespan. An Area Plan is a land use plan with policies to provide the framework for the future development of the area in line with other regional policies in PSRNI and the current PPS documents. Although the Department has indicated that it has serious reservations about the overall project spanning two District Council areas, the details would have to be assessed through the development control process. In these circumstances and given the uncertainty over timing and funding, we consider it would not be appropriate to advocate a specific mention or commitment to this individual project.

**Recommendation**

7.10.2.9. No change is required to the Plan as a result of this objection.
7.11   CARLAND

7.11.1 LAND TO THE EAST OF CARLAND SHOULD BE INCLUDED WITHIN THE
SETTLEMENT LIMIT

Objection No 8

Site and Surroundings

7.11.1.1 Two areas of land with an area of 3.8ha to the east of the Dungannon –Coalisland Road (A29) and bisected by a minor road (Creevagh Road) linking the Annaginny Road to the A29.

Area A: Elevated agricultural land with a lower field and a portion of larger second field to the N. Bounded by the minor road to the S and the protected line of the new A29 road to the W. Land rises from the S and W to a crestline towards the N of the site. The N boundary is not defined on the ground.

Area B: Flat agricultural land adjacent to Annaginny Road but rises from the S and W towards the N. The N boundary is defined by the minor road and the S boundary is defined by post and wire fencing with occasional trees along the Annaginny Road. There is a small agricultural outbuilding adjacent to the NW corner of the field.

Department’s Evidence

7.11.1.2 The land was in Open Countryside in ETAP. The majority of the site became an Area of Special Control in October 1979 and subsequently Green Belt. At Preliminary Proposals stage it was identified as part of the unchanged Green Belt. In DSTDAP the northern part of Area A remains as open countryside while the majority of the site is in the Green Belt.

7.11.1.3 The Green Belt boundary has been drawn to take account of the strategic objectives set out in policy GB/CPA1 and in particular to prevent the neighbouring settlements of Dungannon, Newmills and Donaghmore from merging. The site forms part of the undulating landscape between Carland and Dungannon and there are open views of the site from the A29 Dungannon-Cookstown Road. The majority of the site is already protected by the statutory GB and the boundary in this locality is well defined by an existing hedgerow. The crest of the localised hill within the site to the N of Annaginny Road is protected by GB policy which helps to retain the open character of the countryside.

7.11.1.4 As the site is 375m south of the development limit of Carland, its inclusion would result in an isolated pocket of development divorced from the settlement by a major road. The settlement limits could not be extended to include the objection site as the intervening land is not the subject of an objection and is likely to remain outside the limit. The planning history of the area suggests that the locality could experience considerable development pressure if the GB protection was removed.

7.11.1.5 Site A is elevated and both sites contribute to the rural character of the area and setting of Carland and are important in the landscape approaching from the S along the Cookstown Road. The focus of Carland is the school and the village is concentrated in this area.
7.11.1.6. Access to the A29 is not recommended as it is a Protected Route. While access could be provided from either the Annaginny or Creevagh Roads, Roads Service object in principle, as the site is on the opposite side of both the existing and proposed line of the A29 from Carland. The Carland Bridge Re-alignment Scheme is proposed for inclusion in the Ten Year Major Works Forward Planning Schedule. When this scheme is carried out the ‘old’ road adjoining the site will become unprotected but the site will still be on the opposite side of this road from Carland settlement and both vehicles and pedestrians would have to cross the busy A29.

7.11.1.7. There is no STW and no public foul sewers to serve the site at present. A new sewerage scheme is proposed and while initially due to be constructed in 2001 it is likely to be 2005 or later. Sites are needed for 4 Pumping Stations for a comprehensive scheme for the Carland/Tullydraw areas. All possible options are being explored and vesting may be necessary.

7.11.1.8 There is adequate land within the settlement limits to meet the development needs of Carland over the plan period. There were 5 approvals for dwellings in the period 1990 to 1999 and approximately 8.5 ha of undeveloped land are available at a variety of locations within the settlement limits. These areas are better related to the settlement and do not have road safety concerns.

**Objector’s Evidence**

7.11.1.9 The objection site is suitable for development and there should be a radical review of planning in the area. The village limits do not take in all of Carland as Carland Presbyterian Church is 400 yards to the E of the objection site. There is a need for housing and small industry in the area and both Carland village and the surrounding area need a facelift. The realignment of the A 29 and the provision of a sewage works for Carland will enhance building in the area but they are a long time in coming. The road has been planned since 1984 and the STW was to be constructed in 2002. A new Development Association (CARA) has been formed for the area which should be encouraged.

7.11.1.10 There is not sufficient housing land in the Draft Plan and more houses are needed and would be an asset as the school was in danger of closing. Housing land should be evenly distributed around the village. All the additional land is on the northern side of the Carland Bridge where additional traffic on a narrow road could affect St Mary’s School. There have been several accidents in this area due to the narrowness of the road. Carland Bridge is currently a bottleneck. Land to the W of Carland is not available as there are several small holdings in this area whose owners do not want to sell their land.

7.11.1.11 The S part of the site is reasonably flat and the hill could if necessary, be removed by bulldozers. There would be no access difficulties from either site onto Annaginny Road and the minor road would be widened. A direct access onto the Protected route would not be required. Recent meetings with Water Service have helped to move forward the issue of the pumping stations for the sewerage scheme and it is anticipated the scheme would move forward in the next financial year.
Consideration

7.11.1.12 The objector did not provide any detailed evidence to substantiate the claim that land within the Draft settlement limit was unavailable for development and there are no objections to any of the 8.5 ha land for which this could be a substitute. We accept the Department’s argument that this is adequate for the settlement’s needs. Extending the Carland settlement limits to include the objection site would involve inclusion of a substantial area of adjoining land across the 375m separation distance and this has not been the subject of objection. This objection must fail on the basis that there is no connection between the objection site and the Carland settlement limit and development would be seen as a free-standing incursion into the open countryside unrelated to the village area. Issues in relation to the timing of the A29 road re-alignment Scheme or the provision of sewage infrastructure will not alter this basic locational difficulty.

7.11.1.13 The Green Belt status of most of the site was not challenged by the objector and we do not consider that a perceived demand for housing to the S of Carland should outweigh the strategic objectives of GB designation. We note that a portion of the site lies in the rural remainder where need does not have to be demonstrated and where planning permission may be granted for single dwellings subject to the planning and environmental considerations set down in the policies of PSRNI.

Recommendation

7.11.1.14 No change is required to the Plan as a result of this objection

7.11.2 LAND TO THE SOUTH OF CARLAND SHOULD BE INCLUDED WITHIN THE SETTLEMENT LIMIT

Objection No 280 Site

and Surroundings

7.11.2.1 A 3.4 ha site, split into three separate units, two of which are separated from Carland by the A29 Cookstown Road.

Area A is bounded by the incised Torrent River to the W and SW. It contains a new dwelling surrounded by lawns to the S of the road junction and road frontage development including a dwelling and a restaurant/public house with associated car parking to the West and South.

Area B is roughly triangular and the land rises generally from the road to the SE. The W part of the frontage has post and wire fencing along the edge of the A29. The Torrent River runs along part of the NE boundary and there is no visible E boundary ground as it relies on the proposed A29 realignment route. Land uses include a dwelling and a sandstone storage area.

Area C lies to the W of the Cookstown Road and is primarily the curtilages of existing properties. The land rises steeply from the road to the residences’ platform and then continues to rise eastwards on a relatively steep gradient.
**Department's Evidence**

7.11.2.2 Carland was designated as a hamlet in ETAP but no statutory settlement limits were produced. The sites were in the open countryside and they retain this status in both the Preliminary Proposals and DSTDAP. The A29 Cookstown Road which separates the three portions of the site is a Protected Route and its realignment is designated under DSTDAP Policy TRAN 1. The Torrent River which partly defines the W site boundary (Area A) is designated as a SLNCI.

7.11.2.3 The character of the sites with the attractive features of the Torrent River presently enhances the visual quality of the approach to Carland from both the N and SE. The sites are physically and visually distinct from both the village and its main development areas. All areas adjoin the A29 Cookstown Road and Areas B and C are part of the visually prominent land to the east of the settlement. Their inclusion would contribute to urban sprawl and unnecessary ribboning contrary to DSTDAP Objective 4. Views of Carland on approaches from the south are restricted due to topography, vegetation and the arrangement of the Lisnagowan Road.

7.11.2.4 Inclusion of the objection sites would require additional accesses onto the A29 Protected Route, contrary to paragraph 21-23 of PPS3 requiring the minimising of accesses onto main traffic routes. There would be no objections to accesses provided any development is not carried out until the existing A29 becomes an unprotected route following the construction of the A29 Carland Scheme.

7.11.2.5 The proposed settlement limit for Carland is more appropriate as it avoids development encroaching either onto the Torrent River Valley corridor or directly onto the A29 Cookstown Road. The steep sided river corridor is an important wildlife area and development would require significant engineering works and adversely impact on its nature conservation interests.

7.11.2.6 Land within the N part of Area B has in the past been subject to significant flooding. Development on this area would be contrary to PSRNI Policy PSU10. Development within flood pondage areas is opposed on policy grounds because the resultant floodwater displacement could cause problems elsewhere within the catchment. Marginal flooding may also occur in low-lying areas of the site adjacent to the watercourse. The sites cannot at present be served by an STW and there are no existing public foul or surface water sewers.

7.11.2.7 There are approximately 8.5 ha of land available for a range of development opportunities at various locations within Carland. This is more than sufficient to meet the settlement needs over the Plan period and there is no necessity to encroach onto the objection site for development purposes.

**Objector's Evidence**

7.11.2.8 The objection site should be included within the settlement limits of Carland.

**Consideration**

7.11.2.9 No evidence of housing need was provided to justify the inclusion of these three areas of land and we consider that the proposed 8.5 ha of land that is available within the Carland
settlement limits is a reasonable allocation given the current size of this small village. There is therefore no justification for extending the settlement limits to include these lands on this basis.

7.11.2.10 We would accept the Department’s assessment that views of Carland are restricted because of the topography, vegetation and the junction of the Lisnagowan Road with the A29 at Carland Bridge. Area C is physically and visually unrelated to the settlement at present and there would be no planning merit in including this small area within the settlement limits.

7.11.2.11 The key to the development of Areas A and B on the eastern side of this junction, is the proposed realignment scheme and the precise dates for its construction have not been provided. Bearing in mind that the end date of DSTDAP is 2010, this scheme may not be implemented within the life of the statutory plan and it would be inappropriate to recommend inclusion of any of these sites until the scheme is completed and the old part of the A29 becomes ‘unprotected.’

Recommendation

7.11.2.12 No change is required to the Plan as a result of this objection
CASTLECAULFIELD

7.12.1 LAND AT ANNAGHMAKEOWN ROAD SHOULD BE EXCLUDED FROM THE GREEN BELT AND RETAINED AS “WHITE” LAND WITHIN CASTLECAULFIELD

Objection 266

Site and Surroundings

7.12.1.1 An area of 5.1ha bounded by sparse vegetation to the N along Finulagh Road and to the NE by a mature hedge along Annaghmakeown Road. The land immediately S of Finulagh Road is flat, low lying and subject to water-logging and beyond this the site rises sharply towards the S and W. There are a cluster of residential and workshop uses in the SE part of the site and a new brick dwelling on the opposite side of Finulagh Road but the topography, vegetation and road alignment screen this approach into the town. The S part of the site has mature trees and hedges along the intervening field boundaries and particularly along the watercourse flowing in a SW-NE direction through it.

Department’s Evidence

7.12.1.2 The site was in open countryside outside the village limits in both ETAP and the Preliminary Proposals. It is within the proposed Green Belt in the DSTDAP.

7.12.1.3. The objector has not suggested that the site should be included in any settlement. It is not contiguous with the Castlecaulfield settlement limits and could not be included within the village as the intervening land has not been the subject of an objection. The site should be retained as part of the Green Belt in order to meet strategic GB objectives.

7.12.1.4 The ERM Landscape Character Assessment recognises the drumlin setting of Castlecaulfield and its distinctive landscape to the west. The protection of the visually prominent slopes to the W, S and E of the settlement is a Draft Plan objective. The site forms part of this wider elevated landscape and is an important component of Castlecaulfield’s setting on the western approaches. Development of most of the site would be on a prominent slope and it is best protected within the Green Belt.

7.12.1.5 The exclusion of the site would create an isolated plot of land that could become an island of development within the Green Belt that would be likely to become the focus of development pressure. Its removal would result in illogical fragmentation of the Green Belt. There is 32.4ha of potential development land in Castlecaulfield and this site is not required to meet village needs.

Objector’s Evidence

7.12.1.6 The site should be excluded from the Green Belt and retained as “white lands”

Consideration

7.12.1.7 The most dominant feature in this approach to Castlecaulfield is the large two storey dwelling opposite the site but it appears grouped with the relatively well screened cluster of development in the SE corner of the site. The main part of the settlement is hidden by the topography and although this site is only 50m from the Draft settlement limit, it appears topographically divorced from Castlecaulfield. The site is surrounded on all sides.
by land that will be remaining within the Green Belt and visually it is an integral part of an
undulating rural landscape where the Green Belt performs an important role in protecting
the western side of the settlement of Castlecaulfield. It would be inappropriate to zone this
site as ‘white land’ which in effect relates to an urban area, or to leave it outside the Green
Belt designation where it could become the focus for development unrelated to the
settlement form. In such circumstances we conclude there is no merit in this objection.

**Recommendation**

7.12.1.7 No change is required to the Plan as a result of this objection.

**7.12.2 LAND AT LISNAMONAGHAN ROAD SHOULD BE INCLUDED WITHIN THE
CASTLECAULFIELD SETTLEMENT LIMIT**

**Objection 263**

**Site and Surroundings**

7.12.2.1 A 2 ha site to the SE of Castlecaulfield bounded by post and wire fencing on the N side of
Lisnamonaghan Road. The land rises gently from the road towards the N and the
settlement limit and there is a large agricultural shed to the rear of the N boundary. It is
part of a farm group of large buildings with access from the higher land along the
Dungannon Road.

**Department's Evidence**

7.12.2.2 The site was outside the village limits of Castlecaulfield in both ETAP and the Preliminary
Proposals. It was within An Area of Special Importance - Strict Control in ETAP and
became part of an Area of Special Control in October 1979. The Draft Plan proposes its
retention in the Green Belt outside the town.

7.12.2.3 The settlement limit of Castlecaulfield was drawn to take account of the following physical
considerations:-

- Minimising linear expansion along the approach roads
- Protecting visually prominent slopes to the W, S and E of the settlement.
- Protecting areas of landscape merit along Drumreany Road
- Minimising Green Belt loss and the prevention of coalescence with Dungannon
- Using the Torrent River as a strong visual edge along the NE part of the settlement
  limit.

7.12.2.4 Although the site is embraced by the development limit to the N and partly to the S, it is not
unobtrusive. Development on this land would be open and visually prominent from both
directions on Lisnamonaghan Road and would result in an unnecessary linear expansion of
the settlement to the E. The site would also be visible from the minor link.
road between the Dungannon and Lisnamonaghan Roads and it forms an important part of the rural edge to Castlecaulfield.

7.12.2.5 The proposed settlement limit along the W boundary of the site is more appropriate as it is defined by a better hedgerow than the poorly-defined post and wire fencing and broken hedgerow to the E of the objection site. Retention of the site as Green Belt is important to meet wider GB objectives and DSTDAP Objectives 4& 5 aimed at preventing urban sprawl and protecting the setting of the town.

7.12.2.6 Of the 32.4 ha of land within the settlement limits in DSTDAP, there are still 29 ha potentially available. These are capable of providing a range of development opportunities and more than adequate to meet its needs over the Plan period. Approval was granted for 20 dwellings over the period 1990 to 1999. Despite the construction of the recently built Primary School and the housing development to the N of the settlement, there is still a generous supply of land available as the Housing Monitor Figures of August 2002 indicate plenty of land remains undeveloped. There have been no objections requesting land be removed from the village limits.

7.12.2.7 The agricultural buildings within the settlement limits to the NW of this site were chicken houses and they may now be redundant. Their presence is a built form commitment and the land may be a brownfield opportunity site.

Objector’s Evidence

7.12.2.8 The development of the town to the N is constrained by the LLPA to the W and the permanent boundary of the Torrent River to the E. Most of the rest of the town’s edge to the W, S and SE has “prominent hill slopes” so that there is limited scope for suitable development land. In addition, land that was available for development has recently been developed including the Primary School on 3 acres to the N of the objection site and a 4 acre housing development on the N side of the town. There has been considerable development pressure since the late 1990s and much greater than indicated by the planning approvals. Land suitable for development has been bought up and there is very limited land within the village footprint apart from Lisnamonaghan Road.

7.12.2.9 This site is the best option for ensuring there is adequate development land in Castlecaulfield over the Plan period because:-

- It is an unobtrusive indent into the Green Belt embraced by the development limit to the N and S.

- It could be developed in-depth with 20-30 houses in association with the triangular area of land to the W and the linear expansion along the approach road would be minimal as land on the opposite side of the road is within the settlement limits.

- The W hedge of the objection site is not a good settlement boundary.

- Development would not be visible from the Old Caulfield/Dungannon Roads along the ridge above the site.

- It is a well-contained site close to the heart of Castlecaulfield.
• Lisnamonaghan Road is a lightly trafficked low-lying entrance to the town. There is currently no sense of entering a settlement and development would improve this entrance.

• The objection site is not prominent on this approach because of the agricultural sheds on the upper slopes. It does not give the impression of being part of the rural edge before entering the urban form. The upper part of the site could be retained as open space and landscaped with housing on the lower part of the site.

• There are no infrastructure constraints to the development of the site.

Consideration

7.12.2.10 The objector contended that inadequate provision had been made for the needs of the settlement over the Plan period due to a combination of its physical constraints, the recent construction of a new Primary School and the development of new housing to the N of the town. Our site visits and scrutiny of the Housing Monitor figures of 4 February 2003 do not bear this out and for example, there are several areas of undeveloped land off Castle Road and Parkanaur Road to the S of the village. There are 3.16ha of land in the N part of the settlement adjacent to Drumrainey Gardens as well as land to the west of the objection site along Lismonaghan Road, all within proposed settlement limits. There was no evidence that any of this potential development land was unavailable or could not be developed. Indeed the purchase of land within the village as indicated by the objector could signify that its development is likely to occur and we do not consider that need for additional land has been established.

7.12.2.11 Although we accept that the site has no infrastructure constraints, and that it could be developed in-depth with minimal visual impact we do not consider these factors to be determining. There is undeveloped land within the development limit to the South and West of the objection site which is more appropriately located in terms of consolidation of the settlement and the development of its urban form. At present the site is rural in character and without the redevelopment of the agricultural complex to the N in a more urban form, we do not consider that the site can be viewed as a Green Belt indent. In the absence of a proven need for further land for development purposes, we have not been persuaded that this site should be included within the village limits.

Recommendation

7.12.2.12 No change is required to the Plan as a result of this objection.
7.13 CLOGHER

7.13.1 LAND AT BALLAGH ROAD SHOULD BE INCLUDED WITHIN THE CLOGHER SETTLEMENT LIMIT
Objection 209

Site and Surroundings

7.13.1.1 A 0.1ha site on the S side of the A4 Ballagh Road to the south of Clogher, opposite its junction with the Fintona Road (B 168). The land is below the level of the A4 and relatively flat with a gentle slope to the west. It is currently in agricultural use. Adjacent land uses include a two storey dwelling and garage/out building to the east of the site and a cluster of single dwellings to the NW on higher ground on the opposite side of the A4. Site boundaries are mainly post and wire fencing with an embankment along the roadside and a watercourse along the western boundary.

Department’s Evidence

7.13.1.2 The site was located in the open countryside adjacent to the settlement limit of Clogher in ETAP, the Preliminary Proposals and DSTDAP. It is within an Area of Constraint on Minerals Development. The low–lying nature of the site would necessitate foul sewage pumping to the sewerage system.

7.13.1.3 The Clogher settlement limit was drawn to take account of the following physical considerations:-

- retain the River Blackwater as a landscape buffer to the open countryside to the north and north west;
- safeguard the attractive landscapes to the east of the village;
- restrict development to the prominent land to the south east and west;
- minimise linear expansion along the main approach roads; and
- avoid development on Clogher Demesne.

7.13.1.4 Development of this small site would result in linear expansion of the village to the SW. This would be detrimental to its setting and would result in urban sprawl and ribboning along the A4 Ballagh Road (Protected Route). It would also harm the visual amenity of the country on the approach roads because of the scenic rising landscape to the SW along the A4.

7.13.1.5 Some 40.2 ha of potential development land have been identified in Clogher. This is more than sufficient to provide for a range of opportunities over the Plan period and there is no need to encroach onto the objection site.

7.13.1.6 Development of the site may require the formation of a new access or the intensification of an existing access onto a Protected Route at a dangerous intersection. Roads Service
recommends that this site is not included within the settlement limit because of the difficulties of the formation of a new access onto the Protected Route.

Objectors Evidence

7.13.1.7. The proposed site should be included with the limit of development for Clogher.

Consideration

7.13.1.8 The objector did not provide any details to why this small site should be included within the settlement limits for Clogher, and in the absence of any argument about need for additional land, the physical characteristics of the site are determining. The main part of Clogher is to the north, focused on the steep hill around St MacCartan’s Cathedral and the busy main Dungannon to Enniskillen Road (A4) goes right through the centre of the settlement. In this locality the settlement limit has been tightly drawn around the existing development on the S side of the road with some opportunities for development on the N side around the existing dwellings and accessed from the Fintona Road. The edge of the settlement is well defined by the Protected Route and it draws a distinction between the ‘developed’ land on the N side of the road and the low-lying ‘rural’ terrain on the S side of the road. The road provides a strong visual edge to the open countryside particularly as the site is below road level with open post and wire fencing boundaries. We accept the contention made by the Department that inclusion of this small site would represent ribboning along the main road and would be seen as urban sprawl. In our opinion it would weaken the natural limit provided by the road to the detriment of the setting of Clogher.

Recommendation

7.13.1.9 The settlement limit at the southern end of Clogher should be confirmed.
7.14 CLONMORE

7.14.1 THE EASTERN BOUNDARY AT CLONMORE SHOULD BE REGULARISED, WITH ADDITIONAL LAND AT HAGAN’S ROAD BEING INCLUDED WITHIN THE SETTLEMENT LIMIT

Objection No 183

Site and Surroundings

7.14.1.1 Four fields to the east of Clonmore comprising 6.6ha of flat land between Hagan’s Road and the Tall River and approximately 300m west of the M1 motorway. Boundaries are mainly defined by mature vegetation with some post and wire fencing. A portacabin on a triangular area of hard standing is located in the SW corner of the site and fenced with post and wire fencing. Muldoon Engineering Works lies immediately to the west and further to the W along Hagan’s Road; both sites are within the proposed Clonmore settlement limit.

Department’s Evidence

7.14.1.2 Clonmore was designated as a hamlet in ETAP but no statutory limits were defined. The site was located in open countryside adjacent to the village limit both in the Preliminary Proposals and the Draft Plan.

7.14.1.3 The settlement limit at Clonmore was drawn to take account of the Plan objectives and the following physical considerations:

• Promotion of a compact settlement form minimising linear expansion along Clonmore Road;

• Taking account of the attractive orchards at the S end of the settlement;

• Using the watercourse as a strong E settlement limit; and

• Minimising encroachment towards the River Blackwater and its floodplain.

7.14.1.4 Inclusion of this site would significantly extend the settlement to the east, have an adverse impact on the existing rural character of the area and appear as urban sprawl as development on it would appear as prominent particularly when travelling along Tamnamore Road and the M1.

7.14.1.5 The proposed boundary is well defined by mature trees and the Clonmore Drain which provide a strong physical boundary to the east of the village. This is a more appropriate limit than that which would result with the site’s inclusion and ensure that the open character of the countryside is retained in this locality.

7.14.1.6 The objection site is not needed as there are 13.9ha of undeveloped land at various locations within the settlement limits of Clonmore. This is more than adequate to provide a range of development opportunities over the plan period. There were 29 approvals for dwellings over the period 1990-1999.
7.14.1.7 As the site is located in open countryside, it is not subject to Green Belt or CPA constraints. The objectors are not being discriminated against as development may still be possible if the proposal meets the planning policy requirements within PSRNI.

7.14.1.8 It is not accepted that the W boundary follows an irregular line. It was tightly drawn to enclose properties and their back gardens and to minimise encroachment towards the River Blackwater and its flood plain. Part of the E boundary follows the natural line of the Clonmore Drain and the remainder encloses existing properties and back gardens.

**Objector’s Evidence**

7.14.1.9 Clonmore’s eastern settlement limit, adjacent to Muldoon Engineering, discriminates against the objector should he wish to submit a development proposal for this land. The boundary should be adjusted to include the objection site. The W settlement boundary follows an irregular line.

**Consideration**

7.14.1.10 No case was made that inadequate land was available for the future expansion of Clonmore and from our site visits we would accept that there are numerous areas of potential development land within the proposed limits. The boundaries on the two main sides of the village fulfil different purposes and the irregularity of the W boundary is not significant in visual terms. We accept that this was tightly drawn around properties and their back gardens rather than creating opportunity for development. While the Clonmore Drain is not a continually strong visual feature, we consider it provides a logical E boundary as its alignment reflects the linearity of Clonmore Road and creates the potential for in-depth development along the E side of the settlement.

7.14.1.11 Although Muldoon Engineering Works is adjacent to the objection site, its future expansion is not part of the objection. The land is basically flat and its development would appear divorced from the settlement particularly from the viewpoints along the Tamnamore Road and to a lesser degree from the M1 due to the distance and the intervening vegetation. In our opinion, the visual impact of development on this low lying area of countryside separated from the village is an additional determining factor and it would be inappropriate to include these lands within the settlement limit.

**Recommendation**

7.14.1.12 The settlement limit on the eastern side of Clonmore should be confirmed.

**7.14.2. LAND TO THE WEST OF CLONMORE SHOULD BE INCLUDED WITHIN THE SETTLEMENT LIMIT**

**Objection No 275 Site**

**and Surroundings**

7.14.2.1. A 5.1ha site, primarily used as an apple orchard, fronting Clonmore Road adjacent to the western edge of the settlement limit. It is relatively flat adjacent to the road with a gentle slope up to the west before sloping down to the NW and the River Blackwater. Site boundaries are mainly hedgerows with established trees including most of the eastern
boundary along Clonmore Road except for the frontage of a large two storey semiderelict roadside dwelling situated in the middle of the objection site which has a low brick wall.

**Department’s Evidence**

7.14.2.2 Clonmore was designated as a hamlet in ETAP but no statutory limits were defined. The site was located in open countryside adjacent to the village limit both in the Preliminary Proposals and the Draft Plan.

7.14.2.3 The physical considerations used in determining the settlement limits at Clonmore are set out in paragraph 7.14.1.3 and this site is one of two apple orchards abutting the village’s southern limit which enhance its setting and assist with the integration of the existing and proposed development. The site extends over 230m from Clonmore Road towards the River Blackwater and its development would impact on the tranquil rural landscape and encroach towards the river and its floodplain.

7.14.2.4 As described in paragraph 7.14.1.6 there is more than adequate land for development within the village limits of Clonmore.

**Objector’s Evidence**

7.14.2.5 The objection site should be included within the settlement limit.

**Consideration**

7.14.2.6 The existing development at the S end of Clonmore is somewhat sporadic and the village does not presently have a clear recognisable form. In this context the site is a substantial orchard on gently rising land and it has a very rural appearance enhanced by the undeveloped nature of the open agricultural field on the S side of the minor road along the S site frontage. A number of factors however could combine to significantly alter this position:

- This field is included within the proposed limits and its development would alter the appearance of this approach to the village;
- The refurbishment, extension or replacement of the existing dwelling mid-way along the site frontage;
- There is no planning impediment to the partial or complete removal of the orchard. Its presence and the sloping terrain presently screen both the electrical business operating from a group of 4 large sheds adjoining part of the S site frontage, and the cluster of buildings around Clontyclay House. The Department’s evidence is silent on the planning status of this business;
- There is another substantial business operating from 3 large structures abutting part of the NE site frontage within the proposed settlement limit (Clonmore Plant Sales).

7.14.2.7 From our site visit we accept that inclusion of the entire site would be inappropriate and out of scale with the existing pattern and character of this small settlement especially as
generous provision has been made for development land. Despite this we consider that inclusion of the frontage part of the site would have some merit in consolidating the existing settlement pattern and would be consistent with the physical considerations instrumental in delineating the village limit. DSTDAP refers to “taking account of” the attractive orchards at the S end of the settlement but this does not afford them any protection. Inclusion of part of the site would assist with the promotion of a compact settlement form as the linear expansion along both sides of Clonmore Road extends further S than the objection site. Rivers Agency have advised that it is unlikely that the objection site would be affected by significant flooding and as the proposed settlement limit bulges out to the W just to the N of this site, there would be no additional encroachment towards the River Blackwater.

7.14.2.8 Frontage development within the hatched area on Map PAC 7.14.2A could result in a more cohesive village unit and the development control process could ensure the retention of the remainder of the orchard or other vegetation screening both as a natural backdrop and settlement boundary.

**Recommendation**

7.14.2.9 The settlement limit in this area should be amended to incorporate the hatched area on Map PAC 7.14.2A.
7.15 DERNAGH/CLONOE

7.15.1.1 LAND TO THE SOUTH OF DERNAGH/CLONOE SHOULD BE INCLUDED WITHIN THE SETTLEMENT LIMIT

Objection No 286 Site and Surroundings

7.15.1.2 A relatively flat 2.1 ha site located at the southern edge of the settlement limit to the rear of properties between Annagher Road and Cloghog Road. The site has partial road frontage onto Moor Road and is currently open pastureland. A large open gravel parking area adjoins the NW boundary. There is a cemetery and St Patrick's Church to the NE, a petrol filling station to the NW and housing to the E. Boundaries are mostly post and wire fencing with a hedgerow along the northern site limit.

Department’s Evidence

7.15.1.3 Dernagh was designated as a hamlet in ETAP but no statutory development limits were produced. The settlement lay in the open countryside but it became an Area of Special Importance - Strict Control which became Green Belt in October 1979. The eastern portion of the site remained in the open countryside. The site has remained outside Dernagh development limit and mostly within the Green Belt both in the Preliminary Proposals and DSTDAP.

7.15.1.4 The site was included within the Green Belt to met strategic policy objectives of preventing sprawl, protecting the setting of the village and safe guarding the surrounding countryside. Its gently sloping nature results in it being visually prominent in approaches from the S, N and SW and the open character of the landscape would be reduced if development was permitted. It positively adds to the visual quality of the setting and its rural character particularly along the approaches of Moor Road. The SE and E entrances to Dernagh /Clonoe along Cloghog and Mountjoy Roads are dominated by St Patrick's Church and its grounds. The most obvious features on the SW approach along Moor Road are the Church cemetery and the open countryside of the site and the adjoining fields. The settlement limit at this location is well defined by Moor Road and the hedgerow-lined cemetery and inclusion of this site would result in a less effective boundary.

7.15.1.5 Approximately 4.2 hectares are available for a range of development opportunities within Dernagh /Clonoe and this is more than adequate to cope with the needs of the village over the plan period without encroachment onto the objection site.

Objector’s Evidence

7.15.1.6 The objection site should be included within the village limits.

Consideration

7.15.1.7 Visually the main concentration of built development lies on the N side of the Annagher/Mountjoy Roads and St Patrick’s Church and its graveyard appear somewhat removed from this focus. This situation may change if all or some of the land identified for development in DSTDAP is taken up and there are some 4.2 ha of potential
development land within the village. No evidence was presented as to why this objection site should be included within the settlements limits and with adequate provision for future development, the environmental considerations of protecting the rural setting of Dernagh/Clonoe and preventing further fragmented expansion towards the SW are determining.

**Recommendation**

7.15.1.8 No change is required to the Plan as a result of this objection.
7.16 DONAGHMORE

7.16.1 LAND AT GARVAGH ROAD SHOULD BE REMOVED FROM THE GREEN BELT AND INCLUDED WITHIN THE DONAGHMORE SETTLEMENT LIMIT

Objection 265

Site and Surroundings

7.16.1.1 A 0.6ha flat site to the NE of Donaghmore divided in two by a hedgerow. Beyond the site, the land rises steeply to the N. and its S boundary with the Garvagh Road has a good hedge with mature trees within it. The W boundary and part of the N boundary has post and wire fencing with occasional trees. The remainder of the N boundary is undefined on the ground. There are three dwellings immediately to the east of the site in a linear form with a good hedge separating the site from the neighbouring dwelling. The Torrent River is opposite the site to the S of the Garvagh Road.

Department’s Evidence

7.16.1.2 The land was located in open countryside adjacent to the settlement limit both in ETAP and the Preliminary Proposals. In the Draft Plan it is included in the Green Belt outside the settlement limit.

7.16.1.3 The Donaghmore settlement limit in physical terms has been drawn :-

- To provide a compact form and minimise linear expansion along the approach roads;
- To restrict development on the visually prominent land to the N & S of the settlement;
- To minimise development on the flood plain of the Mullygruen Drain to the W;
- To minimise development on the flood plain of the Torrent River and the rising land to the East; and
- To minimise loss of Green Belt and prevent coalescence with Dungannon (5 kms SE).

7.16.1.4 Although this narrow road frontage site is flat, it forms part of a localised hill that contributes to the attractive landscape setting of Donaghmore. It is an important 150m visual gap and buffer between the proposed settlement limit defined by a physical boundary to the W, the linear development in the area to the E and the open countryside to the N. Development on this site would visually link with existing development and result in urban sprawl and unnecessary ribboning along Garvagh Road.

7.16.1.5 The playing fields to the S have an open character and are complemented by the objection site and the hill to the N. There is no street lighting along the frontage and the speed limit denoting the urban area is at the sharp bend in the middle of Garvagh Road.

7.16.1.6 Rivers Agency advised that the site is subject to flooding and a Close Contour survey was carried out in this locality. It is unlikely that the majority of the site will be affected by major flooding, the area shaded blue on the 1:10,000 scale Archive map is below the Q100 Flood level and within the Torrent River’s flood pondage area. This is not a recorded flood level but produced from River Modelling and the standard methodology.
for producing flood levels. Detailed survey work only relates to this site and Rivers Agency are now more concerned with flooding and loss of flood plain storage in the light of experience in GB.

7.16.1.7 The three houses adjacent to the site are above the predicted 1/100 level although their front gardens may be affected. The site would not be affected by any great depth of flood water. It is accepted that if the site was developed in a similar style to the dwellings to the E, the net loss of flood storage would be very, very small provided ground levels were retained as existing. Development within the Q100 area is opposed in principle as technically it would involve infilling above the predicted level and the displacement of flood water elsewhere in the flood plain, contrary to PSRNI Policy PSU10. Development on the objection site may have a negative effect on the 3 bungalows to the East.

7.16.1.8 There are approximately 31.5 ha of land available at a variety of locations within the settlement limits. These could accommodate 472 units and are more than adequate to meet the development needs of the village over the Plan period based on past trends. There were 33 approvals for dwellings in the period 1990 to 1999.

Objector’s Evidence

7.16.1.9 The site is part of the flat linear road frontage development along the Garvagh Road and not the hill landscape to the N of Donaghmore. The localised hill behind it provides the natural limit to the town in this direction. It is difficult to define this edge of the settlement but the farm entrance to the E and the bend in the road could provide good urban definition.

7.16.1.10 Infill housing within the proposed limits will change the character of the Garvagh Road and this site is a natural completion of one of the gaps that exists between the area of Backford Bridge to the W and the laneway to the east. The 3 bungalow to the E are suburban, the playing fields to the S are urban in form and the field to the W has been included within the limits. Development of this site would not be urban sprawl but completing and rounding–off the settlement by the infilling the gaps. The good hedges on the site could be retained /augmented with its development for housing.

7.16.1.11 The objection site is not prone to flooding and Rivers Agency comments relate to a much larger area and flooding only occurred on to the land on the S side of the road. The Q100 area level here is 74.6m OD and the mean site level is 74m OD. It is unlikely the site would require infilling and no displacement of flood water would result from its development. The houses on the N side of the Garvagh Road have never suffered from flooding Concerns about flooding should also have related to the field to the W within the settlement limit where potentially there could be in-depth development. There would be no infrastructure problems involved in developing the site.

7.16.1.12 Five houses on 0.5ha would only have a minimal impact in terms of need and that is not the basis of this objection. It would be a logical rounding-off resulting in a compact urban form.

Consideration

7.16.1.13. We accept that more than adequate provision has been made for Donaghmore’s development over the plan period. In terms of urban form, the DSTDSP settlement limits
provide both defensible boundaries in this locality and links the land uses on both sides of Garvagh Road whilst providing some limited opportunities for development. Development of linear objection site coupled with the three bungalows to the east would form a protruding finger of development along the N side of Garvagh Road that would read both as ribbon development and urban sprawl.

7.16.1.14 The objector however was quite specific that his case was not made on the basis of need for additional housing land in Donaghmore but the site specific attributes which need to be assessed. In relation to the flooding issue, the Q100 area flood level was estimated to be 74.6 OD and with the narrow width of the objection site, there would only appear to be a small area of the rear of the site outside the flood pondage area and development at the eastern end would be totally precluded. However there are three dwellings immediately adjacent to this part of the site and there was no evidence that these properties had been subjected to flooding. We also note that the field to the West has been included within the settlement limits despite the fact that a significant proportion of it would also be below the Q100 flood level. Despite the conflicting evidence and inconsistencies we consider that the flooding issue would not justify the exclusion of the objection lands.

7.16.1.15 In the context of more than adequate supply of land within the settlement, our conclusion is the objection site should not be included in the settlement limits of Donaghmore is reinforced by its negative contribution to urban in the form of urban sprawl.

Recommendation

7.16.1.16 No change is required to the Plan as a result of this objection.

7.16.2 LAND TO THE WEST OF DONAGHMORE SHOULD BE INCLUDED WITHIN THE SETTLEMENT LIMIT

Objection 289

Site and Surroundings

7.16.2.1 A 4.5 ha site to the west of Donaghmore to the rear of properties fronting onto the Pomeroy Road including St Patrick's Primary School. It is also to the rear of St Joseph's Convent Grammar School which has access onto the Castlecaulfield Road. The site is basically open agricultural land primarily flat and below the level of the Pomeroy Road. Boundaries are mostly post and wire fencing with hedging along the SW limit. A farm laneway with a hedgerow and occasional trees forms the boundary along the NW limit. Mullygruen Main and the Torrent Valley Business Centre lie to the N and NW of the site.

Departments Evidence

7.16.2.2 In ETAP, Donaghmore was designated as a village but the site lay in the open countryside outside the development limit. The site has remained in the open countryside beyond Donaghmore’s settlement limit in both the Preliminary Proposals and DSTDAP.

7.16.2.3 The physical considerations relating to the delineation of the settlement limits are reported in paragraph 7.16.1.3. The site has been included within the Green Belt as it
meets strategic policy objectives of safeguarding the surrounding countryside, protecting the setting of the settlement and preventing urban sprawl. It is part of a wider open and undeveloped landscape in approaches to the village along both the Pomeroy and Gortnagola Roads. Protection of this substantial portion of visually prominent agricultural land is important to protect the setting of the village and retain the open character of the landscape. A marginal proportion of the site is affected by flooding from Mullygruen Main.

7.16.2.4 There are 31.5 ha of land available for a range of development opportunities at various locations within the settlement limit which is more than adequate land to meet Donaghmore's development needs over the Plan period without encroaching onto the objection site.

**Objectors Evidence**

7.16.2.5 The objection site should be included within the settlement limits.

**Consideration**

7.16.2.6 Although this site could potentially accommodate 67 houses we accept that generous provision has been made for the development of the settlement and there is no need for additional land within the village limits. There are several opportunities for development in close proximity to the site abutting the Pomeroy Road but at present this side of the road appears largely undeveloped and the school complexes set in areas of open playing fields contribute significantly to this visual impression. Given the openness of this land on the NW periphery of Donaghmore’s urban form we do not consider that there is any planning merit in including this site within Donaghmore’s settlement limits.

**Recommendation**

7.16.2.7 No change is required to the Plan as a result of this objection.

7.16.3 **LAND AT AGHAREANY SHOULD NOT BE DESIGNATED AS A LOCAL LANDSCAPE POLICY AREA BUT SHOULD BE INCLUDED WITHIN THE DONAGHMORE SETTLEMENT LIMIT**

**Objections 224(Issue 21.4), 298**

**Site and Surroundings**

7.16.3.1 Aghareany Hill is a mosaic of fields separating the northern part of Donaghmore from the cluster of Annaghbeg to the South.

Objection Site 224(Issue 21.4) comprises 21.1ha of land to the west of the Mullaghmore and Aghareany Roads and includes Objection Site 298 which is the lower eastern roadside part of LLPA 34. The land generally rises from Mullaghmore Road towards the W to a summit with a stand of mature trees in the centre of the site before falling steeply towards Aghareany House and the Torrent River Valley to the W. The site is elevated above the junction of Tullycullion and Mullaghmore Roads. The site is open to view when travelling N along Aghareaneey Road and on the northern approaches into Donaghmore along the Mullaghamore Road.
Department’s Evidence

7.16.3.2 The eastern part of the overall site was initially within the Donaghmore Village Limits in ETAP but was the subject of an objection at the Public Inquiry. The PAC recommended its exclusion and the Dept concurred with this recommendation. This part of the overall site was not included an ASC and remained as open countryside. The remainder of Site 224(Issue 21.4) was included in ASC/GB. The Preliminary Proposals identified the existing GB around Dungannon and Coalisland and stated that it would be subject to review. In the DSTDAP the site was included in the Green Belt outside the settlement limit of Donaghmore and apart from the SW corner, it was designated as LLPA 34.

7.16.3.3 It is important to retain this site as part of the GB to meet wider strategic objectives of preventing urban sprawl and protecting the countryside and the setting of Donaghmore. The physical considerations taken into account in drawing up the settlement limits are reported in paragraph 7.16.1.3. Development of the objection lands would be visually prominent particularly when viewed on approaches to and exiting along Mullaghmore, Aghareany and Tullycullion Roads.

7.16.3.4 Inclusion of this area would connect the two clusters of development of Donaghmore and Annaghbeg resulting in the unnecessary loss of attractive countryside. The rising landform, the stone retaining walls and the line of beech trees along the road frontage provide a good entrance/exit feature to the village. The former railway corridor, hill-top trees hedges and vegetation provide habitat diversity and a dense network of corridors for wildlife.

7.16.3.5 LLPA 34 is almost wholly contained within Site 224(Issue 21.4). It is a localised hill that makes a positive and distinctive contribution to the both setting/identity of Donaghmore and the environment. The combination of elements that make up its intrinsic environmental value are identified in Appendix 3 of the Countryside Assessment but its essential visual characteristics are the drumlin, the tree-capped crest and the fine trees associated with estate planting. It provides a visual stop at the S edge of Donaghmore.

7.16.3.6 The hill is the critical landscape feature separating the two settlements and the LLPA is intended to maintain the separation and difference in character between the historic village of Donaghmore and the intimate rural group of houses at Annaghbeg. The latter is largely hidden on the N approaches to the village along the Mullaghmore and Castlecullfield Roads. Housing on Site 298 by itself would result in a linear strip of inappropriate development.

7.16.3.7 Historically Donaghmore is significant as a settlement dating from an early 5-7th Century Church site and the 4 maps submitted as evidence show the historic form and development of the village. The historic setting of the town is formed by:-

- The slopes of the NE-SW ridge and other adjacent glacial landforms;
- Substantial houses in landscaped grounds and country houses with extensive parkland settings;
• The approach roads pass by or through tree planted estates. The S approach along the Mullaghmore Road was deliberately planted for screening and to create an avenue for Tully House;

• The beautifully landscaped setting of mature trees and parkland.

The objection lands have significant amenity and heritage value and the tree corridor along the road is extremely valuable in amenity terms and as part of the designed historic landscape. The landform would be damaged by development as there is a steep drop of approximately 1m retained by a wall and the trees are planted very close to it. In terms of paragraph 64 of PPS 2 they have an important contribution to make to the environment of Donaghmore and any development will adversely affect this high quality landscape.

7.16.3.8 Approximately 31.5 ha of land are available at a variety of locations within the development limits. There is more than adequate and more appropriately located land within the settlement limits to meet the village needs over the plan period. Development of the larger objection site may overload the existing STW. There are no objections requesting the removal of any land from within the settlement and there is no evidence of any land being unavailable.

7.16.3.9 It is accepted that the Brewery Hill development encroaches up the slope of the hill but it is at a low level beside the Torrent River and ties in with existing development on the N side of the hill. Construction has been ongoing since 1998. It does not threaten the LLPA. The objection site cannot be dealt with in the same way as Brewery Heights without affecting visual amenity.

Objector’s Evidence

7.16.3.10 Objector 224 accepted that the hill form provides an important green backdrop to Donaghmore and that GB Policy and LLPA34 are important in preserving its strategic role in the separation of the two nuclei. However there is potential to introduce carefully designed small scale development on the lower gently sloping ground and relatively contained landscape to the SW in associated with Annaghbeg. Carefully designed structure planting at an early stage of development would enhance the setting of Annaghbeg and there would be no significant visual impact on the landscape character of LLPA34.

7.16.3.11 A lot of assumptions have been made as to the consequences of development on Site 298 including the loss of the frontage trees. They are not protected by a Tree Preservation Order and some of them are dangerous and may have to be felled. The trees could be retained with access from Aghareany Road rather than Mullaghmore Road with the houses set far enough back that they did not interfere with them. There is no intention of interfering with the circular clump of trees at the top of the hill. The historical facts in relation to the development of the settlement cannot be disputed but they are of no particular relevance. The features considered important on these lands, including the positioning of houses outside the falling distances of trees, could be controlled by condition at the planning application stage.

7.16.3.12 The character of the locality has changed with 12 houses being constructed in Annaghbeg in the past 2 years. The sites at Brewery Heights are part of Annaghbeg, as
are their postal addresses. The site is an infill between Donaghmore and Annaghbeg and the dividing line is the Torrent River. The entrance to Donaghmore is over the bridge, some distance from this site.

7.16.3.13 There is a huge demand for housing in Donaghmore and while there is a lot of land zoned, farmers are not willing to sell land for development purposes.

**Consideration**

7.16.3.14 No evidence was produced to substantiate the claim that land within the village limits would not be made available for development and the 31.5 ha of land that exists at a variety of locations within the village limits is sufficiently generous to provide flexibility choice.

7.16.3.15 Paragraph 2.23 of PPS 6 advises that LLPAs will consist of those features and areas within and adjoining settlements considered to be of greatest amenity value, landscape quality or local significance and therefore worthy of protection from undesirable or damaging development. The Department’s evidence in relation to the area’s distinctive historical, environmental and nature conservation attributes was not contested by Objector 224 and Objector 298 was only concerned about the lower eastern roadside part of LLP 34 along the Mullaghmore Road. PPS 6 does not totally preclude development from LLPAs and the test is that development should not dominate the townscape or landscape characteristics of settlements. This may permit some development in the SW portion of the extensive Objection 224 site but in the absence of any specific site identification or detailed proposals, we consider that this matter would more properly be dealt with through the development control process.

7.16.3.16 Objection site 298 does not have any physical demarcation along its western boundary apart from its lower elevation. It relates to the hillside landscape to the W and the land is fringed by a stone wall and line of beech trees which dominate the eastern approaches to the village. On this basis we are satisfied that the entire area of LLP 34 merits this designation and any subdivision would be arbitrary and artificial. In our opinion the integrity of the LLP and the setting of Donaghmore would be significantly impaired if the two built-up areas were joined across its lower slopes as proposed by Objector 298. On this basis we conclude that the LLP designation should be retained as indicated in the Draft Plan.

7.16.3.17 Annaghbeg has functioned as a dormitory satellite to Donaghmore and in many regards it would appear as a natural progression, in plan form, if the two were physically linked. However in three dimensional form, Aghareany Hill is an impressive and distinctive feature which is visible from a number of the main approach roads into Donaghmore and development on the eastern slopes, even with access from Aghareany Road and the retention of the trees along the Mullaghmore Road, would be prominent and adversely affect the setting and entrance to Donaghmore. In this respect we agree with the Department that the development at Brewery Hill lies into the urban form and the existing adjoining development on the N side of the hill. Its presence is not a compelling precedent in planning terms for inclusion of this objection site.
**Recommendation**

7.16.3.18 The boundaries of LLPA 34 should be confirmed and the objection sites retained in the Green Belt outside the settlement limits of Donaghmore.

7.16.4 THE PLAN DOES NOT CONSIDER TRAFFIC CONGESTION IN DONAGHMORE IT SHOULD INCLUDE PROPOSALS FOR A CARRIAGEWAY CONNECTING COOKSTOWN AND BALLYGAWLEY

**Objection 002**

7.16.4.1 Donaghmore Village Improvements Group (DVIG) suggested two alternative road alignments to relieve traffic congestion in Donaghmore as the basis of their objection to DSTDAP (Map PAC 7.16.4A).

7.16.4.2 The proposed schemes are not part of the Regional Strategic Transport Network (RSTN) nor are they on a Key Transport Corridor. They would not have a high priority when assessed against the five criteria in paragraph 3.36 of “Moving Forward.” The proposed Dungannon East Distributor Road (DEDR) is on a trunk road (A29) which is defined as a link Corridor in both the RDS and the proposed Regional Transportation Strategy. It will provide an attractive alternative route and reduce traffic passing through Donaghmore and Castlecaulfield with the additional benefit of reducing the volume of traffic through Dungannon Town Centre.

7.16.4.3 Both proposals would have considerable environmental impact and the existing narrow roads do not have any significant accident history. Accident numbers are much less than on either the A4 or A29 which Roads Service are proposing to improve in the 10 Year Forward Plan. They are both cross-country routes and would be unlikely to attract large usage by public transport. Farm severance would be caused and both schemes are unlikely to improve access or reduce community severance. Only 33 houses were constructed over the past 10 years and the uptake to 500 units over the next period would seem somewhat unrealistic given that the settlement limit remains much the same as in ETAP.

7.16.4.4 A traffic survey was carried out in Donaghmore over a period of 7 days in September 2000 which confirmed that there was a heavy volume of traffic through Donaghmore of which quite a high percentage was HGVs. While both proposals would reduce freight traffic in Donaghmore and improve access for pedestrians, a bypass for North-South traffic (the Pomeroy and Mullaghmore Roads) would be more effective both in terms of HGVs and total traffic volume. It is not accepted that there would be a significant improvement for Dungannon Town centre.

7.16.4.5 There are no proposals to improve the existing road through Donaghmore at present. It is accepted that it would be difficult to improve the standard and width of the Castlecaulfield Road/Pomeroy Road junction at the Cross because of the adjacent graveyard and dwelling. This width restriction however has a beneficial traffic calming effect. The structural condition of the route is not at present being duly affected by the volume of heavy vehicles using it. Weight restrictions are only used where there is a problem such as a poor road or a weak bridge and it is necessary to keep HGVs of it. Alternative routes have to be provided.
7.16.4.6 The two schemes are approximately 4kms and 6kms in length and would cost in the region of £8M and £12M respectively. These funds are not currently available and funding for road improvements has also been reduced. The cost of the DEDR is estimated at £13.9M and the 2 schemes were not considered as options in the assessment of the DEDR. The closest was Option 4 to the W of Dungannon which proved to be feasible but not effective. Even if a case was proven for a bypass, any scheme wouldn’t get into the schedule or be in the Programme for the next ten years. It would therefore be inappropriate to include it in the Area Plan.

Objector’s Evidence

7.16.4.7 The Draft Plan does not make provision for a carriageway linking Cookstown and Ballygawley and the traffic congestion in Donaghmore has not been considered. Gridlock is a common occurrence on the main traffic route between Pomeroy and Dungannon at the bottleneck adjacent to the Old Cross. Although this may act as a traffic-calming device it doesn’t work for HGVs of which approximately 1000 per day, go through Donaghmore. The situation is particularly difficult when there is a funeral at the RC Church of which there are approximately 20 per annum. Freight vehicles travelling E-W have no alternative other than pass through Donaghmore.

7.16.4.8 Builders have indicated that much of the land zoned for housing is going to be developed which will result in a substantial rise in the local population and lead to further traffic congestion. The increased uptake is related to the fact that people are not allowed to build outside the town. Evidence from schools in the area indicates that school enrolments are likely to increase and their concerns regarding pupil safety. St Joseph’s Convent is going ‘Co-Ed’ in September 2003 and will be building a new school within 2 years. The Primary School is constructing a new building on the same site next year. The development of the village depends on relief from the heavy traffic situation.

7.16.4.9 Two alternative bypass routes are suggested:

- Proposed Alignment 1 would extend from the N of Castlecaulfield in a NE direction across the N of Aghareany and link into the Tullycullion road junction with the A29.

- Proposed Alignment 2 would be a direct link to the S and E of Castlecaulfield, between the A4 (at its junction with Road) and the A29.

7.16.4.10 Both link roads would have a significant number of benefits:-

- Either scheme would reduce freight traffic and improve access for pedestrians;

- Traffic would be reduced in Dungannon Town Centre.

- They would provide a link corridor between the A29 and A4 and many of the HGVs would not need to go through Donaghmore.

7.16.4.11 The DEDR scheme may work to some degree but lorry drivers will take the easy route. Weight restrictions should be introduced and this would force lorry drivers to go through Dungannon, instead of Donaghmore as at present. The costs should be compared with the likely cost of the DEDR route and there may not be a significant difference.
Consideration

7.16.4.12 Donaghmore is not a trunk road and the need for a by-pass for Donaghmore was not accepted by the Department despite the evidence of considerable traffic congestion in the village and its use as a popular route for a significant number of HGVs. Any by-pass proposal is not therefore in the current 10 year Major Works Forward Planning Schedule and even if it was assessed and was judged to be a priority, its construction would not occur in the lifetime of this Plan.

7.16.4.13 Congestion in a village is relative to the traffic flows that are a normal part of village life and apart from two occasions during out site visits in the locality, we did not see traffic congestion that could be deemed significant enough to justify any form of by-pass. Any congestion that does occur appears to be linked to activity at the schools or St Patrick’s Church and their proximity to the Cross at the junction of the Pomeroy and Castlecaulfield Roads. While we acknowledge this may be a physical constraint, there was no evidence of any other alternative schemes to address these congestion difficulties at source.

7.16.4.14 The two alignments that were suggested as solutions for a by-pass, have not been assessed in relation to strategic priorities as to whether the benefits would outweigh the costs and detriments. They are purely indicative lines on a map, with no regard to topography. No detailed analysis has been made in traffic, environmental and cost terms of either option or indeed any other options or schemes that might emerge in a closer study of the traffic situation in and around Donaghmore.

Recommendation

7.16.4.15 The Donaghmore by-pass routes as suggested by DVIG should not be included in the Plan.
7.17  **EDENDORK**

7.17.1  **LAND ADJACENT TO THE WESTERN CLUSTER OF EDENDORK SHOULD NOT BE EXCLUDED FROM THE SETTLEMENT LIMIT**  
**Objection Nos 184 and 296**

*Site and Surroundings*

7.17.1.1 This 8.5ha site lies to the NW of the intersection of the Coalisland and Farlough Roads on the eastern side of the W cluster of Edendork. The land rises steeply from the North, South and East to a crest in the middle of the site and falls gently towards the West. It is bound by a minor road to the N, Farlough Road to the E and the A 45 Coalisland Road along the S boundary. There are industrial premises adjacent to the West of the site (Powerscreen) and diagonally on the opposite side of the A45 (‘Chieftain’ engineering /industrial works). Gradeall Engineering Works lies to the E on the opposite side of Farlough Road. There are no visible signs on the ground of the Archaeological Site or Monument as identified in the Draft Plan.

*Department’s Evidence*

7.17.1.2 Edendork was designated as a hamlet in ETAP but no statutory limits were designated. The area around it was an Area of Special Importance-Strict Control which became an ASC in October 1979 and subsequently Green Belt. The core of the settlement was excluded from the ASC and the objection site was outside the area that formed the settlement limit for development control purposes. The site remained in the Green Belt both in the Preliminary Proposals and DSTDAP.

7.17.1.3 Account was taken of the following physical characteristics in drawing up the settlement limits for Edendork:-

- promote a compact settlement form and restrict ribbon development along the main approaches to the settlement;
- minimise Green Belt loss and prevent coalescence with Dungannon and Coalisland;
- protect visual breaks between the two nodes and the surrounding settlements; and
- minimise development on the visually prominent land to the west, south and north.

7.17.1.4 The site forms one of the few remaining visual breaks along the A45 both between the two nodes of Edendork and the larger settlements of Dungannon and Coalisland. There is limited screening from the Coalisland Road and this large site is a prominent hill that acts as an important buffer between the Edendork and Gortin nodes. It is above the level of the ‘Powerscreen’ and there is a significant level difference between the site and land inside the settlement limit. The 2 nodes are not an artificial creation and the inclusion of the ‘Chieftain’ site within the E node was conceded on the basis that it was developed site and would not compromise GB or DSTDAP objectives. The objection site reads with

\[1\] This relates to Objection Site No 224 (Issue 21.6 Area C1) which was subsequently withdrawn in the light of the concession.
undeveloped land to the S and both lie to the W of the two N/S routes. The ‘Chieftain’ Site is long established dating back to 1978.

7.17.1.5 The site contributes to the distinct setting of the settlement and development on it would be prominent both from the A45, from the N along Farlough Road and from the minor road along the N boundary of the site. Its inclusion would result in urban sprawl along the A45 and would be detrimental to the setting of Edendork contrary to Green Belt and DSTDAP objectives.

7.17.1.6 There are almost 15 ha of undeveloped land at various locations within the two settlement nodes of Edendork which would be more than adequate to meet its development needs over the Plan period. Development pressure is low within the Edendork nodes and only 6 dwellings were approved in the 10 year period 1990-1999.

7.17.1.7 Interpretation of the 19th century OS maps and follow up site appraisals indicate that this site may have archaeological importance. The three hilltop clumps of trees may have been created by planting trees on an existing monument, usually a 1st millennium AD ‘fort.’ They may have been part of the designed landscaped setting of either Lisdhu House or Gortin House and planted to imitate the form of a fort with an earthen bank and outer ditch. It is not always possible to distinguish an 18/19th century imitation fort from an earlier one and the only way to establish if /what archaeological remains exist is by excavation. This may not preclude development and Policies within PPS 6 provide for the preservation of archaeological remains in the context of development or for excavation ahead of development which may have significant cost implications for the owner.

**Objector’s Evidence**

7.17.1.8 The objection site is an integral part of the hamlet of Edendork and is more closely related to the village facilities than the Gortin Heights node. The site has frontage to 3 roads and is surrounded by three large, highly prominent engineering works and an existing dwelling. It is mainly bounded by large uncut natural hedges and mature trees and limiting factors such as roads and factories ensure that views of it are only short range.

7.17.1.9 The site has good road frontages and is readily capable of being subdivided for mixed house types with potential for a large open space within an overall development. There are no objections from Roads or Water Services, there is a foul sewer and street lighting and a footpath along the Coalisland Road. There are bus stops locally and the site is in close proximity to all the facilities of Edendork.

7.17.1.10 Designating two nodes at Edendork is an artificial creation, and inconsistent with the objective of securing a compact urban form. The hamlet is defined by the Church and the school and there is no good reason for the E node. Two nodes facilitate the merging of Dungannon and Coalisland and zoning of land around Gortin Heights accelerates urban sprawl and ribboning as there are only 150m (1 field and an entrance to a dwelling) before the Coalisland development limit. Only a quarter of its residents consider their development to be part of Edendork. Inclusion of the objection site would enable land to be excluded from the E node.
7.17.1.10 While the site is partly elevated, views are limited on all approach roads and you have to be practically at the site before it can be seen. The land is more hidden from view from the minor road than the large area of land zoned between Cullion Road and the minor road to the North.

7.17.1.12 Land availability should be taken into account and none of the owners of zoned land within Edendork are prepared to sell at this time. Realistically this is the only land that will come on the market although it is accepted that there is one planning application for lands within the Gortin Heights node.

7.17.1.13 The clumps of trees shown on the 1835 OS map are not on the hilltops as stated. Two of the 3 clumps are in wet hollows or basins and the trees were probably planted in these wet areas as soak-ups or as planned views from Lisdu House. The third is on an incline. The site can only be seen from Lisdu House and not from Gortin House. The owner has not found any artefacts or monuments on his land despite deep ploughing on 2 occasions. If there are features of archaeological significance, the specific areas around the tree clumps could be protected as open space/lands set aside, through conditions on a planning application. Cost of excavation is not a planning consideration and there are no archaeological reasons for not including this land.

**Consideration**

7.17.1.14 Edendork was designated as a hamlet in ETAP but at that time fourth tier settlements did not have settlement limits, so in a sense, the identification of two distinct nodes within the village is a new creation within DSTDAP. From our site visits we consider that the identification of 2 nodes is a realistic assessment of the pattern of built development on the ground and while the concept of joining the two together may have some basic planning merit, this has to be balanced by an assessment of the environmental impact of developing the intervening land. The visual impact of developing this sloping elevated site would, in our opinion, outweigh the merits of linking the two nodes of Edendork to provide a more unified village form.

7.17.1.15 The geographical location of Edendork is also of relevance and we note that the ERM Report draws attention to the significance of this area of landscape as an important buffer zone between Dungannon and Coalisland. We consider that any reduction in the physical and visual gap between the two nodes should be strongly resisted as the inevitable result would be an elongated sprawling settlement along the A45 on the edge of Coalisland and further coalescence between the two larger settlements of the Borough.

7.17.1.16 We consider that a reasonable allocation of land has been included within the limits and no evidence was provided to substantiate the claim that realistically this was the only land that could be developed in Edendork. While the objector suggested that land within the E node limits should be removed in substitute for this site, this issue was not part of the original objection and cannot be taken on board. The physical attributes of the site are significant and the elevation and position of this land is critical to the separation and definition of both nodes within Edendork.

7.17.1.17 We consider it proper and in line with paragraph 2.6 of PPS 6, that the Department should alert potential developers to the constraints posed by archaeological remains within a site. Given the nature of such material there is likely to be considerable element of educated speculation regarding the archaeological merit of what may be excavated.
The archaeological evidence on its own is sufficiently inconclusive to justify precluding the objection site from development but the retention of the symbol is a useful alerting mechanism to the possible constraints that may be required before any development could commence. On this basis we conclude that the diagrammatic symbol for an ‘Archaeological Site or Monument’ should be retained within the Draft Plan despite our conclusions that the site should remain excluded from the settlement limits of Edendork.

**Recommendation**

7.17.1.18 No change is required to the Plan as a result of this objection.

7.17.2 LANDS AROUND EDENDORK SHOULD BE BROUGHT WITHIN THE SETTLEMENT LIMIT

**Objection Nos 287 & 224 (Issue 21.6B)**

**Site and Surroundings**

7.17.2.1 Objection Site 287 comprises 3 land parcels around the village of Edendork. Area A (1.2 ha) is located to the S of the western settlement node to the rear of the properties adjoining Edendork Primary School. Area B (3.2 ha) lies to the W of the eastern settlement node, NE of the junction of the Coalisland and Farlough Roads. Site 224 (Issue 21.6B)(1.4ha) is encompassed within this area and is the most western part of it. Area C (1.2 ha) is on the eastern edge of the settlement limit along the southern side of the Coalisland Road and partly facing onto Gortin Crescent.

7.17.2.2 **Area A** comprises 2 elongated agricultural fields which rise from the N and NW towards the highest point in the SE corner of the site. It is elevated above the surrounding landscape and both the Coalisland and Killymeal Roads. Site boundaries are primarily comprised of trees. Adjoining land uses include Gortin Hall to the NW, a Post Office and two dwellings to the N (Nos 169 &171) and Edendork Primary School to the NE.

7.17.2.3 **Area B** has dense poplar woodland in the SW with further woodland and grazing to the E and N. There is an engineering/storage operation being carried out in the middle part of the site accessed via a tree lined gravel drive from Farlough Road. The E section is a flat garden enclosed by trees and used as a football pitch/play area. Site boundaries are mostly trees and there are residential properties in mature grounds to the S and SE including a vacant listed two storey dwelling and outbuildings close to the A45.

7.17.2.4 **Area C** is split into two by the Coalisland Road. It is mainly grassland and the N portion is a linear strip between a tree-lined avenue to the E and a dwelling to the W. It has a gentle slope up from the Coalisland Road. The S part of Area C is agricultural land that falls from the W towards the NE. It contains a derelict dwelling. Trees line the SE boundary and there is a dense hedgerow along much of the W boundary and the access to Gortin Crescent and Gortin Park.

**Department’s Evidence**

7.17.2.5 Edendork was identified as a hamlet in ETAP and the history of all three areas in relation to the settlement is as reported in paragraph 7.17.1.2.
7.17.2.6 All 3 sites have been included within the Green Belt to meet strategic policy objectives of preventing sprawl, preventing neighbouring settlements from merging, protecting the setting of settlements, and protecting and maintaining the character and safeguarding the surrounding countryside. There is the extensive linear development along the A45 between Dungannon and Coalisland and there are only a few remaining visual gaps. Inclusion of the objection sites would further reduce these gaps. Area B particularly provides a well-defined and attractive visual break between the Edendork nodes. Inclusion of Area C, or Areas B and C together would lead to further coalescence between Edendork and Coalisland.

7.17.2.7 The character of all 3 areas including prominent land parcels with tree cover and open expanses of countryside, presently enhance the visual quality of the approach into Edendork from the east and the west. Development on Area A would be prominent and affect the setting of the settlement on the approaches along Coalisland, Cullion and Killymeal Roads. The landscaped grounds of Area B and its established dense woodland present an attractive GB landscape and the large roadside trees are a notable entrance feature to the E node. The site has regenerating plantation and semi-natural woodland of high nature conservation value. It is low-lying and subject to water logging and development would involve substantial infilling. The site acts as a visual buffer between the settlement and the surrounding countryside. Area C is an important part of the largely undeveloped visual gap between the E edge of Edendork and the W edge of Coalisland. Inclusion of Area C would potentially narrow this visual buffer to around 130m.

7.17.2.8 Inclusion of any of the three areas would contribute to urban sprawl and no additional land is needed as there are 14.7 ha available for a range of development opportunities within the settlement limits.

Objector's Evidence

7.17.2.9 All three areas of land should be included within the settlement limits for Edendork.

7.17.2.10 The W part of Area B (Site 224 (Issue 21.6B) is split into two sections: the N section is flat and open and its hardstanding surface is used for storage. There is an industrial depot to the N with an extensive area of hardstanding and storage. These areas do not contribute to their Green Belt designation and has immediate capacity for development which would improve the degraded setting of the storage yard. The S section has mature trees and associated vegetation along the two road frontages with a mature planting of poplars in the middle. There are only short views within the settlement form and with an appropriate mitigation strategy, this area could become available for development following the harvesting/removal of the poplars as they are now reaching maturity with some die-back of branches. The retention of Objection Sites 184 and 296 within the GB, on the opposite side of Farlough Road, would provide a strong defensible and permanent GB boundary.

Consideration

7.17.2.11 Edendork is only 3 kms NE of Dungannon and 1km to the W of Coalisland in an area that has experienced considerable development pressure and it is in this context that these objection sites have to be assessed. Although Area A lies into the S edge of the W node of development, the land is elevated above both Gortin Hall and the outbuildings to the
rear of No 169. In the absence of any proven need for additional land we agree with the Department that any development on it would be prominent when viewed from the approaches on both the Coalisland, and Killymeal Roads and that it should be retained within the Green Belt to protect the setting of this part of Edendork.

7.17.2.12 We have previously concluded that the continued segregation of the two nodes in Edendork is important in planning terms and the W part of Area B performs such a role. It has water-logging problems and we consider its treed landscape to be visually significant, so it should be retained within the GB to strengthen both the green wedge between the nodes and the entrance to the E node. The rest of Area B comprises land which is being used as an engineering/storage operation and an open green space associated with an adjoining dwelling. We note that the adjoining land to the S along the A45 within the settlement limits is narrow and confined and development in this location would be difficult when the constraints imposed by the mature trees/vegetation are taken into account. Inclusion of this piece of backland would have little visual impact from the public road system and would round-off the NW corner of the E node. If combined with the adjoining land within the settlement limits, it could facilitate in-depth, rather than frontage development. Sensitive design could ensure the retention of the listed building and the many mature trees along this important road frontage.

7.17.2.13 The inclusion of the S part of Area C would result in a further undesirable increase in linear development along the main road and no site-specific evidence has been put forward to justify its inclusion. The trees along the E edge of the access to Gortin Heights provides a good defensible settlement limit on this side of the road and should be confirmed in the Plan. The N part of Area C is a linear strip only capable of accommodating a single dwelling and inclusion of this small area would not be significant in increasing the settlement’s linearity along the A45. The slight break of slope to the rear of the site separates it from the rest of the field and its inclusion would represent a logical rounding-off. In our opinion, the strong feature of the tree-lined laneway would provide a more satisfactory definition to this edge of the settlement.

**Recommendation**

7.17.2.14 The settlement limits of Edendork should be extended to include the eastern two portions of Area B and the linear strip N of the A45 within Area C. The exclusion of Area A, the W portion of Area B and the land within Area C to the S of the A45 should be confirmed.

**7.17.3 THE EXCLUSION OF LAND AT CULLION ROAD FROM THE EDENDORK SETTLEMENT LIMIT IS OPPOSED**

**Objection No 252**

**Site and Surroundings**

7.17.3.1 A 2.5ha site on the W side of Cullion Road to the N of the settlement of Edendork. The N half of the site is occupied by Dungannon and Coalisland Co-Operative Animal Feedstuffs while the S part is agricultural land sloping up from the N and E to a crest line towards the S boundary. St Malachy’s Church and Cemetery is adjacent to the SE. Boundaries have a mixture of post and wire fencing with some mature vegetation including trees along the S boundary marking the village limit.
**Department’s Evidence**

7.17.3.2 Edendork was designated as a hamlet in ETAP, and the history of this site in relation to the settlement is as reported in paragraph 7.17.1.2.

7.17.3.3 The physical considerations that influenced the Edendork settlement limit are reported in paragraph 7.17.1.3. Development of the site would be unnecessary expansion into the Green Belt. It is a prominent site and an important part of both the wider elevated rural landscape and the N approach into Edendork. The proposed settlement limit is well defined by an established hedgerow and land to the E of the site, within the settlement limit, is below road level and less prominent. Retaining the site outside the settlement meets strategic policy objections of preventing sprawl, protecting the setting of the settlement and safeguarding the surrounding countryside.

7.17.3.4 There are 14.7ha of undeveloped land in Edendork which is more than adequate to meet its development needs over the Plan Period. 6 dwellings were granted approval in the period 1990-1999

**Objector’s Evidence**

7.17.3.5 The objection site should be included within the settlement limit as Area B is currently in commercial use by Dungannon and District Co-op. Area A is owned by them and needed for future expansion and development.

**Consideration**

7.17.3.6 No case was made that inadequate land was available for the future expansion of Edendork and the objection is primarily focused on the presence of an established commercial business within the N part of the site. There are many examples of rural enterprises scattered throughout the area and by itself the presence of this business is not determining. No evidence was presented that its operation was adversely affected by its rural location and any expansion plans affecting the S half of the site would have to be assessed through the development control process and current planning policies.

7.17.3.7 Although this site abuts the Draft settlement limit, the main part of the W node including St Malachy’s Church and Cemetery, is hidden by the topography and when viewed from the Cullion Road approach, the site appears topographically divorced from Edendork. We note that although the lower land on the opposite side of Cullion Road is included within the proposed settlement limits, it is currently undeveloped. The area appears rural in character and this site is an integral part of an undulating rural landscape where the Green Belt performs an important role in protecting the N side of the settlement. In our opinion, the visual impact of development on prominent area of land physically divorced from the village by the local topography is a determining factor and it would be inappropriate to include these lands within the settlement limit.

**Recommendation**

7.17.3.8 The settlement limit on the NW edge of the W node of Edendork should be confirmed.
7.18 **GALBALLY**

7.18.1 LAND TO THE NORTH-EAST OF GALBALLY'S WESTERN CLUSTER SHOULD NOT BE EXCLUDED FROM THE SETTLEMENT LIMIT

**Objection No 19**

Site and Surroundings

7.18.1.1 This site is 2.6 ha of agricultural land abutting the NE end of the western cluster in Galbally. The S portion of the site is relatively flat and elevated above road level while the N part falls steeply towards a watercourse further to the NE. Phase 1 of a 2 storey housing development (Kildrum) is underway on roadside the land to the west of the site. Galbally GFC football pitch and clubhouse are located on the opposite side of Lurgylea Road.

Department’s Evidence

7.18.1.2 Galbally was designated as a hamlet in ETAP but no statutory settlement limits were produced. The site lay in the open countryside and remains so in both the Preliminary Proposals and the Draft Plan.

7.18.1.3 The objection site has been reviewed and it is now proposed to include the site within the settlement limit for the following reasons.

- Development on the land could be visually integrated when viewed from the approaches along Lurglea Road. It would be screened by mature trees and would not readily be visible because of the topography; and

- Its inclusion does not compromise any of the physical considerations taken into account in drawing up the settlement limits.

7.18.1.4 The inclusion of the objection site would increase the available development land within Galbally from 8.4 ha to approximately 11 ha. It is not policy to zone land for industry in the smaller settlements and the site would be included within the settlement with no specific land use zoning. Any future development of this site will be required to provide landscaping and screening along the N boundary to strengthen the settlement limit at this location.

Objectors Evidence

7.18.1.5 The proposed objection site should be included within the Galbally settlement limit for light industrial purposes.

Recommendation

7.18.1.6 In view of the Department's concession, this objection does not need any further consideration.
7.18.2 EXCLUSION OF LAND FROM THE EASTERN CLUSTER OF GALBALLY’S SETTLEMENT LIMIT IS OPPOSED
Objection Nos 175, 279 and 237(Issue 3)

Site and Surroundings

7.18.2.1 Objection site No 175 involves three separate areas to the west and south west of the eastern cluster of Galbally:-

Area 1: 0.6ha of agricultural land forming part of a larger field on the N side of Lurgylea Road. Topographically the land rises from the W towards a crestline to the East. There are several dwellings and farm complexes to the E and W with St Joseph’s Primary school and the Beechline housing development 100m to the East.

Area 2: Three fields (3.1ha) in an elongated strip of undulating land along the S side of Lurgylea Road. Internal field boundaries are post and wire fencing. The two most eastern of these fields (1.5ha) comprise Objection site 237(Issue 3). Area 2 plus the two adjoining fields to the S combine in Objection site 279(5.5ha) The two additional fields are bisected by a laneway, bounded by a hedge with post and wire fencing, which provides access from Gortindarragh Road to two farm dwellings and out-buildings immediately to the W in an elevated position on top of a ridge. Topographically the land is part of an elevated sweep of land southwards from Lurgylea Road. The SE and E boundaries have mature trees and a post and wire fence. There are a number of commercial land uses (Mace and Tallys Public House) to the E of the site on Gortindaragh Road with St John the Baptist’s Church and Parochial House on the opposite side of the road.

Area 3: Three fields (2.7ha) on the N side of Dernanaught Road abutting the SW corner of the village limit. It is part of a localised hill with land rising from the outer edges towards the centre of the site. The land is in agricultural use apart from a recently constructed two storey dwelling in the E part of the site.

Department’s Evidence

7.18.2.2 Galbally was designated a hamlet in ETAP but there were no statutory settlement limits and all three areas were in open countryside in both the Preliminary Proposals and the Draft Plan. Galbally STW has spare capacity and there are no infrastuctural problems. Marginal flooding may affect low-lying land adjacent to water courses in Areas 2 & 3.

7.18.2.3 The settlement limit was drawn to take account of the following physical considerations:-

- Promotion of a compact physical form and to minimise linear expansion particularly along Lurgylea Road;

- Protection of visually prominent land along the Lurgylea, Gortindaragh and Dernanaught Roads from inappropriate development; and

- Prevent coalescence and provide a visual break between clusters.
7.18.2.4 With the inclusion of 2.6 ha (Objection 19 concession), there are 11ha at various locations within the settlement limit to meet the village needs of Galbally over the Plan period without encroachment onto the objection sites. Approval was granted for 12 houses over the period 1990-1999.

7.18.2.5 Development on Area 1 would be exposed and prominent on approaches to the settlement from the NW due to the elevation of the E portion and the minimal tree screening on the western boundary. Inclusion of this land would further elongate the E node of development and contribute to urban sprawl on the N side of Lurgylea Road.

7.18.2.6 The N field in Area 2 is exposed because of the post and wire fencing along the roadside and development on it would be prominent given both its length and elevation above Lurgylea Road. Its inclusion would increase the linearity of the village, contribute to urban sprawl and adversely affect the rural landscape. Mature trees along the E site boundary and along the N side of Lurgylea Road provide a well-defined and more effective settlement limit than would result with the inclusion of any one or all of the component objection sites.

7.18.2.7 The open nature of Areas 1 & 2 is important on the approach to the E node of the village, in maintaining its rural character and providing a visual break between the two clusters in an area with significant ribboning and roadside development.

7.18.2.8 There are open views of Area 3 situated as part of a localised hill in an extended area of open countryside, particularly when travelling S from Galbally to Cabragh along Gortenaghan Road. Its development would have a significant adverse effect on the rural landscape to the SW of the eastern Galbally node and lead to urban sprawl.

**Objector's Evidence**

7.18.2.9 Galbally is a small settlement 10 kms NW of Dungannon in a rural context surrounded by agricultural land and undulating hills. There are two distinct clusters of development: one centred around the Community Centre on the Lurgylea Road and the second focused on the road junction around the school, church, shop, post office and public house. Objector 279 wants an additional 5.5 ha included for development purposes. The inclusion of Objection site 237 would give a more rounded appearance to development in the area.

7.18.2.10 Objector 175 considered that his three sites should be included within the village limits for the following reasons:-

- The Draft Plan boundaries do not properly address the needs of the area. New boundaries are imposing massive restrictions on rural dwellers and will force young couples to move away from the area, depriving the future rural community of its life blood.

- All the sites are appropriate development land as they have the necessary services and are ideally located to access the local school and church. They are on a main bus route and have access to the public sewer.
7.18.2.11 The sites comply with parameters and aims of many of PSRNI planning policies such as SP 3, HOU 2 and HOU 4. The RDS is committed to providing opportunity for rural communities to contribute fully to the prosperity of their local area. The Galbally community is strong and vibrant and has many rural community services. Strategic Policies SPG- RN1-RN1 balances environment conservation in sustainability terms with improving rural communities and improving the local economy.

7.18.2.12 The planning history indicates that while there was considerable history inside the village there was also a significant pressure surrounding the outskirts of the development limits, particularly along Lurgylea Road. This is a result of strong family and community links. Over 50% of the applications were refused or withdrawn which illustrates the restrictions on those who want to live in this area.

7.18.2.13 There is an inadequate amount of land within the settlement limits to accommodate future growth and no allowance has been made for unwilling landowners within the village area who do not want their land developed. There is a lack of flexibility to promote growth and sustainability within the proposed settlement limits and the land supply is very restrictive. Inclusion of this land would provide more choice and flexibility and reduce the development pressure on the edge of the development limits. It would consolidate the role of the village as a local service provider.

7.18.2.14 Site 1 has well-defined boundaries, apart from the north, and its W boundary would provide a natural physical settlement boundary. It is set within residential properties both to the E and W and is one of two fields which break the organic ribbon out from Galbally which developed from the lack of a formal settlement limit. The proposed limits would restrict this organic growth and its inclusion would accommodate a small number of residents who would otherwise be forced out of the area.

7.18.2.15 Site 2 is a relatively narrow strip with a gentle slope upwards from the road and established mature boundaries particularly to the SE. Its development with Site 1 would be sustainable and result in a compact urban form with the development physically and visually integrated with the housing on the opposite side of the road. This would comply with Objective 4 of the Draft plan. Their inclusion would not adversely affect the setting of the eastern node and would result in a compact urban form round the school rather than the linear form described by the Department.

7.18.2.16 Site 3 is low-lying hilly land and it is conceded that development of this area may have an effect on the rural landscape. It is accepted that if all the areas of land were included it would lead to an excessive supply of land that would not contribute to the aims of the RDS, PSRNI or the draft plan objectives. The position of Site 3, outside the settlement limits is accepted.

Consideration

7.18.2.17 Although the Department designated two clusters of development within Galbally, in visual terms the eastern node has two distinct sections. The main group of buildings in the E node is located on the N side of Lurgylea Road and include St Joseph’s Primary and the adjoining housing estate. A second cluster is located on the Gortindaragh Road focused on St John the Baptist Church but the topography and road alignment is such that there is little direct visual linkage between the two. In this context it was logical to
identify development land around the eastern node with the purpose of unifying the two clusters.

7.18.2.18 Objector 175 was concerned that there was an inadequate amount of land within the settlement limits but no details were provided of any alleged constraints to the development of any of the available 11 ha within Galbally. While the objector may believe that some or all of this is in the ownership of unwilling landowners who do not want their land developed, this was not substantiated and no objection was raised to the inclusion of any of this land. Most of the potential development sites in the E node identified within the Countryside Assessment remain undeveloped and no case was put that any of the three sites were to be regarded as substitutes. Overall there was no persuasive evidence that insufficient land or inadequate choice had been provided within DSTDAP to meet the needs of Galbally over the Plan period.

7.18.2.19 Development of Area 1 would involve a further extension of the E node towards the NW. The settlement limit in this locality generally reflects the extent of the existing development and is marked by a dwelling set on a localised crest. Development of the E portion of this field would be equally prominent on the NW approaches as the trees/vegetation along the W boundary would be of little benefit in terms of screening. Although the distance between the two nodes is approximately 1km, the further linear spread of development beyond this crest away from the existing built up-area would be undesirable in planning terms. In the absence of any proven need for additional land, we consider the visual impact of developing this land is to be a determining factor.

7.18.2.20 The elongated roadside fields within Area 2 are generally low lying with poorly defined internal field boundaries. A reasonable allocation of land has been included in the limits and we consider that inclusion of these fields would extend the linearity of the village to both sides of the road and would be prejudicial to the setting of the village in its current form. We accept Objector 175’s contention that inclusion could have some merit in sustainability terms and particularly the E portion being directly opposite the school and the existing housing development. However a partial inclusion in the absence of a strong internal boundary within the 3.1 ha area would result in a poorly defined settlement boundary in this location and its exclusion is not illogical in terms of urban form.

7.18.2.21 The additional two fields to the SE within Objection 279 are very elevated particularly when viewed from the Lurgylea Road and development of these fields would have significant visual impact and would neither site comfortably in the local landscape or be visually related to development within the village limits.

7.18.2.22 Objector 175 accepted that Area 3 may have an effect on the rural landscape and his proposed recommended settlement limits retain this land in the countryside outside the settlement limits. We consider this effectively withdraws this part of the objection and have not made any further assessment of this land.

Recommendation

7.18.2.23 No amendments are required to the Draft Plan as a result of these objections.
7.19 **GRANVILLE**

7.19.1 LANDS AT ESKRAGH ROAD, GRANVILLE, SHOULD NOT BE EXCLUDED FROM THE SETTLEMENT LIMIT

Objection No 260

*Site and Surroundings*

7.19.1.1 Two pieces of land (Areas A and B) comprising 4.4ha to the north of Granville along Eskragh Road and separated by a minor road which is also known as Eskragh Road.(U1104)

**Area A:** 3 fields (2.8ha) that slope down gently towards the NE and are almost flat towards the SE end of the site. To the SW is the Granville Industrial Estate with uses including meat processing, packaging and cold storage facilities. Land to the NW of Granville Road is zoned for industry/ mixed business uses but is currently agricultural land.

7.19.1.2 **Area B:** 2 fields (1.6ha) and the N field falls steeply to the S away from Eskragh Road while the S field is relatively flat. Field boundaries and the site frontages onto both parts of Eskragh Road are well defined with hedges, occasional trees and post and wire fencing. There are four recently constructed dwellings adjacent to the SE along the minor Eskragh road and a new dwelling is under construction to the NW of the junction of the minor Eskragh Road and the Granville Road.

*Department’s Evidence*

7.19.1.3 Granville was designated as a hamlet within ETAP but with no statutory development limits. It lay within an Area of Special Importance, which subsequently became as Area of Special Control and then Green Belt in October 1979. The objection site was within the core of the settlement which was excluded from the ASC/GB and used for development control purposes. The Green Belt around Dungannon remains unchanged except for Granville and the site has been excluded from the settlement limit both in the Preliminary Proposals and the Draft Plan.

7.19.1.4 The settlement limit for Granville was established after a planning appraisal in accordance with PSRNI Policy SP3. Three physical considerations are relevant:-

- The promotion of a compact settlement form which minimised the linear expansion along the main approach roads;

- Restriction of development on the visually prominent lands to the N, E and S; and

- Minimise the potential for other uses to be sited adjacent to the industrial area and livestock market.

7.19.1.5 Granville Industrial Estate is the largest concentration of industrial and mixed business use within the Borough covering 41 ha. The Draft Plan proposes an extension of 40 ha to the NE, W and SW of the existing industrial estate. Land to the NE of the industrial estate has been removed from the settlement and included in the GB to ensure
development adjacent to the estate and complaints would be minimised. Although the entire objection site provides a visual and physical barrier between the industrial development and residential development to the NE, it is recognised that Area A has been withdrawn by the objector.

7.19.1.6 Development particularly on the rising ground of Area B would be visually prominent when viewed from the approaches to Granville along the Eskragh Roads. Its inclusion would result in unnecessary linear expansion into open countryside along minor country roads contrary to Green Belt objectives and Draft Plan Objective 4. The overall development potential of the entire site has to be assessed and not just the road frontage suggestion put forward by the objector. Draft Plan guidance does not restrict development to 5 units and could allow appropriately designed groups, each not exceeding 5 units.

7.19.1.7 The settlement limit in the Draft Plan at this end of Granville is defined by well-established vegetation along the watercourse. This provides a more appropriate boundary than would result with the inclusion of the objection site.

7.19.1.8 Roads Service has objections even to six dwellings, based on the difficulties of widening the minor Eskragh Road and improving the junction. It is only 2.9m wide and there is little scope for improvement due to the position of two houses (Nos 79-81) directly opposite each other and 16m apart. Additional land would be required from 9 properties to improve the Granville Road and the U1104 junction sight lines to the standard of 4.5 x 160m as required by DCAN 15. There are no speed restrictions in Granville and traffic speed is not an issue. The minor road is publicly adopted and maintained by Roads Service. A junction improvement scheme has not been included in any Roads Service’s construction programme.

7.19.1.9 A new house under construction close to the junction restricts the possibility of widening Eskragh Road. It was approved in 1998 about 50 m back from the junction and with 2.4 x 45m visibility splays onto the minor Eskragh Road. The public sewer would require a 200m extension and pumping may be required to service the original objection lands.

7.19.1.10 There are 2.4ha of land within the settlement limits available for a range of development opportunities over the Plan period. This is commensurate with the scale of the settlement and its environmental constraints but would allow infilling and rounding-off of the settlement form.

**Objection’s Evidence**

7.19.1.11 Although part of the initial objection, Area A is outside the objector’s ownership and control. It was only included to ensure the objection site was contiguous with the Granville settlement limit and is withdrawn. That area however could be developed for light industry to act as a buffer between the residential part of Granville and the industrial estate.

7.19.1.12 A limited number of dwellings would only be permissible on Area B under DSTDAP guidance. It could be developed by a small number of individual sites fronting onto Eskragh Road for the following reasons:-
There was no policy objection to developing both Sites A&B for housing under ETAP and the long-standing settlement limit in this area should be reinstated;

- Visually the site is part of a residential road and 9 dwellings were approved in the residential part of Granville between 1990 –1999. Four of these were along Eskragh Road and there has been a consistent pattern of approvals in this area.

- Much of the housing in Granville is public sector and housing on this site could help to redress the balance.

- The obvious boundary and landmark point is the T-junction of the two Eskragh Roads and a small number of houses on the objection site would complete the settlement’s development on this side. The E field boundary would provide a good settlement boundary.

- The site has well-defined hedge boundaries and is not prominent when viewed from the main Eskragh Road. Only the N part of the site is visible over any distance and it could be kept free from development. The mature stand of trees at the NW corner could be retained.

- Housing would be very sustainable with people living close to a substantial industrial estate.

7.19.1.13 Access for a limited number of dwellings onto the minor Eskragh Road would not present difficulties. Alternatively access could be onto the main Eskragh Road and the minor road could be closed at that point. Such issues could be dealt with at planning application stage and if sufficient land was included, developer contributions may result in the necessary improvements. The access arguments in relation to Area B would equally relate to other land within the draft settlement limits and this land is probably sterilised. If so there would be less than 1ha of housing development land left within Granville.

Consideration

7.19.1.14 Granville differs from all the other designated villages in that substantial areas of land have been zoned for industry yet only 2.4ha are available for housing or other uses over the Plan period. The Department’s reasoning relate to the potential constraints posed by proximity to the industrial development and particularly the concentration of meat processing. Site A has been withdrawn and we do not see the proximity of the industrial estate as determining whether Site B should be included for housing.

7.19.1.15 Although Policy SP2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, we do not regard this as directing land allocations in a plan purely on the basis that employment opportunities are nearby or that the site would provide a better balance between public and private housing. Dungannon, with its many and varied housing zonings, is only 3 kms away and in absence of any substantive evidence of housing need specifically within Granville, we conclude there is no justification for extending the settlement limit to include the objection site on the issue of need.
7.19.1.16 We accept that most of the 2.4 ha of potential development land will also require access from the minor Eskragh Road and the Department was aware of this situation when planning permission was granted for the single dwelling on the NW side of its junction and the 16m distance between the gables of Nos 79 and 81 effectively precludes any road widening or junction improvement. The current junction is very deficient in terms of visibility when accessing onto the main Granville Road and the difficulties with the most direct means of access is a significant constraint to the inclusion of the objection site. Access could however be achieved by widening the N part of the minor Eskragh Road along the site frontage or by a direct access onto the main Eskragh Road, so we do not consider the potential access difficulties to be determining.

7.19.1.17 Development of this site would result in an elongated incursion into the countryside and further linear development along the minor Eskragh Road if the objector’s suggestion of 6 road frontage sites was adopted. In policy terms there is no mechanism in the Area Plan process to restrict the development of land within a settlement limit to a specified number of dwellings nor to prevent development, as in this case, on the higher land in the N part of the site. We agree with the Department that the strong vegetation screen along the watercourse provides a more appropriate settlement limit in this locality.

7.19.1.18 Finally we are not persuaded that the previous inclusion of this land in ETAP warrants its inclusion in the Draft plan. According to the Department’s evidence there was no planning history during that period of time and the site is on the periphery of the settlement. The site specific aspects are determining and the site should be retained in the Green Belt outside the settlement limits of Granville.

**Recommendation**

7.19.1.19 No alteration is required to the Plan as a result of this objection
7.20 KILLEEN

7.20.1 EXCLUSION OF LANDS TO THE NORTH-EAST OF LISACLARE ROAD FROM THE KILLEEN SETTLEMENT LIMIT IS OPPOSED

Objection No 276

Site and Surroundings

7.20.1.1 This 3.6 hectare is located adjacent to the north eastern edge of the proposed settlement limit at Killeen. It is bisected E-W by Ballygittle Road (Areas A and B). Area A is relatively flat and open and consists of two fields divided by low hedges. Residential uses predominate across the Lisaclare Road to the SW of area A. A disused building on open ground adjoins the southern boundary. There are hedgerows along both the Ballygittle and Lisaclare Road frontages.

7.20.1.2 Area B is grazing land to the east with two dwellings along Ballygittle Road. It is relatively flat with a slope down to the water course along the southern boundary. The S boundary is a mature hedge and trees, the N boundary has a low hedge and there is wooden fencing and maintained hedgerows between the residential properties.

Department’s Evidence

7.20.1.3 Killeen was designated as a hamlet within the Loughshore Study Area in ETAP but no statutory settlement limits were produced. The settlement lay in the open countryside and it retained this status in both the Preliminary Proposals and in DSTDAP. The site is included within the proposed Lough Neagh Shore and Environs CPA.

7.20.1.4 The settlement limit for Killeen was defined following an analysis of development trends, evaluation of environmental issues, physical features and consideration of general Draft Plan Objectives. It was drawn to take account of the following physical considerations:-

- Promote a compact settlement form and minimise linear expansion along Mountjoy Road, Coole Road, Lisaclare Road and Ballygittle Road;

- The need to control the recent rapid expansion and development of the settlement by minimising the extent of future land released.

7.20.1.5 The CPA around Killeen which includes the objection site was designated to protect the countryside from development pressure and guard against the further erosion of rural character. Outline planning approval was granted in 1988 for 3 dwellings within Area A of the objection site. As it is an attractive and large portion of land on the urban edge it is likely to attract significant development pressure particularly on the approach along the Ballygittle Road from the north.

7.20.1.6 The character of the site enhances the visual quality of the approach into Killeen from the N and NW and the inclusion of the site would contribute to urban sprawl contrary to Objective 4 of the Draft Plan.
7.20.1.7 The N settlement limit is well defined by the watercourse and vegetation and to the NE by established trees and a dense hedgerow along Lisaclare Road. The inclusion of the site would offer limited screening and would be less clearly defined being along field boundaries rather than the tangible natural and physical features such as a watercourse and a road.

7.20.1.8 There is no need to encroach onto the objection site over the period of the plan. There are 3.2 hectares of land available for the development needs of the village. Inclusion of the objection site would increase this to 6.8 ha and more than double the amount of land available and this has to be balanced against the settlements rapid recent expansion. Planning approval was granted for 37 houses in the period 1990 to 1999.

**Objectors Evidence**

7.20.1.9 The objection site should be included with the settlement limits.

**Consideration**

7.20.1.10 The settlement at Killeen comprises several housing developments as well as older linear development along both the Mountjoy Road and the link road to Lisaclare Road. As a result the settlement has quite a dense compact urban form and the village boundaries have been drawn to enclose and confine the existing development.

7.20.1.11 The scale and position of the objection lands means that development would significantly alter that situation. Area A between Lisaclare and Ballygittle Road is flat open land with low internal field boundaries and we agree with the Department that the proposed settlement boundary is well-defined by a cluster of trees and the stream. Expansion northwards would adversely affect the setting of the village by the sprawling of development into this open rural landscape.

7.20.1.12 The S part of Area B is low-lying along the stream but the land rises towards the N and NE and the two bungalows at a localised crest within the objection site are relatively well-screened and despite the short distance, are visually divorced from the settlement. The topography and the good hedgeline along the water course encloses the village on the Ballygittle Road approach and although there is only a small amount of potential development land within the settlement, no case has been made that additional land is required within the village. The N settlement limit uses strong logical boundaries and we agree that the village’s expansion into the objection fields would result in unnecessary urban sprawl.

**Recommendation**

7.20.1.13 No alteration is required to the Plan as a result of this objection.
7.21 **KILLYMAN**

7.21.1 **LANDS ON THE WEST SIDE OF CAVAN ROAD SHOULD NOT BE EXCLUDED FROM THE KILLYMAN SETTLEMENT LIMIT**

Objection No 236(Issue7)

**Site and Surroundings**

7.21.1.1 At the Inquiry it was confirmed that the site was 2.2ha to the N of the motorway and to the west of the Cavan Road as indicated on Map 7.21 Land in this area is undulating with a general fall from the N and NE towards Killyman Road and the M1. The land drops steeply to a watercourse long the Killyman Rd and rises sharply to the west of the road.

**Department’s Evidence**

7.21.1.2 Killyman was designated as a hamlet in ETAP but no statutory limits were defined. The site was located in open countryside but it became an Area of Special Control in 1979 and subsequently GB. The Green Belt around Killyman was drawn to protect the setting of Killyman, prevent sprawl and safeguard the surrounding countryside. The site remained in the GB adjacent to the village limit both in the Preliminary Proposals and the Draft Plan.

7.21.1.3 The settlement limit around Killyman was drawn to :-

- Promote a compact settlement form and minimise linear expansion along the approach roads;

- Use the M1 as a firm physical N boundary;

- Protect the setting of the listed buildings and the landscape along Trewmount Road; and

- Minimise development on the visually prominent land to the W and SE.

7.21.1.4 The M1 provides a strong physical and visual break between the settlement and the open countryside. Killyman is well maintained and has a compact form S of the motorway and inclusion of this site would result in urban sprawl. The level of development is not relevant when sprawling across a natural boundary.

7.21.1.5 The attractive open landscape of the area including the site enhances the setting of Killyman and the quality of the approaches along the Cavan and Killyman Roads. The site sits within the wider rural landscape and the urban part of Killyman is S of the motorway. Views of the site are limited from Killyman Rd but there are more open views from Cavan Road and the minor Killyman Rd. Housing on this site would be visible from the motorway as it is in an embankment in this area and the site is elevated above it. The proposed limit would be more appropriate and provide a well-defined boundary than with the inclusion of this open, elevated site.

7.21.1.6 There may be marginal flooding in the low-lying areas adjacent to Killymeal Drain to the N of the site. A water supply is available but there are no public surface water sewers.
The existing STW is slightly overloaded and some temporary works can be carried out. There is a firm commitment in the Capital Works Programme for a new STW with a capacity of 650 within DRD land of the existing works by December 2005. Pumping would be required as the site could not drain by gravity across the M1.

7.21.1.7 There are 23 ha of undeveloped land at various locations within the settlement limit which would be more than adequate to meet its development needs over the Plan period. This land could have a potential output of 332 units and the limits are very generously drawn in relation to past development trends as 39 dwellings were approved in the 10 year period 1990-1999. There could still be ample land beyond the notional end date of DSTDAP, 2010. The Department has no jurisdiction over Public Authority Housing.

**Objection's Evidence**

7.21.1.8 The site of just over 2ha of land on the W side of Cavan Road cannot be viewed as urban sprawl. Killyman is orientated all in one direction and there has been little or no development towards The Bush. Open elevated sites have been designated for development elsewhere in the Plan Area. Including land to the E of Laghey Crossroads which is being developed despite being extremely steep. Although the M1 fly-over acts as a natural limit other settlements have developed on both sides and Lisburn is a good example of where housing is built up immediately to the side of the motorway. The elevation of the site is being over-emphasised by the Department and it is doubtful if housing would be seen from the M1.

7.21.1.9 There has been a history of refusals in the Killyman area and there has been little NIHE social housing over the past 10 years. The NIHE states there is no demand but people will not apply if houses are not available. People in this area feel discriminated against when they see applicants in other parts of Killyman are getting planning permission.

7.21.1.10 ETAP was supposed to span the period 1974-94 but it is already 9 years out of date. In reality the Area Plan has to cope with a 20 year period and there would not be sufficient land for this extended period.

**Consideration**

7.21.1.11 Although Killyman has experienced some recent expansion in the form of new residential development on the S side of the motorway which is open and visible from that viewpoint, the main focus and extent of the settlement is contained by the topography. We agree with the Department that the M1 provides a strong visual and physical boundary which provides a logical and defensible reason as to why the settlement has not developed in the direction of The Bush. No case was put forward that insufficient land was available in the settlement and 23 ha of potential development land is a more than generous allocation for a modestly sized village and should accommodate the needs of both the public and private housing sectors even if the Plan continues to be used beyond its anticipated end date of 2010.

7.21.1.12 In terms of visual impact we consider the elevation of the site is not critical with only the top part of any proposed development likely to be visible from the M1. This is not, in our opinion, the determining aspect and comparison with towns like Lisburn is unrealistic given their comparable sizes, functions, location and topography. The extension of the settlement limit N across a strong physical boundary to include this segregated site would
be unsatisfactory in general planning terms and would be contrary to Draft Plan Objective 4.

**Recommendation**

7.21.1.13 The M1 should be confirmed as the N limit for development of Killyman.
7.22 MOY

7.22.1 LAND AT GORESTOWN ROAD/CURRANS BRAE SHOULD BE INCLUDED WITHIN THE MOY SETTLEMENT LIMIT
Objection Nos 187 and 224(Issue 18)

Site and Surroundings

7.22.1.1 Two fields comprising 3.3ha on the SW side of Moy which slope down from N to S. They are elevated above and separated from both Curran's Brae and Gorestown Road by a steep embankment. Site boundaries are mainly mature hedges and occasional trees and the S boundary has a small copse of woodland. Construction work has commenced on the adjoining site to the E (Site 21601 on Map 7.22A).

Department’s Evidence

7.22.1.2 The site was located in open countryside in ETAP, the Preliminary Proposals and the Draft Plan.

7.22.1.3 The settlement limit of Moy was drawn to take account of the following physical considerations:-

- Minimise linear expansion along the main entrances to the village;
- Minimise development on the flat low-lying land to the N of the village;
- Protect the W and S rural character of the landscape and minimise development on prominent slopes;
- Minimise urban sprawl by allowing for in-depth development behind existing development.

7.22.1.4 The site forms a definite rural edge and is part of the wider rural landscape that contributes visually to the quality of the village setting. It sits well above Gorestown Road and rises sharply from Curran's Brae and the critical views are from both these roads although from the SW, the site is screened by intervening vegetation. Development on this site would be prominent and conspicuous in the local landscape and its elevation and vegetation are important features for retaining it outside the village limits. The Draft Plan settlement limit is well defined by a natural fold in the landscape dipping to meet a mature hedgerow. This provides a logical definition between the urban and rural setting. The line of the bypass proposed in ETAP did not cut through this site.

7.22.1.5 There are 32.7ha of undeveloped land at various locations and the August 2002 Housing Monitor shows that 4.29ha have been taken up. There are 28.7ha remaining without planning permission which are more than adequate to provide a range of development opportunities over the Plan Period. 168 approvals for dwellings were granted in the period 1990-1999, which is an annual average of 17. If this rate of house building continued, about 180 housing units would be needed up to 2010 requiring 12ha of land (density of 15 dph) While it is accepted that Moy has a greater range of facilities, there is a sufficient quantum to provide both choice and flexibility.
7.22.1.6 The Department has used the most up-to-date maps available at the time of publication of DSTDAP and a more detailed map is provided within the Countryside Assessment. The Housing Monitor Database Map of August 2002 indicates the development status of all sites within Moy. There have been some problems with access onto Jockey Lane as it is not to the required standards but there are no known access difficulties to the Dungannon Road.

7.22.1.7 Roads Service is opposed to the inclusion of this site within the settlement limit of Moy due to the traffic problems that would be created on Curran’s Brae. The only possible access to the site has to be from Curran’s Brae as:-

- the level differences between the site and Gorestown Road are such that access along this frontage would not be possible without major earthworks;

- Approval for 20 houses as an extension to Ridgewood Avenue (M/2001/0372) will prevent access through existing white land to the Dungannon Road.

7.22.1.8 Development would necessitate infrastructure improvements to Curran’s Brae as its capacity is restricted due to parking as the houses do not have in-curtilage car parking. There is limited opportunity to widen the road as the house are only 7m back and 1m above road level. The carriageway’s effective width is 3.7m wide and it currently copes with an average daily flow of 1433 vehicles. There are three sites within the village limits with development potential which would increase traffic flows through Curran’s Brae: Site 21601 (30 units), Site 4956 (80 units) and Site 4945 (19 units). The latter 2 sites can also be accessed from Gorestown Road so assuming a 50% split, a further 79 houses would access via Curran’s Brae resulting in approximately 790 vehicle movements per day. This would be a 50% increase over additional traffic volumes and a potential 48 houses on the objection site could add a further 33% increase. Access to the objection site via Site 21601 wouldn’t relieve the traffic problems on Curran’s Brae. The objector’s proposed one-way system would add 2 kms to residents’ journeys and would be likely to cause objections. It would not be sustainable or compatible with objectives of reducing journeys and traffic emissions.

7.22.1.9 The 4.28 ha triangular area to the S of Gorestown Road (Site 21602) and bounded to the E by Benburb Road was previously used as a municipal dump but is no longer operational. There are no constraints or contamination in relation to its former use and it has been grassed over for a considerable period. It is recycled ‘brownfield ‘land and in sustainability terms it complies with policy and is an area of relatively flat land. Construction methods can deal with the former sandpit use and landfilling and it is suitable for a variety of land uses including industry, subject to compliance with normal planning and environmental considerations.

**Objector’s Evidence**

7.22.1.10 The Moy map in the Draft Plan is misleading as it does not include many areas already under construction. Generous provision should be made for additional housing as Moy has a greater range of facilities and services than other village settlements. Land at Gorestown Road/Curran’s Brae should be included because it would:-
• avoid piecemeal extension of the settlement in this location. If developed with lands to
the N and E it would provide a sustainable neighbourhood with proximity to community
facilities;

• provide a defensible and more logical boundary for the settlement at this location. The
steep wooded area could be kept free from development and access would not affect
most of the vegetation as it is a few metres back from the road edge. Its retention would
screen the housing and tie it into the settlement;

• increase housing choice as there is a need for houses in the village.

• avoid land within the settlement which is subject to flooding.

7.22.1.11 Most of the remaining 28.7ha area of land within the settlement limits will not be released
for development and land has remained undeveloped for over 30 years. Site 4541 has
access difficulties to Dungannon Road/Jockey Land and Site 4953 could have difficulties
with access to Killyman Street.

7.22.1.12 A suitable access is available on the E boundary of the site adjacent to Curran’s Brae and a
TIA will be required to assess the traffic distribution generated by any development. It is
accepted that there are car parking problems along Curran’s Brae but the Department could
consider a one way system along Curran’s Brae and using Gorestown Road. The problem
of traffic volumes onto Curran’s Brae could be resolved by opening an access from the
objection site onto Gorestown Road and it could also provide a suitable link to the centre
of Moy. Alternatively access via the adjoining site (Site 21601) could solve the difficulties
of constructing an access onto Gorestown Road. There are other elevated accesses on
Gorestown Road such as the entrance to Clover Hill.

7.22.1.13 Inclusion of this land would result in a more logical boundary than the piecemeal extension
of the settlement form through inclusion of land to the S of Gorestown Road. It was an old
sandpit, was used for 20 years as a dump and is filled ground 17-18m deep. It would be
foolhardy to develop houses on top of a landfill site and it could be many years before this
land could be used. The objection lands were part of the land for the Moy bypass in ETAP
and would lend themselves more readily to development.

Consideration

7.22.1.14 The Moy has more of the ambience of a small town than a village and from our site visits
development of a number of sites for housing appears to be progressing. There was a take up
of 4.29ha been initial survey work for the Countryside Assessment and the August 2002
Housing Monitor and the start of the adjoining site (Site 21601) would add a further 2.03 ha
to the total on this basis we consider the remaining potential within Moy is currently 26.67
ha. While we accept the Objector’s contention that the old landfill site is not the most
logical extension of the settlement in terms of urban form, this land is not the subject of
objection and it is former brownfield land and topographically suited to development. As
such it has to be included within the calculation of potential development land. There is
still a significant amount of land undeveloped and we have not been persuaded that either
access difficulties or unwilling land owners are of such magnitude that they would affect
an appreciable amount of this land. Overall the level of
land developed and with potential difficulties does not detract significantly from the overall generosity of the land within the village limits.

7.22.1.15 In the absence of a justifiable need for additional land we would agree with the Department that inclusion of the objection site within the settlement limits would result in unnecessary urban expansion into the open countryside. Even if we had concluded that additional land was required, other consideration would have included:-

- The elevation of this site in relation to both roads. Even with the retention of the mature vegetation, development on it would be prominent and would involve substantial earthworks. From our site visit we consider that the settlement limit is appropriately drawn in relation to the local topography.

- Access and traffic difficulties. We witnessed considerable traffic congestion of Currans Brae caused by its restricted width and on-street residential car parking exacerbated by a significant volume of construction traffic in relation to the two neighbouring sites. Given the amount of land in this area within the settlement limits, it appears likely that access along Currans Brae will have to be resolved and a oneway system may be appropriate.

**Recommendation**

7.22.1.16 The objection site should remain outside the Moy settlement limits

7.22.2 LAND TO THE NORTH OF DUNGANNON STREET, MOY, SHOULD BE BROUGHT WITHIN THE SETTLEMENT LIMIT

**Objection No 278 Site and Surroundings**

7.22.2.1 An area of 1.22ha of flat marshy grassland to the rear of properties fronting onto Dungannon Street and about 3-5m below its level. It is bounded by post and wire fencing with occasional trees and scrub. A watercourse and a steep farm laneway define the western boundary and there are denser trees/shrubs along its eastern edge. There is housing to the SE of the site within the Moy Area of Townscape Character and a small more recent housing development is adjacent to the S site boundary.

**Department’s Evidence**

7.22.2.2 Moy was designated as a village in ETAP and he site was located in open countryside adjacent to its limit of development. It remained in the open countryside in both the Preliminary Proposals and DSTDAP.

7.22.2.3 Inclusion of this site would be contrary to the second of the physical considerations used in the defining the settlement limits (reported in paragraph 7.22.1.3)and would result in unnecessary expansion into the flat low-lying undeveloped lands to the N of the village. The proposed settlement limits to the E and S of the site are well defined by dense vegetation and the established curtilages of existing development. The existing post and wire fencing on the N site boundary would provide little definition for the settlement limit in this open low-lying landscape.
7.22.2.4 The development potential of the site is constrained by marginal flooding, waterlogging along the low lying land adjacent to the watercourse. Although there is no objection in principle to access there is a steep gradient from the site to Dungannon Street, the A29 is a Protected Route and access would be required from Trewmount Road.

7.22.2.5 There are 32.7ha of undeveloped land at various locations within the Moy which is more than adequate to provide for a range of development opportunities over the Plan period.

**Objector’s Evidence**

7.22.2.6 The site should be included within the settlement limits.

**Consideration**

7.22.2.7 In our consideration of the previous objection we have concluded that sufficient land remains undeveloped in Moy to cater for its needs over the Plan period. This site is separated from the village area by a significant level drop and although development, extends this far North within the curtilages to the E of the site, the topography in that area is more related to the village form and it benefits from a significant level of boundary vegetation and screening. Development on this flat low lying area bordering this part of the settlement would not represent rounding-off but would result in an unacceptable and unnecessary incursion into open countryside.

**Recommendation**

7.22.2.8 The objection site should remain outside the Moy settlement limits

**7.22.3 A BY-PASS IS REQUIRED FOR THE MOY AND OTHER LOCAL ROADS AND PARKING ISSUES NEED TO BE ADDRESSED**

**Objection No 012**

**Department’s Evidence**

7.22.3.1 The provision of gullies is a maintenance matter rather than an issue for consideration in the Area Plan. Gully provision in this location is programmed for early summer 2003.

7.22.3.2 A study of Journey Time Surveys on both directions on 13 routes throughout Western Division was carried out in May and June 1998. The A29 through Moy was ranked 5th and 6th out of the 26 results with an average speed of 33 mph approximately in each direction indicating that congestion is a much less serious problem in Moy than in many other towns and villages. The issue has been passed to the Traffic Section to identify appropriate traffic management measures to reduce congestion and something may be able to be done regarding car parking. Moy Hill was marked out with car parking spaces and there should be parking only on one side of the road. Reserved spaces can only be delineated for disabled people and not residents. The enforcement of traffic regulation is a matter for the Police and the need for wardens will be reviewed.

7.22.3.3 Although a by-pass was proposed for Moy within ETAP, it was never constructed. Congestion levels in Moy are less severe than in other settlements and such a proposal is not currently identified as a Priority Scheme or within the 5 year Major Works
Preparation Pool. In consultation with the Dungannon and South Tyrone Borough Council, the wording of Policy TRAN 1 will be amended to include a requirement for periodic review within the 10 year Forward Planning Schedule of Major road schemes. The need for bypasses of towns and villages such as Coalisland and Moy will be considered as part of those reviews. It is not appropriate to include a bypass route to Moy in the Area Plan as the blighting effect of a protection line would be contrary to paragraphs 33 and 34 of PPS 3. Minor road improvements are discussed and agreed with the Borough Council to assess priorities.

7.22.3.4 Housing development is ongoing at various locations within the Moy settlement limits and the Department has no control over the commencement of construction work after planning approval has been given.

Objector's Evidence

7.22.3.5 A bypass is needed for Moy and was proposed over 50 years ago in the 1948 Dungannon Inquiry. Dates should be provided regarding a by-pass for Moy. There should be monitoring of traffic using Moy Hill before proceeding with the Dungannon Railway Through Pass. There is a significant volume of HGVs as Sawyers Chilled Foods/Delicatessen is based at Six Mile Cross and up to 80 of their lorries go through the Moy to the M1. The road at the top of Moy Hill should be widened and other relatively minor road improvements could assist with the flow of vehicles while enabling pedestrians to safely cross the road. It is accepted that gullies are to be provided on Currans Brae and Dungannon Road in early summer 2003.

7.22.3.6 Parking should only be permitted on one side of Moy Hill, Killyman Street and Dungannon Street. The village is badly lit and more street lights are needed down to the 30mph limit on Dungannon Road. Traffic wardens are needed to enforce car parking restrictions and Moy Square should be formally marked out with parking spaces. An indication is required of when housing development is likely to take place within the village.

Consideration

7.22.3.7 The Draft Plan does not contain a proposal for a Moy bypass and an amendment to Policy TRAN 1 has been agreed with the Borough Council (reported in paragraph 6.17.7) covers the possibility of such a route beyond the 10 year period of the Plan. The other aspects of this objection generally relate to detailed traffic management issues, minor road improvements and car parking provision within the centre of Moy and we concur with the Department that these are outside the strategic planning issues that are normally considered within the remit of an Area Plan with a 10-15 year life span. From our site visits we note that construction work has commenced on two sites on Currans Brae and acknowledge that the commencement of such work is outside the control of the Department.

Recommendation

7.22.3.8 Policy TRAN1 should be amended to reflect the wording of the concession agreed with the Borough Council.
7.23 **NEWMILLS**

7.23.1 **FOUR ADDITIONAL DEVELOPMENT AREAS SHOULD BE PROVIDED WITHIN NEWMILLS TO HELP REGENERATE AN ECONOMICALLY DECLINING AREA**

**Objections 188 and 284**

**Site and Surroundings**

7.23.1.1 Objection No 188 relates to 4 separate parcels of land around the settlement of Newmills. **Parcel 1** comprises 3.9ha of irregular shaped land approximately 200m to the NW of the settlement limit and bounded along the Newmills Road by post and wire fencing. The N part is undulating and the S part is flat. A farm complex with several large sheds lies to the SE of the objection land.

7.23.1.2 **Parcel 2:** 8.1 ha of elongated and irregularly shaped land around the northern edge of Newmills divided by Roughan Road. Land to the NW of the road is undulating with internal subdivisions mainly of trees and hedges. The most N field has no physical boundary to the east and land rises generally from Newmills Road to a crest-line beyond the NE site boundary. From Roughan Road the land rises first to the SW and also to the N towards a crest along the N boundary near the farm complex. Land to the SE of Roughan Road falls steeply from the SW and this area lies to the rear of Loughview Terrace and Drumreagh Crescent. The E boundary in this locality cuts through an area of woodland immediately to the objection NE.

7.23.1.3 **Parcel 3:** 3 fields (10.1 ha) which rise gently from E to W and lie to the E of the settlement limit and N of Brackaville Road. Objection site 284 (0.3ha) is a relatively flat triangular area encompassed within the S part of the larger parcel. The site contains a farm outbuilding and excludes a bungalow, both accessed off Brackaville Road by a laneway which runs along most of the SW boundary. The remainder is defined by a mix of hedge and post and wire fencing. The NW boundary is defined by a mature hedgerow and a laneway and part of the NE boundary follows a watercourse defined by mature trees. The S boundary along Brackaville Road has a trimmed hedge and post and wire fencing. Bracken Brae and Brodmorr Court housing developments lie to the SW of the site.

7.23.1.4 **Parcel 4:** 2.3ha of land on the S side of Aghaginny Road which generally rises from the SW to a crest line along the E boundary. The W boundary has a watercourse with occasional trees and the E boundary adjacent to No 67 Annaginny Road has post and wire fencing, with mature trees marking the remainder of this boundary along Quintinmanus Road. A new dwelling has been completed opposite the site on the N side of Annaginny Road.

**Department’s Evidence**

7.23.1.5 Newmills was designated as a hamlet in ETAP but statutory settlement limits were not produced. It was located in open countryside until 1979 when the village was encompassed by an ASC and subsequently Green Belt. The central core of the settlement was excluded from the ASC/GB area and this limit was used for development control purposes. Only Parcel 4 was located within this limit. Parcel 1 was in open countryside. Parcel 3 and most of Parcel 2 was located within the GB. The GB area remained unchanged in the Preliminary Proposals except that Parcel 4 was included. In DSTDAP
all of the parcels of land are within the Green Belt with the exception of the N part of Parcel 1 which lies in open countryside.

7.23.1.6 All of the sites generally contribute to the Green Belt and meet strategic policy objectives of preventing sprawl, protecting the setting of the settlement and safeguarding the surrounding countryside. Parcels 1 and 2 make a strong contribution to the outer Green Belt edge. There are no existing foul sewers to serve parcels 1 and 2 and pumping may be required for the sewers that are available to serve parcels 3 and 4. Water mains are available for all four areas although upgrading may be required for parcels 1, 2 and 3.

7.23.1.7 The settlement limit in Newmills was drawn to take account of the following physical considerations:-

- Promote a compact urban form and prevent ribbon development along the approach roads to the settlement;
- Prevent coalescence between Newmills and Coalisland to the S and E;
- Protect the setting of the settlement by restricting development on prominent slopes; and
- Safeguard areas of mature vegetation to the south

7.23.1.8 Parcel 1 does not adjoin the settlement limits. Its inclusion for industrial purposes is not appropriate and the Draft Plan only identifies land specifically for industry in Dungannon and Coalisland. Planning permission was granted in 1994 for the retention of one of the adjoining sheds for the repair and storage of agricultural machinery. Any new application for industrial buildings would be assessed against the policies of PPS4. Flat land is available inside the settlement limits at the junction of the Newmills/Roughan Roads. Inclusion of this land would result in an isolated pocket of land on the edge of the GB as the intervening land has not been the subject of any objection. No foul sewer is available and this site is not required to meet the industrial needs of the village over the Plan period.

7.23.1.9 Parcel 2 is part of the undulating setting of the village on the approaches along the Newmills, Agharan and Roughan Roads. It is owned by 3 landowners. On the E side of the Newmills Road, the settlement limit was drawn to exclude the crest of a localised hill and development on it would have a detrimental visual impact on the open rural landscape to the N of Newmills. The settlement limit on the opposite side of the road is well defined by a belt of mature trees and the objection site softens this entrance to the village. Land inside the village limits is not as steep and development would not be so much in the public view given the set back from the road.

7.23.1.10 The land of Parcel 3 is in the ownership of 3 people but is mainly worked by the farmer in the middle of the village with the 140 cows. It generally rises from the NE towards a crest line along the W boundary and is part of a prominent slope within the undulating landscape between Newmills and Coalisland. The ERM Landscape Analysis Report identified this area as a buffer to prevent the two settlements from merging. It is best protected by its GB status. Inclusion of this very large area would significantly increase the urban form and reduce the visual break between Newmills and Coalisland. Any
development on it would significantly affect the rural setting on this approach. The proposed settlement limit in this locality is well defined by the existing laneway and hedgerow and although the existing houses are visible, the urban development does not spill over the top of the ridge.

7.23.1.11 Although Parcel 4 was included within the core of the village in the non-statutory map used for DC purposes, no planning applications were submitted for its development. The land is elevated and part of the open rolling landscape between Newmills, Edendork, Donaghmore and Dungannon. Development on this prominent piece of land would have a detrimental visual impact on the area and the site is open to view along Annaginny Road. The settlement limit is well defined by an existing tree lined laneway along the eastern edge of this parcel of land and the land inside the limits is topographically different.

7.23.1.12 Over half (50.9%) of the total settlement extent is available as development land amounting to 25.4ha. This is more than adequate to meet all the settlement’s needs including industry. The potential development land surrounds the village and agricultural land identified for development purposes is owned by seven farm businesses. Inclusion of the 4 objection sites would involve a further 24 ha and result in development grossly disproportionate to the needs of the village. 21 Approvals were granted for houses in the period 1990-1999.

7.23.1.13 It is not accepted that there are difficulties with land availability within the settlement limits as suggested by the objectors (Map 7.23A). There are two possible accesses to Parcel 5 – from a sizeable gap at (A) on Annaginny Road where an access of 2.4 x 70m is achievable although it may involve setting back the gate pillars and hedge along the frontage of 79 Sessia Cottage. The other alternative is from Farlough Road between the School and the Gospel Hall (B) where an access of 2.4x 70m would be required to also serve Parcel 7. Re-grading would be necessary similar to the works at the School and the Gospel Hall because of the gradients and alterations may be required to their accesses because of their proximity. It is accepted that development on Parcel 7 could be seen from a considerable distance but the designation of part of this area as an Area of Archaeological Importance does not preclude it from being developed. It is accepted that this land is steep and lesser grouping than the 15 units specified in DSTDAP may be necessary.

7.23.1.14 The access to Parcel 6 could be obtained from a space beside the new dwelling under construction (C). There is no significant flooding risk from the Torrent River in this area as the map of the flood plain indicates. The land between the playing field and the Annaginny Road could be developed as individual sites.

7.23.1.15 A direct access to Parcel 8 is possible to Brackaville Road at the SW corner of the site (D) but would need earthworks to ensure a maximum gradient of 10%. Alternatively access could be obtained from two locations (E) or (F) within Drumreagh Crescent accessing the adjoining part of Parcel 9 and extending SE to Parcel 8. There is no record of a planning application being made to develop this land. There are no access difficulties to the other parts of Parcel 9 as they have frontage to roadways.
Objector’s Evidence

7.23.1.16 Newmills Village needs more development land to regenerate an area which is economically declining. Derryvale Factory was burned in the 1970s and a lot of Newmills people were employed there. Signs of decline include the closure of both the local shop and the chip shop. There is a Post Office but the facilities in the village have declined to the level of a hamlet. Bloomhill Rural Development Association (BLRDA) was formed in 1999 and has about 25 members. Enrolment at the local school has fallen from 130 to 90 in the past 3 years and more housing is required to support it.

7.23.1.17 Newmills is a predominantly Protestant village and industrial developments at Powerscreen and Farlough do not help the employment situation as 98% of their employees are Catholic. Few families are employed in the Coalisland area due to the same problem. Land Parcel 1 would be suitable for industry as it is on the outskirts of the village and not in close proximity to housing. The adjacent sheds have been passed for refurbishing agricultural machinery and a planning application is to be made for two large sheds for industrial use as farm diversification. The flat land between Roughan and Newmills Roads is still too close to housing to be suitable for industry. Inclusion of this land for industry would give parity with other villages such as Donaghmore, Ballynakilly, Bush, Coalisland and other industrial sites in hamlets outside Coalisland.

7.23.1.18 Land in Parcel 2 slopes down towards a boggy area and given the proximity of Drumreagh Crescent, it should be included within the development limits. The land inside the limits is the same in terms of steepness as this site. The principle of keeping the two settlements of Newmills and Coalisland separate is accepted but Parcel 3 should be included as it relates to the village development already at Brackaville Road. The houses in Bracken Brae and Bracken Ridge are clearly visible on this approach to the village. Parcel 4 is very comparable with Bracken Ridge, but the elevation of this land did not prevent its development.

7.23.1.19 The land earmarked for development within the settlement limits is unsuitable for housing or businesses as a large part of it (indicated as Parcel 9) is actively farmed by a single farmer located in the middle of the village with a dairy herd of 120 cows. Ownership may be with several people but farmed by 1 or 2 farmers. Other land inside the village limits in the Draft Plan would have difficulties in being developed. The owner of Parcel 5 is unwilling to sell and it has difficulties with sight lines and the right of way into it. A right of way and access to the small area in Parcel 6 would be a problem and it may become a private garden. It is accepted that the remedial work banking up the Torrent River has resolved the flooding difficulties. Parcel 7 is a small area of land in the form of a small embankment and it is questionable if planning permission would be granted. Houses here would spoil the setting and character of the village. It is believed that planning permission was applied for Parcel 8 but the sight lines were unobtainable.

Consideration

7.23.1.20 Newmills had 139 houses when the Countryside Assessment was being compiled and the Department’s evidence that 25.4ha of development land was available could give a potential increase of 250-380 houses depending on density. BLRDA expressed concern that a significant proportion of this land (Parcel 9) was owned by a single large dairy farmer and this was not challenged by the Department. Land owners can change their mind and circumstances can change and no objection was raised in relation to the
inclusion of any the land identified as Parcel 9 within the settlement limits. On the ground it is closely related to the Loughview Terrace/Drumreagh Crescent cluster of development which may have originated on land that was also within the same landowner’s property. As such we consider it reasonable to include it as potential development land.

7.23.1.21 The topography of the other identified areas of potential development land may make their development less than straightforward but evidence was given that there are alternative means of access to Parcel 8. From our site visits we accept that access is also possible to Parcel 6, and jointly to Parcels 5 & 7 as described by Roads Service. The evidence from Rivers Agency indicates that there is no significant flooding risk from the Torrent River in relation to Parcel 6 and the designation of part of Parcel 7 as an Area Of Archaeological Importance does not prevent it from being sensitively developed. Development of all or some of this land could result in a significant expansion of the village and could form the basis of the regeneration of the village. In this respect it has to be borne in mind that Newmills is only 3kms from Coalisland and it is inevitable that many people may choose to live, work or shop within the larger settlement and that Newmills may develop as something of a dormitory settlement. In terms of need we have not been persuaded that the case has been made for the inclusion of a significant amount of additional land within Newmills settlement limits.

7.23.1.22 Parcel 1 is some 150m from the Draft Newmills settlement limit and it is physically separated from the village by an expanse of flat land and a farm complex. This parcel is surrounded on all sides by land that will be remaining within the Green Belt and visually it is an integral part of the rural landscape where the Green Belt performs an important role in protecting the western side of the settlement of Newmills. Although the objectors drew comparison with other villages, land inside the settlement limits has not been specifically identified for industrial purposes in any of them and there was no evidence of any interest in this land by an industrial developer. While we accept it would be topographically suited to industry we are mindful of the fourth Draft Plan Objective of maintaining compact urban form while reducing the need for expansion into the countryside. In our opinion it would be inappropriate to include this site as an isolated pocket of development land physically unrelated to the village. In such circumstances we conclude there is no merit in the inclusion of Parcel 1.

7.23.1.23 Parcel 2 can be sub-divided into land to the N and S of Roughan Road. Although the single field between the Roughan and Newmills Roads has been included within the limits it is currently undeveloped and topographically different from the neighbouring land within the objection site. Inclusion of this elevated area would not provide a suitable and logical extension to the village and development on it would be viewed as encroachment into the countryside.

7.23.1.24 The land on the S side of Roughan Road within Parcel 2 is steeply sloping but it is topographically similar to the field to the SE which is within the settlement limit. The Department did not differentiate between the two nor explain why the draft limit jutted out to enclose this particular field and evidentially its objection to this land has not been substantiated. Inclusion would round–off this part of the village and access could similarly be derived from the adjoining housing estate. Although the objection site boundary does not precisely follow the field boundary and encroaches into the adjoining woodland, we consider the spirit of the objection would be achieved by inclusion of the
field and the retention of the woodland feature in the Green Belt as a strong settlement edge along Roughan Road.

7.23.1.25 The land on the opposite side of the road from Parcel 3 has now been developed for housing and in this context we have not been persuaded that its inclusion would result in a further increase in linear development along the Brackaville Road. This however is not the determining issue. The inclusion of all of Parcel 3 could have the effect of almost doubling the size of the settlement and in principle, development of all of this substantial area would be inappropriate in relation to the size of the settlement and the range of facilities contained within it. In addition the topography is such that development on it would be open and prominent. No site-specific evidence was put forward to justify inclusion of the smaller triangle of Objection Site 284 on its own. While appearing to round off the existing development, it cuts through a larger agricultural field and its outer edge is not delineated on the ground. Its inclusion would weaken the village limit in this locality and we consider the existing laneway along the W site boundary should be confirmed as the eastern settlement edge.

7.23.1.26 We attach little weight to the fact that Parcel 4 was effectively within the settlement limits through the use of the non-statutory ‘development control’ map. It is acceptable that a new statutory development plan should remove such land especially where planning policies and circumstances have changed. In this case the objective of securing a compact urban form has necessitates the exclusion of this land and we agree with the Department that development on this prominent piece of land would have a detrimental visual impact on the setting of the village and that the existing tree lined laneway along the eastern boundary of this site provides a sustainable and well-defined settlement limit in this locality.

**Recommendation**

7.23.1.27 All of the objection lands should remain outside Newmills settlement limits with the exception of the field to the S of Roughan Road within Parcel 2.

7.23.2 **LAND TO THE EAST OF NEWMILLS SHOULD BE INCLUDED WITHIN THE SETTLEMENT LIMIT**

**Objection 243**

**Site and Surroundings**

7.23.2.1 A 9.2ha undulating site to the SE of Roughan Road. The land rises from the N corner to the middle of the site and then falls towards the S. It also falls from the E boundary towards the watercourse along the S boundary. Part of the N boundary has frontage onto Roughan Road which has a mixture of trees and hedges. The S and SE boundaries are post and wire fencing with occasional trees and the NE has a hedge with some trees along the frontage onto the minor road.

**Department’s Evidence**

7.23.2.2 The planning history of Newmills as a settlement is reported in paragraph 7.23.1.5 and this site and adjacent land were not included within the ‘development control’ village limit. The site remained beyond the Newmills settlement limits in both the Preliminary Proposals and DSTDAP.
7.23.2.3 The site forms part of the undulating landscape between Coalisland and Stewartstown and the Green Belt boundary is well defined by the existing hedgerow and ensures that the crest of the hill is adequately protected. This proposal would result in illogical fragmentation of the GB which relies on its operation as an entity to meet its strategic objectives. The site should be retained within the Green belt to prevent urban sprawl, to protect the village setting and safeguard the surrounding countryside. Any development on this land would be prominent from both the Roughan and Brackaville Roads.

7.23.2.4 The objection site is not contiguous with the settlement limit and the intervening lands are not the subject of objection. If removed from the GB the site would be in open countryside where less restrictive policy would apply. Given its proximate location to the settlements of Newmills, Coalisland and Edendork and it would be likely to become an ‘island’ and the focus for development pressure.

7.23.2.5 The proposed settlement limit is more effective and appropriate than would result with the inclusion of the objection site. Its development would lead to ribbon development along Roughan Road and an eastern expansion of development towards Coalisland.

7.23.2.6 There are 25.4ha of undeveloped land at a variety of locations within Newmills settlement limits which are more appropriate to meets its housing needs over the Plan period. There is no need to encroach onto the objection site.

**Objector’s Evidence**

7.23.2.7 The land should be considered for planning permission for a new dwelling as the objector was born and reared in Newmills and would like to return to it. There are personal circumstances relating to the family situation and the family farm.

**Consideration**

7.23.2.8 Although the nearest point of the proposed settlement of Newmills is less than 100m to the W it is topographically detached from it by a slope and mature vegetation which is not the subject of objection. The objection site cannot therefore be considered as an extension to the Newmills settlement limit. We therefore accept the Department’s view that inclusion of this substantial area of land would result in urban sprawl and form an unacceptable intrusion into an area of attractive countryside.

7.23.2.9 In the previous objection we accepted that there is an adequate supply of potential development land. We appreciate that the objector’s intention is the erection of a single dwelling house, this is not within the remit of the development plan process and would have to be addressed further through the planning application process. No issue was taken with the Green Belt designation in this locality and the objector’s circumstances will have to be assessed against the strategic objectives of Green Belt Policies within PSRNI

**Recommendation**

7.23.2.10 No change is required to the Plan as a result of this objection.
7.24 TAMNAMORE

7.24.1 LAND AT MULLENAKILL SHOULD NOT HAVE BEEN EXCLUDED FROM THE TAMNAMORE SETTLEMENT LIMIT

Objections 083 and 224(Issue 21.9 Area A)

Site and Surroundings

7.24.1.1 Objection Site 224 (Issue 21.9 Area A) is 5.2 ha to the east of Derrylee Road on the N side of the M1 motorway. The N part of the site includes Mullenakill Park housing estate and the S part includes a section of the motorway and its adjoining grass banks. The remaining area is approximately 2.2ha. It also includes the curtilages of two dwellings fronting onto Derrylee Road and a more recent brick dwelling in the SE part of the site with access onto a private laneway.

7.24.1.2 Objection Site 83 (6.1 ha) lies to the east of Objection Site 224 (Issue 21.9 Area A). A large part of it is a flat low-lying bog with a gentle rise towards the NE. The SW part of the site is within the Annagarriff/Mullenakill NNR. There are laneways to the N and S of the site partly lined with vegetation and post and wire fencing. Mullenakill Park housing estate and three single dwellings lie to the west of the site and separated from it by a watercourse lined with mature trees. The E boundary is not delineated on the ground.

Department’s Evidence

7.24.1.3 Both sites were in open countryside in ETAP, within an Area of Scientific Interest (ASI). They remained in open countryside in the Preliminary Proposals and in DASTDAP. The sites are also within an ACMD and a Ramsar Site. Part of the area lies within the Annagarriff/Mullenakill NNR.

7.24.1.4 Objection Site 224 (Issue 21.9 Area A) has been conceded (It was subsequently withdrawn by the objector in the light of the concession but is reported here in the interests of completeness.)

7.24.1.5 Site 83 should remain outside the Tamnamore settlement limit as it is physically separated from it by the M1 and the intervening land. However the inclusion of the adjoining land means that it can be assessed as a northern extension to the settlement limits at Tamnamore. Its inclusion would result in development in open countryside leading to unnecessary urban expansion and sprawl. It would be very open to view when travelling S along Derrylee Road due to the open flat landscape.

7.24.1.6 Part of the objection site is within the Annagarriff/Mullenakill NNR and the Peatlands Park NNR (Candidate Special Area of Conservation). A significant proportion of the site is cut-over bog and it has a valuable range of peatland habitats and hosts rare plants and species such as dragon flies and buttercups. The peatland is fringed by native woodland and grassland habitats as which are a protective buffer protecting the peatland habitats. Development of the site would have a detrimental impact on its nature conservation value contrary to the RDS, PPS 2 and Draft Plan Objective 6. It is open to view travelling S on Derrylee Road due to sparse vegetation along the main part of the N site boundary.

7.24.1.7 When the concession on adjacent land is taken into account, there are 9.49ha of undeveloped land at various locations within the settlement limits which is more than...
adequate to meet its needs over the Plan period. These are more appropriately located to services without the need to cross the strong physical boundary of the M1 into an open sensitive landscape. The scale of development on this site would overload existing surface water sewers. It is not accepted that the majority of land within the village limits has already been developed.

**Objector’s Evidence**

7.24.1.8 The objection site at Mullenakill should be included for the following reasons:-

- Most of the land within Tamnamore’s settlement limit has already been developed;

- There is a large demand for housing in the area as it has all amenities and is within easy commuting distance;

- The existing area is a small hamlet with a shop, filling station, post office, school, churches and small commercial enterprises;

- The site is to the rear of an NIHE estate and all services are available.

- Mullenakill STW is capable of accommodating further development, unlike Tamnamore STW which is operating at capacity and could only accommodate single dwellings;

- The proposed access could be either to the S of the site or via the existing housing estate at Mullenakill; and

- The proposed lands could be easily integrated into the existing landscape.

**Consideration**

7.24.1.9 The Department conceded Objection Site 224 (Issue 21.9 Area A) after the submission of its rebuttal evidence at the 20th Pre-Inquiry meeting in November 2002 but its evidence in relation to Objection 83 was not revised in the light of these changed circumstances. Its concerns about breaching the strong physical boundary of the M1 and the northwards extension of the settlement in this direction cannot evidentially be sustained. Roads Service have advised that access would not be a problem if taken through Mullinakill Park onto the Derrylee Road.

7.24.1.10 Mullenakill is a cluster of eight ‘Orlit’ single storey houses along the Derrylee Road with a more recent housing estate of two storey dwellings to the rear which has used the topography and vegetation to advantage and is well screened and relatively inconspicuous. We note that the Peatlands Park SAC and the Mullenakill NNR designations only relate to a small part of the site (Map 7.24.1A) but the site is physically divorced from the adjoining development by a mature vegetation screen and visually relates more to the peatland/bog area that extends eastwards. Adequate land has been allocated within the settlement for development purposes and the physical separation of the objection site and the protection of its conservation interests are also determining in this objection.
Recommendation

7.24.1.11 Tamnamore settlement limit should be amended to include the conceded land in Objection 224 (Issue 21.9 Area A) but that Objection Site 83 should remain outside its limits.

7.24.2 LAND TO THE SOUTH EAST OF TAMNAMORE SHOULD BE INCLUDED WITHIN THE SETTLEMENT LIMIT
Objections 242& 277

Site and Surroundings

7.24.2.1 Three relatively flat fields to the west of the Tamnamore Road which forms the village limit in this area. The land is below the level of the road and slopes gently SW to the River Blackwater and its tributary, the Tall River, which forms the W/SW boundary of the objection sites. Objection Site 242 (2.9ha) is the two most northerly fields while Site 277 (2.3ha) lies to their SE with its E frontage onto Clonmore Road.

7.24.2.2 Post and wire fencing and occasional trees mainly define the site boundaries with clusters of mature trees along the riverbanks to the W and SW and more dense vegetation along the SE road frontage of Site 277. This side of the Tamnamore Road is mainly agricultural land with a newly constructed dwelling towards the junction of the Tamnamore and Clonmore Roads. Land uses on the opposite side of Tamnamore Road include a garage workshop, Verners Inn and related stores.

Department’s Evidence

7.24.2.3 Tamnamore was designated as a hamlet in ETAP but statutory limits were not produced. The sites were in open countryside and are outside the proposed settlement limit in both the Preliminary Proposals and DASTDAP.

7.24.2.4 Tamnamore settlement limit was defined to take account of the following physical considerations:-

- The promotion of a compact form and the prevention of further elongation along Tamnamore Road;
- Restrict development on the visually prominent land to the SW;
- Protect the area of mature vegetation to the W;
- Use the M1 as a strong physical boundary to the N; and
- Avoid land adjacent to the River Blackwater which may be subject to flooding.

7.24.2.5 Adequate land has been identified at a range of locations to meet the needs of the village over the Plan period. With the concession of Site 224(Issue 21.9 Area A), 9.49 ha is available within the settlement limits of which 3.7 ha is reserved for housing development under the terms of Policy TAM1. Planning approval was granted for 56 dwellings and 11 commercially related enterprises in the 10 year period 1990-1999.
7.24.2.6 The rural character of these sites enhances the visual quality of the village setting in approaches along the Tamnamore and Clonmore Roads. The Tamnamore Road is an effective settlement boundary as it provides a clearly defined physical break between the settlement and the adjacent countryside. It is enhanced by wide grass verges with occasional trees and by the setback of development on the N side of the road. Both sites are susceptible to marginal flooding because of their flat topography and proximity to the Blackwater and Tall Rivers. Access to Site 277 is constrained by the layout of the adjoining road junction and the close proximity of the bridge over the Blackwater.

7.24.2.7 There is an extant planning permission for a single dwelling on the E portion of Site 277(M2001/0097) to the rear of the new dwelling fronting onto Clonmore Road (M/2000/571). Inclusion of the objection lands would lead to unnecessary expansion into the open countryside and would facilitate urban sprawl along Tamnamore Road contrary to DSTDAP Objective 4. It is important to retain the remaining undeveloped land to maintain the open rural character of the area and the views to the SW of the countryside and the River Blackwater system.

Objectors’ Evidence

7.24.2.8 Both sites should be included within the village settlement limits. Site 242 is viewed as an area of residual infill between the approved sites to the east and the River Blackwater. 3 Dwellings have also been approved outside the proposed settlement limits. Land availability is restricted in this part of the village.

7.24.2.9. The land uses surrounding Site 242 are mixed but dominated by commercial/industrial uses including the objector’s car sales facility to the NW and a petrol filling station/shop to the NE. The business is thriving and employs over 20 people. A planning application has been lodged recently for a car sales compound with security office and workshop on the objection site (M/2002/1139F). This facility is needed for the following reasons:-

- To provide a display facility S of the motorway to promote sales;
- For increased security after a series of burglaries and criminal damage to his current premises. Security fencing around the existing property would seriously reduce the display court and adversely affect business;
- To provide on-site space for car transporter deliveries that cause considerable traffic obstruction for at least 1 hour daily on the Tamnamore Road;
- There are no other options for securing additional land within the village limits for storing his stock of cars.

7.24.2.10 All of the other land within the settlement limits (Map 7.24.2B) is either zoned for housing or is unavailable to the objector for the following reasons:-

- Housing has been approved on Site 1(M/2000/1147/O) and Site 6 (M/2000/0364 & M/1995/0658);
- Site 2 is specifically designated for housing under DASTDAP policy TAM1;
• Site 3 is very small and the access could not accommodate delivery vehicles;

• Site 4 is small and is not available as it has recently been sold; and

• The access to Site 5 is restricted and unsuitable for the objector’s business.

7.24.2.11 Inclusion of the site would comply with strategic and regional planning policies within the RDS, PSRN1, PPS1 and PPS4. The provision of adequate land for business development will ensure the economic growth and vitality of the rural area of which Tamnamore is a part. Site 242 meets the general criteria for industrial purposes in paragraph 29 of PPS4 and its other requirements in the following ways:-

• It would be seen in the context of and integrated with the existing built-up area of Tamnamore;

• The site boundaries are established;

• The site is required as a secure compound for vehicles in relation to an existing nearby business; and

• Any landscaping requirements will be provided around the site boundaries.

7.24.2.12 The site complies with paragraph 48 of PPS 4 and the expansion of rural enterprises as:-

• There is no land available within the proposed limits of Tamnamore for this purpose;

• The site is not within any designated or proposed Green Belt or CPA;

• It will not involve the development of any large scale buildings and will be well screened by additional planting;

• There will be no significant increase in trade as it is purely a security/storage compound; and

• It can be satisfactorily integrated due to the topography and the existing boundaries and the surrounding land uses will provide a backdrop.

Consideration

7.24.2.13 The settlement limit in this part of the village encompasses the existing development and is tightly drawn along Tamnamore Road permitting little or no potential further development. The inclusion of Site 242 was advocated primarily because of the difficulties being experienced by an established car sales business operating to the N of Verners Bridge. Land within the existing business area appears to be densely used and we accept the need for a secure vehicle compound to facilitate car storage and security. The need for on-site space for car transporter deliveries was evident during a morning site visit when there was considerable traffic difficulties on the Tamnamore Road exacerbated by the proximity of the car business to the road constriction of Verners Bridge. The provision of land for the needs of an established village business employing
over 20 people would in our opinion comply with PSRNI Policy SP3 where the emphasis is on facilitating development within smaller settlements.

7.24.2.14 We note that Roads Service have advised that the construction of an access may be “difficult” due to the proximity of the bridge and the road junction but raised no objections in principle provided the access was constructed to the necessary standards. The concerns about flooding are not substantiated by the comments of Rivers Agency who advised that the site is unlikely to be subject to significant flooding and marginal flooding adjacent to the watercourse could be dealt with during the detailed development of the site. The nature conservation interests of the site are not exceptional and with additional planting, the SW field boundary could provide a defensible settlement limit. We consider that the site-specific need for the development needs of an established village business should be determining in this instance. On this basis we conclude that Site 242 should be included within the village limits.

7.24.2.15 Site 277 shares many of the features of the adjoining two fields and its would be logical to also include this land within the limits for the following site specific reasons:-

- A relatively small amount of land is specifically earmarked for residential development in relation to the size of the settlement and the land allocations for other settlements;

- Development would not constitute urban sprawl or increase the linearity of the village and would provide potential for in–depth housing development;

- A new dwelling has been constructed on the outer E portion of the site and there is an extant permission for a further house. Integration of these dwellings within a large area of housing with additional planting would provide a stronger edge to the settlement and tie in with the settlement limit between Clonmore Road and the M 1;

- The site is reasonably enclosed by natural vegetation along the edge of the Tall River which could provide a strong settlement edge in this locality. Although there may be marginal flooding in this area, it was not viewed as significant by Rivers Agency and did not preclude the extant approval being given.

**Recommendation**

7.24.2.16 Both sites should be included within the settlement limits of Tamnamore. Site 242 should be specifically identified for industry/mixed business use and Site 277 should be covered by the terms of Policy TAM 1.

7.24.3 **LAND TO THE WEST AND SOUTH OF TAMNAMORE SHOULD BE INCLUDED WITHIN THE SETTLEMENT LIMIT**


**Site and Surroundings**

7.24.3.1 Area B1 and Objection site 236(Issue 6) both relate to 4.8 ha of undulating land between the M1 motorway to the N and Tamnamore Road to the S. It is largely below the level of the adjoining roads and defined to the E by a laneway and a line of mature trees, to the N by barred wooden fencing and to the S by a steep embankment along the western section.
and then hedges and trees. A dwelling is located mid way along the frontage and there is a small orchard in the SW part.

7.24.3.2 Area B2 comprises 3.4 ha of land to the S of Tamnamore Road and divided into two sections by the Bovean Road. It slopes gently from W to E and there are 2 dwellings in the E part of it, each accessing onto separate roads and with rough grazing land between them. The Tamnamore Road frontage has post and wire fencing. The S boundary is a mixture of post and wire fencing, groups of trees and a watercourse which marks much of the eastern boundary with the adjoining woodland.

**Department’s Evidence**

7.24.3.3 Tamnamore had the status of a hamlet in ETAP but no development limits were produced and the site was in open countryside outside the hamlet. It remained in open countryside outside the proposed settlement limit in both the Preliminary Proposals and DSTDAP.

7.24.3.4 The physical considerations which helped to determine Tamnamore’s settlement limits are reported in paragraph 7.24.2.4.

7.24.3.5 Inclusion of the two objection sites would lead to urban sprawl along the Tamnamore Road and increase the already extensive linear development in the area. Development reflects the historic form of Tamnamore and the focal point is the school and the older housing development. The motorway roundabout is the connection to the road network and there is a physical balance within the proposed limits.

7.24.3.6 The mature trees and vegetation along the proposed W and N boundaries adjacent to the site are more effective as a settlement limit than would result with its inclusion. Development on both parcels of land would be prominent particularly when approaching the village from the west along both the Tamanamore and Bovean Roads as well as along the M1 in both directions. The site would be highly visible from the motorway slip road due to the sparse vegetation along the N and W boundaries. It is accepted this could be reinforced with native species planting but PSRNI Policy DES 5 advises that unacceptable sites cannot be made acceptable by landscaping.

7.24.3.7 Tamnamore STW is operating nearly at capacity and Capital Works are planned for September 2003 to increase its capacity.

7.24.3.8 As reported in paragraph 7.24.2.25 there is more than adequate land to meet Tamnamore’s development needs over the Plan period. It includes the extant approval of 1.05ha to the east of Area B 1(M/2000/1147) The number of dwellings was not specified although an Indicative Block Plan indicated 24 semi-detached dwellings. This site is completely different to Area B 1 in terms of topography, boundary definition, land quality and the land falls naturally away from the urban form and is well contained and below the level of the slip road embankment. The outline approval has a condition regarding the provision of landscaping. All the remaining land is available for development.

**Objectors’ Evidence**

7.24.3.9 Objector 224 believes that these two areas of land should be included within the village for industry and mixed business use for the following reasons:-
• The accessibility of Tamnamore in relation to the key transport corridor network and the emphasis in the RDS to the location of transport dependent industries at well accessed nodes within them;

• The RDS commitment to facilitate the development of rural industries and enterprises at appropriate locations;

• Paragraph 13 of PPS 4 allows the industrial zoning of an especially suitable site within a small settlement; and

• The land use character of the development node includes a diversity of enterprises;

7.24.3.10 Both sites are suitable for development in terms of landscape impact and have a level of containment/enclosure within an undulating landscape. Area B2 should be developed first in the logical growth of the settlement in a westward direction. It is well contained by the existing woodland across the higher ground and its E area has the most capacity to absorb development which would be viewed as an integral part of the existing small residential group around Bovean Road. The built form of the village extends beyond the tree belt to the E of Area B2 and a cluster of new development will consolidate the developed form in this area.

7.24.3.11 Area B1 would benefit from additional structure planting to reinforce the sense of containment and provide clear separation from the motorway. Advance planting would enable its potential to be realised following the completion of B2 and with time it would have the capacity to absorb low density development to round-off the settlement edge and provide a significant focal point.

7.24.3.12 Objector 236 advocates the inclusion of Area B1 for residential purposes as half of the land within the settlement limits reserved for housing has already been developed. It is located in the eastern part of the settlement opposite commercial development. The focal point and heart of the settlement is the roundabout entrance and inclusion of this site would provide geographical balance and the opportunity for in-depth development. The site is pastureland and has never been used for arable farming as it is not top quality agricultural land. Views of it are limited and it cannot be seen from the junction of Bovean and Tamnamore Roads. Planning permission has been granted for housing adjacent to the site (M/2000/1147) on better quality land and most of the trees screening that site are on the objection site boundaries. Sewerage and water services could be linked into that development. The potential and inclusion of land for development does not relate to its availability.

Consideration

7.24.3.13 Tamnamore has a pronounced linear form which owes much to its location along the edge of the Motorway. From our site visit we do not accept that the roundabout forms the focal point of the community and the distribution of land on either side of it is not a determining factor. The limit in the W part of the settlement has generally been drawn around the existing development apart from the approval of a housing development immediately to the east of Area B1. From our site visit, we agree with the Department its ground levels, boundary screening and topographical features differ significantly from Area B1 although its development will marginally increase the linearity of the village. In
our opinion any further increase in the linearity of the settlement would be to the detriment of settlement form and the inclusion of Site B1 for either industrial or residential development would be seen as linear urban sprawl from all potential viewpoints and particularly from both the Motorway and its slip road.

7.24.3.14 In the joint objection of Areas B1 and B2, no case was put forward as to need for additional land for industry and mixed business uses either in local terms or in relation to the Borough as a whole. The objector suggested that Area B2 should be developed first but it does not abut the settlement limit. It could only be viewed as logical growth of the settlement if the intervening land was developed first. The objector relied on two factors - the accessibility of Tamnamore in transportation terms and the strategic emphasis to developing rural industries and enterprises at appropriate locations. Although Tamnamore has a number of commercial enterprises, these are within the village footprint and the inclusion of Areas B1 and B2 cannot be viewed as an “especially suitable site within a small settlement” as required by paragraph 13 of PPS 4. In the absence of need for further industrial land, the environmental factors in relation to village form and visual impact are determining and inclusion of this land would result in segregated industrial development unrelated to the village form.

Recommendation

7.24.3.15 No change is required to the Plan as a result of these objections.
7.25 **THE BUSH**

7.25.1 **EXCLUSION OF LAND AT BUSH ROAD FROM THE BUSH SETTLEMENT LIMIT IS NOT WARRANTED**

**Objection 282**

*Site and Surroundings*

7.25.1.1 A 2.7 ha site to the SE of The Bush to the rear of properties fronting onto Bush Road. The E part of the site relatively low lying and slopes down gently to the watercourse along its E and SE boundaries. The steepest part of the site is along the boundary with 111 Bush Road to the N of the objection site. Parts of the N and W boundaries are not fenced and the internal fields are mainly post and wire fencing with some trees.

*Department’s Evidence*

7.25.1.2 The Bush was designated as a hamlet in open countryside in ETAP but settlement limits were not produced. The area became ASC in October 1979(and subsequently Green Belt) but the core of the settlement was excluded. This settlement limit was used for development control purposes and the site was included within the limit. The settlement limit was amended in the Preliminary Proposals to exclude the site and it is in the GB beyond The Bush’s settlement limits in DSTDAP.

7.25.1.3. The site is attractive agricultural land which enhances the rural character and setting of the village particularly in the approaches along Bush Road. The Green Belt protects the site. Development on it would be prominent and undermine the villages setting along all roads to the S, E and W. Its inclusion would result in expansion into the countryside contrary to Draft Plan Objective 4.

7.25.1.4. The settlement limit was dawn to take account of the following physical considerations:-

- Promote a compact urban form and minimise linear expansion along Bush Road, Mullaghteige Road and Cavan Road;
- Restrict development on the visually prominent land to the NW and NE;
- Protect the setting of Lough Nacrilly to the SW; and
- Safeguard the mature vegetation to the N and along the watercourse.

7.25.1.5 There is no need to encroach onto the objection site as approximately 23.5ha of land are available for a range of development opportunities at various locations within the village limits.

*Objector’s Evidence*

7.25.1.6 The objection site should be included within the settlement limits.
**Consideration**

7.25.1.7 Although this site could potentially accommodate some 40 houses we accept that 23.5 ha of land is more than sufficient for the needs of the village over the Plan period. There are several opportunities for development in close proximity to the site including a significant area of land on the opposite side of Bush Road. At present this end of the village appears largely undeveloped and the site contributes positively to its rural setting. Development of land within the proposed limits will establish a more cohesive village unit and given the frontage development along its N edge and the openness of this land on the SE periphery of The Bush, we do not consider that there is any planning merit in including this site within the village settlement limits.

**Recommendation**

7.25.1.8 No change is required to the Plan as a result of this objections.

7.25.2 **HOUSING DENSITY GUIDANCE IN RELATION TO THE BUSH IS CONTRADICTORY AND SHOULD BE REMOVED**

**Objection 244**

**Site and Surroundings**

7.25.2.1 Two fields comprising 5.6 ha to the S of Bush Road and E of Cavan Road, within the village settlement limits. The land generally falls from NW to SE with steeper slopes in the SE corner with Cavan Road. Site boundaries are mainly hedgerows. There is a new housing development (the Elms) on the N side of Bush Road opposite the site.

**Department’s Evidence**

7.25.2.2 Policy SETT 1 of DSTDAP is designed to control the scale, form, design and use of materials in new housing within the villages. The policy balances a generous supply of land to provide choice with a mechanism to prevent large scale housing developments more suitable to large urban settlements. The guidance for The Bush (page 177) is the response to point 7 of this policy and provides an overall guide to the scale of development that is in keeping with the traditional character of this settlement. Limitation to 5 units and under is to ensure that the cumulative impact of multiple applications does not lead to an incremental build-up of large scale housing estate layouts.

7.25.2.3 The objector’s suggested density is not appropriate as a limitation by number is more suitable than by density. A variety of densities may be permissible on different sites subject to the scale, form and character being acceptable and there is no contradiction in the guidance. The policy guidelines for The Bush are necessary to ensure that the typical suburban solution at ‘The Elms’ on the N side of the Bush road does not re-occur given its close proximity as a commuter settlement to Dungannon. This development reinforces the view that the suggested densities for The Bush should not be prescribed in the Plan.

7.25.2.4 The outline permission relating to the objection site has now lapsed and any new proposal would be assessed in the context of current policies including those in DSTDAP. Its guidance does not preclude development on the site and allows potential
for a number of informal clusters of development over time which reflect the local characteristics of the village.

**Objector's Evidence**

7.25.2.5 Outline planning permission was granted for the site (M/96/0206) with no restriction on the number of units. A housing development is under consideration and the contradiction in the guidance in DSTDAP for The Bush (page 177) is of concern. One sentence states that multiple unit development will be normally be acceptable but the next line states that residential developments in excess of 5 units will not normally be permitted. This restriction should be removed and an overall minimum density of 7 units/acre should be used to meet the demand for housing in The Bush.

**Consideration**

7.25.2.6 Events have overtaken the submission of this objection and we note that a housing development is under construction on this site. This development is obviously for a substantial number of dwellings including a terrace of 4 units slightly set back from the road. The Department’s evidence that the lapsing of the outline permission would provide the opportunity to reassess the site in the context of current policies including those in DSTDAP has not been followed. When combined with the housing development on the opposite side of Bush Road (The Elms), we consider that the character of this end of the village has been significantly changed and it is difficult to see the merit in adopting a policy that would limit other residential developments to informal clusters of 5 units.

7.25.2.7 Although we have accepted that the wording of the Policy SETT 1 provides an acceptable mechanism to generally ensure development is in keeping with the existing character of the settlement, we have some concerns as to the practicalities of implementing the supporting limitations specified in relation to some settlements. Given the large amounts of land that are available in many of the villages, including The Bush, and our general comments on the adequacy of land, we consider it essential that developments within the villages generally are small scale, low density, appropriately located and of sensitive design, materials and form. This is particular pertinent in relation to The Bush where proximity to both Dungannon and Coalisland is likely to result in increased pressure for development and higher densities that may be to the detriment to the overall character of the settlement. It would be inappropriate to specify an overall minimum density of 7 units/acre in view of the potential variety and the size of sites that may become available in The Bush. The issue need to be clarified and clear guidance need to be provided within the Plan as to what density would be permissible so that Policy SETT 1 when used in conjunction with other policy guidance such as in PPS 7 would ensure that new development will be compatible with the character of this village.

**Recommendation**

7.25.2.8 Detailed guidance should be provided in the Plan as to the density of development that will normally be permitted in The Bush.
8.0 THE RURAL AREA

8.1 GREEN BELT/COUNTRYSIDE POLICY AREA RELATED OBJECTIONS

8.1.1 THE CASE FOR DESIGNATING THE LOUGH NEAGH SHORE AND ENVIRONS AS A COUNTRYSIDE POLICY AREA HAS NOT BEEN ESTABLISHED.

Objections 67 (Issue 2), Issue 180 (Issue 6), 224 (Issue 12) and 190-197(Issue 2)

Department’s Evidence

8.1.1.1 The existing Countryside Policy Area (CPA) was originally defined in 1979 as an Area of Special Control (ASC) and became part of ETAP on its adoption in April 1980. PSRNI Policies SP 6, SP 12 and DES 1 require development plans to assess development pressures and consider their impact on the landscape and local character. The Preliminary Proposals indicated that, as some of the Lough Neagh Lowlands were facing considerable development pressure, the existing Loughshore CPA would be reviewed as part of the Plan process. Policy CTY 2 of the Draft Plan proposes an amended CPA incorporating the Loughshore environs and along the road network linking Brockagh/Mountjoy, Killen, Aughamullan and Dernagh/Clonoe.

8.1.1.2 Information from a variety of sources was assessed in establishing the spatial extent of the CPA. These included desk studies – a Development Pressure Analysis and the ERM Dungannon and District Landscape Character Assessment Study, as well as field studies of development patterns on the ground, including aerial photography and a boat based evaluation of the Lough Neagh shoreline. All of this information enabled a number of factors to be assessed including the capacity of the landscape to absorb further development, the scale, prominence or incongruity of existing development and its cumulative impact.

8.1.1.3 The Countryside Assessment formed part of the Draft Plan preparation and it identified the Loughshore area as part of a Distinctive Landscape Character Area (Lough Neagh Peatlands). The wetland and shoreline landscapes are extremely sensitive and highly valued for their scenic quality and wildlife. As a result, the “Lough Neagh Shores Area of Scenic Quality” was designated.

8.1.1.4 In the light of all the information, it is necessary to designate a CPA in this area to achieve the strategic objectives of the Plan and PSRNI Policy GB/CPA 1 for the following reasons:-

• the various studies indicated recent development pressure in its environs and particularly along local roads. The ‘dot maps’ identified clusters of applications indicating development pressure;

• there is a considerable level of historic development in the Loughshore area;

• the existing ASSI designation does not provide sufficient control to achieve the objectives of Policy GB/CPA 1. A retreat to the ASSI boundary would involve a reduction to the current statutory CPA boundary. Important areas of landscape quality, development pressure and rural character extend beyond this boundary and the area where control is needed is much greater than the current ASSI;
policy tools such as DES 5, 6 & 7 are not sufficient to exercise the required level of control. The CPA designation is not solely based on pressure and ASSI designation would not control the area identified by ERM as essential. Use of an LLPA designation is appropriate to protect locally important vistas and can be even more stringent than CPA. It can deliver the same result but it is qualitative and does not say “no” to development unless based on need.

8.1.1.5 The proposed CPA is the minimum area necessary to achieve the DSTDAP’s policy objectives and accounts for only 0.7% of the land area of the District. It does not cover the entire Loughshore area but it will protect:

- the high quality landscape around the Lough Shore;
- the areas along the local road network that are susceptible to development pressure;
- the setting of the three proposed settlements and the rural character of short distance (1-2kms) between them.

The area was defined sparingly to reflect development pressure and it accords with the Plan Strategy of sustaining a living and working countryside while protecting vulnerable areas from inappropriate development. It does not place a ban on development and the presumption against development permits approval for a wide range of uses within the policy criteria, such as meeting the needs of agriculture. The CPA designation will keep development to a minimum and will help to safeguard agricultural land from sporadic development. The two are neither contradictory nor incapable of reconciliation.

8.1.1.6. Stricter planning controls within the Loughshore CPA have been mitigated by the provision of generous development limits for the Loughshore villages of Aughamullan, Brockagh/Mountjoy and Killen which abut the CPA. Over 36 ha of potential development land is available within these settlements- Aughamullan (15.1ha), Brockagh/Mountjoy (18.3ha) and Killen (3.2ha). The village designation will remain even if the CPA is not confirmed.

8.1.1.7 The removal of the land on the eastern side of Ballybeg Road from the CPA and the relocation of the boundary to one or two fields back from the road would be contrary to the 2nd and 3rd objectives of PSRNI Policy GB/CPA 1. This land is within the Lough Neagh Peatlands Landscape Character Area and the Lough Neagh Shores Area of Scenic Quality. The level of control afforded by the designation of the ASSI only relates to a relatively narrow shoreline area and PPS 2 is not sufficient to achieve the objectives of PSRNI Policy GB/CPA 1. Its removal from the CPA could create development opportunities to the detriment of its visual amenity and quality. Deletion from the CPA would cause considerable pressure for development and contribute to urban sprawl. The Washing Bay Road has particularly been subjected to development pressure and Objection Site 67 is one of the few remaining gaps in the locality. It is accepted that Ballybeg Road has not suffered from significant development pressure in the period 1988-1998.

8.1.1.8 The designation of the CPA was included in the Strategic Environmental Appraisal of the Draft Plan as required by paragraph 41 of PPS1. The sustainability assessment of the policies included an appraisal of social equity to ensure that PAFT guidelines were
adhered to. It is believed that the CPA will have a positive effect in many respects including biodiversity, landscape and countryside and managing the water environment.

8.1.1.9 The appraisal recognises that the CPA designation will have a differential impact on religious/political and ethnic groups in the locality. This was argued at the Cookstown Inquiry and reported in full at paragraphs 4.02.18 - 4.02.23 of that report. Article 8 of ECHR does not relate to property and the Commissioner’s consideration was correct in fact and in law. Although the equality argument was not as precisely formulated as now, it was fully aired and the objector’s evidence is a “tweaking” of the same point.

8.1.1.10 It is accepted the CPA policy will have a differential impact but that does not equate with discrimination. Article 76 of the Northern Ireland Act 1998 cannot be read without reference to Article 75. Article 14 of Schedule 1 of the Human Rights Act 1998 was argued at the Cookstown Inquiry and Section 98(7) of the Northern Ireland Act 1998 is not relevant as there is no discriminatory provision. The concept of proportionality and statutory duties imposed on a Department are relevant and differential impact is lawfully dealt with by the designation of the CPA as a proportionate response to the strategic objectives required under Policy GB/CPA 1. It is not accepted that the CPA is discriminatory and, within the wider public interest of protection of the environment, it is a proportionate response within the margin of appreciation allowed to a Government Department charged with the formulation of planning policy for the orderly and consistent development of land.

**Objectors’ Evidence**

8.1.1.11 Although it is recognised that the Commission decided in favour of a Loughshore CPA in the Draft Cookstown Plan, the case has not been established in this area and ordinary development control considerations plus the ASSI controls are sufficient to secure environmental objectives. Five main factors contribute to this assessment:

- The designation of the CPA does not have regard to the particular physical economic and cultural way of life initially based on fishing that dictated the traditional settlement pattern of this long settled area. The rural character of the area is determined by its geography and distinctive settlement pattern. The ERM report recognised that the area has a highly dispersed set of rural communities. This rural area has a growing population and Washington Bay Ward increased by 579 (29%) over the decade 1981-1991.

- The current settlement pattern is even more distinctive than the Ardboe/Moortown locality within Cookstown District Council Area. There is a dispersed population focused on roadside development with no formal history of planning and strongly nucleated structures in the form of small towns or villages have been unable to form. Community facilities illustrate this dispersed settlement pattern as many are located outside the village areas. The Little Flower Nursery school is outside Killeen. St John’s Church and Primary School are in open countryside at Kingsland at the southern end of extensive roadside development. The community Hall and facilities of the Castle Bay centre are well removed from the village of Brockagh. Its settlement limit has been contrived to include St Brigid’s Primary School. Aughamullan Post Office, Supermarket and Falls Bar and lounge are all outside the development limits of the proposed village. The village designations are contrived representations of
community. Local signage reflects this dispersed settlement pattern as it gives expression to townland communities and of the proposed villages in the Draft Plan. Only Brockagh carries any place name sign identification.

- The development pattern within the proposed CPA is not uniform and there is little development along Ballybeg Road between the Wetlands Park and Brockagh or along Ferry Road due to the high water table and predominance of boglands. Clachan type clusters on higher ground characterise the traditional settlement pattern. More environmental damage is being caused in this area by “hovering” of peat than the occasional dwelling or their distribution and the CPA designation will disadvantage the many small holders in the area. There is a strong community spirit and the area has three community groups and four football clubs based on townlands. There is no obvious demand for new houses from outside the area. Local people fear village settlements based on what was seen to happen in Annaghmore and Killeen and the opposition to the creation of Aughamullan as a village is very strong.

- The scenic quality of the landscape is not uniform across the extensive in-depth CPA designation and the ERM Landscape Assessment Maps on which the CPA boundaries are based are diagrammatic. Roadside development is a feature of part of the CPA and there are 33 houses extending westwards from Aughamullan and 20 houses are located immediately adjacent to Washing Bay Road. CPA designation has not been proposed for other areas of roadside development including the 24 houses between Aughamullan Post Office and Kingsland Church, the 22 houses on Derryloughan Road and the 33 houses within the four roads area at the heart of Derrytresk. Objector 67 considers CPA designation would prevent his family from obtaining permission.

- Clear evidence has not been provided of development pressure and analysis of the large-scale GIS map indicates an absence or very low numbers of planning applications over the ten year 1989-1998 period within the proposed CPA. In total there were 29 approvals and 12 refusals. Account has not been taken of this relatively low number of new single dwellings. There were so few replacements that they can be disregarded as insignificant. The proposal lacks consistency as the clustering of planning applications outside the proposed CPA is as great or greater than many within it and the sweeping analysis on page 24 of the Countryside Assessment is not supported by the evidence. Development pressure is far from being “intense”. There is no threat and Planning Service has other regulatory mechanisms including LLPAs to protect important vistas and the setting of the villages. DSTDAP Policy CON 2 indicates that LLPAs can be properly used to deal with development pressure. In surgical terms, it is a “scalpel” while the CPA is an “axe”. The Department has the legislative power to refuse single dwellings on environmental grounds without requiring the power of CPA designation.

8.1.1.12 The proposed boundary is over-extended in the Lough Shore area and the poor quality design and suburban character of new development has been inappropriately used as justification for CPA designation. Design-based policies already exist in PSRNI to control these aspects of development. The “critical thresholds” referred to in Cookstown do not reflect the level of development here. The CPA does not take account of the special relationship between physical landscape characteristics and single house development in the area which is more like a Dispersed Rural Community in PSRNI policy terms. The existing ASSI designation should be used to protect the Lough Neagh
Shore line and the CPA would result in an unacceptable level of restriction. An in-depth study and tailor-made policy relating to the specifics and background of this area could be an acceptable compromise.

8.1.1.13 The strategic objectives of PSRNI Policy GB/CPA 1 are usually taken as three independent objectives. Objective 1 is not an end in itself and is linked to Nos.2 and 3. Paragraphs 3 & 5 of Policy SP 12 provide the linkage and the question is whether development pressure is such that harm is being caused to the landscape. House building should be allowed within unimportant areas in the ASSI. Objections 190-197 are concerned as to how the development of the area can be reconciled with the CPA designation particularly around the Lough Shore and the importance of agriculture.

**Human Rights and Equality**

8.1.1.14 The designation of the proposed CPA has implications under equality and human rights provisions and it is discriminatory, unlawful and in breach of Article 76 of the Northern Ireland Act 1998 and should be deleted from the Plan. Article 76 was not specifically identified in the Cookstown Area Plan and the argument centred on Article 75. It embraces negative discrimination and Article 76 stands alone and is binding on all Departments and Services within Schedule 2 of the Ombudsman Order 1976. Article 75, like Equality Impact Assessment (EQIA), is a tool. The only basis for justifying discrimination is in Article 98(7). Any act by a public authority which is discriminatory is unlawful and there is no exception for an administrative act by a Public Body. The only exception permissible is under Article 98(7)(a) and as the CPA designation cannot be viewed as a national security or public safety issue, it is wholly irrelevant on those grounds. The CPA designation is focused on the protection of the landscape and rural environment.

8.1.1.15 In the Cookstown Area Plan, the Department equated equality with Human Rights issues which is neither appropriate nor lawful. It has accepted that the differential impact is “significant” which is at the top end of the scale. The EQIA was not done as part of the Cookstown Plan preparation and discrimination was not raised as a substantive issue. Proportionality and marginal appreciation are not in play in Article 76 and there is no case law on the issue of discrimination. The wider public interest is the protection of the environment which is irrelevant in the equality issues. Proportionality is only relevant to the Human Rights issue and the Department has confused the two. The clear terms of the Act does not permit the CPA extension on the grounds of equality.

**Consideration**

8.1.1.16 The general principle of whether human rights issues were engaged by a designation of a Countryside Policy Area was debated at the Cookstown Area Plan Inquiry and with the release of the relevant section of that report, all parties are aware of the PAC position in relation to this issue. As in the Cookstown Draft Area Plan, the CPA was designated on the basis of the criteria within PSRNI Policy SP12 and there are other areas within the Borough Council Area which are similarly restricted under Green Belt/CPA Policy requirements. Evidence was given that the proposed Loughshore CPA is only 0.7% of the entire area of the Borough, and that land is available in neighbouring settlements to mitigate some of the effect of the restrictions on the local community. Like the Cookstown situation there was evidence in relation to the effectiveness of the planning...
controls in dealing with the issues of protection of the landscape and development pressure. Evidentially no additional planning issues were raised that would persuade us that we should depart from the Commission’s view that the designation of the CPA is not in contravention of the Human Rights Act 1998.

8.1.1.17 DSTDAP has been subjected to the requirements of Policy Appraisal and Fair Treatment (PAFT) and while the DOE Equality Scheme has identified that some differential impact may result, we do not view the measure of “significant” as at the top end of the scale. It is an alerting mechanism to the decision-making authority and an additional factor to be weighed in the overall balance. Whether this amounts to discrimination for the purposes of Section 98(7) of the Northern Ireland Act 1998 is a matter for debate and we note that neither party was able to suggest in any case law to demonstrate the Courts’ view on this matter. Article 14 of ECHR was discussed at the Cookstown Inquiry and we do not consider the equality/discrimination and human rights are as divorced as portrayed by the objectors. Proportionality as a response would appear to us to be equally relevant both to Human Rights and the broader issues of equality. In planning terms, the wider public interest is the protection of the environment and we consider that the differential impact can be lawfully dealt with by the designation of the CPA as a proportionate response to the strategic objectives required under PSRNI Policy GB/CPA1.

8.1.1.18 The strategic policy context in Policies SP6 and SP12 emphasises that areas of excessive or inappropriate development pressure will be protected by the designation of Green Belts and CPAs. Policy SP12 allows for the adjustment of Green Belt boundaries to include particular areas at risk from excessive development. In this context we consider that the strategic objectives of Policy GB/CPA 1 are individually free-standing and there is no basis in the document for the interpretation placed by the objectors that the second two are subsidiary and have to be read in the context of the first. Each relates to different aspects of Green Belt/CPA policy and together they provide the basis for consideration of the necessity and extent of the proposed Loughshore CPA

**Maintenance of rural character**

8.1.1.19 As part of the Countryside Assessment the Consultants of the ERM Landscape Character Assessment Report identified a number of landscape character areas throughout the Borough and the Loughshore area was identified as part of a Distinctive Landscape Character Area (Lough Neagh Peatlands). The extent of the proposed Countryside Policy Area extents slightly beyond the broad area identified as the Lough Neagh Peatlands and includes land between Killen and Dernagh/Clonoe which are within the wider character area of the Dungannon Drumlins and Hills. There has been no attempt to limit the CPA to the “low lying marshy areas with prominent river and drainage channels” which are distinctive to the Loughshore Area. Within this broad classification, the proposed CPA has a variety of physical terrains and as this variety in landscape character is equally replicated outside the proposed CPA, its delineation is not essential to the overall maintenance of its character.

8.1.1.20 Policy SP 12 specifies that the extent of each area will relate to particular local circumstances and we accept the evidence of the objectors that the Lough shore area has a distinct cultural identity that physically reflects on the land use pattern. However the character of the area is being eroded by the number of modern sub-urban style bungalows and in certain localities such as Washing Bay Road westwards from the edge of Aughamullan, the volume, prominence and incongruity of some of the existing housing
is such that its cumulative impact has resulted in the loss of rural character. Objector 67’s land is partially within this area and we accept the Department’s evidence that it forms part of one of the few remaining gaps along this part of the Washing Bay Road. Similarly, the area east and south of Doon Avenue at the southern end of Aughamullan village has suffered considerable loss of rural character and the CPA boundary should be confirmed in these locations to ensure additional protection and prevent further loss of rural character.

Protection of areas under pressure for development

8.1.1.21 The large scale Development Pressure maps provide details of the numbers and concentration of planning applications between 1989 and 1998. In this context, we were somewhat surprised that the number of applications along many of the roads did not reach a level that could reasonably be classed as “excessive” development pressure. The Department conceded that Ballybeg Road had not experienced development pressure over the ten year period and we found it to be a pleasant rural environment that does not merit the stringent control of a CPA. We consider that the CPA boundary could reasonably be retained along the current CPA boundary.

8.1.1.22 Similarly, the northern section of Coole Road beyond the village limits of Aughamullan has only two planning approvals and the level of approved new housing, set in the context of the historic development in a reasonably well-wooded landscape, does not equate with an area under pressure. The picture is similar along the Mountjoy Road westwards from Brockagh up to the edge of the Coalisland Green Belt, apart from a concentration around the crossroads to the east of Killeen, and when travelling along this road, its rural character is visually evident. We have not been persuaded that this locality has been subjected to undue development pressure.

Protection of visual amenity in areas of landscape quality

8.1.1.23 There was no dispute among the parties that the Lough shore and the wetlands with their nature conservation designations constitute an area of high landscape quality and while some objectors favoured these as the means of planning control, we do not consider them to be sufficiently stringent or allied to the issue of need to provide an effective means of development control. The existing CPA should remain and should be extended in the area to the north-east of Brockagh out to the boundary with the Cookstown Borough Council area. The visual amenity of this area is particularly vulnerable because of its proximity to the shoreline, the tourism potential of the area and the level of existing and approved development.

8.1.1.24 Our conclusion is that the proposed Loughshore Countryside Policy Area should only be confirmed in those parts of the area identified above, where policy designation would comply with the strategic requirements of PSRNI Policy SP12.

Recommendation

8.1.1.25 A Countryside Policy Area should be confirmed at the following locations:-

westwards along Washing Bay Road from the edge of Aughamullan;
• on both sides of Doon Avenue and the wedge of ground between it and the portion of Coole Road, to the south of Aughamullan Village; and

• to the north-east of Brockagh/Mountjoy to tie in with the CPA area within the Cookstown District Council Area.

CPA designation should not apply:-

• along Coole Road northwards from the edge of the reduced Aughamullan settlement limit as recommended in paragraph 7.3.1.17;

• to the east of Ballybeg Road through to the edge of the existing CPA boundary; and

• along both sides of Mountjoy Road and to the north of the settlement limits of both Brockagh/Mountjoy and Killeen.

8.1.2 LAND AT FERRY ROAD SHOULD NOT BE INCLUDED IN THE LOUGH NEAGH SHORE AND ENVIRONS COUNTRYSIDE POLICY AREA

Objection 214

Site and Surroundings

8.1.2.1 A flat 0.9ha field, 300m to the east of Ferry Road close to the Lough Neagh shoreline at Roskeen Point. It is a part of a wider elevated landscape of low-lying marshy land with intermittent scrub vegetation on the edges of the Lough. There is a small crest towards the NE corner of the site but most of the western area is low lying and boggy. Boundaries are mainly well vegetated.

Department’s Evidence

8.1.2.2 The site was in open countryside in ETAP, within an Area of Scientific Interest (ASI). It became part of the Loughshore ASC following a review of rural policy and was subsequently confirmed as the Loughshore CPA. A review of the CPA boundaries as part of the Plan process was indicated in the Preliminary Proposals. The site was retained within an extended Loughshore CPA in DASTDAP.

8.1.2.3 The site should be retained within the CPA for the following reasons:-

• Its removal would be contrary to the strategic objectives of CPAs which can only be secured by treating the entire area as an entity;

• It would create an isolated plot within the CPA which would be open countryside with less stringent control and thus likely to be subject to development pressure;

• It lies within a scenic area of high conservation value in landscape character terms. It is within the Lough Neagh Peatlands landscape area identified in the ERM Report to be of high scenic quality. Development on the E part of the site would be intrusive in views from the Lough and Ferry Road.
• The site is also of nature conservation importance as it is located close to both the Lough Neagh ASSI and the Lough Neagh and Lough Beg SPA which is of European importance for its bird life and nature conservation interest. It is also within the Ramsar site and across the road from Derryloughan Moss which is an extensive wetland habitat.

**Objector’s Evidence**

8.1.2.4 Restricting development per se is not objected to but a blanket approach isn’t the best way forward as it doesn’t take account of local conditions. Some off-shore development should be permitted where it is one field back from the main road. Open countryside access should be permitted SE of 34 Ferry Road.

**Consideration**

8.1.2.5 The objector’s request to have this piece of land removed from the Countryside Policy Area Belt would be irrational in planning terms and we agree with the Department that a hole in the CPA in the form of an area of non-policy open countryside defeats the purpose of designating the CPA. It would be contrary to the strategic objectives both of PSRNI Policy GB/CPA1 and DSTDAP.

8.1.2.6 The wider objections in relation to the Loughshore CPA related to its proposed extension within the Draft Plan and our recommendations on this wider issue are set out in paragraph 8.1.1.23. While it is recommended that CPA designation is not confirmed on the additional land to the east of Ballybeg Road, the existing CPA boundary, as originally defined in 1979, has played a valuable role in protecting the sensitive landscape in close proximity to the Loughshore with its associated wetland habitats and significant conservation interests. Its retention is important in securing the protection of this vulnerable landscape from inappropriate development.

**Recommendation**

8.1.2.7 No alteration is required to the Plan as a result of this objection.

8.1.3 THE COPNEY AREA SHOULD NOT BE DESIGNATED AS A COUNTRYSIDE POLICY AREA

**Objections 211-213, 234, 236(Issue 5)**

**Site and Surroundings**

8.1.3.1 The proposed CPA covers an area of 39ha just to the N of the National Trust property, the Argory. Objection 236(Issue 5) requested that land adjoining Derrygally Road should be considered for sensitive development to assist the indigenous population.

**Department’s Evidence**

8.1.3.2 The area was within open countryside in ETAP. It was included in a CPA in DSTDAP entitled ‘Part of the Townland of Copney North of the Argory.’

8.1.3.3 Policy SP12 of PSRNI provides the policy context for the designation of CPAs. The designation of the Copney area was a response to the Loughgall Orchard Countryside
Policy Area proposed in the Armagh Area Plan 2004- Alteration No1. It was included to complement the approach in the Armagh Plan and to protect an attractive area of countryside that was likely to come under development pressure.

8.1.3.4 The PAC recommendation that the Loughgall CPA be reduced in extent has been accepted and this includes the deletion of much of the N area adjacent to the Dungannon and South Tyrone Borough incorporating the Argory. The Armagh Area Plan 2004 - Alteration No.1 was formally adopted in March 2001. The Argory CPA now forms a remnant of a previously larger area of policy control and retention on its own would be illogical. It would be incapable of protecting the wider landscape setting of the Argory and it is now proposed to delete the CPA proposal and include the area as open countryside in the adopted Plan.

Objectors’ Evidence

8.1.3.5 The creation of a Countryside Policy Area at the Argory is not justified for the following reasons:-

• The lands are adequately protected by other planning restrictions;

• The wider landscape around the Argory does not need protecting as it is a large National Trust estate of over 400 acres;

• The lands are typical open farmland visually unrelated in character to the heavily wooded Argory estate; and

• The lands are on the other side of the Derrygall Road and are physically unrelated to the Argory estate.

Recommendation

8.1.3.6 This concession is noted and does not require further consideration.

8.1.4 THE BLACKWATER VALLEY MERITS PROTECTION AS A COUNTRYSIDE POLICY AREA.

Objection No. 204

Department's Evidence

8.1.4.1 The suggested Countryside Policy Area (CPA) would cover 158 sq. kms of land in the south-western portion of the Borough. It would extend from Caledon along the A5 corridor to Ballygawley and along most of the A4 route from Ballygawley to Fivemiletown southwards to the boundary of Counties Fermanagh and Monaghan. The area in question would incorporate parts of four distinct landscape character areas as identified in the 1999 Northern Ireland Landscape Character Assessment (NILCA) study - the Blackwater Valley, Slieve Beagh, the Clogher Valley Lowlands and the Dungannon Drumlins and Hills.

8.1.4.2 This general part of the Plan area has been classified as open countryside in the ETAP as well as at Preliminary Proposals and Draft Plan stages in the present development plan exercise. Its environmental assets, like those across the Borough, have been given
protection in a variety of ways through the DSTDAP’s proposals, for instance as Sites of Local Nature Conservation Importance (SLNCIs), Local Landscape Policy Areas (LLPAs) Areas of Constraint on Mineral Developments (ACMDs) or as sites recognised for their archaeological or historic interest. The Countryside Assessment identified relatively little development pressure in this part of the Borough in contrast to what was being experienced around Dungannon, Coalisland and the Lough Shore environs.

8.1.4.3 Much of the southern section of the suggested CPA comprises upland areas associated with Slieve Beagh where access is poor and there has been little evidence of development pressure. The areas along the A5 and A4, whilst adjacent to main traffic routes, have also shown relatively low levels of planning applications in the past and there is nothing to suggest that this situation is likely to change.

8.1.4.4 While accepting that CPAs may also be designated to protect the visual amenity of areas of scenic quality, there are landscapes of equal merit that have been excluded from the suggested policy zone. On the basis of the NILCA study and the Department's own observations, there would be opportunities for sensitive development on appropriate sites throughout this extensive area without compromising its landscape integrity. Designation of a CPA in line with the objector's request would not meet PSRNI objectives for such policy areas.

8.1.4.5 At the commencement of the public local inquiry into Alteration 1 of the Armagh Area Plan in May 2000, the Department indicated its intention to withdraw CPA status from the Blackwater Valley in view of the lack of development pressure there. This change was confirmed in the adopted Countryside Proposals. The lack of a Blackwater CPA on the Dungannon side of the river is, therefore, consistent with the final position adopted in Armagh.

**Objector's Evidence**

8.1.4.6 There is even more justification for CPA designation in the Tyrone section of the Blackwater Valley than had been originally proposed in Co. Armagh. Estates such as those at Caledon, the Crilly Estate, Daisy Hill, and the former Moore Estate near Aughnaclaw, Garvey Castle, Killybrick, Martray, Augher Castle, Corrick, Killyfaddy Manor, the Ashfield Estate, Aughentain Castle and Blessingbourne close to Fivemiletown are all recognised as still maintaining classical parkland. The area contains designated trails such as the Ulster Way, the William Carleton routes, the Sliabh Beagh Way and sign-posted scenic routes. Interspersed between all of the estates, and especially to the south of the main road corridors, there are extensive areas of natural unspoilt countryside with moorland, forestry and a plethora of small streams and lakes.

8.1.4.7 Most rural parts of the Province, save for obvious areas like the Mournes, are quite unattractive to drive through. This is due not only to the removal and non-replacement of trees and hedgerows but also to totally unsuitable development and rashes of equally unsuitable housing. The standard of house design in the suggested Blackwater CPA is deplorable. There is a history of rural living in Ireland. In the past, house builders were restricted to the use of local and natural materials that blended with the surrounding countryside. Sadly, “advances” in building design and materials have had a detrimental effect upon the rural scene. This is a part of the Plan area that is calling out for protection before it yields to the pressures so evident in other parts of Northern Ireland. It should have a level of protection now rather than later after the damage has occurred.
Consideration

8.1.4.8 PSRNI Policy SP12 advises that CPAs will be designated where development pressure that would adversely affect the character of rural landscapes is being experienced or is likely to occur. Policy GB/CPA1 also makes reference to the protection of landscape quality. The DSTDAP Countryside Assessment document analyses the distribution of development pressures experienced within the Plan area, including the three already designated but relatively small CPAs, in the 10-year period to December 1998. It also takes account of the 1999 NILCA overview of landscape character in Dungannon and South Tyrone and appraises smaller scale landscapes that are judged to be particularly important in a local context and which may be subject to development pressure because of their location either within or close to centres of population. It is against this background that the Draft Plan does not propose that CPA designation should be extended to cover the area suggested by the objector. No equivalent designation exists on that portion of the Blackwater Valley that is located within Co. Armagh.

8.1.4.9 DSTDAP Policy CON 4 identifies eight locations that have been designated as historic parks, gardens and demesnes together with seven other supplementary sites where development proposals will be assessed in accordance with protective policies such as BH 6 of PPS 6. Many of the parkland or estate areas referred to by the objector are specifically mentioned in this Area Plan policy statement. In addition to this, 44 LLPAs and 42 SLNCIs have been pinpointed within the Plan area where planning permission will not normally be granted to development proposals that would adversely affect their intrinsic environmental value, integrity and character or their nature conservation interests respectively.

8.1.4.10 No substantive evidence has been provided to demonstrate that the more stringent PSRNI policies that apply within CPAs are warranted in the broad band of countryside identified by the objector. We consider that current operational policies together with those within the Draft Plan that have been specifically tailored to the circumstances and particular needs of the Plan area should be adequate to maintain environmental standards and achieve development that does not cause harm to interests of acknowledged importance.

Recommendation

8.1.4.11 No alteration is required to the Plan in response to this objection.

8.1.5 LAND AT FOYGH ROAD, DUNGANNON SHOULD NOT BE INCLUDED WITHIN THE GREEN BELT

Objection 223

Site and Surroundings

8.1.5.1 An agricultural field (2.2ha) on the western edge of the proposed Dungannon Green Belt approximately halfway between Donaghmore and Castlecaulfield. The land falls away from Foygh Road to the N and there are good views of the surrounding countryside from the more elevated western parts of the site. The site includes an area of hardstanding below road level in the SE corner adjacent to a group of farm buildings that define the SE site boundary and adjoin a 1½ storey dwelling within the v-shaped bend in the road. The other site boundaries are defined by mature hedges and trees with the NW boundary hedge trimmed to a height of approximately 2m.
**Department’s Evidence**

8.1.5.2 The delineation of the boundaries of a Green Belt or CPA, in accordance with the strategic objectives in PSRNI Policy GB/CPA1, can be a matter for the Development Plan process. In this locality the GB is needed to prevent the neighbouring settlements of Donaghmore and Castlecaulfield from merging and the site forms part of the attractive drumlin-like landscape between these two settlements. There are views of the site in an elevated backdrop when travelling S on Drumreany Road south of Tullynure Lodge.

8.1.5.3 Travelling E on Foygh Road the GB boundary has been drawn to include the elevated portion and crest of a localised hill. The GB helps to retain the open character of the local countryside. The edge of the GB is well defined by an existing hedgerow and the site makes a positive contribution to its outer edge in this location.

8.1.5.4 The planning history indicates 6 planning applications being submitted since 1985 and two bungalows were granted approval in the locality. Exclusion of the site from the GB could result in development pressure as a dwelling planning permission was refused on this site in 2000 (M/2000/0518).

**Objector’s Evidence**

8.1.5.5 The objection site should be excluded from the proposed Green Belt for the following reasons:-

- It is on the extreme edge of GB and the land on the other side of the road and in the next field is not within the GB;
- It is of no use for agricultural purposes as it has been extensively hardcored and previously used as a commercial yard.
- The site has no scenic beauty and if left in its current state it may become an unsightly dump. A dwelling on the site would be an improvement on what exists at present.
- The site is low-lying and a dwelling on it would not be prominent.
- Access sight lines can be provided within the objectors’ land ownership.

**Consideration**

8.1.5.6 Although part of the site is occupied by a hard surfaced yard with a separate access onto Foygh Road, visually it is closely related to the adjoining farmyard complex and it is relatively inconspicuous in the landscape. Although this is not the most attractive visual feature in the locality, it is a relatively small proportion of the overall site, the agricultural usage of the remainder does not appear to be affected and the hardstanding and its use in itself does not make the overall field an inappropriate component of the GB.

8.1.5.7 The site has been within the statutory Green Belt in this locality since it was included in the former ASC policy designation and although we are not persuaded that the locality has been subjected to considerable development pressure, we acknowledge that this may
be due to its current location within the GB. Although part of the site is low-lying and a single dwelling could be sensitively designed and landscaped to ensure that it was well integrated, the overall site could clearly accommodate more than one dwelling and it is the necessity for its inclusion in the Green Belt which is the issue in the Area Plan process. In this case although the outer edge is currently a medium height trimmed hedge, it is located along a critical break of slope particularly in the views travelling S on Drumreany Road. The elevation of the site is such that the mature vegetation along the eastern site boundary is ineffective and the NW hedge forms a strong outer boundary for the GB in these views. In these circumstances, we have concluded that the GB designation on this particular piece of land is appropriate.

**Recommendation**

8.1.6.8 The objection site should be retained within the Dungannon Green Belt.

**8.1.6. THE GREEN BELT BOUNDARY TO THE SOUTH OF DUNGANNON SHOULD BE MODIFIED AT THREE LOCATIONS WITHIN DUNSEARK AND MULLAGHDALY TOWNLANDS.**

**Objection No. 208, Sites and Surroundings**

8.1.6.1. The objection lands each lie about 800 metres apart and at a distance of about 1km to the south of the A4 trunk route. Site 208D comprises a 1.0 ha. area of open rising ground on the western side of Old Eglish Road. Site 208D(1) involves 0.6 ha. of agricultural land on the west side of Eglish Road close to its junction with Derryfubble Road. The 208D(2) lands consist of a 1.1 ha. wedge of ground located about 200 metres to the east of a local country road in the eastern part of Dunseark townland. It is bounded on its eastern flank by a local watercourse.

**Department's Evidence**

8.1.6.2. The strategic role of the Green Belt in restraining development pressure and protecting the environment is clearly set out in the 1993 PSRNI document. The outer boundary of the DSTDAP Green Belt was defined in the context of PSRNI strategic objectives and the landscape and settlement appraisals undertaken as part of the Draft Plan's Countryside Assessment exercise. Strong defining features such as hedges, tree belts and rivers were used to determine boundaries at the local level. Views from the surrounding road network were also take into account.

8.1.6.3. The Green Belt limit has been drawn along the southern boundary of Site 208D to take account of the strength of tree and hedge lines there and the change in topography as the land rises to the north. Any development on that portion of the site lying to the west of Old Eglish Road would be clearly visible on approach from the south. By contrast, the existing development on the eastern lands is well screened from view by established vegetation.

8.1.6.4. The Department acknowledges that a better Green Belt limit would be achieved by using the watercourse adjacent to Site 208D(1) as the policy area boundary.
8.1.6.5. The 208D(2) lands are not visible from the local road network and their south-western boundary is weakly defined. However, the remaining margins of this triangular area consist of a good hedge line and watercourse and these features provide an appropriate defining edge to the Green Belt.

**Objector's Evidence**

8.1.6.6 The owner of Objection Site 208D inherited over 20 ha. of farmland, all of which currently lies within the Green Belt, following the sudden and premature death of his father. He has an obligation to provide a site for a house on this land and the ideal location for such a dwelling lies right on the proposed margin of the Green Belt. Removal of the site from this restrictive planning policy area would facilitate the landowner in this instance.

8.1.6.7. There is no logic in retaining Objection Site 208D(1) within the Green Belt in a situation where the watercourse on its northern edge could act as an appropriate boundary.

8.1.6.8. It would be more sensible to include the small salient of land occupied by Objection Site 208D(2) within the Green Belt rather than leaving it as part of the Rural Remainder.

**Consideration**

8.1.6.9. It would appear from Map 3.5 within the Countryside Assessment report that the ETAP Green Belt was extended to include Objection Site 208D within its boundaries. Such designation does not impose an embargo upon the provision of new houses in the Green Belt but it does place an onus upon applicants to provide justification of the need for such development. PSRNI Policy GB/CPA 3 lists the circumstances where planning permission will be granted for new dwellings in such locations. From examination on site, we are satisfied that the DSTDAP boundary here is defensible in planning terms.

8.1.6.10. Objection Site 208D(1) lies within a tract of open countryside at a point where the land begins to rise to the south-west. The break in slope that has been selected as the outer limit of the DSTDAP Green Belt is a weak defining feature whereas the watercourse along its northern edge would be a marginally better boundary for development control purposes.

8.1.6.11. Objection Site 208D(2) cannot be seen from the public road system and has no particular prominence or other distinguishing features. We note that these lands were not identified in the DSTDAP Countryside Assessment as being within an area of development pressure and they were not included for policy protection as part of the Draft Plan Green Belt appraisal. The selection, by the Department, of watercourses and drainage channels to define the outer edge of the Green Belt in this part of the Plan area is a valid planning approach in our judgement. We conclude that this objection site should retain its current planning status.

**Recommendation**

8.1.6.12. No adjustment should be made to the Green Belt boundary on the western side of Old Eglish Road at Objection Site 208D. The watercourse on the northern edge of Objection Site 208D(1) at Eglish Road should form the outer limit of the Green Belt here. Objection Site 208D(2) continue to be classified as Rural Remainder land.
8.1.7 THE CASE HAS NOT BEEN MADE FOR INCLUSION WITHIN THE GREEN BELT OF LAND IN THE TOWNLAND OF DRUMKEE

Objections 80 and 253

Site and Surroundings

8.1.7.1 Objection Site 80 comprises 60 ha on the outer edge of the Green Belt to the E of Dungannon and centred on the crossroads junction of the Coash, Tartlaghan and Drumkeee Roads. Objection Site 253 has an area of to 27 ha and is totally encompassed within the larger site. Topographically the land has a localised hill to the S but there is a flatter and a more undulating landscape north of the Tartlaghan and Drumkeee Roads. Much of the development in the area is along the minor country road which connects Coash and Drumkee Roads. In the north of the area there is a group of former rural council housing at Drunkree Villas with a number of houses occurring along this portion of the road towards Ballynakilly village which is about 1 kilometre to the North.

Department’s Evidence

8.1.7.2 The area was located in the open countryside in both ETAP and the Preliminary Proposals. It was not included within the Green Belt until the Draft Plan when the GB at Drumkeee was drawn to take account of strategic objectives in PSRNI and DSTDAP Objectives particularly No1.

8.1.7.3 The Countryside Assessment indicated that this area was experiencing relatively large numbers of planning applications as indicated on Map 2. Many of the new dwellings are located along the minor country road with concentrations along both Drumkee and Coash Roads. The land is elevated and 14 dwellings are visible on the rising slopes and the crest of the hill from vantage points on Coash Road looking S and from the west on Tartlaghan Road. Development pressure is leading to a loss of the open rural character and an extension to the existing Green Belt was considered necessary to safeguard the surrounding countryside.

8.1.7.4 The outer boundary of the Green Belt is more appropriate than that would occur with the exclusion of the objection site given the existing topography when viewed from the Tartlaghan Road junction. The Green Belt encompasses the local hill and extends eastwards along Drumcree Road to a natural crest in the landscape. Beyond the crest the land falls away to the flatter landscape associated with the Lough Neagh peatlands.

8.1.7.5 It is accepted that this part of the Green Belt is not necessary to ensure the separation between Dungannon and Coalisland, but it satisfies other Green Belt objectives including the safeguarding of the surrounding countryside. It is not accepted that this is an isolated area and it is only 1-2 kms from nearby villages such as Ballynakilly and The Bush and between 3-4 kms from the urban edges of both Dungannon and Coalisland. Junction 14 of the motorway is very accessible, 4 kms to the SE.

8.1.7.6 While planning policy in GBs is stricter, development is not precluded by this designation. Justifiable development for site-specific local needs and circumstances would be acceptable and there is no evidence that Green Belt policy would lead to ceasing of rural development. There will be opportunities outside the GB for single
houses and the number of dwellings under construction along Drumkee Road provides evidence of this.

**Objector's Evidence**

8.1.7.7 A portion of land within the town land of Drumkee should be changed from proposed Green Belt to open countryside for the following reasons:

- The land is a considerable distance from either Dungannon or Coalisland and is not required to form any distinction between each town.
- The natural topography makes the area distant and isolated from the nearest settlements.
- Occasional rural housing is required to sustain a living and working countryside. If Green Belt policy is enforced additional rural development will cease.

**Consideration**

8.1.7.8 The policy basis for the designation of GBs is within PSRNI and primarily strategic Policies SP6 and SP12 which makes provision for the protection of areas of excessive or inappropriate development pressure by the designation of Green belts and CPAs in development plans. Policy SP12 allows for the adjustment of Green Belt boundaries to include particular areas at risk from excessive development and in such circumstances the onus is on the Department to demonstrate the need for the proposed extension to the Green Belt. In this case the justification for the proposed designation in this locality related to two factors.

**Development pressure**

8.1.7.9 Unlike the evidence in relation to other objections, the planning history was recorded over the twenty year period back to 1980. This provides a somewhat inflated picture and most of the development on the localised hill which was of concern to the Department was approved in the period 1980-1985. The schedule indicates that between 1990 and 2002 there were 11 applications in total over the entire area. Of these 5 were granted outline permission, 1 was a full permission, 2 were withdrawn, 2 were approved as reserved matters, and 1 was refused. In addition two of these were replacements. In this context we consider that the number of applications does not reach a level that could reasonably be classed as ‘excessive’ in the terms of applying a new restrictive policy on development.

**Landscape Character**

8.1.7.10 The Department accepted that designation was not necessary to maintain the separation between Dungannon and Coalisland but no details were provided as to how the original line of the Green Belt was defined in this locality. There was little analysis of the area’s landscape character or its sensitivity to change and the proposed line of the extension appears to relate more to the administrative boundary of the townland then defining physical features. In addition there was no evidence in relation to the economic impact of GB designation on the local rural economy.
8.1.7.11 During our site visits we looked at the level and concentration of built development and apart from the localised hill and along Drumkee Road, visually the level of development is not at the stage to give rise to concern. Topographically we could discern little difference between land inside and outside the Green Belt and we saw examples of buildings well integrated into the landscape and older roadside dwellings which were now an established part of the landscape. Protection of the localised hill in the S part of the area is somewhat late given the volume of dwellings that have been built in a relatively small area. The critical aspect is the quality of location/siting and design of any new housing and any proposed additions to these concentrations could be protected by the application of the policies within PSRNI.

8.1.7.12 While we acknowledge that two localised parts of the area have developed concentrations of development, we have not been persuaded that the entire area is subject to development pressure and evidentially the Department has not justified the extension of the basis of the impact either on landscape character or the rural economy. On this basis we consider that the proposed Green belt designation in this area has not been justified.

**Recommendation**

8.1.7.13 The extension to the Green Belt in Drumkee townland should be excluded from the Plan.

8.1.8 **LAND BETWEEN ANNAGHMORE AND DERNAGH/CLONOE SHOULD NOT BE INCLUDED WITHIN THE GREEN BELT**

**Objections 248 and 270**

**Site and Surroundings**

8.1.8.1 **Site 248** is three fields (7.5ha) approximately 400m to the N of Annaghmore settlement limit on the W side of Moor Road. The land rises gradually from Moor Road to a crest in the centre of the site and then gradually falls to the S and W. The site contains a wellscreened Dutch barn and the remnants of an old dwelling. Boundaries are a mixture of post and wire fencing and mature hedges interspersed with occasional trees. A farm laneway gives access to the centre of the site.

8.1.8.2 **Site 270** lies to the NE of No 248 and comprises 3.65ha in a group of six fields on the eastern side of Moor Road, approximately 30m to the S of the settlement limits of Dernagh/Clonoe. The most N part of the site is low-lying with two small hills in the central and S fields. There is a derelict house and shed in the centre of the site and a farm complex immediately to the S of the site. Site boundaries are mainly mature trees and hedges.

**Department’s Evidence**

8.1.8.3 Both sites were located in the open countryside in ETAP and although Dernagh was designated as a hamlet, no statutory limits were produced. In October 1979 the area was brought within an ASC and subsequently it became Green Belt. Dernagh was designated as a village in both the Preliminary Proposals and DASTDAP and Site 270 was within the Green Belt beyond the settlement limit for Dernagh/Clonoe. Site 248 was within the statutory Dungannon GB in both the Preliminary Proposals and DSTDAP.
8.1.8.4 Both proposals represent an illogical fragmentation of the Green Belt which must operate as an entity if strategic objectives are to be met. The Green Belt is important to prevent urban sprawl and inclusion of Site 270 would result in unacceptable linear expansion along one of the main approach roads into Dernagh/Clonoe. Intervening land has not been the subject of an objection and is likely to remain outside any village limit. It is important to protect the village setting and safeguard the surrounding countryside.

8.1.8.5 Site 248 is not contiguous with the limits of any nearby settlement and is not required to meet their development needs over the plan period. There are 4.2 ha of potential development land in more appropriate locations in Dernagh/Clonoe which takes account of local circumstances and needs. Site 248 is equidistant between Annaghmore and Dernagh/Clonoe and its development would result in an island of prominent development with a detrimental impact on the local landscape. There is no overriding need for additional land and as these sites are physically separated from any settlement they should be retained in the Green Belt.

8.1.8.6 Roads Service object to the proposed inclusion of Site 248 within the settlement limit due to the separation distance and the need for infrastructure improvements. Development on Site 270 would cause technical difficulties as necessary improvements to accommodate additional discharges are not viable and ‘Consent to Discharge’ will be withheld.

**Objector’s Evidence**

8.1.8.7 Site 270 should not be located within the Green Belt and should be redesignated as whiteland. Objector No 248 requested that his site should be included within Annaghmore village as housing development land.

**Consideration**

8.1.8.8 Site 248 is almost mid-way between the villages of Annaghmore and Dernagh/Clonoe and is physically unrelated to either settlement. In such a location it visually relates to the adjoining policy area and it would be inappropriate either to zone it as ‘whiteland’ which in effect relates to an urban area, or to leave it outside the Green Belt designation. Site 270 is more immediately located to the edge of Dernagh/Clonoe and we accept that there is more than adequate land within the settlement limits. It could not be viewed as a logical extension to those limits and it is surrounded on all sides by land that will be remaining with the Green Belt. In such circumstances it would be equally inappropriate to assign settlement limits to either or both of these individual isolated rural sites and we conclude there is no merit in either of these objections.

**Recommendation**

8.1.8.9 There should be no change to the plan as a result of these objections.
8.1.9 LAND TO THE NORTH OF EDENDORK SHOULD NOT BE INCLUDED WITHIN THE GREEN BELT
Objection No 256 Site and Surroundings

8.1.9.1 This is a 0.9ha triangular field approximately 700m to the N of Edendork settlement limit on the W side of Cullion Road. The land rises gradually from Cullion Road to a crest in the centre of the site before falling to a stream along the NW boundary. It is elevated above the road with good views over Far Lough, 100m to the East. A new single storey dwelling has been constructed on the site with the removal of the site frontage vegetation but other boundaries are mainly hedges and mature trees. There is a ribbon of four dwellings to the S of the site and one dwelling immediately to the N.

Department’s Evidence

8.1.9.2 The site was located in an Area of Special Importance - Strict Control in ETAP which subsequently became ASC and later the Dungannon Green Belt. It retained this status in both the Preliminary Proposals and DSTDAP. Outline planning permission was granted for a single storey dwelling on the site in September 2001 (M/2000/1275) and the Reserved Matters were approved in February 2002 (M/2001/1337).

8.1.9.3 Exclusion of the site from the Green Belt would be an illogical fragmentation of which must operate as an entity if strategic objectives are to be met. The Green Belt is important to prevent urban sprawl and inclusion of this site would result in an isolated pocket within the Green Belt between the settlements of Dungannon, Edendork, Newmills and Coalisland. It is part of a wider elevated landscape overlooking Far Lough and would be likely to become the focus for development pressure. Any development on this site would have a detrimental impact on the open character of the landscape in this locality contrary to GB objectives.

8.1.9.4 It is not possible to include this land with nearby settlements as it is not contiguous with the limits and is not required to meet their development needs. Roads Service do not recommend inclusion of this site due to the distance from any draft settlement limit and increasing the need to travel so that it is in conflict with transport policy. There is ample and more appropriately located land within the settlement limits to meet development needs. Intervention land has not been the subject of any objection and is likely to remain outside any village limit.

Objector’s Evidence

8.1.9.5 The site should be located within the settlement limit and included for housing development.

Consideration

8.1.9.6 The Department’s evidence is silent on the issue of how planning permission was granted for the recently constructed dwelling on the site which rests somewhat uneasily with its concerns about any development on this elevated piece of land and the ribboning of development immediately to the South.
8.1.9.7 However in looking at the wider picture, this objection seeks the removal of just under 1ha of land that is surrounded on all sides by the Green Belt with its outer boundary being approximately m to the west. The land is an integral part of the elevated land overlooking Far Lough and we agree with the Department that allowing this objection would result in an isolated plot within the wider GB which could undermine it’s strategic objectives. No case was put forward as to how this site could be included within any of the neighbouring village settlement limits, given the separation distance and we consider development of the site for housing would result in illogical and unacceptable fragmentation of the Green Belt.

**Recommendation**

8.1.9.8 No change is needed to the Plan as a result of this objection.
8.2 OTHER RURAL OBJECTIONS

8.2.1 DERRYMEEN SHOULD BE REGARDED AS A VILLAGE AND THE TOWNLANDS OF DRUMKEE AND DRUMHORRICK SHOULD BE CLASSIFIED AS A DISPERSED RURAL COMMUNITY

Objections Nos 13, 179, 222 request that Derrymeen is designated as a settlement

Objections No 224 (Issue 1) requests that Drumhorrick and part of Derrymeen Townlands West of the A45, Ballynakilly Road is designated as a settlement Objection No 272 requests that the Townlands of Drumkee and Drumhorrik are designated as a Dispersed Rural Community

Site and Surroundings

8.2.1.1 Site No 222 is comprised of 30ha of agricultural land to the SE of Ballynakilly village, west of the A45 Ballynakilly road and 2kms N of M1 Junction 14. The land is bounded by Ballynakilly Road to the E; farm buildings to the rear of Derrymeen House to the N; St Mary’s Gaelic football pitch and social club to the S along Drumaspl Road and a derelict Orange Hall to the West on Drumkee Road. There are 11 dwellings within the site mostly focused on Drumkee Road. The land generally falls away from Drumkee Road towards the S and beyond the site boundary it rises along the Drumaspl Road to a localised hill at Drumhorrick.

8.2.1.2 Sites No 13 and 179 have identical boundaries and relate to 17 ha which is mostly included in Site 222. This area also includes St Mary’s Gaelic football pitch and social club and contains 7 dwellings along the S edge of Drumkee Road.

8.2.1.3 Objection No 224 (Issue 1) related primarily to the future needs of the rural community but it requested that the Drumhorrick/Drumkee area be designated as a settlement.

Department’s Evidence

8.2.1.4 The site has been located in open countryside in ETAP and has remained so both in the Preliminary Proposals and the Draft Plan. There is no sewage treatment facility in the area and the nearest is at Ballynakilly which is pumped to Coalisland STW.

8.2.1.5 The Draft Plan’s 31 settlements were designated taking account of general plan objectives, particularly No 3. They act as local social, educational and commercial centres and provide development opportunities to accommodate local needs. As such they vary greatly in size and form and while in some cases it is not practicable to include all local facilities and services within the village limits due to their dispersed nature, their availability is an important factor in determining whether village status is merited. Designation would be contrary to DSTDAP Objectives 2 and 3.

8.2.1.6 The area around Derrymeen does not have the necessary level of services and facilities either within the proposed limit or in close proximity to merit settlement status. There is a lack of a visual focus or nucleus of development traditionally associated with a village. The only local facility is the Gaelic football club and pitch/playing fields at Drumaspl Road and a linear group of houses along Drumkee Road. The closest shop is the Cohannon Inn, 1.5 kms from Derrymeen which acts as a motorway service area and has a wider service function than that of a village shop. Most of the local services are provided
within other settlements, the local Church and Primary school are 3 kms away at Killyman.

8.2.1.7 The area could not provide sufficient development opportunities without infrastructure such as a STW or a foul sewer. The nearest sewer is at Ballynakilly which couldn’t cope with the demand. Pumping would be required to Coalisland STW, a distance of about 4 miles and the cost could not be justified.

8.2.1.8 It is accepted that there is a catholic community in this rural area but the settlement pattern is similar to many other rural areas in N. Ireland. This is insufficient to warrant village status and it has not been asserted that the neighbouring villages are exclusively non-catholic. Village designations are based on the nature and character of the area and not on the perceived unsuitability of alternative locations.

8.2.1.9 Derrymeen townland and the locality are not within either a Green Belt /Countryside Policy Area and there are opportunities for housing to meet local needs on suitable sites in the rural area subject to compliance with rural planning policy. The settlements of Killyman, Bush, Ballynakilly and Tamnamore are distinct from Derrymeen and they form both the local focal points for the area and provide development opportunities.

8.2.1.10 Derrylee can be distinguished from Derrymeen on the following points:

- It has 16 dwellings, a community/orange hall and a small sub-post office;
- There is a Methodist Church 500m east of the settlement;
- It was identified as a hamlet in ETAP and there are no exceptional circumstances to justify de-designation after a period of 20 years.

Objectors’ Evidence

8.2.1.11 Derrymeen is a close community which has struggled to survive unlike the surrounding communities of Killyman, Tamnamore, Bush and Ballnakilly. There is an established Church and primary school at Laghey in Killyman and a community centre in Derrymeen. Numbers are falling in both and the local GAA football team can no longer field an under 21 squad. The majority of young people are leaving to find housing in Coalisland or Dungannon.

8.2.1.12 Objectors 13 and 179 are concerned that as Derrymeen and the surrounding townlands has a small catholic community, the predominantly non-catholic settlements of Killyman, Tamnamore, Bush and Ballnakilly are not suitable as development opportunities for the community because of integration problems. A settlement at Derrymeen would be similar to the designated village of Derrylee.

Consideration

8.2.1.13 DSTDAP does not specifically identify the criteria that was used in the designation of small settlements or villages and it was recognised that the 31 identified villages varied greatly in size, form and facilities. In this area, the largest concentration of dwellings is the 11 dwellings within Objection Site 222 and these are focused on Drumkee Road.
Although this is not a very large number, by itself neither the numbers of units nor the size of the area is determining, and as the objectors pointed out, this is not significantly different from the 16 dwellings which form the basis of Derrylee village.

8.2.1.14 The area however is rural in character and the loose agglomeration of buildings are primarily single dwelling units and farm complexes. There are no facilities in the form of Churches, schools or shops and the GAA Club on at Drumaspil Road is of the periphery of the area and physically unrelated to the housing on Drumkee Road. The area does not have the appearance of a settlement and the residents of the area have to look to Killyman for the nearest Church and Primary School. We accept that the Cohannon Inn is physically distinct from the proposed village and serves a different function to a community facility. The community facility is related to the GAA facility and while it serves the wider rural hinterland, it does not on its own physically distinguish a community. Although we note that one of the objectors was ‘Derrymeen and District Development Association’ no persuasive evidence was presented that Derrymeen is the focus for an active community.

8.2.1.15 The absence of a STW is significant, particularly where extensive areas of land are situated within the proposed village limit and this factor distinguishes Derrymeen from other small designated villages. There was no persuasive evidence of need for the designation of additional settlements in this locality particularly as there are other villages in close proximity with Ballynakilly only 2 kms to the N and Killyman 3 kms to the S. The perception that local villages were unsuitable in religious terms was not substantiated and all of the neighbouring villages have substantial areas of land for development opportunities within their village limits. Overall we have concluded that the case for the designation of a small settlement at Derrymeen has not been established.

8.2.1.16 The five criteria for the designation of Dispersed Rural Communities are set out in PSRNI Policy HOU 7 and Policy SP5 focuses on the need for a strong sense of identity, a traditional focal point with some sense of place and convincing evidence of local community activity. We have already concluded that these features are absent in relation to objections requesting the designation of a small settlement. While the policy context is worded positively, the identification and designation of such dispersed rural communities is linked to the need to promote rural regeneration. Given the short distances from both Coalisland and Dungannon, it is somewhat inevitable that young people may move from the area to the larger settlements and we were not persuaded that rural regeneration is an issue within this locality.

Recommendation

8.2.1.17 Derrymeen does not merit being designated as a village and the townlands of Drumkee and Drumphorrik should not be designated as a Dispersed Rural Community

8.2.2 THE TOWNLAND OF KILTERMON SHOULD BE CONSIDERED AS A DISPERSED RURAL COMMUNITY

Objection No 292

Site and Surroundings

8.2.2.1 Kiltermon townland is in the Clogher Valley, 3kms E of Fivemiletown and 7 kms W of Clogher. It has a land area of 51 ha, focused on the Clogher Valley Free Presbyterian
Church/Independent Christian School at the junction of Ballagh Road (A4) and Alderwood Road. Kiltermon Church of Ireland is located on the opposite side of the junction with a dwelling on the higher land to the NW. There are several dwellings around the junction, some of which are not within Kiltermon townland area.

**Department’s Evidence**

8.2.2.2 The area was located in open countryside in ETAP and remained so in the Preliminary Proposals. The townland is located in the Clogher Valley Area of Constraint on Mineral Developments in DASTDAP.

8.2.2.3 The strategic context for the designation of DRCs is PSRNI Policy SP5 and the five criteria required for their identification are set out in Policy HOU 7. The townland only complies with criterion 1 and criteria 2 and 4 to a limited degree and DRC status is not justified for the following reasons:-

- The townland is situated 2 kms outside the proposed settlement limit for Fivemiletown and there are no GB/CPAs or other areas of development pressure in close proximity;

- The 2nd criterion is complied with as the Free Presbyterian Church, its associated school and Kiltermon Church of Ireland provide a focal point and are evidence of local community activity. Their position at a staggered junction on either side of the Protected Route (A4) however detracts from the focal point and their sense of place;

- Criterion 3 is not complied with as there are no other social or recreational facilities. There is no STW and there is no evidence of the two shops referred to by the objector;

- No indication has been given that there is a strong community identity and there is no evidence of a local community association or sports club There may be organisations connected with one or both of the churches;

- There are only two dwellings within the townland boundary with a further 12 adjacent to the area. Four of the 14 are in close proximity to the two churches but outside the TL boundary. All others are single dwellings in the countryside. Five of the 7 planning approvals granted since 1991 have been constructed.

8.2.2.4 The Rural Development Division of the Department of Agriculture has not identified any regeneration activity in the townland. Although it falls into a designated disadvantaged area, it has not been suggested that its designation as a DRC is required to promote rural regeneration in the area.

8.2.2.5 Some 21 housing planning applications were recorded since 1977 in the immediate vicinity of the townland, as it is not subject to GB/CPA constraint. Of these 16 were approved, 4 refused and 1 was withdrawn. The needs of the local community at Kiltermon are likely to be adequately catered for by the operation of normal rural planning policy.
**Objectors’ Evidence**

8.2.2.6 The townland of Kiltermon should be considered as a dispersed rural community. Two rural shops and a school existed in this area in the past and there are two churches between Clogher and Fivemiletown. Fermanagh has several DRCs but there are none in Dungannon and this part of the Clogher Valley has more similarity with Fermanagh than the Dungannon area.

**Consideration**

8.2.2.7 Kiltermon, despite what it may have been in the past is now a limited scatter of houses, with two churches and nothing else by way of village facilities. A townland of 51 ha is an improbable and unwieldy scale to function as a DRC and its boundaries as indicated on the map exclude some of the dwellings which form the loose cluster around the road junctions. There was no evidence that the Churches are the focal point for a local community particularly as they are close to Fivemiletown. We note that the more recent Church complex is described as the Clogher Valley Free Presbyterian Church/ Independent Christian School and many of its congregation or those who attend the school may come from a significantly wider catchment than Kiltermon.

8.2.2.8 In PSRNI Policy SP5, the identification and designation of dispersed rural communities is linked to the need to promote rural regeneration and no evidence has been produced in relation to this issue. We agree with the Department’s assessment that ten of the 14 dwellings in the locality are countryside dwellings and in the absence of other community facilities such as a shop or a school, we conclude that the criteria within PSRNI Policy HOU 7 have not been complied with. The absence of any DRC within DSTDAP is not in our opinion significant as such designations have to be a justifiable response to local circumstances and the need to sustain such rural communities.

**Recommendation**

8.2.2.9 Kiltermon Townland should not be designated as a Dispersed Rural Community.

8.2.3 LANDS AT TULLYALLEN/AGHINTOBER ROADS SHOULD BE CONSIDERED AS PART OF A VILLAGE

Objection No 237(Issue 2)

**Site and Surroundings**

8.2.3.1 The Tullyallen area is 3.5kms W of Granville and approximately mid-way between Aghaghinduff/Cabragh and Castlecaulfield. The proposed land is fronts onto both Tullyallen and Aghintober Roads and land to the west of the junction is relatively flat around Tullyallen Bridge with a steep rise to the Church and cemetery. There is a pumping station adjacent to Oona Water (Altaglushan Drain) on the SW corner of the Tullyallen/Aghintober crossroads. West of the crossroads is an STW, an agricultural complex, a public house, church and a cemetery.

8.2.3.2 Area (a) is flat land adjacent to the river. The field boundaries around Area (b) have been removed and it is part of a large area of land that rises up from both roads and includes a semi-derelict building. The land in Area (c) rises up from the junction but is enclosed by mature vegetation so that only glimpses are available of the 7 dwellings to the NE.
(Cottons Corner) along the cul-de-sac known as Edenacrannon Road. Area (d) is flat open land with post and wire fencing along Aghintober Road but with a strong vegetation screen and some mature trees along the NW boundary.

**Department’s Evidence**

8.2.3.3 The area was located in open countryside in ETAP and has remained so both in the Preliminary Proposals and the Draft Plan. Since then the appropriateness of village designation for Tullyallen has been considered in the light of this objection and the provisions of Policy SETT 1. Designation of an area of 6.2ha as indicated on Map 8.2.3A is now acceptable in principle for the following reasons:-

- There are a number of facilities in the area including a church, parochial house and cemetery, a post box, a public house (Gribbens Bar) and Edenacrannon STW and pumping station; and

- It is comparable to the smaller designated villages such as Derrylee and Dyan in terms of size and the range of facilities.

No evidence has been presented in relation to alleged discussions with Department Officers regarding the designation of a DRC. Such a designation would have been considered when village status was decided and no weight should be attached to these statements.

8.2.3.4 Single dwellings on suitable sites will be acceptable and 2.7 ha of land are available for a range of development opportunities within the proposed settlement limits. There is no particular reason why this should be the smallest settlement within DASTDAP and the designated area is appropriate given its existing size and form. Residential development in excess of 5 units will not normally be permitted to reflect the informal rural character of the settlement.

8.2.3.5 The proposed settlement limit encompasses the necessary land in accordance with DASTDAP objectives, reflects historic settlement form and character, and takes account of local circumstances by using strong physical boundaries. An existing ‘de facto’ settlement limit does not exist which includes the various parts of the objectors land. The quantum of land is more than sufficient to meet local needs and the additional objection lands are all unnecessary. There is no justification for the inclusion of a linear group of houses at Cottons Corner that are visually and physically unrelated to the settlement focus. Area (b) is undefined on the ground and has no physical boundaries. The proposed limits have good physical definition both in terms of vegetation and topography and provide a recognisable distinction between the countryside and the urban form as required by policy. Development opportunities have been balanced with environmental and infrastructure constraints.

8.2.3.6 The STW has a 50m ‘cordon sanitaire’ which would affect Area (d) along Oona Water. Its W boundary is heavily vegetated with mature trees and compactly contains the settlement. It is accepted that there is nothing in the Plan regarding the constraints posed by the STW but there is some potential flexibility in the level of restriction. Clear guidelines are published by Water Service and its specification is not normally a matter
for an Area Plan. Sites (a) and (d) should not be subject to significant flooding although marginal flooding may occur on low-lying areas adjacent to the watercourse.

**Objectors’ Evidence**

8.2.3.7 The Department’s decision, that a village should be designated at Tullyallen and given a settlement limit, is welcomed as there is a strong social nucleus with the church, parochial house, cemetery and public house. Facilities include a post box and street lighting. The existing development pressure is focused on a discernible and established settlement form but only part is encompassed within the proposed village limits.

8.2.3.8 The proposed village area is overly restricted and does not encompass the existing de facto settlement form and allow for reasonable new development opportunities. There are only 12 houses within the proposed limits and in terms of numbers and site area, this would be the smallest of the villages in the DASTDAP area. There is only one area for development of any substance as the others are infill sites. More could be accommodated as the area has minor roads with little through traffic and is capable of safely coping with further accesses. Edenacrannon Road is a cul-de-sac. Well-designed houses in the vicinity of the crossroads at Tullyallen bridge would help to develop the village form and create a village heart.

8.2.3.9 The village area should be extended to include the four other parts of the objectors land (Map PAC 8.2.3) and the linear group of 7 houses along Edenacrannon Road (Cottsons Corner) which had been informally discussed with the Department as a Dispersed Rural Community. The inclusion of Areas (b), (c) and (d) would give the settlement a single linear form focused on the crossroads. Area (a) has been partly included in the proposed village and the inclusion of the additional field would be logical as it is only separated from the village area by a gappy hedge and the river would be an appropriate boundary. A small riverside amenity space could be part of any housing development.

8.2.3.10 Good natural boundaries would be provided by the strong hedgeline to the east of Area (c) and the rising ground behind area (b). The river would form the boundary on the N side of Tullyallen Road and the STW would be screened by development. An extended village area along both Tullyallen and Edenacrannon Roads would lie unobtrusively within its high quality drumlin setting.

8.2.3.11 There are no infrastructure constraints as the area has a STW with spare capacity. It is unacceptable that no mention is made in the Draft Plan of any ‘Cordon Sanitaire’ that would sterilise land as these were always identified in the Old Area Plan.

**Consideration**

8.2.3.12 The decision to designate a further village at Tullyallen is recognition of the level of facilities and their physical concentration around the Church providing some sense of identity and place. In many respects we consider that the Aghintober Road provides natural containment for this small settlement and Areas (b) and (c) and the linear group of housing at Cottsons Corner are physically and visually detached from the main focus of the settlement. On the western side of Aghintober Road, Oona Water is heavily vegetated and provides a natural screen to the settlement in this direction. The proximity to the STW would result in the N part of Area(d) being unsuitable for housing and development on the S part would appear physically and visually divorced from the settlement.
8.2.3.13 The objector was concerned at the overall level of opportunity for development within the settlement limits and from our site visits we accept that the level of land available for in-depth development is restricted to one site of 1.53ha opposite Tullyallen Church and a 0.67ha site to the rear of pub/dwelling house. This appears to be less than the provision within the comparable settlements of Derrylee and Dyan and the Department’s proposed boundary within Area (a) is a somewhat weak and gappy hedge. The inclusion of the remainder of Area (a) and the relocation of the settlement limit E would bring an additional area of lower ground into the village area but it could result in development close to the edge of the river where there could be marginal flooding. The level of this constraint could be assessed in association with any development proposal and additional planting/landscaping could be provided to enhance the existing level of screening vegetation. We consider it provides an additional opportunity for housing to consolidate the village form and result in a strong sustainable boundary to enclose the settlement in the longer term.

**Recommendation**

8.2.3.14 Tullyallen should be designated as a settlement and the settlement limits should be confirmed. All the objection land should remain outside the village except for the eastern field of Area (a) which should be included within the settlements limit.

8.2.4 **LAND BETWEEN GREENHILL JOINERY AND BALLYMACKILROY CHURCH SHOULD BE ZONED FOR HOUSING AS PART OF A SMALL VILLAGE**

**Objection No 237(Issue 1)**

**Site and Surroundings**

8.2.4.1 This undulating area of land is approximately 3kms NW of Ballygawley and extends NW from the Omagh Road (A5) along the Tullyglush Road to an undesignated watercourse. There are three dwellings and some mushroom house on the W side of Tullyglush Road. A large joinery works and timber store are located to the E of the road junction with a linear group of dwellings to the N. An agricultural field separates them from Ballymackilroy Church with an open area of car parking to the front which is partly included within the site. A social/community club housed in a temporary structure is located on a hard surfaced area to the N of the Church and the cemetery lies to the NW of the sharp bend in the road. A further two dwellings are located close to the road on opposite sides of the bend. St Malachy’s Primary School is located on the A5 about 600m W of this area.

**Department’s Evidence**

8.2.4.2. The area was located in open countryside in ETAP and remained so in the Preliminary Proposals and also in DSTDAP when it was also included in an Area of Constraint on Mineral Developments.

8.2.4.3. The proposed settlement at Ballymackilroy includes agricultural land, a church and linear development along Tullyglush Road. There is a joinery works and timber store at the intersection of Tullyglush and Omagh Roads. However there are no facilities apart from the prefabricated structure to the N of the site and the school, which has an enrolment capacity of 99, is 600m W of Tullyglush Road and serves a wider catchment population. The filling station and engineering works 330m to the E of Tullyglush Road also serves a
wider area. The site does not contain the necessary level of services and facilities to merit settlement status.

8.2.4.4. Development opportunities would be limited without the provision of infrastructure and particularly a STW or foul sewer. The nearest public foul sewerage system is 2kms away at Ballygawley. Provision of a foul sewer would require a pumping station and pumping main to Ballygawley and would be subject to economic appraisal under the Water Service yardstick.

8.2.4.5. There is a lack of a visual focus or nucleus of development traditionally associated with a village. The steeply sloping topography of the area means that there is very little land available for development. The area is not subject to GB/CPA constraint and normal planning policies would allow local needs, including housing to be met on suitable sites.

**Objectors’ Evidence**

8.2.4.6 The land between Greenhill Tannery on the A5 and Ballymackilroy Church should be zoned for residential development as there is already the basis of a village or hamlet in place.

**Consideration**

8.2.4.7 Unlike some other Area Plans, DSTDAP does not have a fourth tier of settlements and localised concentrations of development do not appear to have a natural place within it. The delineation of the objection site was not explained by either the objector or the Department and it is a curious representation of what exists on the ground. Part of the Church car park is included but the Church building, the cemetery and community facility are excluded. From our site visit we would agree with the objector that there is the basis of an established community focused both socially and topographically on the church with the road alignment providing a natural focus. There are two fairly extensive businesses and a petrol filling station within a short distance of the site and the local Primary School is just over half a kilometre away. A notable absence is sewage treatment infrastructure.

8.2.4.8 From our background preparation in relation to DSTDAP we are aware of other villages such as Ballynakilly which does not have a separate STW but relies on Coalisland which is approximately 3 kms away and Carland which does not currently have a sewage works. The provision of a foul sewer and pumping to Ballygawley may turn out to be economically viable under the Water Service yardstick and in these circumstances designation of a settlement may be appropriate.

8.2.4.9 Evidentially our consideration is based on the objection site and the objection as presented and PSRNI Policy HOU 8 contains a presumption against groups of houses in open countryside outside the development limits of designated settlements. As the case has not been made for an additional settlement within the objection site boundaries, we have to conclude that additional housing at this location would be inappropriate.

**Recommendation**

8.2.4.10 As there is no designated settlement in this area, the objection site should not be zoned for housing and no change is required to the Plan as a result of this objection.
8.2.5 A BUSINESS PARK SHOULD HAVE BEEN DESIGNATED AT GORTATRAY NEAR STEWARTSTOWN
Objection No 302 Site

and Surroundings

8.2.5.1 A 4.22ha site, 2 kms N of the village of Dernagh/Clonoe and 1.6 kms S of Stewartstown. It lies across the Dungannon-Cookstown District boundary on the W side of the Stewartstown Road and a watercourse marks its E boundary as the administrative boundary. The land is in agricultural use and rises from the watercourse and the Stewartstown Road to a crest line in the west. Internal boundaries are defined by hedges, with occasional tree clusters largely confined to the W site boundary.

Department’s Evidence

8.2.5.2 The site was in open countryside both in ETAP and in the Preliminary Proposals. The S part is within the proposed Dungannon Green Belt in DASTDAP while the remainder is in open countryside. Area B was debated at the Cookstown Area Plan Public Inquiry.

8.2.5.3 The identification of the objection site as a Business Park would be contrary to PPS 4 where preference is stated for sites within main towns. Paragraph 13 advises that provision is not normally made for industrial development outside settlement limits. The site is physically divorced from any built-up area and lies in a largely undeveloped area of rolling countryside and partly within the Green Belt. Industrial/mixed business development on it would be contrary to Draft Plan Objectives 2, 3, and 5. IDB has no strategic interest in this site and LEDU were not persuaded of the need for this development proposal. Roads Service are opposed to the development an industrial zone at this location as it would conflict with current policy in terms of sustainability.

8.2.5.4 There is an ample supply of land zoned for industrial and mixed business uses in DASTDAP to meet the Borough’s development needs over the Plan period. 94ha has been zoned at a variety of locations in the principle towns and this could be supplemented by other windfall opportunities either on unzoned land or within existing industrial areas as a result of site vacancy, dereliction, or under-utilisation. All of these would have significant locational advantages over this site - integration with the existing transport network and use of services and infrastructure within the settlements. There is no mains sewer available to serve the development. Public footpath links to housing in Coalisland, Dernagh/Clonoe or Stewartstown do not exist.

Objector’s Evidence

8.2.5.5 A business park should have been designated in the Draft Plan at Gortatray near Stewartstown to complement the aligning area proposed for this purpose within Cookstown District Council area.

Consideration

8.2.5.6 PPS 4 states that development plans will not normally make provision for industrial development outside the development limits of settlements. The other half of this proposal (Area B on Map 8.2.5) was assessed in this policy context in the Public Inquiry
into the Draft Cookstown Area Plan 2010 and the PAC has already recommended that the case had not made for a Business Park as an exception to this policy yardstick. No evidence was presented in this objection to demonstrate that need exists for such a facility and adequate land has been zoned for industry/mixed business uses in DSTDAP. There was no indication that alternative sites were not available within neighbouring settlements such as Dernagh/Clonoe or Coalisland and the environmental issues that would be involved in its development were not addressed. Evidentially no case has been made for a business park on this prominent roadside location within the Green Belt.

Recommendation

8.2.5.7 The Plan should not designate a Business Park at Gortatray.

8.2.6 THE LANDS AT FA VOUR ROYAL SHOULD BE DESIGNATED AS A BEING OF SPECIAL HISTORIC INTEREST.

Objection No. 205.

Department's Evidence

8.2.6.1 The Favour Royal demesne, which dates from the 17th century, is located in a valley between the settlements of Augher and Aughnacloy with the River Blackwater flowing along its northern edge. It is now heavily planted with forest trees although the walled garden on site was once acknowledged as a fine example of its type. Other features of note include the 19th century main house and gate lodge, the gardener's cottage, bridges and the ornamental lake.

Site and Surroundings

8.2.6.2 The Preliminary Proposals included a policy statement (CON 6) indicating that Favour Royal would be one of eight historic parks, gardens and demesnes that would be designated for protection. The lands were included on their merits notwithstanding the fact that the designed landscape was extensively obscured by afforestation. However, Policy CON 4 of the Draft Plan classified the subject lands as one of seven Supplementary Sites which retained only some elements of their original historic form. The change in status resulted from the granting of full planning permission, in March 2001, for the restoration and re-use of the listed 19th century house as part of a hotel complex. Forestry timber was to be harvested while the surviving designed landscape, including parkland and woodland trees, was to be retained as a basis for laying out a golf course.

8.2.6.3 The status of the lands as a historic park, garden and demesne should remain until such time as the approved development on site is implemented, after which there would be merit in including Favour Royal within the Supplementary List. This approach would have the advantage of retaining policy control over future proposals if the approved scheme did not proceed.

Objector's Evidence

8.2.6.4 There are inconsistencies in the designation of parks, gardens and demesnes which are of special historic interest and those that are considered to retain only some elements of their original historic form and have been classified as supplementary sites. The fact that
Favour Royal has not been designated as being of special historic interest in specifically objected to.

**Consideration**

8.2.6.5 Paragraph 5.1 of PPS 6, published in March 1999, indicates that no additional statutory controls will follow on from inclusion of a site within the register of historic parks, gardens and demesnes. Policy BH 6 of that document does not place an embargo upon change within such designated areas but does advise that development will not normally be permitted which would lead to the loss of, or cause harm to, their character, principal components or settings. The granting of the 2001 planning permission at Favour Royal post-dated the issuing of PPS 6. Presumably, attention would have been paid to the factors listed in paragraph 5.3 of that publication when the hotel and golf course proposal was being assessed.

8.2.6.6 Although, from the evidence, most of the area is heavily planted with forest trees, Appendix 2E of the DSTDAP Countryside Assessment includes Favour Royal within the register of historic sites rather than in the Supplementary List. This is inconsistent with the provisions of the Draft Plan, as published. The amendment to the status of the lands, as suggested by the Department, would enable the protective tenor of Policy BH 6 of PPS 6 to apply.

**Recommendation**

8.2.6.7 Policy CON 4 should be modified to include this site in the register of historic parks, gardens and demesnes.
SUMMARY OF RECOMMENDATIONS

The Policy Framework

3.1. The Draft Plan’s objectives display an urban bias.

Recommendation
The wording of Plan Objectives 1, 3 and 4 should be modified as proposed by the Department.

3.2. Strategic development nodes should be established along the South-Western Corridor route from Tamnamore through to Ballygawley.

Recommendation
Additional text referring to potential development opportunities, including for industry and mixed business use within specific villages, should be included in the ‘Settlement’ section of the Written Statement.

3.3. The phased release of housing ground in Dungannon and Coalisland is a fundamentally flawed planning approach.

Recommendation
Phasing should be retained as an appropriate land release mechanism in Dungannon and Coalisland and the re-appraisal of Phase 2 housing sites in both towns should of the 2005 focused review of the Regional Development Strategy.

3.4. The Plan should specify how its policy on open space requirements will be secured.

Recommendation
Policy HOUS 3 should remain as currently drafted.

3.5. The status of the District’s strategic routes network should be specifically referred to in the Plan.

Recommendation
The additional text proposed by the Department should be included in the finalised Written Statement.

3.6. Tourism development should not be confined to specific Opportunity Zones.

Recommendation
The clarification proposed by the Department should be added to the explanatory text of Policy TM 1.

3.7. The Plan should contain additional policies to protect existing sports facilities and encourage new and improved provision.

Recommendation
Inclusion of policy statements of the type suggested would not add materially to the controls already available to the Department. The finalised Plan should remain unchanged in this regard.
3.8. All lakes in the Borough should be classified as Sites of Local Nature Conservation Importance.

**Recommendation**

Fourteen additional SLNCIs should be listed in Policy CON 1 and identified by symbol on the Borough and Inset Maps. Details of their precise boundaries together with a summary of their main features should be included as a supplement to the Countryside Assessment document.

3.9. A guide booklet should be produced to identify man-made and natural heritage features within the Plan area. Surviving components of the Clogher Valley railway should be retained where possible.

**Recommendation**

A specific policy presumption in favour of protecting the area’s industrial heritage should be included within the finalised Plan.

3.10. The Plan fails to adequately protect listed buildings and the area’s industrial archaeology.

**Recommendation**

Additional Area Plan policies relating to listed buildings are not required. The Written Statement and main Proposals Maps should refer to the inventories of sites and features of built heritage importance listed in Appendix 2 of the Countryside Assessment document.

3.11. Policy CON 6 is too site-specific. The Ulster Canal and River Blackwater merit protection.

**Recommendation**

Policy CON 6 should be re-titled “Historic Waterways” and the head note augmented as proposed by the Department.

3.12. The conservation importance of retaining semi-natural ancient woodland should be recognised and such areas within the Borough should be given absolute protection from development.

**Recommendation**

Because of the limited information currently available, the introduction of a blanket policy for the protection of ancient woodland within the Plan area would not be appropriate.

3.13. Draft Plan policy does not provide adequately for the restoration of despoiled land.

**Recommendation**

Policy MN 4 and its supporting text should be deleted from the Plan.

3.14. Green Belt designation should be extended along the Plan area’s principal river corridors.

**Recommendation**

No amendments are required to the Area Plan in the light of this objection.
3.15. The Plan should clarify its position with regard to telecommunications development and the re-use of redundant utility buildings or sites.

**Recommendation**
Since current planning policies, advice and procedures provide an adequate basis for determining telecommunications related development proposals, no amendment is required to the Plan in response to this objection.

**Dungannon Town Area**

4.1. Designation of land at Castle Hill as a recreation area is opposed.

**Recommendation**
The DR 01 zoning of these lands should be confirmed.

4.2. Ground at Beech Valley should be included within the Dungannon town centre boundary.

**Recommendation**
No change should be made to the Plan in this regard.

4.3. The Draft Plan's housing target for Dungannon is arbitrary and fails to recognise the town's role as envisaged in the Regional Strategic Framework.

**Recommendation**
The Area Plan should remain unchanged in regard to these matters.

4.4. Vehicular access to the DH 01 lands from Quarry Lane would result in danger to residents and road users.

**Recommendation**
No change should be made to the Plan. The principal access to this site should continue to be taken from Quarry Lane.

4.5. Land at Ros Beg to the north of Dungannon should be brought within the development limit and allocated for housing.

**Recommendation**
The interests of the Plan would be best served by retaining this area as part of Dungannon's Green Belt surroundings.

4.6. Consideration should be given to the early provision of a day care nursery at Rossmore Road.

**Recommendation**
Policy COM 1 should be modified so as to clarify its position regarding community uses on Phase 2 residential lands in the two main towns in the period between adoption of the Plan and completion of the intended housing review.

4.7. Ground to the rear of No. 31 Coalisland Road should be brought within the Dungannon development limit and zoned for housing.

**Recommendation**
No change should be made to the Plan insofar as the zoning of this land is concerned.
4.8. The DH 30 Phase 2 housing lands to the south-east of Lurgaboy Lane should be extended through to Killymeal Road.

**Recommendation**
The Dungannon settlement limit should be amended to coincide with the western edge of Killymeal Road and return inland to join with the outer limit of the DH 30 zoning. The objection lands should be allocated meantime as Phase 2 housing ground, subject to review in 2005.

4.9. Provision of Phase 2 housing land in the Kingarve area would allow for co-ordinated growth in the north-east sector of Dungannon.

**Recommendation**
The Plan should be confirmed and these lands should remain as part of the Dungannon Green Belt.

4.10. Land on either side of Bush Road, Gortshalgan, should not be classified as Green Belt.

**Recommendation**
The Green Belt status of these lands should be confirmed.

4.11. Portions of the DH 31 lands at Drumharryiff townland should be allocated as firstphase residential ground in the finalised Plan.

**Recommendation**
The entire DH 31 zoning should remain as Phase 2 housing land.

4.12. The boundary of Local Landscape Policy Area 04 should be amended to exclude the curtilage of No. 94 Killyman Road.

**Recommendation**
The LLPA boundaries should remain as proposed in the Draft Plan.

4.13. The greater part of the DH 32 area should be zoned as Phase 1 housing land.

**Recommendation**
The Plan should be confirmed and these particular objection sites should remain as part of the Phase 2 housing allocations.

4.14. Ground on the north side of Killyneill Road between the settlement boundary and the line of the proposed Dungannon Eastern Distributor Road should be allocated for commercial or housing uses.

**Recommendation**
The existing zoning of this land as statutory Green Belt should prevail and be carried through into the adopted Plan.

4.15.1. Two adjoining portions of land at the junction of Killyman Road and Far Circular Road should be brought within the Dungannon development limit.

**Recommendation**
The settlement boundary in this part of town should remain as proposed in the Draft Plan.
4.16. The DH 33 lands at Far Circular Road should form part of the town's Phase 1 housing programme.

**Recommendation**
The Phase 2 status of the DH 33 housing lands should be confirmed in the finalised Plan.

4.17 Growth in east and south-east Dungannon is not adequately catered for. The town's development limit should be extended beyond Killyman Road and along both sides of Moy Road as far as the motorway.

**Recommendation**
The lands in question should retain their Green Belt zoning and the Plan, as drafted, should be confirmed.

4.18. Development land should be made available on the south-west side of Moy Road to allow for the creation of a car retail village.

**Recommendation**
Taking account of the characteristics of the Moy Road lands and the uncontested DSTDAP proposals directly opposite, the Plan should be amended so that this objection site is brought within the Dungannon settlement limit and is zoned for industry and mixed business use.

4.19. Sites in the vicinity of the former Moygashel Mills should be zoned for industry and mixed business use.

**Recommendation**
Each of these three objection sites should continue to be classified for planning purposes as “white” land.

4.20. Ground to the south of Dungannon Park should be allocated for first-phase housing development.

**Recommendation**
The Draft Plan development limit should be upheld and this site should remain as part of the Green Belt.

4.21. The proposed Peripheral Cycle Route would interfere with residential privacy and amenity adjacent to Dungannon Park Farm.

**Recommendation**
The Plan should be amended, as shown on Map PAC 4.21.B, to reflect the Department’s concession on this issue.

4.22. The “Brickfield” site at Cottagequinn and nearby ground to the north of the Dungannon Park Farm complex should continue to be proposed as housing areas.

**Recommendation**
Green Belt policies should continue to apply at each of these objection sites and in the surrounding area. The Plan should be confirmed in this regard.

4.23. Land adjacent to Park View, Old Eglish Road, should not have been excluded from the Dungannon development limit.

**Recommendation**
The Dungannon development limit should be extended to include this objection site.
4.24. Land on the south-eastern shore of Ballysaggart Lough should be designated for recreational or tourism development.  
**Recommendation**  
The Green Belt and LLPA zonings should remain unaltered at this location.

4.25. Areas of ground between Granville Road and Windmill Hill Road should be allocated for residential use.  
**Recommendation**  
The Dungannon settlement limit should be revised locally, as illustrated on Map PAC 4. 25. C.

4.26. A more defensible development limit would be achieved by including land to the west of Granville Road within the Dungannon settlement boundary.  
**Recommendation**  
No alteration is required to the Plan in response to this objection.

4.27. Land at Ballygawley Road adjacent to Killymaddy Lough should be zoned for housing development.  
**Recommendation**  
Strategic and local planning objectives would be best served by retaining these lands as part of the Dungannon Green Belt. The Plan should be confirmed in this regard.

4.28. Ground to the east of Aghareany Road merits being included within the DH 27 housing area.  
**Recommendation**  
The Plan’s currently-proposed limit of development should be confirmed.

4.29. A small area of ground on the eastern edge of the DH 27 lands at Mullaghconor Glebe should be brought into the first-phase housing allocation.  
**Recommendation**  
This site should be re-designated as a Phase 1 housing area with provision made for suitable vehicular connections through it to the adjoining DH 23 and DH 27 lands.

4.30. The eastern part of the Bessmount Local Landscape Policy Area (LLPA 01) should be classified as “white” land.  
**Recommendation**  
This modified objection should be upheld and the LLPA boundary altered as shown on Map PAC 4.30.B.

4.31. Part of the lands to the north-west of Drumglass High School should be re-zoned as a Phase 1 housing area.  
**Recommendation**  
This site should continue to form part of the overall DH 28 Phase 2 housing allocation.

**Dungannon Eastern Distributor Road**

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.

**Recommendation**  
While acknowledging the need to improve accessibility on the A29 Link Corridor as part of the Regional Strategic Transport Network, the Dungannon Eastern Distributor Road proposal should not be confirmed in the adopted Area Plan. Reference to the DEDR should be removed from Policy TRAN 1 and the line of the route should be deleted from all proposals maps including the Dungannon & Granville Revised Inset Map 1.

**Coalisland Town Area**

6.1. Land at Brackaville Road should be included for housing within the town's settlement limit.

**Recommendation**  
No amendment is required to the Plan and the settlement limit at Brackaville Road should be confirmed.

6.2. Phase 1 housing zoning CH 02 should be deleted and the land retained for agricultural or recreational use.

**Recommendation**  
The zoning of the CH 02 area for housing should be confirmed.

6.3. Land at Mullaghmoyle Road should be zoned for Phase 1 housing development within the settlement limit.

**Recommendation**  
The current zonings on both parcels of land should remain unchanged in the finalised Plan.

6.4. Land to the north-west of the Stewartstown Road should be included for housing within the settlement limit.

**Recommendation**  
There should be no change to the Plan’s proposals as a result of these objections.

6.5. Land at Ballynakilly Road should be brought within the Coalisland limit of development.

**Recommendation**  
There should be no change to the Plan resulting from these objections.

6.6. The industry/mixed business use zoning on land at Ballynakilly Road should be replaced by a housing allocation.

**Recommendation**  
The industry/mixed business zoning on this land should remain unchanged.
6.7. Land at Creenagh Bridge Road should be allocated for housing within the settlement limit.

**Recommendation**  
The settlement limit along this part of Creenagh Bridge Road should be confirmed.

6.8. Land at Bush Road should be included for housing within the settlement limit.

**Recommendation**  
The site should be retained as Green Belt outside the settlement limits of Coalisland.

6.9. Ground at Bush Road should be included within the settlement limit as an extension of zoning CH 20.

**Recommendation**  
The settlement limit and zoning CH 20 should be amended to include this objection site.

6.10. Land at Derryvale should be removed from the Coalisland settlement limit.

**Recommendation**  
In view of the Department's concession that this site should be re-designated as Green Belt, this objection need not engage the attention of the Commission.

6.11. The CH 21 zoning should be re-allocated as a Phase 1 housing area.

**Recommendation**  
The Phase 2 zoning on this land should prevail.

6.12. Land at Derryvale should be zoned as a housing area within the settlement limit.

**Recommendation**  
The settlement limit, as currently proposed in this part of Derryvale, should be confirmed.

6.13. The CI 02 industry/mixed business use zoning should be extended to include land at Ballynakilly Road.

**Recommendation**  
The objection sites should be retained in the Green Belt outside the settlement limits of Coalisland.

6.14. Land at Ballynakilly Road should be included within Ballynakilly Village and zoned for industry/mixed business uses.

**Recommendation**  
There should be no change to the Plan as a result of this objection.

6.15. The Mineral Reserves Area at Drumreagh Etra should not be reduced in size. Additional land should be allocated for minerals development.

**Recommendation**  
No change is required to the Plan as a result of this objection.

6.16. Open cast mineral workings in Coalisland should be reinstated, with some of the restored land being used for housing, industry and recreation.

**Recommendation**  
There should be no change to the Plan as a result of this objection.
6.17. An in-depth study is required to address serious traffic congestion in Coalisland. 

**Recommendation**
Policy TRAN 1 should be amended to reflect the wording agreed between the Department and the Borough Council.

6.18. Recent housing developments in Coalisland have been of a high-density nature. More open space is needed, backed up by an enforceable play space policy. **Recommendation**
No change is required to the Plan in relation to this objection.

**The Villages**

7.1.1. The exclusion of lands at Aghaginduff/Cabragh from the settlement limit is objected to. 

**Recommendation**
In view of the Department’s concessions, these objections do not need to engage the attention of the Commission.

7.1.2. Ground at Aghaginduff/Cabragh should be brought within the settlement limit. 

**Recommendation**
The Department’s concessions in relation to Area (a) have been noted and the revised settlement limit excluding the two western fields should be confirmed. No change is required to the Plan in relation to Area (b).

7.2.1. Lands at Moor Road should be included within the Annaghmore settlement limit. 

**Recommendation**
No change is required to the Plan as a result of these objections.

7.3.1. Aughamullan should not be designated as a village.

**Recommendation**
Village status should be confirmed but the settlement limit should be reduced by excluding the land to the north-west of the 40 mph speed limit on Coole Road (Map PAC 7.3.1.A) and using the strong tree and hedge features as the entrance to the village. The commitment to controlling residential developments to 5 units or less should be strictly adhered to.

7.3.2. Land at Aughamullan should be included within the settlement limit. 

**Recommendation**
No change should be made to the Plan as a result of this objection.

7.4.1. Land to the south of Augher should be included within the settlement limit. 

**Recommendation**
This concession is noted.

7.4.2. Land to the south-east of Augher should be excluded from the settlement limit. 

**Recommendation**
This concession is noted.

7.5.1. The Aughnacloy settlement limit is unduly restrictive and land at Caledon Road should be included within the village boundary.
**Recommendation**
The proposed settlement limit at Caledon Road should be confirmed.

7.5.2. Land at Rehaghy Road should be included within the Aughnacloy settlement limit.

**Recommendation**
The currently proposed settlement limit in this part of Aughnacloy should be confirmed.

7.5.3. Land at Monaghan Road should be brought within the Aughnacloy settlement limit and the proposed LLPA designation on part of the site should be removed.

**Recommendation**
Area A should remain outside the settlement limit and the designation of Area B as part of LLPA 15 should be confirmed.

7.6.1. Land to the north-west of Ballygawley Roundabout should be brought within the village limit and reserved for industry or mixed use development.

**Recommendation**
Policy IND 1 should be confirmed and the objection sites should remain outside the settlement limits of Ballygawley.

7.7.1. Land to the west of Ballynakilly should be included within the settlement limit.

**Recommendation**
In view of the Department’s concession, this objection need not engage the attention of the Commission.

7.7.2. Land to the south of Ballynakilly should be included within the settlement limit.

**Recommendation**
The Plan should only be amended to reflect the concession in relation to Area A.

7.7.3. Land to the north-east of Ballynakilly should be brought within the settlement limit.

**Recommendation**
The objection site should not be included within the settlement limit.

7.8.1. Land to the north of Benburb should be included within the settlement limit.

**Recommendation**
In view of the Department’s concession, these objections need not engage the attention of the Commission.

7.8.2. Protection should be afforded to the villages of Benburb and Dyan.

**Recommendation**
No further policy measures are required to protect village character in Benburb. The settlement limit of Dyan should be adjusted to exclude the lands on the south side of Mullyneill Road beyond the corn mill, as illustrated on Map PAC 7.8.2.A.

7.9.1. Land to the north of Mountjoy Castle Road should be included within the Brockagh/Mountjoy settlement limit.

**Recommendation**
In view of the Department’s concession, this objection does not require consideration by the Commission.
7.9.2. Land to the south of Mountjoy Road should be excluded from the Brockagh/Mountjoy settlement limit.

**Recommendation**
In the light of the Department’s concession, this objection does not need to be considered by the Commission.

7.9.3. Land to the south of Brockagh/Mountjoy should be included within the settlement limit and removed from the Countryside Policy Area.

**Recommendation**
The settlement limit in this locality should be confirmed.

7.9.4. Land to the north-west of Brockagh/Mountjoy should be incorporated within the settlement limit.

**Recommendation**
No change is required to the settlement limit as a result of this objection.

7.9.5. Housing development in Brockagh/Mountjoy should be in medium density form.

**Recommendation**
No change is required to the Plan as a result of this objection.

7.10.1. Land to the west of Cappagh should be included within the settlement limit.

**Recommendation**
The settlement limit in this part of Cappagh should be confirmed.

7.10.2. The Plan should provide for an Inspirational Centre for Education/Health to assist with the formation of an original Irish speaking area at Altmore/Cappagh.

**Recommendation**
No change is required to the Plan as a result of this objection.

7.11.1. Land to the east of Carland should be included within the settlement limit.

**Recommendation**
No change is required to the Plan as a result of this objection.

7.11.2. Land to the south of Carland should be included within the settlement limit.

**Recommendation**
No change is required to the Plan as a result of this objection.

7.12.1. Land at Annaghmakeown Road should be excluded from the Green Belt and retained as “white” land within Castlecaulfield.

**Recommendation**
No change is required to the Plan as a result of this objection.

7.12.2. Land at Lisnamonaghan Road should be included within the Castlecaulfield settlement limit.

**Recommendation**
No change is required to the Plan as a result of this objection.

7.13.1. Land at Ballagh Road should be included within the Clogher settlement limit.

**Recommendation**
The settlement limit at the southern end of Clogher should be confirmed.
7.14.1. The eastern boundary at Clonmore should be regularised, with additional land at Hagan’s Road being included within the settlement limit.

**Recommendation**

The settlement limit on the eastern side of Clonmore should be confirmed.

7.14.2. Land to the west of Clonmore should be included within the settlement limit.

**Recommendation**

The settlement limit in this area should be amended to incorporate the hatched area on Map PAC 7.14.2.A.

7.15.1. Land to the south of Dernagh/Clonoe should be included within the settlement limit.

**Recommendation**

No change is required to the Plan as a result of this objection.

7.16.1. Land at Garvagh Road should be removed from the Green Belt and included within the Donaghmore settlement limit.

**Recommendation**

No change is required to the Plan as a result of this objection.

7.16.2. Land to the west of Donaghmore should be included within the settlement limit.

**Recommendation**

No change is required to the Plan as a result of this objection.

7.16.3. Land at Aghareany should not be designated as a Local Landscape Policy Area but should be included within the Donaghmore settlement limit.

**Recommendation**

The boundaries of LLPA 34 should be confirmed and the objection sites retained in the Green Belt outside the settlement limits of Donaghmore.

7.16.4. The Plan does not consider traffic congestion in Donaghmore. It should include proposals for a carriageway connecting Cookstown and Ballygawley. **Recommendation**

The by-pass routes suggested by the Donaghmore Village Improvements Group should not be included in the adopted Plan.

7.17.1. Land adjacent to the western cluster of Edendork should not be excluded from the settlement limit.

**Recommendation**

No change is required to the Plan as a result of this objection.

7.17.2. Lands around Edendork should be brought within the settlement limit.

**Recommendation**

The settlement limits of Edendork should be extended to include the eastern two portions of Area B and the linear strip to the north of the A 45 within Area C. Exclusion of Area A, the western portion of Area B and the land within Area C to the south of the A 45 should be confirmed.
7.17.3. The exclusion of land at Cullion Road from the Edendork settlement limit is opposed.

**Recommendation**

The settlement limit on the north-western edge of Edendork’s western node should be confirmed.

7.18.1. Land to the north-east of Galbally’s western cluster should not be excluded from the settlement limit.

**Recommendation**

In view of the Department’s concession, this objection does not need any further consideration by the Commission.

7.18.2. Exclusion of land from the eastern cluster of Galbally’s settlement limit is opposed.

**Recommendation**

No amendments are required to the Plan as a result of this objection.

7.19.1. Lands at Eskragh Road, Granville, should not be excluded from the settlement limit.

**Recommendation**

No alteration is required to the Plan as a result of this objection.

7.20.1. Exclusion of lands to the north-east of Lisaclare Road from the Killeen settlement limit is opposed.

**Recommendation**

No alteration is required to the Plan as a result of this objection.

7.21.1. Lands on the west side of Cavan Road should not be excluded from the Killyman settlement limit.

**Recommendation**

The M 1 should be confirmed as the northern development limit of Killyman.

7.22.1. Land at Gorestown Road/Curran’s Brae should be included within the Moy settlement limit.

**Recommendation**

The objection site should remain outside the Moy village limit.

7.22.2. Land to the north of Dungannon Street, Moy, should be brought within the settlement limit.

**Recommendation**

The objection site should remain outside the Moy village limit.

7.22.3. A by-pass is required for The Moy and other local roads and parking issues need to be addressed.

**Recommendation**

Policy TRAN 1 should be amended to reflect the wording of the concession agreed between the Department and the Borough Council.
7.23.1. Four additional development areas should be provided within Newmills to help regenerate an economically declining area.

**Recommendation**

With the exception of the field to the south of Roughan Road within Parcel 2, all of the residual objection lands should remain outside the Newmills settlement limit.

7.23.2. Land to the east of Newmills should be included within the settlement limit.

**Recommendation**

No change is required to the Plan as a result of this objection.

7.24.1. Land at Mullenakill should not have been excluded from the Tamnamore settlement limit.

**Recommendation**

The Tamnamore settlement limit should be amended to include the conceded land in Objection 224 (Issue 21.9 Area A) but Objection Site 083 should remain outside the village boundary.

7.24.2. Land to the south-east of Tamnamore should be included within the settlement limit.

**Recommendation**

Both sites should be included within the settlement limit. Objection Site 242 should be specifically identified for industry and mixed business use and development at Objection Site 277 should be covered by the terms of Policy TAM 1.

7.24.3. Land to the west and south of Tamnamore should be included within the settlement limit.

**Recommendation**

No change is required to the Plan as a result of these objections.

7.25.1. Exclusion of land at Bush Road from The Bush settlement limit is not warranted.

**Recommendation**

No change is required to the Plan as a result of this objection.

7.25.2. Housing density guidance in relation to The Bush is contradictory and should be removed.

**Recommendation**

Detailed guidance should be provided as to the density of residential development that will normally be permitted in The Bush.

### 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.

**Recommendation**

A Countryside Policy Area should be confirmed at the following locations:

- westwards along Washing Bay Road from the edge of Aughamullan;

- on both sides of Doon Avenue and the wedge of land between it and the portion of Coole Road to the south of Aughamullan village; and,
• to the north-east of Brockagh/Mountjoy to tie in with the CPA within Cookstown District.

CPA designation should not apply: -

• along Coole Road northwards from the edge of the reduced Aughamullan settlement limit;

• to the east of Ballybeg Road through to the edge of the existing CPA boundary; and,

• along both sides of Mountjoy Road and to the north of the settlement limit of both Brockagh/Mountjoy and Killeen.

8.1.2. Land at Ferry Road should not be included in the Lough Neagh Shore and Environs Countryside Policy Area.

**Recommendation**

No alteration is required to the Plan as a result of this objection.

8.1.3. The Copney area should not be designated as a Countryside Policy Area.

**Recommendation**

This concession is noted and does not require further consideration.

8.1.4. The Blackwater Valley merits protection as a Countryside Policy Area.

**Recommendation**

No alteration is required to the Plan in response to this objection.

8.1.5. Land at Foygh Road, Dungannon, should not be included in the Green Belt.

**Recommendation**

The objection site should be retained within the Dungannon Green Belt.

8.1.6. The Green Belt boundary to the south of Dungannon should be modified at three locations within Dunseark and Mullaghdaly townlands.

**Recommendation**

No adjustment should be made to the Green Belt boundary on the western side of Old Eglish Road at Objection Site 208D.

The watercourse on the northern edge of Objection Site 208D(1) at Eglish Road should form the outer limit of the Green Belt here.

Objection Site 208D(2) should continue to be classified as Rural Remainder land.

8.1.7. The case has not been made for the inclusion within the Green Belt of land in the townland of Drumkee.

**Recommendation**

The extension to the Green Belt at Drumkee townland should be excluded from the Plan.

8.1.8. Land between Annaghmore and Dernagh/Clonoe should not be included within the Green Belt.

**Recommendation**
There should be no change to the Plan as a result of these objections.

8.1.9. Land to the north of Edendork should not be included within the Green Belt.
   
   **Recommendation**
   No change is needed to the Plan as a result of this objection.

8.2.1. Derrymeen should be regarded as a village and the townlands of Drumkee and Drumhorrick should be classified as a Dispersed Rural Community.
   
   **Recommendation**
   Derrymeen should not be accorded village status and Drumkee and Drumhorrick townlands should not be regarded for planning purposes as a Dispersed Rural Community.

8.2.2. The townland of Kiltermon should be considered as a Dispersed Rural Community.
   
   **Recommendation**
   Kiltermon townland should not be designated as a Dispersed Rural Community.

8.2.3. Lands at Tullyallen/Aghintober Roads should be considered as part of a village.
   
   **Recommendation**
   Tullyallen should be designated as a village and the settlement limit should be confirmed. All the objection land should remain outside the village except for the eastern field of Area (a) which should be included within settlement’s limit.

8.2.4. Land at Greenhill Tannery and Ballymackilroy Church should be zoned for housing as part of a small village.
   
   **Recommendation**
   As there is no designated settlement in this area, the objection site should not be zoned for housing and no change is required to the Plan as a result of this objection.

8.2.5. A Business Park should be designated at Gortatray near Stewartstown.
   
   **Recommendation**
   The Plan should not designate a Business Park at this location.

8.2.6. The lands at Favour Royal should be designated as being of special historic interest.
   
   **Recommendation**
   Policy CON 4 should be modified to include this site in the register of historic parks, gardens and demesnes.