

**From:** Jemma Dolan [REDACTED]  
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## Fermanagh And Omagh Draft Plan Strategy Representation

Jemma Dolan

MLA for Fermanagh and South Tyrone

[REDACTED]

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I have divided my representation into three distinct sections;

- Rural Needs Impact Assessment
- Draft Plan Strategy(Soundness/Unsoundness)
- Other General Observations

Is mise,

Jemma Dolan

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### Rural Needs Impact Assessment

In regards to the Rural Need Impact Assessment(RNIA) I believe that it has not acknowledged nor investigated the impact to the residents, businesses and community groups of the eleven Dispersed Rural Communities(DRCs) that were recognised in the settlement hierarchy of the Fermanagh Area Plan 2007 who will no longer be recognised within the FODC Local Development Plan.

Firstly can I refer you to 1E. which is supposed to provide details of the aims and/or objectives of the Policy, Strategy, Plan or Public Service and I quote;

*"The Draft PS provides a plan-led policy framework for making day to day decisions to help the Council deliver sustainable development including for future housing, employment, retail and infrastructure across the whole district.*

*In summary, the Spatial Growth Strategy of the Draft PS is:*

- *to focus major population and economic growth within the main hubs of Enniskillen and Omagh;*
- *sustain the role of small towns, villages, and small settlements and,*
- *support and sustain rural communities outside of the settlements."*

Nowhere does it provide how taking away the classification of DRCs help to deliver sustainable development for the rural dwelling residents of DRCs nor businesses or community groups operating within them. It is my opinion that in fact it will do the opposite and stunt sustainable development for rural dwellers, businesses and community groups within DRCs.

Next can I refer you to 3D. which should provide details of the social and economic needs of the people in rural areas which have been identified by the Public Authority and I quote;

*"After review of the topic papers and consultation with those in the community on the Preferred Options Paper (POP) the following key issues, related to the social and economic needs of people in rural areas were identified:*

*1. Removal of Dispersed Rural Communities - Many representations showed concern that the Spatial Growth Strategy intended to remove the Dispersed Rural Community designation as per the Fermanagh Area Plan (2007). The view was that these somewhat isolated areas would suffer a disadvantage in regard to funding and that more flexibility needed to be applied to the non-farming rural dweller"*

Number 1 refers to DRCs. This is the first time in the RNIA that they have been mentioned and only because it is being highlighted by the many representations by members of the public during the consultation of the Preferred Options Paper and not because any issue was identified by the Public Authority.

It is my reading of this RNIA that although the adverse effects of taking DRCs out of the Hierarchy Settlement have been highlighted to the FODC this RNIA does not investigate the impact that this decision will have on this type of rural community and those that live and work within it.

I believe that 4A also backs up this assertion. 4A is supposed to provide details of the issues considered in relation to the social and economic needs of people in rural areas and I quote;

*"When preparing the policies for the Draft PS, the Council considered the needs of people in rural areas that were identified under section 3 and have considered the following issues:*

- *To alleviate the concern that rural areas would be disadvantaged following the removal of the Dispersed Rural Communities policies the plan strategy has provided opportunity for residential development, rural start-ups and the provision of community facilities at focal points or at locations that have a strong community identity within the countryside. The policies also protect existing community facilities from being redeveloped to other alternative uses thereby reducing potential impact on rural communities."*

It goes on to state at the end of 4A

*"The issues of concern are dealt with more fully in Table 1 Appendix 1."*

I believe that this one paragraph does not adequately, and could not adequately, deal with the adverse impacts that rural dwellers could face within DRCs. The concerns raised, which were many and well

founded, have been ignored by this RNIA and I believe that it well may invalidate the whole document. I must also point out that nowhere in Table 1 Appendix 1 are DRCs actually referred to.

Also, if I can point out the following statement in 3C and I quote;

*"Papers were prepared on a range of identified topic areas (e.g. Housing, Environmental Assets, Sustaining Rural Communities) to provide an overview of the current position in these topic areas and so that future requirements can be considered for the life of the proposed LDP including the preparation and development of the Draft PS. Information for these topics was gathered through direct consultation and discussions with government departments, agencies and other public bodies and research through their associated websites or published reports and papers. The various sources of information are identified and fully explored in the topic papers. The topic papers are all available at: <https://www.fermanaghomaqh.com/residential-services/planning-and-building/planning/local-development-plan/>"*

Neither in the topic papers referred to, in the POP, nor in the LDP Draft Plan Strategy is the rational behind the exclusion of DRCs given. Nowhere is there an explanation of this decision or is it explained how this could benefit the residents, businesses or communities within DRCs. Hence, I believe the rural communities within the eleven DRCs in Fermanagh are not being treated in a fair and equitable way.

Between the Town Centres and Retailing Strategy and RCA01 retailing in the countryside has been completely prohibited. Once again I believe the RNIA has not addressed this and this decision, in my opinion, will mean residents, communities and businesses in rural areas of Fermanagh and Omagh not being treated in a fair and equitable manner.

Finally I believe that the Councils intention, in policy DE07, of banning all advertising for businesses in the countryside from advertising anywhere except within their own curtilage may not be treating rural businesses in a fair and equitable manner.

*"The Council will give consent for the display of an advertisement where:*

*(a) it does not detract from the character and amenity of the area; and*

*(b) it does not prejudice public safety.*

*Signs outside the curtilage of an existing business in the countryside will not be permitted unless they are directional signs."*

I do not believe the RNIA addresses this point anywhere within it.

In conclusion I would have to ask if this RNIA has been fully carried out to really assess if the LDP Draft Plan Strategy has any impacts on the rural communities of Fermanagh and Omagh or if it was nothing more than a paper exercise.

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## Draft Plan Strategy(Soundness/Unsoundness)

I believe parts of SP02, MIN04, HOU06 and RCA01 may be unsound. Below are the tests of soundness my representation relates to.

### SP02 - Settlement

P2 Has the council prepared its Preferred Options Paper and taken into account any representations made? No

I don't believe that the Council has taken into account representations that was made to it in regards to Dispersed Rural Communities. I believe that there were many submissions to the POP that highlighted the continuing need for DRC's within FODC area which are not taken into account. I also believe that any

decision to do away with DRCs should also have looked at the possibility of upgrading some or all of the DRCs to Small Settlements. I believe neither retaining DRCs nor upgrading DRCs to Small Settlements was fully taken into account.

C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district? No

I do not believe FODC have fully taken regard of either Mid Ulster or Derry and Strabane's plans, policies and strategies in relation DRCs and Small Settlements. Mid Ulster are proposing to retain DRCs in their settlement hierarchy and Derry and Strabane propose to have areas that resemble our DRCs classified as Small Settlements with one or more nodes. The three adjoining Councils of Leitrim, Cavan and Monaghan have settlement hierarchies that would more align with the DRC model also.

In conclusion SP02 should be amended to include DRCs as a designated settlement coming after small settlements to be more in line with Mid Ulster and Monaghan. Alternatively you could look into reclassifying some DRCs as small settlements more in line with Derry and Strabane and Leitrim. As a result of this may have a knock on effect to DE03, DE06, HOU17, TCR04 and other policies which may have to be looked at again.

#### MIN04 - Unconventional Hydrocarbon Extraction(UHE)

P2 Has the council prepared its Preferred Options Paper and taken into account any representations made? No

I don't believe that the Council has taken into account representations that were made to it in regards to the permitting or not of exploratory works for unconventional hydrocarbon. I believe that there was a strong enough case for not permitting the exploratory works until the exploitation of UHE can be proved not to have any adverse effects on the environment or public health. The SPPS gives, in my opinion, enough scope to not permit extraction nor exploratory works as exploratory works in itself is a type of exploitation. In fact it makes no sense to allow exploratory works whilst not allowing for extraction and not permitting either is the fairest course of action.

C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district? No

Four adjoining Councils, Donegal, Leitrim, Cavan and Monaghan, have an outright ban on Unconventional Hydrocarbon Extraction and so FODC should not permit either the exploitation or exploratory works of UHE to be more in line with it's neighbours plans, policies and strategies.

In conclusion the second paragraph of policy MIN04 should be amended to read "The Council will not permit unconventional hydrocarbon extraction, nor it's exploratory works, until it is proved that there would be no adverse effects on the environment or public health in any processes involved with the exploitation of unconventional hydrocarbon extraction."

#### HOU06 - Public Open Space in New Residential Developments

C3 Did the council take account of policy and guidance issued by the Department? No

*"(iii) provision at a rate less than 10% of the total site area may be acceptable where the residential development:*

- is located within a town centre;*
- is close to and would benefit from ease of access to areas of existing public open space; or*
- provides accommodation for special groups, such as the elderly or people with disabilities."*

In regards to the above part of HOU06 I believe that when making exceptions for less than 10% of public open space only point one should be accepted. It is my opinion that points 2 & 3 go against the core principals of SPPS both in improving health and well being and creating and enhancing shared space. I also wonder if the third point complies with section 75 legislation. Why would elderly people or less-abled people need or want less public space?

*"For residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development. The Council will consider an exception to this requirement where an equipped children's play area exists within reasonable walking distance (generally around 400 metres) of the majority of the units within the development scheme."*

I believe the above policy in HOU06 is also not in keeping with the same two core principals of SPPS. I think the limit should be lowered to 75 and more importantly the exception about reasonable walking distance should be dropped altogether.

#### RCA01 in Conjunction with Town Centres and Retail Strategy (TCR04 and Table 6)

P2 Has the council prepared its Preferred Options Paper and taken into account any representations made? No

As with SP02 I believe the Council have not taken into account the representations made to it by the communities from the Dispersed Rural Communities. Under RCA01 policy clarification it states that "retailing.... will not be permitted under this policy," which would alter the way these communities have existed and continue to exist. By enacting this policy you will be doing away with rural post offices and small shops that already exist. These small rural communities have been under sustained attack from regional and central government for decades but it would be unprecedented for local government to now turn it's back on them.

In conclusion, either or both, RCA01 and Town Centres and Retail Strategy should be amended to allow for small retail opportunities in DRCs or RCAs. If DCRs are reinstated TCR04 and Table 6: Town Centres and Retail Strategy for Fermanagh and Omagh would have to be amended.

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## Other General Observations

Below are just other observations and suggestions I believe you may wish to take on board for the benefit of the residents of the Fermanagh and Omagh area.

HOU03

I am concerned that this policy is dependent on established need by the Housing Needs Assessment. These (HNA's) typically underestimate the actual need for affordable housing esp. in rural areas. I understand that this may be in the SPPS so I would suggest that FODC look for this to be amended so you can change this in the future.

Also the 10% of units being designated for affordable housing, should be stressed that all decimal points should be rounded up in the interests of maximising affordable housing i.e. 0.1, being rounded up to 1.

HOU12

I believe the requirement for farm businesses to be active but the 6-year requirement is too prohibitive. Changing this to 3 years would reduce this prohibition would also be sufficient to deter potential applicants from setting up a farm business solely for the purpose of securing planning permission. I understand that this may be in the SPPS so I would suggest that FODC look for this to be amended so you can change this in the future.

Farming is a very fluid and volatile business and many transactions such as conacre and purchases are conducted informally. Under policy clarification were a farmer does not have a business ID Number he should have to give full accounts or details as opposed to "*full accounts/details.*"

HOU14

*"Infilling will be permitted within a line of buildings where the proposed site is a small gap suitable to accommodate only one dwelling within an otherwise substantial and continuously built up frontage which will not detract from the rural character. For the purposes of this policy, a substantial and continuously built up frontage is a line of at least 3 buildings, each with their own defined curtilage. permission will not*

*be granted where the proposed site is an important visual break between existing buildings on the landscape, or where the proposed development will result in a suburban style of build-up of development when viewed with existing and approved buildings."*

I believe the above point is too restrictive when it comes to infill. Some small gaps could be suitable to accommodate two dwellings depending on the type of site and house design and should be assessed on a case-by-case basis. I also believe "*each with their own defined curtilage*" needs not to be applied and is an extra burden.

HOU18

In respect of personal and domestic circumstances, I believe the limitation of 3 years should be removed, as these circumstances can be life-long and requiring the applicant to re-apply for permission every 3 years on top of other challenges is unfair. The 3 years should be extended to 5 years or guided by the prognosis from the applicant's GP or other relevant health professional.

RE01

With the world facing a climate change crisis, maybe within just a few short years, renewable energy is vitally important to both the Fermanagh and Omagh area and the world at large. Having said that I would urge the Council to do everything possible to promote renewable energy but without our communities' support it will not succeed. With that in mind could I ask you to investigate recent studies that have concluded that wind turbines give off ultra-sound and low frequency noise that causes health problems to communities that live close to wind farms. If after further investigation these international studies are correct I believe the Council's policy should take into account the same studies' conclusions that the minimum safe distance between wind farms and nearby residences should be 1500 metres.

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