

Representation to Fermanagh & Omagh District Council's Local Development Plan - Draft Plan Strategy

On behalf of Provincial Developments Ltd

December 2018

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Client
Provincial Developments Ltd
Our reference
PROB3002

19 December 2018

1. Introduction

- 1.1 This representation has been prepared by Turley on behalf of Provincial Developments Ltd in response to the publication of, and formal consultation on, Fermanagh and Omagh District Council's ('the Council') Draft Plan Strategy ('DPS').
- 1.2 Our client welcomes the publication of the Draft Plan Strategy and the progress that the Council is making towards adopting a local development plan for the area.
- 1.3 This submission follows a representation to the Preferred Options Paper stage of the Local Development Plan process with respect to lands between Drumnakilly Road, Farmhill Road and Deverney Road in Omagh. Our previous representation sought to demonstrate the opportunity that exists to create a viable new land use mix in this evolving area of Omagh.
- 1.4 This representation seeks to provide some background on our previous submission and highlight concerns expressed by our client with respect to proposed employment land policies contained within the Draft Plan Strategy.
- 1.5 In line with Council's procedures, each representation is set out on a separate page within each of the chapter headings with the policy clearly identified.
- 1.6 To ensure that this representation is set within the appropriate planning context, we have reviewed all legislative, regulative and policy requirements/guidance associated with local development plans in Northern Ireland and all supporting documents associated with the DPS and the preferred Options Paper, which are relevant to the topics/policies which we make comment on.
- 1.7 The remainder of this submission is structured as follows:
 - **Section 2** – Legislative Context
 - **Section 3** – Soundness in Plan Making
 - **Section 4** – Rationale for Rezoning Subject Lands
 - **Section 5** – Economy
 - **Section 6** - Recommendations
- 1.8 Finally, the submission is supported by the following appendices:
 - **Appendix 1:** Extract of DPS Map Viewer
 - **Appendix 2:** Extract of DPS Map Viewer
 - **Appendix 3:** Site Promotion Document
 - **Appendix 4:** Completed Draft Plan Strategy Questionnaire

2. Legislative Context

Introduction

- 2.1 Sections 6 (1) and (2) of the Planning Act (Northern Ireland) 2011 (the 2011 Act) set out that in Northern Ireland, the local development plan (LDP) for each of the 11 local authorities comprises a plan strategy (PS) and a local policies plan (LPP).
- 2.2 The PS represents the first formal stage of the two stage LDP process and Section 8(1) of the 2011 Act requires all Councils in Northern Ireland to prepare a PS for their districts.
- 2.3 In preparing their Draft Plan Strategy (DPS), Fermanagh and Omagh District Council (FODC) is required to adhere to the provisions of the Planning Act (Northern Ireland) 2011 ('Act') and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 ('Regulations').
- 2.4 This section identifies weaknesses in the compliance of the draft Plan Strategy (dPS) with the Act and the Regulations.

Planning Act (Northern Ireland) 2011

- 2.5 Under Section 8 of the Act, the Plan Strategy must set out:
- (a) the **council's objectives** in relation to the development and use of land in its district;
 - (b) its **strategic policies** for the implementation of those objectives; and
 - (c) such other matters as may be prescribed.
- 2.6 It is worth noting that the requirements of a PS differ to those of a LPP, which are set out under Section 9(2) of the 2011 Act, these being:
- (a) the **council's policies** in relation to the development and use of land in its district (our emphasis); and
 - (b) such other matters as may be prescribed.
- 2.7 Essentially, the purpose of a PS is to provide the strategic policy framework for the plan area as a whole across a range of topics¹, whereas the purpose of the LPP is to set out the local policies and site specific proposals in relation to the development and use of land in its district².
- 2.8 Section 8(5) prescribes the following elements which a Council must take into account when preparing a PS:

¹ Development Plan Practice Note 07 - The Plan Strategy, April 2015

² Development Plan Practice Note 08 - The Local Policies Plan, April 2015

- (a) the regional development strategy (i.e. the RDS 2035);
- (b) the council's current community plan;
- (c) any policy or advice contained in guidance issued by the Department (i.e. the SPPS); and
- (d) such other matters as the Department may prescribe or, in a particular case, direct.

2.9 However, it is noted that Section 8(5) also provides the Council with discretion to have regard to such other information and considerations as appear to the council to be relevant.

The Planning (Local Development Plan) Regulations (Northern Ireland) 2015

2.10 In addition to the Act, Parts 4 & 5 of the Regulations set out the requirement for the preparation of the Plan Strategy DPD. Part 4 sets out the requirements for the Form and Content of Development Plan Document.

2.11 Part 4 Regulation (1) establishes that a development plan document must contain:

(a) a title which must give the name of the council district for which the development plan document is prepared and indicate whether it is a plan strategy or a local policies plan, and

(b) a sub-title which must indicate the date of the adoption of the development plan document.

2.12 Part 4 Regulations 12 (2) and (3) set out that a development plan document must contain a reasoned justification of the policies contained in it and that the policy and justification text should be readily distinguishable. We note that the Council has provided justification text associated with each proposed policies, however this should be considered alongside detailed comments on the soundness of the proposed policies, contained within the remainder of this representation.

2.13 Part 5 of the Regulations relates to the procedures for the preparation of the Development Plan Documents. Regulations 15 and 16 relate to the preparation of the DPS. Regulation 15 identifies a schedule of information that should be made available alongside the publication of the DPS. This includes:

“such supporting documents as in the opinion of the council are relevant to the preparation of the local development plan.”

2.14 It is our view that insufficient supporting information is available to support a number of the proposed policies in the DPS. We have identified these concerns within the remainder of this submission.

Development Plan Practice Note 07 - The Plan Strategy (April 2015)

2.15 Whilst this guidance document does not represent legislation, it is worth noting at this stage as the Department has set out a number of objectives within it which should be incorporated in the DPS.

2.16 These objectives are reproduced below, as they have helped to guide our review, assessment and critique of FODC's Draft Plan Strategy:

- reflect longer term local aspirations, based on a vision, objectives and strategic policies agreed to by the community and stakeholders;
- provide a plan-led strategy specific to the area covered, to act as a basis for rational and consistent decisions about the use and development of land and identify interdependencies and relationships between places both within and across administrative boundaries;
- provide a settlement hierarchy which identifies settlements and their role within the hierarchy in accordance with the RDS 2035 Spatial Framework Guidance and any policy or advice issued by the Department such as the SPPS and the current community plan;
- allocate land for housing whilst taking account of the strategic objectives and guidelines contained in the RDS and any policy or advice issued by the Department such as the SPPS and the current community plan;
- facilitate economic development and the creation of employment whilst taking account of the RDS 2035 Spatial Framework Guidance and any policy or advice issued by the Department such as the SPPS, and the current community plan;
- facilitate sustainable patterns of growth and regeneration whilst promoting compact urban forms and protecting and maintaining distinctive local character and viability. This may include strategic zonings and/or policy areas where considered necessary;
- identify and define, as appropriate, transportation related proposals, whilst taking account of the RDS and regional transportation proposals contained in Ensuring a Sustainable Transport Future (ESTF);
- conserve, sustain and enhance the area's environmental qualities, local distinctiveness and sites of environmental importance in terms of landscape character and diversity, wildlife and habitats, townscape and archaeology;
- promote the development of sustainable tourism, recreational and other community facilities that will positively contribute to the amenity and wellbeing of the population; and
- facilitate the promotion of equality of opportunity and good relations between persons of different religious belief, political opinion or racial group.

- 2.17 The Department also advises councils to ‘...aim to ensure that its PS is **both realistic and deliverable** taking into account the **resources available and any potential constraints** which may arise during the plan period (our emphasis). Furthermore, in order to allow for unforeseen circumstances, the Department directs councils to ‘...aim to incorporate **a degree of flexibility** within its PS **to ensure** that its objectives and strategic policies for its area can still be **delivered**’ (our emphasis).
- 2.18 Once drafted, a PS is required to undergo a formal 8 week period of public consultation and following this, all representations submitted will be made available for public inspection (counter representations) for a further 8 week period. The Department advises that all representations should provide evidence to demonstrate why the draft PS is unsound and/or how any proposed changes make the draft PS more sound.
- 2.19 Ultimately, the plan strategy will undergo an independent examination and must be found ‘sound’ if it is to be formally adopted.

Legislative Compliance

- 2.20 We note that the DPS does identify a number of strategic objectives under the themes of People and Communities and Economic and Environment. Furthermore the DPS includes proposed strategic policies under the same themes. Whilst this information is included within the DPS, the remainder of this representation sets out our comments on the soundness of the proposed objectives and policies.

3. Soundness in Plan Making

- 3.1 The keystone of the local development plan system is the principle of ‘soundness’. Section 10(6) of the 2011 Act provides that the purpose of the Independent Examination (IE) is to determine, in respect of the development plan document:
- whether it satisfies the requirements of sections 7 and 8 or, as the case may be, sections 7 and 9, and any regulations under section 22 relating to the preparation of development plan documents; and
 - whether it is **sound**.
- 3.2 The Planning Act (Northern Ireland) 2011 does not define the meaning of ‘soundness’. However, Development Plan Practice Note 6 – Soundness (DPPN 6), dated May 2017, suggests that it may be considered in the context of its ordinary meaning of ‘showing good judgement’ and ‘able to be trusted’.
- 3.3 Furthermore, DPPN 6 states that the tests of soundness are based upon three categories. These three categories relate to:
- how the development plan document (DPD) has been produced;
 - the alignment of the DPD with central government regional plans, policy and guidance; and
 - the coherence, consistency and effectiveness of the content of the DPD.
- 3.4 DPPN 6 advises that ‘soundness’ involves testing the principles, content and preparation process of the DPD against a list of key criteria. DPPN 6 then sets out the following tests which ‘...aim to provide a framework to assess the soundness of the DPD, whilst taking account of all relevant procedural, legislative and policy considerations’:

Procedural tests

P1. Has the plan been prepared in accordance with the council's timetable and the Statement of Community Involvement?

P2. Has the council prepared its Preferred Options Paper and taken into account any representations made?

P3. Has the plan been subject to sustainability appraisal including Strategic Environmental Assessment?

P4. Did the council comply with the regulations on the form and content of its plan and on the procedure for preparing the plan?

Consistency tests

C1. Did the council take account of the Regional Development Strategy?

C2. Did the council take account of its Community Plan?

C3. Did the council take account of policy and guidance issued by the Department?

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?

Coherence and Effectiveness tests

CE1. The plan sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant is it in conflict with the plans of neighbouring councils.

CE2. The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.

CE3. There are clear mechanisms for implementation and monitoring.

CE4. The plan is reasonably flexible to enable it to deal with changing circumstances.

- 3.5 Although the tests of soundness are based upon these three categories – procedural, consistency, coherence and effectiveness, there is a degree of overlap in terms of the criteria used for each test. The purpose of the IE will be to examine how the DPS meets each test and determine whether the DPS is sound as a whole.

4. Rationale for Rezoning Subject Lands

- 4.1 The approximate location of the lands with respect to the town centre is identified in Appendix 1.
- 4.2 Appendix 2 illustrates the extent of the lands and shows that the majority of the land is located within the development limit for Omagh Town Centre, as defined in the Draft Plan Strategy Maps. It is noted that this part of the development limit is similar to that identified in the Omagh Area Plan 1987 – 2002.
- 4.3 Turley prepared and submitted a site promotion document to the Preferred Options Paper stage of the Local Development Plan process with respect to lands located between Drumnakilly Road, Farmhill Road and Deverney Road in Omagh. An updated version of this document can be found at Appendix 3.
- 4.4 The purpose of the site promotion document is to articulate the opportunity that exists to create a viable new land use mix in this evolving area of Omagh. The changing context and evolving character of this area is evidenced through:
- the significant investment being made in health care;
 - the recent approval for a school (i.e. Gaelscoil na gCrann); and
 - the residential permissions secured at Ballinamullan Road and Farmhill Road.
- 4.5 Indeed, the mix of uses in this area, some of which are highly sensitive, are identified on pg. 3 of the site promotion document.
- 4.6 In light of this changing character and context, the longstanding industrial zoning for the subject lands is considered to be incompatible with the area and so the site needs to be reimagined in terms of what it can deliver and how it can contribute to the future success of Omagh. Indeed, Section 4 – Economy of the DPS acknowledges the importance of ensuring that uses are compatible with neighbouring and nearby uses.
- 4.7 As discussed in the next section, the SPPS and PPS 4 emphasise the importance of providing ‘...a generous supply of ***land suitable for economic development***...’ (our emphasis). The subject lands do not represent suitable land for purely economic development, which is reinforced by the sensitive uses that have developed in proximity to the site.
- 4.8 The Background Paper supporting the DPS, entitled ‘Employment, Industry and Business’, dated October 2018, states that ‘*The zoning at Arvalee has historically proven unattractive to business which may have been a consequence of its peripheral location removed from the main A5 transport corridor. However, the new link road onto Bankmore Road to the Donaghane Road may help to address this issue*’.
- 4.9 This statement misses the point that the subject lands are not as attractive as other lands due to site topography, site accessibility to the strategic highway network and the evolved character of the area where it accommodates a mix of uses akin to a new

neighbourhood. Improved accessibility is an inaccurate presumption which will only serve to prevent these lands from delivering meaningful change by better integrating existing and future land uses and regenerating/revitalising this part of Omagh.

- 4.10 Furthermore, we note that the abovementioned Background Paper identifies 3 land requirements to meet economic development needs over the lifetime of the plan, these being 50ha under Model 1, 34ha under Model 2 and 90 ha under Model 3. However, Table 5 of the same Background Paper identifies that there is a total of 187.67 ha zoned with 103.08 ha remaining, so there appears to be a clear over supply of land for economic development.

5. Economy

Draft Policy IB02 - Loss of Industry and Business Uses

Draft Policy IB02 is unsound as the policy fails the tests of C3 – Consistency and CE4 - Coherence and Effectiveness

The policy is not founded on a robust evidence basis and is not in keeping with the SPPS and PPS4 as it fails to include exceptions for when industrial and employment land can be used for alternative uses

Modification Sought

Our client requests the Council to reconsider its approach and incorporate exceptions within this policy for zoned land so as to provide an appropriate degree of flexibility

- 5.1 Para 4.4 of DPS states that *'The Council is keen to provide a responsive and flexible approach that secures, strengthens, modernises and, where appropriate, diversifies the Council area's economy'*. However, Draft Policy IB02 states that *'Alternative uses on land zoned for industry and business uses will not be permitted'*.
- 5.2 Our client is concerned that this policy is overly restrictive. As the proposed policy does not contain any exceptions, it fails to provide a 'flexible approach', particularly in instances where alternative uses would be acceptable and/or could help to enable the delivery of the employment component of a site.
- 5.3 With the uncertainty of Brexit, constant fluctuations in markets and the slow recovery in the NI labour market since the previous recession, emerging plans need to be reasonably flexible to enable them to deal with changing circumstances. The current policy does not provide the appropriate degree of flexibility and so, in its current form, fails to satisfy CE4 of the 'soundness' tests.
- 5.4 We also note, as acknowledged by Paragraph 2.5 of the Background Paper supporting the DPS, entitled 'Employment, Industry and Business' and dated October 2018, that the SPPS and PPS 4 promote mixed-use developments, however, this policy in its current form would serve to prevent mixed-use developments, which could help to improve integration between transport, economic development and other land uses, from coming forward on land zoned for industrial and business.
- 5.5 In addition, and again as acknowledged by Paragraph 2.5 and 2.6 of the abovementioned Background Paper, both the SPPS and PPS 4 emphasise the importance of providing a *'...generous supply of land **suitable** for economic development and a choice and range in terms of quality, size and location...'* so as to tackle disadvantage and facilitate job creation.
- 5.6 It is clear that the Council has not yet carried out a full assessment of the appropriateness of the lands zoned for industry and business, and there is no evidence provided in support of the DPS which shows that all of these zoned lands are suitable,

such as meeting modern requirements and not being located adjacent to sensitive land uses. An example of this is the land identified in Section 4 of this representation, which now shares boundaries with sensitive land uses which would not be compatible with industrial uses.

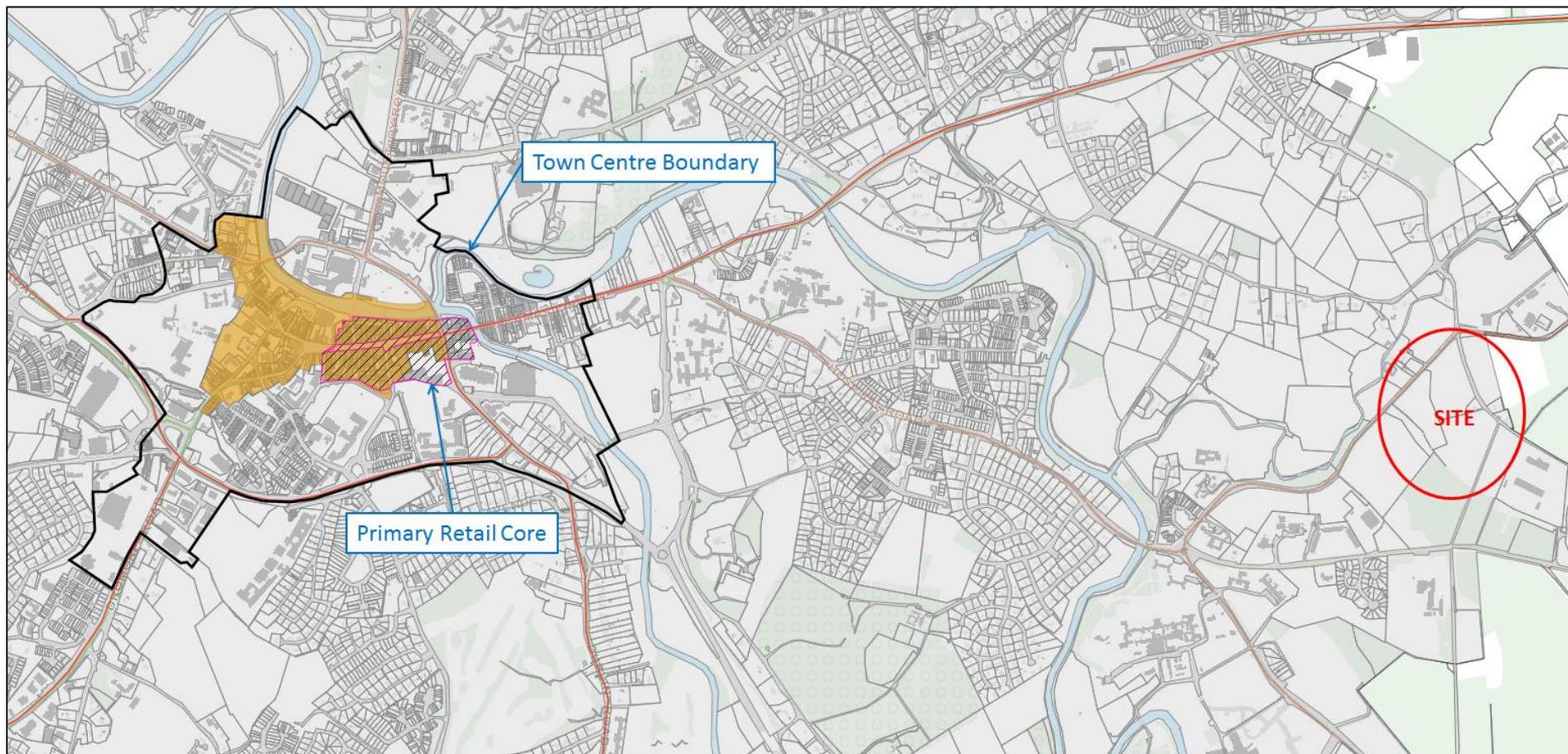
- 5.7 We note that the above-mentioned Background Paper states that *'...in keeping with the RDS, there is a need to assess the 'fitness for purpose' including environmental implications of existing employment land provision. This will principally help to identify the 'best' employment sites to be retained and protected, replaced or released for other uses. This will be undertaken at the Local Policies Plan stage'*.
- 5.8 In light of this, and until this evidence is provided, it would be incredibly onerous and somewhat of a 'cart before the horse' approach, to propose a policy that seeks to protect every inch of land zoned for industry and business, especially noting the length of time that these lands have been zoned for such purposes.
- 5.9 We also note that there appears to be more land zoned (187.67 ha) and remaining (103.08 ha) than the highest quantum of land required under the 3 models utilised in the abovementioned Background Paper (i.e. 90 ha). Simply transposing previously zoned land into the new Local Development Plan for the Fermanagh and Omagh District Council area is not 'sound'.
- 5.10 'Soundness' test C3 requires the Council to take account of policy and guidance issued by the Department. While we note that the Background Paper entitled 'Employment, Industry and Business', dated October 2018, makes reference to the SPPS and PPS 4 it is not clear how this policy has taken account of the policy/guidance provided within these Departmental documents nor is any evidence provided as to why the Council has departed from the policy/guidance. In light of this, Draft Policy IB02 fails to satisfy the C3 of the 'soundness' tests.
- 5.11 Noting the above, our client is also concerned about Draft Strategic Policy SP04 - Strategic Allocation of Land for Industry and Business. This proposed strategic policy intends to allocate circa 90 hectares of industry and business land which is to include *'...new and carried forward undeveloped zoned industry and business land'*. The draft strategic policy then states that *'The strategy of providing zoned business and industry land will be complemented by one of protecting existing industry and business sites'*.
- 5.12 Our client welcomes the acknowledgement of the need to include new land, but would respectfully advise the Council that the need to rezone land and include new zoned land should not just be based on physical constraints such as flooding. Decisions should be based on a full and proper understanding of market requirements for each sector the Council wishes to attract/promote and the Council should also take cognisance of the situation 'on the ground' today and the compatibility of the existing zonings with its adjoining and surrounding neighbours.
- 5.13 Our client is committed to engaging with the Council to ensure that a workable and realistic approach to zoning industrial and business land is delivered through the Local Development Plan process, and would welcome the opportunity to discuss this aspect of the DPS in further detail, particularly with respect to the lands identified within Section 4.

6. Recommendations

- 6.1 Section 10(2) of the Planning Act (Northern Ireland) 2011 advises that the Council must not submit a plan to the Department unless it has complied with any relevant requirements contained in regulations and it thinks the document is ready for independent examination.
- 6.2 Noting the issues set out within this submission, we respectfully request Fermanagh and Omagh District Council to not submit the DPS to the Department in its current form as we have serious concerns about its 'soundness'.
- 6.3 The identified gaps in information prejudice the entire Local Development Plan (LDP) process and the Council's ability to formulate a sound and lawful local development plan.
- 6.4 However, if Fermanagh and Omagh District Council decides to submit the DPS in its current form to the Department for Infrastructure for an independent examination, we respectfully request an opportunity to appear and be heard at the Examination in Public in accordance with Section 10(7) of the Planning Act (Northern Ireland) 2011.
- 6.5 Our client respectfully requests the Council to rezone these lands as 'Opportunity Site', so as to promote a more deliverable mixed use vision that can attract viable investment and fund enabling infrastructure.
- 6.6 We look forward to engaging with Council to define a viable future for these lands, which are uniquely positioned to achieve better integration between existing and future land uses whilst regenerating and revitalising this part of Omagh.

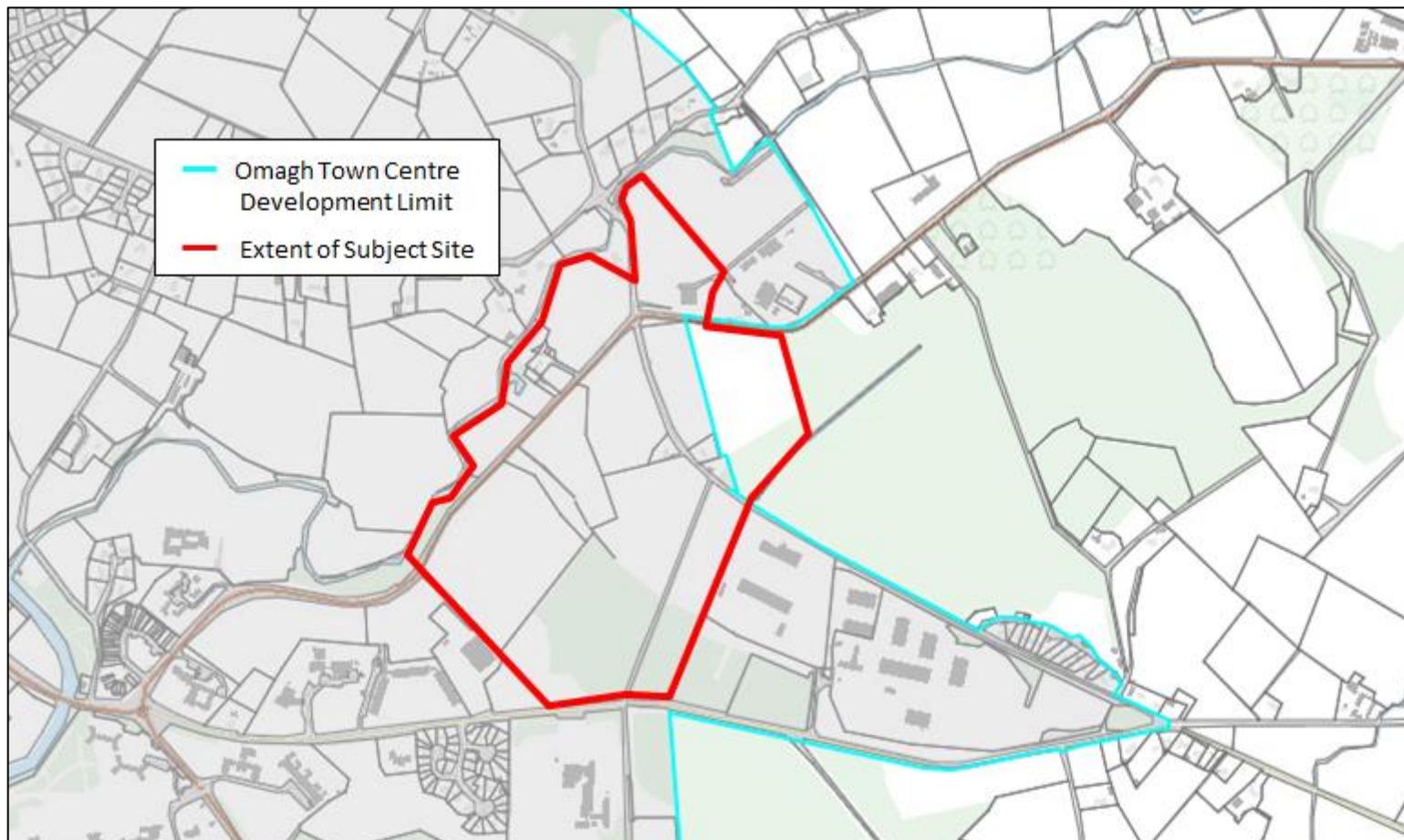
Appendix 1: Extract of DPS Map Viewer

Image shows the location of the subject lands relative to Omagh Town Centre



Appendix 2: Extract of DPS Map Viewer

Image shows the extent of the subject lands



Appendix 3: Site Promotion Document

Strategic Site Promotion
Representation on behalf of
Provincial Developments Ltd

June 2018



Turley

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Executive Summary

This Strategic Site Promotion document is prepared by Turley on behalf of Provincial Developments Ltd, in relation to lands between Drumnakilly Road, Farmhill Road and Deverney Road in Omagh.

The purpose of this document is to demonstrate the opportunity arising through the new Local Development Plan process to create a viable new land use mix in this evolving area of Omagh. The planning principle applied here is to promote development that respects, secures and enhances key aspects of the landscape and introduces new development opportunities – rather than a monotone industrial allocation that currently exists.

Development Ambition

These lands were promoted previously in representations to the West Tyrone Area Plan consultation. Pre-application discussions have also been held to explore development options. In summary, there has been a long term ambition to realise viable development of these lands.

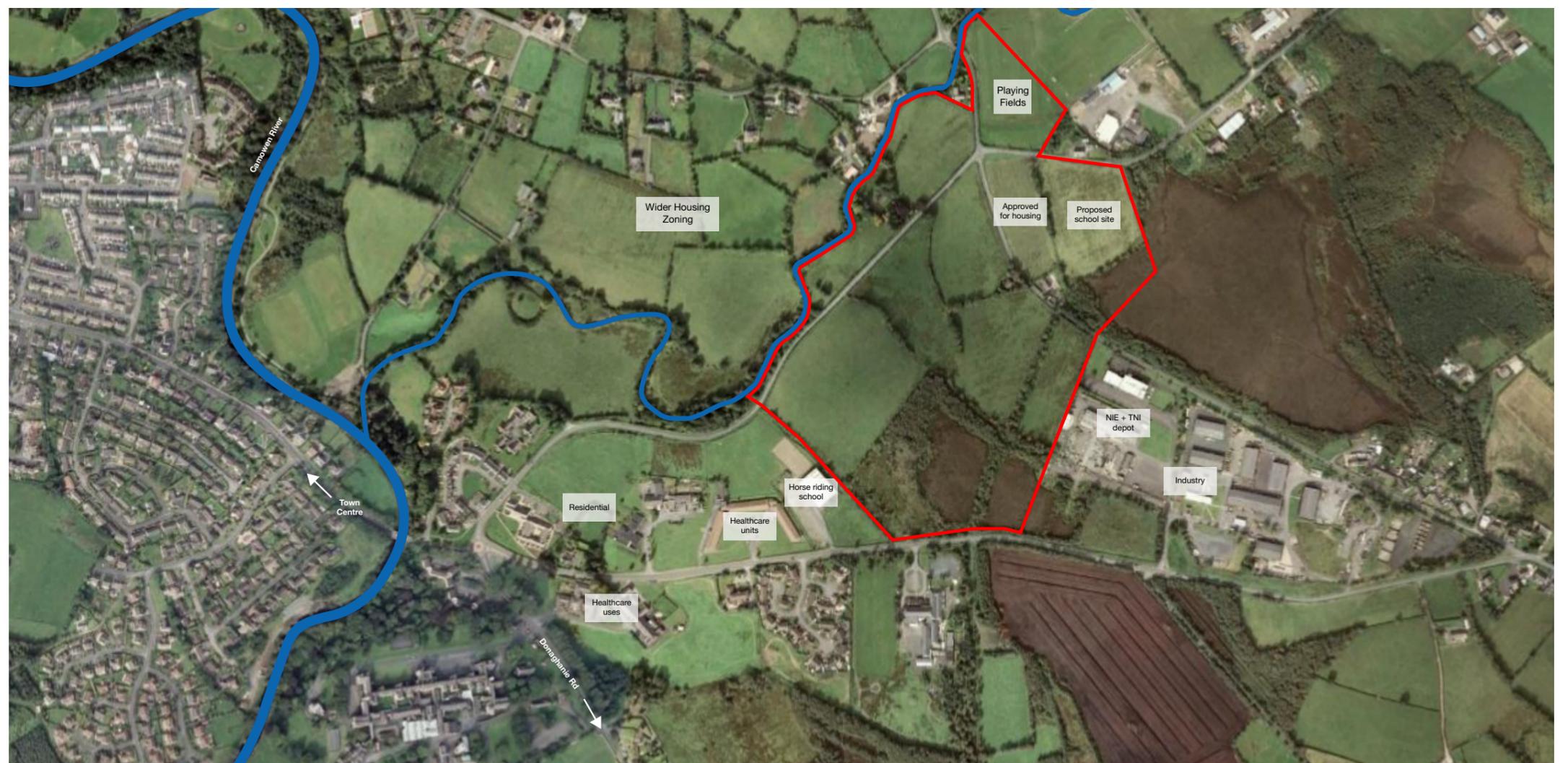
Strategic Location

The subject lands lie to the eastern side of Omagh and are located approximately 3 km east of the town centre. The full extent of the site is located within the current settlement limits as defined in the Omagh Area Plan 1897 -2003 (OAP).

The site extends to approximately 25 hectares, comprising several large field parcels, transacted by the junction of the Drumnakilly Road and Farmhill Road. The land is generally in agricultural use.

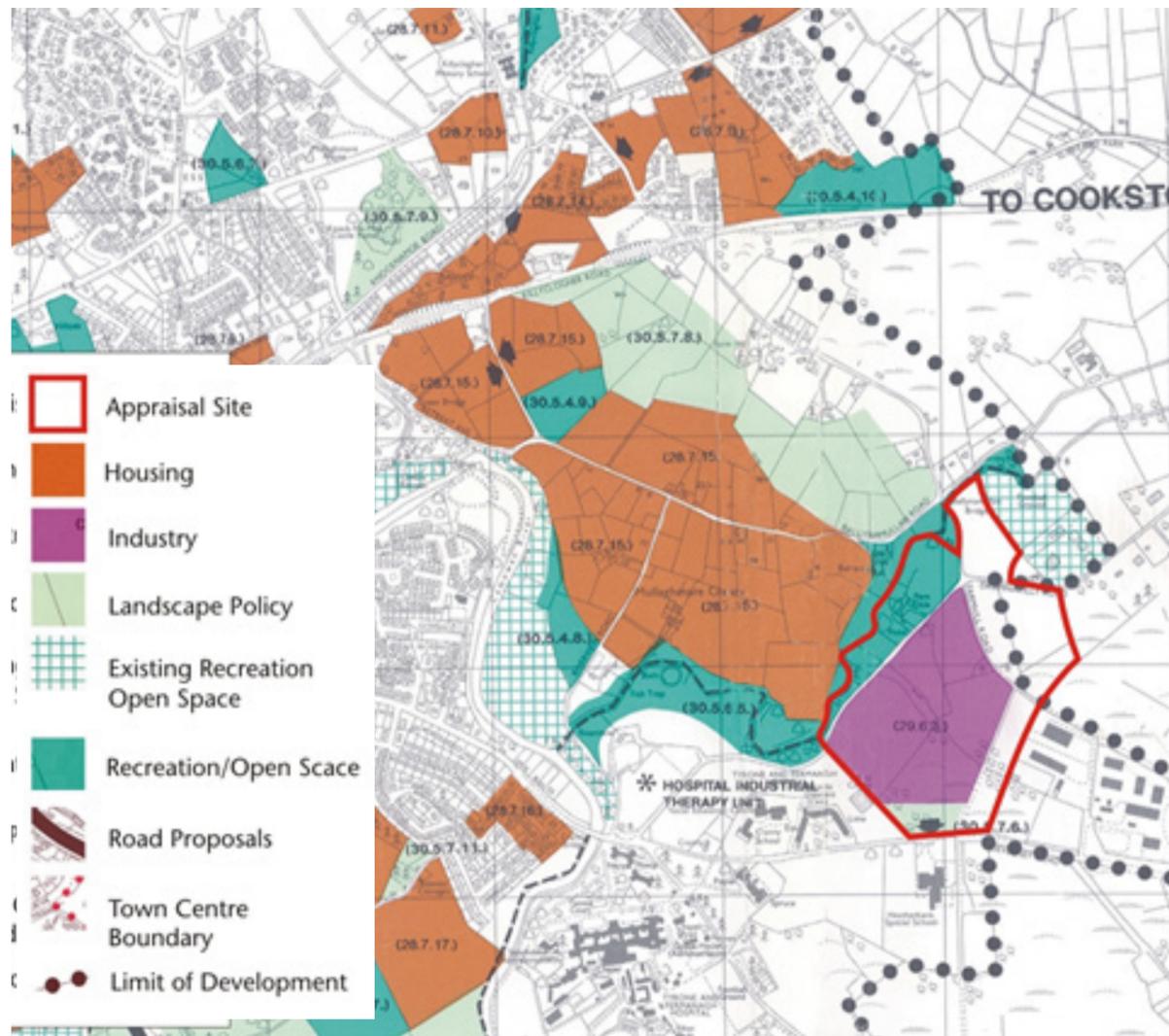
The Bigger Picture

- 1.1 The character of this area in Omagh has evolved, demonstrated by significant investment in healthcare, proposals for a new school (at Drumnakilly Road) and major residential permissions secured at Ballinamullan Road and Farmhill Road.
- 1.2 The subject lands are unusual in their position, industry lies to the east whilst a number of more sensitive uses (of health, education and residential) surround the remaining boundaries of the lands.
- Previous pre-application discussions with the Department in 2005 also recognised the unusual nature of the land and its zonings. The consensus supported the potential development of white land east of the Arvalee zoning, effectively splitting the zoning.



Surrounding Lands/Wider Context

Understanding the Planning Context 02



Omagh Area Plan 1987-2002

- 2.1 In the current plan Zones 1 & 3 are within the settlement limit on the eastern side of Omagh. Part of Site 2 is located with the settlement limits of Omagh, with the remainder located outside.
- 2.2 The Omagh Area Plan is a material consideration despite being almost 24 years old, being published in 1992.

Zone 1 – Lands at Drumnakilly Road

- 2.3 This zone is entirely designated as open space (30.5.6.5). The OAP notes this area as passive open space and states that this area should be easily accessible on foot as it is of high amenity value. Their purpose is to provide a buffer zone between conflicting land uses. The zoning is known as Mullaghmore – Cranny and the plan states that besides an amenity walk way, this area would include both sides of the wood valley and the rath near Cranny. It also states that this area would also form an extension to the linear park, linking Cranny Bridge to Ballinamullan Bridge and the St Mary's GFC grounds to Ballinamullan. It would also be easily accessible to large areas of proposed housing at Mullaghmore – Cranny.

Zone 2 – Lands at Farmhill Road/Drumnakilly Road

- 2.4 This zone is partially located within the settlement limits of Omagh and within the Omagh Greenbelt. The land within the settlement limits is unzoned and is termed as 'white land' within the settlement limits. Development proposals on 'white land' will be considered on their particular location merits in accordance with accepted planning guidelines or stated policy as noted above. 'White land' is left unzoned because of their unavailability or because they could accommodate a range of possible development options and the Department considers it inappropriate to indicate a preferred use in the interests of flexibility.

Zone 3 - Lands at Drumnakilly Road/Farmhill Road/Deverney Road

- 2.5 This site is predominantly zoned for industry (29.6.3). The OAP states that the site is a 11 hectare site which lies to the eastern edge of the town, north Arvalee Road adjoining the Northern Ireland Electricity Depot. Although the site fronts on to two minor roads to the north, the best access is to the south onto Arvalee Road at the location indicated by the Plan. Development of this site depends on the provision of a new ring sewer.
- 2.6 A small portion of land located to the south of the site is zoned as a Landscape Policy Area (30.5.7.6). The OAP states that Landscape Policy Areas are areas of high amenity, such as dominant ridges or hilltops, and areas of woodland or riverbanks which should be protected from unsuitable development. With specific reference to the Landscape Policy Area on the site, the plan states that the one hectare site at Arvalee forms a visual break between the Northern Ireland Electricity and Department of the Environment Depots, Heatherbank School, hospital property and land zoned for industry.
- 2.7 Another small portion of land to the east side of the site is unzoned and is termed as 'white land'.

Planning Permissions

2.8 In devising a new vision for these lands, it is prudent to take account of extant planning permissions in the vicinity. A key observation is the rather piecemeal approach to developing this area, without an overall vision for this area of Omagh. Proposals for single dwellings, modest residential schemes and education uses are evident nearby

Reference	Proposed Development	Decision
K/2014/0091/F	Proposed domestic dwelling and garage	Approved May 2014
K/2008/1126/F	Erection of dwelling and domestic garage	Approved April 2009
K/2005/1265/O	Site for dwelling and domestic garage	Approved December 2005

Site 1 - Lands at Drumnakilly Road

Reference	Proposed Development	Decision
LA10/2016/0414/ PAN	Construction of a new single storey 7 class based Primary School and a single unit nursery on a greenfield site to replace the existing Gaelscoil na gCrann Primary School	Pending
K/2006/1769/F	5 No. Detached Private Dwellings - Phase 2 (Phase 1 Ref K/2005/0393/F)	Approved June 2007

Site 2 - Lands at Farmhill Road/Drumnakilly Road

Reference	Proposed Development	Decision
K/2004/1844/O	Dwelling and domestic garage (renewal of outline planning permission K/2001/0845/O)	Approved February 2005
K/2001/0845/O	Proposed dwelling and garage	Approved December 2001

Site 3 - Lands at Drumnakilly Road/Farmhill Road/Deverney Road

Strategic Positioning 03

Fermanagh and Omagh Local Development Plan (FODC LDP)

3.1 A fundamental change of the reformed planning system is the introduction of a plan-led system whereby the LDP will be the primary consideration in the determination of planning applications for the sustainable development or use of land. It is important therefore that the Council sets a clear vision for the district, establishing strategic direction early in the plan process and providing a level of certainty on which future development decisions will be based.

Preferred Options Paper (Published October 2016)

3.2 The Preferred Options Paper sets out the Council's vision and overall objectives for the area and deals with issues such as how the District should grow, how many houses will be needed and how much economic development land will be required. It also addresses issues such as sustaining our rural communities, tourism, minerals development, renewable energy and supporting good design and place making.

3.3 For each of these issues, a number of "alternative options" and a "preferred option" are considered.

3.4 The proposed Vision for the FODC Local Development Plan is:

"Of a vibrant, living place where people enjoy improved wellbeing and prosperity in a safe, shared, connected and sustainable environment."

3.5 The Council also sets out a number of social, economic and environmental objectives.

Feedback:

3.6 There is broad agreement to the Council's strategic objectives with the exception of the role planning can play in bringing forward economic regeneration and physical renewal. Planning can, if appropriately framed, enable and promote investment. Planning can achieve viability in projects, synchronising the scale of infrastructure commitment to each development project.

3.7 This developer and his advisors are all too familiar with instances in this Council District (and beyond) where planning commitments (assigned by the LDP or Development Control) have outweighed the investment benefit. Planning decisions must consider viability in order to deliver balanced and enabling development. Transfer of planning powers to this council creates real potential to unlock new investment.

Spatial Options for Development

3.8 The process for preparing a new Local Development Plan requires Council to identify a Spatial Strategy that sets out the distribution of growth and land uses for the District over the plan period.

3.9 The LDP will contain a strategy for accommodating growth across the District which has been based on the consideration of a number of options. Three options for accommodating population/housing and economic growth in the period up to 2030 are proposed. The options have been developed whilst taking account of the emerging evidence base and the overarching policies of the RDS.

3.10 The Council's preferred option is to focus population and economic growth in the two main hubs (of Enniskillen and Omagh) whilst sustaining the small towns, villages and countryside. This approach is very much in line with the objectives of the RDS.

Feedback:

3.11 We welcome this sustainable approach to future economic growth in the District, focusing

Housing

- 3.12 The Preferred Options Paper identifies the Council's needs based on the updated 2012 HGI Indicators.
- 3.13 In 2015, there was a total of 287 hectares of land zoned for housing remaining undeveloped across the District, of which 70% was distributed between the two main towns, Enniskillen and Omagh. Between 1st April 2008 and 31st March 2015, a total of 950 houses were built in the towns and villages in the District. This equates to approximately 135 houses per annum. Taking into consideration committed sites for development, it is estimated the Council have potential for 15,305 dwellings across the District.
- 3.14 NISRA 2012 based household projections estimate that the number of households in the Borough will increase by 4,337 between 2015 and 2030 which equates to 289 newly forming households per annum.
- 3.15 The Regional Development Strategy identifies a requirement for 4,500 new dwellings between 2012 and 2025 which equates to 346 dwellings per annum.
- 3.16 Fermanagh and Omagh District Council indicate that there is available land supply for housing development with no requirement to zone additional land outside settlement limits. It is noted that sites will need to be assessed more closely to better understand if they are realistically deliverable.
- 3.17 Therefore the Council propose that an Urban Capacity Study will be undertaken to assess the suitability of land for housing development within urban areas and the potential for additional housing land such as white land, infill or opportunity sites which currently do not have planning approval.
- 3.18 In terms of options moving forward, the Council proposed three options.
- 3.19 Option one would seek to directly meet the RDS target of 60% of all new housing to be located in "brownfield" sites of settlements greater than 5,000 population (e.g. Enniskillen and Omagh). This would result in an allocation of 3,114 houses between the main towns. The proportion for the smaller towns, villages and small settlements at 26.4% would result in an allocation of 1,370, with the remaining balance of 13.6% providing 706 houses to the countryside.
- 3.20 Option two would seek to maintain the status quo in terms of housing allocation in each of the former local government districts and would be based on the 2011 Census. Each settlement would be allocated a share of the new housing allocation based on its existing share in 2011 with the countryside receiving the remainder. Therefore, the two main hubs (Enniskillen and Omagh) would receive 33%, resulting in an allocation of 1,712 dwellings; the local towns, villages and smaller settlements would be allocated 1,370 (26.4%) dwellings whilst the countryside would be allocated 2,108 dwellings (40.6%).
- 3.21 Option three would propose a combination of options one and two; This option would seek to achieve a balance between options 1 and 2 in order to endeavour to meet regional policy growth by still focusing on the hubs but at a lesser figure than the 60% and sustaining the smaller settlements and the countryside in accordance with the growth strategy. Thus, the main towns would receive an allocation of 46.5% or 2,413 dwellings, the proportion to smaller towns and villages and small settlements would remain as 1,370 dwellings (26.4%) with the countryside receiving 27.1% or 1,407 dwellings.

Feedback:

- 3.22 We feel the preferred option to help facilitate much needed housing growth would be Option One rather than Option 3.
- 3.23 The most sustainable option would be to limit over development in the countryside. This option would not completely restrict development in the countryside but put a greater focus on facilitating growth in main hubs where there is a higher service provision and development can be more sustainable. This approach would be more in line with the RDS.
- 3.24 There is also an opportunity to reassess objectively assessed need. The figures suggested do not appear to fully reflect the current cumulative housing deficit.
- 3.25 This is demonstrated through the table below;

	Surplus/Deficit over 5 years		
	Total Completions (net)	Annual Requirement	Cumulative Surplus/Deficit
2007	348	359	-11
2008	103	359	-256
2009	42	359	-317
2010	37	359	-322
2011	35	359	-324
Total	1553	2872	-1230

Table 4.1 Surplus/Deficit Pre Boundary Change (Omagh District)

- 3.26 Although this does not reflect a shift in Council boundaries, it is still a useful indicator of housing completion performance.
- 3.27 In just 5 years, Omagh District alone has inherited a deficit of 1,230 dwelling completions compared with RDS annual housing requirements. This 5 year deficit equates 27% of the total housing requirement (4,500 dwellings) over a period of 13 years.
- 3.28 More recent data would also predict the trend of undersupply in the district will continue.
- 3.29 The table below (4.2) shows undersupply when comparing updated 2012 HGIs and Land and Property Services Building Control data post boundary change for Fermanagh and Omagh District.

	Surplus/Deficit over 5 years		
	Total Completions	Requirement per Quarter	Cumulative Surplus/Deficit
April to June 2015	78	87	-9
July to Sept 2015	68	87	-19
Oct to Dec 2015	79	87	-8
Jan to March 2016	72	87	-15
April to June 2016	59	87	-28
July to Sept 2016	70	87	-17
Total	356	435	-96

Table 4.2 Surplus/Deficit Post Boundary Change

3.30 Table 4.2 shows that 18 months on from Council reform, there is a cumulative deficit of 96 dwellings in the District. Although housing completions are improving overall, it is important to recognise that there is still a shortage of supply and delivery when compared to housing requirements and a backlog to be met.

3.31 It would not be unreasonable to assume a higher housing requirement based on backlog of supply.

3.32 Alongside housing supply, it is also important to consider tenure and the type of accommodation located in the District.

Economic Development

3.33 The Preferred Options Paper recognises that a majority of employment in the District is in the tertiary sector (service based) in areas such as health, education, retail and construction. There is also a strong reliance on agriculture in the area.

3.34 An over reliance in Fermanagh and Omagh on public sector/government organisation jobs is reported, especially in Omagh town. It is recognised that these jobs are not necessarily secure given significant of government cuts to budgets.

3.35 It is estimated that there will be a requirement for up to 4,875 jobs between 2015 and 2030 to meet the growing population needs. 80% of these jobs will be in the services sector. This equates to 325 jobs required overall per annum, with 260 of these tertiary/service based.

3.36 To meet this demand, the Council estimate 90ha of economic development land will be required.

3.37 It is noted that there is sufficient quantity of land but need to assess the suitability and location of sites, especially as a number of zoned sites have remained largely undeveloped throughout the years.

Feedback:

3.38 We agree that deliverability of sites should be reviewed and a more considered approach adopted to realising new economic development.

3.39 There is also a clear requirement for job creation and employment within IT/service based roles given the over reliance in Omagh on government sector jobs which are facing significant cuts.

3.40 In a Socio Economic study undertaken by RSM McClure Watters on Omagh Town Centre Masterplan (March 2015), a main threat identified in the future growth of Omagh Town is a potential 'brain drain'.

'While the younger emerging workforce is more skilled, with a higher level of qualifications than previously, to a large extent these skills are not matched by the current and emerging employment sectors in the area. "Brain drain.'

3.41 It was also recognised by the report that spaces and infrastructure should facilitate 'where possible, opportunities to develop a more diversified (and value adding) employment profile within the town (e.g. through providing serviced office facilities opportunities for the growth of local service sector firms' and we would be in supportive of this assessment.

3.42 We also understand Invest NI's requirements are longstanding but no decision has been taken on enabling new sites. A more blended and flexible approach may be required as an alternative to zones for industry/business only. This more flexible approach can allow for a broader range of employment opportunities.

Infrastructure

3.43 Road transport links are primarily based on the Key Transport Corridors, the A4 and A5, which along with other A-class roads such as the A32 and A505 are supported by an extensive network of B and C-class roads. However, there are no motorways or dual carriageways within the District.

3.44 Residents are heavily reliant on private car usage in the District given its dispersed rural nature, with approximately 76% of the working population using a car or van to travel to and from work.

3.45 It is noted that 20% of residents in the District do not have access to a private car and underlines the importance of public transport availability in the area.

3.46 The most significant highway transportation schemes in the Plan area are: the dualling of the A5 route, the A4 Enniskillen Southern Bypass, the A5/B48 Strathroy Link Road and A32 Omagh to Enniskillen Improvement Strategy.

3.47 A social objective for the Council, identified in the Preferred Options Paper is to 'improve physical connectivity and accessibility between and within settlements and their rural hinterland through accommodating investment in transportation to improve travel times, alleviate congestion and improve safety for both commercial and private vehicles as well as more sustainable modes of transport including buses, walking and cycling.'

Feedback:

3.48 We welcome the significant investment and improvements coming forward in the District to key networks but would also welcome any investment or opportunity to enhance A, B and C class roads.

3.49 We also welcome the opportunity through the plan making process to encourage other active and sustainable modes of transport and a reduction in reliance of cars.

Objective

- 4.1 To promote viable investment opportunities in Omagh by enabling suitable development with connecting (green & access) infrastructure.

Design Vision/Concept

- 4.2 The concept is to create a vibrant land use mix in this evolving part of Omagh that respects, secures and enhances key aspects of its landscape. Utilising an enhanced landscape as an ordering principle, will help delineate discrete land use parcels which can then respond to new development opportunities..

Key Design Principles

- 4.3 Figure 4.1 sets out the key design principles for the lands. The proposals aim to;

- Link key landscape assets into a coherent network;
- Associate compatible land uses with adjacent facilities to maximise synergies; and
- Develop a new network of pathway/cycle ways to connect all new uses to the landscape structure and to the wider landscape where possible.



Figure 4.1 Key Design Principles

Figure 4.2 Concept Masterplan for Arvalee



KEY



Site Boundary



Development parcels - Residential
(lower density c. 20- 35 dph net)



Development parcels - Residential with Extra care facility
(medium density c. 35-45 dph net)



Proposed School site



Development parcels - Office Park
Lower density units in landscape setting



Development parcels - Offices/Light Industry
Higher density units



Development parcels - Small Retail
Local convenience store



Existing woodland zones - integrated into a local Ecological Park
network; incorporating streams, wetlands and future SUDS.



Public open space - grassland and heathland retained
and used as permanent open space



Strategic new footpath/cycleway links



Primary streets



Secondary streets

1

Key access points

2

River walkway

3

Local 'Village Green'

Landscape Proposals

4.4 Landscaping proposals envisage a new Central Landscape Spine of Green Infrastructure linking with the river corridor to the north, securing ecologically valuable habitats within a vibrant landscape network. Key areas of woodland will be retained; including areas that are regenerating and which lie close to the central spine of the concept masterplan.

4.5 Low lying wetland will be respected as an ecological resource and has potential within a Sustainable Urban Drainage System.

Linkages

4.6 There are a wide range of facilities and uses surrounding the site, as identified in the contextual analysis (Figure 4.2) which include education, healthcare, industry and residential.

4.7 The concept masterplan creates a new network of pathways and cycle ways connecting the Central Spine and River Corridor to the proposed development parcels and to the wider landscape.

4.8 The concept seeks to make wider connections, particularly to the regenerating and enabling landscapes to the south and north. Strong linkages to surrounding uses and walkways will ensure a highly accessible and vibrant area of Omagh where people will want to work, live and play.

Access

4.9 We recommend concentrating new major access points off the Deverney Road, utilising its greater capacity, with limited new accesses off the Farmhill Roads and Drumnakilly Road to residential uses.

Land Uses and Frontages

4.10 There is an opportunity to associate new care uses such as residential care homes, extra care facilities and retirement home zones adjacent to the existing health care uses to the west. The association of these uses within a green and landscape led development has major health advantages; (including access to nature, open space, fresh air and advanced care assistance in close proximity).

4.11 The concept includes a range of Business Park/Light Industry uses. These use types offer a range of high quality job opportunities and catalyse further business investment.

4.12 New residential uses in the north will be attractive to families given the proximity of the existing primary school (Gaelscoil na gCrann). Critical mass of new development at this important junction will create a sense of place and develop a village green identity, tying into existing housing to the north and south.

4.13 The proposed mix of uses will help promote a sustainable community, where people can live, work and play whilst respecting some of the more sensitive surrounding uses.

Conclusions/ Recommendations

4.14 The subject lands are uniquely positioned to achieve better integration between existing and future land uses whilst regenerating and revitalising this part of Omagh.

4.15 The positioning of existing and future uses is considered to ensure deliverability of zones whilst protecting the amenity of sensitive receptors. A gradient of uses emerges across the site, with business/ industry to the east, progressing to supported living uses to the west that interface with sensitive existing uses.

4.16 A comprehensive approach to master planning ensures a more integrated design approach between already committed developments (residential developments and hospital investment) with emerging projects (new school facilities, further investments in healthcarer, river walkway proposals etc).

4.17 The development vision for lands will help create;

- Job Opportunities/Employment;
- High Tech Business Space;
- Green Infrastructure;
- Improved linkages;
- Housing;
- Supported Housing/Care Home Facilities;
- Local retail opportunities;
- New Footways/Cycle Links

Re-zoning the subject lands as an 'Opportunity Site' will promote a more deliverable mixed use vision that can attract viable investment and fund enabling infrastructure. We look forward to engaging with Council to define a viable future for these lands.

For further information contact

Brian Kelly



Appendix 4: Completed Draft Plan Strategy Questionnaire



Fermanagh & Omagh Draft Plan Strategy Representations Form

Hard Copies of the Draft Plan Strategy are available for inspection during normal opening hours at the council's principal offices. The documents, electronic copies of this form, and our 'Guidance for Making Responses to the Plan Strategy' may be viewed at: <https://www.fermanaghomagh.com/>

How to respond

You can make representations about the Draft Plan Strategy by completing this survey form, or if you prefer, you can fill out this form online.

For further assistance contact: developmentplan@fermanaghomagh.com or Tel: 0300 303 1777; All representations must be received by 21st December 2018 at 12:00 noon.

SECTION 1. Contact Details

Individual Organisation Agent (complete with your client's details first)

First Name

Last Name

Job Title (Where relevant)

Organisation (Where relevant)

Address

Postcode

Telephone Number

Email Address

If you are an Agent, acting on behalf of an Individual or Organisation, please provide your contact details below. (Please note you will be the main contact for future correspondence).

First Name

Brian

Last Name

Kelly

Job Title (Where relevant)

Director

Organisation (Where relevant)

Turley

Address

37 Clarendon Street

Derry-Londonderry

Postcode

BT48 7EG

Telephone Number

02871262634

Email Address

[REDACTED]

SECTION 2. Representation

What is your view on the Draft Plan Strategy?

Sound

If you consider the Draft Plan Strategy to be **sound**, and wish to support the Plan Strategy, please set out your comments below.

(Continue on a separate sheet if necessary)

OR

Unsound

If you consider the Plan Strategy to be **unsound**, please identify which test(s) of soundness your representation relates to, having regard to Development Plan Practice Note 6.

Soundness Test No:

- P1 Has the Draft Plan Strategy been prepared in accordance with the council's timetable and the Statement of Community Involvement?**

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?**
- P3 Has the Draft Plan Strategy been subject to sustainability appraisal including Strategic Environmental Assessment?**
- P4 Did the council comply with the regulations on the form and content of its Draft Plan Strategy and procedure for preparing the Draft Plan Strategy?**
- C1 Did the council take account of the Regional Development Strategy?**
- C2 Did the council take account of its Community Plan?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- 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?**
- CE1 Does the Plan Strategy sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the Draft Plan Strategies of neighbouring councils?**
- CE2 Are the strategy, policies and allocations realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?**
- CE3 Are there clear mechanisms for implementation and monitoring?**
- CE4 Is it reasonably flexible to enable it to deal with changing circumstances?**

Plan Component - To which part of the Draft Plan Strategy does your representation relate?

- | | |
|-------------------------------|---|
| (i) Relevant Paragraph | Please refer to attached representation |
| (ii) Relevant Policy | Draft Policy IB02 and Draft Strategic Policy SP04 |
| (iii) Proposals Map | |
| (iv) Other | Section 4 - Economy |

Details

Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

Please refer to attached representation

(Continue on a separate sheet if necessary)

Modifications

What, if any, modifications do you think should be made to the section, policy or proposal? What specific modifications do you think should be made in order to address your representation?

Please refer to attached representation

(Continue on a separate sheet if necessary)

If you are seeking a change to the Draft Plan Strategy, please indicate how you would like your representation to be dealt with at Independent Examination:

- Written Representations** **Oral Hearing**

SECTION 3. Data Protection and Consent

Data Protection

In accordance with the Data Protection Act 2018, Fermanagh and Omagh District Council has a duty to protect any information we hold on you. The personal information you provide on this form will only be used for the purpose of Plan Preparation and will not be shared with any third party unless law or regulation compels such a disclosure. It should be noted that in accordance with Regulation 17 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the council must make a copy of any representation available for inspection. The Council is also required to submit the representations to the Department for Infrastructure and they will then be considered as part of the Independent Examination process. For further guidance on how we hold your information please visit the Privacy section at www.fermanaghomagh.com/your-council/privacy-statement/

By proceeding and submitting this representation you confirm that you have read and understand the privacy notice above and give your consent for Fermanagh and Omagh Council to hold your personal data for the purposes outlined.

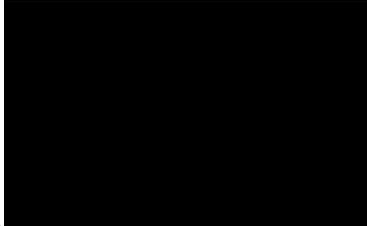
Consent to Public Response

Under planning legislation we are required to publish responses received in response to the Plan Strategy. On this page we ask for your consent to do so, and you may opt to have your response published anonymously should you wish.

Please note: Even if you opt for your details to be published anonymously, we will still have a legal duty to share your contact details with the Department for Infrastructure and the Independent Examiner/Authority they appoint to oversee the examination in public into the soundness of the plan. This will be done in accordance with the privacy statement above.

- Yes with my name and/or organisation**
- Yes, but without my identifying information**

Signature

	
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Date

20/12/2018

SECTION 4. Monitoring

Equality Opportunity Monitoring

Fermanagh and Omagh District Council is committed to achieving fairness and equality. We want to ensure that the Draft Plan Strategy is responsive to different community needs. In order to achieve this goal, we need your help. One of the most important ways of doing this is by monitoring your views on the Draft Plan Strategy. The information provided will be used by Fermanagh and Omagh District Council to assist us in complying with our statutory duty under the Northern Ireland Act 1998. The information you provide on this 'Equal Opportunity Monitoring Sheet' will remain anonymous and will be used for the purpose of Equal Opportunity Monitoring only, and not for any other purpose. Any information provided by you will not be disclosed to any other third party, unless law or regulation compels such a disclosure.

1. Religious Belief - Do you have a religious belief?

Yes **No**

2. Political Opinion – How would you describe your political opinion?

- Unionist generally**
- Nationalist generally**
- Other/none**

3. Racial Group – To which of these Racial Groups do you consider you belong?

- Bangladeshi** **Black African**
- Black Caribbean** **Black (Other)**
- Chinese** **Indian**
- Irish Traveller** **Mixed Ethnic Group**
- Pakistani** **White**
- Other**

4. Age – What age bracket do you fall into?

- 0-15** **16-29** **30-44** **45-59**
- 60-74** **75+**

5. Marital Status – What is your marital status?

- Civil Partnership** **Co-habiting** **Divorced**
- Single** **Married** **Separated**
- Widowed**

6. Sexual Orientation – How would you describe your sexual orientation?

- Heterosexual**
- Bi-sexual**
- Homosexual (Gay or Lesbian)**

7. Gender

- Female**
- Male**
- Trans-gendered**

8. Disability

Under the Disability Discrimination Act 1995, a disabled person is defined as a person with “a physical or mental impairment which has a substantial and long-term effect on his/her ability to carry out normal day to day activities”. Do you consider that you meet this definition of disability?

- Yes**
- No**

9. Dependants

Please tell us about your caring responsibilities. This can mean looking after a child, whether as a parent, guardian or foster parent, or by helping an adult carry out their daily routine. This might mean providing assistance to an adult relative or friend who is disabled or has a long-term illness.

- I look after children**
- I help an adult with their daily routine**
- I look after children and help an adult with their daily routine**
- Not applicable**

10. Frequency of caring responsibilities

If you have caring responsibilities, please indicate how often you undertake these responsibilities

- Daily**
- Frequently**
- Occasionally**