



**THE PLANNING (NORTHERN IRELAND) ORDER 1991  
ARTICLE 7**

**REPORT TO  
THE PLANNING APPEALS COMMISSION  
ON  
A PUBLIC INQUIRY  
INTO  
OBJECTIONS TO  
THE DRAFT CRAIGAVON AREA PLAN 2010  
PART 1 - REPORT**

Departmental reference: 2000/D001

Inquiry Commenced: 8<sup>th</sup> May 2001

BY: DIANA SM FITZSIMONS

PRINCIPAL PROFESSIONAL  
COMMISSIONER

Report: 12<sup>th</sup> June 2003



Office of the  
**First Minister and  
Deputy First Minister**

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2000/D001

12<sup>th</sup> June 2003

## REPORT

### **on a reference to the Commission under Article 7 of the Planning (Northern Ireland) Order 1991 in respect of objections to the Draft Craigavon Area Plan 2010 (DCAP)**

The matter was referred to the Planning Appeals Commission (PAC) by the Department of the Environment (DOE) in a letter dated 9<sup>th</sup> January 2001 in which the PAC was requested to hold a Public Local Inquiry. Commissioner Diana Fitzsimons was appointed to conduct the Inquiry which opened on 8<sup>th</sup> May 2001 following a series of Pre-Inquiry Meetings and continued (with breaks) until 30<sup>th</sup> November 2001, extending over 53 sitting days (full or partial) in all.

The Commission has considered Commissioner Fitzsimons' report and accepts the majority of her recommendations. In particular the Commission notes Commissioner Fitzsimons' comments in Section 12 of her report and, in the light of these comments and the overall context of conclusions on the critical general objections of a strategic nature, takes a different approach on housing and white land concessions made by the DoE, a matter to which more detailed reference is made later in this report. Against this background, the Commission refers mainly to those objections where it does not accept Commissioner Fitzsimons' recommendations or departs from her reasoning or where it wishes to comment on matters which in its view merit special emphasis. The Commission follows the section numbers of the report, apart from the matter of objections on which concessions were made in respect of additional housing zonings or white land – these are dealt with as a separate section.

### **Section 3 - General Objections**

**Inadequacy of the proposed housing land allocation and its distribution throughout the Borough; lack of transparency in the housing site selection process (Objection Nos. 5, 20, 21, 22, 29, 32, 33, 35, 36, 37, 41, 52, 55, 58, 59, 60, 82, 83, 90, 109, 111, 138, 139, 143, 151, 153, 170, 174, 176, 177, 184, 186, 189, 205, 208, 221, 243, 267 & 275 – Section 3.01).**

The Commission accepts the appointed Commissioner's conclusions in this Section, and endorses fully her finding at paragraph 3.01.65 that the level of over-zoning in the Plan is clearly excessive and that this provides no reasonable foundation for the argument that further zoning of housing land should be based on a "physical criteria approach" without reference to housing need. To accept such an argument would only compound what the Commission regards as a seriously flawed and incomprehensible approach by the

Department to housing zonings in the Plan. In considering these objections the Commission attaches considerable weight to the following factors: -

- (i) the inherent contradictions in the Department's approach in adopting housing need figures as a minimum to be exceeded without setting any maximum figure yet contending that the purpose of the Plan was not to accommodate demand but to accommodate housing need. Such a basis to the zoning of housing land in the Plan appears to the Commission to be the antithesis of sound planning;
- (ii) the failure of the Department to recognise that, while in statutory terms the Plan does not have to be in general conformity with the Regional Development Strategy for Northern Ireland 2025 (RDS) and the Department does not have to have regard to the RDS in making the Plan, this does not mean that of necessity the RDS is to be ignored as of little or no relevance. Indeed the Draft Craigavon Area Plan (DCAP) purports to have been prepared in the policy context of the Draft Regional Strategic Framework (DRSF) (which incidentally the DoE prepared), although as far as the issue of housing allocations is concerned the Plan appears to have had little or no regard to the DRSF. It is not without significance that it was acknowledged on behalf of an objector seeking additional housing land that the DCAP approach to over-zoning of housing land would "drive a coach and horses" through the RDS. In essence, notwithstanding the removal of the statutory requirements for the Plan to be in general conformity with the RDS and the Department to have regard to the RDS in making the Plan, it remains as a material consideration which the Plan should take into account. The Department has not demonstrated that any significant account has been taken of either the DRSF or RDS and, in terms of the Plan's housing provision, the critical thrust of the RDS has largely been ignored. The Commission considers that it would be perverse to interpret the removal of the statutory obligations referred to above as empowering the Department to undermine the RDS, which, in the Commission's view, is the effect of the Plan's excessive over-zoning of housing land.
- (iii) the failure to have regard to basic principles of sustainable development in terms of wise use of land is highlighted by the fact that the excessive over-zoning takes no account of housing which may be provided on Urban Area white land or brownfield sites, windfall sites which are likely to become available or one-off dwellings in the countryside. This point is further highlighted by the application of a relatively low density figure of 15 dwellings per hectare to zoned housing land compared to current new-build densities in the Craigavon area and the higher densities being encouraged under present policy;
- (iv) the evidence that the Department's approach to over-zoning is significantly out of step with that of other recent development plans prepared outside the context of the RDS but within the general framework of the less prescriptive Planning Strategy for Rural Northern Ireland. The DCAP (prior to concessions) provides for over-zoning, in terms of housing need related to household formation, of 67% for Phase 1 housing land and 127% for all housing land indicated in Table 3.2. This is well in excess of the highest figure of 40% cited for relatively recent area plans (Fermanagh Area Plan). Indeed it is noted that in resisting objections seeking further housing zonings, the Department described the DCAP over-zoning as "excessive"; and
- (v) the inherent contradiction of seeking to achieve a target of 71.5% of the total Borough population in the Urban Area by 2010 and over-zoning levels in villages and smaller settlements of 211% for Phase 1 land and 339% for all land indicated in Table 3.2. These figures rise to approximately 277% and 387% respectively when account is taken of Departmental concessions in Table 3.6. The attractiveness of these villages and smaller settlements as shown by historic private house building

rates, is such that land within their development limits are more likely to be developed in preference to urban sites, particularly in Central Craigavon, thereby undermining the postulated urban/rural population split and sustainability objectives.

Accordingly, having regard to the above factors, the Commission, endorses Commissioner Fitzsimons' reference in paragraph 3.01.72 to the significance of the excessive over-zoning in the context of weighing site specific arguments relating to individual housing objection sites. In the Commission's view the gross level of over-zoning must be by far the most significant consideration in assessing objection sites relating to either the inclusion of more housing land or deletion of existing zonings.

**Objections to the principle of the phasing housing land supply, the proposed mechanism for review of land supply in 2005 and to any release of Phase 2 Housing Land (Objection Nos. 207, 275, 61, 186(b), 197, 203, 242, 253, 255, 170, 107, 108, 116, 17, 47, 78 & 128; Conflicting Objection No.241 – Section 3.02).**

The Commission notes the precise wording of Objection No.241 as set out in paragraph 3.03.12 of Commissioner Fitzsimons' report. Whatever clarification the Department may have sought regarding the reference in the latter part of the objection to submitting "*objections and recommendations for development of brownfield sites*", there can be no doubt about the objection to the release of Phase 2 lands. The Department's summary of this objection as a whole as "*still awaiting confirmation of the nature of objection*" was, therefore, not accurate. While this may have misled objectors or potential counter-objectors, the fact remains that it is an objection to the Plan which must be considered by the Commission under the terms of its statutory role set out in Article 7 of the Planning (NI) Order 1991 and such consideration cannot be reasonably fettered by the failure of the Department and other parties to appreciate the essential nature of the objection. Plan Policy Housing 1 Housing Zonings on page 20 of DCAP states that Phase 2 Housing Zones have been identified as "*land --- safe-guarded for future housing, but not --- released for development either in part or in full prior to a housing review in 2005*". This objection to the release of any Phase 2 housing land in the context of Plan Policy Housing 1 and the end date of the Plan in 2010 is as, pointed out by Commissioner Fitzsimons, in essence an objection to the zoning of all Phase 2 housing lands.

The Commission notes that the Department stated that there was no "ideological" commitment to phasing but rather that it was introduced as a way of dealing with additional sites sought by Craigavon Borough Council and others after the Craigavon Area Plan Preliminary Proposals (CAPP) were produced. Significantly the RSF team had reluctantly accepted the housing land allocation subject to the introduction of phasing. In essence phasing in the DCAP is largely a mechanism to prevent land being developed which is not needed for housing because of the excessive over-zoning in the Plan. This is far removed from the normal phasing objectives of promoting sustainable development by encouraging development of brownfield land, achieving compact urban forms, matching development with the provision of infrastructure and managing the delivery of housing land to meet assessed housing need allocations on an orderly basis. While the Commission endorses the principle of phasing housing land in the context of achieving such objectives and those of the Plan and the RDS, it sees little point in retaining Phase 2 housing land in the context of the excessive over-zoning of Phase 1 housing land.

If Craigavon Area Plan, following the 5 year review referred to in Plan Policy Housing 1, is to achieve general conformity with the RDS it is difficult to comprehend how Phase 2 land could continue to be retained. Such a situation is misleading and unhelpful as far as landowners, developers, investors and the general public are concerned. All in all it follows from the Commission's conclusions in respect of the objection covered by Section 3.02 of the appointed Commissioner's report that there is no case for the retention of Phase 2 housing lands. To confirm such zonings would fly in the face of current policies relating to

sustainable development, encouraging the development of brownfield sites and providing reasonable guidance for developers and house builders both in the short and medium term.

The Commission, therefore, recommends, in broad agreement with the appointed Commissioner, that all Phase 2 lands should be deleted from the Plan. Where there have been site specific objections seeking to re-zone Phase 2 housing land as Phase 1 land or include additional housing land as either Phase 1 or 2 land, including objections conceded by the Department which relate to such issues, the Commission will assess such objections in the context of this conclusion.

#### **Section 4 – Objections Relating to Retailing and Town Centre Issues**

**Objections referring to the areal definition of Town Centres, Primary Retail Cores and Retail Frontage Policy in the Borough (Objection Nos.210 & 275, Counter Objection Nos.26 & 40) and to the Plan's Town Centre Boundaries with regard to the capacity of the Borough to support additional retailing (Objection Nos.214, 210, 211, 275 & 223; Counter Objection Nos.39, 40, 27, 28 & 30) – Sections 4.04 & 4.06).**

The Commission is surprised that in drawing up the town centre boundaries within the Craigavon Urban Area the Department did not rely on retail capacity studies or assess demand for retail development and other land uses as it concluded that these were not essential. It notes that Planning Policy Statement: Retailing and Town Centres (PPS5) indicates in paragraph 10 that development plans cater for the development needs of retailing and demands for other forms of development. In paragraph 18, in the context of health checks, there is reference to assessing the amount and location of floorspace for different uses and how this is changing along with retailer demand and other potential changes. Furthermore paragraphs 23 and 24 stress the importance of a compact shopping environment and retail core. While the Commission accepts that in some instances a health check of an existing town centre need not include retail capacity studies or assess the likely demand for other town centre uses, it considers that such studies are essential in the context of the plan making process. Without such an approach, the Commission fails to understand how PPS5 objectives, notably that of sustaining and enhancing the vitality and viability of town centres, can be achieved.

The Commission, therefore, is unable to support this important component of the plan and endorses fully the appointed Commissioner's views and recommendation as set out in paragraphs 4.04.17 to 4.04.26 of her report. Given this, the Commission also wholly endorses Mrs Fitzsimons' recommendations on site specific objections relating to town centre boundaries for Central Craigavon, Portadown and Lurgan.

#### **Section 5 – Objections Relating to Industry**

**Objections relating to the overall allocation of land for industry in the Plan and the adequacy of choice in terms of size, location and land ownership (Objection Nos.275 (3.1), 241, 32, 149 & 83; Counter Objection Nos.46 & 47) – Section 5.01).**

The Commission agrees with the appointed Commissioner that no sustainable argument was advanced for additional industrial zonings. It notes that based on the historic take-up rate for industry, the Department assessed a requirement of 80 hectares of industrial land over the plan period. In the Plan in the region of 180 hectares of land are zoned for industry and this figure does not include approximately 29 hectares of unused land in existing industrial areas. In all, therefore, some 209 hectares of land are available for industry, an over-provision of 161% based on the take-up rate methodology for assessing requirements.

While the Commission acknowledges the RDS statement that development plans should make provision for a generous and continuous supply of industrial land, it finds the level of over-zoning in the Plan to be considerably over-generous. In so concluding the Commission acknowledges that Craigavon, as a major hub identified in the RDS, is an appropriate location for identification of a large industrial site as a Strategic Employment Location, although it sees no need for more than one large site. In addition the Commission has taken account of the vacant Courtaulds site (12 hectares) and the much underused Goodyear site (estimated to be in excess of 50 hectares). Viewed in this overall context the Commission agrees with the appointed Commissioner's view that there is an overgenerous provision of land for industry and concludes that there is ample scope for reducing this without prejudicing investment opportunities or limiting the choice of locations.

The Commission endorses the appointed Commissioner's recommendation in Sections 5.07, 5.09 and 5.12–5.16 of her report that the southern part of industrial zoning C/I-2 (approximately 44 hectares allowing for retention of approximately 22 hectares currently in public ownership by IBD and DSD) should not be zoned for industry and also the removal of the light industrial zoning from L/I-5 & 6 areas (20 hectares).

The effect of these recommendations would be to reduce the amount of land available for industry from 209 to 145 hectares, leaving over-zoning in the region of 81%. This in the Commission's view remains an over generous provision, particularly when account is also taken of the unused and vacant industrial land/premises already mentioned.

**Objections that landscaped open space in Housing Site L/H1, Light Industrial Zoning L/I-5 and L/I-6 and white land be zoned for housing (Objection Nos.216 (part of), 4, 156, 44, 3, 42, 27, 28, 83, 14, 238 & 43; Counter Objection Nos.53, 58, 47, 63, 45, 46, 59, 60, 61, 62 & 64 – Sections 5.10, 5.12, 5.13, 5.14, 5.15, 5.16 & 5.17).**

Notwithstanding the Commission's conclusion that the Plan proposes excessive housing zoning, it agrees with the appointed Commissioner's findings regarding the absence of a case for retaining this land for the purposes specified in the Plan, the location of the sites in terms of urban form, the close association of the lands with the Phase 1 housing zoning L/H1 and their proximity to Lurgan town centre. Accordingly the Commission concludes that their exclusion from the development limit would not make sense and notes that the lands are distinguishable from the housing objection sites on the periphery of the Urban Area conceded by the Department. In all these land will add approximately 29 hectares to the Phase 1 zoning.

### **Section 6 – Objections Relating to Lurgan**

**Objections to the extent of the land zoned for Phase 2 release north of North Circular Road (Objection No.197 – northern part) and the settlement limit seeking change to the settlement limit and re-zoning of lands from Phase 2 housing to Phase 1 housing (Objection No.243; Conflicting Objection Nos.241 & 197 (part of) – Sections 6.08 & 6.09).**

The Commission notes that Objection No.243 relates to a substantial tract of land which includes the Phase 2 housing zoning north of North Circular Road, lands to the east of this which are part of a Local Landscape Policy Area LLPA-4 and other land in the Green Belt. The Commission considers that Objection 241 seeking no release of Phase 2 housing land, in effect the de-zoning of this land, is a conflicting objection to the principle of Objection 243 as a whole.

The Commission has already pointed out in its comments on Section 3.02 of the appointed Commissioner's report that consideration of Objection No.241 cannot be constrained by the Department's failure to appreciate its thrust and, as a consequence, inaccurate summary of the objection. The Commission has concluded that the excessive over-provision of proposed housing land is a most significant consideration in assessing site specific objections seeking additional housing land. Furthermore it has recommended deletion of all Phase 2 housing land and does not find that there are any persuasive urban form arguments for retaining any part of this Phase 2 housing land. It finds that the Department's concession regarding inclusion of the southern part of the Phase 2 housing zoning within Phase 1 to be at odds with the essential thrust of Objection 241. In this overall context, the Commission agrees with the appointed Commissioner that extension of the development to the east to include additional Phase 1 housing land makes no sense. The same applies in the Commission's view to the re-zoning of part of LLPA-4 for Phase 1 housing. Apart from the absence of any urban form argument for inclusion of these lands for housing and the excessive over-zoning issue, the exclusion of the Phase 2 housing land would mean that comprehensive development of this area to achieve a quality residential environment would be difficult.

The Commission acknowledges the potential space needs of St Teresa's Primary School but considers present pedestrian linkages to be adequate. It considers that the needs of the school require more investigation and that extension of the development limit to accommodate a new school should not be considered until options for the redevelopment on the existing site or relocation on land within the development limit have been fully investigated and found not to be feasible.

The Commission notes the views of the appointed Commissioner but for the reasons set out above cannot recommend favourably on the Department's concessions and recommends that all of this Phase 2 housing land should be deleted. The development limit should be re-drawn to exclude the Phase 2 site.

**Objections seeking rezoning lands from Phase 2 housing release to Phase 1 release. Objection Nos.186(a)(northern portion) 253, 255 & 203); Conflicting Objection No.241 – Section 6.21).**

The Commission, as stated in its comments on the objections covered in Section 6.09 of the appointed Commissioner's report, considers that this concession by the Department has to be considered in the context of Conflicting Objection No.241. The Commission has already pointed out that consideration of Objection No.241 cannot be constrained by the Department's failure to fully appreciate its thrust and, as a consequence, inaccurate summary of the objection.

The Commission agrees with the appointed Commissioner's conclusions that there are no convincing reasons for inclusion of these lands for Phase 1 housing. Given the Commission's conclusions that there is excessive over-zoning of housing land and that all Phase 2 housing land should be deleted, it cannot recommend favourably on the Departmental concessions and recommends that, rather than the Department considering this issue further, as proposed by the appointed Commissioner, the lands should not be included within the development limit for housing.

### **Section 7 – Objections Relating to Central Craigavon**

**Objection to zoning of land adjacent to Pinebank Community Centre for recreation and open space (Objection No.275 (15.6) – Section 7.07).**

The Commission recommends favourably on this concession, given that the Council does not propose to develop this 1.6 hectare site which lies well into the urban footprint.

### **Section 9 – Objections Relating to Villages**

**Objection to the zoning of Phase 2 lands in Waringstown seeking either rezoning as white land within the settlement limit or seeking deletion from the Plan entirely (Objection Nos.17 & 233, Conflicting Objection Nos.47, 78 & 128; Counter Objection No.43, Section 9.09).**

The Commission accepts the appointed Commissioner's recommendation in respect of the Moss Road, Clare Road and Banbridge Road Phase 2 sites. However it considers that all of the Primary Walk Phase 2 land should also be deleted from the Plan. The Commission discerns no strong urban form argument for retention of part of the Primary Walk Phase 2 site as recommended by Commissioner Fitzsimons. From the main street in Waringstown the sense of enclosure is such that the exclusion of the eastern part of the site from the development limit would have no impact in terms of urban form. Other relevant factors are the presence of a reasonable level of vegetation along the site's boundary with the adjoining open space and car parking area, the absence of any boundary definition where the new development limit is proposed and the benefits of achieving comprehensive development of the site as a whole should it be included for development at a later stage.

Accordingly the Commission recommends that all of these Phase 2 site be deleted from the Plan and the development limit of Waringstown re-drawn as appropriate.



**Objection to the zoning of land within the settlement limit of Donaghcloney as Phase 2 – seeking rezoning as Phase 1 development (Objection No.9; Conflicting Objection No.241 – Section 9.34).**

The Department's concession in respect of this objection, while in conflict with Objection No.241, was made in the context of the planning history of the site in that permission for housing development had been allowed on appeal. In these circumstances the Commission endorses the appointed Commissioner's recommendation that this 3 hectare site should be zoned as Phase 1 land.

### **Section 10 Objections Relating to the Smaller Settlements**

**Objection to the zoning of lands as Phase 2 in Derrytrasna, seeking rezoning for immediate release (Objection No.49, Conflicting Objection No.241 – Section 10.08).**

While the Commission agrees with the overall essence of the appointed Commissioner's conclusion regarding exclusion of this Phase 2 land from the settlement limit, it sees little merit in retaining the one third of the site along the road frontage within the limit. This linear form of development would prejudice future long term development opportunities on a comprehensive basis and the argument for including the site in urban form terms is weakened by the deletion of the Phase 2 site on the opposite side of the road. All in all the Commission attaches more significance to the excessive over-zoning of housing land within the Craigavon Borough. The Commission acknowledges that the deletion of all of Derrytrasna Phase 2 land and consequential re-drawing of the settlement limit will leave an "outlier" settlement area to the north. Alternatively the Department could consider whether this area should remain within the settlement limit and, if appropriate, bring forward amended proposals for Derrytrasna as a formal alteration of the Plan.

The Commission, recommends, that all of this Phase 2 land is excluded from the development area and the settlement limit re-drawn as appropriate.

**Objection to Phase 2 designation of the site at Maghery, seeking Phase 1 designation. Objection No.170; Conflicting Objection No.241 – Section 10.12).**

The Commission, as stated in its comments on the objections covered by Sections 6.09 and 6.21 of the appointed Commissioner's report, considers that this concession by the Department has to be considered in the context of Conflicting Objection No.241. The Commission has already pointed out that its consideration of Objection No.241 cannot be constrained by the Department's failure to fully appreciate its thrust and its inaccurate summary of the objection.

The Commission notes the comments of the appointed Commissioner but, in view of its conclusions that there is excessive over-zoning of housing land and that all Phase 2 housing land should be deleted, cannot recommend favourably on the Department's concession. It recommends that rather than reviewing this concession, as stated by the appointed Commissioner, the Department excludes this land from the settlement envelope and re-draws the limit as appropriate.

## Departmental Concessions on objection Seeking Additional Housing Land or White Land

**Objections reported at Sections 6.05, 6.10, 6.15, 8.06, 8.07, 8.12, 8.22, 8.23, 9.03, 9.04, 9.06, 9.23, 9.28, 9.41, 9.42, 9.44, 10.03, 10.04 & 10.09).**

The Commission has already set out its views on conceded objections relating to additional housing land or Phase 1 development where there were specific counter or conflicting objections and has departed somewhat from the approach of the appointed Commissioner. In Section 12 of her report Commissioner Fitzsimons addressed concessions relating to additional housing land and white land (most likely to be developed for housing) where there were no counter or conflicting objections. At the Inquiry she set out normal Commission practice in respect of such conceded objections – namely that they would be reported but without comment. While this reflects normal Commission practice to date, the Commission considers that where such concessions, either individually or cumulatively, have implications for conclusions made on strategic considerations raised before the Commission and on which it has made conclusions, they must be assessed in the context of these conclusions. The Commission also notes that in making concessions on objections the Department indicated that it would respond favourably to recommendations from the PAC endorsing the concessions. In effect such “conceded objections” remain as uncontested objections (not withdrawn objections) which fall to be considered by the Commission under its role as set out in Article 7 of the Planning (Northern Ireland) Order 1991.

The Commission has difficulty in reconciling the Department’s concessions on these objections with the following factors:-

- (i) The failure, as already noted, to have due regard to the DCAP statement on page 11 that the draft Plan had “*---been prepared in the policy context of the Draft RSF*” or to normal levels of over-zoning in development plans.
- (ii) The inconsistency of conceding some objections for additional housing land and white land and yet resisting others on the basis of the excessive housing over-zoning in the Plan. This inconsistency is reinforced by the point that such an approach is obviously at odds with the DCAP statement on page 11 that the draft Plan will be prepared “*in response to anticipated local land use requirements*”.
- (iii) The overriding weight given to the view that the Plan could not fairly depart significantly from the Craigavon Area Plan Preliminary Proposals (CAPPP). This approach is particularly difficult to sustain, given that, following publication of CAPPP, the plan preparation process was put into abeyance to enable account to be taken of the implications of emerging regional policy considerations. In effect proposals prepared under a superseded policy context have been elevated above the current policy framework. It is a well established legal principle that the planning process operates on the basis of the most up-to-date policy framework and this has been set aside on the basis of a misplaced sense of fairness.
- (iv) The inconsistent basis on which objections were conceded as highlighted in paragraph 12.10 – 12.12 of the appointed Commissioner’s report.
- (v) The misuse of phasing to deal with excessive over-zoning, rather than as a mechanism to ensure that housing needs/allocations are met in an orderly and timely basis consistent with a plan, monitor and manage approach to the delivery of housing land.

- (vi) The concession of all of these lands to Phase 1 housing land or white land is at odds with the RSF team's reluctant acceptance of the Plan's housing allocations subject to the introduction of phasing.

Having regard to these factors the Commission finds the basis on which the Department made its concessions on these objections to be seriously flawed. The Commission has recommended the deletion of all Phase 2 housing lands – an area of almost 206 hectares - and there would be an inherent contradiction in endorsing the Departmental concessions which would in effect boost Phase 1 housing land (including white land) by around 100 hectares. The conceded lands, mostly on the periphery of settlements, would be available for immediate development and would be contrary to the principle of sustainable development and further undermine the RDS.

The implications for housing allocations of the Commission not endorsing these concessions is set out in tabular form below. The table adds to the Department's Phase 1 housing potential (Table 3.2) the housing return at 15 dph from the lands recommended for inclusion as Phase 1 land at Silverwood (from light industry and open space to housing), Donaghcloney (Phase 2 to Phase 1) – a total of approximately 35 hectares or 525 units.

<b>Housing Potential of Phase 1 land – 8,533 + 525 = 9,058</b>		
Housing over provision based on Household Formation	Housing over provision based on Building Rate	Housing over provision based RDS Allocation
77%	101%	101%

The net result remains excessive over-zoning in terms of whatever basis future housing need or allocation is assessed. Given this, the Plan more than provides for the housing needs of the community in a choice of locations. There would be no prejudice of community interests by non-inclusion of the conceded objection sites for development.

The Commission acknowledges that many objectors would have left the inquiry process in the knowledge of the Department's concessions and with the expectation that their lands would be included for housing development or as white land. However, as already stated, these concessions cannot be divorced from strategic issues before the Inquiry. If the Commission were to recommend favourably in respect of these objections it would in effect negate its conclusion on the issue of housing allocations generally and its specific recommendation in respect of the deletion of Phase 2 lands. There are therefore competing issues of fairness and when the broad issue of community fairness is also considered – that development plan proposals should reflect regional and strategic policies drawn up for the benefit of the community as a whole – the Commission concludes that it cannot support these conceded objections.

The Commission, therefore, departs from the appointed Commissioner's view that the Department should carry out a complete reappraisal of all concession sites for housing development and white land, and does not recommend favourably on this series of objections but rather recommends that none of these lands are included for development, except those in respect of which planning permission may have already been granted. The Commission would not expect any further planning permissions to be granted for these lands following delivery of its report even if there are current undecided planning applications and/or on-going negotiations related to concession lands.

**Conclusions**

The Commission has found three serious flaws in the DCAP which are summarised below: -

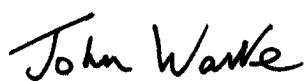
1. Excessive over-zoning of housing land which is not only widely out of step with the RDS but also with the normal good planning practice followed in more recently adopted development plans. With the reductions recommended by the Commission the over-zoning of Phase 1 housing remains excessive at between 77% and 101%.
2. Town Centres have boundary definitions unrelated to assessments of retailing and other town centre land use needs, they lack identification of viable Primary Retail Cores and little regard has been given to the importance PPS5 attaches to compact centres and the protection of their vitality and viability.
3. The high over-zoning of industrial land which, after the reductions recommended by the Commission, remains at a very generous level of 81%.

The appointed Commissioner, having reflected on the level of housing over-zoning in DCAP and the Department's concessions on objections seeking additional housing land, reluctantly concluded that it would not be possible to adopt the Plan unless these concessions were reconsidered by the Department. The Commission has, in its comments on concessions, taken a different view insofar as it has recommended that all of the concessions should be excluded from the development area. However, on the basis of these 3 factors identified above, it shares the appointed Commissioner's reservations about the viability of this Plan. Housing, town centres and industry are core components of development plans and many other proposals and policies are built around them. The Plan is seriously flawed in its approach to bringing forward proposals and policies for housing, town centres and industry and in the Commission's view, in its present form, even with acceptance of the Commission's recommendations, it fails to fulfil the critical function of the Department to secure the *"orderly and consistent development of land and the planning of that development"* as set out in Article 3 of the Planning (Northern Ireland) Order 1991.

The Commission, however, like Commissioner Fitzsimons, recognises that the Craigavon Borough Council area has suffered from lack of a statutory plan since 1973. Accordingly, albeit very reluctantly, the Commission is recommending that the Plan should be adopted, but it does so only in the context of the following two factors:-

- (i) that the Department does not adopt the Plan on the basis of including all the conceded objection sites for additional housing land or white land – to do so would compound the flawed nature of the Plan to the extent that it would undermine credibility in the plan making process; and
- (ii) that the Department carries out a review of the Plan as a whole in the context of the 2005 housing review referred to under Plan Policy Housing 1 and brings forward comprehensive new plan proposals for the Craigavon Borough Council area.

Finally it is the Commission's view that this Plan can only be regarded as interim stop gap measure until new proposals are brought forward on a credible basis reflecting current planning policy and practice relating to sustainable development and in general conformity with the RDS.



**JOHN WARKE**  
Chief Commissioner

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## **SUMMARY OF RECOMMENDATIONS AND UNCONTESTED CONCESSIONS**

## **APPENDICES**

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## **SECTION 1**

### **INTRODUCTION**

- 1.1 The Department of the Environment appointed the Planning Appeals Commission to conduct a Public Local Inquiry into the Craigavon Area Plan – 2010 Draft Plan on 9 January 2001. The first pre-inquiry meeting was held on 27 February 2001 and the second pre-inquiry meeting was held on 9 April 2001. The Inquiry opened on 8 May 2001 in Lurgan Town Hall and continued in Lurgan Town Hall or Craigavon Civic Centre until it was formally closed on 30 November 2001.
- 1.2 Before and during the Inquiry sixty six counter objections were received by the Planning Appeals Commission, twenty two of which were later withdrawn or related to withdrawn objections and are not reported by me. A number of the original two hundred and seventy objections were also withdrawn before or during the Inquiry in their entirety and are not reported. Where only part of an objection was withdrawn or the geographical extent of the objection was reduced, I report on this when considering the objection. In addition, a number of concessions were proposed by the Department before and during the Inquiry and these are reported within the appropriate section of this report. A list of concessions proposed at the outset of the Inquiry was provided with the Department's Opening Statement and was displayed at the Inquiry along with the associated concession maps. I report the reasons given by the Department for offering the concessions as I consider this to be relevant information for Commissioners, given the statutory requirement for consistency in decision making. I also report, in outline, site development requirements or restrictions that form part of the Department's proposed concession of an objection. Where there are no counter objections or conflicting objections to these proposed concessions I do not consider the matter further but merely note the concession in my recommendation. Where there are counter objections or conflicting objections I give a full consideration of the parties' arguments and a recommendation on the objection.
- 1.3 I have endeavoured to reduce the length of my report by considering objections relating to the same or closely related issues together. Some objections relate to a number of issues and are reported under a number of relevant groupings. Groups of objections are located within appropriate sections as listed on the contents page of this report. Within the Villages and Smaller Settlements sections I generally report the settlements in alphabetical order, except for Waringstown which I report first in the Villages section because the evidence on population, housing and infrastructure is relevant to some of the other villages. At the start of Sections 6-10 I list a series of policies and arguments, some or all of which were raised by the Department in relation to the various objections in that section. Again this helps to reduce the amount of repetition in my reporting of the evidence.
- 1.4 Commissioners will note that I use the term 'Central Craigavon' to mean that part of the Craigavon Urban Area between Portadown and Lurgan which is often referred to by the parties as 'Craigavon' or 'Brownlow'. I use the term 'Craigavon Urban Area' to refer to Central Craigavon, Lurgan and Portadown taken together, although sometimes official reports use the term 'Craigavon' to mean the entire urban area (for example, the Regional Development Strategy). I refer to the entire Plan area as 'Craigavon Borough'. In reporting evidence I have generally altered the terminology used by the various parties to fit in with this, unless reporting an alternative terminology assists the understanding of a particular argument.
- 1.5 Department rebuttals were written in the context of the Draft Regional Strategic Framework 1998 but towards the end of the Inquiry the Regional Development Strategy 2001 was agreed by the Assembly. I report evidence in relation to either or both the Draft Regional Strategic Framework and the Regional Development Strategy (as both were referred to by the parties). A full evaluation of the issue of the Plan's



relationship with the Regional Development Strategy is contained in Section 3 of this report and provides the context for my recommendations on other objections.

1.6 Finally I would like to record my gratitude to all those who participated in the Inquiry.

**DIANA S M FITZSIMONS**

Principal Commissioner

**SECTION 2**  
**SUMMARY**  
**OF**  
**DEPARTMENT'S**  
**OPENING STATEMENT**

## **Introduction**

- 2.0 The Craigavon Area Plan - Draft Plan (DCAP) had been prepared under Part III of the Planning (Northern Ireland) Order 1991 as a statutory development plan that would provide the broad land-use framework for the Craigavon Borough Council area. The plan preparation process formally commenced in November 1993, with the publication of a Notice of Intention to prepare a new development plan for the Borough for the period 1995 to 2010. In accordance with Article 5(3) of the Planning (Northern Ireland) Order 1991, the Department published the Craigavon Area Plan 2010 Preliminary Proposals (CAPPP) in June 1995. In January 1996 the Department decided to put into abeyance progress on the preparation of the Plan, pending the preparation of the Belfast City Region Strategy. This Strategy was subsequently absorbed into work on the formulation of the Draft Regional Strategic Framework for Northern Ireland (DRSF), published in December 1998.
- 2.1 The preparation of the Plan resumed in late 1998, and in February 1999 the Department published a Notice of Intention to prepare the Draft Plan. Comments were invited from the public and interested parties over a 14-week period and meetings were held with Craigavon Borough Council. The Draft Craigavon Area Plan (DCAP) was published on 26 April 2000; consideration having been given to all comments that had been received since initial publication of CAPPP. The statutory period for objection to the DCAP expired on 7 June 2000. At that date the Department had received 270 submissions comprising 259 objections and 11 representations in support (1 objection was subsequently withdrawn). The Department subsequently requested the Planning Appeals Commission (PAC) to hold a Public Inquiry to consider relevant objections and to report to the Department on the Inquiry.

## **Regional Planning Context**

- 2.2 The regional planning context for DCAP was provided by the Department's publication "A Planning Strategy for Rural Northern Ireland" (PSRNI), a series of Planning Policy Statements (PPS's), the Northern Ireland Transport Policy Statement "Moving Forward" and the DRSF. The policies contained in these documents were not open to objection at the Inquiry. The DRSF's publication in the period between CAPPP and DCAP necessitated a review of certain plan proposals and policies to ensure that the Plan reflected the DRSF (as much as could be reasonably expected bearing in mind that the Department did not wish to delay completion of the Plan). The Department was committed to amending DCAP, as appropriate, to reflect changes between the draft and final RSF documents.

## **Form and Content**

- 2.3 DCAP consisted of a written statement and associated maps. A number of supplements provided the background and technical information that had informed the policies and proposals contained in DCAP. To clarify some ambiguities in the DCAP maps, the Department published a clarification of the following proposals in November 2000: Magheralin Settlement Limit; Areas of Constraint on Minerals Development; Zonings for existing industrial, proposed industrial and proposed light industrial uses within Craigavon Urban Areas; Portadown Town Centre Boundary; Lurgan Town Centre Area of Townscape Character; Derryadd - Green Belt; and, Flood Pondage Area - Portadown. A revision to Technical Supplement Volume 2, in respect of the Tourism and Recreation section, was also issued in November 2000. A number of minor discrepancies within the Draft Plan were rectified (as set out in Appendix 1).

## **Plan Aim, Policies and Proposals**

- 2.4 The aim of the Plan was to provide a planning framework which facilitated the future growth and development of Craigavon Borough whilst protecting and, where appropriate, enhancing the natural and man-made environment and ensuring that

development was both sustainable and of high quality. The Plan Objectives and Plan Strategy were set out on pages 12, 13 and 14 of the written statement.

- 2.5 A settlement limit had been defined for the Borough's main urban area (UA), comprising Lurgan, Portadown and Central Craigavon and for eight villages and sixteen smaller settlements. Within the UA land had been zoned for the principal land uses of housing, industry, shopping and commerce, transportation and recreation. In the other designated settlements, areas had not been zoned for specific land uses to allow flexibility in considering development proposals.
- 2.6 The Department considered that the DCAP provided a balanced response to the need for development and environmental protection within the Plan area. In response to the objections received the Department was proposing 24 amendments to the Plan (Appendix 2). The importance of the Public Inquiry in providing a forum for debate, discussion and clarification of objectors' concerns was acknowledged and the Department looked forward to receiving the report and recommendations of the Planning Appeals Commission (PAC). The report would be carefully considered by the Department before the Craigavon Area Plan 2010 was formally adopted, with or without modifications.

**SECTION 3**

**OBJECTIONS OF A GENERAL NATURE**

3.0

Inadequacy of the proposed housing land allocation and its distribution throughout the Borough; lack of transparency in housing site selection process.

**Objections: Nos 5, 20, 21, 22, 29, 32, 33, 35, 36, 37, 41, 52, 55, 58, 59, 60, 82, 83, 90, 109, 111, 138, 139, 143, 151, 153, 170, 174, 176, 177, 184, 186, 189, 205, 208, 221, 243, 267, 275**

### **DEPARTMENT'S CASE**

#### **Projection of Housing Need**

- 3.01.01 In estimating housing need two approaches were taken based on (a) household formation and (b) past building rates (see Table 3.2 below). For (a) the population projection was based on an examination of natural increase and migration, which approach gave the Borough a total population in 2010 of 88,900. The average natural increase was estimated as 8 per thousand per annum, based on the most recent trend 1991-1996. The future migration rate was estimated as 1 per thousand per annum for the rest of the Plan period based on the 1991-1996 trend in migration and taking into account campaigns to encourage people to return to Northern Ireland. This figure might be deemed somewhat optimistic given the past levels of out migration.
- 3.01.02 The total estimated Borough population was apportioned between the Urban Area (Central Craigavon, Lurgan and Portadown), the villages and the rural remainder on the basis of the Plan's aim to strengthen the Urban Area (UA) and focus major housing, industrial, commercial and service development there (page 13 of the Plan). The target was that the UA would have 71.5% of the total Borough population by 2010 compared to 69.9% in 1991. Thus the 'best guess' for sector population had been established by applying a 'best guess' sector apportionment to 'best guess' Borough population projections.
- 3.01.03 To estimate the need for additional housing in the Borough to 2010 on the basis of these population estimates, a vacancy level of 4% had been assumed based on recent levels in both N Ireland and the Borough, and a figure of 99% of the population in private households had been assumed based on recent levels. The mean household size (MHS) for the Borough was assumed at 2.58 for 2010, based on the analysis that MHS had been higher in the Borough than in the rest of N Ireland, that both had witnessed a gradual but similar decline since 1971 and an assumption that this rate of decline would continually slow over the plan period at a rate of 0.0007 per annum. The 0.0007 figure used in Appendix 5 of the Plan's Technical Supplement (TS) on Population and Housing was a 'good guess' based on the trends over the last number of years. The Population and Housing Technical Report of the Draft Regional Strategic Framework (DRSF) 1998 showed a reduction of MHS in N Ireland from 3.51 in 1951 to 2.90 in 1991. This decline mirrored that in GB with a time lag of about 20 years. The rate of decline was 0.95% per year in the 1970s dropping to 0.88% in the 1980s. Available evidence suggested that the reduction of MHS had continued into the 1990s. Table 17 of the TS on Population and Housing showed MHS in 2010 in Northern Ireland estimated to be 2.53. Even if the MHS figure for the Borough was lower in 2010 than the figure of 2.58 projected, for example as low as 2.2 as estimated for Great Britain in 2010 or as low as the 2.44 projected for 2015 for N Ireland in the DRSF Panel Report, there was still considerable over-provision of housing land in the Plan. For example if a MHS of 2.41 (the current GB figure) were used this would equate to a need for 7610 houses over the period 2001 to 2010, whereas the capacity was 11,597 in Phase 1 and 2 and 8533 in Phase 1 alone.

#### **Defining settlement limits and housing land zonings**

3.01.04 DCAP settlement limits and housing zonings had been drawn up based on site and settlement appraisals, an analysis of development trends and an evaluation of environmental assets, physical features and the availability of services. Physical appraisals had been initially undertaken to obtain the CAPPP development limit and housing land zonings, and then carried out for additional sites which were the subject of representations between 1995-2000. Essentially the vast majority of land already zoned in villages and settlements in CAPPP had been kept in the settlement limits and the vast majority of land already zoned in the UA in CAPPP had been kept as Phase 1 zoned housing land because the DoE considered that it could not go back on what had been used as the de facto plan since 1995.

3.01.05 **Phase 1** land for the **Urban Area** was chosen using the following criteria:

- within the CAPPP limit (although some land within the CAPPP limit was not zoned Phase 1 in DCAP)
- acceptable to the statutory consultees re infrastructure (re-consulted for DCAP)
- minimal effect on the rural area and integration into the existing urban form

The most important of these criteria was that the site was within CAPPP as the physical appraisals of each site had been carried out for CAPPP and were not repeated for DCAP. On publication of DCAP 65% of Phase 1 zoned housing land within the UA had already been committed for development through planning permissions or planning applications at an advanced stage of negotiation. The DoE considered that it could not go back on these commitments.

3.01.06 Within the **villages and small settlements** most of the 'white land' housing land potential in DCAP had been within the CAPPP settlement limits with some minor exceptions eg at Dollingstown and Magheralin. As land within villages and smaller settlements was not zoned (except for Phase 2 housing land) the development potential of white land was not confined to housing. The overall population projections for the villages and smaller settlements in DCAP gave an indication of the number of households which needed to be accommodated during the Plan period across all the villages and smaller settlements but there was no attempt made to match household growth in each individual settlement to the amount of development land within the settlement limit. Physical appraisals of the village and smaller settlement limits included an appraisal of character and surroundings, assets and constraints and development pressure and these factors were summarised in the Plan's Countryside Assessment Technical Supplement.

3.01.07 **Phase 2** sites in the **Urban Area** were to provide for the potential of the Borough as a sub-regional growth focus for housing, industry, employment and services and were in response to consultations with the Borough Council. The criteria used to select **Phase 2** sites in the **Urban Area** were:

- ◆ well located in terms of access to transport, services, facilities and town centres
- ◆ acceptable to the statutory consultees re infrastructure
- ◆ minimal effect on rural character, landscape, visual amenity and integration into the existing urban form
- ◆ large enough to facilitate implementation of the Quality Initiative and comprehensive development
- ◆ a range of locations should be provided for on the periphery of all 'places' within the UA ie Lurgan, Portadown and Central Craigavon – this was politically desirable.

With regard to the fourth bullet point it was agreed that Phase 1 sites would also be subject to the Quality Initiative (QI) and PPS 7 and that these could be applied to smaller sites, although it was easier to apply to large sites.

3.01.08 Sites within the CAPPP development limit were re-considered to see if any could be moved to Phase 2 but it was decided that most CAPPP land would be in Phase 1. Exceptions were :

- ◆ the Central Craigavon Phase 2 site at Drumgor which was moved to Phase 2 as it was in public ownership and there were no planning approvals on it;
- ◆ the Lurgan Gilford Road Phase 2 site part of which had been inside the CAPPP. The CAPPP part of the site was now a proposed concession to Objection Nos 253, 255 and part of 186, as there had been pre-application negotiations on part of it;
- ◆ the Lurgan N Circular Road Phase 2 site part of which had been inside the CAPPP. This site was subject to several objections eg objection Nos 243 and 197 (see proposed part concession of Objection No 243 reported in section 6).
- ◆ The Lurgan Waringstown Road Phase 2 site, part of which had been in the CAPPP. There had been no objection to this zoning.

3.01.09 In the **villages and smaller settlements** all DCAP **Phase 2** housing land had generally been within the settlement limit of CAPPP. On publication of DCAP 31% of what would be effectively 'Phase 1' development land within the villages was committed, whilst the percentage for the smaller settlements was 10%. CAPPP sites that were chosen to be moved into a Phase 2 zoning in DCAP were those where there had been no planning approvals granted or 'advanced negotiations' on planning permissions ie they had not been taken to Council with a recommendation to approve. Lack of infrastructure was also a factor for some sites. This method of choosing Phase 2 sites led to the imbalance across the settlements in the Plan. Some settlements had very little Phase 2 land but there was nothing in the Plan about having any particular proportion of Phase 2 land in a settlement.

3.01.10 When totalling the housing potential of the urban and rural area in DCAP (Tables 3.2 and 3.6) no account was taken of urban white land sites, town centre opportunity sites, windfall sites, or dwellings in the countryside.

3.01.11 The apportionment of the housing land zoning between the UA, the villages and smaller settlements as a result of the physical appraisals reflected the key elements of the Plan at Page 13 namely:

- The retention and enhancement of the distinctive characteristics of each place
- The facilitation of community choice
- The facilitation of the development of employment generators
- The accommodation of a larger share of residential development within existing urban areas to reduce greenfield extensions
- The phasing of land release, where necessary and appropriate

3.01.12 All Phase 2 land in the UA was outside the urban footprint (defined by the DoE as the existing continuous built-up area : see Map on file) and Phase 1 land allocated within the urban footprint was:-

Central Craigavon – C/H2, C/H3, C/H4, CH/5, CH/6, CH/7, CH/8, CH/9  
 Lurgan – L/H7 (50%), L/H9, L/H10, L/H11, L/H13  
 Portadown – P/H5, P/H11, P/H16

**Table 3.1**  
**Percentage of Phase 1 Housing lands within the Urban Footprint**

	Phase 1 within Urban	All Phase 1 Housing	% of Phase 1 Housing Lands



	<b>Footprint (ha)</b>	<b>Lands (ha)</b>	
Central Craigavon (8 sites)	46.6	95.1	49.0
Lurgan (5 sites)	18.1	107.4	16.9
Portadown (3 sites)	10.3	119.7	8.6
Craigavon Urban Area	75.0	321.7	23.3

Source: DoE

### **Over-zoning**

- 3.01.13 Consultation with the Borough Council and the 300 representations about the Plan made between 1995 and 2000 were mainly requesting additional lands to be zoned beyond the original CAPPP limit. All suggested sites were given full assessment on the basis of physical appraisals - factors included infrastructure; landscape; integration; proximity to transport routes; proximity to other facilities; effect on the character and scale of the settlement; and consultation with the statutory consultees. In selecting additional sites an attempt had been made to give an even distribution around the edges of the entire UA. The DoE had not been working to any 'predict and provide' formula for settlements within the Borough or a ceiling for overall housing land supply in the Borough. It considered that the housing need calculations for the Borough provided a minimum figure above which it had to make provision. Likewise in proposing concessions the DoE was not working within any maximum figure for housing land supply.
- 3.01.14 On the other hand no additional land was needed beyond what was provided for in DCAP, plus the proposed concessions. Whilst the DoE was aware that 'demand' for housing was high in certain parts of the UA and in certain villages, the purpose of the Plan was not to accommodate demand but to accommodate housing 'need'. The Plan might have zoned industrial land at 2.5:1 to historic take-up but this did not mean that housing should be over-zoned to that extent. Even if the level of industrial land availability led to the attraction of employment generators and hence high levels of in-migration of workers to the Borough, there was still ample housing land supply. The review of housing land supply and Phase 2 land in 2005 could respond to any such high levels of in-migration. All additional land zoned in the DCAP had effectively been Green Belt on the Craigavon Urban Area 1983/85 Plan map and therefore represented as much of an encroachment into the countryside as the peripheral objection sites being considered at the Inquiry.
- 3.01.15 Housing potential to 2010 within the DCAP zoned housing land plus land with existing planning permissions was calculated on the basis of the most recent Housing Monitor Survey for the UA and the villages (at the end of the Inquiry the 2000 Housing Monitor was used) and by an analysis carried out in 2001 for the smaller settlements.

**Table 3.2 Estimated Housing Need 2001 - 2010 and RDS Housing Allocation 1998 - 2015 and 2000 Housing Monitor Survey Potential**

<b>Sector</b>	<b>Housing Need 2001 - 2010</b>	<b>RDS Housing Allocation 2001-2010<sup>1</sup></b>	<b>Housing Potential at 2000<sup>2</sup> (Phase 1*)</b>	<b>Housing Potential at 2000<sup>2</sup> (Phase 1 and 2)</b>

	<b>Based upon Household Formation (1991 BaseYear)</b>	<b>Based upon Building Rate (500/yr for 9yrs)</b>			
Lurgan	1730	1180	4500	2210	3234
Portadown	1650	1180		2323	2964
Craigavon	1030	1010		1790	2279
<b>Craigavon Urban Area</b>	<b>4410</b>	<b>3380</b>		<b>6323</b>	<b>8477</b>
Villages	590	680		1399	1996
Rural	120	450		811	1124
Remainder (inc Smaller Settlements)					
<b>Borough Total</b>	<b>5110</b>	<b>4500</b>		<b>8533</b>	<b>11597</b>
<sup>1</sup> 8500 (pro rata @ 500 per annum for 17 years, therefore 2001 - 2010 RDS housing allocation 4500 for 9 years)					
<sup>2</sup> Housing Potential in Urban Area and Villages identified by Housing Monitor 2000. Smaller Settlements by CAP Analysis at 2001					
* Phase 1 Lands based upon zoned housing lands in Craigavon Area Plan 2010 - Draft Plan and also sites identified by planning permission					
Table submitted by DoE 18/10/2001					

- 3.01.16 This calculation of housing potential did not include 'white land' in the UA but included white land and Phase 2 land in the villages and smaller settlements, even though it was unlikely that all 'white land' within a village or small settlement would be used entirely for housing. For sites with full planning permission, site layouts or specific densities were used as the basis to determine housing potential. Housing potential on sites with outline or no planning permission was based upon an average of 15 dwellings per hectare (dph). An ample amount of land for housing was zoned to reflect the Borough's growth potential and to ensure sufficient land was available in a choice of accessible locations and the settlement limits of villages and small settlements were drawn to facilitate their growth. 'Leakage' or the likelihood of sites not coming on stream within the Plan period was not a significant factor in the calculations of housing potential. Although the requirement for concept master plans might slow the rate at which sites would come forward, it did not mean they would necessarily remain undeveloped.
- 3.01.17 The build rate of 500 per annum assumed over the next nine years in the DoE's calculations was realistic given building rates from 1991 to 1997/8, but even if the build rate increased to 800 per year over the next nine years to 2010 this would

equate with a total of 7,200 houses and there was more than sufficient land zoned in Phase 1 to meet that build rate.

- 3.01.18 Housing potential in the Borough to 2010 was more than twice housing need taking into account both Phase 1 and Phase 2 land, and taking Phase 1 land on its own, there was still substantial over-zoning. Over-zoning was greater in each case when housing potential was measured against the RDS Housing Growth Indicator. The Department for Regional Development's (DRD) response to the DRSF Panel Report had accepted that limited over-zoning would normally be taken as being 10%.

#### **The Urban/Rural Split**

- 3.01.19 The housing need calculation had been carried out on the basis of a shift to 71.5 % of the population being in the UA and 28.5% being in the rest of the Borough by 2010 as reported in Paragraph 3.01.02 above. As the actual housing potential of housing land in Phases 1 and 2 was 73% in the UA (Phase 1 - 74%), in the DCAP situation of excess supply of land over the need calculation, it was likely that the take-up of surplus land would be greater outside the UA. An apportionment of 70/30 urban/rural split in the housing need calculation would have been contrary to the Plan strategy to strengthen the UA and to apply such a split now to the zoning of housing land in the Borough in order to have even more land zoned outside the UA was untenable given the 'excessive' over-zoning of 127% in the Borough compared to need and over-zoning in the villages of more than double the need calculation. The objectors' proposal for an extra 500 houses to be allocated outside the UA to achieve a 70%/30% urban/rural split in housing potential in 2010 could not be described as 'a drop in the ocean'. The settlement limits of the villages and smaller settlements had been delineated after careful analysis.
- 3.01.20 The argument that more land should be zoned in the villages and small settlements in order to protect the countryside in the Borough, which was mostly Green Belt (GB) or Countryside Policy Area (CPA), from pressure for single dwellings was not accepted. There was a difference between the demand for housing in the countryside and the need for housing.

#### **The split within the Urban Area**

- 3.01.21 The amount and distribution of housing land zoned for the UA was consistent with the Plan's objectives and strategy in the following ways:
- The overall amount of zoned housing land in Phases 1 & 2 exceeded the amount indicated by the analysis of need for housing land but this recognised the sub-regional significance of Craigavon and its high growth potential reflecting its role as the major service centre in Mid-Ulster, the second largest industrial centre in the region and its strategic location on the key transportation corridors. In addition it facilitated the achievement of the Borough's economic potential.
  - The amount and location of zoned housing land within the UA took account of the need to maintain compact urban forms that respected the individual character and identity of Lurgan, Portadown and Central Craigavon and avoided ribbon development and urban sprawl whilst creating suitably located opportunities to accommodate future development needs. This reduced the need for expansion into the countryside thereby protecting its quality and rural character and protecting the natural environment and man-made heritage.
  - The proportion of land identified for housing within the UA would encourage and facilitate sustainable patterns of development by reducing the need for

greenfield extensions and encouraging the most efficient use of existing infrastructure, buildings and transportation systems.

- The proposed ratio of 'brownfield' development to Phase 1 housing land in the UA sought to accommodate a larger share of residential development within the existing UA to reduce greenfield expansion.

3.01.22 The distribution of land between Lurgan, Portadown and Central Craigavon would assist in retaining and enhancing the distinctive characteristics of each place and would facilitate community choice. There was approximately 38% of the total Borough housing potential in Phases 1 and 2 allocated to Lurgan: 35% to Portadown and 27% to Central Craigavon (Table 3.2). Whilst there was substantial over-zoning of housing land in Central Craigavon compared with its current population share within the UA, this was because there was already substantial surplus land within the existing settlement limit at Central Craigavon and thus substantial over-zoning did not affect the character of Central Craigavon. Lurgan and Portadown were not relatively disadvantaged as each had been allocated sufficient zoned housing land to meet projected housing need and each had some over-zoning above that calculation to provide flexibility. Even though it might well be easier to develop zoned lands in Central Craigavon than in Lurgan and Portadown, because zoned lands in Central Craigavon tended to be in single ownership or public ownership, it would not be right to de-zone land in Central Craigavon in order to add to the over-zoning in Lurgan and Portadown, because of the historic legacy of surplus lands in Central Craigavon. In any event the PAC could not recommend de-zoning lands where there was no objection. Likewise it would not be right to add more to the zoned housing land in Portadown and Lurgan in order to create a balance in zoning between these three 'places' that reflected their current share of population in the UA. This would create overall over-zoning well in excess of that which already existed in the Plan.

3.01.23 There was adequate provision made in DCAP for all perceived districts of Portadown and Lurgan to meet need. Although sectarian territoriality was recognised, each sector of the population had adequate provision so that there was a range and choice of sites available for everyone. Where objectors argued that an objection site should be included in the settlement limit because it would provide 'choice' for a particular sector of the population it was always the case that there were zoned housing sites in the locality which also provided for that choice. Specifically there was adequate provision in South Lurgan and North Lurgan (North Lurgan being defined as the area to the North of Portadown Road and the golf course) and adequate provision in East Lurgan (defined as east of the TC, north of Waringstown Road, and south of the railway) and South Portadown.

**Table 3.3 North/South Split in Lurgan and Portadown (prior to proposed concessions)**

	<b>Phase 1 ha</b>	<b>% Phase 1</b>	<b>Phase 2 ha</b>	<b>%Phase 2</b>
Lurgan North	46.5	43.4	27.5	40.3
Lurgan South	60.9	56.7	40.8	59.7
Total	107.4	100.0	68.3	100.0
Portadown North	27.9	22.9	14.4	33.6
Portadown South	93.7	77.1	28.4	66.4
Total	121.6	100.0	42.8	100.0

Source: DoE

### **Split Amongst Villages and Small Settlements**

- 3.01.24 There had been no attempt to assess housing need in each village or settlement but DCAP addressed the needs of the non-urban area as a whole as worked out using the urban/rural split methodology (Paragraph 3.01.02 above). The Plan had worked out settlement limits for the villages and small settlements on the basis of physical appraisals and then added up all the housing potential to reach a figure for the non-urban area. The projected need (Table 3.2 above) for the villages and rural remainder including small settlements was 710 dwellings 2001-2010 and this compared to a potential to 2010 of 3120 dwellings. The DoE had determined settlement limits without any reference to the housing need of 710 except to check afterwards that overall need in the non-urban area was at least met. When checked against the housing need calculations there was substantial over-zoning.
- 3.01.25 In defining settlement limits there was no attempt made to meet demand in individual settlements or create any balance in housing land potential amongst the settlements. Since Policy SP3 of PSRNI was written, the DoE had moved away from providing over-generous settlement limits for the villages and smaller settlements. Even if an objector was able to show that the land supply would not cater for household growth in a particular village or smaller settlement, this was not relevant, as the DoE was not trying to meet the needs of settlements on an individual basis. It was not correct to say that each village and smaller settlement should be allocated an amount of development land in accordance with its existing size. Generally speaking no additional sites had been allocated in DCAP from CAPPP, although there were several exceptions. These had not been allocated on the basis of need but because some site specific issue had been resolved in the interim period eg the site to the NE of Magheralin. The DoE could not resile from the 1995 CAPPP limits but since the limits of the settlements were so generous in the CAPPP, some of this land within the CAPPP settlement limit was re-allocated as Phase II when in the CAPPP it had been 'white land'. This re-zoning only took place where there were no planning commitments already made on the site (planning permissions or advanced discussions on planning applications) or where there were infrastructure constraints. CAPPP sites where commitments had been given and which had satisfactory infrastructure remained as 'white land' within the settlement limit on the DCAP map. Policy SP3 of PSRNI stated that there should be no land use zonings within villages.
- 3.01.26 Sustainability criteria were inherent in the physical appraisals of sites but the DoE had not considered whether some settlements were more sustainable than others in terms of self containment and minimal car use. Self containment was a laudable objective but in defining settlement limits other factors might be given greater weight. For example Drumnacanvy had no school or shops and was therefore not self contained but other factors were taken account of, such as its size and character, its infrastructure, its proximity to other towns and its proximity to public transport routes. The only settlement that had no housing potential in the Plan was Gibson's Hill.
- 3.01.27 If the PAC were to conclude that there was a need for more housing land allocation in the villages it would not be unreasonable to suggest that Waringstown, Donaghcloney and Magheralin had the requisite growth characteristics because of their existing facilities such as schools, shops and access to public transport but each settlement would need to be assessed in terms of the effect of an extended settlement limit on its character.
- 3.01.28 Proposed concessions from Phase 2 to Phase 1 land in the villages and small settlements did not mean that there should be more Phase 2 land allocated as a

contingency reserve. There was no attempt to allocate each settlement a certain ratio of Phase 2 lands to 'white land' within the settlement limit and this explained why there was an imbalance of Phase 2 land across the settlements. Some settlements had no Phase 2 land and some very little. With proposed concessions Waringstown would have a ratio of 23:3 white land to Phase 2 land which did not leave much as a contingency reserve.

3.01.29 The amount and distribution of potential development land amongst the villages and smaller settlements was consistent with the Plan's objectives in the following ways:

- the development land was sufficient to meet the local housing needs of the rural area
- the distribution between settlements allowed for growth whilst consolidating settlement form and resisting large scale expansion into the countryside
- the amount and distribution of land facilitated community choice and the location of development land within settlements contributed towards the protection of their landscape setting and settlement character.

Table 3.4

<b>Housing Potential - Phase 1 &amp; 2 Lands by Village</b>				
<b>Village</b>	<b>Area Potential</b>	<b>% Phased Area Potential</b>	<b>Housing Potential</b>	<b>% Phased Housing Potential</b>
<b>Aghacommon</b>				
Total Phase 1 Potential	8.11	58.9	124	59.3
Total Phase 2 Potential	5.65	41.1	85	40.7
Total Potential	<b>13.76</b>	100	<b>209</b>	100
<b>Aghagallon</b>				
Total Phase 1 Potential	1.6	19.4	22	18.2
Total Phase 2 Potential	6.65	80.6	99	81.8
Total Potential	<b>8.25</b>	100	<b>121</b>	100
<b>Bleary</b>				
Total Phase 1 Potential	5.38	59.6	80	59.3
Total Phase 2 Potential	3.65	40.4	55	40.7
Total Potential	<b>9.03</b>	100	<b>135</b>	100
<b>Dollingstown</b>				
Total Potential	<b>12.71</b>		<b>203</b>	
<b>Donaghoney</b>				
Total Phase 1 Potential	7.63	55.4	185	66.8
Total Phase 2 Potential	6.14	44.6	92	33.2
Total Potential	<b>13.77</b>	100	<b>277</b>	100
<b>Drumnacanny</b>				
Total Phase 1 Potential	6.56	50.2	99	50.5
Total Phase 2 Potential	6.51	49.8	97	49.5
Total Potential	<b>13.07</b>	100	<b>196</b>	100
<b>Magheralin</b>				
Total Potential	<b>17.64</b>		<b>281</b>	
<b>Waringstown</b>				
Total Phase 1 Potential	21.18	66.6	295	60.8
Total Phase 2 Potential	10.61	33.4	190	39.2
Total Potential	<b>31.79</b>	100	<b>485</b>	100
<b>All Villages - Phase 1 &amp; 2 Lands</b>				
Total Phase 1 Potential	<b>80.81</b>	67.3	<b>1289</b>	67.6
Total Phase 2 Potential	<b>39.21</b>	32.7	<b>618</b>	32.4
Total Potential	<b>120.02</b>	100	<b>1907</b>	100

Table 3.5

<b>Housing Potential - Phased Lands by Smaller Settlement</b>				
<b>Smaller Settlement</b>	<b>Area Potential</b>	<b>%Phased Area Potential</b>	<b>Housing Potential</b>	<b>% Phased Housing Potential</b>
<b>Ballymacmaine</b>				
Total Potential	<b>3.69</b>		<b>49</b>	
<b>Ballynabragget</b>				
Phase 1	1.49	41.6	<b>23</b>	41.8
Phase 2	2.09	58.4	32	58.2
Total Potential	<b>3.58</b>	100	<b>55</b>	100
<b>Blackskull</b>				
Phase 1	5.34	76.7	81	77.1
Phase 2	1.62	23.3	24	22.9
Total Phase Potential	<b>6.96</b>	100	<b>105</b>	100
<b>Charlestown</b>				
Phase 1	3.24	69.8	49	70
Phase 2	1.4	30.2	21	30
Total Phase Potential	<b>4.64</b>	100	<b>70</b>	100
<b>Gibsons Hill</b>				
Total Potential				
<b>Derryadd</b>				
Total Potential	<b>4.56</b>		<b>55</b>	
<b>Derrymacash</b>				
Phase 1	5.29	70.7	<b>87</b>	72.5
Phase 2	2.19	29.3	<b>33</b>	27.5
Total Potential	<b>7.48</b>	100	<b>120</b>	100
<b>Derrymore</b>				
Phase 1	2.23	62.3	33	62.3
Phase 2	1.35	37.7	20	37.7
Total Potential	<b>3.58</b>	100	<b>53</b>	100
<b>Derrytrasna</b>				
Phase 1	3.6	42.1	54	41.9
Phase 2	4.96	57.9	<b>75</b>	58.1
Total Potential	<b>8.56</b>	100	<b>129</b>	100
<b>Gamblestown</b>				
Total Potential	<b>2.54</b>		<b>21</b>	
<b>Maghery</b>				
Phase 1	6.9	73.6	75	67
Phase 2	2.48	26.4	37	33
Total Potential	<b>9.38</b>	100	<b>112</b>	100
<b>Milltown</b>				
Phase 1	3.34	71.2	47	70.1
Phase 2	1.35	28.8	20	29.9
Total Potential	<b>4.69</b>	100	<b>67</b>	100



<b>Scotch Street</b>				
Phase 1	9.38	73.3	<b>137</b>	72.9
Phase 2	3.41	26.7	51	27.1
Total Potential	<b>12.79</b>	100	<b>188</b>	100
<b>The Birches</b>				
Total Potential	<b>6.82</b>		<b>101</b>	
<b>All Smaller Settlements - Phase 1 &amp; 2 Lands</b>				
Phase 1	<b>58.42</b>	73.7	<b>812</b>	72.2
Phase 2	<b>20.85</b>	26.3	<b>313</b>	27.8
Total Phase Potential	<b>79.27</b>	100	<b>1125</b>	100

### **Effect of Proposed Concessions**

3.01.30 On top of the allocations of housing land in the DCAP the DoE was proposing to concede objection sites throughout the Borough. There were no officers' reports or minutes of DoE discussions relating to proposed concession sites. The DoE had produced a schedule of concession sites at the start of the Inquiry which explained why each concession was being offered. Concessions offered during the Inquiry were as a result of last minute negotiations. At the beginning of the Inquiry the proposed concessions were such that an additional 45.6 ha of land was involved. By the end of the Inquiry the proposed concession sites yielded housing land potential as shown in Table 3.6 below. Most of the land to be conceded in the villages and smaller settlements had been within the CAPPP settlement limits and there has been a resolution of an infrastructure restraint subsequent to it being excluded from the DCAP. Some Phase 2 land was proposed to be conceded to Phase 1. Most conceded sites in the UA had been in the CAPPP (except objection site Nos 162 and 123). The DoE had re-consulted the statutory consultees as a result of the objections and there had been a review of infrastructural constraints. The DoE had a duty to act reasonably even though there was significant over-zoning. It could not have just concluded that there was over-zoning already in the CAPPP and refused to consider representations made prior to the drawing up of the DCAP or refused to consider objections to the DCAP seeking additional housing lands. The DoE had to engage reasonably in the statutory process of public consultation on the Plan.

**Table 3.6 Estimated Housing Need 2001-2010 and RDS Housing Allocation 1998 - 2015 and 2000 Housing Monitor Survey Potential (Taking Account of Concessions proposed by DoE in respect of objections)**

Sector	Housing Need 2001 - 2010		Revised RDS Housing Allocation <sup>1</sup> 2001 -2010	Housing Potential at 2000 <sup>2</sup> (Phase 1*)	Housing Potential at 2000 <sup>2</sup> (Phase 1 & Phase 2)
	Based upon Household Formation (1991 Base Year) <sup>3</sup>	Based upon Building Rate (500/yr for 9yrs) <sup>3</sup>			
Lurgan	1730	1180	<b>4500</b>	2685	3340
Portadown	1650	1180		2709	3350
Craigavon	1030	1010		1790	2279
<b>Craigavon Urban Area</b>	<b>4410</b>	<b>3380</b>		<b>7184</b>	<b>8969</b>
Villages	590	680		1769	2242
Rural Remainder (inc Smaller Settlements)	120	450		912	1215
<b>Borough Total</b>	<b>5110</b>	<b>4500</b>		<b>9865</b>	<b>12426</b>
<sup>1</sup> 8500 (pro rata @ 500 per annum for 17 years, therefore 2001-2010 RDS housing allocation 4500 for 9 years)					
<sup>2</sup> Housing Potential in Craigavon Urban Area and 8 Villages identified by Housing Monitor 2000. Smaller Settlements Housing Potential identified by CAP Analysis at 2001					
<sup>*</sup> Phase 1 Lands based upon zoned housing lands in Craigavon Area Plan 2010 - Draft Plan and also sites identified by planning permission					
<sup>3</sup> Figures rounded to the nearest 10					
<b>DoE: 2 November 2001 - including all concessions offered at the beginning of Inquiry and during Inquiry.</b>					

### The Relationship between the RDS and DCAP

#### Preparation and background

3.01.31 The process of preparing the Plan had formally begun in November 1993 with the Notice of Intention to prepare a new development plan for the period 1995-2010 and the preliminary proposals were published in June 1995. At the conclusion of the 14 week consultation period a number of representations had been received from statutory and voluntary bodies and members of the public. In January 1996 the DoE decided to put into abeyance progress on the preparation of the Plan pending the

preparation of the Belfast City Region Strategy. This Strategy was subsequently absorbed into work on the formulation of the DRSF. The preparation of the DCAP resumed in late 1998 and in February 1999 the DoE published a Notice of Intention to prepare the draft plan. Comments were invited from interested parties over a 14 week period and a number of meetings held with the Borough Council. Representations were subsequently received from statutory and voluntary bodies and members of the public. All comments received since June 1995 were considered by the DoE in preparing the DCAP which was published in June 2000.

- 3.01.32 The non-statutory Craigavon New Town Master Plan 1967 had set out the planning context for the area until the mid 1980s and then the non-statutory Craigavon Urban Area Plan 1983/85 and Village Study 1986 had been produced. This was subject to District Council consultation. The preparation of the Craigavon Area Plan was the first time the public and the Council had been fully engaged by the DoE in the consultative process. When the CAPPP was put into abeyance in 1995 there was no development plan context for making decisions on planning applications and the DoE decided to afford weight to the CAPPP in making development control decisions in cases where there were no relevant public objections to it. The consequence of this had been that a significant number of planning approvals had been issued on the basis of the CAPPP on land within the development limits as defined by that document. Following the Silverwood Judicial review 1998 some planning applications were 'held over' pending a review of the CAPPP because they had been subject of objections. The DoE could have refused these on the grounds of prematurity but applicants had been asked to allow their applications to be held over until the DCAP was published and the period for objections to the Plan had passed. The Borough Council had been supportive of this approach to approving planning applications on the basis of the CAPPP as the Council did not want to hold up planning decisions. Large areas of land on the periphery of the UA had thus been granted approval during that period. The DoE had subsequently made planning decisions on the basis of the DCAP after April 2000 where there were no relevant objections in the statutory time period, in accordance with paragraphs 46-48 of PPS 1 General Principles.
- 3.01.33 Work on the regional strategy began in June 1997 and the DRSF was published in December 1998. The report of the Public Examination panel was published in February 2000 and the Department for Regional Development's (DRD) response to this was published in April 2001. Paragraph 1.18 of DRD's response stated that Craigavon should not be given a higher status than it received in the DRSF, but agreed with the view that it had all the attributes in terms of location, critical mass and infrastructure to be identified as a focus of major employment and housing growth in the final strategy. The response also indicated that the regional housing need of DRSF should be increased, with a focus on development within existing urban areas.
- 3.01.34 The DRSF Panel Report was prepared having regard to the extensive debate at the Public Examination, the representations which were made and the briefing papers prepared by DRD. Briefing Paper 13 (BP 13) : 'The Management of the Land Supply for Development' stated that a major thrust of the DRSF was to promote more sustainable patterns of development based on integration with transport, compact urban forms, more housing within existing urban areas, and the wise and sensitive use of the rural environment. Regional control totals for housing in each District Council area had been set to facilitate a scale of local housing development that broadly conformed with the overall Spatial Development Strategy in the DRSF. This, according to the Briefing Paper, would help to ensure that the total of housing land provision in all District Council areas matched the projected need for the Region as a whole thus enabling better management of housing land supply to achieve strategic objectives. For the Craigavon Borough the regional housing target set out in the Family of Settlements Report December 1998 was 3500 units for the UA and 1450 units for the rural community for the period 1996-2010. The DoE had a strategic policy requirement to

ensure an adequate and continuous supply of housing land through the development plan system, expressed in Policy HOU 1 in The Planning Strategy for Rural Northern Ireland (PSRNI).

- 3.1.35 The final version of the regional strategy, renamed the Regional Development Strategy (RDS), was published during the course of the Public Inquiry into the Craigavon Area Plan and agreed by the Northern Ireland Assembly on 17 September 2001 and formulated on 20 September 2001. Tables 3.2 and 3.6 were based on the higher Housing Growth Indicator for the Borough set out in the RDS which equated to 500 units per annum over the Plan period.

#### **Consistency between RDS and DCAP**

- 3.01.36 The estimated need for housing in the DCAP area in the period 2001-2010 of 5110 (final figure at Inquiry) was based on an assessment of local housing need plus mobile demand, which was recognised by the DRSF. The RDS set out a Housing Growth Indicator for the Borough of 8500 for the period 1998-2015 ie pro rata 4500 for the remaining nine years of the Plan (2001-2010). The housing land supply in DCAP was in excess of the need calculation and well in excess of the Housing Growth Indicator and therefore the Plan was not in alignment with the RDS.
- 3.01.37 The Strategic Planning (NI) Order 1999, made in March 1999, amended Article 4 of the Planning (NI) Order 1991 to state that 'A development plan for an area must be consistent with the regional development strategy'. Chapter 13 of the RDS set out how the strategy would be implemented. It indicated that amending legislation would be brought forward to the effect that development plans, planning policies and development schemes 'must be in general conformity with the RDS'. These provisions were to be kept under review. Chapter 13 also stated that in practice this requirement and the proposed change to 'in general conformity' would mean ensuring that planning policies and development plans were in broad harmony with the strategic objectives and policies set out in the Strategy subject to any need to take account of emerging trends which were relevant to the DoE's responsibility to secure the orderly and consistent development of land.
- 3.01.38 Chapter 13 stated that 'The RDS is a long term Strategy to 2025 and will have increasing effect particularly from 2005/6 onwards, as a complete suite of updated plans become available. For the purposes of clarification, new development plans and planning policies introduced subsequent to the RDS must, as they are brought forward, be consistent with the RDS'. The RDS's guidance on its relationship with development plans also included reference to:
- ◆ Pages 1&2 : Purpose – 'the RDS provides an overarching framework ... it provides the spatial planning context for ... development plans'.
  - ◆ Page 3: Status – 'In particular planning policy, development plans and development schemes prepared by the Department of the Environment and the Department of Social Development respectively are required in future to be 'consistent with the regional development strategy'. In practice this means that they should be in broad harmony with the strategic objectives and policies of the RDS.'
  - ◆ Page 124: Meeting Housing Needs – 'In setting a new policy direction, the strategy accepts that in some parts of the Region, and particularly where development plans still have some years to run, existing planning consents and development plan allocations have largely committed the pattern of development for several years ahead. Any change in direction in such areas will not have full effect until current commitments are used up, or the development plan is reviewed'.
- 3.01.39 Given this difficulty of aligning planning documents and the continuing parallel development of Craigavon Area Plan and the RDS, the DoE had to determine the relative weight to be afforded to the content and stage of development of each and had

considered it appropriate to afford greater weight to the following in formulating the DCAP:

- The long time taken to prepare the CAPPP and then the DCAP
- The length of time between publication of the CAPPP and the DCAP
- The decisions made on planning applications which were consistent with the CAPPP
  - The significant amounts of CAPPP land already committed.
  - The need for equity of treatment with regard to all land within the CAPPP development limits. It would be inequitable to exclude land which had been within the limit of CAPPP but did not now have planning permission whilst including other land which had had the same status in the CAPPP but now had planning permission.
    - It would be inequitable to include DoE/DSD lands that had been zoned in the CAPPP (mainly in Central Craigavon) and exclude non-Government-owned land that had also been zoned in the CAPPP.
    - No objections requesting retraction of development limits were made to the CAPPP
    - The majority of land developed or with planning permission since 1995 was on peripheral greenfield sites
    - The amount of brownfield land identified for development
    - The unique character of the UA in comprising three separate but inter-related towns
      - DCAP would place no additional strain on infrastructure
      - The need for community balance
      - Although some minor revisions to the development limits between CAPPP and DCAP stage had been made on the basis of rationalisation and infrastructure constraints, all significant new land brought within the DCAP development limits was for Phase 2 release.
      - DCAP was consistent with the strategic policies of DRSF in particular with the concept of Craigavon as a self-contained counter-magnet to the Belfast Metropolitan Area.
      - The Borough Council had made representations to the CAPPP and DRSF to increase the Borough's housing allocation, on the basis of the RSF's designation of Craigavon as a Regional Town with high growth potential.
      - DCAP was prepared with reference to the DRSF's Local Community Guidelines.

3.01.40 When consulted by the Area Plan Team in 1999/2000, the RSF Team had expressed concern about the proposed DCAP housing figures when compared to the DRSF target and had suggested that more land be re-allocated to Phase 2. However, the Area Plan Team had concluded that there was little scope for this approach given the amount of land already the subject of planning permissions or live applications and it had been agreed in March 2000 by the RSF Team that the housing figures in the DCAP would be acceptable in the particular circumstances of Craigavon. At the time discussions were taking place there was still the likelihood that RDS housing allocations would be increased for the Borough as a result of the Borough Council's representations to the Examination in Public. The Borough Council had requested that the housing allocation for Craigavon BC area would be increased to 9000 units for the period 1996-2010 but the increased allocated in the RDS was not as high as this on a per annum basis.

3.01.41 The DoE considered that the DCAP was consistent with the RDS in respect of Strategic Planning Guidelines as follows:

- ◆ SPG-SRC3 'To foster patterns of development supportive of community cohesion'. The DCAP facilitated community choice in respect of housing zonings.

- ◆ Page 43 The Spatial Development Strategy – DCAP’s aims, objectives and development strategy responded to the RDS’s recognition of the high growth potential of Craigavon, reflecting its role as the major industrial and service centre in mid-Ulster and its strategic location on the key transport corridors.
- ◆ Page 50: Spatial Development Strategy for the Belfast Metropolitan Area and its Hinterland. DCAP took account of and provided sufficient land zonings for Craigavon to develop as a counter-magnet to the metropolitan area.
- ◆ Page 114 SPG-HOU2 ‘To direct and manage future housing growth to achieve more sustainable patterns of residential development’. DCAP took account of all the general principles in defining housing allocations and policies. It laid considerable emphasis on quality development, sustainable transport and mixed use in town centres. The Plan’s policies had been subject to a Strategic Environmental Appraisal.

3.01.42 On 15 November 2001 it was announced at the Inquiry that legislation was proposed which would exclude the Craigavon Area Plan from the requirements of Article 4(1A) of the Planning (NI) Order 1991. It was stated that the Craigavon Area Plan would not be adopted until such changes had been implemented. In a subsequent letter to the PAC dated 29 November 2001 the DoE solicitor stated that any minor or consequential amendments that were required to be made to the Planning (NI) Order 1991 and/or the Strategic Planning (NI) Order 1999 as a result of the exemption of the Craigavon Area Plan from the requirements of Article 4(1A) of the Planning (NI) Order 1991 would be incorporated into new legislation. Whether or not the new legislation should include an amendment to Article 5 of the Strategic Planning (NI) Order remained to be determined by DRD at that time. DRD proposed to make such changes to the legislation as were necessary to achieve the objective of ensuring CAP was not subject to the requirement to be consistent with the RDS.

### **OBJECTORS’ CASE**

#### **Estimation of housing need**

3.01.43 The number of assumptions made by the DoE in calculating housing need underlined the fact that the projection of housing need was a very imprecise science. There were flaws in the calculations, for example :-

- The past building rate was an unreliable basis for calculating future housing need given the status of the Craigavon UA in DRSF as a Regional Town. The building rate assumed in the calculations by the DoE of 500 per annum was low compared to recent building rates in the Borough which could be attributable to the Good Friday Agreement. In 1999-2000 the take-up rate had been 687 according to the Northern Ireland Land Use database. The rate of house construction in Central Craigavon in the later half of the 1990s bore no resemblance to the first half of the decade. In the past there had been problems with vandalism in public sector housing in Central Craigavon and problems with bombings in Lurgan and people had moved to Moira, Banbridge and Waringstown. More recently there had been an upsurge in demand for property in the Craigavon area and a consequent rise in house prices. Estate Agency reports claimed that would be home buyers were looking westwards as land prices were driven up by land shortages in the Greater Belfast area. If that trend were to continue it could well have a significant effect on the rate of uptake of housing land in the UA. There was scope for flexibility in the amounts of land that could be made available and this was an argument for Phase 2 land allocation as it would not have to be released unless it was found to be necessary in the 2005 review.
  - In-migration might increase due to the peace dividend and current campaigns such as the ‘Coming Home’ campaign being run by the NI Assembly and

the Borough Council; the NI Assembly's Initiative 'Back to Your Future'; and the Borough Council's campaign 'Craigavon - the Future is Here'.

- A lower Mean Household Size (MHS) would better reflect reality. It had been projected that MHS would be 2.2 in GB in 2010, falling from the figure of 2.41 in 1991. This would not happen in Craigavon but it illustrated that the DoE's estimate of 2.58 MHS in 2010 was unrealistic and too high given factors such as falling Catholic fertility rates across Europe. N Ireland MHS tended to lag 10-20 years behind GB. The DRSF Panel Report at P 58 had accepted a MHS for N Ireland of 2.44 by 2015. It was accepted that even using lower MHS calculations there was still substantial over-zoning in the Borough.
- The use of 15 dph for estimating housing potential on sites without full planning permission was low compared to current 18 dph densities actually being built.

### **Why more housing land release required**

3.01.44

- A generous supply of housing land was required for the Borough to meet the growth potential of the Craigavon UA highlighted in DRSF. DCAP did not take account of the strategic importance of the Craigavon UA over the longer term to 2025. Had the New Town developed as originally planned, the growth of Craigavon would have been much greater than was now evident and many of the objection lands would have already been built on. The DoE now wished to restrict growth but in an area that is to be considered a city and was endeavouring to develop its regional status, an abundance of choice in housing sites should be encouraged provided they met the standards of the Quality Initiative and sustainability.
- The 2.5: 1 zoning of industrial land in the Plan would attract employment generators and, given sustainability criteria in the Plan, it was important for workers to be easily accessible to their place of employment. In this context more over-zoning of housing land was needed to match up with the industrial land over-zoning in the Plan.
- Policy HOU 1 of PSRNI stated that a major function of the development plan system was to ensure an adequate and continuous supply of housing land. An adequate supply of housing land must mean that allocations provide for a proper range of house types at locations which were in high demand (Policy HOU 4 of PSRNI). Therefore additional locations within the UA of high quality and demand should be selected.
- More land should be zoned for housing as there would be 'leakage' especially since large multiple ownership sites might take a long time to get through the concept plan process of DCAP and PPS 7 Quality Residential Environments. The preparation and approval of comprehensive development schemes, the longer lead in time to get planning permission and the additional cost in providing and maintaining public open space would have a negative impact on marketability. There was no statistical evidence on what the degree of 'leakage' might be. Third party land was needed for a number of Phase 1 sites in Portadown and Lurgan and these were unlikely to be developed within the 5 years to 2005. There was therefore a real danger of a shortfall in Phase 1 allocation to meet the 5 year housing need.
- The DoE should accept that some degree of urban sprawl into the surrounding countryside is inevitable for every new parcel of land. The majority of Phase 1 and all Phase 2 sites were in what had become known as the Green Belt. The figures were 86% of Phase 2 land and 83% of Phase 1 land in Lurgan and 100% of Phase 2 land and 54% of Phase 1 land in Portadown. Therefore there was already

encroachment into the open countryside and the DoE could not use this argument against objection sites. If the DoE evaluated all sites on an equal footing some would have greater effect on the character of the urban area than others, some would have greater tendency to encourage ribbon development than others, some would have better availability of services than others, some would be more sustainable than others. The DoE had failed to show that rigorous criteria had been set for assessment of these sites and that all sites – those zoned in DCAP, those proposed to be conceded and those subject to objections - had been investigated accordingly. If other objection sites met the same criteria as zoned sites or sites it was proposed to concede then the DoE had no option but to concede those as well. The fact that a lot of objections had been received by the DoE requesting additional lands be included did not in itself justify rejection of sites that fulfilled the same criteria as ones that had been selected in the first place. Not all objection sites would be released if this equity argument were followed as not all of them would fulfil the same criteria as the zoned sites or sites it was proposed to concede.

- All sites outside the non-statutory 1983/85 Plan development limits should have been evaluated in 1998/99 for inclusion in DCAP on exactly the same basis because there had been a long time between the publication of CAPPP in 1995 and the restarting of the Plan making process in 1998. The DoE should have started from scratch and evaluated all sites equally. It should not have given so much weight to lands that had been zoned in CAPPP, except where there were extant planning permissions, especially since it had stated that it had only zoned housing land in CAPPP as a result of evaluating representations. The DoE should then have tested objection sites against specific plan objectives and compared them to sites that had already been selected.
- There was a massive and arbitrary level of over-zoning in the Plan already so additional over-zoning would not make much difference. The DoE had not applied an upper ceiling when zoning sites or proposing concessions sites so why should the PAC apply such a ceiling to zoning additional objection sites. Recent Area Plan assumptions to over-zoning were: Fermanagh Area Plan 2007 40%; Carrickfergus Area Plan 40%; Larne Area Plan 2001 30%; BUAP Alteration No 2 25% and Derry Area Plan 20%.
- Where Phase 2 land was proposed to be conceded to Phase 1 in certain settlements in the rural area there should be additional zoning of Phase 2 land to keep a contingency reserve in these settlements. After proposed concessions in Waringstown the ratio of white land to Phase 2 land would be 23:3 which left little reserve for steady growth in the longer term.

#### **Distribution of housing land supply**

3.01.45 The urban/rural split of housing land allocation to 2010 should be 70:30 to reflect demand and, accepting the allocation for the UA in the Plan, this would involve zoning additional land in the villages and smaller settlements, as the ratio of allocation in the Plan was skewed too much towards the UA.

**Table 3.7 Proposed allocation reflecting population split 1971-91**

	<b>Population 1971-91</b>	<b>Current allocation Phases 1&amp;2</b>	<b>Proposed by Objector</b>
Urban	70%	8477 (73%)	8477 (70%)
Rural	30%	3120 (27%)	3633 (30%)
<b>Total</b>	<b>100%</b>	<b>11597</b>	<b>12110</b>



Source: Objection Nos 143, 151, 153, 111

- More land should be zoned in rural settlements to keep pressure off the open countryside from single dwelling applications.
- More housing land should be zoned to ensure a better balance between allocations in Lurgan, Portadown and Central Craigavon.

**Table 3.8**

<b>Sector</b>	<b>Housing Need based on household formation A</b>	<b>Housing Potential 1999 Phase 1 B</b>	<b>% excess zoning Phase 1 B/A</b>	<b>Housing potential Phases 1 and 2 D</b>	<b>% excess zoning Phase 1 and 2 D/A</b>
Lurgan	2090	2560	22.5%	3560	70.3%
Portadown	2010	2750	36.8%	3380	68.2%
Central Craigavon	1280	2300	79.7%	2780	117.2%
<b>TOTAL</b>	<b>5380</b>	<b>7610</b>	<b>41.4%</b>	<b>9720</b>	<b>80.7%</b>

Source : Objection Nos 267, 52

- Distribution did not reflect housing need for the three locations. Central Craigavon would be better poised to take advantage of zonings since there were few zoned sites in multiple ownership and a number in public ownership, whereas Lurgan and Portadown zoned housing sites would be more difficult to assemble into sites for comprehensive development. It was accepted that such an approach would either result in the PAC recommending more over-zoning in the Borough or recommending de-zoning which would be difficult but not impossible. De-zoning could only be recommended for zoned sites which were subject of objection.
- There was exceptional demand for housing in Lurgan, overflowing from Lisburn and Belfast. No detailed figures were available to confirm this but it was illustrated by waiting lists and sales of certain private housing developments. Lurgan had suffered from terrorist activity over the last 30 years but now had an opportunity to make up for past deficiencies. Rapid expansion would help create a vibrant and busy town.
- The DoE had miscalculated the need for housing land in certain parts of the UA and had not considered availability of sites allocated. For example, although there were 66.6 ha in south Lurgan available for development in DCAP, a total of 49.8 ha could only be developed by two builders on a progressive development basis. There was hardly any other zoned land which could be acquired by small builders wishing to develop in this area.
- More housing land should be allocated in certain parts of the UA (eg South Lurgan, North Lurgan, East Lurgan, South Portadown) to reflect demand and give a choice of 'safe' locations, given the sectarian geography of the area. There were unhappy sectarian difficulties and territorial boundaries within the Craigavon UA. Whilst people would not be prepared to move away from the localities they felt safe in, it was accepted that DCAP provided a range of sites for both traditions in the different

parts of the UA. Some areas were regarded as mixed communities and free from sectarian tension so development in those areas was desirable.

- The amount of land allocated in each village/smaller settlement should be proportional to its size. It was unreasonable for the DoE to plan for a large number of houses at settlements which were currently very small eg 124 houses at The Birches, 137 houses at Scotch Street and 74 houses at Maghery, whilst only plan for a small number of houses at some settlements which were quite big eg 85 houses at Bleary .
- More land should be zoned in certain villages to take account of zoned land being unavailable due to ownership or other constraints such as access eg Bleary, Magheralin, Derrytrasna.
- More housing land should be allocated to better reflect demand in certain settlements eg Bleary, Waringstown.
- The DoE's criteria for choosing sites in the villages and smaller settlements was not transparent as some (eg Magheralin, Ballymacmaine and Blackskull) had been extended from the CAPPP limit whereas the DoE had said that settlement limits in DCAP were based on the CAPPP limit plus the physical suitability of sites and not on any 'need' criteria.
- Sustainability and self containment should be factors in choosing which settlement should take the most growth in the rural area.

### **Relationship with RDS**

#### 3.01.46

- The DCAP was a physical plan and housing land zonings and settlement limits had nothing to do with projections of housing need. There was more than 100% over-zoning in relation to projected need (the biggest in any plan in N Ireland to date having been 40-45% over-zoning in the Carrickfergus Area Plan) and 160% over-zoning in relation to the RDS housing growth indicator. This did not take account of white land within the UA which might also be used for housing. This approach to over-zoning would 'drive a coach and horses' through the RDS. The preparation of DCAP was well behind the preparation of the DRSF and the DCAP could have taken on board the objectives of the RSF. The Area Plan Team could have decided to de-zone lands which had been zoned in the CAPPP or shown within settlement limits in the CAPPP.
- The DoE's assertion that DCAP was 'sufficiently compatible' with the DRSF was welcomed. There was no statistical basis for the over-zoning in the Plan but the Borough Council endorsed this approach as it considered the Borough had more growth potential than was recognised in the DRSF. As the level of housing land allocation was so arbitrary in the Plan the PAC should continue the same physical criteria approach when it came to assessing objection sites so long as they could be included without doing harm to interests of planning importance. It was inconceivable that all the objection sites would do no harm in planning terms but some objection sites might pass that test. It did not matter if half of the zoned housing sites were not taken up by the end of the plan period.
- One objector regarded the government's proposal to remove the Craigavon Area Plan from the statutory requirement to be consistent with or in general conformity with the RDS as a totally unacceptable manipulation of the law in order to allow the Plan to ignore current regional policy.

## **CONSIDERATION**

### **Relationship with the Regional Development Strategy**

- 3.01.47 Departmental rebuttals and objectors' written responses, as well as discussion of housing need at the Inquiry were generally based on the DRSF although it should be noted that Tables 3.2 and 3.6, provided by the DoE at the Inquiry, are based on the RDS's Housing Growth Indicator for the Craigavon Borough even though the RDS had not been finally agreed at that time. As there is no longer a breakdown of the total Borough allocation between the urban and rural area I have not reported evidence given in rebuttals relating to the former DRSF allocation for the rural community. During the early part of the Inquiry the possibility was raised that, despite the recommendations of the Panel which conducted the Examination in Public, the final RDS might deviate from the DRSF by allocating a larger housing growth indicator to the Craigavon Borough or by making other substantial changes to housing policy and it was said on behalf of the DoE that in that event it would have to reconsider its position and perhaps suspend the Inquiry.
- 3.01.48 However, when the RDS was agreed by the Assembly on 17 September 2001 and I immediately raised with the DoE the question of the Plan's consistency with the RDS in view of the statutory requirements contained in legislation, the DoE did not seek to suspend the Inquiry. The matter was raised by me as I considered the RDS to be relevant to the issue of housing need, a matter before the Inquiry as a general consideration relating to objections to zoned housing land or the need for additional housing land. I was concerned that if I came to conclusions on the basis of the context of the Inquiry prior to finalisation of the RDS I could be requesting the PAC to make recommendations in conflict with the statutory duty set out under Art 4(1A) of the Planning (Northern Ireland) Order 1991. Although the PAC is not specifically mentioned in the Strategic Planning (NI) Order 1999, given its role in the development plan process as set out in Article 7 of the Planning (NI) Order 1991, it is incumbent that in making recommendations on objections both the Commissioner and the PAC ensure that these comply with its statutory duties.
- 3.01.49 In a letter of 24 September 2001 from the PAC to the DoE it was noted that whilst the DoE had argued at the Inquiry administrative reasons for proceeding with the Plan in the context of the DRSF, there was now a statutory duty to ensure consistency with the RDS following Assembly approval. The DoE was asked to explain how it could adopt the Plan with its proposed housing allocation policies and comply with its statutory duties. A statement on the issue was subsequently received from the DoE and circulated to those objectors who had chosen to take part in the Inquiry session on 'population and housing need', along with a list of questions that I intended to pose to the DoE on 24<sup>th</sup> October 2001 at a special session of the Inquiry. At that session the DoE was not willing to answer the questions and I reluctantly acceded to a request to give the DoE extra time to formulate its responses. Another special session of the Inquiry was arranged for 15 November 2001 and it was agreed that the DoE would respond to my questions in writing by 2 November and that objectors would be able to make written observations on this response before 12 November.
- 3.01.50 No response to the questions was subsequently received from the DoE and only one objector made written comments on the matter by the due date. At the special meeting of the Inquiry on 15 November 2001 the DoE announced the government's commitment to amend the relevant legislation so that the Craigavon Area Plan would be exempt from the requirements of Article 4(1A) of the Planning (NI) Order 1991. It was stated that the DoE would not adopt the Plan until such changes had been implemented. This left open the matter of Art 3 (1A) of the Planning (NI) Order 1991 (the general duty of the Department to ensure that policy is consistent with the RDS) and Article 5 of the Strategic Planning (NI) Order 1999 (the general duty of departments to 'have regard to' the RDS) but in a response to a written query from the

PAC, the DoE confirmed that the intention was to ensure that the Plan was not subject to the requirement to be consistent with the RDS and that DRD proposed to make such changes to the legislation as were necessary to achieve that objective.

- 3.01.51 After the close of the Inquiry a consultation paper was published by DRD in January 2002 which stated that it was the intention to replace the '**consistent with**' requirement with a '**in general conformity with**' requirement in the Schedule to the Strategic Planning (NI) Order 1999 which amended Articles 3, 4 and 86 of the Planning (NI) Order 1991. The decision to bring forward amending legislation to provide this alternative wording had been agreed with the Executive Committee. The proposed Bill would also contain a derogation from the proposed requirement that development plans be 'in general conformity with' the RDS, for the three plans that had reached draft plan stage by the date of the formulation of the RDS on 20 September 2001. Furthermore the DoE would be exempted from the requirement under Article 5 of the Strategic Planning Order to 'have regard to the regional development strategy' in respect of these plans. The three plans affected were Cookstown, Craigavon and Dungannon.
- 3.01.52 As these changes have now been incorporated into legislation in the Planning (Amendment) (Northern Ireland) Order 2003 Articles 27-29, this is the context within which I must make my recommendations on any objections to the Plan. One objector regarded this outcome as a totally unacceptable manipulation of the law in order to allow the Plan to ignore current regional policy. I can understand the disapproval expressed by this objector and, although the vast majority of objectors at the Inquiry expressed no view on the matter, presumably because the general thrust of their objections to the Plan was to have additional lands zoned, I regard it as unsatisfactory that this has been the outcome. However, it became clearly impossible for the DoE to continue to argue that the DCAP was 'reasonably consistent' with the RDS without the risk of creating a benchmark for future plans when the issue of consistency was raised. This would have seriously undermined the overall status of the RDS.
- 3.01.53 The RDS emphasises its strategic approach to the distribution and form of housing throughout Northern Ireland and its role in giving guidance at the local level. It introduces the Plan, Monitor and Manage approach to housing land provision based on capacity studies; District Growth Indicators for each District Council area; a maximum level of 10% over-zoning as a contingency; a sequential approach to the allocation of land; phasing of housing land supply; and a regional target of 60% of new housing within urban areas to be worked out for each town and city through the development plan process. At page 124 reference is made to existing development plans taking some time to bring about the change of direction central to the RDS. This, in my view, makes it imperative that emerging development plans seek to implement the central concepts of the regional strategy and to effect the change of direction as quickly as possible. With the exclusion of the next three plans to be adopted in Northern Ireland from the proposed new statutory requirement 'to be in general conformity with' the RDS it may be some three to four years before the first plan is adopted which will clearly adhere to the regional policy concepts of the RDS.
- 3.01.54 I do not accept the argument put by the DoE that because of the exceptional circumstances of Craigavon, such as the delay in preparing the DCAP, the Plan could not depart significantly from the longstanding CAPPP proposals on housing land allocation. Even if a considerable number of the sites zoned for housing in the CAPPP were subject of planning permissions by the time it came to preparing the DCAP, there were clearly a significant number of sites which could have been excluded from the draft plan because they had not yet been granted planning permission. The Department has a statutory duty to ensure the orderly and consistent development of land and publication of the DRSF represented a change of circumstances so that the DoE could not have been held bound to its previous decisions or the CAPPP. In any

event it is even more difficult to understand why the DoE then went on to add more housing land zoning for the DCAP, the effect of which was to exacerbate the lack of consistency with the RDS, knowing that there was already over-zoning in relation to both calculated housing land requirements to 2010 and to the by-then-published DRSF Housing Target to 2015. Given commitment to 'joined up government' it is difficult to comprehend why the DCAP figures were not either adjusted down to the DRSF level at the draft plan preparation stage (politically difficult as that might have been) or the RDS housing growth indicator figure for Craigavon adjusted up to the level of housing land allocation being planned for in the DCAP. The crucial matter of the statutory requirement for 'consistency' with the regional strategy seems to have been ignored by DoE in the rather faint hope that the final RDS figures would be adjusted upwards as a result of Borough Council representations to the Examination in Public seeking a Housing Growth Indicator of 9000 to 2010. In my view consistency with the RDS **was** achievable at draft plan stage, particularly since the CAPP had been put on hold initially for the preparation of the Belfast City Region Strategy and then the RDS.

- 3.01.55 More surprisingly still the DoE, with the knowledge that the Panel by that time had recommended no dramatic change to the Housing Growth Indicator for Craigavon, offered a considerable number of concessions at the opening of the Inquiry and made further offers of concessions during the Inquiry – contributing, according to the DoE's calculations, additional housing land potential at Phase 1 of 1332 dwellings and in Phases 1 & 2 of 829 dwellings (Table 3.6). This approach to housing land zoning in the Plan may have been politically popular with the Borough Council but was quite clearly significantly at odds with the emerging regional strategy and it is not surprising that at the Inquiry the Borough Council's planning witness described the DCAP approach as driving a 'coach and horses' through the regional strategy, notwithstanding the Council's desire to see more land zoned for housing..
- 3.01.56 I take the view that although the legislative changes mean that there is no statutory requirement for the DCAP to be either consistent with or in general conformity to the RDS's policies or for the Plan to 'have regard to' the RDS, these regional policies are still of some significance to my consideration of objections to the Plan as they represent current government policy which must always be a material planning consideration. In essence legislation cannot make what is a material consideration immaterial. The removal of the statutory duty referred to above addresses the specific duty imposed on the decision maker but does not mean that the general requirement to have regard to material considerations is set aside. Obviously other relevant material considerations are PSRNI and the PPSs, as well as other published government policy statements.

#### **Housing Need Calculations**

- 3.01.57 Some objectors considered the estimated house building rates used in Tables 3.2 and 3.6 above to be too low and referred the recently higher rate of 687 dwellings in 1999-2000. I was not presented with any persuasive evidence by objectors that building rates for 2001-2010 would continue to reflect that of 1999-2000. In any event, in the context of a development plan covering a remaining nine years to 2010, I do not regard estimates of house building rates as of critical significance as I consider that either the calculation of housing need or the RDS's Housing Growth Indicator for the Borough provide the proper basis for estimating future housing land allocation in the Plan. I note that even were house building rates over the nine years of the Plan to reflect those of 1999-2000 the housing land allocation in Phase 1 (without any proposed concessions added in) would more than cater for this.
- 3.01.58 The objectors accepted most of the variables used by the DoE to estimate future housing need for the Borough to 2010. Assumed migration rates and calculated Mean Household Size (MHS) were the two variables that objectors queried in the general argument that even more land should be zoned for housing. However, the viewpoint that in-migration should be more than assumed by the DoE was not backed by any

convincing statistical evidence from objectors on the matter. Given that in-migration is likely to depend on the 'feel good' factor resulting from the Peace Process and the stability of the Northern Ireland economy in the next eight years, accurate prediction is extremely difficult. In that context I accept the figure for in-migration used by the DoE. I note that the DoE considers it a fairly optimistic one given past trends.

- 3.01.59 Estimating MHS is difficult given that it depends on a number of social factors that are evolving over time such as family size and household formation. Having assessed the evidence presented to me I consider that the MHS of the Craigavon Borough in 2010 is likely to reflect past trends by remaining slightly higher than MHS for N Ireland as a whole and is likely to be above the RDS estimate for N Ireland by 2015 of 2.44. In that context the figure of 2.58 does seem rather high to me but I have not been presented with any convincing mathematical calculations to replace it with a more accurate figure. I therefore conclude that the 2.58 MHS figure should remain the basis for calculating the future population in the Plan, but that it should be kept in mind that MHS is more likely to be slightly lower (ie somewhere between 2.5 and 2.58). On the other hand, as I agree with the argument put to me that the figure of 15 dph used in the Plan to calculate the housing capacity of sites without existing planning permissions is low compared to current new build densities in Craigavon and very low in compared to the type of densities being encouraged since the Quality Initiative was introduced in 1996, this is likely to have a counter-balancing effect on over-zoning calculations.
- 3.01.60 My conclusion on the objections relating to the housing need calculations is that I broadly endorse the methodology used in the Population and Housing TS, the variables used in the calculations and the final figures as shown in Table 3.2 above. A Borough total of housing need between 2001 and 2010 of 5110 is broadly accurate and I conclude that suitable land should be zoned over the Plan period to at least meet this need. In passing I note that the housing need figure is some 13.5% above the RDS Housing Growth Indicator referred to by the DoE in Tables 3.2 and 3.6 for the remainder of the Plan period but consider this acceptable in broad terms given the special context of the evolution of the Craigavon Area Plan.

### **Housing Land Supply**

- 3.01.61 Policy SP2 of PSRNI states that a development plan will set out how each town will accommodate future development, taking into account its physical layout and historic character; sufficient land will be zoned to provide choice and flexibility in the development process, taking account of local circumstances; and a planning assessment to assess a town's potential for growth and future development should include an analysis of development trends and an estimate of the capacity of the town to meet its own needs and to contribute to meeting the needs of a wider rural area. In preparing the DCAP the DoE divided the projected population increase between the urban and rural areas of the Borough on the basis of a 71.5%: 28.5% urban/rural population split by 2010 as described in Paragraph 3.01.02 above. The projected need for new houses over the Plan period was then compared with the proposals for housing land supply based on physical assessments of urban sites, villages and smaller settlements. This exercise of zoning housing land and determining settlement limits appears to have had no direct connection to the estimated need for new houses in the Borough as a whole or in the constituent parts of the Borough, which explains why there is such a disparity between the housing need estimates and the housing land supply in the Plan.
- 3.01.62 This has led to the situation shown in Table 3.2 where, using the Housing Monitor 2000 for the UA and the Villages, there is approximately 67% over-zoning in the Borough in Phase 1 and 127% over-zoning in the Borough in Phases 1&2. This over-zoning takes no account of potential on those white land sites in the UA where no planning permissions for housing have been granted, urban windfall sites, one-off dwellings in the countryside or the housing potential of mixed use sites zoned in the UA but does

include all white land in the villages and smaller settlements. Clearly with this level of over-zoning DCAP follows neither a 'Predict and Provide' nor a 'Plan, Monitor and Manage' approach to housing land allocation and totally ignores the RDS's requirements. It has its roots in the historical development of the Borough from the 1960s onwards, with non-statutory plans based on generous settlement limits and political pressure for generous housing land provision to attract inward investment.

- 3.01.63 The actual housing land zonings for the DCAP appear to have been largely determined by a DoE commitment to include most sites previously zoned in the CAPPP. These preliminary proposals had been for so long used as the de-facto plan that the DoE felt it could not go back on any of the planning commitments made in the interim period. Additionally, however, the Plan Team responded to pressure from representations including those of the Borough Council to zone even more land around the periphery of the UA without, it appears, any consideration of the housing need calculations. One of the objectors called this a physical plan and that is essentially what it is. It is ill matched to any of the current principles contained in government policy about plan, monitor and manage; housing land zonings derived using a sequential approach; appraisal of the capacity of brownfield sites as the first option; or acceptable levels of over-zoning as set out in the RDS, irrespective of any reference to a Housing Growth Indicator. Indeed it fails to have regard to the former policy approach of matching land supply with housing need on the basis of some over-zoning (the highest figure in any previous plan, said by the Borough Council's representative to be 40-45%, was not rebutted by the DoE). However, these matters were raised by none of the objectors except in arguing that the housing land allocation was so far in excess of predicted need or the RDS Housing Growth Indicator that the allocation of further housing land would make no substantial difference to the over-zoning level and that the same approach should be applied to objection sites as had been applied to the zoned sites - that is a physical assessment.
- 3.01.64 It would clearly have been the proper approach to set out a list of criteria for including any site within a settlement limit and for all potential sites within and just beyond what had been the 1983/85 non-statutory development limit to be assessed on that basis, within the overall restriction of the housing need calculations for settlements and existing capacity for brownfield and white land development. I do not accept that de-zoning for DCAP was an impossibility as this has been done in other Area Plans in Northern Ireland where planning permission did not exist on the site in question. I consider that the DoE placed too much weight on previous commitments in the process of plan preparation and did not give due and sufficient weight to the material consideration of the emerging policy of the RDS.
- 3.01.65 However, I find there is no substance to the argument that over-zoning is so substantial in the DCAP that zoning more housing land will be 'neither here nor there'. Although the Plan is to be exempted from the requirement to be consistent with the RDS's 10% over-zoning as a contingency measure in those situations where potential land supply difficulty are likely to arise, there is still the general 'norm' in Northern Ireland for over-zoning considerably lower than that shown in DCAP. As referred to in the DRD response to the DRSF Panel Report, over-zoning has ranged typically around 25% but has been on occasion as high as 40%. It is notable that the Department, in seeking to resist the release of more housing land outside the UA as a result of objections described the Plan's over-zoning within the Borough as 'excessive' (paragraph 3.01.19). I am not persuaded by the objectors' argument that the Quality Initiative requires more over-zoning than is already built in to the Plan to overcome the potential for larger sites to take a longer time to reach the implementation stage. Neither am I persuaded that land ownership will generally stand in the way of housing land release over the Plan period, although I shall return to this issue when considering specific objections. In view of the sustainable development objectives of PPS1 General Principles, particularly paragraph 12 and PSRNI, for example Policy HOU 3, I consider

that the argument for further over-zoning in the Plan is not sustained. In my judgement, the level of over-zoning in the Plan is clearly excessive even if Phase 2 land is not released and although there are no objections specifically seeking to have this reduced, it is within this context of very substantial over-zoning that I shall deal with objections seeking removal of housing sites and counter-objections to objections seeking further land zoning, as well as the objection to the release of Phase 2 land in the Plan.

#### **Urban/rural split**

- 3.01.66 I consider that the reasons given by the DoE for allocating the 2010 estimated population between the UA and the rural area of the Borough on a 71.5%: 28.5% split to be well founded in terms of sustainability principles but note that the actual apportionment of new Phase 1&2 land release in the Plan (not counting proposed concessions) is 73% in the UA and 27% in the rural area. I consider the argument put forward by some objectors that even more land should be zoned in the rural area in order for the actual housing land allocation to reflect a 70%: 30% split is ill-founded given the already high level of over-zoning (Phases 1 and 2) in the rural area compared to calculated need (see Table 3.2). It is an ill-conceived argument, in any event, as the high level of over-zoning in the Plan in relation to calculated need makes it impossible to accurately predict which parts of the Borough are more likely to be developed by the end of the Plan period. Indeed, given the past history of private housing development in the villages in preference to Central Craigavon it seems to me that the totality of sites in the rural area have a higher probability of being developed in the Plan period than the totality of sites in the UA. I therefore conclude that the urban/rural split of housing land in DCAP is broadly acceptable.

#### **Split within the Urban Area**

- 3.01.67 I find no substance in the general argument put by some objectors that more land should be zoned in Portadown and Lurgan to counter-balance the relatively generous housing land zoning in Central Craigavon or that more land should be zoned in specific parts of the UA to take account of the preference of people to live within what they regard as 'safe' communities. I shall, however, assess this latter argument on a site specific basis when dealing with objections where there is detailed evidence about a specific locality. I merely note at this stage that, without taking account of proposed concessions, considerably more land is zoned in Phase 1 in South Portadown than in North Portadown (see Table 3.3). However, with the proposed concession of considerable lands at Ashgrove Road, North Portadown, to which there were no counter objections or conflicting objections, this situation is substantially altered.

- 3.01.68 Policy HOU 1 of PSRNI states that in zoning housing land environmental impact will be balanced with the need to make land available in locations attractive to developers and to provide an acceptable choice of sites in settlements. I was presented with no convincing evidence that land in Central Craigavon would remain undeveloped during the Plan period and that this would so reduce the housing land supply for the UA that both Portadown and Lurgan would suffer housing land supply difficulties. As can be seen from the Table 3.2 housing potential at Phase 1 in both Lurgan and Portadown exceeds the calculation of housing need for those parts of the UA by at least 25% without taking account of proposed concession sites. I have observed a considerable amount of on-going private housing development in Central Craigavon and this is supported by the DoE's Housing Land Monitor. Indeed, it appears to me that if there proves to be a healthy demand in the entire UA over the Plan period to 2010, with large land holdings in Central Craigavon in public sector ownership it is likely that housing development there will proceed apace. As a considerable amount of the zoned Phase 1 land in Central Craigavon is within the existing urban footprint as defined by the DoE (see Table 3.1) I consider it desirable at a strategic level, and in compliance with the second objective of the Plan namely to maintain compact urban forms, to encourage the development of these sites rather than recommend the release of



further peripheral development in Lurgan and Portadown, notwithstanding evidence that parts of South Portadown and South Lurgan currently cater for the higher quality end of the market. Again I shall assess this matter on a site specific basis when dealing with objections where this matter was raised.

### **Split amongst the villages and small settlements**

3.01.69 Because the DoE relied largely on the CAPPP in defining settlement limits within the villages and smaller settlements, these do not relate at all to housing need calculations, although in no instance was any objector able to calculate for me a shortfall of housing land below what might be needed for the natural increase of that particular settlement over the Plan period. Gibsons Hill is the only settlement with no housing land potential but given its size this is not significant in general or strategic terms and I shall return to this matter when dealing with specific objections. Indeed the overall level of over-zoning represented by 'white land' sites in the villages and smaller settlements is overgenerous even without taking account of the additional capacity of identified Phase 2 land, proposed concessions and the likelihood for some continuing development of single dwellings in the countryside. The Plan is not based on an assessment of need within each settlement but, according to the DoE, on the basis that people who wish to live in the rural area would be able to find a dwelling within the rural area as a whole, not necessarily a specific settlement. I consider this an acceptable approach and given the very substantial level of over-zoning in the non-Urban Area I find no general justification for releasing further land in particular villages on the basis of housing need. I shall deal with objections seeking specific additional sites or the removal of specific sites in the villages and smaller settlements in that context. I note that the issue of affordable housing to meet rural need is referred to by the DRSF Panel Report and DRD's response but no policy has yet been finalised.

3.01.70 I find the broad distribution of housing land amongst the villages and smaller settlements to be adequate in terms of facilitating community choice. Had there been an obvious shortfall in housing land availability over housing need in the rural area, I would have found merit in the argument put by some objectors that any additional housing land should be located within the larger settlements such as Waringstown and Magheralin which have more facilities, subject to site appraisals to determine impact on the character of the settlement. This point was accepted by the DoE.

### **The Equity Argument**

3.01.71 By taking the CAPPP settlement limits and housing land zonings as being the base point for the DCAP in most, but not all, instances and then expanding the limit of the UA in the DCAP in response to representations from the Borough Council and other parties seeking more housing land allocation, the DoE appears to have moved away from a transparent site selection process. According to the DoE, it retained the aim of urban containment and integration when choosing Phase 2 sites in the UA but additionally looked for large scale sites and, for political reasons, sites in a range of locations around the periphery of the UA. When choosing which sites would be designated Phase 2 in the villages and smaller settlements the criteria appear to have related mainly to planning history. As I have already stated in Paragraph 3.01.64 all sites should have been assessed for the draft plan stage on exactly the same set of criteria and these assessment criteria should have been absolutely transparent.

3.01.72 Although as a general principle site specific and physical criteria would be a consideration for the release of sites, given the degree of over-zoning, this must be the context of my consideration of site specific objections. Where the equity argument is used and there is no objection seeking the removal of other specified zoned sites from the DCAP, then I would have grave concerns about creating a situation of even more over-zoning. I shall return to this matter when dealing with specific objections where this matter is raised but highlight at this stage that because of the existing level of

over-zoning in the Plan I will only be recommending in favour of objections seeking additional housing land in exceptional site specific circumstances.

- 3.02 

Objections relating to the principle of phasing housing land supply and to the proposed mechanism for review of land supply in 2005. Conflicting objection to the release of Phase 2 housing land.
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**Objection: Nos 207, 275, 61, 186(b), 197, 203, 242, 253, 255, 170, 107, 108, 116, 17, 47, 78, 128**

**Conflicting Objection: No 241**

### **DEPARTMENT'S CASE**

- 3.02.01 The appropriate considerations were parts of DRSF relevant to Craigavon's future role - SPG 6 and Appendix 6; the draft Family of Settlements Report at paragraph 4.6 and 4.7; relevant parts of the DRSF Panel Report; the NI Transport Policy Statement – Moving Forward; PSRNI policies SP2, SP 12 and GB/CPA 1; PPS1 General Principles at paragraph 40; and DCAP's aims and objectives. Other evidence has already been reported at paragraphs 3.01.03 – 3.01.04 and in Tables 3.1 and 3.2. The phasing of housing land release in the Plan had a sound policy basis both in PPS 1, paragraph 40 and SPG 6 and Appendix 6 of the DRSF and it was consistent with the policy thrust in both documents towards sustainable development and a focus on the development of land within existing urban areas. PPS1 paragraph 40 did not make phasing mandatory but it was mandatory to justify a phasing policy in the Plan's written statement. Paragraph 40's reference to 'severe pressure for development' was not the basis on which phasing was introduced into the Plan. Phasing was necessary in the Plan because there was such a surplus of housing land over need and, in the absence of phasing, developers would cherry pick sites on the periphery which were easier to develop. This would be contrary to the achievement of compact urban forms which was an objective of Policy SPG 6 in the DRSF. There had been no ideological commitment to phasing in the Plan – it was just a way of dealing with the additional sites sought by the Borough Council and others after CAPPP and which would increase the already surplus supply of housing land relative to need or the DRSF allocation. When the DoE had taken the 'draft draft Plan' to the Council in 1999 there had been no mention of phasing. The RSF Team had reluctantly accepted the housing land allocation in the Plan subject to the introduction of a phasing 'where necessary and appropriate'.
- 3.02.02 BP 13 stated that the new approach of Plan, Monitor and Manage would provide a long term development land reserve up to a 2025 Green Belt boundary, zone a first phase of 5 years' supply, and monitor and roll forward a land supply in phases as required. The zoned housing land would be phased in three 5 year phases in order to provide a rolling supply of effective development opportunities. The DoE would be prepared to entertain applications submitted up to 2 years in advance in relation to the next phase of zoned land. Decisions on such applications would be informed by the 1-4 year housing land monitors. The DRSF Panel Report had recommended the preparation of a Planning Policy Statement setting out how Plan, Monitor and Manage would work and that the new approach should be the subject of consultation with developers and other interests. There was no Green Belt to 2025 introduced into the Plan and there were only two phases.
- 3.02.03 Further guidance on this mechanism would be set out in the forthcoming regional Planning Policy Statement on Housing in Settlements to be prepared by DRD. There was a distinction between the principle of phasing housing land supply in plans and the mechanism by which this would be carried out. The type of mechanism envisaged in BP

13 might not come to pass as further discussion and agreement was required but the principle would be adhered to. If CAP was adopted before the RPPS was published and there was inconsistency between the two, then the PPS would take precedence and there might have to be a review of the Plan. The alternative to phasing would have been to delay the Plan for the RPPS to be published but this was not acceptable. If there was no phasing in the CAP it would be impossible to introduce it retrospectively in a review because landowners would have applied for planning permissions on their land. The logic of the objectors' argument that phasing was premature because mechanisms had not yet been worked out was to drop all Phase 2 land from the Plan and go back to the CAPPP limits.

3.02.04 A phased release mechanism for the **Urban Area** was necessary to achieve the objectives of the Plan and the implementation of the development strategy: In this respect:

- The Phase 2 land identified for Craigavon UA would facilitate the achievement of Craigavon's economic and development potential as identified in the RDS
- Phasing of development promoted and facilitated the orderly and sustainable development for the UA and assisted in focusing new development in well-serviced and easily accessible locations.
- The amount of Phase 1 land zoned for housing was sufficient to meet the housing allocation identified for the UA in DRSF
- As the amount of 'brownfield' development land within the UA was restricted, the phased release of housing land assisted in working towards the aspirational target of 40% of new housing development within the UA as identified in the RDS
- The distribution of Phase 2 land between Lurgan, Portadown and Central Craigavon facilitated a balanced approach to the growth potential of these three towns
- The Phase 1 zonings were sufficient to accommodate the need for additional dwellings over the Plan period. The Phase 2 zonings represented additional land to be held in a land bank in order to provide for unanticipated growth

3.02.05 A phased release mechanism for **villages and smaller settlements** was necessary to achieve the objectives of the Plan and the implementation of the development strategy :

- Phasing of development promoted and facilitated the orderly and sustainable development for the villages and assisted in focusing new development in locations that consolidated the existing pattern of development;
- The distribution of Phase 2 land in a number of villages and smaller settlements within the Borough facilitated a balanced approach to the distribution of growth in the rural area;
- The amount of Phase 1 development land, within settlement limits, was sufficient to meet the housing allocation identified for the rural area in DRSF;
- Phase 1 development land within settlement limits was more than sufficient to accommodate the need for additional dwellings over the Plan period in the villages and smaller settlements. The Phase 2 zonings represented additional land to be held in a land bank in order to provide for unanticipated growth;
- There were significant infrastructural constraints which required a phased release of land. The phased land release allowed the provision of new infrastructure to keep pace with new building, without placing undue strain upon existing systems;

3.02.06 **Table 3.9 Distribution of Zoned Housing Land for Craigavon Urban Area**

<u>Location</u>	<b>Phase 1 Housing Zoning (ha)</b>	<b>Phase 2 Housing Zoning (ha)</b>	<b>Total</b>
Lurgan	118.3	68.3	186.6
Portadown	124.7	43.9	168.6
Central Craigavon	96.7	32.6	129.3
Total	<b>339.7</b>	<b>144.8</b>	<b>484.5</b>
Potential housing yield on zoned housing lands @15 dph	5096	2172	7268
Source: DoE (rebuttals)			

**Table 3.10 Distribution of Development Lands within Villages and Smaller Settlements**

	<b>Phase 1 Development Lands (ha)</b>	<b>Phase 2 Development Lands (ha)</b>	<b>Total</b>
Villages	80.8	39.2	120
Smaller Settlements	58.4	20.6	79
Total	139.2	59.8	199
Potential Housing Yield 15 dph	2100	900	3000

Source : DoE (rebuttals)

3.02.07 Phase 1 zoned housing land in DCAP was more than adequate to accommodate housing need in the Borough and meet the Housing Growth Indicator of the RDS. Phase 2 land release provided additional capacity in support of the potential growth of the Borough given its strategic role and location. In addition in the Urban Area there were sites with planning permission and this housing potential was taken account of in Tables 3.2 and 3.6 above. The housing land monitor, which would be updated and published annually, would include information on urban capacity in relation to urban land sites as well as information on the remaining stock of zoned housing lands. The Plan's proposed review of housing land supply in 2005 allowed time for the Plan to be implemented and to establish a trend in take up and gave the DoE the opportunity to consider the need for release of Phase 2 land at that time. The DoE was willing to concede that the Plan would state that this review would be public and incorporate a right for interested parties to be heard.

3.02.08 The PAC had a number of options:

- ◆ It could recommend the rejection of phasing ie it could agree with the objectors that phasing was unnecessary, premature and unworkable and release all Phase 1 and 2 lands immediately but this would be contrary to the wishes of the RSF Team and contrary to the objectives of the DRSF; or
- ◆ it could reject the principle of phasing but release only Phase 1 land as there was such a surplus. This option would need a specific objection to Phase 2 lands and it might not be feasible because the Phase 2 lands had been brought in because of physical suitability rather than need. They are as physically suitable as other lands included in the Plan ; or
- ◆ it could endorse the principle of phasing and the phasing shown in the DCAP.

### **OBJECTORS' CASE**

**Nos 207, 275, 61, 186(b), 197, 203, 242, 253, 255, 170, 107, 108, 116, 17, 47, 78, 128**

- 3.02.09 Phasing was premature in the Plan as the mechanism for phasing still had to be worked out in the PPS which would not be published until after consultation with interested parties. The Borough Council considered the principle of phasing was acceptable but that introducing phasing into the Plan was premature and unworkable in the absence of guidance about how the Plan, Monitor and Manage system would work. The Plan did not incorporate a Green Belt to 2025 as was mentioned in Briefing Paper 13. PPS1 did not make phasing mandatory but did make it mandatory that the introduction of phasing was justified in a plan.
- 3.02.10 Phasing in the DCAP was not really related to the Plan, Monitor and Manage concept of the DRSF but to the unique circumstances of Craigavon. It was an old style physical plan trying to apply new mechanisms that were not in place. It appeared that the DoE had decided that phasing would be a good idea and had then tried retrospectively to justify how it had chosen Phase 2 sites. The DoE's criteria for choosing Phase 1 and Phase 2 lands were not set out in any published documents. Those given at the Inquiry (see Paragraph 3.01.07-9 above) were broadly similar for both phases and had nothing to do with the principle of phasing. The criteria that the Phase 2 lands had to be large enough to have the Quality Initiative (QI) applied was completely false since the QI would apply to all housing sites in the future. The only real difference was that sites chosen as Phase 1 lands in the UA had been inside the CAPPP limit. The DoE could not now argue that the Phase 2 lands be removed from the Plan as they had passed the physical appraisal criteria. If it were a question of no phasing or no Phase 2 lands at all, the Borough Council unequivocally wanted Phase 2 lands included in the Plan. Its objection should be read in that way.
- 3.02.11 Although a review of housing requirements in 2005 to guide Phase 2 land release was indicated in DCAP, a similar date specified commitment had been made in the Belfast Urban Area Plan but was never implemented. As result severe housing shortage had developed in Belfast and this possibility must be avoided for Craigavon. Plan Policy Housing 1 should say that Phase 2 land would be released in 2005 unless the review showed that this was unnecessary. It should indicate that the review would be public and incorporate a right for interested third parties to be heard. If shortage could be demonstrated before 2005 a commitment should be given to earlier review and release.

### **CONFLICTING OBJECTOR'S CASE**

#### **No 241**

- 3.02.12 No evidence was provided . The original objection letter stated that *'Further to Craigavon Area Plan 2010, I would like to formally object to any release of Phase 2 housing land or new industrial land. Please forward to me correct forms etc to submit objections and recommendation for development of brown field sites.'*

### **CONSIDERATION**

- 3.02.13 It is clear from the DoE's evidence that the concept of phasing was only introduced into DCAP after it had been agreed with the Council to zone more housing lands in the UA than had been zoned in CAPPP. The Area Plan team broadly applied phasing to (a) the lands on the periphery of the UA which were outside the CAPPP limit and to (b) some sites within the CAPPP settlement limits for villages and smaller settlements. The DoE's stated criteria for assessing which sites would be Phase 2 appears to have been loosely applied, with small amounts of land which had been in the CAPPP excluded from DCAP or re-zoned as Phase 2 and some lands which had previously been outside the CAPPP

included in DCAP as Phase 1 or 2. However, the vast majority of sites designated as Phase 2 in the UA are the large peripheral sites and in the villages and smaller settlements those sites which had no planning commitments on them. Where there were objections to the zoning of sites as Phase 2 rather than Phase 1 and the site had originally been within the UA limit for the CAPPP, in most cases the DoE has proposed to concede to the objection.

- 3.02.14 Phasing is referred to in the RDS at the fourth bullet point of HOU 4.1 which is a policy 'to accommodate an increased share of future residential development, and associated job provision, within existing urban limits to reduce greenfield extensions'. However, other bullet points of Policy HOU 4.1 have not been applied to DCAP, for example it does not set a target for urban housing growth inside the existing urban area for towns of over 5000 population. The Planning Policy Statement which will deal with the mechanism for phasing housing land has not yet been finalised and I agree with the objectors that there is little value in introducing a RDS type phasing policy into the DCAP when the mechanism for operating such a policy has not yet been worked out. On the other hand, I agree with the DoE that any future review of the Plan, following the publication of the PPS, would find it very difficult to retrospectively apply a Phase 2 zoning to sites within the settlement limits as most landowners would, by that time, have sought planning permission for their zoned land and the DoE would be unlikely to consider the payment of compensation for revocation of these permissions. If phasing is going to be applied within the existing development limits of DCAP, then it needs to be applied at this stage. I agree with the DoE that the logic of the objectors' argument that phasing is premature because mechanisms had not yet been worked out, is to delete all Phase 2 land from the Plan.
- 3.02.15 PSRNI states that *'where circumstances warrant, plans may specify a phased release of development land. Phasing may be necessitated by considerations relating to infrastructure or the adequacy of other services, which may indicate that a particular area cannot be released for development until a particular stage in the Plan period. Phasing may also be introduced in areas that are under severe pressure for development, where there is evidence that market demand would exhaust total planned provision in the early years of the lifetime of the Plan.'* I agree with objectors that the evidence to support either the 'infrastructure' or the 'high demand' circumstances is weak and in any event they could apply to only a limited number of the villages/smaller settlements but accept the DoE's argument that the policy does not rule out other circumstances which might justify the introduction of phasing. As the law stands PPSs are to provide general guidance and are not designed to provide a set of immutable rules.
- 3.02.16 I note that the DoE acknowledged objection No 241 on 15 June 2000 and asked for clarification of what was meant by the objector's statement 'recommendation for development of brownfield sites'. In a subsequent letter of 26 July 2000 the DoE wrote to the objector stating 're: Urban Phase 2, I would like to remind you that we are still waiting for additional information to enable us to process your objection'. No response is on file and I presume no clarification was received as the DoE's Summary of Objections, which was made available to objectors, noted 'still awaiting confirmation of nature of objection' and gave no site location or settlement.
- 3.02.17 I interpret this objection as an objection to the zoning of all the Phase 2 housing lands in the Plan. The reference to 'recommendation for brownfield development' in the objection letter bears this out. I do not consider that it is a request that lands zoned as Phase 2 remain as Phase 2 lands in the adopted plan but are not released during the lifetime of the Plan. I cannot understand why the DoE rebuttal is based on phasing in the Urban Area alone and very little reference is made to phasing in the villages and smaller settlements. Although this objector did not respond to the DoE's rebuttal of his objection, my evaluation of the objection must be in the context of the DoE's rebuttal statement as it is its role to defend its plan, not for objectors to persuade the PAC that

their scheme is better. The objectors' scheme does not have to be better – in effect it is the 'no demonstrable harm' test of Paragraph 3 of Planning Policy Statement 1 – General Principles. There was no strong exception taken by the DoE to this principle when discussed at the Inquiry.

3.02.18 I have already concluded in section 3.01 above I consider that:

- ◆ the DoE's housing need calculation of 5110 dwellings for the period 2001-2010 is broadly accurate and that suitable land should be zoned in the Plan to at least meet this need;
- ◆ taking account of Phase 1 housing land only (and without adding in any proposed concessions) over-zoning of 67% in DCAP is more than both the 10% maximum over-zoning referred to in the RDS and the 25% norm for N Ireland prior to that;
- ◆ taking account of Phase 1 land only (and without adding in any proposed concessions) the housing land allocation in the Plan is excessive in relation to the RDS's Housing Growth Indicator for the Borough;
- ◆ the level of over-zoning at Phase 1 is contrary to the aims and objectives of the Plan such as sustainable development and compact urban forms and contrary to these principles as referred to in policy in PSRNI and PPS1;
- ◆ the level of over-zoning when Phase 2 land is added in (and without adding in any proposed concessions) is totally unacceptable in terms of present regional planning policy such as contained in PSRNI, PPS1 and the RDS;
- ◆ this level of over-zoning is not justified by the DoE's statements and references in the DRSF or the RDS to the growth potential of Craigavon, which in any event has obviously been taken into account in arriving at the Housing Growth Indicator for the Borough.

3.02.19 Although the Plan has been exempted from the statutory requirement to be in general conformity with the RDS, I have concluded that the RDS is a material consideration and I would take the view that an acceptable level of over-zoning in this Plan, given the particular circumstances of the Borough and its planning history, should be no greater than the pre-RDS norm of 25%. In the context of this and the above bullet points, and having carefully considered the arguments put by the DoE to support its overall housing land allocation in the Plan and its arguments for a phased release mechanism, I judge on the foot of objection No 241 that all Phase 2 lands should be deleted from the Plan unless when dealing with a specific objections later in this report I find that there are exceptional planning reasons why a specific settlement should retain some phasing to meet a particular set of circumstances or why a specific site should remain as zoned housing land in the UA or remain within the settlement limit of a village or small settlement.

3.02.20 With regard to the group of objections which want phasing removed from the Plan but effectively want Phase 2 land to remain in the Plan as Phase 1 land, it is my view that given the extent of over-zoning in Phase 1, there is absolutely no justification for such an approach. This would merely exacerbate the unacceptable level of over-zoning in Phase 1 identified in Table 3.2. Indeed, had there been no objection to the overall release of Phase 2 land in the Plan it is my view that a phasing policy would probably have been the only way to prevent sites on the edge of the UA being developed before other sites closer to the centres of Central Craigavon, Lurgan and Portadown, contrary to the Plan's aim of sustainable development and urban containment as well as PPS1 at Paragraph 12. Likewise a phasing mechanism would probably have been the only way of reducing the very substantial over-zoning in the villages and smaller settlements. In this situation I would have been recommending that it is made clear in the Plan that Phase 2 land would not be released before the end of the Plan period because of the level of over-zoning in Phase 1. For the Plan to give the impression that a review in 2005 might lead to the release of some or all of the Phase 2 land when current estimates of housing need and Phase 1 housing supply to 2010 clearly indicate

otherwise, is very misleading to the development sector and the general public. It is, in my view, disingenuous of the DoE to accede to pressure from the Borough Council to zone additional lands when the actual situation is that these Phase 2 lands have absolutely no likelihood of being released within the Plan period. Indeed by the time of the proposed 2005 review the DoE's urban capacity studies should, in line with regional policy, be adding in windfall sites, town centre opportunity sites and urban white land sites to the housing land supply calculation – none of which are included in the present calculations.

### **RECOMMENDATION**

- 3.02.21 I recommend that all Phase 2 land be deleted from the Plan. unless there are exceptional planning reasons why a specific settlement should retain some phasing of land supply to meet a particular set of circumstances or why a specific site should remain as zoned housing land in the Urban Area or remain within the settlement limit of a village or small settlement as white land.

- 3.03 

Objection to the exclusion of previously zoned lands
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**Objection: No 275(2.2)**

### **OBJECTOR'S CASE**

- 3.03.01 The Borough Council was concerned that areas which were previously indicated as being suitable for development in the CAPPP had not been included in DCAP.

### **DEPARTMENT'S CASE**

- 3.03.02 A number of revisions to the Plan were being recommended to the PAC.

### **CONSIDERATION**

- 3.03.03 The DoE's position at the opening of the Inquiry and during the Inquiry was to generally offer concessions for sites which had been within the limits of development in CAPPP, where there had been an objection made and where the statutory consultees were agreeable that the sites could be developed. The vast majority of these related to land allocated for housing in the UA and to land described as 'white land' within the settlement limits of villages and smaller settlements. The approach by the DoE has not always been consistent as is clear from my reporting of the DoE evidence in paragraph 3.01.31. The Borough Council's objection does not refer to a list of specific sites but the objection clearly goes beyond the DoE's proposed concessions as it encompasses sites which were within CAPPP, were excluded from DCAP but where no site specific objections or unopposed concessions were made.

- 3.03.04 On the sites which are not the subject of proposed concessions and which might therefore be encompassed by this objection although not the subject of other site specific objections, I do not consider that there is any justification on the basis of housing need for their inclusion within settlement limits as I have already concluded that the level of over-zoning in the Plan is excessive even if Phase 2 housing land is never released (paragraph 3.01.65). I have already concluded at Paragraph 3.01.64 above that the CAPPP limits of development need not have been taken as a benchmark for the DCAP and that de-zoning of CAPPP sites could have taken place. There is no need justification for including these sites in the settlement limit for industry (Section 5) or retailing (Section 4). With regard to the CAPPP sites that are the subject of



proposed concessions by the DoE, I stated at the Inquiry that I could not make recommendations on concession sites unless there were conflicting or counter objections. However, I will comment further on this in section 12 of this report.

**RECOMMENDATION**

3.03.05 I recommend that no alteration be made to the Plan as a result of this objection.

3.04 

Objection relating to the Council's visioning process
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**Objection: No 275 (1.1)**

**THE OBJECTOR'S CASE**

- 3.04.01 The Borough Council objected that no commitment had been given to the integration of the Council's vision process 'Shaping Craigavon's Future' (SCF) which was supported by the DoE, DRD and DSD, with the CAP or to early review of the CAP following the outcome of the vision process. The process was in two stages and the first stage (ie the agreed Vision) would be completed in Autumn 2001. The second stage would be the development of an Integrated Borough Development Plan through the work of a number of Working Groups on particular topics, which would be completed within 2-3 years of May 2001. The visioning process was a fundamental element in the Borough's development over the next 25 years. The first stage Vision Plan would include themes such as economic development, services, environmental services, transportation, health, education and leisure. There were a sizeable number of people involved in the consultation process on this and the Craigavon Divisional Planning Manager was a member of the Steering Group.
- 3.04.02 Policies developed by the thematic Working Groups involved in the second stage of SCF which had a land use context should not be hampered by restrictive policies in CAP. The possible areas of conflict that might arise were some future infrastructural development or large project or development with regard to Lough Neagh. It was not enough for the Borough Council to be consulted on planning applications submitted in the future as this was a reactive approach and the Vision needed to be taken forward positively. It was in the interests of all parties that the maximum level of conformity and co-ordination between policies was achieved. This could only take place if the DoE agreed to review the CAP once the Working Groups had agreed their policies and progressed then into the framework of the Integrated Borough Development Strategy (IBDS). The Plan should incorporate a firm commitment to Review and, if necessary, formal modification or alteration immediately upon completion of the IBDS. The DoE's rebuttal appeared to support this. The Borough Council wanted a statement inserted into the Plan to the effect that: *'If the Shaping Craigavon's Future process leads to the identification of a new strategic objective, the Plan will be reviewed'*.

**DEPARTMENT'S CASE**

- 3.04.03 At Page 14 of DCAP reference was made to the Council's Visioning Process and it was stated that the Plan could form part of the process by setting the land use planning context for the Borough to 2010. The DoE welcomed and supported the Council's vision process and was confident that the aims and objectives of the Plan would not be inconsistent with the Vision Plan. There might be land use implications from the SCF, when completed, but the Area Plan was not the only mechanism for taking forward the Vision. The DoE would be reviewing housing elements of the Plan in 2005 and legislation also provided scope for the modification or alteration of the Plan if necessary. When the SCF was published the DOE could seek to amend the Plan on a particular issue if there was conflict with the Plan. There was also the Article 31 route for major planning applications which were in conflict with the Plan. The DoE could not give a commitment to undertake a complete review of the Plan as soon as the SCF was finalised. It was not appropriate to delay the process of drawing up a statutory development plan in anticipation of the SCF.
- 3.04.04 The DoE was prepared to insert a statement into the Plan along the following lines: *'The Department has been engaged in this process by reason of the fact that the*

*Divisional Planning Manager is a member of the SCF Steering Group. The outcome of the process will be taken into account in any review or modification of the Plan.'*

### **CONSIDERATION**

- 3.04.05 Very often there is a problem with the timing of various statutory and non-statutory planning documents which impact on an area. This is well illustrated by the publication of the finalised RDS during the course of the Inquiry and the anticipated publication of a number of regional PPSs. At the other end of the hierarchy of planning documents there are those, such as the Council's Vision Plan, which may have land use implications. I agree with the DoE that it would be inadvisable to delay the lengthy process of considering objections to DCAP and adopting the Plan pending the publication of all other relevant planning documents. In the real world of constantly evolving policy this co-ordination would be difficult to achieve at all levels.
- 3.04.06 What the Borough needs is the certainty which a statutory plan will bring to the future development of the area. Since the Divisional Planning Manager of DoE has been on the Steering Group for the Borough Council's visioning process I cannot imagine that there were any obvious discrepancies between the two documents (DCAP and the pending Vision Plan) at the time of the Inquiry. Indeed no-one from the Council gave any specific examples of aims or objectives of DCAP which conflicted with the draft Vision Plan which was due to be published shortly after the objection was heard at the Inquiry. The main concern appeared not to be so much with aims and objectives of DCAP but with the Thematic Working Groups when considering future policies and projects to be brought together to form the Integrated Borough Development Strategy being restricted in their thinking by the land use policies of the adopted CAP. I imagine that this might well prove to be the case but the Borough Council as well as other interest groups have had the opportunity to make their representations about specific policies in DCAP and have these objections considered by the PAC. I agree with the DoE's position that if some project is advanced through the vision process that is incompatible with the adopted plan, then it is not only possible for the DoE to modify or amend the Plan but it is also possible for the planning application for the proposed project to be considered under Article 31 of the Planning (NI) Order 1991. The fact that a proposal is contrary to the statutory area plan would not necessarily rule it out entirely as circumstances might dictate that more weight be given to another material consideration.
- 3.04.07 I take the view that the DoE's stance on this objection is reasonable. It is not necessary, in my view, for a commitment to be made to review the entirety of the Plan once the finalised Integrated Borough Development Strategy is published. That could lead to uncertainty in the Borough immediately CAP is published. Rather it is a matter for the DoE to consider whether some specific modification or alteration to the statutory plan is necessary in order to accommodate an important element of the Council's visioning process, when the latter is published. The DoE has made a commitment to consider whether a review of rural policy designations is necessary in the South Lough Neagh Wetlands Area once the Ramsar has been re-drawn (objection No 259) and I take the view that a similar commitment is reasonable in this case.

### **RECOMMENDATION**

- 3.04.08 I recommend that the following be inserted into the Plan at page 14: 'When the Integrated Borough Development Strategy is published the DoE will undertake to review the need to make an amendment to the Craigavon Area Plan in order to ensure there is no fundamental conflict between the two documents on a key issue. This review will be undertaken in consultation with interested parties, including the Borough Council.'

- 3.05 

Objection to the omission of policy spelling out the Department's approach to sustainable development in this area
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**Objection: No 204**

**DEPARTMENT'S CASE**

- 3.05.01 The DoE's approach to sustainable development was set out in PPS 1 – General Principles at paragraphs 11,12, and 13. The Plan had been prepared in this context and the Plan's aims, objectives and strategy reflected this. The Plan's objectives focused on sustainable patterns of development, maintenance of compact urban forms, the integration of land use and transport, the most efficient use of infrastructure, achievement of high quality design and protection of the man-made and natural environment, whilst facilitating the achievement of the Borough's economic potential.

**OBJECTOR'S CASE**

- 3.05.02 No further evidence was submitted.

**CONSIDERATION**

- 3.05.03 There is no definition of 'sustainable development' in the Plan and there is no cross-reference to paragraph 11 of PPS 1 for a definition. All tiers of planning policy/advice from the European Spatial Development Perspective, through the UK's Strategy on Sustainable Development and the DRSF (now the RDS) emphasise the importance of achieving sustainable development. In the RDS, for example, it is an objective underpinning housing, transportation and tourism policy and it provides the backcloth to policies to protect the natural and built environment.
- 3.05.04 Whilst DCAP's aims and objectives both refer to 'sustainable development' and some elements of the strategy for the UA and the strategy for the villages and smaller settlements refer to aspects of sustainable development (the accommodation of a larger share of residential development within the existing urban area to reduce greenfield extensions; to consolidate the existing pattern of development etc), I agree with the generality of the objector's argument that the Plan does not go far enough in terms of providing policy to encourage sustainable development over the Plan period.
- 3.05.05 Whilst the Plan's designation of the Green Belt, CPAs and sites of natural, historic and archaeological importance all contribute to sustainable development, there is, in my view, very little in the Plan to emphasise how the current regional policy commitment to sustainable development is to be realised at Borough level, other than the designation of some new LLPAs and ATCs. Policies such as Plan Policy Housing 2 – Housing Design and Layout and Plan Policy Housing 3 - Public Open Space within New housing Areas, are merely a reflection of regional policy contained in PPS 7 Quality Residential Environments and draft PPS 8 - Open Space, Sport and Recreation. In my view the over generous supply of land for housing and other uses (discussed later in sections 4 and 5); the definition of settlement limits encompassing a considerable hectareage of green fields on the periphery of settlements without an appraisal of existing urban capacity; the failure to promote the re-use of previously used land within the existing urban footprint; and the failure to promote higher density development within the existing urban footprint – all point to a lack of real commitment to sustainable development.
- 3.05.06 Even in the Transportation Section, apart from policies PPT 2 - Protection of Disused Rail Track Beds and PPT 3 – Central Craigavon Rail Halt, both of which relate to

safeguarding rather than implementation, policy fails to ensure the implementation of sustainable transport in line with current DRD policy. In reality there is little within the site development requirements for zoned housing sites which will ensure the provision of sustainable transport provision, with the exception of the reference to cycle path and footway provision in certain instances. (eg Housing Site P/H -18).

- 3.05.07 I consider that the aim of achieving sustainable development should permeate all policy in the Plan and, that a general section spelling out the Plan's approach to sustainable development would be helpful. In my view, the Plan's failure to fully commit to sustainable development is a significant weakness which I will return to in my consideration of other objections. Although the Plan is to be exempted from any statutory requirement to be in general conformity with the RDS, it is my opinion that it should better reflect current government policy to encourage sustainable development. I shall consider other objections in this context.

### **RECOMMENDATION**

- 3.05.08 I recommend that a section be inserted into the Plan to spell out the DoE's approach to 'sustainable development' in the particular circumstances of this Plan.

- 3.06
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| Objections relating to the need for policy to encourage development of previously used sites. |
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**Objection: Nos 204, 208**

### **DEPARTMENT'S CASE**

- 3.06.01 DRSF Policy SPG 6 was to build local communities for the future in existing urban areas. The strategy was to accommodate a larger share of residential development and job provision within urban areas to reduce greenfield extensions. PPS 1 at paragraph 12 stated that the Department would aim to give preference in the zoning of land to the development of brownfield sites within built-up areas, before considering the development of greenfield sites, provided that this created or maintained a good living environment and to encourage the use of already developed areas in the most efficient way, while making them more attractive places in which to live and work. Within this regional context Plan Policy Housing 4 was considered a positive policy to promote and facilitate the use of previously used sites.

### **OBJECTOR'S CASE**

- 3.06.02 There should be a policy encouraging the development of previously used sites in towns and country in the Plan. Plan Policy Housing 4 was consistent with national policy that sought to encourage development of brownfield sites. This policy should apply to the whole of the Plan area.

### **CONSIDERATION**

- 3.06.03 The DoE has a duty under Article 3 of the Planning (NI) Order 1991 to formulate and co-ordinate policy for securing the orderly and consistent development and the planning of that development and PPS 1 – General Principles explains that the content of the Planning Policy Statements issued by the Departments will be taken into account in preparing development plans. PPS 1 at paragraph 12 states, amongst other things, that the DoE will (a) give preference in the zoning of land to the development of brownfield sites within built-up areas, before considering the development of greenfield sites, provided that this creates or maintains a good living environment and (b) will

encourage the use of already developed areas in the most efficient way, whilst making them more attractive places in which to live and work. I do not consider that DCAP fulfils these aims. With regard to (a) this is the background context for making my recommendations about the way in which sites were chosen by the DoE for inclusion within the DCAP settlement limits and the issue of over-zoning development land in the Plan generally.

- 3.06.04 With regard to (b) in view of the increasing emphasis on the development of brownfield sites since PPS 1 was drafted (in both DRSF and RDS), I consider that the Plan should take a more positive approach to the development of brownfield sites. Plan Policy Housing 4 is not sufficient as it only relates to housing as a land use on previously developed land and I consider that any policy promoting re-use of brownfield sites should encompass all relevant land uses such as industry, leisure and commerce. In addition, whilst the text of Plan Policy Housing 4 refers to 'encouragement of housing developments at these locations', I don't find any reference to this 'encouragement' in the headnote. Indeed, it reads as a somewhat negative approach because of the list of criteria that have to be met. I consider that policy in the Plan should be re-written to properly reflect the aims of PPS 1 and other current regional policy promoting brownfield development rather than greenfield development. .

#### **RECOMMENDATION**

- 3.06.05 I recommend that the DoE considers ways of placing more emphasis in the Plan on policy to give preference to the development of brownfield sites particularly given my comments on sustainable development in section 3.05 above.

- 3.07 

Objection to the omission of policy spelling out the Department's approach to development on 'white land'
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**Objection: No 204**

**DEPARTMENT'S CASE**

- 3.07.01 Land was zoned for development purposes in the Plan and relevant site development criteria applied in order to plan positively for the Borough, give certainty to developers and promote high quality design. Where land was not zoned for a specific use the provisions of Plan Policy Settlement 1 also applied to it. Within villages and smaller settlements land was not normally zoned for specific uses as stated in PSRNI Strategic Policy SP3 - Villages. The Plan policies, as they applied to each settlement, were set out within the Villages and Smaller Settlements section of the Plan. Additional information on infrastructural requirements was set out in the Countryside Assessment, cross-referenced from the Plan.

**OBJECTOR'S CASE**

- 3.07.02 No further evidence submitted.

**CONSIDERATION**

- 3.07.03 The DoE has explained the position in relation to white land within the villages and smaller settlements but not white land within the UA. There is no reference at all to the term 'white land' in Plan Policy Settlement 1. There is a considerable amount of white land within the UA and it is a term frequently used throughout the Inquiry and generally by the planning professions. In my view there should be some definition in the Plan of what it means.

**RECOMMENDATION**

- 3.07.04 I recommend that the DoE inserts into the Plan some explanation of what is meant by 'white land'. This could either be inserted into Plan Policy Settlement 1 or inserted before that policy on page 15. If the latter I recommend the following wording:

'Within the limits of development of the Urban Area land is normally either developed or zoned for a particular use. There remains, however, some land which is neither developed nor zoned for a particular use and this is generally known as 'white land'. Plan Policy Settlement 1 applies to both zoned land and white land in the Urban Area. On some of this white land there are physical or environmental constraints to development and development will only be permitted if constraints can be overcome and the proposed development is acceptable in planning terms. Within the limits of development of villages and smaller settlements land is not normally zoned for any particular uses and is all termed 'white land'. Plan Policy Settlement 1 also applies to it.

3.08

Objection to the references in the Plan - PPS 1, PPH3, PPI1, PPC 1 and PPR 1.

**Objection: No 206**

**OBJECTOR'S CASE**

3.08.01 References in the Plan to Policies PPS 1- Settlement Limits, PPH3 – Public Open Space within Housing Areas, PPI1- Existing and Proposed Industrial Land, PPC1- Community Uses and text with PPR1- Local Shops within Housing Zonings all related to regional guidance. This was unsatisfactory for the following reasons:

- Regional guidance would always be a material consideration when it emerged and so the references were redundant;
- None of the references related to any adopted regional document and were impossible to understand in its absence;
- The movement to a European approach to adoption might well make the current ways regional guidance was prepared unlawful. It could be a considerable time before relevant policies were promulgated. The Plan should consider its position in the intervening period;
- Area Plans should be capable of being understood on their own and should explain how regional policy would be applied in their areas. These policies manifestly failed to do this.

**DEPARTMENT'S CASE**

3.08.02 With regard to the bullet points above:

- Regional guidance would always be a material consideration where applicable to a planning application but for clarity of use for the reader of the Plan it was prudent to cross-reference to relevant regional guidance as the reader might not be aware of its applicability in any particular case.
- The regional planning context for the Plan was set out on pages 10-12 and where this was in draft form at the time the Plan was being prepared, this was stated. The section also drew attention to the fact that regional guidance might be reviewed and advised the reader to contact the Divisional Planning Office for advice. Whilst regional planning policy did not go through the same statutory adoption procedure as development plans, it was subject to public consultation in draft form before the issue of the final document.
- DCAP had been prepared within the then current legislative and regional planning context. The third bullet point of the objection was not a matter that could be addressed by the Area Plan.
- The regional planning context was set out at pages 10-12 of the Plan and the Plan's sections and policies cross-referenced to these. As regional policy was a material consideration it was prudent to adopt this approach.

**CONSIDERATION**

3.08.03 I note that the DoE in its rebuttal refers to Policy ROS 1 but this is not mentioned in the objection and I cannot therefore consider it. Taking each bullet point in turn:

- Whilst it is obvious to all professional planners that regional policy is always a material consideration in dealing with planning applications, I agree with the



DoE that it is helpful for the reader to be made aware of the fact that a planning application would have to be considered in the context of regional policy that was current at the time, in addition to the Plan's policies. I do not, however, consider that there is any advantage to be gained from repeating the thrust of these documents in the Plan. It is never going to be possible for a plan to give a complete picture of relevant policy for every planning situation, even in summary form, given that regional policy is spread across a number of documents. It would make the Plan unwieldy and unreadable if all regional planning policies were repeated in full throughout the Plan.

- Although regional policy is not formally adopted after going through the same statutory consultation procedure as development plans, the courts have held the final published version of regional policy to be of significant weight in terms of the overall policy hierarchy. Pages 10-12 of the Plan summarise the regional policy context of DCAP. At the time the final adopted plan is published this list should be brought up to date. The paragraph in bold in DCAP on page 12 flags up the fact that regional policy is evolving and advises how the reader can ensure that he/she is informed of the latest regional guidance. I consider that this is clearly written although a larger type could emphasise its importance. To make Plan Policies PPS 1, PPH 3, PPI 1, PPC 1 and PPR1 clearer it would, in my opinion, be helpful to refer to the specific regional policy most applicable to that particular plan policy. Because there are a number of regional policy documents that would potentially be relevant it would be advisable to state something like 'in accordance with regional policy which is outlined generally on pages 10-12 of the Plan, particularly PPS 'X' which is referred to in Appendix 2 of the Plan at page 196'. Anything more detailed than that in each plan policy would add unnecessary verbiage.
- There is no evidence before me to the effect that the current way regional policy is prepared is unlawful. If this were found by the courts to be the case during the lifetime of the Plan, it would be possible to amend the Plan to take this into account.
- The Area Plan flags up what other material considerations will be taken into account in determining planning applications. It does therefore need to be read in conjunction with other policy documents. I have already stated that there is no advantage in repeating regional policy throughout the Plan but I make an exception for situations where regional policy will be applied differently in the Plan area from the rest of the Province or there is an additional element to the generality of regional policy. An example of this in the Plan is Plan Policy PPR 1 which is additional to policy contained in PPS 5: Retailing and Town Centres.

### **RECOMMENDATION**

- 3.08.04 I recommend that Plan Policies PPS 1, PPH 3, PPI 1, PPC 1 refers to the specific regional policy most applicable to that particular plan policy as well as general regional policy set out at Pages 10-12 of the Plan. The Plan should make it clear that the reader needs to consult the Planning Service about the most up-to date version of any regional policy specifically referred to in the Plan as regional policy will change over the Plan period.

3.09

Objection to the use of the word normally on page 9 of the Plan

**Objection: No 209**

### **DEPARTMENT'S CASE**

- 3.09.01 The following policies of the Plan used the term 'normally' : PPS2, PPH1, PPH 2, PPH 3, PPR 1, PPC 1, PPC3, PPC 5, L/TC 4, P/TC 5, L/TC 1, P/TC 1 and general policy for single dwellings and housing for villages and smaller settlements. The statement at the last paragraph of Page 9 of the Plan was intended to clarify the use of the word within the Plan policies. Within these policies either specific criteria were established or exceptional circumstances set out. In addition Article 25 of the Planning (NI) Order 1991 provided flexibility on the application of planning policy.

### **OBJECTOR'S CASE**

- 3.09.02 The paragraph at page 9 pf the Plan should make it clear that all policies would be applied flexibly in the circumstances set out in it.

### **CONSIDERATION**

- 3.09.03 As the Plan is to be read and understood by the layman I agree with the objector that it would clarify matters if, after explaining the term 'normally' used in relation to some of the Plan policies , the DoE went on to clarify that even where this term is not used in a particular policy this does not rule out a flexible approach where particular circumstances justify this. I do not consider that the last two paragraphs on page 9 makes this clear.

### **RECOMMENDATION**

- 3.09.04 I recommend that the section Plan Policy and Proposals at page 9 of the Plan be amended to make it clear that this does not rule out an exception being made to any policy, where particular circumstances justify it.

- 3.10 

Objection relating to Plan Policy Housing 2
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### **Objection: No 205**

### **CONCESSION**

### **DEPARTMENT'S CASE**

- 3.10.01 The DoE would respond favourably to a recommendation by the PAC that Plan Policy Housing 2 – Housing Design and Layout be withdrawn from the Plan. The policy would be replaced by a general statement which would make reference to the provisions of Planning Policy Statement 7 Quality Residential Developments (June 2001) being applicable to the Plan area. This would be consistent with the approach taken in the Plan to other regional policies. Reference to Plan Policy Housing 2 in the site development requirements would also be replaced by reference to PPS 7.

### **OBJECTOR'S CASE**

- 3.10.02 The DoE must accept a planning application without a Concept Design Statement (CDS) and there could be no such mandatory requirement for a CDS in the Plan. Under the provisions of the General Development Order (GDO) the DoE was entitled to ask for any additional information required for processing an application and it could not fetter its discretion in that respect. By doing things in that sequence ie an outline planning application without a CDS and then requesting more information under the GDO, it preserved the applicant's right to appeal to a request for additional information.

### **CONSIDERATION**

- 3.10.03 I recommend that on the foot of this concession the DoE removes from the Plan all references to Plan Policy Housing 2 in other sections.

### **RECOMMENDATION**

- 3.10.04 This concession is noted.

- 3.11 

Objections relating to open space provision.
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### **Objection: Nos 275 (9.1), 266**

### **DEPARTMENT'S CASE**

- 3.11.01 The Plan included policies to address open space provision within residential areas – Plan Policy 2 Housing Design and Layout and Plan Policy Housing 3 –Public Open Space within New Housing Areas.
- 3.11.02 It was understood that the Council's objection relating to town centre open space related to the design and layout of the public realm. Plan Policy Settlement 1 set out design requirements for all developments whilst town centre opportunity sites had more specific criteria. The DoE submitted revised site development requirements for town centre opportunity sites in response to this objection.

### **OBJECTORS' CASE**

- 3.11.03 The Borough Council was not satisfied that the Plan made adequate provision for open space, recreation and play areas within future housing developments and on town centre opportunity sites. Of the ten opportunity sites throughout the UA only two (P2 and P3) made any reference to the provision of amenity open space and this reference was only fleeting. The Plan should be amended to ensure that satisfactory open space /amenity space was a requirement of all the opportunity sites.
- 3.11.04 Objector No 266 considered that there was a lack of commitment to deliver on green areas/amenity areas in future private residential areas.

### **CONSIDERATION**

- 3.11.05 This objection, being broadly based, opens up the issue of how the Plan deals with the provision of open space within new housing areas. As I have already concluded in relation to Objection 206, the Plan should cross reference to applicable regional policy but does not need to repeat regional policy in full. Any departures from regional policy should be set out clearly. Although the objectors stated that they were not satisfied that the Plan made adequate provision for open space, recreation and play areas within future housing developments they did not put forward any specific suggestions about how the Plan should depart from regional policy on these issues.
- 3.11.06 I therefore consider that, in line with the concession to objection No 205 above, Plan Policy Housing 3 should be replaced by a general statement which should make reference to the provisions of PPS 7 Quality Residential Developments (June 2001) and PPS 8 Open Space, Sport and Recreation (still in draft at the time of writing) being applicable to the Plan area. Reference might also be made to Creating Places (DoE/DRD) although it should be stressed that this is guidance. Reference to Plan

Policy Housing 3 in the site development requirements would also have to be replaced by reference to PPS 7 and PPS 8.

- 3.11.07 Paragraph 11 of draft PPS 8 refers to the future planning of open space provision through survey and analysis. It refers, amongst other things, to the role of pedestrian routes and linear open spaces in linking larger spaces and the function of open spaces in defining urban structure and providing a setting for buildings. In view of this it is important for the DoE to ensure appropriate open space/amenity space provision within town centre opportunity sites through the site development requirements set out in the Plan for each opportunity site. Whilst the DoE's proposed amendments to the site development requirements for opportunity sites P2 and P3 refer to the retention, enhancement or creation of urban spaces, I am not convinced by the evidence that the DoE has considered the need for such spaces in all the other opportunity sites. It may be that not all of the opportunity sites lend themselves to the provision of any urban spaces because of their special characteristics and I do not therefore consider a general reference in the Plan to urban space provision for all the opportunity sites to be appropriate. I conclude below at paragraph 4.05.06 that design guidance should be prepared for the town centre opportunity sites in the Plan. Consultation with the Borough Council on this guidance should ensure adequate provision for the public realm open space which the BC considers necessary.

#### **RECOMMENDATION**

- 3.11.08 I recommend that:

- (a) Plan Policy Housing 3 be replaced by a section containing references to PPS 7 and PPS 8 policy (or any policies that amend or supersede these policies) as discussed above and that reference to Plan Policy Housing 2 in the site development requirements for the zoned housing sites be replaced with reference to PPS 7 and PPS 8 (or any policies that amend or supersede these policies); and
- (b) The DoE appraises the need to make specific reference to the creation or protection of urban spaces in the site development requirements for each town centre opportunity site in the Plan.

- 3.12
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| Objection to (a) the failure to deal with Travellers' accommodation needs through the area plan (b) failure to undertake an Equality Impact Assessment to ascertain whether Travellers were being unduly disadvantaged and (c) possible breach of Human Rights Act 1998 (d) Objection that a permanent Travellers site has not been identified. |
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#### **Objection: No 114, Nos. 245(c) and 275**

#### **DEPARTMENT'S CASE**

- 3.12.01 Policies SPG 5 of the DRSF and HOU 4 of the PRSNI recognised the distinctive needs of the Travellers. This need was also recognised in DCAP (page 19) but it was considered that it would not be appropriate or necessary to include in the Plan any criteria for the identification of Travellers' sites as this was best considered on a regional basis rather than through individual area plans. Decisions had been issued on both of the planning applications in the Borough for Travellers' sites which were mentioned at page 19 of DCAP. The application at Moyraverty Road, Central Craigavon (Brownlow area) had been refused planning permission and the application at Monbrieff Road, Central Craigavon (Brownlow area) had been approved.

- 3.12.02 Criteria for the selection of sites for the accommodation of Travellers throughout Northern Ireland was necessary and should be developed on a regional basis, after consultation with interested parties throughout Northern Ireland. It had been explained at the Public Inquiries into two Travellers' site proposals that the DoE considered that the housing needs of Travellers should be dealt with by a Planning Policy Statement on Housing. In paragraph 9.34 of the Commissioner's report on these inquiries it was stated the '*the preferred approach of dealing with the issue of Travellers' needs through a PPS rather than an area plan is a matter for the Department*' and the PAC did not dissent from this view. Current policy was regional ie Policy HOU 4 of PSRNI and in paragraph 9.19 the Commissioner stated that there was at very least ambiguity in policy with regard to the acceptability of Travellers' sites in the Green Belt. This supported the DoE's view that guidance should be regional. Pending publication of the PPS on Housing the search for future sites in the Borough should be undertaken by means of the submission of planning applications. It was clear from the Public Inquiries that there were sites in public ownership which could be the subject of such planning applications. The Department agreed with the presiding Commissioner at the Public Inquiries that there was a need for more than one Travellers' site in Craigavon. The blocking of existing roads was not a matter for consideration in the Plan.
- 3.12.03 DCAP was published prior to the approval of the DoE's Equality Scheme (February 2001) and there was thus no requirement for an Equality Impact Assessment. However, the precursor of the latter were Policy Appraisal and Fair Treatment (PAFT) requirements and DCAP was subject in all its provisions to those requirements. The absence of criteria for the identification of sites for Travellers accommodation is not in breach of the Travelling Community's human rights.

#### **OBJECTOR'S CASE**

- 3.12.04 The adopted area plan should contain criteria to aid the selection process for future Travellers' sites. These criteria should be clear and objective and drafted after extensive consultation with other government departments and interested parties such as the Craigavon Travellers' Support Committee (CTSC). One outcome from a recent Public Inquiry held in relation to the two planning applications for Travellers' sites in Craigavon was that there was a need for government departments to better co-ordinate their policies relating to Travellers to avoid the unnecessarily complicated and disheartening process enduring so long. CTSC was concerned that the forthcoming PPS on Housing would not deal with the issue satisfactorily and that this would maintain the vague and unco-ordinated approach to dealing with the needs of Travellers. Any policy at a regional level should be translated to the local level through the area plan.
- 3.12.05 It would be useful if the DoE assessed the policies contained in DCAP against the DoE's draft Equality Scheme to ascertain whether Travellers were being unduly disadvantaged. As there was no guidance in PPS 1 on the matter, DoE should endorse guidance in PPG 12 – Development Plans that 'local planning authorities, in preparing development plans should consider the relationship of planning policies and proposals to social needs and problems, including their likely impact on different groups in the population such as ethnic minorities, religious groups, elderly and disabled people, women, single parent families, students and disadvantaged people in deprived areas. They should also consider the extent to which they can address issues of social exclusion through land use planning policies'. By not fully accepting its responsibility to deal with Travellers' accommodation needs through the Area Plan process the Planning Service could be in contravention of the Human Rights Act 1998.
- 3.12.06 Central 2000 considered that the controversy that surrounded the location of Travellers' sites in Craigavon could have easily been avoided if the Department had used the opportunity of the Plan to address this contentious issue to the satisfaction of the Settled and Traveller communities as well as future housing developers. No

progress had been made in implementing the planning permission for a Travellers site at Monbrief. The Department needed to deal with situations where tolerated halting sites were located at the entrance to access roads in the Brownlow area.

### **CONSIDERATION**

- 3.12.07 I agree with the DoE that the criteria for the approval of Travellers' sites should be considered on a regional basis and not just in isolation at Borough level. Draft PPS12 Housing in Settlements (November 2002) proposes criteria which would have to be met in order for planning permission to be granted for new accommodation for Travellers but this PPS was not available at the time of the Inquiry and has not yet gone through the consultation process. All the parties to this objection have an opportunity to make their views on this PPS known and the relevant policy may well be substantially altered when the PPS is published in its final form. In my opinion there would have been no advantage to anyone if the DoE had attempted to draw up a separate list of criteria in DCAP appropriate only to the Borough, in advance of the publication of PPS 12. Indeed, none of the parties advanced any list of appropriate criteria for consideration at the Inquiry and I am not therefore in any position to recommend a policy specific to the Plan.
- 3.12.08 I have already concluded that the Plan only needs to cross-reference to appropriate regional policy and does not need to repeat it in full. The only need for further explanation or further policy in the Plan on an issue is where the regional policy is going to be applied differently in the Borough from the rest of Northern Ireland. I was not presented with any evidence to convince me that the Borough requires different treatment from other parts of Northern Ireland in relation to selection of Travellers' sites. If it comes to light before the Plan is adopted that the Borough requires some additional policy or amended policy in relation to Travellers' sites from that contained in PPS 12, then it would be possible to make a subsequent amendment to the Plan. That would have to be the subject of further consultation.
- 3.12.09 There was no dispute relating to the statement in DCAP that the Borough is one of the main areas in Northern Ireland where Travellers are found and it is clear from the DoE's evidence that the search for further sites can be undertaken in advance of publication of the final version of PPS 12 and that land in public ownership identified during the public inquiries into the Monbrief Road and Moyraverty Road applications for Travellers' sites could be the subject of planning applications. I do not therefore consider that the Travelling Community has been disadvantaged by the way DCAP has dealt with the accommodation needs of Travellers and I do not consider that the way the DoE has approached the issue of Travellers' accommodation in the Plan is in contravention of the Human Rights Act 1998. As DCAP has been subject to the requirements of Policy Appraisal and Fair Treatment (PAFT), I do not consider it necessary for it to be re-evaluated against the provisions of the DoE Equality Scheme to ascertain whether Travellers are being unduly disadvantaged.
- 3.12.10 I agree with the DoE that an Area Plan is not the appropriate context for considering an issue such as the blocking of roads.

### **RECOMMENDATION**

- 3.12.11 I recommend that the DoE up-dates the Plan by cross referencing to the draft regional guidance on the issue of Travellers' accommodation and the approval of the site at Monbrief Road, Craigavon. I do not consider it necessary for the Plan to include criteria specific to the Borough to aid the selection process for future Travellers' sites but this is a matter which the DoE should keep under review in consultation with all interested parties. .



**SECTION 4**  
**OBJECTIONS RELATING TO**  
**RETAILING AND TOWN CENTRES**



4.01 **PROPOSED CONCESSIONS**

4.01.01 Inadequate protection of the setting of Brownlow House in the identification of Opportunity Site L2 Lurgan.

**Objection: No 275 (13.1)**

**DEPARTMENT'S CASE**

The DoE offered the concession that the following be added to the site development requirements of L2 : 'no building will be permitted beyond the alignment of Brownlow House; any development will be expected to incorporate a variety of detailing into its roofing to complement the prevailing roofscape of Brownlow House and the views of both St Peter's Church and Christ Church as seen from Castle Lane; the cornice level of any development will not exceed two domestic storeys in height; landscaping will be required to mitigate the effect of any development on the adjacent LLPA and residential properties on Wellington Street; external finishes and detailing on any building /development within the site will be required to make use of sympathetic building materials and techniques which respect those of Brownlow House and the buildings on Wellington Street'.

4.01.02 The development requirements of Opportunity Site P2 did not reflect the importance of its riverside setting

**Objection No: 275 (15.14)**

**DEPARTMENT'S CASE**

The DoE offered the concession that the following be added to the site development requirements of P2: 'any development will be required to retain, enhance or create urban spaces, views, landmarks, and other townscape features which make a material contribution to the character of the area or reveal such features to public view'.

4.01.03 Opportunity Site P3 did not extend to include the river frontage and its development requirements did not adequately reflect the importance of its riverside setting.

**Objection No: 275 (15:15)**

**DEPARTMENT'S CASE**

The DoE offered the concession that the site be extended to include the waterfront and have the following additional site development requirements: 'no development will be permitted that will compromise or interfere with the existing public enjoyment of and access to the river frontage; any development will be required to retain, enhance or create urban spaces, views, landmarks and other townscape features which make a material contribution to the character of the area or reveal such features to public view'.

## **CONSIDERATION**

4.01.04 These concessions are noted but in addition it is my view that the site development requirements for opportunity sites P2 and P3 should (a) seek to maximize design quality and accessibility to the river and (b) clarify the requirement that any development must front onto the river.

4.02 

Objection relating to failure to incorporate Planning Policy Statement 5 policy into the Plan.
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**Objection Nos: 275, 223, 222**

## **DEPARTMENT'S CASE**

4.02.01 The objection that the criteria set out in Planning Policy Statement 5 'Retailing and Town Centres' (PPS 5) at Paragraph 57 should be repeated in the plan was not accepted. PPS 5 Paragraph 3 stated that the contents of the PPS **may** also be material to decisions on individual planning applications and appeals. DCAP at Page 30 stated that the regional planning policies for retailing and town centres were set out in PPS 5. It was not necessary or appropriate to re-state regional policy in a development plan.

## **OBJECTORS' CASE**

4.02.02 In the plan-led system that the DoE was aspiring to, the principal document for consideration of issues relating to retailing, services and offices would be the area plan. To include relevant policies in the Plan was not a duplication of PSRNI or any PPSs but a reinforcement of the DoE's position, giving the public, private investors, interests groups and the Borough Council more certainty. It would be a statement of what regional policy meant in the specific local circumstances and give certainty to interested parties about what development would or would not be allowed. PSRNI required interpretation of regional guidance and policies at the local level. An example of the type of policy that CAP could include was one relating to non-retail uses in the town centre.

4.02.03 Either a general retail policy, cross referenced to individual policies, should be included in the plan or detailed policy should be incorporated into each individual policy where retailing was an acceptable land use, particularly those relating to the identified opportunity sites.

## **CONSIDERATION**

4.02.04 It would, in my view, undermine the purpose of region-wide policy for every area plan to have its own variations of Planning Policy Statements unless absolutely necessary and would lead to uncertainty in operating the development control system. I do not agree with the objectors that it would create more certainty. Retail policy is set out in PPS 5 and these principles are applicable to the Craigavon Area Plan. PPS 5 states that it takes precedence over existing development plans in relation to retail policy and policies for town, district and local centres. At Paragraph 9 it states that future development plans will take account of and be consistent with the policies contained in it. I regard this as meaning that development plans should not depart in principle from regional policies but that these policies can be fleshed out to meet specific local characteristics. Paragraph 11 of PPS 5 states that development plans will identify policies for retailing in a specific area and may indicate where new retail development is to be focused and existing provision is to be enhanced. I take this to mean that

policies for retailing in a specific area will be identified through cross-referencing to PPS 5 or spelt out if they differ from the generality of PPS 5 policies. An example of this is Plan Policy Retailing 1 in DCAP, which refers to local convenience shops on zoned housing land, although it differs from the wording of PPS 5 on 'local shops' at Paragraph 52. Reference at Page 30 of DCAP is sufficient to alert the reader to the importance of PPS 5, although the adopted Plan should obviously refer to the most up-to-date version of PPS 5. It would be confusing if some PPS 5 policies were repeated in the Plan and not others. I do not consider it necessary to repeat Paragraph 57 of PPS 5 in CAP. Repeating PPS 5 policies would also have the effect of lengthening the plan, whereas, in my view, area plans should be kept as concise as possible.

### **RECOMMENDATION**

4.02.05 I recommend that there should be no change to the Plan as a result of this objection.

4.03 

Objection relating to the terminology of Primary Retail Core and Major Retail Development Core used in the plan
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**Objection: Nos 223, 214, 222**

### **DEPARTMENT'S CASE**

4.03.01 It was accepted that the terminology used in DCAP ie Major Retail Development Core (MRDC) and Primary Retail Core (PRC) might be confusing. The DoE was not conceding the objection but suggested an alternative wording for consideration:

- ◆ Replace 'Major Retail Development Core' with 'Primary Retail Core'. This would be consistent with paragraph 40 of PPS 5 as the designation was the preferred location for major retail development within Portadown Town Centre in DCAP.
- ◆ Replace 'Primary Retail Core' with 'Retail Frontage Policy Area' (RFPA) and refer to Paragraph 23 of PPS 5 to explicitly link the relevant policy and the purpose of policy.

### **OBJECTORS' CASE**

4.03.02 MRDCs had no policy basis in PPS 5 and the difference between the MRDC boundary and the TC boundary in Portadown was unclear, especially as regards what uses would be acceptable within each and between the boundaries. For instance, Plan Policy P/TC 1 allowed for 'appropriate development proposals' within the TC boundary which with reference to PPS 5 would include major retail developments and Plan Policy P/TC 2 stated that the MRDC core was 'the preferred location for major retail developments'. For the purpose of clarity and consistency, the MRDC should be removed.

4.03.03 The purpose of a PRC was not merely to restrict non-retail uses as referred to in DCAP which was a narrow interpretation. It was sensible that each town centre should have a PRC where the concentration of primary retail uses within the town centre was. This was fully consistent with PPS 5 which sought to direct comparison shopping to a PRC. PPS 5 seemed to encourage the DoE to designate PRCs.

### **CONSIDERATION**

4.03.04 Most objectors considered the DoE's suggested terminology had merit although several reserved their position. PPS 5 is confusing in relation to PRCs. Paragraphs 23, 25 and 27 use the term PRC when the reference is clearly to a retail frontage policy and paragraphs 40, 57 and 61 use the term PRC when the

policy aim is clearly to keep the core of the town centre as the main focus for mixed use/comparison retailing and keep vacancies to a minimum so that vitality and viability is maintained. I consider that the amendment from PRC in CAP to Retail Frontage Policy Area (RFPA) is sensible and should be clearly cross referenced to Paragraphs 23, 25 and 27 of PPS 5 to avoid confusion. It follows that the amendment of MRDC in CAP to PRC makes sense in terms of the rest of PPS 5 ie Paragraph 40, 57 and 61. The main significance of the PRC in PPS 5 is in relation to applications for major comparison and mixed retailing outside the PRC but inside the TC. These will only be permitted according to Paragraph 40 of PPS 5 if the DoE is satisfied that suitable PRC sites are not available and where the development satisfies all the criteria set out in Paragraph 39. According to PPS 5 it is not essential for all TCs to have a defined PRC and this is a matter I shall consider later in this section.

### **RECOMMENDATION**

- 4.03.05 I recommend that the DoE amends the terminology in the plan as suggested in its evidence to replace 'Major Retail Development Core' with 'Primary Retail Core' (PRC\*) and replace 'Primary Retail Core' with 'Retail Frontage Policy Area' (RFPA).

**Note:** I will report the rest of the evidence and my recommendations in this section on this basis ie using the term PRC\* to indicate the revised terminology (instead of MRDC) and using the term RFPA. I will report in this way for the sake of clarity as both objectors and counter objectors used a confusing mixture of terms in their evidence.

- 4.04 

Objections referring to the areal definition of Town Centres, Primary Retail Cores and Retail Frontage Policy Areas in the Borough
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**Objection: Nos 210, 275**

**Counter Objection: Nos 26,40**

### **DEPARTMENT'S CASE**

- 4.04.01 In the Craigavon New Town Plan 1966 (non-statutory) an extensive area had been identified as Craigavon City Centre, a town centre was identified for Portadown west of the R Bann and a town centre was identified for Lurgan. The non-statutory Craigavon Urban Area Plan 1983 (revised 1985) identified Craigavon Town Centre as the area between the lakes and Highfield Road and the northern section of land to the west of Highfield Road. Town centres for Portadown and Lurgan were not identified. The consultants Tibbalds, Colbourne, Karski, Williams and Monroe had produced three reports for the DoE in the early 1990s, namely the Central Area Development Study (1990), the Lurgan Town Centre Study (1992) and the Portadown Town Centre Study (1992). These were non-statutory but informed decision making on planning applications. In CAPPP, boundaries were identified for town centres in Central Craigavon, Lurgan and Portadown and these were amended for DCAP.
- 4.04.02 Policy guidance for town centres was largely contained in PPS 5 paragraphs 5-7 and 9-30, DRSF Policy SPG 15, The Northern Ireland Transport Policy Statement – Moving Forward paragraph 3.3, and PSRNI Policy IC 16. There was a balance to be achieved in the development of the three separate but inter-related towns and town centres, which represented a unique situation in Northern Ireland. DCAP recognised and built upon the centralisation of retail development which had occurred in the three towns whilst providing opportunities for new development. The Plan was consistent in its town centre designations for each of the three towns.

4.04.03 Factors which were important in defining town centres were:

- 1 Planning background
- 2 Planning commitments
- 3 Accessibility for walking, cycling, public transport and car
- 4 Accessibility to all sections of the community
- 5 Defensible boundaries
- 6 Mix of uses
- 7 Provision of opportunities for new development and investment
- 8 Ability of an area to support new retail or other town centre uses
- 9 The function of the centre
- 10 Results of public consultation
- 11 Views of stakeholders
- 12 Views of the Borough Council
- 13 Views of town centre management bodies
- 14 Physical regeneration objectives
- 15 Sustainable development objectives
- 16 Enhancement of the amenity of the centre
- 17 Protection of townscape character

4.04.04 The designations and policies of DCAP had been formulated to maximise the policy objectives of PPS 5 and were consistent with them. They were also consistent with the DRSF's identified role and function of the Craigavon UA and with the potential of the Borough as demonstrated by the housing and industrial zonings. The DRSF identified Craigavon (meaning the Craigavon UA) as a Regional Town and Major Service Centre with a high growth potential reflecting its role as the major service centre in Mid-Ulster, the second largest industrial centre in the Region with a strategic location on the key transportation corridors. As a 'Regional Town' in DRSF it was identified as having a reinforced role as a main service centre. It served a wide catchment area and had the capacity to accommodate and provide a wide range of services for larger scale population and housing growth including mobile demand.

4.04.05 The criteria for defining a Town Centre (TC) as defined in PPS 5 were set out in Paragraph 4.04.03 above and were all important. In a particular town one factor might be given more importance than another. TCs should be of an appropriate size so that the purpose of PPS 5 to protect the TCs vitality and viability would not be undermined, but they should also be big enough to prevent pressure building up for out-of-town retail development. CAP had a limited lifespan and the DoE could not afford to get the size of the TCs wrong.

4.04.06 The DoE had consulted with the Borough Council on the size of the TCs but had made its own assessment in the end. The DoE had not estimated the market demand for land for retail development within the defined TCs in DCAP or consulted the Valuation and Lands Agency (VLA). There was a role for assessing retailer demand in the Health Checks prescribed in PPS 5 at Paragraph 18, although this was not compulsory and had not been done for CAP as PPS 5 did not say it was essential.

4.04.07 PPS 5 had intended a hierarchal approach to Town Centre locations for major retail developments. There was the PRC\* as referred to in Paragraph 40 first sentence, the rest of the TC, edge of TC and then out-of-town centre locations. Within the PRC\* planning permission would be granted for any type of retail development. Between the PRC\* and the TC boundaries food and bulky goods retailing would be acceptable in principle.

4.04.08 The DoE had intended that the descriptions in DCAP of what would be suitable on opportunity sites was a form of 'zoning' ie retailing would not be acceptable within an

opportunity site if it were not mentioned in the description, but it was accepted that future development plans had to be consistent with PPS 5 and PPS 5 policies meant that foodstores could be located within TC opportunity sites regardless of what the description of an opportunity site was in the plan. A decision in Derry on 25 February 1997 (C/018/1995) meant that foodstores outside PRC\*s but inside TCs did not have to fulfil the paragraph 39 policy tests and the DoE would find it difficult to refuse a foodstore on any of the opportunity sites within DCAP TCs.

#### **COUNTER OBJECTORS' CASE**

- 4.04.09 One counter objector considered the retail capacity studies of limited use as the Plan was not a statistically based plan. With very high over-zoning of housing land it was unclear what the 2010 population would be. In that situation it was important to delineate generous TC boundaries which would give the flexibility to respond to changing requirements. If there was no retail demand then developers would not build shops.
- 4.04.10 Another counter objector considered that if a town had too restrictive a TC boundary then it could not accommodate the fundamental changes in retailing that might happen over the next decade. The maintenance of an innovative retailing sector was an objective of PPS 5. Town centres depended on a mix of attractive leisure and entertainment facilities and a range of quality community services, as well as retailing.

#### **OBJECTORS' CASE**

- 4.04.11 There were a number of reasons for delineating a TC set out in PPS 5 in paragraphs 14, 20, 22 and 24. TCs included a range and mix of uses and this contributed to their vitality and viability, but retailing was undisputedly top of the hierarchy of uses. All the indicators set out for a Health Check in PPS 5 should be taken account of, even if the way the policy was worded did not make an assessment of retailer demand mandatory. Compact and logical TC boundaries were essential to ensure that retail developments on large opportunity sites were not supported in principle by the DoE, thereby encouraging major retail development in inappropriate off-centre locations, eroding the traditional function of the TC and severely damaging its vitality and viability. If a site were outside the TC boundary, it did not prevent its future development for retailing, it just meant that applicants for planning permission had to go through an exercise showing that existing TC opportunities had been considered and the proposal passed the tests of PPS 5. This was not overly precautionary or a 'planning by appeal' approach, as a logical TC boundary allowed for some growth over the plan period.
- 4.04.12 The size of the DCAP TC boundaries failed to meet the objectives of PPS 5 and also included extensive areas of land unrelated to the function of the town centres. DCAP failed to recognise both the established retail hierarchy in the Craigavon UA and the importance of defining town centre boundaries which would sustain and enhance the vitality and viability of the centres. Of fundamental importance was the logical definition of compact TC boundaries which reflected the typical mix of uses traditionally associated with TCs and which provided the opportunity to protect and enhance the overall viability of the centres whilst ensuring that adequate opportunities existed for new retail investment. The interdependent mix and diversity of uses referred to in PPS 5 were a key to the continued vitality and viability of TCs. Extending the TC boundaries to include extensive areas unrelated to the interdependent mix of uses normally associated with a TC would clearly undermine the overall role and function of the TC, by providing opportunities for major new retail development which would weaken the overall structure not only of the PRC\* but also of the TC as a whole. It was necessary to take a precautionary approach in defining TCs.

- 4.04.13 It was not the purpose of the planning system to restrict choice and competition in retailing and quantitative need for additional floorspace based on projected expenditure and existing floorspace figures was only one consideration in assessing the need for new retail facilities to enhance the vitality and viability of town centres. However, it was alarming that the TC boundaries had been prepared by the DoE without taking account of retail capacity and any reference to the increasingly precautionary approach being suggested for the revised PPS 5. A quantitative exercise in assessing the notional need for additional floorspace in a catchment area was an important element.
- 4.04.14 The implications of the DCAP TC boundaries was that investment attracted to centres would be unrelated to the established town centre cores, to the longer term detriment of the wider town centres. It was fundamental to the future health of the three town centres that uncontrolled growth, particularly in the convenience and general comparison sectors, was restricted as each of these sectors underpinned the current vitality and viability of the three town centres. The limited need for additional retail floorspace in the Borough in the plan period should be distributed amongst the three town centres to ensure that the existing hierarchy was respected and that the local catchment populations within each town were properly represented with sufficient retail facilities.
- 4.04.15 Redefined and compact TC boundaries could continue to provide the opportunity for new investment in the retail sector. In parallel these would facilitate the redevelopment and improvement of existing floorspace in a manner which enhanced the overall vitality and viability of the existing centre. It was fundamentally wrong to dismiss retailing as just one of the TC uses, as without retailing the primary focus of the TC would be lost. If there were an oversupply of land in TCs, then new retail developments would go to sites accessible by car and their development would make shoppers turn their backs on the traditional TC. The opportunity sites shown in the plan did not need to be inside a TC as they were suitable for mixed use non-retail development.
- 4.04.16 It made sense that every town should have a PRC\*. The Borough Council (BC) considered that the Plan should have a policy that: 'The extent of the core of the TCs will be determined as part of more detailed TC plans and reviewed in 2005 and at 5 year periods thereafter.'

#### **CONSIDERATION**

- 4.04.17 The strategic context for this group of objections is the Regional Development Strategy (or DRSF as it was for much of the Inquiry), PSRNI and other relevant regional policy guidance particularly PPS 5. Policy RNI 3.2 of the RDS is to promote the vitality and viability of town centres and PPS 5, which is currently being revised, sets out the DoE's policy for town centres and retail developments for all of Northern Ireland. PPS 5 states that town centres consist of a mixture of land uses, often interdependent and with a variety of roles. It states that shopping largely underpins the use and value of town centres and makes a major contribution to their vitality and viability. 'The Department is committed to protecting the vitality and viability of existing town centres. The Department will seek to ensure adequate provision of retailing and related facilities, accessible to the whole community, through support for and enhancement of established town centres'. At paragraph 22 it states that the diversity of uses in town centres makes an important contribution to their vitality and viability... The appropriate mix of uses will depend on the nature and size of the town, however there will be a presumption in favour of development that would make a positive contribution to ensuring that existing town centres continue to provide a focus for shopping. Paragraph 23 states that a compact and attractive shopping environment is important in that it promotes choice and convenience. Paragraph 26 states that the Department will encourage major office, leisure, entertainment, cultural and service uses to locate in town centres. Where such uses cannot be accommodated within the town centre the

Department will favour locations which are on the edge of the town centre. At paragraph 27 the contribution of residential development to the vitality of town centres is referred to.

4.04.18 PSRNI states at page 77 that concentrations of offices in urban centres have contributed much to the vitality of our town and city centres. 'It is planning policy to encourage a range of choice of office locations while ensuring the continued vitality and viability of town centres'. Policy IC 16 refers to established town centres and states that large and medium sized office development will not normally be permitted outside established shopping centres. It goes on later to state that 'where there is a definite rather than a speculative need for a new office development which would make a substantial contribution to the economy of a particular town and no feasible site exists within the existing town centre, consideration may be given to an alternative site within the urban area. Normally a location on the periphery of the existing commercial core would be preferable'.

4.04.19 PPS 5 and PSRNI policies for the TC and PRC\* boundaries can be broadly summarised as :

- ◆ inside TCs but outside the PRC\* food superstores are acceptable in principle. Retail warehousing may be acceptable but comparison/mixed major retailing would need to satisfy paragraph 39 criteria and it would have to be shown that suitable sites within the PRC\* are not available (PPS 5);
- ◆ inside the TC boundary and inside the PRC\* comparison/mixed major retailing and food superstores are acceptable and retail warehousing may be acceptable. Presumably if no PRC\* is designated then the tests are similar for the whole of the TC as they would be for a site within the PRC\* (PPS 5);
- ◆ inside the TC boundary office, leisure, entertainment and services uses are to be promoted so long as these do not encroach on the PRFA (revised terminology) at ground floor level (PPS 5);
- ◆ outside the TC boundary food superstores and comparison/mixed major may be acceptable if they satisfy all the criteria of paragraph 39 and suitable town centre sites are not available (PPS 5);
- ◆ outside the TC boundary some town centre uses are acceptable (PPS 5) although the policy for offices in PSRNI (IC 16) refers to 'town centres' and paragraph 26 of PPS 5 states that the Department will encourage major office, leisure, entertainment, cultural and service uses to locate in town centres and where this is not possible will favour edge of town centre locations;
- ◆ housing is acceptable both within and outside TCs.

4.04.20 From the above and the evidence presented to me by the parties, I reach the following broad conclusions about how the Plan should deal with its town centres:

1. The Plan should clearly identify the future role and function of each of the three town centres which make up the Craigavon Urban Area, taking into account their current status within the UA and the need for each to provide for the needs of their own catchment populations as well as the wider Borough and possibly beyond.
2. Both TC and PRC\* boundaries should be defined in the Plan for all three towns within the Craigavon UA in order to give certainty about how the above policies will be implemented on a site specific basis. The definition of a PRC\* cannot be delayed as a separate exercise until after the TCs are identified (as suggested by the Borough Council) as this would defeat the purpose, since developers might by that time have submitted planning applications for general comparison retailing on peripheral TC sites away from the existing primary retailing locations, thus



possibly putting into jeopardy the vitality and viability of the traditional 'High Street' or primary retail area.

3. It is important to get the physical definition of TCs right in the Plan, as if they are too extensive and result in a weakening of the vitality and viability of the existing town centre then it is likely to prove very difficult to reverse that situation in the future.
4. It is essential that physical definitions of both TC and PRC\* boundaries are founded on an assessment of need over the plan period for the various land uses that policy dictates should generally be located within the TC or PRC\* in order to receive planning permission without further detailed assessment of need and the availability of alternative sites. I recommend that the DoE carries out this exercise, taking into account the status given to the Craigavon UA in the RDS and the projected population over the plan period.
5. The DoE should carry out a revised Health Check of each town centre as part of its reassessment of the TC and PRC\* boundaries.
6. The primary purpose of defining both TCs and PRC\*s relates to PPS 5 policy and the need to protect the vitality and viability of town centres through the control of future retail developments. Retailing is the most important land use in terms of protecting this vitality and viability. Another objective of PPS 5 is the maintenance of an efficient, competitive and innovative retail sector and this must be kept in mind in defining TC boundaries.
7. TCs should be able to accommodate the interdependent mix of uses appropriate to the functioning of a TC such as offices, leisure and civic uses, although some of these land uses are also appropriate on the edge of TC sites, for example large scale leisure facilities. Housing is also an appropriate TC use although it is unlikely to be viable at ground level in the PRC\* where land values are higher.
8. In the context of the above points, the definition of PRC\*s in the Plan should, in my view, be fairly tightly drawn around the existing primary shopping area of a town whilst providing for opportunities for the assessed need for retailing and other land uses appropriate to the PRC\* over the plan period.
9. Likewise the definition of TCs in the Plan should ensure relatively compact TCs, including a wider area beyond the PRC\* within which there are clearly TC uses at present and also opportunities for the assessed need for retailing and other land uses appropriate to the TC over the plan period.
10. The TC boundary should be defensible over the Plan period and therefore based on logical and defensible boundaries.
11. Planning history is less important in the definition of TCs than the need to keep control of possible future retail developments that might have an adverse impact on the vitality and viability of the TC. Thus it is not absolutely necessary to include within a TC those sites that have already received planning permission for TC type uses, where such a TC boundary might result in further pressure for retail development on other sites away from the heart of the town centre.
12. It is not necessary for a site to lie within the TC in order for it to be successfully regenerated as a considerable number of land uses do not require a TC location and there is still the possibility of planning permission being granted for land uses that normally require a TC location, if the applicant can show that there is no

alternative site available within the defined TC and all the other Paragraph 39 tests of PPS 5 are met.

13. Of the DoE's list reported at Paragraph 4.04.03 I therefore give top priority to Nos 3,5,6,7, 8 and 15 in defining TC boundaries.

- 4.04.21 A fairly tightly drawn PRC\* within each defined TC would allow for the development of the interdependent mix of uses considered necessary within a TC but at the same time keep control of the location of major mixed/comparison retailing. What would have an adverse impact on a traditional town centre would be approval of mall type shopping at some considerable distance from the central core of comparison shopping. This could have the effect of shifting pedestrian movement and therefore trade away from the core, increasing vacancies, reducing investor confidence and reducing the core's vitality and viability, especially if shopping in the traditional town centre is weak or the traditional town centre has infrastructural problems such as lack of car parking or poor access. I consider that investor confidence is increased by knowing exactly what the rules are and that all applicants for planning permission will be treated in the same way.
- 4.04.22 A fairly compact TC and a fairly tightly drawn PRC\*, as I am suggesting, would allow food superstores to locate at a reasonable distance from the heart of the traditional shopping centre. There could be linked trips but even if this does not happen and some trade is taken away from food retailing in the heart of the town, this would be unlikely to have an unacceptably adverse impact on the town's comparison shopping which generally underpins the vitality and viability of town centres.
- 4.04.23 The number of opportunity sites within the TC should be primarily related to the quantified need for additional retail floorspace in the town over the plan period, but not exclusively so. It should also provide opportunities for the other uses considered important for retaining the vitality and viability of a town centre, namely office, leisure, entertainment, cultural, civic and service uses. The modernisation and regeneration of town centres requires some flexibility for developers to assemble economically viable sites, although too much flexibility may result in the more difficult-to-assemble sites remaining derelict and unused for long periods unless there is direct government intervention in the form of a Comprehensive Development Scheme. Getting the right degree of tension between the supply of TC sites and the demand for TC sites is, in my view, the key to maintaining town centre vitality and viability over the plan period.
- 4.04.24 However, it is important to recognise that PPS 5 and PSRNI both allow for uses such as entertainment, cultural, civic, office and service uses plus retail warehousing (and even food superstores, and major comparison/mixed retailing subject to complying with the criteria of paragraph 39 of PPS 5) on the edge of the TC where such uses cannot be accommodated in the appropriate part of the TC. This provides a safety valve to ensure development is not prevented entirely in situations where TCs and PRC\*s are too tightly drawn in the Plan. It means that applications for developments such as major comparison/mixed retailing schemes beyond the PRC\* or beyond the TC (if necessary) are subjected to detailed scrutiny of the likely impact on the vitality and viability of the existing TC. I do not accept the counter-objectors' view that this is 'planning by appeal'; rather it is a sensibly cautious approach to the development of town centres to ensure their vitality and viability is retained.
- 4.04.25 In my view Portadown and Lurgan should also have a Retail Frontage Policy Area (revised terminology) to protect the retail frontage from non-retail uses at ground floor level as set out in PPS 5. Central Craigavon does not need a RFPA because it does not have anything in the form of a traditional High Street that needs protected in this way from non-retail uses.

## **RECOMMENDATION**

4.04.26 I recommend that TC boundaries are re-drawn, along with PRC\* boundaries, on the basis of the broad principles I have outlined above. I recommend that all three town centres have both a TC and a PRC\* and that Lurgan and Portadown have a designated RFPA. This recommendation will form the overall context of my consideration of site specific objections.

4.05 Other general objections relating to retailing policy in the Plan.

**Objection: Nos 275, 146**

**DEPARTMENT'S CASE**

4.5.01 The same case as reported in Paragraphs 4.04.01- 4.04.08. Portadown Town Centre Master Plan was being prepared by the Department of Social Development (DSD) and DoE would consider the need to alter the CAP, through the proper mechanisms, if necessary once the Master Plan was published. It would be a non-statutory master plan which would provide the framework for the promotion and implementation and phasing of development, including the provision of infrastructure. The consultation draft of the revised PPS 5 would be published in 2002.

**OBJECTORS' CASE**

4.05.02 The Plan's retail, service and office policies were insufficient to ensure attractive, competitive and accessible town centres. It did not provide a commitment to on-going monitoring and review of the performance of the town centres and preparation of detailed guidance or provision of an integrated transport strategy. A commitment from the DoE was sought that more detailed town centre plans and strategies would be prepared. It was insufficient for the DoE to rely on PPS 5 or leave no commitment in the Plan for any monitoring and review of the performance of the TCs. There was no particular requirement in PPS 5 for a regular review of TCs but it was appropriate that the DoE used Health Checks to begin a continual monitoring and review of the vitality and viability of TCs and use this as a database for determining TC and out-of -centre applications. All parties supported the work being done by DSD on the Master Plan for Portadown but the timing in relation to the statutory plan was unfortunate.

4.05.03 The Portadown TC Map 4 should include the Comprehensive Development Scheme (CDS) boundary, as did the Lurgan TC Map 3. The DoE should provide a commitment to prepare, in consultation with the BC and the public, development guidance for important sites in the towns. The DoE had the power to produce design guides for specific sites and with the ten opportunity sites indicated in the plan it was not enough to deal with the merits of each site in a few short bullet points as these sites could shape the future of the TCs. Paragraph 50 of PPS1 referred to supplementary planning guidance and it was important that the Plan included a commitment by the DoE to produce development guidelines for each site, in particular lands west of Watson Street and lands at Castle Street, Portadown.

**CONSIDERATION**

4.05.04 Although there are obvious resource implications for the DoE, I agree with the Borough Council that the Plan should include a commitment to produce more detailed town centre plans for Central Craigavon, Lurgan and Portadown, similar to the Bangor Town Centre Plan and the Lisburn Town Centre Plan which were prepared under Part 111 of the Planning (NI) Order 1991, because each of the three town centres is likely to be subject to considerable change over the plan period. I agree with the objectors that the preparation of a Master Plan for Portadown by DSD is welcome. Unfortunately it is the nature of policy development by a variety of government departments with different funding mechanisms that it is frequently not possible to have the various layers of policy developed in the 'right' sequence and I note the DoE's intention to consider the subsequent need to alter CAP, presumably if there are major discrepancies. It would be much more logical for the Area Plan to provide the definitive planning framework for

the DSD Master Plan. Whilst it is not within my remit to comment on the decision by DSD to prepare a Master Plan for Portadown and not one for Lurgan or Central Craigavon it is, in my view, vital that any DSD Master Plans which are prepared for urban regeneration purposes should be absolutely consistent with the CAP as adopted (especially the defined TC boundary) and with any town centre plans that are prepared under planning legislation. I comment further on this at Paragraph 4.11.55.

- 4.05.05 The preparation of a DSD Master Plan plus the preparation of a statutory town centre plan could be viewed as overkill but it is important to note that the latter would have considerably more weight in making development control decisions and would cover matters that may not be covered in the Master Plan, such as the protection of areas of existing land uses in the town centre, the provision of environmental enhancement schemes, the indication of transportation arrangements and so on. A DSD Master Plan could not take the place of a statutory town centre plan as it is unlikely to cover the full range of issues and would be for guidance purposes only. If all the relevant research is being undertaken for the Portadown Master Plan then I cannot envisage how a statutory land use plan to accompany it would take an undue length of time to prepare.
- 4.05.06 Although PPS 5 does not require this, I agree with the objectors that CAP should make a commitment that health checks will be carried out at regular intervals and I suggest five year intervals. This would allow the DoE to take appropriate action should a town centre show a pattern of decline over the period. I also agree that the Plan should make a commitment that more detailed design guidance will be provided for each opportunity site as I consider that this would give the certainty needed to encourage investment and ensure the best possible form of development in each town centre site.
- 4.05.07 I agree that the CDA scheme for Portadown should be shown on the Portadown TC map in the Plan. The DoE has not given any evidence regarding this omission. I am unable to address the issue of an integrated transportation strategy for the town centres raised in one objection as no detailed evidence was put before me. However, this is a matter that would be covered in the town centre plans I am recommending be prepared by the DoE

#### **RECOMMENDATION**

- 4.05.08 I recommend that the DoE makes a commitment in the Plan to prepare (a) statutory town centre plans for Lurgan, Central Craigavon and Portadown, (b) carry out town centre health checks at 5 yearly intervals and (c) produce design guides for each opportunity site. The statutory town centre plans which I am recommending could be drawn up as part of the immediate overall review of Town Centres generally as recommended at Paragraph 4.04.26 and incorporated into the adopted plan after due public consultation. The Portadown CDA should also be shown on the appropriate map.

4.6

Objections relating to the Plan's TC boundaries with regard to the capacity of the Borough to support additional retailing

**Objection: Nos 214, 210, 211, 275, 223**

**Counter Objection: Nos 39, 40, 27, 28 & 30**

**DEPARTMENT'S CASE**

4.06.01 Part of the evidence has already been reported in previous objections in this section of the report. Retail capacity was only one contributory element in defining town centres, therefore precise calculation of retail floorspace needs in 2010 was not essential so long as retail floorspace needs were at least met. The TC boundaries had been drawn up to accommodate a range of other town centre uses. The development plan should facilitate the provision of a range of retail facilities in appropriate locations. Retail capacity was subject to a number of key assumptions which could change over time and prediction became more imprecise the longer the future time-frame.

**Table 4.1**

**Future Floorspace requirements for Craigavon Borough 1998-2010**

	<b>Scenario 1 (sq m net)</b>	<b>Scenario 2 (sq m net)</b>	<b>Scenario 3 (sq m net)</b>
Convenience	1880	5748	8442
Bulky Durable	57550	66106	72079
Other durable	0	3379	5872
<b>Total</b>	<b>59430</b>	<b>75233</b>	<b>86393</b>

Source: Technical Supplement Vol 2 p 46 April 2000

4.06.02 Scenario 1 estimated required additional retail floorspace on the basis of a comparison between the existing amount of retail floorspace and the amount of floorspace the projected expenditure in the catchment would support in 2010 (best guess population). Bulky durable expenditure was assumed to be clawed back as the scenario assumed no leakage or inflow of expenditure. Scenario 2 demonstrated the potential retail floorspace that could be achieved if all the zoned Phase 1 housing in DCAP were developed (pre concessions). Scenario 3 demonstrated the potential retail floorspace that could be achieved if all the phase 2 land in DCAP were also released and developed (pre concessions).

4.06.03 Following publication of the draft plan and in the run up to the Inquiry the DoE provided updated current floorspace statistics and schedules of planning approvals for retailing but did not re-calculate retail capacity. Assumptions about the catchment area, population forecasts and expenditure per head forecasts, current floorspace and turnover in the convenience and comparison sectors to be used for calculation of retail capacity to 2010 by the objectors and counter objectors were broadly agreed. Trade draw to the Borough and the extent of current commitments (extant planning permissions not implemented) were not agreed. Although the DoE had assumed in the TS that 100% of turnover in 2010 would be derived from the catchment area, a net trade draw range of 13%-17.5% for convenience goods and 16% - 29% for comparison goods in 2010, as argued by the objectors and counter objectors, was possible. The DoE did not calculate trade draw itself for the Inquiry and considered that for such calculations customer survey results would be indicative only. In the DoE-commissioned Ulster Marketing Survey (UMS Survey) of shoppers at Rushmere the question which might have been useful in assessing trade draw was badly worded and open to a number of interpretations. The DRSF status of the Craigavon UA had to be taken into account in calculating trade draw.

## COUNTER-OBJECTORS' CASE

### **The demand side**

- 4.06.04 Retail capacity assessments alone were not the ultimate arbiter of need as, depending on circumstances, other factors were applicable. These could include demand assessment and commercial need, neither of which were included in the objectors' assessments.
- 4.06.05 The Borough was accepted as the catchment area but it was essential to take account of inflow and leakage of expenditure. The DRSF and DCAP planned for Craigavon to be a regional town and a major service centre in Mid-Ulster. DCAP's designation of Portadown TC was partly based on the 'regional significance of Craigavon serving a wider area than the Borough'. Retail analysis based on a very restricted catchment area and limited inflows of trade was failing to recognise the existing and potential regional significance of the Borough. The magnitude of trade in flows would increase as Craigavon developed further as a regional centre for mid-Ulster. Although the DoE's 'best guess' population was accepted for the purpose of doing the retail floorspace calculations for the Inquiry, account should be taken of the greater capacity of housing land in the Borough.
- 4.06.06 Taking the DoE's 'best guess' borough population of 88,900 in the **convenience sector** it was estimated that by 2010 an additional **48,000 sq ft** (assuming a turnover ratio of £380/sq ft and taking account of the Portadown Lidl superstore commitment of 11,000 sq ft) or **26,000 sq ft** (assuming a superstore turnover ratio of £700/sq ft and taking account of the commitment) was required, the latter amounting to one new superstore. The £700/sq ft was the most realistic assumption. If population figures based on the release of Phase 2 lands were used for 2010 then there would be capacity for an additional **114,000 sq ft** (assuming a turnover ratio of £380/sq ft and taking account of the commitment) or **62,000 sq ft** (assuming a superstore turnover ratio of £700/sq ft and taking account of the commitment) ie two superstores. Slight variations on the DoE's estimates of population resulting from Phase 1 and Phase 2 housing release did not affect the overall calculations significantly.

**Table 4.2**  
**Convenience Capacity (net/sq ft) 2010**

<b>DoE population figures</b>	Assuming DoE £380/sq ft turnover and taking account of commitment	<b>Assuming superstore £700/sq ft turnover and taking account of commitment</b>	Assuming superstore £800/sq ft turnover and taking account of commitment	<b>Commitment of Lidl Portadown</b>
<b>Population 88,900 (best guess)</b>	48,000	<b>26,000</b>	23,000	<b>11,000</b>
<b>Population 99,800 (Phase 1)</b>	87,000	<b>47,000</b>	41,500	<b>11,000</b>
<b>Population 107,400(Phase 2)</b>	114,000	<b>62,000</b>	54,000	<b>11,000</b>

Source: Compiled from Vico evidence to Inquiry

**Table 4.3**  
**General Comparison Commitments:**

Unit 8 Rushmere :	20,000 sq ft
Southern Extension Rushmere	29,000 sq ft
Magowan Buildings	3,400 sq ft
Castle Lane/Wellington Street, Lurgan	<u>24,100 sq ft</u>
<b>TOTAL</b>	<b>76,500 sq ft</b>

Source: Vico

- 4.06.07 It was accepted that the figure above of 76,500 sq ft was too low for commitments as an additional 40,000 sq ft needed to be added to accurately reflect the planning permission at Magowan Buildings which could be implemented despite car parking difficulties. There was disagreement with the objectors' calculation that general comparison commitments totalled 139,000 sq ft net because about 30% of the proposed floorspace in the southern extension to Rushmere would be used for uses other than general comparison uses and 70% of Castle Lane/Wellington Street Lurgan proposed net sales floorspace would be used for general comparison space. The objectors' figure could be reduced to 116,500 sq ft (accepting the Magowan Building planning approval) even if Unit 8 were used for general comparison shopping which was not yet decided.
- 4.06.08 Using the 'best guess' population it was calculated that by 2010 **94,000 sq ft** of additional retail floorspace in the **general comparison** sector could be supported out of which existing commitments totalled 76,500 sq ft - at Unit 8 Rushmere, Southern Extension Rushmere, Magowan Buildings Portadown and Castle Lane/Wellington Street, Lurgan (revised to 116,500 sq ft). Using the revised figure this gave **minus 22,500 sq ft** of additional capacity. If population figures based on the release of Phase 2 lands were used then this latter figure would be **33,500 sq ft** using the revised figure for commitments.

**Table 4.4**



## General Comparison Capacity (net/sq ft) 2010

	Assuming £270/sq ft turnover	Less commitmen ts Sq ft	Additional capacity * indicates figure accepting amendment to commitments
Population 88,900	94,000	76,500 (116,500)*	17,500 (minus 22,500)*
Population 99,800	127,000	76,500 (116,500)*	50,500 (10,500)*
Population 107,400	150,000	76,500 (116,500)*	73,500 (33,500)*

*Source: Compiled from Vico evidence to Inquiry*

4.06.08 The estimated retail floorspace requirement figures had been derived using estimates of net trade draw from different stores and different sectors of the Borough but could be summarised as:

Convenience Trade Draw Borough - incoming trade draw of 17.0% in 2001  
incoming trade draw of 22.5% in 2010

Convenience expenditure leakage - 5% ie  
net trade draw 12.0 % in 2001  
net trade draw 17.5% in 2010

Comparison Trade Draw Borough - incoming trade draw of 34.0% in 2001  
incoming trade draw of 39.0% in 2010

Comparison expenditure leakage – 15% in 2001 and 10% in 2010 ie  
net trade draw 19% in 2001  
net trade draw 29% in 2010

4.06.10 The assumptions for convenience trade draw had derived from a number of factors:

- ◆ A recent survey for the DoE in Derry
- ◆ A validation assessment by a DTZ/PIEDA/VICO team, based on professional judgement and taking account of improvements to competing centres. This analysis indicated that the above levels of incoming trade draw could be readily achieved. It was vital to take account of these people on the outer edge of the Borough. The team had taken account of the proposed extension to Sprucefield but considered that shoppers from Dungannon and Armagh would still come to an attractive Craigavon UA to shop as it would have a better range of shops.
- ◆ A leakage of 5% was realistic, although leakage in 2001 was probably more than 5%.

4.06.11 The assumptions for comparison trade draw had derived from:

- ◆ For 2001: assumed trade draws from outside the Borough of 40% for Portadown and Central Craigavon TCs ; 30% for Lurgan ; and 20% for all other outlets.
- ◆ For 2010: assumed that as the Borough increasingly became a regional centre then the trade draw for Portadown and Central Craigavon would increase but the draw of other places would remain the same.

4.06.12 The concept of leakage was a valid one and had been applied in the Derry Area Plan. Although the counter objectors had agreed to use the Borough Council area as the catchment population it was reasonable to take account of areas beyond the catchment

and that was why a higher trade draw was calculated for comparison goods. The levels of assumed trade draw were realistic because:

- ◆ Recent surveys of the Greater Dublin Area showed that high levels of trade inflow were not uncommon for main comparison centres.
- ◆ The Derry Retail Monitor surveys estimated that 30% of the trade in the main comparison centres in 1995 was drawn from outside the Borough but in 1996 this reduced to 25%. The DoE assumed for the Derry Area Plan a 35% trade draw from outside the main catchment area which included part of Donegal. However it was accepted that the hinterland of Derry was quite different from that of Craigavon. Derry had a less sparse rural hinterland but, on the other hand, it had fewer competing centres.
- ◆ Shopping surveys in Dungannon, Cookstown and Armagh for the DoE which illustrated the regional significance of Craigavon UA, although the detailed surveys were not put to the Inquiry.
- ◆ The objectors' surveys at Rushmere and the higher order role of Lurgan and Portadown in the retail hierarchy than Central Craigavon.

4.06.13 The assumed trade draw figures were consistent with Craigavon UA's role as a regional service centre for Mid-Ulster; the levels of traffic using Northway; and the likelihood of the Borough attracting modern forms of retailing that would attract people to the area. They were higher than in the Retail Impact Analysis carried out for the opportunity site P1 site at Portadown in 1996 because that had a 20 minute drive catchment area and was based on trade draw for just one retail development.

4.06.14 In the DoE-commissioned UMS survey no-one knew for sure what percentage came from outside the Borough. No household surveys had been carried out by any party to the Inquiry. Vico's prediction of increased convenience trade draw to 2010 was based on a prediction of more employment and hence more commuter shopping; better services and cultural facilities attracting people to the area and increased visitors. If these did not materialise, then increased trade draw would not happen. The 45% trade draw used by the objectors for Sprucefield was disputed and it was not accepted that people west of the R Bann would go to Sprucefield rather than the Craigavon UA.

#### **Overall demand/supply situation**

4.06.15 Overall the estimates of retail capacity were very low if the 'best guess' population was used (approximately 48,000 sq ft convenience plus 94,000 sq ft comparison not taking account of commitments - Tables 4.2 and 4.4) and it was accepted that the analysis carried out by CCL of available sites in the Borough's three TCs provided more than the number of sites required to meet this retail floorspace demand. However, reduced TC boundaries for the three towns in the Craigavon UA would be lost opportunity. Neither the service nor retail sectors would be able to respond to the challenge of growth in the urban area. Innovations and enhancement referred to in PPS 5 might not come about, although it was accepted that it was not possible to predict other possibilities for innovative retailing such as the factory outlet centre granted planning permission in Central Craigavon.

#### **OBJECTORS' CASE**

##### **The demand side**

4.06.16 There was broad agreement with the DoE and the counter objectors about the extent of the catchment area, expenditure per head of population, current floorspace and turnover in the convenience and comparison sectors. The DoE's 'best guess' population was accepted as the basis for estimating retail capacity. Phase 2 lands should definitely not be included in any calculations as they were unlikely to be built. It was accepted that if the PAC's conclusions on the Plan resulted in a higher population potential in Phase 1 than 99,700 then this would have knock-on effects for the general comparison

goods floorspace requirement. The RDS gave no higher status to Craigavon, allocated similar regional housing growth as in Newry, Ballymena and other 'main hubs' and introduced the precautionary approach to the consideration of major retail development outside town centres (in the review of PPS 5). The Borough Council's lobbying at the Examination in Public of DRSF had not led to an enhanced role for Craigavon and the best guess population of the DoE was thus used for calculations.

- 4.06.17 In 2001 in the **convenience** sector there was expenditure to support 21,000 - 45,000 sq ft of retail floorspace, depending on assumptions about turnover per sq ft. The equivalent figure for 2010 was 19,000 – **39,000** sq ft depending on which assumed level of turnover per sq ft was used (£800/sq ft and £380/sq ft respectively). When account was taken of an extant planning permission not implemented (Lidl's Portadown superstore – 11,000 sq ft) the retail floorspace requirement to 2010 was reduced to the range of 8000 – **28,000 sq ft**. The higher figure could be used for comparison with the counter objectors' figures.
- 4.06.18 In 2001 in the **general comparison sector** there was expenditure to support no additional floorspace and existing facilities were performing at below average levels. The figure for additional floorspace for 2010 was **56,000 sq ft** (assuming turnover per sq ft of £270), illustrating the significantly higher expenditure growth in this sector. These figures were, however, reduced by 134,000 sq ft when account was taken of extant planning permissions yet to be implemented (Unit 8 Rushmere, Southern Extension Rushmere, Magowan Buildings, Portadown and Castle Lane/Wellington Street, Lurgan), with a resultant **overprovision** in 2010 in this sector of **78,000 sq ft**. In the calculation of commitments the figure used for the extension to Magowan Buildings was 40,000 sq ft as this had been approved with no net/gross restriction and no restriction on use and there were no insurmountable technical problems implementing the planning permission.
- 4.06.19 In the **bulky comparison sector** it was estimated that in 2010 there was an available capacity in this sector of 230,000 sq ft. When account was taken of existing commitments of 330,000 sq ft (Turkington retail warehousing, Central Craigavon; retail warehousing, Edenderry; retail warehousing, Portadown Road, Lurgan and retailing warehouse unit, Mandeville Road, Central Craigavon) there would be **overprovision** in this sector of **100,000 sq ft**. This figure was assumed agreed by the other parties as no contrary evidence was presented.
- 4.06.20 The estimates provided on behalf of Central Craigavon Limited (CCL) of trade draw from outside the catchment area were based on surveys. The UMS survey questions were not as precise as other surveys and it was now estimated that at least 10% out of the 24% who had said they came from outside Lurgan, Portadown or Central Craigavon in the UMS survey came from other settlements within the Borough, not areas beyond the BC area. This reduced estimated trade coming into the Borough below 24%. From the other surveys (ie a school survey and an internal ones carried out at Rushmere for CCL ) it appeared that trade draw was on average 20%-22%. If trade draw was around 20% in Rushmere it was unlikely to be higher elsewhere in the Borough as Rushmere had the advantages of accessibility, multiple representation and available car parking. The most likely impact of an improved environment and new development of a mixed use nature in a TC was a reduced leakage of trade to other centres, but less generous TC boundaries would not prevent an improved trade draw occurring as wider TC boundaries could be a disincentive to investment.
- 4.06.21 The essential differences between the objectors' and the counter-objectors' calculations of retail floorspace requirements to 2010 were (a) floorspace commitments and (b) the amount of net trade draw to the catchment area. CCL considered trade draw on a shop by shop basis and considered it inappropriate to consider trade draw on

a global basis. However for ease of reference 'average' trade draw of existing retail facilities within the catchment was as follows:

Convenience trade draw - 13% in 2001 and 2010  
Comparison trade draw - 18% in 2001  
16% in 2010

4.06.22 The counter-objectors (Vico) were using different trade draw figures from those it had used for the RIA for the planning application for the Portadown P1 opportunity site in September 1996 (ie 80% of turnover from within the catchment) when it was being assumed that the facility would be opened in 1998. It was difficult to understand how Vico thought that the catchment had expanded since then. Vico's reliance on surveys carried out in Greater Dublin was unacceptable since its economic fortunes were entirely unrelated to the Craigavon area. Likewise the Derry Retail Monitor figures for both convenience and comparison trade draw were irrelevant, as Derry was a special case with its catchment stretching into Donegal. It did not have a Sprucefield Regional Shopping Centre 20 minutes drive away or towns like Armagh and Dungannon in close proximity. The studies of Dungannon and Cookstown referred to by Vico were regeneration documents whose purpose was to enhance these towns as retail locations and hence their estimates of trade draw were not reliable.

4.06.23 The limited capacity in the convenience sector and the over-capacity in the comparison sector should be distributed throughout the three town centres within the catchment area to ensure that the existing hierarchy of centres was respected and that the populations within each town were properly represented with sufficient retail facilities.

#### **The supply side**

4.06.24 Within the **DCAP TC** boundaries there was a 'yield' of approximately 1.1 million sq ft of gross potential retail floorspace (**765,000 sq ft net**) on sites identified as opportunity sites or identified as available assuming that all were developed for retailing, even though most of the opportunity sites were identified for a range of uses in the Plan (See Table 1 'Potential Floorspace Yield' submitted to Inquiry on behalf of CCL in the Appendix). Not all of this would necessarily become available and be built on for retail development but this compared favourably to:

- ◆ a requirement calculated by CCL for approximately 95,000 sq ft net of additional retail floorspace in 2010 (ie 39,000 sq ft convenience and 56,000 sq ft comparison depending, based on the 'best guess' population and not taking into account commitments (paragraphs 4.06.09 – 4.06.10 above); and
- ◆ the disputed counter objectors' calculations of additional retail floorspace requirements to 2010, for example 185,000 sq ft net (ie 58,000 sq ft convenience plus 127,000 sq ft comparison based on certain turnover assumptions, on a Phase 1 land release population and not taking into account commitments (Tables 4.2 and 4.4).

4.06.25 The DoE could not ensure a mix of uses by just stating this in the plan and within the TC each opportunity site could go for entirely retail use. It was accepted that it was unlikely that all the sites with extant planning permissions and identified as opportunity sites would be developed within the plan period for retail use but in that situation investor uncertainty would be created as developers would choose the most car-accessible sites and those least expensive to develop. The sites with extant planning permissions were more likely to be built on. The extant planning permission for a 20,000 sq ft extension to Rushmere (unit 8) could be subdivided into smaller units as there was no restriction on the planning permission and it was likely to go for general comparison retailing. The south extension to Rushmere was for 236,000 sq ft net and the intention was for it to be all retail, with no services.

- 4.06.25 There were sites capable of providing 0.57 million sq ft of gross retail floorspace (**0.37 sq ft net**) within the three suggested **CCL TC boundaries** (See Table 2 'Potential Floorspace Yield' submitted to Inquiry on behalf of CCL in the Appendix). There was plenty of room within these suggested boundaries for other uses including office and leisure. The CCL boundaries would provide choice for further retail development within compact, sustainable town centre boundaries and would not result in a static trade draw as there was room for expansion. It was accepted that the extant planning permission for Armagh Road could not be taken account of in the calculations as it was outside the CCL suggested TC boundary.

#### **Overall supply/demand situation**

- 4.06.26 There was significant overprovision within existing centres in the Borough, most notably in the general comparison sector which traditionally underpinned the overall vitality and viability of town centres. The effect of this was that retail floorspace in the town centres would continue to operate at highly inefficient levels. In order to address the inefficient performance of floorspace it was of fundamental importance that TCs were defined with appropriate boundaries, reflecting the inter-relationship between the wide mix of uses and the ultimate objective of securing compact, sustainable forms. Extending the TC boundaries to include extensive areas unrelated to the interdependent mix of uses normally associated with a TC would clearly undermine the overall role and function of the TC, by providing opportunities for major new retail development which would weaken the overall vitality and viability not only of the PRC\* but also of the TC as a whole.

#### **CONSIDERATION**

- 4.06.27 I have separated this retail capacity issue from the other objections as it is relevant to a number of the objections. As I have already stated in section 4.04 above it is my view that TC boundaries should be drawn not only with regard to the existing mix of TC uses on the ground but also, because of the policies contained in PPS 5, with a realistic view of the town's future retail floorspace requirements taking account of net trade draw. They should also include provision for the future requirements of other appropriate TC uses. No assessments were made by any party of the latter. I do not agree with the DoE that as the retail floorspace requirement of the Borough over the plan period is at least catered for by the DCAP TC boundaries, then these boundaries can be as generous as required to fulfil a number of other aims including that of urban regeneration.
- 4.06.28 The DoE did not recalculate retail capacity to 2010 for the Inquiry but referred to the TS on Commerce and accepted the broad range provided by the counter objectors and objectors based on the DoE's 'best guess' population in 2010. It was stated that the actual figure for retail expenditure in 2010 would relate to the PAC's recommendations for housing site release in the plan and on the basis of my population/housing recommendations in section 3 of this report I consider that using a population forecast based on a Phase 2 land release is ruled out. All of the Phase 1 land is, in my view, unlikely to be taken up in the plan period but I consider it reasonable to plan for town centres on the basis that it might be developed. Taking account of DoE's proposed concessions and my recommendations on objections, the Phase 1 population put forward by the DoE for retail capacity calculations is unlikely to be accurate. However, I consider that it provides a reasonable 'maximum' population figure for estimating retail capacity in the Borough to 2010, whereas the DoE's 'best guess' population provides a reasonable 'minimum' figure.
- 4.06.29 It is my view that for an Area Plan there is no need to subject evidence on retail capacity to a forensic level of examination. Given my conclusion on the previous

objection, I consider that sensible TC boundaries can be delineated by working with a reasonable range of projections rather than a precisely accurate figure for the end of the plan period. There are a number of variables in the calculations of retail capacity over the long time frame of the Plan that cannot be precisely predicted and in any case some level of flexibility is desirable to take account of unforeseen circumstances, such as major sites not being released to the market or sites requiring major infrastructural investment. The final range of figures, taking account of points conceded at the Inquiry was:

- CCL's calculation that an additional 95,000 sq ft of convenience and general comparison retailing floorspace would be needed in the Borough to 2010 assuming the 'best guess' population (paragraphs 4.06.17-24); and
- Vico's calculation that an additional 185,000 sq ft of convenience and general comparison retailing floorspace would be needed in the Borough to 2010 using a Phase 1 release population (Tables 4.2 and 4.4) .

4.06.30 The main areas of contention between the parties were the amount of net trade draw that would be experienced by 2010, existing commitments and the availability of sites for retail development over the plan period. The counter objectors' calculations were founded on a higher net trade draw to the Borough than the objectors and the methodologies differed. Whilst acknowledging the sub-regional status given to the Craigavon UA in DRSF (now RDS), I find the counter-objectors' projections of net trade draw to be somewhat over optimistic given likely current trade draw and the proposed improvements to nearby towns and Sprucefield over the plan period. I do not find their methodology for arriving at the trade draw figures to be persuasive. Although figures were contested, there was some level of agreement that approximately 116,500 sq ft of general comparison retail floorspace had planning permission and that one foodstore (11,000 sq ft) had permission.

4.06.31 In any event, according to the objectors' evidence the TC boundaries in the Plan give a yield of 765,000 sq ft net floorspace which is more than ample to cater for either party's forecasts. This conclusion was not contested by the DoE. The more tightly drawn CCL suggested TC boundaries for the three towns give a yield of 370,000 sq ft net floorspace which is again more than required to meet forecast demand for additional retail floorspace. It is obvious that not all of this possible floorspace 'yield' within either set of boundaries will be taken up for retailing development as there are other appropriate TC land uses competing for sites within TCs.

4.06.32 As I have already concluded at paragraph 4.04.20 above that there ought to be a statistical foundation for defining TC boundaries, my recommendation is that the DoE takes note of the range of retail floorspace requirements estimated by CCL and Vico (summarised at paragraph 4.06.29 above) in its re-assessment of retail floorspace requirements within the TC boundaries. The level of existing commitments summarised at paragraph 4.06.30 should also be kept in mind.

4.07 

Objection relating to the failure to provide a town centre plan for Central Craigavon.
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**Objection: No 275 (12.1), 210**

**DEPARTMENT'S CASE**

4.07.01 With regard to the type of TC plan map included in DCAP for Portadown and Lurgan there seemed to be no purpose in having one for Central Craigavon as almost all the land was committed by planning permissions. DCAP did not preclude a master plan

approach being undertaken for Central Craigavon subsequently but DSD had decided that it would only commission one for Portadown

### **OBJECTORS' CASE**

- 4.07.02 As specific TC plans were included in DCAP for Portadown and Lurgan, such a plan was essential in order to ensure the proper planning of Central Craigavon. It did not matter that most of the land was subject to consents as such a plan could identify car parks, access, environmental improvements etc and pull together the disparate planning permissions granted there. The government was committed to introducing a plan led system and in this context it was inconceivable that a TC such as Craigavon should not have a detailed policy framework. It should show general areas of development but there was no need for a site by site analysis. A PRC\* should be defined in such a plan. PPS 1 paragraph 35 stated the purpose of development plans and paragraph 10 of PPS 5 was similar in advising that development plans cater for the development needs of retailing alongside demands for other forms of development and for protection of the environment. The statement in CAP that within the Craigavon TC boundary permission for retail, office and commercial uses would be granted subject to 5 criteria was inadequate.
- 4.07.03 There was no indication that the DoE was seeking to influence the location of future new development or manage possible changes in land use. The Plan must be able to influence changes that would occur and it was particularly important in Central Craigavon where modern forms of retailing such as retail warehousing and factory outlets were involved. Plan Policy C/TC 1 did not even cross reference to regional policy documents.

### **CONSIDERATION**

- 4.07.04 I have already concluded in paragraphs 4.05.04-4.05.05 above that CAP should include a commitment to produce more detailed town centre plans for Central Craigavon, Lurgan and Portadown. This objection is about Central Craigavon TC being treated in a similar manner in CAP to Lurgan and Portadown TCs – that is, the production of a TC map (showing such matters as existing and proposed open space) and somewhat more detailed policies. The contents of page 81 of DCAP are inadequate and the DoE's argument that all the land is committed with planning permissions does not, in my view, justify this TC being treated differently from Lurgan or Portadown TCs.
- 4.07.05 A TC map for Central Craigavon's Town Centre, similar to those prepared for Portadown and Lurgan Town Centres should, in my view, be included in the plan and relevant policies and constraints should be clearly spelt out and appropriately cross referenced to regional policy or planning policy statements. As I have already concluded in section 4.04 above a PRC\* should be included, as well as a TC boundary but I do not consider that a PRFA is necessary given the unique characteristics of the centre. The DoE referred to a master plan similar to that being prepared for Portadown by DSD but I do not consider that this was what the original objection was concerned with and I accept that CAP could not commit DSD to the preparation of any master plans.

### **RECOMMENDATION**

- 4.07.06 I recommend that a town centre map for Central Craigavon be included in the Plan, similar to those included for Portadown and Lurgan

- 4.08 

Objections relating to the principle and extent of the Craigavon Town Centre boundary
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**Objection: Nos 210, 211**  
**Counter Objection: Nos 39, 40, 26**

**DESCRIPTION OF THE AREA:**

4.08.01 The TC lies beside the Craigavon Lakes, Northway and the Belfast-Dublin railway line, at the central point of the Borough, within three miles of Portadown and Lurgan TCs.

**DEPARTMENT'S CASE**

- 4.08.02 With its history as a New Town, Central Craigavon TC did not have a traditional townscape. Its layout was spacious, with large scale visual landmark buildings set in large areas of car parking. It was well accessed by road and separate cycle ways and walkways, with significant areas of well-planned landscaping. The design criteria of Plan Policy C/TC 1 reflected this unique landscape and sought to enhance it. The TC was well defined physically :
- To the south by the A3.
  - To the north by Northway and the railway line.
  - To the west by Highfield Road and the substantial area of zoned housing at Mandeville.
- 4.08.03 Functionally the TC had a mix of uses, namely the Civic Centre; the Law Courts; Marlborough House; Rushmere Shopping Centre; Rushmere Retail Park; dedicated car parking for the retail uses with a petrol station (and now a MacDonaldis – DF); an Ulsterbus Depot; car showroom; Royal Mail Sorting Office; and housing at Lakeview and Highfield. A major retail warehouse development was under construction at Central Way (B&Q) and permission had been granted for a factory outlet centre at Highfield.
- 4.08.04 The planning background was the Craigavon New Town Master Plan 1966 (non-statutory) which identified an extensive area as Craigavon City Centre. The Craigavon Urban Area Plan 1983/85 (non-statutory) identified the area between the lakes and Highfield Road and the northern section of land to the west of Highfield Road as the Central Area. The Craigavon Central Area Development Study 1990 (Tibbalds et al for the DoE) set out a concept plan which included land use proposals and the identification of specific development projects for the study area consistent with Craigavon's functioning as an important regional centre for a large part of N Ireland. CAPPP identified Craigavon Central Area as including the lakes and land adjoining to the south, and the land between the lakes and Highfield Road. The northern portion of the land to the west of Highfield was within the Central Area but identified for industry. CAPPP had been given weight since it was published and it referred to the Tibbalds Study at Paragraph 24.5, but development control decisions in Central Craigavon had not relied on the Tibbalds Study as it was just a broad flexible framework.
- 4.08.05 The Plan recognised the established retail hierarchy of the Borough since at page 135 it stated that Portadown was the primary retail centre and the TS set out the relative sizes and functions of the TCs in terms of retailing. The Plan stated at p 81 that Craigavon TC (should read Central Craigavon TC – DF) was the location for civic uses such as the Civic Centre, the District Law Court and Marlborough House. The DoE considered that a balance had to be struck between the development of the three separate towns. Lurgan had a more local function than either of the other two. Any TC type development potential in the Borough could be taken up by either Central Craigavon or Portadown although in terms of its wider functions Portadown sat higher in the hierarchy of towns. The Plan did not seek to protect the existing hierarchy but did not actively seek to change it either.



4.08.06 Comparing Central Craigavon TC with Portadown and Lurgan TCs the Technical Supplement showed that in 1998, in terms of convenience floorspace, there was no significant difference between the three centres; whereas Portadown dominated in terms of durable floorspace and Portadown and Lurgan jointly dominated in terms of bulky durable floorspace. The convenience sector in Central Craigavon TC had grown significantly over recent years due to the opening of Sainsburys. Between 1983 and 1998 retail floorspace in Central Craigavon TC had grown by 30% and vacancy levels were low. More recently 8360 sq m gross of retail warehousing had been opened in Central Craigavon TC (N/1997/0716).

**Table 4.5**  
**Land Uses in the Three Town Centres April 2001**

Land Use	No of units (within DCAP TC boundaries)		
	Lurgan	Central Craigavon	Portadown
vacant	132	8	160
residential	274	-	305
office	49	1	70
community service	43	1	48
convenience	40	3	40
durable	66	17	101
bulky durable	37	5	57
retail service	129	2	109

Source: DoE

4.08.08 The UMS survey at Rushmere Shopping Centre in 1999 showed, for example, that 71% of respondents were shopping for convenience goods; 91% arrived by car; parking, convenience, sense of security, traffic flow, standard of service, disabled access and ambience all rated highly; public transport, cafes and restaurants, variety and range of shops and night time events rated poorly; and the majority of respondents came from Central Craigavon, Portadown and Lurgan.

4.08.09 The TC boundary had been defined in accordance with PPS 5 and in recognition of the following factors:

- The current function of the TC as a location for important civic uses and significant shopping facilities.
- Private investment in new shopping provision over the last 5 years and the significant improvement in the quality of existing retail facilities.
- The growth potential of Craigavon as identified in DRSF.
- The regional significance of Craigavon as identified in DRSF.
- The regional significance of Craigavon in serving a wider area than the Borough.
- The availability of infrastructure (particularly good transportation links) and land within the TC to support continued growth and investment .
- The DoE had safeguarded land within the TC for use as a rail halt in the future.
- The proposed TC facilitated the continuity of the non-traditional form and function of the existing town centre.

**The Major Retail Development Core and Primary Retail Core**

4.08.10 The DoE did not consider it necessary or appropriate to identify a PRC\* or RFPA for Central Craigavon given that the circumstances leading to such designation in Portadown did not apply. These circumstances in Portadown related to the enlargement of the TC following pressure from the Borough Council to include land north of the railway and Northway. The DoE had agreed to this only on the basis that major retail development would be kept out. This resulted in the definition of what was called the MRDC. There were circumstances in which a PRC\* for Central Craigavon might be appropriate eg excess retail capacity. The Panel Report into the DRSF had recommended that a precautionary approach be taken to a defined scale of out-of-centre retail development for all towns and that appropriate tests for new regional shopping centres and major retail development outside town centres should be incorporated into PPS 5, but this had not yet been fully considered by government.

- 4.08.11 It was difficult to understand why a bulky goods condition had not been applied to the approval of the B&Q site to the west of Central Way in Central Craigavon as this meant that there could be a change in the form of retailing to non-bulky goods at any time. Likewise Rushmere extension could sell non-bulky goods. An application to remove the bulky goods condition on the Turkington site would be allowed if the site were within the defined TC and no demand assessment would have to be carried out.

#### **COUNTER OBJECTORS' CASE**

- 4.08.12 The objections were commercially based and aimed at preventing the further development of retail facilities in the Central Craigavon area. This would have the effect of undermining the sub-regional role envisaged for Craigavon in the DRSF. Craigavon was to be the senior regional town and its role was to be the 'major urban centre of Mid-Ulster'. The Family of Settlements Report indicated that the fundamental strengths of Craigavon were based around its strategic location and ability to serve an extensive catchment area throughout mid-Ulster, with an infrastructure which was of high quality and had spare capacity. The Panel Report recommended that the status of Craigavon as the senior regional town should be retained but that it should not receive a higher status that it received in the DRSF. It said that it clearly had all the attributes in terms of location, critical mass and infrastructure to be identified as a focus of major employment and housing growth in the final strategy. The government's response to the Panel report confirmed this.
- 4.08.13 DCAP clearly based its definition of town centres and their boundaries on this status of Craigavon as a growth centre of considerable importance serving a significant sub-region of N Ireland. Craigavon had not fulfilled its potential because the number of facilities that operated on a sub-regional level were limited to B&Q and the proposed factory outlet village at Highfield Road which was also outside the objectors' proposed TC boundary. Even if the retail capacity figures produced by the DoE and the objectors did not show a great demand in the whole Borough, there was a need to fulfil this sub-regional status of Craigavon.
- 4.08.14 Both the 1983/85 Craigavon Urban Area Plan and the Tibbalds Central Area Study 1990 provided indications of the potential extent of the Central Area of Central Craigavon. However, it had never been formally adopted by the DoE and, in any event, its authors had emphasised that the Master Plan should not be regarded as fixed or immovable. The Development Concept Plan in the Tibbalds Study was prepared at a time of pessimism amongst commercial investors about the future of Craigavon Central Area and had had no bearing on the subsequent planning and development of the Central Craigavon Central Area, as ultimately the market had dictated the location of developments. The study's Primary/Core Development Area excluded the majority of planned developments in Central Craigavon's central area since 1990 – the retail warehousing and the factory outlet. Most of the suggested uses had not taken place but other uses such as housing had been allowed in their place. The proposed business centre to the NE was under construction for housing. The proposed secondary bus centre to the north was now housing, the entirety of the central island had been built on by the extension to Rushmere and the retail warehouse park, the site of the proposed leisure complex was now partly housing, although some of it remained undeveloped. The proposed back office area to the west was also housing. There was very little land left for TC uses and the Master Plan had been superseded.
- 4.08.15 In addition to applications on the Turkington site, within the DCAP TC, there had been a number of retail proposals approved over recent years including: an extension to Rushmere (complete); retail warehouse development north of Rushmere (complete); a factory outlet village to the west of the bus depot on Highfield Heights; a number of applications for retailing and retail warehousing on the bus depot site; and there were

current applications for retail warehousing and drive-through restaurant (now developed –DF) to the east of the petrol filling station beside Rushmere .

- 4.08.16 The uses that had been identified by Tibbalds could not now find sites within the DCAP TC boundary. It was incorrect for the objectors to claim that the DCAP TC boundary gave a potential for around 200,000 sq ft of additional floorspace when the DoE had already permitted a number of uses including unrestricted Class 1 development.
- 4.08.17 The objectors put too much weight on one of the criteria in paragraph 5 of PPS 5 ie the sustaining and enhancing of the vitality and viability of town centres. Rushmere was not the TC of Central Craigavon. The other criteria of Paragraph 5 were important, especially the third one which was to maintain an efficient, competitive and innovative retail sector. None of the criteria said that it was a policy objective to retain a Rushmere monopoly. The smaller TC proposed by the objectors restricted the area to around the site of Rushmere and had no regard to emerging and future land use requirements in Central Craigavon TC. The Rushmere shopping centre was operating successfully at the moment and it should be able to withstand competition. Its operation as a commercial monopoly was contrary to the Government's policy objectives for TCs as set out in PPS 5; its limited space prevented effective competition between retailers and stifled innovation. The shopping centre alone could not provide the wide range of choice of shopping that was critical to maintaining the vitality and viability of town centres and would not be able to do so, should the proposal of the objectors for a smaller TC be accepted. The objection was seeking to prevent the development of competition that would improve efficiency in trading and, if accepted, would inevitably lead to a decline in the vitality and viability of the TC.
- 4.08.18 The character of Central Craigavon town centre was one of high accessibility and low density with large low rise buildings and extensive landscaping. This had inevitably led to the coverage of a more extensive area of land than in a traditional high density town centre. The defined TC boundary had to be logical and the Central Craigavon Limited (CCL) suggested TC boundary was not logical where it ran from the Marlborough House car park to the junction at Highfield Road, giving access to the Water Service Laboratory. Given the advice in PPS 5 regarding public transport access to TCs, it was illogical to exclude the Bus Depot from the TC boundary. The most appropriate line to use was Mandeville Road as in DCAP.

#### **The Turkington Site**

- 4.08.19 The site's planning history was that there was planning approval for TC uses as defined by PPS 5 on the bulk of the area. Planning permissions had been granted for office/business use in 1997 on the bulk of the site; for a car showroom in 1997 fronting onto the roundabout at the Central Way/Mandeville Road junction; for a medical facility in 1998; for a retail warehouse and ancillary uses in 2000 with no bulky goods restriction; and for retail warehousing in 2001. The latter was outline permission for retail development comprising bulky goods retail warehouse units including builders supplies, garden centre, fast food outlet, petrol filling station, doctors' call centre, ancillary offices and coffee shop, car parking and landscaping, new access from Central Way, site roads, new pedestrian/cycle route and re-routing of parts of Highfield Grove. A reserved matters permission had been granted in July 2001 for most of the uses. There was a bulky goods condition.
- 4.08.20 The company wanted to build retail warehousing on the site but wanted the flexibility to build a mix of leisure, office and retailing uses. The development under construction would provide a doctors' call centre, a fast food outlet/family restaurant, a 80,000 sq ft B&Q retail warehouse, ancillary offices and coffee shop and a garden centre. This development was a town centre use according to PPS 5, although the policy recognised that due to the space requirements of retail warehousing TCs might not always be the most appropriate location for this type of development. This was due to the dense

grained street patterns normally associated with such areas but there was no similar difficulty associated with Central Craigavon TC. The 'low density, high-accessibility' format of Central Craigavon's TC entirely suited the characteristics of retail warehouse parks. With the number of extant planning permissions for retail use of the site it was untenable for objectors to seek to have the site excluded from the TC. It would frustrate future alterations to the scheme that was currently being developed. There was a current planning application to remove the bulky goods restriction on the retail warehousing approval but the application would also be revised to include leisure and cultural uses.

- 4.08.21 There was a critical mass to be achieved in the TC and leisure was an important use in revitalising the TC. There was more than retailing which would be excluded by PPS 5 if there was the tighter TC boundary suggested by the objectors. The critical function for a TC was retailing but if it was a TC with only retailing then that was not helpful. A major UK Health and Fitness operator was considering locating at the Turkington development. A diversity of uses on the site would make a significant contribution to the long term vitality and viability of the TC as set out in PPS 5 at Paragraph 22. The development would provide a range of daytime and evening uses and enhance Craigavon's image as a shopping destination for mid-Ulster. Craigavon TC needed additional facilities and attractions in order to reach a desired critical mass as a self sustaining TC as illustrated in the DoE's 'Vital and Viable Town centres – Meeting the Challenge' (1994) at page 64. Its current weaknesses were highlighted in the UMS Customer Survey carried out at Rushmere in October 1999.
- 4.08.22 It was accepted that if there was no PRC\* and the Turkington site remained within the TC then the company could build unrestricted retail but even were the approved floorspace to be built out as unrestricted retail this would not have an adverse impact on the vitality and viability of Central Craigavon's TC as the site was well linked with the Rushmere Shopping Centre.
- 4.08.23 The National Cycle route which locally connected Portadown TC with Central Craigavon TC crossed the Turkington site. The site was connected with both the residential areas and other TC facilities and road access had been recently improved with the development of a new road link between Mandeville Road/Highfield Road and Central Way.

*The Windsor Securities Site*

- 4.08.24 This site was bisected by the proposed TC boundary in DCAP but it was accepted that the western portion was outwith the original objection and could not now be included in the objection. The eastern portion was within the boundary and the company wanted it to remain within the TC. It had recently received planning permission for a factory outlet shopping centre. This must have been granted within the context of the site being within the TC as PPS 5 at Paragraph 46 said that factory outlet centres were acceptable within TCs. It would be irrational to exclude the factory outlet centre site.

**The CCL Suggested PRC\***

- 4.08.25 The TC proposed in the plan was suitable for Central Craigavon's future needs and there was no necessity to have a PRC\* or a RFPA since the TC boundary itself served to restrict retailing to this core area. The CCL suggested PRC\* was almost a perfect match to lands in the ownership of that company. PPS 5 embraced the concept of commercial competition and there was a danger in having a TC where all the land was in one ownership.

**OBJECTORS' CASE**

### **Planning Background**

- 4.08.26 In the policy vacuum created by the failure to provide a statutory area plan for Craigavon, the Tibbalds study (1990) represented the only indication of the DoE's thinking in respect of planning policy for Central Craigavon Town Centre prior to DCAP, although its purpose was partly to encourage regeneration and since then things had substantially improved. The Tibbalds study had a Development Concept Plan relating to the whole study area (around 500 acres including the southern lake) and a Master Plan set within this broader framework covering the Primary Development Area. This Primary Development Area was to be the focus for all major development effort. It was bounded by Highfield Road in the west (excluding the area south of Marlborough House), the road east of North and South Lakes and the rail link and Mandeville Road to the north and south respectively. The Master Plan highlighted a flexible range of uses based on a series of parcels of land suitable for development, broadly reinforcing and enhancing the range and mix of uses already secured for the central area.

### **The Principle of Town Centre Designation**

- 4.08.27 One objector considered that Central Craigavon should not have a designated TC whenever its functions did not match that of a TC. It was more of an administrative area with shops and did not come within the PPS 5 definition of a TC. It was more of an 'out-of-centre' ie 'a location outside a TC but within defined development limits' (PPS 5) and it acted as such and looked as such. There were very few of the essential services normally found in a traditional town centre and there were no community uses or provision for the arts. It had none of the small scale secondary shops that were in the side streets of traditional town centres, there was little variety in the retail offer and its boundary in the Plan should be redefined so that retail development would be focused on available sites within Portadown. It had a road bisecting it and did not have the services associated with a TC. These were all available within the town centre of Portadown.
- 4.08.28 The other objector considered that Central Craigavon should have a TC boundary and a PRC\* but that the TC boundary shown in the plan was too extensive in terms of the policies contained in PPS 5 and also included land unrelated to the form of the TC. The retail capacity studies reported above in section 4.06 showed that there was significant over provision of retail floorspace within the existing three centres of the Craigavon UA, most notably in the general comparison sector which traditionally underpinned the overall vitality and viability of a TC. The net effect was that retail floorspace in TCs would continue to operate at highly inefficient levels and there was evidence of that inefficiency, with turnover per sq ft in the general comparison sector ranging from £260-310/sq ft and £160-180/sq ft in the bulky comparison sector. In order to address the inefficient performance of floorspace it was fundamental that TCs were defined with appropriate boundaries reflecting the inter-relationship between the wide mix of uses and with the ultimate objective of securing compact, sustainable forms.
- 4.08.29 Central Craigavon had originally been planned for a population in excess of 60,000 with its own town centre but now it only had a population of 14,000. The Tibbalds Studies had recognised the need to plan for all three TCs that made up the Craigavon UA in a way which reflected their interrelationship. Central Craigavon had been initially planned for as the 'city centre' for the new town and the Tibbalds Study saw it as a centre serving a large part of Northern Ireland. It was stated in its introduction that the Tibbalds concept plan was consistent with Craigavon's functioning as an important regional centre for a large part of Northern Ireland. Given that the DRSF now described the whole Craigavon Urban Area as a sub-regional centre in N Ireland, it was not surprising that a lot of the development envisaged for the Master Plan area had not come to fruition. It was important to ensure that the status quo between Central Craigavon, Lurgan and Portadown was maintained. DCAP's proposed TC for Central Craigavon would create uncertainty on the part of investors and would be detrimental in attracting investment. If it was found in 2010 that the TC had been too generous it

would be too late and there would be a struggle to revive all three TCs that made up Craigavon UA.

#### **Present Position**

- 4.08.30 The central area of Central Craigavon now consisted of a retail core focused on the Rushmere Shopping Centre, an administrative core west of Central Way and a civic core east of Lakeview Drive. The mix and diversity of uses were limited in comparison to the traditional centres of Portadown and Lurgan. Central Craigavon's share of the population of the Borough was predicted in the TS on Population and Housing to rise to 14% by 2010, whereas Lurgan and Portadown's share of 29% and 28% respectively was not predicted to change to any great extent by 2010. The three town centres functioned relatively independently of one another although there was a requirement for a balanced and co-ordinated approach to their future development.
- 4.08.31 Craigavon Central Area had increased its net retail floorspace by 44% over the five year period from 1993-98. The original shopping centre had been extended by 90,000 sq ft and modernised and a retail park of 90,000 sq ft had recently been built. Rushmere shopping centre served a Borough wide catchment population, was a higher order facility and had scope to grow further as a shopping centre. It was effectively the town centre and thus it was important to sustain its vitality and viability. Rushmere Shopping Centre and Retail Park operated as the PRC\* for Central Craigavon TC and served the catchment population extending throughout the Borough and beyond. It was highly accessible by car and complemented the shopping experience of Portadown and Lurgan. The continued success of the shopping centre as a focus for higher order retailing throughout the Borough was dependent upon a logical and sensible TC boundary and a PRC\* being defined.
- 4.08.32 Since refurbishment and extension of the shopping centre in 1997 available and potential floorspace had been marketed actively. There had been a number of significant successes but rents at approximately £42 per sq ft zone A were significantly behind the pattern of rents for similar sized centres in N Ireland (eg Buttercrane, Newry £80 per sq ft. Abbeycentre, Newtownabbey £85, Foyleside, Derry £85, Bow Street Mall, Lisburn £67 and Richmond, Derry £70). In the retail park the last remaining 20,000 sq ft had proved difficult to secure an agreement on, despite aggressive marketing.

#### **Effect on Rushmere Shopping Centre**

- 4.08.33 The DCAP TC boundary for Central Craigavon would provide the opportunity for major new retail development in locations to the south of Marlborough House and west of Highfield Road, because Plan Policy C/TC 1 allowed any form of unrestricted retail development within the TC boundary. This could be comparison retailing, a sector in which there would remain over provision by 2010 in the Borough. There would be potential for 200,000 sq ft of additional retail development on land to the south of Marlborough House and a similar quantum on land to the NW of Highfield Road. If open consent were granted this would have a major implication for the supply and demand situation and there would be voids and a fall in rents. This would result in the weakening of the retail function of the existing TC and substantially damaging the recent investment in the retail sector in the TC. There was significant consolidation occurring amongst UK and RoI retailers which impacted generally on the more peripheral locations first.

#### **Effect on Lurgan and Portadown Town Centres**

- 4.08.34 DCAP's proposed TC for Central Craigavon would also have a detrimental effect on the health of the traditional TCs of Lurgan and Portadown. The DoE was not implementing DRSF's sustainable development strategy if it allowed Craigavon TC to be expanded from what it had been and the extension was contrary to PPS 5 at Paragraph 6 as it would contribute to the degradation of the vitality of Portadown TC. Investors were

unlikely to utilise the existing opportunities in Portadown's traditional town centre when there was an oversupply of land available with a defined TC for Central Craigavon.

4.08.35 Portadown had the traditional role as the region's main shopping centre and there was no good reason for transferring this to Central Craigavon which had grown recently as a perceived out-of-town shopping centre, with parking provision and no restriction on opening hours. Portadown had a rail station and was an established traditional town centre acting as a meeting place with a variety of retailing, services and smaller businesses. The expansion of Central Craigavon TC was contrary to Plan Policy P/TC 4 of the DCAP.

4.08.36 Excessive land supply for retailing in the Borough would have a negative effect on existing vacancy rates and would keep rents low. Vacancy rates in Portadown were alarming at 20% rising from 58 units in 1993 to 122 units in 1998, whereas vacancy rates in Central Craigavon's TC had remained static. High Street Mall in Portadown had experienced one of the lowest increases in rents in the Province from 1995-2002. The Troubles had had a significant effect on retailing in Portadown because of rioting and the Drumcree situation and this deterred shoppers from the wider hinterland.

#### **The Suggested Alternative TC Boundary**

4.08.37 The DCAP TC for Central Craigavon had within it retail warehousing type uses and it was not being developed as a proper multi-use town centre. The CCL suggested alternative TC boundary respected existing uses and gave an opportunity for expansion in a constrained way as the plan was only until 2010. If the land south of Marlborough House (the Turkington site) was outside the TC boundary, as suggested, the only restriction of PPS 5 would be in relation to unrestricted comparison retailing, as leisure uses would be allowed by PPS 5. The reserved matters approval on the Turkington site (N/2001/0375/RM) was in essence a retail warehouse park with sheds of 20,000 sq ft and 7,000 sq ft in which one would expect bulky goods retailers, and PPS 5 would allow this type of development outside a TC as an appropriate edge-of-centre use. The approved development would add nothing to the rich tapestry of uses appropriate to a TC. The B&Q warehouse was unrelated to the function of a TC and physically unrelated even though connected by road and by a pedestrian bridge. If unrestricted retailing were allowed, there would be serious implications for the vitality and viability of retailing on the central island and also in Lurgan and Portadown TCs. It would erode the compact form and function of the TC and would only be appropriate if there was a clear need for TC facilities over the plan period, most notably retail, commercial and administrative uses. There was no such need and additional non-retail uses within Craigavon TC could adequately be accommodated within the available infill opportunity sites primarily concentrated west of Lakeview Road and south of Rushmere Shopping Centre.

4.08.38 The area of the DCAP TC to the west of Highfield Road failed to link to any of the established uses within the TC core. The land to the NW fronted onto Northway and its development for TC uses would weaken the core mix and range of uses within the TC and erode its compact form. The inclusion of lands north of Baltreagh Road to the north and SE of the Civic Centre to the east was also illogical and unrelated to the identifiable mix and range of uses within the TC. Housing to the NE and even housing to the NW, which accessed off Central Way was included in the CCL TC boundary because housing could contribute to the vitality and viability of a TC.

4.08.39 The CCL suggested TC boundary was logical as it was based on some physical features such as the car park at Marlborough House and the footpath to Highfield Road. A boundary did not have to follow physical features and there was no requirement to include the Turkington site just because of its planning history. The suggested boundary reflected the Master Plan area of the Tibbalds Study although some of the parcels of land in the Tibbalds Master Plan had not been included in the CCL suggested



TC boundary because their proposed uses were unrelated to TC functions (Parcel 3). Parcel 6 and part of Parcel 2 were included in the CCL suggested TC boundary although they were being developed for housing (refer to Parcelisation Map in Appendix).

#### **The Suggested PRC\* Boundary**

- 4.08.40 Central Craigavon needed a PRC\*. The proper PRC\* for Central Craigavon was the central island as this had the mix of High Street type retailers. Defining a PRC\* would not completely prevent unrestricted retailing in the rest of the suggested CCL TC boundary but would make the PPS 5 tests kick in. The suggested alternative PRC\* was reflective of the concentration of primarily retail uses within the town centre. It was logical and included a mix of uses such as cafes, a cash machine, a Post Office and a petrol filling station, although no pub. Planning permission had been granted for a MacDonalds drive-thru restaurant in the car park of Rushmere Shopping Centre (now developed – DF) and there was another extant planning permission for a free standing restaurant in the car park, although as yet no demand for this. The facilities inside the centre could not be accessed outside shop closing hours. It was a unique town centre and the UMS survey showed that only 4% of customers arrived by foot.
- 4.08.41 There was not a monopoly within the suggested PRC\*. The Rushmere shopping centre consisted of a shopping mall and a retail park with convenience, bulky comparison and non-bulky comparison goods being sold. It had two superstores competing with each other and had general comparison competition between Dunnes Stores and TK Maxx. CCL was merely the landlord collecting rents and such ownership was not unhealthy. There was consent for a large extension to the centre with a new south entrance and a new and re-configured car park with capacity for 1100 cars. and consent for a large extension to the retail park (see DoE schedule of planning applications). CCL owned about 90% of the land in the objectors' proposed PRC\* but some land around the petrol filling station at the shopping centre was owned by another company and could be accessed without going through land controlled by CCL as the DoE had reserved a right of way. No other town centres were owned to such a degree by one company but this was entirely in line with the exceptional nature of Central Craigavon.

#### **CONSIDERATION**

- 4.08.42 One difficulty interpreting different policies in DRSF and DCAP derives from the inconsistent use of terminology already referred to in Section 1. DCAP at page 81 refers to Craigavon TC whereas it is more logical to describe it as Central Craigavon's TC. In DRSF when 'Craigavon' is used it clearly relates to the Craigavon Urban Area ie Central Craigavon, Lurgan and Portadown. I have attempted to report the evidence using a terminology which gives it sense. I strongly recommend that throughout CAP the terminology used is consistent.
- 4.08.43 Some of the confusion in the evidence relating to the demand for retailing floorspace in Central Craigavon relates to the terminology used by these different studies. The aim of the non-statutory Tibbalds Study 1990 was to produce a concept plan for the Central Craigavon Central Area consistent with 'Craigavon' functioning as an important regional centre for a large part of Northern Ireland. Its strategic objectives included the provision of range of high order retail, leisure and tourism facilities, a focus for commercial and industrial activity; and a centre which would assist regional economic growth. 'Craigavon', in this case, seems to refer to what I have been calling Central Craigavon in this report and not the whole Craigavon Urban Area. The illustrated plan in the study covered a Primary Development Area within the Study Area which the authors felt must be the focus of all major development effort over the following 10 years.
- 4.08.44 I do not attribute much weight to the Tibbalds Study since it was not formally adopted and was largely aimed at attracting investment to the central area of Central

Craigavon. The Concept Plan was intended to be flexible and indeed what has been developed bears little relationship to what was proposed. The DoE seems to have largely ignored it in determining planning applications since 1990. I attach considerably more weight to the sub-regional role now attributed by RDS to the entire Craigavon UA and, as I have already stated in section 4.04, the need to consider the three towns making up the Craigavon UA an interrelated group respecting the role each has in the retail hierarchy at present.

4.08.45 Central Craigavon has a unique town centre for historical reasons. It presently resembles an out-of-town shopping centre with adjacent civic and office uses rather than a traditional town centre. However, given its hinterland it seems reasonable to me to encourage it to grow into something more akin to a traditional TC with a mix of uses, service, cultural and leisure uses as well as convenience and comparison retailing and administrative offices. I do not accept one objector's view that it should have no delineated TC in the plan but should be treated as an 'out-of-centre'. I consider that it is now more than a 'District' or 'Local' Centre as described in PPS 5 at paragraph 49. At present the Rushmere shopping centre and the adjacent Rushmere retail warehouse park serve a wide catchment population, mostly car borne. They are very accessible and there is good multiple representation. If a 'proper' town centre is to develop to serve the needs of the population of Central Craigavon, then the TC needs to develop other uses such as service offices, restaurants, leisure facilities, pubs and so on.

4.08.46 In the light of my conclusions at Paragraph 4.04.20 that the function of a TC boundary in an area plan is primarily related to PPS 5's policy on retailing and the desirability of delineating relatively compact TCs and also PRCs\* within each TC and at Paragraph 4.06.32 about the relatively small scale estimated range of retail floorspace needs in the Borough over the plan period, in my view the DoE should bring forward revised proposals reducing the extent of the TC boundary in Central Craigavon. The exact boundary should be defined following an updated health check and a reassessment of need and have regard to the other criteria which I have identified at paragraph 4.04.20. It should also take account of the following factors in the overall context of the evidence reported above:

- the existence of land uses other than purely retailing such as Central Craigavon's bus station, postal sorting office, civic centre and Marlborough House (offices), none of which are inappropriate to a TC;
- the firm boundary to the north and south created by the railway line/Northway and the A 3;
- the firm boundary to the east created by the edge of South Lake;
- the planning history of the Turkington and Windsor Securities sites;
- the overt recreational nature of the land to the SE of the Civic Centre which lies more readily into the South Lake Zone which I recommend in section 7 on the foot of objection No 275(8.1)
- the need to adopt policy to secure retention of existing residential uses in the town centre.

4.08.47 In my view the DoE should also bring forward revised proposals for a PRC\* in Central Craigavon having regard to a re-assessment of need and the other criteria which I have identified at paragraph 4.04.20. It should also take account of the following factors in the overall context of the evidence reported above:

- the physically well defined central island bounded by Lakeview Road, Balteagh Road, Central Way and the A3 roundabout and the opportunity for improving pedestrian linkages to other immediately adjoining areas;
- general retailing policy in PPS 5 which does not absolutely exclude major comparison/mixed retailing outside a defined PRC\* subject to the applicant showing

that the proposal complies with Paragraph 39 tests and the requirement to show that no PRC\* sites are available; and

- the point that the critical element of competition is between different retailers and not between property owners.

**RECOMMENDATION**

4.08.52 I recommend that the DoE re-assesses the extent of the TC boundary in the Plan and reduces it in size broadly in line with the principles I have set out in Paragraph 4.04.20 and the factors I have indicated in my consideration. I also recommend that a PRC\* be delineated broadly in line with the principles set out in Paragraph 4.04.20 and the factors I have indicated in my consideration.

4.09

Objections relating to the extent of Lurgan Town Centre boundary in the Plan.

**Objection: No 187**

**Counter Objecton: No 28**

**DEPARTMENT'S CASE**

- 4.09.01 Lurgan TC had an attractive linear form and a strong tradition of local independent traders. There were around 28,000 sq m of net retail floorspace within the TC and a significant amount of residential development in land use terms (37%). Vacancy was 15%.
- 4.09.02 There were 983 car parking spaces in ten car parks and a railway station in the town centre. A Comprehensive Development Scheme (CDS) was adopted in 2000 for the area SW of the main shopping street, its aim being to facilitate the redevelopment of this area and promote the regeneration of the town centre as a whole. It proposed town centre uses accessed off a central distributor road for which planning permission had been applied. The Comprehensive Development Area (CDA) was included in DCAP by virtue of Article 9 of the 1991 Planning (NI) Order and the DoE would be preparing development briefs for the various sites.
- 4.09.03 The DCAP TC was linear in form and was the focus for shopping and commerce in the town, containing a range of shops, offices and services. To the east Lurgan Park added an attractive and unique character to the adjacent town centre. The railway line formed the TC boundary to the NW at William Street whilst to the south and west the boundary marked the transition to residential use.
- 4.09.04 The TC had been defined in accordance with PPS 5 to:
- ◆ Sustain and enhance the vitality and viability of the town centre.
  - ◆ Focus development where the proximity of businesses would facilitate competition from which all consumers would benefit and maximise the opportunity to use means of transport other than the car.
  - ◆ Maintain an efficient, competitive and innovative retail sector.
  - ◆ Ensure the availability of a wide range of shops, employment services and facilities to which people had easy access by a choice of means of transport.
- 4.09.05 It was defined in recognition of the following factors:
- The growth potential of the Borough as identified in DRSF.
  - The regional significance of Craigavon UA in serving a wider area than the Borough.
  - The current function of the TC in serving Lurgan.
  - The good public transport, road transport and pedestrian access of the TC.
  - Consultation with the Borough Council.
  - The need to improve and enhance the range and variety of the town's retail provision
  - Encouragement of regeneration of the TC.
  - Encouragement of the redevelopment of brownfield sites.
  - Integration of the railway station within the TC.
  - Existence of a Comprehensive Development Scheme.
  - Facilitation of access to all sections of the community.
  - Historic character of the TC.
  - Setting of the TC especially with regard to Brownlow House and Lurgan Park.

- 4.09.06 The Primary Retail Core (DCAP terminology) had been defined in accordance with paragraphs 11 and 23 of PPS 5 in order to control non-retail uses at ground floor level. There were four opportunity sites identified for a range of uses and there was a designated Area of Townscape Character.

#### **COUNTER OBJECTOR'S CASE**

- 4.09.07 Lurgan Forward had been formed as a Town Management Company with local business, community and Borough Council representation. It had been involved in a number of studies which had looked at the lack of development over recent years and the detrimental effect this was having on the commercial and social life of the town. The EDAW study 'Town Centre Reinvigoration Study' (DSD 2000) stated that there was a strong case for new retail development capable of attracting multiples. The physical structure of the town was poor and it needed the opportunity to grow. The DCAP TC boundary was the minimum amount of land needed. The main streets were not considered of the right quality. Even if the objectors were right about the capacity for retail floorspace in the Borough to 2010, Lurgan needed room for larger stores and car parking if it were to modernise. Lurgan should be given the same opportunity to expand its town centre as Central Craigavon and Portadown.
- 4.09.08 The Lurgan Town Centre Audit 1998 by Lurgan Forward/Price Waterhouse stated that there was a need to address the narrow retail base and lack of multiples in the town centre. The Lurgan Forward Vision Statement (undated) set out approaches to regenerating the town. The plan fully agreed with PPS 5 which pointed to a need for an efficient, competitive and innovative retail sector, the availability of a wide range of shops and the need to focus development especially retail development, in town centres.
- 4.09.09 DCAP reflected the needs identified for the town centre by providing for potential developments that were required for the town's regeneration as a regional retail centre in competition with its rivals. The potential was there for the development of the land to the west of the proposed new road and there were developers interested. A new road like this needed development on both sides. Sites L2 and L3 were in demand and a natural extension of the TC as there was a good footfall to Castle Lane. Modern shopping required good parking within the TC. The Lurgan Forward vision was to exploit the unique and different character of the town attracting retailers not represented elsewhere in the Borough. The CCL suggested TC boundary would mean that provision would not be made for potential developments that were required in the town. The objection, if endorsed, would serve to artificially restrict development in the Borough and such a policy would give an unfair advantage to one part of the Borough to the detriment of Lurgan, whilst failing to serve the longer term needs of the Borough as a whole. It would limit potential competition to Central Craigavon, giving CCL a clear field for their own development. This was protectionist and self serving and would harm the development of the Borough.

#### **OBJECTOR'S CASE**

- 4.09.10 Lurgan had successfully targeted new retail development to the existing town centre, despite pressure for out-of-centre development. The town was predicted to retain its proportion of the Borough population (29%) over the plan period. In the period between 1993 and 1998 net retail floorspace in Lurgan TC had increased marginally, although the traditionally strong general comparison sector had remained static. Existing retail facilities, particularly in the general comparison sector which commonly underpinned TC retailing, were struggling to maintain market share and were performing at levels below expectations. It was therefore of fundamental importance that the TC of Lurgan was defined with appropriate boundaries reflecting the inter-

relationship between the mix of uses and with the ultimate objective of securing a compact, sustainable form.

- 4.09.11 Given evidence summarised in section 4.06 above about the limited need for additional retail floorspace in the Borough over the plan period and the need to respect the roles of Portadown, Central Craigavon and Lurgan in the retail hierarchy, Lurgan's TC boundary was too extensive and would not provide the opportunity to sustain and enhance the vitality and viability of the town centre. Extending the TC to include large areas unrelated to the interdependent mix of uses normally associated with a TC would clearly undermine the overall role and function of the TC by providing clear opportunities for major new retail development which would weaken the overall structure not only of the PRC\* but also of the TC as a whole. This would be contrary to policy in PPS 5.
- 4.09.12 The extension of the TC boundary to the north, east and SW diluted the strong linear core which had become established in the town. The extension NW along William Street towards the railway included primarily residential and secondary commercial uses and unacceptably stretched and consequently weakened the TC. Extension of the TC SW included various derelict and vacant sites between Union Street and Edward Street and for this reason alone it was appropriate for this area to be within the TC, but only up to the line of the proposed Central Distributor Road. The key to implementation of the Lurgan Town Centre Development Scheme (DoE 1998) was construction of this road linking Malcolm Road in the east to Edward Street in the west. Major retail development was envisaged in the scheme and planning permission had been granted, but not implemented, for large scale primary retailing between the proposed new road and Market Street. There were plenty of opportunities for major new development within the area bounded by the new road without having to extend the TC boundary to the SW of this. Land to the SW of the proposed road was entirely unrelated in terms of form, function, mix and diversity of uses to the traditional TC. It was not necessary to include these lands within the TC boundary in order to enable redevelopment proposals to progress and to include them would serve to weaken the compact nature of the TC core as currently existed, to the overall detriment of its vitality and viability.
- 4.09.13 Opportunity sites L2 and L3 had no need to be within the TC boundary as the significant new retail development in recent years in the north Castle Lane area provided a logical TC boundary. North of the Lidl development Castle Lane significantly narrowed on approaching Brownlow House and the expansion of town centre related uses into this area would be inappropriate, particularly given the clear opportunity provided by site L1. The south-eastern boundary of the DCAP TC boundary included significant areas of primarily residential development and these were clearly detached from the mixed retail, commercial and administrative functions of a TC.
- 4.09.14 In order to secure the development of opportunity site L1 and the site between Market Street and the proposed Central Distributor Road it was fundamental that the TC boundary of Lurgan was compact and logical. Focusing new development on these sites would ensure linkage and therefore maximise mutual benefit to the existing TC uses.
- The Suggested Alternative TC Boundary**
- 4.09.15 An alternative TC boundary, based on a land use survey carried out in March 2001, was suggested although this was not set out in the original objection letter. This alternative TC boundary reflected the interdependent mix and diverse range of uses within Lurgan's town centre and provided opportunities for infill development on vacant and inefficiently used sites, encouraging linkages with other town centre uses and facilitating the sustaining and enhancing of town centre vitality and viability. A PRC\* boundary was also suggested by the objectors but this issue had not been raised in the original objection letter.

## CONSIDERATION

- 4.09.16 In the light of my conclusions at Paragraph 4.04.20 that the function of a TC boundary in an area plan is primarily related to PPS 5's policy on retailing and the desirability of delineating relatively compact TCs and also PRCs\* within each TC and at Paragraph 4.06.32 about the relatively small scale estimated range of retail floorspace needs in the Borough over the plan period, in my view the DoE should bring forward revised proposals reducing the extent of the TC boundary in Lurgan. Evidence was presented that the town's retailing base is weak and this has been analysed in a number of recent reports (Lurgan Forward, EDAW, Tibbalds et al etc). I disagree with the counter-objector's view that the cure for this is an extensive TC boundary in the Plan. In my view this represents a misunderstanding of the role of the TC boundary which is to maintain the vitality and viability of town centres. Although a TC boundary should not restrict development to such an extent that it goes elsewhere, I agree with the objector that the extensive TC boundary in DCAP would present extensive new development opportunities for retailing (given the policies of PPS 5) that would not closely relate to the traditional town centre and could therefore have an adverse impact on the vitality and viability of the existing town centre, contrary to the aims of PPS 5.
- 4.09.17 The exact boundary should be defined by the DoE following an updated health check and a reassessment of need and have regard to the other criteria which I have identified at paragraph 4.04.20. It should also take account of the following factors in the overall context of the evidence reported above:
- the existence of a firm boundary to the SW formed by the new distributor road;
  - the need to define other boundaries to encourage the development of undeveloped land within the CDA to the east of the new distributor road;
  - a re-definition of the extent of opportunity site L3 to exclude the existing Lidl store;
  - a reconsideration of the inclusion of opportunity sites L2, L3 (redefined) and L4 within the TC boundary and the redefinition of appropriate uses to exclude retailing from L2 and L3 and to include community uses;
  - a critical appraisal of the physical extent of the TC to the NW and SE to ensure a much more compact form;
  - the need to break up the CDA into several opportunity sites; and
  - the need to adopt policy to secure retention of existing residential uses in the town centre.
- 4.09.18 In my view the DoE should also bring forward revised proposals for a PRC\* in Lurgan having regard to a re-assessment of need and the other criteria which I have identified at paragraph 4.04.20. It should also take account of the following factors in the overall context of the evidence reported above:
- the proximity of parts of the undeveloped land within the CDA NW of the new distributor road to the primary retailing part of the town, namely Market Street and Church Place;
  - the location of the L1 opportunity site close to Market Street with good pedestrian and vehicular linkage to Market Street and Church Street; and
  - the potential limitation of the extent of the PRC\* to the NW and SE according to the limits of the Retail Frontage Policy Area shown in DCAP.
- 4.09.20 Given the agreed change of terminology I consider that the DCAP PRC for Lurgan be re-named a Retail Frontage Policy Area (RFPA).

### **RECOMMENDATION**

- 4.09.21 I recommend that the DoE re-assesses the extent of the TC boundary in the Plan and reduces it in size broadly in line with the principles I have set out in Paragraph 4.04.20 and the factors I have indicated in my consideration. I also recommend that a PRC\* be delineated broadly in line with the principles set out in Paragraph 4.04.20 and the factors I have indicated in my consideration and that the PRC in the DCAP be re-titled RFPA.

- 4.10 

Objection relating to the need for a properly constructed bus facility close to Lurgan Town Centre.
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### **Objection No: 38**

### **DEPARTMENT'S CASE**

- 4.10.01 The DoE would be prepared to facilitate discussion with Translink and Lurgan Forward on this issue

### **OBJECTORS' CASE**

- 4.10.02 None presented

### **CONSIDERATION**

- 4.10.03 This is a matter of detail upon which I have insufficient information to make any recommendation. If the location of a bus facility has not been identified by Translink then it cannot be referred to in the plan. This does not preclude its development at some future stage.

### **RECOMMENDATION**

- 4.10.04 I recommend that no alteration be made to the Plan as a result of this objection.



4.11

Objections relating to policies P/TC 1, P/TC 2 and P/TC 3; that Portadown Town Centre boundary is too extensive (Objection Nos 211, 214, 223, 222); that the TC boundary is not extensive enough (Objection Nos 275 (14.1), 146); the designation of a Primary Retail Core and a Major Retail Development Core; and the lack of clarity about what is acceptable in each opportunity site.

**Objection: Nos 211, 214, 223, 222**

**Conflicting Objection: Nos 275 (14.1) 146**

**Counter Objection: Nos 27, 28, 29, 30**

#### **DEPARTMENT'S CASE**

- 4.11.01 The Craigavon New Town Master Plan 1986 identified the TC to the west of the R Bann and land at Edenderry was identified for industry. The Craigavon UA Plan 1983/85 did not identify a TC; the Tibbalds Study 1992 defined a town centre study area excluding most of the land north of Northway and including part of Edenderry; and the CAPPP defined a TC bounded by Northway and including part of Edenderry. The DoE had given weight to the CAPPP TC boundary in determining planning applications and in 1998 had given a Notice of Opinion (NoP) for opportunity site P1 to refuse a food superstore, off licence, retail warehousing (100,000 sq ft), petrol filling station and fast food drive-in restaurant. The NoP had been based on a Retail Impact Assessment (RIA) provided by the applicant and part of the scheme had been inside the CAPPP TC boundary and part had been outside. The first reason for the NoP had been the effect on the vitality and viability of Lurgan and Portadown town centres and the Craigavon Central Area. The second had been that the proposal did not complement or meet existing deficiencies in the overall shopping provision of the catchment area. The DoE had seen no qualitative or quantitative deficiency in retailing in the catchment at that time. If accepted, the DCAP TC boundary would now allow a food superstore on all of opportunity site P1. Since the NoP had been issued there had been an extension of 3000 sq m net at the Meadows Centre in Portadown (under construction); Supervalu had replaced Wellworths in High Street; Dunnes Stores had closed at Magowan Buildings and opened at the High Street Mall; Tesco had opened at Bridge Street, Wellworths had closed at the Meadows Centre; Iceland had opened off Meadow Lane; a refurbishment of the Magowan Buildings had taken place in 1998/9 and an additional 4000 sq m had been approved at Magowan Buildings.
- 4.11.02 Vacancy levels in the town centre had increased from 58 units (19% Of the total) to 122 units (29% of the total) between 1993 and 1998. In 2001 there were some 160 units vacant within the DCAP TC boundary totalling an estimated 1381 sq m, although this was in a wider survey area than that of the 1993-1998 statistics and included residential properties (see Table 4.5 above).
- 4.11.03 The DoE recognised the on-going significant private investment in retail facilities in Portadown as a reflection of its strength and potential for the future. Significant major environmental improvement schemes within the TC had been carried out. The TC had been defined in accordance with PPS 5 (especially Pages 5, 7 and 14) , PSRNI, DRSF and emerging transport policy and in recognition of the following factors:
- The current function of the TC as the major centre within the Borough for shopping facilities.
  - Craigavon UA's designation in DRSF as a regional centre with growth potential .
  - Private investment in new shopping provision over the last 10 years and the significant improvement in the quality of retail facilities.
  - Regional significance of Craigavon UA in serving a wider area than the Borough.

- Good road, rail and bus transport, parking and pedestrian access in the Portadown TC.
- Consultation with the Borough Council.
- Need to improve and enhance the range and variety of the TC's retail provision, in recognition of Portadown's strong role.
- Encouragement of investment and regeneration of the TC.
- Encouragement of the redevelopment of brownfield sites.
- An aim to diminish the impact of the railway line and Northway as a physical barrier to the TC.
- An aim to ensure that the R Bann and its frontage become more accessible, integrating it with the town centre and strengthening its potential as a major feature of the town centre.

4.11.04 Portadown Town Centre Master Plan was being prepared by DSD and DCAP had highlighted the need to positively address those opportunity sites identified, the potential for waterfront development, the need to improve physical linkages between the town centre and all adjoining communities and to assist the private sector to develop key sites.

4.11.05 In extending the TC boundary from CAPPP, the DoE had taken the view that there was pent up demand for retail space, office space and recreational space, although it had carried out no assessment of this and the retail capacity analysis in the Plan's Commerce TS had limitations. The DoE was not contesting the CCL schedule of potential sites within the CCL suggested TC but put to the Inquiry its own schedule of planning applications/approvals (refer to DoE schedule of planning applications in Appendix). If too much land were allocated for TC uses it would not affect the market as the shops just would not be built. It was accepted that the first two bullet points above at paragraph 4.11.03 did not necessarily mean an enlargement of the TC in the absence of a clear need but the DoE hoped that the Plan would attract more retail development. With regard to bullet point 8 the objective of regeneration would be fulfilled by enlarging the TC boundary as opportunity sites were identified, but it was accepted that brownfield sites could be regenerated even if outside the TC.

### **Edenderry**

4.11.06 Vico had made a representation post CAPPP for the TC boundary at Edenderry to be extended and Borough Council (BC) had supported this. There had been at least eight consultations with the Council on DCAP but no new survey information had been received by the DoE from the BC to justify extension of the TC at Edenderry. Vico had submitted a brief letter arguing that the rest of what was now the P1 site be included in the TC to assist regeneration and to create a combined site and information about contamination in the EIS for Vico's application on P1 for a food superstore and retailing had been taken on board by the DoE.

4.11.07 The DoE took the view that if the R Bann were on the edge of the TC then that would encourage the town to turn its back on the river. It wanted development on both sides of the river facing the river, but it did not necessarily have to be retail development. It was accepted that Laganside regeneration in Belfast was not retail led. The other reasons for including Edenderry in the TC were

- Ensuring a wide range of shops and facilities to which people would have easy access by a choice of means of transport.
- Maintaining an efficient, competitive and innovative retail sector.
- Facilitating the redevelopment of a major centrally-located brownfield site.
- Encouraging mixed use development on this site.
- Utilising the River Bann as a major feature of the TC.
- Views of local stakeholders and the Borough Council.

4.11.08 Opportunity sites P1 and P2 were centrally located within Portadown. There was reasonable accessibility to Edenderry from the train station – estimated as a 7-10 minute walk. There were problems of vehicular access to the P1 site but these could be overcome by the developers paying for a through route from Northway to Bridge Street. The existing planning permission for retail warehousing on P1 had a negative condition requiring the widening of Northway and the Bann Bridge.

#### **North of Northway**

4.11.09 It was a BC aspiration to have the barrier of the railway line and Northway broken down but it was accepted that this would not happen just because the lands north of Northway were included in the TC. One of the Council's reasons was social inclusion, which was supported by the DRSF Policy SPG 3 at p 32. Including this land within the TC would change public perceptions, promote neutral uses and establish accessible uses. Town centres in N Ireland were generally perceived to be neutral in sectarian terms although there had been no testing of the theory that people perceived this land north of Northway to be neutral. The DoE had not assessed the BC's idea that social inclusion would follow from TC designation. The area was to be included in the DSD Master Plan being prepared. Development of a neutral use at opportunity site P6 would act as accessible to all sectors of the community but it was accepted that retailing was no different in terms of neutrality from the site's suggested uses of residential, office and industrial. The DoE would not refuse planning permission for any development on the site just because it was not a neutral use.

4.11.10 By including land north of Northway in the TC the DoE's aim was to facilitate and encourage regeneration, however it was not in the proposed MRDC (now PRC\*) as the DoE wanted to sustain the vitality and viability of the TC. It was accepted that brownfield sites could be regenerated even if outside the TC. The Borough Council now wanted the bacon factory also included in the TC but the area north of Northway was not eligible for DSD grant funding as it was outside DSD's own boundary for grant funding. Neither the grant funding nor employment arguments were sufficient reason for having additional land within the TC. The DoE was prepared to concede the objection requesting the inclusion of the bacon factory on the basis of consistency but accepted that the consistency argument had little merit if it were shown that the boundary of the TC, by including the carpet factory, was too generous in the first place.

4.11.11 If the area north of Northway was within the TC in the Plan but outside the PRC\* then there would be PPS 4 Industrial Development hurdles for a food superstore on existing industrial land and PSRNI hurdles for a food superstore on existing open space land (Peoples Park). However, it was accepted that there were plenty of sites for food superstores within the CCL suggested TC as shown in the CCL schedule of available sites. It was accepted that the retail park (Sainsbury) outside the Newry TC had succeeded in overcoming both the PPS 5 tests and the hurdle of PPS 4 in 1996.

#### **The Primary Retail Core**

4.11.12 The DCAP PRC (PRFA revised terminology) had been defined for Portadown TC in accordance with paragraphs 11-23 of PPS 5 to control non-retail uses at the ground floor. The MRDC (PRC\*) had been defined in accordance with paragraphs 11 and 12 of PPS 5 to:

- Focus major retail development in the area of the TC that was most easily accessible by foot and by public transport.
- Provide development opportunities to promote the objectives of PPS 5.
- Encourage redevelopment of 'brownfield' sites within the TC.

4.11.13 There were limited development opportunities for major TC development proposals within the TC and taking into account the TC designation factors it was inappropriate to remove the PRC\* to the area suggested by CCL. It was accepted that even if the Plan

did not refer to retailing as a suitable use for a specific opportunity site, if the site were located within the PRC\* there would be nothing in principle to prevent it being granted planning permission for retailing.

## **OBJECTORS' CASE**

### **General**

- 4.11.14 The DCAP TC boundary would encourage a disparate form of retail development, weakening the existing focus and damaging the potential for future investment. The DoE and the BC had been irresponsible in relation to the Portadown TC boundary in DCAP by:
- ◆ giving, in principle, approval to major unrestricted retail development unrelated to the established TC in the clear absence of any demonstrated need;
  - ◆ neglecting the sustainability and regeneration objectives which DCAP purported to support and encourage; and
  - ◆ potentially threatening future investment in Portadown town centre and the role and function of the town with attendant job losses and environmental neglect.
- 4.11.15 The Plan should provide the platform for regeneration of vacant opportunity sites, in parallel with the ongoing DSD Master Plan. The Master Plan, if successful, would provide an internationally highly visible success story which would enhance the Borough in the same way as Laganside had enhanced the image of Belfast. The town needed significant investment in its retail core if it were to reverse the trend of the past decade. Although the Tesco development at Meadows Centre was likely to be a significant contributor in the process, the town required further assistance including environmental improvements and grant assistance.
- 4.11.16 Neither the DoE nor the CBC had properly assessed the need for additional retail floorspace nor the supply of existing and future opportunities. In the absence of this crucial exercise the laissez faire approach to defining the TC boundary was clearly inappropriate and neglectful. There was no need for very much additional floorspace in the catchment area over the plan period as argued in paragraphs 4.06.07 – 4.06.17 above and there were many existing opportunities (refer to CCL Table of Potential Floorspace Yield in Appendix). The primacy of Portadown as a retail centre should be protected in the plan. The traditional town centres of Portadown and Lurgan and the new town centre of Central Craigavon had successfully targeted new retail development to the existing town centres despite pressure for out-of-centre development. The DCAP TC boundary would create significant uncertainty for existing and future developers, investors and retailers. Certainty would follow from a tighter TC boundary as investors would know what could take place within it and what they would have to demonstrate for development to be approved outside it. The delay in getting retail planning permission for sites beyond a tighter TC, because of the need to demonstrate that the PPS 5 tests were passed, would be better than the effect of open class 1 retail consent for peripheral sites such as P1/P2 on the existing TC.
- 4.11.17 The objection was not a means of protecting the success of the Rushmere Shopping Centre in Central Craigavon but was a genuine concern about the effect of over generous TC boundaries on the vitality and viability of all three existing town centres.

### **Existing situation**

- 4.11.18 Portadown had a higher order retail function than either Lurgan or Central Craigavon and was predicted to retain a steady proportion of the population of the Borough (28%) over the plan period. From 1993-98 net retail floorspace in Portadown had increased by 42% according to the TS on Commerce, concentrated in the general comparison and convenience sectors. Major new developments had taken place at High Street Mall and the Meadows Centre. Notwithstanding this, the level of vacant units within the town

centre had increased by 65% in the 1993-1998 period according to the TS. The number of vacant units and the lack of re-fits had created the image of a town that was struggling. In the town centre approximately 15% of the total number of units in the CCL suggested TC were vacant and these had remained vacant over long periods. The former Dunnes Stores unit had remained vacant for five years, Units 8 & 9 of Portadown Shopping Centre had been vacant for 4 years and No 6 Borough Place East had been vacant for 3 years. A number of units in the High Street Mall had never been occupied since it opened in 1996 and 9/10 High Street had been vacant for 6 years. The fact that some vacant retail units were not being actively marketed, that there was some dereliction and a number of small units, did not disguise the fact that there was patently no demand. There was little likelihood of an improvement in vacancies in the medium term. The slow uptake of the 4000 sq m approved extension to the Magowan Buildings (granted 1999) was indicative of the relative fragility of the town centre. Rents over the last 10 years had stayed static or increased only slightly and would have fallen if it were not for upward only rent review clauses. Existing retail facilities, particularly in the general comparison sector which commonly underpinned town centre retailing, were struggling to maintain market share and were performing at levels below expectations.

- 4.11.19 Portadown's position in the hierarchy of leading market towns in the Province was under threat because of the Troubles which had resulted in loss of trade by local retailers; the development of the Meadows Centre beyond the traditional retail core; and the significant improvement in other competing centres – Newry, Banbridge, Lisburn, Dungannon and Central Craigavon. The Rushmere retail park had an open class 1 consent and this was attractive to a number of operators who would normally be constrained by a retail warehousing 'bulky goods' condition. This type of development posed a severe threat to the traditional Portadown town centre.

#### **Edenderry**

- 4.11.20 The area east of the River Bann had traditionally been industrial with some residential and secondary retail/services/community uses and it performed a function more akin to a local centre, as acknowledged by the Tibbalds Study. It was physically detached from the town centre by the river and Tibbalds had zoned Edenderry as an excluded area where the presumption would be against intrusion by retail/commercial uses. The TC boundary should be at the river at this location. The reluctance of the DoE to take account of the Tibbalds Study in defining a suitable TC boundary was indefensible. Although somewhat dated, the study remained the only properly researched and professionally formulated guidance on which to define TC limits.
- 4.11.21 PPS 5 meant that major proposals for large scale convenience and comparison retailing would be acceptable in Portadown on opportunity sites P1, P2 and P6, as they were inside the TC boundary and the MRDC (PRC\* ). This would kill the existing town centre. The potential for development of the P1/P2 out-of-centre opportunity sites should not be elevated above the objectives of PPS 5 of sustaining and enhancing the vitality and viability of the town centre, focusing development, facilitating a competitive and innovative retail sector and encouraging sustainable transport options. Town centre development was not always an easy option, so if unrestricted retail development were allowed on P1/P2 why would any developer bother to overcome the obstacles to development in the traditional town centre of Portadown. Convenience retailing on such large sites detached from the town centre would have a seriously damaging impact on the convenience sector which underpinned both the High Street Mall and the Meadow Centre, the Supervalu unit and other convenience outlets in the town centre. Approval for general comparison retailing would impact on the vitality and viability of the town centre. Given their strategic location with, if permitted, direct access off Northway, uncontrolled planning permission would simply lead to the TC being removed across the river. It was a minimum 10 minute walk from the edge of the P1 site to the High Street Mall and it was unlikely there would be any linked trips – this was the same

distance as between the Ards Shopping Centre and Conway Street in Newtownards and there was no fundamental linkage there. The situation at Sprucefield was different as it was a regional centre attracting customers from a very wide catchment, some of whom also visited Lisburn. The Meadows Centre was only a 3 minute walk from High Street Mall and that could result in linked trips.

4.11.22 It was a misguided approach for the DoE to think that all potential redevelopment sites had to be included in the TC in order to secure their viable implementation. Opportunity site P1 was the right location for the major retail warehousing that was approved there as it was an edge-of-centre location. Approval of retail warehousing should be restricted to PPS 5-defined retail warehouse goods. Development of sites P1 and P2 was acceptable so long as the development was complimentary to the existing TC. The true opportunity of sites P1/P2 was for mixed uses with leisure, housing (both low cost and apartment), light industry, open space and retail warehousing of a controlled nature, not competing with the TC. The RDS required 60% of new housing in existing urban areas and opportunity site P2 represented an ideal opportunity for mixed use development maximising the site's riverside location. This was what the Tibbalds Study had concluded.

4.11.23 The majority of the former Gasworks part of P1 would be unsuitable for residential development due to contamination and remediation of the site would be uneconomical for residential development. Commercial/industrial development was the only likely redevelopment option. The Neil's land part of the site would not require pre-development remediation works although a more detailed assessment was required. The Rugby Club part of the site was likely to be economically viable for residential development although a further detailed site assessment was required. The counter-objectors' assessment of the Wade's landfill part of the site was inadequate and a further detailed investigation and risk assessment was required to adequately assess economic, remedial and redevelopment options. Zones or all of the site might be suitable for residential development. The other parts of the P1/P2/P3 sites had not been investigated ie Wade's Ceramics Factory, Wallace's Foundry and Haldane's Building Supplies. Vico's assessment of £1m per acre (£11m total) remediation costs for Wade's landfill and the Rugby Club land was purely speculative and based on the most expensive form of remediation, namely removal of contaminated soil to landfill. On-site treatment and encapsulation remedial methods had not been assessed or evaluated.

4.11.24 Vico had experience in the development field and it was inconceivable that the company would have obtained consent for a retail warehouse park on P1 if it were not viable. The objectors' chartered surveyor considered it viable. Vico had carried out the appropriate research for the earlier application for a foodstore and retailing (N/1996/0138) for which the DoE gave a NoP to refuse, so they would have known before they submitted the subsequent retail warehouse application about any contamination or access problems that needed overcome. Even if retail warehousing were not viable on site P1 because of the required remediation measures, this was not a good enough reason for granting open class 1 consent.

#### **North of Northway**

4.11.25 None of the land uses north of Northway had any relevance to the function of a TC and the area had only two linkages across Northway to the town centre – a pedestrian route off Woodhouse Street and a pedestrian/vehicular route from Castle Street to Garvaghy Road. This area should be excluded from the TC boundary to secure a logical and compact boundary. There was no logic in extending the TC boundary even further in this direction to include the Bacon Factory. Sites did not have to be within the TC for them to be regenerated.

#### **Other parts of the DCAP TC boundary**

- 4.11.26 A land use survey had been carried out of the main streets in Portadown on behalf of CCL but there was no survey map to justify the southern or south western boundaries to the TC proposed by CCL in May 2001 and it was not in their original objection that the southern or western boundaries of the TC should be changed. Opportunity site P6 would be appropriate for a mixed residential/light industrial scheme.

**Suggested alternative TC boundary**

- 4.11.27 The suggested alternative TC boundary put forward by CCL was logical and reflected the interdependent mix of uses within the traditional town centre as required by PPS 5 paragraph 14. It provided a focus for retailing within the town thereby strengthening this sector which clearly underpinned the vitality and viability of the town centre. It was largely consistent with the Tibbalds Study but reflected changes that had taken place since then such as the development of the Meadows Centre.
- 4.11.28 The CCL suggested TC boundary would not lead to stagnation in investment in Portadown town centre as there was plenty of opportunity for space for new retail development, not only in the identified opportunity sites but also a considerable amount of space in West Street and Woodhouse Street. The town would benefit from enhanced critical mass in its centre, to create a clear focus for investment, but sites P1 and P2 were too far removed from the retail core with limited opportunities for effective linkage to the core. It was accepted that there was no one site in the CCL suggested TC for a 10,000 sq m retail development but this was irrelevant. Smaller open class 1 retail developments could locate on a number of sites within the CCL suggested TC boundary and a retail warehouse park concentrating on bulky items could be located edge of the TC anyway. IKEA could trade from a retail warehouse park with a bulky goods condition and possibly also Toys R U, as did Toymaster from Gilford Road, Lurgan and Toys R U near Abbeycentre, Newtownabbey. In addition to the sites in the DoE's planning schedule the site opposite the Meadows Centre and in the ownership of Turret Investments could be developed for 5,000 sq m of retailing as shown in the CCL schedule of potential sites and there was the planned 4000 sq m extension to Magowan Buildings. Although this might have to have decked car parking on a fee payment basis this was not unusual (eg Forestside, Belfast; Abbeycentre, Newtownabbey; Erneside, Enniskillen and Buttercrane, Newry) and it must be lack of demand that had inhibited the take up of this planning permission. It was not an unsuitable size at 4000 sq m as there was also planning permission to extend the former Dunnes Stores unit at Magowan Buildings and this would give a unit not dissimilar in size to the Sainsburys at Rushmere (5000 sq m). There was no opportunity within the CCL suggested TC boundary for a 6000 sq m food superstore but it was not accepted that this was the minimum size required to-day, even although Tescos at Meadow s Centre was 8000 sq m. .
- 4.11.29 The objectives of PPS 5 of sustaining and enhancing the vitality and viability of the town centre, focusing development, facilitating a competitive and innovative retail sector and encouraging sustainable transport options were secured by the CCL suggested TC boundary. The suggested TC did not prevent innovation, as argued by the counter objectors, as the TC was already innovative in terms of the Meadow Centre and High Street Mall. There was room within the suggested TC for the mix of uses appropriate to a town centre – retail, offices, community uses, leisure – and it was less important that residential and light industrial uses should be within the TC boundary. Large scale leisure uses could be edge-of-centre as in Bangor, Newry and Newtownards.
- 4.11.30 Opportunity site P3 provided a clear opportunity for mixed use development in accordance with the principles of DCAP and would link the river and the town centre core. The adoption of the CCL suggested TC boundary would increase the likelihood of this opportunity site being developed for mixed and appropriate TC uses. Together with opportunity site P4 and other vacant and under-utilised TC sites it would facilitate new

development in the TC. Opportunity site P4 was a prominent site and its access difficulties could be overcome with infrastructural investment and road re-alignment. The DSD Master Plan would probably direct its attention to the development of this site. The adjacent site could become available over time to form a larger package. It was accepted that opportunity site P5 was unattractive and had access problems but these matters could be resolved. It could accommodate a number of retail units.

- 4.11.31 The Ballymena TC boundary was inappropriate and there was no empirical evidence that the development of the Braidwater Retail Park with a Sainsburys Superstore had contributed to the vitality and viability of Ballymena TC. Indeed it had contributed to the closure of Tescos at the Tower Centre in the TC. There were other reasons why Ballymena TC had remained strong despite the development of Braidwater Park including the fact that Ballymena was a regional centre in its own right and not one of the three nodes of a regional centre like Portadown.

#### **Suggested alternative Primary Retail Core\***

- 4.11.32 The primary retail core of the town was clearly centred on High Street, High Street Mall, North Edward Street, Woodhouse Street and the eastern side of West Street close to Magowan Buildings. The suggested CCL PRC\* was reflective of the concentration of primary retail uses within the town centre (see map submitted with original objection letter in the Appendix) although, after further research, CCL would amend the suggested PRC\* boundary extending it in some areas and reducing it in others. The amended CCL PRC\* set out in the response to the DoE's rebuttal had been drawn up after reviewing planning policy, planning history and a land use survey and town centre walk about. This was fully consistent with PPS 5 which sought to direct comparison shopping to a PRC\*. This amended CCL suggested PRC\* was largely consistent with that of the Tibbalds Study. There was enough information before the Inquiry for the PAC to work out a sensible PRC\* boundary even if it did not accept the subsequent change to the CCL suggested PRC\* boundary following the original objection letter.

#### **Opportunity sites**

- 4.11.33 More detail was needed in the Plan about what could be permitted on the opportunity sites. There needed to be more clarification about the type of retailing suitable in the opportunity sites
- 4.11.34 In addition, site P1 should have no reference to retailing (except for retail warehousing) which should be directed to the logical TC; site P2 should have no reference to retailing which should be directed to the logical TC; and site P5 should have no reference to retailing as the site was unrelated to the TC and would contribute to the erosion of the retail focus within the TC.

### **CONFLICTING OBJECTORS' CASE**

#### **General**

- 4.11.35 The TC boundary for Portadown was too restrictive to facilitate the commercial expansion of the town, since the Plan would be a material consideration up until 2013 (based on past experience of development plan preparation). Portadown was the primary centre in terms of size (approximately 45,000 sq m net retail floorspace) and it was the focus for the whole Borough and its wider catchment area. Interest in the TC had been buoyant with a number of major retail schemes proposed. The TC had a variety of major non-retail uses as well as community, leisure, employment and housing uses. As Craigavon UA was the third largest regional centre in NI, it was essential that sufficient opportunities existed in the long term which were attractive to investors. The DCAP TC boundary would facilitate and encourage regeneration.

#### **North of Northway**



- 4.11.36 The TC was restricted from extending in directions other than northwards. Opportunity sites P1 and P2 would have to be the subject of Traffic Impact Assessment and any development would exacerbate the use of the already congested road and extensive improvements to Northway were required, probably subject to public sector funding. With outline approval on part of site P1 and a pending application on site P2, the actual provision of large opportunity sites in the TC was becoming increasingly limited. Only one of the opportunity sites had been allocated to industrial or employment uses – site P6 and it was vital that the TC maintained its mixed function – not just retailing. The Bacon Factory site which was outside the DCAP TC would bring an employment land use within the TC and extending the TC boundary to include this would be consistent with the DoE's inclusion of the carpet factory in the TC boundary. The site was close to the railway station and located on the main radial route to Dungannon. It was a prime strategic site with an existing heavily used access. Should the site remain as a factory or be developed as some other TC use, it remained squarely in line with policy and should be included within the boundary of the TC.

### **COUNTER OBJECTOR'S CASE**

#### **General**

- 4.11.37 There was a need in the catchment area for additional floorspace for both convenience and comparison shopping (as argued in paragraphs 4.06.04 – 4.06.15 above) and imaginative redevelopment of the P1 and P2 sites identified in DCAP would make a major contribution to the regeneration of Portadown for the benefit of the entire Borough. Not to include the Edenderry area would restrict, confine and prevent the natural growth of the town centre, the integration of the R Bann and the ability of Portadown to provide the full range of modern retail and leisure facilities required to maintain and strengthen its role as a major retail and recreational destination. Developing Edenderry for retailing would strengthen the competitive position of Portadown TC thereby improving the trading performance of existing developments. Portadown had good communication links and traditionally acted as the primary service centre for mid-Ulster and beyond. As it further developed as a regional centre its draw of trade from outside the Borough would increase. In order to enhance the range and quality of retail and leisure facilities the Plan needed to make provision for additional convenience, comparison and other commercial floorspace. The town had failed to meet its potential in recent years because of the Troubles, recent developments in Central Craigavon and lack of integrated development to bring Portadown up to modern standards. The town needed a properly integrated TC, with all the modern facilities that successful TCs required.
- 4.11.38 The Tibbalds Study was outdated as industrial uses in Edenderry had now largely ceased and since the study was carried out there had been a whole new emphasis on sustainability and mixed use town centres. Tibbalds had recommended the regeneration of Edenderry through extending industrial uses but most of the existing industrial uses had since closed down and the location was unsuited to modern industry because of access difficulties and traffic on Bridge Street. There was plenty of industrial land in the Craigavon Urban Area – at Seagoe, Carn, Silverwood and Mahon industrial estates. Many of the shopping centres in Portadown had been built on former industrial land including the Magowan Buildings, High Street Mall and the Meadows Centre. The Tibbalds plan had been unimaginative and it had not even included the Meadows Centre as a retail site. Regeneration at Carrickfergus waterfront had been largely residential/marina-led but included some mixed use such as a Co-op foodstore, restaurants and cinema. At Bangor the waterfront regeneration was marina led, whereas Laganside was housing, leisure and office-led regeneration. Retailing had not been a vital element in these other waterfront regeneration schemes but it depended on the market. Here the best option was a pole of retailing at one end of the TC at High Street and a pole of retailing at the other end of Edenderry and linking the two would be a fine grain of residential and leisure uses around the riverside. Retailing was

needed to create the value to unlock the development potential of opportunity sites P1/P2. Vico did not own any of P2 at the moment but owned some of P1 and had agreements with the other land owners of P1. Haldane's Supplies on the other side of the river had shown interest in a new bridge proposal.

- 4.11.39 The DCAP TC boundary would create the opportunity to enhance the range of retail and other facilities needed to revitalise the town centre. If the TC was too restricted the town would lose business to other towns in the region and would lose its vitality and viability.

#### **Existing situation**

- 4.11.40 There were qualitative deficiencies in what Portadown was able to offer as a town centre which had to be remedied if it were to thrive in the future. There was no cinema, no ten pin bowling, no bingo and few restaurants. There was no evening economy and the town centre's weaknesses were demonstrated by low rental levels, recent shopping surveys and casual observation. The N Ireland leisure market was expanding rapidly with new cinemas, health clubs, hotels, restaurants and leisure parks. Portadown had not yet benefited from this expansion and it was important that it was able to do so. The CCL suggested TC boundary did not include sites with the potential to accommodate new development with the critical mass needed to improve Portadown's attractiveness as a retail centre. Vacancy levels had been misrepresented by the DoE as they had included vacant sites which were disused or being used as temporary car parks and since their survey in April 2001 a number of properties had become occupied. The survey undertaken on behalf of Vico showed 55 vacant retail units in the DCAP TC of which 7 were in a prime location (5 of these were being actively marketed), 41 in a secondary location (19 of these were being actively marketed) and 7 on a side street. This survey did not include properties that were less than 500 sq ft or derelict/semi-derelict properties. The vacancy rate of 5% or 6% in the prime area was not unusually high for N Ireland and the secondary properties being actively marketed were in poor retail locations that would have been unappealing to retailers because of their poor environment or lack of passing trade.

- 4.11.41 It was accepted that the High Street Mall in Portadown had one of the lowest Zone A rents of a shopping centre in N Ireland and had achieved a low rate of rental growth from 1995 to 2001. Magowan Buildings, however, was a 1960s building with poor servicing and access and there were limits to what could be done for it in terms of refurbishment. Generally rents in Portadown had stagnated over recent years due to :

- ◆ the protests at Drumcree which gave the town a bad image;
- ◆ the closure of the Safeways store at the Meadows Centre in 1998;
- ◆ the opening of the Sainsburys store at Rushmere in Central Craigavon although some of the lost trade would be recouped by the opening of the enlarged Tesco store at the Meadows Centre. Dunnes Stores had also relocated from Magowan Buildings into the High Street Mall and a new Lidl foodstore was under construction on Armagh Road.

- 4.11.42 Portadown needed retail warehousing and a mix of food retailing. It had been slow to develop retail warehousing except for a few free-standing properties. It needed a mixed retail warehousing/leisure park, possibly including a foodstore. Ballymena was an example of how the development of new retail and leisure in 1996 (the Braidwater Retail Park with open Class 1 consent plus a Sainsburys – totalling 107,000 sq ft existing with a 102,000 sq ft extension under construction) on the edge of the existing town centre on a former industrial site (but partly within the plan's TC boundary since 1986) could compliment and reinforce the retail offer in the town and help attract customers who would otherwise shop elsewhere. Rents in the Ballymena TC had increased as a result and the Fairhill Centre had been extended. Although the development of the Sainsbury Store had been a factor in bringing about the closure of

the Tesco store in the Tower Centre this had not been the only factor and the Tower Centre unit had subsequently been redeveloped and let. Portadown needed a new foodstore and there was no suitable site for a major new foodstore in the town although it was accepted that a discount food store such as Aldi (10,000 – 15,000 sq ft gross ) could operate from the site opposite the Meadows Centre which was currently used for car parking. The proposed extension of the Magowan Buildings would not suit a large food superstore of 50-70, 000 sq ft gross as such large groups wanted stores on the edge of a TC or out of town, not right in the TC and they needed flat floor parking. At the Magowan Buildings approved extension the car parking would be partly under the building, fee paying and available for other shoppers. A 60,000 sq ft food superstore needed 10 acres and the P1/P2 site was the only site available. The DoE NoP of 1998 on the P1 site for a development including a food superstore was not valid for a plan to 2010.

4.11.43 Sites P1, P2, P3 and P 4 provided the only opportunity in the TC to create a mixed use scheme that had sufficient critical mass to attract customers that were currently spending their shopping and leisure time outside Portadown. Sites P3 and P4 on their own would not be big enough and they were located in the centre of a gyratory system. The current planning application for the P3 site was having difficulties because of access issues. The DCAP proposals for the TC would fortify the existing retail provision by allowing for mixed use development in P1, P2, P3 and P 4 either individually or as a mixed use project. Any restriction on their range of potential uses would significantly undermine the viability of a major mixed use scheme on the sites. The type of development proposed would bring further modern forms of retailing and leisure to the town. The development of the four opportunity sites had sound planning credentials because of:

- ◆ proximity to Northway and Portadown station;
- ◆ the ability to provide a public transport interchange (a station at Mill Ave);
- ◆ the ability to regenerate a number of brownfield sites and bring the river back into use as an amenity.

#### **The Edenderry area**

4.11.44 The two opportunity sites P1 and P2 had the locational advantage of being contiguous to the river and should be more of a TC feature. The full and proper integration of the river would create the opportunity for new forms of recreation and retail provision in the town centre and enhance Portadown as a major retail and recreational destination. The objection by CCL failed to recognise that Edenderry and Bridge Street had traditionally formed part of the town centre and still had a number of retail, service and community uses. It was not just a local centre. Early maps showed that the town developed as a bridging point on the River Bann, with development on both sides of the river. The railway station had originally been in Edenderry and a full range of retail, community and commercial and leisure uses had developed there, including the first supermarket. Only in recent years had the decline of the area's industries and the impact of through traffic undermined the quality and vitality of Edenderry.

4.11.45 There was a strong case and need for further retail choice in Portadown. A successful town centre should reflect mixed use commercial, leisure, retail and residential uses. The Edenderry redevelopment would provide this and would regenerate a contaminated brownfield site which was unsuitable for modern industrial use. Development at Edenderry presented a unique opportunity to revitalise and rejuvenate Portadown TC with new integrated and mixed-use developments centred on the river within a five minute walk of all the main shopping areas in the town. It was accepted that it could be a nine minute walk from the extreme eastern end of P1 to the High Street Mall. PPS 5 in its glossary mentioned a walking distance of only 200-300 m, whereas the centre of the P1/P2 development would be more than that from Magowan Buildings or the Meadows Centre. Sites P1/P2 would not become an alternative TC as their mix of uses

would be complimentary to the existing TC and there would be linked trips to the rest of the TC. There would be a landmark building or structure in Edenderry to reflect the church at the other end of the TC. The development of Edenderry needed to be fine grained and mixed use and not just a series of big boxes of retailing. The Edenderry area was easily accessible to the town's railway station and with new footbridges and footways the river would be opened up and made much more accessible to the town. The detailing of bridges along the river and recreational use of the area around the river on both sides were important to create a linked space between what would become the two main parts of the TC. To have this open space used by people required attractors at each end. The proposal was also to have some street frontage from P1/P2 onto Bridge Street, a new east-west route through P1/P2 and a new vehicular route to Northway.

- 4.11.46 The claim that the Edenderry area would threaten Portadown's role as the primary retail centre in the Borough was clearly contradictory when it came from promoters of the expansion of Craigavon Centre. Instead the redevelopment of the Edenderry area would do much to revitalise and extend Portadown's role. Portadown was growing rapidly on the Edenderry side of the town and was accessible for those walking or using public transport from the new housing areas. The town's role as an industrial centre and its area hospital meant that the TC served a much larger population.
- 4.11.47 The successful regeneration of Edenderry would be a development-led initiative which would include a mix of TC uses and urban recreation features associated with the river. The river and the Bann Bridge were strong townscape assets and with vision, the riverside area could become a new quality focus that would strengthen Portadown's identity as an attractive place to live, work and visit. It could be a new leisure and entertainment quarter which would complement the existing retail area along Market Street, High Street and Bridge Street as well as the regeneration of the other opportunity sites along the riverside. The area identified for the DSD Master Plan included the opportunity sites identified in DCAP and had a specific focus on the potential for riverside development. To exclude retailing from a development-led approach to the regeneration of Edenderry with a range of mixed uses would be totally unrealistic, not least because of the initial investment required to redevelop a contaminated brownfield site. To exclude retailing would be contrary to the full range of uses supported by the DRSF in its guideline SPG 15 to expand service employment in city and town centres. The very purpose of the plan was to create a mix of interdependent uses so Edenderry should not be excluded just because it did not have that mix at present.
- 4.11.48 Both the PRC\* and the TC should fully embrace the Edenderry area and the river although if it were the intention to build a retail mall on sites P1 and P2 then the concerns about the impact of this on the vitality and viability of the traditional town centre would be shared by the counter-objector's chartered surveyor, as this would dilute the existing TC by providing space for existing High Street traders to move into. A retail warehouse park or what was becoming known as a 'retail park', on the other hand, would increase the town's competitiveness and would draw trade to the town, especially if it were to include some destination retailers. A bulky goods restriction could prevent the attraction of destination retailers such as IKEA, Toys RU and Big W, although a certain amount of non-bulky goods was generally allowed with a bulky goods condition. Given that the existing planning permission on P1 was for retail warehousing with a bulky goods condition the only thing that would be prevented if the site were outside the TC in the Plan would be a food superstore and this, although desirable, was not essential. It was accepted that if a site were within the defined TC then a developer could get an open class 1 consent for a mall type shopping centre. No assurance could be given by the counter objectors that such a consent would not be sought for P1/P2. In the real world it would not happen, as Portadown was already well served by mall type shopping and there was current opportunity at Magowan Buildings.

- 4.11.49 The Edenderry area was one of the most significant concentrations of industrial dereliction in N Ireland. Vico had planning permission for retail warehousing on part of P1 - on the site of the former gasworks, Neill's showroom and maintenance, part of the Portadown Rugby and Hockey Club and Wade's ceramics landfill site. For this approval an EIA (1996) had been carried out and was accepted by the DoE. Vico now intended to submit proposals for a mixed use scheme of retail, leisure and residential development on the site plus additional brownfield land comprising the former Wade's factory, Wallace's Foundry and Haldane's building supplies.
- 4.11.50 About 15 out of the 25 acres of the whole P1/P2 site had been analysed by the counter-objector's contamination experts. The old gasworks site was not suitable for residential development and the remaining land would need substantial further detailed investigation to enable a risk assessment to be carried out. A remediation programme was almost complete on two acres of the former gasworks site. Neill's land had been assessed not to hold significant contamination and would be suitable for residential development. The rugby club land had been shallow landfill for domestic grade waste and had some landfill gases, elevated sulphate, lead and zinc levels. Wade's landfill site had grossly elevated levels of sulphate, elevated cadmium, lead and zinc. The uninvestigated sites of Wade's factory, Wallace foundry and Haldane's building supplies required a similar level of investigation to ascertain the viability for residential development and the remediation action required for safe development. Each had a potential for significant levels of contamination. To restrict development to residential would be inappropriate because of the type of contamination in the soil. Development options would be commercial or leisure development on contaminated ground, while keeping any residential to land found to hold less (or no) human health hazard.
- 4.11.51 For the development of Wade's landfill and the rugby ground, remediation costs of £1m per acre were estimated (ie total £11m) to render the land safe for housing development. Costs for Wade's factory, Wallace's foundry and Haldane's building supplies could easily be of the same order. Although there was incomplete knowledge of contamination of soil and groundwater, this budget sum was considered necessary for the safe development of a residential project. A commercial development had the benefit of having a large hard standing area or buildings and all the surface drainage could be collected and directed off site through interceptors. Residential development on the other hand could lead to migration of ground water contaminants from the soil to the River Bann. It was accepted that apartment development could have largely hard landscaping as in commercial development but there was a weak market for apartment dwelling in Portadown TC. The TC boundary in DCAP provided the opportunity to clean up the area and bring it back into productive use.

#### **The CCL Suggested TC**

- 4.11.52 The restricted nature of the suggested CCL boundary would constrain the natural growth of the town centre, the integration of the River Bann and the ability of Portadown to provide the full range of modern retail and leisure facilities required to maintain and strengthen its accepted role as the primary retail centre in the Borough. If the restrictions suggested by CCL were adopted, then few TCs would ever develop or respond to changes in retailing. To expect retail development to be concentrated within the suggested CCL boundary was inappropriate and unduly restrictive and would curtail Portadown's accepted role.

#### **CONSIDERATION**

- 4.11.53 The objectors and counter objectors largely agreed with the DoE that the existing town centre of Portadown had suffered from the Troubles, from competition from Rushmere Shopping Centre in Central Craigavon and the significant improvement in other competing town centres. In dispute was the extent of current vacancies and the

implications of this considered in conjunction with low rental growth and the 'recipe' for increasing Portadown's competitive position in relating to other centres. Clearly there has been substantial new investment in retailing in Portadown in recent years but it still lags behind in terms of equivalent centres in Northern Ireland, especially given its significant role within the retail hierarchy of settlements in the Borough. I am of the opinion that a major initiative such as the preparation and focused implementation of a Master Plan for Portadown is just what is required to pull the town centre out of the stagnation it has fallen into and that recent developments such as the Meadows Centre augur well for the future health of the town centre.

4.11.54 In the light of my conclusions at Paragraph 4.04.20 that the function of a TC boundary in an area plan is primarily related to PPS 5's policy on retailing and the desirability of delineating relatively compact TCs and also PRCs\* within each TC and at Paragraph 4.06.32 about the relatively small scale estimated range of retail floorspace needs in the Borough over the plan period, in my view the DoE should bring forward revised proposals reducing the extent of the TC boundary in Portadown. The exact boundary should be defined by the DoE following an updated health check and a reassessment of need and have regard to the other criteria which I have identified at paragraph 4.04.20. The revision should recognise that there is no need for a brownfield site to be located within a TC boundary in order for it to attract new development since regeneration does not have to be retail led and that inclusion of a site within a defined TC does not guarantee it will become developed as a 'neutral' venue. It should also take account of the following factors in the overall context of the evidence reported above:

- A reappraisal of the extension of the TC boundary into Edenderry but, in recognition of the area's planning history, regeneration objectives, the desirability of using brownfield land and the objective of opening up the riverside, the retention of P1 as an opportunity site restricted to retail warehousing or small scale retailing forming part of a genuine mixed use development outside the TC and the retention of P2 as an opportunity site restricted to small scale retailing forming part of a genuine mixed use development outside the TC;
- the firm boundary of Northway to the north thus leaving P6 as an opportunity site and the Bacon Factory as an existing land use, both outside the TC ;
- the firm boundary to the SW formed by the railway line;
- the need to reconsider the DCAP TC boundary to the south where there is a concentration of residential development south of Portmore Street and Carlton Street;
- the possibility of extending the P5 site to include other adjoining lands which might be available for redevelopment;
- the need to adopt policy to secure retention of existing residential uses in the town centre.

4.11.55 It should be made clear in the CAP that the DSD Master Plan for the town centre seeks to meet entirely different objectives from those which CAP seeks to meet in defining a statutory TC boundary. However, DoE and DSD must ensure compatibility between the DSD Master Plan and the proposed TC boundary in CAP so that the former does not undermine the statutory TC boundary as finally determined. I also consider that detailed elements of the finalised DSD Master Plan which are consistent with the development plan proposals should be incorporated into CAP.

4.11.56 In my view the DoE should also bring forward revised proposals for a PRC\* in Portadown having regard to a re-assessment of need and the other criteria which I have identified at paragraph 4.04.20. In determining the PRC\* boundary the area of search should be broadly confined to the High Street axis and the area between High Street and Northway and the area up to the River Bann. Subject to a change in

nomenclature from DCAP PRC to RFPA, I received no evidence to justify any alteration to the physical boundaries of the RFPA.

### **Opportunity Sites**

- 4.11.57 I agree with the objectors that there should be more clarity in the description of what will be allowed within each opportunity site. This contributes to developer certainty, thereby encouraging the regeneration process and is consistent with my earlier conclusion in section 4.05 of this report that the Plan should include a commitment by DoE to produce detailed design guidance for each opportunity site. The type of retailing specified for each opportunity site in Portadown TC should be consistent with the delineation of the TC and PRC\* which I am recommending.

### **RECOMMENDATION**

- 4.11.58 I recommend that the DoE re-assesses the extent of the TC boundary in the Plan and reduces it in size broadly in line with the principles I have set out in Paragraph 4.04.20 and the factors I have indicated in my consideration. I recommend that a PRC\* be delineated broadly in line with the principles set out in Paragraph 4.04.20 and the factors I have indicated in my consideration. I also recommend that the PRC in the DCAP is retitled RFPA, that further clarification is given in the Plan about the types of uses considered appropriate for each opportunity site, and that detailed elements of the DSD Master Plan which are consistent with the development plan proposals should be incorporated into CAP.

- 4.12 

Objection to the exclusion of land east of the River Bann from Portadown Town Centre.
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### **Objection No: 39**

### **SITE DESCRIPTION**

- 4.12.01 The site is situated to the east side of the River Bann, on the southern side of Edenderry and is currently in use as a textile factory.

### **DEPARTMENT'S CASE**

- 4.12.02 In the Craigavon New Town Master Plan 1966 the site was identified for industry. In the Craigavon UA Plan 1983/1985 it was within the development limit and in CAPPP it was within the development limit but outside the Portadown TC. In DCAP the site was within the settlement limit, outside the TC and within the flood pondage area of the R Bann. A number of planning applications had been approved on the site mostly related to the existing factory but including permission for a small housing development on part of the site (1997). There was no objection in principle from Water Service and the Rivers Agency commented that since there were buildings already on the site it would not oppose its redevelopment on the grounds that it was within the River Bann Flood Plain. Existing roads were not of a standard for redevelopment of the site (Goban Street, Carrickblacker Avenue) but there was a proposed Guildford Road/Meadow Lane link road separated from the objection site by a field. The road was not programmed for construction and the developer could construct part of it at his own expense to give access to the site but third party lands were involved.

- 4.12.03 The DoE **could** respond favourably to a recommendation from PAC to include the site within the TC subject to the following:

- all necessary infrastructure to be provided at the developer's expense and to the satisfaction of the statutory consultees

- the site to be identified for a single or mixed use scheme that would comprise non-food retailing; residential; office; leisure and or cultural uses;
- provision of pedestrian access to the R Bann;
- all other requirements of statutory consultees to be met;
- a high standard of design and landscaping to be provided which recognised and respected the site's key location on the R Bann.

### **OBJECTOR'S CASE**

- 4.12.04 Portadown should recognise the R Bann frontage and realise this important asset. The DoE was preventing the development of the east side of the river frontage by putting unreasonable conditions on potential developers to resolve infrastructural issues at their own expense. It was unreasonable for the DoE to refuse to include the site within the TC on the grounds of access problems as it was their responsibility to sort out the problem for other developments and for the town generally. The access problems on the east side of the river resulted from the bottleneck at the junction/roundabout at Bridge Street/Carrickblacker Road. There were two solutions, namely to build a new road south of the objection site as proposed by the DoE or to upgrade and widen Bridge Street from the roundabout through to the junction with Goban Street, including the river bridge. There were physical, geographical, economic and environmental issues for both options. The new road option would have an impact on the floodplain and would require extensive land acquisition and be expensive. It would take people away from the centre rather than travelling through it. It was unreasonable for the DoE to expect the developer to pay for this proposed road to the objection site as it would be a public road. The second option would require the acquisition of some properties but a number were vacant at present. This option involved no infilling of the flood plain and less environmental damage. The development of site P1 and P2 would put additional pressure on Bridge Street and road works would be required for these schemes anyway, so it was logical if these roads also served the objection site.
- 4.12.05 Development of the site would enhance the visual impact of the site and a pedestrian bridge from the site across the river would take pedestrians directly into the retail core. If the site were developed in tandem with opportunity site P2 it would create a charismatic and characteristic landmark for Portadown and if the site were included it would round off the TC in a balanced way, given that on the other side of the river Meadow Lane was included. The survey carried out by the DoE for its Health Check showed that the community thought the town dull and in need of a facelift. There was a poor opinion of the available shopping facilities and an attractive location would encourage investment from brand names that were concerned with their image. The upgrading of the bridge and surrounding area would improve the image of the town.

### **CONSIDERATION**

- 4.12.06 Although this was not presented as a concession I note the DoE's favourable disposition towards the objection. The site lies within the settlement limit and Rivers Agency did not rule out redevelopment despite its location within the flood plain. At present there is no direct access to the town centre except by the vehicular bridge. Although there is a southern link road indicated as 'major works planning schedule' running fairly close to the site, DRD was unable to state when it was likely to be constructed. I consider it very unlikely to be privately funded on the basis of development of this objection site alone. Access to the site via Bridge Street/Carrickblacker Road cannot be ruled out, however, given that improvements will have to take place as part of the development programme for sites P1 and P2. Overall I do not regard infrastructural problems to be of such weight as to rule out a TC location for this site.
- 4.12.07 I was presented with no argument that the site should be zoned as an opportunity site in the Plan. I note the uses suggested by the DoE for the site but was given no



explanation for 'non-food retailing'. In any event, as I have already noted, within the policy context of PPS 5 it is the TC and PRC\* boundaries which are the key tools for restricting the type of development which may take place – not the Plan's list of 'suitable uses' for an opportunity site. I have already recommended that the DoE's reassesses the extent of the TC boundary in Portadown taking into account a re-assessment of need and other matters which I have highlighted in paragraph 4.11.54. If as a result of this assessment some land on the Edenderry side of the river is to be included in the TC boundary by the DoE (part or all of P2) there might be an argument for also including this objection site so long as there is justification based on the assessment of need and provided there is provision for pedestrian linkage across the river to the Meadows centre.

### **RECOMMENDATION**

4.12.08 I recommend that the DoE, when re-assessing the extent of the TC boundary in Portadown, considers where there is any justification for including this objection site.

4.13 

Objection to the exclusion of land at Hoy's Meadows, Portadown from the Town Centre boundary.
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**Objection No: 147 (part of ) ; also 146, 275 (in general terms)**

### **SITE DESCRIPTION**

4.13.01 This 12.4 ha site is surrounded by the River Bann to the north and west, grazing land to the east and the Northway, railway line and a park to the south. It is flat and marshy to the east and has a water channel on the east side. Access is from Watson Street via a tunnel under Northway and the railway line.

### **DEPARTMENT'S CASE**

4.13.02 The site was outside the distinguished area in the Craigavon New Town Master Plan 1967; outside the development limit and within an Area of Special Control in the Craigavon Urban Area Plan 1983/85; and outside the development limit and in the Green Belt in CAPPP. There had been no previous representations about the site and there was no record of any planning applications or inquiries.

4.13.03 Water Service had no objections in principle to development of the site subject to certain requirements requiring technical constraints to be overcome. Roads Service stated that the existing access to Watson Street was not suitable for development of the site. There was no objection to the objector's specific proposals for access subject to a TIA, although a significant quantity of third party lands was involved.

4.13.04 Rivers Agency was opposed in principle to development of the site as it was in the flood pondage area and had been subject to significant flooding in the past. Rivers Agency was opposed to development of flood pondage as displacement of flood water could cause problems elsewhere in the catchment. Evidence about the Portadown flood pondage area is summarised in section 8.03 below. Recent aerial photography (refer to photograph in the appendix), taken after a flood of relatively low return period (1: 10 year) showed much of the site to be inundated 24 hours after the flood. In the photograph the carpet factory on the other side of the river was flooded at the flood peak and at that time the carpet factory had had to use sandbags to protect the premises. Rivers Agency would generally have no objection to development in those area of the site which after further investigation to establish site levels were shown to

be above the predicted 1:100 year flood level, but in this case all of the site would be flooded by a 1:100 year flood. Any development of the Hoys Meadow would thus involve infilling of the flood pondage.

- 4.13.05 There was no need for any additional housing land within Portadown (evidence summarised at section 3.01.01-42 above). Inclusion of the site within the settlement limit of Portadown would be contrary to the Spatial Development Strategy, Policy SPG 9 and Policy SPG 25 of DRSF; to Policy SP 12 and Policy DES 3 of PSRNI.
- 4.13.06 It would also be contrary to the Plan's general objectives and to a number of key elements of the Plan's strategy namely:
- The retention and enhancement of the distinctive characteristics of each place; and
  - The accommodation of a larger share of residential development within the existing urban area to reduce greenfield extensions.
- 4.13.07 The settlement limit had been drawn in accordance with policies SP 2, SP 12 and DES 3 of PRSNI and the settlement limit at this location was well defined by the strong linear physical boundary provided by Northway and the railway line. Although the site was in close proximity to the town, the area was completely rural in character forming part of the open plain on the banks of the River Bann. It had significant infrastructural constraints which mitigated against its identification in the Plan for development.
- 4.13.08 The site was physically and functionally unrelated to the town centre as it was undeveloped and separated from it by the road and railway. The TC boundary in the Plan provided sufficient opportunities for development of commercial, retail, leisure and business uses.

#### **OBJECTOR'S CASE**

- 4.13.09 The Portadown TC boundary included sites to the west of the objection site (the carpet factory and Peoples Park) and land to the south (Edenderry). North of the site was P/LLPA 4 and east was white land which adjoined Seagoe Industrial Estate.
- 4.13.10 The proposal was consistent with all relevant regional and area plan policies, in particular SPG 3 of the DRSF. The site should be included within the settlement limit and within the TC boundary for the following reasons:
- (i) it was strategically located being a short distance from the train and bus stations, the primary retail core and the main traffic route out of town. It was considered in Portadown as a neutral location and provided a unique opportunity for civic or community related development. It was in a landmark location and development of the site would enhance Portadown;
  - (ii) development of the site conformed with policy on developing community cohesion (SPG 3 of DRSF), Green Belt and town centre, scenic impact, agricultural land quality, flooding and access. The site did not perform a Green Belt function and urban sprawl would not occur if it were excluded from the Green Belt as it did not form a gap between adjacent settlements. It was physically separated from farm land to the north by the R Bann and the only physical connection to the north of the railway was the industrial estate to the NE. The DoE's arguments were inconsistent as it had extended the TC to the Peoples Park and the carpet factory north of Northway and the railway. The proposed alteration to the settlement limit would not cause unrestricted sprawl as it allowed for a firm physically defined edge to the Green Belt at the R Bann. With regard to scenic impact the site was not a critical part of Portadown's setting according to the Countryside Assessment

and it was a wedge in the urban area in low lying undistinguished land which was inconspicuous from Northway. It was not within the best and most versatile agricultural land classification;

- (iii) while the land was physically constrained by the river and the railway this did not exclude the possibility of development and it was an ideal riverside location for high quality development. Using the DoE's own criteria the site was suitable for cultural and community uses as set out in the plan;
- (iv) there would be no detriment to amenity from the development of the site as it was surrounded by existing mixed use and industrial uses. There was no specific conservation interest within the site and no conflict would occur;
- (v) it was surprising that the site had not been included in the DoE's flood pondage area for the R Bann and it was not sufficient to totally exclude the site from the development limit because of any potential flood risk. Other sites within S Portadown had been included within the development limit although they were in the flood pondage area. A development proposal on the objection site could be designed to mitigate against possible flooding;
- (vi) it was possible to achieve vehicular access to the site from the east. While the site did not have frontage to Seagoe Road it would be feasible to provide a satisfactory road link to it via the existing industrial estate road which joined Seagoe Road about 100 m north of the bridge over Northway and the railway. The existing tunnel to Watson Street could provide a pedestrian access to the town centre. A footbridge to the Garvaghy Road area would improve accessibility.

### **CONSIDERATION**

- 4.13.11 Setting aside for Section 8 of this report the issues relating to the inclusion of the site within the development limit, I shall deal in this section only with the issue of the site's possible inclusion within the TC boundary. I have already recommended that the DoE's reassesses the extent of the TC boundary in Portadown taking into account a re-assessment of need and other matters which I have highlighted in paragraph 4.04.20. The objection site should be included in this reassessment but on the basis of the evidence before me I consider it highly unlikely that it would merit inclusion in the TC. Although there is presently a pedestrian underpass to the town centre, the site is at present physically and functionally separate from the town centre. In any event the uses suggested by the objector for the site – community and cultural uses, do not need to be within a TC boundary in order for planning permission to be granted. I shall defer my consideration of the flooding and access issues until I consider in section 8 the possible inclusion of the site within the development limit.

### **RECOMMENDATION**

- 4.13.12 I recommend that the DoE, when re-assessing the extent of the TC boundary in Portadown, considers where there is any justification for including part of this objection site.

- 4.14 

Objection that the plan does not adequately address the development potential of the R Bann frontage.
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**Objection Nos: 275 (14.2), 146**

### **DEPARTMENT'S CASE**

4.14.01 The DoE was willing to facilitate further discussion on this matter.

**OBJECTOR'S CASE**

4.14.02 The river was an ideal natural resource that bisected the heart of Portadown and influenced the pattern of development in an east/west direction due to the flood plain along its banks. The town had yet to be developed in a manner that embraced the river setting and the Plan should provide a specific strategy for riverside development. A commitment to prepare comprehensive guidelines in the form of a riverside development strategy, in consultation with the Council and other interested groups, should be included in the plan. This should guide any development briefs, particularly for opportunity sites P2 and P3.

### **CONSIDERATION**

- 4.14.03 I agree with the objectors that the river is a very valuable asset to the town and that to date the town has failed to take full advantage of its riverside location. The Tibbalds Study is now dated and although the DSD Master Plan will, no doubt, be dealing with that part of the riverside within the study area, the area plan should, in my view, at least outline the objectives of a riverside strategy for a larger stretch of the river and make a commitment to preparing a riverside development strategy. In defining the objectives it should be emphasised how important it is that future development fronts onto the river. My recommendation is additional to my recommendation that a town centre plan is prepared (Paragraph 4.05.08 above) although there would obviously be an overlap.

### **RECOMMENDATION**

- 4.14.04 I recommend that the plan (a) outlines the objectives of a riverside development strategy and the specific stretch of river it would apply to and (b) makes a commitment to prepare such a strategy within a specified timescale.

- 4.15 The plan does not provide any commitment to improving the accessibility of Peoples Park.

### **Objection No: 275 (14.3)**

### **DEPARTMENT'S CASE**

- 4.15.01 The Plan extended the TC boundary to include Peoples Park but it was outside the remit of the Plan to provide a specific commitment to upgrading its access.

### **OBJECTORS CASE**

- 4.15.02 A TC plan for Portadown should incorporate proposals for improving accessibility to Peoples Park which was shown inside the TC boundary – general linkages with existing footpaths, roads, road improvement schemes, railway stations etc.

### **CONSIDERATION**

- 4.15.03 Improving the accessibility of Peoples Park is clearly desirable in planning terms but represents a level of detail inappropriate to an area plan. Although I have already indicated that this park be excluded from the TC boundary, that does not preclude the DoE from considering accessibility to Peoples Park within a Town Centre Plan which I have recommended at Paragraph 4.05.08 above. The DSD Master Plan includes this area, although it is not a statutory plan.

- 4.15.04 **RECOMMENDATION**

I recommend that no alteration to the plan is made as a result of this objection.

**SECTION 5**

**OBJECTIONS RELATING TO  
INDUSTRY**

5.01

Objections relating to the overall allocation of land for industry in the Plan and the adequacy of choice of site in terms of size, location and land ownership

**Objection: No 275 (3.1)** The plan does not provide an adequate range and choice of site for industrial use throughout the Borough

**Objection: No 241** Objection to the release of new industrial land

**Objection: No 32** Additional provision of industrial land required to the east of Lurgan

**Objection: No 149** Site specific requesting an additional zoning of industrial land and arguing the issue of general need and distribution of industrial land in the plan.

**Objection: No 83** Site specific requesting a reduced zoning of industrial land and arguing the issue of general need and distribution of industrial land in the plan

**Counter objection: Nos 46 and 47** Site specific requesting industrial zoning in the plan be retained but arguing the issue of general need and distribution of industrial land in the plan (evidence incorporated into that reported for Objection No 275(3.1), 32 and 149).

#### **DEPARTMENT'S CASE**

5.01.01 The provision of industrial land in the Plan was in accordance with the DRSF and PPS 4 Industrial Development; was appropriate to the growth potential of the Borough envisaged in DRSF; and the role afforded development plans in DRSF in ensuring the provision of a generous supply and long term reserve of urban land for employment uses. DRSF had identified the Craigavon Urban Area as a Regional Town and Major Service Centre with a high growth potential reflecting its role as the major service centre in Mid-Ulster, the second largest industrial centre in the Region and its strategic location on the key transportation corridors - the M1 and the Belfast to Dublin railway. It had a reinforced role as a main service centre. The EIP Panel Report recommended that Craigavon UA should not be given a higher status than it received in the DRSF and in response the DoE had confirmed its intention to identify Craigavon UA as a focus for major employment and housing growth with considerable long term capacity and potential. DRSF sought to make provision for a generous supply of urban land for employment uses and stated that development plans would identify a long term reserve of land for employment uses. It sought to promote and exploit the potential for economic development at selected locations on the strategic network of key transportation corridors and links by identifying a number of large industrial sites strategically located to attract and accommodate major inward investment projects and local enterprise.

5.01.02 DRSF set out strategic guidelines for industry and for the protection of the countryside in policies SPG 7, SPG 6, SPG 9, SPG 15, SPG 16 and SPG 25. Paragraph 4.6 of the Family of Settlements Report (1998) set out what DRSF sought to achieve for Craigavon and the Regional Towns. Appendix 8 of DRSF stated that the identification of employment sites would take account of a number of factors including targeting social need; key transport corridors; exploitation of local enterprise, skills or resources; landscape character and infrastructure. Other relevant policy documents were the Northern Ireland Transport Policy Statement – Moving Forward; PSRNI; and PPS 4 particularly paragraphs 15, 16, 17, 19, 21, 22, 23 and 29.

- 5.01.03 Craigavon Borough had a much higher than average manufacturing base in both a NI and a UK context. The main focus of industrial development in recent years had been the Craigavon Urban Area. The DoE was keen to facilitate the development of new businesses on suitable sites and also encourage the appropriate future expansion of existing firms. In reflection of the Plan's objectives the Plan Strategy had a focus on strengthening the Urban Area and focusing major housing, industrial, commercial and service development in that location. Within the Urban Area one of the key elements of the plan was the facilitation of the development of employment generators (page 13). DCAP identified major areas of existing industrial land within the Craigavon UA and also zoned 183 hectares of land for new development and mixed use business uses (the latter 6.7 ha P/MU/1 conceded to housing - Objection No 148 reported in Section 8) to meet the anticipated needs of IDB and private sector industrial and business enterprises over the plan period. Deducting the 6.7 ha there was now 176 ha of industrial land allocated in the Plan. The Plan identified sites for industry at New Charlestown Road, Carn and Mandeville in Central Craigavon; Portadown Road and Silverwood in Lurgan; and Seagoe and Mahon in Portadown. The estimated land requirement was based on historic land take-up for industry and projected new jobs required over the plan period. The 176 ha was more than double the amount indicated as required over the plan period and was appropriate given the growth potential of Craigavon Urban Area identified in the DRSF and the role afforded development plans in the DRSF in ensuring the provision of a generous supply and long term reserve of urban land for employment uses.
- 5.01.04 The reserve of 176 ha would last well beyond the plan period plus there was a considerable amount of existing industrial land not used in the Borough. The Technical Supplement (TS) on Industry and Employment underestimated what was available in the Borough and there was no industrial land monitor. The total available in Table 8 in the TS should be added to the availability figure in Table 11, making a total of 72.5 ha. In addition to the pockets of land available in the industrial estates (listed in Table 11 of the TS), there were vacant units in each estate (41 in total) and land and unit vacancy in category B industrial estates and sites outside the Urban Area (Waringstown, Dollingstown etc) which had not been counted. For example, in addition to the land available at Silverwood Industrial Estate, the Former Goodyear factory had been little used since the 1980s. The Courtaulds factory (30 acres) in Lurgan was vacant and could be broken up into smaller units for light industry or warehousing.
- 5.01.05 It was accepted that there was also an element of double counting as the forecast was based on historic take up which assumed sites with planning permission had all been developed (Page 14 of TS). Table 9 was inaccurate as IDB owned 98.1 ha in the Borough and the 'other land' column should be reduced by 13 ha. Nonetheless, the zoning for industry at 2.5:1 when compared to the overzoning for housing in the Plan was not excessive as it reflected Craigavon's role as a growing employment centre. The take-up rate assessment was a crude tool and only told the DoE that it needed at least 80 ha of zoned industrial land. A small reduction in land for industry (for a specific objection site) would not be of concern to the DoE.

#### **Industrial Sites for Major Inward Investment**

- 5.01.06 RSF and PPS 4 sought the identification in development plans of one or two large industrial sites of approximately 40 ha strategically located along the key transport corridors to attract and accommodate major inward investment projects and local enterprise. PPS 4 described the criteria for these sites and the DoE had identified two large sites within the Craigavon UA. The largest was 66 ha at New Charlestown Road (site C/I 2), of which 19 ha to the NW was owned by IDB. The second was 43 ha at Mandeville, all owned by IDB (site C/I 3).



### **Ownership**

- 5.01.07 IDB owned 98.1 ha throughout the Borough. ie 15.3 ha at New Charlestown Road, 41.2 ha at Mandeville, 7 ha at Silverwood, 27.6 ha at Halfpenny Valley on Portadown Road and 7 ha at Carn. There was sufficient IDB/LEDU land to meet the needs of IDB/LEDU companies over the plan period. Companies that did not meet IDB/LEDU eligibility criteria would not be able to set up businesses on their sites but IDB/LEDU had no knowledge of the demand for sites from these non-IDB/LEDU supported companies. There had been some land sales by IDB to the private sector but demand was low.

### **Location**

- 5.01.08 The distribution of industrial sites around the Urban Area was more than adequate. Six other sites (2 in Lurgan and 4 in Portadown (see Map of Industry Consultation Sites DoE 15/5/01 – on file DF) had been assessed for inclusion in the Plan but had all been rejected for a variety of reasons including the fact that there was already adequate overall provision for industry within the Craigavon UA and there was an adequate range and location of existing and proposed industry within the Craigavon UA. Previous CAPPP zonings for industry and planning approvals granted had strongly influenced the distribution of industrial sites in DCAP but when the distribution was re-evaluated it was considered satisfactory. Zoning additional land for industry to the east of Lurgan would be contrary to the general objectives of the plan to:

- ◆ encourage and facilitate sustainable patterns of development
- ◆ maintain compact urban forms that respected the individual character and identity of settlements, avoid urban sprawl and reduce the need for expansion into the countryside;
- ◆ make the most efficient use of existing infrastructure, buildings and transportation systems;
- ◆ integrate land use and transportation to reduce congestion and the need for car journeys and encourage a shift towards more sustainable modes of transport, in particular walking and cycling.

### **OBJECTORS' CASE – SEEKING ADDITIONAL INDUSTRIAL LAND**

- 5.01.09 The RDS identified Craigavon UA as a major centre for employment growth and the Family of Settlements Report emphasised its important role as a manufacturing area and its important future employment role given its good accessibility and infrastructure. SPG ECON 1 of the RDS emphasised that plans should make provision for a generous and continuous supply of land for industrial purposes. This was a different approach to the RDS's approach to housing zoning. Although the DoE was zoning at least twice the amount of land needed, based on past take-up rates, there was no point in drawing a line at 176 ha. It was a physically based plan, not a statistically based plan, so other sites physically suited to industrial development should be included and allocated for industry as well. The industrial land supply in the Borough did not provide a range and choice of sites for industry and thereby limited employment potential throughout the Borough contrary to PPS 4 paragraphs 6, 14, and 17 (which stated that the Department would 'seek to identify sites which offer a good choice of size and location') and to PSRNI at page 61 which stated that the DoE was keen to ensure that no unnecessary obstacles of a land use nature would hinder the maintenance or creation of employment. The failure to provide for a choice and range of sites distributed throughout the UA would be loss of key innovative skills and employment growth. The purpose of the objection was to ensure that adequate employment opportunities were available in SW Lurgan and for Avondale's expansion needs.
- 5.01.10 There were no industrial zonings in Portadown contrary to historic applications accounting for 45.7% of the total based upon the objector's analysis or 30.2% based on the DoE's own figures. As no new industrial land had been zoned in Portadown, despite the reduction of 23 ha at Mahon and the concession to housing of P/MU/1 during the

Inquiry, any deductions from the industrial zonings in Lurgan as a result of objections should be made up for by zoning more land in Portadown. The DoE needed to reassess the distribution of industrial land. The zonings in Lurgan amounted to 53.9 ha or 29.5% of the industrial zoning in the plan. They were restricted to the NW of the town in close proximity to the existing Silverwood Industrial Estate. The zoned sites were limited to 29.7 ha for light industrial use whilst the remaining 24.2 ha on the Portadown Road was in IDB ownership, severely restricting the range and choice of sites for a full range of companies within this part of the Borough. The remaining 70.5% of the land zoned for industrial use was concentrated in Central Craigavon (128.7 ha) and almost half of this was in IDB ownership. The west, south and east of the Borough had been ignored in identifying areas for industrial development. There was no land zoned for industrial use to the east of Lurgan and it was considered that there was scope for such zoning in that area, which would encourage investment.

### **CONFLICTING OBJECTOR'S CASE – SEEKING LESS INDUSTRIAL LAND**

- 5.01.11 Objector 83 considered that it was not clear from the IDB's comments to DoE whether they supported zoning of 2.5: 1 in the Plan. There was no justification for overzoning to that degree based on historic take up rates. The Technical Supplement was full of inaccuracies and underestimated the amount of industrial land available in the Borough at present as the DoE acknowledged in paragraphs 5.01.04 and 5. There was 72.5 ha available plus the vacant units in these large industrial estates, vacant sites or buildings in category B industrial sites, or industrial areas outside the urban area. The TS was also inaccurate in overestimating past take up rates as it included land with planning permission and some of this had not been developed. Objection No 241 was to the release of new industrial land.

### **CONSIDERATION**

- 5.01.12 PPS 4 paragraphs 11-24 relates to the allocation of land for industry in development plans, set within the context of paragraphs 5-6 on the importance of industrial development to the Northern Ireland economy and paragraphs 7-10 relate to sustainable development, transport and social need. Paragraph 17 states that the Department will seek to ensure that the land zoned for industrial purposes in development plans is sufficient to meet foreseeable needs, based on take up experienced in preceding years and will seek to identify sites which offer a good choice of size and location. It goes on to state that it will endeavour to meet the expected needs of the IDB/LEDU as well as private sector developers..
- 5.01.13 The DRSF (and subsequently the RDS at page 137) highlights that development plans should make provision for a generous and continuous supply of land for employment purposes. Policy SPG-ECON 1 of the RDS 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.' In Diagram 9 of the RDS Craigavon UA is shown as a 'main hub' on a 'key transport corridor'. I accept that the Craigavon UA is an important employment area within the Province and that the RDS's requirement for the provision of a 'generous and continuous' supply of employment land is a material consideration in dealing with the industrial objections to the draft plan. What 'generous' means in statistical terms is unclear and the extent to which this differs from the PPS 4 requirement for 'sufficient' land. Nonetheless, comparing industrial overzoning with the 10% overzoning approved in the RDS for housing and taking account of the RDS's commitment to sustainability, it is my view that such a high degree of overzoning for industrial land cannot be justified. The proposed level of provision is over generous and contrary to the Plan's sustainability objectives and similar objectives set out in the RDS.

- 5.01.14 The methodology used to analyse the historic take-up rate of land for industry in the Plan's TS Volume 2 is extremely broad brush in its approach as it is based on two assumptions (a) that the amount of new industrial floorspace granted planning permission 1984-1999 was developed or would be developed over the plan period and (b) approvals for extensions, change of use and replacements in that period can be converted into an equivalent land requirement. Both these assumptions, in my opinion, tend towards an over-estimate rather than an under-estimate of historic industrial land take-up. In the TS the 15 years land take-up is then reduced pro-rata to a 10 year rate, which may not reflect precisely the trends of the last ten years of economic development in the Borough. The next estimate in the TS is that given that 44 ha of existing zoned industrial land (deducting 23 ha at Mahon which is in the flood pondage area) remain from the 1985 Craigavon UA Plan, approximately 140 ha of additional zoned land is required. This gives approximately 183 ha of zoned industrial land in total and a ratio of approximately 2.5 of zoned land to historic take-up. It does not take account of 28.9 ha of unused land estimated by objectors to lie in existing industrial areas (to be added to the 44 ha undeveloped which the DoE stated at the Inquiry that it had reassessed), a number of vacant premises, white land within the urban area or windfall possibilities within the existing built up urban area.
- 5.01.15 No argument was presented by the parties on the basis of the employment needs of the 2010 estimated population of the Borough but I note that the TS estimates that only an additional 85-118 ha of industrial land might be needed over the plan period for the 'best guess' population for 2010. This estimate is based on a number of assumptions, not only about future population levels but also about tertiary and secondary employment levels and the ratio of industrial land per job which makes the final figures very broadbrush. In any event, the analysis does not support the objector's argument that additional industrial land zonings are required in DCAP.
- 5.01.16 As I was presented with no convincing evidence that any of the land allocated for industry in the Plan was in any way constrained by ownership or infrastructural problems, given the shortfall in the Plan's calculation of existing land available for industry and the overestimate of historic take-up of industrial land, it is clear that the 183 ha of zoned land (less the 6.7 ha conceded to housing during the Inquiry at site P/MU – 1) represents an overgenerous supply of employment land. It represents more than the 'generous and continuous' supply of land for employment purposes required by the RDS (Page 137).
- 5.01.17 With regard to the objection to the 'release of any new industrial land', it appears on the face of it to apply to the all of the 'additional' 140 ha of industrial land zoned in the Plan. Even assuming that the 44 ha of industrial land remaining from the 1985 plan are not in some way unsuitable for industrial development, on the basis of the historic land take-up (flawed as this is as I have already concluded) this remaining land would not in my view be sufficient to meet the needs of industry over the plan period. The remaining 44 ha would not, in my view, provide the 'generous and continuous' supply of land required by the RDS. I do not therefore consider that the entire 140 ha of industrial land should be deleted from the Plan but the desirability of reducing the level of industrial land over-zoning highlighted by this objection will provide the context of my consideration of site specific objections requesting the deletion of industrial land.

#### **Size**

- 5.01.18 Paragraph 17 of PPS 4 sets out that area plans must seek to identify sites which offer a good choice of size and location. What this means in size or location terms is not made clear. The Plan allocates sites ranging from 20 ha to 66 ha which includes two sites of over 40 ha. In my view this represents a good choice of size in terms of zoned industrial land in the UA.

#### **Ownership**

5.01.19 On the issue of the 'choice' in terms of public or private ownership, whilst the public sector owns a considerable portion of zoned industrial land (Table 9 of the TS, which was disputed as being an underestimate by objectors), there is no convincing evidence to support an argument that the remaining land would be insufficient to meet the needs of non-IDB companies or that public sector land owners would not sell sites to the private sector were such a shortfall to arise. I conclude that there is a reasonable choice of zoned industrial land in terms of ownership by the public or private sector in the UA.

#### **Location**

5.01.20 With regard to choice of location, I regard the Craigavon UA as a single entity for employment purposes and whilst there might currently or in the future be commuting from one side to the other for industrial employment, I was presented with no convincing evidence that this was or is likely to become a problem. In my view, whilst it might be a goal in sustainability terms to have people living within walking distance of their workplace, it is unlikely that it would ever be possible to ensure that people living in a particular sector of the UA would all be employed in that sector. It is much more likely, given the diversity of job skills throughout all residential areas, all parts of the urban area and within individual families that there will be a complex pattern of home-to-work travel. The Craigavon UA is well provided with roads infrastructure and I received no evidence that public transport was inadequate or that people in one sector of the UA would be unwilling or unable for socio-political or 'community' reasons to work in another sector, therefore I am not persuaded that on the basis of the sustainability argument there is any case for allocating pockets of industrial land around the entirety of the UA at any set pattern of regularity. On the other hand, there are arguments to support the currently proposed allocation of industrial land based on the urban form argument, as there is a surplus of land in the Central Craigavon part of the UA and what could be described as 'gaps' in the existing urban form there, whereas to extend the UA outwards on the Lurgan or Portadown sides could adversely impact on the Plan's objective to achieve a compact urban form. I conclude that there is a good choice of location in the distribution of zoned industrial land in the UA in the Plan.

#### **RECOMMENDATION**

5.01.21 I recommend that no alteration be made to the Plan as a result of objection Nos 275 (13.1) and 32. My conclusion on objection No 241 that there is an overgenerous supply of land for industry in the Plan sets the context for the other objections of a more site specific nature which are dealt with later in this section.

5.02 

Objections referring to the need for light industrial land zonings at Silverwood.
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**Objection: Nos 83, 238, 156**

**Counter Objection: Nos 46, 64 and 47**

#### **DEPARTMENT'S CASE**

5.02.01 Approximately 30 ha of the land zoned for new industry in the Plan was identified specifically for light industry/warehousing, all at Silverwood. It was important to cluster all light industrial land zoning in one area and the light industrial zonings at Silverwood acted as a buffer between general industry and existing/proposed housing. PPS 4 at paragraph 17 said that there had to be a choice of size and location in industrial land provision. The lands zoned at Silverwood for light industry and warehousing complied with Plan Policy Industry 1 in that they contributed to the provision of a range of sites for industry in both public and private ownership. Page 26 of the Plan emphasises both public and private sector needs and sites L/I- 3 , 5 and 6 would meet the needs of

non-IDB companies. Although Silverwood Road was not a 'corridor' in the RDS sense, it had good infrastructure and accessibility to the strategic road network.

- 5.02.02 IDB was aware of concerns raised by Craigavon Industrial Development Organisation and others regarding the shortage of land in the Borough for Use Classes 4 and 11. IDB/LEDU did not support storage and distribution, wholesaling, retailing, logistics and transportation activities and did not give grants to companies in the following fields: slaughtering, bread production, bottling soft drinks, plastics, trailers, coach building, steel cladding, software engineering or kitchen furnishings, although these categories could change. IDB would support Class 4 uses but not Class 11 uses but the number of their client companies operating as light industry was relatively insignificant.
- 5.02.03 No other plans in N Ireland had zoned land specifically for warehousing but some had zoned land for light industry. Both warehousing and light industry would be considered as acceptable land uses on 'white land', subject to meeting other planning criteria. There was no information on the demand for light industrial or warehousing uses and there was no research into the proportion of industrial land that needed to be for light industry, though the IDB would not be satisfied if there was no light industrial land zoned in the Plan. There was nothing to prevent light industry going into general industrial estates in the Borough such as Annesborough.. The loss of a small hectare to another use would not be a cause for concern as industrial overzoning was so high. If sites L/1-5 and 6 were confirmed for light industry the IDB would not purchase them and if they remained in private ownership they might not be put on the market. IDB was going to make L/1- 4 available for light industry by way of a portfolio sale to a private developer or investor as the Planning Service wanted a buffer to existing housing. It might have consented to sell off other lands for light industry if it had been approached by the DoE to do so. If L/1-5 and 6 were not zoned for light industry it would make marketing of IDB's own site L/1-4 easier. L/1-3 had been on the market for some time but was not IDB owned. It was helpful for light industry to be located beside an existing serviced industrial site in terms of infrastructure and economic spin off. Some clustering of light industry was better than for it to be spread all over the UA although in this case it was entirely concentrated in this part of the urban area which was not desirable.

### **OBJECTORS' CASE**

- 5.02.04 There was no evidence of any need or requirement for land for light industrial use. The vacant land immediately to the SE of the Interface factory at Silverwood ie between Interface and the Portadown/Lurgan railway had been on the market for some years for light industrial use. The fact that it remained undeveloped was a clear evidence of lack of demand. The vast Goodyear factory complex and the adjacent site had been idle since the mid 1980s and although purchased by FG Wilson, only a small part of the factory had been used in recent years. There had been little uptake of the vacant industrial land at Silverwood over the years and a considerable number of the light industrial units at the nearby Annesborough Industrial Estate had remained vacant. There were substantial areas of land in public ownership available for industry eg Carn Industrial Estate and Mandeville. Not all the zoned industrial land was in public ownership. The former Courtaulds Factory site of 30 acres in Lurgan was vacant and not in IDB ownership. The recently announced partial closure of Interface with the loss of 90 jobs was further evidence of poor demand.
- 5.02.05 There was no evaluation of the split between light industry and other types of industry in the Plan or the demand for land for light industry. Some of the existing land zoned for industry and still vacant could be allocated for Use Classes 4 and 11. Of the 53.9 ha of new lands zoned for industry in Lurgan, 29.7 ha was shown for light industrial use which amounted to 55% . This did not make sense when compared with Portadown or Central Craigavon where no new land was zoned for light industrial. This did not comply

with sustainability criteria and the need to use the car and the DoE needed to reconsider the proper distribution of light industrial lands.

### **COUNTER OBJECTOR'S CASE**

- 5.02.06 The plan identified some 54 hectares of future industrial land in Lurgan, in addition to the IDB's Silverwood Estate, the largest site being at Portadown Road (24 hectares). This was owned by the IDB, and would only be available to those major employers who met the IDB's criteria. The other sites, which would facilitate a much wider range of light industrial and warehousing uses, were located adjacent to Silverwood. If these sites were to be rezoned for housing or for any other purpose then the range and choice of industrial land in Lurgan would be severely curtailed.

### **CONSIDERATION**

- 5.02.07 These objections relate to the allocation of L/I- 5 and L/I- 6 for light industry/warehousing on the basis of 'need' and my consideration is made in order to establish the background to the site specific objections Nos 4, 156, 44, 3, 42, 27, 28, 238, 83 and 14, dealt with later in this section. It is clear to me from the DoE's evidence that there is no statistical basis at all for the DoE's zoning of land for light industry/warehousing uses in the Plan. Indeed there is no guidance or policy at regional level for the allocation of land for these uses and how such a demand should be assessed. I note that some plans in Northern Ireland zone land for light industry and others do not, but I have been presented with no evidence that any such land allocation has taken place elsewhere for warehousing. I note that in DCAP the 'industrial zonings' are for 'industrial, storage or distribution uses'. In my view, since light industrial and warehousing uses would be able to locate on any land allocated for industry in the plan and may be acceptable on white land, there is no justification for a separate zoning for these uses on the basis of need alone. The IDB representative did not justify his comments that 'some' separate allocation for light industry would be 'desirable'. In any event since there is an allocation for such uses at L/I-4 (no objection) and L/I-3 (objection withdrawn), the IDB's unquantified 'desirable' allocation could be said to be met in the Plan. These sites are located on the industrial side of Silverwood Road and close to existing industry so their allocation for industry is logical in land use terms and in terms of any possible synergy or economic spin-off.
- 5.02.08 I have not been persuaded that there is any justification for the allocation of the objection sites for specifically 'light industry/warehousing' on the basis of need alone. Indeed if there were such a specific need the land would have been allocated in the CAPPP for such a purpose but it was not and it is clear from the evidence presented at the Inquiry that the allocation in DCAP was merely a matter of choosing one out of a number of uses which might act as a buffer between existing industry and proposed housing.
- 5.02.09 If there is no clear justification that the land is 'needed' for specifically light industry/warehousing, then it remains to be considered whether L/I-5 and 6 are needed for industry at all. I have already concluded at 5.01.16 that the allocation of industrial land in the draft plan is overgenerous and I note the DoE's evidence that the loss of a small hectareage of industrial land to another use would not be a cause of concern as industrial overzoning is so high. It is my opinion that if both L/I-5 and L/I-6 were not zoned for industry at all, this would not lead to a shortfall of employment land in the plan.
- 5.02.10 My conclusions set the context for objections of a more site specific nature which are dealt with later in this section.

5.03

Objections to the non-identification of sites for industry in smaller settlements and the failure to provide for small business concerns and employment uses in rural areas and small settlements

**Objection: Nos 259, 275 (11.1)**

**DEPARTMENT'S CASE**

5.03.01 One of the key elements of the Plan Strategy was a focus on strengthening the UA and focusing major housing, industrial, commercial and service development in that location. The Plan also sought to facilitate the development of employment generators but had not zoned land for employment uses in the villages and smaller settlements because:

(a) in principle employment generating uses were acceptable within settlement limits subject to normal planning consideration such as access, servicing, design, amenity etc;

(b) a more flexible approach to the development of such settlements was required since if a site was identified for industry then other uses would not be permitted eg housing, community uses.

5.03.02 Outside settlement limits the provisions of PSRNI and PPS 4 applied with regard to small businesses and employment. The DoE had identified a site at The Birches for community uses at the request of the Community Association and the Borough Council.

**OBJECTORS' CASE**

5.03.03 The Borough Council noted that the DoE in its rebuttal did not specifically address the matter of small business and employment uses within the rural area, outside settlements.

**CONSIDERATION**

5.03.04 In my view the zoning of particular sites within the settlement limits of villages and smaller settlements for industrial or business use would be unduly inflexible at development control stage. There may be a number of sites within these settlements that are equally suited to industry or housing or community uses. The DoE has stated that in principle applications for employment generating use in such settlements would be acceptable subject to the normal planning criteria and site specific requirements. That is entirely proper in order to protect, amongst other things, the amenity of existing residential properties. With regard to such uses in the rural area outside settlements this is subject to the policy requirements of PSRNI and PPS 4 and I do not consider that the Plan should seek to depart from this regional policy framework unless there is a clear reason to do so. I have not been presented with any argument that persuades me that such a departure is required for the Craigavon Borough.

**RECOMMENDATION**

5.03.05 I recommend that no alteration be made to the Plan as a result of these objections.

5.04

Objection to the exclusion of lands from the settlement limit of the Craigavon Urban Area and seeking zoning of the lands for light industry or storage and distribution purposes.

## **Objection: No 18**

### **SITE DESCRIPTION**

5.04.01 The site is 10.5 ha in extent lying to the north of the M1 motorway on the Annesborough Road, wrapping around Kinnego House to the north. A residential property No 72 Annesborough Road and an area of large sheds and hardcore apparently used for road haulage adjoins the site to the east and open land adjoins other boundaries. A steep embankment within the site separates it into two portions; the southern portion is flat, low-lying, rough and marshy land. The southern boundary of this portion is defined by a drainage channel and the western boundary along Annesborough Road is defined by low hedgerow. The northern portion fronting Annesborough is more elevated. The current use of the site is agricultural. In DCAP the site lies within the Green Belt, a Ramsar site, an ASI and an Area of Constraint on Minerals Development.

### **DEPARTMENT'S CASE**

5.04.02 At its closest point the proposed settlement limit of the Craigavon UA was approximately 50 m to the SE of the site at the Annesborough Industrial Estate. In addition to the designations of the site noted above, the site also lay adjacent to the Countryside Policy Area, A Special Protection Area and an Area of Special Scientific Interest. The national cycle route ran along the northern boundary of the site.

5.04.03 In the Craigavon UA Plan 1985 the site lay within an Area of Special Control and in CAPPP it lay within the Green Belt. There was no history of any planning approvals on the site. Neither Roads Service nor Water Service had any objections in principle to the proposal. If the site were developed the national cycle route would have to be taken off the road and incorporated within the boundary of the site. The site had good access to the motorway which was not heavily trafficked at this point. IDB had no direct interest in the site and considered that access costs would make development of the site prohibitive from their perspective. EHS (Natural Heritage) considered that the land should not be included within the settlement limit because:

- ◆ it had a key location at the entrance to Oxford Island National Nature Reserve and the Lough Neagh shoreline which was an SPA and an ASSI and was within the Lough Neagh Ramsar Area;
- ◆ further industrial development of the site could pose pollution problems for the Woodville River within the NNR and the ASSI;
- ◆ development would affect the attractiveness of the area as there were excellent views of the Lough Neagh from the perimeter road (not the site itself) which was part of the national cycle network.

5.04.04 The policy context was DRSF policies SPG 6, SPG 7, SPG 9, SPG 15, SPG 16 and SPG 25, Appendix 6; the Northern Ireland Transport Policy Statement – Moving Forward; PSRNI policies SP2, SP 12, GB/CPA 1; PPS 2 Planning and Nature Conservation; and PPS 4: Industrial Development paragraphs 12, 15, 16, 17, 19, 21, 22 and 29.

5.04.05 Removal of the site's Green Belt status would be contrary to :

- ◆ The Spatial Development Strategy and Policies SPG 9 and SPG 25 of the DRSF
- ◆ Policy SP 12 of PSRNI
- ◆ The first six objectives of the plan on pages 12 and 13.
- ◆ The Plan's development pressure analysis (1989-1999) which did not indicate that the Green Belt should be reduced in the area of the site.



- 5.04.06 Same evidence as above 5.01.01-03. Given the generous supply of land for industry in the plan and the specific identification of 30 ha for light industry and warehousing near Silverwood Industrial Estate inclusion of the site within the UA for industrial development would be contrary to regional planning policy and the Plan Strategy and Objectives. The fact that the owner of the objection site had been approached for sale for the use as light industry or warehousing was irrelevant to planning. Although the site had the benefit of good access to the M1, other factors weighed against it. As a result of the CBC objection requesting additional industrial land and because of representations from landowners, the plan team had looked at possible additional sites for industry and in evaluating them had taken on board regional policies as well as the objective of maintaining a compact urban form.
- 5.04.07 Settlement limits had been defined to facilitate properly structured and appropriately scaled growth, to protect the individual character of each settlement and to constrain ribbon development and urban sprawl in the surrounding countryside. The limits had been defined as described in section 3 of this report. Even though the objection site was not far from the Annesborough Industrial Estate and not particularly prominent in the landscape, the M1 provided a very definite edge to the UA and was the most appropriate boundary for the plan period, given the development requirements of the UA over the plan period, the generous allocation of land, and the character and quality for the rural area at this location. Going beyond the motorway would set a precedent for no reason for the UA to spread northwards. It was not true that most of the zoned land was owned by the DoE as, apart from IDB ownership, only the Department of Social Development owned approximately 3 ha at C/ I-2.
- 5.04.08 In order to achieve an appropriately integrated settlement form at this location any extension of the settlement limit of the UA was likely to take in all the lands enclosed by the M1 motorway to the south and the Annesborough Road to the north, east and west. This would include within the UA not just the objection site but also adjoining lands to the north, east and SW which were not the subject of objection. It was accepted that there were a variety of uses in the general vicinity of the site. No planning permissions had been granted for any of the commercial/industrial uses identified by the objector, except for site 4 on the objector's map which had a planning history of storage and distribution and was recommended for approval (29/3/01) for the storage of aggregate material and change of use from food distribution to builders' aggregate and sand distribution, subject to a landscaping condition. No enforcement action was ongoing.. Even though this was not an area of pristine countryside and some of the uses might be immune from enforcement action these were not good reasons for extending the UA to this point. In the history of Craigavon the motorway had always been a key element in deciding the development limit. At Sprucefield there had been particular reasons for allowing development.
- 5.04.09 If the site were included in the development limit and zoned for light industry/haulage uses some road widening would be required along the site frontage and beyond this on Annesborough Road to link back to the M1 roundabout and drainage problems would have to be resolved.

#### **OBJECTOR'S CASE**

- 5.04.10 Approaches had been made to the site's owners regarding a purchase for light industrial or storage and distribution uses. The site adjoined the Countryside Policy Area (CPA) but was not within it. The major portion of the site was in good condition and the marginal flooding alongside the Drumnakelly Drain could be overcome. There was nothing on the site of any known scientific interest and any mineral development had long been expended. None of the consultees had vetoed the site and the IDB, as owner of other industrial land in the Borough, had only rejected the site from a peripheral road

inspection. The Woodville River was not the cause of pollution problems as this was related to existing industry and the malfunction of the sewage works. No additional contamination problems would arise from a properly designed and managed development. The excellent views of the Lough Neagh shoreline, described by EHS, would not be affected as the objection site lay in the opposite direction from the viewing position. The topography of the site and the siting of any proposal would not detract from the quality of the countryside.

- 5.04.11 The objection complied with DRSF policy in that it lay within a key transportation corridor, adjacent to the most important road network in Northern Ireland. Its proximity afforded safe and easy transportation to and from a main service centre and permitted mobility to a large catchment area. It met the DRSF desire to locate transport dependent industries that focus on storage improvement and delivery of goods in corridors at well accessed modes or intersections.
- 5.04.12 Only a short length of public road was required to access to the Lough Road roundabout. This junction with the M1 was underutilised for development despite being designed to the highest standard. The use of the Carn/Seagoe and Sprucefield roundabouts were examples of how it was convenient to accommodate access to housing, recreation and commerce. The section of the national cycle route to the north of the site would be no more compromised than other sections that abutted existing industrial development at Annesborough Industrial Estate. The site would be developed in such a manner that would assist in removing any hazards for cyclists on this section of road where cyclists and motorists were not at present segregated.
- 5.04.13 Views from the site were limited by the on-going industrial development along the north side of the Annesborough Road. The Green Belt would not be blighted if the objection site were included in the settlement limit because it was already blighted by these developments. It was very convenient to designate the M1 as a settlement limit but the existing uses refuted this. There were no objection sites on the surrounding land because they were being developed anyway. These other uses were shown on a map as a glazing business, monumental masonry, builders yard, natural stone centre, Water Service property, an aggregate plant, a car breakers yard (abutting the site), a haulage depot (abutting the site), a horticultural enterprise and numerous small businesses on Island View Lane. The site was in close proximity to the Annesborough Industrial estate and would be complementary to it.
- 5.04.14 Most areas zoned for industrial use appeared to be owned by or under the control of the DoE itself and the question was whether the DoE was serving its own interests to the detriment of private proposals. This was an opportunity for the local people of Craigavon to have an input into Craigavon's new era and permit them to use their own land and resources. CBC had objected to the Plan on the basis that there were insufficient sites for industry and this objection site was readily available to fulfil a need.

## **CONSIDERATION**

### **Environmental issues**

- 5.04.15 It was agreed by the parties that most of the site was physically suitable for light industrial/ haulage/distribution type businesses, that a good access to the M1 motorway could be created and any flooding or drainage problems could be overcome. I do not attach overriding weight to the location of the site within the Lough Neagh Ramsar and ASI, close to the SPA and ASSI to the north-west and fairly close to the entrance to the Nature Reserve as I was presented with little convincing evidence by EHS about the effect that development of the site would have on these designations. Likewise I am not convinced that development of the site would make a significant difference to the national cycle route, which the objectors were willing to facilitate off

road. Neither do I accept that development of the site would impact on views of Lough Neagh which are only appreciated when one drives away from the site on the Island View Road to the north. However, much of the site is low lying and open and its southern boundary is no more than a stream running through a field therefore it can be readily seen from the Kinnego Road coming off the motorway and from parts of the Annesborough Road.

### **Planning history**

- 5.04.16 Some weight must be given to the planning history of the surrounding area in which there are several semi-industrial or storage uses, all (except one) without the benefit of planning permission and some possibly immune from enforcement action. The most prominent are sites 4, 6 and 8 on the objector's map – ie the Natural Stone Centre, the aggregate business and the haulage business. The hard cored area of the latter use appeared to expand over the period I was carrying out site visits in the Borough but the DoE's witness had no knowledge of any enforcement action being taken. In addition, it is certainly arguable that the zoning of the site for light industry/warehousing could fall within that section of Policy SPG 16 of DRSF (now ECON 2.1 of RDS) which seeks to locate transport dependent industries, that focus on storage, movement and delivery of goods, in the key transport corridors at well accessed nodes normally on the edge of towns. On the other hand, it is equally clear that there are a large number of other potential sites in similar locations close to motorway junctions in the Borough and there would have to be some overriding reason to justify inclusion of this particular one within the urban settlement limit.

### **Other factors**

- 5.04.17 There are a number of other factors which weigh heavily against extending the settlement limit to include this site:

- (a) Taking account of the requirements of industry as set out in paragraphs 15-22 of PPS 4 I have already concluded in paragraphs 5.01.16-20 above that the amount of land allocated for future industrial needs in the Borough is more than generous for the plan period in relation to estimated need and that the size, location and ownership of zoned sites is reasonable. There is therefore no justification for including this site within the development limit and zoning it for industry on the basis of any general industrial need. I was presented with no argument that there was a specific need for additional land for storage and distribution uses. The fact that the landowners have been approached by a prospective purchaser interested in light industrial/warehousing uses for the objection site is not an argument in favour of allocating the site for development if no need for additional land for those uses has been identified in the Borough.
- (b) The objection site does not immediately abut the Plan's development limit and it would make no sense to include it on its own without some adjoining land which is not part of any objection site. The M 1 motorway provides a very definitive settlement limit to the north of the Lurgan part of the urban area and I accept that once it is breached there could be pressure to extend the UA generally northwards beyond the motorway. In the absence of any evidence of need for additional land in the UA this would be unacceptable given the objectives of the Plan to maintain compact urban forms and avoid urban sprawl. In the context of the evidence about development pressure and the site's location beyond the settlement limit I consider that the Green Belt designation of the site is appropriate.
- (c) Although there are unauthorised semi-industrial/storage uses in the vicinity as discussed above, they are not closely grouped together. Whilst some are fairly prominent and certainly site 8 is very clearly visible from the motorway, others such as sites 1 and 2 are within the curtilage of residential properties and lie some distance from the objection site. Despite a degree of despoliation, the overall area

still has a rural feel about it. Whilst it does not present the appearance of what one might expect from a Green Belt due to what seems to be a failure to take appropriate enforcement action over the years, it does not clearly 'read' as part of the urban area. I do not accept the objector's argument that the area is so blighted that it no longer merits a Green Belt designation.

### **RECOMMENDATION**

5.04.18 I recommend that no alteration be made to the Plan as a result of this objection.

5.05 That the site should not be located in the Green Belt but be included in the development limit and zoned for industry.

### **Objection: No 149**

### **SITE DESCRIPTION**

5.05.01 This 6 ha site lies adjacent to the urban area SW of Lurgan and SE of Central Craigavon. A 1 ha 'sliver' of the site on the west side of the site across the Monbrief East Road consists of overgrown grassland and hedge line. A small area in the south is fenced off for grazing. A pathway linking the New Line with the Monbrief East Road, giving access to an underpass, defines the north western boundary of the main part of the site adjoining the urban area; the southern boundary is defined by a field boundary of hedgerows; the eastern boundary is defined by New Line and has some banking and hedging along this boundary and some open stretches. The western boundary on the other side of Monbrief East Road is undefined. Within the main part of the site there is an area of open grassland; a dwelling on the NE ; two small open fields to the south of this; an area of derelict land to the west of this, where buildings have been demolished; and some marshy land at the southern end. In the Plan the site lies within the Green Belt.

### **DEPARTMENT'S CASE**

5.05.02 The relevant policy background was as set out above in paragraphs 5.01.01-02. The site had been identified as lying within an area of Recreational Open Space in the 1967 Craigavon New Town Inner Area Plan and within the Area of Special Control in the 1983/85 Urban Area Plan. In the CAPPP it had been located outside the settlement limit and in the Green Belt. Post CAPPP there had been a representation seeking that location of the site within the settlement limit and zoning for light industrial use. The main part of the site was suitable for development, being almost level, though a lot of internal vegetation would have to be removed. The sliver of land on the other side of the road had limited usefulness for development. The Roads Service had no objection to the objector's proposals for footway links along New Line to the roundabout via the public road verges. There was no bus service along Monbrief East Road at present but there was a footway/cycle way at the underpass to the north of the site. In terms of site development requirements a TIA might be required and any access to the development should be from Monbrief East Road to the appropriate standards.

- 5.05.03 The DoE was keen to facilitate the development of new businesses on suitable sites and also encourage the appropriate future expansion of existing firms and had zoned 176 ha of industrial land in a variety of locations and in both public and private sector ownership. IDB owned 47% of the zoned land for industry in the Plan (Table 9 of TS) and Silverwood might not be particularly suitable for food production because of emission levels and smells from existing industry, but there was ample provision in terms of the size and range of sites in both public and private ownership for Avondale Foods to go to if they relocated.
- 5.05.04 In response to objection No 152 the DoE had written to the company stating that it would exercise its discretion under paragraph 48 of PPS 4 to permit the expansion of Avondale Foods at its existing site on Dukestown Lane subject to site specific considerations such as residential amenity. On the basis of this letter Objection No 152 was withdrawn by letter dated 14<sup>th</sup> November 2001. Avondale Foods was a major employer and this was a material factor but the risk of Avondale moving to another location was somewhat speculative. It was important that criteria set out in paragraphs 12, 13, 16 and 19 of PPS 4 were taken into account in determining this objection. Paragraph 13 said that development should not normally take place outside development limits. Although weight should be given to the views of Avondale Foods (PPS 4 paragraph 17) the company should be able to find a suitable site for relocation and the nearest one was only one to one and a half miles away at Portadown Road.
- 5.05.05 The site was not in an AONB or a Country Park and there were no residential amenity or conservation issues raised but inclusion of the site within the settlement limit would be contrary to the Spatial Development Strategy and Policies SPG 6 at 6.1, SPG 9 and SPG 25 of DRSF; Policies SP 12 and DES 3 of PSRNI and the Plan Strategy to encourage and facilitate sustainable patterns of development; maintain compact urban forms; make the most efficient use of existing infrastructure, buildings and transportation systems; and integrate land use and transportation to reduce congestion and the need for car journeys and encourage a shift towards more sustainable modes of transport. It was accepted that SPG 9 had to be read in the context of 'the continued development of long established rural communities' and SPG 25 was not just about the protection of special landscapes.
- 5.05.06 In addition, the inclusion of the site within the settlement limit would be unacceptable because of:
- ◆ The pressure for residential development in the area to the south of the Craigavon UA, compared to the Borough as a whole, merited the designation of Green Belt at this location (Countryside Assessment TS). This assessment did not relate to pressure for industrial development and it was unlikely that there was any in the locality, except the various applications to extend at the existing Avondale site;
  - ◆ The configuration of the site was such that it would jut out of the urban area and would involve a change of the soft edge to the urban area at this location, characterised by the existing open space. There was limited built development visible up and down the roads at the site. It would have implications for the Green Belt status of adjoining lands which were not the subject of any objection;
  - ◆ The proposed settlement limit at that location offered an appropriate edge to the UA;
  - ◆ It would have an adverse impact on the visual setting of the UA at that location and the character of the rural area; and
  - ◆ The existing water and sewerage infrastructure would require significant remedial works in order to adequately accommodate development of the site.
- 5.05.07 The idea of a long term Green Belt to 2025 had been raised in Briefing Paper 13 (BP 13) prepared for the DRSF Examination in Public but it would not necessarily be part of the final RDS. There had been no mention of it in the Panel Report or the DRD response

therefore it had no weight at the moment. In terms of site development requirements, were the objection to succeed then some landscaping on the site would be required to be retained with additional landscaping provided on all the boundaries. The wording of the first two bullet points on landscaping and design from L/I- 6 of the Plan could be used.

### **OBJECTOR'S CASE**

- 5.05.08 The relevant policy background to the objection was PSRNI, PPS 4, DRSF, the Panel Report and the DRD Response. A general industry zoning for the site would be acceptable and the DoE could protect amenity at the development control stage by using policy contained in paragraphs 28 and 29 of PPS 4. The western site boundary was related to land ownership but it was accepted that the logical boundary was the Monbrief East Road, leaving the sliver of land on the west side outside the development limit.
- 5.05.09 The evidence in relation to the general issue of the overall allocation of industrial land and its location in the urban area has been reported at paragraph 5.01.09. In relation to the site specific need issue, the site would be developed as a new business enterprise by the Geddis brothers who had founded what had become Avondale Foods a short distance from the objection site (3.5 ha site) on Dukestown Lane and had a track record of success as industrialists. Avondale now employed 250 people and had an annual turnover of £9m. There was a proposed £4.4 m development plan for buildings, plant and equipment. The site had been identified as having a pivotal role in guaranteeing the expansion of the existing business and would be developed as a business park set in a landscaped setting and occupied solely as a satellite of Avondale Foods. The needs of an individual business could be a material consideration and the company needed additional lands but were restricted at their current site. There was no business plan demonstrating this need to expand but Avondale Foods wanted the flexibility to double or treble the operation in the next 25 years. It could work from a split site but the two parts would have to be fairly close together. If unable to expand in the Borough they would go elsewhere – somewhere central to its EU market and where incentives were available, possibly to the Republic of Ireland. The company could not relocate to one of the industrial estates in the Craigavon Urban Area as it needed a decent, clean rural environment for its production and marketing image. Silverwood had the wrong environment as it contained heavy and noxious industries. Although the objector was not arguing that food producers could not go onto any mixed use industrial estate and there were other greenfield sites zoned for industry like Portadown Road, Mandeville and New Charlestown, Avondale needed to be able to ensure the right neighbours and that their location would remain attractive. This involved being by themselves. South Lurgan was a particularly good location with excellent accessibility, workforce quality and continuity.
- 5.05.10 BP 13 stated that future development plans should identify a long term Green Belt to 2025. There was no such long term reserve of land in DCAP and the site should at least be included as a strategic reserve. Upholding the objection would be consistent with Policy SPG 9 of DRSF which related to sustaining a living and working countryside and to SPG 25 which related to conservation and Green Belts. The DoE's analysis of development pressure in the area was based on residential applications and could not be applied to an industrial objection and the area was in an area of low sensitivity to change according to the Countryside Assessment. With regard to PRSNI, the area surrounding the site had a weak rural character as from any point along the boundaries housing, road infrastructure and recreational facilities could be seen. It contributed little to the Green Belt. The open space to the east was sports fields with artificial lighting and a car park associated with a cemetery. The remainder was neglected grasslands with trees and hedges. The objection site was not a particularly attractive or definitive setting for the edge of the urban area. It would be possible to zone the land for

industry and create a well planned and landscaped environment for employment whilst redefining the edge of the urban area without jeopardising Craigavon's relationship with the countryside. There were plenty of salients in the Plan along the edge of the settlements. The area to the west of the site was likely to be included in the settlement limit at some time in the future. Land to the east along the southern portion of the site was screened from view by a steep embankment and would not necessarily have to be included in the development limit.

- 5.05.11 The site was well placed to cater for the needs of South Lurgan with its strong population base and rural hinterland. The DoE had broadly accepted the principle that industrial land should be distributed around the UA. It would be sustainable if this site were allocated for industry as the workforce from Brownlow would have less distance to travel to work, although it was acknowledged that not everyone could work in the area closest to them and travel to work patterns were more complex.
- 5.05.12 Development of the site would not be precluded by any infrastructural problems; the site could be connected to the public sewer and the roads servicing the site were excellent. An adequate vehicular access could be created and a pedestrian connection from the site to existing bus stops could be provided without requiring any third party land not in public ownership.

### **CONSIDERATION**

#### **General Need**

- 5.05.13 The objection site is physically suitable for industrial development, is not of high amenity or conservation value, could be made accessible by public transport, has good road access and it would be physically possible to overcome other infrastructural problems. The DoE did not make a convincing argument that the site fell within the confines of the last sentence of Paragraph 22 of PPS 4, that it would be excessively expensive to develop for industry. However, whilst I agree that the site is not entirely rural in character, its inclusion within the development limit would create an undesirable projection in the urban form at this location and surrounding lands are not the subject of any objection. Extension of this nature into the existing Green Belt could only be justified on the basis of some identified need that could not be met elsewhere. I do not agree with the objector's representative that the lack of statistical rigour in the Plan should mean that other sites physically suited for industrial development should be zoned as such, in addition to the 176 ha already zoned for industry. I have already concluded in paragraphs 5.01.16-20 above that the amount of land zoned for future industrial needs in the Borough represents an over generous supply for the plan period in relation to estimated need and that the choice of sites in terms of size, distribution and ownership is reasonable. There is therefore no justification for including this site within the development limit and zoning it for industry on the basis of any general industrial need.

#### **Specific Need**

- 5.05.14 During the course of the Inquiry this objection became specifically focused on the expansion needs of Avondale Foods and I accept that the needs of an individual business may be a material consideration. The objector's concern in withdrawn objection No 152 was that the future expansion of the Avondale Foods factory at Dukestown Lane off New Line would be restricted because of the Green belt location, although there was no physical definition of the extent of the area that was required for expansion. The DoE offered a concession to this objection as reported above and it was withdrawn on that basis. It was pointed out in the letter from the company withdrawing the objection that the company had only a small amount of land in its ownership for development at the existing site at Dukestown Lane and that objection No 149 would

remain as the company wanted adequate land available in close proximity to the existing factory to facilitate future expansion.

- 5.05.15 With regard to the argument that the company needs to expand beyond their existing site to objection site No 149, reference was made by the objectors to a £4.4m development plan but I was presented with no detailed information about this and no information about the extent of the company's land ownership at the existing site or the expansion capacity of the existing site. Obviously I cannot import argument made in regard to objection No 152 alone, as this has been withdrawn. Whilst I accept that the company is a major local employer and that its retention in the Borough is an important objective, I consider that there is no evidence to justify inclusion of the site within the development limit and its zoning for industry on the basis of any specific need of Avondale Foods.

### **RECOMMENDATION**

- 5.05.16 I recommend that no alteration be made to the plan as a result of this objection.

- 5.06 

Objection to the site development requirements for Zoned Housing Site L/H-13 seeking an extended landscaped buffer area to industry.
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### **Objection: No 126**

### **SITE DESCRIPTION**

- 5.06.01 The objection site L/H-13 is located between Old Portadown Road and Gilpinstown Road, Lurgan. Part of it immediately adjoins the Portadown Road Industrial Estate to the north. Sonoco Ltd is located on the other side of the Portadown Road approximately 256 m from the northern perimeter of the objection site. The site is partly developed and partly under construction.

### **DEPARTMENT'S CASE**

- 5.06.02 The objection site was zoned for phase 1 housing development in DCAP and had been granted outline planning permission for housing development in 1998 (N/1998/0021/O). One of the conditions was the provision of an appropriate acoustic barrier along the northern and north western boundaries of the site in order to 'safeguard the amenities of the proposed dwellings'. The zoning of the objection site for housing was appropriate because it was in accordance with

- ◆ the Spatial Development Strategy set out in the DRSF;
- ◆ Planning Policy Statement 4 Industrial Development specifically paragraph 31 on development being compatible with existing industry;
- ◆ the Plan Strategy to encourage and facilitate sustainable patterns of development.

A landscaped buffer (refer to site development requirements for L/H-13 on page 93) was necessary to provide an adequate buffer between existing industry and the proposed housing in that housing zoning.

### **OBJECTOR'S CASE**

- 5.06.03 Sorocco Limited was an important employer in the area and no provisions of the plan should frustrate or constrain its ability to carry on business. Housing site L/H-13 lay



close to the factory and other industrial land. The site development requirements should be amended to take account of the proximity of the site to the industrial land and the need for the provision of an adequate buffer planting, adequate screening and proper landscaping management.

### **CONSIDERATION**

- 5.06.04 In my view the third site development requirement for L/H-13 sets out in sufficient detail for an area plan the requirement for boundary planting along the northern boundary of the site to create a buffer between future housing and adjacent industrial activity. The extent of this buffer, the type of planting and the management of that planting are matters which can be more appropriately covered at outline planning application stage, taking into account the requirements of Paragraph 31 of PPS 4 and any technical details about industrial processes on adjacent sites. The eighth site development requirement is for open space provision in accordance with Policy Housing 3 and it does not say anything about where this should be located. Whether or not this could be the buffer was a matter upon which I was not presented with any evidence.

### **RECOMMENDATION**

- 5.06.05 I recommend that no alteration be made to the plan as a result of this objection.

- 5.07 

Objection to the zoning of land for development (industrial zoning C/I-2), seeking no development (119,120,273) and objection to the zoning of the southern part of the site for industry seeking housing (136).
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**Objection: Nos 119, 120, 273**

**Conflicting Objection: No 136**

### **SITE DESCRIPTION**

- 5.07.01 Objection site Nos 119, 120, 273 is 66 ha site located NW of the Craigavon Central Area to the north of Northway, east of New Charlestown Road and west of Carbet Road. It comprises two portions of land located to the north and south of the Drumnagoon (Carn) Road which traverses the site. The northern part is agricultural with an open aspect to Carbet Road and is part laid out as an industrial estate. Objection site No 136 measures 27.7 ha and its landscape is characterised by undulating pastureland with mature vegetation cover. There are a number of residential properties adjoining this part of zoned industrial land C/I-3. To the west is Carn Industrial Estate. Most of objection site No 136 is zoned for industry C/I-2 in the Plan and the rest is in the Green belt or white land inside the settlement limit.

### **DEPARTMENT'S CASE**

- 5.07.02 The Craigavon Inner Area Plan 1967 (non-statutory) identified the northern, western and south western portion of the site as Agriculture and Reserve Land. The south eastern portion was in an area denoted Recreational Open Space. In the Craigavon UA Plan 1985 (non-statutory) the north western portion was within the settlement limit and zoned for industry and the remainder was in an Area of Special Control. In the CAPPP the entire site was within the urban area and zoned for industry. Post CAPPP the Department had received 7 representations seeking removal of the industry zoning from the southern portion of the site. Planning permission had been granted in 1996 to the IDB for infrastructure on the northern portion of the site – roads and services as an extension to the New Charlestown Road Industrial Estate. There were no objections in principle from any of the consultees to the zoning of the site for industry in the plan.

IDB would not be content for housing to be accessed via the Charlestown Road Industrial Estate. The site was a natural extension to existing industry in the area and the topography of the land was favourable for development. The Southern Group Environmental Health Committee commented that developers would need to ensure that the industrial uses chosen for the part of the site close to the existing dwellings would not result in any loss of amenity or nuisance to the residents.

- 5.07.03 Land had been identified for industrial development within the Craigavon UA in a range and choice of locations as set out in paragraphs 5.01.01–5.01.08 above. Zoning this site for industry was in accordance with the Spatial Development Strategy and Policies SPG 7, SPG 15, and SPG 16 of the DRSF. It was also in accordance with the first four objectives of the Plan at page 12.
- 5.07.04 DRSF and PPS 4 sought the identification in development plans of one or more large industrial sites of approximately 40 ha strategically located along the key transportation corridors to attract and accommodate major inward investment projects and local enterprise. PPS 4 stated that such large sites should be easily accessible to the transportation network and a substantial workforce, fully serviced or capable of being serviced at short notice, free from significant obstacles to development and capable or accommodating a range of development without adverse environmental impact and visually attractive. Two large sites had been identified in the Craigavon UA in the plan. The largest was the objection site, of which approximately 19 ha to the NW was owned by IDB and 3 ha by DSD. The second site at Mandeville was all owned by the IDB. The objection site was suitably located in respect of existing industry, the workforce living within and travelling to Craigavon UA, existing and proposed roads, public transport and pedestrian networks in the Borough and it could be adequately sewered and supplied with water with only minor remedial works. The topography and landscape features of the site did not present any obstacles to development for industry.
- 5.07.05 The Plan generally located new industrial land adjacent to major areas of existing industrial land (apart from Mandeville) which was consistent with regional planning policy and the Plan Strategy and Objectives. PPS 4 required avoiding industrial land zoning which would give rise to serious loss of amenity in adjoining residential areas. There were two residential properties within the site and a number of residential properties adjacent to the site along Carbet Road and Drumnagoon Road. The site development requirements in the plan for C/I–2 (page 75) prescribed that any development on the site should provide a specified area of landscaped open space along the boundary with Carbet Road and the south western portion of Drumnagoon Road to provide a buffer between the existing residential properties at these locations and future industrial activity. The buffer at Drumnagoon Road extended 500 m from Northway for a depth of 85 m (one objector's property lying within this) and the buffer at Carbet Road extended along the road for 860 m at a depth of 70 m. Neither the IDB nor the relevant environmental health authorities had raised concerns about the extent of these buffer areas. In addition the site development requirement prescribed retention of existing planting on the south eastern boundary, the supplementary planting to all boundaries of the site and in particular a significant belt of new planting all along the eastern, western and northern boundaries of the site. This would ensure no serious loss of residential amenity for adjacent properties and protected landscape character and quality and wildlife habitats.
- 5.07.06 With regard to accessibility the local roads infrastructure to the east of the site was well established and could also serve the objection site - there were access points to the network from New Charlestown Road to the north west and from Drumnagoon (Carn) Road which traversed the site. Another option for access to the southern part of the site was provision at developer's expense of the southern part of the M12 link. The main railway line ran along the south eastern corner of the site and the Plan showed a proposed road halt at this location (one of three possible options – the other two also

being reasonable close to the site). The existing bus route served the Carn and New Charlestown Road industrial site adjacent and there was a well established network of pedestrian and cycle routes in the Craigavon Central Area, which could be extended to the site.

5.07.07 Rezoning the site for housing would be inappropriate for the following reasons:

- ◆ it would be contrary to the Spatial Development Strategy and Policies SPG 7, SPG 15, and SPG 16 of the DRSF
- ◆ it would be contrary to the Plan Strategy to encourage and facilitate sustainable patterns of development in general;
- ◆ the plan had identified sufficient land for development to meet the housing need identified for the urban and rural areas;
- ◆ the plan's identified 176 ha of industrial land was in accordance with the DRSF and PPS 4 and was appropriate given the growth potential for Craigavon envisaged in DRSF and the role afforded development plans in DRSF in ensuring the provision of a generous supply and long term reserve of urban land for employment uses;
- ◆ the site formed part of a larger zoning of 66 ha (C/I-2) which was one of the two sites identified in the plan as large industrial sites strategically located along the key transport corridor to attract and accommodate major inward investment projects and local enterprise in accordance with DRSF and PPS 4;
- ◆ the site was suitable for industrial development in terms its location accessible to the workforce, its existing and proposed transportation connections, its ability to be serviced with only minor remedial works and its topography and landscape features; and
- ◆ the existing and proposed land use context of the surrounding area was predominantly industrial and housing would not be integrated with other existing or proposed housing areas.

### **OBJECTORS' CASE**

5.07.08 Land at Drumnagoon (the whole of industrial site C/I-2) should not be zoned for industry. It should not be identified for any form of development or developed because it would involve loss of green fields and would have an impact on residential amenity by virtue of traffic, noise, and pollution and increased crime. The objectors had moved to the area to live in the countryside and it represented a safe and quiet area to bring up children.

### **CONFLICTING OBJECTOR'S CASE**

5.07.09 The objector did not object to the industrial zoning of his land but asked whether the Department would consider whether the use could be changed to that of housing since his neighbour had been successful with a housing project.

### **CONSIDERATION**

#### **Amenity Considerations**

5.07.10 With regard to the residential amenity of existing residents, I accept that development of this area of attractive farmland for industry would undoubtedly diminish residential amenity as the character of the area would be changed from rural to urban and the existing roads would be used by additional traffic. Some of the properties would become 'sandwiched' within what would amount to one very large industrial area ie where the Carn Industrial Estate meets C/I-2. However, any zoning of land for development in a plan inevitably has an impact on existing residential properties and the wider public interest must be considered and weighed against the interests of existing occupiers of property in the area. In my opinion the extensive buffer zones and

landscaping required by the Plan would help mitigate the adverse effects of development on the existing residential properties.

### **Strategic Considerations**

- 5.07.11 No evidence was presented to me by the objectors on the issue of the supply/demand for industrial land in the Borough or the choice of sites or their location. However, I have already expressed my view that the 176 ha of industrial land now zoned in the Plan represents an over generous supply of industrial land. Although the site is physically suitable for industrial development and has good existing and potential transportation links and can be adequately serviced, I conclude that there is little justification for zoning the entirety of this site for industrial use on the basis of need. Whilst the site fulfils the criteria for a Strategic Employment Location (SEL) as set out in ECON 2.1, SPG-ECON 4 (4.1 and 4.2) of the RDS and the criteria for 'large single user sites' set out in paragraph 23 of PPS 4 there is nothing that makes it a requirement that any settlement has two such industrial zonings. Although C/I-3 at Mandeville is entirely in public ownership I do not consider this to be an overriding consideration. Should a single large employer wish to come to the Craigavon UA I have no doubt that IDB/LEDU would make C/I-3 available.
- 5.07.12 However, the northern portion of this objection site already has planning permission and some infrastructure and I consider that it should remain as industrial land. The rest is not owned by IDB and I consider that it should be removed from the Plan and the settlement limit drawn in to the outer edge of the 'existing industrial land' zoning. This would provide a settlement limit following existing roads (Carn Road and Drumnagoon Road) rather than proposed roads (the M12 extension) and is, in my view, a defensible settlement limit for the Plan period. In my opinion deletion of the southern part of C/I-2 would not result in the Borough having an inadequate choice of industrial sites in terms of size, ownership or location.
- 5.07.13 There is no logic in merely re-zoning the objection site as white land as this would most likely be developed for housing and there is an oversupply of housing land as I have concluded in section 3. Although housing located close to a town centre is generally desirable, I do not consider that the objection site is a particularly suitable location for housing as this sector of the town is almost entirely industrial in character and any housing would be remote from other housing areas. As yet there is no direct connection to the town centre, although access could be achieved from the site to the southern part of the proposed M12 extension if this were implemented at the developer's expense. As 'white land' the site might become partially developed for a variety of uses over the plan period which would make comprehensive development as an industrial estate at a future date difficult to achieve. Whilst the idea of a 25 year Green Belt has not been included in the RDS there is some logic in protecting land from piecemeal development until such times as it is needed.
- 5.07.14 I see no justification for retaining within the settlement limit the small parcel of land in objection site No 136 near the railway and Northway which lies outside the industrial zoning C/I-2 as it would represent an illogical parcel of isolated development.

### **Other Issues**

- 5.07.15 I am surprised that the Plan does not refer to C/I-3 or C/I-2 as large single user sites or as Strategic Employment Locations and I recommend that the DoE does so for C/I-3 through an alteration to the Plan, with the necessary public consultation.

### **RECOMMENDATION**

- 5.07.16 I recommend that the southern portion of objection site Nos 119/120/273 is not allocated for industry and that the settlement limit is drawn in to exclude it. This applies to all of objection site No 136.

5.08 

Objection to Green Belt designation at Bleary, seeking identification of lands for industrial development.
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**Objection: No 188**

**SITE DESCRIPTION**

5.08.01 The site is located at the junction of Crowhill Road and Plantation Road on the eastern side of Bleary. It measures 5.7 ha and is occupied by Craigavon Cold Stores (NI) Ltd, which comprises three large warehouse buildings, smaller buildings and a residential property No 67 Crowhill Road. The northern and western portion of the site is undeveloped and contains mature planting and open pastureland. In DCAP the site lies within the Green Belt.

**DEPARTMENT'S CASE**

5.08.02 In the Craigavon Village Study 1986 the site was located outside the settlement limit and within the ASC. In the CAPP it was located outside the settlement limit and inside the Green Belt. There had been a number of planning applications affecting the site over the years, mainly for extensions and alterations to the buildings. Mature vegetation around and within the site screened it fairly well but the large warehouse buildings could be seen for some distance approaching the site. None of the statutory consultees had any objection in principle to development of the site. Roads Service stated that it would prefer any further development to be served off an improved Crowhill Road, with road widening and a footway provided along the Crowhill Road frontage and a right turning lane off Gilford Road (Plantation Road). Any access to Gilford Road (Plantation Road) would require extra land to improve the existing access and a right turning lane.

5.08.03 Removal of the Green Belt designation at this location would be contrary to:

- ◆ The Spatial Development Strategy and Policies SPG 9 and SPG 25 of the DRSF;
- ◆ policies SP 12 and DES 3 of PSRNI;
- ◆ PPS 4 Industrial Development which stated that development plans would not normally make provision for industrial development in the countryside outside the development limits of settlements;
- ◆ first six objectives of the plan at pages 12 and 13;
- ◆ the plan's specific objectives for the villages and smaller settlements to consolidate the existing patterns of development, protect their landscape setting and village character and manage their expansion;
- ◆ the analysis of development pressure over the period 1989-1999 indicated that this was greater to the south of the Craigavon UA and to the north of Portadown. The analysis did not indicate that the Green Belt should be reduced in the area of the objection site.

5.08.04 Evidence on industrial land supply is reported at paragraphs 5.01.01-03 above. In view of the relative size of Craigavon Borough and the extent and location of the Craigavon UA, the Plan did not identify sites for industry within the villages and smaller settlements. However these limits had been drawn to facilitate their growth in all respects over the plan period. Land for industry was not identified in the countryside in accordance with PPS 4. Given the generous supply of industrial land in the Plan, the relocation or expansion on a second site of existing rural enterprises could be accommodated within the urban area.

- 5.08.05 Proposals for extension to operations at Craigavon Cold Stores (NI) Ltd could be considered in accordance with PPS 4 which stated that for an existing industrial enterprise in the Green Belt planning permission might be granted for expansion where there were no significant building works, that is, no new buildings. Extensions to existing buildings would generally be permitted so long as the increase in trade would not result in unacceptable traffic levels on nearby roads or a significant increase in the use of an existing substandard access, and the new development together with existing facilities could be satisfactorily integrated into the local landscape and would not result in an unacceptable loss of amenity to nearby properties and to the area generally. Where proposals were considered inappropriate the DoE might recommend relocation to a suitable site in a nearby settlement. Exceptionally where it was accepted that relocation was not possible for particular operational or employment reasons, expansion of the enterprise might be permitted.

#### **OBJECTOR'S CASE**

- 5.08.06 Craigavon Cold Stores had operated on the site since 1974 and before that it had been an egg packing plant. The employment is 10-40 staff from the Craigavon/Lurgan area. The buildings were of a specialised nature and relocation to allow for expansion would be extremely costly. The objection site included land to the west of the existing industrial premises which was a logical area for future industrial development at the site. Land further to the south of the site, accessed off the Crowhill Road was in use as a meat processing operation.
- 5.08.07 The RDS would not supersede detailed planning policies contained in PSRNI, PPS 1 or PPS 4. PPS 1 stated that development plans had to be able to guide and provide for necessary development and secure economy, efficiency and amenity in the use of land whilst adopting key themes of sustainability, mixed use, quality and design. Development plans applied regional policy locally and were the primary means of balancing development need with environmental protection. Given paragraph 35 of PPS 1 the DoE had a duty to provide for the development needs of the plan area and to prepare policy and development plans which showed a measure of consistency and certainty. PPS 4 recognised the importance of rural business in paragraph 5 and stated in paragraph 6 that the Department was determined to ensure that there were no unnecessary obstructions of a land use nature which would hinder the creation and maintenance of employment. The importance of the development plan in delivering certainty about what type of development would be permitted at certain locations was contained in paragraph 11. Paragraph 15 referred to the locational requirements of industry being a key factor in the preparation of development plans. The inclusion of the existing industrial site in the Green Belt would create uncertainty for investment and would thus affect future employment creation at the site. PSRNI sought to meet the future needs and facilitate the regeneration of the rural community. The strategy sought to ensure that there were no land use obstacles to job creation and it was particularly concerned with the promotion of a healthy rural economy. The strategy was to retain existing industrial sites and to ensure that there was capacity for industrial development in most settlements including the dispersed rural economy.
- 5.08.08 The company wanted to expand but being in the Green Belt meant that only minor extensions to the existing premises would be allowed provided there were no significant building works. This restrictive policy created uncertainty for the occupiers and was a constraint to future investment at the site. The re-allocation of the site for industrial use would provide certainty for the future use of the site and allow for expansion. The objection did not seek inclusion of the site within the settlement limit of Bleary. In terms of the strategic objectives of Green Belts the exclusion of the objection site from the Green Belt would not result in urban sprawl of either Craigavon UA or Bleary, no settlements would merge, and development would not impact on the surrounding countryside if normal integration requirements were met. The established industrial use

of the site was consistent with the general character of the area identified in the Landscape Character Assessment as the Craigavon Plateau and would not impact on the setting of Bleary. The removal of the Green Belt status would not affect any measures taken to encourage urban regeneration as it was occupied by an existing business. The expansion of the established industrial use of the site was appropriate and on this basis the area plan should include policies to support expansion and, as stated in PPS 1, positively guide and provide for the necessary development. The DoE had accepted the removal of industrial land from the Green Belt elsewhere in the Province at Moira and the City of Derry Airport. A specific policy should be inserted into the Bleary section of the plan together with a small scale plan identifying the boundaries of the proposed industrial site. The specific policy should identify the objection site as suitable for further industrial development subject to a development scheme for the entire site.

### **CONSIDERATION**

- 5.08.09 Whilst it might be the case that with careful siting of additional buildings new development would not necessarily conflict with any of the strategic objectives of the Green Belt set out in GB/CPA 1 of PSRNI, I do not consider that it is appropriate in planning terms to exclude such existing enterprises in the rural area from the Green Belt, thereby creating small 'holes' in it. PPS 4 states in paragraph 13 that development plans will not normally make provision for industrial development in the countryside outside the development limits of settlements and I do not consider that there are any exceptional circumstances to justify excluding these industrial premises from the Green Belt and providing a specific policy in the plan about the future development of the site. Sprucefield outside Lisburn, as a regional centre, is an exceptional case and I do not consider that it sets a precedent for other existing establishments in Green Belts throughout Northern Ireland to be treated in that way.
- 5.08.10 Although PPS 1 paragraph 35 indicates that development plans provide a basis for rational and consistent decisions on planning applications and provide a measure of certainty about which types of development will and will not be permitted, they cannot, in my view, be expected to go into detail about every possible future land use requirement. I consider that the degree of certainty required by the objector can properly be obtained through the development control process using the policy guidance contained in PPS 4, not through the development plan process. PPS 4 in paragraph 5 states that small rural businesses are important in helping to maintain viable rural communities and create economic diversity in rural areas and in my opinion, in this case, a planning application is the proper method of establishing development rights on the objection site. The policy relating to the expansion of rural enterprises is contained in paragraph 48 of PPS 4 and the arguments about the factory's particular operational and employment reasons for wanting to expand on the site rather than relocate are matters which can properly be raised to support a planning application, being specifically referred to in the last sentence. I do not believe there is any justification for excluding this site from the Green Belt which surrounds it.

### **RECOMMENDATION**

- 5.08.11 I recommend that no alteration be made to the Plan as a result of this objection.

- 5.09 

Objections referring to the need for a buffer zone between existing industrial properties at Silverwood Industrial Estate and any future housing nearby.
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**Objection: No 156, 83, 27, 28, 238, 216 (in relation to proposed concession as other aspects of 216 withdrawn)**

**Counter Objection: Nos 46, 47, 53, 60, 61 and 64**

## **DEPARTMENT'S CASE**

- 5.09.01 If the site were developed for housing there could be loss of amenity to residents resulting in potential restrictions on the operations of those factories which might lead to loss of employment. This would be contrary to the provisions of PPS 4 paragraphs 28-32, although these paragraphs referred to development control and paragraph 19 referred to development plans. Paragraph 19 was about zoning industry beside housing but it could be read in the reverse. In any case it was important to read PPS 4 as an entire policy document.
- 5.09.02 The Department was satisfied that approved housing in the vicinity did not experience a loss of amenity due to the proximity of Interface Europe Ltd and Silverwood Enterprise Ltd. IDB had advised the DoE that planning applications should be considered on their individual merits, with the applicants having to address to the satisfaction of the Department issues of amenity and physical constraints. Close proximity with the existing industrial use appeared to make residential zoning a less favourable option at this location in case this could restrict the type of industrial development that would be allowed to operate here. Such a restriction might have implications for flexible use. The IDB understood that these light industrial/warehousing zonings were intended to establish a buffer zone between the existing Silverwood Industrial Estate and lands zoned for housing.
- 5.09.03 Southern Group Environmental Health Committee had stated that factories at Silverwood had been the subject of complaints about air pollution and it would be important to ensure as far as possible that future sensitive development such as housing would not be affected. It was probably difficult to predict what new factories would be built at Silverwood over the next 10 years but there was currently a proposal for a new Interface factory. Paragraph 29 of PPS 4 stated that the development of land for industrial purposes must be compatible with adjacent land uses, especially housing. The buffer zone for light industry should help protect future housing. The situation in which objection No 148 (the mixed use zoning P/MU/1) had been conceded by the Department was different, as the Jordans Plastic Factory on Loughgall Road Portadown had given rise to noise which could be mitigated, therefore there was no need for a mixed use buffer to housing.
- 5.09.04 The Industrial Pollution and Radiochemical Inspectorate (IPRI) of EHS stated that the Tar and Bitumen Process at Interface Europe was authorised under the Industrial Pollution Control (NI) Order 1997 on 13 March 2000 and a non-ferrous metal works at Silverwood Enterprise Ltd was registered under the Alkali and Works Regulation Act 1906. IPRI was content with the proposal to introduce a buffer zone between these existing processes and any proposed housing development in the future. Whilst the number and frequency of complaints received had decreased over the previous 12 months, given the nature of the industries involved, there was always the potential to cause loss of amenity in the vicinity of the works if loss of control occurred. IPRI considered that there could be a loss of amenity to residential properties within 200 m of Interface Europe or Silverwood Enterprises. It was an excellent idea to have industrial zoning on the other side of Silverwood Road as shown in the plan.

### **Silverwood Enterprises Ltd**

- 5.09.05 There were a number of galvanising processes in N Ireland – at Mallusk, Draperstown, Newtownstewart and Lisburn. There had been 15 complaints about smells and fumes since the works at Silverwood Enterprises were registered in 1999, the last of which was in November 1999. The company had been given until the end of 2000 to comply with Best Practicable Means (BPM) and complaints had ceased since the company installed new measures and equipment. There was a possible pollution problem from this factory because of chlorides and lead particulates discharged from a small stack at the back of the factory. In stable weather conditions adverse effects could be suffered



by people 120 m from this source; if weather was more turbulent the distance would reduce. Emissions from Silverwood Enterprise Ltd had been tested by IPRI on August 2000, April 2001 and July 2001 to ensure compliance with the emission limits placed on the company. The works passed the particulate, chloride and lead limits in the April 2001 test but failed the particulate test in July 2001. This problem would have to be rectified by the end of 2001. There was a standard 200 m radius used by IPRI for any alkali registered process, although the agency in Scotland and England worked on a shorter distance. Drawing a 200 m radius round the stack at this factory created a circle which just reached the far side of the Silverwood Road but did not impact on the objection sites.

### **Interface Europe Ltd**

- 5.09.06 The latex process was not a prescribed process and the four stacks shown on the DoE's map (Silver/DoE/2 – see composite map in Appendix -DF) were for the tar and bitumen processes. The Industrial Pollution Control (IPC) authorisation for this works came into force in March 2000. The company had complied with all the improvements required and there had been only one complaint, which had been several years ago and anonymous so difficult to tie to Interface Europe operations. The IPC Order allowed IPRI to increase standards on review of the authorisation. The radius that IPRI used was 200m and that had been a rule of thumb for many years despite improvements in processes. There could, however, be a loss of control of processes which could lead to a cloud of emission and loss of amenity.
- 5.09.07 The COMAH Regulations came into effect in 2000 and there were different distances at which the DoE was obliged to consult the Health and Safety Executive (HSE) about planning applications for different tonnages of LPG. The 175 m consultation distance was for 11-15 tonne LPG tanks. The 175 m consultation zones for the existing LPG tanks were shown on map Silver/DoE/7 (reproduced in the composite map in the appendix – DF) and objection site No 83 was outside the 175 m consultation distance. When initially consulted HSE had not advised the Planning Service about whether there were any consultation zones for LPG tanks in relation to the proposed light industrial/warehousing zoning but it appeared that a proposed industrial process over 500 sq m in size would have the same consultation distance as residential accommodation ie the 175 m would apply to both residential accommodation and any relatively large development of industry. For any future application for a Hazardous Substances Consent for a new LPG tank at Interface Europe's Unit 2 DCAN 12 (2<sup>nd</sup> edition) would apply and consideration would have to be given to the circumstances prevailing at the time.

### **Regal Processors**

- 5.09.08 This was authorised by the Borough Council under the IPC Order . The works dried blood for abattoirs at a rate of 600 tonnes per week, The factory worked 24 hours per day from late on Mondays to late on Saturdays or early on Sundays. The potential pollution problems were dust, odour and noise. Up to 5 tankers arrived and discharged at the rear of the factory at night. Other noise sources were from two roof outlets and mechanical noise from inside the rear shutter door. Measured factory noise reduced to LAeq45 dB at a distance of 200 m but a substantial area of the land on the other side of Silverwood Road and within the 200 m circle was shielded from Regal Processors by the Interface Factory except for the yellow section shown on the composite map in the appendix (small parts of objection site Nos 42/27/28/238). There had been no complaints about noise but measurements showed that there could be a noise problem on the field to the SE. There might be a night time noise impact beyond the 200 m but there was no evidence on this. Dust was no longer a problem as the equipment installed at the factory to comply with authorisation was working successfully. There was potential for an odour problem as blood went off very quickly and it was desirable that houses were not built within a 200 m radius because of the possible effect on amenity (health not an issue). Due to the BSE crises the factory had been having

difficulty getting blood delivered within 36 hours of slaughter. There had been complaints from three sources since authorisation, one in 2000 from St Josephs Primary School which was 250 m away, one anonymous in 2000 and one from a resident in Francis Street some 480 metres away in September and October 2001 (objector No 264). Although these complaints were about odour at distances greater than 200 m, a rule of thumb suggested that there should be no sensitive development within 200 m of the factory building. On Friday 2 November 2001 when the wind was from the SW the Regal Processor odour was evident on Silverwood Road. As a result of the complaints the company were proposing to improve the situation and proposed far reaching measures. The company had a high quality management and went beyond BATNEC terms, however there was no guarantee against accidents. Smell was a subjective thing and workers got used to the smell. IPRI sometimes recommended an informative about smell on planning approvals for housing but there could be objections afterwards within the 200 m radius. Process Guidance Note NIPG 6/1 which related to processes prescribed for air pollution control by District Councils stated at paragraph 13 that there should be no offensive smell beyond the process boundary and the Borough Council could take action were there any breach of the authorisation.

- 5.09.09 It appeared that the Interface 200 m cordon impacted only on part of L/I-6 and part of objection site No 44. However, it would not be appropriate to zone land just inside the cordons for the three factories as field patterns and land ownership patterns had to be taken account of and the zoning for light industry had to be of a depth to allow development. The DoE's zoning in CAPPP had been white land for most of L/I-5 and L/I-6 but PPS 1 required certainty. White land was generally where there were constraints to be overcome but here the only purpose of a white land zoning would be the 200 m cordon sanitaire. The zoning amounted to 29.7 ha and could be susceptible to a number of uses, which might not be appropriate. The DoE had not wanted to sterilise the land with no use and had looked around for a suitable use. It was felt that given the need for a choice of industrial sites (PPS 4), the location beside an industrial estate, and the buffer idea to housing, that the best solution had been reached.
- 5.09.10 There was no advice given to Planning Service by the statutory consultees beyond the 200 m cordons. Some years ago the DoE had granted approval for housing between Kiln Lane and Kiln Road (N/96/0723) but the layout was to exclude the cordon sanitaire. This decision had been successfully judicially reviewed and the application had not yet been decided.
- 5.09.11 Although the Concept Master Plan issued by the DoE to the public showed some of the light industrial land annotated as 'business use' the DoE did not intend to amend the Plan to this zoning. There had been some consideration given to zoning the land L/I-5 and 6 for open space use but there was no 'need' identified and there were practical difficulties in providing open space. It was accepted that the open space provision of L/H-1 (hatched green on page 84 of Plan) had been offered as a concession to housing (see below), however that area of proposed open space had been more appropriate in terms of topography and landscape than L/I-5 & 6.

### **OBJECTORS CASE**

- 5.09.12 There were new houses being built down the road from the objection sites which were the same distance from Interface Europe Ltd as objection site No 83 and there had been no problems classing that land for housing. If people were going to be affected by fumes in one direction, then people in the other direction would be affected too. Appendix D of the response on Objection 83 illustrated the juxtaposition of existing and proposed industrial lands and their relationship with existing housing and schools (see Map in appendix). It was not clear why the factories at Silverwood Industrial Estate were so special compared to other undertakings. The buffer zone proposed was

indented. The authorisation of 13/3/00 given by IPRI was for factories close to two schools and so they presumably met the safety criteria.

- 5.09.13 A buffer zone of only 100 m was imposed on planning approval N/97/0223 - a site at Loughgall Road Portadown located close to the Jordan's Plastics Factory. There were other decisions on buffer zones which were inconsistent with the DoE's current stance namely: on the land beside Annesborough Industrial Estate, on P/H-17 beside Carn/Seagoe, on C/H-1 beside Carn/Seagoe, on L/H-2 on Silverwood Road, between P/H-18 and C/I-3 (indicated as 100m). The principle of 200 m buffer zones around Silverwood was accepted by objector No 83 but the 200 m buffer zone from Interface Europe drawn by the DoE was 30 m away from this site's boundary.
- 5.09.14 The Control of Major Accident Hazards Regulations (NI) 2000 (COMAH) imposed requirements with respect to the control of incidents associated with the storage of dangerous substances. HSE were the enforcing authority for COMAH sites. Regal Processors fell under the 'low tier' provisions (50-200 tonnes) of COMAH as they stored slightly in excess of 60 tonnes of LPG for fuel. Accordingly the HSE had recommended a consultation distance of 175 metres. The matter of LPG tanks at the Silverwood Industrial Estate had never been raised before by the DoE in relation to the undetermined application for housing development at objection site No 83. The DoE's argument about consultation zones for the existing LPG tanks was irrelevant as was the counter-objector's argument that more LPG tanks might be needed to heat Plant No 2 (the one closest to the Silverwood Road and L/I-6) at Interface Europe. If an application was submitted for a large LPG tank at Plant No 2, HSE would assess it in terms of what was existing at that time - the other factories in the area, road traffic and any nearby residential units. The approval of objection site No 83 would have no more impact on this consideration than the possible location of industrial units at L/I-6 across the road from Interface. If consent were required for LPG storage for plant No 2 then a smaller consultation distance would apply to smaller tanks and this would not impact on objection site No 83.
- 5.09.15 It was wrong to include land as a buffer between polluters and any proposed housing as the objective should be to force the offending polluter to clean up and thereby comply with the objectives of the regional plan such as tourism and a clean environment. The idea of protecting a potential polluter from housing was contrary to policy SPG 29 of the DRSF (tackling air pollution) and Policy SPG 30 (healthy lifestyles). The DoE's response to the Panel Report on the DRSF supported the strategy on air and water quality
- 5.09.16 Inspection of the three industrial establishments on the Silverwood industrial estate (Regal Processors, Interface Europe Ltd and Silverwood Enterprise Ltd) from public vantage points plus careful review of documentation available for scrutiny by the public at the offices of Craigavon Borough Council and at EHS, together with discussions with technical officers within the HSE and data from the government meteorological office led to the conclusion that there was no scientific basis to support the proposed open space 'buffer' shown in the DoE's concept master plan for L/H 1 in terms of prevention of impact on pollution. The industrial processes in dispute were all operating in compliance with the law such that there were no complaints of environmental pollution from existing residential properties and other sensitive receptors in the immediate vicinity of the Silverwood industrial estate.
- 5.09.17 With regard to environmental legislation Regal Processors and Interface Europe were already under the control of the IPC Order and Silverwood Enterprises would come under this regime at the year end. The IPC Order required the operator to apply for authorisation to operate the process. IPC authorisation stipulated emission levels, requirements for monitoring and reporting emission levels, and specifically for carrying out and recording on a daily basis of key aspects to demonstrate to the regulator that emission controls were being respected at all times. Any exceedence of emission control

limits had to be reported to the regulator immediately. All this information was kept on a public register. This showed that:

- ◆ Regal Processors had no complaints in the 12 month period leading to authorisation and since March 2000 had only one complaint although this had not been conclusively attributed to the company. No reports had been made of abnormal visible emissions or olfactory emissions since the authorisation.
- ◆ Interface Europe Ltd had stated at the time of IPC authorisation that its emission levels were only 10% of the permitted levels. There had been no complaints from the public in the 24 month period leading to authorisation and since authorisation no complaints from the public had been received. The company's own monitoring since authorisation in March 2000 had shown very low emissions. No reports had been made of abnormal visible emissions or olfactory emissions since the authorisation.
- ◆ Silverwood Enterprises Ltd had complied with emission monitoring exercises carried out by EHS and did not exceed existing or future year 2004 and year 2008 ambient air quality limit values. EHS had been unable to advise about the maximum ground level concentrations in the monitoring report. However, using the input base data identified in the report it was concluded by one objector (No 216) that they were dry weather deposition rates and that they would occur to the NE of the Silverwood Industrial Estate but short of the proposed buffer zone (referring to the open space in L/H-1 – DF) ie on the strip of land proposed for light industrial use and that maximum wet weather deposition rates would be in the direction away from this.

5.09.17 There was no history of any noise complaints affecting residential or other sensitive receptors located to the SE of the Industrial Estate at a distance equivalent to the proposed open space 'buffer' shown in the DoE's Concept Master Plan for L/H 1. There was no need for an exclusion zone commencing at a distance of 275 metres.

5.09.19 Existing operations did not threaten ambient air quality. Intensification of environmental legislation in Northern Ireland assured of enhanced protection against any such impact. Meteorological data indicated that for 88% of the time wind did not blow from the Silverwood industrial estate in the direction of the proposed open space 'buffer' shown in the DoE's Concept Master Plan for L/H-1. For the 12% of time that it did, the wind speed would not result in the maximum ground level concentrations of pollutants discharged from processes operating on the estate landing within the this open space buffer. There was nothing to back the 'rule of thumb' of a 200 m cordon sanitaire used by IRPC for emissions and smells. There were no standards set down.

#### **COUNTER OBJECTORS' CASE**

5.09.20 The whole of the area zoned for light industry/warehousing on the opposite side of Silverwood Road was needed as a buffer between the industrial uses at Silverwood and housing. Some of it was outside the 200 m cordon sanitaires drawn by the DoE at the Inquiry but that did not matter as the zoning made sense in land use terms, following existing field boundaries. The plan was a reasonable attempt to ensure the viability of the existing factories. There was no objection to the housing zoning at objection site No 77 although this was 150 m from the boundary of the industrial estate.

5.09.21 The Silverwood Industrial Estate had been established by IDB in the early 1970s and was approximately 70 ha. It was occupied by Regal Processors, Interface Europe Ltd, Silverwood Enterprise Ltd, Wilson Double Deck, Ulster Cold Storage, McCrory Scaffolding, P Nugent and Sons, Enterprise Stationary, DDL Electronics. The first three could be described as 'bad neighbour' developments which fell within the special

industrial uses defined in classes 7, 9 and 10 of the Planning (Use Classes) Order 1989. They were also required to be registered under the IPC Order 1997.

- 5.09.22 Interface Europe operated a carpet tile manufacturing business, consisting of three main factories. It had expanded over the years. One of the reasons was the absence of nearby housing which was a factor that had curtailed growth in Halifax and Holland, although how close they were in these instances was not known. The company had planning permission to more than double the size of the Plant No 1 on the site. Although the plant was working on a limited working week at present it had in the past operated on a 24 hour /seven day a week basis. They converted some 700 tonnes of raw material per week including yarn, tufting cloth, bitumen, limestone, latex, plastics, cardboard and packaging materials. Noise was generated by the tufting machines, HGVs, forklifts and tannoy announcements and there was concern that noise complaints would arise if the objection sites were re-zoned for housing, although no noise measurements had been taken by the counter objectors or the DoE. Furthermore the processes produce distinctive odours, particularly bitumen and latex. Interface stored substantial quantities of LPG on the site and has consent to increase by 49.3 tonnes (granted in 1998) – this could increase the 175 m distance required by COMAH.
- 5.09.23 Regal Processors Limited processed some 750 tonnes of animal blood per week. It operated 24 hours a day for a six day week. Material was tankered in at all times of the day and night and was heated and spray dried into a granulated form. The process could generate significant odours, described in a recent Judicial Review judgement as 'nauseating' and 'gut wrenching'. There had also been complaints about clouds of dried blood emitting from the premises on occasions. It was Regal's view that bringing sensitive receptors within 200 metres of the boundary of the plant was unacceptable.
- 5.09.24 Silverwood Enterprises Ltd operated a hot-dip galvanising process. It had been on site since 1994 and operated on a 24 hour/seven days a week basis. It generates significant noise and vibration including the particularly piercing noise of steel scraping on steel. It also generated significant HGV movement and the process generated a heavy white fume or 'plumage' associated with a metallic, iron oxide type of smell. The counter objectors accepted the DoE's evidence on emissions.
- 5.09.25 Interface had a number of LPG tanks adding up to a total of 30 tonnes of LPG but had been granted Hazardous Substances Consent in 1997/8 for up to 60 tonnes. If the company wanted to install LPG to heat Unit No 2 which was the unit closest to L/1-6 there was nothing to prevent the consent being granted at present but if it were zoned for housing this would be prevented.

#### **Policy considerations**

- 5.09.26 Paragraph 6 of PPS 4 stated that the Department was determined to ensure that there were no unnecessary obstructions of a land use nature which would hinder the creation and maintenance of employment. The building of houses closer to the factories at Silverwood could hinder their existing operations and in particular constrain decisions to invest further in facilities at this location. Paragraph 23 stated that in order to attract and accommodate major inward investment projects large single sites should be identified in area plans. These sites should inter alia be free from significant obstacles to development. Paragraph 31 indicated that some proposed developments might be incompatible with industrial enterprises already operating in the vicinity. It stated that new development could prejudice the continued existence of an industrial business and that such cases arose where the particular processes being carried out had a tendency to cause adverse effects of some kind on adjacent land, even when all remedial measures had been taken by the operator. The requirements of non-planning legislation, for example those relating to public health and environmental pollution, might result in costly new requirements and restrictions being imposed on such

businesses as a consequence of new neighbouring development. This was precisely the situation which Interface and Regal Processors considered must be avoided through effective use of the Area Plan process.

- 5.09.27 DCAP's proposal to zone a strip of land about 200 metres deep on the north eastern side of Silverwood Road for light industry and warehousing was consistent with planning policy and would provide a degree of certainty for the existing industrial employers. It was all needed as a buffer, the 200 m cordon sanitaire which was the rule of thumb referred to by IPRC was not sufficient. The counter objectors were not pursuing their private interests as this was a major industrial estate employing hundreds of people and there was a public interest in retaining jobs. It was accepted that the nearest part of objection site No 83 was more than 230 metres from any cordon sanitaires drawn by the DoE for the Inquiry. It was noted that the Concept Master Plan showed small business/offices across the road from Unit No 2 of Interface but there was no objection to this change to a business use.

### **CONSIDERATION**

- 5.09.28 PPS 4 paragraph 6 deals with creation and maintenance of employment and paragraph 31 deals with planning applications for developments incompatible with existing industry but does not specifically give the development plan any role in providing buffer land uses between existing industries and sensitive development. However, the spirit of PPS 4 is very much to encourage industry and I would not rule out this approach for existing industry if there were clear scientific evidence that the juxtaposition of a sensitive land use would have an adverse impact on an existing factory or its future plans for expansion. Obviously new industries coming to zoned industrial land should locate at an appropriate distance from any existing or proposed residential development and this would be controlled at planning application stage.

### **Noise and Dust**

- 5.09.29 Noise from Regal Processors was ruled out by the DoE at the Inquiry as an issue affecting any of the objection sites bar a small part of objection site No 238 and a small part of the front of objection site Nos 42/27/28/216 as shown in yellow on the composite map 5.1 in the Appendix. This evidence about noise was uncontested and the counter objectors had no evidence to back their concern about possible noise from Interface Europe's operations. I am not persuaded that noise is an issue which would rule out development of zoned sites L/I-5 and 6 for other land uses including housing. This matter could be further assessed at planning application stage with appropriate controls on layout and design to mitigate any potential noise problems. Dust was also ruled out as a problem.

### **Air emissions and smell**

- 5.09.30 All three factories are by now under the control of the Industrial Pollution Control (NI) Order 1997 and emission levels are therefore stipulated by the appropriate authority and subsequently monitored. The DoE's expert witnesses were fairly confident that improvements in processes meant that in normal operating conditions there was little risk of complaints from any nearby residential properties but there was a residual concern about possible accidental emissions to air leading to smell – mainly from Regal Processors and Interface Europe. The 200 m cordon sanitaires illustrated on the composite map were considered by the DoE's experts to be sufficient as a precaution against accidental discharges leading to smell problems. I note that it is an amenity issue and not a health hazard issue.
- 5.09.31 In this case I am not convinced that there is sufficient scientific basis for the 200 m cordon sanitaires drawn by the DoE witnesses around the stacks of Interface Europe, Regal Processors and Silverwood Enterprises to absolutely preclude the development of L/I-5 and 6 for other land uses including housing. Although there have been a small

number of smell complaints from further afield from the stacks than 200m, that the 200 m radius is merely a rule of thumb was not denied by the experts and no relevant policy documents on the matter were referred to me. The effect of a main road on the 200 m radius was not evaluated and it was acknowledged that the 200 m cordons had remained as rules of thumb in Northern Ireland despite improvements in processes over the years. Likewise I am not convinced by any technical evidence from the counter objectors that either a 200 m cordon from the perimeter of the Regal Processors factory is justified or a buffer of 200m deep on the other side of the road from the Silverwood industrial estate is necessary. The objectors gave un rebutted evidence that 100 m buffer zones were applied around other factories in the Borough, although the processes involved were not specified.

- 5.09.32 Even were I persuaded that a 200 m cordon is merited as a precaution against the possible accidental release from any of the three factories of pollutants to the air thereby creating a smell, it appears from the evidence that the 200 m cordon sanitaire for the stack of Silverwood Enterprises does not affect any of the objection sites and that the 200 m cordon sanitaires for the stacks of Interface Europe and Regal Processors affect parts only of site Nos 3, 44, 42/27/28 and 238. Objection site Nos 4, 156, 83 and 14 are unaffected.

### **LPG Tanks**

- 5.09.33 The Health and Safety Executive recommended consultation zones of 175m around the existing LPG tanks at Interface and Regal Processors closest to the objection sites was uncontested by the objectors except to point out that the issue had not been raised in connection with current planning applications on some of the objection sites. I note that the zones impact only on the front portions of objection site Nos 42,27/28 close to which lies an existing farmhouse. I also note that Interface Europe has Hazardous Substances Consent for up to 60 tonnes but no further information was available on this. This consent would not necessarily increase the 175 m consultation zone as this would depend on tank sizes and their location within the site. I agree with the objector that the possible future application for an LPG tank at Unit 2 of Interface Europe (the unit nearest the road on the eastern side) should not be attributed any significant weight since such an application would be dealt with by HSE on the basis of the situation at that time and any development of large industrial units at L/I-6 or L/I-3 could be as much of a concern to HSE as residential development. Smaller tanks may be the answer. It seems curious to me that DoE used the LPG issue to defend the need for a buffer zone of light industry/warehousing when LPG safety is also of concern to HSE in relation to industry, office and retailing. I have no doubt that it should also be of concern in relation to the existing farmhouse across the road.

### **Conclusion**

- 5.09.34 Having considered all the arguments put to me about potential noise, air emissions, smell and the safety implications of LPG storage at Silverwood Industrial Estate, I am not persuaded by the technical evidence that it is absolutely necessary to zone sites L/I-5 and L/I-6 as light industrial/warehousing or to zone land as an open space buffer beyond that in L/H-1 **solely** on the basis that a 200 m buffer is needed between the stacks of existing industries and any proposed housing development on the northern side of Silverwood Road. Clearly this was not the DoE's view when it zoned the land as either housing land or 'white land' in CAPPP in 1995 and was also not its view when it granted planning permission N/96/0723 for housing between Kiln Lane and Kiln Road in 1997 (subject to a successful judicial review in 1998). No clear explanation was given of how the DoE's earlier views had become altered by new technical evidence. Indeed, in the preparation of DCAP (after the judicial review), white land or an open space use for L/I-5 and 6 had apparently been actively considered by the DoE as an alternative to the light industry/warehousing zoning. However, due to the visual impact of industrial buildings opposite, landscaping in depth along the northern edge of Silverwood Road is, in my view, necessary in terms of the Quality Initiative if housing is to be developed

there. The precise extent and nature of any landscape strip or mounded landscape buffer is a matter which can be left to the development control stage.

- 5.09.35 I shall deal with possible alternative land use zonings for L/I-5 and L/I-6 along with any necessary site development requirements when I deal with site specific objections later in this section. At this stage I see no reason why the vast majority of the objection lands involved could not be developed for a variety of uses, including housing. My conclusions on this issue provide the context for my considerations of site specific objection Nos 4, 156, 3, 44, 42, 27, 28, 216, 238, 83 and 14 below.

- 5.10 Identification of land within zoned Housing Site L/H-1 as landscaped open space, seeking re-zoning as housing.

**Objection No: 216 (part of)**  
**Counter Objection Nos: 53**

### **PROPOSED CONCESSION BUT COUNTER OBJECTION**

#### **SITE DESCRIPTION**

- 5.10.01 The site is located NW of Lurgan, north of Silverwood Road. Portion A is that part of the objection site remaining to be considered as other aspects of objection no 216 were withdrawn. It measures 8.5 ha, rises in a northerly direction and comprises two fields of undulating pastureland with mature field boundaries. To the NE and west are agricultural lands. The land is zoned for housing in the Plan but subject to a site development requirement that it be retained as landscaped open space for L/H-1 (page 84).

#### **DEPARTMENT'S CASE**

- 5.10.02 The Craigavon New Town Inner Area Plan 1967 zoned the site as agricultural and reserve land; the Craigavon Village Study 1986 located the site within the Area of Special Control; the CAPPP located the site within the settlement limit but not zoned for any use. Prior to and following publication of the CAPPP there were a number of representations concerning the site. There were no objections in principle to development of the site by the consultees.
- 5.10.03 The Department would respond favourably to a recommendation by the PAC that in light of evidence given at the Craigavon Area Plan Public Local Inquiry. Tuesday 6<sup>th</sup> November 2001, the 10.66 ha of land identified as Landscaped Open Space - Housing Zoning L/H 1, be conceded for housing subject to the following site development requirements:
- A Concept Master Plan in accordance with Plan Policy Housing 2 shall be submitted with a planning application for outline or full permission. This will outline the design concept, objectives and priorities for the site.
  - The results of a comprehensive survey identifying trees, hedgerows and other vegetation to be retained and incorporated into the proposed development shall be submitted with a planning application for full or outline permission.
  - A detailed planting plan for the proposed development shall be submitted with a planning application for full or outline permission. The existing vegetation on all boundaries should be retained or incorporated into the proposed development. The existing vegetation on the site should be supplemented by the planting of trees and



bushes of appropriate species to provide screening for the development and to break up the housing mass and reduce the visual impact of the development.

- The existing streams traversing the site should be clearly identified and, if possible, retained as features and incorporated into the proposed development.
- Any development shall incorporate an extensive and clearly defined network of cycle paths and footways which link into the existing networks in Lurgan.
- The layout of the proposal and the type of housing proposed should respect the topography of the site and careful consideration must be given to the relationship between future housing and the railway line which runs along the south-east corner of the site.
- The layout shall not result in housed backing onto Kiln Road.
- The relationship between future housing and the railway line which borders the south-east corner of the site
- The site shall be accessed onto Kiln Road through two access points located to the north and to the south of the Silverwood Hotel. These access points should be located so as to maximise the access standards: access standards with regard to access stagger, visibility splays and forward visibility must be met. Both access points will require a right turning land. Improvements may also be required at both the Kiln Road/Silverwood Road and Kiln Road/Lough Road junctions, subject to the scale and layout of the proposed development. An access point must also be provided onto Silverwood Road, with access taken through the area zoned for light industry/warehousing. This access point will also require a right turning lane. Third party land may be required to accommodate access to this site. The Department will consider other access locations in addition to those stated where standards can be met and are acceptable in terms of the overall Concept Master Plan.
- Any development for more than 200 houses or any phased development which would result in a housing potential for the site as a whole of more than 200 houses will require a Traffic Impact Assessment.

5.10.04 The developer should note that pumping of foul sewage will be required for the NW part of the site and may be required for low lying areas in the centre and to the east of the site. Also, there are existing foul sewage, trunk sewers and several major pumping watermains traversing the site. No building will be permitted within 6 metres of these sewers and mains. In addition, the developer should note that the low-lying part of the site may be subject to marginal flooding.

#### **OBJECTOR'S CASE**

5.10.05 There was no need for a buffer of landscaped open space between adjacent housing zonings and the two industries at Silverwood Industrial Estate. Evidence on the pollution issue was as recorded above in paragraph 5.9.12-19. The DoE's decision to zone the land as a landscape buffer contrasted with the fact that there was existing housing closer to the factories and the DoE's willingness to approve application No N/96/0723 at the corner of Kiln Lane and Silverwood Road which was subject of the judicial review. The court held that the decision was null and void because the site was, at that time, outside the development limit. To select land for light industry and then sterilise other lands as a 'buffer' between industry and housing was unsustainable and contradicted well established planning principles of sustainable development. The owner of the land was unwilling to sell for development as he owned a working farm and intended to continue. This reality ought to inform the DoE in their implementation of

the development plan and their current proposals were at variance with the objectives for development plans in PPS 1 p 14 as there was no certainty.

- 5.10.06 There was no need for a buffer between the zoned light industrial use and the housing on L/H 1 as it was a good neighbour. The location was ideal for housing and would form part of LH1 and relieve pressure on the countryside. Open space requirements for the whole of L/H 1 would be as required by Plan Policy Housing 3

**COUNTER OBJECTOR'S CASE**

- 5.10.07 The site was needed for nature conservation.

## **CONSIDERATION**

- 5.10.08 I was not presented with any specific evidence by the counter objector about the nature conservation interest of the objection site. The third and fourth bullet points of the DoE's suggested site development requirements cover landscaping and retention of the existing streams. A Concept Master Plan is required for the site according to the first bullet point and PPS 7 and PPS 8 will apply to the scale and siting of public open space provision within the development. No argument was raised about the need for an open space buffer between light industry/warehousing zoning and housing. Given the DoE's offer of a concession and my conclusion at paragraphs 5.9.28-35 above that there is no requirement to zone land as an open space buffer in L/H –1 **solely** on the basis that a 200 m buffer is needed between existing industries at Silverwood Industrial Estate and any proposed development on the northern side of Silverwood Road, I conclude that this objection has been sustained. The DoE's additional sentence on the 10<sup>th</sup> suggested site development requirement (about other access points being considered) is a matter for an objection I shall consider later in this report at 6.04. Land outside this 8.5 ha objection site but included in the DoE's concession of 10.66 ha would have to have its landscaped open space designation removed through an amendment to the Plan, with the necessary consultation.

## **RECOMMENDATION**

- 5.10.09 I recommend that this site is not specifically identified as landscaped open space as part of the site development requirements of L/H-1 and that the 6<sup>th</sup> bullet point of the site development requirements on page 85 of the plan be deleted.

- 5.11 

Objection to the site development requirements of L/H-1 (the objection site forms part of L/H-1) – specifically the requirement for a Concept Master Plan and the provision of an area of open space)
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**Objection No:** 77

## **CONCESSION**

### **DEPARTMENT'S CASE**

- 5.11.01 The Department would respond favourably to a recommendation by the PAC that the objection site be excluded from Housing Zoning L/H-1 and that it be designated as a separate housing zoning to be identified as L/H-1[a] subject to the following site development requirements: -
- The results of a comprehensive survey identifying trees, hedgerows and other vegetation to be retained and incorporated into the proposed development shall be submitted with a planning application for full and outline permission.
  - A detailed planting plan for the proposed development shall be submitted with a planning application for full or outline planning permission. The existing vegetation on all boundaries should be retained and incorporated into the proposed development. The existing vegetation on the site should be supplemented by the planting of trees and bushes of appropriate species to provide screening for the development and to break up the housing mass and reduce the visual impact of the development.

- Any existing streams traversing the site should be clearly identified and, if possible, retained as features and incorporated into the proposed development.
- The layout of the proposal and the type of housing proposed shall respect the topography of the site. The layout shall not result in houses backing on to Kiln Road.
- The site shall be accessed through the existing housing development to the north subject to the relevant access requirements being met.

No building will be permitted within 6 metres of any sewers and mains running through the site.

5.11.02 Counter objection No 54 referred to the wrong site (this was accepted by the counter objector – DF)

### **RECOMMENDATION**

5.11.03 This concession should be read in conjunction with the concession to objection No 216 reported above. It is noted.

5.12 

Objection to the zoning of the site as part of L/I-5, wanting to build a retirement house on the site.
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**Objection: No 4**  
**Counter Objection : No 58**

### **PART ERRATUM**

#### **SITE DESCRIPTION**

5.12.01 Part of the site shown on the map as playing fields is subject of an erratum as reported below. The remaining part of the objection site measures 5.13 ha. It constitutes fields to the north of Silverwood Road. Intermittent vegetation defines the northern, western and eastern boundaries and a post and wire fence defines the boundary to the road. The land to the west is generally flat and the rest gently sloping. Land to the east is agricultural, to the north is a golf course and across the road to the south is industrial.

#### **DEPARTMENT'S CASE**

5.12.02 Map 2 Craigavon Urban Area (Clarification) erroneously zoned a portion of land for light industrial use L/I-5 (part of). The parcel of land was in use as a playing field and as such should be marked as existing recreation and open space. This map would be revised to correct this error.

5.12.03 The Craigavon New Town Inner Area Plan 1967 zoned the site as agricultural and reserve land; the Craigavon Village Study 1986 located the site within the Area of Special Control; the CAPP located the site within the settlement limit but not zoned for any use. Subsequent to the CAPP there was a representation seeking housing zoning. L/I- 5 includes the portion of land between Kiln Lane and Kiln Road although this was not clear from the plan's Map 2. There were no objections in principle to development of the site by the statutory consultees and it could be accessed off Kiln Lane The site was quite prominent from the Silverwood Road and Kiln Lane. Playing fields had been approved in the western portion in 1990, a riding school and stables had been approved

in the north eastern corner in 1990. The site was zoned as light industry/warehousing in the Plan.

5.12.04 The inclusion of the site for housing and the subsequent deletion of the industrial zoning would be contrary to :

- ◆ the Spatial Development Strategy and policies SP7 and SP 15 of DRSF;
- ◆ Policies SP1 and SP7 of PSRNI;
- ◆ the Plan Objectives and to elements of the Plan Strategy; and
- ◆ Plan Policy Industry 1 in that it would reduce the range which would be available to provide flexibility in choice for sites for developers for use for light industry and warehousing.

The amount and distribution of land zoned for housing was consistent with the Plan's objectives and strategy

5.12.05 Although the objector only wished to construct one dwelling that did not materially alter the factors which led the Department to zone the land for light industry and warehousing. The argument about the need for a buffer at this location was withdrawn.

#### **OBJECTOR'S CASE**

5.12.06 The site had been in the family for many years and had once been the location of the family home. It had been the objector's lifelong desire to build a retirement dwelling where he spent his childhood. There was a current planning permission for a single dwelling pending.

#### **COUNTER OBJECTOR'S CASE**

5.12.07 There was a need for a buffer zone between existing factories at Silverwood and housing land as reported in paragraphs 5.9.20-27 above and there was a need for land to be zoned for light industrial/warehouse uses in the Plan as reported in paragraphs 5.01.09-10 and 5.02.06 above.

#### **CONSIDERATION**

5.12.08 I have already concluded at paragraphs 5.02.07-9 above that there is no justification for zoning L/I-5 and 6 as light industry/warehousing on the basis of need alone and I have concluded in paragraph 5.9.28-35 above that there is no justification for zoning L/I-5 and 6 as light industrial/warehousing solely because of any requirement for a buffer from existing industries. There is no housing zoned to the north of L/I-5 as it is a golf course and none of the cordon sanitaires discussed at the Inquiry impact on the site. The question is what zoning should this land have as it is well within the development limit? I note that some consideration had been given by the DoE to zoning L/I-5 and 6 for open space use but there was no 'need' identified and there were practical difficulties in providing open space. I assume that means that no public authority is interested in providing open space at this location. I do not consider it to be good planning practice to allocate land for open space if there is no identified demand. I note that the planning permission for riding stables granted in 1990 has not been implemented.

5.12.09 Given all these factors and despite the overprovision of housing land in the Plan identified in section 3 of this report, I reach the conclusion that the most appropriate allocation of this site is for housing, subject to site development requirements in line with the responses of the statutory consultees. I have considered the alternative of allocating the site as 'white land' but reject this on the basis that a series of white land allocations along this northern side of Silverwood Road could lead to a very disparate

form of development on this main road. As the site lies into the urban form and is fairly close to the town centre, a housing allocation would be a sustainable option. None of the cordon sanitaires referred to at the Inquiry impact on the site and I do not see the proximity to the Silverwood Industrial Estate as a reason for refusing the objector's current planning application for a dwelling on the site. However a landscaping strip along the Silverwood Road edge of the site would be necessary in terms of the Quality Initiative.

### **RECOMMENDATION**

5.12.10 I recommend that this objection site has its light industrial /warehousing zoning removed and that it is allocated for housing in the Plan.

5.13 

Objection to the zoning of the site as part of L/I- 5, requesting zoning for housing Phase One
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**Objection: No 156**

**Counter objection: No 47**

### **SITE DESCRIPTION**

5.13.01 The site measures approximately 1.9 ha and is made up of several small fields which are either flat or gently sloping. A line of small conifer trees has been planted along part of the southern boundary and within the site. Along the southern part of the western boundary is a mature hedgerow of small to medium sized trees and there is a post and wire fence along Kiln Lane. Access to the site is from Kiln Lane. The site is in agricultural use with a container and small shed near the northern boundary. Lands to the north, east and west are agricultural and across the road to the south is industrial land. The land is allocated as part of light industrial/ warehousing L/I –5 in the Plan.

### **DEPARTMENT'S CASE**

5.13.02 The Craigavon New Town Inner Area Plan 1967 zoned the site as agricultural and reserve land; the Craigavon Village Study 1986 located the site within the area of Special Control; the CAPPP located the site within the settlement limit but not zoned for any use. Prior to and subsequent to the CAPPP there were representations seeking housing zoning. There were no objections in principle to development of the site by the statutory consultees. It could be accessed off Kiln Lane but no frontage development would be permitted onto Silverwood Road. The site was quite prominent from the Silverwood Road and Kiln Lane. The argument about the need for a buffer zone at this location was withdrawn.

5.13.03 The inclusion of the site for housing and the subsequent deletion of the industrial zoning would be contrary to :

- ◆ the Spatial Development Strategy and policies SP7 and SP 15 of DRSF;
- ◆ Policies SP1 and SP7 of PSRNI;
- ◆ the plan objectives and to elements of the plan strategy; and
- ◆ Plan Policy Industry 1 in that it would reduce the range which would be available to provide flexibility in choice for sites for developers for use for light industry and warehousing.

The amount and distribution of land zoned for housing was consistent with the Plan's objectives and strategy.

### **OBJECTOR'S CASE**

- 5.13.04 The objector wanted to build a retirement house on the land as the lands had previously belonged to his late parents but the objection remained one requesting housing zoning. The site represented an opportunity site in an area where there was demand for high quality residential development and it should be included within the development limit. There was no basis whatsoever for having a cordon sanitaire around industrial developments at Silverwood to include the objection site as discussed above in section 10 . On the basis of the evidence from the Department's witness this should be a maximum of 200 m and would affect only a small portion of the site, if any. There was no need for light industrial land in the Plan as reported in evidence above at paragraph 5.02.04-05.

### **COUNTER OBJECTOR'S CASE**

- 5.13.05 There was a need for a buffer zone between existing factories at Silverwood and housing land as reported in paragraphs 5.9.20-27 above and there was a need for land to be zoned for light industrial/warehouse uses in the Plan as reported in paragraphs 5.01.09-10 and 5.02.06 above.

### **CONSIDERATION**

- 5.13.06 I have already concluded at paragraphs 5.02.07-9 above that there is no justification for zoning L/I-5 and 6 as light industry/warehousing on the basis of need alone and I have concluded in paragraph 5.9.28-35 above that there is no justification for zoning L/I-5 and 6 as light industrial/warehousing solely because of any requirement for a buffer from existing industries. At the Inquiry the DoE withdrew its argument about the need for a buffer zone at this location. The objector requested the site's allocation for Phase 1 housing and there appear to be no objections in principle to development for housing from the statutory consultees. Given all these factors and despite the overprovision of housing land in the Plan identified in section 3 of this report, I reach the conclusion that the most appropriate allocation of this site is for housing, subject to site development requirements in line with the responses of the statutory consultees. The site was previously white land in CAPPP and I have considered the alternative of allocating the site as 'white land' but reject this on the same basis as discussed in section 5.12 above. As objection site No 4 wraps around it and the site lies into the urban form and is fairly close to the town centre, a housing allocation would be a sustainable option. None of the cordon sanitaires referred to at the Inquiry impact on the site and I do not see the proximity to the Silverwood Industrial Estate as a reason for refusing residential use of the site. However a landscaping strip along the Silverwood Road edge of the site would be necessary in terms of the Quality Initiative.

### **RECOMMENDATION**

- 5.13.07 I recommend that this objection site has its light industrial /warehousing zoning removed and that it is allocated for housing in the Plan.

- 5.14 

Objection to the zoning of the site as part of L/I- 5 and L/I- 6, requesting zoning for housing.
--

**Objection: No 44**

**Counter objection: No 63**

### **SITE DESCRIPTION**

- 5.14.01 This 1.6 ha site, currently in an overgrown and unkempt state with a vacant property on its southern edge, is mainly located between Kiln Lane and Kiln Road, Lurgan with a small section along eastern side of Kiln Road bounded by mature vegetation to the east. The other boundaries have scattered vegetation and post and wire fencing and there is a strong tree/hedge line separating the site from objection site 3. The site slopes gently down in a northerly direction towards a drainage channel on the boundary. The land is agricultural on three sides with the industrial estate across the Silverwood Road to the south. The site is allocated for light industry/warehousing L/I-5 and L/I-6 in DCAP.

#### **DEPARTMENT'S CASE**

- 5.14.02 The Craigavon New Town Inner Area Plan 1967 zoned the site as agricultural and reserve land; the Craigavon Village Study 1986 located the site within the Area of Special Control; and CAPPP located the site within the settlement limit but not zoned for any use. Planning permission was granted on the western portion of the site for housing in 1997 but was judicially reviewed. The outcome was that the Department was instructed to reconsider the application and it was still pending.
- 5.14.03 There were no objections in principle to development of the site by the statutory consultees. It could be accessed off Kiln Lane but no frontage development would be permitted onto Silverwood Road. A watermain on Kiln Lane passed through the site and a 6m building restriction would have to be observed around it.
- 5.14.04 The inclusion of the site for housing and the subsequent deletion of the industrial zoning would be contrary to :
- ◆ the Spatial Development Strategy and policies SP7 and SP 15 of DRSF;
  - ◆ Policies SP1 and SP7 of PSRNI;
  - ◆ contrary to the provisions of PPS 4 Industrial Development paragraph 31 and the requirement for a buffer zone between the existing industries at Silverwood and housing.
  - ◆ the Plan Objectives and to elements of the Plan Strategy; and
  - ◆ Plan Policy Industry 1 in that it would reduce the range which would be available to provide flexibility in choice for sites for developers for use for light industry and warehousing.

The amount and distribution of land zoned for housing was consistent with the Plan's objectives and strategy.

#### **OBJECTOR'S CASE**

- 5.14.05 There was a current planning application pending on the site and the planning history of approval of the site for 20 houses which had been subsequently subject of judicial review. The present application was pending and the zoning of the land for industrial use would prejudice this. Housing was needed to service the industrial land in the area. The demand for housing along this stretch of road was overwhelming as evidenced by the fact that neighbouring housing developments had been sold out before work on site had begun

#### **COUNTER OBJECTOR'S CASE**

- 5.14.06 There was a need for a buffer zone between existing factories at Silverwood and housing land as reported in paragraphs 5.9.20-27 above and there was a need for land to be zoned for light industrial/warehouse uses in the Plan as reported in paragraphs 5.01.09-10 and 5.02.06 above.



## **CONSIDERATION**

- 5.14.07 I am dealing with this objection in accordance with the objector's map which excludes the small portion of land to the south of the western portion. This site relates more accurately to the planning history map and to the separate objection (No 3) on the small portion of land fronting the Silverwood Road.
- 5.14.08 I have already concluded at paragraphs 5.02.07-9 above that there is no justification for zoning L/I-5 and 6 as light industry/warehousing on the basis of need alone and I have concluded in paragraph 5.9.28-35 above that there is no justification for zoning L/I-5 and 6 as light industrial/warehousing solely because of any requirement for a buffer from existing industries. The SE corner of this site lies within the edge of the 200 m radius from the Interface Europe stacks but I am not persuaded by the evidence presented in section 5.9 that this factor should prevent development of the site for housing. The site was allocated as 'white land' in CAPPP and I have considered the alternative zonings of 'white land' or 'open space' and have rejected them for the same reasons as set out in section 5.12. Given all these factors and despite the overprovision of housing land in the Plan identified in section 3 of this report, I reach the conclusion that the most appropriate allocation of this site is for housing, subject to site development requirements in line with the responses of the statutory consultees. As the site lies into the urban form and is fairly close to the town centre, a housing allocation would be a sustainable option. A landscaping strip along the Silverwood Road edge of the site would be necessary in terms of the Quality Initiative.

## **RECOMMENDATION**

- 5.14.09 I recommend that this objection site has its light industrial /warehousing zoning removed and that it is allocated for housing in the Plan. .
- 5.15 

Objection to the zoning of the site as part of L/I- 5 requesting zoning for housing.
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**Objection: No 3**

**Counter objection: No 45**

## **SITE DESCRIPTION**

- 5.15.01 This fairly level 0.11 ha site is bounded to the south by Silverwood Road, to the east by Kiln Road and to the west by Kiln Lane. There is a mature hedge/tree line on the north eastern boundary and a derelict wall on part of the boundary to Kiln Lane. Access is via a new gate to Kiln Lane.

## **DEPARTMENT'S CASE**

- 5.15.02 The Craigavon New Town Inner Area Plan 1967 zoned the Site as agricultural and reserve land; the Craigavon Village Study 1986 located the site within the area of Special Control; the CAPPP located the site within the settlement limit but not zoned for any use. Full planning permission for a garden centre and nursery was granted in 1994. Outline planning permission for a single dwelling was refused in 1992 and there was a current application for a single dwelling pending.
- 5.15.03 There were no objections in principle to development of the site by the statutory consultees. It could be accessed off Kiln Lane but no frontage development would be permitted onto Silverwood Road. A watermain on Kiln Lane passed through the site and a 6m building restriction would have to be observed around it.

5.15.04 The inclusion of the site for housing and the subsequent deletion of the industrial zoning subsequent deletion of the industrial zoning would be contrary to :

- ◆ the Spatial Development Strategy and policies SP7 and SP 15 of DRSF;
- ◆ Policies SP1 and SP7 of PSRNI;
- ◆ contrary to the provisions of PPS 4 Industrial Development paragraph 31 and the requirement for a buffer zone between the existing industries at Silverwood and housing.
- ◆ the Plan Objectives and to elements of the Plan Strategy; and
- ◆ Plan Policy Industry 1 in that it would reduce the range which would be available to provide flexibility in choice for sites for developers for use for light industry and warehousing.

The amount and distribution of land zoned for housing was consistent with the Plan's objectives and strategy.

### **OBJECTOR'S CASE**

- 5.15.05 There was already too much land given over to industry in the Craigavon Area and the Department had not taken into account the demand for housing in this area. There was already derelict land that had never been put to use. Factories came to the area then closed up after short periods leaving vacant land and derelict properties which were an eyesore. Existing vacant land in the Craigavon Area should be used before making any new proposals. Within a few hundred yards of the objection site there was already housing on this side of Silverwood Road and this side of the road should be kept for housing, with factories kept to the far side of the road. The Silverwood Road/Kiln Road area was a popular walk for Lurgan people and they would prefer a view of houses, than factories.

### **COUNTER OBJECTOR'S CASE**

- 5.15.06 There was a need for a buffer zone between existing factories at Silverwood and housing land as reported in paragraphs 5.9.20-27 above and there was a need for land to be zoned for light industrial/warehouse uses in the Plan as reported in paragraphs 5.01.09-10 and 5.02.06 above.

### **CONSIDERATION**

- 5.15.07 I have already concluded at paragraphs 5.02.07-9 above that there is no justification for zoning L/I-5 and 6 as light industry/warehousing on the basis of need alone and I have concluded in paragraph 5.9.28-35 above that there is no justification for zoning L/I-5 and 6 as light industrial/warehousing solely because of any requirement for a buffer from existing industries. Much of this site lies within the edge of the 200 m radius from the Interface Europe stacks but I am not persuaded by the evidence presented in section 5.9 that this factor should prevent development of the site for a dwelling. The site was allocated as 'white land' in CAPPP and I have considered the alternative zonings of 'white land' or 'open space' and have rejected them for the same reasons as set out in section 5.12. Given all these factors and despite the overprovision of housing land in the Plan identified in section 3 of this report, I reach the conclusion that the most appropriate allocation of this site is for housing, subject to site development requirements in line with the responses of the statutory consultees. A landscaping strip along the Silverwood Road edge of the site would be necessary in terms of the Quality Initiative.

### **RECOMMENDATION**

- 5.15.08 I recommend that this objection site has its light industrial /warehousing zoning removed and that it is allocated for housing in the Plan.

- 5.16 Objection to the zoning of L/I-6 (Nos 27,28 and 42) or parts of L/I-6 (Nos 83, 14 and 238) requesting zoning for housing (phase 1 housing referred to in objection No 83 but white land or housing requested at Inquiry)

**Objection: No 42, 27, 28, 83, 14, 238**

**Counter objector: 46, 59, 60, 61, 62, 64**

### **SITE DESCRIPTION**

- 5.16.01 This 11.2 ha site (a series of objection sites which partially overlap) is located on the northern side of the Silverwood Road, Lurgan approximately 20 metres north of the Portadown/Belfast railway line. It slopes down gently in a northerly direction to the rear boundary which is a stream and is bounded by mature vegetation. Within the site is a farmhouse and associated buildings located in the centre of the site and a bungalow further to the east of these. The rest of the site is agricultural with some lanes traversing it. The access is from Silverwood Road onto a minor road which has been closed off at its western end. Between this road and Silverwood Road is mature vegetation and this continues eastwards to the eastern boundary of the site. Land use across the railway line to the south is residential and on the opposite side of the road to the south west it is industrial except for land zoned L/I- 3 which is in agricultural use. To the north east is agricultural land.

### **DEPARTMENT'S CASE**

- 5.16.02 The Craigavon New Town Inner Area Plan 1967 zoned the site as agricultural and reserve land; the Craigavon Village Study 1986 located the site within the Area of Special Control; the CAPPP located the site within the settlement limit as either white land or for housing (all of objection site 83 and 14 and part of objection site 238). Planning permission had been refused for housing on the eastern portion in 1974, for single dwellings in 1986 and for replacement dwellings in 1992 and 1994. There was a current application for a 6 dwellings on the eastern portion pending.
- 5.16.03 There were no objections in principle to development of the site by the statutory consultees. Access could provided from Silverwood Road or Kiln Road subject to requirements for a TIA, a right turning lane and access standards.. A surface water sewer and two trunk mains passed through the site and a 6m building restriction would have to be observed around them.
- 5.16.04 The inclusion of the site for housing and the subsequent deletion of the industrial zoning would be contrary to :
- ◆ the Spatial Development Strategy and policies SP7 and SP 15 of DRSF;
  - ◆ Policies SP1 and SP7 of PSRNI;
  - ◆ contrary to the provisions of PPS 4 Industrial Development paragraph 31 and the requirement for a buffer zone between the existing industries at Silverwood and housing (withdrawn in relation to objections 83 and 14 at the inquiry) .
  - ◆ the Plan Objectives and to elements of the Plan Strategy; and
  - ◆ Plan Policy Industry 1 in that it would reduce the range which would be available to provide flexibility in choice for sites for developers for use for light industry and warehousing.

The amount and distribution of land zoned for housing was consistent with the Plan's objectives and strategy.

- 5.16.05 With regard to the juxtaposition of housing and industrial lands the site development requirements of Light Industrial Zoning L/I-6 included the need for a significant belt of new planting on the northern and eastern boundaries of the site. It was unclear why the

applications made on objection site No 83 in the past had not been approved. The most recent, for six houses (N/99/0092) had been held over pending the draft plan because of the Silverwood judicial review although none of the statutory consultees had objected and access was not a problem and it was zoned for housing in CAPPP. It was only during the Inquiry into DCAP that it became clear that the statutory consultees would only stand over a 200 m cordon sanitaire. The DoE would have considered conceding these lands zoned for housing in CAPPP which were outside the 200 m cordon except that it would have knock on repercussions on other zoned industrial land to the west which had been white land in CAPPP (because white land could include housing).

- 5.16.06 The DoE had evolved the idea of zoning land for light industry/warehousing on the opposite side of Silverwood Road from the industrial estate during 1999 but couldn't make public the change of zoning until the Plan was published in draft. The DoE had not issued a decision on the planning application for objection site No 83 at that stage because there was an objection period and when this closed it would have been remiss of the DoE to issue a decision when there was a live objection. It could have refused the application but this would have pre-empted the Inquiry discussion of the objection. There could have been an appeal for non-determination at any time.
- 5.16.07 With regard to the matter of reduced property values raised by objector No 238, this was not a material consideration and was not something the Inquiry could address.

### **OBJECTORS' CASE**

#### **General**

- 5.16.08 The land should be zoned for housing because of :
- ◆ An expectation that the land would be used for housing;
  - ◆ some of the land had been zoned for housing since 1995 in the CAPPP;
  - ◆ the rest had been zoned white land and there was a reduction in value from white land to industrial land;
  - ◆ desire to return and live in the area that the objectors were raised in but had to leave and which had lain barren ever since
  - ◆ industry/warehousing was not compatible with the proposed housing L/H-1 to the rear as access roads from Silverwood Road would have to go through an industrial estate.

#### **Specific arguments for objection site No 83**

- 5.16.09 The site was only 2 ha and the impact of deducting this from the 176 ha zoned for new industry would be negligible. The Concept Plan for L/H-1 which the DoE had sent out to the public showed the loss of 3-4 ha of light industrial land/warehousing to Class 3 business use which was more than the size of the objection site. Indeed the access to L/H-1 could come through housing at objection site No 83 which would solve the problem of taking a housing access through light industrial land, as proposed. Also:
- ◆ The land had been zoned in the CAPPP for housing and a planning application N/99/0092 had been lodged with the DoE since 17 February 1999. Although CAPPP was suspended in 1996 the DoE had decided it would be treated as a material consideration and had approved a number of applications on that basis from April 1996. Even after the Silverwood Judicial review the DoE concluded that it could still give weight to CAPPP but it had to be mindful of what weight was given to CAPPP in determining individual planning applications. It held over 30 planning applications relating to settlement limits in CAPPP pending the publication of DCAP. The objector had received a letter from the DoE dated 27 May 1999 stating that the application could not be decided until publication of DCAP as this could otherwise jeopardise potential review of the zoning designations at this location. A further letter dated 12 November 1999 from the DoE stated that DCAP would be published by March 2000. The objector had purchased the land at full market value for housing and had an option to acquire other lands beside it.

The market value for light industry/warehousing was 35% of the price realised for housing land. This would have a negative financial impact on the objector. Through all discussions with the DoE the objector was led to believe that the only issue was the width of the buffer zone to be placed around the Silverwood Industrial Estate and that there had been no expectation that the land would be re-zoned;

- ◆ impact on future housing development to the north and east of light industrial/warehousing use of the objection site;
- ◆ access arrangements for zoned housing site L/H 1 would have to be via the industrial development as stated in the site development requirements at page 85 of the plan. This was undesirable;
- ◆ the objection site was located outside the 200 m radius from the factory chimneys;
- ◆ Although the DoE argued that there was no need for any additional housing land, following CAPP it had zoned an additional 15.2 ha in the immediate area. It had also agreed before and during the Inquiry to concede further objection sites to housing. Some of these concessions were on the basis of previous zonings in the CAPP. To be consistent the DoE should treat this objection site in the same category.
- ◆ An alternative zoning for light industrial use was the land to the north of the objection site along Silverwood Road (see map in appendix), including part of L/I-6 and part of the landscaped open space part of L/H-1. A mixed use designation would be better for this.

### **COUNTER OBJECTOR'S CASE**

- 5.16.10 There was a need for a buffer zone between existing factories at Silverwood and housing land as reported in paragraphs 5.10.20-27 above and there was a need for land to be zoned for light industrial/warehouse uses in the Plan as reported in paragraphs 5.01.09-10 and 5.02.06 above.

### **CONSIDERATION**

- 5.16.11 I have already concluded at paragraphs 5.02.07-9 above that there is no justification for zoning L/I-5 and 6 as light industry/warehousing on the basis of need alone and I have concluded in paragraph 5.9.28-35 above that there is no justification for zoning L/I-5 and 6 as light industrial/warehousing solely because of any requirement for a buffer from existing industries. Some of L/I-6 to the west (including part of objection site No 238) lies within the edge of the 200 m radius from the Interface Europe or Regal Foods stacks but I am not persuaded by the evidence presented in section 5.9 that this factor should prevent development of the site for housing. Small areas of objection site Nos 238, 27/28/42 also lie within the area shown with noise over LAeq 45 dB but they are right at the edge and the matter could be dealt with through mitigation measures imposed at development control stage. Part of objection site No 238 and all of objection site Nos 14 and 83 were allocated as housing land in CAPP and the rest allocated as 'white land'. I was not persuaded by the DoE that the change of allocation from housing land to light industrial land for Objection sites Nos 14 and 83 and part of 238 was justified by new technical evidence on smell. For the other parts of L/I-6 which were white land in CAPP I have considered the alternative zonings of 'white land' or 'open space' and have rejected them for the same reasons as set out in section 5.12. Given all these factors and despite the overprovision of housing land in the Plan identified in section 3 of this report, I reach the conclusion that the most appropriate allocation of this site is for housing, subject to site development requirements in line with the responses of the statutory consultees. A landscaping strip along the Silverwood Road edge of these sites would be necessary in terms of the Quality Initiative.
- 5.16.12 I do not consider that the land necessarily requires to be included in the same zoning as L/H-1 with the requirement for a Concept Master Plan and I suggest that it is dealt with in the same way as the concession to Objection No 77 ie it would become L/H-1(b) and include part of objection site No 44 up to Kiln Road. The suggested site development requirements for Objection site 77 conceded as L/H-1(a) could be adopted for this zoning

ie a requirement for a detailed vegetation survey, landscaping plan, retention of existing streams and their incorporation into the proposed development, the layout to respect the topography of the site, no houses backing on to Silverwood Road, access requirements and reference no development within 6m of any sewers or mains running through the site.

### **RECOMMENDATION**

5.16.13 I recommend that the light industrial/warehousing zoning be removed from the objection sites and that they be allocated as housing land L/H-1 (b).

5.17 

Objection to the site not being zoned for housing
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### **Objection: No 43**

### **SITE DESCRIPTION**

5.17.01 The 1.0 ha site lies to the north-west of Lurgan and comprises one field and a residential property. It is bounded by Kiln Lane and Kiln Road and has a moderate rise to the north where at its highest point it lies five metres above the level of the Kiln Road. It is bounded to the south by a river and has fencing/some hedging along its other boundaries. A small hall and what appears to be an unsightly garage business sit on the other side of northern boundary and further north along Kiln Lane are residential properties. To the west across the road is the golf course and to the east across the road is housing land. The site to the south is vacant and unkempt. In DCAP the site is denoted as white land.

### **DEPARTMENT'S CASE**

5.17.02 The Craigavon New Town Inner Area Plan 1967 zoned the site as agricultural and reserve land; the Craigavon Village Study 1986 located the site within the Area of Special Control; the CAPP located the site within the settlement limit but not zoned for any use. An application for planning permission for 7 no dwellings was pending (N/1988/0289).

5.17.03 There were no objections in principle from the statutory consultees. The site could be accessed off Kiln Lane provided access standards were achieved including a right turn lane at the Kiln Lane/Silverwood Road junction and a footway link.

5.17.04 The white land allocation in DCAP did not preclude development of the site for housing, in accordance with regional planning policy and the provisions of the Plan and regional policy. The fact that it was not identified for any particular use allowed for future development of the site for purposes other than housing, subject to the development being compatible with the surrounding land use context and the physical suitability of the site to accommodate development.

### **OBJECTOR'S CASE**

5.17.05 Existing infrastructure and services were in place and the ground should be zoned for housing.

### **CONSIDERATION**

5.17.06 This land is denoted as 'white land' and can therefore accommodate a variety of uses subject to compliance with planning policy. I cannot understand why the application submitted in 1998 for housing has not been determined but has been held over pending

the area plan inquiry. There was no issue raised by the DoE that the Silverwood Judicial review had any impact on this site and I consider it a straightforward matter of approving the application or refusing it on some specific matter such as design, layout, access etc. It seems contrary to good planning practice that this application has not been determined on its merits as there has been no objection seeking exclusion of this site from the Urban Area or its rezoning for a non-housing land use. Despite my conclusions in section 3 that there is an overgenerous supply of housing land in the Plan, there is no good reason for this site not to be allocated as housing land as there is zoned housing land L/H-1 across the road and I am recommending that land to the south be allocated as housing land in the Plan. The site falls within the urban footprint and does not involve an encroachment into the countryside and is reasonably accessible to the town centre.

### **RECOMMENDATION**

5.17.07 I recommend that this site be allocated for housing in the Plan.

5.18

Objection to the omission of a policy relating to the COMAH regulations and the non-identification of hazard consultation zones

### **Objection: No 244**

### **OBJECTOR'S CASE**

5.18.01 The draft plan did not describe the extent or effect of hazard or consultation zones around existing premises with hazardous substances. This was contrary to the requirement of the Seveso Directive (96/82/EC), the Planning (Control of Major Accident Hazards) Regulations NI 2000 and the Planning (Development Plan) Regulations (NI) 1991, amended by the COMAH regulations. There were a number of sites to which the COMAH notifications applied and to which no reference was made in the plan. These included :

- ◆ Huhtamaki Van Leer (NI) Ltd, 41 Inn Road, Dollingstown
- ◆ DRD Water Service, Castor Bay Road, Lurgan
- ◆ Nacco Materials Handling Ltd, Carn Industrial estate, Carn, Portadown
- ◆ Regal Processors, 2 Silverwood Industrial estate, Lurgan

5.18.02 It was understood that the sites were the subject of a consultation zone under the Planning (General Development) Order 1993 as amended and that the Health and Safety Executive for Northern Ireland (HSENI) should be consulted on any applications for planning permissions which lay within the consultation zones.

5.18.03 The Seveso II Directive required Member States to ensure that land use and/or other policies and procedures for implementing these policies took account of the need to maintain appropriate distances between establishments and other areas and in the case of existing establishments, of the need for additional technical measures .... so as not to increase the risks to people. It also required that all competent authorities and planning authorities responsible for decisions in relation to these matters set up appropriate consultation procedures to facilitate the implementation of those policies and it further stated that procedures should be designed to ensure that technical advice on the risks arising from the establishment was available either on a case by case basis or on a generic basis when decisions were taken.



- 5.18.04 In NI the Planning (Control of Major Accident Hazards) Regulations NI 2000 amended the Planning (Development Plans) Regulations (NI) 1991 to require the DoE to have regard to:
- ◆ The objectives of preventing major accidents and limiting the consequences of such accidents;
  - ◆ The need in the long term to maintain appropriate distances between establishments and residential areas;
  - ◆ Technical measures to be taken by operators so as not to increase the risks to people.
- 5.18.05 These 2000 regulations also amended the Planning (General Development) Order 1993 in relation to Article 15 in that the HSENI should be consulted on an application for planning permission which was within an area which had been notified to the DoE by HSENI due to the presence of such substances within an establishment and to a proposed development such as to increase the risk of consequence of a major accident.
- 5.18.06 The area plan did not meet the requirements of PPS 1 and PPS 4 in providing certainty to all interested parties as to what may and may not be acceptable development. The content of PPS 1 General Principles paragraphs 28-36 made the PSRNI and PPSs in Northern Ireland material considerations in the preparation of development plans. Paragraph 35 of PPS 1 required development plans to provide a measure of certainty about which types of development would and would not be permitted. It stated that development plans were the primary means of evaluating and reconciling any potential conflicts between the need for development and the need to protect the environment within particular areas. PPS 4 at paragraph 11 stated that development plans gave industrial developers and local communities greater certainty about the types of development which would and would not be permitted in the given location. Paragraphs 28-32 were relevant and paragraph 32 referred to potentially offensive or hazardous industrial development and the precautionary principle. This paragraph did not, however, address the circumstances where development might be proposed adjacent to high risk industrial premises.
- 5.18.07 The DoE had not addressed in its rebuttal how it had met the requirements of the Planning (Development Plans) regulations (NI) 1991 as amended in relation to:
- ◆ The objective of preventing major accident and limiting the consequences of such accidents;
  - ◆ The need in the long term to maintain appropriate distances between establishments and residential areas; and
  - ◆ Technical measures to be taken by operators so as not to increase the risk to people.
- 5.18.08 Other plans in the UK included reference to policies and procedures about these matters eg the Isle of Thanet Local Plan 1998 and the Havering UDP 1993. Whilst it was accepted that COMAH notified sites would not remain static over the plan period it was considered that a clear statement could be included within the plan to indicate existing sites and that there should be policies in the plan to control development within the vicinity of such sites (or future sites). The name and address of the competent authority to which contact should be made should be provided to enable any interested party to ascertain whether these restricted policies applied elsewhere in the plan area. In the absence of such policies it was difficult to see how the DoE had met its requirements under the EC directive and the COMAH regulations.

#### **DEPARTMENT'S CASE**

- 5.18.09 There was no need for a policy in the plan as this matter was properly addressed by the Regulations and the policies of the Directive relating to existing sites, there being no new sites in the plan area for the storage of hazardous substances. The DoE had fulfilled its obligations under the EC Directive in that it had taken into account the siting of establishments where hazardous substances were used or stored when formulating the plan – settlement limits and land use zonings.
- 5.18.10 However, it was accepted that it would be in the public interest to provide more information on COMAH sites in the plan. The identification of consultation zones around these sites was not considered appropriate as circumstances at a particular site could change over the plan period.
- 5.18.11 The DoE proposed that the plan be amended to include the following in place of the 7<sup>th</sup> paragraph of page 25.

'Directive 96/82/EC, known as the Seveso II directive, was implemented in Northern Ireland by the Control of Major Accident-Hazards Regulations (NI) 2000 (Control of Major Accident-Hazards) Regulations (NI) 2000. The latter regulations amended the Planning (Development Plans) Regulations (NI) 1991 by requiring that in formulating plans, the Department shall have regard to the objectives of the Directive of preventing major accidents and limiting the consequences of such accidents for man and the environment. In doing so, the Department will need to take into account the siting of establishments where hazardous substances are used or stored, and the development of land within the vicinity of establishments where hazardous substances are, or may be, present.

The Health and Safety Executive Northern Ireland advises the Department on a consultation distance around these hazardous installations and the Department consults the Executive on planning applications within this consultation zone. The determination of such planning applications may require the submission of an Environment Statement. Information on the extent of consultation zones and potential restrictions on development within the zones may be obtained from Divisional Planning Office or Planning Service Headquarters.

Details of guidance and procedures for controlling development in relation to hazardous substances are contained in the Department's publication 'Development Control advice Note 12 - Planning Controls for Hazardous Substances.

In implementing the Directive and the Regulations the Craigavon Area Plan 2010 has:

1. Identified by means of a Schedule set out in Appendix ? of the Plan, those existing establishments which use or store hazardous substances and are subject to the above regulations; and
2. Taken into account the requirements of the Directive and regulations in formulating the policies and proposals of the Plan.

### **CONSIDERATION**

- 5.18.12 There was broad agreement between the parties about the DoE's obligations under the EC Directive and the associated regulations. What remains in dispute is the extent of information about COMAH sites that ought to be included in the Plan. In my opinion the DoE's final position meets the PPS 1 and PPS 4 requirements for certainty in the Plan. I agree with the DoE that it would be too much detail for the Plan to include the actual consultation zones for each site on a map and that it would be more appropriate for would-be developers to obtain up-to-date information on the precise extent of each consultation zone from the Planning Service when that information is required. I also consider that the DoE's suggested amendment should state that information on

additional COMAH sites that come into being during the plan period can be obtained from the Planning Service.

**RECOMMENDATION**

- 5.18.13 I recommend that the Plan be amended in accordance with the DoE's proposed concession with a further reference to additional COMAH sites that come into being during the plan period.

**SECTION 6**  
**OBJECTIONS RELATING TO**  
**LURGAN**

## PRELIMINARY

- 6.01 In reporting the DoE's evidence throughout this section I will refer to the following list of points raised to a number of objections. This is to reduce the length of my report.
- A. Inclusion of the site within the settlement limit would be contrary to or consistent with:-
1. The Spatial Development Strategy of DRSF which seeks to promote sustainable patterns of development based on integration with transport, compact urban forms, more housing within existing urban areas and the wise and sensitive use of the rural environment.
  2. Policy SPG 6 of DRSF- TO BUILD LOCAL COMMUNITIES FOR THE FUTURE IN EXISTING URBAN AREAS which seeks to accommodate a larger share of residential development and job provision within existing urban areas to reduce greenfield extensions.
  3. SPG 9 of DRSF – TO SUSTAIN A LIVING AND WORKING COUNTRYSIDE which seeks to control development in areas where there is excessive movement of townspeople to the countryside by the use of Green Belts.
  4. Policy SPG 25 of DRSF – TO CONSERVE THE NATURAL HERITAGE AND PROMOTE A WISE USE OF NATURAL RESOURCES which seeks to manage development pressure by the use of Greenbelts and conserve the settings of cities, towns and villages.
  5. Policy SP 12 of PSRNI – RURAL LANDSCAPES which seeks to protect rural landscapes from excessive or inappropriate development by the designation of Green belts and Countryside Policy Areas.
  6. Policy DES 3 of PSRNI –THE SETTINGS OF TOWNS AND VILLAGES which seeks to protect the settings of towns and villages from inappropriate development and urban sprawl. It states that the principle of drawing a development limit around each settlement, in the development plan, is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between countryside and built-up area.
  7. Planning Policy Statement 6: Planning Archaeology and the Built Heritage which seeks to ensure that new development does not dominate the townscape /landscape characteristics of settlements.
  8. Policy GB/CPA 1 of PSRNI – to prevent the unrestricted sprawl of large built-up areas, prevent neighbouring settlements from merging and to safeguard the surrounding countryside.
- B. The settlement limits had been defined for the Urban Area in order to protect its character, to prevent ribbon development and to prevent urban sprawl in the surrounding countryside, whilst creating suitably located opportunities to accommodate future development needs. The limits had been defined following an analysis of development trends and an evaluation of environmental assets, physical features and the availability of services. The limits had been drawn in accordance with Policies SP2 and SP 12 of PSRNI.
- C. In DCAP a total of 485 ha of housing land had been allocated within the Urban Area of which 340 ha was Phase 1 and 145 ha was Phase 2. The DoE estimated that based on household formation and building rates between 3380 and 4410 dwellings would be required for the Urban Area up to the end of the Plan period (see Table 3.2 in Section 3) , whereas there was a potential of 6323 houses on land identified by the Housing Monitor 2000 (Phase 1 zoned housing sites in DCAP plus sites with planning permission)

and a potential of a further 2154 dwellings on Phase 2 lands. To this total there had to be added proposed concession sites (see Table 3.6 in Section 3). This was substantially more than the RDS Housing Growth Indicator for the whole Borough to 2010. The Phase 1 sites in the Urban Area more than accommodated the Regional Housing Target in DRSF of 3500 for the Craigavon UA 1996-2010 (Appendix 4 of DRSF). In Lurgan 118 ha had been zoned as Phase 1 housing land and a further 68 ha as Phase 2 (Table 3.9) and to this had to be added proposed concession sites. Taking into account additional land with planning permission there was housing potential in Lurgan at 2000 of 2210 dwellings in Phase 1 and housing potential of 3234 at 2000 in Phases 1 and 2 (Table 3.2), not taking account of proposed concessions. Zoning additional Phase 1 lands would be contrary to strategic planning policy, the Plan objectives and the Plan strategy.

- D. Phase 2 development lands represented additional land to be held in a land bank and safeguarded for potential future housing development. There was an adequate reserve of Phase 2 land in the Craigavon UA. Zoning additional Phase 2 lands would be contrary to strategic planning policy, the Plan objectives and the Plan strategy.
- E. There was a generous amount of land zoned in the plan to meet the needs of industry as identified using estimates based on the historic land take-up for industry. In assessing the needs of industry in the Borough the DoE had taken account of the role afforded the Craigavon UA in DRSF and has allocated an additional 183 ha (less concession of 7.6 ha) for industry to meet the needs of both the IDB and the private sector. This was double the amount required.

6.02

Objection to identification of land as Green Belt seeking inclusion of lands within the urban area
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**Objection: No 31**

**SITE DESCRIPTION**

- 6.02.01 This 1.5 ha site lies to the NW of Lurgan between Silverwood Golf Course to the south and east and the M1 Motorway to the north. A small, single storey, dwelling sits in the SE corner of the site and adjoining this are dog pens and enclosures used for the breeding and training of greyhounds. Immediately adjoining the site to the south and east there are three detached dwellings and south of this again is a cycle path that runs parallel to the western boundary of Silverwood Golf Course. The remaining surrounding land is in agricultural use. The site is located in the Green Belt in DCAP.

## **DEPARTMENT'S CASE**

- 6.02.02 The existing road system would not accommodate such a significant development. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 6.01 A 2, 3, 4, 5, 6, 8; to the first six Plan objectives; to the fourth element of the Plan strategy. Paragraph 6.01 B explained the definition of settlements in the Plan. At this location the settlement limit had been defined to follow the western boundary of Silverwood Golf and Ski Centre and the National Cycle Route. The golf and ski centre has been zoned as recreation and open space to provide a rural buffer to the Green Belt. The limit was drawn at Boconnell Lane to consolidate the three dwellings to the south of the objection site. Inclusion of the objection site within the limits would constitute an unacceptable extension to the NW of Lurgan, into the surrounding countryside. The site was exposed to the north and SW, enabling views of the M1 and undulating farmland, and was not integrated with the existing urban fabric.

## **OBJECTOR'S CASE**

- 6.02.03 The objector wished to build two dwellings on the site, which was situated off a quiet road close to the Craigavon Golf Club and convenient to Lurgan. One of the dwellings would be for his own use. There was a need to provide individual detached dwellings in a rural location and the objection site was ideal for this purpose. There had been several new dwellings erected in the vicinity in recent years. As the proposal was for limited development there should not be any great difficulty with road access provisions.

## **CONSIDERATION**

### **Need**

- 6.02.04 I have already concluded in paragraph 3.01.65 that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area and there is no objection to any land allocated for housing Phase 1 for which this could be a substitute. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis that it accommodates the needs or desires of an individual. Consistent with my recommendation in Paragraph 3.02.21 to remove all Phase 2 land from the Plan (subject to further consideration by the DoE in certain cases) I conclude that there is no justification, on the basis of need, for extending the settlement limit to include the objection site.

### **Other strategic issues**

- 6.02.05 The western boundary of the Silverwood Golf and Ski Centre and the National Cycle Route provides a clear and very distinct physical definition of the outer settlement limit in this part of Lurgan. I, therefore, find it somewhat surprising that the Department has chosen to 'bend' the definition of this line to incorporate within it the land on which the two most recently constructed dwellings are located (to the immediate SE of the objection site). On the face of it there does not seem any logical reason why these dwellings should fall within the settlement limits while the longer established adjoining bungalow and the single storey dwelling within the objection site are left outside it. Notwithstanding this, I consider that it would be entirely inappropriate to permit a further freestanding incursion into the open countryside, however modest the scale of development proposed. If the Green Belt designation of the surrounding land is to have any meaning in strategic terms then development should be kept to a minimum. I

conclude that the proposed extension to the development limit would not provide a sustainable edge to the settlement .

### **RECOMMENDATION**

6.02.06 I recommend that no alteration be made to the Plan as a result of this objection.

6.03 

Objection to the extent of Area of Townscape Character, seeking extension to the other side of College Walk.
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**Objection: No 266, 274**

### **PART CONCESSION**

#### **DEPARTMENT'S CASE**

6.03.01 The Department would respond favourably to a recommendation from the PAC that the ATC at College Walk, Lurgan be extended to include Nos 3-6 College Walk (including the house under construction between Nos 4 and 5) and No 50 College Walk. The justification for the concession was the responses of the statutory consultees. College Grove and College Close consisted of higher density modern bungalows and their inclusion in the ATC would have an adverse effect on the policy in the Plan relating to the preservation of the character of the area. It was not possible to include Nos 144-148 Lough Road since these were outside the objection site.

#### **OBJECTOR'S CASE**

6.03.02 This part concession of a limited extension to the ATC was accepted .

### **RECOMMENDATION**

6.03.03 This concession is noted.

6.04 

Objection to the access requirements of L/H-1 requiring the Plan to state that there should only be three accesses to L/H-1 – two to Kiln Road and one to Silverwood Road.
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**Objection : Nos 266 and 274**

**Counter Objection: Nos 14, 15 and 65**

#### **DEPARTMENT'S CASE**

6.04.01 The DoE accepted that this was a valid objection as the words of support were a misinterpretation of the Plan. The site development requirements of L/H-1 which was a 43.7 ha site in Lurgan, at the 10<sup>th</sup> bullet point stated that the 'site shall be accessed onto Kiln Road through two access points located to the north and to the south of Silverwood Hotel. An access must also be provided onto Silverwood Road with access taken through the area zoned for light industry/warehousing. ....' These were the ideal access points (and shown on the Concept Master Plan presented to the public by the DoE during the Inquiry) but the Plan was not saying that these were the only access points to the housing zoning. Roads Service would consider other access points if they met the Roads Service's standards. Although the three access points mentioned in the Plan were mandatory, their exact position could be varied and other access points



added as well. An alternative Master Plan from a group of developers could show these alternatives. It was unlikely that there would be room for more than one access to Silverwood Road because of junction distances and the railway. Roads Service considered that the Albert Terrace/Lough Road junction was at present totally unsuited to provide access to L/H-1 and that was why it was not mentioned in the site development requirements.

- 6.04.02 Paragraph 35 of PPS 1 referred to land use proposals, not exact access points and it was perfectly rational to leave these to the development control stage. PPS 7 at paragraph 1.20 was about flexibility and paragraph 3.4 was about concept master plans included in development plans not being prescriptive. Creating Places also emphasised the need for flexibility. The Master Plan prepared by the DoE for the Inquiry was not part of the Plan and was not finalised. A number of comments had been received about it. The DoE would consider how a master plan would be drawn up and how any consultation about it would be carried out. The public could comment at planning application stage on any master plan produced.

### **OBJECTORS' CASE**

- 6.04.03 DCAP said that access to L/H-1 would be through the arterial routes and not through College Walk, which was welcomed. An area of significant landscape value would be retained and not compromised. A builder proposed to build 14 houses accessed through College Walk. This development would disrupt the nature in the area, its historic character and amenity and would add to the congestion already experienced in College Walk due to the school and the residents vehicles. College Walk was one-way and the building of 14 houses would turn it into a building site causing danger to pedestrians, especially children. The construction would also increase noise, nuisance and disturbance. The ATC designation of College Walk was of great importance as there were few such areas in Lurgan. It was emphasised in PPS 1 paragraph 35 that plans should, inter alia, inform the public about land use proposals and that development plans provided a measure of certainty about which types of development would and would not be permitted. Access was a 'land use' and fell within this requirement. Roads Service had examined the L/H-1 site and had chosen the most appropriate access points. The site development requirements should say that these access points should be provided and that no other access points would be allowed.

### **COUNTER OBJECTORS' CASE**

- 6.04.04 The reference in the objectors letter to access to L/H-1 not being through College Walk itself was a misinterpretation of the Plan as the authors of the Plan had confirmed repeatedly that L/H-1 could be accessed from various other locations such as Lough Road and College Walk. A recent approval had been given for access to L/H-1 from Albert Street. The site development requirements of L/H-1 did not say that the two accesses onto Kiln Road and the access to Silverwood Road would be the **only** accesses to the housing site. Other possible accesses would have to be judged against proper planning criteria. It was not an area plan issue whether a particular access to College Walk met the standards, but a development control issue.

### **CONSIDERATION**

- 6.04.05 Objection No 174 was largely an objection to a current planning application and therefore not appropriate to a development plan inquiry. However I have included the points made about the effect of the access through College Walk. I agree with the counter objectors and the DoE that the requirements of paragraph 35 of PPS 1 do not mean that every single detail of site development requirements needs to be spelt out in the Plan. However, one could read the site development requirements of L/H-1 in the Plan as meaning there should be the three specified access points and no others. I see

no reason why an additional or alternative access proposal should not be assessed on its merits as part of a planning application which would be subject to the normal consultation procedures. I suggest that the 10<sup>th</sup> bullet point be amended to make it clear that the three access points are required but that additional or alternative access points will be considered on their merits. To be consistent all the site development requirements in the Plan relating to access would have to be written in the same way. The form of wording used for the suggested revised site development requirements of the proposed concession to Objection No 216 is broadly acceptable although the DoE has already conceded in Section 3 that Plan Policy Housing 2 be deleted from the Plan and so the reference to Concept Master Plans should relate to regional policy rather than to Plan Policy Housing 2. Reference to land zoned for light industrial/warehousing use would have to be amended in the light of recommendations on the Silverwood group of objections in Section 5 of this report.

### **RECOMMENDATION**

6.04.06 I recommend that the DoE amends the site development requirements for L/H-1 by adding to the 10<sup>th</sup> bullet point at Page 85 of the Plan that 'the Department will consider additional or alternative access locations to those stated, where standards can be met and the accesses are acceptable in terms of any Concept Master Plan submitted in accordance with PPS 7.'

6.05 

Objection to the inclusion of lands at Cornakinnegar Road, Lurgan within Local Landscape Policy Area L/LLPA-4 seeking a housing zoning.
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### **Objection: No 228**

### **PART CONCESSION**

6.05.01 The DoE would respond favourably to a recommendation to remove the objection site from the LLPA designation. In concluding this the following matters were taken into account:

- ◆ The size of the objection site.
- ◆ The nature of the topography and landscape.
- ◆ Existing adjacent development.
- ◆ Removal of the site from the LLPA would not impact upon the integrity of the LLPA. .

The objection site could be conceded as white land not as a housing zoning.

### **OBJECTOR'S CASE**

6.05.02 The objector welcomed the concession and accepted the white land zoning.

### **RECOMMENDATION**

6.05.03 This concession is noted.

Note that this amendment to the LLPA is further added to in a part concession of objection No 243 (see map attached).

6.06 

Objection to access requirements set out in the site development requirements of L/H-4 and the requirement for road improvements and a right turning lane at the Allenhill
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Park/Lake Street junction.

**Objection: No 219**

**CONCESSION**

**DEPARTMENT'S CASE**

- 6.06.01 The Department proposed to concede this objection by substituting the 5<sup>th</sup> bullet point of the site development requirements on page 87 with the following:

'The development shall be accessed onto Allengrove to the south-east (maximum number 17 houses) and/or onto Ashgrove Drive (maximum number 20 houses). If a greater number of houses are proposed off either access then this will require improvements at the junctions with Lake Street. A right turning lane may be required at the Allenhill Park/Lake Street junction and third party land will be required to accommodate this. Appropriate access standards with regard to visibility splays and forward visibility shall be provided'.

**OBJECTOR'S CASE**

- 6.06.02 This concession was accepted by the objector.

**RECOMMENDATION**

- 6.06.03 This concession is noted.

6.07 

Objection seeking inclusion of lands within the urban area.
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**Objection: No 51**

**SITE DESCRIPTION**

6.07.01 The site consists of two fields of agricultural land measuring 2.5 ha and is located to the east side of Lake Street, to the north of Lurgan. A laneway along the southern boundary provides access to a single storey dwelling (No. 17 Lake Street) that sits in the SW corner of the site. The site lies immediately north of housing zoning L/H-5, which is currently being developed. To the north, west and east there is agricultural land, although there is also evidence of road frontage housing to the north on either side of Lake Street. In DCAP the site is located outside the settlement limit and in the Green Belt.

**DEPARTMENT'S CASE**

6.07.02 The proposal was contrary to the policies outlined at paragraph 6.01 A 2, 3, 4, 5, 6, 8; to the first six Plan objectives; to the fourth element of the Plan strategy. Paragraph 6.01 B explained the definition of settlements in the Plan. The inclusion of the objection site within the settlement limits would constitute an unacceptable extension to the north of Lurgan and would have an adverse impact upon rural character. The site was also exposed from the northern approach along Castor Bay Road into Lurgan.

**OBJECTOR'S CASE**

6.07.03 The objector owned the eastern portion of the land zoned for Phase 1 housing in L/H-5 and the field to the immediate east, which was zoned for Phase 2 housing (part of the land within objection site Nos 243 and 197). The larger part of the objection site would therefore be surrounded by housing development. Zoning it for housing would provide a realistic connection with this zoned land and give greater cohesion. The site was in an area north of Lurgan where there was a continuing demand for housing.

**CONSIDERATION**

**Need**

6.07.04 I have already concluded in paragraphs 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area and there is no objection to any land allocated for housing Phase 1 for which this could be a substitute. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis of an assertion that there is a demand for housing in a particular locality. Consistent with my recommendation in paragraph 3.02.21 of this report to remove all Phase 2 land from the Plan (subject to further consideration by the DoE in certain cases) I conclude that there is no justification on the basis of need for extending the settlement limit to include the objection site.

**Other strategic considerations**

6.07.05 My recommendation in relation to the northern part of the land shown as Phase 2 in DCAP to the east of the objection site is that it be deleted from the plan (see objection No 197 below). The objection site would not therefore be surrounded by built

development and the urban form argument can be given little weight in these circumstances.

### **RECOMMENDATION**

6.07.06 I recommend that no alteration be made to the Plan as a result of this objection.

6.08 

Objection to the extent of the land zoned for Phase 2 release north of North Circular Road Lurgan
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### **Objection: No 197 (northern part )**

### **SITE DESCRIPTION**

6.08.01 The site consists of three fields of agricultural land measuring approximately 16 ha. Hedgerows with dispersed trees define the boundaries. On all four sides is agricultural land, with Tarry Lane running along part of the eastern boundary. The site is allocated for Phase 2 housing in the DCAP.

### **DEPARTMENT'S CASE**

6.08.02 A TIA, a watermain extension, a foul sewer extension and a pumping station would be required. The zoning of the site for Phase 2 housing in the Plan was consistent with policies outlined at Paragraph 6.01 A 2 and 4. It was also consistent with the Plan's strategy to accommodate a larger share of residential development within the existing urban area to reduce greenfield extensions and the phasing of land release, where appropriate and necessary. It was consistent with Policy SP2 Towns of PSRNI. Phasing was consistent with Appendix 6 of DRSF and PPS 1 General Principles at paragraph 40. The 1983/5 settlement limit had been extended at North Circular Road in the CAPPP and one of the post CAPPP representations had sought inclusion of the objection site within the settlement limit in DCAP.

6.08.03 It was appropriate to zone Phase 2 lands to the NE of Lurgan for the balanced growth of the settlement and the need to provide community choice. Significant lands had been zoned as a LLPA to the NE of Lurgan where there was a presumption against development. This and the land to the south was the only land zoned in the NE of Lurgan to accommodate unanticipated growth up to the end of the Plan period. It was appropriately located on the northern periphery of the existing settlement of Lurgan. It would be treated as Green Belt unless its release was triggered by a housing review in 2005.

### **OBJECTOR'S CASE**

6.08.04 Whilst it was accepted that some re-zoning might be necessary on the north side of North Circular Road, that defined in the Plan was too extensive. In particular the three fields to the north of Mr McConaghy's and Mr Hughes's property was an excessive intrusion into what was currently a Green Belt.

### **CONSIDERATION**

6.08.05 I have already concluded in paragraph 3.02.21 of this report that all Phase 2 lands should be deleted from the draft plan unless there are exceptional planning reasons why a specific settlement should retain some phasing to meet a particular set of circumstances or why a specific site should remain as zoned housing land in the Urban Area. I am not convinced that there are any exceptional circumstances relating to the

Craigavon UA, or to this specific site, which warrants its retention as Phase 2 land. Since I have concluded that no Phase 2 lands are needed at all during the Plan period, the DoE's arguments about the distribution of Phase 2 lands around the UA in relation to community choice carry little weight. I note that the concessions of objection site Nos 228 and 37, as well as part of objection site No 243, add a considerable amount to the land supply situation in north Lurgan. I conclude that this objection site should be deleted from the Plan and the settlement limit drawn in to exclude it. The exact boundary of the settlement limit in this locality will be determined by my consideration of the next objection.

### **RECOMMENDATION**

- 6.08.06 I recommend that this objection site be deleted from the Plan and that the settlement limit be re-drawn at this location to exclude this objection site.
- 6.09
- |   |
|---|
| Objection to settlement limit seeking change to the settlement limit and rezoning of lands from Phase 2 housing to Phase 1 housing. |
|---|

**Objection: No 243**

**Conflicting Objections: No 241, 197 (part of)**

### **PROPOSED PART CONCESSION**

- 6.09.01 Note : On the basis of the proposed concession certain aspects of the original objection No 243 were withdrawn, namely: -
- ◆ objection to the principle of phasing;
  - ◆ objection to the Phase 2 land on the NW part of the objection site (the same 3 fields as that part of objection No 197 considered above, also seeking their exclusion from the settlement limit);
  - ◆ objection relating to LLPA 4 seeking Phase 1 housing on part; and
  - ◆ the objection relating to the non-conceded part of the objection site to the north along Tarry Lane.

### **DEPARTMENT'S CASE**

- 6.09.02 The DoE would respond favourably to a recommendation from the PAC to include lands at North Circular Road (20.1 ha) (see map in appendix) within the settlement limit, to be zoned for housing, white land, education and open space. The reasons given for proposing this concession were:
1. The DoE's recognition that St Teresa's Primary School on Tarry Lane needed to be replaced by a larger school. The site now conceded to education and open space was identified as the ideal site by the Council for Catholic Maintained Schools.
  2. It was conceding to Phase 1 any lands that were within the CAPP limit and where there was an objection. This approach applied to the southern part of the Phase 2 lands at North Circular Road.
  3. To facilitate vehicular and pedestrian access to the school site it was decided to concede additional lands as Phase 1 lands between the conceded Phase 1 lands to the west (No 2 above) and the school site (No 1 above).
- 6.09.03 This was a unique set of circumstances and the concession of the middle portion of land was in recognition of a need for access to the school as it would be undesirable to have

it accessed from Tarry Lane and Cornakinnegar Road. It would also be undesirable to have it accessed across undeveloped land as children walking to school should be safe and overlooked by residential properties. Proposed site development requirements included the submission of a Concept Master Plan, a comprehensive survey of existing vegetation and a detailed planting plan with a planning application for full or outline permission. Also required were a TIA; certain access arrangements; pedestrian and cycle routes; the retention of existing landscaping and its supplementation to provide screening and landscape definition between the development and countryside (specific boundaries identified); a landscape management plan; provision of open space; and certain layout requirements.

### **RECOMMENDATION**

- 6.09.04 As there are no counter objections or conflicting objections to the following aspects of the proposed concession I merely note them as concessions. The effect is that:
1. LLPA-4, which is within the settlement limit in DCAP, is reduced in size. Some of this reduction in LLPA-4 is also conceded in objection 228 as white land but there is an additional concession to white land of the field to the SW and the three houses to the NE of objection site No 228.
  2. A field to the extreme east of the objection site with access to Cornakinnegar Road comes into the development limit and is zoned as education and open space.
  3. A number of fields at the eastern end of the objection site come into the settlement limit and are zoned as housing Phase 1
- 6.09.05 In the rest of my reporting and consideration of this objection I shall refer to the land conceded above as 'Site X' (8.5 ha approximately). The DoE's proposed concession of the five DCAP Phase 2 fields to the SW end of the objection site remain to be considered as there are conflicting objections, namely Objection Nos 241 and 197 and I shall refer to these fields as 'Site Y'.

### **SITE DESCRIPTION - SITE Y**

- 6.09.06 This site is approximately 11.6 ha and is located to the north of North Circular Road to the north of Lurgan and is currently agricultural land – 5 fields. Tarry Lane runs through the site. The fields within the site are defined by hedgerows with dispersed trees. To the north and NE of the site is agricultural land, to the SE is a cemetery, to the south some houses fronting North Circular Road and to the south west a primary school.

### **DEPARTMENT'S CASE**

- 6.09.07 The DoE was prepared to concede this site to Housing Phase 1 as reported above. The site had been inside the settlement limit in CAPPP and zoned for housing. An application for housing development had been refused and another application for housing development, shops and filling station was pending. With regard to objection No 197 the DoE had received no representations informing the DoE of any future proposals to extend the cemetery. The need to accommodate any future extensions to the cemetery had already been considered and the land immediately to the north of the cemetery was not zoned for housing in DCAP.

### **CONFLICTING OBJECTOR'S CASE**

- 6.09.08 Objector No 241 was an objection to the release of all Phase 2 lands reported in section 3. Objector No 197 objected to the field contiguous to St Coleman's Cemetery and to the east of Tarry Lane being incorporated into the Phase 2 housing area. The field was

in effect an extension of the existing graveyard and given that the cemetery was almost full its logical extension would be into this field.

### **OBJECTOR'S CASE**

- 6.09.09 The southern half of the Phase 2 housing allocation should be designated Phase 1 if phasing were removed from the Plan. The area between Castor Bay Road in the west, North Circular Road in the south and Cornakinnegar Road to the east was an established residential suburb of north Lurgan, located about 1 km from the town centre. There was nothing in the responses from the statutory consultees which was against development of the site. There were no details recorded of any archaeological artefacts or industrial heritage. The objector had a current planning application for a service station and shops at North Circular Road and it was the intention to provide a local centre as part of the comprehensive approach to the design of the new neighbourhood which would result from the entire objection No 243, part of which was already conceded.
- 6.09.10 In originally allocating the Phase 2 housing lands at North Circular Road in DCAP the DoE had indicated that it was necessary and desirable to allocate a relatively substantial area of land for housing in the general area. The land north of North Circular Road was the most appropriate general location for such a large scale allocation. The housing allocation had an easy access to employment opportunities and a range of shopping, recreation and community facilities and the general location was not in an environmentally sensitive area. The land was physically suitable for development and capable of being serviced.
- 6.09.11 The objector's design concept statement for the entirety of the original objection site showed how the objection site could be developed. The existing school at the corner of Tarry Lane needed replaced and in its concession of site X the DoE had accepted the objector's evidence about providing a replacement school site. The main access for the entire housing development proposed on objection site No 243 would be from the western end of Tarry Lane at its junction with North Circular Road which could be widened using the public verges to take a right turning ghost island. This access would take 400 houses and there would be no need for a secondary access from the other end of Tarry Lane to the Cornakinnegar Road. However the latter could be provided subject to acquisition of land for a right turning lane from the school. A remote footway could be provided within the whole development site to avoid pedestrians having to cross the Cornakinnegar Road where the existing footway was on one side of the road only in places. Preliminary site visits and appraisals suggested that the existing highway network could accommodate additional development traffic, however this would be tested at planning application stage by a TIA.

### **CONSIDERATION**

- 6.09.12 The context for considering site Y is the conceded lands to the east (site X) for school, open space, housing and white land and DCAP Phase 2 land to the north, which I am recommending be deleted from the Plan on the foot of objection Nos 197 and 241. I do not find the argument put by objector No 197 regarding the needs of the cemetery to be sufficiently backed up by any evidence of intention by the appropriate authorities to extend the cemetery that would justify re-zoning of the field to the north of the cemetery for that purpose. In the absence of such evidence from the objector I accept the DoE's view that there is sufficient land for extension of the cemetery to the north on the small parcel of land allocated as white land in DCAP.
- 6.09.13 However, I have already concluded in paragraph 3.02.21 of this report that all Phase 2 lands should be deleted from the draft plan unless there are exceptional planning reasons why a particular settlement should retain some phasing to meet a particular set



of circumstances or a specific site should remain as zoned housing land in the Urban Area. I note that this site was within the CAPP settlement limit and zoned for housing and this has been the basis for the DoE making concessions to objections across the entire plan area. I do not, however, consider this to be an exceptional planning reason for upholding this objection. No planning approvals have been granted for the site.

6.09.14 Although the PAC does not normally make recommendations about concessions to which there are no counter objections or conflicting objections, I do make some comments on concessions in section 12. In this case the concession of the fields to the eastern end of the objection site (site X) and the DoE's reason for conceding these fields (safe access to the proposed new school) make a nonsense if the eastern part of site Y remains outside the settlement limit. The DoE is required by statute to formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development (Article 3 of the 1991 Planning Order) and it would not be orderly to have the proposed school site and the fields in site X developed for housing without at least some of the remaining part of the objection site being retained within the settlement limit as Phase 1 housing land, especially as access is intended to be at the Tarry Lane/North Circular Road junction and there is an application pending for neighbourhood shopping and service station on the North Circular Road to the west of Tarry Lane beyond the objection site.

6.09.15 In my judgement, taking into account the concession of site X and the fact that the most westerly field of site Y lies into existing development under construction at L/H-5, a sensible settlement limit would be one running directly eastwards from the northern boundary of the most western field in site Y to the NW corner of site X. However, this line does not follow any existing field boundaries whereas the northern boundaries of site Y are well vegetated and there is therefore some logic in including the entirety of site Y within the settlement limit to ensure a defensible edge to the settlement. It is a matter of weighing the 'urban form' argument against the 'defensible edge to the settlement' argument, in the context of my conclusions on housing need and in this case I consider that there is more merit in the housing need/urban form arguments. I note that elsewhere in DCAP the DoE is quite prepared to create settlement limits where there is no existing vegetated boundary such as at Waringstown's Primary Walk site (Objection No 47).

### **RECOMMENDATION**

6.09.16 Subject to my comments at Section 12 regarding the DoE's proposed concessions, I recommend that the settlement limit be re-drawn to exclude part of the objection site, with the new settlement limit following a line running eastwards through part of the objection site as described in my consideration.

6.10 

Objection to the inclusion of lands north of Kilmore Road within Local Landscape Policy Area L/LLPA 4
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**Objection: No 37**

### **CONCESSION**

### **DEPARTMENT'S CASE**

6.10.01 The Department would respond favourably to a recommendation from the PAC to exclude these lands from L/LLPA-4 and to allocate it as a separate housing area to L/H-6. The reasons for the concession were that part of the site would remain open and undeveloped providing the required open space provision for zoned housing site L/H-6

of which the site would form part; the site had been zoned for housing in the CAPPP; and the responses of the statutory consultees.

- 6.10.02 Site development requirements in the Plan would require that a Concept Master Plan, a survey of vegetation and a detailed landscape plan should be submitted with a planning application for outline or full permission. Specified vegetation on the site would have to be retained and landscaping supplemented by new planting, with a landscape bund provided along the NW boundary to the railway line to assist in noise attenuation. Development would be restricted to single storey height on the highest contours on the NE of the site and on the crestline traversing the SW portion of the site. The site would have to be accessed via lands to the SW ie L/H-6.

#### **OBJECTOR'S CASE**

- 6.10.03 This concession was accepted.

#### **RECOMMENDATION**

- 6.10.04 This concession is noted.

Objection to exclusion of lands to the north of Kilmore Road, Lurgan from the settlement limit seeking a housing zoning.
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6.11

#### **Objection : No 29**

#### **SITE DESCRIPTION**

- 6.11.01 This 6.2 ha site consists of five fields and a dwelling, No 42 Kilmore Road, to the north of the Kilmore Road, in NE Lurgan. To the south is frontage housing development along Kilmore Road and to the west zoned housing L/H-6, a housing development and L/LLPA-4. Hedgerows with large trees define the eastern boundary; a gappy hedgerow and a watercourse define the western boundary; a gappy hedgerow, wire fence and a stream partly define the NE boundary and the individual field boundaries are defined by hedgerows with mature trees. The site slopes down gently from the south towards the north eastern and western boundaries. The site is located within the Green Belt in DCAP.

#### **DEPARTMENT'S CASE**

- 6.11.02 The southern two-thirds of the site was zoned for housing in the Craigavon New Town Master Plan 1967. In the Craigavon UA Plan 1983/85 the site lay in an Area of Special Control outside the settlement limit, but this plan had not been the subject of public consultation other than with the Borough Council. It was not known whether the owner of the objection site would have been notified of the change in planning circumstances. In CAPPP 1995 the site lay in the Green Belt outside the settlement limit, although both L/LH-6 and the Belvedere area to the SW of the objection site were brought inside the settlement limit at that time.
- 6.11.03 If access were through Belvedere a right turn lane into Belvedere from Kilmore Road would be required. Direct access to Kilmore Road between Nos 42 and 44 would be possible for about 10 houses and more than that might require Kilmore Road to be widened. Policy had tightened up since advice was given in 1994. Allocating the site for housing development would be contrary to the policies outlined at Paragraph 6.01 A 2, 4, 5, 6, 8 to the first six Plan objectives; and to the fourth element of the Plan strategy.

Paragraph 6.01 B explained the definition of settlements in the Plan and C outlined the evidence on housing need and supply. The settlement limit to the NE of Lurgan had been drawn in accordance with Policies SP2, SP 12 and DES 3 of PSRNI and provided sufficient development opportunities for anticipated land use requirements in this part of the UA. It was defined by the boundaries of L/LLPA 4 and L/LLPA 1 and Housing Zoning L/H- 6.

- 6.11.04 Although the site was in a semi rural location with a narrow road, it was accessible to the town centre, the golf course and the lakes. 'Solitude', the property across the Kilmore Road and zoned white land in DCAP, had planning permission for 5 units with a further application pending for another 4-5 units. The settlement limit at the objection site consolidated existing frontage development along Kilmore Road to the south and was defined by a hedgerow and watercourse to the west. Although the site was contiguous with existing development, its inclusion in the settlement limit would have an adverse impact on the visual amenity and rural character of the surrounding countryside. It could not be considered for Phase 2 development because it would amount to an unacceptable intrusion into the countryside. The site was open to the north and east and although views of the site were fairly restricted from Kilmore Road, it could be seen from around the top of Cottage Road.
- 6.11.05 The DoE had offered a concession on objection site No 37 which would mean its exclusion from L/ LLPA-4 and its zoning for housing Phase 1. The rest of L/LLPA 4 was affected by proposed concessions to objection Nos 228 and 243.

### **OBJECTOR'S CASE**

- 6.11.06 Before the establishment of the Craigavon New Town the site had been within the Lurgan Municipal Borough until 1973. Evidence in relation to the need for housing in north and east Lurgan is summarised in paragraphs 3.01.45-46 of this report. There was a strong need for housing in the Kilmore Road area and on the objection site as there were few sites available for the quality housing sector in north Lurgan. GR Homes, who were developing housing on Kilmore Road to the west (Belvedere), confirmed that sales had been strong since development started in 1999 and their land bank would be exhausted by 2004. The Kilmore Road area had a history of being a mixed community and was free from sectarian tension. The site was close to schools, churches, the town centre and sports and recreational facilities.
- 6.11.07 Lands for access from Kilmore Road had been acquired and provision left for access through Belvedere. There was no ransom strip. The developer of Belvedere wanted to buy the objection site for housing and had prepared a comprehensive development layout incorporating the remaining part of the Belvedere lands and the objection site. Some lands which had been zoned in CAPPP for housing were now incorporated into L/LLPA 4 and the objection site was required as a substitution for this and for immediate development. The Kilmore Road had been widened so that it could satisfactorily accommodate development of the objection site and all services were available.

### **CONSIDERATION**

#### **Need**

- 6.11.08 I have already concluded in paragraphs 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area and there is no objection to any land allocated for housing Phase 1 for which this could be a substitute. The concession to objection No 37 adds 3.25 ha to land supply in the locality. Although Policy SP 2 of PSRNI states that sufficient land will

be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis that there is a buoyant market for housing in a particular locality or that it is considered a 'safe' area to live. In this case it is clear from the evidence that zoned housing sites L/H 6 (plus the concession to objection No 37), L/H-7 and L/H-8 would be acceptable housing locations for residents of NE and east Lurgan seeking quality housing in areas perceived as safe. Consistent with my recommendation in paragraph 3.02.21 of this report to remove all Phase 2 land from the Plan (subject to further consideration by the DoE in certain cases) I conclude that there is no justification on the basis of need for extending the settlement limit to include the objection site.

#### **Other strategic considerations**

- 6.11.09 I attach little weight to the arguments that the site was within the Lurgan Municipal Boundary until 1973 and that the southern two-thirds were zoned for housing in the 1967 plan. The local authority boundary was not a boundary in planning terms and the zoning in the 1967 plan is no longer relevant. Even if it were, it is perfectly acceptable for a statutory development plan to de-zone land identified in an earlier plan, especially where planning policy and local circumstances have changed.

#### **Non-strategic considerations**

- 6.11.10 Having concluded that there is no justification for allocating the site for housing on the basis of any of the strategic arguments presented to me, I do not consider it necessary to pursue the site specific arguments presented by the parties because even if I were to conclude that the site is suitable for housing in every other way and would provide a sustainable edge to the settlement, this would not override the objections to the site in principle.

#### **RECOMMENDATION**

- 6.11.11 I recommend that no alteration be made to the Plan as a result of this objection.

- 6.12 

Objection to zoning of land as part of a LLPA seeking rezoning for housing
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#### **Objection: No 140**

#### **SITE DESCRIPTION**

- 6.12.01 This site of approximately 4 ha consists of two portions of land situated to either side of a laneway. The much larger site lies to the NW of the road and is a long finger of ground sandwiched between Lurgan Park to the SW and Lurgan Golf Course to the NE, with mature planting defining these respective boundaries. A dwelling house and a number of large sheds, currently occupied for the manufacture of detergents, occupy the road frontage section of the larger site with the remainder of the land to the north in agricultural use. The site to the SE of the laneway is triangular in shape and is also in agricultural use, with low hedgerows defining its boundaries. The entire site falls within the settlement limit as defined in DCAP but the northern part is defined as part of a Local Landscape Policy Area (L/LLPA 1) whereas the triangular field to the south is shown as white land.

#### **DEPARTMENT'S CASE**

- 6.12.02 Allocation for housing would be contrary to the Spatial Development Strategy of DRSF, to Policy SPG 6 of DRSF and to the first four objectives of the Plan. Zoning additional housing lands would be contrary to strategic planning policy, the Plan objectives and

the Plan strategy. The LLPA designation included 9 ha of land and comprised Lurgan Park, Lurgan Golf Course and Brownlow House, a listed building. Plan Policy Conservation 3 set out the presumption against development in LLPAs and also listed four possible exceptions to that policy (page 49). The LLPA designation combined areas which had historic significance and which were important for their landscape and amenity value. Lurgan Park and the golf course was an 18<sup>th</sup> Century landscape designed for the original house, before Brownlow House replaced it in 1836. The park had been identified for inclusion in the proposed Register of Parks, Gardens and Demesnes of Special Historic Interest in Northern Ireland.

- 6.12.03 Zoning the objection site for housing development would conflict with policy in PPS 6. It was also contrary to Policy SPG 26 of DRSF, which sought to conserve areas and features of historic character. If the site was developed for housing most of the boundary to Lurgan Park would be lined with buildings, which would be highly visible from within the park. In a planned landscape an observer was presented with a variety of views and vistas including the “borrowed landscape” beyond it. The designed views, fundamental to the original concept of the park, would be lost if development of this relatively narrow piece of ground were allowed. It would fragment a valuable open space resource and destroy the historic integrity of the relationship between areas of the former demesne. Housing would represent an inappropriate change to the setting of Lurgan Park and would be detrimental to the integrity of the settlement limit at this location.
- 6.12.04 The triangular field to the SE was not part of the LLPA. It was not identified for any particular purpose, being White Land within the settlement limits. There was no objection to housing development on it provided that good boundary planting was carried out on the western boundary along the minor road and that access was gained from the lands to the south rather than from the minor road.

### **OBJECTOR’S CASE**

- 6.12.05 The northern field would offer an attractive tree lined environment for a few high quality houses, which could be developed sensitively in relation to the adjacent park. An integral part of any proposal was the provision and management of additional structure planting along the western boundary to minimise views of the industrial buildings. The area of industrial buildings was particularly inappropriate within the LLPA, yet surprisingly the Department’s limited assessment of the character of the area virtually ignored the scale and intrusiveness of these buildings. At the very least the site of the industrial complex should be excluded from the LLPA.
- 6.12.06 The reason for the omission of the triangular field from housing zoning L/H7 was unclear. The site’s southern boundary with the house zoning was undefined and could be easily accessed from it. It was a natural and logical conclusion to the development limit in this part of Lurgan. Landscape Architect’s Branch had no objection to the zoning of this field for housing.

### **CONSIDERATION**

#### **L/LLPA-1**

- 6.12.07 While much of the objection site is presently not particularly visible to the wider public, I tend to agree with the DoE that the setting of Lurgan Park would be changed by the appearance of additional buildings along the park’s largely undeveloped eastern boundary. Although this boundary has mature vegetation there are various sections where the objection site is readily visible from the public path that runs more or less parallel to the common boundary between them. As the DoE points out, the area beyond the boundaries of the park contribute to the designed views so fundamental to the original concept of the 18<sup>th</sup> Century planned landscape. I consider that even a

limited number of dwellings, as suggested by the objector, would unacceptably change the visual relationship between the park and the remainder of the former demesne.

- 6.12.08 The objector argues that the scale and form of the outbuildings located within the SE portion of the northern field are such that they should be excluded from L/LLPA-1. There is a presumption in Plan Policy Conservation 3 (PPC 3) against development within a LLPA. However, the policy also allows for ‘...appropriate redevelopment of existing buildings providing the proposed development is contained generally within the existing built envelope’. Accordingly I consider that any proposals to redevelop this portion of the site would best be dealt with under the normal development control process and that the LLPA zoning should be retained as proposed in DCAP.

#### **White Land**

- 6.12.09 The DoE's evidence on the objection site focuses almost exclusively on the portion of it that falls within the LLPA. There is little by way of comment on the triangular field to the SE of the lane. As the objector points out, there is no intervening boundary between the objection site and the remainder of the field to the south, which is zoned as Phase 1 housing (L/H-7). I tend to agree with the objector that the DoE, having decided to include the objection site within the settlement limits, has failed to demonstrate why it should be excluded from the zoning that applies to the remainder of the field. Despite my conclusion in Section 3 that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released, I conclude that it is more logical to allocate it for housing than as white land. In any event it is a site which would most likely be developed for housing, even with a white land designation in the Plan.

#### **RECOMMENDATION**

- 6.12.10 I recommend that no alteration be made to the LLPA zoning but that the triangular field indicated as white land should be incorporated within the housing zoning L/H-7.

6.13

Objection to access requirements for zoned housing L/H 7; its visual impact on the existing character of the area; the quality and type of housing development and infrastructure provision
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**Objection: Nos 95, 96, 98, 99, 115, 118, 130, 135, 198, 234, 237, 240**

#### **SITE DESCRIPTION**

- 6.13.01 This 3 ha site is agricultural land located to the north of Church Avenue to the east of Lurgan. It is irregular in shape and low hedgerows define the NE boundary and the NW boundary along the lane. The SW boundary is defined by the rear gardens of residential development on Demesne Avenue and the SE boundary by the gardens of new residential developments. There are two residential properties skirted by the site to the NW. The site is allocated for housing as L/H-7 in DCAP

## **DEPARTMENT'S CASE**

### **General issues**

- 6.13.02 The purpose of the Plan was to inform the general public, statutory authorities, developers and other interested parties of the policy framework and land use proposals for the area but the Plan has no control over the effect on property values. It emphasised quality developments in accordance with the Government's Quality Initiative. Development of the site would have to follow a design concept that was on a human scale and provided a sense of place and identity for the inhabitants. The design concept would have to include respect for the character of the surroundings and the amenities of neighbouring properties; integration of natural features into the layout, adequate provision for open space and landscaping and provision for a variety of modes of transport. It would have to respect local traditions of form, materials and architectural detailing and incorporate design measures for safer environments.
- 6.13.03 Planning permission would not be granted unless appropriate open space was provided on the objection site. In considering the amount of open space to be provided account would be taken of such factors as the density of development; the proposed plot sizes; the proximity and type of public open space and the views of the Borough Council. The DoE requested an additional site development requirement in the Plan at the third bullet point on page 89 to ensure strengthening of the landscaping between the proposed development and the existing development. This should read 'In particular the landscaping on the boundary between LH/7 and existing housing at Demesne Avenue and Churchill Avenue should be retained and supplemented by planting of trees/shrubs to protect the amenity of existing residents.' This would mean that before planning permission could be granted the developer would have to submit and have approved a landscaping plan showing existing and approved planting. If a developer failed to implement the approved planting then enforcement action could be taken by the DoE. The site could be provided with all infrastructure including mains water and sewerage. There was a current application for housing development on the northern part of the objection site ie 1.4 ha (N/97/0743).

### **Access**

- 6.13.04 The objection site could be accessed via either of the two approved housing developments to the SE (N/96/0683 Hazelgrove and N/96/0566 Birchdale) subject to agreement with the developers. If the junction improvements, which were a condition of the planning approval at Hazelgrove, were provided then some 26 houses on the objection site could be accessed via Hazelgrove. Birchdale could provide the access for the rest of the housing on the objection site, subject to the likely need for a TIA. There was guidance on the need for TIAs from the Institute of Highways and Civil Engineers but no definitive DRD policy.
- 6.13.05 Five or six additional dwellings could have vehicular access from the Churchill Avenue direction without leading to intensification of use of the existing access to Avenue Road, given paragraph 1.2 of DCAN 15. Already there were 79 houses being served by the Churchill Avenue/Demesne Avenue access to Avenue Road plus possibly some 30 commercial vehicles per day related to the long established businesses on Foxes Lane, namely a fireplace business and Craigavon Chemicals. Craigavon Chemicals had been granted planning permission for the retention of the existing building and construction of an additional shed, subject to a restriction of use, in 1991 (N/91/0659).
- 6.13.06 If 45 or more houses were to be developed on the objection site, all accessed via Demesne Avenue/Churchill Avenue, demolition would be necessary to provide the necessary right turning lane on Avenue Road (A3). There was no footway on the right hand side of Demesne Avenue exiting onto Avenue Road and provision of such a footway would require the demolition of an existing building. Forward visibility for car

drivers exiting was poor due to a high hedge on the left hand side and pedestrians, including those going to and from the park, were vulnerable. The desire line for pedestrians was diagonally across this road at the junction which was dangerous, though there had been no reported accidents. Pedestrians from the objection site would exacerbate the problem. Pedestrian access to Avenue Road from the objection site should only be via a pedestrian access to the Foxes Lane which ran along the western boundary of L/H-7 and not through the Churchill Avenue open cul-de-sac. This was because of the need to protect the residential amenity of existing residents in this quiet residential area and concern for these additional pedestrians at the junction of Demesne Avenue with Avenue Road. The idea of some objectors that access could come via Churchill Avenue/Demesne Avenue for houses south of the stream on L/H-7 (say 15 houses) would not be acceptable given the requirements of PPS 3 at paragraph 10 and Annex A at paragraph 7 to minimise pedestrian hazards. DRD was assessing traffic safety issues on Avenue Road and producing a scheme for traffic calming.

### **OBJECTORS' CASE**

- 6.13.07 Most residents accepted development of the site in principle but were concerned about the form of the development and access. Those who objected to any development did so on the basis of the effect on the value of their properties; change to the character of the Church Avenue/Demesne Avenue area; possibility of development without full access to mains drainage and sewerage; noise, pollution and safety issues arising from additional traffic; the need for mature landscaping to protect privacy of existing rear gardens and a desire not to have public sector housing there. To retain the quality of the existing estate any new development ought to be in keeping with the existing character of the area and be properly screened by mature quality landscaping. If the site development requirements put forward by the DoE on vehicular and pedestrian access and landscaping were accepted by the Commission the objectors had no further concerns about the development of the objection site.
- 6.13.08 There was already a problem with vehicular access from Demesne Avenue and Churchill Avenue onto Avenue Road (A3) for existing residents and the concern was about danger to their children and children walking to the public park. Improvements to the junction would be welcomed by most existing residents but could result in this junction being used by a vehicles from a greater number of dwellings. Some residents wanted no access at all through to the objection site from Churchill Avenue and some wanted it accessed partly from Churchill Avenue and partly from Hazelgrove and Birchdale with no through connection. The existing access from these new housing developments on to the A3 were appropriately designed and had good visibility. Some objectors considered that the stream which traversed the site should be the divide for access purposes. Demesne Avenue and Churchill Avenue might become a rat run for residents in the nearby housing developments if physically linked through to Birchdale and Hazelgrove via the new development. Even if there were no vehicular connection to the objection site, just a pedestrian connection, this would also be unacceptable as the pedestrians would affect the amenity of the existing dwellings and they would be unsafe at the junction with Avenue Road. Already the junction to Avenue Road was very dangerous for pedestrians, particularly children, as there was no footpath on the one side at the junction and a blind spot for traffic. Pedestrians walked to and from the school along Demesne Avenue and Churchill Avenue and members of the public used these routes to get to the public park. There was considerable vehicular traffic to and from the various industrial type uses on Demesne Avenue and there were often 9-10 cars parked at the pedestrian entrance to the public park.

### **CONSIDERATION**

#### **General**



6.13.09 With regard to the objection to the principle of development on the objection site I do not find the arguments persuasive. There is a park and a golf course to the west of the site and housing development to the south and east. The site lies well into the existing urban form and housing is, in my opinion, the most appropriate use of this site. No alternative uses were suggested by the objectors and there was no evidence to substantiate the claim that there would be a reduction in existing property values. The site can be provided with water and sewerage facilities and it is not zoned for any particular type of housing, public or private. I consider that the DoE's proposed amendment to the site development requirements on page 89 is acceptable and that the amenity and privacy of residents backing on to the site can be protected through the development control process and the implementation of regional policies such as PPS 7 and PPS 8.

#### **Access**

6.13.10 The views of the Roads Service witness at the Inquiry were not consistent with the 6<sup>th</sup> site development requirement on page 89 of the Plan which implies that the whole development on the objection site can be taken from Demesne Avenue subject to visibility improvements at the junction and footway links. He had no concern about the capacity of Churchill Avenue to take additional vehicular traffic from L/H-7, but was concerned about pedestrians from L/H-7 having a detrimental impact on the residential amenity of existing residents of Churchill Avenue and about the safety of pedestrians at the junction of Demesne Avenue with Avenue Road. There are two broad access scenarios which would concern the objectors: :

6.13.11 (a) All of L/H-7 accessed from Churchill Avenue.

This is stated in the Plan (although confusingly Demesne Avenue is referred to) subject to the requirement for junction improvements at Demesne Avenue/Avenue Road and footway links. This could only take place with acquisition of third party lands and part demolition of an existing property and there would then be no abnormal safety hazards for pedestrians at the junction. On the issue of residential amenity, whilst I accept that Churchill Avenue has been a quiet cul-de-sac for several decades it is obvious that this road was designed in such a way as to provide a possible future access to adjoining lands. It is a 7-8 m wide road with footways on either side, constructed up to the boundary. As this is an urban setting, I do not consider that the pedestrian or vehicular activity that would be generated by the development of L/H 7 would be such as to have an unacceptable effect on the residential amenity of existing residents of Churchill Avenue or Demesne Avenue.

6.13.12 (b) Part of L/H-7 accessed from Churchill Avenue.

DoE evidence was that 5-6 houses on L/H-7 could be accessed from Churchill Ave/Demesne Avenue without improvements at the Avenue Road junction. Given the requirements of paragraph 1.2 of DCAN 15 this number could be increased somewhat given the current use of the access by commercial vehicles to the businesses on Foxes Lane, as well as existing residential properties and park traffic. I do not consider that the associated increase in vehicular and pedestrian traffic from this small number of houses would have an unacceptable effect on the amenity of residents of Churchill Avenue/Demesne Avenue. Without the required junction improvements at Demesne Ave/ Avenue Road, access to the rest of L/H-7 would have to be taken from Birchdale and/or Hazelgrove. The Plan should make this clear, as at present only Birchdale is referred to at page 89. I note that this is feasible given that there are access routes leading to the objection site left at the ends of both developments.

#### **Through links to Birchdale and Hazelgrove**

6.13.13 In both scenarios there is the possibility of a developer creating road and/or footway connections on through L/H-7 to Birchdale and Hazelgrove from Churchill Avenue. In

my opinion this possibility is a matter of layout detail which should be considered at planning application stage and need not be specified in site development requirements in the Plan. I consider that it is unlikely that a developer would want the expense of a through road connection but a pedestrian or cycle connection might be considered desirable. If the missing footway on Demesne Avenue near its junction with Avenue Road is not constructed then it would be perfectly reasonable for the DoE at planning approval stage to preclude pedestrian linkage from Churchill Avenue to the rest of L/H 7 (ie the houses other than the 5-6 which would be allowed road access from Churchill Avenue) because of the pedestrian safety issue at the Demesne Avenue/Avenue Road junction. The provision of a pedestrian linkage from L/H-7 to Foxes Lane and on to the park is, in my view, desirable but is a matter of detail which need not be specified as a site development requirement in the Plan

### **RECOMMENDATION**

- 6.13.14 I recommend that (a) the third site development requirement on Page 89 of DCAP be amended to require retention and strengthening of the boundary vegetation along the boundary of L/H-7 and existing housing at Demesne Avenue and Churchill Avenue (b) the sixth site development requirement be amended to make reference to access from Hazelgrove as well as Birchdale, and (c) it is stated that any access to L/H-7 via Demesne Avenue/Church Avenue may require improvement to visibility splays at the junction with Avenue Road.

- 6.14 

Objection to exclusion of lands from the urban area seeking inclusion and zoning for housing.
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**Objection: No 36**

**Conflicting objections: Nos 81, 104(b), 127, 199, 265(b), 270**

### **SITE DESCRIPTION**

- 6.14.01 This 11.8 ha site is located to the north of and fronting onto the A3 between Lurgan and Dollingstown. It comprises fields with trimmed hedgerows and mature trees on the northern, eastern and western boundaries as well as the internal field boundaries. A recently completed housing development, Birchdale, and a farmstead lie to the west; further north a golf course and a dwelling lie on the far side of Foxes Lane; and to the south and SE lies frontage housing and open agricultural land along the A3. The site rises to a crestline just behind the frontage housing with most of the site sloping in a northerly direction away from this crestline to the rear of the site. In DCAP the site is identified as Green Belt except for a small portion (0.3ha) on the SE which is included in the settlement limit of Dollingstown (although this is subject to objection Nos 81, 104 (b), 127, 199, 265(b) and 270 considered in section 9).

### **DEPARTMENT'S CASE**

- 6.14.02 The northern portion of the site lay within an area identified for housing in the Craigavon New Town Inner Area Plan 1967. In the Craigavon UA Plan 1983/85 and in the Craigavon Village Study 1986 the site lay in an Area of Special Control outside the settlement limit. In CAPPP 1995 the site lay in the Green Belt outside the settlement limit. The objector's reference to the site lying within the Lurgan Municipal Boundary was irrelevant as this was a local government boundary which had ceased to exist in 1973, not a planning boundary. Provided that access was through the Birchdale development to the west there was no objection. Third party lands would be required

and a TIA might be required if the total number of houses developed at the objection site plus Birchdale exceeded 200.

- 6.14.03 Inclusion of the site within the settlement limit would be contrary to the policies outlined at paragraph 6.01 A 1, 2, 3, 4, 5, 6 and to the first six Plan objectives. Paragraph 6.01 B explained the definition of settlements in the Plan and C was a summary of the housing need and housing land supply evidence. The settlement limits of Lurgan and Dollingstown had been defined to ensure that there were reasonable opportunities for development on the eastern edge of Lurgan and in Dollingstown in the light of the need to avoid the coalescence of the two settlements and to protect the character of the surrounding rural area to the south of the A3. CAPPP had not mentioned the gap between the two settlements but had defined separate settlement limits for both settlements. The extension of the CAPPP limit further to the west of Dollingstown in DCAP resulted from site specific representations received post CAPPP. However, the residents of Dollingstown and some Councillors supported the continued existence of Dollingstown as a separate entity. Dollingstown had almost continuous frontage and in-depth development on both sides of the A3 and on the eastern side of the Dromore Road at the junction with the A3. This pattern of development had been established pre 1993, although Dollingstown had retained a strong village character.
- 6.14.04 Although there was no definition of a village in PSRNI, villages had diverse characteristics and did not necessarily have to be surrounded by fields on all sides. The locations of the 'Welcome to Dollingstown' and 'Welcome to Lurgan' signs were irrelevant as these were put up by the Borough Council. The settlement limit of Dollingstown had been drawn to enclose only the built form on the A3 in order to consolidate the village and avoid coalescence with Lurgan so that the village's identity would be maintained. Although this did not leave a frontage gap on the south side of the A3 opposite the objection site, there was still a physical gap between the two settlements behind this frontage. Likewise the settlement limit of Lurgan at this location on the northern side of the A3 was drawn to enclose only the built form and the objection site had an important role in the perception of leaving Lurgan and travelling into Dollingstown. Any further development to the north of the A3 would reduce the gap and this would have an adverse effect on the setting of Lurgan and the character, identity and setting of Dollingstown. Extension of the settlement limit on the northern side of the A3 could prejudice the gap to the south of the A3 with a similar adverse effect and would have an adverse effect on the character of the surrounding rural area (objection site No 174).
- 6.14.05 Any development of the site would have an adverse impact on the landscape character of the area at this location and the setting of the village and the urban area. The landscape character of the area to the north of the A3 between Lurgan and Dollingstown was an important asset. Immediately adjacent to the objection site was L/LLPA-1.

#### **OBJECTOR'S CASE**

- 6.14.06 Part of the site was previously under the Municipal Borough of Lurgan and the owner could have anticipated approval of development up to this boundary. In 1967 the Ministry of Development had marked the northern part of the site as suitable for housing development. This was indicative of the suitability of the land for development. The Craigavon New Town Plan 1967 had never been revoked and the Craigavon UA Plan 1983/5 was non statutory. The owner had not been notified of the repercussions of the 1985 plan. It was accepted that the expectations of the owner were not a material consideration so long as the changes in the planning status of the site were legal.
- 6.14.07 General evidence on need and demand for housing is summarised in section 3 of this report. Development of the locality had been inhibited over the last 30 years by

possible road lines through the area and no-one could get planning permission. Where no infrastructure difficulty existed development land released in East Lurgan (ie between the A3 and the railway line to the north) had almost all been used up. L/H 6 was going very fast, L/H-7 had difficulties with access and there were only 6 acres left at Birchdale. There was a strong need for further land to be zoned for quality residential development in the locality.

- 6.14.08 The objector was prejudiced by the fact that the DoE had allowed Dollingstown to grow in an elongated fashion. Dollingstown was not a village as it was effectively a suburb of Lurgan and their development limits blended into each other along the A3. Some of the houses within the Dollingstown settlement limit had Lurgan postal addresses and the 'Welcome to Lurgan' sign was within the Dollingstown development limit. The primary school in the village had closed and churchgoers and school children travelled to Lurgan. The first perception of countryside one had leaving Lurgan was at the far end of Dollingstown heading for Magheralin.
- 6.14.09 In consultation with the Roads Service the builder of Birchdale had gone to considerable expense providing access roads and services to accommodate a major development of up to 450 houses, ie much more than had been permitted. The objection site could be accessed through Birchdale at two locations and it was convenient to Lurgan Public Park, the Golf Club, Kings Park Primary School and the town centre. The owner's farm was partly allocated for housing in the Plan and he wanted to re-establish a farm in a purely rural location as the remaining part of his farm at this location was compromised.

## **CONSIDERATION**

### **Need**

- 6.14.10 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. Whilst I accept that this site is convenient to a variety of urban facilities, I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area and there is no objection to any land allocated for housing Phase 1 for which this could be a substitute. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis that there is a strong demand for housing in a particular locality and the site will sell well. In this case it is clear from the evidence that zoned housing sites L/H 7 and L/H 8 would be acceptable housing locations for residents of this sector of Lurgan seeking quality housing.

### **Other strategic considerations**

- 6.14.11 I attach little weight to the arguments that the site was within the Lurgan Municipal Boundary until 1973 and that part of the site was indicated for housing in the 1967 plan. The local authority boundary was not a boundary in planning terms and the zoning in the 1967 plan is no longer relevant. Although the 1983/5 Craigavon UA Plan was non statutory and subject of limited consultation, that is not relevant to my consideration as part of process of drawing up any statutory plan is a re-consideration of all the zonings in the previous plan in the light of current policy and changed circumstances.
- 6.14.12 Despite the inconsistency between the DoE's support for a gap between Lurgan and Dollingstown and its decisions on planning applications in recent years, as well as the proposed boundaries to the settlements on the opposite side of the A3, I agree that it is desirable to preserve a separate character for Dollingstown. Although the village has few facilities and functions to some extent as a suburb of Lurgan, there is still the

remnants of the more substantial gap of open fields and large dwellings in large grounds that once separated the two settlements. Given my consideration on objection Nos 81, 104 (b), 127, 199, 265(b) and 270 reported in section 9 that the settlement limit of Dollingstown should be drawn back in an easterly direction to the south side of the A3, I consider this one frontage field to be sufficient to form a gap worth preserving on the northern side of the A3.

- 6.14.13 I do not attribute significant weight to the assertion that the objector finds his farming at this location compromised or that the developer of Birchdale invested in roads infrastructure in excess of what was needed for that development.

**Non-strategic considerations**

- 6.14.14 Having concluded that there is no justification for allocating the site for housing on the basis of any of the strategic arguments presented to me, I do not consider it necessary to pursue the site specific arguments presented by the objector.

**RECOMMENDATION**

- 6.14.15 I recommend that no alteration be made to the Plan as a result of this objection.

6.15

Identification of lands as Local Landscape Policy Area seeking rezoning for housing

**Objection: No 227**

**PART CONCESSION**

**DEPARTMENT'S CASE**

6.15.01 The DoE considered that the L/LLPA-5 designation at 'The Pines' on Avenue Road should be retained, however it would respond favourably to a recommendation from the PAC to amend the LLPA policy to allow for sensitive and appropriate low density development subject to:

- ◆ Retention and protection of trees
- ◆ Satisfactory access and infrastructure provision
- ◆ Application of Plan Policy Housing 2 and the submission of a concept plan for the site.

This concession was as a result of the responses of the statutory consultees.

**OBJECTOR'S CASE**

6.15.02 This part concession was accepted by the objector.

**RECOMMENDATION**

6.15.03 This part concession is noted. Given the concession to objection No.105 in section 3 the reference to Plan Policy Housing 2 would have to be amended.

6.16

Objection to exclusion of lands from the urban area seeking inclusion for development purposes.

**Objection: No 174 (amended site)**

**Counter objections: Nos 32, 33, 34, 35**

**SITE DESCRIPTION**

6.16.01 This 1.75 ha site comprising a frontage field located to the SW of and fronting Dromore Road, Lurgan. The land is lower than the road level as it falls away to a watercourse to the rear. There are a mixture of gappy hedges and post and wire fences on the boundaries. To the north along Dromore Road lies a dwelling and a commercial garage, to the NW is the Lilburn housing development and Nos 7 and 9 Belfast Road, and to the SE is a field. The proposed LLPA lies further to the SE. Across the road from the site, to the NE, are Nos 2-10 Dromore Road. The site is allocated as Green Belt in DCAP.

### **DEPARTMENT'S CASE**

- 6.16.02 An access to Dromore Road would require a right turning lane and a footway along the site frontage. This would be difficult as the pier of the dwelling at No 5 Dromore Road was an obstruction. Another possible access was through existing development to the NW. Inclusion of the site within the settlement limit would be contrary to Policies outlined at Paragraph 6.01 A1,2,3,4,5,6 and to the first six Plan objectives. Paragraph 6.01 B explained the definition of settlements in the Plan and C was a summary of the housing need and housing land supply evidence. Although the site would be convenient to schools and other facilities there was no need for additional housing land.
- 6.16.03 Inclusion of the objection site could also result in the coalescence of the village of Dollingstown with the Urban Area. The settlement limits of Lurgan and Dollingstown abutted each other on the Belfast Road, north of the site, as the two limits were designed to enclose only existing built development. However, the gap was obvious from the southern approach along the Dromore Road to the A3 junction. Although new development on L/H 8 could be seen from there, it was low down and further away. The SW boundary to the objection site with L/H-8 was well defined by mature vegetation. Development of the objection site would reduce the gap and would have implications for the gap on the northern side of Belfast Road, which was subject of objection No 36. The Countryside Assessment indicated that Dollingstown had retained its individual identity and this was reflected in the Plan. Local residents and councillors had expressed a desire to retain this separate identity.
- 6.16.04 The site had an open aspect on approach southwards along Dromore Road from the junction. The form and quality of the landscape at that location contributed to a strong rural character. Remedial works necessary to satisfactorily access the site from Dromore Road would be significant and any development of the site would have an adverse impact on the landscape character of the area.

### **COUNTER OBJECTORS' CASE**

- 6.16.05 To permit development on the objection site would run contrary to the DRSF, Policies SPG 8, 9 and 25 of DRSF, Policies DES 3 and GB/CPA 1 of PSRNI. It would lead to the merging of the two settlements of Lurgan and Dollingstown. There had been a number of planning permissions granted under CAPPP on the northern and southern sides of the A3 in west Dollingstown and in this eastern edge of Lurgan on previously undeveloped land. Road access to the objection site would require considerable extra land along Dromore Road, which would have an adverse impact on the character of the area.

### **OBJECTOR'S CASE**

- 6.16.06 The objection site was amended to half its original size. It was a nook in the settlement limit. The SW boundary of the site was not as strong as the DoE tried to make out. All facilities could be provided to the site and access could be taken either through Lilburn housing development to the NW or from the Dromore Road. The site would provide a means of obtaining a direct road link to the heart of the large housing zoning L/H-8. Sight lines for such an access on Dromore Road could be accommodated as the garage on Dromore Road was owned by the objector.
- 6.16.07 There was little impression of any gap between Lurgan and Dollingstown on the A3 south side and the impression driving from the SE on the Dromore Road would be of housing development on L/H-8 to the west anyway. The DoE had created the merging of the two settlements by granting permissions for development in the past. It had allowed Dollingstown to elongate rather than expand in depth from the centre. Dollingstown and

Lurgan were already merged as houses to the east of Dromore Road had Lurgan addresses.

- 6.16.08 General evidence in relation to housing need is summarised in section 3 of this report. There had been very little development on this side of Lurgan for many years and demand was high as evidenced by the uptake of any housing under construction, for example Cottage Hill, Dollingstown and Bellvue, Kilmore Road. The site was close to amenities and formed a natural extension to Lurgan.

### **CONSIDERATION**

#### **Need**

- 6.16.09 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. Whilst I accept that this site is convenient to a variety of urban facilities, I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area and there is no objection to any land allocated for housing Phase 1 for which this could be a substitute. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis that there is a strong demand for housing in a particular locality.

#### **Other strategic considerations**

- 6.16.10 I have already concluded in relation to objection site No 36 that despite the inconsistency between the DoE's support for a gap between Lurgan and Dollingstown and its decisions on planning applications in recent years, it is desirable to preserve a separate character for Dollingstown. Given my consideration on objection Nos 81, 104 (b), 127, 199, 265(b) and 270 reported in section 9 that the settlement limit of Dollingstown should be drawn back in an easterly direction to the south side of the A3, I consider this objection site performs an important function in retaining a visual separation between the two settlements to the south of the A3. This is especially the case when travelling towards the Dromore Road /A3 junction from the south. Given my view on this gap and the role of the objection site, despite the weak SW boundary of the site with zoned housing site L/H-8 (a gappy hedge), I reject the objector's argument that the site is a nook in the settlement form.

#### **Non-strategic considerations**

- 6.16.11 Having concluded that there is no justification for allocating the site for housing on the basis of any of the strategic arguments presented to me, I do not consider it necessary to pursue the site specific arguments presented by the parties.

### **RECOMMENDATION**

- 6.16.12 I recommend that no alteration be made to the Plan as a result of this objection.



6.17

Objection to inclusion of land within the urban area seeking removal from the Urban Area and designation as Green Belt.

**Objection: No 11, 62–68, 72-75, 178-179**

**SITE DESCRIPTION**

- 6.17.01 This 1.04 ha site comprises two former fields on the east side of Bowen's Lane, south of the A 26. There is a large dwelling adjoining the site to the north and housing on the opposite side of the lane. In DCAP the site is within the settlement limit as white land.

**DEPARTMENT'S CASE**

- 6.17.02 A planning application for 31 dwellings on the site N/1998/780 had been subject of a non-determination appeal in April 2000. The decision was to allow the appeal and grant full planning approval.

**OBJECTORS' CASE**

- 6.17.03 The site should not be included in the settlement limit because: -

- ◆ There was no obvious planning reason for the limit as proposed
- ◆ Sufficient land was already zoned for development in the Plan
- ◆ There was a need to preserve the man made heritage
- ◆ Wildlife habitats must be protected
- ◆ There were infrastructural and topographical problems with developing the site
- ◆ The prevention of urban sprawl
- ◆ Retention of the character of Bowen's lane
- ◆ Road access unsuitable and dangerous.

**CONSIDERATION**

- 6.17.04 Given the full planning permission on the site for housing development, which has now been developed, there is no basis for upholding this objection to the Plan.

**RECOMMENDATION**

- 6.17.05 I recommend that no alteration be made to the Plan as a result of this objection.

6.18

Objection to the exclusion of lands from the urban area seeking inclusion and zoning for housing either Phase 1 or 2.

**Objection: No 20**

**Counter objection: No 21**

**SITE DESCRIPTION**

- 6.18.01 This 5.3 ha site is located to the west of Bowen's Lane, Lurgan. To the north is housing zoning L/H-9 (not developed) and the Wood Lane housing development; to the east is No 9 Bowen's Lane and to the SW is a field (objection site No 56); to the west are fields (objection site No 82) . On the opposite side of the road is No 23 Bowen's Lane and a field. The site consists of fields with mature hedges and trees defining most of the perimeter of the site and the separate fields. There is a ridge running parallel to the SW boundary approximately one field in, from which the land falls in a SW direction and a NE direction. The field fronting onto Bowen's Lane has a high hedge and an access gate to the lane. The site is located within the Green Belt in DCAP.

**DEPARTMENT'S CASE**

- 6.18.02 There were no public surface water sewers to service the lands and development would require upgrading of the Bowen's Lane/A26 junction (a right turning lane requiring third party land). Bowen's Lane would require road widening, footway provision and forward visibility improvements requiring third party land. No vehicular access would be allowed to Upper Toberhewny Lane or Wood Lane, though footway links would be encouraged. Access to Shane Park for anything more than 5-10 houses would only be permitted if the junction between it and the A26 were upgraded. There was no government plan for a link road between the Banbridge Road and Gilford Road. Whilst a developer led scheme might be a possibility, Roads Service was unable to use land acquisition powers to make land available and it would be unlikely to be viable for private developers to implement such a scheme. It would be much more realistic to improve the existing Bowen's lane junction and continue with the already approved road widening.
- 6.18.03 Allocating the site for housing development would be contrary to the policies outlined at paragraph 6.01 A 2, 5, 6, and 8; to the first six Plan objectives; and to the fourth element of the Plan strategy. Paragraph 6.01B explained the definition of settlements in the Plan and C outlined the evidence on housing need and supply. Evidence in relation to the allocation of housing land to the south of Lurgan is summarised in Section 3. The 1983 settlement limit to the south of Lurgan had been extended by 66.6 ha in DCAP, which yielded 999 dwellings. This was a more than adequate supply of lands to accommodate anticipated housing needs.
- 6.18.04 The site was prominent to the SW due to a crestline which dominated the skyline, shielding Wood Lane when viewed from the south. The topography of the objection site contained existing development and zoned housing lands to the north. The settlement limit which formed the north and east boundaries was well defined by trees, hedges and watercourses. A conifer tree belt defined the settlement limit to the NE and provided screening to No 9 Bowen's Lane. The settlement limit consolidated existing frontage development along the eastern side of Bowen's Lane to the junction with the A26. Inclusion of the site would constitute an unacceptable extension to the SE of Lurgan as it would have an adverse impact on the rural character of Bowen's Lane, particularly beyond existing frontage development along its western side

**COUNTER OBJECTORS' CASE**

- 6.18.05 The adjoining dwelling No 10 Bowen's Lane was a listed thatched cottage and it was important to preserve its setting. Private kennels were to the south of the property and could accommodate up to 20 dogs, whilst the Borough Council's kennels for strays were on the north side and could accommodate up to 40 dogs. The kennels were open seven days a week and, although closed to visitors in the evening, stray dogs could be brought in at any time. There were open dog runs at both kennels and barking was associated with cleaning, visitors inspecting the animals or new dogs being introduced to the kennels. The Borough Council's Environmental Health Department considered that occupiers of any dwellings built on the objection site would be subject to a noise nuisance at various times of the day and night. In the event of a nuisance occurring it would be very difficult for the owners of the kennels to comply with a notice for noise nuisance without the closure of the kennels or significant reduction in numbers of dogs.

### **OBJECTOR'S CASE**

- 6.18.06 General evidence in relation to housing need and evidence in relation to housing land supply in south Lurgan is summarised in section 3. Builders on current development sites were virtually unable to keep up with demand and where there had been no infrastructural problems in many cases the land made available had been exhausted. There were long waiting lists. Land in Dollingstown had mostly been built up and Cottage Hill had been all sold out. Belvue at Kilmore Road was developing very quickly and had a long waiting list. There were some access difficulties to lands zoned L/H-8, L/H-9 and L/H-14 and there was hardly any land zoned for housing which could be acquired by small builders.
- 6.18.07 Access could be taken from Shane Park or from the zoned land L/H-9. Although third party lands might be required to facilitate development of the site, it should be zoned for development so that the opportunity might be obtained to overcome the access obstacle. There was a lack of infrastructure for south and east Lurgan and a Banbridge/Gilford Road link should form part of an outer link road network linking up the M1 with Monbrief East Road and giving access to a number of potential housing areas. This concept had not been raised as an objection to the Plan. It was unrealistic to expect private developers to upgrade and widen roads as they did not have the power to acquire lands compulsorily.
- 6.18.08 A dense evergreen tree belt along the boundary of the objection site with the kennels/cattery at No 10 would greatly alleviate the noise problem. Other dwellings existed and/or were approved as close or closer to these premises than some of the lands in the objection site.

### **CONSIDERATION**

#### **Need**

- 6.18.09 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area even if Phase 2 lands at Waringstown Road and Gilford Road are deleted from the Plan. I have not been persuaded that there are insurmountable access problems with zoned housing sites L/H-8, L/H-9 and L/H-14 or that there is a specific requirement for land to be allocated for smaller developers. There is no objection to any land allocated for housing Phase 1 for which this site could be a substitute. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis that there is a strong demand for housing in a particular locality.

**Other strategic considerations**

6.18.10 Were there a proven need for additional housing land allocation in this part of the Urban Area I would attach less weight than the DoE to:

- (a) the strength of the proposed DCAP settlement limit as it abuts the northern and eastern boundaries to the objection site. In my view the objection site has similarly vegetated boundaries and it does lie into the urban form;
- (b) the prominence of the site. Whilst there is a ridge as described in the site description above I do not consider that this would rule out development of the site, which is generally well concealed from nearby roads; and
- (c) the rural character of Bowen's Lane. I consider that the western side of Bowen's Lane is now only semi-rural as a number of single dwellings have been developed along its length and there are some large barns.

**Non-strategic considerations**

6.18.11 Having concluded that there is no justification for allocating the site for housing on the basis of need, I do not consider it necessary to pursue the other site specific arguments presented by the parties.

**RECOMMENDATION**

6.18.12 I recommend that no alteration be made to the Plan as a result of this objection.

6.19 

Objection to the exclusion of lands from the urban area seeking inclusion
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**Objection: No 56**  
**Counter Objection: No 22**

**SITE DESCRIPTION**

6.19.01 This 0.7 ha site is a field on the west side of Bowen's Lane. Its boundaries are defined by hedgerows and trees and it has a gate access to Bowen's Lane. To the SW on Bowen's Lane is No 10 with boarding kennels and opposite is No 23 Bowen's Lane. The site is allocated as Green Belt in DCAP.

### **DEPARTMENT'S CASE**

- 6.19.02 An access from Bowen's Lane would require upgrading with road widening, footway provision and forward visibility improvements requiring third party lands. Allocating the site for housing development would be contrary to the policies outlined at paragraph 6.01 A 2, 5, 6, and 8; to the first six Plan objectives; and to the fourth element of the Plan strategy. Paragraph 6.01 B explained the definition of settlements in the Plan and C outlined the evidence on housing need and supply. The settlement limit at Bowen's Lane consolidated existing frontage development along its western side to the junction with the A26.
- 6.19.03 The site's inclusion would constitute an unacceptable extension to the SE of Lurgan as it would have an adverse impact on the rural character of Bowen's Lane, particularly beyond existing frontage development along its western side. The lands to the NW of the objection site were prominent due to a crestline, which dominated the skyline shielding Wood Lane when viewed from the south. The topography of these lands physically contained existing development and the zoned housing lands to the north.

### **OBJECTORS' CASE**

- 6.19.04 The construction of one dwelling would not require the upgrading of the lane or the junction and the land could be adequately served for sewage, water and drains. Since a number of houses had been built, or were being built at the south western end of Bowen's Lane, one more house would not detract from rural character. Opposite the site was No 23 Bowen's Lane and the site itself was only 50 metres beyond the proposed settlement limit.

### **COUNTER OBJECTORS' CASE**

- 6.19.05 Same evidence as reported at paragraph 6.18.05 above under objection No 20.

### **CONSIDERATION**

#### **Need**

- 6.19.06 Whilst the objector refers to a desire to build just one house on the site there is no planning mechanism for restricting development in this way if the site is inside the settlement limit. It could accommodate in excess of the 10 houses at 15 dph. I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area even if Phase 2 lands at Waringstown Road and Gilford Road are deleted from the Plan. There is no objection to any land allocated for housing Phase 1 for which this site could be a substitute.

#### **Other strategic considerations**

- 6.19.07 I have already recommended at paragraph 6.18.12 above that objection site No 20 remains outside the settlement limit and this means that the objection site would not abut the settlement limit in the Plan. In these circumstances there is no logic in terms of urban form in the inclusion of this objection site in the settlement limit.
- 6.19.08 As I have already concluded in connection with objection site No 20 at Paragraph 6.18.10 above, were there a proven need for housing in this part of the Urban Area (and were objection site No 20 to be included in the settlement limit), I would attach less

weight than the DoE to preservation of the rural character of Bowen's Lane and the strength of the settlement limit proposed in DCAP.

#### **Non-strategic considerations**

- 6.19.09 Having concluded that there is no justification for allocating the site for housing on the basis of need, I do not consider it necessary to pursue the other site specific arguments presented by the parties.

#### **RECOMMENDATION**

- 6.19.10 I recommend that no alteration be made to the Plan as a result of this objection.

- 6.20 

Objection to the exclusion of lands from the urban area seeking inclusion as Phase 1 or Phase 2 lands
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**Objection: No 82 (amended site)**

**Counter objection: No 66**

#### **SITE DESCRIPTION**

- 6.20.01 This 2.7 ha site (reduced from original objection) is a single field with no frontage to a public road. On the northern boundary is white land and zoned housing site L/H 10 which is currently under construction. At the northern end of the site's western boundary an area of private garden occupies the space between the site boundary and the head of the cul-de-sac at Connaught Park. Along the southern part of the western boundary is zoned Phase 2 land. Along the eastern boundary is agricultural land, subject of objection No 20. Along the southern boundary is agricultural land. In DCAP the site is located within the Green Belt.

#### **DEPARTMENT'S CASE**

- 6.20.02 Access might be possible through third party land adjacent to the west and Corby Drive subject to suitable access, layout and footway link upgrade. Slight rounding off might be allowed from Wood Lane and Shane Park. Access could be possible from lands zoned for Phase 2 housing to the west. Allocating the site for housing development would be contrary to the policies outlined at paragraph 6.01 A 2, 3, 4, 5, 6, and 8; to the first six Plan objectives; and to the fourth element of the Plan strategy. Paragraph 6.01 B explained the definition of settlements in the Plan and C outlined the evidence on housing need and supply. The settlement limit to the SE of Lurgan provided sufficient development opportunities for anticipated land use requirements and the site should be retained as Green Belt.
- 6.20.03 Inclusion of the objection site would constitute an unacceptable extension to the SE of Lurgan as the development limit was characterised by a break of slope with the land rising to Upper Toberhewny lane. To the north of the objection site the settlement limit was defined by a hedgerow and a stream and this consolidated residential development at Wood Lane. The lands to the NW at Upper Toberhewny sloped steeply down towards the objection site and were separated from the objection site by a stream and a hedgerow. This was a defensible limit and there was no rationale to going into new terrain here as it would then be difficult to choose another such defensible boundary. The objection site's hedges were not as good a boundary as the existing. The DoE had, however, extended the settlement limit to the west for the phase 2 housing despite the original development limit having a stream and the outer edge of this new boundary was open in places. The DoE had offered a concession to objection Nos 186, 203, 253 and 255 to release part of these lands as Phase 1.

- 6.20.04 The objection site could not be seen from any of the main roads but could be seen from some houses adjacent. It had housing or potential housing on three sides and the settlement limit went to the south of it at the proposed Phase 2 concession site and at Bowen's Lane. It was not within what the DoE had defined as the 'urban footprint'. If this objection site were included in the settlement limit on the basis of 'rounding off' it could have a knock on effect on the consideration of objection site Nos 20 and 56.

### **COUNTER OBJECTOR'S CASE**

- 6.20.05 Although this objection site did not require access via Bowen's Lane, allowing the objection could have knock on implications for objection sites Nos 56 and 20 which might require access via Bowen's Lane. It was unsuitable for any further traffic because road widening and footways were required and the junction of Bowen's Lane with the A26 required major improvements, including a right turning lane. Allowing this revised objection site might have knock on effects on the rest of the original objection site in the next plan as the larger site would have an impact on the entire road network.

### **OBJECTOR'S CASE**

- 6.20.06 General evidence on housing need is summarised in section 3. Because of the relatively flat topography of the site and its position in the local geography it generated a very low visual impact to the surrounding area. There was no view from the Waringstown Road (A26) or the Gilford Road. From Upper Toberhewney Lane views were obstructed by the existing development. From the south the only views were across an expanse of generally flat agricultural land where field boundaries were marked by mature hedges. The only place of public access that the site could be seen from was at the end of the Shane Park development which was well above the objection site. The juxtaposition of the site with existing and future housing would maintain the compactness of form at this point in the urban boundary. This was already an indentation in the settlement limit and its zoning would not damage the integrity of the Green Belt. It would not lead to any coalescence with Waringstown. The agricultural viability of the land was already prejudiced by the proximity of the existing dwellings and would become increasingly so with the future release of the Phase 2 to the west. There was a risk that this land could be sterilised for development in the future unless it was inside the development limit. If inside the development limit the Roads Service could ensure that spurs were left from the development in the Phase 2 land to the west (which was proposed to be conceded to Phase 1).
- 6.20.07 Access would be obtained via the Phase 2 lands to the west of the site to Gilford Road. The site would add very little to the Phase 2 land bank of the urban area or Lurgan . It would add only 1.4% to the total housing land allocation for Lurgan. It could be developed in association with the Phase 2 lands to the west and did not have to be released unless the 2005 review showed this as necessary. Its inclusion would add flexibility to the Plan's land use zonings.

### **CONSIDERATION**

#### **Need**

- 6.20.08 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have also recommended at paragraph 3.02.21 that all phase 2 land be deleted from the Plan and this applies to the large site to the west of the objection site (subject to further consideration by the DoE). I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area, even if Phase 2 lands at Waringstown Road and Gilford Road are deleted from the Plan. Although the objector

argues that inclusion of the site would add little to the overall land supply in Lurgan, this could be argued for a number of sites. There is no objection to any land allocated for housing Phase 1 for which this site could be a substitute. I conclude that there is no justification, on the basis of need, for bringing this site into the settlement limit.

6.20.09 Were there a proven need for housing in this part of the Urban Area (and were objection site No 20 to be included in the settlement limit), I would attach less weight than the DoE to the strength of the settlement limit proposed in DCAP. The DoE has assessed the fields to the west, which rise up fairly steeply from the objection site, and has found them acceptable for development (with a proposed concession from Phase 2 to Phase 1). The objection site is concealed from surrounding roads and its southern boundary is reasonably well defined by vegetation, except for an access gap in the hedging. It would also lie reasonably well into the urban form (in association with objection site No 21), especially if the DoE did not accept my recommendation that the proposed concession of the northern part of objection No 186a be reconsidered.

6.20.10 However, I have already concluded that there is no need for additional housing land and in the absence of such need there is no justification for inclusion of the site in the settlement limit. I do not attach significant weight to the objector's assertion about the agricultural viability of the land or the argument that the site might be sterilised for development in the future unless within the settlement limit in this Plan.

**Non-strategic considerations**

6.20.11 Having concluded that there is no justification for allocating the site for housing on the basis of any of the strategic considerations, I do not consider it necessary to pursue the other site specific arguments presented by the parties.

**RECOMMENDATION**

6.20.12 I recommend that no alteration be made to the Plan as a result of this objection.



6.21

Objection Seeking rezoning of lands from Phase 2 release to Phase 1 release.

**Objections: Nos 186(a) (northern portion), 253, 255, 203**  
**Conflicting Objection: No 241**

## **PROPOSED CONCESSIONS WITH CONFLICTING OBJECTION**

### **SITE DESCRIPTION**

6.21.01 **No 203** This 3 ha L-shaped site to the NE of 130 Gilford Road, Lurgan comprises four fields, one of which fronts onto Gilford Road. All field boundaries consist of overgrown hedges and trees. No 130 Gilford Road lies close to the SW boundary and No 120 close to the north. Two small housing developments, Corby Drive and Toberhewny Manor abut the site to the north and further north are the rear boundaries of dwellings at Upper Toberhewny Lane. To the east is agricultural land. In DCAP the land is located inside the settlement limit as Phase 2 housing land.

**No 253** This site consists of three of the four fields in objection site No 203, ie the three eastern fields. It does not have a frontage to the Gilford Road.

**No 255** This is the fourth field of objection site No 203, lying to the west of the three fields in objection 253. It is triangular in shape and has a frontage to Gilford Road. There is construction underway on this site.

**No 186(a) northern portion** – this 12.5 ha site includes objection site Nos 203, 253 and 255. It also includes additional fields to the east. The additional length of northern boundary from the fields comprising objection site No 203 abuts residential development at Toberhewny Lane and Connaught Park. The eastern and southern boundaries abut agricultural land. Hedgerows define the individual field boundaries.

### **DEPARTMENT'S CASE**

6.21.02 **Nos 203, 253 and 255** In the Craigavon UA Plan 1983/85 the sites lay inside the settlement limit as housing lands and in the CAPPP they lay inside the settlement limit as housing lands. For the larger site a foul sewer extension and possibly pumping would be required and there were no existing public surface water sewers. The site could be accessed onto Gilford Road and a right turning lane would be required with adequate junction spacing from the access on the opposite side of Gilford Road. The existing footway on Gilford Road would have to be widened to 1.8m and this widening to continue towards Lurgan to where the width became 1.8m. A pre-application preliminary inquiry for a housing development had been received by the DoE on 14 February 2000 and the submitted plans for the housing development were acceptable in principle.

6.21.03 The Department would respond favourably to a recommendation by the PAC that these lands be released for Phase 1 development on the basis that the objection site was located within the settlement limit of Lurgan in the CAPPP. It should be developed in accordance with the Quality Initiative and an acceptable Concept Plan would be required. Development would be subject to meeting the requirements of statutory consultees (identified above) and conforming to regional and plan policies.

6.21.04 **No 186a northern portion** : some of this land was inside the settlement limit in the 1983/5 Craigavon UA Plan and all of it was within the development limit in CAPPP, with the north western portion zoned for housing. A pre-application preliminary inquiry for a housing development had been received by the DoE on the western part of the site

(same fields as objection 203) and plans for the housing development were acceptable in principle. The Department would respond favourably to a recommendation by the PAC that these lands be released for Phase 1 development on the basis that the site was located within the settlement limit of Lurgan in the CAPPP. Development of the lands would be subject to meeting the requirements of statutory consultees and conforming to other regional and plan policies. The site should be developed in accordance with the Quality Initiative and therefore would require an acceptable Concept Plan.

### **OBJECTOR'S CASE**

- 6.21.05 **No 203:** A pre-application preliminary inquiry N/2000/148/Q had been submitted in February 2000. The objector's architects had been working with the Planning Service prior to publication of DCAP on the development strategy for the subject lands, applying Quality Initiative principles. The proposals which were discussed with Planning Service had identified part of the objector's lands along with an overview for the white land contained within the development limit. At all meetings favourable comments had been received to the proposals and the architects had been commissioned to submit a full planning application and the documents had been finalised. It came as a surprise that the subject lands had been identified as second phase. The value of the meetings held with Planning Service were questioned.
- 6.21.06 **No 253:** The objectors' had entered into contracts for sale of the objection lands (subject to planning permission) as the DoE had led their agent to believe that planning permission would be available for residential development. The purchasers of the land had entered into negotiation with the DoE and had agreed a detailed scheme for a new estate of houses and a new road layout plan. The officers of the DoE with whom they were dealing had represented to them that it was likely that planning permission would be available for that development.
- 6.21.07 **No 255:** This land had been sold by the objector to a developer and both the objector and the developer had understood that the land was in an area zoned for development. On the basis of the sale contract and the likelihood of planning consent, the objector had purchased another holding. The completion date for this purchase was 31 March 2000.
- 6.21.08 **No 186(a) northern portion :** this land should be available for development upon the Plan's adoption, without the restriction of a phasing policy. The objector noted the basis of the DoE's consideration and stated by letter received 9 April 2001 that it was not intended to submit further substantive evidence. The objection relating to the southern portion of 186(a) was not withdrawn and is considered below at paragraph 6.22.

### **CONFLICTING OBJECTOR'S CASE**

- 6.21.09 None submitted. This was an objection to the release of Phase 2 lands.

### **CONSIDERATION**

- 6.21.10 On the foot of objection No 241 I have already concluded at paragraph 3.02.21 of this report that all Phase 2 lands should be deleted from the draft plan unless there are exceptional planning reasons why a specific settlement should retain some phasing to meet a particular set of circumstances or why a specific site should remain as zoned housing land in the Urban Area. I am not convinced by the evidence summarised in section 3 that there are any exceptional circumstances which would justify this part of the Urban Area retaining a land phasing mechanism. With regard to the retention of the site as zoned housing land ie Phase 1 land within the settlement limit, this is a matter for the DoE to consider further in certain cases such as this one. My comments in section 12 are relevant to the DoE's re-consideration of this proposed concession.

## **RECOMMENDATION**

- 6.21.11 I recommend that the DoE re-appraises this proposed concession and considers whether there are any exceptional planning reasons why the objection sites should remain as zoned housing land inside the settlement limit. This recommendation applies to the sites collectively and individually.

- 6.22 

Objection to lands zoned for Phase 2 housing, seeking Phase 1 allocation.
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**Objection : No 186(a) southern portion , 61**  
**Conflicting objection: No 241**

## **SITE DESCRIPTION**

- 6.22.01 **No 186(a) southern portion** has a frontage south of No 130 Gilford Road and extends east to include a number of fields and a dwelling, No 134 Gilford Road. The land slopes down towards the south with farmland, a farmstead and several dwellings to the south and east. The site is allocated as Phase 2 housing land in DCAP.

**No 61** consists of four fields within the western portion of the above objection site, one of which has frontage to the Gilford Road.

In DCAP the land is located within the settlement limit and allocated as Phase 2 housing.

## **DEPARTMENT'S CASE**

- 6.22.02 In the 1983/85 Craigavon UA Plan the sites lay outside the settlement limit and in the Area of Special Control and in the CAPPP they lay outside the settlement limit and in the Green Belt. A foul sewer extension would be needed and there was no existing public storm sewer. Zoning of the site as Phase 2 housing land was consistent with policies A2 and A4 outlined in Paragraph 6.01 and to the first six Plan objectives. It was consistent with Appendix 6 of DRSF which related to phasing; policy SP 2 of PSRNI which related to choice and flexibility in the development process; PPS 1 General Principles paragraph 40 which related to phasing; and the 4<sup>th</sup> and 5<sup>th</sup> elements of the Plan strategy for the Urban Area.

- 6.22.03 Rezoning Phase 2 lands as Phase 1 would be contrary to strategic planning policy, the Plan objectives and the Plan strategy. The settlement limit had already been extended from the 1985 plan, first in the CAPPP and then in DCAP. This additional land was chosen for Phase 2 given its peripheral location to the existing urban area. DoE had zoned Phase 1 lands which could more than accommodate estimated housing need over the Plan period and a phased approach to housing land had therefore been adopted in the Plan. Evidence relating to the over-zoning of housing land in DCAP is summarised in section 3. About 38.5% of housing land (Phase 1 and 2) had been zoned in Lurgan. The concession of objection site No 186(a) (the northern portion) would give an additional housing potential of 188 dwellings. The non-conceded land would only be released for development after a review in 2005 and this would be dependent on the uptake of existing housing land, the distribution of take up, and the proportion located within the existing urban area.

## **OBJECTOR'S CASE**

- 6.22.04 **No 61:** Gilford Road was one of the most prestigious housing areas in the town and had been overlooked in terms of housing land zoning. Development should not be hindered

and the upsurge of housing demand should be catered for to improve the prosperity of the town. The site fulfilled all the criteria for development – road access, water and drainage; it was 1.2 miles from the town centre; and it was only 100 m from a new development of 18 houses, all of which had been sold.

6.22.05 **No 186(a) southern portion** : none submitted.

#### **CONFLICTING OBJECTOR'S CASE**

6.22.06 None submitted. This was an objection to the release of Phase 2 lands.

#### **CONSIDERATION**

##### **Need**

6.22.07 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area and there is no objection to any land allocated for housing Phase 1 for which this could be a substitute. I do not therefore consider that there is any justification, on the basis of need, for allocating this land as Phase 1 instead of Phase 2.

6.22.08 On the foot of objection No 241 I have already concluded at paragraph 3.02.21 of this report that all Phase 2 lands should be deleted from the draft plan unless there are exceptional planning reasons why a specific settlement should retain some phasing to meet a particular set of circumstances or why a specific site should remain as zoned housing land in the Urban Area. I am not convinced by the evidence summarised in section 3 that there are any exceptional circumstances which would justify this part of the Urban Area retaining a land phasing mechanism. Likewise, I have not been convinced by any evidence provided in relation to this objection that there are any site specific reasons why this site should be retained as zoned housing land in the Urban Area.

## **RECOMMENDATION**

6.22.09 I recommend that this Phase 2 land be deleted from the Plan and the settlement limit be re-drawn to exclude the objection sites. This recommendation applies to the sites collectively and individually.

6.23 

Objection to the exclusion of lands from the urban area seeking inclusion and zoning for housing.
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### **Objection: No 35**

## **SITE DESCRIPTION**

6.23.01 This 3.8ha site comprises two fields located to the west of Gilford Road, on the southern fringes of Lurgan. The two fields are separated from Gilford Road by the curtilages of several road frontage dwellings. Land under construction for housing adjoins the NE site boundary while the remaining surrounding land is in agricultural use. The land is indicated as Green Belt in DCAP.

## **DEPARTMENT'S CASE**

6.23.02 Only one access point would be permitted to Gilford Road. A foul sewer extension was required and this might require pumping. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 6.01 A 2, 3, 4, 5, 6 and 8; to the first six Plan objectives; and to the fourth element of the Plan strategy. Paragraph 6.01 B explained the definition of settlements in the Plan. The settlement limit of the 1983/85 Craigavon UA Plan had already been extended southwards to include lands to the east and west of Gilford Road. The NE boundary of the objection site was the southern boundary of the proposed limit and was defined by mature hedgerow with dispersed trees. The surrounding land beyond was agricultural and inclusion of the objection site within the limits would constitute urban sprawl into the surrounding countryside and have an adverse impact on its rural character. There were sufficient development opportunities for anticipated land use requirements to the south of Lurgan and elsewhere within the Craigavon UA.

## **OBJECTOR'S CASE**

6.23.03 There was a limited amount of development land available over the past 25-30 years in this southern part of Lurgan and the objection site should be zoned as Phase 1 Housing Land to help address this deficiency. The site, like others in the East and SE of Lurgan, was attractive for housing because of its convenience to Lurgan Park and Golf Course. Builders on current development sites were virtually unable to keep up with demand. Access to the site was possible either directly to Gilford Road or in conjunction with L/H-14.

## **CONSIDERATION**

### **Need**

- 6.23.04 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area and there is no objection to any land allocated for housing Phase 1 for which this could be a substitute. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis that the site lies within a popular area of the town. Consistent with my recommendation in Paragraph 3.02.21 of this report to remove all Phase 2 land from the Plan (subject to further consideration by the DoE in certain cases), I conclude that there is no justification, on the basis of need, for extending the settlement limit to include the objection site.

### **Non-strategic considerations**

- 6.23.05 Having concluded that there is no 'need' justification for zoning this particular site for housing, I do not consider it necessary to pursue the site-specific arguments raised by the parties.

## **RECOMMENDATION**

- 6.23.06 I recommend that no alteration be made to the Plan as a result of this objection.

- 6.24 

Objection that Brownlow House and Lord Lurgan Memorial Park are not included as a Historic Park, Garden or Demesne.
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### **Objection: No 275 ( 10.1 & 15.4)**

## **SITE DESCRIPTION**

- 6.24.01 Brownlow House is situated adjacent to Lurgan Park and is a private property set within its own grounds. It is separated from the park by the access to Lurgan Golf Course. Lord Lurgan Memorial Park comprises 9.2 ha of public open space and is located north of the Belfast railway line, to the NE of Lough Road. There are a number of playing fields within the park and the remainder is made up of an informal grassed amenity area.

## **DEPARTMENT'S CASE**

- 6.24.02 The Register of Parks, Gardens, and Demesnes of Special Historic Interest in Northern Ireland was the first criteria-based selection of such sites. To be included sites must have retained their layout and planting and have historical value as planned landscapes, meeting one or more of the following criteria: -

1. Provide some particular aspect of garden history design.
2. Contain a notable plant collection.
3. Form an integral setting for a building or buildings of historical importance.
4. Be associated with particular people or events.

- 6.24.03 **Brownlow House** was built in 1836 to replace the earlier house. Lurgan Park was once part of the planned landscape of the house but had been a public park since 1911. Brownlow House was now a private property set within modest grounds. The separation

from Lurgan Park, together with the effect of very different landscape management regimes, has destroyed the visual and physical linkage and the integrity of the historical relationship between the two properties. Brownlow House could not, therefore, be included within the registered Lurgan Park. Nor did it meet the criteria for separate registration as a park or garden of special historic interest as only traces of the planned setting of the house survived. Brownlow House was, however, a Listed Building and was subject to policies for its protection in its own right.

- 6.24.04 **Lord Lurgan Memorial Park** did not meet the criteria for inclusion in the proposed register. It was essentially an area of grass whose character derived from the hilly landform rather than any intended design. From its proximity to the factory and workers houses it was seen as an example of the provision of open space for public health and recreation, which was a feature of the 19<sup>th</sup> century and later planned urban development.

#### **OBJECTOR'S CASE**

- 6.24.05 Craigavon Borough Council felt that Brownlow House and Lord Lurgan Memorial Park should be included within the designation of Historic Parks, Gardens and Demesnes.

#### **CONSIDERATION**

- 6.24.06 Although the Council is seeking the inclusion of both of the objection sites within the designation of Historic Parks, Gardens and Demesnes, no evidence has been put forward to support this argument. I agree with the DoE that the historical context and relationship of Brownlow House has changed sufficiently to regard it and the registered Lurgan Park as two separate, though inter-related, sites. I also agree that the formal listing of Brownlow House provides an appropriate level of protection for the property.
- 6.24.07 It is unclear from the Department's evidence as to the precise origins of the Lord Lurgan Memorial Park. However, there is also no evidence to demonstrate that the park meets any of the criteria used to determine designation and registration. I note that the park is identified as an area of existing recreation and open space in the DCAP and I consider that this is an appropriate recognition of its local significance.

#### **RECOMMENDATION**

- 6.24.08 I recommend that no alteration be made to the Plan as a result of these objections.

6.25

Objection relating to the inclusion of the Waves Complex within the LLPA and its designation as an Historic Park, Garden and Demesne.

**Objection: No 275 (15.3)**

**SITE DESCRIPTION**

- 6.25.01 The objection site incorporates a complex of buildings that make up the public swimming baths known as 'Waves', operated by CBC. Vehicular access to the site is gained from Robert Street. There is also a pedestrian access to the site from the adjoining Lurgan Public Park to the north. There is new housing to the west of the site and a combination of commercial/industrial and further housing development to the south. A combination of wire boundary fencing and the outer walls of the complex itself separate the site from the park. One of the main roads/pathways through the park runs parallel to the NE boundary of the site and is characterised by a mature line of trees on either side of the road/path. There is an undeveloped area of less formal grassland to the SE of the Waves complex, where extensive new tree planting has taken place. In DCAP the site is designated as part of the Lurgan Park Historic Park, Garden and Demesne and as an LLPA.

**DEPARTMENT'S CASE**

- 6.25.02 The background to and the basis of designation of Lurgan Park as an Historic Park, Garden and Demesne was provided in paragraph 6.24.02 above. The Waves Complex was a recreational development that complemented the facilities in the park. A large section of the Park's boundary wall had been demolished with the building extending up to this former line and modern wire fencing extending beyond it into the park. The plant rooms, service area and conservatory area were exposed to view from the park and were visually intrusive and incompatible with the park landscape.
- 6.25.03 Unlike Brownlow House, which had been successfully separated off from the park for nearly a century and had its own setting, the area between the Waves building and the wire fencing was clearly a fenced off part of the park. Rather than exclude this part of the park from designation the better option seemed to be to include the whole of the complex within it. The aim of the designation was to recognise the historic value of the planned landscape of Lurgan Park as a public park. Planning policy for such designation was intended to prevent inappropriate development, not to prevent all development. Proposed changes to the building or redevelopment of the site would be acceptable in principle provided the buildings did not extend across the line of the former boundary wall which should, ideally, be rebuilt incorporating a modest gateway arch for pedestrian access to the park.
- 6.25.04 The Department would respond favourably to a recommendation to amend the LLPA policy in respect of redevelopment of the Waves site subject to:
- Any future development should be of a high design and sensitive and in keeping with the landscape character of the Park;
  - There should be linkages between the development and the Park;
  - There should be a comprehensive planting scheme to integrate and screen the development;
  - Existing trees within the Park should be adequately protected both at the design stage and the implementation stages and the requirements of BS 5837 1991 'Trees in relation to Construction' must be observed; and
  - A concept master plan including the proposed planting should be submitted to and agreed with planning service at the outline stage.



### **OBJECTOR'S CASE**

- 6.25.05 The Waves Complex should be excluded from the LLPA affecting Lurgan Park as it was not part of the historic garden of Brownlow House and never had been. Lurgan Urban District Council had purchased the land for Lurgan Park in 1908 and 1909. It was not until 1955 that the then Lurgan Borough Council had purchased the lands at Robert Street on which the swimming pool was erected. If the site had been part of the original gardens the Council would obviously have purchased it in 1908/09. The land purchased in 1955 included adjacent ground, which had subsequently been developed for housing and commercial purposes. The Council could not, therefore, understand why the portion of land occupied by Waves should be singled out for inclusion in the LLPA.

### **CONSIDERATION**

- 6.25.06 The DoE states that the aim of the designation of Lurgan Park as an Historic Park, Garden and Demesne was to recognise the historic value of its planned landscape as part of the former garden of Brownlow House. The evidence provided by the objector would seem, though, to contradict this argument in that the land on which the Waves complex now stands was purchased by the Council almost fifty years after it had acquired what was the former extensive garden area of Brownlow House. Although the site immediately abuts Lurgan Park it does not, as the DoE appears to suggest, read as an integral part of it. Notwithstanding that the boundary fence, which separates the complex from the park, would appear to intrude into what was originally part of the park, the incursion is very minor. To my mind the built form of the complex reads more readily in association with the adjoining mixture of housing and mixed commercial/industrial uses that surround the site to the west and south of the objection site.
- 6.25.07 I can empathise with the DoE's desire to protect the setting of the park, particularly in the event of alterations or major redevelopment taking place within the objection site. However, the exclusion of the Waves complex from the Historic Park designation and LLPA designation does not preclude the Department from exercising appropriate design controls, bearing in mind the physical relationship the site shares with the park and the fact that these designations would remain in place within the park itself. Such matters can be dealt with through the normal development control system and do not, to my mind, require specific identification in the Plan.
- 6.25.08 It would seem most likely that the area of undeveloped land to the SE of the complex was also not part of the original public park. On that basis I do not consider that it should be included within the Historic Park designation. However, extensive new tree planting has been carried out within it and I see merit in retaining the LLPA designation for this part of the site.

## **RECOMMENDATION**

- 6.25.09 I recommend that the Brownlow House (Lurgan Park) Historic Parks, Gardens and Demesnes designation be drawn back to exclude the site of the Waves complex and the undeveloped land to the SE of it. The LLPA designation should also be amended in a similar fashion with the exception that it be retained for the undeveloped area of land to the SE of the 'Waves'.

**SECTION 7**

**OBJECTIONS RELATING TO  
CENTRAL CRAIGAVON**

## PRELIMINARY

- 7.01 In reporting the DoE's evidence throughout these sections I will refer to the following list of points raised to a number of objections. This is to reduce the length of my report.
- A. Inclusion of the site within the settlement limit would be contrary to or consistent with:
1. The Spatial Development Strategy of DRSF which seeks to promote sustainable patterns of development based on integration with transport, compact urban forms, more housing within existing urban areas and the wise and sensitive use of the rural environment.
  2. Policy SPG 6 of DRSF- TO BUILD LOCAL COMMUNITIES FOR THE FUTURE IN EXISTING URBAN AREAS which seeks to accommodate a larger share of residential development and job provision within existing urban areas to reduce greenfield extensions.
  3. SPG 9 of DRSF – TO SUSTAIN A LIVING AND WORKING COUNTRYSIDE which seeks to control development in areas where there is excessive movement of townspeople to the countryside by the use of Green Belts.
  4. Policy SPG 25 of DRSF – TO CONSERVE THE NATURAL HERITAGE AND PROMOTE A WISE USE OF NATURAL RESOURCES which seeks to manage development pressure by the use of Greenbelts and conserve the settings of cities, towns and villages.
  5. Policy SP 12 of PSRNI – RURAL LANDSCAPES which seeks to protect rural landscapes from excessive or inappropriate development by the designation of Green belts and Countryside Policy Areas.
  6. Policy DES 3 of PSRNI –THE SETTINGS OF TOWNS AND VILLAGES which seeks to protect the settings of towns and villages from inappropriate development and urban sprawl. It states that the principle of drawing a development limit around each settlement, in the development plan, is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between countryside and built-up area.
  7. Planning Policy Statement 6: Planning Archaeology and the Built Heritage which seeks to ensure that new development does not dominate the townscape /landscape characteristics of settlements.
  8. Policy GB/CPA 1 of PSRNI – to prevent the unrestricted sprawl of large built-up areas, prevent neighbouring settlements from merging and to safeguard the surrounding countryside.
- B. The settlement limits had been defined for the Urban Area in order to protect its character, to prevent ribbon development and to prevent urban sprawl in the surrounding countryside, whilst creating suitably located opportunities to accommodate future development needs. The limits had been defined following an analysis of development trends and an evaluation of environmental assets, physical features and the availability of services. The limits had been drawn in accordance with Policies SP2 and SP 12 of PSRNI.
- C. In DCAP a total of 485 ha of housing land had been allocated within the Urban Area of which 340 ha was Phase 1 and 145 ha was Phase 2. The DoE estimated that based on household formation and building rates between 3380 and 4410 dwellings would be required for the Urban Area up to the end of the Plan period (see Table 3.2 in Section

3) , whereas there was a potential of 6323 houses on land identified by the Housing Monitor 2000 (Phase 1 zoned housing sites in DCAP plus sites with planning permission) and a potential of a further 2154 dwellings on Phase 2 lands. To this total there had to be added proposed concession sites (see Table 3.6 in Section 3). This was substantially more than the RDS Housing Growth Indicator for the whole Borough to 2010. The Phase 1 sites in the Urban Area more than accommodated the Regional Housing Target in DRSF of 3500 for the Craigavon UA 1996-2010 (Appendix 4 of DRSF). In Central Craigavon 97 ha had been zoned as Phase 1 housing land and a further 33 ha as Phase 2 and to this had to be added proposed concession sites. Taking into account additional land with planning permission there was housing potential in Central Craigavon at 2000 of 1790 dwellings in Phase 1 and housing potential of 2279 at 2000 in Phases 1 and 2 (Table 3.2), not taking account of proposed concessions. Zoning additional Phase 1 lands would be contrary to strategic planning policy, the Plan objectives and the Plan strategy.

- D. Phase 2 development lands represented additional land to be held in a land bank and safeguarded for potential future housing development. There was an adequate reserve of Phase 2 land in the Craigavon UA. Zoning additional Phase 2 lands would be contrary to strategic planning policy, the Plan objectives and the Plan strategy.
- E. There was a generous amount of land zoned in the plan to meet the needs of industry as identified using estimates based on the historic land take-up for industry. In assessing the needs of industry in the Borough the DoE had taken account of the role afforded the Craigavon UA in DRSF and has allocated an additional 183 ha (less concession of 7.6 ha) for industry to meet the needs of both the IDB and the private sector. This was double the amount required.

7.02 

Objection to the exclusion of lands from Craigavon Urban Area (seeking inclusion of lands and zoning for mixed use – housing/industry/commercial use, leisure and recreation) and (in parallel) to the inclusion of industrial zoning C/I-3.
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**Objection: No 213**

**SITE DESCRIPTION**

7.02.01 This site measures approximately 211 ha. The outer boundaries of the site are defined by the M1 and M12 to the north, Craigavon Town Centre to the south, the village of Aghacommon and Tannaghmore Gardens and the City Park to the east, and by the industrial zoned land and the residential area of Ballinacorr to the west. Kilvergan Road transverses the site in a general east-west direction and there are a number of road frontage dwellings along this road. The general character and landscape of the site is rural in appearance. The site is zoned as Green Belt in DCAP.

**DEPARTMENT'S CASE**

7.02.02 Inclusion of the site would be contrary to the policies outlined at paragraph 7.01 A1, 2, 3, 4, 5, and 6 and to the first four Plan objectives. Paragraph 7.01 C outlined the evidence on housing need and supply. E outlined the evidence on the need for industrial land. The generous supply of land for employment uses in the plan had taken account of the role afforded Craigavon in the DRSF. The size (43 ha) and location of industrial zoning C/I-3 was a reflection of the requirements of the DRSF and PPS 4 to identify, in development plans, one or two large industrial sites of approximately 40 ha

strategically located along the key transport corridors. Zoning of additional lands within the objection site for mixed uses would not enhance the town centre.

- 7.02.03 The Belfast to Dublin rail line and Northway provided a very definite boundary to the urban area at this location as did the road line of the proposed M12 link to the western boundary. There was no justification for concluding that the Panel Report reference to Green Belt boundaries, which clearly related to the Belfast Green Belt, was also relevant to the rest of Northern Ireland. It was inappropriate and outside the scope of the Plan to identify the objection site as a long-term reserve beyond the Plan period of 2010. The process of reviewing the Plan was the most appropriate in assessing the long-term potential of the site for development.
- 7.02.04 The extension of the Urban Area to include the objection site would have a significant adverse impact upon the visual setting of the urban area at this location and the setting, identity and character of the village of Aghacommon. Development would have to commence from the southern end to provide road and pedestrian access to Central Craigavon. A TIA would be required and no access would be permitted to Northway. As the site lay within the catchment of the Closet River any substantial urbanisation would exacerbate existing flooding and there was no obvious practical engineering solution. There was a possibility that there were archaeological remains on the site and monitoring of topsoil removal would be required if the site were developed. The zoned industrial land to the south of Mandeville Road (C/I-3) was owned by the IDB. Considerable monies have been spent on landscaping the site and construction of access roads and services would be progressed in the near future, in line with the planning permission granted on 22 January 2000.

#### **OBJECTOR'S CASE**

- 7.02.05 It was recognised that there was limited potential to facilitate the mixed-use development of the objection site over the Plan period, given the commitments elsewhere throughout the Borough. DCAP, however, failed to reflect the strategic importance of Craigavon over the longer term and to plan effectively for long term sustainable growth. The DRSF related to the period to 2025 with detailed provision to 2015. The CAP should be consistent with this approach in recognising that the objection site was the logical direction for growth in the Borough extending to 2015 and beyond.
- 7.02.06 The objection site was suitable for industrial, commercial, leisure and residential uses. It would facilitate the provision of the Central Way/M 12-link road forming the western boundary of the land. The provision of this road would further facilitate economic development within Carn Industrial Estate. In parallel, unsuitable allocations such as industrial zoning C/I-3 should be deleted to achieve a sustainable development pattern and focus a comprehensive mixed-use scheme in a location best served by the strategic road network and public transport.
- 7.02.07 The DRSF Panel Report recommended that Green Belts should be so defined by Area Plans as to prescribe a relatively permanent limit to urban development in order to prevent urban sprawl. Whilst these recommendations related specifically to Belfast they were clearly relevant to the wider Province. The Green Belt boundary should be relocated to the south side of the M1 and the objection site allocated as white land outside the development limit. This would provide some certainty as to the future direction of mixed-use development for the Borough and enable inward investors to plan for the release of land post 2010.

#### **CONSIDERATION**

### **Strategic Considerations**

- 7.02.08 I have concluded in section 3 that there is excessive housing land overzoning in the plan both in relation to need and to the RDS Housing Growth Indicator. Likewise I have concluded in section 5 that there is a more than generous allocation of industrial land in the plan in relation to need and to the strategic employment role given to the Craigavon UA in DRSF (now RDS) and that the choice of sites in terms of size, distribution and ownership is reasonable. I have recommended in Paragraph 5.07.16 that the southern portion of C/I-2 have its industrial zoning removed and that the settlement limit be re-drawn to exclude it. However, I have not been convinced by the objector's evidence that there is any merit in removing industrial zoning C/I-3 from the Plan and substituting it by a mixed use allocation on the objection site. C/I-3 is in an accessible location, has planning permission and infrastructural development is underway. If part of C/I-2 were deleted from the Plan as I have recommended then C/I-3 would remain as the only Strategic Employment Location or large single user site and should be referred to as such in the Plan. No evidence was presented by the objector of any specific need for additional land for commercial, retail or leisure uses. I conclude that on the basis of need the objection site should not be brought into the settlement limit.
- 7.02.09 With regard to the longer term although a much more rigorous evaluation is required, on the face of it there is some substance to the argument advanced by the objector that this area of land offers a logical direction of growth for the Craigavon UA beyond the Plan's end date. The site is surrounded by key transport corridors, reinforced by the proposed M12 extension along the western boundary of the site and lies into the urban area close to Craigavon Town Centre. It takes many years to plan for and co-ordinate the provision of the necessary infrastructure to comprehensively develop such a large area of land and it would certainly assist investors if there was some sort of government commitment to the long term development of this area. However, Area Plans are for a specific period, in this case to 2010, and there are other non-statutory mechanisms for dealing with the longer term. The Borough Council's Visioning Process is one forum for such debate and there is nothing to prevent DoE, DRD and DSD, in conjunction with the Borough Council, undertaking a study of the long term strategic growth of the Urban Area outwith the Area Plan process.
- 7.02.10 There is no basis in current regional policy for designating a long term Green Belt to 2015 or 2025 at this location. I agree with the DoE that the reference in the RDS Panel Report relates only to the Belfast Metropolitan Area Green Belt (page 90) and I note that there is no reference in the final RDS to all Green Belts in Northern Ireland acting as relatively permanent limits to urban development. It would be illogical to designate a long term Green Belt at this location and not elsewhere in the Borough. It is unclear from the objector's evidence what type of policies would apply to the suggested 'white land' designation outside the settlement limit. If it were treated as a non-policy area of countryside then the appropriate PSRNI policies would apply and development allowed over the next decade could have the effect of restricting the longer term comprehensive development of the area. The Plan's Green Belt designation, on the other hand, would restrict development but would not prevent the appropriate public bodies considering and developing a strategy for the long term development of the area, including the implementation of the proposed M 12 link road.

### **Non-strategic considerations**

- 7.02.11 Having concluded that there is no justification for including the site within the settlement limit on the basis of any of the strategic arguments presented to me, I do not consider it necessary to pursue the site-specific arguments.

### **RECOMMENDATION**

- 7.02.12 I recommend that no alteration be made to the plan as a result of this objection.

- 7.03 

Objection to the exclusion of lands from Craigavon urban area (seeking inclusion of lands and zoning for housing and/or commercial use)
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**Objection: No 55**

**SITE DESCRIPTION**

- 7.03.01 This 17.2 ha site, comprising some nine fields, is located to the north of the Craigavon UA, north east of Charleston Road Industrial Estate, to the east of and fronting Carbett Road. The land rises from the Carbet Road quite steeply in a north easterly direction to a crest fairly close to the western boundary and then falls more gently towards the north east. Mature hedges and trees define the boundaries of the site and the internal field boundaries. The boundary with the M12 slip road is defined by a significant belt of mature planting. On the north west the site adjoins two residential properties and on all other boundaries there is agricultural land. In DCAP the site lies within the Green Belt with the proposed M12 – Central Way link road running along the south western boundary.

**DEPARTMENT'S CASE**

- 7.03.02 A floodplain existed along the eastern boundary on a strip 20m-50 m wide and there should be no development on it. Unless and until the proposed M12 – Central Way link road was constructed, vehicular and pedestrian access could not be provided to the site. If the road were developer-led or constructed in phases, it should commence from the southern end.. A spur from the motorway would not be allowed to serve the site because this would be contrary to PPS 3 at paragraph 24. Any road coming from the motorway M1/M12 would have to link on into some other public road network to form something of the order of a distributor road. The M12 – Central Way link road was a protected line for strategic reasons and much of the land needed was in public sector ownership, but there was no commitment by DRD to construct it as the Forward Planning Schedule had not been determined. The existing access from the M1/M12 to Central Craigavon was adequate and direct, though not as direct as the proposed link road would be.
- 7.03.03 Inclusion of the site within the settlement limit and allocation for housing or commercial use or a mix of the two would be contrary to the policies outlined at Paragraph 7.01 A1, 2, 3, 4, 5, and 6 and to the first four Plan objectives. Paragraph 7.01 C outlined the evidence on housing need and supply. E outlined the evidence on the need for industrial land. Including the objection site within the urban area for industry would be contrary to strategic planning policy, the plan objectives and the plan strategy.
- 7.03.04 Inclusion of the site would have an adverse effect upon the visual setting of the urban area and the rural character of the area to the south of the M1. The highest part of the site in the SW was elevated and visually prominent from the approach south-westwards along the M1 motorway and M12 slip road. The symbol on the site indicating 'archaeological sites and monuments' might not be in exactly the right place but should stay at this spot on the map subject to a statement that the Church of Kilvergan was in this general area and its precise location was unknown. Although the ecclesiastical site of Kilvergan was unlikely to be located within the site boundary there might be traces of pre-historic settlement on the site and it would be appropriate to require monitoring of topsoil removal during development of the site. The issue could be dealt with by a site development requirement. The chances of finding something below ground that would put an absolute stop on development was minimal and in that event planning permission would have to be revoked.



- 7.03.05 The DoE had no comment to make on the concept plan for housing submitted by the objector. It submitted to the inquiry a list of eleven site development requirements which should be included in the Plan in the event of the objection being upheld. This list included the requirement for a concept plan, a survey of vegetation, a detailed planting plan, retention of the River Closet as a feature, no development in the floodplain, the layout to respect the topography, provision of footways/cycleways and open space, access from a developer funded road, and a programme of archaeological works to be implemented prior to any site works commencing in accordance with a written scheme and programme approved by the Department.

### **OBJECTOR'S CASE**

- 7.03.06 The site was suitable for a range of land uses including housing, retail/wholesale distribution, industry and leisure. A generous supply of housing land was required for the Borough to meet the potential of the Craigavon UA as argued in section 3 of this report. Development of the site would increase housing choice as it represented a neighbourhood close to employment opportunities and was suitable for high class housing which would fill a niche in the housing market, absent in this part of Craigavon. The DoE had ignored important strategic issues relating to where in Craigavon future growth should be accommodated. The objection site was ideally located in relation to the Strategic Road Network representing a strategic distribution point at a key transport corridor proximate to M1 and M12 and a proposed link road to Central Craigavon (M12 extension). At present without the M12 extension it was 2.2 miles by road from the objection site to the town centre of Central Craigavon.
- 7.03.07 The opening up of the site together with other lands to the south of the M1 and to the east of the M12 extension (ie including objection site No 213) would represent a sustainable pattern of development based on integration with transport. The mixed use neighbourhood resulting from the development of the lands between M1 and Central Craigavon would present a compact urban form with strong defensible boundaries. The objection site itself had a defensible eastern boundary at the River Closet. To the north between the site and the M12 slip road were two houses in large grounds and some fields in DRD ownership. Without objection site No 213 the objection site could be viewed as a finger of development. Policies SPG 6, 9 and 25 would not be breached as the preparation of a new area plan was the time to consider such amendments. The inclusion of the site would represent a more sustainable pattern of development than that represented by some other peripheral zonings in DCAP such as at Drumnacanny. However there had been no objections made to these other zonings.
- 7.03.08 It was inappropriate that a developer should have to foot the bill for the proposed M12 extension as it was a strategic motorway link to the town centre. It was clearly a more direct route than that which existed and its absence handicapped direct access to the centre and was a poor advertisement for Craigavon's strategic regional role. It was part of the DRD Major Works Planning Schedule as noted in the plan. Its existence would provide a compulsive reason for opening up the subject lands to development for a range of land uses. An alternative route to the site would be through the New Charleston Industrial Estate when it was extended into the zoned industrial land, although the IDB had no current plans to extend its road infrastructure up to the objection site. There was no flooding problem on the site. This was based on the objector's personal knowledge of 22 years prior to vesting and during the past 5 years.
- 7.03.09 The archaeological site (Church and Graveyard – site of) should be at 006013 some distance to the east of the objection site on Map 2 of the Plan. It could remain where it was on the map subject to a note that the Kilvergan Church remains were unlikely to be there. Monitoring of topsoil removal would not be problematic. The DoE's proposed site development requirement for implementation of an archaeological programme of works

by the developer was excessive given it was such a large site. Development of the site would not have an adverse visual impact as a landscape plan would show appropriate mitigation measures.

### **CONSIDERATION**

#### **Need**

- 7.03.10 I have already concluded in Paragraph 3.01.65 that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the UA and there is no objection to any land allocated for housing Phase 1 for which this could be a substitute. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis that it is close to employment opportunities and would fill a niche in the housing market. Consistent with my recommendation in paragraph 3.02.21 to remove all Phase 2 land from the Plan (subject to further consideration by the DoE in certain cases) I conclude that there is no justification on the basis of housing need for extending the settlement limit to include the objection site. Likewise, I have already concluded at paragraphs 5.01.12-20 that there is a more than generous allocation of industrial land in the plan and that the choice of sites in terms of size, distribution and ownership is reasonable. I was not presented with any evidence by the objector of any need for additional land in the plan for commercial, retail or leisure uses. Therefore, I conclude that on the basis of need this site should not be brought into the settlement limit.

#### **Other strategic considerations**

- 7.03.11 My recommendation at paragraph 7.02.12 above is that objection No 213 should not result in any alteration to the plan. Without this land also being included in the settlement limit, objection site No 55 would not be acceptable in terms of urban form as it would constitute a projection out into the rural area, as the objector accepted. The evidence is that the M12-Central Way link road is not definitely within the road works programme of DRD for the plan period and without it access to this entire block of land between Central Craigavon and the M1/M12 will have to be developer-led. From the evidence it does not appear to me to be feasible to provide access to this objection site for development of any scale without considerable assistance from the public sector, which is apparently not forthcoming.

#### **Non-strategic considerations**

- 7.03.12 Having concluded that there is no justification for including the site within the settlement limit on the basis of any of the strategic arguments presented to me, I do not consider it necessary to pursue the site specific arguments presented by the parties because even if I were to conclude that the site is acceptable in development plan terms, this would not override the objections to the site in principle.

### **RECOMMENDATION**

- 7.03.13 I recommend that no alteration be made to the plan as a result of this objection.

- 7.04 

Objection to the identification of lands as Green Belt seeking removal of Green Belt.
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**Objection: No 132**

### **SITE DESCRIPTION**

- 7.04.01 This site is approximately 1.2 ha and is a field with a frontage onto the NE side of Carbet Road. Adjoining the site to the south are two road frontage single storey dwellings. The M12 lies a short distance to the NW while Carn industrial estate lies further to the south and west. In DCAP the site lies within the Green Belt.

### **DEPARTMENT'S CASE**

- 7.04.02 The purpose of DCAP was not to debate or seek to amend regional policies, such as Green Belt, but rather to apply such policies to a specific geographical area. The site bordered the proposed limits of development and no case had been made that this should be altered to include the objection site within the limits.

### **OBJECTOR'S CASE**

- 7.04.03 The desire was to build a single family home on the objection site, which had been in the possession of the family for many decades, save when it was vested by the Craigavon New Town Commission with the intention that the land would be developed. In 1983 the objection site was designated within an Area of Special Control (ASC) and this was confirmed in the 1983/85 Craigavon UA Plan. Thereafter the site has remained outside, but bordering, the limit of development. The DOE had finally sold the site back minus the original dwelling, which had been demolished. There were a few other families similarly affected and some of these people wished to be associated with this broad policy objection.
- 7.04.04 The CAPPP replaced the ASC with a Green Belt and included the objection site within it. The CAPPP Green Belt policies had been very similar to those in the PSRNI; the motivation having been, it would seem, to give legitimacy to the broad policies of the PSRNI. The reason for preparing a new plan, though, was to refine, articulate and re-validate the Green Belt. Planning applications to rebuild the demolished house had been refused in 1994 and 1998. The last refusal was appealed but dismissed by the PAC on policy grounds relating to the Green Belt. The only remedy for this deeply felt injustice was to allow the house to be rebuilt in the Green Belt, or to slightly re-draw the boundary to exclude the site from it.

### **CONSIDERATION**

#### **Strategic considerations**

- 7.04.05 My role is to make recommendations about the Plan for the period to 2010, not reconsider the perceived grievances of the past. I agree with the Department that it would be inappropriate to seek to redefine Green Belt policy to accommodate the personal circumstances of an individual. This is a matter to be considered in the context of a planning application under policy HOU 12 of the PSRNI.
- 7.04.06 Surprisingly neither the Department, nor the objector, made any reference to the fact that the line of the proposed M12 Central Way and Balteagh Road Link transects the objection site from NW to SE. The consequence of this is that the SW portion of the site would appear to fall within the settlement limit (white land) and there may well be some potential for developing this portion of the site. This is, however, a matter of detail that is best considered in the context of a specific development proposal and in the knowledge of the precise line and detailing of the proposed road scheme (Plan Policy Transport 1B on page 38 indicates that the scheme is not yet programmed for implementation).
- 7.04.07 The larger portion of the objection site falls on the NE side of the proposed M12 extension. I have already concluded, in my consideration of objection site No. 213 at section 7.02 above, that the section of land between the M12 extension and Aghacommon should remain in Green Belt. The proposed M12 extension offers a

definitive boundary between the built development of the UA and the countryside beyond, albeit one that may not be put in place for some time. It would be illogical, in the absence of the inclusion of adjoining lands within the settlement limits, to alter the boundary definition of the Green Belt to accommodate a single site that would effectively sit in isolation. I conclude that the NE portion of the objection site should not be brought into the settlement limit.

**RECOMMENDATION**

7.04.08 I recommend that no alteration be made to the plan as a result of this objection.

7.05

Objection to the exclusion of lands from Craigavon urban area (seeking inclusion of lands and zoning for housing)

**Objection: No 154**

**SITE DESCRIPTION**

- 7.05.01 This site measures approximately 1.1 ha and is located on the western side of Tannaghmore Road West at the point where the road ceases to be open to vehicular traffic and becomes accessible only to pedestrians and cyclists. The North Lake and the City Park lie to the east, while further to the south is the Belfast to Dublin main railway line. The site is in rough pasture as is the surrounding land to the north and west. It lies within the Green Belt in DCAP.

**DEPARTMENT'S CASE**

- 7.05.02 The local road infrastructure would require significant remedial works to adequately accommodate development of the site. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 7.01 A1, 2, 3, 4, 5, and 6 and to the first four Plan objectives. Paragraph 7.01 C outlined the evidence on housing need and supply. The western boundary of the City Park provided an appropriate edge to the urban area at this location. The surrounding land use context and landscape form gave the area a strong rural character. Development of the objection site would have an adverse impact on this rural character and on the visual setting of the park and Craigavon Lakes.

**OBJECTOR'S CASE**

- 7.05.03 The objection site presented an opportunity site in an area where there was a demand for high quality residential development. The comments made by the objector in relation to objection No 213 were supported.

**CONSIDERATION**

**Need**

- 7.05.04 I have already concluded in 3.01.65 that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area and there is no objection to any land allocated for housing Phase 1 for which this could be a substitute. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis of an assertion that a site would fill a market niche. Consistent with my recommendation in Paragraph 3.02.21 to remove all Phase 2 land from the Plan (subject to further consideration by the DoE in certain cases ) I conclude that there is no justification on the basis of housing need for extending the settlement limit to include the objection site.

### **Other strategic considerations**

- 7.05.05 My conclusion at paragraph 7.02.12 is that objection No 213 should not result in any alteration to the plan. Without this land also being included in the settlement limit, the objection site would read as a freestanding incursion into the open countryside and would clearly be contrary to the strategic objectives of Green Belt designation. There were no site-specific issues raised by the objector and, on the basis of my consideration of the strategic issues, I conclude that objection site should not be brought into the settlement limit.

### **RECOMMENDATION**

- 7.05.06 I recommend that no alteration be made to the plan as a result of this objection.

- 7.06 

Objection that the extent of the zoning of the Tourism Opportunity Zone at Craigavon South Lake is too extensive.
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### **Objection: No 275 (8.1)**

### **SITE DESCRIPTION**

- 7.06.01 This 4.6 ha site lies to the east of South Lake in Central Craigavon, to the north of the A3 Lake Road and to the west of roundabout No 1. It consists of undulating, uncultivated land with hedgerows and some trees partly defining what were former fields. There are trees along part of the boundary to Lake Road and banking along part of the boundary to the road leading from roundabout No 1 to Silverwood. A pedestrian pathway and some trees define the boundary to the NW. In DCAP the site is allocated within a larger area of land zoned for tourism use.

### **DEPARTMENT'S CASE**

- 7.06.02 The Tourism Opportunity Zone (TOZ) had been drawn up for DCAP in consultation with the Borough Council, although there was nothing in any of the technical supplements appraising the area zoned. The original Tourism TS at page 40 merely emphasised the role of the TOZ in enhancing the role and image of Craigavon. The BC had commissioned a study from Derek Lovejoy Partnership to show how the TOZ could be brought to fruition. The DoE considered that although the objection site was peripheral in the TOZ it was still an integral part of it. The whole area around the South Lake between the railway and the roads had always been consciously planned as open space/woodland with public access. In CAPPP it had all been white land around the lake and even if it had not been zoned as a TOZ in DCAP it was likely that it would have been zoned as existing open space. Various vistas of the South Lake area would be seen travelling around the road network in the area and although not elevated, the site was no less prominent than other parts of the TOZ.
- 7.06.03 Plan Policy Tourism 1- Craigavon Lake Tourism Opportunity Zone would allow tourism, recreational and cultural development on the site, including a school which would be classed as cultural. The DoE was prepared to widen the list of acceptable developments to include community development, as this was within the spirit of what it was trying to achieve but other land uses would be contrary to the wider public use of the area. Industry or housing would be constrained by the development criteria listed on page 41 to some extent, but it was difficult to see how the criteria would be reflected in the final form of the development. With the site within the TOZ an application for an hotel or a major recreational development would be considered in the context of the wider opportunity zone and the DoE could require a low density development.

- 7.06.04 The DoE came to the Inquiry to defend the plan and that was the role of the rebuttal statements. The factors set out in PPS 1 at paragraph 3 were relevant to the Commissioner's recommendation on an objection but the third paragraph of page 643 of the case of Electricity Supply Nominees Ltd et al v SOSE and Northavon BC 1991 (QBD) JPL (1992) pp 634-644 referred to 'balance'. It said that 'If on balance they had no reason to prefer the scheme embodied in the objections, then they were right to recommend the adoption of the local planning authority's scheme with its modifications'.

### **OBJECTOR'S CASE**

- 7.06.05 The BC wanted the site designated as a separate Craigavon Lakes Opportunity Zone (CLOZ). Approximately 50 ha had been zoned in the Tourism Opportunity Zone (TOZ), all of which had been white land in CAPP and was owned by the BC. The previous Council had wanted all the area in the TOZ but the new Council thought it was too large and their ambitions were concentrated towards the western end of the South Lake. This would give a degree of flexibility about the future use of the site. The BC supported the criteria for development set out in Page 41 of DCAP and these criteria should also apply to the proposed CLOZ. The last bullet point would have to be amended to take out the reference to tourism or recreational activities.
- 7.06.06 There was no inter-visibility between the site and the South Lake and use of the site for industry or housing would not change the character of the South Lake area. The recently available draft 'Craigavon – A Townscape Study' (Obj/275/8.1/1) made no reference to the objection site, because the illustrative ideas were focused on the other two roundabouts to the west. Industry or housing would be the worst case scenario for the site if the objection was acceded to but small business units or quality housing could enhance the setting. With the current TOZ a major recreational centre, self catering chalets or an hotel would be allowed and there was no significant difference between these and employment or housing related uses on the site.
- 7.06.07 It was up to the DoE to defend its plan and show how the objector's proposals would cause demonstrable harm to interests of acknowledged importance. Paragraph 3 and paragraph 59 of PPS 1 were the bedrock of the Northern Ireland planning system. Objectors did not have to show that their proposal was better than the Department's, in effect it was a no harm test.

### **CONSIDERATION**

- 7.06.08 In my view the objector has correctly summed up the policy context for the PAC's recommendations on objections to a development plan in Northern Ireland. In the English case of Electricity Supply Nominees Ltd et al v SOSE and Northavon BC 1991 (QBD) JPL (1992) the Deputy Judge concluded that Inspectors in England were entitled to reject the application of the presumption in favour of development (PPG1 at paragraph 15) to their consideration of objections to the local plan but this cannot be applied to the Northern Ireland development plan inquiry system because PPS 1 (at paragraphs 1-3) clearly applies the demonstrable harm test to the whole planning system including the making of development plans. I therefore conclude that this objection, and other objections, must be evaluated by me on the basis that the Department must defend its plan and show how the objector's alternative proposal for a site is contrary to the public interest ie causes demonstrable harm to an interest of acknowledged importance.
- 7.06.09 The objection site is some 400 metres from the South Lake itself and its topography and vegetation mean that it blocks views of the South Lake from the A3 and the roundabout and there is limited inter-visibility between it and the South Lake shoreline.

Plan Policy Tourism 1 would allow tourism, recreational and cultural development on the site subject to the nine development criteria listed, which include integration into the surroundings and appropriate form, scale, design and landscaping. The DoE was prepared to extend the list of acceptable developments to include community uses.

7.06.10 I do not give any weight to the lack of proposals for the objection site in the consultant's townscape study as the draft version submitted at the Inquiry was so draft that it excluded any text at all or any reference to the brief and had not been ratified by the Borough Council. Neither do I give any significant weight to the previous zoning of the site as white land in CAPP. However, I am not persuaded by the DoE's evidence that a wider range of uses on the objection site would be contrary to the aims and objectives of the plan, or contrary to the public interest. There is no appraisal of the TOZ in the plan's original technical supplement on tourism and recreation (April 2000) except a paragraph describing it as in a prominent location on the shore of South Lake adjacent to the town centre and therefore providing the potential for tourism, cultural and recreational schemes to enhance the role and image of the town centre, and no reference to it at all in the revised Technical Supplement. The DoE acknowledged that the TOZ policy in DCAP could allow recreation halls, holiday chalets and hotels, subject to the development criteria on page 41, and I do not see how other land uses would necessarily be more harmful visually or functionally so long as the same development criteria are applied.

7.06.11 I have already concluded in paragraph 3.01.65 that there is excessive over-zoning of housing land in the plan and in section 5 that the allocation of industrial land in the draft plan is overgenerous, therefore I do not consider it appropriate to include housing or industry as suitable land uses on this site. However, I consider that the objector's idea of a separate zoning of the site as a CLOZ would add too much confusing terminology to the plan. In my view the entire TOZ around South Lake should be renamed The South Lake Zone and within it there should be two sub-areas. One would be the existing TOZ minus the objection site and the list of acceptable uses and the site development requirements should remain as in the plan. The second sub-area should be the objection site and its list of acceptable uses should include tourism, cultural, community, civic and recreational schemes and have the same site development requirements at the rest of the South Lake Zone (suitably re-worded).

#### **RECOMMENDATION**

7.06.12 I recommend that the objection site be included as a sub-area of a re-named South Lake Zone with a list of acceptable uses including tourism, cultural, community, civic and recreational schemes with similar site development requirements to those set out on page 41 of DCAP.



7.07 

Objection to the zoning of land adjacent to Pinebank Community Centre for recreation and open space
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**Objection: No 275 (15.16)**

**CONCESSION**

**DEPARTMENT'S CASE**

7.07.01 The DoE would respond favorably to a recommendation from the PAC to remove the recreation and open space zoning from this 1.6 ha site.

**OBJECTOR'S CASE**

7.07.02 This concession was accepted.

**RECOMMENDATION**

7.07.03 This concession which would result in the site becoming "white land" within the settlement limit is noted.

7.08 

Objection to the exclusion of lands from Craigavon urban area (seeking inclusion of lands and zoning for housing)
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**Objection: No 103**

**SITE DESCRIPTION**

7.08.01 This 3.1 ha site is located to the SE of Brownlow. The site fronts onto Monbrief Road and extends westwards to the grounds of Lismore Comprehensive School. Ardowen housing estate lies to the NE on the opposite side of Monbrief Road. South of the objection site the land is agricultural. In DCAP the extreme NW corner of the site is identified as part of a larger area of Existing Recreation and Open Space land and the remainder is designated as Green Belt.

**DEPARTMENT'S CASE**

7.08.02 The site was located within an area identified for housing in the Craigavon New Town Inner Area Plan 1967. In the Craigavon UA Plan 1985 the site was located outside the settlement limits and within an ASC and had remained so thereafter. Inclusion of the site would be contrary to the policies outlined at paragraph 7.01 A1, 2, 3, 4, 5, and 6 and to the first four Plan objectives. Paragraph 7.01 C outlined the evidence on housing need and supply. Development pressure in the countryside to the south of the Craigavon UA was high and the Green Belt designation should not be reduced. The limit was well defined by the edge of an area of open space with the result that the objection site was not adjacent to built development. Its location, topography and prominence would not allow physical and visual integration within the settlement.

**OBJECTOR'S CASE**

7.08.03 The objection site should be re-zoned for housing development.

## **CONSIDERATION**

### **Strategic Considerations**

- 7.08.04 Given that the objection site was originally zoned for housing in the Craigavon New Town Inner Area Plan of 1967 and that it lies to the immediate SE of Lismore Comprehensive School there is an argument that this is a logical area of land to include within the UA. I have, however, already concluded in paragraph 3.01.65 that there is excessive over-zoning of housing land in the plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area and there is no objection to any land allocated for housing Phase 1 for which this could be a substitute. The objector has raised no site-specific issues and I therefore conclude that on the basis of need this site should not be brought into the settlement limit.

## **RECOMMENDATION**

- 7.08.05 I recommend that no alteration be made to the plan as a result of this objection.

- 7.09 

Objection to the exclusion of lands from Craigavon urban area and location in the Green Belt (seeking inclusion of lands and zoning for housing Phase 1 housing (objection No 172) or exclusion from the Green Belt (objection No 247)
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### **Objection: No 172 (amended site), 247**

## **SITE DESCRIPTION**

- 7.09.01 This site (No 172 reduced to coincide with No 247) measures approximately 1.1 ha and is located to the SE of Brownlow. The site fronts onto the north side of Drumgask Road between its junctions with Sugar Island Road to the SW and Monbrief Road to the NE. It includes two detached two-storey dwellings facing onto Drumgask Road. Situated behind these dwellings (to the north) are a yard where buses are kept and a small workshop building (Avondale Kitchens). Aside from an area of new housing to the west the surrounding land is agricultural. The land is allocated as Green Belt in DCAP.

## **DEPARTMENT'S CASE**

- 7.09.02 Inclusion of the site would be contrary to the policies outlined at Paragraph 7.01 A1, 2, 3, 4, 5, and 6 and to the first four Plan objectives. Paragraph 7.01 C outlines the evidence on housing need and supply. The Plan had allocated sufficient land for development to meet the housing need. Development pressure in the countryside to the south of the Craigavon UA was high and the Green Belt designation should not be reduced. The objection site was not contiguous with or related to the settlement limit of the urban area. It would result in a considerable expansion of the settlement envelope and would have an adverse impact on the setting of the urban area and the landscape character at this location. The limit was well defined west of the site by a stream with its accompanying ditch and strong vegetation. The objection site would require the inclusion of additional lands (not the subject of objection) to integrate it with the settlement.

## **OBJECTOR'S CASE**

- 7.09.03 The site was an opportunity for development in an area where there was a demand for high quality residential development. There were two houses and a shed already built on the site and outline planning permission for another house. It seemed an oversight

to include the site in the Green Belt. Two further dwellings on the site would be acceptable.

### **CONSIDERATION**

#### **Need**

- 7.09.04 The site could clearly accommodate more than the two dwellings desired by the objector as there is no mechanism for restricting the density of allocated housing land in the Plan. I have already concluded in paragraphs 3.01.65 that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area and there is no objection to any land allocated for housing Phase 1 for which this could be a substitute. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan, however modest in scale, purely on the basis that there is a perceived demand for it. Consistent with my recommendation in paragraph 3.02.21 to remove all Phase 2 land from the Plan (subject to further consideration by the DoE in certain cases), I conclude that there is no justification on the basis of housing need for extending the settlement limit to include the objection site.

#### **Other Strategic Considerations**

- 7.09.05 I agree with the DoE that in the absence of the inclusion of adjoining lands the objection site would not read as a logical extension to the UA but as an incursion into the open countryside. Even were there a need for more housing land in the Plan this consideration would rule out removal of the site from the Green Belt and its inclusion within the settlement limit.

### **RECOMMENDATION**

- 7.09.06 I recommend that no alteration be made to the plan as a result of this objection.

- 7.10 

Objection to the exclusion of lands from Craigavon urban area (seeking inclusion of lands)
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**Objection: No 215**

**SITE DESCRIPTION**

- 7.10.01 This site measures approximately 2.1 ha and is located to the SE of Brownlow. The site fronts on the south side of Drumgask Road, east of its junction with Sugar Island Road. It comprises one large undulating field and includes a chalet dwelling (No. 107) that lies along the eastern boundary of the site and is accessed by a private laneway off Drumgask Road. There are three detached dwellings on the opposite side of the road while agricultural land lies to the south, west and east of the site. The land is allocated as Green Belt in DCAP.

**DEPARTMENT'S CASE**

- 7.10.02 Inclusion of the site would be contrary to the policies outlined at paragraph 7.01 A1, 2, 3, 4, 5, and 6 and to the first four Plan objectives. Paragraph 7.01 C outlines the evidence on housing need and supply. The Plan had allocated sufficient land for development to meet the housing need. Development pressure in the countryside to the south of the Craigavon UA was high and the Green Belt designation should not be reduced. The objection site was not contiguous with or related to the settlement limit of the urban area and it would result in a considerable expansion of the settlement envelope at this location. The limit was well defined by a stream with its accompanying ditch and strong vegetation and by Moyraverty West Road. The objection site would require the inclusion of additional lands (not the subject of objection) to integrate it with the settlement.

**OBJECTOR'S CASE**

- 7.10.03 The objection site was close to other developed areas and was accessed by the main local distribution roadways.

**CONSIDERATION**

**Need**

- 7.10.04 I have already concluded in paragraph 3.01.65 that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area and there is no objection to any land allocated for housing Phase 1 for which this could be a substitute. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan on the basis that it is close to other developed areas or convenient to a main road.. Consistent with my recommendation in paragraph 3.02.21 to remove all Phase 2 land from the Plan (subject to further consideration by the DoE in certain cases), I conclude that there is no justification on the basis of housing need for extending the settlement limit to include the objection site.

### **Other Strategic Considerations**

- 7.10.05 I agree with the Department that the objection site is physically and visually removed from the defined settlement limits and would not form a logical extension to the UA. In the absence of the inclusion of adjoining lands the site would read as a freestanding incursion into the open countryside. Even were there a need for more housing land in the Plan this consideration would rule out removal of the site from the Green Belt and its inclusion within the settlement limit.

### **RECOMMENDATION**

- 7.10.06 I recommend that no alteration be made to the plan as a result of this objection.

- 7.11 

Objection to the exclusion of lands from Craigavon urban area (seeking inclusion of lands for housing development)
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### **Objection: No 25**

### **SITE DESCRIPTION**

- 7.11.01 This site measures approximately 0.1 ha and is situated to the SW of Brownlow. It fronts on to the south side of Bluestone Road close to its junction with Moyraverty Road West. The site is rough and overgrown and is surrounded by open pastureland on all sides. In DCAP this site lies within the Green Belt.

### **DEPARTMENT'S CASE**

- 7.11.02 Inclusion of the site would be contrary to the policies outlined at Paragraph 7.01 A1, 2, 3, 4, 5, and 6 and to the first four Plan objectives. Paragraph 7.01 C outlines the evidence on housing need and supply. Development pressure in the countryside to the south of the Craigavon UA was high and the Green Belt designation should not be reduced. Moyraverty Road West offered a very definite edge to the UA at this location and was the most appropriate boundary for the settlement limits. Inclusion of the objection site within the limits would have implications for the Green Belt status of lands to the east and possibly north of the objection site, none of which were the subject of objection. There was no record, since 1973, of any planning applications or pre-application inquiries for development of the objection site.

### **OBJECTOR'S CASE**

- 7.11.03 The objection site was in close proximity to an already developed area, with a new housing scheme underway close by. The site was a ready mixed plant in the past. It was covered in a concrete slab with various other concrete foundations in place and was an eyesore. The objector has sought the right to build on the site for some years. Permission to build two good quality houses would greatly improve the overall environment.

## **CONSIDERATION**

### **Need**

- 7.11.04 I have already concluded in paragraph 3.01.65 that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area and there is no objection to any land allocated for housing Phase 1 for which this could be a substitute. Consistent with my recommendation in Paragraph 3.02.21 to remove all Phase 2 land from the Plan (subject to further consideration by the DoE in certain cases) I conclude that there is no justification on the basis of housing need for extending the settlement limit to include the objection site.

### **Other strategic considerations**

- 7.11.05 I agree with the Department that Moyraverty Road West provides a logical and clearly defined physical definition for the settlement limits at this location. I am not persuaded that the derelict state of the site is a sufficient reason for excluding the site from the Green Belt. In the absence of the inclusion of adjoining lands the objection site would read as a freestanding incursion into the open countryside, unrelated to the UA.

### **Non-strategic considerations**

- 7.11.06 I am not persuaded that there are any site specific issues that would merit overriding the strategic considerations and conclude that the objection site should not be brought into the settlement limit.

## **RECOMMENDATION**

- 7.11.07 I recommend that no alteration be made to the plan as a result of this objection.

- 7.12 

Objection to the exclusion of lands from Craigavon urban area and their designation as Green Belt (seeking inclusion of lands).
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### **Objection: No 138**

## **SITE DESCRIPTION**

- 7.12.01 This site measures approximately 10.7 ha and comprises four fields. The site is situated to the SW of Brownlow and fronts onto the SW side of Knockmenagh Road. The site extends in a southerly direction until it meets the northern frontage of Bluestone Road. Aside from four road frontage dwellings adjoining the site to the SW on Bluestone Road, the surrounding land is in open pasture. In DCAP this site lies within the Green Belt.

## **DEPARTMENT'S CASE**

- 7.12.02 Inclusion of the site as either Phase 1 or Phase 2 housing land would be contrary to the policies outlined at Paragraph 7.01 A1, 2, 3, 4, 5, and 6 and to the first four Plan objectives. Paragraph 7.01 C outlines the evidence on housing need and supply. Development pressure in the countryside to the south of the Craigavon UA was high and the Green Belt designation should not be reduced. If the objection site was included within the settlement limits the land to the east would also have to be included to achieve an appropriately integrated settlement form at this location. This land was not the subject of any objection. The land to the NE had been zoned for Phase 2 development in the Plan, to which there had been no objections. It would be inappropriate, and contrary to the Plan policy of phasing housing land release, to allow

potential development of the objection site prior to the comprehensive development of this land.

- 7.12.03 Knockmenagh Road offered a very definite edge to the UA at this location and was the appropriate boundary for the settlement for the Plan period. The area to the north of this road was Phase 2 land and would remain rural in character until at least 2005. Development of the objection site would therefore adversely affect the visual setting of the UA all along the western edge of Brownlow. The objector's request, raised at response stage, to consider the objection site as suitable for the Travelling Community went beyond the scope of the original objection and should not be considered.

### **OBJECTOR'S CASE**

- 7.12.04 General evidence in relation to housing need is summarised in section 3 of this report. The objection site improved the choice of housing sites in the south Brownlow area for low density private housing and offered an improved image for this part of Craigavon. The site was identified in part for housing in the Inner Area plan of 1967 and a road line /pedestrian cycle path traversed the site. The physical attributes of the site had not changed in the last thirty years. In the Craigavon context there was no strategic reason for being restrictive in housing land. Inclusion of the site would provide an attractive location for developers, as aspired to in the PSRNI.
- 7.12.05 The objection site did not perform a Green Belt function. The site had no scenic or conservation classification and was not classed as best and most versatile agricultural land. The DCAP Countryside Assessment included the site within the Craigavon Plateau and described the area's sensitivity to change as low. It was close to bus service routes and to a full range of community services and facilities. The Plan failed to honour the Department's commitment at the DRSF EIP to define a long term Green Belt to accommodate growth that might be required to 2025. At the very least the objection site should be white land and part of the long-term strategic reserve.

### **CONSIDERATION**

#### **Need**

- 7.12.06 I have already concluded in paragraphs 3.01.65 that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area and there is no objection to any land allocated for housing Phase 1 for which this could be a substitute. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan on the basis that development would not cause material harm to the environment or that it would be suitable for low density private housing. As I have already recommended in paragraph 3.02.21 that all Phase 2 land be deleted from the Plan, there is no justification for allocating this land as Phase 2. Neither is there any justification for allocating the site as Phase 1 housing land.

#### **Other strategic considerations**

- 7.12.07 I do not attach weight to the fact that the site was zoned for development in 1967 as much has changed since then and it is, in any event, the role of area plans to reconsider previous zonings. The objection site lies to the immediate SW of a large portion of ground that is shown as Phase 2 land in DCAP. If my recommendation in section 3 that all Phase 2 land is deleted from the Plan is accepted by the DoE then it would mean that the objection site would be a free standing projection into the open countryside, unrelated to the built form of the UA. On this basis alone, I would reject inclusion of the site in the settlement limit.

7.12.08 As I have already concluded in relation to objection No 213 above at paragraph 7.02.10 there is no basis in current regional policy for designating a long term Green Belt to 2015 or 2025 at this location. In any case it would be illogical to designate a long term Green Belt at this location and not elsewhere in the Borough

**Non-strategic considerations**

7.12.09 Having concluded that there is no justification for including the site within the settlement limit on the basis of any of the strategic arguments presented to me, I do not consider it necessary to pursue the site-specific arguments presented by the parties. Even if I were to conclude that the site is acceptable in development plan terms, this would not override the objections to the site in principle. I agree with the DoE that the matter of the objection site being considered as a possible site for the Travelling Community should have been put forward at the initial objection stage and that it would be inappropriate to deal with it at this late stage.

**RECOMMENDATION**

7.12.10 I recommend that no alteration be made to the plan as a result of this objection.

7.13 

tion to designation of the lands as Green Belt, seeking removal of Green Belt and regeneration of Bluestone.
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**Objection: No 125**

**SITE DESCRIPTION**

7.13.01 This 12 ha site is located at the junction of Bluestone Road, Clanrolla Road and Ballygargan Road, the main part of the site lying to the south of Bluestone Road within which lies a farm building. The site consists of fields with mature boundary vegetation except along the boundary of the southern section with the Bluestone Road. The site adjoins open pastureland on three boundaries and on the western boundary there are a number of dwellings. Lisnaminty Rath lies down a lane on the opposite side of the Ballygargan Road from the site. In DCAP the site is located in the Green Belt.



## **DEPARTMENT'S CASE**

- 7.13.02 Any access from Bluestone Road, Ballygargan Road or Clanrolla Road for a housing development (not a single house) on the site would require road widening and a footway along the frontage on Bluestone Road and a link to the NW along Bluestone Road to Old Lurgan Road. This was unlikely to be practical given the amount of work and the third party lands required. There were no current Roads Service plans to upgrade Bluestone Road. Significant upgrading of the sewerage system would also be required.
- 7.13.03 In the Craigavon New Town Inner Area Plan 1967 all but the southern corner of the site had been identified for Housing, Recreational Open Space and Agricultural or Reserve land being then part of the Mandeville sector. In the 1983/85 UA Plan the site was in the Area of Special Control and in CAPPP it was located within the Green Belt. The designation of the Craigavon New Town had affected the development of the Bluestone locality and the subsequent ASC/Green Belt designation had restricted development other than replacement dwellings. The objectors had received planning permission for a replacement dwelling on site 17 on the planning history map.
- 7.13.04 Removal of the Green Belt designation of the objection site in the plan would be contrary to policies at Paragraph 7.01 A1, 3, 4, and 5 and to the first six Plan objectives. Paragraph 7.01 C outlined the evidence on housing need and supply.
- 7.13.05 The objection site was close to the settlement limit of the Craigavon UA but did not adjoin it. A hole in the Green Belt was illogical in planning terms because it would result in the bizarre situation of tight control close to the urban area and then a small pocket of relaxed control close to that. The residential development pressure analysis for the period 1989-1999 and the planning history schedule showed that there was high development pressure in the locality which indicated that the Green Belt should not be reduced in the area. There was no rationale for designating Bluestone as a 'dispersed rural community' as the first bullet point of Policy HOU 7 of PSRNI stated that they had to be in a location outside of areas of development pressure close to existing towns.
- 7.13.06 There had been 30 localities analysed as possible smaller settlements in the plan, on the basis of the amount of existing development and community facilities such as churches, schools, shops, pubs, halls etc, and only one chosen. There had been no request that Bluestone be designated as a small settlement and it would have failed the criteria as it was very dispersed and had few facilities other than the two churches. It was inevitable that an area so close to the urban area and to Bleary would have lost many of its facilities over time. Even if it had been designated as a settlement in the plan, the objection site would have fallen outside it as it was not at the nexus of Bluestone and the 160 houses which it could accommodate would be out of character. There was no rationale to designating a settlement and expanding it so close to the urban area.
- 7.13.07 Development of the site for housing would be contrary to Policy BH 1 of PPG 6 as it would have a substantial adverse visual impact on the immediate setting of Lisnaminty Rath, the only monument in state care in the Borough. It was a bi-vallate rath, a fort enclosed by two concentric bank-and-ditches and was the remains of the defended enclosure which surrounded the residence of a family of considerable social status during the period c600-900AD. The functional setting of the rath was the area in which the fort owner was influential and where agricultural activities associated with the fort took place and where there might be associated archaeological remains. Views out of the fort site were limited but visitor expectations arriving at the monument from the Ballygargan Road were important. The area surrounding the rath was still rural in nature and the small houses making up the settlement of Bluestone did not affect the

setting of the rath. Although it was not built at the time of the Inquiry Site 35 on the planning history map appeared to read with the grouping but the house on Site 17 extended development past the settlement and had changed its character. The objection site was further out into open countryside and a chain of developments going past the entrance to the monument on Ballygargan Road was unacceptable. The setting of a state care monument would be a consideration in dealing with a planning application on the objection site even if the site were outside a Green Belt in an area on non-policy countryside, but the Green Belt was the best form of protection. EHS had not been consulted by the Planning Service about the planning approval for the karting track beside the Friends Burial Ground at Bluestone Road. This was an omission as it was an archaeological site listed in DCAP and Policy BH2 of PPS 6 applied to it. The late 17<sup>th</sup> century Red Cow Inn on the Bluestone Road was a listed building but not a state care monument.

### **OBJECTOR'S CASE**

- 7.13.08 The objector wanted the objection site either (a) excluded from the Green Belt on its own or (b) to form part of a designated settlement at Bluestone. The Bluestone settlement had been allowed to die because of Green Belt policy, whereas new settlements such as Bleary, Drumnacanvy and Ballyhannon had been allowed to develop. The locality was no longer a 'living and working countryside' as per Policy SPG 9 of DRSF as it was virtually impossible to farm on it due to commercial development at the Brownlow end of the Bluestone Road. The Bluestone area was an established mixed community served by two churches. This should be regenerated instead of new areas of Mandeville being developed for housing estates.
- 7.13.09 The objection site had been vested for the Craigavon New Town in 1965 and sold by the objector to the government in 1967. It was then repurchased by the objector in 1990 as a result of the DoE deciding there was surplus land. During that period it had been designated as Area of Special Control (non-statutory) and then Green Belt (non-statutory) so that the objector could not now get planning permission for a house on the land. If the Green Belt status of the objection site was not removed then the question of compensation would have to be a consideration. The objectors' human rights were affected because they were not allowed to build on their own land and their children had to move away to get a house.
- 7.13.10 The visual setting of Lisnaminty Rath was well enclosed by mature trees and there would be no impact on the fort from development of the objection site. It was hardly ever visited by the public. Other planning approvals had been granted by the DoE in recent years in the vicinity of the rath namely a dwelling adjacent to No 10 Bluestone Road (site 11 on the planning history map) and large replacement dwellings at sites 35 and 17. These approvals should support the removal of the Green Belt on the objection site. The DoE was inconsistent in its implementation of policy since it had not protected the 17<sup>th</sup> century Lyndastown Friends Burial Ground on the Bluestone Road, which was a site of regional importance as it had granted permission for Down Auto Racing in 2000 (N/1998/0605F) in the adjoining field.

## **CONSIDERATION**

### **Strategic considerations**

- 7.13.11 As the site is so far from the existing settlement limit of the urban area in DCAP, and there are no objection sites linking the site to the urban area, there is no question of extending the settlement limit of Craigavon Urban Area out to encompass the site. With regard to the objector's request to have this site excluded from the Green Belt my view is that this would be irrational in planning perms. I agree with the Department that having a 'hole' in the Green Belt ie an area of non-policy countryside surrounded by Green Belt, does not make any sense. There is no objection to the extent of the wider Green Belt encompassing the objection site.
- 7.13.12 The alternative proposition of designating the area known as 'Bluestone' as a settlement is also not tenable. Despite what it may have been in the past it is now a limited scatter of houses, old and new along the Bluestone Road with two churches but little else in terms of village facilities. I agree with the DoE that even if it had been designated as a settlement then the objection site would have been excluded as it is a large site capable of taking 160 dwellings and such a development would be out of character with the scale of the existing. There is no planning mechanism for restricting development of land within a settlement limit to just one house. Finally, I agree with the DoE that the area known as Bluestone does not comply with the criteria set out in PSRNI Policy HOU 7 for a dispersed rural community as it is in an area of development pressure close to an existing town.

### **Other issues**

- 7.13.13 On the basis of the above strategic considerations I conclude that the objection should not be acceded to. I do not therefore intend to address the non strategic issues raised by the parties. The issue of compensation is not one which I have the authority to consider in this report. Whilst the objection site's designation as Green Belt in DCAP has the effect of denying the objectors the possibility of being granted another planning permission for a dwelling on their land (unless one of the criteria of Policy GB/CPA 3 of PSRNI is met), in my view the Green Belt allocation is justified in the public interest. I do not consider that the objectors' human rights are engaged by this development plan policy. In any event, I note that the objectors re-purchased the land in 1990 when it was already in what was accepted as Green Belt (although it was strictly speaking non-statutory) and the purchase price would have reflected this restriction.

## **RECOMMENDATION**

- 7.13.14 I recommend that no alteration be made to the plan as a result of this objection.

7.14

Objection to the non-identification of a People's Park in Brownlow.

**Objection: No 245 (part of)**

**SITE DESCRIPTION**

7.14.01 The objection site measures approximately 7 ha. The site is bounded on its western extremity by Moyraverty Road, and to the east it extends towards, but not as far as, Monbrief Road. In DCAP the land is designated as Green Belt.

**DEPARTMENT'S CASE**

7.14.02 Craigavon Borough Council had been consulted for their views on this matter and a reply was awaited.

**OBJECTOR'S CASE**

7.14.03 The central area of Brownlow had been identified for several years as marginalised and suffering social deprivation and the Department had regrettably ignored the previously expressed desire for a park within it. New development was to be welcomed but should not be to the detriment of the natural environment. The homogeneity of any area, especially one that suffered from transient residents, needed a focal point that offered a sense of stability. The nature of the park fell within European guidelines in relation to environmental regeneration.

**CONSIDERATION**

7.14.04 My general impression of Central Craigavon, including the area most immediate to the objection site, is that there is currently an ample provision of passive open space. This is confirmed by the information provided in Technical Supplement Volume 2 of DCAP on Tourism and Recreation. There is no indication of any firm support for this proposal from Craigavon Borough Council and nor is there any evidence to suggest that the Council would undertake future maintenance of such a park. Having recommended that the land to the immediate north should not be incorporated into the limits of settlement (objection site No 103) I conclude that the objection site should retain its Green Belt designation.

**RECOMMENDATION**

7.14.05 I recommend that no alteration be made to the plan as a result of this objection.

- 7.15 Objection in Brownlow to the non-designation of a local landscape policy area; the landlocking of recreational land adjacent to Lismore Comprehensive School; the need for widening the road in Moyraverty estate; and the need for compliance with conditions regarding landscaping and other matters.

**Objection: No 245 (part of)**

**DEPARTMENT'S CASE**

**Local Landscape Policy Areas (LLPA)**

- 7.15.01 Plan Policy Conservation 2 on page 48 of DCAP set out eight circumstances where LLPA designation was considered appropriate. It was not considered that any of the landscapes within Central Craigavon warranted this designation with the exception of Proposal C/LLPA-1 at Carn.

**Landlocking of Recreational Land adjacent to Lismore School**

- 7.15.02 Regard to this matter would be given when considering planning applications for lands adjacent to the school.

**Road Improvements in Moyraverty Estate**

- 7.15.03 Procedures and criteria existed for bringing forward minor works improvement schemes if the existing roads were considered unable to cater for existing traffic. Improvements for proposed development would have to be provided by developers, if considered necessary.

**Enforcement of Planning Conditions**

- 7.15.04 This was not a matter directly for the Plan but was clearly one that the Department would want to have regard to.

**OBJECTOR'S CASE**

**Local Landscape Policy Areas (LLPA)**

- 7.15.05 There was a scarcity of trees in Northern Ireland in relation to the rest of Europe. There had been a substantial removal of mature trees recently adjacent to the Drumgor Road. The Department should reconsider the lack of LLPA designation in Brownlow.

**Landlocking of Recreational Land adjacent to Lismore School**

- 7.15.06 Land beside Lismore School was identified as recreational but could become landlocked if all proposed planning permissions were granted.

**Road Improvements in Moyraverty Estate**

- 7.15.07 The Department had failed to take into consideration the increased generation of traffic within and around new development in Brownlow and the subsequent demand made upon schools. It was incumbent on the Department to favourably consider widening the existing road in the Moyraverty estate.

**Enforcement of Planning Conditions**

- 7.15.08 There was no indication in DCAP of how rigidly the Department would enforce planning conditions on matters such as landscaping.

**CONSIDERATION**

- 7.15.09 The objector makes a general comment that there is a lack of LLPA designation in Central Craigavon but does not identify any specific areas that would merit such protection. In the absence of such information I am not in a position to assess the

merits of this argument and conclude that no additional LLPA designations should be included in the Plan for Central Craigavon.

- 7.15.10 Having looked at the substance of the remaining points of objection raised by the objector I find that none of them are particularly relevant to the considerations of an Area Plan and conclude that they are best dealt with in the manner suggested by DRD.

**RECOMMENDATION**

- 7.15.11 I recommend that no alteration be made to the plan as a result of this objection.

**SECTION 8**

**OBJECTIONS RELATING TO  
PORTADOWN**

## PRELIMINARY

- 8.01 In reporting the DoE's evidence throughout these sections I will refer to the following list of points raised to a number of objections. This is to reduce the length of my report.
- A. Inclusion of the site within the settlement limit would be contrary to or consistent with:
1. The Spatial Development Strategy of DRSF which seeks to promote sustainable patterns of development based on integration with transport, compact urban forms, more housing within existing urban areas and the wise and sensitive use of the rural environment.
  2. Policy SPG 6 of DRSF- TO BUILD LOCAL COMMUNITIES FOR THE FUTURE IN EXISTING URBAN AREAS which seeks to accommodate a larger share of residential development and job provision within existing urban areas to reduce greenfield extensions.
  3. SPG 9 of DRSF – TO SUSTAIN A LIVING AND WORKING COUNTRYSIDE which seeks to control development in areas where there is excessive movement of townspeople to the countryside by the use of Green Belts.
  4. Policy SPG 25 of DRSF – TO CONSERVE THE NATURAL HERITAGE AND PROMOTE A WISE USE OF NATURAL RESOURCES which seeks to manage development pressure by the use of Greenbelts and conserve the settings of cities, towns and villages.
  5. Policy SP 12 of PSRNI – RURAL LANDSCAPES which seeks to protect rural landscapes from excessive or inappropriate development by the designation of Green belts and Countryside Policy Areas.
  6. Policy DES 3 of PSRNI –THE SETTINGS OF TOWNS AND VILLAGES which seeks to protect the settings of towns and villages from inappropriate development and urban sprawl. It states that the principle of drawing a development limit around each settlement, in the development plan, is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between countryside and built-up area.
  7. Planning Policy Statement 6: Planning Archaeology and the Built Heritage which seeks to ensure that new development does not dominate the townscape /landscape characteristics of settlements.
  8. Policy GB/CPA 1 of PSRNI – to prevent the unrestricted sprawl of large built-up areas, prevent neighbouring settlements from merging and to safeguard the surrounding countryside.
- B. The settlement limits had been defined for the Urban Area in order to protect its character, to prevent ribbon development and to prevent urban sprawl in the surrounding countryside, whilst creating suitably located opportunities to accommodate future development needs. The limits had been defined following an analysis of development trends and an evaluation of environmental assets, physical features and the availability of services. The limits had been drawn in accordance with Policies SP2 and SP 12 of PSRNI.
- C. In DCAP a total of 485 ha of housing land had been allocated within the Urban Area of which 340 ha was Phase 1 and 145 ha was Phase 2. The DoE estimated that based on household formation and building rates between 3380 and 4410 dwellings would be required for the Urban Area up to the end of the Plan period (see Table 3.2) whereas there was a potential of 6323 houses on land identified by the Housing Monitor 2000 (Phase 1 zoned housing sites in DCAP plus sites with planning permission) and a potential of a



further 2154 dwellings on Phase 2 lands. To this total there had to be added proposed concession sites (see Table 3.6 in Section 3). This was substantially more than the RDS Housing Growth Indicator for the whole Borough to 2010. The Phase 1 sites in the Urban Area more than accommodated the Regional Housing Target in DRSF of 3500 for the Craigavon UA 1996-2010 (Appendix 4 of DRSF). In Portadown 125 ha had been zoned as Phase 1 housing land and a further 44 ha as Phase 2 (Table 3.9) and to this had to be added proposed concession sites. Taking into account additional land with planning permission, there was housing potential in Portadown at 2000 of 2323 dwellings in Phase 1 and housing potential of 8477 at 2000 in Phases 1 and 2 (Table 3.2), not taking account of proposed concessions. Zoning additional Phase 1 lands would be contrary to strategic planning policy, the Plan objectives and the Plan strategy.

- F. Phase 2 development lands represented additional land to be held in a land bank and safeguarded for potential future housing development. There was an adequate reserve of Phase 2 land in the Craigavon UA. Zoning additional Phase 2 lands would be contrary to strategic planning policy, the Plan objectives and the Plan strategy. Phase 2 lands would not be released in part or in full prior to the proposed housing review in 2005. Until this review was completed planning permission would normally only be granted for development proposals on Phase 2 land that were in accordance with Green Belt policies and would not prejudice comprehensive development.
- G. There was a generous amount of land zoned in the plan to meet the needs of industry as identified using estimates based on the historic land take-up for industry. In assessing the needs of industry in the Borough the DoE had taken account of the role afforded the Craigavon UA in DRSF and has allocated an additional 183 ha (less concession of 7.6 ha) for industry to meet the needs of both the IDB and the private sector. This was double the amount required.

8.02 

Objection to the flood pondage area in Portadown and to the lack of commitment to a flood defence scheme.
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**Objection: Nos 275 (6.2), 146**

**CONCESSION**

**DEPARTMENT'S CASE**

- 8.02.01 The flood pondage area shown on the revised map (Pondage/DoE/3) indicated where it would be necessary to further investigate site levels to establish the 16 metre Ordnance Datum (OD) contour. All applications for development within and adjacent to the Q100 pondage would have to be accompanied by information on site levels. Q100 was the level that the river might be expected to rise to once in every 100 years. This policy was set out in Plan Policy Utility 1. It was prudent to take a precautionary approach to the matter. The policy made it clear that the area identified meant that further investigation had to take place to assess the flood risk.
- 8.02.02 The following text would be inserted into the adopted plan after the explanatory text of Plan Policy Utility 1 at Page 34:

'The Department of Agriculture and Rural Development Rivers Agency has commissioned a feasibility study for a Flood Defence Scheme at Portadown. It is unlikely that this study will be completed before early 2002. Such a Flood Defence Scheme, if economically viable, would be designed to protect existing properties on both sides of the R Bann which are currently at risk from flooding up to the level of the 100 year flood event. The

approximate limits of the Study are upstream of the Bann Bridge to the confluence of the Annagh tributary and downstream of the Bann Bridge to the northern boundary of the Ulster Carpet Mills site. A Flood Defence Scheme would be subject to Environmental Impact Assessment which could include design matters in relation to the visual and environmental impact of the scheme, integration of the design with river frontage development and potential public access to the river. Planning Service will have regard to the outcome of the Study and will seek to ensure, in consultation with Rivers Agency where appropriate, that all new development proposals in Portadown have appropriate standards of flood protection'.

### **OBJECTOR'S CASE**

8.02.03 This form of wording was agreed on behalf of the objectors.

### **RECOMMENDATION**

8.02.04 This concession is noted.

8.03 

Objection relating to the general issue of land liable to flood in Portadown.
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**Objection: No 112, 157, 100, 168, 162, 123, 267, 1, 52, 275, 146, 147, 225, 194, 161**

### **DEPARTMENT'S CASE**

8.03.01 Current policy relating to the flooding issue was Policy PSU 10 of PSRNI. The RDS in Policy ENV 6.4 set out the precautionary approach and the aim to minimise building in areas considered to be at risk from flooding. Rivers Agency had an internal draft policy on the protection of floodplains, the aim of which was to secure the effectiveness of floodplains for flood defence purposes. It was a consolidation of existing custom and practice but had not yet been presented to the Assembly. It was not specific about development plan zoning. The Agency's approach was risk based and advised against development taking place in areas where the annual probability of flooding was greater than 1% ie lying below the 1:100 year flood levels. It advised against development taking place where there would be an increased difficult to quantify but the cumulative effects of further development would eventually reach measurable proportions. If development was not properly controlled there would be a cumulative detrimental effect. The Agency's risk-based approach was consistent with DETLR's PPG 25 (July 2001) which, although it applied to planning in England, highlighted UK government concerns about development within high risk areas (areas with an annual probability of flooding greater than 1%) and sought to ensure that development did not take place in such areas. PPG 25 had not been specifically adopted as policy in N Ireland.

8.03.02 Rivers Agency's objectives relevant to the this group of objections were to avoid the development of land liable to flooding from overspill watercourses, to protect the integrity of floodplains and preserve essential flood pondage. The only flood defence available at the moment in Portadown was the flood plain. Flooding had happened every 3-4 years in the last 30 years. The estimated 1: 100 flood level downstream of the town centre was 15.3m OD. If development impinged on the flood plain downstream of the town centre this would increase the risk of flooding to other areas of the town. This was the case no matter how small the area of land being infilled for development. It was hard to say exactly where the displaced water would go but it would either make areas of land previous unaffected by flooding become flooded or make areas already liable to flood have more serious flooding.

- 8.03.03 The 'flood pondage' area in Portadown was that part of the floodplain upstream of the town centre which was important for flood control in association with the proposed Flood Protection Scheme designed to protect town centre properties and Policy Utility 1 related to it. It was defined as all the interconnected lands in the vicinity of the Rivers Bann, Annagh and Kilmoriarty below the predicted 1 in 100 year flood level and was shown on the Craigavon Urban Area Map 2 (clarification). Its delineation was based on a previous study in 1990 by McCutcheon and Wilkinson which was now dated. Kirk McClure and Morton's (KMM) 'Report on Upper River Bann – Portadown Flood Pondage Study' May 2001 reviewed the extent and effect of the Flood Pondage Area. Although the area had a complex river system, water flow information for the study was good. A robust computational model was used to predict the Q100 level and it took on board climatic changes as there had been major flood events in the last few years. The effect of climatic change on flooding was not yet known although research in England indicated that flooding was getting worse rather than better.
- 8.03.04 The amended delineation of the flood pondage area on KMM's Map 2 was tentative at the moment as the predictive model used for the study required good topographic information and survey of undeveloped land had been impossible due to the Foot and Mouth situation. The Q100 was at approximately the 16 m OD level upstream of the town centre but could be 50-100 mm above this because of more recent infilling. If there was an application within or near the 16m OD along the line of the flood pondage area then Planning Service should consult with Rivers Agency. The loss of flood pondage to development would increase the risk of flooding to vulnerable properties in the vicinity. Any development within the flood pondage would be at risk from flooding and would be likely to increase the risk of flooding elsewhere.
- 8.03.05 As high river walls would be bad for the image of Portadown the flood pondage area would be the key to protecting existing property. It was not the aim of the scheme to release new lands for development and it was not acceptable to dredge or widen existing channels as there could be adverse environmental impacts. Extensive woodland planting might reduce flooding downstream of such planting but the extent of planting necessary to make any difference was unknown. A developer might be able to increase the pondage available within his land by the provision of a pond or reservoir but this would require careful assessment as it might become permanently filled with water and would serve no useful purpose in a 1:100 year flood event.
- 8.03.06 A small number of existing houses off Mahon Road, at Ingelwood, at Armagh Road and at Rippley Terrace were below the 1:100 year flood level and the Turkington factory at Mahon Road had been built on the flood plain contrary to Rivers Agency advice. In DCAP zoned housing site P/H 8 had a very small sliver within the flood pondage. Concession site DCAP 162 had approximately 10% in the flood pondage and concession site DCAP 123 had less than 10% in the flood pondage. It was not logical to include a site within the settlement limit if more than a sliver of it was within the flood pondage.

#### **OBJECTORS' CASE**

- 8.03.07 There was confusion about the flood pondage area shown on the map and the references to flood plain in rebuttal statements. Objectors considered that any land that was liable to flood in the 1: 100 year event could still be included within the settlement limit either because:
- The site was not **all** liable to flood (objection Nos 267, 1 and 52) and site development requirements could exclude from development those areas below the 1: 100 year flood event level, the remaining land being used for recreational open space or gardens and not infilled; or
  - A small amount of infilling would be acceptable (objection No147)

## **CONSIDERATION**

- 8.03.08 Plan Policy Utility 1 applies only to the flood pondage area shown on amended Plan Map 2. There are also lands downstream of the town centre which are also liable to flooding and have been excluded from the settlement limit partly on that basis (Objection site Nos 100, 168, 171, 157, 275 (15.5) and 147). In my view the Plan should explain the difference between the identified Portadown Flood Pondage Area and the floodplain generally to which regional policy would apply.
- 8.03.09 Although I attach no weight to the Rivers Agency's internal advice on flooding, as this is not in the public domain, and limited weight to PPG 25 as this has not been officially adopted for Northern Ireland, I take the view that a precautionary approach (consistent with Policy ENV 6.4 of the RDS) should generally be taken to the flood risk issue when drawing up a development plan. I consider that land should not generally be included within the development limit and allocated for development (other than recreational open space), where more than a small portion is within the 1:100 year flood level, unless there are special planning or environmental reasons which dictate otherwise. This is consistent with the DoE approach in the Plan which includes a small portion of land lying below the 1: 100 year flood level within land zoned for housing (P/H 8) subject to an informative appended to the site development requirements at DCAP p 120 about flooding.
- 8.03.10 In my view, if more than a small portion of any development site is liable to flooding then there is likely to be either a problem with the management of a large area of open space which has to remain undeveloped or a temptation to infill part of the flood plain to make it more useable. On the other hand it would be unacceptable to draw the settlement limit precisely along the 16m OD line upstream or 15.3m OD downstream as this would not necessarily provide a defensible or well vegetated settlement limit on the ground. However, the DoE concession of objection site Nos 157 subject to a site development requirement prohibiting development below the 15.3 OD contour (reported below) is not consistent with the approach I am recommending, as 50% of it is liable to flood. As I have stated earlier in this report I have no authority to consider DoE concessions unless there are counter objections or conflicting objections and there were none in this case. I comment on concessions generally in section 12.
- 8.03.11 Where a site's exclusion from the settlement limit would be totally illogical in terms of urban form, I consider that this could be a special planning reason for its inclusion within the settlement limit as 'white land', even if more than a small portion is below the 1:100 year flood level. The 'white land' allocation would then require a clear explanation in the Plan that development would be restricted to above the 1:100 year flood level. Applicants for planning permission would have to demonstrate to the satisfaction of the DoE that development proposals (including any flood mitigation measures) would be consistent with regional policy guidance.
- 8.03.12 In my view it would be misleading to show a flood pondage area on the Craigavon Urban Area Map 2, when adopted, which is based on research carried out in 1990, as there is more up to date information available. I suggest that when the DoE is making any further amendments to the plan as a result of this report it takes the opportunity to show the flood pondage area accurately. If this impacts on property previously not affected, then it would be necessary to consider objections.
- 8.03.13 On the basis of this consideration recommendations will be made on specific objections where there is a flood issue.
- 8.04 

Objection to the inclusion of the objection site in the flood pondage area in Portadown.
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**Objection: No 269**

**CONCESSION**

**SITE DESCRIPTION**

- 8.04.01 The site is bounded to the west by Portadown Health Centre, to the north by housing and some small scale commercial uses and to the south and east by Meadow Lane. It is traversed by a pedestrian path and forms an area of informal open space. It is identified as proposed recreation and open space in DCAP.

**DEPARTMENT'S CASE**

- 8.04.02 Flood/DoE/1 submitted to the Inquiry (see appendix) shows the area, including the objection site, to be excluded from the revised Flood Pondage Area.

**OBJECTOR'S CASE**

- 8.04.03 None submitted

**CONSIDERATION**

- 8.04.04 There is a proposed concession that this site be excluded from the Flood Pondage Area. There is no objection to the designation of the site as recreation and open space.

**RECOMMENDATION**

- 8.04.05 This concession is noted.

- 8.05 

Objection that the Peoples Park is not included within the designation of an Historic Park, Garden or Demesne.
--

**Objection: No 275 (10.1)**

**SITE DESCRIPTION**

- 8.05.01 This site comprises some 11 ha of public parkland and playing fields located to the NW of the Belfast Railway line and between The Tunnel to the SW and Garvaghy Road to the NE. The park spans the Corcrain River and has a number of mature tree groupings along its boundaries. In DCAP the site falls within the town centre and is designated as an LLPA in the Portadown Town Centre Map.

**DEPARTMENT'S CASE**

- 8.05.02 The Register of Parks, Gardens and Demesnes of Special Historic Interest in Northern Ireland was the first criteria-based selection of such sites. To be included sites must have retained their layout and planting and have historical value as planned landscapes, meeting one or more of the following criteria:

1. provide some particular aspect of garden history design;
2. contain a notable plant collection;
3. form an integral setting for a building or buildings of historical importance; and
4. be associated with particular people or events.

- 8.05.03 Although the Peoples Park was of some historical interest it did not meet the criteria for inclusion in the proposed register. The park was one of a number of Peoples Parks created from an area of agricultural land and when it was created it was on the edge of the town. In its present form the park was neither exceptional nor a particular example of any particular period or fashion in landscape design. The park contributed to the 'local sense of place' of Portadown, but its value was for local rather than Northern Ireland historical interest.

#### **OBJECTOR'S CASE**

- 8.05.04 Craigavon Borough Council felt that the Peoples Park should be included within the designation of a Historic Park, Garden, or Demesne.

#### **CONSIDERATION**

- 8.05.05 Although the objector is seeking the inclusion of the objection site within the designation of Historic Parks, Gardens and Demesnes, no evidence has been put forward to support this argument. It is unclear from the Department's evidence as to the precise origins of the park. However, there is also no evidence to demonstrate that the park meets any of the criteria used to determine designation and registration. I note that the park is identified as an area of existing recreation and open space in the DCAP and that it has been afforded protection as an LLPA. I consider that these designations are an appropriate recognition of the park's local significance and importance.

#### **RECOMMENDATION**

- 8.05.06 I recommend that no alteration be made to the Plan as a result of this objection.

- 8.06 

Objection relating to the exclusion of lands from Portadown Urban Area and identification as part of a LLPA seeking inclusion of lands and zoning for housing Phase 1.
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#### **Objection: No 157**

#### **PART CONCESSION – OBJECTION TO LLPA WITHDRAWN**

#### **SITE DESCRIPTION**

- 8.06.01 This 26.8 ha site is located to the north and south of Island Road to the north of Portadown and is made up of approximately nine fields, with a farm and dwelling in the middle. There is a lane leading from Ashgrove Road to the farm. The surrounding area is housing to the SW, former playing fields to the south, and agricultural land on all other sides. The site abuts the River Bann on the SE. The site is allocated as Green Belt in DCAP with most of it lying in the proposed P/LLPA-4.

#### **DEPARTMENT'S CASE**

- 8.06.02 The DoE was prepared to include the objection site within the settlement limit except for areas marked I and II to the north. The site would remain within P/LLPA-4 but the LLPA policy would be reworded at page 133 to allow housing development on this portion (Portion A) subject to the following site development requirements and amendment to Plan Policy Conservation 3 at page 49 of the plan. This would include P/LLPA-4 in the last paragraph along with C/LLPA 1 and P/LLPA 6 as exceptions..

8.06.03 The LLPA section at page 133 would retain the description paragraph and then state that 'within the LLPA (Portion A) proposals for housing development would be granted subject to the following site development requirements: -

- ◆ A concept master plan in accordance with Plan Policy Housing 2 shall be submitted with a full or outline planning application.
- ◆ Development will not be permitted to those lands lying below the 15.3 m OD contour.
- ◆ The results of a comprehensive survey identifying trees, hedgerows and other vegetation to be retained and incorporated into the proposed development shall be submitted with a planning application for full or outline planning permission.
- ◆ A detailed planting plan for the proposed development shall be submitted with a full or outline planning application. The existing vegetation within the site and on the boundaries shall be where appropriate and incorporated into the proposed development. The existing vegetation on the site shall be supplemented by the planting of trees and bushes of appropriate species to provide screening for the development and to break up the housing mass and reduce the visual impact of the development. The northern boundary in particular shall be planted with appropriate species to ensure a definitive natural boundary between the residential area and open countryside.
- ◆ Areas of public open space shall be provided within the development in accordance with Plan Policy Housing 3.
- ◆ The proposed layout shall not result in houses backing onto the public road.
- ◆ The layout of the proposal and the type of housing proposed shall respect the topography of the site and, in particular, its elevated nature when viewed from Ballyronan Road/Ashgrove Road, Island Road, the Woodside Area and from these on the other side of the railway line.
- ◆ Access to Ashgrove Road will only be permitted via the existing private lane or through third party lands fronting Ashgrove Road. Access standards with regard to visibility splays and forward visibility must be met. Footway links to the nearest existing footway network will be required. A right turning lane will be required if more than 50 dwellings are proposed. A TIA will be required in order to assess the need for and extent of any further works unless the number of dwellings proposed is less than 100.
- ◆ The proposed layout shall be of a compact traditional form, well integrated with existing and new planting.

8.06.04 An informative about a building restriction and a wayleave for a public sewer within the site was also proposed. The LLPA-4 policy at page 133 would also state that 'no other land use except for recreational use will be permitted within the LLPA'.

#### **OBJECTOR'S CASE**

8.06.05 The objector accepted the concession and the DoE's proposed site development requirements and withdrew the objection as it related to:

- ◆ the LLPA designation of the site; and
- ◆ parts of the site marked I and II on the attached DCAP/157/2000 map.

#### **CONSIDERATION**

8.06.06 As this is a concession and the objectors withdrew the aspects of their objection relating to the LLPA designation I am unable to comment on the merits of including part of this objection site within the settlement limit whilst retaining the entirety of P/LLPA 4, although I suggest that the DoE considers this matter carefully before adopting the plan. My comments in section 12 of this report are relevant. The DoE's proposed wording of the site development requirements for Portion A of the LLPA would have to be amended

to take account of concessions made in respect of Plan Policies HOU 2 and HOU 3 being omitted from the Plan (section 3) and replaced by references to the appropriate regional policy. The Craigavon Area Plan Map 2 would need to be amended to indicate portions 'A' and 'B' within the overall P/ LLPA-4.

**RECOMMENDATION**

8.06.07 This concession is noted.



8.07

Objection relating to the exclusion of lands from the settlement limit and inclusion within a Local Landscape Policy Area seeking inclusion (100 and 168) within the settlement limit, exclusion from the LLPA and zoning for housing Phase 1(168).

**Objection: No 100, 168**

**PART CONCESSION - OBJECTION TO LLPA WITHDRAWN**

**SITE DESCRIPTION**

- 8.07.01 This 1.3 ha site is bounded by Ashgrove Road to the west and Island Road to the north. It has little boundary vegetation. The surrounding area is agricultural to the north and east, housing to the west and a dwelling to the south. In DCAP the site lies in the Green Belt and in the proposed P/LLPA-4.

**DEPARTMENT'S CASE**

- 8.07.02 The Department was prepared to include the objection site within the settlement limit. The site would remain within P/LLPA-4 but the LLPA policy would be reworded at page 133 to allow housing development on this portion (Portion B) subject to site development requirements and amendment to Plan Policy Conservation 3 at page 49 of the plan . This policy would include P/LLPA-4 in the last paragraph along with C/LLPA 1 and P/LLPA 6 as exceptions..

- 8.07.03 The LLPA section at page 133 would retain the description paragraph and then state that 'within the LLPA (Portion B) proposals for housing development would be granted subject to' and then include the same site development requirements as set out in detail above for objection site 157 with the exception of the last requirement relating to traditional form and the suggested informative. This would be replaced with an informative relating to foul sewers and surface water sewers and the access requirements would be replaced with the following:

'For access to this site, if developed on its own, visibility splays of 4.5m by 90m will be required and a 2 metre link footway will be required which will also extend along the entire frontage of the site'.

- 8.07.04 The LLPA-4 policy at page 133 would also state that 'no other land use except for recreational use will be permitted within the LLPA'.

**OBJECTOR'S CASE**

- 8.07.05 The objector accepted the concession and the DoE's proposed site development requirements and withdrew the objection as it related to the LLPA designation of the site.

**CONSIDERATION**

- 8.07.06 As this is a concession and the objectors withdrew the aspects of their objection relating to the LLPA designation I am unable to comment on the merits of retaining this site within the LLPA although I suggest that the DoE considers this matter carefully before adopting the plan. My comments in section 12 of this report are relevant. The DoE's proposed wording of the site development requirements for Portion A of the LLPA would have to be amended to take account of concessions made in respect of Plan Policies HOU 2 and HOU 3 being omitted from the Plan and replaced by references to the appropriate regional policy (section 3). The Craigavon Area Plan Map 2 would need

to be amended to show portions A and B within P/ LLPA-4. Part of the LLPA therefore remains outside either portion and the DoE would need to consider this discrepancy, although there is no objection to this part of the LLPA.

### **RECOMMENDATION**

8.07.07 This concession is noted.

8.08 

Objection relating to the exclusion of lands from the Portadown Urban Area seeking inclusion of lands and zoning for housing Phase 1.
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### **Objection: No 171**

### **SITE DESCRIPTION**

8.08.01 This 3.6 ha site is located off Ashgrove Road, north east of Island Road to the north of Portadown. It comprises three fields with a small dwelling in the SE field. There is a lane dissecting the two southern fields. The site is overgrown and has some old machinery and tyres on part of it. The surrounding lands are agricultural, with a farmstead to the NE. In DCAP the site lies within the Green Belt.

### **DEPARTMENT'S CASE**

8.08.02 A foul sewer extension of 400 m would be required plus possibly a pumping station. There was no road frontage to the site and access would require extra land for road widening and a footway link. Part of the land lay within the River Bann floodplain. Inclusion of the site within the settlement limit would be contrary to the policies outlined at paragraph 8.01 A 1, 4, 5 and 6 and to the first and fourth elements of the Plan strategy for the Urban Area. Paragraph 8.01 B explained the definition of settlements in the Plan and C was a summary of the housing need and housing land supply evidence. The settlement limit was well defined by Ashgrove Road and the existing housing adjoining it to the west. The site was located well away from the settlement limit in DCAP (although now adjoining it at the SW field as a result of concession site No 157 –DF). It was not a logical extension to the settlement limit. It was an open flat site with long distance views into it from Ashgrove Road and the River Bann. Development would have a detrimental effect on rural character, would be visually prominent and would not be integrated into the landscape.

### **OBJECTOR'S CASE**

8.08.03 The infrastructural constraints could be overcome and the site represented an opportunity site in an area where there was a demand for high quality residential development.

## **CONSIDERATION**

### **Need**

- 8.08.04 I have already concluded in paragraphs 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area even if Phase 2 lands at Moy Road is deleted from the Plan. The proposed concession of objection site Nos 157, 100 and 168 has added considerably to land supply in this part of the Urban Area. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis that it is in an area of demand for high quality housing.

### **Other strategic considerations**

- 8.08.05 In the absence of detailed evidence on the extent of flooding and given the stance taken on objection site No 157, much of which also lies within the flood plain, it would be difficult to support exclusion of this objection site from the settlement limit on that basis alone. Likewise the evidence on infrastructural and access constraints did not absolutely rule out development of this site. However, even with the concession of objection site No 157 (excluding parts I and II indicated on the objection map) this site would constitute an unacceptable projection into the rural area and would be unacceptable in terms of urban form.

### **Non-strategic considerations**

- 8.08.06 Having concluded that there is no justification for including this site within the settlement limit on the basis of urban form as well as the housing need argument, I do not consider it necessary to pursue any other site specific issues.

## **RECOMMENDATION**

- 8.08.07 I recommend that no alteration be made to the plan as a result of this objection.

8.09

Objection relating to the development limit and the extent of P/LLPA-4
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### **Objection: No 275 (15.5)**

## **CONCESSION**

### **SITE DESCRIPTION**

- 8.09.01 This site lies to the north of Portadown town centre and is bounded by housing at Woodside Green and Churchill Park to the west and SW, agricultural land to the north and the River Bann to the east. It is currently in use as informal open space. In DCAP it is part of P/LLPA 4.

## **DEPARTMENT'S CASE**

- 8.09.02 The Department would respond favourably to a recommendation to remove this land from P/LLPA-4, include it within the settlement limit and zone it as recreation and open space. This would tie in with the concessions of objection site Nos 157, 100 and 168 above which extended out the settlement limit at this part of the urban area. It had

been confirmed that the lands were being transferred from the NIHE to the Borough Council.

**OBJECTOR'S CASE**

8.09.03 This concession was welcomed.

**RECOMMENDATION**

8.09.04 This concession is noted.

8.10 

Objection to the exclusion of land at Hoy's Meadows, Portadown from the development limit and to its inclusion in the Green Belt.
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**Objection No: 147 (one aspect of)**

**SITE DESCRIPTION:**

8.10.01 This 12.4 ha site is surrounded by the River Bann to the north and west, grazing land to the east and the Northway, the railway line and a park to the south. It is and is flat and marshy to the east and has a water channel on the east side. Access is from Watson Street via a tunnel under Northway and the railway line.

**DEPARTMENT'S CASE**

8.10.02 The site had significant infrastructural constraints which mitigated against its identification in the plan for development. Water Service had certain requirements requiring technical constraints to be overcome; Roads Service had no objection to the objector's specific proposals for access via lands to the NE subject to a TIA; Rivers Agency objected to any development of the site as it would involve infilling of the flood pondage. Although no site surveys had been carried out, aerial photographs showed that all of the site would be flooded by a 1:100 year flood.

8.10.03 Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 8.01 A1, 3, 4, 5 and 6; to the Plan's general objectives and to the first and fourth elements of the Plan strategy for the Urban Area. Paragraph 8.01 B explained the definition of settlements in the Plan and paragraph C outlined the evidence on housing need and supply. There was no need for any additional housing land within Portadown as explained in section 3. The settlement limit at this location was well defined by the strong linear physical boundary provided by Northway and the railway line. Although the site was in close proximity to the town the area was completely rural in character forming part of the open plain on the banks of the River Bann.

**OBJECTOR'S CASE**

8.10.04 The proposal was consistent with all relevant regional and area plan policies, in particular SPG 3 of the DRSF. Development of the site conformed with policy on developing community cohesion (SPG 3 of DRSF), Green Belt, scenic impact, agricultural land quality, flooding and access. The site did not perform a Green Belt function and urban sprawl would not occur if it were excluded from the Green Belt as it did not form a gap between adjacent settlements. It was physically separated from farm land to the north by the R Bann and the only physical connection to the north of the railway was the industrial estate to the NE. The proposed alteration to the settlement limit would not cause unrestricted sprawl as it allowed for a firm physically

defined edge to the Green Belt at the R Bann. The site was not a critical part of Portadown's setting according to the Countryside Assessment and it was a wedge in the urban area in low lying undistinguished land which was inconspicuous from Northway. It was not within the best and most versatile agricultural land classification.

- 8.10.05 While the land was physically constrained by the river and the railway that did not exclude the possibility of development and it was an ideal riverside location for high quality development. Using the DoE's own criteria the site was suitable for cultural and community uses as set out in the plan. There would be no detriment to amenity from the development of the site as it was surrounded by existing mixed use and industrial uses. There was no specific conservation interest within the site and no conflict would occur.
- 8.10.06 It was surprising that the site had not been included in the DoE's flood pondage area for the R Bann and it was not sufficient to totally exclude the site from the development limit because of any potential flood risk. Other sites within S Portadown had been included within the development limit although they were in the flood pondage area. A development proposal on the objection site could be designed to mitigate against possible flooding. It was possible to achieve vehicular access to the site from the east. While the site did not have frontage to Seagoe Road it would be feasible to provide a satisfactory road link to it via the existing industrial estate road which joined Seagoe Road about 100 m north of the bridge over Northway and the railway. The existing tunnel to Watson Street could provide a pedestrian access to the town centre. A footbridge to the Gervaghy Road area would improve accessibility.

## **CONSIDERATION**

### **Need**

- 8.10.07 In terms of urban form and sustainability (proximity to the town centre) there is a strong argument for including this land within the settlement limit. However, there are two major issues which weigh heavily against such a conclusion – the need for additional land zonings and flooding. I have already concluded in paragraph 3.01.65 that the level of over-zoning in the Plan is clearly excessive even if Phase 2 land is not released. Whilst this is a site very accessible to the town centre, the objector has made no objection to the DCAP zoning of a housing site of a similar size in Portadown for which this could be a substitute. In addition there is a flooding issue to which I shall return.
- 8.10.08 With regard to the industry I have already concluded at paragraphs 5.01.16 that there is an overgenerous supply of employment land in the Plan. This remains the case even with my recommended deletion of the southern part of zoned industrial land C/I-2 (paragraph 5.07.16). There was no evidence presented to me that this site was required for commercial uses and at section 4.13.11 I have already concluded that it is highly unlikely that the DoE's re-evaluation of the extent of the Town Centre will result in inclusion of the site within the TC. The objector emphasised the suitability of the site for a community or civic building neither of which require a town centre location in policy terms and I note that Roads Service has endorsed the access proposed. Therefore, were it not for the flooding issue, I would accept that this location close to the town centre might well be appropriate for such uses.

### **Flood issue**

- 8.10.09 Objection site 157 on the other side of the River Bann was conceded for housing development with site development requirements relating to flooding, despite over 50% of it being within the flood plain (above 15.3 OD) and liable to flooding during a 1:100 year flood event. This concession site has some impact on the southern half of the objection site in terms of urban form as they directly front each other across the river, although the flooding photograph in the Appendix shows those 'islands' within objection

site No 157 which are the areas likely to be developed. There is also a significant distinction between the two situations as the Rivers Agency's evidence is that **all** of the Hoy's Meadow site is below the 1:100 flood level and this was undisputed by the objector. The flooding photographs submitted as evidence by Rivers Agency are convincing on that point.

- 8.10.10 I accept that any built development of this site would involve some infilling of the flood plain and that this could have a detrimental impact on flood levels elsewhere. Whilst the objector referred to possible mitigation, no details were given. Obviously an open space/recreation designation within the settlement limit would be appropriate but there is no evidence that any public or private sector organisation wishes to develop it for such a use. When the DoE allocates land for recreation and open space use in the Plan it has to be sure that this will be implemented in the Plan period. Neither do I believe that it would be logical to allocate this land as 'white land' within the settlement limit with the proviso that the flooding issue is a constraint which must be solved to the satisfaction of the Department. I therefore take the view that this site should remain outside the settlement limit and in the Green Belt. Such an indent in a settlement limit is not unusual in plans for towns with a river running through and where there is a known floodplain.

### **RECOMMENDATION**

- 8.10.11 I recommend that no amendment be made to the Plan as a result of this objection.

- 8.11 

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands and zoning for housing.
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### **Objection: No 161**

### **SITE DESCRIPTION**

- 8.11.01 This 4.6 ha site fronts onto the west side of Tarsan Lane and comprises three fields and part of another. The M12 and Charlestown Road Industrial Estate lie to the immediate east of Tarsan Lane. A residential property (No. 8) adjoins the NE portion of the site. Agricultural land adjoins the remaining boundaries of the site. In DCAP the site lies within the Green Belt.

### **DEPARTMENT'S CASE**

- 8.11.02 The majority of the site had, in the past, been subject to significant flooding and the Rivers Agency was opposed to development within the flood pondage area of the River Bann. A right turning lane, road widening and footways would be required on Tarsan Lane. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 8.01 A1, 2, 3, 4, 5 and 6 and to the first four Plan objectives. Paragraph 8.01 B explained the definition of settlements in the Plan and paragraph C outlined the evidence on housing need and supply. Although the objection site adjoined the proposed settlement limit, the M12 restricted access to it. The M12 was also a very definite edge to the urban area and was the most appropriate boundary for the settlement for the Plan period. Any development on the site could not be appropriately integrated into the existing urban form and would have implications for the Green Belt status of adjoining lands that had not been subject to objection.

### **OBJECTOR'S CASE**

- 8.11.03 The objection site was a very substantial opportunity for high quality housing at the verge of Portadown and close to the motorway link. Alternatively it represented an opportunity for much needed warehousing, commercial and industrial space. Any concerns of statutory consultees could be accommodated following detailed discussions.

### **CONSIDERATION**

#### **Need**

- 8.11.04 I have already concluded in paragraphs 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area and there is no objection to any land allocated for housing Phase 1 for which this could be a substitute. The issue of industrial or commercial use for the site was not put forward at the initial objection stage and I consider that it would be inappropriate to deal with it at this late stage.

#### **Other Strategic Considerations**

- 8.11.05 I agree with the Department that, in the absence of the inclusion of adjoining lands, the M12 provides a definitive boundary between the built development of the UA and the countryside beyond. The objection site, if included within the settlement limits, would therefore read as an unrelated and freestanding projection into the open countryside. Although the objector has not sought to contest that part of the site lies within the flood plain, it is not entirely clear from the DoE's evidence the extent to which it does so. My general conclusions with regard to flood risk and the area plan are contained in paragraph 8.02. If there were a need for more housing land in the Urban Area and the land was otherwise acceptable, more information would be required in order to judge whether any part of the site would be suitable for development, taking into account the concession of objection site No 157 of which 50% is below the Q100 level.

### **RECOMMENDATION**

- 8.11.06 I recommend that no alteration be made to the plan as a result of this objection.

8.12

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands and zoning for housing (Phase 1)

**Objection: No 163a**

**CONCESSION TO WHITE LAND**

**SITE DESCRIPTION**

- 8.12.01 This 5.9 ha site lies to the north of the Old Lurgan Road and to the east of Lisnisky Lane. To all sides is agricultural land with Craigavon Area Hospital lying to the NW across the lane. The site itself consists of agricultural land with well vegetated boundaries plus a dwelling with storage area for containers and used cars. In DCAP the site lies within the Green Belt.

**DEPARTMENT'S CASE**

- 8.12.02 The Department would respond favourably to a recommendation from the PAC that this site be included within the settlement limit of the urban area. The reasons given for the proposed concession were:

- ◆ housing land supply in the Borough;
- ◆ the responses of the statutory consultees; and
- ◆ that part of the site was within the settlement limit in CAPPP though not zoned for any particular use.

- 8.12.03 The DoE conceded the entire objection site because of an error in the concession map which had been displayed at the Inquiry and were not prepared to resile from it. No site development requirements were submitted on the basis that this was a concession to white land, not housing land.

**OBJECTOR'S CASE**

- 8.12.04 The objector accepted this concession to white land within the settlement limit, rather than Phase 1 zoning as originally requested.

**RECOMMENDATION**

- 8.12.05 This concession is noted.



8.13

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands and zoning for housing (Nos 256, 163b) or white land (No 139)

**Objection: No 139 (amended site), 256, 163b**

**Counter objections: Nos 2, 3, 6, 7, 8, 9, 11, 23**

### **SITE DESCRIPTION**

8.13.01 **Site No 139** is 5.9 ha, made up of 2 fields plus part of a third, to the south of Old Lurgan Road, currently in agricultural use. Site boundaries are well defined by mature vegetation except the one to the east which is undefined. Farm machinery is stored on one of the fields and there is a derelict dwelling in the southern portion of the site. The site generally slopes gently away from the Old Lurgan Road although there are also some north-eastern slopes and the surrounding land is also in agricultural use. There is a dwelling to the NW and a dwelling and hall to the north.

**Site No 256** is a 2.3 ha field with hedges, trees, ditches and water channels defining its boundaries. Directly to the SW is Ballyhannon Housing Estate, to the west is zoned Housing Site P/H-14 and there is agricultural land on all other boundaries. There is no access to the Old Lurgan Road.

**Site No 163b** is a 0.5 ha triangular field located south of and fronting Old Lurgan Road. It has vegetated boundaries and there is a dwelling and hall to the west and open land to the south and east.

All sites are within the Green Belt in DCAP.

### **DEPARTMENT'S CASE**

8.13.02 Pumping would be required to access the existing foul sewer and some upgrading of the foul sewer network would be required. If access to the objection lands in their entirety were to be provided from zoned housing site P/H- 14 then a revised TIA would be required. It was likely that extensive improvements would be required to the road network off site. Access to objection site No 256 on its own could be via Ballyhannon Road (maximum 25 houses). Access to objection site No 163b would not be permitted from Old Lurgan Road because of the need for an access stagger and forward visibility problems. Widening of Old Lurgan Road by a developer would represent a planning gain.

8.13.03 Inclusion of the site within the settlement limit would be contrary to the policies outlined at paragraph 8.01 A1, 4, 5 and 6 and to the first six Plan objectives. Paragraph 8.01 B explained the definition of settlements in the Plan, paragraph C outlined the evidence on housing need and supply and paragraph D outlined evidence in relation to Phase 2 land. There was a generous provision of industrial land in DCAP taking account of the role afforded Craigavon in the DRSF as reported in section 5. DCAP also made adequate provision to facilitate new retail development within the Borough as reported in section 4 and, taking account of the peripheral location of the site, it was not considered appropriate for retail use.

8.13.04 The proposed settlement limit was appropriate given the topography of the site, the vegetation pattern and the character and quality of the surrounding rural area in general. Site No 163b was not contiguous with the settlement limit in DCAP and land to its west was not subject to objection. Only part of objection site No 139 was contiguous with the settlement limit or adjoined another objection site beside the settlement limit

(No 256). Inclusion of the site would have a significant adverse impact upon the visual setting of the urban area at this location. The settlement limit was well defined south of Old Lurgan Road by a mature tree line. The Old Lurgan Road rose up to a crest so that the undeveloped housing sites within the settlement limit lay on lower land. The topography and vegetation cover served to significantly screen the existing development on the urban fringe and would facilitate the visual integration of zoned housing land. Allowing the objection would mean development on and beyond the crest line in an easterly direction and would be inappropriate given the lack of vegetation along the eastern boundary. The critical view was from the Old Lurgan Road about 400-500 m east of Lisniskey Lane travelling west.

- 8.13.05 The objection site was rural in character, gently undulating with well defined internal field boundaries. The undulating topography and mature planting of the area had served to suitably integrate existing built development and the urban fringe exhibited strong rural characteristics in this location. Approved landscape schemes and landscape management plans for P/H-14 and P/H-15 would ensure reinforced planting along the settlement limit. Inclusion of the objection site would have an adverse impact upon visual amenity and the rural character of the surrounding area. The farm machinery/caravans stored on the frontage field did not appear industrial, although they were not attractive. There was no enforcement action pending.
- 8.13.06 Only 2.9ha of objection site No 136a had been within CAPPP but the Department had mistakenly conceded an additional 2.7 ha. A concept master plan would be required at planning application stage and the eastern boundary vegetation would have to be strengthened. This mistake should not be used as a reason for asking for a similar concession on the south side of Old Lurgan Road as the land to the south was quite different in terms of its eastern boundary, its effect on rural character and integration with the surrounding area. Policy SPG2 Towns of PSRNI stated that white land provided a development land reserve which could be zoned later as required and as infrastructure became available. DCAP zoned adequate amounts of land for all land use requirements in the Borough and there was no need to identify additional unzoned lands.
- 8.13.07 In terms of 'Creating Places' the concept plan submitted by the objector for housing did not adequately address factors such as topography, views into the site from critical viewpoints and detailed information on existing and proposed vegetation. The external image of a development was referred to at paragraph 3.28 of Creating Places. Concept plans had not been requested by the DoE for the Inquiry and were not accorded significant weight.
- 8.13.08 If the site were zoned for housing then site development requirements would require a Concept Design Statement as the site was less than 15 ha, a comprehensive survey of existing vegetation, a detailed planting plan, a TIA, road widening, a right turning lane, a footway link to Bocombra Primary School and measures for badger protection. The layout should respect the topography of the site, incorporate footway/cycle paths and areas of open space and have access via zoned housing site P/H 14. New planting on the undefined eastern boundary of objection site No 139 would be necessary. If the site were zoned for retailing or industry then site development requirements would require a planting plan showing new planting on the eastern boundary and a significant belt of planting along the western boundary. A buffer landscaped open space would be required along the western boundary. The layout should respect the topography of the site, incorporate footway/cycle path links and ensure badger protection. All buildings should be of high quality design and with varied elevational treatment and heights.

#### **OBJECTOR'S CASE**

### **Site No 139**

- 8.13.09 There was a need for more housing land in this area of Portadown. The site would only add very little to the overzoning already in the plan. Zoned housing sites P/H 15 and P/H 14 (13.04ha) had recently had planning applications approved and would be built on soon. They were regarded as being in good locations and one of the few areas where all sectors of the community could live together. Although Zoned Housing sites P/H 10,12,13 and 14 met the same criteria there was no reason not to zone further land on this basis. Should P/H 18 and P/H 15 become unavailable (although there was no evidence to support this proposition) it would leave Portadown with 134 ha of land which at 15 dph would provide only 2010 units for the plan period. This included Phase 2 zoned land and would amount to a nil overzoning. Policy HOU 4 meant that housing allocations had to provide for a range of house types at locations which were in high demand. The site abutted Portadown's most affluent and popular low density housing area – Ballyhannon. Policy HOU 1 of PSRNI required a balance between environmental impact and the need to make land available in locations attractive to developers and to provide an acceptable choice of sites. The DoE had conceded objection site No 163 a despite very substantial overzoning of housing land and there was therefore a DoE acceptance of the concept of additional housing in Portadown. It was inconsistent to argue that there was no longer a need to zone additional land.
- 8.13.10 The site did not perform a Green Belt function as there was little difference between the boundary vegetation of the proposed settlement limit and any of the field boundaries within the objection site. The Countryside Assessment included the site within the Craigavon Plateau which described the area's sensitivity to change as very low. The assessment stated that small scale residential and mixed development could be accommodated if carefully designed and landscaped. The site was lower than the Old Lurgan Road and, with appropriate landscaping, would not be visually intrusive from the road while passing the site. Existing housing and housing with planning permission along the western boundary of the site would be visible from the Old Lurgan Road anyway. Its development for housing would not affect the amenity of existing houses. The site could be developed in line with the Quality Initiative standards and its topography made it suitable for low density development. The site was not good quality agricultural land and not protected by Policy AG 1 of PSRNI. It did not form part of any gap between settlements (unlike PH/18).
- 8.13.11 The site had been vested for the new town and zoned for a school in the 1967 plan. It had continued to be farmed by the objector's family and bought back in 1987/88. The family had operated a farm machinery/caravan business from the frontage field on the objection site in association with No 25 Old Lurgan Road for many years and no enforcement action had been taken. The site was already urbanised by this use and the development of housing on it would tidy it up. Neither Portadown's form nor setting nor the surrounding character would be adversely affected by low density, well designed and well landscaped residential development at the site. It was adjacent to the urban area with its full range of facilities, close to the main link road between Lurgan, Portadown and Craigavon and well served by public transport. The site was of no conservation value and wildlife was not noted as an issue. There were no archaeological sites known. The design and standard of layout of the proposed housing access road, its junction with Old Lurgan Road and the proposed right turn lane on Old Lurgan Road were capable of accommodating the additional traffic which would be generated by site P/H 14 and the objection site. Roads Service had indicated that access could be taken from P/H 14 and congestion was unlikely to be an issue.
- 8.13.12 The objection site differed little from the concession site No 163 a and the statutory consultee responses were the same, thus there was an equity issue. The consequences of the concession were completely unacceptable as the concession site crossed a lane which would have been a good boundary whereas inclusion of the objection site would

not cross any such physical barrier. The concession site's eastern boundary only had a hedge which could be removed prior to a planning application being submitted, therefore it differed little from the eastern boundary of the objection site. The land south of this new boundary created by the concession included urban features of houses, a hall and displayed machinery for sale. This area would come under pressure for development during the plan period and it was better that it was plan led rather than piecemeal.

- 8.13.13 The objection site would fill in a notch on the urban edge created by the concession providing a strong rounding off that could withstand further development pressure. Rounding off was a well established planning concept and used by the DoE in the plan. If the settlement limit had a serrated edge then the countryside was more compromised. The smooth edge to the settlement limit was the one seen from a critical viewpoint 400-500 m west of Lisniskey Lane. From there the DoE's proposed settlement limit (with the concession of site 163a) would be less logical than the one proposed by the objector. The objector's proposed settlement limit did not provide for a further notch to the south of the objection site. In the same way that objection site 163a was an extension to zoned housing P/H 15, so the objection site would be an extension to zoned housing site P/H 14.

#### **Site No 256**

- 8.13.14 Inclusion of this site would maintain a compact urban form and would encourage and facilitate a sustainable pattern of development. There was an inconsistency of approach by the DoE in relation to the rounding-off argument as this site would not contribute to urban sprawl unlike zoned Phase 2 sites adjacent to L/H-5 and P/H 1-3. It would not lead to the merging of any settlements. The site was capable of being served by existing infrastructure and was not prominent from the Old Lurgan Road as it was visually hidden by a crest. The inclusion of the site would have a minimal effect on the overall housing numbers (0.47% increase). Each site should be considered on its merits and this one would not be contrary to any planning policies. It could be zoned as Phase 1 or Phase 2.

#### **Site No 163b**

- 8.13.15 There were no insurmountable infrastructural problems. Access could be negotiated to Old Lurgan Road east of the site. The site had been designated as Recreational Open Space in the Craigavon New Town Inner Area Plan 1967 and was an Area of Special Control and then Green Belt in subsequent plans. The site completed the housing zoning started by P/H 14 and P/H 15 by rounding off the settlement pattern. Inclusion of the site would facilitate a sustainable pattern of development, reduce pressure on the countryside, allow for the radial expansion of Portadown in a compact form, make efficient use of infrastructure and encourage more sustainable forms of transport. The site was close to zoned industrial site C/I-3 and would enhance the Borough's economic potential. The site could be developed with objection site Nos 139/256 and the objector supported the concept master plan submitted for these objection sites.

### **COUNTER OBJECTORS' CASE**

- 8.13.16
- DCAP already allowed for a significant increase in housing (if not already too much) in the Ballyhannon area.
  - The current boundary of the settlement limit was well defined by a stream, hedgerow and mature ash trees.
  - There was a potential increase in traffic congestion as the current roads were not capable of facilitating increased development. The Old Lurgan Road needed to be improved substantially especially at the dangerous crest to the east of Lisniskey Lane.
  - Loss of wildlife, open space and amenity.

- Government owned lands outside the Portadown settlement limit had recently been subject to a decision that they were not required for further development.
- Loss of view from existing houses at Ballyhannon.
- Adverse impact on existing property values in the area.

## **CONSIDERATION**

### **Need**

- 8.13.17 Whilst I have considerable sympathy with the objector's view that this concession gives the message that the DoE is not concerned about further overzoning, I have already concluded in paragraphs 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. Consistent with my recommendation to remove the Phase 2 land at Breagh Road from the Plan, I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area. There is no convincing evidence to support the contention that zoned sites P/H 18 and P/H 15 might be unavailable during the Plan period. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan on the basis that a site is in a 'good location' where all sectors of the community can live together. There was no evidence presented by the objector that other zoned sites did not fulfill the requirements of HOU 1 or HOU 4 of PSRNI in terms of choice or attractiveness to developers and that these should be deleted from the plan in favour of the objection site. Indeed, it was accepted by the objector that other zoned sites in Portadown were also good locations where all sectors of the community could live together.
- 8.13.18 Likewise I have already concluded at paragraph 5.01.16-20 that there is an overgenerous allocation of industrial land in the plan and that the choice of sites in terms of size, distribution and ownership is reasonable. I was not presented with any evidence by the objector of any need for additional land in the plan for the commercial, retail or other uses that a white land zoning might imply. Therefore I conclude that on the basis of need, this site should not be brought into the settlement limit.

### **Other strategic considerations**

- 8.13.19 Even if there were a need for housing land at this locality I would not recommend the inclusion of the site as 'white land' since there do not appear to be physical constraints to its development. I do not consider that the sentence in PSRNI at SP2 that white land in a plan can be 'zoned later as required' is relevant to the Craigavon UA. Given my definition of white land recommended in section 3 (in relation to objection No 204), I consider that a white land designation is only appropriate where a site has physical constraints but falls well inside the settlement limit and its exclusion would be illogical in terms of urban form.
- 8.13.20 Although I make some broad comments in relation to the DoE's approach to concessions in section 12 of this report, I am not in the position to make any recommendations on specific concession sites unless there is a counter objection or conflicting objection. This situation also applies to concession site No 163a which I note is considerably larger than the land included in CAPP and does not, in my view, comply with the definition of white land which I have recommended at paragraph 3.07.04. I agree with the objector that the concession of site No 163a has raised an issue of urban form and that driving westwards on the Old Lurgan Road there will be an impression of built development on the northern side of the road well before development on the southern side of the road. This situation has been created by the concession of a larger site than was intended by the DoE (site No 163 a plus additional land) . However, I do not consider that this 'rounding off' argument is as strong as it might be were the eastern boundary of the objection site well defined by topography or vegetation. I

accept that neither is objection site 163a well defined as a permanent edge to the settlement but there is at least some vegetation along its eastern boundary. I do not believe it to be good planning practice to make decisions on the basis of other 'mistakes' made by the DoE in the locality. The planning gain from removal of the machinery on the frontage field of the objection site would not in my view outweigh the strong arguments against allocating more development land in the plan in the face of such substantial overzoning that already exists.

**Non strategic considerations**

- 8.13.21 Having concluded that there is no justification for including the site within the settlement limit on the basis of any of the strategic arguments presented to me, I do not consider it necessary to pursue the site specific arguments presented by the parties because even if I were to conclude that the site is acceptable in development plan terms, this would not override the objections to the site in principle.

**RECOMMENDATION**

- 8.13.22 I recommend that no alteration be made to the plan as a result of these objections. This recommendation applies to the objections individually as well as collectively.

- 8.14 

Objection relating to the access requirements of zoned housing site P/H-14
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**Objection: No 53**

**CONCESSION**

**DEPARTMENT'S CASE**

- 8.14.01 A planning permission had recently been granted for part of zoned housing site P/H 14 (N/98/0612) and subsequently reserved matters applied for (N/2001/0447). The layout shown was acceptable to the Roads Service and the DoE was prepared to concede the objection and amend the penultimate sentence of the 7<sup>th</sup> site development requirement on page 124 of the plan to read 'Access onto Ballyhannon Road will be limited to a maximum of 50 houses utilising the existing access off Ballyhannon Road , subject to a roundabout being provided within the development'.

**OBJECTOR'S CASE**

- 8.14.02 This concession was accepted.

**RECOMMENDATION**

- 8.14.03 This concession is noted.

- 8.15 

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands
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**Objection: No 176**

**SITE DESCRIPTION**

- 8.15.01 This 3.4 ha site lies between the Ballyhannon Road and the Drumnacanvy Road and is made up of two fields. The eastern field is relatively flat and the western field slopes

down gently to the north. The boundaries to the south, west and north of the site are hedging and some trees. To the south is a factory and dwelling and to the north housing under construction. To the east and west is agricultural land. In DCAP the site lies within the Green Belt.

### **DEPARTMENT'S CASE**

- 8.15.02 No public storm sewers were available to service the land. No access would be allowed off Ballyhannon Road or Drumnacanvy Road but access could be taken from the housing development to the north. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 8.01 A1, 4, 5 and 6, to Plan objectives 1,2,3,5 and 6 and to the first and fourth Plan strategy for the urban area. Paragraph 8.01 B explained the definition of settlements in the Plan and paragraph C outlined the evidence on housing need and supply. Inclusion of the site would not be sustainable because it would involve additional travelling distance to the town centre and would encroach upon the countryside using up more agricultural land. Other zoned sites were further from the town centre and like this one were also green field sites and not on any public transport system. Although there might be high demand for housing in the locality this was not the basis for zoning land in the plan.
- 8.15.03 Development of the site would have an adverse impact on visual amenity and the rural character of the surrounding area. The intention was to preserve the setting of Portadown. Housing under construction to the north was well integrated in a hollow. The approach to Portadown on the Ballyhannon Road had good landscape value and rural character at the settlement limit. The land to the west rose to a crest in the SE and was well wooded. Existing dwellings, although elevated, were well integrated and there was a natural delineation between urban and rural character. Although lower than Ballyhannon Lane, the objection site was visually exposed from both Ballyhannon Road and Drumnacanvy Road with longer distance views into the site from east and west.
- 8.15.04 The DCAP settlement limit was well defined by a ditch and mature vegetation and was defensible. Ballyhannon Road and the Drumnacanvy Road could not be read as possible defensible boundaries because of the impact of development of the site on rural character.. Generally speaking the plan did not zone sites where there was no development on three sides. The zoned Phase 2 lands on the Moy Road did not have development on two sides, extended into the countryside and but was not quite as prominent. Zoned Housing sites P/H 3 and P/H 6 and concession sites DCAP 123 and 162 did not represent urban sprawl as there was existing development into which each site fitted, with no extension into the countryside of existing built form. The factories did not have to be within settlement limits and although development on the objection site would to some extent block views of the factory driving south along both roads, this did not justify the inclusion of the entire triangle of land (ie including the factory) in the settlement limit. The field to the east of the factory was not subject of any objection.
- 8.15.05 Should the objection succeed, site development requirements should be included in the plan, requiring a concept design statement, a survey of vegetation and a detailed planting plan. These should also be a requirement for landscaping of the southern boundary to create a buffer with the factory; open space provision in accordance with Plan Policy Housing 3; the layout to respect the topography of the site; and retention of the stream crossing the site. Access was to be taken through the development approved to the north (N/2000/0095/F). No frontage access would be permitted off Ballyhannon Road or Drumnacanvy Road.

### **OBJECTOR'S CASE**

- 8.15.06 There was high demand for quality housing at this location and a need for additional land in Portadown as there was an imbalance in land zoned for Central Craigavon when compared to Portadown as reported in section 3. The DoE had referred to land supply as a factor in some of its concessions and the same should apply to this site. Inclusion of the site would broaden the choice of housing available. There was a mixed community in the locality and although other zoned sites P/H 10, 11, 12, 13, 14, 15 and 16 would be acceptable to the same purchasers, other than P/H 14 and 15 these sites would not provide the same quality of housing. There was already so much overzoning of housing land in the plan that a small additional amount of land would present no problem.
- 8.15.07 All potential housing sites should have been assessed using the same transparent criteria as reported in section 3. The site was as acceptable as many of the zoned sites and concession sites. Inclusion would not conflict with the plan aim or objectives. There was no threat to the identity and character of Portadown and inclusion of the site would result in no greater urban sprawl than would be created by many of the zoned and concession sites. However, the objector had not submitted objections to any of these other sites. This was a logical extension to the development limit as there was already housing under construction on the adjoining site. Development of the site would meet sustainability criteria as all the infrastructure was in place. Access and all other services were available. There was every prospect of building on the site as opposed to other locations where major works were required to meet site development requirements. The proposed site development requirements were acceptable.

### **CONSIDERATION**

#### **Need**

- 8.15.08 Whilst I have considerable sympathy with the objector's view that the DoE appears not to be concerned about further overzoning as it has given 'land supply' as one of its reasons for making certain concessions to housing land, I have already concluded in paragraph 3.01.65 that there is excessive housing land overzoning in the plan even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. At paragraphs 3.01.67-68 I have already assessed and rejected the argument that more land should be zoned in Portadown because of a disproportionate allocation across the three settlements which make up the Craigavon Urban Area. Consistent with my recommendation to remove the adjacent Phase 2 land at Breagh Road from the Plan, I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area. I reject the argument that one additional small site would make no difference as there would be a cumulative impact if I were to uphold objections relating to small sites on the basis of the argument that each would have a limited impact on the overall level of over-zoning. There are no objections seeking the removal of Phase 1 sites of a similar size in this part of the urban area, for which this could be a substitute. I was not presented with any evidence in relation to a need for other land uses on the site.
- 8.15.09 Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan on the basis that a site is in a location where demand is high or where all sectors of the community can live together. It was accepted by the objector that other zoned sites in Portadown were also locations where all sectors of the community could live together and at least two of these were suitable for high quality housing.
- #### **Other strategic considerations**
- 8.15.10 I agree with the objector that all potential housing sites beyond the existing footprint of the Craigavon Urban Area should have been assessed on an equal basis by the plan team for inclusion in DCAP and that the assessment criteria should have been



absolutely transparent and included in a Technical Supplement. I agree that the way sites have been chosen for inclusion within the settlement limit (and conceded before and during the Inquiry) is not satisfactory and there are some striking inconsistencies which raise the question of equity in decision making. However, this equity argument does not in my view override the fact that the level of over-zoning in the Plan is unacceptable.

**Non strategic considerations**

- 8.15.11 Having concluded that there is no justification for zoning the site for housing on the basis of any of the strategic arguments presented to me, I do not consider it necessary to pursue the site specific arguments presented by the objector because even if I were to conclude that the site is suitable for housing in every other way and would provide a sustainable edge to the settlement, this would not override the objections to the site in principle (ie already substantial overzoning).

**RECOMMENDATION**

- 8.15.12 I recommend that no alteration be made to the plan as a result of this objection.

- 8.16 

Objection relating to the zoning of lands as Phase 2 Housing Release seeking re-zoning as housing Phase 1 release.
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**Objection: No 116**

**Conflicting objection: No 241**

**SITE DESCRIPTION**

- 8.16.01 This 15 ha site is located to the south of the housing area at Princess way, close to Edenderry Primary School. It consists of 7 fields and a farm but excludes a modern bungalow in the middle of the site. Hedges, trees and fencing enclose the site and separate the fields within it. The surrounding area is primarily similar grazing land with some scattered dwellings along Breagh Road to the south.

**DEPARTMENT'S CASE**

- 8.16.02 An access to Breagh Road would be permitted subject to road and junction improvements and a right turning lane on Gilford Road. Access would probably also be required to Ballyhannon Road. The proposed Phase 2 zoning for the site was consistent with the DoE's evidence on housing need and supply outlined in paragraph C of the preliminary page to this section; with paragraph D on phasing; with policies SP 6 and SP 25 of the DRSF; with Policy SP 2 of PSRNI; and with PPS 1 General Principles paragraph 40. It was also consistent with the first three plan objectives and with the fourth and fifth plan strategy for the Urban Area.
- 8.16.03 The release of this land after the 2005 review would depend on the uptake of existing housing land in terms of the overall amount developed, the distribution of take up and the proportion located within the existing urban area. The site formed part of a larger Phase 2 zoning and releasing this Phase 2 land would prejudice the comprehensive development of the whole site according to the principles of the Quality Initiative. Its release would lead to piecemeal development and prejudice the comprehensive development of the whole site according to the principles of the quality initiative. The owner would not be forced to sell his land at zoned housing site P/H 10, therefore he would be choosing to have his farm reduced in size if he sold it. A small portion at the SW end of the objection site was part of a larger site granted planning permission for housing development. The DoE would be willing to accept a recommendation from the PAC to amend the housing zoning at this location.
- 8.16.04 If the objection was successful the DoE would want site development requirements included in the Plan requiring a concept master plan for the entirety of what was Phase 2 land in DCAP; a survey of vegetation; a planting plan; provision of areas of open space, the layout to respect topography of site, and retention of watercourses and laneways. Roads Service requirements included the widening of Breagh Road, right turn lanes on Gilford Road and at the junction to the site at Breagh Road, a link footway from Gilford Road to the development and no frontage development on Breagh Road.

**CONFLICTING OBJECTOR'S CASE**

- 8.16.05 None submitted. This was an objection to the release of Phase 2 lands.

**OBJECTOR'S CASE**

- 8.16.06 The site had the possibility of good sight splays to any of the peripheral roads, was bounded by housing to the south and west and to the north by skyline housing and a factory with fields in between. It was convenient by foot to shops schools, a church and

a pub/restaurant at Killycomaine via P/H 10. It was away from heavily trafficked thoroughfares and would provide a safe environment. Part of the site had planning permission for housing and it was important that the whole site was comprehensively planned and developed by one developer in order to meet the requirements of the Quality Initiative. At present there was an offer on the parcel of land that had planning permission and the developer was prepared to buy both and develop comprehensively if the site was re-zoned Phase 1. There would then be no need to have prolonged negotiations to get Article 40 agreements between different ownerships. This had delayed development of zoned sites in Northern Ireland, but this one was ready to be developed.

- 8.16.07 When widened, the Breagh Road would be the long term edge to the settlement at this location and it was essential to have the design process starting there. The existing hedges and trees provided a comfortable boundary. There were also a substantial number of hedges and trees within the site that could be retained. A wetland area and observation area were included in the proposed concept plan. A quality layout would be created which would complement existing houses and provide public spaces to promote social inclusion. It would have a tree lined entrance, a variety of communities, a linear woodland park and safe pedestrian/cycle access. Farming the land was impractical because of the proximity to residential areas.
- 8.16.08 The owner was a farmer with a pedigree friesian herd. One third of his farm was the Phase 1 land P/H 10 and the rest the objection site. Development of the Phase 1 lands would result in noise, dust and traffic and he would have problems with his milk quotas.

### **CONSIDERATION**

#### **Need**

- 8.16.09 I have already concluded in paragraphs 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area. In this context the objector's arguments about the comprehensive development of this large site in accordance with the Quality Initiative carry little weight since there are no objections to other Phase 1 sites of a similar size for which this could be a substitute. Likewise I do not attach determining weight to the arguments about the economics of developing the objection site in association with zoned housing site P/H 10 or the problems of farming the land. I do not therefore consider that there is any justification on the basis of need for allocating this land as Phase 1 instead of Phase 2.
- 8.16.10 On the foot of objection No 241 I have already concluded at paragraph 3.02.21 of this report that all Phase 2 lands should be deleted from the draft plan unless there are exceptional planning reasons why a specific settlement should retain some phasing to meet a particular set of circumstances or why a specific site should remain as zoned housing land in the Urban Area. I am not convinced by the evidence summarised in section 3 that there are any exceptional circumstances which would justify this part of the Urban Area retaining a land phasing mechanism. Likewise I have not been convinced by any evidence provided in relation to this objection that there are any site specific reasons why this site should be retained as zoned housing land in the Urban Area. Whilst re-drawing the settlement limit to exclude the site will result in an indent in the urban form, as it did in CAPPP, the overriding consideration must be the need to reduce the substantial over-zoning of housing land in the Plan. Objection site No 248 A refers to the triangle of land to the south of this objection site and is reported below.

### **RECOMMENDATION**

8.16.11 I recommend that this Phase 2 land be deleted from the Plan and the settlement limit be re-drawn to exclude the objection site. The small portion of this site which has an extant planning permission should be taken out of the Phase 2 zoning and be included in zoned housing site P/H 10.

8.17 

Objection relating to the zoning of lands as Phase 2 housing release seeking re-zoning as housing Phase 1 release.
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**Objection: Nos 107, 108**  
**Conflicting objection: No 241**

### **SITE DESCRIPTION**

8.17.01 **Site 107** is 0.5 ha and located to the south of housing at Princess Way, Portadown close to Edenderry Primary School. Its boundaries are defined by hedgerows with dispersed trees. There is an opening leading to the housing under construction to the west; to the north is a playing field and to the east and south is farmland.

**Site 108** is 1.7 ha and located immediately to the SW of objection site No 107. It is one field enclosed by hedgerows and dispersed trees. There is an opening leading to the housing under construction to the north.

Both sites are within a Phase 2 housing designation in DCAP.

### **DEPARTMENT'S CASE**

8.17.02 Pumping might be required for parts of the sites to the foul sewer running through the sites. A maximum of 40 houses would be allowed to use the access from Beech Grove to Princess Way -which was a generous figure due to the traffic calming scheme being implemented at Killycomaine and broadly in line with policy at paragraphs 5.2 and 5.3 of DCAN 15.

8.17.03 As each site was small (site No 107 would take 7/8 houses and site 108 No would take 25 houses) their release to Phase 1 would not prejudice the comprehensive development of the entire Phase 2 zoning. They met all the other criteria for being chosen as a Phase 1 site. They were capable of being linked to existing development and were close to local amenities and a bus route. The only real issue was that of housing need and the evidence on this was in section 3 and summarised in paragraph C of the preliminary page section 8. The DoE would have conceded the site except that it had to be consistent in its concessions from Phase 2 to Phase 1 and the only objection site that had been conceded despite not being inside the CAPP limit was objection site No 47. It was accepted that concession sites Nos 162 and 123 and part of 163 had been conceded despite being outside the CAPP limit. The concession of the non-CAPP part of site 163 was a mistake and the other two had been conceded on the basis of 'rounding off'. The fact that the Roads Service had approved the adjoining housing development at Beech Grove with access shown on the plans into the two objection sites did not pre-determine anything. There had been no agreement with the developer of Beech Grove that the objection sites would be developed next.

8.17.04 There had been no representations to include these sites in the development limit prior to CAPP (ie before 31 December 1993) and that was why they had not been included at that time. It was unusual for the DoE to zone sites that were not the subject of representation at that stage. The DoE had not started again appraising all potential sites on an equal footing when preparing for DCAP because the CAPP had been used for such a long time to make planning decisions ie from 1995-1999. It was accepted

that the objection sites were 'rounding off' and their inclusion would give a defensible settlement limit so long as no access was left to the remaining Phase 2 lands.

### **CONFLICTING OBJECTOR'S CASE**

- 8.17.05 None submitted. This was an objection to the release of Phase 2 lands.

### **OBJECTOR'S CASE**

- 8.17.06 All sites should have been evaluated in 1998/99 for inclusion in DCAP on the same basis because there had been a long time between the publication of CAPPP in 1995 and the restarting of the plan making process in 1998. As summarised in section 3 the DoE should have started from scratch and evaluated all sites equally. It was unfair that just because a representation had not been made before 1993 to include these objection sites in CAPPP, there was now no possibility of them being included in CAP despite DoE acceptance that they fulfilled all the criteria for Phase 1 housing.
- 8.17.07 Some of the sites allocated to Phase 1 required major infrastructure and/or third party lands according to their site development requirements and Plan Policy Housing 2 required concept plans for the whole of zoned areas. This would mean delay in getting planning approval and development. There was an imbalance in housing land provision for Central Craigavon when compared to Portadown or Lurgan and there was a clear demand for housing in the area. Release of the sites would allow a reasonable degree of choice and flexibility and allow the market to work effectively. Both sites were small and the maximum number of houses that could be built at 13 dph was 33. The DoE accepted that they were rounding off and that their inclusion would give a defensible boundary to the settlement limit. By conceding objection site Nos 162 and 123 the DoE had shown little regard to the over-zoning of housing land and should not rely on it in this case as that was inconsistent.
- 8.17.08 The Private Streets Determination for Beech Grove made provision for a future access to objection site No 108. The Roads Service's proposed restriction of 40 houses using the Beech Grove access to Princess Way was unjustified and should be 100 dwellings given the capacity of the roads, junction spacing and visibility requirements set out in Tables 3,4 and 5 of Creating Places. The standards required by DCAN 15 were also available. The Roads Service's plans for traffic calming on Princess Way would further ease the junction capacity. The site should be released to Phase 1 because the original planning approval for Beech Grove included the realignment of the access to Edenderry School paid for and implemented by the objector which involved several items of planning gain for the school such as improved access, parking, drop-off facility, bus turning and improvement of the corner with Princess Way,.

### **CONSIDERATION**

#### **Need**

- 8.17.09 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. Consistent with my recommendation to delete the rest of this Phase 2 housing zoning from the Plan, I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area. I do not therefore consider that there is any justification on the basis of need for allocating this land as Phase 1 instead of Phase 2.
- 8.17.10 On the foot of objection No 241 I have already concluded at paragraph 3.02.21 of this report that all Phase 2 lands should be deleted from the draft plan unless there are exceptional planning reasons why a specific settlement should retain some phasing to meet a particular set of circumstances or why a specific site should remain as zoned

housing land in the Urban Area. I am not convinced by the evidence summarised in section 3 that there are any exceptional circumstances which would justify this part of the Urban Area retaining a land phasing mechanism. In considering exceptional planning reasons I do not attach significant weight to (a) the approval of drawings for Beech Grove showing access to the objection sites, as this is normal Roads Service practice or (b) the significant off site infrastructure provided by the objector. I am not convinced by the DoE's evidence that there is any necessity to restrict the number of dwellings using the access from Princess Way into Beech Grove to a maximum of 50.

8.17.11 However, there are a number of factors supporting retention of these sites in the settlement limit as Phase 1. The DoE agreed that the sites were suitable for development and represented 'rounding off'. Had there been a representation in 1993 seeking inclusion of these objection sites in CAPPP then they would have been included and had they been included in CAPPP then they would have been included in DCAP or conceded. It seems to me that if the sites are in every other way acceptable for inclusion within the settlement limit as Phase 1 housing, then it is unsatisfactory to exclude them just because no-one made a representation in 1993. As already concluded in section 3, I agree with the objector that all potential housing sites (with or without representations excepting those with extant planning permissions) should have been re-evaluated in 1998/99 for inclusion within the settlement limit for Phase 1 housing. They should have been evaluated using a list of criteria and these should have been absolutely transparent. Then if any sites were to be conceded before or during the Inquiry they should have been conceded on the basis of a clear set of criteria, taking into account the knock-on impact of concessions on other objection sites. This has not been the case and the objector highlighted that the concession of objection site Nos 123 and 162 showed an inconsistency in the DoE's approach to the housing need argument.

8.17.12 On the other hand, were I to recommend that the objection sites be included in the settlement limit then it would make it difficult to defend the exclusion of the most northerly field of objection site No 116 from the settlement limit as it would become more of a notch in the urban form. Also if I were to recommend that these sites be included within the settlement limit purely on the grounds of the DoE's inconsistent approach I could be merely adding to the confusion. In my view it is important for my recommendations to the PAC to be consistent with each other and I have already concluded that in the light of the over-zoning situation it is not a persuasive argument that a site would only add a small number of houses to land supply.

### **RECOMMENDATION**

8.17.13 I recommend that this Phase 2 land be deleted from the Plan and the settlement limit be re-drawn to exclude the objection sites.

8.18

Objection relating to the identification of Killicomaine House as P/LLPA/5
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### **Objection: No 211**

### **SITE DESCRIPTION**

8.18.01 This site takes in most, but not all, of the extensive curtilages of several large properties that front onto the SE side of Killicomaine Road. There are a number of large and mature trees within the site, particularly along its boundaries.

### **DEPARTMENT'S CASE**

- 8.18.02 The Department wished to discuss this objection further with the objector with a view to resolving it by extending the area of designation as suggested.

**OBJECTOR'S CASE**

- 8.18.03 An additional area, outlined on the location plan (see map in appendix), was a more realistic representation of the "landscaped area" to be protected and included heavily wooded mature trees.

**CONSIDERATION**

- 8.18.04 It is clear to me that the DoE interpreted the original correspondence received on this matter as an objection in principle to the LLPA designation. It has subsequently emerged that the objector was in fact concerned that the designation was not wide enough in its physical scope and should in fact take in an additional adjoining area. While the Department does not appear to have any objection to this suggestion it is a matter that I consider goes beyond the scope of the original objection letter since there could be other parties who have an interest in this matter but who are unaware of it. The Department could, if it so wished, subsequently amend the scope of the LLPA designation, but only after following the due processes of public advertisement and notification. I am satisfied that there is merit in designating the area identified in DCAP Department as an LLPA and recommend so in the absence of any objection to the principle.

**RECOMMENDATION**

- 8.18.05 I recommend that no alteration be made to the plan as a result of this objection.

- 8.19 

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands
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**Objection: No 54**

**SITE DESCRIPTION**

- 8.19.01 This 4 ha site is located between the Gilford Road and Breagh Road, south of Portadown. It consists of fields, paddocks, disused farm buildings and a house with stables. The site slopes generally west towards Gilford Road and there are a number of trees. The site is surrounded by agricultural land with houses on Breagh Lane to the south and Breagh Road to the north.

**DEPARTMENT'S CASE**

- 8.19.02 No foul sewers were available to serve the site but this could be resolved subject to viability and the acquisition of wayleaves. Access could be provided from Breagh Lane or Breagh Road subject to widening, junction improvements and footway provision. A right turn lane should be provided on Gilford Road at the Breagh Road junction. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 8.01 A1, 3, 4, 5 and 6, to Plan objectives 1, 2, 3, 5 and 6 and the first and fourth element of the Plan strategy for the urban area. Paragraph 8.01 B explained the definition of settlements in the Plan and paragraph C outlined the evidence on housing need and supply. The 1983/85 UA Plan's settlement limit had been extended to the south of Portadown at CAPPP stage to include additional housing north

of Breagh Road. At DCAP stage it was further extended to round off the urban form. The Breagh Road formed a well-defined limit to the urban area.

- 8.19.03 Part of the site was within the flood pondage area of the R Bann. The site was elevated above road level and was subject to long distance views from the R Bann valley. The significant mature trees on the site boundary fronting Gilford Road contributed to the rural character of the site and formed an important landscape feature on approach to the town from the south. Development of the site would have an adverse impact upon the visual amenity and rural character of the surrounding area.

#### **OBJECTOR'S CASE**

- 8.19.04 The site was suitable for inclusion within the settlement limit because: -
- ◆ it fronted onto Breagh Road at the section which would be widened to serve zoned housing P/H 10, so giving access with good sight lines;
  - ◆ it had sewage, water and electricity on two sides ie Breagh road and Gilford Road;
  - ◆ the site would be a compact, self-contained development defined by Breagh Lane thus not fracturing the development limit;
  - ◆ the frontage onto the Gilford Road was relatively short and terminated by rising ground at either end (north and south of the west side of the site), thereby reducing the visual impact;
  - ◆ existing tree screening would be maintained along Gilford road as no new access was proposed;
  - ◆ the site did not lie into the flood pondage area of the R Bann; and
  - ◆ it was a suitable size for a self-contained estate.

#### **CONSIDERATION**

##### **Need**

- 8.19.05 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. Consistent with my recommendation to delete the rest of this Phase 2 housing zoning from the Plan, I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area. I was not presented with any evidence regarding a need for other land uses on the site. I do not therefore consider that there is any justification on the basis of need for including this site in the settlement limit.

##### **Other strategic considerations**

- 8.19.06 Although the DoE describes the site as lying within the R Bann flood pondage area there is no evidence to support this and the flood pondage area shown on the proposals Map 2 (clarification) does not include it.

##### **Non strategic considerations**

- 8.19.07 Having concluded that there is no justification for including this site within the settlement limit on the basis of housing need, I do not consider it necessary to pursue the site specific arguments presented by the parties because even if I were to conclude that the site is suitable for housing in every other way and would provide a sustainable edge to the settlement, this would not override the objections to the site in principle.

#### **RECOMMENDATION**

- 8.19.08 I recommend that no alteration be made to the plan as a result of this objection.

- 8.20 

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion
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**Objection: No 248(a) (248 b withdrawn at Inquiry)**

**SITE DESCRIPTION**

- 8.20.01 This 7.7 ha site lies off the Breagh Road, most of it to the south and a small portion to the north of the road. Breagh Lane runs through the site with one field to the east with some farm buildings on it. The rest is agricultural land with hedges defining the fields and one house to the east of Breagh Lane. The surrounding land is agricultural with some dwellings along the opposite side of Breagh Road. The small triangle of land north of Breagh Road is allocated for Phase 2 housing in DCAP and the rest is in the Green Belt.

**DEPARTMENT'S CASE**

- 8.20.02 No existing foul sewers were available to serve the site but this could be resolved subject to viability and the acquisition of wayleaves. Access could be provided from Breagh Lane and Breagh Road subject to widening, junction improvements and footway provision. A right turn lane should be provided on Gilford Road at the Breagh Road junction. Inclusion of the site within the settlement limit would be contrary to the policies outlined at paragraph 8.01 A 1, 3, 4, 5, 6 ; to Plan objectives 1,2,3,5 and 6; and to the first and fourth element of the Plan strategy for the urban area. Paragraph 8.01 B explained the definition of settlements in the Plan and C was a summary of the housing need and housing land supply evidence. The 1983/85 UA Plan's settlement limit had been extended to the south of Portadown at CAPPP stage to include additional housing north of Breagh Road. At DCAP stage it was further extended to round off the urban form. The Breagh Road formed a well-defined limit to the urban area. There was no evidence that local schools were suffering from falling enrolments.
- 8.20.03 Inclusion of the site would have an adverse impact upon visual amenity and the rural character of the surrounding area. On approach to Portadown from the south along Gilford Road the site was in an elevated location, although not as prominent as objection site No 54. Two storey housing would be visible whereas housing on P/H 10 and the Phase 2 land would not be visible. The site was entirely rural in character, had no surrounding development and would not provide a rounding off possibility, even if the Phase 2 lands were developed. It was subject to long distance views from the R Bann floodplain to the SW, although there was limited access to this land.
- 8.20.04 If the objection were included within the settlement limit for housing then site development requirements to be included in the plan would relate to the need for a concept master plan, a survey of vegetation, a detailed planting plan and implementation of a programme of archaeological work. The layout would have to respect the topography of the site, have no houses backing onto a public road and provide for areas of open space in accordance with Plan Policy Housing 3. A right turn lane would have to be provided at the Breagh Road/Gilford Road junction; Breagh Road would have to be widened and a footway/cycleway provided; and any access from Breagh Lane would require improvements to the Breagh Road/Breagh Lane junction and widening of Breagh Lane plus the provision of footways/cycleways.

**OBJECTORS CASE**

- 8.20.05 The site should be included for housing because: -
- ◆ Breagh Road was currently being widened as required by the planning approval for zoned housing site P/H 10 (N/99/0670) and the rest of the land needed for road

widening and/or junction improvement to access the objection site was within the objector's ownership;

- ◆ the Gilford Road area was a mixed community and integrated housing should be encouraged, although it was accepted that people from both sections of the community would also buy houses within zoned sites P/H 10 and P/H 12 and the zoned Phase 2 land between these;
- ◆ there were a number of local schools available, many of which were struggling to keep their numbers up (Portadown Integrated Primary, Moygallan, Bocombra, Edenderry, Seagoe, Portadown College, Killicomaine);
- ◆ development would have no adverse environmental effect on flora or fauna;
- ◆ it was ideally located close to the River Bann in line with the objectives of Portadown 2000;
- ◆ the use of Breagh Road as a settlement limit was nothing more than whimsy.

8.20.06 The objector would be prepared to accept a settlement limit which included just the two frontage fields along Breagh Road and would accept any conditions relating to the archaeological symbol shown on the plan map.

### **CONSIDERATION**

#### **Need**

8.20.07 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area. Whilst this site might be regarded as suitable for both sides of the community in Portadown and I agree that it is desirable to have this form of community mixing, the objector agreed that zoned housing sites P/H 10 and 12 and the phase 2 land between were equally suitable.

8.20.08 On the foot of objection No 241 I have already concluded at paragraph 3.02.21 of this report that all Phase 2 lands should be deleted from the draft plan unless there are exceptional planning reasons why a specific settlement should retain some phasing to meet a particular set of circumstances or why a specific site should remain as zoned housing land in the Urban Area. I have not been convinced by any evidence provided in relation to this objection that there are any site specific reasons why this part of the objection site should be retained as zoned housing land in the Urban Area. The issue of the wider Phase 2 land zoned at this locality is dealt with under objection Nos 116, 107 and 108 reported above.

#### **Other strategic considerations**

8.20.09 There was no evidence to support the contention that schools in the area were suffering from falling enrolments and I would not, in any event, regard this as a justification in its own right for zoning land for housing in the absence of a demonstrated need for additional housing land in the urban area. The site would not represent a rounding off opportunity even if I were not recommending the deletion of the Phase 2 site to the north and even if it were combined with objection site No 54.

#### **Non-strategic considerations**

8.20.10 Having concluded that there is no justification for including this site within the settlement limit on the basis of housing need, I do not consider it necessary to pursue the site specific arguments presented by the parties.

### **RECOMMENDATION**

8.20.11 I recommend that the small triangle of land north of Breagh Road be deleted from the Plan and that the rest of the site remains outside the settlement limit.

8.21 

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands.
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**Objection: No 194**

**SITE DESCRIPTION**

8.21.01 This 2.8 ha site is located to the SE of Portadown and to the west of the Old Gilford Road. The site is made up of one very flat and marshy field that is enclosed on three sides by water channels. The remaining side has an embankment that separates the site from the River Bann, directly to the west. An area of housing including new construction lies to the immediate NE and the remaining surrounding land is agricultural. In DCAP the site is within the Green Belt.

**DEPARTMENT'S CASE**

8.21.02 The site was in the flood pondage area as was the surrounding agricultural land. It had in the past been subject to significant flooding from the River Bann and Rivers Agency was opposed, in principle, to development within areas of flood pondage as the resulting displacement of floodwater could cause problems elsewhere within the catchment. In the absence of a flood protection scheme for Portadown, retention of this area of pondage was of particular importance. Access to the site could be achieved from the adjoining development under construction. Inclusion of the site within the settlement limit would be contrary to the policies outlined at paragraph 8.01 A 1, 4, 5, 6 and to Plan objectives 1,2,3,,5 and 6. Paragraph 8.01 B explained the definition of settlements in the Plan and C was a summary of the housing need and housing land supply evidence.

8.21.03 The limit of the flood pondage area and the rising topography were important factors in determining the settlement limit at this location. The site, being adjacent to the eastern bank of the River Bann, was open in character and subject to extensive long distance views from the western bank of the river. Development of the objection site would constitute an unacceptable extension of the UA and would have an adverse impact upon the visual amenity and rural character of the surrounding rural area.

**OBJECTOR'S CASE**

8.21.04 All, or at the very least, part of this site should be included within the settlement limit due to its location and the fact that houses were being built just over the hedge. Although the site was in the flood pondage area, this problem was not insurmountable as there were houses in closer proximity to the River Bann in the Five Acres development. There were other houses built within the flood pondage area including new developments taking place. A small portion of the site at the western end (presumably eastern end -DF) could accommodate 4-5 houses as Phase 2 release. This would take up approximately 0.4 ha and represent just 0.08% of the total land zoned for housing in the Plan. The remaining land could be enhanced to provide open space for residents of Old Gilford Road. This could involve the provision of a footpath along the site to the edge of the R Bann and allowing the remaining land to revert back to a natural meadow, providing a unique habitat for birds and wildlife. The DRSF mentioned the provision of a settlement limit and Green Belt and on this basis this land should be considered for possible future development.

## **CONSIDERATION**

### **Housing Need**

- 8.21.05 I have already concluded in paragraphs 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan, however modest in scale, purely on the basis that there are other houses nearby. I was not presented with any evidence that there is a need for other land uses on the site. I, therefore, conclude that on the basis of need this site should not be brought into the settlement limit.

### **Other Strategic Considerations**

- 8.21.06 The consultation response from Rivers Agency indicates that there is a significant risk of flooding at this site, although the Agency did not provide technical information to verify or quantify the degree of risk involved. The objector acknowledges that the site falls within the flood pondage area and during one of my visits to the site practically the entirety of the land was under water. No technical information was provided by the objector in relation to possible mitigation measures. My general conclusions with regard to flood risk and the area plan are contained in paragraph 8.02. If there were a need for more housing land in the Urban Area and the land was otherwise acceptable, more information would be required in order to judge whether any part of the site would be suitable for development, taking into account the concession of objection site No 157 of which 50% is below the Q100 level.
- 8.21.07 There are three dwellings within the adjoining Five Acre development to the north of the objection site which appear to project closer to the River Bann meadows. It is, however, the extended garden curtilages of these properties rather than their built form that tends to do so. The garden boundaries of these properties also tie in with a sizeable open drain that continues to define the extent of the proposed development limit to the NW. I agree with the Department that there is a clear visual distinction between the low-lying land immediately adjacent to the Bann and the rising topography that is evident at the edge of the existing and proposed built development on Old Gilford Road. I conclude that the objection site would read as an incursion into the open river valley floor and not as a logical extension to the UA.

### **Non Strategic Considerations**

- 8.21.08 The issue of open space provision within the objection site was not put forward at the initial objection stage. Having already concluded that additional housing land is not required, I do not need to consider this matter further.

## **RECOMMENDATION**

- 8.21.09 I recommend that no alteration be made to the Plan as the result of this objection.

- 8.22 

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands and zoning for housing
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**Objection: No 162**

**CONCESSION**

**SITE DESCRIPTION**

- 8.22.01 This 0.9 ha site is relatively flat and has boundaries of hedgerows and trees. Part of it is used as a garden for No 211a Tandragee Road and part of it to the east beyond an embankment is in the flood pondage area. Immediately to the north is housing development and to the south and east grazing land. In DCAP (as in CAPPP) the site is in the Green belt.

#### **DEPARTMENT'S CASE**

- 8.22.02 The DoE would respond favourably to a recommendation from the PAC that the land be included within the settlement limit in conjunction with objection site No 123. The reasons given were :

- ◆ Land supply in the Borough
- ◆ The responses of the statutory consultees
- ◆ Inclusion of the site would not prejudice the development strategy for Portadown
- ◆ It would represent rounding off, given the existing and proposed development on the opposite side of Tandragee Road.

- 8.22.03 The concession would be subject to site development requirements including a requirement that the land be subject to Plan Policies Housing 2 and 3; no development would be permitted on the flood plain; and a maximum of 50 houses would be permitted to access the site through existing development under construction.

#### **OBJECTOR'S CASE**

- 8.22.04 As there was no further correspondence from the objector it is assumed that this concession was accepted by the objector.

#### **RECOMMENDATION**

- 8.22.05 This concession is noted

8.23

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands

**Objection: No 123**

**CONCESSION**

**SITE DESCRIPTION**

- 8.23.01 This 7.4 ha site consists of three fields with mature hedgerows and trees defining its boundaries. The site is surrounded by agricultural land and the eastern part of the site is in the flood plain. In DCAP (as in CAPPP) the site lies in the Green Belt.

**DEPARTMENT'S CASE**

- 8.23.02 The DoE would respond favourably to a recommendation by the PAC that the land be included within the settlement limit in conjunction with objection site 123. Reasons given were the same as for objection site No 162 reported above.
- 8.23.03 The concession would be subject to site development requirements including a requirement that the land be subject to Plan Policies Housing 2 and 3; no development would be permitted on the flood plain; and direct access to Tandragee Road would require extra land for access, access standards (including right turning lane) and footway links to The Fairways housing development's access along the Tandragee Road. Access was also possible through The Fairways subject to access standards being provided.

**OBJECTOR'S CASE**

- 8.23.04 As there was no further correspondence from the objector it is assumed that this concession was accepted by the objector.

**RECOMMENDATION**

- 8.23.05 This concession is noted.

8.24

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands for housing.

**Objection: No 260**

**SITE DESCRIPTION**

- 8.24.01 This 7.8 ha site is situated to the south of Portadown and takes in two parcels of land situated to either side of Harcourts Hill, a very minor road that runs parallel to the main Tandragee Road. The western portion of land fronts directly onto the Tandragee Road and comprises several fields with a large detached dwelling that has a long driveway entrance onto the Tandragee Road. There are a number of detached dwellings to the north and NE of this part of the site, while diagonally opposite it to the NW there is a large housing development currently under construction (Huntingdale). To the immediate south is agricultural land. The eastern part of the site comprises two open fields that slope gently eastwards towards the Bann River. Detached dwellings occupy the road frontage of Harcourts Hill to the north and south of this part of the objection site. Away from the road

frontage the surrounding land is mostly in agricultural use. In DCAP the site lies within the Green Belt.

### **DEPARTMENT'S CASE**

- 8.24.02 Road widening of Harcourts Hill would be required to its junction with Tandragee Road and a right turning lane would be required on Tandragee Road. A small strip of the eastern boundary lay within the flood plain of the River Bann. Inclusion of the site within the settlement limit would be contrary to the policies outlined at paragraph 8.01 A 1, 4, 5 and 6 and to Plan objectives 1,2,3,5 and 6. Paragraph 8.01 B explained the definition of settlements in the Plan and C was a summary of the housing need and housing land supply evidence. The part of the site fronting Tandragee Road comprised a substantial house set in planned gardens with significant mature trees and provided an important landscaped entrance to Portadown. The land to the west of Harcourts Hill was very rural in character. The proposed limits consolidated the settlement in relation to the surrounding area. Development of either part of the site would have an adverse impact upon the visual amenity and rural character of the surrounding area.

### **OBJECTOR'S CASE**

- 8.24.03 The issues raised by the statutory consultees could all be addressed. A condition could be applied that no development would take place within the flood plain. The intention was to have the trees within the site retained by way of a Tree Preservation Order. The site almost adjoined the town boundary. The Department had stated that the objection site was physically separated from the main housing areas of Portadown yet Huntingdale Lodge, the largest residential development in Portadown, fronted it for approximately 60m across the Tandragee Road. Huntingdale Lodge had become the new visual entrance to Portadown. There were also many examples of dwellings having been built in recent years in the Green Belt on lands bordering Harcourts Hill.
- 8.24.04 DCAP had ignored the southern area of Portadown and provided little choice for the community in this area. The area had proved very popular for high quality residential; development and would help create the mix of housing tenures and balanced communities that the Department was seeking to create. The major concentration of housing land was to be found to the NW and east in areas of existing high-density housing. If the Department wished to maintain compact urban forms it should extend the limit on the east side of Tandragee Road also. The inclusion of additional land to the north would bring the development limit closer still to the objection site. If the Plan objectives were to protect the quality of the countryside why had the development limit been extended on the NW side of the objection site by approximately 180m in the last five years and subsequent to the preliminary proposals in 1995?

### **CONSIDERATION**

#### **Need**

- 8.24.05 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis that it is within a popular location or would help create a mixture of tenures. There are no objections seeking removal of sites of a similar size from the periphery of the Urban Area, for which this could be a substitute. I, therefore, conclude that on the basis of need this site should not be brought into the settlement limit. I was not presented with any evidence that there is a need for other land uses on the site.

### **Other Strategic Considerations**

- 8.24.06 As the objector points out, the DCAP development limit extends much further out into the countryside, and in greater depth, along the western side of Tandragee Road than it does on the eastern side. The DoE's concession of objection site Nos 162 and 123 to the NE of the objection site would seem to alter this somewhat but also have the effect of bringing the potential for in-depth development much closer to the objection site. Notwithstanding this, there remains a wedge of land that separates the appeal site from the more southerly of the concession sites (site No. 123). Since this intervening land has not been the subject of objection it would, to my mind, be illogical to include the objection site within the settlement limit as it would tend to read as a freestanding incursion into the countryside.

### **Non Strategic Considerations**

- 8.24.07 Having concluded that there is no justification for including the site within the settlement limit on the basis of any of the strategic arguments presented to me, I do not consider it necessary to pursue any of the other site-specific arguments presented by the parties.

### **RECOMMENDATION**

- 8.24.08 I recommend that no alteration be made to the Plan as the result of this objection.

8.25 

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands
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### **Objection: No 225**

### **SITE DESCRIPTION**

- 8.25.01 This 2.2 ha site is located south of Portadown and adjoins the western side of Tandragee Road. A soccer pitch takes up part of the site while much of the remainder is flat and marshy. There is a scatter of housing on both sides of Tandragee Road, particularly south of the objection site. The remaining surrounding land use is mainly agricultural. In DCAP the site lies within the Green Belt.

### **DEPARTMENT'S CASE**

- 8.25.02 The central part of the site lay within the pondage area. Rivers Agency was opposed, in principle, to development within areas of flood pondage as the resulting displacement of floodwater could cause problems elsewhere within the catchment. It would be difficult to achieve a proper stagger from any entrance to the site from the opposite junction on Tandragee Road. Inclusion of the site within the settlement limit would be contrary to the policies outlined at paragraph 8.01 A 1, 4, 5 and 6 and to Plan objectives 1,2,3,5 and 6. Paragraph 8.01 B explained the definition of settlements in the Plan and C was a summary of the housing need and housing land supply evidence. Development of the site would constitute an unacceptable extension of the UA and would have an adverse impact upon the visual amenity and rural character of the surrounding rural area.

### **OBJECTOR'S CASE**

- 8.25.03 The objection site should be included within the development limit.

### **CONSIDERATION**

#### **Need**



8.25.04 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area. There are no objections seeking removal of sites of a similar size from the periphery of the Urban Area, for which this could be a substitute. No evidence was presented to me that this site is needed for any other land use. I, therefore, conclude that on the basis of need this site should not be brought into the settlement limit.

**Other Strategic Considerations**

8.25.05 Notwithstanding the scatter of development to the south and east of the objection site I consider that it would read as a freestanding incursion into the open countryside and not as a logical extension to the UA. Although the objector has not sought to contest that part of lies within the flood pondage area, it is not entirely clear from the DoE's evidence the extent to which it does so. My general conclusions with regard to flood risk and the area plan are contained in paragraph 8.02. If there were a need for more housing land in the Urban Area and the land was otherwise acceptable, more information would be required in order to judge whether any part of the site would be suitable for development, taking into account the concession of objection site No 157 of which 50% is below the Q100 level.

**RECOMMENDATION**

8.25.06 I recommend that no alteration be made to the Plan as the result of this objection.

8.26

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands (52, 1, 267) and zoning for housing (267).

**Objection: No 267, 1, 52**

**SITE DESCRIPTION**

8.26.01 **No 267 and No 1** This site measures 2.7 ha and is one field enclosed by hedgerows with dispersed trees and a variety of fences/walls. The site slopes in an undulating pattern gently to the SE. To the west is housing along Mahon Road, new housing under construction to the north and grazing land to the east and south. In DCAP the site lies in the Green Belt.

**No 52** This site measures 1.6 ha and its boundaries are defined by hedges with dispersed trees and fencing and the Annagh River to the north. To the north and west is housing and agricultural land to the east and south. In DCAP the site lies in the Green Belt.

**DEPARTMENT'S CASE**

8.26.02 Access could be taken through existing development at Gracefield Manor subject to a limit of 50 dwellings in total, but if a right turn lane was developed at the junction with Mahon Road then this limit would not be applied. Parts of the sites lay within the flood pondage area where Rivers Agency opposed any development. Inclusion of the site within the settlement limit would be contrary to the policies outlined at paragraph 8.01 A 1, 4, 5, 6; to Plan objectives 1,2,3,5 and 6 and to the first and fourth elements of the plan strategy for the urban area. Paragraph 8.01 B explained the definition of settlements in the Plan and C was a summary of the housing need and housing land supply evidence. The settlement limit had been drawn to tightly constrain existing frontage development to Mahon Road at this location. Inclusion of the sites would result in loss of proposed Green Belt.

8.26.03 Concessions made before and during the Inquiry had been generally consistent as the DoE had generally conceded sites that had been within the CAPPP settlement limit or there was a site persuasive site specific argument (eg concession site Nos 123 and 162). The number of concessions made by the Department increased the housing land oversupply situation but did not preclude every other objection being considered on its merits. It was open to objectors to object to the inclusion of other sites or be counter objectors to requests for more land allocation. It would be unfair for the number of concessions made by the DoE to preclude other objection sites from subsequently being included in the settlement limit. Site No 52 could only take about 25 houses but this would still have an impact on housing over-supply.

8.26.04 With regard to Phase 2 lands the Borough Council had asked for additional lands to be zoned beyond CAPPP and these had to be spread round the urban area. The criteria used to select these additional sites was set out at paragraph 3.01.07. Objection site Nos 52 and 267 had not been chosen as Phase 2 sites because they were not large enough to satisfy the Quality Initiative criteria, would not integrate with the existing built form and were partly in the flood pondage area. It was accepted that the Phase 2 site at Ballyhannon Road was less sustainable than the objection sites as it was not on a public transport route and needed additional infrastructure.

8.26.05 The sites were accessible to the town centre and on a bus route and had existing infrastructure so were sustainable to that extent. Driving into or out of Portadown they

were well screened from view and would not constitute ribbon development or urban sprawl, being backland. Development to the east was constrained by the flood pondage so there could be no further encroachment into the countryside on that side. The settlement limit from the army camp SW was a jagged shape but this was a recognition of existing frontage development and was not untypical of urban areas. Consolidation of existing development at the DCAP settlement limit made a compact urban form although it was occasionally a post and wire fence. It was not always necessary to enclose all frontage development in a settlement limit, but this had been done here. Site No 267's boundaries consisted of hedges to the south and east and it was not a completely open site. The site was lower than Mahon Road and had a limited visual impact.

- 8.26.06 Just because they had housing on two sides, this did not necessarily make the sites candidates for 'rounding off'. Rounding off did not necessarily involve both sides of a road but sometimes did. The difference between objection site Nos 52 and 267 and the concession sites Nos 162 and 123 on the Tandragee Road, Portadown which were conceded as 'rounding off' by the DoE, was that there was in-depth development on the opposite side of the road at objection site Nos 162/123. On the Mahon Road, however, there was just ribbon development on the other side of the road from the objection sites. There was a sliver of land between objection site Nos 52 and 167 which was not subject to objections and this would make the settlement limit illogical and would make a housing layout difficult to achieve.
- 8.26.07 On the basis of consistency with the concession of Objection site No 157 (section 8.06) of which 50% was liable to flood (subject to site development requirements relating to flooding) the DoE withdrew its flood pondage objection to this site since the objector's topographical survey (drawing 52275/1) showed it to be 50% or less below the 16 m OD. The same general principle applied to objection site No 267 although no survey had been required as both the DCAP flood pondage line (derived from 1990 study) and the Kirk, McClure and Morton study (2001) showed that much less than half of the site was in the flood pondage area. No raising of the lands lying below this contour would be permitted on either objection site in order to preserve the integrity of the flood pondage area. Land below the 16 m OD line could be used as open space in conjunction with housing development or rear gardens but no infilling would be allowed. The 16 m contour line was only a line on a map and would not make a defensible settlement limit on the ground.

### **OBJECTOR'S CASE**

- 8.26.08 Evidence in relation to housing need, the DCAP distribution of housing within the urban area and the DoE's site selection process is summarised at paragraphs 3.01.43-45. There was very little housing land left on Mahon Road and this restricted the available choice.
- 8.26.09 The objection sites were as suitable or more suitable for inclusion in the development limit as those chosen or conceded and there was an equity issue. For example the DCAP limit had been extended beyond the CAPPP limit between the Armagh Road and Mahon Road and was clearly visible driving into Portadown along the Armagh Road. When the DoE was choosing the Phase 2 sites in the urban area in response to the request of the Borough Council it should have chosen the objection sites as they were more sustainable than Phase 2 sites which were chosen eg Ballyhannon Road.
- 8.26.10 As of March 2001 the DoE had offered concessions amounting to an additional 45.6ha of land in the Borough and it was important that other objection sites were treated in the same way. If the same criteria used for concessions applied to an objection site this should also be conceded. Site No 52 was small and should not be a matter of undue concern in terms of housing land supply. It would be unfair if the concession sites had so added to housing oversupply in the Borough that no other objection sites could be

released. It was accepted that the objectors had made no counter objections to these concession sites before they were conceded.

- 8.26.11 The land was predominantly level and bounded to the west by a row of substantial two storey houses. It was backland and therefore there was no detrimental visual impact viewed from the Mahon Road. The lands were physically suited to development . Housing was under construction on the adjacent sites to the north and NW (N/2000/0896 and N/2000/0255). Gracefield Manor to the north had been designed to service the land with regard to road access, water, sewerage and electricity requirements. Road widening and a right turning lane on Mahon Road at the junction with the access to Gracefield Manor was possible using land within the objector's control. There was no need for an additional access to Mahon Road. Mahon Road was a bus route and this would reduce dependency on the car and meet the DoE's sustainability and future transportation aims. There was a footway link on Mahon Road the whole way into Portadown . Any residents employed in the nearby Mahon Industrial Estate could walk to work.
- 8.26.12 Inclusion of the objection sites would constitute rounding off and result in a better settlement limit. There was no possibility of further extension of the urban settlement limit to the east as this was flood pondage. The sliver of land between the two sites which was not subject to objection could be planted by the objector. The sites could easily be integrated into the existing and future housing currently in progress on the surrounding lands. The sites could hardly be seen from the Tandragee Road or the Mahon Road because of existing development and the topography. Development would not constitute ribbon development, rather development in depth. It would be possible to build a development which complied with the Quality Initiative. The developments would sit quite comfortably within the surrounding houses and countryside and would not be unduly prominent. Planting could be provided along the southern boundary of site No 267 to merge it with the countryside. Planting would also be carried out on site No 52 on the low lying eastern part of the site. All boundaries would be planted.
- 8.26.13 The 16 m OD was the appropriate level for the 1:100 year flood but both the DCAP Map 2 (Clarification) and KMM's Map 2 were inaccurate. Other housing in Portadown (eg off Mahon Road and on the Armagh Road) was within the flood pondage shown on DCAP and other zoned housing sites in the plan, such as P/H 8 were partly in the flood pondage area, had site development requirements relating to the flood pondage. Being in the flood pondage area had not been a reason for not zoning land for housing nor conceding land to housing. A topographical survey of objection site No 52 showed that 64.47% was above the 16 M OD level. Although not surveyed, much less than 50% of objection site No 267 was below the 16 m OD level. The objector was prepared to accept site development requirements, included a restriction on any development below the 16 m OD level. Land below this level could be developed as part of the site's open space and could be maintained by the N Ireland Green belt Company. There would be a covenant entered into prohibiting any householders infilling their gardens to raise them above the flood pondage.
- 8.26.14 The farm buildings, machinery stores and workshop belonging to the objectors No 52 were on 4 acres they had sold off their 30 acre farm for the development of Gracefield Manor. The rest was in the flood plain apart from the objection site. They had also lost 40 acres of conacre land. They still kept suckling cows, bulls and cattle in the fields even though there were no sheds. The partial dislocation of the farming business and the consequential social and domestic impact left the family with no viable alternative but to relocate their farming business and eventually their family home. With housing surrounding the farm it would be a problem if children wandered into the farm due to the machinery, slurry tanks and the bull. Health and Safety measures required to protect such children would be cost prohibitive. There would be smell nuisance for the residents from farm practices and there could be neighbour tension.

## **CONSIDERATION**

### **Housing Need**

- 8.26.15 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan, however modest in scale, on the basis that there is little housing land left on a specific road within the Urban Area. Although reference was made to sites chosen in DCAP which were considered by the objector to be less suitable than the objection sites, no objection was made in relation to these and no counter objection made to any of the sites conceded. I, therefore, conclude that on the basis of need this site should not be brought into the settlement limit.

### **Other Strategic Considerations**

- 8.26.16 I do not attach significant weight to the objector's argument that the farm is no longer viable as the sale of the other part of the farm was entered into voluntarily. However, the DoE having withdrawn its objection relating to the flooding issue, there are, in my opinion, no strategic considerations, other than housing need, that weigh heavily against inclusion of the site within the settlement limit. I accept the objectors' point that this site is as sustainable as other sites chosen for inclusion in DCAP; that other peripheral sites chosen were also an incursion into the Green Belt; and that inclusion of the sites would integrate reasonably well with the existing built form. However, as there is a sliver of land between the two sites which was not subject of objection, I am not convinced about their inclusion in the settlement limit purely on the basis of the 'rounding off' argument.
- 8.26.17 Overall none of these factors outweighs, in my opinion, the overriding consideration that there is no justification for inclusion of the sites in the settlement limit on the basis of need. The equity issue is one I have considered in relation to other objections such as objection Nos 107 and 108 above and concluded that it is for the DoE to re-consider in view of my comments in section 12 about how concessions have been made. However, if I were to recommend that these sites be included within the settlement limit purely on the grounds of the DoE's inconsistent approach I could be merely adding to the confusion. In my view it is important for my recommendations to the PAC to be consistent with each other and I have already concluded that in the light of the over-zoning situation it is not a persuasive argument that a site would only add a small number of houses to land supply.

### **Non strategic considerations**

- 8.26.18 Having concluded that there is no justification for including this site within the settlement limit on the basis of housing need, I do not consider it necessary to pursue the site specific arguments presented by the parties.

## **RECOMMENDATION**

- 8.26.19 I recommend that no alteration be made to the Plan as a result of this objection.

- 8.27 

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands
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## **Objection: No 124**

### **SITE DESCRIPTION**

- 8.27.01 This 5.5 ha site comprises agricultural land located to the SW of Portadown with a frontage onto the western side of Mahon Road. The land along the northern boundary of the site is agricultural, although there is new housing in close proximity to the NE. On the opposite side of Mahon Road there is a large military complex. The frontage field, which includes a house, outbuildings and an orchard, falls within the proposed settlement limit in DCAP. The remainder of the site (a net area of approximately 4.5 ha), lies within the Green Belt in DCAP.

### **DEPARTMENT'S CASE**

- 8.27.02 Only a single access point, serving either part of or the whole of the site, would be permitted onto Mahon Road. Inclusion of the site within the settlement limit would be contrary to the policies outlined at paragraph 8.01 A 1, 4, 5 and 6 and to Plan objectives 1,2,3,5 and 6. Paragraph 8.01 B explained the definition of settlements in the Plan and C was a summary of the housing need and housing land supply evidence. The settlement limit at this location defined the mainly frontage development along Mahon Road, which had maintained the rural character along the western side of the road. Inclusion of the objection site would leave one field to the north, which was not the subject of objection, outside the limit. Development of the objection site would have an adverse impact upon the visual amenity and rural character of the surrounding area.

### **OBJECTOR'S CASE**

- 8.27.03 The Department's decision to only move the development limit to include housing that had been permitted in breach of the current area plan and not to include any new sites in this portion of the town suggested that the plan was retrospective rather than visionary. The whole of the objection site and not just the Mahon Road frontage should be included within the settlement limits as this would:

- (a) not extend ribbon development on Mahon road;
- (b) not distort the overall development of the town as development of a similar nature had been permitted in the adjoining fields;
- (c) provide homes in an attractive setting within a popular location;
- (d) put to effective use what was a small and unviable parcel of agricultural land; and
- (e) follow the precedent that had been set by earlier developments constructed along Mahon Road, i.e. narrow frontage with development back 2-3 fields from the road.

### **CONSIDERATION**

#### **Need**

- 8.27.04 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis that it is within an attractive setting or in a popular location. There are no objections seeking removal of sites of a similar size from the periphery of the Urban Area, for which this could be a substitute. I was not presented with any evidence that the site is needed for any other land use. I, therefore, conclude that on the basis of need this site should not be brought into the settlement limit.

### **Other Strategic Considerations**

- 8.27.05 Given the pattern of development along Mahon Road in the past and bearing in mind that the proposed development limit extends well to the south of the objection site, I have sympathy with some of the physical planning arguments advanced by the objector. With the inclusion of the frontage field within the proposed limit there might be an argument for allowing the next field behind it to also be included. However, another field separates this particular field from the proposed limit and it is not the subject of objection. The land to the north of the four most western fields in the objection site is also not within the proposed limits and nor is it the subject of objection. Taking these gaps into account I judge that the objection site would not read as a logical extension to the UA but as an incursion into the open countryside.

### **Non Strategic Considerations**

- 8.27.06 Having concluded that there is no justification for including the site within the settlement limit on the basis of any of the strategic arguments presented to me, I do not consider it necessary to pursue any of the other site-specific arguments presented by the parties.

### **RECOMMENDATION**

- 8.27.07 I recommend that no alteration be made to the Plan as the result of this objection.

- 8.28 

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands
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**Objection: No 134**

**SITE DESCRIPTION**

- 8.28.01 This site is located on the western side of Portadown and is split in two by the Armagh Road. The site to the NW side of the road (site A) comprises seven fields and measures 16.6 ha, while the site to the SE side (site B) is made up of five fields and measures 10.9 ha. A new dwelling and several dilapidated farm buildings occupy the SW corner of site A while the remaining surrounding land is mostly in grazing. There is housing development along the eastern boundary of site B with the remaining surrounding land in predominately agricultural use. In DCAP both sites are within the Green Belt.

**DEPARTMENT'S CASE**

- 8.28.02 Roads Service was opposed to any extension to the development limit to the west giving frontage to the Armagh Road, due to pedestrian implications and the adverse impact of new accesses on the proposed crawler lane. The protected road line for the proposed Armagh Road to Mahon Road link did not appear to affect either portion of the objection site. Inclusion of the site within the settlement limit would be contrary to the policies outlined at paragraph 8.01 A 1, 4, 5 and 6 and to Plan objectives 1,2,3,5 and 6. Paragraph 8.01 B explained the definition of settlements in the Plan and C was a summary of the housing need and housing land supply evidence. Site A covered an extensive rural area unrelated to the UA. It was undulating and visually exposed on approach from the west along the Armagh Road, as was site B. Development of either site would have an adverse impact upon the visual amenity and rural character of the surrounding rural area.

**OBJECTOR'S CASE**

- 8.28.03 The objection site should be included within the development limit. When planning permission was refused in January 1972 for the erection of a factory one of the reasons given was that the proposal would prejudice plans for future expansion into this area after 1981. The Armagh Road to Mahon Road link should either be dropped by the Department or be provided at their own expense and not that of developers. A decision was required when this work would be carried out as the objector wished to develop the land adjoining both sides of the road.

**CONSIDERATION**

**Need**

- 8.28.04 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area. There are no objections seeking removal of sites of a similar size from the periphery of the Urban Area, for which this could be a substitute. I was not presented with any evidence that the site is needed for any other land use. I, therefore, conclude that on the basis of need this site should not be brought into the settlement limit.



### **Other Strategic Considerations**

- 8.28.05 As I later conclude that the objection lands to the east of site A (objection site No. 97 reported in section 8.29) should be excluded from the settlement limit I find that site A would appear as a freestanding incursion into the open countryside, unrelated to the UA. The land to the immediate NE of site B, along the Armagh Road frontage, is not included within the proposed limits and nor is it subject to objection. I therefore consider that site B would not read as a logical extension to the UA and would likewise appear as a freestanding incursion into the Green Belt. It is clear from Map 2 in DCAP that the line of the proposed link road from Armagh Road to Mahon Road does not involve any of the land within either site A or site B. It is not, therefore, an issue I have to address with respect to this site.

### **RECOMMENDATION**

- 8.28.06 I recommend that no alteration be made to the Plan as the result of this objection.

- 8.29 

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands
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### **Objection: No 97**

### **SITE DESCRIPTION**

- 8.29.01 This objection involves two separate parcels of land on the western side of Portadown. The larger parcel measures 22 ha and is located west of Northway and the Portadown UA. A dwelling, a roundabout and Armagh Road lie to the SE of the site. Campbell's Lane provides the SW boundary to this part of the site, with the exception of one field. There are three dwellings fronting Campbell's Lane within this site. The remaining surrounding land to the north and west is mostly in grazing. The smaller parcel lies further to the north and comprises one field of 1.7 ha. A ribbon of houses, fronting Mullantine Road, adjoins the western boundary of this site. Much of the surrounding land to the north and east is taken up by orchards while grazing land lies to the south. In DCAP both sites are within the Green Belt.

### **DEPARTMENT'S CASE**

- 8.29.02 Roads Service was opposed to any extension to the development limit to the west of Northway giving frontage to the Armagh Road or Northway due to pedestrian implications and the adverse impact of new accesses on the proposed crawler lane on Armagh Road. It was contrary to policy to allow access to Northway, as it was a protected route and ring road. Inclusion of the site within the settlement limit would be contrary to the policies outlined at paragraph 8.01 A 1, 4, 5 and 6 and to Plan objectives 1,2,3,5 and 6. Paragraph 8.01 B explained the definition of settlements in the Plan and C was a summary of the housing need and housing land supply evidence. The settlement limit at this location was well defined by Northway. Development of this visually exposed land would have an adverse impact upon the visual amenity and rural character of the surrounding rural area.

### **OBJECTOR'S CASE**

- 8.29.03 The objection site should be included within the development limit.

### **CONSIDERATION**

#### **Need**

- 8.29.04 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area. There are no objections seeking removal of sites of a similar size from the periphery of the Urban Area, for which this could be a substitute. I was not presented with any evidence that the site is needed for any other land use. I, therefore, conclude that on the basis of need this site should not be brought into the settlement limit.

#### **Other Strategic Considerations**

- 8.29.05 Northway presently provides a definitive and strong visual boundary between the built development of the UA and the countryside beyond. I, therefore, agree with the DoE that the larger part of the objection site does not read as a logical extension to the UA. I also judge that the smaller part would appear as a freestanding incursion into the open countryside.

### **RECOMMENDATION**

- 8.29.06 I recommend that no alteration be made to the Plan as the result of this objection.

- 8.30 

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands
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#### **Objection: No 113**

### **SITE DESCRIPTION**

- 8.30.01 This 17.3 ha site is situated on the western edge of Portadown and is located to the SE of Loughgall Road. The majority of the land, which is set in orchard, is removed from the public road frontage apart from the extreme NE portion of the site, which also includes a dwelling. Most of the surrounding land is agricultural. In DCAP the site lies within the Green Belt.

### **DEPARTMENT'S CASE**

- 8.30.02 Inclusion of the site within the settlement limit would be contrary to the policies outlined at paragraph 8.01 A 1, 4, 5 and 6 and to Plan objectives 1,2,3,5 and 6. Paragraph 8.01 B explained the definition of settlements in the Plan and C was a summary of the housing need and housing land supply evidence. The settlement limit was well defined at this location by the valley of the watercourse along the site's eastern boundary and its associated vegetation and the objection site was very rural in character and use. The site was visually prominent from long distance views within Portadown. There was a possibility of badger activity on the site and mitigation measures would be required.

### **OBJECTOR'S CASE**

- 8.30.03 The objection site should be included within the development zone. There was no reason why the settlement limit was drawn just before this site.

### **CONSIDERATION**

#### **Need**

- 8.30.04 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area. There are no objections seeking removal of sites of a similar size from the periphery of the Urban Area, for which this could be a substitute. I was not presented with any evidence that the site is needed for any other land use. I, therefore, conclude that on the basis of need this site should not be brought into the settlement limit.

#### **Other strategic considerations**

- 8.30.05 In the absence of the inclusion of adjoining lands to the north and south the objection site would not read as a logical extension to the UA but as an incursion into the open countryside.

### **RECOMMENDATION**

- 8.30.06 I recommend that no alteration be made to the Plan as the result of this objection.

- 8.31 

Objection relating to the zoning of lands as mixed use – Housing and Light Industry seeking re-zoning as Housing
--

#### **Objection: No 148**

### **CONCESSION**

#### **SITE DESCRIPTION**

- 8.31.01 This 6.7ha site is made up of 7 fields, enclosed and separated by hedgerows with dispersed trees. It is used for grazing and there are some greyhound pens and the remains of a house. To the east is a factory and to the south and west agricultural land. The site is zoned for mixed use development in DCAP. In CAPPP it was within the development limit but not allocated for any particular use.

#### **DEPARTMENT'S CASE**

- 8.31.02 Planning permission had been granted for the site in 1997 for housing development and warehousing/light industry. The DoE was prepared to concede to the objection and zone the land for housing subject to the second, third, fifth and sixth site development requirement on page 130 of the plan. The first site development requirement would have to be amended to exclude the last sentence and the following site development requirement added:

'Construction work shall not begin until a scheme for protecting any housing development from noise from the adjacent premises currently in industrial use has been submitted to and approved by the Department. All works which form part of the scheme shall be completed before any part of the housing development is occupied. The Department shall give applicants guidance on the maximum noise levels to be permitted

within or around the housing development so as to provide precise guidelines for the scheme to be submitted'.

### **OBJECTOR'S CASE**

8.31.03 This concession was accepted.

### **RECOMMENDATION**

8.31.04 This concession is noted.

8.32 

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands.
--

### **Objection: No 112**

### **SITE DESCRIPTION**

8.32.01 This 11.6 ha site is situated on the western edge of Portadown and fronts onto the north side of Loughgall Road. The site is predominantly an orchard and there are also two houses and outbuildings located within it. An Orange Hall and a site used for the manufacture of gates lie along the road frontage of the site, but are excluded from its boundaries. The land to the east is undeveloped but is zoned for Phase 1 housing in DCAP and the Department's location plan has mistakenly included the westernmost field within the proposed limit as part of the objection site. In DCAP the site is within the Green Belt.

### **DEPARTMENT'S CASE**

8.32.02 Most of the site was considered unlikely to be affected by significant flooding from any watercourse. However, part of the site was an identified flood plain and Rivers Agency was opposed, in principle, to development within such areas as the resulting displacement of flood water could cause problems elsewhere within the catchment. Major road improvements and access works were required to service the site. There was a possibility of badger activity on the site and mitigation measures would be required. Inclusion of the site within the settlement limit would be contrary to the policies outlined at paragraph 8.01 A 1, 4, 5 and 6 and to Plan objectives 1,2,3,5 and 6. Paragraph 8.01 B explained the definition of settlements in the Plan and C was a summary of the housing need and housing land supply evidence. The approach to Portadown on Loughgall Road was very rural in character. Inclusion of the objection site within the settlement limits would have an adverse impact on the visual amenity and rural character of the surrounding area.

### **OBJECTOR'S CASE**

- 8.32.03 The objection site should be included within the development zone. There was no reason why the settlement limit was drawn just before this site.

### **CONSIDERATION**

#### **Need**

- 8.32.04 I have already concluded in paragraphs 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area. There are no objections seeking removal of sites of a similar size from the periphery of the Urban Area, for which this could be a substitute. I was not presented with any evidence that the site is needed for any other land use. I, therefore, conclude that on the basis of need this site should not be brought into the settlement limit.

#### **Other Strategic Considerations**

- 8.32.05 While the eastern portion of the objection site immediately adjoins the proposed settlement limit there is no objection seeking the inclusion of the frontage lands on the opposite side of Loughgall Road (save for a very small portion of objection No 113). I therefore agree with the DoE that the proposal does not read as a logical extension to the UA, but as an incursion into the open countryside. Although the objector has not sought to contest that part of the site lies within the flood plain, the evidence from Rivers Agency on the flood risk appears inconsistent. My general conclusions with regard to flood risk and the area plan are contained in paragraph 8.02. If there were a need for more housing land in the Urban Area and the land was otherwise acceptable, more information would be required in order to judge whether any part of the site would be suitable for development, taking into account the concession of objection site No 157 of which 50% is below the Q100 level.

### **RECOMMENDATION**

- 8.32.06 I recommend that no alteration be made to the Plan as the result of this objection.

- 8.33 

Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands and zoning for housing and/or light industry
--

#### **Objection: No 173**

### **SITE DESCRIPTION**

- 8.33.01 This 6.3 ha site is situated to the west of Portadown and fronts onto the NW side of Loughgall Road. The site is predominantly agricultural. An orchard lies to the east of the site (Objection Site No 112) while a farm dwelling and grouping lies to the immediate NW. A number of dwellings and outbuildings are scattered along Loughgall Road in the general vicinity of the objection site. Further agricultural land lies to the north and west. In DCAP the site is within the Green Belt.

### **DEPARTMENT'S CASE**

- 8.33.02 While most of the site was considered unlikely to be affected by significant flooding a portion of the site adjacent to the designated Ballybay River had, in the past, been

affected by significant flooding. Rivers Agency was opposed, in principle, to development within areas of flood pondage as the resulting displacement of floodwater could cause problems elsewhere within the catchment. Safe access standards could not be provided to the site due to the vertical and horizontal alignment of the road. Inclusion of the site within the settlement limit would be contrary to the policies outlined at paragraph 8.01 A 1, 4, 5 and 6 and to Plan objectives 1,2,3,5 and 6. Paragraph 8.01 B explained the definition of settlements in the Plan, C was a summary of the housing need and housing land supply evidence and E was a summary of the evidence on industrial land need and supply. The site was unsuitable for light industry because of infrastructure constraints and landform. The approach to Portadown on Loughgall Road was very rural in character. Inclusion of the objection site within the settlement limits would have an adverse impact on the visual amenity and rural character of the surrounding area.

### **OBJECTOR'S CASE**

- 8.33.03 The scenic views of the Ballybay River and the landscaping of the area made the site suitable for housing. It was also suitable for light industry engineering bearing in mind the history of this type of development along the Loughgall Road. The site would lend itself to integration into the existing development of the area. It was convenient to the town and to main roadways, including the motorway system, without going directly through the town centre.

### **CONSIDERATION**

#### **Need**

- 8.33.04 I have already concluded in paragraph 3.01.65 of this report that there is excessive over-zoning of housing land in the Plan, even if Phase 2 land is never released. This applies to the Urban Area as well as to the Borough as a whole. I have not been persuaded that there is any particular 'need' for additional housing land in this part of the Urban Area. There are no objections seeking removal of sites of a similar size from the periphery of the Urban Area, for which this could be a substitute. Whilst the objector indicated that the site could be used for industry I was not presented with any evidence that there is any need for additional industrial land in the Plan even if zoned site P/MU-1 is to be conceded to housing by the DoE (see Objection No 148 reported above). Given my conclusion at paragraph 5.01.16-20 that there is an overgenerous allocation of industrial land in the Plan and that the choice of sites in terms of size, distribution and ownership is reasonable, I am not persuaded that there is a need for additional industrial land at this specific location. I, therefore, conclude that on the basis of risk of flooding to other properties. The impact of a single development might be small and need this site should not be brought in to the settlement limit.

#### **Other Strategic Considerations**

- 8.33.05 Having recommended that objection site No. 112 to the immediate east should not be incorporated within the settlement limits, I conclude that the objection site would read as a freestanding incursion into the open countryside and not as a logical extension to the UA. Although the objector has not sought to contest that part of lies within the flood plain, the evidence from Rivers Agency on the flood risk lacks sufficient detail about the extent of the site below the 1:100 year flood level. My general conclusions with regard to flood risk and the area plan are contained in paragraph 8.03. If there were a need for more housing land in the Urban Area and the land was otherwise acceptable, more information would be required in order to judge whether any part of the site would be suitable for development, taking into account the concession of objection site No 157 of which 50% is below the Q100 level.

### **RECOMMENDATION**

8.33.06 I recommend that no alteration be made to the Plan as the result of this objection.

**SECTION 9**

**OBJECTIONS RELATING TO  
THE VILLAGES**



## PRELIMINARY

- 9.01 In reporting the DoE's evidence throughout this Section I will refer to this following list of general points raised to a number of objections. This is to reduce the length of my report.
- A. Inclusion of the site within the settlement limit is/would be contrary to or consistent with:-
1. The Spatial Development Strategy of DRSF which seeks to promote sustainable patterns of development based on integration with transport, compact urban forms, more housing within existing urban areas and the wise and sensitive use of the rural environment.
  2. Policy SPG 6 of DRSF- TO BUILD LOCAL COMMUNITIES FOR THE FUTURE IN EXISTING URBAN AREAS which seeks to accommodate a larger share of residential development and job provision within existing urban areas to reduce greenfield extensions.
  3. SPG 9 of DRSF – TO SUSTAIN A LIVING AND WORKING COUNTRYSIDE which seeks to control development in areas where there is excessive movement of townspeople to the countryside by the use of Green Belts.
  4. Policy SPG 25 of DRSF – To Conserve the Natural Heritage and Promote a Wise Use of Natural Resources, which seeks to manage development pressure by the use of Greenbelts and conserve the settings of cities, towns and villages.
  5. Policy SP 12 of PSRNI – Rural Landscapes, which seeks to protect rural landscapes from excessive or inappropriate development by the designation of Green belts and Countryside Policy Areas.
  6. Policy DES 3 of PSRNI – The Settings of Towns and Villages, which seeks to protect the settings of towns and villages from inappropriate development and urban sprawl. It states that the principle of drawing a development limit around each settlement, in the development plan, is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between countryside and built-up area.
  7. Planning Policy Statement 6: Planning Archaeology and the Built Heritage, which seeks to ensure that new development does not dominate the townscape /landscape characteristics of settlements.
  8. Policy GB/CPA 1 of PSRNI – which seeks to prevent the unrestricted sprawl of large built-up areas, prevent neighbouring settlements from merging and to safeguard the surrounding countryside.
- B. The settlement limits had been defined for the villages and smaller settlements to facilitate properly structured and appropriately scaled growth, taking into account strategic objectives, development trends, an evaluation of environmental assets, physical features and the availability of services.
- C. DCAP addressed the development land needs of the non-Urban Area of the Borough using the methodology described in Paragraphs 3.01.24 – 29 of this report. Table 3.2 indicated a need for 710 new houses in the Plan period for the villages and rural remainder including the smaller settlements based on household formation and 1130 houses based on past building rates. Table 3.2 was based on the RDS Housing Growth Indicator of 4500 for the Borough, not the former DRSF allocation which had given separate figures for the regional town and the rural community at Appendix 4. Settlement limits for the villages and smaller settlements had been based on physical appraisals of sites and the DoE had identified 199

ha of land with development potential to be released in two phases. There was a potential of 2210 new houses within the DCAP settlement limits on sites identified by the Housing Monitor 2000 for the villages and by an appraisal carried out by Planning Service for the smaller settlements in 2001. There was a potential for an additional 910 new houses on Phase 2 sites in the villages and smaller settlements. Neither of these figures took account of Departmental concessions offered before or during the Inquiry. Whilst not all housing monitor sites would necessarily be used entirely for housing, the housing development potential of the villages and smaller settlements was well in excess of what was needed ie 2210 houses on white land (or what was effectively Phase 1) compared to a need for 710 - 1130 houses.

- D. The purpose of the Plan was to accommodate housing need and not demand. The housing need of any particular village was not considered by the Plan as the housing needs of all the villages and smaller settlements were considered as a whole. The DoE had drawn the settlement limits of villages and smaller settlements to facilitate their growth.
- E. In the villages and smaller settlements Phase 2 sites had been chosen in a manner explained at Paragraph 3.01.09. Phasing of land was intended to ensure that new development was accommodated in a manner that protected a settlement's identity, character and setting. Additionally the availability of infrastructure was a major constraint in some settlements. The distribution of Phase 2 sites in the villages and smaller settlements was set out in Tables 3.4 and 3.5. Plan Policy Settlement 2 stated that there would be a review of development land in 2005 and prior to that planning permission would only be granted on Phase 2 land in accordance with Green Belt policies. Exceptions would be made for health and educational uses where a need was established.

## WARINGSTOWN

- 9.02 

Objection to: a) inaccurate description of Waringstown at page 69; b) population data and trends; c) cartographic inaccuracies; d) consultation with the local population.
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### **Objection: No 90, 221**

#### **DEPARTMENT'S CASE**

- 9.02.01 The Craigavon Development Corporation's 1971 Plan treated Waringstown as a town and it was described as a town in various international competitions, but the DoE currently described it as a village. The Waringstown Study (DoE 1975) was not a plan and had no status. The definition of a village was that it was small scale, had a limited level of facilities and some convenience shopping. Policy SP 3 of PSRNI related to the planning of villages. The DoE would respond favourably to a recommendation from the PAC that a distance of 4 km from Waringstown to Lurgan be quoted in Plan.
- 9.02.02 The population for Waringstown in DCAP had been estimated at 2580, based upon a house count of 942 houses (December 2000) and a Mean Household Size of 2.7385, which was the most accurate methodology. The main problems in making accurate estimates were the need to take account of the overly high inter-census Registrar General estimates and changes in the boundaries of electoral wards. This gave inaccurate estimates of trends in population change for Waringstown in the Technical Supplement (TS). The TS figures had not been used in any estimate of the number of houses needed in Waringstown as these estimates had been done for the villages and smaller settlements as a whole, not individually. Different figures had been used to estimate the required capacity of the new STW.
- 9.02.03 The GIS map base supplied by Ordnance Survey was the most up to date available at the time of draft plan preparation. It was accepted that it did not show all current development but the DoE was aware of all new development built, or under construction, during plan preparation through site surveys and the Housing Monitor.
- 9.02.04 There had been opportunity for local people to state their views on the future of Waringstown during plan preparation as the plan preparation process was advertised in the press. There was also pro-active consultation with local community groups prior to the village appraisals being carried out and before the CAPP was published. There had been consultation with the Borough Council, who represented the local population, although the Council had taken the decision to act corporately and not to have individual councillors making comments on particular settlements.

#### **OBJECTORS' CASE**

- 9.02.05 Waringstown was no longer linear, as described in DCAP, as it was better represented as a triangle since the longest road to the village boundary was Mill Hill, perpendicular to the A26. Waringstown had been described in DCAP as a dormitory village but it was only such because the DoE had encouraged housing development in a random and ill-planned manner. Building plots were smaller in the new developments and there was little consideration of space, gardens, play areas and trees.
- 9.02.06 The DoE's statistical analysis of population was incomprehensible and even assuming that the absurdities were as a result of electoral ward re-definitions, Waringstown (however defined) had doubled in population from 1972-1996, whilst the rest of the Borough has only increased by 13.8% in the same period. A house count approach showed that in 1971 the

168 houses would have had a population equivalent of 460 (MHS 2.74). On this basis the population of Waringstown had grown by 460% since then.

- 9.02.07 The map used in DCAP did not show all the developments that had taken place in Waringstown. It looked more like the 1996 OS map. All of the white land shown within the settlement limit had already been earmarked for housing. Of this, 80% had been approved for housing or was already built on. This left no land for non-housing uses. The DoE had been negligent in their research of the area, as none of the residents had been consulted.

### **CONSIDERATION**

- 9.02.08 There is no definition in any of the DoE's publications of what is exactly meant by a 'village' or a 'town'. I agree, however, with the DoE that for the purposes of plan making and the application of PSRNI Policy SP3, the settlement is most appropriately described as a 'village'. It has a current population of less than 3000 and has a limited range of facilities and little shopping. Although the largest of the villages in the Borough, it still does not merit the description of a 'town'. I accept that the term 'linear' does not accurately reflect the present shape of the village and, as conceded, the description in the adopted Plan should more accurately reflect the distance from Lurgan. Although it has not affected the planning of the settlement (as the DoE's annual housing monitor clearly gives the latest picture of development 'on the ground') the map base used in the adopted Plan should be the most up-to-date Ordnance Survey base available at the time. I agree with the objectors that the TS statistics on Waringstown's population are confusing. It would be helpful if the adopted Plan made it clear that the population has grown rapidly over the last three decades, despite the statistical anomalies in the TS figures resulting from ward changes and inter-census population estimates.

- 9.02.09 It appears from the DoE's evidence that it **has** fulfilled its statutory requirements as regards consultation on the Plan. I was presented with no evidence that community groups had sought discussions with the DoE on the Plan's preparation and that these requests had been rejected. It may be that the plan-making process was so strung out by the suspension of CAPP that the local community was not as active as it might have wished to be, when it came to publication of DCAP. Clearly the Borough Council's decision to act corporately, in relation to consultation on the Plan with the DoE, has not been helpful in terms of highlighting any particular issues that the local community might have wished to be addressed through their elected representative.

### **RECOMMENDATION**

- 9.02.10 I recommend that:-
1. Page 160 of the Plan is amended to give a more accurate description of the village and that reference is made to the rapid rate of growth of the village over the last three decades.
  2. Map No 12 on page 161 is updated using the latest Ordnance Survey map base available.

- 9.03 

Objection to the exclusion of lands from the settlement limit seeking inclusion of lands
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**Objection: No 110**

**PART CONCESSION**

**SITE DESCRIPTION**

9.03.01 This 16.4 ha site consists of six fields and is located to the NW of Waringstown, to the south of and adjacent to Dunkirk Road. Its boundaries are well defined by mature hedges and trees and surrounding development is residential development to the east and fields on all other sides. In DCAP it lies within the Green Belt.

**DEPARTMENT'S CASE**

9.03.02 The DoE was prepared to concede that part of the objection site which was within the CAPPP settlement limit (area coloured yellow on the map in the appendix which is approximately 3.7 ha), subject to development being either: -

(a) limited to five dwellings maximum served by a private driveway with street lighting provided by the developer and managed by the developer, all costs both capital and maintenance to be borne by the developer; or

(b) if more than five dwellings were proposed all requirements of Roads Service, including road widening and a link footway, must be met.

**OBJECTOR'S CASE**

9.03.03 The objector accepted the concession with the restriction and withdrew the objection relating to the rest of the objection site (area outlined in red on the map in the Appendix).

**RECOMMENDATION**

9.03.04 This concession is noted.

9.04 

Objection to the exclusion of lands from the settlement limit seeking inclusion of lands
--

**Objection: No 5**

**CONCESSION**

**SITE DESCRIPTION**

9.04.01 This 1.4 ha site lies to the west of No 17 Dunkirk Road and to the NW of Waringstown. A laneway runs parallel to the western boundary, providing access to No 21 Dunkirk Road. There is residential development to the east and fields on all other sides. In DCAP the site lies within the Green Belt.

**DEPARTMENT'S CASE**

9.04.02 The DoE was prepared to concede the objection site and include it in the settlement limit as it had been within the CAPPP settlement limit, subject to development being either: -

(a) limited to five dwellings maximum served by a private driveway with street lighting provided by the developer and managed by the developer, all costs both capital and maintenance to be borne by the developer; or

(b) if more than five dwellings were proposed all requirements of Roads Service, including road widening and a link footway, must be met.

**OBJECTOR'S CASE**

9.04.03 The concession was accepted with the restriction.

### **RECOMMENDATION**

9.04.04 This concession is noted.

9.05 

Objection to the exclusion of lands from the settlement limit seeking inclusion of lands for provision of crèche and day centre
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**Objection: No 6**

### **CONCESSION**

### **SITE DESCRIPTION**

9.05.01 This site of approximately half a hectare is located to the west of the Waringstown Road (A26) and is part of a larger field. To the north and south are residential properties and to the west fields.

### **DEPARTMENT'S CASE**

9.05.02 The site had not been within the settlement limit in CAPPP but, as planning permission had been granted on it for a crèche and day care centre with overnight facilities for five children (N/2000/0067/O approved on 30/4/2001), the DoE was prepared to concede the objection and include the site within the settlement limit.

### **RECOMMENDATION**

9.05.03 This concession is noted.

9.06 

Objection to the exclusion of lands from the settlement limit seeking inclusion of lands
--

**Objection: No 33**

**PART CONCESSION**

**SITE DESCRIPTION**

9.06.01 This 5.5 ha site is located to the north of Waringstown to the west of the A26. It has buildings on the east side, including three dwellings and buildings connected with use as a pig farm. To the north is frontage development of housing and to the south a small field, then housing. To the west are fields. In DCAP the site lies within the Green Belt.

**DEPARTMENT'S CASE**

9.06.02 Although the site had not been within the settlement limit in CAPPP, taking account of the concession of objection site No. 6, and the evidence presented by the objector about the current and proposed use of the objection site as a pig farm, the DoE was prepared to concede the front portion of the site (approx. 1ha). The settlement limit in the CAP would be defined by the northern boundary of the objection site. A hedge marked the western boundary of the conceded portion of the site and there were no buildings beyond this to the west.

**OBJECTOR'S CASE**

9.06.03 The objector accepted the concession and withdrew the objection as it related to the remainder of the site.

**RECOMMENDATION**

9.06.04 This concession is noted.

9.07 

Objections raising the issue of land supply, development pressure and the merits of phasing the supply of land.
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**Objection: Nos 8, 17, 40, 41, 47, 78, 90, 93, 128, 143, 151, 184, 221, 233**

**DEPARTMENT'S CASE**

9.07.01 General evidence relating to population projection for the villages is summarised in Section 3. The DoE was aware that demand for housing was high in Waringstown but the purpose of the Plan was to accommodate housing need, not demand. Waringstown had been growing very rapidly because of its generous settlement limits in the past and the fact that it was a popular place to live, whereas Central Craigavon had not been popular. During the past 10 years there had been 95 planning applications received in respect of sites within the settlement, the majority of these for housing. CAPPP had been based on predict and provide in a time of over-zoning but in DCAP the policy was to concentrate development in the Craigavon UA. As a result four sites, which had been within the CAPPP settlement limit in Waringstown but which were thought by the plan team to be unaffected by planning permissions or advanced negotiations on planning applications, were allocated as Phase 2 development lands in DCAP, to reduce over-zoning to some extent.

### **Development land supply and need**

- 9.07.02 Paragraph 9.01 B explains how settlement limits had been defined in the Plan. Although Policy SP3 of PSRNI was relevant, the settlement limit had been based on a physical appraisal and not an assessment of need or demand for housing in the village. The Countryside Assessment included an analysis of environmental issues, topography, development pressure and availability of services and this had informed the definition of the settlement limit. DCAP had addressed the development land needs of the non-UA of the Borough using the methodology described in Paragraphs 3.01.24-29 of this report. Evidence in relation to housing need and supply is summarised in Paragraph 9.01 C.
- 9.07.03 Although the needs of an individual village were not considered by the Plan, it was calculated for rebuttal purposes only that there was plenty of land within the DCAP settlement limit to meet Waringstown's own growth requirements. The 2000 Housing Monitor for Waringstown showed that 12.7 ha of the monitored sites was already completed and 4.01 ha had development on-going. Of the remaining 16.42 ha, 12.82 ha had already received planning permission. In terms of estimating the supply of housing land, concession site Nos. 110, 5, 6, and 33 (7 ha approximately) had to be added to the total supply. This gave a total of 23.42 ha available for development, although not all land which was white land inside the settlement would necessarily be used for housing. At 15 dph this would provide for 351 houses approximately, i.e. considerably in excess of what was needed. The estimated current population was 2,580 and based on a growth rate of 9 per 1000 per annum the population was estimated to grow to 2,797 by 2010, an increase of 142 households based upon a MHS of 2.58. It could not be guaranteed that new housing would go to the offspring of the existing population of Waringstown and there was no policy in Northern Ireland to require a certain proportion of housing land to be used for affordable housing.

### **Phase 2 land**

- 9.07.04 Paragraph 9.01 E summarises the evidence on Phase 2 land. The reasons for introducing phasing of land supply into DCAP were set out in Section 3 at Paragraphs 3.02.01-3.02.03 and the reasons for making some sites in the villages and smaller settlements Phase 2 lands was explained in Paragraph 3.02.05. The distribution of Phase 2 sites was set out in Tables 3.9 and 3.10. In Waringstown the reason for introducing phasing was specifically the infrastructure constraints (shortly to be overcome) and the high development pressure. There were 10.5 ha of Phase 2 lands identified in the village, approximately 7 ha of which the DoE proposed to concede, although these were subject to conflicting objections - namely Moss Road (objection site Nos 17, 128 and 78) and Primary Walk (objection site Nos. 17 and 47). If these proposed concessions were endorsed by the PAC, there would be approximately 3.2 ha of Phase 2 land left namely two sites, both subject to objection - Clare Road (objection No. 17 and 233 - 1.68 ha) and Banbridge Road (objection No.17 and 233 - 1.55 ha), but there was nothing in the Plan about having any particular proportion of Phase 2 land in a particular settlement.

### **OBJECTORS' CASE**

#### **Concern about the amount of development land (90, 221, 17)**

- 9.07.05 DCAP did not acknowledge the village's exceptional growth nor give Waringstown special attention as a result. There were already planning permissions in Waringstown and Donaghcloney which totalled more new housing than was apparently being planned in DCAP for **all** the villages and smaller settlements in the Borough to 2010.

#### **Seeking more development land (151, 41(amended site), 42, 8 143, 184, 78, 128)**

- 9.07.06 HOU 1 of PSRNI required the development plan to ensure an adequate and continuous supply of housing land and Policy HOU 4 was to facilitate the adequate provision of a range of house types to meet the needs of the community. As BMAP was unlikely to make any contribution to housing land supply until 2007 it was plain that accessible locations like Waringstown would experience even greater pressure for housing. The Countryside



Assessment regarded development pressure for Waringstown as 'very high' and land prices reflected the shortage of land. The DoE clearly accepted the need for additional housing lands in the settlement, otherwise it would not have proposed conceding two of the Phase 2 sites. It was a buoyant market and much of the land within the settlement limit was already being developed or planning permission had been granted. A range and choice of sites attractive to developers was unlikely to be maintained over the plan period, especially after 2005 when only a small amount of Phase 2 lands (i.e. 12% instead of the original 35%) would be available, if the DoE conceded two of the phase 2 sites. Although the Plan was to 2010 it was more likely that a new plan would not be adopted until 2012 or 2013. The housing development ongoing to the east of Murray House would be completed in 4-5 years.

- 9.07.07 The DoE had made an allocation in the Plan for all the villages and smaller settlements but had not attempted to allocate by settlement. Without a target figure of population growth for Waringstown it was not possible to arrive at a defensible estimate for housing land need. Inclusion of additional sites would provide flexibility to the Plan and additional choice. There was a demand for housing from people who could not get permission to build in the rural area and from people dissatisfied with living conditions in the larger urban centres such as Central Craigavon. Each objection should be treated on its merits and there should not be prejudice to an objection just because there were a number of other objections relating to Waringstown.

### **CONSIDERATION**

#### **Development pressure and housing land supply**

- 9.07.08 I have concluded at Paragraph 3.01.69 that I broadly agree with the approach taken in DCAP of assessing the housing need/land supply situation for the villages and smaller settlements as a group, rather than individually. I have also concluded that the supply of white land within the villages and smaller settlements in DCAP (ie land other than Phase 2 land) is excessive when compared to predicted need over the plan period. I have also concluded that the settlement limits for the villages and smaller settlements in DCAP provide for three times the amount of development land (2210 houses in the Housing Monitor 2000 and the DoE Appraisal 2001 – Table 3.2) than is needed on the basis of predicted population growth (710 houses) or twice as much as is needed on the basis of past building rates (1130). Although not all of this land will be used for housing, and some land may have infrastructural problems or be unavailable for development, this must be balanced against the fact that the DoE calculation of land supply takes no account of windfall sites in the villages/smaller settlements or one-off houses in the countryside and is based on low housing density (15 per ha). Thus, although PSRNI Policy SP 3 Villages states that the settlement limit may enclose more land than is likely to be required to meet demand, I cannot imagine that this 200% plus level of overzoning was what was intended by this policy. I conclude that the supply of white land within the settlement limits across the Borough is excessive.
- 9.07.09 Even if one looks at Waringstown in isolation from the other villages and smaller settlements (an approach not used for DCAP), it is clear that the 23.42 ha of white land within the settlement limit (i.e. not Phase 2 but including the concession site Nos 110, 5, 6 and 33) is more than ample to meet the needs of the village to 2010, on the basis of population growth/household formation.
- 9.07.10 Villages such as Waringstown, which has a strong historical character and village identity, are relatively rare in Northern Ireland. I agree with those objectors who argued that too much housing development over a very short period (to 2010 or 2012/3 if the Plan lasts beyond its end date), without consideration of the wider needs of both the existing and new population and the requirements for sustainable development, **could** 'swamp' the village and destroy its character. Whilst it cannot be guaranteed that the houses provided on white land within the settlement limit will go to existing residents of Waringstown that is

not, in my view, an argument for expanding the villages to meet whatever external demand exists. There is currently no policy at regional level to ensure that existing residents or their offspring are given preferential treatment in housing allocation or that affordable housing is provided. Draft PPS 12: Housing in Settlements, was not available at the time of the Inquiry and is only at consultation stage.

### Phasing

9.07.11 I have concluded in Section 3, at Paragraph 3.02.21, on the foot of objection No 241, that all Phase 2 lands should be deleted from the draft Plan, unless there are exceptional planning reasons:

- why a specific settlement should retain some phasing to meet a particular set of circumstances; or
- why a specific site should remain as zoned housing land in the UA or remain within the settlement limit of a village or small settlement.

I shall deal with site specific exceptions when this is raised under specific objections. With regard to the first bullet point, PPS 1 Paragraph 40 envisages phasing to be appropriate where a settlement has infrastructural restrictions or is suffering severe development pressure and there is evidence that market demand would exhaust total planned provision in the early years of the lifetime of the Plan. The reasons given by the DoE for phasing land supply in Waringstown were overzoning of land within the settlement limits of the villages and smaller settlements generally; development pressure in Waringstown; and the sewage treatment situation. I conclude at Paragraph 9.08.27 below (in relation to objection Nos. 90, 221 and 17) that the sewage infrastructure problem in the settlement is capable of resolution. Thus I do not consider infrastructure problems to be a reason for having phasing of land supply in Waringstown as an exception to the general rule in the Plan.

9.07.12 Although development pressure in Waringstown is high (related to **demand** rather than **need**), and there **is** a risk that white land within the settlement limit could all be developed before the end date of the Plan, I do not regard this as a situation necessitating land phasing in Waringstown, as an exception to the general rule in the rest of the Plan area. In my view, if such a situation arises during the Plan period, or before the next plan is adopted, an appropriate release of additional lands to meet demonstrated need could be achieved either through an amendment to the Plan, or through the development control process (Article 31). At that stage up-to-date regional policy would be an important material consideration, as would the views of the public and statutory consultees. Such a process would allow consideration of whether the growth of the village meets planning policy objectives such as sustainable development.

### Conclusion

9.07.13 I therefore conclude that there are no exceptional reasons for having a policy of land phasing in Waringstown and that all Phase 2 land should be deleted from the Plan unless there are exceptional site specific reasons for the retention of a particular site within the settlement limit as white land. I shall deal with specific objections seeking: -

- the removal of land from the settlement limits of Waringstown;
- the reallocation of Phase 2 sites to white land; or
- the inclusion of additional lands as white land or as Phase 2 land;

on the basis of this consideration.

9.08

Objection to unplanned growth of the village; provision for industry and employment/ tourism/ recreation/ commerce/ community services/ infrastructure; misrepresentation of village facilities; nature conservation; and quality development.

**Objection: Nos 90, 221, 17**

**DEPARTMENT'S CASE**

**Sewerage**

9.08.01 The Waringstown/Donaghcloney Sewage Treatment Works (STW) was working beyond its design capacity (2200), but performing reasonably well despite a population of 4,200 plus. The current restrictions on development were 10 new houses per year and EHS was allowing some developments with their own temporary treatment works. Improvements to the current sewage treatment system would be in accordance with a Drainage Area Study being prepared for Water Service. An upgrade to the STW would be completed in 2003 with a capacity of 7,500 population and this would cater for the population planned in DCAP, which was 5,610 by 2010 for Waringstown and Donaghcloney (without taking into account objection sites). There were also some rural areas connected to the STW. Although the existing STW was dealing with double the load it was designed for, this would not apply to the upgraded STW. It was unlikely it would operate efficiently with a 28% overload, which would be the case if all objection sites were allowed, although there was plenty of space to upgrade it further if necessary. As it was a package plant it would be more difficult to amend the design capacity once development had started and it would result in delay. Water Service would allow a developer to pay for upgrading if there were insufficient public funds.

**Traffic and roads**

9.08.02 Developers would be required to provide appropriate roads infrastructure and any existing problems would be dealt with by Roads Service on a priority basis when funding was available. A Traffic Calming Scheme had been implemented in Waringstown two years previously but there had been public objection to loss of on-street car parking near the centre of the village. Amendment to the scheme had had the effect of maintaining congestion and reducing the opportunity for cycle ways. It would be possible for the DoE to investigate the potential for off-street cycle and walkways to the school from housing areas, but this would require land and finance.

**Industry and Commerce**

9.08.03 A key element of the Plan strategy was to facilitate the development of employment generators in the UA. There was no zoning of land within settlement limits in the villages and smaller settlements, in accordance with Policy SP 3 of PSRNI, as this had been shown to be an inflexible approach to planning smaller settlements where development pressure was low. The policy stated that sites could be reserved for purposes such as industry or open space in certain circumstances but there was no need to zone industrial land in Waringstown as there was plenty of industrial land zoned in the UA. Paragraph 13 of PPS 4: Industrial Development stated that the DoE would not normally zone land for specific purposes within smaller settlements unless there was a clear indication of potential demand or an especially suitable site. Employment uses would be acceptable in principle on land within the settlement limit of Waringstown, subject to compliance with planning policy and site specific requirements.

**Recreation and Open Space**

9.08.04 The provision of adequate recreational facilities in the Borough was the responsibility of the Borough Council. The policy for open space was PSRNI Policies REC 1, 2 and 3 and to a lesser extent draft PPS 8. Waringstown was substandard as regards the provision of public open space. Currently the villages and the rural remainder of Craigavon BC had a deficiency in outdoor sports space, although no part of the rural area was any more than 6

km from a sports pitch and there was over-provision in the Craigavon UA. The zoned open spaces in Bleary, Donaghcloney and Magheralin in the Plan were existing, not proposed, open spaces.

9.08.05 Sites already granted planning permission for housing in Waringstown had not all been subject to the Quality Initiative (1996), Creating Places (2000) or PPS 7 (2001) requirements for open space provision. There was no passive open space but there was one children's playspace at Churchill Place, two small NIHE amenity spaces and two private open spaces - the school grounds and the cricket pitch. There was a planning permission for a private bowling green and pavilion on site WN4 on the housing monitor map (on file – DF) . Plan Policy Housing 3 would ensure appropriate open spaces on new housing developments and the assessment would be related to housing density, plot sizes, the proximity and type of public open space and the views of the Borough Council.

9.08.06 All the land allocated for public open space in Waringstown in the 1971 Plan had now been built on for other land uses. CBC's draft 'Strategy for Parks and Open Spaces in Craigavon Borough 2000-2010' included relevant policy for villages as follows: -

- (a) Seeking opportunities for passive recreation using countryside access powers.
- (b) Working in partnership with others to make existing facilities more accessible eg cricket club, school.
- (c) Working with others to further develop existing facilities for public use as above in (b).
- (d) Working with the Planning Service and developers to expand available space.

CBC had no plans to purchase any additional land for recreational purposes in Waringstown and so there was no point in allocating land in the Plan for open space. Open space could still be provided on white land within the settlement limit in any event (i.e. sites not yet committed with planning permissions) although such provision was unlikely because land values would be high.

#### **Education and Community Facilities**

9.08.07 The appropriate school authorities had been consulted before and after publication of DCAP and had indicated that adequate educational facilities existed to meet demand. Planning permission had been granted for a private crèche to the north of the village (concession site 6). The Countryside Assessment referred to good community characteristics and a wide range of community facilities in Waringstown. There was a public library, Post Office, Primary School, two petrol stations with convenience shops, local businesses/shops, two pubs/restaurants, two churches, two religious halls, and a cricket club. Plan Policy Community 1 and Plan Policies Housing 1 and 3 both referred to the provision of community facilities and the DoE had adopted a flexible approach by not zoning land for particular uses in the village. Although Phase 2 land would not be released for housing prior to a review in 2005, exceptions would be made for health and community uses where a need was identified.

#### **Local Nature Conservation**

9.08.08 PPS 2: Planning and Nature Conservation set out policy for nature conservation sites and stated that countryside assessments would be carried out as an integral part of the development plan process. The DoE had consulted EHS and CBC with regard to potential sites of local nature conservation importance for the Plan and there had been no proposals to designate any in Waringstown.

#### **Local Landscape Policy Areas**

9.08.09 Both LLPAs proposed in Waringstown were in private ownership. The purpose of designation was not to allow public access but to recognise their landscape value to the village and control future development. Paragraphs 2.23 and 2.24 of PPS 6 stated what

type of areas might be included in LLPAs and the guidance to be contained in development plans.

### **Tourism**

- 9.08.10 Most of the heritage features of the village were in private ownership. Planning applications for tourism development were acceptable in principle on white land within the settlement limit subject to compliance with planning policy and site specific requirements. The Hennings factory site had been granted approval for housing in August 2000.

### **Quality Development**

- 9.08.11 The purpose of the Plan was to inform all concerned of the policy framework and land use proposals that would guide development in the Borough. Plan Policy Housing 2 and Plan Policy Housing 3 emphasised quality developments in accordance with the Quality Initiative. Developers would be required to produce high quality design, layout and landscaping for new residential areas. Planning permission would only be granted for new development where it was demonstrated that the proposal would significantly contribute to a quality and sustainable housing environment. Under Plan Policy Housing 2 developers would normally be required to submit a Concept Design Statement to accompany planning applications, outlining the overall design concept, objectives and priorities for the site. Plan Policy Housing 3 required the provision of appropriate open space. The scale and siting of this open space would be assessed in accordance with regional planning policy, taking into account the characteristics of the site and the proposal.

### **Need for a village plan**

- 9.08.12 The objector's original objections did not go so far as to request a new comprehensive plan for the village. DCAP was not treating the village as a dormitory suburb of Lurgan. Historically the village would have been more self-contained in terms of facilities and employment but it was not feasible in current times to ensure that a settlement had the full range of facilities. Waringstown did not fall into the category of a disadvantaged town suffering economic stagnation, which was what Policies SP3 and SP 4 of PSRNI related to. There was nothing in the plan to preclude the 'rural development' referred to in Policy SP 1 of PSRNI.

- 9.08.13 The proposed LLPA (part concession) and the proposed concession of an Area of Townscape Character (ATC) would protect the character of the village from being entirely overrun by housing. The settlement limit had been defined to protect the individual character of the settlement, prevent ribbon development and urban sprawl into the countryside whilst creating suitably located opportunities to accommodate future development needs. With reference to the Countryside Assessment, the settlement limit had been defined in recognition of natural settlement boundaries created by crestlines and the physical characteristics of several approach roads such as Moss Road and Dunkirk Road. The aim was to curtail any further expansion of the village along the A26 protected route. Development limits had been established to prevent urban sprawl to the south by drawing the limit around existing built development. In other cases natural boundaries and physical topography had been used to establish the limits, e.g. the east side of Banbridge Road and Moss Road. The LLPA at Waringstown House and Estate extended beyond the settlement limit and would prevent coalescence with neighbouring settlements. It would also restrict development within the settlement limit. The Phase 2 sites rounded off the existing settlement form and were suitably located at the edge of the settlement to be treated in accordance with Green Belt policy up until the time they were released.

### **Alternative plan**

- 9.08.14 The objectors' alternative plan for the village went beyond the scope of the original objection and should be rejected since significant additional lands were included within the proposal which were not subject of objections.

## **OBJECTORS' CASE**

### **Approach to planning**

- 9.08.15 A result of rapid growth in recent years (600% from 1972-1996) was that the village had lost most of its local industry, its history, its village centre or focus and was rapidly losing its identity. DCAP was essentially a plan focusing on the Craigavon UA and not on the needs of the villages. Growth was not unwelcome but should be in accordance with a proper plan for the village. The planning of Waringstown in DCAP was contrary to: -
- ◆ PPS1 General Principles at Page 4, which stated that the purpose of the planning system was to determine what kind of development was appropriate, how much was desirable, where it should best be located and what it should look like;
  - ◆ Policy SP 4 of PSRNI, which was to guide and promote desirable development;
  - ◆ the Plan objectives at page 12 of DCAP to integrate land use and transportation and reduce congestion and the need for car journeys; and
  - ◆ all of the Plan objectives for the villages and smaller settlements at page 13.
- 9.08.16 The Plan had ignored the far-sighted proposals of the 1971 Plan, prepared by the Craigavon Development Corporation, by eliminating from the settlement limit industrial land use allocation, open space and cycleways/walkways. The by-pass proposed in 1971 had not been built. DCAP ignored the advice of the 1975 DoE Waringstown Study, which emphasised that it should not be swamped by the scale and speed of growth. DCAP was contrary to the RDS particularly: -
- ◆ Policy SPG-RN1 at Paragraph 3.3 to sustain and consolidate the role of small towns and villages as local rural service centres;
  - ◆ Policy SPG-HOU 3 at page 123;
  - ◆ Policy SPG-ENV 3 at Paragraph 3.3 to conserve the character of cities, towns and villages.
- 9.08.17 Waringstown had suffered from recent over-development with the result that traffic was a real problem at peak times; the playgroup was unsuitably housed in accommodation in the centre of the village; sewerage facilities were at breaking point and there were meagre community facilities. It was not the case, as stated in DCAP, that the village had 'good community characteristics with a wide range of facilities'. There were insufficient village facilities planned for; there were no amenities for the youth; no area shown where a village hall and heritage area could be sited; no employment sites; and no designated area for wildlife habitation. The primary school was too small and the library had been moved out and mobile classrooms required. There were no opportunities for adult learning. The restaurant had closed and was being replaced by housing. Religious halls were segregated and there was no common hall for all the community. Transport consisted of only a few buses into Lurgan each day. Most people had to travel by car and there was congestion in the village at peak times, especially when the primary school was getting out. There were no walkways other than the footpaths on the sides of roads and there were no cycleways or routes for children to go to school, other than in a car.
- 9.08.18 A concept plan for the village was required and open space and other land uses catered for to achieve a sustainable self-contained community. If there was no such plan for the settlement's growth, it would be better to have no growth. The Waringstown Study 1975 described the village as unique in Northern Ireland, but DCAP did not recognise this uniqueness. Indeed it had turned it into bland suburbia. There should be zoning of land uses within the settlement limit to manage the growth of the 'village' and not spoil its character. The 'housing only' incremental growth of the settlement, which would result from the white land planning policy, would spoil the village entirely and the existing population's needs should come first.
- 9.08.19 DCAP ignored the RDS's focus on balanced communities, integrated development and sense of place and policies such as SPG-RNI at 2.1 to help maintain a vibrant and self-

generating rural community. It ignored Policies such as SPG-TRANS 4.2 , 4.4 and 4.5. The objectors wanted to be engaged in the development of a long-term initiative aimed at shaping the future of the village. The village desperately needed a proper social and community audit to be carried out before future development proceeded.

- 9.08.20 The objectors proposed an alternative concept plan for the village and a number of other proposals, including a village trust with funding from a levy applied to development land and other sources and expenditure on the purchase of facilities and part funding of their running costs; partnership with CBC; designation as an 'urban village'; and adoption of a phased 30 year plan for the village with full consultation at key stages; and input by the village trust into the design and layout details of planning approvals for new housing development. The alternative 'concept plan' was not an absolute plan but an illustration of what might be considered. It had not been put to any public meeting. It was implicit in the original objection that a new plan was required for Waringstown as the current plan was inadequate.

### **Sewerage**

- 9.08.21 The proposed new STW appeared to have insufficient capacity (at 7,500) for Waringstown and Donaghcloney.

### **Industry/Commerce**

- 9.08.22 Some 25 years ago the village had 150 local manufacturing jobs but now there were none. This was unsustainable and it was planning that had created the dormitory status. All the industrial land zoned in the 1971 Plan for Waringstown had been replaced by housing. The DoE's policy of not zoning land in the village was a disincentive for the development of uses other than housing. Landowners were unwilling to sell for industry and other employment opportunities when they could get more for housing. The Plan's strategy to focus industrial development in the UA was not acceptable, as Waringstown should be an independent self-sustaining thriving community. The RDS, at page 93, emphasised a strong and vibrant rural community (policies SPG-RNI 1-5). Policy RNI 1.2, at page 96, was to facilitate the development of rural industries, businesses and enterprises in appropriate locations and ensure they were satisfactorily integrated with the settlement or rural landscape. The reason why the last major manufacturer had relocated from Waringstown was because the land was granted planning permission for housing and the financial incentive was great. The Plan should actively support the growth of local commerce in the village rather than expect people to travel several miles by car to the UA. There was an infrequent bus service and no other public transport.

### **Tourism**

- 9.08.23 There were several historical houses and churches in Waringstown including Waringstown House 1667, Holdens House c1650, Holy Trinity Church 1681, The Grange 1680, Roselands and Hennings Factory 1850. However, Waringstown was not even acknowledged in the Technical Supplement Vol 2 at page 26 when the issue of a Linen Homelands Consortium was raised. There were no proposals for tourism in Waringstown in the Plan. Indeed the designation of the LLPA at Holden's House made tourist proposals less likely for that area. The Plan was contrary to the RDS Policy SPG-RNI 1 (RNI 1.6 page 98) to expand rural tourism in a sustainable manner.

### **Open space**

- 9.08.24 Lack of provision for recreation in Waringstown was contrary to the RDS Policy SPG - ENV 7 (Paragraph 7.1 at page 195) as the village needed zoned open space. In the Waringstown Outline Development Plan 1971 there had been an almost identical settlement limit to that proposed in DCAP, yet it had over 50 ha of designated open space which had now been replaced by housing. According to DCAP the average total open space per 1000 population would be 6.56 ha by 2010. This meant that when Waringstown reached its 3,000 population it should have 50 ha of public community open space. There were no areas for children to play on their bicycles in safety; no areas where teenagers could play outside

games and the two LLPAs were in private ownership with no public access. The cricket club was a private club with male playing members only and the school playing fields were closed to the public.

- 9.08.25 There was no youth club, yet a growing drug and crime problem. It was not good enough for the DoE to say that the CBC was responsible for recreation, as the DoE had overall responsibility for planning the area. The only public open space was a children's playspace at Churchill Place, which could be updated to accommodate more children. The DoE had already abrogated their responsibility by granting planning permission for sites with no provision of open space at all. There was no significant land (other than the Phase 2 lands) left in the village which could be used as open space and it was highly unlikely that such land would be developed by the CBC as open space because it would have a housing land value. It was not 'sustainable' as per Paragraph 4.1 of PPS 8 to plan that people from Waringstown would go to the Craigavon UA for their recreation. A child wanting to play sport would have to go to Lurgan some distance away and be driven, thus causing pollution. There was a recreational area in Ballymacmaine of 150m by 150 m with only 25 dwellings. Any land within Waringstown's settlement limit over 1 ha would be suitable to be zoned for recreation and open space.

### **Quality Development**

- 9.08.26 This had not taken place to date and there needed to be more say given to the local population in these decisions. Trees were cut down and no open space provided. Many of the planning permissions already granted on the 18.5 ha of allocated white land in the village were pre-Quality Initiative.

## **CONSIDERATION**

### **Sewerage**

- 9.08.27 The sewerage works in operation at the time of the Inquiry appeared to have been operating for a population of 4,500 although its design capacity was for 2,200. The objectors were concerned that the system was overloaded but it appears that by the time the Plan is adopted a new sewerage system will be operational. I do not consider that the sewerage situation in Waringstown/Donaghcloney represents an absolute bar to the inclusion of any one particular objection site in the settlement limit (and this appears to be the DoE's position as it has proposed concession of a number of sites in Waringstown), although if I were to conclude for other reasons that all of the objection sites should be included in the settlement limit, then it would be necessary for me to consider the cumulative impact of this on the new sewerage system. Certainly the current situation of small scale temporary private sewerage systems for housing developments is unsatisfactory and it would be undesirable for future housing development in the village to take place in numbers well in excess of the capacity of the proposed works. Whilst the design capacity of the new works is for 7,500, I am not persuaded by the evidence that it could not be further upgraded if the need arose, subject to agreement by developers to make appropriate contributions.

### **Traffic and Roads**

- 9.08.28 The transportation section of DCAP supports public transport, cycling and walking but there are no specific proposals for Waringstown. There is no detailed traffic information from either DoE/DRD or the objectors on this aspect of the objection and I have not been asked by the objectors to consider any specific road proposals, cycleways or walkways to alleviate the congestion which I have observed at peak times in the village centre. Likewise, there has been no request to insert a particular policy into the Plan or make an amendment to a particular policy. Without such detail my consideration is restricted to generalities. I have not observed any serious traffic congestion in the village, other than in the centre at peak periods, and I accept the DoE's response that the traffic implications of new development will be adequately catered for at planning application stage. The Waringstown to Banbridge road, which runs through the village, is a Protected Route (subject to objection



Nos. 143 and 151) and new accesses to it will be restricted in accordance with the provisions of PPS 3 and DCAN 15.

- 9.08.29 The last sentence of Page 35 of DCAP refers to the development of other cycle measures, where appropriate, and the second Paragraph of Page 36 refers to the introduction of safer routes to school, where appropriate. The third paragraph refers to minor improvement works and traffic management measures being carried out, where necessary. My own observations lead me to believe that a traffic management scheme could be designed to alleviate the situation at the junction of Main Street and Mill Hill in the village centre and near the vehicular and pedestrian entrances to the primary school. I note that there are several private car parks in the vicinity of the school, which could be used by those delivering and collecting pupils, if there was agreement from the parties. Waringstown has at least two active community groups concerned with the environment and Roads Service indicated at the Inquiry a willingness to consider traffic calming and the provision of cycleways and walkways, subject to land availability and funding. Improved bus services are the responsibility of Translink and subject to consideration of the demand for such services and the efficiency of the operation. In my view, these are matters of detail that need not hold up adoption of the CAP but can be resolved through community negotiations and consultation with CBC, the DoE, DRD and other appropriate bodies.

### **Industry and Commerce**

- 9.08.30 With regard to industry the nub of the objectors' argument was that the village had lost its former degree of self-sufficiency in terms of employment opportunities. Although the RDS emphasises strong and vibrant rural communities it does not go so far as giving the planning authority the task of actively promoting employment uses. Its role is that of facilitating schemes promoted by other bodies and no argument was put to me that a specific demand existed for industrial land, or that a particular site should be allocated as industrial land in the Plan. Thus, in view of Paragraph 13 of PPS 4, there is no justification for zoning any specific site for employment uses. Whilst I accept that where demand for housing land is high (such as in Waringstown) and land values buoyant as a result, it is unlikely that white land will be used for employment uses, I consider that the overall aim of the Plan to facilitate the development of employment uses in the UA and to respond favourably to applications for employment uses in the villages and smaller settlements is a broadly acceptable one. It should be noted that in accordance with Paragraph 43 of PPS 4, (subject to considerations in Paragraph 44) planning permission may be granted in exceptional circumstances for a specific industrial project outside a settlement limit where there is no suitable land within a settlement and the site is visually associated with the settlement.

- 9.08.31 With regard to commerce, the character of the village is the small-scale nature of the various facilities that exist on Main Street. Although the RDS emphasises strong and vibrant rural communities it does not go so far as giving the planning authority the task of actively promoting commerce in the villages. The role is rather that of facilitating schemes promoted by other bodies and in so doing protect the environment. I was presented with no evidence that there was any specific demand for commercial uses in the village or any particular site specifically required for a commercial use. I consider that it would be inappropriate to designate land for retail use in Waringstown as PPS 5: Retailing and Town Centres provides adequate policy for dealing with any future planning applications for conversions or new build.

### **Recreation and Open Space**

- 9.08.32 It was acknowledged by all parties that, taken in isolation, Waringstown has a shortfall of recreational open space. The objectors concentrated mainly on the lack of playing fields, although amenity open space was also a concern. The LLPAs designated in the village are both in private ownership and the purpose of designation of LLPAs (as set out in PPS 2) is not to provide for public access but to control future development within these areas. I

tend to agree with the objectors that to expect young people to travel into the UA to use playing fields on a regular basis is not appropriate and does not represent a sustainable approach to planning. Whilst I note that CBC has a policy aim to encourage joint use of existing private facilities such as the Cricket Club and the primary school's hard pitches, there are no specific powers to require this collaboration. Likewise, although planning permission has been granted near the centre of the village for a bowling alley there are no powers to ensure implementation by a private concern. On the other hand, it would represent an inefficient use of public resources to duplicate, in every small settlement, the range of facilities available in the UA.

9.08.33 I am less concerned about the lack of amenity open space in housing developments as housing development approved subsequent to the Quality Initiative should have adequate provision prescribed. Although I have no information on developments approved prior to the Quality Initiative and not yet implemented, I note that recent housing developments in the village have relatively generous private garden provision.

9.08.34 The crucial point, which the objectors were unaware of, is that when the Department allocates land for recreation and open space use in a village it has to be sure that this will be implemented in the plan period, otherwise it would be unreasonable to refuse a subsequent planning application for another land use on the zoned recreation/open space land. This would make the allocation of such land in the Plan a pointless exercise. In the case of Waringstown the Borough Council has confirmed it does not intend to implement any recreational open space in the village and no other organisations have presented me with plans to implement their own schemes. In this situation there is no justification for allocating a specific site for recreational open space and indeed the objectors had no specific site in mind. In any event, since PSRNI allows for playing fields to be granted planning permission in the Green Belt (Policy GB/CPA 2), and since the periphery of Waringstown is still relatively accessible to the inhabitants of the village, there is no need to allocate a particular site within the settlement limit for such a use in the Plan.

#### **Education and Community facilities**

9.08.35 Although the Countryside Assessment at Paragraph 8.2 notes that the primary school is at capacity and I observed several mobile classrooms at the primary school site, I was presented with no detailed information by the objectors to convince me that it is necessary to allocate additional land in the Plan for a primary school extension. The educational authorities have indicated that they are satisfied that adequate educational facilities exist to meet demand. I note that planning permission has been granted for a crèche to the north of the village on the A26.

9.08.36 With regard to other community facilities, I was presented with no request by any public or private agency for a specific site to be allocated in the Plan. I have observed the range of community facilities in the village, including the range of churches and associated halls and find it difficult to judge whether there is a shortfall in community facilities when I was not referred to any published standards. I accept that where demand for housing land is high (as in Waringstown) and land values buoyant as a result, it is unlikely that white land will be used for community facilities, but I do not regard this as a reason for allocating land for community uses in the Plan in the absence of any definite proposals.

#### **Local Nature Conservation**

9.08.37 PPS 2: Planning and Nature Conservation states, in Paragraph 32, that a development plan will identify all designated areas within which relevant nature conservation policies apply and Paragraph 33 states that development plans may contain policies to protect features of the landscape which are important for wild flora and fauna outside designated areas. I note that EHS and CBC did not make any representations for such designations in the village and the Countryside Assessment does not refer to any. I was presented with no evidence by the objectors to convince me that any particular site within the village merited a nature conservation designation. If in the future a planning application is received for a

site with a protected species using it for habitation or foraging this will be protected, as appropriate, through the normal development control process.

### **Tourism**

- 9.08.38 The Tourism Section of DCAP, at page 40, refers to the Borough's existing assets and to the Tourist Board's policy on sustainable tourism. Although no new tourist facilities or schemes are identified in the Plan for Waringstown, reference is made to the village's existing assets and the proposed LLPA. Whilst the RDS emphasises the importance of rural tourism I consider that the Planning Service's role is that of facilitating projects and schemes presented to it by other bodies, whilst at the same time ensuring the protection of the environment. I consider that any future proposal for tourist development in the village, which arises, can be facilitated without a specific reference to the tourist potential of the village in DCAP or the allocation of a specific site for tourist use only. It is also worth noting that Policy GB/CPA 2 of PSRNI allows the development of appropriate tourist schemes in the Green Belt, in certain specified circumstances.

### **Quality development**

- 9.08.39 Although there were a number of regional policy documents and policy initiatives designed to promote the better design and layout of greenfield and brownfield residential development prior to PPS 7: Quality Residential Environments published in June 2001 (such as the Quality Initiative 1996 and Creating Places 2000), I have some sympathy with the objectors' view that housing developments in Waringstown do not generally pay due regard to the character of the village or exhibit many of the characteristics of sustainable development. Whilst I am optimistic that PPS 7, taken in conjunction with other government policy advice such as PPS 8 Open Space, Sport and Recreation (still in draft at the time of writing) should have sufficient teeth to ensure good quality development in the future, it may take time for this to bring obvious improvements to Waringstown as a considerable number of the housing monitor sites in Waringstown already have planning approval. I note that the Countryside Assessment in Table 8 advises that any further planning applications submitted on these sites should comply with Policy H2 of DCAP but in view of the DoE's concession to objection No 203 this reference should be to PPS 7.

- 9.08.40 I consider that the character of the village warrants the application of Paragraph 3.2 of PPS 7 to several major sites which do not already have planning permission – for example concession site 110, housing monitor site 5475 and that part of the Phase 2 site at Primary Walk (objection site No 47) which I am recommending be included in the settlement limit as white land. In my view this latter site requires sensitive treatment, as it is so close to the historic centre of the village and the recommended ATC. I note that the Waringstown Section of the Craigavon Report in the Northern Ireland Landscape Character Assessment Series 1999 refers to the principles of siting and design of new development, but this is not policy per se. Setting out local design requirements for specific residential sites, as I have recommended, would help to preserve the special character of the village.

### **Need for a plan**

- 9.08.41 I take the view that this aspect of the objection is valid since the topic was raised in the original objection letter. I have already recommended at Paragraph 9.07.13 above that unless there are exceptional site specific reasons for retaining a particular site all Phase 2 land should be deleted from Waringstown. This will help to control the rapid housing-led growth of the village over the plan period which the objectors fear will damage the character of the village but is unlikely to encourage other land uses in order to create a mixed use self-contained settlement. This raises the question of whether a new 'statutory' village plan would be able to provide more than the DCAP map and written statement at pages 160-161 of DCAP, or if another form of non-statutory plan is more appropriate.

- 9.08.42 The Planning (Development Plan) Regulations (Northern Ireland) 1991 set out the content of development plans and refer to the inclusion of committed public sector proposals. This is reiterated at Paragraph 37 of PPS 1. Thus, whilst I have considerable sympathy with the

view that in such an area of high demand for housing it is probable that, because of buoyant land values, all land within the settlement limit will be used for housing, the Plan cannot zone land for public sector uses (schools, open space etc) in the absence of any commitment by these bodies. I have also pointed out that, in view of the generality of Policy SP 3 of PSRNI at Paragraph 2, that it would be inappropriate to allocate land for other uses in the Plan in the absence of proposals for implementing specific developments on a specific sites. It would be illogical in such a small settlement to restrict the choice of land for whatever private sector proposals may arise during the plan period.

9.08.43 Policy SP 3 does, however, say that in certain circumstances sites or areas will be reserved for purposes such as industry and open space, without stating what these certain circumstances are. I have concluded above that, when one takes account of PPS 4 and also the lack of any specific demand for industrial land in Waringstown, it is not appropriate to zone industrial land in the Plan. Likewise, I have also already concluded that it is not appropriate to zone recreational open space within the village limit because of lack of commitment from the CBC to any specific sites but have noted that recreational open space may be granted approval outwith the settlement limit. Given all these circumstances I am not convinced that a statutory plan for the village would contribute much in addition to what is contained in DCAP at page 160-161.

9.08.44 In my view, given that the objectors represent strong village community organisations with an interest in the planning and management of their village over the plan period and beyond, the optimum approach is for them to collaborate with the DoE, other appropriate government agencies, including the Tourist Board and the Department of Rural Development, and the Borough Council on the production of a community audit and a non-statutory village strategy. I believe that the character of the village and recent development pressure experienced by Waringstown are exceptional in the Borough and merit such an approach. Restraint on the very rapid growth of the village, which I am recommending for the plan period, would allow for a breathing space in which the future shape of the village could be considered. The types of issues that could be resolved by such an approach include the need for community facilities and the funding of such provision; school expansion; facilitation of local commerce and employment uses; the regeneration of brownfield sites; cycleways and walkways; traffic calming; nature conservation; public access to recreational facilities and the LLPAs and the development of a tourism strategy. It is clear that any non-statutory plan for the village would have to be drawn up within the statutory framework set by the Craigavon Area Plan including the settlement limit and various designations such as the LLPAs.

9.08.45 I do not consider it appropriate for me to consider in any detail the alternative plan promoted by some objectors at the Inquiry as it was merely intended to illustrate one possible alternative scenario for the village.

### **RECOMMENDATION**

9.08.46 I recommend that:-

1. The DoE considers giving a positive response to any approaches from the village community to collaborate on a community audit and non-statutory village plan for Waringstown and seeks, in conjunction with the local community, possible funding sources for such work.
2. The DoE considers including in the plan local design requirements for the specific residential sites referred to above.
3. No alteration is made to DCAP as a result of the objections relating to the allocation of land in Waringstown for recreation and open space, industry, commerce, nature

conservation, cycle ways and walkways, education and community facilities or tourist facilities.

4. References to the Waringstown STW in the Plan are brought up to date and the reference to phasing in the last sentence of the third Paragraph of page 160 is removed.

9.09

Objection to the zoning of Phase 2 lands in Waringstown seeking either re-zoning as white land within the settlement limit (Nos 47, 78 and 128) or seeking deletion from the Plan entirely (Nos 17 and 233)

**Objection: Nos 17, 233**

**Conflicting objection: Nos 47, 78, 128**

**Counter objection: No 43**

### **SITE DESCRIPTIONS**

9.09.01

**Land to the rear of 25 Moss Road:** this 3.3 ha field is located to the NE of Waringstown along the Moss Road. It is currently poor quality agricultural land. There is hedging and trees along the SW boundary, hedging to the Moss Road, and sparse hedging with some trees on the northern boundary. The boundary with the Cambrai Heights to the south-east is defined by a variety of hedges and fences. The site slopes down from the road towards a stream running along this boundary and on the opposite side of this stream housing development rises up to a ridge beyond. The SW boundary runs along the garden of a dwelling on Moss Road and an undeveloped site and on the western boundary is a dwelling with a large garden surrounded by trees. The northern boundary adjoins agricultural land. In DCAP the site lies within the development limit as Phase 2 land.

**Land to the rear of Primary Walk:** this 3.7 ha site is a part of a field and has a stream running along the eastern boundary with a post and wire fence, hedging and some tree planting. The northern and southern boundaries are partly defined by post and wire fencing and partly defined by hedging and some trees. The western boundary is undefined. The land slopes up in a westerly direction and there are several large trees within the site. To the east is amenity open space to the rear of terraced housing on Main Street, to the south is a dwelling and the primary school, and there is agricultural land on the other two boundaries.

**Land to the rear of No 54 Banbridge Road:** this 1.5 ha site is one field and is located to the east of the A 26 to the south of the village. It is defined by hedgerow/banks and some trees to the north, south and east and by a mature tree belt beyond the western boundary. The northern boundary fronts a narrow laneway which provides access to No 52 Banbridge Road. To the west is No 54 Banbridge Road, to the north agricultural land and housing under construction, and to the south and east agricultural land.

**Lands south of Clare Road:** this 1.7 ha site consists of a field and is located to the west of Magherana Park, to the SW of Waringstown. It is defined on all boundaries by mature hedgerows and some trees. There is a hall to the NE, housing to the east and SE and a cricket club to the north across the road. The land slopes down from the hall towards the south of the site.

In DCAP all four sites are identified as Phase 2 development lands.

### **DEPARTMENT'S CASE**

9.09.02 The zoning of the four objection sites as phase 2 was consistent with Policies SPG 6, SPG 25 and Appendix 6 of DRSF; with Policy SP 2 Towns of PSRNI and Paragraph 40 of PPS 1 General Principles. It was also consistent with Plan Objectives 1-3. There was sufficient land zoned within the settlement limit as white land to meet need - evidence on this is summarised at Paragraphs 9.07.02-04 above. The DoE had chosen the four Phase 2 sites on the basis that, although they were in the CAPPP settlement limit and were suitably integrated within the existing settlement form to accommodate natural village expansion, no planning commitments had been entered into. The settlement limit had already been consolidated in DCAP by drawing it in from that which had been proposed in CAPPP - at Dunkirk Road (now proposed concessions) and NE of Cambrai Heights (3.9 ha) (no objection).

**Proposed concession – Moss Road**

9.09.03 After DCAP was published it was discovered by the plan team that there had been advanced discussions on objection site No 128/78, so it was fair to concede it from Phase 2 and that it be included in the settlement limit as white land. An application had been submitted in 1999 and the discussions on the planning application (N/99/847) had included the proposed contribution by the developer to overcoming sewage treatment problems. The development plan team had been unaware of these detailed negotiations with the development control section, as there had been a lapse in internal communication. The DoE would respond favourably to a recommendation from PAC that the site be released for Phase 1 development on the grounds that it was located within the settlement limit in CAPPP. The site should be developed in accordance with the Quality Initiative and would therefore require a concept plan. Development would require acceptable measures to deal with sewage disposal until the STW was upgraded. Development would be subject to meeting the requirements of the statutory consultees and conforming to regional and Plan policies. All access requirements to Moss Road could be met.

**Proposed concession – Primary Walk**

9.09.04 It was proposed to concede the Primary Walk site because it had been within the CAPPP settlement limit and it had been agreed with the objector that it could be conceded with a maximum development potential of 25 houses. This would overcome the Roads Service's concern about the inadequate access from Primary Walk and 25 houses would not make much difference to the overall land supply in the village. If part of the site were purchased by CBC for playing fields then the purchase price would be based on a Certificate of Alternative Development Value.

9.09.05 Concession to white land of the Moss Road and Primary Walk sites would increase the amount of land available for immediate development by approximately 7 ha, a substantial increase in the amount of lands already identified for development. There had been no specific target in DCAP for the proportion of Phase 2 lands to Phase 1 lands across the settlements or in specific settlements so there would not be an imbalance of Phase 1 to Phase 2 land. If by the year 2005, at the housing review, there were only the two remaining Phase 2 sites left (Clare Road and Banbridge Road – 3.32 ha) the DoE might consider expanding the settlement limit. However, the DRSF was against expanding the villages, as policy was to concentrate development in the UA.

**Banbridge Road and Clare Road sites**

9.09.06 There were no planning approvals on these sites so the planning history map with rebuttal DCAP 17/2000 was inaccurate. The retention of these sites as Phase 2 would help to manage the village's expansion.

**OBJECTORS' CASE**

9.09.07 The zoning of the Phase 2 sites extended the population of the area beyond what it was able to cope with and would contribute to the erosion of the character of the village. Substantial development had taken place in recent years and there should be a moratorium to assess

the long-term effects of current building. Development of the Phase 2 sites (except for Primary Walk) would breach the overall Plan strategy in that:-

- ◆ they would disrupt the existing pattern of development;
- ◆ they offered no protection to the landscape setting and village character;
- ◆ they failed to manage the expansion of the settlement in a manner sympathetic to the DoE guidelines; and
- ◆ they would destroy any sense of place.

9.09.08 The development of the Primary Walk site would affect objector No 17's property and also affect the character of the village and urban sprawl. If access were from Dunkirk Road this would result in increased traffic, loss of Green belt and sprawl; if taken from Primary Walk it would result in increased traffic confusion in the village centre and the loss of the only play space in this part of the village.

### **COUNTER –OBJECTORS' AND CONFLICTING OBJECTORS' CASES**

#### **Moss Road site**

9.09.09 When a 1970s road proposal through Waringstown had been abandoned other lands affected by that proposal had been released for development at Tudor Lodge and Tutor Grange, whereas the objection site had not been so released. The site was within the CAPPP limits. A planning application had been submitted in November 1999 following a 9 month period of consultations with the Planning Service and Roads Service to resolve potential problems in the planning application. The developer had made arrangements to widen Moss Road between the site and the Waringstown Road junction. He had incorporated a temporary sewage disposal facility in the scheme, pending the upgrade of the STW, and matters of density and layout had been addressed. The developer understood that planning approval would be granted. At no time was he advised of the potential Phase 2 classification. There were considerable financial implications to the developer and the objector, although no contracts had been signed. Had the DoE indicated at an earlier stage that the application was subject to the publication of the draft Plan and the lands might not be released for development until completion of a review in 2005, then it was likely that the financial loss would not have occurred. The accountability of Planning Service for this loss was a matter for consideration.

#### **Primary Walk site**

9.09.10 Development of the site at Primary Walk was needed to provide funding for the upkeep of Waringstown House and the estate. The original concept had been that the front part of the site would be for a cluster of small local shops with a new access to the school, relieving congestion at the centre of Waringstown and to the rear of this would be housing, but the objector accepted the proposed concession with a restriction to 25 houses maximum on the whole site. Part of the site had been in CAPPP but the DCAP settlement limit was a better one.

#### **Clare Road site**

9.09.11 The development of the site at Clare Road in Phase 2 would not disrupt the existing pattern of development. It was immediately adjacent to a substantial area of established housing at Clare Road. The existing development occupied a built up square with roughly equal frontages to the Clare Road and the Banbridge Road. The most notable feature was the break in the otherwise regular site format at the western corner where the objection site lay. Inclusion of the site was a natural rounding off of the built form. The site had strong mature boundaries and there would be no detriment to the landscape setting or village character. The site could only be seen from the Clare Road over a very short distance on approach from the west. Inclusion of the site facilitated the controlled release of land for development in an orderly and planned fashion, reflecting the need for managed growth and the availability of adequate infrastructure.

## **CONSIDERATION**

9.09.12 I have already concluded at Paragraph 9.07.13 above that unless there are exceptional site specific reasons for retaining a Phase 2 site within the Waringstown settlement limit, they should be deleted from the Plan. I shall consider the four Phase 2 sites which are subject to objection on this basis and at the same time consider the objections seeking that two of the sites (Moss Road and Primary Walk) be re-allocated as white land within the settlement limit.

### **Moss Road site**

9.09.13 I do not consider that there are any overriding site specific or other reasons for including this site within the settlement limit as white land. Although the DoE considers the site physically suitable for development, I agree with the objectors that a substantial change to the character of this entrance to the village will result. Whilst development will be mainly low lying in relation to the road, the northern part contains a prominent ridge and development here would be viewed from some distance before reaching the current visual starting point of the village, driving in on Moss Road.

9.09.14 The existing NW boundary to Cambrai Drive provides the existing edge to the village at Cambrai Heights. When viewed across the objection site from Moss Road, the visual appearance of this edge is not ideal, but this is not a sufficient reason for allocating a further large site for development at the edge of the settlement when there is no need for additional development land. There is no 'rounding off' argument in relation to this site when account is taken of my later recommendation (on the foot of objection No 128) to exclude the field across Moss Road from the settlement limit. The matter of advanced negotiations with the Planning Service on a planning application is a material consideration, but not one of overriding weight. Any financial loss suffered by the objector and the accountability of the DoE for its advice is something which can be taken up between the parties and does not outweigh the fact that there is no justification for including this site on the basis of need.

### **Primary Walk site**

9.09.15 I attach little weight to the argument that funds raised by developing the site are required for maintaining Waringstown House and Estate. However, I am persuaded that the more easterly portion of the site should remain inside the development limit as white land on the basis of urban form. This factor outweighs my earlier conclusion that there is overgenerous provision of white land within the settlement limit of Waringstown and that all Phase 2 sites should be deleted in their entirety. This portion clearly lies into the centre of the settlement and its development would meet current government planning objectives on sustainable development. The Roads Service was concerned that no more than 25 houses could be accessed from Primary Walk and the DoE was proposing a concession which would result in very low density housing development (6.75 dph if the whole of 3.7 ha site were utilised). I consider this unsustainable and contrary to village character at this location. The portion of the site I recommend be included in the settlement limit could provide for up to 25 houses at a much higher density or alternatively it might be used for some of the other land uses requested by objectors representing the local community, such as a primary school extension or additional recreational provision. I do not accept Objector No 17's contention that development of the site would adversely affect his property. Design and layout are matters for the development control stage.

9.09.16 I recommend that the settlement limit be re-drawn at this location and follows the line of the DCAP settlement limit to the north to cross the site and line up with the L-shape on the southern boundary of the objection site (where the mobile classrooms are located on the Primary School site).

### **Clare Road site**



9.09.17 I do not consider that there are any overriding site specific or other reasons for including this site within the settlement limit as white land. Although the DoE considers the site physically suitable for development, in the absence of any need for additional development land, this does not necessitate it being included in the settlement limit for the plan period. Although in map form there appears to be merit in the 'rounding off' argument, this is not the case on the ground as the cricket club provides an undeveloped and landscaped site across the Clare Road. In addition, the small hall to the NE of the objection site; the hedging on the Clare Road boundary of the site; the topography of the site and the adjoining fields; and the alignment of the Clare Road approaching Waringstown, all help to lessen the visual impact of the existing edge to Magherana Park to the east and SE of the site. I do not consider that any benefit development of the site would have in terms of providing a better landscaped edge to the settlement outweigh the fact that there is no 'need' justification for having any additional white land within the settlement limit. I do not accept that removal of the site would result in a shortage of housing land to the south of Waringstown as I do not consider it necessary for the Plan to provide development sites to the north, south, east or west of a settlement of this scale.

#### **Banbridge Road site**

9.09.18 I do not consider that there are any overriding site specific or other reasons for including this site within the settlement limit as white land. Although the DoE considers the site physically suitable for development, in the absence of any need for additional development land, this does not necessitate it being included in the settlement limit for the plan period. Whilst development of the site would have limited visual impact when viewed entering the settlement along Banbridge Road, due to the road alignment, existing development and planting, its development would not result in a better landscaped edge to the settlement or create a better urban form.

#### **RECOMMENDATION**

9.09.19 I recommend that the Moss Road, Clare Road and Banbridge Road phase 2 sites be deleted from the Plan and that the settlement limit be brought in at these locations. I also recommend that part of the Primary Walk Phase 2 site be deleted from the Plan and that the settlement limit be drawn in so that only the most easterly quarter of the site is included in the settlement limit as white land.

9.10

Objection to the identification of Waringstown Estate as a Local Landscape Policy Area
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**Objection: Nos 47, 90**

#### **PROPOSED PART CONCESSION**

#### **DEPARTMENT'S CASE**

9.10.01 The Department would respond favourably to:-

- ◆ Removal of the cricket club from the proposed LLPA and its inclusion within the ATC (concession of objection No 233). It was considered to be part of the built form of the village. This area would also remain within the Waringstown Historic Park, Garden and Demesne designation.
- ◆ Removal of some of the field to the south of the Waringstown House lands off Clare Road from the LLPA. This would remain outside the Waringstown Historic Park, Garden and Demesne.
- ◆ Amendment to the Waringstown House Historic Parks, Gardens and Demesne Map at Page 53 of the Plan to exclude the housing development at the corner of Clare Road and Banbridge Road (The Lawns) plus a triangle of land within the proposed Phase 2 site at Primary Walk (proposed concession site subject to objections).

This proposed concession to the amendment of the LLPA would be subject to:-

1. any proposed development accessing off the existing access road, subject to access requirements from Roads Service, at the cost of the developer; and
2. any alteration to the boundary of Clare Road in order to accommodate access requirements would require planting to the satisfaction of the Department at the cost of the developer.

9.10.02 Although there was an overlap of the ATC and LLPA this was acceptable as they were designated for different reasons. The Magherana Rath was scheduled under the Historic Monuments and Archaeological Objects (NI) Order 1995.

### **OBJECTOR'S CASE**

9.10.03 This concession was acceptable.

### **RECOMMENDATION**

9.10.04 The concession to exclude part of the field and the cricket ground from the LLPA is noted. The removal of The Lawns area and part of the Phase 2 site at Primary Walk from the Historic Gardens Parks and Demesnes makes sense, but this matter was not subject of any objection and requires an amendment to the Plan.

9.11

Objection to the non-designation of the centre of Waringstown as an Area of Townscape Character.

### **Objection: No 233**

### **PROPOSED CONCESSION**

### **DEPARTMENT'S CASE**

9.11.01 The DoE proposed to add an ATC to the Waringstown map on page 161 and amend Plan Policy Conservation 5 at page 58 of the Plan to include reference to Waringstown. At page 160 the following would be inserted:

*'An Area of Townscape Character has been designated within the village of Waringstown. The design of development proposals within this area should be in keeping with the original characteristics of the area in terms of scale, form, materials and points of detail. The characteristic built form displayed in the Area of Townscape Character can also help inform developers in preparing development elsewhere in the village to reinforce local identity. Development proposals within the Area of Townscape Character will be assessed in accordance with the Plan Policy Conservation 5.*

*Waringstown has its origins in 1658 when William Waring acquired lands encompassing approximately half of the Parish of Donaghcloney and extended in 1668 through the purchase of lands in the townlands of Annaghanoon and Magherana.*

*Primarily linear in form, the layout of the present day village core is little changed from that as detailed in a map of the area dated 1703. Growth of the village can be charted to the introduction of the linen industry, the inception of which in the area is attributable to Samuel Waring, son of William Waring.*

*The ATC boundary has been drawn to encompass the majority of scheduled monuments and listed buildings within the settlement and that portion of Waringstown where the townscape was of local historic significance, and where special protection of the built heritage including both listed and non-listed buildings is necessary'.*

The Plan Policy for the ATC would be according to document 233/DoE/1 submitted at the Inquiry and Supplementary Planning Guidance would be published and put out to public consultation.

### **RECOMMENDATION**

9.11.02 As this objection is couched in general terms with no precise boundary suggested in the objection letter, it will be necessary for the DoE to bring forward the proposed boundary of the ATC in Waringstown as an amendment to the Plan, with the normal public consultation.

9.12 

Objection to the exclusion of lands from the settlement limit seeking inclusion of lands (objection Nos 41 and 42 are for Phase 2 allocation)
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**Objection: Nos 151, 40 and 41 (amended site)**

### **SITE DESCRIPTION**

9.12.01 **Site No 151:** This 3.3 ha site consists of five fields and is located to the south of Waringstown. It includes objection sites 40 and 41. The north, east and west boundaries are generally defined by low hedgerows/banks with some trees. A narrow lane on the northern boundary leads to the A 26 Banbridge Road. To the north of the site is housing under construction, to the NE a single dwelling and outbuildings and on the other boundaries there is agricultural land.

**Site No 41:** This 1.6 ha site (as amended) is included in objection site 151 and consists of several fields immediately to the east of the Phase 2 land behind No 54 Banbridge Road.

**Site No 40:** This 1.7 ha site consists of a field to the NE of objection site 41, to the SE of Waringstown.

The sites are all allocated as Green Belt in DCAP.

### **DEPARTMENT'S CASE**

9.12.02 Evidence on the STW is reported at Paragraph 9.08.01 above. Access could be either through housing monitor site 5474 to the north, via the laneway to the north of the site or via the Phase 2 lands to the west. Inclusion of the sites within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5, 6 and 8; to Plan objectives 1, 2, 3, 5 and 6; to the fourth element of the Plan strategy; and to the second, third, fourth and fifth elements of the Plan strategy for the villages. Paragraph 9.01 C and D summarised the evidence on housing need and supply and E summarised the evidence in relation to phasing. There was no evidence of need for this site. The settlement limit to the south of Waringstown had been drawn to consolidate existing development; to prevent urban sprawl along the A26; and to respect the surrounding topography; to recognise the natural screen of mature landscaping to the south of No 54 Banbridge Road; and to recognise the natural settlement boundaries created by the instances of significant slopes to the east of No 54. To the SW of No 52 and north of the objection sites the settlement limit followed a well defined hedgerow. The sites should be excluded from the settlement limit due to the topography and location of the sites relative to the existing settlement form. Topographically the

objection sites were low lying. Inclusion of the sites would have an adverse impact upon the visual setting and rural character of Waringstown. It would also have implications for surrounding lands, particularly to the south where there were three objections.

- 9.12.03 Inclusion of the sites in the settlement limit would be contrary to Policy AG 1 of PSRNI as 2 ha of the sites consisted of BMV land, partly on objection site No 40 and partly on objection site No 41. Where possible in the Plan BMV land was not identified for development, particularly where the DoE considered that the development requirements of a particular settlement could be adequately accommodated over the plan period by use of areas of poorer quality land.

### **OBJECTOR'S CASE**

#### **Need**

- 9.12.04 The evidence has been summarised in Section 3 and at Paragraphs 9.07.05-07 above. There was very little land available for housing to the south of Waringstown. The inclusion of the site within the settlement limit would not conflict with any of the matters referred to in the justification of the settlement limit in the Countryside Assessment for Waringstown. It would not result in urban sprawl as there was already existing and proposed development to the south. Access could be achieved either through adjacent development to the north, or by upgrading of the laneway to the north of the site. There was a legal agreement that road access and services be constructed up to objection site No 41 from the housing development immediately to the north (outline planning permission N/98/0525).
- 9.12.05 Inclusion of the sites would result in a firm, logical and defensible urban edge to Waringstown. The sites were low lying and unobtrusive and could not be seen from long distance viewpoints. They were sheltered from views from the A26 by the Banbridge Road Phase 2 site and the trees along the A26. They could only be glimpsed from New Line some 700-800m to the SE. Development would not extend the village in a southerly direction as to the west was Phase 2 land and on the other side of the A26 was Clanconnel Gardens. The proposal would only extend the settlement marginally to the east. When amalgamated to the approved site to the north (N/98/0525) and the Phase 2 land to the west they would make a logical rectangular shaped area which could be developed more efficiently than the present irregularly shaped area. It was not in an area identified as high landscape quality.
- 9.12.06 Development of the sites would not be contrary to any of the objectives of Green Belt policy set out in PSRNI. Additional development was likely to help maintain the viability of existing commercial enterprises in the village. Although part of the site was BMV this had to be tempered with the fact that the five small fields were in three separate ownerships and did not form a viable agricultural holding. Their agricultural potential was diminished by their closeness to the UA. Inclusion of the sites would result in a significant parcel of land in this part of the town, which could be comprehensively developed to QI standards, particularly in respect of open space, amenity areas and pedestrian linkages.

### **CONSIDERATION**

- 9.12.07 I have already concluded in Section 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive and there is more than ample land supply within the settlement limit of Waringstown if it is considered in isolation. I have not been convinced by the evidence that there is a particular 'need' for any additional development land within the settlement limit of Waringstown even if the Phase 2 land is deleted. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis that it is in an area of demand or of a size suitable for comprehensive development to Quality Initiative standards. On this basis there is no

justification for including any of these sites within the settlement limit, even site No 41 if considered on its own.

#### **Other Strategic Considerations**

- 9.12.08 Given my recommendation that the Phase 2 site adjoining this site to the west be excluded from the settlement limit, there is no urban form argument for including these objection sites. I consider that it is only proper, and in line with Policy AG 1 of PSRNI, that the Department seeks to protect BMV lands and, where possible, to direct development to areas of poorer quality land. However, I find the Department's evidence on this issue to be unconvincing and not of sufficient merit, on its own, to justify precluding the objection sites from development.

#### **Non strategic considerations**

- 9.12.09 Having concluded that there is no 'need' or urban form justification for including this site within the settlement limit, I do not consider it necessary to pursue the site-specific arguments raised by the objector. Even if I were to conclude that the site is acceptable for inclusion within the settlement limits in development plan terms this would not override the objections to the site in principle.

#### **RECOMMENDATION**

- 9.12.10 I recommend that no alteration be made to the Plan as a result of this objection.

- 9.13 

Objection to the exclusion of lands from the settlement limit seeking inclusion of lands
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#### **Objection: No 93**

#### **SITE DESCRIPTION**

- 9.13.01 This 10.3 ha site comprises eight fields on the southern edge of Waringstown. The objection site directly fronts the eastern side of Banbridge Road (A 26) and sits well above the road behind a high embankment. There are several single dwellings adjacent to the objection site. while the remainder of the surrounding land is currently in agricultural use. In DCAP the site is within the Green Belt.

#### **DEPARTMENT'S CASE**

- 9.13.02 Evidence on the STW is reported at Paragraph 9.08.01 above. Care was required with the positioning of an access point to achieve adequate forward visibility without prejudicing a possible access to the objection lands opposite (objection site Nos. 8 and 143). A right turning lane and extensive excavation would be required to achieve suitable gradients, road widening and a footway link.
- 9.13.03 Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5, 6 and 8; to Plan objectives 1, 2, 3, 5 and 6; to the fourth element of the Plan strategy; and to the five key elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan, and C and D outlined the evidence on housing need and supply. Inclusion of the site in the settlement limit would be contrary to Policy AG 1 of PSRNI as approximately 2.4 ha of the site consisted of BMV land. Where possible in the Plan BMV land was not identified for development, particularly where the development requirements could be adequately accommodated over the Plan period by use of areas of poorer quality agricultural land.

- 9.13.04 The settlement limit had been drawn in recognition of existing development, natural settlement boundaries and surrounding topography. There was a natural screen of mature landscaping to the south of No.54 Banbridge Road and significant slopes in landform to the east of this property. The objection site was elevated along the road frontage and visually prominent on the southern approach to the village. Inclusion of the site within the settlement limits would have an adverse impact upon the visual setting and rural character of Waringstown. The site would contribute to the linear development of the village and to urban sprawl on the Banbridge Road.

### **OBJECTOR'S CASE**

- 9.13.05 General evidence on housing need/supply is summarised in Paragraphs 9.07.06-7 above and in Section 3. Waringstown was a growing and thriving community where there was an express demand for development and DCAP was extremely restrictive in relation to its future growth. This was evidenced by the fact that (a) the Department now proposed to bring forward some 7 ha of land from Phase 2 to Phase 1; (b) the projected population was based on historical trends which reflected the extremely strict controls exercised by the Department in the past; and (c) the proposed works to the sewage treatment plant allowed for a design population (7,500) in excess of that catered for in the Plan.
- 9.13.06 The directions for the future expansion of the village were limited, not least to the north in terms of connecting to Lurgan and to the west where Waringstown Demesne was situated. This left the east, where there had already been substantial development, and the south, where the objection site and other objection lands opposite were situated. The only strategic growth direction for the village was to the south on both sides of the Banbridge Road. The objection site could be developed with little visual intrusion or threat to the overall character of the village. The lands were close to the soon-to-be-upgraded sewerage works and hence would require modest investment in infrastructure.
- 9.13.07 The objector was aware of pressures for conservation and amenity in the built-up area and surrounds. A proportion of the site could be ceded to Craigavon Council or another body for amenity/recreational purposes (including the maintenance of a natural screen of mature landscaping to the south of 54 Banbridge Road) in return for the inclusion, within the development limits, of the part of the site immediately abutting the proposed Phase 2 land.

### **CONSIDERATION**

#### **Need**

- 9.13.08 I have already concluded in Paragraph 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive and there is more than ample land supply within the settlement limit of Waringstown if it is considered in isolation. I have not been convinced by the evidence that there is a particular 'need' for any additional development land within the settlement limit of Waringstown even if the Phase 2 land is deleted. There was no objection to any land included within the settlement limit for which this site could be substituted. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis of demand. I also do not consider it necessary to provide development sites to the north, south, east or west of a settlement of the scale of Waringstown. On this basis there is no justification for including this site within the settlement limit as white land or Phase 2 land.

#### **Other Strategic Considerations**

- 9.13.09 In my view further elongation of the village along the A26 should be avoided and I am, therefore, satisfied that the DCAP settlement limit to the south of the village, amended to take account of my recommendation to exclude the Clare Road and Banbridge Road Phase 2

sites, is appropriate for the plan period. I consider that it is only proper, and in line with Policy AG 1 of PSRNI, that the Department seeks to protect BMV lands and to, where possible, direct development to areas of poorer quality land. However, I find the Department's evidence on this issue to be unconvincing and not of sufficient merit, on its own, to justify precluding the objection sites from development. The objector's argument that a proportion of the site could be ceded for amenity/recreational purposes carries little weight when balanced against the need for additional development land.

#### **Non strategic Considerations**

- 9.13.10 Having concluded that there is no 'need' justification for including this site within the settlement limit, I do not consider it necessary to pursue other site-specific arguments raised by the objector.

#### **RECOMMENDATION**

- 9.13.11 I recommend that no alteration be made to the Plan as the result of this objection.

- 9.14 

Objection to the exclusion of lands from the settlement limit seeking inclusion of lands
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#### **Objection: No 143 (part of)**

#### **SITE DESCRIPTION**

- 9.14.01 This 4.8 ha site consists of two fields to the south of Waringstown, to the west of Banbridge Road (A26). The housing development of Clanconnel Gardens lies to the north while to the south and SW and east across the road is agricultural land. In DCAP the site lies within the Green Belt.

#### **DEPARTMENT'S CASE**

- 9.14.02 Evidence on the STW is reported above at Paragraph 9.08.01. The position of the access to the A26 should not prejudice access to lands to the east of the A26. A footway would be required along the site frontage as would a right turning lane. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5, 6 and 8; to Plan objectives 1, 2, 3, 5 and 6; to the fourth element of the Plan strategy; and to the second, third, fourth and fifth elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply. The avoidance of unnecessary erosion of the surrounding countryside and the protection of long distance views were important factors in determining the settlement limit, which had been drawn to facilitate properly structured and appropriately scaled growth, to protect the individual character of the settlement and to constrain ribbon development and urban sprawl into the surrounding countryside. The Northern Ireland Landscape Character Assessment identified Waringstown as having very little capacity for further development, with the exception of the village centre. Inclusion of the site would have an adverse impact on the visual setting and landscape character of the village.
- 9.14.03 The DCAP limit was the back gardens of houses at Clanconnel Gardens which had little boundary landscaping, although the planting of trees on the western side of the A26 helped screen this rather jagged edge from the road. It was not necessary to get new development to mitigate the impact of Clanconnel Gardens. Topographically the site was exposed with two crest lines running from north to south, which provided some screening to Clanconnel Gardens on the southern approach along the A26. Development of the site would bring development over the crestline, which currently contained the settlement and there would

be a risk of coalescence with settlements to the SE. Any development on the objection site would be visible through the proposed access onto the A26, thus the landscape and visual impact would be substantial. Inclusion of the site would have implications for surrounding lands, particularly to the south and east of the A26.

- 9.14.04 Inclusion of the site would be contrary to Policy AG 1 of PSRNI as three-quarters of it was BMV land. The DoE considered that where possible BMV land should not be identified for development particularly if the development requirements of a settlement could be met by the use of poorer quality agricultural land.

### **OBJECTOR'S CASE**

- 9.14.05 General evidence on housing need/supply is summarised in Paragraphs 9.07.06-7 above and in Section 3. There was very little land available for housing to the south of Waringstown. Given the prevalence of good quality agricultural land around Waringstown it was clear that such land would be required for development purposes over the plan period. Development of the objection site would not involve fragmentation of an existing holding. Inclusion of the site would provide a far more logical settlement limit to Waringstown.
- 9.14.06 The site was not located in an area identified as one of high landscape quality. Although development of the site would have some visual impact, with integrating measures the outcome would, at worst, demonstrate a small but beneficial change and, at best, a moderate but important change to the landscape, as the southern approach to the village was currently unattractive. The site was in a transition zone in landscape terms and there was a sense of urbanisation as one approached the site. Clanconnel Gardens, developed in the 1970s, was quite elevated particularly to the west and development of the objection site would provide an opportunity to create a softer and more natural edge to the settlement, if appropriate conditions were attached to a planning approval. The existing housing did not provide a natural boundary and it was not well screened by planting along the A26.
- 9.14.07 Development of the objection site would not result in urban sprawl, as it would be viewed in the context of existing ribbon development to the south on the A26. Access could be achieved to the A26 and the development would be well screened by roadside banking on the A26. The glimpses of the site from the proposed access would not be significant, as due to topography only a ridge in the distance would be seen. Only part of the site was visible from the crest to the south of the nursery on the A26 to the south. In this long distance view the site would be seen in the context of existing development. Closer to the town it would disappear because of the dip and cutting in the road. The southern boundary of the site was defined with trees, a mature hedge and a laneway. Development would not be contrary to any of the Green Belt objectives in Policy GB/CPA 1 of PSRNI. The proposal was for a high quality development consistent with the Quality Initiative and a conceptual site layout was provided.

### **CONSIDERATION**

#### **Need**

- 9.14.08 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive and there is more than ample land supply within the settlement limit of Waringstown if it is considered in isolation. I have not been convinced by the evidence that there is a particular 'need' for any additional development land within the settlement limit of Waringstown even if the Phase 2 land is deleted. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis of demand. I also do not consider it necessary to provide development sites to the north, south, east or west of a settlement of the scale of



Waringstown. I conclude that there is no justification for including the objection site within the settlement limit as white land or as Phase 2 land.

**Other Strategic Considerations**

9.14.09 In my view there is merit in restricting the further elongation of the village along the A26 and am satisfied that the DCAP settlement limit to the south of Waringstown, amended to take account of my recommendation to exclude the Clare Road and Banbridge Road Phase 2 sites is appropriate for the plan period. The objector's argument that additional development is necessary to provide a better edge to the settlement carries little weight when balanced against the lack of any 'need' for development land.

9.14.10 I consider that it is only proper, and in line with Policy AG 1 of PSRNI, that the DoE seeks to protect BMV lands and, where possible, to direct development to areas of poorer quality land. However, I find the DoE's evidence on this issue to be unconvincing and not of sufficient merit, on its own, to justify precluding the objection sites from development.

**Non-Strategic Considerations**

9.14.11 Having concluded that there is no 'need' or other justification for including this site within the settlement limit, I do not consider it necessary to pursue other site-specific arguments raised by the parties.

**RECOMMENDATION**

9.14.12 I recommend that no alteration be made to the Plan as a result of this objection.

9.15

Objection to the exclusion of lands from the settlement limit seeking inclusion of lands in the settlement limit for development or zoned as Phase 2 land.

**Objection: No 8**

**SITE DESCRIPTION**

9.15.01 This 6.3 ha site consists of four fields and a farmhouse, No 65 Banbridge Road, to the south of Waringstown. The perimeter is defined by hedgerows and some trees and along the northern boundary lies a dirt track with fields beyond. To the east is agricultural land and to the SE lies No 71 Banbridge Road and a nursery, then Nos 73-77 Banbridge Road. The land rises to a crest on the NW of the site. In DCAP the site lies within the Green Belt.

**DEPARTMENT'S CASE**

9.15.02 Evidence on the STW is reported at Paragraph 9.08.01 above. Upgrading of the pumping station for foul sewerage on Banbridge Road would be required. Care had to be taken to position the access to the site so that adequate forward visibility would be achieved whilst not prejudicing the location of an access on the other side of the A26. A footway would be required along the site frontage and a right turning lane would be required. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5, 6 and 8; to Plan objectives 1, 2, 3, 5 and 6; to the fourth element of the Plan strategy; and to the second, third, fourth and fifth elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply.

9.15.03 The settlement limit defining the south of Waringstown had been drawn to consolidate existing development, to prevent urban sprawl along the A26 and to respect the surrounding topography by excluding lands beyond crest lines to the south of Clanconnel Gardens. The limit was well defined by both existing development and hedgerow. Inclusion of the site would have an adverse impact on the visual setting and landscape character of the village. Topographically the NW field consisted of a prominent mound, which could be seen on the southern approaches to the village. Avoidance of unnecessary erosion of the surrounding countryside and the protection of long distance views were important features in determining the limit of development.

**OBJECTOR'S CASE**

9.15.04 Development in this part of Waringstown would take development away from the older original portion of Waringstown, thus helping to retain village character. There was more than adequate land to meet access requirements and to provide turning lanes and footways. There was sufficient water supply and the STW would be upgraded in time for the site to be developed. There was very little land available for housing to the south of Waringstown. Together objection site No 143 and objection site No 8 would form a compact development.

As one travelled northwards to Waringstown on the A26 the site was not immediately visible as one topped the crest adjacent to the junction with New Road. At this juncture the road swept to the right as one descended the crest taking one's focus towards objection site No 93. As the road straightened, existing buildings and mature trees restricted views to the left. Further screening could be placed on the lands, if necessary, to screen the mound in the NW corner which had been surveyed and was suitable for development in terms of gradients. If necessary development could be kept back from the main road at development control stage.

## **CONSIDERATION**

### **Need**

- 9.15.05 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive and there is more than ample land supply within the settlement limit of Waringstown if it is considered in isolation. I have not been convinced by the evidence that there is a particular 'need' for any additional development land within the settlement limit of Waringstown even if the Phase 2 land is deleted. There was no objection to any land included within the settlement limit for which this site could be substituted. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis of demand. I also do not consider it necessary to provide development sites to the north, south, east or west of a settlement of the scale of Waringstown. I conclude that there is no justification for including the objection site within the settlement limit as white land or as Phase 2 land.

### **Other Strategic Considerations**

- 9.15.06 I have already concluded that there is merit in restricting the further elongation of the village along the A26 and am satisfied that the DCAP settlement limit to the south of Waringstown, amended to take account of my recommendation to exclude the Clare Road and Banbridge Road Phase 2 sites, is appropriate for the plan period.

### **Non-Strategic Considerations**

- 9.15.07 Having concluded that there is no 'need' justification (or no justification on the basis of any of the strategic considerations) for allocating this particular site for development, I do not consider it necessary to pursue other site-specific arguments raised by the objector.

## **RECOMMENDATION**

- 9.15.08 I recommend that no alteration be made to the Plan as a result of this objection.

- 9.16 

Objection to the identification of Banbridge Road as a protected route.
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### **Objection: Nos 143 (part of), 151 (part of)**

## **DEPARTMENT'S CASE**

- 9.16.01 The A26 was a Protected Route and the merits of an individual policy were not a matter for the development plan process. Paragraphs 21-23 of PPS3 explained the criteria for Protected Routes and Paragraphs 27-31 explained how the policy was relaxed somewhat within development limits.

## **OBJECTORS' CASE**

- 9.16.02 No evidence was presented on this objection.

## **CONSIDERATION**

- 9.16.03 Paragraphs 37 and 38 of PPS 1 set out the content of development plans. Paragraph 38 states that plans will refer for information only to the relevant designations made under non-planning legislation and to areas already designated using planning powers. It states

that while such designations will not in themselves be open for further public debate, any local policies and proposals set out in the Plan in respect of designated areas will be open to representation and objection. It seems to me that the designation of Protected Routes in DCAP comes within neither category, as Protected Routes have no legislative basis and are solely a planning tool. I therefore regard the objections as valid since they refer to a policy of the Plan set out at the top of page 37 and I judge that the DoE's position on the objections to be misconceived.

- 9.16.04 There is considerable confusion about the policy status of 'Protected Routes'. Paragraph 22 of PPS 3 (1996) states that 'roads on which the policy of access control will be exercised **have been** designated as the Protected Routes Network. Any alterations to the designated routes will be published'. The map showing the 'Protected Roads' in Northern Ireland was contained in the DoE publication 'Access Standards' (1983) but this has been superseded by DCAN 15 Vehicular Access Standards (1999), which refers back to PPS 3 on the issue of Main Traffic Routes (the alternative terminology). Paragraph 23 of PPS 3 states the different criteria for designating roads as Protected Routes. It seems most likely to me that the A26 at Waringstown falls within the second bullet point – namely that it is a route between the principal town in each District (i.e. the Craigavon UA and Banbridge), but that was not stated by the DoE in any evidence.
- 9.16.05 As stated earlier in this report the onus rests with the Department to defend the policies of the Plan and I find that it has not done so with regard to this objection. Had the objectors been more specific about which part of the Banbridge Road they were referring to it would have been difficult to recommend against this objection, despite the illogicality of deleting one section of the A26 from the Protected Route Network of N Ireland when the rest of the road would remain as a Protected Route. As I have recommended that neither of the objection site Nos 143 and 151 be included within the settlement limit it may be that the urgency of de-classifying or confirming the A26 as a Protected Route is somewhat diminished for these objectors. Nonetheless, the Department is wrong in the way it has approached the Protected Route issue in the Plan and it seems to me that it is a matter of urgency that the policy of Protected Routes in N Ireland is clarified.

### **RECOMMENDATION**

- 9.16.06 I recommend that the DoE clarifies the matter of the designation of Protected Routes in N Ireland as a matter of priority through the production of a subject plan for the whole of the Province and reconsiders the designation of the A26 as part of this process, taking into account representations from the public.

9.17

Objection to the exclusion of lands from the settlement limit seeking inclusion of lands and zoning for housing

**Objection: No 184**

**SITE DESCRIPTION**

9.17.01 This 4.7 ha site consists of three fields to the east of Clare Road bounded by mature hedges. To the SW is a vacant farm dwelling and outbuildings and to the NE is a housing development at Clanconnel Gardens. On the other boundaries is agricultural land and across the Clare Road is parkland.

**DEPARTMENT'S CASE**

9.17.02 Evidence on the upgraded STW is summarised at Paragraph 9.08.01 above. Land in the objector's ownership would allow the required access standards, forward visibility improvements and a footway across the site frontage and linking to the NE. The site had an advantage over many of the other sites in Waringstown which involved access on to a Protected Route, the A26. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5, 6 and 8; to Plan objectives 1, 2, 3, 5 and 6; to the fourth element of the Plan strategy; and to the second, third, fourth and fifth elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply. The settlement limit had been drawn for this part of Waringstown in recognition of defined natural boundaries of mature hedgerow and the alignment of Clare Road, which bent towards the south at the settlement limit. The limit also consolidated existing development at Clanconnel Gardens. The Department's aim was to consolidate existing development at Clanconnel Gardens and protect the landscape setting and village character of the village.

9.17.03 The settlement appraisal highlighted the reasons for delineating the settlement limit. Although the site was screened from view until one reached the site frontage driving into the village along the Clare Road and could only be glimpsed from the A 26, the DCAP settlement limit was rational as the Phase 2 land consolidated existing development and the proposed limit was well defined by vegetation. Extending the limit further out would clearly extend the urban form and be detrimental to the rural character, which existed on the approach to Waringstown along Clare Road. On the opposite side of the road was the LLPA, which was part of the attractive landscaped character of this approach to the village.

**OBJECTOR'S CASE**

9.17.04 General evidence on housing need/supply is summarised in Paragraphs 9.07.06-7 above and in Section 3. The objector owned the land on either side of the site so could provide whatever Roads Service required in terms of visibility at the access and footways. Unlike elsewhere in Waringstown there was no need to access onto a protected route. All other infrastructure was available. The proposal would not harm the Green Belt nor the character of Waringstown. The site was immediately contiguous with development and could make use of existing infrastructure. It would blend comfortably with the landscape and would maintain a compactness of form. There was no question of the site creating the merging of settlements and it did not constitute unrestricted sprawl of large built-up areas. There was no threat to the natural environment or the man-made heritage.

9.17.05 Visual prominence was not an issue as the site could only be seen to a limited extent from Clare Road and Banbridge Road. On approach into the village along Clare Road a combination of topography, vegetation and the horizontal alignment of the road protected

the site. There would be little effect on rural character as one already saw Clanconnel Gardens on approach to the village along Clare Road when one reached the site's frontage. On approach to the village along the A26 from Banbridge the site was only momentarily glimpsed across relatively long distances. The higher portion of land to the southern end of the site could be excluded from development if that were the issue. Although the DCAP settlement limit was well defined by hedgerows and the bend in the road, the settlement limit proposed by the objection was also well defined by hedgerow and the Clare Road bent again with equal effect at the southern end of the objection site.

## **CONSIDERATION**

### **Need**

9.17.06 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive and there is more than ample land supply within the settlement limit of Waringstown if it is considered in isolation. I have not been convinced by the evidence that there is a particular 'need' for any additional development land within the settlement limit of Waringstown even if the Phase 2 land is deleted. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis of demand. I also do not consider it necessary to provide development sites to the north, south, east or west of a settlement of the scale of Waringstown. I conclude that there is no justification for including the objection site within the settlement limit as white land or as Phase 2 land.

### **Other Strategic Considerations**

9.17.07 Given my recommendation that the Phase 2 site adjoining this site to the NE be excluded from the settlement limit, it follows in terms of urban form that this site should not be included.

### **Non-Strategic Considerations**

9.17.08 Having concluded that there is no 'need' justification for including this site within the settlement limit, I do not consider it necessary to pursue the site-specific arguments raised by the objector. Even if I were to conclude that the site is acceptable for inclusion within the settlement limits in Development Plan terms this would not override the objections to the site in principle.

## **RECOMMENDATION**

9.17.09 I recommend that no alteration be made to the Plan as a result of this objection.

9.18

Objection to the zoning of the site as being available for immediate development.

**Objection: No 128**

**SITE DESCRIPTION**

9.18.01 This site of approximately 1 ha is located to the west of Moss Road, to the NE of Waringstown and includes a field and three existing dwellings in a cul-de-sac. The boundary to the field fronting onto Moss Road has a mature hedge and some trees, to the SW are the rear boundary fences/hedges of houses at Tudor Grange and to the NE are the garden boundaries of two of the dwellings. The western boundary has a stream, some hedging and trees and the north-western boundary is partly undefined running across the middle of the field. Across the road is a dwelling with a large garden and a field and to the south is a housing development. To the north and west is agricultural land. In DCAP the site is designated as white land within the settlement limit.

**DEPARTMENT'S CASE**

9.18.02 No evidence was presented.

**OBJECTOR'S CASE**

9.18.03 This site lying across the road from objection site No.128 was shown within the settlement limit of DCAP as available for immediate development, yet it was outside the 1986 settlement limit whereas the objection site was inside it.

**CONSIDERATION**

9.18.04 The DoE did not seek to rebut this element of objection No 128 and there was no counter objection submitted. Presumably in offering a concession for objection site No 28, the Department considered that this element of objection No 128 had been superseded. This was inappropriate given the conflicting objections seeking removal of all Phase 2 sites from the settlement and the possibility that these objections would succeed. The objector appears to want this site re-designated as Phase 2 land but I have already concluded at Paragraph 3.02.21 that all Phase 2 lands should be removed from the Plan unless there are exceptional site specific circumstances. The options before me are therefore (a) retention of the site within the settlement limit as white land as in DCAP or (b) removal from the settlement limit entirely.

9.18.05 The objector's argument is predominantly an equity one. He was correct that this site was outside the 1986 settlement limit but incorrect that objection site No 128 was inside that limit. I note that both were inside the CAPPP limit and, from general evidence submitted at the Inquiry on the housing monitor sites, that this site does not have any planning permission. I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive and there is more than ample land supply within the settlement limit of Waringstown if it is considered in isolation. On this basis there is no justification for retaining this site within the settlement limit.

9.18.06 Given my recommendation that the Phase 2 site on the opposite side of Moss Road be deleted from the Plan and the settlement limit be drawn in at that location, there is considerable merit in terms of urban form in drawing in the settlement limit at this location as well. Although the existing boundary along the rear gardens of Tutor Grange does not provide the optimum long term edge to the settlement, this factor has to be balanced

against the fact that the western boundary of the site is largely undefined on the ground and does not provide a defensible edge to the settlement in that direction. In my opinion the three mature dwellings on the northern side of the objection site do not read with other housing development to the south or with the settlement as a whole. They appear above the cutting in the road as a semi-rural cluster. I therefore conclude that their existence does not preclude removal of the objection site from the settlement limit.

- 9.18.07 In reaching my conclusion on this objection I have taken account of the general argument that development of the settlement in depth is preferable to extending it along the A26, but as I am not recommending in favour of any objections involving extensions to the settlement limit along the A26, I do not consider that this argument outweighs the development land supply/housing need issue in this case.

### **RECOMMENDATION**

- 9.18.08 I recommend that the DoE reappraises the settlement limit at this location with a view to excluding this site from the settlement limit.

- 9.19 

Objection to the exclusion of lands from the settlement limit seeking inclusion of lands
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### **Objection: No 257**

### **SITE DESCRIPTION**

- 9.19.01 This 4.9 ha site comprises four grazing fields, which straddle Moss Road, a minor rural road that radiates out to the NE of Waringstown. There are three detached dwellings sitting on more elevated land to the immediate south of the western field (Nos. 24, 26 and 28 Moss Road). The eastern fields, on their southern boundary, bound onto objection site Nos. 78 and 128. In DCAP the site is within the Green Belt.

### **DEPARTMENT'S CASE**

- 9.19.02 Evidence on the upgraded STW is summarised at Paragraph 9.08.01 above. Moss Road would require widening and a footpath link should be provided to the village. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5, 6 and 8; to Plan objectives 1, 2, 3, 5 and 6; to the fourth element of the Plan strategy; and to the second, third, fourth and fifth elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply.
- 9.19.03 The settlement limit had been drawn to respect natural boundaries and the local topography. The objection site involved exposed lands subject to long distance views both into and out of the site. It would not integrate with the existing settlement pattern, being beyond the natural crestline that ran NW to SE. Inclusion of the site in the settlement limit would be contrary to Policy AG 1 of PSRNI as 3 ha of the site consisted of BMV land.

### **OBJECTOR'S CASE**

- 9.19.04 The objection site should be included within the settlement limits of Waringstown.

### **CONSIDERATION**

#### **Need**

- 9.19.05 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs



3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive and there is more than ample land supply within the settlement limit of Waringstown if it is considered in isolation. I have not been convinced by the evidence that there is a particular 'need' for any additional development land within the settlement limit of Waringstown even if the Phase 2 land is deleted. There was no objection to any land included within the settlement limit for which this site could be substituted. I conclude that there is no justification for including the objection site within the settlement limit as white land or as Phase 2 land.

#### **Other Strategic Considerations**

- 9.19.06 Given my recommendation that the settlement limit on Moss Road is drawn in to exclude the two objection sites to the south of this land it follows, in terms of urban form, that no part of the objection site should be included within the village limits. Even if the settlement limit were to be defined as shown in DCAP I agree with the Department that the objection site would not read as a logical extension to the UA, but as an incursion into the open countryside. I consider that it is only proper, and in line with Policy AG 1 of PSRNI, that the DoE seeks to protect BMV lands and to, where possible, direct development to areas of poorer quality land. However, I find the Department's evidence on this issue to be unconvincing and not of sufficient merit, on its own, to justify precluding the objection site from development.

#### **RECOMMENDATION**

- 9.19.07 I recommend that no alteration be made to the Plan as the result of this objection.

- 9.20 

Objection relating to the exclusion of land from the settlement limit of Waringstown
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#### **Objection: No. 79**

#### **SITE DESCRIPTION**

- 9.20.01 This 3.8 ha site comprises three undulating grazing fields and part of another on the eastern edge of Waringstown. The site has a narrow frontage onto the SE side of Mill Hill that widens out as it extends back and away from the roadside. There is frontage development, in the form of detached dwellings, to either side of the entrance to the objection site. The remainder of the site is surrounded by agricultural land, some of which is accessed from Mill Hill by a narrow laneway that runs along the southern boundary of the objection site. In DCAP the site is within the Green Belt.

#### **DEPARTMENT'S CASE**

- 9.20.02 Evidence on the STW is reported at Paragraph 9.08.01 above. Additional land would be required to achieve the required access standards, right turning lane, road widening and footway link. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5, 6 and 8; to Plan objectives 1, 2, 3, 5 and 6; to the fourth element of the Plan strategy; and to the five key elements of the Plan Strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply.
- 9.20.03 Inclusion of the site in the settlement limit would be contrary to Policy AG 1 of PSRNI as approximately one hectare of the site consisted of BMV land. Where possible in the Plan BMV land was not identified for development, particularly where the development requirements could be adequately accommodated over the Plan period by use of areas of poorer quality agricultural land. The settlement limit had been drawn to respect natural boundaries and the local topography. The proposed settlement limit consolidated the

existing frontage development at Mill Hill and was defined by a crestline that ran from NW to SE. The inclusion of the objection site within the settlement limits would be physically and visually intrusive to the rural character that existed on the approach to the village along Mill Hill.

### **OBJECTOR'S CASE**

- 9.20.04 The objection site could be developed with the possibility of access from the Oaklands housing development to the SW in conjunction with the development of the land sandwiched between the objection site and Oaklands. Consideration should also be given to the approval of one or two single sites accessed from the existing frontage and to the rear of the recently constructed dwellings on Mill Hill (to the north).

### **CONSIDERATION**

#### **Need**

- 9.20.05 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive and there is more than ample land supply within the settlement limit of Waringstown if it is considered in isolation. I have not been convinced by the evidence that there is a particular 'need' for any additional development land within the settlement limit of Waringstown even if the Phase 2 land is deleted. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis of demand. I also do not consider it necessary to provide development sites to the north, south, east or west of a settlement of the scale of Waringstown. I conclude that there is no justification for including the objection site within the settlement limit as white land or as Phase 2 land. I do, however, note that the frontage portion of the site is included within the proposed settlement limit and therefore offers the possibility of some form of development at this location.

#### **Other Strategic Considerations**

- 9.20.06 I consider that it is only proper, and in line with Policy AG 1 of PSRNI, that the Department seeks to protect BMV lands and, where possible, to direct development to areas of poorer quality land. However, I find the Department's evidence on this issue to be unconvincing and not of sufficient merit, on its own, to justify precluding the objection sites from development.

#### **Non-Strategic Considerations**

- 9.20.07 Having concluded that there is no 'need' justification (or no justification on the basis of any of the strategic considerations) for including this site within the settlement limit, I do not consider it necessary to pursue other site-specific arguments raised by the parties.

### **RECOMMENDATION**

- 9.20.08 I recommend that no alteration be made to the Plan as the result of this objection.

## AGHACOMMON

- 9.21 

Objection to the zoning of land at Aghacommon as Recreation and Open Space seeking its rezoning as land for housing.
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### **Objection: No. 50**

#### **SITE DESCRIPTION**

- 9.21.01 This 4.4 ha site is located to the SE of Aghacommon and comprises one large field. The site is adjoined by housing to the north and the southern boundary fronts onto the main access road into Tannaghmore Gardens. A private laneway, serving a farm dwelling, defines the eastern boundary of the site. In DCAP the site is zoned for Recreation and Open Space.

#### **DEPARTMENT'S CASE**

- 9.21.02 Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 2 and 6. Rezoning the site to housing would be contrary to Plan objectives 1, 2, and 6; to the second, third and fourth element of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply. Inclusion of the site within the settlement limit would be contrary to Policies SPG 30 of the DRSF, REC 1 of PSRNI and to draft PPS 8 with regard to the provision and protection of areas of open space and recreation within built-up areas. The proposal was also contrary to PPS 6, which sought to protect LLPAs and Historic Parks, Gardens and Demesnes.
- 9.21.03 Approximately 12.5 ha of land had been identified for development within Aghacommon, 6.6 ha being available for release in Phase 1 and one large site of 5.9 ha in Phase 2. Although situated on the edge of the Craigavon UA the village had retained a strong sense of identity. This was partly due to the topography of the surrounding landscape and the fact that it adjoined the UA at the City Park and Tannaghmore Gardens, which maintained the village's rural setting. Proposals for the village had sought to consolidate the settlement and avoid coalescence with the UA. The objection site acted as a buffer between the two settlements. Development of the objection site for housing would compromise the identity and character of the village by effectively extending the settlement over the crest of the hill, which ran along the northern site boundary.
- 9.21.04 The designation of Tannaghmore Gardens as an LLPA and an Historic Park, Garden and Demesne recognised the historic character and landscape quality of the area to the SW of the village. Development of the objection site could adversely affect the setting of Tannaghmore Gardens. The landscape character and value of this conservation site was best served by retaining the rural setting as seen approaching along the private access road from the Ballynamony roundabout.

#### **OBJECTOR'S CASE**

- 9.21.05 The area to the south of the approach road to Tannaghmore Gardens was open space, stretching down to Craigavon Lake, and seemed a more appropriate area to site a green wedge. The rezoning of the objection site would not adversely affect the setting of Tannaghmore Gardens and would not be as close to it as the recent housing development to the SE of Kilvergan Road. The distinction between the village and the UA was more threatened by the continuing development at and to the west of Housing Zone LH2. There was no Phase 1 land release shown on the village map. Access to the site could be taken

from Ballynamony Road via the existing private lane that adjoined the eastern site boundary.

## **CONSIDERATION**

### **Need**

- 9.21.06 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive. I have not been convinced by the evidence that there is a particular 'need' for any additional development land within the settlement limit of Aghacommon even if the Phase 2 land is deleted. On this basis there is no justification for including the objection site within the settlement limit as white land or as Phase 2 land.

### **Other Strategic Considerations**

- 9.21.07 The DoE argued that the objection site acts as a buffer between Aghacommon and Craigavon UA and avoids coalescence of the settlements. I tend to agree with the objector, however, that the distinction between the settlements is more directly compromised by the continuing development of the white land to the west of zoning L/H-2. The objection site is largely out of view from the public road system. It only comes into more direct view when driving along the private road that serves as the access point to Tannaghmore Gardens. Even then I am not persuaded that development of the site for housing would unacceptably compromise the designation of Tannaghmore Gardens as an Historic Park, Garden and Demesne. As the objector points out, an area of new housing development (Tannaghmore Green) immediately abuts the NE corner of the designated area of the gardens and is in much closer proximity to it than the objection site.
- 9.21.08 Notwithstanding that I largely agree with the objector's comments on the visual impact that development of this site would have, in the absence of any need for additional housing land in Aghacommon I conclude that the zoning should remain as proposed in DCAP.

### **Non Strategic Considerations**

- 9.21.09 Having concluded that there is no 'need' or other justification for allocating this particular site for development, I do not consider it necessary to pursue other site-specific arguments raised by the parties.

## **RECOMMENDATION**

- 9.21.10 I recommend that no alteration be made to the Plan as the result of this objection.

- 9.22 

Objection to the exclusion of land from the settlement limit of Aghacommon seeking inclusion of lands.
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**Objection: No. 200**

**SITE DESCRIPTION**

- 9.22.01 This 4.3 ha site is located to the west of Aghacommon and comprises one field that lies to the north of Kilvergan Road and west of Kilvergan Lane, but not directly fronting either of these two roads. The site is presently surrounded by open pastureland on all sides. A farm grouping lies to the SE of the site between it and Kilvergan Road. In DCAP the site is within the Green Belt.

**DEPARTMENT'S CASE**

- 9.22.02 Kilvergan Lane would require realignment and Kilvergan Road would have to be widened. Forward visibility improvements, a footway link to Ballynamony Road and a right turning lane on Kilvergan Road would all be required, as would upgrading of the Kilvergan Road junction with Ballynamony Road. These works could prove impractical and would require a TIA. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5, 6 and 8; to the first six Plan objectives; to the fourth element of the Plan strategy; and to the second, third, fourth and fifth elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply.
- 9.22.03 The settlement limit had been drawn to take account of the physical character of the landscape and the topography of the area. Kilvergan Road was on a crest at this location and the land to the north of it started to slope down towards the M1. This land was visually exposed on both approaches along the Motorway. The proposed settlement limit along the eastern boundary of the objection site was defined by a mature hedgerow, which offered some screening of the land within the limit to the SE. Development of the objection site would have an adverse impact on the visual setting of the village and on the rural character of the area to the west of it.

**OBJECTOR'S CASE**

- 9.22.04 The objection site adjoined other lands within the proposed settlement limits that were owned by the objector. Development of the land within the limits would require considerable infrastructure and road improvements, such as widening and footpath links. Taking that into account and the high demand for housing in the area it would seem sensible to also include the objection site within the village limits, if not in Phase 1 then as part of Phase 2.

**CONSIDERATION**

**Need**

- 9.22.05 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive. I have not been convinced by the evidence that there is a particular 'need' for any additional development land within the settlement limit of Aghacommon even if the Phase 2 land is deleted. There was no objection to any land included within the settlement limit for which this site could be substituted. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for

housing in a plan purely on the basis that there is a high demand for housing in the area. I conclude that there is no justification for including the objection site within the settlement limit as white land or as Phase 2 land.

**Non Strategic Considerations**

- 9.22.06 Having concluded that there is no 'need' justification for including this site within the settlement limit, I do not consider it necessary to pursue other site-specific arguments raised by the parties.

**RECOMMENDATION**

- 9.22.07 I recommend that no alteration be made to the Plan as the result of this objection.

## AGHAGALLON

- 9.23 

Objection to the exclusion of lands from the settlement limit, seeking inclusion and zoning for housing.
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### **Objection: No 131, 201 and 87**

#### **PART CONCESSION**

#### **SITE DESCRIPTION**

##### **Site No 131**

- 9.23.01 This 5.1 ha site is located to the south of Aghagallon, to the east of Lurgan Road and to the south of Colane Road. It has a frontage to the Lurgan/Aghalee Road and comprises several dwellings (Nos 12 and 12a Lurgan Road and 1b Colane Road), a grocer's shop, a car park and several disused farm outbuildings with a rubbish dump behind. There are several fields and a number of polytunnels. It is bounded on all sides by hedgerows/trees except for a small stretch of the Colane Road where there is no physical definition. There are residential properties adjoining the site on Colane Road, and Lurgan Road. Land adjoining this site to the south and to the west across the Lurgan/Aghalee Road is agricultural. In DCAP the site lies outside the settlement limit and in a non-policy rural area.

##### **Site 201 and 87**

This 3.9 ha site overlaps in part with objection site No 131 above but extends to lands immediately adjacent to the north which are within the settlement limit in DCAP, i.e. bringing it up to the Colane Road frontage.

#### **DEPARTMENT'S CASE**

- 9.23.02 The Department would respond favourably to a recommendation by the PAC to include part of objection site No 131 and all of objection site No 201/87 within the settlement limit. In reaching this conclusion the DoE took account of :

- Comments of Roads Service, Water Service and Rivers Agency;
- The topography of the site and surrounding area;
- The planning history of the site;
- The amount of land within the settlement limit, including Phase 2 land.

Inclusion of part of the site within the settlement limit would be subject to any proposed development meeting the infrastructural requirements specified by Roads Service, Water Service and Rivers Agency. Any in-depth development with access to Colane Road would require widening of Colane Road and footway provision along the site frontage and extended to link with the existing footway to the north of the Lurgan Road junction and visibility splays improved for the Lurgan Road/Colane Road junction. Any in-depth development with access onto Lurgan Road would require footway provision along site frontage and extended to link with the existing footway to the north of the Colane Road junction.

#### **OBJECTORS' CASE**

- 9.23.03 This part concession was accepted by objector No 131 and the remainder of objection No 131 withdrawn. It is assumed that the full concession of objection Nos 87 and 201 were also acceptable as no further correspondence was received.

## **RECOMMENDATION**

9.23.04 This concession is noted.



## BLEARY

- 9.24 

Objection to the Phase 2 designation of the site, seeking Phase 1 designation. Conflicting objection to the extension of the development limit and in particular to lands at Deans Road, Bleary being included in the development limit.
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**Objection: No 21**

**Conflicting objection: No 242, 232 (b)**

### **SITE DESCRIPTION**

- 9.24.01 This 4.1 ha site lies to the NE of the village and comprises two fields. The site is generally flat, falling very gently to the NE. Wire fencing and low vegetation mark the boundary to Deans Road. There are mature hedgerows and trees along the northern and NE boundary. The former primary school site, located to the SE, is defined by a chain link fence. The surrounding land uses are agricultural to the north and east. There is residential development and the new primary school across Deans Road to the SW. In DCAP the site is identified for Phase 2 development.

### **DEPARTMENT'S CASE**

- 9.24.02 Development should be limited to in-depth development due to the alignment of the road and the opposite junction and school. No access would be permitted to the Gilford Road and access to Deans Road might require a right turning lane. Works to the junction of Dean's Road and Gilford Road had improved the junction's accident record and Dean's Road itself did not have a poor safety record or suffer from excessive traffic. Inclusion of the site within the settlement limit and allocating it as Phase 2 was consistent the policies outlined at Paragraph 9.01 A1, 2, 4, and 6; to the first six Plan objectives; to the second, third and fourth objectives for the villages; and to phasing policy outlined in E. Phasing was consistent with Appendix 6 of DRSF and PPS1.
- 9.24.03 Inclusion of the site within the settlement limit recognised the growth potential of the village in view of the existing settlement form and the recent development pattern within the village. Although the village had developed originally in a linear form along Bleary Road, since the 1950s it had established a more rounded settlement pattern with the main part of the village forming to the south of Bleary Road, resulting in a greater concentration of the current built form to the south-west end of Bleary Road. More recently, however, there had been a concentration of new housing development at the junction of Bleary Road and Deans Road and the new primary school had been built there.
- 9.24.04 The development strategy for Bleary was to consolidate the existing settlement form thereby protecting the character, identity and setting of the village, to constrain ribbon development and urban sprawl into the countryside. Development pressure was considered to be moderate in Bleary and the current number of dwellings was 350 within the settlement limit. Approximately 10 ha had been identified for development, mostly to the NE of the settlement - 5.9 ha for release as Phase 1 and 4.1 ha as Phase 2 (the objection site). This planned expansion of the village to the NE reflected the existing settlement form, the recent development pattern, infrastructural and environmental constraints.
- 9.24.05 The objection site comprised two relatively flat fields, with mature hedgerows/trees along the northern and NE boundaries. Beyond the site to the NE the land rose, field sizes were generally smaller and the vegetation cover more abundant. This served to screen the site when approaching the village from the north along Gilford Road. In view of the land use

context of Deans Road at this location and the landscape form and character of the area, inclusion of the objection site would not have a significant adverse impact on rural character at this location and would not have a significant impact on the visual setting of the village.

- 9.24.06 Evidence relating to the phased release of land in the Plan, and specifically in the villages and smaller settlements, is set out Section 3 of this report. Rezoning the objection site as Phase 1 would double the amount of Phase 1 land and would be contrary to the first and second elements of the Plan strategy. Opportunity site BY 1 in the Countryside Assessment would have to access off Bleary Road and there were problems with junction stagger, but that did not make the site incapable of development. Even if it were not released for development because the owner did not sell there was no identified need for housing so specific to Bleary that it could not be accommodated by the global housing land availability in the villages and small settlements. In line with Plan Policy Settlement 2 the Phase 2 designation for the objection site meant that there was very limited potential for development in the short term to 2005 and in the long term there was potential only if it was established that there was a need to release the site in relation to the rate of take-up of Phase 1 development land within the settlement limit and the overall amount of Phase 1 lands which was still undeveloped.
- 9.24.07 The proposed phased release of the objection site was intended to ensure that any new development could be suitably integrated within the existing built form, both functionally and visually. The aim of the Plan was to focus the immediate development requirements to the north side of Bleary Road in order to consolidate the existing settlement form by balancing recent development to the north-east but on the south side of Bleary Road with similar development on the north side of Bleary Road, infilling the gaps which existed between the existing built form at this location. This development would make the most efficient use of existing service infrastructure and protect the character and identity of the village and the surrounding countryside. The centre of the village was effectively at the petrol filling station and hall. The opening up of lands on the north side of Bleary Road would allow for the potential expansion of the existing retail and community facilities and for any necessary remedial roads and service infrastructure works to accommodate the new development. If and when part, or all, of the objection site was released after 2005, any new development on the site could be reasonably integrated into what would then be the existing settlement form.

### **OBJECTORS' CASE**

#### **Objection No 21**

- 9.24.08 Evidence on housing need and supply is summarised in section 3. The objection site should be released immediately because it was an attractive site that was available and was very accessible. Campaigns for reverse migration required sites to be available immediately. This site would meet local need by providing for community choice.
- 9.24.09 If this site was developed as Phase 1 it would consolidate the existing pattern of development on the northern side of Bleary. The site lay within the natural settlement limits of Bleary and would not adversely affect its character. The planning history of the site indicated it should be approved as there had been only two refusals since 1973. It was not a natural part of the Green Belt. Its development would not lead to further development along Deans Road as the new settlement limit would prevent this. It would not be contrary to scenic beauty and would not lower the value of existing properties. Loss of property value was not a planning consideration. Any development would be in accordance with the Quality Initiative
- 9.24.10 The site frontage could accommodate a safe access, it had all services available and its gentle slope could accommodate a pleasing housing layout. Roads Service had no objections to development of the site on road safety grounds. Its development would not

cause problems for local people or children attending the school as there would be proper footpaths and a patrolman. Other sites allocated for Phase 1 development required children to cross roads to get to school. The Calvertstown Road site would require children to walk along the Gilford Road – a distance of 800 m. The objectors' main concern was that the development would be opposite their homes. If other objection sites were to be released as a result of the public inquiry they could become Phase 2.

9.24.11 Objection site No 232(a) was a non-starter as it had no frontage to any road. Additional land would be required to get access to either Sugar Island Road or Bleary Road. It was no more central to the village than the Deans Road site. Objector 232a was not pressing for Phase 1 development as he had stated there was an interest to develop the site over the next 10 years. Opportunity Site BY 1 had access problems too and although within the settlement limit for a number of years had never been brought forward for development.

#### **Conflicting Objection Nos 232(b) and 242**

9.24.12 Extension of development into the objection sites (No 242 not as extensive as No 232b) would be unacceptable because :

- it would be an intrusion into the current Green Belt;
- would lead to a further spread of the village along Deans Road;
- would be a major detriment to the surrounding countryside and especially to the scenic quality of the area;
- extension of the village boundary to the north of the natural limit at Deans Road would be illogical and indefensible;
- the proposed limit was based on illogical and irrational field boundaries which were hard to defend and it would be almost impossible to maintain them intact in the future;
- the proposed settlement limit would allow substantial development at a considerable distance from the village centre and amenities such as the shop, petrol station and garage etc;
- Deans Road which was a busy and dangerous highway, a major conduit for traffic from many local urban and rural areas and the development would entail new entrances/exits from the development, substantial traffic and the need for pedestrians including children to cross the busy road to reach the village facilities including the primary school south of Deans Road;
- the village would lose its clear identity and cohesion by the inclusion of this large extension outside its natural hinterland especially with a major split in the highway;
- development of housing in this beautiful countryside landscape would be a carbuncle, would be tantamount to ribbon development, would change the character of the entire area and substantially lower the value of existing properties;
- development along Bleary Road would overcome most, if not all, of these problems.

### **CONSIDERATION**

9.24.13 I agree with the DoE's interpretation of objection No 232(b)

#### **Need**

9.24.14 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive. I have concluded on the foot of objection 241 at Paragraph 3.02.21 that all Phase 2 lands should be deleted from the draft plan unless there are exceptional planning reasons :

- why a specific settlement should retain some phasing to meet a particular set of circumstances or

- why a specific site should remain as zoned housing land in the UA or remain within the settlement limit of a village or small settlement.

9.24.15 The DoE's evidence that objection site No 21 should remain as Phase 2 did not raise any particular set of circumstances relating to Bleary warranting special treatment in relation to the retention of phasing of land supply and I therefore conclude that the site should not remain as Phase 2 land. The question is then whether or not objection site No 21 should remain within the settlement limit as white land as the objector wants or be removed from the Plan as conflicting objectors No 242 want or whether the slightly larger objection site No 232 b should be deleted from the Plan entirely as the conflicting objector No 232 b wants. The larger objection site includes the former school site and business to the SE and the dwelling to the NW.

9.24.16 I have not been persuaded by the evidence that the three opportunity sites identified in the Countryside Assessment (5.9 ha) are not sufficient to meet the needs of the settlement over the plan period. Although Site BY 2 appears to be built and most of the remaining land is concentrated to the NW of the settlement at opportunity site BY1 I consider there is a reasonable likelihood that site BY1 will come forward for development over the plan period. Whilst Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a Plan purely on the basis that it is in a popular and accessible village or that it is immediately available. There were no objections to any of the sites identified in the Plan within the settlement limit for which objection site No 21 could be a substitute.

#### **Other Strategic Considerations**

9.24.17 In my view the settlement limit should be brought in to the Deans Road, on the foot of objection No 232 (b), despite the existence of development on either side of the objection site No 21. I do not consider it particularly desirable in planning terms for settlement limits to extend across clear barriers such as a road to include every isolated piece of built development. If the settlement limit were to include the built development on either side of objection site No 21 then it would, in my view, make it less defensible in the longer run. If these three properties are redesignated in the Plan as Green Belt, in accordance with Green Belt policies in PSRNI this will not remove all development or re-development possibilities.

#### **Non-Strategic Considerations**

9.24.18 Having concluded that there is no 'need' justification for including the objection site within the settlement limit, I do not consider it necessary to pursue other site-specific arguments raised by the objector or the conflicting objectors.

#### **RECOMMENDATION**

9.24.19 I recommend that objection site No 232(b) (which is inclusive of objection site No 21) be excluded from the settlement limit and the settlement limit be re-drawn along Deans Road.

9.25 

Objection seeking inclusion of lands within the settlement limit as an alternative to the Phase 2 site at Deans Road, Bleary which was not for development before 5 years.
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#### **Objection: No 232 (a)**

#### **SITE DESCRIPTION**

9.25.01 This 4.6 ha site, comprising six fields, has a laneway running between them in a north/south direction. The land is relatively flat with boundaries of hedges and trees. The

surrounding land uses are housing developments to the south, a farm property to the east (No 174 Bleary Road), and residential properties on Sugar Island Road to the SW. There is agricultural land to the north. In DCAP the site is designated as Green Belt.

### **DEPARTMENT'S CASE**

- 9.25.02 The land might be liable to marginal flooding from a watercourse and this militated against its inclusion in the settlement limit. Access to Sugar Island Road or Bleary Road would require demolition of existing residential properties. Access to Bleary Road via the existing laneway or Hawthorn Drive to the SE would require road widening on both routes to Bleary Road, footway provision, improved visibility and a right turning lane on Bleary Road. The scale of these remedial works required made it unreasonable to include the site within the settlement limit. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 2, 4, 5 and 6; to Plan objectives 1-6; to the fourth element of the Plan strategy; and to the second, third, fourth and fifth elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply. General evidence on housing need/supply is also summarised in Paragraphs 9.07.01-4 above and in Section 3. Approximately 10 ha had been identified for development in Bleary – 5.9 ha in three sites for release in Phase 1 and one site of 4.1 ha for Phase 2. Not all land within the settlement limit would necessarily be used for housing but this was the basis of the DoE's assessment.
- 9.25.03 The proposed settlement limit at the objection site had been drawn to define the existing built form of the settlement at this location. This was appropriate given the quality of the local roads infrastructure and the landscape quality and rural character of the area. The area to the NW of the village was very rural in character. The landscape was relatively flat with small fields with abundant vegetation. This mature planting had served to suitably integrate the settlement in the rural landscape. The visual setting of the village at this location was pleasant and inclusion of the objection site would have an adverse impact on this and on rural quality.

### **OBJECTOR'S CASE**

- 9.25.04 The objection site should be brought within the settlement limit as it was central to the village and would square off the suggested limit. A local developer had approached the objector and would be interested in developing the area within the next 10 years. It could be an alternative to the Phase 2 site at Deans Road (objection No. 21), which was not currently for development before 5 years. Objection site No 21 would move development away from the centre of the village and would mean children crossing a major road to get to the 'green' play area.

### **CONSIDERATION**

#### **Need**

- 9.25.05 On the foot of objection Nos 21 and 242 I have already recommended the deletion of the Phase 2 land at Dean's Road from the settlement limit and do not consider that this deletion opens up the possibility of this objection site being considered as an alternative to it. This is because I have already concluded in Paragraph 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive. I have not been persuaded by any evidence that there is a need for any additional development land within the settlement limit of Bleary.

#### **Other Strategic Considerations**

- 9.25.06 Given the Roads Service requirements for the adjacent opportunity site BY1 set out at page 57 of the Countryside Assessment, I do not find the Roads Service comments with regard to

the scale of remedial works required for access to be consistent. I would not therefore rule out inclusion of the site within the settlement limits on this ground alone.

### **Non Strategic considerations**

- 9.25.07 Having concluded that there is no 'need' justification for including the objection site within the settlement limit, I do not consider it necessary to pursue other site-specific arguments raised by the parties.

### **RECOMMENDATION**

- 9.25.08 I recommend that no alteration be made to the Plan as a result of this objection.

- 9.26 

Objection to the exclusion of lands from the settlement limit, seeking inclusion of lands.
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### **Objection: No 59 (amended site)**

#### **SITE DESCRIPTION**

- 9.26.01 This 1.76 ha site, comprising one L-shaped field, lies to the SW of the village, to the west of Calvertstown Road. Site boundaries to surrounding agricultural land are defined by hedges and the NE boundary to Calvertstown Manor is marked by a fence. In DCAP the site lies within the Green Belt.

#### **DEPARTMENT'S CASE**

- 9.26.02 Access through Calvertstown Manor could accommodate a further 38 dwellings. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 2, 4, 5 and 6; to Plan objectives 1-6; to the fourth element of the Plan strategy; and to the second, third, fourth and fifth elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply. Approximately 10 ha had been identified for development – 5.9 ha in three sites for release in Phase 1 and one site of 4.1 ha for Phase 2. The objector's view about the nature of demand for housing in Bleary was assertion only.
- 9.26.03 The settlement limit to the SW had been drawn to define the existing built form. This settlement limit was reasonable given the topography of the surrounding area and the local character of the area. Inclusion of the site would result in an irregular protrusion of the settlement to the SW and this did not protect the character of the surrounding countryside. It would not make a defensible boundary and in order to achieve an appropriately integrated settlement form any extension of the limit would likely also include lands adjoining the objection site to the east/south-east. These lands were not subject of any objection.

#### **OBJECTOR'S CASE**

- 9.26.04 The site could accommodate 26 houses at 15 dph. Its inclusion would add flexibility to the development opportunities in the village, which had a strong role to play as a quality living environment for those who could not obtain houses in the Green Belt but who preferred not to live in the very different environment of the Craigavon UA. There were no objections from any statutory consultees and the proposed development would represent the best use of established infrastructure. There was spare capacity in the development roads and Water Service infrastructure. This complied with the third Plan objective at page 12. The objection was not a challenge to the Green Belt but just a request for a minor adjustment to the limit in order to include land that was a natural extension of Calvertstown Manor.

Paragraph 9.1 of Policy SPG 9 of DRSF was to support the continued development of long established rural communities and Bleary fell into this category.

- 9.26.05 The site had existing hedgerows along its boundaries and was well screened from view from any of the roads in the area by topography and/or existing development. Other sites identified for development in the village such as Deans Road (Phase 2), the site at Gilford Road/Calvertstown Road and the site at Bleary Road were much more open and exposed. As it was inconspicuous, inclusion of the site would not represent a threat to the landscape character of the area. It would not lead to urban sprawl. The salient, which the DoE were concerned about, was only seen on a map, not on the ground and therefore inclusion of the site in the settlement limit could not have an adverse impact on urban form. .

**CONSIDERATION**

**Need**

- 9.26.06 On the foot of objection Nos. 21 and 242 I have already recommended the deletion of the Phase 2 land at Dean’s Road from the settlement limit. I have already concluded in Paragraph 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive. I have not been persuaded by any evidence that there is any particular need for additional development land within the settlement limit of Bleary. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis of assertion that a particular village would provide a good living environment and that people would prefer not to live in the UA. One objective of this Plan is clearly to encourage a greater share of the Borough’s development to take place within the UA than in the past and that is why development of the villages and smaller settlements should be controlled. I was presented with no convincing evidence that white land within the settlement limit will be unavailable during the Plan period or cannot be serviced.

**Other strategic considerations**

- 9.26.07 I consider that the settlement limit of Bleary as amended to exclude the Phase 2 site at Dean’s Road caters for the needs of the village over the plan period and is therefore in accordance with Paragraph 9.1 of Policy SPG 9 of DRSF. I am not convinced that inclusion of the objection site within the settlement would create an illogical urban form (other than on a map), since the site is largely concealed from view from adjoining roads.

**Non-Strategic Considerations**

- 9.26.08 Having concluded that there is no ‘need’ justification for including the objection site within the settlement limit, I do not consider it necessary to pursue other site-specific arguments raised by the parties.

**RECOMMENDATION**

- 9.26.09 I recommend that no alteration be made to the Plan as a result of this objection.

9.27

Objection to the exclusion of lands from the settlement limit seeking inclusion of lands.
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**Objection: No 177**

**SITE DESCRIPTION**

- 9.27.01 This 3.8 ha site comprising two fields lies to the NW of the village on either side of Cranny Road. It has a frontage to Bleary Road and Sugar Island Road. The surrounding land uses are agricultural to the west and north and frontage residential development on the Bleary Road and Sugar Island Road. In DCAP the site lies within the Green Belt.

### **DEPARTMENT'S CASE**

- 9.27.02 Access to Bleary Road would not be permitted but access was possible to Sugar Island Road or Cranny Road subject to certain improvements. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 2, 4, 5 and 6; to Plan objectives 1-6; to the fourth element of the Plan strategy; and to the second, third, fourth and fifth elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply. General evidence on housing need/supply is summarised in Paragraphs 9.07.01-4 above and in Section 3. The settlement limit of Bleary had been defined to offer suitable opportunities for development and the managed expansion of the village over the plan period whilst consolidating the settlement, restricting ribbon development and urban sprawl along the approach roads and protecting the character of the surrounding rural area.
- 9.27.03 Not all land within the settlement limit would necessarily be used for housing but this was the basis of the DoE's assessment. The 2000 Housing Monitor showed that 44 houses had been completed in the last 5 years and the Countryside Assessment referred only to moderate growth. At this rate of growth there was more than enough land available in the settlement for the next 5 years (85 houses). Zoning extra land would just make Bleary grow faster and this was undesirable. As explained in section 3, overall land supply for the villages and smaller settlements was now treated globally so even if the objector had shown that the land supply would not cater for household growth in the village this was not relevant as the DoE was not trying to meet the needs of each individual settlement. Neither was it seeking to apportion development land to settlements in accordance with their relative size. There were no problems with the Countryside Assessment sites which could not be overcome, although site BY 2 could take only one house because of the need for a sewer clearance. The 15 dph standard used in the calculations was not overly optimistic as in Craigavon BC as a whole density was 19 dph. The housing density in Bleary was currently low density but this would change in the future. The figure of 15 dph was generous even taking account of the need to provide 10% open space in housing development over a certain size.
- 9.27.04 The proposed settlement limit at Sugar Island Road was well defined by mature hedgerow and trees, giving a clear edge. Although the trees did not look in great condition this boundary offered considerable screening of the built form of the settlement when approaching the village from the SW and contributed to the rural character of the immediate surrounding area. The site itself was surrounded by low trimmed hedges and any development would be visually prominent due to the topography west of Sugar Island Road and the relatively elevated northern portion of the site in relation to the surrounding land. Approaching the settlement along Bleary Road or Cranny Road the development would be visually prominent. Planting might help with long term integration but this would take some time.
- 9.27.05 The Plan's focus of future growth to the NE of the village was appropriate given the existing settlement form, the pattern of recent development and infrastructural and environmental constraints on development lands to the west. In-depth development on the objection site could not be reasonably integrated within the village both in terms of functional integration and visual integration. There was no valid rounding off argument for including the objection site. The ten former RDC dwellings to the west of the site, on Cranny Road, were not part of the village but part of the countryside and well beyond the site. Perhaps the frontage houses on Sugar Island Road opposite the southern part of the objection site constituted a salient in the urban form but they were well integrated with their mature gardens.



## **OBJECTOR'S CASE**

- 9.27.06 Evidence in relation to housing need and the way the DoE chose sites for inclusion within the settlement limits of the villages in DCAP is reported at paragraph 3.01.46. The DoE's criteria for choosing sites in the villages and smaller settlements were not transparent. The Countryside Assessment for Bleary referred to moderate growth rather than high growth. The sites indicated in the Countryside Assessment were not all immediately capable of development. Site BY 2 would only take one house due to the 6 m clearance for the sewer and Site BY 1 required third party lands to comply with Roads Service requirements. Site BY 3 required a 6 m sewer clearance, road widening and the provision of a pumping station for surface water. Recent housing development had been at low density so 15 dph was a misguided calculation. In addition new housing developments would have to provide 10% open space and this would reduce actual houses per hectare to about 11.
- 9.27.07 Most new housing sites in the Borough involved extension into the de facto Green Belt so this was a weak argument. Development of the objection site would not result in urban sprawl, as it would be kept in check. The trees along the Sugar Island Road referred to by the DoE were in poor condition. The DCAP settlement limit included a salient of dwellings along Sugar Island Road and inclusion of the objection site would round off the limit at this location. There was also ribbon development on beyond the site on Cranny Road (ten former Rural District Council dwellings). The objection site would consolidate existing development by extending the settlement limit to include these.
- 9.27.08 None of the site was skyline and there were screening trees on Sugar Island Road. Tree planting along Cranny Road and landscaping within the site would assist integration. Inclusion of the site would not be contrary to any of the Plan's objectives. There were no national or international sites of landscape value affecting the objection site. There was good integration with public transport as there as a bus route on Bleary Road and there was existing infrastructure available.

## **CONSIDERATION**

### **Need**

- 9.27.09 I have already concluded in Paragraph 3.01.65 that there is excessive housing over-zoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive. I have not been convinced by the evidence that there is a particular 'need' for any additional development land within the settlement limit of Bleary even if the Phase 2 land is deleted. Although I recognise that the settlement limits of some other settlements give the potential for a large number of additional dwellings disproportionate with the settlement's existing size, I do not believe this justifies allocating additional land in Bleary. I have already made comments in Section 3 relating to the Department's inconsistent approach to choosing sites for future development in the Plan. However, this does not justify the release of even more land in Bleary and there is no objection to a white land site in Bleary for which this objection site could be a substitute. I have not been persuaded by any evidence that there is any particular need for additional development land within the settlement limit of Bleary. Other issues relating to how the Department has calculated the supply and need for housing land have been addressed by me in Section 3 of this report.

### **Other strategic considerations**

- 9.27.10 I agree with the objector that the DoE argument about the site extending into the Green Belt lacks rigour when it has obviously allocated other land within the settlement limits across the Plan area that equally extend into what was the Area of Special Control (later re-named the Green Belt). I do not, however, agree with the objector that inclusion of the site would lead to any rounding off of the settlement as the existing ribbon of development

along the opposite side of Sugar Island Road lacks any depth and the cottages further out on Cranny Road do not read as part of the settlement. I am not convinced that the location of the objection site in relation to bus services carries significant weight as this accessibility applies equally to a number of other potential development sites.

**Non-Strategic Considerations**

- 9.27.11 Having concluded that there is no 'need' justification for including the objection site within the settlement limit, I do not consider it necessary to pursue other site-specific arguments raised by the parties.

**RECOMMENDATION**

- 9.27.12 I recommend that no alteration be made to the Plan as a result of this objection.

## DOLLINGSTOWN

9.28

Objection to the exclusion of lands from the settlement limit of Dollingstown seeking inclusion of lands and zoning for housing

**Objection: No 91, 92, 265 (a) 104(a)**

### **PART CONCESSION**

(non-conceded parts of No 91 and No 92 withdrawn)

### **SITE DESCRIPTION – CONCEDED PART**

- 9.28.01 This 4.7 ha site comprises a large rectangular field to the west of the A3. It does not have frontage to the A3 or the Dromore Road and is relatively flat, with a low mature hedge defining all the boundaries. It lies immediately adjacent to the Beechcroft and Regency Manor housing developments to the north, the grounds of Beechfield House to the NW and agricultural land to the south and west. In DCAP the site is located within the Green Belt.

### **DEPARTMENT'S CASE**

- 9.28.02 Having considered the statutory consultees responses for Dollingstown and examined the settlement character and form, the DoE would respond favourably to a recommendation from the PAC that the objection site be included within the settlement limit of Dollingstown. The responses from the statutory consultees would provide the basis for site development requirements. In concluding that the DoE had taken into account the following issues: -

- ◆ Status of the land in CAPPP
- ◆ Development pressure
- ◆ Settlement character
- ◆ Landscape character and form
- ◆ Visual impact
- ◆ Local roads and infrastructure

### **RECOMMENDATION**

- 9.28.03 This concession is noted.

9.29

Objection to the exclusion of lands from the settlement limit of Dollingstown seeking inclusion of lands (or as Phase 2 housing – objection No 23).

**Objection: No 23, 258**

**SITE DESCRIPTION**

9.29.01 This 7.6 ha site is a field located to the NE of Dollingstown, to the north of the Belfast Road (A3) and east of Cottage Road. Site No. 23 does not have a frontage to any public highway but site No. 258 has a sliver of land shown between Nos 96-98 Belfast Road. Mature trees/hedgerows define the southern, eastern and western boundaries and a sparser hedge and fence define the northern boundary. The land rises to the NE. To the SW is the recently completed Gracefields housing development, with No 92-100 Belfast Road and Nos. 7-27 Cottage Road lying to the south and west, respectively. Agricultural land adjoins to the north and east. In DCAP the site is located in the Green Belt.

**DEPARTMENT'S CASE**

9.29.02 A six metre building restriction would be imposed around a watermain and main foul sewer that ran through the site. Access to Cottage Road would require road widening and a footway link to the Belfast Road along Cottage Road and might require junction improvements at the Cottage Road/Belfast Road junction, requiring third party land. It might be possible to access some of the site to Belfast Road via the existing Gracefield Lodge access but there was a problem with spacing between this and Cottage Road junction where there was a poor accident record. The problem was capable of resolution in relation to at least some of the objection site although a TIA would be absolutely necessary. A footway across the entire frontage and a link to the west, requiring third party land, was needed. Considerable remedial works were required whichever access was used. Inclusion of the sites within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5 and 6 ; to Plan objectives 1-6; to the fourth element of the Plan strategy; and to the second, third and fourth elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply.

9.29.03 The settlement limit of Dollingstown offered suitable opportunity for development of the settlement over the plan period. Although Dollingstown was the second largest of the villages it had not been unfairly treated in housing land supply terms as land not been allocated on a pro-rata basis. There was no Phase 2 land in Dollingstown because none of the sites fulfilled the criteria for choosing Phase 2 sites (i.e. planning commitments or infrastructural problems as set out in Paragraph 3.01.9). There was no policy in the Plan that each settlement had to have a certain percentage of Phase 2 to Phase 1 land. Even if all the land in Dollingstown were developed by 2005 there would still be enough more than enough in total across the villages and smaller settlements for the Plan period.

9.29.04 The relatively high pressure for development around Dollingstown and to the east of the Lurgan UA in general would be adequately satisfied through the allocation of development land within Dollingstown and the extended Lurgan UA. Currently there were 550 houses and approximately 4.8 ha of development land had been identified in Dollingstown, located in one site to the north of Belfast Road (Opportunity Site D01 of the Countryside Assessment). Inclusion of the concession site Nos 91a, 92a, 265(a) and 104(a) would bring the allocated land up to 9.5 ha. The concession of this site was not an acceptance by the DoE that there was inadequate housing land supply for Dollingstown. The site had been conceded for entirely different reasons. In any case that was not how the DoE approached housing need/supply in the villages and smaller settlements as explained in Section 3. The total

allocated land supply for the villages and smaller settlements in Phase 1 was entirely sufficient to meet need. In Dollingstown there was a remaining housing land capacity in DCAP of 200 houses according to the 2000 Housing Land Monitor. The concession of site Nos 91a, 92a, 265(a) and 104(a) would add a potential of another 70 houses.

- 9.29.05 The settlement limit had been defined to give reasonable opportunities for development in the light of the need to avoid coalescence with Lurgan, avoid further development close to the Huhtamaki Van Leer packaging factory, avoid bringing development onto high ground to the north, restrict ribbon development and urban sprawl and protect the character of the surrounding rural area. The proximity of the village to Lurgan was a determining factor in the settlement limit. The residents did not want to see the settlements of Dollingstown and Lurgan coalesce and this was a policy of the Plan. The concession of objection site Nos 91a, 92a, 265(a) and 104 (a) had reduced the gap but the DoE had not conceded objection Nos 36 and 174 seeking additional housing land between Lurgan and Dollingstown. There would still be a reasonable physical buffer driving along Dromore Road into the village and Green Belt policy would protect the green wedge.
- 9.29.06 The settlement limit to the NE had been defined by the existing built form of the village. It was the most appropriate edge given the character and quality of the surrounding countryside. Although there was frontage development along the road in front of the objection site, and it was therefore relatively well screened from public roads, there was a threat to village character by extending the built form into what was currently a large field. The objector's argument that the centre of the village was around the Inn Road/Cottage Road/Belfast Road junctions and that the village should radiate out from this was not accepted. Although it was generally the case that to adequately meet the Quality Initiative requirements and the requirements of PPS 7 a large block of land was best, in villages the development of smaller sites could be more contextual and interesting in the long run. Even if the objector offered to provide a village scale open space at the site this would not overcome the objections in principle to the site being within the settlement limit.
- 9.29.07 Dollingstown had retained a strong village character and identity and the DoE sought to ensure this was strengthened. Inclusion of the site would have implications for other sites to the south across Belfast Road and the scale of extension would be considerable, both in terms of physical and functional integration with the existing settlement. This would not be in the interests of the village and the strong village character would be jeopardised.
- 9.29.08 This site was identified by DARD as Best and Most Versatile (BMV) Agricultural Land. Policy AG 1 of PSRNI sought to protect quality agricultural land and stated that, where possible in the Plan, areas of quality agricultural land should not be identified for development, particularly where the DoE considered that development of a settlement could be adequately accommodated by the use of poorer quality agricultural land. There was an ample supply of land identified within the settlement limit for development without using BMV land. Including this site within the development limit would have implications for other BMV land subject to objection (i.e. objection site 182 to the west). DARD had advised DoE that indications were that this was good quality agricultural land and this was borne out by soil maps. A detailed soil survey had not, however, been undertaken and this was not possible during the foot and mouth restrictions. The DoE had allocated land for housing at three locations in the Plan despite it also being BMV land – at the Phase 2 site in Blackskull because it would produce a more compact settlement; at Moss Road, Waringstown because of rounding off; and at objection site No 270 beside No 21 Dromore Road, Dollingstown because this was redundant land.

### **OBJECTOR'S CASE**

- 9.29.09 Policies SPG 9 and 25 of DRSF would not be breached by inclusion of the site in the settlement limit because the preparation of a new plan was the appropriate time to consider such amendments. The same comments applied to Policies SP 12 and DES 3 of PSRNI.

There would be no pressure created to release site Nos 89, 57 and 24 as these were frontage lands and were much less well integrated. The topography and location of the site was such that it was backland and there would be no detrimental visual impact if the land were developed and viewed from the A3. The lands were physically suited to development and there were services available. The development would not constitute ribbon development and the northern boundary, which was currently quite open, could be landscaped to form a defensible boundary. Development would give some depth to the linear village, as had other recent developments. The village centre was at the Inn Road/Cottage Road/Belfast Road junctions and this was effectively the NE quadrant of the village and should be developed to give balance. The village badly needed an open space facility as the Regency Manor development had wiped out the existing children's open space for an access. The objector was willing to give over a substantial proportion of the objection site for a replacement open space for the village. Large, well-designed, open spaces had fewer social problems attached to them than linear open spaces.

- 9.29.10 The adjoining Gracefield Lodge development had been designed to service the objection site. The objector was confident that access to the site from either Belfast Road or Cottage Road would not present a problem. The third party land required for a right turning lane on Belfast Road had been acquired by the objector. Roads Service had allowed the development of the Gracefield Lodge access to the Belfast Road with a substandard junction spacing as a trade off for superior sight splays of 6m x 120m. During discussion with Roads Service personnel the developer had been encouraged, although not required, to put in a standard of road at Gracefield Lodge which would cater for future development, i.e. the objection site.
- 9.29.11 The current available development land indicated in the Plan would be developed by 2003-2004, at the latest. Part of the 4.8 ha site allocated to the north of Belfast Road was already eaten into. The DoE appeared to recognise that there was not enough land zoned, by its concession of objections site Nos 91a, 92a, 104a and 265a. This concession of land to the SW of the settlement was contrary to the stated aim of the Plan, at page 150, about the proximity of Lurgan and Dollingstown. This was reiterated in the Countryside Assessment at pages 59 and 60 – avoiding coalescence of the settlements and protecting an area of landscape quality to the SW. The objection site was a worthier candidate for additional lands than this other objection site as it abutted development to the west and would result in a satisfactory village form in integration terms. It did not threaten village character. There was no provision for further development up to the end of the Plan period and the objection site was suitable as a Phase 2 site. Other villages had Phase 2 land identified and it was an omission to have none in Dollingstown. This left the moderate growth of Dollingstown at an unfair disadvantage compared to neighbouring villages. Land should have been allocated on a pro rata basis, according to the size of each settlement.
- 9.29.12 There was very little BMV land in Northern Ireland when assessed against English standards. Only Blaris at Lisburn was in this category. Grade 3b was really a low standard of land quality. The DoE was only relying on assumptions about the site as they had done no more than a visual appraisal, not a soil analysis.

## **CONSIDERATION**

### **Need**

- 9.29.13 I have already concluded in Paragraph 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive and in Paragraph 3.01.69 that the DoE's global approach to housing need/supply in the villages and smaller settlements is an acceptable one, rather than a village-by-village assessment of need. I do not, therefore, accept the 'pro-rata' approach of land allocation to settlement size suggested by the objector or the suggestion

that Dollingstown should have additional housing land allocated on the basis that it is one of the larger villages, or that other villages have more land allocated.

- 9.29.14 Whilst I accept that demand for housing land in Dollingstown is buoyant I do not consider this should be the basis upon which further land is allocated in the village. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis that it is a site that would sell well. In this case it is clear from the evidence that the concession of site 91a, 92a, 104a and 265a (which I note above at Paragraph 9.28.03) has added 4.7 ha to the original land supply in DCAP and that there was no counter objection submitted on behalf of objector Nos. 23 or 258 which would have opened this concession up for consideration by the PAC. Although I am recommending that objection site Nos 81, 104 (b), 127, 199, 265(b) and 270 be deleted from the Plan, this is not identified in the Countryside Assessment as an Opportunity Site and, according to the DoE's evidence, would not have involved the development of a substantial number of houses. I conclude that there is no justification on the basis of need for including the objection site within the settlement limit as white land or as Phase 2 land.

#### **Other Strategic Considerations**

- 9.29.15 I am not persuaded by the objector's argument that the site should be included within the settlement limit in order to balance up the physical development of the village around a hypothetical 'centre' at the Inn Road/Cottage Road/ Belfast Road junctions. It is not a necessary characteristic of a village that it radiates out from a defined centre and in this case the character of Dollingstown is one of linear form with a scattering of facilities. It does not have anything like a traditional village centre. The arguments put forward about this site being more appropriate to the future development of the village than concession site Nos 91a, 92a, 104a and 265a to the SW, in order to maintain the strategic gap between Dollingstown and Lurgan, can be given little weight as there were no counter objections to this concession and it is therefore merely to be reported.

- 9.29.16 I am not convinced by the DoE's argument that development of this site, because currently in agricultural use, would be a threat to village character on that basis alone. This argument could equally apply to all peripheral development of villages and was not substantiated by detailed analysis of character. I do not believe that inclusion of the objection site in the settlement limit would necessarily have a knock on effect on lands south of Belfast Road subject to objection Nos 57, 89, 24. Access to the site does not appear to present an insurmountable problem. Whilst I consider that it is only proper, and in line with Policy AG 1 of PSRNI, that the Department seeks to protect BMV lands and to, where possible, direct development to areas of poorer quality land, I find the Department's arguments about agricultural land quality to be weak, given the lack of survey data and the acknowledgment that other sites in the Borough had been zoned for housing in DCAP despite being BMV. If there were a need for additional development land in Dollingstown neither the current agricultural or BMV status of the site, its access difficulties, or the knock on effect it might have on nearby objection sites would, in my opinion, justify precluding the objection site from development.

#### **Non Strategic Issues**

- 9.29.17 Having concluded that there is no justification for zoning the site for housing on the basis of any of the strategic arguments presented to me, I do not consider it necessary to pursue the site specific arguments presented by the objector because even if I were to conclude that the site is suitable for housing in every other way and would provide a sustainable edge to the settlement, this would not over-ride the objections to the site in principle.

#### **RECOMMENDATION**

- 9.29.18 I recommend that no alteration be made to the Plan as a result of this objection.

9.30

Objection to the exclusion of lands from the settlement limit of Dollingstown seeking inclusion of lands and zoning for housing

**Objection: No 89(b)**

**SITE DESCRIPTION**

9.30.01 This 9.1 ha site comprises three fields of open pastureland and part of a fourth field that are situated to the north side of the Belfast Road and on the east side of Dollingstown. A ribbon of five roadside dwellings lies to the immediate SW of the site on the same side of Belfast Road. There are also two roadside dwellings on the opposite side of the road to the SE. With the exception of the farm grouping to the immediate NE of the site, the remaining surrounding land is agricultural. In DCAP the site is located within the Green Belt

**DEPARTMENT'S CASE**

9.30.02 A TIA would be required to assess the access options including a roundabout on the Belfast Road. Only one access point would be permitted from Belfast Road. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5 and 6; to Plan objectives 1-6; to the fourth element of the Plan strategy; and to the second, third, fourth and fifth elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply. The defined settlement limits offered suitable opportunity for development over the plan period. The Department had conceded objection site Nos 91a, 92a, 265a and 104a to the SW of the settlement and this would increase the amount of land identified for development from 4.8 ha to 9.5ha. Since the objection site was not contiguous with the proposed settlement limit inclusion of it within the limit would result in the inclusion of the land to the immediate west, which was also subject to objections (site Nos 23 and 258). Inclusion of the site had implications for the Green Belt status of the lands on the opposite side of Belfast Road (site Nos. 24, 57 and 89(a)).

9.30.03 The settlement limit at this location was defined by the existing built form of the village and was an appropriate edge to it. The scale of the extension would jeopardise the existing strong village character and identity and would have an adverse impact on its visual setting and the general rural character of the area. It would also entail the use of BMV land on this site and on the objection lands to the west (site Nos. 23 and 258), contrary to policy AG 1 of the PSRNI. The small settlement of Ballymacmaine was situated 720m east of the proposed Dollingstown limit. Inclusion of the objection site would significantly reduce the gap by approximately 50% to only 350m, with consequences for the character and identity of both settlements. There was the wider issue of urban sprawl along the Belfast Road to the village of Magheralin and possibly Moira.

**OBJECTORS' CASE**

9.30.04 The objection site should be contained within the proposed settlement limits for housing as it increased choice in the area; provided proximity to employment opportunities and other facilities; and would accommodate a range of house types. Its inclusion within the development limit would provide a defensible settlement boundary and it could be easily integrated within the existing urban fabric.

**CONSIDERATION**

**Need**

9.30.05 I have already concluded in Paragraph 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs



3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive. It is clear from the evidence that the concession of site Nos 91a, 92a, 265a and 104a (which I have noted above at Paragraph 9.28.03) has added 4.7 ha to the original land supply in DCAP and that there was no counter objection submitted on behalf of the objector which would have opened this concession up for consideration by the PAC. Although I am recommending that objection site No 81 (et al) be deleted from the Plan, this would not have involved the development of a substantial number of houses. I have not been convinced by the evidence that there is a particular need for any additional development land within the settlement limit of Dollingstown. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for development purely on the basis that it could provide choice and accommodate a range of house types. I conclude that there is no justification for including the objection site within the settlement limit as white land or as Phase 2 land.

#### **Other Strategic Considerations**

- 9.30.06 I find that any further extension of the built form of Dollingstown eastwards and along the Belfast Road frontage threatens to reduce the physical and visual gap between the village and the settlements of Ballymacmaine and Magheralin. Inclusion of the objection site within the settlement limit would only exacerbate this situation and would inevitably lend weight to the argument that the land to the west (objection site Nos. 23 and 258 which I have recommended for exclusion) should also be developed.

#### **Non Strategic Considerations**

- 9.30.07 Having concluded that there is no 'need' justification (nor justification on the basis of any of the other strategic considerations) for including this site within the settlement limit, I do not consider it necessary to pursue other site-specific arguments raised by the parties.

#### **RECOMMENDATION**

- 9.30.08 I recommend that no alteration be made to the Plan as a result of this objection.

- 9.31 

Objection to the exclusion of lands from the settlement limit of Dollingstown seeking inclusion of lands.
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#### **Objection: Nos 24, 57 and 89(a)**

#### **SITE DESCRIPTION**

- 9.31.01 This 8.5 ha site (the whole of objection site No. 89a) comprises two irregularly shaped fields of open pastureland that are situated to the south of the Belfast Road and on the east side of Dollingstown. The field to the NW (objection site No. 57) is 2.8 ha and the larger field to the SE (objection site No. 24) is 5.7 ha. The recently completed Springfort Lodge housing development lies to the immediate west, while to the south and west of both fields is the Huhtamaki Van Leer packaging factory. The dwellings at Nos. 101 and 103 Belfast Road lie immediately north of the more easterly field and along the road frontage. The remaining surrounding land to the east and SE is agricultural. In DCAP the site is located within the Green Belt.

#### **DEPARTMENT'S CASE**

- 9.31.02 A TIA would be required to look at the access options including a roundabout on the Belfast Road. Only one access point was permitted from Belfast Road. It was unlikely that access could be taken through Springfort Lodge. The Health and Safety Executive (HSE) had advised that Huhtamaki Van Leer used and stored hazardous substances. The maximum

amount of Liquid Petroleum Gas (LPG) stored at the factory at any one time was 152 tonnes. The HSE advised against some forms of residential development, educational and or community facility within 400m of the factory site. The whole of the objection site lay within the 400m cordon. PPS 4 sought to avoid new development, which could prejudice the continued existence of an industrial business, and to control the effect of hazardous substances on adjacent land uses and the local environment. The Southern Group Environmental Health Committee (SGEHC) advised that it had received complaints from occupiers of houses in Springfort Lodge and on Inn Road about air pollution and noise from the factory. While noise levels had subsequently been reduced, residents' concerns remained. There was no environmental objection to the use of the land for industrial purposes

- 9.31.03 Inclusion of the sites within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5 and 6; to Plan objectives 1-6; to the fourth element of the Plan strategy; and to the second, third and fourth elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply. E summarised the evidence in relation to phasing. The DoE had conceded objection site Nos 91a, 92a, 104a and 265a to the SW of the settlement and this would increase the amount of land identified for development from 4.8 to 9.5ha. Inclusion of the objection site had implications for the Green Belt status of the lands on the opposite side of Belfast Road (objection Nos 23, 258 and 89(b)).
- 9.31.04 The settlement limit at this location was defined by the perimeter of the Lurgan fibre factory outlet and, to a lesser extent, the Springfort Lodge housing development. The factory outlet boundary was clearly defined by mature trees that screened the factory on approach westwards along the Belfast Road and provided the most appropriate edge to the settlement. The site was not physically or functionally integrated with the settlement. The scale of the extension would jeopardise the existing strong village character and identity. The small settlement of Ballymacmaine was situated 720m east of the proposed Dollingstown limit. Inclusion of the objection site would significantly reduce the gap by approximately 50% to only 350m, with consequences for the character and identity of both settlements. There was the wider issue of urban sprawl along the Belfast Road to the village of Magheralin and possibly Moira.
- 9.31.05 Evidence in relation to the need for and supply of industrial land is reported in section 5. There was ample land allocated for industry in the Plan. The Plan had not identified sites for industry within the villages and smaller settlements but the settlement limits had been drawn up to facilitate their growth in all respects over the plan period. Land had not been identified for industry in the countryside in accordance with PPS 4.

### **OBJECTORS' CASE**

- 9.31.06 The PAC was asked to consider inclusion of either of the fields within the settlement limit or, alternatively, the suitability of the sites separately for either housing (preferably) or industrial use. The objection site should be contained within the proposed settlement limits for housing as it increased choice in the area; provided proximity to employment opportunities and other facilities; and accommodated a range of house types. The land was not BMV land and represented a defensible planning boundary to the settlement. Development of it would not affect landscape character or visual amenity, but would consolidate the existing pattern of development and was a manageable expansion of the settlement. The objector agreed with the Department that an additional allocation of land supply was required in Dollingstown. The objection site, being on the east side of the settlement, more readily met the Department's expressed desire to maintain a distinction between Lurgan and Dollingstown than its own proposal for inclusion of lands to the SW of the settlement (concession site Nos 91a, 92a, 104a and 265a).

- 9.31.07 The expressed HSE concern about the proximity of the site to the Huhtamaki Van Leer operation was surprising given that the Springfort Lodge housing development was nearer to it than the objection site. The precise details of the nature of activity and materials about which the HSE had concerns over were not clear. The SGEHC concerns were matters to be dealt with by Environmental Health not Planning Regulations.
- 9.31.08 If the objection site was not zoned for housing then it should be zoned for industrial use. None of the land zoned for industrial use in the Plan was in Dollingstown. The objection site represented a useful addition to local supply of industrial land and this was distinct from the general overall supply referred to by the Department. The Department's point about coalescence with Ballymacmaine was a 'red herring'. The field to the NW was not any closer than the existing development on the north side of Belfast Road. The field to the SE represented a greater separation distance between settlements than existed at the western end of the village and its relationship with Lurgan.

## **CONSIDERATION**

### **Need**

- 9.31.09 I have already concluded in Paragraph 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive. I have not been convinced by the evidence that there is a particular 'need' for any additional development land within the settlement limit of Dollingstown. The DoE's concession of site Nos 91a, 92a, 104a and 265a (which I have noted above at Paragraph 9.28.03) has added 4.7 ha to the original land supply in DCAP and that there was no counter objection submitted on behalf of objector Nos. 24, 57 and 89 which would have opened this concession up for consideration by the PAC. Whilst I am recommending that objection site No 81 (et al) be deleted from the Plan, this would not have involved the development of a substantial number of houses. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for development purely on the basis that it could provide choice and accommodate a range of house types. I conclude that there is no justification for including the objection site within the settlement limit as white land or as Phase 2 land.
- 9.31.10 I am not persuaded that there is a need for additional industrial land within the village given my conclusion at Paragraph 5.01.16-20 that there is a more than generous allocation of industrial land in the Plan and that the choice of sites in terms of size, distribution and ownership is reasonable. I was not presented with any evidence by the objector that there is a site-specific need for industry at this location.

### **Other Strategic Considerations**

- 9.31.11 The objector argues that the objection site, being located on the eastern extremity of the settlement, is to be preferred to concession site Nos 91a, 92a, 104a and 265a on the SW edge since the objection site would not impact on the strategic gap between Dollingstown and Lurgan. This argument can be given little weight as there were no counter objections to the above concessions and it is therefore merely to be reported by the PAC. I share the concerns expressed by the Department that the extension of Dollingstown in an easterly direction along the Belfast Road threatens to reduce the physical and visual gap between the village and the settlements of Ballymacmaine and Magheralin. I further agree with the Department that the boundary vegetation to the fibre factory provides an appropriate and defining edge to the settlement

### **Non Strategic Considerations**

- 9.31.12 Having concluded that there is no justification, on the basis of any of the strategic arguments presented to me, for including the site within the settlement limit for housing or

industry, I do not consider it necessary to pursue other site-specific arguments raised by the objector.

### **RECOMMENDATION**

9.31.13 I recommend that no alteration be made to the Plan as a result of this objection.

9.32 

Objection to the inclusion of lands within the settlement limit of Dollingstown seeking exclusion and designation as Green Belt.
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**Objection: No 81, 104 (b), 127, 199, 265(b), 270**

### **SITE DESCRIPTION**

9.32.01 This site measures approximately 3.3 ha and is located at the SW end of the village around the Belfast Road/Dromore Road junction, straddling either side of the former and the NE side of the latter. The site comprises eleven residential properties and a small building currently used as stables, as well as four small fields, and part of one other. All of the residential properties are long established and set within mature sites.

### **DEPARTMENT'S CASE**

9.32.02 No new accesses would be permitted onto Belfast Road but existing accesses, if they remained private, could be upgraded to serve more sites. A footway would be required along the site frontage on the Belfast Road extending to the Dromore Road junction. Any access to Dromore Road would require improved forward sight visibility and extra land to achieve the required standards. In previous plans, including the CAPPP, the objection site was outside the development limits and within a policy area.

9.32.03 Inclusion of the site within the limits of Dollingstown was in line with the policies outlined at Paragraph 9.01 A1 and A6 ; with the first six Plan objectives and with the second, third and fourth element of the Plan strategy for villages. The existing settlement pattern of Dollingstown at this location was characterised by almost continuous development on both sides of Belfast Road. The pattern was also similar when the Craigavon UA Plan was published in 1985 and when preparation for this plan began in 1993. In the UA Plan and the Craigavon Village Study in 1986 the gap between the two settlements was defined as 515m. In reality the gap was significantly smaller. It was appropriate to include the established residential properties within the limits.

9.32.04 Dollingstown had retained its strong village identity. The limit was drawn to consolidate the village and, in particular, to avoid coalescence with Lurgan, in order that this identity and village character was maintained and enhanced. A green field site of 58m frontage (part of objection site No 36) provided the gap to the north side of Belfast Road. Dromore Road provided a smaller gap to the south, but the legibility of the break was enhanced by the mature planting around Hillcrest (No. 2 Dromore Road) and Beechfield House (Belfast Road to NE of objection site). The DoE had sought to ensure that any extension of the village to the west would not adversely affect the amenity of the area to the south of Dromore Road in general. Prudent development control in the assessment of any future development proposals in line with plan policy Housing 2 would ensure retention, where possible, of that mature planting. The designation of the area to the south of the objection site on Dromore Road as a LLPA would also assist in protecting the amenity of the area.

9.32.05 The existing houses occupied the majority of the objection site. There was 1.1 ha of greenfield land at the SE end fronting Dromore Road. The 0.3 ha located to the north of Belfast Road was an infill site between two properties. Given the size of these two parcels

of undeveloped land, and the infrastructural and landscape constraints, there was limited scope for in-depth development or for significant redevelopment. Access from Dromore Road to accommodate in-depth development would be unacceptable in view of the improvements required to facilitate access and the adverse impact this would have on the environmental character of the area. Consequently no part of the site had been identified as a potential development opportunity site in the Plan.

### **OBJECTORS' CASE**

- 9.32.06 The DoE's inclusion of the objection site was contrary to strategic policies in the DRSF such as SPG 8, SPG 9 and SPG 25, which the Plan sought to comply with. The proposal was also at variance with Policies DES 3 and GB/CPA 1 of PSRNI. In DCAP the Department had drawn attention to the importance of maintaining a distinction between Lurgan and Dollingstown but inclusion of the objection site within the limits ran contrary to this objective. It was the last portion of land separating the Lurgan UA and the village limits. Inclusion of the objection site within the limits would lead to a merger of the two settlements and amount to inappropriate development and urban sprawl. It would not reflect the strong community support to keep the settlements apart as referred to in page 150 of the Plan. The proposals in CAPPP, which left the objection site outside the limits, were more in keeping with the Department's stated aims in DCAP. It was preferable to exclude the objection site and include the fields to the NE within the limits (concession sites 91a, 92a, 104a and 265a). There had been sufficient grants of planning permission on previously undeveloped lands following CAPPP without the need for further expansion. There were extensive areas of undeveloped "brown" land within the Craigavon area without the need to encourage further sprawl from urban to rural areas.
- 9.32.07 The upgrading of existing access points to serve more sites would involve the further destruction of established planting and hedging on both the Belfast and Dromore Roads. So would the provision of a footway along the frontage of the Belfast Road and of forward sight splays on Dromore Road. An extensive number of deciduous trees had been removed during the development of the land adjacent to Beechfield House. This ran contrary to the DoE's assertion that the legibility of the break between the two settlements was enhanced by the mature planting along the Belfast Road at Hillcrest (No. 2 Dromore Road) and Beechfield House and that the development control system would ensure its retention. The removal of these trees had been devastating to the visual amenity of the area and had resulted in a loss of habitat for various species of birds. Allowing additional further development would further diminish the diversity of wildlife that existed. The conservation of the natural heritage in the LLPA to the south would come under further threat with encroaching developments.

### **CONSIDERATION**

#### **Strategic Considerations**

- 9.32.08 The DoE contended that the village of Dollingstown had retained its strong village identity and that the settlement limit for it had been drawn up to maintain that situation and to avoid coalescence with Lurgan. In its' evidence on objection site Nos. 36 and 174 to the north and SW of the present site (Section 6 of this report) the DoE extolled the value of a physical gap between the two settlements. While I agree that it is desirable to preserve a separate character for Dollingstown I have difficulty in understanding how the inclusion of the objection site within the village settlement limits assists this objective. To my mind it is illogical to argue against coalescence on the one hand and on the other to propose that the two settlement limits should effectively merge into each other along the Belfast Road frontage. The objection site incorporates four small fields behind and to the SE of the Dromore Road properties and also includes within it the road frontage of part of a larger field on the north side of Belfast Road. The purpose of including this additional undeveloped land within the village limits is not clear and contradicts the DoE's evidence,

provided in response to objection site No. 36, that the settlement limit had been drawn to enclose only the existing built form on the A3.

- 9.32.09 The DoE argued that there is limited scope for in-depth development or significant redevelopment at this location. It also acknowledged that the provision of access to the land to the rear could have implications for existing mature landscaping along the Belfast and Dromore Road frontages, notwithstanding the concerns it expressed about any adverse impact on the visual amenity of this area. Given that I have already concluded in Paragraph 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released and my conclusion at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive, I am not persuaded that there is any need to include these lands within the limits of Dollingstown.
- 9.32.10 The DoE has already conceded the inclusion of more extensive land to the east (concession sites 91a, 92a, 104a and 265a). I agree with the objectors that the inclusion of that land, which is located well back from both the Dromore and Belfast Road frontages, will have much less impact on the visual setting of the village than the objection site as seen from the main roads. Equally, I am not persuaded that the portion of undeveloped road frontage land that lies within the objection site on the northern side of the Belfast Road should be regarded as an infill site, since it is wide enough to accommodate more than a single dwelling.
- 9.32.11 Having concluded that there is no need to include the undeveloped part of the objection site within the village limits I am also not persuaded that the existing frontage properties should be included within the settlement limits. As the DoE acknowledges, the pattern of development on the western fringes of Dollingstown is historical and has changed little over the years. The residential properties within the objection site have consistently been excluded from the settlement limits. This was the case in CAPPP and I can see little reason to change this situation. To my mind a distinction can be made between the more concentrated built form of the eastern suburbs of Lurgan west of the Dromore Road junction and the longer established and visually less invasive character of the road frontage development that characterises the western fringes of Dollingstown. Long established road frontage ribbons are very much a characteristic of the approaches to Dollingstown from the north, south and east and I note that the Department has specifically omitted these from the proposed settlement limits of the village. In the interests of consistency I conclude that the same approach should be followed with the objection site.

### **RECOMMENDATION**

- 9.32.12 I recommend that the settlement limit of Dollingstown be drawn in to omit the whole of the objection site.

9.33

Objection to the exclusion of lands from the settlement limit of Dollingstown seeking inclusion of lands

**Objection: No 182**

**SITE DESCRIPTION**

- 9.33.01 This 5.6 ha site, which comprises two fields and part of another one, is located on the north side of Belfast Road. It does not have a frontage onto either Belfast Road or Cottage Road to the east. The land is elevated relative to the remainder of the village with the central portion along the southern boundary being the highest part. The recently completed Holly Hill housing development lies to the SE while agricultural land adjoins the site to the north, east and west. The land is zoned as Green Belt in DCAP.

**DEPARTMENT'S CASE**

- 9.33.02 Access to the site was possible from Holly Hill, dependant on the design and layout of that development. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5 and 6; to Plan objectives 1-6; to the fourth element of the Plan strategy; and to the second, third and fourth elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply. The defined settlement limits offered suitable opportunities for development over the Plan period. The Department had conceded objection sites 91a, 92a, 104a and 265a to the SW of the settlement and this increased the amount of land identified for development from 4.8 to 9.5ha.
- 9.33.03 Inclusion of the objection site would not be sustainable and would not maintain a compact urban form. The settlement limit proposed at this location was defined by the mature vegetation that formed the southern boundary of the objection site. The centre of this boundary was a crest line with the land beyond falling to the north. Development at this location essentially extended the village over the crest and would have an adverse visual impact on the landscape character of the area. There was a strong rural character to the urban fringe at this location. The western portion of the site (3.9ha) was BMV land. There was ample supply of land for development within the village and the Craigavon UA without having to utilise this land. Inclusion of the site within the limits had implications for other objection lands identified as BMV to the NE of the village (Objections 23 and 258) and was contrary to Policy AG 1 of the PSRNI.

**OBJECTOR'S CASE**

- 9.33.04 The settlement limits of Dollingstown should be reconsidered to include within them the whole of the objection site.

**CONSIDERATION**

**Need**

- 9.33.05 I have already concluded in Paragraph 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive. I have not been convinced by the evidence that there is a particular need for any additional development land within the settlement limit of Dollingstown. In this case it is clear from the evidence that the concession of sites 91a, 92a, 104a and 265a by the Department has added 4.7 ha to the original land supply in DCAP and that there was no counter objection submitted on behalf of the objector which would open this concession up for consideration by the PAC. Whilst I am recommending that

objection site No 81 (et al) be deleted from the Plan, this would not have involved the development of a substantial number of houses. I conclude that there is no justification for including the objection site within the settlement limit as white land or as Phase 2 land.

**Other Strategic Considerations**

9.33.06 I am not convinced by the DoE's argument that development of this site would necessarily be a threat to the character of the village or of the surrounding rural area. The latter argument could equally apply to all peripheral development of villages. I also do not believe that including this site in the development limit would have a knock on effect for the lands to the NE that are subject to objection Nos. 23 and 258.

9.33.07 I consider that it is only proper, and in line with Policy AG 1 of PSRNI, that the Department seeks to protect BMV lands and to, where possible, direct development to areas of poorer quality land. However, I find the Department's evidence on this issue to be unconvincing and weak given the lack of survey data and the acknowledgment that other sites in the Borough had been zoned for housing in DCAP, despite being BMV. I conclude that this argument is not of sufficient merit, on its own, to justify precluding the objection site from development.

**RECOMMENDATION**

9.33.08 I recommend that no alteration be made to the Plan as a result of this objection.



## DONAGHCLONEY

- 9.34 

Objection to the zoning of land within the settlement limit of Donaghcloney as Phase 2, seeking that the site be rezoned as Phase 1 development.
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### **Objection: No. 9**

#### **CONCESSION**

#### **SITE DESCRIPTION**

- 9.34.01 This 3.0 ha site is situated at the southern end of Donaghcloney and fronts onto the SE side of Moygannon Road. The NE site boundary adjoins the Clover Brae housing development while there is a ribbon of 11 dwellings facing the objection site, on the opposite side of Moygannon Road. Part of the SW boundary adjoins a number of dwellings and a series of farm outbuildings. The remaining boundaries are bounded by agricultural land. A number of large detached dwellings are presently under construction on the frontage of the site (Gannon Lodge). In DCAP the site is zoned as Phase 2 development land.

#### **DEPARTMENT'S CASE**

- 9.34.02 The PAC allowed a non-determination appeal for 45 dwellings units on the objection site on 21 September 2000 and the Department conceded that this land should now be released for Phase 1 development.

#### **OBJECTOR'S CASE**

- 9.34.03 In light of the approved planning permission the site should be zoned as Phase 1 land in the Plan.

#### **RECOMMENDATION**

- 9.34.04 This concession is noted.

- 9.35 

Objection to the exclusion of lands from the settlement limit of Donaghcloney seeking inclusion of lands.
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### **Objection: No. 10**

#### **SITE DESCRIPTION**

- 9.35.01 This 2.3 ha site comprises two fields set back from the SE frontage of Moygannon Road and is situated at the southern extremity of the village of Donaghcloney. The larger field, to the NE, adjoins the existing Clover Brae housing development while the smaller field lies to the SE of three detached dwellings and some agricultural outbuildings. Both sites bound onto objection site No. 9, which is currently under construction for housing (Gannon Lodge). The land to the south and east of both fields is in agricultural use. In DCAP the site is within the Green Belt.

#### **DEPARTMENT'S CASE**

- 9.35.02 Since Donaghcloney is served by the Waringstown STW evidence on the sewerage issue is reported at Paragraph 9.08.01 above. Access to the objection site would have to be taken

through the Gannon Lodge housing development to the north. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5, 6 and 8; to Plan objectives 1, 2, 3, 5 and 6; to the fourth element of the Plan strategy; and to the five elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply. There were approximately 400 houses in Donaghcloney and there was an adequate provision of land in the village to meet development needs, with approximately 19.5 ha of land identified within the settlement limit. In addition there was 6.1 ha of Phase 2 lands (3 ha of which had been released for development after a non-determination planning appeal on the adjoining Gannon Lodge development). This adjoining development site, with approval for 45 dwellings, would accommodate anticipated housing need in the local area.

- 9.35.03 The village limit to the south consolidated the existing housing development at Clover Brae and Moygannon Road. It followed a defined boundary of mature hedgerow to include lands between these developments that would round off the existing built form of the settlement. Inclusion of the objection site would constitute an unacceptable extension of Donaghcloney into the surrounding countryside and would be physically intrusive to the visual amenity and rural character of the area. Inclusion of the site would be contrary to Policy AG 1 of PSRNI as the site consisted of BMV land. Where possible in the Plan BMV land was not identified for development, particularly where the development requirements of a settlement could be adequately accommodated over the Plan period by use of areas of poorer quality land.

#### **OBJECTOR'S CASE**

- 9.35.04 The objection site should not be excluded from the limit of settlement.

#### **CONSIDERATION**

##### **Need**

- 9.35.05 I have already concluded in Paragraph 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive. In the Countryside Assessment for the village the DOE identifies significant development opportunity sites totalling some 25.6 ha, of which 19.5 ha is white land. The conceded Phase 2 site off Moygannon Road (objection site No 9) adds an additional 3.0 ha of phase 1 land. Even with the removal of the other Phase 2 site at Monree Road (as I am recommending) there is no convincing evidence before me that the supply of development land would not meet the needs of the settlement over the plan period. I conclude that there is no justification for extending the settlement limit to include the objection site as white land or as Phase 2 land.

##### **Other Strategic Considerations**

- 9.35.06 I have already concluded at Paragraph 9.08.27 above that, the sewerage situation in Waringstown/Donaghcloney should not represent an absolute bar to the inclusion of any one particular objection site in the settlement limit. I consider that it is only proper, and in line with Policy AG 1 of PSRNI, that the Department seeks to protect BMV lands and to, where possible, direct development to areas of poorer quality land. However, I find the Department's evidence on this issue to be unconvincing and not of sufficient merit, on its own, to justify precluding the objection sites from development.

##### **Non Strategic Considerations**

- 9.35.07 Having concluded that there is no justification for inclusion of the objection site within the settlement limit on the basis of need or any of the other strategic arguments presented to me, I do not consider it necessary to pursue other site-specific arguments raised by the parties.

## **RECOMMENDATION**

9.35.08 I recommend that no alteration be made to the Plan as the result of this objection.

9.36 

Objection to the exclusion of lands from the settlement limits of Donaghcloney seeking inclusion of lands.
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### **Objection: No. 60**

## **SITE DESCRIPTION**

9.36.01 This 2.1 ha site comprises a single agricultural field that fronts onto the SW side of Donaghcloney Road, a minor rural road that radiates out to the SE of the village of Donaghcloney. The objection site lies adjacent to, and SE, of the Clover Brae residential development. Apart from two bungalows on the opposite side of the road, the site is surrounded on its remaining boundaries by agricultural land. The site occupies part of the SE side of a drumlin with the NW half being an elevated plateau. The ground then slopes down, very steeply, to relatively flat land to the SE where an open stream flows along the SE site boundary. In DCAP the site is within the Green Belt.

## **DEPARTMENT'S CASE**

9.36.02 Evidence about the STW is reported at Paragraph 9.08.01 above. Road widening and footway provision would be required along the road frontage and linking to Moygannon Road. The existing access left from the adjoining Clover Brae (8m) was not wide enough and land would have to be purchased from dwellings on either side. Although the Roads Service had approved this retained access in Clover Brae, this was entirely a matter for the developer and did not give any sign that the objection site would be approved for development at some time in the future. There were 37 houses approved at Clover Brae and anything more than 55 houses in total coming off this access to Donaghcloney Road would require a right turn lane. Paragraph 5.3 of DCAN 15 did not make this mandatory but it was custom and practice to trigger a right turn lane at 50 dwellings. If the Roads Service allowed 55 houses to be the trigger then the objection site could take 17-18 new houses with access via Clover Brae. A right turn lane would have to be at the junction of Donaghcloney Road and Moygannon Road on the carriageway going into the settlement because of junction spacing on Donaghcloney Road.

9.36.03 The lower part of the site (towards the SE and adjacent to an undesignated watercourse) had previously been affected by significant flooding. This area was considered part of the River Lagan flood plain; but Rivers Agency would have no objection to development in those parts of the site that could be shown to be above the 1 in 100 years flood level. If the site were included in the settlement limit a site development requirement could be attached to the effect the no development would be allowed below the 47.82m OD. This would impact on only a small strip of the site to the SE. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5, 6 and 8; to Plan objectives 1, 2, 3, 5 and 6; to the fourth element of the Plan strategy; and to the five elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply. E summarised the evidence in relation to phasing.

9.36.04 The village limit to the south consolidated the existing housing development at Clover Brae and Moygannon Road. It followed a defined boundary of mature hedgerow to include lands between these developments that would round off the existing built form of the settlement. Inclusion of the objection site would constitute an unacceptable extension of Donaghcloney into the surrounding countryside and would be physically intrusive to the visual amenity

and rural character of the area. The critical views were from the junction of Laurelhill Road and Donaghcloney Road travelling NW to where there was a small bridge crossing a stream. The relief of the objection site dominated the skyline on this approach to the village along Donaghcloney Road and provided a good physical screen to the Clover Brae development. Development would be along the top of the site and very visually intrusive. Clover Brae was much less obtrusive as only its rooftops and upper walls could be seen.

- 9.36.05 If the PAC recommended inclusion of the site in the development limit then site development requirements should be included in the Plan to cover the flooding issue, landscaping of the site and temporary sewage treatment facilities, if the STW were not completed. The development should be single storey and in accordance with the Roads Service requirements referred to above.

### **OBJECTOR'S CASE**

- 9.36.06 The DoE had made no attempt to allocate housing need by settlement. Without information on the basis of how the DCAP target figure of 1200-1500 would be allocated between the individual settlements it was not possible to determine whether Donaghcloney would have too little, enough or too much land zoning for housing. There was reason to consider whether the figure of 19.5 ha of development opportunity land within the proposed settlement limits was realistic. It seemed inevitable that there would be a shortfall, probably rather more than the 2.1 ha of the objection site. The objection site would provide an increased range of choice for those who could not live in the Green Belt and did not want to live within the confines of the Craigavon UA. The DoE's argument that the site should be excluded because the settlement limit had already been extended to include additional lands was not a legitimate reason and was one that would have wide implications for all settlements if applied generally. It was unlikely that a further 2.1 ha of land would be to the detriment of the UA and would upset its balance.

- 9.36.07 The objection site could not be seen from Moygannon Road, the main route into Donaghcloney from the SW, or from other parts of the built-up area of the village. Views of the site from Donaghcloney Road were of very short duration (100m) and at close range. The level of visual prominence would be that which was traditional in virtually every settlement in drumlin country where development had colonised the slopes to escape the wet inter-drumlin valley bottoms. The intention would be to plant the entirety of the slope on the site with native species. Access to the site would be taken from the existing Clover Braes development, provision for a link having been provided for and approved by DoE/DRD. It was likely that the proposed new STW at Waringstown would be operational well before any development would begin on the objection site. Floodwater had never been seen on the land during 40 years of possession.

- 9.36.08 The proposal was not at odds with any of the general planning policies referred to by the DoE in its evidence and nor was it in conflict with the objectives of the Plan. The proposal did not seek to challenge the policy of Green Belts, merely to determine where the interface between the development and the Green Belt should most properly be located. The location of the proposed site, contiguous with and accessed through an existing housing area, would help to accommodate the existing pattern of development. It would not detract from the landscape setting of the village or its character. The settlement limit proposed by the Department was not exclusive and other options were equally viable.

### **CONSIDERATION**

#### **Need**

- 9.36.09 I have already concluded in Paragraph 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive. There was no objection to any land included within the

settlement limit for which this site could be substituted. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for development purely on the basis of providing additional choice. I have also previously concluded in Paragraph 3.01.69 that the DoE's global approach to housing need/supply in the villages and smaller settlements is an acceptable one, rather than a village by village assessment of need. The conceded Phase 2 site off Moygannon Road (Objection No 9) adds an additional 3.0 ha of Phase 1 land in DCAP. Even with the removal of the other Phase 2 site at Monree Road (as I am recommending) there is no convincing evidence before me that the supply of development land would not meet the needs of the settlement over the plan period. I conclude that there is no justification for extending the settlement limit to include the objection site as white land or as Phase 2 land.

#### **Other Strategic Considerations**

- 9.36.10 I have already concluded at Paragraph 9.08.27 above that, the sewerage situation in Waringstown/Donaghcloney should not represent an absolute bar to the inclusion of any one particular objection site in the settlement limit. Although Rivers Agency considered part of the site liable to flood, no accurate topographical survey was available from either party and it was agreed that development could take place on those parts of the site below the 1:100 year flood level.

#### **Non Strategic Considerations**

- 9.36.11 Having concluded that there is no justification for inclusion of the objection site within the settlement limit on the basis of need, I do not consider it necessary to pursue other site-specific arguments raised by the parties.

#### **RECOMMENDATION**

- 9.36.12 I recommend that no alteration be made to the Plan as the result of this objection.

- 9.37 

Objection to the exclusion of lands from the settlement limits of Donaghcloney, seeking inclusion of lands.
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#### **Objection: No. 88**

#### **SITE DESCRIPTION**

- 9.37.01 This 2.3 ha site comprises an area of open grazing and is part of the parkland setting of Strawhill House, the avenue access of which runs more or less parallel to the eastern boundary of the objection site. The site fronts onto the SE side of Hall Road, a minor rural road that radiates out to the NW of Donaghcloney. The River Lagan defines the southern boundary. A significant number of mature trees define the boundaries to the site, which is surrounded by mainly agricultural land. In DCAP the site is within the Green Belt and is also designated as a Local Landscape Policy Area (LLPA) and as an Historic Park, Garden and Demesne.

#### **DEPARTMENT'S CASE**

- 9.37.02 Road widening and right turning lanes would be required. Evidence on the STW is reported at Paragraph 9.08.01 above. The site was part of the River Lagan floodplain and had previously been affected by significant flooding. Rivers Agency was opposed to infilling for development purposes. Inclusion of the site within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5, 6 and 8; to Plan objectives 1, 2, 3, 5 and 6; to the fourth element of the Plan strategy; and to the five elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C

and D outlined the evidence on housing need and supply. Inclusion of the site within the settlement was contrary to PPS 6 in relation to LLPAs. The village limit had been drawn to consolidate the settlement in relation to the surrounding topography and existing built form. Inclusion of the objection site would constitute an unacceptable extension of Donaghcloney into the surrounding countryside

- 9.37.03 Donaghcloney was one of the few mill villages in Northern Ireland that had retained its original form and character. Strawhill House was a Listed Building with a beautifully designed parkland setting that extended down to the River Lagan. The parkland separated the house from Donaghcloney and the village from a large area of river-frontage. Strawhill House had been identified as an Historic Park, Garden and Demesne. Part of the parkland had an existing approval for housing development (the land to the NE of the objection site that lies within the proposed settlement limit). This permission had been granted before the significance of the parkland had been appreciated. Development of the objection site in tandem with the other site would alter the focus of the settlement away from the historic Main Street and destroy the whole setting of Strawhill House. The objection site was visually remote from the village and any development of it would detract from the character and special interest of the river corridor.

### **OBJECTOR'S CASE**

- 9.37.04 As a general rule, good planning should provide for a choice of housing sites within settlements and seek to accommodate particular housing market niches. The objection site would increase housing choice and represented a sustainable neighbourhood with proximity to what DCAP described as "a wide range of good village facilities including a primary school, shops, churches and a surgery." The shelter belt perimeter planting along Hall Road and the River Lagan provided defensible boundaries for the settlement limit. It was recognised that the objection site was in an area of high quality landscape and it was envisaged that the density of development would be very low (0.2-0.4 ha plot sizes) and almost unique in the Plan Area. The overall objective was to create a quality parkland residential environment that would protect the setting of Strawhill House, retain existing perimeter and internal vegetation and protect important elements of the natural and built environment. A concept plan had been submitted to demonstrate how all this could be achieved. An Area Plan was the appropriate time to seek the inclusion of additional lands within settlements and the objection site was consistent with the policies cited by the DoE.

### **CONSIDERATION**

#### **Need**

- 9.37.05 I have already concluded in Paragraph 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive. There was no objection to any land included within the settlement limit for which this site could be substituted. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for development purely on the basis of accommodating particular housing market niches or on the basis that development would be very low density. Even with the removal of the other Phase 2 site at Monree Road (as I am recommending) there is no convincing evidence before me that the supply of development land would not meet the needs of the settlement over the plan period. I conclude that there is no justification for extending the settlement limit to include the objection site as white land or as Phase 2 land.

#### **Other Strategic Considerations**

- 9.37.06 I agree with the Department that by its very location the objection site is visually remote from the village. The objector acknowledges the landscape quality of the site and does not raise any objection to the designation of the site as an LLPA or as an Historic Garden, Park

and Demesne. Plan Policy Conservation 3 makes it clear that there will be a presumption against development where an area has been designated as an LLPA, except in a number of limited exceptions, as listed on page 49 of the Plan. I consider that the proposal does not fall within any of these exceptions. I further agree with the Department that development of the objection site on the scale envisaged would adversely affect the unique setting of Strawhill House and be harmful to the general visual amenity of the area. I conclude that the site should remain within the Green Belt.

**Non Strategic Considerations**

9.37.07 Having concluded that there is no justification for including the site within the settlement limit on the basis of need or any of the other strategic arguments presented to me, I do not consider it necessary to pursue other site-specific arguments raised by the objector.

**RECOMMENDATION**

9.37.08 I recommend that no alteration be made to the Plan as the result of this objection.

9.38

Objection that the proposed Area of Townscape Character in Donaghcloney should be re-designated as a Conservation Area.

**Objection: No. 94**

**DEPARTMENT'S CASE**

9.38.01 The DoE had currently no commitment to the designation of new Conservation Areas (CA) within its programme and there were no resources allocated to it. Should this situation change in the future the designation of an Area of Townscape Character (ATC) for Donaghcloney or the adoption of DCAP would not preclude CA designation, which was done under a separate procedure.

**OBJECTOR'S CASE**

9.38.02 The proposed ATC designation for Donaghcloney should be upgraded to that of a CA. The village deserved this status because of its ancient and varied past. Donaghcloney ("Church of the Meadow") derived its name from an ancient church, which was built, according to tradition, by Saint Patrick. The village had a rich industrial heritage and was one of the very few surviving mill villages, based exclusively on power loom weaving, in Northern Ireland. A number of buildings in the village, including the terraced housing close to the factory and along the Main Street owed their existence to their association with the linen industry. A number of buildings had been listed in the village and there were other Victorian buildings of architectural merit. CA status would safeguard and preserve this historical legacy for future generations.

**CONSIDERATION**

9.38.03 Article 50 of the Planning (Northern Ireland) Order 1991 provides the Department with the discretion to designate a CA at any point in time. CA designation is not therefore reliant on the adoption of the Plan and the proposed ATC designation does not in any way prejudice any future consideration of such designation. Nevertheless, the DoE's detailed description, in DCAP, of the architectural merit and historical character of various buildings and streets within the village lends weight to the objector's argument that the central core merits a higher degree of protection than that afforded by ATC designation. Without prejudice to the adoption of the Plan, and notwithstanding current funding restrictions, I would recommend to the Department that, as a matter of some priority, further investigation is carried out on the merits of CA designation.

**RECOMMENDATION**

9.38.04 I recommend that no alteration be made to the Plan as the result of this objection but that the merits of CA designation are fully considered as a matter of priority.



9.39

Objection to the exclusion of land from the settlement limit of Donaghcloney, seeking inclusion of land.

**Objection: No. 111**

**SITE DESCRIPTION**

9.39.01 This 2.2 ha site fronts onto the minor Lisnasure Road, that radiates out to the NE of Donaghcloney, and is part of a much larger field. There is existing housing development to the south and west of the site as well as an area of open space. The land to the north and east is in agricultural use. In DCAP the site is within the Green Belt.

**DEPARTMENT'S CASE**

9.39.02 Roads Service would be opposed to any further development on Lisnasure Road due to its restricted width and the amount of on-street parking between the objection site and Main Street. Evidence about the STW is reported at Paragraph 9.08.01 above. Inclusion of the sites within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5, 6 and 8; to Plan objectives 1, 2, 3, 5 and 6; to the fourth element of the Plan strategy; and to five elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply. Inclusion of the site in the settlement limit would be contrary to Policy AG 1 of PSRNI as the site consisted of BMV land. Where possible in the Plan BMV land was not identified for development, particularly where the development requirements of a settlement could be adequately accommodated over the Plan period by use of areas of poorer quality land.

9.39.03 The village limit to the west of the objection site was well defined by the edge of the existing housing, open space and the tall conifers at Winona House. The objection site had no physical boundary to the east. Inclusion of the objection site would constitute an unacceptable extension of Donaghcloney into the surrounding countryside and would be physically intrusive to the visual amenity and rural character of the area.

**OBJECTOR'S CASE**

9.39.04 Donaghcloney was an increasingly attractive residential location, as evidenced by the significant amount of recent housing development. It was significant that the Department had conceded at a planning appeal for the Phase 2 site at Moygannon Road that the sole purpose of phasing of land in the village was to deal with the short-term infrastructural deficiency of the STW. It was reasonable to expect that with only 3 ha of land held as Phase 2 that a case to release this remaining land before 2005 would be successful. With much of the housing land in Donaghcloney already committed to various developers the range and choice of attractive sites was unlikely to be maintained over the plan period. This was contrary to what was stated in Policies HOU 1 and HOU 4 of PSRNI and plainly required the allocation of additional land. The DoE had commented that some 70% of the Borough's population was in the UA but with only 23.9% of the land allocated for development in the rural area there was a significant imbalance to be addressed, as argued in section 3.

9.39.05 The suitability of the site for development was demonstrated by its inclusion within the draft limits for Donaghcloney in 1983. Any of the issues raised by the statutory consultees could be addressed. It was surprising that the DoE, in its evidence, referred to issues such as loss of visual amenity, setting of the village, urban sprawl and loss of BMV land. None of these reasons were specifically stated in the refusal notice for the 1997 application for the development of this land (copy of decision N/97/0061 provided).

- 9.39.06 Inclusion of the objection site within the settlement limit would provide an opportunity to develop a soft and natural edge to the village. The proposal would comply with the Quality Initiative and would not result in a loss of amenity or urban sprawl. It would not conflict with any of the DoE's stated justifications for the settlement limit and nor would it be contrary to the objectives of Green Belt Policy. DCAP failed to honour the Department's commitment at the DRSF EIP to define a long term Green Belt to accommodate growth that might be required to 2025. At the very least the objection site should be white land and part of the long-term strategic reserve.

### **CONSIDERATION**

#### **Need**

- 9.39.07 I have already concluded in Paragraph 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive. There was no objection to any land included within the settlement limit for which this site could be substituted. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for development purely on the basis that it is in an attractive and popular location. The conceded Phase 2 site off Moygannon Road (Gannon Lodge) adds an additional 3.0 ha of phase 1 land. Even with the removal of the other Phase 2 site at Monree Road (as I am recommending ) there is no convincing evidence before me that the supply of development land would not meet the needs of the settlement over the plan period. I conclude that there is no justification for extending the settlement limit to include the objection site as white land or as Phase 2 land.

#### **Other Strategic Considerations**

- 9.39.08 I consider that it is only proper, and in line with Policy AG 1 of PSRNI, that the DoE seeks to protect BMV lands and to, where possible, direct development to areas of poorer quality land. However, I find the Department's evidence on this issue to be unconvincing and not of sufficient merit, on its own, to justify precluding the objection site from development.

#### **Non Strategic Considerations**

- 9.39.09 Having concluded that there is no justification for inclusion of the objection site within the settlement limit on the basis of need or any of the strategic arguments presented to me, I do not consider it necessary to pursue other site-specific arguments raised by the objector.

### **RECOMMENDATION**

- 9.39.10 I recommend that no alteration be made to the Plan as the result of this objection.

9.40 

Objection to the inclusion of Phase 2 Development Lands in Donaghcloney seeking their exclusion from the settlement limits.
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#### **Objection: No. 233 (a)**

### **DEPARTMENT'S CASE**

- 9.40.01 The phasing of development land and the need for Phase 2 land is summarised in Paragraphs 3.02.01-03 and 3.02.05 and in the evidence submitted on this issue in Waringstown at section 9.07. Two sites had been identified as Phase 2 land in Donaghcloney in DCAP and the site at Moygannon Road had been conceded (objection site No 9) as it had been granted approval as the result of a non-determination planning appeal and was now under construction for 45 dwellings (Gannon Lodge). The remaining Phase 2

site off Monree Road was 3.1 ha in size and had been included within the settlement limit in the Craigavon Village Study of 1986 and in CAPPP.

- 9.40.02 There was a need to manage the existing pattern of development in Donaghcloney. An analysis of development pressure indicated that pressure was high. The majority of the 29 planning applications received for sites in the settlement over the last ten years had been for residential development. Plan Policy Settlement 2 stated that there would be a review of development land in 2005 and prior to that planning permission would only be granted on Phase 2 land in accordance with Green Belt policies.

### **OBJECTORS' CASE**

- 9.40.03 None of the Phase 2 land was suitable for development and their inclusion breached the Plan Strategy in that it:

- Disrupted the existing pattern of development;
- Offered no protection to the landscape setting of the village or its character;
- Failed to manage the expansion of the settlement.

### **CONSIDERATION**

- 9.40.04 There is now only one Phase 2 site in Donaghcloney (Monree Road) following the grant of planning permission for the other site off Moygannon Road (objection site No 9 reported above). I have concluded in Section 3 at Paragraph 3.02.21, on the foot of objection No 241, that all Phase 2 lands should be deleted from the draft Plan unless there are exceptional planning reasons:

- why a specific settlement should retain some phasing of land supply to meet a particular set of circumstances; or
- why a specific site should remain as zoned housing land in the UA or remain within the settlement limit of a village or small settlement.

- 9.40.05 The reasons given by the DoE for phasing land supply in Donaghcloney were overzoning of land within the settlement limits of the villages and smaller settlements generally; development pressure in Donaghcloney, and the inclusion of the Monree Road site within the settlement limits of previous plans. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive (not taking account of Phase 2 land). I consider that with 19.5 ha of white land, plus the 3.0 ha of the conceded site at Moygannon Road, there is a more than ample supply of housing land to meet the needs of the village to 2010. Although not all of the land will be used for housing, and some may be unavailable over the plan period, this must be balanced against the fact that the DoE calculation of land supply takes no account of windfall sites within the settlement limit and is based on low housing density (15 dph).

- 9.40.06 Finally, I am not persuaded that the inclusion of this site within the settlement limit of previous plans warrants its inclusion as Phase 2 land in the draft Plan. The site has, according to the Department, no planning history and is located on the periphery of the settlement. No site-specific evidence has been submitted that would justify the retention of this land within the settlement limit. I therefore conclude that there are no exceptional reasons for having a policy of land phasing in Donaghcloney and that the objection site should be deleted and the settlement limit adjusted accordingly. Having reached this conclusion it is not necessary to consider further the site specific arguments raised by the objectors.

### **RECOMMENDATION**

9.40.07 I recommend that the Phase 2 site at Monree Road be deleted from the limits of Donaghcloney and that the limit is adjusted and the site is reallocated as Green Belt.

## DRUMNACANVY

9.41 

Objection to the exclusion of lands from the settlement limit, seeking inclusion of lands.
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### **Objection: No 7(a)**

#### **CONCESSION**

#### **SITE DESCRIPTION**

9.41.01 This 0.8 ha site comprises one field and lies to the SE of the village, to the east of Drumnacanny Road. Mature hedgerows/trees define all the boundaries. To the north lies a residential property and across the road to the west lie several residential properties. Agricultural land lies to the south and east. In DCAP the site is within the Green Belt.

#### **DEPARTMENT'S CASE**

9.41.02 The Department would respond favourably to a recommendation from the PAC that the objection site be included within the settlement limit of Drumnacanny. In reaching this concession the DoE took account of:

1. the status of the site in CAPPP (inside the settlement limit);
2. development pressure;
3. settlement character;
4. landscape character and form;
5. visual impact;
6. local roads and service infrastructure.

Any development of the site would be subject to it meeting the requirements of the statutory consultees and conforming with other regional and plan policies.

#### **OBJECTOR'S CASE**

9.41.03 This concession was accepted.

#### **RECOMMENDATION**

9.41.04 This concession is noted.

9.42

Objection to the exclusion of lands from the settlement limit of Drumnacanny, seeking inclusion of lands.

**Objection: No 7(b)**

**CONCESSION**

**SITE DESCRIPTION**

9.42.01 This 1.3 ha site comprises one field located SE of the village, to the west of Drumnacanny Road. Mature hedgerows /trees define all boundaries. The surrounding land uses are housing to the north and west and an orchard to the south. In DCAP the site lies within the Green Belt.

**DEPARTMENT'S CASE**

9.42.02 The Department would respond favourably to a recommendation from the PAC that the objection site be included within the settlement limit of Drumnacanny. In reaching this concession the DoE took account of:

1. the status of the site in CAPPP
2. development pressure;
3. settlement character;
4. landscape character and form;
5. visual impact;
6. local roads and service infrastructure
7. the withdrawal of objection DCAP 141/2000.

Any development of the site would be subject to it meeting the requirements of the statutory consultees and conforming with other regional and plan policies.

**OBJECTOR'S CASE**

9.42.03 This concession was accepted.

**RECOMMENDATION**

9.42.04 This concession is noted.

9.43

Objection to the exclusion of lands from the settlement limit of Drumnacanny, seeking inclusion of lands and zoning as housing.

**Objection: No 160 (amended site)**

**SITE DESCRIPTION**

9.43.01 This 4.5 ha site is situated on the SW edge of Drumnacanny and lies to the NE of Old Gilford Road. It comprises five fields and also contains a bungalow and stables. Much of the land surrounding the site is currently in agricultural use although part of the established Kensington Park residential development adjoins the extreme eastern corner of it. In DCAP the site lies within the Green Belt.

## **DEPARTMENT'S CASE**

- 9.43.02 Access should only be taken onto the Old Gilford Road. Improvements such as widening, footway provision, junction improvement and forward sight distance provision would all be required to the SE part of Old Gilford Road and would involve third party lands. Inclusion of the sites within the settlement limit would be contrary to the policies outlined at Paragraph 9.01 A1, 3, 4, 5 and 6; to Plan objectives 1-6; to the fourth element of the Plan strategy; and to the second, third and fourth elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply. There were approximately 330 dwellings within the proposed development limit of Drumnacanvy. It was considered that there was an adequate provision of land to meet development needs with 7.3 ha of Phase 1 land and 6.6 ha of Phase 2 land within the proposed limit. In addition the DoE proposed to concede to Phase 1 an additional 5.5 ha of land as contained in objection site Nos. 7a, 7b and 166.
- 9.43.03 The objection site was physically unrelated to the settlement. The settlement form originated to the north around Blackers Mill and spread in a linear form to both sides of Long Lane. The objection site was on the periphery of the settlement and would not relate to either of these foci. Drumnacanvy was well screened from the Gilford Road whereas the objection site would represent a significant intrusion into the rural area. Development of it would erode the rural Green Belt buffer between Portadown and Drumnacanvy and be detrimental to the rural setting of the village.

## **OBJECTOR'S CASE**

- 9.43.04 The existing settlement was compact and had a high quality of residential environment. A substantial portion of the site bounded the settlement limit. The western boundary of the objection site fell short of abutting Gilford Road yet part of the existing built-up area adjoined the main road. The northern boundary of the objection site was not as far north, towards Portadown, as the proposed settlement limit. There were no fundamental servicing problems. Any access issues were a matter of detail to be resolved via the normal development control process
- 9.43.05 The LLPA provided a buffer between the objection site and the Gilford Road. A similar belt of tree planting could be carried out on the northern side of Old Gilford Road in association with development of the site. This would frame the entrance to the village from the Gilford Road and, in combination with the flat and unobtrusive nature of the site, would integrate the site with the rest of the village without danger of sprawl or ribboning.
- 9.43.06 The DoE acknowledged that the settlement was bereft of shops or community facilities but had not addressed this lack of facilities in DCAP. While the DoE classified Drumnacanvy as a village it was a dormitory settlement and local residents did not have the chance to practice sustainable patterns of living. Further expansion on appropriate sites, such as the objection site, would encourage the market to provide retail facilities for an expanding population and create a village heart. The proposal was not in conflict with the policies of the DRSF or PSRNI. It was consistent with the policies and strategies of DCAP. The site, as amended, would in no way create a large-scale expansion. It would help expand the settlement into a proper village and was in the interests of promoting sustainability. The development pattern along Long Lane was not linear and consisted of small housing developments. The proposal would continue that pattern on Old Gilford Road.

## **CONSIDERATION**

### **Need**

- 9.43.07 I have already concluded in Paragraph 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller

settlements in DCAP is excessive. The DOE has identified 7.3 ha of Phase 1 land within the settlement limit. It has also subsequently conceded a further 5.5 ha for housing land in objection Nos. 7a, 7b and 166 and there is no persuasive evidence that this would not meet the needs of Drumnacanvy over the Plan period. There was no objection to any land included within the settlement limit for which this site could be substituted. Consistent with my recommendation to remove all phase 2 lands, I conclude that there is no justification, on the basis of need, for including the objection site within the settlement limit.

#### **Non Strategic Considerations**

- 9.43.08 Having concluded that there is no 'need' justification for allocating this particular site for development, I do not consider it necessary to pursue site-specific arguments raised by the objector.

#### **RECOMMENDATION**

- 9.43.09 I recommend that no alteration be made to the Plan as the result of this objection.

- 9.44 

Objection to the exclusion of lands from the settlement limit of Drumnacanvy and identification as part of a Local Landscape Policy Area, seeking inclusion of lands and zoning as housing.
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#### **Objection: No 166**

#### **PART CONCESSION**

#### **SITE DESCRIPTION**

- 9.44.01 This 3.4 ha site lies to the north-east of Drumnacanvy on the south side of Bleary Road. It contains a large house, Glenview Private Nursing Home, and associated buildings. There is a tree lined avenue to Bleary Road and trees along the western boundary. To the north-east and the south is agricultural land and to the west is residential development.

#### **DEPARTMENT'S CASE**

- 9.44.02 The Department would respond favourably to a recommendation by the PAC that part of the site be brought in to the settlement limit to facilitate the development of the land (as limited by the LLPA designation) for the provision of dwelling units ancillary to the functions of the Glenview Private Nursing Home. The following would be inserted into the Plan:

#### ***Land at Glenview Private Nursing Home***

#### ***A 3.4 ha site within the Glenview Private Nursing Home LLPA***

#### *Site development requirements:*

- 1. A concept Design Statement in accordance with Plan Policy Housing 2 shall be submitted with a planning application for outline or full permission. This shall outline the design concept, objectives and priorities for the site.*
- 2. The results of a comprehensive survey identifying trees, hedgerows and other vegetation to be retained and incorporated into the proposed development shall be submitted with a planning application for full or outline permission.*



3. *A detailed planting plan for the proposed development shall be submitted with a planning application for full or outline permission. The existing vegetation within the site and on the boundaries shall be retained and incorporated into the proposed development.*
4. *The existing vegetation on the site shall be supplemented by substantial planting of trees and native species long the south-eastern and north-eastern boundaries to provide screening for the development, break up the housing mass and reduce the visual impact of the development.*
5. *The lower contours of the site may be developed to a maximum of the two storeys dropping to one storey in respect of the site's topography and in particular its elevated nature. Development on the crest of the hill will not exceed one storey in height. The height of development on the lower contours shall not exceed the ridge line of any roofs on the crest of the hill.*
6. *The layout and housing type should preferably be terraced in form. Courtyard type development will be acceptable. External finishes and detailing shall be to match those on the existing nursing home.*
7. *The development shall contain dwelling units accessible to those with mobility difficulties, particularly wheel chair dependants.*
8. *The proposed layout shall not result in houses backing onto the public road.*
9. *A development of more than 5 units may require :*
  - *4.5 m x 80m splays at access;*
  - *forward visibility improvements at access;*
  - *road widening , footpath provision from access to Drumnacanvy Road;*
  - *forward visibility improvements between access and Drumnacanvy Road; and*
  - *visibility improvements at Drumnacanvy Road junction both sides 4.5m x 90m.*

### **OBJECTOR'S CASE**

9.44.03 This concession was agreed to.

### **RECOMMENDATION**

9.44.04 This concession is noted.

9.45 

Objection to the identification of the site as part of a Local Landscape Policy Area.
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### **Objection: No 137**

### **PART CONCESSION**

### **SITE DESCRIPTION**

9.45.01 This site lies along the western side of Gilford Road to the SW of Drumnacanvy. It lies within the grounds of a golf club and consists of tree planting

### **DEPARTMENT'S CASE**

9.45.02 The planting was originally part of the screen planting for the former Carrick House. Once part of a very fine designed landscape park, the trees now formed a distinctive roadside feature which made a locally distinctive area on a straight piece of road. They also provided an impressive feature along the River Bann floodplain, enhanced the setting of the club house and provided a valuable wildlife corridor. They screened views of the factory site from the SE. The other two parts of the LLPA were triangles of planting on the opposite side of the road. The DoE was opposed to removal of the LLPA designation given the importance of the trees in historic, landscape and visual terms. However, it would respond favourably to a recommendation from the PAC to amend the boundary to a narrow strip along the roadside.

### **OBJECTOR'S CASE**

9.45.03 This part concession was accepted although the objector wanted the PAC to consider exclusion of the entire stretch of trees from the LLPA. No evidence was submitted on this issue.

### **CONSIDERATION**

9.45.04 Although the LLPA is noted on the map of Drumnacanvy in the Countryside Assessment, no mention is made of its particular features in the text. However, I agree with the DoE that this stretch of trees forms a distinctive roadside feature when travelling along Gilford Road and helps to screen the factory from the SE. I consider that it falls within the final bullet point of Paragraph 2.23 of PPS 6. I am less persuaded that its historic associations, on their own, would justify LLPA designation. I agree with the concession made by the DoE in relation to the smaller strip. No alteration is required to the text about the LLPA on page 156 of the Plan.

### **RECOMMENDATION**

- 9.45.05 This part concession is noted and I recommend that no further alteration be made to the Plan as a result of this objection.

## MAGHERALIN

9.46 

Objection to the identification of the rectory as a Local Landscape Policy Area
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**Objection: No 246**

### **PART CONCESSION**

#### **SITE DESCRIPTION**

9.46.01 The rectory, graveyard and ruins of a church lie at the centre of the village off New Forge Road. There are trees within the graveyard. In DCAP the site is designated as an LLPA.

#### **DEPARTMENT'S CASE**

9.46.02 The listed ruins were of a medieval and later parish church and the churchyard and rectory formed a visually significant historic focus within the village. The proposed LLPA was important in visual and historic terms and had been designated to protect the surroundings of the listed building and the planned landscape of the rectory grounds. The site had significant landscape and visual amenity. Plan Policy Conservation 3: Development Affecting Local Landscape Policy Areas set out exceptions to this policy.

9.46.03 The DoE proposed to add to the last paragraph of page 158 of DCAP to state that Plan Policy Conservation 3: Development Affecting Local Landscape Policy Areas would apply to the Magheralin LLPA but that re-development of the rectory garden for church, community or educational purposes would be acceptable subject to complying with the criteria set down in PPC 3 for any proposed development.

#### **OBJECTOR'S CASE**

9.46.04 The church wanted removal of the LLPA designation from the yellow land (the rectory grounds) so as to give scope for the future expansion of the church's and the school's activities. The part-concession was, however, accepted by the objectors.

#### **RECOMMENDATION**

9.46.05 This concession is noted.

- 9.47 

Objection to the exclusion of lands from the settlement limit and its designation as Green Belt.
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**Objection: No 153**

**SITE DESCRIPTION**

- 9.47.01 This 4.5 ha site comprises two fields to the south of the Belfast/Lurgan road, to the west of the village. Gappy hedges define the boundaries and the land is relatively flat. The surrounding land uses are agricultural to the SW and SE and housing to the north, NW and NE. In DCAP the site lies within the Green Belt.

**DEPARTMENT'S CASE**

- 9.47.02 The site could be accessed through Opportunity Site MN3 in the Countryside Assessment, which was under construction, onto New Forge Road, subject to some slight improvement to the access already approved. The existing STW was operating beyond its design capacity but Water Service was considering a scheme to pump sewerage into the Lurgan or Moira systems to achieve a capacity of 2250 by mid 2002. Inclusion of the site within the settlement limit would be contrary to policy outlined at Paragraph 9.01 A1, 3, 4, 5 and 6; to Plan objectives 1-6; to the fourth element of the Plan strategy; and to the second, third and fourth elements of the Plan strategy for the villages. Paragraph 9.01 B explained the definition of settlements in the Plan and C and D outlined the evidence on housing need and supply.
- 9.47.03 The settlement limit currently had 410 houses within it and offered suitable opportunities for expansion over the plan period to the east and SW of the village at three sites identified for development in the Countryside Assessment (18.3 ha). Site MN1 was developable as the developer was putting in a distributor road which could take over 100 houses. The application pending (N/2001/0737/0) was for 10.3 ha and included land to the north and south of the STW outside MN1. Site MN2 had significant constraints in terms of access and footway provision but development was technically possible at a price. At the northern portion of MN3 53 houses would be completed shortly but this did not need to be excluded from the housing figures. Taking into account the fact that not all land available for development in the village would be developed for housing there was still ample provision for housing in the plan period. In addition there was scope for some infill such as housing monitor site 21035 and other sites unidentified at present.
- 9.47.04 The settlement limit had been defined at this location by the existing built form. However, there would be no significant visual impact from including the site in the settlement limit and its location close to the settlement's centre made it a potentially sustainable development. Development would consolidate the existing pattern of development and there would be no adverse impact on village character or the setting of the village.

**OBJECTOR'S CASE**

- 9.47.05 The evidence on need is summarised in Section 3 of this report. Additional points specific to Magheralin were that the village was accessible to the M1 and the Moira railway station, had a number of facilities including shopping, employment, leisure, health care, education, church and community services. Development pressure for housing was high in the village and it would experience increasing pressure, as there was an increasing housing shortage in the Belfast Metropolitan Area. BMAP was unlikely to contribute housing land until 2007. A lot of the available housing land in the village was already committed to developers which meant that a range and choice of sites attractive to developers as required by policy was unlikely to be maintained over the plan period. There was no phase 2 land zoning in

Magheralin at all and this was inconsistent as most villages had some. It meant that there was no provision for review in 2005 and there was not the certainty that developers wanted. Site MN1 (9.05ha) would be restricted to possibly 3 ha in order to maintain a cordon sanitaire around the STW and access problems and there was already a current application on 2.1 ha. Site MN2 (3.25ha) also had access problems and MN3 (6ha) was already partially developed. Deducting sites, which were under construction, there was a potential for only 176 houses in the village using the 15 dph density. This higher density standard did not allow for a choice of lower density sites (i.e. 7 dph) consistent with Policies HOU 1 and HOU 4 of PSRNI.

- 9.47.06 Future development of the village was restricted to the north by the high land, by the LLPAs to the south and by potential industrial implications to the east. The western edge was the most appropriate focus for development. The site was not BMV and did not perform any Green Belt function. The site was a well defined notch in the urban edge. The DCAP edge was not strong and had a gappy hedge. The proposed alteration to the settlement boundary would not cause unrestricted urban sprawl as the new edge would be firm. With reinforced landscaping it would link up the two most westerly points of development in the village. The site did not form a gap between settlements. It was an urbanised pocket of low lying land and development could be designed to protect the existing hedgerows.
- 9.47.07 Development on the site would be easily integrated into the landscape setting with the minimum of visual intrusion and it would maintain the nuclear character of the settlement. Sites identified in the Countryside Assessment had a much greater impact and appeared to run contrary to some of this document's justification for allocating the settlement limit. To the north was a steep slope to Belfast Road and the site would generally not be seen by passing traffic due to levels, existing development and trees and hedges. Views from New Forge Road entering the village were across a housing site under construction, MN3. Views from Acres Road were long distant and there was a backdrop of existing housing. The Countryside Assessment made no mention of protecting this low lying land to the west of the settlement. The site was not a critical part of the setting of the village. Development of the site would not affect any of the criteria set out in the NI Landscape Character Assessment for Magheralin.
- 9.47.08 The site was topographically suited to low density development and there were no nature conservation interests or known archaeological sites involved. It was close to public transport on the Belfast Road. Access to the site could be to the New Forge Road via adjoining land in the objector's control (MN3). The approved housing access road and its junction with the New Forge Road were capable of accommodating the additional traffic, which would be generated by the objection site. The concept plan submitted showed a right turn lane to make it safer for traffic on New Forge Road to turn right into the site.

## **CONSIDERATION**

### **Need**

- 9.47.09 The DoE's argument was entirely based on the need issue as it had no other objections to the inclusion of the site in the settlement limit. However, I have already concluded in Paragraph 3.01.65 that there is excessive housing overzoning in the Plan even if Phase 2 land is never released. I have also concluded at Paragraphs 3.01.69-70 and 9.07.08-10 that the supply of white land within the villages and smaller settlements in DCAP is excessive. The Countryside Assessment defines development pressure in Magheralin as moderate to high but I was not presented with any evidence to convince me that the land available for development inside the proposed settlement limit will not meet the needs of the village over the plan period. Most of the opportunity sites identified in the Countryside Assessment remain undeveloped at this stage and I note that there are ongoing developments on other sites within the settlement limit.

9.47.10 I am not persuaded by the evidence that access requirements or the adjacent STW (existing or proposed) will have the effect of substantially restricting development on MN1 or that MN2 is unlikely to be developed due to access requirements. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for housing in a plan purely on the basis that it is a popular location. I do not accept the objector's argument that very low densities of 7 dph could not be accommodated within that the overall land supply available in the settlement as there will be other developments at higher than 15 dph, in accordance with current government policy to increase housing density. There are no objections seeking removal of opportunity sites of a similar size from Magheralin for which this could be a substitute. I, therefore, conclude that on the basis of need this site should not be brought into the settlement limit. Although the village has no identified Phase 2 land I do not regard this as a relevant consideration since I have recommended in Paragraph 3.02.21 that all Phase 2 land be deleted from the Plan.

**Non-Strategic Considerations**

9.47.11 Having concluded that there is no 'need' justification for including the objection site within the settlement limit, I do not consider it necessary to pursue other site-specific arguments raised by the objector.

**RECOMMENDATION**

9.47.12 I recommend that no alteration be made to the Plan as a result of this objection.

**SECTION 10**

**OBJECTIONS RELATING TO  
THE SMALLER SETTLEMENTS**



## THE SMALLER SETTLEMENTS

Ballymacmaine - Site-specific objections.

Ballynabragget – no site-specific objections. Phase 2 lands.

Blackskull – no site-specific objections. Phase 2 lands.

Charlestown – no site-specific objections. Phase 2 lands.

Derryadd - Site-specific objections.

Derrymacash - Site-specific objections. Phase 2 lands.

Derrymore - Site-specific objections. Phase 2 lands.

Derrytrasna - Site-specific objections. Phase 2 lands.

Gamblestown - Site-specific objections

Gibson's Hill - site-specific objections

Maghery- site-specific objections. Phase 2 lands

Milltown, Co Armagh - no site-specific objections. Phase 2 lands.

Milltown, Co Down - no site-specific objections

Scotch Street - no site-specific objections. Phase 2 lands.

Tartaraghan - Site-specific objections

The Birches - Site-specific objections

## PRELIMINARY

- 10.01 In reporting the DoE's evidence throughout this section I will refer to this following list of general points raised to a number of objections. This is to reduce the length of my report.
- A. Inclusion of the site within the settlement limit is/would be contrary to or consistent with: -
1. The Spatial Development Strategy of DRSF which seeks to promote sustainable patterns of development based on integration with transport, compact urban forms, more housing within existing urban areas and the wise and sensitive use of the rural environment.
  2. Policy SPG 6 of DRSF- TO BUILD LOCAL COMMUNITIES FOR THE FUTURE IN EXISTING URBAN AREAS which seeks to accommodate a larger share of residential development and job provision within existing urban areas to reduce greenfield extensions.
  3. SPG 9 of DRSF – TO SUSTAIN A LIVING AND WORKING COUNTRYSIDE which seeks to control development in areas where there is excessive movement of townspeople to the countryside by the use of Green Belts.
  4. Policy SPG 25 of DRSF – To Conserve the Natural Heritage and Promote a Wise Use of Natural Resources, which seeks to manage development pressure by the use of Greenbelts and conserve the settings of cities, towns and villages.
  5. Policy SP 12 of PSRNI – Rural Landscapes, which seeks to protect rural landscapes from excessive or inappropriate development by the designation of Green belts and Countryside Policy Areas.
  6. Policy DES 3 of PSRNI – The Settings of Towns and Villages, which seeks to protect the settings of towns and villages from inappropriate development and urban sprawl. It states that the principle of drawing a development limit around each settlement, in the development plan, is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between countryside and built-up area.
  7. Planning Policy Statement 6: Planning Archaeology and the Built Heritage, which seeks to ensure that new development does not dominate the townscape /landscape characteristics of settlements.
  8. Policy GB/CPA 1 of PSRNI – which seeks to prevent the unrestricted sprawl of large built-up areas, prevent neighbouring settlements from merging and to safeguard the surrounding countryside.
- B. The settlement limits had been defined for the villages and smaller settlements to facilitate properly structured and appropriately scaled growth, taking into account strategic objectives, development trends, an evaluation of environmental assets, physical features and the availability of services.
- C. DCAP addressed the development land needs of the non-Urban Area of the Borough using the methodology described in paragraphs 3.01.24 –29 of this report. Table 3.2 indicated a need for 710 new houses in the Plan period for the villages and rural remainder including the smaller settlements based on household formation and 1130 houses based on past building rates. The DRSF target for the rural community 1996-2010 was 1450 houses but the RDS did not break down the Housing Growth Indicator for the Borough into urban and rural. Settlement limits for the villages and smaller

settlements had been based on physical appraisals of sites and the DoE had identified 199 ha of land with development potential within the villages and smaller settlements to be released in two phases. There was a potential of 2210 new houses within the DCAP settlement limits on sites identified by the Housing Monitor 2000 for the villages and by an appraisal carried out by Planning Service for the smaller settlements in 2001. There was a potential for an additional 910 new houses on Phase 2 sites in the villages and smaller settlements. Neither of these figures took account of DoE concessions offered before or during the Inquiry. Whilst not all housing monitor sites would necessarily be used entirely for housing it was clear that the housing development potential of the villages and smaller settlements was well in excess of what was needed i.e. 2210 houses on white land (or what was effectively Phase 1) compared to a need for 710 -1130 houses or the DRSF allocation of 1450 houses.

- D. The purpose of the Plan was to accommodate housing need and not demand. The housing need of any particular village or smaller settlement was not considered by the Plan as the housing needs of all the villages and smaller settlements were considered as a whole. The DoE had drawn the settlement limits of villages and smaller settlements to facilitate their growth.
- E. In the villages and smaller settlements Phase 2 sites had been chosen in a manner explained at paragraph 3.01.09 above. The distribution of Phase 2 sites was set out in Tables 3.4 and 3.5. Plan Policy Settlement 2 stated that there would be a review of development land in 2005 and prior to that planning permission would only be granted on phase 2 land in accordance with Green Belt policies. Exceptions would be made for health and educational uses where a need was established.

## BALLYMACMAINE

- 10.02 

Objection to the exclusion of lands from the settlement limit of Ballymacmaine, seeking inclusion of lands.
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### **Objection: No 32 (amended site)**

#### **SITE DESCRIPTION**

- 10.02.01 This 1.3 ha site (as amended) is part of a larger rectangular field, plus a small portion of another. The western boundary is defined by a hedge and some dispersed trees. The eastern boundary is undefined. Surrounding land uses are commercial to the south, residential to the west and agricultural to the north and east. The site to the NW is currently under construction for housing. In DCAP the site lies within the Green Belt.

#### **DEPARTMENT'S CASE**

- 10.02.02 The lands could be developed subject to access being available onto Ballymacbredan Road, with appropriate access standards. There were no public surface water sewers available and gravitation to the River Lagan might require pumping. Inclusion of the site within the settlement limit would be contrary to the policies outlined in Paragraph 10.01 at A1, 3, 4, 5, 6 and 8. It was also contrary to the first six Plan objectives; to the fourth element of the Plan strategy; and to the second, third, fourth and fifth elements of the Plan strategy for the villages and small settlements. Paragraph 10.01 B explained the definition of settlement limits for the villages and smaller settlements in the Plan and C & D outlined the evidence in relation to the need for development land in the villages and smaller settlements.
- 10.02.03 The main objection to the site was based on housing need. The settlement had been included in CAPPP as a smaller settlement but in DCAP the settlement limit had been extended by 2.4 ha. There was adequate provision of housing land in the settlement (3.7 ha identified as opportunity sites). There was also a concession of objection site No 263 to the NW end of the settlement, subject to a limitation to 4-5 houses. If the objection site were included this would result in an appropriate settlement limit. Development of the site would provide little screening for the factory to the south from surrounding roads.

#### **OBJECTOR'S CASE**

- 10.02.04 Provision had been made for the connection of roads and services from adjoining land within the settlement limit to the NW, currently under development. The site could be regarded as infill and its inclusion would rationalise the development boundary of the area. There was a steady vibrant demand for housing in the general area and the site was located close to Ballymacbredan school and local amenities. It was also within easy commuting distance of Lisburn and Belfast. Development of the site would incorporate pedestrian access to the Magheralin-Lurgan Road as illustrated by the objector and it was convenient to a bus route. Development would be unobtrusive and would enhance the regulated development of the area.
- 10.02.05 As the only remaining argument against the site was 'housing need' it was unreasonable for the DoE to concede objection site No 263 to the north of the settlement (which had not been inside the CAPPP limit) whilst arguing against objection site No 32, on the basis of need. This concession was extending the urban form of the settlement and would lead to pressure for development on the opposite side of the road. Opportunity site BM1 in the Countryside Assessment had 46 dwellings approved

and site BM3 had two dwellings approved (less than its calculated capacity). The objection site could take 19 houses at 15 dph and if the concession had not been made to site No 263 there would have been a better argument in terms of need for including the current objection site.

## **CONSIDERATION**

### **Need**

- 10.02.06 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the plan and at Paragraph 3.01.69-70 and 9.07.08-10 that there is an excessive provision of white land within the settlement limits of the villages and smaller settlements taken together. I have not been convinced by the evidence that there is a particular need for any additional development land within the settlement limit of Ballymacmaine. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land for development purely on the basis of demand. I conclude that there is no justification for including the objection site within the settlement limit as white land or as Phase 2 land.

### **Non Strategic Considerations**

- 10.02.07 Having concluded that there is no 'need' justification for inclusion of the objection site in the settlement limit, I do not consider it necessary to pursue other site-specific arguments raised by the objector. As the DoE's rebuttal arguments against the inclusion of the site in the settlement limit were reduced at the Inquiry to the issue of housing need, I have considerable sympathy with the objector's view that the DoE was acting inconsistently in conceding objection site No 263, if there was no need identified. However, as I have stated throughout this report, it is not my role to make recommendations on concessions unless there are counter objections or conflicting objections. This apparent inconsistency in approach is a matter for the DoE to consider further and does not outweigh my conclusion that this objection should not succeed.

## **RECOMMENDATION**

- 10.02.08 I recommend that no alteration be made to the plan as a result of this objection.

10.03

Objection to the exclusion of lands from the settlement limit of Ballymacmaine, seeking inclusion of lands.

**Objection: No 263**

**CONCESSION**

**SITE DESCRIPTION**

- 10.03.01 This 1.0 ha site is a cultivated field located to the north of Ballymacmaine, with its western frontage to Ballymacbredan Road. The site lies above the level of the road and is defined by a mature hedgerow to the north, south and west and by a tree belt to the east. To the north is No 39 Ballymacbrean Road with associated outbuildings and to the east Nos 29 and 31 Ballymacbredan Road. On other boundaries there is agricultural land. In DCAP the site lies within the Green Belt.

**DEPARTMENT'S CASE**

- 10.03.02 The DoE had negotiated a compromise with the objector and was prepared to concede the objection and include the site within the settlement limit, subject to there being an accompanying policy statement inserted into the plan to the effect that planning permission would be granted for frontage development only. With this restriction, the site would accommodate 4-5 additional dwellings with road widening and footway provision across the site frontage only. More than this number of dwellings would require road widening and footway provision across the site frontage and linking to the main Lurgan – Magheralin road (A3).

**OBJECTOR'S CASE**

- 10.03.03 The objector accepted this proposed concession.

**RECOMMENDATION**

- 10.03.04 This concession is noted.

## DERRYADD

- 10.04 

Objection to the exclusion of lands from the settlement limit of Derryadd, seeking inclusion of lands.
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### **Objection: No 58**

### **PART CONCESSION, REMAINDER OF OBJECTION WITHDRAWN**

#### **SITE DESCRIPTION**

- 10.04.01 This 2.7 ha site, comprising two fields and part of three other fields, lies to the SW of Derryadd, to the south of and fronting Derrytrasna Road. There are three dwellings along a lane to the east of the site, with agricultural land on all other boundaries. In DCAP the site lies outside the settlement limit in a non-policy area of countryside.

#### **DEPARTMENT'S CASE**

- 10.04.02 The DoE would respond favourably to a recommendation from the PAC that land identified on the attached map edged and shaded in pink be included in the development limit, subject to junction improvements, which would include the demolition of Mr Warnock's store coloured red on the map and located on the north side of Ardmore Road/Derrytrasna Road junction. The improvements, the cost of which would be born by the developer, would extend to the full extent of Mr Warnock's ownership and include improved visibility splays and the provision of improved radii and junction widening, all to the satisfaction of Roads Service. No infilling of the site below the 14.80 m O.D. contour would be allowed, in order to preserve the integrity of the local floodplain.

#### **OBJECTOR'S CASE**

- 10.04.03 This part concession was accepted and the objection withdrawn in relation to the remainder of the objection site.

#### **RECOMMENDATION**

- 10.04.04 This concession is noted.

## DERRYMACHASH

- 10.05 

Objection to the exclusion of lands from the settlement limit of Derrymacash, seeking inclusion of lands.
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### **Objection: No. 34**

#### **SITE DESCRIPTION**

- 10.05.01 This 1.5 ha site is situated on the NE edge of Derrymacash and comprises two fields. The SW boundary of the site adjoins a recently completed housing development (Island Hill Manor). The remaining boundaries adjoin fields of open pasture. In DCAP the site is within the Green Belt. It is also within a Ramsar, an SPA, an ASI and an Area of Constraint on Minerals Development.

#### **DEPARTMENT'S CASE**

- 10.05.02 The objection site could be accessed from the adjoining Island Hill Manor housing development. Inclusion of the site within the settlement limit would be contrary to the policies outlined in Paragraph 10.01 A1, 3, 4, 5, and 6. It was also contrary to the first six Plan objectives; to the fourth element of the Plan strategy; and to the second, third, and fourth elements of the Plan strategy for the villages. Paragraph 10.01 B explained the definition of settlement limits for the villages and smaller settlements in the Plan and C & D outlined the evidence in relation to the need for development land in the villages and smaller settlements.
- 10.05.03 Derrytrasna was a small settlement of some 184 dwellings. With 3.9 ha of Phase 1 land and 2.2 ha of Phase 2 land within the proposed limit there was an adequate provision of land to meet development needs over the Plan period. The settlement limit at this location had been drawn to define the existing built form. The objection site extended from the limit as an elongated parcel of land that would result in a narrow and pronounced protrusion and would significantly alter the roundness of the settlement limit. If the objection site were included within the limits the flanking lands to the NW and SE would also have to be included to achieve an appropriately integrated settlement form and these lands were not the subject of any objection.

#### **OBJECTOR'S CASE**

- 10.05.04 In the process of developing the Island Hill Manor development, and to meet with DoE approval, a plot was omitted, at considerable cost, to allow road connections to the objection site. All infrastructure and utilities were also put in place for connection to the site.

#### **CONSIDERATION**

##### **Need**

- 10.05.05 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan and at Paragraph 3.01.69-70 and 9.07.08-10, that there is an excessive provision of white land within the settlement limits of the villages and smaller settlements taken together. I have not been convinced by the evidence that there is a particular need for any additional development land within the settlement limit of Derrymacash. There was no objection to any land included within the settlement limit for which this site could be substituted. I conclude that there is no justification for including the objection site within the settlement limit as white land or as Phase 2 land. Notwithstanding my recommendation to remove the proposed Phase 2 site of 2.2 ha, I



conclude that there is no justification, on the basis of need, for including the objection site within the settlement limits.

**Non Strategic Considerations**

- 10.05.06 Having concluded that there is no need for additional housing land I do not consider it necessary to pursue any of the other issues raised by the parties.

**RECOMMENDATION**

- 10.05.07 I recommend that no alteration be made to the Plan as a result of this objection.

## DERRYMORE

10.06. 

Objection to further development at Derrymore.
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### **Objection: Nos. 117, 121 & 236**

#### **SITE DESCRIPTION**

10.06.01 Derrymore is a linear settlement of some 75 houses situated on the east side of Derrymore Road and overlooking the Lough Neagh shoreline. There are several undeveloped gaps in the road frontage between the northern and southern ends of the settlement, identified as opportunity sites in the Countryside Assessment Supplement. A large field at the southern end of the settlement is identified as Phase 2 land.

#### **DEPARTMENT'S CASE**

10.06.02 Road widening and footway links to St Mary's School would be required where in-depth development was proposed and would involve third party lands. While the existing roads infrastructure was relatively poor the phased release of land would allow for the managed implementation of the remedial works necessary to accommodate the new development.

10.06.03 The designation of Derrymore as a smaller settlement was in accordance with the policies A1, 4, 5, and 6 outlined in Paragraph 10.01. It was also in accordance with Policy SPG 8 of the DRSF, which sought to sustain and consolidate the role of small towns and villages as rural centres, and with Policy SP 12 of PSRNI, which sought to protect rural landscapes from excessive or inappropriate development. The designation was in line with the first six of the Plan objectives and in accordance with the second, third and fourth elements of the Plan strategy for smaller settlements. A strong settlement pattern had been established by 1973 when just under 50% of the existing housing stock and St Mary's Primary School were already in existence. The first phases of the Bayview Park and Loughview housing developments were undertaken between 1973 and 1985. Analysis of rural housing development between 1989 and 1999 showed a concentration of planning applications in and around Derrymore. These trends merited the identification of Derrymore as a smaller settlement in the Plan.

10.06.04 Derrymore had little built continuity and there was considerable scope for infilling and rounding off. The proposed limit effectively defined the existing built form of the settlement. There was no identifiable centre to the settlement and the school was the only other facility. There was a lack of definition of the curtilages of existing development with little vegetation or other identifiable land features to identify the edge of the settlement and differentiate between the urban and rural area. The definition of a limit in the Plan would direct new development to sites within the existing built form. It would also contain sprawl, restrict ribbon development along Derrymore Road, protect the character of the surrounding rural area and protect the immediate shoreline of Lough Neagh.

10.06.05 Approximately 2.9 ha of land had been identified for development within Derrymore, 2.1 ha of which, located on three sites, was available for release in Phase 1. The additional 2.9 ha could yield a further 43 houses (assuming an average of 15 dph) and represented an increase of approximately 50% of the total housing stock in Derrymore. The development of the Phase 1 land would represent an approximate 40% increase in the existing housing stock.

### **OBJECTORS' CASE**

- 10.06.06 There had already been too much development in the area and what was once a quiet rural community was in danger of losing its character. The roads in the area were not suitable for the heavy burden of traffic that had increased due to excessive development.

### **CONSIDERATION**

- 10.06.07 In expressing concern about any further development in Derrymore the objectors did not make reference to any specific site. I, therefore have to consider the extent of land available for development within the whole of the proposed settlement limit (both white land and that shown as Phase 2), as well as the definition of the limit itself.

#### **Need**

- 10.06.08 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan and at Paragraph 3.01.69-70 and 9.07.08-10 that there is an excessive provision of white land within the settlement limits of the villages and smaller settlements taken together. The DoE acknowledges that if all the white land sites within the settlement were developed the existing housing stock would be increased by approximately 40%. I am, therefore, not convinced that there is any need for the Phase 2 site proposed at the southern end of the settlement. Nor do I consider that there are site-specific reasons for retaining this allocation as there are merits, in terms of urban form, in redefining the definition of the southern limit of the settlement to coincide with the southern boundary of the Lochview development (i.e. following what is presently the northern boundary of the proposed Phase 2 site as shown on Map 15 of the Countryside Assessment supplement).
- 10.06.09 I do not consider that any further adjustments are required to the definition of the settlement limits. I agree with the DoE that Derrymore has presently little sense of built continuity and that there is a need to consolidate the existing development pattern. A cul-de-sac extension has already taken place to the NE of Bayview Park, at the northern end of the settlement. It seems logical to include the remaining undeveloped section of this site (identified as opportunity site DE1 in the Countryside Assessment supplement) along with the existing road frontage property (No. 20) to define the northern limit of the settlement, as shown in the Plan.
- 10.06.10 The remaining opportunity sites shown in the Countryside Assessment (DE2 and DE3) are more centrally placed within the settlement and will act as infill development. I do not find that development of these remaining sites would be to the detriment of the character of Derrymore. No definitive evidence has been provided to substantiate the road safety concerns expressed by the objectors and I am satisfied that there is scope to carry out any necessary improvements deemed necessary by Roads Service.

### **RECOMMENDATION**

- 10.06.11 I recommend that the Phase 2 housing site be removed from the Plan and that the southern boundary of the settlement be adjusted accordingly as an amendment to the Plan with the required public consultation. .

### **DERRYTRASNA**

- 10.07 

Objection to the exclusion of lands from the settlement limit of Derrytrasna seeking inclusion of lands.
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## **Objection: No 80**

### **SITE DESCRIPTION**

10.07.01 This 5.2 ha site is situated on the western edge of Derrytrasna. The objection site is generally flat and fronts onto the northern side of Bannfoot Road. The eastern portion of the site adjoins residential development to the south and east and there is a sewage treatment works along part of the NE site boundary. The land to the north and west is in agricultural use. In DCAP the eastern portion of the site (Area A - 1.3 ha.) is inside the settlement limit while the larger part of it (Area B - 3.9 ha.) falls within the Rural Remainder. The site is also within a RAMSAR, an SPA, an ASI and an Area of Constraint on Minerals Development.

### **DEPARTMENT'S CASE**

10.07.02 A suitable access stagger would have to be provided from the opposite junction and a footway would be required across the site frontage. A 90m Cordon Sanitaire was required from the adjacent STW. A portion of the site to the west lay within the flood plain of the designated watercourse that ran along the western boundary. Rivers Agency was opposed, in principle, to development within areas of flood pondage.

10.07.03 The inclusion of Area B of the site within the settlement limit was contrary to the policies outlined in Paragraph 10.01 A1 and 6. It was also contrary to Plan objectives 1, 2, 3, 5 and 6; to the fourth element of the Plan strategy; and to the second, third, fourth and fifth elements of the Plan strategy for the villages. Paragraph 10.01 B explained the definition of settlement limits for the villages and smaller settlements in the Plan and C & D outlined the evidence in relation to the need for development land in the villages and smaller settlements.

10.07.04 Derrytrasna was a small settlement of almost 80 dwellings. It was considered that with 4.8 ha of Phase 1 land and 5.7 ha of Phase 2 land within the proposed limit there was an adequate provision of land to meet development needs. There was no physical definition to the proposed western limit. The inclusion of Area A rounded off the existing settlement whereas Area B would constitute an unacceptable extension into the surrounding countryside, contributing to urban sprawl along the Bannfoot Road. Area B was visually exposed with open aspects to the north and west. Development of it would have an adverse impact on the rural character of the settlement and on the western approach to the settlement.

### **OBJECTOR'S CASE**

10.07.05 Area B should be included within the settlement limit, along with Area A, to allow development of the entire holding.

## **CONSIDERATION**

Need

- 10.07.06 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan. I have also concluded at Paragraph 3.01.69-70 and 9.07.08-10, that there is an excessive provision of white land within the settlement limits of the villages and smaller settlements taken together. The DOE has identified 4.8 ha of Phase 1 land within the settlement limit and there is no persuasive evidence that this would not meet the needs of Derrytrasna over the Plan period. Notwithstanding my recommendation to remove the Phase 2 land (5.7 ha) within the settlement, I conclude that there is no justification, on the basis of need, for including the objection site within the settlement limits as white land or as Phase 2 land.

### **Non Strategic Considerations**

- 10.07.07 Having concluded that there is no need for additional housing land I do not consider it necessary to pursue any of the other issues raised by the parties. Even if I were to conclude that the site is acceptable for inclusion within the settlement limits in Development Plan terms this would not override the objections to the site in principle.

## **RECOMMENDATION**

- 10.07.08 I recommend that no alteration be made to the Plan as the result of this objection.

- 10.08 

Objection to the zoning of lands as Phase 2 in Derrytrasna, seeking the rezoning for immediate release.
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**Objection: No 49** (second aspect of objection withdrawn at the Inquiry)

**Conflicting Objection: No 241**

## **SITE DESCRIPTION**

- 10.08.01 This 3.9 ha site is a field located to the NW of Derrytrasna, off Derrytrasna Lane. There is no boundary definition to the west or east. On the eastern boundary lies a group of semi-derelict farm outbuildings and a mobile home, to the north a terrace of houses and to the south residential development. There is a bungalow within the site to the south. On the opposite side of the road is a field and several dwellings. To the SW is a Sewage Treatment Works. In DCAP the site is allocated as Phase 2 land.

## **DEPARTMENT'S CASE**

- 10.08.02 A 90 m cordon sanitaire would have to be preserved around the STW. Extra land would be required to provide a footway link and road widening south, to the junction with the Banfoot Road and improvement there of the visibility splay to the west. The site had been within the settlement limit in CAPPP and there had been four representations objecting to the inclusion of additional development lands. The settlement limit in DCAP had been drawn in from CAPPP and two sites re-allocated to Phase 2. Zoning of the site as Phase 2 land was consistent with Policy SPG 6 and Appendix 6 of DRSF, with Policy SP2 Towns of PSRNI and with PPS 1 paragraph 40. It was consistent with the first three general objectives of DCAP and with the fourth and fifth elements of the Plan strategy for the Urban Area. The site should be retained as Phase 2 as outlined in Paragraph 10.01 E. Releasing additional lands for Phase 1 development would be contrary to strategic planning policy, the plan objectives and the plan strategy. Even if the capacity of the site was restricted to 50 dwellings, because of the nearby STW, this would have a ripple effect on the overprovision of housing land in the Plan. An

exception could not be made to convert one site from Phase 2 to Phase 1 unless some overriding reasons were demonstrated. There was adequate provision of land to meet development needs within Derrytrasna. The 4.8 ha identified would give a potential yield of 72 dwellings at 15 dph. The existing number of dwellings was 80. The annual housing monitor would inform the review of housing land in 2005.

- 10.08.03 No significant weight was given in planning for the settlement to arguments that opportunity sites identified in the Countryside Assessment might be unavailable for development as these matters could change over the plan period. There had been no planning applications on site DT 2, 3 or 5, but site DT 1 had planning permission for 17 dwellings. It was accepted that the owner of opportunity site DT 4 (planning application N/97/0808 – not yet approved) was having difficulties acquiring the necessary third party land to get a footway link to the Banfoot Road and visibility improvements at the junction of Derryloiste Road and Banfoot Road, but this could change in the plan period. Roads Service had no plans to improve the junction itself. There might well be similar problems getting a footway link and junction improvements for the objection site.
- 10.08.04 The DoE was aware of local need in Derrytrasna, Charlestown, Derrymacash and Derryadd but had designated more than sufficient lands to meet this need. Whilst social housing might be a good thing, there was no current mechanism for designating a site or part of a site in the area plan for social housing. If an application came in on a Phase 2 site for social housing it would not be treated any differently from an application for private housing as the exceptions were only for health and educational facilities. In drawing up the Plan the educational authorities had not raised any issue about the spare capacity of the school at Derrytrasna. The Ramsar designation of the wider area did not prevent development of single houses in the countryside so the reallocation of the objection site to Phase 1 would not have much effect on taking development pressure off the countryside. No objection had been submitted to the inclusion of any of the opportunity sites from the settlement limit.

### **OBJECTOR'S CASE**

- 10.08.05 The objector was elderly and lived in the mobile home to the east of the site on Derrytrasna Lane. He wanted to sell the site now rather than wait until the housing review in 2005. It was also in the public interest to have the site released for development straight away. The settlement had the potential to become a village due to its size and proximity to Craigavon. The surrounding area was subject to a number of environmental designations – Ramsar, ASI and Area of Constraint on Minerals Development. EHS did not want people building in these areas and the village could provide suitable alternatives. People from one settlement in the locality would not move to another settlement. People with roots in the area wanted to come back to Derrytrasna from the urban area and would return if there were affordable houses. There was a need for some social housing and part of the site could be developed for social housing (up to 12 houses). The NIHE had assessed a need for 6 houses in the past but the local council representative had been unable to find the land. Any social housing would be developed by a housing association, not the NIHE, and the South Ulster Housing Association Ltd confirmed that there was ongoing need to provide a suitable housing scheme in the Derrytrasna area and that the objection site was suitable for this type of housing. The settlement's primary school had capacity for 100 pupils but numbers had fallen to 77 and it was at risk of closure if pupil numbers remained low. The cross-community nursery in the spare classroom was sustaining the school but enrolments depended on a supply of new houses. St Mary's Church had accommodation for 400 and there was also a GAA hall, playing fields and a community hall associated with the settlement.

- 10.08.06 The site was ideally located to bond the older area of Derrytrasna to the north (Loughview Terrace) with Derrytrasna Park to the south. Development of the site would give the settlement a core upon which a proper settlement pattern could emerge. The site had the width and depth to allow a comprehensive development, which would establish a village heart. The opportunity sites within the DCAP settlement limit were not well placed to stimulate growth or the interest of developers. DRSF strategy, at p 35, was to develop a strong and vibrant rural community comprising revitalised small towns, villages and rural settlements with an appropriate scale of rural development.
- 10.08.07 Development of the site as Phase 1 would comply with all eight of the Plan objectives. It would bring about a sustainable pattern of development as it would bind together a diffused series of Phase 1 sites. It would maintain a compact urban form as it would reduce any potential for urban sprawl. It constituted an efficient use of existing infrastructure as all the services were available. There was increased potential for using bus routes for a variety of functions which were typical of a small village, i.e. the greater the settlement population the more likely it would be that additional bus services would be put on. The site was flat and open and, in conjunction with the Quality Initiative (QI), a variety of house types in a quality scheme could enhance a featureless site. There appeared to be no adverse impact on the natural environment and in terms of layout and landscaping the development would be planned to accord with the QI.
- 10.08.08 The Borough's economic potential would be enhanced by the efficient development of a settlement which would reduce pressure for development on other inappropriate sites. The Area Plan review was an opportunity to identify which of the string of settlements around the Borough were under-performing in terms of growth potential. Derrytrasna, by virtue of its scale and location, presented a unique opportunity to become integrated and properly developed with a range of house types and some retail and services of an appropriate scale and location. The village had developed over the last 15 years with a number of new bungalows and opportunity site DT 1 was expected to sell well. Planning permission for opportunity site DT 4 was not forthcoming because of difficulty acquiring the required footway links and visibility splays. The owner of opportunity site DT 3 would not sell for development purposes or for sight splays, but there was a possibility of the Roads Service vesting for sight splays.

#### **CONFLICTING OBJECTION**

- 10.08.09 This objection to the release of Phase 2 land is reported at Paragraph 3.03.08.

#### **CONSIDERATION**

##### **Need**

- 10.08.10 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan. I have also concluded at Paragraph 3.01.69-70 and 9.07.08-10, that there is an excessive provision of white land within the settlement limits of the villages and smaller settlements taken together. I have also concluded at paragraph 3.02.21 that Phase 2 land should be deleted from the Plan unless there are exceptional planning reasons to indicate otherwise. I have not been presented with any evidence to convince me that Derrytrasna should retain a phased release of development land as an exception to this recommendation. With regard to the retention of the site within the settlement limit as white land, I do not consider that the Ramsar designation of the surrounding countryside and the desirability of diverting development pressure to the settlements in the area is a sufficient justification on its own for retaining the objection site within the settlement in the absence of any identified need. To my mind the

provision of additional land available for immediate development in Derrytrasna will not, on its own, take pressure off the Ramsar as PPS 2 allows for single dwellings in Ramsar sites under certain circumstances.

- 10.08.11 No evidence was presented to me on behalf of the objector that there is an unfulfilled need for housing in the settlement, based on a calculation of household formation. The argument was that there was a strong demand for housing in the area partially explained by people wishing to return to their 'roots' from other locations in the Borough and the DoE did not dispute this. However, whilst people may prefer to live in the settlement where they have family connections and may be unwilling to buy a house in a nearby settlement, the Plan quite rightly does not seek to cater for such demand. Rather the allocation of land in DCAP is based on meeting the needs of the villages and smaller settlements as a whole. I am not convinced that low school numbers is in itself a valid argument for allocating additional land in a settlement of 80 dwellings where there are a number of opportunity sites to be developed over the Plan period, in addition to windfall sites within the settlement limit which are likely to arise over the Plan period and a wider rural catchment area.
- 10.08.12 Whilst I have considerable sympathy with the view that social housing should be provided in settlements where there is a clearly quantified need, no policy basis for allocating land for social housing in the Plan was raised by the objectors at the Inquiry. In addition I do not consider that there is sufficient evidence before me on the nature and extent of the social housing need in Derrytrasna to justify treating this settlement differently from other small settlements in the Borough.

#### **Other Strategic Considerations**

- 10.08.13 I note that of the five opportunity sites identified in the Countryside Assessment, two are already under construction – DT 1 and DT 2 and this does confirm healthy demand. I accept the evidence presented on behalf of the objector that it is unlikely that opportunity site DT 3 will be made available for development over the Plan period because the owner is unwilling to sell. However, there was no objection raised to the inclusion of this site and the objection site cannot therefore be regarded as a substitute to it. Much may change in terms of inducements to sell over the Plan period and it is not guaranteed that this site will remain undeveloped. I am even less convinced that development of opportunity site DT 4 will not happen. I note the local councillor's evidence about ongoing negotiations with the Roads Service to acquire the necessary land at the junction of Derryloiste Road and Bannfoot Road for the sight splays required before planning permission can be granted for site DT4. I consider that this is the proper way to proceed.
- 10.08.14 I do not attach significant weight to the argument that the objection site could provide a focus for the settlement because it lies to one end of the village. It is more likely that opportunity site DT 3 or existing commercial land on Bannfoot Road within the settlement limit will eventually provide such a focus, as these sites lie near to the settlement's other facilities – the church and the school. However, as the objection site does not lie at the extreme edge of the settlement there is some merit in the argument that its development (at least the frontage) would help to bring together residential developments on land within the settlement limit on either side. There is some illogicality, in terms of urban form, in having the settlement limit coming down to the Derrytrasna Lane at the objection site and then being drawn out again to the north to include developments on Derrytrasna Lane further to the north. The question is whether the urban form argument outweighs the argument that there is no need for additional land for housing in the villages and smaller settlements taken together. I consider, on balance, that it does in relation to the site frontage because of the existing farm outbuildings, which are outwith the Phase 2 allocation, and the existing bungalow on the southern end of the site's frontage. I do not consider that significant ribbon



development would occur if the front third of the objection site was included within the settlement limit.

**RECOMMENDATION**

- 10.08.15 I recommend that the front third of the objection site be included in the settlement limit subject to a site development requirement that access to lands to the rear be protected for development in the long term. In allocating the site for development in the plan the DoE should attach other site development requirements it considers appropriate and reasonable.

## GAMBLESTOWN

10.09 

Objection to the exclusion of lands from the settlement limit of Gamblestown seeking inclusion.
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### **Objection: No. 16**

#### **CONCESSION**

#### **SITE DESCRIPTION**

10.09.01 This 0.6 ha site is situated on the northern edge of Gamblestown, a small settlement of approximately 50 houses, which is located in the SE of Craigavon Borough. The objection site is part of a large field and does not have a direct frontage onto a public road. A small public housing development (Gamblestown Park) lies immediately to the south, while there is a farmstead and new bungalow to the west. The land to the north and east is agricultural. In DCAP the site is within the Rural Remainder.

#### **DEPARTMENT'S CASE**

10.09.02 The DoE would respond favourably to a recommendation from the PAC to include the objection site within the settlement limit. In reaching this conclusion the following issues had been taken into account:

- Local roads and service infrastructure;
- Settlement character; landscape character and form; and
- Visual impact.

#### **OBJECTOR'S CASE**

10.09.03 The concession was accepted.

#### **CONSIDERATION**

10.09.04 This concession is noted.

10.10 

Objection to exclusion of lands from the settlement limit of Gamblestown seeking inclusion.
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### **Objection: Nos 22 and 101**

#### **SITE DESCRIPTION**

10.10.01 This 2.9 ha site comprises two fields and part of another and is situated on the southern edge of Gamblestown. The objection site does not have a direct frontage onto a public road, but a private laneway runs along the NE corner of the site and onto Dromore Road. There are a number of farm buildings within the northern part of the site and adjacent to the western boundary there are four dwellings and the retail warehouse of Lisnasure Interiors. The land to the south and east is open pasture. In DCAP the site is within the Rural Remainder.

#### **DEPARTMENT'S CASE**

- 10.10.02 Any access for significant development might require right turning lanes, road widening and footway links and junction staggers would be difficult to achieve. Because of these infrastructural implications Roads Service recommended exclusion of the objection site from the settlement limit. The proposal was contrary to the policies outlined at Paragraph 10.01 A1 and A6. It was also contrary to the first six of the Plan objectives; to the fourth element of the Plan strategy; and to the second, third, and fourth elements of the Plan strategy for the villages. Paragraph 10.01 B explained the definition of settlement limits for the villages and smaller settlements in the Plan and C & D outlined the evidence in relation to the need for development land in the villages and smaller settlements. It was considered that with 2.5 ha of Phase 1 land within the proposed limit there was an adequate provision of land to meet development needs over the Plan period.
- 10.10.03 Historically the settlement had developed around farm workers cottages fronting Dromore Road and there were now approximately 50 houses in it. The small Gamblestown Park housing estate had been added in the 1970s and subsequent development had been primarily single dwellings along the road frontages. The built form was nuclear and centred at the point of convergence of three rural roads with Dromore Road. The nature of the local road infrastructure limited the scope for increasing the size of the settlement. The development strategy was to consolidate the existing settlement form with some small-scale extensions at several locations. Inclusion of the objection site within the limit, due to its scale, would have an adverse impact on the character of the settlement and the surrounding rural area.

#### **OBJECTOR'S CASE**

- 10.10.04 The objection site was sandwiched between developed land to the east and west and could be considered an infill that would establish a more compact settlement limit. The site was generally inconspicuous from the surrounding road network. A concentration of development in one area would reduce the need for individual dwellings in the surrounding countryside and would accommodate the local population, including farm labourers and those retiring from farm employment. Gamblestown had a good road network and was easily accessed from Lurgan, Dromore, Banbridge and Moira. A low-density development, not in excess of 20 houses, would be particularly attractive. All of the landowners surrounding Gamblestown, except the objector, had land included within the settlement limit. This appeared to be discrimination, as the other development land would effectively 'land-lock' the objector's property. A satisfactory access could be achieved with the acquisition of third party land. The site would also be suitable for commercial development, being adjacent to Lisnasure Interiors.

#### **CONSIDERATION**

##### **Need**

- 10.10.05 I have previously concluded at paragraphs 3.01.65 that there is excessive housing overzoning in the plan. I have also concluded, at paragraph 3.01.69-70 and 9.07.08-10, that there is an excessive provision of white land within the settlement limits of the villages and smaller settlement taken together. The DOE has identified 2.5 ha of Phase 1 land within the settlement limit and has conceded a further 0.6 ha of Phase 1 land (objection site No. 16). I have not been convinced by the evidence that there is a particular need for any additional development land within the settlement limit of Gamblestown. On this basis there is no justification for including the objection site within the settlement limit as white land or as Phase 2 land.

##### **Other Strategic Considerations**

- 10.10.06 No compelling evidence has been provided to demonstrate that there is a specific need for additional commercial land in Gamblestown.

**Non-Strategic Considerations**

- 10.10.07 I am not persuaded that the objector's assertion of discrimination in land zoning has been substantiated or that his land would be landlocked by the inclusion of other lands within the settlement limits. I conclude that the objection site should remain outside the settlement limits and within the rural remainder.

**RECOMMENDATION**

- 10.10.08 I recommend that no alteration be made to the Plan as the result of this objection.

## GIBSON'S HILL

- 10.11 

Objection to the (1) identification of Lakeview House, Gibson's Hill as a Listed Building (seeking removal of the reference in DCAP); (2) identification of lands as LLPA seeking removal (or extension) of this designation.
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### **Objection: No. 106**

#### **PART ERRATUM**

#### **SITE DESCRIPTION**

- 10.11.01 The objection site adjoins a cluster of some 90 dwellings (known as Gibson's Hill), approximately 1.5 km south of Lurgan. Within the site there is a late 19th century house that is approached through an avenue of mature trees. The objection site includes an area of open pastureland to the north. In DCAP the section of the site that lies outside the proposed settlement limit is Green Belt.

#### **DEPARTMENT'S CASE**

- 10.11.02 The DoE acknowledged that Lakeview House was not a Listed Building and the text in the Plan (on page 180) would be amended accordingly. Despite damage, loss, rescue and change Lakeview House was still a substantial residence and an attractive focal point in the landscape. The planting that once surrounded the house had diminished but evidence remained of the designed setting in the form of the driveway and some remaining mature individual trees and tree-stands.
- 10.11.03 PPS 6 and Plan Policy Conservation 3 provided the policy context for the designation of LLPAs. The area to the north, which the objector sought to include in the LLPA, was exposed pastureland with open aspects and should not be included. The proposed designation should be retained for the following reasons:
- It was an important landscape and visual asset for the area;
  - It was the historic focus for the settlement;
  - It had significant trees which contributed to the landscape value of the area;
  - It formed the setting for Gibson's Hill;
  - The views and topography were important for the rural character of the area.

#### **OBJECTOR'S CASE**

- 10.11.04 Lakeview House was not a Listed Building. The house was no longer 'historic' and most of the original landscape and gardens were gone. The north elevation of the house was largely as it was built in 1870 but the true vista of the house, seen square on, could only be appreciated from the second field north of the house. If an LLPA was to be established this field must be included within the designation. There was no reason to have an LLPA designation for the lands to the east and south of the house. The east and south elevations both had new extensions that bore no resemblance to the 1870 house. The objection to the extent of the LLPA would be withdrawn on the understanding that the DoE vigorously pursued the extension of the designation to include the roadside field for which housing had been requested (objection No. 192) and opposed the request for housing for the whole area represented by objection No. 192.

#### **CONSIDERATION**

10.11.05 The erratum that Lakeview House is not a Listed Building and that the reference to this is to be removed from the Plan is noted.

10.11.06 The objector is not, as it first seemed, opposed to the LLPA designation around Lakeview House but rather to the definition of some of the proposed boundaries, indicating that his objection to the LLPA would be withdrawn if housing on objection site No. 192 were resisted. I note that objection No 192 was withdrawn during the Inquiry. I agree with the DoE that, due to its open nature and general lack of significant vegetation, there is no justification for including the large field to the north within the scope of the LLPA designation. I conclude that the boundary definition of the LLPA does not require adjustment.

**RECOMMENDATION**

10.11.07 I recommend that no alteration be made to the Plan as the result of this objection.

## MAGHERY

- 10.12 

Objection to the Phase 2 designation of the site at Maghery , seeking Phase 1 designation.
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**Objection: No 170**

**Conflicting Objection: No 241**

**PROPOSED CONCESSION BUT CONFLICTING OBJECTION No 241**

### **SITE DESCRIPTION**

- 10.12.01 This 1.4 ha site comprises a fairly flat field in horticultural use to the SW of Maghery. There are intermittent trees along the NW and NE boundaries and the other boundaries are undefined. There is a grassed over former lane to the SW. The site is surrounded by agricultural land. In DCAP it is allocated as Phase 2 land.

### **DEPARTMENT'S CASE**

- 10.12.02 The DoE would respond favourably to a recommendation from the PAC to include this site within the settlement limit as white land subject to infrastructural requirements identified in the DoE statement to the Inquiry. The site was located within the settlement limit in CAPPP and in the light of responses from the statutory consultees it was considered that release of the site for Phase 1 development would not prejudice the development strategy for the rural area of the Borough.

### **OBJECTOR'S CASE**

- 10.12.03 This proposed concession was accepted.

### **CONFLICTING OBJECTION**

- 10.12.04 This objection to the release of Phase 2 land is reported at Paragraph 3.03.08.

### **CONSIDERATION**

- 10.12.05 I have already concluded, on the foot of objection 241, at paragraph 3.02.21 that all Phase 2 lands should be deleted from the draft plan unless there are exceptional planning reasons:

- why a specific settlement should retain some phasing to meet a particular set of circumstances; or
- why a specific site should remain as zoned housing land in the Urban Area or remain within the settlement limit of a village or small settlement.

As the objector accepted the concession and did not present any further evidence to the inquiry I have no basis on which to evaluate whether or not the above exceptional planning reasons exist.

## **RECOMMENDATION**

- 10.12.06 I recommend that the DoE, in the light of my recommendation at paragraph 3.03.12 of this report, reviews this proposed concession and considers whether any exceptional planning reasons exist to justify retention of the objection site within the settlement limits as white land.



## **TARTARAGHAN**

- 10.13 Objection relating to the exclusion of land from the settlement limit of Tartaraghan, seeking inclusion.

### **Objection: No. 229 &230**

#### **SITE DESCRIPTION**

- 10.13.01 This 7.4 ha site is located to the east of the small settlement of Tartaraghan, which in turn is situated approximately 2 kms south of The Birches junction of the M1. The site primarily consists of five fields that front onto either the south side of Tartaraghan Road or the east side of Clontylew Road. It also includes a Masonic Hall and small Community Hall on the north side of Tartaraghan Road and a vacant dwelling on the opposite side of the road. In DCAP the site falls within the open countryside in a non-policy area.

#### **DEPARTMENT'S CASE**

- 10.13.02 Roads Service opposed this extension to the settlement limit, as the road infrastructure in the area was very poor, with narrow and poorly aligned roads with no footways and poor junction standards. The existing STW would have to be upgraded to accommodate any additional development. Tartaraghan had not been formally identified as a settlement prior to DCAP. The proposal was contrary to the policies outlined at Paragraph 10.01 A1, 6 and 9. It was also contrary the second, third, and fourth elements of the Plan strategy for the villages. Paragraph 10.01 B explained the definition of settlement limits for the villages and smaller settlements in the Plan and C & D outlined the evidence in relation to the need for development land in the villages and smaller settlements.
- 10.13.03 Development pressure for the area was low with less than six single houses approved in the vicinity over the last ten years. The nucleus of the settlement was the 10-house NIHE estate adjacent to the public house at Clontylew Road. An increase of the scale of the objection site would be contrary to the Plan Strategy to encourage and facilitate sustainable patterns of development. The proposed settlement limit had been defined in recognition of its historic nature, its built form and its landscape setting, with the focus being St Paul's Church, a Grade B Listed building dating from 1816. The character of Tartaraghan was one of small-scale development and inclusion of the objection site within the settlement limits would be out of character with this. The objection site was rural in character and was open to long distance views. Development of it would be visually prominent and have an adverse impact on the visual setting of the settlement.

#### **OBJECTOR'S CASE**

- 10.13.04 The LLPA around St Paul's Church was positively endorsed but the settlement limit had been too tightly drawn around the existing developments. Most of the land adjacent to St. Paul's belonged to the Parish and was unlikely to be sold for development and a lot of the remainder of the land had already been developed. The only small amount of land available for development within the proposed limits had road frontage to a small minor road. The settlement limit had not recognised that Tartaraghan had a Masonic Hall built in 1893 and an adjacent Community Hall, both within walking distance of the Church. The limit should be extended to include the halls and some more land with road frontage to Tartaraghan and Clontylew Roads to help maintain the community and relieve pressure on ribbon development. The proposed limit could prevent any type of

growth in the next ten years and possibly beyond. This could ultimately lead to a smaller local community and falling numbers attending St Paul's, other neighbouring churches and the local primary schools.

### **CONSIDERATION**

#### **Need**

- 10.13.05 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan and at Paragraph 3.01.69-70 and 9.07.08-10, that there is an excessive provision of white land within the settlement limits of the villages and smaller settlements taken together. I have not been convinced by the evidence that there is a particular need for any additional development land within the settlement limit of Tartaraghan. There was no objection to any land included within the settlement limit for which this site could be substituted. I conclude that there is no justification for including the objection site within the settlement limit as white land or as Phase 2 land.

#### **Non Strategic Considerations**

- 10.13.06 Having concluded that there is no 'need' justification for allocating this particular site for development, I do not consider it necessary to pursue other site-specific arguments raised by the objector.

### **RECOMMENDATION**

- 10.13.07 I recommend that no alteration be made to the Plan as the result of this objection.

## THE BIRCHES

- 10.14 

Objection to the identification of two settlement nodes for The Birches seeking the inclusion of additional land.
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**Objection: Nos. 15 and 46**

**Counter Objection: No. 44**

### **PROPOSED CONCESSION BUT COUNTER OBJECTION**

#### **SITE DESCRIPTION**

- 10.14.01 This site of approximately 4.0 ha comprises a triangular portion of agricultural land that is located NW of Junction 12 of the M1 (The Birches interchange) and is sandwiched between Cloncarrish Road to the west and Clonmakate Road to the east. To the north of the site there are a number of detached dwellings, a primary school and an NIHE estate. A single storey dwelling lies within the centre of the site while to the immediate south there is a farm grouping. Further to the south there is a scatter of detached dwellings, a Gospel Hall, a public house and a disused Roads Service depot. In DCAP the site lies within the Rural Remainder. It is also within a Ramsar, a SPA, an ASI and an Area of Constraint on Minerals Development.

#### **DEPARTMENT'S CASE**

- 10.14.02 Road widening would be required and footway links should be provided to the Birches Road to both the SW and SE. The Birches settlement limit had been defined in two parts based on the disused Roads Service Depot, public house and single dwellings to the south and the NIHE housing estate, shop and school to the north. The settlement comprised some 50 houses and had not been identified formally as a settlement until DCAP. Prior to this there had been strong community support for settlement designation and this was supported by a number of Councillors. Development of the objection site would not prejudice the development strategy for the rural area and its inclusion within the limits would increase development opportunities and further consolidate the settlement.
- 10.14.03 The DoE would respond favourably to a recommendation from the PAC that the land be included within the settlement limit subject to:
- It being zoned for housing and subject to Plan Policies Housing 2 and Housing 3 relating to housing layout, design and public open space;
  - All infrastructural requirements being provided to the satisfaction of the statutory agencies.

#### **OBJECTOR'S CASE**

- 10.14.04 The designation of The Birches as a small settlement was a big step in the right direction but it was unacceptable to have separate parts defined. The directional signs in the area said 'Birches 1 mile' but there was no specific place marked 'The Birches'. It was one community and there should be no physical planning division particularly in

view of the proposal to develop community provision adjacent to the M1. The two areas defined in DCAP could be joined together by the inclusion of the objection site within the settlement limits. This would help to draw the local community together and would give them a sense of belonging and pride in 'The Birches Village' as a single entity rather than as a divided community.

### **COUNTER OBJECTOR'S CASE**

- 10.14.05 There did exist community focal points in the southern section of the village such as the public house, Gospel Hall and the disused depot that had been zoned for community uses. The focus on housing growth should be around this southern section, where residents would be within walking distance of these facilities, instead of continuing the elongated sprawl that would result from development of the objection site. Development of the objection site could result in the loss of existing traditional dwellings, thus having a detrimental impact on rural character and contrary to Policy DES 3.

### **CONSIDERATION**

- 10.14.06 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan and at Paragraph 3.01.69-70 and 9.07.08-10, that there is an excessive provision of white land within the settlement limits of the villages and smaller settlements taken together. In DCAP the DoE has included a substantial area of undeveloped land within the proposed settlement limits for The Birches. The three sites specifically identified in the Countryside Assessment Supplement total an area of some 12.6 ha, all of which is designated as Phase 1 land. There are also other potential development opportunity sites incorporated within the settlement limits, albeit on a smaller scale. There is no persuasive evidence that this allocation of land would not meet the needs of The Birches over the Plan period. Indeed it is difficult not to reach the conclusion that the amount of land allocated far and away exceeds what is likely to be required. Notwithstanding the DOE'S willingness to concede this site I conclude that, on the basis of need, there can be no justification whatsoever for extending the settlement limits to include the objection site.

### **Non Strategic Considerations**

- 10.14.07 Having concluded that there is no need for additional housing land I do not consider it necessary to pursue any of the other issues raised by the parties.

### **RECOMMENDATION**

- 10.14.08 I recommend that the objection site is left outside the settlement limits of The Birches and that no alteration be made to the Plan

- 10.15 

Objection to the exclusion of lands seeking inclusion within the settlement limits of The Birches.
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**Objection: Nos. 84 & 190**

**SITE DESCRIPTION**

- 10.15.01 Objection site Nos. 84 and 190 both relate to a 4.8 ha large flat field that is located just NW of Junction 12 of the M1 (The Birches interchange). The site is bounded on three sides by public roads with the M1 to the south, Birches Road to the north and Cloncarrish Road to the east. Site No. 84 also includes within it a 1.2 ha site on the opposite side (north) of Birches Road. There are a number of dwellings and a public house situated around the Birches crossroads to the NE. Beyond the western boundary of the larger southern field there is a ribbon of 7 dwellings fronting Gallrock Road. In DCAP the sites are within the Rural Remainder and are also within a Ramsar, a SPA, an ASI and an Area of Constraint on Minerals Development.

**DEPARTMENT'S CASE**

- 10.15.02 The majority of the site had been subject to flooding from the Gallrock Drain, that ran along the western site boundary. The site was considered a floodplain and Rivers Agency was opposed to infilling of it for development purposes. Birches Road was a bog rampart road not suited to carry the additional volume of traffic that would be generated by significant development. Only limited frontage development should be permitted. No direct access to the M1 would be permitted and the effect of noise from the motorway was a consideration.
- 10.15.03 Inclusion of the site within the settlement limit was contrary to the policies outlined at Paragraph 10.01 A1 and 6 and to the first six of the Plan objectives. It was also contrary to the second, third and fourth elements of the Plan strategy for the villages. Paragraph 10.01 B explained the definition of settlement limits for the villages and smaller settlements in the Plan and C & D outlined the evidence in relation to the need for development land in the villages and smaller settlements.
- 10.15.04 The Birches settlement limit had been defined in two parts based on the disused Roads Service Depot, public house and single dwellings to the south and the NIHE housing estate, shop and school to the north. The settlement comprised some 50 houses and the proposed limits offered suitable opportunities for development and expansion over the Plan period, taking into account infrastructural constraints and the need to protect the character of the surrounding countryside. The limits, and the DoE recommended inclusion of the land at objection site No. 46, consolidated existing development and provided a linear focus along Clonmakate Road. The objection site was visually exposed on all approaches, was not well screened and was situated away from the built form of the settlement. Development of the site would be visually prominent and would have an adverse impact on the visual setting and rural character of the settlement and surrounding area.

**OBJECTOR'S CASE**

- 10.15.05 The Birches was a close-knit community. It did not have a definite focal point and was still unsure of its identity. The community group had been working towards the crossroads as a focal point with the Bronte Lodge public house located on the junction

and the Gospel Hall located in close proximity. The designation of The Birches into two parts was not conducive to the encouragement of sustainable development but the shape of the objection site lent itself more logically to development than objection site No. 46, which the DoE proposed to concede. The population of new/young homeowners in the community was in decline and was being forced to migrate to more affordable accommodation in the Craigavon UA. The objection site offered an opportunity to reverse this trend, making use of the nearby transport corridor.

- 10.15.06 The site could be developed in two phases with phase 1 concentrated on the eastern part of the field to the south. Advice had been taken from Forest Service in 1999 on a landscaping scheme for the site and a grant had been approved, although never implemented. There were different options for how this development could be carried out, ranging from 9-20 dwellings (three alternative sketch layouts provided). Phase 2 could be introduced after 2010 when the planting had formed and matured.
- 10.15.07 There had been a more rapid growth in villages to the east of the Craigavon UA, prompted by the DoE, and this was contrary to the Spatial Development Strategy proposed by the DRSF. With increasing urban sprawl some of the villages could merge, for example Lurgan/Dollingstown and Ballymacmaine/Magheralin. It was, therefore, unreasonable for the DoE to use sprawl and policy DES 3 of the PSRNI against the objection site. Growth was also more abundant in other villages to the south of the UA such as Drumnacanny, Bleary, Ballynabragget and Milltown, Co, Down.
- 10.15.08 The site had not flooded in at least 40 years and the eastern area proposed for development was well away from the area that Rivers Agency had concern over. Rivers Agency stated that it was opposed to infilling of floodplains but it had also commented that infilling would be required on a low-lying part of opportunity site B1 in the Countryside Assessment Supplement. The infrastructural and visual issues associated with the objection site were no less than those faced by the lands included within the settlement limits by the DoE. The objection site was the most appropriate site for development in the Birches.

## **CONSIDERATION**

### **Need**

- 10.15.09 I have previously concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the plan. I have also concluded, at Paragraph 3.01.69-70 and 9.07.08-10, that there is an excessive provision of white land within the settlement limits of the villages and smaller settlement taken together. In the Countryside Assessment Supplement the DOE identifies three significant development opportunity sites in The Birches totaling an area of some 12.6 ha, all of which are included as Phase 1 land in DCAP. There is no persuasive evidence that this would not meet the needs of The Birches over the Plan period and I conclude that there is no justification for extending the settlement limits to include the objection sites. This conclusion applies to both sites individually and collectively.

### **Non Strategic Considerations**

- 10.15.10 Having concluded that there is no need for additional housing land I do not consider it necessary to pursue any of the other issues raised by the parties.

## **RECOMMENDATION**

- 10.15.11 I recommend that no alteration be made to the Plan as the result of these objections.

## **OTHER SMALLER SETTLEMENTS**

10.16.01 As a result of my recommendation at paragraph 3.02.21 that all Phase 2 land be deleted from the Plan unless there are exceptional planning reasons to dictate otherwise, all Phase 2 lands in the smaller settlements are to be deleted, except for those exceptional site specific cases indicated above in sections 10.11 – 10.15. In addition to the settlements referred to above there are a number of smaller settlements about which no objections were raised and I have not considered or commented on them. These are Ballynabragget, Blackskull, Charlestown, Milltown Co Armagh and Scotch Street. These settlements are also affected by my recommendation that all Phase 2 land be deleted from the Plan.

**SECTION 11**

**OBJECTIONS RELATING TO  
RURAL, TRANSPORT,  
NATURE CONSERVATION  
AND  
TOURISM ISSUES**



## PRELIMINARY

- 11.01 In reporting the DoE's evidence throughout this section I will refer to this following list of points raised to a number of objections. This is to reduce the length of my report.
- A. Inclusion of the site within the settlement limit is/would be contrary to or consistent with: -
1. The Spatial Development Strategy of DRSF which seeks to promote sustainable patterns of development based on integration with transport, compact urban forms, more housing within existing urban areas and the wise and sensitive use of the rural environment.
  2. Policy SPG 6 of DRSF- TO BUILD LOCAL COMMUNITIES FOR THE FUTURE IN EXISTING URBAN AREAS which seeks to accommodate a larger share of residential development and job provision within existing urban areas to reduce greenfield extensions.
  3. SPG 9 of DRSF – TO SUSTAIN A LIVING AND WORKING COUNTRYSIDE which seeks to control development in areas where there is excessive movement of townspeople to the countryside by the use of Green Belts.
  4. Policy SPG 25 of DRSF – To Conserve the Natural Heritage and Promote a Wise Use of Natural Resources, which seeks to manage development pressure by the use of Greenbelts and conserve the settings of cities, towns and villages.
  5. Policy SP 12 of PSRNI – Rural Landscapes, which seeks to protect rural landscapes from excessive or inappropriate development by the designation of Green belts and Countryside Policy Areas.
  6. Policy DES 3 of PSRNI – The Settings of Towns and Villages, which seeks to protect the settings of towns and villages from inappropriate development and urban sprawl. It states that the principle of drawing a development limit around each settlement, in the development plan, is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between countryside and built-up area.
  7. Planning Policy Statement 6: Planning Archaeology and the Built Heritage, which seeks to ensure that new development does not dominate the townscape /landscape characteristics of settlements.
  8. Policy GB/CPA 1 of PSRNI – which seeks to prevent the unrestricted sprawl of large built-up areas, prevent neighbouring settlements from merging and to safeguard the surrounding countryside.
- B. The settlement limits had been defined for the villages and smaller settlements to facilitate properly structured and appropriately scaled growth, taking into account strategic objectives, development trends, an evaluation of environmental assets, physical features and the availability of services.
- C. DCAP addressed the development land needs of the non-Urban Area of the Borough using the methodology described in paragraphs 3.01.24 –29 of this report. Table 3.2 indicated a need for 710 new houses in the Plan period for the villages and rural remainder including the smaller settlements based on household formation and 1130 houses based on past building rates. The DRSF target for the rural community 1996-2010 was 1450 houses but the RDS did not break down the Housing Growth Indicator for the Borough into urban and rural. Settlement limits for the villages and smaller

settlements had been based on physical appraisals of sites and the DoE had identified 199 ha of land with development potential within the villages and smaller settlements to be released in two phases. There was a potential of 2210 new houses within the DCAP settlement limits on sites identified by the Housing Monitor 2000 for the villages and by an appraisal carried out by Planning Service for the smaller settlements in 2001. There was a potential for an additional 910 new houses on Phase 2 sites in the villages and smaller settlements. Neither of these figures took account of DoE concessions offered before or during the Inquiry. Whilst not all housing monitor sites would necessarily be used entirely for housing it was clear that the housing development potential of the villages and smaller settlements was well in excess of what was needed i.e. 2210 houses on white land (or what was effectively Phase 1) compared to a need for 710 -1130 houses or the DRSF allocation of 1450 houses.

- D. The purpose of the plan was to accommodate housing need and not demand. The housing need of any particular village was not considered by the Plan as the housing needs of all the villages and smaller settlements were considered as a whole. The DoE had drawn the settlement limits of villages and smaller settlements to facilitate their growth.
- E. In the villages and smaller settlements Phase 2 sites had been chosen in a manner explained at paragraph 3.01.09 above. The distribution of Phase 2 sites was set out in Tables 3.4 and 3.5. Plan Policy Settlement 2 stated that there would be a review of development land in 2005 and prior to that planning permission would only be granted on phase 2 land in accordance with Green Belt policies. Exceptions would be made for health and educational uses where a need was established.

11.02 

Objection to the policy relating to rural areas outside Green Belts.
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**Objection: No. 204**

**DEPARTMENT'S CASE**

- 11.02.01 The regional planning context, within which DCAP was prepared, was set out on page 10. This regional planning context, as it applied to the countryside, was set out on page 61 of the Plan. The Department did not consider it necessary or appropriate to repeat those regional policies within a development plan.

**OBJECTOR'S CASE**

- 11.02.02 Policies that relate to rural areas outside Green Belts are not covered by policies in DCAP.

**CONSIDERATION**

- 11.02.03 I have previously concluded that the Plan only needs to make cross-reference to appropriate regional policy and does not need to repeat it in full, the purpose of the Plan being more that of identifying the geographical boundaries within which those policies should be applied. The only need for further explanation in the Plan is where the regional policy is going to be applied differently in the Borough from the rest of Northern Ireland. Nevertheless, it is important that the Plan makes it clear what the policy context is and where it can be found. While the paragraph entitled 'Regional Planning Context' (on page 61 of DCAP) goes some way to explaining the policy context it does not, to my mind, do so with sufficient clarity, particularly with regard to those

parts of the countryside which are not the subject of strategic control (the rural remainder). There is no need, though, to draw up a specific plan policy to deal with this issue. A clearer explanation of the policy context of the rural remainder is all that is required.

### **RECOMMENDATION**

11.02.04 I recommend that the section of the Plan that deals with the Countryside should explain the context in which development proposals in the rural remainder are to be determined by cross-referring to the appropriate regional planning policies.

11.03 

Objection to the identification of lands as Green Belt seeking removal of Green Belt.
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### **Objection: No. 239**

### **SITE DESCRIPTION**

11.03.01 This 2.5 ha site is located south of the Craigavon UA and about 900m SW of the village of Bleary. The site is set back from the south side of Bleary Road and is served by a laneway that provides access to a modern bungalow that falls within the site and the neighbouring Ballyduggan Service Reservoir. Aside from the bungalow and associated buildings and a small area of woodland on the northern corner, the majority of the site is in agriculture. The southern portion of the site is very elevated. A number of dwellings are located along the Bleary Road frontage outside the site boundaries. In DCAP the site is within the Green Belt.

### **DEPARTMENT'S CASE**

11.03.02 The objection site was served by a very steep and narrow private road, which might be difficult to bring up to adoptable standards and that there was also poor visibility from the mouth of the laneway onto Bleary Road. There were no foul sewers or STW to serve the site. The proposal to remove Green Belt designation was contrary to policies A1, 3, 4, and 5 outlined in paragraph 11.01 and the first six of the Plan objectives. Paragraph B at 10.01 explained the definition of settlement limits for the villages and smaller settlements in the Plan.

11.03.03 An analysis of development pressure had been made over the period 1989 to 1999 and indicated that pressure had been higher to the south of the Craigavon UA. While revisions had been made to the former ASC boundary the analysis did not indicate that the GB designation should be reduced in the area in which the objection site was located. The site was visually prominent and its topography limited its capacity to absorb further development. Retraction of the GB designation would weaken the integrity of the GB at this location.

### **OBJECTOR'S CASE**

11.03.04 The objection site just seemed to border the GB all the time. The objector had a business and was born and reared in the area. He wanted to be able, in the future, to offer sites to his children to give them the option of living at home rather than moving into town. The removal of GB designation might make this easier.

### **CONSIDERATION**

#### **Need**

11.03.05 The village limits of Bleary and Drumnacanvy lie within 900m and 2km of the objection site respectfully, while the Craigavon UA is also within fairly immediate proximity.

Given that the DoE's analysis of development pressure between 1989 and 1999 indicates that the objection site falls within an area of high pressure I am not persuaded that the GB boundary should be reduced at this location. I do not consider that an anticipated need for sites for the objector's family should outweigh the strategic objectives of Green Belt designation and that such issues can appropriately be addressed through the normal development control process.

#### **Non Strategic Considerations**

- 11.03.06 Having concluded that the Green Belt designation should remain in place I do not consider it necessary to pursue any of the other issues raised by the parties.

#### **RECOMMENDATION**

- 11.03.07 I recommend that no alteration be made to the Plan as the result of this objection.

- 11.04 

Objection to the non-identification of lands for housing development (seeking identification of a settlement limit for Columbkille).
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#### **Objection: No. 167**

#### **SITE DESCRIPTION**

- 11.04.01 The objection site is located close to the shores of Lough Neagh approximately 1km east of Milltown and 2km north of The Birches. The site encompasses a substantial area of land centred on a loose formation of around 25 dwellings and associated agricultural land. The site fronts onto the minor Columbkille Road and an unnamed cul-de-sac, which leads to Lough Neagh. In DCAP the majority of the site is within a Countryside Policy Area (CPA) with a small part (south of Columbkille Road) within the Rural Remainder. The whole of the site is within a Ramsar, an ASI and an Area of Constraint on Minerals Development.

#### **DEPARTMENT'S CASE**

- 11.04.02 The roads approaching the area were narrow and Roads Service would be opposed to anything more than minor development. There were no foul sewers or STW to serve the site. The inclusion of the site within the settlement limit was contrary to policy A1 outlined at 11.01 and to the first six of the Plan objectives. It was also contrary to the PSRNI, as it would not meet the criteria for the designation of a dispersed rural community. Inclusion of the objection site within a settlement limit would further be contrary to the second, third and fourth of the elements of the Plan strategy for the villages and smaller settlements. Paragraph B at 11.01 explained the definition of settlement limits for the villages and smaller settlements in the Plan. In view of the overall provision of land within the rural area and the proximity to Milltown (1km), Maghera (1.5km) and The Birches (2km) there was no requirement for the identification of additional lands unrelated to an existing settlement.
- 11.04.03 The majority of the existing 25 dwellings at Columbkille were 'suburban' in style and unrelated to agricultural use. There were no facilities in the form of churches, halls, schools, shops or other services. The development form was a loose agglomeration of buildings with no focal point. The important landscape quality of the area had been recognised by the proposed Countryside Policy Area (CPA) designation. There were long distance views of the site on all approaches.

#### **OBJECTOR'S CASE**

11.04.04 The objection site represented an excellent opportunity to consolidate housing development within an area of high demand. The site was some distance from the shoreline of Lough Neagh and would not have adverse effect on it. Properly controlled development would consolidate that which was already there and would satisfy local need for housing accommodation.

### **CONSIDERATION**

#### **Need**

11.04.05 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan and at Paragraph 3.01.69-70 and 9.07.08-10, that there is an excessive provision of white land within the settlement limits of the villages and smaller settlements taken together. There is no persuasive evidence that there is a need for the designation of additional settlements in the Plan area and nor is there sufficient evidence to indicate that there is an overriding need for additional development land at this specific location. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process I do not consider that a perceived demand for housing in the area should outweigh the strategic objectives of CPA designation.

11.04.06 I note that the portion of the site south of Columbkille Road 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 normal planning and environmental considerations set down in the policies of the PSRNI.

#### **Other Strategic Considerations**

11.04.07 I do not consider that in strategic terms a loose collection of 25 dwellings has the characteristics that one would associate with a formal settlement. Nor do they qualify for consideration as a dispersed rural community (DRC) given the absence of any community facilities or focal point. In any event DRC designation cannot be considered given that the site largely falls within a CPA where there is a presumption against such designations (Policy HOU 7 of the PSRNI)

#### **Non Strategic Considerations**

11.04.08 Having concluded that there is no need for additional housing land I do not consider it necessary to pursue any of the other issues raised by the parties.

### **RECOMMENDATION**

11.04.09 I recommend that no alteration be made to the Plan as the result of this objection.

11.05 

Objection to the identification of lands as Green Belt (seeking inclusion inside a settlement limit).
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### **Objection: Nos. 2 & 254**

### **SITE DESCRIPTION**

11.05.01 These two objection sites are contiguous and measure approximately 0.4 ha each. The sites are in rough pasture and are located on the NW side of Derrycarne Road, approximately 2km north of Portadown. On the same side of this road there is a terrace of 10 dwellings (Anville Terrace), one field's length to the SW. Opposite the terrace there are 4 detached dwellings. In DCAP the sites are within the Green Belt.

## **DEPARTMENT'S CASE**

- 11.05.02 Roads Service commented that it would be opposed to any significant development on the site. The small septic tank type STW adjacent to the site was not of sufficient capacity to service the objection site and it might not be possible to upgrade this installation, as the watercourse into which the final treated effluent would be discharged would not be suitable for an enlarged plant. The inclusion of the sites within a settlement limit was contrary to policy at Paragraph 11.01 A1 and to the first six of the Plan objectives. It was also contrary to the PSRNI, which identified that development should be focused within existing settlements. The existing development form would not meet the criteria for designation as a dispersed rural community. Inclusion of the objection site within a settlement limit would further be contrary to the second, third and fourth of the elements of the Plan strategy for the villages and smaller settlements. Paragraph 11.01 B explained the definition of settlement limits for the villages and smaller settlements in the Plan.
- 11.05.03 The development form at Derryanvil was a loose agglomeration of buildings and was very rural in character. With the exception of an Orange Hall, 0.5 km from the site, there were no facilities in the form of churches, schools, shops or other services. There was no existing focal point. In view of the overall provision of land within the rural area, and the proximity to Portadown UA, there was no requirement for the identification of additional lands unrelated to an existing settlement.

## **OBJECTOR'S CASE**

- 11.05.04 There was an absence of available housing land in the Derryanvil area. The objection site was ideally placed to provide the additional housing required in this community, being adjacent to existing public housing and a cluster of private houses. Development of the objection site would supplement and sustain the rural social structure in this small settlement.

## **CONSIDERATION**

### **Need**

- 11.05.05 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan and at Paragraph 3.01.69-70 and 9.07.08-10, that there is an excessive provision of white land within the settlement limits of the villages and smaller settlements taken together. There is no persuasive evidence that there is a need for the designation of additional settlements in the Plan area and nor is there sufficient evidence to indicate that there is an overriding need for additional development land at this specific location. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process I do not consider that a perceived demand for housing in the Derryanvil area should outweigh the strategic objectives of Green Belt designation. These conclusions apply to both sites individually and collectively.

### **Non Strategic Considerations**

- 11.05.06 Having concluded that there is no need for additional housing land I do not consider it necessary to pursue any of the other issues raised by the parties.

## **RECOMMENDATION**

- 11.05.07 I recommend that no alteration be made to the Plan as a result of these objections.

- 11.06 

Objection to the exclusion of lands from the settlement limit seeking inclusion of lands.
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**Objection: No. 183**

**SITE DESCRIPTION**

- 11.06.01 This 0.5 ha site is located in the north of the Borough approximately, 2 km NE of the small settlement of Derrymore. The site comprises the front portion of a field in rough pasture that fronts onto the west side of Featherbed Road, near its junction with Boghead Bridge Road. There is a scatter of dwellings along Boghead Bridge Road but very little development on Featherbed Road. In DCAP the site is within the Rural Remainder.

**DEPARTMENT'S CASE**

- 11.06.02 Planning permission had been refused for two dwellings on this site in 1999. The roads approaching the site were narrow and only minor frontage development would be acceptable. There were no foul sewers or STW to serve the site. Rivers Agency commented that a visual inspection indicated that the site was liable to waterlogging. Inclusion of the site within a settlement limit would be contrary to policies outlined at 11.01 A1, 3, 4, and 5 and to the first six of the Plan objectives. Paragraph 11.01 B explained the definition of settlement limits for the villages and smaller settlements in the Plan. The site was unrelated to any existing settlement and the surrounding area did not have any of the characteristics of a settlement. It was inappropriate to identify an isolated rural site for development.

**OBJECTOR'S CASE**

- 11.06.03 The objection site should be included within the proposed development limit in Phase 1.

**CONSIDERATION**

- 11.06.04 I agree with the DoE that the objection site is unrelated to any existing settlement (the nearest is Derrymore some 2km away). I further agree that the surrounding area does not have any of the characteristics of a settlement. The site falls within the rural remainder and the appropriate planning policies for dealing with development proposals in this area are contained in the PSRNI. It would be entirely inappropriate to assign settlement limits to an individual and isolated rural site such as this. I conclude that there is no merit in this objection.

**RECOMMENDATION**

- 11.06.05 I recommend that no alteration be made to the Plan as the result of this objection.

- 11.07 

Objection to the removal of Green Belt designation at Kilmore Hill Road, Aghagallon.
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**Objection: No. 226**

**SITE DESCRIPTION**

- 11.07.01 Kilmore Hill Road lies to the NE of the Borough. It is a short stretch of road that loops off and back onto the Cornakinnegar Road, to the SW of the village of Aghagallon. At the northern end of Kilmore Hill Road there is a ribbon of eight dwellings. In DCAP the general area is within the Rural Remainder.

### **DEPARTMENT'S CASE**

- 11.07.02 The objector had not been specific about the exact location or extent of the area to which his objection related to and had failed to provide a map notwithstanding various written requests. In the Craigavon UA Plan of 1985 Kilmore Hill Road fell inside an ASC. When it was proposed, in CAPPP in 1995, that the GB designation be removed from Kilmore Hill Road no representations were received on this matter, either pre or post publication. In DCAP the GB designation was also drawn back with the result that nearest GB designation was approximately 385m to the SW. Removal of the policy designation at Kilmore Hill Road was in accordance with the policies A1, 3 and 5 outlined at 11.01 and with the first six of the Plan objectives. It was also in accordance with the second, third and fourth key elements of the Plan Strategy for villages and smaller settlements.
- 11.07.03 An analysis of development pressure in the Plan area had been made over the period 1989 to 1999 and indicated that pressure had been highest to the south of the Craigavon UA and to the north of Portadown. Kilmore Hill Road did not fall within any of the areas identified in the Countryside Assessment as being the subject of a concentration of planning applications. The appropriate planning context for considering development proposals in this area was provided by the PSRNI and policies such as SP 6, HOU 8 and DES 5.

### **OBJECTOR'S CASE**

- 11.07.04 The Kilmore Hill Road was an area of particular beauty and these factors had influenced the objector to purchase his property. The Aghagallon area was already over developed and this particular area would be very badly affected if the GB were reduced.

### **CONSIDERATION**

- 11.07.05 The site location plan indicates that the previous ASC boundary has been pulled back southwards to the M1 and westwards, closer to the Craigavon UA. It is also evident that the area of countryside affected by this change in boundary definition is much wider than that of the immediate area of Kilmore Hill Road. The basis of the Department's argument for changing the boundary definition appears to rest on its analysis that development pressure over the ten-year period from 1989 to 1999 was lower in this area than in other parts of the Borough. I am not, however, entirely persuaded that this is the most accurate way of assessing development pressure. The existence of a stricter planning control policy within a given area will in itself tend to reduce the number of applications that will be made within it, thereby giving what is possibly a false or misleading impression.
- 11.07.06 To my mind the onus is on the DoE to demonstrate that it has drawn the Green Belt boundary in this area correctly. I am, however, conscious that the objector has failed to specify precisely the alterations in boundary definition he is seeking, notwithstanding several requests to do so by the Department. I am therefore reluctant to recommend the retention of the entirety of the previous ASC designation in the absence of further objection to its removal from DCAP. I further consider that it would be illogical to keep the immediate vicinity of Kilmore Hill Road as GB while allowing the countryside surrounding it to revert to a non-policy area.

### **RECOMMENDATION**

- 11.07.07 I recommend that no alteration be made to the Plan as the result of this objection.

11.08

Objection to the identification of lands as Green Belt (seeking inclusion of lands within
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the settlement limits of Moira).

**Objection: No. 30**

**SITE DESCRIPTION**

11.08.01 This 9.9 ha site is located to the west of Moira and fronts onto the northern side of the A3 (Lurgan Road). The eastern site boundary abuts the local government boundary separating the boroughs of Craigavon and Lisburn. Adjacent to the road a narrow strip of ground is overgrown and has derelict farm buildings and a disused dwelling. The majority of the site is in active agricultural use and rises northwards to a crestline. To the south and west the site adjoins Magheralin Quarry. In DCAP the site is within the Green Belt, with the exception of the small portion incorporating the disused dwelling, which lies inside the development limit of Moira.

**DEPARTMENT'S CASE**

11.08.02 The site fronted a Protected Route and Roads Service would not be in favour of an isolated area being zoned for development. Development of it would disrupt the free flow of traffic between the established areas of Magheralin and Moira. The preparation of the Belfast Metropolitan Area plan (BMAP) had commenced and while it would cover the borough of Lisburn it would not cover any lands in Craigavon Borough. Inclusion of the objection site within the settlement limit of Moira was unacceptable for the following reasons:

- It would be contrary to Appendix 5 of the DRSF in that it would be detrimental to the identity and character of Moira and would not integrate with the local topography setting;
- The site was subject to long exposed views from the Lagan Valley to the south;
- There were significant access constraints; and
- The site was located immediately adjacent to a quarry. Housing development within 100m of the quarry edge would not be permitted.

**OBJECTOR'S CASE**

11.08.03 The site formed a natural extension to the development of Moira. There was a strong possibility that the site could be zoned in BMAP and a submission would be made to that effect. This would ensure a continuous extension of the development zone and would not leave the objection site isolated. The required access arrangements could be achieved. Existing development to the NE of Moira at Clare Hill also had long exposed views to the Lagan valley. A 100m limit to development from the quarry edge was totally unrealistic and did not bear comparison with the development at Clare Hill Quarry, where no such limit was applied. There was an extraordinary demand for housing in the Moira area and there would definitely be a requirement to develop these lands within the next 5 to 10 years as either phase 1 or 2.

**CONSIDERATION**

11.08.04 There appears to have been some initial confusion between the respective parties as to whether the objection site should be considered in the context of DCAP or in association with the impending BMAP. With the exception of the very extreme SE road frontage corner, the objection site falls within the boundaries of DCAP and my assessment of it is made in that context.

### **Need**

- 11.08.05 I have already concluded at Paragraphs 3.01.65 that there is excessive housing overzoning in the Plan and at Paragraph 3.01.69-70 and 9.07.08-10, that there is an excessive provision of white land within the settlement limits of the villages and smaller settlements taken together. Although Policy SP 2 of PSRNI states that sufficient land will be zoned to provide choice and flexibility in the development process, I do not regard this as an encouragement to allocate land in a plan purely on the basis that there is a high demand for housing in a settlement that is located in a different plan area. I conclude that that in the context of DCAP there is no justification, on the basis of need, for allocating this site for housing. The need for additional land in or around Moira is a subject for the Belfast Metropolitan Area Plan.

### **Strategic Considerations**

- 11.08.06 The DoE does not provide any specific explanation as to why development within the objection site should not be permitted within a distance of 100m from the neighbouring quarry face. I do not, therefore, find the Department's evidence to be sufficient, on its own, to preclude development of this site. Even if it were found necessary to impose some form of exclusion zone it would not preclude development of the greater part of the site.

### **Non Strategic Considerations**

- 11.08.07 Having concluded that there is no need for additional housing land I do not consider it necessary to pursue any of the site-specific arguments raised by the parties.

### **RECOMMENDATION**

- 11.08.08 I recommend that no alteration be made to the Plan as a result of this objection.

- 11.09 

Objection to the lack of commitment to the implementation of proposed road schemes.
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### **Objection: No. 275 (7.3) part of**

#### **DEPARTMENT'S CASE**

- 11.09.01 When CAPPP was published in 1995 the long established 0-5 year and 6-15 year Major Works programmes were used for the forward programming of major roads schemes. In July 1999 the DRD Minister announced that the Department was about to employ consultants to review all schemes to be considered for inclusion in the 10-year Forward Planning Schedule. The protected road lines/schemes indicated on Map 2 of DCAP would be included in this review. These schemes were not yet programmed for implementation but the Department considered that their routes should be protected in the interests of longer term strategic planning. When this schedule had been drawn up it would be presented to the Assembly for consideration, alteration and adoption. Roads Service could not therefore give any commitment to which schemes would be eventually placed in the 10-year Forward Planning Schedule.

#### **OBJECTOR'S CASE**

- 11.09.02 More specific commitment should be given to the implementation of proposed road schemes. In particular the M12-Central Way Link had strategic importance for the development of Central Craigavon. The indicated line of the Malcolm Road to Gilford Road Link in Lurgan should integrate more effectively with the Comprehensive Development Scheme. CBC also supported the provision of a railway halt and related facilities at Central Craigavon.

### **CONSIDERATION**

- 11.09.03 There is uncertainty over the timing of these major schemes, due not least to issues of funding. I consider that the identification and protection of these schemes in the Plan is the appropriate course of action until such time as final decisions are made on their likely implementation.

### **RECOMMENDATION**

- 11.09.04 I recommend that no alteration be made to the Plan on the basis of this objection save for the incorporation of any updated progress in the adoption of the 10-year Forward Planning Schedule.

- 11.10 

Objection to the lack of commitment to the preparation of an Integrated Transport Strategy.
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**Objection: No. 146, 275 (7.1) part of**

### **DEPARTMENT'S CASE**

- 11.10.01 DRD had commenced the preparation of a Regional Transport Strategy that would provide a strategic framework to facilitate the future development of local transport plans and consider how they could be adequately resourced. The strategy would identify investment priorities on the key transport corridors identified in the DRSF. Until the RTS came into effect the policy would be to continue to deliver measures in line with the principles of "Moving Forward". In conjunction with the RTS DRD was developing a Regional Transport Plan 2001-2004, which would set out the proposals for continuing this work until 2004.
- 11.10.02 Roads Service co-operated with Translink to provide enhanced access for buses using the public road network and to provide improved pedestrian and cycle links to public transport facilities. A new Park and Ride/Park and Share car park had been constructed at Lough Neagh Road, Lurgan adjacent to the motorway roundabout. Roads Service was co-operating with CBC officers to identify cycle links to this car park from Lurgan town centre and from the cycle/pedestrian path at Silverwood Road, which was linked to the National Cycle Network (NCN). Improvements had also been carried out to other parts of the existing cycle network within Craigavon to form the NCN route. In conjunction with CBC and the SELB, an off-road pedestrian/cycle route had been provided through Bachelors Walk in Portadown to link housing to schools and the town centre. The proposed road-widening scheme for A3 Northway would include provision of lay-bys to allow improved integration between buses and trains. Implementation was not an issue for consideration as part of the Plan.

### **OBJECTOR'S CASE**

- 11.10.03 It was acknowledged that it might be difficult to incorporate an integrated strategy into the Plan ahead of the publication of the RTS but this was inconsistent with the Department's uncritical reliance on draft documents such as the DRSF and the introduction of phasing of housing land. Reassurance was sought that any transport strategy for the Borough would be considered in the light of the Plan proposals and that the Plan would be modified, following consultation if necessary, to facilitate the implementation of any transportation strategy. It was particularly important to ensure an integrated strategy in relation to the delivery of new and upgraded bus and rail facilities.

## **CONSIDERATION**

- 11.10.04 The RTS 2002-2112 is now in place, having been published in July 2002, and this allows the DoE the opportunity to ensure that the Transportation policies in the Plan fall in line with those of the RTS. As I have previously indicated it is not necessary to repeat the thrust of regional policy in the Plan except where it is to be applied differently from the rest of the Province, or there is an additional element to the generality of regional policy. It would, however, be helpful if the adopted Plan explained the general context of the RTS and its role in determining transportation policies in the Plan.
- 11.10.05 The evidence from the Department is that it is committed to the implementation of a number of improvements and additions to the existing cycle network in the Borough and I would endorse that approach. The Lough Neagh Cycle Route is covered in section 11.13.

## **RECOMMENDATION**

- 11.10.06 I recommend that the Plan explains the context and relationship that transportation policies in the adopted Plan have with the recently published RTS 2002-2112.

- 11.11 

Objection to some road scheme abandonments.
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**Objection: No. 275 (7.2 and 15.11) part of**

## **CONCESSION**

### **DEPARTMENT'S CASE**

- 11.11.01 **Church Street-West Street Link**  
The existing road network in this area had sufficient capacity to cater for anticipated demand during the Plan period and there was no proposal, at this time, to construct this link road. Future development would have to address the provision of any necessary infrastructure by way of a TIA as part of the normal planning process. The Department was aware that the Portadown 2000 conceptual plan envisaged significant roads proposals, including the retention of the Church Street-West Street Link. It was accepted that the link road should be protected in the Plan.
- 11.11.02 **Tandragee Road-Meadow Lane Link**  
The existing road network in this area had sufficient capacity to cater for anticipated demand during the Plan period and there was no proposal, at this time, to construct this link road, nor the Gilford Road-Meadow Lane Link. The Department, however, accepted that the Tandragee –Meadow Lane Link should be protected for reasons of long term strategic planning

### **OBJECTOR'S CASE**

- 11.11.03 CBC welcomed the Department's agreement to protect the Church Street-West Street Link and the Tandragee Road-Meadow Lane Link.

## **RECOMMENDATION**

- 11.11.04 This concession is noted.

- 11.12 

Objection requesting the identification of a small airport within Craigavon Borough.
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**Objection: No. 249 & 250**

**DEPARTMENT'S CASE**

- 11.12.01 Objector No. 249 had stated that he had identified two possible sites, but requests for a site location plan had not been responded to. The DRD Air and Seaports Division advised that DETR had recently completed the Northern Ireland Regional Air Services (NIRAS) study. The output from this and a number of other related studies would be used to determine airports policy to 2030. Air services remained a reserved matter with DETR whilst devolved administrations had responsibility for airport infrastructure. NI had Belfast International Airport, Belfast City Airport, City of Derry Airport and St Angelo Airport, Enniskillen and there was little to support the need for additional airport/airstrip infrastructure. In view of the comments of DRD and the lack of a proposed site it would be inappropriate for the Plan to identify an airport site. Regional planning policy, as set out in PSU 3 of PSRNI, was the appropriate context for considering such a proposal and the Department could respond to a specific proposal through the planning application process.

**OBJECTORS' CASE**

- 11.12.02 DCAP failed to identify a location for a light aircraft landing strip or airport or a policy in support of the concept. Such a facility was commonly found in the vicinity of most comparably sized settlements in Britain. There were at least two suitable sites, one rural and one industrial/housing in their current designation. The NIRAS study carried out by DETR dealt only with commercial aviation. No study of general aviation had ever been done. It therefore seemed that Planning Service had not carried out adequate consultation in preparing DCAP.
- 11.12.03 A small airport would create jobs in hangerage fees and service work and would link in to the new Aircraft Maintenance courses that had been initiated at Upper Bann Institute for Further Education in Portadown. Craigavon was the second largest industrial area outside Belfast and it was essential that a landing strip became part of that potential growth. The Republic of Ireland had a landing strip for every 40,000 of its citizens compared to one for every 80,000 in NI. Craigavon needed one to have the opportunity to compete.
- 11.12.04 Even a general expression of support within the Plan would be helpful. It could take the form of a single sentence expressing approval of the general idea of an airfield within the context of sport aviation, air tourism and business aviation. Such a sentence would improve the Plan's perspective on both transport and leisure and would ensure that any future planning application would be viewed as being compatible with the general thinking of the DoE.

**CONSIDERATION**

- 11.12.05 The objectors suggested that there are several suitable locations within the plan area for a light aircraft landing strip but did not identify where these sites were. I consider that in the absence of more convincing evidence a perceived need or aspiration for such a facility does not merit a specific policy response in the plan. I agree with the Department that the framework of regional planning policy is the more appropriate level to deal with such issues.

**RECOMMENDATION**

11.12.06 I recommend that no alteration be made to the Plan as the result of these objections. This recommendation applies to the objections collectively and individually.

11.13

Objection to the failure to (a) sufficiently recognise the Lough Neagh wetlands to the north of the M1; (b) recognise the need to upgrade the road infrastructure and address the problems of river crossings in the South Lough Neagh area; (c) recognise the tourism potential of Lough Neagh, River Bann, River Blackwater and Maghery Canal; (d) refer to the implementation of the Lough Neagh Cycle Route and the proposed cycle bridges across the River Bann and River Blackwater.

**Objection: No 259 (part of), 275 (7.1) part of**

**DEPARTMENT'S CASE**

11.13.01 With regard to (d) the DoE would respond favourably to a recommendation by the PAC to include in the plan references to potential river crossings. With regard to the other issues there were three categories of sites of local nature conservation importance identified in PPS 2: Planning and Nature Conservation. The policy which was provided in respect of a Ramsar sites afforded a greater level of protection than that applying to a site of local importance as Paragraph 59 of PPS 2 gave a clear indication that development proposals might be acceptable in such an area depending on whatever policies are formulated for that area in the plan.

11.13.02 The DoE was currently reassessing the extent of the Ramsar site and if this resulted in a reduction in the extent of the Ramsar site it was likely that there will be a number of areas which would be worthy of other protection. The Ramsar Bureau had accepted that the existing boundary was not scientifically based. The necessary survey work would be carried out by EHS in 2001 and 2002 with the outcome of the review available in 2002, following consultation with the Borough Council and local communities. The amended Ramsar might be slightly smaller but would be more valid as based on areas that merited ASSI designation, which might be small and scattered. The overall area connecting all the ASSIs that would form the Ramsar and other designated areas of Special Local Nature Conservation Importance (SLNCIs) would be called the South Lough Neagh Wetlands Policy Area. Designation of this policy area would have to be subject of an alteration to the plan, as would the new Ramsar boundary.

11.13.03 The Ramsar review should not hold up the adoption of the plan as the plan could be formally altered (using the shortened procedure) to incorporate any subsequent changes to policy areas in South Lough Neagh. The DoE would look at the situation when the Ramsar review was available and consider the need to review general rural policy in the South Lough Neagh Area. This possible review of rural policy would include tourism, conservation and employment issues and would involve extensive consultation with groups including the South Lough Neagh Regeneration Association. The South Lough Neagh Management Strategy was currently being drawn up. This was co-funded by EHS, Water Service and Rivers Agency and had involved the Borough Council.

**OBJECTOR'S CASE**

11.13.04 The DoE's rebuttal on the issues relating to transport was accepted. With regard to the Ramsar site it was considered that the policy provided little protection for this internationally important site on south Lough Neagh. The plan should take further steps to protect and enhance the high quality habitats within the Ramsar. Duplication already occurred within other designations eg ASSIs, SPAs, and NNRs. Ramsar should be considered as a statement of policy with Planning Service providing the necessary designations to reinforce the Ramsar statement of intent for 'wise use' of wetlands. It

was also important to recognise that the Ramsar had implications beyond habitat protection for the communities of south Lough Neagh, as 'Ramsar' was a brand name with high tourism potential. It also had further economic merits in that farmers within the Ramsar could access agri-environmental schemes.

- 11.13.05 Recognising the high conservational value of the wetlands and the threat to the Ramsar, the south Lough Neagh wetlands should be subject of a specific 'Countryside Policy for the South Lough Neagh Wetlands'. Regional policy at a provincial level was inappropriate for this distinctive landscape. The objectors wanted a commitment from the DoE that a review of rural policy in the south Lough Neagh area would be instigated following the review of the Ramsar site boundary but accepted that the Department's commitment that it would consult with all relevant bodies including the South Lough Neagh Regeneration association on the need for such a review when the time came.

### **CONSIDERATION**

- 11.13.06 The Ramsar survey should be completed by the time this report is available to the DoE and the revised boundaries should be incorporated in the plan. It is my opinion that should this review of the Ramsar result in some surrounding areas being excluded from the Ramsar, then the DoE ought to carry out a review of rural policy in the South Lough Neagh wetlands area since some areas of conservation merit might be left without any policy protection. In my opinion such a commitment should be incorporated into the plan and the plan amended as soon as this review is completed. There was not enough evidence before me to recommend on the wider extent of any such review – whether it should incorporate tourism, waterways, roads infrastructure, employment and so on. However, the DoE has made a commitment to consult on this matter. It is unclear what status the Lough Neagh Cycle Route is to have and I would recommend that this should be clarified in the adopted Plan, with an appropriate commitment to maintain and enhance that route.

### **RECOMMENDATION**

- 11.13.07 The DoE's concession about making reference in the Plan to potential river crossings is noted. I recommend that it should also refer to the implementation and maintenance of the Lough Neagh Cycle Route. I further recommend that a commitment be made in the Plan to review rural policy in the South Lough Neagh area when the Ramsar boundaries are altered.

11.14

Objection relating to the development and conservation of waterways.

**Objection: No. 146, 275 (8.2) part of**

### **DEPARTMENT'S CASE**

- 11.14.01 DCAP highlighted the tourism potential of Lough Neagh and the rivers in its tourism section. The Lough Neagh Management Strategy was currently being drawn up. It was co-funded by EHS, Water Service and Rivers Agency and had the involvement of the local councils. Craigavon Borough Council had requested that the CPA be extended up the river valleys and along canal corridors. This required further investigation and analysis. EHS considered that the waterway areas frequently had sensitive landscape, nature conservation or heritage interest and that policies should be closely tailored to the sensitivity of interest and capacity of particular areas bearing in mind economic, social and access considerations. Further detailed study was likely to be necessary to determine boundaries and appropriate policies.

### **OBJECTOR'S CASE**

- 11.14.02 DCAP did not incorporate a strategy in relation to the development and conservation of waterways throughout Craigavon Borough.

### **CONSIDERATION**

- 11.14.03 While DCAP makes reference to the tourism potential of Lough Neagh and the rivers there is no indication of a strategy for developing or controlling this potential. There is, however, insufficient evidence from the objector to indicate how this might be best addressed. I note from the Department's evidence that a Lough Neagh Management Strategy was being drawn up and it would seem sensible that the findings of this, if available, are cross-referred to in the Plan. The Department also indicates that it wishes to give further consideration to a proposal from the Council to extend the CPA designation up the river valleys and along the canal corridors. Clearly this is a matter that if not addressed in the Plan could well require a subsequent amendment to it. I note that the Department has indicated that it would consider the need to review general rural policy in the South Lough Neagh area should the review of the existing Ramsar designation significantly change the existing area of designation (see objection No. 259). It seems to me that there is a large degree of overlap in all these issues and that there is a need for a clearly defined strategy with appropriate policies.

### **RECOMMENDATION**

- 11.14.04 There is not enough evidence to formulate a policy on this issue but it is one that needs to be considered, whether it is in the context of the adopted Plan or in any subsequent amendment to it, arising out of a possible review of rural policy (see my recommendation on objection site No. 259).

- 11.15 

Objection to the identification of sites of Local Nature Conservation Importance (seeking designation of additional sites)
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### **Objection: Nos 102 and 122**

### **DEPARTMENT'S CASE**

- 11.15.01 The DRSF, through Policy SPG 25, set out to conserve the natural heritage and promote a wise use of natural resources. PPS 2- Planning and Nature Conservation set out the aims, approach and objectives for nature conservation. It explained the role of development plans and the hierarchy of nature conservation sites, starting at the top with international sites and working down to national and then local level. PPS 2 identified three categories of sites of Local Nature Conservation Importance (LNCI), the second of which was identification in an Area Plan.
- 11.15.02 The sites to the north of the M1, which the objector suggested as possible LNCI sites, fell inside the existing Ramsar designation. Because these sites were identified as having international nature conservation importance it was considered inappropriate to designate them as having local importance, as it could lead to confusion and a potential duplication of controls. EHS was currently reassessing the boundaries of the Ramsar designation (see evidence in objection site No. 259) and this might lead to a reduction in its extent. If that happened it was likely that there would be a number of areas worthy of protection and these could be suitable for identification in the Plan. There



would not then be a duplication of control and Planning Service would consider the need for an alteration to the Plan, using the shortened procedure.

### **OBJECTOR'S CASE**

- 11.15.03 The proposed list of LCNI sites was far too short. There were clearly several on the north side of the M1 such as Lough Gullion, the channel of the Upper Bann and various areas of cut-over bog which should be included. So likewise should Derrylost Bog, Derryadd Bog, Turmoyra Marsh and Ballinacorr Bog. South of the M1 consideration should be given to the quarry and rough fields adjacent to Selsion Bog, to Derryvane and to the area west of North Craigavon Lake. It was difficult to be precise about the exact boundaries of these sites but further information could be derived from the CEDaR database at the Ulster Museum.

### **CONSIDERATION**

- 11.15.04 PPS 2 makes it clear that there is a hierarchy of nature conservation sites and I agree with the Department that it could lead to confusion if sites of international significance were also identified as being of local importance. A number of the sites suggested by the objectors as being worthy of LNCI designation fall within the current Ramsar designation and I see little value in having a duplication of controls. The Department, however, acknowledges that the review of the South Lough Neagh Ramsar is likely to result in a reduction of its boundaries. As I have indicated in my consideration of objection site No. 259, the survey should be completed by the time this report is available to the DoE and the revised Ramsar boundaries should be incorporated into the plan.
- 11.15.05 Any reduction in the extent of the Ramsar designation may of course leave some areas of local nature importance bereft of any protection. The objectors have not provided enough scientific information to enable me to make site-specific recommendations and, since the Department can not be expected to have total knowledge of the potential nature conservation significance of every site, I would recommend that further consultation and discussion take place between the respective parties.

### **RECOMMENDATION**

- 11.15.06 The DoE has agreed to amend the Ramsar boundary in the adopted Plan if this boundary has been finalised and I further recommend that consideration be given to identifying additional LNCI sites, where the scientific evidence supports such recognition, and to bring these forward as an amendment to the Plan with the required public consultation.

11.16

Objection relating to Craigavon Lakes and Community Woodland.

### **Objection: No. 122 (part of)**

### **DEPARTMENT'S CASE**

- 11.16.01 Policy SPG 25 of DRSF set out to conserve the natural heritage and promote a wise use of natural resources. In DCAP the land adjacent to the North Lake was shown as existing open space and recreation and there was no built proposals adjacent to it. A proposed Tourism Opportunity Zone abutted the South Lake and Plan Policy Tourism 1 stated that planning permission for tourism, recreational and cultural development would be granted within this zone, provided that it met a number of criteria (listed on

page 41). It was considered that the above policies would meet the concerns raised by the objection.

### **OBJECTOR'S CASE**

- 11.16.02 The emphasis in the Plan on the importance of nature conservation when determining planning applications was to be welcomed. The areas of Local Nature Conservation Importance (LNCI) referred to in the Plan could be added to. The South Craigavon Lake and adjoining fields and hedgerows were of some nature conservation interest, though less so than the North Lake. The proposed 'Community Woodland' mentioned for Taghnevan was an excellent idea in principle and should be extended to other suburban areas. The expansion of housing development on the east side of Portadown towards the Craigavon Lakes would inevitably have some detrimental effect on nature conservation interests. Development should be halted within a reasonable distance of the lakes with a buffer zone of open fields and retained hedgerows. More natural features (trees, hedgerows, small fields and open green areas) should be retained close to proposed housing areas. On 'brownfield' sites, or areas originally of more intensive agriculture use, such features might have to be created to improve nature conservation interests.

### **CONSIDERATION**

- 11.16.03 The North Lake, denoted as an LNCI in the Countryside Assessment Supplement, also benefits from the protection offered by the zoning of the land surrounding it as Recreation and Open Space. The objector acknowledges that the South Lake may not have quite the nature conservation qualities of the North Lake but I tend to agree with him that careful consideration needs to be given to the physical relationship of future built development close to the South Lake. Regional planning policies such as PPS 7: Quality Residential Developments and PPS 2: Planning and Nature Conservation offer a significant level of protection. However, much of the northern and western shoreline of the South Lake is shown as white land in DCAP and I see merit in having some form of buffer zone around the lake. There is, however, insufficient evidence from the objector to properly assess the extent of nature conservation interest around the South Lake. I therefore recommend that the Department give further consideration to this matter and to the question of a buffer zone in drawing up the final plan.
- 11.16.04 While the objector suggests that the proposed Community Woodland scheme should be extended to other suburban areas he does not make any specific suggestions. Plan Policy ROS 3 allows for the provision of and encourages proposals for community woodlands and I am satisfied that this policy adequately addresses this matter.

### **RECOMMENDATION**

- 11.16.05 I recommend that the Department considers whether there is merit in defining the South Lake as an LNCI site and, if so, to bring this forward as an amendment to the Plan. I also recommend having a buffer zone free from built development around the lake shoreline.

**SECTION 12**

**CONCLUSION**

**Overview**

12.01 In sections 3-11 above I have made recommendations on objections to the Plan on the basis of the evidence presented to me and on the basis of an examination of each objection site. I have also reported concessions made by the DoE to which there are no counter objections or conflicting objections and made recommendations on proposed concessions which are subject to counter objections or conflicting objections. I have also made recommendations on part concessions where the objector wished the remaining part of the objection to be considered by the PAC.

12.02 At paragraph 3.02.21 I have recommended the removal of all Phase 2 land from the Plan. This recommendation applies to Phase 2 sites that were not the subject of any objection, as well as to those Phase 2 sites that were the subject of objection. Those which were the subject of objection fall within four distinct groupings, namely:

1. objections opposed by the DoE;
2. objections opposed by the DoE and counter objectors or conflicting objectors;
3. objections which the DoE proposed to concede but opposed by counter objectors or conflicting objectors;
4. objections which the DoE proposed to concede but where the parties mistakenly believed there were no counter objectors or conflicting objectors and did not provide any further evidence to support their case.

With regard to (1), (2) and (3) I have made recommendations based on the evidence presented to me by the parties and an assessment whether or not there are any exceptional planning reasons why a specific settlement should retain some phasing of land supply to meet a particular set of circumstances or why a specific site should remain as zoned housing land in the Urban Area or remain within the settlement limit of a village or small settlement as white land (in accordance with the proviso in Paragraph 3.2.21). With regard to (4) I have recommended in two cases that the DoE considers whether any of these exceptional planning reasons exist. I have left this final appraisal to the DoE in order to be fair to these objectors who did not fully comprehend the impact of the conflicting objection No 241 (Objection No 170 (site in Maghery) and Objection Nos 186a/253/255/203/241(site in south Lurgan).

**Net Effect of Recommendations and Proposed Concessions**

12.03 If all phase 2 lands were deleted from the Plan this would amount to a reduction of 206 ha from housing supply according to the Plan and the Countryside Assessment. The quantity of Phase 2 land in each settlement is listed by me in the first column of Table 12.1. A couple of fairly small parcels of Phase 2 land are, however, subject to my recommendations that they be retained as white land in the villages or smaller settlements because of exceptional planning reasons (part of Objection No 47, Waringstown and part of Objection No 49, Derrytrasna). I account for these in the second column on Table 12.1. I make further additions for the sites which were not Phase 2 in DCAP and are subject to either uncontested concessions by the DoE or my recommendations that they be included in the Plan's settlement limits. I have attempted to make my calculations of the amount of land involved as accurate as possible but obviously some concession sites are restrained by proposed site development requirements and may not be developed at 15 dph, some land has been conceded to white land and may not be developed entirely for housing and one site was conceded from mixed use to housing so there is possibly an element of double counting.

Table 12.1 **NET EFFECT OF RECOMMENDATIONS AND CONCESSIONS**

SETTLEMENT	1 UCT PHASE 2	2 EFFECT OF UNCONTESTED CONCESSIONS
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	LAND	AND RECOMMENDATIONS ON CONTESTED CONCESSIONS AND OTHER OBJECTIONS (paragraphs in this report) Concessions are in bold type
LURGAN	68.3 ha	CONCESSIONS <b>5.11</b> , 5.14, 5.15, 5.16, 5.17, 5.18, 5.19, <b>6.05</b> , <b>6.09</b> , <b>6.10</b> , <b>6.12</b> , <b>6.15</b> , 50.04 ha approx
CENTRAL CRAIGAVON	32.6 ha	<b>7.07</b> 1.6 ha
PORTADOWN	43.9 ha	<b>8.06</b> , <b>8.07</b> , <b>8.12</b> , 8.16, <b>8.22</b> , <b>8.23</b> , <b>8.31</b> 33.0 ha approx
AGHACOMMON	5.9 ha	
AGHAGALLON	6.6 ha	<b>9.23</b> 5.1 ha
BLEARY	4.1 ha	
DOLLINGSTOWN		<b>9.28</b> , 9.32 (deduct) 3.7 ha approx
DONAGHCLONEY	6.1 ha	<b>9.34</b> 3 ha
DRUMNACANVY	6.6 ha	<b>9.4</b> , <b>9.42</b> , <b>9.44</b> 5.5 ha
MAGHERALIN		
WARINGSTOWN	10.5 ha	<b>9.03</b> , <b>9.04</b> , <b>9.05</b> , <b>9.06</b> , 9.09, 9.18 (deduct) 6.8 ha approx
BALLYMACMAINE		<b>10.03</b> 1 ha
BALLYNABRAGGET	2.1 ha	
BLACKSKULL	1.6 ha	
CHARLESTOWN	1.4ha	
DERRYADD		
DERRYMACASH	2.2ha	
DERRYMORE	0.76ha	
DERRYTRASNA	5.7 ha	10.8 1.3 ha
GAMBLESTOWN		<b>10.09</b> 0.6 ha
GIBSONS HILL		
MAGHERY	2.5 ha	
MILLTOWN, CO ARMAGH	1.25 ha	
MILLTOWN, CO DOWN		
SCOTCH STREET	3.5 ha	
TARTARAGHAN		
THE BIRCHES		
RURAL		
<b>TOTAL</b>	<b>206 ha</b>	<b>112ha</b>

12.04 However, adding up Column 2 gives a total of approximately 112 ha to be added to the total housing land availability figure at Table 3.2 5<sup>th</sup> column. Assuming that most of it will be developed for housing at 15 dph, this would give an additional housing potential at 2000 of 1680 ie a total housing potential of 10,213 (Phase 1). This is obviously more than was estimated by the DoE in Table 3.6, as the DoE did not take account of my recommendations and also calculated some of the concession sites on a slightly different basis. In any event the total housing potential represents a 100% over-zoning in relation to household formation and 127% over-zoning in relation to the RDS

Housing Growth Indicator. The question is whether this level of over-zoning after deleting Phase 2 land from the Plan is such that the Plan is fundamentally flawed and should be rejected by the PAC.

12.05 I am loathe to reject the Plan as fundamentally flawed since this part of Northern Ireland has suffered over the years from the lack of a statutory plan and this Plan has been so long in the making. On the other hand this level of over-zoning is totally unacceptable, even though the Plan is exempted from any statutory requirement to be consistent with or in general conformity with the RDS. If the RDS had not been developed for Northern Ireland, this level of over-zoning would still be totally unacceptable in terms of current government policy. I have expressed my views on this at Paragraph 3.01.56.

12.06 I cannot comprehend why the Borough Council appear to be of the view that the more land zoned in the Borough for housing, the better it will be for the economy of the Borough and I cannot understand why the Borough Council's professional advisers or the DoE Planning Service have not been able to persuade the Council that controlled development of settlements in the Borough does not lead to economic stagnation but quite the reverse. It is an accepted principle of urban development that restrained land release matched to carefully estimated requirements provides the certainty required for investment decisions and at the same time prevents unsightly and wasteful urban sprawl, inefficient use of resources and despoilation of the countryside. The Plan's Objectives clearly spell out these matters and lay stress on sustainable development. Over-zoning of housing land of the order of magnitude of 100-127% is in total contradiction of these Objectives. It is beyond doubt that urban regeneration of the inner areas of existing settlements will not happen if large tracts of agricultural land on the edge of settlements are widely available for development, because developers will quite naturally choose to develop the easier sites. This is contrary to the principles of sustainable development which are central to current government thinking at all levels - Northern Ireland, UK and European Community.

12.07 It takes a long time for policy change in town and country planning to be brought about and this is recognised in DRSF at Page 124 which refers to existing development plans taking some time to bring about the desired 'change of direction' of producing more urban housing by recycling land and buildings and making use of other suitable sites and reducing the use of greenfield land. The implication of this statement is that it is imperative that new plans such as the Craigavon Area Plan start implementing changes in policy direction as early as possible. Irrespective of the statutory requirement for general conformity with the RDS no longer being applicable to the CAP, the point is that once this huge amount of surplus greenfield land is released around the edges of the Urban Area and the villages of the Borough through the adopted Plan, then it will be many many years before the situation can be redressed. Developers and landowners will obtain planning permissions, even where there is no current market, in order to ensure they are not deprived of their development value should a subsequent plan de-zone land. The Borough will thus be shackled until 2010, and possibly a few years beyond that, with a Plan that is completely out-of-step with current government thinking on planning. This will be seriously detrimental to its orderly and sustainable development and to its image.

### **Concessions**

12.08 In my view the only way in which it would be possible for the Plan to be adopted is for the DoE to reconsider all its proposed concessions, including those which were uncontested. Although I stated to the Inquiry that concessions were not a matter for the PAC to comment on and that I would merely be reporting on uncontested concessions, there were so many concessions made by the DoE before and during the Inquiry, completely ignoring the over-zoning situation of DCAP, that I feel I cannot now avoid comment. The concession of sites that are 'worse' in physical and environmental

terms than objection sites which I have recommended be deleted from the Plan (ie all Phase 2 lands) also leads me to the conclusion that the DoE should reconsider all its concession sites.

- 12.09 In the face of the substantial housing over-zoning in DCAP I cannot endorse the stance taken by the DoE throughout the inquiry process that most objection land zoned in CAPPP but not zoned in DCAP or zoned as Phase 2 land in DCAP, should to be conceded to Phase 1 land. Such proposed concessions make a nonsense of the DoE's argument of housing land over-zoning which it used when it was seeking to rebut objections requesting additional land be included in the Plan. I don't think that the Plan Team thought through the implications of its decision to concede all CAPPP sites or predicted the knock-on effect on other objection sites where the equity argument was presented. For example, the knock-on effect of concessions negotiated during the Inquiry is now apparent in relation to objection site No 243 (on adjacent lands); objection site No 157 (on other objections where a flooding issue was raised); and objection site No 163a (on objection sites across the road). In addition the overall effect of proposed concessions on the distribution of development lands around the Urban Area and amongst the villages and smaller settlements has not been fully considered by the DoE. For example, if one adds the proposed concessions of objection site Nos 243 and 257 to my recommendation that objection site Nos 216, 4, 156, 44, 3, 42, 27, 28, 83, 14, 238 be reallocated to housing, then it is clear that a large portion of the additional 112 ha of land in Table 12.1 relates to north Lurgan and north Portadown contrary to the sort of balanced distribution of development lands the DoE was apparently trying to achieve around the Urban Area.
- 12.10 In addition the proposed concessions were not actually made consistently, as some sites which had been in CAPPP were not conceded because there was no objection and some sites were conceded that had not been included in CAPPP (for example, Objection Site Nos 162, 163) and some sites were conceded in their entirety when they had been only partly within CAPPP (for example Objection Site Nos 163a, 157, 243). Another inconsistency is that some land was conceded to 'white land' rather than housing land, for example objection site No 163a, for no sound planning reasons since it is quite obvious that the most likely land use will be housing. In any case I see no justification at all for zoning 'white land' on the outer edge of settlements since by definition 'white land' implies that there is some physical or environmental constraint to development. I consider that a 'white land' zoning is only appropriate where sites fall well inside the urban footprint and their exclusion would be illogical in terms of urban form.
- 12.11 I have already commented at Paragraph 3.01.64 that the proper approach to choosing which sites would be included in the Plan would have been to set out a list of criteria and for all potential sites beyond those that had been in the 1983/85 non-statutory development limit to be assessed on that basis, within the overall restriction of the housing need calculations for settlements and the existing capacity for brownfield and 'white land' development. This was not done by the DoE and undue reliance was put on the CAPPP proposals. Whilst I understand the administrative dilemma that the Craigavon Planning Office faced with the suspension of the CAP plan making process in early 1996 pending the preparation of the Belfast City Region Strategy which then did not come to fruition. But having waited for three years to resume preparation of CAP I do not understand why the Plan Team did not seek to ensure that the Plan was going to be compatible with the Regional Development Strategy being by that time prepared. The DoE was perfectly entitled to re-assess land use allocations between one stage of the Plan and the next and there was plenty of opportunity for the DoE to advise the public that all CAPPP sites which had not been acted upon (ie planning permissions granted) were due for re-consideration by a certain date in the process. I think that is how the DCAP should have been prepared. Effectively the Plan Team should have started again with a fresh sheet in 1999 with the publication of the Notice of Intention to prepare the draft plan.

12.12 Furthermore, Policy SP2 and HOU 1 of PSRNI give some guidance and provide for input from elected representatives, community groups and other agencies. I cannot accept that sites are not included in such an appraisal just because there has been no representation requesting their inclusion, which is what appears to have been the case in relation to the preparation of DCAP. In my view all sites on the periphery of settlements should be assessed whether or not there have been representations seeking their inclusion.

12.13 Although I am recommending a complete reappraisal of all concessions sites, with a view to the DoE substantially reducing the level of over-zoning in the Plan, I do not consider that my recommendation on the group of objection sites known as the Silverwood objections in Lurgan should be altered (Nos 216, 4, 156, 44, 3, 42, 27, 28, 83, 14, 238) as these sites lie well into the existing urban area and provide a sustainable location for new residential development.

#### **Minor issues**

12.14 Finally I deal with a number of minor points that do not fit in well elsewhere in this report.

- Firstly Objection No 275(15.10) is not an objection but support by the Borough Council for the abandonment of the Bachelor's Walk, Portadown road scheme in DCAP. Whilst the DoE stated that further discussions had taken place with the Council on this matter and it was the DoE's subsequent understanding that the Council wished the retention of an option for a third River Bann crossing to link to the wider Seagoe area, which might have implications for Bachelor's Walk, I must confine my considerations to the original objections. Since this was clearly a letter of support I see no need to make further comment on the matter.
- In discussion of Objection No 176 a proposed site development requirement that 'any layout should ensure that all houses are positioned outside the falling distance of the mature trees which bound the site' was removed after debate. The DoE effectively conceded this point and requested that the reference to falling distance of trees in the site development requirements on page 123 of DCAP for zoned housing site P/H 13 be removed.
- Also in discussion of Objection No 176 it was agreed by the DoE that the nomenclature for 'stream' should be rationalised in the plan eg p116 (stream), 119 (watercourse), 120 (sheough) and 126 (watercourse). I agree with both of these points.



**SUMMARIES  
OF  
RECOMMENDATIONS  
AND  
UNCONTESTED CONCESSIONS**

3.01 **Inadequacy of the proposed housing land allocation and its distribution throughout the Borough; lack of transparency in housing site selection process.**

**Objections: Nos 5, 20, 21, 22, 29, 32, 33, 35, 36, 37, 41, 52, 55, 58, 59, 60, 82, 83, 90, 109, 111, 138, 139, 143, 151, 153, 170, 174, 176, 177, 184, 186, 189, 205, 208, 221, 243, 267, 275**

I make a number of wide ranging conclusions about population and housing projections and about the level of over-zoning in the Plan. These form the context for my consideration of other objections of a site specific nature.

3.02 **Objections relating to the principle of phasing housing land supply and to the proposed mechanism for review of land supply in 2005**

**Objection: Nos 207, 275, 61, 186(b), 197, 203, 242, 253, 255, 170, 107, 108, 116, 17, 47, 78, 128**  
**Conflicting Objection: No 241**

I recommend that all Phase 2 land be deleted from the Plan unless there are exceptional planning reasons why a specific settlement should retain some phasing of land supply to meet a particular set of circumstances or why a specific site should remain as zoned housing land in the Urban Area or remain within the settlement limit of a village or small settlement as white land.

3.03 **Objection to the exclusion of previously zoned lands**

**Objection: No 275(2.2)**

I recommend that no alteration be made to the Plan as a result of this objection.

3.04 **Objection relating to the Council's visioning process**

**Objection: No 275 (1.1)**

I recommend that the following be inserted into the Plan at page 14: 'When the Integrated Borough Development Strategy is published the DoE will undertake to

review the need to make an amendment to the Craigavon Area Plan in order to ensure there is no fundamental conflict between the two documents on a key issue. This review will be undertaken in consultation with interested parties, including the Borough Council.'

3.05

**Objection to the omission of policy spelling out the Department's approach to sustainable development in this area**

**Objection: No 204**

I recommend that a section be inserted into the Plan to spell out the DoE's approach to 'sustainable development' in the particular circumstances of this Plan.

3.06

**Objections relating to the need for policy to encourage development of previously used sites.**

**Objection: Nos 204, 208**

I recommend that the DoE considers ways of placing more emphasis in the Plan on policy to give preference to the development of brownfield sites particularly given my comments on sustainable development in section 3.05 above.

3.07

**Objection to the omission of policy spelling out the Department's approach to development on 'white land'**

**Objection: No 204**

I recommend that the DoE inserts into the Plan some explanation of what is meant by 'white land'. This could either be inserted into Plan Policy Settlement 1 or inserted before that policy on page 15. If the latter I recommend the following wording:

'Within the limits of development of the Urban Area land is normally either developed or zoned for a particular use. There remains, however, some land which is neither developed nor zoned for a particular use and this is generally known as 'white land'. Plan Policy Settlement 1 applies to both zoned land and white land in the Urban Area. On some of this white land there are physical or environmental constraints to development and development will only be permitted if constraints can be overcome and the proposed development is acceptable in planning terms. Within the limits of development of villages and smaller settlements land is not normally zoned for any particular uses and is all termed 'white land'. Plan Policy Settlement 1 also applies to it.

3.08

**Objection to the references in the Plan - PPS 1, PPH3, PPI1, PPC 1 and PPR 1.**

**Objection: No 206**

I recommend that Plan Policies PPS 1, PPH 3, PPI 1, PPC 1 refers to the specific regional policy most applicable to that particular plan policy as well as general regional policy set out at Pages 10-12 of the Plan. The Plan should make it clear that the reader needs to consult the Planning Service about the most up-to date version of any regional policy specifically referred to in the Plan as regional policy will change over the Plan period.

3.09

**Objection to the use of the word normally on page 9 of the Plan**

**Objection: No 209**

I recommend that the section Plan Policy and Proposals at page 9 of the Plan be amended to make it clear that this does not rule out an exception being made to any policy, where particular circumstances justify it.

3.11

**Objections relating to open space provision.**

**Objection: Nos 275 (9.1), 266**

I recommend that:

- (c) Plan Policy Housing 3 be replaced by a section containing references to PPS 7 and PPS 8 policy (or any policies that amend or supersede these policies) as discussed above and that reference to Plan Policy Housing 2 in the site development requirements for the zoned housing sites be replaced with reference to PPS 7 and PPS 8 (or any policies that amend or supersede these policies); and
- (d) The DoE appraises the need to make specific reference to the creation or protection of urban spaces in the site development requirements for each town centre opportunity site in the Plan.

3.12

**Objection to (a) the failure to deal with Travellers' accommodation needs through the area plan (b) failure to undertake an Equality Impact Assessment to ascertain whether Travellers were being unduly disadvantaged and (c) possible breach of Human Rights Act 1998 (d) Objection that a permanent Travellers site has not been identified.**

**Objection: No 114, Nos. 245(c) and 275**

I recommend that the DoE up-dates the Plan by cross referencing to the draft regional guidance on the issue of Travellers' accommodation and the approval of the site at Monbrief Road, Craigavon. I do not consider it necessary for the Plan to include criteria specific to the Borough to aid the selection process for future Travellers' sites but this is a matter which the DoE should keep under review in consultation with all interested parties.

4.02

**Objection relating to failure to incorporate Planning Policy Statement 5 policy into the Plan.**

**Objection Nos: 275, 223, 222**

I recommend that there should be no change to the Plan as a result of this objection.

4.03

**Objection relating to the terminology of Primary Retail Core and Major Retail Development Core used in the Plan.**

**Objection: Nos 223, 214, 222**

I recommend that the DoE amends the terminology in the Plan as suggested in its evidence to replace 'Major Retail development Core' with 'Primary Retail Core' (PRC\*) and replace 'Primary Retail Core' with 'Retail Frontage Policy Area' (RFPA).

4.04

**Objections referring to the areal definition of Town Centres, Primary Retail Cores and Retail Frontage Policy Areas in the Borough.**

**Objection: Nos 210, 275**

**Counter Objector: Nos 26,40**

I recommend that TC boundaries are re-drawn, along with PRC\* boundaries, on the basis of the broad principles I have outlined above. I recommend that all three town centres have both a TC and a PRC\* and that Lurgan and Portadown have a designated RFPA. This recommendation will form the overall context of my consideration of site specific objections.

4.05

**Other general objections relating to retailing policy in the Plan.**

**Objection: Nos 275, 146**

I recommend that the DoE makes a commitment in the Plan to prepare (a) statutory town centre plans for Lurgan, Central Craigavon and Portadown, (b) carry out town centre health checks at 5 yearly intervals and (c) produce design guides for each opportunity site. The statutory town centre plans which I am recommending could be drawn up as part of the immediate overall review of Town Centres generally as recommended at Paragraph 4.04.26 and incorporated into the adopted plan after due public consultation. The Portadown CDA should also be shown on the appropriate map.

4.06

**Objections relating to the Plan's TC boundaries with regard to the capacity of the Borough to support additional retailing.**

**Objection: Nos 214, 210, 211, 275, 223**  
**Counter Objection: Nos 39, 40, 27, 28 & 30**

As I have already concluded at paragraph 4.04.20 above that there ought to be a statistical foundation for defining TC boundaries, my recommendation is that the DoE takes note of the range of retail floorspace requirements estimated by CCL and Vico (summarised at paragraph 4.06.29) in its re-assessment of retail floorspace requirements within the TC boundaries. The level of existing commitments summarised at paragraph 4.06.30 should also be kept in mind

4.07

**Objection relating to the failure to provide a town centre plan for Central Craigavon.**

**Objection: No 275 (12.1), 210**

I recommend that a town centre map for Central Craigavon is included in the Plan, similar to those included for Portadown and Lurgan

4.08

**Objections relating to the principle and extent of the Craigavon Town Centre boundary.**

**Objection: Nos 210, 211**  
**Counter Objection: Nos 39, 40, 26**

I recommend that the DoE re-assesses the extent of the TC boundary in the Plan and reduces it in size broadly in line with the principles I have set out in Paragraph 4.04.20 and the factors I have indicated in my consideration. I also recommend that a PRC\* be delineated broadly in line with the principles set out in Paragraph 4.04.20 and the factors I have indicated in my consideration.

4.09

**Objections relating to the extent of Lurgan Town Centre boundary in the Plan.**

**Objection: No 187**

### **Counter Objecton: No 28**

I recommend that the DoE re-assesses the extent of the TC boundary in the Plan and reduces it in size broadly in line with the principles I have set out in Paragraph 4.04.20 and the factors I have indicated in my consideration. I also recommend that a PRC\* be delineated broadly in line with the principles set out in Paragraph 4.04.20 and the factors I have indicated in my consideration and that the PRC in the DCAP be re-titled RFPA.

4.10

**Objection relating to the need for a properly constructed bus facility close to Lurgan Town Centre.**

### **Objection No: 38**

I recommend that no alteration be made to the Plan as a result of this objection.

4.11

**Objections relating to policies P/TC 1, P/TC 2 and P/TC 3; that Portadown Town Centre boundary is too extensive (Objection Nos 211, 214, 223, 222); that the TC boundary is not extensive enough (Objection Nos 275 (14.1), 146); the designation of a Primary Retail Core and a Major Retail Development Core; and the lack of clarity about what is acceptable in each opportunity site.**

**Objection: Nos 211, 214, 223, 222**

**Conflicting Objection: Nos 275 (14.1) 146**

**Counter Objection: Nos 27, 28, 29, 30**

I recommend that the DoE re-assesses the extent of the TC boundary in the Plan and reduces it in size broadly in line with the principles I have set out in Paragraph 4.04.20 and the factors I have indicated in my consideration. I also recommend that a PRC\* be delineated broadly in line with the principles set out in Paragraph 4.04.20 and the factors I have indicated in my consideration. I also recommend that the PRC in the DCAP is retitled RFPA, that further clarification is given in the Plan about the types of uses considered appropriate for each opportunity site, and that detailed elements of the DSD Master Plan which are consistent with the development plan proposals should be incorporated into CAP.

4.12

**Objection to the exclusion of land east of the River Bann from Portadown Town Centre.**

**Objection No: 39**

I recommend that the DoE, when re-assessing the extent of the TC boundary in Portadown, considers where there is any justification for including this objection site.

4.13

**Objection to the exclusion of land at Hoy's Meadows, Portadown from the Town Centre boundary.**

**Objection No: 147 (part of) ; also 146, 275 (in general terms)**

I recommend that the DoE, when re-assessing the extent of the TC boundary in Portadown, considers where there is any justification for including part of this objection site.

4.14

**Objection that the plan does not adequately address the development potential of the R Bann frontage.**

**Objection Nos: 275 (14.2), 146**

I recommend that the plan (a) outlines the objectives of a riverside development strategy and the specific stretch of river it would apply to and (b) makes a commitment to prepare such a strategy within a specified timescale.

4.15

**The plan does not provide any commitment to improving the accessibility of Peoples Park.**

**Objection No: 275 (14.3)**

I recommend that no alteration to the plan is made as a result of this objection.

5.01

**Objections relating to the overall allocation of land for industry in the Plan and the adequacy of choice of site in terms of size, location and land ownership .**

**Objection Nos: 275(3.1), 241, 32, 149, 83  
Counter Objection Nos: 46, 47**

I recommend that no alteration be made to the Plan as a result of objection Nos 275 (13.1) and 32. My conclusion on objection No 241 that there is an overgenerous supply of land for industry in the Plan sets the context for the other objections of a more site specific nature which are dealt with later in this section.

5.02

**Objections referring to the need for light industrial land zonings at Silverwood.**

**Objection: Nos 83, 238, 156**

**Counter Objection: Nos 46, 64 and 47**

My conclusions set the context for objections of a more site specific nature which are dealt with later in this section.

5.03

**Objections to the non-identification of sites for industry in smaller settlements and the failure to provide for small business concerns and employment uses in rural areas and small settlements.**

**Objection: Nos 259, 275 (11.1)**

I recommend that no alteration be made to the plan as a result of these objections.

5.04

**Objection to the exclusion of lands from the settlement limit of the Craigavon Urban Area and seeking zoning of the lands for light industry or storage and distribution purposes.**

**Objection: No 18**

I recommend that no alteration be made to the plan as a result of this objection.

5.05

**That the site should not be located in the Green Belt but be included in the development limit and zoned for industry.**

**Objection: No 149**

I recommend that no alteration be made to the plan as a result of this objection.

5.06

**Objection to the site development requirements for Zoned Housing Site L/H-13 seeking an extended landscaped buffer area to industry.**

**Objection: No 126**

I recommend that no alteration be made to the plan as a result of this objection.

5.07

**Objection to the zoning of land for development (industrial zoning C/I-2), seeking no development (119,120,273) and objection to the zoning of the southern part of the site for industry seeking housing (136).**



**Objection: Nos 119, 120, 273**  
**Conflicting Objection: No 136**

I recommend that the southern portion of objection site Nos 119/120/273 is not allocated for industry and that the settlement limit is drawn in to exclude it. This applies to all of objection site No 136.

5.08 **Objection to Green Belt designation at Bleary, seeking identification of lands for industrial development.**

**Objection: No 188**

I recommend that no alteration be made to the Plan as a result of this objection.

5.09 **Objections referring to the need for a buffer zone between existing industrial properties at Silverwood Industrial Estate and any future housing nearby.**

**Objection: No 156, 83, 27, 28, 238, 216 (in relation to proposed concession as other aspects of 216 withdrawn)**  
**Counter Objection: Nos 46, 47, 53, 60, 61 and 64**

I shall deal with possible alternative land use zonings for L/I-5 and L/I-6 along with any necessary site development requirements when I deal with site specific objections later in this section. At this stage I see no reason why the vast majority of the objection lands involved could not be developed for a variety of uses, including housing. My conclusions on this issue provide the context for my considerations of site specific objection Nos 4, 156, 3, 44, 42, 27, 28, 216, 238, 83 and 14 below.

5.10 **Identification of land within zoned Housing Site L/H-1 as landscaped open space, seeking re-zoning as housing.**

**Objection No: 216 (part of)**  
**Counter Objection Nos: 53**

I recommend that this site is not specifically identified as landscaped open space as part of the site development requirements of L/H-1 and that the 6<sup>th</sup> bullet point of the site development requirements on page 85 of the plan be deleted.

5.12 **Objection to the zoning of the site as part of L/I-5, wanting to build a retirement house on the site.**

**Objection: No 4**  
**Counter Objection : No 58**

I recommend that this objection site has its light industrial /warehousing zoning removed and that it is allocated for housing in the Plan.

5.13

**Objection to the zoning of the site as part of L/I- 5, requesting zoning for housing Phase One.**

**Objection: No 156**

**Counter objection: No 47**

I recommend that this objection site has its light industrial /warehousing zoning removed and that it is allocated for housing in the Plan.

5.14

**Objection to the zoning of the site as part of L/I- 5 and L/I- 6, requesting zoning for housing.**

**Objection: No 44**

**Counter objection: No 63**

I recommend that this objection site has its light industrial /warehousing zoning removed and that it is allocated for housing in the Plan. .

5.15

**Objection to the zoning of the site as part of L/I- 5 requesting zoning for housing.**

**Objection: No 3**

**Counter objection: No 45**

I recommend that this objection site has its light industrial /warehousing zoning removed and that it is allocated for housing in the Plan.

5.16

**Objection to the zoning of L/I-6 (Nos 27,28 and 42) or parts of L/I-6 (Nos 83, 14 and 238) requesting zoning for housing (phase 1 housing referred to in objection No 83 but white land or housing requested at Inquiry.**

**Objection: No 42, 27, 28, 83, 14, 238**  
**Counter objector: 46, 59, 60, 61, 62, 64**

I recommend that the light industrial/warehousing zoning be removed from the objection sites and that they be allocated as housing land L/H-1 (b).

5.17

**Objection to the site not being zoned for housing.**

**Objection: No 43**

I recommend that this site be allocated for housing in the Plan.

5.18

**Objection to the omission of a policy relating to the COMAH regulations and the non-identification of hazard consultation zones.**

**Objection: No 244**

I recommend that the Plan be amended in accordance with the DoE's proposed concession with a further reference to additional COMAH sites that come into being during the plan period.

6.02

**Objection to identification of land as Green Belt seeking inclusion of lands within the urban area.**

**Objection: No 31**

I recommend that no alteration be made to the Plan as a result of this objection.

6.04

**Objection to the access requirements of L/H-1 requiring the Plan to state that there should only be three accesses to L/H-1 – two to Kiln Road and one to Silverwood Road.**

**Objection : Nos 266 and 274**  
**Counter Objection: Nos 14, 15 and 65**

I recommend that the DoE amends the site development requirements for L/H-1 by adding to the 10<sup>th</sup> bullet point at Page 85 of the Plan that 'the Department will consider additional or alternative access locations to those stated, where standards can be met

and the accesses are acceptable in terms of any Concept Master Plan submitted in accordance with PPS 7.'

6.07

**Objection seeking inclusion of lands within the urban area.**

**Objection: No 51**

I recommend that no alteration be made to the Plan as a result of this objection.

6.08

**Objection to the extent of the land zoned for Phase 2 release north of North Circle Road Lurgan.**

**Objection: No 197 (northern part )**

I recommend that this objection site be deleted from the Plan and that the settlement limit be re-drawn at this location to exclude this objection site.

6.09

**Objection to settlement limit seeking change to the settlement limit and rezoning of lands from Phase 2 housing to Phase 1 housing.**

**Objection: No 243**

**Conflicting Objections: No 241, 197 (part of)**

Subject to my comments at Section 12 regarding the DoE's proposed concessions, I recommend that the settlement limit be re-drawn to exclude part of the objection site, with the new settlement limit following a line running eastwards through part of the objection site as described in my consideration.

6.11

**Objection to exclusion of lands to the north of Kilmore Road, Lurgan from the settlement limit seeking a housing zoning.**

**Objection : No 29**

I recommend that no alteration be made to the Plan as a result of this objection.

6.12

**Objection to zoning of land as part of a LLPA seeking rezoning for housing.**

**Objection: No 140**

I recommend that no alteration be made to the LLPA zoning but that the triangular field indicated as white land should be incorporated within the housing zoning L/H-7.

6.13

**Objection to access requirements for zoned housing L/H 7; its visual impact on the existing character of the area; the quality and type of housing development and infrastructure provision.**

**Objection: Nos 95, 96, 98, 99, 115, 118, 130, 135, 198, 234, 237, 240**

I recommend that (a) the third site development requirement on Page 89 of DCAP be amended to require retention and strengthening of the boundary vegetation along the boundary of L/H-7 and existing housing at Demesne Avenue and Churchill Avenue (b) the sixth site development requirement be amended to make reference to access from Hazelgrove as well as Birchdale, and (c) it is stated that any access to L/H-7 via Demesne Avenue/Church Avenue may require improvement to visibility splays at the junction with Avenue Road.

6.14

**Objection to exclusion of lands from the urban area seeking inclusion and zoning for housing.**

**Objection: No 36**

**Conflicting objections: Nos 81, 104(b), 127, 199, 265(b), 270**

I recommend that no alteration be made to the Plan as a result of this objection.

6.16

**Objection to exclusion of lands from the urban area seeking inclusion for development purposes.**

**Objection: No 174 (amended site)**

**Counter objections: Nos 32, 33, 34, 35**

I recommend that no alteration be made to the Plan as a result of this objection.

6.17

**Objection to inclusion of land within the urban area seeking removal from the Urban Area and designation as Green Belt.**

**Objection: No 11, 62–68, 72-75, 178-179**

I recommend that no alteration be made to the Plan as a result of this objection.

6.18

**Objection to the exclusion of lands from the urban area seeking inclusion and zoning for housing either Phase 1 or 2.**

**Objection: No 20**

**Counter objection: No 21**

I recommend that no alteration be made to the Plan as a result of this objection.

6.19

**Objection to the exclusion of lands from the urban area seeking inclusion**

**Objection: No 56**

**Counter Objection: No 22**

I recommend that no alteration be made to the Plan as a result of this objection.

6.20

**Objection to the exclusion of lands from the urban area seeking inclusion as Phase 1 or Phase 2 lands**

**Objection: No 82 (amended site)**

**Counter objection: No 66**

I recommend that no alteration be made to the Plan as a result of this objection.

6.21

**Objection Seeking rezoning of lands from Phase 2 release to Phase 1 release.**

**Objections: Nos 186(a) (northern portion), 253, 255, 203**

**Conflicting Objection: No 241**

I recommend that the DoE re-appraises this proposed concession and considers whether there are any exceptional planning reasons why the objection sites should remain as zoned housing land inside the settlement limit. This recommendation applies to the sites collectively and individually.

6.22

**Objection to lands zoned for Phase 2 housing, seeking Phase 1 allocation.**

**Objection : No 186(a) southern portion , 61  
Conflicting objection: No 241**

I recommend that this Phase 2 land is deleted from the Plan and the settlement limit be re-drawn to exclude the objection sites. This recommendation applies to the sites collectively and individually.

6.23

**Objection to the exclusion of lands from the urban area seeking inclusion and zoning for housing.**

**Objection: No 35**

I recommend that no alteration be made to the Plan as a result of this objection.

6.24

**Objection that Brownlow House and Lord Lurgan Memorial Park are not included as a Historic Park, Garden or Demesne.**

**Objection: No 275 ( 10.1 & 15.4)**

I recommend that no alteration be made to the Plan as a result of these objections.

6.25

**Objection relating to the inclusion of the Waves Complex within the LLPA and its designation as part of an Historic Park, Garden and Demesne.**

**Objection: No 275 (15.3)**

I recommend that the Brownlow House (Lurgan Park) Historic Parks, Gardens and Demesnes designation be drawn back to exclude the site of the Waves complex and the undeveloped land to the SE of it. The LLPA designation should also be amended in a similar fashion with the exception that it be retained for the undeveloped area of land to the SE of the 'Waves'.

7.02

**Objection to the exclusion of lands from Craigavon Urban Area (seeking inclusion of lands and zoning for mixed use – housing/industry/commercial use, leisure and recreation) and (in parallel) to the inclusion of industrial zoning C/I-3.**

**Objection: No 213**

I recommend that no alteration be made to the plan as a result of this objection.

7.03

**Objection to the exclusion of lands from Craigavon urban area (seeking inclusion of lands and zoning for housing and/or commercial use)**

**Objection: No 55**

I recommend that no alteration be made to the plan as a result of this objection.

7.04

**Objection to the identification of lands as Green Belt seeking removal of Green Belt.**

**Objection: No 132**

I recommend that no alteration be made to the plan as a result of this objection.

7.05

**Objection to the exclusion of lands from Craigavon urban area (seeking inclusion of lands and zoning for housing)**

**Objection: No 154**

I recommend that no alteration be made to the plan as a result of this objection.

7.06

**Objection that the extent of the zoning of the Tourism Opportunity Zone at Craigavon South Lake is too extensive.**

**Objection: No 275 (8.1)**

I recommend that the objection site be included as a sub-area of a re-named South Lake Zone with a list of acceptable uses including tourism, cultural, community, civic and recreational schemes with similar site development requirements to those set out on page 41 of DCAP.



7.08

**Objection to the exclusion of lands from Craigavon urban area (seeking inclusion of lands and zoning for housing)**

**Objection: No 103**

I recommend that no alteration be made to the plan as a result of this objection.

7.09

**Objection to the exclusion of lands from Craigavon urban area and location in the Green Belt (seeking inclusion of lands and zoning for housing Phase 1 housing objection No 172) or exclusion from the Green Belt (objection No 247)**

**Objection: No 172 (amended site), 247**

I recommend that no alteration be made to the plan as a result of this objection.

7.10

**Objection to the exclusion of lands from Craigavon urban area (seeking inclusion of lands)**

**Objection: No 215**

I recommend that no alteration be made to the plan as a result of this objection.

7.11

**Objection to the exclusion of lands from Craigavon urban area (seeking inclusion of lands for housing development)**

**Objection: No 25**

I recommend that no alteration be made to the plan as a result of this objection.

7.12

**Objection to the exclusion of lands from Craigavon urban area and the designation as Green Belt (seeking inclusion of lands).**

**Objection: No 138**

I recommend that no alteration be made to the plan as a result of this objection.

7.13

**Objection to designation of the lands as Green Belt, seeking removal of Green Belt and regeneration of Bluestone.**

**Objection: No 125**

I recommend that no alteration be made to the plan as a result of this objection.

7.14

**Objection to the non-identification of a People's Park in Brownlow.**

**Objection: No 245 (part of)**

I recommend that no alteration be made to the plan as a result of this objection.

7.15

**Objection in Brownlow to the non-designation of a local landscape policy are the landlocking of recreational land adjacent to Lismore Comprehensive School; the need for widening the road in Moyraverty estate; and the need for compliance with conditions regarding landscaping and other matters.**

**Objection: No 245 (part of)**

I recommend that no alteration be made to the plan as a result of this objection.

8.03

**Objection relating to the general issue of land liable to flood in Portadown.**

**Objection: No 112, 157, 100, 168, 162, 123, 267, 1, 52, 275, 146, 147, 225, 194, 161**

On the basis of this consideration recommendations will be made on specific objections where there is a flood issue.

8.05

**Objection that the Peoples Park is not included within the designation of an Historic Park, Garden or Demesne.**

**Objection: No 275 (10.1)**

I recommend that no alteration be made to the Plan as a result of this objection.

8.08

**Objection relating to the exclusion of lands from the Portadown Urban Area seeking inclusion of lands and zoning for housing Phase 1.**

**Objection: No 171**

I recommend that no alteration be made to the plan as a result of this objection.

8.10

**Objection to the exclusion of land at Hoy's Meadows, Portadown from the development limit and to its inclusion in the Green Belt.**

**Objection No: 147 (one aspect of)**

I recommend that no amendment be made to the Plan as a result of this objection.

8.11

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands and zoning for housing.**

**Objection: No 161**

I recommend that no alteration be made to the plan as a result of this objection.

8.13

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands and zoning for housing (Nos 256, 163b) or white land (No 139)**

**Objection: No 139 (amended site), 256, 163b  
Counter objections: Nos 2, 3, 6, 7, 8, 9, 11, 23**

I recommend that no alteration be made to the plan as a result of these objections. This recommendation applies to the objections individually as well as collectively.

8.15

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands**

**Objection: No 176**

I recommend that no alteration be made to the plan as a result of this objection.

8.16

**Objection relating to the zoning of lands as Phase 2 Housing Release seeking re-zoning as housing Phase 1 release.**

**Objection: No 116**  
**Conflicting objection: No 241**

I recommend that this Phase 2 land be deleted from the Plan and the settlement limit be re-drawn to exclude the objection site. The small portion of this site which has an extant planning permission should be taken out of the Phase 2 zoning and be included in zoned housing site P/H 10.

8.17

**Objection relating to the zoning of lands as Phase 2 housing release seeking re-zoning as housing Phase 1 release.**

**Objection: Nos 107, 108**  
**Conflicting objection: No 241**

I recommend that this Phase 2 land be deleted from the Plan and the settlement limit be re-drawn to exclude the objection sites.

8.18

**Objection relating to the identification of Killicomaine House as P/LLPA/5**

**Objection: No 211**

I recommend that no alteration be made to the plan as a result of this objection.

8.19

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands**

**Objection: No 54**

I recommend that no alteration be made to the plan as a result of this objection.

8.20

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands**

**Objection: No 248(a) (248 b withdrawn at Inquiry)**

I recommend that the small triangle of land north of Breagh Road be deleted from the Plan and that the rest of the site remains outside the settlement limit.

8.21

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands.**

**Objection: No 194**

I recommend that no alteration be made to the Plan as the result of this objection.

8.24

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands for housing.**

**Objection: No 260**

I recommend that no alteration be made to the Plan as the result of this objection.

8.25

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands**

**Objection: No 225**

I recommend that no alteration be made to the Plan as the result of this objection.

8.26

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands (52, 1, 267) and zoning for housing (267).**

**Objection: No 267, 1, 52**

I recommend that no alteration be made to the Plan as the result of this objection.

8.27

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands.**

**Objection: No 124**

I recommend that no alteration be made to the Plan as the result of this objection.

8.28

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands**

**Objection: No 134**

I recommend that no alteration be made to the Plan as the result of this objection.

8.29

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands**

**Objection: No 97**

I recommend that no alteration be made to the Plan as the result of this objection.

8.30

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands**

**Objection: No 113**

I recommend that no alteration be made to the Plan as the result of this objection.

8.32

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands.**

**Objection: No 112**

I recommend that no alteration be made to the Plan as the result of this objection.

8.33

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands and zoning for housing and/or light industry**

**Objection: No 173**

I recommend that no alteration be made to the Plan as the result of this objection.

9.02

**Objection to: a) inaccurate description of Waringstown at page 69; b) population data and trends; c) cartographic inaccuracies; d) consultation with the local population.**

**Objection: No 90, 221**

I recommend that:-

1. Page 160 of the Plan is amended to give a more accurate description of the village and that reference is made to the rapid rate of growth of the village over the last three decades.
2. Map No 12 on page 161 is updated using the latest Ordnance Survey map base available.

9.07

**Objections raising the issue of land supply, development pressure and the merits of phasing the supply of land.**

**Objection: Nos 8, 17, 40, 41, 47, 78, 90, 93, 128, 143, 151, 184, 221, 233**

I concluded that there are no exceptional reasons for having a policy of land phasing in Waringstown and that all Phase 2 land be deleted from the Plan unless there are exceptional site specific reasons for the retention of a particular site within the settlement limit as white land.

9.08

**Objection to unplanned growth of the village; provision for industry and employment/ tourism/ recreation/ commerce/ community services/ infrastructure; misrepresentation of village facilities; nature conservation; and quality development.**

**Objection: Nos 90, 221, 17**

I recommend that:-

1. The DoE considers giving a positive response to any approaches from the village community to collaborate on a community audit and non-statutory village plan for Waringstown and seeks, in conjunction with the local community, possible funding sources for such work.
2. The DoE considers including in the plan local design requirements for the specific residential sites referred to above.
3. No alteration is made to DCAP as a result of the objections relating to the allocation of land in Waringstown for recreation and open space, industry, commerce, nature

conservation, cycle ways and walkways, education and community facilities or tourist facilities.

- References to the Waringstown STW in the Plan are brought up to date and the reference to phasing in the last sentence of the third Paragraph of page 160 is removed.

9.09

**Objection to the zoning of Phase 2 lands in Waringstown seeking either re-zoning of white land within the settlement limit (Nos 47, 78 and 128) or seeking deletion of the Plan entirely (Nos 17 and 233)**

**Objection: Nos 17, 233**

**Conflicting objection: Nos 47, 78, 128**

**Counter objection: No 43**

I recommend that the Moss Road, Clare Road and Banbridge Road phase 2 sites be deleted from the Plan and that the settlement limit be brought in at these locations. I also recommend that part of the Primary Walk Phase 2 site be deleted from the Plan and that the settlement limit be drawn in so that only the most easterly quarter of the site is included in the settlement limit as white land.

9.12

**Objection to the exclusion of lands from the settlement limit seeking inclusion (objection Nos 41 and 42 are for Phase 2 allocation)**

**Objection: Nos 151, 40 and 41 (amended site)**

I recommend that no alteration be made to the Plan as a result of this objection.

9.13

**Objection to the exclusion of lands from the settlement limit seeking inclusion**

**Objection: No 93**

I recommend that no alteration be made to the Plan as the result of this objection.



9.14

**Objection to the exclusion of lands from the settlement limit seeking inclusion**

**Objection: No 143 (part of)**

I recommend that no alteration be made to the Plan as a result of this objection.

9.15

**Objection to the exclusion of lands from the settlement limit seeking inclusion of lands in the settlement limit for development or zoned as Phase 2 land.**

**Objection: No 8**

I recommend that no alteration be made to the Plan as a result of this objection.

9.16

**Objection to the identification of Banbridge Road as a protected route.**

**Objection: Nos 143 (part of), 151 (part of)**

I recommend that the DoE clarifies the matter of the designation of Protected Routes in N Ireland as a matter of priority through the production of a subject plan for the whole of the Province and reconsiders the designation of the A26 as part of this process, taking into account representations from the public.

9.17

**Objection to the exclusion of lands from the settlement limit seeking inclusion and zoning for housing**

**Objection: No 184**

I recommend that no alteration be made to the Plan as a result of this objection.

9.18

**Objection to the zoning of the site as being available for immediate development.**

**Objection: No 128**

I recommend that the DoE reappraises the settlement limit at this location with a view to excluding this site from the settlement limit.

9.19

**Objection to the exclusion of lands from the settlement limit seeking inclusion of lands**

**Objection: No 257**

I recommend that no alteration be made to the Plan as the result of this objection.

9.20

**Objection relating to the exclusion of land from the settlement limit of Varingstown**

**Objection: No. 79**

I recommend that no alteration be made to the Plan as the result of this objection.

9.21

**Objection to the zoning of land at Aghacommon as Recreation and Open Space seeking its rezoning as land for housing.**

**Objection: No. 50**

I recommend that no alteration be made to the Plan as the result of this objection.

9.22

**Objection to the exclusion of land from the settlement limit of Aghacommon seeking inclusion of lands.**

**Objection: No. 200**

I recommend that no alteration be made to the Plan as the result of this objection.

9.24

**Objection to the Phase 2 designation of the site, seeking Phase 1 designation. Conflicting objection to the extension of the development limit and in particular to lands at Deans Road, Bleary being included in the development limit.**

**Objection: No 21**

**Conflicting objection: No 242, 232 (b)**

I recommend that objection site No 232(b) (which is inclusive of objection site No 21) be excluded from the settlement limit and the settlement limit be re-drawn along Deans Road.

9.25 **Objection seeking inclusion of lands within the settlement limit as an alternative to the Phase 2 site at Deans Road, Bleary which was not for development before 5 years.**

**Objection: No 232 (a)**

I recommend that no alteration be made to the Plan as a result of this objection.

9.26 **Objection to the exclusion of lands from the settlement limit, seeking inclusion**

**Objection: No 59 (amended site)**

I recommend that no alteration be made to the Plan as a result of this objection.

9.27 **Objection to the exclusion of lands from the settlement limit seeking inclusion of**

**Objection: No 177**

I recommend that no alteration be made to the Plan as a result of this objection.

9.29 **Objection to the exclusion of lands from the settlement limit of Dollingstown seeking inclusion of lands (or as Phase 2 housing – objection No 23).**

**Objection: No 23, 258**

I recommend that no alteration be made to the Plan as a result of this objection.

9.30 **Objection to the exclusion of lands from the settlement limit of Dollingstown seeking inclusion of lands and zoning for housing**

**Objection: No 89(b)**

I recommend that no alteration be made to the Plan as a result of this objection.

9.31

**Objection to the exclusion of lands from the settlement limit of Dollingstown seeking inclusion of lands.**

**Objection: Nos 24, 57 and 89(a)**

I recommend that no alteration be made to the Plan as a result of this objection.

9.32

**Objection to the inclusion of lands within the settlement limit of Dollingstown seeking exclusion and designation as Green Belt.**

**Objection: No 81, 104 (b), 127, 199, 265(b), 270**

I recommend that the settlement limit of Dollingstown be drawn in to omit the whole of the objection site.

9.33

**Objection to the exclusion of lands from the settlement limit of Dollingstown seeking inclusion of lands**

**Objection: No 182**

I recommend that no alteration be made to the Plan as a result of this objection.

9.35

**Objection to the exclusion of lands from the settlement limit of Donaghcloney seeking inclusion of lands.**

**Objection: No. 10**

I recommend that no alteration be made to the Plan as the result of this objection.

9.36

**Objection to the exclusion of lands from the settlement limits of Donaghcloney seeking inclusion of lands.**

**Objection: No. 60**

I recommend that no alteration be made to the Plan as the result of this objection.

9.37

**Objection to the exclusion of lands from the settlement limits of Donaghclone  
inclusion of lands.**

**Objection: No. 88**

I recommend that no alteration be made to the Plan as the result of this objection.

9.38

**Objection that the proposed Area of Townscape Character in Donaghcloney sh  
be re-designated as a Conservation Area.**

**Objection: No. 94**

I recommend that no alteration be made to the Plan as the result of this objection but that the merits of CA designation are fully considered as a matter of priority.

9.39

**Objection to the exclusion of land from the settlement limit of Donaghcloney,  
inclusion of land.**

**Objection: No. 111**

I recommend that no alteration be made to the Plan as the result of this objection.

9.40

**Objection to the inclusion of Phase 2 Development Lands in Donaghcloney see  
their exclusion from the settlement limits.**

**Objection: No. 233 (a)**

I recommend that the Phase 2 site at Monree Road be deleted from the limits of Donaghcloney and that the limit is adjusted and the site is reallocated as Green Belt.

9.43

**Objection to the exclusion of lands from the settlement limit of Drumnacanvy,  
inclusion of lands and zoning as housing.**

**Objection: No 160 (amended site)**

I recommend that no alteration be made to the Plan as the result of this objection.

9.45

**Objection to the identification of the site as part of a Local Landscape Policy Area**

**Objection: No 137**

This part concession is noted and I recommend that no further alteration be made to the Plan as a result of this objection.

9.47

**Objection to the exclusion of lands from the settlement limit and its designation as Green Belt.**

**Objection: No 153**

I recommend that no alteration be made to the Plan as a result of this objection.

10.02

**Objection to the exclusion of lands from the settlement limit of Ballymacmaine seeking inclusion of lands.**

**Objection: No 32 (amended site)**

I recommend that no alteration be made to the plan as a result of this objection.

10.05

**Objection to the exclusion of lands from the settlement limit of Derrymacash, seeking inclusion of lands.**

**Objection: No. 34**

I recommend that no alteration be made to the Plan as a result of this objection.

10.06.

**Objection to further development at Derrymore.**

**Objection: Nos. 117, 121 & 236**

I recommend that the Phase 2 housing site be removed from the Plan and that the southern boundary of the settlement be adjusted accordingly as an amendment to the Plan with the required public consultation. .

10.07

**Objection to the exclusion of lands from the settlement limit of Derrytrasna seeking inclusion of lands.**

**Objection: No 80**

I recommend that no alteration be made to the Plan as the result of this objection.

10.08

**Objection to the zoning of lands as Phase 2 in Derrytrasna, seeking the rezoning for immediate release.**

**Objection: No 49** (second aspect of objection withdrawn at the Inquiry)  
**Conflicting Objection: No 241**

I recommend that the front third of the objection site be included in the settlement limit subject to a site development requirement that access to lands to the rear be protected for development in the long term. In allocating the site for development in the plan the DoE should attach other site development requirements it considers appropriate and reasonable.

10.10

**Objection to exclusion of lands from the settlement limit of Gamblestown seeking inclusion.**

**Objection: Nos 22 and 101**

I recommend that no alteration be made to the Plan as the result of this objection.

10.11

**Objection to the (1) identification of Lakeview House, Gibson's Hill as a Listed Building (seeking removal of the reference in DCAP); (2) identification of lands LLPA seeking removal (or extension) of this designation.**

**Objection: No. 106**

I recommend that no alteration be made to the Plan as the result of this objection.

10.12

**Objection to the Phase 2 designation of the site at Maghery , seeking Phase 1 designation.**

**Objection: No 170**

I recommend that the DoE, in the light of my recommendation at paragraph 3.02.21 of this report, reviews this proposed concession and considers whether any exceptional planning reasons exist to justify retention of the objection site within the settlement limits as white land.

10.13

**Objection relating to the exclusion of land from the settlement Limit of Tartaraghan, seeking inclusion.**

**Objection: No. 229 & 230**

I recommend that no alteration be made to the Plan as the result of this objection.

10.14

**Objection to the identification of two settlement nodes for The Birches seeking the inclusion of additional land.**

**Objection: Nos. 15 and 46**

I recommend that the objection site is left outside the settlement limits of The Birches and that no alteration be made to the Plan

10.15

**Objection to the exclusion of lands seeking inclusion within the settlement The Birches.**

**Objection: Nos. 84 & 190**

I recommend that no alteration be made to the Plan as the result of these objections.

11.02

**Objection to the policy relating to rural areas outside Green Belts.**

**Objection: No. 204**

I recommend that the section of the Plan that deals with the Countryside should explain the context in which development proposals in the rural remainder are to be determined by cross-referring to the appropriate regional planning policies.

11.03

**Objection to the identification of lands as Green Belt seeking removal of Green I**

**Objection: No. 239**

I recommend that no alteration be made to the Plan as the result of this objection.



11.04

**Objection to the non-identification of lands for housing development (seeking identification of a settlement limit for Columbkille).**

**Objection: No. 167**

I recommend that no alteration be made to the Plan as the result of this objection.

11.05

**Objection to the identification of lands as Green Belt (seeking inclusion inside a settlement limit).**

**Objection: Nos. 2 & 254**

I recommend that no alteration be made to the Plan as a result of these objections.

11.06

**Objection to the exclusion of lands from the settlement limit seeking inclusion c**

**Objection: No. 183**

I recommend that no alteration be made to the Plan as the result of this objection.

11.07

**Objection to the removal of Green Belt designation at Kilmore Hill Road, Aghaga**

**Objection: No. 226**

I recommend that no alteration be made to the Plan as the result of this objection.

11.08

**Objection to the identification of lands as Green Belt (seeking inclusion of lands within the settlement limits of Moira).**

**Objection: No. 30**

I recommend that no alteration be made to the Plan as a result of this objection.

11.09

**Objection to the lack of commitment to the implementation of proposed road sc**

**Objection: No. 275 (7.3) part of**

I recommend that the Plan explains the context and relationship that transportation policies in the adopted Plan have with the recently published RTS 2002-2112.

11.10

**Objection to the lack of commitment to the preparation of an Integrated Transp Strategy.**

**Objection: No. 146, 275 (7.1) part of**

I recommend that the Plan explains the context and relationship that transportation policies in the adopted Plan have with the recently published RTS 2002-2112.

11.12

**Objection requesting the identification of a small airport within Craigavon Boro**

**Objection: No. 249 & 250**

I recommend that no alteration be made to the Plan as the result of these objections. This recommendation applies to the objections collectively and individually.

11.13

**Objection to the failure to (a) sufficiently recognise the Lough Neagh wetlands to the north of the M1; (b) recognise the need to upgrade the road infrastructure and address the problems of river crossings in the South Lough Neagh area; (c) recognise the tourism potential of Lough Neagh, River Bann, River and Maghery Canal; (d) refer to the implementation of the Lough Neagh Cycle Route and the proposed cycle bridges across the River Bann and River Blackwater.**

**Objection: No 259 (part of), 275 (7.1) part of**

The DoE's concession about making reference in the plan to potential river crossings is noted. I recommend that it should also refer to the implementation and maintenance of the Lough Neagh Cycle Route. I further recommend that a commitment be made in the plan to review rural policy in the South Lough Neagh area when the Ramsar boundaries are altered.

11.14

**Objection relating to the development and conservation of waterways.**

**Objection: No. 146, 275 (8.2) part of**

There is not enough evidence to formulate a policy on this issue but it is one that needs to be considered, whether it is in the context of the adopted Plan or in any subsequent amendment to it, arising out of a possible review of rural policy (see my recommendation on objection site No. 259).

11.15

**Objection to the identification of sites of Local Nature Conservation Importance (seeking designation of additional sites).**

**Objection: Nos 102 and 122**

The DoE has agreed to amend the Ramsar boundary in the adopted Plan if this boundary has been finalised and I further recommend that consideration be given to identifying additional LNCI sites, where the scientific evidence supports such recognition, and to bring these forward as an amendment to the Plan with the required public consultation.

11.16

**Objection relating to Craigavon Lakes and Community Woodland.**

**Objection: No. 122 (part of)**

I recommend that the Department considers whether there is merit in defining the South Lake as an LNCI site and, if so, to bring this forward as an amendment to the Plan. I also recommend having a buffer zone free from built development around the lake shoreline.

**CONCESSIONS PROPOSED BY THE DEPARTMENT  
TO WHICH THERE WERE NO COUNTER OBJECTIONS OR CONFLICTING OBJECTIONS**

3.10

**Objection relating to Plan Policy Housing 2**

**Objection: No 205**

This concession is noted.

4.01

**Inadequate protection of the setting of Brownlow House in the identification of Opportunity Site L2 Lurgan. The development requirements of Opportunity Site P2 did not reflect the importance of its riverside setting. Opportunity Site P3 did not extend to include the river frontage and its development requirements did not adequately reflect the importance of its riverside setting.**

**Objection: No 275 (13.1), (15.14), (15.15)**

These concessions are noted but in addition it is my view that the site development requirements for opportunity sites P2 and P3 should (a) seek to maximize design quality and accessibility to the river and (b) clarify the requirement that any development must front onto the river.

5.11

**Objection to the site development requirements of L/H-1 (the objection site forms part of L/H-1) – specifically the requirement for a Concept Master Plan and the provision of an area of open space)**

**Objection No: 77**

This concession should be read in conjunction with the concession to objection No 216 reported above. It is noted.

6.03

**Objection to the extent of Area of Townscape Character, seeking extension to the other side of College Walk.**

**Objection: No 266, 274**

This concession is noted.

6.05

**Objection to the inclusion of lands at Cornakinnegar Road, Lurgan within Local Landscape Policy Area L/LLPA-4 seeking a housing zoning.**

**Objection: No 228**

This concession is noted.

Note that this amendment to the LLPA is further added to in a part concession of objection No 243 (see map attached).

6.06

**Objection to access requirements set out in the site development requirements of L/H-4 and the requirement for road improvements and a right turning lane at the Allenhill Park/Lake Street junction.**

**Objection: No 219**

This concession is noted.

6.10

**Objection to the inclusion of lands north of Kilmore Road within Local Landscape Policy Area L/LLPA 4**

**Objection: No 37**

This concession is noted.

6.15

**Identification of lands as Local Landscape Policy Area seeking rezoning for housing**

**Objection: No 227**

This part concession is noted. Given the concession to objection 105 in section 3 the reference to Plan Policy Housing 2 would have to be amended.

7.07

**Objection to the zoning of land adjacent to Pinebank Community Centre for recreation and open space**

**Objection: No 275 (15.16)**

This concession which would result in the site becoming "white land" within the settlement limit is noted.

8.02

**Objection to the flood pondage area in Portadown and to the lack of commitment to a**

**flood defence scheme.**

**Objection: Nos 275 (6.2), 146**

This concession is noted.

8.04 **Objection to the inclusion of the objection site in the flood pondage area Portadown.**

**Objection: No 269**

This concession is noted.

8.06 **Objection relating to the exclusion of lands from Portadown Urban Area and identification as part of a LLPA seeking inclusion of lands and zoning for housing Phase 1.**

**Objection: No 157**

This concession is noted.

8.07 **Objection relating to the exclusion of lands from the settlement limit and inclusion within a Local Landscape Policy Area seeking inclusion (100 and 168) within the limit exclusion from the LLPA and zoning for housing Phase 1 (168).**

Objection: No 100, 168

This concession is noted.

8.09 **Objection relating to the development limit and the extent of P/LLPA-4**

**Objection: No 275 (15.5)**

This concession is noted.

8.12

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands and zoning for housing (Phase 1)**

**Objection: No 163a**

This concession is noted.

8.14

**Objection relating to the access requirements of zoned housing site P/H-14**

**Objection: No 53**

This concession is noted.

8.22

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands and zoning for housing**

**Objection: No 162**

This concession is noted

8.23

**Objection relating to the exclusion of lands from Portadown Urban Area seeking inclusion of lands**

**Objection: No 123**

This concession is noted.

8.31

**Objection relating to the zoning of lands as mixed use – Housing and Light Industry seeking re-zoning as Housing**

**Objection: No 148**

This concession is noted.

9.03

**Objection to the exclusion of lands from the settlement limit seeking inclusion o**

**Objection: No 110**

This concession is noted.

9.04

**Objection to the exclusion of lands from the settlement limit seeking inclusion of lands**

**Objection: No 5**

This concession is noted.

9.05

**Objection to the exclusion of lands from the settlement limit seeking inclusion for provision of crèche and day centre**

**Objection: No 6**

This concession is noted.

9.06

**Objection to the exclusion of lands from the settlement limit seeking inclusion of lands**

**Objection: No 33**

This concession is noted.

9.10

**Objection to the identification of Waringstown Estate as a Local Landscape Policy Area**

**Objection: Nos 47, 90**

The concession to exclude part of the field and the cricket ground from the LLPA is noted. The removal of The Lawns area and part of the Phase 2 site at Primary Walk from the Historic Gardens Parks and Demesnes makes sense, but this matter was not subject of any objection and requires an amendment to the Plan.

9.11

**Objection to the non-designation of the centre of Waringstown as an Area of Townscape Character.**

**Objection: No 233**

As this objection is couched in general terms with no precise boundary suggested in the objection letter, it will be necessary for the DoE to bring forward the proposed boundary of the ATC in Waringstown as an amendment to the Plan, with the normal public consultation.

9.23

**Objection to the exclusion of lands from the settlement limit, seeking inclusion and zoning for housing.**

**Objection: No 131, 201 and 87**

This concession is noted.



9.28

**Objection to the exclusion of lands from the settlement limit of Dollingstown seeking inclusion of lands and zoning for housing**

**Objection: No 91, 92, 265 (a) 104(a)**

This concession is noted.

9.34

**Objection to the zoning of land within the settlement limit of Donaghcloney as seeking that the site be rezoned as Phase 1 development.**

**Objection: No. 9**

This concession is noted.

9.41

**Objection to the exclusion of lands from the settlement limit, seeking inclusion**

**Objection: No 7(a)**

This concession is noted.

9.42

**Objection to the exclusion of lands from the settlement limit of Drumnacanvy, inclusion of lands.**

**Objection: No 7(b)**

This concession is noted.

9.44

**Objection to the exclusion of lands from the settlement limit of Drumnacanvy and identification as part of a Local Landscape Policy Area, seeking inclusion and zoning as housing.**

**Objection: No 166**

This concession is noted.

9.46

**Objection to the identification of the rectory as a Local Landscape Policy Area**

**Objection: No 246**

This concession is noted.

10.03

**Objection to the exclusion of lands from the settlement limit of Ballymacmaine, inclusion of lands.**

**Objection: No 263**

This concession is noted.

10.04

**Objection to the exclusion of lands from the settlement limit of Derryadd, saeking inclusion of lands.**

**Objection: No 58**

This concession is noted.

10.09

**Objection to the exclusion of lands from the settlement limit of Gamblestown seeking inclusion.**

**Objection: No. 16**

This concession is noted.

11.11

**Objection to some road scheme abandonments.**

**Objection: No. 275 (7.2 and 15.11) part of**

his concession is noted.

**PART CONCESSIONS WHERE REMAINING  
PART TO BE CONSIDERED  
(ALSO INCLUDED IN RECOMMENDATIONS LIST)**

6.09

**Objection to settlement limit seeking change to the settlement limit and rezoning of lands from Phase 2 housing to Phase 1 housing.**

**Objection: No 243**

**Conflicting Objections: No 241, 197 (part of)**

Subject to my comments at Section 12 regarding the DoE's proposed concessions, I recommend that the settlement limit be re-drawn to exclude part of the objection site, with the new settlement limit following a line running eastwards through part of the objection site as described in my consideration.

9.45

**Objection to the identification of the site as part of a Local Landscape Policy A**

**Objection: No 137**

This part concession is noted and I recommend that no further alteration be made to the Plan as a result of this objection.

11.13

**Objection to the failure to (a) sufficiently recognise the Lough Neagh wetlands to the north of the M1; (b) recognise the need to upgrade the road infrastructure and address the problems of river crossings in the South Lough Neagh area; (c) recognise the tourism potential of Lough Neagh, River Bann, River Blackwater and Maghery Canal; (d) refer to the implementation of the Lough Neagh Cycle Route and the proposed cycle bridges across the River Bann and River Blackwater.**

**Objection: No 259 (part of), 275 (7.1) part of**

The DoE's concession about making reference in the plan to potential river crossings is noted. I recommend that it should also refer to the implementation and maintenance of the Lough Neagh Cycle Route. I further recommend that a commitment be made in the plan to review rural policy in the South Lough Neagh area when the Ramsar boundaries are altered.