

**From:** Homer, Mark <mhomer@wardell-armstrong.com>  
**Sent:** 27 January 2020 15:04  
**To:** Local Development Plan  
**Subject:** Representations Form for the LDP Draft Plan Strategy & Associated Appraisal / Assessments  
**Attachments:** LDP\_AppraisalAssessmentsForm 27-01-2020.pdf

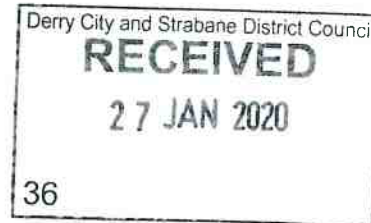
Dear Sir/Madam,

Please find attached a completed representation form for the above mentioned consultation.

I would be grateful for acknowledgement of receipt.

Kind regards

**Mark Homer** | Senior Planning Technician  
Wardell Armstrong LLP  
Sir Henry Doulton House, Forge Lane, Etruria, Stoke on Trent, ST1 5BD  
t: 01782 276700 m: [REDACTED]





Derry City & Strabane  
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District Council

Derry City & Strabane District Council

# Local Development Plan

(LDP) 2032

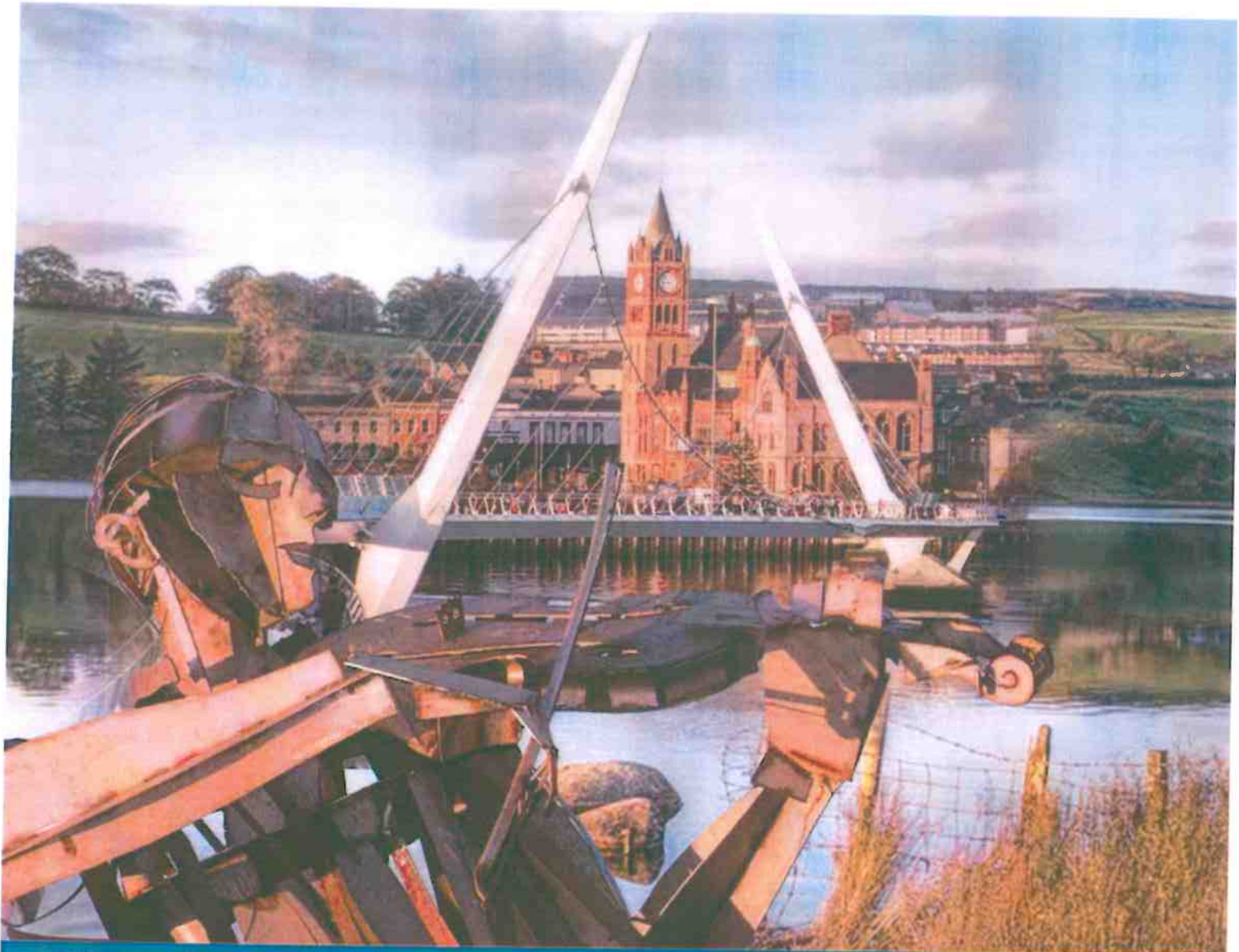
Derry City and Strabane District Council

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**Representations Form for the LDP Draft Plan Strategy  
& Associated Appraisal / Assessments**



December 2019

<http://www.derrystrabane.com/Subsites/LDP/Local-Development-Plan>

## Introduction

Derry City and Strabane District Council is planning for the future. It is the start of a challenging and exciting journey. It will be a long-term and collaborative process, driven by the Council which is committed to grasping the opportunities and addressing the challenges that face us, some unique to our situation and others generated by global forces beyond our control.

United by a shared vision, the Council's Local Development Plan (LDP) and our Community Plan - the Strategic Growth Plan, will drive this process as we seek together to strategically grow and improve social, economic and environmental wellbeing for all. The publication of the LDP draft Plan Strategy is the next step on this journey.

## What is the Local Development Plan (LDP)?

The new LDP will guide land-use development and set out Planning policies and proposals for the use, development and protection of our settlements and countryside across our District to 2032. Crucially, it will help to deliver the outcomes in the Strategic Growth Plan. Once the LDP is adopted, its Planning policies, zonings and development proposals will be used to determine planning applications across the District. The LDP will comprise of two development plan documents: this LDP Plan Strategy and, in due course, the LDP Local Policies Plan.

## What is the LDP Plan Strategy (PS)?

This LDP draft Plan Strategy sets out the Council's strategic Planning objectives, designations and policies for the District in line with regional strategies and policies, but tailored to the local needs of this City and District.

The preparation of the PS has been informed by the Council's LDP Preferred Options Paper (POP – May 2017) which provided the basis for consulting with the public and stakeholders on a series of options for dealing with key issues in the Plan area. It set out the Council's initial proposals and policy direction, therefore aiming to stimulate public comment and help interested parties to become involved in a more meaningful way at the earliest stage of Plan preparation. The published draft LDP PS fully reflects a consideration of all the representations made during the POP consultation period and all engagement with stakeholders, consultees and elected Members of the Council.

## How We Are Consulting

The best way to submit a representation is by completing our online representations form:  
<https://haveyoursay.derrystrabane.com/mkt/ldpconsultation>

Alternatively, complete this draft Plan Strategy Representations Form and either return by email to **LDP@DerryStrabane.com** or download a copy and post to:

**Local Development Plan Team,  
Council Offices,  
98 Strand Road,  
Derry,  
BT48 7NN**

Hard copies of the form will be available at the above address and our other main office at 47 Derry Road, Strabane, Tyrone, BT82 8DY. Please note that if you are making a representation in any other format, it must include the requested information set out in this form and address the Tests of Soundness

The draft Plan Strategy is published for formal public consultation for a period of eight weeks beginning on **Monday 2nd December 2019** and closing on **Monday 27th January 2020**. Please note that in order for comments to be considered valid, you must include your contact details. We will use these details to confirm receipt of comments and to seek clarification or request further information. Anonymous comments or comments which do not directly relate to the draft Plan Strategy will not be considered as part of the consultation process.

## Section A: Data Protection

### Local Development Plan Privacy Notice

Derry City and Strabane District Council is a registered data controller (ZA119397) with the Information Commissioner's Office and we process your information in accordance with the General Data Protection Regulation and Data Protection Act 2018 (GDPR).

Derry City and Strabane District Council only collects and processes personal information about you in order to fulfil our statutory obligations, to provide you and service users with services and to improve those services. Your personal information will be used to populate the LDP Representations Database.

If you wish to find out more about how the Council processes personal data and protects your privacy, our Corporate Privacy Notice is available at:

**<https://www.derrystrabane.com/Footer/Privacy-Policy>**

It contains the standards you can expect when we ask for, or hold, your personal information and an explanation of our Information Management Security Policy. All representations received will be published on our website and made available at our Local Planning Office, 98 Strand Road, Derry BT48 7NN, for public inspection and will be forwarded to the Department for Infrastructure (DfI) and hence to the Independent Examiner / PAC.

### Why are we processing your personal information?

- To enable the preparation of the Council's Local Development Plan;
- To consult your opinion on the Local Development Plan through the public consultation process;
- To ensure compliance with applicable legislation;
- To update you and/or notify you about changes; and
- To answer your questions.

If you wish to find out more information on how your personal information is being processed, you can contact the Council's Data Protection Officer:

**Data Protection Officer**

**47 Derry Road**

**Strabane**

**BT82 8DY**

Telephone: **028 71 253 253**

Email: **[data.protection@derrystrabane.com](mailto:data.protection@derrystrabane.com)**

## Section B: Your Details

**Q1. Are you responding as an individual, as an organisation or as an agent acting on behalf of individual, group or organisation?** (Required)

Please only tick one

- Individual (Please fill in Question 2, then proceed to Section C.)
- Organisation (Please fill in the remaining questions in the section, then proceed to Section D.)
- Agent (Please fill in the remaining questions in the section, then proceed to Section E.)

**Q2. What is your name?**

Title

First Name (Required)

Last Name (Required)

Email

**Q3. Did you respond to the previous LDP Preferred Options Paper?**

- Yes
- No
- Unsure

## Section C: Individuals

Address (Required)

Town (Required)

Post code (Required)

On completion, please proceed to Section F

## Section D: Organisation

If you have selected that you are responding as an organisation, there are a number of details that we are legally required to obtain from you. If you are responding on behalf of a group or organisation, please complete this section, then proceed to Section F.

Organisation / Group Name (Required)

Your Job Title / Position (Required)

Organisation / Group Address (if different from above)

Address (Required)

Town (Required)

Postcode (Required)

On completion, please proceed to Section F

## Section E: Agents

If you have selected that you are responding on behalf of another individual, organisation or group there are a number of details that we are legally required to obtain from you. Please provide details of the individual, organisation or group that you are representing.

### Client Contact Details

Title / First Name (Required)

Last Name (Required)

Organisation / Group Address (if different from above)

Address (Required)

Town (Required)

Postcode (Required)

Email address (Required)

On completion, please proceed to Section F

### Agent Contact Details

Title / First Name (Required)

Last Name (Required)

Organisation / Group Address (if different from above)

Address (Required)

Town (Required)

Postcode (Required)

Email address (Required)

On completion, please proceed to Section F

**Q4. Would you like us to contact you, your client or both in relation to this response or future consultations on the LDP?** Please only select one

- Agent     Client     Both



## Section F: Soundness

The LDP draft Plan Strategy will be examined at Independent Examination (IE) in regard to its 'soundness'. Accordingly, your responses should be based on soundness and directed at specific strategic policies or proposals that you consider to be unsound, along with your reasons. The tests of soundness are set out below in Section J.

Those wishing to make representations seeking to change the draft Plan Strategy should clearly state why they consider the document to be unsound having regard to the soundness tests in Section J. It is very important that when you are submitting your representation that your response reflects the most appropriate soundness test(s) which you believe the draft Plan Strategy fails to meet. There will be no further opportunity to submit information once the consultation period has closed unless the Independent Examiner requests it.

Those who make a representation seeking to change the LDP draft Plan Strategy should also state below whether they wish to be heard orally at the Independent Examination (Please see [www.pacni.gov.uk](http://www.pacni.gov.uk) for further details on the IE procedures.)

## Section G: Type of Procedure

**Q5. Please indicate if you would like your representation to be dealt with by:** (Required)

Please select one item only

- Written (Choose this procedure to have your representation considered in written form only)
- Oral Hearing (Choose this procedure to present your representation orally at the public hearing)

Unless you specifically request a hearing, the Independent Examiner will proceed on the basis that you are content to have your representation considered in written form only.

Please note that the Independent Examiner will be expected to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

## Section H: Is the draft Plan Strategy Sound?

Your comments should be set out in full. This will assist the Independent Examiner to understand the issues you raise. You will only be able to submit further additional information if the Independent Examiner invites you to do so.

### Sound

If you consider the Plan Strategy to be Sound and wish to support the LDP Plan Strategy, please set out your comments below.

N/A

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

## Section I: Unsound

In this section, we will be asking you to specify which part(s) of the draft Plan Strategy you consider to be unsound.

Note: If you wish to inform us that more than one part of the draft Plan Strategy is unsound each part should be listed separately, and Sections J and K filled out for each separate part of the draft Plan Strategy. (i.e. if you believe that multiple parts of the draft Plan Strategy are unsound, please fill out multiple copies of Sections J & K.).

**Q6. If you consider that the LDP draft Plan Strategy is unsound and does not meet one or more of the tests of soundness below, you must indicate which test(s) you consider it does not meet, having regard to Development Plan Practice Note 6 available at:**

[https://www.planningni.gov.uk/index/news/dfi\\_planning\\_news/news\\_releases\\_2015\\_onwards/development\\_plan\\_practice\\_note\\_06\\_soundness\\_\\_version\\_2\\_\\_may\\_2017\\_.pdf](https://www.planningni.gov.uk/index/news/dfi_planning_news/news_releases_2015_onwards/development_plan_practice_note_06_soundness__version_2__may_2017_.pdf)

Please note that if you do not identify a test(s), your comments may not be considered by the Independent Examiner. Continued on next page.

## Section J: Tests of Soundness (Required)

State which Chapter / Policy / Paragraph / Map that this Section refers to:

Part C 13. Mineral Development

This should relate to only one section, paragraph or policy of the LDP draft Plan Strategy. If you wish to inform us that you consider more than one part of the LDP draft Plan Strategy is unsound, you can submit further representations by completing and submitting additional copies of this section.

### Procedural tests

- P1. Has the plan been prepared in accordance with the Council's timetable and the Statement of Community Involvement?
- P2. Has the Council prepared its Preferred Options Paper and taken into account any representations made?
- P3. Has the plan been subject to Sustainability Appraisal including Strategic Environmental Assessment?
- P4. Did the Council comply with the regulations on the form and content of its plan and on the procedure for preparing the plan?

### Consistency tests

- C1. Did the Council take account of the Regional Development Strategy?
- C2. Did the Council take account of its Community Plan?
- C3. Did the Council take account of policy and guidance issued by the Department

### Coherence and effectiveness tests

- CE1. The plan sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant, is it in conflict with the plans of neighbouring Councils.
- CE2. The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.
- CE3. There are clear mechanisms for implementation and monitoring.
- CE4. The plan is reasonably flexible to enable it to deal with changing circumstances.

## Section K: Which part(s) of the draft Plan Strategy are you commenting on?

This should relate to only one section, paragraph or policy of the LDP draft Plan Strategy. If you wish to inform us that you consider more than one part of the LDP draft Plan Strategy is unsound, you can submit further representations by completing and submitting additional copies of this section.

### Relevant Chapter number(s)

Part C 13. Mineral Development

### (and/ or) Relevant Policy number(s)

MIN2, MIN4 & MIN5

### (and/or) Relevant Paragraph number(s)

### (and/or) District Proposals Map

Please give full details of why you consider this part of the LDP draft Plan Strategy to be unsound, having regard to the tests(s) you have identified above. Please be as clear and concise as possible.

Please see attached representation overleaf

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

If you consider the LDP draft Plan Strategy to be unsound, please provide details of what changes(s) you consider necessary to make the LDP draft Plan Strategy sound.

Please see attached representation overleaf

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

## **Derry City & Strabane District Council**

### **Local Development Plan (LDP) 2032**

#### **Representations in respect of the LDP Draft Plan Strategy & Associated Appraisal / Assessments**

This representation has been prepared by Wardell Armstrong on behalf of The Crown Estate, specifically in relation to policies within the Derry City and Strabane District Council Local Development Plan 2032 Draft Plan Strategy dated December 2019.

Wardell Armstrong advises The Crown Estate in respect of its onshore mineral interests in the UK including Northern Ireland. The Crown Estate licences minerals in Northern Ireland which it is required to manage in accordance with its statutory obligations (see note below). As part of its management role, it awards commercial leases for the working of its minerals where the necessary permissions can be obtained

The Crown Estate is an independent commercial real estate business created by The Crown Estate Act 1961. Under the 1961 Act, it is entrusted to manage its assets to deliver best value over the long term and return all its profit to HM Treasury. Over the last ten years it has returned over £2.4bn for the benefit of the public finances. As part of its portfolio, it grants options and commercial leases for the exploration and extraction of gold and silver deposits.

Having considered the policy position put forward by the Council, The Crown Estate would wish to make some observations and seek clarification to the policies set out as explained within the following comments. The comments made here relate solely to the role of The Crown Estate as mineral licensor and the potential impact on the working of parcels of land within the District.

Specifically, a number of minerals prospecting licences have been granted by the Department for the Economy and an option over the same areas has been granted by The Crown Estate. These areas are identified within the DfE Exploration and Mining Activity Mapping January 2020 as prospecting licence areas DG3/19; DG4/19; DG5/16 & MPLA1.

At this stage it is not possible to identify with any great precision the exact location of valuable mineral resource within these prospecting areas.

#### **MIN4 Valuable Minerals**

We note that Policy MIN4 (Valuable Minerals) only partially follows the Strategic Planning Policy Statement (SPPS) for Northern Ireland approach and wording in respect of valuable minerals such as Gold and Silver in referring to the approach that *“there will not be a presumption against their exploitation in any area apart from within designated Special Countryside Areas”*.

The policy would affect the minerals prospecting licences. Such an approach is not in accordance with the Planning Strategy for Northern Ireland (PSRNI) and Strategic Planning Policy Statement for Northern Ireland (SPPS) wording which provides a more appropriate response, requiring only that in statutory policy areas, due weight will be given to the reason for the statutory zoning. We note that Department for Infrastructure (DfI) and Department for the Economy (DfE) previously expressed concern with regard to the inconsistency with the SPPS during previous consultation stages of the Plan.

It is only where the grant of planning permission would prejudice the essential character of a designated area and the reasons for that designation that permission will not normally be granted.

### **MIN2 – Areas of Constraint on Mineral Development**

We note that Draft Policy MIN2 does not specifically confirm that the presumption against extraction and processing of minerals will not apply in the consideration of 'valuable' minerals.

We suggest that this be made clear and explicit to avoid any debate or confusion to arise.

### **MIN5 – Restoration**

We note the content of Policy MIN5 and would consider this to be an appropriate form of wording generally to secure the progressive restoration of sites.

### **Summary**

An overly restrictive policy as currently proposed in Policy MIN4 would have the potential to constrain the development of potentially valuable minerals resources.

We suggest that a policy based on additional scrutiny of environmental effects within such areas may provide sufficient level of protection and balance in the consideration of such applications and have therefore suggest the wording of MIN4 be amended to secure this balance and accord with the SPPS and PRSNI.

In summary, our view is that a more balanced approach should be taken in final policy formulation.

In addition to the purely physical considerations of mineral working, the policy should give sufficient weight to the significant social and economic benefits that arise from the working of mineral resources. Whilst visual and other environmental effects must be taken into account in assessing applications, it is also important to balance the very significant economic benefits to local communities and society at large that mineral working can deliver.

The intended policy approach should therefore take account of the overall balance that is a fundamental of decision making on planning applications, taking into account the likely impacts of development and balance these with any other positive effects, including environmental, social and economic benefits.

We trust these comments are of assistance and look forward to being advised of the next stages of consultation.

## Section L: Sustainability Appraisal

If you wish to submit an 'expression of opinion' in relation to the Sustainability Appraisal (SA) of the LDP draft Plan Strategy (incorporating the Strategic Environmental Assessment (SEA)) please state them below or by email to LDP@DerryStrabane.com. If sending by email, please clearly state that your comments are in relation to the SA.

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

## Section M: Draft Habitats Regulation Assessment (HRA or AA)

If you have any comments or opinions in relation to the Draft Habitats Regulation Assessment (HRA) report of the LDP draft Plan Strategy, please submit them below or by email to LDP@DerryStrabane.com. If sending by email, please clearly state that your comments are in relation to the HRA.

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

## Section N: Draft Equality Impact Assessment (EQIA)

If you have any comments or opinions in relation to the Draft Equality Impact Assessment (EQIA) report of the LDP draft Plan Strategy, please submit them below or by email to LDP@DerryStrabane.com. If sending by email, please clearly state that your comments are in relation to the EQIA.

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

## Section O: Draft Rural Needs Impact Assessment (RNIA)

If you have any comments or opinions in relation to the Draft Rural Needs Impact Assessment (RNIA) report of the LDP draft Plan Strategy, please submit them below or by email to LDP@DerryStrabane.com. If sending by email, please clearly state that your comments are in relation to the RNIA.

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.