

DS-602a

Planning Department

Derry City and Strabane District Council

Statement of Community Involvement

JULY 2016



Derry City & Strabane
District Council

Comhairle
Chathair Dhoire &
Cheantar an tSraitha Báin

Derry Cíttie & Strábane
Destríck Cooncil



For further info visit
www.derrystrabane.com/sci

STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

***FOR DERRY CITY AND STRABANE DISTRICT COUNCIL'S PLANNING
FUNCTIONS (LOCAL DEVELOPMENT PLAN 2030 AND
DEVELOPMENT MANAGEMENT)***

July 2016



Derry City & Strabane
District Council

Comhairle Chathair
Dhoire & Cheantar
an tSratha Báin

Derry Cittie & Strábane
Destríck Cooncil

ALTERNATIVE FORMATS

This document is available upon request in a number of formats including large print, Braille, PDF, audio formats (CD, MP3, DAISY) and minority languages.

For further information on alternative formats please contact Derry City and Strabane District Council:

Tel: 028 71 253253

Textphone: 028 71 376646

E-mail: equality@derrystrabane.com

The Statement of Community Involvement (SCI) document is available for viewing online at www.derrystrabane.com.

Hard copies of the SCI may be inspected and/or purchased at a fee per document during normal office hours, Monday to Friday (9.30am to 4.30pm) at the following Council offices:

Council Offices, 98 Strand Road, Derry, BT48 7NN

Council Offices, 47 Derry Road, Strabane, BT82 8DY

For further information, please contact the Planning Office, Development Plan Section, Derry City and Strabane Council Offices, 98 Strand Road, Derry, BT48 7NN, Tel: 0300-200-7830 or 028 71253 253

Contents

1.0 Introduction

2.0 What is the Statement of Community Involvement?

Purpose of document
Who is this document for?
A Vision of Participation
Principles of Community Involvement
Transboundary Consultation

3.0 The Local Development Plan (LDP) and the Community Plan - Working in Tandem

4.0 The Local Development Plan Process

Purpose, Structure and Process
Who can get involved?
Empowering disadvantaged and under-represented groups
How and when you can be involved in the preparation of your Local Development Plan
Stage 1: Commencement of the LDP & Developing the Evidence Base
Stage 2: Draft Plan Strategy Preparation
Stage 3: Availability & Consultation on the Draft Plan Strategy
Stage 4: Public Inspection of Draft Plan Strategy Documents and Counter Representations
Stage 5: Submission of Draft Plan Strategy prior to the Independent Examination
Stage 6: Independent Examination (Draft Plan Strategy)
Stage 7: Adoption of Plan Strategy
Stage 8: Draft Local Policies Plan
Stage 9: Availability & Consultation on the Draft Local Policies Plan
Stage 10: Public Inspection of Draft Plan Representations & Counter Representations.
Stage 11: Submission of draft Plan Strategy prior to the Independent Examination
Stage 12: Independent Examination (Local Policies Plan)
Stage 13: Adoption of Local Policies Plan

5.0 The Development Management Process

Purpose
Pre-Application Stage
Application Stage
Advertising
Neighbour Notification
Environmental Impact Assessment
Obtaining further information and getting involved in planning applications
Role of Council - Engagement
Community Involvement at the Planning Committee Stage
Post Application Stage - Community Involvement after a Planning Application has been determined
Post Application Stage - Involving the Community When an Appeal is made against a Planning Refusal/Granted Conditions/Enforcement Notice

- 6.0 Enforcing Planning Control**
- 7.0 Supplementary Planning Guidance**
- 8.0 Conservation Areas**
- 9.0 Designation of a Simplified Planning Zone**
- 10.0 Conclusion**

Appendices

Appendix A: General Consultation Bodies for Local Development Plan Documents

Appendix B: Specific Consultation Bodies for Local Development Plan Documents

Appendix C: The Local Development Plan System

Appendix D: Groups to be Consulted when Determining a Planning Application

Appendix E: Glossary

1.0 Introduction

- 1.1 The Derry City and Strabane District Council area covers 1,342 square kilometres and is home to approximately 148,000 people. In terms of age structure, the District is broadly in line with the Northern Ireland population albeit with a notably higher proportion of those under 16 years of age and a lower proportion of those aged 65 and over.
- 1.2 It is a relatively 'urban' district with a large proportion, 84%, of the population living within our designated settlements and 16% living in open countryside.
- 1.3 Planning is a significant and exciting new Council function as a result of local government reform. The purpose of the planning system is to secure the orderly and consistent development of land with the objective of furthering sustainable development and improving well-being. This Council intends to simultaneously pursue economic and social priorities alongside the careful management of our natural environment.
- 1.4 The Council appreciates that planning can appear to some to be a complicated and bureaucratic process. To ensure that this document is as easy to understand as possible, we have tried to write it in plain English and with the minimum of planning jargon. We will adopt a similar approach for the publication of all future planning documents. To accompany this SCI document, we have also published a much condensed Overview version which highlights the main issues and will hopefully act as a useful 'taster' version to introduce to our citizens the future role of planning your involvement in it across our District.
- 1.5 The Council is keen to ensure that by actively involving our citizens in early and meaningful dialogue, we will create a culture of effective and worthwhile participation within an open and transparent planning process. .

2.0 What is the Statement of Community Involvement?

Purpose of document

2.1 The purpose of this Statement of Community Involvement (SCI) is to define how we will engage with the community in the delivery of our planning functions. It is set within the context of the Council's Corporate Plan and meets the requirements of the Planning Act (Northern Ireland) 2011, the Planning (Local Development Plan) Regulations (NI) 2015 and the Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015. Council's planning powers include:

- Preparing a Local Development Plan (LDP) which will set out what the Council area should look like and how land should be used and developed in the future;
- Receiving and making decisions on the majority of planning applications; and
- Investigating alleged breaches of planning control and determining what enforcement action should be taken.
- Designations, variations or cancellations of Conservation Areas
- Carry out work on the Designation of Simplified Planning Zones

2.2 This SCI describes how and when we intend to involve the community in the production of the LDP, in the determination of planning applications, in planning enforcement, and in other planning matters.

2.3 This SCI is not intended to be a source of definitive legal advice. Reference should be made to the actual legislation referred to in this statement and if any discrepancy existing the provision of the legislation will prevail.

Who is this document for?

2.4 This document is for 'interested persons' – that is anyone or any group likely to be interested in or affected by policies or proposals to be contained in the subsequent LDP. Similarly it applies to anyone submitting a planning application or to anyone or any group who considers they are likely to be affected by proposed development related to a planning application. This will involve a wide variety of people, including those who live or work in this District, those who derive their livelihood from its land and its marine margins, as well as those who enjoy it, care about it or manage it in some way. It will include individuals as well as stakeholder groups and larger organisations.

2.5 We want to provide ample opportunity for groups, businesses and individuals to be involved in shaping our District's planned development and by taking part in this plan-making process and being aware of the planning process, you can influence the decisions being made about the LDP and the built form of this District.

A Vision of Participation

2.6 *"A sustainable society must be instilled with democratic values. Its citizens must share a sense of effective participation in the decision making process. They must feel they have a say in their society's development and the skills, knowledge and ability to assume*

responsibility for that development.” The Sustainable Development Strategy for Northern Ireland – First Steps towards Sustainability (DOE, 2006).

- 2.7 This is a shared vision of participation in decision making and it is therefore aimed to ensure that:
- (i) Everyone has an early and informed opportunity to express their views on the development of the area and have it considered before decisions are made;
 - (ii) All groups in our community, regardless of religious belief, political opinion, racial group, age, sex, marital status, physical ability, sexual orientation, and those with and without dependants are enabled and empowered to participate;
- 2.8 It is intended to adopt a proactive and timely approach to community involvement through a process of providing clear information and encouraging participation during plan preparation and planning application submission, assessment and determination. The process must therefore be informative, user friendly, as inclusive as possible, and conducted in an open and transparent way. Every effort is to be made to engage the community, record views and provide feedback.

Principles of Community Involvement

- 2.9 The following principles have been drawn up to shape stakeholder engagement during the LDP preparation process, in the determination of planning applications, in planning enforcement, and in other planning matters. These have been influenced by our previous experience in public / stakeholder engagement and feedback from stakeholders themselves.

Culture of Engagement

- People should be aware of the opportunity to participate in the planning process, and be encouraged to take part in the knowledge that the Council is truly interested in all opinions.

Early Involvement

- We will adopt a pro-active approach to ensure that the community are given the opportunity to engage in the planning process at an early stage to facilitate the greatest potential benefit. The Council’s Planning Office is participating in the EU Northern Periphery & Arctic Programme’s IMPROVE scheme. Through this project, it is proposed that Council’s LDP Planning website will permit citizens an enhanced engagement facility on key topic areas. This will allow them to submit their thoughts right into the heart of the decision making process whilst simultaneously keeping fully up to date with LDP progress.

Continuing Involvement

- Opportunities for ongoing involvement will be provided as part of a continuous process – both formal and informal.

Open, Transparent, Inclusive and Fit For Purpose

- Methods of engagement will be tailored to the experience and needs of the community, and to the type of LDP document or planning application being considered, but realistic in terms of available resources.

Clarity

- The planning process and the timetables for producing or reviewing LDP documents will be clear to ensure that the community can avail of the opportunity to participate in a timely and effective manner. We will endeavour to use plain English in our publications and avoid jargon whenever possible.

Transboundary Consultation

2.10 Early and effective engagement with our neighbouring, including cross border, Council areas and relevant agencies will be essential as we deliver on this new and exciting planning system. Our Council District is extremely well suited to provide a regional level of service to much of the western part of NI and to a substantial part of Co Donegal. Planning for physical development, social infrastructure, environmental protection / enhancement and social development is central to the development of a strong North West. Ongoing high levels of co-operation can help unlock the potential of the North West – especially the Derry / Londonderry - Letterkenny Gateway as identified by the Northern Ireland Regional Development Strategy (RDS) 2035 and the National Spatial Strategy in the Republic of Ireland.

2.11 There will be times when our District will need to undertake informal and formal transboundary consultations with Donegal County Council as part of our planning work:

2.12 ***LDP Preparation:***

As part of the evidence gathering and baseline preparation, it is expected that planning officials will collaborate with their Donegal counterparts to ensure a 'joined-up' approach to planning and development along our border region and relevant border settlements. Draft publications of the relevant plan documents will also be shared with Donegal County Council seeking their input at key stages as we progress our LDP through both stages of the Plan Strategy (PS) and the Local Policies Plan (LPP).

- ***Sustainability Appraisal (SA) - incorporating Strategic Environmental Assessment (SEA):*** Both stages of the LDP will be subject to an SA, the purpose of which is to promote sustainable development through the integration of social, environmental and economic considerations into the plan making process. The environmental considerations will be assessed as part of the SEA which must comply with the requirements of the European Directive 2001/42/EC on the Assessment of effects on certain Plans and Programmes and the corresponding NI legislation (Environmental Assessment of Plans and Programmes Regulations NI 2004) which transposes the SEA Directive.
- Informal and possibly formal consultation will be required with Donegal Co Council and the ROI Department of Environment, Community and Local Government (DECLG) at various stages during the SEA process to assist with providing baseline information, highlight issues and initiate informal discussions regarding

transboundary consultations on the subsequent SA and SEA reports. These two reports will highlight to Donegal Co Council and DECLG whether our Council considers our draft LDP is likely to have any significant effects in the ROI and if so what mitigation is being considered to avoid or minimise such effects.

- **Habitats Regulation Assessment (HRA):** the Habitats and Birds Directive aims to maintain or restore the favourable conservation status of habitats and species of community interest. Special Areas of Conservation and Special Protection Areas are designated to afford protection to habitats and species listed in the Habitats and Birds Directive. HRA is required by the Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (as amended). It aims to assess possible adverse effects on the SPA's and SAC's as well as RAMSAR sites as a result of the implementation of the policies and proposals in the PS and the LPP. Given our proximity to Co Donegal and the significant number of European protected sites within it, some of which are linked into our District by river and marine environments, consultation will be undertaken with Donegal Co Council as part of the HRA process to ensure all possible effects are identified and avoided.

2.13 ***The Development Management Process***

Certain types of planning application are more likely to generate cross border issues than others. Single turbines, wind farms and those applications with possible environmental issues i.e. near to protected watercourses or immediately adjacent to border locations may require consultation with our planning counterparts in Co Donegal. For those applications where visual and environmental protection along the border are relevant concerns, this Council will seek to liaise with planning officials in Co Donegal to ensure that all such issues are identified, considered and mitigated for.

2.14 ***Surrounding NI Councils***

Such transboundary consultation will be in addition to the planning liaison that our District will similarly undertake with our neighbouring Council districts in NI – Omagh & Fermanagh, Mid Ulster and Causeway Coast & Glens as part of our LDP and development management processes.

3.0 The Development Plan (LDP) and the Community Plan – working in tandem.

- 3.1 The Local Government Act (Northern Ireland) 2014 conferred a new duty of Community Planning on Councils from 1st April 2015. Community Planning is *“a process led by councils in conjunction with partners and communities to develop and implement a shared vision for their area, a long term vision which relates to all aspects of community life and which also involves working together to plan and deliver better services which make a real difference to people’s lives.”* Our framework for progressing community planning has involved the key principles of:
- **Integration** – The social, economic and environmental well-being of our District focussed on outcomes and people centred delivery;
 - **Whole system approach** – Participation and engagement; citizens at the centre, Civic and community leadership, partnership working, transparency and openness and equality and diversity;
 - **Robust evidence base** – identification of real need rather than perceived need; allowing targeted interventions to bring about measured improvements and support ongoing monitoring and evaluation of impacts.
- 3.2 The Local Development Plan (LDP) system has aimed to move away from the traditional narrow land use focus towards a ‘place shaping’ approach which incorporates a spatial analysis and visioning process, in other words how people use and interact with various locations and drawing up, through community involvement, a vision of how and where people want to live, work and relax. The new style of LDP provides a unique opportunity for this Council to genuinely shape our District for its local communities and will enable us to adopt a joined up approach, incorporating linkages to other functions such as regeneration, local economic development and community planning.
- 3.3 The duty of community planning requires this Council to lead the process of creating a long term vision for the social, environmental and economic wellbeing of our area and its citizens, in partnership with the community and service providers in the Derry City and Strabane District.
- 3.4 The Local Government Act introduces a statutory link between the LDP and the Community Plan (CP), in that the preparation of the LDP must take account of the CP. It is intended that the LDP will be the spatial reflection of the CP and that the two should work in tandem towards the same vision for our Council area and our communities and set the long term social, economic and environmental objectives for the Derry City and Strabane District area. The CP will thus provide the strategic context while the LDP will spatially deliver the planning function to help shape the long term future of our District.

4.0 The Local Development Plan Process

Purpose, Structure and Process

4.1 The purpose of the Derry City and Strabane District LDP, comprising the Plan Strategy and Local Policies Plan, is to inform the general public, statutory authorities, developers and other interested bodies of the policy framework and land use proposals that will implement the strategic objectives of the Regional Development Strategy and guide development decisions within Derry City and Strabane District up to 2030.

- Our new LDP will be prepared within the context of the Council's Corporate Plan and will co-ordinate with the Community Planning process to enable us to plan positively for the future of our District. It will ensure that lands are appropriately zoned and that our infrastructure is enhanced to develop the District for future generations.
- The LDP must also take account of the regional policy context set by the Northern Ireland Executive and Central Government Departments. This includes, amongst others, the Sustainable Development Strategy, Regional Development Strategy and the Strategic Planning Policy Statement - published in September 2015.
- The LDP will comprise two separate documents that will shape development within our District over the period 2015 - 2030. Accordingly, it is important that all our citizens with an interest in the future development of our District over this time period become engaged in this LDP process. The first new development plan document will be a Plan Strategy which, after its adoption, will be followed by a Local Policies Plan. The LDP will, on adoption of both its component plan documents, replace the Strabane Area Plan 1986 – 2001 and the Derry Area Plan 2011 and the suite of Planning Policy Statements (PPS's) that were produced by the then Department of the Environment.
- Before the Local Development Plan documents are prepared, we will identify key planning issues and define a range of options for addressing these issues. This will culminate in the publication of a Preferred Options Paper (POP). This document will provide the basis for the Council to consult with its citizens and stakeholders on a series of options for dealing with key planning issues in the District. Stimulating public comment early in the plan preparation process is regarded as crucial, particularly in identifying relevant local issues which need to be considered from the outset of plan preparation.
- The Plan Strategy will define the strategic objectives for the future development of the District. It will include a range of strategic policies to facilitate and manage development and a spatial strategy that indicates in broad strategic terms the locations where different types of development will be promoted.
- Once the Plan Strategy is adopted, we will prepare a Local Policies Plan. This will include the site-specific proposals, policy designations and land-use zonings that will be required to deliver our vision, objectives, spatial strategy and strategic policies that will be defined in our Plan Strategy.

- We will undertake an ongoing process of Sustainability Appraisal (SA) which will run parallel to the preparation of the POP, Plan Strategy and Local Policies Plan. This appraisal process aims to ensure that the policies and proposals in the LDP are socially, economically and environmentally sustainable. Relevant reports will be published at each of the key stages of the plan making process. This will include consultation on the scope of the appraisal, at the POP stage.

Who can get involved?

4.2 Derry City and Strabane District Council is very keen for the community to get involved at an early stage in the planning process. Anyone who wishes to get involved is encouraged to do so at the opportunities provided. In particular, the views of the following groups of people will be sought:

- People living within the Derry City and Strabane District;
- Elected representatives;
- Voluntary groups;
- Community forums / groups / umbrella organisations;
- Environmental groups;
- Residents groups;
- Business interests; and
- Developers / landowners.

4.3 Elected members, forums, community and residents groups provide a voice for the local community. Other voluntary and interest groups also bring a special knowledge and can ensure that important concerns are addressed.

Empowering disadvantaged and under-represented groups

4.4 Section 75 of the Northern Ireland Act 1998 requires a public authority, in carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:

- Persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- Men and women generally;
- Persons with a disability and persons without; and
- Persons with dependants and persons without.

4.5 In addition, without prejudice to the above obligations, public authorities are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or race. The above "Section 75 groups" are important participants within the planning process and include people who traditionally have been underrepresented or disadvantaged. The Council particularly wants to hear from these groups. These Section 75 groups will be targeted through the consultation process on the LDP in order to obtain their views and contribute to the consideration of equality issues under Section 75. Views on any equality screening documents or Equality Impact Assessments will also be sought within the specified period for comment along with the Draft Plan Strategy and Draft Local Policies Plan.

Section 75 Groups / Community Organisations

- 4.6 It is acknowledged that the numerous Section 75 groups / community organisations in our District are frequently sent consultations seeking input. Reading such consultations and choosing to make representations can be time consuming, particularly for those Section 75 / community groups with limited resources. In order to facilitate meaningful consultation throughout the LDP process, it is proposed that as part of the SCI process such groups will be asked to respond indicating their desire to be consulted on an on-going basis throughout all stages of the LDP process.
- 4.7 This "opt-in" option will reduce unnecessary consultation with such groups who do not wish to be involved in the LDP process and will enable the LDP team to focus their consultation process more effectively on those groups who have indicated an interest. Those groups / community organisations that don't respond will still be able to stay informed through regular updates in the local press, Council website or by attending public meetings which will be advertised in advance. However, at any stage, the option will always exist for those groups / community organisations to contact the Council and request that they participate in the LDP preparation.

Children and Young People

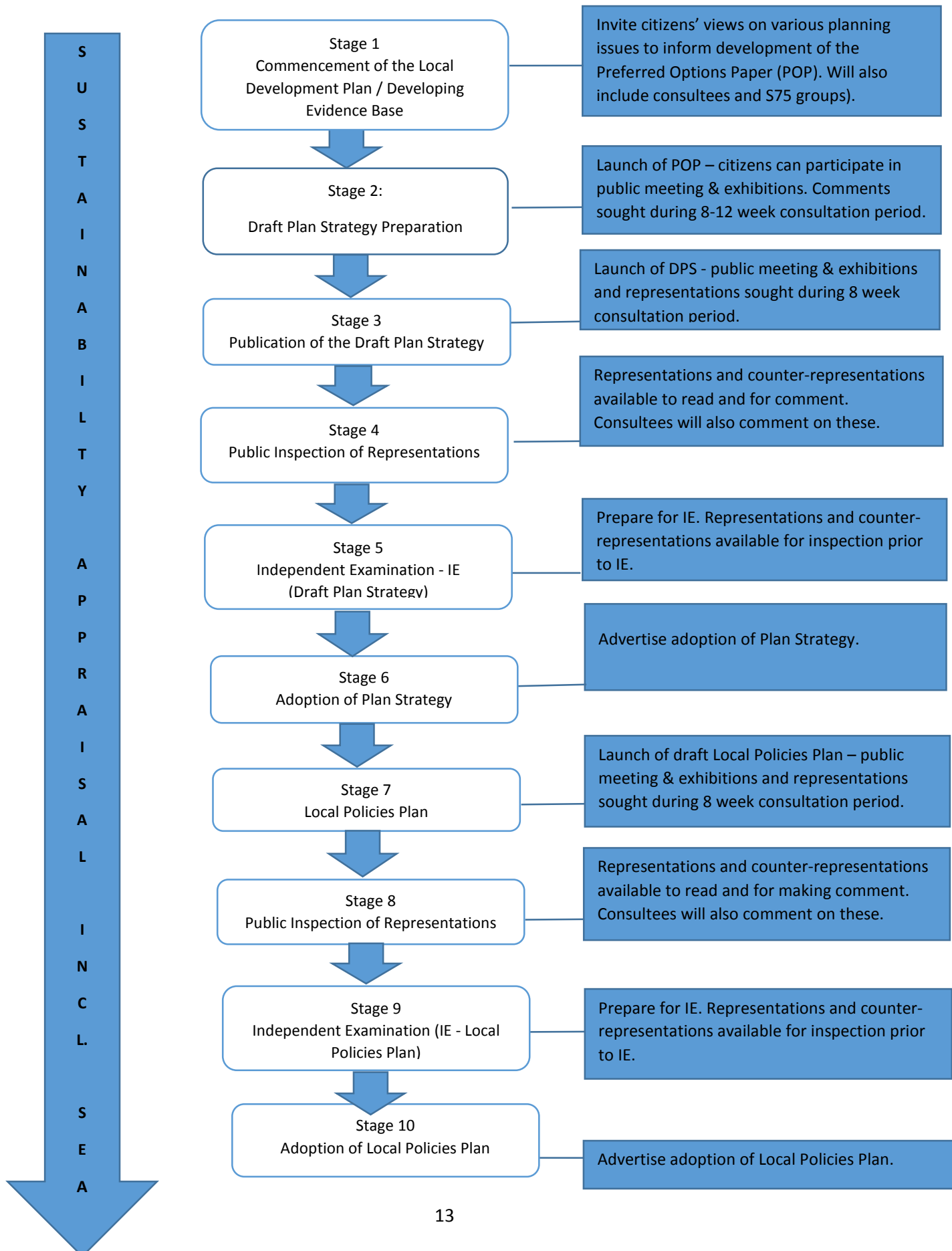
- 4.8 A significant proportion of our District's population comprises children and young people. Latest statistics indicate that over a fifth of our population are under the age of 15. Therefore it is crucial that in planning for our District's future we will need to listen to our children and young people and plan accordingly. We will integrate the comments received during the Children and Young People Community Plan consultation process. Planning officials will work closely with the Council's Children and Young Persons Officer and will be exploring new and innovative ways to engage with our children and young people. This could involve the use of appropriate social media and other relevant e-based learning initiatives and possibly partnerships with other groups. In addition, opportunities may arise for planning officials to coordinate with the engagement being undertaking for the Council's bid for European Youth Capital (EYC) 2019 to ensure that the latest and relevant feedback is considered into the LDP process.
- 4.9 Participation with schools and children and young people will also be an important feature of the LDP consultation process. The LDP team will endeavour to arrange meetings with children and young people at venues convenient and accessible to them, such as youth venues and schools, at which officials, teachers and youth leaders can discuss with them their thoughts on planning and learn their aspirations for the future development of this District. The future years will hopefully see them living, working and rearing families in their home District.

Accessibility for everyone

- 4.10 The Council encourages all our Section 75 groups / community organisations to register their interest and assist in contributing to the preparation of this LDP for the

future benefit of all in our District. To ensure that LDP and consultation documents are accessible to everyone, they will be made available upon request in different formats, including electronic, Braille, large text print, audiocassette. Plain English is to be used for all publications. A telephone, fax number and a text phone number will be stated on each document for people with hearing or speech impairments. If for any reason, a request for a document in a particular alternative format cannot be met, other possible solutions will be explored.

4.11 The diagram below shows the LDP process and the consultation opportunity at each stage. These stages are explained fully in the following sections of the SCI



How and when you can be involved in the preparation of our Local Development Plan:

4.12 The preparation of our LDP comprises different stages, each presenting significant opportunities for community involvement and for the community to shape the LDP's eventual outcome.

Stage 1: Commencement of the LDP & Developing the Evidence Base

4.13 The formal commencement of the LDP process begins with the publication of the Statement of Community Involvement along with its associated LDP Timetable. . The LDP timetable will set out Council's programme for the production of the Plan Strategy and Local Policies Plan including key milestones and timelines for plan production through to adoption. Prior to the publication of the timetable the Council has undertaken a wide range of preparatory studies in order to inform the later preparation of the Preferred Option Paper POP. These preparatory studies will be subsequently published alongside the POP in order to assist the public debate.

4.14 **We will:**

- issue a public notice in the local newspapers currently being used by Council (the Derry Journal, the Londonderry Sentinel, the Ulster Herald, the Strabane Chronicle, the Tyrone Constitution and the Strabane Weekly News), Belfast Gazette and on the Council website detailing of the location and times of when the timetable will be available for inspection. :
- hold an SCI publication event and exhibition, publish our timetable, and invite initial views about the District's strategic planning issues;
- make timetable available on the Council website
- within the SCI document, we will list the key consultees, Community Groups and under-represented (Section 75) groups who will be actively encouraged to participate in the process. These lists will be kept under review and written requests for inclusion from additional bodies will be considered;
- We will disseminate appropriate information, meet local groups and consider new ways of engaging with the local community and our children and young people;
- Seek the views of our citizens on key planning issues across the District to ensure their views are heard, recognised and effectively taken on board as we develop the POP document.
- form a Steering Group comprising the Council Planning Committee, with Council Chief Executive/Director of Environment and Regeneration and Head of Planning. This is the high-level co-ordinating body that will ensure overview and strategic input on behalf of the whole community, as well as from the planning professionals;
- form a Project Management Team comprising Senior Council Officers from Council, the Principal Planning Officer and representatives from the key statutory/government departments. The purpose of the team is to ensure key consultees co-operate in the plan making process. The Project Management Team will be consulted on and act as the screening and scoping group for the SA, incorporating SEA, and Equality Impact Assessment;

- send written invitations to key consultees, requesting them to participate in the plan making process by providing information on the key strategic issues that the LDP should address;
- invite under represented (Section 75) groups to identify whether there are any types of planning policies which are likely to have a significant impact on the groups they represent. They will also be provided opportunity to identify any particular issues or needs which they feel the plan should address. Where requested this can be done through a face to face meeting with a planning official. Any comments received will be taken into account when screening and scoping the Equality Impact Assessment;
- set up Stakeholder Groups. These will be informal working groups set up on an ad hoc basis dealing with issues/topics relevant to our Council which emerge during the process of engagement with the public and councillors e.g. retail/commerce, business, environmental;
- send the Scoping Report for the SA to the statutory consultation body and, if necessary, it may undertake trans-boundary consultation with the Republic of Ireland.

Stage 2: Draft Plan Strategy Preparation

- 4.15 This stage represents the start of work on a Derry City and Strabane District LDP. It commences with the publication of POP setting out the key plan issues and the preferred options available to address them. The POP is a consultation paper to promote debate on issues of strategic significance which are likely to influence the shape of future development within Derry City and Strabane District. The intention is to stimulate a wide-ranging, yet focused, debate and encourage feedback from a wide variety of interests. Any representations or views received as a consequence of its publication will be considered whilst formulating the Draft Plan Strategy.
- 4.16 The POP is subject to the SA process, which includes a Strategic Environmental and an Equality Impact Assessment. The SA is a continual process which runs parallel with the preparation of the POP and LDP. An SA Interim Report (consisting of SA Scoping Report and assessment of alternatives) will be published with the POP.
- 4.17 **We will:**
- issue a public notice in the local newspapers currently being used by Council for two consecutive weeks (the Derry Journal, the Londonderry Sentinel, the Ulster Herald, the Strabane Chronicle, the Tyrone Constitution and the Strabane Weekly News), Belfast Gazette and on the Council website detailing:
 - The intention to prepare a LDP, accompanied by a SA, incorporating SEA and an Equality Impact Assessment;
 - Publication of the POP inviting comment within an 8 to 12 week period;
 - Community meetings, exhibitions and pop-in information sessions;
 - Publication of the Screening and Scoping Papers for the Strategic Environmental and Equality Impact Assessments, the intention to prepare a LDP and invite comments on the POP.
 - The location and times of when the POP will be available for inspection – i.e. the Council’s principal offices and such places within the Council District as the Council considers appropriate.
 - make the Strategic Countryside Assessment and Topic Papers available to view at specified locations during normal working hours, on the website and provide hard copy at a specified price;
 - issue a press release about the intention to prepare a LDP and drawing attention to the POP and the public consultation;
 - hold a launch and exhibition to announce the publication of the POP;
 - publish on the Council’s website:
 - the POP;
 - such supporting documents as in the opinion of the Council are relevant to the POP
 - notice of the address of where representations can be sent.
 - hold public meetings and exhibitions with drop-in sessions in Derry, Strabane and Castledearg;
 - write to key consultees and elected members providing them with a copy of the POP and inviting them to; attend the launch; provide comments within 8 to 12

weeks; inform them of the public meetings, exhibition and drop-in information sessions;

- write to local community groups and under-represented (Section 75) groups providing them with a copy of the POP and inviting them to; comment within 8 to 12 weeks; attend the public meetings, exhibition and drop-in information sessions; and offering the opportunity of a meeting with a planning officer to record their views;
- present a Public Consultation Report to elected members following the 8 to 12 week consultation period. This will contain a summary of each representation and professional comment, recording where members take a different view and the rationale for that view. This will be taken into account whilst formulating the Draft Local Development Plan;
- provide the Project Plan Team with the opportunity to comment on emerging policy for inclusion in the Draft Plan Strategy. The Project Plan Team will be integral in testing emerging policy through the SA, incorporating SEA and Equality Impact Assessment process;

Stage 3: Availability & Consultation on the Draft Plan Strategy

4.18 The draft Plan Strategy will set out Council's objectives and strategic policies regarding the future development of the area. It will be a public consultation document and form a key part of the public participation process.

4.19 It is important to stress that the draft Plan Strategy is a public consultation document and is not the final plan. It is an indication of our intentions regarding the future development of the area, and is a key part of the public participation process.

4.20 **We will:**

- issue a public notice in the local newspapers currently being used by Council (the Derry Journal, the Londonderry Sentinel, the Ulster Herald, the Strabane Chronicle, the Tyrone Constitution and the Strabane Weekly News), the Belfast Gazette and on the council website for two consecutive weeks. This notice should state:
 - Publication of Draft Plan Strategy and accompanying Sustainability Appraisal including the Environmental Report and Equality Report and how to view or obtain copies;
 - The dates and locations of public exhibitions;
 - The 8 week consultation period and closing date for receipt of representations to the Draft Plan Strategy and accompanying SA Report and Equality Impact Assessment;
 - Detailing of the location and times of when the Draft Plan Strategy and accompanying Sustainability Appraisal will be available for inspection during normal working hours – i.e. the Council's principal offices and such places within the Council District as the Council considers appropriate.
- make the Draft Plan Strategy, the SA Report, including the Environmental Report and Equality Report, and the Public Consultation Report available on the council website, at the Council Offices in Derry and Strabane and provide hard copies upon request at a specified price;
- produce a document indicating the period within which representations on the development plan document can be made;
- hold a launch and exhibition to announce the publication of the Draft Plan Strategy and issue press releases;
- publish on the Council's website:
 - the Draft Plan Strategy;
 - such supporting documents as in the opinion of the Council are relevant;
 - notice of the address of where representations can be sent.
- hold public exhibitions at advertised locations where Planning Officers will be available to answer any questions;
- write to key consultees and elected members to inform them of; the publication of the Draft Plan Strategy, the dates of the public exhibitions; the 8 week consultation period and the closing date for representations and provide them with a copy of the document;
- write to all who submitted a representation to the POP informing them of the publication of the Draft Plan Strategy and accompanying documents; advising how they can view or obtain copies; the dates of the public exhibitions; the 8 week consultation period and closing date for representations;

Stage 4: Public Inspection of Draft Plan Representations & Counter Representations.

4.21 All representations made during the specified 8 week consultation period to the Draft Plan Strategy Documents will be made available for public inspection as part of the public consultation process to allow for a further 8 week period for counter representations.

We will:

- make the following documents available:
 - a copy of the representations;
 - a document stating the time period within which counter representations can be made;
 - the address to which counter representations can be sent;
- enable these documents to be viewed within normal working hours at the Council's principal offices and other places within the District as considered appropriate;
- issue a public notice in the local newspapers currently being used by Council (the Derry Journal, the Londonderry Sentinel, the Ulster Herald, the Strabane Chronicle, the Tyrone Constitution and the Strabane Weekly News), the Belfast Gazette and on the council website that the Draft Plan Strategy representations are available for inspection for a period of 8 weeks.
- notify the consultation bodies that the representations are available for inspection and the places and times at which they can be inspected;
- notify any person who has made (and not withdrawn) a representation;
- after the expiry of the counter representation period, Council will make a copy of the counter representations for inspection during normal working hours at its principal offices and other places within the District as considered appropriate. This information will also be published on its website.

Stage 5: Submission of draft Plan Strategy prior to the Independent Examination

4.22 As soon as reasonably practicable after Council has submitted the development plan documents to the Department for Infrastructure (DfI), Council must undertake the following:

We will:

- make the following documents available during normal working hours at the Council's principal offices and other places in the District considered appropriate:
 - a copy of the draft Plan Strategy (PS) document;
 - all other legislatively required documents
 - all other documents considered relevant to the preparation of the PS
- make copies of representations available for inspection in the Council Offices and on the Council website;
- write to key consultees and elected members informing them that representations are available for inspection and the places and times at which they can be inspected;
- notify any person who has made (and not withdrawn) a representation to the Draft Plan Strategy that the draft PS documents are available for inspection and the places and times at which they can be inspected;
- issue a public notice in the local newspapers currently being used by the Council for two weeks (the Derry Journal, the Londonderry Sentinel, the Ulster Herald, the Strabane Chronicle, the Tyrone Constitution and the Strabane Weekly News), Belfast Gazette, and on the website that the draft PS documents have been submitted to the DfI.

Stage 6: Independent Examination (Draft Plan Strategy)

4.23 The purpose of the IE is to determine whether the draft development plan satisfies the relevant statutory requirements and whether it is sound, taking into account representations or counter representations. The Council will be available to answer any question of the Independent Examiners and provide comment on the representations and counter representations.

We will:

- continue to make the Draft Plan Strategy, and any accompanying documentation available on the website;
- advertise dates, times and venues for the IE at least 4 weeks before the Examination is to be held indicating that representations and counter representations are available for inspection;
- notify all persons who submitted representations and counter representations to Draft Plan Strategy of the arrangements for the IE indicating that representations and counter representations are available for inspection;
- request key consultees to provide comment on the representations and counter representations for consideration at the IE.

Stage 7: Adoption of Plan Strategy

4.24 Following the IE, the Department for Infrastructure will issue a Direction to the Council, requiring it to adopt the Draft Plan Strategy as originally prepared or with modifications. The Council may also be directed to withdraw the Draft Plan Strategy. In either scenario, the Department will be expected to give reasons for their decisions.

We will:

- issue a public notice in the local newspapers currently being used by Council (the Derry Journal, the Londonderry Sentinel, the Ulster Herald, the Strabane Chronicle, the Tyrone Constitution and the Strabane Weekly News), in the Belfast Gazette and on the council website for two consecutive weeks detailing the:
 - Adoption of the Plan Strategy;
 - Where to get copies of the Plan Strategy and any accompanying documents, the Department's Direction and the Independent Examiner's Report;
- make the Plan Strategy and any accompanying documents, the Department's Direction and Independent Examiner's Report available on the website with hard copy available on request for a specified price;
- make the Plan Strategy and any accompanying documents, the Department's Direction and Independent Examiner's Report available for inspection during normal working hours at the Council Offices and other places within the District as the Council considers appropriate ;
- write to key consultees and those submitting representations and counter representations advising them of the adopted Plan Strategy, and where to obtain copies together with the Department's Direction and the Independent Examiner's Report. Also advise them of the commencement of work on the Local Policies Plan.

Stage 8: Draft Local Policies Plan

4.25 The Local Policies Plan is the second document, which along with the Plan Strategy, comprises the Local Development Plan. It is important to stress that the Draft Local Policies Plan is a public consultation document and is not the final part of the plan. The Draft Local Policies Plan will be consistent with the adopted Plan Strategy and will be the Council's detailed land use proposals regarding the future development of the area. This draft document is a key part of the public participation process.

4.26 This is likely to be the stage of the LDP process that people will be most interested in. The Local Policies Plan will contain local policies, including site specific proposals, designations and land use zonings required to deliver the council's vision, objectives and strategic policies, some of which may have an impact on our citizens. It is vital therefore that the public get involved and make their voices heard at this stage.

We will:

- issue a public notice in the local newspapers currently being used by Council (the Derry Journal, the Londonderry Sentinel, the Ulster Herald, the Strabane Chronicle, the Tyrone Constitution and the Strabane Weekly News), the Belfast Gazette and on the council website (www.derrystrabane.com) for two consecutive weeks, detailing:
 - Publication of Draft Local Policies Plan;
 - The dates and locations of public exhibitions;
 - The 8 week period and closing date for receipt of representations;
 - The location and times of when the Local Policies Plan and accompanying Sustainability Appraisal will be available for inspection – i.e. the Council's principal offices and such places within the Council District as the Council considers appropriate.
- make the Draft Local Policies Plan and any supporting documentation including detailed Countryside Assessment and Housing Capacity Study available on the council website. Hard copies will be available upon request at a specified price from the Council Office;
- hold launch and exhibition to announce the publication of the Draft Local Policies Plan and issue a press release;
- hold public exhibitions at advertised locations where Planning Officers will be available to answer any questions;
- publish on the Council's website:
 - the Local Policies Plan;
 - such supporting documents as in the opinion of the Council are relevant;
- notice of the address of where representations can be sent.
- write to key consultees and elected members to inform them of; the publication of the Draft Local Policies Plan, the dates of the public exhibitions; the 8 week consultation period and the closing date for representations and provide them with a copy of the document;

Stage 9: Availability & Consultation on the Draft Local Policies Plan

4.18 The draft Local Policies Plan will set out Council's objectives and local policies regarding the future development of the area. It will be a public consultation document and form a key part of the public participation process.

4.19 It is important to stress that the draft Local Policies Plan is a public consultation document and is not the final plan. It is an indication of our intentions regarding the future development of the area, and is a key part of the public participation process.

4.20 We will:

- issue a public notice in the local newspapers currently being used by Council (the Derry Journal, the Londonderry Sentinel, the Ulster Herald, the Strabane Chronicle, the Tyrone Constitution and the Strabane Weekly News), the Belfast Gazette and on the council website for two consecutive weeks. This notice should state:
 - Publication of Local Policies Plan and accompanying Sustainability Appraisal including the Environmental Report and Equality Report and how to view or obtain copies;
 - The dates and locations of public exhibitions;
 - The 8 week consultation period and closing date for receipt of representations to the Local Policies Paper and accompanying SA Report and Equality Impact Assessment;
 - The location and times of when the Local Policies Paper and accompanying Sustainability Appraisal will be available for inspection during normal working hours – i.e. the Council's principal offices and such places within the Council District as the Council considers appropriate.
- make the Local Policies Plan, the SA Report, including the Environmental Report and Equality Report, and the Public Consultation Report available on the council website, at the Council Offices in Derry and Strabane and provide hard copies upon request at a specified price;
- produce a document indicating the period within which representations on the development plan document can be made;
- hold a launch and exhibition to announce the publication of the Local Policies Paper and issue press releases;
- publish on the Council's website:
 - the Local Policies Plan;
 - such supporting documents as in the opinion of the Council are relevant;
 - notice of the address of where representations can be sent.
- hold public exhibitions at advertised locations where Planning Officers will be available to answer any questions;
- write to key consultees and elected members to inform them of; the publication of the Draft Local Policies Plan, the dates of the public exhibitions; the 8 week consultation period and the closing date for representations and provide them with a copy of the document;
- write to all who submitted a representation to the POP informing them of the publication of the Draft Plan Strategy and accompanying documents; advising how

they can view or obtain copies; the dates of the public exhibitions; the 8 week consultation period and closing date for representations;

Stage 10: Public Inspection of Draft Local Policies Plan Representations & Counter Representations.

4.21 All representations made during the specified 8 week consultation period to the Draft Local Policies Plan Documents will be made available for public inspection as part of the public consultation process to allow for a further 8 week period for counter representations.

We will:

- make the following documents available:
 - a copy of the representations;
 - a document stating the time period within which counter representations can be made;
 - the address to which counter representations can be sent;
- enable these documents to be viewed within normal working hours at the Council's principal offices and other places within the District as considered appropriate;
- issue a public notice in the local newspapers currently being used by Council (the Derry Journal, the Londonderry Sentinel, the Ulster Herald, the Strabane Chronicle, the Tyrone Constitution and the Strabane Weekly News), the Belfast Gazette and on the council website that the draft LPP representations are available for inspection for a period of 8 weeks.
- notify the consultation bodies that the representations are available for inspection and the places and times at which they can be inspected;
- notify any person who has made (and not withdrawn) a representation;
- after the expiry of the counter representation period, Council will make a copy of the counter representations for inspection during normal working hours at its principal offices and other places within the District as considered appropriate. This information will also be published on its website.

Stage 11: Submission of draft Local Policies Plan prior to the Independent Examination

4.22 As soon as reasonably practicable after Council has submitted the development plan documents to the Department for Infrastructure (DfI), Council must undertake the following:

We will:

- make the following documents available during normal working hours at the Council's principal offices and other places in the District considered appropriate:
 - a copy of the draft Local Policies Plan document;
 - all other legislatively required documents
 - all other documents considered relevant to the preparation of the PS
- write to key consultees and elected members informing them that the draft LPP documents are available for inspection and the places and times at which they can be inspected;
- notify any person who has made (and not withdrawn) a representation to the Draft LPP that the draft LPP documents are available for inspection and the places and times at which they can be inspected;
- issue a public notice in the local newspapers currently being used by the Council for two weeks (the Derry Journal, the Londonderry Sentinel, the Ulster Herald, the Strabane Chronicle, the Tyrone Constitution and the Strabane Weekly News), Belfast Gazette, and on the website that the draft LPP documents have been submitted to the DfI.

Stage 12: Independent Examination (Draft Local Policies Plan)

4.29 The purpose of the IE is to determine the soundness of the Local Policies Plan taking into account representations and counter representations. The Council's planning officers will be available to answer any question of the Independent Examiners and provide comment on the representations and counter representations.

We will:

- continue to make the Draft Local Policies Plan, and all accompanying documentation available on the website;
- advertise dates, times and venues for the IE at least 4 weeks before Examination is to be held indicating that representations and counter representations are available for inspection;
- notify all persons who submitted representations and counter representations to the Draft Local Policies Plan of the arrangements for the IE indicating that representations and counter representations are available for inspection;
- request key consultees to provide comment on the representations and counter representations for consideration at the IE.

Stage 13: Adoption of Local Policies Plan

4.30 Following the IE, the Department will issue a Direction to the Council, requiring it to adopt the Draft Local Policies Plan as originally prepared or with modifications. The Council may also be directed to withdraw the Draft Local Policies Plan. In either scenario, the Department will be expected to give reasons for their decisions.

We will:

- issue a public notice in the local newspapers currently being used by Council (the Derry Journal, the Londonderry Sentinel, the Ulster Herald, the Strabane Chronicle, the Tyrone Constitution and the Strabane Weekly News), in the Belfast Gazette and on the Council's website (www.derrystrabane.com) for two consecutive weeks, detailing the:
 - Adoption of the Local Policies Plan; and
 - Where to get copies of the Local Policies Plan, the Department for Infrastructure Direction and the Independent Examiner's Report;
- make the Local Policies Plan and accompanying documents, the Department's Direction and Independent Examiner's Report available on the council website with hard copy available on request for a specified price;
- make the Plan Strategy and any accompanying documents, the Department's Direction and Independent Examiner's Report available for inspection during normal working hours at the Council Offices and other places within the District as the Council considers appropriate ;
- write to key consultees and those submitting representations and counter representations advising them of the adopted Local Policies Plan, and where to obtain copies together with the Department for Infrastructure's Direction and the Independent Examiner's Report.

Review of the Statement of Community Involvement

4.31 Following the adoption of the Plan Strategy and Local Policies Plan, the Council will identify its work priorities for the next five years in a new timetable. It may also issue a new SCI if considered appropriate. In addition, the Council will engage in monitoring and review which are essential in establishing how the objectives in the Local Development Plan are being achieved and whether any changes are required.

5.0 The Development Management Process

Purpose

- 5.1 The Council is now responsible for receiving and making decisions on the majority of planning applications in the District, with the exception of applications by the Council for demolition within conservation areas – these applications must be determined by the DfI. We also deal with listed building applications, consent for works in a conservation area, works to protected trees and advertising consent.
- 5.2 All planning applications are now categorised on receipt as local, major or regionally significant, with the Council responsible for determining all local and major applications. However, in exceptional circumstances DfI retains the ability to call in planning applications for determination.
- 5.3 Regionally significant developments are those which are considered to have a critical contribution to make in regard to the economic and social success of Northern Ireland as a whole, or to a substantial part of the region. Such proposals also include developments which have significant effects beyond Northern Ireland or involve a substantial departure from an LDP. Regionally significant applications are processed by the DfI.
- 5.4 Major developments have important economic, social and environmental implications for Council. Due to the potential of these proposals to deliver important benefits to the community, major applications are prioritised to avoid undue delay and the risk to investment decisions. Common examples of major development proposals include:
- A housing development involving the construction of 50 units or more, or where the area of the site is or exceeds 2 hectares;
 - A business, industry, storage and distribution development that comprises 5,000 square metres or more gross floorspace; or the area of the site exceeds 1 hectare;
 - A wind farm or solar farm (or other types of electricity generating stations) where its capacity is or exceeds 5 megawatts.
- 5.5 Local development proposals are those applications which are not considered to be regionally significant or major. The vast majority of planning applications are likely to constitute local developments and these will include most commercial and housing proposals as well as minor schemes and householder development. It is estimated that over 90% of all planning applications received by the Council will be categorised as local development.
- 5.6 Development Management is the process through which such applications are considered. An important part of the process is to provide information and advice to applicants, and to seek and take into account the views of the general public and those consulted on all planning applications. The statutory requirements for consultation on planning applications are set out in legislation and vary according to the type of proposal but include notification to specified bodies and general publicity.

5.7 We receive a wide variety of planning applications and therefore the need for, and degree of community involvement, will vary according to the scale and complexity of the application. We will adopt a pro-active approach to ensure that the community are given the opportunity to engage in the planning process at an early stage to facilitate the greatest potential benefit. As previously referred to the Council's Planning Office is participating in the EU Northern Periphery & Arctic Programme's IMPROVE scheme. In relation to Development Management it is proposed that the community will be able to leave relevant planning feedback on certain planning applications, particularly those in prominent locations. Through this project, it is hoped that the community will actively engage for example on design matters and therefore positively input into the planning process prior to the application being determined.

5.8 The following section looks at:

- How the public can become involved at the various stages of the application process; and
- How the level of community involvement will depend on the scale of the application.

Pre-Application Stage

Pre-Application Discussions (PADs)

5.9 Pre-application discussions are encouraged for a range of types of applications, both major and local. The objective of pre-application discussions should be to confirm whether the principle of development is acceptable and to clarify the format, type and level of detail required to enable the Council to determine an application. For major applications, it will also enable the applicant to discuss with the Council details of how the community should be involved in the decision-making process.

Pre-Application Community Consultation (PACC)

5.10 Legislation now exists that requires applicants to inform and involve the wider community in discussion prior to submitting a formal planning application for a major application in order to help to create better quality developments and place making from the outset. Applicants submitting major applications to the Council must undertake community consultation before submitting their application.

5.11 As part of this process, this Council will require that applicants must:

- Notify the Council, at least 12 weeks in advance, that an application for a major planning application is to be submitted;
- Hold at least one public event where the community will be afforded the opportunity to make comment;
- Publish details of the proposal in the local press, outlining where further details about the scheme can be obtained and the date, time and location of the public event;
- Submit a pre-application community consultation report to accompany the application.

- 5.12 Such pre-application consultation is likely to be more successful if the applicant makes significant efforts to open lines of communication with, and provide feedback to, local communities and work with them to secure development proposals which, as far as possible, are acceptable to everyone.
- 5.13 Where applicants fail to fully meet the pre-application community consultation requirements, the Council will decline to determine the application. We would stress to all applicants considering submitting major planning applications to seek a Pre-Application Discussion (PAD) with Planning Officers.

Application Stage

- 5.14 When a planning application is submitted to the Council for determination, you will have the opportunity to express your opinion in regard to how you may be affected by a proposal.
- 5.15 We will inform the public of all planning applications when required through:
- Advertising; and
 - Neighbour Notification
- 5.16 The Council undertakes statutory publicity in accordance with current legislation. Government may change the statutory publicity requirements and our future approach will reflect any changes that are made. Where relevant, we will also engage with the community through the Environmental Impact Assessment (EIA) regulations.

Advertising

- 5.17 The Council will advertise all new applications on a weekly basis in the relevant local newspapers, dependent on the location of its electoral area (DEA):
- Derry Journal
 - Londonderry Sentinel
 - Ulster Herald
 - Strabane Chronicle
 - Tyrone Constitution
 - Strabane Weekly News

This will be subject to review in line with any wider Council review on costs and advertisement selection lists.

- 5.18 The weekly list of all new applications received by Council can also be viewed on our website.
- 5.19 The Notice placed in the local newspapers and on the website advises that any representations to be made should be received within 14 days of publication (4 weeks in the case of EIA applications) to assist efficient processing of applications. However, it should be noted that any late representations made on an application, provided they are received before a decision is made, will be considered.

Neighbour Notification

- 5.20 The 2011 Act provides via the General Development Procedure Order, that upon receipt of a development proposal, the Council shall serve notice of the application to any identified occupier on neighbouring lands.
- 5.21 In accordance with the statutory scheme, notification letters will be sent to the occupiers of neighbouring premises which fulfil both of the following criteria - the property in question is within 90 metres and directly adjoins the boundary of the application site - or would adjoin the boundary but for an entry or a road less than 20 metres wide. Where such a property is in multiple occupation, then notification will be sent to all the occupants of the property.
- 5.22 The Council is aware that neighbour notification can sometimes be a contentious part of the planning process. Accordingly, the Council has given a discretionary power to Planning Officers to allow them to notify additional properties over and beyond the parameters as set out in the current statutory process. For example, this could include a property that, whilst not falling within the statutory criteria as set out in paragraph 5.21, the Planning Officer's professional opinion is that the owners of this property should be made aware of the proposal. This is particularly relevant in cases involving potential nuisance or loss of amenity.
- 5.23 In light of the above, the Council will now be extending the neighbour notification criteria for wind turbines over 25 metre hub height (to 250 metres from any turbine or Para 5.21 limits from the access / application site), wind farms (to 500 metres from any turbine or Para 5.21 limits from the access / application site) or intensive livestock installations (within 250 metres from any such building / structure).
- 5.24 The Council's extended scheme of neighbour notification shall come into effect for all new applications received after the adoption of this SCI. The extended scheme will be kept under review, and Planning Officers will maintain a record of any complaints lodged regarding the failure to be neighbour notified, and a report will be presented to the Planning Committee within 6 months.
- 5.25 The Council will require the applicant / agent to supply accurate details of the addresses of all such properties within these parameters. When carrying out site inspections, Planning Officers will also check the accuracy of the neighbour notification details supplied on the application form, and may add details as considered appropriate.
- 5.26 Again the notification letter advises that any representations you may wish to make should be received within 14 days of publication (4 weeks in the case of EIA applications) to assist efficient processing of applications. However, it should be noted that any late representations made on an application, provided they are received before a decision is made, will be considered.

Environmental Impact Assessment

- 5.27 Under European law, EIA is required for certain proposals and seeks to ensure that the likely effects of new development on the environment are fully understood and taken into account before consent is given for the development to proceed.
- 5.28 The Environmental Statement (ES) is produced as part of an EIA and brings together in a single document or series of documents, information about a proposed development and its likely effects on the environment.
- 5.29 In most cases, it will fall to the Council to determine if the application is an EIA application. It should be noted that if an application is an EIA application, it cannot be processed until the ES is received. When an applicant submits an ES in support of a planning application, the Council will publish a notice of its receipt in the relevant local newspapers and indicate where it may be purchased and the address of the Council Office where it may be inspected. The Council will also allow 4 weeks from the date the notice is first published for representation to be made.

Obtaining further information and getting involved in planning applications

- 5.30 The weekly lists of planning applications received within the Council area are also available on the Council website www.derrystrabane.com and the Northern Ireland Planning Portal (www.planningni.gov.uk). Planning applications, including supporting documents and corresponding plans, can be viewed online and at the Council offices during normal office hours. Planning Officers are available to give advice on current or proposed applications. You are advised to make an appointment if you wish to speak to a particular officer about a specific application. To facilitate public involvement, a Planning Clinic also takes place every Wednesday in the Council's Strabane Office, where a Duty Planner is available to give advice on current (by appointment) or proposed applications.

Public Register

- 5.31 The Council will make the application, plans and any associated environmental statement available on a public register in accordance with Section 242 of the Planning Act. Each register will contain the following information:
- a. a copy of each application together with copies of plans and drawings submitted;
 - b. the decision notice, if any, in respect of the application, including details of any conditions subject to which permission or consent was granted;
 - c. the reference number, the date and any decision of the PAC in respect of the application; and
 - d. brief details of any revocation or modification relating to any permission or consent, including date of issue.

The Council will make the application file available for inspection, by appointment. The amount of information on the file will be dependent on the stages the application has completed. Should you require copies, you may incur costs associated with the copying of this information. Details of the relevant fees are available on request from the Council's Planning Office.

Freedom of Information

- 5.32 The Freedom of Information Act 2000 gives a general right of access to all types of recorded information, with some exemptions, held by public authorities. One of the responsibilities under the Act is to produce and maintain a publication scheme, which is designed to allow easy access to information not routinely available from other sources. You can view the FOI information at:

<http://www.derrystrabane.com/Council/Freedom-of-Information>

Submitting Comments

- 5.33 Individuals, groups and organisations can comment on a planning application even if they have not been neighbour-notified by the Council. All comments will be carefully considered. Care should be taken when making comments to the Council to ensure that no personal data is included. You can make comments in a variety of ways:

Telephone: 0300 200 7830

Textphone: 028 71 376646

By email: planning@derrystrabane.com (Please quote the application number)

By Public Access for Planning Applications:

<http://epicpublic.planningni.gov.uk/publicaccess/registrationWizard.do?action=start>

By post to: The Planning Office,

Development Management Section,

Derry City and Strabane Council Offices, 98 Strand Road, Derry, BT48 7NN

Please note that in order to ensure that representations are associated with the correct application, the Council requests that the application reference is quoted in all correspondence.

- 5.34 Only certain issues, referred to as 'material planning considerations', are taken into account when deciding a planning application. Material considerations must be genuine planning considerations, and the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Examples of material considerations include:

- Potential impact of a proposal upon the environment;
- The design of a proposed development and its relationship to its surroundings;
- Access and provision of infrastructure;
- Loss of sunlight and/or daylight;
- Loss of privacy;
- Noise, disturbance and smells;
- Road Safety; and
- Proposed landscaping.

- 5.35 Generally, greater weight is attached to issues which are supported by evidence rather than by assertion alone. You must ensure that your comments relate to relevant

planning matters. Any personal information contained within representations received will be redacted (blacked out), as will any comments or information we consider as being derogatory or offensive in nature. Comments or information considered as being derogatory or offensive in nature; concerning neighbour disputes or that are made for moral reasons are not relevant planning matters and cannot therefore be taken into account. Where responses are solely based on such matters and raise no material planning matters they may be returned.

- 5.36 All representations made in regard to a planning application will be acknowledged within five working days of receipt. The acknowledgement letter will set out who is dealing with the application and who to contact if there are any questions. All comments will be summarised and fully considered within the Planning Officer's report. Council will not normally contact the respondent again until after a decision is made unless the application is significantly altered, or is withdrawn.

Role of the Council – Engagement

- 5.37 The Council may, if it considers it appropriate to do so, stage public exhibitions, issue press releases or arrange public meetings to provide information about major developments or proposals which are particularly significant or may have wide-spread effects on communities.
- 5.38 The Council will consult with a range of Statutory Consultees (see appendix C) to assist in the determination of an application. If a representation raises issues that are relevant to the responsibilities of the consultee (e.g. road safety) the representation will be copied to the appropriate consultee for consideration and comment. The Council will carefully take any comments made into account before a decision is made. All comments are scanned and added to the website once email addresses and hand written signatures have been removed (it should be noted that typed names and addresses remain visible). The Council may also consult with non-statutory consultees, such as are considered relevant to the proposal.
- 5.39 The Council may negotiate changes to applications where these are expedient. Re-consultation (and re-advertisement, for 14 days) may take place on minor changes if the Council considers that they raise new issues that could lead to further comment. If any change is considered to be substantive, the Council may decide to decline to treat it as an amendment and a new application may be invited. If the change is considered to be insignificant, further notification or advertisement is not normally required.

Community Involvement at the Planning Committee Stage

- 5.40 Most planning applications will be decided by Planning Officers under the Council's Scheme of Delegation. These will generally comprise local applications that are not controversial or that do not raise wider issues. All major applications, Council applications and those called in by the Chair of the Planning Committee or the Council's Head of Planning will be considered and decided by the Planning Committee.

5.41 The circumstances under which an application can, or cannot be determined using delegated powers are set out in the Council's Scheme of Delegation, available on our website.

5.42 You may also wish to contact your local Councillor, who can request that a particular application is determined by the Planning Committee prior to a decision being taken.

Pre-determination hearings and speaking at the Planning Committee

5.43 For those major applications that have been notified to the Department but have been returned to the Council for determination, there is a mandatory requirement for Council to hold a Pre-determination Hearing to afford the applicant the opportunity of appearing before and being heard by the Council Planning Committee.

5.44 There are also certain major applications that will raise particularly complex planning issues or attract a significant level of objection. In such cases, the Planning Committee may decide to hold a Pre-determination Hearing prior to making its decision at the scheduled Planning Committee meeting.

5.45 A Pre-determination Hearing will provide the opportunity for the applicant and their agent, as well as those who may have made representations, to present their case to the Committee and for Members to ask questions and clarify matters. Key consultees may also be invited to report their expert views to the Committee and again to take questions. As each case is likely to be different, the specific arrangements for a Pre-determination Hearing will be tailored to the particular circumstances of the case. Where the Committee agrees to a Pre-determination Hearing, the applicant will be advised of the arrangements.

5.46 The Council will make available on our website, seven days before the Planning Committee meeting, a list of the planning applications to be considered. Full details of the application and Planning Officer's Report / recommendation will also be made available at that time on the Planning Portal. All parties wishing to address the Committee must register their wish to do so with the Council's Chief Administrative Officer / Committee Clerk by 12 noon two working days before the meeting. Registering a request to speak can be made in the following ways:

By Phone: 02871 253253

By email: info@derrystrabane.com

Post Application Stage - Community Involvement after a Planning Application has been determined

5.47 A notification of decision letter is sent to the applicant / agent and all people who have responded to the consultation on the planning application. The decision is recorded on the Council's website and in the statutory Planning Register. The reasoning behind the decision will be set out in the Planning Officer's report which will be available on the Planning Portal or viewable upon request. Where the Planning Committee makes a decision contrary to a Planning Officer's recommendation, the justification for this will be available to view in the minutes of the Planning Committee.

Post Application Stage - Involving the Community When an Appeal is made against a Planning Refusal/Granted Conditions/Enforcement Notice

- 5.48 Only applicants and those upon whom notices have been served have the right of appeal. There are no third party rights of appeal. Where an applicant is unhappy with the Council's decision on an application or a condition attached to a permission, he/she may appeal to the Planning Appeals Commission (PAC). An applicant may also appeal to the PAC where the Council has not determined an application within the relevant period prescribed by the Planning (General Development Procedure) Order (NI) 2015; where such an appeal is lodged, the application is deemed to have been refused. Appeals must be lodged with the PAC within four months from the date of notification of the Council's decision, or expiry of the prescribed period as the case may be.
- 5.49 All those people who responded on the original planning application that is the subject of appeal will be advised that an appeal has been received, and provided with an opportunity to make their views known. Copies of letters already submitted will be forwarded to the PAC. For hearings and public inquiries, the interested parties have the opportunity to make their views known directly to the PAC.
- 5.50 Further guidance on planning appeals and the rights of applicants and objectors can be found on the PAC website (www.pacni.gov.uk).

6.0 Enforcing Planning Control

- 6.1 The Council encourages the community to report cases where they believe there has been a breach of planning control. A breach of planning control occurs when development or other certain activities take place without the necessary planning permission or consent from the Council or the Department for Infrastructure. This may also include failure to carry out development in accordance with grant of planning permission or conditions. The enforcement of planning control is discretionary and the Council may decide not to take action unless it is considered expedient to do so having had regard to the LDP and any other material considerations.
- 6.2 All planning enforcement related complaints are treated confidentially. If the complaint results in a planning application being submitted, then this will be publicised in the normal manner and adjoining neighbours will be notified.
- 6.3 Suspected breaches of planning control can be reported in the following ways:
- By phone:** 0300 200 7830
By Textphone: 028 71 376646
By email: planning@derrystrabane.com
By post: The Planning Office,
Enforcement Section,
Derry City and Strabane Council Offices, 98 Strand Road, Derry, BT48 7NN
- 6.4 The Council will acknowledge all complaints, advising that an investigation has begun. In order not to prejudice the investigation and any consequent prosecution, enforcement officers are restricted in how far they can discuss the progress of ongoing enforcement cases. However, when the matter has been concluded and the case file is ready to close, the complainant will be written to, advising of the action the Council has taken and an explanation thereof. Many initial complaints relate to householder permitted development extensions or alterations which do not require planning permission. As stated earlier, only those upon whom an enforcement notice has been served have the right of appeal. There is no third party right of appeal.
- 6.5 The Council's priorities for enforcement action are contained within the Council's published Enforcement Strategy. The Enforcement Strategy is subject to regular review and Council will consider opportunities for public consultation in that review process.

7.0 Supplementary Planning Guidance

- 7.1 The Council may also prepare non-statutory planning guidance to support its Local Development Plan (LDP). Supplementary planning guidance includes for example design guides, advice notes and may include Interim Statements. These will be published for public consultation and comment prior to the publication of the final draft. Such consultation will be proportionate to the nature of the guidance where the Council feels it will be beneficial to give additional regard to the opinions of stakeholders and the general public. Any comments received will be presented to the relevant Council Committee and may also be published on the Council website. Supplementary Planning Guidance will not be subject to the process of Independent Examination (IE).

8.0 Conservation Areas

- 8.1 A Conservation Area is an area of special architectural or historic interest, the character of which it is desirable to preserve and enhance.
- 8.2 The Council considers that consultation with the local people is important when undertaking works that will affect conservation areas and will consult and involve the local community to encourage greater ownership of the concept and greater co-operation and commitment to achieving the aims of the designation. The Council will involve the community in the designation, variation or cancellation of a Conservation Area, as well as any significant works proposed by Council such as public realm schemes.
- 8.3 The Council will formally consult with the Historic Buildings Council and Department for Infrastructure, and advertise by way of a public notice in the local press and public meetings to discuss and present proposals. Upon formal designation, the Council will publish a public notice in the local press and hold a public launch and exhibition.

9.0 Designation of a Simplified Planning Zone

- 9.1 Where the Council proposes to commence work on a simplified planning zone, it will undertake consultations with the neighbouring district councils, the land owners and occupiers, the Department for Communities and will notify the Department Infrastructure.
- 9.2 Once details of a scheme have been prepared, the Council will make copies available for inspection at the Council's office, advertise in the local press and on the Council's website, and will serve a notice on those it has consulted with.
- 9.3 Following advertising of the proposed planning zones' details there will be an eight week period when representations can be made to the Council. If the Council subsequently decides not to proceed with the proposed planning zone, it will publish a further advertisement to that effect and will notify all those who have made representations.
- 9.4 The Council may cause an Independent Examination (IE) to be held to consider the representations received. Where it is proposed to hold an IE, details including the time and place of the examination will be published in the local press. Where it is decided not to hold an IE, the Council will notify all those who have made representations.
- 9.5 Following the IE, the Council will produce a report and statement detailing its decision and outlining reasons for its decision. Notice of publication will be advertised in the local press and the report and statement will be available for public inspection in the Council offices.

10.0 Conclusion

- 10.1 This SCI sets out how the Council and its citizens now have this exciting opportunity to shape the future development of this District. We do not expect that we will achieve perfection at the first attempt - planning is a constantly evolving process and this SCI marks the start of planning journey for our District. One that we hope will be sustainable and one that citizens can follow, understand and be satisfied that they have had every opportunity to express their views and shape our future as a result of their participation.
- 10.2 This SCI therefore represents the Council's call to everyone to get involved in all aspects of planning. Planning is now about community participation in the designing of living places that we can be proud of, whilst conserving our heritage, both natural and built. The Council looks forward to working with you right from the start as we plan together for the future of the Derry City and Strabane District.

APPENDIX A

General Consultation Bodies for Local Development Plan Documents

- Arts Organisations
- Bodies representing the interests of the economy
- Bodies representing the interests of the environment
- Bodies representing the interests of the coastal/marine environment
- Community Associations
- Cultural and Historical Groups
- Health and Wellbeing Groups
- Older Peoples Groups
- Religious Groups
- Schools and other education bodies
- Section 75 Groups
- Supports Groups
- Victims Groups
- Voluntary bodies
- Women's Groups
- Youth Groups

APPENDIX B

Specific Consultation Bodies for Local Development Plan Documents

Please note this list also relates to successor bodies where re-organisations occur.

- Northern Ireland Government Departments
- Local planning authorities whose area adjoins the Derry City and Strabane District Council boundary
- A water or sewerage undertaker
- The Northern Ireland Housing Executive
- The Civil Aviation Authority
- Any person to whom the electronic communication code applies
- Electricity Companies
- Gas companies

APPENDIX C

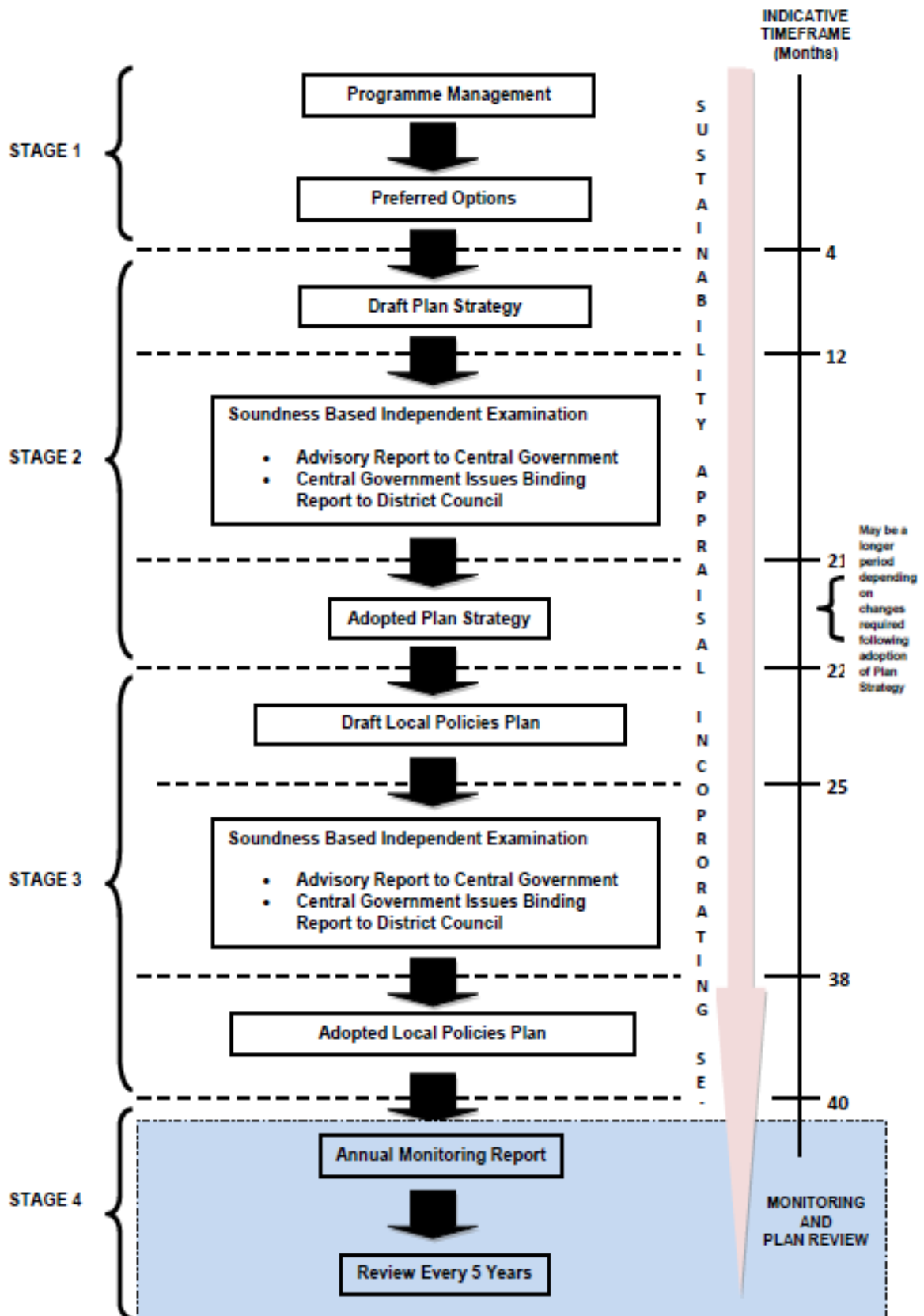
Groups to be consulted when determining a planning application

Statutory Consultees

1. Department of Infrastructure (DfI)
2. Health and Safety Executive NI (HSENI)
4. Licensed aerodromes
5. Department of Agriculture, Environment & Rural Affairs – (DAERA)
6. Department for Communities (DfC)
7. Northern Ireland Housing Executive (NIHE)

Appendix D

The Local Development Plan System



Appendix E: Glossary

Local Development Plan (LDP): The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. Local development plans (LDPs) apply regional policies at the appropriate local level and inform the general public, statutory authorities, developers and other interested bodies of the policy framework and land use proposals that will guide development decisions within a specified area. The LDP will comprise of two development plan documents:

- The Plan Strategy (PS) - This is the first part of the development plan and provides a framework or overview to guide the direction of the LDP; and
- The Local Policies Plan (LPP) - This provides detailed plans and policies for the development of specific geographical areas / settlements.

Environmental Impact Assessment (EIA): as a tool used to identify the environmental, social and economic impacts of a project prior to decision-making. It aims to predict environmental impacts at an early stage in project planning and design, find ways and means to reduce adverse impacts, shape projects to suit the local environment and present the predictions and options to decision-makers.

Independent Examination (IE): the IE conducted by the Planning Appeals Commission (PAC) or an independent examiner appointed by the Department for Infrastructure to test the soundness at both the Plan Strategy and the Local Policies Plan stage of the LDP.

Planning Committee: a committee of 14 councillors which has the responsibility for determining planning applications brought before it, as well as leading on the preparation of the Local Development Plan (LDP). Certain aspects of planning enforcement and Tree Preservation Orders also fall under the remit of the Planning Committee.

Plan-led System: The fundamental principle arising from the Planning Act (Northern Ireland) 2011 that states where, in making any determination under the 2011 Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Pre-Application Community Consultation (PACC): If an application is for a major or regionally significant development, applicants must submit a pre-application community consultation report together with their planning application. The purpose of the report is to provide details of the consultation that has been undertaken with the local community on the development proposal.

Preferred Options Paper (POP): The POP provides the basis for early consulting with the public and stakeholders on a series of options for dealing with key issues in the plan area. The POP will contain:

- A series of options for dealing with key issues in the plan area;
- Evidence to appraise the different issues and options; and
- The Council's preferred options and their justification.

Proposal of Application Notice (PAN): In the case of major or regionally significant development, as prescribed within the Schedule to The Planning (Development Management) Regulations (NI) 2015, an applicant is required to submit a 'Proposal of Application Notice' at least 12 weeks prior to submitting a planning application for the proposal. The Proposal of Application Notice should set out how an applicant proposes to engage and seek the views of the community on the proposed development.

Soundness: A key feature of the LDP systems is soundness which requires the PS and the LPP documents to be tested in terms of content, conformity and the process by which they were produced, at the IE. The tests of soundness are based upon three categories which relate to how the plan documents have been produced, the alignment of the plan document with central government regional plans, policy and guidance, and the coherence, consistency and effectiveness of the content of the plan documents.

Stakeholders: Individuals or organisations who stand to gain or lose from the impact of a planning policy, proposal or decision. The term is used mostly to refer to bodies that will affect the delivery of a planning document's policies and proposals.

Statement of Community Involvement (SCI): The document that sets out the Council's policy for involving the community in the production of the Local Development Plan and the determination of planning applications and enforcement issues.

Strategic Environmental Assessment (SEA): SEA is a structured, participative, open and transparent environmental assessment-based process which aims to ensure that environmental and possibly other sustainability aspects are considered effectively in policy, plan and programme making.

Supplementary Planning Document (SPD): A local development plan document which provides supplementary information about the policies in development plan documents. SPDs are not subject to IE. An SPD may be related to a topic or to a specific area.

Sustainability Appraisal (SA): Required by the 2011 Act, SA is an iterative part of the LDP process which performs a key role in providing a sound evidence base for the Plan. The purpose of SA is to promote sustainable development through the integration of social, environmental and economic considerations into LDP preparation. It is carried out in tandem with the SEA process and requires the preparation of reports at key stages in the LDP preparation.