

Chloe Duddy

**From:** Lee Hannigan <lee.hannigan@turley.co.uk>  
**Sent:** 27 January 2020 16:30  
**To:** Local Development Plan  
**Cc:** Brian Kelly  
**Subject:** Derry City & Strabane Draft Plan Strategy - Ebrington Holdings Ltd Representations  
**Attachments:** DCSDC LDP Representation Form\_Ebrington Holdings Ltd.pdf; Turley Ebrington Area Plan Submission DCSDC.pdf

Dear Sir/Madam

On behalf of our client, Ebrington Holdings Ltd, please find attached representations to the Draft Plan Strategy. We enclose:

- Completed form; &
- Representation letter prepared by Turley.

We would be grateful if you could acknowledge receipt of the representation by return of email.

Kind regards

Lee

Lee Hannigan  
Senior Planner

**Turley**

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Think of the environment, please do not print unnecessarily

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27 January 2020

**Delivered by email**

Planning LDP Team  
Derry City and Strabane District Council  
98 Strand Road  
Derry  
BT48 7NN

Dear LDP Team

**DERRY CITY AND STRABANE DISTRICT COUNCIL – LOCAL DEVELOPMENT PLAN: DRAFT PLAN STRATEGY  
EBRINGTON HOLDINGS LTD (EBRINGTON EASTERN LANDS DEVELOPMENT PARTNER)**

We make this representation on behalf of Ebrington Holdings Ltd (EHL), the development partner engaged to deliver the Ebrington Eastern Development Lands. This submission has been prepared following discussions with EHL and The Executive Office.

Our client welcomes the publication of the dPS and the progress that the Council is making towards adopting a Local Development Plan (LDP) for the area and the opportunity to return comments. Furthermore, EHL recognises the role of the new plan in delivering an ambitious growth plan for the city up to 2032, of which the regeneration of Ebrington is a significant component.

As you know this regeneration is delivered in accordance with the Ebrington Development Framework, approved within an outline planning permission (reference A/2015/0001/O).

**SEDA Designation**

We note the Ebrington lands are identified as a Tier 2 Designation: Special Economic Development Area (SEDA) and the draft Plan Strategy advises that the site is subject to the Ebrington Development Framework, which will contribute to the regeneration and economic development of the City and District. The dPS confirms the Ebrington Development Framework which was granted outline approval for a mixture of uses which will contribute to the regeneration and economic development of the City and District. It further states that the framework provides approval for approximately 40,000sqm (of the 83,566sqm approved floorspace) will be given over to B1 office, creative industries, workshops and research and development. Proposals are required to be in compliance with proposed policies ED 1 & ED 2.

Whilst we understand the intention of the SEDA designation is to seek to promote new opportunities for investment at Ebrington, there is the concern that this new status could be perceived as a constraining policy that may limit the site's ability to accommodate certain proposals. We contend that the economic development, place-making and heritage policies will adequately ensure planning compliance and that interests of a acknowledged

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importance are not negatively impacted. We respectfully recommend the policy is deleted, to achieve soundness of the plan and to be consistent with other plans and strategies seeking to promote the regeneration of Ebrington.

We note use class B1(c) is omitted from draft policy ED2 and are unsure if this is intentional. We note the aim of the LDP is to *'incorporate a degree of flexibility within its PS to ensure that its objectives and strategic policies for its area can still be delivered'*.

## **Advertising Management**

We welcome the introduction of more exacting standards in relation to advertising management and for areas such as Ebrington where signage or advertising must be in keeping with the historic architectural form and detailing, without distracting from the character or setting of a monument, location or building.

## **Place-making**

It is noted at paragraph 26.37 and elsewhere that existing regeneration sites such as Ebrington have approved Development Frameworks and if proposals are to deviate from those frameworks, the expectation would be that new proposals are developed in accordance with the Place-making & Design Objectives (PDOs) and Place-making & Design Principles (PDPs), as well as GDPOL2 (Chapter 7).

Good place-making is vital to the success of Ebrington and to that extent the new design policies are welcome. Whilst we support the overall objectives of the PDO's and PDP's it is unclear as to what weight they will be afforded in the decision making process which could cause confusion to potential developers. On this basis we consider that the introduction of PDO's and PDP's does not satisfy soundness test CE1, as the dPS fails to set out a coherent strategy from which its policies and allocations logically flow.

We further suggest that a number of the place-making policies require greater precision, to avoid any subjective interpretation and to provide certainty to this and other investors. There is a degree of duplication with other policies within the dPS and on this basis we recommend that the Council reviews the PDO's and PDPs to ensure that they are entirely necessary. An example of this is "Place-making & Design Principle 3 (PDP 3) - Protect the Setting" which duplicates policy set out within Chapter 25 Historic Environment to protect the setting of the built heritage. PDP 1: Retain the Historic Fabric states that *"the retention of older buildings and structures is a critical feature of development practice in urban areas. This should not only apply to landmarks, listed buildings and conservation areas, but 'ordinary' buildings such as terraces that contribute positively to place, identity and character"*. This policy has the potential to cause confusion as it requires 'ordinary' buildings to be retained however does not set out any clear guidance / policy test as to how it is determined if such a building should / should not be retained. As a material consideration this PDP has significant potential to cause confusion / uncertainty to a developer and could compromise feasibility of a proposed development.

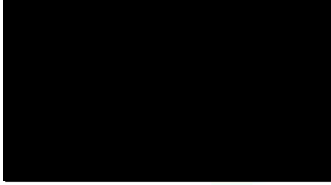
By way of a further example, PDP 7: Implement a Sustainable Transport Hierarchy – states that *"the needs of pedestrians, cyclists and public transport users must be increasingly prioritised over car-based development. This hierarchy should be taken into full account in all decision making, from planning to investment"*. It is unclear as to what level pedestrians, cyclists and public transport will be prioritised over car based development in the decision making process and if this approach will conflict with the existing Parking Standards, which is to be retained as Supplementary Planning Guidance.

On that basis, we respectfully seek revision of the PDOs, PDPs and GDPOL2 to achieve soundness of the plan and in accordance with tests CE1, CE2, CE3 and CE4.

Whilst we readily acknowledge the Council is seeking to set out a design and place making vision for the district we have concerns that the approach they have taken will conflict with other application of other policies within the dPS. Based on the current wording we consider that the PDO's and PDP's fail soundness tests CE1 and CE3.

We trust you find these comments are helpful. Please do not hesitate to contact me to discuss any aspect.

Yours sincerely



Brian Kelly  
**Director**

[brian.kelly@turley.co.uk](mailto:brian.kelly@turley.co.uk)



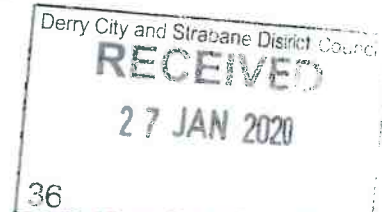


Derry City & Strabane District Council

# Local Development Plan

(LDP) 2032

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



December 2019

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

## Introduction

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

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

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

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

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

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

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

## How We Are Consulting

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

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

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

Hard copies of the form will be available at the above address and our other main office at 47 Derry Road, Strabane, Tyrone, BT828DY. Please note that if you are making a representation in any other format, it must include the requested information set out in this form and address the Tests of Soundness

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



## Section A: Data Protection

### Local Development Plan Privacy Notice

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

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

If you wish to find out more about how the Council processes personal data and protects your privacy, our Corporate Privacy Notice is available at:  
<https://www.derrystrabane.com/Footer/Privacy-Policy>

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

### Why are we processing your personal information?

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

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

**Data Protection Officer**  
47 Derry Road  
Strabane  
BT82 8DY  
Telephone: 028 71 253 253  
Email: [data.protection@derrystrabane.com](mailto:data.protection@derrystrabane.com)



## Section B: Your Details

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

Please only tick one

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

Q2. What is your name?

Title

FirstName (Required)

Last Name (Required)

Email

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

- Yes
- No
- Unsure

## Section C: Individuals

Address (Required)

Town (Required)

Post code (Required)

On completion, please proceed to Section F

## Section D: Organisation

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

Organisation / Group Name (Required)

Your Job Title / Position (Required)

Organisation / Group Address (if different from above)

Address (Required)

Town (Required)

Postcode (Required)

On completion, please proceed to Section F

## Section E: Agents

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

### Client Contact Details

Title / First Name (Required) Mr Kyle

Last Name (Required) Porter

Organisation / Group Address - Ebrington Holdings Ltd

Address (Required) [REDACTED]

[REDACTED]

Town (Required) [REDACTED]

Postcode (Required) [REDACTED]

Email address (Required) kyle@oldcoachhouseproperties.co.uk

On completion, please proceed to Section F

### Agent Contact Details

Title / First Name (Required) Mr. Brian

Last Name (Required) Kelly

Organisation / Group Address - Turley

Address (Required) 37 Clarendon Street

[REDACTED]

Town (Required) Londonderry

Postcode (Required) BT48 7EG

Email address (Required) brian.kelly@turley.co.uk

On completion, please proceed to Section F

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

Agent     Client     Both

## Section F: Soundness

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

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

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

## Section G: Type of Procedure

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

Please select one item only

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

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

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

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

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

### Sound

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

N/A

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

## Section I: Unsound

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

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

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

[https://www.planningni.gov.uk/index/news/dfi\\_planning\\_news/news\\_releases\\_2015\\_onwards/development\\_plan\\_practice\\_note\\_06\\_soundness\\_version\\_2\\_may\\_2017\\_.pdf](https://www.planningni.gov.uk/index/news/dfi_planning_news/news_releases_2015_onwards/development_plan_practice_note_06_soundness_version_2_may_2017_.pdf)

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



## Section J: Tests of Soundness (Required)

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

Chapter 9 - Special Economic Development Areas (SEDAs) para. 9.11  
Chapter 7 - GDPOL 2 Design Policy in Settlements, para. 7.123  
Chapter 26 - PDO's and PDP's - comment on entire section

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

### Procedural tests

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

### Consistency tests

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

### Coherence and effectiveness tests

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

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

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

**Relevant Chapter number(s)**

See attached Letter

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

See attached Letter

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

See attached Letter

**(and/or) District Proposals Map**

See attached Letter

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

See attached Letter

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

See attached Letter

## Section L: Sustainability Appraisal

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

N/A

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

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

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

N/A

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

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

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

N/A

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

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

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

N/A

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