

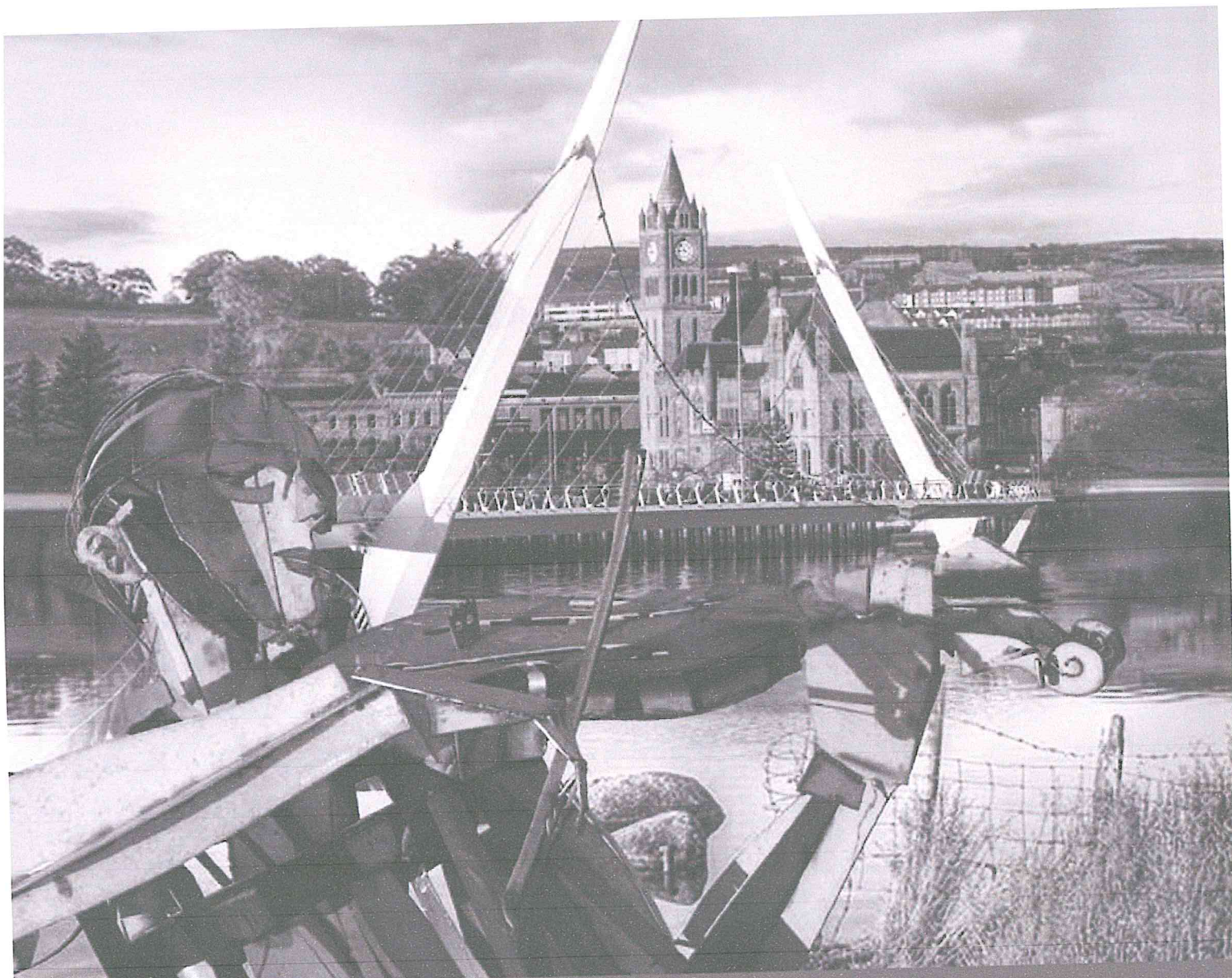


Derry City & Strabane District Council

Derry City and Strabane District Council
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Local Development Plan 2032

LDP Draft Plan Strategy Counter Representation Form



March 2020

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

Section A. **Data Protection**

In accordance with the General Data Protection Regulations and the Data Protection Act 2018, Derry City and Strabane District Council has a duty to protect any information we hold on you. The personal information you provide on this form will only be used for the purpose of LDP preparation and will not be shared with any third party unless law or regulation compels such a disclosure.

It should be noted that in accordance with Regulation 19 of the Planning Local Development Plan Regulations (Northern Ireland) 2015, the Council must make a copy of any Counter Representation available for inspection; this will involve its publication on the Council website, including the person's name (unless its removal is specifically requested and justified in writing.) The Council is also required to submit the Counter Representations to the Department for Infrastructure (and hence the Planning Appeals Commission, PAC) and they will then be considered as part of the Independent Examination process.

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>

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
- Organisation
- Agent
- Other

Q2. What is your name?

Title

First Name (Required)

Last Name (Required)

Email

Address Line 1 (Required)

Line 1

Line 3 Town (Required)

Postcode (Required)

Section C: Previous Representation to draft Plan Strategy

Q3a. Have you submitted a Representation to the Council regarding the draft Plan Strategy?

Yes

No

Q3b. If yes, please provide the reference and summary of issue raised in your Representation.

LDP-DS-REP-12 - BOOMHALL-TRUST-BOOMHALL

AHLI DESIGNATION

BECAUSE OF THE OUTSTANDING QUALITY AND INTEREST OF THE LANDSCAPE OF THE BODY OF LAND LYING ON THE WEST BANK OF THE FOYLE AND BOUNDED BY THE FOYLE BRIDGE APPROACH ROAD, THE AZ CULTURE ROAD AND THE SOUTHERLY LIMIT OF CULTURE VILLAGE THE UNEQUINOICAL AIM OF PLANNING POLICY SHOULD BE TO ENSURE THAT NO NEW DEVELOPMENT WHICH IS NOT PATENTLY ESSENTIAL TO THE RETENTION OR RESTORATION OF THE PRESENT LANDSCAPE CHARACTER WILL BE PERMITTED. THE TERMS OF THE AHLI DESIGNATION SHOULD REFLECT THIS AIM.

Section D: Counter Representation

Any person may make a Counter Representation in relation to a Representation seeking a change to the LDP draft Plan Strategy. In accordance with Regulation 18 of the LDP Regulations, a Counter Representation may be made about any site-specific policy Representation (defined as those that seek change by adding a site-specific policy, or altering or deleting any site-specific policy contained in the LDP draft Plan Strategy). **Each Counter Representation must relate to a site-specific policy Representation and quote its reference number and must not propose any change to the LDP draft Plan Strategy document.**

Please provide the reference number of the Representation to which your Counter Representation relates.

LDP-PS-REP-56

Q4. Please give reasons for your Counter Representation having particular regard to the soundness test identified in the above Representation. Please note that your Counter Representation must not propose any new changes of the LDP draft Plan Strategy. Please note your Counter Representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support / justify your submission. There will not be a subsequent opportunity to make any further submissions based on your original Counter Representation. After this stage, further submissions will only be at the request of the Independent Examiner, based on the matters and issues he / she identifies at the Independent Examination.

SEE ATTACHED TYPE-WRITTEN STATEMENT

DCSDC Local Development Plan 2032

Draft Plan Strategy Counter Representation

Boomhall Trust

With site specific reference to the body of Riverside lands on the west bank of the Foyle, bounded by the Foyle Bridge approach road, the A2 Culmore Road and the southern limit of Culmore Village (defined in Proposals Map 2 :Environmental), the Representation (LDP-PS -REP-56) submitted by Turley on behalf of Foyle Riverside Gardens/Eden Project Foyle seeks significant relaxations in the terms of 3 proposed LDF Draft Plan Strategy policies, namely:

NE 7 Development within Areas of High Landscape Importance (AHLIs),

NE 4 Development adjacent to Main Rivers and Open Water Bodies,

HE 4 Listed Buildings and their Settings.

Among other matters, Development Plan policy is required to be based on proven need and longer-term public interest rather than the perceived current needs of a single project proposal of which the details, programme, final scope and full environmental impact of the prospective development remain undefined and untested. In seeking a relaxation of the above draft policies there is an acceptance by the promoters that the project, as seemingly envisaged, would not be compatible with either relevant current Derry Area Plan 2011 or LDP 2032 Draft Plan policy and that the likely impact on the present natural and built- environment would be significantly greater than any considered acceptable hitherto.

To grant the relaxations sought in this case would mean emasculating the consistent policy of successive statutorily adopted Area Plans for these lands in order to accommodate the provision of a development for which the essential need in this particular location has not been proven or its environmental impact fully assessed, besides opening the door to possible, indeed almost inevitable, further relaxation in due course. A decision to do so could well be considered a challenge to the "Soundness" of the draft Plan Strategy on the grounds of inconsistency and unjustified policy change. The policy relaxations requested in this case should not be granted in these circumstances.