

# Statement of Community Involvement (SCI)

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## **1.0 What is a Statement of Community Involvement (SCI)?**

- 1.1 A Statement of Community Involvement (SCI) is a document which sets out how a planning authority will engage with the community in the delivery of its planning functions. This particular statement relates solely to the planning functions of the Department. Each council must, however, separately produce its own SCI detailing how it proposes to involve the community in exercising its planning functions.
- 1.2 Involving communities is an essential element of a responsible, inclusive and democratic planning system. Effective engagement depends upon communities having access, at the earliest opportunity, to as much information about a planning issue or development proposal and its likely impact.
- 1.3 An important element of this engagement is providing opportunities for the community to provide feedback about proposals. In this way communities can help shape policies or developments that affect them as well as minimise or mitigate any negative impacts.
- 1.4 Section 2 of the Planning Act (Northern Ireland) 2011 requires the Department to prepare and publish a Statement of Community Involvement (SCI) covering aspects of planning that the Department has responsibility for (contained in Part 3 of the Planning Act (Northern Ireland) 2011 [The 2011 Act]).
- 1.5 Overall the Department has responsibility for:
- the formulation of planning legislation and planning policy;
  - processing regionally significant applications, applications that are called in and other types of casework detailed at paragraph 4.31; and
  - providing an oversight and scrutiny role of councils' planning functions.

## **Principles of Engagement**

- 1.6 The Department aims to build “a better environment and stronger economy” and its fundamental values of integrity, honesty, objectivity and impartiality are set out in the DOE Business Plan 2015/16. The Department aspires to engage customers and stakeholders in order to increase their understanding of the planning process and in doing so deliver a service which anticipates and is responsive to the needs of the community.
- 1.7 Engaging communities is an essential part of good spatial planning and for an effective and inclusive planning system overall. As such, the Department shall seek to ensure that the process whereby communities engage with the planning system is clear and transparent so that people understand when and how they can have a say in planning decisions which affect them. For example, the Department aims to involve the community in the planning application process by facilitating early engagement through pre-application discussions on regionally significant developments, informing neighbours of development proposals and alerting the wider community through the Planning Portal and advertisements in the press. The Department will also consider all planning issues raised in representations received.
- 1.8 It is the Department’s intention to undertake a proportionate approach to engagement depending on the nature, scale and complexity of the planning issue raised.
- 1.9 Furthermore, in the formulation of legislation and strategic planning policy, the Department shall seek to involve the community through a process of providing clear information at the earliest stage in order to encourage effective participation. The Department will undertake proactive and timely consultation and the process will be informative, user friendly, and as inclusive as possible. A key principle will be openness and transparency and the Department will make every effort to engage the community and provide feedback at the end of the process or where appropriate.

1.10 Whilst the planning process may not always be able to reconcile competing interests, transparency, fairness and accountable decision-taking are fundamental principles to ensuring all interests are taken into account.

## **2.0 Who can get involved in the planning process?**

2.1 The Department provides opportunities for stakeholders and interested parties to become involved in the planning system or to comment on how the Department exercises its planning powers. For example, elected members, forums, community and residents groups can often provide a voice for the local community. Other voluntary and interest groups may also bring a particular local knowledge of planning and can ensure that important concerns are addressed in the planning process.

## **3.0 Empowering disadvantaged and under-represented groups**

3.1 Section 75 of the Northern Ireland Act 1998 requires the Department, 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;
- Persons with a disability and persons without; and
- Persons with dependants and persons without.

3.2 In addition, without prejudice to the above obligations, the Department is 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 under represented or disadvantaged. These groups will be targeted through the consultation process on policy formulation and planning legislation in order to obtain their

views and contribute to the consideration of equality issues under Section 75. Their views on any equality screening documents or Equality Impact Assessments will also be sought where appropriate within the specified period for comment.

- 3.3 To ensure that planning legislation, policy and consultation documents are accessible to everyone they will be made available on the Department's Planning Portal at [www.planningni.gov.uk](http://www.planningni.gov.uk) and in different formats upon request. Plain English will 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.
- 3.4 The Department shall adopt an inclusive approach to engagement to ensure that different groups within a community are given the opportunity to participate and are not disadvantaged by the process.
- 3.5 The Department has provided funding for a number of years to Community Places for the provision of land use planning advice and support. Community Places is a not-for-profit voluntary organisation which provides advice on planning issues to disadvantaged communities to ensure people from these areas have equal access to planning advice and can, as a result, participate effectively in the planning system.

#### **4.0 Community Involvement under Part 3 of the 2011 Planning Act- Planning Control**

- 4.1 The Department is responsible for processing planning applications for Regionally Significant Development (RSD). The thresholds for specific classes of RSD applications are set out in the Schedule to the Planning (Development Management) Regulations (Northern Ireland) 2015. RSDs are developments which would if carried out (a) be of significance to the whole or

a substantial part of Northern Ireland or have significant effects outside Northern Ireland, or (b) involve a substantial departure from the local development plan for the area to which it relates.

- 4.2 The Department will deal with regionally significant applications unless it is of the opinion that an application should be made to the appropriate council [under section 26(6) of the Planning Act (Northern Ireland) 2011]. An essential part of the development management process is to provide information and advice to applicants and to seek and take into account the views of the general public and statutory consultees when determining such planning applications. The statutory requirements for consultation on planning applications are set out in legislation (in particular see the Planning (General Development Procedure) Order (NI) 2015). These requirements vary according to the type of proposal and its potential impact and include consultation with specified bodies and general publicity.
- 4.3 The remainder of this section looks at how the community can become involved at the various stages of the application process from pre-application stage right through to post-decision stage.

#### **Pre-Application Community Consultation (PACC)**

- 4.4 The Department strives to inform and involve the wider community in helping to create better quality developments and place making. Applicants submitting regionally significant development applications to the Department must undertake community consultation before submitting their planning application in accordance with section 27 of the Planning Act (Northern Ireland) 2011. The Department will require an applicant to carry out the following actions before an application is submitted;-
- Notify the Department, at least 12 weeks in advance, that an application for a Regionally Significant Development is to be submitted;

- Provide details of and hold at least one public event where the community will be afforded the opportunity to make comment; and
- Publish details of the proposal in the local press, outlining where further details can be obtained and the date, time and location of a public event.

4.5 Since the pre-application consultation process is developer led it 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 are acceptable to everyone.

4.6 Where applicants fail to fully meet the pre-application community consultation requirements the Department will decline to determine the application.

### **Pre-Application Discussions (PADs)**

4.7 The Department will facilitate a pre-application discussion for every regionally significant application. PADs are a useful tool to inform the development proposal at an early stage. No decision is made at this stage on the application but discussions may result in improvements and alterations to a scheme before the application is submitted, enabling more effective and efficient processing of the application. It also helps to clarify the format, type and level of detail required to enable the Department to determine an application.<sup>1</sup>

### **Publicity**

4.8 When a planning application is submitted for determination, the Department will involve the community in the decision making process. If you feel you will be affected by development proposals you will have an opportunity to consider what is proposed and how it will affect you. You will also have the

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<sup>1</sup> For further details on PADs, please refer to Development Management Practice Note 10 [http://www.planningni.gov.uk/index/advice/practice-notes/dm\\_practice\\_note\\_10\\_pacc-2.pdf](http://www.planningni.gov.uk/index/advice/practice-notes/dm_practice_note_10_pacc-2.pdf).

opportunity to make your views known before a final decision is made on the application.

### **Advertising and Neighbour Notification**

- 4.9 The Department undertakes statutory publicity in accordance with legislative requirements as follows:-

#### *Advertising*

- 4.10 The Department will advertise all new regionally significant applications it receives in at least one local newspaper (in accordance with Article 8 of the Planning (General Development Procedure) Order (Northern Ireland) 2015).

#### *Neighbour Notification*

- 4.11 The Planning (General Development Procedure) Order (Northern Ireland) 2015 sets out the parameters for neighbour notification whereby the Department will ensure that planning applications are brought to the attention of identified occupiers of premises on neighbouring land which are within 90m of the boundary of the application site. Neighbouring land is defined as 'land which directly adjoins the application site or which would adjoin it but for an entry or road less than 20m in width.'
- 4.12 The period for commenting following receipt of a neighbour notification letter is 14 days. However, any representations received before a decision is made must still be considered by the Department. In the same manner, the representations of those not formally neighbour notified but who have an interest in an application will be considered prior to determination.
- 4.13 The Department may consider changes to applications where appropriate. Re-notification (for a period of 14 days) will take place where amendments to an application raise new issues that could lead to further comment. If any

change is considered to be substantive, the Department may decline to treat it as an amendment and a new application may be invited.

### **EIA Development**

- 4.14 Environmental Impact Assessment (EIA) is a method for ensuring that the likely significant effects of new development on the environment are fully understood and taken into account before an application is determined. The Environmental Statement (ES) produced for EIA development by the applicant brings together in a single document, or series of documents, information about the proposed development and its likely effects on the environment. When it has been determined that a planning application is for EIA development, it should be noted that the application cannot be processed until the ES is received. When a developer submits an ES in support of a planning application, the Department will publish a notice of its receipt in a local newspaper and indicate where it may be obtained from the developer. The Department will also allow 4 weeks from the date the notice is first published for representation(s) to be made. If an ES is amended during the processing of an application, this too will be advertised accordingly.

### **Obtaining further information and getting involved in planning applications**

- 4.15 Planning applications including supporting documents and corresponding plans can be viewed online on the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)). They can also be viewed in hard copy at the departmental office during normal office hours at the address provided below:

Strategic Planning Division  
Department of Environment – Planning & Road Safety Group  
Level 5 Causeway Exchange  
1-7 Bedford Street  
Town Parks  
Belfast  
BT2 7EG

- 4.16 The Department will make the application file available for inspection, by appointment only. The amount of information on the file will be dependent upon the extent to which the application has progressed through the planning system. There may be a fee for photocopying and details can be provided on request. Where an appointment has been made, planning officers will be available to give advice on current or proposed applications. In order to make an appointment please contact Strategic Planning Division Administration Team on 0300 200 7830.

### **Submitting Comments**

- 4.17 Anyone can comment on a planning application even if they have not been neighbour notified by the Department. All comments will be fully considered. Care should be taken when making comments to the Department to ensure that no personal data is included. Please note that information provided may be released subject to the provisions of the Freedom of Information and Data Protection Acts.
- 4.18 In determining a planning application the Department must have regard to the local development plan, so far as is material to the application, and to any other material considerations. These include representations that raise genuine planning considerations.
- 4.19 You can make comments on a planning application being dealt with by the Department in a variety of ways as follows:

By email: [spdadmin@doeni.gov.uk](mailto:spdadmin@doeni.gov.uk) (Please quote the application number)

By post to: Strategic Planning Division  
Department of Environment – Planning & Road Safety Group  
Level 5 Causeway Exchange  
1-7 Bedford Street  
Town Parks  
Belfast  
BT2 7EG

- 4.20 Generally, written comments made in relation to planning applications will be acknowledged within five working days of receipt. However, the Department may be unable to respond in detail to each comment made if there are a large number of representations. In such circumstances the Department will decide how to respond and, where appropriate, may acknowledge representations via the Planning Portal. All comments will be summarised and fully considered within the development management report. Where an acknowledgement letter is sent, it will set out the name of the planning officer dealing with the application and who to contact if there are any questions. The Department will not normally issue further correspondence until after a decision is made unless the application is materially altered or withdrawn.
- 4.21 Anonymous or defamatory comments will not be taken into account and any such comments will be redacted from any representation prior to it being uploaded to the Planning Portal.
- 4.22 Respondents should ensure that comments relate only to relevant planning matters. Material planning matters must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned. Material considerations include such things as the number, size, layout, siting, design and external appearance of buildings and the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure. Relevant considerations will vary from circumstance to circumstance and from application to application.
- 4.23 The planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can be difficult to distinguish between public and private interests, but this may be necessary on occasion. 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. Good neighbourliness and fairness are among the yardsticks against which development proposals can be measured.

### **Public Register**

4.24 Whilst there is no statutory obligation for the Department to hold a public register, the Department must provide details of any application it processes, along with plans and any associated environmental information to the relevant council in accordance with Section 242 of the Planning Act (Northern Ireland) 2011 and Article 24 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 in order that the council can add the required information to its statutory register. Each council register should contain the following information:

- a copy of each application (which may be photographic) together with copies of plans, drawings and other associated documentation submitted;
- the decision notice, if any, in respect of the application, including details of any conditions subject to which permission or consent was granted;
- the reference number, the date and effect of any decision of the Planning Appeals Commission in respect of the application; and
- brief details of any revocation or modification relating to any permission or consent, including date of issue.

### **Consultation Process**

4.25 The Department will consult with a range of statutory and non statutory consultees to assist in the determination of an application. If a representation raises an issue that is relevant to the responsibilities of a consultee (e.g. road safety), the representation may be copied to the appropriate consultee for consideration and comment. The Department will carefully take any consultee comments made into account before a decision is made.

**Community Involvement in relation to the Public Local Inquiry Process.**

- 4.26 Following the consideration of a regionally significant development application, the Department will present a recommendation to the Minister who is the final decision maker for such applications. Section 26 (11) of the Planning Act (Northern Ireland) 2011 empowers the Department to cause a public local inquiry to be held by the Planning Appeals Commission (PAC) or a person appointed by the Department. The purpose of the public local inquiry process is to consider representations received in relation to the application under consideration.
- 4.27 It is not mandatory to have a Public Inquiry (except when section 235 of the Planning Act 2011 applies and no exemption has been certified) It is a matter of judgement for the Department on whether to hold a public local inquiry in each case. A key test in deciding to hold a public local inquiry will be whether it is considered necessary to have certain issues and material considerations aired and debated in a public forum in order to fully inform the decision making process. The volume of representations received in relation to a planning application will not be a reason, in itself, to hold a public local inquiry. The Department will consider if such an inquiry is necessary when making its recommendation to the Minister.

*Where the Department proposes not to hold an inquiry:*

- 4.28 Where the Department proposes not to hold an inquiry before a final determination is made, section 26 (11) of the Planning Act 2011 requires a notice in writing, to be served on the applicant and the appropriate council indicating the decision it proposes to make. The Notice of Opinion will specify that within a timeframe of not less than 28 days, from the date of service of the notice, the applicant or the council can request the opportunity to be heard by the PAC or a person appointed by the Department. In such circumstances, the Department, on receipt of a request, will appoint the PAC or independent examiner to hold the hearing. The PAC or person appointed will then write to

all parties involved, including those who have made representations setting out the process, timetable for the hearing and outlining how they can become involved. All those who made representations on the planning application will be provided with an opportunity to make their views known. Copies of letters already submitted will be forwarded to the PAC or person appointed and the interested parties will also have the opportunity to make their views known verbally or appear at the hearing. When a hearing is not requested, the Department will issue a decision notice to the applicant.

*Where an inquiry or hearing is held:*

- 4.29 If an inquiry or hearing is held, the Department will take into account any report submitted to it either by the PAC or appointed person before making a determination. The Department will issue a decision notice to the applicant and inform the relevant council and those who have made representations on the planning application, informing them of the decision and the reason(s) for that decision. The decision is recorded on the relevant council's Planning Register.
- 4.30 The decision of the Department is final and there is no right of appeal. However, if an individual or group are concerned with the procedure that the Department has followed in making a determination they may make a complaint. The Department will aim to deal with informal complaints quickly by telephone and within 3 working days. Formal complaints will be investigated and responded to in accordance with the Department's formal complaints procedure<sup>2</sup>. A planning decision may also be subject to judicial review within a period of three months if there are grounds for considering that the Department may have acted unreasonably, irrationally or otherwise failed in its legal duty.

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<sup>2</sup> Making a Complaint about DOE Planning – a guide to our complaints procedure  
[http://www.planningni.gov.uk/index/advice/advice\\_leaflets/complaints-procedure.pdf](http://www.planningni.gov.uk/index/advice/advice_leaflets/complaints-procedure.pdf)

## **Call-in applications**

- 4.31 In addition to having overall responsibility for processing regionally significant planning applications, the Department may direct that certain other applications are referred to it instead of being dealt with by a council<sup>3</sup>.
- 4.32 Applications may be called-in by the Department at any point during a council's consideration of that application, up until the point at which a council formally records a decision. An applicant or any other interested party can write to the Department to request that an application be called in, detailing the reasons why. When the Department issues a direction calling in an application the council will no longer be responsible for processing or determining the application. It is the responsibility of the relevant council to notify the applicant.
- 4.33 The power of call-in is discretionary and will only be used by exception as the Department recognises the important role of councils in making decisions about the future development of their areas. When the Department issues a direction to call-in an application, the council will serve notice on the applicant that it has done so, the reasons given by the Department and that the decision of the Department on the application will be final. Dependent upon what stage in the planning process the application is at, the Department will observe the same procedures for advertising, neighbour notification, consultation, submitting comments, file inspection for regionally significant applications if the council has not already done so. The same decision making process which applies to regionally significant applications will also apply including those for public local inquires outlined above.
- 4.34 Any representations or statutory consultation responses received by the council prior to call-in will be sent to the Department together with the application. The Department will write to statutory consultees and any person

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<sup>3</sup> Detailed guidance is provided in Development Management Practice Note 13 – Notification and Call-in of Applications available at <http://www.planningni.gov.uk/index/advice/practice-notes/common-newpage-10.htm>

who has made a representation advising them that the application has been called in.

**Applications for permission to develop land without compliance with conditions previously attached (Section 54 applications)**

- 4.35 The Department will deal with all subsequent planning applications to develop land without compliance with conditions previously attached to a regionally significant planning approval or a called in application. The Department will advertise and carry out neighbour notification and consultation as required in the processing of these applications.

**Councils responsibility to enforce departmental decisions**

- 4.36 Councils have the primary responsibility for enforcement regarding a planning permission for development granted by the Department. Under the 2011 Act councils have a range of enforcement powers available to them. The Department has reserve powers to take enforcement action which it envisages will only be used in exceptional circumstances. All complaints alleging a breach of planning control must therefore be directed to the appropriate council.

**5.0 Community involvement in the formulation of planning legislation and strategic planning policy**

- 5.1 Section 1 of the Planning Act (Northern Ireland) 2011 places a statutory duty on the Department to formulate and co-ordinate policy. It may also make subordinate legislation in the form of statutory rules under the Planning Act (Northern Ireland) 2011 which will usually take the form of an Order or Regulations made under the Act.

- 5.2 In proposing new legislative provisions and when formulating new strategic planning policy the Department will take a proportionate and appropriate approach to consultation which may vary depending on the scale and complexity of the issue. The Department will normally seek the views of the public through public consultation setting out the issues and seeking views on draft proposals. This may include, where appropriate, draft legislative provisions for comment. From May 2016 public consultation will be for a maximum period of 8 weeks. Notification of a consultation, including relevant documents and details of the address to which representations should be made and the date by which they must be received, will be published on the Department's Planning Portal. The Department will also publish notice of the public consultation in the local press.
- 5.3 The Department will make available on its Planning Portal a synopsis of the responses received and the Department's consideration of the issues raised. Following this, the Department will normally finalise the draft legislation or draft strategic planning policy which may include further consideration by the Northern Ireland Assembly and/or relevant Committee(s) under established procedures.
- 5.4 Where appropriate the Department will use other ways of engaging stakeholders in the formulation of planning legislation and policy. This may include: Calls for Evidence, Departmental led conferences/seminars, facilitated stakeholder meetings, and Departmental participation in other stakeholder events such as non-Departmental conferences, seminars and workshops.
- 5.5 Changes to subordinate legislation which do not involve any change to established policy may be regarded as technical and therefore may not require public consultation. Such technical changes will, however, be subject to the normal legislative process through the Assembly.

## **6.0 Department's oversight powers**

6.1 The Department has reserve powers in relation to enforcement, notifications and development plans as part of its oversight and scrutiny role. In the event, that the Department does exercise these powers, it will follow all necessary notification and consultation requirements.

## **7.0 The Northern Ireland Planning Portal**

7.1 The Planning Portal was designed to deliver, by electronic means, improved ways for citizens, councillors, consultees and everyone in the community with an interest in planning, to access information and services relating to planning matters in Northern Ireland.

7.2 For example, the 'Public Access' element of the Planning Portal is a Web Browser that allows anyone to view details including associated plans and documents of planning applications being considered by the Department or by councils. It allows a member of the public to track the progress of planning applications and also search for planning applications that have been decided. It also provides a member of the public with the facility to make online representations in relation to a planning application. Key planning legislation, strategic policy and guidance can also be accessed from the Planning Portal which will be updated and reviewed as required.

7.3 The Planning Portal is now established at the heart of the planning process in Northern Ireland. The Department will continue to utilise the Planning Portal as a valuable tool to effectively engage with the community in relation to its planning functions<sup>4</sup>.

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<sup>4</sup> The Planning Portal can be found at [www.planningni.gov.uk](http://www.planningni.gov.uk)

## **8.0 Conclusion**

- 8.1 This SCI sets out how the Department will engage with the community in its planning functions and it also sets out the steps that the Department will take in facilitating meaningful community involvement. It allows everyone to know what, where, when and with whom participation will occur in the planning process.
- 8.2 Whilst the planning process may not always be able to reconcile competing interests, transparency, fairness and accountable decision-taking will be fundamental principles that the Department shall follow to ensure all interests are taken into account.
- 8.3 This Statement of Community Involvement will be monitored and procedures reviewed as necessary to ensure that they remain current and relevant.



**DOE**

Department of  
the Environment  
[www.doeni.gov.uk](http://www.doeni.gov.uk)

## **Planning Guidance Team**

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**INVESTORS  
IN PEOPLE**