Derry City and Strabane District Council
Planning Reform and Transfer to Local Government
Proposals for Subordinate Legislation

Draft Consultation Response

09 July 2014
RESPONDENT INFORMATION

1. Name/Organisation

Derry City and Strabane District Council

Title (Please tick as appropriate)

Mr [x]  Ms [ ]  Mrs [ ]  Miss [ ]  Dr [ ]  Other [ ]

Surname

Forename

2. Postal Address

C/O Derry City Council, 98 Strand Road, Derry

Postcode:

BT48 7NN

Phone:

Email:

3. Are you responding:

As an individual [ ]

On behalf of a group/organisation [x]
4. Which of the following best describes the capacity in which you are responding:

- Developer
- Agent/Architect
- Business
- Member of Public
- Community Group/Organisation
- Environment Group
- Council/Councillor X
- MLA, MP, MEP
- Other Please state: 

5. Acknowledgement

Individual responses will not be acknowledged unless specifically requested.
Questions are numbered as they appear in the consultation paper

**Question 1:** Do you agree that local advertisement should mean that a council must place an advertisement for two consecutive weeks in at least one local newspaper circulating in its district?

Yes  No  

The Council has concerns in relation to the cost of advertising and would argue that there are more cost-effective ways of engaging with key stakeholders in today's modern, digital age. An advert in one newspaper over a two week period would not provide sufficient coverage in the newly enlarged geographical size of the district. It also would provide limited return on investment.

If the Department puts any advertising requirement into subordinate legislation, it should ensure that these significant costs are reflected in the funding coming to Councils to deliver planning.

**Question 2:** Do you agree with the list of statutory consultees for LDP preparation and are there any bodies/persons we have missed?

Yes  No  

**Question 3:** Do you agree with the preparation, content, agreement and publicity arrangements for the development plan timetable? If not, can you identify amendments which would offer greater benefits?

Yes  No  

The Council would have concerns in relation to the lengthy timelines stipulated for developing an area plan. Again, if the Department puts any advertising requirement into subordinate legislation, it should ensure that these significant costs are reflected in the funding coming to Councils to deliver planning.

It is also recommended that the Department consider the overall additional planning resources required for the preparation, content, agreement and publicity arrangements for the development plan timetable are considered when devolving resources to Local Government.

**Question 4:** Do you agree with this approach in relation to the involvement of statutory consultees in the preparation of a POP?

Yes  No  

The additional requirement to include more statutory consultees shall also require additional resources and this should be considered when allocating staff and resources to local government.

**Question 5:** Do you think that the proposed publicity and consultation arrangements for the POP are appropriate / adequate?

Yes  No  


**Question 6:** Do you agree with the form, content, publicity and consultation arrangements for the DPDs?

Yes [x] No [ ]

**Question 7:** Do you agree with the arrangements for making representations and counter representations?

Yes [x] No [ ]

**Question 8:** Do you agree with the publicity requirements and other arrangements for independent examination?

Yes [ ] No [x]

Council believes that the costs associated with notice of the independent examination should rest with the PAC or other appointed body.

**Question 9:** Do you agree with the proposed soundness tests which will be elaborated upon in guidance? Are there other tests that you feel should be applied to the examination of the DPD?

Yes [x] No [ ]

Council would have concerns in relation to C4 “regard to other plans, strategies and policies relating to the Council’s district or any adjoining Councils district” and also CE1 “The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring Councils.

Council would question who would place paramountsy on the plans of other neighbouring councils plans.

Council would also have concerns that they would be fettered by regionally established policy positions that it may not support. Strategic and rural transport linkages are key economic drivers for regeneration in the North West and the Council would want to ensure a facilitative policy environment for Council to create this change.

**Question 10:** Do you agree with the withdrawal arrangements for a DPD?

Yes [ ] No [x]

Council is concerned that the process is becoming overly bureaucratic and costly in terms of repeated requirements for expensive advertising.
**Question 11:** Do you agree with the adoption arrangements for a DPD?

Yes [ ] No [ ]

The Council broadly agrees.

**Question 12:** Do you agree with the arrangements for the monitoring, review and revision (if required) of the LDP?

Yes [ ] No [x]

The Council would suggest that the annual reporting process should be more closely aligned to the overall performance management and improvement framework and reporting process that Local Government is statutorily obliged to do. This would prevent duplication of effort and ensure that Planning and Local Area Development Planning is more holistically viewed in terms of the Council’s roles and functions. A broader scope will ensure that the synergies with other areas (such as community planning and regeneration) are fully exploited and that planning silos are prevented.

**Question 13:** Do you agree with the Department’s intervention/default powers?

Yes [ ] No [ ]

The Council notes the proposals therein.

**Question 14:** Do you agree with the provisions relating to joint plans?

Yes [ ] No [ ]

The Council notes the proposals therein.

**Question 15:** Do you agree with the provisions relating to the Department’s power in relation to joint LDPs?

Yes [ ] No [ ]

The Council notes the proposals therein.
Question 16: Do you agree with the transitional arrangements for a LDP. If not, can you identify amendments which would offer better arrangements?

Yes [ ] No [ ]

The Council notes that the existing plan will provide the framework for planning until the DPD is complete. It is highly concerning that the West Tyrone Area plan has been out of date since 2001. The Council will therefore seek to quickly adopt a new planning policy framework.

Question 17: Do you agree with the proposed content of the SCI?

Yes [x] No [ ]

Welcome the need for guidance and a framework to ensure a common and consistent approach.

Question 18: Do you agree with the publicity, consultation and agreement requirements for the SCI?

Yes [x] No [ ]

Question 19: Do you agree with the proposed classes and thresholds for major developments indicated in the Schedule at Annex C?

Yes [ ] No [ ]

The Derry City and Strabane District Council welcomes the clarification in relation to the scale of applications coming to local councils. It is notable that Strabane District has a significantly high wind energy resource and subsequently has been subject to a culmination and saturation of wind farms in this area. The Council would welcome more direct control of the cumulative impacts in this regard. There is an assertion locally that the industry has treated host communities unfairly and that the onshore wind energy industry has not equitably supported and developed rural host communities. The Council also particularly welcomes the introduction of pre-application consultation and statement of community involvement in this regard and will be keen to test how the introduction of this approach will impact how these developments proceed.

Question 20: Do you agree with the definition for determining local developments?

Yes [ ] No [x]
The Council should be able to determine the timelines for decision as a local planning authority. It is recognised that decision making timescales are important, but the council will not support centrally imposed timescales which the Council has no opportunity to test the reasonableness of. It is recommended that consideration of targets of these types should take place mid 2015/16.

**Question 21:** Do you agree with the proposed classes and thresholds for regionally significant developments indicated in the Schedule at Annex C?

Yes [ ] No [ ]

The proposed classes and thresholds for regionally significant developments are noted by the Council.

**Question 22:** Do you agree with the proposed consultation, publicity and information requirements for pre-application community consultation?

Yes [ ] No [ ]

The Council particularly welcomes paragraph 7.8 and the proposed power of Councils to ask the applicant to carry out further community consultation, if required. The council would also have some concerns that the delay in this requirement of pre-application community consultation until 01 July 2014 will provide a window for developers to proceed major applications without carrying out this important element of planning reform.

**Question 23:** Do you agree that applications made by the council or an elected member and applications relating to land in which the council has an interest should not be delegated to an appointed officer?

Yes [X] No [ ]

**Question 24:** Do you agree with the proposed approach to preparing and adopting a scheme of delegation?

Yes [X] No [ ]

The Council would suggest that if the scheme has to be issued to the Department for approval, the Department should provide guidance on the content of a draft scheme of delegation.
Question 25: Do you agree with the proposed call-in criteria for a Notification Direction? Should any other classes of development be included and, if so, why?

Yes  No

The Council notes the proposed call in criteria for a Notification Direction.

Question 26: Do you agree that the current neighbour notification process should be made statutory?

Yes  No

Yes  No

Question 27: Are you content with the proposed definitions of “neighbouring land” and “affected occupier”? If not, please suggest an alternative explaining what additional benefits this would bring by way of enhanced engagement in the planning system.

Yes  No

Separate definitions need to be identified based on the hierarchy of development. It is recommended that, for major applications the definition of “Neighbouring land” should be extended to householders living within a 5/8 mile radius as a minimum, for example.

Question 28: Do you believe that councils should be required to advertise all applications for planning application in at least one newspaper circulating in the local area?

Yes  No

Yes  No

Council would have concerns in relation to the extortionate cost of this proposal and believes that there are more effective and efficient ways of notifying the public in today’s modern society.

Question 29: Are the proposed lists of new statutory consultees set out in Annex D appropriate?

Yes  No

The Council notes the proposed lists of new statutory consultees set out in Annex D.
**Question 30:** Are the types of development or circumstances listed in the Schedule at Annex D sufficient? Can you suggest any additions or omissions along with the reasons for your suggestions?

Yes [ ] No [ ]

The Council notes the types of development or circumstances listed in the Schedule at Annex D.

**Question 31:** Do you believe that the proposed standard timeframe of 21 calendar days is appropriate in order to provide statutory consultees with enough time to make a substantive response?

Yes [x] No [ ]

**Question 32:** Do you believe that the definitions of a substantive response are satisfactory or do you have other suggestions that the Department could consider?

Yes [x] No [ ]

The Council suggests that “on the basis of the information available” is removed from the second option.

**Question 33:** Do you consider that the proposed reporting requirements are appropriate or are there other requirements you believe would offer further benefits?

Yes [x] No [ ]

It is also recommended that this reporting process is available at a time which will facilitate linkages to the overall performance reporting regime and improvement planning processes of Councils. Consultees response time will have a direct impact on the Councils performance in processing planning applications.

**Question 34:** Do you agree with the application categories and types of applications which should, and should not, be accompanied by a Design and Access Statement?

Yes [x] No [ ]
Question 35: Do you agree with the proposals in relation to form and content and the requirement to take environmental sustainability into account in relation to design principles and concepts?

Yes ☒ No ☐

Question 36: Do you agree with the proposals for handling applications for non-material changes to a previous planning permission?

Yes ☒ No ☐

Question 37: Do you agree that councils’ own applications, in the circumstances outlined above, should be subject to notification to the Department for consideration?

Yes ☒ No ☐

Question 38: Do you agree that councils should be required to consult the Department on all applications for listed building consent?

Yes ☒ No ☐

Ends ---