

Review of SCI: Causeway Coast and Glens Borough Council

Amendments made to the document, following DOE comments received, are highlighted in red below for ease of reference.

- Throughout the document there are references to the Department of the Environment. Due to Departmental restructuring as of 9 May 2016 DOE no longer exists and the planning function has transferred to the Department for Infrastructure. Therefore the Council may wish to reconsider the references to ensure the document future proofed. Appendix 3 and 4 also refer to other Government Departments which may require amendment post 9 May 2016. **Amended as per DFI comments. New Departments listed (where relevant) throughout the entire document.**
- You may wish to consider inserting an advisory note at the start of the document stating that “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 exists the provisions of the legislation will prevail”. **Amended as per DFI comments. Note inserted in the inside first page to this effect.**
- The reference to different formats includes reference to ‘audiocassette’. We are unaware of the Council’s policy on this matter, however the Department’s recently revised guidance on making information available refers to CD/DVD and to audio/signed CD. **Amended as per DFI comments. Inserted “CD/DVD and audio/signed CD”.**
- **Paragraph 3.3 amended to include “The Programme for Government”**
- Para 3.19, pg 9: Discusses the timetable being made available on the Council website and at the Council offices but no reference is made to the requirement on the Council to give notice by local advertisement of the availability of the timetable and the place and times at which it can be inspected (Regulation 8 of the 2015 LDP Regulations). **Amended as per DFI comments.**
- Para 3.20, pg 9: Insert a reference to the direction under S126 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 that a council must carry out a review of its local development plan every 5 years and no later than 5 years from the date that the local policies plan was first adopted or approved. The council must send to the Department a report on the findings of the review. **Amended as per DFI comments (now paragraph 3.21). Reads as follows: “Council must carry out a review of its LDP every five years and no later than five years from the date that the local policies plan was first adopted or approved. A report on the findings of the review must be sent to the Department for Infrastructure.”**
- Para 4.6, pg 10: First bullet point should read “50 units or more. Second bullet point should read “1000sqm or more of gross retail floorspace”. Third bullet point should read “where its capacity or exceeds 5 megawatts” to reflect Schedule within The Planning (Development Management) Regulations (Northern Ireland) 2015. **Amended as per DFI comments.**
- Para 4.10, pg 11: Insert a fourth bullet point “Submit a pre-application community consultation report on submission of the planning application”. **Amended as per DFI comments.**

- Para 4.31, pg 14: typo “matters” instead of “maters”. Amended as per DFI comments.
- Para 4.48, pg 17: first para, insert how to view the minutes of the committee meeting i.e. published on the website? Amended as per DFI comments. Last sentence now reads “If it is a case that has been considered by the Planning Committee, it can be found either by contacting the Planning Development Management team the day after the Committee meeting, or by viewing the minutes of the committee meeting published on Council’s website”.
- Para 4.60, pg 18: references to the Department of the Environment and DSD. (See first point above). Amended as per DFI comments. Correct Departments specified.
- Appendix 1, Table 1 – throughout the table ref to “Council Action” now reads “what we will do”. Plain English. Give each action a letter for ease of reference. Also explain the “Stage” Headings in more detail e.g. change “Stage 2:- Preparation” to “Stage 2:- Formal Notice of LDP Preparation”.
Also throughout Table 1 change “Launch and Exhibition” to read “Launch event”
- Appendix 1 Table 1, pg 20:
 - Include a section in “Council Actions” column referring to the preparation, content, agreement and making available of the timetable. This should reflect Part 2 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015; Amended as per DFI comments. Inserted “Prepare the **LDP Timetable** and consult the PAC & relevant Consultation Bodies for agreement.” Reference to making the TT available is inserted in the Stage 2 box under (iii).
- Appendix 1 Table 1, pg 21 in “Council Actions” column:
 - Stage 2 box, 2nd paragraph, point (ii) – change within 14weeks to 8 to 12 weeks (Reg 11 Local Development Plan Regulations). Amended as per DFI comments. This “14 week” figure was taken from the DOE Dev Plan Practice Note 2 (Page 18). Now reads “12 weeks”.
 - Give consideration to stating, in addition to website publication, that the POP will be available for inspection during normal office hours at the council offices (and any other places within the council district that the council considers appropriate).

Amended paragraphs, as follows: “All of the documents listed above will be made available to view on the Council’s website at: www.causewaycoastandglens.gov.uk and at Council’s Planning office during normal working hours (and any other places within the Borough that Council considers appropriate).” And “**Topic Papers** will be made available to view on the Council’s website at: www.causewaycoastandglens.gov.uk and at Council offices during normal working hours (and any other places within the Borough that Council considers appropriate). Hard Copies can be provided (at a specified price).”

This point occurs at a variety of references throughout the Development Plan Section in relation to PS/LPP and supporting documents and in relation to instances where there are publicity requirements such as availability of representations etc; Amended throughout as per DFI comments.

- Appendix 1, Table 1, pg 21 - Stage 1; Details tab: add “accompanied with a Countryside Assessment” to 2nd paragraph.
- Appendix 1, Table 1, pg 21 - Stage 1: Remove the following paragraphs:
 - “Invite **community groups** to identify issues and policies which are likely to have a significant impact on the individuals they represent”;
 - “Invite the **general public** to identify issues that the LDP should address. Where requested this may 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 EQIA”; and
 - “These lists will be kept under review and written requests for inclusion from additional bodies will be considered on their individual merits.”

This will be carried out at the formal POP stage. Guidance set out in Development Plan Practice Note 02 (pg 17) only lists Key Consultees and S.75 groups to be invited as this early stage of the LDP preparation.

- Appendix 1 Table 1, pg 22 in “Council Actions” column:
 - 1st, 2nd, 3rd paragraph –Refers to a 14 week consultation timeframe. This is above the statutory timescale of 8-12 weeks (Reg11 Local Development Plan Regs). The 12 week is a maximum timescale. **The 14 weeks’ timeframe was taken from the Development Plan Practice Note 02 (para 2.9). Now amended throughout as per DFI comments – reads “12 weeks”.**
- Appendix 1 Table 1, pg 23 in “Council Actions” column:
 - “Write to all those who submitted a representation to the Preferred Options paper informing them of the publication of the draft Plan Strategy and accompanying documents including public Consultation Report; advising how they can view or obtain copies ; the dates of the public events; the 8 week period and the closing date for representations”
Please note there is no requirement in the legislation to write to those who have submitted a representation on the POP alerting them to the publication of the draft PS although this may be the approach of the Council. If a Council gives a commitment in SCI to go beyond that specified in Reg 4 of The Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015, it must comply with the commitment; **This was taken from Guidance set out in Development Plan Practice Note 02 (pg 20 second last bullet point). Now amended as per DFI comment. Paragraph removed altogether.**

4th paragraph referring to reps being reported to elected members and IE – reads as though onus is on the Department to determine whether an IE should be held. Under S 10 of the 2011 Act it states that the council must not submit a development plan document to Department for IE unless “it has complied with any relevant requirements contained in Regulations under this Part, and it thinks the document is ready for independent examination.” Reword to reflect this. **This was taken from Guidance set out in Development Plan Practice Note 02 (pg 20 last bullet point). Now amended as per**

DFI comment above. Paragraph now reads “Representations will be reported to Elected Members before being forwarded to DFI prior to the *Independent Examination*.”

- Inserted, at Stage 3, Details section, Pg 23, a new paragraph to read “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.” This is to provide further clarification on the Plan Strategy.
- Appendix 1 Table 1, pg 23, Stage 4 box, in “Council Actions” column:
 - States that the Council will write to key consultees and elected members informing them that representations are available for inspection. Regulation 17(f) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 also requires the Council to notify any person who has made (and not withdrawn) a representation to the Draft Plan Strategy that representations are available for inspection and the places and times at which they can be inspected; **Amended as per DFI comment.**
 - Consider inserting a point that “representations and counter representations will be fully considered by the Council before it submits the Draft Plan Strategy to the Department for Independent Examination”. **Paragraph inserted as per DFI comments.**
- Consider inserting a further stage (submission of Development Plan Documents) dealing with the publicity and notification requirements after submitting documents to Department but prior to IE. This includes making submitted documents available for inspection at the council offices; notifying consultation bodies of the fact that the DPD and associated documents are available for inspection; notifying any person who made (and has not withdrawn) a representation to the PS; placing public notices in Belfast Gazette and by local advertisement, publish notice on website that PS has been submitted to the Department. Submitted documents include those documents mentioned in Reg 20(2). **Inserted a further Stage as per DFI comments and amended all following Stages to tie in with this insertion. All stages have now been amended as required throughout the document to this effect.**
- Appendix 1 Table 1, pg 24, Stage 5 box:
 - Under S 10 of the 2011 Act it states that the council must not submit a development plan document to Department for IE unless “ it has complied with any relevant requirements contained in Regulations under this Part, and it thinks the document is ready for independent examination.” Consider inserting a sentence to that effect; **s Sentence added as per DFI comment.**
 - Appendix 1 Table 1, pg 24, Stage 5 box, 4th paragraph – typos “or” to “for” and “key consultees” should be lower case. **Amended as per DFI comment.**
- **Appendix 1 Table 1, pg 25, Stage 5, Details Tab; add new paragraphs to read as follows “Council will only submit the Plan Strategy, associated documents and supporting evidence to the Department for Infrastructure (DFI) if it considers that they are ready for independent examination. DFI must then cause an Independent Examination to be held, unless it issues a direction to Council to withdraw the draft Plan Strategy, or intervenes to direct Council to modify it.” And “In either scenario, the DFI will be expected to give reasons for its decision.” This will provide further clarification on this new Stage 5 – Submission of DPD documents for DFI.**

- Appendix 1 Table 1, pg 25, Stage 6, Details Tab; add new paragraphs to read as follows “The Examination will be carried out by either the Planning Appeals Commission (PAC) or other persons appointed by DFI.” And “Council planning officers, consultees and any consultants (acting on behalf of Council) will be available at the Examination to answer questions and provide comment on representations.” This will provide further clarification on this Stage.
- Appendix 1 Table 1, pg 24, Stage 6 box:
 - Point (ii) add “and any accompanying documents” after “Plan Strategy”; **Amended as per DFI comment.**
 - 2nd paragraph add “and any accompanying documents” after “Plan Strategy” **Amended as per DFI comment.**
 - Insert reference that on the date on which the council adopts the plan document it must make available the documents under Reg24 (3) (a) of the Local Development Plan Regs at the council office and any other places appropriate; **Amended as per DFI comment.**
- Appendix 1 Table 1, pg 25:
- Appendix 1 Table 1, pg 25: Stage 1 (Data Collection) – Remove this section altogether and re-arrange the other stages to be more reader-friendly.
 - Stage 2 and 3 box in “Council Actions” column – reword to “Issue a public notice for 2 consecutive weeks in The Chronicle, the Belfast Gazette and on the Council’s website of:” ; **Amended as per DFI comment.**
 - Stage 2 and 3 box in “Council Actions” column – point (iii) insert at end “ to the LPP and accompanying Sustainable Appraisal Report (including SEA) and EQIA and how to view /obtain copies”. **Amended as per DFI comment.**
- Appendix 1 Table 1, pg 26 Stage 3 box:
 - 4th and 5th paragraph: different layout to this section in the PS section;
- Remove the following paragraphs:
 - “Invite **community groups** to identify issues and policies which are likely to have a significant impact on the individuals they represent”;
 - “Invite the **general public** to identify issues that the LDP should address. Where requested this may 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 EQIA”; and
 - “These lists will be kept under review and written requests for inclusion from additional bodies will be considered on their individual merits.”

This will be carried out at the formal POP stage. Guidance set out in Development Plan Practice Note 02 (pg 17) only lists Key Consultees and S.75 groups to be invited as this early stage of the LPP preparation.

- 5th paragraph “Write to all who submitted representations and counter representations informing them of the publication of the draft Local Policies and accompanying documents, advising how they can view or obtain copies ; the dates of the public events; the 8 week consultation period and the closing date for representations”
Please note as above there is no requirement in the legislation to write to those who have submitted a representation or counter representation on the PS alerting them

to the publication of the draft LPP although this may be the approach of the Council. If a Council gives a commitment in SCI to go beyond that specified in Reg4 of The Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015, it must comply with the commitment; **This was taken from Guidance set out in Development Plan Practice Note 02 (pg 22 last bullet point). Now amended as per DFI comment. Paragraph removed altogether.**

- As with the Section on Plan Strategy, 6th paragraph referring to reps being reported to elected members and IE – reads as though onus is on the Department to determine whether an IE should be held. **Amended as per DFI comment.**
- Under S 10 of the 2011 Act it states that the council must not submit a development plan document to Department for IE unless “ it has complied with any relevant requirements contained in Regulations under this Part, and it thinks the document is ready for independent examination.” Reword to reflect this. **Amended as per DFI comment.**
- Appendix 1 Table 1, pg 26 Stage 4 box:
 - 3rd paragraph – insert “for 2 consecutive weeks” after “public notice” and remove “for two weeks”; **Amended as per DFI comment.**
 - 3rd paragraph is different layout to the associated section in Plan Strategy section?; **Amended to read in line with relevant Plan Strategy sections.**
 - States that the Council will write to key consultees and elected members informing them that representations are available for inspection. Regulation 17(f) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 also requires the Council to notify any person who has made (and not withdrawn) a representation to the Draft Plan Strategy that representations are available for inspection and the places and times at which they can be inspected; **Amended as per DFI comment.**
 - Consider inserting a point that “representations and counter representations will be fully considered by the Council before it submits the Draft LPP to the Department for Independent Examination”; **Amended as per DFI comment.**
- Consider inserting a further stage (submission of Development Plan Documents) dealing with the publicity and notification requirements after submitting documents to Department but prior to IE. This includes making submitted documents available for inspection at the council offices; notifying consultation bodies of the fact that the DPD and associated documents are available for inspection; notifying any person who made (and has not withdrawn) a representation to the PS; placing public notices in Belfast Gazette and by local advertisement, publish notice on website that PS has been submitted to the Department. Submitted documents include those documents mentioned in Reg 20(2). **Further stage inserted as per DFI comment (in both Plan Strategy and Local Policies Plan Sections)**
- Appendix 1 Table 1, pg 27 Stage 5 box:
 - Under S 10 of the 2011 Act it states that the council must not submit a development plan document to Department for IE unless “ it has complied with any relevant requirements contained in Regulations under this Part, and it thinks the document is ready for independent examination.” Insert a sentence to that effect; **Amended as per DFI comment.**

- Appendix 1 Table 1, pg 24, Stage 5 box, 4th paragraph – “key consultees” should be lower case. **Amended as per DFI comment.**
- Appendix 1 Table 1, pg 27, Stage 6 box:
 - point (ii) add “ and any accompanying documents” after “Plan Strategy”; **Amended as per DFI comment.**
 - 2nd paragraph add “ and any accompanying documents” after “Local Policies Plan”; **Amended as per DFI comment.**
 - Insert reference that on the date on which the council adopts the plan document it must make available the documents under Reg24 (3) (a) of the Local Development Plan Regs at the council office and any other places appropriate; **Amended as per DFI comment.**
- Appendix 1 Table 2, pg 28 Community Consultation – Summary Table; **Table 2 has been removed as all relevant sections are covered in Table 1. No need to duplicate as this may cause confusion.**
 - Remove by email wherever possible, as advertising in press is required; **Table 2 removed.**
 - Data Collection Stage - Consultation bodies should be in “Parties to Notify” column **Table 2 removed.**
 - (Reg 9 of Local Development Plan Regs). Council may choose to consult with others but this is not required under legislation; **Table 2 removed.**
 - Preferred Options Paper Stage – As above should be amended to only reading Consultation bodies in terms of legislative requirement (Reg 9 of Local Development Plan Regs). Local advertisement and website publication will allow others to comment, along with viewing of the POP at the council office; **Table 2 removed.**
 - Proposed Submission Documents Stage – Reg 15 of Local Development Plan Regs indicates that in terms of legislative requirements, the consultation bodies are only to be sent a copy of the document. Local advertisement and website publication will allow others to comment, along with viewing of the documents at the council office. Clarify that timescale is 8 weeks from advertisement date (Reg15 (d) of Local Development Plan Regs). There is no requirement in the legislation to write to those who have submitted a representation on the POP alerting them to the publication of the draft PS although this may be the approach of the Council. Note that if a Council gives a commitment in SCI to go beyond that specified in Reg4 of The Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015, it must comply with the commitment; **Table 2 removed.**
 - Availability of representations to the Development Plan Document Stage - Local advertisement and website publication will allow others to comment, along with viewing of the documents at the council office. Clarify that timescale is “ as soon as reasonably practicable after the expiry of the period referred to in Regulation 16 (2) (a)” ie. 8 weeks from advertisement date. **Table 2 removed.**
- Appendix 2 and 4 are not referenced in main body of document. **Appendix 2 has been removed. Appendix 4 has been re-named Appendix 3 and reference to it has been inserted in Table 1, at Stage 1 of both the Plan Strategy & Local Policies Plan, in relation to Consultees.**
- **Appendix 3 – added a footnote to read “* There may be additional consultations required at specific times throughout the LDP process.”**

10 May 2016

- In going through the document in detail, following DFI comments, some minor amendments have been made throughout to make it more reader-friendly.
- New section created – Section 5; Page 19 – Other planning functions – community involvement. No new text added. The text was already there under section 4. It now reads better under a separate heading.