

# Statement of Community Involvement

## A Guide to Community Engagement in the Planning Process





<b>Contents</b>	<b>Page</b>
<b>1.0 Introduction</b>	<b>5</b>
Our Statement of Community Involvement: Background and Purpose .....	5
Why is Planning Important? .....	6
A Vision of Participation .....	6
Principles of Community Involvement .....	7
What are the benefits of community involvement? .....	7
Alignment to the Community Plan .....	8
Review of the Council’s SCI .....	8
<b>2.0 The Local Development Plan</b>	<b>9</b>
Purpose, Structure and Process .....	9
Who can get involved? .....	10
Empowering disadvantaged and under-represented groups .....	11
How and when will the community will be involved .....	12
<b>Stages in the Local Development Plan Process</b>	
<u>Stage 1</u> : Data Collection .....	13
<u>Stage 2</u> : Formal Notice of LDP Preparation (including publication of the Preferred Options Paper) .....	15
<u>Stage 3</u> : Publication of draft Plan Strategy .....	17
<u>Stage 4</u> : Public Inspection of Representations received to the draft Plan Strategy	19
<u>Stage 5</u> : Submission of the Plan Strategy (and associated documents) for Independent Examination .....	21
<u>Stage 6</u> : Independent Examination of the draft Plan Strategy .....	23
<u>Stage 7</u> : Adoption of Plan Strategy .....	25
<u>Stage 8</u> : Publication of the draft Local Policies Plan .....	26
<u>Stage 9</u> : Public Inspection of Representations received to the draft Local Policies Plan.....	28
<u>Stage 10</u> : Submission of the Local Policies Plan (and associated documents) for Independent Examination .....	30
<u>Stage 11</u> : Independent Examination of the draft Local Policies Plan.....	32
<u>Stage 12</u> : Adoption of Local Policies Plan .....	34
Next Steps .....	35

<b>3.0</b>	<b>Development Management</b>	<b>36</b>
	Purpose .....	36
	Pre-Application Stage .....	38
	Application Stage .....	40
	Obtaining further information and getting involved in planning applications .....	42
	Community Involvement at the Planning Committee Stage .....	45
	Pre-determination Hearings and Speaking at the Planning Committee .....	45
	Post Application Stage .....	47
	Community Involvement after a Planning Application has been determined .....	47
	Community Involvement in Planning Appeals .....	47
<b>4.0</b>	<b>Planning Enforcement</b>	<b>48</b>
<b>5.0</b>	<b>Community Involvement in Other Planning Functions</b>	<b>49</b>
	Community involvement in Supplementary Planning Guidance .....	49
	Community Involvement in Conservation Area Designation .....	49
	Community Involvement in the Designation of Simplified Planning Zones .....	50

## Appendices

<b>Appendix A</b>	Glossary of Planning Terms .....	52
<b>Appendix B</b>	Local Development Plan Consultation Bodies .....	54
<b>Appendix C</b>	Consultation on the Development Management Process .....	55
<b>Appendix D</b>	Local Development Plan Process .....	56
<b>Appendix E</b>	Planning Application Process .....	57
<b>Appendix F</b>	Material and Non Material Considerations .....	58
<b>Appendix G</b>	List of Local Newspapers for Advertisements .....	59

## **1.0 Introduction**

### **Our Statement of Community Involvement: Background and Purpose**

- 1.1 Following the transfer of planning powers to local councils on the 1<sup>st</sup> April 2015 Newry, Mourne and Down District Council has become the main decision maker on the majority of planning applications within its District and is the body responsible for the production of its local development plan.
- 1.2 The purpose of this statement is to set out policy for involving the community in the production of the Newry, Mourne and Down Local Development Plan (LDP) and the consideration of planning applications. It describes who, together with how and when the community will be invited to participate in the different stages of both plan formulation and the determination of planning applications.
- 1.3 The term 'community' embraces all the individuals, groups and organisations that make Newry, Mourne and Down what it is and extends to local residents, business, voluntary and community groups and local and national organisations with interests in planning matters.
- 1.4 The requirement to produce a Statement of Community Involvement (SCI) was introduced in the Planning Act (Northern Ireland) 2011. The Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015 came into operation on the 1<sup>st</sup> April 2015 and set out the process that the Council must follow in preparation of its SCI. The Council do not however see community involvement as just a statutory requirement, it has a positive role to play in helping to identify local issues, inform policy-making, provide feedback on service delivery and create a sense of local ownership.

## **Why is Planning Important?**

- 1.5 The planning system directly affects the environment that we live in, where we live, work, shop and spend our leisure time. Planning decisions determine where new homes, offices, shops and leisure facilities go and what happens to our countryside, open spaces and historic environment. In doing so it influences our quality of life and general well-being.
- 1.6 Planning has to balance competing land uses, shaping places by setting out the vision for how communities will change. For many people planning is something they only get involved with when a development directly affects them, this can sometimes be too late to really influence the process. By getting involved in the early stages of local planning policy formulation as well as the end stage of specific planning applications, you can help to shape the way your local environment looks and works. This document sets out how you can do this.

## **A Vision of Participation**

- 1.7 The Council is committed to ensuring that all council engagement is meaningful, inclusive and fit for purpose and that all its citizens share a sense of effective participation in the decision making process. The Council therefore aims to ensure that:
- (i) Everyone has an early and informed opportunity to express their views on the development of the area and have it considered before decisions are made; and
  - (ii) All groups in our community, regardless of religious belief, political opinion, racial group, age, sex, marital status, physical ability, sexual orientation, and those with and without dependants are enabled and empowered to participate.
- 1.8 It is intended to adopt a proactive and timely approach to community involvement through a process of providing clear information and encouraging participation throughout the planning process. The process must therefore be informative, user friendly, as inclusive as possible, and conducted in an open and transparent way. Every effort is to be made to engage the community, record views and provide feedback throughout the process.

## **Principles of Community Involvement**

1.9 The Council's approach to community involvement is based on a number of key principles.

- **Culture of engagement.** People should know that they are encouraged to take part in the planning process, and that decision makers are interested in their views;
- **Early involvement.** The community should be involved at an early stage in the preparation of local development documents and major development proposals;
- **Appropriate Consultation Methods.** Methods used to encourage involvement should be appropriate to people's experience and needs. Arrangements for consultation need to be appropriate for the type of document or application being considered and realistic in terms of available resources.
- **Clarity.** The planning process and timetables for producing or reviewing local development documents should be clear so that people are able to participate in a timely and effective manner.

### **What are the benefits of community involvement in Planning?**

1.10 There are many benefits to involving local communities in the consideration of planning applications, and in the development of plans and policies for their local council area, including:

- a greater focus on the priorities identified by local communities;
- a greater influence on the provision of local services to ensure they are better able to meet local needs;
- the consideration of new ways and ideas;
- a shared ownership of key policy documents;
- an increased support for local planning policies; and
- an increased understanding of how planning policies are developed and how they are linked to each other and other documents produced by the Council.

1.11 Community involvement is important to the Council to ensure that the services being delivered tackle issues identified by local communities. It also helps to set priorities, in the context of limited resources, and to ensure that the Council's services are customer focused.

## **Alignment to the Community Plan**

- 1.12 Sections 8 (5) (aa) and 9 (6) (aa) of the Planning Act (Northern Ireland) 2011 introduce a statutory link between the Council's Community Plan and its Local Development Plan (LDP), in that the preparation of the LDP must take account of the Community Plan.
- 1.13 Community Planning is "a process led by a council in conjunction with partners and communities to develop and implement a shared vision for their area, a long term vision which relates to all aspects of community life and which also involves working together to plan and deliver better services which make a real difference to people's lives."<sup>1</sup>
- 1.14 The Council's Community Plan will identify long term objectives for improving:
- (i) the social well-being of the District;
  - (ii) the economic well-being of the District; and
  - (iii) the environmental well-being of the District.

## **Review of the Council's SCI**

- 1.15 This SCI will also be reviewed after five years to ensure fitness of purpose. It may also be necessary to review the SCI at an earlier date to take account of major legislative changes.

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<sup>1</sup> Extract from Northern Ireland Community Planning Foundation Programme Version 1 October 2013.

## **2.0 The Local Development Plan**

### **Purpose, Structure and Process**

- 2.1 The purpose of the Newry, Mourne and Down LDP, is to inform the general public, statutory authorities, developers and other interested bodies of the policy framework and land use proposals that will guide development decisions within Newry, Mourne and Down District up to 2030.
- 2.2 The LDP will be prepared within the context of the Council's Corporate Plan and Community Plan. It will also take account of regional policy context set by the Northern Ireland Executive and Central Government Departments. This includes, amongst others, The Programme for Government, The Everyone's Involved - Sustainable Development Strategy, The Regional Development Strategy (RDS) and The Strategic Planning Policy Statement (SPPS).
- 2.3 At the outset of the plan process a timetable will be prepared and published. The timetable will set out the Council's programme for production of the LDP, and will include key milestones and timelines for plan preparation, covering all elements of the process through to adoption.
- 2.4 The LDP will comprise two separate documents, the Plan Strategy and Local Policies Plan. Prior to development of these documents key planning issues will be identified and a range of options for addressing these issues will be brought forward through a Preferred Options Paper.
- 2.5 The Plan Strategy will be developed first and will define the strategic objectives for the future development of the District. It will include a range of strategic policies to facilitate and manage development and a spatial strategy that will indicate where different types of development will be promoted. Once the Plan Strategy is adopted the Local Policies Plan will be prepared. This will include site specific proposals, policy designations and land use zonings required to deliver the Plan Strategy, objectives, and strategic policies.
- 2.6 The LDP will be subject to a Sustainability Appraisal which will run in parallel with preparation of the Preferred Options Paper, Plan Strategy and Local Policies Plan. The Sustainability Appraisal process aims to promote sustainable development by assessing the extent to which

policies and proposals in the LDP, when judged against reasonable alternatives, will help to achieve social, economic and environmental objectives.

- 2.7 The LDP will, on adoption, replace the current development plans for the District (the Ards and Down Area Plan 2015 and the Banbridge, Newry and Mourne Area Plan 2015) and operational planning policies that were produced by the Department of the Environment.

### **Who can get involved?**

- 2.8 Anyone who wishes to get involved in the preparation of the LDP will be encouraged to do so during the public consultation stages. In particular the Council will welcome the views of the following groups:

- people living within the Newry, Mourne and Down District;
- elected representatives;
- voluntary groups;
- community forums / groups / umbrella organisations;
- environmental groups;
- residents groups;
- business interests; and
- developers / landowners.

This list is not intended to be exhaustive nor is it intended to restrict any individual group, or organisation from participating in the plan making process.

- 2.9 Elected members, forums, community and residents groups provide a voice for the local community. Other voluntary and interest groups also bring a special knowledge and can ensure that important concerns are addressed.

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

2.10 Section 75 of the Northern Ireland Act 1998 requires a public authority, 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 generally;
- persons with a disability and persons without; and
- persons with dependants and persons without.

2.11 In addition, without prejudice to the above obligations, public authorities are 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 the local development plan 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 draft Equality Impact Assessments will also be sought within the specified period for comment along with the draft Plan Strategy and draft Local Policies Plan.

2.12 To ensure that LDP and consultation documents are accessible to everyone they will be made available in alternative formats upon request. Where the exact request cannot be met we will ensure a reasonable alternative is provided.

## **How and when will the Community be involved?**

- 2.13 The preparation of a LDP involves a number of key stages each presenting opportunities for community involvement. These stages are: formal notice of LDP (including publication of the Preferred Options Paper); publication and adoption of the Plan Strategy; publication and adoption of the Local Policies Plan and Monitoring and Review. The actions will fulfil and may in some cases exceed the statutory requirements on public consultation, as set out in the Planning Act (Northern Ireland) 2011 and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.
- 2.14 The LDP Timetable will outline an indicative timeframe for each of the stages. Council will give notice, by local advertisement, of the availability of the timetable, which can be viewed on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate).

## **Stages in the LDP Process**

### **Stage 1: Data Collection**

2.15 The purpose of the data collection stage is to establish the key issues to be addressed and the options for addressing them in the preparation of the LDP. This will be undertaken using a topic based approach accompanied with a Countryside Assessment. By the end of this stage a timetable for plan preparation will be agreed. This stage will inform the Preferred Options Paper (POP) which will be prepared together with Scoping Reports for the Sustainability Appraisal including Strategic Environmental Appraisal and Equality Impact Assessment.

#### **What we will do:**

- This SCI is prepared at this initial stage, listing the key consultees, Community Groups and under-represented (Section 75) groups who will be actively encouraged to participate in the process. These lists will be kept under review and written requests for inclusion from additional bodies will be considered.
- Following the approval of the LDP Timetable by the Council and the agreement by the Department for Infrastructure (DfI) we will make the LDP Timetable available on our website and publish a public notice in the local newspapers (see Appendix G) for two consecutive weeks. We will also publish the notice on our website. This notice will confirm details of the following:
  - (i) When the LDP Timetable is available for public inspection; and
  - (ii) the locations and times it can be inspected.
- Set up a Steering Group comprising elected members of the Council (Elected Members) and Senior Council Officers (to be determined by the Council). This is the high-level co-ordinating body that will ensure overview and strategic input on behalf of the whole community, as well as from the planning professionals.
- Set up a Project Management Team comprising Senior Council Officers, representatives from the key statutory/government departments will also be invited. The purpose of the Project Management Team is to facilitate key consultee co-operation in the plan making process. The Project Management Team will be consulted on and act as the screening and scoping group for the Sustainability Appraisal, including Strategic Environmental Assessment and Equality Impact Assessment.

- Notify our statutory consultees (see Appendix B) requesting them to participate in the plan making process by providing information on the key strategic issues that the LDP should address.
- Invite under represented (Section 75) groups to identify whether there are any types of planning policies which are likely to have a significant impact on the groups they represent. They will also be provided an opportunity to identify any particular issues or needs which they feel the LDP should address. Where requested this can be done through a face to face meeting with a planning officer. Any comments received will be taken into account when screening and scoping the Equality Impact Assessment.
- Send the Scoping Report of the Sustainability Appraisal incorporating Strategic Environmental Assessment to the Northern Ireland Environment Agency (NIEA) as the statutory consultation body.

## **Stage 2: Formal Notice of LDP Preparation (including publication of the Preferred Options Paper)**

- 2.16 This stage represents the formal commencement of work on the LDP. It commences with the publication of the Preferred Options Paper (POP) which will set out the key plan issues, identify a range of options available to address them and define our preferred options. The POP will be subject to a period of public consultation to promote debate on issues of strategic significance which are likely to influence the shape of future development within the Newry, Mourne and Down District. The intention is to stimulate a wide-ranging, yet focused, debate and encourage feedback from a wide variety of interests. Any representations or views received as a consequence of its publication will be considered whilst formulating the draft Plan Strategy.
- 2.17 The POP is subject to a Sustainability Appraisal (SA). An SA Interim Report, consisting of SA Scoping Report and assessment of alternatives, will be published with the POP. It will be issued for public consultation as a key part of the community involvement and public participation process.

### **What we will do:**

- Issue a public notice in the local newspapers (see appendix G) for two consecutive weeks and on the Council’s website. This notice will confirm:
  - (i) the Council’s intention to prepare a LDP;
  - (ii) publication of the Sustainability Appraisal Interim Report (consisting of a Scoping Report and assessment of alternatives), and screening reports for Habitats Regulations Assessments (HRA) and Equality Impact Assessments;
  - (iii) publication of the LDP Timetable;
  - (iv) publication of the POP inviting comment within the 12 week consultation period<sup>2</sup>; and
  - (v) details of public engagement events including a launch event and public exhibitions.

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<sup>2</sup> Regulation 11(3) of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 states that, in relation to a Preferred Options Paper; this “must be a period of not less than 8 weeks or more than 12 weeks”.

- Make the POP and any other supporting documents the Council considers relevant to the preparation of the POP, available for inspection on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies can also be provided upon request (at a specified price).
- Issue a Press Release about the intention to prepare a new LDP and drawing attention to the POP and the public consultation.
- Hold a launch event to announce the publication of the POP.
- Hold public exhibitions where planning officers will be available to answer any questions.
- Write to key consultees and Elected Members informing them of:
  - (i) the publication of the POP and providing them a copy;
  - (ii) the dates of the public exhibitions;
  - (iii) the 12 week consultation period; and
  - (iv) the closing date for receipt of representations.
- Write to local community groups and under-represented (Section 75) groups inviting them to; comment within the next 12 weeks; attend a public engagement event; and offering the opportunity of a meeting with a planning officer to record their views.
- Present a Public Consultation Report to Elected Members following the 12 week consultation on the POP. This will contain a summary of each representation and plan team comment, recording where members take a different view and the rationale for that view. This will be taken into account whilst formulating the draft LDP.
- Provide the Project Management Team with the opportunity to comment on emerging policy for inclusion in the draft Plan Strategy, an integral part of testing emerging policy through the Sustainability Appraisal process and Equality Impact Assessment.

### **Stage 3: Publication of draft Plan Strategy**

- 2.18 The Plan Strategy will define the strategic objectives for the future development of the District. It will include a range of strategic policies to facilitate and manage development together with a spatial strategy that indicates in broad strategic terms the locations where different types of development will be promoted. Under Regulation 11 (4) of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 the Council must take account of any representations made about the Council's POP before it prepares a development plan document<sup>3</sup>.
- 2.19 The draft Plan Strategy will provide an indication of our intentions regarding future development of the District. It will be issued for public consultation as a key part of the community involvement and public participation process.

#### **What we will do:**

- Issue a public notice in the local newspapers (see Appendix G) for two consecutive weeks, in the Belfast Gazette<sup>4</sup> and on the Council's website. This notice will confirm:
  - (i) publication of draft Plan Strategy and accompanying Sustainability Appraisal Report (including the SEA Environmental Report) and Equality Impact Report, and how to view or obtain copies;
  - (ii) the dates and locations of public engagement events; and
  - (iii) the 8 week period<sup>5</sup> for public consultation to the draft Plan Strategy and accompanying Sustainability Appraisal Report and Equality Impact Assessment, notification of the address to which representations can be sent and the closing date for receipt of representations.

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<sup>3</sup> Under Regulation 12 (1) (a) a Development Plan Document is either the Plan Strategy or Local Policies Plan.

<sup>4</sup> The Belfast Gazette is the official Newspaper of Record for Northern Ireland. It consists of legal and official announcements from HM Government, the NI Executive, the Armed Forces, local authorities, churches, companies and private citizens.

<sup>5</sup> Regulation 16(2)(a) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 states that, in relation to a Development Plan Document, "representations must be made with a period of 8 weeks".

- Make the draft Plan Strategy and any other supporting documents which are required under legislation (e.g. SA), or as the Council considers relevant to the preparation of the LDP, available for inspection on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies can also be provided upon request (at a specified price).
- Issue a Press Release and hold a launch event to announce the publication of the draft Plan Strategy.
- Hold public exhibitions where planning officers will be available to answer any questions.
- Write to key consultees, and Elected Members informing them of:
  - (i) the publication of the draft Plan Strategy and providing them a copy;
  - (ii) the dates of the public exhibitions;
  - (iii) the 8 week consultation period; and
  - (iv) the closing date for receipt of representations.
- Report representations to the Elected Members before forwarding these to the DfI prior to the Independent Examination.

#### **Stage 4: Public Inspection of Representations received to the draft Plan Strategy**

- 2.20 All representations are to be made available for public inspection as part of the public consultation process. Interested parties may also comment on the representations that have been received, these are known as counter representations.
- 2.21 All representations and counter representations will be fully considered by the Council before it submits the draft Plan Strategy to the DfI prior to the Independent Examination.

#### **What we will do:**

- Issue a public notice in the local newspapers (see Appendix G) for two consecutive weeks, in the Belfast Gazette, and on the Council's website. This notice will confirm:
  - (i) the availability of representations for inspection and the places and times at which they can be inspected; and
  - (ii) the 8 week period for public consultation, notification of the address to which counter representations can be sent and the closing date for receipt of counter representations.
- Make representations available for inspection on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies of representations can also be provided upon request (at a specified price).
- 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.
- Write to key consultees and Elected Members informing them that representations are available for inspection and the places and times at which they can be inspected.

- Make the counter representations available for inspection on the Council's website, and at the Council's Planning Offices at Monaghan Row, Newry and Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies of counter representations can also be provided upon request (at a specified price).
- Report counter representations to the Elected Members before forwarding them to the DfI prior to the Independent Examination.

## **Stage 5: Submission of the Plan Strategy (and associated documents) for Independent Examination**

- 2.22 The Council will only submit the draft Plan Strategy, associated documents and supporting evidence to the DfI if it considers it has complied with relevant legislation requirements and that the draft Plan Strategy is ready for examination. The DfI will then cause an Independent Examination to be held, by the Planning Appeals Commission (PAC) or a person appointed by the DfI, unless it issues a Direction to the Council to withdraw the draft Plan Strategy, or intervenes to direct the Council to modify it.
- 2.23 If DfI does not intend to cause an Independent Examination it must give reasons for its decision.

### **What we will do:**

- Submit the following documents to DfI:
  - (i) draft Plan Strategy;
  - (ii) Statement of Community Involvement;
  - (iii) evidence of compliance with SCI;
  - (iv) LDP Timetable;
  - (v) Sustainability Appraisal;
  - (vi) statement setting out the main issues raised in representations made and how these have been taken into account in the preparation of the draft Plan Strategy; and
  - (vii) such other documents that are required or as Council considers relevant to the preparation of the draft Plan Strategy.
  
- As soon as reasonably practicable after the submission of the draft Plan Strategy and associated documents (see above) to DfI we will:
  - (i) issue a public notice in the local newspapers (see Appendix G) for two consecutive weeks, in the Belfast Gazette and on the Council's website, advising of the fact that the draft Plan Strategy has been submitted to the DfI;

- (ii) notify the consultation bodies of the fact that the draft Plan Strategy and the accompanying documents are available for inspection and the places and times at which they can be inspected;
- (iii) notify any person who has made (and not withdrawn) representations or counter representations; and
- (iv) make the draft Plan Strategy and all associated documentation that are required under legislation, or as the Council considers relevant to the preparation of the draft Plan Strategy, available on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies can also be provided upon request (at a specified price).

## **Stage 6: Independent Examination of the draft Plan Strategy**

- 2.24 The purpose of the Independent Examination is to determine whether the draft Plan Strategy satisfies statutory requirements and whether it is sound, taking into account all representations received.
- 2.25 The Independent Examination will be carried out by either the PAC or a person appointed by DfI. They must consider all representations before they send the recommendations and reasons for recommendations to the DfI.
- 2.26 Under Section 10 (7) of the Planning Act (Northern Ireland) 2011 any person who makes representations seeking to change a development plan must (if that person so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.
- 2.27 Council Planning Officers will be available at the examination to answer questions and provide comment on representations and counter representations.

### **What we will do:**

- Request key consultees to provide comment on the representations for consideration at the Independent Examination.
  
- At least 4 weeks before the opening of the Independent Examination we will:
  - (i) Issue a public notice in the local newspapers (see Appendix G), in the Belfast Gazette and on the Council's website advising of the arrangements for the Independent Examination (dates, times and venues) and who will carry out the Independent Examination (the PAC or another person appointed by DfI);
  - (ii) Notify consultation bodies of the arrangements for the Independent Examination (dates, times and venues) and who will carry out the Independent Examination (the PAC or another person appointed by DfI); and
  - (iii) Notify all persons who submitted (and have not withdrawn) representations and counter representations of the arrangements for the Independent Examination (dates, times and venues) and who will carry out the Independent Examination (the PAC or another person appointed by DfI).

- Continue to make the draft Plan Strategy and all associated documentation available on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies can also be provided upon request (at a specified price).

## **Stage 7: Adoption of the Plan Strategy**

- 2.28 Following the Independent Examination, the PAC, or other person appointed by DfI, will send their recommendations and reasoning to DfI.
- 2.29 DfI will issue a Direction to the Council, requiring us to adopt the draft Plan Strategy as originally prepared or with modifications. The DfI may also direct the Council to withdraw the draft Plan Strategy. In either scenario, DfI will be expected to give reasons for its decision.
- 2.30 Council must comply with the Direction within such timeframes as may be prescribed by DfI. The Plan Strategy must be adopted by resolution of the Council.

### **What we will do:**

- Adopt the Plan Strategy, as originally prepared or with modifications, as soon as reasonably practicable after receipt of the Direction from DfI.
- Issue a public notice in the local newspapers (see Appendix G) for two consecutive weeks, in the Belfast Gazette and on the Council's website. This notice will confirm:
  - (i) the date of adoption of our Plan Strategy; and
  - (ii) where and times to inspect and get copies of the Plan Strategy and any accompanying documents.
- On the date of adoption make the Plan Strategy and any accompanying documents including the DfI Direction and accompanying Independent Examiner's Report available on the Council's website. Hard copies will be available on request for a specified price from the Council's Planning Offices.
- Write to key consultees and those who have submitted and not subsequently withdrawn representations and counter representations advising of the adoption of the Plan Strategy, and where to get hold of copies together with the DfI Direction and the Independent Examiner's Report.
- Send DfI a copy of the Plan Strategy and other necessary documents.
- Notify any person who has asked to be notified of the adoption of the Plan Strategy.

## **Stage 8: Publication of the draft Local Policies Plan**

- 2.31 The Local Policies Plan is the second document comprising the LDP. This must be consistent with the Plan Strategy and will contain the Council's detailed land use policies and proposals regarding the future development of the District. This draft document is a key part of the public participation process.
- 2.32 The draft Local Policies Plan will provide detailed zonings and designations for the District. The Plan Strategy must be adopted before the draft Local Policies Plan is published for consultation, subjected to Independent Examination and adopted.

### **What we will do:**

- Issue a public notice in the local newspapers (see Appendix G) for two consecutive weeks, in the Belfast Gazette and on the Council's website. This notice will confirm:
  - (i) publication of draft Local Policies Plan and accompanying Sustainability Appraisal Report (including the SEA Environmental Report) and Equality Impact Report) and how to view or obtain copies;
  - (ii) the dates and locations of public engagement events; and
  - (iii) the 8 week period for public consultation to the draft Local Policies Plan and accompanying Sustainability Appraisal Report and Equality Impact Assessment, notification of the address to which representations can be sent and the closing date for receipt of representations
- Make the draft Local Policies Plan and any other supporting documentation, which are required under legislation (e.g. SA) or as the Council considers relevant to the preparation of the LDP, available for inspection on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies can also be provided upon request (at a specified price).
- Issue a Press Release and hold a launch event to announce the publication of the draft Local Policies Plan.

- Hold public exhibitions where planning officers will be available to answer any questions.
  
- Write to key consultees, and Elected Members informing them of:
  - (i) the publication of the draft Local Policies Plan and providing them a copy;
  - (ii) the dates of the public exhibitions;
  - (iii) the 8 week consultation period; and
  - (iv) the closing date for receipt of representations.
  
- Report representations to the Elected Members before forwarding these to the DfI prior to the Independent Examination.

## **Stage 9: Public Inspection of Representations received to the draft Local Policies Plan**

- 2.33 All representations to the draft Local Policies Plan will be made available for public inspection as part of the public consultation process. Interested parties may also comment on the representations that have been received, these are known as counter representations.
- 2.34 All representations and counter representations will be fully considered by the Council before it submits the draft Local Policies Plan to the DfI for Independent Examination.

### **What we will do:**

- Issue a public notice in the local newspapers (see Appendix G) for two consecutive weeks, in the Belfast Gazette, and on the Council's website. This notice will confirm:
  - (i) the availability of representations for inspection and the places and times at which they can be inspected; and
  - (ii) the 8 week period for public consultation, notification of the address to which counter representations can be sent and the closing date for receipt of counter representations.
- Make representations available for inspection on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies of representations can also be provided upon request (at a specified price).
- Notify any person who has made (and not withdrawn) a representation to the draft Local Policies Plan that representations are available for inspection and the places and times at which they can be inspected.
- Write to key consultees and Elected Members informing them that representations are available for inspection and the places and times at which they can be inspected.

- Make counter representations available for inspection on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies of counter representations can also be provided upon request (at a specified price).
- Report counter representations to the Elected Members before forwarding these to the DfI prior to the Independent Examination.

## **Stage 10: Submission of the draft Local Policies Plan, and associated documents, for Independent Examination**

- 2.35 The Council will only submit the draft Local Policies Plan , associated documents and supporting evidence to the DfI if it considers it has complied with relevant legislation requirements and that the draft Local Policies Plan is ready for Independent Examination. The DfI will then cause an Independent Examination to be held, by the PAC or a person appointed by the DfI, unless it issues a Direction to the Council to withdraw the draft Local Policies Plan, or intervenes to direct the Council to modify it.
- 2.36 If DfI does not intend to cause an Independent Examination it must give reasons for its decision.

### **What we will do:**

- Submit the following documents to DfI:
  - (i) draft Local Policies Plan;
  - (ii) Statement of Community Involvement (SCI);
  - (iii) evidence of compliance with SCI;
  - (iv) LDP Timetable;
  - (v) Sustainability Appraisal;
  - (vi) statement setting out the main issues raised in representations made and how these have been taken into account in the preparation of the draft Local Policies Plan; and
  - (vii) such other documents that are required or as Council considers relevant to the preparation of the draft Local Policies Plan.

As soon as reasonably practicable after the submission of the draft Local Policies Plan and associated documents (see above) to DfI we will:

- (i) issue a public notice in the local newspapers (see Appendix G) for two consecutive weeks, in the Belfast Gazette and on the Council's website, advising of the fact that the draft Local Policies Plan has been submitted to the DfI ;
- (ii) notify the consultation bodies of the fact that the draft Local Policies Plan and the accompanying documents are available for inspection and the places and times at which they can be inspected;
- (iii) notify any person who has made (and not withdrawn) representations or counter representations; and
- (iv) make the draft Local Policies Plan and all associated documentation, that are required under legislation or as the Council considers relevant to the preparation of the draft Local Policies Plan, available on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick (and at any other places within the District that the Council considers appropriate). Hard copies can also be provided upon request (at a specified price).

## **Stage 11: Independent Examination of the draft Local Policies Plan**

- 2.37 The purpose of the Independent Examination is to determine whether the draft Local Policies Plan satisfies statutory requirements and whether it is sound, taking into account all representations received.
- 2.38 The Independent Examination will be carried out by either the PAC or a person appointed by DfI. They must consider all representations before they send the recommendations and reasons for recommendations to the Department.
- 2.39 Under Section 10 (7) of the Planning Act (Northern Ireland) 2011 any person who makes representations seeking to change a development plan must (if that person so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.
- 2.40 Council Planning Officers will be available at the examination to answer questions and provide comment on the representations and counter representations.

### **What we will do:**

- Request key consultees to provide comment on the representations for consideration at the Independent Examination.
  
- At least 4 weeks before the opening of the Independent Examination we will:
  - (i) issue a public notice in the local newspapers (see Appendix G), in the Belfast Gazette and on the Council's website advising the arrangements for the Independent Examination (dates, times and venues) and who will carry out the Independent Examination (the PAC or another person appointed by DfI);
  - (ii) notify the consultation bodies of the arrangements for the Independent Examination (dates, times and venues) and who will carry out the Independent Examination (the PAC or another person appointed by DfI); and
  - (iii) notify all persons who submitted (and have not withdrawn) representations and counter representations of the arrangements for the Independent Examination (dates, times and venues) and who will carry out the Independent Examination (the PAC or another person appointed by DfI).

- Continue to make the draft Local Policies Plan and all associated documentation available on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies can also be provided upon request (at a specified price).

## **Stage 12: Adoption of the Local Policies Plan**

- 2.41 Following the Independent Examination, the PAC, or other person appointed by DfI, will send their recommendations and reasoning to DfI.
- 2.42 DfI will issue a Direction to the Council, requiring it to adopt the draft Local Policies Plan as originally prepared or with modifications. DfI may also direct the Council to withdraw the draft Local Policies Plan. In either scenario, the DfI will be expected to give reasons for their decisions.
- 2.43 Council must comply with the Direction within such timeframes as may be prescribed by DfI. The Local Policies Plan must be adopted by resolution of the Council.

### **What we will do:**

- Adopt the Local Policies Plan as originally prepared or with modifications, as soon as reasonably practicable after receipt of the Direction from DfI.
- Issue a public notice in the local newspapers (see Appendix G) for two consecutive weeks, in the Belfast Gazette and on the Council's website. This notice will confirm:
  - (i) the date of adoption of the Local Policies Plan ; and
  - (ii) where and times to inspect and get copies of the Local Policies Plan and any accompanying documents
- On the date of adoption make the Local Policies Plan and any accompanying documents including the DfI Direction and accompanying Independent Examiner's Report available on the Council website. Hard copies will be available on request for a specified price from the Council's Planning Offices;
- Write to key consultees and those who have submitted and not subsequently withdrawn representations and counter representations advising of the adoption of the Local Policies Plan, and where to get hold of copies together with the DfI Direction and the Independent Examiners Report;
- Send DfI a copy of the Local Policies Plan and other necessary documents; and
- Notify any person who has asked to be notified of the adoption of the Local Policies Plan.

## **Next Steps**

- 2.44 Following the adoption of the Plan Strategy and Local Policies Plan, the Council will identify its work priorities for the next five years in a new LDP Timetable. It may also issue a new SCI to accompany these if considered appropriate. In addition the Council will engage in monitoring and review which are essential in establishing how the objectives in the LDP are being achieved and whether any changes are required. Any changes will be subject to the same procedural and publicity requirements as previously set out for the Plan Strategy and Local Policies Plan. The 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 (DFI).

### **3.0 Development Management**

#### **Purpose**

- 3.1 The Council as the local planning authority for the area deals with the majority of planning and Listed Building applications in the district. It also deals with applications for works in conservation areas, works to protected trees, advertising consent and hazardous substances consent.
- 3.2 Development management is the process through which such applications are considered. An important part of the 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 on all planning applications. The statutory requirements for consultation on planning applications are set out in legislation. These requirements vary according to the type of proposal but include notification to specified bodies and general publicity.
- 3.3 All planning applications are now categorised on receipt as local, major or regionally significant, with the Council responsible for determining all local and major applications, unless called-in<sup>6</sup> by the DfI.
- 3.4 Regionally significant developments are those which are considered to have a critical contribution to make in regard to the economic and social success of Northern Ireland as a whole, or to a substantial part of the region. Such proposals also include developments which have significant effects beyond Northern Ireland or involve substantial departure from a Local Development Plan. Regionally significant applications are processed by the DfI.

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<sup>6</sup> Further information on the call-in procedure is contained within the DOE's SCI, this can be viewed on the NI Planning Portal : <https://www.planningni.gov.uk/index/policy/departments-sci.htm>

- 3.5 Major developments have important economic, social and environmental implications for the Council. Due to the potential of these proposals to deliver important benefits to the community, major applications are prioritised to avoid undue delay and risk to investment decisions. Common examples of major development proposals include:
- a housing development involving the construction of 50 units or more, or where the area of the site is or exceeds 2 hectares;
  - a retail development involving 1,000 square metres or more of gross floor space outside town centres, or where the area of the site is or exceeds 1 hectare; and
  - industrial development involving 5,000 square metres or more gross floor space or where the area of the site is or exceeds 1 hectare.
- 3.6 Local development proposals are those applications which are not considered to be regionally significant or major. The vast majority of planning applications are likely to constitute local developments and these will include most commercial and housing proposals as well as minor schemes and householder development.
- 3.7 The Council receives a wide variety of planning applications and therefore needs to involve the community to differing degrees, according to the scale and complexity of the application. This section of the SCI looks at:
- how the public can become involved at the various stages of the application process; and
  - how the level of community involvement will depend on the scale of the application.

## **Pre-Application Stage**

### Pre-Application Discussions (PADs)

- 3.8 Pre-application discussions are encouraged for a range of types of applications, both major and local. The objective of pre-application discussions should be to confirm whether the principle of development is acceptable and to clarify the format, type and level of detail required to enable the council to determine an application. For major applications it will also enable the applicant to discuss with the council details of how the community should be involved in the decision-making process.

### Pre-Application Community Consultation (PACC)

- 3.9 The Planning Act (Northern Ireland) 2011 has introduced a requirement for applicants to inform and involve the wider community in planning applications. Greater community engagement from the outset is key to not only creating better quality developments but also improving the process of place making. Applicants submitting major applications to the Council or as the case may be the DfI are, as of the 1 July 2015, required to undertake community consultation before submitting their application.

The Council will require the following actions to be undertaken by the applicant before a major application is submitted-

- (i) notify the Council, at least 12 weeks in advance, that an application for a major planning application is to be submitted. This is referred to as a Proposal of Application Notice (PAN) and will outline the detail of the proposed application and what consultation is to be undertaken;
- (ii) hold at least one public event where the community will be afforded the opportunity to make comment. This is not to be held earlier than 7 days after the notification of the date, time and place of the event;
- (iii) publish details of the proposal in the local press, outlining a description of, and the location of, the proposed development; details as to where further information can be obtained about the proposed development; the date, time and place of the public event; a statement explaining how, and when, people who want to make comments can; and a statement that comments made to the prospective applicant are not

representations to the Council but that representations may be submitted should an application be made to the Council at a later stage; and

- (iv) submit a pre-application community consultation report on submission of the planning application.

- 3.10 The Council will assess the report and determine if the consultation undertaken meets the legislative requirements. The Council may, providing it does so within 21 days of receipt of the PAN, ask the applicant to notify further individuals or organisations or advise that additional consultation is required.
- 3.11 Pre-application consultation 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.
- 3.12 As previously stated the Council would recommend all applicants considering submitting development proposals that fall within the definition of major development to seek a Pre-Application Discussion with planning officers. Where applicants fail to fully meet the pre-application community consultation requirements the Council will decline to determine the application.
- 3.13 Local people are encouraged to participate in the pre-application consultation as this should help applicants better understand local concerns or circumstances and possibly take action to address these concerns before submitting a formal application. Where local concerns and issues are not adequately addressed by the applicant at pre-consultation stage they may be raised by the community again at formal application stage.

## **Application Stage**

3.14 When a planning application is submitted for determination the Council 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 opportunity to make your views known before a final decision is made on the application.

The Council will inform the public of all planning applications through:

- Advertising; and
- Neighbour Notification.

3.15 The Council undertakes statutory publicity in accordance with current legislation. If DfI amend or change the statutory publicity requirements then our future approach will reflect any changes that are made.

### Advertising

3.16 The Council will advertise all new applications on a weekly basis in at least one local newspaper (listed in Appendix G) in accordance with Article 8 of the Planning (General Development Procedure) Order (Northern Ireland) 2015. The weekly list of all new applications received by the Council can also be viewed on the Planning NI web portal.<sup>7</sup> The notice placed in the local newspapers advises that any representations to be made should be received within 14 days of publication (4 weeks in the case of EIA applications) to assist efficient processing of applications. However, it should be noted that any late representations made on an application, provided they are received before a decision is made, will be considered.

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<sup>7</sup> See [http://www.planningni.gov.uk/index/my\\_council/council\\_newry\\_mourne\\_down.htm](http://www.planningni.gov.uk/index/my_council/council_newry_mourne_down.htm)

### Neighbour Notification

- 3.17 The Planning (General Development Procedure) Order (Northern Ireland) 2015 states that any identified occupier of land neighbouring the land to which the application relates must be notified of the proposed development by serving a notice on them. Under the Council's neighbour notification scheme, the Council will issue neighbour notification letters to occupiers of neighbouring premises which fulfil both of the following criteria:
- (i) the property in question is within 90m of the boundary of the application site; **and**
  - (ii) meets the definition of neighbouring land, in that it directly adjoins the boundary of the application site, or would adjoin it but for an entry or road less than 20m in width.
- 3.18 The Planning Officer when carrying out a site inspection will also check the accuracy of the neighbour notification details supplied on the application form and may add details as considered appropriate.
- 3.19 The period for responding following receipt of a neighbour notification letter is also 14 days (4 weeks in the case of applications requiring an Environmental Impact Assessment) , though again any late representations received before a decision is made will still be considered.

### EIA Development

- 3.20 Environmental Impact Assessment (EIA) is a method for ensuring that the likely effects of new development on the environment are fully understood and taken into account before consent is given for the development to proceed.
- 3.21 The Environmental Statement (ES) produced as part of an environmental impact assessment, brings together in a single document or series of documents information about a proposed development and its effects on the environment.
- 3.22 In most cases it will fall to the Council to determine if the application is an EIA application. It should be noted that if an application is an EIA application it cannot be processed until the ES is received. When a developer submits an ES in support of a planning application, the Council will publish a notice of its receipt in a local newspaper and indicate where it may be purchased and the address of the Council Office where it may be inspected. The Council will also allow 4 weeks from the date the notice is first published for representation to be made.

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

3.23 The weekly lists of planning applications received within the council area are also available on the Northern Ireland Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)). Planning applications including supporting documents and corresponding plans can be viewed online as well at the Council offices during normal office hours. A duty Planning Officer will be available during normal office hours (9am – 5pm) to give advice on current or proposed applications (you are advised to make an appointment if you wish to speak to a particular officer). You can contact the Council's Planning Department by telephone on 0300 200 7830 or by email on [planning@nmandd.org](mailto:planning@nmandd.org).

### Public Register

3.24 The Council will make the application, plans and any associated environmental statement available on a public register. Each register will contain the following information:

- a copy (which may be photographic) of each application together with copies of plans and drawings submitted in relation thereto;
- 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 PAC in respect of the application; and
- brief details of any revocation or modification relating to any permission or consent, including date of issue.

### File Inspection

3.25 Planning application files are open to the public, the Council will make the application file available for inspection, by appointment. The amount of information on the file, will of course, be dependent on the stages the application has completed. Certain information may be withheld on data protection grounds e.g. a person's medical information. Hard copies can also be provided upon request (at a specified price).



- 3.30 All written comments on an application will be acknowledged within five working days. The acknowledgement letter will set out who is dealing with the application and who to contact if there are any questions.
- 3.31 Whilst Planning Officers may not be able to respond to each comment made due to the large numbers received. All comments will be summarised and fully considered within the Planning Officer's report.
- 3.32 The Council will not normally contact the respondent again until after a decision is made unless the application is significantly altered or is withdrawn.
- 3.33 The Council may, if it considers it appropriate to do so, stage public exhibitions, issue press releases or arrange public meetings to provide information about major developments or proposals which are particularly significant or have wide-spread effects on communities.
- 3.34 The Council will consult with a range of Statutory Consultees (see Appendix C) to assist in the determination of an application. If a representation raises issues that are relevant to the responsibilities of the consultee (e.g. road safety) the representative will be copied to the appropriate consultee for consideration and comment. The council will carefully take any comments made into account before a decision is made. All comments are scanned and added to the web site once private email addresses, private telephone numbers and hand written signatures have been removed. Names and addresses will remain visible.
- 3.35 The Council and the applicant may negotiate changes to applications where these are expedient. Re-consultation (for 14 days), re-advertisement and further neighbour notification will take place on minor amendments if the council considers that they raise new issues that could lead to further comment. If any change is considered to be substantive, the Council may decline to treat it as an amendment and a new application may be invited.

## **Community Involvement at the Planning Committee Stage**

- 3.36 The Planning Committee meeting is normally held every fourth week in the Boardroom of the Council offices at O'Hagan House, Monaghan Row, Newry. Additional meetings of the Planning Committee may be scheduled according to business needs. The meeting commences at 10.00am (unless otherwise stated) and is open to the public.

### Scheme of Delegation

- 3.37 The majority of planning applications submitted to Council are determined by Council appointed planning officers using delegated powers. The circumstances under which an application can, or cannot, be determined using delegated powers are set out in the Council's Scheme of Delegation. It should be noted that this document will be subject to regular review. The most up to date version of the document can be accessed at : <http://www.newrymournedown.org/planning>. A copy is also available for inspection, during normal working hours, at the Council Planning Offices.

### Protocol for the Operation of the Planning Committee

- 3.38 Applications which do not fall within the Scheme of Delegation must be presented to the Council Planning Committee for decision. Council's Protocol for the Operation of the Planning Committee sets out the detailed procedures for this Committee. It should be noted that this protocol is also subject to change. The most up-to-date version of the document can be viewed on the Council's website. A copy is also available for inspection, during normal office hours, at the Council's Planning Offices.

## **Pre-determination hearings and speaking at the Planning Committee**

- 3.39 There may be occasions when major applications will raise particularly complex planning issues or attract a significant level of objection. In such cases the Planning Committee may decide to hold a pre-determination hearing prior to making its decision at the scheduled monthly Planning Committee meeting.
- 3.40 A pre-determination hearing will provide the opportunity for the applicant and their agent, as well as those who may have made representations, to present their case to the committee

and for Members to ask questions and clarify matters. Key consultees may also be invited to report their expert views. When the Planning Committee agrees to such a hearing, the applicant will be advised and the detailed arrangements will be advertised in the local press. Any hearing will take place after the expiry of the period for making representations on the application but before the Committee hears the application.

- 3.41 For any major application that has been notified<sup>8</sup> to the Department for Infrastructure but is subsequently returned to the Council for determination, the Council is required to afford the applicant the opportunity of appearing before and being heard by the Planning Committee at a Pre-determination hearing.
- 3.42 If a member of the public wishes to speak at the Planning Committee they must contact the Council's Democratic Services by telephone or email ([democratic.services@nmandd.org](mailto:democratic.services@nmandd.org)) at least 5 working days before the date of the meeting at which the application will be considered. Only those who have made written submissions in respect of a planning application and registered a request to speak in respect of the application shall be permitted to make oral representations before the Committee as outlined in the Planning Committee Operating Protocol (available to view on the Council's website or at local planning offices).

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<sup>8</sup> Under the Planning (Notification of Applications) (Northern Ireland) Direction 2015 the Council is required to formally notify DfI where the Council is minded to grant planning permission for certain types of major development. The Direction restricts the grant of planning permission and requires the Council to send information to DfI.

## **Post Application Stage**

### **Community Involvement after a Planning Application has been determined**

- 3.43 A notification of decision letter is sent to the applicant/agent and all people who have responded to the consultation on the planning application, informing them of the decision and the reason for that decision. The decision is recorded in the statutory Planning Register. If it is a case that has been considered by the Planning Committee, it can be found either by contacting the Planning Department following the Committee meeting, or by viewing the minutes of the Committee meeting published on Council's website the day after they are formally approved and adopted at the following Planning Committee meeting.

### **Community Involvement in Planning Appeals**

- 3.44 Planning appeals may be made by the applicant against the refusal of planning permission, against conditions placed on a planning approval and against an enforcement notice. Only applicants and those upon whom notices have been served have the right of appeal. There are no third party rights of appeal. Where an applicant is unhappy with the Council's decision on an application or a condition attached to a permission, he/she may appeal to the Planning Appeals Commission (PAC). An applicant may also appeal to the PAC where the Council has not determined an application within the relevant period prescribed by the Planning (General Development Procedure) Order (Northern Ireland) 2015, where such an appeal is lodged, the application is deemed to have been refused. Appeals must be lodged with the PAC within four months from the date of notification of the Council's decision, or expiry of the prescribed period as the case may be.
- 3.45 All those people who responded on the original planning application that is the subject of appeal will be advised that an appeal has been received, and provided with an opportunity to make their views known. Copies of letters already submitted will be forwarded to the PAC. For hearings and public inquiries, the interested parties have the opportunity to make their views known verbally to the PAC. Guidance on Planning Appeals and the rights of applicants and objectors can be found on the PAC website [www.pacni.gov.uk](http://www.pacni.gov.uk)

## 4.0 Planning Enforcement

4.1 The Council encourages the community to report cases where they believe there has been a breach of planning control. A breach of planning control occurs when development or other certain activities take place without the necessary planning permission or consent from the Council or the Department. This may also include failure to carry out development in accordance with the approved plans or conditions.

4.2 Suspected breaches of planning control can be reported in the following ways:

**By email:** [planning@nmandd.org](mailto:planning@nmandd.org)

**By post:** Newry, Mourne and Down District Council

Newry Planning Office  
O'Hagan House  
Monaghan Row  
Newry BT35 8DJ

or Downpatrick Planning Office  
Downshire Civic Centre  
Downshire Estate, Ardglass Rd  
Downpatrick BT30 6GQ

**By telephone:** Council 0300 200 7830  
Planning 0300 013 2233

4.3 You may also wish to raise the matter with one of the Elected Members who can bring the matter to the attention of the Planning Officers on your behalf.

4.4 All planning enforcement related complaints are treated confidentially. If the complaint results in a planning application being submitted, then this will be publicised in the normal manner and adjoining neighbours and complainants notified.

4.5 In cases where planning enforcement action is taken, complainants are informed of the action. In cases where enforcement action is not taken, a full explanation providing the Council's reasons will be sent to the complainants. Many initial complaints relate to non-enforcement issues in the district, such as householder permitted development type extensions or alterations to a dwelling house.

4.6 The Council's priorities for enforcement action will be set out within our forthcoming Enforcement Strategy. Once published, this strategy will be subject to regular review and a public consultation exercise will form part of this review process.

## **5.0 Community Involvement in Other Planning Functions**

### **Community Involvement in Supplementary Planning Guidance**

- 5.1 The Council may also prepare non-statutory planning guidance to support its development plan. Supplementary planning guidance includes for example design guides and advice notes. These will be published for public consultation and comment prior to the publication of the final draft. Comments received will be published on the Council website. It is not necessary for Supplementary planning guidance to go through the public examination process.

### **Community Involvement in Conservation Area Designation**

- 5.2 A Conservation Area is an area of special architectural or historic interest, the character of which it is desirable to preserve and enhance. The Council considers that consultation with, and the involvement of local people is important when undertaking work associated with Conservation Areas. This will help encourage greater ownership of the concept and greater co-operation and commitment to achieving the aims of the designation.
- 5.3 The Council will involve the community in the designation or variation or cancellation of a Conservation Area. This will entail formal consultation with the Historic Buildings Council, the Department for Communities, the Department for Infrastructure and any water and sewerage undertaker. Any alterations to existing Conservation Areas or designation of new Conservation Areas will be advertised by way of a public notice in the local press. Where appropriate public meetings will be held to discuss and present proposals. Upon formal designation the Council will publish a public notice in the local press and hold a public launch and exhibition.

## **Community Involvement in the Designation of a Simplified Planning Zone**

- 5.4 If the Council proposes to commence work on a simplified planning zone (see Appendix A Glossary of Planning Terms) it will undertake consultations with the neighbouring district council, the land owner and occupier, the Department for Communities and will notify the Department for Infrastructure.
- 5.5 Once details of a scheme have been prepared the Council will make copies available for inspection at the Council's office, give notice by way of an advertisement in the local press and on the Council's website, and will serve a notice on those it has consulted with.
- 5.6 Following advertising of the proposed planning zone(s) details there will be an 8 week period when representations can be made to the Council. If the Council subsequently decides not to proceed with the proposed planning zone it will publish a further advertisement to that effect and will notify all those who have made representations.
- 5.7 The Council may cause an independent examination to be held to consider the representations received. Where it is proposed to hold an independent examination details including the time and place of the examination will be published in the local press. Where it is decided not to hold an independent examination the Council will notify all those who have made representations.
- 5.8 Following the independent examination the Council will produce a report and statement detailing its decision and outlining reasons for its decision. Notice of publication will be advertised in the local press and the report and statement will be available for public inspection in the Council offices.

# Appendices

## **Appendix A – Glossary of Planning Terms**

**Development Management:** The process for a Council to decide on planning applications.

**Development Plan:** Local Development Plans apply regional policies at the appropriate level and inform the general public, statutory authorities, developers and other interested bodies of the policy framework and land use proposals that will guide development decisions within a specified area.

**Environmental Impact Assessment (EIA):** A procedure to be followed for certain types of planning application to ensure that decisions are made in the full knowledge of any likely significant effects on the environment.

**Equality Impact Assessment (EQIA):** An assessment of the likely impact of policies and proposals on the promotion of equality of opportunity. Carried out on all local development plans to fulfil the obligations imposed on the Council by Section 75 of the Northern Ireland Act 1998.

**Independent Examination:** The independent examination conducted by the Planning Appeals Commission to test the soundness of the Local Development Plan.

**Local Policies Plan:** This provides detailed plans and policies for the development of specific geographical area.

**Major Development:** Large scale developed proposals that meet the thresholds contained within The Planning (Development Management) Regulations (Northern Ireland) 2015.

**Material Consideration:** A material consideration is any planning matter which is relevant to a particular case.

**Planning Appeals Commission:** The body which provides a Commissioner to carry out an independent assessment of the soundness of a Development Plan Document or Statement of Community Involvement. The Commission also processes planning, listed building consent, advertisement and enforcement appeals.

**Planning Committee:** the planning committee is responsible for making decisions on the bigger and more sensitive planning applications received by the Council. The planning committee is made up of a number of councillors who are responsible for deciding planning applications, listed building and conservation area consents. Which items are considered by the committee is decided through the Council's Scheme of Delegation.

**Plan-led System:** The principle that decisions upon planning applications should be made in accordance with the adopted development plan, unless there are other material considerations that may indicate otherwise.

**Plan Strategy:** This is the first part of the development plan and provides a framework or overview to guide the direction of the local plan.

**Preferred Options Paper (POP):** Ideas, possibilities and alternative proposals produced at any early stage in the production of the Local Plan and issued for public consultation and have not been endorsed by the Council.

**Scheme of Delegation:** a scheme where decision making on local applications is delegated to an appointed officer rather than through the Council's Planning Committee thereby enabling speedier decisions and improved efficiency. Section 31(1) of the Planning Act (Northern Ireland) 2011 requires the Council to produce such a scheme.

**SEA Scoping Report:** A report which sets out how the Council will ensure that the likely significant effects of the development plan will be assessed including the environmental effects and alternatives that need to be considered, the assessment methods to be used as well as the scope and level of detail of information that will be included in the final environmental report.

**Simplified Planning Zone:** An area in which the Council wishes to stimulate development and encourage development. It operates by granting a specified planning permission in the zone without the need for an application for planning permission and the payment of a planning fee.

**Soundness:** A Development Plan document is likely to be sound if it meets certain tests at the Examination stage. These tests require that a document is prepared according to the correct procedures, that it conforms to other policies, and its proposals are justified, consistent and effective. Justified means that the document must be

- Founded on a robust and credible evidence base; and
- The most appropriate strategy when considered against the reasonable alternatives.

Effective means that the document must be

- Deliverable;
- Flexible; and
- Able to be monitored.

**Stakeholders:** Individuals or organisations who have a strong interest in the issue or may be affected directly by any decisions or plans. The term is used mostly to refer to bodies that will affect the delivery of a planning document's policies and proposals.

**Strategic Environmental Assessment (SEA):** An assessment of the probable environmental impacts of the policies and proposals contained in the LDP. The assessment is carried out to ensure compliance with the European Directive 2001/42/EC on the "assessment of the effects of certain plans and programmes on the environment" and the Environmental Assessment of Plans and Programmes Regulations(Northern Ireland) 2004.

**Statutory Requirements:** Actions required to be undertaken by the Council as a result of legislation.

**Sustainability Appraisal (SA):** a sustainability appraisal assesses the likely social, economic and environmental effects of policies in the development plan documents.

## Appendix B - Local Development Plan Consultation Bodies<sup>9</sup>

### Statutory Consultation Bodies<sup>10</sup>

1. Northern Ireland Government Departments:
  - The Executive Office;
  - Department of Agriculture, Environment and Rural Affairs (DAERA);
  - Department for Infrastructure (DfI);
  - Department for the Economy (DfE);
  - Department of Education (DE);
  - Department of Finance (DoF);
  - Department of Health (DoH);
  - Department of Justice (DoJ); and
  - Department for Communities (DfC).
  
2. Adjoining Councils/Planning Authorities with common boundaries:
  - Armagh City, Banbridge and Craigavon Borough Council;
  - Lisburn and Castlereagh City Council;
  - Ards and North Down Borough Council;
  - Louth County Council; and
  - Monaghan County Council.
  
3. Water and Sewerage undertakers:
  - NI Water
  
4. Northern Ireland Housing Executive (NIHE).
  
5. Civil Aviation Authority (CAA).
  
6. Any person to whom the electronic communication code applies by virtue of a direction given under section 106(3) of the Communication Act 2003.
  
7. Any person to whom a license has been granted under Article 10(1) of the Electricity (Northern Ireland) Order 1992.
  
8. Any person to whom a license has been granted under Article 8 of the Gas (Northern Ireland) Order 1996.

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<sup>9</sup> There may be additional consultations required at specific times throughout the LDP process.

<sup>10</sup> Statutory consultees are those government bodies or other organisations with whom the Council must liaise as part of the development plan process .

## **Appendix C – Consultation on the Development Management Process**

Planning Officers frequently need to obtain specialist advice to enable them to consider the potential impacts of a development proposal before determining an application. This is referred to as the consultation process. Consultation with statutory and non-statutory bodies should be carried out only when considered necessary to inform a planning decision.

Statutory consultees<sup>11</sup> (listed below) are those government bodies or other organisations with whom the Council must liaise. The need for consultations will vary between applications depending on the nature and scale of the proposal as well as the provision of standing advice from the consultee.

1. Department for Infrastructure (DfI);
2. Department for Communities;
3. Health and Safety Executive NI (HSENI);
4. The Department for Infrastructure or other water undertaker as defined under Article 13 of The Water and Sewerage Services (NI) Order 2006;
5. Licensed Aerodromes;
6. The Department of Agriculture, Environment and Rural Affairs (DAERA);
7. The Department for the Economy (DfE); and
8. The Northern Ireland Housing Executive (NIHE).

Where the Council undertakes consultations on a planning application the consultee will be required to respond within 21 days, or any other date as agreed in writing, after which time the Council may determine the application whether or not a response has been received. The exception is those developments which are subject to an Environmental Impact Assessment (EIA) where the Council cannot make a determination until 28 days have passed.

### **Non-Statutory Consultees**

Not all information required to process an application will be from statutory consultees. There will be occasions when non-statutory consultees e.g. the Environmental health section of the Council, need to be consulted.

It may also include external organisations and bodies. These consultees are not bound by the 21 day response time, however, they are encouraged to respond in a timely manner so as not to delay the planning process.

Due to the wide range of development proposals submitted to Council, each application will be carefully considered and consultations will be undertaken in line with statutory requirements. The need for consultation will vary between applications depending on the nature and scale of the proposal.

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<sup>11</sup> Schedule 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 defines the statutory consultees and outlines the various circumstances where consultation must be undertaken.

## Appendix D – Local Development Plan Process

The speech bubble indicates when you can have your say.



Data Collection



Formal Notice of LDP Preparation



Publication of Draft Plan Strategy



Public Inspection of Representations



Independent Examination



Adoption of Plan Strategy



Publication of Local Policies Plan



Public Inspection of Representations



Independent Examination



Adoption of Local Policies Plan

Draft SCI issued for public consultation.

Preferred Options Paper published for public comment.

Public exhibitions held, opportunity to review proposals and make representations on the draft Plan Strategy.

All representations made available for inspection. Opportunity to make counter representations.

Opportunity to have your representation and/or counter representation considered at the Independent Examination.

Publication of The Plan Strategy, DfI's Direction and Independent Examiners Report.

Public exhibitions held, opportunity to review proposals and make representations on the new draft Local Policies Plan.

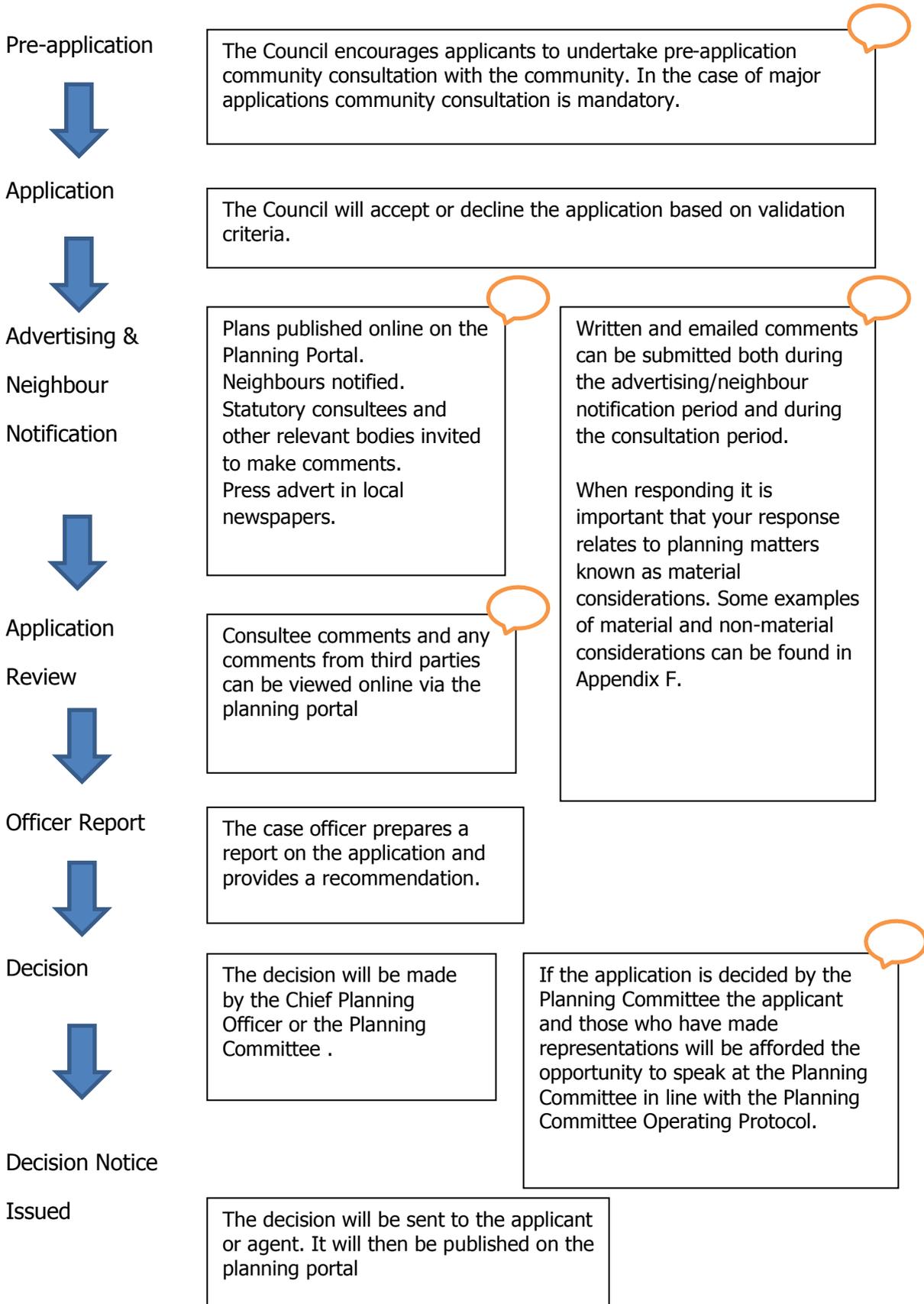
All representations made available for inspection. Opportunity to make counter representations.

Opportunity to have your representation and/or counter representation considered at the Independent Examination.

Publication of The Local Policies Plan, DfI's Direction and Independent Examiners Report.

## Appendix E – Planning Application Process

The speech bubble indicates when you can have your say.



## Appendix F - Material and Non-Material Considerations

There is no legal definition for material definitions, however they are held to include all the fundamental factors involved in land-use planning. Essentially a material consideration is one which is relevant to making a planning decision as to whether to grant or refuse an application for planning permission. Material considerations will vary depending on the specific circumstances of each case.

Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

The lists below provide some examples of material and non-material considerations however it should be noted that these are not exhaustive lists.

### Material considerations

#### Can be taken into account

- Regional and local Planning Policies.
- Adopted and emerging Development Plans.
- Planning history on the site
- Case law.
- Loss of sunlight and overshadowing.
- Overlooking and loss of privacy.
- Roads issues (e.g. increased traffic movements).
- Layout, density, design/appearance, character.
- Effect on a listed building or conservation area.
- Noise, smell or other disturbances.
- Cumulative impact.
- Capacity of infrastructure.

### Non-material considerations

#### Cannot be taken into account

- Private issues between neighbours.
- Opposition to business competition.
- Loss of property value.
- Loss of view.
- Moral objection.
- History of the applicant.
- Matters covered by other legislation.
- Restrictive covenants.
- Opposition to the principle of development if permission has been granted by an outline application or on appeal.

## **Appendix G – List of Local Newspapers for Advertisement**

Local Newspapers which the Council currently advertises planning applications in (weekly):

- Crossmaglen Examiner
- Down Recorder
- Mourne Observer
- Newry Reporter

 /nmdcouncil

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0300 013 2233 (Council)  
0300 200 7830 (Planning)  
council@nmandd.org  
www.newrymournedown.org

**Oifig an Iúir**  
**Newry Office**  
O'Hagan House  
Monaghan Row  
Newry BT35 8DJ

**Oifig Dhún Pádraig**  
**Downpatrick Office**  
Downshire Civic Centre  
Downshire Estate, Ardglass Road  
Downpatrick BT30 6GQ