

Report on	Dfl - planning improvement work programme - Review of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.
Date of Meeting	7 th November 2023.
Reporting Officer	Melvin Bowman.
Contact Officer	Dr Chris Boomer.

Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	X

1.0	Purpose of Report
1.1	To agree that the Service Director, Dr Chris Boomer, makes a submission to the Local Government lead, Sandra Adams (Mid & East Antrim Council) with respect to a Dfl review of Local Development Plan Regulations, including experiences, recommendations, and supporting evidence for any proposed changes.
2.0	Background
2.1	Council received a consultation from the Department for Infrastructure (DfI) on 1 st September in relation to a review of Local Development Plan Regulations (Appendix A).
2.2	Recommendations contained within reports undertaken by the NI Audit Office and Public Accounts Committee following the Review of the implementation of the Planning Act (NI) 2011, indicated the need for a planning improvement work programme.
2.3	The programme has been agreed by central and local government and involves both regulatory improvements and legislative changes to the planning system.
2.4	The Dfl review will consider five key areas of the LDP process: <ul style="list-style-type: none"> • Legislative requirements surrounding consultation. • Preparation of Timetables. • Publicity. • Notification. • Submission of documentation.

2.5	The Department (DfI) have asked Council to share its operational experiences of the Local Development Plan Regulations, along with recommendations and supporting evidence for any proposed changes.
2.6	The Department (DfI) intends to engage the public and associated stakeholders in early 2024 with proposed changes to the Regulations by way of public consultation.
2.7	The Council will have a further opportunity to provide representation(s) during any public consultation period.
3.0	Main Report
3.1	<p>Summary of recommendations:</p> <ul style="list-style-type: none"> • The definition of consultation body should be redefined to remove onerous and unnecessary consultation with bodies who have no interest / apparatus in N.I. • The timetable should provide an overview of the LDP process, i.e., POP, DPS and LPP however to avoid numerous revisions, timeframes should only be stipulated for the stage at which the Council is at. • The requirement that the timetable be agreed by full resolution of the Council should be removed to avoid unnecessary delay as Planning Committee agreement is considered suffice. • The regulations are interrelated and therefore amendments to a single part can rarely be considered in isolation. Consistency should be provided across the regulations, with similar stages adopting similar requirements, cross-referencing and wording. • Consultation periods for the POP, DPD (reps) and DPD (counter reps) should adopt a timeframe of 8 to 12 weeks to afford Council's the necessary flexibility to adjust consultation periods as deemed appropriate. • The start date of consultation periods should be clearly defined by Councils to remove ambiguity. • The provision of hard copies of documents in Council offices should be removed and instead documents and information should be placed on the Council's website, supported (where appropriate) by notice in the Belfast Gazette and by local advertisement. This will assist in contributing toward the Council's sustainability objectives and removes unnecessary expense and resourcing. Request to view documents in Council offices can be facilitated upon request. • The submission of the DPD should be via electronic communication and advertisement of the submission removed given consultation bodies and any person who has made a rep or counter rep will have been notified.

4.0	Conclusion
4.1	It is important that Council highlights to The Department (DfI) experienced and evidenced inadequacies contained within the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.
4.2	The proposed recommendations outlined above will assist in reducing bureaucracy and ambiguity for Council whilst providing consistency across Northern Ireland for interested parties.
4.3	The Council will have a further opportunity to engage with a public consultation on this review in early 2024.
5.0	Other considerations
5.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N.A
	Risk Management: N/A
5.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
6.0	Recommendation(s)
6.1	That Members agree the response as summarised above and detailed within 'Annex 1' is issued to Sandra Adams as requested by DfI.
7.0	Documents Attached & References
7.1	Appendix A – copy of DfI letter to Chief Executive of 1 st September 2023. Annex 1 – completed DfI questionnaire for return to Sandra Adams.



Department for

Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

www.infrastructure-ni.gov.uk

Regional Planning Policy and Casework Directorate

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Your reference:

Our reference:

1st September 2023

Dear Chief Executive,

Review of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015

Following the Review of the implementation of the Planning Act (NI) 2011, and the recommendations made in the NI Audit Report and the Public Accounts Committee Report on Planning in Northern Ireland, a planning improvement work programme, agreed by local and central government, encompassing regulatory improvements and legislative changes to the planning system is being taken forward.

One of the agreed legislative actions is a review of the **Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (S.R 2015 No. 62)** (The Regulations). The review is considering five key areas of the Local Development Plan process including the legislative requirements surrounding consultation, the preparation of Timetables, publicity and notification and submission of documentation.

To assist with this review, the Department invites you to share your operational experiences of the Local Development Plan Regulations, along with your recommendations and supporting evidence for any changes. This feedback will be important in helping us understand local government views and shape any proposed revisions, in order that the Regulations are practical and appropriate.

E-mail: planning@infrastructure-ni.gov.uk

Website: www.infrastructure-ni.gov.uk/topics/planning

A feedback form is attached at Annex 1, with some questions under key headings which may help structure your return. I would be grateful if you could complete and return Annex 1 to the Local Government lead **Sandra Adams** at: Sandra.Adams@midandeastantrim.gov.uk on or before **27th October 2023**.

Following the review, DfI intends to consult with the public and wider stakeholders on any proposed revisions to the Regulations. It is anticipated that this public consultation exercise will take place early in 2024. The Council will have a further opportunity to provide feedback on any proposed revisions during this public consultation period.

If you have any questions, or you would like to discuss further, please do not hesitate to contact me.

Yours sincerely



ALISTAIR BEGGS
Chief Planner
Director of Regional Planning Policy and Casework

Questionnaire

The table below presents a series of questions examining potential issues with the current regulations as outlined in the Schedule of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (legislation.gov.uk).

Part	Questions	Suggested Changes	Justification and Reasoning
1. The number and role of consultation bodies in 2(1) of the Planning (Local Development Plan) Regulations 2015			
<p>PART 1 General</p>	<p>Q1. Does the Council have any operational evidence which might suggest that the number of consultation bodies should be reduced under (2(1) of the LDP Regulations 2015? (If this is the case, stipulate the criterion to which it relates and any difficulty posed in the justification and reasoning column followed by any suggested changes that you consider may overcome the issue)</p>	<ul style="list-style-type: none"> • Under 2(1) of the LDP Regulations 2015 criterion (f), (g) & (h) should be removed from the interpretation of ‘consultation bodies’ as outlined below; and, • An additional criterion should be added which places responsibility on DfI to publish a list of consultation bodies who fall under (f), (g) & (h) <u>and</u> have apparatus / interests in Northern Ireland to be consulted. (This could be updated annually or upon request). <p>2.—(1) In these Regulations— “consultation bodies” means— (a) Northern Ireland government departments, (b) the council for any district which adjoins that of the council carrying out the consultation, (c) a water or sewerage undertaker, (d) the Northern Ireland Housing Executive, (e) the Civil Aviation Authority, (f) any person to whom the electronic communications code applies by virtue of a direction given under section 106(3) of the Communications Act 2003(a); (g) any person to whom a licence has been granted under Article 10(1) of the Electricity</p>	<p>Removal of criterion 2(1)(f), (g) & (h) from the definition of ‘consultation body’:</p> <ul style="list-style-type: none"> • Extensive unnecessary consultation currently required with consultation bodies with no legitimate business interest in Northern Ireland. • This is supported by the sample of data summarised below which demonstrates minimal representations received from bodies consulted under criterion (f), (g) and (h). <p>POP – Public Consultation:</p> <ul style="list-style-type: none"> • (f) 112 bodies consulted (109 based outside NI), 1 representation received (SSE) = 0.89% response rate. • (g) 74 bodies consulted (14 based outside NI), 6 representations received = 8.11% response rate. • (h) 25 bodies consulted (10 based outside NI), no representations received. • In summary, 7 representations received from 211 ‘consultation

		<p>(Northern Ireland) Order 1992(b); (h) any person to whom a licence has been granted under Article 8 of the Gas (Northern Ireland) Order 1996(c);</p>	<p>bodies’ consulted under (f), (g) and (h).</p> <ul style="list-style-type: none"> • Equates to a response rate of 3.32%. <p>DPS – Public Consultation</p> <ul style="list-style-type: none"> • (f) 174 bodies consulted (165 based outside NI), 5 representations received = 2.87% response rate. • (g) 90 bodies consulted (18 based outside NI), no representations received. • (h) 29 bodies consulted (15 based outside NI), no representations received. • In summary, 5 representations received from 293 ‘consultation bodies’ consulted under (f), (g) and (h). • Equates to a response rate of 1.71%. <p>This extensive consultation is further exacerbated by the fact the bodies which qualify under criterion (f), (g) and (h) are continually changing and lists must be updated / amended at each and every stage.</p> <p>The Council acknowledges that while few representations were received from bodies falling under criterion (f), (g) and (h) and returns in terms of numbers were low, representations were received from bodies who are key operators in Northern Ireland, e.g NIE and SONI (consulted under criterion (g)). These consultation bodies provided key information in relation to essential electricity lines which helped shaped policy.</p>
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			<p>Consequently, we have suggested that DfI compile a reduced list of consultees for clarity and remove any ambiguity as well as consistency across all Councils.</p>
	<p>Q2. Do you consider that the role of Consultation Bodies at 5; 9(1); 10(c); 15(c); 17(e); 21(c); 22(1)(a); 23(c) should change? (If so, please state how and provide evidence as to why this is the case)</p>	<p>5: The council must, in the preparation of the timetable, consult the planning appeals commission and such of the consultation bodies as the council considers appropriate.</p> <p>9.(1) Before a council complies with regulation 11, it must, for the purpose of generating alternative strategies and options, engage the consultation bodies.</p> <p>10.(c) send to notify the consultation bodies that the information set out at paragraph (a) is available to view on its website;</p> <p>15.(c) send to notify the consultation bodies that the information a copy of the documents set out in paragraph (a) is available to view on its website</p> <p>17(e); notify the consultation bodies that the information set out in paragraph (a) of the fact that representations are is available to view on its website for inspection and the places and times at which they can be inspected</p> <p>(See Part 3 for other associated changes to Regs 10, 15 and 17)</p> <p>21(c) notify the consultation bodies that the information set out of the fact that the development plan document and the documents mentioned in paragraph (a) is are available to view on its website for inspection and the places and times at which they can be inspected</p>	<p>5: No change required as it allows council to use its discretion in determining appropriate consultation bodies, in addition to the PAC.</p> <p>9.(1) Providing a significantly streamlined list of consultation bodies at (f), (g) and (h) as outlined at Q1 is adopted, the engagement of said bodies will result in a better use of councils time and resources. The term ‘engage’ suggests participation, interest and attention, however the current definition of ‘consultation bodies’ at (f), (g) and (h) in most cases resulted in the opposite.</p> <p>The requirement to make documents available for inspection at Council offices at 10(c), 15(c) and 17(e) is unnecessary and resource intensive considering their availability online via the Council website. Few requests were received to view the documents in person however should such a request be received, the Council could make provisions to facilitate this either electronically or in hard copy.</p> <p>No changes are suggested to 21(c) and 23(c) provided a revised definition of consultation bodies as suggested in Q1 is included.</p>

		<p>22.(1) (a) notify the consultation bodies of the matters referred to in paragraph (2),</p> <p>23(c) notify the consultation bodies of that fact;</p>	
<p>PART 2 Timetable</p>	<p>Q3. The basis for consulting the Consultation Bodies at Regulation 5 differs from the requirements for consultation elsewhere by requiring the Council to consult ‘such of the consultation bodies as the council considers appropriate’. Based on your experience to date what has been the practice of consulting for the purposes of preparing the Timetable?</p>	<p>5. The council must, in the preparation of the timetable, consult the planning appeals commission and such of the consultation bodies as the council considers appropriate.</p>	<p>Initial timetable February 2016, revised September 2018 and July 2020.</p> <ul style="list-style-type: none"> • No change required as it allows council to use its discretion in considering which consultation bodies to engage with. • Aside from the PAC, others included DfI, DOE, NIEA HED / NED, NIW, TNI Western, DfI Rivers, HSENI, Invest NI, NIHE, Loughs Agency, DfE GSNI, SES. • No concerns raised by consultation bodies re revised timetables.

2. The provisions for the commencement & duration of consultation periods 11(3); 16(2); 18(2) in the Planning (Local Development Plan) Regulations 2015			
<p>PART 3 POP</p>	<p>Q4. Based on your experience of consultation to date, suggestions on potential changes (if any) to the period outlined in 11(3) would be welcomed. (Please note that any changes should be suitably justified and supported by evidence)</p> <p>(3) The period referred to in paragraph (2)(a) must be a period of not less than 8 weeks or more than 12 weeks starting on the day on which the council complies with regulation 10(a)</p>	<p>Retain the flexibility of the 8 to 12 week period but amend / simplify and provide consistency across regulations 11, 16 and 18 and associated regulations 10, 15 and 17 with similar cross-referencing adopted.</p> <p>Public consultation on the preferred options paper</p> <p>11.—(1) Any person may make representations about a council’s preferred options paper.</p> <p>(2) Any such representations must be—</p> <p>(a) made within a period of not less than 8 weeks or more than 12 weeks starting on a date specified by the Council in 10(a)(vi) which the council specifies, and</p> <p>(b) sent to the address and/or email address specified pursuant to regulation 10(a)(iv) (vii).</p> <p>(3) The period referred to in paragraph (2)(a) must be a period of not less than 8 weeks or more than 12 weeks starting on the day on which the council complies with regulation 10(a).</p> <p>(4) (3) A council must take account of any representations made in accordance with paragraph (2) before it prepares a development plan document</p> <p><u>Amend Regulation 10 as below:</u></p> <p>Availability of the preferred options paper</p> <p>10. Before a council prepares a development plan document it must—</p> <p>(a) make the following documents and information available to view on its website, on or before the date specified by the Council in 10(a)(vi) available for</p>	<p>The Council welcome the flexibility afforded by 11(3) which allows the period to range between 8 to 12 weeks. This allows the Council to take account of statutory holidays and avoid closing consultation periods on bank holidays etc.</p> <p>The Council suggest clarity is provided and any ambiguity removed to the commencement of the consultation period by placing a requirement for the Council to specify a start date.</p> <p>Other additional amendments are suggested to simplify and provide consistency across regulations 11, 16 and 18.</p> <p><u>Associated and suggested amendments to Regulation 10</u></p> <p>Given the prevalence of communication and the viewing of information online alongside the Councils aims to deliver services in more sustainable ways, we suggest that the requirement to provide hard copies of documents to the principal Council offices be removed. This exercise required use of extensive resources with three copies of the relevant documents provided. Notably the viewing of hard copies by the public was seldom used, instead online viewing via our website was the preferred method.</p> <p>For purposes of accessibility, alternative provisions can be made to view documents</p>

		<p>inspection during normal office hours at the places referred to in paragraph (b) —</p> <p>(i) a copy of the preferred options paper,</p> <p>(ii) such supporting documents as in the opinion of the council are relevant to that paper,</p> <p>(iii) the title of the local development plan</p> <p>(iv) a brief description of the content and purpose of the preferred options paper,</p> <p>(v) details of how further information on the preferred options paper may be obtained</p> <p>(vi) (iii) a document containing a statement of the fact that the preferred options paper is available to view on its website and indicating the period specified by the council under regulation 11(2) as the period within which representations on the preferred options paper may be made, starting on a date specified by the Council,</p> <p>(iv) (vii) notice of the address and email address to which representations are to be sent.</p> <p>(b) the places referred to in paragraph (a) are —</p> <p>(i) the council's principal offices, and</p> <p>(ii) such other places within the council district as the council considers appropriate;</p> <p>(b) (e) send to notify the consultation bodies that the information set out at paragraph (a) is available to view on its website;</p> <p>(d) (c) give notice by local advertisement of the information referred to in 10(a)(iii)(iv)(v)(vi) and (vii) following —</p>	<p>upon request. Councils will be bound to make such provisions under equality legislation.</p> <p>In addition, for the same reasons above, we consider that consultation bodies (with the revised definition suggested in Q1) should only be <u>notified</u> that the information is available on the Council website as opposed to sending copies as currently stipulated by 10(c).</p> <p>The regulations should also be amended to take account of emails as the preferred method of submission by adding “and email address” as suggested to 11(2)(b) and 10(a)(vii) – see over.</p> <p>In relation to representations received to our Draft Plan Strategy, there were a total of 241 received, approximately 75% via email, 3% via an online survey and 22% by post. The demonstrates the prevalence of electronic communication.</p> <p>Additional suggested amendments to regulation 10 are provided in effort to simplify and remove duplication of information. This will improve consistency and ensure the notice by local advertisement provides the same information as the website.</p>
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	<p>Q5. Based on your experience of consultation to date, suggestions on potential changes (if any) to the period outlined in 16(2) would be welcomed. (Please note that any changes should be suitably justified and supported by evidence)</p>	<p>Public consultation on a development plan document</p> <p>16. (1) Any person may make representations about a development plan document.</p> <p>(2) Any such representations must be—</p> <p>(a) made within a period of not less than 8 weeks or more than 12 weeks starting on a date specified by the Council in 15(a)(v) of 8 weeks starting on the day the council complies with regulation 15(d); and</p> <p>(b) sent to the address and/or email address specified pursuant to regulation 15(a)(vi).</p> <p>(Note: 15(a) should also be amended to ensure documents are available <u>on or before</u> the “date specified by the Council”. Also remove the</p>	<p>The Council suggest that there should be consistency in approach across the regulations. Regulations 11(3), 16(2) and 18(2) should be amended to reflect one another.</p> <p><u>Regulation 16</u></p> <p>In relation to the consultation period, the timeframe for submission of representations should be amended to reflect Regulation 11 with a range of 8 to 12 weeks. This flexibility would be helpful for the reasons outlined in Q4 while also reducing risk.</p> <p>We note that in terms of the consultation period for representations, 16(2) states “made within a period of 8 weeks starting on the day the</p>

		<p>requirement to make available hard copies for inspection and include / take account of email submissions – see below)</p> <p><u>Amend Regulation 15 as below:</u></p> <p>Availability of a development plan document</p> <p>15. Before submitting a development plan document to the Department under section 10 the council must—</p> <p>(a)make the following documents and information available to view on its website, on or before the date specified by the Council in 15(a)(v) for inspection during normal office hours at the places referred to in paragraph (b) —</p> <p>(i) a copy of the development plan document,</p> <p>(ii)a copy of the sustainability appraisal report under section 8(6)(b) or 9(7)(b), as the case may be,</p> <p>(iii)such supporting documents as in the opinion of the council are relevant to the preparation of the local development plan,</p> <p>(iv)a document containing the title of the Development Plan Document</p> <p>(v) a statement of the fact that the development plan document is available to view on its website and indicating the period within which representations on the development plan document may be made, starting on a date specified by the Council, and</p> <p>(vi)notice of the address and email address to which representations can be sent;</p> <p>(b)the places referred to in paragraph (a) are—</p>	<p>council complies with regulation 15(d)”, where 15(d) refers to,</p> <p>“(d)give notice in the Belfast Gazette and by local advertisement of the following—</p> <p>(i)the title of the development plan document, and</p> <p>(ii)a statement of the fact that the development plan document is available for inspection and the places and times at which it can be inspected.”</p> <p>This links the consultation period to the date at which the Council gives notice (as opposed to the date when the documents are made available for inspection as per 11(3)). When considering the definition of ‘local advertisement’, compliance is therefore when the notice first appears in a local paper in the second consecutive week.</p> <p>16(2) should be amended to remove this link to 15(d) (the notice) and simply refer to a date specified by the Council (as suggested). The date specified by the Council should be outlined in Reg 15 to ensure all documents are made available to view via the website on or before the consultation period and the “date specified by the Council”.</p> <p><u>Associated and suggested amendments to Regulation 15</u></p> <p>Associated amendments to regulation 15 are provided to take account of suggested changes to reg 16. For consistency, additional changes</p>
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		<p>(i)the council’s principal offices, and</p> <p>(ii)such other places within the council district as the council considers appropriate;</p> <p>(e)(b) send to notify the consultation bodies that the information a copy of the documents set out in paragraph (a) is available to view on its website</p> <p>(d) (c) give notice in the Belfast Gazette and by local advertisement of the following— the information referred to in 15(a)(iv), (v) and (vi).</p> <p>(i) the title of the development plan document, and</p> <p>(ii)a statement of the fact that the development plan document is available to view on its website and the period for inspection and the places and times at which it can be inspected; and</p> <p>(e)publish on its website—</p> <p>(i)the development plan document;</p> <p>(ii)such of the supporting documents as in the opinion of the council are relevant, and</p> <p>(iii)the notice mentioned in paragraph (a)(iv).</p>	<p>are proposed to reg 15 to reflect reg 10 for the reasons outlined in Q4.</p>
<p>PART 5 DPD Procedure</p>	<p>Q6. Based on your experience of consultation to date, suggestions on potential changes (if any) to the period outlined in 18(2) would be welcomed. (Please note that any changes should be suitably justified and supported by evidence)</p>	<p>Amend 18(2) to a similar format to 16(2) and 11(3)</p> <p>18.—(1) Any person may make representations about a site specific policy representation (in regulations 17, 19 and this regulation referred to as “counter representations”).</p> <p>(2) Counter representations must be—</p> <p>(a)made within a period of not less than 8 weeks or more than 12 weeks starting on a date specified by the Council in regulation 17(1)(a)(ii) of 8 weeks starting</p>	<p>The counter representation should be amended to a period of 8 to 12 weeks with the same flexibility provided and suggested to 11(3) and 16(2) for the reasons outlined in Q4. Whilst acknowledging the additional time may not always be required, this flexibility gives Councils discretion to adjust this period as necessary.</p>

	<p>on the day the council complies with regulation 17(1)(a), and</p> <p>(b) sent to the address and/or email address specified pursuant to in regulation 17(1)(a)(iii).</p> <p>(3) Counter representations must not propose any changes to the development plan document.</p> <p>Amend regulation 17 as below (adopting similar format and structure to 15).</p> <p><u>Amend Regulation 17 as below:</u></p> <p>Availability of representations on a development plan document</p> <p>17.—(1) As soon as reasonably practicable after the expiry of the period referred to in regulation 16(2)(a) the council must—</p> <p>(a) make the following documents and information available to view on its website, on or before the date specified by the Council in 15(a)(ii) available for inspection at the places referred to in paragraph (b)—</p> <p>(i) a copy of the representations,</p> <p>(ii) a document containing a statement of the fact that the representations are available to view on its website and indicating the period time within which counter representations may be made, starting on a date specified by the Council, and</p> <p>(iii) notice of the address and email address to which counter representations can be sent;</p>	<p>For example, where a high volume of representations including those with extensive content have been received, additional time may be required to allow interested parties and consultee bodies to review all representations and formulate their response (if any). The Council received a total of 241 representations, some extending almost 300 pages long. This should be taken into consideration when defining the counter representation period.</p> <p>It is also worth noting that should another Council wish to submit a counter representation, they will need sufficient time to review all representations, draft their response and obtain agreement from Planning Committee who only meet monthly. Our experience suggests that 8 weeks in some cases may not be a realistic timeframe for other Councils to secure this agreement.</p> <p><u>Associated and suggested amendments to Regulation 17</u></p> <p>Associated amendments to regulation 17 are provided to reflect the suggested changes to reg 18.</p> <p>For consistency, additional changes are proposed to reg 17 to reflect reg 10 and 15 for the reasons outlined in Q4.</p>
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<p>Q7. Based on your experience, do you consider that the consultation periods for each part of the LDP process under 11(3), 16(2), 18(2) should be equal?</p>	<p>The periods should not necessarily be the same but should all be afforded the same flexibility giving the Council discretion. All periods outlined in 11(3), 16(2) and 18(2) should read;</p> <p>i.e. “a period of not less than 8 weeks or more than 12 weeks starting on the day on which the council complies with regulation 10(a)(vi) / 15(a)(v) /17(1)(a)(ii)” (as per above suggestions - refer to Q4, 5 and 6 answers).</p>	<p>To provide flexibility and allow Council’s to take into account holiday periods, make adjustments to work around planning committee and full Council deadlines which occur on monthly basis.</p>
<p>Q8. Based on your experience, do you consider that the consultation periods for each part of the LDP process under 11(3), 16(2), 18(2) should vary?</p>	<p>Refer to Q7 above.</p>	<p>The Counter Representation period outlined in 18(2) may not require the same length of time as 11(3) and 16(2) however flexibility should be provided to give Councils discretion to adjust this period as necessary- see Q6 & Q7 answer.</p>
<p>Q9. Based on your experience, do you consider the current wording of 11(3), 16(2), 18(2) of the LDP Regulations creates uncertainty regarding the start and finish date/overall duration of consultation? (If the answer is yes, please demonstrate to which part of the Regulations this relates and how you consider this to be the case)</p>	<p>See answers to question 4, 5 and 6 for justification for other suggested amendments to regulations 11(3), 16(2) and 18(2).</p> <p>11.—(1) Any person may make representations about a council’s preferred options paper.</p> <p>(2) Any such representations must be—</p> <p>(a) made within a period of not less than 8 weeks or more than 12 weeks starting on a date specified by the Council in 10(a)(vi) which the council specifies, and</p> <p>(b) sent to the address and/or email address specified pursuant to regulation 10(a)(iv) (vii).</p>	<p>Yes. There is uncertainty around the reference to consultation periods, specifically the date of compliance referred to as “starting on the day the Council complies with”</p> <p>Inconsistencies are evident when you consider the commencement of the POP consultation period is determined by the provision of documents in for inspection in Council offices, whereas the DPS consultation period is related to the to the ‘notice’.</p> <p>This should be rewritten as suggested with reference to “a date specified by the Council” used instead to remove uncertainty. An explanatory note could be provided in relation to</p>

	<p>16. (1) Any person may make representations about a development plan document.</p> <p>(2) Any such representations must be—</p> <p>(a) made within a period of not less than 8 weeks or more than 12 weeks starting on a date specified by the Council in 15(a)(v) of 8 weeks starting on the day the council complies with regulation 15(d); and</p> <p>(b) sent to the address and/or email address specified pursuant to regulation 15(a)(vi).</p> <p>18.—(1) Any person may make representations about a site specific policy representation (in regulations 17, 19 and this regulation referred to as “counter representations”).</p> <p>(2) Counter representations must be—</p> <p>(a) made within a period of not less than 8 weeks or more than 12 weeks starting on a date specified by the Council in regulation 17(1)(a)(ii) of 8 weeks starting on the day the council complies with regulation 17(1)(a); and</p> <p>(b) sent to the address and/or email address specified pursuant to in regulation 17(1)(a)(iii).</p> <p>(3) Counter representations must not propose any changes to the development plan document.</p>	<p>the closing date if considered necessary to provide clarity.</p> <p>All references to consultation periods should be approached in the same manner, note: 11(3) compliance refers to 10(a) when the documents are made available for inspection while 16(2) refers to 15(d) when notice is given in Belfast Gazette and by local advertisement.</p> <p>This should be simplified and linked to a date specified by the Council on its website.</p>
<p>PART 5 DPD Procedure</p> <p>Q10. If the answer is yes to Q8, do you believe an explanation in the LDP Regulations Explanatory note could be suffice to address any perceived concern? (If so, please provide suggested wording for this approach)</p>	<p>See above answers.</p>	

<p>Q11. Do you believe there is merit in amending the wording of the LDP Regulations to be more specific regarding the start and finish period for consultation? (If this is the case, please specify the part of the regulations to which this applies and suggestions on how this may be done)</p>	<p>See above answers.</p>	<p>Regulations should be amended to provide more certainty by specifying a date for the start of the consultation period. If considered necessary an explanatory note could be provided for clarity on closing dates / times.</p> <p>However, extending all periods to range from 8 to 12 weeks will allow Councils to take a precautionary approach in defining closing dates.</p>
3. Timetable, Publicity and notification requirements of the Planning (Local Development Plan) Regulations 2015		
<p>Q12. The LDP Timetable is an important project management tool, based on your experience to date, do you think there is merit in submitting a timetable for each stage of the LDP process as you approach that stage?</p>		<p>Yes, the complexity of the LDP process and various delays that we have experienced to date (which are outside of our control) means it becomes quickly outdated. The Council has amended the initial 2016 timetable on two occasions and currently await a response from DfI to inform a further revision. Considering we have not yet reached LPP stage more revisions are likely in the future. It is therefore evident that the timetable for the whole LDP process is not reliable and this should be addressed.</p> <p>This is particularly pertinent in the context of soundness test P1 “Has the DPD been prepared in accordance with the council’s timetable and the Statement of Community Involvement?”.</p>

<p>PART 2 Timetable</p>			<p>It therefore is sensible to provide a timetable specific to the stage of the process alongside a flowchart outlining the overarching LDP process and the Council’s position within it.</p>
	<p>Q13. Based on your experience should there be a change to the requirement for the timetable to be agreed by full resolution of the Council under 7(1)(a) of the LDP Regulations? (Please note that any changes should be suitably justified and supported by evidence)</p>		<p>It is considered that Planning Committee are best placed to make decisions on the LDP timetable. The requirement for the timetable to be agreed by resolution of the Council creates further unnecessary delay. It is worth noting that Full Council meetings usually occur on a monthly basis with exception of May (this year) due to the election and August due to summer recess.</p>
	<p>Q14. Based on your experience should there be a change to the current publicity and availability requirement under 8(1) (a) and (b) of the LDP Regulations? (Please note that any changes should be suitably justified and supported by evidence)</p>	<p>Availability of the timetable</p> <p>8.—(1) Where a timetable is agreed or deemed to be agreed under regulation 7, the council must—</p> <p>(a) make a copy of the agreed timetable available for inspection during normal office hours at—</p> <p>(i) its principal offices, and</p> <p>(ii) such other places within its district as it considers appropriate;</p> <p>(b) give notice by local advertisement of the following—</p> <p>(i) that the timetable is available for inspection,</p> <p>(ii) the place and times at which it can be inspected; and</p> <p>(c) publish the timetable on its website.</p>	<p>Yes – Reg 8 should be amended with (a) and (b) removed. The Council is not aware of any members of the public calling at Council offices to view the LDP timetable. The Council has however received telephone and email enquires regarding the timetable and members of the public were directed to and were content to view the LDP timetable on our website. The Council would upon request be content to issue or make hard copies available to view.</p> <p>A public notice relating to the timetable is unnecessary as the Regulations require all public consultation periods in the LDP process to be advertised as a minimum by local advertisement.</p>
<p>4. Requirements in relation to making available documentation in line with the Planning (Local Development Plan) Regulations 2015</p>			

<p>PART 3 POP</p>	<p>Q15. Based on your experience should there be a change to the current requirements to make available a Preferred Options Paper and associated documentation under 10(a), (b) and (d) of the LDP Regulations? (If so, please state how and provide evidence as to why this is the case)</p>	<p>Refer to Q4 for rationale for suggested amendments to Reg 10. (Copied below for ease of reference).</p> <p>Availability of the preferred options paper</p> <p>10. Before a council prepares a development plan document it must—</p> <p>(a) make the following documents and information available to view on its website, on or before the date specified by the Council in 10(a)(vi) available for inspection during normal office hours at the places referred to in paragraph (b) —</p> <p>(i) a copy of the preferred options paper,</p> <p>(ii) such supporting documents as in the opinion of the council are relevant to that paper,</p> <p>(iii) the title of the local development plan</p> <p>(iv) a brief description of the content and purpose of the preferred options paper,</p> <p>(v) details of how further information on the preferred options paper may be obtained</p> <p>(vi) (iii) a document containing a statement of the fact that the preferred options paper is available to view on its website and indicating the period specified by the council under regulation 11(2) as the period within which representations on the preferred options paper may be made, starting on a date specified by the Council,</p> <p>(iv) (vii) notice of the address and email address to which representations are to be sent.</p> <p>(b) the places referred to in paragraph (a) are —</p> <p>(i) the council's principal offices, and</p>	
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		<p>(ii) such other places within the council district as the council considers appropriate;</p> <p>(b) (c) send to notify the consultation bodies the information set out at paragraph (a) is available to view on its website;</p> <p>(d) (c) give notice by local advertisement of the information referred to in 10(a)(iii)(iv)(v)(vi) and (vii) following—</p> <p>(i) the title of the local development plan;</p> <p>(ii) a statement of the fact that the preferred options paper is available for inspection and the places and times at which it can be inspected;</p> <p>(iii) a brief description of the content and purpose of the preferred options paper, and</p> <p>(iv) details of how further information on the preferred options paper may be obtained; and</p> <p>(e) publish on its website—</p> <p>(i) the preferred options paper;</p> <p>(ii) such supporting documents as in the opinion of the council are relevant to the preferred options paper, and</p> <p>(iii) the document mentioned in paragraph (a)(iii) and notice mentioned in paragraph (a)(iv).</p>	
	<p>Q16. Based on your experience should there be a change to the current requirements to make available a development plan document under 15(a), (b) and (d) of the LDP Regulations?</p>	<p>Refer to Q5 for rationale for suggested amendments to Reg 15. (Copied below for ease of reference)</p> <p>Availability of a development plan document</p>	

	<p>(If so, please state how and provide evidence as to why this is the case)</p>	<p>15. Before submitting a development plan document to the Department under section 10 the council must—</p> <p>(a) make the following documents and information available to view on its website, on or before the date specified by the Council in 15(a)(v) for inspection during normal office hours at the places referred to in paragraph (b) —</p> <p>(i) a copy of the development plan document,</p> <p>(ii) a copy of the sustainability appraisal report under section 8(6)(b) or 9(7)(b), as the case may be,</p> <p>(iii) such supporting documents as in the opinion of the council are relevant to the preparation of the local development plan,</p> <p>(iv) a document containing the title of the Development Plan Document</p> <p>(v) a statement of the fact that the development plan document is available to view on its website and indicating the period within which representations on the development plan document may be made, starting on a date specified by the Council, and</p> <p>(vi) notice of the address and email address to which representations can be sent;</p> <p>(b) the places referred to in paragraph (a) are—</p> <p>(i) the council's principal offices, and</p> <p>(ii) such other places within the council district as the council considers appropriate;</p> <p>(c) send to the consultation bodies a copy of the documents set out in paragraph (a);</p>	
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		<p>(d) (b) give notice in the Belfast Gazette and by local advertisement of the following— the information referred to in 15(a)(iv), (v) and (vi).</p> <p>(i) the title of the development plan document, and</p> <p>(ii) a statement of the fact that the development plan document is available to view on its website and the period for inspection and the places and times at which it can be inspected; and</p> <p>(e) publish on its website—</p> <p>(i) the development plan document,</p> <p>(ii) such of the supporting documents as in the opinion of the council are relevant, and</p> <p>(iii) the notice mentioned in paragraph (a)(iv).</p>	
<p>PART 5 DPD Procedure</p>	<p>Q17. Based on your experience should there be a change to the current requirements to make available representations under Regulation 17(1) and 19(1) of the LDP Regulations? (Please note that any changes should be suitably justified and supported by evidence)</p>	<p>Refer to Q6 for rationale for suggested amendments to Reg 17. (Copied below for ease of reference).</p> <p>Availability of representations on a development plan document</p> <p>17.—(1) As soon as reasonably practicable after the expiry of the period referred to in regulation 16(2)(a) the council must—</p> <p>(a) make the following documents and information available to view on its website, on or before the date specified by the Council in 15(a)(ii) available for inspection at the places referred to in paragraph (b)—</p> <p>(i) a copy of the representations,</p> <p>(ii) a document containing a statement of the fact that the representations are available to view on its website</p>	

	<p>and indicating the period time within which counter representations may be made, starting on a date specified by the Council, and</p> <p>(iii) notice of the address and email address to which counter representations can be sent;</p> <p>(c) publish the representations on its website;</p> <p>(d) give notice in the Belfast Gazette and by local advertisement of the fact that representations are available for inspection and the places and times at which they can be inspected;</p> <p>(e) notify the consultation bodies of the fact that representations are available for inspection and the places and times at which they can be inspected; and</p> <p>(f) notify any person who has made (and not withdrawn) a representation in accordance with regulation 16(2) of those matters.</p> <p>19.(1) <u>Counter representations</u>: As soon as reasonably practicable after the expiry of the period referred to in regulation 18(2)(a) the council must—</p> <p>(a) make a copy of the counter representations available for inspection during normal office hours at—</p> <p>(i) its principal offices, and</p> <p>(ii) such other places within the district of the council as the council considers appropriate; and</p> <p>(b) publish the counter representations this information on its website.</p>	
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<p>Q18. Based on your experience should there be a change to the current requirements to make available submission documents under Regulation 21 of the LDP Regulations? (Please note that any changes should be suitably justified and supported by evidence)</p>	<p>21. As soon as reasonably practicable after a council submits a development plan document to the Department it must—</p> <p>(a) make the following documents and information available to view on its website available for inspection at the places referred to in paragraph (b) —</p> <p>(i) a copy of the development plan document,</p> <p>(ii) the documents specified in regulation 20(2), and</p> <p>(iii) such other documents as in the opinion of the council are relevant to the preparation of the development plan document;</p> <p>(b) the places referred to in paragraph (a) are—</p> <p>(i) the council's principal offices, and</p> <p>(ii) such other places in the district of the council as the council considers appropriate;</p> <p>(c) (b) notify the consultation bodies that the information set out of the fact that the development plan document and the documents mentioned in paragraph (a) is are available to view on its website for inspection and the places and times at which they can be inspected.</p> <p>(d) notify any person who has made (and not withdrawn) a representation in accordance with regulation 16(2) or 18(2) of those matters;</p> <p>(e) give notice in the Belfast Gazette and by local advertisement of the fact that the development plan document has been submitted to the Department; and</p> <p>(f) publish the notice mentioned in paragraph (e) on its website.</p>	<p>The submission of the Development Plan Document and accompanying information is not an opportunity for engagement with the public or consultee bodies. Regulation 21 should therefore be amended to simply notify the relevant parties that the submission has been made.</p> <p>Again for the reasons previously laid out, the requirement to make available all documents in hard copy at Council offices is resource extensive and costly and contrar to sustainability objectives. The Council are not aware of any requests to view the submission documents in hard copy however enquires received by phone or email have been directed to our website which proved to be suffice. This requirement to place hard copies for inspection at Council offices, similarly to other recommendations should be removed.</p> <p>Should the requirement to notify consultation bodies and any person who has made a rep or counter-rep be retained, this negates the need to place an advertisement in the Belfast Gazette and by local advertisement, consequently part (e) and (f) could be removed as no further public participation is being invited.</p>
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<p>Q19. Based on your experience should there be a change to the current requirements to make available the adopted development plan document and associated documentation under Regulation 24(3)(a)-(d) of the LDP Regulations? (Please note that any changes should be suitably justified and supported by evidence)</p>	<p>Mid Ulster District Council have not yet reached this stage however for the reasons previously discussed we recommend removing the requirement to place hard copies in Council offices to be replaced with provision of the information on the Council website.</p>		
<p>5. Submission of plan documentation required by the Planning (Local Development Plan) Regulations 2015</p>			
<p>PART 5 DPD Procedure</p>	<p>Q20. Based on your experience should there be a change to the requirements surrounding the submission of documents for Independent Examination under Regulation 20 of the LDP Regulations? (If so, please state how and provide evidence as to why this is the case)</p>	<p>Submission of documents for independent examination</p> <p>20.—(1) Before a council submits a development plan document to the Department under section 10, it must consider representations made under regulation 16 and, as the case may be, regulation 18.</p> <p>(2) The documents prescribed for the purposes of section 10(3) are—</p> <p>(a) the report under section 8(6)(b) or, as the case may be, section 9(7)(b),</p> <p>(b) the statement of community involvement,</p> <p>(c) evidence that the council has complied with its statement of community involvement,</p> <p>(d) copies of the notices referred to in regulation 10(a)(iv), 15(a)(iv), and 17(1)(a)(iii),</p> <p>(e) the timetable,</p> <p>(f) a statement setting out—</p>	<p>20(d) to be amended as applicable to any changes implemented to 10, 15 and 17.</p> <p>The submission to Department should be via electronic communication for the aforementioned reasons with no requirement for provision of hard copies.</p>

		<p>(i) a summary of the main issues raised in representations made in accordance with regulation 11(2), and</p> <p>(ii) how those main issues have been taken into account in the preparation of the development plan document;</p> <p>(g) a statement setting out—</p> <p>(i) if representations were made in accordance with regulation 16(2) or 18(2), the number of representations made and a summary of the main issues raised in those representations, or</p> <p>(ii) that no such representations were made;</p> <p>(h) copies of any representations made in accordance with regulation 16(2) or 18(2), and</p> <p>(i) such supporting documents as in the opinion of the council are relevant to the preparation of the development plan document.</p> <p>(3) The council must also send to the Department via electronic communication —</p> <p>(a) where the development plan document is a plan strategy, a copy of that plan strategy, or</p> <p>(b) where the development plan document is a local policies plan—</p> <p>(i) a copy of that local policies plan, and</p> <p>(ii) a copy of the adopted plan strategy</p>	
<p>Please add any other comments.</p>			
<ul style="list-style-type: none"> • The definition of consultation body should be redefined to remove onerous and unnecessary consultation with bodies who have no interest / apparatus in N.I. • The timetable should provide an overview of the LDP process, i.e. POP. DPS and LPP however to avoid numerous revisions, timeframes should only be stipulated for the stage at which the Council is at. 			

- The requirement that the timetable be agreed by full resolution of the Council should be removed to avoid unnecessary delay as Planning Committee agreement is considered suffice.
- The regulations are interrelated and therefore amendments to a single part can rarely be considered in isolation. Consistency should be provided across the regulations, with similar stages adopting similar requirements, cross-referencing and wording.
- Consultation periods for the POP, DPD (reps) and DPD (counter reps) should adopt a timeframe of 8 to 12 weeks to afford Council's the necessary flexibility to adjust consultation periods as deemed appropriate.
- The start date of consultation periods should be clearly defined by Councils to remove ambiguity.
- The provision of hard copies of documents in Council offices should be removed and instead documents and information should be placed on the Council's website, supported (where appropriate) by notice in the Belfast Gazette and by local advertisement. This will assist in contributing toward the Council's sustainability objectives and removes unnecessary expense and resourcing. Request to view documents in Council offices can be facilitated upon request.
- The submission of the DPD should be via electronic communication and advertisement of the submission removed given consultation bodies and any person who has made a rep or counter rep will have been notified.

Thank you for taking the time to complete this questionnaire.