

Derry City and Strabane District Council

Open Minutes of Planning Committee (LDP) held in the Council Chamber, Council Offices, Derry Road, Strabane on Monday 19 September 2016 at 4.00pm.

Present:- Councillor Boyle (Chairperson); Aldermen Bresland, M Hamilton, and Kerrigan; Councillors Dobbins, Gardiner, Hassan, Hastings, Jackson, D Kelly, McGuire and R McHugh.

Non Members of Committee:- Alderman Hussey.

In Attendance:- Principal Planning Officer (Mr P McCaughey), Senior Planning Officer (Mr J McNee) Planning Officers: (Ms N Carr and Ms P McAteer), Democratic Customer Services Officer (Mrs S Maxwell), Committee Services Assistant (Mrs M Doherty).

PLDP17/16 Notice and Summons of Meeting

The Principal Planning Officer read the Notice and Summons for the Meeting.

PLDP18/16 Apologies

Apologies for absence were received from Alderman Thompson and Councillors Logue and R McHugh

PLDP19/16 Declarations of Members' Interest

There were no Declarations of Members Interest

Open for Decision

PLDP20/16 Deputations (none)

There were no deputations on this occasion.

PLDP21/16 Chairperson's Business

The Chair advised Members that the Principal Planning Officer had a few items that he wished to raise under Chairperson's Business:

The Forthcoming Planning (LDP) Workshop Dates:

The Principal Planning Officer outlined the following detail in relation to the forthcoming workshops and asked Members to note the dates in their diaries:

- Workshop 5 – is unchanged, at 2pm on Monday 26 September, at the Green Room, Guildhall. (P&CSP has been brought forward). PAC will present to this Meeting – on Planning Appeals and on the LDP, so it is particularly important that Members of the Planning Committee attend.
- Workshop 6 – unchanged, on Monday 17 October at 2pm, Strabane
- Workshop 7 – will be brought forward by 1 week to Monday 24 October at 2pm in Derry. Please amend you diaries accordingly.

LDP Training Events

The Principal Planning Officer outlined to Members the following training events and sought nominations for attendance at both events.

- Starting the Local Development Plan Process - Half-day course 9am – 1.30pm, Belfast, 26 October.

The Committee

Recommended that Councillors Boyle and McGuire attend the above event.

- LDP Soundness (Provisional) - Half-day course 10.30am – 1.30pm, Newtownabbey 25 November.

The Committee

Recommended that Councillor Boyle attend the above event.

Workshop Papers at Appendices 2-7 (Items 9-12)

The Principal Planning Officer advised that appendices 2-7 incorporated in agenda items 9-12 are works-in-progress and will be published as part of the Evidence Base along with the Preferred Options Paper in accordance with Regulation 10(2) of the Planning (Local Development Plan) Regulations (NI) 2015. Therefore, they will

not been placed on the public website now, until after they have been updated and finalised.

PLDP22/16 Confirmation of the Open Minutes of the Planning Committee (LDP) held on Monday 16 May 2016.

The Open Minutes of the Meeting held on 16 May 2016 (PLDP4/16-PLDP16/16) were confirmed and signed by the Chairman.

PLDP23/16 Matters Arising

PLDP9/16 Regional Development Strategy 2035 (RDS) – Revised Housing Growth Indicators (HGIs) (REF P46/16)

The Principal Planning Officer sought clarification from Members in relation to the recommendation recorded at the previous meeting in relation to the above report. Where it was recommended that the invitation to the Minister for Regional Development would be issued by Officers and when an agreed date for the meeting was confirmed that Elected Members would be in attendance. Members confirmed that this was an accurate interpretation of the proposed course of action.

PLDP11/16 Overview of LDP Process and Structures for Delivery

The Principal Planning Officer brought to Members attention recommendation (ii) from the last meeting in relation to the above report. He advised that nominations and substitute nominations for the Membership of the LDP steering group were still to be agreed.

The following nominations and substitute nominations were dully noted:

- The Chair of the Planning Committee Councillor Boyle.
- SDLP – Councillor Hastings, substitute Councillor Dobbins.
- Sinn Fein – Councillor McGuire, substitute Councillor Hassan.
- UUP – Alderman M Hamilton, substitute Alderman Hussey (clarification to be sought if Members who are not on the Planning Committee can be substitutes).
- DUP – Alderman Kerrigan, substitute Alderman Bresland.

PLDP24/16 Overview of LDP Process, Work Plan & Stage towards Delivery

The Principal Planning Officer advised that the purpose of the above paper was to remind Members about the process of preparing the new

Local Development Plan 2030 (LDP) for Derry City and Strabane District, and particularly to update Members on the progress made to-date and hence on the current stage we are at towards the ongoing delivery of the Plan preparation.

The Principal Planning Officer advised of the hard copy documents available for Members to view. He stressed the important work that Officers and Members have completed and that he was looking forward to working with Members on the work plan.

The Committee

Recommended Council note the contents of the paper, agreeing to proceed with the decision-making process and broad timescales as set out in the work plan.

PLDP25/16 LDP Context, Population & Growth Strategy – Options for POP

The Senior Planning Officers advised that the purpose of the above paper was to present to Members a summary of the salient issues, discussed at the LDP Workshops or supplied by Members in subsequent responses, which dealt with the respective LDP topics. The paper also sought Members approval as to how best to progress these topics towards the Preferred Options Paper (POP) stage of the LDP in Spring next year.

A non-committee Member of the UUP grouping referred to point 3.1 in the paper which indicated that there would be no constraints and how this is contradicted at point 3.7 of the paper which illustrates that there will be constraints. He stated that he was in agreement that the City would have Principal City status in the North West and Strabane would be identified as a main hub, however he had difficulties about the lack of recognition for the rural areas of the City and District that were equally a valid part of the LDP. He further referred to 3.8 of the report and stressed that all references to BREXIT have been about the challenges and that no account has been taken of the opportunities that it can present and he felt that this should be noted.

In response the Principal Planning Officer, referred to the acknowledgment within the paper of the City as Principal City and Strabane as a main hub, but he stressed that this does not under-value

or not fail to take account of the important role villages and vibrant rural areas play in the LDP.

A Member of the Sinn Fein grouping raised his concerns about the level of housing growth required to the period 2030. He stressed that the reference in the paper to 5,000 homes needed for the population to the period 2030, in his opinion was understated. He referred to the current housing crisis in the City, where it has been indicated that 4,000 homes are currently needed to meet the demand and therefore the prediction of 5,000 has to be inaccurate. He also sought clarification that if once the LDP has been finalised, will it be monitored and what opportunities exist for it to be reviewed.

In response, the Senior Planning Officer advised that early indications of statistical findings were that the population growth for the area would increase by 10,000. These figures are constantly updated and that a recent population growth estimate of 2,000 has been deemed more realistic and on that basis the figure of 5,000 homes has been reached. The Principal Planning Officer referred to the housing growth indicator arrived at by statistician of 5,800 homes needed for the area up to 2030. He advised that it has been highlighted that this does not match up with the Housing Executive's stated housing need. He stated that this has been acknowledged by officials and this will be monitored and should the case arise, officials will put forward a case on the basis that the housing growth figure being projected is not realistic. He further clarified that the plan when finalised will be in existence to 2030 however it will be annual monitored with a review being carried out every 5 year period so there will be an opportunity to review and update.

A Member of the SDLP grouping in concurring with the previous speaker, raised his concerns at the predicted housing growth estimation. He maintained that to build what is currently needed, would leave only 1,000 homes required for the duration of the plan. He acknowledged that the population growth has slowed down however he felt what was being estimated would be insufficient. He stated that NISRA need to provide a realistic population growth for the area and then on that basis, an informed decision on housing growth indicators can be made.

In response, the Principal Planning Officer advised that the figure of population growth has been arrived at by NISRA and that it is constantly being reviewed. He stated that this statistical information

takes into account the latest trends in terms of birth rates, families, mortality rates and immigration. He stated that immigration is a significant factor in these figures with the projected immigration level in boom times being much higher than the latest figures which will impact on the population growth indicators. He added that this is not a cap or target but an indicator to use in addressing identified need. Council have their own statistician as part of the Community Planning team and are therefore in the position to make a good robust case if needed to achieve a better allocation for this area. As an indicator this is not an area of concern for Officers.

A Member of the Sinn Fein grouping stated that he was in agreement with previous comments made by the UUP non-committee Member in relation to the need for acknowledgment of the rural areas of the City and District however he could not concur with the remarks made in relation to the opportunities that BREXIT will present. He stressed that it is important the LDP takes account of the North West Gateway and its linkages with Donegal and infrastructure opportunities. He stated that it would be short sighted of Council not to take account of our neighbours.

In response, the Principal Planning Officer advised that rural proofing is a serious component of drafting the LDP. He referred to the comments made in relation to BREXIT and that the uncertainty that will bring. He stated that it may be 2-3 years before a clear picture of what impact BREXIT will have. This uncertainty assists Officers to argue cases in terms of the number of homes needed and employment opportunities.

Another Member of the Sinn Fein grouping raised his concerns on the lack of rural inclusion in the paper. He stated that he was not encouraged by what was being presented. He referred to the transfer of planning powers to Council and the misleading information about the development of the LDP. He referred to the workshops where promises were made about developing rural areas and that the policy and statement were to act as guidance in the drafting of Council policies for the implementation of the LDP. He stated that in his opinion, it was more of the same as before wherein DOE policy was automatically implemented in Council.

In response, the Principal Planning Officer noted the concerns of the Member. He stated that the legislation and policy documents provided have to be taken account of, but by no way means Council will be a

slave to them. He stated that in drafting any policy if Council can justify the soundness of a case for the policy, then it can be put forward.

The same Member stressed that the paper presented does not give that reassurance and that it needed to be included in the paper.

The Principal Planning Officer acknowledged the Members comments and advised the policy context had to be acknowledged. He stated that all policies will be subject to an EQIA appraisal and sustainability appraisal. He advised that this is preliminary process and that further workshops will make decisions on how to progress the LDP in terms of the entire District inclusive of the City, town and all rural areas.

A Member of the SDLP in supporting the previous comments stated that it is important that we have inclusion of all the entire Council area in the narrative. He added that the LDP will provide a long term vision and it would be important that the Council does not place any undue restrictions at this stage.

Another Member of the SDLP grouping stated that she was disappointed at the figures presented. She stressed that this plan when produced, will be the foundation for attracting extra investment into the Council area. She felt that with the strides being made in education, with expansion of the Magee Campus, that she would hope that 10,000 for population growth was an underestimation. She stated that the Council area should be seen as an economic hub of the North West. She felt that the Plan should show more optimism for the area and be positive.

A Member of the DUP grouping also raised his concern at the lack of rural inclusion in the paper being presented. He stated that this is Council's opportunity to get it right and that on behalf of the constituents that he represents, rural opportunities are of extreme importance. He added that the figures presented are not adding up and that this needs to be looked at, Officers need to work at it to get it right first time round.

A Member of the Sinn Fein grouping concurred with the remarks of Members in the Chamber. He acknowledged that the regulations have a huge impact on the development of the LDP but he stressed that we need to take account of all the issues and ensure these are adequately addressed in the policy before we move on. He made reference to 92 pages of legislation, regulation and policy statements that exist and

stated that if Council does not act now, in his opinion Council will have no room for manoeuvre and will be constrained.

A lengthy discussion ensued and a Member of the Sinn Fein grouping proposed that the paper be deferred to allow Officers more time to work up the paper incorporating Members concerns. This was seconded by another Member of the Sinn Fein grouping.

The Committee

Recommended that the above Paper be deferred to allow officer time to work up the paper incorporating Members comments.

PLDP26/16 Built Environment and LDP – Options for POP

The Planning Officer advised that the purpose of this paper is to present a summary of the salient issues, discussed at the LDP workshops or supplied by Members in subsequent responses, which dealt with the respective LDP topics. The paper also sought Members agreement as to how best to progress these topics towards the Preferred Options Paper (POP) stage of the LDP in Spring Next Year.

The Committee

Recommended that (i) the contents of this paper as part of the Council's 'evidence base' and SA 'environmental baseline' are noted; and

(ii) Members agree that Planning Officials proceed to develop options in line with this paper and consultation with key consultees/stakeholders, especially the Historic Environment Division (HED, of DFC). These options can be firmed up as part of the subsequent LDP preferred Options stage.

PLDP27/6 Natural Environment, Countryside Assessment and LDP – Options for Preferred Options Paper

The Planning Officer advised that the purpose of the above paper was to present a summary of the salient issues, discussed at the LDP workshop or supplied by Members in subsequent responses, which dealt with the respective LDP topics. The paper also sought Members

agreement as to how best to progress these topics towards the Preferred Options Paper stage of the LDP in spring next year.

The Planning Officer then proceeded to take Members through the contents of the paper, a copy of which had been provided previously to Members.

A Member of SDLP grouping queried if the designation of a green belt would take place prior to confirmation of a new settlement plan. He highlighted that there was now an opportunity to assess the location of residential and industrial settlements alongside green belts and ensure that there were adequate distances between each to prevent any opposition from residential occupants in the future.

A non-committee Member from the UUP grouping queried whether the designated green belt would be adequate for both the housing and industrial needs of a developing city. He stressed that it should not impede future development both in the City and in satellite areas.

A Member of the Sinn Fein grouping in acknowledging the availability of guidance notes for development in Areas of Outstanding Beauty (AONB), highlighted his concerns at the absence of a management plan for the Sperrin's AONB. He queried how this matter would be taken forward.

In responding to Members comments, the Principal Planning Officer clarified that the paper set out what was acknowledged as the most important natural heritage designations throughout the District. He advised that whilst Planning has a role to protect these designations, there was no intention to apply unwarranted strict policies or restrictions. He clarified that the report was provided for information purposes at this stage.

He further explained that the process will review existing designations, assess the need for any further designations and will involve further studies and consultation with relevant bodies. Following which, findings and recommendations will be brought back to Committee. He confirmed that consideration will be given to providing design guidelines for the Sperrins AONB.

The Committee

Recommended that (i) the contents of this paper as part of the Council's 'evidence base' and SA 'environmental baseline' are noted; and

(ii) Members agree that Planning Officials proceed to develop options in line with this paper and in consultation with key consultees and stakeholders, especially the NI Environment Agency (NIEA, of DAERA).

PLDP28/16 Policy Review – Options for LDP Preferred Options Paper

The Principal Planning Officer stated that the purpose of this report was to present a summary of the salient issues, discussed at the LDP workshops or supplied by Members in subsequent responses, which dealt with the respective LDP topics. The paper also sought agreement from Members as to how best to progress these topics towards the Preferred Options Paper stage of the LDP in the spring next year.

He explained that it is this early stage of the process - the Plan Strategy Stage, wherein options relating to the development of policies will be considered. He advised that all Planning Policy Statements (PPS's) will cease to have effect once the Plan Strategy is adopted. He stated that the workshops focused on the PPS's and policies which should initially be reviewed. He stressed that whilst all policies would be open to review, this would involve a significant piece of work and would be extremely resource intensive. For this reason, the recommendation of officials was to focus on no. 5 PPS's i.e. PPS4 – Economic Development, PPS7 – Quality Residential Environments, PPS16 – Tourism, PPS18 – Renewable Energy and PPS21 – Development in the Countryside.

A Member of the Sinn Fein grouping whilst acknowledging that this task involved a significant piece of work; stressed the importance of the task.

A further Member of the Sinn Fein grouping welcomed the report however raised his concerns at the interpretation of the input from consultees. He referred to the example wherein the consultation input from the NI Tourism Board in March 2015, was that the Strabane District Council had under-capacity in terms of its tourism provision; however the same body subsequently stated in April 2015 that the Derry and Strabane District Council area had 40% over capacity. He stressed that accommodation provision is required across the entire district and there should not be a tendency to direct people to accommodation providers in the City.

The Committee

- Recommended** that Members (i) accept the contents of this paper as part of the Council's LDP 'evidence base'; and
- (ii) agrees that Planning Officials proceed to consultation with key consultees and stakeholders regarding the identification of the various policies which require review, with resultant policy options. These options or policy directions can then be firmed up and reported to and discussed with Members as part of the subsequent LDP Preferred Options stage.

PLDP29/16 Consultation from Donegal County Council on AA Screening & SEA Preliminary Scoping Report on the Draft Co. Donegal Development Plan

The Senior Planning Officer stated that the purpose of the above report was to appraise Members that Planning Officials had recently received consultations from Donegal County Council (CDDP) on (a) a Screening Report (in relation to Appropriate Assessment – AA) and (b) a Preliminary Scoping Report (in relation to Strategic Environment Assessment – SEA). Both reports are associated with a review of the current Co. Donegal Development Plan 2012-2018 and preparations for a new Co. Donegal Development Plan 2018 – 2024. He highlighted that these reports will determine whether or the CDDP will have likely significant impacts upon Natura 2000 sites (AA) or on the environment in general (SEA).

He advised that on the basis of a preliminary screening assessment, Donegal County Council have determined that they cannot conclude that there will be no significant effects on Natura 2000 sites and accordingly the draft CDDP will need to undertake a Stage 2 Appropriate Assessment. The Derry City and Strabane District Council's Planning officials have consulted with Shared Environmental Services and concur with this standard AA determination.

The Senior Planning Officer proceeded to take the Members through the contents of the paper, a copy of which had been provided previously to Members.

The Committee

Recommended that Members (i) note the contents of the report; and
(ii) agrees that the Council response be issued to Donegal County Council planning officials.

The Meeting went into Confidential Business.

The Meeting ended at 5.50pm.