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**Fermanagh & Omagh Draft Plan Strategy - Guidance Notes on the Tests of Soundness and Submitting a Counter Representation**

Hard Copies of all Representations received on the draft Plan Strategy are available for inspection during normal opening hours at the Council’s principal offices. The documents can also be viewed at www.fermanaghomagh.com

Please contact us if you need any further advice or have any questions: developmentplan@fermanaghomagh.com or Tel: 0300 303 1777

**The consultation runs from Thursday 2nd May until 5.00pm Thursday 27th June 2019.**

Counter Representations made will be treated as a formal representation and considered at the Independent Examination (IE) conducted by the Planning Appeals Commission or other independent body. The purpose of an IE in respect of a Development Plan Document (DPD), in this case the Plan Strategy, is to determine whether it satisfies certain legislative requirements and whether it is ‘sound’. In carrying out the examination, a series of tests will be applied taken from the Department for Infrastructure’s Development Plan Practice Note (DPPN) 06 (see [www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)). These ‘Tests of Soundness’ are also reproduced at the end of this guidance note for your convenience.

**How to Make Comments**

You can download a copy of the Counter Representation form from the Council’s website and which can be used for postal or email comments. If you are responding by email, please use the word compatible version.

**Your Contact Details**

Please complete this section so that:

* We can contact you, if necessary, to clarify the response you have made to ensure that we have understood, recorded and considered your comments appropriately;
* The independent examiner can contact you as part of the examination process to, if necessary, clarify the responses you have made or to invite you to participate in the examination;
* We can notify you about the progress of the Plan Strategy following this consultation.

The Agent’s contact details are only needed to be completed if someone is sending counter representations on your behalf. This could be someone you have paid to make counter representations (such as a planning consultant) or a family member or friend. While we will deal with your agent on a day-to-day basis, the counter representations are classed as your own.

**How we will use your personal information**: The Council is required by law to publish your representation and make it available for inspection. Unless otherwise stated by yourself, this will include your name and postal address. Your personal telephone number, personal email address and signature will not be published.

**Your Counter Representation**

If you have previously made a representation it would be useful to provide details of this, including your Reference Number, so that we, and the independent examiner, can ensure that your counter representation is considered as fully as possible during the plan-making process.

Counter representations can be made by any person but may only be made about a site specific policy representation.

A site specific policy is:

* A policy which identifies a site for a particular use or development;

A site specific policy representation is:

* A representation which seeks to change a policy by:

(a) adding a site specific policy to the Plan Strategy; or

(b) altering or deleting any site specific policy in the Plan Strategy.

A counter representation is not an opportunity to raise new issues regarding the Draft Plan Strategy but to allow the public to consider and respond to potential changes proposed by representations previously submitted during the consultation period 26th October to 21st December 2018. Thus, a counter representation must relate to a previously submitted representation and must not propose any further changes to the draft Plan Strategy. You must also clearly state the Reference of the submission to which your counter representation relates.

As the focus on the independent examination will be on the soundness of the Plan Strategy, and not on individual representations or sites, you are advised that any counter representation should be based on soundness (the tests of soundness are reproduced at the end of this guidance note for your convenience).

Additionally, a counter representation should demonstrate how it meets the requirements of the Sustainability Appraisal and demonstrate how the proposed alternative is more appropriate in meeting the sustainability objectives of the DPD. If you wish to make comments about more than one site specific representation you must complete further copies of the counter representation section.

Should your representation include references to websites you should identify precisely which part of the webpage you are utilising as your evidence, including section, paragraph and relevant sentences or content as applicable.

**Submitting Your Response**

To ensure your counter representation is considered, please ensure we receive them by **5.00pm 27th June 2019.**

Comments received after the closing date will not be recorded and will not be considered by the Council.

Completed forms can be returned to:

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| Local Development Plan Team | Or by email to: |
| Strule House  16 High Street  Omagh  BT78 1BQ | [developmentplan@fermanaghomagh.com](mailto:developmentplan@fermanaghomagh.com) |

**Next Steps**

It is anticipated that the Planning Appeals Commission or other independent body will hold an Independent Examination by the spring of 2020. An indicative timetable for this will be posted on the Commission’s website.

For further information, please visit [www.fermanaghomagh.com](http://www.fermanaghomagh.com) or email [developmentplan@fermanaghomagh.com](mailto:developmentplan@fermanaghomagh.com)

**Data Protection**

In accordance with the Data Protection Act 2018, Fermanagh and Omagh District Council has a duty to protect any information we hold on you. The personal information you provide on the Counter Representation Form will only be used for the purpose of Plan Preparation and will not be shared with any third party unless law or regulation compels such a disclosure. It should be noted that in accordance with Regulation 19 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the Council must make a copy of any counter representation available for inspection. The Council is also required to submit counter representations to the Department for Infrastructure and they will then be considered as part of the Independent Examination process.

For further guidance on how we hold your information, please visit the Privacy section at [www.fermanaghomagh.com/your-council/privacy-statement/](http://www.fermanaghomagh.com/your-council/privacy-statement/)

By submitting your counter representation, you confirm that you have read and understood the privacy notice and you give your consent for Fermanagh and Omagh Council to hold your personal data for the purposes outlined.

**The Tests of Soundness**

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| **Procedural tests**  P1 Has the Plan Strategy been prepared in accordance with Council’s Timetable and the Statement of Community Involvement?  P2 Has the Council prepared its Preferred Options Paper (POP) and taken into account any representations made?  P3 Has the Plan Strategy been subject to sustainability appraisal including Strategic Environmental Assessment?  P4 Did the Council comply with the regulations on the form and content of its Plan Strategy and procedure for preparing the Plan Strategy? |
| **Consistency tests**  C1 Did the Council take account of the Regional Development Strategy?  C2 Did the Council take account of its Community Plan?  C3 Did the Council take account of policy and guidance issued by the Department?  C4 Has the plan had regard to other relevant plans, policies, strategies relating to the Council’s district or to any adjoining council’s district? |
| **Coherence and effectiveness tests**  CE1 Does the Plan Strategy set out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils?  CE2 Are the strategy, policies and allocations realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?  CE3 Are there clear mechanisms for implementation and monitoring?  CE4 Is it reasonably flexible to enable it to deal with changing circumstances? |