



**Fermanagh and Omagh District Council Local Development Plan
Soundness Self-Assessment Checklist for Draft Plan Strategy for Independent Examination**

(December 2020)

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1. Introduction

- 1.1 The Planning Act (Northern Ireland) 2011 [the 2011 Act] requires the Local Development Plan to be examined at Independent Examination (IE) to establish whether the plan is ‘sound’ in terms of content, conformity and the process by which it was produced. Section 10 of the 2011 Act deals with the IE of each development plan document (DPD) and states that the council must submit every DPD (i.e. draft Plan Strategy and Local Policies Plan) to the Department for Infrastructure (DfI) for IE. This statement comprises the Council’s self-assessment against the twelve tests of soundness contained within Development Plan Practice Note (DPPN) 6: Soundness and its’ progress in meeting each of them. These tests are based on three categories: procedural; consistency; and coherence and effectiveness and have a degree of overlap in terms of criteria used for each test. In addition, DPPN 6 also suggests that these examples may not constitute an inclusive and definitive list. Therefore, it is a matter for the council to decide the most appropriate evidence to demonstrate how it has met each test of soundness.
- 1.2 In its view, the Fermanagh and Omagh District Council considers that its draft Plan Strategy meets all the tests of soundness, including in terms of procedures, consistency, coherence and effectiveness. On the basis of this self-assessment, the Council considers that the dPS is ready for submission for independent examination and hereby submits the dPS and supporting documents to the Department for Infrastructure for examination of soundness under Section 10 of the Planning Act (Northern Ireland) 2011 and Regulation 20 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

Procedural Tests

Test P1: Has the DPD been prepared in accordance with the Council's Timetable and Statement of Community Involvement?

Key Questions/Requirements	Evidence Provided
<ul style="list-style-type: none"> Does the Timetable detail the main DPD stages and has it been prepared in accordance with Part 2 of the Planning (Local Development Plan) Regulations? Is the Timetable realistic and does it take account of available resources and has it regard to internal Council processes/committee processes? Have reasons for any delays and a revised Timetable been provided? 	<p>Yes - The PS has been prepared in accordance with the LDP Regulations with indicative dates for each stage of the preparation of the LDP. The draft PS was published on 26th October 2018 which was in accordance with the indicative timescale for publication of the draft PS as contained in the Revised Timetable i.e. within the 3rd quarter of 2018/2019 (Oct-Dec). It also explains why the initial timetable (May 2016) could not be met. The Timetable has been kept under review and revised as necessary in response to changing circumstances. Reasons for any delays have been reflected in the revised Timetables. <i>(Copy of initial Timetable March 2016, Revised Timetable June 2018, January 2020 and November 2020; copy of minutes for Council meetings 5 April 2016, 3 July 2018 and 4 February 2020; copy of correspondence from Dfl dated 5 May 2016, 9 July 2018 and 7 February 2020; copy of public notices)</i> Volume 4, FODC406, FODC407, FODC408, FODC416, FODC413 and FODC414.</p>
<ul style="list-style-type: none"> Has the Timetable been prepared in consultation with the PAC and other consultation bodies as the Council considers appropriate? 	<p>Yes - The PAC were kept informed of progress with preparation of the PS and Timetables. <i>(Copy of correspondence from PAC dated 5 April 2016, 28 June 2018, 20 December 2019, and 8 October 2020)</i> Volume 4, FODC415.</p>
<ul style="list-style-type: none"> Does the SCI set out how council will involve the community in exercising its local development 	<p>Yes - The SCI sets out clearly how the community will be involved in the process. <i>(Volume 4, FODC403-404)</i> In accordance with the SCI, an LDP Steering Group</p>

<p>plan functions in accordance with the SCI Regulations?</p> <ul style="list-style-type: none"> • Where the SCI makes a commitment to go beyond minimum statutory requirements, Council is satisfied that they can comply with those requirements. • Have the terms of the SCI and timetable been agreed by resolution of the Council and also agreed with the Department of Infrastructure. • Having regard to the nature of the DPD, have all of the relevant consultation/ participation procedures set out in the SCI been carried out? 	<p>was set up to provide an overview and strategic input on behalf of the whole community. <i>(Copy of ToR and Membership, Volume 4, FODC 411)</i>. A project management group was also set up comprising representatives from key statutory/government departments and relevant Council officers. The purpose of this is to ensure key consultees are able to contribute to and co-operate in the plan making process. The group acted as an initial scoping group for the SA, including SEA. <i>(Volume 4, FODC412)</i></p> <p>N/A</p> <p>Yes - <i>(Copy of letter from DfI dated 5th May 2016 and minutes for Council Meeting 2 February 2016 for initial SCI; copy of letter from DfI dated 24 June 2020 and minutes of Council Meeting 7 July 2020 for revised SCI)</i> Volume 8 FODC802, FODC820, FODC821 and FODC414.</p> <p>Yes - All requirements have been met including launch; public engagement meetings including public meetings. <i>(FODC405 and FODC413)</i></p>
<p>Test P2: Has the Council prepared its Preferred Options Paper (POP) and taken into account any representations made?</p>	
<p>Key Questions/Requirements</p>	<p>Evidence Provided</p>
<ul style="list-style-type: none"> • Has the POP been prepared and consulted upon in accordance with the Timetable and SCI? 	<p>Yes - The POP was published in October 2016 and within the indicative timescale of the Council's initial Timetable. Publication and consultation complied with the Timetable and SCI. <i>(FODC701, FODC406-408, FODC416, FODC403,</i></p>

<ul style="list-style-type: none"> • Do the POP and associated documents set out a distinctive Vision, Objectives as well as a range of options and a preferred option? • Are Options founded on a robust evidence base? • Where only one relevant option is presented does the POP clearly explain, by reference to evidence, why no alternative is available? • Do options take account of the Community Plan, RDS and SPPS? Departures are identified, explained and supported by robust evidence. • Has the POP been subject to an 	<p style="color: red;">FODC404 an FODC405)</p> <p>Yes - The Vision as set out in the POP is the same as the Community Plan's Vision. The objectives also aligned with many of the objectives of the Community Plan. Main Issues across a range of key topic areas were identified and, where practical, more than one option including a preferred option was provided.</p> <p>The POP was underpinned by background evidence in the form of Position Papers across a range of topics.</p> <p>There is only one instance where a single option was presented – Main Issue 10: Overarching Tourism. A second 'do nothing/business as usual' option was assessed as part of the SA process but it was not taken forward in the POP as it was not viewed as a 'reasonable alternative'. The 'preferred' and only option was considered to be in line with the SPPS and reflective of the importance of the natural environment and the need to protect special landscapes and/or conservation interests - which were also recognised tourism assets - from the impact of tourism development.</p> <p>Yes - As evidenced in the POP itself, the options took account of the policy context set by the RDS and SPPS, as well as taking into account the local context of the Council area. The Council's Community Plan was also being prepared at the same time, and information was shared between the two plans as well as officer input/consultation, to ensure that both documents were aligned.</p>
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<p>Interim SA?</p> <ul style="list-style-type: none"> • Has the council engaged with the consultation bodies for the purpose of generating alternative strategies and options and taken account of any comments received? • Has the council engaged with both consultation bodies and the public on the POP and considered any representations and comments received? 	<p>Yes - An SA Interim Report accompanied the POP. (Volume 7 FODC704)</p> <p>Prior to the preparation of the POP, all consultation bodies were consulted and requested to provide relevant information/identification of issues to inform the development of options. In addition, there was engagement with the Project Management Group in developing preferred options and assessment for sustainability. <i>Sample letter sent to consultation bodies seeking information/identification of issues pre-POP (Volume 5 FODC504)</i></p> <p>The council has taken account of all representations received from consultation bodies arising from the pre-POP engagement outlined above. Consultation bodies and the public were consulted on the POP on 3rd October 2016 and all representations have been considered prior to preparation of the DPD. The Public Consultation Report (February 2017) and Consideration of Representations to the Preferred Options Paper (October 2018) can be viewed on the council's website. <i>Sample copy of letter issued to consultation bodies etc. (Volume 5 FODC505)</i></p> <p><i>Copies of public notices, etc. (Volume 4 FODC413)</i></p> <p><i>Copy of Public Consultation Report (February 2017); Copy of Consideration of Representations to the Preferred Options Paper (October 2018) (Volume 7 FODC705 and FODC706)</i></p>
<p>Test P3: Has the DPD been subject to a SA including Strategic Environmental Assessment?</p>	
<p>Key Questions/Requirements Evidence Provided</p>	
<p>Has the DPD been subject to SA including Strategic Environmental Assessment? Has the Council complied with relevant</p>	<p>Yes - All these requirements have been met. A full SA/SEA assessment has been undertaken for all the strategic and development management policies and proposed designations in the draft PS.</p>

requirements contained within the EAPP (NI) Regulations?	(Volume 1 FODC103)
Test P4: Did the Council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?	
Key Questions/Requirements	Evidence Provided
<ul style="list-style-type: none"> Has the Council complied with the relevant requirements contained within the Planning (Local Development Plan) Regulations (Northern Ireland) 2015? Has the Council taken account of any representations received in relation to the POP and considered representations and counter-representations received on the Draft DPD? 	<p>Yes – The DPD is clearly titled as a Draft Plan Strategy for the Local Development Plan with the name of the district council. It sets out the council’s objectives in relation to the development and use of land in its district. It contains strategic policies for the implementation of those objectives and a proposals map to illustrate policies or proposals spatially. For example, proposed Areas of Constraint on Minerals Development; proposed Areas of High Scenic Value. The prescribed notice and availability for inspection of the DPD for public consultation has been undertaken. The council notified consultation bodies on 25 October 2018 giving details of the consultation period (8 weeks), the availability of all documents and how/when to make any submission. Publication of documents on council’s website. Public consultation on site-specific representations took place from 2 May to 27 June 2019. (Volume 1 FODC101 to FODC108; Volume 4 FODC413; Volume 5 FODC507 to FODC513;)</p> <p>Yes – The Council carefully considered all consultation responses received in relation to the POP. A Public Consultation Report was prepared and published in February 2017. A summary of how these were considered was published with the draft PS (Volume 7 FODC705 and 706; Volume 4 FODC405) In addition, workshops were held with Members in order to address specific issues raised in the POP representations.</p> <p>The Council has also carefully considered all representations and counter</p>

<ul style="list-style-type: none"> Does the DPD include separate justification for the policies and/or allocations it contains? 	<p>representations received in relation to the draft Plan Strategy and prepared a summary report and Consultation Report on issues raised and the Council's view on these.</p> <p><i>Copy of Summary Report on Main Issues raised in Representations to draft PS; DPS Consultation Report. (Volume 1 FODC115 and FODC109)</i></p> <p>Yes - The PS sets out a context and justification at the beginning of each topic policy grouping. Policies are clearly set within a box, below which is clarification of each policy where appropriate. In Part One, paragraphs 6.21 to 6.25 explain the rationale for the strategic allocation of land for housing in conjunction with draft strategic policy SP03. Likewise, the strategic allocation of land for industry and business is set out in paragraphs 6.26 to 6.27 and the accompanying draft strategic policy SP04.</p>
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Consistency Tests

Test C1: Did the Council take account of the Regional Development Strategy and SPPS?

Key Questions/Requirements	Evidence Provided
<ul style="list-style-type: none"> Do plan policies and allocations take account of the RDS and SPPS? Where an aspect of the DPD departs from the approach of the 	<p>Yes - Throughout the plan preparation process, every effort has been made to ensure that the content of the Plan Strategy and its policies have taken account of the RDS and SPPS. All the Background Papers summarise the pertinent regional planning context and therefore demonstrate how this has been considered in arriving at policies and proposals. The Plan's spatial growth strategy has been informed by the RDS and as set out in chapter 6.0 of Part One. There are no identified policy omissions with regard to regional planning policy. The Council also consulted with key consultees, including Dfl, on emerging policies and through this engagement, many of the policies were amended.</p> <p>The background papers and the SA report provide analysis of evidence and justification in support of policy direction. In those policies which represent a</p>

RDS or SPPS does the plan evidence base support a different approach?	slight deviation from the SPPS, this is set out either in the PS itself or in the accompanying background papers and commissioned studies. The SA Report also provides justification on why certain alternatives were followed.
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Test C2: Did the Council take account of its Community Plan?

Key Questions/Requirements	Evidence Provided
<ul style="list-style-type: none"> DPD policies and allocations give spatial expression to the Community Plan, highlighting where specific policies/allocations deliver aspects of the Community Plan. 	<ul style="list-style-type: none"> The PS sets out in Table 1 of Part One the link between the PS’s strategic objectives and those of the Community Plan, including outcomes. Given the strategic nature of the PS, only strategic designations have been brought forward at this stage and more specific policies/allocations will be identified at the Local Policies Plan stage. One example of how policies within the PS are linked to the Community Plan is in relation to Outcome 7 on the Environment which states that “Our outstanding natural environment and built and cultural heritage is sustainably managed and, where possible, enhanced.” The Council has brought forward additional designations to protect our most vulnerable landscapes through policy L02 Special Countryside Areas as well as policy for the AONB (L01) and the designation of Areas of High Scenic Value (L03). Additionally, the natural and historic environment policies support this outcome. The LDP Steering Group which oversaw the formulation of the draft policies, is comprised of elected members and Senior Council Officers including the Head of Community Planning thus ensuring a close relationship between the Community Plan and LDP. This is further supported by the public consultation on the POP which was conducted jointly with consultation on the draft Community Plan.

Test C3: Did the Council take account of policy and guidance issued by the Department?

Key Questions/Requirements	Evidence Provided
<ul style="list-style-type: none"> Do the objectives, policies and proposals contained within the 	<p>Yes: The Plan Strategy has been prepared in line with regional policy, principally contained within the SPPS, and good practice guidance (Development Plan</p>

Coherence and Effectiveness Tests	
Test CE1: The DPD sets 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.	
Key Questions/Requirements	Evidence Provided
<ul style="list-style-type: none"> Does the DPD have a coherent strategy and set out a distinct Vision, Objectives, strategic policies and, where relevant, allocations which are realistic and founded on a robust evidence base? 	<p>Yes - The Council is satisfied, as demonstrated by the draft PS and its supporting documents and background papers, that it has a coherent strategy. The overall strategy is considered to be a balanced approach which focuses major growth in the two main towns and sustaining its local towns, villages, small settlements and countryside. Its Vision is shared with the Community Plan and Corporate Plan and the objectives have been refined to align as much as possible with the Community Plan. It has been supported by a robust and proportionate evidence base comprising background papers and studies that have informed the development of the policies and proposals of the Plan Strategy. Where necessary this has included commissioned studies on specific topics.</p> <p>Apart from proposed strategic designations such as ACMDs and AoHSVs and proposed town centre Primary Retail Core/Primary Retail Frontage designations, there are no site-specific allocations of housing etc in the draft Plan Strategy. Such allocations will be addressed at the Local Policies Plan stage. There will be continuing engagement with adjoining councils as the Local Policies Plan is prepared.</p> <p>(Volume 2 and Volume 3; Volume 1 FODC101 to 108)</p>
<ul style="list-style-type: none"> Are DPD policies consistent with one another and do they support the plan's spatial growth strategy? 	<p>The Council is satisfied that the policies are consistent with each other and clearly support the Plan's growth strategy and objectives. For example: Plan Strategy Objective 1 is to "develop the roles of Enniskillen and Omagh as economic, transportation and cultural hubs providing the main focus for housing,</p>

<ul style="list-style-type: none"> • Have cross boundary issues been considered to ensure that the plan is not in conflict with the DPD of neighbouring district councils? 	<p>employment, shops, leisure activities, etc.” This is directly linked to the spatial growth strategy (paragraph 6.20 of Part One) which states at 2nd bullet point, ‘focus major population and economic growth within the main hubs of Enniskillen and Omagh.....’. Strategic policy SP02 Settlement and the strategic allocation of housing (47%) to the two main towns clearly underpin this along with SP04 (Strategic Allocation of Land for Industry) where 80% of industry and business land will be allocated to both main towns. Further support is provided through the retail hierarchy which places Enniskillen and Omagh at the top and is supported by policy TCR01 Town Centres and the town centre first approach for retail and other town centre uses.</p> <p>In addition, the SA/SEA process has sought to ensure that policies are consistent and coherent.</p> <p>The draft PS has been prepared and presented in a clear and consistent manner. The broad chapter headings of Part Two, with the policies associated with them, can easily be aligned under the three sustainability pillars of social, economic and environmental and link back to the strategic objectives.</p> <p>The Council is represented on two forums initiated by Mid Ulster District Council. One has a focus on the issues relating to the Sperrin AONB whilst the other is concerned with cross boundary/cross border issues. Whilst Statements of Common Ground have not been formally signed, discussions have taken place which have identified the main issues and what is the best approach to address these. The Council is satisfied that there is a clear understanding between the Council and its adjoining councils on the policy approaches used to address these issues in the Plan Strategy and that they do not conflict with the policy approaches of neighbouring district councils. It should be noted that these neighbouring councils are at different stages of plan preparation. (Volume 4 FODC402)</p>
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<ul style="list-style-type: none"> Where applicable, has consultation taken place with planning authorities in the Republic of Ireland? 	<p>Yes, consultation was undertaken with authorities in RoI at Pre-POP stage, POP and draft PS stages. In addition to the Cross Border Forum above, FODC held a Cross Border Planning Meeting with the four councils in RoI which identified common issues of concern (See background paper on Cross Boundary Working). There has been sharing of data on wind energy developments (within 15km of boundary of FODC) in order to inform the Landscape Wind Capacity Study. As part of the Habitats Regulations Assessment (HRA), an assessment of the implications for international sites in adjoining jurisdictions where there is potential for a transboundary effect, was also undertaken.</p>
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Test CE2: The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.

Key Question/Requirements	Evidence Provided
<ul style="list-style-type: none"> Is it clear that the council considered all relevant alternatives in preparing the DPD? 	<p>Yes, in summary:</p> <ul style="list-style-type: none"> The draft Plan Strategy is supported by a range of evidence on key topic areas including papers and studies prepared by the council or by consultants. Alternatives for the approaches selected in the Plan Strategy have been considered at all stages throughout the preparation of the Plan Strategy (including the POP); All relevant documents, which include the SA/SEA, have been made available to the public as part of the consultation stages of both the POP and draft PS. <p>The following provides details of where this is shown:</p> <ul style="list-style-type: none"> The POP set out the 'main issues' and provided a set of alternative options on how policies could be developed to address these. These issues and options were derived from topic background papers originally

	<p>prepared in 2015/16. As a consultation document the POP invited comment on these options as well as provided an opportunity for any other alternative options to be put forward.</p> <ul style="list-style-type: none"> • The key findings arising from the representations are summarised in the Public Consultation Report (February 2017). Subsequently, the Consideration of Representations Received to the Preferred Option Paper (October 2018) detailed how any alternative options put forwarded have been addressed. • On several occasions the LDP Members Steering Group, and focused Councillor Workshops, were presented alternative options for policies. <p>The Sustainability Appraisal considered alternatives at several stages. The SA Interim Report detailed assessment of the strategic options set out in the POP. The SA Report provides further details of how the assessment of alternatives informed the policies and proposals of the Plan Strategy. This included instances where some alternatives were discounted as not being realistic. Appendix 4 “Discussion tables and matrices”, details where decisions on alternatives were informed by consultation. (Volume 7 FODC704; Volume 1 FODC103)</p>
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Test CE3: There are clear mechanisms for implementation and monitoring

Key Questions/Requirements	Evidence Provided
<ul style="list-style-type: none"> • Does the DPD include provisions for implementation, delivery and monitoring including how this relates to the later preparation of an Annual Monitoring Report (AMR)? 	<p>Yes – The draft PS indicates how it is to be implemented and monitored. Much of the implementation of the PS will be through the determination of planning applications. Decision-making will be monitored to ensure that the policies remain relevant and effective. The LDP will be monitored in line with the monitoring framework set out in Part Two, Chapter 7. There are a range of indicators for monitoring main policy performance. This includes the need to assess whether the housing supply is being delivered across the settlement hierarchy in accordance with the growth strategy, and whether there is a need to release Phase 2 housing. Monitoring of zoned industry and business land will</p>

<ul style="list-style-type: none"> DPD policies are demonstrated to have a realistic prospect of implementation. 	<p>also be undertaken in order to ensure that there is sufficient provision and take up of land and this will inform the LDP the Annual Monitoring Report (AMR) and any subsequent policy and plan review. The AMR will be implemented following adoption of the PS. The baseline for the appraisal of the Plan is set out within the SA Report. In addition, the LDP will be subject to the statutory review process to ensure that its policies and zonings/designations are appropriate.</p> <p>The PS provides a specific strategic policy for the allocation and management of housing supply (SP03) and details how Phase 1 and Phase 2 land will be identified at LPP stage. The PS demonstrates how the district housing requirement might be delivered over the plan period through existing commitments, zonings and windfall sites.</p>
<p>Test CE4: It is reasonably flexible to enable it to deal with changing circumstances.</p>	
<p>Key Questions/Requirements</p>	<p>Evidence Provided</p>
<ul style="list-style-type: none"> How flexible is the plan to unexpected changes in circumstances? 	<p>The draft PS largely reflects established planning policy and the policies contained within it should cover every eventuality. Ongoing monitoring will ensure the Plan remains relevant and whether there is a need to review or amend the Plan. This includes where there may be unexpected trends or significant changes to regional policy and guidance. The plan is flexible to changing economic circumstances and can meet any unexpected increases in future housing demand through existing housing supply commitments.</p>