



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

Statement of Community Involvement (SCI)

Revised January 2024

Contents

1.0	What is the Statement of Community Involvement?	1
	Purpose	1
	Our Vision of Participation.....	1
	Principles of Community Involvement.....	2
2.0	Community Involvement in the Preparation of the Local Development Plan.....	3
	Purpose and Process.....	3
	Who can get involved?.....	4
	Empowering disadvantaged and under-represented groups.....	4
	How and when will the Community be involved?	5
	STAGE 1: INITIAL PLAN PREPARATION	7
	STAGE 2: PREPARATION AND ADOPTION OF PLAN STRATEGY.....	10
	Draft Plan Strategy - Public Inspection of Representations and Counter Representations	11
	Draft Plan Strategy - Independent Examination.....	12
	Adoption of Plan Strategy.....	13
	STAGE 3: PREPARATION AND ADOPTION OF LOCAL POLICIES PLAN.....	14
3.0	Community Involvement on Other Forward Planning Matters.....	18
	Supplementary Planning Guidance (SPG).....	18
	Conservation Area Designation	18
	Designation of a Simplified Planning Zone	19
4.0	Community Involvement in the Council’s Development Management Function	20
	Purpose	20
	PRE-APPLICATION STAGE.....	21
	APPLICATION STAGE	22
5.0	Community Involvement in Planning Enforcement.....	288
	Appendix 1	300
	Appendix 2 - Consultees for Development Management	Error! Bookmark not defined. 2
	Appendix 3 – Flow Chart for Processing Planning Applications.....	34

STATEMENT OF COMMUNITY INVOLVEMENT (SCI) FOR THE NEW FERMANAGH AND OMAGH LOCAL DEVELOPMENT PLAN 2030 AND DEVELOPMENT MANAGEMENT FUNCTIONS

1.0 What is the Statement of Community Involvement?

Purpose

1.1 The purpose of this Statement of Community Involvement (SCI) is to define how we will engage with the community in the delivery of our planning functions. It is set within the context of the Council's Corporate Plan and meets the requirements of the Planning Act (Northern Ireland) 2011 and the Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015. The Council's planning powers include:

- Developing a Local Development Plan which will set out what the Council area should look like and how land should be used and developed in the future;
- Receiving and making decisions on the majority of planning applications; and
- Investigating alleged breaches of planning control and determining what enforcement action should be taken.

1.2 This SCI describes who, how and when the community will be involved in the different stages of the Local Development Plan formulation, in the determination of planning applications, in planning enforcement, and in other planning matters. The SCI is not intended to be a source of definitive legal advice. Reference should be made to the actual legislation referred to in the statement and if any discrepancy or conflict exists between the statement and legislation, the provisions of the legislation shall prevail.

Our Vision of Participation

1.3 The Council's Corporate Plan defines our values which include commitments to engagement and involvement, sustainability, accountability and acting with integrity, treating all in an equitable and respectful manner.

1.4 Accordingly, we are committed to ensuring that communities are empowered and share a sense of effective participation in the decision making process to improve their quality of life and to ensure we deliver the highest quality services to our customers.

1.5 This shared vision of participation in decision making seeks to ensure that:

- Everyone has an early and informed opportunity to express their views on the development of the District and have these considered before decisions are made;
- All groups in our community, regardless of religious belief, political opinion, racial group, age, sex, marital status, physical ability, sexual orientation, and those with and without dependants are enabled and empowered to participate.

1.6 It is intended to adopt a proactive and timely approach to community involvement through a process of providing clear information and encouraging participation during plan preparation and, where appropriate, prior to and following planning application submission, assessment and determination. The process must therefore be informative, user friendly, as inclusive as possible, and conducted in an open and transparent way. Every effort is to be made to engage the community, record views and provide feedback.

Principles of Community Involvement

- 1.7 The Council is committed to upholding the following principles of community involvement and ensuring that these are reflected in the methods of consultation described throughout this SCI.
- **A culture of engagement**
People are encouraged to take part in the planning process and have a right to be involved in decisions that affect them.
 - **Early involvement**
The community should be involved at an early stage in the preparation of local development plan documents and major development proposals.
 - **Open, transparent, Inclusive and Fit for purpose**
Methods of involvement should be appropriate to the experience and needs of the community and for the type of plan document or application being considered, but realistic in terms of available resources.
 - **Continuing involvement**
The community should be involved, both formally and informally, throughout the process of preparing local development plan documents and major development proposals.
 - **Reaching out**
We will employ effective consultation methods to make consultation accessible to all and be appropriate to people's experience and needs.
 - **Clarity**

The planning process and timetables for producing or reviewing local development plan documents should be clear so that people are able to participate in a timely and effective manner. We will endeavour to use plain English in our publications and avoid jargon whenever possible.

2.0 Community Involvement in the Preparation of the Local Development Plan

Purpose and Process

- 2.1 The purpose of the Fermanagh and Omagh Local Development Plan (LDP), is to inform the general public, statutory authorities, developers and other interested bodies of the policy framework and land use proposals that will guide development decisions within Fermanagh and Omagh up to 2030.
- 2.2 The LDP will be prepared within the context of the Council's Corporate Plan and taking account of the Council's Community Plan. It must also take account of the regional policy context set by the Northern Ireland Executive and Central Government Departments. This includes the Regional Development Strategy 2035, the Sustainable Development Strategy for Northern Ireland, the Strategic Planning Policy Statement (SPPS), Planning Policy Statements and any other policies, advice or guidance issued by Government Departments.
- 2.3 The LDP will comprise two separate documents. The first document will be a Plan Strategy which will set out the Council's vision and strategic objectives and strategic policies for the future development of the area with a spatial strategy that indicates in broad strategic terms the locations where different types of development will be promoted. This will be followed by a Local Policies Plan which will include the site-specific proposals, policy designations and land-use zonings that will be required to deliver our vision, objectives, spatial strategy and strategic policies of the Plan Strategy. Once adopted, the LDP will replace the current development plans for the district and operational planning policies produced by Central Government.
- 2.4 Prior to the preparation of these two plan documents, we will identify key planning issues and define a range of options for addressing these issues which will inform the publication of a Preferred Options Paper.
- 2.5 To ensure that the policies and proposals in the LDP are socially, economically and environmentally sustainable, we will undertake an ongoing Sustainability Appraisal which will run parallel to the preparation of the Preferred Options Paper, Plan Strategy and Local Policies Plan.

Who can get involved?

2.6 We are very keen to ensure that those who live in the Council area and are most likely to be affected by the policies and proposals in the LDP are involved throughout the plan making process. In addition to statutory organisations such as Government departments, neighbouring councils, and gas, water and electricity providers which we must consult (see List 1 of Appendix 1), Fermanagh and Omagh District Council will involve the community at an early stage in the planning process and anyone who wishes to get involved is encouraged to do so at the opportunities provided. In particular, and in addition to Elected Members, the views of the following groups of people will be welcome. However, this list is not intended to be exhaustive and in no way restricts other individuals, groups and organisations from participating in the planning process.

- People living within the area / neighbourhood;
- Voluntary groups;
- Community groups / umbrella organisations;
- Environmental groups;
- Residents groups;
- Business interest groups;
- MPs/MLAs; and
- Developers/landowners.

2.7 Elected members, forums, community and residents groups provide a voice for the local community. Other voluntary and interest groups also bring a special knowledge and can ensure that important concerns are addressed. We also recognise that the actions of the business community, including developers and mineral undertakers are fundamental to implementing the policies and proposals which will shape development within the Council area. It is recognised that the active participation of all these interest groups will help to ensure that policies and proposals brought forward in the LDP are balanced, appropriate and sustainable.

Empowering disadvantaged and under-represented groups

2.8 Section 75 of the Northern Ireland Act 1998 requires a public authority, in carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:

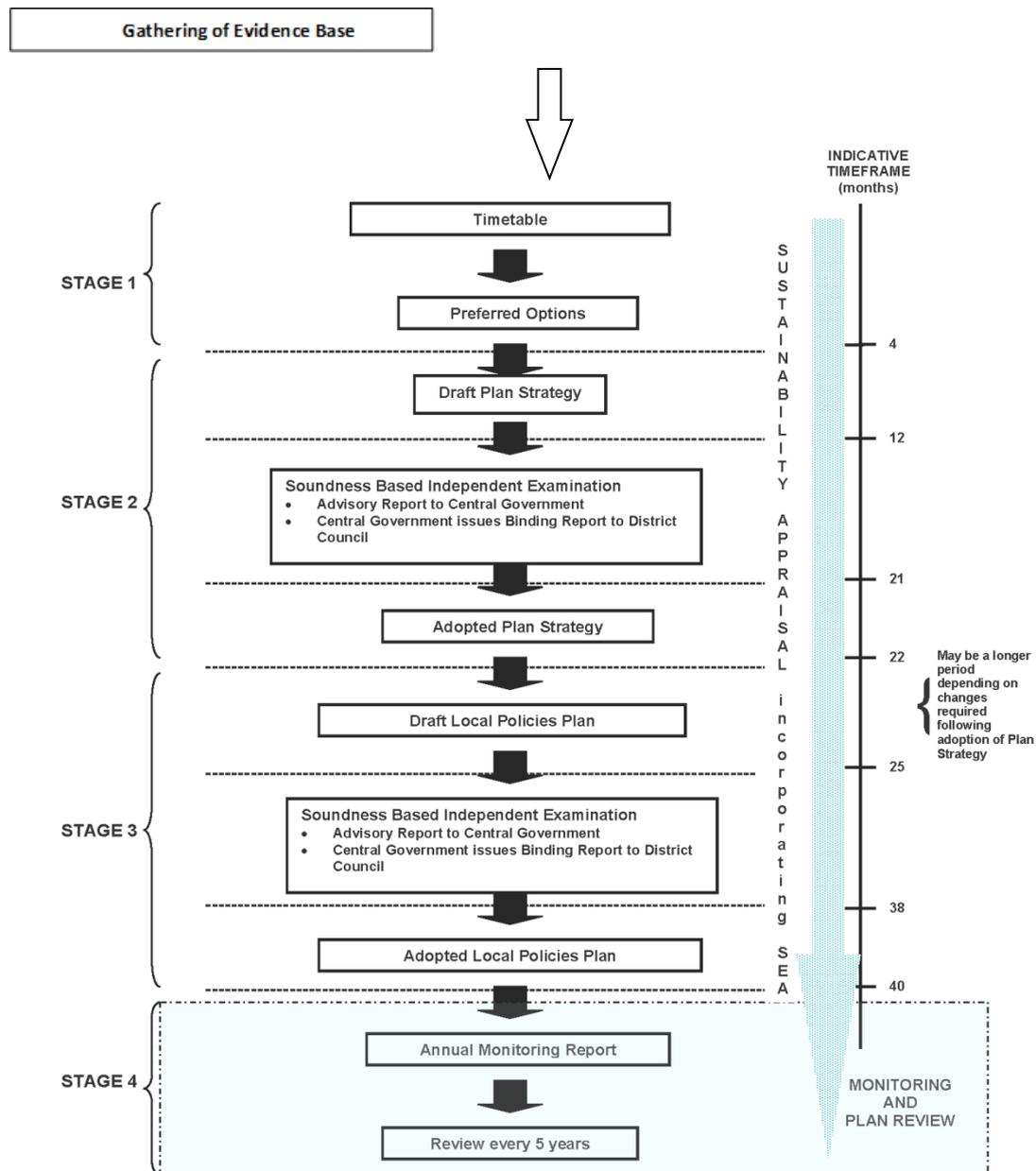
- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- men and women generally;
- persons with a disability and persons without; and

- persons with dependants and persons without.
- 2.9 In addition, without prejudice to the above obligations, the Council is required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or race. The above “Section 75 groups” are important participants within the planning process and include people who traditionally have been under represented or disadvantaged. We will engage with these groups during the local development plan process in order to obtain their views and contribute to the consideration of equality issues under Section 75. Their views on any equality screening documents or draft Equality Impact Assessments will also be sought within the specified period for comment along with the draft Plan Strategy and draft Local Policies Plan. Section 75 groups are contained in List 2 of Appendix 1.
- 2.10 To ensure that Local Development Plan and consultation documents are accessible to everyone they will be made available in different formats upon request, including electronic, large text print and audiocassette. Plain English is to be used for all publications. A telephone, fax number and a text phone number (if available) will be stated on each document for people with hearing or speech impairments. If for any reason, a request for a document in a particular alternative format cannot be met, other possible solutions will be explored.

How and when will the Community be involved?

- 2.11 A Local Development Plan is made at different stages (see Figure 1), each presenting opportunities for community involvement. Each of these stages is identified below with the actions that are to be taken to involve the community. The actions will fulfil and in some cases exceed the statutory requirements on public consultation. Once published, the Timetable for when the different stages are to be reached, will be obtainable from the Fermanagh and Omagh Council Connect Centres in Enniskillen and Omagh and also on the Council’s website www.fermanaghomagh.com

Figure 1: Key Stages in the Local Development Plan Process



STAGE 1: INITIAL PLAN PREPARATION

Developing the Evidence Base

2.12 This stage includes the preparation of the Timetable and the publication of the Preferred Options Paper (POP). The LDP Timetable will set out the Council's programme for the production of the Plan Strategy and Local Policies Plan including key milestones and timelines for plan production through to adoption. Prior to the publication of the Timetable, the Council will have undertaken a wide range of preparatory studies in order to inform the Preferred Options Paper (POP). These preparatory studies will be published alongside the POP in order to assist the public debate. The Preferred Options Paper will also be accompanied by Scoping Reports for the Sustainability Appraisal (SA) including Strategic Environmental Assessment (SEA) and Equality Impact Assessment (EIA).

What we will do:

- We will set up a Steering Group comprising representatives of the Fermanagh and Omagh District Councillors, supported by appropriate Council Officers. This is the high-level co-ordinating body that will ensure overview and strategic input on behalf of the whole community, as well as from planning professionals;
- We will set up a Project Management Team comprising Senior Council Officers, and representatives from key statutory/government departments. The purpose of the team is to ensure key consultees co-operate in the plan making process. The Project Management team will be consulted on emerging policies and proposals. Representatives from key departments will also act as the screening and scoping group for the Sustainability Appraisal, including Strategic Environmental Assessment (SEA); and Equality Impact Assessment (EQIA);
- We will issue written invitations to Key Development Plan Consultees (**List 1 Appendix 1**) asking them to participate in the plan making process by providing information on the key strategic issues that the Local Development Plan should address;
- We will issue a public notice to confirm commencement of work on our new Local Development Plan and seek any initial comments on the planning issues to be addressed, the publication of the Timetable and where copies of it can be obtained; The notice will be placed on the Council website and published in at least one local newspaper circulating in the area;

- We will invite under-represented (Section 75) groups to identify whether there are any types of planning policies which are likely to have a significant impact on the groups they represent. They will also be provided opportunity to identify any particular issues or needs which they feel the plan should address. Where requested this can be done through a face to face meeting with our Planning Officers. Any comments received will be taken into account when screening and scoping the Equality Impact Assessment;
- The Scoping Report of the SA incorporating SEA will be sent to the statutory consultation body, and, if necessary, it may undertake trans-boundary consultation with the Republic of Ireland;
- We will encourage anyone with an interest in planning in our area to become involved in the LDP. The planning section has set up a database of all those who wish to be involved in the plan process. Those who express an interest in being informed will be added to this database upon request.

Publication of Preferred Options Paper

2.13 The first formal stage in the preparation on the LDP is the Preferred Options Paper (POP). This will set out the key plan issues and the preferred options available to address them. The POP is a consultation paper to promote debate on issues of strategic significance which are likely to influence the shape of future development within Fermanagh and Omagh District. The intention is to stimulate a wide-ranging, yet focused, debate and encourage feedback from a wide variety of interests. Any representations or views received as a consequence of its publication will be considered whilst formulating the Draft Plan Strategy.

2.14 A Sustainability Appraisal Interim Report (consisting of SA Scoping Report and assessment of alternatives) will be published with the POP. The SA is a continual process which runs parallel with the preparation of the POP and Local Development Plan (LDP).

What we will do:

- We will issue a public notice in local newspapers for two consecutive weeks and on the Council website www.fermanaghomagh.com of:
 - (i) Publication of the Preferred Options Paper inviting comment within a specified consultation period;
 - (ii) Details of community meetings, exhibitions and drop-in information sessions during the consultation period;
 - (iii) Publication of the Scoping Papers for the Sustainability Appraisal and Equality Impact Assessment and invite comments.

(The Consultation period must be a period of not less than 8 weeks or no more than 12 weeks)

- We will provide a copy of the Preferred Options Paper, supporting documents and completed evidence papers at our Connect Centres in Enniskillen and Omagh and publish on our website and, where necessary, provide hard copies at a specified price;
- We will issue a press release highlighting the Preferred Options Paper and the public consultation. This will allow residents, developers, landowners and any other person with a stake in the LDP to make representation;
- We will hold a launch and exhibition to announce the publication of the Preferred Options Paper;
- We will hold public engagement events and exhibitions with drop-in sessions at locations throughout the district where our Planning Officers will be available to answer questions;
- We will write to Key Consultees and Elected Members providing them with a copy of the Preferred Options Paper and inviting them to attend the Launch; invite them to provide comments within the specific consultation period; and inform them of the public meetings, exhibition and drop-in information sessions;
- We will contact local community groups and under-represented (Section 75) groups advising them that the POP has been published and that it is available to view on the Council's website with hard copies available upon request from the Planning Department. They will be invited to comment within the specified consultation period and attend the public meetings, exhibition and drop-in information sessions where there will be opportunity to meet with a planning officer to record their views;
- We will notify all those on our community involvement database of the release of the POP;
- We will present a Public Consultation Report to Elected Members following the end of the specified consultation period. This will contain a summary of representations and Planning Officers' comment. Where members take a different view to that recommended in the report, this will be recorded along with the rationale for that view. This will be taken into account whilst formulating the Draft Plan Strategy; and

- We will provide the opportunity to the Project Management Team to comment on emerging policy for inclusion in the Draft Plan Strategy. This will be an integral part of testing emerging policy through the Sustainability Appraisal.

STAGE 2: PREPARATION AND ADOPTION OF PLAN STRATEGY

Publication of Draft Plan Strategy

2.15 This stage of the LDP preparation process consists of the preparation and publication of the draft Plan Strategy. It will define the strategic objectives for the future development of the district and include a range of strategic policies to facilitate and manage development and a spatial strategy that indicates in broad strategic terms the locations where different types of development will be promoted. It will be issued for public consultation as a key part of community involvement and public participation process.

What we will do:

- We will hold a Launch event and Exhibition to announce the publication of the Draft Plan and issue a press release highlighting the key elements of the Strategy;
- We will issue a public notice in local newspapers for two consecutive weeks and one week in the Belfast Gazette and provide notice on the Council website www.fermanaghmagh.com of:
 - (i) Publication of the Draft Plan Strategy and accompanying Sustainability Appraisal including the Environmental Report and Equality Report and how to view or obtain copies;
 - (ii) The dates and locations of Public Exhibitions;
 - (iii) The consultation period (8 weeks) and closing date for receipt of representations to the draft Plan Strategy and accompanying Environmental Report;
 - (iv) That representations received after the end the period of public consultation cannot be accepted.
- We will hold public engagement events and exhibitions with drop-in sessions at locations throughout the district where our Planning Officers will be available to answer any questions;
- We will write to Key Consultees and Elected Members informing them of the publication of the Draft Plan Strategy and providing them with a copy;

the dates of the public exhibitions; confirmation of the consultation period (specified as 8 weeks in legislation which may be extended to allow flexibility for holiday periods where necessary) and the closing date for receipt of representations;

- We will contact those who submitted representations in regard to the Preferred Options Paper to inform them of the publication of the Draft Plan Strategy and accompanying documents including the Public Consultation Report; details of how they can view or obtain copies of the documents; the dates of public exhibitions; confirmation of the consultation period and the closing date for receipt of representations;
- We will make the Draft Plan Strategy, the Sustainability Appraisal including the Environmental Report and Equality Report, and the Public Consultation Report available on our website and at the Council's Connect Centres in Enniskillen and Omagh and provide hard copies upon request at a specified price; and
- We will report representations to the Elected Members before being forwarded to the Department who must cause an Independent Examination (IE) of a draft Development Plan Document (DPD) unless it either directs the council to withdraw it, or modify it;
- We will notify all those on our community involvement database about the publication of the draft Plan Strategy.

Draft Plan Strategy - Public Inspection of Representations and Counter Representations

2.16 All representations to the Draft Plan Strategy will be made available for public inspection as part of the public consultation process. A representation that seeks to add, alter or delete a site identified for a particular use or development is known as a site specific policy representation. Any person may make a counter-representation about a site specific policy representation. Both representations and counter-representations will be considered at the Independent Examination.

What we will do:

- We will make copies of all representations available for inspection in our Connect Centres in Enniskillen and Omagh and on our website. Hard copies of representations will also be provided upon request at a specified price;

- We will write to Key Consultees and Elected Members informing them that representations are available for inspection and the places and times at which they can be inspected;
- We will issue a public notice in local newspapers for two consecutive weeks and one week in the Belfast Gazette and on the Council website, of the availability of representations for inspection and the 8 week consultation period, including closing date for receipt of counter-representations;
- We will make the counter-representations available on the website and for inspection at the Council's Connect Centres in Enniskillen and Omagh;
- We will report counter representations to the Elected Members;
- We will fully consider representations and counter representations before submitting the Draft Plan Strategy to the Department, for Independent Examination;
- Where necessary - and prior to submission to the Department - we will make proposed changes to the Draft Plan Strategy. In such instances, we will issue a public notice in the Belfast Gazette for one week and by local advertisement for two consecutive weeks and publish on the Council website, of the availability of the proposed changes for inspection and the consultation period (8 weeks).

Draft Plan Strategy - Independent Examination

- 2.17 The purpose of the Independent Examination (IE) is to determine the soundness of the Draft Plan Strategy, taking into account all representations and counter representations. At the Independent Examination, the Council will be available to answer any questions and provide comment on the representations and counter representations. Following the Independent Examination, the examiner will issue a report of its findings to the Department who will in turn consider this and issue a binding report to the Council. On this basis, a Council must incorporate any changes outlined in the binding report and subsequently adopt the Plan Strategy.

What we will do:

- We will continue to ensure that the draft Plan Strategy and all accompanying documentation are available on our website;

- We will notify all persons who submitted representations to the draft Plan Strategy indicating that representations are available for inspection;
- We will issue a public notice in local newspapers for two consecutive weeks and in the Belfast Gazette for one week and publish on our website www.fermanaghomagh.com when the draft Plan Strategy has been submitted to the Department for Independent Examination;
- We will advertise dates, times and venues for the Independent Examination at least 4 weeks before the Examination is to be held and indicating that representations and counter representations are available for inspection;
- We will notify all persons who submitted representations and counter representations of the arrangements for the Independent Examination indicating that representations and counter representations are available for inspection; and
- We will request Key Consultees to provide comment on the representations for consideration at the Independent Examination.

Adoption of Plan Strategy

2.18 Following the Independent Examination, the Department will issue a Direction to the Council, requiring it to adopt the draft Plan Strategy as originally prepared or with modifications. The Council may also be directed to withdraw the draft Plan Strategy. In either scenario, the Department will be expected to give reasons for their decisions.

What we will do:

- We will issue a public notice in local newspapers for two consecutive weeks and in the Belfast Gazette for one week and publish on the Council website www.fermanaghomagh.com, confirmation of:
 - (i) Adoption of the Plan Strategy; and
 - (ii) Where to obtain copies of the Plan Strategy, the Department of the Environment's Direction and the accompanying Independent Examiner's Report;
- We will make the Plan Strategy, the Department's Direction and accompanying Independent Examiner's Report available for inspection at the Council's Connect Centres in Enniskillen and Omagh and publish on

the Council's website, with hard copies available upon request for a specified price;

- We will write to Key Consultees and those who submitted representations to the Plan Strategy advising of the adoption of the Plan Strategy, and where to obtain copies together with the Department's Direction and the Independent Examiner's Report. We will also advise them of the commencement of work on the Local Policies Plan.
- We will notify all those on our community involvement database about the adopted Plan Strategy.

STAGE 3: PREPARATION AND ADOPTION OF LOCAL POLICIES PLAN

Publication of Draft Local Policies Plan

2.19 The Local Policies Plan is the second document comprising the Local Development Plan. The Draft Local Policies Plan must follow on from and be consistent with the adopted Plan Strategy. It will provide detailed land use zonings and designations for the future development of the area. This draft document is a key part of the public participation process. The Plan Strategy must be adopted before the Draft Local Policies Plan is published for consultation.

What we will do:

- Council through its Planning Committee – 13 members – is the decision making body which considers and approves recommendations from the LDP Steering Group;
- We will set up a governance arrangement comprising a Steering Group consisting of all 13 members of the FODC Planning Committee, supported by appropriate Council Officers; this is the high-level co-ordinating body that will ensure overview and strategic input on behalf of the whole community, as well as from planning professionals;
- The LDP Steering Group will oversee the process and provide overview and strategic input;
- Project Management Group – comprising representatives from key statutory/government departments and relevant Council officers (NB: a review will be undertaken to manage and record the extent of involvement of Council officers/Government officials to maximise confidentiality during this stage of the process);
- The role of DfI Strategic Planning remains unchanged;

- We will hold a launch event to announce the publication of the Draft Local Policies Plan and issue press releases highlighting its key elements;
- We will issue a public notice in local newspapers for two consecutive weeks and in the Belfast Gazette for one week and publish on the Council website www.fermanaghomagh.com, confirmation of the following:
 - (i) Publication of Draft Local Policies Plan;
 - (ii) The dates and locations of public engagement events and exhibitions;
 - (iii) The consultation period (specified as 8 weeks in legislation which may be extended to allow for flexibility for holiday periods where necessary) and closing date for receipt of representations.
- We will hold public engagement events and exhibitions with drop-in sessions at locations throughout the district where our Planning Officers will be available to answer any questions;
- We will write to Key Consultees and Elected Members informing them of the publication of the Draft Local Policies Plan and providing them with a copy; the dates of the public exhibitions; confirmation of the consultation period and the closing date for receipt of representations;
- We will write to all who submitted representations informing them of the publication of the Draft Local Policies Plan and accompanying documents advising how they can view or obtain copies; the dates of the public exhibitions; confirmation of the consultation period and the closing date for receipt of representations;
- We will make the Draft Local Policies Plan and any supporting documentation available on our website and at our Connect Centres in Enniskillen and Omagh. Hard copies will be available upon request and at a specified price;
- We will report all representations to the Elected Members before being forwarded to the Department who must cause an Independent Examination of a draft Development Plan Document (DPD) submitted to it unless it either directs the council to withdraw it, or modify it.

Draft Local Policies Plan - Public Inspection of Representations and Counter Representations

- 2.20 All representations to the Draft Local Policies Plan will be made available for public inspection as part of the public consultation process. A representation that seeks to add, alter or delete a site identified for a particular use or development is known as a site specific policy representation. Any person may make a counter-representation about a site specific policy

representation. Both representation and counter-representations will be considered at the Independent Examination.

What we will do:

- We will make copies of representations available for inspection in our Connect Centres at Enniskillen and Omagh and on our website. Hard copies of representations will be available upon request at a specified price;
- We will write to Key Consultees and Elected Members informing them that representations are available for inspection and the places and times at which they can be inspected;
- We will issue a public notice in local newspapers for two consecutive weeks and in the Belfast Gazette for one week, and publish on our website www.fermanaghomagh.com, of the availability of representations for inspection and the 8 week consultation period, including closing date for the receipt of counter representations;
- We will make the counter-representations available for inspection on our website and in our offices at Enniskillen and Omagh. Hard copies of counter-representations will be available upon request at a specified price;
- We will report counter-representations to the Elected Members before forwarding to the Department;
- We will fully consider representations and counter representations before submitting the Local Policies Plan to the Department, for Independent Examination;
- Where necessary - and prior to submission to the Department - we will make proposed changes to the Local Policies Plan. In such instances, we will issue a public notice in the Belfast Gazette for one week, a local advertisement for two consecutive weeks and publish on the Council's website, of the availability of the proposed changes for inspection and the consultation period (8 weeks).

Draft Local Policies Plan - Independent Examination

- 2.21 The purpose of the Independent Examination is to determine the soundness of the draft Local Policies Plan taking into account all representations and counter representations. At the Independent Examination, the Council will be available to answer any questions and provide comment on the representations and counter representations.

What we will do:

- We will continue to ensure that the draft Local Policies Plan, and all accompanying documentation is available on our website;
- We will notify all persons who submitted representations to the draft Local Policies Plan indicating that representations are available for inspection;
- We will issue a public notice in local newspapers for two consecutive weeks and in the Belfast Gazette for one week and on our website www.fermanaghomaggh.com when the draft Local Policies Plan has been submitted to the Department for Independent Examination;
- We will advertise dates, times and venues for the Independent Examination at least 4 weeks before the Examination is to be held indicating that representations and counter representations are available for inspection;
- We will notify all persons who submitted representations and counter representations of the arrangements for the Independent Examination indicating that representations and counter representations are available for inspection; and
- We will request Key Consultees to provide comment on the representations for consideration at the Independent Examination.

Adoption of Local Policies Plan

2.22 Following the Independent Examination, the Department will issue a Direction to the Council, requiring it to adopt the draft Local Policies Plan as originally prepared or with modifications. The Council may also be directed to withdraw the draft Local Policies Plan. In either scenario, the Department will be expected to give reasons for their decisions.

What we will do:

- We will issue a public notice in local newspapers for two consecutive weeks and in the Belfast Gazette for one week and on the website confirming:
 - (i) Adoption of the Local Policies Plan; and
 - (ii) Where to obtain copies of the Local Policies Plan, the Department's Direction and the accompanying Independent Examiner's Report.
- We will make the Local Policies Plan and the Department's Direction and accompanying Independent Examiner's Report available at our Connect Centres and publish on our website, with hard copies available upon request at a specified price;

- We will write to Key Consultees and those who submitted representations advising them of the adoption of the Local Policies Plan, and where to obtain copies together with the Department's Direction and the Independent Examiner's Report.

Next Steps

- 2.23 Following the adoption of the Plan Strategy and Local Policies Plan, the Council will identify its work priorities for the next five years in a new Timetable. It may also issue a new Statement of Community Involvement if considered appropriate. In addition, the Council will engage in monitoring and review (Stage 4 of the LDP process) which are essential in establishing how the objectives in the Local Development Plan are being achieved and whether any changes are required. The Council will engage with the public on any formal review of the LDP.

3.0 Community Involvement on Other Forward Planning Matters

Supplementary Planning Guidance (SPG)

- 3.1 The Council may also prepare non-statutory planning guidance to support its local development plan. Supplementary planning guidance includes for example design guides and advice notes. Consultation on SPG will take place in a proportionate manner where the Council feels it will be beneficial to give additional regard to the opinions of stakeholders and the general public. Any comments received will be considered by the Planning Committee. It is not necessary for SPG to go through the public examination process for consideration.

Conservation Area Designation

- 3.2 A Conservation Area is an area of special architectural or historic interest, the character of which it is desirable to preserve and enhance. The Council considers that consultation with, and the involvement of local people is important when undertaking work associated with Conservation Areas. This will help encourage greater ownership of the concept and greater co-operation and commitment to achieving the aims of the designation.
- 3.3 The Council will involve the community in the designation, variation or cancellation of a Conservation Area. This will entail formal consultation with the Historic Buildings Council (HBC), the Department for Communities (DfC), Department for Infrastructure (DfI), and any water or sewerage undertaker (currently NI Water), advertising by way of a public notice in the local press and public meetings to discuss and present proposals. Upon formal

designation the Council will publish a public notice in the local press and hold a public launch and exhibition. Any alterations to existing Conservation Areas or designation of new Conservation Areas will be advertised through local press.

Designation of a Simplified Planning Zone

- 3.4 Simplified planning zones (SPZs) relate to areas of land where planning control is relaxed in favour of specific types of development, often with the objective of encouraging regeneration and investment.
- 3.5 Where the Council proposes to commence work on a simplified planning zone it will undertake consultations with neighbouring Councils, the land owner(s) and occupier(s), the Department for Communities and will notify the Department for Infrastructure.
- 3.6 Once details of a scheme have been prepared, the Council will make copies available for inspection at the Council's offices, give notice by way of an advertisement in the local press and on the Council's website, and will serve a notice on those it has consulted with.
- 3.7 Following advertising of the proposed planning zone(s) details there will be a period when representations can be made to the Council. If the Council subsequently decides not to proceed with the proposed planning zone it will publish a further advertisement to that effect and will notify all those who have made representations.
- 3.8 The Council may cause an Independent Examination to be held to consider the representations received. The Council will adopt a precautionary approach where significant and substantive issues are raised and in such cases will always hold an Independent Examination. Where it is proposed to hold an independent examination details including the time and place of the examination will be published in the local press. Where it is decided not to hold an independent examination the Council will notify all those who have made representations.
- 3.9 Following any Independent Examination, the Council will produce a report and statement detailing its decision and outlining reasons for its decision. Notice of publication will be advertised in the local press and the report and statement will be available for public inspection in the Council offices.

4.0 Community Involvement in the Council's Development Management Function

Purpose

- 4.1 The Council is now the local planning authority for the area and deals with the majority of planning applications in the Council area. It also deals with applications for works in conservation areas, works to protected trees and advertising consent. Development management is the process through which such applications are considered. An important part of the process is to provide information and advice to applicants and to seek and take into account the views of the general public and statutory consultees on all planning applications. The statutory requirements for consultation on planning applications are set out in legislation. These requirements vary according to the type of proposal but include notification to specified bodies and general publicity.
- 4.2 There are three types of planning applications:
1. **Local applications:** these are typically smaller, more straightforward applications.
 2. **Major applications:** large, more complex applications with pre-application requirements.
 3. **Regionally significant applications:** these are applications which are considered to:
 - (a) be of significance to the whole or a substantial part of Northern Ireland or have significant effects outside Northern Ireland, or
 - (b) involve a substantial departure from the local development plan for the area to which it relates.

There is a general provision which allows for any application to be 'called in' for determination by the Department, however, this will be by exception and the Council will be required to notify applicants when this has occurred.

- 4.3 The vast majority of planning applications are likely to constitute local developments which will include most commercial and housing proposals as well as minor schemes and householder development. As we receive a wide variety of planning applications, the need for and degree of community involvement will vary according to the scale and complexity of the application.
- 4.4 This section of the Statement of Community Involvement looks at:

- how the public can become involved at the various stages of the application process; and
- how the level of community involvement will depend on the scale of the application.

PRE-APPLICATION STAGE

Pre-Application Discussions (PADs)

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

Pre-Application Community Consultation (PACC)

- 4.6 From 1 July 2015, applicants are required by law to inform and involve the wider community in discussion prior to the submission of major planning applications with the aim of promoting place making and creating better quality developments. Applicants submitting major applications to the Council or, in the case of regionally significant development proposals, the Department, must undertake community consultation before submitting their application.

We will require the following actions to be undertaken before the application is submitted-

- “Notify the Council, at least 12 weeks in advance, that an application for a major planning application is to be submitted. (*excluding Section 54 applications where PAN has been previously submitted and a PACC accompanies the original application”.
- Hold at least one public event where the community will be afforded the opportunity to make comment.
- Publish details of the proposal in the local press, outlining where further details can be obtained and the date, time and location of a public event.
- Submit a pre-application community consultation report to accompany the application.

- 4.7 Pre-application consultation is likely to be more successful if the applicant makes significant efforts to open lines of communication with, and provide feedback to, local communities and work with them to secure development proposals which are acceptable to everyone.
- 4.8 As previously stated the Council would recommend all applicants considering submitting development proposals that fall within the definition of major development to seek a Pre-Application Discussion with planning officers.

Where applicants fail to fully meet the pre-application community consultation requirements the Council will decline to determine the application.

APPLICATION STAGE

- 4.9 When a planning application is submitted for determination (see Appendix 3 for flow chart for processing planning applications) the Council will involve the community in the decision making process. If you feel you will be affected by development proposals you will have an opportunity to consider what is proposed and how it will affect you. You will also have the opportunity to make your views known before a final decision is made on the application.

Advertising and Neighbour Notification

- 4.10 The Council undertakes statutory publicity in accordance with current legislation. Government may change the statutory publicity requirements and our future approach will reflect any changes that are made.

Advertising

- 4.11 The Council will advertise all new applications for planning permission, listed building consent and conservation area consent on a weekly basis in at least one local newspaper (in accordance with Section 41 of the Planning Act).
- 4.12 We will also place the weekly list of all new applications received on our website
- 4.13 Where an application is subject to the Environmental Impact Assessment (EIA) Regulations, this is specifically highlighted. When a developer submits an Environmental Statement (ES) in support of a planning application, the Council will publish a notice of its receipt in a local newspaper and indicate where it may be purchased and the address of the Council Office where it may be inspected.

- 4.14 The Notice placed in the local newspaper and on the website advises that any representations should be made within 14 days of publication (4 weeks in the case of EIA development). However, the Council will consider any late representatives received, provided they are received before a decision is made on the application.

Neighbour Notification

- 4.15 The Planning (General Development Procedure) Order (Northern Ireland) 2015 states that upon receipt of a development proposal, the Council (or where relevant the Department) shall serve notice of an application for planning permission to any identified occupier on neighbouring lands. In accordance with the statutory scheme notification letters should be sent to the occupiers of neighbouring premises which fulfil **both** of the following criteria – the property in question is within 90 metres **and** directly adjoins the boundary of the application site – or would adjoin the boundary but for an entry or a road less than 20 metres wide. Where such a property is in multiple occupation, then notification should be sent to all occupants of the property.
- 4.16 When carrying out site inspections, Planning Officers will also check the accuracy of the neighbour notification details supplied on the application form and may add details as considered appropriate.
- 4.17 The period for responding following receipt of a neighbour notification letter is 14 days, though any late representations received before a decision is made will still be considered.

Obtaining further information and getting involved in planning applications

- 4.18 The weekly lists of planning applications received within Fermanagh and Omagh council area are available on our website. Planning applications including supporting documents and corresponding plans can be viewed online using the Council Planning Portal at:
<https://planningregister.planningsystemni.gov.uk/simple-search>

Planning Officers are available to give advice on current or proposed applications

Planning Register

4.19 In accordance with Section 242 of the 2011 Act, the Council will keep a planning register which will be available for inspection by the public online using the Council's Planning Portal at

<https://planningregister.planningsystemni.gov.uk/simple-search>.

The following information will be available in the Register:

- a copy of each application (which may be photographic) together with copies of plans and drawings and other associated documentation submitted;
- the decision notice, if any, in respect of the application, including details of any conditions subject to which permission or consent was granted;
- the reference number, the date and effect of any decision of the Planning Appeals Commission (PAC) in respect of the application; and
- brief details of any revocation or modification relating to any permission or consent, including date of issue.

File Inspection

4.20 Applications will be published online and can be viewed on the Council Planning Portal at <https://planningregister.planningsystemni.gov.uk/simple-search>.

Submitting Comments

4.21 Anyone (Individuals, groups, organisations etc.) can comment on an application even if they have not been neighbour notified by us. All comments will be carefully considered. Care should be taken when making comments to the Council to ensure that no personal data is included. All comments should be made in writing. However, where an individual or group are unable to comment in writing, the Council will look at alternative ways of recording their views so that they are fully considered in the processing of planning applications.

4.22 When a decision is made on a planning application only certain issues are taken into account, these are often referred to as 'material planning considerations'. Material considerations must be genuine planning considerations. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest.

4.23 Generally greater weight is attached to issues which are supported by evidence rather than solely by assertion. If an identified problem can be dealt with by means of a suitable condition the Council is required to consider this as an alternative to refusing an application.

4.24 You can make comments in a variety of ways, these are as follows:-

Online: using the Councils Planning Portal

<https://planningregister.planningsystemni.gov.uk/simple-search>.

Help Guides and Videos are available on the Councils website

<https://www.fermanaghomagh.com/services/planning/>

By email: planning@fermanaghomagh.com (Please quote the application number)

By post to: Fermanagh and Omagh Planning Department, The Connect Centre, Strule House, 16 High Street Omagh, Co. Tyrone BT78 1BQ7AF and The Connect Centre, County Buildings, 15 East Bridge Street, Enniskillen, Co. Fermanagh BT74 7BW

4.25 All written comments on an application will be acknowledged within five working days, however the Council is unable to respond to each comment made due to the large number it receives. Where there are a significant number of representations relating to an application then the Council may decide to publish an article in a local paper or on the Council's website rather than acknowledging each representation.

All comments will be summarised and fully considered within the Planning Officer's report. The acknowledgement letter will set out who is dealing with the application and who to contact if there are any questions. The Council will not normally contact the respondent again until after a decision is made unless the application, is significantly altered or is withdrawn. The progress of an application can be followed online using the Council's Planning Portal, <https://planningregister.planningsystemni.gov.uk/simple-search>.

4.26 The Council may, if it considers it appropriate to do so, stage public exhibitions, issue press releases or arrange public meetings to provide information about major developments or proposals which are particularly significant or have wide-spread effects on communities.

4.27 You may also wish to contact your local councillor, who is not on the planning committee.

Oral (see 4.21), or defamatory comments cannot be taken into account. You should ensure that your comments relate to relevant planning matters.

- 4.28 The Council will consult with a range of Statutory Consultees (**see Appendix 2**) to assist in the determination of an application.. If a representation raises issues that are relevant to the responsibilities of a consultee (e.g. road safety) then if deemed necessary by the Officer, the issues will be copied to the relevant consultee for consideration and comment.

The Council will carefully take any comments made into account before a decision is made. Representations will normally be published on the Council's Planning Portal.

- 4.29 Amendment of applications/receipt of additional information.

Where an application is amended or additional information is received and there have been representations in respect of the original application and the Council considers that the amendments will raise new issues that could lead to further comment, then neighbours and interested third parties will be re-notified.

Where there are a significant number of representations then the Council will place an advertisement on its website and in a local newspaper to inform interested parties rather than renotifying them.

If any change is considered to be substantive, the Council may decline to treat it as an amendment and a new application may be invited.

Community Involvement at the Planning Committee Stage

- 4.30 Most planning applications will be determined by Planning Officers using delegated powers. The circumstances under which an application can, or cannot, be determined using delegated powers are set out in the Council's Scheme of Delegation (available on our website) which is subject to regular review. Generally, local applications fall within the delegated powers. All major applications which are of wider importance to the District will be considered and decided by the Council's Planning Committee.

Pre-determination hearings and speaking at the Planning Committee

- 4.31 There are certain major applications that will raise particularly complex planning issues or attract a significant level of objection. In such cases the planning Committee may decide to hold a pre determination hearing prior to making a decision at the scheduled Planning Committee meeting. For those major applications that have been notified to the Department but have been returned to the Council for determination, the Council must afford the applicant the opportunity of appearing before and being heard by the Council at a pre determination hearing.
- 4.32 A Pre-determination hearing will provide the opportunity for the applicant and their agent, as well as those who have made representations, to present their case to the Committee and for members to ask questions and clarify matters. A Pre-determination hearing will follow the same format as the Planning Committee
- 4.33 Arrangements and requirements for speaking at the Planning Committee are set out in the Planning Committee Protocol. This Protocol is available on the Council website or upon request.

POST APPLICATION STAGE

Community Involvement after a Planning Application has been determined

- 4.34 A notification of the decision is sent to the agent (or applicant where there is no agent) and all people who have made a representation to the consultation on the planning application, informing them of the decision and the reason for that decision. Where there are a significant number of representations then the Council will place an advertisement on its website and in a local newspaper to inform interested parties of the decision rather than informing them individually.

The decision is recorded in the statutory Planning Register. The reasoning behind the decision will be set out in the Planning Officer's report which will be available on the Council's Planning Portal. Where a committee has disagreed with the officer's recommendation, the justification will be available to view in the minutes of the Planning Committee.

Community Involvement in Planning Appeals

- 4.35 Only applicants and those upon whom notices have been served have the right of appeal. There are no third party rights of appeal. Where an applicant is unhappy with the Council's decision on an application or a condition attached to a permission, he/she may appeal to the Planning Appeals Commission (PAC). An applicant may also appeal to the PAC where the Council has not determined an application within the relevant period prescribed by the Planning (General Development Procedure) Order (NI) 2015. Where such an appeal is lodged, the application is deemed to have been refused. Appeals must be lodged with the PAC within four months from the date of notification of the Council's decision, or expiry of the prescribed period as the case may be.
- 4.36 Copies of all representations received by the Council on an application that is appealed will be forwarded to the PAC. For informal hearings and public inquiries, the interested parties will also have the opportunity to make their views known orally to the PAC. Further guidance on planning appeals and the rights of applicants and objectors can be found on the PAC website www.pacni.gov.uk

5.0 Community Involvement in Planning Enforcement

- 5.1 The Council encourages the community to report cases where they believe there has been a breach of planning control. A breach of planning control occurs when development or other certain activities take place without the necessary planning permission or consent from the Council or the Department. This may also include failure to carry out development in accordance with the approved plans or conditions.
- 5.2 All planning enforcement related complaints are treated confidentially. If the complaint results in a planning application being submitted, then this will be publicised in the normal manner and adjoining neighbours notified.
- 5.3 Suspected breaches of planning control can be reported in the following ways:

Online: using the Council's Planning Portal

<https://planningregister.planningsystemni.gov.uk/enforcement>

By email: planning@fermanaghomagham.com

By post to: Fermanagh and Omagh District Council, Planning Department, The Connect Centre, Strule House, 16 High Street Omagh, Co. Tyrone BT78

1BL or The Connect Centre, County Buildings, 15 East Bridge Street, Enniskillen, Co. Fermanagh BT74 7BW.

By phone: 0300 303 1777

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

- 5.4 In cases where planning enforcement action is taken, complainants will be kept informed of the action if requested, this will only occur however at key stages. In cases where enforcement action is not taken, a full explanation providing the council's reasons will set out in the Officers report and can be sent to the complainants, if requested.

Many initial complaints relate to non-enforcement issues in the district, such as householder extensions or alterations to a dwelling house which often may not require planning permission under Permitted Development legislation.

- 5.5 The Council's priorities for enforcement action are contained within the Council's Enforcement Strategy.

6.0 Review of the Statement of Community Involvement

- 6.1 The content of the SCI must be kept under regular review as required by the Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015 and any revision must comply with the requirements of these Regulations.

- 6.2 Where groups or bodies want to be added to the Council's community involvement database they should complete the Community Involvement form available on our website or make a submission in writing or by email to the Planning Department in the Council:

By email: planning@fermanaghomagh.com

By post to: Fermanagh and Omagh District Council, Planning Department, The Connect Centre, Strule House, 16 High Street Omagh, Co. Tyrone BT78 1BL or The Connect Centre, County Buildings, 15 East Bridge Street, Enniskillen, Co. Fermanagh BT74 7BW.

Appendix 1

Consultation Groups for Development Plan

List One: Statutory Consultation Bodies (in line with the Planning (Local Development Plan) Regulations (Northern Ireland) 2015

- i. Northern Ireland Government Departments**

- ii. Local Planning Authorities Adjoining Fermanagh and Omagh District Council**
 - Derry City and Strabane District Council
 - Mid Ulster District Council
 - Cavan County Council
 - Donegal County Council
 - Leitrim County Council
 - Monaghan County Council

- iii. Water or Sewerage Undertaker**
 - Northern Ireland Water

- iv. The Northern Ireland Housing Executive**

- v. The Civil Aviation Authority**

- vi. Any person to whom the electronic communications code applies by virtue of a direction given under Section 106 (3) of the Communications Act 2003**

- vii. Any person to whom a licence has been granted under Article 10 (1) of the Electricity (Northern Ireland) Order 1992**

- viii. Any person to whom a licence has been granted under Article 8 of the Gas (Northern Ireland) Order 1996.**

List Two: General Consultation Bodies for Local Development Documents

- Arts Organisations
- Bodies representing the interests of the economy
- Bodies representing the interests of the environment
- Community Associations
- Cultural and Historical Groups
- Health and Wellbeing Groups
- Older Peoples Groups
- Religious Groups
- Schools and other education bodies
- Section 75 Groups
- Support Groups
- Victims Groups
- Voluntary bodies
- Women's Groups
- Youth Groups

Appendix 2 - Consultees for Development Management

To assist Planning Officers to consider the potential impacts of a development proposal, consultation will often be carried out with statutory and non-statutory bodies before determining a planning application.

Statutory Consultation

Statutory consultees are those government bodies or other organisations with whom the Council must liaise dependent upon the nature of the application. Schedule 3 of the Planning (General Development Procedure) Order (NI) 2015 defines the statutory consultees and outlines the various circumstances where consultation must be carried out.

Statutory consultees are defined as:

- i. Department for Infrastructure;
- ii. The Health and Safety Executive for Northern Ireland;
- iii. Department of Agriculture, Environment and Rural Affairs;
- iv. Department for Communities;
- v. Licensed Aerodromes;
- vi. Department for Economy.
- vii. The Northern Ireland Housing Executive.

Where a Council undertakes consultations on a planning application, the statutory consultee will be required to respond within 21 calendar days, or any other date as agreed in writing, after which time the Council may determine the application whether or not a response has been received.

In the case of those developments which are subject to an Environmental Impact Assessment (EIA) the Council will not make a determination until 28 days have passed.

Non-Statutory Consultation

Not all information required to process an application will be from statutory consultees. There will be instances where non-statutory consultees may need to be consulted on a case by case basis. For example, this could include other Sections within the Council with responsibility for matters relating to environmental health or leisure facilities. Such consultees may also include other external organisations and bodies.

Non-statutory consultees are not bound by the 21 calendar days for a response. However, they will be encouraged to respond to consultations in a similar timeframe and manner to allow decisions to be made in a timely manner.

Due to the wide range of development proposals submitted to the Council each application will be carefully considered and consultations will be undertaken in line with statutory requirements. The need for consultations will vary between applications depending on the on the nature and scale of the proposal. Further information on the consultation process is contained with the Department's Development Management Practice Note 18 (The Consultation Process and duty to respond).

Appendix 3 – Flow Chart for Processing Planning Applications

