



Derry City & Strabane
District Council
Comhairle
Chathair Dhoire &
Cheantar an tSraitha Báin
Derry Cittie & Strabane
Distric Council

26th April 2023

Ms Andrea Kells
Chief Commissioner
Planning Appeals Commission
4th Floor 92 Ann Street
Belfast BT1 3HH

By email to:

DS.LDP@pacni.gov.uk Barry.Fegan@pacni.gov.uk info@pacni.gov.uk

cc Mr Alistair Beggs, Chief Planner, DfI Strategic Planning

Alistair.Beggs@infrastructure-ni.gov.uk

Dear Ms Kells,

**Independent Examination (IE) by the PAC regarding Local Development Plan
draft Plan Strategy for Derry City & Strabane District Council**

Thank you for your informal discussions with officers since Monday 24th April, regarding the proposed dates for the Independent Examination (IE). In particular, I write further to today's telephone conversation between the Council's Principal Planning Officer and your Programme Officer in which it was suggested that the Planning Appeals Commission intends to publish indicative dates for IE which include the following:

- (i) w/c 26 June (Week 2);
- (ii) w/c 1 August (Week 3);
- (iii) w/c 21 August (Week 4).

As officers have previously advised, the Council will not be able to proceed with the IE on these dates because key members of the Local Development Plan team are not available and the Council is in recess during August. Effective hearing sessions will not be possible when key individuals in the Council team are unavailable. The LDP Plan Strategy is a very important document not only for the Council but also for all residents in Derry City and Strabane District, and it is critical that the Council is afforded a fair opportunity to promote the Plan Strategy at IE.

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John Kelpie MEng., CEng., MStructE., MIEI

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The Council would be content for the IE to open on w/c 21 June; however, the w/c 26 June is not suitable for the Council. The Council has instructed Mr Conor Fegan BL to represent it at the IE. Counsel has endeavoured to keep his professional diary as free as possible in anticipation of the IE, but he has longstanding pre-existing professional commitments on the 27 to 29 June inclusive before the Planning Appeals Commission which are immovable (2022/E0047 and 2022/E0040). Counsel has been advising the Council for several months on its Local Development Plan in preparation for the IE. It would not be

feasible for the Council to instruct alternative counsel to take his place at this late stage. It is important to the Council that its appointed counsel is able to attend all of the hearing sessions. This is in line with the practice of other councils at independent examination.

Counsel has indicated that aside from the w/c 20 July, he has available throughout July and is also available throughout September and October. He has confirmed that he will keep his diary free until alternative dates are agreed so as to ensure that no further clashes arise between now and then.

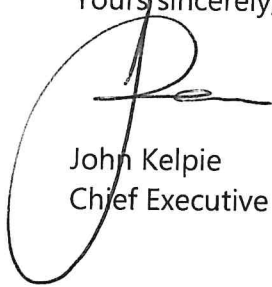
In respect of proposed weeks 3 and 4, I understand that the Chair of the Planning Committee wrote to you on 22 February explaining that the Council was in recess during August. This means that key officers in the Local Development Plan team and elected members will not be available for proposed weeks 3 and 4. The Principal Planning Officer in the Development Plan Team is not available during the w/c 1 August. Members will not be undertaking council business during this period; that is important because of the delegated arrangements which are in place in this Council. Whilst officers have some limited delegated authority to propose and comment on changes to the draft Plan Strategy during the IE should this prove to be necessary, Members must be consulted on any material changes. You will be aware that similar arrangements were in place and proved to be invaluable during other IEs. Holding the IE in August would prejudice the Council as it would mean that officers would be unable to comment on or offer up proposed changes during the IE should that prove to be necessary. This would not be conducive to a fair or effective IE and is to be avoided.

In light of the above and subject to the availability of the Commission, the Council would respectfully suggest that the IE could open during the w/c 21 June as proposed, with further hearing sessions being held in July, with the exception of w/c 10 July. Any remaining sessions could take place in September. Alternatively, the IE could be held during September and October.

The Council appreciates that the Commission will want to fix dates for the IE as soon as practicable. I want to reassure you that the Council is mindful of the competing interests which the Commission needs to balance when setting hearing dates for the IE, in particular the availability of the presiding Commissioner. I have to that end, asked officers to engage proactively with your staff over the coming days to find alternative mutually convenient dates for the IE. If you have any questions, please do not hesitate to contact either Maura Fox (Head of Planning) or Proinsias McCaughey (Principal Planning Officer (Development Plan Team)).

The Council looks forward to the forthcoming IE hearing sessions and stands ready to assist the Commission in whatever way it can.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'John Kelpie', written over a horizontal line. The signature is stylized with a large, sweeping loop on the left side.

John Kelpie
Chief Executive