

Date: 25th March 2015
Your Ref:
Our Ref: FOI/5029, FOI/5071,
A/2011/0684/F



Mr Gerry Quinn
Secretary
River Faughan Anglers
Gerry.quinn@creggancountrypark.com

Northern Area Planning Office
Orchard House
40 Foyle Street
Londonderry
BT48 6AT

Telephone: 0300-200-7830

Dear Mr Quinn

I refer to your emailed correspondence sent 28th January 2015 and 2nd March 2015 (FOI/5029 and FOI/5071). As both items of correspondence relate to the same application A/2011/0684/F, I feel it is appropriate to respond to the issues raised collectively, in this response. The issues raised are as follows and I will deal with them individually in the paragraphs below.

- 1) No planning officer report available on public access
- 2) Incomplete EIA determination
- 3) No consultation with Loughs Agency
- 4) What is the purpose of the document scanned on 24th February 2015 entitled "Environmental Impact Assessment"?
- 5) On what date was this document completed and authorised?
- 6) What precisely does Y and N mean in the context of this application?
- 7) Did NPD permit this application to proceed to Derry City Council and what was the justification of this?

In response to the first point, I can now advise that the planning case officer report and the deferred reconsideration report have now been scanned onto the portal. Please accept our apologies for this, however, please be advised that we offer a transparent Open File policy and files are available for viewing manually by appointment at normal opening hours. *- but user direct public to portal!*

In response to the second point, you are aware this application was received and initially processed in Planning HQ back in December 2011 and recently transferred to the Local Area Office. The EIA was carried out by the case officer and authorised on 21st January 2012. With regard to the incomplete EIA determination and the Schedule 3 section not being scanned onto the portal, this appears to be a technical error. As you can see, this was produced from the system again and scanned on 24th February 2015. In any case, following the concerns from River Faughan Anglers in relation to the EIA determination details, the Department

undertook a second EIA Determination. This has been available to view online since 27th February 2015 under the section "Planning Decisions and Reports". The third point concerns the lack of consultation with Loughs Agency. Please note Loughs Agency was consulted on 4th February 2015 and their response is still pending.

The purpose of the document scanned on 24th February 2015 was to illustrate that Schedule 3 of the EIA determination was completed and considered after initial receipt.

The initial EIA determination you refer to was completed and authorised on 21st January 2012.

The sixth point refers to the meaning of "Y" and "N" in the context of this application. "Y" means "Yes" and "N" means "No".

The Department consulted Derry City Council on January 2015 seeking its views on the recommendation to approve this proposal at this stage in the process. The application is held pending a response from Loughs Agency.

I hope you find this response informative.

Yours sincerely



Maura Fox
Area Planning Manager

Date 25th March 2015

Our Ref: A/2014/0121/F &
A/2006/0269/F, FOI / 5088



Area Planning Office
Orchard House
40 Foyle Street
Londonderry
BT48 6AT

Contact: S Barrett
Tel: 0300 200 7830

Dear Mr Blackwood

Ref: EIA screenings for A/2014/0121/F Housing development at Ardlough Road and A/2006/0269/F Housing development at Tullyally Road

Thank you for your email dated 27 February 2015 in respect of the above planning applications. I can assure you that the Department takes its duty seriously to consider the environmental implications of proposed developments in accordance with the regulations and procedures. In doing so, staff also endeavour to follow best-practise in making the various reports publicly available, in a timely manner, either on the portal or on public files. Where there have been delays, thank you for bringing this to our attention.

*you
dont have
the choice!*

With regards to the planning application for a small housing development at Ardlough Road (the correct application number is A/2014/0121/F), the Department responds as follows:

- The EIA screening is now available on the public portal.
- The letters Y and N refer to Yes/No on the EIA checklist.
- An EIA determination was completed on the related planning history, application A/2011/0126/F. This can be viewed on the application file.

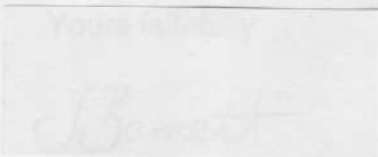
Fax: (028) 7131 9777
Email: londonderry.planning@doeni.gov.uk
Website: www.planningni.gov.uk

- Regarding the Hydrological link to the River Faughan SAC, the Department consulted NIEA Natural Heritage on the application who required additional information to carry out a Habitat Regulations Assessment. The agent did not submit the required information and therefore this was included as a reason for refusal on the planning decision which was issued on 09.03.2015.

Regarding the points raised relating to planning application A/2006/0269/F Housing development at Tullyally Road, the Department would respond as follows:

- The EIA determination was completed in 2006. This application has been removed from the Planning Schedule at the Council meeting on 03.3.2015 to allow the Department and NIEA to consider further. A Case Officer report will be completed following the consultation responses and consideration for presentation to Council.

I trust this answers your queries.



for Area Planning Manager

Handwritten notes:
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and
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Derry City & Strabane
District Council
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an tSratha B ain
Derry Cittie & Str abane
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Date: 04.03.2016
Our Ref: A/2014/0035/RM
GEN/877/15

Mr Dean Blackwood
20 Campbell Park Avenue
Strandtown
Belfast
Down
BT4 3FH

Derry/Strabane Planning Office
Orchard House
40 Foyle Street
Derry
BT48 6AT

Dear Mr Blackwood

Location: Drumahoe Industrial Estate, Drumahoe Road Londonderry

Proposal: Residential Housing development comprising a mix of detached and semi-detached units (176 in total) with associated landscaping and vehicular access.

I refer to your objection letter received on the planning portal on 16th December 2015, and summarize below the contents to which you requested a response;

1. Non-compliance with Road Service conditions of outline approval and request reasoning why this remains a valid reserved matters application.
2. Document titled "Issues taken into consideration in preparing an Environmental Impact Assessment"; did DC&SDC remove this from the Portal? Request for copy of this.
3. Clarification as to what Y and N mean in the context of EIA process
4. Confirmation if an EIA exists for the application or has the applicant accepted this as EIA Development. Reasons why this is not EIA development?
5. EIA screening to be posted to the Portal.

I will address each of the points below:

1. Conditions 3 and 4 of outline approval A/2005/0997/F relating to access, junction improvements etc. stipulate the requirements shall be dealt with 'before any work commences'. Planning officials are therefore satisfied that the Reserved Matters submission

is a valid submission. However, if there is a specific 'Roads Service issue' which River Faughan Anglers is concerned about, please let me know.

2. I have reviewed the application file and the event log on the Planning Portal, and there does not appear to have been a document referred to as '*Issues taken into consideration in preparing an Environmental Impact Assessment*' as part of this planning application process to date.
3. I note you seek clarification as to what Y and N mean in the context of EIA process and you require elaboration and justification by DC&SDC both in terms of this application and in relation to other cases recently raised by RFA.

Planning must have regard to the 'selection criteria' set out in schedule 3 of the EIA Regulations. 'Y' and 'N' are selected where these have been considered. Please note that 'Y' does not mean that the impact is deemed to be significant but rather that this has been considered.

4. An EIA screening was carried out on this application on 23 January 2014. However, as part of a wider EIA review, this application has been reviewed and I can advise you that, as part of the EIA screening process, Planning has sought further information from the agent to enable Council to determine whether or not this is an EIA development. Once further advice is sought from consultees, the determination will then be completed and will be made available on the Portal (which addresses point 5 of your correspondence). When this is uploaded to the Portal I will inform you.

I trust this satisfactorily answers your questions.



Sarah Barrett
Senior Planning Officer
Derry City and Strabane District Council



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Your Ref:
Our Ref: EIR/473, GEN1010/15 & A/2014/0035/RM

Mr Dean Blackwood
River Faughan Anglers
20 Campbell Park Avenue
Belfast BT4 3FH

Date: 12th April 2016

Dear Mr Blackwood

Environmental Information about Proposed Housing Development at Drumahoe

I refer to your letter, emailed on 6th March 2016, in response to the earlier response letter from Sarah Barrett on 4th March 2016. I regret that you feel that letter did not provide you with a satisfactory response.

I can assure you that the Council's Planning staff are committed to endeavouring to undertake Environmental Impact Assessments in accordance with the appropriate regulations. I am aware that there have been numerous written communications previously between Planning officials and yourself about the precise meaning of the template letters Y, N and N/A in relation to the 'selection criteria' set out in Schedule 3 of the EIA Regulations. The Council sets out its determination on whether the planning application is an EIA application (having taken account of the selection criteria) plus stating the reasons for that decision. However, it is clear that you feel there is confusion on the initials and

Derry/Strabane
C/o Planning Office
Orchard House
40 Foyle Street
Derry
BT48 6AT

0300 200 7830
planning@derrystrabane.com
www.derrystrabane.com

f Derry City & Strabane District Council
@dcsdcouncil



Derry City & Strabane
District Council
Comhairle
Chathair Dhoire &
Cheantar an tSraitha B ain
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indeed Council has been considering whether that template is a useful means of summarizing / recording the determination process.

As previously advised, the Council has reviewed the earlier EIA determination by DOE in January 2014 and is in the process of getting further environmental information to enable a revised determination to be completed, before any decision is made on this application. The applicant has submitted some of the required information and is actively working towards submission of the other details in the near future. However, as per your request under the Environmental Information Regulations 2004, that earlier EI determination has now been posted on the Portal marked 'Currently Being Revised / Superseded'.

I do note your comments/opinions about the Council's processing of this planning application in relation to the EIA Regulations. However, I can assure you that the Council's Planning officials will continue to conduct the appropriate environmental assessments and determinations, based on the available information, at a suitable stage in the application's consideration.

Yours sincerely,

Proinsias McCaughey
Principal Planning Officer

Derry/Strabane
C/o Planning Office
Orchard House
40 Foyle Street
Derry
BT48 6AT

0300 200-7830
planning@derrystrabane.com
www.derrystrabane.com

f Derry City & Strabane District Council
t @dcsdcouncil