



Planning Appeals
Commission

**Independent Examination Report of
Derry City and Strabane District Council's
Local Development Plan: Plan Strategy 2032**

**Report by
Commissioner Diane O'Neill**

Reference: LDP2022/DS/PS

Hearing session dates: 5th-7th, 12th-14th, 26th-28th September 2023
3rd-4th October 2023

Date of report: 10th May 2024

Main abbreviations used in the report

ACMD	Areas of Constraint on Mineral Development
AMR	Annual Monitoring Report
AoHSV	Area of High Scenic Value
AONB	Area of Outstanding Natural Beauty
ASAI	Area of Significant Archaeological Interest
ASSI	Area of Special Scientific Interest
ATC	Area of Townscape Character
CA	Conservation Area
DA	Drainage Assessment
DAERA	Department of Agriculture, Environment and Rural Affairs
DCSD	Derry City and Strabane District
Dfi	Department for Infrastructure
DPD	Development Plan Document
DPPN	Development Plan Practice Note
dPS	Draft Plan Strategy
DPWG	Development Plan Working Group
EQIA	Equality Impact Assessment
FRA	Flood Risk Assessment
HED	Historic Environment Division
HGI	Housing Growth Indicator
HNA	Housing Needs Assessment
HPA	Housing Policy Areas
HRA	Habitats Regulation Assessment
IE	Independent Examination
J&A	Justification and Amplification
KSR	Key Site Requirements
LB	Listed Building
LCA	Landscape Character Assessment

LCR	Landscape and Seascape Character Review
LDP	Local Development Plan
LLPA	Local Landscape Policy Area
LPP	Local Policies Plan
LVIA	Landscape and Visual Impact Assessment
MI	Monitoring Indicator
MSA	Mineral Safeguarding Area
NI	Northern Ireland
NIEA	Northern Ireland Environment Agency
PAC	Planning Appeals Commission
POP	Preferred Options Paper
PPS	Planning Policy Statement
PRC	Primary Retail Core
RDS	Regional Development Strategy 2035: Building a Better Future
RNIA	Rural Needs Impact Assessment
RSTNTP	Regional Strategic Transport Network Transport Plan
RTS	Regional Transportation Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCA	Special Countryside Area
SEA	Strategic Environment Assessment
SGP	Inclusive Strategic Growth Plan
SLNCI	Site of Local Nature Conservation Importance
SPA	Special Protection Area
SPG	Supplementary Planning Guidance
SPPS	Strategic Planning Policy Statement for Northern Ireland: Planning for Sustainable Development
SuDS	Sustainable Drainage Systems
S RTP	Sub Regional Transport Plan

TA	Transport Assessment
TP	Travel Plan
TS	Technical Supplement
UCS	Urban Capacity Study
UNESCO	United Nations Educational, Scientific and Cultural Organization
UUEPC	University of Ulster Economic Policy Centre
WFD	Water Framework Directive
WMP	Waste Management Plan
WMS	Waste Management Strategy
WWTWs	Waste Water Treatment Works

Contents		Page Number
Chapter 1	Introduction	1
Chapter 2	Overall Strategy	12
Chapter 3	Economy	29
Chapter 4	Social Development	54
Chapter 5	Environment	82
Chapter 6	Place-Making and Design Vision	101
Chapter 7	Specialised Requirements etc.	103
Chapter 8	Recommended Amendments	104
Chapter 9	Conclusion	106

Appendices

- Appendix 1 Tests for soundness-Development Plan Practice Note 6: Soundness
- Appendix 2 Schedule of Matters Arising documents from public hearing sessions of the Independent Examination
- Appendix 3 Schedule of DSDC Draft Plan Strategy Submitted Documents
- Appendix 4 Schedule of Recommended Amendments¹

¹ Document should be read alongside the main report

1.0 INTRODUCTION

- 1.1 Section 10(6) of the Planning Act (Northern Ireland) 2011 (the Act) as amended states that the purpose of an independent examination of a development plan document is to determine (a) whether it satisfies the requirements of Sections 7 and 8 and any regulations under Section 22 relating to the preparation of development plan documents; (b) whether it is sound. The tests of soundness are set out in the Department for Infrastructure (DfI) Development Plan Practice Note 6: Soundness (DPPN 6).
- 1.2 Section 6(2) of the Act states that the development plan documents consist of (a) the plan strategy (PS); (b) the local policies plan (LPP). The plan strategy is the first of the two documents produced in the two stage LDP process. As stated within Section 8, the plan strategy must set out the council's objectives in relation to the development and use of land in its district and its strategic policies for the implementation of those objectives and such other matters as may be prescribed.
- 1.3 Section 10(2) of the Act states that the Council must not submit a development plan document to the Department for independent examination unless it has complied with any relevant requirements contained in the regulations and it thinks the document is ready for independent examination. Accordingly, the starting point in this Independent Examination (IE) is to assume that the Council has submitted what it considers to be a sound plan. The plan was submitted to DfI for IE on 20th May 2022. On 20th September 2022 DfI caused an IE to be carried out by the Planning Appeals Commission (PAC). The document submitted was the same document that was published for consultation on 2nd December 2019 (see Appendix 3 for the schedule of submitted documents). In November 2021, following consideration of the representations received, Derry City and Strabane District Council (the Council) proposed a number of changes to the Draft Plan Strategy (dPS) document. An 8-week consultation period was held on the proposed changes commencing on 2nd December 2019 and ending on 27th January 2020. If appropriate, the proposed changes were raised for discussion at the public hearing sessions.
- 1.4 Arising from discussions at the IE, on my request, a number of submissions were made by the Council and these 'matters arising' were regularly posted on the Examination Library page of the Commission's website; a schedule of the matters arising documents is contained within Appendix 2. The evidence base for the IE comprises of all the written and oral submissions received throughout the entire IE process.
- 1.5 The purpose of the IE and this report is focused on the soundness of the plan and not on individual representations or site-specific matters. It does not respond to every issue raised nor does it refer to every policy in the dPS. The report generally reflects the structure of the dPS. Several representations contained suggestions as to how to make the plan better or 'more sound' however this is not the purpose of the IE. In

accordance with Section 10(8) of the Act, this report set out my recommendations as well as my reasoning for the recommendations; a schedule of my recommended amendments (RA) is contained within Appendix 4. This schedule should be read alongside this report. Changes to the plan are only recommended where I have found that these are necessary for soundness.

Assessment of legal and procedural compliance

Timetable

- 1.6 The plan strategy sets out the Council's objectives in relation to the development and use of land in its district and its strategic policies for the implementation of those objectives. The Council prepared and has kept under review a timetable for the preparation and adoption of their LDP. It has been revised as necessary to respond to changing circumstances. Due to differing levels of resources and priorities, comparison with the progress of other council areas is not meaningful. It is however accepted that other Councils have encountered similar difficulties as they come to terms with this new LDP process. The PAC and the Department were kept informed of progress with the preparation of the Plan Strategy and the various revisions to the timetable. In accordance with Regulation 6, the timetable provided indicative dates for each stage of the preparation of the local development plan. The timetable was agreed by the Council and the Department as per Regulation 7 of the Planning (Local Development Plan) Regulations (NI) 2015 (the Regulations). The various iterations of the timetable were published on the Council's website, a notice was placed in the local press, and they were available for inspection in the Council's offices and leisure centres. The requirements of Section 8(4)(a) of the Act have therefore been met.

Statement of Community Involvement

- 1.7 The plan strategy has been prepared in accordance with the Council's statement of community involvement (published July 2016; revised May 2018 and October 2021) thus meeting the requirements of Section 8(4)(b) of the Act and the Planning (Statement of Community Involvement) Regulations (NI) 2015.
- 1.8 As the plan has been prepared in accordance with the Council's timetable and the Statement of Community Involvement, it also meets procedural soundness test P1.

Preferred Options Paper

- 1.9 Prior to preparing their Preferred Options Paper (POP), the Council engaged with consultation bodies to provide relevant information to inform the development of alternative strategies and options. This included a series of focussed engagement meetings, workshops and a major stakeholder event was held in early 2017 prior to the POP being prepared. The Council advise they took account of all representations received as a result of the engagement.
- 1.10 The public and consultation bodies were consulted on the POP for a 12-week period from 31st May 2017 to 22nd August 2017. The publication of the POP was advertised in

the local newspapers during the weeks commencing 29th May and 6th June 2017, posted on the Council's website and it was available for inspection in the principal council offices in Derry and Strabane as well as at the public libraries and leisure centres throughout the district. Consultation was held with member of the public and with equality groups identified in Section 75 of the Northern Ireland Act 1998. Although some representations in relation to the dPS stated that it was not sound as it had failed to reflect their representations to the POP, the test contained within Regulation 11(4) is whether the council has taken account of representations on the POP. Regulations 9-11 have been met. As the Council prepared its POP and took account of any representations made, it has also met procedural soundness test P2.

Form and content of the development plan document, proposals maps and additional matters to be taken into account

- 1.11 The form and content of the dPS meets what is required by Regulation 12 of the Regulations. It also contains proposals maps which satisfy Regulation 13. Regulation 14(1) of the Planning (Local Development Plan) Regulations (NI) 2015 (as amended) requires the Council to take into account the objectives of preventing major accidents and limiting the consequence of such accidents and the need in the long term to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes; to protect areas of particular natural sensitivity or interest in the vicinity of establishments; and in the case of existing establishments, to take additional technical measures in accordance with Regulation 5 of the Control of Major Accident Hazards Regulations (NI) 2015 so as not to increase the risks of human health and the environment, for additional technical measures in accordance with Article 5 of the Directive so as not to increase the risks to people. The Control of Major Accident Hazards Regulations (NI) 2015 defines an 'establishment' as the whole location under the control of an operator where a dangerous substance is present in one or more installations in a quantity equal to or in excess of that identified in the Regulations. The Council's vision and Plan Strategy Objective 6 takes into account the need to prevent major accidents and to limit the consequences of such accidents. The objectives of preventing major accidents and limiting the consequences of such accidents are taken account of in dPS Chapter 33: Hazardous Substances, COMAH and Major Accidents. The existing COMAH sites have been identified in Evidence Base Paper (EVB) EVB G Specialised Requirements, Etc. In order to have a coherent approach within the dPS, similar to GDPOL (General Development Policy) xiii, as accepted by the Council, a further paragraph should be added seeking applicants to ensure that their developments do not increase the risk of accidents generally or increase the severity of the consequences of such accidents (Recommended Amendment RA 195). As this is a two-stage process, site-specific considerations are to be taken into account at the LPP stage. I am therefore satisfied that Regulations 12-14 inclusive of the Regulations are met.

Availability and public consultation on a development plan document

- 1.12 In terms of the availability of the development plan document, it was advertised as required by Regulation 15 in the Belfast Gazette and in the local newspapers from 25th November-5th December 2019. It stated that the dPS and its supporting documents, including the Strategic Environmental Assessment and Habitats Regulations Assessment, were available for inspection and consideration at the principal Council offices. It also stated that there was a consultation period of 8 weeks up until 27th January 2020. The dPS document was also available at the Council's leisure centres and public libraires. The postal and email addresses to which submission of representations were to be sent were also provided. These details were all placed on the Council's website at the same time as the local newspaper advertisements. The Council notified consultation bodies on 28th November 2019, providing details of the 8-week consultation period, the availability of all documents and how to make a submission. Following the identification of a procedural error and to ensure compliance of the regulatory consultation period, a further 8-week period of consultation took place from 11th September until 6th November 2020 with advertisements in the local newspapers and Belfast Gazette during the period from 31st August-10th September 2020. I am satisfied that Regulations 15 and 16 of the Regulations are met.

Availability and public consultation on representations

- 1.13 A copy of the representations received in relation to the dPS were made available on the Council website and advertised in the press (Belfast Gazette on 6th March 2020 and local newspapers on the weeks commencing 2nd and 9th March 2020) as required by Regulation 17 of the Regulations. The public notices indicated the 8-week period during which the representations would be available for inspection at the principal council offices at the specified times. The advertisement specified the postal and email addresses to which comments could be sent. The inspection period commenced on 5th March 2020 and was due to last for 8 weeks until 30th March 2020. However, due to the Covid-19 pandemic the Council's principal offices closed to the public in mid-March 2020. As a result, the consultation period was terminated and a notice was placed on the Council's website to that effect. Interested parties were also issued with a letter of explanation on 8th April 2020.
- 1.14 A later period of consultation ran from 27th November 2020 for a period of 8 weeks until 22nd January 2021. All representations were again made available on the Council's website and in the principal Council offices. The notice was published in the Belfast Gazette on 20th November 2020 and in the local newspapers on the weeks commencing 16th and 23rd November 2020. Consultation bodies were notified of the re-consultation on 26th November 2020. A copy of all counter-representations were made available for inspection during normal office hours at the principal Council offices and they were also posted on the Council's website at this same time. The requirements of Regulations 17-19 inclusive have therefore been met.

Submission and availability of documents for independent examination

- 1.15 Prior to submitting its documents for Independent Examination, the Council considered all representations and counter-representations. The duration of the consultation period accords with that specified in the Planning (Local Development Plan) Regulations (NI) 2015 which also specifies the nature of site-specific policy representations. All the specified documents were submitted for Independent Examination and made available in accordance with Regulations 20 and 21.

Sustainability Appraisal/Strategic Environmental Assessment

- 1.16 Section 8(6) of the Act requires that the council carry out an appraisal of the sustainability of the plan strategy (SA) and prepare a report of its findings. The Council published its SA Scoping Report (Document DS-100), incorporating the requirements of the Strategic Environmental Assessment (SEA), which assessed local challenges for the emerging plan based on the current position and determined the likely issues that may arise. The Council engaged with DAERA's NIEA, as the consultation body, and their feedback was received on 21st August 2017 and 26th November 2018 at both the POP and dPS Scoping Report stages. The comments raised were taken into account in the preparation of the dPS and its SA process.
- 1.17 The POP underwent Sustainability Appraisal and a SA Interim Report was published for consultation at the same time as the POP document. Representations received in relation to the SA Interim Report were considered in the SA Report, incorporating the SEA, (Document DS-101) published for inspection and consultation with the dPS. Several of the strategic options and alternatives for policy were appraised in the SA Interim Report published alongside the POP, which helped to shape the dPS. Each policy option in the dPS was assessed against the sustainability framework to ensure consistency in the approach. During the appraisal of each option, where possible, effects were predicted. In all cases the preferred option represented the most sustainable option. Where the extent of a designation was not identified at the dPS stage, the SA at the LPP stage will be the appropriate stage to deal with that element of the designation. Regulation 15(a) (ii) of the Regulations is therefore met.
- 1.18 Following consideration of the dPS, SA, Habitats Regulations Assessment Report and of representations received, the Council recommended several proposed changes to the dPS prior to submitting for Independent Examination (IE). As a result, in November 2021 an Addendum to the SA Report, incorporating the SEA, was published (Document DS-101a) alongside the Schedule of Proposed Changes (Document DS-001a). The Addendum highlighted the effects that the proposed changes would have in relation to the SA of the dPS. Following consideration of the proposed changes, it was found that none of them would result in any likely significant effects as a result of their implementation within the dPS. Discussions also occurred at a hearing session of the IE clarifying specific matters in relation to the SA.

- 1.19 Having considered all the evidence before me, I am satisfied that the Council's approach meets the legislative requirements in relation to sustainability appraisal and strategic environmental assessment. The dPS also met procedural soundness test P3 which requires that the plan has been subject to a sustainability appraisal including a Strategic Environmental Assessment.

Habitats Regulations Assessment

- 1.20 Regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (as amended) (HRA) requires an appropriate assessment to be undertaken of plans and projects which are likely to have a significant effect on an international site in Northern Ireland, either alone or in combination with other plans or projects. A draft HRA (Document DS-103) was published for consultation with the dPS. 23 international sites that have the potential to be impacted by the Plan were identified and examined. 11 sites are partly or wholly within the plan area or immediately adjacent to the plan area boundary. As a precaution, all sites within 10kms of the plan area were considered. All the policies and proposals in the dPS were screened in the context of the international sites. The screening of the plan policies and proposals found that, in the absence of mitigation, there is the potential for likely significant effects to arise from 10 operational policies and one appendix. These were all consequently subject to an appropriate assessment. The appropriate assessment concluded that, provided the recommended mitigation measures are all retained or accepted, and the Plan is amended accordingly, that the dPS will have no adverse effect on the integrity of any international sites and no further assessment is necessary.
- 1.21 Following the consideration of all the representations received during the public consultation exercise, the Council recommended a number of proposed changes to the dPS. All of the proposed changes were reviewed to identify whether they were relevant to the dHRA. The Council published an Addendum to the HRA Report (Document DS-103a) to assess the changes through the HRA process. It was found that the majority of proposed changes have no likely significant effect on any international sites and could be screened out of the need for appropriate assessment. For the six policies affected by the proposed changes, mitigating measures have already been incorporated to avoid adverse effects on the integrity of international sites. Implementing the proposed changes would therefore result in no adverse effect on the integrity of any international site. Assuming that the changes are all accepted, and the Plan amended accordingly, it was concluded that the dPS will have no adverse effect on the integrity of any international sites. The dHRA will be updated and finalised following public consultation and the IE of the dPS. It will then be published alongside the adopted PS. In the interim, I am content that the relevant legal requirements have been adhered to date.

1.22 I am satisfied that:

- the dPS has been prepared in accordance with the Council's timetable and SCI. Therefore, Section 7 of the Act has been complied with and procedural soundness test P1 has been met.
- the Council has prepared its POP and has taken into account any representations made thereby satisfying soundness test P2.
- the dPS has been subject to a SA and SEA in accordance with Section 8(6) of the Act and has met soundness test P3.
- the Council has complied with the Regulations on the form and content of its dPS and on the procedure for preparing the plan, therefore complying with procedural soundness test P4.

Equality Impact Assessment

1.23 Section 75 of the Northern Ireland Act 1998 places a statutory obligation on public authorities to carry out its functions with 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. Public authorities must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion, or racial group. Completing an equality impact assessment (EQIA) throughout the plan process allows mitigation measures to be brought forward to lessen the impact, if any, that the policies will have on the Section 75 groups. The POP was subject to an interim EQIA in May 2017 (Document DS-706) and comments received were taken into account in preparing the draft EQIA (dEQIA).

1.24 The Council carried out an EQIA on the dPS to identify any planning issues relating to the dPS that are likely to have an impact on equality of opportunity and/or good relations (Document DS-104). The EQIA was issued for consultation alongside the dPS. The EQIA anticipated that the dPS will have no adverse effects on the Section 75 groups equality, access to services and jobs or housing. It concluded that it is likely to have mostly positive impacts on all Section 75 groups, both directly and indirectly, by helping to address environmental, economic and social needs. It was considered that some areas of development may have a differential impact on a number of Section 75 groups in a positive manner by addressing specific or recognised needs, for example, policies to assist in accessibility to housing, employment, transport, community facilities and services for all Section 75 groups. The Council was satisfied that there is no discernible negative impacts on any of the Section 75 groups as a result of the dPS.

1.25 An Addendum to the EQIA was issued in November 2021 (Document DS-104a) which assessed the Council's proposed changes to the published dPS following its consideration of all the representations received in relation to the dPS. No substantive issues were raised during the consultation periods in relation to the EQIA. In

reassessing the amended policies against the EQIA screening process, the outcomes were unchanged from that originally identified and considered, with the exception of Policy HOU 01, which may be perceived to have a differential impact on Section 75 groups as it is addressing a particular housing need within an area where certain religious groups are prominent. The conclusions on the remaining policies remain unchanged from the original EQIA in that it is anticipated that the dPS will have no adverse impact with regards to equality and is likely to have a positive impact on all Section 75 groups, both directly and indirectly, by contributing to economic growth and social progress.

Rural Needs Impact Assessment

- 1.26 The Rural Needs Act (NI) 2016 requires district councils and other public authorities to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and when designing and delivering public services. In December 2019 the Council published its Draft Rural Needs Impact Assessment (RNIA) (Document DS-105) for consultation at the same time as the dPS. Following intensive research, policy reviews, face to face engagements and public consultation, the RNIA identified a number of social, economic and environmental issues as being particularly relevant to the rural area in Derry City and Strabane District Council. As a result, a range of measures were included in the dPS to try to address the issues such as villages and small settlements being afforded appropriate growth based on their current size and role within the settlement hierarchy to sustain them as vibrant rural communities. On publication of the Council's proposed changes to the dPS, the Council published an Addendum to the Draft RNIA (Document DS 105a) in which it highlights the effects that the proposed changes to the dPS have in regard to the RNIA. The Addendum concluded that the proposed changes do not alter the likely impact of the dPS policies and strategies on the rural community nor do they alter how much regard the dPS has had to rural needs.

Duration of the plan

- 1.27 Although the Act does not prescribe the duration of time that a plan should cover, Paragraph 5.7 of the SPPS states that it should set out a long-term spatial strategy. Paragraph 2.6 of DPPN 1 Introduction: Context for Local Development Plans states that the LDP should provide a 15-year plan framework to support the economic and social needs of a council's district while providing for the delivery of sustainable development. Whilst a desire was expressed by some representors for the timeframe to be extended, with concern expressed that the required 5-year review of the LDP could be after the local policies plan was adopted or approved, the plan would still be in place after the notional 2032 end date. Under Regulations 25 and 27 of the Regulations the council is required to produce an annual monitoring report which will be available for inspection. Should an issue arise, Section 14 of the Act allows the council, at any time, to prepare a revision of its plan strategy. It is therefore accepted that the 15-year timeframe is reasonable and that it is neither feasible nor necessary

to extend it given the implications that it would also have for the plan's evidence base, including its supporting assessments, and for legal and soundness compliance. It was also suggested that the plan review period be reduced from 5 years to 1 year, to allow for example, an assessment of the implications of Brexit. The Plan however must be able to address the social, economic and environmental unexpected and changing circumstances that may arise over time. The annual report process should identify any issues and the plan can be reviewed at any time.

Approach to the consideration of soundness

1.28 Section 8(5) of the Act and consistency tests C1-C3 within DfI's Development Plan Practice Note 6: Soundness (DPPN 6) requires that in preparing a plan strategy, the council must take account of: the regional development strategy; the council's current community plan; any policy or advice contained in guidance issued by the Department; and such other matters as the Department may prescribe or, in a particular case, direct, and may have regard to such other information and considerations as appear to the council to be relevant. Given that there is no legal definition for 'take account of', I agree with the Council's position that the requirement does not mean that every provision of regional planning policy must be included within the PS in order to comply with Section 8(5) of the Act. The Council's evidence demonstrates that throughout the plan preparation process, it has made every effort to ensure that it has taken account of the RDS, the SPPS, PPSs, PSRNI and other government documents considered to be relevant including the Marine Plan/Policy Statement. The SA and each of the topic-based evidence base papers, for instance, include a review of the SPPS, relevant PPSs or PSRNI policies and other regional guidance/policy. Numerous representations considered that the dPS was unsound as various policies did not replicate provisions and the exact wording of policy or advice published by the Department. However, as stated in paragraph 5.23 of the SPPS, the overarching purpose of the plan strategy is to provide the strategic policy framework for the plan area as a whole and to bring forward a local growth strategy. As well as ensuring that an appropriate policy framework remains in place when the PPSs and relevant provisions of the PSRNI cease to have effect, paragraph 5.23 acknowledges that depending upon a council's objectives and local circumstances, it may also be appropriate to include additional strategic policies and proposals, zonings and designations specific to issues pertaining to the plan area, provided they are of a strategic nature.

1.29 Paragraph 6.3 of DPPN 7: The Plan Strategy also states that whilst a council must consider the various topic areas, it may only decide to include strategic policies and proposals to supplement the requirements of the RDS and SPPS on those topic areas which it considers to be relevant and help to achieve its objectives for the local area. No policy omissions were identified with regard to regional planning policy and consultation was carried out with key consultees including DfI on the emerging regional policies with many policies in the dPS amended as a result. Where policies

slightly deviate from the SPPS, this is set out in the dPS, accompanying background papers and in the Council's commissioned studies. Concern was raised that some policies did not contain all the relevant material considerations. However, as stated within paragraph 1.6 within the dPS, the dPS must be read holistically and the entirety of its provisions taken into account when considering development proposals. There is no need to replicate all material considerations within each policy. However, this places the onus on development management officers to be fully conversant with the development plan provisions and apply them consistently.

- 1.30 Alternatives for the approaches selected in the dPS have been considered at all stages throughout its preparation including in the SA Report which provides such justification. The SA (Document DS-101), for example, assesses the various draft policies against the SA objectives and examines the possibility of reasonable alternatives. Where alternatives were not considered to be reasonable then this was also justified due to, for instance, objectives of the plan, planning judgement, development management experience, availability of evidence and being environmental inferior. As per Regulation 11 of the Environmental Assessment of Plans and Programmes Regulations (NI) 2004, the SA includes the appropriate extent of information which is currently known and reasonably required for this stage of the plan making process. The POP also sets out the main issues which derived from the topic papers and provided a set of alternative options on how policies could be developed to address these. Comments were invited on the options during the consultation exercise which provided an opportunity for alternative options to be raised. Alternative policy options were also considered by the LDP Members' Steering Group and by Councillors in the Councillor Workshops. I am therefore satisfied that this element of soundness test CE 2 has been met.
- 1.31 The content, timing and roll-out of their Community Plan, known as the Inclusive Strategic Growth Plan (SGP), and the POP were closely co-ordinated with there being a close co-operation and involvement in the two processes and a commonality of stakeholders. The public consultation on the POP was conducted jointly with the consultation on the SGP. The dPS, SA and the various, evidence-based papers reference the SGP wherever it has a relevant objective or action, for example, in its chapter on the vision and objectives. From the evidence it is clear that the SGP has informed the dPS growth strategy as well as its overall policy objectives and relevant strategic planning policies. The dPS ensures that it can accommodate the various site-specific and project-focussed actions of the SGP. I am therefore satisfied that the dPS has therefore taken account of the Community Plan therefore meeting consistency test C2.
- 1.32 The dPS has had regard to the relevant plans, policies and strategies relating to the District and to those of the adjoining Council Districts (Causeway Coast and Glens, Mid-Ulster, Fermanagh and Omagh). It is noted that it has also taken into account

those in County Donegal. The Council has engaged extensively in meetings and consultations with the four Councils at various stages of the dPS, SA and HRA preparation. For example, the four NI Councils which share the Sperrin AONB have formed the Sperrin Forum and have met on various occasions to discuss issues of common concern and to agree upon broadly similar approaches in their LDPs. It has had regard to the plans, policies and strategies of the adjoining Districts. This is evident not only in the dPS but also in the evidence base papers. The Council is also part of the Development Plan Working Group (DPWG) in which all 11 Councils participate to discuss a range of issues affecting the whole of Northern Ireland. I am therefore satisfied that this dPS has had regard to other relevant plans, policies and strategies relating to the Council's district and to adjoining council districts.

2.0 OVERALL STRATEGY

Vision and objectives

- 2.1 A number of representations were received in relation to the strategic objectives contained within Chapter Four of the dPS. Although concern was raised in relation to monitoring of the 31 identified objectives, the monitoring framework is to be revised at a later stage in the LDP process in order to ensure appropriate coverage of all topics and objectives. While a number of the objectives could be located in various categories, their current positioning is appropriate. The Spatial and Cross-Cutting Objectives (a)(ii) and (iii) refer to a desire for a number of land-uses such as employment, administration, shopping, health, education and commerce to develop within Derry City and Strabane as the respective principal city and main hub. Although referred to within the Social Development Objectives, in the interest of coherence, residential uses, as the dominant land uses to be focused within the city and main hub, should also be included within the list of land-uses within Objective (a)(ii) and (iii) (Recommended Amendment RA 01). This would also be consistent with other land uses identified, such as retailing, which are covered in a number of objectives. Given that Objective (a)(i) refers to delivering sustainable development which protects the environment, it is unnecessary to make specific reference to meeting the WFD water quality requirements. The infrastructure capacity of a settlement is a matter that is routinely assessed at development management stage along with access arrangements, residential amenity etc. and is covered in other policies such as Policy HOU 2. The reference to the requirement of 'possibly mixed tenure' within Social Development Objective (c)(i) is appropriate as not all schemes may require such a provision, for instance if there is no need for affordable housing or if a balanced tenure already exists in the local area.
- 2.2 The objectives make appropriate reference to the strategic role of a strong, reliable and secure electricity system. The dPS has taken account of the provisions within Department policy and guidance. Environment-focused objective(d)(iii) seeks to accommodate investment in power whilst economic development objective (b)(iv) recognises the North West's significant energy resource and encourages the use of sustainable energy. It is explicitly and implicitly recognised in the dPS as well as by the Council at the IE that the proposed level of growth anticipated will require an upgrade to the electricity system. This is acknowledged within Chapter 19 Utilities Development which states that to underpin the economic and societal growth, it is necessary to have a safe, secure and reliable energy infrastructure (paragraph 19.2). This is reflected within the Council's LDP strategy for utilities developments as well as within Policy UT 1 Electricity and Gas Infrastructure. It is required however that such proposals minimise their harm to the environment or sensitive locations as well as to public safety. These are considerations to be assessed and weighed during the development management process. Concern was raised in relation to responding to climate change. Document DS 605 Climate Change and the LDP (December 2021) sets out how the dPS includes measures and policies that require development to minimise

harm that would cause climate change, mitigate against the effects of climate change, adapt to its impacts and to ensure resilience to it. For instance, spatial and cross-cutting objective (a), which relates to planning for a sustainable district, seeks to contribute to climate-change prevention/protection with environment objective (d)(i) committing to measures to tackle climate change. Any changes in the policy context could be addressed at the required review. In terms of objective (d)(iii), the current use of the term ‘power’ allows for reference to a range of energy projects including those for renewable energy; to change it to only refer to renewable energy would be restrictive. A specific reference in the objectives to growing the green economy is unnecessary as this is already implicit in a number of the dPS’s policies and strategies.

- 2.3 Evidence was presented that tree-planting activities in the wrong places, for instance on peatland, has harmed important wildlife habitats and species and undermined effective climate action. To prevent such future occurrences, for coherence it is appropriate to amend environment objective (d)(i) in order to state that the achievement of more tree cover should be in the correct locations and of an appropriate type (Recommended Amendment RA 02). It is not considered necessary to be so prescriptive to specify that it is to be native tree cover given the other benefits that can arise from non-native species; this can be assessed on a case-by-case basis at the development management stage.
- 2.4 The vision and objectives section as amended will ensure that the Plan is sound.

Growth Strategy

- 2.5 As acknowledged in the dPS, the RDS 2035 and the National Planning Framework (2018) both identify Derry-Letterkenny as the regional growth centres for the North West, being a metropolitan city region of up to 350,000 population. Derry City, as the second city of Northern Ireland, has regional-scale facilities such as an Ulster University campus, Altnagelvin Hospital, large shopping centres, an airport and a port. A number of initiatives are anticipated by the Council, for instance, extensive investment in road infrastructure including the A5 and A6 dual carriageways, significant expansion of the university and North West Regional College, and expansion of the hospital. The Council is progressing a multi-million pound capital investment programme for its key regeneration sites; these projects are all included in the District’s Community Plan-Strategic Growth Plan (SGP). Many of the key infrastructure projects are to be delivered through the secured City Deal.
- 2.6 In 2017 the district had a population of approximately 150k with only modest growth predicted over the coming years. In 2017 there were approximately 61k dwellings in the district with building rates adversely impacted by the economic downturn. At that time approximately 55,800 jobs existed, with figures improving over recent years. In terms of the scale of targeted growth, the POP identified three growth strategy options for population, jobs and homes. Following further consideration by the Council, the three options outlined in Table 6 of the dPS were for modest growth of 149-150k population, +4k jobs and +4.1k homes; planned growth of 155-160k

population, +8-15k jobs and +8-10k homes; or potential growth of 160-170k population, +16-18k jobs and +11-15k homes. Given that these figures have evolved since the publication of the POP due to consideration of representations and the updated evidence base, including economic papers Documents DS-205 and 206, it is appropriate for clarity that the heading of Table 6 and paragraph 5.7 of the dPS reflects these changes (Recommended Amendments RA 03 and 04).

- 2.7 The 2016 based NISRA population growth projections for the district were that it would grow to a peak of approximately 151k in 2022 and then decline to 149k by 2032. The 2016 based HGI figure (DfI, September 2019) gave an indication that 4,100 additional dwellings were required. It was also projected that 4k extra jobs were required over the same period. The projections are based on historic trends and do not however take account of planned policy changes or the aspirations of the Council in its Community Plan that could impact on the level of population. Given the RDS 2035's objectives to develop a strong north-west and to strengthen the role of Derry as the principal city of the north-west, the greater demand for houses including the considerable projected affordable housing need, the high level of commitments and completions, the Council reasonably aimed to grow the district at a rate higher than that projected by NISRA/HGIs.
- 2.8 The Council has the ambition to increase its population by approximately 10k to around 160k. Such a level of growth would be based on a planned growth scenario of approximately 15k new jobs and approximately 9k new homes up to 2032. The Council were ambitious but yet realistic as to what was deliverable based on an updated evidence base. For instance, the Interim SA (Document DS-703) identified that this option would give rise to no significant adverse effects and was the most sustainable option. The University of Ulster Economic Policy Centre (UUEPC) also produced evidence (Document DS-205) that the planned growth scenario achieved the right balance of being ambitious but yet deliverable. It was noted by UUEPC that 16% of jobs were also filled by those commuting into the district (Document DS-204, page 13). The UUEPC carried out a review in 2021 (Document DS-26a) in which they concluded that the Council was broadly on track to achieve the planned growth by 2032, thereby supporting the approach. At the IE the Council presented evidence that the UUEPC carried out a further update in June 2023 which revealed that whilst the population growth was slightly behind the anticipated level, that the proposed planned growth scenario was broadly on track with a good correlation occurring between the numbers of jobs and houses. To underpin this economic and societal growth, it is necessary to have sustainable and secure energy infrastructure in place, which takes into account RG 5 of the RDS, and this should be reflected in Paragraph 5.15 of the justification and amplification text (Recommended Amendment RA 04).
- 2.9 A number of representations advocated that the more ambitious potential growth scenario should be adopted. However, the Council has committed to monitoring the issue and keeping the matter under review at the 5- and 10-year review stages to ensure that the further potential growth can be sustainably planned and

accommodated (paragraph 5.11 dPS and monitoring indicators 1-3, Document DS-242). The Council has to take into account their Community Plan, which they have done, rather than having to slavishly adhere to it. At any rate, in the Community Plan it is projected that there is a need for 12k additional households between 2017-37 and whenever this is divided pro-rata this is approximately 9k for the duration of the plan.

- 2.10 It is accepted that there is not a direct linear relationship between jobs and households, with each new job not equating to a new household. The Review of the LDP Growth by UUEPC in July 2021 (Document DS-206a) also examined the impact of similar arguments put forward for the use of the potential growth scenario. It looked at three significant developments since 2019 namely the impact of the COVID-19 pandemic, the UK exit from the EU, subsequent agreement and migration, and the launch of the City Deal and Inclusive Future Fund. It also explored a number of other trends including the future of retail and town centres, remote working and city centre living. The review commented that the planned growth scenario reflected the modelled impact assessment of the Community Plan and the City Deal (pages 4-5). In comparison, the potential growth scenario was seen to take a City Region perspective to the entire North West where private and public investment in infrastructure and business start-ups and expansion delivers strong growth in both the district and in neighbouring County Donegal. It also assumes that the growth would be delivered more equally across the entire region. At the IE the Council's economist stated that modest growth scenario would deliver 1.6% growth compared to the 3.4% growth forecast which was already quite high. To aim for a higher rate was considered to be undeliverable as there were not the people, skills or infrastructure to deliver it. It was highlighted that the population level was currently lagging behind however it was noted that it was expected to increase due to developments such as the City Deal. A potential growth scenario was likened to the level of growth of Singapore. As a result of this persuasive and substantive evidence, I accept that the targets in the planned growth scenario remain on course to be met in 2032. The Interim SA (Document DS-703) also identified that, unlike the planned growth scenario, the potential growth scenario could cause many significant negative adverse effects on the protection of physical and natural resources, and on maintaining and enhancing landscape character.
- 2.11 From paragraph 2.9 of the dPS it is apparent that the Council considered the NISRA household predictions for 2016-2041 which takes account of population growth, a reduced size of household and the changing age structure of the population. Housing completions were based on the housing monitor reports 2004-2017 (Document DS-300) and Housing Monitor 2019-2021 summary report (Document DS-301) which is more robust than the period from 1999-2013 referred to by some representators as no particular boom or bust conditions were at play. At any rate, the evidence demonstrates that the 9k homes figure is greater than the housing numbers that are currently being delivered and it allows for a degree of flexibility. There is a healthy level of commitments which exceed the level of housing required even if not all built

out. The deliverability of the zonings are matters to be considered at the Local Policies Plan stage. At the IE the Council presented evidence that they are not aware of deliverability issues. The review process would keep the population, jobs and housing figures under review and if there were any deviation of greater than 10% then this would act as a trigger for the consideration of a further release of land or review of the dPS.

- 2.12 The Growth Strategy section as amended will ensure that the Plan is sound.

Spatial Strategy

Overall Settlement Hierarchy

- 2.13 Designation SETT 1: Settlement Hierarchy for DC&SD LDP 2032 proposes a settlement hierarchy for the district consisting of one main town, three local towns, twenty-three villages, and nineteen small settlements. In defining where each settlement sits in the hierarchy account was taken of a wide range of factors including the RDS spatial framework, their current classification within the existing area plans, the population of individual settlements, an assessment of the role or function of settlements and services they possess or would be expected to provide, the capacity of any WWTW and the vigour and growth of the settlements over the current plan period. As well as carrying out extensive research, the Council gathered views of members and consultees including in relation to the POP, and formulated a number of options which were subject to a SA, EQIA and RNIA.
- 2.14 Account was also taken of existing Landscape Character Assessments, Development Pressure Analysis was carried out and a Landscape and Seascape Character Review (LCR) was conducted. The LCR provides a robust and balanced up to date assessment of the varying character and sensitivities of the district's landscape/seascape. As stated within Paragraph 1.9 Document DS-208, it is not intended to be a detailed, technical landscape/seascape character assessment. Rather, it is a review of the district's landscape/seascape and a clarification of whether previous LCA studies undertaken by DOE, NIEA and DAERA are still relevant and valid since their introduction approximately 18 years ago. The review was undertaken by Council planning officers in co-operation with a landscape architect, park development manager, climate programme manager, biodiversity officer, environmental officer and access officer from the Council (Paragraph 5.2, Document DS-208). The review highlights emerging forces of change in the landscape/seascape that were considered as part of the PS preparation. It seeks to identify opportunities for protecting and enhancing the intrinsic character of the landscape and seascape of the district in keeping with the principles of sustainable development. It provides a description of landscape character and a high-level assessment of sensitivity to different types of development. The LCR was subject to consultation with the public and key consultees.
- 2.15 All the settlements were subject to a settlement evaluation exercise in order to see whether they should be upgraded or downgraded based on their performance. In considering whether they should be new settlements, the Council considerations

included the number of houses/populations, the waste facilities, employment, retail and community facilities, street lights, speed limit, name signage and whether it was identified as a long established community.

- 2.16 A number of representations were received requesting that changes be made to the status of various settlements in the settlement hierarchy. It was requested that Castledearg be defined as a 'town' as opposed to a 'local town', having its own unique settlement tier. Document DS-207 LDP Spatial Strategy (Updated March 2022) outlines why Castledearg, together with Newtownstewart and Claudy, are identified as 'local towns' within the dPS. Their selection was based on location and ability to serve a wider peripheral rural area as opposed to population, current size and level of service provision. The three local towns are also identified as 'rural service hubs' in line with the Council's Rural Development Programme. Castledearg was identified as a local town within SAP. It is noted that Castledearg is one of a number of settlements identified as having sewerage network capacity issues (Appendix 7a, Document DS-207). It is also identified as being an area where Unsatisfactory Intermittent Discharges (UIDs) have occurred. It is therefore not accepted that Castledearg's classification should change.
- 2.17 In terms of Claudy, whilst it was designated as a village within the DAP, it acknowledges that it could accommodate further expansion (Paragraph 16.8, DAP). Claudy has a degree of self-containment having a good level of services including pre, primary and secondary schools, recycling/transfer station, churches, as well as community and sport facilities (Appendix 6, Document DS-207). This is comparable to the other local towns. It is also well-positioned geographically and has good wastewater treatment capacity. It does not compete with Derry City nor detract from the dPS's spatial strategy. The designation of Claudy as a local town is appropriate.
- 2.18 Eglinton is identified as a village within the DAP and it was argued that it should be reclassified as a local town. It is acknowledged that Eglinton has a substantial population of 2,679 (2011 census) which is in excess of the populations of Castledearg and Newtownstewart. Eglinton is however not the only village to have a high population with Culmore, for example, having a population of 3466 (Appendix 6, Document DS-207). It also has a range of services such as a health centre, supermarket and employment land. There are however other factors when considering the position of a settlement in the settlement hierarchy. DAP acknowledges the attractiveness of the village as well as the fact that its proximity to the largest industrial areas of Campsey and Maydown/Strathfoyle together with good road links to the city, which is close proximity. These factors have combined to produce the rapid growth of the village. It was also stated to increasingly function as a dormitory settlement for the city (Paragraph 16.15, DAP). As a result, DAP sought to limit the further expansion of Eglinton to protect its character (Paragraph 16.16, DAP). I therefore accept that Eglinton could compete or detract from Derry city. Unlike Castledearg, Claudy and Newtownstewart, which will strategically serve as rural service hubs, it also does not service a particularly wide or remote rural area. Wastewater network capacity issues

are starting to emerge in the settlement (Appendix 7, Document DS-207). At the IE the Council also presented evidence that the general consensus from consulting the public and elected members exercise is that there is little appetite for the expansion of the settlement. They also commented that from the rural character test advocated in the RDS that the settlement has the feel of a village. It is therefore appropriate for Eglinton to remain as a village. The villages, together with the small settlements, are sufficient in number and appropriately located to ensure that the dPS does not inequitably favour the larger settlements to the detriment of the wider rural area.

- 2.19 Some advocated that Nixon’s Corner, a small settlement within DAP, should be considered as a potential village. However, despite its location, it is largely residential in character and the services it depended on are in nearby Derry City. The main service which this small settlement contains is a WWTW. At any rate, the Council’s extensive evidence demonstrates that there is generally an adequate quantum of development land within most existing settlement limits to meet the housing and employment needs over the LDP period. Most settlements across the settlement hierarchy will therefore not see much expansion, if any. Therefore, whether any given settlement is in a certain category or not, it is not expected to be critical in terms of any additional lands being included within the timeframe of the PS.
- 2.20 When comprehensively assessed by the Council, none of the suggested new settlements, such as Corrickmore Avenue, Gortnessy and Urney, had sufficient services or facilities to merit designation as a settlement. The potential settlements were largely groupings of residential properties near larger settlements which already adequately provided for their essential services. The identification of sites for development and the assessment of settlement limits will be carried out at a later stage in the LDP process; it is therefore not appropriate to comment on such matters at this stage.
- 2.21 Changes to the settlement hierarchy are therefore not justified nor are they warranted for soundness.

Land Uses in Settlements

- 2.22 Designation SETT 2 makes provision for development within the settlement development limits. Concerns were raised in relation to the designation including that the vast majority of housing zonings are either developed, already have planning permission where there is no requirement to provide social housing, have infrastructure difficulties or that owners are not interested in developing the land. It is apparent from the evidence base papers and from oral evidence presented at the IE that the Council thoroughly considered the existing commitments and the infrastructure capacity of settlements. In 2018 the Council wrote to known landowners of undeveloped zoned housing land within the district to confirm ownership and to establish the likelihood of the land coming forward for development. The response rate was over 64% with the majority stating their wish to retain the land for housing (Paragraph 3.26, Document DS-224). As stated within

Paragraph 5.6 of DPPN 8: The Local Policies Plan, it is for the LPP to allocate and zone land for housing in accordance with the PS, whilst taking account of the RDS, any policy or advice issued by the Department and the current community plan. At that stage the Council will appropriately consider the social housing in the pipeline, any infrastructure issues and the availability of land by re-consulting with local landowners. In the interim period, zonings within SAP and DAP will be carried forward. Any issues with the current zonings can be addressed at the LPP stage. The parties will have the opportunity to raise concerns in relation to the deliverability of individual zonings at that stage. It is also noted that Table 9 Summary of Land for Delivery of Housing in District's settlements at 2017 (Page 223, dPS) states that the settlements alone have a total dwelling capacity of approximately 20,500 units which is more than double the district's planned growth figure of approximately 9k new homes.

- 2.23 Concern was also expressed that Designation SETT 2 would be detrimental in the long terms to the small towns, villages and small settlements due to it focusing growth in the larger towns and city. The distribution of growth was considered throughout the plan preparation process with the POP proposing three options (Pages 55-56, Document DS-700). The SA Interim Report appraised the options and alternatives against a sustainability framework. The preferred option 3 consisted of focused growth in Derry City as a Regional City, as well as Strabane town as a Main Hub plus housing opportunities in the rural settlements and in the countryside. The Report envisaged that there were significant positive effects for the preferred option such as providing good quality sustainable housing, enabling access to high quality education and enabling sustainable economic growth. No significant negative effects were identified (Pages 140-147, Document DS-703). Such an approach also takes account of the RDS in terms of strengthening the role of Derry City as the principal city for the North West (SFG 7), identifying and consolidating the roles and functions of settlements within the clusters (SFG 10) and sustaining rural communities living in smaller settlements and the open countryside (SFG 13). The SA also analysed the impact of Designation SETT 2 and found that there were numerous likely significant positive effects such as protecting physical resources, reduce cause of and adapt to climate change, protecting natural resources and enhancing biodiversity and maintaining and enhancing landscape character (Pages 180-182, Document DS-101).
- 2.24 The RNIA also acknowledges that the growth of the city and the main town of Strabane serves not only to position both as places which can compete with peer settlements across the island of Ireland and elsewhere but can provide services which can supply the rural area. The RNIA recognises that the aims, objectives and planning policies in the dPS will encourage sustainable growth across the rural area in an effort to sustain the vibrant rural communities and resist economic and social decline. Housing opportunities will continue to be allowed in rural settlements at a level which is appropriate to each settlement's place in the settlement hierarchy and spatial framework. In the countryside the dPS aims to continue to allow people who need to live in the countryside to continue to do so whilst providing a number of opportunities

for non-farming rural dwellers through infill, clustering, replacement and conversion of existing buildings (Pages 6, 14 and 16, Document DS-105).

- 2.25 To reflect the provisions of regional policy, and meet consistency test C3, it is appropriate that Paragraph 6.18 of the dPS be amended to acknowledge that LLPAs consist of known features and areas of greatest amenity value, landscape quality or local significance in terms of natural and historic environment, within or close to settlements. It should also be stated that Areas of Townscape/Village Character (ATCs/ATVs) may also be defined to protect not only areas of quality built-form and layout but also natural features (Recommended Amendment RA 05).

Strategic environmental spatial designations

- 2.26 Paragraph 6.61 of the SPPS recognises that the countryside is one of our greatest assets. This is due to factors such as its highly valued landscapes, a complex variety of wildlife, rich built and cultural heritage, for the ecosystem services it provides and for its sense of place and history. Given the wide variations across Northern Ireland in terms of the social, economic and environmental characteristics of rural areas Paragraph 6.64 of the SPPS however states that policy approaches to new development should therefore reflect differences within the region, be sensitive to local needs as well as to environmental issues including the ability of settlements and landscapes to absorb development. It is added that this may involve recognising areas that are particularly sensitive to change.

- 2.27 As well as managing growth, facilitating and promoting high standards of development, the regional strategic objectives of the SPPS include conserving the landscape and natural resources of the rural area, to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution (Paragraph 6.66, SPPS). As some of the areas of countryside exhibit exceptional landscapes, such as mountains and certain views and vistas, the quality of the landscape and unique amenity value is such that it is stated that development should only be permitted in exceptional circumstances (Paragraph 6.75, SPPS). Where appropriate, it is stated that these areas should be designated as Special Countryside Areas in LDPs, and appropriate policies brought forward to ensure their protection from unnecessary and inappropriate development. It is added that local policies may also be brought forward to maintain the landscape quality and character of Areas of High Scenic Value. In response and taking account of the SPPS, and therefore meeting consistency test C3, the dPS contains two strategic environmental spatial designations: Designation SCA 1 Special Countryside Area (SCA) and Designation AHLI 1 Areas of High Landscape Importance (AHLIs). The SA did not assess any reasonable alternatives as none were identified due to the designations meeting the aims of the RDS and the SPPS (Pages 350-352, Document DS-101). The policies to protect the sensitive landscapes were found to result in likely significant positive effects including for the delivery of the social sustainability objective to improve health and wellbeing, as well as for the delivery of environmental objectives to protect natural resources, enhance biodiversity, and to maintain and enhance landscape character. No

significant adverse effects were identified. At the IE it was highlighted that it is also in keeping with adjoining councils in order to provide a unified approach to Sperrin AONB protection thus meeting consistency test C4 (Pages 31-32, Document DS-207; Paragraph 4.24, Document DS-208; Appendix 3, Document DS-200).

- 2.28 The POP outlined three strategic planning options for dealing with the landscape character. Option 2, which was the Council's preferred option, was informed by a development pressure analysis (Document DS-209) and relevant landscape character assessments in order to identify those areas of the landscape with higher sensitivity or 'at capacity' and identify development that may be inappropriate in these areas. Permitting further sustainable development on a case-by-case basis, as advocated by some representors, was considered by the Council under Option 1 as was Option 3 which would have accommodated growth/development wherever possible, utilising the minimal number of protected landscape designations in the LDP. Option 1 scored positively in the Interim SA for economic objectives, relatively neutral for social objectives and negatively for environmental objectives (Document DS-703). The Interim SA found that Option 2 was the most positive option for the economy, natural assets, physical resources, biodiversity and the landscape with no significant negative effects.
- 2.29 The responses to the POP (Pages 55-57, Document DS-705a) considered that the existing landscape character areas for the district were dated and required to be reviewed. The Sperrin AONB was identified as a key landscape and there was support to protect the landscape from high structures such as wind farms. It was acknowledged by the Council that the renewable industry considered that a blanket designation could be counterproductive to the wider renewable strategy.
- 2.30 A landscape and seascape character review was subsequently carried out by an appropriate range of experts with the findings published in Document DS-208. The review reaffirmed the relevance of previous LCA studies undertaken in the past by DOE, NIEA and DAERA. It identified several significant forces for change in the district's landscape. These included: the cumulative and transboundary impact of a significant number of wind energy developments and single turbines including on the peaks adjacent to main roads; the impact of development pressures for single countryside dwellings; the need to protect remote upland areas of the AONB from built development; and sand and gravel extraction within the AONB boundary which is removing the pristine glacial features. The quality of the landscape and unique amenity value within the Sperrin summits, views and vistas was found to be such that development should only be permitted in exceptional circumstances. It was recommended that the SCA should be defined above the 310m approximate contour level to safeguard the more remote, exposed and undeveloped portions of the AONB which were considered to be significant in terms of views within and beyond the district. This area was recommended as being designated as an Area of Constraint on Minerals Development (ACMD). The report also notes that the 2005 Sperrin AONB

boundary review highlighted the extreme sensitivity of the open mountain landscape (Pages 28-29, Document DS-208).

- 2.31 Whilst the Council stated at the IE that the SCA designation was principally due to the exceptional quality of the landscape, the development pressure analysis concluded that less development pressure from single rural dwellings and wind energy development was experienced in areas which were designated as AONB, ASSI, RAMSAR, Greenbelt or CPA. It was also notes that development pressure has encroached into the AONB (Page 19, Document DS-209). The report also indicates a consensus among Council members that while sustainable forms of development should be encouraged within the countryside, that policy is required to protect sensitive landscapes and areas identified as experiencing development pressure. It was also stated at the IE that although there is a lack of historic development pressure, that it does not mean that it would not occur in the future especially given the increased pressure for utilities, tourism and renewable development.
- 2.32 Concern was expressed that it could be perceived that there was a change in the designation from an AONB to a SCA, resulting in a downgrade of protection. However, the contrary is actually true with the SCA designation offering an additional level of protection for the High Sperrin area. The AONB is also designated by DAERA using a separate process under the Nature Conservation and Amenity Lands (NI) Order 1985. I am also not persuaded by the assertion that the dual designation would cause ambiguity with Paragraph 6.75 of the SPPS advocating the designation of SCAs where appropriate. In terms of the impact of the designation on renewable development and climate change generally, as will be discussed in more detail later in the report, the Council's evidence demonstrates that they are supportive of the regional targets and that they intend to make a fair and proportionate contribution to them. This is evident, for example, in Economic Development Objective (iv), in the Council's LDP Strategy for Renewable and Low Carbon Energy Development, in GDPOL 1 (iv) (Pages 46, 93 and 367, dPS) and in evidence papers DS 236 Renewable and Low Carbon Energy Development and DS-605 Climate Change & LDP. It is also recognised that the legal obligation for fulfilling the current 80% target by 2030 rests with the Department for the Economy as opposed to the Council who are supportive of it. Applicants will have the opportunity to present their case as to why their proposal is of regional or national importance to be considered as an exception at the development management stage.
- 2.33 In terms of AHLIs, substantive evidence was presented by the Council (Document DS-208) which recommended the consolidation of previous DAP Areas of High Scenic Value (AHSV) and CPA designations as well as the inclusion of suitable areas of similar landscape quality. Within these areas it was recommended that an enhanced policy onus be required on development proposals to clearly demonstrate how a proposal either reflects or enhances the intrinsic landscape character of these areas. It was also recommended that the AHLIs also be designated as ACMD. The AHLIs would include areas previously identified as Countryside Policy Areas where the policy provisions of PPS 21 took precedent. However, the Council has taken account of the Department's

landscape character assessments and the resultant landscape and seascape character review contributes to the evidential justification for these designations due to the area's landscape value. The Council are also entitled to bring forward operational policies tailored to the council's objectives and local circumstances (Paragraphs 1.9 and 5.23, SPPS). In order to make the wording consistent with the policy that gives effect to the designation (Policy NE 7 Development within Areas of High Landscape Importance), thus meeting soundness test CE 1, it is appropriate to ensure that adverse changes as a result of a proposal are assessed (Recommended Amendment RA 06). Policy NE 7 does not however automatically refuse planning permission for proposals within AHLIs but rather allows them to be considered on a case-by-case basis assessing their impact on the environment. It is therefore for an applicant to demonstrate that their proposal would not have an adverse impact.

- 2.34 The evidence base therefore supports the policy approach for the identification of the strategic environmental spatial designations which are sound.

Strategic Development Pressure Policy Areas

- 2.35 The dPS designates two Green Belts (GBs), Development Pressure Areas (DPAs) and Wind Energy Capacity Areas (WECAAs) in order to address a present or potential particular development pressure.
- 2.36 Assertions were made that there was a lack of justification for the need for the Green Belts. It is accepted that Green Belts are a long established and valued planning tool which have been used for many years in GB, NI and RoI. They perform numerous strategic objectives including preventing urban-generated development pressure in the countryside, preventing unrestricted urban sprawl and compact urban forms and protecting the settling of settlements.
- 2.37 In both Derry and Strabane many of the outlying settlements are only separated by a narrow band of countryside and could easily coalesce (Page 43, Document DS-500). The development pressure analysis concluded that development pressure appears to be reduced in the areas previously designated as Green Belts and policy areas in the DAP and SAP (Page 19, Document DS-209). The SA carried out an evaluation of applying the normal countryside policy outside development limits (Option 2) as suggested by some representors. This found that there would be a minor positive effect by enabling sustainable economic growth to occur anywhere in the countryside subject to meeting other relevant policy. However, over time the proliferation of dispersed development in the rural areas around the main settlements would be expected to accumulate to a minor negative impact on maintaining and enhancing landscape character as well as on protecting, conserving and enhancing the historic environment and cultural heritage. On the contrary, Option 1, which would define Green Belts, would bring about significant positive effects in terms of maintaining and enhancing landscape character. No significant adverse effects were identified from Option 1 (Pages 31-33, Document DS-101). Lessening the strictness of the policy would serve to undermine what it is seeking to achieve. It does however allow a limited

number of developments; other development would have to be essential and could not be located within a settlement limit or in a part of the countryside not subject to the GB policy area. Other development in the countryside is facilitated by Policies ODC 1-4 (Pages 211-215, dPS). Document DS-209 also notes that there is a consensus among Council members that sustainable forms of development should be encouraged within the countryside and that policy is required to protect sensitive landscapes and areas identified as experiencing development pressure from single dwellings and/or turbines (Page 19, Document DS-209).

- 2.38 In terms of Designation DPA 1-Development Pressure Areas (DPAs), these have been developed to prevent significant localised development pressure arising from residential and non-residential development in the countryside as well as to prevent unrestricted urban sprawl arising from development pressure as ribbon development. This policy is similar to ones contained within SAP and DAP. This strategic approach of identifying areas of the landscape with higher sensitivity was appraised in the SA Interim Report and found to be the most sustainable option. In the SA it was considered that by protecting the setting of settlements and transport corridors that the designation would deliver a significant positive effect on landscape character in the medium and long term. No significant adverse effects were identified.
- 2.39 It is evident that the Council are aware of the importance of the provision of renewable energy and the focus on climate change. For instance, Economic Development Objective (b)(iv) commits to promoting renewable energy and Environment Objective (d)(i) commits to measures to tackle climate change. The SA Scoping Report also analysed the regional policy framework for such matters (Pages 73-74, 101-108, 176-179, Document DS-100). As of March 2017 they were the single largest producing council, generating approximately 27% of all renewable energy across Northern Ireland (Paragraph 24.1-24.8, dPS). Much of this provision is provided by wind turbines. It is apparent from the Council's evidence that they do not consider the Renewable Energy Strategy's target as a ceiling and they recognise the ongoing need to ensure the delivery of renewable energy to meet future targets, focusing on climate change and sustainable development. Review and monitoring mechanisms are built into the dPS allowing amendment of policies if necessary to meet future renewable energy and net zero targets (Pages 212 and 214, Document DS-500). This would allow account to be taken prevailing circumstances and wider government policy. Monitoring indicator 46 will seek to ensure that there is an adequate amount of renewable energy in order to meet regional targets (Page 19, Document DS-242). At the IE the Council stated that account would be taken of the annual statistics on renewable energy output which would inform an overall judgement in relation to the Council's contribution. This assessment would also allow an assessment to be made against the performance of other districts.
- 2.40 The development pressure analysis (Document DS-236) and the LCA Review (Document DS-208) however demonstrate that there are areas which are reaching capacity for wind energy development in terms of visual amenity and landscape

character. This concern was reflected in Members' legitimate and some representatives' views therefore signalling the need for a balanced approach. The tall structures associated with wind energy development have the greatest visual impact on sensitive landscapes demonstrating the competing considerations (Page 46, Document DS-500). As a result, the dPS introduces Wind Energy Capacity Areas (WECAs). Account has been taken of the SPPS including Paragraph 6.221 which states that councils should set out policies and proposals in their LDPs that support a diverse range of renewable energy development. The dPS acknowledges the wide benefits of renewable energy including within the General Development Principles and Policies chapter and Paragraph 24.3 set out the economic benefits such as employment. Whilst it is supportive of a diverse range of renewable energy development, the SPPS also however advises that particular care be adopted when considering the potential impact of all renewable proposals on visual amenity and landscape character (Paragraphs 6.219, 6.222-6.224, SPPS). The Wind Energy Development in Northern Ireland's Landscapes SPG to accompany PPS 18 also acknowledges that wind energy development proposals can create significant cumulative impacts as a result of combined effects. This document highlights that the significant cumulative impacts on areas of high landscape or scenic quality merit particular consideration at a strategic level.

- 2.41 It is apparent from the Council's evidence, particularly the Landscape and Seascape Character Review (Document DS-208) and the Development Pressure Analysis (Document DS-209) that these are not being introduced as a means to ban or have a presumption against wind energy development. Rather, they are a specific response to the fact that the district has areas, even outside already designated areas, which have already experienced adverse landscape impacts from cumulative wind turbine development pressure. In such areas proposals will therefore be very carefully considered to avoid any further adverse impacts. As the Council presented evidence that the significant landscape harm that has already occurred in the areas now designated as WECAs is specifically from wind turbines, it is not necessary to include a reference to other high structures contained within the MUDC dPS. The SA indicates that the Council's policy will support renewable energy development in appropriate location and would have a minor positive impact on sustainable economic growth whilst delivering a significant positive impact on managing material assets sustainably by enabling efficient energy production. There would also be minor positive effects on maintaining and enhancing the landscape character (Pages 364-365, Document DS-101). As the dPS will still allow appropriate renewable energy development within these areas, it is not in conflict with the requirements of the SPPS. It will also serve to inform developers from the outset of the existence of such pressure areas when navigating the development management process. This point is acknowledged in the Climate Change paper (Page 6, Document DS-605) in which it is stated that the WECA designation and Policy RED 1 are intended to help the renewable energy sector in devising proposals which are more likely to be capable of approval, ensuring that the

continuing supply of energy through renewable and low carbon technologies can be facilitated across the district.

- 2.42 An argument was presented that the SPPS does not make any provision for an area of constraint on wind energy development like it does for minerals development. However, the nature and extent of the impact of minerals development in the landscape is not directly comparable. The WECA designation requires more careful consideration of proposals to avoid exacerbating any adverse impacts. The WECA designation will also only apply to wind turbines. Proposals for the repowering of existing wind farms, the potential impact of advances in technology and arguments in relation to the lifespan of existing turbines will all be material considerations in determining the acceptability or otherwise of a proposal (Page 45, Document DS-500). This is also acknowledged within Paragraph 6.19 in Document DS-236. The argument was presented that the viability of future wind energy schemes, including repowering schemes, is dependent on the acceptance of larger, more powerful turbines. The dPS however allows for all types of wind energy development as long as the relevant criteria are met. Such factors to be considered will include landscape sensitivity. Concern was also expressed as to whether the single turbines and wind farm planning approvals illustrated in Maps 4 and 5 of Document DS-209 were ever implemented. However, development pressure analysis illustrates that these areas were at or are reaching landscape capacity in terms of significant turbine development (Page 54, Document DS-208). Appropriately, the exact location and full extent of the areas will be shown at the LPP stage when parties will again have an opportunity to express their views. As stated at the IE it is however expected that WECAs will cover only a small proportion of the district as indicated in Proposals Map 2 (Appendix 1, dPS).
- 2.43 The Council is required to produce an annual monitoring report and monitoring indicator 47 will monitor the number, height and location of new or repowered wind turbines approved/operational within WECAs (Page 19, Document DS-242). If there is no longer significant development pressure, this can be addressed at the 5-year review required under Regulation 26(1) of the Planning (Local Development Plan) Regulations (NI) 2015. In terms of concern that the 5-year review would not be in time for the renewable source targets to be met, Section 14(1) of the Act permits the Council to prepare a revision of its plan strategy at any time.

General Development Principles and Policies

- 2.44 The LDP seeks to achieve the proper and responsible planning of the district to deliver sustainable development in line with a series of overarching development principles (GDP 1-8). It outlines the criteria which all development requiring planning permission will seek to achieve. It also sets out those general policy requirements (GDPOL 01 and 2) that relevant development proposals should meet to secure planning permission. For coherence, it is therefore necessary for Recommended Amendment RA 07 to clarify the role of the policies and General Development Principles in the development management process as well as referring to other material considerations including

the RDS, SPPS, UK Marine PS and Marine Plan for NI (Paragraph 6.50, SPPS), where relevant. To be coherent, Recommended Amendment RA 08 is necessary in order for GDP 1(iv) to specifically refer to the need to protect the district's coastal environment. It is also necessary for coherence for GDPOL 1(vii) to require a proposal to meet the relevant requirements as set out in the Coastal Development chapter as well as in the Natural Environment chapter (Recommended Amendment RA 20).

- 2.45 To reflect their status as principles as opposed to policies, to meet test CE 1 it is appropriate to change the requirement of GDP 1 to 'should' as opposed to 'must' (Recommended Amendment RA 09). As GDP 1 (iii) seeks development to be accessible by a range of transport including active travel it is not required for soundness to specifically refer to public transport. It is however required for consistency to amend GDP 1(iv), GDP 2 and GDP 6 to reflect the provisions of the SPPS (Paragraphs 6.171, 6.172 and 6.195) so as not to lower the threshold for biodiversity protection and to ensure that development proposals prevent the loss of biodiversity and incorporate net gain (Recommended Amendment RA 10, 11, 13 and 15). In order to have a specific requirement on the matter within general development management policy, as well as within the general development principles, it is also appropriate for coherence for GDPOL 1 to be amended to ensure that a development does not cause a net loss of biodiversity and preferably net gain (Recommended Amendment RA 21).
- 2.46 For coherence with Objective (d)(i) it is necessary to amend GDP 2 for the principle to refer to enhancing tree planting (Recommended Amendment RA 12). To have a coherent strategy flowing from Objective (d)(i), as amended by RA 02, it is necessary to amend Paragraph 7.61 to emphasise the importance of adopting a strategic approach towards woodland expansion (Recommended Amendment RA 18).
- 2.47 GDP 4(iii) states that the Council will support economic development proposals provided that they do not have an unacceptable adverse effect on, amongst other things, the Natural Environment. Chapter 21 Natural Environment sets out the various policies for species and habitat protection within the council area. Within this chapter there are various tests and thresholds ranging from, for example, 'significant effect' on European/International sites, to 'adverse effect' for National/Regional sites, to 'likely harm' for Nationally Protected Species. I agree with the concern by a representator that the wording of GDP 4(iii) could cause conflict between it and Chapter 21 policies. There is also a need to maintain the level of protection afforded to such areas as set out in the Birds and Habitats Directive, the SPPS and PPS 2, as appropriate. As a result, to meet soundness tests CE 1 and C3, it is recommended that GDP 4(iii) state that it will promote sustainable economic development in an environmentally sensitive manner (Recommended Amendment RA 14). Paragraph 3.16 of the SPPS states that, where appropriate, identifying the condition of ecosystems, the provision of services and their relationship to human well-being should be integrated into plan-making and decision-making processes. It is therefore appropriate for the Council to use this terminology, as stated within GDP 6, rather than stating that development proposals must take such considerations into account.

- 2.48 Taking account of representator evidence that there is greater value in focusing avoidance of certain agricultural areas, namely on High Nature Value (HNV), the avoidance of the loss of HNV areas as well as Best and Most Versatile (BMV) agricultural land is appropriate in GDP 7(ii) (Recommended Amendment RA 16) to meet soundness test CE 2. To be coherent with Policy NE 2 within the dPS and consistent with Paragraphs 6.177 and 6.179-6.182 of the SPPS, it is necessary for Paragraph 7.47 of dPS to outline the need to avoid impacts on protected species and their habitats (Recommended Amendment RA 17).
- 2.49 To provide clarification and aid implementation of the General Development Principles and policies, it is necessary to amend Paragraph 7.70 in the dPS to state how they will be applied to planning application proposals (Recommended Amendment RA 19). This includes GDP 1 Sustainable Development as well as GDP 2 Climate Change. To clarify how much carbon-off setting is sought under GDPOL 1, Recommended Amendment RA 20 is necessary to ensure its effectiveness. To be consistent with Paragraphs 3.3, 3.15, 4.3, 4.5, 4.11, 4.12, 6.224 and 6.321 of the SPPS, it is appropriate for GDPOL 1 to be amended to include a new criterion to require that a development does not have a significant adverse impact on human health and wellbeing, and preferably that it enhances it as well as avoids the risk of major accidents (Recommended Amendment RA 22).
- 2.50 The Overall Strategy section as amended will ensure that the Plan is sound..

3.0 ECONOMY

Economic Development

- 3.1 The dPS designates five tiers of economic development sites across the district. These provide a range of sites in varying locations to meet the ambitions of the Council's growth and economic development strategy. These include Strategic Redevelopment Areas (SRAs), Special Economic Development Areas (SEDAs), General Economic Development Areas (GEDAs) and a New Economic Development Area (NEDA). Given that it is not possible to accurately state all the relevant policies for each area, for clarity it is appropriate that the identified policies for each of the tiers is removed (Recommended Amendment RA 24). Given the evidence in terms of the significant contribution that sub-economies, such as the Green Economy, can make to sustainable economic development, for coherence, it is appropriate that a new paragraph is inserted into the context text of the Economic Development chapter (Recommended Amendment RA 23).
- 3.2 Concern was raised that the identification of Ebrington as a Special Economic Development Area (SEDA) within the dPS could constrain its future development and could limit the site's ability to accommodate certain proposals. The Community Plan and the Growth Strategy recognises the potential of locations in Derry city centre, including Ebrington. They seek to progress its development as a regionally significant regeneration site in collaboration with government and private sector partners (Paragraphs 2.4 and 6.8 of Document 203 and Pages 18, 42, 44, 52 and 57 of Document DS-802). The POP identified Ebrington as a key regeneration site where significant growth in technology industries could help to underpin the district's planned growth (Paragraph 5.1, Document 700). Rather than constraining its future development and limiting its potential, the dPS also contains numerous references to the site therefore indicating the strategic importance of the site. The table on page 115 of the dPS appropriately contains factual information about the Ebrington site, namely that its development framework was granted outline planning permission for a mixture of uses which will contribute to the regeneration and economic development of the city and district. Identifying the current status of the site does not limit or constrain its potential. The relevant planning policies, against which future proposals will be assessed, are identified. At the IE the Council confirmed that since the submission of the representation that the development of the site has been progressed largely in keeping with the framework which has not been a limiting factor to date. The infrastructure was said to have been completed, a hotel has opened as have several offices and bars, and planning permission has been granted for residential development.
- 3.3 Having applied to be a freeport, Foyle Port were keen to ensure that the dPS would not place undue restrictions on its development and sought the maintenance of it as a SEDA. They wanted to ensure that their land would not be dezoned for employment and industrial purposes and provided the Council with a masterplan for over the plan

period. As stated within Paragraphs 9.10 and 9.11 of the dPS, the scale, extent and location of all employment opportunity areas will be assessed at the LPP stage. It is however apparent from the dPS and evidence presented at the IE that the Council are very aware of the importance of the port and its development aspirations. Paragraph 11.139 within the dPS in particular states that having consulted with Foyle Port, the LDP will zone at the LPP stage, where appropriate, land to facilitate its future expansion. It is appropriate that at that stage the Council will weigh and balance the development aspirations of the Port with other material considerations such as neighbouring land uses, representations etc.

- 3.4 At the IE the Council confirmed that they have carried out a strategic assessment of individual sites which is appropriate for this stage of the process. More detail will be provided and decisions made at the LPP stage. At that stage all zonings will be re-evaluated, being de-zoned if they are now inappropriate, and new zonings will be identified to cater for the needs of the district. This makes the proposed change Recommended Amendment RA 25 appropriate for clarity. The carrying out of two studies, the Economic Development Land Monitor (Document DS 212) and the Economic Development Land Evaluation Report (Document DS 213) contributes to the Council's full understanding of the current bank of economic development land in the district which will inform the LPP process. A number of scenarios/models were considered in terms of predicting future need with the findings of each of the scenarios indicating that there is likely to be only a modest need for economic development land over the LDP period (Paragraph 6.10, Document DS 211). The Council therefore have the evidential basis to support their conclusion that there is sufficient economic development land to meet its needs.
- 3.5 As there is sufficient land, there is no substantive evidence to support the call to expand the GEDAs other than in Strabane town as proposed by the Council for coherence (Recommended Amendment RA 26). The Council acknowledged at the IE that it may however be necessary at the LPP stage to define the extent and purpose of GEDAs in order to maintain the stock of economic development land. The three-stage Employment Land Evaluation Framework within the RDS (Table 3.1, Page 32, RDS) will be utilised by the Council to establish the market availability and demand for land. In response to concern that the uptake of zoned land within DAP demonstrates a lack of market interest in the zoned lands, as was highlighted by the Council at the IE, there are many factors that can influence the uptake and the past uptake may not reflect a lack of interest. This a matter that will be considered at the LPP with the Council planning to engage with landowners in order to establish whether the land is available over the plan period and ensure that most viable economic land is retained. Such an approach reflects Paragraph 7.10 of the POP which states that while it appears that there is an ample quantum of economic land for the LDP period, existing lands may need to be reviewed to ensure that it is adequate in terms of quality and location. It is appropriate that such an assessment is carried out at the LPP stage. It is therefore

not appropriate to comment on specific requests to zone or re-zone economic development land at this juncture.

- 3.6 Numerous concerns were raised by some of the representators in relation to industrial land adjacent to Strathfoyle. Attention was drawn to the recommendations of the Industrial Facilities: Health Impact Study. This has been taken into account by the Council. The dPS reflects a number of its recommendations including developing and enhancing links between urban and rural areas, the promotion of active travel and green infrastructure and the protection of residents development involving hazardous substances as well as contaminated land (GDPOL 1). For clarity, it should be added that applicants should follow the guidance and Practice Note by DAERA Regulation Unit, Land and Groundwater Team when dealing with contaminated land (Recommended Amendment RA 22). As well as having taken account of local concerns, at the IE the Council stated that they intend to carry out a further assessment of this area's economic land zonings at the LPP stage whereby they will consider adjacent land uses and users. Page 116 of the dPS also outlines such a review process and states that it will be ensured that future sustainable development is balanced in an environmentally sensitive manner, taking account of the amenity of nearby uses. Operational policies contained within the dPS, including those within Policies ED1(a) and GDPOL 1(viii), should ensure that there will be no significant adverse impact on human health and the environment or unacceptable harm to nearby residents. The use of KSRs, potentially addressing amenity issues, will be considered at the LPP stage.
- 3.7 Evidence was presented by the Council that the NEDA designation is to allow people to work close to their homes, address a very specific need in support of other chapters of the plan and to promote sustainable development patterns. As there is generally enough economic development land in the district, for clarity, it is necessary to expand the justification for the NEDA designation and to confirm that its scale, nature and boundary will be decided at the LPP stage (Recommended Amendment RA 27).
- 3.8 It is appropriate for the justification and amplification text for Policy ED 1 General Criteria for Economic Development to clarify that the policy applies to not only new economic development uses but also to proposals to extend such uses (Recommended Amendment RA 29). For clarity, it is appropriate that the reference to movement pattern be removed from criterion (h) of Policy ED 1 and that it refer to the site layout being designed and landscaped to support walking, cycling and public transport. For coherence with Policy TAM 6, it is appropriate that Paragraph 9.13 also state that a transport assessment may be required (Recommended Amendment RA 28).
- 3.9 In terms of Policy ED 2 Office Development, the Council took account of Policy PED 1 of PPS 4 Planning and Economic Development and the SPPS, specifically Paragraphs 6.85 and 6.271. For coherence, as proposed by the Council, it is however appropriate that Policy ED 2 be amended to also include reference to Class B1(c) Research and

Development use (where the main use is an office) as well as stating that the sequential test includes an edge of centre location before a location elsewhere in the urban area (Recommended Amendments RA 30 and 31). As is their right, the Council however chose to depart from Policy PED 1 in relation to Class B1 (b) call centre use; Policy PED 1 also allows such a use within an existing or proposed industrial/employment area. By Policy ED 2 requiring other locations be zoned for that purpose within the LDP, I accept that the Council are seeking the more sustainable city and town centres to be the focus for business growth as opposed to isolated industrial/employment areas. This approach is supported by the robust evidence (for example Paragraph 5.23, Document DS-211) and is appropriate. For coherence, as accepted by the Council, it is necessary for the justification and amplification text of Paragraph 9.20 to be amended to state that Policy ED 2 is applicable to not only city centre but also town centres and to reflect the Council's sequential approach (Recommended Amendment RA 32).

- 3.10 In terms of Policy ED 3 Economic Development in Settlements, whilst account has been taken of Policy PED 1 within PPS 4, the Council have chosen to limit Classes B2 and B3 uses outside zoned areas and existing industrial areas to small scale development. They aim to provide an adequate supply of employment land for economic development which would accommodate medium and large-scale proposals therefore having a greater influence on where such development occurs. Policy PED 1 states that elsewhere in cities and towns such proposals will be determined on their individual merits. However, I accept that the Council are providing greater clarity, based on their development management experience, by stating that such small development needs to be of a scale, nature and design and in keeping with the character and setting of the settlement, compatible with adjacent and nearby land uses. For coherence, it is appropriate to amend Policy ED 3 to clarify however the policy will apply in villages and small settlements that do not contain a Land Use Policy Area (LUPA). For clarity, as accepted by the Council, it is also necessary for Paragraph 9.23 to state that the sequential approach will be adopted for small to medium scale businesses similar to Policy ED 2 (Recommended Amendment RA 33).
- 3.11 Paragraph 6.89 of the SPPS states that it is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Similarly, the RDS seeks to ensure such protection of zoned land (Paragraph 3.3, RDS) as does Policy PED 7 within PPS 4. With Policy ED 4 Protection of Zoned and Established Economic Development Land and Uses, as well as what the Council proposed within Recommended Amendment RA 34, they have taken account of such provisions within the RDS, SPPS and PPS 4 and provide appropriate district level policy direction. It is highlighted that particular care is needed to avoid uses that can attract vulnerable users, such as children or those with disabilities, that are incompatible with an economic development area. Taking

account of representators concern about the need for flexibility, unlike Policy PED 7, Policy ED 4 allows for small scale complementary/ancillary use that meets the day-to-day needs of local employees. To introduce further flexibility could jeopardise ensuring that there is a sufficient supply of economic development land. Policy ED 4 criterion (c) still allows for sui generis employment use on unzoned land in settlements and the justification and amplification text within paragraphs 9.27-9.29 explains that the types of uses on zoned and strategic sites will be set out in the LPP. It is added in paragraph 9.29 that compatible sui generis employment use or compatible uses will be allowed under criterion (c) provided such uses are established in the location. From the section of Policy ED 4 that relates to zoned land in all locations it is clear that the exception at criterion (h) for unzoned land in settlements also applies to zoned land provided that it also would not lead to a significant diminution of employment land in the area. If it is considered that zoned land is no longer required, there will be the opportunity to make a representation at the LPP stage or to demonstrate through the development management process why the policy should not be adhered to.

- 3.12 Policy ED 5 relates to small scale economic development in the countryside. Recommended Amendment RA 35, as proposed by the Council, is necessary to reflect regional policy provisions contained within the SPPS and PPS 4 and to provide a clearer, coherent approach. This change would illustrate the preference for the extension or re-use of existing buildings. It would also set out the preferred sequential order when assessing the acceptability of sites if there is no suitable site within the settlement. This would aid the implementation of the policy thus meeting soundness test CE 3.
- 3.13 Objection was made to all of the provisions within Policies ED 5-7 which relate to economic development in the countryside. However, the alternative approach suggested in the representations would not take account of the policy provisions of the RDS, SPPS and PPS 4. I accept the Council's evidence that development within the Sperrins can be carefully managed taking account of all relevant social and environmental considerations which are set out within the relevant policies within the dPS. In terms of concern in relation to the adequacy of consultation with rural residents, the dPS was informed by representators submissions, including to the POP, as well as meetings and workshops with representatives. A Rural Needs Impact Assessment has also been conducted which will be further updated at the LPP stage when there will be a further opportunity for consultation. Evidence was presented by the Council that the LPP will take account of and address the specific circumstances and needs of particular settlements and lands in the rural area outside of development limits, where appropriate (Page 60, Document DS-500).

City/Town Centres, Retailing, Offices, Leisure and Other Uses

- 3.14 The regional strategic objectives for town centres and retailing are to secure a town centres first approach for the location of future retailing and other main town centre uses; adopt a sequential approach to the identification of retail and main town centre

uses in LDPs; ensure LDPs are informed by robust and up to date evidence in relation to need and capacity; protect and enhance diversity in the range of town centre uses appropriate to their role and function; promote high quality design to ensure that town centres provide sustainable attractive, accessible and safe environments; and maintain and improve accessibility to and within the town centre (Paragraph 6.271, SPPS). As part of this approach, Paragraph 6.277 of the SPPS states that an LDP should define a network and hierarchy of centres-town, district and local centres, acknowledging the role and function of rural centres.

- 3.15 Given that Paragraph 6.276 of the SPPS does not differentiate between district and local centres, the need for the LDP to set out the role and function of each centre in the hierarchy as per Paragraph 6.277 of the SPPS and the fact that PPS 5 was superseded by regional policy, for clarity and coherence it is appropriate for Paragraph 10.15 of the dPS to define what is meant by a district centre.
- 3.16 The dPS has taken account of the RDS and the SPPS as well as the aims of the district's Strategic Growth Plan and City Deal, POP representations and members' and consultees responses. A Retail Capacity and Town Centre Health Check Study was also commissioned (Document DS-216). The retail study assessed the capacity for additional floor space for convenience and comparison goods during the LDP plan period, carried out health checks on town and district centres, assessed leisure provision and carried out a comparison study with other retail centres. The Council are aware of its catchment's regional position within NI and at an international border as well as its strategic growth aspirations. The appropriate empirical evidence was gathered along with household surveys which informed the convenience catchments for Derry. Primarily due to the level of existing commitments, it was anticipated that there was no capacity for convenience floorspace over the plan period. There was an indicative negative capacity of -6,195 sqm with the main commitments being at Artnz and Springtown in Derry and Three Rivers in Strabane. At the time of the IE the Council confirmed that the planning permission at the Artnz site, which is bigger than the other two commitments combined, was still live however the other commitments at Springtown and Three Rivers had expired. The Council wrote to the landowner of the Artnz site in March 2023 and they confirmed their intention to still develop the site with an agent having been appointed. As stated in Paragraph 6.290 of the SPPS, a factor to be addressed in a retail assessment of need is committed and planned development and therefore it is appropriate that the Artnz site is still considered. Whilst it was speculated that the commitments are unlikely to draw trade from the Waterside area of the city with locations such as Lisnagelvin said to be overtrading, the Council had strong evidence that the Waterside trade was going to other cityside locations such as Sainsburys and Lidl (particularly Paragraphs 6.57, 6.59 and 6.63, Document DS-215 and Page 71, Document DS-500).
- 3.17 Whilst the Council intend to keep the situation under review, and have already carried out such a review in August 2023, it is apparent from Tables 8b and 9a of the Retail Capacity Study (Part 1) (Pages 228 and 229, Document DS-215) and from the Council's

evidence at the IE that even if these commitments were to be removed from the assessment that there would still be no capacity for new convenience floorspace over the plan period. A review of the retail assessment in August 2023, carried out by the Council's appointed retail experts, supports this position. Specifically since the November 2018 retail capacity and city/town centres study was conducted (Document DS-215) there have been seven new convenience goods commitments which amount to 3,211 sqm of floorspace and have the potential to generate a turnover of £20.4 million over the duration of the plan period. They did not include the Springtown and Three Rivers developments within their assessment. The Council's retail expert highlighted at the IE that there have also been other factors which have occurred since the November 2018 retail capacity study was conducted which would affect capacity such as changes in the growth rates and the impacts from the COVID-19 pandemic. Should it be apparent at the LPP stage that there is a degree of capacity available, then it could be assessed at that stage whether it would be appropriate to allocate land, expand centre boundaries etc.

- 3.18 In terms of comparison goods, across the Council area, the assessment forecast capacity of 5,886 sqm after 2027. The Council considered that this may allow for the development of new floorspace within the Derry city area to reflect current retailing/shopping trends (Paragraph 6.13, Document DS-214). Although the study found that Derry continues to perform as an important city centre, its city centre was not found to be performing as well against certain indicators of vitality and viability. The report recommend that it is important that Derry city centre remain a major regional centre and for the policies to ensure that any potential further out of centre retail and/or commercial leisure development does not undermine its role in the hierarchy.
- 3.19 The study found that Strabane, Newtownstewart, Castlederg and Claudy all contain a broad mix of uses and are performing town centre roles, thus supporting their inclusion in the network. It is important to strengthen the towns to keep them sustainably compact with uses appropriate to their context. Lisnagelvin, Rath Mor, Northside and Springtown were all found to be performing the role of district centres. Due to the level of vacancy within its shopping centre, the performance of Springtown will however be monitored in relation to its status as a district centre. Crescent Link was found to be a commercial centre, providing mainly bulky goods with a secondary local centre level provision. Similar to the Kennedy Retail Park in Strabane, it concluded that changing it to a district centre would affect the city/town centre and nearby district centres. These locations were not found to be performing the role and function of a district centre nor meet the description of any of the tiers in the hierarchy (Paragraph 2.37, Document DS-216). The boundaries of the Derry and Strabane town centres were also examined. In terms of Strabane, the existing town centre limit within SAP, with some minor contractions, was found to form an appropriate basis for a new boundary. A PRC was also recommended. At the LPP stage the boundaries of the PRC and centres will be defined and therefore the assessment of specific sites should be

carried out at that stage. All parties will have the opportunity to comment on the boundaries at that LPP stage.

- 3.20 The Council has taken account of the relevant documents when using their planning judgement to determine their approach and have chosen not to identify any district centres outside Derry. Their retail/centres study concluded that district centres typically contain groups of shops that are separate from the town centre and are often anchored by a larger foodstore offer, as well as providing other non-retail services and in some cases community and business facilities (Paragraph 2.27, Document DS-216). Paragraph 10.15 of the dPS is reflective of the SPPS's approach to District Centres in that they should be complementary to the role and function of town centres (Paragraph 6.276, SPPS). At the IE the Council stated that a district centre has to serve a higher and additional function to a local centre in order for the retail hierarchy to be meaningful with distinction between its tiers. By comparison, Kennedy Retail Park was described as consisting of a small group of shops primarily serving car-based customers. Home Bargains, located at the centre, was not considered to be a larger foodstore envisaged by Paragraph 10.15 of the dPS and the Council's retail expert stated at the IE that from their experience that their stores were 60-70% non-food retail. A convenience store was vacant at the time of the IE and the pharmacy is not sufficiently connected with the retail park to make it a single destination for visitors. No other retail services or community or business facilities are located here. It is distinguishable from Springtown where the uses are substantial and concentrated, including three national multiple retailers for example Dunnes Stores, a public house, pharmacy, hot food take-away, barbers and café. There is also a church and credit union. Whilst the vacancy rates of its shopping centre were high during the 2018 health check study, the Northland Road shops had only one vacancy (Paragraph 6.4, Document DS-302). Additionally, Strabane town is modest in scale with it easily accessible for most residents in the immediate area. Kennedy Retail Park is located in close proximity to the town centre.
- 3.21 Irrespective of a difference of opinion as to which units should be included as being within its boundary, given that Springtown's status as a district centre is being monitored, a comparison to it is also not helpful to the argument to designate Kennedy Retail Park. The existing district centres were also planned for in DAP in order to serve a significant neighbourhood or community. They were often located close to sizeable public sector housing areas with surrounding uses such as schools and churches. There is also no strategic need for such a tier in Strabane as the Council's evidence demonstrates that there is no capacity for additional floorspace in the town. Even if such a need existed, with a 19.52% vacancy rate within Strabane (Table 5, Document DS-214), which is above the NI and UK average, the Council stated at the IE that this would be accommodated in the town centre as opposed to designating a new district centre. Rather than being complementary, as required by Paragraph 6.276 of the SPPS, despite arguments that the Kennedy Retail Park is seeking to grow in order to cater for the south Strabane area, that other towns in Northern Ireland have district

centres and that an expansion of Springtown has never been carried out, to designate Kennedy Retail Park as a district centre would compete with the town, affecting its vitality and viability. Irrespective of whether the Lynas food outlet and Winemark should be considered as being within the Kennedy Retail Park, as was highlighted by the Council at the IE, to designate Kennedy Retail Park as a district centre could set an undesirable precedent for other smaller groups of shops to also seek to be identified as such. If need be, the plan could be reviewed before the end of its intended plan period and the Council expect the 5-year review to be carried out before the end of the plan period.

- 3.22 Concern was raised in relation to various elements of the stated sequential approach. Recommended Amendment RA 36, proposed by the Council, is necessary for clarity that preference will be given to the higher order centre, for instance that a district centre would be a higher order than the local centre. As the dPS will not be designating village centres in relation to retail policies, the recommended amendment also excludes it from the sequential test. As there is a city within the district it is also appropriate that any reference to town centres also includes the city. The recommendation also takes account of Paragraph 6.279 of the SPPS which states that all policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment. In order to reflect regional policy contained within Paragraph 6.287 of the SPPS, I agree with the Council that for clarity it is necessary to clarify what is considered as an edge-of-centre location including in different contexts (Recommended Amendment RA 37). As villages centres are not being designated in the dPS for retail purposes, there is no need to refer to them within this clarification.
- 3.23 As proposed by the Council, for consistency and clarity, it is necessary for Policy RP 2 Derry Primary Retail Core (PRC) and City Centre to be amended. This is required to reflect regional policy (Paragraphs 6.279 and 6.282 of the SPPS) in order to provide clarification as to how proposals would demonstrate that no suitable sites are available, what is required to demonstrate the need for a proposal as well as protecting the town centre first approach (Recommended Amendment RA 38). Likewise, in relation to Policy RP 3 Strabane Primary Retail Core (PRC) and Town Centre, I accept that it is necessary to amend it for coherence to reflect the dPS's town centre first approach (Recommended Amendment RA 39). It is apparent from Policies RP 2, RP 3 as well as Policy HOU 12 Flats and Apartments that residential uses above shops and other business premises should be facilitated, where appropriate, as this can promote sustainability through utilising underused space, maintaining the fabric of buildings and contributing to the vitality and viability of the city and town centres.
- 3.24 As it is intended that Policy RP 4 Other Town and District Centres apply to both towns and district centres, it is not accepted that including both within the same policy context would cause confusion when considering development proposals. Although a similar policy approach is adopted, for proposals in district centres, it would be considered whether the proposal would impact on the vitality and viability of the city

or any town centres in that catchment. To reflect regional policy and to have a coherent approach within the dPS, as accepted by the Council, it is necessary to amend the third criterion of Policy RP 5 Local Centres to state that the proposal would be granted if would not have a significant adverse impact on any other centre within the hierarchy in that catchment (Recommended Amendment RA 40). Given that additional local centres may be identified at the LPP stage, I agree with the Council that for coherence it is appropriate to amend Paragraph 10.33 to state that Policy RP 5 also applies to them (Recommended Amendment RA 41). It is not considered necessary to copy the text of Paragraph 10.16 within the dPS to Paragraph 10.33 for reasons of soundness.

- 3.25 It is not readily apparent from the second criterion of Policy RP 6 what it is meant by a proposal making a positive contribution to the shopping environment and appearance of the village or small settlement. Taking account of Paragraph 6.278 of the SPPS, the Council suggested that it is therefore appropriate that Policy RP 6 state that the proposal makes a positive contribution to meeting the day-to-day needs and be of a design appropriate to the village or small settlement. In the interests of clarity and consistency, I agree with this amendment (Recommended Amendment RA 42). The fourth criterion of Policy RP 6 requires retail development to be located at a central location in the settlement and be accessible by public transport (if available), foot and cycle. This therefore adequately details what will be required in terms of accessibility; the text contained within Paragraph 10.36 is therefore appropriate and it justifies and amplifies what will be required. It is self-evident that significant extensions or re-development proposal which are out of scale or type with the character and function of the village/settlement and are deemed to have a significant adverse impact on the heart of the settlement or other centre will have to submit a convincing supporting statement why they should be allowed. It is sufficient for this to be stated within the justification and amplification text of Policy RP 6.
- 3.26 Policy RP 1, as amended, entitled Town Centre first, clearly states that the Council will adopt a city-town centre first approach for retail and other main town centre uses. As Policy RP 7 relates to Retail Development in the Countryside, there is no need to state in any greater detail that retailing will be directed to the centres within the retail hierarchy. As a result, there is no need to provide policy direction for retail development in the countryside elsewhere within these retailing policies. It is clear from Policy RP 7 and its supportive text that appropriate exemptions to the overall policy approach will be permitted provided they are located within existing buildings and should be of an appropriate scale to ensure that there will be no unacceptable adverse impact on the vitality and viability of existing centres/settlements. It is not necessary to be more definitive by providing a size restriction for such proposals.
- 3.27 It is clear from Policy RP 8 Alternative Use of Shops in Primary Retail Cores and Other Centres how the Council aims to address growing trends and limit the amount of non-retail uses within primary retail cores. I accept that not having such a policy could result in a proposal which seeks to remove all retailing uses. The LDP monitoring

process will permit the Council to monitor the situation on an ongoing basis, including anything impacting on the local retailing economy such as the consequences of the pandemic. Monitoring indicator 11 will calculate the number/floorspace of non-retail planning permissions in primary retail cores and other centres and will be triggered if non-retail uses exceed 30%.

- 3.28 In terms of Policy RP 9 Out of Centre Development, to reflect regional policy (Paragraph 6.289 of the SPPS) as well as for clarity, I agree with the Council that it is appropriate for criterion 2 to refer to demonstrating that all potential sites have been ruled out as unsuitable, unavailable or unviable (Recommended Amendment RA 43). It is also appropriate for coherence for the explanation of what is included within the definition of a town centre within Policy RP 9 to be contained within its policy box as opposed to being within Paragraph 10.48. Although Policy RP 9 states that proposals that have a retail floorspace of 1,000sqm gross and above and which are not proposed in a town centre will need to be accompanied by a retail impact assessment and an assessment of need, Paragraph 6.283 of the SPPS states that this includes applications for an extension/s which would result in the overall development exceeding 1,000 sqm. For clarity, this should be included within Policy RP 9 as opposed to within its accompanying justification and amplification text in Paragraph 10.48 (Recommended Amendment RA 44). Also for clarity, rather than Paragraph 10.48 referring to 'similar applications', I accept the Council's proposed change that it should be stated that it relates to proposals outside a city/town centre (Recommended Amendment RA 45).

Transport and Movement

- 3.29 Paragraph 6.293 of the SPPS states that the successful integration of transport and land use is fundamental to the objective of furthering sustainable development. It is highlighted that planning has a vital contributing role for improving connectivity and promoting more sustainable patterns of transport and travel. In the interests of consistency and as accepted by the Council, Recommended Amendment RA 46 is therefore necessary to confirm that Transport Accessibility Analysis (TAA) will be utilised to assist in the identification of appropriate development sites where integration with public transport, cycling, walking and the responsible use of the private car can be best achieved. As accessibility can have different means depending on its context, as proposed by the Council, it is appropriate for clarity to provide a definition as to what it meant by it in this context (Recommended Amendment RA 47). For coherence, I agree with the Council that it is appropriate for the dPS to refer to it identifying active travel networks and providing a range of infrastructure improvements to increase the use of more sustainable transport modes (Recommended Amendment RA 48). There is however no need for reasons of soundness to replicate this amendment elsewhere in the chapter. It is also not considered that it is necessary for soundness for the dPS to state within Paragraph 11.34 that within rural areas there is very limited public transport service as this is

already evident as it refers to the private car being almost a practical necessity in such locations.

- 3.30 Although there were calls for greater rail and Park and Ride (P&R) provision within the district, I accept the Council's position that, other than identifying the strategic aspirations for additional P&R locations and rail stops, the dPS can only reflect those projects with a reasonable degree of likelihood of coming forward. The strategic objectives for car parking in Derry and Strabane (Page 154, dPS) do however include providing suitably priced edge of centre Park and Stride sites for long-stay provision as well as creating additional P&R locations around the edge of the city and other strategic locations across the district to link in with adjoining councils to reduce congestion and improve air quality. Given the protection of economic land within regional policy and the dPS, it is appropriate that P&R/ public transport interchanges on such land should be considered on a case-by-case basis at the LPP stage. Although the dPS does state that P&R sites should preferably be located within settlements (Paragraph 11.105) it also recognises that there may be occasions where it may need to be located elsewhere, including in a Green Belt location provided the identified criteria are met. This is an appropriate sustainable approach ensuring that a comprehensive assessment of alternative sites has been carried out to meet the identified need. In terms of the suggestion that P&R facilities should be permitted along Protected Routes, Paragraph 6.301 of the SPPS states that the regional policy is to restrict the number of new accesses and control the level of use of existing accesses onto protected routes. Having liaised with DfI, the Council have formulated Policy TAM 3 Access to Protected Routes, which reflects the approach contained within the SPPS. It is however acknowledged by the Council within Document DS-500 (Page 76) that strategic P&R locations will emerge in due course as part of the A5 and A6 route schemes.
- 3.31 In terms of a lack of connection between existing settlements and proposed infrastructure upgrades, the dPS sets out the various Local Transport Study Transport Measures (Page 147) which are taken into account in its LDP strategy (Paragraph 11.11). There are already numerous policies which could contribute to achieving this connectivity. The implementation of various road and signal schemes is a matter for DfI. Whilst concern was raised in relation to the sustainability of carrying out major road building projects, there are also numerous benefits from infrastructure improvements as identified by the Council (Pages 147, 150 and 151, dPS) including the benefit that improved travel times and accessibility would have for public transport users. The road schemes are existing commenced or proposed upgrade schemes identified in the LTS which was undertaken as part of the North West Travel Plan (NWTP) carried out by DfI in conjunction with the Council. The Council has plans to revitalise Derry which involves re-modelling of the main transport arteries. Therefore, for clarity, as accepted by the Council, it is necessary to state that the NTWS, in tandem with the Car Parking Study, will do this by assessing the identified orbital routes

against economic, environmental and social objectives (Recommended Amendment RA 49).

- 3.32 Having taken account of the public transport provider's views, the Council are entitled to take the position, cited in Paragraph 11.32 of the dPS, that any reduction in city and town centre parking should be carried out in a phased manner as and when suitable alternatives are in place. This does not affect their strategic goal, over the lifetime of the LDP, to reduce city and town centre parking and expand long stay capacity within edge of centre and peripheral P&R/Park and Stride sites. This approach has taken account of the SPPS, in particular Paragraphs 6.297, 6.300 and 6.301. It is appropriate for proposals for specific car parks to be redeveloped as parks, for instance, to be considered at the LPP stage.
- 3.33 For clarity and to strengthen the reference to the TAA, I agree with the Council that it is necessary to make a number of amendments to the Strategic Planning Objectives for Delivery of Transport Strategy and Measures (Page 157) in order to state that: the upgrades and improvements to the transportation network are to be in accordance with the NWTP as opposed to the SPG; the Council will undertake accessibility analyses by active travel modes and public transport to influence the choice of zonings and major developments at the LPP stage; and, that they will ensure that all new development proposals also encourage public transport with the appropriate infrastructure or support in place for active means of travel (Recommended Amendment RA 50).
- 3.34 For consistency and as accepted by the Council the justification and amplification text of Policy TAM 1 Creating and Accessible Environment (Paragraphs 11.52 and 11.55) should be amended to reflect regional policy (Paragraph 6.13 of the SPPS) and Regulation 4 of the Planning (Listed Building) Regulations 2015 in terms of providing access to listed buildings without adversely impacting on the building's special architectural or historic interest (Recommended Amendments RA 51 and 52). As Draft DCAN 11 Access for All-Designing for an Accessible Environment has been withdrawn for DfI, for clarity it is necessary for the guidance contained therein to be replicated within an appendix in the PS (Recommended Amendment RA 53).
- 3.35 A call was made for the dPS to secure developer contributions for public transport services not just infrastructure. As stated within Paragraph 34.6 of the dPS, the Council are preparing a draft Developer Contributions Framework which they intend to consult on in due course. It is intended that, once adopted, the Framework will be a material consideration when determining planning applications. The Council consider that developer contributions to facilitate and integrate public transport services will be required to encourage sustainable modal shifts in transport (Page 75, Document DS-500). As a result, Paragraph 34.5 of the dPS appropriately states that the Council will seek to use Section 76 of the Planning Act (NI) 2011 in order to achieve the objectives of the LDP which may require public transport contributions.

- 3.36 Policy TAM 3 relates to Access to Protected Routes. As it seeks to control new accesses onto Protected Routes and control the level of use of existing accesses onto such routes, to reflect regional policy contained within PPSs 3 and 13 and Paragraph 6.297 and 6.301 of the SPPS, for consistency I accept the Council's proposed amendment to the first sentence of Policy TAM 3 to reflect that (Recommended Amendment RA 55). As criterion (c) in relation to Other Protected Routes Within Settlement Limits is for information purposes, as accepted by the Council, in the interests of clarity it should be removed from the policy (Recommended Amendment RA 56).
- 3.37 Policy TAM 3 provides policy in relation to fuel filling stations in the countryside. The Council have consulted with elected members, key statutory consultee organisations, and stakeholders, including the public, in relation to this matter (Page 129, Document DS-700). The Council has also taken into account Policy IC 15 Roadside Service Facilities of A Planning Strategy for Rural Northern Ireland (PSRNI). The Council stated at the IE that there was no sound reason for departing from the approach contained within PSRNI and that development management has experienced no difficulty with its implementation. I agree that no persuasive arguments were presented against the policy approach. As stated within PSRNI, whilst it is important to secure the adequate provision of roadside services for long distance travellers using the trunk roads network, there has been pressure for new development, particularly fuel filling stations in the open countryside. This pressure if left unchecked could result in a proliferation of development resulting in a loss of environmental quality along major routes.
- 3.38 Policy TAM 3 states that new fuel filling stations will not be acceptable within 12 miles of existing services. This distance was informed by Policy IC 15 of PSRNI. As a vehicle travelling at 50 mph could reach a filling station located 12 miles away within approximately 14 minutes, I consider the PSRNI separation distance to still be reasonable. It was also argued that not all existing filling stations provide a comprehensive range of services which travellers may now expect. However, large scale retail opportunities in the countryside would be inconsistent with the dPS's retail policies. Whilst it might be more convenient to have such stations more frequently, this has to be balanced against what is sustainable and in the best interest of road safety. Policy RP 7 within the dPS states that whilst it seeks to direct retailing to the centres within the retail hierarchy, that there is a general exemption for appropriate scale facilities attached to existing fuel filling stations. Proposals for stations outside of settlement limits will only be allowed where there is a clear indication of need and where satisfactory access arrangements can be achieved. They should be of an appropriate scale to ensure that there will be no unacceptable adverse impact on the vitality and viability of existing centres/settlements. It is therefore clear what an applicant is required to demonstrate when presenting their case and what will be considered appropriate. As the policy relates to motorways and high standard dual carriageways (HSDCs), for clarity I accept the Council's proposed amendment to state that the exemption for motorway service areas also applies to HSDCs (Recommended

Amendment RA 54). It would not be appropriate to amend the policy to allow for trunk road services in place of 'motorway service areas' as it would have a negative impact on the policy's intent. For clarity, I agree with the Council that it is however appropriate to define the terms used within Policy TAM 3 as well as the status of status of future P&R and Park and Share facilities (Recommended Amendment RA 57).

- 3.39 For clarity, as accepted by the Council, it is necessary to amend the justification and amplification text of Policy TAM 4 Protection for New Transport Schemes to state that such land will be identified within the North West Transport Plan (Recommended Amendment RA 58). I also agree that it is appropriate to clarify who will be responsible for future schemes and any legal implications (Recommended Amendment RA 59).
- 3.40 Policy TAM 5 Disused Transport Routes states that planning permission will not be granted for development that would prejudice the future re-use of a disused transport route identified in the LDP for transport or recreational purposes. It is however necessary to amend this and its justification and amplification text to reflect regional policy (Paragraph 6.301 of the SPPS). The policy should state that they should be protected for transport and for alternative purposes. This then allows for its justification and amplification text to reflect the examples of recreation, nature conservation or tourism related use listed within Paragraph 6.301 of the SPPS. The text should also be amended to include roads given the potential to have future abandoned stretches of the A5 and A6 network. As accepted by the Council, Not only should the LDP identify the routes, for coherence it should also be stated that they will be safeguarded where there is a reasonable prospect of re-use for future transport purposes (Recommended Amendment RA 60).
- 3.41 From Policy TAM 6 Transport Assessment it is implicit that a Transport Assessment (TA) and Travel Plan will apply to all forms of development that generate a significant traffic volume and/or impact. The policy states that the coverage and detail of the TA should reflect the scale of the development and the transport implications. I accept the Council's position that, increasingly, it will be important for all/most developments to consider how more sustainable travel patterns might be achieved and therefore additional exclusionary text is not required. For the sake of clarity however, I accept the Council's amendment to the justification and amplification text so that it fully reflects the role of the TA and TP as well as the 2006 TA Guidelines (NI) in terms of firstly assessing accessibility by sustainable modes and then residual traffic (Recommended Amendment RA 61).
- 3.42 In terms of cycle provision, the dPS makes numerous references to the promotion of cycling with the Local Transport Study (LTS) transport measures including the provision of a network of attractive radial cycling routes in Derry and Strabane which, as far as practical, should serve all residential areas. The Council's Strategy (as amended by RA 46) would also seek to provide a range of infrastructure improvements to increase the use of more sustainable modes which, within the urban areas, could provide enhanced priority to cyclists. Policy TAM 5 Disused Transport Routes seeks to

protect their future re-use which could include as cycle networks (Paragraph 11.80, dPS) meanwhile Policy TAM 7 Walking and Cycling Provision outlines how proposals need to take into account the needs of cyclists. For clarity, I agree with the Council that it is however necessary to provide a more-specific cross-reference within the justification and amplification text of Policy TAM 7 in order to identify which exact policy provisions within the Housing Chapter of the dPS relate to cycle parking provision within residential developments (Recommended Amendment RA 62).

- 3.43 Paragraph 11.100 of Policy TAM 8 Provision of Public and Private Car Parks is missing text in relation to long-stay car parking. As accepted by the Council, in the interests of clarity this should be amended to state that in the long-term this will be disincentivised (Recommended Amendment RA 63).
- 3.44 The Council proposed to change Paragraph 11.116 of Policy TAM 9 Car Parking and Servicing to reflect regional policy contained within Paragraphs 6.4 and 6.24 of the SPPS in terms of ensuring that development proposals affecting other heritage assets and their settings are also assessed as well as those within Conservation Areas, Areas of Townscape Character and Listed Buildings. For consistency, I agree with this amendment (Recommended Amendment RA 64).
- 3.45 It is apparent that Policy TAM 12 Transport Facilities refers to those of a strategic nature and therefore for clarity this should be reflected in the policy's title. As accepted by the Council, the third bullet point of Policy TAM 12 should also be amended in the interests of clarity to reflect the fact that whilst the airport does not have any boundary and is effectively in a rural location, it is designated as a SEDA (Recommended Amendment RA 65). The boundary of the SEDA will be determined at the LPP stage.
- 3.46 The Monitoring and Review arrangements in relation to transportation are considered appropriate and realistic as they seek to improve year-on-year the baseline levels in terms of the number of people travelling by sustainable modes and the achievement of transport infrastructure (Page 11, Document DS-242). It is acknowledged that, by itself, the LDP cannot however bring about a modal shift.

Tourism Development

- 3.47 Policy TOU 1 relates to the safeguarding of tourism assets. To be reflective of the SPPS (footnote 56, page 99), PPS 16 Tourism and the Tourism (NI) Order 1992, the glossary of terms contained within the dPS should include the definitions of tourist amenity, tourist accommodation and tourism asset. Paragraph 12.12 of its justification and amplification text states that a list of indicative tourism assets has been identified in the Tourism Evidence Base (Document DS-200). Whilst this is not a definitive list, it is appropriate for clarity and ease of reference that these are included within Appendix 2 of the dPS (Recommended Amendment RA 66). As accepted by the Council, for consistency Paragraph 12.12 should reflect regional policy, namely Paragraph 6.265

of the SPPS, in relation to when a development is associated with a heritage asset (Recommended Amendment RA 67).

- 3.48 Policy TOU 2 Tourism Development in Settlements reflects regional policy, Policy TSM 1, within PPS 16. However, to ensure the protection, conservation and where possible enhancement of the historic environment, in the interests of consistency, it should reflect other aspects of regional policy, in particular Paragraphs 4.31, 6.8, 6.12, 6.13, 6.16-6.18 and 6.25 of the SPPS, by stating that a tourism development should also respect the site's character and setting in terms of scale, massing and design (Recommended Amendment RA 69). In order to have a coherent strategy, Policy TOU 2 should explicitly state that all the GDP and GDPOs could be applicable to a planning proposal. For coherence, as accepted by the Council, the policy should also signpost a reader to Appendix 2 of the dPS which provides details in relation to a Tourism Benefit Statement and a Sustainable Benefit Statement (Recommended Amendment RA 68). Although it was argued that it is implicit throughout the dPS that there are three types of benefits (environmental, social and economic) which will be considered when assessing a tourism development proposal, in the interest of clarity, this should be stated within the policy justification and amplification text at Paragraph 12.16 (Recommended Amendment RA 70). In terms of concern over the impact of tourist accommodation in urban areas, the justification and amplification text of Policy TOU 2 (Paragraph 12.18) already states that the impact on residential amenity, parking, noise and traffic generated from a proposal will be considerations. For clarity, paragraph 12.18 should also state that applications for tourism accommodation in the countryside will be dealt with in Policy ODC 4 as well as Policy TOU 4. As accepted by the Council, for clarity, Appendix 2 should also include information on urban and rural short-term let accommodation (Recommended Amendment RA 71).
- 3.49 Policy TOU 4 Hotels, Guest Houses, B&Bs and Tourist Hostels in the Countryside should be restructured to clarify that the policy will be applicable for new and existing tourist facilities (Recommended Amendment RA 72). The policy makes numerous references to B&B accommodation, so it is therefore appropriate to define the term within Appendix 2 of the dPS to avoid confusion. As accepted by the Council, it is also necessary to ensure that justification and amplification text is inserted in relation to long-term viability of a facility in the countryside, thus reflecting regional policy contained within Paragraphs 6.260, 6.263 and 6.295 of the SPPS. In order to reflect regional policy (Paragraph 6.24 of the SPPS), under the sub-heading of Conversion or Replacement of an Existing Rural Building, Policy TOU 4 should be amended to also include reference to an historic building of local importance as well as vernacular buildings. Paragraph 12.22 of the justification and amplification text of Policy TOU 4 should also reflect regional policy contained in Paragraph 6.73 of SPPS, Policy TSM 2 and Paragraph 7.37 of PPS 16 and Paragraphs 5.10 and 5.21 of PPS 21 in terms of encouraging the sustainable and sympathetic reuse of non-designated heritage assets. In order to be consistent, Policy TOU 4, together with its justification and amplification text, should be amended to refer to the nine tourism settlements

identified within Policy TOU 2 (Recommended Amendment RA 72). The request to include that all tourism operators should be certified with Tourism NI is not a land use planning matter.

- 3.50 To reflect regional policy, namely Paragraph 6.261 of the SPPS, I agree with the Council that in the interests of consistency it is necessary for Policy TOU 5 Major Tourism Development in the Countryside-Exceptional Circumstances to state that a proposal for a major tourism development in the countryside may be permitted in exceptional circumstances (Recommended Amendment RA 73). The use of the term 'will' could be considered a lower policy test than that in the SPPS for such proposals. Given the confusion that could be caused by the use of the term 'Region', in terms of whether it relates to the NW Region or NI as a whole, it is appropriate to add to the first bullet point of Policy TOU 5 that the proposed scale/importance of the development will dictate whether it needs to be of district or regional Importance. Similar to Policy TOU 4, it should reflect regional policy contained within Paragraph 6.265 of the SPPS in terms of ensuring that the design quality and sympathetic integration of the proposal within the existing context and setting will be important considerations. To have a coherent strategy, Policy TOU 2 should explicitly state that all the GDP and GDPOs could be applicable to a planning proposal. In the interest of clarity and as accepted by the Council, the policy should also signpost a reader to Appendix 2 of the dPS which provides details in relation to a Tourism Benefit Statement and a Sustainable Benefit Statement (Recommended Amendment RA 68).
- 3.51 Concern was raised in relation to the reference to 'substantial cabins of various types...where there are substantial connections to services...' referred to within Policy TOU 6 Self-Catering Accommodation in the Countryside. From reading the full paragraph, it is evident that it is seeking to distinguish these from smaller, glamping style wooden cabins which usually require only mains electricity connection. No change is therefore needed. In the interest of consistency with regional policy contained within Paragraphs 6.4, 6.24 and 6.265 of the SPPS and Policy TSM 5 of PPS 16, as accepted by the Council, criterion (c) of Policy TOU 6 and paragraph 12.32 should be amended to refer to the restoration of an existing group of vernacular or historic buildings, which would include a clachan. For clarity and coherence, I also agree that it should be stated that such proposals will also be assessed under Policy HE 8 Conversion and Re-Use of Non-Designated Heritage Assets (Recommended Amendment RA 74).
- 3.52 As not all heritage assets are designated, as acknowledged within Paragraph 6.24 of the SPPS, I agree with the Council that for consistency it is necessary to amend Policy TOU 7 to reflect this (Recommended Amendment RA 75).
- 3.53 A call was made for tourism to be the core strategy for the Council area, with concern raised about the potential industrialisation of the Sperrins. The Council has engaged a balanced approach which seeks to recognise the importance of the Sperrins by providing appropriate environment-based policy, such as SCAs, as well as providing

economic opportunities to enable the area to be a working, living environment. To focus solely on tourism, not allowing other permissible activities, would be unsound.

Minerals Development

- 3.54 As stated in Section 250 of the Planning Act (Northern Ireland) 2011 and within the dPS (Paragraph 13.1), 'minerals' includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or surface working, except that it does not include turf cut for purposes other than sale. As acknowledged within paragraph 6.148 of the SPPS, minerals, including valuable minerals, are an important natural resource. Whilst minerals development delivers significant economic benefits, such as providing the primary minerals for construction and provider of employment, paragraph 6.150 of the SPPS highlights that the effects of specific proposals can have significant adverse impacts on the environment and on the amenity and well-being of people living in proximity to operational sites. An exhaustive list of minerals deposited within Northern Ireland is not provided. It is therefore appropriate that the dPS deals with all minerals including sand, gravel, and aggregates. The SPPS highlights that the policy approach for minerals development must be to balance the need for mineral resources against the need to protect and conserve the environment. The Council have also taken into account the mineral policies contained within the Planning Strategy for Rural Northern Ireland (PSRNI) as well as views expressed by representors. Consultation was also carried out with the Council's elected members, Department for Economy (DfE) Minerals Branch, adjoining district and county councils, DfI and Department for Agriculture, Environment and Rural Affairs (DAERA). The Council has considered all relevant legislative provisions in terms of minerals and has taken account of its Community Plan.
- 3.55 As Paragraph 6.161 of the SPPS states that applications for the extraction of minerals must include satisfactory restoration proposals, it is necessary for Policy MIN 1 Mineral Development to refer to this matter and cross-reference it with Policy MIN 5 Restoration. For clarity it should also be stated within Paragraph 13.9 that Policy MIN 1 relates to all areas of the district, particularly those designated or proposed for designation (Recommended Amendment RA 76) to reflect Paragraph 6.158 of the SPPS. Paragraph 13.10 of the dPS relates to the impact of minerals development on the natural environment. Although it seeks to achieve the required balancing of interests, in the interest of consistency and as accepted by the Council, it, and Paragraphs 13.11 and 13.12, should be amended to reflect regional policy contained within Paragraph 6.158 of the SPPS including in relation to areas declared or proposed for declaration as was originally contained in the published dPS (Recommended Amendment 77, 78 and 79). The weight to be afforded to the declared or proposed designation, including its stage in the designation process, will be a matter to be assessed as part of the development management stage. This is not comparable with the approach within Policy MIN 2. Policy MIN 1 also relates to European designations and statutorily protected species, where it is appropriate to define the detailed

boundaries at the later LPP stage and which will be assessed on a case-by-case basis especially given that a designated area could cover expansive tracts of land.

- 3.56 For coherence, Policy MIN 1 should be cross-referenced with Policies NE 1 and 2 within Chapter 21 Natural Environment which provides a list of the protected habitats and designated or proposed areas. Given the evidence that over 700 ASSIs in the UK were previously minerals sites with a number of nature reserves in Northern Ireland being previously quarries, for coherence, I agree with the representative and Council that it is appropriate to state within the justification and amplification text of Policy MIN 1 that biodiversity enhancement can result from minerals development (Recommended Amendment RA 77). Paragraph 13.11 of the dPS relates to the historic environment. For coherence, it is not appropriate to deal with natural environment matters within this section. As Paragraph 6.24 of the SPPS refers to the all-encompassing term 'heritage asset' for consistency, as accepted by the Council, this should also be used within Paragraph 13.11 (Recommended Amendment RA 78).
- 3.57 In terms of peat extraction, despite calls for Paragraph 13.23 of the dPS to state that applications for commercial extraction of peat will not accord with the Plan, the approach reflects regional policy (Paragraphs 6.154, 6.158 and 6.192 of the SPPS). It is noteworthy that there is no commercial peat extraction occurring within the district and that most peatlands would be protected habitats (Pages 91 and 92, Document DS-500). As no other specific mineral is referred to within Policy MIN 1, it is appropriate to refer to peat within the justification and amplification section of the policy. Substantial evidence was presented in relation to the importance of peatland for carbon storage. For instance, peatlands, such as blanket bog, store approximately double the amount of carbon that is stored in all the world's forests and that the cost of fully restoring all of the UK's peatlands was less than one-tenth (£8.22 billion) of the estimated savings of £109 billion in terms of reduced carbon emissions. Taking account of this evidence as well as reflecting regional policy contained within Paragraph 6.226 of the SPPS, for consistency I agree with the Council that paragraph 13.23 of the dPS should be amended to reflect its importance (Recommended Amendment RA 80).
- 3.58 In relation to Policy MIN 2 Areas of Constraint on Minerals Development (ACMDs) concern was raised that such areas should be based on accurate and up to date information. DfE Minerals and Petroleum Branch are responsible for collecting the Annual Mineral Statement of Quarry Output for Northern Ireland. As stated within Document DS-221, local data for DCSDC is limited as only three operators filed minerals returns in 2020 with no returns for the area in 2019 (Paragraph 3.33). Due to the variations in the number of responses for individual years, DfE consider that it cannot be assumed that they represent trends in output over this period. This makes it difficult to make estimates of future production needs based on past trends. The Council have given an undertaking that they will continue to liaise with DfE and minerals operators and agents to ensure further information is sought prior to the LPP. The Council held a meeting with DfE in 2018 and arising from it the Council sent

28 letters to a number of quarries and quarry owners in May 2018 and 15 letters were sent in September 2018. A total of 5 returns were received in response to these letters (Paragraph 3.38, Document DS-221). In 2019, further meetings were convened between the Council, the Mineral Products Association and DfE. It is apparent that there are still significant questions in relation to the reliability and completeness of the official minerals information for the district. This knowledge deficit is however a Northern Ireland wide issue and I am satisfied that the Council has endeavoured to utilise the evidence at their disposal. The Council were however hopeful that the LPP stage will be able to avail of better statistical information on the resource supply, usage and potential of minerals in the district as well as better estimates on the need for further minerals planning permissions over the LDP period (Paragraph 3.39, Document DS-221). It is noted that in the meantime, no policies in the dPS require an applicant to demonstrate a need for the products. Areas of Constraint on Minerals Development were also identified within the DAP and SAP. At the LPP stage, the Council intend to review the former ACMDs or consider additional ACMDs (Paragraphs 6.19 and 6.22, Document DS-221).

- 3.59 The need for ACMDs is identified in the SPPS to protect the district's intrinsic landscapes whilst ensuring the provision of a constant supply of minerals for the local and regional economy through Minerals Reserve Areas (MRAs). Paragraph 6.164 of the SPPS also uses the word 'significant' when referring to the environmental/amenity impacts of short-term extraction and therefore, for consistency, it is appropriate that this is used within the dPS. Removing the exception option in ACMDs would remove the balance approach which seeks to promote mineral development whilst also protecting the environment. It will give scope for some minerals development that would not adversely impact on the environment and amenity whilst seeking to protect the most sensitive landscapes within the AONB through the focussed designation of ACMDs. Applications in such areas must be accompanied by landscape and visual impact assessments. It is accepted that a blanket ACMD designation across the AONB could attract a legal challenge, could have unsustainable environmentally, socially, and economically impacts and would be contrary to Paragraph 6.155 of the SPPS.
- 3.60 Having taken account of Paragraph 6.157 of the SPPS, the Council chose to not explicitly include valuable minerals in the exemptions. Policy MIN 4 relates to valuable minerals where there will be no presumption against their exploitation anywhere except the SCAs which is their most valuable and vulnerable landscapes within the High Sperrins. This policy provides a deliberate extra layer of protection for the High Sperrins, which provides a coherent approach along with Policy NE 6, to protect the SCA from any harmful development. This takes account of Paragraph 6.155 of the SPPS which refers to minerals development avoiding key sites within designated areas such as an AONB. To clarify that the exemption is to assist in deciding the extent of ACMD designations at the LPP stage, as opposed to being for development management purposes, I agree with the Council that Recommended Amendment RA 81 is necessary.

- 3.61 In Policy MIN 3 Minerals Reserve Areas (MRAs) the dPS proposes that MRAs will be defined around mineral resources which are of particular local or regional economic and conservation value. The designation will restrict surface development which would prejudice future exploitation of these minerals resources. There are however no quantifiable details in relation to the number of mineral reserves that lie within the district. There is also a lack of information on the amount of permitted mineral reserves which are still being worked. The Minerals Resource Maps for NI provide information in relation to the location and nature of the minerals resource in each county, however they only infer the extent of a mineral resource. The economic potential of specific sites requires a detailed evaluation programme (Paragraph 3.40, Document DS-221). However, following advice from DfE, should any such areas be identified, the location and extent of these will be identified at the LPP stage when interested parties would have an opportunity to comment (Paragraph 6.20, Document DS-221). This approach takes account of Policy MIN 5 within PSRNI and Paragraph 6.155 of the SPPS. It would not be reasonable to protect mineral areas that may be identified in the future from surface development as such areas would have to be subject to focused review in the LDP. Paragraph 13.29 of the dPS identifies a number of types of development that will be exempt from the policy. In the interest of clarity, I accept the Council's position that it is necessary to clarify that applications for temporary planning permission will only be considered an exemption where the mineral resource is not prejudiced (Recommended Amendment RA 82).
- 3.62 Policy MIN 4 Valuable Minerals has taken account not only the SPPS and PSRNI but also had regard to the policies and designations of adjoining councils. Between 2007-2022 DfE have granted approximately 17 mineral prospecting licenses and 2 license extensions wholly or partly within the boundary of council area. In 2021 there were two mineral prospecting applications within the district. In terms of concern in relation to where the companies who possess the prospecting licences are located, the approval of planning permission runs with the land and not the applicant. The Council has taken account of Paragraph 6.157 of the SPPS however chose to have a presumption against minerals developments in the SCA to give due weight to the reason for the statutory zoning. The use of the phrase 'due weight' is reflective of wording of Paragraph 6.157 of the SPPS. Whilst it is not a prohibition, it is a deliberately high bar to protect their very best landscape identified in their LCA Review. Although DfE have advised the Council that there are no financially viable areas suitable for unconventional hydrocarbon extraction (UHE), it is appropriate to have such a policy should such a proposal be financially viable in the future. As stated within the Council's evidence, it would be for an applicant to demonstrate sufficient and robust evidence in relation to the environmental impacts of UHE (Page 98, Document DS-500).
- 3.63 Policy MIN 5 relates to the restoration of minerals development sites. In order to secure their sustainable and satisfactory restoration and to reflect regional policy (Paragraph 6.167 of the SPPS), as accepted by the Council, for consistency and

coherence it is necessary that this is secured at the time of granting the approval of planning permission (Recommended Amendment RA 83). Concerns were raised in relation to the need for and practical implementation of a restoration bond or a Restoration Guarantee Fund required under Policy MIN 5 Restoration. The plan has had regard to the policies of adjoining districts. Drawing on their experience in planning enforcement across NI and further afield, the Council presented evidence that it is very difficult to enforce planning restoration conditions, particularly where it is not evident when the quarry has finished or been abandoned, especially when an operator is no longer in business, changed its trading name etc. A consequence is that there are numerous examples across the district of quarries that appear abandoned, with little or no restoration resulting in them being a scar on the landscape (Page 30, Document DS-221). To aid the implementation of this policy tool, in the interest of effectiveness, this issue should be the subject of a SPG (Recommendation RA 84). Monitoring indicator 19 would be triggered by the failure to secure enforceable restoration measures thus ensuring the effectiveness of the approach post adoption. It would not be appropriate to provide a comprehensive list of restoration options as each case would be considered on its own merits. Restoration of old, existing quarries will be required when the Review of Old Minerals Permissions (ROMPs) legislation is enacted. Any issue in relation to the presence of radon would be raised by consultees.

- 3.64 In terms of how the Council's approach has had regard to the Council's aspirations to reduce and mitigate against climate change, GDP 2, which relates specifically to climate change, outlines ten considerations which must be taken into account and demonstrated when determining development proposals. GDPOL 1 also requires that development proposals incorporate renewable and low carbon energy technology and measures for carbon offsetting unless it is demonstrated to be unfeasible. I am not persuaded that the Council's approach in relation to minerals development conflicts with the LDPs of neighbouring councils.
- 3.65 In order to be consistent with Departmental policy and guidance, the dPS's overall approach to minerals therefore successfully balances the demands of the minerals industry with protecting and conserving the most valuable and vulnerable areas of the environment. Having utilised the available information, which is at their disposal, they have endeavoured to provide a robust evidence base for their minerals policies which, subject to the recommended amendments (RA 76-RA 84), meet the relevant procedural, consistency, coherence and effective tests and are sound.

Signs & Outdoor Advertising

- 3.66 In order to reflect regional policy contained within Policy AD 1 and Paragraph 4.7(a) of PPS 17 Control of Outdoor Advertisements, as accepted by the Council, in the interest of consistency it is appropriate for a new paragraph to be added to the justification and amplification text of Policy AD 1 Signage and Outdoor Advertisements in order to identify the matters that will be assessed when considering the impact of an advertisement or sign on amenity (Recommended Amendment 85). There are also

other matters identified within PPS 17 which are not adequately addressed within the dPS's Policy AD 1 or by RA 85. For consistency, there should therefore also be additional text to ensure that the position of the advertisement on the host building, its design, materials, scale, size, dominance, siting and the cumulative effect of the proposal when read with other advertisements are also considerations (Recommended Amendment RA 86). It was suggested by a representor that detailed text be provided in relation to LED signage. Given this is an emerging technology, it would be appropriate that justification and amplification text be provided in terms of what will be acceptable. For clarity, more detailed specification is to be inserted into the Council's document DS 222 and it should also be the subject of a SPG (Recommended Amendment 87).

- 3.67 As accepted by the Council, in the interest of coherence and consistency, Policy AD 2 Advertisements and Heritage Assets should be amended to reflect the hierarchy of policy protection afforded to the built heritage assets and to reflect regional policy (Paragraphs 6.14, 6.20, 6.57-6.59 of the SPPS) (Recommended Amendment RA 88). For coherence, I agree with the Council that it is appropriate for the justification and amplification text to be amended to state that an application for advertisement consent on a Listed Building will be assessed not only against Policy AD 2 but also Policy HE 4 The Control of Advertisement on a Listed Building. As proposed by the Council, in the interest of clarity, it should also be added that scheduled monument consent may be required for other proposals as well as those on the Derry Walls (Recommended Amendment 89).
- 3.68 The signs and outdoor advertising section as amended will ensure that the Plan is sound.

Agriculture & Other Development in the Countryside

- 3.69 Paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 establish the range of types of sustainable development that may be appropriate within the countryside with a presumption against other types of development. I agree with the Council that this should be more explicit throughout this chapter of the dPS, including within its title, and in its policies. Setting out this default position, similar to Policy CTY 1 of PPS 21, enables a coherent approach to be adopted in order to manage future development proposals in the countryside (RA 90).
- 3.70 Paragraph 6.73 of the SPPS, Paragraph 5.10 of Policy CTY 1 and Policy CTY 11 Farm Diversification of PPS 21 highlight the opportunities that may exist through the sympathetic conversion or re-use of existing buildings in the countryside as well as that diversification proposals will only be acceptable where they involve the re-use or adaption of existing farm buildings. It is therefore appropriate that Policy ODC 4 The Conversion and Re-Use of Existing Buildings for Agricultural and other Suitable Rural Uses also relates to change of use proposals. As all proposals affecting historic assets, not just Listed Buildings, would have to be in accordance with the Historic Environment policies, it is necessary to include these within criterion (h) of Policy ODC

4. To be coherent, it is therefore necessary to remove the specific paragraph within Policy ODC 4 relating to Listed Buildings. Policy TOU 2 within the dPS requires tourism development to be located within identified tourism settlements; development in any other settlements needs to demonstrate a location-specific case as to why they cannot be located in the identified settlements. As accepted by the Council, it is therefore necessary for coherence that there be an additional criterion within Policy ODC 4 which requires that a tourism development must also submit a statement as to why the use is site-specific and cannot be located in one of the named tourism settlements (Recommended Amendment RA 91). As a large farm holding may have land or buildings located outside the Green Belt (GB) designation, for consistency with Designation GB 1 Green Belts, as accepted by the Council, Policies ODC 2,3 and 4 should also require that it be demonstrated why a proposal cannot be located outside a GB location (Recommended Amendment RA 92).

- 3.71 Having taken account of the policy and guidance issued by the Department, the Council has utilised the information at its disposal. It has set out coherent and robust evidence for its approach. The economy section as amended will ensure that the Plan is sound.

4.0 SOCIAL DEVELOPMENT

Housing in Settlements and in the Countryside

- 4.1 The LDP aims to play a positive and supportive role in the strategic delivery of homes to meet the full range of housing needs throughout the district within the wider framework of sustainable development. This is ensured through a suite of housing policies which follow on from the dPS's objectives namely social development objectives (c)(i), (ii) and (iv). Paragraph 16.15 of the dPS states that the LDP's housing provision will be reflective of the LDP's overall Growth Strategy, Spatial Strategy and Settlement Hierarchy, aiming to provide 9k new homes across Derry City and Strabane District by 2032. It and Paragraph 16.7 however state that it will have a 5-year supply of an additional 3k dwellings. Having reflected on Paragraphs 6.140 and 6.141 of the SPPS, which relate to monitoring and review of housing, at the IE the Council proposed to amend the wording of Paragraphs 16.7 and 16.15 of dPS to remove the reference to providing 3k more dwellings from the outset and to stress the need to maintain a 5-year land supply. As accepted by the Council, this amendment (Recommended Amendment RA 93) is necessary to meet soundness tests C3 and CE1 and is reflective of what was assessed in the Council's evidence, including in the SA.
- 4.2 The majority of the housing growth will be in settlements from commitments, urban capacity as well as from whiteland and windfall sites. In the interest of clarity, I agree with the Council that it is appropriate to clarify that whilst the LDP will be zoning additional lands, it will generally not be on the periphery of settlements beyond the development limits (Recommended Amendment RA 94). It is appropriate that the dPS has allocated the highest allocation to Derry City as the Regional City for the North West, as well a regional and international gateway, and that a proportionate allocation has been made to Strabane as the supporting Main Hub. To reduce the allocation to Derry City and the other settlements in the hierarchy and the countryside to enhance the allocation to Strabane would not reflect regional policy contained within the RDS and the SPPS. From the Council's evidence it is apparent that Strabane has the strength to compete and attract businesses, jobs, and provide services of a scale which serves its wider rural hinterland including cross border (Page 124, Document DS-500). Strabane is to be allotted approximately 10% of the overall housing allocation with the LDP carrying forward most of the housing zonings/designations from SAP. Whilst it is expected that the supply of housing and growth in Strabane town will be substantially met by the completion of existing commitments, zonings, and windfall opportunities in sustainable and accessible locations, the Council consider that it may be necessary to include a limited amount of additional land for housing, especially on the western side of the town (Page 125, Document DS-500).
- 4.3 Facilitating people's desire to live outside the city, expanding dormitory settlements such as Eglinton, Claudy and Newbuildings, would be contrary to the RDS and SPPS. An appropriate level of balanced growth has been allocated to other settlements in the hierarchy, taking account of their level of services, wastewater treatment capacity

and status in the spatial strategy, and to the countryside. Various arguments were made calling for increased allocations to occur in numerous settlements. However, for many of the settlements, current commitments within them exceeds the number of dwellings that they are likely to require over the lifetime of the plan. With an average annual housing completion rate of approximately 30 units in Castlederg, and with a population that declined by 7% over the last census period, its housing capacity of approximately 784 dwelling units should be more than sufficient to meet the settlement's housing needs over the lifetime of the LDP. The various settlement development limits will be based on a detailed Settlement Appraisal at the LPP stage.

- 4.4 The LDP provides for the managed release of housing land across the district with land being released for housing within the city, main town, and local towns over three phases. Paragraph 16.20 of the dPS states that a criteria-based approach to selecting sites for each phase will be undertaken at the LPP stage. Sites will be identified using the housing monitor and Urban Capacity Studies with windfall sites also coming forward. Settlement appraisals have been undertaken, based on the RDS evaluation framework (Table 3.2, RDS), by carrying out six tests. One of the tests relate to transport and the Council's approach of carrying out more in-depth studies at the LPP stage to assess the potential for integrating land use and public transport and walking and cycling routes to help reduce the reliance on the car is appropriate. As accepted by the Council, for coherence, it is however appropriate that it be stated within the LDP's Strategy for Strategic allocation of housing land (Paragraph 16.16, dPS) and within criterion(b) of Policy HOU 2 that the emphasis when choosing sites for housing will be on those accessible by walking, cycling and public transport (Recommended Amendments RA 95 and 98). Accessibility analysis is to be undertaken for zonings at the LPP stage as well as consideration of any site-specific Key Site Requirements (KSR) (Pages 116 and 129, Document DS-500). Strategic Urban Capacity Studies were undertaken to identify the remaining housing potential and inform the strategic indicative amount of land required as set out in Table 9 of the dPS (Page 223). It is appropriate that the potential of each site be assessed at the LPP rather than at the strategic dPS stage. Calls were made for innovative design to be engaged and this is contained within a number of the LDP's objectives including social development objectives (c)(i) and (d)(ii) as well as Policy GDPOL 2 Design Policy and chapters 26-32 which relate to place making and design.
- 4.5 In terms of villages and small settlements, Land Use Policy Areas (LUPAs) will be identified in the LPP. These areas will seek to deliver development of an appropriate type and scale in order to redress the balance of poor service provision compared to population in these areas. As accepted by the Council, it is appropriate that the dPS provides clarity as to their anticipated scale and form (Recommended Amendment RA 97). Table 8 within the dPS (Page 221) indicates an allocation of 12-16% of housing to the countryside with Policies HOU 18-26 providing for development opportunities taking account of the SPPS and PPS 21 policy provisions.

- 4.6 The Council have sought to strike a balance between the need to sustain strong and vibrant rural community whilst trying to deliver sustainable services and protection of the environment (Page 75, Document DS-224). Account has been taken of the Council's Community Plan which identified appropriate opportunities for housing in the countryside as playing a key role in the successful delivery of its vision to have a thriving, prosperous and sustainable city and district with equality of opportunities for all. The indicative allocation to the countryside is in keeping with the proportion of the current percentage of the population living in the countryside and is approximately in line with the recent level of countryside development. It will sustain rural communities consistent with the SFG 13 within RDS and Paragraph 6.65 in the SPPS. Account has been taken on representations received in relation to the POP, from elected representatives as well as consultees. The level of planning approvals will however be monitored (monitoring indicator 33), triggered if the number of new dwellings in the countryside is 10% above/below the indicated level calculated on a pro rata basis, to ensure that the development patterns do not become unsustainable. The dPS also reintroduces Green Belts which were designated within DAP and SAP in order to protect the open countryside from urban sprawl and ribbon development but which were superseded by PPSs 14 and 21. Some representators requested a relaxation of the rural housing policies however the Council's evidence demonstrates that any significant relaxation may result in unsustainable levels of houses in the countryside which would ultimately impact on the amount of housing development within the settlements (Paragraphs 5.9-5.14, Document DS-224).
- 4.7 It is anticipated that most DAP and SAP zonings will come forward given the quantity that are either already developed, have extant planning permission, are the subject of a current planning application or there has been an expression of interest to develop the land by the developer. At the IE the Council stated that only a small number of the 55 zoned sites are uncommitted. Having written to the landowners to establish if they intend to bring forward their land for development, the majority stated that they do, the Council have a good understanding in relation to the status of this land (Paragraph 3.26, Document DS-224). However, as accepted by the Council, should land not be developed and land-banked, in the interest of coherence, it is appropriate for Policy HOU 1 to be amended to state that if Phase 1 land is not implemented, it can be rezoned as Phase 2 or alternatively, either Phase 1 or Phase 2 lands can be rezoned for an alternative land-use following a review of the LDP (Recommended Amendment RA 96). This amendment will also clarify that there will be three phases of housing as opposed to the originally suggested two as well as the fact that the LDP will identify Housing Zonings and Land Use Policy Areas (LUPAs). Paragraph 16.21 within the dPS also states that any previously permitted site/s that has not been materially started prior to their planning permission expiring may not have the permission renewed and will become a Phase 2 site. These measures should ensure that developments are commenced thus delivered the required housing.

- 4.8 As emphasised by the Council at the IE, as a criteria-based approach to selecting sites for each of the three phases of housing zonings will be undertaken in the LPP, it will allow a flexible approach to be adopted. When carrying out such an exercise the suitability, availability, deliverability, and sustainability of the housing sites will be considered as well as their implications for equality. The addition of the wording 'other appropriate' into Policy HOU 1 in relation of Phase 2 zonings (Recommended Amendment RA 96) will clarify the Council's position. Arguments that specific existing housing zonings will not come forward in the future thus jeopardising the supply of housing land is a matter to be assessed at the LPP stage. However, as per Paragraph 6.139 of the SPPS and PPS 12, commitments cannot be ignored. At this stage, Table 9 of the dPS (Page 223) illustrates that the district has the capacity to deliver approximately 20,500 dwellings thus providing the 5-year supply of land. Commitments have a potential to deliver nearly 14k of these dwellings which will all be included within Phase 1 and will be supplemented by selected urban capacity sites and whiteland sites allocated for development in the LPP. The main purpose of identifying Phase 2 lands is to provide additional capacity beyond the plan period.
- 4.9 In terms of windfall, Paragraph 6.139 of the SPPS emphasises the importance of its potential in the assessment of future housing land requirements and that the scale of the windfall housing allowance will vary from area to area. It adds that the allowance can be made on the basis of examining past trends in windfall coming forward for development as well as estimating likely future windfall potential. Evidence was presented that the Council have taken account of the SPPS by examined historic trends both through planning permissions and completed sites which reveals that there has been a high percentage of windfall over approximately the last 10 years. It is envisaged however that the percentage of windfall built per year will decrease. As per the SPPS, it is proposed to review windfall as well as urban capacity following the Plan Strategy stage and at regular intervals during the plan's implementation. As the local plan progresses, the Council intends to continue to assess the impact that their policies might have on the delivery of windfall sites and whether this impact should be reflected in any revised windfall assumptions (Page 22-23, Document DS-224).
- 4.10 Under monitoring indicator 24, with the aid of the housing monitor and assessing planning approvals, the Council will ensure adequate uptake and delivery of the required housing on the identified lands (Pages 13-14, Document DS-242). Monitoring indicator 25 (Document DS-242) will also ensure that there is an adequate amount of land remaining for housing at a range of locations and suitable for a choice of dwelling types. If triggered this will require closer examination and reporting, not necessarily additional land. Regulation 25(2)(a) of the Regulations also requires the Council to prepare an annual monitoring report which must specify the housing land supply at the beginning and end of the relevant 12-month period. As stated previously, the Council can subsequently review the PS at any time and at a minimum every 5 years from the date that the local policies plan is first adopted (Regulation 26). This will ensure that a plan, monitor and manage approach is adopted to safeguard that a

minimum of 5-year supply of land for housing is maintained as per Paragraph 6.140 of the SPPS.

Affordable housing

- 4.11 In order to reflect the Department for Communities' revised definition of affordable housing (April 2021) and also the fact that the definition of intermediate housing may change over time, in the interest of consistency and coherence, it is appropriate to amend Paragraphs 16.52-16.55 of the dPS (Recommended Amendment RA 108). In keeping with regional and local policy objectives of providing balanced communities (RDS REG 6, SPPS Paragraph 4.14, PPS 12 PCP4, dPS objective (c)(iv) and Paragraphs 16.61 and 16.64), as well as support from DfC and NIHE, following extensive research the Council are aiming to move away from mono-tenure development. Their evidence established that several of the larger housing associations are beginning to integrate shared ownership housing into predominantly social housing developments (Paragraph 4.78, Document DS 224). It was not envisaged by the Council that there would be much difficulty in the private arm of the relevant housing association delivering the private housing element of schemes or, if such an arm did not exist, them partnering with a private developer. Policy HOU 5 does allow a flexible approach to be taken at the development management stage should an applicant have valid concerns about the viability of the requirement or if there is insufficient need for affordable housing. If the developer can demonstrate that there is no identified need in the local area, then the Council confirmed at the IE that, in that instance, there would be no need to provide an off-site provision. For clarity, as discussed at the IE, it is appropriate that this is stated within Policy HOU 5 (Recommended Amendment RA 104). It is anticipated that affordable housing will comply with planning policy and be delivered on site however should that not be feasible then, in order to have flexibility, an off-site provision will be considered on a case-by-case basis. Should there be exceptional circumstances where an off-site option is not available for a developer, then it is expected that they would make a financial contribution. In the interest of clarity, Paragraph 16.60 of the dPS should however specify that the preference is for there to be off-site provision rather than a financial contribution (Recommended Amendment RA 108). It is noted that the Council are in the process of preparing a draft Developer Contributions Framework which should provide further clarification on such contributions. The Council cited several examples at the IE where mixed tenure schemes have already occurred in the district despite the lack of strong policy support to date. The Council have also taken account of approaches which have been adopted in other council areas.
- 4.12 Document DS-224 examines in detail the issue of affordable housing within the district. NIHE compiled a 15-year Social Housing Need Assessment to 2032 Report (2018) for the district. This established that there is a total new build need of 4,750 units for the period 2017-32 which would account for approximately 53% of the total housing requirement for the district. This report, and its subsequent calculated housing need figure, is clearly for the period up to 2032 and this was confirmed by the

NIHE at the IE. Concern was raised by a representator in relation to the Council not making the report publicly available. However, this is a NIHE publication as opposed to one prepared by the Council. The representator was able to purchase a copy of the document prior to the IE. Whilst it would not be feasible for the Council to include every referenced document within their evidence base, this document was made available as a matter arising during the IE process. I am therefore not persuaded that any prejudice has been caused to any party.

- 4.13 At the IE it was stated that, from a NIHE 2022 update, there were 5,572 applicants for affordable housing in March 2021 and 3,951 in housing stress. The need for affordable housing has stayed consistently high for many years. As acknowledged in Document DS-224 (Paragraph 3.25), there is a potential issue for the Council with so much of the housing being delivered through existing commitments in that there may be limited opportunities for the plan to deliver a supply of affordable housing to meet existing and future need.
- 4.14 According to the 2011 census, Derry City and Strabane have a higher proportion of social housing at 21% compared to 15% for NI as a whole (Paragraph 4.42, Document DS-224). Policy HOU 5 seeks to deliver the required number of affordable housing units and to provide balanced/mixed communities. As accepted by the Council, in the interest of clarity, it is therefore appropriate that its title, Affordable and Private Balanced-Tenure Housing in Settlements, reflects this (Recommended Amendment RA 103). Although there is an absence of detailed regional policy on this matter, in formulating this policy it is evident that the Council took account of the RDS (including Paragraph 3.19 bullet point 2) and the SPPS (including Paragraphs 3.3 bullet point 1 and 6.143), PPS 12 Housing in Settlements, Draft PPS 22 Affordable Housing as well as the Community Plan and the Sustainability Appraisal in order to address the significant need. Providing a strategic policy to address the issue, as well as KSRs at the LPP stage, gives a degree of certainty to parties and is appropriate especially as social housing need figures may change significantly over the period of the plan.
- 4.15 In order to achieve this, the policy had originally stated that planning permission will be granted for a residential development scheme of, or including 10 or more residential units (or on a site of 0.5ha or more), where a minimum of 10% of units are provided as affordable housing. However, the Council now propose to uplift this requirement to 20% and where there is an acute localised need demonstrated by the NIHE, which may require the proportion to be uplifted on an individual site. They propose to indicate this as a KSR at the LPP stage. Given the high level of need across the district, it is appropriate to introduce such a requirement and the onus is on developers to demonstrate the suitable private/affordable housing mix to meet any identified acute localised need, with a minimum of 20% affordable being the norm. For clarity, I accept the Council's proposed change that it be stated that where it can be demonstrated that there is no need in the area, then the requirements of this policy do not apply (Recommended Amendments RA 104, 106 and 107). As accepted by the Council, Recommended Amendment RA 105 is necessary to ensure that there is a

coherent approach to achieving affordable housing in all settlements where there is an identified need. In villages and small settlements, where sites are below the normal threshold of 10 dwellings, there may also be a need to provide affordable housing if there is an identified need. Again, arguments in relation to viability could be considered as part of the development management process. In the absence of detailed regional policy on the matter, it is accepted that the Council have latitude in how they response meaningfully to this local need. Having taken account of a wide range of evidence, the Council have been using their evaluative planning judgement and have taken on board a wide range of views on the matter including from elected members and representators. The NIHE, who have statutory responsibility for the matter, initially wanted a greater uplift however now welcome the proposed thresholds. At the IE they emphasised that there is also a strong desire in rural communities for mixed housing.

- 4.16 A number of representators raised an unsubstantiated concern that the inclusion of affordable housing within a private scheme could devalue the market sale of properties and discourage potential buyers. However, the Council presented persuasive evidence at the IE and within Paragraph 4.79 of Document DS-224 that it is the quality of design, layout and location that influence house prices and that there is little evidence that a spatially integrated mix of tenures has any impact on buying or selling homes. On the contrary, evidence was presented at the IE that making a scheme mixed tenure makes it more viable and opens up land opportunities such as when there is not always the market for solely private housing. It would also guarantee sales to the housing associations, thus supporting cashflow as there is significant funding to NIHE ringfenced for social housing to allow for up to 5k homes in the district. In providing grants, allowance is made for developer profit and the large number of schemes coming forward is an indication that they continue to be a viable proposition. Numerous examples were also cited of areas where social housing units were sold privately. It is therefore accepted that Recommended Amendment RA 104 is necessary to meet soundness tests P2, C1, C2, C3, C4, CE1 and CE 2.
- 4.17 The NIHE, who possess the relevant expertise in this area, advised at the IE that they supported the Council's approach. Their preference is to see sites zoned as opposed to arguing exceptional circumstances. NIHE are satisfied that Policy HOU 1 Phase 1 and 2 lands, other HOU 2 lands and Policy HOU 5 will meet a lot of the affordable housing need until the LPP is adopted. At the IE the Council confirmed that approximately 90% of the units (approximately 4,400) would be delivered from existing commitments or from the remaining zonings. Informed by the annual monitor and the NIHE housing investment plan, they intend to review and identify further sites as needed. The Council and the NIHE presented evidence which confirmed that there is a healthy supply of affordable housing coming forward. For instance, approximately 1k units are already said to be completed and the NIHE's Housing Investment Programme 2019-23 demonstrates that there are approximately 1,900 units programmed for 2022-25. Evidence was presented that such schemes are located

across the district not just in a single area and that most of the need will be met by commitments and zonings. The applicant is a registered housing association in many of the cases applied for and where relevant Section 76 agreements and/or planning conditions are used to secure the precise percentage of affordable housing units. Concern was raised in relation to the rising costs of such schemes however at the IE NIHE stated that they provide grant funding which is reviewed on a 6 monthly basis. From the urban capacity analysis, it is apparent that at this strategic stage there are urban capacity sites available across the city (Pages 21-22, Document DS-224). Post adoption of the LPP, new sites may also come forward as well as NIHE's purchase of existing housing stock. I am therefore satisfied that, subject to the necessary recommended amendments, the appropriate policies and mechanisms are in place in order to meet the identified need.

- 4.18 Taking account of the RDS and the SPPS, I agree with the Council that appropriate vacant and underutilised land should be considered under Policy HOU 2 prior to Phase 3 housing zonings being considered. For coherence, it is necessary to amend Policy HOU 2 to state the intent that all new development within the city and towns of the area will be delivered on previously committed sites or within the existing settlement limit. As accepted by the Council, in the interest of coherence, proposals which seek to artificially divide larger sites and bring them forward in a succession of smaller sites to meet the size criteria as set in Policy HOU 2 will not be accepted (Recommended Amendments RA 98 and 100). As accepted by the Council, Paragraphs 16.30 and 16.32 of the dPS should also be amended in order to meet soundness test C3 (Recommended Amendment RA 99) in order to provide clarity in relation to the dPS's approach to brownfield land in that it can also come forward, with a presumption in favour of its permission, subject to meeting the other relevant LDP policies, including Policy ED 4 Protection of Economic Development land.
- 4.19 Having Phase 3 lands, as opposed to considering whether there are exceptional circumstances, allows a plan-led approach to be adopted as per the SPPS. From the Council's evidence, the areas of highest social housing need often coincide with those areas where suitable development land is in short supply (Paragraph 4.46, Document DS-224). Given the significant social housing need within the district, it is appropriate to have a third phase of housing zoning to provide a strategic housing land reserve where affordable housing need cannot be met through Phase 1 and 2 zonings (Recommended Amendment RA 96). This will formalise the 'exceptional circumstances' provision that was originally proposed within the dPS thus giving certainty whilst ensuring that an adequate amount of the most sustainable lands can be brought forward for affordable housing. Even if the affordable housing need cannot be met with Phase 1 housing zonings, Phases 2 and 3 are available to provide flexibility thus meeting soundness test CE 4. Given the evidence presented by the Council and the NIHE, I am not persuaded that there is a need to engage Phase 3 lands from the outset.

- 4.20 Some representators called for the word 'extreme' within the term 'extreme localised social/affordable housing stress/need' to be replaced with 'significant' in relation to when a planning application can come forward for a Phase 3 site for immediate development to address that need. The use of the word 'significant' would lower the bar for this policy, making it more permissive and encouraging unsustainable development especially given the high level of need throughout the district. Phase 3 lands are an acknowledgement of high levels of affordable housing need in the district, allowing flexibility in the policy to address the need. As previously stated, it is not the principle means of how the affordable housing need will be met. Only extreme levels would justify the release of less sustainable land on the edge of settlements. Planning judgement will determine whether the level of affordable housing need is extreme. Paragraph 16.24 of the dPS elaborates that this will be in response to a very specific shortage and very high social housing need. At the IE the Council stated that they will liaise with the NIHE at the LPP stage and would envisage them being consulted as part of the development management process to determine whether there is an extreme level of need. The Council are also in the process of producing a SPG on the issue of affordable housing which will provide further guidance on the matter. The Council indicated at the IE that it is expected that the SPG will be published soon after the adoption of the Plan Strategy. At the IE the NIHE were supportive of the Council's approach in relation to this issue.
- 4.21 In terms of appellants demonstrating that the need for affordable housing would require Phase 3 lands, I accept that agents involved in the planning process would have experience of how the sequential approach would work given its use in other contexts, such as retailing and within Policy CTY 5 of PPS 21. It is anticipated that further guidance will be forthcoming in the related SPG.
- 4.22 The Council intend that the maintenance of the agreed ratio of private to affordable housing once a development is complete is achieved using a Section 76 planning agreement. As per Section 76(4) of the Act, a planning agreement is enforceable by the relevant authority against not only the person entering into the agreement but also against any person deriving title from that person. Any breach would be enforceable by the court under Section 76(6) of the Act. It is for the applicant/s and decision makers to negotiate the precise terms of the Section 76 agreements. Evidence was however presented by the Council at the IE that it is standard practice for the housing associations to enforce that the units are used for affordable housing purposes. Again, it is anticipated that the related SPG will consider this issue. Monitoring indicator 29 would also be triggered if the house types in the district were more than 10% above/below the relevant targets (Page 15, Document 242).

Impact on equality

- 4.23 The EQIA found that the retention of the committed housing zonings will have a neutral impact on the Section 75 equality groups. The limited opportunities for allocating further housing were considered to relate to specific geographical areas and would have the potential to affect the following Section 75 groups: religious belief,

political opinion, age, disability, gender, racial group, dependency, and marital status. Any impacts were mostly positive in terms of facilitating quality residential environments with a variety of house tenures, in suitable/sustainable locations with access to services, quality design and greenways (Pages 38-39, Document DS-104).

- 4.24 The Addendum to the EQIA acknowledged that the introduction of Phase 3 housing zoning may be perceived to have a detrimental impact on Section 75 groups as it is addressing a particular housing need within an area where certain religious groups are prominent (Page 9, Document DS-104a). However, at the IE the Council gave an assurance that equality would be given the appropriate consideration at the LPP stage and during the development management process. Rather than perpetuate existing divisions, the Council vision is to have a shared city with balanced communities. A robust evidence base was presented to support the Council's position, for instance, that creating more mixed tenure communities could allow people greater choice and flexibility, encouraging integration and inclusion (Paragraph 4.77, Document DS 224). Issues with delivery of affordable housing on certain sites can be appropriately assessed at the LPP stage. If a particular need is not accounted for then this could be factored into the Council's deliberations at that stage. This approach is in line with the dPS's social development objectives (c)(i) and (iv).
- 4.25 NIHE also confirmed at the IE that the issue of segregated communities is considered and assessed allowing people to identify where they want to live. NIHE are however actively working with other bodies to improve community safety and they assess each proposal from a housing association to see if it could be a shared housing scheme. The numbers of such schemes are said to be increasing. How the NIHE formulate their waiting list is however a matter for them.
- 4.26 It is noted that the Council intend to retain substantially unchanged PPSs 7 and 12 however with an emphasis on the need for balanced communities/mix of housing tenures and types, plus mixed communities as well as density standards (Pages 121 and 122, Document DS-700).

Housing densities, types, size and tenure

- 4.27 Policy HOU 3, in providing indicative density bands for residential development, encourages compact urban forms and promotes more housing within existing urban areas. The LPP will provide further detail on this matter including details of the arterial routes referred to within Paragraph 16.39 of the dPS. Whilst the policy takes account of Paragraphs 3.16 and 3.55 (2nd bullet point) in the RDS, Paragraph 6.137 in the SPPS and PCP 1 in PPS 12, as accepted by the Council, Recommended Amendment RA 101 is however necessary in order to clarify that, when considering an increase in housing density in established residential areas, great care should be taken to ensure that local character and environmental quality is respected and that the privacy of existing residents is safeguarded.
- 4.28 As Policy HOU 4 seeks to protect existing residential accommodation, in the interest of clarity and as accepted by the Council, it is appropriate for its justification and

amplification text to clarify the policy intent which includes controlling short-term residential lets (Recommended Amendment RA 102). This is however against the legal backdrop that the policy cannot override legal principles as to whether there is a material change of use. This needs to be considered in each case on a fact and degree basis.

- 4.29 As accepted by the Council, as tenure is dealt with within Policy HOU 5, in the interest of clarity, it is appropriate that the title of Policy HOU 6 is amended to reflect this (Recommended Amendment RA 109). In formulating Policy HOU 6 within the dPS, the Council has taken account of Paragraph 6.142 of the SPPS, Policy HS 4 within PPS 12 and Policy QD 1 of PPS 7 as well as their members' views. The policy helps meet the diverse requirements of all communities and addresses the district's long-term trend towards the formation of smaller and single person households. Policy HOU 6 does not prescribe an exact mix of type and size, allowing this to be tailored depending on the site and its context. Whilst the Council has taken account of Policy HS 4 of PPS 12, it is justified in deviating away from its 25 or more unit threshold given that in a local context this would be quite a large development. Account will be taken of the viability of the proposal at the development management stage when any other specific circumstances can also be considered.

Accessible Housing

- 4.30 A key action emerging from the Community Plan was to build capacity within communities to support those with a life limiting illness to remain living independently in their own homes (Page 48, Document DS 802). The 2011 census stated that 23% of people had a long-term health problem or disability which limited their day-to-day activities (Paragraph 4.107, Document DS 224). NISRA's area statistics in 2018 stated that the aged 60+ population in the district is expected to rise by 66% by 2039. 75% of those aged 65+ were living with a long-term health condition, 44% of which resulted in a mobility or dexterity difficulty. 72% of those aged 65+ lived in households that were owner occupied (Paragraph 4.108, Document DS 228). Musgrave Park Hospital also provided a statistical report for the district which showed that during 2016/17 there were 131 new wheelchair users with 74% of those living in owner-occupied and private rented sector housing. At the IE, NIHE stated that there were a further 272 new wheelchair users in the district in 2022, 191 of which lived in private sector housing. Their 2018 research survey indicated that 98% of residents would rather stay in their own homes and that it having an accessible home was very popular with tenants with 96% considering it a good idea whilst 74% thought that their home meet their future requirements.

- 4.31 Social development objectives (c)(ii) and (iv) seek to recognise the needs of growing families and carers of the elderly and disabled by accommodating development which allows people to remain within their own communities as well as achieving balanced communities to accommodate cultural differences. As a result, Policy HOU 7 states that all new housing, regardless of tenure, will be required to comply with the Lifetime Homes standards and that developers of developments over 5 units will have to

consider or address wheelchair standards, as set out in DfC's Housing Association Guide, for 10% of units.

- 4.32 In formulating their policy response, account was taken of the RDS (RG 8) and the SPPS in terms of supporting the delivery of homes to meet the full range of housing needs contributing to balanced communities (Bullet No.8 Paragraph 4.5, Paragraph 6.136 and bullet No.4 Paragraph 6.137, SPPS). The Council were also mindful of the UN's Convention on the Rights of Persons with Disabilities, Section 75 of the NI Act 1998, the Disability Discrimination Act 1995, Draft Programme for Government (2016), A Strategy to Improve the Lives of People with Disabilities 2012-15 and the Mainstreaming Mixed-Tenure in NI-Lifetime Homes report (DfC and NI Federation of Housing Associations, 2018). It was also highlighted by the Council at the IE that DfC Housing Supply Strategy 2022-2037 (2021) encourages planners to incorporate the requirement. Account has been taken of representations received. NIHE are also supportive of this policy approach. As there is no planned reform of the building control manual, I accept that it is best to deal with the matter through planning policy. The Council were confident that the accessible home requirements would complement and build upon the building control regulations. The regulations ensure the accessibility of all buildings to visitors however this is not the same as making them all acceptable for residents. Any issues could be resolved using the plan review mechanism. The threshold for developments over 5 units having to meet wheelchair standards in 10% of the units will ensure that smaller developments, which are likely to be more prevalent in lower tier settlements, will contribute to providing more accessible homes.
- 4.33 As outlined in Paragraphs 4.88-4.113 of Document DS-224, the Council carried out extensive research into this matter. For instance, Habinteg's 'Towards Accessible Housing' toolkit identified that the numerous costs of inaccessible housing are wide-ranging and significant. These include the costs of residential care that otherwise can be avoided, levels of social care that could be reduced or removed and increased stays in hospital due to a lack of accessible housing to return to. The NIHE's Grants Department evidence demonstrated that converting a ground floor bathroom to wheelchair standards in a lifetime home costs approximately £3k. In comparison the costs of adapting a private sector home to provide this often requires an extension and they estimated that the costs would be in excess of £25k. As a result, accessible housing provides substantial savings to public financing or could avoid a household being placed under significant financial pressure in trying to self-finance it. This research also identified that there is a minimal cost difference to developers between meeting the lifetime homes and the current Building Control standards. Calls were made for more smaller homes to be constructed to accommodate the aging population. The size and type of units constructed is a matter for a developer however it is anticipated that some guidance will be provided as to what is appropriate for certain sites as part of the detailed Urban Capacity Studies at the LPP stage.

- 4.34 In terms of implementation, the standards for lifetime homes and wheelchair housing are already in place in Northern Ireland for social housing developments. The onus will be on the developer to demonstrate, by way of a Compliance Statement, that the dwellings are in accordance with the standards set out in DfC's Housing Association guide. It is intended that the SPG will contain a checklist for developers similar to that used within the London Boroughs. The Council were confident that with training their planning officers could assess the planning applications without difficulty and should a proposal not be built in accordance with the approved plans then they could avail of their enforcement powers if need be.

Quality in New Residential Developments

- 4.35 As accepted by the Council, in order to reflect regional policy contained within Paragraph 6.18 of the SPPS and Section 104 (11) of the Act, in the interest of consistency, it is necessary to amend Criteria (a)-(c) of Policy HOU 8 to ensure that heritage and built conservation considerations are promoted in residential developments (Recommended Amendment RA 110). Criterion (f) refers to a development proposal providing a 'movement pattern' however it is not apparent what form this should take. Recommended Amendment RA 111, proposed by the Council, is therefore appropriate in the interest of clarity and to be consistent with Department policy and guidance to enhance the importance of walking and cycling infrastructure as well as connections to public transport. Section 1 of the Wildlife and Natural Environment Act (NI) 2011 places a duty on every public body, which includes a district council, to further the conservation of biodiversity so far as is consistent with the proper exercise of its functions. Given this, and to be consistent with General Development Principle 7(v), as accepted by the Council, it is appropriate to include a further criterion (m) to Policy HOU 8 as well as to Policy HOU 10 (criterion e) in order to ensure that biodiversity net gain is incorporated into the design and layout of development proposals (Recommended Amendments RA 112 and 113).
- 4.36 Policy HOU 9 requires the submission of a concept master plan for planning applications involving 200 or more dwellings or the development, in part or full, of sites of 10 hectares or more. The Council took account of the SPPS as well as PPS 7 including Policy QD 2 together with members, consultees and public consultation responses which were supportive of high standards of design. Although Policy QD 2 requires the submission of a concept master plan when 300 or more dwellings are proposed. However, the proposed lesser threshold reflects the potentially smaller size of housing developments in the district that will come forward during the LDP plan period. It seeks to ensure that comprehensive masterplans will be applicable over potentially a larger number of smaller developments rather than fewer larger schemes which is logical.
- 4.37 Residential extensions and alterations are addressed in the dPS by Policy HOU 10. In the interest of consistency with Policy EXT 1 within the Addendum to PPS 7: Residential Extensions and Alterations, as proposed by the Council, it is appropriate however for the last paragraph of Policy HOU 10, which relates to other residential

uses, to be moved to the justification and amplification text (Recommended Amendment RA 114). It is not necessary to move the text relating to contemporary design solutions from Paragraph 16.87 into the policy text of Policy HOU 10 for reasons of soundness; this is similarly included within the justification and amplification text of Policy EXT 1 of the Addendum (Paragraph 2.4). As PPS 6 and its Addendum will cease to have effect once the dPS is adopted, as proposed by the Council, for coherence it is appropriate to amend Paragraph 16.97 of the dPS to remove references to these documents and, instead, to refer to the Council's own Historic Environment SPG (Recommended Amendment RA 115).

Specialist Residential Accommodation

- 4.38 Paragraph 6.139 of the SPPS and Paragraphs 55-58 of PPS 12 seek development plans to facilitate the right mix of housing tenures including supported housing. The policy referred to retirement villages however, as proposed by the Council, in the interest of clarity, it is appropriate that this is amended to retirement facilities (Recommended Amendment RA 118). Having taken account of these documents, the Council formulated Policy HOU 15 which identified broad categories of accommodation which may be required: sheltered, residential and nursing home accommodation; retirement and care facilities. The need for such housing is considered within the Housing Needs Assessment which is updated regularly by NIHE. The requirement to demonstrate need will not be an important consideration where, for instance, the proposed development is on a site for which general housing would be acceptable and where the full standards are being met. However, where this is not the case, significant weight may be placed on the specialist nature of the dwellings and therefore it will be important that the need for the development is demonstrated. I am not persuaded that there is a gap within the list of the types of specialist residential accommodation which the policy is seeking to permit. For clarity, as suggested by the Council, the inclusion of the words 'such as' will however allow flexibility and demonstrate that this not an exhaustive list provided it meets a demonstrated local need (Recommended Amendment RA 118). Further opening of the policy could risk its exploitation to provide unsustainable types of development which would be contrary to regional policy and other policies within the dPS. If there are overriding reasons why it is essential to locate a particular development in the countryside then the introduction of Policy ODC 1, which is necessary to allow for flexibility in response to changing circumstances, would permit such a case to be considered (Recommended Amendment RA 90). At the IE the Council stated that they could consult NIHE on a developer's own assessment should they think there is a need for another particular type of development. The representator's evidence demonstrated that they are aware of how to carry out such an assessment.

Flats and Apartments

- 4.39 Policy HOU 12 relates to a Flats Policy Area and Flats Prevention Areas. This policy follows on from a flats policy introduced in 1986 and Policies CA 4 and H5-7 within DAP which designate flat zones and controls the conversion of buildings and the

development or redevelopment of sites to flats inside and outside such zones as well as encouraged the provision of flats in the vacant upper floors of property within the Commercial Core. Account has been taken of the SPPS, which encourages sustainable development by accommodating housing through recycling buildings and encouraging compact urban forms, as well as Policy LC 2 within the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas and Policy HS 1 of PPS 12. Policy HOU 12 provides a degree of certainty for applicants in terms of where such development would be acceptable. It reflects the local circumstances whereby development pressure, which is still being experienced due to the growth of the Magee campus and increase in 1-2 person households, has been successfully controlled. It has directed development to revitalise the central area and protected the character of residential areas. It is intended that a more detailed consideration will be carried out at the LPP stage to decide whether specific streets identified within DAP still merit the prevention of flats/apartments. Monitoring indicator 32 will monitor the number of units with planning approval within Flats Policy Areas and Flats Prevention Areas which will assess the effective of the policy. For coherence and as accepted by the Council, Recommended Amendment RA 116 is necessary in order to make it clear what the policy relates to.

Houses in Multiple Occupation (HMOs)

- 4.40 HMOs provide affordable short and long-term accommodation for students, migrant workers, young professionals and single person households. Little planning policy however exists in relation to dealing with HMO proposals within the district. In formulating the dPS, the Council took account of the RDS, the SPPS (Paragraphs 2.3, 4.12 and 6.136), Addendum to PPS 6 Areas of Townscape Character, Policy HS 4 of PPS 12, Creating Places, Living Places and DCAN 8. The Council also considered the approach adopted in other NI council areas as well as within England.
- 4.41 Whilst the DAP has a policy for controlling flat conversions, there is a policy lacuna in relation to HMOs. The policies within the dPS will allow for the designation of HMO areas within the LPP, protection of existing residential character areas and management of the provision of HMOs to avoid their over concentration. In March 2018, there were 5,881 HMOs registered in NI, of which 476 were located in the district (Paragraph 1.3, Document DS-226). Although there are a small number of HMO nodes within Strabane and Castlederg, the main concentration (469) was primarily within Derry City (Paragraphs 2.12 and 6.2, Document DS-226). It is anticipated that demand will also increase due to the proposed expansion of the Magee campus which will increase the number of students requiring private accommodation to rent with other students. Magee plans to nearly double its current student numbers to 9,400 and the North West Regional College to 750 full time students by 2025 (Paragraph 2.4, Document DS-226). With only 680 student accommodation places in Magee's halls, no current plans to increase the number of university managed accommodation places and no planning for private sector proposals to provide purpose-built student accommodation, there is likely to be sustained and increased need for HMO

accommodation near to the university (Paragraphs 2.5 and 2.6, Document DS-226). There has also been a significant rise in the number of single person households with NISRA's projections indicating that in 2018 there were approximately 16,961 single households in the district (Paragraph 2.7, Document DS-226). The 2011 census also revealed that 3,696 people reside in the district who were born outside NI, Great Britain and the Republic of Ireland. It is anticipated by the Council that the demand for HMO accommodation is likely to be sustained as a consequence of changing patterns of household formation and student accommodation as well as welfare reform with single people under the age of 35 in private and social housing being affected the new limitations on housing benefit.

- 4.42 Hotspot areas for HMOs were identified by the Council within a HMO study (Document DS-226) however formal HMO areas and their specific boundaries will be identified at the LPP stage. It is noted that the numerous potential HMO areas identified are located within either Conservation Areas, proposed Areas of Townscape Character, contain Listed Buildings and Tree Preservation Orders or are areas of archaeological interest. Given the policy lacuna within DAP, in the transition period until the LPP is adopted, it is reasonable for Policy HOU 13 to state that no more than 30% of any of the houses within any street will be granted for further HMO development. It is appreciated that it is a balancing exercise, drawing on professional planning judgement. The Council however carried out extensive research in relation to this matter including reviewing all licenses and planning permissions, establishing the percentage of HMOs in various streets and areas, identifying hotspots and potential HMO management areas. The percentage of the area that were HMOs within the various identified hotspots primarily ranged from 8-16% with only one area, Strand (34%), exceeding the 30% threshold (Table 1, Document DS-226). Setting the threshold at 10% within these areas in the interim would however prevent HMOs in suitable locations. In order to be coherent, as accepted by the Council, it is necessary for the dPS to be amended to order to clearly set out how the HMO percentages will be calculated as well as clarifying that it is the number of HMOs in the immediately adjacent streets/terraces that will be taken into account (Recommended Amendment RA 117).
- 4.43 Building on the dPS's social development objective (c)(i) and environment-focused objective (d)(ii), the criteria of Policies HOU 12 and 14 will ensure that schemes are well designed, providing high quality accommodation for all sections of the community, including the most vulnerable who are often the occupiers. Account has been taken of the HMO Regulations 2019 as well as the policies and standards within the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas, as well as within England, together with guidance within Creating Places and Living Places. Drawing on this evidence and on their professional experience, the Council's formulated criteria aims to provide a suitable standard of accommodation which prevents small houses from being subdivided, developments backing onto alleyways, providing little natural light for inhabitants and not so large that they have too many

occupants, giving rise to amenity issues such as parking difficulties, noise nuisance etc. It would also ensure that the existing housing stock is protected so that it can be returned to single occupation and that the character of an area is not harmed by HMO development. I am therefore satisfied that there is a robust evidence base to justify the relevant criteria of Policies HOU 12 and 14.

- 4.44 Policy HOU 17 relates to large-scale managed student accommodation with Paragraph 16.118 setting out details in relation to the management plan that will be required. For coherence, as accepted by the Council, it is necessary for it to be stipulated that the ongoing management of the accommodation will remain with a management company (Recommended Amendment RA 119).

Housing in the Countryside

- 4.45 In order to recognise that non-listed vernacular buildings and archaeological features are important considerations, Paragraph 16.121, which sets out the LDP Strategy for Housing in the Countryside, should be amended to also refer to the protection of heritage assets. This would reflect regional policy contained within Paragraph 6.67 of the SPPS and Paragraph 1.4 of PPS 21. For coherence, as accepted by the Council, Paragraph 16.122 should also be amended to include specific reference to the dPS countryside policies CY1-4 which relate to the integration and design of development as well as the setting of settlements (Recommended Amendment RA 120).
- 4.46 Policy HOU 18 relates to dwellings on farms. Account has been taken of Paragraph 6.73 of the SPPS and Policy CTY 10 within PPS 21. The third criterion of Policy HOU 18 does not have the visual link test contained within the SPPS and PPS 21. However, the Council presented evidence that allowing farm dwellings to be located on other parcels of farmland might integrate better into the landscape and allow for consideration of design and siting. Concern was raised that the use of the word ‘cannot’ within Paragraph 16.133 of its justification and amplification text may permit the use of an alternative site away from the established group of buildings on the farm if there is a simple desire for such. However, given that the third criterion of Policy HOU 18 states that this is an exception, I am satisfied that the policy is clear that alternative sites will only be considered where there are clear benefits and there are no other sites that would cluster.
- 4.47 In formulating Policy HOU 20, the Council took account of Paragraph 6.73 of the SPPS and Policy CTY 3 of PPS 21 as well as responses from consultees, elected members, and development management colleagues. As this policy seeks to promote the restoration of non-listed vernacular dwellings, in the interest of coherence, I accept the Council’s proposed amendment that the policy should state that the restoration and conservation of such buildings will be encouraged in preference to their replacement (Recommended Amendment RA 121). For coherence, I also accept that it is appropriate that Paragraph 16.150 of the justification and amplification text refer to restoration as well as replacement in order to reflect the preference (Recommended Amendment RA 122). Where a dwelling does not make an important

contribution to the heritage, appearance or character of the locality, it is unnecessary to require a report to demonstrate that it is structurally incapable of being made sound or improved. The paragraph on listed buildings contained within Policy HOU 20 is appropriate for coherence. A representator requested that Paragraph 16.157 of the justification and amplification text, which refers to granting planning permission where a dwelling was destroyed by fire, be omitted however this takes account of the fourth paragraph of Policy CTY 3 of PPS 21.

- 4.48 It was argued that Policy HOU 21 the Conversion and Re-use of Other Rural Buildings and Policy AGR 3 the Conversion and re-use of existing buildings for agricultural and other suitable rural uses should be incorporated into Policy HE 8 Conversion and re-use of locally important unlisted vernacular buildings. However, given that not all rural buildings will be locally important, the policies are best placed where they are currently located within the dPS. As Policy HOU 20 relates to the restoration and replacement of replacement dwellings, the use of the word 'Other' in the policy heading of HOU 21 is appropriate as it relates to other types of rural buildings other than dwellings. As the policy relates to buildings it would not be appropriate to change the reference from older buildings to heritage assets. The use of the phrase 'can include' in the justification and amplification text contained within Paragraph 16.159 makes it clear that the list of examples is not exhaustive. This replicates the examples listed in Paragraph 5.20 of PPS 21. As accepted by the Council, in the interest of clarity, it is however appropriate to amend Paragraph 16.160 of the justification and amplification text to require a report to demonstrate that a building is structurally sound and capable of conversion (Recommended Amendment RA 123). Given the Council's duty under Section 1 of the Wildlife and Natural Environment Act (NI) 2011 to further the conservation of biodiversity so far as is consistent with the proper exercise of its functions, and to be consistent with General Development Principle 7(v), as accepted by the Council, for consistency and coherence, it is appropriate for Paragraph 16.155 of Policy HOU 20 and Paragraph 16.164 of Policy HOU 21 to request that the importance of old buildings and underused sites for biodiversity is recognised and to require no net loss of biodiversity (Recommended Amendment RA 124). This would result in a coherent approach which would logically flow given the recommended amendments to Policies HOU 8 and HOU 10. Concern was raised that criterion (c) of Policy HOU 21 and Paragraph 16.161 would be contrary to the Building on Tradition design guide, permitting only pastiche extensions and not good contemporary design solutions. However, criterion (c) takes account of Building on Tradition and replicates the second bullet point of Paragraph 3.2.1. Well-designed good contemporary design can itself be sympathetic (Page 153, Document DS-500).
- 4.49 Policy HOU 22 relates to a new dwelling in an existing cluster in the countryside. In formulating this policy, the Council has taken account of the Paragraph 6.73 of the SPPS, Policy CTY 2a of PPS 21, responses received in relation to the POP as well as views of elected representatives and development management colleagues. Concern was raised that the relaxation of the first bullet point of Policy HOU 22 in exceptional

circumstances, where there is a particularly strong, established and recognised rural focal point, could allow flexibility representing a new provision for new dwellings at existing focal points as opposed to at existing clusters. However, evidence was also presented that from 2017/18-2018/19 only 10 applications were received in relation to Policy CTY 2a (Paragraph 5.70, Document DS-224) demonstrating that there have not been a significant number of such proposals. Concern was also raised that Paragraph 16.166 of the justification and amplification text goes beyond the scope of the third criterion of Policy HOU 22. However, it is apparent from the justification and amplification text that a crossroad is an example of a focal point and that other forms of junctions could also be acceptable as they could equally be focal points, such as 'Y' and 'T' junctions. Responding to local circumstances, the Council's evidence demonstrates that focusing new houses in clusters, where there is a strong identified focal point, is a much more sustainable approach to provide opportunities for rural dwellings as opposed to single, isolated dwellings. They are balancing this approach with being stricter on ribbon development and infill opportunities. As the last sentence of Paragraph 16.165 relates to economic and social development, as opposed to new dwellings to which the policy relates, it is appropriate that this is deleted from the text (Recommended Amendment RA 124).

- 4.50 Concerns were however raised that Policy HOU 23, which relates to a new single dwelling in a small gap in existing built-up frontage in the countryside, was much stricter than Policy CTY 8 of PPS 21. It was considered unsound by being contrary to soundness tests C3 and CE1. In drafting Policy HOU 23, the Council has however taken account of Paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21 as well as members' views and development management experience. The Council has therefore taken account of policy and guidance published by the Department thus meeting soundness test C3. Substantive evidence was not presented as to why the Council should replicate Policy CTY 8. Whilst Policy HOU 23 is stricter, the Council provided evidence that they are providing a dwelling opportunity while safeguarding a degree of separation and breaking up the ribbon effect of linear development (Paragraph 16.170 dPS, Paragraphs 5.80, 5.83, and 5.85 of Document DS-224). They have included an exception to the policy for those parts of the Sperrin AONB where it can be demonstrated that there are very few opportunities for dwellings other than in linear road-front sites. This will limit the dispersed impact across the AONB landscape. From their experience, it is not envisaged that such landscape situations will be widespread across the AONB (Paragraph 5.85, Document DS-224). This policy is part of a package of measures being introduced by the Council to encourage preferable and sustainable housing opportunities in the countryside. It is creating additional opportunities at existing clusters whilst being stricter on ribbon development and infill opportunities which have an adverse impact on rural character. In 2017/18-2018/19 nearly five times as many infill dwellings were approved in the district under Policy CTY 8 (Paragraph 5.81, Document DS-224) as there were applications received in relation to dwellings within existing clusters under Policy CTY 2a of PPS 21. Policy HOU 23 is therefore part of a coherent strategy from which the policies logically flow. Evidence

was also presented that allowing infilling within Green Belts could cause settlements to coalesce and constitute urban sprawl contrary to their purpose set out in Policy GB 1 and Paragraph 16.140. This approach is therefore necessary to meet soundness test CE 1. For clarity and consistency, as accepted by the Council, it is appropriate that the justification and amplification text of Policies HOU 23 as well as Policies HOU 19 and 23 state this reasoning similar to Policies HOU 18 and 22 (Recommended Amendment RA 125).

4.51 Representatives raised concern in relation to Policy HOU 25 Affordable Housing in the Countryside being overly restrictive of the provision of social housing adjacent to small settlements and villages and, where in the Green Belts, planning permission would not be granted for affordable housing adjacent to or near villages or small settlements. Having taken account of Paragraph 6.73 of the SPPS and Policy CTY 5 of PPS 21, the Council has met soundness test C3. They have also taken account of representations received in relation to the POP, from the NIHE and elected representatives. The Council provided evidence in relation to the number of approvals for social housing in the countryside since the transfer of planning to the Council in 2015 (Paragraph 5.102, Document DS-224). These included a planning permission for 54 dwellings at Springtown Road, Derry and a planning application under consideration at Springtown for approximately 295 dwellings. Given their local circumstances in terms of the size of settlement within their hierarchy, the Council has removed the population threshold contained within Policy CTY 5 therefore including all small settlements and villages, providing additional opportunities to those within Policy CTY 5. Within Green Belts, the Council is seeking to prevent urban sprawl and coalescence. Affordable housing can be directed to the nearest settlement outside the Green Belt including within Derry City and Strabane. As accepted by the Council, for clarity, Paragraph 16.181 of the justification and amplification text of Policy HOU 25 should be amended to refer to the city and main town (Recommended Amendment RA 126). Culmore, Eglington and Newbuildings, which are classified as villages and are located within the Green Belt, are located in close proximity to Derry City within which affordable housing need is to be met. Given that Policy HOU 25 allows an exception to there being only one group of affordable housing in close proximity to any particular rural settlement during the LDP period, it is appropriate, for clarity, that justification and amplification text is provided within Paragraph 16.180 to provide further detail (Recommended Amendment RA 126). For clarity, and as suggested by the Council, it is also necessary to state within Paragraph 16.180 that the private/affordable housing threshold contained within Policy HOU 5 is not applicable to affordable housing schemes in the countryside considered under Policy HOU 25 (Recommended Amendment RA 126).

4.52 Therefore, I am satisfied that the Council has taken account of the policy issued by the Department and has set out robust evidence for their coherent approach which seeks to achieve sustainable forms of development within the settlements and in the countryside. The approach is flexible and tailored to their specific circumstances. The

housing in settlements and in the countryside policies as amended will ensure that the Plan is sound.

Open Space, Sport & Outdoor Recreation

- 4.53 Paragraph 6.201 of the SPPS sets out the regional strategic objectives for open space, sport and outdoor recreation. Paragraph 17.3 of the dPS refers to a number of these objectives however two have been omitted in error. For consistency, a comprehensive list should therefore be provided with reference made to the SPPS as opposed to the RDS (2035) (Recommended Amendment RA 127). It will not always be possible for new development proposals to connect into the district's green infrastructure network of pedestrian paths, cycleways and ecological corridors. It is therefore accepted that it is appropriate to state that this should be done where appropriate as opposed to stating new development proposal will have to located where there are connections as suggested by one representator.
- 4.54 The Council has taken into account PPS 8: Open Space, Sport and Outdoor Recreation and SPPS as well as responses from Members, Consultees and POP representations in formulating their policies in relation to this matter. The overall aim of the policies is to resist the loss of open space (OS) to other uses and to support the provision of high quality sustainable open space, sport and recreation spaces and facilities (Paragraph 6.13, Document DS-227). As accepted by the Council, it is therefore appropriate to acknowledge that the implications and permanence of any loss of open space will be considerations for the Council (Recommended Amendment RA 128).
- 4.55 Paragraph 6.205 of the SPPS and Policy OS 1 of PPS 8 state that there are two exemptions to this general approach, one of which is that it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. The Council has however chosen to strengthen this so that there still needs to be an assessment of OS provision and alternative OS provided, if necessary, which is reasonable given the safeguarding of existing open space which exists within regional policy. A desire was expressed by NIHE to see the existing joint protocol between the Department and NIHE on this matter reflected within the policy and retained to provide guidance for all stakeholders on the approach to be taken when implementing an exception to this policy. However, it is for the Council to consider whether they wish to agree to the protocol and/or adopt it as a SPG.
- 4.56 Paragraph 17.17 provides two examples of what would constitute a substantial community benefit. The NIHE strongly welcomed the inclusion of the provision of affordable housing as one of the examples. Concern was however expressed by a representator that the cited examples introduce additional policy tests to that contained within Policy OS 1. However, they reinforce the presumption in favour of retaining open space and the need to clearly demonstrate that the redevelopment will bring substantial community benefits. Concern was also raised in relation to Paragraph 17.20 however this is reflective of Policy OS 1 Exemption 2 and echoes the wording of Paragraph 5.10 within PPS 8. It is sufficiently clear from Paragraph 17.17

of the justification and amplification text what is envisaged by the cited example of a substantial community facility. Exemption 2 (i) refers to alternative provision being made by a developer however, to ensure its implementation, this would need to be secured by a Section 76 planning agreement or by the imposition of planning conditions (Recommended Amendment RA 128). To reflect regional policy contained within Paragraph 5.9 of PPS 8, the dPS should also state that any grant of planning permission for the redevelopment of playing fields and pitches will normally be reliant on the applicant entering into a Section 76 planning agreement tying the arising financial gain to retain and enhance the open space facility (Recommended Amendment RA 128). Objection in relation to the statement within Paragraph 17.18 of the justification and amplification text in relation to the Council not automatically granting planning permission when alternative provision is proposed in relation to Exception 2 is appropriate and is reflective of Paragraph 5.6 of Policy OD 1 in PPS 8. As is reflected in Policy OD 1 of PPS 8, it is appropriate that Exception 2 (ii) only relates to playing fields and sports pitches within settlement limits where it is demonstrated that this is the only way to retain and enhance the facility. Exemption 2 is deliberately designed to control development outside settlements in order to protect the open countryside and especially the Green Belt from inappropriate development (Page 160, Document DS-500). Site specific proposals will however be considered at the LPP stage.

- 4.57 Concern was raised in relation to the use of developer contributions and community benefits, with some considering it as a tax on housing development. Account has however been taken of Paragraph 5.69 of the SPPS which acknowledges that planning authorities can require developers to bear the costs of work required to facilitate their development proposals. Chapter 34 within the dPS provides clarification on the matter. Paragraph 34.5, for instance, provides examples when Section 76 planning agreements may be used including providing related off-site infrastructure, public transport contributions, the provision and the early delivery/phasing of open space/greenways. The Council is in the process of preparing a draft Developer Contributions Framework which interested parties will have an opportunity to comment on in due course.
- 4.58 Policy OS 2 relates to public open space in new developments. In terms of provision of open space, it is stated that in smaller residential schemes, of less than 25 units, it is stated that the need to provide public open space will be considered on its individual merits. In relation to the amount and type of open space in residential developments however criterion (i) states that at least 10% of the total site area will be required for all housing developments of 5 units or more. I agree this appears conflicting. As criterion (i) reflect the wording of Policy OS 2 within PPS 8, which states that, where the provision of public open space is required, a normal expectation will be at least 10% of the total site area, I recommend that the paragraph beginning 'In smaller residential schemes...' within Policy OS 2 be deleted (Recommended Amendment RA 128).

- 4.59 Policy OS 4 Outdoor Sport and Recreation in the Countryside takes account of Policy OS 3 Outdoor Recreation in the Countryside within PPS 8. The introduction of the word 'significant' into criteria (i) and (iii) does however offer less protection to features of importance to the natural and historic environment, to visual amenity and to the character of the local landscape. It is noted that Paragraph 6.212 of the SPPS states that councils should have regard to any impact on nature conservation, landscape character, archaeology or built heritage as well as visual and residential amenity. As accepted by the Council, in the interest of consistency and coherence, the wording of criteria (i) and (iii) of Policy OS 4 should state that there should be no adverse impact on these issues which is also consistent with the level of protection afforded to them within the rest of the dPS (Recommended Amendment RA 129).
- 4.60 Criterion (ii) of Policy OS 4 relates to assessing the impact of a development proposal on agricultural land and nearby agricultural activities. The Council made a typographical error in omitting that there is to be no loss of High Nature Value (HNV) land or of the Best and Most Versatile (BMV) agricultural land. It therefore should be amended to reflect regional policy (criterion (ii) of Policy OS 3 of PPS 8) and, as accepted by the Council, this would allow there to be a coherent approach to this issue across the dPS (Recommended Amendment RA 129).
- 4.61 It is not accepted however that Policy OS 4 is overly restrictive, presenting considerable obstacles and uncertainty for the delivery of sport and outdoor recreation opportunities/facilities. The approach recognises the importance of the countryside for recreation but also the need to have regard to the environmental impact of certain countryside pursuits and their related developments. The policy should ensure that new recreational development in the countryside is sustainable and does not conflict with the need to preserve the environment. A tourism proposal within the countryside would be assessed by numerous policies within the dPS including Policy TOU 5 Major Tourism Development in the Countryside- Exceptional Circumstances under which the benefits of a scheme can be assessed.
- 4.62 Criterion (vii) of Policy OS 4 seeks the proposed facility to take account of the needs of people with disabilities and is to be, as far as possible, accessible by means of transport other than the private car. Whilst this may be open to interpretation, it reflects Paragraph 6.212 of the SPPS which states that councils should have regard to accessibility as well as criterion (vii) of Policy OS 3 of PPS 8 which contains the same wording as the dPS. This approach is also reflective of the fact that public transport can be very limited in some rural areas and, as stated within Paragraph 6.201 of the SPPS, the regional strategic objective is to facilitate appropriate outdoor recreational activities in the countryside.
- 4.63 Policy OS 5 Intensive Sports Facilities states that the Council will operate a presumption in favour of sport and recreational facilities inside settlement development limits where they meet both GDPOL 1 & 2. In the case of the development of a sports stadium, an exception is permitted where four criteria are

met. Paragraph 17.37 provides justification and amplification text in relation to this exception including that it will not be acceptable to locate a development in the countryside if the applicant has disposed of/ceased use of an existing alternative site in a settlement in recent years; this is clarification of criterion (i). There is no contradiction between this requirement and the last paragraph of Policy OS 4 which seeks demonstration why a proposal should be located in the countryside or that there is a site-specific reason for that location or that it can be demonstrated that there is no alternative site within a nearby settlement or closer/adjacent to a settlement.

- 4.64 A regional strategic objective for transportation and land-use within the SPPS (Paragraph 6.297) is to seek to promote sustainable patterns of development which reduce the need for motorised transport, encouraging active travel and facilitating travel by public transport in preference to the private car. Paragraph 6.212 of the SPPS also states that, when considering development proposals for outdoor recreation in the countryside, councils should have regard to a range of issues including accessibility. Therefore, in the interest of consistency, I agree with the Council that it is appropriate to amend the fifth bullet point of Policy OS 5 in order to reflect this need for a development to be accessible by a range of means of active travel as well as public transport (Recommended Amendment RA 130).
- 4.65 The open space, sport and outdoor recreation section of the dPS as amended will ensure that the Plan is sound.

Utilities Development

- 4.66 The Council's approach to utilities development appropriately strikes the appropriate balance between facilitating sustainable development, through the efficient use of infrastructure, to enable economic and social development, whilst seeking to minimise the harm to the environment including sensitive locations. The second bullet point of Policy UT 1 Electricity & Gas Infrastructure seeks it to be demonstrated that any proposal is designed and sited to minimise impact (minimise poles, pylons, wires and other apparatus) on visual amenity. It requires that consideration has been given to undergrounding certain sections of electricity lines/equipment that are in designated areas, on prominent ridges or very visible locations close to public roads, or that would cause/exacerbate visual clutter. In such locations, the applicant must demonstrate to the Council's satisfaction that this undergrounding option is not feasible or would cause unacceptable impacts to natural and/or historic assets. Concern was raised that these requirements place unreasonable and unnecessary burdens that could compromise the delivery of strategic energy infrastructure. Also, it was suggested by the owner of the electricity network that the term 'unacceptable adverse impact' be used.
- 4.67 Policy UT 1 takes account of Paragraphs 6.238 and 6.239 of the SPPS which aims to facilitate the development of telecommunications and other utilities in an efficient and effective manner whilst keeping the visual and environmental impact to a

minimum. Paragraph 6.250 of the SPPS adds that any proposal for the development of new power lines will be considered having regard to potential impact on amenity and should avoid areas of landscape sensitivity, including AONBs. The Council's approach reflects Paragraph 6.243 of the SPPS which directs planning authorities to take account of the potential effects on visual amenity and environmentally sensitive features and locations, stating that applicants will be required to submit sufficient information which demonstrates that such considerations have been thoroughly assessed and mitigated. The Council has also taken account of Policy PSU 11 Overhead Cables within PSRNI which states that overhead lines should be planned to avoid areas of landscape sensitivity and minimise their visual intrusion. Policy PSU 11's emphasis is on the integration of such infrastructure into the existing landscape/townscape. It is therefore reasonable for undergrounding sections of electricity lines to be considered in these settings and where it is not implemented, for it to be demonstrated why it would not be feasible or would harm historic or natural assets. To require that it be demonstrated that undergrounding of the cables would have an unacceptable adverse impact to natural and/or historic assets would be a higher test than what is currently required by policy. During the development management stage arguments could be presented in terms of serious logistical and environmental challenges, delays, increased costs and threats to project delivery. The approach within Policy UT 1 is also consistent with the policies of neighbouring council districts who are seeking to control high structures and avoid sensitive areas.

- 4.68 In order to be consistent with other policies within the dPS, for instance Policy NE 3 Biodiversity or Features of Natural Heritage Importance, and with the policy test within the SPPS, as accepted by the Council, it is appropriate that the third bullet point of Policy UT 1 be amended in order to state that the proposal does not have an unacceptable adverse impact on natural heritage features (Recommended Amendment RA 131). As proposed by the Council, in the interest of coherence, the fifth bullet point of Policy UT 1 should ask that it be demonstrated that new developments or upgrades do not adversely affect existing energy infrastructure (Recommended Amendment RA 131). So that the sixth policy test of Policy UT 1 and fifth bullet point in Policy UT 3 Telecommunications & Connectivity including Broadband, can deal with changing circumstances, in the interest of effectiveness, I agree with the Council that it is appropriate that it be amended so that proposals for development of power lines comply with any equivalent update to the 1998 International Commission on Non-ionizing Radiation Protection (ICNIRP) guidelines (Recommended Amendment RA 132).
- 4.69 Policy UT 2 relates to water infrastructure. As NI Water have identified the limitations of the sewerage network as a constraint to development, as well as capacity issues in various WWTWs across the settlements, as accepted by the Council, in the interest of clarity this should also be referenced within the context text and evidence base (Recommendation RA 133). NI Water are however implementing a programme of sewerage upgrades. The Council provided assurance that they are continuing to work

with DfI Water and Drainage Division/Living-With-Water team and NI Water to progress the preparation of the Strategic Drainage Infrastructure Plan (SDIP). This SDIP will develop medium and long-term sustainable solutions for the drainage and flooding challenges facing the district. In the meantime, current and short-term developments in settlements are being accommodated by the existing infrastructure, being permitted under the auspices of the current 'committed' lands already being accounted for in the capacity calculations or where interim arrangements can be put in place with the agreement of NI Water, DfI, NIEA and Environmental Health (Page 167, Document DS 500).

- 4.70 Policy UT 3 states that proposals for telecommunications development should avoid areas of landscape sensitivity such as AONBs, Special Countryside Areas (SCAs) and Areas of High Landscape Importance. Calling for greater caution in such areas is appropriate as Paragraph 6.243 of the SPPS seeks planning authorities to take account of such development's potential effects on environmentally sensitive features and locations. It is also reflective of Paragraph 6.14 of Policy TEL 1 of PPS 10 Telecommunications which states that, wherever possible, telecommunication development should seek to avoid sensitive features and locations of archaeological, built or natural heritage value. This includes AONBs and other environmental designations.
- 4.71 As stated previously, Paragraph 6.239 of the SPPS seeks to ensure that where appropriate new telecommunications development is accommodated by mast and site sharing and that the visual and environmental impacts are kept to a minimum. Paragraph 6.243 of the SPPS also requires applicants to submit sufficient information demonstrating that such considerations have been thoroughly assessed and mitigated. It is added that new masts should only be considered where site sharing is not feasible or offers an improved environmental solution. Operators are encouraged to site share wherever possible. This is also reflective of the approach adopted within Policy TEL 1 of PPS 10. Taking account of this regional strategic policy, I agree with the Council that it is appropriate to seek the requirement within Policy UT 3 for proposals of new or upgrading of existing telecommunications infrastructure, including masts, to be accompanied by a statement detailing how they have considered and mitigated for any potential landscape/visual amenity impact. That it is accommodated through the sharing of an existing mast or telecoms structure, with new masts only considered where sharing is not feasible or if it offers an improved environmental solution, is also appropriate. The development management process will have to assess the impact of any proposal, including after mitigation. In order to clarify that such statements are just not required in designated areas, it is necessary to amend the third bullet point of Policy UT 3 to reflect this. Within designated environments, as accepted by the Council, in the interest of clarity it should be stated that the statement will need to address how the proposal meets the natural and historic environment policies within the dPS (Recommended Amendment RA 135). As Policy UT 3 however does not refer to the approach to be taken in respect of this type of development in the vicinity of

City of Derry Airport, as accepted by the Council, Recommendation RA 134 is therefore necessary in the interest of clarity and consistency with regional policy contained within Policy TEL 1 of PPS 10.

- 4.72 The utilities development section of the dPS as amended will ensure that the Plan is sound.

Waste Planning

- 4.73 The Council has signed up to a Zero Waste Circular Economy Strategy with the aim of moving towards a zero waste circular economy. For clarity and as accepted by the Council, the dPS should define what is meant by the term 'zero waste' (Recommended Amendment RA 136). Despite this aim, it is accepted that the Council has to set out the provision for waste management development, when prevention and re-use are not possible. It would not be appropriate to solely focus on zero waste. Although the Council area may have no landfill sites and 11 recycling centres at present, in the interest of effectiveness in order to allow for changing circumstances, I agree with the Council that it is appropriate to state that details of the existing waste management sites can be found on their website (Recommended Amendment RA 137). This will allow the list to be kept up to date by the Council.
- 4.74 Policy WP 1 Environmental Impact of a Waste Management Facility identifies a number of matters which will be taken into consideration in the assessment for new and/or extensions for waste management facilities. As accepted by the Council, these matters should take into account Paragraph 6.14 of Policy WM 1 Environmental Impact of a Waste Management Facility within PPS 11 Waste Management. As proposed by the Council, in the interest of consistency, it should state, where appropriate, that the Council will attach conditions to approvals requiring the installation of wheel cleansing equipment and the cleaning of roads adjacent to the proposed site (Recommended Amendment RA 138). The precautionary principle is already adequately stated within Paragraph 20.13 of Policy WM 1.
- 4.75 Policy WP 3 relates to waste disposal. Criterion (b)(ii) requires that proposals for the development of landfill or land raising facilities for the disposal of waste will be permitted where they comply with Policy WP 1 and it is demonstrated that the proposal is outside any designated sites including the Sperrin AONB, SCAs and sites designated for their landscape and/or natural or historic environment value. The dPS acknowledges that landfilling and land raising of municipal waste are at the bottom of the waste management hierarchy, being the least sustainable waste management option (Paragraph 20.21). However, rather than having a blanket ban in such areas which goes beyond regional policy, it is necessary to amend the criterion, and its supporting justification and amplification text, to allow it to be demonstrated that the proposal would not harm or undermine the reason for that designation. As accepted by the Council, this is necessary in the interest of coherence by allowing flexibility, with an assessment on a case-by-case basis, whilst ensuring the protection of designated sites (Recommended Amendments RA 139 and 140).

- 4.76 Paragraph 20.31 within Policy WP 5 Development in the Vicinity of Waste Management Facilities states that relevant considerations which determining such planning applications including prevailing wind direction. However, evidence was presented by NI Water that odour assessment should routinely encompass worst case scenarios of all wind directions over an extended timeframe. They requested that proposals adhere to NI Water's Development Encroachment procedures. This was accepted by the Council and in the interest of coherence I concur with this recommendation (Recommended Amendment RA 141).
- 4.77 Other recovery e.g. energy recovery is one type of waste management which is provided for within the SPPS and NI Waste Management Strategy. Whilst it is not the preferred option, being 4th in the 5-tier hierarchy, it would not be appropriate for the dPS to subject it to a blanket ban. The weight attached to material considerations in relation to future waste management facility proposals are matters for the decision-maker. Numerous representations were also received in relation to unauthorised waste sites in the district. However, these are matters for the Council to address with the relevant bodies.
- 4.78 Having taken account of the policy and guidance issued by the Department, the Council has utilised the information at its disposal. It has set out coherent and robust evidence for its approach. The waste planning section as amended will ensure that the Plan is sound.

5.0 ENVIRONMENT

Natural Environment

- 5.1 In formulating policies and plans and in determining planning applications, Paragraph 3.9 within the SPPS states that planning authorities will be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest. Paragraph 6.174 of the SPPS states that planning authorities should apply this principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources. Paragraphs 6.177, 6.184, 6.190 and 6.193 of the SPPS also highlight the importance of appropriate mitigation being required should a development proposal be likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features of natural heritage. As accepted by the Council, it is therefore necessary for consistency of coherence for the introductory text of the Natural Environment to set out the Council's important role in ensuring the protection of natural heritage assets from inappropriate development. This includes the application of the precautionary principle and the mitigation hierarchy across the relevant Natural Environment policies (Recommended Amendment RA 142). When read with Recommended Amendment RA 17, this would result in a coherent strengthened commitment to avoid impacts on protected species and their habitats.
- 5.2 Policy NE 1 relates to nature conservation sites. In error, the Council omitted reference in the policy and justification and amplification text to include proposed Special Protection Areas and Sites of Community Importance. Therefore, I agree that this error should be corrected within the text to reflect regional policy contained within Paragraphs 6.175-6.178 of the SPPS. For clarity, as accepted by the Council, the policy should also reflect the updated legal position post-Brexit as well as identify the correct legal responsibility for declaring local nature reserves and wildlife refuges (Recommended Amendment RA 143).
- 5.3 Policy NE 2 Protected Species and their Habitats is reflective of Paragraphs 6.179-6.182 of the SPPS and Policy NH 2 Species Protected by Law. It provides the appropriate protection of species and their habitats. The policy also applies the precautionary principle when considering the impacts of proposed development on them. It is not necessary for soundness to include reference to the need to comply with other legislative requirements. In the interest of effectiveness and consistency, to allow for changing circumstances and reflect regional policy contained within Paragraph 5.6 of Policy NH 2, it is appropriate however to state that applicants need to check the DAERA website for up-to-date information on species protection. It should also be added that as all fish are protected, no lists have been produced (Recommended Amendment RA 144).
- 5.4 The LDP consultation process highlighted the importance of ancient woodland locally. To take account of this and Paragraph 6.192 of the SPPS and Policy NH 5 Habitats,

Species or Features of Natural Heritage Importance and Paragraph 2.17 of PPS 2, in the interest of consistency and coherence, I accept the Council's proposed amendment of Policy NE 3 Biodiversity or Features of Natural Heritage Importance. This would provide policy in relation to TPO protection and general wider tree retention (Recommended Amendment RA 145). Given the importance of active peatland highlighted in Paragraph 6.226 of the SPPS and in representations which stress the limited scope to replace such habitats, as accepted by the Council, for consistency and coherence, there should also be a strong presumption against its damage or direct loss (Recommended Amendment RA 145).

- 5.5 Policy NE 4 relates to development adjacent to main rivers and open water bodies. It takes account of the SPPS, including Paragraphs 6.31, 6.50 and 6.183. It also takes account of PPS 8, including Policy OS 6 Development of Facilities ancillary to Water Sports, which recognises that open space of public value includes inland bodies of water which offer important opportunities for sport and outdoor recreation and also act as a visual amenity. The SPPS also supports the dPS's position that a proposal should not compromise or impact on the natural flooding regime of the river or open water body. For clarity, it is appropriate however to amend the second bullet point of Policy NE 4 to read that proposals should meet the relevant requirements as set out in the Natural Environment Chapter. To reflect regional policy, namely Paragraph 6.171 of the SPPS, as accepted by the Council in the interest of consistency, it should also be added that it does not result in net biodiversity loss. As it may not always be possible to do so, as proposed by the Council in the interest of clarity, the last sentence of Policy NE 4 should be amended to read that a biodiversity strip of at least 10m from the edge of the river should normally be provided (Recommended Amendment RA 146). Although the Council advise that Enagh Loughs, Gransha Lakes and Ponds are not designated sites, as open water bodies they would be protected from significant adverse impacts under Policy NE 4.
- 5.6 Policy NE 5 deals with development within or affecting the setting of the Sperrin AONB. The Council presented persuasive evidence that whilst not covered by regional policy, it is already their development management practice to assess the impact of a proposal on the setting of the Sperrin AONB. The setting is not defined by boundaries as the Council's experience has demonstrated that what may affect it will vary by the nature of development and the local topography. As the setting cannot be identified on a map, it is assessed on a case-by-case basis thus allowing a degree of flexibility. The dPS is making this practice explicit in terms of policy. This is justified as the setting contributes to the value and experience of the AONB. From their experience, they stated at the IE that an impact on the setting can impact on the AONB itself. The Council identified that taking account of its setting is also the routine practice in England and Wales. Account has also been taken of the approach by the other councils with area within the Sperrin AONB; Fermanagh and Omagh PS adopts a similar approach. The weight attached to the plan and other material considerations are matters that can be assessed at the development management stage.

- 5.7 The Council has taken account of Paragraphs 6.187 and 6.188 of the SPPS and Policy NH 6 Areas of Outstanding Natural Beauty's use of the phrase 'special character' when referring to the AONBs generally. However, the Landscape Character Review (Document DS 208) has carried out a review of the Sperrin AONB. It stated that as the largest and least explored mountain range in NI, that it requires strategic management and protection to broadcast, yet still safeguard, its intrinsic appeal (Paragraph 4.27). The Council is seeking, through the dPS, to raise standards in terms of protecting, enhancing and conserving the intrinsic appeal of the AONB and its associated heritage and nature conservation from future development (Paragraph 7.4). As stated by the Council at the IE, a proposal eroding the intrinsic appeal of the AONB would not be sensitive to its special character and therefore does not conflict with regional policy. Its intrinsic appeal would be the characteristics which have justified its designation. The justification and amplification text, particularly Paragraph 21.31, provides guidance on the relevant considerations. Assessing a proposal's impact on the special character of the AONB would also require interpretation and judgement during the development management process. Policy NE 5 and its justification and amplification should however also state that development proposals in the AONB must be sensitive to the intrinsic special character of the area and the quality of its landscape, heritage and wildlife. It should also set out the legal basis for the designation. For clarity, and as proposed by the Council, it should be stated that, in assessing proposals, including cumulative impacts in such areas, account will also be taken of the Council's Landscape and Seascape Character Review (Document DS-208) (Recommended Amendment RA 147).
- 5.8 Evidence was presented that enhancement of the AONB landscape is not on occasions what is needed and therefore case by case assessment is required. Given this, and to have a coherent approach with that reflected in Paragraph 21.32 of the justification and amplification text, Policy NE 5 should be amended to state that all proposals must demonstrate how they have considered siting, massing, shape, design, finishes and landscaping in order to positively enhance and/or complement the important AONB landscape. This consideration would also relate to proposals for the redevelopment and restoration of hard rock quarries and sand and gravel pits. The converse of having positive enhancement would be for it to be negative which would be illogical. The Council accept that certain developments may not be able to positively enhance the AONB however it can still be demonstrated that they have considered it (Page 182, Document DS-500). Given the provisions of Article 14(5) of the Nature Conservation and Amenity Lands (NI) Order 1985, for clarity, Policy NE 5 should also state that the Council will promote its enjoyment by the public and provide or maintain public access to the AONB. This logically connects with their support for the provision of pathways and informal recreational facilities. This suggested amendment, required in the interest of consistency, would therefore be reflective of Article 14(5) of the Nature Conservation and Amenity Lands (NI) Order 1985, RG 11 in RDS, Paragraphs 6.172, 6.186-6.188, 6.195 and 6.198 of the SPPS as well as Policy NH 6 and Paragraphs 3.1, 4.3, 4.5, 5.14 and 5.16 of PPS 2 (Recommended Amendment RA 147). Calls were made

for Policy NH 5 to be strengthened however I consider the policy as amended to be balanced in its approach. Calls for the Sperrin AONB to be made a National Park are beyond the remit of the dPS.

- 5.9 Policy NE 6 relates to development within Special Countryside Areas (SCA). Document DS-233 identifies the evidence base for the designation, including the NI Landscape Character Assessment and the Landscape and Seascape Character Review (Document DS-208). Some representors were opposed to any form of renewable development, mining and peat extraction within such areas. Others called for the AONB designation to be retained. The AONB designation has been retained by the dPS. However, the identification of a section of the Sperrin AONB as a Special Countryside Area (SCA) takes account of paragraph 6.75 of the SPPS which acknowledges that such areas of the countryside exhibit exceptional landscapes wherein the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances. This designation seeks to provide more upland areas with a higher level of protection from unnecessary and inappropriate development. The 310m height above sea level equates to the high summits of the Sperrins. The policy and associated designation restricts development rather than completely prohibiting it. It is for a developer to demonstrate that a proposal is of such regional or national importance to outweigh any potential detrimental impact on the unique landscape character and its significant vistas. The dPS suitably addresses the important issue of climate change. It allows for the provision of renewable energy development however seeks to achieve this through a balanced approach which facilitates it whilst protecting the natural environment. Policy UT 3 requires telecommunications development to avoid SCAs. A statement is to accompany any planning application detailing how any potential landscape/visual amenity impact has been considered and mitigated. This would have to be justified within a SCA. I therefore do not consider that there is a conflict between Policies NE 6 and UT 3. The Evidence was presented by the Council that similar policies are proposed by adjoining councils so as to provide a unified approach to Sperrin AONB protection.
- 5.10 Policy NE 6 includes guidance on minor works or improvements. For clarity and as proposed by the Council to take account of Paragraph 6.186 of the SPPS and Policy NH 6 of PPS2, it should be added that all works must visually integrate with their surroundings, taking account both of visual amenity and the landscape character of the area (Recommended Amendment RA 148).
- 5.11 Policy NE 7 relates to development within Areas of High Landscape Importance (AHLIs). Paragraph 6.195 of the SPPS states that natural heritage features and designated sites should be identified as part of the plan-making process. The AHLIs designation has emerged from the Landscape and Seascape Character Review (Document DS-208). Although other policies within the dPS provide protection to habitats and species, within these areas the Council's evidence indicates that it is particularly important due to the unique and special qualities of these areas of land. The species and habitats here are an integral part of the landscape's interest. The

detailed boundaries and development guidance for individual AHLIs are to be included within the LPP (Page 187, Document DS-500). For clarity, and as accepted by the Council, it is necessary to reorder Policy NE 7 in order for its role, purpose and planning benefit to be readily apparent (Recommended Amendment RA 149). It is for an applicant of a significant proposal to demonstrate why it is important regionally or at a district-wide level in order to outweigh any potential adverse impact on the intrinsic features of the AHLI. It is readily understood that the plan-led system may be outweighed by material considerations. Whilst some sand and gravel proposals can bring about positive enhancement of a landscape through restoration, the opposite is also true and therefore it is appropriate for the justification and amplification to identify that this can be the case in AHLIs.

- 5.12 The Council presented a robust evidence base on the issue of the natural environment which was informed by feedback from public consultation and Elected Members, input from the statutory consultee and stakeholder groups as well as liaising with adjoining councils and other departments within the Council. The Natural Environment section of the dPS as amended will ensure that the Plan is sound.

Coastal Development

- 5.13 Policy CD 1 sets out the policy for coastal development. As dealt with previously, Recommended Amendment RA 08 recommends that explicit reference is made within GDP 1 and GDPOL 1 to the marine/coastal area. The dPS makes other appropriate references to the subject area including it being stated within the policy context chapter that regard will be had to the UK Marine Policy Statement. It is also added that the Draft Marine Plan for NI has been taken into account during the preparation of the dPS and that it will inform the ongoing LDP process until such times as the Marine Plan for NI is adopted. The dPS also contains a separate chapter on the topic. Taking account of Paragraph 6.42 of the SPPS, rather than promoting the development of areas of the coast which are known to be at risk of flooding, coastal erosion or land instability as claimed, Policy CD 1 states that development will not normally be permitted in areas of the coast known to be at such risk. I agree with the Council that Policy CD 1 should however be amended to provide clarity in relation to flooding due to the rising sea levels linked to climate change. I also agree with the Council's proposed amendment that, in the interest of consistency, it should also state that development proposals should not result in an unacceptable adverse impact on the quality and character of the landscape and seascape thus reflecting Paragraph 3.3 of SPPS (Recommended Amendment RA 150).
- 5.14 Paragraph 6.38 of the SPPS states that when dealing with proposals that require a coastal location, planning authorities must carefully assess the need for such development, its benefits for the local or regional economy and potential impacts on the environment. Development should only be permitted on the undeveloped coast where the proposal is of such national or regional importance as to outweigh any potential detrimental impact on the coastal environment and where there is no

feasible alternative site within an existing urban area in the locality. The Council's evidence demonstrates their dynamic coastline supports activities including tourism, recreation, commercial harbours and inshore fisheries. The Port estate, for example, is regarded by the Council as the key marine gateway to the NW of Ireland for both commerce and tourism. It is said to comprise of 22 acres located adjacent to the quay with currently 14 acres available for future development (Paragraph 3.4, Document DS 234). Whilst Policy CD 1 states this exception, it also allows for tourism or recreational water-based amenity where it can be demonstrated that the proposal needs to be located in a coastal or waterside location and it is not feasible to locate within a settlement and that it is of district-scale importance and that the general public will have access. Where development within the undeveloped coast is acceptable in principle, three further criteria are identified which reflect Paragraph 6.48 of the SPPS. This includes avoiding unacceptable adverse impacts on the natural environment, archaeological/built heritage, geological or landscape/seascape. Given that the limited tourism or recreational water-based amenity proposals must meet the identified criteria, could bring about benefits for the district-wide economy and may require a coastal location, as acknowledged within Paragraph 6.44 of the SPPS, the Council's approach is justified. Paragraph 22.22 of the justification and amplification text also relates to matters covered within Policy CD 1 and therefore there is no need to place this text within the policy. As the Council consider that nature conservation development would qualify as being of a national or regional exception, it is not necessary to add it as a further exception to the policy (Page 192, Document DS-500).

- 5.15 Therefore, having taking account of the soundness tests including the Council's local circumstances, policy and guidance issued by the Department and representations made in relation to the POP and dPS, the coastal development section as amended will ensure that the Plan is sound.

Historic Environment

- 5.16 Numerous representations were received including from the experts in the field of the historic environment who has statutory authority in relation to this matter. The SPPS and PPS 6 refer to heritage assets, for instance Paragraph 6.1 of the SPPS, and this should be reflected within the dPS. Paragraph 6.29 of the SPPS and Paragraph 2.7 of PPS 6 states that LDPs will highlight those areas within the historic cores of towns and villages where it is likely that archaeological remains will be encountered. These areas of archaeological potential are identified by the LDP as opposed to being designated. The dPS should acknowledge that there may be heritage assets in the district other than those identified within Paragraph 23.5 of the dPS, some of which have yet to be recorded or discovered. As accepted by the Council, In the interest of consistency with regional policy, namely Paragraphs 4.23-4.30 of the SPPS and numerous policies within PPS 6, such as Policy BH 11, it is necessary for the dPS to highlight that the dPS policies will facilitate appropriate and productive use of the historic assets and

opportunities for investment whilst ensuring that there is a heritage-led design approach (Recommended Amendment RA 151).

- 5.17 Paragraph 23.10 of the dPS acknowledges that the Historic Environment Division (HED) within the Department for Communities are responsible for designating various archaeological and built heritage assets including Scheduled Monuments and Listed Buildings. The paragraph should however be amended to reflect the fact that other assets such as AAPs are either designated and/or identified by the Council in the LDP. Suggestions for further ATCs will be considered at the LPP stage. In terms of non-designated heritage assets, Paragraph 6.24 of the SPPS acknowledges that councils may wish to bring forward bespoke local policies for such buildings. The justification and amplification text should therefore direct that such buildings will receive some protection through Policy HE 8 Conversion and Re-Use of locally important Unlisted Vernacular Buildings as well as various other identified policies such as Policies HOU 20 and 21. Monitoring indicator 44 will also ensure that there is no inappropriate development contrary to policy provisions, especially demolitions of non-designated heritage assets. As accepted by the Council, in the interest of effectiveness, it should therefore be identified within the dPS that should a need for further protection be identified, this will form part of the LDP Review (Recommended Amendment RA 151).
- 5.18 Unsubstantiated concerns were raised in relation to Policy HE 1 Archaeology and Upstanding Remains. Policy HE 1 however takes account of Paragraphs 6.8 and 6.9 within the SPPS as well as PPS 6 Policies BH 1 The Preservation of Archaeological Remains of Regional Importance and their Settings and Policy BH 2 The Preservation of Archaeological Remains of Local Importance and their Settings. The title of the policy should however be changed to reflect the subject matter with appropriate subheadings inserted for clarity. As the experts in this field, HED will be consulted on such proposals and this also should be reflected in the policy. In the interest of consistency, I agree with the Council's proposed change to the justification and amplification text in order to take account of Paragraph 6.8 of the SPPS and Policy BH 1 as well as Paragraph 3.5 of PPS 6. This would insert references to monuments which would merit scheduling, the constituent parts of sites which would benefit from statutory protection and state that exceptions to Policy HE 1 are likely only to apply to proposals of overriding importance in the NI context (Recommended Amendment RA 152). To take account of Policy BH 2 of PPS 6, the Council accepted, and I agree in the interest of consistency, that it should also be stated while they are not scheduled monuments, archaeological remains of local importance are capable of providing valuable evidence about the past (Recommended Amendment RA 153).
- 5.19 Policy HE 2 relates to Archaeological Assessment, Evaluation and Mitigation. To aid its implementation and address concerns raised by the Departmental experts in this field, the Council proposed that it should be amended to take account of the SPPS (Paragraphs 6.10 and 6.11) and Policy BH 3 Archaeological Assessment and Evaluation and Policy BH 4 Archaeological Mitigation within PPS 6. This will include restructuring the policy so that mitigation is address separately and that the amplification and

justification section has separate paragraphs which contain greater detail on AAPs and the discovery of previously unknown archaeological remains. In the interest of consistency and coherence, I agree with this proposed change (Recommended Amendment RA 154).

- 5.20 The largest monument in State Care in Northern Ireland is the iconic Derry Walls (Paragraph 3.2, Document DS 235). As stated by the statutory authority on the matter, there are expansive views to and from the Walls that also need to be taken into account. Whilst the Walls are already protected by Policy HE 1, Policy HE 3 relates to development adjacent to the Walls. Policy HE 3 has taken account of Policy BE 5 within DAP 2011 and demonstrates the Council's commitment to carefully control and retain the historic fabric that surrounds the Walls (Paragraph 6.7, Document DS 235). For clarity, and as accepted by the Council, the justification and amplification text should however state that Policy HE 1 also applies (Recommended Amendment RA 155).
- 5.21 Policy HE 4 relates to Listed Buildings and their Settings. I agree with the Departmental experts and the Council that in order to reflect regional policy, including all of the provisions within Paragraphs 6.4 and 6.12-6.15 of the SPPS as well as Section 6.0, which includes Policies BH 7-11, of PPS 6, that Policy HE 4 and its justification and amplification text should be amended in the interest of consistency (Recommended Amendment RA 156). This would aid the legibility and implementation of the policy. It would also ensure that the policy aligns with the legislative provisions of Section 80 of the NI Planning Act 2011. As amended, the policy allows for appropriate new and viable uses provided that they respect and protect the listed building. Policy GDPOL 1, as amended, will apply to all developments and therefore there is no need to include a specific biodiversity net gain requirement within Policies HE 4 or Policy HE 8 Conversion and Re-Use of locally important Unlisted Vernacular Buildings.
- 5.22 Policy HE 5 Conservation Areas provides the policy for new development, demolition and the control of advertisements in Conservation Areas. Within Conservation Areas the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Paragraph 6.29 of the SPPS acknowledges that under Section 104 of the Planning Act (NI) that the Council or DfI may designate a Conservation Area where it is desirable to preserve or enhance the character or appearance of such areas; this should be acknowledged within the justification and amplification of Policy HE 5. As expert opinion from the statutory body is that open space is often a vital component of the Conservation Areas, with greens, squares and other areas of open space complementing the built form, I agree that this should be added to the first bullet point of Policy HE 5(a). Paragraph 6.18 of the SPPS also states that there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. I accept the Council's proposed change to Policy HE 5 to take account of Paragraph 6.18 of the SPPS including in terms of stating that this general presumption should only be

relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. Rather than stating within Paragraph 23.42 of Policy HE 5 that there will be occasions where demolition is justified, reflective of Paragraph 6.18 of the SPPS and Paragraph 7.17 of Policy BH 14 Demolition in a Conservation Area, I agree with the Council that the text should provide greater detail on the corroborating information that will be required in order to demonstrate and justify the need for demolition. This is required to demonstrate its part played in the architectural or historic interest of the area and the wider effects of the demolition on the building's surroundings and on the Conservation Area as a whole. It would also indicate that alternative options for stabilisation of the existing structure have been considered in efforts to retain the building. As accepted by the Council, it should also set out greater detail on what is required in terms of the subsequent redevelopment proposal thus reflecting Paragraph 6.19 of the SPPS and Paragraphs 7.18 and 7.19 of PPS 6. For consistency and clarity, as the policy also relates to the control of advertisements in a Conservation Area, there should also be justification and amplification text on this matter. This should state that applications for the display of advertisements will be assessed against this policy and the policy requirements of Chapter 14: Signs and Outdoor Advertising (Recommended Amendment RA 157).

- 5.23 Given that hedgerows do not enjoy the same legal level of protection as trees, it is not necessary for Policy HE 5 Conservation Areas to specifically protect them. They could be considered as an 'other landscape feature' which contributes to the character or appearance of the area. As stated previously in relation to Policy HOU 21, it is not accepted that the dPS would not permit good contemporary design. Rather, Policies HE 4 and 5, as amended, take account of regional policy and evidence was presented that the Council's emphasis is on high-quality design which can be innovative, modern and yet sympathetic (Page 196, Document DS-500).
- 5.24 Policy HE 6 Areas of Townscape/Village Character (ATCs/AVCs) applies to Areas of Townscape and Village Character. Similar to the SPPS (footnote 9, page 41), all references to Areas of Townscape Character should be augmented to include reference to Areas of Village Character. Paragraph 23.43 of the justification and amplification text of Policy HE 6 reads negatively, undermining the thrust of the policy. Therefore, the Council rightly proposed to amend the policy to take account of Paragraphs 1.1 and 2.1 within the Addendum to PPS 6: Areas of Townscape Character to acknowledge that they are designated by the Council due to their distinct character which is normally based on their historic built form or layout. As Policy HE 6 also relates to demolition in an ATC/AVC, as accepted by the Council, the justification and amplification should reflect this, taking account of Paragraph 6.22 of the SPPS as well as Paragraphs 2.2, 2.4 and 2.5 of the Addendum. This will provide greater clarity as to the conditions that will normally be imposed when the Council decides to permit demolition of an unlisted building in an ATC/AVC. For coherence and legibility, this policy and Policy HE 5 should be divided into sub-heading. For consistency with Policy

HE 5 and clarity, as the policy also relates to the control of advertisements in an ATC/AVC, and as accepted by the Council, there should also be justification and amplification text on this matter. This should state that applications for the display of advertisements will be assessed against this policy and the policy requirements of Chapter 14: Signs and Outdoor Advertising (Recommended Amendment RA 158).

- 5.25 Policy HE 8 as drafted provides policy for the conversion and re-use of locally important unlisted vernacular buildings. As highlighted by the statutory consultee, it fails to provide protection for those non-designated heritage assets which are locally important due to their architectural or historic interest as stated within Paragraph 6.4 of the SPPS. For instance, Paragraph 6.73 of the SPPS and PPS 21, specifically Policy CTY 4, also provides policy protection for such heritage assets through the conversion and reuse of a suitable building for a variety of alternative uses. Therefore, I agree with the Council's amendment that the title of Policy HE 8 should be renamed to Conversion and Re-use of Non-Designated Heritage Assets and the policy, including its supportive text, amended to reflect this emphasis. The definitions contained within the SPPS (page 41) of vernacular buildings and historic buildings of importance should be included within the justification and amplification. There are a suite of policies relating to vernacular buildings or suitable buildings within the dPS which should be cross-referenced within the justification and amplification, namely Policies TOU 4, AGR 3, HOU 20 and 21. For coherence, for instance with Policy HOU 21 and TOU 4, the policy should state that the building is of permanent construction. Clarity in terms of how an applicant would demonstrate that a building is structurally sound and capable of conversion, as required by criterion (a), should be set out within the supporting text. I agree with the Council's suggested amendment to take account of Paragraph 9.3 of Policy BH 15 The Re-Use of Non-Listed Vernacular Buildings within PPS 6, a scheme of conversion will also maintain or enhance the form, character and architectural features, design, materials and setting of the existing building. The Council's proposed change to include the exception within Paragraph 6.73 of the SPPS within Policy HE 8 is appropriate so that consideration may be given to the sympathetic conversion of a traditional non-residential building to provide more than one dwelling. As accepted by the Council, as the LDP designates a Green Belt, for coherence, for instance with Policies ED 5, AG 3 and HOU 21, it should be stated how the policies will be applied in Green Belt locations (Recommended Amendment RA 159).
- 5.26 As stated within Paragraphs 6.25-6.26 of the SPPS and Paragraphs 1.1 and 1.3 of PPS 23: Enabling Development, enabling development is a development proposal that is contrary to established planning policy and in its own right would not be permitted. Such a proposal may however be allowed where it will secure the long-term future of a significant place. It will not materially harm its heritage value or setting. The justification for allowing the enabling development lies in the over-riding public benefit to the conservation of the significant place and its sustainable future use which would be derived from the implementation of the principal proposal which otherwise

would have little prospect of being carried out. Policy HE 9 Enabling Development however states that the policy will also be used for securing a scheme of significant regional or sub-regional benefit. This approach is despite the POP stating that the LDP approach in relation to enabling development is to retain the existing policy approach contained within PPS 23. Objection was raised by the statutory consultee who recommended that, should the Council wish to propose such an approach, this be addressed as a separate policy outside of the Historic Environment policy suite. I concur that the policy and its justification and amplification should be amended to reflect regional policy contained within Paragraphs 6.25-6.27 and Policy ED 1 Enabling Development within PPS 23 together with the Best Practice Guidance (BPG) to PPS 23: 'Assessing Enabling Development for the Conservation of Significant Places'. Such an amendment would include detail on the information which is required, such as in relation to financial considerations, in order for the proposal to be critically assessed by appropriately qualified professionals thus reflective of Section 3.6 of the Best Practice Guidance. As this BPG is to be used by the Council to determine enabling development applications relating to significant historic places, as accepted by the Council, for clarity it should be included within the list of SPGs within Chapter 38 and Appendix 6 of the dPS (Recommended Amendments RA 160 and 199). For coherence and as proposed by the Council, Paragraph 23.61 of dPS should be omitted as it relates to the LDP designations, such as ATCs; this is covered earlier in Paragraph 23.10 (as amended) of dPS (Recommended Amendment RA 161). To adopt a coherent approach with the other dPS chapters, it is not necessary to include examples of Historic Environment monitoring indicators.

- 5.27 Whilst it is acknowledged that the Council are trying to make the dPS a concise and easily negotiated document, this cannot be at the expense of providing comprehensive planning policies which take account of Departmental policy and guidance. The local circumstances of the area have been considered by the Council and this is reflected in its historic environment policies such as Policy HE 3 as amended. The amendments discussed above would ensure that there is a coherent strategy to ensure the protection, conservation and where appropriate enhancement of the historic environment while promoting sustainable development. The historic environment section as amended will ensure that the Plan is sound.

Renewable and Low Carbon Energy Development

- 5.28 Chapter 24 of the dPS relates to Renewable and Low Carbon Energy Development. A call was made within representations for setting a specific renewable energy target within the district to help to combat climate change. This however would not be appropriate as the target is set at a Northern Ireland level. The imposition of such a target would, at any rate, be an added element of the policy as opposed to an alternative approach.
- 5.29 Policy RED 1 provides the general criteria which will apply to all proposals for renewable and low carbon energy development. For clarity, it is appropriate to re-

structure the policy so that wind energy development, solar farms, anaerobic digesters (AD) and hydro-electric schemes are all dealt with separately. In order to be consistent with other chapters in the dPS, as accepted by the Council, non-policy text should also be moved to the justification and amplification (Recommended Amendments RA 162 and 163). Concern was raised that the policy did not accurately reflect the provisions within regional policy, namely the SPPS. In particular, it is claimed that Policy RED 1 introduces policy tension with regard to the weight to be attributed to renewable energy proposals generally and within designated landscapes. At the outset, Policy RED 1 states that in the first instance, proposals for renewable energy must accord with the Chapter 21 designations/species/habitats as well as Policy NE 1 and the relevant LDP landscape designations and their policies: WECA, SCA, AHLI and AONB. This approach takes account of Paragraph 6.223 of the SPPS which states that a cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as AONBs. In such sensitive landscapes, it is stated that it may be difficult to accommodate renewable energy proposals without detriment to the region's cultural and natural heritage assets. This is a coherent approach with the landscape designations presented elsewhere within the dPS. For instance, with regard to WECAs, Paragraph 6.28 of the dPS states that, as a result of pressure arising from existing operational and approved turbines, there will be careful consideration of any further such proposals to prevent unacceptable development. In terms of SCAs, Paragraph 6.20 states that due to the significance of the views of such areas, only a limited range of development will be allowed. AONBs are designated nationally by NIEA. It is of note that in the AHLIs outside the AONB, the areas were previously designated for their landscape importance in the DAP and SAP. Evidence was also presented that some of the AHLIs north of the Sperrins are part of its setting (Page 201, Document DS-500). As accepted by the Council, clearly signposting the relevant chapters and their policies however would provide clarity for the reader (Recommended Amendment RA 162). It is accepted that there is a degree of policy overlap with other policies however this serves for clarity and the avoidance of doubt. It is not accepted that making references to the key considerations increases the weight afforded to them. Any renewable energy development would need to demonstrate that it would not harm protected species under Policy NE 2 Protected Species and their Habitats. It is therefore considered that there are already appropriate safeguards within the dPS to protect sensitive habitats and species. It is not accepted that there is a conflict between the Community Plan (Document DS-802) and the dPS in terms of renewable energy development. For instance, a key action of the Community Plan is to promote renewable energy and reduce energy consumption including through the appropriate planning and siting of renewable energy development (pages 22 and 47); the dPS has taken account of this.

- 5.30 Subsequent to meeting the above requirements, Policy RED 1 states that development proposals that generate energy from renewable resources will be permitted where the proposal, and any associated buildings and infrastructure, will not result in an

unacceptable adverse impact on a number of criteria including public safety and health or residential amenity. In terms of impact on natural heritage or nature conservation interests, the justification and amplification text at Paragraph 24.18 should be amended to also refer to 'unacceptable' as opposed to 'significant' impact. This would reflect the wording of the SPPS and allow a consistent approach within Policy RED 1. To have a coherent strategy, as accepted by the Council, reference should also be made to the mitigation hierarchy referred to within the Natural Environment chapter (Recommended Amendment RA 177). Concern was raised in relation to Criterion (d) of Policy RED 1 introducing a requirement that development will not affect water quality and with criterion (f) requiring that it will not result in an unacceptable adverse impact on flood risk. Criterion (d) takes account of Paragraph 6.224 of the SPPS which requires that development that generates energy from renewable energy resources will not result in an unacceptable adverse impact on local natural resources which includes water quality. Evidence was also presented by the Council in terms of how the impacts some solar thermal and hydroelectric schemes, in particular, can impact on water flow/quantity (Page 205, Document DS-500). For instance, it was presented that hydro schemes can lower river levels and affect aquatic life, including protected species, particularly if the rivers are already low during drought periods. Many of the rivers are part of the internationally protected river systems. Assessing the impact of a proposal on water quality and quantity was also said to be a routine development management consideration and therefore it is more transparent to include this within the list of considerations. In order to manage the risk of flooding, a regional strategic objective of the SPPS is to prevent inappropriate new development that may increase the flood risk elsewhere. It is therefore appropriate for criterion (f) of Policy RED 1 to seek to manage this risk. Such an approach also takes account of Paragraph 1.3.38 of the BPG to PPS 18. As accepted by the Council, the justification and amplification text should also be amended to provide clarity in terms of the potential adverse impact caused by changes to water flows and quantities within watercourses through abstraction (Recommended Amendment RA 176).

- 5.31 For clarity and as accepted by the Council, it is necessary for the justification and amplification text of Policy RED 1 to clarify that BESS (Battery Energy Storage Systems) proposals would be assessed under this policy (Recommended Amendment RA 175). I agree with the Council that for effectiveness that it is appropriate to also clarify that any proposal, such as a BESS, could demonstrate the benefits of siting close to the end-user, rather than in proximity to the source; this should be reflected in the justification and amplification text (Recommended Amendment RA 164). The policy should be consistent in terms of the level of assessment and details that will be required. In order for the overall impact on a proposal to be assessed, it is appropriate for sufficient details of the ancillary electricity infrastructure to be provided at the outset. The infrastructure could be capable of adding to the impact of the proposal, having a significant impact of its own, for instance in terms of amenity and visual impacts. This approach reflects Paragraphs 1.2.24, 1.3.30 and 1.5.1 of PPS 18 as well

as Paragraph 6.232 of the SPPS and Pages 52-53 of the SPG to PPS 18: Wind Energy Development in Northern Ireland's Landscapes. It is not accepted that there is ambiguity in the use of the term 'sufficient' as this will be a matter of judgement for the decision maker at the development management stage. An applicant could demonstrate to the Council why this is not feasible.

- 5.32 Paragraph 6.225 of the SPPS, which it is claimed Policy RED 1 does not align with, is appropriately replicated within the policy. This states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted. Taking account of this, the Council proposed to amend Policy RED 1 justification and amplification, to take account of Paragraph 6.223 of the SPPS, to state that the potential for significant adverse impacts from renewable and low carbon energy development proposal on designated sites across the district, including the SCAs, AHLIs and AONB, will be an important consideration. In the interest of consistency, I agree with this recommendation (Recommended Amendment RA 165). Given that the Council intend to retain it, it is appropriate that all proposals also have regard to the Draft SPG to PPS 18: Renewable Energy Anaerobic Digestion, as far as relevant to the proposal, as well as other relevant SPG documents as may be provided or updated (Recommended Amendment RA 166). Paragraph 6.229 of the SPPS, which relates to all types of renewable energy development, states that cumulative impact will be a consideration when assessing such proposals. In the interest of consistency, it is therefore necessary for criterion (ii) of Policy RED 2 to apply to all renewable energy development, not just those relating to wind energy. Consequently, criterion (ii) should be moved to Policy RED 1 (Recommended Amendment RA 167).
- 5.33 A request was made that Policy RED 2 Wind Energy Development should be reworded so that it is not stated that the identified criteria apply to the repowering of existing wind farms. It was suggested that it should be stated that proposals for wind energy development will be required to meet all the criteria. However, a proposal to repower is still a wind energy development and the identified criteria would apply. I am not persuaded that the identified criteria should not apply to a repowering proposal and it provides a comprehensive framework for assessing such schemes. It is not necessary to add 'where relevant' as this would be self-evident. The Council did however present evidence stating that historic applications will continue to be material considerations in the determination of proposals (Page 205, Document DS-500). This is also acknowledged within Paragraph 6.19 in Document DS-236. This takes account of Paragraph 4.17 of PPS 18 which states that such cases will be determined on their individual merits and in light of the then prevailing policy and other relevant considerations. Given the increasing number of proposals to re-use, refurbish, repair and repower first generation wind farm developments and the comments from representators, for clarity and as accepted by the Council, it is necessary for Document DS-236 to reflect Paragraph 4.17 of PPS 18 (Recommended Amendment RA 179).

- 5.34 Concern was raised in relation to Policy RED 2 applying to both wind turbines and wind farm development. As drafted, it was claimed that the requirement for individual wind turbines is more onerous than that relating to wind farm development. Paragraph 6.227 of the SPPS and Policy RE 1 of PPS 18 Renewable Energy state that for wind farm development, with a wind farm comprising of more than two turbines, that a separation distance of 10 times rotor diameter to occupiable property, with a minimum distance not less than 500m, will generally apply. Whilst Paragraph 1.3.52 of the Best Practice Guidance to PPS 18 Renewable Energy states that for a smaller individual wind turbine, the fall over distance plus 10% is often used as a safe separation distance, the Council presented persuasive evidence in relation to the policy overlap and the fact that at lower altitudes single turbines can be more sensitive applications (Page 202, Document DS-500). Taking account of the BPG of PPS 18, the Council accepted that in the interest of clarity it should however be stated that the fall-over distance is the hub height plus the length of one blade (Recommended Amendment RA 171).
- 5.35 As accepted by the Council, the introduction of a footnote would clarify what is meant by the use of the word ‘occupiable’ within criterion (vii) of Policy RED 2 (Recommended Amendment RA 168). This will be assessed on a case-by-case basis, for instance to take account of properties for sale, and given that the policy provision is rooted in safety concerns, this is considered appropriate. It was stated at the IE that the neighbouring Fermanagh and Omagh District Council PS has adopted a similar approach. Any disagreement between the parties can be dealt with as part of the development management process. Criterion (ix) of Policy RED 2 requires that above-ground plant (including turbines), buildings and associated infrastructure be removed and the site restored to an agreed standard appropriate to its location. It is stated that a time limit condition of 30 years will normally be attached. The use of the word ‘normally’ indicates that there may be a degree of flexibility in its imposition. As evidence was presented by the Council that this is normally the duration of the lifespan for renewable energy installations, then it is reasonable that they be removed or upgraded after this time. The Council’s approach takes account of Paragraphs 1.3.86-1.3.88 of the BPG of PPS 18 and Paragraphs 4.16 and 4.17 of PPS 18. The Council also stated at the IE that Research from the US Department of Energy’s The Wind Energy End-Of-Service Guide indicates that the lifespan of a turbine is approximately 30 years. Should it be demonstrated that the technology used within a particular proposal has a longer lifespan, this could be presented and considered during the determination of the planning application. It is noted that at present the current timeframe is normally 25 years. From the expert evidence presented and as accepted by the Council, in the interest of coherence, it is appropriate to add a further criterion to Policy RED 2 to require that the wind energy development will not harm the groundwater flow paths or aquifers (Recommended Amendment RA 169).
- 5.36 In order to provide clarity as to what will be required in order to inform the visual assessment of a proposed wind energy development, in the interest of consistency I

agree with the Council that it is appropriate for Policy RED 2 to reflect Paragraph 1.3.31 of the BPG to PPS 18 by stating that a landscape and visual impact assessment, including photomontages, may be requested by the Council (Recommended Amendment RA 170).

- 5.37 Policy RED 3 relates to solar farms. As accepted by the Council, in the interest of coherence, for instance to have a consistent approach to that contained within GDP 7 and Policy OS 4, it should also be stated within criterion (iv) of Policy RED 3 that there shall not be an unacceptable loss of HNV as well as BMV lands (Recommendation RA 172). This policy is not saying no loss but rather that it has to be at an acceptable level. Whether or not land is considered BMV is subjective however the Council are advised by DAERA. Calls were made for an increased time limit for solar development however it should be consistent with other renewable development and this would avoid the presence of obsolete apparatus as the technology evolves. Like for other renewable development proposals, a developer could present the case when submitting a proposal to secure a longer time period.
- 5.38 There is a duplication between criterion (viii) of Policy RED 4 Anaerobic Digestors (AD) and the general criteria (a-f) contained within Policy RED 1. As accepted by the Council, for coherence, criterion (viii) of Policy RED 4 should therefore be deleted. This should be replaced by the test that it will not result in damaging impacts on human health, as well as sensitive habitats, wider biodiversity and ecosystem resilience, through increased ammonia emissions (Recommended Amendment RA 173). I agree with this new criterion proposed by the Council to take account of Paragraph 6.224 of the SPPS, Paragraphs 6.1, 6.16-6.23 of Draft Supplementary Planning Guidance to PPS 18 Anaerobic Digestion and Paragraphs 5.2.3-5.3.7 of BPG to PPS 18 which the Council intend to retain.
- 5.39 In terms of hydro-electric schemes (Policy RED 5), in the interest of consistency and coherence, as accepted by the Council, it should be stated that unacceptable as opposed to significant adverse impact should be avoided (Recommended Amendment RA 174). This takes account of Paragraph 6.224 of the SPPS. For consistency and as accepted by the Council, this term should also be used within the justification and amplification text at Paragraph 24.18 (Recommended Amendment RA 177). For consistency, I accept the Council's recommendation that a new criterion should also be added that any structure shall have no unacceptable adverse impact on visual amenity or landscape character thus reflecting Paragraphs 5.3.2-5.3.7 and 5.4.1 of the BPG to PPS 18 (Recommended Amendment RA 174). This would result in a coherent approach being adopted in relation to wind and solar renewable development as well as respond to the potential scale of such development. In terms of concern in relation to the impact of hydroelectric schemes on fish, expert bodies including the Loughs Agency, NIEA (NED, Water Management Unit) have been consulted on the dPS to ensure that the policy provides appropriate protection for the natural features, species and habitats. Criterion (ii) of Policy RED 5 requires that it be demonstrated that there is no unacceptable adverse impact on fish, water birds and other water-

dependent wildlife. It would therefore be incumbent on a proposal to demonstrate this especially if it involved an SAC river. Should a proposal for a hydroelectric scheme be submitted within the catchment of a flow gauging station, DfI Rivers would be a consultee and could then assess the full impact of the siting.

- 5.40 As accepted by the Council, the justification and amplification text within Paragraph 24.20 should reiterate the policy presumption against renewable energy development on active peat in Policy RED 1 thus taking account of Paragraph 6.226 of the SPPS, Paragraph 4.8 of PPS 18 and Paragraphs 1.3.2, 1.3.13 and 1.3.14 of the BPG to PPS 18. As accepted by the Council, for clarity, footnote 52 should provide greater detail as to what constitutes an active bog (Recommended Amendment RA 178). There is no need for footnote 53 to define what constituent imperative reasons of overriding public interest. The relevant regulations are quoted which is the same approach adopted in Paragraph 6.226 of the SPPS. It is also not necessary for the dPS to state that mitigation measures will be secured by way of planning condition or a Section 76 Agreement as this is common practice. It is appropriate for proposals for the co-location of solar and wind farms to be assessed on a case-by-case basis, rather than being promoted within the dPS, as wind energy development proposals may be located in upland locations and the addition of a solar farm may increase its prominence.
- 5.41 Having taken account of the provisions within the SPPS, PPS 18 including its Best Practice Guidance, Draft Supplementary Planning Guidance-Anaerobic Digestion, SPG Wind Energy Development in NI Landscapes and given the assessed capacity of their landscape, the Council have set out a coherent and robust evidence base for their approach. The renewable energy section of the dPS as amended will ensure that the Plan is sound.

Development and Flooding

- 5.42 Chapter 25 of the dPS deals with development and flooding. As accepted by the Council, in the interest of clarity, the context section of the chapter should reinforce the necessity to discourage development that would be at risk of flooding now or which may become a risk due to climate change (Recommended Amendment RA 180). Paragraph 25.12 sets out the Council's LDP Strategy for Development and Flooding. As well as stating that there is to be a precautionary approach to development within flood-prone areas, taking account of expert advice and as accepted by the Council, it is also appropriate for clarity to state that this would also include areas which may become at risk to climate change (Recommended Amendment RA 181). There is no need to further state that the LDP will not bring forward sites or zone land that may be susceptible to flooding, now or in the future due to climate change as this is already implicit within the dPS as amended. The dPS approach to flooding aligns with the Flood Risk Management Plan and the Areas of Potential Significant Flood Risk (Page 228, Document DS-500).
- 5.43 Policy FLD 1 relates to development in fluvial (river) and coastal flood plains. Account should be taken of DfI's Technical Flood Risk Guidance in relation to Allowances for

Climate Change in Northern Ireland as well as expert responses. Therefore, as accepted by the Council, in the interest of consistency, 'plus climate change allowance' should be added after the time limits for both fluvial and coastal flood protection stated in the exception to Policy FLD 1 (a) as well as within the justification and amplification text (Recommended Amendment RA 182). The justification and amplification text in relation to defended areas states that the height of a flood defence to top level should include an allowance for freeboard. This is indicated to be normally between 300mm-600mm above the design flood level. Current expert advice however is that there should be 600mm above the design flood level and therefore the dPS should be amended accordingly. As the 'freeboard' allowance is for uncertainty and does not include any allowance for climate change, as accepted by the Council, the reference to it within Paragraph 25.27 of the dPS is misplaced and should be deleted in the interest of coherence (Recommended Amendment RA 183).

- 5.44 Paragraph 6.106 of the SPPS and Policy FLD 1 of PPS 15 (Revised) stress the importance to the wider flood management system of flood plains storing and conveying flood water during flood events. It is stated that development in flood plains should be avoided where possible, not only because of the high flood risk and the increased risk of flooding elsewhere, but also because piecemeal reduction of the flood plains will gradually undermine their functionality. As a result, it is added that built development must not be permitted within the flood plains of rivers or the sea unless in a number of identified circumstances. The dPS reflects this approach. For the reasons identified above, it would not be appropriate for the dPS to allow for proposals on undeveloped protected greenfield sites within the settlement limit, even if it can be demonstrated that redevelopment of the site would not lead to increased flood risk on a subject site or surrounding area. It would be a major unsubstantiated departure from regional policy and would be contrary to the advice of the competent authority. Numerous recent examples of the occurrence of flooding were also cited by the Council at the IE, therefore reinforcing the need for a broad precautionary approach. Policy HOU 3, whilst supportive of compact urban forms, is not supportive of housing on greenfield sites within a floodplain and therefore there is no conflict within the dPS in relation to this matter. The merits of any particular site will be considered at the LPP stage.
- 5.45 As accepted by the Council, Policy FLD 3 Development and surface water (pluvial) flood risk outside flood plains and its justification and amplification text should be consistent with Policy GDPOL 1 in terms of SuDS being a requirement in all development (Recommended Amendment RA 184). In the interest of consistency and as accepted by the Council, Appendix 4-Development and Flooding Annexes and Document DS-237 should be amended to reflect current legislation and guidance changes since the dPS was published in 2019 as well as factual inaccuracies (Recommended Amendment RA 187).
- 5.46 The Natural Environment chapter within the dPS provides sufficient guidance as to how an artificial modification of a watercourse would be assessed within environmentally designated sites. The Council provided evidence that any

consents/licenses that must be obtained prior to the approval of a proposal would be addressed during the processing of a planning application (Page 223, Document DS-500). The dPS currently provides appropriate guidance on the requirement of the statutory authority to have working space for maintenance and potential reconstruction of existing defences.

- 5.47 As accepted by the Council, in the interest of consistency, Policy FLD 5 Development in Proximity to Controlled Reservoirs should take full account of Policy FLD 5 within PPS 15 (Recommended Amendment RA 185). In the interest of coherence, Paragraph 25.80 should also be amended to change all references of risk to consequence as it is only the consequence of reservoir fail that are considered as opposed to the probability of such failure (Recommended Amendment RA 186).
- 5.48 To conclude, the Council's evidence base is robust. They have taken account of representations, including those made by the competent authority, as well as the policy and guidance issued by the Department. The development and flooding section of the dPS as amended will ensure that the Plan is sound.

6.0 PLACE-MAKING AND DESIGN VISION

Place-Making & Design Vision for Development in the District

- 6.1 Chapter 26 of the dPS sets out the Council’s design and place-making vision for the LDP which is to be delivered through the hierarchy of Place-making and Design Objectives (PDOs), Place-making and Design Principles (PDPs) and Strategy Design Policies (SDPs). Paragraph 26.4 of the dPS explains the role of each level of the hierarchy with each tier drawing influence from the tier above. The PDOs, PDPs and SDPs are part of the plan and are not material considerations. They are therefore considered under the LDP limb of the legal tests and give effect to the plan led system. They may however be outweighed by other material considerations. Therefore for coherence, Paragraph 26.5 of the dPS, which states that they are to be material considerations, should be amended (Recommended Amendment RA 188). It is accepted that the weight attached to them in specific circumstances will be determined on a case-by-case basis. Whilst there is a degree of repetition, it is accepted that this is not unusual as the principles and policies within the dPS have to consistently flow. They have appropriately taken into account Departmental publications including the RDS, SPPS, PPS 3, PPS 6 and its Addendum on ATCs, PPS 7, PPS 21, Living Places and Building on Tradition. Criticism was made in relation to the retention of Creating Places as a SPG however this is still useful when assessing housing development proposals. The Council however have given an undertaking to review, adopt, update and tailor the suite of SPGs to local circumstances if necessary and appropriate (Page 231, Document DS-500). The Council also took into account the DAP and SAP as well as the five Conservation Area Design Guides together with the Council’s Community Plan, Green Infrastructure Plan 2019-2032, The One Plan, Ebrington’s and Fort George’s Development Frameworks and the Strategic Riverside Masterplan. The Council also commissioned three separate place-making urban design studies for Derry city, Strabane and the four local towns (Castlederg, Newtownstewart, Eglington and Claudy). These informed the Council’s dPS which seeks to promote enhanced design which delivers iconic development and successful place-making (Paragraph 4.2, Document DS-238). Their approach is comprehensively set out within their evidence base, particularly Documents DS-238 Place Making and Design, Urban and Rural Design and DS-239 Derry and Strabane Settlement Studies. The Settlement Studies in particular set out a series of urban design and placemaking recommendations unique to each of the settlements. It is therefore not accepted that the dPS has not addressed the local specificity of design within the area.
- 6.2 Place-making and Design Principle 1 (PDP 1) Retain the Historic Fabric states that retention of older buildings and structures should not only apply to landmarks, listed buildings and conservation areas but also to ordinary buildings that contribute positively to place, identity and character. Rather than requiring all ordinary buildings to be retained, it is apparent that the principle seeks an assessment to be made in terms of the value that the building makes to allow it be retained where appropriate. It is not accepted that there is a contradiction between the Council’s approach to the

Natural Environment, contained within Chapter 21 of the dPS, and that within Place-making and Design Principle 5 Capitalise upon Natural Assets. This principle seeks to ensure that these are regarded as integral assets that increase the environmental, social and economic value of the place in question. In the interest of clarity, PDO 2 Enhance the value of the Natural Environment should however highlight the Council's intention to publish a SPG on biodiversity net gain and ecological enhancement through design (Recommended Amendment RA 189).

- 6.3 Concern was raised in relation to what level of pedestrianisation, cycling and public transport would be prioritised over car-based development in the decision-making process under Place-making and Design Principle 7. This approach is however reflective of the need to take such matters into account in all decision-making, for instance within Policy TAM 7 which deals with the needs of pedestrians and cyclists. The Department's Parking Standards are to be included within the review of the SPGs being carried out by the Council so that they accord with the dPS (Page 232, Document DS-500). As the principle seeks to incorporate sustainable transport into designs, for clarity and as accepted by the Council, it is appropriate that its title reflects this, removing references in the text to a transport hierarchy (Recommended Amendment RA 190).
- 6.4 Place-making and Design Principle 15 Working Together refers to how collaboratively working can be key to successful place-making across the district. As the Council utilises DfC's Ministerial Advisory Group (MAG) on the Built Environment during the determination of planning applications for major new buildings and consider local artists and community groups to be examples of stakeholders, for clarity and as accepted by the Council, this should be identified within the dPS (Recommended Amendment RA 191).

Place-Making & Design Vision/Policy for Local Towns, Villages and Small Settlements

- 6.5 Paragraphs 29.2, 30.2 and 31.2 within the dPS sets out the general strategic design policy to be adopted within local towns, villages and small settlements. For coherence with the earlier chapters of the dPS and as accepted by the Council, this should be set out within policy boxes (Recommended Amendments RA 192-194).
- 6.6 The place-making & design vision section as amended will ensure that the Plan is sound.

7.0 SPECIALISED REQUIREMENTS, ETC.

Other Specialist Requirements

- 7.1 Paragraphs 37.3-37.5 of the dPS relate to airport safeguarding. Since the publication of the dPS, there have been a number of circulars/guidance documents published on the control of development in airport public safety zones. For clarity and as accepted by the Council, it should be stated within the dPS that these will be material considerations in appropriate circumstances. It should also be added that issues regarding aviation noise will be considered under GDPOL 1 together with advice from Environmental Health and the ICCAN guidance. Issues in relation to the potential for major accidents will be dealt with in GDPOL 1 and Chapter 33 of the dPS (Recommended Amendment RA 196).

Supplementary Planning Guidance

- 7.2 Chapter 38 of the dPS sets out the supplementary planning guidance (SPG) that the Council is adopting as part of the PS. It is appropriate for the majority of the policy documents, identified within Appendix 6 of the dPS, to be supplementary planning guidance. The purpose of the guidance and the reasons for its retention/cancellation is clearly set out within the Appendix. The level of detail contained within these numerous documents is still required for decision-making and it is not feasible for a dPS to contain all these without becoming unwieldy. It is not accepted that their presence compromises the plan-led system. For clarity and as accepted by the Council, it is appropriate to amend Paragraph 38.1 of the dPS to state that these documents will remain in place unless such times as they are revised or replaced by the Council (Recommended Amendment RA 197). The Council have however identified various elements of PPSs which they wish to retain as supplementary planning guidance, for example, Annex A of PPS 7 (Addendum) Residential Extensions and Alterations. For coherence and clarity, however, I recommend that this information be replicated in the PS (Recommended Amendment RA 198).

Glossary/Terms & Abbreviations

- 7.3 Where definitions of terms are used within the plan, for consistency and coherence, these should be included in the glossary section (Appendix 7) of the dPS (Recommended Amendment RA 200).

8.0 RECOMMENDED AMENDMENTS

- 8.1 Following consideration of the representations received in relation to the dPS, the Council proposed a number of changes to the dPS. In considering the representations, and the extent and nature of the proposed changes required, the Council took account of Development Plan Practice Note 10: Submitting Development Plan Documents for Independent Examination. As well as the Council identifying minor and focused changes as per DPPN 10, they also identified several other changes which they considered to represent logical and rationale amendments to a policy or policy clarification in response to representations received during the consultation period. The latter changes were considered by the Council not to be minor changes, nor did they consider them to be required to make the plan sound.
- 8.2 To ensure that all interested parties had an opportunity to comment, all proposed changes were included in the Schedule of Proposed Changes (Document DS 001a, November 2021) which was consulted on for an 8-week period from 9th December 2021-3rd February 2022. The Council advised the parties that comments were only to address the soundness of the proposed changes. All comments received were made available for public inspection and placed on the Council's website. I am therefore satisfied that the public has had an appropriate opportunity to comment on the proposed changes. An Equality Impact Screening Report Addendum (Document DS-104a), Sustainability Appraisal Report Addendum (Document DS-101a), Habitats Regulations Assessment Addendum (Document DS-103a) and Rural Needs Impact Assessment Addendum (Document DS-105a) were all carried out on the proposed changes.
- 8.3 As a result of the public consultation exercise detailed above, 26 PC comments were received. These were considered in the Council's Public Consultation Report (Pages 243-266, Document DS-500). In preparation for the IE, the Council also undertook a review of the dPS including the Proposed Changes and PC Comments. As a result of this review, the Council identified a number of Further Changes (FCs). These Further Changes were presented within an updated Document DS-001a as part of the IE process.
- 8.4 Where relevant to the matter being discussed, the proposed changes were raised at the IE. At the opening of the IE, which was conducted remotely via YouTube which any party was permitted to view, I alerted all parties of the need to regularly review the Commission's website for developments in relation to the IE. Towards the end of the IE hearing sessions, the Council issued a consolidated list of suggested proposed changes, to reflect the Council's final position on matters discussed in the open forum of the IE. All parties who had indicated that they wanted to participate had an opportunity to comment. 'Matters Arising' from the IE sessions were published on a weekly basis on the Commission's website. Parties had an opportunity to contact the Commission if they considered that the 'Matters Arising' did not accurately reflect what was discussed at the relevant hearing session. No comments were received. The

availability of the questions prior to the IE, which were posted on the Commission's website well in advance of the hearing sessions, allowed all parties to be aware of the focus of discussions and any other matters could have been raised in advance or at the hearing sessions.

- 8.5 Section 10(8) of the Act states that the person appointed to carry out the examination must make recommendations and give reasons for the recommendations. As the purpose of the Independent Examination is to determine whether the dPS satisfies the relevant legal requirements and if it is sound, I have only made and justified recommendations in relation to proposed changes that are required to make the plan sound (Appendix 4). Other changes, including minor editing changes, are matters for when delivering the final version of the PS.

9.0 CONCLUSION

- 9.1 Having reviewed all the evidence presented I am satisfied that the Council has met the relevant legal requirements and the procedural tests required at this stage in the process. The Council has taken account of the Regional Development Strategy, its Community Plan, policy and guidance issued by the Department and such other matters prescribed by the Department such as the relevant Development Plan Practice Notes and revised HGIs. It has also had regard to other information and considerations which it considered to be relevant. As a result, I am satisfied that Section 8 of the Planning (NI) Act 2011 has been complied with.
- 9.2 Subject to the amendments identified, the dPS satisfies the procedural, consistency, coherence and effectiveness tests of soundness contained within DPPN 6. The plan is therefore sound.
- 9.3 Therefore, subject to the amendments identified within this report, the dPS satisfies the requirements of Section 10(6) of the Act.

Planning Appeals Commission

4th Floor

92 Ann Street

Belfast

BT1 3HH

Telephone: (028) 9024 4710

Website: www.pacni.gov.uk

E-mail: info@pacni.gov.uk

Development Plan Practice Note 6: Tests for Soundness

Procedural tests

P1 Has the DPD been prepared in accordance with the council's timetable and the Statement of Community Involvement?

P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?

P3 Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?

P4 Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?

Consistency tests

C1 Did the council take account of the Regional Development Strategy?

C2 Did the council take account of its Community Plan?

C3 Did the council take account of policy and guidance issued by the Department?

C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Coherence and effectiveness tests

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

CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base

CE3 There are clear mechanisms for implementation and monitoring

CE4 It is reasonably flexible to enable it to deal with changing circumstances.

Matters Arising Documents

<u>Document Reference</u>	<u>Document</u>
MA001.A	List of SA Legal Authorities
MA001.B	R (Friends of the Earth England, Wales and Northern Ireland Limited) v The Welsh Ministers [2015] EWHC 776 (Admin) (paragraphs 88(iv), (v), (vi), (xiii))
MA001.C	Ashdown Forest Economic Development v Wealden District Council [2015] EWCA Civ 681 (paragraph 42)
MA001.D	Ashdown Forest Economic Development v Wealden District Council [2014] EWHC 406 (Admin) (paragraph 90)
MA001.E	R (RLT Built Environment) v Cornwall Council [2016] EWHC 2817 (Admin) (paragraph 46)
MA001.F	Heard v Broadland District Council [2012] EWHC 344 (Admin) (paragraph 12, 66, and 67)
MA001.G	Save Historic Newmarket Limited v Forest Heath DC [2011] EWHC 606 (Admin) (paragraph 16)
MA001.H	R (Friends of the Earth) v Heathrow Airport [2020] UKSC 52 (paragraphs 66, and 141 – 147)
MA002	Further changes to be made to the Schedule of Proposed Changes as consulted upon between December 2021 and February 2022
MA003	Retail Capacity Study Update August 2023
MA004	Further changes to be made to the Schedule of Proposed Changes - Updated 15th September 2023
MA005	Further changes to be made to the Schedule of Proposed Changes - Part 2 - September 2023
MA006	15 Yr Social Housing Need Assessment to 2032, December 2018
MA007	Consolidated further changes to be made to the Schedule of Proposed Changes (including Part 1 & Part 2 and the offered Changes at IE 3rd October 2023)

Appendix 3: Schedule of Submitted Documents

Derry City and Strabane District Council LDP - Submission of Draft Plan Strategy for Independent Examination Schedule of Documents		
Reference	Document Name	Date
DS-000	LDP dPS Formal Submission Letter & Submission Document Library	May-22
Draft Plan Strategy (dPS)		
DS-001	LDP Draft Plan Strategy	Dec-19
DS-001a	Draft Plan Strategy - Schedule of Proposed Changes	Nov-21
DS-002	LDP Draft Plan Strategy Summary	Dec-19
Draft Plan Strategy Assessments		
DS-100	LDP Draft Plan Strategy - SA Scoping Report	Dec-19
DS-101	LDP Draft Plan Strategy - Sustainability Appraisal (SA)	Dec-19
DS-101a	LDP Draft Plan Strategy - Sustainability Appraisal (SA) - Addendum	Nov-21
DS-102	LDP Draft Plan Strategy -Sustainability Appraisal Non-Technical Summary	Dec-19
DS-103	LDP Draft Plan Strategy - Habitats Regulations Assessment (HRA or AA)	Dec-19
DS-103a	LDP Draft Plan Strategy - Habitats Regulations Assessment (HRA or AA) - Addendum	Nov-21
DS-104	Equality Impact Assessment Report (EQIA)	Dec-19
DS-104a	Equality Impact Assessment Report (EQIA) - Addendum	Nov-21
DS-105	Rural Needs Impact Assessment (RNIA)	Dec-19
DS-105a	Rural Needs Impact Assessment (RNIA) - Addendum	Nov-21
Draft Plan Strategy Evidence Base Papers		
DS-200	EVB 2 Survey & Profile of the Derry City and Strabane District	Dec-21
DS-201	EVB 3 Policy Context for the LDP	Dec-19
DS-202	EVB 4 LDP Vision and Objectives	Dec-19
DS-203	EVB 5 LDP Growth Strategy for the Derry City and Strabane District	Mar-22
DS-204	EVB 5a UUEPC Report	Oct-16
DS-205	EVB 5b UUEPC Update	Oct-18
DS-206	EVB 5c Economist Comments on Revised HGIs	Oct-19
DS-206a	EVB 5d UUEPC Update Review of LDP Growth	Jul-21
DS-206b	EVB 5e UUEPC Economy Review of DC&SD	Mar-22
DS-207	EVB 6 LDP Spatial Strategy - Settlements	Mar-22
DS-208	EVB 6b LCA Review	Dec-19
DS-209	EVB 6c Development Pressure Analysis	Dec-19
DS-210	EVB 7 General Development Principles & Policies	Dec-19
DS-211	EVB 9 Economic Development	Dec-21
DS-212	EVB 9a Economic Development Land Monitor	Dec-21
DS-213	EVB 9b Economic Development Land Evaluation Report	Dec-19
DS-214	EVB 10 City / Town Centres, Retailing, Offices, Leisure and Other Uses	Dec-21
DS-215	EVB 10a Retail Capacity Study (Part a)	Nov-18
DS-216	EVB 10b Retail Capacity Study (Part b)	Nov-18
DS-217	EVB 11 Transport and Movement	Dec-21
DS-218	EVB 11a North West Transport Study (3 Parts)	Nov-21
DS-219	EVB 11b District Parking Strategy	Dec-19
DS-220	EVB 12 Tourism Development	Dec-21
DS-221	EVB 13 Minerals Development	Dec-21
DS-222	EVB 14 Signs & Outdoor Advertising	Dec-21
DS-223	EVB 15 Agriculture & Other Development in the Countryside	Dec-21
DS-224	EVB 16 Housing in Settlements and in the Countryside	Dec-21
DS-225	EVB 16a Urban Capacity & Windfall Study	Dec-19
DS-226	EVB 16b HMO Study	Dec-19
DS-227	EVB 17 Open Space, Sport & Outdoor Recreation	Dec-19
DS-228	EVB 17a Councils Pitches Strategy- Part 1	Jun-18
DS-229	EVB 17b Councils Pitches Strategy- Part 2	Nov-18
DS-230	EVB 18 Community Infrastructure	Dec-19
DS-231	EVB 19 Utilities Development	Dec-21
DS-232	EVB 20 Waste Planning	Dec-21
DS-233	EVB 21 Natural Environment	Dec-19
DS-234	EVB 22 Coastal Development	Dec-19
DS-235	EVB 23 Historic Environment	Dec-21
DS-236	EVB 24 Renewable and Low Carbon Energy Development	Dec-21
DS-237	EVB 25 Development and Flooding	Dec-19
DS-238	EVB F Place-Making And Design Vision	Dec-19
DS-239	EVB Fa Place-Making Study (Part a & Part b)	Sep-19
DS-240	EVB Fb Sion Mills Regeneration Plan	Mar-20
DS-241	EVB G Specialised Requirements, Etc.	Dec-19
DS-242	EVB 40 Technical Monitoring Report	Dec-21
Studies		
DS-300	Housing Monitor Reports 2004-2017: https://www.derrystrabane.com/Subsites/LDP/Local-Development-Plan	Online Only
DS-301	Housing Monitor 2019-2021 Summary Report	Dec-21
DS-302	City/Town/District Centres Occupancy Study, 2021	Dec-21
Draft Plan Strategy Representations, C-Reps & PC Comments		
DS-400	Spreadsheet of Reprs, Counter-Reprs & PC Comments (Sheet 1 Printed, Sheet 2 e-version only)	Mar-22
DS-401	Copy of all dPS Representations, C-Reprs & PC Comments (Redacted)	Mar-22

Appendix 3: Schedule of Submitted Documents

dPS Public Consultation Report		
DS-500	LDP dPS Public Consultation Report - Consideration of Issues Raised in Reps, C-Reps & PC Comments	Dec-21
Soundness		
DS-600	Self-Assessment of Soundness Statement (SASS)	Mar-22
DS-600a	Approval of LDP Stages by the Council, DfI & PAC	Dec-21
DS-600b	Public Notices & Website for LDP Stages	Dec-21
DS-600c	Consultation Evidence for LDP Stages	Dec-21
DS-601	Consultation Letters re SEA & HRA	Dec-21
DS-602a	Statement of Community Involvement (SCI)	Jul-16
DS-602b	Statement of Community Involvement - Revision 1	May-18
DS-602c	Statement of Community Involvement - Revision 2	Oct-21
DS-602d	Statement of Community Involvement - Compliance Report	Dec-21
DS-603a	LDP Timetable	Jul-16
DS-603b	LDP Timetable - Revision	May-18
DS-603c	LDP Timetable - Revision	Jul-19
DS-603d	LDP Timetable - Revision	Nov-21
DS-604	Impact of Brexit & Covid on LDP	2021
DS-605	Climate Change & LDP	2021
Preferred Options Paper		
DS-700	Preferred Options Paper	May-17
DS-701	Preferred Options Paper Summary	May-17
DS-702	Sustainability Appraisal- Scoping Report	May-17
DS-703	Sustainability Appraisal- Interim Report	May-17
DS-704a	LDP Interim POP Representations Report	Nov-17
DS-704b	LDP POP Representations Schedule	Nov-17
DS-705	LDP final POP Representations Report	Dec-19
DS-706	LDP POP EQIA Interim Report	May-17
DS-707	LDP POP Rural Proofing Baseline & Interim Report	May-17
Other Strategies & Documents		
DS-800	Derry Area Plan 2011 (Main Volume)	May-00
DS-800a	Derry Area Plan 2011 - Maps	May-00
DS-800b	Derry Area Plan 2011 - Map FL 1 (Designated Flats Zone)	May-00
DS-801	Strabane Area Plan 2001	Jan-89
DS-802	Community Plan - Strategic Growth Plan for DC&SD	Nov-17
Post-Submission Documents		
DS-900	Submission Addendum to DfI Planning	Aug-22

Appendix 4: Schedule of Recommended Amendments

Recommended amendment number	Council's amendment number (if applicable)	Page number	Draft policy, paragraph or section within the Draft Plan Strategy	Recommended amendment
LDP Vision and Objectives				
RA 01		45	Objectives (a) (ii) and (iii)	Add 'residential uses' to the list of identified land uses
RA 02	PC 08 (FC 07A)	47	Para d (i)	Amend wording to Objective d (i) line 4, to '...more tree cover (in the correct locations and of an appropriate type)
Growth Strategy for the Derry City and Strabane District				
RA 03	PC 09	52	Table 6	Change the heading of table to 'Table 6: Overall Growth Strategy for District following LDP POP Stage'
RA 04	FC 08	52	Para 5.7	Amend the preceding introductory paragraph as follows: 'In the POP, three 'Growth Strategy' Options were identified regarding the scale of target growth for the Council's District to 2032. That Growth Strategy focused on three key aspects, namely population, jobs and houses; similar options are summarised in the table below and explained in the following text:'
	PC 10	54	Para 5.15	At the end of bullet point 3, insert sentence 'Additionally, to have a sustainable and secure energy infrastructure to meet the needs of the District and Region'
Spatial Strategy for the Derry City and Strabane District				
RA 05	PC 11	64	Para 6.18	Amend the first two sentences as follows: 'Local Landscape Policy Areas (LLPAs) will be identified and defined at LPP Stage. These consist of known features and areas of greatest amenity value, landscape quality or local significance, in terms of natural and historic environment, within or close to settlements. New LLPAS identified at LPP stage will replace...'
	FC 10			Amend the second last sentence, as follows: 'Areas of Townscape / Village Character (ATCs / AVCs) may also be defined, to protect areas of quality built-form and layout, as well as natural features (see Policy HE 6)'
RA 06	FC 10A	65	Designation AHLI 1	Insert the word 'adversely' at the start of the 4 th line, to read: 'The LDP PS also designates Areas of High Landscape Importance (AHLIs). AHLIs will

Appendix 4: Schedule of Recommended Amendments

				cover key coastal, river valley and settlement settings in our District (See PS Proposals Map 2). Proposals that would adversely affect or adversely change either the quality or character of the landscape within the AHLIs will not normally be permitted (see Policy NE 7)'.
General Development Principles & Policies				
RA 07	PC 14	73	After Para 7.4	'In accordance with Part 2, Section 6(4) of the 2011 Planning Act, this LDP will be the prime document to be used in deciding on planning applications for this District, unless material considerations indicate otherwise. All development proposals will be assessed against the relevant policies in this LDP, which need to be read together 'in the round', including the relevant General Development Principles, Policies GDPOL 1 & 2 and the relevant topic or location-specific policies. Other material considerations to be taken into account include the Regional Development Strategy (RDS 2035), the SPPS and the UK Marine PS and Marine Plan for NI, where relevant.'
RA 08	PC 15	74	GDP 1	Amend Part iv of GDP 1, 2 nd line to read '... net gain, protect the District's Natural, Coastal and Historic Environments and particularly their associated designations and protect...'
RA 09	PC 16	74	GDP 1	On the 3 rd line, change the word 'must' to 'should'
RA 10	PC 18	74	GDP 1	Part iv, line 1, amend by removing the word 'significant'
RA 11	PC 19	74	GDP 1	Amend part iv of GDP 1 to read 'development to work with natural environmental processes to prevent the loss of biodiversity...' Amend part x of GDP2 to add the phrase 'incorporating biodiversity net gain' after the text in brackets. In GDP 6 alter the final paragraph, 1 st line, to read 'Development proposals are required to incorporate biodiversity net gain and to be sensitive to all protected species...'
RA 12	FC 14	77	GDP 2	Amend the start of part x, to the following: 'working with natural environmental processes through promoting green infrastructure, including enhanced tree-planting, the use of ...'

Appendix 4: Schedule of Recommended Amendments

RA 13	PC 19	77	GDP 2	Amend part iv of GDP 1 to read 'development to work with natural environmental processes to prevent the loss of biodiversity...' Amend part x of GDP2 to add the phrase 'incorporating biodiversity net gain' on the second line. In GDP 6 alter the final paragraph, 1 st line, to read 'Development proposals are required to incorporate biodiversity net gain and to be sensitive to all protected species...'
RA 14		82	GDP 4 (iii)	Insert at the end of the 1 st sentence 'and they are environmentally sensitive'.
RA 15	PC 19	85	GDP 6	Amend part iv of GDP 1 to read 'development to work with natural environmental processes to prevent the loss of biodiversity...' Amend part x of GDP2 to add the phrase 'incorporating biodiversity net gain' after the text in brackets. In GDP 6, alter the final paragraph, 1 st line, to read 'Development proposals are required to incorporate biodiversity net gain and to be sensitive to all protected species...'
RA 16	PC 22	86	GDP 7	Amend part ii to: 'avoidance of loss of High Nature Value (HNV) areas, as well as of Best and Most Versatile (BMV) agricultural land.'
RA 17	PC 179	87	Para 7.47	Amend last sentence of para 7.47 to read as follows: '...are identified to enable effects to be considered, avoided or mitigated, using the 'mitigation hierarchy'. The prospect of mitigation should not be used as a justification for the development's location in the first place. Developers must refer to the mitigation hierarchy and seek to avoid impacts as a first principle.'
RA 18	PC 08 – as above	92	Para 7.61	Add a sentence at end of para 7.61, that 'It is also important to have a strategic approach to woodland expansion, one that is well integrated with the landscape features, peatland restoration, proximity to dwellings, rural communities and other land use planning considerations.'

Appendix 4: Schedule of Recommended Amendments

RA 19	PC 26	93	Para 7.70	Amend the 4 th line to ‘... Therefore, in order to expressly implement the key aspects of the General Development Principles, Policies GDPOL 1 and GDPOL 2 will apply to all planning applications. These policies should be taken as the essential criteria that must be met by all development proposals, subject to their relevance to a given proposal. All applicants will be required to submit a proportionate level of information to demonstrate compliance, and hence that it is an acceptable development proposal. (The Council will provide implementation guidance for applicants / developers.)’
RA 20	PC 28 PC 15 – as above	93	GDPOL 1	At the end of part v, insert wording: ‘... not feasible, aiming for the development to be carbon-neutral or carbon-negative as far as possible;’ Insert corresponding reference into part vii of GDPOL 1 to reference Coastal Development Chapter. ‘...as set out in the Natural Environment and Coastal Development Chapters’.
RA 21	PC 29	93	GDPOL 1	Add a new part xi: ‘the development does not cause a net loss of biodiversity. Preferably, biodiversity net gain will be incorporated into the development in a manner that is proportionate to the type and scale of development and the presence of existing valuable habitats and species in the area.’
RA 22	PC 30	93 103	GDPOL 1 Para 7.116	Add a new part xii: ‘the development does not have a significant adverse impact on human health and wellbeing, and preferably that it enhances it.’ Insert a new point xiii of GDPOL 1 to read: ‘there will be no significant adverse impact on human health or the environment by increasing the likelihood of a major accident or significantly increasing the consequences of such accidents (see also Chapter 33)’. Add text to paragraph 7.116 of General Development Principles & Policies: ‘applicants should follow the guidance and Practice Note by DAERA Regulation Unit, Land & Groundwater Team (see DAERA website).’
Economic Development				
RA 23	PC 37	113	After para 9.6	Insert a new paragraph after para 9.6: ‘There are also a number of sub-sector ‘economies’, all of which can be

Appendix 4: Schedule of Recommended Amendments

				<p>accommodated and indeed encouraged, within the ED policies and designations; these include the 'Green Economy', 'Circular Economy', as well as the 'Social Economy'. The requirement for SuDS, for renewable energy and the incorporation of sustainable design principles in all future proposals are some examples of how the dPS includes measures which would encourage the Green Economy. The Circular Economy is largely referenced and addressed within the 'Waste' Chapter 20 – see its footnote for definitions. Similarly, the Social Economy is accommodated through a range of aspects, such as considering disadvantage, city/town centre uses policies, locally-based business units and encouragement of social clauses. It is recognised that all of these 'economies' play an important part in achieving sustainable economic growth.'</p>
RA 24	FC 21	114-117	Tier 1 – Tier 5 Designation boxes	Remove the 'Relevant Planning Policies' from each of the Designation boxes.
RA 25	PC 41A	114	Para 9.9	Insert additional sentence at the end of Para 9.9: '... as set out above. It is also important that there should be a range of sites and locations, to be transport-accessible and to meet local needs, including addressing disadvantage / social exclusion (TSN / PSI). Therefore, whilst there is generally an adequate quantity of Economic Development land across the district, some limited localised additional provision may be required, to be identified at LDP Local Policies Plan stage'.
RA 26	PC 41B	116	GEDA Designation Box	<p>At the end of the 1st paragraph, amend wording to '... under the Chapter 10 policies.'</p> <p>Amend the 1st sentence of the 2nd paragraph to 'The Economic Development Land Monitor and evidence base concludes that we have more than sufficient land in terms of quantity, other than in Strabane town. Strategically, it is...'</p> <p>At the end of the 2nd paragraph, add the words '... taking advantage of key infrastructure, including the main transport routes.'</p> <p>Amend the 1st sentence of the 3rd paragraph to 'There is no overall strategic need for additional or expanded GEDAs through the LDP;...'</p>

Appendix 4: Schedule of Recommended Amendments

RA 27	PC 41C	117	NEDA Designation Box	At the end of the main paragraph, insert ‘...section of the city. Strategically, it should be located on the mid-outer area of the Buncrana Road, with its scale and nature and boundary to be decided at the LDP Local Policies Plan stage, taking account of the existing ED land supply in the area and adequate to meet local-specific and accessible-employment requirements.’ Also, strengthen EVB 9 re this NEDA.
RA 28	PC 43 PC 44	118	ED 1 Para 9.13	Amend the start of part h to read ‘the site layout will be designed and landscaped as far as possible, that supports ...’ Insert words at end of Para 9.13: ‘... parking arrangements, including a transport assessment where appropriate (see Policy TAM 6 for details.)’
RA 29	PC 45	118	Para 9.13	At the start of para 9.13, insert words to read, ‘In facilitating new and extended economic development uses,...’
RA 30	PC 46	119	ED 2	Amend 1 st line of ED 2 to read ‘Proposals for Class B1(a) and B1(b) (business uses as offices and call centres and also B1(c) (Research & Development) (where the main use is an office) will be permitted...’
RA 31	PC 47	119	ED 2	In the 5 th line, amend to ‘Elsewhere in the city and towns...’ After bullet point (iii), insert a sentence: ‘Where a development proposal for Class B1 business use satisfies the above criteria, applicants will be expected to demonstrate that an edge of town centre location is not available before a location elsewhere in the urban area is considered.’ Amend the end of the final sentence of ED 2 to ‘...200 sqm gross.’
RA 32	PC 48	119-120	Para 9.20	Amend the wording of paragraph 9.20, as follows: ‘The development of Derry city centre is a key element of delivering the SGP and the LDP’s economic strategy. Key to this is directing appropriate economic development proposals, such as office development, to the city / town centres and also ensuring there is provision to allow for a supply of such development over the LDP period. Derry and Strabane city / town centres (as well as the other town centres, proportionately) present the most sustainable locations for office development in the district. Most small to medium-sized offices, call centres and

Appendix 4: Schedule of Recommended Amendments

				office-type R&D businesses should be able to be accommodated within the existing or new buildings in these centres. Therefore, new business uses should locate within town centre boundaries first, or specific locations identified for business use. (The LDP Local Policies Plan will identify certain other specific locations i.e. Economic Development Areas, or parts thereof, where these ED 2 offices will be acceptable.) Outside of these areas, ...'
RA 33	PC 49	121	ED 3	In ED 3, in sub-heading on the 5 th line of page 121, insert an 's' to end of '... Settlements'
	FC 23	121	ED 3	In ED 3, under (b) Villages and Small Settlements, amend the end of criteria (i) as follows: '(i) the land is identified as a Land Use Policy Area (LUPA) for economic development use. An exemption will apply to allow economic development in smaller settlements with no relevant LUPA, provided it complies with (ii) and (iii) below'.
			Para 9.23	Insert wording at end of Para 9.23: 'Consistent with Policy ED 2, if proposals for B1c (R&D) or B2 (Light) or even B3 (General) or B4 (S&D) are small to medium-scale, clean, compatible, etc., they are expected to locate in the city / town centres firstly, then edge-of-centres, or otherwise they can locate in an ED 3 area. These will be dealt with on a case-by-case basis and mindful of any potential unintended consequences from incompatible uses.'
RA 34	FC 24	122	ED 4	Replace the opening paragraph of Policy ED 4, to read as follows: 'Zoned Land in all Locations Development that would result in the loss of land or buildings zoned for economic development use in the LDP to other uses will not be permitted except: (a) where an essential need has been demonstrated and the proposed use is a small scale, complementary / ancillary use that meets the day-to-day needs of local employees or (b) where an essential need has been demonstrated, for development of a compatible sui generis employment use

Appendix 4: Schedule of Recommended Amendments

			Para 9.30	<p>that is of a scale, nature and form appropriate to the location.</p> <p>In the case of proposals under either (a) or (b), it must also be demonstrated that the approval of the proposal would not lead to a significant diminution of economic development / employment land either in the locality or in the District generally.'</p> <p>Within ED 4, within the section 'Unzoned Land in Settlements', amend part (h) as follows: '(h) where an essential need has been demonstrated, it is a small scale complementary / ancillary use that meets the day-to-day needs of local employees'.</p> <p>Amend the opening of J&A paragraph 9.30 to read as follows: 'Exceptionally, a small-scale complementary / ancillary use ...'</p> <p>At the end of 9.30, insert: 'Particular care is needed to avoid soft play areas, jump zones, care settings, etc. that can attract the public and vulnerable users such as children, those with disabilities, parent drop-offs, etc. that are incompatible with an Economic Development area. Therefore, to maintain the integrity of these areas, such non-compatible uses will only be approved in exceptional circumstances, where it can be clearly demonstrated that it is ancillary to the main use and would primarily meet the needs of the immediately nearby employees.'</p>
RA 35	FC 25	124	ED 5	<p>Within Policy Box ED 5, amend the four categories as follows:</p> <p>(a) development of a small rural community enterprise / centre, that needs to be located outside of a village or small settlement where the use will be associated with the settlement. Where practicable, an appropriate edge-of-settlement location will be favoured; or</p> <p>(b) small-scale Class B2, B3 or B4 business use / building adjacent to the main dwelling of business owner, provided they are of appropriate nature and design and meet other normal Planning and Environmental requirements; or</p>

Appendix 4: Schedule of Recommended Amendments

	PC 52	124 124-125	ED 5 Paras 9.33-9.38	<p>(c) re-development of an established economic development use or re-use of existing or redundant non-residential rural buildings, provided they meet the requirements set out in Paragraph 9.37 below; or</p> <p>(d) homeworking, provided they meet the requirements set out in Paragraph 9.38 below.</p> <p>Within ED 5, on the 1st line of the final paragraph, replace a word: 'Proposals for Category b development ...'</p> <p>Amend the J&A paragraphs: '9.33 In the interests of rural amenity and wider sustainability objectives, the extent of new buildings outside of settlement limits will be controlled and the sympathetic extension or re-use of existing buildings will be preferred. However, in some circumstances, it may be possible to justify a small-scale new build economic development use outside of a development limit, particularly where there is no suitable site within the settlement. Applicants will be required to demonstrate that they meet normal planning and other environmental considerations as set out in other chapters of this LDP.</p> <p>9.34 The guiding principle for policies and proposals for economic development in the countryside is to provide opportunities likely to benefit and sustain the rural community, while protecting or enhancing the character of the rural area. A number of economic development opportunities exist for small-scale economic development, home-working, appropriate re-development and re-use of rural buildings for a range of appropriate uses.</p> <p>9.35 Proposals to be assessed against Category a) should demonstrate that they would benefit the local economy or contribute to community regeneration, that there is no suitable site within the settlement and that the development is clearly associated with the settlement, but will not dominate it, adversely affect landscape setting or otherwise contribute to urban sprawl. In assessing the acceptability of sites, preference will be given to sites in the following order:</p>
--	-------	--------------------	-----------------------------	--

Appendix 4: Schedule of Recommended Amendments

	<p>FC 20</p> <p>FC 26</p>		<p>(1) land adjacent to the existing settlement limit, subject to amenity and environmental considerations;</p> <p>(2) a site close to the settlement limit which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment; and</p> <p>(3) an undeveloped site in close proximity to the settlement where the development could be visually integrated into the landscape.</p> <p>Storage or distribution uses will only be permitted where these are clearly ancillary to a proposal for a community enterprise park/centre or an economic development use.</p> <p>9.36 Category b) is intended to... [paragraph unchanged] other than to insert the following 3 words mid-paragraph: 'Proposals are expected to comply with the design and location requirements...'</p> <p>9.37 Opportunities may also exist for proposals under Category c) relating to the re-development of an existing site or the conversion or re- use of existing buildings for certain industry and business uses. Applicants should demonstrate that the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a limited increase in the site area. There should be environmental benefits as a result of the redevelopment and the redevelopment scheme should deal comprehensively with the full extent of the existing site The overall visual impact of replacement buildings should not be significantly greater than that of the buildings to be replaced. The redevelopment of an established storage or distribution site for continuing storage or distribution use will also be permitted subject to the above criteria. However, the redevelopment of an established industrial or business site for storage or distribution purposes will only be permitted in exceptional circumstances. Proposals involving the conversion or re-use of listed or unlisted vernacular buildings or other historic buildings of local importance must also meet the requirements of Policies HE 4 and HE 8.</p>
--	---------------------------	--	---

Appendix 4: Schedule of Recommended Amendments

				<p>9.38 Homeworking does not necessarily require planning permission. Permission is not normally required where the use of part of a dwelling house for business purposes does not change the overall scale, nature and character of the property's use as a single dwelling. Assessment of whether a material of change of use has taken place is matter of fact and degree. Those considering working from home are advised to seek the advice of the Council at an early stage. Homeworking businesses that do require planning permission, under category d), will be assessed on an individual basis, they should be of an appropriate scale and nature for its location and meet the requirements for amenity, transport and other relevant policies in the LDP.'</p>
City/Town Centres, Retailing, Offices, Leisure and Other Uses				
RA 36	PC 55 FC 27	131	RP 1	Amend last policy sentence in first paragraph of RP 1 to read: 'DCSDC will require proposals for other main town centre uses to be considered sequentially in the following order of appropriate preference as applicable to the specific nature of the proposal and the centre(s) in question:'.
		133	Para 10.18	Add a new sentence: 'All policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment'.
		131	RP 1 continued	<p>Number the sequential order & amend indent 2. Town Centres & 3. Edge of town centres to read as follows:</p> <ol style="list-style-type: none"> 1. Primary Retail Core 2. Town Centres (including City Centre, Town Centre, District Centre and Local Centre) 3. Edge-of-Town Centre (including edge-of-City Centre, edge-of-Town Centre, edge-of-District Centre and edge-of-Local Centre) 4. Out-of-centre locations that are or can be made accessible by a choice of public transport modes. <p>The sequential test will direct development within centres before considering an edge-of-centre site. Preference will be given to edge-of-centre land before considering an out-of-centre site. Where more than one centre</p>

Appendix 4: Schedule of Recommended Amendments

		131 & various	Various locations	<p>falls within the catchment area of a proposal, sequential preference should normally be given to the higher order centre, or its edge-of-centre where applicable.</p> <p>Refer to Policies RP 2 – RP 6 for proposals in the specific centres, and to RP 9 for any out-of-centre proposal’.</p> <p>Add J & A paragraph after paragraph 10.17, as follows: ‘For clarity, a higher order centre is one that is within a higher tier in the RP 1 Hierarchy or, within Tier 2 - Derry City Centre is higher order than its District Centres and the District Centres are higher order than the Local Centres. Similarly, elsewhere, a Town Centre is higher order than a Local Centre’.</p> <p>Amend as follows:</p> <ul style="list-style-type: none"> • All relevant references to Town centres in policy or J&A will be amended to include City where appropriate. • Insert following line onto end of para 10.14 ‘The LDP will not be defining or designating ‘village centres’ in relation to the retail policies.
RA 37	PC 56	132	Para 10.17	<p>Replace 2nd sentence in para 10.17 with the following: ‘In line with SPPS para 6.287, to be considered as edge-of-centre, a site should either be adjacent or clearly associated with that boundary of that centre, taking account of physical or perceived barriers, with the proximity being proportionate to the scale of that settlement and the centre in question e.g. in a Derry City Centre context, 300 metres from the City Centre boundary could be reasonable, whereas for Strabane or a local Town Centre, it would be less. For District or Local contexts, it would need to be immediately adjacent.’</p>
RA 38	PC 57	133	RP 2	<p>Insert following policy text after last policy paragraph on p 133: ‘All proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment. Applicants will be required to prepare an assessment of need which is proportionate to support their application. All proposals will be required to accord with GDPOL 1’.</p> <p>(b) Remove last part of sentence of Policy text Part a) ‘safeguard historic character</p>

Appendix 4: Schedule of Recommended Amendments

				<p>and improve the appearance of the city centre’.</p> <p>(c) Amend policy typo A) & D) to read in lower case a) & d) on policy sentence starting ‘Elsewhere within Derry City Centre....’</p> <p>(d) Amend criteria i) proposals demonstrate that ‘no suitable sites are available within the PRC and that’ they satisfactorily...</p> <p>Amend last sentence of RP 2 on page 133 to read ‘...to the city centre if it is demonstrated that no suitable sites are available within the PRC, or the rest of the city centre, and subject to considerations i) & ii) above.’</p>
RA 39	PC 58	134-135	RP 3	<p>Correct typo in middle of policy text box sentence (page 135) starting ‘Elsewhere within Strabane Town’. Remove text ‘a,d &e’ to read just ‘a) & d)’.</p> <p>Amend criteria i) ‘proposals demonstrate that no suitable sites are available within the PRC and that they satisfactorily...’</p> <p>Amend last policy sentence of RP 3 to read: ‘ ...to the town centre if it is demonstrated that no suitable sites are available within the PRC, or the rest of the town centre, and subject to considerations i) & ii) above’.</p>
RA 40	PC 60	137	RP 5	<p>Amend last criterion (3) in policy text to read: ‘on any other centre within the hierarchy in that catchment’.</p>
RA 41	PC 61	137	Para 10.33	<p>Amend first sentence to read: ‘This policy applies to the existing Local Centres, as identified in Derry Area Plan 2011 and those which may be proposed in the LDP Local Policies Plan (LPP)’.</p>
RA 42			RP 6 Criterion 2	<p>Amend to read: ‘That the proposal makes a positive contribution to meeting the day-to-day needs and be of a design appropriate to the village or small settlement’.</p>
RA 43	PC 54 FC 31	131 141 141	HC 1 (& Para 10.18 and in RP 9) RP 9	<p>Rename Designation HC 1 (p 131) as ‘Designation NC 1: Proposed Network of Centres’ (Change the same reference in Para 10.18 and in Policy RP 9 criterion 2)</p> <p>Within RP 9, in criterion 2), change the last line to:</p>

Appendix 4: Schedule of Recommended Amendments

				'can be ruled out as unsuitable, unavailable or unviable'.
RA 44			RP 9	Amend to read: '...will need to be accompanied by a retail impact assessment and an assessment of need. This includes applications for an extension/s which would result in the overall development exceeding 1,000sq m gross external area'.
RA 45	FC 32	141-142	RP 9 & Para 10.48	Move the last 5 lines of Para 10.48, starting with 'Town centre*...', and insert them at the bottom of the RP 9 policy box. Within Para 10.48, amend the start of the second sentence to: 'For applications outside a City / Town Centre that are above...'
Transport and Movement				
RA 46	PC 64	148	Para 11.7	Amend to read: 'In line with the LTS, the LDP will also promote and seek to enable, through development-delivered infrastructure, more sustainable forms of transport such as walking, cycling and public transport. The integration of land use and transport planning will be key to this. The Council will use Transport Accessibility Analysis (TAA) to assist this delivery. TAA is a long-established concept in integrating land-use and transport planning. Accessibility Analyses will be employed to assist in the identification of appropriate development sites where integration with public transport, cycling, walking and the responsible use of the private car can be best achieved'. Remainder of para 11.7 starting 'Regard has been had...' to be moved to new para and renumbered accordingly.
RA 47	PC 65	148	After Para 11.7	Insert the following clarification into a new para 11.8 after 11.7 (p 148) as follows: "Accessibility', in this context, relates to the ease of access of essential services. Accessibility can be considered by different modes of transport – for example walking, cycling. public transport or car. Accessibility in this context differs from the consideration of the physical accessibility of the mode of transport or the design of access to a building or place, involved in making the mode, building or place usable by people

Appendix 4: Schedule of Recommended Amendments

				with common impairments (visual, mobility etc)'. Add: 'The LDP will seek to identify active travel networks and provide a range of infrastructure improvements to increase use of more sustainable modes. In particular, within urban areas, this could be providing enhanced priority to pedestrians, cyclists and public transport and an acceptable level of parking provision which is properly managed'.
RA 48	PC 66 PC 68	149 152 169 151	1 st bullet point p149 & para 11.26 p152 TAM 7 para 11.88 p169 Para 11.20	Add: 'The LDP will seek to identify active travel networks and provide a range of infrastructure improvements to increase use of more sustainable modes. In particular, within urban areas, this could be providing enhanced priority to pedestrians, cyclists and public transport and an acceptable level of parking provision which is properly managed'. Add following sentence to end of 11.20: '...whilst also improving local connectivity and access to existing and new developments in the west of the city'.
RA 49	PC 70	156	Para 11.39	Amend last sentence to read: 'The NTWS, in tandem with the Car Parking Study, will assess the previously mentioned orbital routes against economic, environmental and social objectives as these routes may be advantageous in facilitating the required transport change needed to implement such major urban re-modelling in these areas'.
RA 50	FC 33 PC 71 PC 72	157	Objectives Box	In the first bullet point, amend the final line as follows: '...accordance with the NWTP and wider NW Region.' Insert new bullet point to read: 'The Council will undertake accessibility analyses by active travel modes and public transport to influence the choice of zonings and major developments at the LPP stage'. Amend last bullet to read: '.... means of travel – walking, cycling and public transport, with appropriate infrastructure or support for services'.
RA 51	PC 73	159	Para 11.52	Replace to read: 'In the case of listed buildings, it may be possible to plan suitable access for all without adversely impacting on the building's special architectural or historic interest. All proposed changes to a historic or listed building should be based on a clear understanding of the significance of the building, be of high-quality design, and use sympathetic materials, details and finishes, in keeping with the building's essential character'.
RA 52	PC 74	160	Para 11.55	Amend text to read:

Appendix 4: Schedule of Recommended Amendments

				'In the case of existing buildings, particularly historic buildings, such a statement would enable a designer / developer to state why the proposed change is necessary, identify the constraints posed by the existing structure and its immediate environment and to explain how these have been overcome, through informed and high-quality design solutions. Design and Access Statements must accompany all Listed Building Consent applications'.
RA 53		160	Para 11.56	Amend to read 'for a more accessible environment is set out in the appendices.'
RA 54	FC 34	163	TAM 3	Amend the second paragraph to the following: 'Motorways and High Standard Dual Carriageways (HSDCs) – All Locations Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway or HSDC service areas.'
RA 55	PC 76	163	TAM 3	In the policy box for TAM 3 amend the wording in the first sentence under the Other Protected Routes - Outside Settlement Limits heading to read: 'Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto this category of Protected Route in the following cases:' Replicate use of direct (i.e. involving direct access) consistently throughout the TAM 3 policy where appropriate.
RA 56	PC 77	164	TAM 3	Remove criteria c) of TAM 3 (within the category 'Other Protected Routes – Within Settlement Limits')
RA 57	PC 79	165	Para 11.76	Insert wording at the start of Para 11.76: 'The categories in this policy refer to 'Outside / Within' the Settlement Development Limits as defined in the LDP. In the 'All locations' categories, the provision of a DfI-approved [or LTP] Park & Ride or Park & Share facility would be considered to be of 'regional significance' (see also Paras 11.105 to 11.106). In all cases...'

Appendix 4: Schedule of Recommended Amendments

RA 58	PC 80	166	Para 11.77	Amend second sentence of para 11.77 to read: 'Such land will be identified in the LDP and the North West Transport Plan (NWTP) which is to be prepared in conjunction with the LDP Local Policies Plan'.
RA 59	PC 81	167	Para 11.78	Insert wording at the end of Para 11.78: 'All future transport schemes shall be identified and progressed or approved by DfI as the regional transport authority, primarily through the Regional Transport Plan and the North West Transport Plan (NWTP). Such schemes as are at a suitably advanced stage will then be identified and incorporated in the LDP, at LPP stage or at Review stage. However, as set out in Para 1.9, the inclusion or otherwise of a scheme does not mark a commitment by the Council or other public body to expenditure on a particular proposal, nor does it make the Council responsible or otherwise liable for compensation or other legal claims in relation to such schemes.'
RA 60	PC 82	167	TAM 5	Policy TAM 5 should be amended to state '..for transport or alternative purposes'. Insert reference to 'nature conservation' in range of potentially acceptable re-uses in para 11.79 to read as follows: 'Many of these former transport routes have potential for re-use either for transportation purposes or alternative purposes such as nature conservation, recreation or tourism-related'. Amend the 1st sentence of para 11.81 to read: 'Disused railway lines, canal stretches and roads, including any future abandoned stretches of the former A6 and A5 network, within the district have the potential for greenway regeneration or for public access, nature conservation, recreation and tourism.' Amend the 1 st sentence of para 11.82 to read: 'It is anticipated that the forthcoming North West Transport Plan, or other DfI report, will assess the need ...' Amend para 11.83 to read: 'The LDP will identify and safeguard those disused transport routes, together with any associated facilities at the LPP stage

Appendix 4: Schedule of Recommended Amendments

				where there is a reasonable prospect of their re-use for future transport purposes. In addition, the LPP will also identify those disused routes of district-level importance which offer potential in the longer term for alternative purposes.'
RA 61	PC 83	168	Para 11.84	Add a new sentence at end of para 11.84 to read as follows: 'A primary aim of the TA is firstly to assess accessibility by sustainable modes and to develop measures to maximise use of sustainable modes - only subsequently should the residual traffic be assessed and its impacts ameliorated'. Delete J&A para 11.86.
RA 62	FC 36	171	Para 11.96	Amend Para 11.96, as follows: 'Cycle parking provision in association with residential development is addressed in Policy HOU 8 (f & g) of Housing Chapter 16 and the design guide 'Creating Places'.
RA 63	PC 85	172	Para 11.100	Insert missing text at end of last sentence in 11.100 to read as follows: '...to ensure that long stay car-parking in the long term becomes disincentivised'.
RA 64	PC 86	176	Para 11.116	Amend para 11.116 to read: 'In assessing developments affecting Conservation Areas, Areas of Townscape Character or the surroundings of listed buildings or other heritage assets and their settings, it may not always...'
RA 65	PC 88	P180	Para 11.138	Amend the title of Policy to 'TAM 12 Strategic Transport Facilities' Amend bullet point 3, 2 nd sentence to read 'General warehousing and economic developments are unlikely to be permitted in adjacent rural areas, but in accordance with their SEDA status and boundaries (see Para 9.11 and page 115)'.
Tourism Development				
RA 66		186	Para 12.12 Appendix 2 Glossary	Reference to see Appendix 2 for examples. Appendix 2: Indicative list of tourism assets contained within Document DS-200. Glossary: Tourism Asset: any feature associated with the built or natural environment which is of intrinsic interest to tourists. Tourist amenity: an amenity, facility or service provided primarily for tourists, but does not include tourist accommodation.

Appendix 4: Schedule of Recommended Amendments

				Tourist accommodation: overnight sleeping accommodation for tourists provided by way of trade or business.
RA 67	PC 94	186	Para 12.12	Insert sentence at the end of para 12.12: 'Where development is being sought due to association with a heritage asset, the proposal must adopt a heritage-led design approach and be in line with the appropriate historic environment policy as set out in the LDP'.
RA 68	PC 95	187	TOU 2	Minor text change to 5 th line of TOU 2 to read '...Chapter 7, including Sustainable Development and also the normal operational Planning criteria...' Insert wording at end of final sentence of TOU 2: '... visitor experience – see Appendix 2 for details of a Tourism Benefit Statement and a Sustainable Benefit Statement.'
RA 69		187	TOU 2	Amend the 3 rd line to read: '...appropriate to the settlement and respects the site context, character and setting in terms of scale, massing and design'.
RA 70		187	Para 12.16	Amend the 5 th line to read: '...ensure that there are sufficient environmental, social and economic benefits derived from them...'
RA 71	PC 96	188	12.18 Appendix 2	Amend the 3 rd line of para 12.18 to 'Most B&Bs and S-C units are 'permitted development' i.e. not requiring planning permission, in urban...' Amend the final sentence to read 'Applications for such short-term let proposals in the countryside will be dealt with in Policy TOU 4 and also Policy ODC 4.' [This is currently Policy AGR 3 on page 216.] Include definition / information on short-term let accommodation (urban and rural) in Appendix 2.
RA 72	PC 99 (amended)	190-191	TOU 4	Insert a) and new category b) , in bold, for clarity: a) Expansion of Existing Hotels, Guest Houses, B&Bs and Tourist Hostels b) Conversion / Replacement or New-Build Tourist Accommodation Under b) above, change sub-category (a) to: 1) Conversion or Replacement of an Existing Rural Building Change the 1 st line to read: A proposal to convert or to replace existing buildings in the countryside...

Appendix 4: Schedule of Recommended Amendments

				<p>Change the title of sub-category (b) to: 2) New-Build Hotel, Guest House, or Tourist Hostel on the Periphery of a Settlement</p> <p>Under sub-heading 1, of ‘Conversion or Replacement of an Existing Rural Building’ amend 4th bullet point to: where the existing building is a vernacular building or historic building of local importance and is considered to make an important contribution to local heritage or character...</p> <p>Immediately after these bullet points, amend the policy references, to: ‘Refer to related policies ODC 4 (currently AGR 3), HE 3 and HOU 21 regarding the conversion and re-use of existing buildings for other suitable rural uses.’</p> <p>Under sub-heading of ‘2) New-Build Hotel, Guest House, or Tourist Hostel on the Periphery of a Settlement’, amend the 1st line to ‘Where there is no suitable site within one of the nine tourism settlements, a new-build hotel, guest house, or tourist hostel may be appropriate on the periphery of that settlement subject to meeting normal planning requirements.’</p> <p>Following this point, insert the word ‘tourism’ before the word ‘settlement’ on the 2nd, 3rd and 7th lines thereafter. Also on the 1st and 3rd lines of Para 12.23.</p>
	FC 37	191 & 192	TOU 4 & Para 12.23	Delete reference to B&B in the second sentence of 2) and also in 12.23 (3 times).
		191	Appendix 2	Put a definition of B&B & Guest House into Appendix 2.
			Para 12.22	12.22 1 st sentence insert: ‘The Council will encourage the sustainable and sympathetic reuse of non-designated heritage assets, such as vernacular buildings or historic buildings of local importance. The potential for the conversion and reuse of such rural buildings for tourism uses....’
		192	After Para 12.26	Insert J&A clarification (after Para 12.26) for penultimate paragraph on policy re long-term viability of facility: ‘It is important that all proposals for tourism accommodation in the countryside are of

Appendix 4: Schedule of Recommended Amendments

				a high quality and that they meet an identified tourism need or market. Any new-build or substantial expansion proposals must therefore demonstrate how they make a positive and sustainable contribution to the tourism offer and visitor experience - see Appendix 2 for details of a Tourism Benefit Statement and a Sustainable Benefit Statement.'
RA 73	PC 100 PC 101	193	TOU 5 12.28	In the first line of TOU 5, change the word 'will' to 'may be permitted...' Amend text to 12.28, at the end of bullet point 1 '...and the district. The proposed scale / importance of the development will dictate whether it needs to be of district or regional importance.' Amend 12.28 Bullet point 3 • 'Justification for the particular site chosen and illustrative details of the proposed design and site layout. Design quality and sympathetic integration of the proposals within the existing context and setting, will be important considerations'.
RA 74	PC 102 FC 38	194 195	TOU 6 Criteria c Para 12.32	Change the start of criteria (c) to: '(c) the restoration of an existing group of vernacular or historic buildings including a clachan, through...' In para 12.32, change penultimate sentence to: 'Proposals that relate to the restoration of an existing historic building group or clachan, through conversion, reuse and / or replacement of existing buildings, will be assessed under this policy and policy HE 8 Conversion and Re-Use of Non-Designated Heritage Assets. Proposals relating to farm or forestry diversification may provide ...'
RA 75	PC 103	196	TOU 7	Amend the final line of 4th para of policy TOU 7, to replace the words 'and designated built' with 'heritage assets'.
Minerals Development				
RA 76	PC 104 amended	200	Para 13.9	Insert a sentence at the end of paragraph 13.9 'Policy MIN 1 applies to consideration of minerals developments in all areas of the district, but particularly to the designated areas (or proposed for designation) referred-to below.'
RA 77	PC 105	200	Para 13.10	Amend para 13.10: 'The Natural Environment – An extension to an existing mineral working, which minimises additional environmental

Appendix 4: Schedule of Recommended Amendments

				impact in the countryside will normally be preferred to new workings on green-field sites. Minerals development within (or in close proximity to, or with potential to adversely affect) protected habitats or designated areas which have been declared or proposed for declaration on the basis of their scientific value in regard to flora and fauna, will not normally be given permission where they would prejudice the essential character of such areas (These habitats and areas are as defined in Policy NE 1 and NE 2 of Chapter 21 Natural Environment, particularly those that have European / International and National / Regional protection.) Earth science features, which underpin AONB designations, will also be protected from minerals development. In applying this policy, it is acknowledged that there can also be biodiversity enhancement as a result of minerals development’.
RA 78	PC 106	201	Para 13.11	Amend final sentence of 13.11 to read ‘Applicants must ensure that their proposals accord with the physical preservation of important heritage assets along with their settings.’ Amend later part to read ‘Minerals development within or in close proximity to areas which have been or are to be designated, scheduled or listed...’
RA 79	FC 38B	201	Para 13.12	In paragraph 13.12, on second/ third line, keep ‘(or is proposed for designation)’.
RA 80	PC 108	203	Para 13.23	Insert in Para 13.23, line 4, the words ‘... conservation interests and for carbon storage as well as with the protection...’
RA 81	PC 109	203	MIN 2	Move middle paragraph of MIN 2 to the end of a new J&A para 13.24.
RA 82	PC 110	205	Para 13.29 bullet point 8	Add to paragraph 13.29 bullet point 8: ‘Applications for temporary Planning Permission, where this doesn’t prejudice the mineral resource...’
RA 83	FC 40	205	MIN 5	Amend the start of Policy MIN 5, as follows: ‘Planning permission for all new minerals development will be conditional upon the approval of satisfactory restoration proposals. All applications for minerals...’
RA 84		206	Para 13.35	Add to the end of Para 13.35: ‘The Council will publish an SPG on the issue of restoration bonds or other financial provision, such as a Restoration Guarantee Fund’.

Appendix 4: Schedule of Recommended Amendments

Signs and Outdoor Advertising				
RA 85	PC 113	208	After Para 14.8	Insert new paragraph after Para 14.8: 'In assessing the impact of an advertisement or sign on amenity, the Council will take into account all of the following matters: the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest;'
RA 86			After Para 14.8	Add the following text after RA 85 above: 'the position of the advertisement on the host building and its scale and size in relation to that building; the cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter; the size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area; the design and materials of the advertisement, or the structure containing the advertisement, and its impact on the appearance on which it is attached; in the case of a freestanding sign, the design and materials of the structure and its impact on the appearance and character of the area where it is located'.
RA 87	PC 115 (amended)	209	Para 14.9	Insert a new J&A paragraph after the 2 nd (LED) bullet point on page 209: 'Digital advertising screens should only display static images and should not contain moving images. The rate of change between successive displays should not be instantaneous and should not include the sequencing of images over more than one advert or a message sequence, where a message is spread across more than one screen image. The minimum duration any image shall be displayed shall be determined by the Council. The minimum message display duration should ensure that the majority of approaching drivers do not see more than two messages. The minimum message display duration of each image shall be calculated by dividing the maximum sight distance to the digital advertisement (metres) by the speed limit (metres/second) of the road (30mph = 13.4m/s, 40mph = 17.9m/s, 50mph =

Appendix 4: Schedule of Recommended Amendments

				<p>22.4m/s, 60mph = 26.8m/s, 70mph = 31.3m/s.</p> <p>The luminance of the screen should be controlled by light sensors which automatically adjust screen brightness for ambient light levels, in order to avoid glare at night and facilitate legibility during daytime. The proposed advertising screen should generally comply with the Institute of Lighting Professionals' guidance PLG05, 'The Brightness of Illuminated Advertisements'. Maximum nighttime luminance of the digital screen must not exceed the appropriate value from Table 4 of PLG05, which must be considered in conjunction with the environmental zones as defined in Table 3 of PLG 05. Proposed luminance levels and control arrangements are to be agreed by the Department for Infrastructure Roads.</p> <p>Advertisements shall not resemble traffic signs or provide directional advice. Road Traffic Regulation (M) Order 1997 makes it an offence to display any sign which resembles a traffic sign on or near a public road.</p> <p>Telephone numbers and website addresses should not be displayed.</p> <p>Further guidance will be contained within a SPG'.</p>
RA 88	PC 112	209	Policy AD 2	<p>Amend AD 2:</p> <p>'Advertising Consent will only be granted, for the display of an advertisement on or adjacent to a Scheduled Monument, Listed Building, Conservation Area, or an Area of Townscape / Village Character where:</p> <ul style="list-style-type: none"> •The signage or advertising is in keeping with the historic and architectural form and detailing, does not detract from the character or setting of the monument, building or location, does not cause or add to clutter in the area, adequately controls illumination, is not detrimental to public safety and is in accordance with the relevant advertisement policies within Chapter 23: Historic Environment, where applicable'.
RA 89	PC 117	210	Para 14.15	<p>Additional text is required in para 14.15 1st sentence – 'Scheduled Monument Consent may be required for applications on the Derry Walls and other scheduled monuments under...'</p>

Appendix 4: Schedule of Recommended Amendments

				<p>Final sentence – ‘However the Council may undertake consultation with HED for an application seeking’.</p> <p>New final sentence – ‘An application for advertisement consent on a Listed Building will be assessed against this policy and policy HE4 The Control of Advertisement on a Listed Building’.</p>
Agriculture & Other Development in the Countryside				
RA 90	PC 118 PC 119	211	New Policy ODC 1	<p>Change the Chapter title to ‘Other Development in the Countryside’ and the Initials of all these policies from AGR 1-3 to ODC 1-4.</p> <p>See Annex 1 for the proposed re-wording of the introductory paragraphs from page 211 and Policy ODC 1 and its J&A paragraphs.</p>
RA 91	PC 120	216	Current Policy AGR 3, becomes Policy ODC 4	<p>Change title of ODC 4 to include The Conversion, Change of Use and Re-Use... Insert the word ‘use’ near the start of criteria (b) and (d).</p> <p>Amend criteria (h) to ...Natural Environment and Historic Environment chapters.</p> <p>The above amendment will include listed buildings as well as other historic assets, so delete the following ‘Listed Buildings’ paragraph. Insert a new criteria ‘(i) If it is for a tourism development, it must also submit a statement of why the use is site-specific and cannot be located in one of the named tourism settlements’.</p>
RA 92	PC 121		Policies ODC 2,3 & 4	<p>insert the words near the end of the Policy: ‘...cannot be located outside of the Green Belt or in a nearby settlement.’ Also Insert an appropriate paragraph in J&A in this Chapter similar to para 16.140 p 262 to clarify GB avoidance where possible. For ODC 2 and same for ODC 3 and ODC 4.</p>
Housing in Settlements and the Countryside				
RA 93	FC 41	220	Para 16.7	<p>Remove the last sentence of Para. 16.7 and also replace the words in the penultimate sentence, to read as: ‘As per the SPPS³¹, it would be important to maintain a five-year land supply.’</p> <p>Also amend the last two lines of Para. 16.15, to read: ‘... by 2032 and maintain a 5-year land supply.’</p>

Appendix 4: Schedule of Recommended Amendments

RA 94	PC 124	223	<p>Table 9: Summary of Land Delivery for Housing, District's Settlements.</p> <p>Para 16.14</p>	<p>In the 7th column of Table 9, amend the hectares for the City from 125 to 61. This also changes the column total from 307 to 243. The other figures remain unchanged.</p> <p>Insert word in criterion b: 'b. Not zoning additional peripheral land for housing generally;'</p>
RA 95	PC 125	224	Para 16.16 Strategy box	<p>Amend last sentence of Para 16.16 p224 to read: 'The LDP aim is to deliver 9,000 new, quality homes by 2032 at sustainable locations that are accessible, especially by walk, cycle and public transport, to employment, shopping, community services, leisure, and recreational facilities'.</p>

Appendix 4: Schedule of Recommended Amendments

			<p>Add the following sentence to the end of the 3rd bullet point to read: Conversely, if certain Phase 1 land is not implemented, it can be re-zoned as Phase 2 or alternatively, either Phase 1 or Phase 2 lands can be rezoned for an alternative land-use, following an LDP Review; In HOU 1, under the ‘LDP Phase 2 Zonings’ heading, remove the sentence under the 4th bullet point starting ‘In exceptional circumstances...’ and its associated two bullet points and replace with the following text: LDP Phase 3 Zonings – Strategic Housing Land Reserve A strategic reserve of Phase 3 Housing lands will be identified at the LPP stage, comprising a limited amount of land that previously lay just outside of the City / Town settlement development limits (SDL) and is located immediately adjacent to those areas identified (by NIHE) as having the most acute social housing need. In exceptional circumstances, where there is extreme localised social / affordable housing stress / need and it is demonstrated to the Council that the need cannot be met through the above sequence of Phase 1, Phase 2 or other HOU 2 lands, then a planning application can come forward on a Phase 3 site for immediate development to address that need. Such a planning application, after the LPP adoption, shall be from NIHE or a registered housing association*, primarily for affordable housing and the development shall be part of a Balanced Community in accordance with Policy HOU 5. Such a need should be supported by NIHE. * Insert a footnote to explain that where the term ‘registered housing association’ is used, this can generally also mean NIHE, who have recently changed status, to enable them to build houses, as a HA. Amend J&A para 16.21 by inserting following sentences at the end of the second sentence, to read: ‘... as a Phase 2 site, unless it meets the criteria as a Selected Urban Capacity or a Selected Whiteland Site in accordance with Phase 1 (see the next paragraph). In addition, both Phase 1 and Phase 2 Lands</p>
--	--	--	---

Appendix 4: Schedule of Recommended Amendments

RA 97	FC 46	226	HOU 1	<p>may be considered for rezoning to alternative land uses, such as community open space, if residential development on such sites is not brought forward within a reasonable timescale. At the LDP Reviews, the Council will use this mechanism, to review the identified housing land and may rezone all or some of that land, so as to ensure commencement and delivery of housing, rather than contribute to delay and land-banking of the Housing lands that it has identified in the LDP.</p> <p>Amend J&A Para 16.24 as follows: In addition to the Phase 1 and 2 approach, ...' Insert new sentence after end of 2nd sentence: 'These Phase 3 Lands are being introduced to formalise the potential provision of additional land at the edge of the city or towns for social/affordable Housing, in exceptional circumstances, thus ensuring the orderly and consistent release and development of such lands by the Council through the LDP. The amount of Phase 3 land identified will be limited to that which is reasonably necessary and sustainable; it will be decided by the Council at LPP stage, dependent on the amount of Phase 1 & Phase 2 land that can be identified / Zoned in a local area (related to the NIHE-defined local housing areas) and dependent on the amount of Housing Need prevailing in that area at that time.'</p> <p>In HOU 1 part '(b) Villages and Small Settlements', insert the following words below onto the end of the second sentence, to read: '... will be located and also their appropriate scale and form generally.'</p>
RA 98	PC 128	229 – 230	HOU 2	<p>Amend the first para of HOU 2 policy text p 229 to read: 'It is the LDP's intent that all new housing development within the city and towns of the area will be delivered on land zoned under Policy HOU 1 or elsewhere on appropriate sites within the Settlement Development Limits under this policy. This policy promotes the development of new housing on appropriate vacant and underutilised land at sustainable locations within the settlements'.</p>

Appendix 4: Schedule of Recommended Amendments

	PC 129			<p>In addition, the following part of the last sentence in the first para of the policy text of HOU 2 ‘... to contribute to the regional target for 60% of new housing to be located in appropriate brownfield sites’ is to be removed and inserted at the end of Para 16.30 to read: ‘Development on ‘brownfield’ sites within settlements will be encouraged as it can assist in returning derelict sites to a productive use; help deliver more attractive environments; assist with economic renewal; reduce the need for development on existing underdeveloped or greenfield sites; and to contribute to the regional target for 60% of new housing to be located in appropriate brownfield sites’.</p> <p>Amend criteria b to read: ‘b. The location is accessible by walking, cycling and public transport to key services and facilities’.</p>
RA 99	FC 48	229	<p>Para. 16.30</p> <p>Para 16.32</p>	<p>Amend the opening sentence of para 16.30 to read: ‘In addition to the lands identified under HOU 1, Housing will also be permitted on brownfield sites, small whiteland sites or open space (in accordance with OS 1). Housing will not normally be permitted elsewhere, as such developments would undermine the LDP Housing Strategy’.</p> <p>Amend para 16.32 to read: ‘This approach is in accordance with the sequential approach in the SPPS; however, the LDP will only identify brownfield sites as HOU 1 Phase 1 sites at LPP stage in local areas where there is an identified housing need. Otherwise, brownfield sites can come forward under this policy, with a presumption in favour of their permission, subject to meeting the other relevant LDP policies, including the ED 4 protection of Economic Development land’.</p>
RA 100	PC 130	229	16.31	<p>Insert new sentence onto end of Para 16.31 to state: ‘The Council will not accept proposals which seek to artificially divide larger sites and bring them forward in a succession of smaller sites to meet the size criteria as set out in Policy HOU 2’.</p>
RA 101	PC 132	231	16.38	<p>Add text at end of HOU 3 para 16.38 to read:</p>

Appendix 4: Schedule of Recommended Amendments

				'The Council acknowledges that particular care needs to be taken when increasing the density in established residential areas'.
RA 102	PC 133	233	16.44	<p>Amend HOU 4 J&A with amended para 16.44 text and insertion of a new para 16.45 to read:</p> <p>'Para 16.44: This policy therefore seeks to restrict the type of proposals for non-residential uses or for non-permanently occupied dwellings that are permitted in established residential areas and areas where higher density residential accommodation is appropriate. Where such non-residential uses or non-dwelling uses are permitted, they should be complementary to the surrounding residential uses and protect established residential amenity. In such cases, all other policy requirements still apply to the proposal such as open space provision, density and sustainable transportation all of which are of critical importance in sustainable neighbourhoods'.</p> <p>New para 16.45 text & re-number accordingly:</p> <p>'16.45 In protecting the existing housing stock, the Council recognises that some proposals for small-scale uses such as a local shop, community facility, small scale employment uses or an office and short-term residential lets may be acceptable. However, such proposals will be subject to careful consideration, on a case-by-case basis, to ensure the proposed use is compatible, subordinate to the existing residential use, complementary to the surrounding residential uses and does not result in unacceptable adverse effects on existing residential amenity'.</p>
RA 103	PC 134	233	HOU 5	Amend policy title to 'Affordable and Private Balanced-Tenure Housing in Settlements'
RA104	PC 134 FC 49A	233-234	HOU 5	<p>Amend HOU 5 policy text to read:</p> <p>'In order to achieve the Council's stated objectives of delivering adequate numbers of affordable housing and also providing balanced / mixed communities, Planning permission will be granted for a residential development scheme of, or including, 10 or more residential units (or on a site of 0.5 ha or more), where a minimum of 20% of units are provided as</p>

Appendix 4: Schedule of Recommended Amendments

			<p>affordable housing. Where there is an acute localised need as demonstrated by the NIHE, the proportion required may be uplifted on an individual site, and this will be indicated as a KSR at the LDP LPP stage.</p> <p>All such housing schemes will be required to deliver balanced and mixed communities. All relevant proposed housing developments will be expected to provide a balance of suitable tenures, taking account of the proposed and existing mix in that local area. Applicants will be required to clearly demonstrate and submit underpinning evidence, supported by the NIHE, of how they intend to deliver an appropriate affordable/private housing mix to meet any identified acute localised need. Any exceptions to proportions of tenures will need to be specifically justified and evidenced by the applicant.</p> <p>Where it can be demonstrated that there is insufficient need and / or it is not sustainable or viable for a proposed development in the area to meet the full requirements of this policy, the Council will consider a suitable proportion on a fully-evidenced case-by-case basis. Where it can be demonstrated that there is no need in the area, then accordingly the requirements of this policy do not apply.</p> <p>The agreed ratio of private to affordable housing will need to be implemented and maintained during, and for an agreed period after, the construction of the scheme’.</p>
--	--	--	---

Appendix 4: Schedule of Recommended Amendments

RA 105	FC 49	234	HOU 5	<p>'In villages and small settlements, sites below the normal threshold of 10 dwellings may also need to provide affordable housing if there is an identified need.</p> <p>Planning permission will not be granted for development proposals containing less than 10 housing units where lands have been artificially divided for the purposes of circumventing these policy requirements. Where there is a phased approach to the development of a site, this should be discussed with the Council at the outset to ensure that the affordable housing requirement can be developed in a comprehensive way over the whole scheme.</p> <p>Affordable housing will be secured as appropriate, depending on size of the development, by way of a condition or Section 76 Planning Agreement, which should be in place in advance of planning permission being granted. An off-site developer contribution may be required and will be considered on a case-by-case basis.</p> <p>Mixed Tenure / Tenure-Blindness The design and external appearance of the affordable housing in the development should reflect the character of the remainder of the site. These should be interspersed within the market housing so that they are not readily distinguishable in terms of external design, materials and finishes'.</p>
RA 106	PC 135	234	Paras 16.46 & 16.49	<p>Add the following new text as a new sentence onto end of Para 16.46: 'Therefore, the general requirement in this policy that 20% of all new Housing units should be affordable housing should be adequate to deliver the remaining number of dwellings to address ongoing Housing Need.'</p> <p>Re-word Para 16.49 to read: 'Where the Council can demonstrate, supported by up-to-date evidence provided by NIHE, that an acute localised need for a higher proportion of affordable housing cannot be fully addressed by the minimum 20% requirement, the proportion of affordable housing required may be</p>

Appendix 4: Schedule of Recommended Amendments

				<p>uplifted on an individual site. If this is the case, the LDP Local Policies Plan will vary the proportion of affordable housing through a Key Site Requirement (KSR) on zoned housing land’.</p>
RA 107	PC 136	235	Para 16.51	<p>Re-word Para 16.51 to read: ‘The Council has indicated that there should be no more than a 70 – 80% proportion of either private or affordable housing in an area is in the interests of achieving balanced and sustainable communities. The Council will seek an indicative mix from proposed housing schemes of no more than a maximum of 80% of either private or affordable houses to deliver the Council objective of such balanced communities. The applicant will need to provide evidence and submit a statement which takes into account the existing tenure mix. This would include up-to-date NIHE information including supported private-rented accommodation evidence if required’.</p>
RA 108	PC 137 (amended)		16.52 – 16.55	<p>Remove paras 16.52 – 16.54 and replace with new para 16.52 to read: ‘16.52 The Department for Communities issued a revised definition of affordable housing in April 2021. Affordable housing is now defined as: a) Social rented housing; or b) Intermediate housing for sale; or c) Intermediate housing for rent that is provided outside of the general market, for those whose needs are not met by the market. Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.’</p> <p>Additionally, amend / shorten the related Para 16.55, as follows, and remove Footnote 41 on page 236 - as it is now superseded:</p> <p>‘16.55 The SPPS recognises that the definition of intermediate housing ‘may change over time to incorporate other forms of housing tenure below market rates’. The NI definition of intermediate housing may be further expanded in the future to include these other products to support the SPPS aim of assisting eligible households into affordable housing. Where this is the case, such additional</p>

Appendix 4: Schedule of Recommended Amendments

				<p>products will be considered suitable to meet the affordable housing obligations of this policy in the future.'</p> <p>Insert a final sentence to Paragraph 16.60 to read: 'However, the preference is to have off-site affordable housing over a developer contribution where this is feasible'.</p>
RA 109	PC 138 FC 50	237 238	HOU 6 Para 16.63	<p>Remove reference to 'Tenure' from title of policy HOU 6. New title to read: HOU 6 House Types and Size.</p> <p>In HOU 6, delete the last sentence in the middle policy paragraph.</p> <p>In J&A Para 16.63 add in words to the 4th line: '...disabled will require bungalows or ground-floor units.'</p> <p>Amend penultimate sentence to read: 'A well-designed scheme can add visual interest through a variety of house types and allow households with different backgrounds and incomes to live together'.</p>
RA 110	PC 140	241	HOU 8	<p>Amend first sentence of HOU 8 to read: '...that the proposal will create a high quality and sustainable residential...'</p> <p>Amend criteria (a) – (c) to read: '(a) The design and layout respects the landscape, local character, historic and natural environment (including trees)... (b) In Conservation Areas, housing proposals will be required to enhance, or where the opportunity to enhance does not arise, preserve its character. (c)Heritage assets are identified and where appropriate...'</p>
RA 111	PC 139	241	Para 16.73	<p>Amend para 16.73 by inserting new text as a new sentence at end of current para text: 'The Council will require any submitted Movement Pattern to provide sufficient information as to how people will access the development – internally and externally. This will include all possible forms of internal physical access (walking/cycling) and internal/external connections from the site to the surrounding area – which should include physical access, public transport and private car. The appropriate information, commensurate to the scale of the development, can be provided by means</p>

Appendix 4: Schedule of Recommended Amendments

				of illustrated maps; accessibility Analysis and site layout drawings etc.’
RA 112	PC 141	242	HOU 8	Insert a new criteria ‘m’ to be inserted onto the end of the criteria list in the policy text box on p 242 to read: ‘m) The proposal will result in no net loss of biodiversity and preferably contribute to biodiversity net gain, being incorporated into the design and layout as part of the development proposal’.
RA 113	PC 143	245	HOU 10	Insert a new criterion e) into policy text of HOU 10 to read: ‘e) The proposal will result in no net loss of biodiversity and preferably contribute to biodiversity net gain’.
RA 114	PC 142	245	HOU 10	Amend policy box of HOU 10 by removing last paragraph of policy text and re-locating it to end of para 16.84. In the final policy sentence of HOU 10, amend italics typo to document title ‘Guidance for Residential Extensions and Alterations.’
RA 115	PC 145	247	Para 16.97	Amend text to read: ‘...the Council will also consider the relevant policies contained within the Council’s own Historic Environment SPG, together with any policy’
RA 116	FC 52	249 250 251	HOU 12 Para 16.102 Para 16.103	Amend the 7 th line to: ‘Conversion to flats / apartments outside the Flats Policy Area...’ Amend the middle sub-heading to: ‘The development or redevelopment as flats / apartments of a part or whole of an infill or development plot outside of the Flats Policy Area will not normally be permitted except where:’ In para 16.102, amend the start of line 3 to read: ‘... Flats Prevention Areas.’ Insert the same words in the middle of the penultimate line, to read: ‘... Additional Flats Prevention Areas will also be considered ...’ Amend the 2 nd & 3 rd lines of para 16.103, as follows: ‘The conversion or development or redevelopment of flats / apartments will be managed through the HOU 12 Flats Policy and exceptions will apply. The Flats Zones in the Derry ...’
RA 117	FC 53 FC 53A	252	Paras 16.106 & 16.107	Replace paras. 16.106 & 16.107 with:

Appendix 4: Schedule of Recommended Amendments

				<p>'The percentages of HMOs within and outside a HMO Management Area will be assessed by counting total number of current / licenced and approved HMOs in the policy area divided by the total number of dwelling units in that area. Similarly, for assessments outside of the HMO Management Area, the percentage will be the total HMOs divided by the total relevant properties in that area. In either case, the numbers of HMOs in the immediately adjacent streets / terraces (that share the parking and other impacts) will be taken into account.</p> <p>A Supplementary Planning Guidance (SPG) document will be prepared, to provide guidance on the operation of the HMO Management Areas and the local Planning / Licensing system generally.'</p> <p>Amend the 2nd line of para 16.108, as follows: ' ... for further planning applications for additional HMOs.'</p>
RA 118	PC 147 FC 54 FC 54A	253	HOU 15	<p>Amend first sentence in policy box HOU 1 to read: 'Planning permission will be granted for specialist residential accommodation such as sheltered accommodation sheltered accommodation, residential or nursing care accommodation, retirement and care-related facilities, which will meet a demonstrated local need, where the proposals.... '</p> <p>Amend line 5, as follows: 'This will also include the extension and refurbishment ...'</p>
RA 119	FC 56	255	Para 16.118	<p>Insert a new sentence, after the 1st sentence of para. 16.118: 'A Section 76 Agreement will be required, in order to ensure the ongoing responsible management of the accommodation, which will remain with the management company and not with the Council.'</p>
Housing: Rural				
RA 120	PC 148	256	Para 16.121	<p>Reword as follows (fourth line): 'while protecting the landscape, heritage assets and natural resources of the rural area'. At the end of the final sentence add the words ' ... as well as Design Policies CY 1 to CY 4.'</p>

Appendix 4: Schedule of Recommended Amendments

			Para 16.122	On the 3 rd last line at end of Para 16.122, insert the words ‘...relevant LDP policies particularly CY 1 –CY 4...’
RA 121	PC 149	264	HOU 20	Add text at the head of Policy HOU 20: ‘The retention and conservation of non-listed vernacular buildings will be encouraged in preference to their replacement.’
RA 122	PC 151	266	Para 16.150	Add text to start of para 16.150: ‘The restoration or replacement of existing dwellings is important to the renewal and upgrading of the rural housing stock...’
RA 123	PC 152	268	Para 16.160	Add text to para 16.160 – ‘Where there are significant concerns about the structural condition of the building to be converted, a structural report shall be submitted, with the level of detail and the credentials of the author being commensurate with the condition of the building.’
RA 124	PC 153	266	Para 16.155	Add a paragraph to J&A after 16.155 (change numbering accordingly) – ‘Old buildings and homesteads in the countryside can have well-established boundaries, mature trees, hedges and low walls, as well as existing laneways. They can be of significant biodiversity value and visually anchor the dwelling to the surrounding countryside. Therefore, the restored or replacement dwelling should seek to retain those landscape features and achieve no net loss of biodiversity and preferably contribute to biodiversity net gain. Planning conditions will be used to ensure the incorporation of biodiversity features into the design including the provision of sites for species that nest or roost in the built environment. See also Policies GDPOL 1 and NE 3.’
	PC 154	268	Para 16.164	Add a similar paragraph after paragraph 16.164 (renumber paragraphs accordingly) but opening as follows – ‘Old buildings in the countryside can have well established boundaries...’
			Para 16.165	Delete final sentence in paragraph 16.165.
RA 125	PC 155	271	HOU 23	Similar paragraphs to be added to J&A for HOU19, HOU20, HOU21, HOU23. All to start with the following text – ‘Within the Green Belt, there is likely to be greater development pressure than in the countryside generally so it will be particularly important to carefully

Appendix 4: Schedule of Recommended Amendments

		264	HOU 19 Para 16.149	manage the numbers and locations of new dwellings.’ They will continue as follows – In new paragraph to replace 16.149 – ‘Therefore within the Green Belt, exception c will not apply and any planning permission granted under this policy will be subject to a condition restricting occupancy of the dwelling for the use of the business.’
		267	HOU 20 Para 16.158	In new paragraph after Para 16.158 – ‘Therefore within the Green Belt, bullet point 2 (visual impact of the proposed dwelling) will be strictly applied’.
		268	HOU 21 Para 16.164	In new paragraph after Para 16.164 – ‘Therefore within the Green Belt, criteria c in particular (scale of new extensions) will be strictly applied.’
		272	HOU 23 Para 16.173	In new paragraph after Para 16.173 – ‘Therefore within the Green Belt, planning permission will not be granted for infill development in the countryside within such a built-up frontage’.
RA 126	PC 156	275	Para 16.181	Add text to Para 16.181 – ‘It is envisaged that adequate affordable housing provision can be found within Derry City or Strabane Town or within villages and small settlements within the Green Belt... will not be permitted in the Green Belt.’
	PC 157		Para 16.180	Add text to the end of paragraph 16.180 – ‘The “balanced community” 70% indicative tenure split (HOU 5) would not apply to schemes considered under Policy HOU 25.’ Add extra J&A para after 16.180 – ‘If more than one development is required by exception, it must be justified by ongoing social housing need and should be reflective of the scale of the settlement. The design, layout and quantum of development should be as per guidance in paragraph 16.29 [informal groupings of 5 to 10 dwellings]’.
Open Space, Sport & Outdoor Recreation				
RA 127	PC 158 (amended)	278	Para 17.3	Before the bullet points in paragraph 17.3, amend the text to state: ‘The Council’s approach also adheres to the SPPS (Paragraph 6.201) whose key objectives...’

Appendix 4: Schedule of Recommended Amendments

				<p>Include additional second and third bullet points:</p> <ul style="list-style-type: none"> • 'ensure that areas of open space are provided as an integral part of new residential development and that appropriate arrangements are made for their management and maintenance in perpetuity; • Facilitate appropriate outdoor recreational activities in the countryside that do not negatively impact on the amenity of existing residents.'
RA 128	PC 159	280	Para 17.14	Add the following text after 'town cramming' in paragraph 17.14: 'In the case of either exception, the Council will consider the implications and permanence of any loss of open space.'
	PC 160	282	Para 17.18	Add amended text to the end of J&A paragraph 17.18 to read- 'where an exchange is acceptable in principle the Council will secure this through the use of planning conditions and/ or a s76 Planning Agreement. This will tie redevelopment to the provision of the new facility and ensure that this is capable of being maintained adequately through appropriate management agreements.'
	PC 161		Para 17.19	Add text to J&A paragraph 17.19 – 'any grant of planning permission will normally be reliant on the applicant entering into a s76 agreement tying the financial gain arising from redevelopment to the retention and enhancement of the open space facility.'
		284	OS 2	Delete the paragraph within Policy OS 2 starting with 'In smaller residential schemes...'
RA 129	PC 163	290	OS 4	<p>Criteria (i) and (iii) change the word 'significant' to 'adverse'.</p> <p>Add the following to the start of criterion (ii) – 'there is no loss of High Nature Value (HNV) land or of the Best and Most Versatile (BMV) agricultural land and no unacceptable...'</p>
RA 130	PC 164	292	OS 5	<p>Amend Policy OS 5 bullet point 5 to read:</p> <ul style="list-style-type: none"> • 'The proposed facility takes into account the needs of people with disabilities;

Appendix 4: Schedule of Recommended Amendments

				<ul style="list-style-type: none"> The development is located so as to be accessible to the catchment population by walking, cycling and public transport...'
Utilities Development				
RA 131	FC 58	303	UT 1	Amend bullet point 3, to read: 'The proposal does not have an unacceptable adverse impact on natural heritage features;
	PC 165	303	UT 1	Insert the following word in bullet point 5: '... upgrades do not adversely affect existing...'
RA 132	FC 59	303 & 306	UT 1 & UT 3	Amend final bullet point of UT 1 to the following: 'Proposals for development of power lines comply with 1998 International Commission on Non-ionizing Radiation Protection (ICNIRP) or any equivalent update.' Also, add the same words to the similar sentence in Policy UT 3.
RA 133	PC 166	305	UT 2 Para 19.3	Para 19.3, 4th line: '...little or no sewerage 'headroom capacity' and also network inadequacies; ...' At the end of the 5th line: '... Details of the specific network and WWTW capacity...' Update EVB 19, including the table at Appendix 1 to reflect the latest information on WWTWs and network issues.
RA 134	PC 167	306	UT 3 Para 19.23	Insert new bullet point 5 in UT 3: 'It does not adversely affect the operation of the Airport or public safety' Replace text in Para 19.23 with the following: 'Applications for telecommunications development will need to include details of its location, any enabling works, the height of the antenna, the frequency / modulation characteristics and details of power output. Developments in proximity to City of Derry Airport should address any potential to affect safety of aircraft due to height / proximity / direction, lighting, radio interference, etc. (see also paragraph 37.5 on airport safeguarding.) An ICNIRP declaration will address compliance with guidelines on public exposure to electromagnetic fields or interference with existing broadcasting apparatus. All permissions shall include a

Appendix 4: Schedule of Recommended Amendments

				condition requiring the removal of the mast / apparatus and the site restored, when it is no longer required for telecommunications purposes.'
RA 135	PC 168	306	UT 3 3rd bullet point	Amend the 2 nd sentence of the 3 rd bullet point '... level of detail. For proposals in areas of... or affecting designations relating to the Natural and/or Historic environment the Statements will need to address how the proposal meets the requirements of their respective policies (see Chapters 21 and 23).
Waste Planning				
RA 136	PC 173	310	Para 20.6	Definition of Zero Waste to be included as a footnote (bottom of p310): 'The conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning and with no discharges to land, water, or air that threaten the environment or human health.'
RA 137	FC 62	310	Para 20.8	The first sentence of paragraph 20.8 reads as follows: 'There are no current landfill sites within the District. Details of existing waste management sites can be found on the Council website i.e. recycling centres and bring sites.'
RA 138	PC 175	314	Para 20.15	Add another bullet point: 'where appropriate, the Council will attach conditions to approvals requiring the installation of wheel cleansing equipment and the cleaning of roads adjacent to the proposed site...'
RA 139	PC 172	318	WP 3 criterion (ii)	Add at the end of criterion (ii) 'unless it is demonstrated that the proposal would not cause harm to, or undermine the reason for, that designation'.
RA 140	FC 61	319	Para 20.24	Add in the following wording at the end of the penultimate sentence of Para 20.24: '... outside the LDP, unless it is demonstrated that the proposal would not cause harm to, or undermine the reason for, that designation, also being consistent with the respective policy in Chapter 1: Natural Environment.' Delete the final sentence of Para 20.24.
RA 141	PC 176	321	Para 20.31	In paragraph 20.31 remove reference to 'prevailing wind direction' Add reference as new 3 rd sentence in Para 20.31: 'Please refer to NIW Development Encroachment Procedures'.

Appendix 4: Schedule of Recommended Amendments

Natural Environment				
RA 142	PC 177	324	Para 21.6	<p>Amend end of para 21 to read: ‘..the Council, as the Planning authority, has an important role to ensure their protection from inappropriate development. The Council will apply the ‘precautionary principle’ and the ‘mitigation hierarchy’ across all relevant NE policies in this chapter.</p> <p>The mitigation hierarchy requires, in order of preference, that, in terms of potential habitat damage, proposals should:</p> <ul style="list-style-type: none"> • Avoid – where possible, habitat damage should be avoided; • Minimise – where possible, habitat damage and loss should be minimised; • Remediate – where possible, any damage or lost habitat should be restored; • Mitigation – as a last resort, damage or lost habitat should be compensated for’.
	FC 63	325	Para. 21.10	<p>Amend the 2nd last line of Para 21.10, as follows: ‘... impacts of a proposed development, particularly on national or ...’</p>
RA 143	PC 178	326	NE 1	<p>Amend NE 1 policy text to read:</p> <ul style="list-style-type: none"> - A European Site (Special Protection Area – SPA; proposed Special Protection Area – pSPA; Special Areas of Conservation – SAC; candidate Special Areas of Conservation – cSAC; & Sites of Community Importance, or; - A listed or proposed Ramsar site:
	FC 64	326		<p>Amend the final line on p. 326 to: ‘- agreed in advance with the Department of Agriculture, Environment & Rural Affairs (DAERA NI).’</p>
		327	Para 21.13	<p>Amend opening sentence of para 21.13 to read: ‘The following formal designations will benefit from the highest level of statutory protection – Special Protection Area (SPA) & proposed SPA; Special Areas of Conservation (SAC) & candidate SAC; Sites of Community Importance and Ramsar, so it is essential that the ...’</p>

Appendix 4: Schedule of Recommended Amendments

	PC 178A	328	Para 21.15	Amend legislation responsibility in the last sentence in para 21.15 p328 to read as follows: ‘The Council has the powers to declare Local Nature Reserves. Nature Reserves and Wildlife Refuges are declared by DAERA under the Nature & Amenity Lands (NI) Order 1985 and the Wildlife (NI) Order 1985 respectively’.
RA 144	PC 180 (amended)	325	Para 21.11	Insert following new text onto end of Para 21.11: ‘As lists of protected animals and plants are constantly being updated, it is recommended that applicants check the DAERA website for up-to-date information on species protection. As all fish are protected, no lists have been produced’.
RA 145	PC 181	330	NE 3	Insert new third indent in NE 3 policy text box (before ‘active peatland’) to read: - trees and hedgerows; Insert new paragraph in policy text before the last paragraph at end of Policy NE 3: ‘In order to protect the amenity value of trees and woodland, the Council will, where appropriate, make Tree Preservation Orders (TPOs) on woodlands, groups of trees and individual specimens which satisfy the TPO criteria and contribute to the visual amenity and character of the surrounding area’. Amend last paragraph at end of Policy NE 3 to read: ‘Planning permission will only be granted in wholly exceptional circumstances for proposals likely to result in damage or direct loss of habitats, such as ancient or long-established woodland or active peatland, which cannot be mitigated or fully compensated for’.

Appendix 4: Schedule of Recommended Amendments

			<p>Put the following text below into a new J&A paragraph 21.21 relevant to Policy NE3 (and subsequently renumber) p 330:</p> <p>'Section 121 of the Planning Act (NI) 2011 places a duty on the Council when granting planning permission for any development, to make adequate provision, by the imposition of conditions, for the preservation or planting of trees; and, when considered appropriate, to make Tree Preservation Orders in connection with the grant of such permissions under Section 122 of the same Act. In order to meet this duty, development proposals will be expected to take account of existing trees and hedges which in the interests of visual amenity or wildlife habitat should be retained. The Council will seek to ensure the protection of such features through the inclusion of conditions in any permission granted, or permission will be refused if appropriate.</p> <p>All development proposals on sites which contain or are adjacent to trees or hedgerows, will be required to submit a survey and take account of them, protecting them where appropriate, during their design and any future construction stage. This is to ensure that such trees are not at risk to unacceptable adverse impacts as a result of development activities.</p> <p>Particularly important trees will be protected if they are of significant public amenity value by the making of a Tree Preservation Order. This prohibits the cutting down, topping, lopping or wilful destruction of protected trees without the prior consent of the Council.</p> <p>Where the Council consents to the removal of protected trees, it will be a requirement that suitable replanting occurs.</p> <p>The Council will require that development proposals on sites containing, or adjacent to, protected trees will require the submission of a site survey accurately showing the positions,</p>
--	--	--	--

Appendix 4: Schedule of Recommended Amendments

				<p>species, heights, canopies and health condition of all protected trees. Existing and finished site soil levels will also be required to be shown relevant to the protected trees.</p> <p>In considering development proposals, the Council will seek to achieve site layouts which avoid the root systems of existing trees and minimises future concerns over residential amenity. The Council will require developers to manage their sites and their responsibilities to protect trees in strict accordance with BS 5837 (2012) 'Trees in relation to Design, Demolition & Construction'.</p>
RA 146	PC 182 FC 65	331	NE 4	<p>Amend the second dashed point in the policy box for NE 4 to read: 'The proposals meet the relevant requirements as set out in the Natural Environment Chapter and does not result in net biodiversity loss.'</p> <p>Insert word into the 2nd last line of the policy, as follows: ' ... from the edge of the river should normally be provided ...'</p>
RA 147	PC 184 PC 183 (amended)	333	NE 5 Para 21.28	<p>Amend second paragraph in NE 5 policy box to read: '...in order to positively enhance and / or complement our important AONB landscape'.</p> <p>Insert new text following text at end of middle paragraph in policy box for Policy NE 5 to read: 'Development proposals in the AONB must be sensitive to the intrinsic special character of the area and the quality of its landscape, heritage and wildlife'.</p> <p>Amend last paragraph of Policy NE 5 to read: 'The Council will promote the enjoyment by the public of the Sperrin AONB and provide or maintain public access to it. It will be supportive of the provision of pathways...'</p> <p>Insert the following new text at end of Para 21.28 to read: 'AONBs are designated by the Department of Infrastructure primarily for their high landscape quality, wildlife</p>

Appendix 4: Schedule of Recommended Amendments

			Para 21.29	<p>importance and rich cultural and architectural heritage under the Nature Conservation and Amenity Lands (NI) Order 1985 (NCALO)'. Insert the following new text at end of para 21.29 to read: 'In assessing proposals, including cumulative impacts in such areas, account will also be taken of the Council's Landscape & Seascape Character Review EVB 6b'.</p>
RA 148	PC 185	334	NE 6	<p>Insert additional text at the end of the last dashed point within the NE 6 policy box to read: 'All works including surfacing, edging, fencing, signage, and way-marking must visually integrate with their surroundings, taking account both of visual amenity and landscape character of the area'. In addition, correct typo in Para 21.34, end of 3rd sentence as follows: Replace 'comprise' with 'compromise'</p>
RA 149	PC 186	336	NE 7	<p>Amend the running order of the paragraphs in Policy NE 7 text box: 'Proposals for development which would adversely affect or adversely change either the quality or character of the landscape, including its intrinsic nature conservation interest, within the Areas of High Landscape Importance will not normally be permitted. AHLIs are also identified as Areas of Constraint on Minerals Development (ACMDs) and will be subject to the requirements of Policy MIN 2. Within AHLIs, the Council will be supportive of the provision of pathways and informal recreational facilities of an appropriate scale and in a suitable location, subject to policy provisions contained elsewhere in the LDP. Where development is proposed within AHLIs, the proposals must clearly demonstrate special regard to siting, massing, shape, design, finishes and landscaping in order that it may be integrated into the landscape. In exceptional circumstances, significant proposals will only be permitted within AHLIs where their regional or District-wide importance is considered to outweigh any potential adverse impact</p>

Appendix 4: Schedule of Recommended Amendments

				on the intrinsic features of the AHLI’.
Coastal Development				
RA 150	PC 187 PC 189	341	CD 1	<p>Amend CD 1 Policy text with inserted new text to read: ‘The Council will require the protection or enhancement of the district’s coastal area and seascape. Development proposals must comply with NE 1 (Chapter 21) and FLD 1 (Chapter 25) and should not have an unacceptable effect, either directly, indirectly, or cumulatively, on the natural character & landscape of the coastal area. Development will not normally be permitted in areas of the coast known to be at risk from flooding including areas which may become at risk from rising sea levels due to Climate Change, coastal erosion or land instability. Development proposals will also be assessed against the UK Marine Policy Statement (MPS) and any adopted Marine Plan’.</p> <p>Amend the end of sentence at the first bullet point for Undeveloped Coast in the CD 1 policy text box p 341 to read: ‘...archaeological / heritage assets, geological or landscape / seascape quality and character of the area’.</p> <p>Amend the end of the final sentence in the second paragraph for Developed Coast in the CD 1 policy text box p 342 to read: ‘...geological or landscape / seascape quality and character of the area’.</p>
Historic Environment				
RA 151	PC 190	346-348	<p>Para 23.1</p> <p>Para 23.4</p> <p>Para 23.5</p> <p>Para 23.7</p>	<p>Line 2 – insert ‘... heritage assets’¹</p> <p>Line 4, change designated to ‘identified’</p> <p>Line 5, after ...Supplementary List insert: ‘There is also an array of other heritage assets across the district, many of which are not yet recorded or even discovered. Full details of heritage assets recorded by HED can be found...’</p> <p>Line 2, after ...settings, add a footnote: https://www.communities-ni.gov.uk/publications/guidance-setting-and-historic-environment</p>

¹ Heritage Asset can be defined as a ‘A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in Planning decisions, because of its heritage interest.’

Appendix 4: Schedule of Recommended Amendments

			<p>Para 23.10</p> <p>Para 23.11</p>	<p>At the end of the paragraph, insert additional text: ‘...architectural integrity, with a heritage-led design approach. (See also GDP 8, GDPOL 1, PDP 1-3 and various other heritage-related policies.)’</p> <p>Lines 4-7, after ... State Care and Listed Buildings. Insert sentence with: ‘Other heritage assets such as Areas of Significant Archaeological Interest (ASAs), Areas of Archaeological Potential (AAPs) and Historic Parks, Gardens and Demesnes (HGPDs) are designated and / or identified in the LDP, by the Council on the advice of HED. Where appropriate, the LDP Local Policies Plan will show such main statutory and other designations and areas for information...’</p> <p>After the final sentence of paragraph 23.10, insert the final sentence from paragraph 23.61. (also add explanatory note to EVB 23)</p> <p>After last sentence of 23.11, insert: ‘Such buildings receive some protection through HE 8 and various other LDP policies / chapters, including General Development Principle GDP 8, AGR 3, HOU 20 &21, TOU 4 and PDP 1. Should LDP Monitoring identify a need for further protection, this will form part of the LDP Review’.</p>
RA 152	PC 191 PC 192 PC 193	349	HE 1 Para 23.13	<p>Change the title of HE 1 to HE 1 Archaeological Remains of Regional and Local Importance. Insert ‘a)’ before the sub-heading ‘Archaeological Remains of Regional Importance Insert ‘b)’ before the sub-heading ‘Archaeological Remains of Local Importance’</p> <p>Insert into part b) Archaeological Remains of Local Importance ‘Planning permission will not be granted for a development proposal which would adversely affect archaeological remains of local importance or their settings unless the Council, having consulted with Historic Environment Division, considers that the need for the proposed development or other material considerations outweigh the value of the remains and / or their setting’</p> <p>Amend in J&A 23.13, as follows:</p>

Appendix 4: Schedule of Recommended Amendments

	PC 194		Para 23.14	<p>'Archaeological Remains of Regional Importance' include monuments in State Care, Scheduled Monuments, sites that would merit scheduling and Areas of Significant Archaeological Interest (ASAI). Such sites, or constituent parts of them benefit from statutory protection. ASAI are distinctive areas of the historic landscape which are likely to include a number of individual and related sites and monuments and may be distinguished by their landscape character and setting.'</p> <p>Insert sentence to the end of paragraph 23.14: '...The Council will operate a presumption against proposals which would adversely affect such remains and their settings, and exceptions to this policy are likely only to apply to proposals of overriding importance in the NI context'.</p>
RA 153	PC 195	349	Para 23.17	<p>Amend as follows: 'While they are not scheduled monuments 'Archaeological Remains of Local Importance' are capable of providing valuable evidence about our past'.</p>
RA 154	PC 196	350-351	HE 2	See Annex 1 of this document.
RA 155	PC 197	352	Para 23.28	<p>Change to start of paragraph 23.28 to read: 'As a historic monument in State Care, no works can be carried out...'</p> <p>At the end of this paragraph, insert the sentence: 'In addition to the focussed protections of this policy, the general protection of Policy HE 1 also applies to these City Walls'.</p>
RA 156	PC 198	353-355	HE 4	See Annex 1 of this document
RA 157	PC 199 PC 200	356-357	HE 5	<p>Insert a subheading '(a) New Development' under Policy heading HE 5.</p> <p>Rather than add a new point, change the first bullet point of HE 5 to '- be sympathetic to the characteristic built form and open spaces within the Conservation Area.'</p> <p>Insert a comma in the second bullet point: '...scale, form, materials and detailing;'</p> <p>Delete the last bullet point relating to the demolition of the unlisted buildings.</p>

Appendix 4: Schedule of Recommended Amendments

		357	<p>Para 23.40</p> <p>Para 23.41</p> <p>Para 23.42</p>	<p>Insert a new second sentence into Policy HE 5 part (b): 'The general presumption against demolition will only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest'.</p> <p>Amend text to first line of 23.40: 'Conservation Areas are areas of special architectural or historic interest. Under Section 104 of The Planning Act (NI), the Council or DfI may designate a Conservation Area where it is desirable to preserve or enhance the character or appearance of such areas'.</p> <p>Before Para 23.41, Insert a sub-heading (a) New development Within or Affecting the Setting of a Conservation Area</p> <p>23.41 On the 4th line, delete phrase 'In deploying the principles of preserve, conserve and enhance,..''</p> <p>Before Para 23.42, Insert a sub-heading (b) Demolition in a Conservation Area</p> <p>Amend text in paragraph 23.42 to read: 'The Council will operate a presumption against the demolition of unlisted buildings of townscape quality which contribute to the character of an area. In determining proposals for the demolition of unlisted buildings, corroborating information will be required to demonstrate its part played in the architectural or historic interest of the area and the wider effects of the demolition on the buildings, surroundings and on the conservation area as a whole.</p> <p>New 23.43 The onus will be on the applicant to demonstrate and justify the need for demolition. Evidence will be required to indicate alternative options for stabilisation of the existing structure have been considered in efforts to retain the building. Reports submitted for consideration on the integrity of the building, including structural integrity, must be submitted by suitably experienced conservation engineers, architects, building surveyors, etc. In</p>
--	--	-----	---	---

Appendix 4: Schedule of Recommended Amendments

				<p>assessing proposals, the Council will have regard to the same broad criteria as Policy HE 4 for the demolition of listed buildings.</p> <p>New 23.44 The demolition of an unlisted building in a Conservation Area will not normally be considered in isolation from proposals for its subsequent redevelopment. Where demolition is deemed appropriate, for example where a building does not make any significant contribution to a conservation area, the Council will require detailed drawings illustrating the proposed redevelopment of the site. Where the Council decides to grant consent for the demolition of an unlisted building in a conservation area, it will be conditional on prohibiting demolition until planning permission has been granted and contracts signed for the approved redevelopment in order to prevent the streetscape from being marred by gap sites, and recording of the building if this is appropriate. (i.e. if the building is clearly of no value, no need to record it in any detail)'</p> <p>After 23.42, insert a new heading: (c) The Control of Advertisements in a Conservation Area</p> <p>Insert new paragraph after the above: 'Applications for the display of advertisements will be assessed against this policy and the policy requirements of Chapter 14: Signs and Outdoor Advertising'.</p>
RA 158	PC 201	358	<p>HE 6 Policy Box</p> <p>HE6 & various references throughout LDP dPS</p> <p>Para 23.43</p>	<p>Re- order the subheadings (a) and (b) so that 'New Development...' reads first, and 'Demolition...' second.</p> <p>Insert 'Area of Village Character' or 'AVC' to all such references in this section, and elsewhere in the dPS. Specifically, these changes are required in: Policy HE 6 at lines 4, 5, 11, 16 and 18. Also in paragraph 23.43 x 2, paragraph 23.44 x 2, paragraph 23.45, paragraph 23.61 and in paragraph 23.11 and Policy SETT 2.</p> <p>Replace existing Para 23.43 with: '23.43 Areas of Townscape or Village Character (ATCs/AVCs) are designated through the LDP process, because they exhibit a distinct character normally based on their historic built form or</p>

Appendix 4: Schedule of Recommended Amendments

			<p>Para 23.44</p> <p>Para 23.45</p> <p>Para 23.46</p>	<p>layout. For the most part, this derives from the cumulative impact of the area’s buildings, their setting, landscape and other locally important features. There are currently four ATCs in the District, at Victoria Park, Bond’s Hill, Eglinton and Culmore. Further ATC / AVC designations may be brought forward by the Council following assessment at the LDP Local Policies Plan stage’.</p> <p>Insert new subheading (a) New Development in an Area of Townscape or Village Character, before existing paragraph 23.44.</p> <p>Insert new subheading (b) Demolition in an Area of Townscape or Village Character</p> <p>New ‘23.45 In order to prevent demolition damaging the distinctive character and appearance of an ATC / AVC, the Council will operate a presumption in favour of retaining any building which makes a positive contribution to the character of the area. The onus will be on the applicant to demonstrate and justify the need for demolition as to why a building does not make a material contribution to the ATC / AVC. Where the Council decides to permit demolition of an unlisted building in an ATC / AVC, conditions will normally be imposed:</p> <ul style="list-style-type: none"> • requiring the redevelopment of the site to be based on previously agreed detailed proposals; and • prohibiting demolition of the building until contracts have been signed for the approved redevelopment of the site’. <p>Insert new subheading (c) The Control of Advertisements in an Area of Townscape or Village Character.</p> <p>New ‘23.46 Applications for the display of advertisements will be assessed against this policy and the policy requirements of Chapter 14: Signs and Outdoor Advertising’.</p>
RA 159	PC 202	359	HE 8	<p>Change Text, as per Annex 1, including changing the Policy title to: HE 8 Conversion and Re-Use of Non-Designated Heritage Assets</p> <p>(Also put a cross-reference to Policy HE 8, in the several other related policies</p>

Appendix 4: Schedule of Recommended Amendments

				named i.e. TOU 4, AGR 3 / ODC 4, HOU 20 & HOU 21)
RA 160	PC 203	362	HE 9	See amended wording in Annex 1. Add Enabling Development Practice Note (referenced at the bottom of Para 23.58) to the list of SPG – see Chapter 38 and Appendix 6. Change definition (several references) to significant historic places. Also change from ‘planning authority’ to ‘the Council’.
RA 161	PC 204	364	Para 23.61	Delete the first sentence of 23.61 and cut the 2 nd sentence to Para 23.10, as detailed above. Therefore, 23.61 is removed.
Renewable and Low Carbon Energy Development				
RA 162	PC 206 (amended)	368	RED 1	See Annex 1 of this document.
RA 163	PC 211		RED 1	Remove the paragraph on p 369 (re HRA & EIA) to J&A.
RA 164	FC 69A	368	RED 1	Amend the 2 nd last paragraph on p. 368, as follows: ‘Proposals will be expected to be located at, or as close as possible to, the source of the resource needed for that particular technology (the proximity principle), unless it can be demonstrated that the benefits of the proposed siting of the scheme outweigh the need for an at-source location e.g. where it is close to the identified end-user.’ (Note that this paragraph is to be moved to the J&A section)
RA 165	PC 209	369	RED 1	Reword final sentences in 2 nd paragraph: ‘(AONB) will be an important consideration as will the impact of proposals on designated natural and historic environment assets.’ Move this paragraph to J&A. Correct the spelling typo on last word of the 5 th paragraph to ‘interest’
RA 166	FC 71	369	RED 1 6 th para	Amend the text to read: ‘All proposals involving the production of renewable and low carbon energy (including repowering of existing wind farm development) must have regard to the LDP’s ‘Landscape & Seascape Character Review’, ‘Wind Energy Development in Northern Ireland’s Landscapes’, ‘Best Practice Guidance to PPS 18 Renewable Energy’ and SPG to PPS 18 Renewable Energy - Anaerobic Digestion, as far as relevant to the proposal, and other

Appendix 4: Schedule of Recommended Amendments

				relevant SPG documents as may be provided or updated.'
RA 167		370	RED 1	Move and amend criterion (ii) of now Policy RED 2 to now Policy RED 1 policy box to state: 'Applications for renewable energy development will be required to demonstrate that the development has taken into consideration the cumulative impact of existing renewable energy development, those which have permissions and those that are currently the subject of valid but undetermined applications'.
RA 168	PC 212	370	RED 2 Criterion vi	Add footnote: 'buildings which, with relatively little intervention, could be readily occupied'.
	FC 72	370	RED 2	In the paragraph below the criteria on p. 370, amend the 2 nd line to: '...diameter to occupiable property will generally apply ...'
RA 169	PC 213	370	RED 2 After Criterion viii	Add a new criteria ix. on p 370: 'the development will not harm groundwater flow paths or aquifers'
RA 170	PC 214	370	RED 1 1 st Para after Criterion ix	Page 370 1st paragraph after criteria ix to read: 'Where the Council considers it necessary, a noise assessment report, and a landscape and visual impact assessment (including photomontages to aid assessment of visual impact) will be submitted upon request and prepared in accordance with best practice methodology.'
			EVB 24	Two best practice guidelines should be referenced in the EVB 24: Scottish Natural Heritage (2017) Visual Representation of Wind Farms: Good Practice Guidance (version 2.2) and Landscape Institute Technical Guidance Note 06/19 Visual Representation of Development Proposals (17/9/19)
RA 171	FC 73	370	Footnote 54	Change footnote 54: 'hub height plus the length of one blade'
RA 172	PC 216	371	RED 4	On the 4 th line of p 371, put criterion iv on a new line and in it, insert the words: '... loss of High Nature Value (HNV) Land or Best and...'
RA 173	PC 217	371	Anaerobic Digesters section of policy box	Insert a new point (viii) into RED 4 to read: 'it will not result in damaging impacts on human health, as well as sensitive habitats, wider biodiversity and ecosystem resilience, through increased ammonia emissions.'

Appendix 4: Schedule of Recommended Amendments

	FC 74A	371		Delete criterion viii in its entirety.
RA 174	PC 218 FC 75	372	Hydro-electric section of policy box	In the hydro section policy box, insert a new criterion iv, 'Any structures shall have no unacceptable impact on visual amenity or landscape character.' Amend the wording of all three criteria to: 'ii. there is no unacceptable adverse impact on fish, water birds and other water dependent Wildlife; and iii. there is no unacceptable adverse impact on water quality as a result of the development. iv. any structures shall have no unacceptable adverse impact on visual amenity or landscape character.'
RA 175	PC 219	372	Para 24.13	After the final sentence of 24.13, insert additional sentence: 'This also includes energy-related proposals such as Battery Energy Storage Systems (BESS).'
RA 176	PC 220	373	Para 24.15	Amend the penultimate bullet point of paragraph 24.15 to read: 'changes to water flows and quantities within watercourses through abstraction;'
RA 177	PC 221 FC 75A	374	Para 24.18	Insert text to the end of paragraph 24.18: 'in accordance with the mitigation hierarchy, see Natural Environment chapter.' On the 3 rd line of para. 24.18, change the word 'significant' to 'unacceptable'
RA 178	PC 222	374 369	24.20 Footnote 52	In Para 24.20, insert in the middle, after 'bog burst' new text: 'therefore there is a presumption against development on active peat except for imperative reasons of overriding public interest. Whilst any development is unlikely to be acceptable on active peatland, where development is proposed on any peatland...' The subsequent text then ensures that hazards for landslide, bog burst and reduced capacity as a carbon sink are properly assessed. Amend footnote 52: 'An 'active' bog is one that supports a significant area of vegetation normally forming peat. A few groups of plants – especially Sphagnum bog mosses and cotton grasses dominate. Sphagnum sterilises the bog, preventing organic matter from decaying. Such areas deliver ecosystem services such as carbon storage & sequestration and water supply. 'Active' bogs include those that suffered

Appendix 4: Schedule of Recommended Amendments

				temporary setbacks such as fire damage or drought, and areas which have been damaged but which are now showing significant signs of recovery, such as eroded bogs in which the gullies are re-vegetating.'
RA 179	PC 223		EVB 24	Add definition to EVB 24: 'For wind farm development, it is likely that the duration of the planning permission will be linked to the expected operational life of the turbines. Proposals may be submitted to extend the life of the project by re-equipping or replacing the original turbines. While there are advantages in utilising established sites, such cases will be determined on their individual merit and in the light of the then-prevailing policy and other relevant considerations.'
Development and Flooding				
RA 180	PC 225	377	Para 25.5	Add text to end of 25.5: '...and infrastructure outside the flood risk area and avoid zoning land for development that would be at risk of flooding now or which may become at risk due to climate change.'
RA 181	PC 226	378	Para 25.12	Add text: 'The Council's LDP Strategy for Development and Flooding, in accordance with the above documents, is to have a precautionary approach to development within flood-prone areas including those areas which may become at risk due to climate change.'
RA 182	PC 227	379 381	FLD 1, Exception a) Paras 25.16 & 25.17	Add 'plus climate change allowance' after the time limits for both fluvial and coastal flood protection in the exceptions (defended flood areas) section (a) of FLD1. Also similar changes to paragraphs 25.16 and 25.17 regarding the definition of a floodplain e.g. in Para 25.16 '1 in 100-year probability plus climate change allowance (or 1% AEP plus climate change allowance).'
RA 183	PC 228 PC 229	382	Para 25.27	Delete the words 'climate change'. Amend Para 25.27 second sentence: 'This is normally 600mm above the design flood level' (delete the range currently shown).
RA 184	PC 231	388 - 389	Policy FLD 3	Add text to FLD 3 at the end: 'For all developments, sustainable drainage systems (SuDS) will be incorporated. Where this preferred drainage method is not feasible, this must be demonstrated in any planning application.'

Appendix 4: Schedule of Recommended Amendments

		390	Para 25.58	<p>Modify J&A paragraph 25.58 to read: ‘In carrying out the drainage assessment, the developer should use sustainable drainage systems (SuDS) as the preferred drainage solution. See GDPOL 1.’</p> <p>On the 2nd last line of Para 25.58, at top of p 390, amend wording: ‘... Appendix 4 and GDPOL 1...’</p>
RA 185	PC 232	393	Policy FLD 5	<p>New text for second bullet point:</p> <ul style="list-style-type: none"> • ‘the application is accompanied by a Flood Risk Assessment which demonstrates: <ol style="list-style-type: none"> 1 an assessment of the downstream flood risk in the event of a controlled release of water; an uncontrolled release of water due to reservoir failure; a change in flow paths as a result of the proposed development, and 2 that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures.’ <p>Text will then revert to the existing dPS policy text until the addition of a sentence after the bullet points at the end: ‘and for any development located in areas where the Flood Risk Assessment indicates potential for an unacceptable combination of depth and velocity.’</p>
RA 186	PC 233	394	Para 25.80	Amend paragraph 25.80 to change all references of ‘risk’ to ‘consequence’.
RA 187	PC 234	483	Appendix 4, Para A8	Reword: ‘...sustainable drainage systems are preferable because they control surface water run off at source and confer environmental, economic and other benefits.’
	PC 235	484	Para A11	Add text: ‘developer costs associated with designing a ‘soft’ sustainable drainage system are invariably less than a traditional piped system.’
	PC 236	486	Para A14	Amend paragraph A14 to read: ‘The option of using sustainable drainage to help offset flooding risk and as a more sustainable option to traditional piped drainage is part of the planning process. New legislation allows NI Water to refuse a surface water connection if alternative means have not been considered,

Appendix 4: Schedule of Recommended Amendments

	PC 237		Para A18	<p>including landscaping or natural features.'</p> <p>Replace text with the following: 'In November 2015, representatives of the Stormwater Management Group (SMG) provided evidence on SuDS to the Committee for Regional Development in relation to the Water and Sewerage Services Bill. The Group was set up in 2011 to implement the recommendations of the strategy document. The Committee was supportive of the progress made. To facilitate further progress, participation in the group was extended to include representatives from local government and others. In 2015, the SMG refocused the priorities of the group to:</p> <ul style="list-style-type: none"> • Promote clear Planning Policy • Consider and develop effective delivery mechanisms and approval processes • Review how SuDS (both hard and soft components) are currently delivered in Northern Ireland • Develop and promote consistent delivery mechanisms and approval processes.'
	PC 238	487	A19	<p>Amend text to read: 'The Planning authority currently requires the consideration of such systems in line with 6.118 of the SPPS. From the planning perspective, it is imperative that a responsible approval mechanism is in place, either to facilitate meaningful consultation on the sustainable drainage aspects of development proposals or to adjudicate on the merits of the suitability of submitted proposals, designs and ongoing maintenance arrangements. Also important are appropriate guarantees on the management and maintenance of sustainable drainage arrangements so as to ensure that they will function effectively over the life of the proposed development.'</p>
	PC 239		EVB 25	<p>Para 2.17- replace 2nd sentence with 'The Act provides a new power for NI Water to refuse a surface water connection if alternative means of dealing with surface water have not been considered.'</p>

Appendix 4: Schedule of Recommended Amendments

	PC 240 PC 241 PC 242		EVB 25	<p>Para 3.18, line 5: change reference to 'Rivers Agency' to 'former Rivers Agency'. Para 4.3 and 6.2 change to refer to Department for Infrastructure.</p> <p>On page 76 under the heading 'DfI Guidance on Climate Change' amend text to: 'Climate change flood mapping is based on allowances for 2080 epoch.'</p>
Place-making & Design Vision for Development in the District				
RA 188		400	Para 26.5	Amend line 1 to read: PDOs and PDPs will be given weight alongside SDPs...
RA 189	PC 244	402	Para 26.12	At the end of Para 26.12, insert a sentence: 'An SPG on biodiversity net gain & ecological enhancements through development will be prepared. It will focus on housing and minerals development but also encompass other sectors.'
RA 190	PC 245 FC 76	403	Para 26.18	<p>Delete the word 'hierarchy'. Re-title to 'incorporate sustainable transport into designs'.</p> <p>Remove the corresponding word 'hierarchy' from the paragraph itself, to read: 'This should be taken into full account in all decision making, from planning to investment.'</p>
RA 191	PC 246	407	Para 26.32	Add a new second sentence to paragraph 26.32: 'The Council draws upon the DfC Ministerial Advisory Group (MAG) on the Built Environment during determination of planning applications for major new buildings.' Add a sentence to the end of the paragraph: 'local artists and community groups can be examples of stakeholders'.
Place-making & Design Vision/Policy for Local Towns				
RA 192	FC 77a	431	Para 29.2	<p>Insert a policy box: 'Local Town Strategic Design Policy - General (LSDP-GEN)</p> <p>Planning permission will be granted for development proposals within Local Towns provided their design is of a high standard and:</p> <ul style="list-style-type: none"> - are sensitive to and make a positive contribution to the character of the settlement; - are in keeping with the size and character of the settlement; - do not lead either individually or cumulatively to a loss of amenity;

Appendix 4: Schedule of Recommended Amendments

				<ul style="list-style-type: none"> - respect the opportunities and constraints of the specific site and have regard to the potential to create a new sense of place through sensitive design; -comply with all other relevant LDP policies and in particular GDPOL 2
Place-Making & Design Vision/Policy for Villages				
RA 193	FC 77b	438	Para 30.2	<p>Insert a policy box: 'Villages Strategic Design Policy - General (VSDP-GEN)</p> <p>Planning permission will be granted for development proposals within Villages provided their design is of a high standard and:</p> <ul style="list-style-type: none"> - are sensitive to and make a positive contribution to the character of the settlement; - are in keeping with the size and character of the settlement; - do not lead either individually or cumulatively to a loss of amenity; - respect the opportunities and constraints of the specific site and have regard to the potential to create a new sense of place through sensitive design; -comply with all other relevant LDP policies and in particular GDPOL 2
Place-Making & Design Vision/Policy for Small Settlements				
RA 194	FC 77c	440	Para 31.2	<p>Insert a policy box: 'Small Settlements Strategic Design Policy - General (SSSDP-GEN)</p> <p>Planning permission will be granted for development proposals within Small Settlements provided their design is of a high standard and:</p> <ul style="list-style-type: none"> - are sensitive to and make a positive contribution to the character of the settlement; - are in keeping with the size and character of the settlement; - do not lead either individually or cumulatively to a loss of amenity; - respect the opportunities and constraints of the specific site and have regard to the potential to create a new sense of place through sensitive design; -comply with all other relevant LDP policies and in particular GDPOL 2
Hazardous Substances, COMAH & Major Accidents				
RA 195	PC 247	454	Para 33.11	<p>Insert a new Para 33.11: 'Applicants must ensure that their developments do not increase the risk of accidents generally or increasing the severity of the consequences of such accidents. See also GDPOL 1.'</p>

Appendix 4: Schedule of Recommended Amendments

Other Specialist Requirements				
RA 196	PC 249	463	Para 37.5	After Para 37.5, insert a new para: 'The principles included in the CAA and other circulars / guidance on Control of Development in Airport Public Safety Zones will be a material consideration in appropriate circumstances. Issues regarding aviation noise will be considered against GDPOL 1, with the advice of Environmental Health and taking account of ICCAN guidance. Any issues regarding potential for major accidents is also dealt with in GDPOL 1 and Chapter 33'.
Supplementary Planning Guidance				
RA 197	FC 78	464	Para 38.1	Amend the 2 nd sentence of Para.38.1, to read: 'These adopted documents will continue to be treated as material considerations, as specified in Appendix 6, until such times as they are reviewed or replaced by the Council.'
RA 198		507	Appendix 6	The information contained within the identified sections of the PPSs should be replicated in the PS.
RA 199	FC 79	516	Appendix 6	Insert at the end of the table in Appendix 6, 'Best Practice Guidance to PPS 23 – Assessing Enabling Development for the Conservation of Significant (Historic) Places. The guidance in this document is still considered to be relevant and useful.'
Glossary/Terms & Abbreviations				
RA 200		517	Appendix 7	Include in the glossary any definitions used within the plan

Annex 1:

Amended wording of Policy HE 2 Archaeology, HE 4 Listed Buildings, HE 8 NDHAs & HE 9 Enabling Development

Amended wording of Policy HE 2 Archaeology

HE 2a Archaeological Assessment and Evaluation

Planning Permission will not be granted where the impact of a development on important archaeological remains are unclear, or the relative importance of the remains is uncertain. The Council will require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not provided, a precautionary approach will be adopted and Planning Permission will be refused.

Justification and Amplification

23.18 Developers need to take into account archaeological considerations and should deal with them from the beginning of the Development Management process. The needs of archaeology and development can often be reconciled, and potential conflict avoided or much reduced, if developers discuss their proposals with the Council and HED at an early stage.

23.19 It is therefore in the developer's own interest to establish whether a site is known or likely to contain archaeological remains as part of their own assessment. The first step is to consult the Historic Environment Record of Northern Ireland which contains database information on recorded heritage assets and which is maintained by HED. Informal discussion with HED will also help provide advice in relation to the archaeological sensitivity of a site.

23.20 In certain cases, the Council may use its powers under the Planning Act (NI) 2011 to request further information in the form of an archaeological assessment or evaluation. These can help determine the importance, character and extent of any archaeological remains that may exist in the area of a proposed development and indicate the weight which should be attached to their preservation. They will also provide information that may be useful in developing options for minimising or avoiding damage. Such information will enable the Council to make an informed and reasonable Planning decision.

HE 2b Archaeological Mitigation

Where Planning Permission is granted for development which will affect sites known or likely to contain archaeological remains, the Council will impose conditions to ensure preservation in situ, or licensed excavation, recording and archiving of the archaeology before development commences.

Justification and Amplification

23.21 The preferred approach to archaeological remains affected by development is:

- i) Preservation of remains in situ;
- ii) Licensed excavation² and recording examination and archiving of the archaeology before development commences.

² Excavations are licensed by Historic Environment Division under the Historic Monuments and Archaeological Objects (NI) Order 1995

23.22 In some circumstances, it will be possible to permit development proposals which affect archaeological remains to proceed provided that appropriate archaeological mitigation measures are in place which preserve the remains in the final development or ensure excavation recording prior to destruction.

23.23 Mitigation may require design alterations to development schemes which avoid disturbing the remains altogether or minimise the potential damage through measures such as careful siting of landscaped and open space areas. There are techniques available for sealing archaeological remains underneath buildings or landscaping, thus securing their preservation for the future, even though they remain inaccessible for the time being.

23.24 The excavation and recording of remains is regarded as a second best option to their physical preservation. The science of archaeology is developing rapidly and excavation means the total destruction of evidence (apart from removable objects) from which future techniques could almost certainly extract more information than is currently possible. Excavation is also expensive and time-consuming, and discoveries may have to be evaluated in a hurry against an inadequate research framework. The preservation in-situ of important archaeological remains is always the preferred course of action.

23.25 There will be occasions where archaeological remains are of lesser importance, where the value of the remains is not sufficient when weighed against all other material considerations, including the importance of the development, to justify preservation in situ. In these cases, developers will be required to prepare and carry out a programme of archaeological works, working to a brief detailed in HED statutory consultation responses and advice.

23.26 Offers of facilitation of excavation by developers will not justify a grant of planning permission for a development which would damage or destroy archaeological remains whose physical preservation is desirable, because of their importance, and feasible.

Areas of Archaeological Potential

23.27 Areas of Archaeological Potential (AAP) are those areas within settlements where on the basis of current knowledge, it is likely that archaeological remains will be encountered in the course of continuing development and change. Currently, the entirety of the Historic City Conservation Area, which includes the Walled City, and certain lands outside but immediately adjacent to the south and east of the Conservation Area boundary, are recognised as being an AAP. Further AAPs will be identified in the Local Policies Plan. (See also paras. 23.10 and 23.61)

Discovery of Previously Unknown Archaeological Remains

23.28 Discovery of previously unknown archaeological remains can result in a material change which could affect the nature of the development permitted. Occasionally archaeological remains are only discovered once development commences. In such circumstances it is a statutory requirement that these are reported to HED2.

23.29 On rare occasions the importance of such remains may merit scheduling, in which case the developer would need to seek separate scheduled monument consent before they continue work. In most cases it should prove possible for differences to be resolved through voluntary discussion toward agreement of a mitigation strategy for a satisfactory compromise to be reached. Applicants should consider the potential need for a contingency plan to deal with unexpected archaeological discoveries.

Amended wording of Policy HE 4 Listed Buildings

HE 4 Listed Buildings and their Settings

All proposals affecting a listed building must ensure the works protect, conserve and where possible, enhance the heritage asset. All proposals must be based on a clear understanding of the importance of the heritage asset and should support the best viable use that is compatible with the fabric, setting and essential character of the building.

(a) Change of Use of a Listed Building

Planning Permission will be granted, in consultation with the relevant statutory authority, where the change of use secures its upkeep and survival, and the essential character and special architectural or historic interest of the building.

(b) Extensions and Alterations to a Listed Building – no changes are requested.

(c) The Control of Advertisements on a Listed Building - no changes are required.

(d) Demolition of a Listed Building – no changes are requested.

(e) Development affecting the Setting of a Listed Building – amend the 1st sentence as follows: Planning Permission will only be granted for a development proposal which would not adversely affect the setting of a listed building, assessed in consultation with the relevant statutory authority. ...

Justification and Amplification

23.31 The District contains a wealth of listed buildings; the greatest concentration being within Derry's historic core within the vicinity of the City Walls. These buildings add to the quality of our lives and contribute to the local distinctiveness, character and appearance of the district's city, towns, villages and countryside. It is therefore important to conserve, protect and enhance these buildings, in accordance with the Historic Environment policy suite and GDP 8.

23.32 Listed buildings are designated by the Department for Communities, as being of 'special architectural or historic interest' under Section 80 of the Planning Act (NI) 2011. They are key elements of our historic environment and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are based on a clear understanding of the importance of the building, as well as the rarity of the type of structure and any other features of special architectural or historic interest which it possesses.

23.33 The Council will consult with the relevant statutory authority when determining Listed Building Consent and planning applications which impact on a listed building and/or its setting, in accordance with legislative requirements.³

(a) Change of Use of a Listed Building

23.34 In second line, omit the phrase 'sections of the community'. The punctuation after the word 'designed' in the second sentence should be replaced with a comma, in lieu of a full stop to read coherently. Proposals for the conversion of a listed building to a new use should be based on a clear understanding of the special interest of the building, its historic fabric, setting and essential character. It should also be noted that this may not necessarily be the most profitable use. It is important to acknowledge that at times a building is so sensitive that it cannot sustain any alterations to keep it in viable economic use, but its future may nevertheless be secured by charitable or community ownership.

³ *'Schedule 3 of The Planning (General Development Procedure) Order (NI) 2015 as amended 2016 and Regulation 6 (1) of The Planning (Listed Buildings) Regulations (Northern Ireland) 2015 as amended 2016.'*

(b) Extensions and Alterations to a Listed Building

Many listed buildings can tolerate some degree of thoughtful alteration or extension to accommodate continuing or new uses. Extensions should be of a high-quality design, subservient to, and in keeping with, the essential character of the listed building and its setting. Successive applications for alteration or extension, or minor works of indifferent quality, should be carefully considered, as such works can cumulatively reduce a listed buildings special interest.

23.35 In assessing the effect of any alteration or extension, including applications to provide inclusive access under DDA requirements, consideration will be given to the elements that make up the special interest of the listed building in question⁴. They may comprise not only of the obvious visual features such as decorative facades and its setting or, internally, staircases or decorative plaster ceilings but also the spatial layout of the building, the archaeological or technological interest of the surviving structure and the use of materials. Any intervention should also be based on a clear understanding of the structure of the listed building, because it is vitally important that new work does not weaken the structural integrity of the building. Applicants should justify their proposals, in an accompanying Design and Access Statement, demonstrating how decisions have been made and why the proposed change is desirable or necessary. All proposals should seek to conserve the maximum amount of historic fabric with minimum intervention. While British Standards are not statutory, the Council would commend the advice and guidance set out in BS 7913: 2013 'Guide to the conservation of historic buildings' when considering works of alteration or extension.

23.36 Unchanged

(c) The Control of Advertisement on a Listed Building

27.37 Many heritage assets are in commercial use and already display signs or advertisements of some sort. These in themselves may be of historic interest or of some artistic quality, and where this is the case, the council will not normally permit their removal or significant alteration. New signs and advertisements can have a major impact on the appearance and character of a listed building and its setting. The cumulative impact of new advertisements should not clutter or adversely impact on existing historic advertisements, and should enhance the listed building and its setting.

27.38 Where a proposal to display signs on a listed building is considered to be acceptable in principle, they should be of a high design standard and complement the age and architectural style of the building, carefully located not to obscure, overlap or cut into any architectural detailing or structural divisions. These considerations will to a large extent dictate the scale, size, proportions and position of any signage. Illuminated signs and advertisements will not normally be acceptable. Materials, detailing and finishes should also respect the essential character of the listed building and its setting contributing to a quality environment. Applications for the display of advertisements will be assessed against this policy and the policy requirements of Chapter 14: Signs and Outdoor Advertising.

(d) Demolition of a Listed Building

23.39 The demolition of a listed building should be wholly exceptional and will require the strongest justification. Consent will not be given for the total or substantial demolition of any listed building without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and where these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that redevelopment would produce substantial regional benefits which would decisively outweigh the loss resulting from demolition.

⁴ The published listing criteria can provide further amplification on the listing. <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/dfc-hed-scheduling-of-historic-buildings.PDF>

While it is acknowledged that very occasionally demolition of a listed building will be unavoidable, Consent will not be given simply because redevelopment is economically more attractive to the developer. Where proposed works would result in total demolition of a listed building, or any significant part of it, consideration will be given to:

- (i) the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;
- (ii) the adequacy of efforts made to retain the building in use;
- (iii) the merits for alternative proposals for the site.

23.40 The onus will be on the applicant to demonstrate and justify the need for demolition. Evidence will be required to indicate alternative options for stabilisation of the existing structure have been considered in efforts to retain the listed building. Reports submitted for consideration on the integrity of the building, including structural integrity, must be submitted by suitably conservation experienced engineers, architects, building surveyors and so on. Structural issues will not be given substantive weight when making a case of demolition where these have arisen due to neglect of a listed building through lack of maintenance or failure to secure by current or previous owners. In the rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight will be given to the costs of repair.

23.41 Proposals for the demolition of a listed building will not be considered in isolation from proposals for subsequent redevelopment. Detailed drawings illustrating the proposed redevelopment of the site should therefore accompany a Listed Building Consent application for full or partial demolition. Where exceptionally, Consent is granted for the demolition of a listed building, conditions should normally include:

- A Section 76 Planning Agreement to ensure the site is subsequently redeveloped for the purpose granted and
- Appropriate recording of the building prior to its demolition, typically consisting of a drawn, photographic and written record

(e) Development Affecting the Setting of a Listed Building

23.42 The setting of a listed building is often an essential part of the building's character, as it enables the heritage asset to be understood, seen, experienced and enjoyed within its context. Any proposal for development, which by its character or location may have an adverse impact on the setting of a listed building, will require very careful consideration. The design of new buildings planned to stand alongside historic buildings must be of a high quality, designed to respect their settings and follow fundamental principles of scale, height, massing, proportion and alignment, with use of appropriate sustainable materials.

23.43 The extent to which proposals will be required to comply with the criteria will be influenced by a variety of factors: the character and quality of the listed building; the proximity of the proposal to it; the character and quality of the setting; and the extent to which the proposed development and the listed building will be experienced in juxtaposition.

23.44 Development proposals some distance from the site of a listed building can sometimes have an adverse effect on its setting e.g. where it would affect views of an historic skyline. Applications that may affect the setting of a listed building will therefore normally require the submission of detailed contextual drawings and visuals which illustrate the relationship between the proposal and the listed building and demonstrate how they will be seen in juxtaposition. In determining applications for development affecting the setting of a listed building, the Council will have regard to HED publication 'Guidance on Setting and the Historic Environment'.

Amended wording of Policy HE 8 Conversion / Re-Use of Non-Designated Heritage Assets (NDHAs)

HE 8 Conversion and Re-Use of Non-Designated Heritage Assets

The Council will permit the sympathetic conversion and re-use of non-designated heritage assets (NDHAs), such as an unlisted vernacular building or historic building of local importance to other appropriate uses, where this would secure their upkeep and retention, while ensuring no harm or loss to the significance of the heritage asset.

Proposals for conversion will normally be required to meet all the following criteria:

- a) The building is of permanent construction, structurally sound and capable of conversion;
- b) The scheme of conversion will not have an adverse effect on the character or appearance of the locality and maintains or enhances the form, character and architectural features, design, materials and setting of the existing building. This will involve retention of existing door and window openings and minimising the number of new openings. Details such as door and window design, external surfaces, rainwater goods and means of enclosure should be of a traditional or sympathetic design and materials;
- c) The new use would not cause unacceptable adverse effects on the amenities of nearby residents or other land uses;
- d) Any new extensions are modest in size relative to the existing building, is visually subservient to it, does not harm the character or appearance of that building and uses sympathetic high quality design, details and materials; and
- e) Access and other necessary services are provided without adverse impact on the character of the locality

Exceptionally, consideration may be given to the sympathetic conversion of a traditional non-residential building to provide more than one dwelling where the building is of sufficient size; the scheme of conversion involves minimal intervention; and the overall scale of the proposal and intensity of use is considered appropriate to the locality.

Green Belt Policy Area

Within the Green Belt, planning permission will be granted for proposals seeking the conversion / re-use of other rural buildings, subject to the above criteria. In particular, criteria d (scale of new extensions) will be strictly applied.

Justification and Amplification

23.49 Changing patterns of life mean that some traditional vernacular or historic locally important buildings are no longer needed for their original use. These heritage assets can include former mill complexes, school houses, churches, former dwellings and traditional barns or outbuildings. Their vacancy puts them at risk of eventual dereliction. Such buildings represent a valuable historic resource which contributes to local distinctiveness and sense of place. Their appropriate re-use would contribute to sustainable development and may encourage the social and economic regeneration of particular areas.

23.50 Retain the existing paragraph and insert at the end:

‘A sense of loss - The survival of rural traditional buildings in Northern Ireland,’ Chapter 2, provides a definition and complete list of the characteristics of rural vernacular dwellings’.

Insert new paragraph: A Historic Building of Local Importance is ‘..a building , structure or feature, whilst not statutory listed, has been identified by the council as an important part of their heritage, due to its local architectural or historic significance.’ (SPPS 6.24). Such buildings can include more formally designed, churches, schools, community halls, etc.⁵ As stated in paragraph 3.11, the Council

⁵ Refer to HED publication ‘Historic Buildings of Local Importance – A Guide to their identification and protection, Chapter 3)

Appendix 4: Schedule of Recommended Amendments

has decided not to undertake a 'local list' at this time, of notable unlisted vernacular buildings or other historic buildings of local importance. Nevertheless, the Council will provide protection for these heritage assets through this Local Development Plan policy, enabling assessment of the asset on a case-by-case basis as it arises through a planning application.

23.51 The Council will encourage the re-use of such non-designated heritage assets by sympathetic renovation or conversion for a range of appropriate uses. This may include proposals for tourism or recreation use, small-scale employment uses or new rural enterprises. All development proposals for the conversion of a vernacular building or historic building of local importance should involve a minimum of work and should maintain or enhance the existing character of the building and its setting. Any such proposed uses should also comply with the requirements of their relevant subject policies in this LDP, particularly TOU 4, AGR 3, HOU 20 & HOU 21.

Retain existing paragraph 23.52 and add a new paragraph after: Reports to demonstrate that the building is structurally sound and capable of conversion must be submitted by suitably experienced conservation engineers, architects, building surveyors, etc. Where structural issues have been identified, such reports should provide sympathetic alternative options for stabilisation of the existing structure, to facilitate its retention and reuse.

New paragraph after the above: In some instances, there will be archaeological interests with regard to a historic structure proposed for conversion and re-use and in these instances the relevant Historic Environment policies will apply.

23.53 For proposals related to residential use, this policy should be read in conjunction to LDP Policy HOU 21: The Conversion and Re-use of other Rural Buildings. Great care will be necessary in assessing proposals for conversion to residential use as this can be particularly detrimental to the fabric and character of certain buildings. In the countryside, and particularly in Green Belts and Areas of High Landscape Importance (AHLIs), the Council will normally only consider a relaxation of its normal planning policies for residential development, where:

- residential use is compatible with the conservation of a vernacular or historic building of local importance which comprises an important element of the landscape;
- the conversion scheme involves minimal alteration or extension; and
- the overall scale of the proposal and intensity of use is appropriate to the locality and would not prejudice the objectives behind Green Belt and AHLI designation.

Amended wording of Policy HE 9 Enabling Development

HE 9 Enabling Development

The Council will only permit proposals involving enabling development relating to the re-use, restoration or refurbishment of significant historic places where it is demonstrated by the applicant in a submitted Statement of Justification to accompany an application for Planning Permission, that all of the following criteria are met:

- a. the significant historic place to be subsidised by the proposed enabling development will bring significant long-term benefits according to its scale and location;
- b. the conservation of the significant historic place would otherwise be either operationally or financially unviable;
- c. the impact of the enabling development is precisely defined at the outset;
- d. the scale of the proposed enabling development does not exceed what is necessary to support the conservation of the significant historic place. The setting and any potential visual impact of the proposed enabling development will be important considerations;
- e. sufficient subsidy is not available from any other source; and
- f. the public benefit decisively outweighs the dis-benefits of setting aside other Planning policy.
- g. it will not materially harm the heritage interests of the significant historic place or its setting;
- h. it avoids detrimental fragmentation of the management of the significant historic place;
- i. it will secure the long-term future of the significant historic place and, where applicable, through sympathetic schemes for their appropriate re-use; and
- j. it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than circumstances of the present owner, or the purchase price paid.

In considering enabling development proposals, developers are encouraged to enter into pre-application discussions with the Council. The public benefit to be derived from the principal proposal will be secured either by conditional grant of Planning Permission or conditional grant accompanied by a Planning Agreement.

Justification and Amplification

New 23.56: 'Enabling development' is a development proposal that is contrary to established planning policy and in its own right would not be permitted. Such a proposal may however be allowed where it will secure a proposal for the long-term future of a significant historic place. For the purposes of this policy, a significant historic place means any part of the historic environment that has heritage value including scheduled monuments, archaeological remains, historic buildings (both statutorily listed or of more local significance) together with any historically related contents, industrial heritage, conservation areas or a historic park, garden or demesne.

Current 23.56: On the 2nd/3rd line, omit the term '...scheme of significant regional or sub-regional benefit...'

Para 23.57 Amend text in 1st sentence: 'Enabling development will often be located close to the significant historic place'.

Para 23.58 Additional text:

'To fully address the requirement to provide a Statement of Justification as required by Policy HE 9, the Council will expect the developer to:

1st bullet point - Omit the word 'built', to read as 'heritage asset'.

2nd bullet point – Insert second word 'historic' to read as 'significant historic places'

Appendix 4: Schedule of Recommended Amendments

5th bullet point - provide the Council with clear, comprehensive proposals, including sufficient, detailed financial information supported by further relevant and adequate information on the likely impact of the proposal’;

Insert new para under bullet points: ‘The information provided on the enabling development component should be sufficiently detailed to allow the Council to validate the need for, and assess the scale of the enabling development; and consider the impact on private concerns where this coincides with the public interest’.

Insert new para: ‘The information supplied by the developer should cover all the financial aspects of the proposed enabling development, in a sufficient degree of detail to enable scrutiny and validation by the Council. This applies both to the assessment of need and the assessment of the scale of the enabling development necessary to meet that need. The onus is on the developer to demonstrate that sufficient funds are not available from any other source, such as grant aid’.

Insert new para: ‘ ‘Assessing Enabling Development’ (published by Central Government – DOE, April 2014) is the relevant Best Practice Guidance to Enabling Development, and will be applied by the Council when determining enabling development applications, related to significant historic places.’

Delete Para 23.61.

Amended wording of Renewable Energy Policies

Re- ordering of Policy RED 1 (blue-highlighted text to move to J&A)

RED 1 All Renewable and Low Carbon Energy Development – General Criteria

This policy applies to all renewable and low carbon energy development proposals.

In the first instance, proposals for renewable energy must accord with the Chapter 21 designations / species / habitats, as well as Policy NE 1 and the relevant LDP landscape designations and their policies (Refer also to Chapter 6 Spatial Strategy and Chapter 21 Natural Environment):

- Wind Energy Capacity Area (WECA)
- Special Countryside Area (SCA)
- Area of High Landscape Importance (AHLI)
- Area of Outstanding Natural Beauty (AONB)

Subsequent to meeting the above, development proposals that generate energy from renewable resources will be permitted where the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- a) public safety, human health, or residential amenity;
- b) visual amenity, landscape character and designated / protected areas;
- c) biodiversity, natural and / or historic assets;
- d) local natural resources, such as air quality or water quality or quantity;
- e) public access to the countryside; or
- f) flood risk;

Proposals will be expected to be located at, or as close as possible to, the source of the resource needed for that particular technology (the proximity principle), unless it can be demonstrated that the benefits of the proposed siting of the scheme outweigh the need for an at-source location e.g. where it is close to the identified end-user.

Where any project is likely to result in unavoidable damage to the site/ area during its installation, operation or decommissioning, the application will need to indicate how this will be minimised and mitigated, including details of any proposed compensatory measures, such as a habitat management plan or the creation of a new habitat. This matter will need to be agreed before planning permission is granted.

Applications for renewable energy development will be required to demonstrate that the development has taken into consideration the cumulative impact of existing renewable energy development, those which have permissions and those that are currently the subject of valid but undetermined applications.

Sufficient detail shall be provided, i.e. adequate to allow assessment of the overall impact, of all consequent electricity infrastructure (power lines, sub-stations, cabinets, batteries, etc.) required to service the development. This shall be provided at the outset of the submission of any planning application for renewable and low carbon energy development so that the overall impact of the project can be fully assessed. Refer also to Policy UT 1, which seeks to protect the District's landscape, both urban and rural, from the potential of visual intrusion associated with electricity infrastructure.

The wider environmental, economic and social benefits of all proposals for renewable energy and low carbon projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted.

The potential for significant adverse impacts from renewable and low carbon energy development proposals on designated sites across the district, including Special Countryside Areas (SCA), Areas of High Landscape Importance (AHLIs) and Areas of Outstanding Natural Beauty (AONB) will be an important consideration as will the impact of proposals on designated natural and historic assets. (Move to J&A by rewording paragraph 24.17)

Any renewable or low carbon energy development on active peatland⁵² will not be permitted unless there are imperative reasons of overriding public interest⁵³.

All proposals involving the production of renewable and low carbon energy (including repowering of existing wind farm development) must have regard to the 'LDP's Landscape & Seascape Character Area Review' and 'Wind Energy Development in Northern Ireland's Landscapes' and have regard to the publication 'Best Practice Guidance to Planning Policy Statement 18 Renewable Energy' and SPG to PPS 18 Renewable Energy - Anaerobic Digestion, as far as relevant to the proposal, and other relevant SPG documents as may be provided or updated.

Renewable energy development proposals require particular scrutiny through Environmental Impact Assessment (EIA) and Habitats Regulations Assessment where applicable.

Depending on the specific type / technology being considered, a maximum time limit will normally be conditioned for its removal / site restoration. In relation to all such developments particularly wind farms and solar farms, applicants will be required to provide details on future decommissioning, including proposals for site restoration. In such cases, planning conditions (or a legal agreement, where appropriate) should be used and the arrangements for financial restoration bonds or other financial provision will be made, before planning permission is granted.

RED 2 Wind Energy Development

Proposals for wind energy development, including proposals for repowering of existing developments, will (in addition to Policy RED 1) be required to meet all of the following criteria:

- i. the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;
- ii. it is demonstrated that development will not create a significant risk of landslide or bog burst; nor will it exacerbate any existing surface water flooding;
- iii. no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems;
- iv. no part of the development will have an unacceptable impact on roads, rail or aviation safety.
- v. turbines proximate to any public road, public right of way or railway line are set back a minimum distance of the fall-over distance [Footnote 54] plus 10% from the edge of same.
- vi. turbines proximate to any occupied or occupiable (insert footnote: '*buildings which, with relatively little intervention, could be readily occupied*'.) buildings are set back a minimum distance of the fall-over distance plus 10% from the curtilage of same;
- vii. the development will not cause significant harm to the safety or amenity of any sensitive receptors⁵⁵ (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light;
- viii. above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location. A time limit condition of 30 years will normally be attached and

ix. the development will not harm groundwater flow paths or aquifers.

For wind farms and single wind turbines, a separation distance of 10 times rotor diameter to occupiable property will generally apply. For wind farms, the separation distance should be a minimum of 500m. Where the Council considers it necessary, a noise assessment report, and a landscape and visual impact assessment (including photomontages to aid assessment of visual impact) will be submitted upon request and prepared in accordance with best practice methodology.

Within designated Wind Energy Capacity Areas (WECA's), any further wind energy development proposals, including re-powering, will need to be very carefully considered so that they do not unacceptably intensify existing adverse landscape impacts in these areas.

RED 3 Solar Farms

Proposals for solar farms will (in addition to Policy RED 1) be required to meet all of the following specific criteria:

- i. there shall not be unacceptably adverse impacts of glint and glare, for public safety especially of drivers and for visual amenity;
- ii. there shall not be unacceptably adverse visual impacts or undue prominence within the landscape;
- iii. it is demonstrated that the associated means of enclosure and other ancillary structures and/or works integrate sufficiently;
- iv. there shall not be unacceptable loss of High Nature Value (HNV) land or Best and Most Versatile agricultural land (BMV);
- v. above-ground redundant plant, buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location. A time limit condition of 30 years will normally be attached.

The 'LDP Landscape Character Area Review' will be taken into account in assessing all solar farm energy proposals, as Supplementary Planning Guidance (SPG).

RED 4 Anaerobic Digesters (AD)

Proposals for anaerobic digesters will (in addition to Policy RED 1) be required to meet all of the following specific criteria:

- i. feedstock for the AD must be specified, including any waste products. Full 'waste codes' must be specified and agreed;
- ii. details of the source of all feedstock and transportation requirements and routes (in line with the proximity principle) must be provided;
- iii. details of appropriate arrangements must be provided for the storage, transport and end use of all digestate / waste outputs of the AD process, taking account of the 'proximity principle', likely transportation requirements, safety, amenity, environmental and visual impact;
- iv. appropriate provision for the pollution / spillage potential, bunding and other mitigation measures must be specified;
- v. public safety considerations must be adequately addressed;
- vi. relationship to other licensing regimes must be taken into account;
- vii. acceptable arrangements for access, turning and parking arrangements for vehicles, on and accessing the site must be demonstrated;
- viii. it will not result in damaging impacts on human health, as well as sensitive habitats, wider biodiversity and ecosystem resilience, through increased ammonia emissions;

Waste products are often used in or result from AD operations. Therefore, all such proposals shall also be assessed against Policy WP 1 in the Waste Planning Chapter.

RED 5 Hydro-electric Schemes

Hydro-electric Schemes will (in addition to Policy RED 1) be required to demonstrate all of the following specific criteria:

- i. the potential loss of water flow due to extraction / diversion, especially during various times of the year is adequately addressed;
- ii. there is no unacceptable adverse impact on fish, water birds and other water dependent Wildlife; and
- iii. there is no unacceptable adverse impact on water quality as a result of the development.
- iv. any structures shall have no unacceptable adverse impact on visual amenity or landscape character.'

⁵²An 'active' bog as one that supports a significant area of vegetation, which is normally forming peat. A few groups of plants – especially Sphagnum bog mosses and cotton grasses dominate this vegetation. Sphagnum effectively sterilises the bog, preventing organic matter deposited there from decaying. Such areas deliver ecosystem services such as carbon storage & sequestration and water supply. 'Active' bogs include those that suffered temporary setbacks such as fire damage or drought, and areas which have been damaged but which are now showing significant signs of recovery, such as eroded bogs in which the gullies are re-vegetating

⁵³ As defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended

⁵⁴ Fall over distance is hub height plus the length of one blade.