

Derry City and Strabane District Council

Local Development Plan 2032

Draft Plan Strategy

March 2025

Draft 'Final' Habitats Regulations Assessment (HRA)

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Annex A Conservation Objectives (Separate Document)

## Non-Technical Summary

### Habitats Regulations Assessment

Regulation 43 of the Habitats Regulations, 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 or Ireland, either alone or in combination with other plans or projects. This is known as Habitats Regulations Assessment (HRA) and provides for assessment of the implications of a land use plan for international sites in view of their conservation objectives. For the purpose of this report 'European sites' collectively may include existing or proposed Special Protection Areas (SPAs), existing or candidate Special Areas of Conservation (SACs), Sites of Community Importance (SCI), and listed or proposed Ramsar sites.

This draft HRA Report is prepared in support of the draft Plan Strategy for Derry City and Strabane District Local Development Plan (LDP) – at the pre-Adoption stage following the DfI Direction, in Spring 2025. It records the assessment of the draft Plan Strategy as modified and its potential impacts on European sites.

### Overview of the Plan Strategy Habitats Regulations Assessment

A draft HRA was first undertaken in 2019 in support of the draft Plan Strategy. This is the draft 'final' HRA which assesses the Plan Strategy as directed to be modified in the Direction from the Department for Infrastructure (DfI). It takes account of the views of the Planning Appeals Commission expressed in the independent examination report. It takes account of up-to-date information. Following both statutory and public consultation and upon consideration of any relevant comments received, this final HRA will then be prepared for publishing alongside the adopted Plan Strategy.

### Overview of draft Plan Strategy

The Plan Strategy provides a plan-led policy framework for making day-to-day decisions to help Derry City and Strabane District Council (the Council) deliver sustainable development for employment, homes and infrastructure in a high-quality environment across the Council area. It sets out how the area will change and grow until 2032. The nature of the Plan Strategy is that it has the potential to have a significant effect on some European sites, therefore the Council is undertaking a HRA in its role as a competent authority to ensure the legal requirements of the Habitats Regulations are fully met.

### European sites Overview

A total of 38 European sites were identified that could potentially be affected by the Plan Strategy. Sites beyond the Council area with an ecological connection were also included, for example those which are connected by marine mammals relevant to appropriate hydrological screening distances. All sites within 15km of the plan area were also considered. Appendix 4, Maps 1 to 4 illustrate European sites in relation to the District.

### Screening of the Plan

All of the Plan Strategy proposals were reviewed in Section 4, from the Overall Strategy containing the Vision and Plan Objectives, Growth and Spatial Strategy and General Development Principles and Policies, through the strategies and operational policies for Economy, Social Development and Environment, to the Place-Making and Design Vision Chapters and appendices. Following the screening of the complete draft Plan Strategy it was found that, in the absence of mitigation, there is potential for likely significant effects to arise from 96 Policies. These were all screened-in for appropriate assessment.

### Appropriate Assessment

Those policies screened-in were assessed in Section 5. It was found that measures were incorporated which can be considered to be mitigation to avoid the Plan Strategy having adverse effects on the integrity of European sites.

### Conclusions of the HRA

On the basis of the analysis set out below, the Council can conclude the Plan Strategy (with the modifications set out in the Direction made by the Department for Infrastructure) will not adversely affect the integrity of any European site, either alone or in combination with other plans and projects.

## List of Abbreviations

ACMD	Areas of Constraint on Minerals Development
AD	Anaerobic Digesters
AHLI	Areas of High Landscape Importance
AoHSV	Areas of High Scenic Value
AONB	Area of Outstanding Natural Beauty
ASSI	Area of Special Scientific Interest
CEMP	Construction Environmental Management Plan
CJEU	Court of Justice of the European Union
CMS	Construction Method Statement
COMAH	Control of Major Accident Hazards
CPA	Countryside Policy Area
CSM	Common Standards Monitoring
DAERA	The Department of Agriculture, Environment and Rural Affairs
DAP 2011	Derry Area Plan 2011
DC&SDC	Derry City & Strabane District Council
DEFRA	Department for Environment, Food and Rural Affairs
DFI	Department for Infrastructure
DPAs	Development Pressure Areas
DPS	Draft Plan Strategy
EC	European Commission
EIA	Environmental Impact Assessment
FCS	Favourable Conservation Status
GB	Green Belt
GEDA	General Economic Development Area
HMO	Houses in Multiple Occupation
HNA	Housing Needs Assessment
HRA	Habitats Regulations Assessment
J&A	Justification and Amplification
JNCC	Joint Nature Conservation Committee
LDP	Local Development Plan
LLPA	Local Landscape Policy Areas
LPP	Local Policies Plan
LUPAs	Land Use Policy Areas
MRAs	Minerals Reserve Areas
NA	Not Applicable
NEDA	New Economic Development Area
NIEA	Northern Ireland Environment Agency
NIW	Northern Ireland Water
POP	Preferred Options Paper
RoI	Republic of Ireland

SA	Sustainability Appraisal
SAC	Special Area of Conservation
SAP 2001	Strabane Area Plan 2001
SCA	Special Countryside Area
SEA	Strategic Environmental assessment
SEDA	Special Economic Development Areas
SES	Shared Environmental Service
SGP	Strategic Growth Plan
SME	Small & Medium Enterprises
SPA	Special Protection Area
SPG	Supplementary Planning Guidance
SPPS	Strategic Planning Policy Statement
SRA	Strategic Redevelopment Areas
SuDS	Sustainable Drainage Systems
WECA	Wind Energy Capacity Area
WR&SR	Water Resource & Supply Resilience Plan

# 1 Introduction

## Local Development Plan 2032

The Plan Strategy for Derry City and Strabane District Council Local Development Plan (LDP) sets out how the area will change and grow over the period up to 2032. It provides an overall vision for the District, namely:

*'To make Derry City and Strabane District a thriving, prosperous and sustainable area – Planning for balanced and appropriate high-quality development, whilst protecting our environment, and also promoting well-being with equality of opportunity for all.'*

The Plan Strategy is the first of two development plan documents which will comprise the LDP. The Plan Strategy provides a plan-led policy framework for making day-to-day decisions to help Derry City and Strabane District Council (herein referred to as 'the Council', 'Council area' or 'District') deliver sustainable development including future housing, employment, retail and infrastructure provision across the District.

The Plan Strategy is the first document in a two-stage process, the second being the Local Policies Plan (LPP). Together these will constitute the Council's new Local Development Plan (LDP). The purpose of the LDP is to inform the general public, statutory authorities, developers and other interested parties of the policy framework and land use proposals that will guide development decisions within the District.

The Plan Strategy follows the publication of the Preferred Options Paper (POP) published in 2017. In preparing it the Council has taken account of the representations received on the POP, further input from key consultees, stakeholders and, in particular, the elected Councillors through Member Workshops and Planning Committee meetings.

The LDP will provide a 15-year plan framework to support the economic, social and environmental needs of the District in line with regional strategies and policies, providing for the delivery of sustainable development. It is intended to provide a 'plan-led' framework for rational and consistent decision-making by the public, private and community sectors and those affected by development proposals; in particular, it will be the primary document against which the Council will assess and decide on planning applications. It will also deliver the spatial aspects of the Council's Community Plan.

## Structure of the Plan Strategy

The draft Plan Strategy is presented in eight parts in one volume as follows:

- Part A - Contextual Chapters
- Part B - Overall Strategy
- Part C - Economy – Strategy, Designations & Policies
- Part D - Social Development – Strategy, Designations & Policies
- Part E - Environment – Strategy, Designations & Policies
- Part F - Place-Making And Design Vision
- Part G - Specialised Requirements, Etc.
- Part H - LDP Monitoring and Review

It contains seven appendices that provide detail that informs the draft Plan Strategy.

## Overview of Derry City and Strabane District Council area

The District has a population of approximately 150,000 people and a land area of approximately 1,245 square kilometres. It borders Donegal County Council (RoI) and has shared boundaries with Causeway Coast & Glens Borough Council, Mid-Ulster District Council and Fermanagh & Omagh District Council.



## Existing Plans and Local Policies Plan

Extant development plans will continue to have effect until the next stage i.e. LPP is adopted. This is set out in the transitional arrangements in The Planning (Local Development Plan) Regulations (Northern Ireland) 2015<sup>1</sup>. The legacy development plans that apply to the District are:

- Derry Area Plan 2011 (adopted May 2000)
- Strabane Area Plan 2001 (adopted April 1991).

Once both the Plan Strategy and Local Policies Plan are adopted, the 'Local Development Plan', they will replace the existing area plans.

The LPP will set out the Council's local policies with site specific proposals for the development and use of land within the Council area and contain designations and zonings to deliver the vision and plan objectives. Another HRA will be prepared to assess the potential impacts of the LPP on international sites. The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 state that the legacy Development Plans will cease to have effect upon adoption of the new LDP at LPP stage.

## Requirement for HRA

The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), commonly referred to as the Habitats Regulations, implemented the requirements of the Habitats<sup>2</sup> and Birds Directives<sup>3</sup>. Regulation 43 of the Habitats Regulations 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. This is known as Habitats Regulations Assessment (HRA) and provides for assessment of the implications of a land use plan for international sites in view of their conservation objectives where relevant. Regulation 64B applies the assessment provisions to land use plans as defined in the Planning Act (Northern Ireland) 2011. For this report, European sites include existing or proposed SPA, existing or candidate SAC, Sites of Community Importance, and listed or proposed Ramsar Sites as relevant. This draft HRA Report is prepared in support of the Plan Strategy, it records the assessment of the Plan Strategy and its potential impacts on European sites.

## Approach to HRA

The overall approach for this HRA has been developed in accordance with the Habitats Regulations. The HRA follows the guidance set out in the Habitats Regulations Assessment Handbook (the HRA Handbook) and is also informed by the reference material in Appendix 1. Current subscribers to the Handbook include the Department of Agriculture, Environment and Rural Affairs (DAERA) which represents the Statutory Nature Conservation Body for Northern Ireland. The approach is detailed in Appendix 2 of this report where case law relevant to HRA for plans is also referred to.

### *Step 1: Deciding whether a plan should be subject to HRA*

The European Commission (EC) Guidance (referenced in Appendix 1) does not specify the scope of a plan which should be subject to the Directive and related transposing legislation, but it does state that the key consideration is whether it is likely to have a significant effect. The HRA Handbook F.3. recommends reviewing proposals against a number of questions. These may lead to plans being exempted, eliminated or excluded from the need for HRA. The Plan Strategy does not directly relate to the management of any international site therefore it cannot be exempted from the requirement of the Habitats Regulations. The Plan Strategy is part of the LDP and clearly represents a strategic and local development plan. The requirement for planning permission to be determined in light of the relevant land use plan, necessarily means that LDPs have considerable influence on development

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<sup>1</sup> <http://www.legislation.gov.uk/nisr/2015/62/schedule/made>

<sup>2</sup> Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

<sup>3</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version)

decisions and that, as such, they must be subject to HRA in their own right. The outcome of this step is that the Plan Strategy requires HRA as a strategic and local development plan.

The nature of the Plan Strategy is that it has the potential to have a significant effect on the selection features of some international site therefore we are undertaking a HRA in our role as a competent authority. Shared Environmental Service (SES) provides support to Derry City and Strabane District Council and all other Councils in NI on HRAs for plans and projects. SES has therefore, in conjunction with the Council, prepared this HRA for the Plan Strategy to ensure the legal requirements of the Habitats Regulations are fully met.

In preparing this HRA, opportunities to strengthen the Plan Strategy were identified and have already been incorporated in the policies and supporting text. Examples include adding text in to highlight the potential for impacts on international site.

This version of the HRA is being published following the Independent Examination and the receipt by the Council of a Direction from the Department for Infrastructure under the Planning Act (Northern Ireland) 2011. This assesses the Plan Strategy as directed to be modified in the Direction from the Department for Infrastructure. It takes account of the views of the Planning Appeals Commission expressed in their Independent Examination advisory report. It takes account of up to date information.

### Context for draft HRA

Appendix 2 explains that the requirement for planning permission to be determined in light of the relevant land use plan, necessarily means that LDPs have considerable influence on development decisions and that, as such, must be subject to HRA in their own right. Many policies represent a continuation of a previous policy; however, each was considered on its own merits in the assessment. Many of the proposals affect multiple locations or locations which have not been defined at Plan Strategy.

### Other Regulations

An assumption is made that existing regulations and legislation that are independent of planning are implemented and enforced by the relevant authority. Relevant examples are the Water (Northern Ireland) Order 1999, Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006, Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013 and the Drainage (Northern Ireland) Order 1973, all as amended.

### Consideration of Mitigation

A ruling of the Court of Justice of the European Union (CJEU) in 2018 known as 'People over Wind' clarified how mitigation should be assessed through HRAs as detailed in Appendix 2. In light of this, measures envisaged to avoid or prevent what might otherwise have been adverse effects on the integrity of international sites are not taken into account in Stage 1 and instead will be assessed at Stage 2 appropriate assessment. Stage 1 Assessment does consider essential features and characteristics of the plan and takes account of regional and strategic context and other regulatory controls that will apply to development under the plan.

### HRA at other Stages of Plan Making and Development Management

The LPP will be subject to HRA, at which stage revised or new zonings and local policies will be assessed. The need for HRA will also be considered for individual projects at the development management stage and assessment carried out where required.

### Climate Change

It is acknowledged that increased levels of development that will arise from the plan have the potential to add to anthropogenic drivers of climate change. However, the causes of climate change are global and much of the action required must take place at national and international levels as well as at the local level. The conservation objectives for SPAs do not refer to climate change. Those for SACs address climate change as follows: 'Northern Ireland faces changes to its climate over the next

century. Indications are that we will face hotter, drier summers, warmer winters and more frequent extreme weather events.’ The action recommended is ‘When developing SAC management plans, the likely future impacts of climate change should be considered and appropriate changes made.’ Therefore, while climate change is acknowledged, specific measures have not been addressed in the conservation objectives.

## 2 Identification of European sites potentially affected

### 'Long-list' of European sites

#### *Step 2a: 'Long-list' of European sites that should be considered in the HRA*

European sites that are connected with the Council area were firstly identified. These include sites within or immediately adjacent to the Council area; those within 15 km of the District boundary to capture potential aerial emissions; and those with an ecological connection to consider DAERA marine mammal screening distances. The outcome is a 'long-list' of 43 sites that are in or potentially connected to the Council area. Appendix 4, Maps 1 to 4 illustrate these sites in relation to the Council area.

**Table 1 Sites Connected with Council Area**

European Site Name	Connection with plan area		
	Within or Adjacent to Plan Area	Within 15 km of Plan District boundary (Zol)	Within DAERA Marine Mammal Screening distance (100km/50km)
Ballynahone Bog Ramsar Site		•	
Ballynahone Bog SAC		•	
Banagher Glen SAC		•	
Black Bog Ramsar Site		•	
Black Bog SAC		•	
Carn - Glenshane Pass SAC		•	
Cranny Bogs SAC		•	
Fairy Water Bog Ramsar Site	•		
Fairy Water Bogs SAC	•		
Lough Foyle Ramsar Site	•		
Lough Foyle SPA	•		
Moneygal Bog SAC	•		
Owenkillew River SAC	•		
Pettigoe Plateau Ramsar Site		•	
Pettigoe Plateau SAC		•	
Pettigoe Plateau SPA		•	
River Faughan and Tributaries SAC	•		
River Foyle and Tributaries SAC	•		
River Roe and Tributaries SAC		•	
Skerries and Causeway SAC			•
Teal Lough Proposed Ramsar Site		•	
Teal Lough SAC		•	
The Maidens SAC			•
Tully Bog SAC		•	
Upper Ballinderry River SAC		•	
Croaghonagh SAC (RoI)		•	
Donegal Bay SPA (RoI)		•	
Donegal Bay (Murvagh) SAC (RoI)		•	
Dunragh Loughs / Pettigoe Plateau SAC (RoI)		•	
Gweedore Bay and Islands SAC (RoI)			•

Horn Head and Rinclevan SAC (RoI)			•
Pettigo Plateau Nature Reserve SPA (RoI)		•	
Lough Derg (Donegal) SPA (RoI)		•	
Lough Eske & Ardnamona Wood SAC (RoI)		•	
Lough Foyle SPA (RoI)	•		
Lough Nageage SAC (RoI)	•		
Lough Swilly SAC (RoI)		•	
Lough Swilly SPA (RoI)		•	
Magheradrumman Bog SAC (RoI)		•	
Meenaguse Scragh SAC (RoI)		•	
Meenaguse/Ardbane Bog SAC (RoI)		•	
River Finn SAC (RoI)	•		
Tamur Bog SAC (RoI)		•	

### ‘Short-list’ of European sites

#### *Step 2b: ‘Short-list’ of sites that should be considered in the HRA*

As the ‘long-list’ of sites remain precautionary, detailed screening was undertaken to determine those sites *likely* to be significantly affected due to the implementation of the Plan Strategy. This step is recorded in Appendix 3, Table A.3.1. No further sites were identified through the scan in A.3.1. and 5 sites were eliminated from further consideration due to separation distance or absence of a viable pathway for effects (see Table A.3.2). This results in a list of 38 sites to be further assessed. The five sites screened out lacked any real ‘connectivity’ for effects due to the absence of viable pathways, or the nature of species or habitat potentially affected - see Table A.3.2 for explanation.

In summary, the screening approach, having regard to the source-pathway-receptor model, considered the realistic risk of effects manifesting rather than any hypothetical risks.

Given the broad definition of direct effects used in the HRA Handbook, there is the potential for a direct effect on all sites which have been screened-in for further assessment. Table 2 identified the nature of the environment and the potential mechanisms through which impacts could affect the 41 European sites listed. The potential effects are as follows and are discussed in Section 3:

- Aquatic Environment
- Marine Environment
- Coastal Processes
- Mobile Species
- Recreational Pressure
- Growth – Water Supply
- Growth – Wastewater
- Growth – Aerial Emissions
- Aerial Emissions (other)
- Disturbance (other)
- Introduced Species

Table 2 Potential Effects on European sites

Site Name	Aquatic Environment	Marine Environment	Coastal Processes	Mobile Species	Recreational Pressure	Growth - Water Supply	Growth - Wastewater	Growth - Aerial Emissions (Industry)	Aerial Emissions (Ammonia)
Ballynahone Bog Ramsar Site								•	
Ballynahone Bog SAC								•	
Banagher Glen SAC								•	
Black Bog Ramsar Site								•	
Black Bog SAC								•	
Carn - Glenshane Pass SAC								•	
Cranny Bogs SAC								•	
Fairy Water Bog Ramsar Site	•				•	•	•	•	•
Fairy Water Bogs SAC	•				•	•	•	•	•
Lough Foyle Ramsar Site	•	•	•	•	•	•	•	•	•
Lough Foyle SPA	•	•	•	•	•	•	•		
Moneygal Bog SAC	•				•	•	•	•	•
Owenkillew SAC	•			•	•	•	•	•	•
Pettigoe Plateau Ramsar Site								•	
Pettigoe Plateau SAC								•	
Pettigoe Plateau SPA				•					
River Faughan and Tributaries SAC	•			•	•	•	•	•	•
River Foyle and Tributaries SAC	•			•	•	•	•	•	•
River Roe and Tributaries SAC	•			•				•	•
Skerries and Causeway SAC				•					
Teal Lough Proposed Ramsar Site								•	•
Teal Lough SAC								•	•
The Maidens SAC				•					
Tully Bog SAC								•	•
Upper Ballinderry River SAC	•			•				•	
Croaghonagh SAC (Rol)								•	•
Dunragh Loughs / Pettigoe Plateau SAC (Rol)								•	•
Gweedore Bay and Islands SAC (Rol)				•					
Horn Head and Rinclevan SAC (Rol)				•					
Lough Eske & Ardnamona Wood SAC (Rol)								•	•
Lough Foyle SPA (Rol)		•	•	•			•	•	
Lough Swilly SAC (Rol)	•						•	•	•

Lough Swilly SPA (RoI)	•			•			•		
Magheradrumman Bog SAC (RoI)								•	
Meenaguse Scragh SAC (RoI)								•	
Meenaguse/Ardbane Bog SAC (RoI)								•	
River Finn SAC (RoI)	•			•	•		•	•	•
Tamur Bog SAC (RoI)	•			•				•	

### *Step 3: Gathering information about the European sites*

Information for each site identified at Step 2a was compiled on selection features, conservation objectives, conservation status, potential threats to site integrity from planning related development and location relative to the plan area and any plan designations. This is presented in Appendix 3 with the conservation objectives for each site provided as separate Annex A.

### *Step 4: Discretionary discussions on the method and scope of the appraisal*

The Statutory Nature Conservation Body for sites in Northern Ireland is represented by the Northern Ireland Environment Agency (NIEA). NIEA has published Conservation Objectives for SACs and SPAs and further information that NIEA may hold about European sites which is not in the public domain was requested. NIEA was invited to comment on the draft HRA during the draft Plan Strategy consultation period and its representations have informed this assessment. The Statutory Nature Conservation Body for sites in Ireland is represented by the National Parks and Wildlife Service who hold published Conservation Objectives for SACs and SPAs, which have been taken into account.

### 3 Potential Impacts of Development

The scanning and site selection Table A.3.1, Appendix 3, has identified the potential mechanisms through which the Plan might exert an influence over international site. These are summarised in Section 2, Table 2 which identifies the sites that could be affected by each impact. This section discusses the potential for each of these effects to arise from the Plan Strategy and informs Sections 4 and 5.

#### Direct Effects

All sites within the plan area 15km Zone of Influence (Zoi) are potentially vulnerable to direct impacts. These can lead to degradation or loss of habitat or direct effects on species. There are three European sites wholly within the LDP area. These are Moneygal Bog SAC, River Faughan and Tributaries SAC and River Foyle and Tributaries SAC. A number of sites are partially within the plan area and also vulnerable to direct effects including Fairywater Bogs SAC & Ramsar site, Lough Foyle SPA & Ramsar site and Owenkillew River SAC.

Direct effects on European sites will be considered in screening the Plan Strategy in Section 4 and will also be considered at LPP when reviewing or allocating zoned land.

#### Effects upon the aquatic and marine environment

This covers direct impacts upon the aquatic or marine environment from contamination of surface water or changes in flow regime. Indirect impacts from water supply or disposal of wastewater are covered separately below. A number of freshwater, wetland and marine sites are within, adjacent to or hydrologically linked to the plan area. Such effects are generally limited to proposals in close proximity to a European site.

The River Faughan and Tributaries SAC, the River Foyle and Tributaries SAC, Owenkillew River SAC and Lough Foyle SPA & Ramsar site are all vulnerable to direct effects on the aquatic and coastal environment. The SAC rivers have large catchments within the plan area, the River Foyle encompasses 120km of watercourses and the Faughan 60km of watercourses.

Sites with aquatic selection features extend along our rivers and to Lough Foyle. Water quality is the most important factor for most of these selection features, with both point and diffuse sources of pollution being potentially damaging. These are influenced by human activities throughout the catchment.

Water pollution causes deterioration of (or failure to improve) water quality, due to direct runoff of pollutants including fuel, chemicals and sediments from development during construction or operation. Development on brownfield sites may lead to risk of release of contaminants which needs to be assessed and, where necessary, remediation carried out.

Many of the main land uses in the LDP are already zoned and are committed, including Housing and Economic Development Land. The LDP will carry forward most of the Housing zonings / designations from the Derry Area Plan 2011 and the Strabane Area Plan 2001. The Council will strategically allocate and manage housing for 9,000 new homes for the LDP period. In many of the Council settlements, the number of existing commitments is sufficient to meet the housing requirement up to 2032 and even beyond.

Housing land is distributed within the settlement hierarchy. An element of housing in the countryside is also allowed for, to sustain the rural area in accordance with the Strategic Planning Policy Statement (SPPS). The LDP Plan Strategy comprises 47 settlements including Derry City, Strabane Town, 3 Local Towns, 23 Villages and 19 Small Settlements. The strategic aim of the housing allocation is to ensure a balanced growth across the District's settlement hierarchy with a focus on Derry City as the regional city of the North West, as well as Strabane Town as a Main Hub plus other



housing opportunities in the rural settlements and the countryside. The majority of new strategic housing growth in the settlements will be delivered through existing housing sites under construction, sites with current planning permission or on 'brownfield' sites within the existing built-up areas.

All of the settlements throughout the district are within the Foyle or Faughan catchments. There may be pathways from undeveloped housing land during construction and operation for pollutant release to these river catchments and to Lough Foyle.

There are numerous opportunities across the City and District in terms of range and choice of site that are available to meet the needs of economic development / employment opportunity. These include Strategic Redevelopment Areas (SRAs) within the city centre and Strabane Town Centre, Special Economic Development Areas (SEDAs) such as Ebrington and Fort George and the Port. General Economic Development Areas (GEDAs) are located within and adjacent to the City and within some settlements. There is also a proposal to provide a New Economic Development Area (NEDA) to provide a sustainable location to serve the expansion of the city in the west along the Buncrana Road. There will also be some opportunities for economic development in the countryside. The scale, extent and location of all employment opportunity areas will be confirmed at the Local Policies Plan (LPP) Stage.

As for housing there may be hydrological pathways from undeveloped Economic Land to the Foyle and Faughan catchments, Lough Foyle and Lough Swilly. Development at Buncrana Road may be hydrologically connected to Lough Swilly SPA & Ramsar site, and Foyle Port where an estimated 37ha of land remains available is connected to Lough Foyle SPA & Ramsar site and situated such that any impacts from development could impact on salmon migrating into the Foyle and Faughan catchments.

Effects upon the aquatic and marine environment will be considered in screening the Plan Strategy in Section 4 and will also be considered at LPP when reviewing or allocating zoned land.

### Effects upon the coast

This includes direct impacts upon coastal processes. Such effects are generally limited to proposals in close proximity to a European site. The LDP area includes 12km of Lough Foyle shoreline comprising shallow, intertidal mudflats along Lough Foyle, from beyond Culmore in the north-west as far as City of Derry Airport in the north-east. The coastal area includes Foyle Port. The Derry City and Strabane District Council Coastline may only stretch for approximately 12kms, nonetheless, the River Foyle's tidal reach extends 16kms to Strabane. In that regard coastal consideration can apply to both the traditional shoreline and sea interface as well as the tidal element associated with it.

Effects upon the coast will be considered in screening the Plan Strategy in Section 4 and will also be considered at LPP when reviewing or allocating zoned land.

### Effects on mobile species

Most animal species range beyond the European sites for which they are selection features. Land which is outside the boundary of a designated site but provides functional support for those selection features is referred to as supporting habitat. Potentially development can affect such supporting habitat or the selection features utilising it.

Mobile species in the Council area include whooper swans, bewick swans, light bellied brent goose and an assemblage of wintering waterfowl, features of Lough Foyle SPA & Ramsar site. Habitat outside the SPA & Ramsar site boundary provides high tide roosts and additional supporting habitat, including an area identified south west of Bready. Flight paths for whooper swan could potentially be disrupted by development such as wind turbines and overhead electricity lines.

Both on-site and off-site activities can potentially affect mobile features associated with Lough Foyle SPA and Ramsar site. Adjoining habitat is particularly important for swans and geese as well as

providing high tide roost locations. Significant changes in land management and disturbance are key considerations. Commercial and recreational boating can cause disturbance especially to particularly sensitive areas within the site. Loss of habitats can occur through development, changes in coastal processes, invasive species. Loss of inter-tidal habitat is a critical issue as this is the feeding zone for the majority of birds in terms of both numbers and species. Open water habitat could be impacted through port expansion although this is likely to be limited. Habitat quality can also be impacted by diminution of water quality. Power cables within flight lines present a problem in relation to swans and geese.

Atlantic salmon is a mobile species which breed in freshwater and migrate to sea to grow and mature to adults. They are therefore present throughout the Foyle and Faughan catchments migrating through the Foyle estuary upstream to spawning locations which include tributaries upstream of the designated sites. Salmon require cool, clean water and spawning gravels and a diverse range of habitat features such as pools to rest in and can be impacted by changes in water quality, quantity, alteration of natural river morphology and pollution.

Effects on mobile species will be considered in screening the Plan Strategy in Section 4. Functionally linked land or pathways that may be used by mobile species will also be a consideration at LPP when reviewing or allocating any zoned land.

#### Effects of recreational pressure

This impact mechanism is directly related to general increases in housing development and associated increases in recreational pressure from new residents moving into an area. It may also arise where there are specific proposals to focus recreational development. Recreation has the potential to have a significant effect if it is intensified to a degree that it causes erosion, habitat damage or persistent disturbance, or if the water sports season is extended to when wintering birds are present.

The LDP Plan Strategy is to provide enough land to accommodate and facilitate the provision of approximately 9,000 dwellings and 15,000 jobs, with associated services and infrastructure for up to 160,000 people.

There may be opportunities for recreation within the European sites identified. Walking trails adjacent to Lough Foyle (within Causeway Coast and Glens Borough Council) are on established paths and separated from the SPA & Ramsar site by the seawall. Ness Wood Country Park is within the River Faughan and Tributaries SAC and Claudy and Learmont Country Parks are adjacent to the River Faughan and Tributaries SAC. The River Faughan SAC is well wooded in places and planning applications have been received for facilities such as outdoor recreation sites within these areas.

Other types of recreation include canoeing (the Foyle Canoe Trail stretches over 53km from the start of the River Foyle to the Atlantic Ocean) and other water based recreation such as power boating.

Effects of recreational pressure will be considered in screening the Plan Strategy in Section 4 and will be a consideration at LPP when reviewing or allocating zoned land.

#### Effects of development growth

This impact mechanism is directly related to general increases in housing and economic development and associated increases in demand for water and treatment of wastewater from new residents or businesses moving into an area or expansion of existing businesses. The LDP Plan Strategy is to provide enough land to accommodate and facilitate the provision of approximately 9,000 dwellings and 15,000 jobs, with associated services and infrastructure for up to 160,000 people. The LDP Strategy for Economic Development is to promote sustainable economic development in an environmentally sensitive manner and reinforcing Derry's role as the hub of the North West City Region, strengthening cross-border links and opportunities and by the creation of up to 15,000 jobs. The LDP identifies Strategic Redevelopment Areas (SRAs) within the city centre and Strabane Town

Centre, Special Economic Development Areas (SEDAs) such as Ebrington and Fort George and the Port. General Economic Development Areas (GEDAs) are located within and adjacent to the city and within some settlements. There is also a proposal to provide a New Economic Development Area (NEDA) to provide a sustainable location to serve the expansion of the city in the west along the Buncrana Road. There will also be some opportunities for economic development in the countryside.

### *Water Supply*

There is evidence that water supply will be sufficient for the life of the plan therefore there is not predicted to be a need to expand water supply sources to support proposed development. Any development that requires non-mains water could have a localised effect on hydrology or hydrogeology and will require an abstraction licence which will be subject to HRA.

It is the responsibility of NI Water to ensure that a safe supply of drinking water for the population is maintained. There are five water supply zones wholly or partially within the district at Carmoney Eglinton, Caugh Hill Dungiven, Corrody Derry, Derg Strabane and Lough Bradan Drumquin. Drinking water is supplied to the District from two SAC rivers, the River Faughan through Carmoney WTW and the River Derg through Derg WTW. Water is also abstracted from the Glenedra River in the River Roe catchment and treated at Caugh Hill WTW. NI Water has indicated in correspondence sought for the Sustainability Appraisal Scoping Report that it does not envisage any substantive water supply issues that will impinge upon new development across the Council area. NI Water is satisfied with the sufficiency of the water supply to the Council area over the plan period therefore development under the plan is not expected to necessitate development of any new public water supplies.

NI Water published Water Resource & Supply Resilience Plan (WR&SR Plan) in March 2020. This Plan shows how the company will manage and develop water resources to make sure there is enough water to meet future supply needs. The WR&SR Plan takes into account changes in population, housing, water usage and incorporates any predicted changes to our climate. This includes how water supplies would be maintained during critical periods such as severe winters, drought and also includes a drought plan. The WR&SR Plan acknowledges the need to take account of adopted and emerging Local Development Plans to ensure it complies with the District's aims, objectives and long-term vision in terms of growth, constraints and opportunities.

A Habitats Regulations Assessment has been carried out to consider the potential for the options contained within the WR&SR Plan and the Drought Plan to significantly affect internationally important nature conservation sites (SACs, SPAs and Ramsar sites), either alone or in combination with other plans and projects.

This concludes:

*“The Stage 1 HRA screening assessment of the WR&SR Plan to identify potential for likely significant effects screened out all options in the preferred Plan as requiring Stage 2 Appropriate Assessment with the exception of the Castor Bay WTW expansion within the Lough Neagh Ramsar site. As part of the WR&SR Plan a high-level Appropriate Assessment will be required. Where appropriate assessment identifies the potential for likely significant effects on the Ramsar site or SPA there would need to be a commitment to replace this option to avoid stage 3 and 4 HRA being required. Many of the Plan options will require project level HRA to be undertaken to take account of detailed design and final route or site location. The Drought Plan includes short-term actions with potential significant effects on HRA Natura 2000 and Ramsar sites. These are likely to require stage 2 Appropriate Assessment.”*

In light of the sufficiency of the water supply to the Council area over the plan period and the HRA of the WR&SR Plan effects that might undermine the conservation objectives can be excluded.

### *Wastewater Treatment*

The provision of wastewater treatment within the District is the responsibility of NI Water. Wastewater Treatment Works discharge to a number of designated areas. This is reflected in those

sites for which there are hydrological connections. All planning applications that indicate mains sewage treatment are referred to NI Water to confirm whether capacity exists.

NIW (February 2025) current planning status identified that the following Settlement Wastewater Treatment Works have 'insufficient capacity' or are 'at or reaching capacity' in the Plan Strategy area:

- Ardmore
- Ardstraw
- Clady
- Derry City
- Douglas Bridge
- Drumahoe
- Lettershendoney
- Maydown
- Newbuildings
- Strathfoyle

In addition, it advised that the following settlements currently have network capacity issues of either 'insufficient capacity' or are 'at or reaching capacity' in the Plan Strategy area:

- Derry City
- Strabane
- Castledearg
- Newtownstewart
- Sion mills
- Artigarvan
- Ballymagorry
- Culmore
- Donemana
- Eglinton
- Glebe
- Lettershendoney
- Magheramason
- Newbuildings
- Strathfoyle
- Ardmore
- Campsey
- Drumahoe
- Maydown

Where a potential development cannot connect to the mains sewerage network, or where NI Water has indicated that consented capacity at the receiving works is limited or restricted, or there are network constraints, then a project will not be able to proceed unless it satisfies operational policy GDPOL 1. This states *'planning permission will only be granted for development relying on non- mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made. In those areas identified as having a pollution risk, development relying on non-mains sewerage will only be permitted in exceptional circumstances.'*

This means that, should there be credible evidence of a real risk to any European sites, then sufficient information will be available to assess whether the development could have a likely significant effect and whether that can be mitigated by a suitable wastewater treatment solution.

The Water Utility Regulation Group of DAERA regulates discharges to the water environment and is a competent authority under the Habitats Regulations.

In light of the NIW capacity constraints in the Council area, it is considered that the demand for wastewater treatment arising as a result of the level of growth enabled by the Plan Strategy could result in such pressures that could undermine conservation objectives of a European site. Potential impacts of wastewater will also be a consideration at LPP when reviewing or allocating any zoned land.

#### *Aerial emissions (traffic and industry)*

Housing and economic development tends to be linked with increased traffic and emissions from traffic have been shown to be linked to impacts on vegetation within 200m of the road edge. Beyond 200m, significant vegetation level effects associated with traffic emissions (including deposition) have not been observed in scientific studies. The current advice from DAERA is that industrial /

combustion source development above a thermal capacity threshold developments within 15km of a European site should be modelled for potentially polluting aerial emissions.

Effects of aerial emissions from traffic and industry on European sites will be considered in screening the Plan Strategy in Section 4 and will also be a consideration at LPP when reviewing or allocating any zoned land.

#### Aerial Emissions (Ammonia)

Deposition of aerial pollutants can damage habitats and species through toxic effects and nutrient enrichment. Nitrogen deposition is identified as a threat for many European sites. Livestock production is a significant source of nitrogen deposition, particularly in the form of ammonia. The current advice from DAERA is that all livestock developments within 7.5km of a European site should be modelled for ammonia emissions.

Potential effects of aerial emissions from agriculture on European sites will be considered in screening the Plan Strategy in Section 4 and will also be a consideration at LPP when reviewing or allocating any zoned land.

#### Disturbance (Other)

Noise, light or activity during construction and operation can have adverse impacts on sensitive species and mammals and birds in particular. Salmon passage can also be affected by vibration from piling or lighting. Such disturbance from construction or additional built development can occur within or adjacent to international sites or functionally linked land. It may create barrier effects to species; result in changes in species breeding, roosting, commuting and foraging behaviour; or increase predation. Construction can be planned to avoid causing disturbance at critical times and development can be designed or located to avoid disturbance to sensitive species during operation.

Potential effects of disturbance on European sites will be considered in screening the Plan Strategy in Section 4 and will also be a consideration at LPP when reviewing or allocating any zoned land.

#### Introduced Species

New development has the potential to introduce invasive or non-native species or cause their spread to other sites. The introduction of invasive species, non-native, competitive or predatory species can adversely affect habitats and species. Watercourses are prone to the spread of invasive species such as giant hogweed and Himalayan balsam which are easily transferred by water if released as a result of development. Invasive species may also be transported to new sites by machinery. Development that extends navigable waters or which introduces new boating may also increase the potential for spread of invasive species or waterborne diseases of protected species to waters where they are not currently present. Introduced species such as *Rhododendron ponticum* which is highly invasive on peatlands can displace habitats for which a site has been designated.

Potential effects of introduced species on European sites will be considered in screening the Plan Strategy in Section 4 and will also be a consideration at LPP when reviewing or allocating any zoned land.

## 4 Screening draft Plan Strategy for Likely Significant Effects

### Overview of screening

#### *Step 5: Screening the draft / proposed plan for likely significant effects*

The approach to screening the proposals is detailed in Appendix 2. All of the Plan Strategy proposals were reviewed, from the Overall Strategy containing the Vision and Plan Objectives, Growth and Spatial Strategy and General Development Principles and Policies, through the strategies and operational policies for Economy, Social Development and Environment, Place-Making and Design Vision, Specialised Requirements, to the LDP Monitoring and Review Chapters and appendices. Appendix 5 presents the full review of the draft Plan Strategy. The outcome of the screening of strategies and policies is summarised below and informed by the findings of Section 3 above.

#### Screening Contextual Chapters (Part A)

These chapters, 1. Introduction to the LDP Plan Strategy (PS); 2. Survey & Profile of the Derry City and Strabane District; and 3. Policy Context for the LDP, introduce the plan and present the profile of Council area and the regional and local policy context. They are administrative text and do not direct development therefore they are not subject to further assessment. Further assessment is not required.

#### Screening Overall Strategy (Part B)

##### 4. LDP Vision and Objectives

The Vision is an overall aspiration for the Council area. Delivery of the Vision is through the spatial / cross-cutting, economic, social and environmental objectives; the growth and spatial strategies; the general development principles and policies; and the topic-based strategies and policies. The Plan Vision does not direct development. Further assessment is not required.

The objectives all represent general policy statements, which state a direction without details of how they will be delivered. Some Plan Objectives are possible or likely drivers of potential effects. Examples are some of the Economic Development Objectives to deliver new jobs and businesses, tourism, renewable energy, minerals resources and transport infrastructure and the Social Development Objectives to deliver new homes. For all Objectives the implications can be and are more appropriately assessed under related policies later in the document. The assessment is therefore undertaken through the consideration of related Strategic Policies and Operational Policies. Further assessment is not required.

##### 5. Growth Strategy for the Derry City and Strabane District

The Growth Strategy is a general statement of objectives to sustainably deliver 9,000 new homes for 10,000 more people and 15,000 more jobs. It is a likely driver of potential effects. The implications of growth have been discussed in Section 3 and are more appropriately assessed under related policies later in the document. The assessment is therefore undertaken through the consideration of related Strategic Policies and Operational Policies. Further assessment is not required.

##### 6. Spatial Strategy for the Derry City and Strabane District

###### *Spatial Strategy for the Derry City and Strabane District*

The Spatial Strategy is a strategic high level spatial strategy setting out our settlement hierarchy, the main environmental areas, transport corridors and other main infrastructure features, as well as the general spatial strategy for Derry city and Strabane town. The spatial strategy will determine where planned growth will be directed, balanced with the priority areas for environmental protection and enhancement. It is a general statement of policy however it is also a likely driver of potential effects. The implications of the Spatial Strategy have been discussed in Section 3 and are more appropriately assessed under related policies later in the document. The

assessment is therefore undertaken through the consideration of related Strategic Policies and Operational Policies. Further assessment is not required.

#### Designation SETT 1 and Designation SETT 2

The settlement hierarchy places the focus of development in Derry as the principal city and Strabane as the main town supported by local towns, villages and small settlements. Through SETT 1 and SETT 2 the settlement hierarchy provides a framework for delivering growth. No new settlements have been designated. Each settlement will have a defined development limit, beyond which there will be a presumption against further urban development. The current development limits in the DAP 2011 and SAP 2001 will remain in place and continue to guide development until they are reviewed and adopted in the LPP which will be subject to HRA. Further assessment is not required.

#### Designation SCA 1, Designation AHLI 1, Designation GB 1, Designation DPA 1 and Designation WECA 1

The Spatial Strategy provides for five additional designations: SCA 1 Special Countryside Area (SCA); AHLI 1 Areas of High Landscape Importance (AHLIs); GB 1 Green Belts (GBs); DPA 1 Development Pressure Areas (DPAs); and WECA 1 Wind Energy Capacity Areas (WECAs). Designation boundaries will be fully defined at LPP. SCAs and AHLIs have specific policies, NE 6 and NE 7 respectively and WECAs are protected through RED 1. Within DPAs the same policy tests set out for Green Belts will apply. There are several policies that refer to Green Belt e.g. in tourism, renewable energy and economic development. Although these are primarily designations to protect landscape and control visual impacts some are closely associated with European sites and may provide further protection, for example through constraining development in a buffer zone. When boundaries are reviewed or brought forward for these designations at LPP, they will be subject to and informed by HRA. Further assessment is not required.

### 7. General Development Principles & Policies

#### *GDP 1 to GDP 8 and Implementation of General Development Principles*

This chapter sets out key development principles GDP 1 to GDP 8 and their underlying criteria which all development requiring Planning permission will seek to achieve. Their purposes include promoting sustainable development, adapting to climate change, supporting sustainable economic growth, creating and enhancing shared space, protecting and providing ecosystem services and preserving and enhancing the natural environment. They are all general statements of principles and not formal planning policies against which proposals will be assessed but rather underlying criteria which all development requiring Planning permission will seek to achieve. Further assessment is not required.

#### *GDPOL 1 and GDPOL 2*

GDPOL 2 lists design requirements that development proposals should meet in order to secure planning permission. The policy cannot affect any European sites. Further assessment is not required.

GDPOL 1 will apply to all development coming forward under the Plan Strategy. Planning permission is subject to meeting a number of criteria summarised as follows: iii incorporation of SuDS; viii no significant adverse impact on human health and the environment; and xi development relying on non-mains sewerage, all provide for environmental protection. Criterion vii provides further protection to European sites requiring that *'the proposal meets the relevant requirements as set out in the Natural Environment chapter'*. Such criteria could be construed as mitigation and further consideration is necessary. Policy GDPOL 1 has been screened-in for further assessment.

### 8. Enforcement of Planning

This is administrative text setting out the legislative and policy context for enforcement and how enforcement relates to the LDP. It does not direct development therefore is not subject to further assessment. Further assessment is not required.



## Screening Economy – Strategy, Designations & Policies (Part C)

### 9. Economic Development

#### *LDP Strategy for Economic Development*

The LDP Strategy for Economic Development is a general statement of strategy however it plans for 28% growth in jobs over the life of the plan from 2017 levels. Its implications as a driver of growth are discussed in Section 3 and will be assessed under related development enabling policies. The scale, extent and location of all the employment opportunity areas will be confirmed at the LPP stage which will be subject to HRA. Further assessment is not required.

#### *Designations Employment Opportunity Areas – Tier 1 to Tier 5*

Designations Tier 1, Tier 2, Tier 3, Tier 4 and Tier 5 all enable development and have potential to generate pathways of effects on European sites. These policies have been screened-in for further assessment.

#### *ED 1 to ED 7*

ED 1 applies to all the other ED policies; it indicates that the Natural Environment policies will apply to all economic development. This could be construed to be mitigation and further consideration is necessary. This policy has been screened-in for further assessment.

ED 4 constrains alternative uses on zoned land. The policy is therefore solely about protecting existing economic uses – no wider remit and cannot have an effect on a European site. Further assessment is not required.

ED 2, ED 3, ED 5, ED 6 and ED 7 all enable development and depending on the location have potential to generate pathways for effects on European sites. These policies have been screened-in for further assessment.

### 10. City / Town Centres, Retailing, Offices, Leisure and Other Uses

#### *LDP Strategy for retailing and town centres*

The Council's LDP Strategy for retailing and town centres is a general statement of strategy which aims to adopt a town-centre-first approach which recognises the key role that Derry City centre plays as the primary location for retailing and other related uses. Implications will be assessed under related development enabling policies. Further assessment is not required.

#### *NC 1 and DOS 1*

NC 1 and DOS 1 are general statements of policy. NC 1 in itself cannot lead to development and DOS 1 allows for sites to be considered in Derry and Strabane at LPP which will be subject to HRA. Further assessment is not required.

#### *RP 1 to RP 10*

Policy RP 1 and RP 10 list general criteria for testing the acceptability of proposals. These policies cannot undermine the conservation objectives of any European sites. Further assessment is not required.

RP 2, RP 3, RP 4, RP 5, RP 6, RP 7, RP 8 and RP 9 all enable development and have potential to generate pathways for effects on European sites. These policies have been screened-in for further assessment.

### 11. Transport and Movement

#### *Local Transport Study (LTS) Transport Measures, Strategic Objectives for Car Parking in Derry City and Strabane and Strategic Planning Objectives for Delivery of Transport Strategy and Measures*



The LDP Transport Strategy is encapsulated in the Local Transport Study (LTS) undertaken as part of North West Transport Plan (NWTP). It has been undertaken by DfI in conjunction with the Council. The Strategic Planning Objectives for Car Parking in Derry City and Strabane and Delivery of Transport Strategy and Measures are general statements of policy. Further assessment is not required.

#### TAM 1 to TAM 12

TAM 1, TAM 4, TAM 5, TAM 6, and TAM 9 are all either general statements of policy or policies which list the general criteria for testing the acceptability of proposals. These policies cannot undermine the conservation objectives of any European sites. Further assessment is not required.

TAM 2, TAM 3, TAM 7, TAM 8, TAM 10, TAM 11 and TAM 12 are all development enabling, either to improve strategic transportation facilities such as regional ports and airports, or that is related to and dependent on siting adjacent to the port or airport. The port and airport are adjacent to European sites or supporting habitat for those sites. Some of the policies also specify a measure that might be construed to be mitigation given the proximity of European sites. These policies have been screened-in for further assessment.

## 12. Tourism Development

### LDP Strategy for Tourism

The LDP Strategy for Tourism is a general statement of strategy which, in itself, cannot have any effect on a European site. The preamble states that *“European and international designated sites for nature conservation extend through much of our District from lowland raised bogs in the south west, along our rivers and to Lough Foyle. There is potential for tourism to have a direct impact on these sites, or an indirect effect on supporting habitat or through increasing recreational pressure. Therefore, assessment of the impact of all tourism proposals on these sites will be an important consideration in their assessment to maintain their conservation value.”* The potential for impacts on European sites is therefore highlighted and consideration of implications will be assessed under related development enabling policies. Further assessment is not required.

#### TOU 1 to TOU 7

TOU 1 is a general plan-wide safeguarding policy and cannot lead to development or other change. Further assessment is not required.

TOU 2 to TOU 7 are development enabling and could be relevant to schemes which might impact upon European sites, directly or indirectly through increased visitor pressure. All highlight that tourism development must comply with GDPOL 1 which refers specifically to the Natural Environment Policies. These policies have been screened-in for further assessment.

## 13. Minerals Development

### LDP Strategy for Minerals Development

The LDP Strategy for Minerals Development is a general statement of strategy which, in itself, cannot have any effect on a European site. The paragraph following the strategy states *“European and international designated sites for nature conservation extend through much of our District from lowland raised bogs in the south west, along our rivers and to Lough Foyle. There is potential for minerals development to have a direct impact on these sites, or an indirect effect on supporting habitat for example by impacting on water quality.”* The potential for impacts on European sites is therefore highlighted and consideration of implications will be assessed under related development enabling policies. Further assessment is not required.

#### MIN 1 to MIN 5

MIN 3 is a general statement of policy which, in itself, cannot have any effect on a European site. Further assessment is not required.

MIN 1 applies to all minerals development and only permits minerals development where *‘it meets the requirements of GDPOL 1’* and is demonstrated that the proposal will not have an unacceptable

adverse impact on: *'the natural environment, including earth science features; ...water environment.'* MIN 2 is a largely a safeguarding policy to protected areas from minerals development for the extraction and / or processing of minerals because of their intrinsic landscape, amenity, scientific or heritage value (including natural, built and archaeological heritage), however exceptions apply and potential for effects on European sites cannot be ruled out. MIN 4 Valuable Minerals states that *'There will not be a presumption against their exploitation in any area apart from within designated Special Countryside Areas. This however is subject to meeting the relevant requirements of GDPOL 1 and other policies including NE 1.'* MIN 5 relates to restoration from which the potential for effects on European sites cannot be ruled out. These policies are development enabling or contain caveats which might be construed to be mitigation in light of the extent of European sites in the District and the uncertainty about the location, scale and nature of minerals development. These policies have been screened-in for further assessment.

#### 14. Signs & Outdoor Advertising

##### *LDP Strategy for Signage and Outdoor Advertising*

The LDP Strategy for Signage and Outdoor Advertisements is a general statement of strategy which cannot have any effect on a European site. Further assessment is not required.

##### *AD 1 and AD 2*

AD 1 and AD 2 enable development which could include illumination which could negatively impact mobile species, therefore depending on scale and location the potential to generate pathways for effects on a European site cannot be ruled out. These policies have been screened-in for further assessment.

#### 15. Agriculture & Other Development in the Countryside

##### *LDP Strategy for Sustainable Development in the Countryside*

The LDP Strategy for Sustainable Development in the Countryside is a general statement of policy which, in itself, cannot have any effect on a European site. It is a possible driver of potential effects, however, implications are assessed under relevant development enabling policies. Further assessment is not required.

##### *ODC 1 to ODC 4*

Policies ODC 1, ODC 2, ODC 3 and ODC 4 all enable development or contain caveats which could be construed as mitigation, and all have potential to generate pathways for effects on European sites. These policies have been screened-in for further assessment.

### Screening Social Development – Strategy, Designations & Policies (Part D)

#### 16. Housing in Settlements and in the Countryside

##### *LDP Strategy for the Strategic Allocation of Housing Land, LDP Strategy for Urban Housing and LDP Strategy for Housing in the Countryside*

The LDP Strategy for the Strategic allocation of Housing is a general statement of policy which, in itself, cannot have any effect on a European site. The strategy aims to deliver 9,000 new homes by 2032 and focusses development on the largest settlements with two thirds allocated to Derry and Strabane and an allocation for housing in the countryside of 13.1%. The LDP Strategy for Urban Housing is a general statement of policy which, relates to the mix of housing rather than the amount of housing and cannot have any effect on a European site. The LDP Strategy for Housing in the Countryside is a general statement of policy which, in itself, cannot have any effect on a European site. The LDP expects to deliver approximately 1,100 to 1,400 houses in the countryside over the LDP period. Implications of population and housing growth are more appropriately assessed under related development enabling policies. Further assessment is not required.

## HOU 1 to HOU 26

HOU 1, HOU 3, HOU 7 and HOU 9 are general statements of policy or listing criteria for the acceptability of the proposal and cannot have any effect on European sites. Specifically identified / zoned Housing sites will be subject to HRA at the LPP stage, and zoning considerations will include sewerage capacity. Further assessment is not required.

All other policies in this grouping enable development and have potential to generate pathways for effects on European sites. These policies have been screened-in for further assessment.

## 17. Open Space, Sport & Outdoor Recreation

### *LDP Open Space Strategy*

The LDP Open Space Strategy is a general statement of policy which, in itself, cannot have any effect on a European site. Further assessment is not required.

### *OS 1 to OS 8*

OS 2 relates to provision of open space in new developments and, in itself, cannot have any effect on a European site. OS 3 is a general statement of policy which, in itself, cannot have any effect on a European site. Further assessment is not required.

All other policies in this grouping enable development, have policy caveats which could be construed as mitigation and have potential to generate pathways for effects on European sites. These policies have been screened-in for further assessment.

## 18. Community Infrastructure

### *LDP Strategy for Community Infrastructure*

The LDP Strategy for Community Infrastructure is a general statement of strategy which, in itself, cannot have any effect on a European site. Further assessment is not required.

### *CI 1*

CI 1 is development enabling and has potential to generate pathways for effects on a European site. This policy has been screened-in for further assessment.

## 19. Utilities Development

### *LDP Strategy for Utilities Developments*

The LDP strategy for Utilities developments is a general statement of policy which, in itself, cannot have any effect on a European site. Utilities include water supply, wastewater sewerage, and surface water sewerage, energy infrastructure including electricity and gas, as well as telecommunications infrastructure such as fixed lines, mobile connectivity and broadband. Implications will be assessed under related development enabling policies. Further assessment is not required.

### *UT 1 to UT 4*

UT 4 is a policy listing general criteria for testing the acceptability of proposals and cannot undermine the conservation objectives of any European sites. Further assessment is not required.

UT 1 encourages undergrounding however it does not exclude overhead infrastructure for electricity infrastructure. The policy specifies that it must be demonstrated that '*The proposal does not have an unacceptable adversely impact on natural heritage features*'. UT 2 enables adequate facilities to promote a more sustainable approach to the provision of water and sewerage infrastructure. UT 3 enables telecommunications and connectivity development which could include high structure masts. These policies have caveats which could be construed as mitigation and have potential to generate pathways for effects on European sites. These policies have been screened-in for further assessment.

## 20. Waste Planning

### *LDP Strategy for Waste Management*

The LDP Strategy for waste management is a general statement of strategy which, in itself, cannot have any effect on a European site. Further assessment is not required.

#### *WP 1 to WP 5*

This grouping of policies all enable development, therefore there is potential for effects on European sites depending on location, scale and nature of development. The policies include protective caveats which could be construed as mitigation. These policies have been screened-in for further assessment.

### Screening Environment – Strategy, Designations & Policies (Part E)

#### 21. Natural Environment

##### *LDP Strategy for the Natural Environment*

The LDP Strategy for the Natural Environment is a general statement of strategy which, in itself, cannot have any effect on a European site. Further assessment is not required.

##### *NE 1 to NE 8*

NE 2 to NE 8 are all general plan-wide environmental / site safeguarding policies. Some such as NE 2 Protected Species and their Habitats and NE 4 Development adjacent to Main Rivers and Open Water Bodies may afford additional protection to European sites and their selection features; however, they were not included for this specific purpose and therefore do not represent mitigation for impacts on European sites. Further assessment is not required.

NE 1 restates the legal and policy requirements of the Habitats Regulations and the SPPS in relation to European sites and listed or proposed Ramsar sites. This policy is intended to avoid or reduce harmful effects on European sites (as collective terminology) and must be considered further. This policy has been screened-in for further assessment.

#### 22. Coastal Development

##### *LDP Strategy for Coastal Development*

The LDP Strategy for Coastal Development is a general statement of strategy which, in itself, cannot have any effect on a European site. Further assessment is not required.

##### *CD 1*

CD 1 Coastal Development is largely a protection policy to constrains coastal development. Lough Foyle SPA and Estuary is immediately adjacent to the coastal area and other European sites are hydrologically connected to it. The policy includes criteria and caveats that protect European sites and can be construed to be mitigation given the proximity of European sites. This policy has been screened-in for further assessment.

#### 23. Historic Environment

##### *LDP Strategy in Relation to our District's Historic Environment*

The LDP Strategy in relation to our District's historic environment is a general statement of strategy which, in itself, cannot have any effect on a European site. Further assessment is not required.

##### *HE 1 to HE 9*

HE 1, HE 2a, HE 2b and HE 3 are all general plan-wide environmental / site safeguarding policies which cannot have any effect on a European site. Further assessment is not required.

All other policies in this grouping are development enabling, HE 7 is largely protective, however permission will be granted subject to meeting conditional requirements, potential effects on a European site cannot be ruled out. These policies have been screened-in for further assessment.

#### 24 Renewable and Low Carbon Energy Development

##### *LDP Strategy for Renewable and Low Carbon Energy Development*

The LDP Strategy for Renewable and Low Carbon Energy Development is a general statement of strategy which, in itself, cannot have any effect on a European site. Further assessment is not required.

#### *RED 1 to RED 5*

Policies RED 1 to RED 5 all relate to renewable and low carbon energy development. Depending on the scale, nature and location of the development potential effects on European sites cannot be ruled out. These policies have been screened-in for further assessment.

### 25. Development and Flooding

#### *LDP Strategy for Development and Flooding*

The LDP Strategy for Development and Flooding is a general statement of strategy which, in itself, cannot have any effect on a European site. Further assessment is not required.

#### *FLD 1 to FLD 5*

FLD 2 and FLD 3 are general statements of policy. These policies, in themselves, cannot have any effect on a European site. Further assessment is not required.

FLD 1, FLD 4 and FLD 5 generally seek to be protective of the environment, however, do permit which meet criteria, therefore the potential for effects on European sites cannot be ruled out. These policies have been screened-in for further assessment.

### Screening Place-Making and Design Vision (Part F)

#### 26. Settlements – Place-making and Design Vision

##### *Place-making and Design Objectives (PDOs)*

This is a general statement of policy which, in itself, cannot have any effect on a European site. PDO 2 and PDP 4 to PDP 6 seek to protect and enhance the natural environment. Further assessment is not required.

#### 27. Settlements – Derry-Londonderry: Strategic Vision and Design

##### *DSDP 1 to DSDP 11*

These are general statements of policy which will be delivered through relevant development enabling policies and cannot have any effect on a European site. There is reference to potential bridges in DSDP 2 but this is qualified as being '*Subject to compliance with other Planning policy within the LDP and other statutory permissions*'. Further assessment is not required.

#### 28. Settlements – Strabane: Strategic Vision and Design

##### *SSDP 1 to SSDP 7*

These are general statements of policy which cannot have any effect on a European site. Re-development sites may be identified within Strabane Town Centre through the LPP which will be subject to HRA. Further assessment is not required.

#### 29. Settlements – Local Towns: Strategic Vision and Design

##### *LSDP- GEN and LSDP 1 to LSDP 4*

These apply to Castledearg, Newtownstewart and Claudy and are general statements of policy which will be delivered through relevant development enabling policies and, in itself, cannot have any effect on a European site. Further assessment is not required.

#### 30. Settlements – Villages: Strategic Vision and Design

This chapter relates to protecting and / or enhancing the character of the 23 villages. This is a general statement of policy which will be delivered through relevant development enabling and, in itself, cannot have any effect on a European site. Further assessment is not required.

### 31. Settlements – Small Settlements: Strategic Vision and Design

#### *Small Settlements Strategic Design Policy – General (SSSDP-GEN)*

This chapter relates to protecting and / or enhancing the character of 19 small settlements. This is a general statement of policy which will be delivered through relevant development enabling policies and, in itself, cannot have any effect on a European site. Further assessment is not required.

### 32. Countryside: Strategic Vision and Design

#### *LDP approach for Place-making and Design in the Countryside*

The LDP approach for Place-making and Design in the Countryside is a general statement of policy which, in itself, cannot have any effect on a European site. Further assessment is not required.

#### *CY 1 to CY 4*

CY 1 is a general policy in terms of visual integration. CY 2 is a policy listing general criteria for testing the acceptability of proposals in terms of rural character. In itself the policy cannot lead to any development or change. CY 3 is a general statement of policy which, in itself, cannot have any effect on a European site. CY 4 is a policy listing general criteria for testing the acceptability of proposals in terms of siting and design in the context of the AONB. In itself the policy cannot lead to any development or change. Further assessment is not required.

### Screening Specialised Requirements, Etc. (Part G)

#### 33. Hazardous Substances and Major Accidents

This is a general statement of policy which restates the Control of Major Accident Hazards Regulations and sets out how the Council will support their implementation. The three identified COMAH sites in the Council Area are adjacent to Lough Foyle SPA and Ramsar site and connected to the River Faughan and tributaries SAC and will be subject to the COMAH Regulations. It will not, in itself, lead to development or other change. Further assessment is not required.

#### 34. Developer Contributions and Community Benefits

This is a general statement of policy which sets out how the Council will manage development contributions and community benefits. In itself it cannot have any effect on a European site. Further assessment is not required.

#### 35. Demolition and Redevelopment

This is a general statement of policy which sets out how the Council will manage demolition and redevelopment. In itself it cannot have any effect on a European site. Further assessment is not required.

#### 36. Regeneration / Comprehensive Redevelopment

This is a general statement of policy which sets out how the Council will manage regeneration / comprehensive redevelopment. In itself it cannot have any effect on a European site. It refers to a number of major projects under the Council's Strategic Growth Plan (SGP) 2032 and City Deal: Derry~Londonderry City Region. *'The policies and development principles contained within the LDP are designed to support and facilitate the regeneration of the District in a sustainable manner and it may be that to do so comprehensively will necessitate the identification of further opportunity sites, spaces, buildings and other assets at LPP stage.'* The LPP will be subject to HRA. In itself this general statement of policy cannot have any effect on a European site. Further assessment is not required.

#### 37. Other Specialised Requirements

This refers to other regulatory requirements. It cannot have any effect on a European site. Further assessment is not required.

### 38. Supplementary Planning Guidance

This is a general statement of policy which, combined with Appendix 6, sets out how SPGs will be taken forward. In itself it cannot have any effect on a European site. Further assessment is not required.

### 39. Transitional Arrangements

This is administrative text setting out transitional arrangements up to adoption of the Plan Strategy and LPP. Further assessment is not required.

## Screening LDP Monitoring and Review (Part H)

### 40. Monitoring Criteria & Review Process

This is administrative text setting out monitoring arrangements which will be detailed in a Monitoring and Review Technical Paper. Further assessment is not required.

### 41. Next Steps – From Draft Plan Strategy Onwards

This is administrative text detailing how the LDP will progress. Further assessment is not required.

## Screening Appendices

Appendix 1 to Appendix 7 provide additional information used to inform the Plan Strategy and inform users of the Plan Strategy. The Appendices cannot have any effect on a European site. Further assessment is not required.

## Outcome of screening

All policies which have been screened-out at this stage are assigned to a screening category which allows them to be recognised as unlikely to have a significant effect, either alone or in combination.

Those policies screened-in as identified in Table 3 are all included on the basis of their effects ‘alone’ in the absence of mitigation and are brought forward to appropriate assessment.

**Table 3 Policies screened-in as having a likely significant effect and requiring further assessment**

<b>POLICY</b>
<b>7. General Development Principles and Policies</b>
GDPOL 1 General Development Management Policy
<b>9. Economic Development</b>
Tier 1 Strategic Redevelopment Areas (SRAs)
Tier 2 Special Economic Development Areas (SEDAs)
Tier 3 General Economic Development Areas (GEDAs)
Tier 4 New Economic Development Area (NEDA)
Tier 5 Economic Development in Countryside
ED 1 General Criteria for Economic Development
ED 2 Office Development
ED 3 Economic Development in Settlements
ED 5 Small Scale Economic Development in the Countryside
ED 6 Expansion of an Established Economic Development Use in the Countryside
ED 7 Major Economic Development in the Countryside
<b>10. City /Town Centres, Retailing, Offices, Leisure and Other Uses</b>
RP 2 Derry Primary Retail Core (PRC) and City Centre
RP 3 Strabane Primary Retail Core (PRC) and Town Centre
RP 4 Other Town and District Centres
RP 5 Local Centres

RP 6 Villages and Small Settlements
RP 7 Retail Development in the Countryside
RP 8 Alternative Use of Shops in Primary Retail Cores and Other Centres
RP 9 Out-of-Centre Development
<b>11. Transport and Movement</b>
TAM 2 Access to Public Roads
TAM 3 Access to Protected Routes
TAM 7 Walking & Cycle Provision
TAM 8 Provision of Public and Private Car Parks
TAM 10 Design of Car Parking
TAM 11 Temporary Car Parks
TAM 12 Strategic Transport Facilities
<b>12. Tourism Development</b>
TOU 2 Tourism Development in Settlements
TOU 3 Tourist Amenities in the Countryside
TOU 4 Hotels, Guest Houses, B&Bs and Tourist Hostels in the Countryside
TOU 5 Major Tourism Development in the Countryside – Exceptional Circumstances
TOU 6 Self-Catering Accommodation in the Countryside
TOU 7 New and Extended Holiday Parks
<b>13. Minerals Development</b>
MIN 1 Minerals Development
MIN 2 Areas of Constraint on Minerals Development (ACMDs)
MIN 4 Valuable Minerals
MIN 5 Restoration
<b>14. Signs &amp; Outdoor Advertising</b>
AD 1 Signage & Outdoor Advertisements
AD 2 Advertisements and Heritage Assets
<b>15. Other Development in the Countryside</b>
ODC1 Other Development in the Countryside
ODC 2 Farm and Forestry Diversification
ODC 3 Farm and Forestry Development
ODC 4 The Conversion, Change of Use and Re-Use of Existing Buildings for Agricultural and other Suitable Rural Uses
<b>16. Housing in Settlements and in the Countryside</b>
HOU 2 Strategic Allocation of Housing in Settlements – other than Zoned Housing Land and LUPAs
HOU 4 Protection of Existing Residential Accommodation
HOU 5 Affordable and Private Balanced-Tenure Housing in Settlements
HOU 6 House Types and Size
HOU 8 Quality in New Residential Developments
HOU 10 Residential Extensions and Alterations
HOU 11 Redevelopment of Existing Buildings, or Infilling of Sites for Housing
HOU 12 Flats and Apartments
HOU 13 Houses in Multiple Occupation (HMO) Management Areas
HOU 14 Houses in Multiple Occupation (HMO)
HOU 15 Specialist Residential Accommodation.



HOU 16 Travellers Accommodation
HOU 17 Large-Scale Managed Student Accommodation
HOU 18 Dwellings on Farms
HOU 19 Dwellings For Established Non-Agricultural Business Enterprises
HOU 20 Restored and Replacement Rural Dwellings
HOU 21 The Conversion and Re-use of Other Rural Buildings
HOU 22 New Dwelling in an Existing Cluster in the Countryside
HOU 23 New Single Dwelling in a Small Gap in Existing Built-up Frontage in the Countryside
HOU 24 Personal and Domestic Circumstances in the Countryside
HOU 25 Affordable Housing in the Countryside
HOU 26 Residential Caravans and Mobile Homes
<b>17. Open Space, Sport and Outdoor Recreation</b>
OS 1 Protection of Open Space
OS 4 Outdoor Sport and Recreation in the Countryside
OS 5 Intensive Sports Facilities
OS 6 Noise-Generating Sports and Outdoor Recreational Activities
OS 7 Development of Facilities Ancillary to Water Sports
OS 8 Floodlighting of Sports and Outdoor Recreational Facilities
<b>18. Community Infrastructure</b>
CI 1 Community Infrastructure
<b>19. Utilities Development</b>
UT 1 Electricity & Gas Infrastructure
UT 2 Water Infrastructure
UT 3 Telecommunications & Connectivity, including Broadband
<b>20. Waste Planning</b>
Policy WP 1 Environmental Impact of a Waste Management Facility
Policy WP 2 Waste Collection and Treatment Facilities
Policy WP 3 Waste Disposal
Policy WP 4 Land Improvement
Policy WP 5 Development in the Vicinity of Waste Management Facilities
<b>21. Natural Environment</b>
NE 1 Nature Conservation Sites
<b>22. Coastal Development</b>
CD 1 Coastal Development
<b>23. Historic Environment</b>
HE 4 Listed Buildings and their Settings
HE 5 Conservation Areas
HE 6 Areas of Townscape / Village Character (ATCs / AVCs)
HE 7 Historic Parks, Gardens, Demesnes and their Settings
HE 8 Conversion and Re-Use of Non-Designated Heritage Assets
HE 9 Enabling Development
<b>24. Renewable and Low Carbon Energy Development</b>
RED 1 All Renewable and Low Carbon Energy Development – General Criteria
RED 2 Wind Energy Development
RED 3 Solar Farms

RED 4 Anaerobic Digesters (AD)
RED 5 Hydro-electric Schemes
<b>25. Development and Flooding</b>
FLD 1 Development in Fluvial (River) and Coastal Flood Plains
FLD 4 Artificial Modification of Watercourses
FLD 5 Development in Proximity to Controlled Reservoirs

#### [Consideration of in combination assessment with other plans and projects in screening](#)

In-combination effects are not considered at this stage as screening has concluded that the Plan Strategy 'alone' has the potential to generate likely significant effects.

Identified plans and projects likely to give rise to developments causing effects that could combine or interact with those of the Plan Strategy will be considered as part of the appropriate assessment in Section 5.

## 5 Appropriate Assessment

### *Step 6: The Appropriate Assessment*

Following the screening of plan proposals, as summarised in Table 3, it has been found that there is potential for likely significant effects to arise from 96 Policies as identified in Table 3. In-combination effects are also assessed.

### Protective Measures in the draft Plan Strategy

The Council, in its assessment of each development proposal, will determine which policies and criteria apply to that proposal. The draft Plan Strategy introduction makes it clear that the LDP must be read as a whole and in conjunction with regional planning policy and SPG which where relevant will also apply to development proposals:

*'1.6 The allocations, designations, policies, proposals and zoning contained in the LDP, collectively referred to as the plan proposals, constitute considerations that the Council (or other decision-maker) will take into account in the determination of Planning applications. The contents of the LDP must be read as a whole, as often a combination of designations, policies, proposals and zonings may be relevant to a particular development proposal.'*

*'1.7 The LDP proposals are not the only tests of acceptability for development proposals. In making its decisions, the Council will also assess proposals against all planning policies and other material considerations that are relevant to it. The contents of the LDP must be read in conjunction with the relevant contents of regional policy documents and supplementary planning guidance (SPG) documents.'*

GDPOL1 will apply to all development under which planning permission is subject to meeting a number of criteria summarised as follows: iii incorporation of SuDS; viii no significant adverse effect on human health and the environment; and xi development relying on non-mains sewerage, all provide for environmental protection. Criterion vii provides further protection to European sites requiring that *'the proposal meets the relevant requirements as set out in the Natural Environment chapter'*.

The Natural Environment Chapter 21 includes policies NE 1. Policy NE 1 Nature Conservation Sites, states the existing requirements of the Habitats Regulations and of the SPGS which reiterates those legislative requirements as follows.

NE 1 states:

*'European / International sites*

*Planning permission will only be granted for a development proposal that, either individually or in combination with existing and / or proposed plans or projects, is not likely to have a significant effect on:*

- *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:*

*Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Council shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives. Appropriate mitigation measures in the form of Planning conditions may be imposed. In light of the conclusions of the assessment, the Council shall agree to the development only having ascertained that it will not adversely affect the integrity of the site.*

*In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or a listed or proposed Ramsar Site may only be permitted where:*

- *there are no alternative solutions; and*
- *the proposed development is required for imperative reasons of overriding public interest; and*
- *Compensatory measures are agreed and fully secured.*

*As part of the consideration of exceptional circumstances, where a European or Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:*

- *it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment; or*
- *agreed in advance with the Department of Agriculture, Environment & Rural Affairs (DAERA NI).'*

For development coming forward under the draft Plan Strategy, the fact that NE 1 must also apply, is sufficient to avoid adverse effects on European sites. This ensures that site selection features are a consideration when the proposal is being developed and reduces the potential for tensions between NE 1 and policies.

### Mitigation measures

The consideration of measures intended to avoid or reduce the harmful effects of a plan on a European site has been progressed to Stage 2 appropriate assessment. The first step in this appropriate assessment is to seek to incorporate mitigation measures which might be relied upon to avoid any adverse effects to the integrity of the European sites potentially affected. For this plan it was found that case-specific policy caveats will provide sufficient mitigation to ensure policies cannot undermine the conservation objectives of any European site.

This section therefore considers the policies identified in Table 3 above in light of potential mitigation measures which have been incorporated into the plan. With the approach in Appendix 2, Step 6 in mind the policies as grouped within their relevant topics which were identified as having a likely significant effect were considered further below. All policies considered to have potential to generate pathways for effects and those which include restrictions or specific caveats protective of European sites which could be construed as mitigation have been screened-in for further assessment. Further reference to caveats is in the content of protective of European sites.

Section F10.1.2. of the HRA Handbook identifies mitigation measures that may be introduced to a plan which include but are not limited to a. Case-specific policy restrictions or b. Case-specific policy caveats however the following must apply:

*'To be an appropriate restriction or caveat (in (a) or (b) above), enabling the plan making body to ascertain no adverse effect on the integrity of a European site, the restriction must be:*

- *Case-specific;*
- *Explicit; and*
- *Added to the policy and not merely added to the explanatory text or commentary, or not merely inserted into the implementation or monitoring chapters.*

### Mitigation Measures in the Plan Policies which can provide protection to European sites

Reference to caveats is in the content of protection of European sites.

## Screening Overall Strategy (Part B)

### 7. General Development Principles & Policies

#### GDPOL 1

Policy GDPOL 1 will apply to all Planning applications. This policy should be taken as the essential criteria that must be met by all development proposals, subject to its' relevance to a given proposal.

GDPOL 1 states:

*'Planning permission will be granted where:*

*iii sustainable drainage systems (SuDS) have been incorporated. Where this preferred drainage method is not feasible, this must also be demonstrated;*

*iv renewable and low carbon energy technology, including micro-generation and Passive Solar Design (PSD), has been incorporated unless it is demonstrated that this is not feasible. They must be commensurate with the development proposed and in accordance with the provisions of Policy RED 1 of Chapter 24 Renewable and Low Carbon Energy;*

*vii the proposal meets the relevant requirements as set out in the Natural Environment and Coastal Development Chapters;*

*viii there will be no significant adverse impact on human health and the environment as a result of the potential for release of contaminants from contaminated lands;*

*xi planning permission will only be granted for development relying on non- mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made. In those areas identified as having a pollution risk, development relying on non-mains sewerage will only be permitted in exceptional circumstances.*

*xiv 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).'*

All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy NE 1 this policy cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 7: General Development Principles & Policies.

## Screening Economy – Strategy, Designations & Policies (Part C)

### 9. Economic Development

#### *Designations Employment Opportunity Areas – Tier 1 to Tier 5*

Designations Tier 1, Tier 2, Tier 3, Tier 4 and Tier 5 all enable development and have potential to generate pathways of effects on European sites. Although no specific protective policy caveats are included, considering all relevant policies must be read as a whole and in view of restrictions on development through Policy GDPOL 1 and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

#### *ED 1, ED 2, ED 3, ED 5, E 6 and ED 7*

ED 1 states:

*'A proposal for an economic development use, in addition to the relevant policy provisions of ED 2 - ED 7 will be permitted when it meets all the following criteria:*

- (a) it does not adversely affect features of the natural and historic environment in accordance with Chapter 21: Natural Environment and Chapter 23: Historic Environment;*
- (b) it meets all relevant flooding policy criteria set out in Chapter 25: Development and Flooding;*
- (c) it is capable of dealing satisfactorily with any emission or effluent;*

ED 7 states:

*'Such proposals will be assessed taking account of all of the following:*

*... (c) the environmental or transport impacts.'*

ED 2 to ED 6 are development enabling and depending on the scale, nature and location have potential to generate pathways for effects on European sites. Although, no specific protective policy caveats are included, they all must meet the criteria in ED 1.

All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy GDPOL 1 and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 9: Economic Development Policies.

## 10. City / Town Centres, Retailing, Offices, Leisure and Other Uses

### *RP 2 to RP 9*

RP 2 states:

*'All proposals will be required to accord with GDPOL 1'*

RP 3, RP 4, RP 5, RP 6, RP 7, RP 8 and RP 9 are all development enabling and depending on the scale, nature and location have potential to generate pathways for effects on European sites. Although, no specific protective policy caveats are included they must be read as a whole with the draft Plan Strategy.

All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy GDPOL 1 and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 10: City / Town Centres, Retailing, Offices, Leisure and Other Uses Policies.

## 11. Transport and Movement

### *TAM 2, TAM 3, TAM 7, TAM 8, TAM 10, TAM 11 and TAM 12*

TAM 10 states:

*'The Council will expect a high standard of design, layout and landscaping to accompany all proposals for car parking. Planning permission will only be granted for a proposal where all the following criteria are met:*

- b) it will not adversely affect visual amenity and biodiversity;*
- d) Consideration has been given to the use of SuDs as per the requirement in GDPOL 1.'*

TAM 11 states:

*'Planning permission will not be granted for the development of a temporary car park unless it is demonstrated that:*

- it complies with Policy TAM 10 and the developer can show that a need exists which cannot be met in the short term by the Council or DfI or the private sector.'*

TAM 12 states:

*'Development which is related to, and dependent on, siting adjacent to the port or airport will normally be considered acceptable unless it would result in an unacceptable loss of safety or amenity for adjacent communities or does not meet the requirements of GDPOL 1.'*

TAM 2, TAM 3, TAM 7, TAM 8, TAM 10, TAM 11 and TAM 12 are all development enabling and depending on the scale, nature and location have potential to generate pathways for effects on European sites. Although, no specific protective policy caveats are included they must be read as a whole with the draft Plan Strategy.

All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy GDPOL 1 and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 11: Transport and Movement Policies.

## 12. Tourism Development

### *TOU 2 to TOU 7*

TOU 3 states:

*'Planning permission will be granted for a tourist amenity in the countryside where it is demonstrated that:*

*(c) it meets the requirements of GDPOL 1.'*

TOU 4 states:

*'All development must meet the requirements of GDPOL 1.'*

TOU 6 states:

*'All development must meet the requirement of GDPOL 1.'*

TOU 7 states:

*'The location, siting, size, design, layout and landscaping of the holiday park proposal, including proposals for glamping accommodation, must be based on an overall design concept that respects the surrounding landscape, rural character, site context and does not impact on any adjacent heritage assets or natural heritage features.*

*Proposals for holiday park development must be accompanied by a layout and landscaping plan, must meet the requirements of GDPOL 1, and will be subject to the following specific criteria:*

*(f) Environmental assets including features of the archaeological and built heritage, natural habitats, trees and landscape features are identified and, where appropriate, retained and integrated in a suitable manner into the overall design and layout;*

*(g) Mains water supply and sewerage services must be utilised where available and practicable.'*

TOU 2 and TOU 5 are also development enabling and depending on the scale, nature and location have potential to generate pathways for effects on European sites. Although, no specific protective policy caveats are included they must be read as a whole with the draft Plan Strategy.

All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy GDPOL 1 and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 12: Tourism Development Policies

### 13. Minerals Development

#### *MIN 1, MIN 2, MIN 4 and MIN 5*

MIN 1 states:

*'The Council will grant Planning permission for minerals development where it meets the requirements of GDPOL 1 and it is demonstrated that the proposal will not have unacceptable adverse impact on:*

- the natural environment, including earth science features;*
- water environment.'*

MIN 2 is a largely a safeguarding policy to protected areas from minerals development for the extraction and / or processing of minerals because of their intrinsic landscape, amenity, scientific or heritage value (including natural, built and archaeological heritage), however exceptions apply and potential for effects on European sites cannot be ruled out. Although, no specific protective policy caveats are included they must be read as a whole with the draft Plan Strategy

MIN 3 states:

*'In addition to the above, the requirements of MIN 1 will also apply.'*

MIN 4 states:

*'There will not be a presumption against their exploitation in any area apart from within designated Special Countryside Areas. This however is subject to meeting the relevant requirements of GDPOL 1 and other policies including NE 1.'*

MIN 5 relates to restoration from which the potential for effects on European sites cannot be ruled out. This policy applies to mineral development proposals which may come forward under the Plan Strategy.

All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy GDPOL 1 and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 13: Minerals Development Policies

### 14. Signs & Outdoor Advertising

#### *LDP Strategy for Signage and Outdoor Advertising*

#### *AD 1 and AD 2*

AD 1 and AD 2 enable development which could include illumination with potential to negatively impact mobile species, therefore depending on scale and location the potential to generate pathways for effects on a European site cannot be ruled out. Although, no specific protective policy caveats are included they must be read as a whole with the draft Plan Strategy



All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy GDPOL 1 and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 14: Signs and Outdoor Advertising Policies.

## 15. Agriculture & Other Development in the Countryside

### *ODC 1 to ODC 4*

ODC 1 is development enabling and depending on the scale, nature and location has potential to generate pathways for effects on European sites. Although, no specific protective policy caveats are included it must be read as a whole with the draft Plan Strategy.

ODC 2 states:

'Planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm or forestry business. The following criteria will apply:

- (c) it will not have an adverse impact on the natural environment or historic environment; and
- (d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.'

OCD 3 states:

'Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- (d) it will not have an adverse impact on the natural environment or historic environment; and
- (f) it will not result in damaging impacts on human health, as well as sensitive habitats, wider biodiversity and ecosystem resilience, through increased ammonia emissions;
- (g) it will not add to or create a pollution

OCD 4 states:

Planning permission will be granted to proposals for the sympathetic conversion, with adaption if necessary, of a suitable building for a variety of alternative uses, where this would secure its upkeep and retention. Such proposals will be required to be of a high design quality and to meet all of the following criteria:

- (f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- (h) All proposals will be in accordance with the Natural Environment and Historic Environment chapters.

All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy GDPOL 1 and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 15: Agriculture & Other Development in the Countryside Policies.

## Screening Social Development – Strategy, Designations & Policies (Part D)

## 16. Housing in Settlements and in the Countryside

### HOU 2, HOU 4, HOU 5, HOU 6, HOU 8, HOU 10 to HOU 26

HOU 8 states:

*'Planning permission will be granted for new residential development where it is demonstrated that the proposal will create a high-quality and sustainable residential environment and meets the following criteria:*

*a) The design and layout respects the landscape, local character, historic and natural environment (including trees), appearance and residential amenity of the surrounding area in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped, hard surfaced areas and level requirements.'*

HOU 9 states:

*'The Concept Statement or Master Plan must clearly indicate how the proposal will deliver the requirements of Policy HOU 8.'*

HOU 11 states:

*'...Planning permission will only be granted...where all relevant criteria set out in HOU 8 Quality in New Residential Developments and all the additional criteria set out below are met.'*

HOU 12 states:

*'All relevant criteria set out in policy HOU 8 and the following additional criteria must be met:*

*'a) there is no adverse effect on the local character, environmental quality or residential amenity of the surrounding area.'*

HOU 21 states:

*Planning permission will be granted ...Such proposals will be required to be of a high design quality and to meet all of the following criteria:*

*f. All necessary services are available or can be provided without significant adverse impact on the environment or character of the locality.'*

HOU 22 states:

*Planning permission will be granted for a dwelling at an existing cluster of development provided that all the following criteria are met:*

*7. It meets the relevant requirements of GDPOL 1 and other policies.'*

HOU 25 states:

*'Proposals must meet the relevant requirements of GDPOL 1 and other policies.'*

All other policies in this grouping are also development enabling and depending on the scale, nature and location have potential to generate pathways for effects on European sites. Although, no specific protective policy caveats have been included they must be read as a whole with the draft Plan Strategy.

All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy GDPOL 1 and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 16: Housing in Settlements and the Countryside Policies

## 17. Open Space, Sport & Outdoor Recreation

### OS 1, OS 4, OS 5, OS 6, OS 7 and OS 8

OS 4 states:

*'The Council will permit the development...where all the following criteria are met:*

*(i) there is no adverse impact on features of importance to the natural and historic environment. A use may not be acceptable if it is demonstrated there is likely to be unacceptable impact on the visual appearance of the countryside especially as a result of floodlighting – for visual, amenity, natural environment and 'dark skies' /light pollution considerations.'*

OS 5 states:

*In all cases, the development of intensive sports facilities will be required to meet GDPOL1 1 and all the following criteria:*

- there is no unacceptable impact on the visual appearance of the countryside especially as a result of floodlighting – for visual and 'dark skies' / light pollution considerations;*
- there is no adverse impact on features of importance to nature conservation, archaeology or built heritage.'*

OS 6 states:

*'The Council will only permit the development of sport or outdoor recreational activities that generate high levels of noise where all the following criteria are met:*

*(ii) there is no unacceptable level of disturbance to farm livestock and wildlife;*

*(iii) there is no adverse impact on the visual amenity or character of the locality or on natural and historic environment interests and environmentally sensitive features and locations or areas valued for their silence and solitude.'*

OS 7 states:

*'The Council will permit the development of facilities ancillary to water sports adjacent to inland lakes, reservoirs and waterways where all the following criteria are met:*

*(ii) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;*

*(iv) it will not result in water pollution or an unacceptable level of noise or disturbance;*

*(vii) there is no conflict with the provisions of any relevant local management plan e.g. River Basin Management Plans or Flood Risk Management Plans.'*

OS 8 states:

*'The Council will only permit the development of floodlighting associated with sports and outdoor recreational facilities where all the following criteria are met:*

*(ii) there is no adverse impact on the visual amenity or character of the locality and on natural and historic environment assets.'*

*All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy GDPOL 1 and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.*

No further policy amendments are required to Section 17: Open Space, Sport & Outdoor Recreation Policies

## 18. Community Infrastructure

### CI 1

CI 1 is development enabling and depending on the scale, nature and location for new facilities, extended facilities or re-development has potential to generate pathways for effects on European sites. Although, no specific protective policy caveats are included they must be read as a whole with the draft Plan Strategy.

All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy GDPOL 1 and Policy NE 1 this policy cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 18: Community Infrastructure Policy

## 19. Utilities Development

### UT 1 to UT 3

UT 1 states:

*'Planning permission will normally be granted for proposals to develop new or upgrade existing electricity or gas infrastructure (that is not covered by Permitted Development Rights) where it is demonstrated that:*

- The proposal does not have an unacceptable adverse impact on natural heritage features;*
- Applications for such proposals in designated areas of high landscape value such as the Sperrin AONB, Special Countryside Areas, Areas of High Landscape Importance or on features of Natural and / or Historic environment will be required to submit a Statement detailing how they have considered and mitigated for any potential landscape / visual amenity impact.'*

UT 2 states:

*'Planning permission will normally be granted for water infrastructure (that is not covered by Permitted Development Rights) if all the following criteria are met:*

- There is no unacceptable adverse effect on the environment, nature conservation, landscape, built heritage, or visual amenity;*
- The 'headroom capacity' of existing sewage treatment infrastructure is demonstrated to be adequate.'*

UT 3 states:

*'Planning permission will normally be granted for the development of new or upgrading of existing telecommunications infrastructure including masts, antennae, dishes and other apparatus (that is not covered by Permitted Development Rights) if:*

- It does not significantly detract from the existing character of the area or have an adverse effect on environmentally sensitive features or historic environment assets;*
- Proposals are accompanied by a Statement detailing how they have considered and mitigated for any potential landscape / visual amenity impact. Such Statements will need to provide a*

*commensurate level of detail. For proposals in areas of high landscape sensitivity such as the Sperrin AONB, Special Countryside Areas, Areas of High Landscape Importance 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).'*

All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy GDPOL 1 and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 19: Community Infrastructure Policy

## 20. Waste Planning

### *WP 1 to WP 5*

WP 1 states:

*'Sites and proposals for the development or extension of a Waste Management Facility will be granted Planning permission where all of the following can be demonstrated:*

*a) the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;*

*j) the development will not have an unacceptable adverse impact on the natural environment, areas of landscape value or the historic environment;*

*k) the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;*

*l) the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land; and*

*m) in the case of landfilling, the proposal includes suitable, detailed and practical restoration, landscaping and aftercare proposals for the site.'*

WP 2 states:

Sites and proposals for waste collection and treatment facilities will be permitted where they comply with policy WP 1 and:

b) the proposed facility complies with one or more of the following locational criteria:

(iv) in the case of a civic amenity and similar neighbourhood facilities, the site is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area; or

(v) if it is suitably located in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. Alternatively where it is demonstrated that new buildings / plant are needed, these must not have an unacceptable visual and environmental impact; and

c) the following criteria are also met:

(iv) proposals for the incineration of waste and other thermal processes, shall incorporate measures to maximise energy recovery both in the form of heat and electricity, taking account of prevailing technology, economics and characteristics of the waste stream involved; and it will not result in an

unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WP 1).

WP 3 states:

*'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:*

*(i) it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WP 1);*

*(ii) the proposal is outside any designated sites including the Sperrin AONB, Special Countryside Areas and sites designated for their landscape and / or natural or historic environment value unless it is demonstrated that the proposal would not cause harm to, or undermine the reason for that designation;*

*(vi) detailed measures are included for the appropriate restoration and aftercare of sites that will help to enhance bio-diversity.'*

WP 4 states:

*'Development proposals for the disposal of inert waste by its deposition on land will be permitted where it is demonstrated that it will result in land improvement and provided all of the following criteria are met:*

- it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WP 1);*
- detailed measures are included for the appropriate restoration and aftercare of sites that will help to enhance biodiversity.'*

WP 5 states:

*'Development proposals in the vicinity of existing or approved waste management facilities and waste water treatment works (WWTWs) will be permitted where all the following criteria are met:*

- it will not give rise to unacceptable adverse impacts in terms of people, transport or the environment.'*

All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy GDPOL 1 and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 20: Waste Planning Policies.

## Screening Environment – Strategy, Designations & Policies (Part E)

### 21. Natural Environment

#### NE 1

Details of Policy NE 1 have been referred to above under protective measures in the Plan Strategy. NE 1 restates the legal and policy requirements of the Habitats Regulations and the SPPS in relation to European sites and listed or proposed Ramsar sites.

This policy is considered a measure intended to avoid or reduce harmful effects on European sites (as collective terminology) and cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 21: Natural Environment Policy.

## 22. Coastal Development

### CD 1

CD 1 states:

*'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 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 the existing developed coast in the locality.*

*Where development within the 'undeveloped coast' is acceptable in principle, it must:*

- *Avoid unacceptable adverse impacts on the natural environment, archaeological / heritage assets, geological or landscape / seascape quality and character of the area;*

All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy GDPOL 1 and Policy NE 1 this policy cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 22: Coastal Development Policy.

## 23. Historic Environment

### HE 4 to HE 9

This grouping of policies have been screened in as having potential for effects. Some of these could be considered as site safeguarding/preservation policies due to their nature and constraints, however they do enable development and therefore have potential to generate pathways for effects on international sites. Although no specific protective policy caveats are included, considering all relevant policies must be read as a whole, these policies cannot undermine the conservation objectives of any European site.

All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy GDPOL 1 and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 23: Historic Environment Policies.

## 24 Renewable and Low Carbon Energy Development

### RED 1 to RED 5

RED 1 states:

*'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).*

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;

RED 2 states:

*'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:*

*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.'*

RED 3 will be required to meet all of the specific criteria detailed in addition to Policy RED 1.

RED 4 states:

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

*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.'*

RED 5 states:

*'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;*

*iii. there is no unacceptable adverse impact on water quality as a result of the development.'*

All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy GDPOL 1 and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 24: Renewable and Low Carbon Energy Policies.

## 25. Development and Flooding

### *FLD 1, FLD 4 and FLD 5*

FLD 1 and FLD 4 are development enabling and depending on the scale, nature and location they have potential to generate pathways for effects on European sites. Although, no specific protective policy caveats are included they must be read as a whole with the draft Plan Strategy.

FLD 5 states:

*'The Council will discourage culverting or modification of watercourses in a SPA, SAC, Ramsar sites and supporting habitat. Where there is no alternative, the Council will seek to ensure that such artificial modification of a watercourse will not lead to a loss of supporting habitat, disrupt the passage of site selection features or adversely affect them during construction.'*

All relevant policies must be read as a whole and in view of policy caveats and restrictions on development through Policy GDPOL 1 and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

No further policy amendments are required to Section 25: Development and Flooding Policies.



*Step 7: Amending the plan until there would be no adverse effects on site integrity***Integrity test taking account of mitigation measures**

Having identified potential case specific policy restrictions and caveats in respect of aspects of the Plan which were identified as having a likely significant effect, it is now necessary to apply the integrity test, taking account of these mitigation measures. Following incorporation of the mitigation measures identified above the re-screening of the elements of the Plan which are affected by the mitigation measures is set out in Table 4 below.

**Table 4 Applying the integrity test following incorporation of mitigation measures**

<b>POLICY TOPIC</b>	<b>RECOMMENDED MITIGATION MEASURES</b>	<b>INTEGRITY TEST CONCLUSION</b>
7. General Development Principles and Policies	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.
9. Economic Development	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.
10. City /Town Centres, Retailing, Offices, Leisure and Other Uses	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.
11. Transport and Movement	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.
12. Tourism Development	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.
13. Minerals Development	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.
14. Signs & Outdoor Advertising	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

15. Other Development in the Countryside	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.
16. Housing in Settlements and in the Countryside	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.
17. Open Space, Sport and Outdoor Recreation	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.
18. Community Infrastructure	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.
19. Utilities Development	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.
20. Waste Planning	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.
21. Natural Environment	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.
22. Coastal Development	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.
23. Historic Environment	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

24. Renewable and Low Carbon Energy Development	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.
25. Development and Flooding	No further policy amendments are required.	In view of constraints on development, policy caveats and Policy NE 1 these policies cannot undermine the conservation objectives of any European site.

### Consideration of in-combination effects

It was found that there are protective measures and overarching policies in the Plan Strategy that will ensure that development causing an adverse effect on site integrity cannot be approved. It will be important that HRAs for individual developments also consider in-combination effects before planning permission is granted.

Policy NE 1 is explicit that, the Council will only support development that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on an existing or proposed SPA, existing or candidate SAC, Sites of Community Importance, or a listed or proposed Ramsar Site. Policy NE 1 therefore ensures that any development approved under the plan will have to demonstrate compliance with the 'in combination' provisions of the Habitats Regulations. There is therefore no risk of a residual effect at this Plan Strategy HRA stage, which might act in combination with other plans and projects as identified in Table 5.

On the basis of the underlying reasoning supporting Principle 6 of Section C.8.1 of the HRA Handbook, reliance on Policy NE 1 provides the basis upon which effects which might act in combination with other plans and projects including those considered below can be ruled out.

**Table 5 Plan or Project Identified for consideration of in-combination effects**

Plan or Project	Possible significant effects from plan or project	Is there a risk of in-combination effects	Possible significant effects in-combination
<b>Regional</b>			
Regional Development Strategy 2035	Potential in-combination effects may arise where there is a requirement to provide for new infrastructure or where new development occurs, such effects may include: • Disturbance to habitats/species; • Species mortality; • Alterations to water quality and/or water movement; • Release of contaminated material (soils, runoff); and • Introduction or spread of invasive species.	The RDS has been subject to Appropriate Assessment and mitigation measures recommended. It is not considered that there is potential for in-combination effects to arise, however in the absence of mitigation or appropriate consideration of potential adverse effects upon international site, adverse in-combination effects may occur and cannot be excluded.	No. The mitigation measures contained within individual plans prioritise the avoidance of effects where possible and provide measures to minimise effects. In combination effects from projects which arise from implementation of the RDS will not be significant, especially when viewed in light of the mitigation in the Plan Strategy against policy NE 1 which will require Appropriate Assessment.
Strategic Planning Policy Statement	Potential in-combination effects may arise where there is a requirement to provide for new infrastructure or where new development occurs, such effects may include: • Disturbance to habitats/species; • Species mortality; • Alterations to water quality and/or water movement; • Release of contaminated material (soils, runoff); and • Introduction or spread of invasive species.	The SPSS has been subject to SEA. No significant adverse environmental effects were identified and mitigation was not required, therefore it is not considered that there is potential for in-combination effects to arise.	No. No significant adverse effects were identified from the SPSS in the absence of mitigation measures. In combination effects from projects which arise from implementation of the SPSS will not be significant, especially when viewed in light of the mitigation in the Plan Strategy against Policy NE 1 which will require Appropriate Assessment.
<b>County</b>			

Plan or Project	Possible significant effects from plan or project	Is there a risk of in-combination effects	Possible significant effects in-combination
Causeway Coast and Glens – Northern Area Plan (NAP) 2016	Potential in-combination effects may arise where there is a requirement to provide for new infrastructure or where new development occurs, such effects may include: • Disturbance to habitats/species; • Species mortality; • Alterations to water quality and/or water movement; • Release of contaminated material (soils, runoff); and • Introduction or spread of invasive species.	This Neighbouring Council Plan has been subject to AA which incorporates robust mitigation measures into the plan itself to avoid effects. In the absence of mitigation or appropriate consideration of potential adverse effects upon European Sites, adverse in-combination effects may occur and cannot be excluded.	No. The mitigation measures contained within the projects prioritise the avoidance of effects and provide measures to minimise effects. In combination effects from projects which arise from the implementation of these plans will not be significant, especially when viewed in light of the mitigation in the Plan Strategy against policy NE 1 which will require Appropriate Assessment.
County Donegal Development Plan 2024-2030	Potential in-combination effects may arise where there is a requirement to provide for new infrastructure or where new development occurs, such effects may include: • Disturbance to habitats/species; • Species mortality; • Alterations to water quality and/or water movement; • Release of contaminated material (soils, runoff); and • Introduction or spread of invasive species.	These Neighbouring Council Plans have been subject to SA and AA which incorporates robust mitigation measures into the plan itself to avoid effects. In the absence of mitigation or appropriate consideration of potential adverse effects upon European Sites, adverse in-combination effects may occur and cannot be excluded.	No. The mitigation measures contained within the projects prioritise the avoidance of effects and provide measures to minimise effects. In combination effects from projects which arise from the implementation of these plans will not be significant, especially when viewed in light of the mitigation in the Plan Strategy against policy NE 1 which will require Appropriate Assessment.
Fermanagh and Omagh Local Development Plan- Draft Plan Strategy 2030	Potential in-combination effects may arise where there is a requirement to provide for new infrastructure or where new development occurs, such effects may include: • Disturbance to habitats/species; • Species mortality; • Alterations to water quality and/or water movement; • Release of contaminated material (soils, runoff); and • Introduction or spread of invasive species.	This Neighbouring Council 'draft' Plan has been subject to SA and AA which incorporates robust mitigation measures into the plan itself to avoid effects. In the absence of mitigation or appropriate consideration of potential adverse effects upon international sites, adverse in-combination effects may occur and cannot be excluded.	No. The mitigation measures contained within the projects prioritise the avoidance of effects and provide measures to minimise effects. In combination effects from projects which arise from the implementation of these plans will not be significant, especially when viewed in light of the mitigation in the Plan Strategy against Policy NE 1 which will require Appropriate Assessment.

Plan or Project	Possible significant effects from plan or project	Is there a risk of in-combination effects	Possible significant effects in-combination
Mid Ulster District Council Local Development Plan- Draft Plan Strategy 2030	Potential in-combination effects may arise where there is a requirement to provide for new infrastructure or where new development occurs, such effects may include: • Disturbance to habitats/species; • Species mortality; • Alterations to water quality and/or water movement; • Release of contaminated material (soils, runoff); and • Introduction or spread of invasive species.	This Neighbouring Council 'draft' Plan has been subject to SA and AA which incorporates robust mitigation measures into the plan itself to avoid effects. In the absence of mitigation or appropriate consideration of potential adverse effects upon international sites, adverse in-combination effects may occur and cannot be excluded.	No. The mitigation measures contained within the projects prioritise the avoidance of effects and provide measures to minimise effects. In combination effects from projects which arise from the implementation of these plans will not be significant, especially when viewed in light of the mitigation in the Plan Strategy against Policy NE 1 which will require Appropriate Assessment.
<b>Local</b>			
A5 Western Transport Corridor (A5WTC)	Potential in-combination effects may arise from this project on Tully Bog SAC located with the Council area, such effects may include: deterioration on habitat from airborne pollutants and alterations to the SAC hydrological regime.	This project is currently subject to an appeal hearing scheduled for March 2025. The project has had an AA undertaken which recommends robust mitigation measures for the project to minimise effects. In the absence of mitigation or appropriate consideration of potential adverse effects upon European Sites, adverse in-combination effects may occur and cannot be excluded.	No. This project is subject to HRA and should a robust AA conclude no adverse effects and that the decision-maker is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, then there can be no in combination effects with the Plan Strategy, especially when viewed in light of the mitigation in the Plan Strategy against policy NE1 which will require Appropriate Assessment.
LA11/2019/1000/F 26km Overhead line 33kv	Potential in-combination effects may arise from this project on European sites located and connected with the Council area, such effects may include: direct effects on habitat.	This project is linked to Dalradian Goldmine Inquiry which is currently under consideration by DfI. This project has had an AA undertaken which recommends robust mitigation measures for the project to minimise effects. In the absence of mitigation or appropriate consideration of potential adverse effects upon European Sites, adverse in-combination effects may occur and cannot be excluded.	No. This project is subject to HRA and should a robust AA conclude no adverse effects and that the decision-maker is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, then there can be no in combination effects with the Plan Strategy, especially when viewed in light of the mitigation in the Plan Strategy against policy NE 1 which will require Appropriate Assessment.

Plan or Project	Possible significant effects from plan or project	Is there a risk of in-combination effects	Possible significant effects in-combination
<p>A/2005/1295/O, LA11/2021/0109/RM and associated</p> <p>A/2005/1295/O, LA11/2021/0109/RM and associated</p> <p>LA11/2019/0329/O &amp; LA11/2024/0301/RM – 260 units, LA11/2022/0683/O -124 units, LA11/2022/0377/O – c. 100 units, LA11/2022/0681/F – 60 units, and associated</p>	<p>Potential in-combination effects may arise on European sites from large housing development schemes which have Planning Permission and are being built out in phases. Such effects may include: Deterioration on habitat from airborne pollutants disturbance to habitats/species; Species mortality; Alterations to water quality and/or water movement; and Release of contaminated material (soils, runoff).</p>	<p>All project which come forward on these housing development sites will have already had or will require a HRA to be undertaken. In the absence of mitigation or appropriate consideration of potential adverse effects upon international sites, adverse in-combination effects may occur and cannot be excluded.</p>	<p>No. All projects on housing development site will be subject to HRA and should a robust AA conclude no adverse effects and that the decision-maker is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, then there can be no in combination effects with the Plan Strategy, especially when viewed in light of the mitigation in the Plan Strategy against Policy NE 1 which will require Appropriate Assessment.</p>

## 6 Conclusions

### Outcome of HRA

#### *Step 8: Preparing a draft of the HRA Record*

The Plan Strategy has been subject to screening under the Habitats Regulations. All strategies and operational policies have been considered in respect of the potential for likely significant effects upon any European site, either alone or in combination with other plans and projects. For all Strategic Policies the implications can be assessed under related policies. The assessment is therefore undertaken through the consideration of related operational Policies.

Following the Plan Strategy screening exercise, 96 policies were identified as having a likely significant effect in the absence of mitigation. Mitigation measures, in the form of case-specific policy caveats, were incorporated in respect of these policies and reviewed as part of an appropriate assessment. The rationale for these is set out in Section 5 and they are summarised in Table 4.

As individual projects come forward under the Plan Strategy, they will be subject to the rigorous assessment requirements to establish whether they, either alone or in-combination with other plans or projects, are likely to have significant effects on any international site. Such projects can only be permitted where the Council Planning Authority is certain as to the absence of adverse effects on any European site.

The Local Policies Plan (LPP) is the second stage of the LDP and will identify settlement limits, zonings and detailed boundaries of environmental designations and, where appropriate, introduce local policies or key site requirements for these zonings and designations. Another draft HRA will be prepared to assess the potential impacts of the draft LPP on International sites. The information about European sites in Appendix 3, which will be updated if required, will be important as a starting point for the HRA at LPP. Following independent examination of the draft LPP that HRA will be finalised and adopted by the Council and published alongside the adopted LPP.

In conclusion, the Plan Strategy, taking account of mitigation measures will not undermine the conservation objectives of any European site. Rather the policy caveats amplify the requirements for a robust HRA coming forward at project level to be assessed on site specific, case-by-case basis. In light of the mitigation, there is not likely to be an adverse effect on the site integrity of any European site arising from any aspect of the Plan Strategy.

Derry City and Strabane District Council as the Competent Authority can conclude that the Plan Strategy will not adversely affect the integrity of any European site under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), either alone or in combination with other plans and projects.



## Glossary

Adverse effect on site integrity	An effect on the qualifying features of a European site which would undermine the achievement of the conservation objectives for that site and which would have a negative effect on the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitats, complex of habitats and / or the levels of populations of the species for which the site is or will be designated.
Competent Authority	For the purposes of the Habitats Regulations the expression ‘competent authority’ includes government departments, district councils and statutory undertakers, and any trustees, commissioners, board or other persons who, as a public body and not for their own profit, act under any statutory provision for the improvement of any place or the production or supply of any commodity or service.
Cumulative Impact	A number of developments in a locality or a continuous activity over time that together may have an increased impact on the environment.
De Minimis	Having no appreciable effect.
Global Status	The global status is an expert judgement of the overall value of the international site for the conservation of the relevant Annex I habitat. Sites have been graded A, B or C.
European sites	Collective term that includes European SACs, SPAs, SACs, pSPAs, SCIs and Ramsar sites (the latter is a wider international designation).
Habitats Regulations	The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).
In combination effect	Refers to effects that may be likely significant effects when considered in combination with effects from other plans or projects.
Likely significant effect	An effect that cannot be ruled out on the basis of objective information. Likely in this context means there is a risk or possibility that an effect will be significant. An effect is significant if it would undermine a European site’s conservation objectives.
Mitigation measures	Measures to avoid, cancel or reduce the effects of a plan or project on a European site.
Natura 2000 (N2K)	The European network of special areas of conservation and special protection areas under the Wild Birds Directive, provided for by Article 3(1) of the Habitats Directive.
Ramsar site	Site listed under the Convention on Wetlands of International Importance adopted at Ramsar, Iran in 1971. As a matter of policy these sites are treated in the same way as European sites.
Special Areas of Conservation (SACs)	Special Areas of Conservation (SACs) are sites that have been adopted by the European Commission and formally designated by the government of each country in whose territory the site lies.
Special Protection Area (SPA) The Directives	Area classified under Article 4 of the EU Birds Directive 1979 and 2009. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version). These Directives are referred to as the Habitats Directive and the Birds Directive respectively and together are called ‘The Directives’ for the purposes of this report.

## Appendix 1: References & Evidence Sources

In the absence of specific Northern Ireland guidance on carrying out Habitats Regulations Assessment for plans and programmes reference has been made to other sources of guidance and relevant documents including those listed below. Site specific references and sources of evidence are detailed in Appendix 3.

Assessment of plans and projects significantly affecting Natura 2000 sites, Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (2001), European Commission Environment DG

Assessment of plans and projects significantly affecting Natura 2000 sites, Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (2001), European Commission Environment DG.

DAERA Conservation Objectives (*Online*) Available at <https://www.daera-ni.gov.uk/landing-pages/protected-areas> (Accessed March 2025)

DAERA (2019) Data Layers for designated and proposed European and Ramsar sites Available at <https://www.daera-ni.gov.uk/articles/download-digital-datasets> (Accessed March 2025)

DAERA (2020). Guidance explaining The Conservation (Natural Habitats, etc.) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019. December 2020 (version 1).

*Habitats Regulations Appraisal of Plans Guidance for Plan-Making Bodies in Scotland* Version 3.0, (2015) Scottish Natural Heritage (Initially Prepared by David Tyldesley and Associates)

Joint Nature Conservation Committee (JNCC) (Dates vary) Information Sheet on Ramsar Wetlands (RIS). (*Online*) Available at <http://jncc.defra.gov.uk/page-1393> (Accessed March 2025)

JNCC (Dates vary) Standard data forms generated from the Natura 2000 Database submitted to the European Commission. (*Online*) Available at <http://jncc.defra.gov.uk/page-161> (Accessed March 2025)

NI Water (2021) Water Resource and Supply Resilience Plan [waterresourcesupplyresilienceplan-mainreport](#)

Spatial NI Data Layers for Local Government boundaries (*Online*) Available at <https://www.spatialni.gov.uk/> (Accessed March 2025)

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## Appendix 2: The Approach to Habitats Regulations Assessment for Plans

### Introduction

This appendix sets out the approach to carrying out Habitats Regulations Assessments for Local Development Plans (LDPs) in Northern Ireland in the context of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). It is informed by the Habitats Regulations Assessment Handbook<sup>4</sup> (HRA Handbook) which is regularly updated to reflect case law. The HRA Handbook is aimed at statutory bodies, local authorities, and other 'competent authorities'. It is a definitive source of detailed guidance that is regularly updated for good practice and monitored by a barrister specialising in environmental law and the Habitats Regulations in particular. In places reference is made to relevant sections of the HRA Handbook where more detail can be found and, at times, extracts of the HRA Handbook are quoted.

The context for HRA is set out firstly. This is followed by an overview of how HRA applies to plans and the consideration of mitigation. Finally, the stages and steps for the HRA process, as applied to Local Development Plans in Northern Ireland, are detailed. HRA is an iterative process carried out in parallel with plan preparation. The HRA will be modified in light of consultation and representations on and any amendments to the draft Plan Strategy. The record of the HRA will be completed and published with the adopted plan (Plan Strategy or Local Policies Plan).

### The Directives and Regulations

The Directives are Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version). These Directives are referred to as the Habitats Directive and the Birds Directive respectively and together are called the Directives for the purposes of this report. The overall aim of the Directives is to maintain or restore the favourable conservation status of habitats and species of community interest. Special Areas of Conservation and Special Protection Areas are designated to afford protection to habitats and species listed in the Habitats and Birds Directives. These designations form a suite of sites that are collectively known as the Natura 2000 network.

The Directives are implemented through the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) commonly referred to as the Habitats Regulations. For the purposes of the Habitats Regulations the expression 'competent authority' is construed in accordance with Regulation 5. Competent authorities include government departments, district councils and statutory undertakers, and any trustees, commissioners, board or other persons who, as a public body and not for their own profit, act under any statutory provision for the improvement of any place or the production or supply of any commodity or service. Councils as planning authorities are competent authorities. Regulation 43 (1) of the Habitats Regulations requires competent authorities to make an appropriate assessment of plans and projects which are likely to have a significant effect on a European site in Northern Ireland, either alone or in combination with other plans or projects. For this report European sites include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), proposed SPAs and Ramsar sites.

### Applying HRA to Local Development Plans

LDPs are prepared under the provisions of the Planning Act (Northern Ireland) 2011 (the Planning Act) and the Planning (Local Development Plan) Regulations (NI) 2015. The Planning Act requires the LDP

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<sup>4</sup> Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, March 2025 edition UK: DTA Publications Ltd.

to be produced in two stages – the first being the Plan Strategy, followed upon adoption, by the Local Policies Plan.

The approach to HRA for a plan differs to that for a project. In the case of projects the precise location of development is known and more detailed information is generally available, or can be obtained about construction, operation and other stages of the development thus enabling full assessment.

By comparison, a Plan Strategy is a strategic level plan setting out a framework for development but generally lacking detail of where and when developers will bring forward development. This will not be known until after the plan has been published. Therefore, the approach to HRA for LDPs differs to that for projects. The plan does however steer how and where projects may be brought forward.

The assessment of strategic plans can present a challenge in terms of deciding what effects may come about as a result of the plan and which cannot occur due to other strategic and regulatory requirements with which the LDP and development management decisions must comply. The view could be taken that, given that a policy is included to meet the requirements of the Strategic Planning Policy Statement (SPPS), and that all planning applications must comply with the Habitats Regulations, then the draft Plan Strategy cannot result in an adverse effect on the integrity of any European site. However, this argument has been rejected by the Courts who have ruled<sup>5</sup> that the requirement for planning permission to be determined in light of the relevant land use plan, necessarily means that those plans have considerable influence on development decisions and that, as such, land use plans must be subject to HRA in their own right. As a result, to terminate the HRA on this basis would not only be contrary to case law but it would also miss the opportunity to draw attention to the extent of European sites in, or connected to, the Council area and to inform land use planning in such a way as to minimise the regulatory burden of compliance with the Regulations at the later project HRA stage.

There are a number of pieces of case law that clarify how the Directives should be interpreted as applying to plans. The key points are summarised here, these are detailed in the Habitats Regulations Handbook and the relevant section of Handbook content is referenced accordingly (e.g. F.x.x or C.x etc.).

EC v UK<sup>6</sup> detailed in F.10.1.5.

- A. Land use plans can potentially have significant effects on European sites, despite the subsequent need for planning permission at 'project' level stage.
- B. Assessment of land use plans must therefore be secured under the provisions of the Habitats Directive.
- C. The assessment of plans has to be tailored to the stage of plan making.
- D. The assessment should be 'to the extent possible based on the basis of the precision of the plan'.

Feeney<sup>7</sup> (UK High Court) F.10.1. reinforced this.

- 'Each appropriate assessment must be commensurate to the relative precision of the plans at any particular stage and no more. There does have to be an appropriate assessment at the Core Strategy stage, but such an assessment cannot do more than the level of detail of the strategy at that stage permits.'

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<sup>5</sup> Refer para 55 in EC v UK Case C-6/04 (2005)

<sup>6</sup> Case C-6/04: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland judgment of the Court 20 October 2005.

<sup>7</sup> Sean Feeney v Oxford City Council and the Secretary of State CLG para 92 of the judgment dated 24 October 2011 Case No CO/3797/2011, Neutral Citation [2011] EWHC 2699 Admin

Boggis<sup>8</sup> Court of Appeal & EC v UK C.7.5.2.

The implications for HRA of plans are that the HRA should be proportionate to the level of detail. There should be “*credible evidence that there was a real, rather than a hypothetical, risk*”

- The plan has weight as planning applications must be determined in accordance with the development plan (unless material considerations indicate otherwise).
- HRA should concentrate on aspects of the plan that could, realistically, be likely to have a significant effect.
- A likely significant effect should not be assumed for:
  - policies and proposals that are no more than general policy statements or which express a general aspiration or intent;
  - policies which generate no more than theoretical risks, or vague or hypothetical effects; or
  - policies or proposals for which meaningful assessment can be made at this stage, where no particular significant effect on any particular international site can actually be identified.
- Reliance should not simply be placed on a general international site protection policy as this does not address potential tensions or conflicts in the plan between site protection and policies or proposals which could significantly affect European sites.
- Tensions in the plan must be resolved in favour of protecting the European sites from harm.
- Policies or proposals with a high potential for significant adverse effects on European sites should be removed or subject to mitigation measures.

#### Assessing and applying mitigation measures

CJEU Case C323/17 (People over Wind & Sweetman)<sup>9</sup> C.5, F7.1

On 12 April 2018, the Court of Justice of the European Union (CJEU) issued a judgment, *Case C323/17 (People over Wind & Sweetman)*, which ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures, referred to in the judgment as measures which are intended to avoid or reduce effects, should be assessed within the framework of an appropriate assessment. It is therefore no longer permissible to take account of measures intended to avoid or reduce the harmful effects of a plan or project on a European site at the Stage 1 test of likely significance.

In light of this Stage 1 Assessment does consider essential features and characteristics of the plan; it also takes account of regional and strategic context and other regulatory controls that will apply to development under the plan. However, measures envisaged to avoid or prevent what might otherwise have been adverse effects on the integrity of European sites are not taken into account in Stage 1 and instead are assessed at Stage 2 appropriate assessment.

The consideration of mitigation differs between projects and plans, although for both cases it is not appropriate to take account of mitigation measures which might be incorporated into the plan at the screening stage. The first step in appropriate assessment is therefore to seek to incorporate mitigation measures which might be relied upon to avoid any adverse effects to the integrity of the international site.

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<sup>8</sup> Peter Charles Boggis and Easton Bavants Conservation v Natural England and Waveney District Council, High Court of Justice Court of Appeal case C1/2009/0041/QBACF Citation No [2009] EWCA Civ. 1061 20th October 2009

<sup>9</sup> Case C-323/17 Request for a preliminary ruling, *People Over Wind* and Peter Sweetman v Coillte Teoranta, 12th April 2018

### Feeney v Oxford City Council<sup>10</sup> F10.1.

Case law has established that it is acceptable in principle to include policies within a Local Plan which are conditional upon certain conditions being met.

### Abbotskerswell v Teignbridge (2014)<sup>11</sup> F10.1.

In this case the High Court specifically endorsed an approach which potentially relies upon matters being finalised after the adoption of the plan. The competent authority must however be satisfied that the measures can be delivered in practice.

This is captured in the HRA Handbook F.10.1 (emphasis added):

*‘Because the integrity test incorporates the application of the precautionary principle as a matter of law, and because plan assessments are, by their nature, less precise than project assessments, it is important for the assessment process to eliminate the prospect of adverse effects on site integrity in so far as that is possible at the level of specificity inherent in the nature and purpose of the particular plan.’*

F.10.1.2 of the Handbook refers to mitigation measures which might be relied upon to show that there would be no adverse effects on site integrity. Examples are provided as follows:

*‘mitigation measures that may be introduced during or after the ‘appropriate assessment’ stage may be:*

- a) Case-specific policy restrictions;*
- b) Case-specific policy caveats;*
- c) Prescribing how adverse effects on site integrity will be avoided by mitigation measures in a lower level or more detailed plan, to be confirmed by a more detailed Habitats Regulations Assessment at that level;*
- d) Deleting aspects of the plan that will probably fail the tests of the Directive at project application stage;*
- e) Ensuring that there are no proposals that could adversely affect the integrity of a European site that if retained in the plan may lead to a case for the proposal to be permitted, using the incorporation in the plan as the imperative reason of overriding public interest in its favour, because the plan relies on it being, or assumes that it will be, implemented;*

*To be an appropriate restriction or caveat (in (a) or (b) above), enabling the plan-making body to ascertain no adverse effect on the integrity of a European site, the restriction must be:*

- case-specific;*
- explicit; and*
- added to the policy and not merely added to the explanatory text or commentary, or not merely inserted into the implementation or monitoring chapters.’*

### **Co-ordination with other Habitats Regulations Assessments**

The Habitats Regulations provides for co-ordination between competent authorities at Regulation 47. While Regulation 47 does not strictly apply to HRA for Local Development Plans it does establish the principle that a competent authority can place weight on a HRA carried out by another competent authority. This is subject to the proviso that the competent authority should be satisfied that the earlier HRA was robust and has not become outdated by further information or developments. No guidance has been issued by DAERA as allowed for under 47(3) however the Department for

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<sup>10</sup> Sean Feeney v Oxford City Council and the Secretary of State CLG para 92 of the judgment dated 24 October 2011 Case No CO/3797/2011, Neutral Citation [2011] EWHC 2699 Admin

<sup>11</sup> Abbotskerswell Parish Council v Teignbridge District Council [2014] EWHC 4166 (Admin)

Environment, Food and Rural Affairs (DEFRA) published guidance<sup>12</sup> in 2012 to meet the equivalent regulation for England. Paragraphs 5 – 7 of that guidance are referred to here as an expansion of how it interprets co-ordination between competent authorities.

*'5. The Regulations transposing the Habitats Directive enable competent authorities to adopt the reasoning or conclusions of another competent authority as to whether a plan or project is likely to have a significant effect on a European site, or will adversely affect the integrity of a European site. They also provide that a competent authority is not required to assess any implications of a plan or project that would be more appropriately assessed by another competent authority.'*

*6. Competent authorities should adopt the reasoning, conclusion or assessment of another competent authority in relation to the appropriate assessment requirements for a plan or project, if they can. This can happen when all or part of the appropriate assessment requirements have already been met by another competent authority. It could also happen if one competent authority is completing all or part of the appropriate assessment requirements on behalf of others. Competent authorities remain responsible for ensuring their decisions are consistent with the Habitats Directive, so must be satisfied:*

- No additional material information has emerged, such as new environmental evidence or changes or developments to the plan or project, that means the reasoning, conclusion or assessment they are adopting has become out of date*
- The analysis underpinning the reasoning, conclusion or assessment they are adopting is sufficiently rigorous and robust. This condition can be assumed to be met for a plan or project involving the consideration of technical matters if the reasoning, conclusion or assessment was undertaken or made by a competent authority with the necessary technical expertise.*

*7. Due to these conditions there may be cases where it is not appropriate to adopt the reasoning, conclusions or assessment of another competent authority, or it is only appropriate to adopt some elements of an earlier assessment. In addition, even where the conditions are met, a competent authority may need to undertake additional work to supplement the assessment they have adopted in order to meet the full appropriate assessment requirements.'*

The application and implications of the DEFRA guidance has been considered in detail within Part C.12 of the HRA Handbook. Therefore it is accepted as good practice that consideration may be given to HRAs carried out by other competent authorities where they are applicable to development to be brought forward under the LDP.

### HRA the Stages and Steps - Overview

HRA is normally described in four stages:

- Stage 1: Screening for likely significant effects;
- Stage 2: Appropriate Assessment and the Integrity Test;
- Stage 3: Alternative Solutions; and
- Stage 4: Imperative reasons of overriding public interest and compensatory measures.

The approach to HRA for LDPs in Northern Ireland is described through 11 Steps across Stages 1 and 2. These steps are not named as such in the HRA Handbook however the section which applies to each step is referenced and Figure A.1.1 illustrates each step in the HRA process.

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<sup>12</sup> [Defra guidance on competent authority co-ordination](#), July 2012

Stage 1 involves firstly deciding whether a plan or project should be subject to HRA (Step 1). Steps 2, identifying European sites, and 3, gathering information about those sites, help to identify the European sites which the plan may affect and compiles information about those sites. Step 4 allows for discretionary discussion with the Statutory Nature Conservation Body and other stakeholders. The final step of Stage 1 is the preliminary screening of the plan to determine which elements of it are likely to have a significant effect on a European site and identify the sites that may be affected.

Stage 2 is referred to as 'appropriate assessment' and assesses the implications of the plan or project for European sites in view of the sites' conservation objectives. A plan can only proceed if it can be ascertained that it will not adversely affect the integrity of a European site, either alone or in combination with other projects or plans.

If Stage 2 Appropriate Assessment finds that there would be an adverse effect on site integrity then alternative solutions which are financially, legally and technically feasible need to be considered further in Stage 3. Alternative solutions are already considered in preparation of many plans, for example through the Preferred Options Paper for Local Development Plans and in carrying out Strategic Environmental Assessment which requires consideration of reasonable alternatives. Compliance with regional policies and strategies also means that environmental effects will have been taken into account. It is therefore rare for HRAs for LDPs to progress beyond Stage 2.

Stage 4 applies in the event that there is an imperative reason of public interest which overrides the risk and harm to sites, and priority features where appropriate. It provides for compensatory measures to protect the overall coherence of the Natura 2000 network to be identified, delivery detailed and the government notified. As already noted it is rare for HRAs for LDPs to progress beyond Stage 2. Stage 3 and 4 are not therefore detailed further in this approach.

## Stage 1: Screening Plan for Likely Significant Effects

### *Step 1: Deciding whether a plan should be subject to Habitats Regulations Assessment*

This involves considering the nature of the plan and its individual proposals to determine whether there is a requirement to carry out a Habitats Regulations Assessment (HRA) and is further detailed in HRA Handbook F.2. and F.3.

The following questions help determine whether the document being reviewed is a plan in the context of the Directives.

- Is the whole of the plan directly connected with or necessary to the management of a European site for nature conservation purposes?
- Is the plan a strategic development plan, local development plan, supplementary guidance?
- Is the plan a general statement of policy showing only the general political will or intention of the plan making body, and no effect on any particular international site can reasonably be predicted?
- Does the plan contain a programme, or policies, or proposals which could affect one or more particular European sites?

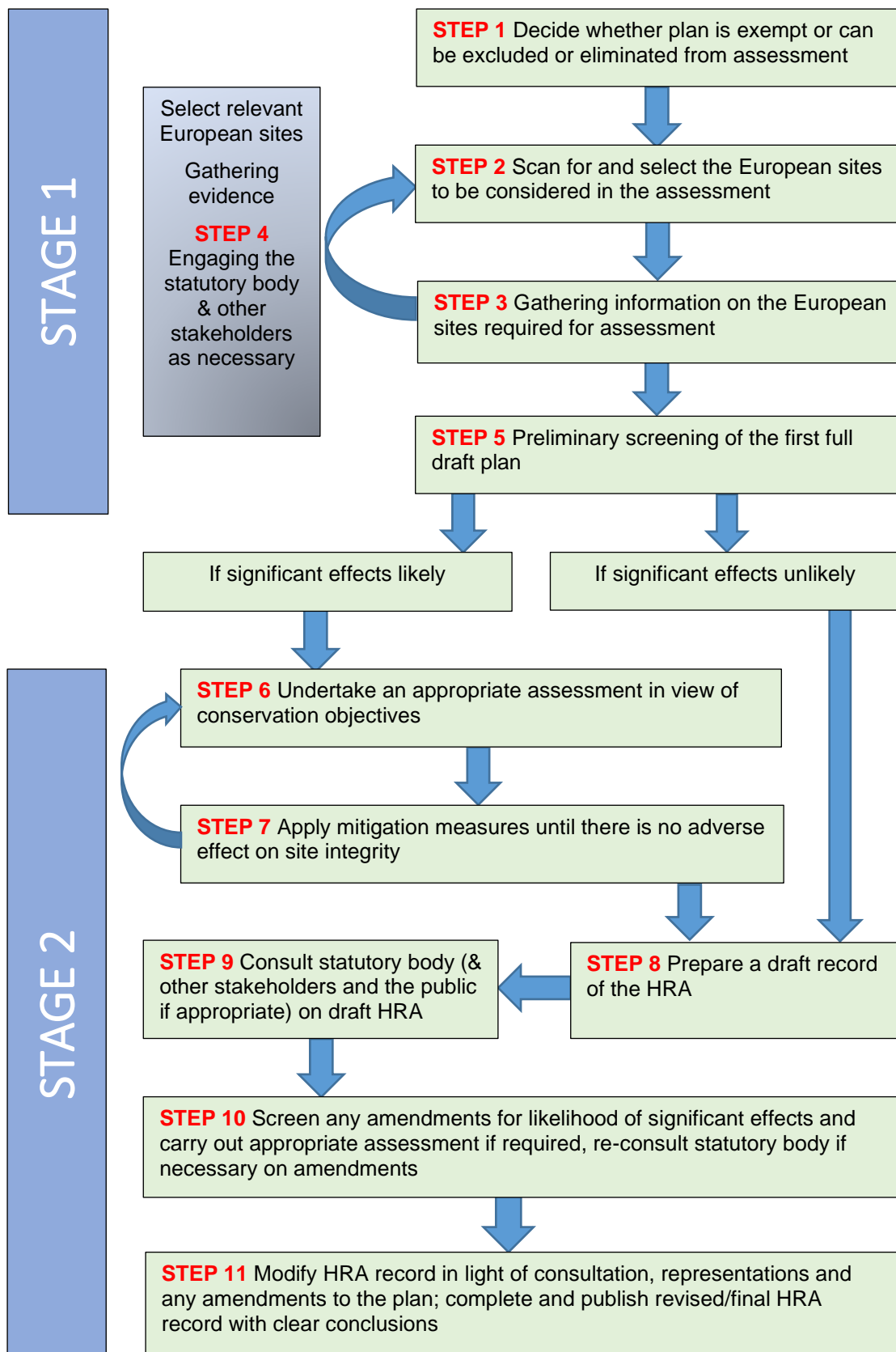
Step 1 is recorded in Section 1 of this report. If it is found that the plan is not subject to HRA then the outcome is recorded and it is not necessary to progress beyond this step. In practice an LDP is a plan in the context of the Directives and subject to HRA.

### *Step 2: Scanning and selecting European sites potentially affected*

This step follows the scan-collate-consider-select procedure set out in the HRA Handbook Figure F.4.3 and is carried out in parallel with Step 3. Step 2a is the scanning stage; Step 3 collates information; Step 2b involves considering the information and selecting the relevant sites that may be affected.



Figure A.1.1 Steps in the Habitats Regulations Assessment Process



*Step 2a: 'Long-list' of sites with potential connection to plan area*

European sites that are within the plan area, within a zone of influence beyond the plan area or connected to the plan area through ecology or infrastructure are identified. This is detailed in the HRA Handbook F.4 and presented in Section 2. Information is collected about this 'long-list' of sites in Step 3 and presented in Appendix 3.

*Step 2b: 'Short-list' of sites that should be considered in the HRA*

Taking account of the information gathered in Step 3 and the 'long-list' of sites identified at Step 2a a further scan is carried out to determine the effects that could potentially affect European sites as a result of the plan. This is carried out using the Scanning and Site Selection List in Figure F.4.4. of the HRA Handbook. As this takes account of the site selection features, pathways to sites and conservation objectives this is likely to find that some of the sites on the long-list can be eliminated from further assessment as there is no conceivable effect or their conservation objective could not be undermined. This step could potentially identify some sites that were overlooked at Step 2a.

This step is recorded in Appendix 3, Table A.3.1. Any sites that are eliminated as a result of this step are listed in Table A.3.2. The outcome is summarised in Section 2, Table 2.

*Step 3: Gathering information about the European sites*

This step is carried out in parallel with and informs Step 2. Information for each site on the long-list identified at Step 2a is compiled to include selection features, conservation objectives, conservation status, potential threats to site integrity from planning related development and location relative to the plan area and any plan designations. This is detailed in the HRA Handbook F.4 and presented in Appendix 3.

*Step 4: Discretionary discussions on the method and scope of the appraisal*

The Statutory Nature Conservation Body, represented by the Department of Agriculture, the Environment and Rural Affairs (DAERA), may be consulted informally to ensure that the information at Step 3 is up to date and reflects known issues for the European sites. This provides the opportunity to invite comment on the scope of the HRA and potential in combination considerations.

*Step 5: Screening the draft / proposed plan for likely significant effects*

This step is detailed in the HRA Handbook F.6 Part A and F.7 advises how the outcome should be recorded. The screening of the whole plan is presented in Appendix 5 and the outcome summarised in Section 4 of the HRA. The HRA Handbook also presents principles, with reference to case law and government guidance, which inform screening and the interpretation of terms used; some relevant extracts are:

*'As a result of European case law in Waddenzee, irrespective of the normal English meaning of 'likely', in this statutory context a 'likely significant effect' is a possible significant effect; one whose occurrence cannot be excluded on the basis of objective information. In this context it is permissible to ask whether a plan or project 'may have a significant effect'...(principle 3)'*

*'A significant effect is any effect that would undermine the conservation objectives for a European site... (principle 4)'*

*'An effect which would not be significant can properly be described as : as 'insignificant effect'; or a 'de Minimis effect; or a 'trivial effect'; or as having 'no appreciable effect'; but it is important to bear in mind that, in this context, all the terms are synonymous and are being used to describe effects which would not undermine the conservation objectives'....(principle 8)'*

*'Objective', in this context, means clear verifiable fact rather than subjective opinion. It will not normally be sufficient for an applicant merely to assert that the plan or project will not have an adverse effect on a site, nor will it be appropriate for a competent authority to rely on reassurances based on supposition or speculation. On the other hand, there should be credible*

*evidence to show that there is a real rather than a hypothetical risk of effects that could undermine the site's conservation objectives. Any serious possibility of a risk that the conservation objectives might be undermined should trigger an 'appropriate assessment' (principle 11).'*

Draft Plan Strategies are set in the context of a vision and objectives which indicate the outcomes intended to be achieved through the plan. How these should be considered is set out in Sections F.6.2.2 and F.6.2.3 of the HRA Handbook as follows:

*'...it is possible that the goals and objectives are the drivers for the possibility of a significant effect on a European site, but in most cases, it will be subsequent, more detailed policies or proposals that would have such implications, rather than the general goals or objectives. In most cases the general goals and objectives will be screened out, either because they will have no effect at all, or because they are general statements which are too vague to have a significant effect on a particular site. Even if they are the driver of the potential effect, it is likely that the plan will contain a more specific policy or proposal that would be the better target for assessment.'*

The 'screening categories' in Part F of the HRA Handbook are used to provide a consistent and transparent approach to the screening process. The following categories are used to assess whether an overall plan and its individual proposals require HRA. They are explained in detail in the section of the HRA Handbook referenced.

- A. General statement of policy / general aspiration (screened out). F.6.3.1
- B. Policy listing general criteria for testing the acceptability / sustainability of proposals (screened out). F.6.3.2
- C. Proposal referred to but not proposed by the plan (screened out). F.6.3.3
- D. General plan-wide environmental protection / site safeguarding / threshold policies (screened out). F.6.3.4
- E. Policies or proposals which steer change in such a way as to protect European sites from adverse effects (screened out). F.6.3.5
- F. Policy that cannot lead to development or other change (screened out). F.6.3.6
- G. Policy or proposal that could not have any conceivable effect on a site (screened out). F.6.3.7
- H. Policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects) (screened out). F.6.3.8
- I. Policy or proposal which may have a likely significant effect on a site alone (screened in) F.6.3.9
- J. Policy or proposal with an effect on a site but unlikely to be significant alone, so need to check for likely significant effects in combination F.6.3.10
- K. Policy or proposal unlikely to have a significant effect either alone or in combination (screened out after the in combination test). F.6.3.11
- L. Policy or proposal which might be likely to have a significant effect in combination (screened in after the in combination test). F.6.3.11
- M. Bespoke area, site or case-specific policies or proposals intended to avoid or reduce harmful effects on a European site (screened in) F.6.3.12

In some cases more than one category may apply. Where it is the case that part of a policy is in one category e.g. B. 'policy listing general criteria', whereas another part is in another category e.g. H. 'cannot undermine the conservation objectives' then both categories are listed e.g. B/H. Where part of a policy is screened in then this part will be further assessed.

Consideration must be given to any cumulative effects of proposals during plan preparation as detailed in HRA Handbook F.6.3.11. These include potential cumulative effects within the plan and in combination effects with other relevant plans and projects. For those proposals falling under

categories A to H there is no likely significant effect alone and cannot be any effect in combination. Those under category I are deemed to have a likely significant effect alone and will be progressed to appropriate assessment therefore in combination assessment is not required at Stage 1. Those policies or proposals falling under category J do need to be assessed further to determine whether they fall into K or L when considered in combination.

If there are likely significant effects, either alone or in combination, then the sites and features which may be affected and potential impacts are summarised in preparation for Stage 2.

## Stage 2: Appropriate Assessment and the Integrity Test

### Step 6: The appropriate assessment

The summary from Step 5 is the starting point for the appropriate assessment. Step 6 assesses whether any likely significant effect could lead to an adverse effect on site integrity for each site. This is set out in the HRA Handbook F.6. PART B and in F.9.

Where it is found that there could be an adverse effect for any site then measures are identified to remove any potential for adverse effects as described above. Measures considered at appropriate assessment must be subject to 'a full and precise analysis of the measures capable of avoiding or reducing any significant effects'. These measures may include case-specific policy restrictions or caveats, adding mitigation in a further plan that will deliver the current plan, removing proposals that could have an adverse effect on site integrity, specific mitigation plans or a large scale mitigation strategy which includes measures to mitigate adverse effects of the current plan.

In considering in combination assessment at appropriate assessment principle 4 of C.8.1 in Section C.8 'The in combination assessment' of the HRA Handbook reads as follows:

*'In deciding the required scope of an appropriate assessment one must always keep firmly in mind that the underlying purpose of Article 6(3) of the Habitats Directive is to ensure (subject to the operation of Article 6(4)) that a plan or project is authorised only to the extent that it will not, either alone or in combination with other plans or projects, adversely affect the integrity of the European site; the key purpose.*

*European Commission guidance and case law establishes that the underlying intention of the in-combination provision is to take account of cumulative effects. An appropriate assessment need not be extended further than is necessary to fulfil the key purpose.'*

Principle 6 of Section C.8.1 of the HRA Handbook states that, following an appropriate assessment:

*'...if on assessment alone it is ascertained that the subject plan or project will in fact have no effect at all on the European site, an adverse effect in combination is ruled out and no further assessment is required. The plan or project may be authorised.'*

### Step 7: Amending the plan until there would be no adverse effects on site integrity

Any mitigation identified in Step 6 is incorporated in the plan. This is further detailed in the HRA Handbook F.11 and presented in Section 5. In the case of a draft HRA, if the mitigation is not already included in the DPS, it will be incorporated before the Plan Strategy is finalised and adopted.

### Step 8: Preparing a draft of the HRA Record

This is a draft report which records the HRA and supporting evidence and comprises this report with clear conclusions as set out in Section 6.

### Step 9: Consultation

If the HRA is concluded at Stage 1 the HRA Report with a Statement of Finding of No Likely Significant Effects is published. Consultation is not required on this Stage 1 Test of Likely Significance in these circumstances however it is recommended that the record is published as a supporting document for the plan. If the draft plan is subject to consultation a draft Stage 1 HRA Report may be included in the

consultation with a note that it will be updated to take account of any changes in the proposals or European sites before the plan is finalised.

If the HRA progresses to Stage 2 then DAERA must be consulted on a draft Stage 2 HRA Report (also known as an appropriate assessment). Other stakeholders such as managers of European sites should be consulted where appropriate. Public consultation is not required on the draft Stage 2 HRA Report however it may be included as a supporting document for any public consultation on the draft plan and comment on it invited. It should be stated that the HRA will be updated to take account of any changes in the proposals or European sites before the plan is finalised.

#### *Step 10: Proposed modifications*

Modifications to a plan may come about as a result of consultation, independent examination or the outcome of the HRA and the approach to their consideration is set out in F.12 of the HRA Handbook. Representations by DAERA and other consultees are recorded with a note on if and how they have been addressed in the HRA. Further mitigation identified through Step 9, or as a result of a revised HRA in light of modifications to the plan, is incorporated in the plan. Steps 6 - 8 are updated to reflect any additional mitigation and adverse effects reviewed.

#### *Step 11: Modifying and completing the appraisal record*

If it is found that there are no adverse effects on site integrity then the HRA may be concluded and a Stage 2 HRA Appropriate Assessment Report published to include a Record of No Adverse Effect on the Integrity of any European site under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

## Appendix 3: Site information

An overview of the information to be presented for each site is firstly provided. This is followed by a record of Step 2b: 'Short-list' of sites that should be considered in the HRA. Information for each site identified in the 'long-list' in Section 2, Step 2a follows. This details selection features, conservation objectives, conservation status, potential threats to site integrity from planning related development and location relative to the plan area and any plan designations. This has informed this HRA and will also provide baseline information for a further HRA to be carried out for the LPP. The site information is grouped as below with the conservation objectives for each site provided as separate Annex A.

### Short-List of European sites

Ballynahone Bog Ramsar Site
Ballynahone Bog SAC
Banagher Glen SAC
Black Bog Ramsar Site
Black Bog SAC
Carn - Glenshane Pass SAC
Cranny Bogs SAC
Fairy Water Bog Ramsar Site
Fairy Water Bogs SAC
Lough Foyle Ramsar Site
Lough Foyle SPA
Moneygal Bog SAC
Owenkillew SAC
Pettigoe Plateau Ramsar Site
Pettigoe Plateau SAC
Pettigoe Plateau SPA
River Faughan and Tributaries SAC
River Foyle and Tributaries SAC
River Roe and Tributaries SAC
Skerries and Causeway SAC
Teal Lough Proposed Ramsar Site
Teal Lough SAC
The Maidens SAC
Tully Bog SAC
Upper Ballinderry River SAC
Croaghonagh SAC (RoI)
Dunragh Loughs / Pettigoe Plateau SAC (RoI)
Gweedore Bay and Islands SAC (RoI)
Horn Head and Rinclevan SAC (RoI)
Lough Eske & Ardnamona Wood SAC (RoI)
Lough Foyle SPA (RoI)
Lough Swilly SAC (RoI)
Lough Swilly SPA (RoI)
Magheradrumman Bog SAC (RoI)
Meenaguse Scragh SAC (RoI)

Meenaguse/Ardbane Bog SAC (RoI)
River Finn SAC (RoI)
Tamur Bog SAC (RoI)

## Introduction to Site Information

### Conservation Objectives

EU Member States have responsibility under the Habitats and Birds Directives to ensure that all habitats and species of Community Interest are maintained or restored to Favourable Conservation Status (FCS). Natura 2000 sites have a role to play in achieving this overall objective as the most important core sites for these species and habitats. Each site must therefore be managed in a way that ensures it contributes as effectively as possible to helping the species and habitats for which it has been designated reach a favourable conservation status.

In accordance with Article 6.1 of the Habitats Directive, Member States are required to implement, on each site, the necessary conservation measures which correspond to the ecological requirements of the protected habitat types and species of Community Interest present. DAERA has commissioned management plans for many European sites. Those that are available will be taken into account when this HRA is finalised.

Member States must also prevent any damaging activities that could significantly disturb those species and habitats (Article 6.2) and protect the site from new plans and projects that are potentially damaging or likely to have a significant effect on a Natura 2000 site (Article 6.3, 6.4).

To ensure that each Natura 2000 site contributes fully to reaching this overall target of FCS, it is important to set clear conservation objectives for each individual site. These define the desired state for each of the species and habitat types for which the site was designated. Conservation objectives are not published for Ramsar sites therefore the conservation objectives for the associated SAC & SPA were referred to.

Conservation Objectives have a role in:

- Conservation planning and management by guiding management to maintain habitats and species in, or restore them to, favourable condition;
- Assessing plans and projects, as required under article 6(3) of the Habitats Directive in light of the site's conservation objectives; and
- Monitoring and reporting by providing the basis for assessing the condition of a feature, the factors that affect it and the actions required.

Favourable Condition is defined as *'the target condition for an interest feature in terms of the abundance, distribution and/or quality of that feature within the site'*. The most recent condition assessment for site selection features was referred to where available in preparing this report.

### Sources of information Northern Ireland sites

The appropriate assessments draw on or refer to source documents as detailed below. Digital maps for all sites can be viewed on the DAERA Natural Environment Map Viewer<sup>13</sup> or downloaded from its digital datasets web page<sup>14</sup>. Maps are also provided in Appendix 4 to illustrate the relationship between the plan area and European sites. Additional, site specific, sources of information are listed for each site.

### Special Areas of Conservation

<sup>13</sup> DAERA 'Natural Environment Map Viewer' Available at: <https://www.daera-ni.gov.uk/services/natural-environment-map-viewer>

<sup>14</sup> DAERA (2018) 'Download Digital Datasets' Available at <https://www.daera-ni.gov.uk/articles/download-digital-datasets>.

An overview of each SAC can be found on the JNCC website at its section on UK Protected Sites<sup>15</sup>. Under 'General Site Character' there is a link to the Natura 2000 standard data form for that SAC. Further detail is provided on this website about the Annex I habitats and Annex II species that are a primary reason for selection of the site. It also explains why the site is important and provides a link to information about that habitat in the UK context. Further information for each SAC can be found online through the DAERA Protected Areas page<sup>16</sup>. On each site page the link to guidance and literature allows the Reasons for designation, Conservation Objectives and site map to be accessed.

#### *Special Protection Areas*

A link to the Natura 2000 standard data form for each SPA can be found on the JNCC website at its section on UK protected sites. Further information for each site can be found through the DAERA Protected Areas page. On each site page the link to guidance and literature allows the SPA citation document and Conservation Objectives to be accessed.

#### *Ramsar sites*

A link to the Information Sheet on Ramsar Wetlands (RIS) for each Ramsar site can be found on the JNCC UK Protected Sites page. Further information for each site can be found through the DAERA Protected Areas page. On the DAERA site page the link to guidance and literature allows the Ramsar site citation document and map to be accessed.

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<sup>15</sup> <http://jncc.defra.gov.uk/page-1458>

<sup>16</sup> <https://www.daera-ni.gov.uk/landing-pages/protected-areas>



### *Condition Assessment*

DAERA has compiled and made available a spreadsheet, 'Condition of Features in ASSIs and N2Ks'. This details the most recent condition assessment for features, usually with an explanation of the reason why a feature is in unfavourable condition. This spreadsheet was referred to in compiling site information. DAERA also provided unpublished condition assessment reports for some individual sites and some site selection features such as otter.

### *Sources of Information Ireland sites*

The background information for appropriate assessment draws on or refers to source documents as detailed below. Digital maps for all sites can be downloaded from the NPWS website at their Designated Site Data web page<sup>17</sup>.

### *Special Protection Areas Ireland*

An overview of Ireland's SPA network can be found on the NPWS website at the page on Special Protection Areas<sup>18</sup>. On this page, there are links to SPA boundary data and a statutory list of SPAs where further information on the SPA citation document, conservation interests and operations or activities requiring consent can be found. Links to individual web pages for each SPA, which include their Natura 2000 standard data form, are found on the NPWS website page on Conservation Objectives<sup>19</sup>.

### *Condition Assessment Ireland*

Condition Assessment information for designated sites is provided from the NPWS website at its Conservation Objectives page. A list of SACs and SPAs is provided with links to site conservation objectives, Natura 2000 data forms and site synopsis information. For some of these sites, Conservation Objectives Supporting Documents are also provided and include condition information.

### *Step 2b: 'Short-list' of sites that should be considered in the HRA*

Taking account of the 'long-list' of sites identified in Section 2, the discussion of potential impacts of development in Section 3 and the site information in this Appendix, a further scan was carried out to determine the effects that could potentially affect European sites as a result of the plan. This was carried out using the Scanning and Site Selection List in Figure F.4.4. of the HRA Handbook as described in Appendix 2.

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<sup>17</sup> NPWS 'Designated site data' <https://www.npws.ie/maps-and-data/designated-site-data> (accessed March 2025)

<sup>18</sup> NPWS 'Special Protection Areas (SPA)' <https://www.npws.ie/protected-sites/spa> (accessed March 2025)

<sup>19</sup> <https://www.npws.ie/protected-sites/conservation-management-planning/conservation-objectives>

**Table A.3.1 Scanning and site selection list for sites that could potentially be affected by the plan**

Extract from The Habitats Regulations Assessment Handbook, www.dtapublications.co.uk © DTA Publications Limited (November 2018) all rights reserved. This work is registered with the UK Copyright Service

Types of plan	Sites to scan for and check	Names of sites selected
1. All plans (terrestrial, coastal and marine)	Sites within the geographic area covered by or intended to be relevant to the plan	Ballynahone Bog Ramsar Site Ballynahone Bog SAC Banagher Glen SAC Black Bog Ramsar Site Black Bog SAC Carn - Glenshane Pass SAC Cranny Bogs SAC Fairy Water Bog Ramsar Site Fairy Water Bogs SAC Lough Foyle Ramsar Site Lough Foyle SPA Moneygal Bog SAC Owenkillew SAC Pettigoe Plateau Ramsar Site Pettigoe Plateau SAC Pettigoe Plateau SPA River Faughan and Tributaries SAC River Foyle and Tributaries SAC River Roe and Tributaries SAC Skerries and Causeway SAC Teal Lough Proposed Ramsar Site Teal Lough SAC The Maidens SAC Tully Bog SAC Upper Ballinderry River SAC Croaghonagh SAC (Rol) Donegal Bay SPA (Rol) Donegal Bay (Murvagh) SAC (Rol) Dunragh Loughs / Pettigoe Plateau SAC (Rol) Gweedore Bay and Islands SAC (Rol) Horn Head and Rinclevan SAC (Rol) Pettigo Plateau Nature Reserve SPA (Rol) Lough Derg (Donegal) SPA (Rol) Lough Eske & Aednamona Wood SAC (Rol) Lough Foyle SPA (Rol) Lough Nageage SAC (Rol) Lough Swilly SAC (Rol) Lough Swilly SPA (Rol) Magheradrumman Bog SAC (Rol) Meenaguse Scragh SAC (Rol) Meenaguse/Ardbane Bog SAC (Rol) River Finn SAC (Rol) Tamur Bog SAC (Rol)

Types of plan	Sites to scan for and check	Names of sites selected
2. Plans that could affect the aquatic environment	<p>Sites upstream or downstream of the plan area in the case of river or estuary sites</p> <p>(All sites fully or partly outside plan area with a theoretical hydrological pathway. Filter on hydrological pathway, remove sites wholly within plan area.)</p>	<p>Lough Foyle Ramsar Site Lough Foyle SPA Moneygal Bog SAC Owenkillew SAC River Faughan and Tributaries SAC River Foyle and Tributaries SAC River Roe and Tributaries SAC Upper Ballinderry River SAC Lough Nageage SAC (RoI) Lough Swilly SAC (RoI) Lough Swilly SPA (RoI) River Finn SAC (RoI)</p>
	<p>Open water, peatland, fen, marsh and other wetland sites with relevant hydrological links to land within the plan area, irrespective of distance from the plan area</p> <p>(All sites outside plan area where the hydrological unit on which they are dependent is partly within or connected to plan area.)</p>	<p>Banagher Glen SAC Black Bog Ramsar Site Black Bog SAC Carn - Glenshane Pass SAC Cranny Bogs SAC Tully Bog SAC Fairy Water Bog Ramsar Site Fairy Water Bogs SAC Croaghonagh SAC (RoI) Dunragh Loughs / Pettigoe Plateau SAC (RoI) Lough Derg (Donegal) SPA (RoI) Lough Nageage SAC (RoI) Tamur Bog SAC (RoI)</p>
3. Plans that could affect the marine environment	<p>Sites that could be affected by changes in water quality, currents or flows; or effects on the inter-tidal or sub-tidal areas or the seabed, or marine species.</p> <p>(Marine sites with hydrological pathway from the plan area where realistic that water quality could be impacted such that it affects selection features.)</p>	<p>Lough Foyle Ramsar Site Lough Foyle SPA Lough Foyle SPA (RoI) Lough Swilly SAC (RoI) Lough Swilly SPA (RoI) River Faughan and Tributaries SAC River Foyle and Tributaries SAC River Finn SAC</p>
4. Plans that could affect the coast	<p>Sites in the same coastal 'cell', or part of the same coastal ecosystem, or where there are interrelationships with or between different physical coastal processes.</p> <p>(Only sites on coast in or adjacent to plan area.)</p>	<p>Lough Foyle Ramsar Site Lough Foyle SPA Lough Foyle SPA (RoI) Lough Swilly SAC (RoI) Lough Swilly SPA (RoI)</p>

Types of plan	Sites to scan for and check	Names of sites selected
5. Plans that could affect mobile species	<p>Sites whose qualifying features include mobile species which may be affected by the plan irrespective of the location of the plan's proposals or whether the species would be in or out of the site when they might be affected.</p> <p>(Includes sites with mobile species, or species dependent on mobile species, that could be found in the plan area and on which there is a realistic chance of impact.)</p>	<p>Lough Foyle Ramsar Site  Lough Foyle SPA  Owenkillew SAC  Pettigoe Plateau SPA  River Faughan and Tributaries SAC  River Foyle and Tributaries SAC  River Roe and Tributaries SAC  Skerries and Causeway SAC  The Maidens SAC  Upper Ballinderry River SAC  Donegal Bay SPA (RoI)  Gweedore Bay and Islands SAC (RoI)  Horn Head and Rinclevan SAC (RoI)  Pettigo Plateau Nature Reserve SPA (RoI)  Lough Derg (Donegal) SPA (RoI)  Lough Foyle SPA (RoI)  Lough Swilly SPA (RoI)  River Finn SAC (RoI)</p>
6. Plans that could increase recreational pressure on international sites potentially vulnerable or sensitive to such pressure	<p>Such International site in the plan area</p> <p>(Includes sites with mobile species, or species dependent on mobile species, that could be found in the plan area and on which there a realistic chance of impact.)</p>	<p>Lough Foyle Ramsar Site  Lough Foyle SPA  River Faughan and Tributaries SAC  River Foyle and Tributaries SAC</p>
7. Plans that would increase the amount of development	<p>Sites in the plan area or beyond that are used for, or could be affected by, water abstraction irrespective of distance from the plan area.</p> <p>(Applies if there is insufficient water supply for the plan period is identified by NI Water.)</p>	<p>Lough Swilly SPA  Lough Swilly SAC</p>
	<p>Sites used for, or could be affected by, discharge of effluent from waste water treatment works or other waste management streams serving the plan area, irrespective of distance from the plan area.</p> <p>(Sites in or downstream of the plan area which are connected to settlements within the plan area.)</p>	<p>Lough Foyle Ramsar Site  Lough Foyle SPA  Owenkillew SAC  River Faughan and Tributaries SAC  River Foyle and Tributaries SAC  River Roe and Tributaries SAC  Upper Ballinderry River SAC  Lough Foyle SPA (RoI)  Lough Swilly SAC (RoI)  Lough Swilly SPA (RoI)  River Finn SAC (RoI)</p>
	<p>Sites that could be affected by the provision of new or extended transport or other infrastructure</p>	<p>All sites</p>

Types of plan	Sites to scan for and check	Names of sites selected
	<p>Sites that could be affected by increased deposition of air pollutants arising from the proposals, including emissions from significant increases in traffic</p> <p>(E.g. transport/power lines. Road proposals that are necessary to access new developments arising from the plan e.g. link road for new housing.)</p>	
8. Plans for linear developments or infrastructure	<p>Sites within a specified distance from the centre line of the proposed route (or alternative routes), the distance may be varied for differing types of site / qualifying features and in the absence of established good practice standards, distance(s) to be agreed by the statutory nature conservation body</p> <p>(Unlikely to apply unless plan generates need for infrastructure. Would apply to e.g. a transport plan identifying new roads.)</p>	None
9. Plans that introduce new activities or new uses into the marine, coastal or terrestrial environment	<p>Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the new activities proposed by the plan</p> <p>(Would only apply if the plan actively promotes new activities. Would apply for example to an offshore renewables plan.)</p>	None (No such 'new' uses introduced by the Plan Strategy).
10. Plans that could change the nature, area, extent, intensity, density, timing or scale of existing activities or uses	<p>Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the changes to existing activities proposed by the plan</p> <p>Unlikely to apply (recreational uses covered at 6 above)</p>	None (recreational uses covered by 6 above).

Types of plan	Sites to scan for and check	Names of sites selected
11. Plans that could change the quantity, quality, timing, treatment or mitigation of emissions or discharges to air, water or soil	<p>Sites considered to have qualifying features potentially vulnerable or sensitive to the changes in emissions or discharges that could arise as a result of the plan</p> <p>(All sites in or within 7.5 km of plan area included to capture those that may be sensitive to aerial emissions e.g. ammonia.)</p>	All sites
12. Plans that could change the quantity, volume, timing, rate, or other characteristics of biological resources harvested, extracted or consumed	<p>Sites whose qualifying features include the biological resources which the plan may affect, or whose qualifying features depend on the biological resources which the plan may affect, for example as prey species or supporting habitat or which may be disturbed by the harvesting, extraction or consumption</p>	Not applicable to land use plans.
13. Plans that could change the quantity, volume, timing, rate, or other characteristics of physical resources extracted or consumed	<p>Sites whose qualifying features rely on the non- biological resources which the plan may affect, for example, as habitat or a physical environment on which habitat may develop or which may be disturbed by the extraction or consumption</p>	None
14. Plans which could introduce or increase, or alter the timing, nature or location of disturbance to species	<p>Sites whose qualifying features are considered to be potentially sensitive to disturbance, for example as a result of noise, activity or movement, or the presence of disturbing features that could be brought about by the plan</p> <p>(Those sites with bird, mammal or aquatic species that may be within plan area and are vulnerable to disturbance)</p>	<p>Lough Foyle Ramsar Site  Lough Foyle SPA  Owenkillew SAC  Pettigoe Plateau SPA  River Faughan and Tributaries SAC  River Foyle and Tributaries SAC  River Roe and Tributaries SAC  Skerries and Causeway SAC  The Maidens SAC  Upper Ballinderry River SAC  Donegal Bay SPA (RoI)  Gweedore Bay and Islands SAC (RoI)  Horn Head and Rinclevan SAC (RoI)  Pettigo Plateau Nature Reserve SPA (RoI)  Lough Derg (Donegal) SPA (RoI)  Lough Foyle SPA (RoI)  Lough Swilly SPA (RoI)  River Finn SAC (RoI)</p>

Types of plan	Sites to scan for and check	Names of sites selected
15. Plans which could introduce or increase or change the timing, nature or location of light or noise pollution	Sites whose qualifying features are considered to be potentially sensitive to the effects of changes in light or noise that could be brought about by the plan	Lough Foyle Ramsar Site Lough Foyle SPA Owenkillew SAC Pettigo Plateau SPA River Faughan and Tributaries SAC River Foyle and Tributaries SAC River Roe and Tributaries SAC Skerries and Causeway SAC The Maidens SAC Upper Ballinderry River SAC Donegal Bay SPA (RoI) Gweedore Bay and Islands SAC (RoI) Horn Head and Rinclevan SAC (RoI) Pettigo Plateau Nature Reserve SPA (RoI) Lough Derg (Donegal) SPA (RoI) Lough Foyle SPA (RoI) Lough Swilly SPA (RoI) River Finn SAC (RoI)
16. Plans which could introduce or increase a potential cause of mortality of species	Sites whose qualifying features are considered to be potentially sensitive to the source of new or increased mortality that could be brought about by the plan.	There is a theoretical pathway for direct effects on all sites which have mobile features.

*Sites considered but eliminated*

As Step 2b takes account of the site selection features, pathways to sites and conservation objectives it found that 5 of the sites on the long-list can be eliminated from further assessment as there is no conceivable pathway for an effect or their conservation objectives could not be undermined.

**Table A.3.2 Sites Eliminated from Further Assessment**

<b>Site</b>	<b>Elimination Reason</b>
Donegal Bay (Murvagh) SAC (RoI)	Donegal bay direct distance over land is 13.5km from the plan area boundary. While there is a theoretical pathway for impacts from industrial/combustion (15km Screening), the conservation objectives do not identify aerial emissions as a threat to the qualifying features. There cannot be any impact on any terrestrial site selection features for the SAC and the separation distance via marine waters means that there cannot be any impact on intertidal or other marine mammal features. It is not conceivable that the Plan Strategy could undermine the conservation objectives for these sites.
Lough Nageage SAC (RoI)	
Donegal Bay SPA (RoI)	Birds from these SPA populations could forage in the plan area. However, as the plan does not include any new designated land uses at this stage of the LDP that could impact on designated sites or functionally linked land, effects on mobile species from these sites, can reasonably be excluded. It is not conceivable that the Plan Strategy could undermine the conservation objectives for these sites.
Lough Derg (Donegal) SPA (RoI)	
Pettigo Plateau Nature Reserve SPA (RoI)	



## Appendix 4: Maps

Map 1: SPAs in relation to Derry City and Strabane District

Map 2: SACs in relation to Derry City and Strabane District

Map 3: Ramsar Sites in relation to Derry City and Strabane District

Map 4: Marine SACs within the Derry City and Strabane District Council area (DAERA screening distances applied)

Map 5: Major Catchments within the Derry City and Strabane District area









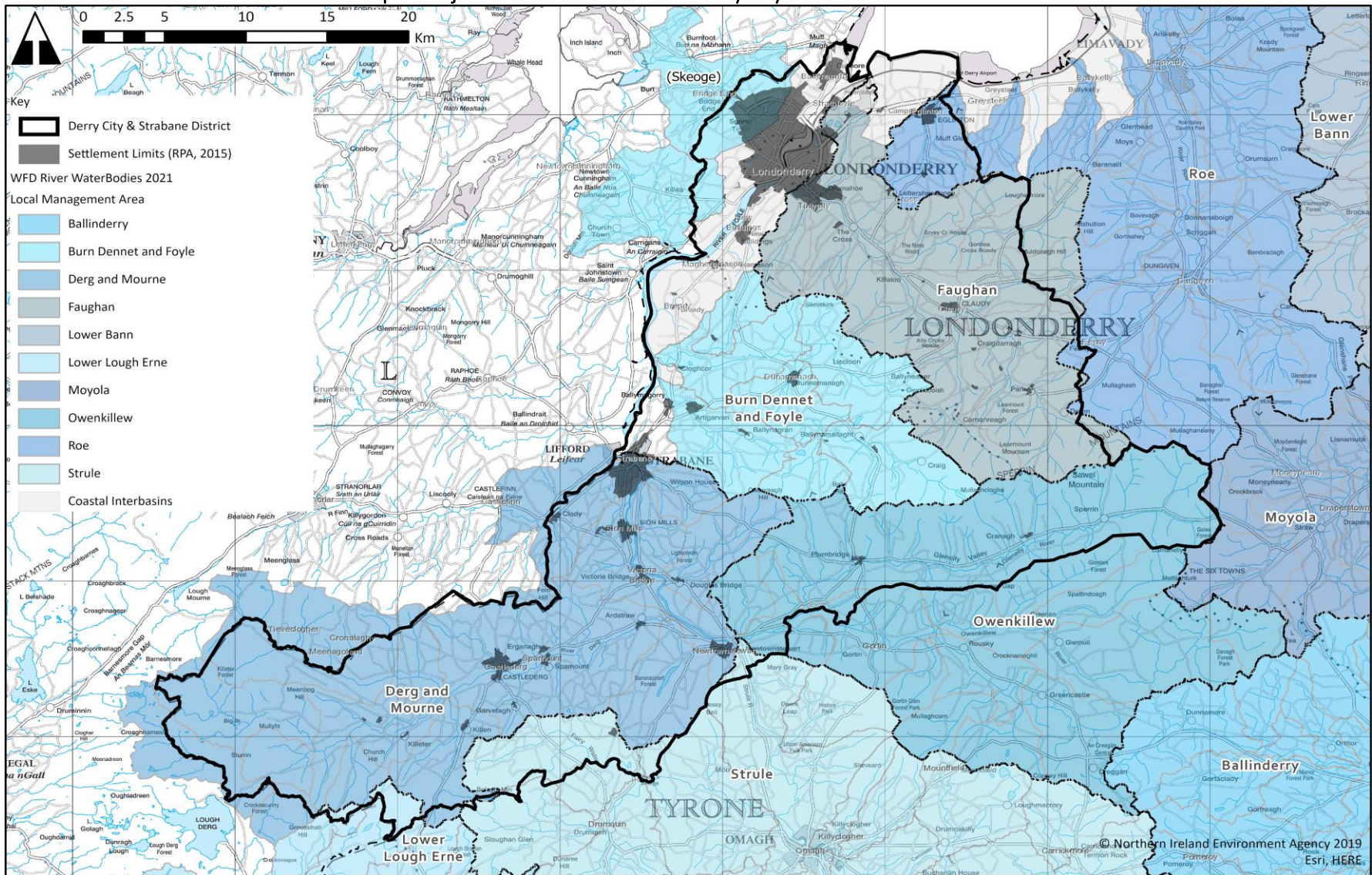




Map 4: Marine SACs within the Derry City and Strabane District Council area (DAERA screening distances applied)



Map 5: Major Catchments within the Derry City and Strabane District area





## Appendix 5: Review of draft Plan Strategy Proposals and Policies

The following categories are used to assess whether an overall plan and its individual proposals require HRA as described in Appendix 2. These are taken from Part F of the HRA Handbook where they are explained in detail in the sections referenced. In some cases more than one category may apply.

- A. General statement of policy / general aspiration (screened out). F.6.3.1
- B. Policy listing general criteria for testing the acceptability / sustainability of proposals (screened out). F.6.3.2
- C. Proposal referred to but not proposed by the plan (screened out). F.6.3.3
- D. General plan-wide environmental protection / site safeguarding / threshold policies (screened out). F.6.3.4
- E. Policies or proposals which steer change in such a way as to protect European sites from adverse effects (screened out). F.6.3.5
- F. Policy that cannot lead to development or other change (screened out). F.6.3.6
- G. Policy or proposal that could not have any conceivable effect on a site (screened out). F.6.3.7
- H. Policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects) (screened out). F.6.3.8
- I. Policy or proposal which may have a likely significant effect on a site alone (screened in) F.6.3.9
- J. Policy or proposal with an effect on a site but unlikely to be significant alone, so need to check for likely significant effects in combination F.6.3.10
- K. Policy or proposal unlikely to have a significant effect either alone or in combination (screened out after the in combination test). F.6.3.11
- L. Policy or proposal which might be likely to have a significant effect in combination (screened in after the in combination test). F.6.3.11
- M. Bespoke area, site or case-specific policies or proposals intended to avoid or reduce harmful effects on a European site (screened in) F.6.3.12

## Derry-Strabane - LDP Draft Plan Strategy 2032 – Screening of draft Plan Strategy Proposals and Policies

Plan Proposal/Policy	Screening		Screening Comment
<b>Derry-Strabane - LDP Draft Plan Strategy 2032</b>			
<b>PART A - Contextual Chapters</b>			
1. Introduction to the LDP Plan Strategy (PS)	NA	Out	Administrative text - introduces plan and its preparation
2. Survey & Profile of the Derry City and Strabane District	NA	Out	Administrative text - profile of Council area
3. Policy Context for the LDP	NA	Out	Administrative text - policy context
<b>PART B - Overall Strategy</b>			
<b>4. LDP Vision and Objectives</b>			
<b>The LDP Vision</b>			
To make Derry City and Strabane District a thriving, prosperous and sustainable area – Planning for balanced and appropriate high-quality development, whilst protecting our environment, and also promoting well-being with equality of opportunity for all.	A	Out	General statement of objectives.
<b>Spatial &amp; Cross-Cutting Objectives - (a) Planning for a sustainable District, with a strong Derry, Strabane and vibrant rural areas, as the focus of the North West Region</b>			
(i) To put in place the Council's sound Planning framework of policies and land uses, aligned with the Strategic Growth Plan and taking account of regional priorities, that will deliver high-quality, sustainable developments across the City and District to 2032, contributing to climate-change prevention / adaptation, protecting the environment and meeting the needs (including health, well-being and amenity) of residents and visitors.	A	Out	General statement of objectives.



(ii) To develop and reinforce Derry City as the core settlement, regional gateway and principal city of the North West – providing employment, administration, commerce, specialised services, cultural amenities and tourism / visitor facilities as well as shopping health, education and leisure services, particularly for the cross-border population within the one-hour drive time across the North West Region.	A	Out	General statement of objectives.
(iii) To further develop and grow Strabane as the main hub, as a prosperous and regenerated town linked to Derry, Tyrone and the rest of the North West, particularly benefitting from its close proximity to Lifford, a key administrative centre for Donegal County. Strabane will be the focus for employment, administration, residential uses, shopping, health, education and commerce for its local and cross-border hinterland.	A	Out	General statement of objectives.
(iv) To protect and consolidate the role of local towns and villages spread across the District so that they act as local centres for appropriate-scale shops, employment, houses and community services, meeting the daily needs of their rural hinterlands.	A	Out	General statement of objectives.
(v) To provide for vital and vibrant rural communities elsewhere, including in our small settlements, whilst protecting the countryside in which they live by accommodating appropriate development so as to sustain and service these rural communities.	A	Out	General statement of objectives.
<b>Economic Development Objectives - (b) Creating Jobs and Promoting Prosperity</b>			
<i>(b) Creating Jobs and Promoting Prosperity</i>			

(i) To facilitate the creation of approximately 15,000 new jobs by 2032, based upon projected population increase, reduced unemployment rates and investment-driven growth, focussed on the identified growth sectors, at a variety of locations where they are accessible to all members of the community, including those without a private car.	A	Out	General statement of objectives.
(ii) To recognise and accommodate entrepreneurship and innovation for large, medium and small firms by attracting new firms, facilitating new business start-ups and accommodating expanding businesses, in urban areas and also in rural areas where appropriate location, type and scale.	A	Out	General statement of objectives.
(iii) To recognise the importance of, and to accommodate, self-employment and home working, in both urban and rural locations.	A	Out	General statement of objectives.
(iv) To recognise the North West's significant renewable energy resource and encourage the use of sustainable energy both as a means of generating money for the local economy, attracting investment in enterprise and providing sustainable and affordable electrical power for the population.	A	Out	General statement of objectives.
(v) To manage the utilisation of the District's mineral resources in a responsible and sustainable manner that meets the developmental needs of the District and wider region, yet protecting the landscape quality and natural environment of the District.	A	Out	General statement of objectives.

(vi) To facilitate the City to capitalise on its role as a key cross-border and international gateway providing access by road, air, rail, and sea, while similarly maximising the economic corridor potential for Strabane and the rest of the District of the cross border and A2, A5 and A6 improvement schemes to the North West.	A	Out	General statement of objectives.
(vii) Continue the high levels of co-operation between Letterkenny, Derry and Strabane as pursued by the Northwest Regional Development Group, to unlock the potential of the North West and consider opportunities to improve transport / accessibility and public services in sectors such as health and education.	A	Out	General statement of objectives.
(viii) Retailing and Centres – to achieve a strong, vibrant and multi-use City Centre and Town Centres supported by a hierarchy of other centres that sustainably meets the shopping, working and leisure needs of all the people.	A	Out	General statement of objectives.
(ix) Tourism – to increase the visitor numbers, spend and economic benefit of tourism for the District. To continue the regeneration of the City and its promotion as a major tourist destination while respecting its heritage assets, exceptional landscape setting and unique walled core through sensitive development. The city-based tourism success will be complemented by sustainable, focused rural tourism across the District especially through assets such as the Sperrin AONB and Foyle / Faughan valleys.	A	Out	General statement of objectives.
<b>Social Development Objectives - (c) Accommodating People and Facilitating Communities</b>			

<p>(i) To provide for approximately 9,000 new, quality homes by 2032, in a balance of private and social housing, in a variety of formats designed to meet the needs of families, including single-parent families, small households, the elderly and disabled and single people, at sustainable locations accessible to community services, leisure and recreational facilities, for those people with and without a car. Housing schemes in Derry city, Strabane and the smaller settlements will require imaginative and innovative design, including mixed use schemes, and possibly mixed tenure, to ensure that they link into the existing urban fabric. Rural houses also need to be of quality design and siting, with a focus on sustainable development to provide homes to sustain vibrant rural communities.</p>	A	Out	General statement of objectives.
<p>(ii) To recognise the needs of both growing families and carers of the elderly and disabled by accommodating development which allows people to remain within their own communities while not adversely impacting on neighbours or the environment.</p>	A	Out	General statement of objectives.
<p>(iii) To facilitate the development of new community facilities at locations accessible to the communities they serve, through a variety of modes of efficient public transportation in accordance with the community plan.</p>	A	Out	General statement of objectives.
<p>(iv) To achieve balanced communities and to accommodate cultural differences between communities of all religious backgrounds, whilst promoting “shared spaces” to bring people together with equality of opportunity for all, including Section 75 Groups.</p>	A	Out	General statement of objectives.
<p>(v) To close the gap in quality of life for those living in deprived areas.</p>	A	Out	General statement of objectives.

(vi) Open Space – to provide a network of ample, good quality open spaces, sports and recreation facilities to give the District’s people a healthy well-being and high quality of life.	A	Out	General statement of objectives.
(vii) Waste – to minimise our waste products and to sustainability provide facilities to manage / reuse any such products in a sustainable manner – as a ‘Zero Waste-Circular Economy’ approach.	A	Out	General statement of objectives.
<b>Environment-Focused Objectives - (d) Enhancing the Environment, Creating Places and Improving Infrastructure</b>			
(i) To protect and enhance the natural and historic built environment to achieve biodiversity, quality design, enhanced leisure and economic opportunity and promote health and well-being. Protecting ecosystem services of fauna and flora, as well as achieving significantly more tree-cover (in the correct locations and of an appropriate type), energy efficiency, less pollution and other measures to tackle climate change.	A	Out	General statement of objectives.
(ii) To build upon the existing urban assets / built heritage value, but also improving connectivity to existing and new urban soft and hard spaces, so as to achieve enhanced place-making. High standards of design and materials will help to develop / protect the distinctive character of each of the District’s settlements, and the countryside. In particular, Derry city is to grow to look and function as a modern, cosmopolitan, people-focussed university and riverfront city. Strabane is to regenerate with improved internal accessibility, a strong unified commercial heart and Riverine-linked green edge.	A	Out	General statement of objectives.

(iii) To accommodate investment in power, water and sewerage infrastructure, and waste management, particularly in the interests of public health.	A	Out	General statement of objectives.
(iv) To prevent future development of areas of flood risk, mitigating where necessary, and prevent inappropriate development that would cause or exacerbate flooding elsewhere.	A	Out	General statement of objectives.
(v) To improve connectivity between and within settlements and their rural hinterland through accommodating investment in transportation to improve travel times, alleviate congestion and improve safety for both commercial and private vehicles as well as more sustainable modes of transport including buses, rail, walking and cycling.	A	Out	General statement of objectives.
(vi) To improve connectivity, though developments for telecommunications - especially broadband, which both meets the needs of business and private households whilst reducing the need to travel.	A	Out	General statement of objectives.
(vii) To enhance transport linkages across the North West particularly between Derry, Strabane and Donegal, to and from the air and sea ports and the distribution of traffic from and between transport corridors.	A	Out	General statement of objectives.
(viii) To contribute towards a 'modal shift' away from dependence on private cars and minimising traffic-generation, enabling 'places for people', relying more on improved public transport services and achieve the more efficient integration of land use and transportation. Planning for new developments in locations well-served by public transport will provide more accessibility to sustainable choices of transport.	A	Out	General statement of objectives.

(ix) Protect areas of high landscape quality / scenic value, undeveloped coastline and wetlands from inappropriate development, particularly recognising the attractive natural and historic setting of the City and the Sperrins, which also bring benefits to the economy and society.	A	Out	General statement of objectives.
(x) Protect and enhance the network of open spaces and greenways in the North West. Opportunities should be taken for connections to an enhanced network of pedestrian paths, cycle-ways and ecological corridors.	A	Out	General statement of objectives.
<b>5. Growth Strategy for the Derry City and Strabane District</b>			
<b>Growth Strategy for the Derry City and Strabane District</b>	A	Out	General statement of objectives to deliver 9,000 new homes for 10,000 more people and 15,000 more jobs managed sustainably. Delivery of the Growth Strategy will be assessed under related policies.
<b>6. Spatial Strategy for the Derry City and Strabane District</b>			
<b>Spatial Strategy for The Derry City and Strabane District</b>	A	Out	This is a general statement of policy. It is a strategic high level spatial strategy setting out our settlement hierarchy, the main environmental areas, transport corridors and other main infrastructure features, as well as the general spatial strategy for Derry city and Strabane town. The spatial strategy will determine where planned growth will be directed, balanced with the priority areas for environmental protection and enhancement.
Designation SETT 1 Settlement Hierarchy for LDP 2032	A	Out	This is a general statement of policy. It is a strategic high level policy setting out the settlement hierarchy and providing a framework for delivering growth, the policies to deliver within this framework are assessed. No new settlements have been designated.
Designation SETT 2 Development within Settlement Development Limits	A	Out	This is a general statement of policy which cannot have any effect on a European site. Allows for review of settlement limits at LPP and land use zonings which would be subject to HRA. The current development limits in the DAP 2011 and SAP 2001 will remain in

			place and continue to guide development until they are reviewed and adopted in the LPP.
Designation SCA 1 Special Countryside Area (SCA)	A	Out	This is a general statement of policy which cannot have any effect on a European site. It introduces an SCA in the Sperrins high summits (approximately above 310m). The SCA is indicated for strategic purposes only and boundaries will be fully defined at LPP.
Designation AHLI 1 Areas of High Landscape Importance (AHLIs)	A	Out	This is a general statement of policy which cannot have any effect on a European site. It allows for designation of AHLIs. 11 AHLIs, largely following the CPA / AoHSV boundaries in the transitional period, are indicated on dPS Proposals Map 2. Boundaries will be fully defined at LPP.
Designation GB 1 Green Belts (GBs)	A	Out	This is a general statement of policy which cannot have any effect on a European site. It allows for designation of Green Belts around Derry and Strabane at LPP. There are several policies that refer to Green Belt e.g. in tourism, renewable energy and economic development.
Designation DPA 1 Development Pressure Areas (DPAs)	A	Out	This is a general statement of policy which cannot have any effect on a European site. It allows for designation of DPAs in the countryside.
Designation WECA 1 Wind Energy Capacity Areas (WECAs)	A	Out	This is a general statement of policy which cannot have any effect on a European site. It allows for designation of WECAs to reflect areas that are considered to be at, or reaching, capacity for wind turbines / wind farms. These are indicated for strategic purposes only on dPS Proposals Map 2 and boundaries will be fully defined at LPP.
<b>7. General Development Principles and Policies</b>			
GDP 1 Sustainable Development	A	Out	General statement of objectives. While this lists criteria these are applied through the LDP policies below.
GDP 2 Climate Change	A	Out	General statement of objectives. While this lists criteria these are applied through the LDP policies below.
GDP 3 Improving Health and Well-Being	A	Out	General statement of objectives. While this lists criteria these are applied through the LDP policies below.



GDP 4 Supporting Sustainable Economic Growth	A	Out	General statement of objectives. While this lists criteria these are applied through the LDP policies below.
GDP 5 Creating and Enhancing Shared Space	A	Out	General statement of objectives. While this lists criteria these are applied through the LDP policies below.
GDP 6 Importance of Ecosystem Services	A	Out	General statement of objectives. While this lists criteria these are applied through the LDP policies below.
GDP 7 Preserving and Enhancing the Natural Environment	A	Out	General statement of objectives. While this lists criteria these are applied through the LDP policies below.
GDP 8 Preserving and Enhancing the Historic Environment	A	Out	General statement of objectives. While this lists criteria these are applied through the LDP policies below.
Implementation of General Development Principles	A	Out	This is a general statement which explains how the General Development Principles will be delivered. It cannot have any effect on a European site.
GDPOL 1 General Development Management Policy	I	In	The potential for development with a pathway to a European site cannot be excluded.
GDPOL 2 Design Policy in Settlements	B	Out	This is a policy listing general criteria for testing the acceptability of proposals. It cannot affect any European sites.
<b>8. Enforcement</b>	NA	Out	Administrative text setting out the legislative and policy context for enforcement and how enforcement relates to the LDP.
<b>PART C – Economy – Strategy, Designations &amp; Policies</b>			
<b>9. Economic Development</b>			
<b>LDP Strategy for Economic Development</b>	A	Out	General statement of strategy, strengthening the opportunities for up to 15,000 jobs over the Plan periods. The scale, extent and location of all employment opportunity areas will be confirmed at the LPP stage which will be subject to HRA. Potential effects will be assessed under related policies.
<i>Designations - Employment Opportunity Areas</i>			
Tier 1 Strategic Redevelopment Areas (SRAs)	I	In	The potential for development with a pathway to a European site cannot be excluded.

Tier 2 Special Economic Development Areas (SEDAs)	I	In	The potential for development with a pathway to a European site cannot be excluded.
Tier 3 General Economic Development Areas (GEDAs)	I	In	The potential for development with a pathway to a European site cannot be excluded.
Tier 4 New Economic Development Area (NEDA)	I	In	The potential for development with a pathway to a European site cannot be excluded.
Tier 5 Economic Development in Countryside	I	In	The potential for development with a pathway to a European site cannot be excluded.
ED 1 General Criteria for Economic Development	I	In	The potential for development with a pathway to a European site cannot be excluded.
ED 2 Office Development	I	In	The potential for development with a pathway to a European site cannot be excluded.
ED 3 Economic Development in Settlements	I	In	The potential for development with a pathway to a European site cannot be excluded.
ED 4 Protection of Zoned and Established Economic Development Land and Uses	B/G	Out	This is a policy listing general criteria for testing the acceptability of proposals. Subject to ED 1 which highlights environmental considerations. It constrains alternative uses on zoned or other land. It cannot affect any European sites.
ED 5 Small Scale Economic Development in the Countryside	I	In	The potential for development with a pathway to a European site cannot be excluded.
ED 6 Expansion of an Established Economic Development Use in the Countryside	I	In	The potential for development with a pathway to a European site cannot be excluded.
ED 7 Major Economic Development in the Countryside	I	In	The potential for development with a pathway to a European site cannot be excluded.
<b>10. City /Town Centres, Retailing, Offices, Leisure and Other Uses</b>			
<b>LDP Strategy for retailing and town centres</b>	A	Out	General statement of strategy aims to adopt a town-centre-first approach for retail and other related uses. Potential effects will be assessed under related policies.
Designation NC 1: Proposed Network of Centres	A	Out	General statement of policy. This sets out the hierarchy of centres but, in itself, will not lead to development or other change.

Designation DOS 1: Development Opportunity Sites within Derry City Centre and Strabane Town Centre	A	Out	General statement of policy which allows for sites to be identified within Derry City Centre and Strabane Town Centre at LPP. This will be subject to HRA.
RP 1 City / Town Centre First	B	Out	This is a policy listing general criteria for testing the acceptability of proposals.
RP 2 Derry Primary Retail Core (PRC) and City Centre	I	In	The potential for development with a pathway to a European site cannot be excluded.
RP 3 Strabane Primary Retail Core (PRC) and Town Centre	I	In	The potential for development with a pathway to a European site cannot be excluded.
RP 4 Other Town and District Centres	I	In	The potential for development with a pathway to a European site cannot be excluded.
RP 5 Local Centres	I	In	The potential for development with a pathway to a European site cannot be excluded.
RP 6 Villages and Small Settlements	I	In	The potential for development with a pathway to a European site cannot be excluded.
RP 7 Retail Development in the Countryside	I	In	The potential for development with a pathway to a European site cannot be excluded.
RP 8 Alternative Use of Shops in Primary Retail Cores and Other Centres	I	In	The potential for development with a pathway to a European site cannot be excluded.
RP 9 Out-of-Centre Development	I	In	The potential for development with a pathway to a European site cannot be excluded.
RP 10 Other Main Town Centre Uses	B	Out	This is a policy listing general criteria for testing the acceptability of proposals.
<b>11. Transport and Movement</b>			
<b>Local Transport Study (LTS) Transport Measures</b>	C	Out	The LDP Transport Strategy is encapsulated in the Local Transport Study (LTS) undertaken as part of North West Transport Plan (NWTP). It has been undertaken by DfI in conjunction with the Council.
<b>Strategic Objectives for Car Parking in Derry City and Strabane</b>	A	Out	General statement of policy.
<b>Strategic Planning Objectives for Delivery of Transport Strategy and Measures</b>	A	Out	General statement of policy.

TAM 1 Creating an Accessible Environment	A	Out	This is a general statement of policy which cannot have any effect on a European site.
TAM 2 Access to Public Roads	I	In	The potential for development with a pathway to a European site cannot be excluded.
TAM 3 Access to Protected Routes	I	In	The potential for development with a pathway to a European site cannot be excluded.
TAM 4 Protection for New Transport Schemes	A	Out	This is a general statement of policy which cannot have any effect on a European site.
TAM 5 Disused Transport Routes	A	Out	This is a general statement of policy which cannot have any effect on a European site.
TAM 6 Transport Assessment	A	Out	This is a general statement of policy which cannot have any effect on a European site.
TAM 7 Walking & Cycle Provision	I	In	The potential for development with a pathway to a European site cannot be excluded.
TAM 8 Provision of Public and Private Car Parks	I	In	The potential for development with a pathway to a European site cannot be excluded.
TAM 9 Car Parking and Servicing	B	Out	This is a policy listing general criteria for testing the acceptability of proposals.
TAM 10 Design of Car Parking	B	Out	This is a policy listing general criteria for testing the acceptability of proposals.
TAM 11 Temporary Car Parks	I	In	The potential for development with a pathway to a European site cannot be excluded.
TAM 12 Strategic Transport Facilities	I	In	The potential for development with a pathway to a European site cannot be excluded.
<b>12. Tourism Development</b>			
<b>LDP Strategy for Tourism</b>	A	Out	General statement of strategy which will seek to channel tourism development to the key settlements. Potential effects will be assessed under related policies.
TOU 1 Safeguarding of Tourism Assets	D/F	Out	This policy is a general plan-wide safeguarding policy and one that cannot lead to development or other change.
TOU 2 Tourism Development in Settlements	I	In	The potential for development with a pathway to a European site cannot be excluded.

TOU 3 Tourist Amenities in the Countryside	I	In	The potential for development with a pathway to a European site cannot be excluded.
TOU 4 Hotels, Guest Houses, B&Bs and Tourist Hostels in the Countryside	I	In	The potential for development with a pathway to a European site cannot be excluded.
TOU 5 Major Tourism Development in the Countryside – Exceptional Circumstances	I	In	The potential for development with a pathway to a European site cannot be excluded.
TOU 6 Self-Catering Accommodation in the Countryside	I	In	The potential for development with a pathway to a European site cannot be excluded.
TOU 7 New and Extended Holiday Parks	I	In	The potential for development with a pathway to a European site cannot be excluded.
<b>13. Minerals Development</b>			
<b>LDP Strategy for Minerals Development</b>	A	Out	General statement of strategy which seeks to promote minerals development in sustainable locations. Potential effects will be assessed under related policies.
MIN 1 Minerals Development	I	In	Enables mineral development. The potential for development with a pathway to a European site cannot be excluded.
MIN 2 Areas of Constraint on Minerals Development (ACMDs)	I	In	This policy constrains mineral development on protected areas because of their intrinsic landscape, amenity, scientific or heritage value (including natural, built and archaeological heritage), however exceptions apply therefore potential for effects on European sites depending on location, scale and nature of the development. Boundaries are to be defined at LLP and will be subject to and informed by HRA.
MIN 3 Mineral Reserve Areas (MRAs)	A/F	Out	This is a general statement of policy which, in itself, cannot have any effect on a European site.
MIN 4 Valuable Minerals	I	In	The potential for development with a pathway to a European site cannot be excluded.
MIN 5 Restoration	I	In	The potential for development with a pathway to a European site cannot be excluded.
<b>14. Signs &amp; Outdoor Advertising</b>			
<b>LDP Strategy for Signage and Outdoor Advertisements</b>	A	Out	This is a general statement of strategy which cannot have any effect on a European site.

AD 1 Signage & Outdoor Advertisements	I	In	The potential for development with a pathway to a European site cannot be excluded.
AD 2 Advertisements and Heritage Assets	I	In	The potential for development with a pathway to a European site cannot be excluded.
<b>15. Other Development in the Countryside</b>			
<b>LDP Strategy for Sustainable Development in the Countryside</b>	A	Out	This is a general statement of policy which, in itself, cannot have any effect on a European site. Implications will be assessed under the relevant policies.
ODC1 Other Development in the Countryside	I	In	The potential for development with a pathway to a European site cannot be excluded.
ODC 2 Farm and Forestry Diversification	I	In	The potential for development with a pathway to a European site cannot be excluded.
ODC 3 Farm and Forestry Development	I	In	The potential for development with a pathway to a European site cannot be excluded.
ODC 4 The Conversion, Change of Use and Re-Use of Existing Buildings for Agricultural and other Suitable Rural Uses	I	In	The potential for development with a pathway to a European site cannot be excluded.
<b>PART D - SOCIAL DEVELOPMENT – STRATEGY, DESIGNATIONS &amp; POLICIES</b>			
<b>16. Housing in Settlements and in the Countryside</b>			
<b>LDP Strategy for the Strategic Allocation of Housing Land</b>	A	Out	This is a general statement of policy which, in itself, cannot have any effect on a European site. The strategy aims to deliver 9,000 new homes by 2032 and focusses development on the largest settlements with two thirds allocated to Derry and Strabane. The allocation for housing in the countryside is 13.1%. It therefore is a possible driver of potential effects. Implications of population and housing growth will be assessed under related development enabling policies.
HOU 1 Strategic Allocation and Management of Housing Land – Zoned Housing Land and LUPAs.	A	Out	This is a general statement of policy which phases release of housing zones in the City, Main Town and Local Towns. Within the Villages and Small Settlements, the Council will identify Land Use Policy Areas (LUPAs) in the LPP. The LPP will be subject to HRA and zoning considerations will include sewerage capacity.

HOU 2 Strategic Allocation of Housing in Settlements – other than Zoned Housing Land and LUPAs	I	In	The potential for development with a pathway to a European site cannot be excluded.
<b>LDP Strategy for Urban Housing</b>	A	Out	This is a general statement of strategy which, in itself, cannot have any effect on a European site. It relates to the mix of housing rather than the amount of housing and will be assessed under related policies.
HOU 3 Density of Residential Development	A	Out	This is a general statement of policy which, in itself, cannot have any effect on a European site. It relates to the density of urban housing rather than the amount of housing.
HOU 4 Protection of Existing Residential Accommodation	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 5 Affordable and Private Balanced-Tenure Housing in Settlements	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 6 House Types and Size	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 7 Accessible Housing (Lifetime Homes and Wheelchair Standards)	B/G	Out	This is a policy listing general criteria for testing the acceptability of proposals. It cannot affect any international sites.
HOU 8 Quality in New Residential Developments	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 9 Design Concept Statements, Concept Master Plans and Comprehensive Planning	B/G	Out	This is a policy listing general criteria for testing the acceptability of proposals. It cannot affect any international sites.
HOU 10 Residential Extensions and Alterations	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 11 Redevelopment of Existing Buildings, or Infilling of Sites for Housing	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 12 Flats and Apartments	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 13 Houses in Multiple Occupation (HMO) Management Areas	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 14 Houses in Multiple Occupation (HMO)	I	In	The potential for development with a pathway to a European site cannot be excluded.

HOU 15 Specialist Residential Accommodation.	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 16 Travellers Accommodation	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 17 Large-Scale Managed Student Accommodation	I	In	The potential for development with a pathway to a European site cannot be excluded.
<b>LDP Strategy for Housing in the Countryside</b>	A	Out	This is a general statement of strategy which, in itself, cannot have any effect on a European site. The LDP expects to deliver approximately 1,100 to 1,400 houses in the countryside over the LDP period; these will be delivered via policies HOU 18 – 26. Potential effects will be assessed under related policies.
HOU 18 Dwellings on Farms	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 19 Dwellings For Established Non-Agricultural Business Enterprises	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 20 Restored and Replacement Rural Dwellings	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 21 The Conversion and Re-use of Other Rural Buildings	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 22 New Dwelling in an Existing Cluster in the Countryside	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 23 New Single Dwelling in a Small Gap in Existing Built-up Frontage in the Countryside	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 24 Personal and Domestic Circumstances in the Countryside	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 25 Affordable Housing in the Countryside	I	In	The potential for development with a pathway to a European site cannot be excluded.
HOU 26 Residential Caravans and Mobile Homes	I	In	The potential for development with a pathway to a European site cannot be excluded.
<b>17. Open Space, Sport and Outdoor Recreation</b>			



<b>LDP Open Space Strategy</b>	A	Out	This is a general statement of strategy which, in itself, cannot have any effect on a European site. Potential impacts will be assessed under related policies.
OS 1 Protection of Open Space	I	In	This policy safeguards existing open space, however, exceptions will be permitted subject to meeting criteria, potential effects on a European site cannot therefore be ruled out.
OS 2 Public Open Space in New Developments	B	Out	This is a policy listing general criteria for testing the acceptability of proposals.
OS 3 Green and Blue Infrastructure	A/H	Out	This is a general statement of policy which, in itself, cannot have any effect on a European site. It primarily protects green and blue networks however it also allows for access to them.
OS 4 Outdoor Sport and Recreation in the Countryside	I	In	The potential for development with a pathway to a European site cannot be excluded.
OS 5 Intensive Sports Facilities	I	In	The potential for development with a pathway to a European site cannot be excluded.
OS 6 Noise-Generating Sports and Outdoor Recreational Activities	I	In	The potential for development with a pathway to a European site cannot be excluded.
OS 7 Development of Facilities Ancillary to Water Sports	I	In	The potential for development with a pathway to a European site cannot be excluded.
OS 8 Floodlighting of Sports and Outdoor Recreational Facilities	I	In	The potential for development with a pathway to a European site cannot be excluded.
<b>18. Community Infrastructure</b>			
<b>LDP Strategy for Community Infrastructure</b>	A	Out	This is a general statement of strategy which, in itself, cannot have any effect on a European site. Potential effects will be assessed under related policies. Allows for designation of LUPAs at LPP for community infrastructure, the LPP will be subject to HRA.
CI 1 Community Infrastructure	I	In	The potential for development with a pathway to a European site cannot be excluded.
<b>19. Utilities Development</b>			
<b>LDP Strategy for Utilities Developments</b>	A	Out	This is a general statement of strategy which, in itself, cannot have any effect on a European site. Potential effects will be assessed under related policies.

UT 1 Electricity & Gas Infrastructure	I	In	The potential for development with a pathway to a European site cannot be excluded.
UT 2 Water Infrastructure	I	In	The potential for development with a pathway to a European site cannot be excluded.
UT 3 Telecommunications & Connectivity, including Broadband	I	In	The potential for development with a pathway to a European site cannot be excluded.
UT 4 Futureproofing of Developments for Utility Services and Broadband	B/H	Out	This is a policy listing general criteria for testing the acceptability of proposals and cannot undermine the conservation objectives of any European site.
<b>20. Waste Planning</b>			
<b>LDP Strategy for Waste Management</b>	A	Out	This is a general statement of strategy which, in itself, cannot have any effect on a European site. Potential effects will be assessed under related policies.
Policy WP 1 Environmental Impact of a Waste Management Facility	I	In	The potential for development with a pathway to a European site cannot be excluded.
Policy WP 2 Waste Collection and Treatment Facilities	I	In	The potential for development with a pathway to a European site cannot be excluded.
Policy WP 3 Waste Disposal	I	In	The potential for development with a pathway to a European site cannot be excluded.
Policy WP 4 Land Improvement	I	In	The potential for development with a pathway to a European site cannot be excluded.
Policy WP 5 Development in the Vicinity of Waste Management Facilities	I	In	The potential for development with a pathway to a European site cannot be excluded.
<b>PART E - ENVIRONMENT – STRATEGY, DESIGNATIONS &amp; POLICIES</b>			
<b>21. Natural Environment</b>			
<b>LDP Strategy for the Natural Environment</b>	A	Out	This is a general statement of strategy which, in itself, cannot have any effect on a European site. It will be further assessed under related policies.
NE 1 Nature Conservation Sites	M	In	This policy restates the legal and policy requirements of the Habitats Regulations and the SPPS in relation to European sites. As the policy

			is explicitly to protect European sites/Ramsar sites, it must be screened in for further assessment.
NE 2 Protected Species and their Habitats	D	Out	This policy is a general plan-wide environmental/site safeguarding policy. Affords additional protection to some site selection features such as whooper swan.
NE 3 Biodiversity or Features of Natural Heritage Importance	D	Out	This policy is a general plan-wide environmental/site safeguarding policy. May afford protection to supporting habitat for site selection features.
NE 4 Development adjacent to Main Rivers and Open Water Bodies	D	Out	This policy is a general plan-wide environmental safeguarding policy. Affords additional protection to the Owenkillew, River Foyle and tributaries and Rivers Faughan and Tributaries SACs and to Lough Foyle SPA and Ramsar site.
NE 5 Development within or affecting the setting of the Sperrin AONB	D	Out	This policy is a general plan-wide environmental/site safeguarding policy.
NE 6 Development within Special Countryside Areas (SCA)	D	Out	This policy is a general plan-wide environmental/site safeguarding policy.
NE 7 Development within Areas of High Landscape Importance (AHLIs)	D	Out	This policy is a general plan-wide environmental/site safeguarding policy. Some AHLIs are adjacent to international sites such as Faughan River and tributaries SAC. The policy may afford further protection to site selection features as, for example, AHLIs will be treated as ACMDs.
NE 8 Development within Local Landscape Policy Areas (LLPAs)	D	Out	This policy is a general environmental/safeguarding protection policy. It constrains development in LLPAs within or adjoining settlements.
<b>22. Coastal Development</b>			
<b>LDP Strategy for Coastal Development</b>	A	Out	This is a general statement of strategy which, in itself, cannot have any effect on a European site. It will be further assessed under related policies.
CD 1 Coastal Development	I	In	The potential for development with a pathway to a European site cannot be excluded.
<b>23. Historic Environment</b>			

<b>LDP Strategy in Relation to our District's Historic Environment</b>	A	Out	This is a general statement of strategy which, in itself, cannot have any effect on a European site. It will be further assessed under related policies.
HE 1 Archaeological Remains of Regional and Local Importance	D	Out	This policy is a general plan-wide environmental/site safeguarding policy.
HE 2a Archaeological Assessment and Evaluation	D	Out	This policy is a general plan-wide environmental/site safeguarding policy.
HE 2b Archaeological Mitigation	D	Out	This policy is a general plan-wide environmental/site safeguarding policy.
HE 3 Development adjacent to the Walls	D	Out	This policy is a general plan-wide environmental/site safeguarding policy.
HE 4 Listed Buildings and their Settings	I	In	The potential for development with a pathway to a European site cannot be excluded.
HE 5 Conservation Areas	I	In	The potential for development with a pathway to a European site cannot be excluded.
HE 6 Areas of Townscape / Village Character (ATCs / AVCs)	I	In	The potential for development with a pathway to a European site cannot be excluded.
HE 7 Historic Parks, Gardens, Demesnes and their Settings	I	In	Largely protective however may be granted subject conditional to the recording of any features which would be lost prior to development commencing. The potential for development with a pathway to a European site cannot be excluded.
HE 8 Conversion and Re-Use of Non-Designated Heritage Assets	I	In	The potential for development with a pathway to a European site cannot be excluded.
HE 9 Enabling Development	I	In	The potential for development with a pathway to a European site cannot be excluded.
<b>24. Renewable and Low Carbon Energy Development</b>			
<b>LDP Strategy for Renewable and Low Carbon Energy Development</b>	A	Out	This is a general statement of strategy which, in itself, cannot have any effect on a European site. It will be further assessed under related policies.
RED 1 All Renewable and Low Carbon Energy Development – General Criteria	I	In	The potential for development with a pathway to a European site cannot be excluded.

RED 2 Wind Energy Development	I	In	The potential for development with a pathway to a European site cannot be excluded.
RED 3 Solar Farms	I	In	The potential for development with a pathway to a European site cannot be excluded.
RED 4 Anaerobic Digesters (AD)	I	In	The potential for development with a pathway to a European site cannot be excluded.
RED 5 Hydro-electric Schemes	I	In	The potential for development with a pathway to a European site cannot be excluded.
<b>25. Development and Flooding</b>			
<b>LDP Strategy for Development and Flooding</b>	A	Out	This is a general statement of strategy which, in itself, cannot have any effect on a European site. It will be further assessed under related policies.
FLD 1 Development in Fluvial (River) and Coastal Flood Plains	I	In	Largely protective through constraining development in fluvial and coastal flood plains, however exceptions apply, therefore the potential for effects cannot be excluded.
FLD 2 Protection of Flood Defence and Drainage Infrastructure	A	Out	This is a general statement of policy which cannot have any effect on a European site.
FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains	A	Out	This is a general statement of policy which cannot have any effect on a European site.
FLD 4 Artificial Modification of Watercourses	I	In	This policy allows for culverting in limited circumstances therefore the potential for effects on a European site cannot be excluded.
FLD 5 Development in Proximity to Controlled Reservoirs	I	In	The potential for development with a pathway to a European site cannot be excluded.
<b>PART F - PLACE-MAKING &amp; DESIGN VISION</b>			
<b>26. Place-Making and Design Vision for Development in the District</b>			
Place-making & Design Objectives (PDOs)	A	Out	This is a general statement of policy which will be delivered through relevant policies and in itself, cannot have any effect on a European site.
<b>27. Place-Making &amp; Design Vision / Policy for Derry-Londonderry</b>			
Derry Strategic Design Policy 1 (DSDP 1) - Arrival Points	A	Out	This is a general statement of policy which cannot have any effect on a European site.

Derry Strategic Design Policy 2 (DSDP 2) Sustainable Connectivity for The City	A	Out	This is a general statement of policy which will be delivered through relevant policies and in itself, cannot have any effect on a European site.
Derry Strategic Design Policy 3 (DSDP 3) Manage the Visual Cityscape	A	Out	This is a general statement of policy which will be delivered through relevant policies and in itself, cannot have any effect on a European site.
Derry Strategic Design Policy 4 (DSDP 4) Riverfront	A	Out	This is a general statement of policy which will be delivered through relevant policies and in itself, cannot have any effect on a European site.
Derry Strategic Design Policy 5 (DSDP 5) Inner Historic Core	A	Out	This is a general statement of policy which will be delivered through relevant policies and in itself, cannot have any effect on a European site.
Derry Strategic Design Policy 6 (DSDP 6) Outer Historic Core	A	Out	This is a general statement of policy which will be delivered through relevant policies and in itself, cannot have any effect on a European site.
Derry Strategic Design Policy 7 (DSDP 7) University and College	A	Out	This is a general statement of policy which will be delivered through relevant policies and in itself, cannot have any effect on a European site.
Derry Strategic Design Policy 8 (DSDP 8) Outer Strand Road & Western Slopes	A	Out	This is a general statement of policy which will be delivered through relevant policies and in itself, cannot have any effect on a European site.
Derry Strategic Design Policy 9 (DSDP 9) Creating New Appropriate Designated Areas	A	Out	This is a general statement of policy which will be delivered through relevant policies and in itself, cannot have any effect on a European site.
Derry Strategic Design Policy 10 (DSDP 10) External Shutters Within the City Centre	A	Out	This is a general statement of policy which cannot have any effect on a European site.
Derry Strategic Design Policy 11 (DSDP 11) Conservation Area Design Guides	A	Out	This is a general statement of policy which cannot have any effect on a European site.
<b>28. Place-Making &amp; Design Vision / Policy for Strabane</b>			
Strabane Strategic Design Policy 1 (SSDP 1) Redevelopment of Town Centre	A	Out	This is a general statement of policy which will be delivered through relevant policies and in itself, cannot have any effect on a European site.

Strabane Strategic Design Policy 2 (SSDP 2) Arrival Points	A	Out	This is a general statement of policy which cannot have any effect on a European site.
Strabane Strategic Design Policy 3 (SSDP 3) Connections	A	Out	This is a general statement of policy which cannot have any effect on a European site.
Strabane Strategic Design Policy 4 (SSDP 4) Promote & Protect a Sense of Place	A	Out	This is a general statement of policy which will be delivered through relevant policies and in itself, cannot have any effect on a European site.
Strabane Strategic Design Policy 5 (SSDP 5) Create Key Public Spaces	A	Out	This is a general statement of policy which will be delivered through relevant policies and in itself, cannot have any effect on a European site.
Strabane Strategic Design Policy 6 (SSDP 6) Creating New Appropriate Designated Areas	A	Out	This is a general statement of policy which will be delivered through relevant policies and in itself, cannot have any effect on a European site.
Strabane Strategic Design Policy 7 (SSDP 7) External Shutters Within the Town Centre	A	Out	This is a general statement of policy which cannot have any effect on a European site.
<b>29. Place-Making &amp; Design Vision / Policy for Local Towns</b>			
Local Town Strategic Design Policy - General (LSDP-GEN)	A	Out	This is a general statement of policy which cannot have any effect on a European site.
Local Town Strategic Design Policy 1 (LSDP 1) Respect and Promote Place Quality	A	Out	This is a general statement of policy which cannot have any effect on a European site.
Local Town Strategic Design Policy 2 (LSDP 2) Enhance the Public Realm	A	Out	This is a general statement of policy which will be delivered through relevant policies and in itself, cannot have any effect on a European site.
Local Towns Strategic Design Policy 3 (LSDP 3) Connections	A	Out	This is a general statement of policy which cannot have any effect on a European site.
Local Towns Strategic Design Policy 4 (LSDP 4) Conservation Area Design Guides	A	Out	This LSDP only applies to Newtownstewart. This is a general statement of policy which cannot have any effect on a European site.
<b>30. Place-Making &amp; Design Vision / Policy for Villages</b>			
Villages Strategic Design Policy - General (VSDP-GEN)	A	Out	This is a general statement of policy which cannot have any effect on a European site.
<b>31. Place-Making &amp; Design Vision / Policy for Small Settlements</b>			

Small Settlements Strategic Design Policy – General (SSSDP-GEN)	A	Out	This is a general statement of policy which cannot have any effect on a European site.
<b>32. Place-Making &amp; Design Vision / Policy for Countryside</b>			
LDP approach for Place-making and Design in the Countryside	A	Out	This is a general statement of policy which cannot have any effect on a European site.
Policy CY 1 Integration and Design of Buildings in the Countryside	A	Out	This is a general statement of policy which cannot have any effect on a European site.
Policy CY 2 Rural Character	A	Out	This is a general statement of policy which cannot have any effect on a European site.
Policy CY 3 The Setting of Settlements	A	Out	This is a general statement of policy which, in itself, cannot have any effect on a European site.
Policy CY 4 Design in Area of Outstanding Natural Beauty	A	Out	This is a general statement of policy which cannot have any effect on a European site.
<b>PART G - SPECIALISED REQUIREMENTS, ETC.</b>			
<b>33. Hazardous Substances, COMAH &amp; Major Accidents</b>	A	Out	This is a general statement of policy which restates the Control of Major Accident Hazards Regulations and sets out how the Council will support their implementation. It will not, in itself, lead to development or other change.
<b>34. Developer Contributions and Community Benefits</b>	A	Out	This is a general statement of policy which sets out how the Council will manage development contributions and community benefits. In itself it cannot have any effect on a European site.
<b>35. Demolition and Redevelopment</b>	A	Out	This is a general statement of policy which sets out how the Council will manage demolition and redevelopment. In itself it cannot have any effect on a European site.



<b>36. Regeneration and Comprehensive Redevelopment</b>	A	Out	This is a general statement of policy which sets out how the Council will manage regeneration/comprehensive redevelopment. In itself it cannot have any effect on a European site. It refers to a number of major projects under the Council's Strategic Growth Plan (SGP) 2032 and City Deal: Derry~Londonderry City Region. 'The policies and development principles contained within the LDP are designed to support and facilitate the regeneration of the District in a sustainable manner and it may be that to do so comprehensively will necessitate the identification of further opportunity sites, spaces, buildings and other assets at LPP stage.' The LPP will be subject to HRA. In itself it cannot have any effect on a European site.
<b>37. Other Specialist Requirements</b>	A	Out	This refers to other regulatory requirements. It cannot have any effect on a European site.
<b>38. Supplementary Planning Guidance</b>	A	Out	This is a general statement of policy which, combined with Appendix 6, sets out how SPGs will be taken forward. In itself it cannot have any effect on a European site.
<b>39. Transitional Arrangements</b>	NA	Out	Administrative text setting out transitional arrangements up to adoption of the Plan Strategy and LPP.
<b>PART H - LDP MONITORING &amp; REVIEW</b>			
<b>40. Monitoring Criteria and Review Process</b>	NA	Out	Administrative text setting out monitoring arrangements which will be detailed in a Monitoring and Review Technical Paper.
<b>41. Next Steps – From Draft LDP Plan Strategy Onwards</b>	NA	Out	Administrative text detailing how the LDP will progress.
<b>APPENDICES</b>			
Appendix 1: Plan Strategy Maps of District - Settlement and Environment	A	Out	Maps for visual information – Cannot have any effect on a European site.
Appendix 2: Tourism Benefit Statement and Sustainable Benefit Statement and Tourism Definitions	A	Out	This is a general statement of policy which sets out requirements for Tourism Benefit Statements & Sustainable Benefit Statements. In itself it cannot have any effect on a European site.
Appendix 3: Open Space	A	Out	This is a general statement which defines open space and its functions. In itself it cannot have any effect on a European site.

Appendix 4: Development and Flooding Annexes	A	Out	This sets out the requirements for: Annex A: Sustainable Drainage; Annex B: Assessing Flood Risk and Drainage Impact; Annex C: Flood Proofing - Resistance & Resilience Construction. In itself it cannot have any effect on a European site.
Appendix 5: Housing Allocation Tables	A	Out	Presents the evidence that informs the housing allocations. In itself it cannot have any effect on a European site.
Appendix 6: Supplementary Planning Guidance	A	Out	This sets out how SPGs will be taken forward. In itself it cannot have any effect on a European site.
Appendix 7: Glossary of Terms & Abbreviations	NA	Out	Reference section

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