

## Hannah Flynn

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**From:** Michelle Hill <Michelle.Hill@rspb.org.uk>  
**Sent:** 03 February 2022 12:34  
**To:** Local Development Plan  
**Subject:** RSPB NI response to DCSDC LDP dPS- Proposed Changes Consultation  
**Attachments:** RSPB NI final dPS Mods response Derry\_Strabane\_ 02.02.2022.pdf

Good afternoon

Please find RSPB NI's response attached in respect of the above consultation.

I would be grateful if you could acknowledge receipt of same and keep me advised of future opportunities for comment.

Please do not hesitate to contact the undersigned should you require any further information or clarification.

Kind regards  
Michelle

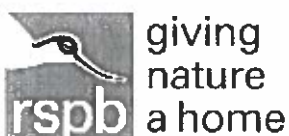
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Let's give nature a home in Northern Ireland



## Northern Ireland

RSPB Northern Ireland is part of the RSPB, the UK's largest nature conservation charity, inspiring everyone to give nature a home. Together with our partners, we protect threatened birds and wildlife so our towns, coast and countryside will teem with life once again. We play a leading role in BirdLife International, a worldwide partnership

of nature conservation organisations.

The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654



## Northern Ireland

### Derry City and Strabane District Council – Local Development Plan – Draft Plan Strategy – Proposed Changes (November 2021)

*A response from RSPB Northern Ireland, 02 February 2022*

#### **Introduction**

The RSPB is UK's lead organisation in the BirdLife International network of conservation bodies. The RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, supported by over 11,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning.

We believe that sustainability should be at the heart of decision-making. The RSPB's policy and advocacy work covers a wide range of issues including planning and regional policy, climate change, energy, marine issues, water, trade and agriculture. As well as commenting on national planning policy issues. The RSPB's professional conservation and planning specialists engage with over 1,000 cases each year throughout the UK, including development plans and individual planning applications and proposals. We thus have considerable planning experience. The RSPB also makes over 100 planning applications a year on its own reserves and estate.

The RSPB firmly believes that planning, especially plan-making should seek to integrate the three pillars of sustainable development rather than balancing, as this could potentially result in environmental trade-offs.

No plan, programme or project should result in a significant direct impact upon important birds or bird habitats. The full suite of Environmental Assessments (SEA, EIA, HRA) should be used as tools to minimise environmental impacts. The Government and planning authorities should ensure that full protection is afforded to both designated and non-designated sites important for wildlife and biodiversity.

RSPB NI welcomes the opportunity to comment on the Derry City and Strabane District Council (DCSDC) Local Development Plan (LDP) draft Plan Strategy (dPS) – Proposed Changes – November 2021

Please note that not all changes have been commented on. The numbering and sequencing of RSPB NI comments below follows that contained within consultation document (November 2021).

### Response 1

RSPB NI supports the following proposed changes which are attributable to RSPB within the Schedule ie. PC04, PC08, PC18, PC21, PC22, PC23, PC29, PC34, PC108, PC141, PC143, PC153, PC177, PC178, PC179, PC182, PC221, PC231, PC244, and PC250.

### Response 2

RSPB NI supports **PC 14**.

### Response 3

Please note that RSPD NI did not make a suggested modification to the dPS as stated in Proposed Change **PC 16** – a completely separate proposed change to this policy was recommended by RSPB NI – please refer to our original dPS submission for further details.

### Response 4

**PC 30** – while welcomed in principle, caution must be exercised with regards any new potential thresholds which could be inadvertently introduced in this new wording for impact on the environment. In the circumstances, it is recommended that the wording in this paragraph simply refers to 'no impact on the environment in accordance with the various policies as set out in Chapter 21' (as amended by RSPB NI recommendations as part of the original dPS consultation).

### Response 5

**PC104**, the proposed insertion of 'particularly those that have European / International and National / Regional protection', seeks to create a policy compliance hierarchy within paragraph 13.9 MIN 1 which should not and does not exist, as it should apply to all the other areas listed in the policy equally, as stated at paragraph 13.9 of the dPS *'The critical policy test is there to assess against unacceptable adverse impacts'* - here there is no limit to just designated areas, its inclusion therefore would add a contradiction in the policy wording.

The provisions of Policies NE1 and NE2 should be robustly and competently assessed. While it is recognised that sites protected under the provisions of Policy NE1 are afforded the highest form of statutory protection, it does not mean that the provisions of Policy NE2 are any less important to fulfil – they all must be met. Any form of policy compliance hierarchy either implicit or explicit from this proposed amendment should therefore be removed.

Conversely, the Modifications Document seeks to remove similar types of wording from other areas of the dPS, for example, see PC209 for further details.

In the circumstances, it may be more appropriate just to refer to the fact that 'sites protected under the provisions of Policy NE1 are afforded the highest form of statutory protection' so as to avoid any potential conflict.

### Response 6

RSPB NI would only support **PC 105** if the proposed changes at **PC178** are made. This, as a consequence, means that the wording of 'proposed for declaration' needs to remain within paragraph 13.10 as originally proposed in the dPS.

### Response 7

**PC131** is contrary to the main policy wording contained within Policy HOU 2 in that Brownfield sites are permitted. Furthermore, the exclusion of brownfield sites is contrary to the Regional Development Strategy (RDS) 2035, which sets a regional target of 60% of new housing to be located in appropriate 'brownfield' sites within the urban footprints of settlements greater than 5,000 population (and as contained within paragraph 6.134 of the SPPS. It is further necessary to secure sustainable forms of development and recognise that land is a finite resource and we need to ensure that all development is within environmental limits. In the circumstances, **RSPB NI cannot support PC131.**

### Response 8

RSPB NI supports **PC141**.

The following ten principles which must underpin net gain if it is to work for nature. These principles fit the views of industry experts such as CIRIA<sup>1</sup> and CIEEM<sup>2</sup> and include:

1. Adhere to the mitigation hierarchy (i.e. avoid harm as a priority, mitigate where this is not possible, and compensate as a last resort).
2. Not weaken existing environmental protections for designated sites and species.
3. Secure biodiversity net gain first, and not to trade biodiversity against other environmental benefits.
4. Not allow offsetting of irreplaceable habitats and wildlife.
5. Be inclusive and equitable to the people affected by development.
6. Contribute to the delivery of strategic local, national and international ecological networks (including through Local Nature Recovery Strategies).
7. Be mandatory for almost all development, in order to account for the cumulative impacts of development on nature.
8. Take transparent decisions that deliver reliable net gains and best practice management.
9. Secure net gains permanently.
10. Provide additional conservation outcomes.

### Response 9

RSPB NI supports **PC143**. Please refer to comments above at Response 8 with regards to Biodiversity Net Gain for further information.

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<sup>1</sup> [https://www.ciria.org/news/CIRIA\\_news2/Guidance\\_for\\_Biodiversity\\_Net\\_Gain.aspx](https://www.ciria.org/news/CIRIA_news2/Guidance_for_Biodiversity_Net_Gain.aspx)

<sup>2</sup> <https://cieem.net/i-am/current-projects/biodiversity-net-gain/>

#### **Response 10**

RSPB NI supports **PC153**. Please refer to comments above at Response 8 with regards to Biodiversity Net Gain for further information.

#### **Response 11**

With reference to **PC172**, the proposed rewording essentially replicates that which is contained within WP1 already, which only serves to confirm the original policy intention of WP3 in that the development of waste disposal developments **were to be located outwith** 'any designated sites including the Sperrin AONB, Special Countryside Areas and sites designated for their landscape and / or natural or historic environment value'. Justification and amplification Paragraph 20.24, clearly intends this to be the case in that 'planning permission will not be granted for the disposal of waste in sites designated for landscape or natural environmental value, including international, European and national sites designated outside the LDP. Exceptionally, permission may be granted for landfilling / land-raising in accordance with WP 4'.

The proposed amendment's justification at PC172 as a policy clarification is therefore unfounded and seeks to fundamentally change the policy tenor and test with regards to designated sites. RSPB NI therefore does not support PC172 and recommends the policy wording to remain as originally proposed within the dPS.

#### **Response 12**

RSPB NI welcomes the inclusion of **PC177**.

#### **Response 13**

RSPB NI supports **PC178**.

#### **Response 14**

RSPB NI supports **PC179**.

#### **Response 15**

RSPB NI supports **PC180**.

#### **Response 16**

RSPB NI supports **PC182**.

#### **Response 17**

RSPB NI supports **PC183**.

#### **Response 18**

**PC208** is not supported by RSPB NI as it effectively narrows the scope of natural environment policy assessment of RED 1 to just those falling within the parameters of Policy NE1. This is considered to be contrary to the provisions of PPS 18, PPS 2 and the SPPS which include all environmental considerations

*per se*, not just those contained within Policy NE1, therefore the dPS original text was correct in its reference to **Chapter 21 Natural Environment in its entirety**.

It is important that the urgent actions taken to address climate change should not increase the threat to biodiversity. In order to phase out fossil fuels, the deployment of renewable technology must be significantly increased – **in the right places**. We must ensure that renewables are deployed in harmony with nature in the least ecologically sensitive areas as part of a strategically planned and timely energy mix. Avoiding adverse impacts and maximising opportunities for nature recovery and resilience will be key to this.

Peer reviewed evidence on climate change<sup>3</sup> and biodiversity<sup>4</sup> shows that the Nature and Climate Emergencies are inextricably linked. Therefore, it is essential that we pursue an integrated and joined-up approach to tackling them together, they cannot be resolved in isolation or traded off against one another.

#### Response 19

PC210 proposes moving the entirety of the 6<sup>th</sup> paragraph of RED1, to the J&A section. However, it should be noted that the reference to the ‘publication Best Practice Guidance to Planning Policy Statement 18 ‘Renewable Energy’’, is contained within the policy wording of Policy RE 1 of PPS 18. In the circumstances, this reference should remain within the policy wording body of RED 1 as originally proposed within the dPS.

#### Response 20

PC213 is supported.

#### Response 21

PC217 is supported.

#### Response 22

For logical policy reading and clarity, it is recommended that the new point proposed under PC218, which is general to all anaerobic digester proposals is added after existing point (vii) as all the preceding criteria relate to anaerobic digesters *per se*. Existing point (viii) solely elates to any ancillary structures or buildings, and therefore it is not logical to include it at the location proposed.

#### Response 23

PC220 is supported.

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<sup>3</sup> Intergovernmental Panel on Climate Change (IPCC) 2018 <https://www.ipcc.ch/sr15/chapter/spm/>

<sup>4</sup> Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) 2019, <https://ipbes.net/documentlibrary/catalogue/summary-policy-makers-global-assessment-laid-out>

**Response 24**

PC221 is supported.

**Response 25**

While RSPB supports in principle **PC222**, it is nevertheless recommended that this 'presumption against development on active peat...' text is included within the main body text of Policy RED1, consistent with its status of inclusion within PPS18 Policy RE1, and paragraph 6.226 of the SPPS.

Furthermore, the 'imperative reasons of overriding public interest' should also be defined by including reference to the legislation which specifies such i.e. 'as defined under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended. Please refer to RSPB NI's original DPS submission in this regard for further details of full recommended change.

**Response 26**

PC223 is supported.

**Response 27**

PC225 is supported.

**Response 28**

PC226 is supported.

**Response 29**

PC227 is supported.

**Response 30**

PC231 is supported.

**Response 31**

PC244 is supported. Please refer to comments above at Response 8 with regards to Biodiversity Net Gain for further information.

**Response 32**

PC250 is supported.

**Response 33**

Annex 3, paragraphs 15.7, 15.8 and 15.10, as proposed is supported, but should refer to the entire policy provisions of Chapter 21 (as amended in the Proposed Changes Document, and in further commentary above) to ensure that all nature conservation matters afforded by Chapter 21 are satisfied. Development is not inherently sustainable. It only becomes sustainable if it incorporates environmental and social considerations. Therefore, a similar Justification and Amplification paragraph to that contained within



Paragraph 15.9 of the dPS as originally written is required for consistency across all types of development in the countryside, including the newly introduced 'Other Development in the Countryside'.

**For further information contact:**

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ENDS.

