

Hannah Flynn

Subject: FW: Timetable Revision and Consultation Changes to LDP draft Plan Strategy (dPS)
Attachments: Derry and Strabane Draft Plan Strategy Proposed Changes DAERA response.pdf

From: DAERA Development Plan Team [<mailto:DevelopmentPlanTeam@daera-ni.gov.uk>]

Sent: 03 February 2022 16:09

To: Lindsay McCorkell <Lindsay.McCorkell@Derrystrabane.com>; Proinsias McCaughey <Proinsias.McCaughey@derrystrabane.com>; Jonathan McNee <Jonathan.McNee@derrystrabane.com>; John Spottiswood <John.Spottiswood@Derrystrabane.com>

Cc: DAERA Development Plan Team <DevelopmentPlanTeam@daera-ni.gov.uk>

Subject: RE: Timetable Revision and Consultation Changes to LDP draft Plan Strategy (dPS)

Dear all,

Please find attached DAERA response to the above consultation.

Many thanks

Donna

3rd February 2022

Proinsias McCaughey
Derry City and Strabane Planning Office
40 Foyle Street,
Derry/Londonderry
BT46 6AT

Re: Derry City and Strabane District Council LDP 2032 – Timetable Revision and Consultation on the Proposed Changes to the LDP draft Plan Strategy (dPS)

Dear Sir/Madam,

Thank you for the opportunity to engage in the Derry and Strabane LDP draft Plan Strategy.

The Department of Agriculture, Environment and Rural Affairs (DAERA) have considered the proposed changes to the dPS and our comments are detailed below.

Natural Environment Division (NED) comments

NED are content with the majority of proposed changes to the Derry and Strabane draft Plan Strategy, however there a number of proposed changes to policy wording which we disagree with as outlined below.

Mineral Development

- PC 105 – NED do not agree with the proposed additional wording to MIN 1 "In applying this policy it is acknowledged that there can also be biodiversity enhancement as a result of minerals development". This wording is misleading in that it is suggesting that mineral development in itself can increase biodiversity and benefit the environment. Mineral development can have significant adverse effects on the environment and as stated in 6.151 of the SPPS the impact of mineral working on the environment can never be entirely reversed.



- PC 107 – We disagree with the removal of the wording "(or is proposed for designation)" from the policy. To remove this wording would make the policy unsound as proposed designated sites are also afforded protection. The policy would also not be in line with the wording of the SPPS on minerals which includes proposed designations.

Renewable and Low Carbon Energy Development

- PC 212 – RED 1 'Move references to HRA and EIA requirements to J&A as these have their own legislative requirements'. Although EIA and HRA are legislative requirements of certain developments NED consider that this wording should still be retained within the policy box.

Protected Landscape (PLT) Team Comments

13. Minerals Development

PC 105 on page 37 states:- "Earth science features, which underpin AONB designations, will also be protected from minerals development. In applying this policy, it is acknowledged that there can also be biodiversity enhancement as a result of minerals development."

PLT recommend amending to ""Earth science features, which add to one of the aims of AONB designation ie: 'Conserving wildlife, historic objects or natural phenomena within it' (Article 14: NCALO 1985), will also be protected from minerals development. In applying this policy, it is acknowledged that there can also be biodiversity enhancement as a result of minerals development."

21. Natural Environment

PC 183 on page 69. PLT recommend that the 'Proposed Change' wording should be amended/expanded to encapsulate the main reasons for AONB designation as set out in Article 14 of the NCALO 1985. Although the factors of wildlife, cultural heritage, character and landscape quality are correctly included, other factors need to be represented, namely:-

- Natural Aesthetic Beauty which is arguably the main tenet of designation;
- Natural phenomena associated with earth science features, natural water bodies etc;
- Public enjoyment and the provision of public access.

Marine and Fisheries Division Response.

Marine Plan

The Marine Plan Team welcomes the opportunity to comment on the Derry City and Strabane Council's Local Development Plan (LDP) 2032 Draft Plan Strategy and the accompanying Sustainable Appraisal Report.

The following comments are provided in relation to the Soundness Consistency Test C4 'Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?' contained in the Development Plan Practice Note 6. In its current form we would find both the Draft Strategy Plan and the Sustainable Appraisal Report to be considered 'sound'.

It is observed that key advice, provided in January 2020 and September 2020 on the Draft Plan Strategy appears to have been taken on board as part of the proposed modifications and as a result has been considered within the Sustainability Appraisal.

We welcome reference to the UK Marine Policy Statement (UK MPS) and the draft Marine Plan for Northern Ireland within the introductory chapter. It is observed that our previous comments on shared boundaries within the marine area has also been included within the Spatial Characteristics section. It is noted, Policy NE 4 has been amended to reflect that development proposals must also accord with both the UK MPS and any adopted Marine Plan.

It is observed within the General Development Principles and Policies section, further reference has been made to accurately reflect marine legislation within the LDP. In particular, reference that all development should be in accordance within the UK MPS and Marine Plan for NI 'other material considerations to be taken into account include the Regional Development Strategy (RDS 2035), the SPPS and the UK MPS and Marine Plan for NI, where relevant' is welcomed.

It is noted that our previous comments made regarding the GDP1 Sustainable Development policy 'ensure that the marine/coastal area is explicitly referenced' has been addressed within this policy. We welcome reference to 'Seascape' throughout the Draft Strategy Plan, particularly within the Coastal policy.

However, modifications and/or clarifications have not been provided for in relation to our previous comments on:

- The objectives of the LDP could provide more specific reference to the marine area and its aspects, including protection and enhancement of the marine area and preventing development in areas at risk of coastal change (including coastal erosion).
- For example, reference to the protection of the 'marine area' could be included within the GDP4 Sustainable Development policy.
- The draft LDP policies include broad policy criteria that often refer to proposals not having an (unacceptable/significant) adverse impact on the:
 - Natural environment;
 - Landscape and visual amenity; and
 - Water environment, water quality and pollution of water courses etc.



- It should be made clear that these impacts include those on the marine area (its uses, activities and environment – including ecosystem services) and are not solely restricted to impacts on land or the inter-tidal area.

Sustainability Appraisal Report

It is noted the points raised in our previous correspondence in relation to the Sustainability Appraisal have been addressed. It is observed that reference to marine environment has been amended to marine area and marine legislation and marine policy documents have been referred to within the 'Sustainable Development' section.

Inland Fisheries

Inland Fisheries are content with the proposed timetable and further consultation in regards to this LDP.

Please contact the Development Plan Team at DevelopmentPlanTeam@daera-ni.gov.uk should you have any queries or require clarification.

Yours faithfully,

Donna Whelan
Senior Scientific Officer
Countryside, Coast and Landscape
Northern Ireland Environment Agency
Donna.Whelan@daera-ni.gov.uk



