

Chloe Duddy

From: DAERA SEA Team <SEATeam@daera-ni.gov.uk>
Sent: 27 January 2020 15:45
To: Local Development Plan
Cc: DAERA SEA Team; Whelan, Donna
Subject: DAERA Response to Derry City and Strabane LDP Sustainability Appraisal and Habitat Regulation Assessment
Attachments: DAERA Response - DCSDC - LDP SEA HRA.PDF

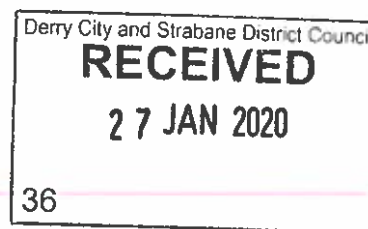
Dear Sir/Madam

Please find attached the DAERA NI response to Derry City and Strabane LDP Sustainability Appraisal and Habitat Regulation Assessment.

Many Thanks,

SEA Team

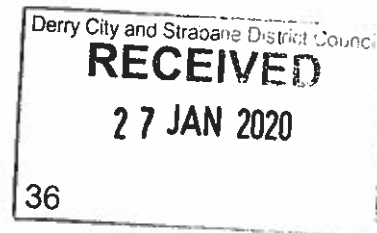
DAERA Development Plan Team | Natural Environment Division | Northern Ireland Environment Agency | DAERA
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Derry City & Strabane District Council
Planning LDP Team
98 Strand Road
Derry
BT48 7NN

27th January 2020



Re: Sustainability Appraisal and Habitats Regulations Assessment for Derry City & Strabane District Council Local Development Plan 2032 – Draft Plan Strategy.

Dear Sir / Madam,

DAERA Strategic Environmental Assessment (SEA) Team welcome the opportunity to comment on the Derry City and Strabane District Council Local Development Plan 2032, Draft Plan Strategy Sustainability Appraisal and Habitats Regulations Assessment. DAERA has considered both documents and our opinion is set out below.

Sustainability Appraisal

In general, the document is well laid out and easy to follow.

Page 56 - 3.3.16 TOU 5 Major Tourism Development in the Countryside – Exceptional Circumstances, this policy has scored a no overall effect with regards to objective 12 natural resources and biodiversity. DAERA is of the opinion that the policy may require an uncertain scoring, due to the unknown extent of what is an exceptional circumstance for development. The construction and subsequent operation may have a lasting unknown effect on the natural environment, which may only become apparent once an application has been submitted to planning.

Page 59 - 3.3.19 MIN 2 Areas of Constraint on Mineral Development, this policy has scored significant positive effect with regards to objective 12 natural resources and biodiversity. DAERA is of the opinion that this policy should be



scored as minor positive due to the possibility that areas of constraint may not apply should a designated site cover expansive tracts of land.

Pages 67 & 68 - **3.4.3 HOU 2 Strategic Allocation of Housing in Settlements - other than Zoned Housing Land and LUPAs and HOU 11 Redevelopment of Existing Buildings, or Infilling of Sites for Housing and 3.4.4 HOU3 Density of Residential Development**, these policies are scored as no overall effect regarding objective 12 natural resources and biodiversity. DAERA is of the opinion this should be scored as uncertain due to the capacity issues emerging within the sewer network. Any increase in housing without suitable WwTW infrastructure will have an effect on natural resources and biodiversity.

Water Management Comments

DAERA is broadly content with how sustainability appraisal has assessed water quality issues. However it appears that the North Western River Basin Management Plan and its associated Programme of Measures have not been considered. Section 2 of the SA fails to mention the North Western River Basin Management Plan which is the principal document for ensuring the protection and enhancement of water quality in the district. The applicant should satisfy themselves that the SA/SEA and associated Plan has fully assessed the RBMP in the assessment and relevant outcomes.

Draft Habitats Regulations Assessment (dHRA)

DAERA appreciates the effort made to proof the Plan against likely significant effects on designated European sites and the cross reference to Policies GDPOL1 and NE1. The Draft HRA is well laid out and it is easy to follow the steps undertaken through the HRA process.

DAERA is content that the criteria used to screen in European sites for likely significant effects and Test of Likely Significance is sound and that the type of likely potential impacts have been sufficiently covered. DAERA notes the sites screened in for further assessment.

DAERA notes the Conclusions and protective measures identified and that "assuming the recommended mitigation measures are all accepted and the Plan amended accordingly, it is possible to ascertain that the Plan Strategy will have no adverse effect on the integrity of any international sites".

DAERA note the test within Policy UT2 Water Infrastructure that "the 'headroom capacity' of existing sewage treatment infrastructure is demonstrated to be adequate". It is further noted that NIW have identified a number of smaller settlements within the District where there are limitations on sewerage headroom capacity (page 11, draft HRA Report). The identification of further housing development, whether within these settlements or in the countryside, must take



into account the requirement for adequate wastewater treatment infrastructure and treatment capability. Given that some settlements in the Plan area are already under WWTW pressure, any further development/housing before infrastructure has been put in place or upgraded will exacerbate the difficulties in achieving the WFD Objectives and compliance with the Habitats Directive.

The zoning of land and the timing of the release of that land for development should be aligned with the availability of suitable waste water networks and treatment infrastructure availability to service the developments to ensure there is adequate protection for the water environment and water dependent European sites.

It cannot be assumed that the 'quality checks' imposed on a discharge to ensure a water quality meet the same test for the satisfaction of the integrity of a European site. Additionally, the Indicative Allocation of Housing for settlements in Table 8, page 221 of the LDP creates a certain presumption that houses will be built within settlements where currently there may not be sufficient wastewater infrastructure capacity.

Notwithstanding an onus on government licensing authorities to ensure a standard of discharge, DAERA would strongly advise that Management and release of Housing Supply in these settlements should clearly require 'phasing of housing' until WWTW infrastructure capacity is sufficient to meet projected discharge.

DAERA also notes the recommended changes within the Draft Habitats Regulations Assessment Report in respect of 'typos' and updating the guidance on Anaerobic Digestion and fully support the incorporation of these changes into the Plan prior to adoption to ensure that the Plan is compliant with the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

Yours sincerely


Ms Donna Whelan
Senior Scientific Officer
NIEA, DAERA



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From: DAERA SEA Team <SEATeam@daera-ni.gov.uk>
Sent: 27 January 2020 16:28
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Subject: Additional response DerryStrabane LDP
Attachments: DerryStrabane HRA AD.pdf

Follow Up Flag: Follow up
Flag Status: Completed

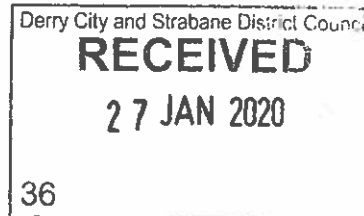
Please find attached an additional comment in respect of the HRA Report and Anaerobic Digestion for the LDP consultation

Regards

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27th January 2020

Dear Sir, Madam

Re: Derry City and Strabane District Council LDP 2032 Draft Habitats Regulations Assessment (December 2019)

Further to the DAERA email response sent 15.45 hours, 27th January in respect of the comment in the Habitats Regulation Assessment Report on guidance on Anaerobic Digestion; it could be acknowledged in Policy AGR2 that land-spreading associated with Anaerobic Digestion has the potential to have Ammonia emissions.

The Policy RED1 in the section on renewables should cross reference to AGR2 (f) given the potential for the aerial emission of ammonia. ✓

The Nutrient Action Plan 2019 should be cited as it covers aerial as well as emissions to watercourses:

<https://www.daera-ni.gov.uk/sites/default/files/publications/daera/new-nap-measures-information-for-farmers-11-July-2019.PDF>



