



Derry City & Strabane
District Council

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DERRY CITY & STRABANE DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032



DRAFT PLAN STRATEGY

Rural Needs Impact Assessment (RNIA)

Addendum (dPS Proposed Changes) – November 2021

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Executive Summary

A Rural Needs Impact Assessment (RNIA) was prepared by Derry City and Strabane District Council and published along with the Council's LDP draft Plan Strategy (dPS) and other associated documents on 2nd December 2019.

A formal public consultation period on the LDP draft Plan Strategy ran from December 2019 to January 2020 and September 2020 to November 2020. Following consideration of the representations received, the Council has suggested a number of 'proposed changes' to the published LDP draft Plan Strategy, and these are contained within the Schedule of Proposed Changes to the LDP draft Plan Strategy, published alongside this document.

This Addendum to the Rural Needs Impact Assessment has been prepared alongside the Schedule of Proposed Changes to the LDP draft Plan Strategy and both documents will be subject to an eight-week period of formal consultation from October 2021 to December 2021.

This Addendum to the Rural Needs Impact Assessment considered the proposed changes to the LDP draft Plan Strategy in the context of the statutory requirement to have due regard to rural needs and comprises the following stages:

- Screening of proposed changes within the LDP draft Plan Strategy to determine whether further assessment is required; and
- If necessary, to undertake an assessment of the proposed changes that have not been screened out.

The findings of this assessment exercise are contained within Table 1 of this document and considered those changes that have been identified as substantive for Rural Needs screening purposes.

Following consideration of the proposed changes to the LDP draft Plan Strategy in the context of the statutory requirements to have regard to rural needs, it has been concluded that the updated appraisal has no implications and does not alter the outcomes of the original Rural Needs Impact Assessment (RNIA) Screening Report (December 2019) of the LDP draft Plan Strategy.

1.0 Introduction

- 1.1 A Rural Needs Impact Assessment (RNIA) of the LDP draft Plan Strategy was prepared by Derry City and Strabane District Council and published alongside the Council's LDP draft Plan Strategy (dPS) and other associated assessment documents on 2nd December 2019.
- 1.2 A formal public consultation period on the LDP draft Plan Strategy ran from December 2019 to January 2020 and September 2020 to November 2020 and the Council has considered the representations received. In response to these representations, Derry City and Strabane District Council has now suggested a number of 'proposed changes' to the LDP draft Plan Strategy. These proposed changes and the rationale for them are contained within the Schedule of Proposed Changes to the LDP draft Plan Strategy report.
- 1.3 The proposed changes include mostly minor / intermediate and some substantive changes. The majority of the changes are considered to represent logical and rational amendments to a policy or policy clarification in response to representations received during the consultation period. The Council has screened all 250 proposed changes, a majority of these changes have been considered cumulatively and it is considered that these proposed changes have no differential impact on rural needs.
- 1.4 Given the statutory requirement to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, it is imperative for the Council to screen proposed changes to the LDP draft Plan Strategy in order to identify if those proposed changes will affect the level of influence that the LDP draft Plan Strategy was predicted to have on the ability to meet the needs of the rural community, as assessed in the original Rural Needs Impact Assessment.
- 1.5 This document, which is an Addendum to the Rural Needs Impact Assessment, has been prepared alongside the Schedule of Proposed Changes to the LDP draft Plan Strategy, and identifies whether the outcomes of the Rural Needs Impact Assessment should be amended as a result of the proposed changes to the LDP draft Plan Strategy. Therefore, this Addendum should be read in conjunction with the Rural Needs Impact Assessment.
- 1.6 This Addendum to the Rural Needs Impact Assessment includes:
 - Screening of proposed changes to the LDP draft Plan Strategy to determine whether any of the proposed changes 'materially change' the outcomes of the Rural Needs Impact Assessment i.e. whether any proposed change alters the assessed impact that the LDP draft Plan Strategy is likely to have on the rural community or alters the influence rural needs has had on the LDP draft Plan Strategy; and
 - Conclusions of the assessment of proposed changes to the LDP draft Plan Strategy in the context of the requirement to have due regard to rural needs.
- 1.7 This document has been produced by Derry City and Strabane District Council Local Development Plan team as they have a working knowledge of the LDP draft Plan Strategy and the proposed changes and it has been undertaken in accordance with the Department of Agriculture, Environment and Rural Affairs (DAERA) Rural Needs Act (NI) guidance.

2.0 Statutory Requirements

- 2.1 The Rural Needs Act (Northern Ireland) 2016 which came into operation on 1st June 2017, places a duty on councils to have due regard to the needs of people in rural areas when developing, adopting, implementing, or revising, a policy, strategy, or plan, and when designing and delivering public services.
- 2.2 The DAERA publication 'A Guide to the Rural Needs Act (Northern Ireland) 2016 for Public Authorities (Revised)' (April 2018) states that the purpose of the Rural Needs Act is to ensure public authorities have due regard to the social and economic needs of people in rural areas when carrying out certain activities and to provide a mechanism for ensuring greater transparency in relation to how public authorities consider rural needs when undertaking these activities. The DAERA guidance recommends that a Rural Needs Impact Assessment (RNIA) should be conducted to assist public authorities in fulfilling their due regard duty.
- 2.3 Rural proofing seeks to identify the potential impacts that a policy or strategy would have on a rural area, to make a proper assessment of those impacts if they were deemed to be significant and, where appropriate, to make adjustments to the policy or strategy to take account of rural circumstances. DAERA guidance states that the principles of rural proofing are incorporated in the Rural Needs Impact Assessment.
- 2.4 Various policies within the LDP draft Plan Strategy relate directly to the rural area and will therefore have some impact on the rural community. Other policies relate to both rural and urban areas, and could, therefore, impact on the rural community in cases where such policies are applicable. It is recognised that rural communities are likely to have some specific needs that are not applicable to, or so pronounced for, urban communities. For example, rural communities have lower population densities and can experience geographical isolation which can lead to specific needs for those areas, such as problems with local service provision and public transport provision etc. Therefore, a policy or public service that is appropriate for an urban area may not be as effective in rural areas.
- 2.5 The Rural Needs Act seeks to help deliver fairer and more equitable treatment for people in rural areas by requiring public authorities to have due regard to rural needs. This will help to deliver better outcomes for people in rural areas and help make rural communities more sustainable.
- 2.6 This Addendum screens and assesses the Proposed Changes to the LDP draft Plan Strategy in order to ensure that the Council has had due regard to the needs of the rural community of Derry City and Strabane District during this stage of the Local Development Plan process.

3.0 Consideration of Representation Received

- 3.1 During the LDP draft Plan Strategy consultation exercise which ended on 27th January 2020 and the further period of re-consultation held from 11th September to 6th November 2020, a total of 250 Representations were received. Those Representations were made available for public inspection from 27th November 2020 and Counter Representations could be submitted, up to 22nd January 2021. Seven Counter Representations were received, relating to 12 of the earlier Representations. The representations and counter representations were made in relation to the dPS and associated assessments. No issues were raised in relation to Rural Needs Impact Assessment. A copy of all representations received and the Council's response to them are dealt with in the LDP draft Plan Strategy Consultation Report.
- 3.2 Following detailed consideration of the representations received and the issues raised, the Council is proposing a number of changes to the LDP draft Plan Strategy. The proposed changes are set out in the Schedule of Proposed Changes to the LDP draft Plan Strategy Report. The proposed changes vary in nature and include minor editing corrections to address typographical errors along with corrections to ensure factual accuracy. Other changes have been included as logical changes to a strategy or policy and/or associated text in order to provide, or increase, clarification and strengthen the implementation of the policies.

4.0 Screening of Proposed Changes

- 4.1 In bringing forward the Local Development Plan, Derry City and Strabane District Council is committed to ensuring that due regard is had to the needs of the rural community.
- 4.2 This document forms an Addendum to the original Rural Needs Impact Assessment (December 2019) and as such should be read in conjunction with it. The Schedule of Proposed Changes to the LDP draft Plan Strategy provides a detailed inventory of the proposed changes to the LDP draft Plan Strategy. However, for the purposes of this RNIA Addendum, it was considered after all the other more-minor changes were screened out, an assessment was done of the cumulative impact of all those changes but it was also concluded there was no differential impact on the rural community.
- 4.3 The proposed changes to the LDP draft Plan Strategy have been 'screened' to determine whether any of the proposed changes 'materially change' the outcomes of the Rural Needs Impact Assessment i.e. whether any proposed modification alters the assessed impact that the LDP draft Plan Strategy is likely to have on the rural community or alters the influence 'rural needs' have on the LDP draft Plan Strategy and the policies and strategies contained within it. Each proposed change was assessed for any differential impact it may have when compared to the original LDP draft Plan Strategy policy or strategy in terms of the aim of the policy or strategy, the likely impact on the rural community and the influence of rural needs on the LDP draft Plan Strategy approach. The assessment of the likely impact of each proposed change in regards to rural needs and the rural community is contained within Table 1.
- 4.4 Table 1 contains the following:
- A summary of the changes to a number of individual strategies and policies as set out in the Schedule of Changes to the LDP draft Plan Strategy;
 - An assessment of whether the proposed change(s) impacts on the overall aim/purpose of the policy or strategy; and

- An assessment as to whether the proposed change(s) affects the original Rural Needs Impact Assessment appraisal of the likely impact(s) of the LDP draft Plan Strategy on the rural community and/or the influence 'rural needs' has on the LDP draft Plan Strategy policy or strategy.

5.0 Conclusion

- 5.1 The proposed changes to the LDP draft Plan Strategy includes minor editing corrections to address typographical errors along with corrections to ensure factual accuracy. Other amendments have been included as logical changes to a strategy or policy and/or associated text in order to provide or increased clarification and strengthen the implementation of the policies.
- 5.2 The assessment which has informed this Addendum has determined, that the proposed changes do not materially alter the aims or influence of the policies or strategies to which the proposed changes relate; nor have any of the proposed changes impacted on the overall 'Vision' for Derry City and Strabane District Council as set out in the LDP draft Plan Strategy.
- 5.3 The majority of the proposed changes have been screened out as having no differential impact on the rural community and are not considered further in this Addendum and can be viewed in the Schedule of Proposed Changes report. Table 1 below therefore additionally considered those changes that have been identified as substantive for Rural Needs screening purposes.
- 5.4 The assessment did identify that proposed changes to ODC 1 and ED 4 could have a differential impact on rural needs as the proposed changes would address an omission in the previous policies to clarify what types of development are allowed in the countryside. The change of impact would be overall beneficial, providing clarity for developers and ensuring sustainable development in the countryside.
- 5.5 In reassessing the outcomes of the original Rural Needs Impact Assessment with regard to the proposed changes, it is considered that those outcomes are unchanged from the original assessment. Therefore, it is considered that the proposed changes do not alter the likely impact of the LDP draft Plan Strategy policies and strategies on the rural community, nor do they alter how much regard the LDP draft Plan Strategy has had to rural needs.
- 5.6 Any issues raised during the forthcoming consultation will be considered prior to finalising the Plan Strategy through the Independent Examination. The LDP will also be subject to further rural needs screening at Local Policies Plan stage. Monitoring and review of the LDP is an integral part of the plan making process. The LDP draft Plan Strategy includes a Monitoring and Review Framework, which highlights that a five-year review of the LDP will be carried out subsequent to adoption to ensure the policies and proposals are achieving their objectives. There will be further scope for any rural needs impacts to be considered through this review.

6.0 Table 1 - Assessment of the Impact of the Proposed Changes to the LDP draft Plan Strategy regarding Rural Needs

RNIA Assessment of LDP - Schedule of Proposed Changes to be made to LDP dPS in mid-2021, prior to Submission to DfI and PAC for IE				
Proposed Change Ref: PC...	Summary of Issue / Justification	Proposed Change	Will the proposed change(s) impact on the aim of the policy / Strategy? Yes/No	Impact of proposed change(s) on Rural Needs
7. General Development Principles & Policies				
PC 22	Include the term HNV, as a more modern and relevant concept to protect.	Amend part ii to: 'avoidance of loss of High Nature Value (HNV) areas, as well as of Best and Most Versatile (BMV) agricultural land.'	No	No differential impact on rural community.
PC 29	Various Reps requested that there should be a specific requirement for biodiversity net gain, within a policy, as well as in the GD Principles.	Add a new part xi: 'the development does not cause a net loss of biodiversity. Preferably, biodiversity net gain will be incorporated into the development in a manner that is proportionate to the type and scale of development and the presence of existing valuable habitats and species in the area.'	No	No differential impact on rural community.
PC 30	An explicit mention of health and wellbeing was requested by a number of respondents, in policy. To include a general requirement to avoid risk of major accidents, in addition to COMAH-specific in Chapter 33.	Add a new part xii: 'the development does not have a significant adverse impact on human health and wellbeing, and preferably that it enhances it.' Insert a new point xiii of GDPOL 1 to read: 'there will be no significant adverse impact on human health or the environment by increasing the likelihood of a major accident or significantly increasing the consequences of such accidents (see also Chapter 33).'	No	No differential impact on rural community.
PART C- Economy – Strategy, Designations & Policies				
9. Economic Development				
PC 41B	To provide clarification of which policy applies, to clarify that there is a shortage in Strabane	At the end of the 1 st paragraph, amend wording to '... under the retail policy Chapter 10 policies.' Amend the 1 st sentence of the 2 nd paragraph to 'The Economic Development Land Monitor and evidence base concludes that we	No	No differential impact on rural community

RNIA Assessment of LDP - Schedule of Proposed Changes to be made to LDP dPS in mid-2021, prior to Submission to DfI and PAC for IE				
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	town (as stated in the Evidence Base EVB 9) which will justify a GEDA identification, and to mention accessibility of sites.	have more than sufficient land in terms of quantity, <u>other than in Strabane town</u> . Strategically, it is...' At the end of the 2 nd paragraph, add the words '... taking advantage of key infrastructure, <u>including the main transport routes</u> .' Amend the 1 st sentence of the 3 rd paragraph to 'There is no <u>overall strategic need for additional or expanded</u> GEDAs through the LDP;...'		
PC 46	To clarify that Use Class B1(c) should be included in draft Policy ED 2.	Amend 1 st line of ED 2 to read 'Proposals for Class B1(a) and B1(b) (business uses as offices and call centres <u>and also B1(c) (Research & Development) (where the main use is an office)</u> will be permitted:...'	No	No differential impact on rural community.
PC 49	Additional J&A wording to clarify that small to medium-scale businesses should firstly be directed to town centres, but otherwise they will be permitted in ED areas and other appropriate locations.	In ED 3, in sub-heading on the 5 th line of page 121, insert an 's' to end of '... Settlements' Insert wording at end of Para 9.23: 'Consistent with Policy ED 2, if proposals for B1c (R&D) or B2 (Light) or even B3 (General) or B4 (S&D) are small to medium-scale, clean, compatible, etc., they are expected to locate in the city / town centres firstly, then edge-of-centres, or otherwise they can locate in an ED 3 area. These will be dealt with on a case-by-case basis and mindful of any potential unintended consequences from incompatible uses.'	No	No differential impact on rural community.
PC 52	Policy ED 4 is mostly an amalgamation of rural ED opportunities in line with the existing policies in PPS 4 and the SPPS. Due to the potential complex nature of ED proposals in the countryside, it is necessary to provide	Within ED 5, on the 1 st line, replace a word 'Proposals for Criteria Category b development ...' Amend the J&A paragraphs: 9.33 In the interests of rural amenity and wider sustainability objectives, the extent of new buildings outside of settlement limits will be controlled <u>and the sympathetic extension or re-use of existing buildings will be preferred</u> . However, in some circumstances, it may be possible to justify a small-scale new build economic development use outside of a development limit, <u>particularly</u> where there is no	No	Minor positive impact on rural community as it provides clarity for developers.

RNIA Assessment of LDP - Schedule of Proposed Changes to be made to LDP dPS in mid-2021, prior to Submission to DfI and PAC for IE				
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	further detail in these revised and strengthened J&A paragraphs, in order to aid the implementation of this policy.	<p>suitable site within the settlement. Applicants will be required to demonstrate that they meet subject to meeting normal planning and other environmental considerations <u>as set out in other chapters of this LDP</u></p> <p>.</p> <p>9.34 The guiding principle for policies and proposals for economic development in the countryside is to provide opportunities likely to benefit and sustain the rural community, while protecting or enhancing the character of the rural area. A number of economic development opportunities exist for small-scale economic development, home-working, appropriate re-development and re- use of rural buildings for a range of appropriate uses.</p> <p>9.?? <u>Proposals to be assessed against Category a) should demonstrate that they would benefit the local economy or contribute to community regeneration, that there is no suitable site within the settlement and that the development is clearly associated with the settlement, but will not dominate it, adversely affect landscape setting or otherwise contribute to urban sprawl. In assessing the acceptability of sites, preference will be given to sites in the following order:</u></p> <p><u>(1) land adjacent to the existing settlement limit, subject to amenity and environmental considerations;</u></p> <p><u>(2) a site close to the settlement limit which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment; and</u></p> <p><u>(3) an undeveloped site in close proximity to the settlement where the development could be visually integrated into the landscape.</u></p>		

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		<p><u>Storage or distribution uses will only be permitted where these are clearly ancillary to a proposal for a community enterprise park/centre or an industrial use.</u></p> <p>9.35 Criteria Category b) is intended to... [paragraph unchanged]</p> <p>9.36 Opportunities may also exist for proposals <u>under Category c) relating to the re-development of an existing site or the conversion or re- use of existing buildings for certain industry and business uses.</u> <u>Applicants should demonstrate that the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a limited increase in the site area. There should be environmental benefits as a result of the redevelopment and the redevelopment scheme should deal comprehensively with the full extent of the existing site</u> <u>The overall visual impact of replacement buildings should not be significantly greater than that of the buildings to be replaced. The redevelopment of an established storage or distribution site for continuing storage or distribution use will also be permitted subject to the above criteria. However, the redevelopment of an established industrial or business site for storage or distribution purposes will only be permitted in exceptional circumstances.</u> <u>Proposals involving the conversion or re-use of listed or unlisted vernacular buildings or other historic buildings of local importance must also meet the requirements of Policies HE 4 and HE8.</u></p> <p>9.37 Homeworking does not necessarily require planning permission. Permission is not normally required where the use of part of a dwelling house for business purposes does not change the overall scale, nature and character of the property's use as a single dwelling. Assessment of whether a material of change of use has taken place is matter of fact and degree. 9.38 Those considering working from</p>		

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		home are advised to seek the advice of <u>the</u> Council at an early stage. <u>Homeworking businesses that do require planning permission, under category d), will be assessed on an individual basis, they should be of an appropriate scale and nature for its location and meet the requirements for amenity, transport and other relevant policies in the LDP.</u>		
10. City/Town Centres, Retailing, Offices, Leisure and Other Uses				
PC 55	<p>To provide clarity to Policy RP 1 to reflect taking account of SPPS and sequential consideration of other main town centre uses.</p> <p>To amend Retail hierarchy in line with SPPS.</p> <p>C) To provide reference in RP 1 to state that potential alternative sites must be judged on the basis of suitability, availability and viability.</p>	<p>Amend last policy sentence in first paragraph of RP 1 to read: <u>“DCSDC will require proposals for other main town centre uses to be considered sequentially in the following order of appropriate preference as applicable to the specific nature of the proposal and the settlement in question”.</u></p> <p>Reference the SPPS para 6.279 in terms of vitality and viability in expanded J&A. Add new sentence to LDP para 10.18 p 133 as follows: <u>“All policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment”.</u></p> <p><u>Amend Town Centres indent to read as follows:</u> <u>2. Town Centres (including town, district, and local centres).</u></p> <p>Amend last policy sentence in first paragraph of RP 1 to read: <u>DCSDC will require proposals for other main town centre uses to be considered sequentially in the following order of appropriate preference as applicable to the specific nature of the proposal and the settlement in question.</u></p>	No	No differential impact on rural community.

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	<p>To provide reference to 'City' wording required alongside 'town' in all the dPS policy & J&A. 'Village centres' is removed from sequential test and non-designation text clarified in J&A.</p> <p>To provide clarification text in consideration of any unforeseen implications of the defined sequential approach.</p>	<p>Amend as follows:</p> <ul style="list-style-type: none"> All relevant references to Town centres in policy or J&A will be amended to include City where appropriate. Insert following line onto end of para 10.14 <i>'The LDP will not be defining or designating 'village centres' in relation to the retail policies.'</i> <p>Amend last policy sentence in first paragraph of RP 1 to read: <u>DCSDC will require proposals for other main town centre uses to be considered sequentially in the following order of appropriate preference as applicable to the specific nature of the proposal and the settlement in question.</u></p>		
PC 56	To clarify the extent of edge-of-centres and the current '300m' reference.	Replace 2 nd sentence in para 10.17 with the following: <u>'In line with SPPS para 6.287, to be considered as edge-of-centre, a site should either be adjacent or clearly associated with that boundary of that centre, taking account of physical or perceived barriers, with the proximity being proportionate to the scale of that settlement and the centre in question e.g. in a Derry City Centre context, 300 metres from the City Centre boundary could be reasonable, whereas for Strabane or a local Town Centre, it would be less. For District, Local or village contexts, it would need to be immediately adjacent.'</u>	No	No differential impact on rural community.
PC 57	To provide clarification on how proposals would demonstrate that no suitable sites are available and the degree	<p>RP 2 p 133. - Make the following amendments:</p> <p>(a) Insert following policy text after last policy paragraph on p 133 based on SPPS para 6.279 & 6.282: <u>All proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the</u></p>	No	No differential impact on rural community.

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	<p>of detail necessary to satisfy the requirement.</p> <p>To provide policy clarity on protecting the LDPs 'town centre first approach'.</p>	<p><u>catchment. Applicants will be required to prepare an assessment of need which is proportionate to support their application. All proposals will be required to accord with GDPOL 1.</u></p> <p>(b) Remove last part of sentence (underlined) of Policy text Part a) <u>safeguard historic character and improve the appearance of the city centre.</u></p> <p>(c) Amend policy typo A) & D) to read in lower case a) & d) on policy sentence starting <i>Elsewhere within Derry City Centre....</i></p> <p>(d) Amend criteria i) 'proposals demonstrate that <u>no suitable sites are available within the PRC and that they satisfactorily...</u>'</p> <p>For policy intent and clarity, amend last sentence of RP 2 on page 133 to read <i>...to the <u>city centre</u> if it is demonstrated that no suitable sites are available within the PRC, <u>or the rest of the city centre</u>, and subject to considerations i) & ii) above.'</i></p>		
11. Transport and Movement				
PC 69	To provide clarity on whether public transport services have been taken into account when allocating rural uses.	Insert underlined new text to amend the last sentence of para 11.34 to read: "In such areas, <u>there is very limited public transport service</u> , so the use of the private car is almost a practical...."	No	No differential impact on rural community.
12. Tourism Development				
PC 96	To clarify terminology and to signpost to policy for rural short-term-let accommodation.	Amend the 3 rd line of para 12.18 to 'Most B&Bs and S-C units are 'permitted development' <u>i.e. not requiring planning permission</u> , in urban...' Amend the final sentence to read 'Applications for such short-term let proposals in the countryside will be dealt with in Policy TOU 4 <u>and also Policy ODC 4.</u> ' [This is currently Policy AGR 3 on page 216.]	No	No differential impact on rural community.

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		Also include definition / information on short-term-let accommodation (urban and rural) in Appendix 2.		
PC 97	<p>To standardise the text on TBS&SBS across all policies. Ensure list of Tourism Amenities in the District as set out in the EVB 12: Tourism Development complies with stated definition as used in J&A 12.19.</p> <p>In point b), amend spelling typo of word 'location'</p>	<p>In TOU 3, move the middle paragraph to the bottom of this box and add words to its end '... Benefit Statement – see Appendix 2 for details.'</p> <p>In the existing Appendix 2, add a few lines of definition / examples of Tourism Amenities and other terms, to ensure consistency with the J&A and in line with the Glossary of existing PPS 16 / SPPS and related to the definitions in the Tourism (NI) Order, where appropriate.</p> <p>In Para 12.19, add wording to end of 1st sentence '... tourist accommodation – see Appendix 2 for definition / examples.'</p> <p>Add note to EVB 12 appendix list, to clarify if necessary.</p> <p>amend spelling typo of word 'location' on the 5th line</p>	No	No differential impact on rural community.
PC 99	<p>Insert 'New...' sub-heading to provide clarity between existing tourist facilities policy text and that relating to new tourist facilities.</p>	<p>Insert a) and new category b), in bold, for clarity: a) Expansion of Existing Hotels, Guest Houses, B&Bs and Tourist Hostels b) Conversion / Replacement or New-Build Tourist Accommodation</p> <p>Under b) above, change sub-category (a) to: 1) Conversion or Replacement of an Existing Rural Building Change the 1st line to read: A proposal to <u>convert or</u> to replace existing buildings in the countryside...</p> <p>Change the title of sub-category (b) to: 2) New-Build Hotel, Guest House, or Tourist Hostel on the Periphery of a Settlement</p>	No	No differential impact on rural community.

RNIA Assessment of LDP - Schedule of Proposed Changes to be made to LDP dPS in mid-2021, prior to Submission to DfI and PAC for IE				
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	<p>B&B is not defined / referenced in PPS or SPPS. Review Evidence Base. There would be a potential conflict here with the present policy, with unintended consequences.</p> <p>Under subheading of 'Replacement of an Existing Rural Building' insert <i>B&B</i> and amend 4th bullet point to include reference to <i>...historic building of local importance</i>.</p>	<p>The word B&B should be deleted from this title, so that it aligns with the SPPS (para 6.260). There is also no reference to B&B in sub-category 1 above, or in the categories of the first sentence of 2) or in para 12.22. However, it is included in the second sentence of 2) and also in 12.23 (3 times). [Delete these]</p> <p>Put a definition of B&B & Guest House into Appendix 2.</p> <p>Also insert J&A clarification for penultimate paragraph on policy re long-term viability of facility: 'It is important that all proposals for tourism accommodation in the countryside are of a high quality and that they meet an identified tourism need or market. Any new-build or substantial expansion proposals must therefore demonstrate how they make a positive and sustainable contribution to the tourism offer and visitor experience - see Appendix 2 for details of a Tourism Benefit Statement and a Sustainable Benefit Statement.'</p> <p>Under sub-heading 1, of 'Conversion or Replacement of an Existing Rural Building' amend 4th bullet point to: 'where the existing building is a vernacular building and is considered to make an important contribution to local heritage or character historic building of local importance, replacement will ...' (Also amend the related J&A., para 12.22 on p 192, 7th line, replace 'vernacular' with 'locally important') Immediately after these bullet points, amend the policy references, to: 'Refer to related policies ODC 4 {currently AGR 3}, HE 3 and HOU 21 regarding the conversion and re-use of existing buildings for other suitable rural uses.'</p>		

RNIA Assessment of LDP - Schedule of Proposed Changes to be made to LDP dPS in mid-2021, prior to Submission to DfI and PAC for IE				
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	<p>Direct the accommodation to a tourist settlement, consistent with TOU 2.</p> <p>To clarify that S-C and B&B short-term lets can be considered in this accommodation policy (and others), as it is already referenced in J&A 12.24</p>	<p>Under sub-heading 2, of 'New-build Hotel ...' amend the 1st line to 'Where there is no suitable site within <u>one of the nine tourist</u> settlements, a new-build hotel, guest house, or tourist hostel may be appropriate on the periphery of that settlement subject to meeting normal planning requirements.'</p> <p>Following this point, insert the word 'tourist' before the word 'settlement' on the 2nd, 3rd and 7th lines thereafter. Also on the 1st and 3rd lines of Para 12.23.</p> <p>Amend para 12.24, as follows: 'There can be tourist accommodation which is marketed under short-term-let tourist accommodation such as B&Bs and serviced / self-catering apartments. Most S-C or B&Bs <u>are not considered to be development requiring planning permission</u> (permitted development) in urban and rural situations; however, where there is a new-build or material change of use, planning applications are required for S-C or B&Bs in the countryside and will be assessed under this policy, TOU 6 and ODC 4 as relevant. Short-term-let tourist accommodation will be monitored and reviewed over the period of the LDP.'</p>		
PC 100	Amend a word in the policy so that it is the same as the SPPS and is more consistent with this type of proposal being 'an exception'. 'Will' could be considered to set a lower policy test than that set out in SPPS.	In the first line of TOU 5, change the word ' will ' to ' <u>may</u> be permitted...'	No	No differential impact on rural community.

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	There is no good evidence-based reason for deviation from the SPPS in this instance.			
13. Minerals Development				
PC 105	Clarify J&A to support Policy MIN 1 bullet point 1	Amend para 13.10: "The Natural Environment – An extension to an existing mineral working, which minimises <u>additional environmental impact</u> in the countryside will normally be preferred to new workings on green field sites . Minerals development within <u>(or in close proximity to, or with a pathway to) potential to harm</u> protected habitats or designated areas such as Areas of Special Scientific Interest (ASSIs), National Nature Reserves (NNRs) or Special Areas of Conservation (SACs <u>and Candidate SACs</u>) which have been declared or proposed for declaration on the basis of their scientific value in regard to flora and fauna, will not normally be given permission where they would prejudice the essential character characteristics of such areas (see also Chapter 21 Natural Environment). Earth science features, which underpin AONB designations, will also be protected from minerals development. <u>In applying this policy, it is acknowledged that there can also be biodiversity enhancement as a result of minerals development"</u> .	No	No differential impact on rural community.
PC 109	Clarify 'expansive tracts of land', that it does not amount to a 'development opportunity' for planning applications stage.	Move middle paragraph of MIN 2 to the end of J&A para 13.24, to make it clear that this is not a Development Management exception; it is the parameters for the Council's LDP team in deciding on the extent of designations, at LDP LPP stage.	No	No differential impact on rural community.

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<p>15. Agriculture & Other Development in the Countryside</p> <p>The SPPS requires the Council to bring forward a 'strategy for sustainable development in the countryside' as part of the LDP; this amended chapter will consolidate the existing policies into the 'strategy' required by the SPPS.</p> <p>It is implicit throughout the LDP dPS that 'sustainable development' will accommodate those types of developments that are appropriate in the countryside and that other forms of development should be located in settlements. However, this is now made more-explicit, through this chapter and its policies.</p> <p>The SPPS requires the LDP to further sustainable development and this is currently done through the first 3 paragraphs, and final paragraph, of Policy CTY 1 of PPS 21, which set out the underlying approach, for the various types of developments that will be considered to be acceptable in the countryside, and there being a 'presumption against' other types of development. It is considered to be appropriate and necessary that this 'default' policy position is explicitly carried through to the LDP dPS, in the interests of ensuring sustainable development and to enable the Council to manage future development proposals in the countryside.</p>				
PC 119	Insert new Policy ODC 1, with accompanying Justification & Amplification paragraphs	<p>ODC 1 Other Development in the Countryside</p> <p>There are a range of types of development which in principle are considered to be acceptable in the countryside and that will help sustain rural communities and contribute to the aims of sustainable development. The main types of sustainable rural housing and non-residential developments are covered in the respective chapters of this LDP dPS.</p> <p>Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in this LDP. This presumption against such other developments will be particularly important within the defined Green Belt areas.</p> <p>Justification & Amplification – see Annex 3</p>	No	Minor positive impact on rural community as it provides clarity for developers.

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PC 120	Insert new words in the policy and new J&A.	<p>Change title of ODC 4 to include The Conversion, <u>Change of Use</u> and Re-Use....</p> <p>Insert the word 'use' near the start of criteria (b) and (d).</p> <p>Amend criteria (h) to ...Natural Environment and Historic Environment chapters.</p> <p>The above amendment will include listed buildings as well as other historic assets, so delete the following 'Listed Buildings' paragraph.</p> <p>- Insert a new criteria (i) If it is for a tourism development, it must also submit a statement of why the use is site-specific and cannot be located in one of the named 'tourism settlements'.</p>	No	No differential impact on rural community.
PC 121	To clarify that developments should be located outside of the Green Belt or in a nearby settlement, if this is an option.	insert the words near the end of the Policy: '...cannot be located <u>outside of the Green Belt or</u> in a nearby settlement.' Also Insert an appropriate paragraph in J&A in this Chapter similar to para 16.140 p 262 to clarify GB avoidance where possible. For ODC 2 and same for ODC 3 and ODC 4.	No	No differential impact on rural community.
PART D- Social Development- Strategy, Designations & Policies				
16. Housing in Settlements and the Countryside				
PC 126	<p>Clarification and a typo.</p> <p>To address non development and land-banking to encourage land to come forward for house building and to clarify that 'certain</p>	<p>In policy HOU 1, amend reference on line 2:' Table 4 8 or Appendix 5 Table 1.</p> <p>Add an 's' to 'brownfield sites' on line 8</p> <p>In HOU 1 Part (a) second sentence, amend as underlined to read as follows: ...housing land within the City, Main Town and the Local Towns in two <u>three</u> phases</p>	Yes	No differential impact on rural community.

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	<p>Phase 1 lands' depends on whether or not they have legally implemented their planning permission.</p> <p>To Introduce 'Phase 3 Zoning' of additional land into HOU 1 to meet the Social Housing Need. This will formalise and manage the 'exceptional circumstances' provision and ensure that adequate and sustainable-as-possible lands can be brought forward for affordable housing primarily.</p>	<p>In HOU 1, under the LDP Phase 2 Zonings heading, add the following sentence (as underlined) to the end of the 3rd bullet point to read as follows: <u>Conversely, if certain Phase 1 land is not implemented, it can be re-zoned as Phase 2 or alternatively, either Phase 1 or Phase 2 lands can be rezoned for an alternative land-use, following an LDP Review;</u></p> <p>In HOU 1, under the LDP Phase 2 Zonings heading, remove the sentence under the 4th bullet point starting 'In exceptional circumstances....' and its associated two bullet points and replace with the following underlined text: <u>'LDP Phase 3 Zonings – Strategic Housing Land Reserve</u> <u>A strategic reserve of Phase 3 Housing lands will be identified at the LPP stage, comprising land that previously lay just outside of the City / Town settlement development limits (SDL) and is located immediately adjacent to those areas identified (by NIHE) as having the most acute social housing need.</u> <u>In exceptional circumstances, where there is extreme localised social / affordable housing stress / need and it is demonstrated to the Council that the need cannot be met through the above sequence of Phase 1, Phase 2 or other HOU 2 lands, then a planning application can come forward on a Phase 3 site for immediate development to address that need. Such a planning application, after the LPP adoption, shall be from NIHE or a registered housing association*, primarily for affordable housing, and the development shall be part of a Balanced Community in accordance with Policy HOU 5. Such a need should be supported by NIHE.'</u></p>		

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	<p>To further clarify in the J&A that the LDP Plan Review will consider the rezoning of both Phase 1 & 2 Lands if not brought forward within a reasonable time</p> <p>To explain the rationale in the J&A as to the requirement of Phase 3 Lands.</p>	<p>* Insert a footnote to explain that where the term 'registered housing association is used, this can generally also mean NIHE, who have recently changed status, to enable them to build houses, as a HA.</p> <p>Amend J&A para 16.21 by inserting following sentence (as underlined) after second sentence to read as follows: <u>'In addition, both Phase 1 and Phase 2 Lands may be considered for rezoning to alternative land uses, such as community open space, if residential development on such sites is not brought forward within a reasonable timescale. At the LDP Reviews, the Council will use this mechanism, to review the identified housing land and may rezone all or some of that land, so as to ensure commencement and delivery of housing, rather than contribute to delay and land-banking of the Housing lands that it has identified in the LDP.'</u></p> <p>Amend J&A Para 16.24 as follows: 'As an exception to In addition to the Phase 1 and 2 approach, ...' Insert new sentence after end of 2nd sentence: <u>'These Phase 3 Lands are being introduced to formalise the potential provision of additional land at the edge of the city or towns for social / affordable Housing, in exceptional circumstances, thus ensuring the orderly and consistent release and development of such lands by the Council through the LDP. The amount of Phase 3 land identified will be limited to that which is reasonably necessary and sustainable; it will be decided by the Council at LPP stage, dependent on the amount of Phase 1 & Phase 2 land that can be identified / Zoned in a local area (related to the NIHE-defined local housing areas) and dependent on the amount of Housing Need prevailing in that area at that time.'</u></p>		

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PC 133	To further clarify the policy intent, including control of short-term residential lets.	Amend HOU 4 J&A with amended para 16.44 text (underlined) and insertion of a new para 16.45 as follow: Para 16.44 amendment: This policy therefore seeks to restrict the type of proposals for non-residential uses <u>or for non-permanently occupied dwellings</u> that are permitted in established residential areas and areas where higher density residential accommodation is appropriate. Where <u>such non-residential uses or non-dwelling uses are permitted</u> , they should be complementary to the surrounding residential uses and protect established residential amenity. In such cases, all other policy requirements still apply to the proposal such as open space provision, density and sustainable transportation all of which are of critical importance in sustainable neighbourhoods. New para 16.45 text & re-number accordingly: 16.45 <u>In protecting the existing housing stock, the Council recognises that some proposals for small-scale uses such as a local shop, community facility, small scale employment uses or an office and short-term residential lets may be acceptable. However, such proposals will be subject to careful consideration, on a case by case basis, to ensure the proposed use is compatible, subordinate to the existing residential use, complementary to the surrounding residential uses and does not result in unacceptable adverse effects on existing residential amenity.</u>	No	No differential impact on rural community.
PC 135	To amend the policy title to include Private and Affordable tenures. To put the onus on the developer to demonstrate the	Amend policy title to ' <u>Affordable and Private Balanced-Tenure Housing in Settlements</u> ' Amend (new text is underlined) HOU 5 policy text to read as follows: Affordable housing should consist of social rented housing and/or intermediate housing. In determining the appropriate mix of affordable housing in terms of size, type and tenure, regard will be had to NIHE's	Yes	No differential impact on rural community.

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	suitable private / affordable housing mix.	<p>up to date analysis of demand, including housing stress and prevailing housing need.</p> <p>Amount of Affordable Housing</p> <p><u>'In order to achieve the Council's stated objectives of delivering adequate numbers of affordable housing and also providing balanced / mixed communities, Planning permission will be granted for a residential development scheme of, or including 10 or more residential units (or on a site of 0.5 ha or more), where a minimum of 10% 20% of units are provided as affordable housing. Where there is an acute localised need as demonstrated by the NIHE, the proportion required may be uplifted on an individual site, and this will be indicated as a KSR at the LDP LPP stage.</u></p> <p>All such housing schemes will be required to deliver in order to achieve balanced and mixed communities. all housing schemes will normally be expected to have no more than a maximum of 70% of either private or affordable houses. All relevant proposed housing developments will be expected to provide a balance of suitable tenures, taking account of the proposed and existing mix in that local area. <u>Applicants will be required to clearly demonstrate and submit underpinning evidence, supported by the NIHE, of how they intend to deliver an appropriate affordable / private housing mix to meet any identified acute localised need. Any exceptions to proportions of tenures will need to be specifically justified and evidenced by the applicant.</u></p> <p>Where it can be demonstrated that there is no insufficient need and / or it is not sustainable or viable for a proposed development in the area to meet the full requirements of this policy, the Council will consider a suitable proportion on a fully-evidenced case-by-case basis.</p>		

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		<p>The agreed ratio of private to affordable housing will need to be implemented and maintained during, <u>and for an agreed period after</u>, the construction of the scheme.</p> <p>In rural villages and small settlements, the minimum viable number of affordable units will be 2 in a development of 10 or more. <u>In such settlements</u>, sites below the normal threshold of 10 dwellings may also need to provide affordable housing if there is an identified need.</p> <p>Planning permission will not be granted for development proposals containing less than 10 housing units where lands have been artificially divided for the purposes of circumventing these policy requirements. Where there is a phased approach to the development of a site, this should be discussed with the Council at the outset to ensure that the affordable housing requirement can be developed in a comprehensive way over the whole scheme.</p> <p>Affordable housing will be secured as appropriate, depending on size of the development, by way of a condition or Section 76 Planning Agreement, which should be in place in advance of planning permission being granted. An off-site developer contribution may be required and will be considered on a case by case basis.</p> <p>Mixed Tenure / Tenure-Blindness The design and external appearance of the affordable housing in the development should reflect the character of the remainder of the site. These should be interspersed within the market housing so that they are not readily distinguishable in terms of external design, materials and finishes’.</p>		

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PC 136	To make it explicit that 10% will be adequate to address the remaining social housing need	Add as a new sentence onto end of Para 16.46 (p 234) the following new text as underlined: Therefore, the general requirement in this policy that 10% of all new Housing units should be affordable housing should be adequate to deliver the remaining number of dwellings to address ongoing Housing Need.	No	No differential impact on rural community.
PC 137	To provide J&A clarity on the indicative private / affordable housing mix.	Insert into Para 16.51 as a new second sentence the following (as underlined) to read: The Council will seek an indicative mix from housing schemes of no more than a maximum of 70% of either private or affordable houses to deliver the Council objective of such communities.	No	No differential impact on rural community.
20. Waste Planning				
PC 172	To clarify that certain developments may be appropriate rather than a blanket ban.	The following text should be inserted at the end of criteria ii, <u>“unless it is demonstrated that the proposal would not cause harm to, or undermine the reason for that designation”</u> .	No	No differential impact on rural community.
PART E- Environment- Strategy, Designations & Policies				
21. Natural Environment				
PC 181	To provide a policy that clearly covers TPO protection & wider tree retention generally.	Insert new third indent in NE 3 policy text box (before ‘active peatland’) to read as follows: - trees and hedgerows; Insert new paragraph in policy text (as below) before the last paragraph at end of policy NE 3: In order to protect the amenity value of trees and woodland, the Council will, where appropriate, make Tree Preservation Orders (TPOs) on woodlands, groups of trees and individual specimens which	No	No differential impact on rural community.

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		<p>satisfy the TPO criteria and contribute to the visual amenity and character of the surrounding area.</p> <p>Put the following text below into a new J&A paragraph 21.21 relevant to policy NE3 (and subsequently renumber) p 330.</p> <p>21.?? Article 121 of the Planning Act (NI) 2011 places a duty on the Council when granting planning permission for any development, to make adequate provision, by the imposition of conditions, for the preservation or planting of trees; and, when considered appropriate, to make Tree Preservation Orders in connection with the grant of such permissions under Article 122 of the same Act. In order to meet this duty, development proposals will be expected to take account of existing trees and hedges which in the interests of visual amenity or wildlife habitat should be retained. The Council will seek to ensure the protection of such features through the inclusion of conditions in any permission granted, or permission will be refused if appropriate.</p> <p>All development proposals on sites which contain or are adjacent to trees or hedgerows, will be required to submit a survey and take account of them, protecting them where appropriate, during their design and any future construction stage. This is to ensure that such trees are not at risk to unacceptable adverse impacts as a result of development activities.</p> <p>Particularly important trees will be protected if they are of significant public amenity value by the making of a Tree Preservation Order. This prohibits the cutting down, topping, lopping or wilful destruction of protected trees without the prior consent of the Council.</p>		

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		<p>Where the Council consents to the removal of protected trees, it will be a requirement that suitable replanting occurs.</p> <p>The Council will require that development proposals on sites containing, or adjacent to, protected trees will require the submission of a site survey accurately showing the positions, species, heights, canopies and health condition of all protected trees. Existing and finished site soil levels will also be required to be shown relevant to the protected trees.</p> <p>In considering development proposals, the Council will seek to achieve site layouts which avoid the root systems of existing trees and minimises future concerns over residential amenity. The Council will require developers to manage their sites and their responsibilities to protect trees in strict accordance with BS 5837 (2012) 'Trees in relation to Design, Demolition & Construction'.</p>		
23.Historic Environment This Chapter has been amended and re-worded throughout - see below and Annex 3 of this document for detail.				
PC 202	Additional / amended wording to the policy and the J&A, as supplied by HED.	Change Text, as per Annex 3, including changing the Policy title to: HE 8 Conversion and Re-Use of Non-Designated Heritage Assets (Also put a cross-reference to HE 8, in the several other related policies named i.e.TOU 4, AGR 3 / ODC 4, HOU 20 & HOU 21)	No	No differential impact on rural community.
PC 203	Additional / amended wording to the policy and the J&A, as supplied by HED, so as to align	Change, mostly as HED recommended – see amended wording in Annex 3.	No	No differential impact on rural community.

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	with Para 6.25 of the SPPS and also with current PPS 23 .	Also add Enabling Development Practice Note (referenced at the bottom of Para 23.58) to the list of SPG – see Chapter 38 and Appendix 6 Change definition (several references) to significant <u>historic</u> places – which is clearer English and less jargonistic. Also change from ‘planning authority’ to ‘the Council’		
24. Renewable and Low Carbon Energy Development				
PC 213	Add text to consider wind turbine impacts on ground water.	Add a new criteria x. on p 370: <i>“the development will not harm groundwater flow paths or aquifers”.</i>	No	No differential impact on rural community.
PC 217	To address ammonia emission impacts for Anaerobic Digestion.	Insert a new point (viii) into RED 1 on p371: <i>“it will not result in damaging impacts on human health, as well as sensitive habitats, wider biodiversity and ecosystem resilience, through increased ammonia emissions.”</i>	No	No differential impact on rural community.
PC 218	Add policy text to address visual impact of hydro.	In the hydro section policy box, insert a new criterion iv, <i>“Any structures shall have no unacceptable impact on visual amenity or landscape character.”.</i>	No	No differential impact on rural community.
PC 222	To reiterate the policy presumption against renewable energy development on active peat in policy RED 1 (and the SPPS).	In paragraph 24.20, insert in the middle, after ‘bog burst’ (new text underlined): <i>“<u>therefore there is a presumption against development on active peat except for imperative reasons of overriding public interest. Whilst any development is unlikely to be acceptable on active peatland, where development is proposed on any peatland...</u>”</i> The subsequent text then ensures that hazards for landslide, bog burst and reduced capacity as a carbon sink are properly assessed. Amend footnote 52 on p 369: <i>“An ‘active’ bog is one that supports a significant area of vegetation normally forming peat. A few groups of</i>	No	No differential impact on rural community.

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		plants – especially Sphagnum bog mosses and cotton grasses dominate. Sphagnum sterilises the bog, preventing organic matter from decaying. Such areas deliver ecosystem services such as carbon storage & sequestration and water supply. 'Active' bogs include those that suffered temporary setbacks such as fire damage or drought, and areas which have been damaged but which are now showing significant signs of recovery, such as eroded bogs in which the gullies are re-vegetating.”		
34.Developer Contributions and Community Benefits				
PC 248	Informative to encourage social clauses as Community Benefits.	Insert new paragraph 34.8: “The Council encourages the use of social clauses (subject to compliance with laws on fair employment, anti-discrimination, procurement, etc.) as a Community Benefit of developments permitted in this District. Therefore, in issuing planning permissions, for all but householder or other small-scale developments, each planning permission will include an Informative to encourage, during construction and ongoing operation where applicable, of social clauses to help local employment, businesses, purchasing, the community, training, etc. The exact wording will be in line with the wider policy / practices of the Council, Community Plan, Department of Finance guidance and subject to legal advice. This will be done at the time of issuing and will not be a material Planning consideration in determining the planning application”.	No	No differential impact on rural community.