



Derry City & Strabane  
District Council

Comhairle Chathair  
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an tSrátha Báin

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DERRY CITY & STRABANE DISTRICT COUNCIL

# LOCAL DEVELOPMENT PLAN (LDP) 2032



DRAFT PLAN STRATEGY

Evidence Base Paper EVB 22: Coastal Development, December 2019

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## DERRY CITY AND STRABANE DISTRICT COUNCIL

### LOCAL DEVELOPMENT PLAN (LDP) 2032



### EVIDENCE BASE PAPER: EVB 22

### COASTAL DEVELOPMENT

This Document is one in a series which comprises the evidence base that informs the preparation of the Derry City and Strabane District Local Development Plan (LDP 2032) Plan Strategy.

It builds upon the suite of thematic Topic Papers prepared and published alongside the LDP Preferred Options Paper (POP), which established the May 2017 baseline position and identified the key issues that need to be addressed by the LDP.

This Coastal Development Evidence Base paper updates the baseline POP position and sets out the evidence base that has informed the strategy, designations and policies within the draft LDP Plan Strategy. Evidence has been informed by feedback from public consultation, discussions with Elected Members, input from statutory consultees, stakeholder groups, from other Departments within the Council, liaison with adjoining Councils and through the iterative Sustainability Appraisal process.

The Evidence Base is published as a 'supporting document' in accordance with Article 15(a) of the Planning (LDP) Regulations (NI) 2015

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**Appendix 1: Aerial Photos of DC&SDC ‘Coast’ – LDP Evidence Base, Oct 2019**

## 1.0 Introduction to Paper

- 1.1 The information presented in this paper has assisted the Council in developing an informed and innovative approach to setting clearly defined aims and objectives for the management of Coastal Development in this District. It has taken account of the Council's overall objectives for the District as well as local circumstances in relation to Coastal Development.
- 1.2 This paper sets out the Council's strategy for Coastal Development. It also sets out the main evidence base and legislation / policy framework which has influenced our strategy and in turn the operational policies set out in the LDP Draft Plan Strategy.
- 1.3 It evidences how the Coastal Development policies have been developed, taking account of the Regional Development Strategy (RDS), Strategic Planning Policy Statement (SPPS), draft Marine Plan for NI, Sustainability Appraisal themes to contribute to delivering the LDP PS Vision and Objectives.
- 1.4 It will also outline the overlapping responsibilities that exist in the intertidal area – that area between the mean high water and mean low water spring tides. Planning legislation extends down to the mean low water mark, whilst the relevant marine planning legislation applies up to the mean high water mark. Accordingly, for development located in the intertidal area or that could affect it, this Evidence Base stresses how development along our coast can be managed in an integrated manner and how potential impacts of onshore development on the marine environment can be avoided or mitigated through early engagement and collaborative working with all the relevant authorities.
- 1.5 Current policy thinking in terms of coastal protection to assist with adaptation to climate change is also considered. Both Derry City and Strabane Town are potentially at future risk of coastal / tidal exacerbated flooding, as part of climate change, while Lough Foyle and adjacent development along its margins, including that within our District, are considered potentially at risk from coastal erosion.
- 1.6 It may appear, on an initial inspection, that our District does not possess a significant "coastline" or the usual tourist related infrastructure that is normally associated with 'the coast'. Our District possess a short 12kms (approx.) section of coastal / tidal mud flats in Lough Foyle stretching between the mouth of the River Foyle and the Council boundary just to the east of the City of Derry Airport. The River Foyle itself is tidal along its 33kms length up to Strabane. The River Faughan is tidal for approximately 4km of its length from its mouth at Lough Foyle. However 'coastal' incorporates both the traditional land / sea interface, as well as the tidal element associated with it. The River Foyle is tidally influenced up to Strabane and in that regard, the river and Strabane Town can be considered 'coastal'. See Appendix 1 for maps / aerials of our primary 'coastal' area.
- 1.7 There is, as yet, no commonly accepted inland extent for what constitutes 'a coastal zone' or similarly 'a coastal settlement'. Various suggestions ranging

between 1 to 5 kms inland have been put forward in recent national coastal studies. Taking an average of 3kms, this definition of ‘coastal’ can therefore apply to parts or all of the following settlements in our District – Derry City, Culmore, Strathfoyle, Maydown and Campsey that lie adjacent to Lough Foyle. Other settlements close to the tidal rivers include Newbuildings, Magheramason, Ballymagorry and Strabane. This has implications in terms of adding a marine consideration when progressing LDP preparation or determining planning applications.

- 1.8 There is no formal agreement on the delimitation of territorial sea between the UK and the Republic of Ireland. Accordingly the cross-border areas of Lough Foyle and Carlingford Lough are managed as ‘shared waters’ through the Loughs Agency. It is an agency of the Foyle, Carlingford and the Irish Lights Commission (FCILC). The FCILC was established as one of the cross-border bodies under the 1998 Good Friday Agreement.
- 1.9 The Agency aims to provide sustainable economic, environmental and social benefits, through the effective conservation, management, promotion and development of the fisheries and marine resources of the Foyle and Carlingford areas. The Agency is co-sponsored by DAERA and the Department of Communications, Climate Action and Environment in the Republic of Ireland.

## 2.0 Legislative and Policy Context

- 2.1 Article 5 of the Planning Act (Northern Ireland) 2011 states that the creation of planning policy as part of the Plan Strategy must be done with the objective of furthering sustainable development and in doing so, must take account of policies and guidance issued in the Regional Development Strategy (RDS) 2035 and Strategic Planning Policy Statement (SPPS).

### Regional Development Strategy (RDS)

- 2.2 The RDS 2035, published in 2010, states that the quality of the environment can make an important contribution towards achieving a better quality of life. Significant progress towards more sustainable settlements and the conservation and protection of our built and natural heritage cannot be achieved without a change in attitudes and lifestyles of individuals.
- 2.3 Regional Guidance (RG) 9 – ‘Reduce our carbon footprint and facilitate mitigation and adaptation to climate change whilst improving air quality’ stresses as a mitigation measure that we should minimise development in areas at risk from flooding from rivers, the sea and surface water. Recognising that flooding is a natural phenomenon, although often exacerbated by human activity, which cannot be entirely prevented, the RDS suggests a precautionary approach to development in areas of flood risk using the latest flood risk information that is available.
- 2.4 Similarly the RDS promotes that we should protect and extend the ecosystems and habitats that can reduce or buffer the effects of climate change. Relevant habitats include coastal salt marsh which may provide protection against some effects or allow for adaptation to those changes e.g. effects of sea-level rise. These areas should be protected and where possible extended.
- 2.5 RG11 – ‘Conserve, protect and, where possible, enhance our built heritage and our natural heritage’ emphasises that our environment is one of Northern Ireland’s most important assets. Effective care of the environment provides very real benefits in terms of improving health and wellbeing, promoting economic development and addressing social problems which result from a poor quality environment. It specifically references the need to protect, enhance and manage the coast, emphasising that coastal areas need to be protected from coastal squeeze, to safeguard against loss of distinctive habitats and to help adaptation to climate change. It also refers to the relevant direction provided in the UK Marine Policy Statement (2011) and the Marine Plan for NI (currently under preparation, at Draft since April 2018) stating they will provide spatial guidance and detailed policy where appropriate for the marine / terrestrial interface.
- 2.6 Within the Spatial Framework Guidance (SFG), relating to the 5 key components of the RDS 2035, SFG 6 – 9 focuses on various aspects of developing a strong North West. The Strategy recognises in SFG8 – ‘Manage the movement of people and goods within the North West’ that transport has a key role in developing competitive cities and regions. Mention is made of the need to enhance transport linkages and freight movement between Derry,

Strabane and Donegal, including movements through our sea port at Lisahally. SFG9 – ‘Protect and enhance the quality of the setting of Derry City and the North West and its environmental assets’ makes specific reference to the significant natural setting of the North West region, including Lough Foyle and the need to protect the high scenic value of the undeveloped coast.

### **RDS – Flood Risk**

- 2.7 RG12 – ‘Promote a more sustainable approach to the provision of water and sewerage services and flood risk management’ highlights the need for future integrated action to plan for future increased coastal flood events due to climate change and changes in population distribution and urban development.

### **Strategic Planning Policy Statement for Northern Ireland (SPPS)**

- 2.8 The SPPS, published in final form in September 2015, is the single most important document in guiding the preparation and content of the LDP PS. The SPPS is consistent with the RDS, in that its aim is to protect the undeveloped coast from inappropriate development; and to support the sensitive enhancement and regeneration of the developed coast largely within coastal settlements. The SPPS defines the developed coast as including existing settlements and major developments such as ports, isolated industrial units and power stations.
- 2.9 The SPPS also reiterates the importance of our coastline in terms of its landscape value, nature conservation importance and associated national and European designations. The economic importance is also stressed and the strategic economic links provided by Derry’s coastal gateway position to Britain and Europe is recognised.
- 2.10 The SPPS identifies that the regional strategic objectives for coastal development are to:
- Conserve the natural character and landscape of the undeveloped coast and to protect it from excessive, inappropriate or obtrusive development; and
  - Facilitate appropriate development in coastal settlements and other parts of the developed coastline (subject to all other planning policies) that contributes to a sustainable economy and which is sensitive to its coastal location.
- 2.11 The SPPS outlines the following strategic policy that must be taken into account in the preparation of the LDP and in the determination of planning applications:
- The undeveloped coast will rarely be an appropriate location for new development. Where new development requires a coastal location, it must normally be directed into coastal settlements and other parts of the developed coast;
  - Development should 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 an existing urban area in the locality;

- Even within the developed coast, areas of amenity value and areas or features designated for their importance to archaeological, built or natural heritage, should be protected from inappropriate development;
  - Within the developed coast there will be a presumption in favour of development that promotes the enhancement and regeneration of urban waterfronts;
  - In considering development proposals within the developed or undeveloped coast, attention must be paid to the retention of existing public accesses and coastal walkways. Development which would result in the closure of existing access points or the severing of routes will normally only be acceptable where a suitable alternative is provided.
  - Proposals to extend access to the coastline or for the provision of associated facilities such as pathways or picnic areas, should not impact adversely on the nature conservation, archaeological / built heritage, geological or landscape value of the area;
  - Development will not be permitted in areas of the coast known to be at risk from flooding, coastal erosion or land instability.
- 2.12 The SPPS emphasises how the LDP and the forthcoming Marine Plan for Northern Ireland need to be compatible. A draft Marine Plan for Northern Ireland was published by DAERA (Marine and Fisheries Division) in April 2018. Such compatibility addresses the fact that the terrestrial planning system and the marine planning and licencing system are legally and functionally separate but overlap, as previously referred to in this paper, in the intertidal area.
- 2.13 Of particular relevance to planning officials within Derry City and Strabane District is the current legislative requirement (Section 58 of the Marine and Coastal Access Act 2009 and Section 8 of the Marine Act (Northern Ireland) 2013) that all planning authorisation or enforcement decisions that affect or might affect the UK marine area must do so in *accordance* with the UK Marine Policy Statement (MPS 2011) or Marine Plan once adopted, unless relevant considerations indicate otherwise. If it is not an authorisation decision then planning officials must have *regard* to the MPS or Marine Plan once adopted.
- 2.14 The Council has worked closely with DAERA, neighbouring councils / authorities and other relevant bodies to ensure that our LDP PS and the Marine Plan when adopted are complimentary, particularly with regard to the intertidal area. This engagement will provide an opportunity to consider any terrestrial area development necessary to support development in the marine area.
- 2.15 The SPPS states how coastal development needs to be integrated into the preparation of the LDP. The LDP should identify areas within coastal settlements or other parts of the developed coast where opportunities exist for enhancement or the regeneration of urban waterfronts, through new developments.
- 2.16 Some developments require a coastal location. Examples include ports, marinas, port related industries and recreational projects. Where any part of the development is to take place below the mean high water spring tide, it is likely that a Marine Licence will be required from DAERA Marine & Fisheries Division



under the Marine and Coastal Access Act 2009. The LDP, where appropriate will identify land to be zoned for such uses within settlements.

- 2.17 The LDP will also identify areas where development should be restricted on account of some coastal areas possessing acknowledged interest in terms of amenity or landscape value, nature conservation interest or historical or archaeological importance. Areas of coast known to be at risk from flooding, coastal erosion, or land instability and therefore where new development should not be permitted will also be identified.
- 2.18 The use of appropriate planning conditions will be used when development is permitted in sensitive locations, particularly in the undeveloped coast, to mitigate any adverse impacts. Conditions will be used to avoid or minimise adverse visual impact through careful siting, design and landscaping of the proposal while ensuring that the building design is of a high quality and appropriate to the coastal setting. Conditions will be used to ensure that development proposals retain or enhance existing public access to the coast and significant public views of the coast.

### **SPPS – Flood Risk**

- 2.19 The SPPS highlights that the European Union Floods Directive (transposed in NI legislation by the Water Environment (Floods Directive) Regulations (NI) 2009) confirms that development can exacerbate the consequences of flooding and identifies the important role of the planning system in managing development so as to reduce the risks and impacts of flooding. In this regard, the Directive highlights the fundamental importance of preventing or restricting new development in flood prone areas. In addition, the Directive recognises the role of the planning system in regulating new development in existing built up areas so as to afford greater protection to people and property, where this is considered appropriate and commensurate with the flood risk.
- 2.20 Relevant to coastal flooding, the aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere. From a planning perspective, the relevant regional strategic objectives for the management of flood risk are to:
- prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere;
  - adopt a precautionary approach to the identification of land for development through the LDP process and the determination of development proposals, in those areas susceptible to flooding where there is a lack of precise information on present day flood risk or future uncertainties.
- 2.21 The following strategic policy, relevant to potential coastal flooding, has been taken into account in the preparation of our LDP and in the determination of planning applications:
- Flood plains store and convey flood water during flood events. These functions are important in the wider flood management system. Development in flood plains should be avoided where possible, not only because of the high flood risk and the increased risk of flooding

elsewhere, but also because piecemeal reduction of the flood plains will gradually undermine their functionality.

- Accordingly, built development must not be permitted within the flood plains of rivers or the sea unless the following circumstances apply:
  - the development proposal constitutes a valid exception to the general presumption against development in flood plains;
  - the development proposal is of overriding regional or sub-regional economic importance; and
  - the development proposal is considered as minor development in the context of flood risk.

2.22 Flood plains are defined within the SPPS as the *generally flat areas adjacent to a watercourse or the sea where water flows in a flood, or would flow in a flood, but for the presence of flood defences.*

2.23 Where the principle of development within the flood plain is accepted by the planning authority, the applicant is required to submit a Flood Risk Assessment (FRA). Planning permission will only be granted if the FRA demonstrates that all sources of flood risk to and from the proposed development have been identified and that there are adequate measures to manage and mitigate any increase in flood risk arising from the development. See also LDP PS Chapter 26: Development & Flooding.

#### **A Planning Strategy for Rural NI (PSRNI)**

2.24 The extant Coastal section within the PSRNI covers the scenic and natural conservation significance of the NI coast and details the importance of protecting both the wildlife and the landscape of the undeveloped coast from the effects of development. The Strategy contains one strategic policy for the Coast which is 'To protect the coast from inappropriate development'. A further seven Regional policies are set out to cover:

- The Undeveloped Coast;
- The Developed Coast;
- Areas of Amenity or Conservation Value on the Coast;
- Access to the Coastline;
- Tourist and Recreation Schemes;
- Caravans and Chalets; and
- Marinas

2.25 The PSRNI defines the nature of Undeveloped and Developed Coast and details that Green Belt / Countryside Policy Area policy is to apply. Greater emphasis is placed on the visual impact of proposals in the coastal zone and in general, development will only be permitted where there is a clear site specific need.

2.26 The PSRNI directs that certain developments that require a coastal location, examples include ports, marinas, tourism and recreational projects and the energy generation industry, will normally be located with existing urban areas or within areas zoned for such use with the relevant development plan. Exceptionally development may be permitted on the undeveloped coast if the

proposed development is of such national or regional importance or there is no feasible alternative within existing an existing urban area.

2.27 The PSRNI also seeks the retention and creation of public access to the coast and also directs that small sites for touring caravans and marinas should be located within existing settlements.

### **Planning Policy Statements (PPS)**

2.28 Existing policy contained within the suite of Planning Policy Statements will be retained under a transitional period until such times as the PS document of the LDP has been adopted. Until that time, policy direction is provided within Revised PPS15. The PPS defines the main sources of flooding, and in particular coastal flooding which it defines as when inundation of land takes place due to a combination of high tides, wave action and storm surge.

2.29 The primary aim of the revised PPS 15 remains: *to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere*. Relevant amongst the main policy objectives is:

- seek to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere;
- ensure that the most up to date information on flood risk is taken into account when determining planning applications and zoning / designating land for development in development plans;
- manage development in ways that are proportionate and appropriate to the 4 main sources of flood risk present in Northern Ireland, ie fluvial, *coastal*, surface water and water impoundment (reservoir) breach or failure;

2.30 Revised PPS 15 states that development plans have a role to play in furthering a more sustainable approach to flood management. This includes a number of measures such as:-

- Flood avoidance through the careful selection of housing and economics zonings;
- identifying flood plains and safeguarding them from development likely to impact upon their flood storage and conveyancing capacity;
- identifying and safeguarding from development areas of storm exceedence; and
- promoting Sustainable Drainage Schemes. (SuDS)

2.31 The document reiterates the need for consideration, as part of the Strategic Environmental Assessment process, of the likely significant effects of the draft plan on natural drainage and an evaluation of likely impacts that extend beyond the geographical boundaries of the plan. Similarly, the PPS draws attention to the requirement of the LDP to be subject to a Sustainability Appraisal which will incorporate consideration of the environmental effects of the LDP as identified

by the SEA, and also its wider social and economic effects. Failure to address flood risk as outlined shall be viewed as resulting in negative social and economic impacts as well as environmental.

- 2.32 The revised PPS stresses there should also be consultation with DFI Rivers from an early stage on strategic issues relating to flood risk management throughout the Plan area and beyond. Ongoing consultation with Rivers Agency and other relevant agencies in regard to detailed Plan proposals, for example housing zonings, will also be necessary; particularly where flood risk is identified from the available information as a potential issue.

### **EU Floods Directive**

- 2.33 The European Directive on the Assessment and Management of Flood Risks came into force in November 2007 and was transposed into local legislation by The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009. DARD has been identified as the Competent Authority for the delivery of the EU Floods Directive in Northern Ireland with the day to day functions expedited by River Agency.
- 2.34 A key milestones towards the implementation of the Floods Directive, was the publication of the Strategic Flood Maps for Northern Ireland in November 2008. In terms of coastal flooding, these maps identify the predicted fluvial and coastal floodplains for present day and as predicted to take account of anticipated climate change.

### **Strabane Area Plan & Derry Area Plan**

- 2.35 With the relatively recent emergence of marine planning as a significant consideration, it is not surprising that the two current development plans for our District, make little specific reference to marine matters and coastal development.

#### **Strabane Area Plan (SAP) 1986-2001, published April 1991**

- 2.36 The SAP makes no reference to the tidal influence of the River Foyle on Strabane but does identify the flooding risk and proposed town centre flood defences associated with the River Mourne.

#### **Derry Area Plan (DAP) 2011, published May 2000**

- 2.37 The more recently published DAP makes reference to the increasing awareness of the impacts of development on the natural environment. The DAP designated a Countryside Policy Area at the Foyle Estuary within which a *greater emphasis will be placed on the visual impact of proposals on the coastal zone*. This was based on the requirement arising from Policy CO 1 within the PSRNI.

- 2.38 Section 4.0 Natural Environment highlights the need for the Plan to balance the need for economic growth with the requirement to protect, conserve and enhance our wildlife and natural beauty. It refers to PPS 2 - Planning & Nature Conservation for the practical implications and associated land use planning policies for protected sites – particularly those designated as Areas of Special Scientific Interest ASSI / European protection.

#### **Other Plans of Relevance:**

- 2.39 **Strategic Growth Plan – Our Community Plan (CP).** This was published in final form in November 2017. The new style of LDP provides a unique opportunity for the Council to genuinely shape the district for local communities and will enable them to adopt a joined up approach, incorporating linkages to other functions such as regeneration, local economic development and community planning. The Local Government Act introduces a statutory link between the CP and the LDP, in that the preparation of the LDP must ‘take account of’ the CP – which provides the higher-level strategic aspirations for economic development in the District.
- 2.40 It is intended that the LDP will be the spatial reflection of the CP and that the two should work in tandem towards the same vision for the Council area and our communities and set the long term social, economic and environmental objectives for the District. The LDP will extrapolate out any issues concerning coastal development / protection and reflect these in the LDP. This will reflect a range of issues including the perceived effects of noise or emitted pollution from coastal industry located close to settlements.
- 2.41 **DC&SDC Climate Adaptation Plan and Green Infrastructure Plan**  
The Council is actively working on NI’s first Council produced Climate Adaptation Plan. It is due to be published at the end of 2019. The plan will seek to identify the key areas of vulnerability and risk for the Council, City and District in relation to current and projected climate change and associated severe weather events. Impacts from future coastal / tidal flooding is a real concern within this District – particularly in terms of our urban riverside setting for Derry and Strabane and the River / Lough Foyle location of our rail infrastructure. Actions identified in the Adaptation Plan will seek to improve the resilience of Council services, operations and local communities.
- 2.42 The ultimate aim is that climate action planning will become ‘business as usual’ - mainstreamed in Council decision making, policy development, service planning and delivery.
- 2.43 Effective Planning, design and decision making has a central role to play in future proofing the City and District in order to address climate change and improve adaptive capacity and resilience. This includes the consideration of the effects of climate change through land zoning, designations and applications as well as the potential impact of proposals on greenhouse gas emissions and the ability to adapt to a changing climate.

- 2.44 The Adaptation Plan is likely to seek to stress that coastal proposals should not cause or exacerbate flood risk or coastal change elsewhere and must allow the continued functioning of existing services and activities. In line with the current draft Marine Plan for Northern Ireland, Council will require the proposer to:
- submit an analysis of the processes currently at work;
  - demonstrate how coastal process may affect or be affected by a proposal;
  - demonstrate how adverse impact is, in order of preference, avoided, minimised and/or mitigated
  - demonstrate a proposal's resilience to future risk, where appropriate.
- 2.45 The Council's Green Infrastructure Plan was published as a draft in 2019 and, as above, the proposals relevant to / close to the coast will be carefully considered in terms of any potential impact.
- 2.46 **The One Plan** published in 2011 by Ilex, was an extensive, strategic regeneration plan for Derry which set out a vision of the role of the public, private and community and voluntary sectors in delivering the 12,900 jobs which it believed to be required to reposition the city as an economic hub of the North West over the next 10 years. Although it contains no direct reference to coastal or marine matters, several of the transformational themes contained within it (Building Better Communities & Sustainable and Connected City Regions) would indirectly affect our tidal environment.
- 2.47 **The Masterplan for Strabane Town Centre** was published in 2010 and its regeneration proposals were developed in particular with regard to PPS15 and flood risk. The Report states on page 5:
- The development of land adjacent to the river is important for the cultivation of an image of the town centre as a liveable space which utilises its natural assets. Development must however remain conscious of the flood risk posed by the river and consider innovative designs which minimise risk to occupants and improve the appearance of the existing waterside development.*
- 2.48 The strategic design principles in relation to flood control which have been successfully implemented faced the challenge of remodelling the town centre's flood defences whilst ensuring adequate protection.
- 2.49 **Ebrington Development Framework.** Planning application A/2015/0001/O granted outline permission in February 2016 for the development of this former MOD site, thus giving effect to the Ebrington Development framework, as a basis for future detailed planning applications.

- 2.50 This Development Framework identifies Ebrington as a commercial gateway site, and seeks to achieve an integrated approach to the development of Ebrington, in line with the One Plan. It aims to provide the overall aspirations and guidance for Ebrington as an opportunity for mixed use development; a potential mix of commercial, office, leisure, cultural uses and tourism. The position of the site immediately adjacent to the tidal Foyle through which European protected species, such as Salmon and Otter, pass would make it relevant when considering 'coastal' development.
- 2.51 **Fort George Development Framework.** Planning Application A/2012/0335/O granted outline permission in December 2015 for the development of this former MOD site; it is located just within the Central Area. The proposal set out the development framework for the 6.2 ha site and provides for a significant mixed use development to include residential, office, employment and education uses, retail, cafes, bars and restaurants and associated multi story and surface car parking.
- 2.52 The Framework provides for up to 82,274 sqm of floor space. To date a portion of the site has been developed for office accommodation (the North West Regional Science Park, NWRSP) and the construction of the Hibernia Exchange Centre (Project Kelvin facility) to bring direct international connectivity to Fort George and the North West. Similarly, the position of the Fort George site immediately adjacent to the tidal Foyle through which European protected species, such as Salmon and Otter, pass would make it relevant when considering 'coastal' development.
- 2.53 **The Strategic Riverside Masterplan (draft 2011)** was prepared by consultants for Derry City Council, Ilex, DSD's North West Development Office, the Loughs Agency and Derry's Port & Harbour Commission. It has three principal purposes:
- To secure a spatial strategy for the river corridor in the wider study area.
  - To stimulate leisure, recreation and tourism opportunities creating employment whilst preserving and enhancing the environmental value of the river asset.
  - To secure a detailed framework to guide development along the urban waterfront between the Foyle and Craigavon Bridges setting standards that will help regenerate the city.
- 2.54 The Strategic Riverside Masterplan consists of two main parts – a River Strategy, which covers the entire study area from Culmore to Newbuildings and an Urban Waterfront Framework, focusing in more detail upon the Riverbanks between the Foyle and Craigavon Bridges.
- 2.55 The River Strategy stated that within Derry the major impact upon access to the riverside is created by having one of the city's main strategic arterial routes running directly adjacent to the river between the Craigavon and Foyle bridges on the Cityside. Such severance also exists on the Waterside as a result of the location of the railway line running along the eastern shoreline.
- 2.56 The Urban Waterfront Framework is a material consideration for the LDP. It

focuses on the waterfront areas between the Foyle and Craigavon Bridge. Its purpose is: “to set out rules for future development such that:

- The intentions of the river strategy are protected in the city;
- A vision for the waterfront city centre is established to stimulate development; and
- A framework is established to guide development along the urban waterfront between the Foyle and Craigavon Bridges which can be relied upon for development management.

## NI Regional Seascape Character Assessment

- 2.57 In 2014, NIEA published the NI Regional Seascape Character Assessment. The aim of the study was to provide a strategic understanding of different areas of regional seascape character along the entire Northern Ireland coast, complementing similar assessments undertaken elsewhere in the UK. This Assessment contributes to the aims of the European Landscape Convention through promoting the protection, management and planning of the seascape, and supports European cooperation on landscape issues. The document can be found by clicking the following link: <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/land-report-ni-regional-seascape-character-assessment-part-1-2014.pdf>
- 2.58 The seascapes of our District are subject to change as a result of both natural and manmade influences including:
- Natural processes and climate change;
  - Visitor pressure and recreational activity;
  - A range of development pressures along the coast; and
  - Land management changes.
- 2.59 As tourism and recreation continues to play an increasingly important part in our lives, the coast provides an ideal setting to connect with nature and escape from the busy lives we often lead. With ever continuing change, understanding what makes the seascape so special and its strong sense of place is therefore an important step in safeguarding its future through promoting sensitive planning and management.
- 2.60 The Assessment identified 24 Seascape Character Areas (SCA's) as distinct areas with a unique sense of place. The relevant areas for our District are SCA 1 – Foyle Estuary and SCA 2 – Lough Foyle. For each of the SCA's the main 'forces for change' relevant to that area have been identified along with generic 'natural' and 'man-induced' general forces that apply to all 24 SCA's. Further details can be found in the Landscape / Seascape Review published as part of the LDP PS documents.
- 2.61 **The Foyle Estuary SCA** is characterised by the gently meandering River Foyle with occasional jetties, slipways, channel and navigation markers and lighthouses. To the north-east of Derry, a strong pattern of wooded estates and designed landscapes along the valley sides form a sense of enclosure to the river. There is prominent, large-scale land uses of port infrastructure, industrial and commercial development. Relevant forces for change include Derry's



growing role as a leading smaller port; possible increases in traffic along main roads; and a possible increase in recreational activity and access along the river.

- 2.62 **The Lough Foyle SCA** is characterised as a shallow but extensive and exposed sea lough with diverse patterns and textures of mudflats at low tide. These mudflats are important feeding grounds for wintering bird populations. Numerous defensive sites including a large number of WW2 defences occur around the Lough Foyle eastern margins. Relevant forces for change include the effects of climate change, which could result in additional/upgraded engineered coastal defences and possible future increases in aquaculture and water-based recreation.

### **The interaction between Marine Planning and Terrestrial Planning**

- 2.63 As stated previously in this paper, planning legislation extends to the mean low water mark and marine legislation extends to the corresponding mean high water mark. This results in an area of overlapping responsibilities in the intertidal area. Our District's Lough Foyle coastline is relatively short - approximately 12kms. The remainder of our marine coastline comprises mostly of the tidal reaches of the River Foyle and Faughan. The extensive intertidal mudflats at the mouth of the River Foyle comprise highly productive and biologically diverse ecosystems, with features which serve as critical natural defences against storms, floods and erosion.

- 2.64 Much of Northern Ireland's marine wildlife and habitats are recognised as internationally important and the majority of our beautiful coastline, including our District's is protected for its special interest. The historic use of our coast has also left evidence in the form of marine cultural heritage assets, including war time aircraft wrecks around the City of Derry Airport and the historic quays at Lisahally where the German U-boats surrendered in 1945. Our dynamic coastline supports tourism, recreation, mariculture, inshore fisheries, industry, commercial harbours and quays and power generation. All these activities and more occur in an area, which by nature, is continuously subject to change.

### **Marine Policy and Legislative Framework**

- 2.65 The UK Marine Policy Statement, the UK Marine and Coastal Access Act 2009 and the Marine Act (Northern Ireland) 2013 provide the policy and legislative framework for the management of the marine area in Northern Ireland. EC Directives also govern the implementation of management measures in protecting all aspects of the marine area. These include Maritime Spatial Planning, Bathing Water, Water Framework, Marine Strategy Framework, Marine Cultural Heritage, Habitats and Birds Directives.

### **The UK Marine Policy Statement**

- 2.66 The UK vision for the marine environment is the attainment of 'clean, healthy, safe, productive and biologically diverse oceans and seas'. This shared vision is set out in the UK Marine Policy Statement (MPS), which was jointly adopted by all UK administrations in 2011.

### **The UK Marine and Coastal Access Act 2009**

- 2.67 The Marine and Coastal Access Act 2009 is a UK-wide Act which includes a number of provisions for the management of the UK’s marine area. For Northern Ireland, key provisions within this Act include a licensing system for management of development within the marine area from the mean high water spring tide out to 12 nautical miles (the inshore region).

### **The Marine Act (Northern Ireland) 2013**

- 2.68 The Marine Act (Northern Ireland) 2013 includes duties to protect and enhance the marine area. The main provisions of this Act include:
- Marine Planning - provisions to prepare and adopt a Marine Plan for the Northern Ireland inshore region; and
  - Marine Conservation – an improved method of managing our rich natural heritage within the marine environment, while also protecting and maintaining areas of specific importance for our marine wildlife and habitats.

### **Draft Marine Plan for Northern Ireland**

- 2.69 The Marine and Coastal Access Act 2009 and the Marine Act (NI) 2013 provide for the introduction of a new system of marine planning for the Northern Ireland marine area. The April 2018 draft Marine Plan for Northern Ireland, provides a draft regional reflection of the national policy objectives within the UK Marine Policy Statement. It will take account of the economic, social and environmental needs to provide policies and guidance for all decisions which affect or have the potential to affect Northern Ireland’s marine area. The draft Marine Plan for NI can be accessed at <https://www.daera-ni.gov.uk/sites/default/files/consultations/daera/Marine%20Plan%20for%20NI%20final%2016%2004%2018.PDF>

- 2.70 The Department of Housing, Planning and Local Government in Ireland are currently preparing a National Marine Planning Framework (NMPF). A NMPF Baseline Report was published in September 2018 and set out the context in which the NMPF is being developed and helped identify the key issues marine planning In Ireland would need to address.

### **How does this affect us as a Coastal / Tidal Planning Authority?**

- 2.71 The MPS and, once adopted, the Marine Plan for NI, are the key documents for Council to consider when undertaking its responsibilities in respect of:
- The Local Development Plan
  - Development Management and
  - Enforcement

### **Local Development Plan**

- 2.72 Council planning officials must have regard to the MPS and the Marine Plan for NI (when adopted) in the preparation of community and local development plans. Early engagement with DAERA – Marine & Fisheries Division and other marine stakeholders will be necessary to ensure that any proposals in the

marine area which are to be supported by the appropriate infrastructure on land are reflected in the LDP.

### **Development Management and Enforcement**

- 2.73 The MPS and, once adopted, the Marine Plan for NI, are material considerations. All terrestrial planning authorisation and enforcement decisions that affect or might affect the marine area, must be in accordance with these marine policy documents unless relevant considerations indicate otherwise. Therefore as a planning authority, officials and Planning Committee Members making planning or enforcement decisions that affect or might affect the marine area, must be familiar with the MPS. It is the responsibility of the planning authority to assess whether an authorisation or enforcement decision is in accordance with the MPS.

### **Marine Licensing**

- 2.74 The Marine and Coastal Access Act 2009 provides for a marine licensing system across England, Wales, Northern Ireland and Scotland's offshore region. In Northern Ireland, it applies to all our marine waters from the mean high water spring tide mark out to 12 nautical miles (the inshore region). This includes the waters of any sea lough, estuary, or river, so far as the tide flows at mean high water spring tide. Within our District this tidal influence is especially applicable as the Foyle Estuary extends as far as Strabane.
- 2.75 DAERA Marine and Fisheries Division has responsibility for licensing various activities such as construction works, deposits in the sea, removal of objects or aggregates from the seabed, dredging from the seabed, or use of explosives and incineration. This licensing system allows for a consistent approach to decision making around activities, while ensuring sustainable development and conservation of the marine environment.
- 2.76 There is therefore a shared responsibility between Marine and Fisheries Division and Council for consenting or licensing projects in the intertidal area. The Planning Act extends from land down to the Mean Low Water Spring Tide Mark. The Marine Coastal Access Act 2009 and the Marine Act (NI) 2013 extend up to the Mean High Water Spring Tide Mark. This overlap means that certain activities or development along our coast or along the tidal stretches of the River Foyle may require a marine licence as well as planning permission.
- 2.77 In addition, some marine licensable activities may form part of a plan or project that requires an Environmental Impact Assessment under The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) or a Habitats Regulations Assessment under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). However, the same proposal may also require an Environmental Impact Assessment for the onshore development under The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 and/or a Habitat Regulations Assessment. In such cases, Council will work together with officials from DAERA Marine and Fisheries Division to ensure that only one Environmental Impact Assessment and/or Habitat Regulation Assessment is required from the applicant and unnecessary duplication is avoided.

### **Marine Wildlife**

- 2.78 In the UK, certain marine species, including whales, dolphins, porpoises, seals and basking sharks, are protected throughout their natural range by International, European and National wildlife legislation. This includes protection from intentional or reckless disturbance, taking, harming and killing and in some cases possession or sale. A marine wildlife licence may be required for activities which are otherwise prohibited under nature conservation legislation, namely: The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended); and The Wildlife (Northern Ireland) Order 1985 (as amended). For some marine species, such as seals, this will require a shared responsibility between Council and DAERA Marine and Fisheries Division within the intertidal area.
- 2.79 It is therefore essential that all involved in Planning are fully aware of their marine obligations and the impact or potential for impact arising from the land use development proposals.
- 2.80 Council will liaise with DAERA Marine and Fisheries Division officials and agents and applicants to drive early engagement and co-ordination between relevant consenting authorities, to avoid duplication of effort and processes, and ensure that all regulatory requirements are met. This ensures that any information requirements, for example specific environmental monitoring, and also any necessary mitigation measures, can be included in the application and associated documentation.

### **Baseline Study and Gap Analysis of Coastal Erosion in Northern Ireland (DfI / DAERA Dec 2018)**

- 2.81 The study was designed to identify key issues to inform consideration of the way forward in the area of coastal erosion. Primary aims included:
- Undertake a gap analysis of the data currently held or available which could be utilised to inform coastal erosion risk management;
  - Using the data currently available, undertake a preliminary high level assessment of the vulnerability of the NI coastline to coastal erosion; and
  - Identify those areas where it is considered that coastal erosion may pose a significant risk and identify where there are gaps in information required to complete this exercise.
- 2.82 The Council has been actively participating in the DfI / DAERA jointly hosted Coastal Forum to ensure all aspects of coastal erosion relevant to our District are evidenced as best as possible to be considered sound at the future IE. The DAERA Marine Mapviewer (see link: <https://apps.d.aera-ni.gov.uk/marinemapviewer/>) currently considers Lough Foyle as being an area of high risk to erosion as determined by recent studies. Rates of coastal erosion come down to three main factors
- Geology;
  - Relative sea level rise; and
  - Wave climate

- 2.83 Future coastal erosion and flooding has potential implications for key

infrastructure locations – City of Derry Airport, Coolkeeragh, DuPont / Invista and our only rail link into the District which runs immediately adjacent to Lough / River Foyle. The centres of both Derry and Strabane also face potential flooding risks exacerbated by tidal conditions and storm surges. University studies suggest that the most rapid erosion in NI occurs along the northwest coast of Magilligan where rates of up to one metre per year have been recorded. (Carter 1990, Westly 2018)

- 2.84 With further evidenced based studies to be undertaken by the relevant Government Departments, the LDP will need to consider, on an ongoing basis, the emerging data and how best to plan accordingly for development in those locations likely to be at risk from such marine related events.

### 3.0 Background and Statistical Data

- 3.1 While this District has certain key infrastructure projects located on the flat coastal plains adjoining our tidal Lough and River Foyle, we have not seen the traditional coastal settlement infrastructure more commonly associated with beaches and bays and those locations with a true marine setting. For the purposes of this Evidence Base, Council define ‘coastal development’ as infrastructural projects immediately adjacent to the tidal stretches of both Lough and River Foyle and the River Faughan. This also includes the urban form of both Derry City and Strabane town.
- 3.2 Our significant coastal development within the District includes:
- Our main rail link to Coleraine and beyond;
  - Coolkeerah Powerstation;
  - Invista plant at Maydown;
  - Londonderry Port;
  - City of Derry Airport;
  - Rail infrastructure; &
  - Settlements of Derry City and Strabane Town under the tidal influence of the River Foyle / River Mourne.
- 3.3 The main infrastructure and industrial sites mentioned above have historically developed on the flat coastal plains, on previously developed WW2 airfield sites – Maydown and Eglinton, or take advantage of the relatively deep water unloading facilities at the Port. Both the RDS and the SPPS recognise the economic importance of the coast to NI and its constituent Districts. Derry is identified as an important coastal gateway.
- 3.4 The Port is already a major employer and owns a 100 acre estate at Lisahally. The estate comprises 22 acres located adjacent to the quay and approximately 80 acres of surrounding Port development land. There are currently 14 acres available for future development on Port lands. Foyle Port is the key marine gateway to the North West of Ireland for both commerce and tourism. The Port handles approximately two million tonnes of cargo per annum and offers a diverse range of services including towage, dredging, engineering and steel fabrication. Supporting in the region of 1,000 jobs, the Port makes a vital contribution to the North West regional economy. The company enjoys considerable ‘permitted development rights’ but it has submitted a ‘Development Framework Plan’ to the Council as part of the LDP preparation process.
- 3.5 Facilities for Cruise Ships are also available at three locations via the Foyle Port at the City Centre, Lisahally and Greencastle, depending on the size of the Cruise Ship. Foyle Port offers 680 metres of secure deep water pontoon right in the heart of Derry City. The Marina accommodates vessels up to 130metres long and 1,000 DWT.
- 3.6 The Airport is subject to significant investment from the executive including £2.5m in route development support and a further £4.5m capital investment. The possible expansion of the airport may mean that new services, typically

- associated with airports may start to develop around it, i.e. airplane catering, cleaning and servicing providers.
- 3.7 Current flooding studies undertaken by DfI Rivers are presented in the Utilities Evidence Base (EVB 19). This includes consideration of the likely coastal flooding implications arising from modelling of coastal Sea Level changes exacerbated with future climate change. These are forecast to bring more occurrences of extreme weather including pluvial (rain) and fluvial (river) flooding.
- 3.8 The Coolkeeragh Power Station has been identified in these studies as an area of further study. This is because the modelling does not recognise the adjoining railway embankment as a designated flood defense and therefore suggests the potential for future potential flooding of the Coolkeeragh site. However, in practice the railway embankment acts as a form of sea defense and the Power Station site is unlikely to flood from the sea. However, there is always a risk that the railway embankment could fail with catastrophic consequences. The further study will look at the likelihood of such an event taking place and the implications for power production should it occur. However, it is stressed in the Report that historically, Rivers Agency are not aware of any flooding hot spots recorded for this coastal stretch.
- 3.9 DfI Rivers published the North Western Flood Risk Management Plan (NWFRMP) in December 2015 and Council has ensured that the LDP PS is compatible with this FRMP as it contains specific advice relating to the Derry and Strabane District. Following a Preliminary Flood Risk Assessment (PFRA) in 2009, twenty areas of potential significant flood risk were identified within Northern Ireland.
- 3.10 Three of the Significant Flood Risk Areas (SFRAs) are located in the North Western River Basin District and are as follows:-
- Derry
  - Strabane
  - Omagh
- 3.11 While the specific areas for Derry and Strabane relate to the future potential for extreme pluvio (rainfall) and fluvio (river) related events, there is the potential for these to be exacerbated by coastal flooding compounded by high tides. The areas identified on the west bank of the Foyle are as follows: Pennyburn Stream and Creggan Burn. The areas identified on the east bank of the Foyle are Woodburn Park Stream, Burngibbagh and Ardnabrocky Drain. Tides backfilling drains and exacerbating associated extreme pluvio / fluvio events are also likely to affect the low lying areas behind the quays on the west bank of the Foyle – for example, Foyle Street, Strand Road and Rossville Street. Future climate change related sea level modelling also indicates the potential also exists for a combined coastal flooding / high tide event to impact in places on parts of our rail infrastructure within Derry City.
- 3.12 There is a history of significant flooding the urban area of Strabane exacerbated by tidal influences. After the floods in 1987, flood defences were improved along

the southern edge of the town centre. DfI records show that the improved walls have withstood all the flood flows to date. In Strabane, the NWFRMP identifies 3 models of potential flood risk areas in the area. These are locations are at Urney Road/Glenfinn Park Area, Park Road Drain/Lifford Road and Roundhill.

3.13 Coastal development needs to be balanced with existing and future environmental designations. Our coastal Lough and tidal river are protected by a hierarchy of the following designations including:

- Lough Foyle Special Protection Area (SPA) – classified 1999 (2204 ha);
- Lough Foyle ASSI – classified 1998 (2005 ha)
- Lough Foyle Ramsar – classified 1999 (2160 ha)
  
- River Foyle and Tributaries Special Area of Conservation (SAC) 2007 (772 ha)
- River Foyle and Tributaries ASSI 2003 (770 ha)
- River Faughan & Tributaries SAC 2013 (294 ha)
- River Faughan & Tributaries ASSI 2007 (202 ha)



#### 4.0 Preferred Options Paper Stage

4.1 Within the Preferred Options Paper (POP) The Council set out its approach to Coastal Development. The Council aims to accommodate appropriate coastal development as per the current UK Marine Policy Statement (MPS 2011) and the Marine Plan for NI when adopted.

<p><b>C - Coastal Development</b></p>	<p>Accommodate appropriate coastal development as per current UK Marine Policy and forthcoming Marine Plan for NI</p>		
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4.2 Following publication of the POP, four relevant responses were received in regards to Coastal Development:

- DAERA Marine & Fisheries Division – The Council should follow the requirements of the SPPS. There is a need for policy to protect the undeveloped coast and include a reference to the Irish Maritime Policy and Shared Waters
- Translink – Include a reference to Northern Ireland Rail network and its role in sea defence
- RSPB – there is a need for Coastal Management above the high water mark / tide (HWM)
- Foyle Port – The Council should promote the role of the port as a key cross-border and international gateway. The Council should also identify the port as an area suitable for sustainable economic development.

4.3 The LDP does largely follow the SPPS, Marine policy requirements and the Port area is considered to be mostly in the defined ‘developed coast’.

#### Member Stakeholder Engagement

4.4 A Coastal Development paper was presented during the 2016 series of Member Workshops. No specific issues were raised. Coastal Development was not identified as one of the key issues to be discussed by Members at the Spring 2018 Round Table Discussions (RTD) Sessions.

## 5.0 Key Considerations

- 5.1 The Marine and Coastal Access Act 2009 and the Marine Act (NI) 2013 provide for the introduction of a new system of marine planning for the Northern Ireland marine area. The Marine Plan for Northern Ireland, when adopted, will provide a regional reflection of the national policy objectives within the UK Marine Policy Statement. It will take account of the economic, social and environmental needs to provide policies and guidance for all decisions which affect or have the potential to affect Northern Ireland's marine area, including the coastal stretches within our District.
- 5.2 The Council has had regard to the UK MPS <https://www.gov.uk/government/publications/uk-marine-policy-statement> and has considered the draft Marine Plan for Northern Ireland (April 2018) in the preparation of the draft LDP PS. The UK MPS and, once adopted, the Marine Plan for NI, are material considerations. All terrestrial planning authorisation and enforcement decisions that affect or might affect the marine area, must be in accordance with these marine policy documents unless relevant considerations indicate otherwise. It is the responsibility of the planning authority to assess whether an authorisation or enforcement decision is in accordance with the MPS.
- 5.3 In operation, the recent emergence of marine legislation has presented key documents for Council to consider when undertaking its LDP preparation. Early engagement with Marine and Fisheries Division and other marine stakeholders will be required to ensure that any potential proposals in the marine area are supported by the appropriate land based infrastructure in our District and are reflected in our LDP. The economic and social potential of the marine area will also be reflected in our LDP.
- 5.4 Although there is no fishing fleet per se within our District requiring a harbour or offshore renewable proposals in the pipeline, this gives an example of the joined up thinking required and shared responsibility that exists between DAERA Marine Division and Council when determining consents / licences in the coastal and intertidal area.
- 5.5 The Marine and Coastal Access Act 2009 provides for a marine licensing system across England, Wales, Northern Ireland and Scotland's offshore region. In Northern Ireland, it applies to all our marine waters from the mean high water spring tide mark out to 12 nautical miles (the inshore region). This includes the waters of any sea lough, estuary, or river, so far as the tide flows at mean high water spring tide. In this regard the Foyle extends its tidal influence as far as Strabane.
- 5.6 As stated previously, there is a shared responsibility between DAERA Marine and Fisheries Division and Council for consenting or licensing projects in the intertidal area. This means that certain activities or development along our coastal / tidal fringe may require a marine licence as well as planning permission.

- 5.7 In addition, some marine licensable activities may form part of a plan or project that requires an Environmental Impact Assessment under The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) or a Habitats Regulations Assessment under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). However, the same proposal may also require an Environmental Impact Assessment for the onshore development under The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 and/or a Habitat Regulations Assessment.
- 5.8 Council will work closely with DAERA Marine and Fisheries Division Authorities to ensure that only one Environmental Impact Assessment and/or Habitat Regulation Assessment is required from the applicant and unnecessary duplication is avoided.
- 5.9 The LDP, where appropriate, may identify land for those developments which specifically require a coastal location – such as ports or port related industries. Similarly the LDP could identify those areas where coastal development should be restricted due to amenity; landscape value; nature conservation interest or historical or archaeological importance. The LDP will also seek to promote and protect public access to and along the coast where possible.
- 5.10 The coastal location of general industrial activities - those that are likely to emit noise, fumes vibration and smell etc. around Maydown / Strathfoyle and Culmore area, raises issues that will be considered as part of the Economic section of the LDP. These issues will also form part of the iterative SA process. Local residents recently participated in a 2015 Derry City Council led Health Impact Assessment (HIA) to examine the perceived impacts of such industry adjacent to residential areas.
- 5.11 The consultant's HIA report found that such impacts are generally non-attributable due to multiple sources and each is likely to be within permitted levels. However cumulatively, these issues are giving rise to conditions which local residents find unacceptable. The report noted the role of the industrial facilities in the study area as sources of local and regional employment. Employment is important for the health and wellbeing of people in employment, their families and dependents.
- 5.12 The study suggested that it would be appropriate to adopt the precautionary principle with regard to current practices and future development, industrial and residential. This has been considered as part of the LDP PS preparation and the parallel SA process.

## 6.0 Draft Plan Strategy Stage

- 6.1 The following policies have been developed in line with the Council's LDP Strategy for Coastal development, regional policies and consultation feedback received from key consultees throughout the plan production.
- 6.2 The Council's LDP Strategy for coastal development, in accordance with the above documents, aims to manage development in our coastal areas, protecting them in order to retain their visual quality, safeguard against the loss of distinctive habitats, to help adaptation to climate change and ensure that their landscape / seascape setting is conserved. The LDP will therefore protect the undeveloped coast in particular from inappropriate development, whilst accommodating appropriate sustainable development that contributes to the economy and which is sensitive to its coastal location and compatible with nearby Marine Planning.

### **Policy CD 1 Coastal Development**

- 6.3 It is considered that the proposed Policy CD1 reflects the policy direction and advice as set out in the RDS / SPPS / PSRNI / UKMPS i.e. to facilitate appropriate development in developed coastal locations whilst carefully managing proposals in the undeveloped coast. The definition is expanded slightly so that it might include the primarily undeveloped but zoned Industry land adjacent to the Port. The policy is also reworded so as not to unduly inhibit coast / river-necessary development for tourism / recreation, even if it is not of national / regional importance.
- 6.4 It is considered that Policy CD1 meets the strategic direction of the relevant legislation and guidance for Coastal Development, as well as meeting the developmental and protective needs of this District.

## 7.0 Sustainability Appraisal (SA)

- 7.1 Throughout their formulation, the policy contained within the Coastal Development Chapter have been subject to an ongoing internal sustainability appraisal (SA). This is in addition to the wider external SA, conducted by Shared Environmental Service as part of the wider suite of impact assessments/appraisals required under the Planning Act (Northern Ireland) 2011. The internal appraisal was carried out with the fourteen objectives of the external appraisal in mind (refer to the full wider SA for more information).
- 7.2 The process of sustainability appraisal aims to ensure that a council's approach towards Coastal Development is the most sustainable of all reasonable options available i.e. having considered any reasonable alternatives. In the case of the Coastal Development policy, it is not considered that any of the alternatives could be considered to be reasonable.
- 7.3 The SA concluded as follows for the coastal policy CD 1 Coastal Development:
- 7.4 This policy through protecting and retaining accessibility to the coast and the open space located along the district's coastline this option has a minor positive impact on the objectives to improve health and well-being and to strengthen society. A significant positive impact is identified for the objective to enable sustainable economic growth as the option will not impede development in existing economic areas, but will help to make the district more attractive going forward by protecting the undeveloped coast.
- 7.5 Positive effects are identified on the remainder of the environmental sustainability objectives, with significant positive effects predicted for protecting, natural resources and enhancing biodiversity and maintaining and enhancing landscape character through the retention of natural corridors that can function as wildlife corridors and deliver an ecosystems service. This policy is considered to be a sustainable policy.
- 7.6 A draft Habitats Regulations Assessment (HRA) has also been undertaken and published for consultation with the Draft Plan Strategy. It similarly determines possible adverse effects on the integrity of European sites (Special Areas of Conservation and Special Protection Areas) as a result of the policies within the LDP. This assessment also includes Ramsar sites under the provisions of the Ramsar Convention.

## **8.0 Equality Impact Assessment**

- 8.1 The protection of the coast line will have a positive effect on all section 75 groups as it will promote health and wellbeing and protect the environment.

The Council is satisfied that there will be no adverse impact on any Section 75 groups as a result of the Coastal Policy.

## **9.0 Rural Needs Impact Assessment**

- 9.1 The Rural Needs Act 2016, requires District Councils and other Public Authorities to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and when designing and delivering public services.
- 9.2 To 'have due regard' means that a public authority must consciously consider the needs of people in rural areas. How much 'due regard' depends on the circumstances and, in particular, on the relevance of rural needs to the decision or function in question. The greater the relevance and potential impact for people in rural areas, the greater the regard required by the duty.
- 9.3 The RNIA considers that the Coastal Development policy will not have any differential impact between urban and rural.

## Appendix 1: Aerial Photos of DC&SDC 'Coast' – LDP Evidence Base, Oct 2019





























