

Section 12 Direction - Planning Act (Northern Ireland) 2011 and Planning (LDP) Regulations (NI) 2015

This Direction is issued pursuant to s12 of the Planning Act (Northern Ireland) 2011. The Department for Infrastructure (DfI) has considered the recommendations made under section (10)(8) of the Planning Act (Northern Ireland) 2011. The Department agrees with all the concluding findings outlined in the Planning Appeals Commission report. Therefore, in exercise of the powers conferred on it by section 12(1)(b) of the Act, hereby directs that Derry City and Strabane District Council adopts the draft Plan Strategy with such modifications as specified in this direction.

This direction may be cited as the:-

Department for Infrastructure Planning Act (Northern Ireland) 2011, Adoption of Derry City and Strabane District Council Plan Strategy, (s12) Direction 2024.

1.0 Commencement

1.1 This direction comes into operation on 17 December 2024.

2.0 Interpretation

2.1 In this direction:

"the Act" means the Planning Act (Northern Ireland) 2011;

"council" means Derry City and Strabane District Council;

"regulations" means the Planning (Local Development Plan) Regulations (Northern Ireland) 2015;

"the Department" means the Department for Infrastructure;

"modifications" means changes required and included as part of this direction;

"recommendations" and "recommended amendments" means those as set out in the Planning Appeals Commission (PAC) Independent Examination report attached at Annex A, under which section 10(8) refers;

"report" means the Planning Appeals Commission report on the Independent Examination of the Derry City and Strabane District Council draft Plan Strategy.

3.0 Modifications to the draft Plan Strategy

3.1 The PAC has made recommendations under s10(8) of the Act and set these out as recommended amendments as part of its report on the Independent Examination (IE) of the Derry City and Strabane District Council (DCSDC) draft Plan Strategy. The Department has considered the recommendations made under s10(8) of the Act and accepts all the findings reached by the PAC.

3.2 The Direction sets out the PAC's Recommended Amendments (RAs) as follows:-

- (i) *Schedule 1A* of the direction identifies the recommendations within the PAC table which are proposed changes (PCs) that the council consulted upon between 9th December 2021 to 3rd February 2022, with no further amendments, which the Commissioner has reported on as a requirement needed to make the plan sound. The Department acknowledges that these changes form an addendum to the Plan and commends their inclusion as the council proceed to adoption.
- (ii) *Schedule 1B* of the direction identifies those recommendations which are (PCs) that the council consulted upon (as above), which the Commissioner has reported on as not being required for soundness and no RA reference has been given. The Department acknowledges that these changes form an addendum to the Plan and commends their inclusion as the council proceed to adoption.
- (iii) *Schedule 2* of the direction identifies **113** modifications that are required to make the plan sound. These modifications are a combination of amended proposed changes, further changes along with new commissioner changes following the conclusion of the Independent Examination process. In line with the PAC report, the Department has specified wording, where necessary, to address the recommendations within this schedule.
- (iv) *Schedule 3* of the direction is for information only. It identifies Further

Changes (FCs) that were discussed at the IE. These changes have not been recommended by the Commissioner as being required to make the Plan sound. The Department has also considered these FCs and where appropriate have included these in Schedule 2, for the Council take forward.

- 3.3 It should be noted that there are a small number of modifications that the Department has updated for clarity and consistency and where necessary the accompanying explanatory note will detail an explanation. An additional modification (**MOD 113**) has also been included to direct the Council to ensure that any other presentational or factual amendments, typographical or grammatical errors, or consequential changes within the draft Plan Strategy, are updated as a result of all modifications and minor editing changes. This modification provides scope to address any amendments that are required as the draft Plan Strategy is brought forward for adoption under Section 12. The Council should satisfy itself that any updates or errors brought forward fall within the scope of **MOD 113** and do not amend the nature and intent of the modifications or any other aspect of the plan.
- 3.4 Therefore, the Department, in exercise of its powers conferred on it by section 12(1)(b), of the Planning Act (Northern Ireland) 2011, hereby directs that Derry City and Strabane District Council modify the draft Plan Strategy to include all 113 modifications detailed in *Schedule 2* of this direction, and update/take account of those proposed changes set out in *Schedule 1A & 1B*. These should be read in conjunction with the Independent Examination report (attached at Annex A).
- 3.5 The Council should ensure, in light of the modifications required to proceed to adoption, that updates to the Sustainability Appraisal and any other statutory assessments as necessary should be undertaken.

4.0 Information to the Department

- 4.1 If for any reason, the Council does not comply with this direction in its entirety,

the Department, if required, may also consider its intervention or default powers under sections 15 or 16 of the Act. The Department will take these steps only if it considers the plan is unsatisfactory, or if it thinks the Council is failing or omitting to do anything necessary for it to do in connection with the preparation of the draft Plan Strategy.

5.0 **Adoption of the document**

- 5.1 DfI directs the Council to provide notification of the adoption of the Plan Strategy by resolution of the Council unless the Department exercises its powers under sections 15 or 16 of the Act.
- 5.2 Under section 12 of the Act and provisions set out in regulation 24, the Council must comply with the direction and the modifications hereby given and adopt the draft Plan Strategy as soon as reasonably practicable.



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