

Chloe Duddy

From: [REDACTED]
Sent: 27 January 2020 22:35
To: Local Development Plan
Subject: Re: Local Development Plan submission

Folks
See email below

Today is the deadline to make submission to the DCSDC Local Development Plan.

I'm afraid I was very pushed for time some literally cobbled this together today.

On Monday, 27 January 2020 22:32:47 GMT, [REDACTED] wrote:

Attached in a submission to the LDP from River Faughan Anglers.

Please acknowledge receipt of this email

Thanks

Dean Blackwood

River Faughan Anglers

Chloe Duddy

From: [REDACTED]
Sent: 27 January 2020 22:33
To: Local Development Plan
Subject: Local Development Plan submission
Attachments: RIVER FAUGHAN ANGLERS LDP.docx

Attached in a submission to the LDP from River Faughan Anglers.

Please acknowledge receipt of this email
Thanks
Dean Blackwood
River Faughan Anglers

RIVER FAUGHAN ANGLERS - RESPONSE TO THE LOCAL DEVELOPMENT PLAN 2032

In 2017, River Faughan Anglers (RFA) submitted its response to the Derry City and Strabane District Council (DCSDC) Preferred Options Paper (POP) in respect of our voluntary organisation's interests and concerns for the River Faughan. I would now make the following comments regarding the draft Local Development Plan (LDP) for the council area.

Mobuoy illegal landfill

In response to the POP, RFA indicated that the Mobuoy site was of such significance and concern that the LDP should address the specific issue of the future planning of the lands impacted by the unregulated quarrying and illegal deposition of more than 1.5 million tonnes of waste. Our concerns echo wider community sentiment.

Although the Mobuoy issue cross-cuts many key areas and themes of the now published LDP, it is disappointing that there is no indication of how DCSDC proposes to take this forward as part of the development plan process. For example:

Transport and Movement

Mobuoy has already adversely impacted the delivery of the A6 Strategic Road Network by preventing the implementation of the final stage between Drumahoe and Maydown due to the proximity of the illegal super-dump. This relationship needs to be addressed.

Utilities Development

Vast quantities of waste are located within metres of Derry's main water supply, which is abstracted a short distance downstream and giving rise to issues that could impact future water supply. Leachate from the waste has already been confirmed to be interacting with groundwater.

Development and Flooding

A significant proportion of the waste is located on a floodplain and was subject to major inundation and flood damage in August 2017. The site remains vulnerable to future flood events.

Natural Environment

The River Faughan and Tributaries is designated a Special Area of Conservation (SAC) and Area of Special Scientific Interest (ASSI). Its tidal estuary forms part of the Foyle Special Protection Area (SPA). These internationally important nature conservation designations remain at constant risk from this unprecedented environmental disaster.

Waste Planning

The existence of Mobuoy is indicative of past inadequacies and lack of joined up thinking on waste planning strategies and policy, as highlighted in the Mills Review of 2013.

Minerals Development

The unregulated, large-scale extractions permitted to take place at Mobuoy without planning permissions or environmental assessments is indicative of a failed minerals planning strategy

for Northern Ireland. An inadequate strategy that bears few obvious differences from that now promoted by the LDP.

Enforcement of Planning

Enforcement actions proposed for Mobuoy need to be coordinated in conjunction with any future proposed land use(s) for the site.

Open Space, Sport and Outdoor Recreation

Community input into the Mobuoy Stakeholders' Groups has been predominantly geared towards developing some form of nature conservation / recreation / environmental learning facility that would benefit the council area. The Department for Agriculture, Environment and Rural Affairs (DAERA) has been engaging with the Strategic Investment Board (SIB) on potential long-term uses for the site once remediation has been completed.

The LDP is the obvious mechanism to coordinate, advance and secure the long-term planning of the Mobuoy site for the benefit of all citizens of DCSDC (and beyond). Therefore, it is surprising that the LDP remains silent on any future vision for a 46 hectare site on the edge of the city that could be turned from potential catastrophe to community asset. This is a major omission of the LDP.

Minerals Planning

Untold environmental damage has been caused by a neglectful approach to minerals planning and enforcement over many decades. Mobuoy being only one example. This past neglect in the planning system has been responsible for the initiation of Pilot Case 7640/2015/ENVI – “*Environmental Enforcement in Northern Ireland*” by the European Commission against the UK Member State for systemic failure in the administration of minerals planning here.

Review of Old Minerals Permissions

RFA is concerned that the LDP will do little to improve upon decades of bad planning which has seen many operators take advantage of a poorly regulated minerals industry at the expense of sustainable development. Indeed, DCSDC's *LDP Strategy for Minerals Development* appears to acknowledge that only with the full enactment of the legislation pertaining to the Review of Old Minerals Permissions (ROMPs) can it require the restoration of “old / existing quarries”. Without the enactment of ROMPs legislation, these old / existing quarries are permitted to operate outside of modern-day environmental standards. Without ROMPs the efficacy of the council's strategy on minerals planning is prejudiced from the outset. This is unacceptable.

Need

The LDP policies on minerals extraction (even within Areas of Constraint for Minerals Development) appear to have excluded any requirement for need for mineral resources to be demonstrated and weighed against the need to protect and conserve the environment. This has been a long-standing, if poorly applied requirement of minerals planning policy since the publication of the Planning Strategy for Northern Ireland in 1993 – see Policy MIN1, p81.

There should be no presumption in favour of minerals development in any part of the district.

Climate breakdown

In line with DCSDC's declaration of a climate emergency and commitment to climate proofing its actions and policies, it would seem appropriate that minerals policy should require proposed extractive operations to demonstrate how their overall carbon footprint, including waste management, transportation, emissions, etc., are compliant with the council's wider aspirations to reduce and mitigate against climate breakdown.

Renewable energy

In its POP submission, RFA raised concerns over the conflicts between hydroelectric projects and fisheries protection and conservation.

Hydroelectric policy

Whilst recognising the potential for unacceptable adverse impacts from changes to flows of watercourses through abstraction, it is important to record that adverse impacts also accrue from impoundment. The renewable energy policy in respect of hydroelectric fails to address the appropriateness of constructing new impoundment weirs (especially in Special Areas of Conservation), when conservation trends tend to advocate removal of existing impediments to fish migration. Often, Core Management Plans (CMP) for European riverine designations – for example the River Wye SAC – contain a conservation objective which prohibits the destruction of designated habitats “...except where natural processes cause them to change.” A planning policy that allows new hydro-electric schemes on SACs, including impoundment weirs, is at odds with the wider conservation objectives of fisheries protection and conservation for such sites.

It is noted that no such CMP exists for the River Faughan and Tributaries SAC (or other NI European sites); a failure that, in 2015, has led to (ongoing) infraction proceedings by the European Commission against the UK Member State. Anything other than a policy presumption against new hydroelectric projects on SAC rivers, risks compounding the legal action currently being taken against the UK.

I trust these points will be given consideration.

Sincerely

Dean Blackwood BSc (Hons) LL.M MRTPI
Director
River Faughan Anglers

27 January 2020