



Derry City & Strabane
District Council

Comhairle Chathair
Dhoire & Cheantar
an tSraitha Bain

Derry Cittie & Strabane
Destrict Council

DERRY CITY & STRABANE DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032



DRAFT PLAN STRATEGY

Equality Impact Assessment (EQIA)

Addendum (dPS Proposed Changes) - November 2021

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1. Introduction

- 1.1 A draft Equality (Section 75) Screening Report was prepared by Derry City and Strabane District Council and published on 2nd December 2019 along with the Council's draft Plan Strategy (dPS) and other associated assessment documents. A formal public consultation period of the Draft Plan Strategy initially ended in 27th January 2020. However, a further period of re-consultation was also held from 1st September to 6th November 2020.
- 1.2 Following consideration of the representations received, the Council has suggested a number of 'Proposed Changes' to the published dPS, and these are contained within the Schedule of Proposed Changes to the dPS. and as a result of that exercise the Council wishes to make certain changes to the LDP. All the changes proposed can be found in the 'Schedule of Proposed Changes' Report.
- 1.3 The categorisation of any proposed changes is defined in DPPN 10 'Submitting Development Plan Documents for Independent Examination'. However, the Council considers the significant majority of the Proposed Changes do not neatly fall within these categories. While a proportion are merely grammatical in nature, the Council is of the opinion that most represent logical and rational amendments to a policy or policy clarification in response to representations received during the consultation period. Similarly, many changes relate to providing further clarification of the Justification and Amplification (J&A) text.
- 1.4 Those Proposed Changes relating to policies and related policy clarification require consideration in order to check if they alter the outcome of the Screening process in the published EQIA Report. In particular, the Screening process is to identify if any of the changes to policies are likely to have a differential impact on equality of opportunity and/or good relations on any Section 75 Group.
- 1.5 This document forms an Addendum to the December 2019 EQIA and identifies whether the outcomes of that report should be varied from those originally reported as a result of the LDP Proposed Changes. As such, this Addendum should be read in conjunction with the EQIA which accompanied the published LDP Draft Plan Strategy.
- 1.6 This Addendum includes the following:
- Conclusions to clarify why a full EQIA is not required
 - Appendix 1; Screening of the Proposed Changes to see if they 'materially' change (i.e. change what actions the LDP might inevitably lead to) what the EQIA assessed; and
 - Appendix 2; Screening Form
- 1.7 This Addenda has been produced by professional Planning officers with advice and input from Derry City and Strabane District Council's Equality Officer.

2. Statutory Requirements

2.1 Section 75 of the Northern Ireland Act 1998, requires all public authorities in carrying out their functions relating to Northern Ireland to have due regard to the need to promote equality of opportunity between :

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- men and women generally;
- persons with a disability and persons without; and
- persons with dependants and persons without.

2.2 In addition, without prejudice to the above obligation, public authorities must, in carrying out their functions relating to Northern Ireland, have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

2.3 The Disability Discrimination (NI) Order 2006 introduced new duties requiring all public authorities in carrying out their functions relating to Northern Ireland, to have due regard to the need to –

- promote positive attitudes towards disabled people; and
- encourage participation by disabled people in public life.

2.4 By screening the proposed changes to policies, helps us identify any planning issues relating to our Local Development Plan and planning policy contained within it that are likely to have a differential impact on equality of opportunity and/or good relations.

3. Screening of Proposed Changes

3.1 During the 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 approximately 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 the EQIA. 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 As a result of analysis and consideration of the representations received, the Council has recommended a number of Proposed Changes to the published Draft Plan Strategy. A list of these can be found in the Schedule of Proposed Changes.

3.3 All the Proposed Changes to policies relate to changes to the wording of a policy to improve its understanding or, in some minor instances, to address soundness issues and ensure the policy is correctly aligned with the regional policy contained in the Strategic Planning Policy Statement for Northern Ireland (SPPS). Some relate to introductory text, administrative text or to appendices that do not have any relationship to Section 75 groups. However, all have been recorded in Table 1 to provide a record that they have been considered.

3.4 The majority of the proposed changes are minor editing changes – corrections or minor amendments in the interests of policy clarity / consistency. These were all considered both individually and cumulatively before being screened out. Given their minor nature and volume, they are not considered further in this Addendum. The full list of all proposed changes can be viewed in the Proposed Changes Table published as part of the LDP dPS Consultation documents. Table 1 below therefore considers only those remaining proposed changes which were considered substantive when compared to the more minor proposed changes. Their specific consideration and screening is set out below as part of this EQIA Addendum.

3.5 A 'Screening' of all the Proposed Changes to policies was undertaken to identify whether any Section 75 groups had *likely potential* to be impacted (positively or negatively) by the amended policy and if there was a different outcome to the assumptions made in the original EQIA Screening process. Table 1 refers to the change or changes reference number(s) that apply to Draft Policies or other parts of the draft Plan Strategy. The corresponding details of these changes can be found in the 'Schedule of Proposed Changes'. A Screening questionnaire which was previously published as part of the Draft Plan Strategy, has also been included in Appendix 2. Having reviewed the Proposed Changes, it is considered that the previously published (December 2019) Screening questionnaire is still valid and relevant as a screening framework.

4. Conclusions

4.1 The proposed amendments to the dPS introduced one new policy, ODC 1, which is a strategic policy and would potentially apply to certain forms of development seeking to be located in the countryside. As such, it would be applied equally to all S75 groups and provide positive policy benefits for all Section 75 groups, should they be seeking to develop such an applicable policy.

4.2 The proposed new paragraph 34.8 regarding social clauses, while not an LDP dPS policy was also included in the screening exercise and screened out. The proposed amendment encourages the use of social clauses (subject to compliance with all relevant employment law) for all development across the District. Whilst not within the parameters of EQIA policy screening, it was still considered that such an LDP encouragement toward their use would be beneficial for all S75 groups within the District. The remaining policies represent logical and rational amendments to ensure coherence and consistency.

4.3 The aims and influence of the policies are unaltered either by or due to the policy amendments; nor is the overall 'Vision' for the District as set out in the dPS, affected.

4.4 In reassessing the amended policies against the EQIA screening process, the outcomes are unchanged from that originally identified and considered, with the exception of Policy HOU 1, which may be perceived to have a differential impact on Section 75 Groups as it is addressing a particular

housing need, within an area where certain religious groups are prominent. The conclusions on the remaining policies, remain unchanged from the original EQIA in that it is anticipated that the LDP Draft Plan Strategy will have no adverse impact with regards to equality and is likely to have a positive impact on all Section 75 groups, both directly and indirectly, by contributing to economic growth and social progress.

APPENDICES

Appendix 1

Table 1 EQIA Screening of Proposed Changes to LDP draft Plan Strategy

Appendix 2

Screening Questionnaire

Appendix 1: Table 1 EQIA Screening of Proposed Changes to LDP draft Plan Strategy

Change Reference Number	Location of Change/Policy	Will proposed change impact on the aim of the Policy Group/Type or Policy?	Comments on likely EQIA impacts of the proposed changes.
7. General Development Principles & Policies			
PC 29	GDPOL 1	No	This strategic policy applies to all development across the District it will enhance biodiversity within the area and will have no differential impacts for S75 groups.
PC 30	GDPOL 1	No	This strategic policy applies to all development across the District it will enhance health and well-being within the area and will have no differential impacts for S75 groups.
PART C- Economy – Strategy, Designations & Policies			
9. Economic Development			
PC 41B	GEDA Designation Box	No	The proposed amendments will have no differential impact than the originally screened policy, it will provide wording to enhance clarification of policy and have no impact in terms of Section 75 Groups.
PC 46	ED2	No	The proposed amendments will have no differential impact than the originally screened policy, it will clarify Use Class B1(c), beneficial to all and have no impact in terms of Section 75 Groups.
PC 49	ED 3 – J&A	No	The proposed amendments will have no differential impact than the originally screened policy, it will enhance business provision for all and have no impact in terms of Section 75 Groups.

PC 52	ED 5	No	The proposed amendments will have no differential impact than the originally screened policy, it will enhance opportunity for business development whilst protecting the countryside. Beneficial for all and have no impact in terms of Section 75 Groups.
10. City/Town Centres, Retailing, Offices, Leisure and Other Uses			
PC 55	RP 1	No	The proposed amendments will have no differential impact than the originally screened policy, it will enhance wording of retail hierarchy. Beneficial for all and have no adverse impact in terms of Section 75 Groups.
PC 56	RP1	No	The proposed amendments will have no differential impact than the originally screened policy, it will clarify the extent of edge of town centres, beneficial to all and have no impact in terms of Section 75 Groups.
PC 57	RP2	No	The proposed amendments will have no differential impact than the originally screened policy, it will protect against adverse impact on the vitality and viability of an existing centre, beneficial to all and have no impact in terms of Section 75 Groups.
12. Tourism Development			
PC 99	TOU 4	No	The proposed amendments will have no differential impact than the originally screened policy, it will provide clarity on existing tourist facilities, beneficial to all and have no impact in terms of Section 75 Groups.

PC 100	TOU 5	No	The proposed amendments will have no differential impact than the originally screened policy, it will provide clarity of wording of tourism development and enhance protection of the countryside, beneficial to all and have no impact in terms of Section 75 Groups.
13. Minerals Development			
PC 109	MIN 2	No	The proposed amendments will have no differential impact than the originally screened policy, it will enhance wording to aid the council in the extent of designations, beneficial to all and have no impact in terms of Section 75 Groups.
15. Agriculture & Other Development in the Countryside			
PC 118	Throughout Chapter and its policies.	No	The proposed amendments will have no differential impact than the originally screened policy, it will enhance sustainable development within the countryside, beneficial to all and have no impact in terms of Section 75 Groups.
PC 119	New Policy ODC 1	No	The proposed amendments will have no differential impact. It will enhance sustainable development within the countryside, beneficial to all and have no impact in terms of Section 75 Groups.
PC 120	Current Policy AGR 3, becomes Policy ODC 4	No	The proposed amendments will have no differential impact than the originally screened policy, it will enhance the criteria for sit specific tourism development within the countryside, beneficial to all and have no impact in terms of Section 75 Groups.
PC 121	Policy ODC 2,3 & 4	No	The proposed amendments will have no differential impact than the originally screened policy, it will enhance sustainable development within the countryside, beneficial to all and have no impact in terms of Section 75 Groups.

PART D- Social Development- Strategy, Designations & Policies

16. Housing in Settlements and the Countryside

PC 126	HOU 1 (Phase 2 and 3 Land Zonings)	No	<p>Phase 2- The proposed amendments will have no differential impact than the original policy, it relates to specific technical planning matters in terms of non-development and land banking and has no adverse impact in terms of Section 75 Groups.</p> <p>Phase 3- May be perceived to have a detrimental impact on Section 75 Groups as it is addressing a particular housing need, within an area where certain religious groups are prominent.</p>
PC 133	HOU 4 J & A	No	The proposed amendments will have no differential impact than the originally screened policy, it will clarify policy intent including control on short-term residential lets, protecting existing housing stock, beneficial to all and have no impact in terms of Section 75 Groups.
PC 135	HOU 5	No	The proposed amendments will have no differential impact than the originally screened policy, it will put the onus on the developer to demonstrate the suitable private / affordable housing mix, beneficial to all and have no impact in terms of Section 75 Groups
PC 136	HOU 5	No	The proposed policy amendments will have no differential impact when compared to the originally screened policy. It now specifies that a minimum of 20% of all new Housing units should be affordable housing. This should ensure that the LDP PS will adequately contribute to delivering the required number of affordable dwellings to address ongoing Housing Need. This is considered to be beneficial to all and have no impact in terms of Section 75 Groups.

PC 137	HOU 5 J & A	No	The proposed policy amendments will have no differential impact when compared to the originally. The Policy 70/30% mix requirement has now been removed from the Policy and replaced in the J&A with a simple and clearer requirement using an 80% / 20% figure. This will still ensure an indicative mix from housing schemes of no more than a maximum of 80% of either private or affordable houses, beneficial to all and have no impact in terms of Section 75 Groups.
20. Waste Planning			
172	WP 3 Criteria ii	NO	The proposed amendments will have no differential impact than the originally screened policy, the policy provides greater clarity in relation to Waste Disposal, beneficial to all and have no impact in terms of Section 75 Groups.
PART E- Environment- Strategy, Designations & Policies			
21. Natural Environment			
PC 181	NE 3	No	The proposed amendments will have no differential impact than the originally screened policy, they provide clarity in relation to Tree Preservation Order, protection & wider tree retention generally and have no impact in terms of Section 75 Groups.
23. Historic Environment			
PC 202	HE 8	No	The proposed amendments will have no differential impact than the originally screened policy, it will provide clarity in relation to Unlisted Vernacular Buildings and have no impact in terms of Section 75 Groups.
PC 203	HE 9	No	The additional / amended wording to the policy provides greater clarity in relation to Enabling Development and will have no differential impact than the originally screened policy in terms of Section 75 Groups.
24. Renewable and Low Carbon Energy Development			

PC 213	RED 1 Criterion ix	No	The proposed amendments will have no differential impact than the originally screened policy in terms of Section 75 Groups. It will provide clarity on wind turbine impacts on ground water.
PC 217	RED 1	No	The proposed amendments address ammonia emission impacts for Anaerobic Digestion and will have no differential impact than the originally screened policy in terms of impact on Section 75 Groups.
34. Developer Contributions and Community Benefits			
PC 248	New para 34.8	Whilst not a policy change, the 'encouragement' is considered and is worthy of reference.	The proposed amendments encourage 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. The addition of this paragraph will enhance the benefit to section 75 groups.

Appendix Two: Screening Questionnaire.

Statement of Intent

- 1.1 The Council intends to screen its policies and policy areas, in accordance with Paragraph 5 and 6 of the Equality Scheme, to determine which would require a fuller equality analysis in the form of an impact assessment.

2.0 Policy Scoping

- 2.1 The first stage of the screening process involves scoping the policy or policy area. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy being screened. At this stage, scoping the policy will help to identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step-by-step basis.

3.0 Information on the Policies

- 3.1 Name of the policy or Policy Area

Derry City & Strabane Local Development Plan

- 3.2 Is this an Existing, revised or new policy area?

In Line with the Planning (NI) Act 2011, Derry City & Strabane District Council has prepared a Local Development Plan (LDP -Plan Strategy) for the period 2017-2032. When adopted the LDP Plan Strategy supersedes the policies contained within the following documents:

- PPS 2: Natural Heritage
- PPS 3: Access, Movement & Parking
- PPS 3: (Clarification) Access, Movement & Parking
- PPS 4: Planning and Economic Development
- PPS 6: Planning, Archaeology and The Built Heritage
- PPS 6 (Addendum): Areas of Townscape Character
- PPS 7: Quality Residential Environments
- PPS 7 (Addendum): Residential Extensions and Alterations
- PPS 8: Open space, Sport and Outdoor Recreation
- PPS 11: Planning & Waste Control
- PPS 12: Housing in Settlements
- PPS 12: Policy HS 3(Amended) Travellers Accommodation
- PPS 13: Transportation and Land Use
- PPS 15 (Revised): Planning & Flood Risk
- PPS 16: Tourism
- PPS 17: Control of Outdoor Advertisements
- PPS 18: Renewable Energy
- PPS 21: Sustainable Development in the Countryside
- PPS 23: Enabling Development for the Conservation of Significant Places
- Relevant Provisions within 'A Planning Strategy for Rural Northern Ireland'
- Derry Area Plan 2011
- Strabane Area Plan 2001

- 4.0 Are there any Section 75 groups, which might be expected to benefit from the intended policies? If so, Explain how.

The Derry & Strabane District LDP will provide a framework that will implement the strategic objectives of the Regional Development Strategy and the Strategic Planning Policy Statement for Northern Ireland. The LDP will promote and guide sustainable development throughout the City and District.

The LDP will benefit all within the Derry & Strabane District, it will promote inclusion and opportunities for all those within Section 75 groups. The Plan aims to implement positive objectives for all within the City & District in terms of sustainable economic growth, provide access to housing for all, increase our environmental protection by reducing our carbon footprint and the improvement to health and wellbeing.

5.0 Who Initiated or wrote the Policies?

Derry City & Strabane District Council Local Development Plan Section

6.0 Who is responsible for the implementation of the policy?

Derry City & Strabane District Council Planning Department

7.0 Are there any factors, which could contribute to/detract from the intended aim/outcome of the policies/ Decision? If yes, are they:

Yes

- No
- Financial
- Legislative
- Other, Please Specify

8.0 Who are the internal/external stakeholders (actual or potential) that the policies will impact upon?

- Staff
- Service users
- Other public sector
- Organisations
- Voluntary/community/ trade unions
- Other, Please specify

9.0 Is this policy associated with any other policies?

- Yes
- No

If yes, please state the related Policies

Planning Act (NI) 2011	Department for Infrastructure (DFI)
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Draft Northern Ireland Programme for Government	NI Executive
Principles of Sustainable Development – Everyone’s Involved – Sustainable Development Strategy, May 2010	NI Executive
Regional Development Strategy (RDS) 2035	Department for Regional Development (Now DFI)
North West Transport Strategy	DFI Roads
Regional Transportation Strategy – Ensuring a Sustainable Transport Future (ESTF) – A New Approach to Regional Transportation (June 2011)	Department for Infrastructure
Together: Building a United Community (T:BUC)	NI Executive
Strategic Planning Policy Statement for Northern Ireland	Department for Infrastructure
Existing Planning Policy Statements (PPS’s)	Department for Infrastructure
A Planning Strategy for Rural Northern Ireland	Department for Infrastructure
Derry Area Plan 2011	
Strabane Area Plan 2001	
Planning in Republic of Ireland - National Planning Framework 2040	Dept. of Housing, Planning and Local Government, ROI
Development Control Advice Notes	Department for Infrastructure
Sustainable Water - a Long Term Water Strategy for NI	NI Water
Creating Places	Department for Infrastructure
Neighbouring Councils - Section 3(5) of the 2011 Planning Act requires that we must consult with our neighbours. This council has led the way in establishing a three cross boundary forums with the aims of ensuring that our respective local development plans do not conflict with the other but also to ensure open dialogue and good practice so that we do not operate in isolation in the new plan making system.	
Inclusive Strategic Growth Plan: Our Community Plan	Derry City & Strabane District Council
Equality of Opportunity - Section 75 of the Northern Ireland Act 1998	
Rural Needs Impact Assessment	
Habitats Regulations Assessment (HRA)	
Sustainability Appraisal/ Strategic Environment Assessment	

10.0 How does the policy contribute towards the achievement of the council’s strategic objectives?

The Council is committed to promoting economic wellbeing, improving environmental wellbeing and increasing social inclusion. The LDP policies will encourage sustainable development and promote a growing economy that will provide jobs for all. The LDP will promote sustainable developments and active travel in order to improve our natural environment. The council is committed to improving the health and wellbeing in the city and district.

12.0 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? Minor/ Major/ None

Religious Belief	Minor Positive
Political Opinion	Minor Positive
Racial Group	Minor Positive
Age	Minor Positive
Marital Status	Minor Positive
Sexual Orientation	Minor Positive
Gender	Minor Positive
Disability	Minor Positive
Dependant	Minor Positive

13.0 Are there opportunities to better promote equality of opportunity within the Section 75 equalities categories? If yes, provide details. If no, provide reasons

Religious Belief

None identified ahead of public consultation. Any Section 75 issues raised during consultation will be considered as part of the local development plan process.

Political Opinion

The policies are to be applied strategically across the District, regardless of S75 equality categories. A key policy objective of the LDP is to encourage mixed settlements in sustainable locations with a range of tenure types and sizes that are accessible for all.

Racial Group

Age

Marital Status

Sexual Orientation

Gender

Disability

Dependant

15.0 Is there evidence to suggest that this policy would promote positive attitudes towards people with a disability? If yes, provide details of opportunities identified.

Yes

No

The Local Development Plan brings forward policies that encourage opportunities for those with disabilities, by providing access to employment, housing and transport and seeking inclusive access integration as a policy requirement at the design stage.

16.0 Is there evidence to suggest that this policy would encourage the participation of people with a disability in public life? If yes, provide details of opportunities identified

Yes

No

The Local Development Plan brings forward policies that encourage access to public facilities, health hubs and community infrastructure.

17.0 Is there evidence to suggest that this policy would promote positive attitudes and promote good relations between people of different religious belief, political opinion or racial group?

Yes

No

The Local Development Plan will promote housing, employment and accessible community infrastructure to all Section 75 groups.