

Hannah Flynn

From: Emma Kelly <emma.kelly@turley.co.uk>
Sent: 03 February 2022 15:54
To: Local Development Plan
Subject: DCSDC Plan Strategy Proposed Changes Consultation - Dalradian Gold Ltd
Attachments: DCSDC dPS Changes - Dalradian.pdf

Good afternoon

On behalf of our client, Dalradian Gold Ltd please find attached representations in response to the consultation on the draft Plan Strategy Proposed Changes.

We would be grateful if you could acknowledge receipt by return of email.

Kind regards

Emma

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Derry City & Strabane District Council – Draft Plan Strategy

Comments on the Proposed Changes on Behalf of Dalradian Gold Ltd.

February 2022

Introduction

1. These comments are submitted on behalf of Dalradian Gold Ltd in response to the Council's consultation the Proposed Changes to the draft Plan Strategy (dPS).

Comments

2. This section outlines our comments on the Proposed Changes to the draft Plan Strategy. This response should be read alongside dPS representation Reference: LDP-PS-REP-52

Proposed Change	dPS page/para	Topic	Summary of Issue	Proposed Change	Proposed Response
PC104	200 para 13.9	MIN 1 - Minerals development	Clarify that MIN 1 applies to all areas, including non-designated areas.	Insert a sentence at the end of paragraph 13.9 'Policy MIN 1 applies to consideration of minerals developments in all areas of the District, but particularly to the designated areas referred to below.'	<p>We agree that the draft Policy should apply to minerals development within all locations. This approach is consistent with the existing prevailing policy in the SPPS and PSRNI.</p> <p>However the application of the requirements of MIN1 should be applied equally across all areas and not 'particularly to designated areas' as proposed. The application of the policy for designated areas should be as per Paragraph 6.158 of the SPPS, where it states that:</p> <p>"Minerals development within or in close proximity to an area that has been designated to protect its landscape, scientific or material heritage significance will not normally be granted permission where this would prejudice the essential character of the area and the rationale for its designation."</p> <p>Failure to be consistent with the SPPS would result in the dPS failing to meet soundness test CE3.</p> <p>This is already indicated in Para 13.10 of the dPS and therefore there is no need for the final part of the proposed change.</p> <p>We would suggest that the wording is amended to read:</p> <p><i>"Policy MIN 1 applied to the consideration of minerals developments in all areas of the district."</i></p>
PC105	200 para 13.10	MIN 1 - Minerals Development	Clarify justification and amplification to support Policy MIN 1 bullet point 1	<p>The Natural Environment amended - An extension to an existing mineral working, which minimises additional environmental impact in the countryside will normally be preferred to new workings on green-field sites. Minerals development within (or in close proximity to, or with potential to adversely affect) protected habitats or designated areas which have been declared on the basis of their scientific value in regard to flora and fauna, will not normally be given permission where they would prejudice</p>	<p>The previous version included development sites which had a pathway to a designated site. This new wording focuses on development which has the 'potential to adversely affect'.</p> <p>It may be appropriate to go further as adverse effects may be able to be mitigated against. The justification text should make reference to adverse effects which cannot be mitigated against.</p>

		<p>the essential character of such areas (These habitats and areas are as defined in Policy NE 1 and NE 2 of Chapter 21 Natural Environment, particularly those that have European / International and National / Regional protection.) Earth science features, which underpin AONB designations, will also be protected from minerals development. In applying this policy, it is acknowledged that there can also be biodiversity enhancement as a result of minerals development’.</p>	
<p>PC109 203</p>	<p>MIN 2 – Areas of Constraint on Minerals Development</p>	<p>Clarify the term ‘expansive tracts of land’, that it does not amount to a ‘development opportunity’ for planning applications stage.</p>	<p>Move middle paragraph of MIN 2 to the end of I&A para 13.24, to make it clear that this is not intended to be an exception for Development Management purposes instead, it is intended to assist the Council’s LDP team in deciding the extent of designations, at LDP LPP stage.</p> <p>Please refer to dPS Representations Ref: LDP-PS-REP-52 in relation to our comment on draft Policy MIN2 and the justification and amplification text.</p>
<p>PC110 205 para 13.29</p>	<p>MIN3 Mineral Reserve Areas</p>	<p>To clarify that all temporary permissions are not necessarily exempt</p>	<p>Add a few words to clarify, paragraph 13.29 bullet point 8: <i>‘Applications for temporary Planning Permission, where this doesn’t prejudice the mineral resource...’</i></p> <p>We acknowledge that some forms of temporary permission may be acceptable, however where proposals for temporary permission come forward DfE GSNI and any Mineral Licence holders should be consulted. It is unclear how it will be determined that there is no prejudice to a mineral resource and therefore policy should clarify that the relevant consultees will be engaged.</p> <p>This would ensure that the policy is compliant with soundness tests CE2 and CE3.</p>
<p>PC119 212</p>	<p>Agriculture & Other Development in the Countryside - New Policy ODC 1</p>	<p>There are a range of types of development which in principle are considered to be acceptable in the countryside and that will help sustain rural communities and contribute to the aims of sustainable development. The main types of sustainable rural housing and non-residential developments are covered in the respective chapters of this LDP dPS. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in this LDP. This presumption against such other developments will be particularly important within the defined Green Belt areas.</p> <p>Justification & Amplification – see appendix 1</p>	<p>This new policy has been introduced to cover development in the countryside not already considered within other draft Policies.</p> <p>The justification text for the draft Policy references that Minerals development which complies with the policies set out in Section 13 (Minerals Policies) is acceptable in the countryside.</p> <p>Please refer to dPS Representation Ref: LDP-PS-REP-52 in relation to our comments on the draft mineral policies.</p>
<p>PC185 336</p>	<p>NE7</p>	<p>To provide clarity on the role, purpose and planning benefit of policy NE 7.</p>	<p>Please refer to dPS Representation Ref: LDP-PS-REP-52 in relation to our comments on the draft Policy NE7.</p> <p><i>‘Proposals for development which would adversely affect or adversely change either the quality or character of the landscape, including its intrinsic nature conservation interest, within the Areas of High Landscape Importance will not normally be permitted. AHLIs are also identified as Areas of Constraint on Minerals Development (ACMDs) and will be subject to the requirements of Policy MIN 2.’</i></p>

'Within AHLIs, the Council will be supportive of the provision of pathways and informal recreational facilities of an appropriate scale and in a suitable location, subject to policy provisions contained elsewhere in the LDP.

Where development is proposed within AHLIs, the proposals must clearly demonstrate special regard to siting, massing, shape, design, finishes and landscaping in order that it may be integrated into the landscape. In exceptional circumstances, significant proposals will only be permitted within AHLIs where their regional or District-wide importance is considered to outweigh any potential adverse impact on the intrinsic features of the AHLI.'

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2 February 2022

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