

# LDP-PS-REP-78A

**Chloe Duddy**

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**From:** DAERA Development Plan Team <DevelopmentPlanTeam@daera-ni.gov.uk>  
**Sent:** 27 January 2020 15:22  
**To:** Local Development Plan  
**Cc:** DAERA Development Plan Team  
**Subject:** DAERA response to Derry City and Strabane LDP Draft Plan Strategy  
**Attachments:** DAERA response to Derry and Strabane LDP Draft Plan Strategy.pdf

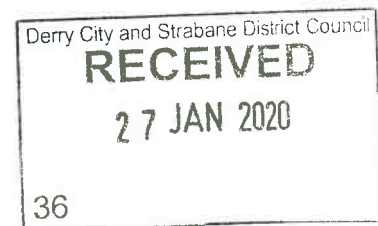
Dear Sir/Madam

Please find attached the DAERA NI response to Derry City and Strabane LDP Draft Plan Strategy

Many Thanks,

Caroline

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27 January 2020



**Re: Derry City and Strabane District Council Local Development Plan 2032,  
Draft Plan Strategy October 2019**

Dear Sir /Madam,

DAERA welcome the opportunity to comment on the Derry and Strabane District Council Local Development Plan 2032, draft Plan Strategy.

DAERA has considered the consultation document and our opinions are set out below. DAERA wish their representation to be considered in Written Format.

There are no objections to the 'soundness' of the plan however the following additional comments are worth noting to Derry City and Strabane District Council.

The Department would like to remind Derry and Strabane District Council that under the Wildlife and Natural Environment Act (Northern Ireland) 2011 (WANE Act), the Council has a duty to conserve biodiversity.

### **DAERA Considerations**

We welcome the council's commitment to using the precautionary principle when considering impacts of a proposed development on national or international/European protected natural heritage assets or landscapes. This should be extended however to other natural heritage features which may not be subject to legal protection.

DAERA recognise this is a draft document and highlight that the final line of NE1: Nature Conservation Sites is repeated. In addition within the justification and amplification 21.13 reference is made to Special Conservation Areas (SCA), this should read Special Areas of Conservation (SAC). The abbreviation for candidate Special Areas of Conservation should be cSAC rather than cSCA.



The Council should note that the powers with regard to Wildlife Refuges comes under The Wildlife (NI) Order 1985 (as amended) rather than the Nature and Amenity Lands (NI) Order 1985. These powers fall to the Department, likewise the declaration powers under Nature and Amenity Lands (NI) Order 1985 for nature reserves fall to the Department. Local Nature Reserves may be named by the council.

We welcome the council's clarity that the individual policies are not stand alone and that the LDP should 'be read as a whole, as often a combination of designations, proposals and zonings may be relevant to a particular development proposal'. This is carried through the plan and emphasised within most LDP sections by acknowledging that all proposals will need to be 'particularly cognisant of the LDP principles to promote sustainable development and being resilient to climate change, as well as the other relevant LDP sections'.

We welcome the LDP Vision and Objectives particularly those relating to Enhancing the Environment, Creating Spaces and Improving Infrastructure. We are happy to see the ambition to minimise waste, sustainably provide facilities for waste management and reuse in a 'zero waste-circular economy approach'.

We welcome the designation of 2 greenbelts around Derry City and Strabane town and the respective restrictions on development outlined within each LDP section. We note the commitment to facilitate greenway/cycleway connections to new developments.

We note that much of the supply of housing and growth in Derry City and Strabane town will be met via existing commitments, zonings and development/windfall opportunities on brownfield sites in sustainable/accessible locations. It should be noted that brownfield sites may contain the priority habitat Open Mosaic Habitat on Previously developed land and would be subject to policy NE3.

We are encouraged by the General Development Principles and Policies however we believe the wording within the GDP6 Importance of Ecosystem services could be strengthened. If GDP6 really wants to address the importance of ecosystem services DAERA feel that it should be strengthened by replacing the 'should' with shall or will. The 'should' (in reference to protected species and habitats) should also be strengthened. While the intention is qualified and strengthened within the justification and amplification DAERA would be keen to see this within the policy box.

We appreciate that the council under GDP7 Justification and amplification 7.46 will consider economic regeneration and growing the local economy as a priority. We are reassured to see the council recognises that this 'cannot be at the expense of our natural environment'. ED1 specifically supports this by including the necessity for the proposal to meet a number of criteria including not adversely



affecting features of natural or historic environment in accordance with Chapter 21: Natural Environment and Chapter 23 Historic Environment.

We are happy to see the council's commitment within their GDPOL 1 and Implementation of General Development Principles to significantly increase tree planting of native species associated with development proposals (outside of landscaping requirements) on or off site, proportionate to the scale of the site unless it is demonstrated that this is not feasible. Similarly in TAM 2 regarding new access 11.61 we welcome that hedgerow loss for visibility will be replaced with suitably sized native species.

### Open Space, Sport and Outdoor Recreation

#### **OS8 Floodlighting of Sports and Outdoor Recreational Facilities**

DAERA views this as positive in that no adverse impact is to occur on features of the natural environment assets. Floodlighting can have a significant impact on bats and wider biodiversity. The council have recognised the impact of floodlighting on biodiversity including bats within TAM 10 Design of Car Parking Justification and Amplification 11.133.

### Mineral Development

We note that the council recognises the need for consideration of direct and indirect effects of peat extraction on active or protected peat. However it would be preferable to see this within a policy box and extended to peatland in general. While **MIN 1** offers protection from unacceptable adverse impacts on the natural environment a clear policy on peat extraction and a general presumption against peat extraction in areas outside of Areas of constraint on mineral development as well as within would provide clarity and direction. Particularly bearing in mind the significance of peatland as a carbon sink and the Council's ambitions with regard to climate change and carbon off setting.

DAERA welcomes the proposals to designate Areas of Constraint on Mineral Development (ACMDs) in certain areas.

**MIN 2: Areas of Constraint on Minerals Development (ACMDs):** para 2: It would be beneficial to clarify what is meant by the term "expansive tracts of land" in order to avoid confusion/conflict between the Council and an applicant/agent. We would caution against the apparent dilution of the policy in the 2nd para as this may lead to challenges to the Council. We would have some concern that cumulative impact, even in the short-term, may become an issue.



**MIN 4** also relates to unconventional hydrocarbon extraction and the policy would only prevent the exploitation of hydrocarbons until there is sufficient and robust evidence on all environmental impacts. DAERA has concerns how the council intends to monitor for sufficient and robust evidence of environmental impacts and how this will be implemented within a site.

DAERA welcome MIN 5 which commits to securing restoration for all mineral applications, in particular 13.33 'Any opportunities for enhancing biodiversity, local environment, European sites and ecological value of site, the setting of historic assets or community recreation and access should be considered'.

### Natural Environment

DAERA welcome policies NE1- NE8 and are broadly content with them. Particularly DAERA welcome under NE2 Protected Species and their Habitats that 'mitigation measures may be required to enhance the habitat of those protected species known to be present on the site of development and to facilitate their safe passage through it' and the further detail provided in the Justification and Amplification.

**Policy NE3: Biodiversity or Features of Natural Heritage Importance:** The second sub-list: 2nd dashed point should be extended as follows:-  
Landscape features/ecological corridors of major importance to flora and fauna including hedgerow boundaries, hedgerow trees, trees and woodland worthy of protection;

Last para: This should likewise be extended to include reference to TPOs as follows:-

"Planning permission will only be granted in wholly exceptional circumstances for proposals likely to result in damage or direct loss of ancient or long-established woodland and TPOs will be used where appropriate to protect such woodland."

**Policy NE5: Development within or affecting the setting of the Sperrin**

**AONB:** 2nd para: We would recommend this should be amended to:-

"All proposals must demonstrate how they have considered siting, massing, shape, design, finishes and landscaping in order to positively enhance and/or complement our important AONB landscape." Enhancement is not sometimes what is needed and emphasis should be on conserving the indigenous landscape character.

**Policy NE6: Development within Special Countryside Areas:** Last dashed point: We would recommend adding on the extra line:-

"All works including surfacing, edging, fencing, signage, and way-marking must visually integrate with their surroundings, taking account both of visual amenity and landscape character of the area."



We note that 21.34 should read 'compromise' their intrinsic value rather than comprise.

### Renewables

We note that the value of peat as a carbon sink is noted within this section however it has not been highlighted within chapter 13 Mineral Development under the Peat section. **We note that the council has put significant emphasis on tree planting as a means of carbon offsetting and we suggest that peat restoration/protection may also be used as a means of carbon offsetting.**

### **Flooding – FLD Artificial Modification of Watercourses**

DAERA welcome the restrictions on culverting.

### Waste and Contaminated Land Comments

A principle planning objective when considering development on land affected by contamination is to ensure that all unacceptable risks to human health, buildings and the natural and historical environment from the contaminated condition of land are identified so that appropriate action can be considered and taken to manage and remove the risks through the planning process to ensure the site is made suitable for its new use. Achieving this objective would assist in providing confidence to owners and occupiers of the land about its condition after development in that the risks have been managed. As a minimum, after carrying out the development and commencement of its use, the land should not be capable of being determined as contaminated land under Part III of the Waste and Contaminated Land (Northern Ireland) Order 1997.

**General Development Management Policy GDPOL1** - states "there will be no significant adverse impact on human health and the environment as a result of the potential for release of contaminants from contaminated lands".

It is recommended that this statement is reworded / updated to reflect more fully the above planning principle and ensure that all potential unacceptable risks are identified so that appropriate action can be considered and taken to address those risks and ensure that the site is suitable for its new use.

It is expected that planning authorities in preparing their development plans will encourage and promote the re-use of brownfield sites including those affected by contamination. This Development Plan therefore presents a real opportunity for the Council to set out a new policy supporting the redevelopment and reuse of land affected by contamination and to inform developers of the availability of such sites and potential constraints attached to them (e.g. see DoE Industrial Profiles).



Such a new policy (in Part E of the Council's draft Development Plan) would help to bring about progressive improvement in the condition of land as well as protecting greenfield sites.

**Contamination 7.116** - it is positive to see consideration being given to land contamination in this section. It is noted that reference is made to contamination possibly affecting development sites from adjacent land use sources. It is also possible that contamination may affect development sites from land use sources beyond those immediately adjacent.

It is also noted in this section that reference is made to the submission of a Preliminary Risk Assessment (PRA), as a minimum. It would clarify that this Preliminary Risk Assessment should be produced in line with the UK technical framework as described in the Land Contamination: Risk Management (LCRM). As with all potentially contaminated sites, it is imperative that a comprehensive risk assessment is completed with the application that identifies all unacceptable risks given the proposed development plans for the site and if required, a remediation strategy is agreed at the application stage to mitigate these risks. The remediation of land affected by contamination through the granting of planning permission (with the attachment of necessary conditions) should ensure the removal of unacceptable risks and make the site suitable for its new use. As stated above that as a minimum, after carrying out the development of and commencement of its use, redeveloped land should not be capable of being determined as contaminated land under Part III of the Waste and Contaminated Land (NI) Order 1997.

It is also noted that this section could briefly describe the various roles in relation to land contamination i.e. risks to human health relate to the statutory responsibilities of the Environmental Health Department within the local council and risks to environmental receptors relate to the statutory responsibilities of the Northern Ireland Environment Agency, an executive agency within the Department of Agriculture, Environment and Rural Affairs (DAERA).

**Waste Planning – Protection of Surface and Groundwater**- it is positive to see consideration being given through the LPD to the protection of surface and groundwater from the development of waste management facilities.

**Part E – Environment Strategy, Designation & Policies:** please see comment above regarding the need for a new planning policy supporting the redevelopment and reuse of land affected by contamination and to inform



developers of the availability of such sites and potential constraints attached to them (e.g. Illegal waste sites).

In considering this LPD and its supporting policies, consideration should be given to the legacy of waste and illegal waste sites such as those on the Mobuoy Road where they are in close proximity to the adjacent River Faughan. The River Faughan is designated an Area of Special Scientific Interest (ASSI) and as a Special Area of Conservation (SAC). Importantly Northern Ireland Water (NI Water) abstracts raw water from the River Faughan approximately 2 miles downstream of the site at Cloghole to supply its Carmoney water treatment works (WTW) which provides drinking water to its 50,000 customers in the North West. It is therefore important this LDP and supporting policies promote and encourage the need to identify and manage all potential risks at this site and at all potentially contaminated sites and that these will support their redevelopment and new use.

**General Criteria Renewable and Low Carbon Energy Development** - It is acknowledged that consideration has been given to potential impact of these developments on water quality; although it is recommended that the potential impacts of these developments on the underlying groundwater (quality & resource) needs to be more fully considered. Wind turbines are typically constructed using foundations. These foundations could potentially impact on groundwater flow paths, groundwater receptors (aquifers) or secondary receptors. Hence it is recommended that the applicant needs to consider the risks to these potential receptors in a Water Features Survey as part of the initial desktop study. If the desktop study / water features survey identifies any potential impacts then a more detailed risk assessment may be required.

**Development and Flooding** (Pages 376 – 396) - this section needs to be updated to further consider the potential of food risk from underlying shallow groundwater.

**Appendix 7 – Glossary / Terms & Abbreviations** - the statutory definition of contaminated land as defined per Part III of the Waste and Contaminated Land Order (Northern Ireland) 1997 should be provided.

### **General Comments on Landscape**

#### **Coastal Development**

##### **Context**

p.340: Para 22.6 'The Council's LDP Strategy for coastal development' 1st line: We would recommend in line with DAERAs publications and the Council's





'Landscape & Seascape Character Review' that the term 'landscape/seascape setting' should be amended to 'landscape and seascape character.'

#### **Coastal Policies:**

**Policy CD1: Coastal Development:** 1st para: We would recommend using the word 'character' instead of 'setting' for the reasons given in para 22.6 above.

1st bullet point under 'Undeveloped Coast': We would recommend that the term "landscape / seascape value of the area" should be amended to "landscape / seascape quality and character of the area."

p.342: 2nd para under 'Developed Coast': We would recommend that the term "landscape value of the area" should be amended to "landscape/seascape quality and character of the area."

#### **Historic Environment**

##### **LDP Designations**

**HE5: Conservation Areas:** Add another dashed point: "- be sympathetic to the open space within the Conservation Area." Open Space is often a vital component of the Conservation Areas. Greens, squares and other areas of open space complement the built form.

p.356: Existing dashed point 5: This should be amended to "- protect trees, hedgerows and other landscape features contributing to the character or appearance of the area;"

#### **Renewable and Low Carbon Energy Development**

**RED1: Renewable and Low Carbon Energy Development – General Criteria:** 5th paragraph typo the "T" has been left off the word "interest".

p.370: 1st para after criteria ix should be amended to use a different term than 'photographic mock-up'. We would recommend "*Where the Council considers it necessary, a noise-assessment report, in accordance with best-practice methodology and/or a landscape and visual impact assessment (including photomontages to aid assessment of visual impact) will be submitted upon request.*"

The following two best practice guidelines should be referenced in footnotes:-

Scottish Natural Heritage (2017) - Visual Representation of Wind Farms: good practice guidance (version 2.2) (SNH 2017)

Landscape Institute: Visual Representation of Development Proposals: Technical Guidance Note 06/19: 17 September 2019

**Hydro- electric schemes:** We would recommend the addition of the following point:-



iv. any ancillary structures shall have no significant adverse impact on landscape character and designated/protected areas.

### **Marine Comments**

The DAERA Marine Plan Team welcomes the opportunity to provide further comment on the Derry City and Strabane Local Development Plan Draft Plan Strategy and the accompanying Sustainability Appraisal Scoping Report. However, it is disappointing that the majority of the advice provided in November 2018, February 2019 and July 2019 on earlier versions of the LDP and the previous SA Scoping Report do not appear to have been taken on board. Whilst, the LDP Draft Plan Strategy has had some regard to marine policy documents, it appears to be selective on what policy areas and development proposals will impact on the marine area, which impacts are to be considered and consequently, when impacts on the marine area should be considered. In view of this the Council may be content that sufficient regard has been given to the UK Marine Policy Statement (MPS) and the draft Marine Plan for Northern Ireland to meet consistency test C4 for soundness.

However, there is a lot of scope to make the LDP Draft Plan Strategy more sound and further advice is attached at Annex A. Note previous advice provided to the Council has not been reiterated in this response. Annex A also includes comments on the revised Sustainability Appraisal Scoping Report.

The Council is reminded that in making decisions on planning applications which affect or might affect the whole or any part of the marine area, the council is legislatively required (under Section 8 of the Marine Act (Northern Ireland) 2013 and Section 58 of the Marine and Coastal Access Act 2009) to make decisions in accordance with the appropriate marine policy documents; unless relevant considerations indicate otherwise.

At present both the UK Marine Policy Statement (MPS) and the Draft Marine Plan are the current marine policy documents and both are material considerations in making decisions on planning applications. However, it should be noted that the draft Marine Plan will have limited weight at this time. Should decisions not be made in accordance with these marine policy documents in making authorisation and enforcement decisions, the Council must state its reasons for not doing so. The UK MPS promotes the integration of the marine planning system with the terrestrial planning system. It sets out the framework and high level principles (paragraph 2.3.2) for decision making and includes the environmental, economic and social issues for consideration, by decisions makers (such as the local council) when permitting development. The Statement can be viewed at <https://www.daera-ni.gov.uk/articles/marine-policy-%E2%80%93-uk-marine-policy-statement>



The Department has also produced a draft Marine Plan for Northern Ireland. This can be viewed at <https://www.daera-ni.gov.uk/articles/marine-plan-northern-ireland> The Plan builds upon the UK MPS and will come into effect when it is published in final form. In the meantime, decisions are determined in accordance with the UK MPS.

### **Annex A**

The following comments provide further advice on how your LDP draft Plan Strategy could be made more sound by increasing the level of regard to marine planning documents and marine legislation.

Further advice is also provided on the draft SA Scoping Report. In taking on this advice the integration between terrestrial and marine planning systems will be strengthened.

### **Draft Plan Strategy**

#### **Contextual Chapters and Vision and Objectives**

It is advised, the introductory chapter would benefit from a statement setting out that the contents of the LDP must also be read in conjunction with the contents of the UK MPS and draft Marine Plan for Northern Ireland. This will ensure compliance with marine legislation.

It is also important to recognise the Council area shares a boundary with the marine area within the Spatial Characteristics section of chapter 2, including the section on Adjoining Districts, and North West Region.

Furthermore, the objectives of the LDP could provide more specific reference to the marine area and its aspects, including protection and enhancement of the marine area and preventing development in areas at risk of coastal change (including coastal erosion).

#### **General Development Principles and Policies AND Strategic and Operational Policies**

It is crucial to accurately reflect marine legislation within the LDP. For example, Policy NE 4 indicates the UK MPS only applies to the tidal reaches of the River Foyle and Faughan and their tributaries. The marine area comprises all marine waters including the seabed, subsoil, sea loughs and tidal rivers, so far as the tide flows at Mean High Water Spring tide. However, the UK MPS and the draft Marine Plan (as marine policy documents) apply to all development where decisions affect or have the potential to affect the whole or part of the marine area. As a result it is pertinent that marine policy documents are considered more widely than is currently reflected in the LDP draft Plan Strategy and that development management decisions are in accordance with these, unless other relevant considerations indicate otherwise. The policy on Land and Sea Interaction in the draft Marine Plan may be helpful in this regard.

#### **References to UK MPS and draft Marine Plan**

To improve integration, in line with the UK MPS, between the marine and terrestrial planning systems and to ensure marine legislation requirements are met, you are strongly advised to include appropriate reference to the UK MPS



(and the draft Marine Plan), particularly where the RDS and SPPS are mentioned. This is important as these marine policy documents set out common considerations in relation to climate change, coastal processes and flooding, the historic environment and natural heritage and many other economic, social and environmental considerations. The UK MPS also sets out policy objectives for common policy areas such as ports, surface water management, waste water treatment and disposal, tourism and recreation. Your attention is also drawn to the high level principles for decision making contained within the UK MPS, as these also need to be reflected and adhered to, through the development management process.

#### Impacts and Assessment of proposals against marine policy document

As it stands, many of the policy areas appear to ignore the consideration of impacts on the marine area. Worryingly, this includes the General Development Policies and in particular GDP 1, which the LDP requires development proposals to meet. To ensure consideration of marine policy documents in decision making processes, it is strongly recommended that this policy makes provision to ensure development is also in accordance with the UK MPS and the Marine Plan for Northern Ireland, unless relevant considerations indicate otherwise. Many developments have the potential to impact the marine area through a number of pathways and it is essential that these are considered. This will ensure impacts on the marine area, its activities, uses and environment are considered as part of the development management decision making process for all proposals, and will assist in ensuring the Council meets its legal requirements under marine legislation.

It is also suggested that explicit reference should be made to the protection of the marine area in GDP 4.

The draft LDP policies include broad policy criteria that often refer to proposals not having an (unacceptable/significant) adverse impact on the:

- Natural environment;
- Landscape and visual amenity; and
- Water environment, water quality and pollution of water courses etc.

It needs to be made clear that these impacts include those on the marine area (its uses, activities, seascapes and environment – including ecosystem services) and are not solely restricted to impacts on land or the inter-tidal area.

For example, impacts on the water environment should include consideration of marine, transitional and coastal waters, as required by marine legislation, WFD and MSFD. This is particularly important given that a number of settlements have been identified as having little or no remaining sewerage capacity. It is also important the LDP policies contribute to improving water quality and meeting WFD and MSFD objectives within the marine area, as well as in adjoining council areas.

Impacts on the natural environment should also include the marine environment. There are numerous references to the natural environment or environment. It is



recommended it is made clear that these references also include the marine environment and that effects on the marine environment will be considered, alongside effects on the terrestrial natural environment.

Impacts on landscape should also include seascape. A number of policies refer to landscape, integration with the landscape and erosion of landscape character. It is suggested that explicit reference to also made to seascape within all relevant policies and the accompanying justifications, especially where a coastal or riverfront element is acknowledged. This will ensure seascape is considered with the development management decision making process, as required under marine legislation.

Consideration should also be given to amending references from the marine environment to the marine area, to reflect marine legislation, as the consideration of impacts are not solely environmental but also include economic and social considerations.

Finally, impacts on other legitimate activities and uses of the sea should also be considered, alongside impacts on the natural and marine environment. For example, TAM 12, development of the regional port should include an additional criteria indicating that proposals will be granted provided they will not result in an unacceptable impact on the marine environment and other legitimate marine activities and uses.

#### Guidance

The Planning Advisory Service has produced a 'Soundness Self-Assessment Checklist' that was updated in March 2014 to include marine planning. The checklist can be viewed at: <https://www.local.gov.uk/pas/pas-topics/local-plans/local-plan-checklist> . This document sets out the interactions between terrestrial and marine planning, including the requirements of the UK MPS for English based planning authorities. You are advised to use this checklist as a basis for ensuring soundness for your LPD Draft Plan Strategy with respect to the Northern Ireland marine area.

In addition, the Celtic Seas partnership produced guidelines to assist planning authorities to improve integration with the marine planning system by promoting 'Good Environmental Status' of the sea. This can be viewed at: <http://www.celticseaspartnership.eu/Celtic-seas-partnership/guidelines-planning-authorities/> . The terrestrial planning system can play a key role in delivering on international obligations related to the marine environment.

#### Water Comments

##### **Housing in Settlements and in the Countryside**

##### **HOU Policies**

Development should not create or exacerbate environmental pollution or damage.



Water Framework Directive (WFD) Objectives for waterbodies in the plan area are currently not being met, the Local Development Plan (LDP) should recognise the issues for waterbodies not achieving their objectives and ensure the LDP does not contribute to these issues or create new ones. The LDP should strive to play a role in improving water quality within the plan area. The need to contribute to the achievement of WFD water quality Objectives in the plan area should be explicitly referred to within the LDP Strategic objectives.

The identification of further development land/housing sites should therefore also acknowledge the need for adequate wastewater treatment infrastructure and treatment capability. Given that such infrastructure in the Plan area is already under pressure combined with WFD Objectives not currently being met for a number of waterbodies in the LDP area, any further development/housing before infrastructure has been put in place or upgraded will exacerbate the difficulties in achieving the WFD Objectives.

The Strategic Policy, and related ones, should therefore take into consideration current wastewater treatment provision and any future capital expenditure plans by Northern Ireland Water as part of their Price Control Programmes for funding Waste water treatment works and sewerage infrastructure.

Once this information is known and assessed, suitable mitigation measures should be developed, if required, to ensure the zoning of land and the timing of the release of that land for development is aligned with the availability of suitable waste water networks and treatment infrastructure to service the developments to ensure there is adequate protection for the water environment.

### **Policies for Flooding and Development**

The Strategic planning Policy Statement (SPPS) states that the planning system should help to mitigate and adapt to climate change by, among other actions, working with natural environmental processes, for example through promoting the development of green infrastructure and also the use of sustainable drainage systems (SuDs) to reduce flood risk and improve water quality.

In managing development, particularly in areas susceptible to surface water flooding, planning authorities should encourage developers to use sustainable drainage systems (SuDs) as the preferred drainage solution. Such systems are widely used in other UK jurisdictions and have been shown to be more effective than traditional piped drainage in reducing surface water flooding as well as providing other environmental, economic and social benefits. Furthermore using



permeable materials for hard landscaped surfaces in new developments can reduce soil sealing.

The use of SuDS needs to be widespread across a catchment to enable the cumulative reduction of flood risk and benefits to water quality in the long term. NIEA Water management Unit therefore welcome the use of SuDS in all new developments. This could be achieved proportionally where smaller developments include permeable surfaces, and larger developments include swales, SuDS ponds as well as permeable surfaces for the environmental management of rainfall / surface water drainage.

Temporary SuDS can also be used during the construction phase as pollution prevention measures for silt management and to prevent erosion. Where possible these should be retained or adapted as part of the final permanent site drainage solution.

Surface water should be dealt with as close as possible to where it falls as rain (source control) and the use of two or more SuDS components can be used for the optimal solution to:

(i) Manage rainfall to mimic natural drainage by:

- reducing runoff rates;
- reducing additional runoff volumes and frequencies; and
- encouraging natural groundwater recharge.

(ii) Minimise impacts on quantity and quality of runoff by:

- reducing pollution and protecting the quality of receiving waters;
- preventing direct discharge of spillage; and
- reducing the volume of surface waste runoff to sewers.

(iii) Maximise amenity and biodiversity opportunity by:

- contributing to the amenity and aesthetic value of the development; and
- providing habitat for wildlife and biodiversity.

The use of a number of SuDS components within a development such as swales and settlement ponds may enable the better management of surface water.

NIEA therefore supports the Council's promotion of SuDS in GDP 2 but would have preferred an intention to bring forward Policy to require the use of



**Sustainable Drainage Systems (SuDS) in new developments, as has been proposed in other local authority draft plans.**

Yours sincerely



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NIEA, DAERA

