

DS-500



Derry City & Strabane
District Council

Comhairle Chathair
Dhoire & Cheantar
an tSratha Báin

Derry Cittie & Stràbane
Destrict Cooncil

DERRY CITY & STRABANE DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032



DRAFT PLAN STRATEGY

DS-500 - Public Consultation Report, March 2022

derrystrabane.com/ldp

DERRY CITY AND STRABANE DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032



LDP Public Consultation Report

March 2022

This Document is one in a series which comprises the evidence base that informs the preparation of the Derry City and Strabane District Local Development Plan (LDP 2032) Plan Strategy.

This is a Submission document in accordance with Regulation 20 of the Planning (LDP) Regulations (NI) 2015.

Contents

	Page
Chapter 1	
Introduction to LDP dPS Consultation Report	5
Chapter 2	
Consultation Overview	10
Chapter 3:	
Summary of Representations to the LDP draft Plan Strategy	15
Chapter 4:	
Council's Response to Representations to the LDP draft Plan Strategy	30

Chapter 1

Introduction to LDP dPS Consultation Report

Chapter 1 Introduction to LDP dPS Consultation Report

1.1 Background to LDP Process

The Local Development Plan (LDP) is being prepared under the provisions of Part 2 of the Planning Act (NI) 2011 and the Planning (Local Development Plan) Regulations (NI) 2015. The LDP Plan Strategy is the first of two development plan documents that will together comprise the Council's Local Development Plan (LDP) for the Derry City and Strabane District. In May 2017, the LDP Preferred Options Paper (POP) provided the basis for consulting with the public and stakeholders on a series of options for dealing with key issues in the Plan area. It set out the Council's initial proposals and policy direction, therefore aiming to stimulate public comment and help interested parties to become involved in a more meaningful way at this earliest stage of Plan preparation. This LDP draft Plan Strategy (dPS) has been opened to public consultation, after which an Independent Examination will be held and the final version of the LDP Plan Strategy will then be published. A second development plan document – the Local Policies Plan (LPP) will then be prepared; together they will comprise the Local Development Plan (LDP).

As set out in the Contents page and following the format of the earlier LDP POP and the LDP draft Plan Strategy, this LDP draft Plan Strategy Public Consultation Report sets out the strategic Planning objectives, designations and policies in clear logical sections, each one being colour coded for ease of reference.

To discharge its legislative duty, Derry City and Strabane District Council has prepared the draft Plan Strategy (dPS) document for the period 2017 – 2032. The draft Plan Strategy has been prepared taking account of the Regional Development Strategy (RDS), other policies and guidance issued by the Department for Infrastructure (DfI), and other relevant regional and local plans and strategies. The dPS is guided by an overall vision, which sets out to make Derry City and Strabane District a thriving, prosperous and sustainable area, Planning for balanced and appropriate high-quality development, whilst protecting our environment, and promoting well-being with equality of opportunity for all.

The Council is committed to engaging with local communities and other stakeholders and has sought to encourage inclusive discussions on the LDP and key planning policies that will guide future development within the District. Public consultation was therefore an important part of the plan making process.

1.2 What is the Local Development Plan?

The purpose of the Local Development Plan (LDP) is to inform the general public, statutory authorities, developers and other interested parties of the policy framework and land use proposals that will guide development decisions within the District. The LDP must apply regional policies at the appropriate local level, and set out a clear vision of how the District should look in the future, by indicating what type and scale of development should be encouraged and where it should be located. The Plan's land use zonings, designations and Planning policies will ensure that lands are appropriately zoned, development is managed and that infrastructure is coordinated to develop the District for future generations.

The allocations, designations, policies, proposals and zonings contained in the LDP, collectively referred to as the plan proposals, constitute considerations that the Council (or other decision-maker) will take into account in the determination of planning applications in the District. The contents of the LDP must be read as a whole, as often a combination of designations, policies, proposals and zonings may be relevant to a particular development proposal.

When adopted, the Council's LDP for the District will replace the current Derry Area Plan 2011 (adopted May 2000) and the Strabane Area Plan 2001 (adopted April 1991), both of which were produced by the Department of the Environment (DOE). The new LDP will also replace most existing regional planning policies. The LDP will comprise of two development plan documents:

- The LDP Plan Strategy (PS); and
- The LDP Local Policies Plan (LPP).

Public participation and engagement in formulating the LDP and progress through to adoption is facilitated through the Statement of Community Involvement (SCI) and Timetable, which have been agreed between the Council and the Department for Infrastructure (DfI). See <http://www.derrystrabane.com/Subsites/LDP/Local-Development-Plan> .

This LDP draft Plan Strategy (dPS) has been prepared first and has been subjected to considerable public consultation, before Independent Examination and then adoption. After the Plan Strategy has been adopted, the Local Policies Plan will be prepared and also subjected to public consultation and Independent Examination before adoption.

1.3 LDP Draft Plan Strategy Public Consultation Report

This report summarises the consultation process that has been undertaken in relation to the draft Plan Strategy (dPS) in accordance with the Statement of Community Involvement (SCI) and the Planning (Local Development Plan) Regulations (NI) 2015. It provides a summary of the key issues raised through the consultation process and an indication of the Council's views in relation to them. This report, alongside a full copy of representations submitted as part of the consultation, will form a key part of the assessment of the 'soundness' of the draft Plan Strategy when it is submitted to DfI in preparation for the Independent Examination. (Refer to DPPN 10 guidance.)

This public consultation report summarises the engagement process undertaken in preparing and consulting on the dPS. It outlines the results of the consultation process, including a summary of the key issues raised through representations in relation to each section and policy. The detailed Representations and Counter-Representations, as well as the Proposed Changes to the dPS) received are publicly available and can be read alongside this report.

The report provides an indication of the Council's view in relation to the key issues and will form an important part of the evidence to be considered as part of the preparation for the Independent Examination.

1.4 Additional Assessments

A number of assessments and appraisals must be produced in association with preparation of a Local Development Plan (LDP), in particular a Sustainability Appraisal (SA), which incorporates the Strategic Environmental Assessment (SEA). A Habitats Regulations Assessment, Equality Impact Assessment (EQIA) and Rural Needs Impact Assessment (RNIA) are also required.

The dPS has been subject to a number of assessments and appraisals, as referred to in the summary below. Each are contained in a separate supporting document accompanying the dPS. The undertaking of all of these assessments / appraisals is intertwined with the preparation of the LDP itself.

1.5 Sustainability Appraisal (SA, incorporating Strategic Environmental Assessment, SEA)

Section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 requires all Councils and NI Departments, in exercising their functions, to act in the way they consider best calculated to contribute to the achievement of sustainable development. Section 5 of the Planning Act (NI) 2011

(the 2011 Act) copper-fastens this duty by requiring those who exercise any function in relation to LDPs to do so with the objective of furthering sustainable development.

The 2011 Act requires Council to undertake an appraisal of sustainability for both the Plan Strategy and the Local Policies Plan respectively. As the Sustainability Appraisal (SA) for each of these development plan documents will incorporate an assessment of environmental effects, it must also comply with the requirements of the European Directive 2001/42/EC on the Assessment of Effects of Certain Plans and Programmes on the Environment (SEA Directive) The SEA Directive was transposed into Northern Ireland legislation through the Environmental Assessment of Plans and Programmes Regulations (NI) 2004 (the EAPP (NI) Regulations).

The purpose of SA is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of plans and programmes such as LDPs. The main difference between SA and Strategic Environmental Assessment (SEA) is that SA is wider in scope as it will cover the social and economic effects of the LDP, as well as the more environmentally focused considerations of SEA as required by the SEA Directive. Similar to SEA, SA must be carried out from the outset and in parallel with the LDP preparation process.

Given the complex nature of the SA process and its iterative contribution to ensuring the legislative 'soundness' of the LDP, the Council has engaged external specialist advice in producing these reports.

1.6 Habitats Regulations Assessment (HRA)

Habitats Regulations Assessment is a provision of The Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (as amended). The regulations require assessment of possible adverse effects on the integrity of European sites (Special Areas of Conservation and Special Protection Areas) as a result of plans and policies in the LDP. An assessment is also carried out for Ramsar sites (wetlands of international importance identified under the provisions of the Ramsar Convention). A draft Habitats Regulations Assessment (HRA) has been published for consultation with the dPS.

1.7 Rural Needs Impact Assessment (RNIA)

The Rural Needs Act (NI) 2016 places a duty on public authorities to have regard to rural needs in developing, adopting, implementing, or revising policies, strategies and plans. It is therefore incumbent upon Derry City and Strabane District Council to carefully consider the impact of the LDP policies and proposal upon the needs of rural dwellers and communities. A Rural Needs Impact Assessment (RNIA)¹, which incorporates the principles of rural proofing, accompanies the draft Plan Strategy.

Rural areas differ from urban areas due to their area / scale, countryside landscape, greater geographical isolation, population dispersal, longer distances from key services like health, education or leisure facilities and limited employment opportunities.

The objective of RNIA is to ensure robust consideration and integration of rural issues at the outset of the policy making process to help ensure fair and equitable treatment for rural areas through the development of policies which are proportionate to need. It has been used as part of the LDP policy making process to ensure policies do not have a detrimental impact on rural dwellers and rural communities. 'Equitable' means policies in the LDP should treat rural areas in a fair or reasonable way. This does not mean that rural areas should have an equal level of resources as urban, but rather that policies demonstrate proportionality to rural areas, taking into account their need and unique characteristics.

1.8 Equality Impact Assessment (EQIA)

Section 75 of the Northern Ireland Act 1998 (Equality of Opportunity), places a statutory requirement on the Council to carry out their functions with due regard to the need to promote equality of opportunity and to promote good relations between persons of different religious belief, political opinion or racial group.

To ensure that the LDP is prepared in accordance with Section 75 statutory obligations, the Council has undertaken an Equality Impact Assessment (EQIA) to determine if there will be any potential impacts upon Section 75 groups as a result of the policies and proposals contained in the LDP. There is a monitoring commitment as part of the EQIA to provide statistical evidence in terms of the LDP content and its potential impact on Section 75 groups.

Section 75 of the Northern Ireland Act 1998, requires public authorities to carry out their functions with due regard to the need to promote equality of opportunity between:

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

The Act also requires promotion of good relations between persons of different religious belief, political opinion and racial group. The draft Plan Strategy is accompanied by a draft Equality (Section 75) Screening Report examining the likely effects of its policies and proposals on the promotion of equality of opportunity amongst the listed groups.

1.9 Structure of this Consultation Report

This dPS Consultation Report is structured as follows:

- **Chapter 1: Introduction to LDP dPS Consultation Report** - an overview of the actual LDP and its key documents.
- **Chapter 2: Consultation Overview** – provides a summary of the consultation exercise undertaken to-date.
- **Chapter 3: Summary of Representations to the LDP draft Plan Strategy** – provides a high level summary of the responses received, and key issues raised, to each of the consultation stages i.e. POP Reps, dPS Reps, dPS Counter Reps and Comments on the dPS Proposed Changes.
- **Chapter 4: The Council's response to main issues raised** – provides a more-detailed summary of the key issues raised in relation to each specific policy or section of the draft Plan Strategy, alongside an indication of the Council's views on those issues. It should be noted that the issues summary and the responses included submissions about the LDP dPS itself, but also those comments about the Sustainability Appraisal (SA/SEA) and the Habitats Regulations (HRA) report, as well as the few that reference Equality (EQIA) and Rural Impact (RNIA) issues, since they are included as supporting or secondary matters as part of an identified Planning issue.

Chapter 2:

Consultation Overview

Chapter 2 Consultation Overview

2.1 Engagement Process

The Planning (Local Development Plan) Regulations (NI) 2015 state that the Council must provide an opportunity for all stakeholders, including the public, to have a say about where and how development within their local area should take place. Accordingly, the Council has undertaken an extensive programme of consultation in line with the Statement of Community Involvement (SCI, document DS-602) that was agreed earlier in the LDP-preparation process.

The detail of the following consultations, from 2015 onwards, is included in the Soundness reports that accompany the dPS Submission, particularly: DS-602d - Statement of Community Involvement Compliance Report; DS-600b - Public Notices & Website for LDP Stages and DS-600c - Consultation Evidence for LDP Stages, plus DS-600 - Self Assessment of Soundness Statement (SASS).

2.2 Consulted People / Organisations

The LDP consultation has involved a wide range of organisations and individuals, to ensure that anyone who wished did have ample opportunity to engage and input to the LDP-preparation. They included:

- Professional 'stakeholders' – from within the Council – officers at all levels / all Departments. Several presentations / meetings to the Councils Strategic Overview Group (Chief Executive, Director, etc) and Inter- Departmental Group – see Governance Bodies detailed at DS-602d.
- Elected Members (who represent the public across the District) – were very involved inputting to the LDP – through the Planning Cttee plus LDP Steering Group and a series of Topic-based Discussion Workshops throughout 2016 up to April 2017 (pre-POP) then a series of 10 MDM Member Discussion Meetings between Jan and Oct 2019 (pre-dPS), as well as 10 RTD Round-Table Discussion workshop meetings from April to October 2021 (to discuss the Representations / agree the dPS Proposed Changes); and then externally, with
- professional 'stakeholders' in the various government departments – several meetings of the Key Consultee Group, plus 1-to-1 meetings and numerous written / phone inputs. Written consultations sent to all Consultation bodies at each required stage;
- adjoining Councils – a collective 5-Council meeting held in March 2017, then an individual Council meeting held with each Council pre their POP and dPS respectively, plus with Donegal County Council. Also through the Sperrins Forum – officers and Members held several formal meetings and a draft Statement of Common Ground – see details in EVB 2;
- interested parties in the development industry – developers, landowners, property owners, Planning agents / Architects, etc. – a meeting was held at the City Hotel in March 2017 of the Planning agents / Architects, plus key developers, landowners, etc. were at the Everglades Stakeholder event in April 2017, plus many notifications sent / written submissions received. Also held a specific Housing Stakeholder meeting with Housing Associations and private housebuilders
- advocacy bodies e.g. RSPB, Into the West (Transport), Zero Waste NW Cycle Derry;
- environmental groups e.g. Boomhall Trust, PARC/Sperrins, River Faughan Anglers. Also held a specific Environmental Stakeholder meeting in April 2017;
- voluntary / community groups e.g.; Enagh Youth Forum, UFU;
- residents' groups e.g. several inputs from / correspondence with, Prehen Env. & Historical Society, Culmore Residents Assoc;

- the general public – mainstream press adverts, public meetings, displays, many added to ‘stakeholder notification list’ and attended events; particularly trying to reach
- young people – using social media for all stages, website, IMPROVE project, going into the schools, etc;
- section 75 groups – a database of 104 entries for local groups / persons and 52 regional groups, through the Council’s Equality Officer

2.3 Forms of Consultation

Consultations have taken place through a range of formats:

- large consultation events – on 4th April 2017, over 130 people attended a major Stakeholder Event at the Everglades Hotel – see DS-602d for details.
- small workshops / meetings – 16 sessions in 9 venues / 5 settlements, following the POP launch in May 2017 and again in December 2019 following the dPS launch – see DS-602d
- public exhibitions / drop-in sessions – as above
- school visits – in Jan 2020, talks delivered in 3 schools, plus a larger event organised (aborted)
- presentation to s 75 groups – in Jan 2020, to RNIB/CAN and also to s75 District Group
- thousands of letters & emails have been issued (and hundreds of responses received) – with a Notification Database of 533 bodies / individuals, plus 150 on s75 database, all received e-mails/letters at the various key stages notifying/inviting input – see DS-602d and 602c

Various forms of communication have sought to reach the ‘interested parties’:

- multiple adverts / public notices were placed in the 6 local newspapers that cover all of the people across all of this District (at considerable expense), as well as in the official Belfast Gazette
- the dPS information has been made available (in a range of alternative formats) at the Council’s offices, public libraries, Council leisure centres, as well as for ‘coffee tables / counters’ at surgeries/shops/public businesses (via a distributor)
- all has been placed on the Council’s website:
<https://www.derrystrobane.com/Subsites/LDP/Local-Development-Plan>
- press releases and articles have been run at each stage
- it has been ‘pushed’ through social media (via the Council’s Marketing Team), to target ‘young people’.

The consultation undertaken at the various stages of the preparation of the LDP dPS is summarised in the table on the following page.

2.4 Conclusion

In summary, following an extensive public consultation process, the Council is satisfied that the whole range of interested parties have had the opportunity to engage and input to the preparation of the District’s LDP draft Plan Strategy (dPS).

CONSULTATIONS DONE IN RELATION TO DC&SDC LDP

LDP Stage	Summary of Main Consultations Done	Date of Consultation
Initial Statement of Community Involvement (SCI)	Input of Elected Members Public Consultation re the Draft SCI Comments from DOE / Dfl Advert, Website, PR, Distribution	2015 & 2016 Nov 2015 to Jan 2016 Jan, May & June 2016 July 2016
Initial LDP Timetable	Letters to Key Consultees Letter to PAC Dfl Approval Advert, Web, PR, Distribute/Notify	May 2016 May 2016 June 2016 July 2016
In advance of the LDP Preferred Options Paper (POP)	Engagement / Consultation letter to all Consultation Bodies Engagement Meetings – 5 Councils Meeting of Key Consultees POP Stakeholder Event	30 Nov 2016 - Jan 2017 1 st March 2017 9 th March 2017 4 th April 2017
On publication of LDP POP - Consultation for POP Representations (POP Reps)	Public Availability Display Public Consultation Meetings Notification E-zine to all Consultation Bodies & other Stakeholders Advert, Website, PR, Distribution	31 st May to 22 nd Aug 2017 June 2017 1 st June 2017 June 2017
LDP Statement of Community Involvement (SCI) Revision 1	No Consultation Appropriate Dfl Approval Advert, Website, PR, Notification	n/a 24 th May 2018 May & June 2018
LDP Timetable Revision 1	No Consultation Appropriate Letter to / from PAC Dfl Approval Advert, Website, PR, Notification	n/a April 2018 24 th May 2018 May & June 2018
LDP Timetable Revision 2	Letters to Key Consultees Letter to / from PAC Dfl Approval Advert, Website, PR, Notification	24 th April 2019 May 2019 9 th July 2019 July 2019
On publication of LDP draft Plan Strategy (dPS) – Consultation for Representations (Reps)	Public Availability Display Public Consultation Meetings Notification letter to all Consultation Bodies & other Stakeholders Advert, Website, PR, Distribution	December 2019 December 2019 28 th November 2019 December 2019
LDP draft Plan Strategy (dPS) – Availability of Reps and Consultation for Counter Reps (Started 5 th March, but was aborted on 20 th March 2020 due to Covid lockdown)	Notification letter to all Consultation Bodies & other Stakeholders Advert, Website, PR Cancel Consultation Letter	5 th March 2020 March 2020 8 th April 2020
LDP draft Plan Strategy (dPS) – Re-Consultation for Representations (Reps)	Notification letter to all Consultation Bodies & other Stakeholders Advert, Website, PR	10 th September 2020 September 2020

LDP Stage	Summary of Main Consultations Done	Date of Consultation
LDP draft Plan Strategy (dPS) – Availability of Reps and Consultation for Counter Reps	Notification letter to all Consultation Bodies & other Stakeholders Advert, Website, PR	26 th November 2020 November 2020
LDP Statement of Community Involvement (SCI) Revision 2	No Consultation Appropriate DfI Approval Advert, Website, PR, Notification	n/a 30 th November 2021 December 2021
LDP Timetable Revision 3	Letters to Key Consultees Letters to / from PAC DfI Approval Advert, Website, PR, Notification	April - November 2021 April - November 2021 30 th November 2021 December 2021
Proposed Changes (PCs) to LDP draft Plan Strategy (dPS) – Consultation for PC Comments	Notification letter to all Consultation Bodies & other Stakeholders Advert, Website, PR, Notification	2 nd & 6 th December 2021 December 2021
Submission of LDP dPS and associated documents	Notification letter will be issued to all Consultation Bodies & other Stakeholders Advert, Website, PR, Notification	May 2022 May 2022

Chapter 3:

Summary of Representations to the LDP draft Plan Strategy

Chapter 3: Summary of Representations to the LDP draft Plan Strategy

3.1 Legal Requirement

Regulation 20(2)(f) of the Planning (LDP) Regulations 2015 requires the submission of a Statement summarising the LDP POP Representations and Regulation 20(2)(g) requires a Statement about the dPS Representations / Counter-Representations.

A high-level summary of the LDP POP Reps is included below and, together with the documents at DS-704a, 704b and 705, this meets the Regulation 20(2)(f) requirement i.e. the documents firstly provide a summary of the main issues raised in the POP representations, and then explain how those main issues have been taken into account in the preparation of the LDP draft Plan Strategy (dPS).

This chapter is also put forward as a statement to meet the Regulation 20(2)(g) requirement i.e. to state the number of Representations and Counter-Representations received and provide a summary of the main issues raised in those Representations.

Whilst there is no similar Regulation to deal with the Comments received in relation to the dPS Proposed Changes (PCs), the same principles apply, so this Chapter also summarises the number and nature of those PC Comments.

The Reps, Counter-Reps and PC Changes are numerically summarised on the Table at the top of the webpage on the Council's website, at: <https://www.derrystرابane.com/getmedia/a17c1f92-07b6-4c57-a872-54e21152b6d0/LDP-dPS-Reps-C-Reps-Total-Table-for-Website,-13th-April-2022.pdf> They are also summarised in the LDP Reps Spreadsheet (DS-400) – firstly Sheet 1 provides an overall summary and then Sheet 2 gives a summary of the main issues raised (and where they are dealt-with, etc.).

3.2 POP REPRESENTATIONS

Summary of Representations to the LDP Preferred Options Paper (POP Reps), mid-2017

(See also the POP Rep consideration reports at DS-704a, 704b and 705.)

The **LDP POP public consultation ran for 12 weeks from 31st May – 22nd August 2017**. The POP consultation and engagement took many forms in an effort to reach a wide audience, including public engagement events, advertisements and web-based consultation.

In total there were **127 responses or 'representations'** to the POP broken down as follows:

Origin of Response	Number of Responses
Statutory and Non Statutory Consultees	22
Elected Representatives	3
Organisations	22
Planning Agents / Individuals	75
Late Responses	5
Total	127

While broadly supportive of the thrust, sustainability approach and main text of the POP document and supporting documents, it was not unexpected that consultees included in their responses comments that aligned with and promoted their own work area and sphere of influence. In essence, the main overarching thrust of their comments was:

- Ensuring options and reasoning are developed within the context of the strategic planning policy;
- Ensuring the evidence base robustly and soundly supports the selected preferred option; and
- Ensuring the consistency of argument and reasoning flow through our Evidence papers, Community Plan and POP into our draft Plan Strategy.

Organisations:

The main issues raised by organisations were specific to their own needs and reflect the wide spectrum of respondents: Main issues raised were:

- A more forward looking approach to renewables;
- Greater recognition and protection for Derry's Walls;
- Enhanced environmentally friendly transport infrastructure e.g. walk-ways and cycle paths;
- Sustainable development to be focused within Derry and Strabane;
- Environmental and landscape protection;
- Waste and Health impact considerations – particularly in relation to new housing zonings;
- More focus on enhancing development opportunities in specific rural settlements.

Agents:

Agents provided a wide range of responses, either promoting their own views or in submissions on behalf of particular clients. Main issues raised were:

- Early raising of lands to be included within settlement limits;
- More development opportunities in the countryside;
- Important role of District and Local Centres;
- Need for more-bold policies to promote growth in retail developments;
- Transport and pedestrianisation consideration;
- Relaxation of rural policy – particularly for farmers;
- Reclassification of certain settlements;
- Opposition to landscape and renewables proposals;
- Enhanced housing / social housing allocation;

Public / Elected Representatives:

A wide range of representation issues was received, varying from single issue response to generic Planning responses. Main issues raised were:

- Rural dwellings, particularly in relation to those on farms;
- Equality of private and social housing provision across key settlements, a sustainable drive for additional economic sites and a focus on redeveloping our existing city / town centres.
- There was a desire for a vibrant rural economy with appropriate-scale development, along with natural heritage protection, biodiversity enhancement and landscape recognition and protection from inappropriate development e.g. renewables.
- Re-designation of certain small settlements / hamlets along with general rural Planning policy reform
- Support for Place Shaping and high quality design.
- Inadequate play areas in locations;
- Development potential of local hamlets;
- Small settlements to be re-designated to avoid their disappearing;
- More promotion of cycling and related infrastructure;
- Lands to be included in development limits;
- Need for pro-business and pro entrepreneurship;
- No fracking;
- Need for a city architect;
- More explanation or clarity for planning expressions;
- More landscape / biodiversity protection;
- More redevelopment opportunities needed in Glenelly/Sperrins area.

It should be noted that site specific representations e.g. requests for inclusion of land within settlement limits have also been received. These are representations which will be noted for their principle, but would only be considered at the LDP draft Local Policies Plan stage.

Sustainability Appraisal Report:

A number of the statutory consultees, interested groups or members of the public commented specifically on the Interim Sustainability Appraisal (SA) as part of the consultation response. There was also a question on the questionnaire asking for views on the contents or findings of the Interim SA. Generally, comments on the Interim SA related to specific issues of interest to the respondent. Many of the respondents provided a counter view on how scores were awarded against the various 'Options' within the Assessment Matrices of the Interim SA (e.g. a positive score instead of negative or vice versa).

Summary Content of POP Reps

From a presentational viewpoint, the Council's POP document was well-received in terms of its readability, layout and clarity. The clear and legislatively required relationship with the Strategic Growth Plan was positively commented on. This feedback was one that Planning officials could proactively build on in preparing the layout and content of the draft Plan Strategy document.

It was not unexpected that a number of respondents made comments that aligned with and promoted their own work area and sphere of influence. While some of these were supported with useful evidence / additional data to underpin their assumptions, the remainder were unsubstantiated in terms of supporting evidence.

In essence, the broad nature of responses to the Options as presented in the POP can be categorized as follows; either:

- Supportive of the preferred option (with / without supplying supporting evidence);
- Not supportive of the preferred option and a preference for another Option (with / without supplying supporting evidence); or
- Seeking additional, robust baseline evidence / further studies to underpin future decision-making.

Respondents commented as above, on POP Topics pertinent to their areas of interest / sphere of influence. These comments were recorded as individual 'issues' specific to each respondent. A key feature of the LDP preparation system is that the consideration is to be 'issue-based' and accordingly, all representations have been sorted into the issues raised, rather than being considered by individual representation. The Representations were then collectively summarised into overall issues raised by topic and all have been entered into a Representations Database.

As per the POP document, the representations were listed, firstly with regard to the LDP's Vision and Objectives, then the Growth Strategy, the Spatial Strategy and then the Planning topics. The following key topic areas were identified as requiring a much greater level of additional consideration over and above that which will be given to the other topic areas that received a lesser focus of interest.

Economic – Economic Development Lands, City / Town Centres, Transport, Rural Economy, Minerals;
Social – Strategic Housing Distribution, Location & Allocation of Housing Land; Social / Affordable Housing & Balanced Communities;

Environment – Natural / Historic Environment, Landscape, Urban Design, Renewables, Transport – People & Environmentally Friendly, Settlements – Place Making & Design Vision.

The above specific topics dovetail into the key findings emanating from the Strategic Growth Plan in terms of those key areas seen as drivers to the economic regeneration and social improvements required to enable this District to fully deliver its 'North West City Region' role and fully maximise its potential to the benefit of its citizens.

All of the suite of PPS were opened up for representations to be made during the consultation period. In essence, the broad nature of responses to the suite of PPS documents as presented in the POP can be categorized as follows; either:

- Retain the policy in each PPS as is;
- Relax the policy contained within each PPS;
- Stricter policy controls required over and above that already contained in the PPS;
- A general desire to see Council more rigorously enforce the application of policy.

The following Planning Policy Statements received a particular level of interest and similarly to the Planning Topics will require a significant level of scrutiny and consideration:

PPS13 – Transportation & Land Use
PPS 18 – Renewable Energy
PPS 21 – Sustainable Development in the Countryside.

PPS 21 attracted the greatest level of response with issues raised divided into requests to have the future LDP rural planning policy either, retained as per PPS21, relaxed or alternatively made stricter.

3.3 REPRESENTATIONS TO THE LDP dPS

Summary of Representations to the LDP draft Plan Strategy (dPS), Late 2019 & 2020

The LDP Draft Plan Strategy (dPS) was published and was subject to an 8-week statutory consultation period which ran from **2nd December 2019 and ended on 27th January 2020**. 121 Representations (Reps) were received within the 8-week period, from statutory consultees, various organisations, landowners, developers and members of the public. Seven ‘Late’ responses were received after the 27th January deadline.

Of the 121 representations received during the 8-week consultation period, we received some almost-duplicates of the same representation from certain groups and therefore approximately 93 representations were received covering distinct issues.

Four Government Departments submitted responses. These were the Department for Infrastructure (DfI) (which includes Strategic Planning (already circulated to Members), Roads, Rivers, Transport Planning & Modelling Unit and Water & Drainage Division); Department for Agriculture, Environment and Rural Affairs (DAERA) (which includes NIEA, Marine team and Environment team); Department for Communities (DfC) (which includes Historic Environment Division and Ministerial Advisory Group for Architecture) and Department for Economy (DfE).

Three of our neighbouring Councils submitted in-time responses, namely: Fermanagh and Omagh Council, Mid Ulster Council and Causeway Coast and Glens Council. Representations have also been submitted by Donegal County Council and from North West Regional Authority (NWRA), but these were received after the January 27th closing date.

A number of other key stakeholders and organisations also submitted representations, including Tourism NI, Translink, Northern Ireland Housing Executive, the Housing Associations, RSPB, other environmental bodies, Foyle Port, NI Water and Invest NI.

Some representations cover single issues or chapters of the dPS, though most cover a range of issues in one representation. Various chapters and aspects of the dPS have been raised within the various representations.

Chapter 16: Housing in Settlements and in the Countryside, not surprisingly, attracted the highest number of representations, with approximately 40 separate representations raising issues. These representations are a mix of strategic or settlement-specific issues mostly concerned with issues relating to either strategic housing allocation across the District, across the settlement tiers, location of housing within settlements and affordable housing policy within and outside settlement limits. In particular, Policy HOU 5: Affordable Housing in Settlements attracted significant responses in

relation to its requirement to provide for a % proportion of both private and affordable housing on sites over a certain size.

The Growth Strategy attracted similarly themed responses to the Housing section, some feeling that it is unrealistic, though most were commenting that the Growth Strategy is not aspirational enough, that the housing figures do not match the proposed population / jobs increase and that the housing allocation needs to be more fairly dispensed across the settlement hierarchy – particularly to the villages. The Spatial Strategy attracted a lesser number of responses, housing allocations to settlements, the need for a Green Belt and the roles of certain settlements were common issues.

Other chapters / topics that have attracted a high number of responses include Economic Development - seeking the careful future consideration of industrial lands in relation to housing / health and wellbeing; Minerals – a strong opposition to any future gold mining activity within the Sperrin AONB and also to the proposed requirement for developer bonds for site restoration; Natural Environment – the impact of gold mining, the role and benefit of newly proposed dPS Landscape designations and the impacts of Mobuoy on our European sites and our upgraded key transport routes; Renewables – impacts of proposed landscape designations on the renewables sector, and Transport – maximising the development opportunities for the various key transport route / cross border upgrades, encouraging modal shift through enhanced rail upgrades and the need for developer contributions to secure public transport services.

13 representations have been submitted relating to the Sustainability Appraisal (SA), 2 representations relating to the Habitats Regulations Assessment (HRA) and 1 representation relating to the Rural Needs Impact Assessment (RNIA).

Following the suspension of the **Counter Representations consultation in March 2020** due to COVID disruptions, plus a potential procedural issue being identified in relation to the timing of the original consultation period, a further **Reps Re-Consultation period ran from 11th September to 6th November 2020**.

During the Re-Consultation period, 110 Reps were to be carried forward unchanged, 18 were updated / revised, there were 118 new Reps and also 1 new late Rep. However, 82 of the Reps (from PARC) consist of the same / similar submission under different names so there were effectively 37 new different Reps received in this consultation period.

As expected, the vast majority of substantive responses and ‘issues’ were already submitted at the first consultation period, especially from the main consultees, government departments and other statutory ‘consultation bodies’. However, several submissions did take the opportunity to update their earlier Reps, there are a few government and civic bodies, several relate to renewable energy, there is a strong environmental lobby but the majority of them call for the future inclusion of land for development within the various settlements.

Specifically, DfI updated its Reps to include comments on Covid-19 recovery and the Climate Emergency, DfC Local Gov & Housing make a submission and Dept of Health make an interesting submission regarding Gransha lands. There are now Reps from the Inner City Trust and from Foyle Civic Trust and a local architect, an MLA and an Economist regarding good design and ideas for city

regeneration / recovery. There are 6 reps from energy and renewables companies. PARC and 3 other Reps are seeking stronger ‘environmental’ protection. Approximately 20 of the new Reps seek to make a strategic case for the settlement expansion and zoning / inclusion of their lands within various settlements of the District.

SUMMARY OF STATUS OF REPRESENTATIONS (Reps) TO LDP dPS, as at end November 2020

Original Consultation	121 Reps Received in-time, plus 7 Late Reps
Re-Consultation	110 Reps Carried Forward unchanged, as is. 18 Reps Revised / Updated, 118 New Reps, 1 new Late Rep

3.4 COUNTER- REPRESENTATIONS TO THE LDP dPS

The next stage in the consultation sought the receipt of any site-specific policy **Counter Representations – from 27th November 2020 until 22nd January 2021, from which 6 Counter Reps and 1 Late Counter Reps were received.**

In February 2022 (at the dPS Proposed Changes stage), 1 further Late Rep was received and 24 Late Counter Reps were also received.

In summary, C-Rep 1 was from Mid-Ulster District Council, supporting the Councils’ common approach to the Sperrin AONB and concerned about 9 Reps that were mostly critical of the SCA and wind energy policies. C-Rep 2 was from a local architect, contrary to a Rep seeking settlement status / development at as small settlement of Gortnessy. C-Reps 3 & 7 (& 6-Late) are from DfC HED and Boomhall Trust regarding proposed development at Foyle River Gardens / Boomhall. C-Reps 4 & 5 are contrary submissions relating to their respective Reps about development around Foyle Port. (Late C-Reps 8L to 32-L are all opposed / concerned about the Rep from City of Derry Golf Club proposing development of part of their land for housing.)

SUMMARY OF COUNTER REPRESENTATIONS (C-Reps) TO LDP dPS, as at end of February 2022

COUNTER REP No.	REP No. that it Relates to
LDP-PS-C-REP-1(A-I)	REP-16, 41/115, 46, 52, 53/117, 61, 63/130, 115, 117
LDP-PS-C-REP-2	REP-131
LDP-PS-C-REP-3	REP-56
LDP-PS-C-REP-4(A-B)	REP-03D, 03I
LDP-PS-C-REP-5	REP-18
LDP-PS-C-REP-7	REP-56
LDP-PS-C-REP-6-L	REP-56
LDP-PS-C-REP-8-L to 32-L (24 No.)	REP-105
Total Number of Counter Representations	Total = 6 Counter Reps plus 25 Late Counter Reps.

As a result of the overall consultations, a total of 243 Valid Reps plus 6 Late Reps were received, plus 6 Counter Reps and 25 Late Counter Reps.

SUMMARY OF REPS & COUNTER REPS TO LDP dPS, as at end of February 2022

Total Number of Representations and Counter Representations	Total = 243 Valid Reps plus 6 Late Reps. 6 Counter Reps plus 26 Late Counter Reps.
--	---

3.5 PROPOSED CHANGES TO THE LDP dPS

In accordance with Development Plan Practice Note (DPPN 10), having considered all the Reps / C-Reps received, the Council decided to undertake a further public consultation on a Schedule of Proposed Changes to the LDP dPS. The 8-week **consultation period ran from 9th December 2021 to 3rd February 2022 and 26 sets of PC Comments were received.**

In summary, many of the Proposed Changes were supported and welcomed, whilst some of the respondents were still dis-satisfied or suggest further changes – some being minor and others substantive. In broad terms, 7 of the Comments relate to Housing, 1 relates to Economic Development, 7 to the Environment, 2 to Renewables and 5 are of a General nature. 12 of the Comments came from government, 11 were from developers, 2 from advocacy groups and 1 was from an individual.

The PC Comments are summarised in the Table at the end of this document, together with an indication of the Council's responses

3.6 AVAILABILITY OF ALL REPRESENTATIONS, ETC.

All Reps and Counter Reps can be viewed on the Planning-LDP page of the Council's website at: [https://www.derrystrabane.com/Subsites/LDP/LDP-draft-Plan-Strategy-\(dPS\)/How-to-Respond/Representations-To-The-Draft-Plan-Strategy](https://www.derrystrabane.com/Subsites/LDP/LDP-draft-Plan-Strategy-(dPS)/How-to-Respond/Representations-To-The-Draft-Plan-Strategy)

The Schedule of Proposed Changes and the Comments received can be viewed on the Council website at:

[https://www.derrystrabane.com/Subsites/LDP/LDP-draft-Plan-Strategy-\(dPS\)/Viewing-the-LDP-dPS-Schedule-of-Proposed-Changes-a](https://www.derrystrabane.com/Subsites/LDP/LDP-draft-Plan-Strategy-(dPS)/Viewing-the-LDP-dPS-Schedule-of-Proposed-Changes-a)

All the submissions are summarised on the Spreadsheet at DS-400 and copies are included at DS-401 (redacted).

3.7 Overview of Content of LDP dPS Representations Received (Consultations in Dec 2019-Jan 2020 and Sept-Nov 2020, plus Counter Reps in Nov. 2020-Jan 2021)

Overview of Format and Type of Reps Received

1. Some Representations cover single issues or chapters of the dPS, though most cover a range of inter-related issues. Many of those Representations submitted by Agents / Planning consultants have attempted to respond using the required 'soundness' based approach. However, a significant number of respondents have still opted to respond in the traditional objection style, with little or no reference to the specific areas where they consider the LDP is 'unsound'. Responses vary between short, concise representations, to comprehensive submissions by Planning consultant, being 70 page-plus complex articulations on strongly held views by individuals / 'concerned' groups.
2. In determining the responses made, the Council used best practice guidance as set out in the DfI's Development Plan Practice Note 9, 'Submission of Handling of Representations' and the published Planning Appeals Commission (PAC) guidance, 'Procedures for Independent Examination of Local Development Plans V2 2019'. Respondents were encouraged to respond using a response form which would enable the Council to identify the relevant section of the Plan the respondents were replying to and which of the 12 tests of soundness were applicable.
3. However, a large proportion of respondents did not use the recommended form and therefore the Council in considering responses has published and submitted to DfI/PAC full copies of all representations and counter representations and where it has not been stipulated clearly by the respondent which section of the Plan or other documentation their comment relates to; or whether they are objecting, supporting or seeking an amendment to the same, Planning officers have made an assessment and summarised the issue under what is considered to be the most relevant chapter/ policy/ paragraph/ map/ supporting document.

Overview of Reps – by Issues Raised

4. Below is a summary of the various Representations and Counter-Reps made to each of the LDP Topics. As is to be expected, it is the traditional 'Plan' Topics and their relevant linked strategies that have experienced the brunt of the representations – the Spatial Strategy and Housing come in for the most scrutiny – primarily because there is much financially at stake, as well as socially in this District, so it is always a contentious issue. Chapter 16: Housing in Settlements and in the Countryside attracted the highest number of representations, with approximately 40 separate representations raising issues. The LDP proposes to introduce a revised Settlement Hierarchy to unify the former hierarchies contained in the DAP and SAP Area Plans and adjusted somewhat to reflect their strategic roles. This and the subsequent level of perceived strategic growth to each tier in this proposed hierarchy has attracted significant attention. The proposed re-introduction of Green Belts is also considered by some to be unnecessary / restrictive.
5. Likewise, the Growth Strategy is considered by some to not be aspirational enough, querying whether the housing figures match the proposed population / jobs increase and that the housing allocation needs to be more fairly dispensed across the settlement hierarchy –

particularly to the villages. The supporting role of Strabane to Derry is also considered to require a strategic increase.

6. Similarly, a number of ‘concerned residents’ / lobby groups / motivated individuals have strongly articulated their thoughts and concerns on current topical issues – mineral extraction (gold mining in particular), the protection of our AONB, environmental assets, landscape, climate change and the importance of being connected on a sustainable and integrated transport system. The Renewables industry has strongly defended itself against the perceived negative associations of this sector. Increased landscape protection proposed in the dPS within the Sperrin AONB is raised and considered as restrictive and unsound in Renewables sector representations. The Economy Chapter has attracted attention, though the dPS was drafted in the uncertain times of Brexit, but before the onset of COVID 19. While the comments are mostly supportive or seek amended policy text to ensure flexibility, there is also opposition to any form of gold mining activity or the ongoing juxtaposition of housing in ‘industrialised areas’ - Strathfoyle, Maydown and Campsie.
7. 13 representations have been submitted relating to the Sustainability Appraisal (SA), 2 representations relating to the Habitats Regulations Assessment (HRA) and 1 representation relating to the Rural Needs Impact Assessment (RNIA). A limited number of comments received on the SA raise either concerns over specific scoring in the SA matrices for specific Topics, or alternatively consider that the SA is unsound / flawed and therefore raise the prospect that the entire dPS is ‘unsound’ by default.
8. In broad terms, responses from consultees have mostly been supportive with the expected degree of amended text required, to ensure their relevant Topic areas continue to reflect the outgoing PPS’s / SPPS and ensure an ongoing ease of operational policy. DfI Strategic Planning, with a more strategic overseeing role, seeks assurances, amongst others, that deviations from HGI figures, growth aspirations, social housing allocations and policy mergers are soundly evidenced and within the bounds of the SPPS / Practice Notes / other guidance. NI Water is broadly positive but continues to raise the much publicised spectre of their £2 billion funding shortfall and the implications for future development in Derry, Strabane and other named settlements.
9. DfC (HED) and CC&G Borough Council were quite strong in their representations to the dPS. It is considered, having spoken to staff in HED, that their comments can be successfully addressed and their allegations of flawed / unsound / poor quality text can be remedied with both discussion / minor wording changes. Despite liaison with our surrounding Council neighbours, it was disappointing to receive criticism from CC&G about the potential impacts of our proposed Growth Strategy on their settlements. Given the clearly stated role of Derry in the RDS, it is considered that this can be addressed - an additional meeting may be required to ensure all Councils are on board with each other.
10. Representations from Agents can be distilled broadly into those from the smaller firms looking out for the future financial concerns of themselves and clients and making representations about the Spatial / Growth Strategies, housing policies and the roles of particular settlements where they have interests, to the larger consultancies acting on behalf of larger clients. Such representations tend to be more comprehensive and address

the new approach required to 'soundness'. It is these larger companies that have linked the soundness of the SA to the ultimate viability of the dPS in respect of their client's interests.

- 11. Vision & Objectives** – many agreed and welcomed them but others considered they were not sufficiently aspirational. Population, jobs & housing should be increased - no doubt to seek more development potential.
- 12. Growth Strategy** – proposed number of homes does not correlate with population and jobs increase; more evidence required to underpin; the future roles of specific settlements; Growth Strategy does not accord with RDS (RG5); Growth Strategy does not support Villages. Given the importance of a sound Growth Strategy, it is suggested that the Growth Strategy is the subject of an RTD with Members. Further input from the Council's Economist team & UUEPC would be important to address post-COVID and post-Brexit impact on growth aspirations, balanced by positive indicators such as the City Deal progression.
- 13. Spatial Strategy** – mostly from Agents seeking additional housing lands, revised Settlement Development Limits (SDLs); removal of proposed Green Belts; roles of specific settlements and overall comment on insufficient housing allocation to settlements. There was also a Rep and Counter Rep opposing the designation of a small settlement. Many of these issues will be decided at LDP Local Policies Plan (LPP) stage – along with Growth Strategy.
- 14. General Development Principles and Policies** – Additional clarity / amended text is sought. This section does bring big changes to 'the way we do things' so more comments might have been expected.
- 15. Economy** – while mostly supportive, there is some concern over the flexibility of ED 4 Protection of Zoned Economic Uses and strong opposition to any form of gold mining in the District. Residential land uses adjacent to industrial uses are also raised under health concerns, especially in the Port area.
- 16. City / Town Centre / Retailing, etc.** – limited representations, restricted to RP 1 (Town Centre First) & RP 9 (Out of Centre Development) – viewed as restrictive and inconsistent with SPPS.
- 17. Transport & Movement** – it is suggested that certain policies 1, 3 & 9 require amended text (supplied by DfI (TMU), need for more P&R facilities; consideration on city / town parking needs to be stronger; rail requires enhanced recognition, promotion and integrated development; impact of transport on sustainability and maximise the development potential of major road upgrades / cross border connections. Monitoring requires more ambitious targets and strong support for future road upgrades currently not budgeted for (A5 Drumahoe / Stradreagh link) & concern for impact on this route from Mobuoy illegal dump.
- 18. Tourism** – overall limited response, requires clarification of definitions.
- 19. Minerals** – very strong opposition to any form of gold mining / protection of the Sperrins; most of the minerals policies / designations are considered to be unsound in the view of the anti-mining lobby as they are considered in some form or other to permit such activity. It is also considered the mineral policies undermine the Community Plan in that they facilitate

gold mining. From the Aggregates sector, there is acceptance that ROMPS legislation is required, but there was opposition to several policies / designations, including the proposed Restoration Bonds, on the grounds that they were too restrictive. Mid Ulster DC submitted a Counter Rep in support of the designations. Environmental groups rallied for enhanced recognition of and reference to peat in the dPS. The Historical lobby sought for the protection of above and below ground historical assets from mining / mineral extraction. Finally, it was felt the policies should require the mineral industries to demonstrate how they are reducing their carbon footprint in keeping with the Council's wider aspirations.

20. Signs and Outdoor Advertisements – Minor text amendments sought.

21. Housing – a broad range of representations received. Nearly two-thirds of the individual policies received specific representations. Mostly over perceived negative operating restriction (phasing), no need for Green Belts, increased costs to buyers (Lifetime Homes / accessibility), financial implications re social / private % mix, new rural infill policy (2 down to 1). Policy HOU 5: Affordable Housing in Settlements attracted significant responses in relation to its requirement to provide for a % proportion of both private and affordable housing on sites over a certain size. DfC Local Gov & Housing made a submission and Dept of Health make an interesting submission regarding Gransha lands.

These specific representations were set against overall strategic issues of: housing figures for specific settlements; HGI usage; Urban Capacity & Windfall allowance; rural design. An overall desire for more new housing land and increased allocation within the revised settlement hierarchy was clearly articulated. Issues were raised at this PS stage that relate primarily to the LPP stage i.e. specific zonings or inclusion of specific sites. Also to consider the implications of the comments / limitations on Sewerage infrastructure / NI Water.

22. Open Space – main concerns are from DfI Strategic Planning about variance from the existing policy, and some developers over the amount of open space required.

23. Community Development – general typos / amended text to address.

24. Utilities – concerns re specific policies UT 1 & 3, electricity and telecoms, over all aspects of water infrastructure and potential for development in the District. They consider the balance is too much in favour of environmental protection rather than key infrastructure.

25. Waste – Mobouy has been raised elsewhere relevant to other topics. Promoting a Zero Waste Strategy approach.

26. Natural Environment – comments mostly from relevant consultees NIEA. Suggested amended text or need for stronger LDP environmental objectives. Strategic landscape designations (SCA / WECA's) are queried by those generally opposed to them. Mid Ulster DC submitted a Counter Rep supporting the designations. The risk to European sites from Mobouy is raised. Brownfield sites are also highlighted as possible important priority habitats. Any aspect of the environment that can be linked to minerals and gold mining is also raised by those opposed to any such undertaking within the Sperrin AONB.

- 27. Coastal** – more references requested by Marine Plan team to enhance the two Planning regimes. Amended text required by DfI Rivers.
- 28. Historic Environment** – the majority of the policies have been viewed as ‘unsound’ or ‘not sound enough’ in a response issued by DfC HED. It is considered having spoken to the relevant LDP responsible staff at HED that these issues raised can be satisfactorily addressed with discussion / minor wording amendments. A meeting has been held with officers, to aid an understanding of concerns / solutions. There are also conflicting Reps about the potential / protection of Boom Hall / Foyle River Gardens.
- 29. Renewables and Low Carbon** – representations split between opposition to specific policy, unnecessary need for new environmental designations which are unsupported by EVB or SPPS (mostly Reps from Renewables sector, during both consultations) and a requested stronger approach required by the environmental lobby raising more reference to decarbonisation; hydro impacts on fisheries, more reference to peat and no further wind development in the Sperrins.
- 30. Flooding** - Mostly policies are specifically covered. FLD 1 attracts most varied responses. Remainder of policies are mostly supported in feedback from DfI Rivers. Other issues raised are support for G&B infrastructure. Amended text is sought to clarify / enhance other areas – groundwater flooding or climate change.
- 31. Place Making & Design** – There were some comments that this section was considered an unnecessary replication of policies in other relevant sections. There was also some support for a high standards of design e.g. from Foyle Civic Trust.
- 32. Developer Contributions** – little support from within the development sector, so a Study is required – as supporting Evidence / SPG.
- 33. SPG** – some Reps considered the proposed approach to be unclear / unsound. More info / clarity is required on this aspect.
- 34. Monitoring** – several unsupportive representations received. Considered unsound, lacking in substance or additional monitoring targets required. Additional work is required, to establish the Indicators and the processes of how/when/what will be measured.
- 35. SA** – representations cover either disagreement over Matrix scoring; lack of reasonable alternatives consideration; scoping report does not accurately portray socio-economic or environmental baseline of the District. Comments vary between SA is flawed or as a result the entire dPS is flawed / unsound by default. Generally, the SA comments are secondary and supportive of a main ‘Planning’ point that is being made.
- 36. HRA** – some concern for permitting mineral development activities or issues around WWTW. Generally, any concern about the HRA seems to be secondary and supportive of a main ‘Planning’ point that is being made.
- 37. Rural Needs** – issue raised re Lisahally & Strathfoyle.

- 38. Engagement period** – the initial consultation period had some criticism over not having a soft launch as per some other Councils to ‘pre read’ (not in legislation therefore no requirement), and that it was ‘bad form’ to consult over Christmas / New Year. The second consultation periods should address such concerns, and that everyone has had the opportunity to input. Some support for our level of engagement.
- 39. Specific raised Health Issue** – Enagh Youth Forum (EYF) raised the issue that the Ben Cave HIA Study does not appear to have been taken account of in the preparation of the Plan and therefore the dPS is unsound. Further Reps and Counter Reps were received from the Port and EYF.
- 40. Neighbouring Councils** – F&O / MU / Donegal mutually supportive by response. CC&G surprisingly negative in their response. Further meeting(s) should be held with all adjoining Councils, to address any misunderstandings / areas of concerns and demonstrate co-operation. The Sperrins Councils’ Statement of Common Ground remains as a Draft.

Chapter 4:

The Council's Response to Representations to the LDP draft Plan Strategy

LDP dPS PART B- Overall Strategy

Council's Response to Key Issues Raised

Chapter 4 LDP Vision and Objectives

Responses Received

Reference	Respondent
LDP-PS-REP-106A	DfI Strategic Planning
LDP-PS-REP-36	JP McGinnis
LDP-PS-REP-43	NIE Networks
LDP-PS-REP-72	Zero Waste NW
LDP-PS-REP-78	DAERA NED
LDP-PS-REP-82	RSPB

Main Issue(s) raised by respondent(s) and Derry City and Strabane District Council's response

Main Issue	Council Response
Vision and Objectives- Various	
<p>Dfl comments are generally supportive and welcoming of the LDP. They are positive about the LDP Vision but express reservations about the number of LDP Objectives, particularly about how practical it is to monitor them all. Also query if Housing should be classified as a cross-cutting objective, and the reference to 'possibly mixed tenure'. They welcome that the objectives assist 'clarity of focus' for the LDP but query certain figures, especially the 'range' of jobs and homes required.</p>	<p>The positive comments of are welcomed. All 31 objectives are considered necessary. The monitoring framework will be revised at a later stage of the LDP to ensure appropriate coverage of all topics and objectives. An argument could be made that Housing is a cross-cutting topic rather than including it in 'Social'. However, Paragraph 4.4 explains that most objectives are somewhat cross-cutting and could fit into various categories, depending on their emphasis. The queries about the ranges of jobs and homes are explained in the respective Economy and Housing sections. It is understood that DFI mistakenly thought table 6 (p52) was the dPS range of jobs and homes. It was actually the range that was being consulted on at the POP stage. Please refer to change reference PC 09 in the Schedule of Proposed Changes which makes it clearly.</p>
<p>Representations which support Council's vision and various objectives as they reflect The Council's aspirations for the area to be a thriving, prosperous and sustainable area.</p>	<p>Support welcomed.</p>
Vision and Objectives- Spatial and Cross Cutting	
<p>Spatial and Cross Cutting Objectives - supportive comments but disagree with the detail relating to housing allocation and job numbers.</p>	<p>Derry City and Strabane District Council is progressing a very significant multi-million-pound capital investment programme for its key regeneration sites in Derry and Strabane to pump-prime finance from central government and the private sector. The above projects are all included in the Strategic Growth Plan for the District (SGP / Our Community Plan) and this LDP Plan Strategy is required to align and 'take account' of that SGP. Many of the key infrastructure projects are to be delivered through the proposed City Deal that has been announced for Derry. It has endorsed the role of the Council, together with statutory and non-statutory partners in a collaborative growth strategy to increase jobs and investment into Derry City, Strabane and the hinterland. It is therefore considered that the housing and employment numbers can be fully justified.</p>

<p>No recognition of strategic role of strong, reliable, secure electricity system in delivering new homes and other development. Should be referenced under social development objectives where it is absent. Considers the social development objectives and particular UT 1 are unsound by consistency test C1.</p>	<p>It is not intended that the list of needs and policy goals or objectives is exhaustive. It is unnecessary to include it as it is commonly understood that such a system is important without having to spell it out.</p>
<p>Vision and Objectives- Environmental Objectives</p>	
<p>In relation to Environment-Focused Objective (d) (iii), replace the word 'power' with 'renewable energy'.</p>	<p>The word 'power' is a broader term and allows for a range of energy projects, including renewable and also low carbon, for example. To replace it with 'renewable energy' would be limiting.</p>
<p>Supportive of 'combination' approach, environmental V&O's & Green Belts.</p>	<p>Support is noted.</p>
<p>LDP Vision & Objectives p 47(d) Environmental focussed objectives. While the RSPB welcome the overall commitment, additional tree planting must be set within a strategic context. It is stated that past tree planting activities in the wrong place (peatland or adjacent to designated open habitat) has harmed important wildlife habitats and species and undermined effective climate action. It is considered that a strategic approach to woodland expansion is required, one that is well integrated with peatland restoration and other land use planning considerations.</p>	<p>Accepted. Please refer to change reference PC 08 in the Schedule of Proposed Changes.</p>
<p>The respondent wanted a reference to 'Grow the Green Economy' which was interpreted as a suggestion that there should an objective to do so.</p>	<p>Whilst 'Green Economy' is not specifically mentioned it is considered that the dPS policies and strategies, on the whole, do support it. The requirement for SuDS, wide ranging policy provision for renewable energy and the incorporation of sustainable design principles in all future proposals are some examples.</p>
<p>NIEA NED request adding meeting WFD water quality requirements to the strategic objectives. The identification of further development land/ housing sites should therefore also acknowledge the need for adequate wastewater treatment infrastructure and treatment capacity. The Strategic policy, and related ones, should therefore take into consideration current wastewater treatment provision and any future capital expenditure plans by NI Water.</p>	<p>It is not considered that this is required to make the plan sound, as a specific strategic objective of this type is not considered necessary. The need for waste water infrastructure and to meet water quality requirements is considered to be a normal planning and environmental consideration - which is already included within objective (a) (i) i.e. to be a sustainable development and to protect the environment. Additionally, Policy HOU 2 for example includes consideration of infrastructure capacity and WWTW capacity information would be available to Development Management colleagues. It is an implicit requirement that all development should</p>

	<p>meet the 'normal Planning & environmental requirements' e.g. drainage, access, neighbourly amenity, etc. as indicated in GDPOL 1.</p> <p>NI Water is implementing the programme of sewerage upgrades in line with its PC21 and its Drainage Area Plans. The Council is also continuing to work with DfI Water & Drainage Division / Living-With-Water Team and NI Water to progress the preparation of the Strategic Drainage Infrastructure Plan (SDIP) for Derry-Londonderry (at March 2022).</p>
Vision and Objectives- Social Objectives	
In relation to Social Development Objective (c) (iv), this should be broader in ambition i.e. it should include all Section 75 groups.	Accepted, to clarify that shared spaces are for those with cultural and other differences and should be accessible to all. Please refer to change reference PC 07 in the Schedule of Proposed Changes.
In relation to Social Development Objective (c) (vii), should this not be in part D, under the environment? Also, it should be reworded to state: 'To ensure the maximal implementation of the Zero Waste Circular Economy Strategy reducing the kg of waste produced per inhabitant and increasing our recycling targets and quality of our recycle.'	<p>Paragraph 4.4 explains that most objectives are somewhat cross-cutting and could fit into various categories, depending on their emphasis. Waste is socially-generated, mostly, but creates environmental issues / solutions, and Waste Chapter 20 is located in the 'Social Development' section of the LDP.</p> <p>It is considered the wording used and the wording suggested are broadly the same and no additional benefit would be gained by making the proposed change. It would also be too detailed for a strategic objective of the LDP.</p>

Chapter 5 Growth Strategy

Responses Received

Reference	Respondent		
		LDP-PS-REP-43	NIE Networks
LDP-PS-REP-106A	Dfl Strategic Planning	LDP-PS-REP-87 LDP-PS-REP-88 LDP-PS-REP-89	Dohertys Strabane
LDP-PS-REP-49	PCI Consulting (Turley)	LDP-PS-REP-47 LDP-PS-REP-51 LDP-PS-REP-57	Turley's
LDP-PS-REP-5	G Sayers		
LDP-PS-REP-45	Heron Bros		
LDP-PS-REP-50	Radius Housing Association		
LDP-PS-REP-36	JP McGinnis		
LDP-PS-REP-47	John Burns		
LDP-PS-REP-51	Clanmill Housing Association		
LDP-PS-REP-57	Henry Craig & Others (Turley)		
LDP-PS-REP-18	Foyle Port- Gravis Planning		
LDP-PS-REP-36	JP McGinnis- Gravis Planning		

Main Issue	Council Response
Growth Strategy- Various	
<p>Dfl acknowledge that the LDP Growth Strategy is aligned with our Community Plan and with the RDS and NPF, to grow a strong North West. They recognise the ambitions of the Council for Growth, particularly related to University expansion and through City Deal. Dfl notes and welcomes the Council’s justified approach to seek to provide for higher house numbers than the HGI. As for the Objectives section, they seek explanation of certain figures, especially the ‘range’ of jobs and homes required. The explanations and evidence of the Council’s Economist and UUEPC are welcomed.</p>	<p>The positive comments of Dfl are very welcome and are generally constructive concerning the Council’s LDP Growth Strategy. Each of the points summarised are encouraging.</p> <p>The queries about the anticipated levels of growth, specifically the ‘ranges’ of jobs and homes are explained in the respective Economy and Housing sections of this Consultation Report. dPS Para 16.7 and Table 8 (p221) refer. This is an indicative number of dwellings, a <u>strategic</u> range for planned growth, it has been refined from POP stage, narrowing the range – to provide greater certainty and to reflect changed HGIs and the new SGP. See also Table 6 (Overall Growth Strategy) and para 5.7 p52). This same query has been input at Proposed Changes stage – see PC COM 20 later in the report.</p>
<p>The dPS is unsound in terms of its Growth, Plan timetable and spatial strategies. Elevating its housing target to at least align with its own evidence base, but also give greater consideration to the benefits of providing for a higher housing target, the respondent considers that at least 12,000 homes would match the sustained ambition of the Council.</p>	<p>The LDP dPS plans for ability to adapt to increased sustainable growth as and when conditions require. The LDP is already planning for twice the HGI figure. The rationale for the population levels and housing levels is set out in paras 5.6 to 5.14 and EVB 5. The LDP has to be realistic and deliverable, even though it does not directly deliver the population levels. Para 5.11 re-iterates the aspiration for achieving higher growth, but it is considered there would not be credible evidence or justification beyond the current proposed levels.</p>
<p>New homes do not fully reflect population increase / job increase. The dPS realises that the Districts population is expected to increase by 10k but could grow to 15k, thus the additional homes of 15k may be more appropriate rather than 9k.</p>	<p>The Council’s Senior Economist reviewed the latest economic and demographic data in October 2019, including the revised HGI figures, and concluded that the LDP ‘Planned Growth’ target levels were still achievable (see reports in Evidence Base). Therefore, this LDP will work towards accommodating these same ambitious-yet-achievable levels of growth. Furthermore, in July 2021 the Ulster University Economic Policy Centre [UUEPC] reviewed the current population and employment forecasts contained within the LDP dPS, in light of the changes since 2019: the COVID-19 pandemic and the UK exit from the EU and subsequent NI Protocol. This short review concluded that the targets in the LDP dPS ‘Planned Growth’ scenario remain on course to be met in 2032. This assumes the Strategic Growth Plan</p>

	<p>improvements within the Council area and connectivity to other parts of NI and the island, are fully delivered upon.</p> <p>No substantive evidence was provided in the representation to justify the suggested increase and growth.</p>
<p>Generally supportive representation, but they do not agree with Growth Strategy & recommend the higher target given in the SGP.</p>	<p>Whilst the dPS planned for an expected 15, 000 jobs, in the event of more positive economic developments the City and District could comfortably accommodate a higher figure of 16,000 to 18,000 jobs. An evaluation of existing economic development land took place and was measured against the expected 15,000 jobs and also against the expected types of jobs likely to emerge over the LDP period as part of the preparation of the growth targets in the dPS. It is therefore considered that the existing growth targets are robust and realistic and the plan as a whole reflects them. The Council is of the view that the Growth Strategy and projected 15,000 jobs is in line with the stated aims of the SPG. The LDP took close account of the SGP in the formulation of the Growth Strategy and the 15,000 target is also the stated jobs targets published in that document.</p>
<p>The Growth Strategy does not adequately reflect the intention of RG5 of the RDS.</p> <p>There is no specific mention of a sustainable energy infrastructure within the Councils LDP growth strategy.</p>	<p>The LDP Plan Strategy is to provide enough land to accommodate and facilitate the provision of approximately 9,000 dwellings and 15,000 jobs, with associated services and infrastructure for up to 160,000 people. Following adoption of the LDP, the Council will monitor the amount, type and location of overall growth that is being achieved. Hence, an assessment can be made of whether the LDP policies are being effective in achieving the relevant LDP objectives, so that any adjustments can then be made, at the LDP 5-yearly review and / or the LDP replacement.</p> <p>Although sustainable energy infrastructure is not mentioned explicitly at this juncture it is comprehensively covered in the Renewables chapter.</p>
<p>The LDP 2032 should be leading the way in rebalancing NI development away from the East of the province to the West.</p>	<p>The Council and the LDP is leading the way in driving towards a strong and sustainable District and NW Region. This balance and the NW role is part of the RDS 2035. The Strategic Growth Plan (SGP 2017-2032, Our Community Plan) for the District sets out the ambition of increasing the District's population by approximately 10,000 to around 160,000, because of the Council's more ambitious aspirations, for 'planned growth'. This level of growth is based upon approximately 15,000 new jobs and would require up to 10,000 new homes over the Plan period to 2032. The University of Ulster Economic Policy Centre (UUEPC, November 2018) has undertaken additional analysis to map out the scenarios that can achieve this growth</p>

	<p>level, particularly by comparison with the recent experience of several other cities that have had university-led expansion. The Council's Senior Economist has further reviewed the latest economic and demographic data in October 2019, including the revised HGI figures, and has concluded that the LDP 'Planned Growth' target levels are still achievable (see reports in Evidence Base). Therefore, this LDP will work towards accommodating these same ambitious-yet-achievable levels of growth.</p>
<p>Key evidence presented by the University of Ulster and underpinning this dPS is not shared as part of this consultation. Cumulatively it is considered that these suggest that there is a risk that the evidence needed for 10,000 homes being required to support the growth in population associated with 15,000 new jobs being accommodated underestimates the true and full need for housing.</p>	<p>The UUEPC reports are included at EVB 5, and are available online and in hard copy. It is considered that the dPS growth targets are robust and realistic.</p>
<p>Turley Growth Strategy: affordable housing need. Provide evidence to confirm the extent to which 4,000 new social homes (Housing Executive projection), as a proportion (44%) of total provision (9,000), will be delivered viably whilst also supporting the creation of sustainable and mixed communities.</p>	<p>Housing Need figures are provided annually by NIHE to a recognised methodology. The figure is referred to in para 5.13 and EVB 5 and detailed in Chapter 16 (Housing) and EVB 16. Despite requests to NIHE and to DfI HGI team, this apparent anomaly regarding the HGI Need figures for social housing and proportion for private / market housing was not explained. The Council accepts the expertise and role of NIHE re the housing figures and they will defend them at the LDP IE as expert witnesses. Note that following representations on the plan (see change reference PC 135 in the Schedule of Proposed Changes) the general requirement will be that 20% of all new housing units should be affordable housing. This should be adequate to deliver the remaining number of dwellings to address ongoing Housing Need. Note also that the 20% would be a minimum and would in no cases exceed the 80% threshold for either tenure, ensuring mixed and balanced communities. Ongoing monitoring will ensure that the anticipated quantity of social housing is being delivered and that balanced communities are also supported.</p>
<p>Growth Strategy: Where the evidence base paper recognises that the official projections 'reflect that household size is falling', the extent to which this is the case also must take account of the extent to which they draw upon past trends. Where, as suspected, official projections around household formation have been used with no adjustment, it is considered that this will underestimate the true extent of housing need associated with the targeted population growth of 10,000 people.</p>	<p>The statistics for housing are accepted and presented in the LDP and EVB 2, 5 and 16. They are indicative and are based on the trends and the background for the official NISRA statistics and projections. The Council has no evidential basis to question the official statistics and is satisfied about their broad accuracy and applicability at this strategic Planning stage. Ultimately, wider societal and economic events will impact on the actual delivery more than the LDP; however, the LDP has a reasonable evidential basis and the process of Monitor and Review builds in the</p>

	flexibility required - to plan, facilitate and accommodate future growth should an unexpected increase in household formation become apparent within the plan period.
The 9,000 homes proposed to be provided for in the dPS falls short of the Strategic Growth Plans reference to the requirement for '10,000' new homes over the same period. The Council must provide further robust justification to explain this inconsistency.	This point is explained in the Housing Chapter 16, page 221, Table 8 especially. The figures / variance is not critical, for the same reasons set out above, and the LDP can comfortably accommodate either level of Housing Growth.
Turley revise projections for new homes associated with supporting 15,000 new jobs. Reflecting on the evidence published by the Council and the modelling previously commissioned from Edge Analytics, they consider that a higher level of housing should be provided to ensure that the planned levels of job growth are adequately supported.	Potential jobs growth levels are considered in EVB 5 and 9 – Economic Development. The link with Housing numbers is further considered by UUEPC and the Council's Economist in EVB 5 reports. Again, the figures / variance is not critical, for the same reasons set out above, and the LDP can comfortably accommodate either level of Jobs and related Housing Growth.

Chapter 6 Spatial Strategy

Responses Received

Reference	Respondent		
		LDP-PS-REP-61	Dalzell
LDP-PS-REP-106A	DfI Strategic Planning	LDP-PS-REP-38	McGarvey
LDP-PS-REP-7	Cathcart – (Castleberg)	LDP-PS-REP-8	Lynch
LDP-PS-REP-23	Maxwell	LDP-PS-REP-53 LDP-PS-REP-117	ABO Wind
LDP-PS-REP-79	HED	LDP-PS-REP-46	SSE
LDP-PS-REP-11	NI Housing Executive (Corrickmore)	LDP-PS-REP-52	Dalradian (Turleys)
LDP-PS-REP-71	Bond Architects (Gortnessy)	LDP-PS-REP-12	Boomhall Trust
LDP-PS-REP-85	L McCauseland		
LDP-PS-REP-57	(Craig) Turley		
LDP-PS-REP-47	(Burns) Turley		
LDP-PS-REP-32 LDP-PS-REP-33 LDP-PS-REP-34 LDP-PS-REP-35	Jackson- MKA Planning Watson- MKA Planning Henderson- MKA Planning Craig- MKA Planning		

Main Issue	Council Response
Settlement Hierarchy Introductory sections	
DFI (Water and Drainage team) welcome the approach set out in para 6.3 of encouraging developers to engage with NI Water at an early stage to ascertain capacity for proposals.	Supporting comments noted and welcomed.
Settlement Hierarchy	
<p>Various Reps seek the repositioning of settlements in the Settlement Hierarchy tiers; the creation of new tiers or the creation of additional settlements.</p> <p>(a) Castleberg to be designated a 'Town' with its own unique settlement tier;</p> <p>(b) Consideration to be given to include Corrickmore Avenue as a small settlement;</p> <p>(c) Want the inclusion of Gortnessy as a small settlement in the LDP (note however that a counter representation was received stressing that any expansion should stay within the existing boundary of mature trees in the interests of rural character and that there should be no new housing).</p> <p>(d) There is a clear emphasis on settlement population and size in the RDS, which differs from the DCSDC settlement hierarchy. The approach adopted for Eglinton, in terms of defining its position in the settlement hierarchy, is in conflict with the RDS.</p>	<p>The role of all settlements has been systematically evaluated, guided by the RDS Hierarchy of Settlements. Further evidence on this is supplied in the Spatial Strategy Evidence Base Paper: EVB 6.</p> <p>The 'Local Towns' proposed tier takes into account the local importance of Claudy, Newtownstewart and Castleberg on account of their spatial location and their role providing services for a wider rural area. Their consideration as Local Towns is principally as a result of this rather than their current population, size and level of service provision. These same three settlements are also categorised as 'rural service hubs' in line with the District's Rural Development Programme. The Council therefore does not consider it necessary to create a unique 'town' tier specifically for Castleberg.</p> <p>As per para 6.13 p61, after a systematic evaluation of potential new settlements, the Council has decided there is no justification for additional new settlements in the District. Supporting evidence is in the Spatial Strategy Evidence Base Paper: EVB 6.</p>
Representation agrees with settlement hierarchy in particular references to Castleberg, Claudy and Newtownstewart. Supports local towns as being important in promoting economic and social aspects and enjoyment of rural living.	Support welcomed
Representation notes from the Spatial Strategy that the villages have also seen comparatively strong rates of growth and it is important that the LDP continues this.	The role of all settlements has been systematically evaluated, guided by the RDS Hierarchy of Settlements. Further evidence on this is supplied in the Spatial Strategy Evidence Base Paper: EVB 6. The Spatial Strategy clearly sets out in para 6.2, 6.4 & 6.5 (pg 56 & 57-58) the intent for a growth focus on Derry and to a lesser extent in Strabane, along with a limited amount of development across the remaining settlement hierarchy. Justification for the tiers, including the countryside, and their roles is set out in para 6.7 – 6.13 (pg 57-61).

Designation SETT 2: Development within Settlement Development Limits	
<p>Considers designation SETT 2 to be unsound, considers a lack of flexibility in the policy - little consideration of how the appropriateness of employment LUPA's are to be assessed or why they are necessary at the village level of the settlement hierarchy.</p>	<p>Traditionally land would not be zoned in villages and the dPS is addressing this to try and support appropriate development. The consideration of LUPAs is explained in para 6.19. No change necessary.</p>
Designation SCA 1 – Special Countryside Area (SCA)	
<p>Considers the area proposed to introduce an SCA is already afforded protection as an AONB and as demonstrated within the Council's evidence base EVB 6c this area of the AONB has not been under substantial development pressure, Rep further considers that as the area is already afforded appropriate protection the dual designation could result in ambiguity and as a result would conflict with soundness test CE2.</p>	<p>The AONB designation has been retained. Policy NE 6, through the introduction of the Special Countryside Area (SCA) designation, is designed to strengthen the AONB designation but in only in the 'High Sperrins' areas where it is considered that additional protection is needed. The policy and associated designation aims to restrict development but not completely prohibit it in these areas. The Council is content that such proposed spatial designations (SCA / WECA's / AHLIs) are soundly based and justified on the evidence contained within the accompanying Development Pressure Analysis (EVB 6c) and the Landscape and Seascape Character Review. Furthermore, SPPS/ Development Plan Practice Note guidance promotes such strategic designations for landscapes which are intrinsically valuable.</p>
<p>Representation considers SCA designation creates a presumption against valuable mineral extraction. Consider MIN 4 relating to valuable minerals conflicts with SPPS. Welcome policy that deals with valuable minerals, however opposed to draft policy wording as SPPS states there will be no presumption against extraction of valuable minerals whereas MIN 4 states 'there will not be a presumption against their exploitation in any area apart from SCAs'. They consider that MIN 4 clearly introduces a presumption against valuable minerals development within SCAs in direct conflict with the SPPS and would fail soundness test C3. They also suggest alternate wording 'Applications to exploit minerals, limited in occurrence and with some uncommon or valuable property, will be considered on their merits. There will not be a presumption against their exploitation in any area.'</p>	<p>Disagree. The policy is a deliberate extra layer of protection for the High Sperrins and links to policy NE 6 which protects the SCA from any harmful development.</p>

<p>Concerned with the perceived change of designation of the Sperrin's from an AONB to a SCA. and consider that this potentially downgrades the protection of this area.</p>	<p>The AONB designation has been retained. Policy NE 6, through the introduction of the Special Countryside Area (SCA) designation, is designed to strengthen the AONB designation but in only in the 'High Sperrins' areas where it is considered that additional protection is needed.</p>
Designation AHLI 1 – Areas of High Landscape Importance	
<p>Considers that the proposed designation of AHLI's largely comprise Countryside Protection Areas and Areas of High Landscape Value carried over from the extant development plans for the district. Considers that the council has failed to provide a robust assessment of these existing designations to justify their re-designation within the emerging plan and would therefore fail soundness test CE2.</p> <p>Considers that EVB 6c shows that the proposed AHLI within the Sperrins is not under development pressure and as such it is not necessary or appropriate in the proposed location, again failing soundness test CE2.</p>	<p>The Council is content that such proposed spatial designations (SCA/ WECAs/ AHLIs) are fully justified by SPPS requirements to bring forward strategic designations for landscapes which are intrinsically valuable. The evidence contained within the accompanying Development Pressure Analysis (EVB 6c) and the Landscape and Seascape Character Review provide further supporting evidence.</p> <p>The Council considers that the AHLI designation (para 6.21 p65) clearly sets out the reasons for the designation. The policy giving the designation effect is policy NE 7 (p336) and starts with a presumption of no development likely to adversely affect the quality and character of the landscape. Within the policy and accompanying J&A, criteria are set out which explain the specific planning requirements for development in these areas and when exceptionally, development which may adversely affect AHLIs may be permitted within AHLI's. It is therefore not a blanket ban on development which would be inappropriate at this location. All of the designations are therefore realistic and appropriate having considered alternatives and founded on a robust evidence base in accordance with soundness test CE2.</p>
<p>Rep disagrees with the designation of AHLIs. Considers that the AHLI does not take into account the presence of accessible and workable sand and gravel deposits to the north west of Donemana. Points out that sand and gravel is an essential material for building as part of concrete, mortar, asphalt and construction fill and plays a vital role in the local economy.</p>	<p>Proposals that would adversely affect or change either the quality or character of the landscape within the AHLIs will not normally be permitted. Policy NE 7 does not automatically refuse proposals within AHLIs but considers applications on a case by case basis, measuring their impact on the environment. It would therefore be for any applicant for such development to demonstrate that there would be no adverse effect.</p>
Designation GB 1 Green Belt	
<p>Considers GB1 to be over restrictive in that it does not recognise the need for new trunk road services as a result of the upgraded main road (A6).</p>	<p>The Council is clear in all relevant policy that in GB, there will be a clear presumption against inappropriate development. It doesn't restrict major transport infrastructural development.</p>
<p>Respondent believes that since the publication of PPS 21 there is no difference between the countryside and Green Belts.</p>	<p>The Council has taken a conscious decision to designate Green Belts. PPS21 did not designate all countryside as Green Belt. Countryside and Green Belt are very different and</p>

	<p>planning policy for the latter is more restrictive. PPS21 did not abolish Green Belts but stated that it took precedence over previous Green Belt policy (p2). Green Belts are a long-established, generally accepted and widely used planning tool for many decades in GB, NI and Republic of Ireland. Green Belts address urban-generated development pressure. They have very specific purposes including (<i>inter alia</i>) preventing urban sprawl and stopping settlements from coalescing. In both Derry and Strabane, many outlying settlements are only separated by a narrow band of countryside and could easily coalesce.</p>
<p>GB 1 is not necessary as normal countryside planning policies as set out in PPS21 are more than adequate to restrict development in the Countryside. Does not believe that the evidence basis provides robust evidence of a significant urban regenerated development pressure to justify a new green belt. Since 2008 there have been no significant harmful effects by not having a greenbelt.</p>	<p>The dPS proposes the designation of two GBs around Derry City and Strabane Town. Within the proposed GB, development will be strictly managed, and apart from a limited number of uses, there will be a clear presumption against any new use of land which might create a demand for more buildings. The Council considers that the introduction of PPS21 did not ‘abolish’ GB. The enabling legislation for GB’s has not been rescinded and their use in an LDP is still enabled and open for consideration. The Development Pressure Analysis (EVB6c) published in December 2019 sets out clearly the areas of development pressure and explains that the Green Belt areas successfully controlled this, preserving the integrity of those settlements and their outlier areas, controlling sprawl and preventing coalescence.</p>
<p>Insufficient need for a Greenbelt around Strabane and adjoining settlements. Representation states that the Respondent considers that the policies as set out in the dPS provide more than adequate control without the need to introduce a GB around Strabane and the adjoining settlements. Issue concludes that if a GB must be introduced it should not extend westwards beyond the proposed line of the new A5 Dual Carriageway between Sion Mills and the Glebe.</p>	<p>The dPS proposes the two GB areas around Derry City and Strabane Town. A similar GB was designated around Strabane and Sion Mills in the SAP 2001. The GBs will address the issue of urban-generated development pressure. Key strategic objectives stated in the dPS for the GB designation are to:</p> <ul style="list-style-type: none"> • Control urban generated development pressure arising from residential and non-residential development in the countryside; and • Support urban regeneration and make the best use of existing infrastructure within Derry and Strabane. <p>The Council considers the proposed Strabane GB designation will maintain and protect the setting of Strabane town and maintain the distinct separation between it and nearby settlements such as Victoria Bridge, Sion Mills, Glebe, Ballymagorry and Artigarvan where development pressure is increasingly evident. It will deliver the strategic vision of the dPS which, in line with the RDS focuses growth on Derry and Strabane with appropriate growth spread out through the remaining settlement hierarchy commensurate with their respective role and service level. Regarding the request not to extend the GB west of the proposed line of the new A5 Dual carriageway between Sion Mills and Glebe, Council</p>

	<p>considers that such a projection is justified to protect the setting of Strabane and prevent the coalescence of Glebe and Strabane. Glebe is classified as a Village, but when assessed against the RDS Hierarchy Wheel, could arguably be classified as a small settlement. It has seen considerable housing growth but has limited service provision and relies on the larger neighbouring settlements of Castledearg and Sion Mills for various service needs. It defines a suitable buffer between these settlements and the route of the new A5 dual carriageway. This will safeguard the setting of the settlements and the new A5.</p>
<p>HED seek reference to specific HE8 policy inserted into GB designation text third criteria p65</p>	<p>The Council consider no change is appropriate. Criteria specifically references relevant policies.</p>
<p>Designation WECA 1 – Wind Energy Capacity Areas</p>	
<p>DfI Strategic note the proposed WECAs, but advise the Council to be mindful of relevant RDS targets: RG5 (ensure delivery of a sustainable and secure energy supply); SFG6 (maximise the NW significant renewable energy resource); & RG9 (reduce our carbon footprint, improve air quality & facilitate mitigation and adaptation to climate change. Identifying WECA broad locations would have provided extra clarity.</p>	<p>The WECA designation is not considered unduly restrictive - it is not a ban on wind energy development in designated areas but highlights areas that have already experienced adverse landscape impacts from wind turbine development pressure in particular areas and requires proposals to be considered especially carefully therein to avoid any further adverse impacts. It is considered appropriate for a District that as of March 2017 (see para 24.2 p365) is the single largest producing council of renewable energy across NI (providing c27%).</p> <p>The policy permits wind turbine proposals in WECAs that have a neutral, benign or even positive landscape impact, such as very well screened sites or re-powering proposals. PPS 18 informed the LDP but the dPS can deviate from PPSs where it wishes (on the basis of sound evidence) to tailor policies to local needs and circumstances. The dPS renewable energy policies accord fully with the SPPS which advise particular care when considering the potential impact of renewable proposals on the landscape. Para. 6.224 also lists unacceptable impact on visual amenity and landscape character as a material consideration. It is therefore clear that the SPPS, like the dPS, advocates a balanced approach. Local authorities can determine how this is achieved by a new LDP provided it is reasonable and evidence based. It is not accepted that the dPS does not take account of policy and guidance issued by the Department, required by test C3.</p> <p>The general location of the WECAs is shown on Plan Strategies Appendix 1 – Proposals Map 2 in combination with AONB, SCA and AHLI designations. Their exact location and full extent will be shown at the LPP stage. It is important not to over-burden the draft Plan Strategy stage which is of a more strategic nature.</p>

	<p>The requirement for WECAs is further supported by evidence from the Landscape & Seascape Character Review (EVB6b) and the Development Pressure Analysis (EVB 6c).</p>
<p>It is unclear if EVB 6b The Landscape Character Review has been prepared in accordance with best practice. It fails Soundness Test CE2 as it fails to consider: the life span of existing turbines and wind farms which could see some turbines removed during the plan period; the potential for repowering of existing wind farms as a valuable contributor to the production of renewable energy; and the potential impact of advances in technology which could allow for fewer but more efficient turbines to be erected as part of repowering proposals.</p>	<p>The Landscape Character Review is not intended to be a detailed, technical Landscape Character Assessment utilising associated LCA best practice methodology and this is stated within the review itself. It is a review of our District's landscape and a clarification of whether previous LCA studies (undertaken by DOE, NIEA and more recently DAERA) are still relevant. The review also highlights any emerging forces of change in our landscape that need to be considered as part of the LDP PS preparation.</p> <p>The review was carried out by senior planning officers with qualifications in Environmental Planning and was informed and itself subject to review by other relevant council officers, as listed on p2 of the document.</p> <p>It is not the purpose of the review to provide detail of repowering, technology advances or turbine lifespan. However, where one or more of these is a feature of a particular development proposal it will be an important material consideration in determining acceptability or otherwise. In addition to the Review, there is additional evidence for the WECA designation in EVBs 6, 21 and 24. It is considered that cumulatively the evidence is sufficient and robust enough to meet the highlighted soundness test.</p>
<p>Section 6 of EVB 24 indicates members' concerns about the capacity for wind energy in the District. The representation states there is concern that 'this unsubstantiated view has been influential on the introduction of the WECAs designation'.</p>	<p>The development pressure analysis (EVB6c) and EVB 6b LCA Review demonstrate that certain areas within the District are subject to intense pressure with regard to wind energy development and some areas are reaching capacity for wind energy in terms of impact on visual amenity and landscape character. Therefore, the view that the LDP has issues to address in respect of wind energy capacity is fully substantiated. As with input from consultation responses, departmental statistics and other data and regional policy, Members' views do form part of the basis for the formulation of draft policy. With the exception of technical expertise where relevant, no one organisation, group or individual is afforded priority in the formulation of the draft policies. The need to address landscape overcapacity in certain areas as expressed by Members and others, was balanced against renewable energy targets, the focus on climate change and sustainable development. This has resulted in the balanced approach contained in the dPS in respect of renewable energy development.</p>

<p>The SPPS does not make any provisions for an area of constraint on wind energy development. Instead para. 6.223 advocates a cautious approach to renewable energy development within designated landscapes. Had it intended for such a designation to be introduced it would have specifically identified the use of such designations, as it did with mineral development.</p>	<p>The provisions of the SPPS do not preclude the introduction of new designations as long as they accord with it. While it does not specify that areas of constraint on wind energy development should or may be introduced, neither does it preclude them. Minerals development and wind energy development both normally impact on landscapes and visual amenity, but the extent and nature of these impacts are not directly comparable. The SPPS does indeed explicitly include a presumption against minerals development within sensitive areas but does not have the same requirement for renewable energy. The draft WECA designation reflects this in that it simply requires more careful consideration of proposals, to avoid the exacerbation of existing adverse impacts. Certain wind energy proposals may be acceptable.</p>
<p>WECA's are unnecessary when the prevailing planning policy set out in the SPPS already endorses a more cautious approach within existing landscape designations and identifies landscape and visual impact as a key policy consideration. It is inappropriate to introduce such measures and so does not meet Soundness Test CE2.</p>	<p>The SPPS sets the strategic policy, direction and objectives for renewable energy which local policies should accord with. It is true that a cautious approach is set out for existing designations however in this district, these are not the only landscapes which need additional protection as cumulative development in other areas is having a significant impact on visual amenity and landscape character. The WECA designation allows these other areas to be more properly managed. It still allows for renewable energy development, including some wind energy proposals within these areas and so is not in conflict with the requirements of the SPPS, rather it complements it. Based on the specific circumstances of the District, the WECA designation is considered wholly appropriate and Soundness Test CE2 met.</p>
<p>Having reviewed EVBs 6b and 24, respondent believes WECA designation is in response to data showing that the District is the largest contributor of renewable energy in NI and Member feedback. No consideration given to need to work across boundaries. Not all areas of NI are suitable for wind energy development. Those that are should not be unduly restricted as this conflicts with regional policy. The draft designation fails to meet soundness tests C1, C3 and CE2.</p>	<p>EVb 24 – as of March 2017 the District is the single largest renewable energy producing council area and much of this provided by wind turbines. It also highlights that the tall structures associated with wind energy development have the greatest visual impact on sensitive landscapes, demonstrating competing considerations. Paragraph 5.2 sets out the case for the balanced approach the dPS has taken.</p> <p>The WECA designation only applies to wind energy development. Therefore, rather than it being a case of ‘we have done our bit’, The Council is directing renewable energy development to appropriate locations where they can be best accommodated, taking into account not just suitability for harnessing power but all relevant considerations including environmental impacts.</p> <p>Regarding meeting targets and the need to work across boundaries, paragraph 5.1 explicitly recognises the need to meet the Strategic Energy Framework (SEF) target of 40% renewable energy consumption. Cross boundary work can be found in dPS paras 2.39 to</p>

	<p>2.59. In terms of conflict with regional policy, it is not accepted that there is an issue. The draft WECA designation while restricting wind energy development in limited areas that have already had severe landscape impacts from wind turbines, is not a blanket ban and only applies to wind turbines. It is therefore not considered to be unduly restrictive but a response to the District's specific circumstances. It is considered that the draft designation and its associated policy are in accordance with regional policy, strategy and objectives in that they make good provision for renewable energy development while at the same time taking account of other requirements for sustainability. There is therefore no conflict with the above soundness tests.</p>
<p>Most locations for the WECA designation are within the Sperrins AONB. Given the cautious approach set out in the SPPS for sensitive landscapes, it is not necessary to further restrict development.</p>	<p>Whilst there is some overlap, as the representation notes, some sit outside the AONB so do not benefit from the additional protection provided by the AONB. For areas which do overlap, the WECA designation identifies locations where in addition to more stringent requirements for development generally, wind energy proposals specifically may be problematic and will require even more careful consideration. While the WECA designation will restrict wind energy development in some ways, it is not a total ban on such development. By identifying all such under pressure areas in the LDP, developers will be able to use this to inform proposals from the outset and this should aid them and their agents to more successfully navigate the Development Management process.</p>
<p>Miscellaneous Spatial Chapter Changes</p>	
<p>Councils should consider both the 'urban' population and the 'rural hinterland population' together so as to better understand the size of the settlement as well as its function and role.</p>	<p>The role of all settlements has been systematically evaluated, guided by the RDS Hierarchy of Settlements. Further evidence on this is supplied in the Spatial Strategy Evidence Base Paper: EVB 6. The Spatial Strategy clearly sets out in paras 6.2, 6.4 & 6.5 (p56 & 57-58) the intent for a growth focus on Derry and to a lesser extent in Strabane, along with a limited amount of development across the remaining settlement hierarchy. Justification for the tiers, including the countryside, and their roles is set out in paras 6.7 – 6.13 (p57-61)</p>
<p>HED seek amended text supplied for para 6.18 p64 regarding Local Land Use Policy Areas (LLPA's) to be consistent with SPPS wording.</p>	<p>Accepted. Please refer to change reference PC 11 in the Schedule of Proposed Changes.</p>

Chapter 7 General Development Principles and Policies

Responses Received

Reference	Respondent
LDP-PS-REP-78A	DAERA (NED - Marine)
LDP-PS-REP-80E	DFI Water & Drainage
LDP-PS-REP-82	RSPB
LDP-PS-REP-80B	DFI TPMU
LDP-PS-REP-72	Zero Waste
LDP-PS-REP-89	Mary McGuigan
LDP-PS-REP-3G	Enagh Youth Forum
LDP-PS-REP-69	NI Water
LDP-PS-REP-59	Ebrington Holdings

Main Issue	Council Response
GDP 1 Sustainable Development	
GDP 1 should reference that all development should be in accordance with the UK MPS and Marine Plan for NI. Protection of the marine area should be made explicit in GDP 4.	Accepted. Please refer to change references PC 14 and PC 15 in the Schedule of Proposed Changes to make it clear in the policy and J&A that these plans are material considerations and to specifically mention marine protection.
The reference to SuDS within the Climate Change principle - GDP 2 rather than the Sustainable Development Principle - GDP 1 suggests that climate change is the main factor in surface water flooding. There is no emphasis on the impact development has on the issue. SuDS may be better placed in GDP 1 rather than GDP 2 for this reason.	GDP 1 provides the broader strokes of sustainable development and the remaining development principles set out more detail on the matter. While SuDs is included in GDP 2 it is one of 10 measures listed and has no additional emphasis over and above the others. GDPOL 1 is then the overarching policy and requires all developments to incorporate SuDS. It is therefore considered that no change is required as the dPS as a whole requires all developments to incorporate SuDS.
GDP 1 - It is considered that GDP 1 has lowered the threshold for biodiversity protection and is unsound against test P2. Request that the word 'significant' is removed.	Accepted. Please refer to change reference PC 18 in the Schedule of Proposed Changes.
Clarity sought through additional/ amended text to part iii including a reference to public transport.	Some of the minor proposed changes were not considered necessary but the reference to public transport is accepted. Please refer to change reference PC 17 in the Schedule of Proposed Changes.
GDP 2 Climate change	
(a) While supportive of Council promotion of SUDs in GDP 2, NIEA would have preferred to see a policy requiring the use of SUDs in new developments. (b) Under GDP 2 of the General Development Principles and Policies chapter, criterion (iv) should not require proposals to only facilitate sustainable travel but also invest in, design for and lobby for it.	GDP 2 is a General Development Principle, the supporting policy provisions for sustainable travel are contained within Policy GDPOL 2 and within policies TAM 7 and TAM 8 of the Transport chapter. SuDS are required in new developments as set out in part iii of Policy GDPOL 1. No change considered necessary.
Under GDP 2 of the General Development Principles and Policies chapter, criterion (vi) the reference to heat from waste should be removed and the criterion should be reworded to state: 'supporting the delivery of facilities needed to divert waste away from landfill and promote redesign, prevention, preparation for reuse, recycling and other recovery and disposal in line with the Zero Waste Circular Economy Strategy.'	The dPS recognises that the prevention of waste and the reuse/recycling of potential waste materials is preferable, as per Social Development Objective (c) (vii). However, provision must also be made for other types of waste management so that where such proposals are necessary and unavoidable they are properly managed with minimal adverse impact and maximum mitigation.

Under GDP 2 of the General Development Principles and Policies chapter, criterion (viii) add in 'proper monitoring'.	No change. It is not the role of the LDP to monitor this government-wide indicator.
(a) Reword Item iv, as per their wording: 'facilitating sustainable travel by improving active travel infrastructure and public transport options in preference to the private car'. (b) This policy and the next require applicants to demonstrate compliance. This is fundamental to the principle of sustainable development. It will be important that objectivity and proportionality are followed and it will take time to establish precedents.	Accepted. Please refer to change reference PC 20 in the Schedule of Proposed Changes. Noted.
GDP 3 Improving Health and Well-Being	
(a) Under GDP 3 of the General Development Principles and Policies chapter, criterion (v), relating to air quality, should require air quality to be improved and monitored thoroughly, rather than require no significant adverse impact as currently stated.	Adverse impacts as a result of air pollution are informed by the Environmental Health Department, which is the responsible party for monitoring this. EHD will be consulted on any development proposals likely to impact on air pollution (as is currently the case). Where a proposal is considered to have significant adverse impact which cannot be sufficiently mitigated, it will normally be refused permission. Where a proposal is likely to improve air quality, this will be a material consideration in determining the planning application.
(b) GDP 3 is essential and the Industrial Facilities: Health Impact Study should be acknowledged and considered in the Plan.	The LDP team welcomes the support for GDP 3 but would clarify that these are principles which planning proposals should incorporate. GDPOL 1, amongst others such as those contained in the Transport and Open Space chapters, are the policies against which proposals will be assessed to ensure all guiding principles are adhered to, wherever feasible. While the H.I.S is not explicitly referenced in the dPS, the LDP team is aware of the study. The focus on the health and wellbeing of residents of the study is mirrored in the dPS. Please refer to LDP-PS-REP-03B for further detail on this issue.
(c) minor rewording requested for consistent use of wording regarding promotion of sustainable transport.	Minor requested changes not considered necessary.
GDP 4 Supporting Sustainable Economic Growth	
GDP 4 – RSPB recommends that the wording of Part (iii) of GDP 4 is revised in such a way to ensure there is no weakening or cause for	It is not considered that the existing wording causes any weakening of protection or conflict with policies in the Natural Environment chapter and that the proposed

conflict with chapter 21 (NE) policies, maintaining the level of protection afforded to such areas as set on the Birds and Habitats Directives, the SPSS and PPS2. Fails soundness test C3 & C4. Re-word GDP 4 to improve understanding.	revision is therefore unnecessary. It is considered that, taken in the round the principles and policies of the dPS are sound and take a balanced approach to supporting economic development whilst protecting the environment.
GDP 5 Creating and Enhancing Shared Space	
Re-wording suggestion.	The proposed minor re-wording is not considered necessary.
GDP 6 Importance of Ecosystem Services	
GDP 6 should be more ambitious and require mitigation; part (iii) wording leaves room for interpretation; clearer wording required at para 7.44. Amended text is provided for consideration to address the issues raised. Principle thought to fail soundness tests C3 & CE2. GDP6 Importance of Ecosystem Services – strengthen by replacing ‘should’ with ‘shall’ or ‘will’ within policy box.	No change. This is a principle and the suggested wording to (iii) would not add anything. The mitigation requirements are clearly set out in Natural Environment policies in Chapter 21 No change. These are principles and it is sound to use ‘should’. Policies do use ‘shall & will’.
GDP 7 Development Principles: Preserving and Enhancing the Natural Environment	
GDP 7 - RSPB strongly recommend that Part (ii) should refer to the avoidance of loss of High Nature Value Farming (HNV) Areas, and not the Best and Most Versatile (BMV) agricultural land. Considered to fail tests CE2 & 3.	Accepted. Please refer to change reference PC 22 in the Schedule of Proposed Changes which makes the principle refer to both HNV and BMV.
Supportive of GDP 7 & ED1 re economic growth, environmental consideration, tree planting and hedgerow planting under TAM 2.	Support welcomed.
Under 7.6 (presumably GDP 7, criterion vi) mention ancient woodland coverage.	This would be covered by criterion iv and the Natural Environment chapter. No change necessary.
GDPOL 1 :General Development Management Policy	
Welcomes Policy GDPOL 1 (ix, sic) and Section 7.117-123 Development Relying on Non-Mains Wastewater Infrastructure.	Noted. NI Water are referring to part (xi) and the reference to part (ix) is a typo.
Waste and contaminated land part (viii) of GDPOL1 should be reworded with supplied text to reflect provided planning principle. DAERA NED suggest a new policy should be introduced which supports the redevelopment and re-use of land affected by contamination and which informs developers of the availability of such sites and potential constraints attached to them.	The proposed rewording is not considered necessary. Para 7.116 (p103) deals with contaminated land. GDPOL 1 (viii) is sound. It is considered that this para already deals with constraints and that the plan as a whole already supports the development of Brownfield land – which includes contaminated sites (subject to the applicant’s consideration of contamination issues).

<p>In various other chapters it was requested that there should be a specific mention for biodiversity net gain.</p>	<p>Accepted. The logical main 'home' for this would be GDPOL 1. Please refer to change reference PC 29 in the Schedule of Proposed Changes. It is mentioned in the GDPs but an explicit mention would support its promotion. Rather than referring to Biodiversity Net Gain we have specified that there should be no net loss of biodiversity and preferably including gain. This is to acknowledge that some proposals may have a neutral effect on biodiversity but have significant other benefits justifying approval.</p>
<p>An explicit mention of health and wellbeing was requested by a number of respondents.</p>	<p>Accepted. Please refer to change reference PC 30 in the Schedule of Proposed Changes. It is mentioned in the GDPs but an explicit mention would support its promotion. Text also to be added to GDPOL 1 to avoid risk of major accidents and their consequences, in addition to COMAH-specific accidents which are covered in Chapter 33</p>
<p>GDPOL 2 Design Policy in Settlements</p>	
<p>Considers that PDP's, PDO's & GDPOL 2 require greater precision to avoid any subjective interpretation and to provide clarity.</p>	<p>Partly accepted to include at para 7.125 a line requiring a Design Statement. Please refer to change reference PC 34 in the Schedule of Proposed Changes. Regarding other comments there is no need for amendments. The Ebrington Development Framework OPP will be a material consideration, taken together with any design requirements. GDPOL 2 is a design policy and design is a subjective matter. Further explanatory guidance is provided in Part F of the dPS (the Place-making chapters) and in SPGs. A DM Implementation Note will be prepared separately.</p>
<p>GDPOL 2 not considered sufficiently ambitious. Additional text suggested for inclusion (a criterion x) within GDPOL2 to address failure in NI to meet targets on halting biodiversity loss (reflected in the regional planning documents of the RDS and SPPS). Considered to fail soundness tests P2, C1, C3 & C4.</p>	<p>It is considered that the correct home for requiring no biodiversity net loss is Policy GDPOL 1 which deals with Development Management Policy whereas GDPOL 2 deals with design policy in settlements. See section above regarding a change accepted as PC 29 for GDPOL 1.</p>
<p>Amended wording suggested in iv & vi.</p>	<p>Partly accepted to mention permeability in iv. Please refer to change reference PC 30 in the Schedule of Proposed Changes.</p>
<p>Minor Amendment, Re. Pilot Resilient Settlement. Amended wording suggested as well as sentence re-ordering.</p>	<p>The minor proposed changes to wording are not considered to be necessary.</p>

Chapter 8 Enforcement of Planning

No representations received for this chapter.

LDP dPS, PART C- Economy- Strategy, Designation and Policies

Chapter 9- Economic Development

Responses Received

Reference	Respondent		
		LDP-PS-REP-203L	Laura Doherty
LDP-PS-REP-106A	DfI Strategic Planning	LDP-PS-REP-27	Super Mix: Leslie Thompson
LDP-PS-REP-11	NIHE	LDP-PS-REP-37	Milltown Gravel
LDP-PS-REP-78A	DAERA (NED)		
LDP-PS-REP-106B	DfI TPMU)		
LDP-PS-REP-28	WYG – (various clients)		
LDP-PS-REP-19	Invest NI		
LDP-PS-REP-59	Ebrington Holdings Via Turleys		
LDP-PS-REP-6	Pauline McHenry		
LDP-PS-REP-72	Zero Waste – M. McGuigan		
LDP-PS-REP-3B LDP-PS-REP-3C LDP-PS-REP-3D LDP-PS-REP-3F	Enagh Youth Form		

Main Issue	Council Response
General Economic Development Areas (GEDAs) Designation Box	
Dfl Strategic Planning refer to LUPAs, within the GEDA designation box pointing out that there are not normally zonings in villages and small settlements. They request clarification on the rationale for identifying these areas.	As set out in SETT 2 and para 6.19 on p61 & 62, LUPAs are designated to utilise the often considerable amounts of land currently existing in many settlements. Many small settlements in the District have poor service provision compared to population and these policies seek to redress this balance. For clarification please refer to change reference PC 40 in the Schedule of Proposed Changes which cross refers to Designation SETT 2.
Dfl queries the evidence to justify designating a New ED Area, when it says elsewhere that there is enough ED land generally.	Accepted. Please refer to change reference PC 41C in the Schedule of Proposed Changes which justifies a new ED area near the Buncrana Road to allow people to work close to their homes, addressing a very specific need in support of other chapters of the plan and sustainable development patterns.
ED 1 – General Criteria for ED.	
Policy ED 1 should encourage the use of social clauses to deliver positive social benefits.	Policy ED 1 is complementary to the General Development Principles and Policies. GDPs 1 – 8 set out the key development principles and their underlying criteria, which all development requiring planning permission will seek to achieve. GDPOL 1&2 set out those general policy requirements that relevant development proposals should meet in order to secure planning permission. The Council will also seek to ensure that larger developments have the maximum positive planning impact, both on site and on the surrounding community, during their implementation and on an ongoing basis. For clarification please refer to change reference PC 248 in the Schedule of Proposed Changes which inserts a new para 34.8 re social clauses, which will be encouraged by an informative for all non-minor Planning Permissions
Supportive of GDP 7 and ED1 re economic growth and environmental consideration, tree planting proposals and hedgerow replanting under TAM 2.	Support noted.
Not clear under ED 1, whether Policies ED2 – ED7 also apply to all proposals.	Accepted. Please refer to change reference PC 42 in the Schedule of Proposed Changes which states that only ‘relevant’ provisions need be considered from the other policies.

Not clear under h (not 'g' as they state) what a movement pattern is. Is it an estimate of exactly how people will travel to and from the development or is it a physical plan including a commitment to infrastructure?	Accepted. Please refer to change reference PC 43 in the Schedule of Proposed Changes explaining that the phrase refers to the 'softer' aspects of transport and site internals.
Remove words 'insofar as possible' & 'adequate' from ED 1 'h'.	No change, Sound as it is.
Does GDPOL 1 apply to ED 1 and is there a need for a Transport Assessment (as noted in TAM 6, p168)?	Accepted. Please refer to change references PC 26, PC42 and PC 44 in the Schedule of Proposed Changes to clarify that GDPOL 1 and 2 apply to all Planning applications, that ED 1 applies to all ED applications and TAM 6 applies to appropriate developments.
(g) Throughout the Chapter and within the specific Economic Development policies, there is no reference to location and transport accessibility, which are critical for sustainable development.	Accepted. Please refer to change reference PC 36 in the Schedule of Proposed Changes to refer to 'transport accessibility' specifically.
Dfl query how applications to extend existing ED uses will be assessed.	Accepted. Please refer to change reference PC 45 in the Schedule of Proposed Changes clarifying that this policy also refers to extended uses.
ED 2 Offices	
Dfl query if the sequential test should include 'edge of centre' sites, before 'elsewhere in the city and towns', as suggested by J&A para 9.20, and in current PPS 4 PED 1.	Accepted. Please refer to change reference PC 47 in the Schedule of Proposed Changes clarifying the position, in accordance with current guidance.
Policy ED2 should be amended to include Use Class B1b (call centres) on existing or proposed industrial/employment areas. Proposed policy is considered to be less flexible to that in PED 1 PPS4.	Policy ED 2 sets a sequential preference for offices and call centres to be in the city / town centres, or 'other location specified for such use in the LDP', and then 'elsewhere in cities and towns'. In PED 1, there is no preference for call centres in town centres. They are simply 'also allowed' within an existing or proposed industrial/employment area. No change is proposed as the ED2 is a deliberate sequential policy. No need for the specific reference. For clarity please see change reference PC 48 in the Schedule of Proposed Changes which provides clearer explanations for the terms used.
Invest NI note that Policy ED2 replaces elements of Policy PED 1 of PSS 4 relating to office development (Class B1a & b use), the thrust of the policy remains the same.	They are similar but are not quite the same, the new policy is intended to be sequential.
Note Use Class B1c is omitted from draft policy ED2 – unsure if this is unintentional.	Accepted. Please refer to change reference PC 46 in the Schedule of Proposed Changes that Use Class B1(c) is included in draft Policy ED 2.

ED 3, ED in Settlements

Query whether the policy would preclude ancillary office uses within economic development land outside city/ town centres. Clearly some uses in economic development areas require business support services/ offices.

The thrust of the policy is to direct B uses, and appropriate Sui Generis uses, that will be compatible with each other and need to be at such locations for operational reasons, and cannot normally be accommodated in city/ town centres. Often manufacturing uses require an element of ancillary office use and this would be acceptable under the policy as the principal use would remain. If a business support service is an office, it should be in a TC unless it meets the ED 2 exceptions criteria, or otherwise, it meets ED 3 criteria as a related/ subsidiary use that needs to be there. For clarity also see change reference PC 49 in the Schedule of Proposed Changes which sets out the small scale, clean uses from various use classes that may be accepted in town centres.

Policy not flexible enough to provide for changing circumstances. WYG consider ED3 not flexible enough in relation to Class B2 & B3 and overly restrictive in terms of locating such development in areas that are not zoned for such purposes in a development plan or within an existing industrial area. Currently PED 1 of PPS4 states that for Class B2 & B3 'Elsewhere in cities and towns, such proposals will be determined on their individual merits'.

Proposed Policy ED 3 states in part (iii) 'in areas outside of (i) or (ii), small scale development will be permitted provided the scale, nature and design of the proposal are in keeping with the character and setting of the settlement and the proposal is compatible with adjacent and nearby land uses, including residential'. No change is proposed, ED3 is deliberately strong on these points, to address perceived problems with PPS4. Medium or large-scale ED proposals are expected to locate on criteria i or ii locations.

ED 4, Protection of Zoned and Established Economic Development Land and Uses.

Notes that policy reflects elements of both PED 7 (PPS4) & SPPS. INI raise flexibility issues with ED 4 in relation to allowing complementary small scale uses such as crèches or a café that can be demonstrated to primarily meet the needs of the immediately nearby employees. INI question how compliance with these criteria will be managed/ policed. INI have serious concerns over the location of crèche facilities in industrial parks. They also note this section of policy appears to contradict the second part of the Policy ED4 'Compatibility with Nearby Established/ Approved Economic Uses'.

Accepted. Please refer to change reference PC 50 in the Schedule of Proposed Changes, providing additional wording to emphasise that any non-compatible uses on ED land will only be approved in exceptional circumstances where there is an essential need. Particular care will be taken where uses may attract vulnerable users. All exceptions must be ancillary to the main use and primarily meet the needs of immediately nearby employees.

Policy ED4 is unsound - does not provide enough flexibility.

No evidence was provided by the respondent. Criteria c & paragraph 9.29 already allow this, therefore no change is required.

WYG state that the exceptions of the proposed policy ED4 exclude the provision of development of a <i>sui generis</i> employment use within an existing or proposed industrial / employment area, which is currently allowed under current operational policy (PED 7 / PPS4).	This is already covered by ED 4 (c) for unzoned land and para 9.27 to 9.29 explain that types of uses on zoned and strategic sites will be set out in the LPP and explains that <i>sui generis</i> uses may be acceptable in the meantime (on sites where such uses are already established).
Dfl query whether the exception at h also applies to zoned land.	No change required. Similar text to exception h is included in the exceptions for zoned land. It is therefore clear that the exception applies to both types of land albeit for zoned land it must be also demonstrated that there would be no significant diminution of employment land in the area.
Various Employment Policies.	
Objects to any provision within ED 5, 6 & 7 (9-sic) that would allow any activities that would not be in keeping with the Sperrins.	While noting the strength of opposition that the Representation has to all forms of development considered not to be in keeping with the wild nature of the Sperrins, the dPS cannot apply the policy blanket ban that is sought. To do so would risk the entire soundness of the dPS and risk potential judicial reviews. The Council considers that, where within the remit of the dPS, development in the Sperrins is carefully managed in terms of all relevant social and environmental considerations. It is equally considered that the appropriate levels of environmental protection are set out in terms of applicable and suitable policy. The policies as existing are considered balanced and sound.
ED 5	
INI notes that this policy condenses much of PED 4 & 6 into a single policy and introduces additional opportunities that don't exist in current policy. Recognises that the scale proposed is in line with RDS / SPPS objectives of sustaining rural communities.	Noted. Sound as is. Policy ED5 parts (a) and (c) reflect current guidance whilst parts (b) and (d) are new.
Dfl question how this policy would operate. Request more focus on retention of existing buildings, with more J&A. Want it more like existing several policies.	Accepted. Please refer to change reference PC 52 in the Schedule of Proposed Changes, providing additional text preferring the extension or re-use of existing buildings, then developments that contribute to rural regeneration where there is no suitable site in the development limits, land adjacent to the settlement and then nearby sites with buildings, sites that integrate or those with replacement buildings, to be considered sequentially. This balanced approach still creates new opportunities for small scale development in the countryside whilst retaining existing safeguards.

ED 6	
INI state that ED 6 reflects the provisions in Policy of PED 3 of PPS 4.	Noted. No change required.
ED 7	
INI state that ED 7 (not ED 6 again as they state) reflects the provisions in Policy of PED 5 of PPS 4.	Noted. No change required.
SEDA	
Concerned that the SEDA designation in Ebrington is a constraining policy that may limit the site's ability to accommodate certain proposals.	Text on p115 acknowledges the existing outline permission / Development Framework, which remains a material consideration. This SEDA is a very positive designation / recognition of the strategic importance of Ebrington to the city / economy, which does not unduly restrict the site.
Economy Chapter - Green Economy	
Part C of the LDP dPS, should incorporate a section on the Green Economy. The Circular Economy also needs to be central to the economic development of the region.	For clarity also see change reference PC 37 in the Schedule of Proposed Changes which sets out the insert a paragraph after para 9.6 to reference sub-sector 'economies', all of which can be accommodated within the existing ED policies and designations; these include the Green Economy & Circular Economy, as well as the 'Social Economy'.
Housing / Industrial zoning compatibility & perceived Health Impacts.	
The recommendations of the Industrial Facilities: Health Impact Study should be taken on board by the LDP team and be included in the 'plan for action based implementation'.	No change. Plan is sound as it is. Reference to economic and residential compatibility is a key point of Policy ED 1, along with HIA requirement for large scale developments. A number of recommendations included in the study are already reflected in the dPS. This includes developing and enhancing links between urban and rural areas including green infrastructure, pedestrian and cycle and public transport links. In addition, dPS gives significant consideration to the health of the District's residents, including stringent policy for development on or near potentially contaminated sites and the promotion of active travel and green infrastructure.
Industrial integration	
Consideration should be given to co-location of industrial and commercial lands within residential areas particularly within new housing zones. Cites low historic uptake of zoned industrial lands; reduced need	Policy HOU 3 Density of Residential Development encourages higher density in the city, town centres and transport corridors, which benefit from sustainable transport services. Those in close proximity to District Centres and Local Centres are examples of accessible locations suitable for both higher density and mixed use development.

<p>for extensive infrastructure upgrades & more environmentally friendly for residents being close to their place of work as supporting reasons.</p>	<p>Higher densities will assist in making the best use of urban land and generally support the viability of public transport services.</p> <p>Policy ED 4 Protection of Zoned and Established Economic Development Land and Uses resists loss of land or buildings zoned for economic development use to other uses.</p> <p>At Local Policies Plan stage, the type and range of economic development uses that will be acceptable within specific zoned sites and other key strategic sites and locations will be specified.</p> <p>The plan is therefore considered to be sound as it is in this regard and no change is considered necessary.</p>
Economic Development in Rural Areas	
<p>Concern regarding the impact of industry and economic development on the rural areas and communities and lack of sufficient consultation with local residents.</p>	<p>The dPS was informed by the submissions from the POP, views from Member Discussion Meetings and workshops. The dPS consultation gave residents a further opportunity to engage with the LDP process and have their views fully considered. A Rural Needs Impact Assessment (RNIA) has been prepared and an addendum published along with the changes consultation. It will be further updated at the LPP stage and during monitoring. It will be again subject to consultation prior to the Independent Examination stage. The focus of the RNIA is the implications of proposed policies and strategies of the LDP for rural areas. This will therefore include the impacts of the policies on the Strathfoyle and Maydown settlements. The Local Policies Plan will take account of and address the specific circumstances and needs of particular settlements and particular lands in the rural area outside of development limits, where appropriate. No change is therefore considered necessary.</p>
Site specific – Temple Rd / Maydown	
<p>EYF would like to see economic development lands at Temple Road and Maydown re-zoned for private and social housing.</p>	<p>Zoning/ de-zoning of lands will be dealt with at Local Policies Plan (LPP) stage. Within villages and small settlements, the LPP will identify Land Use Policy Areas (LUPAs), where the majority of new housing will be located. At the time of formulating the dPS, there was a remaining potential of 13,790 committed housing units. This figure far exceeds the District growth target for housing of 9,000 units</p>

	<p>(for supporting evidence of remaining potential and housing growth target refer to EVB 16 and EVB 5). In addition, there is a further 10% of total housing capacity projected to become available through windfall.</p> <p>Some settlements may need limited additional housing lands. Through further evidence gathering in preparation of the LPP, we will gauge this accurately and address it through selected urban capacity sites or limited extensions of settlement limits. Appendix Table 1 of EVB 16 suggests that c145 units are required for Strathfoyle and the current capacity is 104. Should this or a similar scenario remain the case at LPP stage, it will be addressed. Regarding social housing, the NIHE Housing Needs Assessment establishes a significant social housing need in the District (c4,750 units). Given that much of the remaining potential for housing is on committed sites, the dPS advises it is expected that c4400 social housing units will be delivered through commitments or via remaining housing zonings. However, in some circumstances where a specific shortage of housing land has been identified and where there is also a very high need for social housing, it may be necessary to permit some additional housing lands. This assumes no alternatives have been found and that the sequential approach set out in chapter 16 has been applied. For clarity also see change reference PC 126 in the Schedule of Proposed Changes which allows for permission to be granted for 'phase 3 housing' a strategic housing land reserve in these circumstances. Regarding economic development land, EVB 9a Economic Land Monitor identifies substantial remaining ED land within the District, particularly in Derry city. The majority of the land is peripherally located and this greatly undermines its sustainability with regard to transport linkages. Therefore, it may be the case that an evaluation of non-performing/undeveloped sites is undertaken with some lands being de-zoned or re-zoned and with alternative and more sustainable sites being identified which can meet the envisaged ED growth.</p>
Site specific – Strahans Rd	
<p>Considers land on the south side of Strahans Road suitable for industrial use.</p>	<p>To be considered at LPP stage. Page 116 suggests that very little additional land will need to be zoned based upon the Economic Land Monitor (EVB 9). However, there may be some scope for limited localised expansion especially where localised shortfalls have been identified. The existing/ permitted use on the land will also be considered.</p>

Site specific – Milltown Sand and Gravel Pit

Believes that Milltown Sand and Gravel Pit should be zoned as industrial class B3 – General Industry.	This will be considered at the LPP stage. ED lands are only zoned in the city/ towns, not in villages or small settlements, nor in the open countryside such as this unless it were to be a very exceptional outlier.
---	---

GDPOL 1

Largely content, some issues in relation to GDPOL 1 and impact on B3 uses.	GDPOL 1 provides general development management policies that <i>inter alia</i> give guidance on issues like amenity. These policies will be applied across the board, though the weight to be given to them will vary from case to case due to factors like location, adjoining uses etc. It is important to have such planning safeguards and it may the case some proposals for B3 (General Industrial) may not meet the criteria in GDPOL 1 due to their location etc. It should be noted the dPS has given strategic indication in the ED chapter that there will be areas, known as General Economic Development Areas (GEDAs), where B3 uses will in principle be acceptable subject to meeting all planning criteria. These areas are generally established and/ or already zoned economic development land and therefore it is likely that in most cases (given the surroundings) B3 uses can be accommodated. The ED chapter also advises that key site requirements may be introduced in GEDAs at LPP stage and these will in practice seek to place the most compatible uses beside adjacent land uses. This will in practice give greater certainty to where B3 uses can be developed
--	--

Chapter 10: City/Town Centres, Retailing, Offices, Leisure and other uses

Responses Received

Reference	Respondent
LDP-PS-REP-92	Lidl
LDP-PS-REP-21	Inaltus
LDP-PS-REP-106	DfI – Strategic Planning
LDP-PS-REP-99	Inner City Trust
LDP-PS-REP-11	NI Housing Executive
LDP-PS-REP-14	Stephen Kennedy – Inaltus

Main Issue	Council Response
RP1 Town Centre First	
Policy RP 1 considered unsound because inconsistent with the SPPS, and should be altered to align with it.	Accepted. Please refer to change reference PC 55 in the Schedule of Proposed Changes providing clarity to Policy RP 1 to reflect taking account of SPPS and sequential consideration of other main town centre uses.
RP1 does not indicate that potential alternative sites must be judged on the basis of suitability, availability and viability. Does not clarify that it only applies to alternative sites within the proposals catchment.	Accepted. Please refer to change reference PC 55 in the Schedule of Proposed Changes amending Policy RP 1 to require proposals for other main town centre uses to be considered sequentially in order of preference as shown, applicable to the specific nature of the proposal and the settlement in question.
While supportive of policy approach, Inaltus seek the third criteria (Edge of Town Centre) to be amended to include an allowance for edge of District Centres where a proposal is designed to meet local everyday needs for the immediate population (as in policy RP 4).	Accepted. Please refer to change reference PC 55 in the Schedule of Proposed Changes.
The Department welcomes the Council's policy to adopt a town centre first approach for retail and main town centre uses.	Support welcomed.
the order of preference with regard to the sequential test generally mirrors that set out in the SPPS (para. 6.281), however it does not appear to align with hierarchy detailed at HC 1 (p 131).	Accepted. Please refer to change reference PC 54 in the Schedule of Proposed Changes. rename HC1 as 'Network' of Centres as it is really a list of the types of centres arranged in order of size.
Respondent notes that the Council refers to town & centres, including town, district, local and village centres. This would suggest that a district or local centre should be considered before edge of town centre sites. Would therefore welcome additional clarification from the Council on this matter, and consideration should be given to the unforeseen implications of the defined sequential approach.	Accepted. Please refer to change reference PC 55 in the Schedule of Proposed Changes amending Policy RP 1 to require proposals for other main town centre uses to be considered sequentially in order of preference as shown, applicable to the specific nature of the proposal and the settlement in question. Village centres are now specifically excluded.
A key objective of the LDP (para. 10.11) is to 'strengthen Derry city centre and also Strabane town centre', however it is also noted that reference is made to Castlederg, Newtownstewart and Claudy (para. 10.14). Further clarification would be welcomed if the Council considers it also appropriate to strengthen these town centres as well.	Reference to strengthening local towns is made in terms of their local context and their sustainability. In accordance with RP 1 and the Town Centre first approach, it is also similarly important to strengthen these towns; keeping them sustainably compact with uses appropriate to their context. It is therefore not considered appropriate to provide additional commentary on this matter.

RP 2 Derry PRC & City Centres.	
<p>The last paragraph states ‘planning permission will be granted for retail development on sites which adjoin or can form an effective extension to the town centre if it is clear that no suitable sites are available within the PRC’ subject to the policy criteria. Clarification would be welcome on how proposals would demonstrate whether ‘it is clear that no suitable sites are available...’ and the degree of detail necessary to satisfy this requirement?</p>	<p>Accepted. Please refer to change reference PC 57 in the Schedule of Proposed Changes providing clarification on how proposals would demonstrate that no suitable sites are available and the degree of detail necessary to satisfy the requirement including preparation of an assessment of need which is proportionate to support their application.</p>
<p>The policy appears to require that no suitable sites are available in the PRC, rather than including the city centre. This may result in any town centre first approach being undermined whereby the availability of suitable sites are not considered before allowing the development of a site adjoining or beyond the city centre boundary.</p>	<p>Accepted. Please refer to change reference PC 57 in the Schedule of Proposed Changes, adding a reference also to the rest of the city centre.</p>
<p>The Department notes that EVB 10 (para. 6.35), suggests there is a requirement to demonstrate that there will be no significant adverse impact on the vitality and viability of Derry City Centre. However, this has not been carried through to the policy.</p>	<p>the Council does not accept that this has not been carried through to the policy. Policies RP1, 2, 4(a), 5, 8, 9 & 10 are considered strong enough to prevent unnecessary spill-out/ leakage from the city to other locations. For clarity please refer to change reference PC 55 in the Schedule of Proposed Changes which adds the word ‘city’ to any reference to ‘town centre first’ in the plan.</p>
<p>Inaltus are concerned that the recommendations of the Retail Capacity Study will be followed and that the City Centre boundaries (to be determined at LPP stage) will largely follow the existing Derry Area Plan Commercial Core whereas in the interim, policy RP2 would apply to the (much larger) Derry Area Plan Central Area which includes their Home Bargains site near Fort George. If the City Centre is later significantly reduced (as they consider likely) their site would lie outside the City Centre and they would be unable to use Policy RP2 to expand their store. They would have to demonstrate that there are no sequentially preferable sites in the City Centre. They and many other businesses have invested heavily in the Central Area which has been regarded as ‘city centre’ for over two decades and they are concerned that the changed boundary would present a significant obstacle to development. They consider this contrary to the role of Derry City Centre as an engine of</p>	<p>EVB 10 (para 6.20 and 6.26) summarises the recommendation of the Retail Capacity Study (EVB 10a and 10b) to have compact city/ town centres and in the case of Derry, it recommends that the current Commercial Core should be the new City Centre. The precise City Centre boundary will be determined at LPP stage. It is considered appropriate that the dPS only identifies the strategic designations and the strategic retail / uses policies, with detailed site-specific boundaries to be determined later, as required by the LDP guidance. Nevertheless, EVB 10 gives a clear indication that the RCS recommendation will be followed (other than Waterside exclusion). All parties will have an opportunity to comment on the boundaries at that LPP stage. Much of the existing Central Area contains a wide range of other types of uses including with retail and commercial activity generally focussed in and around the historic city to the north.</p>

<p>regional growth. They oppose the possible reduction of the city centre boundary and that this will be determined after the City Centre policies are agreed.</p>	
<p>RP 1 & 2 Derry relevant policies</p>	
<p>Whilst supportive of protecting retailing, it is important that the plan does not reply/focus solely on retailing as being the sum total of economic activity in City and Town centres. The plan needs to take account of changing retailing dynamics both globally and nationally and now as consequence of COVID. Whilst seeking to attract retail uses, it should also actively support other diversified uses (including residential) that provide active ground floor frontages and contribute to a mixed use, economically and culturally vibrant city centre.</p>	<p>The Council consider that the Draft Plan Strategy policies, albeit drafted prior to the COVID pandemic are flexible enough to accommodate such uses in town and city centres.</p>
<p>RP 3 Strabane PRC & Town Centre.</p>	
<p>The last paragraph may result in the town centre first approach being undermined where availability of suitable sites is not considered before the development adjoining or beyond the town centre boundary.</p>	<p>Accepted. Please refer to change reference PC 58 in the Schedule of Proposed Changes, adding a reference also to the rest of the town centre.</p>
<p>The respondent's lands to the west of Strabane Town Centre by the river are excluded from the town centre and it is a logical area in their view to expand the town centre to the west towards Lifford. To not do so, they consider, makes the plan unsound. They consider it would allow the town to expand and make the most of its potential role as a gateway between RoI and the north of Ireland.</p>	<p>EVB 10 (para 6.20 and 6.26) summarises the recommendation of the Retail Capacity Study (RCS, EVB 10a and 10b) to have compact city/ town centres and in the case of Strabane, it recommends that the current Town Centre should approximate to the new Town Centre. The precise Town Centre boundary will be determined at LPP stage. It is considered appropriate that the dPS only identifies the strategic designations and the strategic retail / uses policies, with detailed site-specific boundaries to be determined later, as required by the LDP guidance. Nevertheless, EVB 10 gives a clear indication that the RCS recommendation will be followed. All parties will have an opportunity to comment on the boundaries at that LPP stage.</p>
<p>RP 4 Other Town Centres & District Centres</p>	
<p>Do not object to policy RP 4, however Inaltus note it permits edge of District Centre retail development. They state there is demand for additional convenience retail floor space in the Waterside, they consider it would be appropriate to plan for this in the LDP and ensure that the boundary of the Lisnagelvin DC is of sufficient size to accommodate this</p>	<p>Specifics of any District Centre boundary changes will be addressed at the LPP stage. No boundaries are defined in the DAP 2011. Para 10.15 defines a District Centre and indicates they may include 'community and business facilities'. At LPP stage a determination will be made as to whether the site in question falls into the description as set out in para 10.15.</p>

<p>need. This, they state, could be easily achieved by including Lisnagelvin Leisure Centre with the DC boundary.</p>	
<p>This policy identifies the towns of Castledearg, Newtownstewart and Claudy at the same policy level as the District Centres at Lisnagelvin, Springtown, Rath Mór and Northside. The inclusion of town centres and district centres within the same policy context is likely to cause a degree of confusion when considering development proposals.</p>	<p>It is not considered confusing and Council believe the policy is acceptable. The policy does apply to both town and district centres. For clarity please refer to change reference PC 59 in the Schedule of Proposed Changes.</p>
<p>The SPPS (paras 6.271 and 6.273) advises that a town centres first approach for retail and main town centre uses must be adopted by planning authorities. Therefore, the proposed policy will undermine these regional strategic objectives and policies, by facilitating parity between the four district centres in Derry and the town centres of Castledearg, Newtownstewart and Claudy, rather than direct retail and main town centre uses to these town centres in the first instance. The Department would recommend that the Council carefully consider the potential consequences of this policy.</p>	<p>The dPS in fact adopts a similar policy approach. Whilst it groups both district and city/ town centres in the policy, this does not imply parity between the 4 District Centres and the 3 Town centres of Claudy, Newtownstewart and Castledearg. Rather in each case (for proposals in district centres) it will be considered whether the proposal would impact on the vitality and viability of the city or any town centres in that catchment. The wording is different but the intention and effect is considered comparable and it is considered that no change is required.</p>
<p>Council is reminded that SPPS (para. 6.276) is to retain and consolidate existing district and local centres as a focus for local everyday shopping, and ensure their role is complementary to the role and function of the town centre. In such centres, further extension should only be permitted where the applicant has demonstrated no adverse impact on town centres in the catchment area. RP 4 establishes a presumption in favour of retailing and other town centre uses within district centres, thereby facilitating the further expansion of such centres, rather than consolidation.</p>	<p>Our extensions to District Centres are by exception and totally complimentary with SPPS para 6.276. For clarity please refer to change reference PC 59 in the Schedule of Proposed Changes.</p>
<p>J&A would benefit from reference to the details set out in para 10.15 and 10.16 identifying the function of town centres and district centres.</p>	<p>Partially accepted. Please refer to change reference PC 62 in the Schedule of Proposed Changes copying the definition of district centres into para 10.33. As the concept of town centres is more generally understood it is thought the definition at para 10.15 will suffice.</p>

RP 5 Local Centres	
Further extensions in Local Centres should only be permitted where the applicant has demonstrated there are no adverse impacts on town centres in the catchment area. This policy appears to be supportive of new development within local centres, and any potential expansion of these centres. Whilst it is acknowledged that criterion (3) refers to proposals not having an impact on any other centre within the network and hierarchy, there is a risk that this policy might conflict with the regional strategic objectives as set out in the SPPS.	The assertion is not supported and there is not considered to be any conflict with the regional strategy objectives as set out in the SPPS. For clarity please refer to change reference PC 60 in the Schedule of Proposed Changes.
Whilst para. 10.33 confirms that RP 5 relates to the existing Local Centres identified in the Derry Area Plan 2011, these are not identified in the text or spatially on a map. The Department would welcome further detail in relation to Local Centres to which this policy applies to assist with the application of this policy.	The LPP will have drawings and maps of each of the district centres. For clarity please refer to change reference PC 61 in the Schedule of Proposed Changes to clarify that it applies to existing Local Centres identified in the DAP and those which may be proposed at LPP stage.
The Department notes that EVB 10 (para. 6.37) refers to accessibility by various forms of transport as a requirement however this has not been pulled through to the policy.	The Council consider that no change is appropriate as accessibility is required of all development by Policy GDPOL 2.
The J&A would benefit from repetition of the details set out in para 10.16 identifying the function of a local centre.	Accepted. Please refer to change reference PC 62 in the Schedule of Proposed Changes.
RP 6 Villages & Small Settlements.	
It is unclear if criterion 2 relates to the overall design of the proposal and meeting local day-to-day needs (as required by the SPPS), therefore if this is the policy intention, greater clarity would be welcomed. In addition, the Department would welcome clarification on the reference/intended interpretation and terminology within criterion 4 in relation to 'or very recently expanded'.	No change. The Council considers the criteria are adequate in terms of setting out the policy intent.
The J&A (para. 10.36) places a number of requirements upon prospective applicants whereby various matters must be demonstrated, including accessibility by a number of different modes of transport and in some instances submission of a 'convincing supporting statement'. The Department considers that, as these refer to detailed requirements in	It is considered that para 10.36 is the appropriate location to set out these requirements and no change is therefore proposed.

<p>order to satisfy policy, inclusion within the policy itself may be more appropriate.</p>	
<p>RP 7 Retail Development in the Countryside.</p>	
<p>The policy advises that retailing will be directed to the ‘centres within the retail hierarchy’ and that development of inappropriate retail facilities in the countryside will be resisted. This approach is welcomed and is reflective of the SPPS (para. 6.279), but it is noted that the policy does not specifically direct proposals to town centres, which is contrary to policy RP 1, and the SPPS (para 6.279). Further clarification would be welcomed within the policy and associated J&A in relation to those centres to which retailing will be directed.</p>	<p>The Council considers that the policy wording and supporting J&A is appropriate given the policy intent of RP 7.</p>
<p>The UFU notes that there are no size restrictions for the proposals in the countryside and that there is no policy direction for other types of retail development in the countryside, within the operational planning policy for town centres, retailing and other uses. Retail development in the countryside must be developed on a need’s basis, regulated, and supported by suitable infrastructure.</p>	<p>The Council considers that the policy is fit for purpose and allows for appropriate exceptions to be permitted. No change is therefore proposed to this policy.</p>
<p>RP 8 Alternative Use of Shops in PRC & Other Centres.</p>	
<p>This policy seeks to restrict the amount of non-retail uses ‘across the entire frontage in question’ to no more than 40%. Furthermore, this restriction will also apply to the amount of consecutive non-retail uses that would result from permitting a change of use. It is unclear how proposals that result in a breach of this threshold might be considered/assessed. The policy would benefit from greater clarity on the practical application. The Council should also consider the impact of this policy on the PRC, and the unintended consequences for vitality and viability that it seeks to protect.</p>	<p>The Council is content that the policy wording allows for a partial loss of retail (40% max). This enables a partial loss, which still maintains a retail presence, as opposed to an all or nothing application scenario which the Council is keen to avoid. In the absence of such a policy, applicant may consider that removing all retailing uses may be their only option. No change is therefore proposed to this policy.</p>
<p>Policy RP8 should be reviewed. It assumes a healthy retailing economy when it is widely known that the retailing sector is continually downsizing to the detriment of our city and town centres. This has been further</p>	<p>The COVID review of the LDP will address any exacerbating implications of COVID on the status of the local retailing economy. No specific change is therefore considered</p>

<p>exacerbated due to effect of COVID 19. The policy should make provision for instances where established retail units have been vacant for a defined period, and that this could justify permitting other appropriate non retailing uses. As a general observation, it is hoped that the specific policies will also seek to control more effectively, the presence of amusement arcades in town and city centres with particular reference to heritage sensitive locations such as the walled city.</p>	<p>necessary to policy RP 8 at this juncture. The LDP monitoring process will allow the council to monitor the situation on an ongoing basis.</p>
<p>RP9 Out of Centre Development.</p>	
<p>Policy RP9 is inconsistent with the RDS/ Arntz Belting development. It is not realistic in assuming that the Arntz Belting development will be delivered and is not founded on a robust evidence base.</p>	<p>Do not agree. The LDP has used a standard retail methodology and counted all existing & approved retail floorspace. The Council is also content with the accompanying EVB as presented. No change to this policy is therefore proposed.</p>
<p>It is noted that, in line with the SPPS (para. 6.283), development proposals with a retail floorspace of 1000sqm gross and above are required to be accompanied by a Retail Impact Assessment and an assessment of need. The Department is also encouraged by the Council's decision to facilitate flexibility, whereby assessments of retail impact and need might also be required for proposals under the stated threshold. Whilst the J&A (para 10.48) acknowledges this requirement would also apply to applications for extensions which would result in the overall development exceeding 1000sqm, the inclusion of this within the policy itself would be beneficial.</p>	<p>The Council is content that the J&A at para 10.48 is the appropriate location to set out the requirement for the supporting retail information.</p>
<p>RP10 Other Main Town Centre Uses.</p>	
<p>Policy allows B1 offices in all centres outlined in the hierarchy in RP 1 which includes District Centres which Inaltus welcome as this is compliant with SPPS.</p>	<p>Support noted.</p>
<p>Residential use should be promoted in relevant retail policies for city and town centres.</p>	<p>The dPS is already considered sound in this regard. Suitable provision is contained within proposed draft policy under Policy RP 2 & RP 3 for Derry and Strabane centres respectively and their respective J&A sections. Such residential use in city/ town centres is also covered in Policy HOU 12. No change is therefore proposed.</p>
<p>Kennedy Retail Park in Strabane should be designated as a District Centre.</p>	<p>The dPS does not identify any District Centres in Strabane, within the Network of Centres in Designation HC 1 (NC 1 in PCs) or in Policy RP 4. This decision is consistent</p>

	<p>with the Retail Capacity Report and Health Check, as well as the update review of current occupancy at document DS-302.</p> <p>The retail report has considered retail capacity for convenience stores, the health of existing District Centres and the potential for new inclusions in the retail network / hierarchy. This site is considered to be quite small in scale / number of units and does not meet the criteria for a District Centre. Additionally, given the modest overall scale of Strabane town, and the proximity to the town centre and the fact the town is easily accessible for most residents in the immediate area, it is difficult to understand what merit or purpose there would be having a designated District Centre in Strabane, particularly at this location.</p>
<p>Inclusion of Lisnagelvin Leisure Centre within District Centre.</p>	<p>Specifics of any District Centre boundary changes will be addressed at the LPP stage. No boundaries have been decided in relation to the District Centres at dPS stage. No current boundaries are defined in the DAP 2011. Exact boundaries will be defined at LPP stage. Paragraph 10.15 defines a District Centre and indicates they may include 'community and business facilities'. At LPP stage, a determination will be made as to whether the site in question falls into the description as set out.</p>
<p>Evidence Base.</p>	
<p>Inaltus disagrees with the view presented in the retail study that it is 'not anticipated there will be any floorspace capacity across the Council for convenience floorspace, principally as a result of commitments'.</p> <p>Representation believes this statement is wrong because</p> <ul style="list-style-type: none"> • Area has a Regional Centre • It is the second city of Northern Ireland • Has a population over 300, 000 • Is located on an international border between UK and RoI / EU. • The plan seeks to deliver 15,000 jobs. <p>The representation expands on the above by stating that study is putting too much store on speculative commitments and that it is underestimating the potential market share that Derry and Strabane could have, particularly in relation to cross border trade. They consider it</p>	<p>The Retail Study was prepared in the knowledge of the factors raised by the representation. The authors were fully aware of factors such as Derry's regional position, existing retail offer in the area, city-specifics, the total catchment, the cross-border uniqueness of the District as well as informing them of the Council's strategic growth plans. These were all factors that would have been considered in arriving at the conclusions of the retail report. Furthermore, empirical evidence was gathered through available data, along with household surveys. This informed the study including convenience catchments for Derry. Whilst the representation believes the 'commitments' are speculative and skew the quantitative need for convenience floorspace, they are extant planning commitments and must be taken into account. Whilst the representation speculates that the commitments are unlikely to draw trade from the Waterside, and account for some of the overtrading at locations like Lisnagelvin, this could be countered in that there is strong evidence of Waterside trade going to other locations in the Cityside such as Sainsburys and Lidl.</p>

unlikely that the commitments in the city, which are both Cityside, will draw trade from over-performing stores in the Waterside.	
---	--

Chapter 11: Transport and Movement

Responses Received

Reference	Respondent		
LDP-PS-REP-106B	Dfi TPMU	LDP-PS-REP-62	Faughan Anglers
LDP-PS-REP-3I LDP-PS-REP-3G LDP-PS-REP-3B	Enagh Youth Forum	LDP-PS-REP-29	Peter McCarron
LDP-PS-REP-93	Into the West	LDP-PS-REP-79	DfC – HED
LDP-PS-REP-26B	Mary Casey	LDP-PS-REP-106A	Dfi – Strategic Planning
LDP-PS-REP-94	Cycle Derry	LDP-PS-REP-106C	Dfi Roads
LDP-PS-REP-9	Translink	LDP-PS-REP-61	Dalzell
LDP-PS-REP-48	Apex- Turley		
LDP-PS-REP-49	PCI – Turley		
LDP-PS-REP-50	Radius – Turley		
LDP-PS-REP-47	John Burns – Turley		
LDP-PS-REP-57	Henry Craig- Turley		

Main Issue	Council Response
Strategic Issues: Integration of land use and transportation & associated definition	
DfI TPMU would expect to see their proposed best practice approach appear prominently in the plan: Accessibility Analyses should be employed to assist in the identification of appropriate development sites where integration with public transport, cycling, walking and the responsible use of the private car can be best achieved.	Accepted. Please refer to change reference PC 64 in the Schedule of Proposed Changes to reference the use of Transport Accessibility Analysis and associated Best Practice as per SPPS (6.293) to assist in the identification of appropriate development sites where integration with public transport, cycling, walking and the responsible use of the private car can be best achieved.
DfI TPMU seek clarity in reference to use of accessibility and perceived loss of meaning through inconsistent use. They provide their definition of Transport Accessibility Analysis to assist to distinguish between TAA and 'physical accessibility.'	Accepted. Please refer to change reference PC 65 in the Schedule of Proposed Changes clearly distinguishing between 'transport accessibility' and 'physical disability'.
Modal Shift	
TPMU note that reference to their best practice policy approach on Active Travel Networks is missing. Text is provided. LDPs should identify active travel networks and provide infrastructure improvements to increase use of more sustainable modes, enhancing priority for pedestrians, cyclists and public transport and an acceptable level of parking provision which is properly managed.	Accepted. Please refer to change reference PC 66 in the Schedule of Proposed Changes which provides further clarity and includes the TPMU provided text.
The Rep supports the provision of additional railway stops including at Strathfoyle/ Lisahally, Eglinton and the airport.	Noted – no change needed. Reference to strategic aspirations for new rail stops re: CODA is made at para 11.29, an edge of city rail halt at para 11.23 & Port and Airport generally at para 11.22. Locations and detail will be fleshed out in the LPP.
Feels the dPS needs to have a larger role for rail provision.	The dPS can only reflect those projects with a reasonable degree of likelihood in coming forward. It has been made clear at ministerial level the likely future extent of rail development in the NW over the plan period. See row above for more information.
Concern that the dPS does not identify the need to provide additional Park and Ride locations or rail extension to encourage modal shift.	The dPS can only reflect those projects with a reasonable degree of likelihood in coming forward to provide certainty. It has been made clear at Ministerial level the likely future extent of rail development in the NW over the Plan period. See row above for more information. Explicit reference to P&R (and all related variations) is made at 3rd bullet point (p 147); para 11.29 (p 153); 2nd & 5th bullet point (p 154).

	Extensive specific reference is made in TAM 8 (Provision of Public/ Private Car Parks) para 11.102 – 106 (p 173). The plan is therefore sound in this regard already and no changes are required.
Disappointed with lack of cycling provision included within the LDP strategy.	Provision for cycling is referenced throughout the chapter and is a Key LTS measure bullet point on p148. Also referenced at para 11.11 and in policies TAM 5 & TAM 7. The plan is therefore sound in this regard already and no changes are required.
Developer Contributions	
dPS should secure developer contributions for public transport services not just infrastructure.	Para 34.6 states that a draft Developer Contributions Framework is in preparation and will be consulted on in due course. The Council will consider the need for developer contributions to deliver public transport services for specific sites at the LPP stage. Whilst it is unlikely that very large zonings will feature in this LDP, the Council considers that in striving to encourage sustainable modal shifts in transport, developer contributions to facilitate and integrate public transport services will be required. There is a reference to seeking, where necessary, transport contributions at para 34.5. It sets out how Section 76 agreements will be used for this. Further relevant text is in Policies GDPOL 1 & GDPOL 2 and para 7.139 & 7.140.
Parking Arrangements	
Translink suggest that as behavioural change takes time, changes to parking arrangements should be carried out in tandem with the future development of sustainable transport initiatives, rather than waiting, as suggested in the draft strategy, until such initiatives are in place.	They cite para 11.32 which refers to a phased reduction as and when suitable alternatives are in place. This was a strong Council position during NW Transport Study discussions. It is therefore not considered appropriate to make the suggested change at this stage.
One respondent ask for consideration of changing Bishop St car park into a green lung/ urban park as the city has enough parking elsewhere.	To be considered at LPP stage.
Park & Ride Facilities	
Suggest that Park & Ride facilities/ public transport interchange should be permitted on zoned economic land. Translink highlight the economic importance of P&Rs in connecting people to employment and mindful of the challenges in securing appropriate sites in suitable locations.	Protection of economic land is a core component of the Economic Development Chapter. The Council will consider the suggestion on a case by case basis at LPP stage but do not propose to explicitly mention this suggestion in para 11.102.
Strategy should not suggest that P&R facilities be preferably located within settlement limits.	No change is proposed. Para 11.105 does state that they should preferably be in settlements but acknowledges that they might need to be located elsewhere and

	accepts this if certain criteria are met including an assessment of alternative sites if a Green Belt location is being considered.
P&R facilities should be permitted from Protected Routes.	The Council considers the SPPS provides clear direction on the importance of regionally designated protected routes. As directed by DfI, the Council will restrict access onto such routes to facilitate efficient movement of strategic traffic. Strategic P&Rs locations will come forward in due course as part of the ongoing construction of the A6 and for the future A5 construction scheme. The Council is content that Policy TAM 3 which has been developed in association with DfI clearly articulates the specific requirements of access onto protected routes within this District. Where it is not permissible, it is clearly stated and where exceptions are possible the specific caveats are set out. No change is therefore necessary.
Concern that dPS does not identify the need to provide additional Park and Ride locations. Queries why the dPS states a 'potential' for additional locations but actual locations are not identified.	The dPS is a strategic document and can only reflect those projects with a reasonable degree of likelihood in coming forward to provide planning certainty.
Monitoring Framework	
The Monitoring Framework needs more ambitious targets for sustainable transport if the overall LDP is to be sustainable, particularly in view of the Council's ambitions for growth.	The Monitoring & Review Report (EVB 40) published alongside the dPS sets out three targets to review dPS Transport and Movement policy progress towards LDP Vision and Objectives. One focuses on the Travel Survey for NI (Sustrans) which captures information on the number of people travelling by sustainable modes such as active travel, bus and rail. The Council has a significant number of strategic monitoring requirements to ensure the dPS remains on track. The Council considers the TSNI data captures the information required to monitor whether transport modes are changing sustainably and a modal shift towards public transport is occurring in.
Strategic Planning Objectives	
The Rep is supportive of the Council's Strategic Planning Objectives for Transport and the commitment to continue to work with and encourage DfI and other relevant statutory partners to bring forward major upgrades. However, it is considered that the objectives are unsound because there is no policy set out within the dPS on how it will integrate/	The Council considers the dPS & the T&M Chapter sets out how the dPS will seek to ensure the District will benefit from all strategic infrastructure upgrades. The LTS Transport Measures are set out on p147. The LDP Strategy in accordance with the LTS can be found in para 11.11. All relevant policies play their part and it is not considered necessary to have a specific policy which sets out how to best connect

maximise connections between existing settlements and proposed infrastructure upgrades.	settlements as a result of such proposed upgrade proposals. No change is therefore considered necessary in response to this representation.
A5 / A6	
Support for the A5 - Drumahoe to Stradreagh, new dual carriageway from Maydown to Caw roundabout and new signal scheme at Caw roundabout/ residential development at Ballyoan	No action required. These roads proposals are included/ shown, strategically, in the dPS but do not form part of the LDP proposals <i>per se</i> . Their implementation or otherwise would be done under Roads powers / processes and decided by DfI and Ministers.
The Mobuoy illegal landfill site has already adversely impacted the delivery of the A6 strategic road network by preventing the implementation of the final stage between Drumahoe and Maydown.	As above.
Sustainability	
Contends that the dPS statements in support of 'massive' road building projects completely contradicts the LDP commitments to sustainability. Rep states such statements are prejudicial to the successful achievement of objectives and policies relating to sustainability. Specifically refers to the A5 as a prime example of this. States that para 11.16 indicates that the A5 upgrade will strengthen local connections, however Rep considers it fails to recognise that the A5 upgrade has significant environmental impacts.	Note opposing views. Development is considered essential to maintain the social and environmental benefits and prospects of the District and the NW region. Infrastructure development will have benefits in terms of travel times and better accessibility and this will benefit public transport users as well as private car users. The benefits of such upgraded infrastructure are set out at 1st bullet point p147 and paras 11.14 - 11. 21. The LDP Transport Strategy is based on the Local Transport Study (LTS) undertaken as part of the North West Travel Plan and undertaken by DfI in conjunction with the council. The road schemes are existing commenced and proposed upgrade schemes from the LTS.
Support for implementing a sustainable transport hierarchy and for sustainable transport generally.	Support noted, no change
Strathfoyle Greenway & Derry-Coleraine Railway Renewal	
Support for both Strathfoyle Greenway and Phase 3 of Derry - Coleraine Railway Track Renewal Project.	Support noted.

Other (considered) minor amendments	
Remove reference to Derry Glider (bullet point 6 p 147 as it implies a full Bus Rapid Transit specification	The Council aspires to such a network regardless of the name of any future such service.
Unclear as to meaning of para 11.6.	In developing such rural opportunities, it reduces the need for daily rural living-urban working generated travel journeys.
Move sentence as per 11.8 p149 to follow immediately under heading Main Transportation Challenges for the City & District at bottom of page 148.	Accepted. Please refer to change reference PC 67 in the Schedule of Proposed Changes. This slight re-ordering of page text is required to create a more logical flow.
Para 11.10 p149 is considered overly explicit and incomplete. Similar text is offered as an alternative.	Disagree. No change considered necessary as full text explicitly sets out the role of others, in conjunction with the Council to deliver the full transport & movement vision for the District.
Delete reference to delivery drones in para 11.11 p149.	Disagree, this is provided as an example of 'new technologies'.
Add following sentence to end of 11.20 p 151: '...whilst also improving local connectivity and access to existing and new developments in the west of the city.'	Accepted. Please refer to change reference PC 68 in the Schedule of Proposed Changes. To amend text with enhanced reference to connectivity / access.
At para 11.32 Dfl wish for text reading 'and not take place until alternatives...are in place' to be removed and replaced with 'The Council and Dfl will prepare parking strategies in line with SPPS requirements.'	No change – This is the Council's overall car parking strategy and accords with the SPPS. The 5th bullet point p108 requires LDPs to prepare car parking strategies; bring forward policies to ensure adequate parking provision; identify P&R / P&S sites and recognise the role of parking in modal choice. Requires LDP to consider– designating areas of parking restraint; reducing supply of long term parking spaces; pricing policy & innovative work practices.
Para 11.35 p154 Dfl unclear whether public transport services have been taken into account when allocating rural housing provision.	Please refer to change reference PC 69 in the Schedule of Proposed Changes to provide clarity that public transport services have been taken into account when allowing for rural housing provision. Members have been very clear on the importance of redressing perceived urban v rural imbalance within the District. This minor change clarifies that there is indeed very limited public transport provision in rural areas and private cars are almost a practical necessity, but council believes that rural areas should not be further disadvantaged because of it and there is a need for rural housing despite this.

At para 11.39 p156, Dfl wish for following text to be inserted: ‘assess the previously mentioned orbital routes against economic, environmental and social objectives as these routes may be advantageous in facilitating the required....’	Accepted. Please refer to change reference PC 70 in the Schedule of Proposed Changes to provide further clarity & understanding.
Para 11.42 welcomed. Box on p157 should be retitled Strategic Planning Objectives for the Integration of Land-Use Planning and the Delivery of Transport Strategy & Measures.	No change - this box is just about the Planning objectives of the LTS and its measures. It is not about overall integration, or traffic safety.
In box above p157 insert new bullet explaining that accessibility analyses by active travel modes and public transport will be used to influence the choice of zonings and major developments at the LPP stage.	Accepted. Please refer to change reference PC 71 in the Schedule of Proposed Changes.
Add underlined text to last bullet p157 ‘...means of travel – walking, cycling and <u>public transport, with appropriate infrastructure or support for services.</u> ’	Accepted. Please refer to change reference PC 72 in the Schedule of Proposed Changes.
Policy Issues: TAM 1 : Creating an Accessible Environment	
HED consider TAM 1 could be made more sound with an amended/ expanded para 11.52: ‘In the case of listed buildings, it may be possible to plan suitable access for all without adversely impacting on the building’s special architectural or historic interest. All proposed changes to a historic or listed building should be based on a clear understanding of the significance of the building, be of high quality design, and use sympathetic materials, details and finishes, in keeping with the building’s essential character.’	Accepted. Please refer to change reference PC 73 in the Schedule of Proposed Changes for the sake of clarity and amplification.
HED consider an expanded para 11.55 would make TAM 1 more sound (new text underlined): ‘in the case of existing buildings, particularly historic buildings, such a statement would enable a designer/ developer <u>to state why the proposed change is necessary</u> , identify the constraints posed by the existing structure and its immediate environment and to explain how these have been overcome, <u>through informed and high quality design solutions</u> . <u>Design and Access Statements must accompany all Listed Building Consent applications.</u> ’	Accepted. Please refer to change reference PC 74 in the Schedule of Proposed Changes for the sake of clarity and amplification. Design & Access Statement is required under Reg. 4 of The Planning (Listed Building) Regulations 2015.

Paragraph 11.56 refers to an SPG 'Access for All – Designing for an Accessible Environment.' Dfl query the reference in the SPG to DCAN 11. As of 22/11/20 both DCANS (published and draft versions) were withdrawn.	Accepted. Please refer to change reference PC 75 in the Schedule of Proposed Changes which explains that the SPGs are to be either adopted or revised as appropriate.
TMPU are content with TAM 1 wording.	Support noted.
TAM 2: Access to Public Roads	
Dfl Roads request a text change from 'inconvenience the flow of traffic' to 'inconvenience the flow of people and goods.'	Change requested is considered implicit in current text. The proposed change would not provide any further clarity.
TAM 3 :Access to Protected Routes	
Dfl question need for criterion (c) of 'Other Protected Routes – Within Settlement Limits' Suggest it reads more as for information purposes.	Accepted. Please refer to change reference PC 77 in the Schedule of Proposed Changes, removing criterion (c).
Dfl raise issue of incorrect reference in para 11.74 to the map of protected routes and they point out that the map does not make any distinction with regard to the categories of Protected Routes despite para 11.74 saying it does.	Partially accepted. Please refer to change reference PC 78 in the Schedule of Proposed Changes to insert correct reference to the plan of protected routes. It is our understanding that the only distinction between the routes is whether or not they are in settlements which would be self-evident. The J&A refers to the up to date Dfl plan in any case, which is online. No change necessary.
Page 163 -Dfl Roads request the wording 'direct access' and 'or the intensification of use of an existing access' to be included in the 'Outside Settlements Limits' section as well as the 'within settlement limits' section.	Accepted. Please refer to change reference PC 76 in the Schedule of Proposed Changes replicating references to 'direct' access and to 'intensification of existing accesses' in both parts of Policy TAM 3. This ensures consistency & provides further clarity. Considered appropriate under network integrity and road safety.
Not supportive of draft policy TAM 3 as it makes no reference for trunk roads, like the new A6 dual carriageway, and makes no provision for perceived appropriate service area incorporating fuel, café/ restaurant, shop, toilets, tourist information, amenity/ play area and parking/ rest areas for coaches. They request that policy TAM 3 should include a reference to 'trunk road services' in place of 'motorway service areas' as there are no motorways in the LDP area.	No change - the policy mirrors the current policy on protected route access. To dilute the text to include trunk roads and the provision of services there would negatively impact on the policy intent. It is considered that TAM 3 mirrors the policy intent of PPS 3 & 13 and the SPPS. This Rep is possibly related to an application for such a provision off the A6 in Drumahoe. The SPPS (page 108 para 6.301) states that 'motorway service areas' may be considered for motorways and high standard dual carriageways where there is a demonstrable need.

TAM 4 Protection for New Transport Schemes	
DfI TMPU seek a reference to the forthcoming NWTP (to be prepared in conjunction with the LDP LPP) with respect to protection of new transport schemes.	Accepted. Please refer to change reference PC 80 in the Schedule of Proposed Changes for the sake of clarity.
TAM 5 Disused Transport Routes	
TMPU largely content with this policy. The LDP LPP will have to identify and protect all transport schemes and recreational schemes (on disused transport routes).	Accepted. Please refer to change reference PC 82 in the Schedule of Proposed Changes to aid clarity and to be consistent with the SPPS and to also refer to potential nature conservation and tourism-related uses for enhanced green infrastructure on former railway lines.
TAM 6 Transport Assessment	
TPMU would prefer more prominent text explaining that TA & TP apply to all forms of development that generate a significant travel volume and/ or impact.	The Council considers that it is implicit that the formal TA & TP would apply to those forms of development that generate a significant travel volume and/ or impact. The policy states that the coverage and detail of the TA should reflect the scale of the development and the transport implications. This proportionality also implicit in the referenced TA Guidance document. In practice, every planning application does a basic TA screening – which is part of the P1 form, then larger proposals complete a TA Form – Part A, before graduating up to Parts B /C/D and then a detailed TA. Increasingly, it will be important for all / most developments to consider how more sustainable travel patterns might be achieved. Therefore, the Council does not consider that additional ‘exclusionary’ wording is needed in the Policy or J&A, for Soundness. However, if the PAC was minded to include a simple statement, as an amendment to the text to PC 83, there would be no objection.
Would like supporting text in J&A of TAM 6 to make clear that a primary aim of the TA is firstly to assess accessibility by sustainable modes and to develop measures to maximise use of sustainable modes - only subsequently should the residual traffic be assessed and its impacts ameliorated.	Accepted. Please refer to change reference PC 83 in the Schedule of Proposed Changes for the sake of clarity. The requested text is within the stated intent of the 2006 TA Guidelines (NI)

TAM 7 Walking & Cycle Provision	
TPMU is content with policy as presented.	Support welcomed.
TAM 8 Provision of Public & Private Car Parking	
TPMU is content that P&S / P&R are covered under TAM 8	Accepted. Please refer to change reference PC 84 in the Schedule of Proposed Changes to re-order the misplaced text to improve the flow and clarity.
There is missing wording at end of sentence para 11.100 p 172.	Accepted. Please refer to change reference PC 85 in the Schedule of Proposed Changes to include text omitted in error.
TAM 9 Car Parking & Servicing	
TAM 9 could be made more sound with added (underlined) text in para 11.116: '...in assessing developments affecting Conservation Areas, Areas of Townscape Character or the surroundings of listed buildings or other <u>heritage assets and their settings</u> , it may not always....	Accepted. Please refer to change reference PC 86 in the Schedule of Proposed Changes to include text omitted in error.
Dfl notes possible confusion with SPG reference at para 11.120 and reiterates previous comments made in relation to extant planning guidance.	Accepted. Please refer to change reference PC 75 in the Schedule of Proposed Changes which explains that the SPGs are to be either adopted or revised as appropriate.
TAM 10 Design of Car Parking	
Council Issue - Formatting on p 178-179 jars with usual policy J&A format Reduce the headings / font size.	Accepted. Please refer to change reference PC 87 in the Schedule of Proposed Changes which standardises the formatting.
TAM 12 Transport Facilities	
Dfl Roads do not wish to restrict opportunities for development or expansion, however they consider that the integrity of the road network (in particular trunk roads) should be protected. It is therefore vital that	Noted and considered implicit in this Policy and GDPOL 1 and TAM 2, 3, 6, etc.

proposals take full account of this and provide improvements where necessary.	
Council noted issue: Para 11.138 reads as a NI-wide policy rather than being locally specific.	Accepted. Please refer to change reference PC 87 in the Schedule of Proposed Changes which makes specific reference to 'the port' and 'the airport (City of Derry Airport, CODA)'.
Council noted issue: Reword the third bullet point of para 11.138 to refer to CODA and also refer to Chapter 9 designation of Special Economic Development Areas (SEDAs). It is noted that that there is no 'boundary' to the Airport, so it is effectively a 'rural' location.	Accepted. Please refer to change reference PC 87 in the Schedule of Proposed Changes which makes specific reference to CODA and the designation of a SEDA there. The precise boundary of the SEDA will be determined at LPP stage.

Chapter 12: Tourism Development

Responses Received

Reference	Respondent
LDP-PS-REP-106A	DfI Strategic Planning
LDP-PS-REP- 79	DfC Historic Environment Division
LDP-PS-REP-56	Foyle River Gardens
LDP-PS-REP-	Internal Council Comment
LDP-PS-REP-89	Pat McGuigan (Individual)
LDP-PS-REP-65	Sandra Duffy on behalf of Sinn Fein
LDP-PS-REP-6	Pauline McHenry (Individual)

Main Issue	Council Response
TOU 1 Safeguarding of Tourism Assets	
Include the indicative list of Tourism Assets as referenced in the Tourism EVB within the J&A at para 12.12.	Partially accepted. A few examples are given in para 12.12 and a longer list in the appendix of the EVB. Even this is an indicative list, not exhaustive. It is not considered appropriate to include the longer list from the EVB in the dPS document appendices because of its length and the subjective, changing and non-physical nature of some assets. Please refer to change reference PC 93 in the Schedule of Proposed Changes which adds a few lines of definition/ examples of tourism assets, amenities and other terms to appendix 2 regarding 'tourism benefit statements'.
TOU 1 – new amplification text to be inserted to make more sound. Where development is being sought due to association with a heritage asset, the proposal must be in line with the appropriate historic environment policy suite and adopt a heritage-led design approach.	Accepted. Please refer to change reference PC 94 in the Schedule of Proposed Changes.
TOU 2 Tourism Development in Settlements	
Dfl would like it made explicit that all the GDPs & GDPOLs could be applicable to an application.	It is considered that the role of the GDPs & GDPOLs in determining all applications is stated in the first paragraph of Policy TOU 2 and at para 7.70 (as amended for Economic Development section by change reference PC 26). For clarification, please refer to change reference PC 95 in the Schedule of Proposed Changes.
Clarify if there are to be 9 or 10 Tourism settlements.	Please refer to change reference PC 91 in the Schedule of Proposed Changes which clarifies that there are nine and amends the dPS text accordingly.
HED suggest the inclusion of the words 'character', 'setting' and 'massing' in the first policy paragraph of TOU2 to read...' <i>respect the site context, character and setting in terms of scale, massing and design</i> '.	This wording as used in the PS is a cut & paste from TSM 1 in PPS 16. The proposed HED wording is considered to add nothing new to the policy. No change is therefore considered necessary in response to this representation.
HED want clarification on how 'substantial benefits' will be determined as per para 12.16. They suggest this is explicitly changed to 'substantial environmental, social and economic benefits'.	This is implicit throughout the dPS and the three pillars on which it is developed. 'Benefits' encapsulates all 3, without needing to provide further focus. No change. Considered an unnecessary over- amplification.
TOU 3 Tourist Amenities in the Countryside.	
Ensure list of Tourism Amenities in the District as set out in EVB 12: Tourism Development complies with stated definition as used in J&A 12.19.	Para 12.19 simply states that tourist amenities are any tourism feature that is not accommodation. The EVB refers to other tourism 'assets' such as wildlife sites, tracks and trails, built tourism assets (historic features) and parks and gardens. It is

	not considered that para 12.19 needs amended as the definition of tourism assets is clear enough.
TOU 4 - Hotels, Guest Houses, B&B's & Tourism Hostels in the Countryside	
To avoid potential confusion, items (a & b) should be renumbered i & ii.	Accepted. Please refer to change reference PC 98 in the Schedule of Proposed Changes as part of general standardisation of numbering and lettering across the LDP dPS, this will be addressed for all categories, criteria and bullet points to ensure consistency of approach.
insert 'New...' sub-heading to provide clarity between existing tourist facilities policy text and that relating to new tourist facilities.	Accepted. Please refer to change reference PC 99 in the Schedule of Proposed Changes and the proposed new full text for Policy TOU 4 as set out in annex 2.
B&B is not defined/ referenced in PPS or SPPS causing potential conflict with the present policy, with unintended consequences.	Please refer to various parts of change reference PC 99 in the Schedule of Proposed Changes and the proposed new full text for Policy TOU 4 as set out in annex 2. A definition of 'B&B' & 'Guest House' will be added to Appendix 2.
Under subheading of 'Replacement of an Existing Rural Building' insert B&B and amend 4th bullet point to include reference to 'historic building of local importance.'	Please refer to change reference PC 99 in the Schedule of Proposed Changes and the proposed new full text for Policy TOU 4 (annex 2). References to B&Bs (rather than 'guest houses') in relation to replacement or new accommodation have been removed to avoid confusion. They were removed from the policy text (apart from expansion of existing provision) and also from paras 12.22 and 12.23. They are often permitted development and this is now covered in a new para 12.24. A reference to 'locally important historic buildings' is included as requested.
Following on from TOU 2, amended wording is suggested for the current criteria (a) & (b).	The wording is copied from TSM 1 PPS 16 and para 6.265 SPPS. Further change is therefore considered unnecessary.
Delete reference to AGR 3 and replace with HE 8 and suggested new HE 8 policy title (Conversion and/or Extension...).	Accepted. Please refer to part of change reference PC 99 in the Schedule of Proposed Changes regarding the conversion and re-use of existing buildings for other suitable rural uses.
Tourism NI requested a replacement list of types of tourism accommodation which also included 'guest accommodation' (such as restaurants with rooms/ motels), 'bunk houses (basic accommodation) and 'campus accommodation'. They also asked for a mention in the J&A that all tourism operators should be certified with them.	Most of the categories of accommodation they mentioned are covered in change reference PC 99 and the new full text of Policy TOU 4 in Annex 2 of the Proposed Changes document. It is not considered that the three types highlighted in the box to the left require a specific mention. It is considered that the policy as written is fit for purpose and the three additional types of accommodation could be determined using the policy as drafted. It is not considered that the certification of tourism businesses is a land use planning matter so no change is proposed on that point.

TOU 5 Major Tourism Development in the Countryside	
Dfl consider the policy sets a lower policy test than that set out in SPPS.	Accepted. Please refer to change reference PC 100 in the Schedule of Proposed Changes, making the change requested to better accord with the SPPS.
Dfl seek clarification on whether 'Region' applies to the North West region or Northern Ireland as a whole.	The dPS leaves the term flexible to cover both NW region (Derry City Region/ Donegal border) or Northern Ireland as a whole. However for clarity please refer to change reference PC 101 in the Schedule of Proposed Changes with new text stating that the proposed scale/ importance of the development will dictate whether is considered to be of District or Regional importance.
To make the policy 'more sound', HED recommends additional text for para 12.28 Bullet point 3.	Accepted. For clarity please refer to the second part of change reference PC 101 in the Schedule of Proposed Changes.
TOU 6 Self- Catering Accomodation in the Countryside	
Dfl seek clarity on penultimate paragraph in policy text re: 'substantial cabins of various types...with substantial connections to services...'	This is to distinguish them from smaller, portable glamping-style wooden cabins that do not possess washing or shower facilities that would require fixings such as water and sewer connections. Such lesser glamping cabins or pods usually require only mains electricity connection, as is explained in the following, final sentence. It is therefore not considered that any further clarification is required.
Suggested inclusion of clachan-specific text in J&A para 12.13 (sic).	Accepted. For clarity please refer to change reference PC 102 in the Schedule of Proposed Changes for the relevant section which is actually para 12.32.
TOU 7 New and Extended Holiday Parks	
HED consider Policy TOU 7 requires minor wording amendment to make it sound. They suggest the addition of the text 'heritage assets'.	Accepted. Please refer to change reference PC 103 in the Schedule of Proposed Changes.
Other Tourism related Issues: key role & flexibility	
Disappointed that the dPS does not acknowledge that there are likely to be significant tourism opportunities that cannot be located within Key settlements. The comments are made with reference to 'Eden Project Foyle.'	Provision is made for such proposals to be considered under Policy TOU 5 if they meet all of the three criteria to demonstrate 'exceptional circumstances'. Site-specific proposals may be identified at the LDP's LPP stage.

International Appalachian Trail	
The Council's Tourism Section requests <u>International</u> Appalachian Trail be used as correct title.	Accepted. For clarity please refer to change reference PC 90 in the Schedule of Proposed Changes.
Museum in Strabane	
Complaint that there is no reference to any plans by Council to bring forward a Museum in Strabane.	The draft Plan Strategy's vision and objectives are to ensure that tourism contributes positively to urban regeneration. Strabane has been identified as a Tourism Hub to welcome, encourage and strengthen any future tourism development. The Tourism Strategy directs proposals to Strabane Town and other key settlements. A positive approach will be adopted in determining applications for tourism development, especially for proposals which are sustainable and will result in high quality development. Any such proposal will be considered under Policy TOU 2, and a site may be allocated at LPP stage. It is therefore considered that the dPS already creates a positive planning environment for such proposals so no further change is needed.
Flexible approach regarding applications for tourism.	
Seek tourism infrastructure to be spread across the District to ensure footfall and spend to all parts.	The Plan sets out a series of nine Tourism Hubs and Gateways to ensure tourism development is sustainably located at those settlements best placed to cater for and deliver visitors to our tourism assets across the District. Policies TOU 2 (Settlements) and 3 & 4 (Countryside) are relevant. It is therefore considered that the dPS is already fit for purpose in this regard.
'Airbnbs' and perceived adverse impacts	
Concern over Impact of 'Airbnb's on urban areas with limited residential parking and onerous planning enforcement evidence requirements.	Refer to TOU 2 and in particular para 12.18 which clarifies that residential amenity will be considered as part of any proposal. For clarity please also refer to change reference PC 133 in the Schedule of Proposed Changes which seeks to control non-permanent residential use in urban areas.
LDP must place tourism as a 'core strategy' for the entire Council area	
LDP must place the tourism as the core strategy for the entire Council area. Respondent considers that the Council is putting at risk the health	The dPS requires that the economic, environmental and social success of the District will be the result of a combination of strategies. It is considered that the dPS content

of the people, devastating our environment and fundamentally destroying tourism, fishing and agriculture in this District. Considers that by abandoning the focus on tourism and switching to financial gain from foreign corporations, the LDP is complicit in facilitating the associated detrimental health, environmental and economic consequences of an industrialised Sperrins. States this is contrary to all soundness tests.

for the Sperrin area contains an appropriate tourism focus to recognise the important role of this area, with sufficient environmental based policy along with economic opportunities to enable it to be a working, living environment, subject to planning approvals. The Council considers that to put solely tourism as the core strategy of the DPS would render it unsound at the expense of other permissible activities that require planning permission. It is therefore considered that the balanced approach taken in the plan as a whole is entirely appropriate.

Chapter 13: Minerals Development

Responses Received

Reference	Respondent	LDP-PS-REP-60	Sperrins Group
LDP-PS-REP-16	MPANI	LDP-PS-REP-6	PARC
LDP-PS-REP- 52	Dalradian	LDP-PS-REP-72	Zero Waste NW
LDP-PS-REP-6	Pauline McHenry		
LDP-PS-REP-82	RSPB		
LDP-PS-REP-78A	NED		
LDP-PS-REP-79	DFC (HED)		
LDP-PS-REP- 106A	DFI Strategic Planning		
LDP-PS-REP-25A-25L (inclusive)	PARC		
LDP-PS-REP-75	John Pears, The Crown Estate		
LDP-PS-REP-61	David Dalzell		
LDP-PS-REP-62	Faughan Anglers		

Main Issue	Council Response
Policy MIN 1 General criteria, for all Minerals applications	
MPANI supports a well-managed, regulated, and valued minerals industry, including implementation of ROMPS, to have a level playing field for all operators. Don't support the perceived assertion of Para 13.10 that mineral extraction is incompatible with natural environment sites. Considers there to be significant evidence showing the positive contribution that mineral workings have both in the active stage and after use, in protecting and enhancing biodiversity.	No Change required to MIN 1 as the policy is already consistent with their point. For clarity please refer to change reference PC 105 in the Schedule of Proposed Changes which inserts wording to acknowledge potential biodiversity enhancements through minerals development.
Mostly, but not fully supportive of draft policy MIN 1. However, considers that reference to proposed designations in paragraphs 13.10-13.12 should be removed.	Note support. For clarity please refer to change reference PCs 105 - 107 in the Schedule of Proposed Changes clarifying that MIN 1 applies to all areas but particularly to designated habitats and wildlife sites or heritage assets. The reference to proposed designations has been removed as requested.
Opposes the cross reference with MIN 5 as they consider MIN 5 unsound and as a result, they consider that linking MIN 5 with MIN 1 affects the soundness of MIN 1.	Council does not agree. See also MIN 5 section below
Object to MRAs and incorrectly attribute these to POLICY MIN 1. It is likely the title and policy may be from another council's dPS. The correct policy is MIN 3 Mineral Reserve Areas (MRAs). The respondents' strong opposition to all aspects of mining within the Sperrins AONB is noted, particularly gold mining and 'destructive' mining and quarrying. They consider such industries have substantial adverse and irreversible effects on the environment. The issue further states that the SEA is 'incorrect and inconsistent' but the referenced supporting text is not from the Derry City and Strabane District Council dPS SA.	The designation of MRAs is not guaranteed and is a designation that may be brought forward at LPP stage. The policy sets out the reasoning why such an area may be designated and how the boundaries of such areas will be defined. It stresses the need for careful consideration, balancing protection of valuable mineral resources against potential 'planning blight' and social anxiety. MRAs are a well-established planning designation and their inclusion within the dPS is legitimate. It is therefore considered that the balanced approach taken in the dPS minerals policies is appropriate as written in this regard.
Policy MIN 1 is considered unsound on the grounds of the significant impact of commercial peat extraction. RSPB state that if DC&SD is to take our climate change commitments seriously, then proposals which increase the release of carbon dioxide in situations where peatland is drained, removed or disturbed should be resisted. Amended wording is supplied for Policy MIN 1 and for any exception within it.	The information given is generic to NI/ UK and the quoted policies are from other Councils' LDPs. There is no commercial peat extraction in DC&SD and any application for such would be adequately assessed against this policy, and other related policies in the LDP (especially Policies NE 3 and RED 1 on peatland protection). Para 13.23 deals with commercial peat and only allows developments where valuable wildlife/ landscape bogs not harmed. No change is needed to Policy MIN 1. It already states that applications would only be

	approved where there would be no unacceptable adverse impact on the natural environment including earth science features. All/ most peatlands would be protected habitats. No other specific minerals are mentioned in MIN 1. For clarity please refer to change reference PC 108 in the Schedule of Proposed Changes which refers to the carbon storage benefits of peatlands.
They consider Policy MIN 1 could be made more sound with amended text. They requested deletion of the reference to nature conservation sites in 13.11 as it is covered in 13.10.	Accepted. Please refer to change reference PC 106 in the Schedule of Proposed Changes.
Would prefer to see peat in general included within policy box for MIN 1, rather than in J&A.	Noted. It is not considered that there is any need to mention peat specifically in the policy. The approach to peat is set out at para 13.23.
Policy MIN2 - ACMDs	
Areas of Mineral Constraint should be based on accurate and up to date information.	DfE Minerals and Petroleum Branch collates the Annual Mineral Statement of Quarry Output for Northern Ireland. Due to legislative changes, the last available information on minerals by type and tonnage extracted and their cumulative value to the local economy was for 2010. When the EVB was published, returns had not been published for a number of years so the latest data covered 2016 (Table 6 Appendix 1 in EVB 13). DfE data is now available for from 2001 to 2019 but DfE state that due to variations in responses for individual years the information presented should not be assumed to represent trends in output. No change proposed to Policy MIN 2. The Council will continue to work with DfE in gathering and using the latest information on minerals demand and supply. The policies are not very sensitive to changes in this sort of data. This will be reviewed at LPP stage.
Not supportive of the draft policy wording of MIN 2 in relation to ACMDs. Considers that there is no supporting map outlining its full extent. Considers the fact that mining applications in ACMDs would even be considered weakens the whole idea of a protected area. Queries who are the relevant consultees. Considers the use of the word 'significant' in the policy to side step the Environmental Impact Assessment process, further weakening the protection of ACMDs.	The LDP team have developed two types of strategic designations - Areas of Constraint on Minerals Development (ACMDs) and Minerals Reserve Areas (MRAs). The extents of both will be identified at LPP stage. The need for such designations is identified in the SPPS to provide a constant supply of minerals for the local and regional economy through MRAs, and to protect our intrinsic landscapes with ACMDs. Certain ACMDs have been carried forward from the previous Area Plans, but will be reviewed at LPP stage to reflect existing circumstances. MIN 2 is heavily weighted in favour of environmental protection but it is felt the 'exception rule' gives some scope to considering

	<p>short-term proposals that will not adversely affect the environment and amenity. Likewise, it would be contrary to the balanced approach in the dPS to impose an ACMD on the entire AONB. We seek to protect the most sensitive AONB landscapes through the focussed designation of ACMDs. Applications in such areas must be accompanied by landscape and visual impact assessments. Footnote 27 p203 clarifies the EIA point i.e. that an application might be significant enough to trigger a positive EIA, yet might still eventually be approved as not having significant environmental and amenity implications. No change.</p>
<p>Lack of evidence identified for policy MIN 2. Considers that MIN 2 states that there will be a presumption against planning permission within the ACMD however the draft policy does not identify the specific areas and locations, instead it states that ‘detailed boundaries of ACMDs will be defined at LPP stage which will contain site specific or local specific policy on how applications within ACMDs will be treated’. Considers it a failure of the SEA and Local Plan process not to identify these areas within the dPS; without this information, the Council is unable to make an informed conclusion when assessing the policy within the SA. Considers that the SA scoring without this information is not legally compliant and considers the policies to be unsound as it fails to meet the SEA regulations. Further considers that failure to identify and understand the requirements of the minerals sector before setting these policies to be fundamentally flawed approach, which is ineffective and unsound. Considers for the council to progress further with its dPS without a firm evidential base severely prejudices the entire process and its ability to formulate a sound and lawful Local Development Plan.</p>	<p>No change. This policy accords with SPPS para 6.115. It is appropriate and acceptable for the LDP dPS to indicate the strategic extent of the ACMDs, to be defined in the LPP. See dPS paras 13.6 and 13.7. There is adequate information and evidence to identify and justify these ACMDs strategically for the dPS stage and for its SA and SEA. See also EVB 13.</p>
<p>Disagrees with draft policy MIN 2. Opposes council’s approach to identify the detailed boundaries of ACMDs at LPP stage. Considers EVB 13 sets out that existing ACMDs contained within the Derry and Strabane Area Plans will be carried forward into the emerging LDP and considers this to be in conflict with soundness test CE2 as they consider there to be no evidence to support the retention of the existing ACMDs. Considers the emerging LDP represents an opportunity to review existing designations. Objects to council’s approach to consider proposed SCAs and AHLIs as ACMDs, they consider this proposal to be</p>	<p>No change is proposed. The Council is satisfied that it is appropriate to define the ACMDs at dPS stage and that it has enough evidence to do so. It is appropriate to indicate the continuation of the existing ACMDs for review at LPP stage. There is likely to be adequate scope to supply minerals needs, even with the indicated ACMDs and this will be reviewed as part of the LDP monitoring process.</p>

<p>unsound as they consider that the council has failed to assess the status of the existing designations and the merits of carrying the designations forward. Further to this they consider SCAs and AHLIs to fail soundness test CE2. They consider the identification of large landscape designation as ACMDs contrary to the provisions of the SPPS. Concerned that additional areas may be identified at LPP stage. No consideration has been given to the impact of ACMDs on the Council's ability to meet the need for mineral resources failing soundness tests C3 and CE2.</p>	
<p>Considers that the first part of the draft policy is contrary to the SPPS, the draft policy fails to consider any exceptions to the presumption against development as the SPPS states. They consider the J&A text to MIN 2 sets out exceptions to the policy which will be considered where the proposals are short-term and the environmental and amenity implications are not significant however they consider this to be not clear within the policy wording noting that it will still fail soundness test C3.</p>	<p>The J&A already sets out the exceptions in para 13.25 and we are content that this is the appropriate place for this guidance. It is implicit that there can be exceptions; inclusion in the policy text could 'encourage' them.</p>
<p>Respondent considers that MIN 2 should also reference valuable mineral extractions as an exception and that not including it conflicts with the SPPS, failing soundness test C3. The SPPS states that 'there will not be a presumption against their exploitation in any area' when referring to valuable minerals. They consider that the SPPS makes it clear that valuable mineral extraction should be exempt from the policy presumption against mineral development proposed within ACMDs. There were also linked comments on Policy MIN 4 which albeit welcoming the valuable minerals policy objected to the 'presumption against' in the SCA.</p>	<p>The Council has taken account of the SPPS 6.157 but decided not to explicitly include valuable minerals in the exceptions. MIN 4 deals with valuable minerals and states that there will be no presumption against their exploitation anywhere except the Special Countryside Areas, our most valuable and vulnerable landscapes in the High Sperrins. The exceptions in MIN 2 give scope to consider short-term proposals that will not harm the environment and amenity and the policy still protects the most sensitive landscapes through the ACMDs. The policy is a deliberate extra layer of protection for the High Sperrins and links to policy NE 6 which protects the SCA from any harmful development.</p>
<p>Respondent suggests policy wording for the first part of MIN 2 which they believe is in line with the PSRNI and the SPPS. Concerned the draft suggests 'expansive tracts of land' (within policy box of MIN 2) could be designated as ACMDS; they consider that ACMDs should be clearly identified at the dPS stage, as they are a fundamental strategic designation.</p>	<p>The indicated ACMDs are carefully chosen and necessary and the reference to 'expansive tracts of land' means that for larger areas that fall within the ACMDs, exceptions will be considered to allow some minerals development that meets the exceptions set out in the J&A text. It comes from SPPS 6.155 (bp3), which suggests that rather than the whole AONB (the Sperrins would be an expansive tract of land) becoming an ACMD, protection should be focussed on key sites within it. This is the dPS approach, limiting it to the SCA, AHLIs and ASSIs. It is acknowledged that its inclusion in the policy box could be</p>

	<p>interpreted that there is scope within any expansive [this size is not defined] ACMD for minerals developments that don't harm the reason for the ACMD. This would go beyond the 'exceptions' which is not what was intended! To address this, refer to change reference PC 109 in the Schedule of Proposed Changes which moves the middle paragraph of MIN 2 to the end of J&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 LPP stage.</p>
<p>Respondent objects to the exceptions. ACMDs are described in Policy MIN 2 Policy as areas 'protected from minerals development because of their intrinsic landscape, amenity, scientific or heritage value'. They consider any exceptions which could permit minerals development within such areas would still be unacceptably damaging. Also seeks the entire AONB to be covered by any future ACMD designation.</p>	<p>The Council sets out clearly the limited exceptions in which minerals development may be accepted within an ACMD. Each is carefully caveated. The policy text for ACMDs clearly states that such exceptions will only be considered in those ACMD which cover expansive tracts of land and where consents would not compromise the integrity of the areas as a whole or undermine the rationale of their designation.</p> <p>It is considered that a blanket ACMD designation across the AONB would possibly attract legal challenge and would be unsustainable environmentally, socially and economically in terms of its impacts. It contains several existing quarries and mineral 'reserves'. It would be contrary to SPPS paragraph 6.155 (third bullet point). It is therefore not considered necessary to make any change to this part of the policy.</p>
<p>Support ACMDs.</p>	<p>Note support.</p>
<p>Not supportive of draft policy wording of MIN 2 re ACMD and considers it should be removed. The SPPS states that 'minerals can only be extracted from sites where occur'. They consider the policy unsound by virtue of test CE4 as they consider the dPS inflexible. They consider there should not be a presumption against extraction within ACMDs. Acknowledge that key designated sites like SACs and ASSIs should be protected but note that some of the best quality, accessible and workable minerals are located within the proposed ACMD in particular Burn Denet. Considers that instead minerals proposals should be determined on a case by case basis on their merits. Methods of working can minimise adverse impacts and protect designated sites. Considers the SPPS provides for exceptions to presumed refusal where operations are considered 'short term' etc. The dPS should allow for this and</p>	<p>The existing MIN 2 exceptions gives scope to considering short-term proposals that will not adversely affect the environment and amenity. The proposed ACMDs protect areas from minerals development due to their intrinsic landscape, amenity, scientific or heritage value (including natural, built and archaeological heritage). At LPP stage the former ACMDs from the Strabane Area Plan 2001 and the Derry Area Plan 2011 will be reviewed. During the transitional period, the previous designations remain in tandem with the proposed policy MIN 2. This will carry forward our ACMDs which were identified in the DAP and SAP. Consideration will be given to revised boundaries and possible additional ACMDs at LPP stage.</p>

<p>also sensitive proposals for working and restoration which will create environmental and community benefits. Considers that extensions to existing quarries in AONBs should also be allowed.</p>	
<p>DfI Planning suggest that ACMDs should also be identified on the key of Map 2.</p>	<p>No Change. Would make the map too cluttered. The extents of the ACMDs are to be determined at LPP stage.</p>
<p>MIN 3 - Minerals Reserves Areas, MRAs</p>	
<p>Feels that draft policy MIN 3 relating to MRAs needs to be more balanced. Considers when identifying MRAs, other parties should be included, to provide a more balanced view.</p>	<p>The LDP proposes that Minerals Reserve Areas (MRAs) will be defined around minerals resources, which are of particular local or regional economic and conservation value. The designation will restrict surface development, which would prejudice future exploitation of these minerals resources. Should any be identified in the District, advice will be sought from DfE and the location and extent of the areas will be identified at LPP stage. The policy is similar to that contained within the PSRNI, and accords with SPPS para 6.155, to protect certain minerals that are of particular value to the economy. Clarification already exists in the J&A that MRAs will only be used where necessary (paragraph 13.26), and detailing the types of development allowed in MRAs (paragraph 13.29). DfE were the main point of contact in developing MRAs but other parties are free to comment on the location and extent of the areas at LPP stage.</p>
<p>Respondent considers there is a lack of evidence to support Policy MIN 3. It states 'surface development which would prejudice future exploitation of these mineral resources will not be permitted' and then goes on to state that MRAs will be confirmed at LPP stage. Considers it a failure of the SEA and Local Plan process not to identify these areas within the dPS, without this information the council is unable to make an informed conclusion when assessing the policy within the SA. Considers that the SA scoring without this information is not a legally compliant process and considers the policies to be unsound as it fails to meet the SEA regulations. Further considers that failure to identify and understand the requirements of the minerals sector before setting these policies to be fundamentally flawed approach, which is ineffective and unsound. Considers for the council to progress further with its</p>	<p>Policy MIN3 states that MRAs can be defined at LPP stage, 'setting the scene' for this to happen. It is therefore not considered necessary to amend the policy further and the approach taken is considered to be entirely appropriate as the dPS is a strategic document with actual allocations will be determined later in the LPP. The SA at LPP stage will also be the appropriate stage to deal with that element.</p>

<p>dPS without a firm evidential base severely prejudices the entire process and its ability to formulate a sound and lawful Local Development Plan.</p>	
<p>Respondent disagrees with Policy MIN 3 relating to MRAs raising various issues. Welcomes the intention of the Council but consider that strategic designations such as MRAs should be identified at the dPS stage. Concerns were highlighted at POP stage that the council had insufficient evidence in relation to the extent of mineral resources within the district and they are even more concerned to note that this is still the case, as the council do not intend to undertake a detailed assessment of the known mineral reserves until the adoption of the dPS to inform the LPP. Considers whilst the full extent is not geologically verified at this stage, the council should ensure steps are taken to allow protection of areas where future resources may be identified. They propose alternate wording for MIN 3: ‘Mineral Reserve Areas (MRAs) may be defined around minerals resources, which should be conserved due to their particular local or regional economic value. Surface development, which would prejudice future exploitation of mineral resources within MRAs <u>or in areas where a proven mineral reserve of particular value to the economy has been identified</u> will not be permitted. In addition to the above, the requirements of MIN 1 will also apply’. They consider this approach is more reflective of the PSRNI and the SPPS, ensuring a more cohesive approach and enabling protection of resources, as they become known, without resulting in a review of the LDP.</p>	<p>The Council considers it appropriate to identify MRAs at LPP stage. It would not be appropriate to include the proposed policy wording (i.e. to give general protection to mineral areas that may be identified at some point in the future). If any such areas were identified this would need to be subject to focussed LDP review. The current policy wording still allows for refusal of planning permission where mineral reserves would be prejudiced.</p>
<p>DfI Planning seek clarification on the reference to ‘temporary planning permissions’ – at end of 13.29.</p>	<p>Accepted. Please refer to change reference PC 110 in the Schedule of Proposed Changes clarifying that these will only be considered an exception were the mineral resource is not prejudiced.</p>
<p>MIN 4 (Valuable Minerals)</p>	
<p>Opposed to draft policy wording as it conflicts with SPPS. Considers that a ‘valuable minerals policy’ is needed but believes draft policy wording is in direct conflict with SPPS. Considers that MIN 4 creates a presumption against extraction within SCAs whereas SPPS states otherwise. Considers MIN 4 would</p>	<p>SPPS does say that there should not be a presumption against valuable minerals in any areas (para 6.157). However, the same sentence continues ‘... however... in a statutory policy area due weight will be given to the reason for the statutory zoning.’ The Council has ‘taken account of’ SPPS para 6.157 but decided to have a ‘presumption against’ minerals developments in the SCA, as</p>

<p>fail soundness test C3. Considers current proposals to be unsound and inconsistent.</p>	<p>referred to in MIN 4, to reflect the 2nd part of the sentence. However, it is not an absolute prohibition, but a deliberately high bar. This is because the SCA is identified by the LCA Review as our very best landscape.</p>
<p>Not supportive of the draft policy J&A MIN 4 relating to valuable minerals. Considers the use of the phrase 'due weight' has been used which is not explicit and needs to be clarified in para13.30. 12 duplicate objections were submitted as for MIN 2 and MIN 3. Dfl seeks clarification on what 'due weight' should apply.</p>	<p>It is considered that the wording is appropriate and commonly understood. Weight will be afforded, by the decision maker, commensurate with the reasons for designation in the case of designated sites. This is the same wording as SPPS paragraph 6.157. It is therefore not considered to make any change in relation to this matter.</p>
<p>Disagrees with sustainability appraisal of MIN 4 as they consider that it does not portray the baseline characteristics of the area. SA states 'there are currently no proven valuable resources areas in the district to which this policy would apply, but the option would allow the opportunity for a valuable mineral to be extracted in the event that feasibly extractable deposit is identified in the future. As a consequence, it is difficult to identify and assess any potential effects in the appraisal as the type of mineral, its location and the method of extraction is unknown'. They point out that the SA scoping report and evidence base confirm the presence of gold deposits so there is a proven resource. Considers that MIN 4 is established as having an uncertain effect on the SA objective, inferring that valuable minerals would have an unpredictable effect on economic growth within the DCSDC. Considers this to contradict the SA scoping report and the evidence base and fails to recognise the substantial local and economic benefit that will occur through the exploration and extraction of gold reserves. The SA scoping report states that the industry directly employs 4,200 people and has an annual turnover of £650 million (3% of NI GDP).</p>	<p>No change. The policy allows for the exploitation of valuable minerals irrespective of whether or not the SA be amended to acknowledge the presence of gold reserves in the plan area. It is therefore not considered necessary to make any amendment in this regard.</p>
<p>Concern over how the Council intends to monitor for sufficient and robust evidence of environmental impacts of unconventional hydrocarbon extraction (UHE).</p>	<p>Noted. It is implicit and would be commonly understood that the onus would be on any applicant for UHE to demonstrate sufficient and robust evidence on any environmental impacts.</p>
<p>MIN 5 (Restoration)</p>	
<p>Not supportive of draft policy MIN 5 relating to restoration. Ask who assesses and decides the correct amount for the restoration. Also in the event of contamination of land, air or water during the life of a mine who will monitor pollutants and ensure that decontamination will take place? Consider that gold</p>	<p>Noted. The amount for a restoration bond will be calculated before granting permission as set out at 13.35. The Council will prepare an SPG with guidance on implementation and requirements of restoration bonds in due course.</p>

<p>mining needs to be dealt with more thoroughly within the planning strategy. Considers that there is no mention that we live in a high radon society.</p>	<p>Pollution issues would be dealt with in the course of determining a planning application and the imposition of appropriate conditions. Valuable minerals are dealt with by Policy Min 4. It is not considered necessary that radon be included in this policy. Consultees would normally raise any such issues in high radon areas.</p>
<p>Disagrees with the draft policy wording of MIN 5 relating to restoration as they consider it to be in conflict with the SPPS. Consider that the draft policy is onerous when considered against existing policy contained within the PSRNI and SPPS, They consider that the draft policy would fail soundness test C3 and suggest alternate wording they consider would align with SPPS but still allowing council to ensure that they are satisfied with the level of information provided in relation to restoration proposals prior to the approval of development: 'planning permission for all new minerals development will be conditional upon the satisfactory restoration of proposals. All applications for minerals development must be accompanied by satisfactory proposals for the sustainable restoration of the site'. PSRNI and SPPS don't mention bonds.</p>	<p>The Council does not accept the proposed wording as it would be more aspirational, rather than robust policy that will ensure actual restoration. See existing justification in para 13.35 and in EVB 13 (to be revised and strengthened). SPG will further clarify the requirements.</p>
<p>RSPB consider Policy MIN 5 unsound because it is not strong enough in terms of restoration, site inspection and biodiversity enhancement. It is considered to fail soundness tests P2, C1, C3, C4 & CE2. Suggested wording amendment (3 text modifications are proposed) to the policy is provided. They promote bringing about biodiversity enhancements through restoration and have useful guidance on how this can be done. They request extra text in the policy box to require access to council or other body to ensure restoration conditions are being complied with. They also request extra text pointing out that restoration proposals should not be used to justify proposals.</p>	<p>Noted. It is not considered appropriate to add comments on restoration not being used to justify proposals. This would be commonly understood anyway. Monitoring and enforcement of restoration will form an important part of the monitoring of the plan following adoption. For clarity, please refer to change reference PC 110 in the Schedule of Proposed Changes which provides new text acknowledging opportunities for biodiversity enhancement through minerals development. Additionally, an SPG will be prepared in due course including best practice guidance on this matter.</p>
<p>Support for Policy MIN 5.</p>	<p>Support noted and welcomed.</p>
<p>Do not support Council's proposed approach to use financial bonds to ensure restoration. Does not align with the SPPS and is contrary to soundness, coherence and consistency tests.</p>	<p>The use of restoration bonds is a new policy tool, which will be used to ensure that the Council achieves effective compliance. It is considered that the policy tool is consistent with the SPPS and relevant legislation.</p>
<p>MPANI Propose there should be a wider list of restoration options.</p>	<p>The policy is non-prescriptive on restoration options as reinforced at paras 13.32 and 13.33. An exhaustive list would be unnecessary. Each case would be considered on its merits.</p>

<p>Respondent considers it very unsatisfactory that the four Councils that cover the Sperrin AONB should have different specifications in regards to mineral restoration. The main thrust of their issue is to seek for a unified text approach across all the Sperrin Councils.</p>	<p>The Council is content with wording and intent of MIN 5. Unity of approach has been considered via the collaborative working of the AONB Councils through Sperrins Forum at which LDP related areas of common interest have been discussed. See dPS para 13.3 and EVB 13. It will be a matter for the PAC to adjudicate whether there is sufficient consistency of approach and similar policy intent or alternatively whether all policies need to follow each other verbatim across the AONB. The Council is, however, content with the strength of the policy and its strategic intent across those Sperrin Councils which to date have published their dPS documents.</p>
General 13.5 ROMPs	
<p>DFI and the Council need to bring forward necessary legislation to enact the implementation of Review of Old Mineral Permissions (ROMPs). Considers old permissions on dormant sites create significant problems in relation to meeting environmental performance standards. Considers that implementing ROMPs will</p> <ul style="list-style-type: none"> • Ensure every mineral operation is governed by modern environmental conditions • Ensure ‘level playing field’ for all operators • Add protection to the environment and protect amenity. 	<p>The Act requires further legislation in the form of an Order, before ROMPS can be undertaken. The Environment Minister has stated that whilst this legislation is not currently being implemented, no decision has been taken NOT to implement the legislation at some point in the future and has instructed Departmental officials to examine how best to implement ROMPS in the two tier planning system. The situation will be monitored on an ongoing basis.</p>
<p>The LDP strategy for minerals development appears to acknowledge that without the full enactment of legislation pertaining to the Review of Old Minerals Permissions (ROMPs) it cannot require the restoration of old/existing quarries. Without this, such quarries can operate outside of modern day environmental standards. It is unacceptable that this prejudices the Council’s minerals strategy.</p>	<p>This point is covered in paragraph 13.5 and EVB 13. Restoration will be required when the ROMPs legislation is enacted.</p>
General Minerals licensing	
<p>There is little scope for any voice or assessment of the impact of mineral extraction outside the remit of government and mining companies. Considers that licenses for prospecting have been granted without community consultation.</p>	<p>Licenses are issued by Department for the Economy (DfE) based on the provisions of the 1969 Act and subsequent subordinate legislation. The process is quite separate and distinct from those relating to the development of minerals and therefore not a matter for the dPS.</p>
<p>Companies who possess the prospecting licences are external to Ireland.</p>	<p>Planning permission runs with the land not the applicant. This is not a material planning consideration.</p>

General Conflicts with LDP Strategy.	
Mineral mining is at odds with the overall LDP strategy and will adversely affect the features of nature and historic environment of The Sperrins. Concerned also about emission of effluents. Consider mineral mining to be against the promotion of sustainability and to threaten biodiversity. Concerned about the impact of mining & its integration into landscape. Consider mining to be against the LDP strategy.	Comments are noted but the Council does not agree. The natural environment and biodiversity are an integral part of the LDP Strategy. The suite of Minerals policies will minimise and control such impacts.
Mobuoy	
The unregulated, large scale extractions permitted to take place at Mobuoy without planning permission or environmental assessments is indicative of a failed minerals planning strategy for NI. There are few differences between that and the one now promoted by the LDP.	Disagree. As objector asserts, the works were unlawful. DFI opened the enforcement case and continue to deal with it, working with the Council.
Rates	
dPS fails to recognise the significant contribution that minerals make to the council's rates.	Council outlines quarry value in the EVB 13 in table 4 based on last recorded mineral statement collected (DFE 2011) estimating Quarry Value within Derry and Strabane to be £828,096. Although the economic benefits of quarrying are recognised, the contribution to rates is not a material planning consideration.
General, Tourism	
Consider that mining has a detrimental impact on tourism, creating a conflict of interest. Considers mining operators prioritise stakeholders and profits whilst neglecting the environment.	The opinions are noted and Council is aware of the potential impacts of minerals on the landscape, which is indeed a tourism asset; however, our designations of SCAs, AHLIs, AONB, ACMDs, etc. along with MIN 1, MIN 2 and MIN 5 are considered to provide adequate environmental safeguards. It is possible to mine sensitively and even to provide biodiversity enhancements through minerals development.
General, Environment.	
Respondent considers that mining has a detrimental impact on the environment and operators do only what is necessary within environmental law as opposed to what meets the needs of the environment. They consider mineral mining to be short term economic gain with long term impacts on the environment and indigenous communities.	Disagree – the opinions are noted and council is aware of the potential impacts of minerals on the landscape, however it is recognised that sustainable minerals development is important for the economy of the region and policies in the dPS will ensure that it can operate in a responsible and sustainable way. Policies MIN 1, MIN 2 and MIN 5 provide adequate environmental protection.

<p>The LDP policies for minerals development appear to exclude a requirement to demonstrate need for minerals and to weigh this against the need to protect the environment. There should be no presumption in favour of minerals development in the District. This has been a long standing, if poorly applied, requirement of minerals planning policy since the Planning Strategy for Rural Northern Ireland (PSRNI) was introduced in 1993.</p>	<p>PSRNI is still the main policy for minerals in Northern Ireland and Policy MIN 1 there seeks to assess the need for the mineral resources and balance this against the need to protect and conserve the environment. This is also in dPS paras 13.2 to 13.4 and 13.9. Planning involves a general presumption in favour of development but there is no explicit presumption in favour of minerals development. The existing dPS policies strike the right balance between allowing sustainable minerals development whilst safeguarding environmental protection. It is correct that there is no specific requirement in Policy MIN 1 for an applicant to demonstrate a need for that resource in the district or region. However, this is unchanged from the practical application of MIN 1 of PSRNI. In reality, there is not adequate quantification of resource supply or usage levels to enable need to be demonstrated. See EVB 13 for further clarification.</p>
<p>In line with the Council’s declaration of a climate emergency and commitment to climate proofing its actions, LDP minerals policies should require operators to demonstrate how their overall carbon footprint is compliant with the Council’s wider aspirations to reduce and mitigate against climate change.</p>	<p>GDPOL 1 requires development proposals to incorporate renewable and low carbon energy technology, unless it is demonstrated that this is not feasible. It also requires the incorporation of measures for carbon offsetting, unless it is demonstrated that this is not feasible. The Council must be satisfied that neither requirement is feasible to meet where this is being asserted. In addition, the design of all development proposals should accord with the principles in Chapter 7. Policy GDP 2 relates to climate change specifically. It outlines 10 considerations which must be undertaken when determining development proposals. Through these policy provisions and principles, the dPS already aligns with the wider Council’s commitment to tackling the climate emergency.</p>
Baseline data	
<p>dPS requires more robust baseline data regarding minerals and if this data does not exist then it is impossible to plan effectively for the future.</p>	<p>No strategic decisions or policies in the dPS require the applicant to demonstrate a ‘need’ for the products; therefore, the Council does not consider that the SPPS requirement to accurately estimate such data is essential, particularly at LDP dPS stage. Council notes that para 13.9 sets out the requirement to balance the need for minerals against environmental protection and current data will be required by LPP stage.</p>

General Experts	
Queries which experts were consulted regarding minerals. Considers that environmental experts should also be consulted.	The Council is engaging extensively with DfE Minerals Branch. All environmental bodies were free to comment on any part of the dPS. Note that comments were received from (inter alia) NED, HED, MPANI and RSPB.
General Mineral policies	
Need clear delineation between types of mining and how they are assessed.	The evidence base outlines different types of minerals in the District ranging from peat, basalt, igneous rock, sandstone, psammites and quartzites, 'valuable minerals' as well as sand and gravel. The dPS minerals policies apply to all minerals, and is considered to be sound.
General Development in Sperrins	
dPS fails Soundness Test C1-2, C4 & CE1-4, P3-4 by permitting mineral development in the Sperrins. Considers Council has unilaterally adopted a precious metals, minerals and industrialisation strategy in the Sperrins, while ignoring the SEA, RDS, HRA & SPPS. Consider no account has been taken of health legislation, Human Rights, Aarhus Convention and Climate Change Proofing. Reference to minerals should not include gold as Council has passed a motion against this. No supporting evidence provided to substantiate the statements.	Disagree. Care has been taken to balance sustainable minerals development with environmental protection and the dPS minerals policies have been developed to align with national planning guidance. The policies provide a balanced and appropriate approach.
Seek an outright ban on new extractive projects in the Sperrin AONB and a moratorium elsewhere until a specified set of criteria is met. One respondent considers that the LDP must be rewritten with all references to precious metals and minerals removed. At no point in previous LDPs or the RDS was precious metals and minerals even considered.	There is no sound planning reason why a ban or moratorium should be enforced. They would be open to legal challenge and would be unsustainable environmentally, socially and economically. We live in a free market economy and operators are entitled to seek planning permission for minerals operations where appropriate safeguards are met. The dPS must deal with all relevant matters which clearly includes minerals development.
dPS fails to take account of the necessary EU legislation in terms of precious metals and minerals extraction and waste. Claims that the dPS has not addressed these issues in the Minerals chapters. In doing so, it fails Soundness tests P1-4, C1-4 and CE1-4. By way of supporting evidence, the respondent reproduces Directive 2006/21/EC on the Management of Waste from Extractive Industries and other relevant EU legislation. The Representation	The Council considers it has a robust evidence base in Minerals EVB 13, outlining all relevant legislative parameters, in line with the SPPS & LDP Guidance Notes.

therefore considers the dPS fails all soundness tests by not having taken into account any of the relevant health legislation.	
Seeks an additional dPS policy to ensure environmental and heritage sites of interest are not impacted by mining activities. States that the role of the LDP is to preserve our heritage and landscape with no exceptions when it comes to mining.	Minerals development will inevitably have some impact on wildlife and landscape interests (although not always adverse) and can sometimes affect heritage assets. The Council considers that dPS policy MIN 1 and NE and BE policies already ensure that minerals development will not have unacceptable adverse impacts on natural, historic or landscape interests.
Community Plan	
Consider DPS minerals policies undermine many of the Community Plan stated outcomes. Contends that whilst they help support the delivery of the economic aspects of the Community Plan, they undermine many of the stated outcomes of the Community Plan and one of the crosscutting principles – Sustainable Environment. It is stated that this fails soundness tests P3, C2, CE1, CE2, & CE4. Generic supporting evidence is provided which applies to the Mid Ulster dPS and mostly in relation to climate change and transport.	The Council considers dPS policies sustainably dovetail into the three pillars of the Community Plan and associated outcomes.
General, Peat	
Note reference to peat as a carbon sink in renewables section. They consider that this should be cross-referenced and included in Minerals section. The Council should include peat restoration/ protection as a means of a carbon offsetting.	Disagree. The references in the renewables section relate to wind turbine development on peatlands and seek to limit any harmful impacts upon them in the J&A text. It is not considered that a cross reference is necessary as peat extraction and its environmental impacts are adequately covered in the Minerals chapter. The GDPOL policies and Natural Environment sections also cover this adequately. For clarity please refer to change reference PC 222 in the Schedule of Proposed Changes which clarifies the definition of ‘active peat’.
General, Mines, Shafts and Adits	
The respondents request a policy clarifying that such features should not be used for the disposal of toxic or hazardous waste – for example radioactive waste.	They refer to a policy MIN 6 Mines, Shafts and Adits the dPS does not have (it is presumed the policy is in a different district’s LDP). Therefore, the request for a clarifying statement to be added to it is irrelevant. Any such proposal would be considered against Waste policies, GDPOL 1, etc.

General, Wildlife

The respondent considers that the dPS minerals policies fail the Habitats Directive. The respondent contends that the LDP attempts to develop minerals development at the expense of our AONB, Natura 2000 sites, SPAs, SACs and Ramsar sites.

In accordance with SPPS, the dPS proposes designating lands where there will be a presumption against or for such development, ACMDs and MRAs respectively. Sensitive areas are carefully protected by MIN 2, relating to ACMDs and MIN 1 as well as the policies in the Natural Environment chapter.

Chapter 14: Signs & Outdoor Advertising

Responses Received

Reference	Respondent
LDP-PS-REP-79	DfC Historic Environment Division
LDP-PS-REP- 106c	DfI Roads

Main Issue	Council Response
Policy AD 2	
<p>Policy AD 2 could be made more sound with amended (<u>underlined</u>) text; Requested policy text to read: 'Advertising Consent will only be granted, for the display of an advertisement on or adjacent to a Scheduled Monument, <u>Listed Building, Conservation Area</u>, or an Area of Townscape / <u>Village Character</u> where:</p> <ul style="list-style-type: none"> The signage or advertising is in keeping with the historic <u>and</u> architectural form and detailing, does not detract from the character or setting of the monument, <u>building or location</u>, does not cause or add to clutter in the area, <u>adequately controls illumination</u>, is not detrimental to public safety <u>and is in accordance with the relevant advertisement policies within Chapter 23: Historic Environment, where applicable.</u> 	<p>Accepted. For clarity please refer to change reference PC 112 in the Schedule of Proposed Changes. Whilst this and their other requested changes are not considered essential to make the LDP sound, they will assist its implementation. HED are the subject expert Statutory Consultee in relation to Heritage matters so it is recommended that most of their requested changes are made. It will be more similar to the existing PPS. The amended Policy content will still be mostly the same as the existing dPS, but it could appear, superficially to be quite a lot of amendments from the layout/wording of the dPS.</p>
Para 14.9	
<p>legislative text amendment requested: Article 87 & 21 are correctly referred to as part of the Roads (Northern Ireland) Order 1993, however Article 34 should be referred to as part of the Road Traffic Regulation (Northern Ireland) Order 1997.</p>	<p>Accepted. For clarity please refer to change reference PC 114 in the Schedule of Proposed Changes to refer to the correct legislation.</p>
LED Signage	
<p>Additional text supplied by DfI Roads for insertion in p209 re LED signage (new text underlined): <u>'Digital advertising screens should only display static images and should not contain moving images. The rate of change between successive displays should not be instantaneous and should not include the sequencing of images over more than one advert or a message sequence, where a message is spread across more than one screen image.</u> <u>The minimum duration any image shall be displayed shall be determined by the Council.</u></p>	<p>As LED lighting is an emerging technology, it is considered prudent to update the Chapter with key points from the supplied comprehensive text. However, it would be much too technical and detailed for the dPS. Please refer to change reference PC 115 stating that the technical specifications will be as approved by DfI Roads, plus only the key text (underlined in the column to the left). Full text to be inserted into an updated EVB and possibly a relevant SPG.</p>

<p>The minimum message display duration should ensure that the majority of approaching drivers do not see more than two messages. The minimum message display duration of each image shall be calculated by dividing the maximum sight distance to the digital advertisement (metres) by the speed limit (metres/second) of the road (30mph = 13.4m/s, 40mph = 17.9m/s, 50mph = 22.4m/s, 60mph = 26.8m/s, 70mph = 31.3m/s.</p> <p>The luminance of the screen should be controlled by light sensors which automatically adjust screen brightness for ambient light levels, in order to avoid glare at night and facilitate legibility during daytime. <u>The proposed advertising screen should generally comply with the Institute of Lighting Professionals' guidance PLG05, 'The Brightness of Illuminated Advertisements'</u>. Maximum night time luminance of the digital screen must not exceed the appropriate value from Table 4 of PLG05, which must be considered in conjunction with the environmental zones as defined in Table 3 of PLG 05. Proposed luminance levels and control arrangements are to be agreed by the Department for Infrastructure — Roads.</p> <p>Advertisements shall not resemble traffic signs or provide directional advice.„</p> <p>Road Traffic Regulation (M) Order 1997 makes it an offence to display any sign which resembles a traffic sign on or near a public road. ', <u>Telephone numbers and website addresses should not be displayed'</u>,</p>	
Para 14.13	
<p>Amend J&A text in para 14.13 to read as follows: 'The Council is aware that our Scheduled Monuments (including the City Walls & <u>Star Fort walls</u> at Ebrington Barracks)...</p>	<p>Accepted. For completeness please refer to change reference PC 116 in the Schedule of Proposed Changes.</p>
New J&A in line with PPS17	
<p>To make the policy more-sound, HED require new J&A in line with PPS17:</p>	<p>Partially accepted. Please refer to change reference PC 113 in the Schedule of Proposed Changes which inserts the underlined text (only) after para 14.8. The</p>

<p><u>'In assessing the impact of an advertisement or sign on amenity the Council will take into account all of the following matters:</u> <u>(a) the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest;</u> (b) the position of the advertisement on the host building and its scale and size in relation to that building; (c) the cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter; (d) the size, scale, dominance and siting of the advertisement, or the structure containing the advertisement, and its impact on the appearance of the building on which it is to be attached; (f) in the case of a freestanding sign, the design and materials of the structure and its impact on the appearance and character of the area where it is to be located; and (g) the impact of the advertisement, including its size, scale and levels of illumination, on the amenities of people living nearby and the potential for light pollution.'</p>	<p>Council is satisfied that it is not necessary or desirable to include all of the other (non-underlined) detailed J&A. The rest of the points are the implicit, detailed criteria that would be considered as a constituent parts of the agreed Criteria (a), as well as that in Policy AD 1 itself.</p>
Para 14.15	
<p>Additional text (<u>underlined</u>) is required in para 14.15 to make it more sound as follows: 1st sentence – Scheduled Monument Consent may be required for applications on <u>the Derry Walls and other scheduled monuments under...</u> Final sentence – However the Council may undertake consultation with HED for an <u>application</u> seeking. Requested new final sentence – <u>An application for advertisement consent on a Listed Building will be assessed against this policy and policy HE4 The Control of Advertisement on a Listed Building.</u></p>	<p>Accepted. Please refer to change reference PC 117 in the Schedule of Proposed Changes.</p>

Chapter 15: Agriculture & Other Development in the Countryside

Responses Received

Reference	Respondent
LDP-PS-REP-106 A	Dfl Strategic Planning.
LDP-PS-REP- 80b	Dfl Transport-Planning-and-Modelling-Unit

Main Issue	Council Response
New Policy ODC 1	
<p>With respect to the introductory section to the chapter, DFI Planning sought clarification on the requirement to justify why diversification proposals involving new buildings cannot be located in a nearby settlement (mentioned explicitly only with respect to Green Belts and only in AGR 1). Substantive officer amendment followed discussions in the light of comments received.</p>	<p>Please refer to change references PC 118 and 119 in the Schedule of Proposed Changes which retitles the chapter and policies and makes substantive additions to the text. See Annex 2 for the proposed re-wording of the introductory paragraphs from page 211. See Annex 3 for a full version of new Policy ODC 1 and its J&A paragraphs.</p> <p>It is implicit throughout the dPS that ‘sustainable development’ will accommodate those types of developments that are appropriate in the countryside and that other forms of development should be located in settlements. However, this should be made more explicit through this chapter and its policies. The first 3 paragraphs, and final paragraph, of Policy CTY 1 of PPS 21 set out the underlying approach, for the various types of developments that will be considered to be acceptable in the countryside, there being a ‘presumption against’ other types of development. It is considered to be appropriate and necessary that this ‘default’ policy position to be carried through to the LDP dPS, in the interests of achieving sustainable development. Several insertions are recommended to the title and introductory text of this Chapter, to move its emphasis away from agriculture/ forestry towards ‘other development’ in the countryside. Change the Chapter title to ‘Other Development in the Countryside’ and the Initials of all these policies from AGR 1-3 to ODC 1-4.</p> <p>New Policy ODC 1 Other Development in the Countryside states that the main types of sustainable rural housing and non-residential developments that are permitted in the countryside are covered in the respective chapters of the 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. This presumption against such other developments will be particularly important within the defined Green Belt areas.</p>

GDPOL 1

It could be made clearer that GDPOL 1 applies to all developments in this section and hence the relevant requirements in the Transport Chapter apply including TAM 6 Transport Assessment and TAM 7 Walking & Cycling Provision.

Accepted. Please refer to change reference PC 117 in the Schedule of Proposed Changes.

Policy AGR 1 ODC 2, 3 & 4

Request to amend Policy AGR 3 to include Change of Use.

Accepted. Please refer to change reference PC 120 and 121 in the Schedule of Proposed Changes. Title and numbering becomes 'ODC 4 The Conversion, Change of Use and Re-Use of Existing Buildings for Agricultural and Other Suitable Rural Uses.' The policy preferred re-use over conversion or extension. Some farms may have land or buildings inside and outside the Green Belt, in which case they should opt to locate outside. Text has therefore been added to require applicants to also demonstrate why any conversion or extension can't be located outside the Green Belt or in a nearby settlement. Also for ODC 2 and ODC 3 and ODC 4.

LDP dPS, PART D- Social Development- Strategy, Designation and Policies

Chapter 16- Housing in Settlements and the Countryside

Responses Received

Housing in Settlements (Strategic & Urban)

Reference	Respondent		
		LDP-PS-REP-34	Henderson
LDP-PS-REP-106A	DfI Strategic Planning	LDP-PS-REP-7	Shauna Cathcart
LDP-PS-REP-96	Ulster Farmers Union	LDP-PS-REP-122	James McLaughlin (MKA)
LDP-PS-REP-77	Braidwater	LDP-PS-REP-123A LDP-PS-REP-123B	Millwell Properties (MKA)
LDP-PS-REP-106B	TPMU	LDP-PS-REP-124A- LDP-PS-REP-124D	Patrick Doherty (MKA)
LDP-PS-REP-82	RSPB	LDP-PS-REP-126	Daniel Lusby (MKA)
LDP-PS-REP-106C	DFI Roads	LDP-PS-REP-136	Diocese of Derry (MKA)
LDP-PS-REP-66	Braidwater	LDP-PS-REP-17	John Black
LDP-PS-REP-36	JP McGinnis	LDP-PS-REP-5	Geoffrey Sawyers
LDP-PS-REP-30	WJ Doherty	LDP-PS-REP-84	Peter O’Brien (Land & Property Ltd)
LDP-PS-REP-87	K Doherty	LDP-PS-REP-86	Mr Clarke Killen

Reference	Respondent	LDP-PS-REP-31	Mr and Mrs John Sayers
LDP-PS-REP-114	Mr Hamilton Bell	LDP-PS-REP-42	MacBlair
LDP-PS-REP-116	Howard Fulton	LDP-PS-REP-112	Dept for Health WHSCT (Western Health & Social Care Trust) (Turleys)
LDP-PS-REP-128	Apex Housing (MKA)	LDP-PS-REP-73	Co-Ownership
LDP-PS-REP-135	Foyle Golf Club	LDP-PS-REP-28	Various WYG
LDP-PS-REP-105	City of Derry Golf Club	LDP-PS-REP-11	NIHE
LDP-PS-REP-8	Eugene Lynch	LDP-PS-REP-90	Gary Doherty
LDP-PS-REP-90	Mr Gary Doherty	LDP-PS-REP-65	Sinn Fein
LDP-PS-REP-40	Mr James Doherty	LDP-PS-REP-44	NIFA (Turleys)
LDP-PS-REP-3H LDP-PS-REP-3B	Enagh Youth Form	LDP-PS-REP-45	Heron Brothers
LDP-PS-REP-33	Mr Watson (MKA)	LDP-PS-REP-49	PCI Turleys
LDP-PS-REP-100A	Westco Developments (Eglinton)	LDP-PS-REP-101	Mr McKeever (Straidarran)
LDP-PS-REP-104	Mr McGlinchey (Springtown Rd, Derry City)	LDP-PS-REP-108	DfC (Local Govt & Housing Regulation)
LDP-PS-REP-79	DFC HED	LDP-PS-REP-107	Paul McGarvey

LDP-PS-REP-27	Supermix	LDP-PS-REP-98	Drumlsh Developments
LDP-PS-REP-49	PCI Turleys		

Main Issue	Council Response
OVERARCHING STRATEGIC HOUSING ISSUES	
Dfl seek clarity and certainty for proposed growth above and beyond HGI figures.	The Council refer to paras 16.7 to 16.16 and are content that the stated level of growth is informed and evidenced by the Council’s Strategic Growth Plan; recent City Deal, RDS, SPPS and the NI HE Housing Needs Assessment (HNA). The Council’s strong growth aspirations are also further underpinned by our close NW regional working relationship with neighbouring Donegal County Council. The Council also seeks to address, as part of growth targets, our unique social housing situation within the District. Our proposed growth aspirations are stated clearly in the Growth Strategy (Chapter 5) and these underpin our strategic housing allocation.
Dfl seek clarity on whether an additional 5-year land supply from the outset of the Plan is consistent with a ‘plan, monitor, manage’ approach. Further query need given significant commitments and seek clarity on the methodology used to arrive at the 3,000 figure.	The Council clearly sets out in para 16.7 that 9,000 dwellings are required over the Plan period and land for 12,000 dwellings is required as part of the SPPS (para 6.140) ‘Plan, Monitor & Manage’ approach to maintain a 5 year supply of housing land.
Dfl concerned with overall housing allowance for the countryside. Dfl TMPU concerned by high percentage of new housing allocated to countryside Table 8 p 221 (also para 16.121 p 256). RSPB ask that LDP ensures new housing doesn’t compromise environmental integrity / local ecosystem services and only permit as much housing as actually needed. Housing growth & allocation should be based on robust evidence base.	Council does not consider 1,100-1,400 to be an unacceptably high allocation to the Countryside. It is in proportion or just below population breakdown as set out in Table 8 p221. The Council further considers the allocation is in line with SPPS intent to ‘sustain and not disadvantage rural communities’.
Housing and sustainable transport related accessibility. Para 16.10 refers to Test 3 – Transport. They consider it is unclear if or how this test has been applied. No reference to bus services in Table 2 in Appendix 5.	Initial settlement appraisals have mirrored the RDS 6 Test Evaluation Frameworks (Table 3.2 p42 RDS). More in-depth studies at LPP stage will assess the potential for integrating land use and public transport and walking and cycling routes to help reduce reliance on the car. No change considered necessary.

<p>Para 16.14 (c & d) p 223. The term '<i>sustainable, accessible and central locations</i>' should be fully explained.</p> <p>Para 16.16 Strategy box p 224 DfI Tmpu request underlined text is added to last sentence: 'The LDP aim is to deliver 9,000 new, quality homes by 2032 at sustainable locations that are accessible by <u>walk, cycle and public transport</u> to employment, shopping, community services, leisure, and recreational facilities.'</p>	<p>It is considered that the text and its meaning in c & d is strategically clear within a Planning context as set out on p223. Consider it would replicate tone and intent set out in the Transport Chapter p145. No change considered necessary.</p> <p>Accepted. Please refer to change reference PC 125 in the Schedule of Proposed Changes to put the emphasis on accessibility when choosing sites for housing.</p>
<p>DfI Roads state that any option taken forward needs to take account of accessibility analysis in terms of existing infrastructure and any required infrastructure Key Site Requirements (KSR) to facilitate development. They also consider that without all existing zoned lands being reviewed in terms of sustainability, it will be difficult to ensure that sustainable modes of transport are brought forward for these zones and indeed any new zonings.</p>	<p>Accessibility analysis will be undertaken for any such zonings at the relevant LPP stage along with the consideration of any site specific KSR.</p>
<p>Concerns with the references to land zonings and settlement limits in chapter 16, Object on the basis the allocation does not take account of policy and guidance issued by the Department in the RDS and the Strategic Planning Policy Statement to focus growth in the main hub. Consider the proposed strategic housing allocation distribution undervalues Strabane's importance to the region.</p>	<p>It is considered the comments are related to para 16.2 and the RDS reference to the importance of Derry City as the principal city and Strabane in a key supporting role as a Main Hub. The dPS allocation of Housing land has the highest allocation in Derry City as the Regional City for the North West and a proportionate supply to Strabane as the Main Hub. The settlement development limits will be based primarily on the RDS and a detailed Settlement Appraisal (stage 3) at LPP stage. Para 16.12 specifically refers to Strabane and its identified need for additional housing land. The emphasis will be on growing Strabane as a main town with the strength to compete and attract businesses, jobs and provide services of a scale which serves its wider rural hinterland including cross border. The Council is content that chapter 16 is in line with the RDS and the SPPS. It is explicitly stated (para 16.9, Table 8 and para 16.12; Appendix 5 Table 2) that the Council is providing a proportionate number of dwellings to Strabane in its role as a Main Hub. Within regional guidance parameters, the Council cannot reduce the allocation to Derry City, the other settlement hierarchy tiers or the countryside to artificially enhance those proposed for Strabane.</p>

<p>Disagree with the housing strategy, specifically criterion b on p223 which states The Council position of 'not zoning additional land for housing generally'. Believe this is an overly restrictive 'break' on housing growth. Also, while Derry and Strabane may be considered the best locations to accommodate housing growth; if housing growth is largely focused in these hubs, it may have a detrimental effect on smaller towns, villages and small settlements where a large proportion of the population currently live and aspire to live.</p>	<p>Accepted. Please refer to change reference PC 124 in the Schedule of Proposed Changes (to insert extra word in part b to read 'not zoning additional <u>peripheral</u> land for housing generally'). The plan will identify additional lands for housing but within settlements. Table 9 p223 states there is land for 12,600 dwellings in Derry City. Elsewhere in the District the LDP aims to deliver 9,000 new homes by 2032 at sustainable locations accessible to infrastructure, employment, shopping, community services, leisure and recreational facilities. The Council considers (para 16.16) the proposed allocation delivers proportionate and adequate opportunities across all settlements.</p>
<p>Respondent considers the Urban Capacity Study does not vigorously assess the potential of each site. As outlined in the SPPS, such studies should assess the potential for future housing growth within the urban footprint and the capacity for different types and densities of housing. They should take account of housing development opportunities arising from previously developed land, infill sites and conversion of existing buildings and possible change of land use to fully assess the number of dwellings likely to be generated.</p>	<p>To underpin the dPS stage 2 and 3 strategic urban capacity studies were undertaken to identify remaining housing potential and to derive the strategic indicative amount of land required as stated in para 16.12-14. The LPP will be the appropriate stage to vigorously assess the potential of each site and is when consideration will be given to the type of housing and density appropriate to each site. Officers noted that there is a typo in the urban capacity figures in Table 9, for the Urban Capacity Hectares of Derry city; it should be 61 instead of 125 ha. This will be corrected. Please refer to change reference PC 123 in the Schedule of Proposed Changes</p>
<p>The dPS indicates 8,300 – 10,000 proposed indicative dwellings are required (9,000 average) during the plan period. Some respondents request higher allocations. One asks the Council to adopt the higher end of the range (10,000 dwellings) and a higher allocation for Castlederg. Another provides a revised allocation table with amended figures. Another suggests that the objectives relating to housing allocation and job numbers should be reviewed.</p>	<p>Para 16.7, Table 8 (p221), Table 6 (growth strategy) and para 5.7 p52 refer, providing indicative numbers of proposed dwellings. The LDP does not preclude growth at the higher end of the range as part of a positive economic response to City Deal, Growth Strategy, Brexit, COVID-19 recovery etc. The same applies to the job figures in Table 6. No change is therefore required.</p>
<p>The dPS growth strategy anticipates that the District population is expected to increase by 10k but could grow to 15k, thus an additional 15k homes may be required rather than 9k. No evidence is provided in the representation to justify the requested increase and growth.</p>	<p>Para 16.7 and Table 8 (p221) refer. This is an indicative number of dwellings, a strategic range for planned growth. See also Table 6 (Overall Growth Strategy) and para 5.7 p52). Progress will be monitored in delivering the desired amount of housing. The dPS does not preclude additional growth as part of any positive economic response from City Deal, the Growth Strategy, Brexit, COVID-19 recovery etc. The current NISRA population growth projections (2016-based, dated 2018) are that the District will grow to a peak of c.151k in 2022 and then fall back to 149k by 2032. The Strategic Growth Plan (SGP 2017-2032, Our Community Plan) aims to increase the population by approximately 10,000 to around 160,000, because of the</p>

	<p>Council’s more ambitious aspirations, for ‘planned growth’. This level of growth is based upon approximately 15,000 new jobs, requiring up to 10,000 new homes over the Plan period to 2032. The Council’s Senior Economist further reviewed the latest economic and demographic data in October 2019, including the revised HGI figures and concluded that the LDP ‘Planned Growth’ targets are still achievable (see Evidence Base). Therefore, the LDP will work towards accommodating these ambitious (yet achievable) levels of growth.</p>
<p>Desirability has not been considered in the estimation of quantum in the spatial housing allocation.</p>	<p>The Council considers (para 16.16 p. 224) the proposed allocation delivers proportionate and adequate opportunities across all settlements. The strategy for housing land allocations is to have a supply of housing land to meet the anticipated requirements of the District with the main housing allocation in Derry City as the Regional City for the North West plus a proportionate supply to Strabane as the Main Hub. Elsewhere, the dPS aims to deliver 9,000 new homes at sustainable locations accessible to infrastructure, employment, shopping, community services, leisure and recreational facilities. The choice and opportunities for housing location must be made within the parameters of sustainable planning.</p>
<p>The LDP ignores the desire of people to live outside Derry City as evidenced by the expansion of dormitory settlements such as Eglinton, Claudy, Newbuildings, Campsey etc. One respondent considers that the theory that good accessibility and proximity of Eglinton to employment centres at Campsey, Maydown/Strathfoyle would detract from Derry is not explained or properly justified.</p>	<p>The dPS provides adequate housing lands across Derry and Strabane especially, plus appropriate housing opportunities in other settlements. The RDS/ SPPS (see also dPS para 16.2 p. 219 & para 6.11 p. 222) state the strategic requirement to grow and strengthen Derry City as the regional capital of the North West with an appropriate focus on Strabane in a supporting role as a Main Hub. See also para 16.6. Allowing ‘desirability’, whereby people can live where they want would be contrary to the RDS/ SPPS aims set out above and in the highlighted sections of the dPS. Para 6.4 sets out the importance of growing Derry and Strabane whilst limiting other nearby settlements that would compete/ detract from them. Beyond the city and main town, the dPS aims to deliver 9,000 new dwellings at sustainable locations accessible to infrastructure, employment, shopping, community services, leisure and recreational facilities. It carefully directs housing to settlements in sustainable locations whilst allowing some opportunities for housing across the whole settlement hierarchy & the countryside.</p>

<p>The LDP should be more flexible regarding housing provision and allow additional housing outside Derry City. In this respect a figure of 12,000 units is too conservative, given the likely economic benefit of Brexit. The LDP draft Plan Strategy can be made sound by increasing the housing quotas beyond 12000 units to 16000 units.</p>	<p>See also response above. The Council consider that bearing in mind the allocated HGI figure (para 16.7) the allocation in Table 8 p. 221 is very reasonable. The Council would stress that the housing figures are not quotas and already entail a degree of flexibility to exceed the proposed indicative average number of dwellings should favourable economic conditions prevail.</p>
<p>The Plan review period should be reduced from 5 years to 1 year to allow assessment of Brexit implications given that the UK will leave at the end of 2020 and it is not known if a trade deal can be agreed with the EU within that timeframe.</p>	<p>The LDP will be a long term planning framework for the area and must deal with unexpected and changing circumstances. Social, economic and environmental issues may change over time and the LDP should be able to handle this uncertainty by alternative strategies as necessary. The Council will continue annual monitoring and reporting and can review at any time. A formal review is planned for 5 years.</p>
<p>The additional housing allocations should be increased within the Villages and Small Settlements.</p> <p>Disagree with the proposed Strategic Housing Allocation figures set out in Appendix 5 of the dPS and suggest that the Council should base their housing allocation on the 'potential growth' scenario rather than the 'planned growth' scenario. We would encourage the Council to provide enough land to accommodate and facilitate approximately 11,000-15,000 dwellings (13,000 average) and 16,000-18,000 jobs, with associated services and infrastructure for up to 170,000 people.</p>	<p>The LDP Plan Strategy is for balanced growth across the District, with a degree of focus on Derry City as well as Strabane to a lesser extent. This is broadly in line with the RDS, focussing growth on Derry City as a regional city plus Strabane Town as a main hub, with a limited amount of development across the rest of the settlement hierarchy. Appendix 5 Table 2 sets out the strategic weighting that has been allocated to each settlement within the settlement hierarchy. This is based on their level of services, wastewater treatment capacity and status in the spatial strategy. It determines the indicative potential for more housing, the share of the District's housing (number of dwellings) and current housing capacity. Proportionate indicative allocations have been prescribed in line with RDS/ SPPS guidance.</p>
<p>Concern at distribution of growth allocation and impact on Strabane as per Housing Allocation at Table 8. Concerned that this will enable a greater growth in the countryside (and associated small settlements) to the detriment of the Strabane allocation.</p>	<p>The Council is content that chapter 16 is in line with the RDS and the SPPS. It is explicitly stated (para 16.9 Table 8 & para 16.12 p222; Appendix 5 Table 2) that the Council is providing a proportionate, proposed indicative number of dwellings to Strabane in its role as a Main Hub. Para 16.12 specifically refers to Strabane and its identified need for additional housing land to assist delivery. Para 16.16 also clearly states Strabane's strategic importance. The emphasis will be on growing Strabane as a main town with strength to compete and attract businesses, jobs and provide services of a scale appropriate to its wider rural hinterland including cross border. Approximately 10% of the housing allocation is allocated to Strabane.</p>
<p>The level of housing required has been grossly under calculated. The management of the housing supply should be largely managed by the free market not the public sector as it will be the private companies that will largely deliver the housing required.</p>	<p>The Council has set an indicative housing level requirement, taking account of the HGI which in turn are based on population projections and household projections. The LDP has also already increased these forecasts to take account all the factors set out in the Growth Strategy, Brexit, City Deal, COVID-19 recovery and NW Region</p>

	liaison with Donegal County Council. The LDP will continue to monitor and revisit housing allocations if strong growth results. The plan will be reviewed after 5 years.
Respondent requests that Castleberg be designated a 'Town' with its own unique settlement tier. They maintain that given its location, large rural hinterland, level of service provision and population (3,000 people in 2011) it is a more sustainable location than Newtownstewart (population 1,551 in 2011) or Claudy (1,340 people in 2011). They also cite its size and a perceived greater potential for growth.	The Council considers that Castleberg has been appropriately allocated for and retains suitable housing lands. The Council is content that its settlement hierarchy accords with the RDS and SPPS. It will deliver the spatial strategy objectives for Derry to be the principal settlement, Strabane as a main hub town and rural communities to be sustained and vibrant, in local towns, villages and small settlements and the countryside. The role of all settlements has been systematically evaluated, guided by the RDS Hierarchy of Settlements. See also EVB 6. The 'Local Towns' tier takes into account the local importance of Claudy, Newtownstewart and Castleberg on account of their location and their service provision role for the surrounding hinterland. Their selection was based on location and ability to serve a wider rural area as opposed to population, current size and level of service provision. The three settlements are also categorised as 'rural service hubs' in line with the District's Rural Development Programme.
Failure to provide new land could compromise the delivery of housing in the plan period and is thus unsound. Paragraph 16.12 considers there to be sufficient land within existing settlement limits and does not foresee the need to extend limits, albeit this will be determined in the subsequent LPP. The LPP must consider why previously zoned lands have remained undeveloped and ensure sufficient flexibility to ensure the overarching objective of housing provision is not compromised.	The Council is content that chapter 16 aligns with the RDS and SPPS. It is explicitly stated (para 16.9, Table 8 and para 16.12 p222; Appendix 5 Table 2) that the Council is providing a proportionate, proposed indicative number of dwellings across the Settlement Hierarchy. Para 16.12 specifically states that the District has significant housing commitments in excess of the housing requirement. The specifics of new land and required zonings will be finalised at the LPP stage. The Council did a Housing Land Availability survey which confirmed that such previously zoned lands will come forward for development.
The respondents briefly state a number of supporting arguments that the housing chapter lacks ambition and contains restrictive elements. These are essentially focussed on Strabane Town and they suggest (inter alia) that the LDP should increase the strategic importance of Strabane; Strabane's allocation should be increased and concerns about the true availability of undeveloped housing land. Another respondent supports the vision of Strabane as the main hub town and a gateway. Growth Strategy soundly based. Agrees with the evidence base to promote a higher level of growth than the RDS HGI.	The Council is content that the chapter accords with the RDS and the SPPS. The Council is providing a proportionate, proposed indicative number of dwellings across the Settlement Hierarchy. Para 16.12 specifically states that the District has more housing commitments (allocated land or land with planning permission) than the amount of housing required for the plan period apart from a small number of settlements including Strabane where some extra land will be needed through minor increases to settlement limits or urban capacity sites. The will be determined at LPP stage. The role of all settlements have been systematically evaluated, guided by the RDS Hierarchy of Settlements.

<p>UFU note that the housing allocation does not appear to allow for an urban capacity study or windfall potential for sustainable housing growth.</p>	<p>The Council note this generic letter which was sent to all Councils regardless of their LDP preparation status. The dPS includes initial urban capacity studies and the LPP will include more detailed studies. This includes a windfall allowance (para 16.13).</p>
<p>Request EVB is reassessed to ensure adequate supply is made for social housing provision. They consider social housing need provision falls short of perceived reality. Refer to para 16.7 which includes 9k + 3k provision and then para 16.15 which they consider excludes the 3k perceived 5 Year Lands Supply. Consider soundness has been compromised by lack of provision of a full UCS.</p>	<p>Partially accepted. Please refer to change reference PC 126 in the Schedule of Proposed Changes which introduces 'Phase 3 Zoning' of additional land into HOU 1 to meet Social Housing Needs. This will formalise and manage the 'exceptional circumstances' provision, ensuring adequate and 'sustainable as possible' lands are brought forward for affordable housing. Such lands previously lay just outside the City/ Town settlement development limits (SDL) and are immediately adjacent to areas identified (by NIHE) as having the most acute social housing need. This change has been made following representations received and on the request of members. The Council is content that the stated level of social housing need is robustly evidenced by this change and information supplied and included in the NIHE Housing Needs Assessment (HNA). Para 16.7 states that 9,000 dwellings are required over the Plan period and land for 12,000 dwellings is required by SPPS para 6.140 'Plan, Monitor & Manage' approach to maintain a 5 year supply of housing land. The Council does not agree that soundness has been compromised. Urban Capacity Studies have been proportionate to the strategic level of evidence required to underpin the dPS. Stage 2 and 3 strategic studies identified remaining housing potential and assisted with assessing the strategic indicative amount of land required. At LPP stage a detailed assessment will determine the potential of each site and the type of housing and density appropriate to each site.</p>
<p>Critical that the Housing Needs Assessment (HNA) has not been published as part of the evidence base</p>	<p>The HNA documents are produced by NIHE and are publicly available online or on request from the NIHE. Those supplied to the Council's LDP team in advance of the LDP draft Plan Strategy in 2019 are fully referenced in the dPS and EVB 16 with the key relevant findings being summarised. It would not be appropriate for the LDP to include in its evidence base a copy of every referenced document.</p>
<p>Considers the proposed housing provision identified within EVB 16 not realistic.</p>	<p>The Council set an indicative housing requirement taking account of the HGI which is based on population and household projections. The Draft Plan Strategy has allocated in excess of these forecasts to take account of factors set out in the Growth Strategy including the economic boost expected from Brexit, City Deal, NW region liaison with Donegal Co Council, COVID-19 recovery etc. The LDP will continue to monitor and revisit housing allocations if strong economic growth occurs.</p>

Considers the undeveloped housing zonings from the Derry Area Plan unsuitable for Social Housing.	The Council completed a Housing Land Availability survey which confirmed that such zoned lands would be likely to come forward for development.
Not supportive of the 5-year housing supply and its inclusion/ exclusion at various points in the Housing section.	The Council sets out in para 16.7 that 9,000 dwellings are required over the Plan period and land for 12,000 dwellings is required as part of the SPPS (para 6.140) 'Plan, Monitor & Manage' to include a 5 year supply of housing land.
Raises concern over the plan duration and the adoption process – suggested plan lifespan extension and increased growth attributed accordingly.	The Council consider that the plan duration is in line with legislation, guidance and its own SPG. LDP production has followed the published LDP Timetable and SCI and has been revised as required. The Council stress that Timetable revision has been a common issue across all Councils as they come to grips with this completely new LDP process which differs markedly from the previous Area Plan methodology.
Concerns over Sustainability Appraisal (SA) and alternative consideration in relation to housing zoning and social housing provision.	The Council is content that the focus and level of detail within the SA is appropriate for the strategic stage of the dPS. The SA has been undertaken in conjunction with SES. The SA for the LPP stage will focus on zonings and alternatives.
It is considered that these large non-descript developments (Buncrana/ Clooney Rd) do not offer attractive wide ranging types of housing which will give a positive and diverse housing style which give long term sustainability and variety. Suggests there has to be scope for zonings which allow for greater individuality/ variety away from such conglomerations.	The Council notes the comments. Innovative design is mentioned in a number of objectives in the Plan: Spatial objective A (v); Social objective C (i) and Environment objective D (ii). Policy GDPOL 2 Design Policy also seeks to drive up design quality. The Council is considering a feasibility study for a 'Resilient Settlement' exemplar Project as set out at para 6.14 including sustainable and climate adaptation design. Moreover, chapters 26 to 32 of the dPS are entirely devoted to place making and design. It is therefore considered that no further change is required in response to these comments.
Considers that allocation to Derry City is not sufficient for its stated role and request 'potential growth' figures are used instead.	See related answers above. Within regional guidance parameters, the Council cannot reduce the allocation to Strabane, the other settlement hierarchy tiers or the countryside to artificially enhance those proposed for Derry City.
Considered unsound to specifically put a target to rural single housing.	Council would stress the indicative housing allocation of 1,100 – 1,400 dwellings is not a 'target', but an indicative allocation. Progress with housing delivery will be monitored as part of the LDP and can be considered annually. The plan will also be reviewed after five years. No change is necessary.
Considered unsound that insufficient allocation made to Newbuildings.	The Council considers (para 16.16) the proposed allocation delivers proportionate and adequate opportunities across all settlements. The LDP Strategy for housing allocations is to have a supply of housing land to meet the anticipated requirements of the District with the main housing allocation in Derry City as the Regional City for the North West, as well as giving a proportionate supply to Strabane as the Main

	Hub. The LDP aims to deliver 9,000 new elsewhere in the district at sustainable locations that are accessible to infrastructure, employment, shopping, community services, leisure and recreational facilities. No change necessary.
Considered unsound that insufficient number of smaller houses are made available for an aging population over the plan period.	Proportionate indicative allocations have been prescribed in line with RDS/ SPPS guidance. The size and type of dwellings would be a matter for developers in any planning applications but some guidance on what is appropriate for certain sites will come from the detailed Urban Capacity Studies at LPP stage.
Considers more restrictive rural single housing policy proposed in dPS will reduce housing potential, therefore the allocation to Derry could be increased.	The LDP indicative proportion to the countryside is in proportion to the current % of countryside approvals and will sustain the rural population in accordance with the RDS & SPPS. Accordingly, there is no 'reduction' that can be allocated to Derry City. The LDP Strategy housing allocations is to have a supply of land to meet the anticipated requirements of the District with the main housing allocation in Derry City as the Regional City for the North West, as well as giving a proportionate supply to Strabane as the Main Hub. Elsewhere the LDP will deliver 9,000 new, quality homes by 2032 at sustainable locations accessible to infrastructure, employment, shopping, community services, leisure and recreational facilities.
One respondent wonders how lands can be put forward by developers for zonings.	A careful reading of Policy HOU 1 would inform them that the LPP would be the appropriate stage to do this. The respondent should refer to Proposed Change PC 126 and annex 4 of the same document for the updated version of the policy. No change necessary.
Strategic Settlement Specific	
Believes the LDP underestimates the role of Strabane within the region.	SITE SPECIFIC – Strabane. The Council has considered this issue at a strategic level and is satisfied that an appropriate indicative allocation, based on population/ dwelling % proportion (Table 8 p221 and Appendix 5 Table 1 p501) has been made to the Settlement Hierarchy and the specific settlements within it. As noted in para 16.12 for many of these settlements current commitments within them exceed the amount of houses they are likely to require over the lifetime of the LDP. The RDS 2035 identifies Derry not only as the principal city of the North West but also as a regional and international gateway. Strabane is identified as a main hub and, due to its proximity, is clustered with Derry. Future development will require recognition of the complementary role of the two settlements in the North West cluster in order to provide the capacity to deliver quality services. (Derry-Letterkenny is also identified as a Linked Gateway in the RDS and as a Metropolitan City Region in the RoI

	<p>National Planning Framework, NPF). This LDP dPS, its vision, objectives and policies, support Derry City and Strabane District Council's critical role in the wider region and in the implementation of the North West City Region Initiative. The overall strategy includes plans to significantly expand the resident populations of Derry, Letterkenny, Strabane and wider North West cross-border growth Region. Similarly, the emphasis will be on growing Strabane as a main town which has the strength to compete and attract businesses, jobs and provide services of a scale which serves its wider rural hinterland including cross border. No change required.</p>
<p>Don't agree with Glebe's stated 'Approximate Current Housing Capacity'.</p>	<p>SITE SPECIFIC – Glebe. The Council has considered this issue at a strategic level and is satisfied that an appropriate indicative allocation, based on population/ dwelling % proportion (Table 8 p221 and Appendix 5 Table 1 p501) has been made to the Settlement Hierarchy and the specific settlements within it. As noted in para 16.12 for many of these settlements, current commitments within them exceed the amount of houses they are likely to require over the lifetime of the LDP.</p>
<p>Rep doesn't agree with Strabane's stated Housing capacity.</p>	<p>SITE SPECIFIC – Strabane. Monitoring of the current housing land situation identified that the District currently has a remaining potential of approximately 13,790 committed housing units i.e. on zoned housing land and/ or with planning permission; this equates to c706ha of housing land. Therefore, the current commitments on these identified sites exceeds the amount of houses that the District will be likely to require for the lifetime of the LDP. However, in a small number of settlements including Strabane, where the housing land quantum is limited, there will be a need to identify a limited amount of additional land for housing, either through selected Urban Capacity sites or a limited extension of the settlement limits. The LDP will carry forward most of the housing zonings/ designations from the Derry Area Plan 2011 and the Strabane Area Plan 2001, namely the (substantially) unimplemented Housing zonings.</p>
<p>Queries Culmore's village's low indicative share of the District's future Housing.</p>	<p>SITE SPECIFIC – Culmore. The Council has considered this issue at a strategic level and is satisfied that an appropriate indicative allocation, based on population/ dwelling % proportion (Table 8 p221 and Appendix 5 Table 1 p501) has been made to the Settlement Hierarchy and the specific settlements within it. As noted in para 16.12, for many of these settlements, current commitments within them exceed the amount of houses they are likely to require over the lifetime of the LDP.</p>

<p>Strabane has exhausted the current lands zoned for housing development that can be developed and is not benefitting from economic development of housing construction that it should be for an urban centre of its size.</p>	<p>SITE SPECIFIC – Strabane. See above answers. Like Derry, it is expected that the supply of housing and growth in Strabane town during the plan will be substantially met by the completion of existing commitments, zonings and planning consents/ windfall opportunities on brownfield sites in sustainable and accessible locations. Depending on the amount of ‘urban capacity’ land identified at the LPP stage, there may be a requirement to include a limited amount of additional land for housing, especially on the western side of the town. Again, it would be important for such lands to be in sustainable, central and accessible locations as far as possible. A limited extension of the settlement limits may be necessary. The LDP will carry forward most of the Housing zonings/ designations from the Strabane Area Plan 2001, including (substantially) unimplemented Housing zonings.</p>
<p>Rep seeks an upgrade for the status of Campsey from a Small Settlement to a Village and the development limit expanded.</p>	<p>SITE SPECIFIC – Campsey. The Council has considered this issue at a strategic level and is satisfied that an appropriate indicative allocation, based on population/ dwelling % proportion (Table 8 p221 and Appendix 5 Table 1 p501) has been made to the Settlement Hierarchy and settlements within it. As noted in para 16.12, for many settlements, current commitments exceed the amount of houses likely to be required over the lifetime of the LDP. In order to deliver the required levels and type of growth as ‘sustainable development’, the Council’s LDP Growth Strategy will be delivered through a hierarchy of defined settlements across the District – focussing on Derry City and Strabane town with a vibrant rural area including local towns, villages and small settlements. No change necessary.</p>
<p>Rep seeks for Castlederg’s indicative share of District’s Housing to be increased beyond currently stated 227.</p>	<p>SITE SPECIFIC – Castlederg. The Council has considered this issue at a strategic level and is satisfied that an appropriate indicative allocation, based on population/ dwelling % proportion (Table 8 p221 and Appendix 5 Table 1 p501) has been made to the Settlement Hierarchy settlements within it. As noted at para 16.12, for many settlements, current commitments exceed the amount of houses likely to be required over the lifetime of the LDP. The Council considers that a proportionate allocation has been made to Castlederg taking into account its existing proportion of households. Within the proposed Local Town tier, its allocation is approximately twice that made for Claudy and Newtownstewart. The current figures provide for modest growth based on its existing size whilst also facilitating similar modest growth in the other two local towns, thereby enabling all three to develop in line</p>

	with previous levels of growth and facilitate their important role to service the wider, peripheral rural areas. No change necessary.
Respondent states Castledearg's dPS Housing Capacity is unrealistic and an over estimation creating an artificially high impression of available zoned land and potential housing yield, when, in reality, the respondent considers the situation on land availability is significantly lower. They consider many of these zonings have not and will not come forward for release during the life of the LDP but the reasons are not set out.	SITE SPECIFIC – Castledearg. The Council has considered this issue at a strategic level and is satisfied that an appropriate indicative allocation, based on population/ dwelling % proportion (Table 8 p221 and Appendix 5 Table 1 p501) has been made to the Settlement Hierarchy and settlements within it. As noted at para 16.12, for many of these settlements, current commitments within them exceed the amount of houses likely to be required over the lifetime of the LDP. The average annual housing completion rate is approximately 30 for Castledearg with a population that declined by 7% over the last census period. The approximate Current Housing Capacity (784) is a reflection of the previous zonings as set out in the Strabane Area Plan and the successive yearly completions. At the LPP stage, the LDP team will undertake further studies/ Calls for Sites and re-assess the deliverability of the remaining zoned land and the resulting potential requirement for any new sites in Castledearg. This will enable the delivery, during the life of the LDP, of the indicative housing requirement. No change necessary.
The allocation of housing to Glebe does not reflect recent completion rates and the estimated current capacity is unrealistic. Rep queries current capacity and requests that the Plan Strategy indicate that it is likely that additional land will need to be included within the Limits of Development for Glebe.	SITE SPECIFIC – Glebe. The Council has considered this issue at a strategic level and is satisfied that an appropriate indicative allocation, based on population/ dwelling % proportion (Table 8 p221 and Appendix 5 Table 1 p501) has been made to the Settlement Hierarchy and the specific settlements within it. As noted in para 16.12, for many of these settlements, current commitments within them exceed the amount of houses they are likely to require over the lifetime of the LDP. No change necessary.
The housing policy is unsound in that proper consultation has not taken place with land owners, local developers and residents in this area to ascertain what housing need is required in the rural area. The current proposed plan is a top-down strategy which will not work in Glenmornan or other rural areas. No evidence is provided to identify the housing need or evidence to dispute the indicative figures proposed for Glenmornan.	SITE SPECIFIC – Glenmornan. The Council has considered this issue at a strategic level and is satisfied that an appropriate indicative allocation, based on population/ dwelling % proportion (Table 8 p221 and Appendix 5 Table 1 p501) has been made to the Settlement Hierarchy and the settlements within it. As noted at para 16.12, for many of these settlements, current commitments within them exceed the amount of houses likely to be required over the lifetime of the LDP. No change necessary.

<p>Suggest amendment to housing allocation and increased percentage share of the allocation (Eglinton focus). The final columns of table 9 show that the Council consider that most of the District's settlements have sufficient land to meet their housing requirement up to 2032 and beyond. However, we consider that this is not a true reflection of land availability in the Council Area. On this basis, it is evident that additional lands will be required within the next plan period. In order to deliver the required housing within the Council Area, we would therefore recommend that the Council revisit the settlement limits and identify lands zoned for housing not only within the city, towns and central areas but villages and small settlements.</p>	<p>SITE SPECIFIC – Eglinton. The Council has considered this issue at a strategic level and is satisfied that appropriate indicative allocations, based on population/ dwelling % proportion (Table 8 p221 and Appendix 5 Table 1 p501) has been made to the Settlement Hierarchy and the specific settlements within it. As noted in para 16.12, for many of these settlements, current commitments within them exceed the amount of houses they are likely to require over the lifetime of the LDP. No change necessary.</p>
<p>The LDP should take account of the current and future social housing need in Strathfoyle Village, including re-zoning lands for housing. The dPS does not appear to allow scope for the review of land zoned for housing within the 'Harbour Development Zone'.</p>	<p>SITE SPECIFIC – Strathfoyle. The Council has considered this issue at a strategic level and is satisfied that appropriate indicative allocations, based on population/ dwelling % proportion (Table 8 p221 and Appendix 5 Table 1 p501) has been made to the Settlement Hierarchy and the specific settlements within it. As noted in para 16.12, for many of these settlements, current commitments within them exceed the amount of houses they are likely to require over the lifetime of the LDP. No change necessary.</p>
<p>Queries Tamnaherin having a housing capacity of 42 units (referred to in appendix 5).</p>	<p>SITE SPECIFIC – Tamnaherin. The Council has considered this issue at a strategic level and is satisfied that appropriate indicative allocations, based on population/ dwelling % proportion (Table 8 p221 and Appendix 5 Table 1 p501) has been made to the Settlement Hierarchy and the specific settlements within it. As noted in para 16.12, for many of these settlements, current commitments within them exceed the amount of houses they are likely to require over the lifetime of the LDP. Specific capacity issues will be addressed at LPP stage. No change necessary.</p>
<p>The original EVB 4 paper for Tamnaherin prepared for the POP paper published an identical appraisal in 2017 and has not been updated for EVB 6.</p>	<p>The Council has not produced a specific EVB for each settlement. Settlement Appraisals will be carried out as part of the LPP process.</p>
<p>The estimated number of houses for Culmore for the Plan period is too low and falls way short of the capacity, obvious demand, potential need and sustainability of the area. The allocation is unrealistic and inappropriate. The high growth of housing in Culmore in the recent past reflects the desirability of the area and has been market led.</p>	<p>SITE SPECIFIC – Culmore. The Council has considered this issue at a strategic level and is satisfied that appropriate indicative allocations, based on population/ dwelling % proportion (Table 8 p221 and Appendix 5 Table 1 p501) has been made to the Settlement Hierarchy and the specific settlements within it. As noted in para 16.12, for many of these settlements, current commitments within them exceed the</p>

	amount of houses they are likely to require over the lifetime of the LDP. No change necessary.
The allocated number of proposed houses for Culmore (130, based on a 2017 calculation) could possibly be built out this year, 2020. This could result in no new houses being built for the remaining 12 years of the Plan. Existing younger Culmore residents entering the housing market in the near future could be unable to remain in the area.	SITE SPECIFIC – Culmore. The Council has considered this issue at a strategic level and is satisfied that appropriate indicative allocations, based on population/ dwelling % proportion (Table 8 p221 and Appendix 5 Table 1 p501) has been made to the Settlement Hierarchy and the specific settlements within it. As noted in para 16.12, for many of these settlements, current commitments within them exceed the amount of houses they are likely to require over the lifetime of the LDP and even beyond. Housing provision in the District’s settlements will be reflective of the LDPs overall Strategic Growth Plan, Spatial Growth Plan and Settlement Hierarchy. The Council will strategically allocate and manage housing for 9,000 new homes for the LDP period. It is intended that when commitments have been delivered the phased release of selected sites for housing will follow. As such, the on-going monitoring of housing delivery will be vital to allow for the proper phased and managed release of selected Phase 2 sites. No change necessary.
Respondent seeks enhanced allocation to Goshaden. States that the figures, as shown, indicate that Goshaden as a settlement is largely built out and there is scope at the LPP stage to provide additional dwellings within a revised Development Boundary or a LUPA. The respondent disagrees with the Council’s reasoning that settlements close to Derry City and Strabane Town and/ or close to the A2/A5/A6 will be restricted, in terms of future housing growth, to encourage the growth of both Derry City and Strabane Town and to deter the growth of such settlements as commuter settlements. Respondent also identifies the omission of the Goshaden figure (5) in Table 2, Appendix 5 of the dPS in the column ‘Indicative Share of District’s Housing 2017-2032’	The Council has considered this issue at a strategic level and is satisfied that appropriate indicative allocations, based on population/ dwelling percentage proportion (Table 8 p221 and Appendix 5 Table 1 p501) has been made to the Settlement Hierarchy and the specific settlements within it. As noted in para 16.12, for many of these settlements, current commitments within them exceed the amount of houses they are likely to require over the lifetime of the LDP. Specific capacity issues will be addressed at LPP stage. No change necessary. Regarding the omission from table 2, the indicative share of housing for Goshaden (per household or population) is given in Appendix 5 in Table 1 as being 5 units. In table 2, given the modest size of the settlement and any weighting for the settlement (being close to A6 and Derry City) would mean that the allocation should be 4 or 5 dwellings. A typographical error in the dPS left the relevant part of the table 2 column blank. The Council would have no objection to this entry being restored as ‘5’.

Policies – HOU 1	
<p>DfI raise a concern that a PS later intention to phase land within the LPP may encourage applications in less sustainable locations within the settlement in order to secure their inclusion as a zoning within Phase 1. Further clarification sought on how development proposals that come forward in Phase 2 will be assessed.</p>	<p>The Council consider that a criteria-based approach is clearly set out in para 16.20. Sites coming forward will be identified using housing monitor & Urban Capacity Studies. Windfall will also bring forward sites. As stressed in para 16.22 Accessibility Analysis will be important in ensuring that sites are sustainable and accessible.</p>
<p>DfI TMPU consider it is essential that the process for identifying selected Urban Capacity sites takes full account of accessibility by walk, cycle and public transport. Acknowledge it is outlined in para 16.22, but welcome specific reference.</p>	<p>As stressed in para 16.22, use of Accessibility Analysis will be important in ensuring that such sites are sustainable and accessible. The Council recognises the need for the successful integration of transportation and land use. Please refer to change reference PC 67 in the Schedule of Proposed Changes which re-orders para 11.8 in the Transport Chapter for the sake of clarity.</p>
<p>New policy or amended HOU 1 required to provide for well provisioned/ enclosed new sites in the Towns hierarchy. Considered that insufficient deliverable housing zonings exist across the settlement hierarchy, particularly in Castlederg.</p>	<p>The Council is content that Chapter 16 is in line with the RDS and the SPPS. It is explicitly stated (para 16.9, Table 8 and para 16.12; Appendix 5 Table 2) that the Council is providing a proportionate, proposed indicative number of dwellings to Castlederg in its role as a Local Town. The Council cannot reduce the allocation to Derry City, the other settlement hierarchy tiers or the countryside to enhance, beyond what could be considered sustainable, the indicative allocation proposed for Castlederg. The Council considers, as set out in Table 2 Appendix 5 p504, that there is a sufficient housing capacity remaining for Castlederg, given its proposed indicative housing allocation. The RDS 2035 specifically refers to both the significant role which Derry has to play as the principal city of an expanding North West region as well as an enhanced role for Strabane as a Main Hub in providing services to local communities. The LDP strategy for housing allocations is to have a supply of housing land to meet the anticipated requirements of the District with the main housing allocation in Derry City as the Regional City for the North West, as well as giving a proportionate supply to Strabane as the Main Hub. Elsewhere the LDP will provide housing at sustainable locations are accessible to infrastructure, employment, shopping, community services, leisure and recreational facilities. The choice and opportunities for housing location must still be made within the parameters of sustainable planning. The settlement development limits will be based on a detailed Settlement Appraisal (stage 3) at LPP stage.</p>

<p>States that the housing allocation to Strabane is too low and alludes that HOU 1 will not facilitate the required level of housing provision that the respondent seeks.</p>	<p>The Council is content that Chapter 16 is in line with the RDS and SPPS. It explicitly states (para 16.9, Table 8, para 16.12 and Appendix 5 Table 2) that the Council is providing a proportionate, proposed indicative number of dwellings to Strabane in its role as the Main Town. The Council cannot reduce the allocation to Derry City, the other settlement hierarchy tiers or the countryside to enhance, beyond what could be considered sustainable, the indicative allocation proposed for Strabane. The RDS 2035 specifically refers to both the significant role which Derry has to play as the principal city of an expanding North West region as well as an enhanced role for Strabane as a Main Hub in providing services to local communities. The LDP Strategy for the Strategic allocation of Housing land is: to have a supply of housing land to meet the anticipated requirements of the District with the main housing allocation in Derry City as the Regional City for the North West, as well as giving a proportionate supply to Strabane as the Main Hub. The LDP strategy for housing allocations is to have a supply of housing land to meet the anticipated requirements of the District with the main housing allocation in Derry City as the Regional City for the North West, as well as giving a proportionate supply to Strabane as the Main Hub. Elsewhere the LDP will provide housing at sustainable locations are accessible to infrastructure, employment, shopping, community services, leisure and recreational facilities. The choice and opportunities for housing location must still be made within the parameters of sustainable planning. The settlement development limits will be based on a detailed Settlement Appraisal (stage 3) at LPP stage.</p>
<p>Sequential strategic application within HOU 1 may still be restrictive as it relates to zoned lands within the extant area plans, particularly those in Strabane which have not come forward for development during the life of the SAP. HOU</p>	<p>Across the District, the Council considers and has stated in para 16.12 that current commitments on existing identified sites exceeds the amount of houses that the District will be likely to require for the lifetime of the plan. However, in Strabane and in a small number of other settlements it is recognised that the housing quantum is limited and a limited amount of additional housing land will need to be identified. The choice and opportunities for housing location must be made within the parameters of sustainable planning. The current zoned housing lands will be defined and refined at the Local Policies Plan and other lands put forward will be considered.</p>
<p>Respondent is concerned that there is a lack of new housing distribution towards the village tier or provision within policy to allow for new housing sites within village limits that do not currently have permission.</p>	<p>The Council is content that chapter 16 is in line with the RDS and SPPS. It is explicitly stated (para 16.9, Table 8, para 16.12 and Appendix 5 Table 2) that the Council is providing a proportionate allocation of dwellings to Newbuildings in its role as a Village. The Council cannot reduce the allocation to Derry City, the other settlement</p>

<p>Specific reference to Newbuildings. Old industrial zonings not taken up should revert to whiteland.</p>	<p>hierarchy tiers or the countryside to artificially enhance those proposed for the Village tier and specifically Newbuildings. Existing zonings in Newbuildings will be reviewed at LPP stage. It should also be noted as set out in Spatial Strategy para 6.4 that the settlement hierarchy approach is to grow Derry City and achieve a ‘critical mass’ of size, while limiting other nearby settlements that would compete with/ detract from it. The LDP Strategy for the housing allocations is to have a supply of housing land to meet the anticipated requirements of the District with the bulk (more than half) in Derry City as the Regional City for the North West, as well as giving a proportionate supply to Strabane as the Main Hub. The LDP aims to deliver 9,000 new, quality homes by 2032 at sustainable locations accessible to infrastructure, employment, shopping, community services, leisure and recreational facilities. The choice and opportunities for housing location must still be made within the parameters of sustainable planning. The settlement development limits will be based on a detailed Settlement Appraisal (stage 3) at LPP stage.</p>
<p>Respondent would welcome the designation of a Land Use Policy Area for housing within Eglinton, given that it is strategically located close to the A2, is 6.5 miles from Derry City, with access to a high level of services and sufficient WWTW network capacity to accommodate further housing as set out in Table 2 on p506 of the dPS.</p>	<p>The LDP will provide adequate housing lands across Derry and Strabane especially, as well as appropriate housing opportunities in other settlements. The RDS/ SPPS and dPS paras 16.2 and 6.11 state the strategic requirement to grow and strengthen Derry City as the regional capital of the North West with an appropriate focus on Strabane in its key supporting role as a Main Hub. Allowing ‘desirability’ to solely enable people to live where they want would be contrary to the RDS/ SPPS aim of growing Derry City and Strabane in a supporting role. Para 6.4 also clearly sets out the importance of growing Derry while limiting other nearby settlements that would compete/ detract from it such as Eglinton. The LDP aim is to deliver 9,000 new dwellings across the Settlement Hierarchy by 2032 at sustainable locations accessible to infrastructure, employment, shopping, community services, leisure and recreational facilities. There is also an allowance for dwellings in the countryside to sustain rural populations. No change necessary.</p>
<p>Respondent considers the sequential strategic allocation is restrictive as it relates to zoned land within the extant area plans. They state that HOU1 considers that sufficient land capacity exists in many settlements, without the need for additional land. They reference particular zoned land that has remained undeveloped for a long time and consider such sites should seriously be considered for de-zoning or identified as areas</p>	<p>Partially accepted. Please refer to change reference PC 126 in the Schedule of Proposed Changes which states that if certain Phase 1 land is not implemented, it can be re-zoned as Phase 2 land. Alternatively, Phase 1 or Phase 2 lands can be rezoned for an alternative land-use, following an LDP Review. Para 16.21 already makes clear that any previously permitted site that has not made a material start prior to their permission expiring may not have the permission renewed and will</p>

<p>of open space/green corridors. This approach would ensure that the goals and aims of the dPS are achieved and development is not stymied throughout the new LDP period.</p> <p>One respondent points out that many of the remaining zonings have planning permission but have not come forward for development in over 20-30 years.</p>	<p>thus become a Phase 2 site. Phase 1 sites that are considered as existing commitments are only those with a current planning permission or that have made a valid material start or where development is ongoing. This will assist commencement and hopefully delivery of housing, rather than contribute to delay and land-banking. These lands will be actively monitored, including the amount, type and location of all dwellings being approved and implemented, with a view to revising the LDP zonings or policies to ensure adequate housing is actually being delivered. The Council Housing Land Availability survey indicated that with one exception, all landowners intend to develop those currently undeveloped zoned housing lands during the lifetime of the LDP.</p>
<p>Considered HOU1 fails to meet Test CE4 in that the allocation is not flexible enough to deal with changing circumstances and specifically to support the role of Strabane as a hub town (para 16.12).</p>	<p>The Council is content that Ch. 16 is in line with the RDS and the SPPS. It is explicitly stated (paras 16.9 and 16.12; Appendix 5 Table 2) that the Council is providing a proportionate, proposed indicative number of dwellings to Strabane in its role as a Main Hub. Within regional guidance parameters, the Council cannot reduce the allocation to Derry City, the other settlement hierarchy tiers or the countryside to enhance beyond what could be considered sustainable, the indicative allocation proposed for Strabane. The RDS 2035 specifically refers to both the significant role which Derry has to play as the principal city of an expanding North West region as well as an enhanced role for Strabane as a Main Hub in providing services to local communities. No change necessary.</p>
<p>Wording in HOU 1 is considered ambiguous and respondent considers that it appears to direct unsustainable levels of growth to the countryside and not enough to Derry City and the Village tier (specifically Newbuildings).</p>	<p>The LDP Strategy for housing allocations is to give the main share (more than half) to Derry City as the Regional City for the North West, and a proportionate supply to Strabane as the Main Hub. It is considered that the distribution and spread of housing allocations elsewhere across the settlements and countryside is fair and proportionate. Adequate housing lands will be designated in villages and small settlements through the use of LUPAs.</p>
<p>Some respondents consider that there is limited likelihood of zoned DAP / SAP sites without commitments coming forward and advocate a flexible strategic reserve of lands to deliver future housing needs. The 'Exceptions' component of policy HOU1 (bottom of HOU 1 p225) must be replaced with a strategic reserve of urban fringe lands. Such an approach was not considered in SA and represents a significant weakness.</p>	<p>Partially accepted. Please refer to change reference PC 126 in the Schedule of Proposed Changes which introduces 'Phase 3 Zoning' of additional land into HOU 1 to meet Social Housing Needs. This will formalise and manage the 'exceptional circumstances' provision, ensuring adequate and 'sustainable as possible' lands are brought forward for affordable housing. Such lands previously lay just outside the City/ Town settlement development limits (SDL) and are immediately adjacent to</p>

	<p>areas identified (by NIHE) as having the most acute social housing need. This change has been made following representations received and on the request of members. This will enable an appropriate strategic reserve of urban land across the city and towns if appropriate. Lands will be actively monitored, including the amount, type and location of all dwellings being approved and implemented, with a view to revising the LDP zonings or policies if required so as to ensure that adequate housing is actually being delivered.</p>
<p>Considers that plan not compliant with SPPS as they consider the LDP should be tailored to the specific circumstances of the plan area yet there is little reference to communal living including care homes or over 55's accommodation for which major growth is anticipated, they consider that HOU 1 should make clear where such provision is to be accommodated in villages.</p>	<p>Such development may be appropriate on LUPA sites or exceptionally outside such areas where a housing association demonstrates that a need exists within a settlement that can't be met inside a LUPA. It is therefore considered that the policy would be fit for purpose.</p>
<p>Department of Health concerned that the approach to phase 1/phase 2 housing lands is unsound. Para 16.20 states that several things will be taken into account including the housing monitor. However, this does not identify individual sites so it can't be confirmed how it arrives at the figure of 463 ha remaining available for housing (2018/19 housing monitor report). Phase 2 sites would be effectively frozen until phase 1 sites come forward. Phase one sites are complex and less likely to be accessible by public/ active transport and of an appropriate scale to their locality, compliant with GDP 1.</p>	<p>Para 16.12 of the dPS p223 and Table 9, demonstrates that commitments comprise a remaining potential of almost 14,000 dwellings. Phase one includes all of these and will be supplemented by selected urban capacity sites and whiteland sites allocated for development in the LPP. The plan includes a requirement for 12,000 dwellings over the plan period including an additional 5-year supply and taking into account the growth aspirations of the District. This will provide ample housing capacity for the plan period and the main purpose of identifying phase 2 lands is to provide additional capacity beyond the plan period. Proposed change reference PC 124 makes it clear that any new zonings will generally be within settlement limits and not peripheral. This partly addresses the sustainable settlement matter raised. PC 125 also stresses the use of sustainable transport considerations in the selection of sites. PC 126 deals with the issue of 'land banking' and clarifies how sites could potentially be de-zoned or re-zoned (as phase 2 or for another use). It is open to developers to keep existing zonings in phase one by ensuring they have extant planning permission and preferably implementing it. Proposed change PC 128 further clarifies how the Council will ensure that phase one zonings are sustainable.</p>
HOU 2	
<p>Policy summarises the LDP's intent that all new housing development will be delivered on previously committed sites <i>or within the existing settlement limit</i>. Policy HOU 1 states that some land within the</p>	<p>Accepted. Please refer to change reference PC 128 in the Schedule of Proposed Changes which includes some rewording and amendments to clarify the intent of policy HOU 2 and removes grounds for perceived confusion.</p>

<p>settlement limit of the city, main and local towns will be designated as Phase 2 land (to be held as a long term reserve), therefore Dfl question is the statement in italics accurate. Further query re possible confusing reference to regional brownfield and inclusion of open space as per RDS definition.</p>	
<p>Part b of the policy to be reworded as per amended wording supplied for strategy box 16.16 p224.</p>	<p>Accepted. Please refer to change reference PC 129 in the Schedule of Proposed Changes to put the emphasis on accessibility (including by public transport) when choosing sites for housing.</p>
<p>Rep states the best way to encourage development of brownfield sites is to have policies such as higher densities, exceptions from open space requirements, financial assistance in the cleaning of the sites, property rates reduction etc.</p>	<p>The J&A already encourages development on ‘brownfield’ sites within settlements as it can assist in returning derelict sites to productive use; help deliver more attractive environments; assist with economic renewal; and reduce the need for development on existing undeveloped or greenfield sites. This approach is in accordance with the sequential approach in the SPPS. The LDP will identify brownfield sites as Phase 1 sites at LPP stage in local areas where there is an identified housing need. Providing public open space as an integral part of a housing scheme is referred to in Policy OS 2 which includes thresholds and exceptions. Financial assistance in the cleaning of sites and property rates reduction would be considered outside the remit of the LDP.</p>
<p>Rep states they can see no specific restriction within Policy HOU 2 on the building of housing on greenfield land within the SDL which is likely to be ‘white land’. Rep states that they do not believe that J&A text can restrict the scope of a specific planning policy.</p>	<p>Accepted. Please refer to change reference PC 131 in the Schedule of Proposed Changes which removes the reference to ‘greenfield’ from the J&A in 16.30. Also see change reference PC 128 in the Schedule of Proposed Changes which makes it clear that all new housing approved in the cities and towns will be on land zoned under Policy HOU 1 or appropriate sites in the settlement development limits under Policy HOU 2. The redevelopment of vacant and underutilised land at sustainable locations will be promoted.</p>
HOU 3	
<p>Dfl seek further clarification re policy application/ density definition to aid understanding of what the policy is seeking to achieve.</p>	<p>The Council considers that the use of indicative density bands is in keeping with the SPPS policy approach and to encourage compact urban forms and promote more housing within existing urban areas (dPS para 16.36). The specifics will be defined at the LPP stage. The Council does not perceive any confusion in the text (para 16.38) proposing appropriate higher density housing in established residential areas where the existing density may not be considered as high. Such a policy intent mirrors that</p>

	set out in the RDS para 3.16; 2nd bullet point para 3.55 (North West specific), SPPS para 6.137 and PPS 12 PCP 1P. 26 & 27. For the sake of clarity please see change reference PC 132 in the Schedule of Proposed Changes to acknowledge that care needs to be taken when increasing the density in established residential areas.
<p>TMPU consider that policy text p 230 and J&A reference (16.38-40) to key and link transport corridors including arterial routes will require formal LPP designation and be designated on Accessibility Analysis by walk, cycle and public transport.</p> <p>Dfl Roads request clarification on what routes/ roads are referenced in para 16.39. In terms of identifying locations/ sites, accessibility analysis should be used.</p>	<p>Para 16.22 stresses that Accessibility Analysis will be important in ensuring that such sites are sustainable and accessible. The Council recognises the need for successful integration of transportation and land use as referenced in new para 11.8 (see change reference PC 67). The Council considers that the expression ‘arterial routes’ is readily understood and refers to high capacity urban roads that deliver traffic to higher grade roads in the area and ‘A’ grade roads that link main settlements. These are generally the roads with the best public transport services and other accessibility. The detail of those roads will be defined at LPP stage (para 16.39).</p>
<p>Respondent considers policy too prescriptive and density bands should not be set within rigid policy given that good design dictates that density should take into account specific local context, residential character and transport links. Another respondent states that density bands could be used as a guide within supplementary planning guidance.</p>	<p>The Council considers that the use of indicative density bands is in keeping with the SPPS approach to encourage compact urban forms and promote more housing within existing urban areas (see dPS para 16.36). They are set only within general terms such as ‘existing’; ‘medium/ high’ and ‘high’. Indicative ranges of dwellings per hectare are not given. Specific details will be defined at the LPP stage. The dPS should be read ‘in the round’ including the detailed design guidance in the place-making chapters. Higher densities and good design can both be achieved.</p>
HOU 4	
<p>Clarify the policy intent of HOU 4.</p>	<p>Please refer to change reference PC 133 in the Schedule of Proposed Changes regarding non-residential uses in residential areas.</p>
HOU 5	
<p>Dfl welcomes the policy intention but seeks clarification over what it considers as confusing and contradictory policy wording. Further query re EVB wording and para 4.62 which is considered ambiguous in terms of level of contribution the policy is seeking to secure.</p>	<p>Accepted. Please refer to change references PC 134, 135 and 136 in the Schedule of Proposed Changes which amend the policy title to include Private and Affordable tenures. Also to put the onus on the developer to demonstrate the suitable private/ affordable housing mix, with a minimum requirement of 20% affordable housing. The proportion of either private or affordable housing will not exceed 80% in the interests of achieving balanced communities. For clarity, see also Annex 4 of the</p>

	Schedule of Proposed Changes for a full version of new Policy HOU 5 and its J&A paragraphs.
It is important that the Draft Strategy acknowledges that a definition of intermediate housing will change over time. New intermediate housing products may be developed. Therefore, it is important that the definition may be expanded to support helping eligible households into intermediate housing. For instance, it is important that a definition of intermediate housing would include products like Rent to Own.	Accepted. Please refer to change reference PC 137 in the Schedule of Proposed Changes which clarifies the matter and also includes an amendment to include the new DfC definition of Affordable Housing issued on 19/4/21.
Respondent proposed Policy HOU5 is removed from the LDP and the matter of allocation of affordable housing dealt with at the Local Policies Plan stage which will deal with the zoning of land and key site requirements (KSRs), methods the SPPS identifies for this purpose. Other respondents state that the LDP provides no evidence on thresholds set, affordable housing requirements and provides no evidence to demonstrate that there is sufficient deliverable land supply within the District to accommodate the affordable housing requirements.	The Council considers the policy is consistent with RDS (RG 6 para 3.11 3rd bullet point) and SPPS (final bullet point para 6.137). The policy provides for a wide range of scenarios, including 'no need' exceptions. Para 16.49 makes allowance for higher affordable provision including through the LPP as a Key Site Requirement (KSR) on zoned sites. The Council considers the amended policy robustly sets out how it intends to deliver the significant social housing need for the District as set out in new para 16.45 – 16.49. The Council believes that it is better to have this strategic policy rather than rely solely on KSRs at LPP stage, particularly as the social Housing Need figures can change significantly over the period of the LPP. This is an LDP key objective (Chapter 4 (c) (1) p46 & 2nd bullet point para 16.6). No change necessary.
The Housing Executive has concerns in relation to this policy which requires a 10% proportion of affordable housing in developments of 10 units or more, or of 0.5 ha or more. They consider that due to the high housing need within Derry and Strabane, with an affordable housing need of 4,750 units, equating to just over 50% of the 9,000-unit housing growth proposed over the Plan period, that the 10% cannot meet an adequate proportion of affordable housing need, including the need of households in housing stress.	Accepted. Please refer to change references PC 134, 135 and 136 in the Schedule of Proposed Changes which now includes a minimum requirement of 20% affordable housing. Para 16.46 and EVB 16 point out that over 4,000 of the 4,750 social houses can be provided on the existing zoned Housing sites and commitments; therefore, the requirement for 20%+ on all new permissions is expected to be more than adequate to deliver the remaining and ongoing social housing need. HOU 5 also provides for NIHE to demonstrate, with up to date evidence, that an acute localised need for a higher proportion of affordable housing cannot be fully addressed by the minimum 20% requirement. In such cases, the proportion of affordable housing required may be uplifted on an individual site. Also the LPP can vary the proportion of affordable housing through a Key Site Requirement (KSR) on zoned housing land. The policy also allows for the affordable housing requirement to be lowered or removed in certain circumstances, to be carefully and clearly evidenced to the Council on any particular site.

<p>One respondent considers the policy to be unsound as they say there is no regional policy on the Affordable Housing issue. Considered to undermine fragile private housing market recovery. Does not accord with PPS 22 (draft) and may drive developers away to other Districts where policy is less restrictive on such matters.</p> <p>Another respondent considers the policy of forcing house builders to provide a portion of the development to affordable housing will generate significant financial burdens and is likely to be counter-productive in terms of increasing social housing provision.</p> <p>Another said house-builders will have to recuperate the costs by increasing the price of the other units.</p> <p>Another respondent is supportive of the delivery of affordable homes in the Council area but disagrees with the thresholds set in Policy HOU 5.</p>	<p>The Council considers the policy is consistent with RDS (RG 6 para 3.11 3rd bullet point) and SPPS (final bullet point para 6.137). The policy provides for a wide range of scenarios, including an exception to the housing need requirement where it can be demonstrated that there is no social housing need. The policy also allows higher provision to be set as part of key site requirements at LPP stage. The Council considers the policy robustly sets out how it intends to deliver the significant social housing need for the District as set out in para 16.45 – 16.49 p. 234. This is a LDP key objective (chapter 4 (c) (1) p. 46 & 2nd bullet point para 16.6). Affordable housing, while enabling the delivery of new homes to meet needs, should also contribute to the creation of mixed, inclusive and sustainable communities and deliver high-quality, well-designed homes and neighbourhoods. A range of housing in terms of dwelling size, type, tenure and affordability is central to achieving mixed communities, and ensuring that areas are attractive to people of different ages, lifestyles and incomes. No change.</p>
<p>Whilst one respondent welcomes a better housing mix, they believe that where a need exists there should be no restrictions on the percentage of social housing that can be delivered in any development. They would welcome the removal of affordable houses from this statement, it is contained within the policy that if a need does not exist, council can consider a suitable proportion on a case-by-case basis, therefore this restriction on social housing is unnecessary.</p>	<p>See responses above. The specified proportions are necessary, to give a systematic policy basis for the delivery of adequate social housing, within the bounds of giving a degree of ‘certainty’ to would-be developers and investors, rather than relying on assessments on a case-by-case basis. It is also considered necessary to avoid any developments with more than 80% of either affordable or private housing in the interests of having balanced communities. No change is therefore considered to be necessary as the existing policy subject to the modifications above is fit for purpose.</p>
<p>Para 16.46 states that the social housing need for Derry City and Strabane is 4,750 units for the period of 2017-2032. Given that there is a current need in excess of 3000 units in Derry City alone, it is difficult to accept that these figures will adequately address the housing crisis throughout the lifetime of the plan. One respondent considers social housing need for the plan period would be 5,500 based on current trends not 4750 as suggested as an indicator by NIHE (also based on current trends). Make sure sufficient land available for the social housing need of the District.</p>	<p>The Council has liaised constantly with NIHE in Derry City as part of the LDP preparation and will continue to use the most up to date Housing Needs Assessments provided by them. Modifications set out in the Schedule of Proposed Changes increase the percentage of affordable housing to be required from 10 to 20% and provision has now been made for the identification at LPP stage of additional ‘phase 3’ land at the edge of the city or towns for social housing in exceptional circumstances where there is a particular social housing need.</p>
<p>Some respondents disagree that Section 76 Planning Agreements are not the appropriate means to secure affordable housing provision and consider them unduly onerous and time consuming to put in place and</p>	<p>The penultimate paragraph of Policy HOU 5 clearly states that both the use of conditions and/ or Section 76 Agreements are acceptable to secure affordable housing. No change is necessary in response to this point.</p>

<p>increase the timelines in delivering affordable housing. They feel a planning condition is more appropriate and efficient.</p>	
<p>NIFHA consider that there is no evidence provided to demonstrate that the policy would deliver sufficient affordable housing. They feel the policy fails to confirm a strategic position on the provision of affordable housing which would provide assurances to private developers and housing associations on affordable housing requirements. They supply a suggested re wording of HOU 5 which only directs 10% of housing to be affordable on those schemes of 10 or more units or 0.5ha or more extent and the mix to be determined by NIHE analysis of demand, stress and need.</p>	<p>The Council is content that Policy HOU 5 (as amended) does everything possible to deliver sufficient affordable housing. The policy has been amended particularly in the light of comments from NIHE and members of the planning committee. The changes proposed by NIFHA are therefore not accepted and it is felt that all housing should make a contribution to social housing in all settlements unless the exception in HOU 5 is met where there is insufficient social housing need.</p>
<p>Respondent considers the threshold for affordable housing should be 50 residential units or more or sites of 1ha.</p>	<p>The Council disagrees and does not consider that this would be sufficient to meet social housing need in the District. No change necessary.</p>
<p>Respondents perceive a significant social housing need across the District and within Eglinton / Straidarran & Derry City specifically. Considers policy unsound as it, in their view, restricts 100% social housing only development.</p> <p>DfC would prefer to see the case by case proviso of dis-applying the ratio commitments made an exception.</p>	<p>Partially accepted. Please refer to change reference 136 in the Schedule of Proposed Changes and Annex 4 of the Schedule of Proposed Changes for a full version of new Policy HOU 5 and its J&A paragraphs. This permits consideration of tenures on a case by case basis. Updated paragraph 16.51 requires developments to include no more than 80% of either private or affordable tenures (increased from 70%). The policy text states that all housing developments must include a suitable balance of tenures taking into account the proposed and existing mix in that area.</p> <p>Any exceptions must be specifically justified and evidenced. The Council considers it is still appropriate to address this matter on a case by case basis. No change.</p>
<p>Some developer respondents consider that there is no evidence to support the proposed affordable housing requirement; concerns about the ambiguity that the draft policy wording creates; no evidence that the proposed requirement would adequately address affordable housing need. Concerned about the conflicting wording in the affordable housing in rural villages and small settlements part of the draft policy. Given that social housing is only provided on the basis of need identified by the NIHE, where NIHE does not identify a need there should be no obligation to provide social housing as part of an affordable housing requirement. The principle of tenure blind developments is welcomed however this</p>	<p>The Council considers the policy is consistent with RDS (RG 6 para 3.11 3rd bullet point) and SPPS (final bullet point para 6.137). The policy provides for a wide range of scenarios, including requiring a 'suitable proportion' where it can be demonstrated that there is insufficient housing need. Para 16.49 allows for social housing provision to be set in the key site requirements for sites at LPP stage. The Council considers the policy sets out how it intends to deliver the significant social housing need for the District in para 16.45 – 16.49. This is a LDP key objective (chapter 4 (c) (1) p. 46 & 2nd bullet point para 16.6). The Council has liaised with NIHE in Derry City as part of the LDP preparation and has used the most up to date Housing Needs Assessment figures provided by them. There is scope within Policy</p>

<p>approach should be suitably flexible to take account of other design and housing tenure policies contained within the dPS Strategy.</p>	<p>HOU 1 for an 'exceptional circumstance' scenario to bring in additional lands on or beyond the settlement limit where there has been a clearly identified/ evidenced localised housing stress identified and the proposal is NIHE supported. In the amended policy these will be formalised as 'phase 3 zonings/ a strategic land reserve'. Regarding the concept of 'tenure blind' design for affordable housing The Council consider that the concept is flexible enough to allow other design and housing policies to be considered and the dPS should be considered 'in the round'.</p>
<p>Considers The Council provides no evidence to justify the proposed thresholds set out in draft policy HOU 5.</p>	<p>Refer to change reference 134 in the Schedule of Proposed Changes and Annex 4 of the Schedule of Proposed Changes for a full version of new Policy HOU 5 and its J&A paragraphs. The thresholds have been amended to seek a minimum affordable housing requirement of 20% and no more than 80% of either private or social housing. See also responses above.</p>
<p>Respondent considers it preferable that shared ownership homes are pepper-potted throughout the development. The dPS should give the appropriate flexibility in relation to pepper-potting in a development of both apartments and houses.</p>	<p>This was already addressed in dPS policy HOU 5 in the mixed tenure/ tenure blindness section at the end.</p>
<p>Note that reference is made to an off-site developer contribution being required and/or alternative off-site provision will be considered on a case by case basis. It is important that there is clarity on the circumstances under which, and the order in which, these will be used. For instance, it is usually preferable that (where possible) offsite provision is made rather than a commuted sum. If commuted sums are to be taken then provision should be made that these are ring-fenced for housing purposes.</p>	<p>The wording of para 16.60 already implies this preference. No change necessary.</p>
<p>The provision of an off-site contribution would conflict with part two of the draft policy which seeks to ensure that no more than 70% of any housing development would comprise a single tenure. As such the draft policy fails soundness test CE2.</p>	<p>Where it can be demonstrated that there is insufficient social housing need, the policy allows for consideration of a suitable proportion on a fully-evidenced case-by-case basis. See changes PCs 136 and 135. Change PC 157 makes it clear that the 70-80% balanced community limit does not apply to schemes approved under HOU 25 (affordable housing in the countryside) but this is not the case for mainly private schemes in which an off-site contribution might be accepted. Any exceptions to proportions of tenures will need to be specifically justified and evidenced by the applicant.</p>
<p>Affordable housing in rural villages and small settlements - If an affordable housing requirement is applied to a smaller scheme, the policy</p>	<p>Refer to the amended full policy text of Policy HOU 5 in the Schedule of Proposed Changes. Note that the wording has been amended to make clearer that in such</p>

<p>wording would suggest it is unviable. As such this policy is incoherent and could impact on the deliverability of sites and would therefore conflict with soundness tests CE1 and CE2.</p>	<p>settlements, developments of less than ten dwellings may also need to provide affordable housing.</p>
<p>Concept of developer contributions for affordable housing should not be considered in isolation from contributions for other aspects such as infrastructure provision. It is essential in a viability study that all contributions are taken into account to assess whether an individual development is feasible.</p>	<p>This would be standard practice. The Council is preparing a draft Developer Contributions Framework. Once adopted it will become a material consideration for relevant planning applications.</p>
<p>Preferable that shared ownership homes are pepper-potted throughout a development. However, some prefer them clustered together so that it is easier and more cost effective for a housing association to manage. Therefore, the dPS should be flexible in relation to pepper-potting in a development of both apartments and houses and state that 'where possible and practical' affordable housing units should be dispersed throughout the development.</p>	<p>The wording of the mixed tenure/ tenure blindness section of HOU 5 states that affordable housing should be interspersed within the market housing. This policy would be sufficiently flexible to allow individualised solutions, including pepper-potting of clusters, if the case is made. It is considered that the policy is already sound and is fit-for-purpose as the Council would wish for 'pepper potting' to be the norm in the interests of creating and enhancing balanced communities.</p>
<p>HOU 6</p>	
<p>Policy HOU 6 is considered unsound because it duplicates the provision of Policy HOU 5 and places unnecessary restrictions on private housing developers without providing a robust evidence base to support it. Respondent considers NI Census indicates declining average household sizes, which surely must require more small dwellings to be built. Another respondent disagrees that the policy should be included in the dPS and considers it unnecessary. House type and size need to be considered on a site by site basis, as it is largely dependent on the character and appearance of the surrounding area. Separate design guidance on housing development, similar to Creating Places, can be prepared to inform house types, sizes and tenure.</p>	<p>The Council considers that the intent of Policy HOU6 re type and size adds to the requirements of Policy HOU 5 and is a key part of the LDP strategy (see (C) (1) p46 LDP Vision & Objectives and mirrors the intent of the SPPS p70 (final bullet point) and RDS RG 6 para 3.11 third bullet point. The requirements of HOU 6 help meet the diverse requirements of all communities and in particular the District's long term trend towards the formation of smaller and single person households which can already be accommodated within the 'mix' required by the policy. The construction of such mixed developments is likely to become the norm across the main District settlements over the life of the LDP.</p>
<p>Respondent agrees that it is important to ensure intermediate housing is and remains affordable and that there is an appropriate mix of homes, otherwise the aim of having affordable homes on a site may not be realised.</p>	<p>Support noted</p>

<p>Where apartments are being developed, respondent notes there will be variety in the size of units. The level of service charge should take this into account to ensure affordable apartments do not become unaffordable due to disproportionately high service fees.</p>	<p>Noted, but the LDP cannot control rates of service charges set within such developments.</p>
<p>An agent acting on behalf of a number of landowners and developers considers Policy HOU 6 unsound because there is no mention of tenure in the first paragraph and having reviewed the draft policy and relevant evidence base documents, they cannot find any evidence which would support either the continued use or deviation from the thresholds set out in Policy HS 4 in PPS 12.</p>	<p>Accepted. Please refer to change reference PC 138 in the Schedule of Proposed Changes which removes the reference to tenure from Policy HOU 6. Tenure is dealt with by policy HOU 5. The reference to tenure in para 16.65 is still relevant and provides is part of the variety of types of houses, so is to be retained. HS 4 of PPS 12 included a threshold of 25 dwellings instead of 10 but the Council has identified 10 units as an appropriate threshold - as in a local context this would be quite a large development.</p>
<p>HOU 7</p>	
<p>Dfl seek clarification within the J&A of the nature of the compliance statement.</p> <p>Another respondent questions what facilities are available to ensure that a Compliance Statement is in accordance with DfC Guidance. They state that it will be important for a purchaser of a property to ensure that any compliance statement has been completed.</p>	<p>The Council considers that the required content of the Compliance Statement is made clear through the text contained in the 2nd & 3rd paragraph of the policy box for HOU 7. The Council equally considers that there is a specific requirement for such policy given the noted long term health/ disability issues affecting 23% of the District population (see para 16.67). No change necessary.</p> <p>It will be a matter for each developer to ensure their statement accords with the guidance. Planning officers will assess applications against the same Guidance and liaise with DfC as if necessary. The second part of the statement is noted.</p>
<p>Respondent supports the Lifetime Homes approach; they do not think it should be a planning requirement. They feel it should be moved into Building Regulations as in England. It would create another design challenge at planning application stage and may not be achievable on all sites, specifically those constrained in terms of size. Another respondent raises a concern about the interaction between the requirements of Building Control and this policy requirement. Usually the regulation of the internal aspects of residential development is dealt with by Building Control and these do not currently require Lifetime Homes standard.</p>	<p>The Council maintains that there is a specific requirement for such a policy given the noted long term health/ disability issues affecting 23% of the District population (see para 16.67). This justifies working in tandem with Building Control by making specific relevant planning policy. No change necessary.</p>
<p>Respondent raises issues regarding the mechanics and practicalities of implementing the policy rather than on the merits of the policies themselves. Cites 'Guidance' and funding implications.</p>	<p>Noted. No change necessary.</p>

<p>Three developer/ landowner respondents point out that the 2012 Building Control Regulations currently require all buildings to be accessible to visitors. The introduction of a higher policy requirement as planning policy jars with this position and fails to recognise that the policy needs to be flexible to respond to exceptions.</p>	<p>The Council stresses that HOU 7 refers to planning adaptation to ensure all sections of community can truly 'live' in their own homes and is not designed just for access by 'visitors'. The Council equally considers that there is a specific requirement for such policy given the noted long term health/ disability issues affecting 23% of the District population (see para 16.67).</p>
<p>Strong support for this policy and its intended aims from Western Health and Social Care Trust.</p>	<p>Noted.</p>
<p>While it is accepted that this standard is used by Housing Associations in the delivery of social housing projects, no consideration has been given, or substantive evidence supplied, to the impact of this policy on other housing developers and their associated housing products.</p>	<p>The Council considers that there is a specific requirement for such policy given the noted long term health/ disability issues affecting 23% of the District population (see para 16.67 p239). It will be a matter for developers to decide, should this policy be adopted, how to implement this requirement as part of their housing developments.</p>
<p>HOU 8</p>	
<p>TMPU – not clear what a transport movement is – an estimate of exactly how people will travel to and from development or is it a physical plan including a commitment to infrastructure? Dfl would require a commitment to physical walking and cycling infrastructure and potentially new bus services.</p>	<p>Accepted. Please refer to change reference PC 139 in the Schedule of Proposed Changes which provides clarity on what a 'movement pattern' is and provides enhanced reference to walking and cycling infrastructure and potential new bus services. The appropriate information, commensurate to the scale of development can be provided by means of plans and drawings and Accessibility Analysis.</p>
<p>HED consider policy unsound against Section 104 (11) Planning Act 2011, SPPS 6.18 and proposed dPS policy HE5 and request a number of detailed, minor changes with respect to heritage and built conservation considerations in promoting quality in residential developments.</p>	<p>The Council would not consider the wording to be unsound as suggested. However, the Council notes these requests and will change as provided in the interests of consistency and clarity. Please refer to change reference PC 139 in the Schedule of Proposed Changes to provide clarity in line with relevant heritage legislation.</p>
<p>Respondent disagrees on economic grounds with the policy intent of requiring affordable housing provision in future housing schemes but offers little by way of supporting evidence. They suggest it will lead to increasing house prices.</p>	<p>Affordable housing, while meeting social housing needs should also ensure that growth creates and enhances mixed, inclusive, sustainable communities and delivers high-quality, well-designed homes and places. A range of housing in terms of size, type, tenure and affordability is central to achieving mixed communities, and ensuring that areas are attractive to people of different ages, lifestyles and incomes. This is a key objective of the LDP Strategy as referenced in (C) (i) p46.</p>
<p>RSPB consider HOU 8 not to be sufficiently ambitious to deliver on the Council's requirement of furthering sustainable development. They request an additional criterion 'm' requiring biodiversity net gain to be incorporated into design and layout within Policy HOU 8. Such an</p>	<p>The Council considers this is an overarching General Development Principle and is covered in GDP 7, part v on p86. However, in the interests of consistency and clarity, there is merit in adding the requested criterion 'm' as suggested to ensure that the GDP intent is effectively moved into deliverable, relevant policy. Please refer to</p>

amendment would be consistent with the aims of the RDS and the SPPS and comply with the Biodiversity duty as set out in Section 1 of the Wildlife and Natural Environment Act (NI) 2011 on public bodies.	change reference PC 141 in the Schedule of Proposed Changes to provide enhanced text in reference to delivering biodiversity net gain.
NIHE request flexibility on parking standards for social housing schemes due to lower car ownership levels for social housing when compared to other tenures of development. They state that 55% of social housing tenants do not have access to a car, compared to the NI average of 20%.	The Council's Car Parking Standards are assessed on a case by case basis given the nature of the type of housing application. The Council has regularly shown flexibility in terms of social housing parking consideration and will continue to do so. No change necessary.
HOU 9	
Dfl advise the thresholds in HOU9 are less than those stated in SPPS and request that the Council should ensure the local evidence justifies the preferred thresholds. Namely, in the Draft Plan Strategy, Concept Master Plans are required for developments of 200 dwellings or more whereas the SPPS only requires them for developments of 300 dwellings or more.	The Council is placing comprehensive design and integration at the forefront of its housing provision. It is a key objective as set out on p46 (c) (i). This lower threshold still (as acknowledged by DFI in their response), largely reflects the provisions of PPS7 Policy QD2. The Council seeks to ensure a greater number of larger scale of a scale likely to come forward in the District, deliver quality residential environments. The threshold is evidenced in para 4.127 of EVB 16.
HOU 10	
Dfl notes policy reference to various types of residential alteration/ extension but considers that EXT 1 (PPS 7 Addendum) was not primarily intended for the full list Council has stated. Suggest these are removed and possible relevance of the policy to these aspects be moved to J&A.	Accepted. Please refer to change reference PC 142 in the Schedule of Proposed Changes to relocate reference to other residential institutions from policy box to J&A. Also correct three typographical errors.
RSPB request that Policy HOU 10, should include a further requirement to achieve 'no net loss of biodiversity and contribute to biodiversity net gain'. It should also include reference to stated biodiversity features which may be incorporated, where appropriate, into designs and layouts. They recommend that the plan policy should state 'planning conditions will be used to require both extensions to existing properties and all new developments to provide sites for species that nest or roost in the built environment'.	Accepted. Please refer to change reference PC 143 in the Schedule of Proposed Changes. This matter is an overarching General Development Principle of the dPS and is covered in Policy GDP 7, part v p86. The Council notes the comments and agree to amend Policy HOU 8 accordingly. To copper fasten our biodiversity intent, Council now include new criteria e) to include the suggested text.
One respondent considers that the rural design text should be amended in certain policies including Policy HOU 10. Considers this policy retains outdated and misleading wording requirements that any extensions to rural buildings, in Conservation Areas and to Historic Buildings must be sympathetic to the scale, massing, architectural style and finishes of the existing building. This can be interpreted by Planners, Agents and	The Council is placing comprehensive design and integration at the forefront of its housing provision. It is a key objective as set out on p46 (c) (i). The importance of design within settlements is stressed in GDPOL 2. Moreover, the entirety of chapters 26 to 32 inclusive are dedicated to Place-Making and Design. More specifically, para 16.87 stresses that the Council wishes to see innovative/ contemporary design where possible. The Council would not wish to impose contemporary design on all

<p>developers as meaning that only ‘pastiche’ will be approved and that good contemporary design will not. The respondent considers this to be wrong and contrary to ‘Building on Tradition’. They feel good design must be ‘of its time’ and the wording in these policies must be changed to remove such ambiguity.</p>	<p>development as it is not always the best solution and a balanced approach should be taken. Nevertheless please refer to change reference PC 144 in the Schedule of Proposed Changes which moves this paragraph within the text to increase its prominence.</p>
HOU 12	
<p>Rep considers that Policy HOU 12 conflicts with Policies HOU 6, HOU 8 & HOU 12, in restricting the areas where apartments can be built. They consider no supporting evidence is supplied within the dPS to justify Flats Prevention Areas (FPAs). Respondent states that the RDS, PPS 7, SPPS and Policy HOU 8 provide an appropriate policy context for apartments.</p>	<p>The Council considers that HOU 12 is required to accommodate local conditions in both Derry City & Strabane where it provide for additional flats and apartments where appropriate and control any potential negative impacts on local character or amenity where harmful intensification is evidenced. Specific underpinning evidence will follow at the LPP stage as stated in paras 16.102 and 16.103.</p>
HOU 13	
<p>Dfl queries reason for applying a higher threshold of 30% in streets outside HMO Management Areas in the transition period, before the introduction of a lower 10% threshold in the adopted LPP. Also, if 30% is considered to be an acceptable threshold in amenity terms what is the justification for the 10% threshold.</p>	<p>The policy intent and requirement of HOU 13 is set out in para 16.104 p251. The Council considers that the 30% and 10% threshold reasoning is clearly set out in para 16.105 and the measuring of levels is set out in paras 16.106 to 16.108. The policy intent is one of suitable management in the interim period</p>
<p>Respondent states there is no indication where these HMO areas will be designated and lists certain streets where they consider that the number of HMOs already exceeds 30%. It conflicts with other policies proposing to increase student numbers at Magee. They consider that the policy would have the effect of dispersing HMO accommodation throughout the City rather than how it is now – concentrated in the City Centre and around the University. Also considered contrary to regional planning policy as set out in RDS. It will force many students to live outside the university area and travel in to Magee.</p>	<p>Specific HMO boundaries will be detailed at the appropriate LPP stage. The Council considers that Policy HOU 13 is required to specifically cater for local conditions in both Derry City & Strabane where it can allow additional HMOs where appropriate and minimise any potential negative impacts on local character or amenity where intensification is evidenced. The Council does not believe that HMOs will be the sole accommodation type of choice for students. Private student accommodation provision can also come forward under Policy HOU17 as part of any future Magee/ Medical expansion.</p>
HOU 14	
<p>Respondent considers HOU 14 is not founded on a robust evidence basis which would explain the rationale behind the policy. They propose bullet points 1, 2 & 5 should be omitted and 4 amended.</p>	<p>The Council is committed to ensuring such accommodation is managed in those areas where HMO developments could impact on residential amenity and established character. The policy intent is also to protect existing housing stock. The HMO policy has been underpinned by EVB 16b (HMO Study) and is commensurate in detail with the dPS stage of the LDP. No change necessary.</p>

HOU 15	
Dfl seek clarification on the definition of a retirement villages and how this is distinct from sheltered housing. As the policy goes on to refer to Designation SETT 2 this would refer to development within settlements only.	Accepted. Please refer to change reference PC 147 in the Schedule of Proposed Changes which removes the reference to 'village' as in retirement village in the second line of policy text in Policy HOU 15 and replaces it with 'retirement facilities'. The reference to other relevant policies makes it clear that the plan should be read 'in the round' and the list is thus not exhaustive. It is therefore clear already that this would remain relevant in the case of such development in settlements.
One respondent requests a specific zoning in the dPS for Specialist Residential Accommodation and advise that suitable sites be identified during the LPP (such as a call for sites).	The Council does not agree that this would be appropriate and such proposals would be dealt with under the proposed housing policies. No change proposed.
One respondent considers it unnecessary for the J&A to require demonstration of Specialist Residential Accommodation 'need' as it is well known that demand for such facilities is set to increase.	The reference to 'need' refers to an identified social housing 'need' for certain types of dwellings. It would be for the applicant to demonstrate that this exists and NIHE data would be available. It is accepted that in many situations, the requirement to demonstrate 'need' will not be an important consideration e.g. where the proposed development is on a site for which general housing would be acceptable and where full standards are being met. However, where normal standards of siting or design are not being met and consequently, significant weight is to be placed on the 'specialist' nature of the dwellings, it will be important to demonstrate the 'need'. Therefore, the policy is considered to be sound, as is.
HOU 17	
Dfl notes the SPPS does not refer to large scale managed student accommodation, but they note the important local policy requirement in relation to the expansion of Magee campus and its relationship to the Council's wider growth objectives. The policy cross references Policy HOU 3, please refer also to comments and response in that section.	The Dfl Strategic Planning support for this Policy is noted and welcomed. There would appear to be no issue raised here in relation to the proposed location of such facilities in higher density band areas.
SETTLEMENT SPECIFIC FOR LPP CONSIDERATION	
EYF would like to see economic development lands at Temple Road and Maydown re-zoned for private and social housing.	The zoning or de-zoning of lands will be dealt with at Local Plan Policies (LPP) stage. Within villages and small settlements the LPP will identify Land Use Policy Areas (LUPAs), indicating where most new housing would be located.
The LDP should take account of the current and future social housing need in Strathfoyle Village, including re-zoning lands for housing.	As above, LPP stage matter.

The dPS does not appear to allow scope for the review of land zoned for housing within the 'Harbour Development Zone'.	As above, LPP stage matter.
No maps provided re boundary for Glenmornan.	A settlement development limit will be determined at the Local Policies Plan stage of the Development Plan which would be the appropriate juncture to do so.
Map provided to include land in Glenmornan's settlement development limits. The areas identified are presented as a natural expansion of existing housing developments. He considers the plan has too much emphasis on developing brownfield sites (which are not available in Glenmornan).	Further evidence and a settlement limit will be provided at the Local Policies Plan stage of the Development Plan. Mr Doherty's land will be considered at that point.
Comments were submitted requesting the inclusion of lands between the Strabane Bypass, Castlemurray and Orchard Road Industrial Estate on the west side of Strabane town (map included) in the settlement development limits. Total area: 21.3ha of which 13ha are to the north of Strahans Road and 8.2ha to the south of Strahans Road.	To be considered at the LPP stage.
Respondent requests the inclusion of lands at Backtown, west of Strabane Town. They say they are ideally located for social housing. They consider this would support the LDP, creating jobs, delivering sustainable development and strengthening the soundness of the plan whilst adhering RDP policies and economic strategies.	To be considered at the LPP stage.
The respondent seeks inclusion of their lands NE of 44 Glen Rd Strabane as an extension to the Strabane settlement development limits. They state that the sequential strategic allocation approach of HOU 1 could be restrictive and use this to support the inclusion of their lands. They refer to adjacent zoned lands that have never been developed in the life of the SAP.	The Council is content that it has developed an appropriate settlement hierarchy in accordance with guidance in the RDS and the SPPS. The role of all settlements has been systematically evaluated, guided by the RDS Hierarchy of Settlements. Whilst using the average of 9,000 as our current stated proposed number of required dwellings across the entire District, should levels of growth/ economic performance dictate, the Council could and will be able to gear the dPS to accommodate provision towards the higher end of the range, should this be considered sustainable and be supported by evidence. The Council will consider all site specific requests, settlement development limit extensions etc. at the appropriate stage of the LDP, which would be the LPP stage.
Respondent seeks inclusion of land at Strahans Road within the settlement limit of Strabane. They Consider it would be suitable for a range of uses but mainly housing and associated recreation space.	To be considered at the LPP stage.

<p>Believe that exceptional circumstances exist in Tamnaherin as there is a specific social housing need and a lack of alternative lands. They refer to planning application LA11/2019/0374/F in which they say the NIHE indicated that the proposal is located in an area of housing need. They consider it would help keep the new school viable and allow the local community to stay in Tamnaherin instead of going elsewhere for housing.</p>	<p>The Council will review the settlement development limits of Tamnaherin at LLP stage, considering whether there is enough land within existing settlement limits for the plan period as stated in the indicative allocation in the DPS.</p>
<p>The respondent writes in relation to Culmore and considers that the proposed LUPAs should identify enough residential development land in the present white land to cater for at least the duration of the new Plan, until 2032. The LUPAs should be proportionate with the scale of, and the future housing requirement of, the individual settlement.</p>	<p>At LPP stage, the Council will determine what land should be allocated for this purpose in Culmore and the future extent of the settlement development limits.</p>
<p>Respondent requests the inclusion of lands in the settlement development limit east of Tullacorr Drive and Tullacorr Heights, Strabane. This land comprises 2.83ha. They cite a lack of Zoned Housing Land in Strabane and state that Strabane Area Plan is outdated.</p>	<p>To be considered at LPP stage.</p>
<p>Rep states that HOU 1 is considered unsound due to an insufficient housing allocation for Eglinton. Suggest this can be assisted by including the lands they indicate on Killylane Rd (now a recent planning application) to help deliver a perceived significant social housing requirement in the village. Another suggests lands at Woodvale Road.</p>	<p>To be considered at LPP stage.</p>
<p>Respondent puts forward a c6ha site outside the current Straidarran settlement development limits for social housing to address a linked social housing need for Claudy, Straidarran and Kilkul.</p>	<p>To be considered at LPP stage.</p>
<p>HOU 1 is considered unsound due to an insufficient housing allocation for Derry City. Respondent suggests this can be assisted by including the lands they indicate on Springtown Rd, outside current settlement development limits to help address the social housing requirement in Derry City. Also references perceived HOU 2 unsoundness.</p>	<p>To be considered at LPP stage.</p>
<p>Suggest lands for inclusion of land currently outside of Derry City settlement development limits (north and south of Springtown Rd).</p>	<p>To be considered at LPP stage.</p>

Respondent with allocation to Park and suggest lands for inclusion currently outside of settlement development limits.	To be considered at LPP stage.
Issue with allocation to Killaloo and suggest lands on Gulf Rd for inclusion currently outside of settlement development limits.	To be considered at LPP stage.
Issue with allocation to Nixons Corner and suggest lands on Letterkenny Rd, Nixons Corner for inclusion (currently outside of settlement development limits).	To be considered at LPP stage.
Respondent seeks inclusion of 16ha (opposite Elagh Business Park) lands within settlement development limits on outer Buncrana Rd as a NEDA	To be considered at LPP stage.
Respondent seeks inclusion of lands (same site as above) within SDL on outer Buncrana Rd for Social Housing	To be considered at LPP stage.
Seek inclusion of lands (same site as above) within SDL on outer Buncrana Rd for ½ Social Housing / ½ NEDA request	To be considered at LPP stage.
Seeks inclusions of land 16ha currently outside of settlement development limits for social housing on Strabane Old Rd, Corrody Rd and Woodside Rd, Waterside, Derry City. One respondent considers that there is a social housing need of 447 dwellings in Waterside and this can't be met by commitments as most sites are built out or already have planning permission (not including social housing). They state that this would justify zoning additional land.	To be considered at LPP stage.
Seeks inclusions of lands (c13ha) currently outside of settlement development limits for housing on Strabane Old Rd, & Woodside Rd, Waterside, Derry. (No specific Strategic / policy representation issues)	To be considered at LPP stage. This proposed site takes in part of the above proposed site (124 D) and abuts/ is located to the north west of it.
Requests inclusion of lands (1.4 ha) within settlement development limits at Springtown Rd Derry for social housing.	To be considered at LPP stage.
FGC propose such a site (2 fields) between Alder Rd & Ballynagard Rd, Culmore.	To be considered at LPP stage.
Requests inclusion of lands (4.4ha) within settlement development limits south of Magowan Park/ High Park, Creggan, Derry City for social housing. Lands immediately adjoin but currently outside City settlement development limits.	To be considered at LPP stage.

Department for Health support the retention of many of the existing housing zones and state that they are bringing forward site H32 for residential development.	To be considered at LPP stage.
Respondent suggests an extension of the settlement of Maydown to provide Specialist Residential Accommodation in an area that would be Green Belt and in a nature conservation site. They state that such facilities are not just required in urban areas but also in more tranquil, natural settings.	To be considered at LPP stage.
Others request inclusion of lands at various sites including in Artigarvan, Drumahoe, Donagheady and Evisk Road and Urney Road, Strabane. Also a site proposed for housing and retail opportunities beside Derry PRC (0.4 ha)	To be considered at LPP stage.
Bready Cricket Club requested that land in their ownership be subsumed into the development boundary of Magheramason.	To be considered at LPP stage.
Believes that the Development limit in Craigbane should be extended.	To be considered at LPP stage.
One respondent suggests that Straidarran could be expanded.	To be considered at LPP stage.
Propose inclusion of client's lands in settlement limits for Derry (Whitehouse Road)	To be considered at LPP stage.

Chapter 16- Housing in Settlements and the Countryside (Rural Policies HOU 18 to HOU 26)

Responses Received

Housing in Settlements (Rural)

Reference	Respondent	LDP-PS-REP-44	NIFHA
LDP-PS-REP-106A	Strategic Planning	LDP-PS-REP-73	Co Ownership
LDP-PS-REP-106B	DFI Transport	LDP-PS-REP-38	P McGarvey Architect
LDP-PS-REP-79	DFC HED	LDP-PS-REP-	
LDP-PS-REP-38	PMG Architects	LDP-PS-REP-	
LDP-PS-REP-82	RSPB	LDP-PS-REP-	
LDP-PS-REP-23	Mr Bob Maxwell	LDP-PS-REP-	
LDP-PS-REP-24	MKA Planning	LDP-PS-REP-	
LDP-PS-REP-45	Heron Bros	LDP-PS-REP-	

Main Issue	Council Response
Housing preamble Table 8 p221 and para 16.121 p256.	
<p>DFI is concerned about the high proportion of new housing allocated to the Countryside (1,400 homes or 16% of the requirement). Consider this a substantial figure which can only add to traffic congestion, carbon dioxide and air quality problems and should be reduced.</p>	<p>The dPS level of provision (c1,100 – 1,400) would be in proportion to the current percentage of the population in houses in the countryside and approximately in line with the recent levels of countryside approvals, therefore sustaining the rural population in accordance with the requirements of the RDS and SPPS and the wishes of The Council’s elected representatives. The Council will however monitor the levels of permissions and builds to ensure that development patterns do not become unsustainable. The policy text in the EVB 16 has been updated following a recent review of the figures.</p>
HOU 18 (Dwellings on Farms).	
<p>DFI consider that the provisions of the policy largely take account of the SPSS and reflects PPS21 Policy CTY10. It is noted that criteria (c) departs from SPPS by removing the option for a new dwelling to be visually linked to an established group of buildings on the farm. There is an exception for an alternative site where no other sites are available that would cluster and where it would result in demonstrable landscape, natural and/or historic environment benefits. Clarification requested that this is the case. Para 16.133 states that as an alternative to the requirement of criteria 3, where the building cannot be sited to cluster with the established buildings on the farm, evidence will need to be provided to show that an alternative site would result in a better planning outcome. Clarification is sought that the use of the word ‘cannot’ within the policy and J&A distinguishes from a simple desire for an alternative site.</p>	<p>It is considered that the policy and J&A are clear enough, that alternative sites will only be considered where there are clear benefits and there are no other sites that would cluster. No change proposed. The ‘cannot’ is already explained in the exceptions in the policy text. No change necessary.</p>
<p>Para 16.121- HED want a reference to ‘heritage assets’ to be added on the fifth line after landscape.</p>	<p>Accepted. Please refer to change reference PC 148 in the Schedule of Proposed Changes, particularly to recognise that non-listed vernacular buildings and archaeological features are important considerations.</p>

HOU 20 (Restoration/Replacements).	
Suggest amended text regarding non-listed vernacular buildings at the end of first para in HOU20: 'the retention and conservation of non-listed vernacular buildings will be encouraged in preference to their replacement.'	Accepted. Please refer to change reference PC 149 in the Schedule of Proposed Changes including amended text at head of policy.
Suggest listed dwellings paragraph could be deleted as Policy HE 4 covers it.	Disagree, inclusion here aids clarity but correct typo (Policy HE4 not BH 4). See change reference PC 150 in the Schedule of Proposed Changes.
Suggest amended title (Conservation and Replacement of Rural Dwellings).	Disagree, existing title (Restored and Replacement Rural Dwellings) is quite adequate and implies beneficial re-use of the homesteads.
Para 16.150 - suggest amended wording removing first sentence as they consider it empowers replacement over conversion.	Partially accepted. Existing text replicates PPS 21 para 5.14. Agree need to reflect preference to prioritise conservation before replacement as intended but text can be amended rather than replaced. Please refer to change reference PC 151 in the Schedule of Proposed Changes.
Para 16.153 – suggest replace 'upgrade' with 'conserve' on first line.	Disagree. The current wording is commonly understood as an alternative to replacement i.e. the building could be restored/ conserved or the wider homestead can be utilised
Bullet point 2 within the policy p265- suggest text to expand on the need for a report to demonstrate non-listed vernacular dwelling structurally incapable of being made sound or improved prior to replacement.	It is considered unnecessary to do this for a building that does not make an important contribution to the heritage, appearance or character of the area. The bullet point goes on to encourage the retention of such structures within the building group where they can be sympathetically incorporated into the overall layout of the development, for example as ancillary accommodation or a store within an integrated building group. No change necessary.
Suggest para 16.157 be omitted (says PP may be granted where dwelling destroyed by fire).	This is a straight lift from para 4 of PPS21 CTY 3 although we have moved it to the J&A. No change necessary.
HOU 21 (The Conversion and Re-use of Other Buildings)	
HED consider Policies HOU 21 and AGR 3 should be incorporated in a more comprehensive Policy HE 8.	Disagree. Agricultural conversion sits better in that chapter and the Historic Environment policy focusses on heritage matters. Conversion for housing sits better in Housing chapter. No change necessary.
If the Council decides to retain them as separate policies, HOU 21 could be made more sound with amended policy text and J&A. Delete 'other' from policy heading and some rewording of criteria c.	Disagree, policy is clearly understood as it is. No change necessary.

<p>Suggest reference to 'heritage assets' rather than 'older buildings' and add 'mill complexes' to the list of building types.</p>	<p>Disagree. The policy is about buildings, using Plain English. The list does not seek to be exhaustive. No change necessary.</p>
<p>Suggest new J&A stating that report required showing building structurally sound and capable of conversion. Also minor rewording of 16.161 and 16.163.</p>	<p>which adds text to para 16.160 to require report to demonstrate that a building is structurally sound and capable of conversion.</p>
<p>RSPB consider Policies HOU 20 & 21 unsound as they pay no regard to the importance of old buildings and underused sites for biodiversity. Believe redevelopment proposals should aim to protect and enhance biodiversity and enhance connections between ecological features. Policies should include requirement to achieve 'no net loss of biodiversity and contribute to biodiversity net gain' and refer to biodiversity features which may be incorporated into design. Policy should state 'planning conditions will be used to require both extensions to existing properties and all new developments to provide sites for species that nest or roost in the built environment'. Consider such amendments would be consistent with the aims of the RDS and the SPPS and comply with the Biodiversity duty as set out in Section 1 of the Wildlife and Natural Environment Act (NI) 2011 on public bodies and consistent with the NI Biodiversity Strategy.</p>	<p>Accepted. Please refer to change reference PC 153 in the Schedule of Proposed Changes which stresses the importance of old buildings and underused sites for biodiversity and requires all developments to lead to no net loss of biodiversity. This will include the retention of existing features and the provision of enhancements such as new nest boxes, planting etc.</p>
<p>States that several policies (HOU 21 part (c) provided as one of the examples) use the 'outdated and misleading' requirement that extensions to rural buildings, within Conservation Areas and/ or to historic buildings must be sympathetic to the scale, massing, architectural style and finishes of the existing building. This can be interpreted by planners, agents and developers as meaning that only 'pastiche' will be approved and that good contemporary design will not. Issue considers this wrong and contrary to 'Building on Tradition'. Provides as evidence a planning application from 2009 to illustrate the perceived misinterpretation. Good design must be of its time and the wording in these policies must be changed to remove such ambiguity.</p>	<p>Disagree that 'sympathetic' implies pastiche. See paras 16.161 and 16.164, which are consistent with 'Building on Tradition' (which is also explicitly referred to in the text). The paragraphs in question would not preclude good contemporary design which if well designed can itself be regarded as 'sympathetic'.</p>

HOU 22 (Dwellings in Clusters)	
Criteria 3 requires the cluster to be associated with an established focal point or located at a crossroads. Para 16.166 however indicates that other forms of road junction besides cross roads may constitute acceptable locations. Dfl Strategic consider that this goes beyond clarification and changes the effect of the policy wording, which currently specifically refers to crossroads.	Disagree with their interpretation; the Council has deliberately sought to emphasise the 'focal point' element and has given examples such as a crossroads. The J&A makes it clear that other forms of junction could also be acceptable, as they would equally be focal points. No change is therefore considered necessary.
The policy introduces an exception 'where there is a particularly strong, established and recognised rural focal point, may be relaxed, in cases where there are currently only a few dwellings or other buildings.' Dfl Strategic is concerned that this flexibility could represent a new policy provision for new dwellings at existing focal points (as opposed to existing clusters) which goes beyond the SPPS and which has not been justified by the plan evidence base.	Disagree. This represents a deliberate policy to allow strong focal points with fewer associated buildings to be regarded as clusters. This policy builds on the SPPS, responding to local circumstances, as using existing clusters and widening their definition is preferable and more sustainable than houses in open countryside. It is part of a package of measures – The Council are being stricter on ribbon development and infill, whilst creating some additional opportunities at existing clusters.
Para. 16.165 refers to proposals for appropriate-scaled economic and social development also being sympathetically considered (final sentence). Clarification of this aspect would be welcomed as would an explanation of why it appears in J&A rather than policy text.	Accepted. Please refer to change reference PC 154 in the Schedule of Proposed Changes. This paragraph is primarily descriptive of 'rural clusters'. Therefore, the final sentence is not appropriate in this location. Delete final sentence.
HOU 23 (A Dwelling in a Small Gap in a Frontage)	
Respondent disagrees with draft policy HOU 23 as it is much stricter than the previous policy CTY8 in PPS 21. Only allows infilling of a gap big enough for one dwelling except in Sperrins (where the only housing options are linear) where gap of two is allowed. No infill in Green Belt (our summary). Objector considers new definition in HOU 23 substantially alters the previous CTY 8, which only requires 3 buildings to form a road frontage. New policy requires 5 or more dwellings in a row no more than 20m back and not broken up by gardens and hedges. Ancillary buildings are excluded (unless prominent in which case can be replaced as infill). Objects and requests that it is replaced by CTY 8 from PPS 21. Consider table 8 should be altered as countryside single dwelling approvals likely to decrease in their view.	This is a deliberate adjustment of policy on all the points mentioned. No evidence or case has been submitted as to why The Council should revert to CTY 8. It is part of a package of measures – The Council are being stricter on ribbon development and infill, whilst creating some additional opportunities at existing clusters. No change necessary. With respect to table 8 it is expected that overall, countryside single dwelling approvals are likely to continue at a similar rate to recent years.

MKA Planning consider Policy HOU 23 unsound, on the grounds that it fails tests C3 and CE1 - 4 as is contrary to established infill policy in SPPS and PPS21; no evidence provided as to why infilling should be reduced from two to one dwelling.	The Council has provided evidence (see para16.170 of dPS and paragraphs 5.80, 5.83 and 5.85 of EVB16). The respondent has not provided any contrary evidence. The Council considers that a gap wide enough to accommodate two dwellings would not be a 'small gap'. No change necessary.
Query why definition of frontage needs changed.	Explained in dPS paragraph 16.171 and EVB 16 paragraphs 5.84 and 5.85. No change necessary.
Respondent unclear why two infills potentially acceptable in AONB.	Explained in dPS paragraph 16.173 and EVB16 paragraph 5.80 and 5.85. It is considered acceptable in a few specific valleys in the Sperrins AONB because the only opportunities for rural dwellings there are linear. This will also limit dispersed impact across the AONB landscape as explained in the text.
No evidence is supplied as to why infilling will not be permitted within Green Belt.	The reason for Green Belts is clearly set out in Policy GB 1 and para 16.140. Allowing infill in Green Belts could cause settlements to coalesce and constitute urban sprawl contrary to Green Belt purposes. Further evidence is set out in EVB 6c (development pressure analysis). However, officers note that the dPS only adds text for 'why it is important in the Green Belt' for HOU18 (16.140) and HOU22. Similar should be added to HOU19, HOU20, HOU21, HOU23 (after 16.173) and HOU24. Please refer to change reference PC 155 in the Schedule of Proposed Changes for completeness and consistency.
Considers policy is conflicted. Respondent unclear as to why two infills dwellings are potentially acceptable within an AONB, whilst two are not acceptable outside an AONB.	Applies only to a few specific valleys in Sperrins and is a deliberate policy explained in 16.173. The only housing opportunities in these areas are linear. No change necessary.
HOU 25 (Affordable Houses in Countryside)	
Respondent considers Policy HOU 25 overly restrictive of the provision of social housing adjacent to small settlements and villages, doesn't take account of potential changes in level of need or land deliverability in settlements. Specific concerns about the second part, where in Green Belt, planning permission won't be granted for affordable housing adjacent to/ near villages or small settlements. Considers would be more flexible to allow social housing on occasions where social housing need can't be met within existing settlement limits. Need may increase beyond the currently predicted levels or sites within the settlement limit may not be	Deliberate policy. Green Belt protection was afforded significant weight. The policy is flexible enough and there is sufficient capacity within Derry or Strabane or Green Belt settlements. See para 16.181 and EVB 16 paragraphs 5.94 to 5.104. Within Green Belt, it is particularly important to prevent urban sprawl and coalescence (purposes of the Green Belt). Affordable housing need can be directed to the nearest settlement outside the Green Belt including the City and Strabane town. This policy is actually providing additional opportunities because PPS21 CTY5 only allows social housing at small settlements (below 2,250 population). The Council doesn't agree that the policy should apply to GB settlements. The extent of affordable housing need is such (c5,000 dwellings) that urban affordable housing will

<p>delivered. Considers the change is needed to meet soundness test CE4. They consider policy can be remedied by removing the restriction on affordable housing in GB and removing restriction on only one group of affordable housing to enable a second group of such houses to be developed if a need still exists in a settlement.</p>	<p>be important but is dealt with separately, as appropriate. However, for the sake of clarity please refer to change reference PC 156 in the Schedule of Proposed Changes which explains why Policy HOU25 does not allow affordable housing adjacent to/ near small villages and settlements in the Green Belt and expands on the exception to the rule that only one group of housing will be allowed on eligible countryside sites.</p>
<p>Clarify that HOU 5 (Affordable Housing) 70% threshold does not apply to Policy HOU 25 which refers to housing in the countryside and states that planning permission may be granted for a group of no more than 14 dwellings adjacent to or near a village or small settlement to provide affordable housing to meet the needs of the rural community. Policy HOU5 (housing in settlements), states that that all housing schemes are normally expected to have no more than a maximum of 70% of either private or affordable homes. Presuming that affordable housing in the countryside will not be subject to this.</p>	<p>Accepted. Please refer to change reference PC 157 in the Schedule of Proposed Changes to clarify that HOU 5 (Affordable Housing), 70% threshold does not apply to Policy HOU 25.</p>
<p>States several policies (Policy HOU 25; HOU 24 and HOU 22 are provided as examples) make reference to building in the countryside and how the policy differs from Green Belt. Respondent considers ALL countryside outside development limits to be Green Belt ('as in PPS 21') and therefore there is no difference between the countryside and the Green Belt. The respondent does not make it clear what solution is sought.</p>	<p>Disagree with their points. The Council has taken a conscious decision to designate Green Belts (see policy GB1). The Council consider PPS21 did not designate all countryside as Green Belt. Countryside and Green Belt are very different and planning policy for the latter would be more restrictive. PPS21 did not abolish Green Belts but stated that it took precedence over previous Green Belt policy. Green Belts are a long-established, generally accepted and widely used planning tool for many decades in GB, NI and RoI. Green Belts address urban-generated development pressure. They have very specific purposes including (inter alia) preventing urban sprawl and stopping settlements from coalescing. In both Derry and Strabane, many settlements are only separated by a narrow band of countryside and could easily coalesce. No change necessary.</p>

Chapter 17- Open Space, Sport and Outdoor Recreation

Responses Received

Reference	Respondent	LDP-PS-REP-106B	DFI TPMU
LDP-PS-REP-106A	DFI Strategic Planning	LDP-PS-REP-87	Kevin Doherty
LDP-PS-REP-11	NIHE	LDP-PS-REP-88	G. Doherty
LDP-PS-REP-66	Braidwater	LDP-PS-REP-90	Gary Doherty
LDP-PS-REP-80B			
LDP-PS-REP-3G	Enagh Youth Form		
LDP-PS-REP-105	Derry Golf Club		
LDP-PS-REP-87	RSPB		
LDP-PS-REP-56	Foyle River Gardens		
LDP-PS-REP-78A	NED		

Main Issue	Council Response
Paragraph 17.3	
The Department queries the rationale for why The Council have opted to omit SPPS objectives 2 and 3 of paragraph 6.201 of the SPPS.	Accepted. Please refer to change reference PC 158 in the Schedule of Proposed Changes to add the missing objectives of the SPPS which were omitted in error.
Paragraph 17.7 The Council's Open Space Strategy	
Para 17.7 currently states that 'new development proposals will where appropriate connect into the district's green infrastructure network...' TPMU consider that 'where appropriate connect' should be replaced with 'be located with connections'.	It would not always be possible to connect into the network as sites will not always be close to links or possible links and many types of development could not reasonably be required to provide links (such as small domestic extensions, outdoor advertising, change of use that do not intensity access matters etc.). No change required.
OS 1 Protection of Open Space	
The Housing Executive (NIHE) in conjunction with DoE produced a joint protocol for the operation of Policy OS 1 in PPS 8 for an exception to the presumption in favour of retaining open space. They believe the criteria in it were proportionate and would like to see it retained (or revised) to provide guidance for all stakeholders on the approach to be taken when implementing exception 1 in this policy. It provides detail on what should be included in any such planning application. They consider that the dPS version of exception 1 is potentially a higher policy bar. This exception can only be used if providing a substantial community benefit and where there is adequate open space in the area. If there isn't, further open space provision may be required. However, for exception 2 there is no need to demonstrate a substantial community benefit.	NIHE were contacted in February 2021 and they provided a copy of the protocol. The protocol was between DfI and NIHE. Any continuation of it would require a new agreement between The Council and NIHE. It will be reviewed to determine whether the Council wishes to redraft it and agree it again and/ or adopt it as SPG. NIHE were at pains to point out that they consider draft policy OS1 to be broadly in line with the protocol in any case. The policy follows the guidance in PPS8 and we disagree that it would be a higher policy bar. No change to the actual policy is therefore required in relation to this matter.
In the case of loss of open space, The Council should satisfy itself that the implications and permanence of redevelopment have been considered.	Accepted. Please refer to change reference PC 159 in the Schedule of Proposed Changes Paragraph 17.18 already reflected this sentiment in the last 2 sentences for exception 2 but it would be beneficial to add something that aids clarity for both exceptions. Text will be added to paragraph 17.14 to address this matter.
DfI requests elaboration of 'community facility' as an example of substantial community benefit.	dPS Paragraph 17.17 explains in the second bullet point that it would need to be a substantial community facility that is needed in that area and be of a scale and value reasonably proportionate to compensate for the loss of that open space. The

	Council considers this to be commonly understood and therefore not requiring amendment. No change.
Dfl notes the provisions of exception 2 part (i) but The Council must consider how to secure alternative open space provision principle without a s76 agreement or conditions. An agreement would secure adequate maintenance including maintenance agreements.	Accepted. Please refer to change reference PC 160 in the Schedule of Proposed Changes to require planning conditions and/ or a s76 Planning Agreement to tie redevelopment to the provision of the new facility and ensure that this is capable of being maintained adequately through appropriate management agreements.
Dfl Planning point out that exception 2 part (ii) fails to include any reference to, or explanation of, a s76 agreement as in the existing policy. Explain that where playing fields in settlements are part redeveloped to retain and enhance the remaining facility, a legal agreement would tie financial gain from redevelopment to retention and enhancement of the remaining facility.	Accepted. Please refer to change reference PC 161 in the Schedule of Proposed Changes which for the sake of clarity adds text from PPS8 paragraph 5.10 to paragraph 17.19.
The amplification text after the Policy is unclear and confuses the meaning of the policy: it adds additional tests that are not sufficiently clear in the policy text. This could lead to confusion and therefore fails to meet the soundness tests. Paragraph 17.17 adds a further test to exception 1, requiring an appraisal of the 'viability of alternative sites' and that any proposed community facility is 'needed' in the area. This goes beyond the scope of the policy requirement and is ambiguous. Remedy: remove the explanatory text at 17.17 and 17.20 as this contradicts Policy OS 1.	Disagree. In paragraph 17.17, the requirement to show that there are no viable alternative affordable housing sites reflects the presumption in favour of retaining open space. Both bullet points amplify what could represent 'substantial community benefits' under exception 1. It is therefore considered amplification within the scope of the policy requirement. The J&A for exception 2 is also considered appropriate. No change necessary.
In respect of exception 2, respondent considers that paragraph 17.18 adds a counter requirement to that outlined in the policy text. It states, 'it should not be assumed, however, that the Council will automatically grant permission when alternative provision is proposed. Existing open space is often of considerable value to the amenity, character and biodiversity of a local area and it is therefore worthy of protection in its own right'. This is confusing and lacks clarity. Object on the basis that this policy fails to meet Test CEI as the policies do not follow from a coherent strategy to ensure open space can be developed and compensatory space provided elsewhere where it would meet the other plan objectives. The proposed policy text does not allow for this and therefore does not tie in with the dPS wider strategy. Object on the basis that this	Disagree. The J&A simply points out that meeting this exception would be a high policy bar and the quality and accessibility of any proposed alternative provision must be equivalent to any area to be lost. No change necessary.

<p>policy fails to meet test CE 4 in that the allocation is not reasonably flexible to deal with changing circumstances and specifically to support the development of lands, where there is a substantial community benefit or social housing need.</p>	
<p>The importance of Policy OS 1 is emphasised.</p>	<p>The support for Policy OS 1 by Enagh Youth Forum is noted and welcomed.</p>
<p>Policy fails to recognise the key message of the Green Infrastructure Plan 2019–2032, to build strategic networks by augmenting and filling in gaps.</p>	<p>Noted but Policy OS 3 Green and Blue Infrastructure addresses this matter. It is not necessary to add a cross reference. No change necessary.</p>
<p>Exception 1 allows loss of open space where there would be substantial community benefit that decisively outweighs the loss of open space, where adequate quantity and quality remains in immediate and wider area. If there would be unacceptable loss in provision, developers must make alternative provision, which is at least as accessible to current users, and equivalent in size, usefulness, safety and quality. This is contrary to soundness test CE4 (inflexible) and there should be the option to instead upgrade the existing provision (quality, safety, attractiveness). Exception 2 allows loss of up to 10% of a space to enable retention and enhancement of the facility when this can only be achieved by developing a small area and where this will have no adverse impact on the sporting facility or result in biodiversity loss. To restrict this exception to playing fields and pitches in settlements is inflexible and inappropriate as EVB 17 identifies a shortfall of such pitches and the policy will encourage further diminution of supply. Changing circumstances in sports delivery and financing require more flexibility. Golf courses need to release more funds for improvement works due to a fall in corporate memberships, sponsorships and reduced renewals of individual memberships during the pandemic. The respondent, Derry Golf Club would like to sell a small part of the course to finance health and safety upgrades to limit conflicts with residential areas and upgrade course design and quality. Current policy fails soundness test CE2 (unrealistic, not based on sound evidence base). The Council received 24 No. late counter representations all opposed to/ concerned about this representation from City of Derry Golf Club. Site specific proposals will be dealt with in the Local Policies Plan.</p>	<p>In some circumstances and areas an ‘upgrade’ may be justified under exception 1 but not on ‘private open space’ such as a golf course, especially in open countryside. Exception 2 is deliberately designed to control development outside settlements. The Council considers that this reflects the presumption in favour of retention of open space and the presumption against development in open countryside and (especially) inappropriate development in the Green Belt. In the case of playing fields and sports pitches in settlements a 10% reduction in size is already allowed (under exception 2) where the remaining area would be enhanced. To extend this to other types of facility outside settlements would undermine policies for the protection of the countryside and in the case of the golf course at Prehen lead to housing development in the Green Belt, leading to the coalescence of settlements contrary to Green Belt purposes. The existing policy is flexible enough without undermining important policy protections. No change necessary.</p>

OS 2 Public Open Space in New Developments	
RSPB refer to earlier responses made as part of the POP consultation and reiterate dPS presents the Council with a real opportunity to be more ambitious in delivering for biodiversity, building resilience against the effects of climate change, and realising the full potential and value of ecosystems services for the District.	The existing policy mentions the multi-functional nature of open space, the value of 'green corridors' and promotes the retention of natural environmental assets. Existing text in para 17.23 promotes the creation or retention of wildlife habitats in accordance with SPPS para 6.200. It is considered that this together with several other parts of the plan requiring no net loss of biodiversity is sufficient.
Dfl Strategic Planning note that the policy states that in smaller residential schemes (<25 units) the need to provide open space will be considered on its individual merits whereas under 'Amount and Type of Open Space in Residential Developments', criteria (i) states that 'at least 10% of the total site area will be required for all developments of 5 units or more'. The Council should ensure the policy is clear and consistent. The additional policy for 'Open Space in Non-Residential Developments is also noted.	The first paragraph sets the presumption for all housing developments. The second paragraph (25+ dwellings) requires the open space to be integral. The third paragraph (25-) allows off site provision. This is clarified in paragraph 17.22. The Council considers that the policy is therefore clear and consistent. No change required.
Dfl note the requirement in exception 2 for the developer to make an agreed developer contribution towards the provision and maintenance of the referenced public open space/ play area where a residential development is designed to integrate with and make use of adjoining public open space.	Supporting comments from DFI Strategic on this requirement are noted and welcomed.
Dfl note and welcome the Council's approach to green/ blue infrastructure as an integral part of new housing developments.	Supporting comment from DFI Strategic noted and welcomed.
OS 3 Green and Blue Infrastructure	
Dfl Strategic welcome the policy, which will support the delivery of The Council's Green Infrastructure Plan 2019 – 2032. They acknowledge that this policy aligns with the RDS, SPG 9 and the SPPS, with emphasis being placed on protecting and enhancing wildlife habitats; SuDs and climate change.	Supporting comment from DFI Strategic noted and welcomed.
The first bullet point in OS 3 requires new development proposals to provide access to existing public open space and existing path and active green travel networks 'where opportunities arise'. TMPU request that the 'where opportunities arise' text should be deleted.	The Council consider that deletion of this is not appropriate as it would not always be appropriate and there would not always be the opportunity (such as sites remote from open space and green travel networks, small domestic extensions, outdoor advertising, change of use that do not intensity access matters etc). No change necessary.

OS 4 Outdoor Space & Recreation in Countryside	
<p>Foyle River Gardens consider the policy overly restrictive, presenting considerable obstacles and uncertainty for delivery of sport and outdoor recreation opportunities/ facilities in the most sought after and suitable locations. Insufficient flexibility, vulnerable to prescriptive interpretation, could prevent sustainable and beneficial projects coming forward like Eden Project Foyle. They suggest the policy could include an additional component that potential impacts could be offset by mitigation and/ or compensatory measures. Could adopt more proactive and positive approach to such developments by advising that the council will support sustainable proposals for these type of uses. Acknowledging substantial benefits that these types of uses can deliver for local people and tourists (health, well-being, community, society, environment and economy). Without the proposed amendments outlined above the proposed policy will fail soundness test CE4 in their view.</p>	<p>Disagree – the policy reflects the need to safeguard the countryside from unacceptable impacts. It would not necessarily preclude sustainable development of this nature. If such a flagship project were proposed in the countryside, it would be assessed under Policies TOU3 or TOU5. Consideration of heritage assets and enabling development would be assessed against Policy HE 9. No change necessary.</p>
<p>It is noted that the policy at criteria (i) changes the language from PPS 8 from ‘there is no adverse impact on...’ to ‘there is no significant detrimental impact on...’ which may change the policy intent and potentially offer less protection.</p>	<p>The Council considers that both phrases are commonly understood and broadly interchangeable. The Council is comfortable with the dPS wording. No change necessary.</p>
<p>Existing policy in PPS 8 Policy OS3 and SPPS refers to acceptable proposals where ‘there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities’. However, dPS Policy OS4 stipulates under criterion (ii) ‘agricultural land and no unacceptable impact on nearby agricultural activities.’ This deviation does not reflect regional policy, and the Council should consider its implications.</p>	<p>Accepted. Please refer to change reference PC 163 in the Schedule of Proposed Changes to correct this typographical error where text from PPS 8 Policy OS3 and SPPS was omitted in error. Also to include a reference High Nature Value (HNV) land to be consistent with Proposed Changes elsewhere in the dPS.</p>
<p>OS4 (outdoor sport and recreation in the countryside) item vii requires development to be ‘as far as possible’ accessible by transport other than the private car. TPMU consider that this is preferable to ‘where practicable’ or ‘as appropriate’ but is still open to interpretation.</p>	<p>It is acknowledged that the text is open to interpretation but The Council considers this flexibility to be necessary for example in parts of the countryside where public transport is unfortunately limited but sport and recreation facilities may still be appropriate.</p>

OS 5 Intensive Sports Facilities.	
Dfl Strategic Planning note that the policy reflects existing policy provision. It adds additional criteria that there is no adverse impact on the appearance of the countryside especially as a result of floodlighting.	It is assumed that this is a supporting comment. No change necessary.
They note para 17.37 states that if an applicant has disposed of or ceased to use a site in a settlement in recent years, it will not be acceptable to locate a development in the countryside. They consider that this should be included in the policy itself but also note that it may contradict the final paragraph of Policy OS 4.	This is not an additional or new test. The actual sentence is read with the preceding sentence and is a justification and amplification of bullet point 1. Disagree that there is any contradiction with Policy OS4. No change necessary.
TMPU request that bullet point 5 should replace 'giving priority to' with 'by'.	Partially accepted. Please refer to change reference PC 164 in the Schedule of Proposed Changes which splits the fifth bullet point as it had been run together in error and makes the requested change for the sake of clarity.
OS 8 Floodlighting of Sports & Recreation Facilities	
Supportive of recognition of impact floodlighting can have on bats & biodiversity. Policy box mentions that floodlighting will only be permitted where there would be no adverse impacts on natural environment assets and para 17.46 explicitly refers to impacts on bats & salmon migration.	Support from NED and Dfl noted and welcomed.
General comment re Developer Contributions.	
Some developer respondents consider developer contributions and community benefits to be 'a tax on housing development, which discourages housing and increases the cost of housing'. It is the local authority's duty to provide the necessary infrastructure and service provisions. If the policy were to encourage greater housing it will lead to a greater tax income to local authorities thorough greater land property rates revenue.	The comments are noted. Need for developer contributions arises from the principle that developers should bear the reasonable or proportionate costs of works required to facilitate their developments. The dPS identifies instances where the Council will seek to use Section 76 including provision of open space and greenways, play parks, community facilities etc. This may also enable larger-scale open space in developments and linkages to the wider green / blue infrastructure network. The Council is preparing a draft Developer Contributions Framework and will consult on it in due course. Once adopted it will be a material consideration when determining planning applications.

Chapter 18- Community Infrastructure

Responses Received

Reference	Respondent
LDP-PS-REP-106	DFI Strategic
LDP-PS-REP-112	Department of Health

Main Issue	Council Response
Policy CL 1 Community Infrastructure	
DFI Strategic Planning noted that proposals for change of use or redevelopment to a non-community use will be permitted provided it is demonstrated that the building/ facility is no longer needed for a community use. The policy is unclear if it primarily relates to proposals within settlements with exceptions possible in the countryside. The Council should consider the practical application and implementation of this policy.	The comments from DFI are noted. It is considered that the application of the policy would be straightforward in settlements. In the Countryside outside of settlements any proposal for a change of use or redevelopment to non-community use would have to accord with Policies ODC 1 and ODC 4. It would therefore have to be for a use that would be acceptable in the countryside. Other types of development would only be acceptable where there are over-riding reasons why it is essential and cannot be located in a settlement (ODC 1). The nature and scale of use would have to be appropriate to the countryside location (ODC4). The 'exceptions' are therefore set out in these policies which have been amended following the receipt of comments on the Draft Plan Strategy. Please refer to change references PC 118 to 121 inclusive in the Schedule of Proposed Changes.
Department of Health welcomes the Council's acknowledgement of protecting existing community infrastructure facilities.	Supporting comments noted and welcomed

Chapter 19 – Utilities Development

Responses Received

Reference	Respondent
LDP-PS-REP-43	NIE
LDP-PS-REP-113	SONI
LDP-PS-REP-69	NI Water
LDP-PS-REP-52	ABO Wind (Turley's)
LDP-PS-REP-106A	DFI Strategic
LDP-PS-REP-	Council - internal

Main Issue	Council Response
UT 1 (Electricity & Gas)	
<p>Bullet point 2 requires consideration of undergrounding sections of electricity lines in designated areas, on prominent ridges or very visible locations close to public roads or where there would be visual clutter. NIE wish to limit undergrounding to landscape designations. NIE consider these requirements place unreasonable and unnecessary burdens that could compromise delivery of strategic energy infrastructure. Considers policy therefore unsound on tests C3 & CE2. They suggest amended policy text.</p>	<p>It is noted that NIE accepts the requirement to consider undergrounding in designated areas. The Council disagrees about removing the reference to prominent ridges and visible locations by roads and cluttered areas as contrary to the representation, there is no absolute requirement to underground in these settings, simply to consider it and where not implementing it, to demonstrate why it would not be feasible or would harm historic or natural assets. It is therefore considered that this part of the policy is sound and reasonable and there would be real benefits for the amenity and appearance of the District. The LDP dPSs of the 7 other Northern Ireland councils all have a policy on overhead lines, most being the same as existing policy (PSU 11 in PSRNI). Several LDPs emphasise the need for controls in their most sensitive, designated areas, minimising visual impact and clutter and a few refer to undergrounding in their non-designated areas, unless it is not feasible, and if possible in urban areas. The 2 adjoining 'Sperrins' Councils seek to control 'high structures' (Mid Ulster) and to avoid sensitive areas/ underground in urban areas (Fermanagh & Omagh). This Council's proposed policy is considered to be sound and reasonable, to meet the characteristics and priorities of this District.</p>
<p>No consideration is given to challenges of undergrounding & legal obligation on NIE Networks to offer the customer the least cost technically acceptable solution. Undergrounding not always a sustainable development solution as it can result in serious logistical and environmental challenges in respect of water crossings, delays, increased costs and threats to project delivery. Unsound - limits ability to meet objectives of RDS therefore unsound by test C1.</p>	<p>Disagree – such issues, if valid, are likely to be accepted as justification as to why a section of undergrounding is not feasible or would have unacceptable impacts. The policy is therefore fit for purpose and not too onerous.</p>
<p>Concern over use of the term 'unacceptable impact'. To be more in line with SPPS, PPS2 and Habitats Directive and to meet soundness test C3, NIE suggest 'unacceptable adverse impacts'. They suggest a similar change to bullet point 3.</p>	<p>Disagree. The use of the term in bullet point 2 is to allow applicants to make a case that 'unacceptable impacts' on natural or historic assets would preclude undergrounding. To insert the suggested wording would actually be a higher policy bar. In the third bullet point, the Council considers the existing text to be acceptable and readily understood. Significant (not unacceptable) adverse impacts would be considered anyway if EIA or HRA required.</p>

<p>The existing wording of bullet point 5 states that planning permission will normally be granted where it is demonstrated that ‘new development or upgrades do not affect existing energy infrastructure’. NIE suggest deletion. They point out that works to strengthen, repair or maintain the distribution or transmission network may involve removal and replacement of all/ part of the existing energy infrastructure and are concerned that they could fall foul of this part of the policy. They question how the Council would require compliance with this policy and how it contributes to an efficient infrastructure system. Consider this aspect of the policy to be unsound on test CE2 and should be removed.</p>	<p>Partially accepted. Please refer to change reference PC 165 in the Schedule of Proposed Changes. The Council considers that it would be commonly understood that upgrades may involve replacement of parts of the infrastructure. The spirit of the text is to preserve the integrity of networks. However, for clarity, Insert the following word in bullet point 5 (new text underlined): ‘... upgrades do not <u>adversely</u> affect existing...’</p>
<p>SONI generally support policy UT1.</p>	<p>Support for dPS Policy UT1 welcomed and noted.</p>
<p>UT 2 Water Infrastructure</p>	
<p>NI Water provided information on the capacity of the various WWTWs across the District’s settlements, which is reflected at dPS para 19.19, Appendix 5 Table 2 and in the EVB 19 especially Appendix 1 Table. Latterly, NIW has been emphasising the limitations of the sewerage network (i.e. pipework) as a constraint to development.</p>	<p>Accepted. Please refer to change reference PC 166 in the Schedule of Proposed Changes which includes additional wording to the J&A to recognise the limitations of the sewerage ‘network’ and this being a potential constraint to development. Updated information on the status of the local WWTWs and network was received in March 2022 and has been added to the EVB.</p> <p>It is an implicit requirement that all development should meet the ‘normal Planning & environmental requirements’ e.g. drainage, access, neighbourly amenity, etc. as indicated in GDPOL 1.</p> <p>NI Water is implementing the programme of sewerage upgrades in line with its PC21 and its Drainage Area Plans. The Council is also continuing to work with DfI Water & Drainage Division / Living-With-Water Team and NI Water to progress the preparation of the Strategic Drainage Infrastructure Plan (SDIP) for Derry-Londonderry (at March 2022). The SDIP will develop medium and long-term sustainable solutions for the drainage / flooding challenges of the city & environs. Current and short-term (i.e. next few years) developments in the District’s settlements are being accommodated through a) the existing infrastructure or b) being permitted under the auspices of the current ‘committed’ lands already being accounted-for in the respective capacity calculations, or c) where interim arrangements can be put in place (to the agreement of NI Water & DfI / NIEA / Env. Health).</p>

<p>NI Water welcome the objective to facilitate the sustainable delivery of public utilities infrastructure</p>	<p>Support is noted and welcomed.</p>
<p>UT 3 Telecommunications & Connectivity, including Broadband.</p>	
<p>Respondent considers that the requirement that a statement detailing potential landscape/ visual amenity impact, with a commensurate level of detail for proposals in designated areas of high sensitivity, be submitted is not in accordance with prevailing policy in the SPPS. This also applies in their opinion to the requirement to mast share or to demonstrate that mast sharing is not possible and therefore conflicts with Soundness Test C3.</p>	<p>SPPS Para. 6.239 states ‘...ensure that where appropriate new telecommunications development is accommodated by mast and site sharing... (and) ... ensure that the visual and environmental impact of telecommunications and other utility development is kept to a minimum...’ Para. 6.243 states: ‘In particular, planning authorities should take account of the potential effects of new telecommunications development, and any necessary enabling works, on visual amenity and environmentally sensitive features and locations. Applicants will be required to submit sufficient information which demonstrates that such considerations have been thoroughly assessed and mitigated. New masts should only be considered where site sharing is not feasible or offers an improved environmental solution. Operators will be encouraged to site share wherever possible.’ Essentially, draft Policy UT 3, rather than conflicting with the SPPS, replicates its provisions.</p>
<p>UT 3 does not refer to the approach to be taken in respect of this type of development in the vicinity of airports as per airport safeguarding set out on page 463, para 37.5 of the dPS. Nor does the policy/ J&A stipulate the requirement for technical spec and details of the mast/ apparatus to be submitted, as in Policy TEL 1 in PPS 10.</p>	<p>Accepted. Please refer to change reference PC 166 in the Schedule of Proposed Changes which adds text to refer to the approach to be taken in respect of this type of development in the vicinity of airports as per airport safeguarding para 37.5. Stipulate the requirement for technical spec and details of mast/ apparatus to be submitted, as in Policy TEL 1 in PPS 10. Agree. Insert a new bullet point 5 in UT3 to mention airport safeguarding. Amend the 2nd sentence of the 3rd bullet point, to clarify that a Statement is not just required in designated areas, and then cross-referencing this policy to the respective designations in Ch.21.</p>
<p>Respondent suggests the amendment that ‘local authority will proactively seek to promote mobile and digital connectivity by allowing the development of infrastructure such as masts and base stations, where these are needed to meet growing demand for connections and capacity’. Also suggest that ‘there shall be a presumption in favour of development which supports the expansion of mobile and digital networks’.</p>	<p>The policy as written is already positive in terms of rolling out networks and expanding capacity but also acknowledges that this is subject to environmental impacts being acceptable. The utilities policies as drafted already strike the right balance between delivery and environmental protection.</p>

Concern statement that telecommunications infrastructure projects 'should avoid areas of landscape sensitivity such as AONBs, Special Countryside Areas and Areas of High Landscape Importance' could be interpreted as a presumption against development in these areas. However, paras 19.22 – 19.24 would suggest that while there may be further scrutiny of proposals in these areas there is no presumption against. This needs to be clarified in the final Plan Strategy.

There is no presumption against such development in these protected areas but the plan takes a balanced approach and exercises greater caution in the most protected landscapes and also tries to steer development away from them. It is considered that this is in accordance with the prevailing strategic planning policy. The plan should be read as a whole and it is considered that the balanced approach is already clearly set out.

Chapter 20- Waste Planning

Responses Received

Reference	Respondent
LDP-PS-REP-61	Dalzell
LDP-PS-REP-62	Faughan Anglers
LDP-PS-REP-3A LDP-PS-REP-3B LDP-PS-REP-3E LDP-PS-REP-3I	Enagh Youth Forum
LDP-PS-REP-69	NI Water
LDP-PS-REP-6	Pauline McHenry
LDP-PS-REP-82	RSPB
LDP-PS-REP-106C	DfI Roads
LDP-PS-REP-78A	DAERA
LDP-PS-REP-72	Zero Waste

Main Issue	Council Response
WP 3 Waste Disposal	
<p>Specific to Lisbunny Quarry, Claudy. Not supportive of draft policy wording 3. Considers that the policy can be made sound if (b) (ii) is removed so that sites within an AONB may not be excluded. Consider that it could be added that reuse of a depleted or expended hard rock quarry would be permissible within the AONB provided that finished ground levels after infilling do not exceed pre-quarrying ground level.</p>	<p>Accepted. Please refer to change reference PC 172 in the Schedule of Proposed Changes which clarifies that certain developments may be appropriate in designated areas. Text to be rephrased so that rather than a blanket ban, landfill or land raising will be permitted outside designated areas 'unless it is demonstrated that the proposal would not cause harm to, or undermine the reason for that designation'.</p>
Mobuoy Tip	
<p>Seek stronger LDP action on the illegality of the site.</p>	<p>Enforcement action is being progressed by DfI Infrastructure as this matter was retained post-transfer of planning powers. The Council will continue to work closely with NIEA in this matter. Its principal planning role with regard to landfill sites is to set out sound and effective policy for the management of proposed developments and enforcement against breaches of policy where necessary and appropriate. No change proposed.</p>
<p>The risk to people and the environment (including protected sites). The representation raises issues of possible contamination but little detail has been provided.</p>	<p>Proposals on Contaminated Land are dealt with in Policy GDPOL 1 and J&A Para 7.116. The Council will liaise with appropriate and relevant consultees to ensure the water supply is safe and to date no health warnings have been issued. NIEA, the agency progressing the remediation strategy for the site, includes the Natural Environment Division and the Water Management Unit. Not only will NIEA be aware of such nature conservation designations, its primary purpose is to protect and enhance them. Therefore, any remediation plan for the site will have such considerations at its core. No change proposed.</p>
<p>Road upgrades.</p>	<p>DfI is actively progressing those infrastructure works which are budgeted for and under construction. Decisions regarding other works such as the orbital connection stretch between Drumahoe / Maydown of the A6 will be taken at appropriate levels and in due course. When the budgets for such works are put in place, the Council and the appropriate stage of the LDP will be a key part of any required consultation.</p>

<p>A lack of any LDP strategy to deal with the matter.</p>	<p>The remediation strategy for the Mobuoy illegal landfill site is being led by NIEA. While the Council is not taking the lead on this, any future plans for the site will be subject to policy provisions for the relevant constraints, including flooding. This is also true for any future development proposals. With regard to potential enforcement action at the Mobuoy site, any such action rests with DfI as the case was opened prior to the transfer of planning powers to councils and the former DOE was dealing with this centrally. It was considered the best course of action was to continue in this way. The Council will continue to work closely with the relevant Government Departments on this matter going forward. No change proposed.</p>
<p>Amended J&A sought</p>	
<p>NI Water propose amendments: in para 20.31 the reference to 'prevailing wind direction' be removed as odour assessment encompass worst case scenarios of all wind directions over an extended timeframe. Request reference be added that proposals adhere to NI Water's Development Encroachment procedures.</p>	<p>Accepted. Please refer to change reference PC 176 in the Schedule of Proposed Changes which amends the policy text to acknowledge that odour assessment encompasses worst-case scenarios of all wind directions. A reference is also added to the procedures mentioned as requested.</p>
<p>Gasification and incineration concerns</p>	
<p>EYF states it is the position of the people of the District and the corporate position of the Council that gasification and incineration are not acceptable methods of waste management. The dPS references the Waste Management Plan 2016 - 2020 which includes these two methods as options. The opposing positions of the LDP and corporate DCSDC make the dPS unsound.</p>	<p>No change proposed. The LDP must take account of the RDS 2035, SPPS and the NI Waste Management Strategy. Energy recovery is one type of waste management that is provided for within the SPPS and WMS. Of the 5 tier hierarchy, recovery is the 4th and is therefore not the preferred option and should only be used as a result of the sequential approach having been applied. However, such methods cannot be subject to a blanket ban. To do so would make the dPS not in accordance with the RDS or SPPS as it would deviate from the NIWMS, making it unsound.</p>
<p>EYF states that Strathfoyle has a local household recycling centre, a private waste processing centre and private biomass power station. The area is over-industrialised and future development proposals for the existing industrial zone must give full consideration to the Cave Health Impact Study and reference it in the proposal. Also, the proximity principle causes concern as residents of Strathfoyle and Maydown already experience adverse impacts.</p>	<p>No change proposed. The LDP strategy for waste is to have a balanced approach. Any proposal for a waste management facility will be assessed against all relevant material considerations, including whether a need has been established through the NIWMS and WMP, the proximity principle and representations from members of the public and/or other interested parties. The impact of such development on existing residential development is one of the most important considerations. All such proposals would be subject to scrutiny from Environmental Health to ensure impacts on human health are fully and appropriately accounted for.</p>

<p>The dPS should contain a separate chapter specifically for waste and contamination which lists the tarry waste sites and Mobuoy illegal landfill and other contaminated sites. This chapter should provide detail of their planned remediation and plans for monitoring such sites.</p>	<p>Partially accepted. Please refer to change reference PC 174 in the Schedule of Proposed Changes which includes rewording to reflect that there are no authorised landfill sites in the District and to point out that EVB 20 lists existing waste management sites i.e. recycling centres and bring sites. Like the existing regional Waste Planning policy, the dPS is a forward-looking, strategic document with policies to assess waste management proposals. It is not its role to identify or deal with unauthorised or closed sites, other than indirectly through Policy GDPOL 1 (development proposals on contaminated land) or Chapter 8 on enforcement. The Council notes the comments regarding unauthorised sites in the district and is working with the relevant bodies to address this. There is already a separate chapter dealing with waste planning.</p>
<p>Waste Chapter has not taken account of EU legislation.</p>	
<p>The respondent considers that the dPS fails to take account of the necessary EU legislation in terms of precious metals and minerals extraction and waste. Claim that the dPS has not addressed these issues in Policies WM1-4 and consider the dPS fails all soundness tests by not having taken into account of any relevant health legislation.</p>	<p>The Council considers it has set out a robust evidence base at this strategic stage in the LDP process in both the Minerals and Waste EVBs, outlining those relevant legislative parameters, in line with the SPPS & Development Plan Practice Notes.</p>
<p>Request for policy to be strengthened.</p>	
<p>RSPB consider Waste Strategy and Policy WP1 are not explicit enough re: precautionary principle. To resolve this, they suggest additional text: 'in assessing all proposals for waste management facilities, the Council will be guided by the precautionary approach that where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest'.</p>	<p>Almost identical wording is provided already at para 20.13. No change considered necessary as precautionary approach is stressed already.</p>
<p>For para 20.15 DFI Roads provide additional text suggested for inclusion adding the following wording 'where appropriate, the Council will attach conditions to approvals requiring the installation of wheel cleansing equipment and the cleaning of roads adjacent to the proposed site.'</p>	<p>Accepted. Please refer to change reference PC 175 in the Schedule of Proposed Changes which provides additional text to require wheel cleansing equipment.</p>

Support of policy intent	
The Waste Planning chapter should be titled 'Zero Waste Planning' since The Council unanimously adopted the Zero Waste Circular Economy Strategy. They consider that the chapter should be entirely redrafted. It refers throughout to waste management when it should be talking about the transition to zero waste. The chapter focuses on the bottom tiers of the waste hierarchy when it should be focused on the top.	No change. The purpose of the waste chapter is to make provision for waste management development, when prevention and re-use are not options, as will sometimes be the case. This does not mean that such things as waste disposal are preferred but rather it is in recognition that they are still sometimes necessary and such development must be properly managed. Therefore, the chapter cannot deal solely with zero waste. No change proposed.
The definition of zero waste adopted by the Zero Waste International Alliance needs to be included: 'The conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning and with no discharges to land, water, or air that threaten the environment or human health.'	Accepted. Please refer to change reference PC 173 in the Schedule of Proposed Changes to include 'zero waste' definition from Zero Waste International Alliance.
The Northern Ireland Waste Management Strategy (NIWMS) 2013 is outdated. Reference needs to be made to The Waste Prevention Programme for NI - The Road to Zero Waste, 2014. Include brief definitions of 'circular economy' and 'green economy.'	The Waste Prevention Programme for NI - The Road to Zero Waste was published in 2014 and is to be reviewed every six years. A new draft was consulted on in 2020. It is an interim measure required by article 29 of the Waste Framework Directive and includes 13 waste prevention actions for Northern Ireland but does not introduce any new waste prevention policies. Examples are stimulating a resource efficiency culture, re-use and repair and awareness campaigns especially for food waste. It will inform post EU waste prevention policy and the introduction of a Circular Economy Waste Package (CEWP). EVB 20 is to be updated to refer to this. The introductory sections of the chapter already refer to waste prevention. For the sake of clarity please refer to change reference PC 170 in the Schedule of Proposed Changes to include a footnote defining 'circular economy' and 'green economy'.
There are no key statistics or indicators of our current recycling rates, where our recycling goes to, how much we landfill, targets for recycling and the reduction of kg of waste per inhabitant produced.	No change required. Statistical data and other contextual information for the Waste chapter are contained within EVB 20.
There is a strong relationship between the quality of the recyclates recovered and the prospect of maximising the extraction of the social value, including job creation.	It is considered that the dPS policies and strategies, on the whole, are compatible with and support the concepts of the 'green economy and 'Circular Economy'. For clarity please refer to change reference PC 170 in the Schedule of Proposed Changes to include a footnote defining 'circular economy' and 'green economy'.

LDP dPS, PART E- Environment- Strategy, Designation and Policies

Chapter 21- Natural Environment

Responses Received

Reference	Respondent		
		LDP-PS-REP-29	Peter McCarron
LDP-PS-REP-106A	DFI Strategic Planning	LDP-PS-REP-53	ABO Wind
LDP-PS-REP-78A	NIEA (NED)	LDP-PS-REP-28	Various clients (WYG)
LDP-PS-REP-82	RSPB	LDP-PS-REP-3B LDP-PS-REP-3G LDP-PS-REP-3I	Enagh Youth Forum
LDP-PS-REP-06 LDP-PS-REP-25A – L LDP-PS-REP-111	PARC	LDP-PS-REP-72	Zero Waste
LDP-PS-REP-56	Foyle River Gardens (Turleys)	LDP-PS-REP-04	Mid Ulster District Council
LDP-PS-REP-106D	DFI Rivers	LDP-PS-REP-13	Fermanagh & Omagh District Council
LDP-PS-REP-46	SSE Renewables (Turleys)		
LDP-PS-REP-117	ABO Wind (Turleys)		
LDP-PS-REP-52	Dalradian (Turleys)		
LDP-PS-REP-61	David Dalzell		

Main Issue	Council Response
Strategic Environmental Spatial Designation	
<p>DfI Strategic team note the Council proposal to introduce Wind Energy Capacity Areas (WECAs) and advise the Council of need to be mindful of relevant RDS targets: RG5 (ensure delivery of a sustainable and secure energy supply); SFG6 (maximise the NW significant renewable energy resource) and RG9 (reduce our carbon footprint, improve air quality & facilitate mitigation and adaptation to climate change. Identifying the broad locations of WECAs would have provided extra clarity in Appendix 1 on Proposals Map 2 in combination with AONB, SCA and AHLI designations.</p>	<p>The WECA designation is not considered unduly restrictive - it is not a ban on wind energy development in designated areas but highlights considerable wind energy development pressure in particular areas and allows for proposals to be designed accordingly. It permits wind turbine proposals in WECAs that have a neutral, benign or even positive landscape impact, such as very well screened sites or re-powering proposals. PPS 18 informed the LDP but the dPS can deviate from PPSs where it wishes (on the basis of sound evidence), to tailor policies to local needs and circumstances. The dPS renewable energy policies accord well with the provisions of the SPPS. The SPPS advises particular care when considering the potential impact of renewable proposals on the landscape. Para. 6.224 also lists unacceptable impact on visual amenity and landscape character as material considerations. It is therefore clear that the SPPS, like the dPS, advocates a balanced approach. How this is achieved by a new LDP is not prescribed so long as the mechanism is reasonable and evidence based. It is considered that the dPS does take account of policy and guidance issued by the Department, as required by test C3. The general location of the WECAs is shown on the map but not their full extent. This is considered appropriate for this strategic stage of the LDP. The requirement for WECAs is supported by evidence from the Landscape & Seascape Character Review (EVB6b) and the Development Pressure Analysis (EVB 6c).</p>
Spatial –Housing on possible priority habitats	
<p>DAERA NIEA note the supply of housing in Derry City and Strabane Town will be met via existing commitments, zonings & brownfield sites. they raise the issue that brownfield sites may contain the priority habitat Open Mosaic Habitat on Previously Developed Land and would be subject to Policy NE 3.</p>	<p>These comments are noted and this matter will be assessed against Policy NE 3.</p>
Overall Strategy - GDP 6	
<p>Whilst encouraged by the General Development Principles and General Development Policies in chapter 7, RSPB consider Policy GDP 6 (Importance of Ecosystem Services) could be strengthened. Would like to</p>	<p>SSPS para 3.16 states ‘should’. The Council is content it has replicated the SPPS wording and intent in this regard. No change proposed.</p>

see 'should' changed to 'must' in reference to protected species and habitats. They feel the J&A tone is stronger than that in the policy.	
Mitigation Hierarchy	
Include text on the 'mitigation hierarchy', in the strategic NE preamble.	Accepted. Please refer to change reference PC 177 in the Schedule of Proposed Changes to strengthen the chapter pre-ambule with text to explain the mitigation hierarchy which should be used when assessing proposals that could lead to habitat damage.
District Profile	
RSPB point out the correct reference would be to 'Ramsar' sites (not RAMSAR). This is named after a location and is not an acronym.	Accepted. Please refer to change reference PC 04 in the Schedule of Proposed Changes Correct reference to Ramsar.
LDP Vision & Objectives	
While generally supportive of the Council's intent to increase the District's tree coverage, RSPB seek a strategic approach to woodland expansion that is well integrated with peatland restoration and other land use planning considerations.	It is not within the remit of the dPS to produce such strategic direction. The LDP has considered a planning response in terms of likely locations in the countryside where new/ replacement dwellings are likely to come forward. No change proposed.
GDP 1 Sustainable Development	
RSPB considers that part (iv) of GDP 1 lowers the threshold for biodiversity protection as compared with SPPS, NI Biodiversity Strategy and EU Biodiversity Strategy. Seek the rewording of the sentence by removing the word 'significant'.	Accepted. Please refer to change reference PC 18 in the Schedule of Proposed Changes which rewords the text as requested so as not to lower the threshold for biodiversity protection and replicates SPPS/ biodiversity strategies.
GDP 4 Supporting Economic Development	
RSPB considers that Part (iii) of GDP 4 should be revised to ensure there is no weakening or cause of conflict with the various Natural Environment policies. No revised wording is suggested.	The Council stress that the GDPs are principles and policies in that chapter are set out in Policies GDPOL 1 and 2 and other relevant policies in the dPS. The plan should be read as a whole. The Council considers that GDP 4 is appropriately worded and there is no conflict with the Natural Environment policies. No change propoed.
GDP 6 Importance of Ecosystem Services	
RSPB consider that further to The Council's declaration of a climate emergency (June 2019) Part (iii) of GDP 6 needs strengthened as follows to read as follows (new text underlined): 'Include measures to prevent and adapt to environmental change, <u>unless it can be demonstrated that it is not feasible.</u> ' They also consider that a new J&A para is required to	Partially accepted. Please refer to change reference PC 26 in the Schedule of Proposed Changes which provides explicit clarification about the implementation and applicability of the General Development Principles and that policies GDPOL 1 and GDPOL 2 apply to all planning applications. These policies should be taken as the essential criteria that must be met by all development proposals, subject to their

<p>state that where an applicant is claiming that such measures are not feasible for a proposal, a suitable statement should be submitted at the outset clearly outlining why measures to prevent and adapt to environmental change are not considered to be feasible.</p>	<p>relevance to a given proposal. All applicants will be required to submit a proportionate level of information to demonstrate compliance, and hence that it is an acceptable development proposal. The Council will provide implementation guidance for applicants/ developers in due course.</p>
<p>RSPB requests that wording as contained within PPS2 and dPS Policy NE3 should be used when referring to rare or threatened species as follows: 'rare or threatened <u>native</u> species'.</p>	<p>Accepted. Please refer to change reference PC 21 in the Schedule of Proposed Changes which amends the text as requested.</p>
<p>GDP 7 Preserving and Enhancing the Natural Environment</p>	
<p>RSPB recommend that Part (ii) should refer to the avoidance of loss of High Nature Value farming (HNV) areas, and not the best and most versatile agricultural land (BMV). Suggest Part (ii) be replaced with (ii) 'loss of High Nature Value agriculture land will be avoided'</p>	<p>Partially accepted. Please refer to change reference PC 22 in the Schedule of Proposed Changes. The Council considers it is appropriate to include both BMV and HNV and have amended the text accordingly.</p>
<p>GDPOL 2 Design Policy in Settlements</p>	
<p>RSPB seek that the design and layout of new residential developments should aim to protect and enhance biodiversity on sites and enhance connections between ecological features within and across sites. They suggest an additional criterion (x) stating that biodiversity net gain must be incorporated into the design and layout as part of a development proposal.</p>	<p>Accepted. Please refer to change reference PC 29 in the Schedule of Proposed Changes which creates a new part xi: 'the development does not cause a net loss of biodiversity. Preferably, biodiversity net gain will be incorporated into the development in a manner that is proportionate to the type and scale of development and the presence of existing valuable habitats and species in the area.'</p>
<p>NE 1 Nature Conservation Sites</p>	
<p>Policy aligns with the SPPS but omits references to 'proposed Special Protection Area' and 'Sites of Community Importance' within European sites, which are referred to in para 6.175-178 of the SPPS, and the Council should include these also. The policy would benefit from the inclusion of text more in line with the SPPS (Para 6.186-188) and PPS2 to</p>	<p>Accepted. Please refer to change reference PC 178 in the Schedule of Proposed Changes to amend definitions in policy and para 21.13 to be same as SPPS/ PPS 2 NH1. Include reference to cSAC, pSPA & SCI which are proposed European sites and when put forward for ratification should be treated in planning terms as though they are already fully designated.</p>

align with regional policy. Furthermore, the policy would benefit from the inclusion of information contained at para 21.31.	
NIEA NED request various amendments and corrections and request new text explaining which nature conservation duties are departmental powers and which are council powers and the associated legislation (generally designation of national designated sites is a departmental duty and Local Nature Reserves can be designated by councils).	Accepted. Please refer to change reference PC 178 in the Schedule of Proposed Changes.
NE 2 Protected Species and Their Habitats	
NED particularly welcome the reference to mitigation measures to enhance the habitat of protected species known to be present on a site and their safe passage through it.	Support noted and welcomed.
PARC are not supportive of draft policy NE2 regarding protected species and their habitats. Considers the term 'legally protected species' to be a misnomer as there are circumstances outlined where the 'legal protection is overridden'.	This policy aligns with the provisions of SPPS and PPS 2 and while reworded for clarity, it does not reduce the tone or emphasis. It is considered that by closely replicating the current policies, the safeguarding of local sites and any protected species they may contain has been adequately addressed in policies NE 1, 2 and 3. The policies apply the precautionary principal when considering the impacts of proposed development on European, international and nationally protected sites. Please refer to change reference PC 177 in the Schedule of Proposed Changes which strengthens the chapter pre-amble with text to explain the mitigation hierarchy which should be used when assessing proposals that could lead to habitat damage.
RSPB consider policy NE 2 goes beyond policy NH 2 of PPS 2 & para 6.179 - 6.182 of SPPS. Concern mitigation could be used to justify development in a particular location. Seek inclusion of amended text in last para of policy text as follows: 'However the prospect of mitigation should not be used as a justification for the development's location in the first place. The developer must refer to the mitigation hierarchy and seek to avoid impacts as a first principle.	Partially accepted. Please refer to change reference PC 177 in the Schedule of Proposed Changes which strengthens the chapter pre-amble with text to explain the mitigation hierarchy which should be used when assessing proposals that could lead to habitat damage. It is considered that this proposed change addresses the point raised by RSPB.
to ensure consistency with para 5.5 of NH 2 of PPS 2, RSPB consider that the J&A requires the following text: 'the granting of planning permission does not obviate the holder of ensuring legal compliance with other legislative requirements'.	The Council does not consider it necessary to include reference to other legislative requirements. It would be a developer's responsibility to ensure compliance with these themselves.

<p>RSPB request that NE2 should detail where full lists of protected species of animals and plants can be found. Policy should also state ‘as all fish are protected, no lists have been produced.’ as contained within para 5.6 of NH 2 of PPS 2.</p>	<p>Para 21.11 refers to DAERA NE map viewer. Page 55 of EVB 21 contains a list of all protected sites in the District. For clarity please also refer to change reference PC 180 which recommends applicants check the DAERA website for up to date information on lists of protected animals and plants.</p>
<p>NE 3 Biodiversity or Features of Natural Heritage Importance.</p>	
<p>NED seek additional text to refer to Tree Protection Orders (TPOs). Another respondent request a district wide TPO.</p>	<p>Accepted. Please refer to change reference PC 181 in the Schedule of Proposed Changes which adds extra text to cover this mater in detail. TPOs can only be granted if certain criteria are met so it is a very specific, focussed tool. No change necessary.</p>
<p>Dfl Strat Planning welcome enhanced protection for ancient or long established woodlands.</p>	<p>Support noted and welcomed.</p>
<p>RSPB query why ancient or long established woodland are elevated and made distinct in terms of planning permission. Seek a more robust policy that does not undermine the level of protection afforded to the other habitats. They request that ancient or long established woodland is returned to the main list within policy NE 3 and the final policy para of NE 3 is amended to stress the limited scope to ‘replace’ habitats such as ancient woodland or active peatland.</p>	<p>The Council considers that there is very limited/ no scope to replace any of the natural heritage assets or landscape features named and accordingly this policy represents a strong presumption against this damage. The Council does not agree that the highlighting of ancient woodlands (reflecting a feature that has been highlighted locally within the LDP consultation process), does actually undermine the high level of protection afforded to the other features. Therefore, the current wording is considered sound. However, if the PAC is minded to accept the view of the RSPB, The Council would have no objection to amending the last paragraph of the policy to read as follows: ‘Planning permission will only be granted in wholly exceptional circumstances for proposals likely to result in damage or direct loss <u>of habitats, such as ancient or long-established woodland or active peatland, which cannot be mitigated or fully compensated for.</u>’</p>
<p>NE 4 Development adjacent to Main Rivers and Open Water Bodies.</p>	
<p>RSPB seek amended text to make NE 4 more robust in terms of not serving to undermine the other policy provisions or tests contained within the chapter. Suggest replacement text for second dashed point as follows: ‘The proposals meets the relevant requirements as set out in the Natural Environment Chapter and does not result in net biodiversity loss.’</p>	<p>Accepted. Please refer to change reference PC 182 in the Schedule of Proposed Changes.</p>

<p>Considers that proposed policy NE 4 is overly restrictive. Considers that this policy does not include an appropriate degree of flexibility, and in its current form the policy is vulnerable to prescriptive interpretation that could prevent sustainable and beneficial projects from coming forward like the Eden Project Foyle.</p> <p>Another respondent considers the 10m biodiversity strip inflexible contrary to soundness test CE4. Consider it an arbitrary figure. Removing the minimum distance would not weaken the policy and a biodiversity strip will still be required. Site specific parameters will determine an appropriate biodiversity area.</p>	<p>The Council does not consider that Policy NE 4 is overly restrictive. It would not preclude such development if it fully met the policy requirements. It replicates existing policy and the use of a 'biodiversity strip' alongside watercourses and beside open water is a well-established planning requirement to safeguard wildlife and landscape. Policy NE 4 is also consistent with Policy OS 4 (Outdoor Sport & Recreation in the Countryside). The dPS should be read 'in the round'. The 10m strip only applies outside settlements.</p>
<p>DfI Rivers welcomes the content of this policy and its reference to Chapter 25, Development and Flooding, Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure, in relation to access for river maintenance.</p>	<p>Support noted and welcomed.</p>
<p>EYF would like to see enhanced protections for Enagh Loughs, Gransha Lakes and Ponds and the River Faughan.</p>	<p>Enagh Loughs and Gransha Lake and Ponds are not designated sites however as open water bodies they will be protected from significant adverse impacts by Policy NE 4 and possibly NE 3 if priority species or habitats are identified through the processing of a given development proposal application. No change necessary.</p>
<p>NE 5 Development Within or Affecting the Setting of the Sperrin AONB.</p>	
<p>DFI Strategic Planning welcome departure from regional approach but consider policy would benefit from the inclusion of text in line with SPPS paras 6.186 – 188 and PPS 2. Also suggests some J&A text at para 21.31 could be included in the policy.</p>	<p>Accepted. Please refer to change reference PC 183 in the Schedule of Proposed Changes to provide strengthened AONB references within NE 5 and the J&A in line with SPPS.</p>
<p>NED seek second para within text box to be amended as follows: 'enhance <u>and/ or complement</u> our important AONB landscape'. They reason that 'enhancement' is not sometimes what is needed and emphasis should be on conserving the indigenous landscape character.</p>	<p>Accepted. Please refer to change reference PC 184 in the Schedule of Proposed Changes. The Council is content that the proposed change reflects the first sentence of para 21.32.</p>
<p>Draft policy NE5 relating to development within or affecting the setting of the Sperrin AONB needs to be stronger. Respondent considers that the policy should also include that all proposals should make statements regarding what happens if the development comes to an economic end and the developers leave.</p>	<p>The Council notes the strong opposition to any form of mining, renewables development and peat extraction from responses received from the PARC group. The Council seeks to keep such relatively natural upland areas free from any inappropriate development that could comprise their intrinsic appeal. The policy represents a strengthening of the existing policy and states a specific protection for the AONB and its unique landscape from detrimental development and a</p>

	<p>requirement for enhanced design within its boundaries. The policy also reflects that the AONB is a living landscape and a home to many within our District. No change proposed. The existing policy is considered to be balanced and fit for purpose.</p>
<p>Draft Policy NE 5 makes provision for development within or affecting the setting of the Sperrin AONB. The setting has no defined boundaries nor is it proposed to define them. The Area of Significant Archaeological Interest designation area for example does contain the setting of various historic assets. The policy title should therefore be amended to omit reference to the setting. This would ensure consistency with current Policy NH 6 and the SPPS and would meet Soundness Test C3.</p>	<p>The setting of the AONB is not defined by boundaries as what may affect it will vary by the nature of development and local topography. Two different proposals in the exact same location may not necessarily both impact the setting. The degree of visual impact between proposals which involve the erection of tall and potentially prominent and imposing structures and those which do not feature such structures will often vary greatly. Not defining boundaries for the setting therefore builds in a degree of flexibility, consistent with the SPPS, as required.</p>
<p>Two renewable energy developers comment that draft Policy NE 5 refers to adverse impact or erosion of the ‘intrinsic appeal’ of the Sperrins AONB, including landscape character and setting. This is open to wide interpretation. The policy test should be based on the features which contributed to its designation. This would better align with the SPPS and PPS 2.</p>	<p>The purpose of the dPS is not to stifle development but to appropriately manage it, including by providing levels of protection for designated areas which is commensurate with the particular designation. While the wording of the policy refers to the intrinsic appeal of the designated area and there may be varying interpretations of this, the justification and amplification (J&A) for the policy provides guidance on the more significant considerations (para 21.31 in particular). This should guide interpretation and is in keeping with the reasons for its initial designation and later extension. The wording, especially when taking account of the J&A, is considered to align with the SPPS. No change proposed.</p>
<p>Two renewable energy developers consider that the requirement in draft Policy NE 5 for development to ‘positively enhance’ the AONB landscape is too onerous for all forms of development and fails to take account of the fact that some forms of development can only occur in the countryside and the AONB. This conflicts with the SPPS which only requires that development conserve rather than enhance. Consider that where it can be demonstrated on balance that a development does not adversely impact on the AONB that it should be acceptable, ensuring a consistent approach with regional planning policy.</p>	<p>The Regional Strategic Objectives of the SPPS for Natural Heritage include the objective to: ‘protect, conserve, enhance and restore the abundance, quality, diversity and distinctiveness of the region’s natural heritage...’ In addition, para. 6.195, in relation to plan-making and natural heritage states: ‘Where appropriate, policies should be brought forward for their protection and/ or enhancement.’ The Council considers that the primary requirement of this policy is that ‘development will not adversely impact or erode the intrinsic appeal of the Sperrin AONB’. This is in accordance with the SPPS. However as stated in para 21.32, The Council is seeking to raise the standard of development in the AONB and therefore the second paragraph requires applicants to demonstrate that they have considered measures to positively enhance the AONB. It is accepted that certain developments may not be able to positively enhance the AONB, but they can still demonstrate that they have considered it. Therefore, there is no conflict with the SPPS and this policy is considered to be sound.</p>

<p>Respondent considers that the dPS does not address the fact the AONB is not a pristine environment. Considers that while inappropriate development should be resisted there is significant scope for the improvement of landscape quality through the redevelopment and restoration of expanded hard rock quarries and sand and gravel pits. Considers this to be unsound by test CE4.</p>	<p>The Council will not permit development that will adversely impact or erode the intrinsic appeal of the Sperrin AONB, including its landscape character and setting, when considered individually or cumulatively alongside existing or approved development. All proposals must demonstrate how they have considered siting, massing, shape, design, finishes and landscaping in order to positively enhance our important AONB landscape. The Council is not completely against development occurring within the Sperrin AONB, development will be permitted as long as the landscape character and setting has not been impacted or gradually eroded. No change proposed.</p>
<p>Considers that while inappropriate development should be resisted there is significant scope for the improvement of landscape quality through the redevelopment for other uses and restoration of expended hard rock quarries and sand and gravel pits.</p>	<p>The Council will not permit development that will adversely impact or erode the intrinsic appeal of the Sperrin AONB, including its landscape character and setting, when considered individually or cumulatively alongside existing or approved development. All proposals must demonstrate how they have considered siting, massing, shape, design, finishes and landscaping in order to positively enhance our important AONB landscape. The Council is not completely against development occurring within the Sperrin AONB as long as the policy is complied with. Proposals of the nature mentioned would be assessed in accordance with this policy. No change proposed.</p>
<p>Respondent consider the entire Sperrins area should seek National Park status. With the proper funding, it has the potential to become one of the most visited eco-tourism destinations in Ireland.</p>	<p>This would be a national planning matter and not something that the dPS can deliver. The Council actively seeks policy co-operation with other authorities covering the Sperrins and is a member of the joint working group. No change proposed.</p>
<p>NE 6 Development within Special Countryside Areas</p>	
<p>DFI Strategic Planning welcome the Council's approach to tailor regional policy to local circumstances as set out in the SPPS (para 6 .75) and provided spatial Map 2.</p>	<p>Support noted and welcomed.</p>
<p>Respondent seeks additional text at the end of the last dashed point within the policy box as follows: 'All works including surfacing, edging,</p>	<p>Accepted. Please refer to change reference PC 185 in the Schedule of Proposed Changes.</p>

<p>fencing, signage, and way-marking must visually integrate with their surroundings, taking account both of visual amenity and landscape character of the area.’ Also point out typo in para 21.34, end of 3rd sentence replace ‘comprise’ with ‘compromise’.</p>	
<p>Draft policy wording NE 6 needs to be clearer. Considers how a measurement would be made as to whether a development proposal would be of such ‘regional or national importance to outweigh any potential detrimental impact’. This would need to be a clear and transparent process open to public scrutiny.</p>	<p>The Council notes the strong opposition to any form of mining, renewables development and peat extraction contained from standardised responses received from the PARC group. This new policy (as provided for by the SPPS) to protect the remote wilderness parts of the upland AONB landscape from all forms of future development with a number of exceptional exemptions is considered to reflect the tone and intent of PPS2/ SPPS. This is in line with similar policies proposed by the adjoining AONB Councils to provide a unified approach to Sperrin AONB protection. It is considered that the wording of the policy is commonly understood and sufficient for decision makers to make the appropriate planning balance.</p>
<p>The respondent considers the Sustainability Appraisal to be flawed which renders the dPS in its entirety unsound as Soundness Test P 3 cannot be met. No reasonable alternatives to Policy NE 6 appear to have been considered. Development Plan Practice Notes (DPPN) and the SEA regulations require that they are. As the AONB designation already exists as a mechanism to protect sensitive landscapes then a reasonable alternative would have been to retain this designation and not introduce another based on flawed evidence.</p>	<p>This has been considered under SA consideration with SES and no change is considered appropriate. The AONB designation has been retained. Policy NE 6, through the introduction of the Special Countryside Area (SCA) designation, is designed to strengthen the AONB designation but in only in more upland areas where it is considered that additional protection is needed. The policy and associated designation aims to restrict development but not completely prohibit it in these areas. The SA does not consider any reasonable alternatives for this policy as while there may be alternative approaches none were identified as being reasonable for the purposes of protecting these particularly sensitive areas, our very best and most sensitive landscapes. The representation acknowledges that the selection of reasonable alternatives is the responsibility of the plan-maker, it follows then that where the plan-maker considers that none exist for a specific policy that this still meets regulatory requirements. The requirement to identify reasonable alternatives must include the ability to identify that none exist in some scenarios, even where other parties may disagree with this. Regarding the assertion that the Policy NE 6 is predicated on flawed evidence, it is unclear what the author is referring to as they have not identified any particular flaws. EVB 21 sets out that the evidence used for the natural environment policies includes both the Northern Ireland Landscape Character Assessment (NILCA or ERM study, 1999 - 2000) and the local landscape review (refer to EVB 6b - LCA Review). It is also considered that the policy is in</p>

	<p>accordance with the spirit and intent of the existing PPS 6 and the SPPS. In light of the above, it is considered that Soundness Test P 3 has been met. No change.</p>
<p>Respondent considers the Sustainability Appraisal flawed, rendering the dPS in its entirety unsound as Soundness Test P 3 cannot be met. Policies NE 6, 7 and 8 were appraised together but the scoring is flawed as the result is a preclusion of development. The SA states they were considered together because: ‘they all seek to achieve the same aim, the protection of sensitive landscapes’. Given that the policy precludes development within SCAs the SA scoring is flawed. Respondent notes the presumption against development in the SCA and do not believe Policy NE 6 and the associated SCA designation can achieve a minor positive impact on the local economy but rather a significant negative impact. Also, the positive environmental impacts noted against SA objectives 7, 10, 11, 12 and 13 are recorded by virtue of the policy preventing new development in the SCA which is not in the pursuit of sustainable development and contrary to para. 6.65 of the SPPS. Policy NE 6 is unsound. It is not justified by the SPPS nor appraised correctly in the SA.</p>	<p>This has been considered under SA consideration with SES and no change is considered appropriate. Where it is considered that the potential sustainability impacts of particular policies may overlap or closely align, they have been appraised together and as stated the all seek to achieve the same aim. However, each has been given full consideration. The representation goes on to discuss SCAs at this point so it is assumed that the remaining points wherein only ‘this policy’ rather than a policy name is referred to are in reference to NE 6 only and do not include policies NE 7 and 8. The representation objects to the outcome of the scoring of the policy against SA objectives 7, 10, 11, 12 and 13 on the same incorrect assertion. The underlying concern however appears to be that the policy and associated designation ‘could... reverse any positive effect on climate change by preventing any form of wind energy development in these areas.’ The dPS makes ample provision for renewable energy development, including through wind power (refer to Policy RED 1), but seeks to achieve balance approach in facilitating renewable development while also protecting the natural environment. The SCA designation will only apply to certain particularly sensitive landscapes and the priority issue of climate change is addressed in multiple ways throughout all of parts of the dPS. Wind energy development and renewable energy development in general are only some of the ways to address climate change, albeit they are amongst the most effective. In light of the above, it is considered that Soundness Test P 3 has been met. No change proposed</p>
<p>Respondent disagrees with the draft policy wording of NE6 relating to development within Special Countryside Areas. They refer back to their response to the Spatial Strategy and draft designation WECA where they consider that the council’s assessment of the landscape set out in EVB 6b is flawed. As such any reliance upon it to inform the extent of the SCA will fail against soundness test CE2. Consider that although 2005 Sperrin AONB boundary review is referenced within the Councils’ evidence base and the dPS, it is not presented as evidence to support the dPS and</p>	<p>The AONB designation has been retained. Policy NE 6, through the introduction of the Special Countryside Area (SCA) designation, is designed to strengthen the AONB designation but in only in more upland areas where it is considered that additional protection is needed. The policy and associated designation aims to restrict development but not completely prohibit it in these areas. Paragraph 6.28, regarding WECAs states that as result of pressure arising from existing operational and approved turbines, there will need to be ‘careful consideration of any further such proposals, to prevent unacceptable further development.’ The Council refers</p>

<p>therefore it cannot be demonstrated that the conclusions of the review have informed the plan preparation. They consider when comparing the extent of the proposed SCA as shown in appendix 1 of EVB 6b and map2 of the same report showing rural development pressure analysis for the district, it is clear that there is little development pressure located within the extent of the area proposed as a SCA. They consider that the council's evidence demonstrates that the existing policy protection afforded by an AONB and other existing landscape designations is effectively managing development, as such it is not appropriate or necessary to introduce further policy constraints on development, and doing so would give rise to potential ambiguity and result in conflict with soundness test CE2.</p>	<p>to para 6.28, regarding WECA's which states that as result of pressure arising from existing operational and approved turbines, there will need to be 'careful consideration of any further such proposals, to prevent unacceptable further development.' The Council is content that such proposed spatial designations (SCA / WECA / AHLIs) are soundly based and justified on the evidence contained within the accompanying Development Pressure Analysis (EVB 6c) and the Landscape and Seascape Character Review. Furthermore, suitable SPPS/ LDP guidance gives grounds for the bringing forward of such strategic designations for landscapes which are intrinsically valuable.</p>
<p>RES notes the Special Countryside Area designation and the proposed 310m threshold and consider this arbitrary and would like to know why it was chosen. RES welcomes that there are exceptions to the presumption against development for projects of regional and national importance but these should include renewable developments. The plan fails soundness test CE 1 as the draft policies conflict with the strategies.</p>	<p>The 310m height above sea level is considered to equate to the 'High Sperrins' the most valued upland landscapes in the AONB. They tend to be more open and undeveloped with generally semi- natural unfarmed vegetation and landform. The rationale behind the designation is explained further in the J&A. It would be for applicants to demonstrate whether or not a particular proposal is of regional or national importance and for the decision maker to consider this at development management stage.</p>
<p>One respondent is concerned that SCAs can be removed with flimsy provisos. Considers that there is little point introducing a protective mechanism unless it is used appropriately. Consider that any mineral development within the AONB will always compromise the integrity of the area.</p>	<p>No change proposed. It is considered that the policy in this chapter and those in the minerals chapter provide the requisite balanced approach, allowing minerals development only where there are appropriate environmental safeguards.</p>
<p>Fermanagh & Omagh District Council note our Special Countryside Area, which are similar and complimentary to that in their own part of the Sperrins AONB, also to be Areas of Minerals Constraint – similar to their own. Also our AHLIs designation and Development Pressure Areas, though they note that our detailed boundaries and their policies are left to the LPP stage. The SCA includes the open mountain landscape of the Sperrin AONB including Sawel, Dart, The Moat etc). Part, on the south side of the Glenelly Valley rises up to a similar designation in their district.</p>	<p>Support noted and welcomed.</p>

<p>Mid Ulster Council consider there may be a conflict between SCA Policy NE 6 which is very restrictive and only allows development in SCAs in three very limited circumstances (including projects of regional or national importance) and Policy UT 3 which seems to permit telecommunications development in SCAs as long as landscape impacts are considered and mitigated against. They consider that this could potentially allow inappropriate developments in the SCA.</p>	<p>The Council do not consider there to be a conflict and the plan should be read as a whole. Policy UT 3 states that telecommunications development should avoid (<i>inter alia</i>) SCAs but the policy recognises that some proposals may come forward in SCAs. Any such proposals would also have to comply with Policy NE 6. Policy UT 3 requires a statement to be submitted detailing how applicants have considered and mitigated for any potential landscape/ visual amenity impact. They must have a commensurate level of detail in areas designated for their landscape sensitivity. This would need to be detailed and very convincing to justify such developments in an SCA.</p>
<p>NE 7 – Development within Areas of High Landscape Importance (AHLIs)</p>	
<p>DFI Strategic Planning welcome this designation to protect those second-tier landscapes of District-scale importance in line with SPPS 6.191-192.</p>	<p>Support noted and welcomed.</p>
<p>Respondent considers that Policy NE7 relating to development within Areas of High Landscape Importance (AHLIs) needs to be stronger. Considers that the policy should also include that all proposals should make statements regarding what happens if the development comes to an economic end and the developers leave.</p>	<p>The Council notes the strong opposition to any form of mining, renewables development and peat extraction contained from standardised responses received from the PARC group. Detailed boundaries and development guidance for individual AHLIs will be included in the LPP. Minor improvements, such as walking and cycling infrastructure, permitted under this policy, will need to clearly demonstrate how such proposals will both sensitively integrate into the landscape character and not cause any adverse impacts on nature conservation interests or the fragile surfaces of such protected landscapes. Strong restoration policies which would address these concerns are contained within the minerals and renewables chapters. No change necessary.</p>
<p>Draft Policy NE 7 refers to the protection of the landscape including its intrinsic nature conservation interest. Respondent considers there is no need to include this in the policy wording as the J&A of this policy sets out that the intention of the policy is to protect landscapes and views. Other policies already provide adequate protection to habitats and species. Disagrees with the draft policy wording of NE7. Considers that prior to the identification of any AHLIs, the Council should have carried out an assessment to identify areas worthy of designation. No such assessment is provided in support of draft policy NE7 and the draft policy therefore would fail soundness test CE2.</p>	<p>The strategic generation of the AHLI policy originates in the Landscape and Seascape Character Review EVB 6b p44/45. Indicative boundaries are clearly set out in the Proposals Map 2 dPS p476. Some of policy provisions in the dPS overlap with others or re-state requirements. This is for clarity and avoidance of doubt that meeting the requirements of one policy supersedes the need to meet the requirements of all that apply. In this case, it makes it clear that nature conservation interest is considered part of why the land has been designated of such importance. Whilst nature conservation is a consideration in all rural development, here it is highlighted of particular importance due to the unique and special qualities of these particular areas of land. Certain species and assemblages of species and habitats are very much a part of the landscape interest. The Council is content that such proposed</p>

	spatial designations (SCA/ WECA/ AHLIs) are soundly based and justified on the evidence provided. Furthermore, suitable SPPS/ LDP guidance gives grounds for bringing forward such designations for strategic (intrinsically valuable) landscapes.
Considers policy not flexible enough prescriptive interpretation could prevent sustainable, beneficial projects coming forward. Should acknowledge economic, social and environmental contributions of proposals. Clarify 'exceptional circumstances'. This will help ensure that the mechanisms for implementation of this policy are clear. Without these amendments they consider the policy will not satisfy CE3 and CE4	The Council does not consider NE 7 to be restrictive but for clarity refer to change reference PC 186 in the Schedule of Proposed Changes. This includes a reordering of the policy so that it first sets out that proposals which would adversely affect AHLIs will not normally be permitted. Then it states that exceptionally proposals may be permitted where their regional or district-wide significance outweighs any adverse impacts. This is a widely accepted planning balance and commonly understood. It is therefore not considered necessary to spell it out any further in the policy text.
Considers NE 7 AHLIS & ACMDs will severely restrict the ability to make the best use of natural resources where found. An enduring successful economy will use natural resources effectively and contribute towards environmental protection. Considers the policy to be unsound on tests C1, C3 and CE4. AHLI/ ACMDs should not restrict the development of short-term/ temporary extraction of accessible, workable, high quality sand and gravel subject to environmental protection and restoration with the creation of habitats and potential community benefits.	The Council does not consider NE 7 to be restrictive but for clarity refer to change reference PC 186 in the Schedule of Proposed Changes. This includes a reordering of the policy so that it first sets out that proposals which would adversely affect AHLIs will not normally be permitted. Then it states that exceptionally proposals may be permitted where their regional or district-wide significance outweighs any adverse impacts. This is a widely accepted planning balance and commonly understood. It is therefore not considered necessary to spell it out any further in the policy text.
General	
Include reference to Muff Glen and Learmount Wood on p17 (survey & profile), para 2.6 (list of 'assets' including certain nature reserves, ancient woodlands and parks). Add following text 'This LDP will ensure the protection of such assets.'	The list is not exhaustive, nor is it meant to be. Wildlife site protection is dealt with in the Natural Environment chapter. No change necessary.
LDP plan document contains quite a wordy section on the environment but they notice caveats that will certainly be taken advantage of by those who have very little regard for the natural environment.	The suite of environment policies has gone through rigorous tests and Sustainability Appraisal and have been founded on a robust evidence base. The policies allow sustainable development to take place as long as certain criteria are met. This balanced approach aligns with the prevailing planning policy environment in Northern Ireland.

Chapter 22 – Coastal Development

Responses Received

Reference	Respondent
LDP-PS-REP-106A	DFI Strategic Planning
LDP-PS-REP-78A	NIEA (NED)
LDP-PS-REP-106E	WDPD Dfi (Water & Drainage Policy Division)
LDP-PS-REP-80E	WDPD Dfi (Water & Drainage Policy Division)
LDP-PS-REP-80D LDP-PS-REP-106D	DFI Rivers
LDP-PS-REP-25a, 111, 132a, 201L.	PARC
LDP-PS-REP-82	RSPB

Main Issue	Council Response
Coastal Development – Chapter overall	
<p>NED Marine Plan team consider that more reference is needed to strengthen the integration between terrestrial and marine planning systems. Recommends</p> <ol style="list-style-type: none"> 1. Statement setting out the content of the LDP must be read in conjunction with the contents of the UK MPS and the draft Marine Plan for NI. 2. Enhanced reference in the objectives to marine area. 3. The mention in Policy NE 4 is acknowledged but they consider that marine policy documents should be considered more widely than is currently reflected in the dPS. 4. Include further references to the UK MPS and the draft Marine Plan, particularly where the RDS and SPPS are mentioned. 5. GDP 1 should reference that all development should be in accordance with the UK MPS and Marine Plan for NI. Protection of the marine area should be made explicit in GDP 4. 6. All LDP policies should reference and ensure that adverse impacts also consider the marine area and are not solely restricted to impacts on land or the intertidal area. 7. Where landscape is referenced, seascape should be included where relevant. 8. Amend references from 'marine environment' to 'marine area'. 	<p>Accepted. Please refer to change reference PC 15 in the Schedule of Proposed Changes which ensures that the marine / coastal area is explicitly referenced in GDP 1 (and in in the related GDPOL 1), and that it is not just the designations that are protected, in principle. The Council considers that a thorough review of the dPS and its associated documents would indicate that extensive reference has been made to the draft Marine Plan and its relevant legislation. The draft Marine Plan for NI is referenced in the Context Chapter p39; a specific Coastal Development Chapter is on p339-345; a 29 page supporting Evidence Base document (EVB 22) and a comprehensive 139-page Landscape & Seascape Character Review (EVB 6b) were undertaken. Apart from two clarifying 'coastal' insertions in GPD 1 & GDPOL 1, the Council is therefore satisfied that an appropriate level of detail (including the 'legislative landscape') has been accorded to the coastal and marine area within the dPS.</p>
Policy CD 1	
<p>DFI Strategic Planning state that SPPS para 6.44 requires that LDPs should identify land within settlements to be zoned for developments which require a coastal location. At para 6.38, the SPPS is clear with regards to the undeveloped coast: 'development should only be permitted on the undeveloped coast where it is of such national or regional importance as to outweigh any potential detrimental impact...' Respondent further</p>	<p>The Council notes the content of the SPPS in terms of coastal development in para 6.38-44. Para 6.48 is also pertinent. The Council believes that Policy CD 1 has taken account of the SPPS policy direction and are therefore satisfied that the exception is in keeping with SPPS guidance. The Council stresses that Policy CD 1 is permitting development 'by national or regional importance exception only'. The further exception, to which DfI refer, introduces the potential for a District scale important</p>

<p>states that dPS Policy CD1 has introduced an exception. This is not in line with the regional approach in relation to the protection of the undeveloped coast. The Council may wish to consider the inclusion of detail text in para 22.22 in the policy.</p>	<p>development which must meet three further criteria. The Council therefore considers that such a stated exception will very much restrict the number of suitable proposals likely to come forward. The J&A in para 22.22 works in tandem with policy CD 1 and the Council is content that the intent and direction of para 22.22 is equally contained within the policy. The definition of the 'developed coast' is expanded slightly at the foot of the policy so that it might include the primarily undeveloped but zoned Industry land adjacent to the Port. The policy is also reworded so as not to unduly inhibit coast/ river-necessary development for tourism/ recreation, even if it is not of national/ regional importance. No change necessary.</p>
<p>Coastal Development - suggest adding additional text (underlined): The Council will require the protection or enhancement of the District's coastal area and seascape. Development proposals must comply with NE 1 and should not have an unacceptable effect, either directly, indirectly, or cumulatively, on the coastal area and its setting. Development will not normally be permitted in areas of the coast known to be at risk from flooding including areas <u>which may become at risk from rising sea levels due to Climate Change, coastal erosion or land instability</u>. Development proposals will also be assessed against the UK Marine Policy Statement (MPS) and any adopted Marine Plan.</p>	<p>Accepted. Please refer to change reference PC 187 in the Schedule of Proposed Changes which provides clarity on flooding text due to rising sea levels linked to climate change.</p>
<p>Para 22.13 - suggest adding additional text as outlined below. The Council will require all relevant proposals to clearly demonstrate how they will protect or enhance the coastal zone, in terms of natural / historic environment, biodiversity, water quality, and amenity value. Proposals must also indicate how they accord with the relevant Marine legislation and the Marine Plan for NI (when adopted). In addition, all proposals must consider the potential implications of environmental change, including rising sea levels due to <u>climate change</u> and flood risk, and demonstrate appropriate measures to address these issues.</p>	<p>Considered unnecessary as it is widely understood that rising sea levels are due to climate change. No change.</p>
<p>DfI Rivers welcomes the content of this policy and would recommend that it should also refer to Chapter 25, Development and Flooding, Policy FLD 1 Development in Fluvial (river) and Coastal Flood Plains.</p>	<p>Accepted. Please refer to change reference PC 188 in the Schedule of Proposed Changes to provide a cross reference to policy FLD 1 within policy CD 1 text and for para 22.13 to state that proposals must accord with Chapter 25 Development & Flooding and policy FLD 1.</p>

<p>Respondents do not support draft policy CD 1 regarding coastal development. Consider it to be irresponsible to develop in areas of the coast which are known to be at risk of flooding, coastal erosion or land instability. Consider this to be going against fundamental environmental protection principles. Consider that the LDP uses language that negates supportive environmental statements.</p>	<p>It is considered that the proposed Policy CD1 reflects the policy direction and advice as set out in the RDS/ SPPS/ PSRNI / UKMPS i.e. to facilitate appropriate development in developed coastal locations whilst carefully managing proposals in the undeveloped coast. The definition of the developed coast is expanded slightly so that it might include the primarily undeveloped but zoned Industry land adjacent to the Port. The policy is also reworded so as not to unduly inhibit coast/ river-necessary development for tourism/ recreation, even if it is not of national/ regional importance. It is considered that Policy CD1 meets the strategic direction of the relevant legislation and guidance for coastal development, as well as meeting the developmental and protective needs of this District. Regarding the alleged 'irresponsibility', The Council reiterates that CD 1 states in the first paragraph that development will not normally be permitted in areas of the coast known to be at risk from flooding, coastal erosion or land instability.</p>
<p>RSPB welcome the Council's coastal strategy. They recognise a key issue will be the development of sustainable management of the coastal areas in the face of climate change and resultant coastal squeeze as sea levels rise and permanently cover land areas. They consider a stated exception would be appropriate within Policy CD1 Coastal Development for nature conservation development to allow for nature-based solutions which could assist in managing the effects of climate change.</p>	<p>The Council considers that a further exception is not required to Policy CD 1 for a potential nature conservation development because this would already be provided for under the national or regional exception within CD 1. Therefore, no change required.</p>
<p>NED request that at the end of the second sentence of CD 1, the word 'setting' is amended to 'character'. In the first bullet point (undeveloped coast p341) it is recommended that the term 'landscape/ seascape value of the area' at the end of the sentence should be amended to 'landscape/ seascape quality and character of the area'. At the end of the second sentence in developed coast section on p342, it is recommended that the term 'landscape value of the area' should be amended to 'landscape/ seascape quality and character of the area'.</p>	<p>Accepted. Please refer to change reference PC 189 in the Schedule of Proposed Changes to provide enhanced landscape reference within the Coastal chapter.</p>

Chapter 23 – Historic Environment

Responses Received

Reference	Respondent		
LDP-PS-REP-79	DfC HED	LDP-PS-REP-78	DAERA NED
LDP-PS-REP-99	Inner City Trust		
LDP-PS-REP-96	Ulster Farmers Union		
LDP-PS-REP-106A	DFI Strategic Planning		
LDP-PS-REP-25a, 111, 132A-H,201L	PARC		
LDP-PS-REP-202-L, 99	Inner City Trust		
LDP-PS-REP-38,107	Paul McGarvey Architect		
LDP-PS-REP-56	Foyle River Gardens		
LDP-PS-REP-82	RSPB		
LDP=PS-REP-118	William Maturin-Baird		
LDP-PSP-REP-127	Oakfire Adventures		

Main Issue	Council Response
Historic Environment– Chapter overall	
<p>HED has suggested a number of very detailed changes throughout this chapter, the majority of which have been accepted.</p>	<p>Largely accepted. Please refer to changes reference PC 190-205 in the Schedule of Proposed Changes for detail. This includes amendments requested primarily by DfC Historic Environment Division (HED) and DfI Strategic Planning to closely align with the wording, layout, definitions and strategic policies in the SPPS, and existing policies in PPS 6. Considering the technical expertise of these consultees and that the policies are ‘proven’ and widely accepted these proposed changes will assist the implementability of the policies. Also please refer to Annex 5 of the changes table which sets out the revised wording for Policies HE 2 (Archaeology), HE 4 (Listed Buildings), HE 8 (Conversion and Re-use of Non-designated Heritage Assets and HE 9 (Enabling Development).</p> <p>The Council considers that the dPS Historic Environment policies and J&A already ‘took account of’ the SPPS, especially its Chapter 6, and that the dPS was closely aligned with it and the existing content of PPS 6 (Planning, Archaeology and Built Heritage). There is no requirement for the dPS to exactly replicate all of the content of the existing PPS (which is 65 pages plus a 12-page addendum, so it is not practically feasible). Moreover, the SPPS will still remain in place, and will be a material consideration in assessing relevant applications. It is not accepted that some variations or use of alternative/ same/similar wording would reduce protection of our historic environment assets. The Council seeks to make the LDP ‘readable’ and understandable to the public and developers as well as specialists, so it is often appropriate to use ‘plain English’ and commonly understood terms, rather than specialist terminology or jargon.</p> <p>Having said this, the Council recognises that HED is the subject-expert Statutory Consultee. It is recommended that most of the HED-requested changes are made, especially where there is a technical inaccuracy or significant inconsistency from SPPS or potential ‘unintended consequences’. Though it may appear, superficially, to be a lot of amendments from the layout/wording of the dPS, the Policy content will still be mostly the same as the existing dPS; even cumulatively, there is no major or fundamental change proposed.</p>

<p>EYF consider that The Council should carry out a review of the value and significance of the archaeological, historical and heritage of local areas of Enagh Lough, the River Foyle and Lisahally. The respondents wish to promote sustainable development and environmental stewardship. Foyle Civic Trust in a late representation ask for consideration at LPP stage of the historical significance of part of Derry City.</p>	<p>Para 23.11 explains that the council has identified areas that might be considered as additional Areas of Townscape Character (ATCs) and that these will be further considered at LPP stage. Organisations can put forward sites or areas for consideration. With respect to the dPS, no change is necessary. This is an LPP matter.</p>
<p>Policy HE 1 Archaeology</p>	
<p>PARC are not supportive of the wording of Policy HE 1. Specifically, the sentence ‘development which would adversely affect such sites or the integrity of their settings must only be permitted in exceptional circumstances.’ Considers this to be concerning and does not instil faith in the Council as custodians of our historic environment.</p>	<p>They do not clarify or explain their concern, presumably feeling that it is too permissive and exceptional circumstances should not be allowed? (in the Sperrins?) However, Policy HE 1 is an amalgamation of PPS 6 Policies BH 1 & 2, with some additional text provided for clarity, based on the SPPS. It is considered that the amalgamation does not dilute the intent of either policy. The J&A has been shortened and is again based on PPS 6 and the SPPS. The Council believes the policy is appropriately strong, but with some limited scope for flexibility as an exception; it is therefore sound and does not need to be amended.</p>
<p>Policy HE 2 Archaeological Assessment, Evaluation and Mitigation</p>	
<p>PARC are not supportive of the draft policy and consider that planning permission should not be granted in sites known or likely to contain archaeological remains.</p>	<p>The policy reflects current planning practice on this matter and requires an archaeological assessment to be submitted. On some sites known or likely to contain archaeological remains it will be possible to preserve them <i>in situ</i> and record them before development commences. The policy allows for this. No change necessary.</p>
<p>Policy HE 3 Development Adjacent to the Walls</p>	
<p>DFI Strategic Planning comment that Policy HE 1 offers policy protection to the Walls, as a Historic Monument in State Care. Also considers that the wording in the policy ‘...within sight of the Walls’ is ambiguous as this is a prominent feature of Derry City.</p>	<p>The plan should be read as a whole. For clarity please refer to change reference PC 197 in the Schedule of Proposed Changes. Whilst the Walls are already protected by Policy HE 1, the revised wording to para 23.28 (J&A of HE 3) makes the policy more-sound and Derry specific. Para 25.26 explains that views to/ from the Walls are important and that professional judgement will be applied in assessing developments within sight of the Walls that could impact on the views. This is in line with SPPS para 6.8 and HE 1, to protect ‘the integrity of their settings’.</p>

Policy HE 4 Listed Buildings and their Settings	
<p>Inner City Trust supports the statements in Policies HE4 and HE5 relating to advertisements and consider that the final LDP when adopted should contain clear and specific design guidance in relation to the siting and display of adverts in heritage-sensitive locations such as listed buildings, conservation areas, scheduled monuments and ATC's.</p>	<p>The support is noted and welcomed. The wording of Policy HE 4 part c (and HE 5c & HE 6c re ATCs) together with Policy AD 2 (Advertisements and Heritage Assets), provide strong planning policy guidance regarding advertisements in heritage sensitive locations. No change necessary.</p>
<p>States that several policies (Policies HE 4 and HE 5 provided as two of the examples) use the 'outdated and misleading' requirement that extensions to rural buildings, within Conservation Areas and/ or to historic buildings must be sympathetic to the scale, massing, architectural style and finishes of the existing building. This can be interpreted by planners, agents and developers as meaning that only 'pastiche' will be approved and that good contemporary design will not. Issue considers this wrong and contrary to 'Building on Tradition'. Provides as evidence a planning application from 2009 to illustrate the perceived misinterpretation. Good design must be of its time and the wording in these policies must be changed to remove such ambiguity.</p>	<p>The Council disagrees that 'sympathetic' implies pastiche (as would HED, we'd expect, from experience.). There are multiple references in the dPS, especially in the Design & Place-making sections, stating that innovative, modern, yet 'sympathetic' design proposals will be welcomed and considered. The emphasis is not necessarily on copying the existing or pastiche, but on high-quality design, the scale, massing, architectural style and finishes, including quality materials. Therefore, the concern is not considered to be justified. No Change necessary.</p>
<p>Foyle River Gardens consider that policy HE 4 should make it clear that it will take into account the economic and viability arguments associated with bringing listed buildings back into use when assessing applications. Considers that listed buildings come with added costs and bringing these buildings back into successful use requires a flexible Planning policy approach and this should be acknowledged in the dPS. The ability of listed buildings and their settings to absorb impacts and changes can vary incredibly. The Council should acknowledge this in the policy. The Council should also advise that it will seek to form a full and proper understanding of the merits of the listed building, and indeed any parts of the building that do not merit protection so that it can form a reasoned and balanced judgement with respect to proposed alterations, additions, demolitions etc.</p>	<p>The Council considers that Policy HE 4, especially with the proposed J&A Changes, will be suitably strong and fit-for-purpose, including the understanding of the listed building, the acceptance for appropriate new uses and a search for viable uses and innovative designs – provided the listed building is respected and protected. No further change is required.</p>

<p>RSPB consider policies HE 4 & HE 8 unsound. They believe that the protection and enhancement of biodiversity can be achieved through careful planning and development. They refer to earlier POP submission and reiterate that there is no regard to protecting and enhancing the biodiversity that Listed buildings and locally important, unlisted vernacular buildings may contain. They consider soundness can be achieved by inserting the following additional text: 'Any extensions, alterations or adaptations should not result in a net loss of biodiversity and contribute to net gain'. They also suggest including reference to the POP-mentioned biodiversity features which may be incorporated, where appropriate, into the layout and design.</p>	<p>The Council is amending policy GDPOL 1, which will apply to all developments, to include the 'biodiversity net gain' requirement from GDP 7 (v). Therefore, there is no need to include this policy requirement for historic buildings specifically. No change necessary.</p>
<p>Respondent supports the Boom Hall conservation plan adopted by the Council including its recommendation that the LDP presents an opportunity to recognise the Council's commitment to the future of the Boom Hall Site and listing of the historic properties there, as the land has an aesthetically pleasing natural setting. Considers that there is enough development within the area and a focus should be placed on on renovating existing structures/buildings within the setting.</p>	<p>Support noted and welcomed.</p>
<p>Page 356 – HED suggest amend dashed point 5 to 'protect trees, <u>hedgerows</u> and other landscape features contributing to the character or appearance of the area' (new text underlined).</p>	<p>It would not be appropriate or necessary to amend bullet point 5 to protect hedgerows, as they are already included in 'other landscape features contributing to the character or appearance of the area', but they do not and should not have the same protection as trees have under legislation.</p>

Chapter 24 –Renewable and Low Carbon Energy Development

Responses Received

Reference	Respondent		
LDP-PS-REP-46	SSE Renewables		
LDP-PS-REP-82	RSPB	LDP-PS-REP-6	Pauline McHenry
LDP-PS-REP-43	NIE Networks	LDP-PS-REP-04	Mid Ulster DC
LDP-PS-REP-53	ABO Wind	LDP-PS-REP-78	NED
LDP-PS-REP-106	DFI Rivers	LDP-PS-REP-62	Faughan Anglers
LDP-PS-REP-103	Light Source BP		
LDP-PS-REP 106A	Dfi Strategic Planning		
LDP-PS-REP-115	RES		
LDP-PS-REP-117	ABO Wind Turley's		
LDP-PS-REP-74	Community Windpower Ltd		

Main Issue	Council Response
Regional Policy Updates	
Economic Objectives Chapter 4 p46	
<p>SSE Renewables agree with Economic Development Objective (b) (iv): ‘To recognise the North West’s significant renewable energy resource and encourage the use of sustainable energy both as a means of generating money for the local economy, attracting investment in enterprise and providing sustainable and affordable electrical power for the population.’ LDP policies and objectives should demonstrate how renewable energy will be encouraged. Renewables, especially solar, can stimulate jobs and reduce reliance on fossil fuels. NI has several large-scale solar farms which serve major manufacturers or industries with high energy demand (i.e. Belfast International Airport). As well as local companies, many large FDI multinationals in deciding where to locate operations, increasingly wish to locate near a secure, clean renewable energy supply e.g. Facebook in Meath, Amazon in Cork and Microsoft in Dublin. This is because they have their own sustainability targets to meet. Renewables can therefore be a key incentive to attract inward investment to the area, stimulating employment and enterprise.</p>	<p>Has been noted as general Renewables support but relates to V&O Economic Objectives. The comments are noted. The Council is satisfied that the LDP Vision and objectives are pro-sustainability and in favour of renewable energy and the policies are sufficiently flexible and there are ample opportunities for further Renewables, even to meet the higher government targets and also the localised requirements referred to elsewhere in the submission. Therefore, the LDP does not need to be changed in this regard.</p>
<p>NIE do not support plan strategy objective ‘Economic Development Objectives (b) - recognition limited to renewable energy resource and not the importance of ensuring that the electricity network is fit for purpose.</p>	<p>The comments are noted. The Council is satisfied that the LDP Vision and objectives are pro-sustainability and in favour of renewable energy and the policies are sufficiently flexible and there are ample opportunities for further Renewables, even to meet the higher government targets and also the localised requirements referred to elsewhere in the submission. Therefore, the LDP does not need to be changed in this regard.</p>
Chapter 7 Policies GDP 2 and GDPOL 1	
<p>Respondent considers that The Council should make the UK net zero carbon emissions target a fundamental pillar of the plan strategy. The dPS should prioritise policies which promote electricity from renewable resources.</p>	<p>RE is a fundamental part of the LDP already and we have tied it to NI targets. The dPS promotes renewable energy through Principle GDP 2. Criterion ii promotes energy efficient, micro-generating and decentralised renewable energy systems and criterion iii the use of zero carbon technologies. Policy GDPOL 1 requires incorporation of renewable and low carbon energy technology in development</p>

	<p>proposals wherever feasible. The dPS also recognises that there must be a balanced approach to avoid significant adverse impacts, which could undermine the benefits of renewable energy. Policy RED 1 makes detailed provision for permitting renewable energy development proposals whilst protecting amenity and our most important natural and built features through mitigation. This is a robust policy basis for balanced decisions for proposals with competing considerations. In addition, the introduction of the Wind Energy Capacity Area (WECA) designation, which identifies lands considered at or reaching, capacity for wind turbines, will help steer developers from such areas. This measure and the other detailed guidance under RED 1 is intended to help the renewable energy sector in devising proposals which are more likely to be capable of approval, ensuring that the supply of energy through renewable and low carbon technologies continues to grow in the District. The Council's LDP vision already includes the commitment to sustainable development. Objective B (iv) commits to promoting renewable energy and environment objective D (i) commits to measures to tackle climate change. No change necessary.</p>
<p>Respondent considers that Foreign Direct Investment (FDI) companies, who have corporate policies on green energy, wish to locate near a secure supply of clean energy. Power Purchase Agreements (PPAs), such as those used by Belfast International Airport and Brett Martin in obtaining their renewable energy supply privately from two solar farms, should be given additional policy direction and protection. Renewable electricity PPAs can lower regional reliance on fossil fuels and help local indigenous companies lower energy costs and become more competitive.</p>	<p>The dPS through policies RED 1 and GDPOL 1 make sufficient policy provision for all types of developers wishing to bring forward renewable energy proposals, as either stand-alone projects or ancillary to another type of development. GDPOL 1 requires the incorporation of renewable and /or low carbon technologies for all development proposals, unless demonstrated to not be feasible. Therefore, should a FDI company wish to set up in the District there is already a fundamental policy basis for the incorporation of green energy measures in their scheme. RED 1 provides detailed guidance for development proposals, including new environmental designations and information on mitigation to aid a development's likely acceptability. It also makes specific provision for the consideration of the economic benefits of a proposal (4th paragraph p369): 'The wider environmental, economic and social benefits of all proposals for renewable energy and low carbon projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted.' Therefore, if the wider economic benefits of a scheme are significant (e.g. of regional or district importance), this may be given determining weight as a material consideration in the determination of any application, subject to any other relevant material considerations having been fully assessed and</p>

	weighted. It is therefore considered that PPAs would already be supported by the existing policies and there is no need to refer to them explicitly.
Respondent considers renewable energy generation should be a policy priority, not just for the economic reasons outlined above, but to address climate change. Tackling climate change has increasingly become a key national government priority for the planning system in Ireland. The Development Plan should focus minds on ways to promote and attract high quality economic development that minimises the impact on climate change. This can be achieved through promoting policies for implementing renewable energy technologies such as solar PV.	The Council agrees and these matters are addressed in the economic objectives in the dPS. The LDP Vision and objectives are pro-sustainability and in favour of renewable energy and the policies are sufficiently flexible. There are many opportunities for further Renewables, even to meet the higher government targets and the localised requirements referred to. Therefore, the LDP does not need to be changed in this regard.
RED 1 Renewable & Low Carbon Development - general	
Concerns that this policy may create a policy tension with regards the weight to be attributed for Renewable Energy proposals generally, particularly within designated landscapes. The weight to be attributed to proposals within designated landscapes does not align with paragraph 6.225 (WEESB) of the SPPS.	Para 6.225 of the SPPS states that ‘the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted.’ This text is reproduced in Policy RED 1 (4th para p369). The second para on that page states that the potential for significant adverse impact from renewables development on designated sites including SCAs, AHLIs and AONBs will be a priority consideration. SPPS para 6.223 advises a cautious approach for renewable energy within designated landscapes of significant value such as AONBs and their wider settings. Para 6.234 states that the SPG ‘Wind Energy Development in NI’s Landscapes’ should be taken into account. With regard to the balance of protection in the AONB/ SCA weighed against the benefits of renewables, this is similar in the dPS to the SPPS. In the AHLIs outside the AONB, the areas were previously designated for their landscape importance in the Derry Area Plan and Strabane Area Plan. Some of the AHLIs north of the Sperrins are part of its setting. The strong protection for our most valued landscapes is a deliberate policy decision. For clarity please refer to change reference PC 209 in the Schedule of Proposed Changes. The reference to landscape being a ‘priority consideration’ (second para on p369) is removed as this is inherent to policies NE5, NE6 and NE7. Instead this and the items in the following sentence will be ‘important considerations’.

<p>Respondent notes that the policy for wind energy development combines both wind turbines and wind farm development, creating ambiguity around the policy intention. The SPPS (para 6.227) is clear in its intention that 'For wind farm development a separation distance of 10 times the rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply'. If it is the Council's intention to provide policy provision in relation to wind turbines, this should be clearly separated from policy relating to wind farms to provide clarity for practical application. Currently as this policy is drafted, the requirement for individual wind turbines is more onerous than that relating to wind farm development, is this Council's intention? Council should be satisfied that the evidence supports this approach and should be clear.</p>	<p>The Council considers that the policy strikes the right balance between landscape protection and permitting renewable energy. It is not clear why DfI Strategic Planning consider the policy more onerous for single turbines than wind farms. For example, a single turbine with a rotor diameter of 39m could be 390m from occupied property whereas a wind farm would need to be at least 500m away. The Council do not agree that single installations and wind farms need to be dealt with separately, particularly because there is so much policy overlap and in many ways, the single turbines at lower altitudes can be more sensitive applications.</p>
<p>Respondent notes that if the Wind Energy Capacity Area (WECA) designation is intended to be fully indicated in the Local Policies Map, it would have been more beneficial if the full extent of this designation was shown in the Plan Strategies Appendix 1 – Proposals Map 2 in combination with AONB, SCA and AHLI designations.</p>	<p>The general location of the WECAs is shown on this map but not their full extent. It is considered that this is entirely appropriate for this strategic stage in the LDP process. It is important not to over-burden the draft Plan Strategy stage or make the plans difficult to read or interpret.</p>
<p>Where reference is made to 'significant' under Policy RED 1 for Anaerobic Digesters viii and Hydro Schemes ii & iii the Council, may wish to consider using the language of the SPPS (paragraph 6.224) to state 'unacceptable' instead. Furthermore, this would apply to the use of 'significant' within paragraph 24.28 (sic).</p>	<p>The Council have taken account of the SPPS but it is considered that a significant adverse impact would be by its very nature unacceptable and that this would be commonly understood without the need to adhere to the exact same wording as the SPPS. There is no paragraph 24.28. No change necessary.</p>
<p>SSE Renewables welcome the following assertion in Policy RED 1: 'The wider environmental, economic and social benefits of all proposals for renewable energy and low carbon projects are material considerations...'</p>	<p>Support from SSE Renewables is noted and welcomed.</p>
<p>SSE Renewables consider the Sustainability Appraisal to be flawed which renders the dPS in its entirety unsound as Soundness Test P3 cannot be met. No reasonable alternatives to Policy RED 1 have been considered. Policy alternatives should have included using the policy framework of the SPPS to solely guide renewable energy development and setting a specific target within the District for further renewable energy</p>	<p>Alternatives were actually considered but no reasonable ones could be identified. During policy formulation, alternatives were considered (e.g. POP option 1). However, whilst sustainability is an underpinning consideration, it is not the sole consideration and the Council also has to consider social and economic ones. Allowing unfettered renewable energy development does not take account of the full range of considerations, so this was not used as a reasonable alternative in the</p>

<p>development to help combat climate change. No reasonable alternatives have been identified in respect of the 30-year time limit included within Policy RED 1. No justification has been given for this time limit and so other time limits may be appropriate and should be considered as reasonable alternatives. It is acknowledged that the selection of reasonable alternatives is the plan-maker's responsibility; however, there is a clear obligation to test more than one reasonable alternative. By failing to identify any, the SA fails to meet the legal requirements of the SEA regulations.</p>	<p>SA. It is therefore considered that no reasonable alternatives exist. As selection of such alternatives is the responsibility of the plan maker, since none exists, the SA still meets regulatory requirements. During initial stages of plan preparation, a 'self SA' was carried out at officer level on each chapter. The alternatives suggested by the respondent are dealt with in turn. Firstly, the policy is already considered to broadly align with the SPPS so reproducing the SPPS is not really a viable alternative. Secondly, it was not considered appropriate to set a specific District target for renewable energy development as this should be set at regional (NI) level. This would not really be an alternative in any case, simply an additional feature of the policy. Regarding the 30-year time limit, the text states that this would 'normally' be attached which allows for flexibility. Renewables companies normally say this is the sort of life span for renewable energy installations so they should generally be removed or upgraded then. If a technology has a longer life this could be demonstrated in any planning application and a longer time limit requested.</p>
<p>Consider it inappropriate that development proposals must accord with the relevant LDP landscape designations before being considered under RED 1. It suggests a gateway test is being introduced. It is inconsistent with the SPPS and would fail against Soundness Test C3.</p>	<p>This second paragraph is not intended to be a gateway test it is merely a cross reference to the relevant designations and their policies. Specifically, para 6.28 regarding WECA's states that as result of pressure arising from existing operational and approved turbines, there will be 'careful consideration of any further such proposals, to prevent unacceptable further development.' It refers readers to Policy RED 1 which again requires careful consideration in order to avoid unacceptably intensifying existing adverse landscape impacts therein. It identifies one of the more significant material considerations. Para 6.20, regarding SCAs states that due to the significance of the views of these areas 'only a limited range of development will be allowed...' Readers are referred to Policy NE 6, which sets out the associated policy provisions. Para 6.21, regarding AHLIs states that 'proposals that would adversely affect or change either the quality or character of the landscape within the AHLIs will not normally be permitted...'. The reader is then referred to Policy NE 7, which sets out the associated policy provisions. These sections establish that there is specific policy for development proposals within the designated areas. The designation of AONBs is carried out nationally by NIEA. The dPS provides policy for development proposals within AONBs through Policy NE 5. The dPS highlights that higher standards will apply due to the sensitive nature of the landscape. It is considered that there is no inconsistency with the SPPS and Soundness Test C3 is met. For clarity</p>

	<p>please refer to change reference PC 208 in the Schedule of Proposed Changes to clarify that renewables development must pay due regard to relevant designations.</p>
<p>Respondent considers the reference to designated/ protected areas in criterion b) is unnecessary. In order to pass the gateway test, the lack of unacceptable adverse impact will have already been demonstrated. The draft policy is overly onerous and duplicates policies contained elsewhere in the dPS and the SPPS. It conflicts with tests CE1 and 2. It is evident that the dPS has sought to carry forward the policy requirements of Policy RE 1 of PPS 18, with the exception of criteria b) and d) and the addition of criterion f).</p>	<p>There is no gateway test but draft policies associated with designations do require that proposals demonstrate no unacceptable adverse impact. Some policy provisions in the dPS overlap with others or re-state requirements. This is for clarity and for the avoidance of doubt. For example, wind energy proposals are subject to the requirements of RED 1 first; however, Policy GDPOL 1 will also apply and it is highly likely that one or more of the Natural Environment policies will apply. Irrespective of this, the requirement to apply all relevant policy already exists and will continue to do so. Therefore, to say the draft policy is more onerous is inaccurate. The SPPS sets out the framework for LDPs that must apply throughout NI. All LDPs must take account of it. They can then build on it, tailoring policies to local circumstances. The dPS does this by making provision for renewable energy development as required and then setting out additional requirements to ensure that such development is managed appropriately taking into account the District's specific circumstances. There is no conflict with tests CE 1 and 2. No change necessary.</p>
<p>'The potential for significant adverse impacts from renewable and low carbon energy development proposals on designated sites across the District, including Special Countryside Areas (SCA), Areas of High Landscape Importance (AHLIs) and Areas of Outstanding Natural Beauty (AONB) will be a priority consideration. The impact of proposals on designated natural and historic environment assets will also be a priority consideration.' (2nd para in policy box on p369). Respondent considers statement to duplicate of text from chapter 21 and is not required.</p>	<p>As for (h) above, this paragraph is for clarity and reinforcement of the priority for landscape designations in line with the cautious approach to landscape impact in designated areas (SPPS paragraph 6.223). For clarity please refer to change reference PC 209 in the Schedule of Proposed Changes. The reference to landscape being a 'priority consideration' (second para on p369) is removed as this is inherent to policies NE5, NE6 and NE7. Instead this and the items in the following sentence will be 'important considerations'. In the amended Policy RED 1 this paragraph will be moved to the J&A (reword para 24.17). Policy RED 1 is a single multi-dimensional policy with a very short J&A. Please refer to change reference PC 206 in the Schedule of Proposed Changes which splits the policy into separate general, wind, solar, AD & hydro policies. Move non- policy text to the J&A to be consistent with other chapters in the dPS. See also Annex 6 in the Schedule of Proposed Changes Revised Wording of Renewable Energy Policies, splitting up Policy RED 1.</p>

<p>Criterion d) of draft Policy RED 1 introduces a requirement that development will not affect water quality. This requirement is not contained within the prevailing planning policy contained in PPS 18 and the SPPS. No justification for the requirement has been provided. It conflicts with tests CE2 and C3 and should be removed. The dPS is proposing to introduce an additional criterion relating to adverse impact on flood risk from renewable energy development. This duplicates policy set out in Chapter 25 Development and Flooding.</p>	<p>The impacts of some solar power (solar thermal) and hydroelectric schemes, in particular, on water flow/ quantity are widely accepted. Hydro schemes involve diverting/ extracting water through generating equipment and this could impact on the volume of water in our rivers, depending on the scale of the scheme. Many of these rivers are shallow and well oxygenated and many are part of internationally protected river systems. Such projects could lower river levels and affect aquatic life/ protected species, particularly if the rivers in question are already low during summer season/ drought periods. For clarity please refer to change reference PC 220 in the Schedule of Proposed Changes which acknowledges the impacts of renewables on water flows and quantities from abstraction as this is not set out elsewhere in the dPS. Some of policy provisions in the dPS overlap with others or re-state requirements. This is for clarity and for the avoidance of doubt. Wind energy proposals are subject to the requirements of RED 1 first, but GDPOL 1 and (often) one or more of the Natural Environment policies will also apply. Irrespective of policies overlapping or being re-stated, applicants must apply all relevant policy to a proposal. The policies in the Flooding chapter apply to all forms of development. Including reference to other policies outside of their specific chapters makes no additional requirements of development proposals but does aid clarity.</p>
<p>The final para of draft policy RED 1 highlights the need for renewable energy development proposals to be subjected to Environmental Impact (EIA) and Habitats Regulations Assessment (HRA) where appropriate. These assessments are subject to their own legislation and it is not necessary for them to be required by policy. Respondent considers this should be removed from the draft policy.</p>	<p>The paragraph in question does not represent a policy requirement but highlights that many renewable energy projects will require assessment under the EIA/ HRA regulations. It is a point of information for LDP users. For clarity please refer to change reference PC 211 in the Schedule of Proposed Changes. As this is not a policy requirement, move to J&A as a minor change.</p>
<p>Draft Policy RED 1 includes additional policy requirements relating to wind energy development. They apply to both new wind farms and the repowering of existing wind farms. This is not appropriate in all cases. The draft text should be reworded to state: ‘proposals for wind energy development will be required to meet all of the following criteria.’ This will align with wording of PPS 18 and allows a flexible approach to repowering proposals where some principles will have been considered previously, for example siting and scale.</p>	<p>The wording included within the dPS is as follows: ‘Proposals for wind energy development, including proposals for repowering of existing developments, will also be required to meet all of the following criteria...’ To amend the wording to omit reference to proposals for repowering would not amend the need for such proposals to meet the criteria as they are still for wind energy development. In any event, historical applications are and will continue to be material considerations in the determination of proposals. Where a proposal will have no greater scale and/or will be sited as per a previous approval or existing development, for example as a</p>

	replacement, this will be taken into account irrespective of this wording being amended or not. No change necessary.
Criterion vii) of draft Policy RED 1 states: ‘...turbines proximate to any occupied or occupiable buildings are set back a minimum distance of the fall over distance plus 10% from the curtilage of same.’ The wording is unclear and vague as to what an ‘occupiable’ building is. It could unduly prohibit wind energy development.	The word ‘occupiable’ has been included to allow for buildings, which, with relatively little intervention, could be readily occupied. It would therefore become an occupied building and so it is important that policy provisions rooted in safety concerns allow for these scenarios. This element will be assessed on a case by case basis, where it is relevant i.e. the Council will require to be satisfied that any structure which may potentially be described as ‘occupiable’ is not actually so. The onus will be on the applicant to demonstrate this. For clarity please refer to change reference PC 212 in the Schedule of Proposed Changes to insert a footnote to clarify the meaning of ‘occupiable’ buildings.
Criterion ix) of Policy RED 1 requires removal of above ground redundant plant and associated buildings and infrastructure and the site restored after a period of 30 years normally. This is unduly restrictive and a longer timeframe may be more appropriate. It is also unclear if this timeframe includes time for construction and decommissioning. The evidence base does not include any justification for a timeframe. Respondent considers it should be removed from the policy. A third respondent states that the 30-year time limit in Policy RED 1, criterion ix. for the removal of redundant plant etc. is not reflective of current changes in wind energy technology. The suggested timeframe is between 40 to 50 years as the technology is advancing at such a rapid rate	The conditioning of the removal of development and site restoration within a period of 30 years is associated with the lifespan of the technology. As the policy states, 30 years will be the usual requirement. However, where a decommissioning plan outlines a longer period due to technological advances in the lifespan of turbines, for example, it may be the case that a longer timeframe can be conditioned. This will be assessed on a case by case basis. Regarding whether the timeframe includes the construction and decommissioning periods, it is expected that this would be the case. Where unforeseen circumstances or technological advances may arise after the granting of permission, which may justify a delay then a variation of condition application may be an appropriate mechanism to address this. The current policy - PPS 18 and the associated Best Practice Guidance, whilst not specifying a particular timeframe, suggest the use of a condition or planning agreement to manage decommissioning. The Department provides a standard condition for such development, which sets out a timeframe of 25 years normally for current approvals. No change necessary.
Opposes the introduction of additional constraints on renewable energy development, in particular WECA as they are unduly restrictive. The designation conflicts with the provisions of PPS 18 and the SPPS. A designation restricting development based on visual prominence would conflict with Soundness Test C3. This is because the SPPS points out that wind farms needn’t have a negative visual impact and can be acceptable features in the landscape.	The WECA designation is not considered unduly restrictive - it is not a ban on wind energy development in designated areas but highlights considerable wind energy development pressure in particular areas and allows proposals to be designed accordingly. It should aid developers and their agents in this respect. It permits wind turbine proposals in WECA that have a neutral, benign or even positive landscape impact, such as very well screened sites or re-powering proposals. PPS 18 informed the LDP but the dPS can deviate from PPSs where it wishes (based on sound

	<p>evidence) to tailor policies to local needs and circumstances. The dPS renewable energy policies accord well with the provisions of the SPPS. In addition to the above quoted paragraphs the SPPS also advises particular care when considering the potential impact of renewable proposals on the landscape: ‘for example, some landscapes may be able to accommodate wind farms or solar farms more easily than others, on account of their topography, landform and ability to limit visibility.’ and: ‘a cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty, and the Giant’s Causeway and Causeway Coast World Heritage Site, and their wider settings. In such sensitive landscapes, it may be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region’s cultural and natural heritage assets.’ Para 6.224 also lists unacceptable impact on visual amenity and landscape character as a material consideration. It is therefore clear that the SPPS, like the dPS, advocates a balanced approach. How this is achieved by a new LDP is not prescribed so long as the mechanism is reasonable and evidence based. It is not accepted that the dPS does not take account of policy and guidance issued by the Department, required by test C3. No change necessary.</p>
<p>Draft Policy RED 1 requires that the detail of ancillary electricity infrastructure be provided at the outset. Outside of on-site provision, the location of any electricity infrastructure required to service the development is outside the control of the renewable energy provider. This element is not normally agreed until the main development has been approved. This policy requirement can’t be implemented.</p>	<p>This requirement will primarily apply to on-site provision; however, where this is not the case the developer will normally still be able to provide indicative detail of consequent infrastructure. Where this is not feasible it should be demonstrated within the proposal and to the Council’s satisfaction. No change necessary. The developer/agent should engage with third parties at the earliest opportunity when putting together development proposals.</p>
<p>The policy requires renewable energy proposals to have regard to the LDP Landscape Character Review. The respondent considers the review to be flawed. It is unclear what methodology has been applied and it has not been subject to independent consultation.</p>	<p>EVB 6b Landscape Character Assessment Review has been part of the public consultation process and subject to consultation from other organisations during the key consultee process. It isn’t intended to be a detailed, technical landscape character assessment utilising associated LCA best practice methodology and this is stated within the review itself. It is a review of our District’s landscape and a clarification of whether previous LCA studies (undertaken by DoE, NIEA and more recently DAERA) are still relevant. The review also highlights any emerging forces of change in our landscape that need to be considered as part of the LDP PS preparation. The review was carried out by senior planning officers with</p>

	<p>qualifications in Environmental Planning and was informed, and itself subject to, review by other relevant Council officers, as listed on p2 of the document. See Annex 6 in the Schedule of Proposed Changes Revised Wording of Renewable Energy Policies, which moves the reference to LCA into the J&A. The Council is satisfied with the quality, methodology of the Landscape Character Review.</p>
<p>The evidence base for the draft WECA designation is flawed. It is unclear if EVB 6b The Landscape Character Review has been prepared in accordance with best practice. It fails Soundness Test as it fails to consider: the life span of existing turbines and wind farms which could see some turbines removed during the plan period; the potential for repowering of existing wind farms as a valuable contributor to the production of renewable energy; and the potential impact of advances in technology which could allow for fewer but more efficient turbines to be erected as part of re-powering proposals.</p>	<p>It is not the purpose of the review to provide detail of repowering, technology advances or turbine lifespan. However, where one or more of these is a feature of a particular development proposal it will be an important material consideration in determining acceptability or otherwise. In addition to the Review, there is additional evidence for the WECA designation in EVBs 6, 21 and 24. It is considered that cumulatively the evidence is sufficient and robust enough to meet the soundness test. The Council will acknowledge in EVB 24 that repowering, technology advances and turbine lifespans have mitigating qualities.</p>
<p>There are conflicting definitions of 'fall over distance' in the BPG for PPS 18 versus the dPS (RED 1 criteria vi). PPS 18 BPG defines 'fall over distance' for smaller turbines as 'height of the turbine to the tip of the blade'. The dPS defines it as 'total height plus turbine blades'. The dPS should be amended to reflect the BPG wording to avoid conflict between the definitions, otherwise Soundness Test C4 would not be met.</p>	<p>While the wording is different, both definitions are intended to mean the same. In the dPS the height of the turbine is a reference to hub height and so the addition of the blade length to this would be the same as the height of the turbine to the tip of the blade. For clarity please refer to change reference PC 215 in the Schedule of Proposed Changes, altering the footnote defining 'fall over distance' to 'hub height + turbine blades'.</p>
<p>RSPB recommend a number of changes to the policy wording. The wind turbine section includes a reference to cumulative impacts in part ii. They suggest this should be extended to all types of renewable energy development including solar.</p>	<p>The Council considers that cumulative impact is considered to an extent for all development. It is a particular issue for wind turbines because the main issue is landscape impact, both of itself and cumulatively with other turbines, which are often co-visible. This is why it is mentioned explicitly only for wind turbines. No change is therefore proposed. This can be reviewed in the future should circumstances change. No change necessary.</p>
<p>RSPB consider that RED 1 makes only a limited reference for the re-use, refurbishment, repair and repowering of existing renewable energy development in order to prolong the lifespan of developments. They state in order for RED 1 to be effective and accord with regional policy, PPS 18 paragraph 4.17 should be added.</p>	<p>Accepted. Please refer to change reference PC 223 in the Schedule of Proposed Changes to add the reference to EVB regarding re-use, refurbishment, repair & repowering of renewables.</p>

<p>RSPB suggest a sentence to accord with SPPS para 6.229 to consider the inter-relation with other relevant policies within this plan.</p>	<p>This is unnecessary. The plan should be read as a whole and where other policies are especially relevant they are already cross-referenced.</p>
<p>RSPB strongly feel that the mitigation measures referenced in para 24.18, should be secured either by way of planning condition or a Section 76 Agreement and wording to this effect should be included. Furthermore, RED 1 must contain the following requirement: ‘the developer must refer to the mitigation hierarchy and seek to avoid impacts as a first principle’.</p>	<p>Partially accepted. Please refer to change reference PC 221 in the Schedule of Proposed Changes to refer to the mitigation hierarchy which seeks to avoid impacts as a first principle. However, it is not considered necessary to explicitly mention conditions as this would already be common practice.</p>
<p>RSPB consider the provisions of paras 24.20 and 24.21 in relation to peatland are difficult to reconcile with the policy presumption against renewable energy development on active peat, as contained within policy RED 1 (and the SPPS). They state DCSDC will need to review these paras in light of the amended policy in SPPS with regards to active peat, from that originally contained in PPS 18 to ensure there are no policy conflicts or undermining of the provisions contained within the SPPS.</p>	<p>The policy box (5th paragraph) repeats the SPPS and PPS18 statement that any renewable energy development on active peatland will only be permitted for imperative reasons of overriding public interest (‘IROPI’) as defined in the HRA regulations. This is a particularly high policy bar. The text in paras 24.20, 24.21 and 24.22 are the same as that in SPPS and PPS 18 paragraph 4.7 to 4.11. The IROPI requirement in the dPS is the same as that in Policy RE1 in PPS18, which accords with para 6.226 of the SPPS. However, it is accepted that 24.20 could appear to be somewhat accepting of wind energy development on peatlands. For clarity therefore please refer to change reference PC 222 in the Schedule of Proposed Changes to reiterate the policy presumption against renewable energy development on active peat in policy RED 1 (and the SPPS).</p>
<p>Para 24.22 states that developers may be required to restore areas to active peatland that are within or adjacent to the development site. RSPB point out that whilst this is encouraged, such restoration may not be possible as it may not fall under the ownership or control of the applicant/ developer. Unless it is within the red line boundary or subject to a Section 76 Planning Agreement, there is no mechanism to enforce the restoration requirement. They advise that DCSDC will need to be mindful of this context when agreeing to such a scenario to ensure the restoration requirement is enforceable.</p>	<p>Noted. No change necessary.</p>
<p>The scope of potential areas of constraint must include reference to sensitive nature features, as environmental capacity is more than a visual assessment alone and include habitats and species – many of which are located outside designated areas. Areas of constraint should also have their nature designations listed. In this regard, RSPB requests that a truly</p>	<p>The policy strikes a balance between providing renewable energy and controlling adverse impacts upon (inter alia) landscape and wildlife designations. There are also cross references to the Natural Environment chapter, which affords additional protection to these assets. Most of the three areas with especially important protected bird assemblages are already protected (albeit partly for their landscapes):</p>

<p>spatial and strategic approach to renewable and local carbon energy development is prepared for DCSDC. They highlight the following areas and species considered to be sensitive to wind energy development:</p> <ul style="list-style-type: none"> • Hen Harriers – SW corner of DCSDC; • Whooper Swans & Pale-bellied Brent Geese – Lough Foyle polders; • Breeding waders (Curlew; Lapwing; Snipe) – High Sperrins. 	<p>AHLI (the polders) and AONB/AHLI/SCA for the High Sperrins. The SW does not have these landscape designations but there are a number of ASSIs covering relatively large areas, which would afford considerable protection for Hen Harriers. There would also be two extensive WECAs (one north of Castledearg and another to the south). Outside these areas, they are protected by Policy NE 2 (Protected Species and their Habitats). Any renewable energy development in these areas would need to demonstrate that they would not harm protected species in accordance with that policy (and also Policy RED 1b and para 24.16). It is therefore considered that the dPS already takes a spatial and strategic approach to renewable energy development and there are adequate safeguards in place to protect sensitive natural features including protected bird species.</p>
<p>NED comments include 5th para p369 amend typo for spelling of 'interest'. p370 1st para after criteria ix insert amended text '...a landscape and visual impact assessment (including photomontages to aid assessment of visual impact) will be submitted upon request'. Two best practice guidelines (specified, re visual representations of wind farms, see foot of page 9 of their rep) should be referenced in the EVB. The following point should be added with reference to Hydroelectric schemes iv: 'any ancillary structures shall have no significant adverse impact on landscape character and designated/ protected areas'.</p>	<p>Accepted. Please refer to change references PC 209, 214 and 218 in the Schedule of Proposed Changes which make the amendments requested. Landscape impact is already covered in part b but as it is further mentioned in part I for wind and part ii for solar is agreed that consideration of visual impact should be added to the hydro section. This is due in part to the potential scale of such development.</p>
<p>Regarding the hydroelectricity policy, Faughan Anglers state that it is important to recognise that impoundment can be inappropriate when conservation trends tend to advocate the removal of existing impediments to fish migration. A policy which allows such development within SACs is at odds with wider fisheries protection and conservation for such sites. It is noted that there is no core management plan for the River Faughan and Tributaries SAC or other NI European sites in the district. This has led to ongoing proceedings between the EC and UK. Anything other than a policy presumption against new hydroelectric projects on SAC rivers risks compounding legal action against the UK.</p>	<p>Expert bodies such as Loughs Agency and NIEA (NED, Water Management Unit and others), have been consulted throughout the formulation of the dPS to ensure that policy is adequate to provide protection for natural features, species and habitats. EVB 24 Renewable and Low Carbon Energy identifies that there are impacts on fish and their habitats through hydroelectric schemes. Whilst migration is not explicitly mentioned in the policy part ii states that such schemes must (<i>inter alia</i>) demonstrate no significant adverse impact on fish. As the SACs are internationally important for their migratory fish, this would be an extremely important matter that any planning application would need to address. No change necessary.</p>

<p>Lightsource BP consider the policy overly restrictive, particularly the following draft policy wording (iv): ‘there shall not be unacceptable loss of Best and Most Versatile agricultural land (BMV)’ and ‘...a time limit condition of 30 years will normally be attached’. BMV has no agreed formal definition in NI. They consider it too subjective and would limit the development of potential sites. Also grazing can continue at solar farms so it is not taken out of production entirely. Most solar panels have a 40-year warranty and business cases are built around that. As it is farm diversification, it should not be time limited.</p>	<p>Although it is recognised that whether land is considered BMV, advised by DAERA, is subjective, the policy allows some loss as long as it is acceptable, so it is considered that the reference should be retained. After due consideration the time limit for solar development has not been changed to 40 years. The dPS needs to be consistent with timescales of other forms of Renewables, and to be careful to avoid obsolescent apparatus, as technology moves on. As pointed out for other types of renewable energy, developers would be free to negotiate a longer time limit to be attached by condition should they be able to demonstrate that this would be appropriate. No change necessary.</p>
<p>The draft Local Development Plan should consider the innovative approach known as co-location, where both solar and wind farms symbiotically co-exist at a single site. This is a highly sustainable use of existing infrastructure, with the solar farm sharing the infrastructure that would be in place anyway for the wind project. It could act as a catalyst for the future development of solar projects in an environment without a support scheme route to market.</p>	<p>It is not considered necessary to explicitly promote this in the dPS. There are benefits in terms of reduced infrastructure requirements but it may not be appropriate at many wind turbine sites which tend to be in the uplands and therefore prominent. Co-location could increase this prominence so it is more appropriate to determine such proposals on a case-by-case basis without explicitly promoting it. There is a mention already at paragraph 3.55 in EVB 24. No change necessary.</p>
<p>Welcome the reference to flood risk in this policy and the acknowledgement (J&A) that an adverse impact of hydroelectric schemes could cause ‘changes to flows in watercourses through abstraction’. DfI Rivers would recommend that this could be clarified further by including – ‘In relation to hydroelectric power generation schemes, applicants should be aware of siting within catchments with a flow gauging station as this can completely alter the flow regime of a river. DfI Rivers will advise against siting in such areas, as this would result in the loss of decades of national river flow archive data used to estimate flood risk across the UK’.</p>	<p>Rivers would be a consultee anyway if a planning application were submitted and could make this point then. It is possible that there is a technological workaround.</p>
<p>DAERA acknowledge that Policy AGR 2 and land spreading associated with anaerobic digestion has the potential to have ammonia emissions. They state that policy RED 1 should cross reference to AGR 2 (f) given the potential for the aerial emission of ammonia. The Nutrient Action Plan 2019 should also be cited as it covers aerial as well as emissions to watercourses.</p>	<p>Accepted. Please refer to change reference PC 217 in the Schedule of Proposed Changes which refers to ammonia emissions from AD.</p>

General

RES suggest that the dPS should include reference to the wider benefits of the renewable energy sector: job creation, investment, protecting against utility bill increases, strengthening the grid, reducing harmful emissions and less reliance on imported fossil fuels.

The assumption that the 40% target set out in the Renewable Energy Strategy has been met is a key consideration for the dPS renewable energy policy (EVb 24, Section 5). The Council had no regard to this target not being a ceiling and fails to recognise the ongoing need to ensure the delivery of renewable energy to meet future targets.

RES and ABO point out in superseding reps that Diane Dodds (economy minister) made a statement on 29/9/20 suggesting that the target in the forthcoming Energy Strategy is likely to become 70% by 2030. It was published in December 2021 and does contain a target that 70% of electricity consumption will come from such sources by that date. In addition, a report by Cornwall Insight suggested that by 2030, NI RE assets would largely be life expired, potentially reducing the amount provided by renewables to 40%.

EVb 24 makes detailed reference to the SPPS within which the above issues are covered. The dPS under General Development Principles and Policies chapter provides some detail on the benefits and impacts of renewable energy and associated issues such as climate change and sustainable economic growth while para 24.3 mentions economic benefits such as employment. It is therefore considered that the dPS already does this.

Regarding the percentage of energy consumption from renewable sources the target is 40% as stated. As stated in para 5.1 of EVb 24 as of March 2019 it was at an average of 38.2%. The Council recognises that the 40% target is a target and not a ceiling. Data published by DfE since the EVBs and dPS were finalised for publication show that for the year ending June 2019 the target was exceeded with 44.0% of electricity consumption generated from renewable sources. By Sept 2019 this had risen to 44.9%. These increases have been achieved under current policy where there is less policy encouragement for renewable energy development. It is reasonable to conclude that even with some constraints on wind energy to safeguard (*inter alia*) our best landscapes; the upward trend is likely to continue. This will aid The Council to meet future targets and the review and monitoring built into the new style of plan making allow amendment or revocation of policies if necessary to meet future targets.

These matters are noted and will be kept under careful review. However, it is considered that the current dPS is sufficiently flexible and robust and unlikely to require significant revision, except possibly at LDP Review stage. No change necessary.

The development pressure analysis within EVb 24 clearly shows that certain areas within the District are subject to intense pressure with regard to wind energy development. Coupled with EVb 6b, the LCA Review, it is reasonable to conclude that there are areas which are reaching capacity for wind energy development when considered in terms of impact on visual amenity and landscape character in particular. Therefore, the view that the LDP has issues to address in respect of wind

Section 6 of EVB 24 indicates members' concerns about the capacity for wind energy in the District. The representation states there is concern that 'this unsubstantiated view has been influential on the introduction of the draft (WECA) designation'.

The SPPS does not make any provisions for an area of constraint on wind energy development. Instead par 6.223 advocates a cautious approach to renewable energy development within designated landscapes. Had it intended for such a designation to be introduced it would have specifically identified the use of such designations, as it did with mineral development.

One respondent considers that the dPS fails Soundness Test C1-2, C4 & CE1-4, P3-4 by permitting 'mineral and wind development, electrical storage, 5G and industrial scale agriculture in The Sperrins'.

energy capacity is fully substantiated. As with input from consultation responses, departmental statistics and other data, regional policy and Members' views, all legitimately form part of the basis for the formulation of draft policy. With the exception of technical expertise where relevant, no one organisation, group or individual is afforded priority in the formulation of the draft policies. The need to address landscape overcapacity in certain areas as expressed by Members and others was balanced against renewable energy targets, the focus on climate change and sustainable development. This has resulted in the balanced approach contained in the dPS in respect of renewable energy development.

The provisions of the SPPS do not preclude the introduction of new designations as long as they accord with it. While it does not specify that areas of constraint on wind energy development should or may be introduced, neither does it preclude them. Minerals development and wind energy development both normally affect landscapes and visual amenity, but the extent and nature of these impacts are not directly comparable. The SPPS does indeed explicitly include a presumption against minerals development within sensitive areas but does not have the same requirement for renewable energy. The draft WECA designation reflects this in that it simply requires more careful consideration of proposals, to avoid the exacerbation of existing adverse impacts. Certain wind energy proposals may be acceptable.

The Council have prepared balanced policies for renewable energy in The Sperrins and elsewhere to allow development where policies to protect (*inter alia*) the landscape, residential amenity and wildlife are met. The Council is confident that all relevant planning legislation has been considered in drafting the dPS. In certain areas that are reaching capacity for wind energy development, The Council has created the WECA designation to ensure that any further development is carefully considered. Some of these areas are in the North Sperrins. Supporting evidence is set out in the dPS, especially the General Development Policies and Principles, the Natural Environment chapter and the Landscape Character Assessment EVB. No change necessary.

<p>It is acknowledged that consideration has been given to how such developments can affect water quality but it is suggested that the potential impacts of such developments on groundwater could be more fully considered. Wind turbines are typically constructed using foundations and these can affect flow paths and aquifers. Applicants should consider these impacts in a Water Features Statement when undertaking their desktop studies. If issues are identified, a more detailed report may be required.</p> <p>The Representation briefly states that LDP must prohibit wind turbines in the entire Sperrins region until such times that wind turbines are proven not to cause health and environmental issues. Representation states that the LDP must take cognisance of the health implications of infrasound and low-frequency noise. Considers that in not doing so, the LDP fails all Soundness tests P1-4, C1-4 & CE 1-4.</p>	<p>Accepted. Please refer to change reference PC 213 in the Schedule of Proposed Changes.</p> <p>Such a moratorium would be contrary to national planning policy. It would be for a developer to demonstrate that there would be no unacceptable health or environmental issues and that their proposal complies with the suite of local planning policies.</p>
SPSS/ EVB	
<p>The aim and objectives of the SPSS in relation to renewable energy and its wider environmental, social and economic benefits should be taken into account. In the context of the Net Zero requirement, these policies will need to be updated to further emphasise the facilitation of renewable energy projects. The LDP should be drafted with this at the forefront or it will be out of date before it is published. The LDP should be amended to explicitly include a commitment that the Council will play its part in achieving net zero carbon emissions.</p> <p>The best practice guidance approach to providing detail of consequent electricity infrastructure shall be provided at the outset should be adopted and the policy wording amended.</p>	<p>NI is subject to the UK target of net zero by 2050. The dPS has been prepared with the most current evidence available up to late 2019. Up until a very late stage in its preparation, the target was an 80% reduction but the dPS makes ample provision to allow for net zero emissions, as it is capable of facilitating significant growth in the renewables sector. The dPS General Development Principles and Policies chapter make provision for sustainable development and each subsequent chapter is shaped by this. While the LDP has a notional end date of 2032, circumstances may change between its preparation and expiry. Under Part 6 of the Planning (Local Development Plan) Regulations (NI) 2015 The Council must monitor and review its LDP policies. There must be an annual monitoring report and a 5-year review and The Council can bring forward a revision to the LDP. This mechanism allows the LDP to remain current with prevailing circumstances and wider government policy.</p> <p>This requirement reflects the BPG though instead of being guidance, it is now a policy requirement. Despite a slight difference in language, the information required is the same and set out in the first paragraph on p369. No change necessary.</p>

Decarbonisation

Respondent considers that the RDS is clear in RG5 that there will need to be a significant increase in the contribution that renewable energy can make to the overall energy mix, requiring an increase in all types of renewables and strengthening of the grid to accommodate this growth. Considers this to align with the UK approach to considerably increase targets from renewables to meet EU requirements as well as the NI executive’s target for achieving increased electricity consumption from renewable sources over the next two decades. Consider that this should be reflected within the objectives for the district. Environment focussed objective iii ‘to accommodate investment in power, water and sewage infrastructure and waste management, particularly in the interests of public health’ (dPS p47) in their view places undue emphasis on the public health impacts, rather than the strategic need to improve infrastructure balanced against the desire to protect and enhance the environment. Considers that the objective is unsound on soundness test C4 as it fails to take account of emerging government policy regarding energy. In addition, considers the objective unsound on test CE4, as it does not incorporate adequate flexibility to enable the strategy to adapt to the changing energy policy context.

Whilst there is no direct reference to decarbonisation, protecting and enhancing the environment is at the forefront of the dPS as seen through the overarching vision and objectives. The aim of the SPPS in relation to renewable energy is to facilitate the siting of renewable energy generating facilities in appropriate locations in order to achieve Northern Ireland’s renewable energy targets and to realise the benefits of renewable energy without compromising other environmental assets of acknowledged importance. The plan should be read as a whole. No change necessary.

WECA

The SA is flawed, rendering the dPS unsound. Does not meet test P3. The location and boundary of the WECA designation will be determined at LPP stage. The success of the designation depends on its location. It is critical to establish its extent now so that reasonable alternatives can be assessed. The designation has been assessed through Policy RED 1 rather than independently, so no reasonable alternatives can be assessed for it.

NI development plans have two parts, so no single part will set out all of the detail of an LDP. The WECA designation is included in the dPS as such designations are strategic in nature. It is put forward so that it can be scrutinised as part of the dPS consultation and independent examination process. If the WECA designation remains following PS adoption, the detail set out in the LPP will undergo consultation and scrutiny and may be challenged. Inclusion of the WECA designation within the SA for Policy RED 1 does not mean that it was not sufficiently appraised as all parts of a policy must be appraised. In advance of the formal draft Plan Strategy SA, all draft chapters in the Plan Strategy were subject to a ‘self SA’ process at officer level, considering feedback and discussions with statutory consultees. This enabled key SA issues to be highlighted in advance and fully explored as part of the Member/ Officer discussions. This shaped the policy evolution. Further evidence of this ‘self SA’

WECAs are unnecessary when the prevailing planning policy set out in the SPPS already endorses a more cautious approach within existing landscape designations and identifies landscape and visual impact as a key policy consideration. It is inappropriate to introduce such measures and so does not meet Soundness Test CE2.

Having reviewed EVBs 6b and 24, respondent believes WECA designation is in response to data showing that the District is the largest contributor of renewable energy in NI and Member feedback. No consideration given to need to work across boundaries. Not all areas of NI are suitable for wind energy development. Those that are should not be unduly restricted as this conflicts with regional policy. The draft designation fails to meet soundness tests C1, C3 and CE2

approach is contained within each of the relevant Evidence Base (EVb) papers that accompany each chapter. The formal SA process was therefore undertaken on a final set of draft policies and proposals, which by that stage had been through an extensive internal SA consideration. In light of the above, it is considered that Soundness Test P 3 is met. The general location of the WECAs is shown on Proposals Map 2 p 477. Its exact boundaries will be determined at LPP stage and it is considered that this approach is entirely appropriate.

The SPPS sets the strategic policy, direction and objectives for renewable energy which local policies should accord with. It is true that a cautious approach is already set out for existing designations in the SPPS but in this district these are not the only landscapes that need safeguarding as cumulative development in other areas is having a significant impact on visual amenity and landscape character. The WECA designation allows these other areas to be more properly managed. It still allows for renewable energy development, including some wind energy proposals within these areas and so is not in conflict with the requirements of the SPPS, rather it complements it. It requires even more careful consideration of wind energy developments in areas that are already approaching 'saturation point'. Based on the specific circumstances of the District, the WECA designation is considered wholly appropriate and Soundness Test CE2 met.

EVb 24 – As of March 2017, the District was the single largest renewable energy producing council area in NI and much of this is provided by wind turbines. It also highlights that the tall structures associated with wind energy development have the greatest visual impact on sensitive landscapes, demonstrating competing considerations. Para 5.2 sets out the case for the balanced approach the dPS has taken. The WECA designation only applies to wind energy development. Therefore, rather than it being a case of 'we have done our bit', The Council is directing renewable energy development to appropriate locations where they can be best accommodated, taking into account not just suitability for harnessing power but all relevant considerations including environmental impacts. Regarding meeting targets and the need to work across boundaries, para 5.1 explicitly recognises the need to meet the Strategic Energy Framework target of 40% renewable energy consumption.

Most locations for the WECA designation are within the Sperrins AONB. Given the cautious approach set out in the SPPS for sensitive landscapes, it is not necessary to further restrict development.

MUDC notes the controls on wind turbines in the high Sperrins SCA, as well and the proposed Wind Energy Capacity Areas (WECAs). They support these but point out their own 'similar' designation/ policy also restricts 'other high structures'.

Para 24.17 refers to a 'saturation point' and states that considerable scrutiny will apply to future wind and solar applications, in particular. It would be helpful to see where these areas are. CWL supports the strategic aspiration of the WECA designation.

Cross boundary work can be found in dPS paras 2.39 to 2.59. It is not accepted that there is any conflict with regional policy. The draft WECA designation while controlling wind energy development in limited areas that have already had severe landscape impacts from wind turbines, is not a blanket ban and only applies to wind turbines. It is therefore not considered to be unduly restrictive but a response to the District's specific circumstances. It is considered that the draft designation and its associated policy are in accordance with regional policy, strategy and objectives in that they make good provision for renewable energy development while at the same time taking account of other requirements for sustainability. There is therefore no conflict with the above soundness tests.

Whilst there is some overlap, as the representation notes, some sit outside the AONB so do not benefit from the additional protection provided by the AONB. For areas which do overlap, the WECA designation identifies locations where in addition to more stringent requirements for development generally, wind energy proposals specifically may be problematic and will require even more careful consideration. While the WECA designation will restrict wind energy development in some ways, it is not a total ban on such development. By identifying all such 'under pressure' areas in the LDP, developers will be able to use this to inform proposals from the outset and this should aid them and their agents to more successfully navigate the Development Management process.

Support welcomed, which reflects our co-operative working with them in the Sperrins Forum, resulting on some commonality across our policies. The significant landscape harm that has already occurred in the areas now designated as WECAs is specifically from wind turbines in our district and it is not considered necessary to include a reference to other high structures.

The support for WECAs is noted. Their detailed extent will be determined at LPP stage but the broad locations are on Proposals Map 2. EVBs 21 & 25 include the development pressure analysis which informed the indicative locations.

Larger turbines

Respondent considers that some dPS policies fail to recognise the recent changes and adaptations that have taken place in the onshore wind industry, particularly the government's removal of financial support. Wind farms now need to optimise efficiency through bigger turbines, for example. The Council must recognise that the viability of future wind energy schemes, including repowering schemes, hinges on the acceptance of larger, more powerful turbines.

The dPS through Renewables and other relevant policies, for example natural environment, allows for all types of wind energy development as long as the relevant criteria can be met. This will vary somewhat from site to site, as it is dependent on such factors as landscape sensitivity and other sensitive receptors. Where a proposal can be demonstrated to adequately account for the constraints of its particular circumstances, planning permission will normally be granted. No change necessary.

Chapter 25- Development and Flooding

Reference	Respondent
LDP-PS-REP-129	Robert Murtland
LDP-PS-REP-82	RSPB
LDP-PS-REP-69	NI Water
LDP-PS-REP-78A	DAERA
LDP-PS-REP-53	ABO Wind
LDP-PS-REP-106E	DfI Water & Drainage Policy Division (WDPD)
LDP-PS-REP-114 LDP-PS-REP-116 LDP-PS-REP-47 LDP-PS-REP-128 LDP-PS-REP-49 LDP-PS-REP-50 LDP-PS-REP-57	Turley's; Mr Hamilton Bell Howard Fulton John Burns Apex PCI Radius Housing Henry Craig and Others
LDP-PS-REP-80F	DFI

Main Issue	Council Response
Policies FLD 1 to FLD 4	
<p>DfI Rivers consider policies FLD 1 to FLD 4 closely reflect the policy direction set out in the Strategic Planning Policy Statement (SPPS) and that the wording of these policies closely follows that of policies FLD 1 to FLD 4 of the current operating policy PPS 15 (Planning and Flood Risk). DfI Rivers recommends that within the Justification and Amplification for FLD 1 para 25.27 should be updated in line with current thinking to indicate that the relevant freeboard height of flood defences will be 600mm above the design flood level, which includes allowances for climate change (rather than the range currently shown). DAERA consider the chapter needs updated to consider the potential risk from underlying shallow groundwater.</p> <p>In reference to the identification of an Area of Potential Significant Flood Risk APSFR (Derry) and a Transitional Area of Potential Significant Flood Risk (TAPSFR) in Strabane, this was done by DfI not DfI Rivers as stated. Suggest additional text to reinforce the necessity to discourage development in climate change flood plains: ‘...and infrastructure outside the flood risk area and avoid zoning land for development that would be at risk of flooding <u>now or which may become at risk due to climate change.</u>’</p> <p>Suggest additional text: ‘The LDP has a wider objective to ensure flood avoidance and management. In line with the SPPS the LDP will not bring forward sites or zone land that may be susceptible to flooding, now or in the future due to climate change.’</p> <p>Suggest additional text: ‘The Council’s LDP Strategy for Development and Flooding, in accordance with the above documents, is to have a precautionary approach to development within flood-prone areas <u>including those areas which may become at risk due to climate change</u>’</p>	<p>Supporting comments from DfI Rivers noted.</p> <p>Accepted. Please refer to change reference PC 229 in the Schedule of Proposed Changes to amend flood defence top level in accordance with current advice.</p> <p>No further detail provided. It is considered that this matter is already covered by Policy FLD3. No change proposed.</p> <p>Accepted. Please refer to change reference PC 224 in the Schedule of Proposed Changes to remove the word ‘Rivers’ as requested.</p> <p>Accepted. Please refer to change reference PC 225 in the Schedule of Proposed Changes to further discourage development in climate change flood plains.</p> <p>Disagree. The reference to the future already includes climate change and it is considered that the existing references to climate change and flooding coupled with the changes accepted above are sufficient. Therefore, this additional text is not necessary.</p> <p>Accepted. Please refer to change reference PC 226 in the Schedule of Proposed Changes.</p>

p379 - 381	
DFI Rivers and WDPD recommend that 'plus climate change allowance' be added after the time limits for both fluvial and coastal flood protection in the exceptions (defended flood areas) section (a) of FLD1. They also recommend similar changes to paragraphs 25.16 and 25.17 regarding the (definition of a floodplain) for the sake of consistency e.g. in 25.16 '1 in 100-year probability plus climate change allowance (or 1% AEP plus climate change allowance)'. This would be in line with the DfI's 'Technical Flood Risk Guidance in relation to Allowances for Climate Change in Northern Ireland'.	Accepted. Please refer to change reference PC 227 in the Schedule of Proposed Changes.
Defended Areas Paragraph 25.27	
DFI WDPD consider para incorrect. 'Freeboard' is an allowance for uncertainty in the design parameters used in determining design flows or water levels e.g. predicted astronomic tide, storm surge effects, wave/ fetch effects or local topographic effects. 'Freeboard' does NOT include any allowance for Climate Change; this needs to be added/ allowed for separately from 'Freeboard'. See DfI's 'Technical Flood Risk Guidance in relation to Allowances for Climate Change in Northern Ireland'.	Accepted. Please refer to change reference PC 228 in the Schedule of Proposed Changes which deletes the erroneous reference to climate change, for clarity. The design flood level will already consider it.
p383	
DFI WDPD contend that development near flood defences needs particularly to take account of the requirement for the statutory authority to have working space for maintenance and potential reconstruction of existing defences. This should be included in text or include reference to FLD2 and paras 25.50 – 25.52.	Disagree. There are ample references later in the chapter. Also the reference in the para to 'separation distances' also refers.
FLD 1	
Various developers or landowners consider FLD 1 is not flexible enough to allow for the consideration of undeveloped protected (from flooding) greenfield sites within settlement limit where it can be demonstrated that redevelopment of the site would not lead to increased flood risk on the subject site or surrounding area, therefore consider that it fails soundness test CE4. Three respondents further state that it fails soundness test CEI as there is a conflict in the objectives of draft polices	No change. Para 25.15 states that 'the cumulative effect of piecemeal development within a flood plain can... redirect flows and will... undermine its natural function in accommodating and attenuating flood water. Accordingly, to minimise flood risk and help maintain their natural function it is necessary to avoid development within flood plains wherever possible.' Whilst the development of one green field site may be demonstrated to not increase flood risk elsewhere or on the subject site, the cumulative impact of multiple such sites is likely to.

<p>FLD 1 and HOU 3. The latter promotes compact urban forms whilst FLD 1 restricts this by excluding protected greenfield sites within the existing settlement limit. They consider development there should be permitted where supported by a robust Flood Risk Assessment and that this would still be consistent with the precautionary approach taken in the dPS. Two respondents (reps 50 and 128) submit evidence for a specific greenfield site in Strabane (Bradley Way) including engineers' conclusions, stating the site is currently protected against a 1:100-year flood event by way of existing flood defences. This is put forward as a gap in the Council's evidence base contrary to soundness test CE 2.</p>	<p>Para 25.25 points out that flood defences can fail through overtopping, breach or collapse leading to a sudden inundation of water. Even where a development proposes additional defences there could be no guarantees. Para 25.34 states that there will be a presumption against development in greenfield sites in protected area as this would expose more people and property to residual flood risk, and would remove valuable flood storage capacity should defences overtop or breach. This accords with PPS15.</p> <p>For sites that do not fall within an exception the dPS policy says development may be permitted where it is of overriding regional or sub regional (exceptional) economic benefit. It would need to be demonstrated why a location in the floodplain is needed and why possible alternative sites outside the floodplain are unsuitable. It would be open for any applicant to determine whether they could make a case for any particular scheme on this basis (although it is unlikely this would apply to housing). It is therefore considered that the policy has struck the right balance between limiting development in the flood plain (including the protected floodplain) and allowing limited exceptions to allow for appropriate development. It is considered sufficiently flexible, appropriate and necessary and meets regional policy (it accords with the SPPS & PPS 15).</p> <p>With respect to the lack of consideration of the particular site in Strabane, this is not a gap in the council's evidence. The merits of any particular sites/ allocations will be considered at the DPP stage. In the case of Bradley Way, it is possible it can be demonstrated that due to its location, there would be no cumulative impact and the existing FRA may support this. To amend the policy to allow development on greenfield sites in defended areas subject to FRA would be a major departure from regional policy (SPPS 6.111) and no change is therefore necessary.</p>
FLD 3	
<p>RSPB consider that Policy FLD 3 needs to reconcile itself with stronger policy within GDPOL 1. They consider that much stronger policy provision for SuDS is contained within GDPOL 1 and for clarity para 25.58 needs to reconcile itself with this.</p> <p>Amendments suggested by DFI WDPD to para. 25.56, as per NI Flood Risk Assessment 2018. This updates the figures stating that approximately 24,500 (as opposed to 20, 000) or 3% (as opposed to 2.5%) 'of the</p>	<p>Accepted. Please refer to change reference PC 231 in the Schedule of Proposed Changes to add wording to policy FLD 3 and J&A to reflect requirement for SuDS in all development as also expressed in Policy GDPOL1.</p> <p>Accepted. Please refer to change reference PC 230 in the Schedule of Proposed Changes to update figures as per NI Flood Risk Assessment 2018.</p>

<p>properties in Northern Ireland are sited in areas at risk of flooding from a medium probability (1 in 200-year (0.5% AEP)) pluvial event with a depth greater than 300 mm deep...'</p>	
<p>FLD 4</p>	
<p>'The Council will discourage culverting or modification of watercourses in a SPA, SAC, Ramsar sites and supporting habitat.' Is there a need to include reference to DAERA and information on formal processes e.g. EIA, to assess effects of development on environmentally designated sites and obtain relevant approvals?</p>	<p>Further information on designated sites is included in the Natural Environment chapter. In addition, information on other consents/ licenses is normally included as an informative on any planning approvals. Those which must be obtained prior to approval are addressed during the processing of an application. No change necessary.</p>
<p>Para 25.80 Reservoirs Act (Northern Ireland) 2015</p>	
<p>This section refers to the Reservoirs Act providing for a 'risk' based approach and for reservoirs to be given a 'risk' category. DfI Rivers point out that this is not the case as only 'consequence' of reservoir failure is considered and not 'probability' of reservoir failure. The Act provides reservoir designations of 'high consequence', 'medium consequence' or 'low consequence'. They recommend para 25.80 should therefore be amended to change all references of 'risk' to 'consequence'. *</p>	<p>Accepted. Please refer to change reference PC 233 in the Schedule of Proposed Changes.</p>
<p>Policy FLD 5 Development in Proximity to Controlled Reservoirs</p>	
<p>DfI Rivers consider that the proposed policy FLD 5 closely reflects the policy direction as set out in the SPPS. Whilst the wording of FLD 5 is very similar to that of policy FLD 5 of the current operating policy PPS 15 it also reflects DfI current thinking on this matter. While some wording appears missing from the published document, Council Officials have confirmed this is due to a graphic design error and that the policy will reflect the entire text. NI Water welcome Policy FLD 5 Development in Proximity to Controlled Reservoirs.</p>	<p>Accepted. Please refer to change reference PC 232 in the Schedule of Proposed Changes to add text to policy to include erroneous omissions from PPS 15 Policy FLD 5. Supporting comments noted and welcomed.</p>
<p>RED 1</p>	
<p>Renewable energy developer respondents note that the dPS introduces an additional criterion relating to adverse impact on flood risk from renewable energy development. This a duplicate of the policy set out in Chapter 25 Development and Flooding.</p>	<p>Some policy provisions in the dPS overlap with others or re-state requirements. This is for clarity and for the avoidance of doubt. Meeting the requirements of one policy does not supersede the need to meet the requirements of all others that apply. For example, wind energy proposals are subject to the requirements of RED 1 first,</p>

<p>Respondent states that glacial deposits provide ground water storage. When the total available ground water storage is exceeded, ground water flooding occurs. Other conditions that may also contribute to ground water flooding are based on changes in land use. The conversion of undeveloped arable areas into developed commercial and residential areas should be curtailed. Considers that the glacial deposits that cover most of the plan area are scientific assets in that glaciofluvial deposits provide critical information on the nature, pattern and characteristics of ice wastage at the end of the last ice age. The different depositional settings and range of paleo-environments inferred from the sedimentological and geomorphic data provide evidence for inferences on the mechanisms and controls of ice-sheet decay. Without this information, we are unlikely to understand how our landscape was formed or the possible climatic changes which occurred.</p> <p>Respondent considers that changing land use can contaminate superficial soils, can impact on human health, soil flora and fauna, potentially making land unfit for purpose and affecting biodiversity. Notes the sewerage system lack of capacity, is a major constraint to processing sewage and recycling waste water.</p>	<p>however GDPOL 1 will also apply and it is highly likely that one or more of the Natural Environment policies will apply. Irrespective of policies overlapping or being re-stated throughout the chapters, the requirement to apply all relevant policy to a proposal applies. As the representation states, the flooding policies apply to all forms of development. Including reference to other policies outside of their specific chapters makes no additional requirements of development proposals. This is therefore not an additional requirement either. No change required.</p> <p>Agricultural land is already protected from such development to an extent (BMV and Green Belt for example) but it is not considered appropriate to preclude the use of agricultural lands for such purposes should any be required at the LPP stage of the plan. This is not a matter for the Draft Plan Strategy in any case.</p> <p>It is not clear to what part of the plan this refers to or what remedy is sought. Therefore, no change is to be made.</p> <p>It is not clear to what part of the plan this refers or what remedy is sought. Therefore, no change is to be made.</p>
<p>Appendix 4</p>	
<p>Para A4 states that there is currently an automatic right for developers to connect surface water run-off to a surface or combined public sewer. Para A14 of Appendix 4 advises that currently the use of SuDS to help offset flood risk or as a more sustainable option to traditional piped drainage is not integral to the planning process, however legislation addressing this is being considered. DFI WDPD point out that from 2016,</p>	<p>The information in Appendix 4 relating to SuDS is carried over from current operational guidance contained in PPS 15. It is recognised that this and some supplementary planning guidance requires updating. Please refer to change references PC 234 to PC 242 in the Schedule of Proposed Changes. These make some minor factual corrections, amend wording following new legislation, provide updates</p>

a change in legislation allows NI Water to refuse a surface water connection if alternative means have not been considered, including SuDS.

Para A4 of Appendix 4 states that the current uptake of SuDS for new development within NI is estimated to be below 5%. However, 2018/19 figures show c50% of developments requiring Article 161 agreements included SuDS. These were mainly hard SuDS such as attenuation tanks and larger pipes.

Para A5 of Appendix 4 states there 3 pillars which define the concept of sustainable drainage: water quantity, water quality and amenity and biodiversity. CIRIA guidance would suggest there are 4 pillars as amenity and biodiversity are separated out. Soft SuDS deliver on all 4 pillars whereas hard SuDS mainly focus on water quantity.

Para A11 of Appendix 4 advises that developer costs associated with designing and installing a SuDS are invariably less than with a traditional piped system however; this may not necessarily be the case. SuDs can include piped drainage so it may be more accurate to refer specifically to soft SuDS.

Suggest additional text (underlined) in para A1: 'The use of properly designed sustainable drainage (SuDS), particularly for new developments, will provide drainage solutions while not adding more pressure to the existing drainage network'.

A8 Flood Risk Management Benefits. WDPD consider the text incorrect. SuDS are designed to particular standards just the same as traditional drainage systems, so do not necessarily offer a greater degree of flood protection i.e. they are designed to provide a particular level of protection as are pipes or open watercourses. SuDS are preferable because of their control of run-off at source, for their environmental, economic and other benefits.

and recognise the requirement elsewhere in the plan for all developments to include SuDS unless it is demonstrated that this is not feasible.

There are further minor changes and amendments below, some of which are identified as useful amendments, corrections or updates and others less so. As respondents have provided updates and the appendix forms part of the plan, it is considered expedient to tackle this in the dPS changes process.

No change necessary. The Council considers that it would only be worth amending the figures if we had an updated proportion for the overall take-up of SuDS.

As the concept of the number of 'pillars' is a non-critical and subjective one it does not matter how this list of benefits of SuDs is arranged.

Accepted. Please refer to change reference PC 235 in the Schedule of Proposed Changes.

Disagree – it is commonly understood that SuDS should be well designed. No change necessary.

Accepted. Please refer to change reference PC 234 in the Schedule of Proposed Changes.

A16 –WDPD consider information needs updated – suggested replacement text to replace the final sentence and the bullet points ‘In November 2015, representatives of the SMG provided evidence on SuDS to the Committee for Regional Development in relation to the Water and Sewerage Services Bill. The Committee was supportive of the progress made. To facilitate further progress, participation in the group was extended to include representatives from local government and others. In 2015, the SMG also refocused the priorities of the group. The objectives of the Stormwater Management Group are to:

- Promote clear Planning Policy
- Consider and develop effective delivery mechanisms and approval processes
- Review how SuDS (both hard and soft components) are currently delivered in Northern Ireland
- Develop and promote consistent delivery mechanisms and approval processes’.

Para A19 – further suggested amendments– ~~‘It is anticipated that the ultimate delivery of sustainable drainage in Northern Ireland along these lines will enable the planning authority to require the use of such systems as part of most development proposals. The Planning authority currently requires the consideration of such systems in line with 6.118 of the SPPS.~~ From the planning perspective, it is imperative that a responsible approval body mechanism is in place, either to facilitate meaningful consultation on the sustainable drainage aspects of development proposals or to adjudicate on the merits of the suitability of submitted proposals, designs and ongoing maintenance arrangements. Also important ~~are the intended new service companies, as planning permission will not be granted without~~ are appropriate guarantees on the management and maintenance of sustainable drainage arrangements so as to ensure that they will function effectively over the life of the proposed development.’

Accepted. Please refer to change reference PC 237 and PC 238 in the Schedule of Proposed Changes.

EVB 25

Para 2.17 - WDPD suggest replacing the 2nd sentence with 'The Act provides a new power for NI Water to refuse a surface water connection if alternative means of dealing with surface water have not been considered'.

Suggested amendment to wording of para 2.6 of EVB 25 from:
"The first PFRA was published in 2011 and the second in 2018 but was revised in 2019." to: *"The first PFRA was published in 2011 and the second in 2018 (revised 2019)"*.

Refer to para 3.18, line 5 - 'Rivers Agency' is now 'DfI Rivers'.

Re para 4.3 and 6.2, the Department for Infrastructure is the competent authority for Floods Directive implementation, not DfI Rivers.

Under the heading 'DfI Guidance on Climate Change' on p76 it is stated that DfI WDPD will release new technical guidance in relation to allowances for climate change in NI shortly. This is incorrect as it was released in Feb 2019. This was correctly in para 2.47.

p76 under the heading 'DfI Guidance on Climate Change', it is stated that 'climate change flood maps will move from 2030 Epoch to 2080 Epoch.' This is outdated as guidance was published in 2019. Text should be amended to: 'Climate change flood mapping is based on allowances for 2080 epoch.' (or similar).

The Living with Water Programme (LWWP) does not currently cover Derry and Strabane. However, its core objectives are to provide the drainage and wastewater treatment infrastructure to prevent our towns and cities from flooding, enhance the environment and enable economic growth. The LWWP will be producing an Integrated Drainage Investment Planning Guide (DIPG) for NI, which will include an integrated approach to these matters and will involve developing localised and integrated drainage solutions whilst promoting blue and green infrastructure.

Accepted. Please refer to change reference PC 239 in the Schedule of Proposed Changes.

It is considered there is no material difference between these statements and to make the change would not add to or clarify this point in the EVB.

Partially accepted. Please refer to change reference PC 240 in the Schedule of Proposed Changes. The organisation is referred to by its former name as at the time of publishing the NWFRMP in 2015 it was still Rivers Agency. For clarity 'former Rivers Agency' will be inserted.

Accepted. Please refer to change reference PC 239 in the Schedule of Proposed Changes.

This inaccuracy is likely carried over from an earlier version of the EVB. The final EVB will be amended. Likely text will be: 'DfI Water and Drainage Policy Division released new technical guidance in relation to allowances for Climate Change in Northern Ireland in February 2019. It includes guidance for DfI Rivers, DfI Roads and Northern Ireland Water.' Also a very brief summary of the guidance.

Accepted. Please refer to change reference PC 242 in the Schedule of Proposed Changes

The dPS includes principles and policies for the promotion and protection of green and blue infrastructure, refer to chapters 7, 10 and 16 for example. The dPS also gives significant consideration to the Council's Green Infrastructure Plan. Evidence base papers will be reviewed and updated throughout LDP preparation and when additional considerations such as the above-mentioned documents are published and include the District they will be taken further account of and included in the relevant EVBs.

The NI Flood Risk Assessment (NIFRA) 2018 identified Derry as one of 12 areas of potential significant flood risk (APsFR). The Council should consider using blue and green infrastructure, as well as traditional engineering methods, to manage water and drainage in an effort to reduce flood risk, particularly through surface water.

The associated Flood Risk Management Plan (FRMP) identifies that DfI will work with the Council on the LDP dPS to ensure the flood risk policies continue to align with the FRMP. A contextual update and links can be added to EVB 25, but there is no need to amend the Draft Plan Strategy as it already aligns with the FRMP and the APsFR in Derry.

PART F- Place Making and Design Vision

Chapter 26-32 Place Making and Design Vision

Responses Received

Reference	Respondent		
LDP-PS-REP-205L	Shane Birney Architects	LDP-PS-REP-106A	DFI Strategic
LDP-PS-REP-47	John Burns	LDP-PS-REP-80B	DFI TMPU
LDP-PS-REP-128	Apex Housing,	LDP-PS-REP-82	RSPB
LDP-PS-REP-49	PC I		
LDP-PS-REP-57	Henry Craig <i>et al</i>		
LDP-PS-REP-59	Ebrington Holdings,		
LDP-PS-REP-114,	Mr Hamilton Bell		
LDP-PS-REP-116	Mr Howard Fulton		

Main issue	Council response
Chapter 26 Place Making & Design for District	
<p>'Creating places' should not be used as a reference as it is out dated and generic. Design quality should be set by The Council, to promote quality in projects. There must be a robust and aspirational planning system. Considers that an in-house architect or someone with a focus on design quality would be a good way to improve overall quality of buildings in the city, Request design review panels for bigger projects to ensure these more prominent schemes are of the highest quality. Considers that the design objectives should refer to 'local specificity' as a way of moving away from the generic. Considers there should be more mention of working with artists and community groups to improve the environment. Considers that there could be more images with captions in the document.</p> <p>Based on the current wording various developers/ landowners consider that the PDOs and PDPs fail soundness tests CE1 & CE3. Recommended they be used to inform policies, rather than be considered as material planning considerations themselves. Unclear what weight should be afforded to them in the decision making process. Remove/ amend duplication of policy and achieve greater precision (PDOs/PDPs). Support the overall objectives of the PDOs & PDPs. CE1 – do not set out a coherent strategy from which policies logically flow. They duplicate other dPS policies and on this basis, they recommend that the Council review the content of the PDOs and PDPs to ensure they are required. An example of this is 'Place-making & PS Design Principle 3 (PDP 3) - Protect</p>	<p>The main design references in the dPS are other guidance such as Living Places and Building on Tradition and the SPPS (referenced in dPS paragraph 26.2). Creating Places is included in the SPG list and is still useful for housing developments. It will be reviewed to determine whether The Council retains and adopts it as SPG or tailors it. The Council have set design quality in the place making chapters. The EVB contains detailed master planning design work following a specially commissioned design study. The Council has set out clear and detailed design objectives, principles and policies including a requirement for a high standard of design, that context is always considered and requiring a sustainable transport hierarchy. The comments about an in-house architect and design review panels are noted and although this is more to do with implementation than planning, it will be referred to in the dPS. It is agreed that images in the document could be captioned. The Council draws upon the DfC Ministerial Advisory Group (MAG) on the Built Environment during determination of planning applications for major new buildings. PDO5 mentions working with key stakeholders and also para 26.32, and this would include working with artists and community groups to improve the environment. For clarity please refer to change reference PC 246 in the Schedule of Proposed Changes to add short section mentioning MAG and mentioning local artists and community groups as an example of stakeholders in para 26.32.</p> <p>The Place - making & Design Objectives (PDOs) set out the main areas in which the dPS aims to deliver good design and place making. Within these, the place – making & Design Principles (PDPs) show how these objectives will be delivered. They are to be regarded as important material considerations. Refer to para 26.5. The policies (SDPs) are more specific and are set out in turn for Derry, Strabane, Local Towns, Small Settlements and the Countryside. Within this format, there is some repetition but this is for reinforcement. The PDOs and PDPs already underpin the SDPs. No change necessary.</p>

<p>the Setting' which duplicates policy set out within Chapter 25 Historic Environment to protect the setting of the built heritage.</p> <p>It is stated that the number of proposed SPGs and the proposed use of sub-components of PPS annexes is 'ad hoc' and will inevitably lead to a highly complex decision making regime and comprise a Plan led process. In its current form the proposed approach would fail soundness test C3 & CE1.</p>	<p>The suite of SPGs will be reviewed and adopted, updated and tailored to local circumstances if necessary and appropriate.</p>
<p>PDP 1 – Retain the Historic Fabric</p>	
<p>Policy has the potential to cause confusion as it requires ordinary buildings to be retained but does not set out any clear guidance/ policy test as to how it is determined if such a building should/ should not be retained.</p>	<p>The PDPs are not policies but they underpin the policies and are important material considerations. This PDP is about respecting context, one of the main themes of the chapter. With respect to retaining the historic fabric, the listed buildings and Conservation Areas are already protected but this principle reminds developers that historic fabric is about more than this and 'ordinary buildings' may have value as part of a 'sense of place' or the living history of that area. This will always be a subjective judgement and does not represent a further layer of protection; rather applicants would need to demonstrate that they have had regard to this matter. It does not require ordinary buildings to always be retained; but that their value is considered in any development proposals and that they are retained where appropriate. Further detail is set out for each area in the SDPs and Policy HE8 (Conversion and Re-Use of locally important Unlisted Vernacular Buildings).</p>
<p>PDP 5 Capitalise upon Natural Assets</p>	
<p>The Council should ensure the use of consistent language throughout the LDP. In line with the SPPS, The Council's own LDP Strategy for the Natural Environment (para 21,10) clearly demonstrates its position of '<i>protect, restore, enhance and conserve ...the District's natural heritage</i>'. This PDP wording appears to be contradictory.</p>	<p>Disagree. This PDP is about seeing natural assets as that, not constraints on development, taking advantage of views, respecting topography, retaining trees and hedges etc.</p>

PDP 7 (implement a sustainable transport strategy) - may conflict with an SPG	
<p>Unclear as to what level pedestrians, cyclists and public transport will be prioritised over car based development in the decision making process and if this approach will conflict with the existing Parking Standards, which would be retained as Supplementary Planning Guidance.</p> <p>Supporting comments, particularly regarding the statement that car - based travel will be discouraged, effectively supporting the application of accessibility analyses and planning and provision of walk and cycle infrastructure.</p>	<p>The PDP states that the needs of pedestrians, cyclists and public transport users must be increasingly prioritised over car-based development. This should be taken into account in all decision making from planning to investment. More detail is included by different areas in the SDPs. There is also a policy in the transport chapter TAM 7 (Walking & Cycling Provision). This requires that development takes into account the needs of pedestrians and cyclists. This involves access design, cycle parking and shower/changing facilities and links into pedestrian and cycle networks where they adjoin the development site. The Parking standards SPG will be reviewed and tailored to accord with the dPS and support TAM 7 in requiring cycle parking. It is misleading to call it a 'hierarchy' as it is really a policy 'nudge', a statement of intent/ direction of travel. Please refer to change reference PC 245 in the Schedule of Proposed Changes to delete the word 'hierarchy' and re-title to <i>"incorporate sustainable transport into designs"</i></p> <p>Supporting comments from DFI TMPU are noted and welcomed.</p>
PDP8 Create Walkable Settlements	
<p>Supporting comments, especially the statement that development locations should be within 800m walk of key services and to repair the development patterns of previous plans, effectively supporting the application of accessibility analyses and planning and provision of walk and cycle infrastructure.</p> <p>The Council should ensure that PDP 8 is reflected throughout the policies earlier in the document.</p>	<p>Supporting comments from DFI TMPU noted and welcomed.</p> <p>Noted. The Council considers that the principle is reflected throughout the plan.</p>

PDP 9 Make Places for People.	
Supporting comments: they welcome the statement that streets should be easy to cross and use for all.	Supporting comments from DFI Tmpu noted and welcomed.
PDP 10 Sustainable Densities and Town Centre Living	
Supporting comments, supporting the final sentence in particular which restates the link between accessibility by sustainable modes and development density.	Supporting comments noted and welcomed.
PDO 2 Enhance the value of the Natural Environment	
<p>PDO 2 could be enhanced with an appropriate design SPG. RSPB reference appendix 2 of Exeter City Council's award -winning Residential Design SPG document, which they say details good practice approaches to protecting and enhancing biodiversity value within the built fabric and wider landscape of a residential development. No soundness issues raised.</p>	<p>The Council is considering an SPG document regarding biodiversity enhancements through minerals development. This could be widened to include other forms of development and promote practical measures to achieve 'biodiversity net gain', protecting and enhancing natural environmental assets.</p> <p>SPG on biodiversity net gain/ ecological enhancements through development. This may focus on housing and minerals development but also encompass other sectors.</p> <p>No change is required to the dPS.</p>
PDO 3 Implement a Sustainable Transport Hierarchy	
Supporting comments.	Supporting Comments from DFI Tmpu noted and welcomed.

HOU 7 Accessible Housing (Lifetime Homes and Wheelchair Standards)

Following a review of the background evidence papers, the respondent considers that there is a lack of substantive evidence to support this policy position or any consideration of the viability of a project, mindful that this policy needs to be considered in tandem with HOU 5 (Affordable Housing) and HOU 6 (House Types and Tenure).

SPPS Paragraph 6.137 states that Planning authorities should use the full range of planning powers to create environments that are accessible to all and which enhance opportunities for shared communities. To delete this policy would not facilitate this requirement in the SPPS. The Rep states it is accepted that this standard is used by Housing Associations in the delivery of social housing projects, but no consideration has been given to the impact of this policy on other housing developers and their associated housing products - no further evidence was provided to explain this statement. Evidence is available about the cost of delivering additional homes, and the fact that in the context of an ageing population, the costs associated with adaptations can be onerous as opposed to building in these standards from the start. Given the wider social benefits in comparison to the relatively small additional costs, the principle of accessible homes should be applied to all housing schemes with non-compliance being the exception rather than the norm. In terms of sustainability, developers are now choosing to implement higher standards voluntarily due to the longer term cost benefits. Additional research found that the standards cost little extra than building to Part R of the Building Regulations and the wider social benefits considerably outweigh the minor additional costs. Disagree that there is a lack of substantive evidence to support this policy position. Many of the LFH standards are already included in Part R of the Building Regulations. The Council do not have evidence for the working out the threshold of % of wheelchair homes. Belfast took the existing land supply which consists of a significant number of smaller sites and the levels of growth set out over the plan period, applying a 10% on 10 units or more would provide sufficient wheelchair accessible units per year to meet identified need (as opposed to 10% of all new developments in the HMA).

DSDP 2 Sustainable Connectivity for the City p412

Supporting comments, especially welcoming the requirement for city centre development to demonstrate on and off site infrastructure to maximise use of sustainable transport modes.

Supporting comments from DFI TMPU noted and welcomed.

DSDP 4 Riverfront

Welcome the statement that where opportunities arise through development schemes and it is demonstrated to be feasible, the LDP will support rationalisation of dominant transport infrastructure such as dual carriageways along the riverfront.

Supporting comments from DFI Tmpu noted and welcomed.

SSDP 3 Connections.

Welcome the protection of existing pedestrian and cycle links and the creation of new ones.

Supporting comments from DFI Tmpu noted and welcomed.

LDP dPS, PART G- Specialised Requirements Etc

Chapter 28 Supplementary Planning Guidance

Responses Received

Reference	Respondent
LDP-PS-REP-48	Apex Housing, Turley
LDP-PS-REP-49	PCI Consulting, Turley
LDP-PS-REP-50	Radius Housing, Turley
LDP-PS-REP-114	Mr Hamilton – Bell (Turley)
LDP-PS-REP-116	Mr Howard Fulton (Turley)

Main issue	Council response
Chapter 38 Supplementary Planning Guidance.	
Complexity	
Number of proposed SPGs and the proposed use of sub-components of PPS annexes is 'ad hoc' and will inevitably lead to a highly complex decision making regime and comprise a Plan led process. In its current form the proposed approach would fail soundness test C3 & CE1	Whilst it may appear to be a lot of information, when an application is considered by the applicant or case officer, the SPG is broken up into topics. Only a few sections/pages will be used at any one time. There would be less clarity if we didn't have these. No change proposed.
Some sections of existing PPS annexes are to be retained as SPG but queries about what happens to sections that are not retained.	There are only sub-components of the existing SPGs because the rest have been brought forward or amended in the new draft policies.

LDP dPS, PART F – Place – Making and Design Vision

Chapter 32 Place – Making and Design Vision / Policy For Countryside

Responses Received

Reference	Respondent
LDP-PS-REP-3	Enagh Youth Forum

Main issue	Council response
Chapter 32 Place – Making and Design Vision / Policy For Countryside	
Enagh Youth Forum support Policy CY 3 - The Setting of Settlements	Support noted and welcomed.

PART H- LDP Monitoring and Review

Chapter 40 Monitoring Criteria and Review Process

Note: this section really relates to future monitoring and the 5 – year review process but in the absence of a more suitable section of the report they are considered below.

Responses Received

Reference	Respondent
LDP-PS-REP-128	Apex Housing (Turley)
LDP-PS-REP-124A LDP-PS-REP-123	Millwell Properties (MKA)
LDP-PS-REP-132 LDP-PS-REP-201-L	PARC

Main issue	Council response
Monitoring Criteria and Review Process	
<p>Considers that there has been little opportunity given for a more involved public consultation with wider community i.e. community groups, cottage industry entrepreneurs, environmental groups etc. Considers the consultation period too narrow. Considers the strategy to be flawed as it does not incorporate a third party appeals process.</p>	<p>The plan has been prepared in accordance with published guidance and legislation and the correct consultation periods and methods of advertising have been followed. This means that there have been extensive opportunities for anyone to input on multiple occasions. There has also been significant engagement with identified stakeholders as well as the continuing input of elected representatives.</p> <p>There are no third party rights of appeal in Northern Ireland or elsewhere in the UK and this is a matter that has been regularly considered over the years by government. It would require legislative change and is therefore outside the scope of the LDP.</p>
<p>Considers the plan unsound as it failed to meet the necessary legislative requirement in relation to approved timetable.</p>	<p>The Council has had to deal with a new plan-making system that has included many challenges and circumstances beyond our control. In line with The Planning Act and Regulations, The Council has prepared and kept under review the LDP timetable. Each element of LDP preparation has been broadly in accordance with the predictions in the Timetable (within acceptable tolerances) so the LDP preparation has met the requirements. This aspect is further considered in the accompanying submission document DS-600 (Self-assessment of Soundness).</p> <p>A minor administrative error in the time period of one of the consultation periods was addressed by holding a second consultation period.</p>
<p>Respondent considers dPS not in accordance with most current revised LDP SCI. The Issue raises concerns that the Council did not adopt a 4 week 'pre consultation' period prior to the publication of the dPS. Disappointed that DCSDC did not adopt this 'soft landing' approach which was adopted by other Councils.</p>	<p>Not all Northern Ireland Local Planning Authorities have decided to adopt the pre-consultation period and it was determined that it was unnecessary to do so. Indeed, this step may be beyond those set out in the Regulations. The Council has fully met its requirements for public consultation as set out in the accompanying submission document DS-600 (Self-assessment of Soundness).</p>

<p>One respondent considers that the emerging approaches of the Rights of Nature and the Rights of Communities should be incorporated into the monitoring and review of the LDP.</p>	<p>Policies and related outcomes will be properly monitored and there will be considerable overlap with Rights of Nature especially regarding the Natural Environment chapter. The technical monitoring report will continue to be developed and refined.</p>
--	---

Schedule of Proposed Changes - Summary of Comments Received in response to the Consultation, March 2022

The Schedule of Proposed Changes to the LDP dPS was published and an 8-week consultation undertaken between 9th December 2021 and 3rd February 2022. Twenty-six comments were received on the Changes. These Comments are briefly summarised below with a response from the Council. All PC Comments can be viewed at: [https://www.derrystrabane.com/Subsites/LDP/LDP-draft-Plan-Strategy-\(dPS\)/Viewing-the-LDP-dPS-Schedule-of-Proposed-Changes-a/Comments-on-the-Proposed-Changes-to-the-LDP-dPS](https://www.derrystrabane.com/Subsites/LDP/LDP-draft-Plan-Strategy-(dPS)/Viewing-the-LDP-dPS-Schedule-of-Proposed-Changes-a/Comments-on-the-Proposed-Changes-to-the-LDP-dPS)

Submissions No 10 & 19 made at this time were actually found to be late representations and late counter–representations as they did not comment on the Proposed Changes.

Proposed Change Comment	Summary of Comments	Council Response
<p>PC-COM-1 DfC Historic Environment Division</p>	<p>Welcomes the Changes in reference to many of their comments in representation LDP-PS-079 especially those relating to the Historic Environment chapter. The Changes address most of the issues of soundness raised in relation to specific concerns. Across other areas, they consider their original comments still apply.</p> <p>In relation to PC 99 / Annex 2, they consider that inconsistent terminology is used and that the reference to Policy HE 3 is a typo and should be HE 8.</p> <p>With respect to PC 120, they welcome the amendment to criterion h) to Policy ODC 4 to mention the historic environment chapter. They also consider that para 15.19 should mention Policy HE 8.</p> <p>With respect to PC 145, they would welcome an opportunity to comment on the historic environment SPG as appropriate. For PC 168, they point out that the proposed change to Policy UT 3 would refer to ‘designated’ heritage assets. Some heritage assets such as historic gardens and demesnes are not</p>	<p>Support is noted.</p> <p>It is not clear which of their original comments prevail.</p> <p>The Council considers the terminology to be sound / clear, but accepts and would have no objection to the HE 8 correction being made.</p> <p>The Council would have no objection to this addition being made but the plan should be read as a whole so it is not necessary for soundness. Noted.</p> <p>The Council would have no objection to this amendment if required for the sake of clarity. The plan should however be read as a whole and heritage assets are already referred to in other policies.</p>

	<p>designated so they suggest that the change should refer instead to 'heritage assets'.</p> <p>A typo is highlighted with respect to PC 190 – re ASAIs.</p>	<p>The Council accepts and would have no objection to this correction being made.</p>
<p>PC-COM-2 Woodland Trust</p>	<p>They consider that PC 08 objective d (i) furthering biodiversity should make specific reference to more <u>native</u> tree cover (suggested new text underlined).</p> <p>They request that PC 181 is amended to refer to wildlife value in connection with the text on Tree Preservation Orders</p>	<p>This change would not be necessary for soundness, particularly at this position in the LDP Objectives. The Council would have no objection to amending the PC 08 wording in brackets to '(in appropriate locations and types)' but would stop short of including the word 'native' as the Council would not wish to be prescriptive, since many non-native trees also have considerable amenity, biodiversity and other environmental value e.g. beech or horse chestnut.</p> <p>The Council considers that this is not one of the main criteria for designating a TPO, so would not propose to change the wording as suggested, rather to stay closely aligned to the TPO legislation wording. The LDP should be read as a whole and there are many other policies to protect wildlife and habitats.</p>
<p>PC-COM-3 Fermanagh and Omagh District Council</p>	<p>The Council welcomes the following changes in particular: PC 92 updated reference to the Sperrins Partnership (cross boundary working group) in the Tourism chapter. PC 104 stresses that Policy MIN 1 applies to all development, not just designated areas. PC 109 clarifying the Areas of Constraint on Minerals Development (ACMDs). PC 183 and 184 to support AONB protection. PC 208 & PC 209 regarding renewables in AONBs.</p>	<p>Supporting comments are noted.</p>

	PC 222 regarding the presumption against renewables on active peat.	
PC-COM-4 P Doherty (MKA Planning)	<p>Support PC 126 which amends Policy HOU 1 to allow The Council to provide housing in three phases instead of two. Phase three lands will be on land outside settlements identified at LPP stage in areas immediately adjoining areas identified as having the most acute housing need/ extreme localised housing stress (in exceptional circumstances and where the need can't be met on phase 1 or 2 lands or other HOU2 lands). The respondent suggests amended wording. They consider the word 'extreme' may cause difficulties gauging what level of affordable housing need would qualify. They believe the word should be replaced by 'significant'. They consider that the policy should define exactly what social housing need threshold would allow it.</p> <p>'Legacy zonings' in the Derry Area Plan were zoned in 1998 and we are now 11 years beyond the notional end date of that plan. The sites have remained undeveloped ever since. The LDP should set a precise mechanism and timeframe for re-zoning or de-zoning these lands if development does not come forward. Social housing need is not fixed and will vary over time.</p> <p>The change states that the amount of phase 3 land identified will be limited to that which is necessary and sustainable to meet the social housing need at LPP stage. At that stage however, the Council will not know which phase 1 and phase 2 lands will be brought forward for housing and social housing in particular.</p> <p>PC 134 amends HOU 5 to increase the minimum amount of affordable housing from 10 to 20%. In areas of acute housing</p>	<p>The Council notes the supporting comments. It is not considered that the change of wording would aid clarity. Sites would be allocated at LPP stage taking account of whether NIHE consider there is sufficient housing need / stress in that area to justify it. It would be for decision makers to exercise their professional judgement to assess whether the need/ stress is extreme / significant enough to justify allowing development on Phase 3 lands. It would be for applicants to demonstrate this and advice would be taken from NIHE.</p> <p>This would largely be a matter for consideration at the LPP stage or following an LDP review. PC 126 provides sufficient information on this matter for the dPS which is a strategic stage of the plan. If considered necessary, the Council will bring forward a Practice Note as SPG to provide the greater detail.</p> <p>Noted, but the current policy addresses this as a need would have to be demonstrated. This is a matter that can be addressed in the Independent Examination (IE) but is mainly an LPP stage matter and for SPG.</p> <p>This is considered to be an important but not a Fundamental Change to the LDP. It has now been</p>

	<p>need, this may be uplifted as part of the key site requirements (KSRs) at LPP stage. This doubling of the affordable housing requirement is considered by the respondent to be a fundamental change with significant ramifications for developers and landowners, especially as they consider there has been ‘limited consultation’ on the proposed changes. They express deep concern regarding this matter.</p> <p>Can’t see how a developer can ‘maintain the agreed ratio of private to affordable housing for an agreed period’ post-construction. Once properties are sold, developers have no control over tenure.</p> <p>Mixed tenure / tenure blindness approach is not supported by evidence of success elsewhere in NI. Most developments have been either entirely ‘social’ or entirely ‘private’. This is an entirely new approach to the provision of social housing in NI. Concern this may slow down housing provision.</p> <p>PC 136 – respondent asks how the proposed policy requiring no more than 70-80% of either private or affordable housing would work in practice. How would housing associations do this on a social housing site surrounded by other social housing sites which would not be attractive to the private housing market?</p> <p>PC 156 – respondent can’t see any justification for exceptions sites in HOU 25 not being permitted in Green Belt. They know of no other Council adopting a similar approach.</p>	<p>subject to an 8-week public consultation as part of the Proposed Changes. There is also considered to be appropriate flexibility built into the policy, and this is a matter for discussion at the IE.</p> <p>This is a matter for discussion at the IE, but the practical application can be clarified in the SPG.</p> <p>The Evidence Base on this matter has been updated with information from NIHE, including examples of successful precedents for mixed-tenure developments – in NI and elsewhere. This may be a matter for discussion at the IE.</p> <p>This is a matter for discussion at the IE. If considered necessary, the Council will bring forward a Practice Note as SPG to provide the greater detail.</p> <p>This is a matter for discussion at the IE. The Council considers that the recently proposed text adequately explains this point.</p>
<p>PC-COM-5 Patrick Doherty (MKA Planning)</p>	<p>Supports PC 41C for the additional text on the proposed NEDA (New Economic Development Area) on the Buncrana Road. It comprises supporting information for this NEDA and identifies 16 ha of land they consider to be suitable.</p>	<p>The supporting comments are noted. The location and extent of any NEDA will be determined at the LPP stage of the LDP. A 2021 Economic Development Land Monitor (EDLM) will be</p>

		published and submitted alongside the LDP Submission, with more up to date figures on land availability.
PC-COM-6 Heron Brothers (Turley)	<p>Their original comments were that the growth strategy and Policy HOU 1 lack evidence to support the strategic allocation of 9,000 homes or confirmation that other alternatives were considered. Query whether the plan period is realistic. They considered it fails soundness tests P1, C1, C4, CE1 and CE2. They note the proposed change to introduce 'phase 3 housing zonings' to HOU 1 to meet social housing need. This will formalise and manage 'exceptional circumstances' provision and ensure adequate lands come forward. In response they now disagree with the approach encapsulated in the change and consider it would restrict the number and location of proposed developments. The previous wording allowed for 'exceptional circumstances' to provide flexibility. Previous points of concern remain in their opinion.</p> <p>Regarding PC 135 on Policy HOU5, they disagree with the change in title to 'Affordable and Private Balanced-Tenure Housing in Settlements' and consider that there is no evidence to support it.</p> <p>They consider that there is no evidence to support the increase from a 10% to a 20% affordable housing requirement for developments of 10 or more dwellings or over half a hectare.</p> <p>They consider that weaknesses raised in their original comments remain unchanged. They considered that there was no evidence to support the affordable housing thresholds or that it would deliver sufficient affordable housing. They considered it did not make affordable housing requirements sufficiently clear for housing associations and developers. They</p>	<p>The Council considers that the proposed 'phase 3 zonings' in Proposed Change PC 126 formalise and bolster the 'exceptional circumstances' process, underpin it with designations at LPP stage and provides more certainty for developers. The level of housing allocation is justified in detail in the dPS and the updated evidence base. It is therefore considered that the dPS meets the soundness tests listed.</p> <p>Regardless of the opinion of the respondent, the policy also deals with proposals including private housing and part of its rationale is to enable and promote mixed communities. The title is therefore wholly appropriate.</p> <p>This matter can be addressed at the IE. The percentage threshold has been increased to address concerns that insufficient affordable housing would come forward.</p> <p>The Council considers that the proposed changes go as far as possible to ensure that sufficient affordable housing comes forward, to achieve balanced communities and to provide certainty for developers and housing associations. It is considered that the plan was already sound and</p>

	<p>therefore considered it failed soundness tests P2, P3, CE1, CE2, CE3 and CE4.</p> <p>Re Policy HOU 6, they argued in their original comments that the policy duplicates elements of Policy HOU 5 and lacks evidence to support it or the consideration of alternatives. They therefore considered that it failed soundness tests CE1 and CE2. They acknowledge that PC 138 removing the word ‘tenure’ from the title partly addresses this but consider that the consideration of alternatives has still not been addressed.</p> <p>Policy HOU 25 allows for affordable housing in the countryside in one group of no more than 14 dwellings adjacent to or near a rural settlement. The respondent considered this overly restrictive but supports proposed change PC 156 which expands on the ‘generally only one group’ in the policy to make it clear that if more than one development is required by exception, it must be justified by ongoing social housing need and should be reflective of the scale of the settlement. They should be in informal groupings of 5 to 10 dwellings. The respondent considers that this addresses potential changes in levels of need and the deliverability of land in settlements.</p> <p>Regarding Economic Development Areas, their original comments stated that they consider that the proposed allocations are neither realistic or appropriate. They consider there are no relevant changes.</p>	<p>the tests were already met but the proposed changes provide greater clarity and certainty and allows for appropriate levels of affordable housing to come forward to meet the significant local affordable housing needs.</p> <p>The acknowledgement that the amendment partly addresses their concerns is noted. Further discussion of their original comments is set out under Policy HOU 6 in the main report above. Regarding the consideration of alternatives, housing developments will be required to display good design and include a mix of house types and sizes and this is likely to become common practice as it is already considered good practice. It further supports and promotes mixed communities.</p> <p>Support noted.</p> <p>This matter can be dealt with at the Independent Examination.</p>
--	--	--

	They consider that Policy ED 4 fails to take account of current policy and the evidence base, failing soundness tests C3 and CE1.	This matter can be dealt with at the Independent Examination.
PC-COM-7 NIFHA (Turley)	Dealt with above in sections on draft policies HOU 5 and HOU 25.	N/a
PC-COM-8 Clanmill Housing Association (Turley)	Dealt with above in sections on draft policies HOU 1, HOU 5, HOU 6 and HOU 25.	N/a
PC-COM-9 NI Water	Acknowledges the Proposed Changes generally, welcoming the approach - to resolve concerns. Other general comments about its Strategic Drainage Infrastructure Plan for Derry.	The Comments are noted.
PC-COM-11 P McCarron	Does not agree with proposed removal of certain words re. environmental designations, in PC 105, PC 106 and PC 107. Supports PC 181 regarding protection of trees and support for PC 186 regarding AHLIs. Specific comments about Prehen Woods and general comments about the LDP and environmental protection.	The Council considers that the Changes are desirable, being more precise and implementable. The support is noted. Not a PC Comment, more relevant to LDP LPP stage. The general Comments are noted.
PC-COM-12 RSPB	Support PCs 04, 08, 14, 18, 21, 22, 23, 29, 34, 105, 108, 141, 143, 153, 177, 178, 179, 182, 213, 217, 220, 221, 223, 225, 226, 227, 231, 244 and 250. PC 16 is not the change they asked for and they refer to their original submission. They welcome PC 30 but believe it should simply say there should be no impact on the environment in accordance with the various policies in Chapter 21.	RSPB's support for the vast majority of the Proposed Changes (29 no. PCs) is noted. The few prevailing concerns are addressed below: RSPB is referenced as its REP drew attention to the use of the word 'should' in relation to GDP 6, resulting in a re-examination of the other GDPs and hence to PC 16 for consistency. The Council is content with the PC 30 wording. This matter could be dealt with at the Independent Examination if necessary.

	<p>PC 104 – they feel that the PC suggests a ‘policy compliance hierarchy’, with references to NE 1 & NE 2, etc.</p> <p>Regarding PC 131, they consider this to be contrary to the main policy wording in Policy HOU 2 which does permit development on brownfield sites.</p> <p>They set out the ten principles of Biodiversity Net Gain.</p> <p>PC 172 – RSPB do not support this change, as a qualification to the total ‘ban’ on waste disposal in designated sites.</p> <p>PC 208 - RSPB do not support this change which it considers narrows the scope of natural environment consideration of RED 1 to Policy NE 1. This would be contrary to PPS 18, RDS and SPPS. They suggest instead it should refer to the whole chapter.</p> <p>They make technical points seeking minor amendments to PCs 210, 218 and 222.</p>	<p>The Comment is not clear and the referenced wording is not actually in PC 104. The Council considers that PC 104 is sound as drafted, clarifying the ubiquitous application of Policy MIN 01, in case the following J&A suggested that it was only the referenced areas.</p> <p>RSPB has misinterpreted this PC – which is intended to clarify that <u>HOU 2</u> does facilitate brownfield development, etc. but that policy <u>HOU 1</u> (i.e. Zoned land) does not. If indeed this point is still found to be unclear at the IE, the Council will consider an alternative wording. This matter can be dealt with at the Independent Examination.</p> <p>The Council notes this information.</p> <p>The Council is satisfied that PC 72 is sound and is necessary for policy implementation and consistency. If necessary, this matter can be dealt with at the Independent Examination.</p> <p>The Change does rightly focus on NE 1 sites in the first instance, but it does retain a later reference to the whole chapter, so the Council considers it to be sound as drafted. If necessary, this matter can be dealt with at the Independent Examination.</p> <p>The Council would have no objection to these proposed minor changes being made for clarity.</p>
--	--	---

<p>PC-COM-13 NIHE</p>	<p>Supporting comments on PCs 126, 133, 134, 135, 137, 141, 143, 156 and 157. This includes measures to address land banking, text to allow release of Phase 2 housing lands early where a housing need is identified and Phase 3 housing lands to bring forward housing to address affordable housing need in exceptional circumstances (policy HOU 1). Also the increase of the proportion of affordable housing to 20%.</p> <p>Also support changes to HOU 4 to control short term residential lets, HOU 5 changes (objection withdrawn) including the 20% requirement which brings affordable housing from windfall sites, changes to HOU 8 to ensure no biodiversity net loss and changes to HOU 25 to allow more than one development by rural settlements exceptionally, to meet affordable housing needs.</p> <p>Welcome changes to exempt 'exceptions housing' from the balanced community split.</p> <p>Welcome changes to encourage social clauses.</p>	<p>The supporting comments of NIHE are noted.</p>
<p>PC-COM-14 ABO Wind (Turley)</p>	<p>PC 208 changes para 24.1 to emphasise the leading role the District is already playing in Renewable Energy production. Respondent considers that the wording relates to the existing context and points out that the Energy Strategy now includes a 70% target for energy from renewables as we move towards net zero in 2050. If the plan is unduly restrictive it could conflict with the Energy Strategy and be unsound. The Council should satisfy itself that the plan is flexible enough to address current and emerging ambitions and targets.</p> <p>They note that change PC 206 breaks up the single renewable energy policy into separate policies for different types of</p>	<p>The Council considers that the existing suite of renewable energy policies and the changes proposed are sufficiently flexible to address current and emerging renewable energy generation ambitions and targets. The policies are not unduly restrictive and sound in relation to relevant tests.</p> <p>The separate polices are more in line with the rest of the LDP dPS and aid clarity and implementation.</p>

	<p>renewable energy. They consider that the original policy was already broken into subsections and fit for purpose. This involves some duplication in their view. For example, the addition to the bespoke policy on hydro of consideration of landscape impacts (PC 218) duplicates the similar requirement in the general policy.</p> <p>PC 212 provides clarification regarding the term ‘occupiable’ but the respondent considers that the term ‘relatively little intervention’ in the definition is still vague and unclear. They consider it would unduly inhibit wind energy development and be contrary to soundness tests CE2 and CE3.</p> <p>PC 214 refers to the use of photomontages in accordance with best practice. The respondent makes some technical points about how this would be done and what type of images would be acceptable.</p> <p>They welcome the clarification on ‘fall over distances’ set out in PC 215 but consider it should say ‘hub height plus the length of one blade’. They consider the current wording ‘hub height plus turbine blades’ is confusing and contrary to soundness test CE2.</p> <p>PC 216 adds a reference to avoiding loss of High Nature Value (HNV) land with respect to solar panel development. The respondent considers this to be duplication of the general reference in part b) at the head of the policy which relates to preventing harm to natural areas and protected areas.</p>	<p>The first policy applies to all renewables development and the others provide more detail on different types. This does involve a small amount of duplication, especially where it is necessary to re-iterate a consideration that is particularly important for a certain category; it is considered that the greater clarity is more important and makes the dPS read more logically.</p> <p>The Council disagrees and considers that the phrase and the revised definition is readily understood and the change aids clarity further.</p> <p>The Council considers the text is quite clear that photomontages must be submitted in accordance with specified best practice guidance.</p> <p>The Council consider that this would be commonly understood from the current wording but would have no objection to this further change being made if it were thought to aid clarity.</p> <p>The Council disagrees that this is an unnecessary duplication as it focusses and reinforces the more-general protection provided under criteria b or c. They specifically relate to agricultural lands and solar panel development is the most likely renewable energy development to affect them.</p>
--	--	---

	<p>PC 219 clarifies that the policy also includes energy related proposals such as Battery Energy Storage Systems (BESS). The respondent considers that not all parts of the policy are relevant to this type of development and that this should be explained. The policy requires developments to be at or close to the source of the resource and this is not appropriate for BESS, indeed it may be more appropriate to site them close to areas of high demand.</p> <p>PC 222 makes an explicit reference to a ‘presumption against renewable energy development on active peat’ in accordance with the SPPS. The applicant disagrees that the text in the SPPS amounts to such a presumption.</p>	<p>It is not considered necessary to clarify this matter which could be addressed by applicants at Development Management stage. The Council would however have no objection to the addition of a note to clarify the matter, should this be considered necessary. (At the end of the RED 1 J&A para on the ‘proximity principle’, insert at the end “Similarly, BESS proposals would need careful consideration as to the most appropriate / least harmful location – close to source or to end-users.”</p> <p>Whilst the SPPS does not spell out a ‘presumption against renewable energy development on active peat’, the Council still considers that the wording does amount to such a presumption (SPPS 6.226). This matter could be discussed at the Independent Examination.</p>
PC-COM-15 SSE Electricity	<p>The comments in the representation above are repeated. In addition, they refer to PC 186 relating to the re-ordering of text in draft Policy NE 7. They make no specific comment but refer back to their dPS comments LDP-PS-REP-46.</p>	<p>It is considered the re-ordering is more logical than the previous text, hence the change.</p>
PC-COM-16 Causeway Coast & Glens Borough Council	<p>The Council notes the Proposed Changes and the associated consultation. They consider that the Changes have taken full account of DPPN 10. They have considered the Proposed Changes document and supporting addenda and have no comment to make at this stage regarding their soundness.</p>	<p>Comments are noted.</p>
PC-COM-17 Dalradian	<p>PC 104 makes it clear that Policy MIN 1 applies to consideration of all minerals developments but particularly in the designated areas. Dalradian argue that it should apply across the board and the second part of the change is unnecessary. This accords with SPPS para 6.158 which states that minerals developments in /</p>	<p>The Council consider that the dPS and PC 104 is sound as drafted, providing useful clarification and link text to the subsequent paragraphs.</p>

	<p>close proximity to designated areas will not normally be granted permission where this would prejudice the essential character of the area or the reason for its designation. Fails soundness test CE3. Para 13.10 already uses the text from the SPPS so the second part of the change could simply be omitted.</p> <p>PC 105 clarifies and modifies the text of para 13.10 to clarify that mineral development within (or in close proximity to, or with potential to adversely affect) designated areas will not normally be given permission where they would prejudice the essential character of such areas. The respondents consider that the text could go further and focus only on adverse effects which cannot be mitigated against.</p> <p>PC 109 moved the reference to ‘expansive tracts of land’ to the J&A from the policy box of MIN 2 to make it clear that it is not an exception for development management purposes but is one of the considerations for the LDP in defining ACMDs at LPP stage. Dalradian stand by their original dPS comments questioning the rationale behind the designation of ACMDs and consider that their boundaries should be delineated at dPS stage.</p> <p>MIN 3 Mineral Reserve Areas Change PC 110 clarifies that applications for temporary planning permission will be exempt from the presumption against surface development in such areas <i>‘where this doesn’t prejudice the mineral resource’</i>. Dalradian argue that where such applications come forward, DfI GSNI and any minerals license holders should be consulted and this should be referred to in the policy. Otherwise they consider it would fail soundness tests CE2 and CE3.</p>	<p>The Council considers the PC wording is more appropriate. If a development would prejudice the essential character of such areas, it would be refused. It would be for the applicant to demonstrate that there would be no adverse effects. Mitigation would be best considered at development management stage if appropriate. See also PC 177 on ‘mitigation’.</p> <p>The Council will define the boundaries of ACMDs at LPP stage, as these detailed ‘lines on the map’ would not be appropriate at the current <u>strategic</u> stage i.e. the dPS.</p> <p>The Council considers the policy sound as drafted. Protocols for when consultees should be consulted would be a development management matter, not a matter for the LDP. It is sufficient for the policy to point out that applicants would need to demonstrate that the minerals resource would not be prejudiced.</p>
--	--	---

<p>PC-COM-18 NIE Networks</p>	<p>They have reviewed the Proposed Changes and retain their position stated in previous comments on any matters not addressed by the changes below.</p> <p>They consider than the removal of the word ‘significant’ from GDP 1 (PC 18) is unsound as it is not consistent with SPPS or meeting the objectives of the RDS which, they go on to explain, supports the provision of necessary electricity infrastructure. They consider the changes to fail soundness tests C1, C3 and CE2.</p> <p>PC 119 creates new Policy ODC 1 which covers ‘other development in the countryside’ and the respondent generally supports this but requests additional text to state that ‘essential services and energy infrastructure’ would be acceptable in the countryside.</p> <p>The respondent considers that PC 177 applies the precautionary principle to all the Natural Environment policies in the dPS. They consider this would contradict the economic objectives of the dPS, the SPPS and the RDS. It could fetter the provision of sustainable energy infrastructure and contravene soundness tests C1, C3 and CE2.</p> <p>PC 178 includes a typo: it should be Sites of Community <u>Importance</u>.</p>	<p>Noted.</p> <p>The change supports the principle of aiming to have no net loss of biodiversity as referenced throughout the LDP. This would not preclude the development of sustainable electricity networks and this section of the dPS is considered to be sound.</p> <p>Support is noted but the Council disagrees about the proposed additional text. This is already covered in the policy and in J&A para 15.10 final bullet-point.</p> <p>The change actually applies the principle to all relevant policies in the chapter. It would not fetter the provision of sustainable energy developments. It is therefore considered sound as drafted.</p> <p>Noted. The Council would have no objection to this correction being made as a matter of detail.</p>
<p>PC-COM-20 Dfl Strategic Planning</p>	<p>The Council should be satisfied that paragraphs 4.9 and 6.10 of DPPN 10 have been considered in relation to the updating of supporting evidence for the changes.</p>	<p>The Proposed Changes have indeed been accompanied by SA and other supporting Assessments, all of which have been consulted upon. Where considered appropriate, the Changes have included supporting justification & amplification text (J&A). Parts of the evidence base have also been updated and these are published as</p>

	<p>They highlight the changes brought about by the COVID-19 pandemic and the potential positive and negative impacts on the planning environment.</p> <p>Highlight the current Ministerial Review of the SPPS Renewable & Low Carbon Energy policies.</p> <p>They also refer to the current Ministerial Review of Strategic Planning Policy on Oil and Gas Development including consideration of unconventional hydrocarbon development fracking, including the interim planning 'Direction' to ensure notification to the Department.</p> <p>It is noted that the Council proposes to change the heading of Table 6 to read, 'Table 6: Overall Growth Strategy for District, as Proposed at LDP POP Stage'. This proposal has been based on the representation submitted by DfI, and seeks to clarify the table heading to avoid misunderstanding. However, with regard</p>	<p>part of the dPS Submission; updates have been made where there has been a substantial change in circumstances, statistics or the wider policy environment since 2019, or we have made a significant Proposed Change, or we have stated in Consultation Report (in response to Reps) that we would do so.</p> <p>This matter has been considered in a recent paper, as well as the updated Monitor reports, all of which will be submitted alongside the dPS. It concludes that the existing policy already accommodates the likely effects on our urban areas, economy, travel and work patterns etc.</p> <p>The Council has considered and submitted comments on this matter, including reviewing and seeking alignment with the new LDP's approach. The Council is aware of these developments and will keep the matter under review.</p> <p>The Council is aware of these developments and will keep the matter under review. There is no requirement to update the LDP at this stage. The Direction will be followed through our Development Management processes.</p> <p>The queries about the anticipated levels of growth, specifically the 'ranges' of jobs and homes are explained in the respective Economy and Housing sections of this Consultation Report. dPS Para 16.7 and Table 8 (p221) refer. This is an indicative</p>
--	---	--

	<p>to Table 6, the Department’s Strategic response to the LDP dPS outlined (para. 28) that ‘...the POP previously referred to 7-12k new homes although the reason for this revision is not immediately clear and clarification would be helpful’. They still consider it is unclear why the Council amended the number of new homes from ‘7- 12k’ (in the POP) to ‘8-10k’ (in the dPS). The proposed change to the title of Table 6 does not provide the clarification sought by the Department. Furthermore, the figure stated in the POP is different to that presented in Table 6 of the dPS.</p> <p>PC 50 - Policy ED 4 Protection of Zoned and Established Economic Development Land and Uses – Re: Incompatible Uses appears to partially address the queries raised by the Department. While the policy might facilitate development that is neither economic development, nor <i>sui generis</i> employment use, the additional wording has been proposed to emphasise that such proposals are an exception. Comments in the Department’s original representation remain relevant.</p> <p>PC 52 (Policy ED 5 Small Scale Economic Development in the Countryside). Additional text to para. 9.33 is welcomed as this emphasises the preference for re-use of an existing building. A number of paragraphs are proposed in the J&A relating to Category a, b and c proposals. These are of such significant detail that the Council should be satisfied that this does not amount to policy requirement rather than J&A.</p> <p>PC 54 (Designation HC 1 now Designation NC 1: Proposed Hierarchy Network of Centres). The Department notes that the Council has amended the designation to confirm that it outlines a network of centres rather than a hierarchy (which is set out in</p>	<p>number of dwellings, a <u>strategic</u> range for planned growth, it has been refined from POP stage, narrowing the range – to provide greater certainty and to reflect changed HGIs and the new SGP. See also Table 6 (Overall Growth Strategy) and para 5.7 p52).</p> <p>Noted. It is considered that the dPS wording and the Proposed Changes to ED 4 do adequately clarify and address the Dfl issues / concerns.</p> <p>The Council consider that all of the text could be considered to be amplification of the policy, as it needs to be read as a whole, with the J&A. It is considered to be sound and implementable, but the Council may have no objection to certain parts of this text being moved to the policy box should this be considered necessary at the IE.</p> <p>The Council has taken account of regional policy in the SPPS and has taken this approach in the absence of explicit guidance regarding District Centres in the existing SPPS policy. <u>The Council does not consider that we are deviating from the</u></p>
--	--	--

	<p>Policy RP 1), however no further changes have been made to the policy, which continues to consider District and Local Centres on the same tier as town centres. This suggests that the Council’s approach is to consider a District and Local Centre site before those on the edge of a town centre. The Council should consider this in light of regional policy.</p> <p><i>and</i></p> <p>PC 55 (Policy RP 1 Town Centre First Re: Sequential Approach) The proposed changes have been noted however in light the SPPS para 6.281 the Council should be satisfied that the sequential approach has been applied that any divergence from regional policy is supported with robust evidence</p> <p>In relation to the proposed changes to provide additional context on ‘Edge of Town Centre’, the Department would refer to comments made in our previous representation i.e. consideration of District and Local Centre sites before that of edge of town centre sites, which includes Derry City Centre.</p> <p><i>and</i></p> <p>PC 59 (Policy RP4 Other Towns and District Centres) The Department acknowledge the Council’s intention to address previous concerns; however as highlighted above, under comments on PC 54 & 55, concerns remain regarding the treatment of District centres, and the unintended consequences for town centres.</p>	<p><u>regional policy</u> i.e. town centres-first and a sequential approach (SPPS 6.271, 6.280 & 6.281).</p> <p><u>The 2 new paragraphs referenced at the start of PC 55</u> are intended to allow a common-sense and professional judgement on proposals in, and particularly at the edge of, a certain centre. The numbering of ‘band’ 1,2,3 and 4 also reinforces the <u>sequential</u> ordering. It is incorrect to interpret that all the centres in band 2 are equal and that they would necessarily be ranked above those locations in band 3 - as a sequentially preferable site.</p> <p>In sequential terms, for example, a proposal should be located in the 1. PRC, if possible (if it is Derry or Strabane), then 2. elsewhere within the city / town centre and only then 3. at the edge of that city/town centre.</p> <p>Similarly, a proposal must attempt to locate in a 2. District Centre (they are only in Derry) before being permitted at 3. the edge of that Centre. Similarly, a proposal must attempt to locate in a 3. Local Centre before locating at its edge.</p> <p>In practical terms, if a proposal that is so large that it cannot locate in a specific city / town centre, or at its edge, then it is unlikely to locate in a District Centre. Similarly, if a large-scale proposal tries to locate at a band 4 or 3 location, it would first have to demonstrate why it could not locate further up the hierarchy, <u>as it relates to that catchment</u>.</p>
--	--	--

	<p>PC 57 Policy RP 2 Derry Primary Retail Core (PRC) and City Centre Re: demonstration of (un)availability of alternative sites.</p>	<p>Therefore, the new wording in PC 55 is critical, at the outset relating it to the specific nature of the proposal and to the settlement / <u>centre</u> in question.</p> <p>The Council would have no objection to the word 'centre' above being further added into Policy RP 1.</p> <p>Similarly, PC 59 relating to RP 4 for Other Towns and the District Centres, clarifies that the sequential test relates to 'that centre and other centres <u>in its catchment</u>' – so there should be no confusion or unintended consequences envisaged. This is a matter that can be discussed, clarified and resolved at the IE, with further tweaks to the wording being recommended, if the Commissioner considers it is necessary to make the Policy sound, or more-sound. The Council will also prepare a SPG Practice Note to explain the application of this policy.</p> <p>Therefore, if the Commissioner recommends it, the Council would have no objection to inserting a further J&A paragraph after 10.16 of the dPS, as per the above explanation, to clarify that the sequential test relates to the specific nature of the proposal and to the settlement / <u>centre</u> in question.</p> <p>A Development Management Practice Note is to be produced in due course, as SPG, and could address this matter.</p>
--	--	--

	<p>The requirement to demonstrate that there are no suitable sites available in the PRC and city centre is clearly set out. However, the degree of detail required to satisfy this requirement doesn't appear to be outlined. Does the Council intend to address this in SPG?</p> <p>PC 61 (Policy RP 5 Local Centres). Proposed change seeks to refer to additional Local Centres that may be proposed in the LDP at LPP stage. Rather than using the word 'proposed', there might be benefit in confirming that all Local Centres will be 'identified' at LPP stage.</p> <p>PC 77 TAM 3 Access to Protected Routes. The Council states that it proposes to 'remove criteria c) from TAM 3' in response to the Department's representation to the dPS. Whilst Dfl queried the relevance of criterion (c) in the context of 'Other Protected Routes – Within Settlement Limits', there is also a criterion (c) associated with 'Other Protected Routes – Outside Settlement Limits'. For clarity the Council should be clear about which criteria is being deleted.</p> <p>PC 100 Policy TOU 5 Major Tourism Development in the Countryside Exceptional Circumstances. The proposed change improves alignment with the SPPS in terms of 'may be permitted'. However, the three criterion set out the exceptional circumstances where a development proposal may be permitted if 'it can demonstrate' stated requirements. For ease of reading there may be benefit in amending the wording of the three 'exceptional circumstances' to read 'it demonstrates...' rather than 'it can demonstrate...'.</p>	<p>The Council would have no objection to this proposed further minor change for clarity. It would better reflect the intended meaning.</p> <p>The Council would have no objection to this proposed further minor change for clarity. It was intended to delete the 2nd criterion (c), associated with 'Other Protected Routes – Outside Settlement Limits', as this was a typo / advisory sentence and not actually a criterion at all. (The removal of the first criterion c) would have been a more-significant Change.)</p> <p>The Council considers the PC wording to be sound and the suggested further wording change, though minor, would add nothing to clarity or soundness.</p>
--	---	---

	<p>PC 101 (Policy TOU 5 Major Tourism Development in the Countryside) Exceptional Circumstances. Proposed change may not provide the clarification sought. Whilst 'District' is presumed to refer to the Council area, the term 'Region' could still be interpreted as Northern Ireland or in relation to the North-West (which extends beyond the Council's boundary).</p> <p>PC 120 - Policy AGR 3 (now ODC 4). The detail of the proposed change is not immediately clear from the schedule. Is the Council's intention to have policy wording to read along the lines of '...use/re-use or conversion...'?</p> <p>PC 209 (Policy RED 1 – All Renewable and Low Carbon Energy Development) General Criteria. Whilst some changes to this policy have been brought forward, the Department consider there are outstanding issues that have not been addressed, in particular to Wind Energy policy provision.</p>	<p>The Council would consider 'Region' to mean either North-West (Donegal / Derry city) Region or Northern Ireland. This is a matter that could be resolved at IE. Tourism is very much a cross-border aspect.</p> <p>Yes. Following on from the change to the title, the start of criteria (b) and (d) are to read 'the use / re-use or conversion...' The Council would have no objection to this minor clarification.</p> <p>It is noted that their original comments welcomed the support for renewable energy in Policy GDP 2 (ii), Economic Development Objective (b) (iv) and GDPOL 1 (iv) but they questioned whether this can be achieved given the unknown cumulative impact of various spatial considerations. They ask the Council to ensure that the EVB supports this. They also had a number of specific queries / concerns about RED 1.</p> <p>The Council has carefully considered the points raised by DfI and considers that its Changes do address some key points (e.g. PC 209). However, the other points have been considered and the Council's response is set out in the Consultation Report. The EVB is also being updated accordingly. The Council has taken account of the SPPS and aligns with it and other government policies; it believes that it has got the appropriate balance, including 'weesb'. Any outstanding concerns can be considered at the Independent Examination.</p>
--	---	--

<p>PC-COM-20a DFI Rivers</p>	<p>Rivers provide no further comment or support the following proposed changes: PC 182, PC 188, PC 227 and PC 233.</p> <p>Change 220 acknowledges the impacts that renewables have on water flows and quantities from abstraction and Rivers note the change. However, they consider it could be amended further by including a note relating to hydro schemes – they consider that if they are sited in catchments with flow gauging stations, Dfi Rivers will advise against this as it can completely alter the flow of a river and result in the loss of decades of national river flow archive data used to estimate flood risk across the UK.</p> <p>Regarding PC 229, Rivers welcome it but suggest a minor technical amendment for clarity and to be consistent with change PC 227.</p> <p>They welcome PC 232 but suggest the inclusion of ‘or other analysis’ after the reference to Flood Risk Assessments would be consistent with previous advice.</p>	<p>Noted.</p> <p>The Council has carefully considered this point and the response is set out in the Consultation Report. Additionally, as part of the normal DM process, Dfi Rivers would be a consultee on any relevant Planning application so the point could also be considered at that stage.</p> <p>The Council would have no objection to such a minor technical amendment being made if required, for clarity.</p> <p>The Council would have no objection to such a minor technical amendment being made if required, for clarity.</p>
<p>PC-COM-20b DFI Roads</p>	<p>With respect to Policy TAM 2, Roads requested a change to refer to ‘inconvenience the flow of people and goods’ rather than ‘the flow of traffic’</p> <p>They welcome changes PC 76, PC 78 and PC 85, PC 88, PC 114 and PC 175.</p> <p>They support PC 115 but suggest that a minor typo be corrected.</p>	<p>Change requested is considered implicit in current text. The proposed change would not provide any further clarity.</p> <p>Support is noted.</p> <p>The Council would have no objection to the typo being corrected if necessary.</p>
<p>PC-COM-20c DFI Transport, Planning and Modelling Unit</p>	<p>The respondents list their previous comments which have been addressed or mostly addressed by various proposed changes.</p> <p>They suggest some technical amendments to Change PC 81.</p>	<p>Noted.</p> <p>The Council would have no objection the first technical amendment i.e. the full title of the</p>

		RSTNTP being made if required, for clarity. The second amendment would also be acceptable – if the proposals in the future RSTNTP are indeed at a suitably advanced stage to legally justify their route protection in Planning terms. This point can be clarified at the IE if necessary.
PC-COM-20d Water-Drainage (WDPD)	<p>WDPD requests a technical correction to appendix regarding SUDS.</p> <p>They also request clarification of figures regarding the uptake of SUDS.</p> <p>They also set out the current position with the Living with Water Programme with DfI now working on a plan for Derry similar to the one for Belfast. It will examine flooding and wastewater management issues across the city and develop localised and integrated drainage solutions whilst promoting blue and green infrastructure where possible.</p>	<p>The Council would have no objection to such a minor technical amendment being made if required, for clarity.</p> <p>The Council do not have updated estimates but would welcome them if technical experts can provide them. If data was made available, the Council would have no objection to such a minor technical amendment being made if required, for clarity.</p> <p>Although not related to the changes consultation process, the Council very much welcomes the development of this programme.</p> <p>This is similar to the NI Water input at PC-COM-9.</p>
PC-COM-21 Various Clients (Turley's)	<p>The respondent acknowledges that some of their previous comments have been addressed by the Changes. They request that the evidence base for the dPS is made public.</p> <p>They request that the LDP period is extended, given the length of time already taken to prepare the plan which has an end date of 2032.</p>	<p>Noted. The evidence base documents are in the public domain and are already online on The Council's website.</p> <p>Comments are noted. The LDP will be Monitored and Reviewed after adoption in accordance with the legislation and regulations.</p>

	<p>They state that they disagree with the revised strategy and policies which they do not consider address the previous weaknesses identified by Turley or the soundness issues with the dPS. They therefore retain their objections to the respective policies as outlined in their original responses.</p>	<p>All Reps issues are either addressed in the Proposed Changes or are considered / explained in the Consultation Report. Any outstanding matters can be addressed at the IE if appropriate.</p>
<p>PC-COM-22 Apex Housing Association (Turley)</p>	<p>The respondent acknowledges that some of their previous comments have been addressed by the Changes.</p> <p>They disagree with the proposed housing strategy with respect to phase 3 zonings. This will formalise and manage 'exceptional circumstances' provision and ensure adequate lands come forward. They disagree with the approach encapsulated in the change and consider it could constrain the delivery of homes in those areas with the greatest need. The previous wording allowed for 'exceptional circumstances' to provide flexibility. Previous points of concern remain in their opinion. They request an explanation of the term 'extreme localised need'.</p>	<p>Noted.</p> <p>This PC-COM is similar to the points in PC-COM 6, 7 & 8. The Council consider that the proposed 'Phase 3 zonings' in Proposed Change PC 126 formalise and bolster the 'exceptional circumstances' process, underpin it with identified lands at LPP stage and provides more certainty for developers. The level of housing allocation is justified in detail in the dPS and the evidence base. It is therefore considered that the dPS meets the soundness tests listed.</p> <p>NIHE would advise on the need in a certain area and it would be for applicants to demonstrate that proposals meet the policy. It is considered that the terms are commonly understood and require no amendment.</p>
<p>PC-COM-23 Invest NI</p>	<p>The respondent acknowledges the Proposed Changes and states that they have nothing to add to their previous representation.</p>	<p>Noted.</p>
<p>PC-COM-24 DAERA</p>	<p>NED is content with the majority of the Proposed Changes but set out some comments below.</p> <p>They note the acknowledgement that there can be biodiversity enhancement as a result of development (PC 105). They</p>	<p>Noted.</p> <p>The Council would maintain that biodiversity enhancements are possible but this matter could</p>

	<p>disagree with this and state that it can have significant adverse effects on the environment which can never entirely be reversed.</p> <p>They disagree with PC 107 which would remove the reference to areas 'proposed for designation' to protect landscape, scientific or natural heritage significance. They consider that this would be unsound as proposed sites are also afforded protection as set out in the SPPS.</p> <p>Regarding PC 211 (sic), they would prefer the reference to HRA and EIA to be retained in the policy box.</p> <p>Protected Landscapes Team make a suggestion for a minor technical amendment to PC 105.</p> <p>They also suggest an addition to PC 183 to encapsulate more of the reasons for AONB designation including 'natural aesthetic beauty', which they consider would be the main tenet.</p> <p>Marine and Fisheries Division welcomes the Changes, taking on board the request to refer to the Marine Plan and the UK Marine Policy Statement at various points in the dPS. They now consider the dPS sound with respect to soundness test C4 (having regard to other relevant plans, policies and strategies).</p>	<p>be discussed further at the Independent Examination.</p> <p>PC 178 deals with this matter where it is pertinent (international wildlife designations only). It should be noted that formal 'candidate' sites e.g. cSAC or pSPA, are considered to be 'designated' sites which enjoy full protection, as opposed to something which is merely someone's 'proposal' or 'intention' to designate; this would be an unacceptable Planning precedent.</p> <p>Other Reps considered that this should not be a Policy box requirement. This matter could be addressed at the IE if needed.</p> <p>The Council disagree with the proposed amendment and consider the original text to be clearer.</p> <p>PC 183 closely reflects the wording used in the SPPS, but the Council would have no objection to this minor technical amendment being made if required, for clarity.</p> <p>Noted.</p>
--	--	--

	They would prefer the marine area to be included in General Development Principle GDP 4.	The Council considers the marine area to already be implicit in part iii), so this amendment would not particularly assist in making the LDP dPS sound.
--	--	---