

**Regional Planning Policy & Casework**

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Your Ref:  
Our Ref:

17 December 2024

Dear Maura,

**PLANNING ACT (NORTHERN IRELAND) 2011 THE PLANNING (LOCAL DEVELOPMENT PLAN) DIRECTION 2024**

**ADOPTION OF THE DERRY CITY AND STRABANE DISTRICT COUNCIL PLAN STRATEGY UNDER SECTION 12 OF THE PLANNING ACT (NORTHERN IRELAND) 2011**

I refer to recent discussions in respect of the fact checking exercise in relation to the Planning Appeals Commission (PAC) Independent Examination (IE) report for your Council area.

Following completion of the fact checking exercise, this correspondence now encloses a formal direction from the Department for Infrastructure in relation to the adoption of Derry City and Strabane District Council Plan Strategy development plan document. The accompanying Explanatory Note provides details regarding the direction and the Department's considered approach.

The Department wishes to acknowledge the significant amount of work undertaken by Derry City and Strabane District Council in the preparation of the Plan Strategy. In particular, the Department wishes to extend its appreciation for the positive engagement between the teams in the final stages of the fact checking process.

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The Department considers that the professional approach of Council officials, the PAC and all other stakeholders involved in the process has contributed to the successful conclusion of this IE process.

The Department acknowledges the Council's desire to progress quickly towards adoption of the Plan Strategy and we wish to express appreciation for your patience during our consideration of the IE report and the preparation of the direction.

Yours sincerely



**Alistair Beggs**  
Chief Planner &  
Director Regional Planning Policy & Casework

**Encls**

- DfI Direction – Adoption of DCSDC Plan Strategy with modifications.
- Schedule 1A and 1B
- Schedule 2 & accompanying Annexes 1-7
- Schedule 3
- s12 Explanatory Note.
- Annex A – PAC IE Report

## Regional Planning Policy & Casework

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5<sup>th</sup> February 2025

Dear Proinsias,

### **DfI DIRECTION TO DERRY CITY AND STRABANE DISTRICT COUNCIL (DCSDC) TO ADOPT THEIR PLAN STRATEGY (PS) – MINOR ERRORS**

Thank you for your email correspondence of 20 January 2025 in relation to the minor and typographical errors within the DfI direction issued to DCSDC on 17 December 2024.

#### Minor Errors

Having reviewed your queries, I can confirm that the DfI Direction **MOD 05**, **MOD 28**, and **MOD 88** do include minor errors within the modification column (last column) and therefore the information within the table attached to this letter (Table 1) should supersede the corresponding modification.

Furthermore, since the Fact check exercise, **MOD 43** and **MOD 44**, require additional wording to ensure that there is no ambiguity in policy application and implementation. Therefore **MOD 43** should be updated in line with Table 1 attached, and this should supersede the corresponding modification. **MOD 43** still requires the Council to bring forward the 'Short Term Let' definition at the time of adoption, as well as include a monitoring indicator.

The Department also wish to highlight minor errors/omissions, which may have been caused by a technical error, and have resulted in the need to update and re-issue the following Annexes:

- UPDATED Schedule 2 Annex 2 – TOU 4 and Appendix 2 (MOD 43 & 44)
- UPDATED Schedule 2 Annex 4 – Housing Policies Corrected Housing figures Table 1 Appendix 5 HOU 1 HOU 2 HOU 5 (MOD 69)
- UPDATED Schedule 2 Annex 5 – Historic Environment Policy (MOD 94, 95 & 97)
- UPDATED Schedule 2 Annex 6 – Renewable Energy Policies (MOD 99)

The updates are highlighted in yellow.

### Typographical Errors

DfI consider PC 21, PC 161, PC 160, PC 174, PC 202 are superseded by **MOD 16**, **MOD 80**, **MOD 84**, **MOD 97** respectively.

In addition, PC 75 is also superseded by corresponding **MOD 35**. DfI acknowledge that the Council wish to update wording and considers this could be dealt with under **MOD 113**, however as set out in by **MOD 35**, it will be necessary that this SPG is brought forward at the time of adoption.

In relation to **MOD 109 & MOD 111**, DfI also notes the amendments the Council wish to make, and they are reminded that once they have adopted their Plan Strategy, a number of the Departmental DCANs & PPSs listed in Appendix 6 of PS will cease to have effect. The Department welcomes the Council's desire to carry forward a substantial amount of the information/guidance contained within these Departmental documents upon the adoption of their Plan Strategy

It is considered changes to **MOD 09 & MOD 11** may be taken forward under **MOD 113**.

Whilst the above presentational errors have been acknowledged by the Department; **MOD 113** of the Department's direction provides scope to address any amendments that are required as the draft plan strategy is brought forward for adoption. Since the direction has issued, the Department has fulfilled its legal requirements, and therefore the Council should satisfy itself that any updates or errors corrected brought forward fall within the scope of **MOD 113** and do not amend the nature and intent of the modifications or any other aspect of the Plan.

Please accept this formal confirmation to address the matters raised the Council, minor error, and note this letter should be read alongside the direction (issued 17 December 2024).

Thank you for bringing these matters to our attention.

Yours sincerely



**Alistair Beggs**  
Chief Planner &  
**Director Regional Planning Policy & Casework**

**Table 1**

<b>Dfl MOD Number</b>	<b>RA Number</b>	<b>Council's Amendment Number</b>	<b>Page Number</b>	<b>Paragraph Number</b>	<b>Recommended Amendment/Corresponding Text</b>	<b>Dfl Modifications</b>
<b>MOD 05</b>		FC 09	63	Para 6.14	Amend the 2nd & 3rd sentences of para 6.14 to read as follows: 'The Council will explore opportunities to demonstrate / test climate change / adaptation processes, but any new form of settlement would be of modest scale and most-probably based upon an existing cluster or settlement – if / when it is developed over the life of this LDP or possibly after 2032. Any such development would respect and enhance sustainable development patterns within existing settlements, be an 'exceptional case', considered on its individual merits and it would need to fit in the appropriate tier within the LDP's settlement hierarchy.'	<b>Dfl directs the Council to modify paragraphs 6.14, 7.50 and 7.53-7.57 in accordance with Schedule 2 Annex 7 of this direction.</b>
				7.50	RELATED CHANGES elsewhere Amend para 7.50 measure iii as follows: 'iii considering the feasibility of a pilot 'form of resilient settlement' project at LPP stage to promote sustainable, climate resilient settlement form; and'	
				7.53	Amend para 7.53, 3rd line to ...'resilient form of settlement'...	

				7.57	Amend para 7.57, 3 <sup>rd</sup> sentence to: This 'resilient form of development', subject to the feasibility study, would be an exceptional case and would need to fit in the appropriate tier normally be expected to lie within an existing settlement and respect and enhance sustainable development patterns, within the LDP's settlement hierarchy. Refer also to Chapter 6 of the LDP Spatial Strategy, Para 6.14	
<b>MOD 28</b>	RA 36	PC 55 FC 27	131	RP 1	Amend last policy sentence in first paragraph of RP 1 to read: 'DCSDC will require proposals for other main town centre uses to be considered sequentially in the following order of appropriate preference as applicable to the specific nature of the proposal and the centre(s) in question:	<b>Dfl directs the Council to modify Policy RP 1 in accordance with Schedule 2 Annex 1 of this direction.</b>
<b>MOD 43</b>	RA 71	PC 96	188	12.18  Appendix 2	Amend the 3 <sup>rd</sup> line of para 12.18 to 'Most B&Bs and S-C units are 'permitted development' i.e. not requiring planning permission, in urban...' Amend the final sentence to read 'Applications for such short-term let proposals in the countryside will be dealt with in Policy TOU 4 and also Policy ODC 4.' [This is currently Policy AGR 3 on page 216.]  Include definition / information on short-term let accommodation (urban and rural) in Appendix 2.	<b>Dfl directs the Council to modify paragraph 12.18 as follows:</b>  12.18 There can be tourist accommodation which is marketed under short-term-let tourist accommodation such as B&Bs and serviced / self-catering apartments. Some B&B uses and some self-catering properties are not considered to be development requiring planning permission, in urban and rural situations; however, where there is a new-build or material change of use, planning

						<p>applications are required and will be assessed under this policy, as well as policy HOU 4. Such accommodation is often found in residential areas and in addition to the relevant policy above, they will also be considered against other general planning criteria including the quality of proposal, the design, impact on residential amenity, parking, noise and traffic generated from the proposal (see Chapter 7: General Development Principles &amp; Policies). Applications for such proposals in the Countryside will be dealt with in policy TOU 4, TOU 6 and policy ODC 4.</p>
<b>MOD 88</b>	RA 144	PC 108	325	Para 21.11	<p>Insert following new text onto end of Para 21.11:</p> <p>'As lists of protected animals and plants are constantly being updated, it is recommended that applicants check the DAERA website for up-to-date information on species protection. As all fish are protected, no lists have been produced'.</p>	<p><b>DfI directs the Council to modify paragraph 21.11, page 325 of the dPS as follows:</b></p> <p>'As lists of protected animals and plants are constantly being updated, it is recommended that applicants check the DAERA website for up-to-date information on species protection.</p>





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## Regional Planning Policy & Casework

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8<sup>th</sup> July 2025

Dear Proinsias,

### **DfI DIRECTION TO DERRY CITY AND STRABANE DISTRICT COUNCIL (DCSDC) TO ADOPT THEIR PLAN STRATEGY (PS) – MINOR ERRORS IN RENEWABLE ENERGY POLICY**

Thank you for your email correspondence of 01 July 2025 in relation to the errors within the DfI direction issued to DCSDC on 17 December 2024, and further correspondence on 5 February 2025.

#### **Minor Errors**

In relation to Annex 6 - Renewable Energy Development (paragraphs 24.18 and 24.20) you have identified minor errors regarding the use of the terms 'unacceptable' and 'any'. DfI is content with the proposed changes you have outlined to rectify the minor errors.

Justification & amplification text at paragraph 24.18 (Annex 6) should read as follows.

*'Where a renewable or low carbon energy development is likely to have an adverse impact on the natural heritage or nature conservation interests, but this impact has been assessed by the Council to not be unacceptable, developers will be required to bring forward mitigation measures, and where appropriate the scope for compensatory measures may be considered, in accordance with the mitigation hierarchy, see Natural Environment chapter'.*

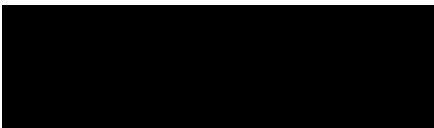
This is reflective of the same wording considered on page 94 of IE report, in the SPPS 6.224 and 6.231, and also set out in Sch 2 MOD99/RA 177/FC75A/PC221.

Furthermore, text at paragraph 24.20 (Annex 6), should state the following: '*where development is proposed on any peatland, the onus will be...*'.

The Department notes the Council will amend this wording to address these minor errors under MOD 113.

Please accept this formal confirmation to address the matters raised by the Council and note this letter should be read alongside the direction (issued 17 December 2024).

Yours sincerely,

A solid black rectangular box used to redact the signature of Dr Kathryn McFerran.

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**Dr KATHRYN McFERRAN**  
Director

## **Section 12 Direction - Planning Act (Northern Ireland) 2011 and Planning (LDP) Regulations (NI) 2015**

This Direction is issued pursuant to s12 of the Planning Act (Northern Ireland) 2011. The Department for Infrastructure (DfI) has considered the recommendations made under section (10)(8) of the Planning Act (Northern Ireland) 2011. The Department agrees with all the concluding findings outlined in the Planning Appeals Commission report. Therefore, in exercise of the powers conferred on it by section 12(1)(b) of the Act, hereby directs that Derry City and Strabane District Council adopts the draft Plan Strategy with such modifications as specified in this direction.

This direction may be cited as the:-

**Department for Infrastructure Planning Act (Northern Ireland) 2011, Adoption of Derry City and Strabane District Council Plan Strategy, (s12) Direction 2024.**

### **1.0 Commencement**

1.1 This direction comes into operation on 17 December 2024.

### **2.0 Interpretation**

2.1 In this direction:

"the Act" means the Planning Act (Northern Ireland) 2011;

"council" means Derry City and Strabane District Council;

"regulations" means the Planning (Local Development Plan) Regulations (Northern Ireland) 2015;

"the Department" means the Department for Infrastructure;

"modifications" means changes required and included as part of this direction;

"recommendations" and "recommended amendments" means those as set out in the Planning Appeals Commission (PAC) Independent Examination report attached at Annex A, under which section 10(8) refers;

"report" means the Planning Appeals Commission report on the Independent Examination of the Derry City and Strabane District Council draft Plan Strategy.

### 3.0 Modifications to the draft Plan Strategy

3.1 The PAC has made recommendations under s10(8) of the Act and set these out as recommended amendments as part of its report on the Independent Examination (IE) of the Derry City and Strabane District Council (DCSDC) draft Plan Strategy. The Department has considered the recommendations made under s10(8) of the Act and accepts all the findings reached by the PAC.

3.2 The Direction sets out the PAC's Recommended Amendments (RAs) as follows:-

- (i) *Schedule 1A* of the direction identifies the recommendations within the PAC table which are proposed changes (PCs) that the council consulted upon between 9<sup>th</sup> December 2021 to 3<sup>rd</sup> February 2022, with no further amendments, which the Commissioner has reported on as a requirement needed to make the plan sound. The Department acknowledges that these changes form an addendum to the Plan and commends their inclusion as the council proceed to adoption.
- (ii) *Schedule 1B* of the direction identifies those recommendations which are (PCs) that the council consulted upon (as above), which the Commissioner has reported on as not being required for soundness and no RA reference has been given. The Department acknowledges that these changes form an addendum to the Plan and commends their inclusion as the council proceed to adoption.
- (iii) *Schedule 2* of the direction identifies **113** modifications that are required to make the plan sound. These modifications are a combination of amended proposed changes, further changes along with new commissioner changes following the conclusion of the Independent Examination process. In line with the PAC report, the Department has specified wording, where necessary, to address the recommendations within this schedule.
- (iv) *Schedule 3* of the direction is for information only. It identifies Further

Changes (FCs) that were discussed at the IE. These changes have not been recommended by the Commissioner as being required to make the Plan sound. The Department has also considered these FCs and where appropriate have included these in Schedule 2, for the Council take forward.

- 3.3 It should be noted that there are a small number of modifications that the Department has updated for clarity and consistency and where necessary the accompanying explanatory note will detail an explanation. An additional modification (**MOD 113**) has also been included to direct the Council to ensure that any other presentational or factual amendments, typographical or grammatical errors, or consequential changes within the draft Plan Strategy, are updated as a result of all modifications and minor editing changes. This modification provides scope to address any amendments that are required as the draft Plan Strategy is brought forward for adoption under Section 12. The Council should satisfy itself that any updates or errors brought forward fall within the scope of **MOD 113** and do not amend the nature and intent of the modifications or any other aspect of the plan.
- 3.4 Therefore, the Department, in exercise of its powers conferred on it by section 12(1)(b), of the Planning Act (Northern Ireland) 2011, hereby directs that Derry City and Strabane District Council modify the draft Plan Strategy to include all 113 modifications detailed in *Schedule 2* of this direction, and update/take account of those proposed changes set out in *Schedule 1A & 1B*. These should be read in conjunction with the Independent Examination report (attached at Annex A).
- 3.5 The Council should ensure, in light of the modifications required to proceed to adoption, that updates to the Sustainability Appraisal and any other statutory assessments as necessary should be undertaken.

#### **4.0 Information to the Department**

- 4.1 If for any reason, the Council does not comply with this direction in its entirety,

the Department, if required, may also consider its intervention or default powers under sections 15 or 16 of the Act. The Department will take these steps only if it considers the plan is unsatisfactory, or if it thinks the Council is failing or omitting to do anything necessary for it to do in connection with the preparation of the draft Plan Strategy.

**5.0 Adoption of the document**

5.1 DfI directs the Council to provide notification of the adoption of the Plan Strategy by resolution of the Council unless the Department exercises its powers under sections 15 or 16 of the Act.

5.2 Under section 12 of the Act and provisions set out in regulation 24, the Council must comply with the direction and the modifications hereby given and adopt the draft Plan Strategy as soon as reasonably practicable.



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**Department for Infrastructure Planning Act (Northern Ireland) 2011, Adoption of  
Derry City and Strabane District Council Plan Strategy, (s12) Direction 2024 -  
Explanatory Note**

**1.0 Context**

- 1.1 As part of the two-tier planning system, which commenced in April 2015 along with the transfer of planning powers to Councils, the Department holds a dual role in the Local Development Plan process. This dual role includes that of statutory consultee, as well as providing for oversight responsibilities.
- 1.2 At this point in the Council's Local Development Plan (LDP) process, the Department is undertaking its oversight responsibility as required by legislation.
- 1.3 The Department must consider the Planning Appeals Commission (PAC) Independent Examination (IE) report under Section 12 (s.12) of the Planning (Northern Ireland) Act 2011 (the Act) and as a result whether to direct adoption with or without modifications or to direct withdrawal of the plan document. In doing so, the Department must exercise the following powers in relation to the adoption of local development plan documents:
- Section 1 (s.1) of the Planning Act, the Department's legal duty to formulate and co-ordinate policy ensuring the orderly and consistent development of land and the planning of that development; and
  - the application of regional policy and objectives of the Regional Development Strategy 2035 (RDS 2035) and the Strategic Planning Policy Statement (SPPS).
- 1.4 This Explanatory Note accompanies the direction for Derry City and Strabane District Council to adopt the draft Plan Strategy with modifications as required by s.12 of the Planning Act (Northern Ireland) 2011 (the Act). The intention of this Note is to set out reasoning of how the Department has reached certain conclusions in respect of some of the Commissioner's recommendations. In

that respect, this reasoning is not exhaustive and does not cover all aspects of the Department's consideration under s.12.

## **2.0 Planning Appeal Commission Independent Examination Report**

- 2.1 The IE for the Derry City and Strabane District Council draft Plan Strategy was held by the PAC from 5<sup>th</sup> to 28<sup>th</sup> September 2023 and 3<sup>rd</sup> and 4<sup>th</sup> October 2023. The IE report was subsequently received by the Department on 10<sup>th</sup> May 2024. A total of **200** recommended amendments (RAs) that were required to make the Plan Strategy sound were appended to the main report (Appendix 4).
- 2.2 Schedule 2 of the direction identifies **113** modifications (MODs) that the Department is directing the Council to take forward. These modifications include amended 'Proposed Changes' (PCs), proffered changes recommended during the IE session known as 'Further Changes' (FCs) and new changes by the commissioner following the conclusion of the IE process. In line with the PAC report, the Department has specified wording, where necessary, to address the recommendations within this Schedule.

## **3.0 Consideration of the PAC IE Recommendations**

- 3.1 Following consideration of the IE report and Commission's recommendations, the Department confirms its acceptance of the concluding findings of the report, in that the Plan Strategy is sound subject to modifications.

### **Proposed Changes and the Commission's Approach**

- 3.2 There are **200** RAs set out in the IE report and a significant number of these constitute proposed changes (PCs) which were taken forward by the Council prior to the submission of the dPS to the Department.
- 3.3 It is the Department's position that as these changes were publicly consulted on during the period 9<sup>th</sup> December 2021 to 3<sup>rd</sup> February 2022, in line with the provisions of Development Plan Practice Note (DPPN) 10 'Submitting Development Plan Documents for Independent Examination', they form an



addendum to the Plan Strategy. These are contained in Schedules 1A & 1B of the direction.

### **Further Changes and the Commission's Approach**

- 3.4 The Department notes the Further Changes (FCs) put forward by the Council in Matters Arising 7 (MA007 - October 2023) and understands these were for consideration by the Commissioner in relation to the tests of Soundness of the Plan. The Commission has included a number of FCs within the **200** RAs but is silent on the remaining FCs. The Department has listed ALL FCs in either Schedule 2 or Schedule 3 to provide clarity to the Council.

### **Schedule 1A and 1B**

- 3.5 Schedule 1A of the direction contains the Council's PCs (November 2021) that have not been subject of any change throughout the IE process, though have been given a RA reference by the Commissioner, as the Commissioner **does consider** these amendments are required for soundness.
- 3.6 Schedule 1B of the direction sets out PCs that have not been given a RA reference by the Commissioner as the Commissioner **does not consider** these are required for soundness.
- 3.7 However, as outlined above these changes have all been the subject of public consultation, are in line with DPPN 10 and therefore in the Department's view constitute an addendum to the draft Plan Strategy which has been through IE.
- 3.8 Therefore, the Department commends the Council to reflect Schedule 1A & 1B as part of the adoption of the Plan Strategy.

### **Schedule 2**

- 3.9 Schedule 2 of the direction sets out the modifications that are required for the Council to undertake for the adoption of the Plan Strategy. Schedule 2 includes

amended PCs, a number of FCs, new commissioner changes, as well as new Dfl modifications.

### **Schedule 3**

- 3.10 Schedule 3 of the direction is provided for information only. It lists those Further Changes (FCs) that were discussed at IE; however, the Commissioner ***does not consider*** these are required for soundness and therefore does not include them within the RA table. As mentioned above, the Department has also considered these FCs and has divided these remaining FCs into two lists:
1. those FCs that the Council could consider under **MOD 113**; and
  2. those FCs that are ***not to be carried out***.
- 3.11 An additional modification (**MOD 113**) has been included within Schedule 2, to direct the Council to ensure that any other presentational or factual amendments, typographical or grammatical errors, or consequential changes within the draft Plan Strategy, are updated as a result of all modifications and minor editing changes (Para 3.3 of the Direction)
- 3.12 The Department has provided further explanation on the rationale for a limited number of modifications as set out below. It should also be noted that all the RAs listed in Schedule 1A and Schedule 2 refer to numbering as detailed in the draft Plan Strategy.

## **4.0 Strategic Issues**

### **MOD 05: Resilient form of Settlement**

FC 09 PS Ref/page: Page 63 para 6.14, Page 88 para 7.50, Page 90 para 7.53 & 7.57

- 4.1 Chapter 7 (General Development Principles and Policies) of the draft Plan Strategy (dPS) sets out the idea for a feasibility study for a “Resilient form of Settlement”. This “one off project” is proposed by DCSDC as an initiative to demonstrate best practice in terms of sustainable development and

adaptation to climate change. The Department was concerned that there was a lack of detail which created ambiguity in relation to what exactly is being proposed. The Department's modification is required to ensure that any proposed new 'resilient form of settlement' would be comprised within the housing allocation set out in the plan and therefore would only be necessary where required to meet the housing need identified by the plan, once the high level of existing commitments is taken into account. Furthermore, modifications have been made to ensure that the sequential approach of the Strategic Planning Policy Statement has been incorporated into the proposal. This ensures that previously developed land in settlements is prioritised before consideration is given to the significant expansion of an existing town, village or small settlement or, lastly, creation of a new settlement.

#### **MOD 17 & 18: GDP 1-8 and GDPOL1 and 2**

FC 12 & FC 17 PS Ref/page: Pages 88-108

- 4.2 During the IE Session an issue was raised relating to clarity between the General Development Policies and the General Development Principles. The Council proffered Further Changes (**FC12** and **FC17**) to provide this clarity, in order to distinguish these 'Principles' from 'Policies', as well as a further paragraph to explain the differences after paragraph 7.51 of the draft Plan Strategy. The Commissioner did not provide any narrative in the IE report on the consideration of these FCs nor explain why these FCs were not required for coherence and clarity of the plan. Therefore, for clarity the Department has included these FCs in schedule 2.

#### **MOD 43 & 44: Tourism**

PS Ref/page: pgs 188, 190-193 IE Report Page: pg 45, para 3.48-3.49

- 4.3 The Commissioner endorses a number of the Council's proposed changes as part of PC 96 through **RA 71** including the provision of a definition and information on short-term let accommodation in the urban and rural context in Appendix 2, however does not specify what this information should be.

- 4.4 There is no general accepted definition of what is considered to be ‘short term let accommodation’ in current planning policy or within any associated tourism legislation therefore the Department will direct the Council to provide a definition and information on short term let accommodation at the time of adoption as detailed in **MOD 43** as the Council will be aware of any associated issues within its area.
- 4.5 Following on from **RA71**, a similar issue is raised with regards to **RA72** below.
- 4.6 To eliminate the potential for confusion the Commissioner recommended it necessary to define what is meant by ‘B&B & Guest Houses’ accommodation, given the many references within policy TOU 4. The Department accepts that the formal definition of guesthouses is contained within PPS 16, and this can be brought forward in the Plan Strategy. However, as there is no general accepted definition of what constitutes ‘B&B accommodation’ within current planning policy, the Department has therefore considered the provisions of the Tourism legislation and the requirements for Tourism N.I., and will direct the following definition to be included within the Plan Strategy.
- 4.7 The definition for B&B is as follows:  
*“Overnight sleeping accommodation for visitors providing a cooked breakfast and the daily servicing of bedrooms”*. B&Bs must meet the requirements of the Tourism (Northern Ireland) Order 1992 and the Tourism Categories of Tourist Establishment (Statutory Criteria) Regulations (Northern Ireland) 1992 and hold a current Tourism Northern Ireland certificate in order to sell overnight accommodation.”
- 4.8 These definitions will be set out in appendix 2 of the Plan Strategy as directed by **MOD 44**. The Department has included an annex to schedule 2 to detail these changes for clarity, Sch 2 Annex 2.

#### **MOD 57: Agriculture and Other Development in Countryside**

PS Ref/page: pg 211-217 IE Report Page: pg 52-53, para 2.5-2.12

- 4.9 Paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 establish the range of types of sustainable development that may be appropriate within the countryside with a presumption against other types of development. The Commissioner agreed with the Council in relation to PC118 and PC 119 *‘that this should be more explicit throughout this chapter of the dPS, including within its title, and in its policies. Setting out this default position, similar to Policy CTY 1 of PPS 21, enables a coherent approach to be adopted in order to manage future development proposals in the countryside’*.

The Commissioner therefore brought forward **RA 90** which was to:

**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. See Sch 2 Annex 3 for the proposed re-wording of the introductory paragraphs from page 211 and Policy ODC 1 and its J&A paragraphs.**

- 4.10 The Department notes the Commissioner refers to Annex 1 which is part of Appendix 4 of the IE Report comprising the ‘Schedule of Recommended Amendments’. Annex 1 comprises the ‘Amended wording of Policy HE 2 Archaeology, HE2b Archaeological Mitigation, HE 4 Listed Buildings, HE 8 NDHAs & HE 9 Enabling Development, as well as RED1-5’ but does not provide proposed re-wording of the introductory paragraphs from page 211 and Policy ODC 1 and its J&A paragraphs. The PAC has confirmed the relevant reference should have been Annex 3 (which is part of the Council’s consolidated changes document dated 3<sup>rd</sup> October 2023) Therefore, the Department’s MOD will reflect this, and this is set out in Sch 2 Annex 3.

## **MOD 61: HOUSING ALLOCATION**

FC 42 PS Ref/page: Page 221 & Appendix 5 Table 1

- 4.11 The Council’s justification for **FC 42** is set out on pages 79 and 80 of MA007 indicating that this was:

*“an arithmetic correction to some figures in Table 1, especially its 4th column, so that it agrees with the correct figures that are in Table 8. The key output figures were also correct in Table 1.”*

- 4.12 This change proposed to Table 1 – “Allocation of Housing over LDP Period 2017 – 2032, for DC&SDC’s Settlements, based on crude Size” of Appendix 5 – “Housing Allocation Tables” of the draft PS is described by Council in the MA007 as follows:

*“See corrected and strengthened Appendix 5 Table 1, at Annex 0 of this document. The settlement household numbers had been divided by the wrong houses total, thus giving slightly incorrect percentage figures so they did not add up to the same, correct figures that are in Table 8 of dPS p. 221. However, the other figures in Table 1 were correct, particularly the important figures in the 3rd last column i.e. % house numbers. Two new ‘totals’ rows have been added at the top of the table, to make the subsequent figures transparent.”*

- 4.13 **FC 42** is not addressed in the IE report or the associated Appendix 4 of Schedule of Recommended Amendments. Notwithstanding this, the Department appreciates this FC relates to the DCSDC housing allocation, an issue of strategic importance and interest and is a necessary correction and therefore intends to take it forward as a modification within its Direction. For clarity the Department has included this in an annex to schedule 2, known as Sch 2 Annex 4. RA 112 and 113.

#### **RA 112 and 113**

- 4.14 The IE report (page 66, paragraph 4.35) recommended amendments RA112 and RA113. RA112 required a new criterion (m) inserted in policy HOU 8 to state *“the proposal will result in no net loss of biodiversity and preferably contribute to biodiversity net gain (Department’s emphasis), being incorporated into the design and layout as part of the development proposal”*. RA 113 similarly required a new criterion (e) is inserted into HOU 10 to read *“the proposal will result in no net loss of biodiversity and preferably contribute*

*to biodiversity net gain*". The Commissioner's indicated these RAs are required "in order to ensure (*Department's emphasis*) *that biodiversity net gain is incorporated into the design and layout of development proposals*". Use of the word "preferably" in relation to biodiversity net gain however strongly indicated that net gain was encouraged but not mandatory. The Department sought clarification from the PAC on what they understood the requirement to be. They responded by identifying a tension between RA 112 and 113 and GDP2 'Climate Change' and GDP6 'Importance of Ecosystem Services' (as amended by RA 13 and 15).

- 4.15 The response from the PAC indicated that, in view of the Commissioner's identified need to ensure a more robust approach, the word 'preferably' should be removed from RA 112 and RA 113. The Department subsequently engaged with the Council through the fact check exercise and they confirmed that the general development principles GDP1, 2, 6, 7 only require no net loss of biodiversity. Furthermore, the Council highlighted the fact that Policy GDPOL1 (as amended by RA 21) requires only that 'development does not cause a net loss of biodiversity' and states only that "preferably biodiversity net gain will be incorporated into development". Therefore, removal of the word 'preferably' from RA112 and RA113 was a significant change which introduced conflicts within GDP1, 2, 6, 7, and GDPOL1 and went further than the Council intended in the LDP. The Department has decided to retain the word 'preferably' which is now incorporated RA 112 and 113 of Sch 1A.

## **MOD 89: NATURAL ENVIRONMENT**

### **PS page 330, Policy NE 3, RA 145**

- 4.16 **MOD 89** inserts an amended final paragraph to Policy NE 3 re 'active peatland which cannot be mitigated or fully compensated for'. This wording was not part of PC 181 but was considered in PAC para 5.4 and was included in RA 145.

- 4.17 DfI consider the reference to active peatland is not required to be included in this part of the policy as it is referenced at an earlier point in policy NE 3 as well as within the renewable energy policies of the Plan Strategy. The policy provision for wholly exceptional circumstances where planning permission may be granted for proposals likely to result in damage or direct loss of habitats, cites ancient or long-established woodland as an example but this may also include other natural heritage and landscape features.

#### **MOD 91: Natural Environment**

PS Ref/page: pg 333, para 21.28 IE Report Page: RA 147

- 4.18 The SPPS states that AONBs “are designated by the Department”. At the time the SPPS was published “the Department” was in relation to DoE. NIEA, part of DoE at the time, did designate AONBs. However, after the reform of government, The Departments (Transfer of Functions) Order (Northern Ireland) 2016, article 8(1)(c), transferred the responsibility for designating AONBs to DAERA (through NIEA). The Department acknowledges the Council’s PC was reflective of this but the RA changed the reference to the incorrect Department. Therefore, within **RA147**, the reference to “Department of Infrastructure” has been amended to the Department of Agriculture, Environment and Rural Affairs”. The PAC has been advised accordingly.

#### **MOD 96: Historic Environment**

PS Ref/page: Para 23.40-page 356 IE Report Page: 90

- 4.19 In **RA 157** the Commissioner amended the text at paragraph 23.40 to include reference to DfI as an authority to designate conservation areas. However, the Department wish to highlight the provisions of The Departments (Transfer of Functions) Order (Northern Ireland) 2016 Schedule 5 Part 1 transferred Section 104 of the 2011 Planning Act to the Department for Communities (DfC). The reserve power under Section 104(2), intended to be used by exception, now resides with DfC. Therefore, the Department has corrected this error and this is detailed under this MOD.



- 4.20 Historic Environment policies HE 2, 4, 8 and 9 have been subject to significant change throughout the process, resulting in the commissioner complying into a single annex containing the information for RA 154, 156, 159, 160. The Department has carried these forward detailed in this MOD as presented in Sch 2 Annex 5.

### **MOD 99: Renewable Energy and Low carbon Energy Development**

PS Ref/page: Page 365-375, IE Report Page: 92-98

- 4.21 The renewable energy policy RED 1 within the dPS has gone through a number of changes since the draft Plan strategy was published, the first set of changes were put together by council under Annex 6 of their proposed changes document (PC 206) which is also included in the Matters Arising document (Annex 6 -MA007). This change involved breaking up the policy, amending the ordering of text and adding new headings which meant there was 5 policies in total (RED1-5). These changes were subjected to a number of further changes and as a result of the changes a total of 18 RAs (RA 162-179) are listed in schedule 2. The Commission included the Council's annex to their schedule of recommended amendments table as Annex 1 of Appendix 4, to incorporate all the policy changes that were considered to make the plan sound, and this is referenced under RA162 (PC206 amended). The report reflects why these changes are required and Dfl are content with these conclusions.
- 4.22 For consistency and clarity, Dfl felt it would be prudent to include the J&A text to this Annex and therefore all the RAs have been grouped together under ONE modification, MOD 99, within Schedule 2 and now also includes the changes made to the J&A. This is set out in Schedule 2 Annex 6.

#### Renewable Energy Proposed changes (PCs) not considered by the Commissioner

- 4.23 There were also a number of PCs which the commissioner has not given a recommended amendment (which normally we would list under Schedule 1B) but for clarity and consistency, Dfl has also grouped them into Schedule 2 as

follows, to indicate to the Council which PCs are included and which PCs have been superseded:

- PC 207 and PC 221 are now included within Sch 2 Annex 6
- PCs 208,209,210 and 215 have all been superseded by Sch Annex 6

Renewable Energy Further changes (FCs) not considered by the Commissioner

- 4.24 There were also a number of FCs which were proffered by Council during the IE but Commissioner has not accepted them. Therefore, for clarity and consistency, DfI have also grouped these into Schedule 2 to show that these FCs have now been superseded by Sch 2 Annex 6: FC 67,68, 69, 69A,70 and 70A.

## **5.0 Regional Strategic Planning Policy Review**

- 5.1 The Council will be aware of the review of the Renewable Energy and Low Carbon and emerging updated Regional Strategic Planning Policy. The Council will be expected to consider the renewable energy policy within the Plan Strategy against any revision to Regional Strategic Planning Policy.

## **6.0 Other Matters**

### **Presentational, typographical, grammatical errors.**

- 6.1 It should also be noted, and as set out in the direction, that the Council should ensure that any other presentational or factual amendments, typographical and grammatical errors, within the Plan Strategy, are updated as a result of all modifications and minor editing changes. These updates should not amend the nature and intent of the modifications as directed.

### **Publicity**

- 6.2 The Department considers that the publicity of the IE report is for the Council to undertake, in conjunction with the publication of the direction as set out in regulation 24 of The Planning (Local Development Plan) Regulations (Northern

Ireland) 2015. The Council should however provide notification of the adoption of the draft Plan Strategy by resolution of the council, to the Department.

### **Supplementary Planning Guidance (SPG)**

- 6.3 The Department acknowledges the Council's Chapter 38 on SPG (page 464 of the DPS) and Appendix 6 (page 507 of the dPS) to supplement the Plan Strategy, and acknowledge a range of subject policy SPG will be taken forward in due course as indicated in the relevant PCs/MODS, as well as the fact that Council will identify, prepare and publish any additional SPG (para 38.3 of the dPS). The Department would highlight that SPG is intrinsically complementary to policy and should assist in its interpretation and implementation but should not expand the scope of that policy or introduce more onerous obligations or undertakings.

### **Monitoring and Review**

- 6.4 The IE report acknowledges the essential role that monitoring plays as part of the wider plan, monitor and manage approach. It is acknowledged that the main device for reporting on the performance of the plan will be the Annual Monitoring Report (AMR). The Commission considered representations regarding the Monitoring Framework and made recommended amendments where appropriate. Subsequently the Department has directed updates to the Monitoring Framework where necessary.
- 6.5 The report accepts that not all policies require associated indicators within the Monitoring Framework. The Council will be aware that the plan should be reviewed, or partially reviewed, to take account of changing conditions as this is a statutory duty in accordance with Section 13 of the Planning Act (NI) 2011. As a matter of good practice, it is the Department's view that monitoring of the policies of the Plan Strategy should commence once the development plan document is adopted as this will assist in informing the preparation of the Local Policies Plan.

### **Transitional Arrangements**

6.6 In accordance with the transitional arrangements set out at paragraph 1.11 of the Strategic Planning Policy Statement (SPPS), policy retained by the Department, and detailed on the DfI website ([www.infrastructure-ni.gov.uk/publications/retained-planning-policy](http://www.infrastructure-ni.gov.uk/publications/retained-planning-policy)) will cease to have effect upon adoption, in the Derry City and Strabane District Council area. The retained policy shall therefore no longer be material in the consideration of applications or appeals from the date of adoption, regardless of whether a planning application has been received before or after the date of adoption. The SPPS shall continue to be a material consideration in the determination of planning applications following adoption of the Plan Strategy.

**This Explanatory Note should be read in conjunction with DfI Direction Department for Infrastructure Planning Act (Northern Ireland) 2011 Adoption of Derry City and Strabane District Council Plan Strategy (s12) Direction 2024.**

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Recommended Amendment number	Linked to Council's amendment number (if applicable)	Page Number	Draft policy, paragraph or section within the Draft Plan Strategy	Recommended Amendment	DfI Notes
RA 07	PC 14	73	After Para 7.4	'In accordance with Part 2, Section 6(4) of the 2011 Planning Act, this LDP will be the prime document to be used in deciding on planning applications for this District, unless material considerations indicate otherwise. All development proposals will be assessed against the relevant policies in this LDP, which need to be read together 'in the round', including the relevant General Development Principles, Policies GDPOL 1 & 2 and the relevant topic or location-specific policies. Other material considerations to be taken into account include the Regional Development Strategy (RDS 2035), the SPPS and the UK Marine PS and Marine Plan for NI, where relevant.'	
RA 08	PC 15 (Part 1)	74	GDP 1	Amend Part iv of GDP 1, 2 <sup>nd</sup> line to read '... net gain, protect the District's Natural, Coastal and Historic Environments and particularly their associated designations and protect...'	Note: This PC 15 has 2 parts. See RA 20 below for the second part.
RA 09	PC 16	74	GDP 1	On the 3 <sup>rd</sup> line, change the word 'must' to 'should'	
RA 10	PC 18	74	GDP 1	Part iv, line 1, amend by removing the word 'significant'	

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RA 16	PC 22	86	GDP 7	Amend part ii to: 'avoidance of loss of High Nature Value (HNV) areas, as well as of Best and Most Versatile (BMV) agricultural land.'	
RA 17	PC 179	87	Para 7.47	Amend last sentence of para 7.47 to read as follows: '...are identified to enable effects to be considered, avoided or mitigated, using the 'mitigation hierarchy'. The prospect of mitigation should not be used as a justification for the development's location in the first place. Developers must refer to the mitigation hierarchy and seek to avoid impacts as a first principle.'	
RA 18	PC 08	92	Para 7.61	Add a sentence at end of para 7.61, that 'It is also important to have a strategic approach to woodland expansion, one that is well integrated with the landscape features, peatland restoration, proximity to dwellings, rural communities and other land use planning considerations.'	Note: This PC has 2 parts. This is Part 2 of PC08 and Part 1 is RA02, detailed in Schedule 2.
RA 19	PC 26	93	Para 7.70	Amend the 4 <sup>th</sup> line to '... Therefore, in order to expressly implement the key aspects of the General Development Principles, Policies GDPOL 1 and GDPOL2 will 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 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.)'	
RA 20	PC 28  PC 15 – (part 2)	93	GDPOL 1	At the end of part v, insert wording: '... not feasible, aiming for the development to be carbon-neutral or carbon-negative as far as possible;'  Insert corresponding reference into part vii of GDPOL 1 to reference Coastal Development Chapter. '...as set out in the Natural Environment and Coastal Development Chapters'.	Note: This PC has 2 parts. See RA08 above, for the first part.

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RA 21	PC 29	93	GDPOL 1	Add 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.'	
RA 23	PC 37	113	After para 9.6	Insert a new paragraph after para 9.6: 'There are also a number of sub-sector 'economies', all of which can be accommodated and indeed encouraged, within the ED policies and designations; these include the 'Green Economy', 'Circular Economy', as well as the 'Social Economy'. The requirement for SuDS, for renewable energy and the incorporation of sustainable design principles in all future proposals are some examples of how the dPS includes measures which would encourage the Green Economy. The Circular Economy is largely referenced and addressed within the 'Waste' Chapter 20 – see its footnote for definitions. Similarly, the Social Economy is accommodated through a range of aspects, such as considering disadvantage, city/town centre uses policies, locally-based business units and encouragement of social clauses. It is recognised that all of these 'economies' play an important part in achieving sustainable economic growth.'	
RA 25	PC 41A	114	Para 9.9	Insert additional sentence at the end of Para 9.9: '... as set out above. It is also important that there should be a range of sites and locations, to be transport- accessible and to meet local needs, including addressing disadvantage / social exclusion (TSN / PSI). Therefore, whilst there is generally an adequate quantity of Economic Development land across the district, some limited localised additional provision may be required, to be identified at LDP Local Policies Plan stage'.	

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RA 26	PC 41B	116	GEDA Designation Box	<p>At the end of the 1<sup>st</sup> paragraph, amend wording to ‘... under the Chapter 10 policies.’</p> <p>Amend the 1<sup>st</sup> sentence of the 2<sup>nd</sup> paragraph to ‘The Economic Development Land Monitor and evidence base concludes that we have more than sufficient land in terms of quantity, other than in Strabane town. Strategically, it is...’</p> <p>At the end of the 2<sup>nd</sup> paragraph, add the words ‘... taking advantage of key infrastructure, including the main transport routes.’</p> <p>Amend the 1<sup>st</sup> sentence of the 3<sup>rd</sup> paragraph to ‘There is no overall strategic need for additional or expanded GEDAs through the LDP;...’</p>	
RA 28	PC 43	118	ED 1	<p>Amend the start of part h to read ‘the site layout will be designed and landscaped as far as possible, that supports ...’</p>	
	PC 44		Para 9.13	<p>Insert words at end of Para 9.13: ‘... parking arrangements, including a transport assessment where appropriate (see Policy TAM 6 for details.)’</p>	
RA 29	PC 45	118	Para 9.13	<p>At the start of para 9.13, insert words to read, ‘In facilitating new and extended economic development uses,...’</p>	
RA 30	PC 46	119	ED 2	<p>Amend 1<sup>st</sup> line of ED 2 to read ‘Proposals for Class B1(a) and B1(b) (business uses as offices and call centres and also B1(c) (Research &amp; Development) (where the main use is an office) will be permitted...’</p>	



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RA 31	PC 47	119	ED 2	<p>In the 5<sup>th</sup> line, amend to 'Elsewhere in the city and towns...'</p> <p>After bullet point (iii), insert a sentence: 'Where a development proposal for Class B1 business use satisfies the above criteria, applicants will be expected to demonstrate that an edge of town centre location is not available before a location elsewhere in the urban area is considered.'</p> <p>Amend the end of the final sentence of ED 2 to '...200 sqm gross.'</p>	
RA 32	PC 48	119-120	Para 9.20	<p>Amend the wording of paragraph 9.20, as follows: 'The development of Derry city centre is a key element of delivering the SGP and the LDP's economic strategy. Key to this is directing appropriate economic development proposals, such as office development, to the city / town centres and also ensuring there is provision to allow for a supply of such development over the LDP period. Derry and Strabane city / town centres (as well as the other town centres, proportionately) present the most sustainable locations for office development in the district. Most small to medium-sized offices, call centres and office-type R&amp;D businesses should be able to be accommodated within the existing or new buildings in these centres. Therefore, new business uses should locate within town centre boundaries first, or specific locations identified for business use. (The LDP Local Policies Plan will identify certain other specific locations i.e. Economic Development Areas, or parts thereof, where these ED 2 offices will be acceptable.) Outside of these areas, ...'</p>	

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RA 38	PC 57	133	RP 2	<p>Insert following policy text after last policy paragraph on p 133: 'All proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment. Applicants will be required to prepare an assessment of need which is proportionate to support their application. All proposals will be required to accord with GDPOL 1'.</p> <p>(b) Remove last part of sentence of Policy text Part a) 'safeguard historic character and improve the appearance of the city centre'.</p> <p>(c) Amend policy typo A) &amp; D) to read in lower case a) &amp; d) on policy sentence starting 'Elsewhere within Derry City Centre....'</p> <p>(d) Amend criteria i) proposals demonstrate that 'no suitable sites are available within the PRC and that' they satisfactorily...</p> <p>Amend last sentence of RP 2 on page133 to read '...to the city centre if it is demonstrated that no suitable sites are available within the PRC, or the rest of the city centre, and subject to considerations i) &amp; ii) above.'</p>	
RA 39	PC 58	134-135	RP 3	<p>Correct typo in middle of policy text box sentence (page 135) starting 'Elsewhere within Strabane Town'. Remove text 'a,d &amp;e' to read just 'a) &amp; d)'.</p> <p>Amend criteria i) 'proposals demonstrate that no suitable sites are available within the PRC and that they satisfactorily...'</p> <p>Amend last policy sentence of RP 3 to read: ' ...to the town centre if it is demonstrated that no suitable sites are available within the PRC, or the rest of the town centre, and subject to considerations i) &amp; ii) above'.</p>	
RA 40	PC 60	137	RP 5	<p>Amend last criterion (3) in policy text to read:</p> <p>'on any other centre within the hierarchy in that catchment'.</p>	

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RA 41	PC 61	137	Para 10.33	Amend first sentence to read: 'This policy applies to the existing Local Centres, as identified in Derry Area Plan 2011 and those which may be proposed in the LDP Local Policies Plan (LPP)'.	
RA 46	PC 64	148	Para 11.7	Amend to read: 'In line with the LTS, the LDP will also promote and seek to enable, through development-delivered infrastructure, more sustainable forms of transport such as walking, cycling and public transport. The integration of land use and transport planning will be key to this. The Council will use Transport Accessibility Analysis (TAA) to assist this delivery. TAA is a long-established concept in integrating land- use and transport planning. Accessibility Analyses will 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'.  Remainder of para 11.7 starting 'Regard has been had...' to be moved to new para and renumbered accordingly.	
RA 47	PC 65	148	After Para 11.7	Insert the following clarification into a new para 11.8 after 11.7 (p 148) as follows: "Accessibility', in this context, relates to the ease of access of essential services. Accessibility can be considered by different modes of transport – for example walking, cycling. public transport or car. Accessibility in this context differs from the consideration of the physical accessibility of the mode of transport or the design of access to a building or place, involved in making the mode, building or place usable by people with common impairments (visual, mobility etc)'.	

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RA 48	PC 66	149 152 169	1 <sup>st</sup> bullet point p149 & para 11.26 p152 TAM 7 para 11.88 p169	Add: 'The LDP will seek to identify active travel networks and provide a range of infrastructure improvements to increase use of more sustainable modes. In particular, within urban areas, this could be providing enhanced priority to pedestrians, cyclists and public transport and an acceptable level of parking provision which is properly managed'.	
	PC 68	151	Para 11.20	Add following sentence to end of 11.20: '...whilst also improving local connectivity and access to existing and new developments in the west of the city'.	
RA 49	PC 70	156	Para 11.39	Amend last sentence to read: 'The NTWS, in tandem with the Car Parking Study, will assess the previously mentioned orbital routes against economic, environmental and social objectives as these routes may be advantageous in facilitating the required transport change needed to implement such major urban re-modelling in these areas'.	
RA 51	PC 73	159	Para 11.52	Replace to read: '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'.	

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RA 52	PC 74	160	Para 11.55	<p>Amend text to read:</p> <p>‘In the case of existing buildings, particularly historic buildings, such a statement would enable a designer / developer to state why the proposed change is necessary, identify the constraints posed by the existing structure and its immediate environment and to explain how these have been overcome, through informed and high- quality design solutions. Design and Access Statements must accompany all Listed Building Consent applications’.</p>	
RA 55	PC 76	163	TAM 3	<p>In the policy box for TAM 3 amend the wording in the first sentence under the Other Protected Routes - Outside Settlement Limits heading to read: ‘Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto this category of Protected Route in the following cases:’</p> <p>Replicate use of direct (i.e. involving direct access) consistently throughout the TAM 3 policy where appropriate.</p>	
RA 56	PC 77	164	TAM 3	<p>Remove criteria c) of TAM 3 (within the category ‘Other Protected Routes – Within Settlement Limits’)</p>	
RA 57	PC 79	165	Para 11.76	<p>Insert wording at the start of Para 11.76: ‘The categories in this policy refer to ‘Outside / Within’ the Settlement Development Limits as defined in the LDP. In the ‘All locations’ categories, the provision of a DfI-approved [or LTP] Park &amp; Ride or Park &amp; Share facility would be considered to be of ‘regional significance’ (see also Paras 11.105 to 11.106). In all cases...’</p>	
RA 58	PC 80	166	Para 11.77	<p>Amend second sentence of para 11.77 to read:</p> <p>‘Such land will be identified in the LDP and the North West Transport Plan (NWTP) which is to be prepared in conjunction with the LDP Local Policies Plan’.</p>	

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RA 59	PC 81	167	Para 11.78	Insert wording at the end of Para 11.78: 'All future transport schemes shall be identified and progressed or approved by DfI as the regional transport authority, primarily through the Regional Transport Plan and the North West Transport Plan (NWTP). Such schemes as are at a suitably advanced stage will then be identified and incorporated in the LDP, at LPP stage or at Review stage. However, as set out in Para 1.9, the inclusion or otherwise of a scheme does not mark a commitment by the Council or other public body to expenditure on a particular proposal, nor does it make the Council responsible or otherwise liable for compensation or other legal claims in relation to such schemes.'	
RA 61	PC 83	168	Para 11.84	Add a new sentence at end of para 11.84 to read as follows: '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'.  Delete J&A para 11.86.	
RA 63	PC 85	172	Para 11.100	Insert missing text at end of last sentence in 11.100 to read as follows: '...to ensure that long stay car-parking in the long term becomes disincentivised'.	
RA 64	PC 86	176	Para 11.116	Amend para 11.116 to read: 'In assessing developments affecting Conservation Areas, Areas of Townscape Character or the surroundings of listed buildings or other heritage assets and their settings, it may not always...'	
RA 67	PC 94	186	Para 12.12	Insert sentence at the end of para 12.12: 'Where development is being sought due to association with a heritage asset, the proposal must adopt a heritage-led design approach and be in line with the appropriate historic environment policy as set out in the LDP'.	

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RA 68	PC 95	187	TOU 2	<p>Minor text change to 5<sup>th</sup> line of TOU 2 to read ‘...Chapter 7, including Sustainable Development and also the normal operational Planning criteria...’</p> <p>Insert wording at end of final sentence of TOU 2: ‘... visitor experience – see Appendix 2 for details of a Tourism Benefit Statement and a Sustainable Benefit Statement.’</p>	
RA 73	PC 100  PC 101	193	TOU 5  12.28	<p>In the first line of TOU 5, change the word ‘will’ to ‘may be permitted...’</p> <p>Amend text to 12.28, at the end of bullet point 1 ‘...and the district. The proposed scale / importance of the development will dictate whether it needs to be of district or regional importance.’</p> <p>Amend 12.28 Bullet point 3</p> <ul style="list-style-type: none"> <li>• ‘Justification for the particular site chosen and illustrative details of the proposed design and site layout. Design quality and sympathetic integration of the proposals within the existing context and setting, will be important considerations’.</li> </ul>	
RA 75	PC 103	196	TOU 7	Amend the final line of 4th para of policy TOU 7, to replace the words ‘and designated built’ with ‘heritage assets’.	
RA 82	PC 110	205	Para 13.29 bullet point 8	Add to paragraph 13.29 bullet point 8: ‘Applications for temporary Planning Permission, where this doesn’t prejudice the mineral resource...’	

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RA 88	PC 112	209	Policy AD 2	Amend AD 2: 'Advertising Consent will only be granted, for the display of an advertisement on or adjacent to a Scheduled Monument, Listed Building, Conservation Area, or an Area of Townscape / Village Character where: •The signage or advertising is in keeping with the historic and architectural form and detailing, does not detract from the character or setting of the monument, building or location, does not cause or add to clutter in the area, adequately controls illumination, is not detrimental to public safety and is in accordance with the relevant advertisement policies within Chapter 23: Historic Environment, where applicable'.	
RA 94	PC 124	223	Table 9: Summary of Land for Delivery of Housing, in District's Settlements.  Para 16.14	In the 7 <sup>th</sup> column of Table 9, amend the hectares for the City from 125 to 61. This also changes the column total from 307 to 243. The other figures remain unchanged.  Insert word in criterion b: 'b. Not zoning additional peripheral land for housing generally;'	
RA 95	PC 125	224	Para 16.16 Strategy box	Amend last sentence of Para 16.16 p224 to read: 'The LDP aim is to deliver 9,000 new, quality homes by 2032 at sustainable locations that are accessible, especially by walk, cycle and public transport, to employment, shopping, community services, leisure, and recreational facilities'.	



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RA 98	PC 128  PC 129	229 – 230	HOU 2	Amend the first para of HOU 2 policytext p 229 to read: 'It is the LDP's intent that all new housing development within the city and towns of the area will be delivered on land zoned under Policy HOU 1 or elsewhere on appropriate sites within the Settlement Development Limits under this policy. This policy promotes the development of new housing on appropriate vacant and underutilised land at sustainable locations within the settlements'.  In addition, the following part of the last sentence in the first para of the policy text of HOU 2 '... to contribute to the regional target for 60% of new housing to be located in appropriate brownfield sites' is to be removed and inserted at the end of Para 16.30 to read: 'Development on 'brownfield' sites within settlements will be encouraged as it can assist in returning derelict sites to a productive use; help deliver more attractive environments; assist with economic renewal; reduce the need for development on existing underdeveloped or greenfield sites; and to contribute to the regional target for 60% of new housing to be located in appropriate brownfield sites'.  Amend criteria b to read: 'b. The location is accessible by walking, cycling and public transport to key services and facilities'.	
RA 100	PC 130	229	16.31	Insert new sentence onto end of Para 16. 31 to state: 'The Council will not accept proposals which seek to artificially divide larger sites and bring them forward in a succession of smaller sites to meet the size criteria as set out in Policy HOU 2'.	
RA 101	PC 132	231	16.38	Add text at end of HOU 3 para 16.38 to read: 'The Council acknowledges that particular care needs to be taken when increasing the density in established residential areas'.	

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RA 102	PC 133	233	16.44	<p>Amend HOU 4 J&amp;A with amended para 16.44 text and insertion of a new para 16.44 to read:</p> <p>‘Para 16.44: This policy therefore seeks to restrict the type of proposals for non- residential uses or for non-permanently occupied dwellings that are permitted in established residential areas and areas where higher density residential accommodation is appropriate. Where such non-residential uses or non-dwelling uses are permitted, they should be complementary to the surrounding residential uses and protect established residential amenity. In such cases, all other policy requirements still apply to the proposal such as open space provision, density and sustainable transportation all of which are of critical importance in sustainable neighbourhoods’.</p> <p>New para 16.45 text &amp; re-number accordingly:</p> <p>‘16.45 In protecting the existing housing stock, the Council recognises that some proposals for small-scale uses such as a local shop, community facility, small scale employment uses or an office and short- term residential lets may be acceptable. However, such proposals will be subject to careful consideration, on a case-by- case basis, to ensure the proposed use is compatible, subordinate to the existing residential use, complementary to the surrounding residential uses and does not result in unacceptable adverse effects on existing residential amenity’.</p>	
RA 103	PC 134	233	HOU 5	Amend policy title to ‘Affordable and Private Balanced-Tenure Housing in Settlements’	NOTE: For Clarity this is detailed in Sch2 Annex 4

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RA 106	PC 135	234	Paras 16.46 & 16.49	<p>Add the following new text as a new sentence onto end of Para 16.46: ‘Therefore, the general requirement in this policy that 20% of all new Housing units should be affordable housing should be adequate to deliver the remaining number of dwellings to address ongoing Housing Need.’</p> <p>Re-word Para 16.49 to read: ‘Where the Council can demonstrate, supported by up-to-date evidence provided by NIHE, that an acute localised need for a higher proportion of affordable housing cannot be fully addressed by the minimum 20% requirement, the proportion of affordable housing required may be uplifted on an individual site. If this is the case, the LDP Local Policies Plan will vary the proportion of affordable housing through a Key Site Requirement (KSR) on zoned housing land’.</p>	NOTE: For Clarity this is detailed in Sch2 Annex 4
RA 110	PC 140	241	HOU 8	<p>Amend first sentence of HOU 8 to read: ‘...that the proposal will create a high quality and sustainable residential...’ Amend criteria (a) – (c) to read: ‘(a) The design and layout respects the landscape, local character, historic and natural environment (including trees)... (b) In Conservation Areas, housing proposals will be required to enhance, or where the opportunity to enhance does not arise, preserve its character. (c)Heritage assets are identified and where appropriate...’</p>	

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RA 111	PC 139	241	Para 16.73	Amend para 16.73 by inserting new text as a new sentence at end of current para text: 'The Council will require any submitted Movement Pattern to provide sufficient information as to how people will access the development – internally and externally. This will include all possible forms of internal physical access (walking/cycling) and internal/external connections from the site to the surrounding area – which should include physical access, public transport and private car. The appropriate information, commensurate to the scale of the development, can be provided by means of illustrated maps; accessibility Analysis and site layout drawings etc.'	
RA 112	PC 141	242	HOU 8	Insert a new criteria 'm' to be inserted onto the end of the criteria list in the policy text box on p 242 to read: 'm) The proposal will result in no net loss of biodiversity and preferably contribute to biodiversity net gain, being incorporated into the design and layout as part of the development proposal'.	
RA 113	PC 143	245	HOU 10	Insert a new criterion e) into policy text of HOU 10 to read: 'e) The proposal will result in no net loss of biodiversity and preferably contribute to biodiversity net gain'.	
RA 114	PC 142	245	HOU 10	Amend policy box of HOU 10 by removing last paragraph of policy text and re- locating it to end of para 16.84.  In the final policy sentence of HOU 10, amend italics typo to document title 'Guidance for Residential Extensions and Alterations.'	There is a second part to this PC which the PAC did not pull through. Therefore, it will be dealt with in Schedule 1B as a "leftover".
RA 115	PC 145	247	Para 16.97	Amend text to read: '...the Council will also consider the relevant policies contained within the Council's own Historic Environment SPG, together with any policy'	There is a second part to this PC which the PAC did not pull through. Therefore, it will be dealt with in Schedule 1B as a "leftover".

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RA 120	PC 148	256	Para 16.121  Para 16.122	Reword as follows (fourth line): 'while protecting the landscape, heritage assets and natural resources of the rural area'. At the end of the final sentence add the words '... as well as Design Policies CY 1 to CY 4.'  On the 3 <sup>rd</sup> last line at end of Para 16.122, insert the words '...relevant LDP policies particularly CY 1 –CY 4...'	
RA 121	PC 149	264	HOU 20	Add text at the head of Policy HOU 20: 'The retention and conservation of non- listed vernacular buildings will be encouraged in preference to their replacement.'	
RA 122	PC 151	266	Para 16.150	Add text to start of para 16.150: 'The restoration or replacement of existing dwellings is important to the renewal and upgrading of the rural housing stock...'	
RA 123	PC 152	268	Para 16.160	Add text to para 16.160 – 'Where there are significant concerns about the structural condition of the building to be converted, a structural report shall be submitted, with the level of detail and the credentials of the author being commensurate with the condition of the building.'	

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RA 124	PC 153	266	Para 16.155	<p>Add a paragraph to J&amp;A after 16.155 (change numbering accordingly) – ‘Old buildings and homesteads in the countryside can have well-established boundaries, mature trees, hedges and low walls, as well as existing laneways. They can be of significant biodiversity value and visually anchor the dwelling to the surrounding countryside. Therefore, the restored or replacement dwelling should seek to retain those landscape features and achieve no net loss of biodiversity and preferably contribute to biodiversity net gain. Planning conditions will be used to ensure the incorporation of biodiversity features into the design including the provision of sites for species that nest or roost in the built environment. See also Policies GDPOL 1 and NE 3.’</p>	
		268	Para 16.164		
	PC 154		Para 16.165		
				<p>Add a similar paragraph after paragraph 16.164 (renumber paragraphs accordingly) but opening as follows – ‘Old buildings in the countryside can have well established boundaries...’</p> <p>Delete final sentence in paragraph 16.165.</p>	

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RA 125	PC 155	271	HOU 23	Similar paragraphs to be added to J&A for HOU19, HOU20, HOU21, HOU23. All to start with the following text – ‘Within the Green Belt, there is likely to be greater development pressure than in the countryside generally so it will be particularly important to carefully manage the numbers and locations of new dwellings.’ They will continue as follows –	
		264	HOU 19 Para 16.149	In new paragraph to replace 16.149 – ‘Therefore within the Green Belt, exception c will not apply and any planning permission granted under this policy will be subject to a condition restricting occupancy of the dwelling for the use of the business.’	
		267	HOU 20 Para 16.158	In new paragraph after Para 16.158 – ‘Therefore within the Green Belt, bullet point 2 (visual impact of the proposed dwelling) will be strictly applied’.	
		268	HOU 21 Para 16.164	In new paragraph after Para 16.164 – ‘Therefore within the Green Belt, criteria c in particular (scale of new extensions) will be strictly applied.’	
		272	HOU 23 Para 16.173	In new paragraph after Para 16.173 – ‘Therefore within the Green Belt, planning permission will not be granted for infill development in the countryside within such a built-up frontage’.	

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RA 130	PC 164	292	OS 5	<p>Amend Policy OS 5 bullet point 5 to read:</p> <ul style="list-style-type: none"> <li>• 'The proposed facility takes into account the needs of people with disabilities;</li> <li>• The development is located so as to be accessible to the catchment population by walking, cycling and public transport...'</li> </ul>	
RA 133	PC 166	305	UT 2 Para 19.3	<p>Para 19.3, 4th line: '...little or no sewerage 'headroom capacity' and also network inadequacies; ...'</p> <p>At the end of the 5th line: '... Details of the specific network and WWTW capacity...'</p> <p>Update EVB 19, including the table at Appendix 1 to reflect the latest information on WWTWs and network issues.</p>	
RA 134	PC 167	306	<p>UT 3</p> <p>Para 19.23</p>	<p>Insert new bullet point 5 in UT 3: 'It does not adversely affect the operation of the Airport or public safety'</p> <p>Replace text in Para 19.23 with the following: 'Applications for telecommunications development will need to include details of its location, any enabling works, the height of the antenna, the frequency / modulation characteristics and details of power output. Developments in proximity to City of Derry Airport should address any potential to affect safety of aircraft due to height / proximity / direction, lighting, radio interference, etc. (see also paragraph 37.5 on airport safeguarding.) An ICNIRP declaration will address compliance with guidelines on public exposure to electromagnetic fields or interference with existing broadcasting apparatus. All permissions shall include a condition requiring the removal of the mast / apparatus and the site restored, when it is no longer required for telecommunications purposes.'</p>	
RA 135	PC 168	306	UT 3 3rd bullet point	<p>Amend the 2<sup>nd</sup> sentence of the 3<sup>rd</sup> bullet point '... level of detail. For proposals in areas of... or affecting designations relating to the Natural and/or Historic environment the Statements will need to address how the proposal meets the requirements of their respective policies (see Chapters 21 and 23).</p>	



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RA 136	PC 173	310	Para 20.6	Definition of Zero Waste to be included as a footnote (bottom of p310): '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.'	
RA 138	PC 175	314	Para 20.15	Add another bullet point: '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...'	
RA 139	PC 172	318	WP 3 criterion (ii)	Add at the end of criterion (ii) 'unless it is demonstrated that the proposal would not cause harm to, or undermine the reason for, that designation'.	
RA 141	PC 176	321	Para 20.31	In paragraph 20.31 remove reference to 'prevailing wind direction' Add reference as new 3 <sup>rd</sup> sentence in Para 20.31: 'Please refer to NIW Development Encroachment Procedures'.	
RA 148	PC 185	334	NE 6	Insert additional text at the end of the last dashed point within the NE 6 policy box to read: 'All works including surfacing, edging, fencing, signage, and way-marking must visually integrate with their surroundings, taking account both of visual amenity and landscape character of the area'.  In addition, correct typo in Para 21.34, end of 3rd sentence as follows: Replace 'comprise' with 'compromise'	

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RA 149	PC 186	336	NE 7	<p>Amend the running order of the paragraphs in Policy NE 7 text box:</p> <p>‘Proposals for development which would adversely affect or adversely change either the quality or character of the landscape, including its intrinsic nature conservation interest, within the Areas of High Landscape Importance will not normally be permitted. AHLIs are also identified as Areas of Constraint on Minerals Development (ACMDs) and will be subject to the requirements of Policy MIN 2.</p> <p>Within AHLIs, the Council will be supportive of the provision of pathways and informal recreational facilities of an appropriate scale and in a suitable location, subject to policy provisions contained elsewhere in the LDP.</p> <p>Where development is proposed within AHLIs, the proposals must clearly demonstrate special regard to siting, massing, shape, design, finishes and landscaping in order that it may be integrated into the landscape. In exceptional circumstances, significant proposals will only be permitted within AHLIs where their regional or District- wide importance is considered to outweigh any potential adverse impact on the intrinsic features of the AHLI’.</p>	
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RA 151	PC 190	346-348	Para 23.1	Line 2 – insert ‘... heritage assets’ <sup>1</sup>	
			Para 23.4	Line 4, change designated to ‘identified’	
			Para 23.5	Line 5, after ...Supplementary List insert: ‘There is also an array of other heritage assets across the district, many of which are not yet recorded or even discovered. Full details of heritage assets recorded by HED can be found...’	
			Para 23.7	<p>Line 2, after ...settings, add a footnote: <a href="https://www.communities-ni.gov.uk/publications/guidance-setting-and-historic-environment">https://www.communities-ni.gov.uk/publications/guidance-setting-and-historic-environment</a></p> <p>At the end of the paragraph, insert additional text: ‘...architectural integrity, with a heritage-led design approach. (See also GDP 8, GDPOL 1, PDP 1-3 and various other heritage-related policies.)’</p> <p>Lines 4-7, after ... State Care and Listed Buildings. Insert sentence with: ‘Other heritage assets such as Areas of Significant Archaeological Interest (ASAs), Areas of Archaeological Potential (AAPs) and Historic Parks, Gardens and Demesnes (HGPS) are designated and / or identified in the LDP, by the Council on the advice of HED. Where appropriate, the LDP Local Policies Plan will show such main statutory and other designations and areas for information...’</p>	
			Para 23.10	After the final sentence of paragraph 23.10, insert the final sentence from paragraph 23.61. (also add explanatory note to EVB 23)	
			Para 23.11	After last sentence of 23.11, insert: ‘Such buildings receive some protection through HE 8 and various other LDP policies / chapters, including General Development Principle GDP 8, AGR 3, HOU 20 & 21, TOU 4 and PDP 1. Should LDP Monitoring identify a need for further protection, this will form part of the LDP Review’.	

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RA 152	PC 191	349	HE 1	<p>Change the title of HE 1 to HE 1 Archaeological Remains of Regional and Local Importance.</p> <p>Insert 'a)' before the sub-heading 'Archaeological Remains of Regional Importance</p> <p>Insert 'b)' before the sub-heading 'Archaeological Remains of Local Importance'</p>	
	PC 192			<p>Insert into part b) Archaeological Remains of Local Importance</p> <p>'Planning permission will not be granted for a development proposal which would adversely affect archaeological remains of local importance or their settings unless the Council, having consulted with Historic Environment Division, considers that the need for the proposed development or other material considerations outweigh the value of the remains and / or their setting'</p>	
	PC 193		Para 23.13	<p>Amend in J&amp;A 23.13, as follows:</p> <p>'Archaeological Remains of Regional Importance' include monuments in State Care, Scheduled Monuments, sites that would merit scheduling and Areas of Significant Archaeological Interest (ASAI). Such sites, or constituent parts of them benefit from statutory protection. ASAI are distinctive areas of the historic landscape which are likely to include a number of individual and related sites and monuments and may be distinguished by their landscape character and setting.'</p>	
	PC 194		Para 23.14	<p>Insert sentence to the end of paragraph 23.14:</p> <p>'...The Council will operate a presumption against proposals which would adversely affect such remains and their settings, and exceptions to this policy are likely only to apply to proposals of overriding importance in the NI context'.</p>	

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RA 153	PC 195	349	Para 23.17	Amend as follows: 'While they are not scheduled monuments 'Archaeological Remains of Local Importance' are capable of providing valuable evidence about our past'.	
RA 155	PC 197	352	Para 23.28	Change to start of paragraph 23.28 to read: 'As a historic monument in State Care, no works can be carried out...' At the end of this paragraph, insert the sentence: 'In addition to the focussed protections of this policy, the general protection of Policy HE 1 also applies to these City Walls'.	

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RA 158	PC 201	358	HE 6 Policy Box	Re- order the subheadings (a) and (b) so that 'New Development...' reads first, and 'Demolition...' second.	NOTE: With regards to references to "AVC" or "Area(s) of Village Character", whilst the commissioner has brought forward the relevant PC text, it should be noted that, for clarity, this insertion is after any references to "ATC"s of "Area(s) of Townscape Character", e.g. "ATC/AVC" or "Area of Townscape Character/Area of Village Character".
			HE6 & various references throughout LDP dPS	Insert 'Area of Village Character' or 'AVC' to all such references in this section, and elsewhere in the dPS. Specifically, these changes are required in: Policy HE 6 at lines 4, 5, 11, 16 and 18. Also in paragraph 23.43 x 2, paragraph 23.44 x 2, paragraph 23.45, paragraph 23.61 and in paragraph 23.11 and Policy SETT 2.	
			Para 23.43	Replace existing Para 23.43 with: '23.43 Areas of Townscape or Village Character (ATCs/AVCs) are designated through the LDP process, because they exhibit a distinct character normally based on their historic built form or layout. For the most part, this derives from the cumulative impact of the area's buildings, their setting, landscape and other locally important features. There are currently four ATCs in the District, at Victoria Park, Bond's Hill, Eglinton and Culmore. Further ATC / AVC designations may be brought forward by the Council following assessment at the LDP Local Policies Plan stage'.	
			Para 23.44	Insert new subheading <b>(a) New Development in an Area of Townscape or Village Character</b> , before existing paragraph 23.44. Insert new subheading <b>(b) Demolition in an Area of Townscape or Village Character</b>	
			Para 23.45	New '23.45 In order to prevent demolition damaging the distinctive character and appearance of an ATC / AVC, the Council will operate a	

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			Para 23.46	<p>presumption in favour of retaining any building which makes a positive contribution to the character of the area. The onus will be on the applicant to demonstrate and justify the need for demolition as to why a building does not make a material contribution to the ATC / AVC. Where the Council decides to permit demolition of an unlisted building in an ATC / AVC, conditions will normally be imposed:</p> <ul style="list-style-type: none"> <li>• requiring the redevelopment of the site to be based on previously agreed detailed proposals; and</li> <li>• prohibiting demolition of the building until contracts have been signed for the approved redevelopment of the site’.</li> </ul> <p>Insert new subheading <b>(c) The Control of Advertisements in an Area of Townscape or Village Character.</b></p> <p>New ‘23.46 Applications for the display of advertisements will be assessed against this policy and the policy requirements of Chapter 14: Signs and Outdoor Advertising’.</p>	
RA 161	PC 204	364	Para 23.61	Delete the first sentence of 23.61 and cut the 2 <sup>nd</sup> sentence to Para 23.10, as detailed above. Therefore, 23.61 is removed.	
RA 180	PC 225	377	Para 25.5	Add text to end of 25.5: ‘...and infrastructure outside the flood risk area and avoid zoning land for development that would be at risk of flooding now or which may become at risk due to climate change.’	
RA 181	PC 226	378	Para 25.12	Add 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 including those areas which may become at risk due to climate change.’	

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RA 183	PC 228	382	Para 25.27	Delete the words 'climate change'.	
	PC 229			Amend Para 25.27 second sentence: 'This is normally 600mm above the design flood level' (delete the range currently shown).	
RA 184	PC 231	388 - 389	Policy FLD 3  Para 25.58	Add text to FLD 3 at the end: 'For all developments, sustainable drainage systems (SuDS) will be incorporated. Where this preferred drainage method is not feasible, this must be demonstrated in any planning application.'	
		390		Modify J&A paragraph 25.58 to read: 'In carrying out the drainage assessment, the developer should use sustainable drainage systems (SuDS) as the preferred drainage solution. See GDPOL 1.'	
RA 185	PC 232	393	Policy FLD 5	On the 2 <sup>nd</sup> last line of Para 25.58, at top of p 390, amend wording: '... Appendix 4 and GDPOL 1...'	
				New text for second bullet point: <ul style="list-style-type: none"> <li>• 'the application is accompanied by a Flood Risk Assessment which demonstrates: <ol style="list-style-type: none"> <li>1 an assessment of the downstream flood risk in the event of a controlled release of water; an uncontrolled release of water due to reservoir failure; a change in flow paths as a result of the proposed development, and</li> <li>2 that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures.'</li> </ol> </li> </ul> Text will then revert to the existing dPS policy text until the addition of a sentence after the bullet points at the end: 'and for any development located in areas where the Flood Risk Assessment indicates potential for an unacceptable combination of depth and velocity.'	
RA 186	PC 233	394	Para 25.80	Amend paragraph 25.80 to change all references of 'risk' to 'consequence'.	



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RA 187	PC 234	483	Appendix 4, Para A8	Reword: '...sustainable drainage systems are preferable because they control surface water run off at source and confer environmental, economic and other benefits.'	
	PC 235	484	Para A11	Add text: 'developer costs associated with designing a 'soft' sustainable drainage system are invariably less than a traditional piped system.'	
	PC 236	486	Para A14	Amend paragraph A14 to read: 'The option of using sustainable drainage to help offset flooding risk and as a more sustainable option to traditional piped drainage is part of the planning process. New legislation allows NI Water to refuse a surface water connection if alternative means have not been considered, including landscaping or natural features.'	
	PC237		Para A18	Replace text with the following: 'In November 2015, representatives of the Stormwater Management Group (SMG) provided evidence on SuDS to the Committee for Regional Development in relation to the Water and Sewerage Services Bill. The Group was set up in 2011 to implement the recommendations of the strategy document. 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 refocused the priorities of the group to: <ul style="list-style-type: none"> <li>• Promote clear Planning Policy</li> <li>• Consider and develop effective delivery mechanisms and approval processes</li> <li>• Review how SuDS (both hard and soft components) are currently delivered in Northern Ireland</li> <li>• Develop and promote consistent delivery mechanisms and approval processes.'</li></ul>	
	PC238	487	A19	Amend text to read: 'The Planning authority currently requires the consideration of such systems in line with 6.118 of the SPPS. From the	

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	PC239		EVB25	<p>planning perspective, it is imperative that a responsible approval 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 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.'</p> <p>Para 2.17- replace 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.'</p>	
	PC240		EVB25	<p>Para 3.18, line 5: change reference to 'Rivers Agency' to 'former Rivers Agency'.</p>	
	PC241			<p>Para 4.3 and 6.2 change to refer to Department for Infrastructure.</p>	
	PC242			<p>On page 76 under the heading 'DfI Guidance on Climate Change' amend text to: 'Climate change flood mapping is based on allowances for 2080 epoch.'</p>	
RA 195	PC 247	454	Para 33.11	<p>Insert a new Para 33.11: 'Applicants must ensure that their developments do not increase the risk of accidents generally or increasing the severity of the consequences of such accidents. See also GDPOL 1.'</p>	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

<b>Recommended Amendment number</b>	<b>Page Number</b>	<b>Paragraph Number</b>	<b>Summary of Issue/Justification</b>	<b>Proposed Change</b>	<b>Notes</b>
PC01	1-15	All Pages	The dPS Consultation Stage wording should be updated, as it will be out of date.	Replace with wording for Adopted LDP Plan Strategy	
PC 02	2	Whole Page	Foreword for 2019-20	Revise Foreword for Adopted LDP Plan Strategy, expected in 2023	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC 03	9, and generally	Para 1.7	For clarification and consistency on which plan is referred to.	Change 2 <sup>nd</sup> word from 'plan' to 'LDP' There are a number of similar occurrences throughout the document which would be better changed, for clarity.	
PC04	24	Para 2.28	Correct reference to Ramsar. This is a location not an acronym.	Correct reference to Ramsar (not RAMSAR). Rest of dPS is correct. Also amend any references in the supporting documents, if/when updated, especially the 4 references in EVB21.	
PC05	37	Para 3.12	To be consistent with SPPS and 8 (5) of the 2011 Planning Act	On the 8 <sup>th</sup> line, change <del>'be in general conformity with'</del> to <u>'take account of'</u>	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC06	42	Para 3.29	Update reference to relevant documents	Include the Council's Climate Adaptation Strategy and the NW Regional Energy Strategy.	
PC07	47	Para c (iv)	In relation to Social Development Objective (c) (iv), it should include all Section 75 groups.	After 'equality of opportunity, add 'for all, including Section 75 groups'	
PC12	65	Para 6.22	Missing word	At end of 5 <sup>th</sup> line, insert the word 'and'	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC13	67	Para 6.30	To clarify that this paragraph refers to all three types of Strategic Development Pressure Policy Areas; it is not just as part of the J&A for WECAs.	Move the text of Para 6.30 up to the end of Para 6.23 and insert at its end ‘... (see Para 39.6: Interim Measures).’	
PC17	74	GDP 1	Include a requested reference to public transport	In part iii, 3 <sup>rd</sup> line, amend to ‘...including <u>public transport</u> , active travel and...’	
PC20	76	GDP 2	Reword text, as requested in Rep.	Reword part iv, as: ‘facilitating sustainable travel by improving active travel infrastructure and public transport options in preference to the private car.’	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC21	86	Para 7.44	Alternative word, to be consistent terminology with PPS 2 and dPS Policy NE3.	Amend the 7 <sup>th</sup> bullet point of Para 7.44 to 'rare or threatened <u>native</u> species ' .	
PC23	87	7.47	Insert cross-reference, related to Chapter 21 Proposed Change.	Amend the end of the paragraph to '...or mitigated, using the mitigation hierarchy (see Chapter 21).'	
PC24	88	7.50	Alternative wording, for clarification.	Amend the end of part iv to ' <del>outside of</del> <u>in addition to normal</u> landscaping requirements)'	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC25	89	7.51	To provide explicit clarification about the implementation and applicability of the General Development Principles.	Add additional wording at the end of Para 7.51: For larger-scale development proposals, applicants will be required to submit a proportionate level of information to demonstrate compliance with the principles, and hence that it is an acceptable development proposal subject to their relevance to a given proposal. (The Council will provide implementation guidance for applicants / developers.)	
PC27	93	GDPOL 1	Delete a sentence, as it repeats the requirement stated in lines 2-3 above.	In part iv, delete the final sentence: <del>Where it is not feasible to incorporate renewable energy measures, this must also be demonstrated.</del>	
PC31	96	Footnote No. 12	Complete the footnote, typo.	Insert Published by 'DEFRA, with DOE (NI), etc.'	



**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC33	104	GDPOL 2	Amended wording suggested in part iv.	Amend text at the start of part iv to read 'they have transport permeability and provide and / or link to a hierarchy of....'	
PC34	105	Para 7.125	Additional text was suggested, as GDPOL 2 was not considered sufficiently ambitious.	Add a new sentence at the end of Para 7.125 to read: 'For all planning applications for any major* development that contributes towards a sense of place, developers should submit a Design Statement to take account of this broader description of design'. <i>* as per Footnote 2 on p 77</i>	
PC35	112	9.1	Insert missing word, a typo.	In the last line: ... ' <u>and</u> are centres of local commerce.'	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC36	112	9.4	A missing word / typo and a reference to emphasise transport-accessibility.	On the 1 <sup>st</sup> line, insert the word ‘One of <u>the</u> Council’s key objectives...’ and on the last line add ‘... accessible to workers across the District, by all modes of transport.’	
PC38	114	Tier 1 Designation box, for Derry City Centre	For clarification	On the 2 <sup>nd</sup> line, amend ‘... as set out in <del>the Retail</del> Chapter 10 ...’ On the final line, insert ‘... roundabout ( <u>see p 416 for further details.</u> )’	
PC39	114	Tier 1 Designation box, for Strabane Town Centre	For clarification	On the 2 <sup>nd</sup> line, insert words ‘... opportunities for <u>main town centre uses including</u> office accommodation...’	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC40	116	General Economic Development Areas (GEDAs) Designation box	To point to the explanation of LUPAs, which are designations / allocations rather than zonings, in villages and small settlements.	In the final para of p 116, in line 2 after '(LUPAs)', insert '(see Designation SETT 2)'	
PC42	117	ED 1	To clarify that under Policy ED 1, that ED 2 to ED 7 also apply to any proposal.	In ED 1, line 1 - Insert '... in addition to <u>the relevant</u> policy provisions...'	
PC51	122	ED 4  Para 9.32	Correct typos and clarify the role of existing / LDP-adopted  Supplementary Planning Guidance (SPG).	On the last 3 lines of ED 4, insert the word 'development' after the word 'economic' (3 occurrences).  Insert clarification wording to the final 4 lines of Para 9.32 'Supplementary Planning Guidance to Planning Policy Statement 4 – Policy PED 8: 'Development Incompatible with Economic Development Uses' (as adopted or replaced by the Council – see Chapter 38 of this document) will be a material consideration in the assessment of proposals under this policy.'	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC53	130	Para 10.7	To provide additional text to reference District and Local Centres in the Strategy.	On the 3 <sup>rd</sup> last line, insert a sentence ‘... within that centre. <u>Derry City and Strabane Town will also have a number of District and Local Centres identified, with an important role to play.</u> The local towns ...’	
PC59	136	RP4	The avoid confusion of distant town centres and district centres within the same policy context.	Amend ( <u>as underlined</u> ) last line of policy RP 4 to read: ‘... subject to the above considerations (a-c), <u>as it applies to that centre and other centres in its catchment.</u> ’	
PC62		10.33	To enhance J&A text with the details set out in previous para 10.16 identifying the function of a local centre.	Copy LDP para 10.16 p 132 and replicate onto end of paragraph 10.33.	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC63				This Chapter has an irregular format, is not quite in sequence and is unlike the style of others in the dPS. Ideally, the first half of this Chapter would be re-arranged: Start with paras 11.14-11.20 and then 11.36 and Maps 13 & 14, then the LTS of 11.1 to 11.7 and the Parking Study of 11.30 to 11.33, before setting out the other paras of the dPS proposals and Strategy, and then the Operational Roads policies of 11.43 onwards which may require re- ordering in terms of strategic importance. i.e. should TAM 1 on physical accessibility be first? THIS WILL BE A RE-ORDERING OF THE CHAPTER CONTENT, RATHER THAN NEW CONTENT.	
PC67	148/149	11.8 11.9	Slight re-ordering of page text required to create logical flow	Remove sentence 11.8 from p 149 and insert it immediately after the main heading <b>Main Transport Challenges for the City and District</b> at bottom of p 148.  Delete para 11.9 as it is a repetition of the first 2 bullet points at the bottom of p 148.	
PC69	1 5 4	11.34	To provide clarity on whether public transport services have been taken into account when allocating rural uses.	Insert underlined new text to amend the last sentence of para 11.34 to read: “In such areas, there is very limited public transport service, so the use of the private car is almost a practical....’	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC75	1 6 0	11.56	To clarify future use of referenced extant planning guidance.	Insert wording at the end of Para 11.56 ‘... Accessible Environment’ (as may be adopted / revised by the Council – see Chapter 38 on SPGs.)’	
PC78	165	11.74	To insert correct Map reference.	Remove reference to ‘Annex 1’ in first sentence of para 11.74 and replace with ‘Figure 15’	
PC84	171 (& p 153)	TAM 8 (Provision of Public & Private Car Parking) Paras 11.102 to 11.106	To re-order page text to create more logical flow..	Relocate paras 11.102 – 11.104 and insert after para 11.30 on p 153. Retain the ‘Park and Ride...’ heading, as a sub-heading (with a smaller font) within the J&A of TAM 4 (Car Parks), with 11.105 & 11.106 remaining here as J&A but re-numbered accordingly.	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC87	P 178- 179	TAM 10 (Design of Car Parking)	Standardise formatting to replicate LDP format consistency throughout.	Standardise use of sub-headings & font size on pages 178 – 179 .	
PC89	183	Para 12.4	Correct the typo of a line missing.	Amend the 2 <sup>nd</sup> sentence to read: ‘The Walled City is strategically located ‘where the Wild Atlantic Way meets the Causeway Coastal Route’, as noted in the Council’s Tourism Strategy.	
PC90	183 185 190	Para 12.4, map on p 185, para 12.21	To use the correct title ‘the International Appalachian Trail’.	In Para 12.4, map on p 185 and Para 12.21, change to ‘ <u>International</u> Appalachian Trail’	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC91	183	12.5	Clarify if there are to be 9 or 10 Tourism settlements.	Insert at start of 12.5: <u>Nine tourism settlements have been identified</u> – Tourism Hubs, Gateways and Historic Villages <u>that</u> are important...	
PC92	184	12.8	Update to name of body	On the 3 <sup>rd</sup> -4 <sup>th</sup> line, amend ‘... with regard to the <del>Future Search</del> <u>Sperrin Partnership</u> and the Sperrins Forum...’	
PC93	186	TOU 1 (Safeguarding of Tourism Assets)  Appendix 2  Para 12.11	Include the indicative list of Tourism Assets as referenced in the Tourism EVB within the J&A at para 12.12.	Add definitions to Appendix 2 - add a few lines of definition / examples of Tourism Assets and other terms, to ensure consistency with the J&A and in line with the Glossary of existing PPS 16 / SPPS and related to the definitions in the Tourism (NI) Order, where appropriate.  In Para 12.11, add wording to end of 1 <sup>st</sup> sentence ‘... to tourists – see Appendix 2 for definition / examples.’ Add note to EVB 12 appendix list, to clarify if necessary.	



**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC97	189	TOU 3 (Tourism Amenities in the Countryside)  Appendix 2  12.19	To standardise the text on TBS&SBS across all policies. Ensure list of Tourism Amenities in the District as set out in the EVB 12: Tourism Development complies with stated definition as used in J&A 12.19.  In point b), amend spelling typo of word 'location'	In TOU 3, move the middle paragraph to the bottom of this box and add words to its end '... Benefit Statement – see Appendix 2 for details.'  In the existing Appendix 2, add a few lines of definition / examples of Tourism Amenities and other terms, to ensure consistency with the J&A and in line with the Glossary of existing PPS 16 / SPPS and related to the definitions in the Tourism (NI) Order, where appropriate. In Para 12.19, add wording to end of 1 <sup>st</sup> sentence '... tourist accommodation – see Appendix 2 for definition / examples.' Add note to EVB 12 appendix list, to clarify if necessary.  amend spelling typo of word 'location' on the 5 <sup>th</sup> line	
PC98		TOU 4 (Hotels, Guest Houses, B&B's & Tourism Hostels in the Countryside)	To avoid potential confusion and achieve consistency of numbering, letters, etc.	Items (a & b) should be renumbered i & ii. <b>NB. 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.</b>	Note: This is detailed for clarity in Sch 2 Annex 2.

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC111	203		To correct typo.	MIN 2 second para, second line – typo: ‘considered’ should read “consider”.	
PC114	209	14.9	To clarify the named legislation.	At the end of bullet point 1Article 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.	
PC116	210	14.13	Amend text for clarification	Amend J&A text at start of para 14.13 to read as follows: ‘The Council is aware that our Scheduled Monuments (including the City Walls & Star Fort walls at Ebrington Barracks)...’	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC122	219	Para 16.4	Add wording to better reflect the position with strategic Housing land – as set out later in the chapter.	Insert wording on 3 <sup>rd</sup> line of para 16.4 ‘... on ‘brownfield’ <u>or vacant and under-developed</u> sites within the built-up area.’	
PC123	221	Para 16.10	Two minor points of clarification.	On the 1 <sup>st</sup> line, clarify the reference to ‘...Table 1 <u>of Appendix 5</u> provide...’ On the 5 <sup>th</sup> line, insert a word ‘... As part of the LDP Evidence Base, <u>initial</u> Settlement Appraisals have been undertaken...’	
PC142	2 4 5	Para 16.86	To amend a typo - Para 16.86 refers to Chapter 25 SPG Annex A. Should be Appendix 6 SPG on p 516.	Amend last sentence of 16.86 p 245 by removing reference to Chapter 25 Supplementary Planning Guidance PG Annex A and replacing (as underlined) with the following: ‘...and decisions will be informed by the guidance provided in Appendix 6 SPG of the LDP Plan Strategy.’	NOTE: This PC is in 2 parts. First in Schedule 1A and 2 <sup>nd</sup> part in this Schedule 1B

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC144	246	HOU 10 – Para 16.87	Rep considers proposed wording is outdated / misleading.	Remove all text from para 16.87 and append on to end of para 16.84.	
PC145	2 4 7	Para 16.95	To provide for a suggested Building on Tradition reference to be inserted into Rural Design para 16.95 p247.	Amend final sentence of para 16.95 to read: ‘...any relevant local design guidance, including Building on Tradition.’	NOTE: This PC is in 2 parts. First in Schedule 1B and 2 <sup>nd</sup> part in Schedule 1A
PC146	251 & 252	HOU 13 Para 16.104  16.106	To correct typos and provide policy clarity.  To correct typos and provide policy clarity.	Amend text in Para 16.104 as follows: Correct typo – 3 <sup>rd</sup> line to read: ‘...rented by at least one....’ Remove duplicated legislation reference in 4 <sup>th</sup> sentence to now read: ‘Over-concentration of HMOs has the potential to place pressure.....’ Insert new text into final sentence to read: ‘...potential to detract from the amenity and supply of existing traditional family homes...’  Amend text in Para 16.106 as follows.	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC150	265	HOU 20 (listed dwellings paragraph)	Correct typo.	Correct typo– Policy HE4 not BH 4.	
PC160	282	Para 17.18	Add text to require legal and maintenance agreements when replacement open space provision forms part of any scheme.	Add amended text to the end of J&A paragraph 17.18 to reflect the contents of PPS8 paragraph 5 - <i>‘where an exchange is acceptable in principle the Council will secure this through the use of planning conditions and/ or a s76 Planning Agreement. This will tie redevelopment to the provision of the new facility and ensure that this is capable of being maintained adequately through appropriate management agreements.’</i>	
PC161	282	Para 17.19	Explain that where playing fields in settlements are part redeveloped to retain and enhance the remaining facility, this will be set out in a legal agreement.	Add text from PPS 8 paragraph 5.10 to J&A paragraph 17.19 – <i>‘any grant of planning permission will normally be reliant on the applicant entering into a s76 agreement tying the financial gain arising from redevelopment to the retention and enhancement of the open space facility.’</i>	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC162	284	OS 2 Public Open Space in New Developments	Make it clearer that for smaller schemes, the listed criteria will be used to determine the need to provide public open space.	Policy OS 2 to be reworded as follows – <i>‘In smaller residential schemes, of less than 25 units, the need to provide public open space will be considered <del>on its individual merits</del>, bearing in mind the type of the development...’</i>	
PC169	306	UT3 Telecoms 19.24	To correct typo.	Correct typo ‘Statements to be submitted will need to... [and the final sentence should end] ... within such areas is a particularly important consideration.’ [This was a typo, with the sentence being unfinished.]	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC170	p310	EVB 20	<p>The Northern Ireland Waste Management Strategy (NIWMS) 2013 is outdated.</p> <p>Refer instead to The Waste Prevention Programme for NI - The Road to Zero Waste, 2014 in EVB. Include brief explanation on 'Circular' economy and 'Green' economy.</p>	<p>Insert at bottom of p310 a footnote defining 'circular economy':</p> <p>'A circular economy produces no waste or pollution and uses fewer resources and energy. It keeps products, parts and materials at their highest use and value at all times. It offers a sustainable alternative to our current linear economy -one where we make, use and then dispose of products, parts and materials. This means there is less cost to the environment, precious resources will be saved, and more jobs will be created. The dPS policies also support the concept of a 'green economy' which builds low carbon skills base through innovation and a focus on competitive strengths. It would 'do more with less', by setting targets, standards and regulations that encourage improvements in energy efficiency.</p> <p>Fossil fuels will be replaced by renewables with a particular focus on wind and hydrogen. It will also create a digitised energy system integrating renewable energy across heat, power and transport sectors. This would increase the security of energy supply.'</p>	
PC171	p316 & p318	WP 2 WP 3	<p>This typo was previously identified and corrected as an 'Erratum' in the dPS</p>	<p>On the 2<sup>nd</sup> line of Policy WP 2, replace 'MIN 1' with 'WP 1'</p> <p>On the 2<sup>nd</sup> line of Policy WP 3, replace 'MIN 1' with 'WP 1'</p>	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC174	310	Para 20.8	Rewording to reflect that there are no authorised landfill sites in the District.	Replace first sentence of paragraph 20.8 with the following text: 'There are no <u>current</u> landfill sites... within the District. EVB 20 lists existing waste management sites i.e. recycling centres and bring sites.'	
PC188	P 341	CD1	To provide a relevant cross reference to policy FLD 1 within policy CD 1 text	<p>Insert reference to FLD 1 in policy text box for policy CD 1 as underlined as follows: 'Development proposals must comply with NE 1 and <u>FLD 1</u> and should not have....'</p> <p>In addition, insert a new text reference ( as underlined) in the J&amp;A text at the end of the last sentence in para 22.13 p 343 to read as follows: '<u>Proposals must accord with Chapter 25 Development &amp; Flooding and policy FLD 1 P379.</u>'</p>	
PC202	359	HE 8 Unlisted Vernacular Buildings	Additional / amended wording to the policy and the J&A, as supplied by HED.	<p>Change Text, as per Annex 3, including changing the Policy title to: <b>HE 8 Conversion and Re-Use of Non-Designated Heritage Assets</b></p> <p>(Also put a cross-reference to HE 8, in the several other related policies named i.e. TOU 4, AGR 3 / ODC 4, HOU 20 &amp; HOU 21)</p>	Note: For clarity change is reflected in Sch 2 Annex 5



**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC205	364	Para 23.62 & Chapter 40 Monitoring & Review	To include suggested Monitoring Indicators.	Insert a new 2 <sup>nd</sup> sentence to Para 23.62: Monitoring Indicators may include: the number/type of demolitions, adverse consents, ‘exceptional circumstances’ and ‘regional’ proposals approved.  Also note / amend in Chapter 40 and the related Revised ‘Monitor & Review Technical Paper’.	
PC207	365	Introductory Paragraphs  24.1	To emphasise the positive and leading role the District is already in, regarding RE production.	Insert a new sentence at the end of Para 24.1: ‘Derry City and Strabane District Council has already embraced the potential and opportunities of these renewables resources, having approved many such developments across the District and supporting initiatives on low carbon, renewables innovation and energy efficiency e.g. through the NW Energy Strategy. Therefore, this is already considered to be a low-carbon District, which is at the forefront of Northern Ireland’s renewable energy production’.	
	365	24.2	To correct a minor typo	In Para 24.2, on the 5 <sup>th</sup> line, insert missing words: ‘...generating approximately 27% <u>of the</u> <u>total</u> across Northern Ireland...’	
	366	24.5	To reference recent energy document	In Para 24.5, on the 2nd line, insert words: ‘...Plan and the NW Regional Energy Strategy, ...’	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC224	376	Paragraph 25.2	Delete erroneous reference to DfI Rivers	Delete the word “Rivers” from final sentence.	
PC230	p389	Paragraph 25.56	Update figures as per NI Flood Risk Assessment 2018	Amend text: ‘approximately <u>24,500</u> or <u>3%</u> of the properties in Northern Ireland are sited in areas that are shown to be 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...’	
PC243	p401	Para 26.9	Provide cross reference to Historic Environment chapter.	Insert on the 4 <sup>th</sup> line of 26.9, after ‘... Conservation Areas and AVCs / ATCs but ordinary ...’ At the end of 26.9, insert ‘(See also Chapter 23: Historic Environment.)’	

**SCHEDULE 1B – Derry City & Strabane District Council Direction – Proposed changes not addressed by Commissioner at IE (Addendum to PS) (leftovers)**

PC248	456	New para 34.8	Informative to encourage social clauses as Community Benefits.	Insert new paragraph 34.8: “The Council encourages the use of social clauses (subject to compliance with laws on fair employment, anti- discrimination, procurement, etc.) as a Community Benefit of developments permitted in this District. Therefore, in issuing planning permissions, for all but householder or other small-scale developments, each planning permission will include an Informative to encourage, during construction and ongoing operation where applicable, of social clauses to help local employment, businesses, purchasing, the community, training, etc. The exact wording will be in line with the wider policy / practices of the Council, Community Plan, Department of Finance guidance and subject to legal advice. This will be done at the time of issuing and will not be a material Planning consideration in determining the planning application”.	
PC250	472	40.8	Monitoring Criteria and Review table in EVB to be reviewed.	No change to dPS. The Monitoring Framework Technical Paper, with its indicators, targets and triggers, will be reviewed.	

**Schedule 2– Derry City & Strabane District Council – Departmental MODs (all new MODs, All FCs, any altered Commissioner RAs)**

<b>Dfl MOD number</b>	<b>RA Number</b>	<b>Council's Amendment Number</b>	<b>Page Number</b>	<b>Paragraph Number</b>	<b>Recommended Amendment/Corresponding Text</b>	<b>Dfl Modifications</b>
<b>MOD 01</b>	RA 01		45	Objectives (a) (ii) and (iii)	Add 'residential uses' to the list of identified land uses	<b>Dfl directs the Council to modify objective (a)(ii) and (iii), page 45 of the dPS, in accordance with this PAC Recommended Amendment.</b>
<b>MOD 02</b>	RA 02	PC 08 (FC 07A)	47	Objective d (i)	Amend wording to Objective d (i) line 4, to '...more tree cover (in the correct locations and of an appropriate type)	<b>Dfl directs the Council to modify objective (d)(i), page 47 of the dPS, in accordance with this PAC Recommended Amendment.</b>  <b>Note – This MOD is connected to changes made under RA18 (PC8) in Sch 1A</b>
<b>MOD 03</b>	RA 03	PC 09	52	Table 6	Change the heading of table to 'Table 6: Overall Growth Strategy for District following LDP POP Stage'	<b>Dfl directs the Council to modify Table 6, page 52 of the dPS, in accordance with this PAC Recommended Amendment.</b>

**Schedule 2– Derry City & Strabane District Council – Departmental MODs (all new MODs, All FCs, any altered Commissioner RAs)**

<b>MOD 04</b>	RA 04	FC 08	52	Para 5.7	Amend the preceding introductory paragraph as follows: 'In the POP, three 'Growth Strategy' Options were identified regarding the scale of target growth for the Council's District to 2032. That Growth Strategy focused on three key aspects, namely population, jobs and houses; similar options are summarised in the table below and explained in the following text:'	<b>DfI directs the Council to modify paragraph 5.7, page 52 and paragraph 5.15, page 54 of the dPS in accordance with this PAC Recommended Amendment.</b>
		PC10	54	Para 5.15	At the end of bullet point 3, insert sentence 'Additionally, to have a sustainable and secure energy infrastructure to meet the needs of the District and Region'	
<b>MOD 05</b>		FC 09	63	Para 6.14	Amend the 2nd & 3rd sentences of para 6.14 to read as follows: 'The Council will explore opportunities to demonstrate / test climate change / adaptation processes, but any new form of settlement would be of modest scale and most-probably based upon an existing cluster or settlement – if / when it is developed over the life of this LDP or possibly after 2032. Any such development would respect and enhance sustainable development patterns within existing settlements, be an 'exceptional case', considered on its individual merits and it would need to fit in the appropriate tier within the LDP's settlement hierarchy.'	<b>DfI directs the Council to modify paragraph 6.14, page 63 of the dPS as follows:</b> 'The Council will explore opportunities to demonstrate / test climate change / adaptation processes, but any new form of settlement would be of modest scale and most-probably based upon an existing cluster or settlement – if / when it is developed over the life of this LDP or possibly after 2032. Any such development would respect and enhance sustainable development patterns within existing settlements, be an 'exceptional case', considered on its individual merits and it would need to fit in the appropriate tier within the LDP's settlement hierarchy.'
			88	Para 7.50,	RELATED CHANGES elsewhere Amend para	

**Schedule 2– Derry City & Strabane District Council – Departmental MODs (all new MODs, All FCs, any altered Commissioner RAs)**

			90	measure iii  Paras 7.53 & 7.57	<p>7.50 measure iii as follows: ‘iii considering the feasibility of a pilot ‘form of resilient settlement’ project at LPP stage to promote sustainable, climate resilient settlement form; and’</p> <p>Amend para 7.53, 3rd line to ...‘resilient form of settlement’... Amend para 7.57, 3rd sentence to: This ‘resilient form of development’, subject to the feasibility study, would be an exceptional case and would need to fit in the appropriate tier normally be expected to lie within an existing settlement and respect and enhance sustainable development patterns, within the LDP’s settlement hierarchy. Refer also to Chapter 6 of the LDP Spatial Strategy, Para 6.14</p>	<p><b>paragraph 7.50, measure iii, page 88 of the dPS as follows:</b> ‘iii considering the feasibility of a pilot ‘form of resilient settlement’ project at LPP stage to promote sustainable, climate resilient settlement form; and’</p> <p><b>Dfl also directs the Council to modify paragraph 7.53, 3<sup>rd</sup> line, page 90 of the dPS as follows:</b> ...‘resilient form of settlement’...</p> <p><b>Furthermore, Dfl directs the Council to modify paragraph 7.57, 3<sup>rd</sup> sentence, page 90 of the dPS as follows:</b> This ‘resilient form of development’, subject to the feasibility study, would be an exceptional case and would need to fit in the appropriate tier normally be expected to lie within an existing settlement and respect and enhance sustainable development patterns, within the LDP’s settlement hierarchy. Refer also to Chapter 6 of the LDP Spatial Strategy, Para 6.14.</p> <p><b>Note – Please refer to Schedule 2 Annex 7</b></p>
<b>MOD 06</b>	RA 05	PC 11	64	Para 6.18	<p>Amend the first two sentences as follows: ‘Local Landscape Policy Areas (LLPAs) will be identified and defined at LPP Stage. These consist of known features and areas of greatest amenity value, landscape quality or local significance, in terms of natural and</p>	<p><b>Dfl directs the Council to modify paragraph 6.18, page 64 of the dPS in accordance with this PAC Recommended Amendment. For clarity this should read:</b> ‘Local Landscape Policy Areas (LLPAs) will be identified and defined at LPP Stage. These</p>

**Schedule 2– Derry City & Strabane District Council – Departmental MODs (all new MODs, All FCs, any altered Commissioner RAs)**

		FC10			<p>historic environment, within or close to settlements. New LLPAS identified at LPP stage will replace...’</p> <p>Amend the second last sentence, as follows: ‘Areas of Townscape / Village Character (ATCs / AVCs) may also be defined, to protect areas of quality built-form and layout, as well as natural features (see Policy HE 6)’.</p>	<p>consist of known features and areas of greatest amenity value, landscape quality or local significance, in terms of natural and historic environment, within or close to settlements. New LLPAS identified at LPP stage will replace the existing AoLNCAI in the current DAP, as well as those LLPAs subsequently identified and included as part of settlement analysis in the forthcoming LPP (see Policy NE 8). Areas of Townscape / Village Character (ATCs / AVCs) may also be defined, to protect areas of quality built-form and layout, as well as natural features (see Policy HE 6). Arising from the detailed Settlement Appraisals at LPP stage, other policy areas and accompanying local policy may also be required.’</p>
<b>MOD 07</b>	RA 06	FC 10A	65	Designation AHLI 1	<p>Insert the word ‘adversely’ at the start of the 4<sup>th</sup> line, to read:</p> <p>‘The LDP PS also designates Areas of High Landscape Importance (AHLIs). AHLIs will cover key coastal, river valley and settlement settings in our District (See PS Proposals Map 2). Proposals that would adversely affect or adversely change either the quality or character of the landscape within the AHLIs will not normally be permitted (see Policy NE 7)’.</p>	<p><b>DfI directs the Council to modify Designation AHLI 1, page 65 of the dPS in accordance with this PAC Recommended Amendment.</b></p>

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<b>MOD 08</b>		FC 11	72	Para 6.46	Amend the first sentence of para 6.46, as follows: 'Like Derry City, it is expected that the supply of housing and growth in Strabane Town during the plan LDP period will be substantially...'	<b>DfI directs the Council to modify paragraph 6.46, page 72 of the dPS as follows:</b> 'Like Derry City, it is expected that the supply of housing and growth in Strabane Town during the plan LDP period will be substantially...'  <b>Note</b> – This is reflective of FC11 as listed in the Council's document MA007 October 2023.
<b>MOD 09</b>			73	Para 7.4		<b>DfI directs the Council to modify paragraph 7.4, page 73 of the dPS as follows:</b> 'This chapter sets out those key development principles GDP 1 to GDP 8. These are not formal planning policies against which proposals will be assessed but rather underlying criteria which all development requiring Planning permission will seek to achieve. General policy is formally set out at GDPOL 1 & GDPOL 2 providing requirements that relevant development proposals should meet in order to secure planning permission. This chapter also gives further detail on how these principles will be implemented.'  <b>Note</b> – This is connected to MOD 13 & 17 (FC15 & FC17) set out below
<b>MOD 10</b>	RA11	PC 19	74	GDP 1	Amend part iv of GDP 1 to read 'development to work with natural environmental processes to prevent the loss of biodiversity...'	<b>DfI directs the Council to modify Principle GDP 1, part iv, page 74 of the dPS in accordance with this Recommended Amendment.</b>



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<b>MOD 11</b>	RA 12	FC 14	77	GDP 2	Amend the start of part x, to the following: 'working with natural environmental processes through promoting green infrastructure, including enhanced tree-planting, the use of ...'	<b>DfI directs the Council to modify Principle GDP 2, part x, page 77 of the dPS in accordance with this PAC Recommended Amendment. For clarity this should read:</b>  'working with natural environmental processes through promoting green infrastructure, including enhanced tree-planting and the use of Sustainable Drainage Systems (refer to Chapter 25: Development and Flooding Annexes contained within Appendix 4)'
<b>MOD 12</b>	RA13	PC 19	77	GDP 2	Amend part x of GDP2 to add the phrase 'incorporating biodiversity net gain' after the text in brackets	<b>DfI directs the Council to modify Principle GDP 2, part x, page 77 of the dPS in accordance with this PAC Recommended Amendment.</b>
<b>MOD 13</b>		FC 15	77	Para 7.16	Update the reference to the now-published document. Amend the final sentence, as follows: The Council <del>is currently developing</del> has prepared a Climate Change Adaptation Plan and this may...	<b>DfI directs the Council to modify paragraph 7.16 page 77 of the dPS as follows:</b> 'The Council has prepared a Climate Change Adaptation Plan and this may...'  <b>Note</b> – This is reflective of FC15 as listed in the Council's document MA007 October 2023.
<b>MOD 14</b>	RA 14		82	GDP 4 (iii)	Insert at the end of the 1 <sup>st</sup> sentence 'and they are environmentally sensitive'.	<b>DfI directs the Council to modify Principle GDP 4 (iii), page 82 of the dPS in accordance with this PAC Recommended Amendment.</b>
<b>MOD 15</b>	RA15	PC 19	85	GDP 6	In GDP 6 alter the final paragraph, 1st line, to read 'Development proposals are required to incorporate biodiversity net gain and to be sensitive to all protected species...'	<b>DfI directs the Council to modify Principle GDP 6, page 85 of the dPS in accordance with this PAC Recommended Amendment.</b>

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<b>MOD 16</b>		FC 16	85-86	Para 7.44	<p>Amend para 7.44 to the following:</p> <p>7.44 The SPPS sets out strong regional policies for developments in relation to the protection of the natural environment. Development proposals will be assessed against the detailed planning policy contained in Chapter 21: Natural Environment.</p>	<p><b>Dfl directs the Council to modify paragraph 7.44, page 85 of the dPS as follows:</b></p> <p>‘7.44 The SPPS sets out strong regional policies for developments in relation to the protection of the natural environment. Development proposals will be assessed against the detailed planning policy contained in Chapter 21: Natural Environment.’</p> <p><b>Note</b> – This is reflective of FC16 as listed in the Council’s document MA007 October 2023.</p>
<b>MOD 17</b>		FC 17	89	Para 7.51	<p>To further clarify the distinction between the GDPs and subsequent ‘policies’. See also the related Changes PC 14, FC 12, PC 25 and PC 26</p> <p>Insert New Paragraph after para.7.51 explaining: ‘For the avoidance of doubt, please note that the General Development Principles GDP 1 to GDP 8 are not formal planning policies against which development will be judged but they are the principles that underpin the policies in subsequent sections.’</p>	<p><b>Dfl directs the Council to insert a new paragraph after paragraph 7.51, page 89 as follows:</b></p> <p>‘For the avoidance of doubt, please note that the General Development Principles GDP 1 to GDP 8 are not formal planning policies against which development will be judged but they are the principles that underpin the policies in subsequent sections.’</p> <p><b>Note</b> – This is reflective of FC17 as listed in the Council’s document MA007 October 2023.</p>
<b>MOD 18</b>		FC 12	88-108	General Development Principles	<p>General Development Principles &amp; Policies</p> <p>Altered presentation of GDPs, to distinguish these ‘Principles’ from ‘Policies’.</p> <p>Change GDP ‘principles’ boxes to single textboxes, light blue with black text.</p>	<p><b>Dfl directs the Council to modify the presentation of the General Development Principles boxes and J&amp;A text titles, pages 88-108 of the dPS as follows:</b></p> <p>Change GDP ‘principles’ boxes to single textboxes, light blue with black text.</p>

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					Change 'Justification & Amplification' titles to 'Rationale' to demonstrate a difference from 'policy' boxes. See also the related Changes PC 14, PC 25, PC 26 and FC 17	Change titles to 'Rationale' to demonstrate a difference from 'policy' boxes.  Note – This is reflective of FC12 as listed in the Council's document MA007 October 2023.
<b>MOD 19</b>	RA 22	PC 30	93	GDPOL 1	Add a new part xii: 'the development does not have a significant adverse impact on human health and wellbeing, and preferably that it enhances it.'  Insert a new point xiii of GDPOL 1 to read: 'there will be no significant adverse impact on human health or the environment by increasing the likelihood of a major accident or significantly increasing the consequences of such accidents (see also Chapter 33)'.	<b>DfI directs the Council to modify Policy GDPOL 1, page 94 and paragraph 7.116, page 103 of the dPS in accordance with this PAC Recommended Amendment.</b>
			103	Para7.116	Add text to paragraph 7.116 of General Development Principles & Policies: 'applicants should follow the guidance and Practice Note by DAERA Regulation Unit, Land & Groundwater Team (see DAERA website).'	<b>NOTE:</b> To clarify, paragraph 7.116 should be inserted at the end of this paragraph.
<b>MOD 20</b>		FC 18 PC32	97	Para 7.86 & 7.87	To provide an update on named document. As at mid-2023, the CASNI is still at Discussion stage.  Amend line 1-2 of Para 7.86: <del>'an Air Quality Clean Air Strategy for Northern Ireland (AQCASNI).... It is anticipated that the strategy will be published for consultation in the latter half of 2019-2020. Delete the final</del>	<b>DfI directs the Council to modify paragraph 7.86 page 97 of the dPS as follows:</b> 'Central government has been preparing a Clean Air Strategy for Northern Ireland (CASNI) which will explore air pollution by sector.'"  <b>DfI also directs the Council to insert a new final sentence into paragraph 7.87 page 97</b>

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					<p>sentence of this paragraph, as it is out of date.</p> <p>At the end of Para 7.87, insert new sentence: 'In 2020, Derry City and Strabane District Council adopted an Air Quality motion, by which its Departments will seek to work to phase out fossil fuel heating and stoves in new developments in the District.'</p>	<p><b>of the dPS as follows:</b></p> <p>'In 2020, Derry City and Strabane District Council adopted an Air Quality motion, by which its Departments will seek to work to phase out fossil fuel heating and stoves in new developments in the District.'</p> <p><b>Note</b> – This is reflective of FC18 as listed in the Council's document MA007 October 2023.</p>
<b>MOD 21</b>		FC 19	109		Delete Paragraph 8.5.	<p><b>DfI directs the Council to delete paragraph 8.5, page 109 of the dPS in accordance with this Recommended Amendment.</b></p> <p><b>Note</b> – This is reflective of FC19 as listed in the Council's document MA007 October 2023.</p>
<b>MOD 22</b>	RA 24	FC 21	114-117	Tier 1 – Tier 5 Designation boxes	Remove the 'Relevant Planning Policies' from each of the Designation boxes.	<b>DfI directs the Council to modify Tier 1 – Tier 5 Designation boxes, pages 114 - 117 of the dPS in accordance with this PAC Recommended Amendment.</b>
<b>MOD 23</b>		FC 22	120	Para 9.21	For clarification, the Class B uses refers to those Part B Industrial & Business Uses as set out in the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.	<p><b>DfI directs the Council to modify paragraph 9.21 of page 120 of the dPS, as follows:</b></p> <p>'For clarification, the Class B uses refers to those Part B Industrial &amp; Business Uses as set out in the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.'</p> <p><b>Note</b> – This is reflective of FC22 as listed in the Council's document MA007 October 2023.</p>

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<b>MOD 24</b>	RA27	PC 41C FC 21	117	NEDA Designation Box	<p>In the 1st column, insert the sub-title ‘Relevant Planning Policies’, the same as for all the other boxes.</p> <p>At the end of the main paragraph, insert ‘...section of the city. Strategically, it should be located on the mid-outer area of the Buncrana Road, with its scale and nature and boundary to be decided at the LDP Local Policies Plan stage, taking account of the existing ED land supply in the area and adequate to meet local-specific and accessible-employment requirements.’ Also, strengthen EVB 9 re this NEDA.</p>	<p><b>DfI directs the Council to modify the NEDA designation box, by inserting the following text after ‘...section of the city.’</b></p> <p>“Strategically, it should be located on the mid-outer area of the Buncrana Road, with its scale and nature and boundary to be decided at the LDP Local Policies Plan stage, taking account of the existing ED land supply in the area and adequate to meet local-specific and accessible-employment requirements.”</p>
<b>MOD 25</b>	RA 33	PC 49  FC 23	121  121	ED 3  ED 3   Para 9.23	<p>In ED 3, in sub-heading on the 5<sup>th</sup> line of page 121, insert an ‘s’ to end of ‘... Settlements’</p> <p>In ED 3, under (b) Villages and Small Settlements, amend the end of criteria (i) as follows: ‘(i) the land is identified as a Land Use Policy Area (LUPA) for economic development use. An exemption will apply to allow economic development in smaller settlements with no relevant LUPA, provided it complies with (ii) and (iii) below’.</p> <p>Insert wording at end of Para 9.23:  ‘Consistent with Policy ED 2, if proposals for B1c (R&amp;D) or B2 (Light) or even B3 (General) or B4 (S&amp;D) are small to medium-scale, clean, compatible, etc., they are expected to</p>	<p><b>DfI directs the Council to modify Policy ED 3 and J&amp;A para 9.23, page 121 of the dPS in accordance with PAC amendment.</b></p>

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					locate in the city / town centres firstly, then edge-of- centres, or otherwise they can locate in an ED 3 area. These will be dealt with on a case-by-case basis and mindful of any potential unintended consequences from incompatible uses.'	
<b>MOD 26</b>	RA 34	PC 50 FC 24	122	ED 4	<p>Replace the opening paragraph of Policy ED 4, to read as follows:</p> <p><b>'Zoned Land in all Locations</b> Development that would result in the loss of land or buildings zoned for economic development use in the LDP to other uses will not be permitted except:</p> <p>(a) where an essential need has been demonstrated and the proposed use is a small scale, complementary / ancillary use that meets the day-to-day needs of local employees or</p> <p>(b) where an essential need has been demonstrated, for development of a compatible sui generis employment use</p> <p>that is of a scale, nature and form appropriate to the location.</p> <p>In the case of proposals under either (a) or</p>	<b>DfI directs the Council to modify Policy ED 4, page 122 and paragraph 9.30, page 123 of the dPS, in accordance with this PAC Recommended Amendment.</b>

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				<p>(b), it must also be demonstrated that the approval of the proposal would not lead to a significant diminution of economic development / employment land either in the locality or in the District generally.'</p> <p>Within ED 4, within the section '<b>Unzoned Land in Settlements</b>', amend part (h) as follows:</p> <p>'(h) where an essential need has been demonstrated, it is a small scale complementary / ancillary use that meets the day-to-day needs of local employees'.</p> <p>Amend the opening of J&amp;A paragraph 9.30 to read as follows: 'Exceptionally, a small-scale complementary / ancillary use ...'</p> <p>Para 9.30</p> <p>At the end of 9.30, insert: 'Particular care is needed to avoid soft play areas, jump zones, care settings, etc. that can attract the public and vulnerable users such as children, those with disabilities, parent drop-offs, etc. that are incompatible with an Economic Development area. Therefore, to maintain the integrity of these areas, such non-compatible uses will only be approved in exceptional circumstances, where it can be clearly demonstrated that it is ancillary to the main use and would primarily meet the needs of the immediately nearby employees.'</p>	
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<b>MOD 27</b>	RA35	FC25	124	ED5	<p>Within Policy Box ED 5, amend the four categories as follows:</p> <p>(a) development of a small rural community enterprise / centre, that needs to be located outside of a village or small settlement where the use will be associated with the settlement. Where practicable, an appropriate edge-of-settlement location will be favoured; or</p> <p>(b) small-scale Class B2, B3 or B4 business use / building adjacent to the main dwelling of business owner, provided they are of appropriate nature and design and meet other normal Planning and Environmental requirements; or</p> <p>(c) re-development of an established economic development use or re-use of existing or redundant non- residential rural buildings, provided they meet the requirements set out in Paragraph 9.37 below; or</p> <p>(d) homeworking, provided they meet the requirements set out in Paragraph 9.38 below.</p>	<p><b>DfI directs the Council to modify the four categories within Policy ED 5, page 124 and accompanying J&amp;A. For clarity this should read as follows:</b></p> <p>(a) development of a small rural community enterprise / centre, that needs to be located outside of a village or small settlement where the use will be associated with the settlement. Where practicable, an appropriate edge-of-settlement location will be favoured; or</p> <p>(b) small-scale Class B2, B3 or B4 business use / building adjacent to the main dwelling of business owner, provided they are of appropriate nature and design and meet other normal Planning and Environmental requirements; or</p> <p>(c) re-development of an established economic development use or re-use of existing or redundant non- residential rural buildings, provided they meet the requirements set out in Paragraph 9.37 below; or</p> <p>(d) homeworking, provided they meet the requirements set out in Paragraph 9.38 below.</p>
		PC52	124	ED5	<p>Within ED 5, on the 1<sup>st</sup> line of the final paragraph, replace a word: ‘Proposals for Category b development ...’</p>	<p>On the 1<sup>st</sup> line of the final paragraph, replace the word Criteria with the word Category to read: ‘Proposals for Category b development..’</p>
			124-125	Paras 9.33-	Amend the J&A paragraphs:	<b>Amend the J&amp;A paragraphs:</b>



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				9.38	<p>‘9.33 In the interests of rural amenity and wider sustainability objectives, the extent of new buildings outside of settlement limits will be controlled and the sympathetic extension or re-use of existing buildings will be preferred. However, in some circumstances, it may be possible to justify a small-scale new build economic development use outside of a development limit, particularly where there is no suitable site within the settlement. Applicants will be required to demonstrate that they meet normal planning and other environmental considerations as set out in other chapters of this LDP.</p> <p>9.34 The guiding principle for policies and proposals for economic development in the countryside is to provide opportunities likely to benefit and sustain the rural community, while protecting or enhancing the character of the rural area. A number of economic development opportunities exist for small-scale economic development, home-working, appropriate re-development and re- use of rural buildings for a range of appropriate uses.</p> <p>9.35 Proposals to be assessed against Category a) should demonstrate that they would benefit the local economy or contribute to community regeneration, that there is no suitable site within the</p>	<p>‘9.33 In the interests of rural amenity and wider sustainability objectives, the extent of new buildings outside of settlement limits will be controlled and the sympathetic extension or re-use of existing buildings will be preferred. However, in some circumstances, it may be possible to justify a small-scale new build economic development use outside of a development limit, particularly where there is no suitable site within the settlement. Applicants will be required to demonstrate that they meet normal planning and other environmental considerations as set out in other chapters of this LDP.</p> <p>Para 9.34 The guiding principle for policies and proposals for economic development in the countryside is to provide opportunities likely to benefit and sustain the rural community, while protecting or enhancing the character of the rural area. A number of economic development opportunities exist for small-scale economic development, home-working, appropriate re-development and re- use of rural buildings for a range of appropriate uses</p> <p>Para 9.35 Proposals to be assessed against Category a) should demonstrate that they would benefit the local economy or contribute to community regeneration, that there is no suitable site within the</p>
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				<p>settlement and that the development is clearly associated with the settlement, but will not dominate it, adversely affect landscape setting or otherwise contribute to urban sprawl. In assessing the acceptability of sites, preference will be given to sites in the following order:</p> <p>(1) land adjacent to the existing settlement limit, subject to amenity and environmental considerations;</p> <p>(2) a site close to the settlement limit which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment; and</p> <p>(3) an undeveloped site in close proximity to the settlement where the development could be visually integrated into the landscape.</p> <p>Storage or distribution uses will only be permitted where these are clearly ancillary to a proposal for a community enterprise park/centre or an economic development use.</p> <p>9.36 Category b) is intended to... [paragraph unchanged] other than to insert the following 3 words mid- paragraph: 'Proposals are expected to comply with the</p>	<p>settlement and that the development is clearly associated with the settlement, but will not dominate it, adversely affect landscape setting or otherwise contribute to urban sprawl. In assessing the acceptability of sites, preference will be given to sites in the following order:</p> <p>1) land adjacent to the existing settlement limit, subject to amenity and environmental considerations;</p> <p>2) a site close to the settlement limit which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment; and</p> <p>3) an undeveloped site in close proximity to the settlement where the development could be visually integrated into the landscape.</p> <p>Storage or distribution uses will only be permitted where these are clearly ancillary to a proposal for a community enterprise park/centre or an economic development use.</p> <p>9.36 Category b) is intended to support small scale rural business start-ups, who may grow and move to a nearby settlement, or essential services such as a mechanics, that can sustain</p>
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					design and location requirements...'	a local rural community. In relation to criteria b, proposals will be granted where they are of a nature and scale appropriate to their immediate siting and should respect the scale, design and materials of the original building(s) on the site. Proposals should not impact on the amenity of the residential use. Proposals should demonstrate adequate provision for parking and servicing for the proposed use. Council will expect the highest standard of landscaping and boundary treatment to ensure there is adequate screening and that proposals do not detrimentally impact on the rural character. <u>Proposals are expected to comply with the design and location requirements</u> of Policies CY 1 & 2 of Chapter 32. Policy GB 1 sets out that development will be strictly managed in Green Belts 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. Therefore proposals which propose new build, significant intensification of the use or increase of footprint of the existing use will be not normally be approved under ED 5.
		FC20			9.37 Opportunities may also exist for proposals under Category c) relating to the re-development of an existing site or the conversion or re- use of existing buildings for certain industry and business uses. Applicants should demonstrate that the scale and nature of the proposal does not harm	9.37 Opportunities may also exist for proposals under Category c) relating to the re-development of an existing site or the conversion or re- use of existing buildings for certain industry and business uses. Applicants should demonstrate that the scale and nature of the proposal does not harm the rural

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		FC26			<p>the rural character or appearance of the local area and there is only a limited increase in the site area. There should be environmental benefits as a result of the redevelopment and the redevelopment scheme should deal comprehensively with the full extent of the existing site The overall visual impact of replacement buildings should not be significantly greater than that of the buildings to be replaced. The redevelopment of an established storage or distribution site for continuing storage or distribution use will also be permitted subject to the above criteria. However, the redevelopment of an established industrial or business site for storage or distribution purposes will only be permitted in exceptional circumstances. Proposals involving the conversion or re- use of listed or unlisted vernacular buildings or other historic buildings of local importance must also meet the requirements of Policies HE 4 and HE 8.</p> <p>9.38 Homeworking does not necessarily require planning permission. Permission is not normally required where the use of part of a dwelling house for business purposes does not change the overall scale, nature and character of the property's use as a single dwelling. Assessment of whether a material of change of use has taken place is matter of fact and degree. Those considering</p>	<p>character or appearance of the local area and there is only a limited increase in the site area. There should be environmental benefits as a result of the redevelopment and the redevelopment scheme should deal comprehensively with the full extent of the existing site The overall visual impact of replacement buildings should not be significantly greater than that of the buildings to be replaced. The redevelopment of an established storage or distribution site for continuing storage or distribution use will also be permitted subject to the above criteria. However, the redevelopment of an established industrial or business site for storage or distribution purposes will only be permitted in exceptional circumstances. Proposals involving the conversion or re- use of listed or unlisted vernacular buildings or other historic buildings of local importance must also meet the requirements of Policies HE 4 and HE 8.</p> <p>Homeworking does not necessarily require planning permission. Permission is not normally required where the use of part of a dwelling house for business purposes does not change the overall scale, nature and character of the property's use as a single dwelling. Assessment of whether a material of change of use has taken place is matter of fact and degree. Those considering working</p>
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					<p>working from home are advised to seek the advice of the Council at an early stage. Homeworking businesses that do require planning permission, under category d), will be assessed on an individual basis, they should be of an appropriate scale and nature for its location and meet the requirements for amenity, transport and other relevant policies in the LDP.'</p>	<p>from home are advised to seek the advice of the Council at an early stage. Homeworking businesses that do require planning permission, under category d), will be assessed on an individual basis, they should be of an appropriate scale and nature for its location and meet the requirements for amenity, transport and other relevant policies in the LDP.</p> <p><b>Note:</b> FC 20 refer to other numerous locations, Council should amend where necessary under MOD 113.</p>
<b>MOD 28</b>	RA36	PC 55 FC 27	131	RP 1	<p>Amend last policy sentence in first paragraph of RP 1 to read: 'DCSDC will require proposals for other main town centre uses to be considered sequentially in the following order of appropriate preference as applicable to the specific nature of the proposal and the centre(s) in question:</p>	<p><b>Dfl directs the Council to modify the last sentence of the first paragraph of Policy RP 1, page 131 of the dPS in accordance with this PAC Recommended Amendment.</b></p> <p><b>Furthermore, Dfl directs the Council to take forward further changes in Schedule 2, Annex 1 of this direction.</b></p>
<b>MOD 29</b>	RA 37	PC 56	132	Para 10.17	<p>Replace 2<sup>nd</sup> sentence in para 10.17 with the following: 'In line with SPPS para 6.287, to be considered as edge-of- centre, a site should either be adjacent or clearly associated with that boundary of that centre, taking account of physical or perceived barriers, with the proximity being proportionate to the scale of that settlement and the centre in question e.g. in a Derry City Centre context, 300 metres from the City Centre boundary could be reasonable, whereas for Strabane or a local Town Centre, it would be less. For</p>	<p><b>Dfl directs the Council to modify paragraph 10.17, page 132 of the dPS as follows:</b></p> <p>Replace 2<sup>nd</sup> sentence in para 10.17 with the following: 'In line with SPPS para 6.287, to be considered as edge-of- centre, a site should either be adjacent or clearly associated with that boundary of that centre, taking account of physical or perceived barriers, with the proximity being proportionate to the scale of that settlement and the centre in question e.g. in a Derry City Centre context, 300</p>

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					District or Local contexts, it would need to be immediately adjacent.'	metres from the City Centre boundary could be reasonable, whereas for Strabane or a local Town Centre, it would be less. For District or Local centre contexts, it would need to be immediately adjacent'
MOD 30	RA 42		137-139	RP 6 Criterion 2	Amend to read: 'That the proposal makes a positive contribution to meeting the day-to-day needs and be of a design appropriate to the village or small settlement'.	<b>Dfl directs the Council to modify Policy RP 6, criterion 2 and paragraph 10.35, page 137 of the dPS, in accordance with this PAC Recommended Amendment.</b>
			FC 28	Para 10.35	Amend to read as follows: This policy applies to villages and small settlements within the District, that do not have a defined Town Centre. It will ensure that rural areas have sustainable facilities, which will meet the day-to-day needs of the population and also serve as focal points in the community.	
			FC 29	RP 7	Within RP 7, in the second section headed 'Fuel Filling Stations in the Countryside', at the end of the first line, delete the word 'needs'	
			FC 30	Para 10.40	In the second line of para 10.40, delete the first occurrence of the phrase 'a main traffic	
						<b>Furthermore, Dfl directs the Council to Modify Policy RP7 and the second line of Paragraph 10.40, as follows:</b>  <b>Fuel Filling Stations in the Countryside</b>  Proposals for fuel filling stations outside of settlement development limits will only be allowed where there is a clear indication of need and that satisfactory access arrangements can be achieved.  <b>Para 10.40:</b> In normal circumstances, it is considered reasonable to expect a driver to

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					route network along'	drive at least 12 miles along the main traffic route network before reaching a fuel filling station or service centre.  <b>Note</b> – This is reflective of FC29 and FC30 as listed in the Council's document MA007 October 2023.
<b>MOD 31</b>	RA 43	PC54  141  FC 31	131  (&Para 10.18 and in RP9) 141	HC1  RP 9	Rename Designation HC 1 (p 131) as 'Designation NC 1: Proposed Network of Centres'  (Change the same reference in Para 10.18 and in Policy RP 9 criterion 2)  Within RP 9, in criterion 2), change the last line to: 'can be ruled out as unsuitable, unavailable or unviable'.	<b>Dfl directs the Council to modify the title of Designation HC1, page 131, paragraph 10.18, page 133 and Policy RP 9 criterion 2, page 141 of the dPS, in accordance with this PAC Recommended Amendment.</b>  <b>Dfl also directs the council to further amend the last line of Policy RP 9, criterion 2, page 141 of the dPS, in accordance with this PAC Recommended Amendment. For clarity this criterion should read:</b> 'All potential sites, either within or on the edge of an identified centre (see Designation NC 1: Proposed Network of Centres), have been assessed and can be ruled out as unsuitable, unavailable or unviable'
<b>MOD 32</b>	RA 44		141	RP 9	Amend to read: '...will need to be accompanied by a retail impact assessment and an assessment of need. This includes applications for an extension/s which would result in the overall development exceeding 1,000sqm gross external area'.	<b>Dfl directs the Council to modify Policy RP 9, page 141 of the dPS, in accordance with this PAC Recommended Amendment.</b>  <b>For clarity, the paragraph below criterion 4 should read:</b> Proposals that have a retail floor-space of 1,000sqm gross and above and which are not proposed in a town centre*, will need to be

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						<p>accompanied by a retail impact assessment and an assessment of need. This includes applications for an extension/s which would result in the overall development exceeding 1,000sqm gross external area. The Council may request a retail impact assessment and an assessment of need for development below the 1,000sqm threshold, taking into account local circumstances such as the size, role and function of nearby centres.</p>
<b>MOD 33</b>	RA 45	FC 32	141-142	RP 9 & Para 10.48	<p>Move the last 5 lines of Para 10.48, starting with 'Town centre*...', and insert them at the bottom of the RP 9 policy box.</p> <p>Within Para 10.48, amend the start of the second sentence to: 'For applications outside a City / Town Centre that are above...'</p>	<p><b>DfI directs the Council to modify Policy RP 9, page 141 and paragraph 10.48, page 142 of the dPS, in accordance with this PAC Recommended Amendment.</b></p> <p><b>For clarity, the final paragraph of Policy RP 9 should read:</b> 'Town centre* in this case does not include district centres or local centres and as such if proposals come forward in these areas that exceed the 1,000sqm threshold or are deemed to be an exception, as set out above, then they will be required to be accompanied by a retail impact and assessment of need.'</p>



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<b>MOD 34</b>	RA 50	FC 33	157	Objectives Box	In the first bullet point, amend the final line as follows: '...accordance with the NWTP and wider NW Region.'	<b>Dfl directs the Council to modify the Strategic Planning Objectives for Delivery of Transport Strategy and Measures box, page 157 of the dPS, in accordance with this PAC Recommended Amendment.</b>
		PC 71		Objectives Box	Insert new bullet point to read: 'The Council will undertake accessibility analyses by active travel modes and public transport to influence the choice of zonings and major developments at the LPP stage'.	
		PC 72		Objectives Box	Amend last bullet to read: '.... means of travel – walking, cycling and public transport, with appropriate infrastructure or support for services'.	
<b>MOD 35</b>	RA 53		160	Para 11.56	Amend to read 'for a more accessible environment is set out in the appendices.'	<p><b>Dfl directs the Council to modify paragraph 11.56, page 160 of the dPS, by deleting the text 'Access for All -Designing for an accessible Environment' and replacing with a Council's new SPG.</b></p> <p><b>Dfl also direct Council to bring forward this SPG at the time of adoption.</b></p> <p><b>NOTE: Council should consider the following publication as part of their SPG:</b></p> <p><b>The Department for Transport's publication 'Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (December 2021)'</b></p>

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						<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1044542/inclusive-mobility-a-guide-to-best-practice-on-access-to-pedestrian-and-transport-infrastructure.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1044542/inclusive-mobility-a-guide-to-best-practice-on-access-to-pedestrian-and-transport-infrastructure.pdf</a>
<b>MOD 36</b>	RA 54	FC 34	163	TAM 3	<p>Amend the second paragraph to the following:  <b>‘Motorways and High Standard Dual Carriageways (HSDCs) – All Locations</b>            Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway or HSDC service areas.’</p>	<b>DfI directs the Council to modify Policy TAM 3, page 163 of the dPS, in accordance with this PAC Recommended Amendment.</b>
<b>MOD 37</b>	RA 60	PC 82	167	TAM 5	<p>Policy TAM 5 should be amended to state ‘..for transport or alternative purposes’.</p> <p>Insert reference to ‘nature conservation’ in range of potentially acceptable re-uses in para 11.79 to read as follows:            ‘Many of these former transport routes have potential for re-use either for transportation purposes or alternative purposes such as nature conservation, recreation or tourism-related’.</p> <p>Amend the 1st sentence of para 11.81 to read:</p>	<p><b>DfI directs the Council to modify Policy TAM 5, page 167 of the dPS, in accordance with this PAC Recommended Amendment. For clarity this should read:</b>            ‘Planning permission will not be granted for development that would prejudice the future re-use of a disused transport route identified in the LDP for transport or alternative purposes.’</p> <p><b>DfI also directs the Council to modify the second sentence of paragraph 11.79, page 167 of the dPS in accordance with this PAC Recommended Amendment.</b></p> <p><b>Furthermore, DfI Directs Council to modify:</b>  <b>the first sentence of paragraph 11.81, page 167 of the dPS in accordance with this PAC</b></p>

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					<p>‘Disused railway lines, canal stretches and roads, including any future abandoned stretches of the former A6 and A5 network, within the district have the potential for greenway regeneration or for public access, nature conservation, recreation and tourism.’</p> <p>Amend the 1<sup>st</sup> sentence of para 11.82 to read: ‘It is anticipated that the forthcoming North West Transport Plan, or other DfI report, will assess the need ...’</p> <p>Amend para 11.83 to read: ‘The LDP will identify and safeguard those disused transport routes, together with any associated facilities at the LPP stage where there is a reasonable prospect of their re-use for future transport purposes. In addition, the LPP will also identify those disused routes of district- level importance which offer potential in the longer term for alternative purposes.’</p>	<p><b>Recommended Amendment;</b></p> <p><b>the first sentence of paragraph 11.82, page 167 of the dPS in accordance with this PAC Recommended Amendment: and</b></p> <p><b>paragraph 11.83, page 167 of the dPS in accordance with this PAC Recommended Amendment.</b></p>
<b>MOD 38</b>	RA 62	FC 36	171	Para 11.96	<p>Amend Para 11.96, as follows: ‘Cycle parking provision in association with residential development is addressed in Policy HOU 8 (f &amp; g) of Housing Chapter 16 and the design guide ‘Creating Places’.</p>	<p><b>DfI directs the Council to modify paragraph 11.96, page 171 of the dPS in accordance with this PAC Recommended Amendment.</b></p>

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<b>MOD 39</b>	RA 65	PC 88	P180	Para 11.138	<p>Amend the title of Policy to ‘TAM 12 Strategic Transport Facilities’</p> <p>Amend bullet point 3, 2<sup>nd</sup> sentence to read ‘General warehousing and economic developments are unlikely to be permitted in adjacent rural areas, but in accordance with their SEDA status and boundaries (see Para 9.11 and page 115)’.</p>	<p><b>Dfl directs the Council to modify Policy TAM 12, page 180 of the dPS in accordance with this PAC Recommended Amendment.</b></p> <p><b>Furthermore, Dfl directs the Council to modify bullet point 3, second sentence of paragraph 11.138, page 181 of the dPS in accordance with this PAC Recommended Amendment.</b></p>
<b>MOD 40</b>	RA 66		186	<p>Para 12.12</p> <p>Appendix 2 Glossary</p>	<p>Reference to see Appendix 2 for examples.</p> <p>Appendix 2: Indicative list of tourism assets contained within Document DS- 200. Glossary: Tourism Asset: any feature associated with the built or natural environment which is of intrinsic interest to tourists. Tourist amenity: an amenity, facility or service provided primarily for tourists but does not include tourist accommodation. Tourist accommodation: overnight sleeping accommodation for tourists provided by way of trade or business.</p>	<p><b>Dfl directs the Council to modify paragraph 12.12 of Policy TOU 1, page 186 of the dPS, to refer to ‘Appendix 2’ in the last sentence and modify Appendix 2, pages 477-478, as set out in Schedule 2 Annex 2 of this direction.</b></p>
<b>MOD 41</b>	RA 69		187	TOU 2	<p>Amend the 3<sup>rd</sup> line to read: ‘...appropriate to the settlement and respects the site context, character and setting in terms of scale, massing and design’.</p>	<p><b>Dfl directs the Council to modify Policy TOU 2, page 187 of the dPS in accordance with this PAC Recommended Amendment.</b></p>
<b>MOD 42</b>	RA 70		187	Para 12.16	<p>Amend the 5th line to read: ‘....ensure that there are sufficient environmental, social and economic benefits derived from them...’.</p>	<p><b>Dfl directs the Council to modify paragraph 12.16, page 187 of the dPS in accordance with this PAC Recommended Amendment.</b></p>

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<b>MOD 43</b>	RA 71	PC 96	188	12.18	<p>Amend the 3<sup>rd</sup> line of para 12.18 to ‘Most B&amp;Bs and S-C units are ‘permitted development’ i.e. not requiring planning permission, in urban...’</p> <p>Amend the final sentence to read ‘Applications for such short-term let proposals in the countryside will be dealt with in Policy TOU 4 and also Policy ODC 4.’ [This is currently Policy AGR 3 on page 216.]</p>	<p><b>Dfl directs the Council to modify the 3<sup>rd</sup> line of paragraph 12.18, page 188 of the dPS in accordance with this PAC Recommended Amendment, for clarity is detailed in Schedule 2 Annex 2 of this Direction.</b></p>
				Appendix 2	<p>Include definition / information on short-term let accommodation (urban and rural) in Appendix 2.</p>	<p><b>Dfl also directs the Council to modify Appendix 2, pages 477—478 of the dPS as set out in Schedule 2 Annex 2 and bring forward a definition/information on short-term let accommodation within the Plan Strategy. Council should also include a monitoring indicator on this matter in the monitoring framework.</b></p>
<b>MOD 44</b>	RA 72	PC 99	190-191	TOU 4	<p>Insert <b>a)</b> and new category <b>b)</b>, in bold, for clarity:</p> <p><b>a) Expansion of Existing Hotels, Guest Houses, B&amp;Bs and Tourist Hostels</b></p> <p><b>b) Conversion / Replacement or New- Build Tourist Accommodation</b></p> <p>Under b) above, change sub-category (a) to:</p> <p><b>1) Conversion or Replacement of an Existing Rural Building</b></p> <p>Change the 1<sup>st</sup> line to read:</p> <p>A proposal to convert or to replace existing buildings in the countryside...</p>	<p><b>Dfl directs the Council to modify Policy TOU 4, page 190-191 and Appendix 2, pages 477-478 of the dPS as set out in Schedule 2 Annex 2 of this Direction.</b></p>

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					<p>Change the title of sub-category (b) to: <b>2) New-Build Hotel, Guest House, or Tourist Hostel on the Periphery of a Settlement</b></p> <p>Under sub-heading 1, of ‘Conversion or Replacement of an Existing Rural Building’ amend 4<sup>th</sup> bullet point to: where the existing building is a vernacular building or historic building of local importance and is considered to make an important contribution to local heritage or character...</p> <p>Immediately after these bullet points, amend the policy references, to: ‘Refer to related policies ODC 4 (currently AGR 3), HE 3 and HOU 21 regarding the conversion and re-use of existing buildings for other suitable rural uses.’</p> <p>Under sub-heading of ‘<b>2) New-Build Hotel, Guest House, or Tourist Hostel on the Periphery of a Settlement</b>’, amend the 1<sup>st</sup> line to ‘Where there is no suitable site within one of the nine tourism settlements, a new-build hotel, guest house, or tourist hostel may be appropriate on the periphery of that settlement subject to meeting normal planning requirements.’</p> <p>Following this point, insert the word ‘tourism’ before the word ‘settlement’ on the 2<sup>nd</sup>, 3<sup>rd</sup> and 7<sup>th</sup> lines thereafter. Also on the</p>	
		FC 37	191 & 192	TOU 4 & Para 12.23		

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					1 <sup>st</sup> and 3 <sup>rd</sup> lines of Para 12.23.	
			191	Appendix 2	Delete reference to B&B in the second sentence of <b>2)</b> and also in 12.23 (3 times).	
			191	Para 12.22	Put a definition of B&B & Guest House into Appendix 2.	
			192	Para 12.22	12.22 1 <sup>st</sup> sentence insert: 'The Council will encourage the sustainable and sympathetic reuse of non-designated heritage assets, such as vernacular buildings or historic buildings of local importance. The potential for the conversion and reuse of such rural buildings for tourism uses....'	
			192	After Para 12.26	Insert J&A clarification (after Para 12.26) for penultimate paragraph on policy re long-term viability of facility: 'It is important that all proposals for tourism accommodation in the countryside are of a high quality and that they meet an identified tourism need or market. Any new-build or substantial expansion proposals must therefore demonstrate how they make a positive and sustainable contribution to the tourism offer and visitor experience - see Appendix 2 for details of a Tourism Benefit Statement and a Sustainable Benefit Statement.'	

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<b>MOD 45</b>	RA 74	PC 102	194	TOU 6 Criteria c	Change the start of criteria (c) to: '(c) the restoration of an existing group of vernacular or historic buildings including a clachan, through...'	<b>DfI directs the Council to modify Policy TOU 6, criteria (c), page 194 and paragraph 12.32, page 195 of the dPS in accordance with this PAC Recommended Amendment.</b>
		FC 38	195	Para 12.32	In para 12.32, change penultimate sentence to: 'Proposals that relate to the restoration of an existing historic building group or clachan, through conversion, reuse and / or replacement of existing buildings, will be assessed under this policy and policy HE 8 Conversion and Re-Use of Non- Designated Heritage Assets. Proposals relating to farm or forestry diversification may provide ...'	
<b>MOD 46</b>	RA 76	PC 104	200	Para 13.9	Insert a sentence at the end of paragraph 13.9 'Policy MIN 1 applies to consideration of minerals developments in all areas of the district, but particularly to the designated areas (or proposed for designation) referred-to below.'	<b>DfI directs the Council to modify paragraph 13.9, page 200 of the dPS in accordance with this PAC Recommended Amendment.</b>
<b>MOD 47</b>	RA 77	PC 105	200	Para 13.10	Amend para 13.10: <b>'The Natural Environment</b> – An extension to an existing mineral working, which minimises additional environmental impact in the countryside will normally be preferred to new workings on green- field sites. Minerals development within (or in close proximity to, or with potential to adversely affect) protected habitats or designated areas which have been declared or proposed for declaration on the basis of their scientific value in regard	<b>DfI directs the Council to modify paragraph 13.10, page 200 of the dPS in accordance with this PAC Recommended Amendment.</b>



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					to flora and fauna, will not normally be given permission where they would prejudice the essential character of such areas (These habitats and areas are as defined in Policy NE 1 and NE 2 of Chapter 21 Natural Environment, particularly those that have European / International and National / Regional protection.) Earth science features, which underpin AONB designations, will also be protected from minerals development. In applying this policy, it is acknowledged that there can also be biodiversity enhancement as a result of minerals development’.	
<b>MOD 48</b>	RA 78	PC 106	201	Para 13.11	Amend final sentence of 13.11 to read ‘Applicants must ensure that their proposals accord with the physical preservation of important heritage assets along with their settings.’  Amend later part to read ‘Minerals development within or in close proximity to areas which have been or are to be designated, scheduled or listed...’	<b>Dfl directs the Council to modify paragraph 13.11, page 201 of the dPS in accordance with this PAC Recommended Amendment.</b>
<b>MOD 49</b>	RA 79	PC107 FC 38B	201	Para 13.12	In paragraph 13.12, on second/ third line, keep ‘(or is proposed for designation)’.	<b>Dfl directs the Council to modify paragraph 13.12, page 201 of the dPS in accordance with this PAC Recommended Amendment.</b>
<b>MOD 50</b>	RA 80	PC 108	203	Para 13.23	Insert in Para 13.23, line 3, the words ‘... conservation interests and for carbon storage as well as with the protection...’	<b>Dfl directs the Council to modify paragraph 13.23, page 203 of the dPS in accordance with this PAC Recommended Amendment. For clarity, this paragraph should read: ‘Peat – Permission for the commercial extraction of peat will only be</b>

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						granted where the proposal is consistent with the protection of boglands that are valuable to conservation interests and for carbon storage as well as with the protection of landscape quality, especially in designated areas. In the assessment of any planning applications for the extraction of peat (or applications for other types of development that might include incidental removal of peat), particular attention will be paid to the hydrology of boglands and specifically to avoid any negative direct and indirect effects on any 'active' or protected peat. See also Chapter 21: Natural Environment and policy NE 3 Biodiversity.'
<b>MOD 51</b>	RA 81	PC 109 FC 39	203	MIN 2	Move middle paragraph of MIN 2 to the end of a new J&A para 13.24.	<p><b>DfI directs the Council to modify the middle paragraph of Policy MIN 2 page 203, of the dPS in accordance with this PAC Recommended Amendment.</b></p> <p><b>DfI also directs the Council to modify Policy MIN 2 by moving the J&amp;A text paragraph 13.25 of page 203 of the dPS and adding it to the end of the Policy MIN 2, to form a third paragraph, for clarity this should read as follows:</b></p> <p>Within Areas of Constraint on Mineral Development, there will be a presumption against the granting of planning permission for the extraction and/or processing of</p>

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						<p>minerals, including extensions to existing operations. These areas are protected from minerals development because of their intrinsic landscape, amenity, scientific or heritage value (including natural and historic environment).</p> <p>Application within Areas of Constraint on Minerals development (ACMD) must be accompanied by landscape and visual impact assessments.</p> <p>Exceptions*to this policy may be made where the Council is satisfied that the proposed operations are short-term and the environmental and amenity implications are not significant*. Applications for development within an ACMD will be assessed on a case-by-case basis and the short-term period will depend on the nature and scale of the proposal and its potential impacts on amenity and the environment. In such cases, the Council are unlikely to favour on-site processing. SCAs and AHLIs are also considered as ACMD and MIN 2 will apply</p> <p><b>Note:</b> The two asterix represent the relevant footnotes on page 203.</p>
<b>MOD 52</b>	RA 83	FC 40	205	MIN 5	Amend the start of Policy MIN 5, as follows: 'Planning permission for all new minerals development will be conditional upon the approval of satisfactory restoration proposals. All applications for minerals...'	<b>DfI directs the Council to modify Policy MIN 5, page 205 of the dPS in accordance with this PAC Recommended Amendment.</b>

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<b>MOD 53</b>	RA 84		206	Para 13.35	Add to the end of Para 13.35: 'The Council will publish an SPG on the issue of restoration bonds or other financial provision, such as a Restoration Guarantee Fund'.	<b>Dfl directs the Council to modify paragraph 13.35, page 206 of the dPS in accordance with this PAC Recommended Amendment.</b>
<b>MOD 54</b>	RA 85  RA 86	PC113	208	After Para 14.8  After Para 14.8	<p>Insert new paragraph after Para 14.8: 'In assessing the impact of an advertisement or sign on amenity, the Council will take into account all of the following matters: 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;'</p> <p>Add the following text after RA 85 above: 'the position of the advertisement on the host building and its scale and size in relation to that building; 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; the size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area; the design and materials of the advertisement, or the structure</p>	<b>Dfl directs the Council to modify the J&amp;A text on page 208 of the dPS, to insert these additional paragraphs after paragraph 14.6 and re-number the remaining paragraph numbers accordingly. This can be dealt with under MOD113.</b>

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					containing the advertisement, and its impact on the appearance on which it is attached; 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 located’.	
<b>MOD 55</b>	RA 87	PC 115	209	Para 14.9	<p>Insert a new J&amp;A paragraph after the 2<sup>nd</sup> (LED) bullet point on page 209:            ‘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. The minimum duration any image shall be displayed shall be determined by the Council.</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</p>	<p><b>DfI directs the Council to modify paragraph 14.9, page 209 to insert new J&amp;A text within the 2<sup>nd</sup> (LED) bullet point of the dPS as follows:</b></p> <ul style="list-style-type: none"> <li>• Illuminated signs, including LEDs, where the means of illumination is directly visible from any part of the road and could result in glare or dazzle, or otherwise distract road users especially in wet or misty weather. Permission will be granted when the level of illumination proposed is appropriate to the location. Where external lighting is proposed, ‘trough’ lighting is preferred; the trough should extend over the fascia advertisement and be painted to integrate into the built form. Illumination of external signage will be restricted to the sign lettering and logo.</li> </ul>

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					<p>=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. The proposed advertising screen should generally comply with the Institute of Lighting Professionals' guidance PLG05, 'The Brightness of Illuminated Advertisements'. Maximum nighttime 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. Advertisements shall not resemble traffic signs or provide directional advice. Road Traffic Regulation (NI) Order 1997 makes it an offence to display any sign which resembles a traffic sign on or near a public road.</p> <p>Telephone numbers and website addresses should not be displayed.</p> <p>Further guidance will be contained within a SPG'.</p>	<p>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.</p> <p>The minimum duration any image shall be displayed shall be determined by the Council. The proposed advertising screen should generally comply with the Institute of Lighting Professionals' guidance PLG05, 'The Brightness of Illuminated Advertisements'. Telephone numbers and website addresses should not be displayed. These and other detailed technical specifications will be as approved by DfI Roads Service. Further guidance will be contained within a SPG document.</p> <p><b>Furthermore, DfI directs Council to insert the remaining technical detail within this RA into the proposed new SPG document on adverts/signage, alongside the replicated detail contained within PPS17, as proposed by MOD 111 below.</b></p>
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<b>MOD 56</b>	RA 89	PC 117	210	Para 14.15	<p>Additional text is required in para 14.15 1<sup>st</sup> sentence – ‘Scheduled Monument Consent may be required for applications on the Derry Walls and other scheduled monuments under...’</p> <p>Final sentence – ‘However the Council may undertake consultation with HED for an application seeking’.</p> <p>New final sentence – ‘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’.</p>	<p><b>DfI directs the Council to modify paragraph 14.15, page 210 of the dPS as follows:</b></p> <p><b>First sentence:</b> Scheduled Monument Consent may be required for applications on or adjacent to the Derry Walls and other scheduled monuments under the Historic Monuments and Archaeological Objects (NI) Order 1995.</p> <p><b>Final sentence:</b> However, the Council may undertake consultation with HED for an application seeking...</p> <p><b>New sentence at end of this paragraph:</b> 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.</p>
<b>MOD 57</b>	RA 90	PC 118 PC 119	211	New Policy ODC 1	<p>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>See Annex 1 for the proposed re-wording of the introductory paragraphs from page 211 and Policy ODC 1 and its J&amp;A paragraphs.</p>	<p><b>DfI directs the Council to modify the title of chapter 15 on page 211 of the draft Plan Strategy to ‘Other Development in the Countryside’ and the initials of all these policies from AGR 1-3 to ODC 1-4, and modify any other references to this policy within the dPS, in accordance with this PAC Recommended Amendment.</b></p> <p><b>DfI also directs the Council to modify the introductory paragraphs from page 211 and 212 of the draft Plan Strategy and insert new Policy ODC 1 and its J&amp;A</b></p>

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						paragraphs in accordance with this PAC Recommended Amendment as detailed in Schedule 2 Annex 3 of this direction.
<b>MOD 58</b>	RA 91	PC 120	216	Current Policy AGR 3, becomes Policy ODC 4	Change title of ODC 4 to include The Conversion, Change of Use and Re-Use.... Insert the word 'use' near the start of criteria (b) and (d).	<p><b>Further to MOD 57 above, DfI directs the Council to modify the title of Policy ODC 4 on page 216 of the draft Plan Strategy to include The Conversion, Change of Use and Re-Use.... DfI directs the Council to insert the word 'use' near the start of criteria (b) and (d) of Policy ODC4, page 216 of the draft Plan Strategy.</b></p> <p><b>For clarity the title of Policy ODC 4 should read:</b> "ODC 4 The Conversion, Change of Use and Re-Use of Existing Buildings for Agricultural and other Suitable Rural Uses"</p> <p><b>For clarity criteria (b) and (d) should read:</b> "(b) the use, reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality;"</p> <p>"(d) the use, reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land</p>



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					<p>Amend criteria (h) to ...Natural Environment and Historic Environment chapters.</p> <p>The above amendment will include listed buildings as well as other historic assets, so delete the following ‘Listed Buildings’ paragraph.</p> <p>Insert a new criteria ‘(i) If it is for a tourism development, it must also submit a statement of why the use is site- specific and cannot be located in one of the named tourism settlements’.</p>	<p>or buildings; “</p> <p><b>Further to MOD 57 above DfI directs the Council to modify criteria (h) of Policy ODC 4, page 216 of the draft Plan Strategy to ...Natural Environment and Historic Environment chapters in accordance with this PAC Recommended Amendment.</b></p> <p><b>For clarity criteria (h) should read:</b> “(h) All proposals will be in accordance with the Natural Environment and Historic Environment chapters.”</p> <p><b>Further to MOD 57 above DfI directs the Council to delete the ‘Listed Buildings’ paragraph of Policy ODC 4, page 216 of the draft Plan Strategy in accordance with this PAC Recommended Amendment.</b></p> <p><b>Further to MOD 57 above DfI directs the Council to insert a new criterion (i) in Policy ODC 4, page 216 of the draft Plan Strategy in accordance with this PAC Recommended Amendment as follows:</b> ‘ (i) If it is for a tourism development, it must also submit a statement of why the use is site- specific and cannot be located in one of the named tourism settlements.’</p>
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<b>MOD 59</b>	RA92	PC121	Policies ODC 2, 3 &4		<p>Insert the words near the end of the Policy: ‘...cannot be located outside of the Green Belt or in a nearby settlement.’ Also Insert an appropriate paragraph in J&amp;A in this Chapter similar to para 16.140 p 262 to clarify GB avoidance where possible. For ODC 2 and same for ODC 3 and ODC 4.</p>	<p><b>DfI directs the Council to modify policies ODC 2,3 &amp;4 by inserting the following words near the end of the policies: ‘...cannot be located outside of the Green Belt or in a nearby settlement.’ in accordance with this PAC Recommended Amendment.</b></p> <p><b>For clarity the Green Belt paragraph of Policy ODC 2 should be amended to read as follows:</b>  <b>‘Green Belt</b>  Applicants will need to demonstrate a site-specific need to be located at the proposed location within the Green Belt, and why the proposal cannot be located outside of the Green Belt or in a nearby settlement.’</p> <p><b>For clarity the Green Belt paragraph of Policy ODC 3 should be amended to read as follows:</b>  <b>‘Green Belt</b>  Proposals within the Green Belt will only be permitted where it can be demonstrated that the development is needed to meet the essential requirements of the farm holding or forestry enterprise and cannot be located outside of the Green Belt or in a nearby settlement.’</p> <p><b>For clarity the Green Belt paragraph of Policy ODC 4 should be amended to read as follows:</b>  <b>‘Green Belt</b></p>
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						<p>Within the Green Belt, re-use will take priority over conversion / extension. It will be for the applicant to demonstrate that a conversion or extension is required and the building cannot be re-used in its current form and cannot be located outside of the Green Belt.'</p> <p><b>DfI directs the Council to modify the J &amp; A for each of the policies ODC 2,3 &amp;4 by inserting a paragraph similar to 16.140 page 262 to clarify GB avoidance where possible, in accordance with this PAC Recommended Amendment.</b></p> <p><b>For clarity in Policy ODC 2 J&amp;A add the following paragraph after 15.8 and amend numbering of paragraphs:</b>          'Within the Green Belt, there is likely to be greater urban-generated development pressure than in the countryside generally so it will be particularly important to carefully manage the numbers and locations of farm or forestry diversification proposals. Therefore, within the Green Belt, planning permission will be granted for farm or forestry diversification proposals only where applicants demonstrate a site specific need to be located within the Green Belt and provide justification as to why the proposal cannot be located in a nearby settlement.'</p>
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						<p><b>For clarity in Policy ODC 3 J&amp;A add the following paragraph after 15.17 and amend numbering of paragraphs:</b>  ‘Within the Green Belt, there is likely to be greater urban-generated development pressure than in the countryside generally so it will be particularly important to carefully manage the amount of development on an active and established agricultural or forestry holding. Therefore, within the Green Belt, planning permission will be granted for farm or forestry development, only were it is demonstrated that the development is needed to meet the essential requirements of the farm holding or forestry enterprise.’</p> <p><b>For clarity in Policy ODC 4 J&amp;A add the following paragraph after 15.18 and amend numbering of paragraphs:</b>  ‘Within the Green Belt, there is likely to be greater urban-generated development pressure than in the countryside generally so it will be particularly important to carefully manage the numbers and locations of conversions, change of uses and re-uses of existing buildings for agricultural and other suitable rural uses. Therefore, within the Green Belt, re-use will take priority over conversion / extension and planning permission will be granted only were it is demonstrated that a conversion or extension is required and the building cannot be re-used in its current form.’</p>
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<b>MOD 60</b>	RA 93	FC 41	220	Para 16.7	Remove the last sentence of Para. 16.7 and also replace the words in the penultimate sentence, to read as: 'As per the SPPS <sup>31</sup> , it would be important to maintain a five-year land supply.'  Also amend the last two lines of Para.16.15, to read: '... by 2032 and maintain a 5-year land supply.'	<b>DfI directs the Council to modify paragraph 16.7, page 220 of the dPS and paragraph 16.15, page 224 of the dPS in accordance with this PAC Recommended Amendment.</b>
<b>MOD 61</b>		FC 42	221 & Appendix x 5 Table 1	Para 16.9 & Table 8	Amend Appendix 5 Table 1 as shown in Annex 4 of this document.	<b>DfI directs the Council to modify Appendix 5 Table 1 page 501 - 503 of the dPS in accordance with this PAC Recommended Amendment as detailed in Schedule 2 Annex 4 of this Direction.</b>  <b>Note</b> – This is reflective of FC42 as listed in the Council's document MA007 October 2023.
<b>MOD 62</b>	RA 96	FC 43 PC 126 FC 44	224-225	Para 16.17	Amend wording, as follows: 'The LDP will identify Housing Zonings and Land Use Policy Areas (LUPAs); it 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, Flats Policy Area (formerly the DAP designated Flat Zone FL 1) and the associated Flats Prevention Areas (formerly the DAP Flat Exemption Areas). These zonings / designations, together with a series of Houses in Multiple Occupancy (HMO) Management Areas, are being designated in the LDP Plan Strategy and will be further	<b>DfI directs the Council to modify paragraph 16.17 on page 224 in accordance with this PAC recommended amendment.</b>

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				<p>HOU 1</p> <p>considered in the Local Policies Plan and detailed boundaries shown as appropriate. (A full list of the existing zonings / designations can be found in the existing area plans)’.  In policy HOU 1, amend reference on line 2: Table 8 (pg.221) or Appendix 5 Tables 1 &amp; 2  In HOU 1 Part (a) second sentence, amend to read: ‘...housing land within the City, Main Town and the Local Towns in three phases’.  Add an ‘s’ to ‘brownfield site’ in line 8  Under the ‘LDP Phase 1 Zonings’ heading, add the following wording to the bullet points to read:  <ul style="list-style-type: none"> <li>• Existing commitments i.e. previously-zoned or unzoned land with live residential planning permission;</li> <li>• Selected Urban Capacity Sites (City and Main Town) and Selected Whiteland Sites (Local Towns) identified at LPP;</li> </ul>  Under the ‘LDP Phase 2 Zonings’ heading, add the following words to the bullet points, to read:  <ul style="list-style-type: none"> <li>• Derry Area Plan (DAP) and Strabane Area Plan (SAP) housing zonings, without current residential planning permission; and</li> </ul> </p>	<p><b>Furthermore, DfI directs the Council to modify Policy HOU 1 and J&amp;A on pages 225 – 228 (including footnote in accordance with this PAC Recommended Amendment as detailed in Schedule 2 Annex 4 of this Direction.</b></p>
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					<ul style="list-style-type: none"> <li>• Other Urban Capacity Sites (City and Main Town) and Other Whiteland Sites (Local Towns).</li> </ul> <p>Add the following sentence to the end of the 3rd bullet point to read:</p> <ul style="list-style-type: none"> <li>• ‘Conversely, if certain Phase 1 land is not implemented, it can be re-zoned as Phase 2 or alternatively, either Phase 1 or Phase 2 lands can be rezoned for an alternative land-use, following an LDP Review;’</li> </ul> <p>In HOU 1, under the ‘LDP Phase 2 Zonings’ heading, remove the sentence under the 4<sup>th</sup> bullet point starting ‘In exceptional circumstances....’ and its associated two bullet points and replace with the following text:</p> <p><b>LDP Phase 3 Zonings – Strategic Housing Land Reserve</b></p> <p>A strategic reserve of Phase 3 Housing lands will be identified at the LPP stage, comprising a limited amount of land that previously lay just outside of the City / Town settlement development limits (SDL) and is located immediately adjacent to those areas identified (by NIHE) as having the most acute social housing need.</p> <p>In exceptional circumstances, where there is extreme localised social / affordable housing stress / need and it is demonstrated to the Council that the need cannot be met through the above sequence of Phase 1, Phase 2 or</p>	
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					<p>other HOU 2 lands, then a planning application can come forward on a Phase 3 site for immediate development to address that need. Such a planning application, after the LPP adoption, shall be from NIHE or a registered housing association*, primarily for affordable housing and the development shall be part of a Balanced Community in accordance with Policy HOU 5. Such a need should be supported by NIHE.</p> <p>*Insert a footnote to explain that where the term ‘registered housing association is used, this can generally also mean NIHE, who have recently changed status, to enable them to build houses, as a HA.</p> <p>Amend J&amp;A para 16.21 by inserting following sentences at the end of the second sentence, to read:  ‘... as a Phase 2 site, unless it meets the criteria as a Selected Urban Capacity or a Selected Whiteland Site in accordance with Phase 1 (see the next paragraph). In addition, both Phase 1 and Phase 2 Lands may be considered for rezoning to alternative land uses, such as community open space, if residential development on such sites is not brought forward within a reasonable timescale. At the LDP Reviews, the Council will use this mechanism, to review the identified housing land and may rezone all or some of that land, so as to</p>	
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					<p>ensure commencement and delivery of housing, rather than contribute to delay and land- banking of the Housing lands that it has identified in the LDP.</p> <p>Amend J&amp;A Para 16.24 as follows: In addition to the Phase 1 and 2 approach, ...' Insert new sentence after end of 2<sup>nd</sup> sentence: 'These Phase 3 Lands are being introduced to formalise the potential provision of additional land at the edge of the city or towns for social/affordable Housing, in exceptional circumstances, thus ensuring the orderly and consistent release and development of such lands by the Council through the LDP. The amount of Phase 3 land identified will be limited to that which is reasonably necessary and sustainable; it will be decided by the Council at LPP stage, dependent on the amount of Phase 1 &amp; Phase 2 land that can be identified / Zoned in a local area (related to the NIHE- defined local housing areas) and dependent on the amount of Housing Need prevailing in that area at that time.'</p>	
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<b>MOD 63</b>	RA 97	FC 46	226	HOU 1	In HOU 1 part '(b) Villages and Small Settlements', insert the following words below onto the end of the second sentence, to read: '... will be located and also their appropriate scale and form generally.'	<b>Dfl directs the Council to modify Policy HOU 1 and J&amp;A on pages 225 – 228 (including footnote in accordance with this PAC Recommended Amendment as detailed in Schedule 2 Annex 4 of this Direction.</b>
<b>MOD 64</b>		FC47	226	16.19	In J & A paragraph 16.19, insert the following sentence after the second sentence: 'This is in accordance with the indicative numbers and breakdown in Table 8 in this chapter and as broken down further in Appendix 5, Tables 1 and 2.'	<b>Dfl directs the Council to modify Policy HOU 1 and J&amp;A on pages 225 – 228 (including footnote in accordance Schedule 2 Annex 4 of this Direction.</b>  <b>Note</b> – This is reflective of FC47 as listed in the Council's document MA007 October 2023.
<b>MOD 65</b>	RA 99	FC 48	229	Para. 16.30  Para 16.32	Amend the opening sentence of para 16.30 to read: 'In addition to the lands identified under HOU 1, Housing will also be permitted on brownfield sites, small whiteland sites or open space (in accordance with OS 1). Housing will not normally be permitted elsewhere, as such developments would undermine the LDP Housing Strategy'.  Amend para 16.32 to read: 'This approach is in accordance with the sequential approach in the SPPS; however, the LDP will only identify brownfield sites as HOU 1 Phase 1 sites at LPP stage in local areas where there is an identified housing need. Otherwise, brownfield sites can come forward under this policy, with a	<b>Dfl directs the Council to modify Policy HOU 2 and J&amp;A on pages 225 – 228 (including footnote in accordance with this PAC Recommended Amendment as detailed in Schedule 2 Annex 4 of this Direction.</b>

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					presumption in favour of their permission, subject to meeting the other relevant LDP policies, including the ED 4 protection of Economic Development land’.	
<b>MOD 66</b>	RA104	PC 134	233-234	HOU 5	<p>Amend HOU 5 policy text to read:  ‘In order to achieve the Council’s stated objectives of delivering adequate numbers of affordable housing and also providing balanced / mixed communities, Planning permission will be granted for a residential development scheme of, or including, 10 or more residential units (or on a site of 0.5 ha or more), where a minimum of 20% of units are provided as affordable housing. Where there is an acute localised need as demonstrated by the NIHE, the proportion required may be uplifted on an individual site, and this will be indicated as a KSR at the LDP LPP stage.</p> <p>All such housing schemes will be required to deliver balanced and mixed communities. All relevant proposed housing developments will be expected to provide a balance of suitable tenures, taking account of the proposed and existing mix in that local area. Applicants will be required to clearly demonstrate and submit underpinning evidence, supported by the NIHE, of how they intend to deliver an appropriate</p>	<b>DfI directs the Council to modify Policy HOU 5, pages 233-234 of the dPS in accordance with this PAC Recommended Amendment as detailed in Schedule 2 Annex 4 of this Direction.</b>

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		FC 49A			<p>affordable/private housing mix to meet any identified acute localised need. Any exceptions to proportions of tenures will need to be specifically justified and evidenced by the applicant.</p> <p>Where it can be demonstrated that there is insufficient need and / or it is not sustainable or viable for a proposed development in the area to meet the full requirements of this policy, the Council will consider a suitable proportion on a fully-evidenced case-by-case basis. Where it can be demonstrated that there is no need in the area, then accordingly the requirements of this policy do not apply.</p> <p>The agreed ratio of private to affordable housing will need to be implemented and maintained during, and for an agreed period after, the construction of the scheme’.</p>	
<b>MOD 67</b>	RA 105	FC 49	234	HOU 5	<p>‘In villages and small settlements, sites below the normal threshold of 10 dwellings may also need to provide affordable housing if there is an identified need.</p> <p>Planning permission will not be granted for development proposals containing less than 10 housing units where lands have been artificially divided for the purposes of circumventing these policy requirements. Where there is a phased approach to the</p>	<b>DfI directs the Council to modify Policy HOU 5, page 234 of the dPS in accordance with this PAC Recommended Amendment as detailed in Schedule 2 Annex 4 of this Direction.</b>

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					<p>development of a site, this should be discussed with the Council at the outset to ensure that the affordable housing requirement can be developed in a comprehensive way over the whole scheme.</p> <p>Affordable housing will be secured as appropriate, depending on size of the development, by way of a condition or Section 76 Planning Agreement, which should be in place in advance of planning permission being granted. An off-site developer contribution may be required and will be considered on a case-by-case basis.</p> <p><b>Mixed Tenure / Tenure-Blindness</b> The design and external appearance of the affordable housing in the development should reflect the character of the remainder of the site. These should be interspersed within the market housing so that they are not readily distinguishable in terms of external design, materials and finishes’.</p>	
<b>MOD 68</b>	RA 107	PC 136	235	Para 16.51	<p>Re-word Para 16.51 to read: ‘The Council has indicated that there should be no more than a 70 – 80% proportion of either private or affordable housing in an area is in the interests of achieving balanced and sustainable communities. The Council will seek an indicative mix from proposed housing schemes of no more than a maximum of 80% of either private or</p>	<b>DfI directs the Council to modify Para 16.51, page 235 and renumber subsequent paragraphs of the dPS in accordance with this PAC Recommended Amendment as detailed in Schedule 2 Annex 4 of this Direction.</b>

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					affordable houses to deliver the Council objective of such balanced communities. The applicant will need to provide evidence and submit a statement which takes into account the existing tenure mix. This would include up-to-date NIHE information including supported private- rented accommodation evidence if required’.	
<b>MOD 69</b>	RA 108	PC 137		16.52 – 16.55	<p>Remove paras 16.52 – 16.54 and replace with new para 16.52 to read:  ‘16.52 The Department for Communities issued a revised definition of affordable housing in April 2021. Affordable housing is now defined as:  a) Social rented housing; or  b) Intermediate housing for sale; or  c) Intermediate housing for rent that is provided outside of the general market, for those whose needs are not met by the market. Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.’</p> <p>Additionally, amend / shorten the related Para 16.55, as follows, and remove Footnote 41 on page 236 - as it is now superseded:</p> <p>‘16.55 The SPPS recognises that the definition of intermediate housing ‘may</p>	<b>DfI directs the Council to modify paragraphs 16.52-16.55, pages 235-236 and renumber subsequent paragraphs of the dPS in accordance with this PAC Recommended Amendment as detailed in Schedule 2 Annex 4 of this Direction.</b>

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					<p>change over time to incorporate other forms of housing tenure below market rates’. The NI definition of intermediate housing may be further expanded in the future to include these other products to support the SPPS aim of assisting eligible households into affordable housing.</p> <p>Where this is the case, such additional products will be considered suitable to meet the affordable housing obligations of this policy in the future.’</p> <p>Insert a final sentence to Paragraph 16.60 to read: ‘However, the preference is to have off-site affordable housing over a developer contribution where this is feasible’.</p>	
<b>MOD 70</b>	RA 109	PC 138	237	HOU 6	<p>Remove reference to ‘Tenure’ from title of policy HOU 6. New title to read: HOU 6 House Types and Size.</p> <p>In HOU 6, delete the last sentence in the middle policy paragraph.</p>	<p><b>DfI directs the Council to modify Policy HOU 6, page 237 of the dPS and paragraph 16.63, page 238 of the dPS in accordance with this PAC Recommended Amendment.</b></p>
		FC50	238	Para 16.63	<p>In J&amp;A Para 16.63 add in words to the 4<sup>th</sup> line: ‘...disabled will require bungalows or ground-floor units.’</p> <p>Amend penultimate sentence to read: ‘A well-designed scheme can add visual interest through a variety of house types and allow households with different backgrounds</p>	

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					and incomes to live together’.	
<b>MOD 71</b>		FC 51	248	HOU 11	Amend the 4th line to: ‘... set out in HOU 8 Quality in New Residential Developments and ...	<b>DfI directs the Council to modify the 4<sup>th</sup> line of Policy HOU 11, page 248 of the dPS as follows:</b> ‘... set out in HOU 8 Quality in New Residential Developments and ...’  <b>Note</b> – This is reflective of FC51 as listed in the Council’s document MA007 October 2023.
<b>MOD 72</b>	RA 116	FC 52	249	HOU 12	Amend the 7 <sup>th</sup> line to: ‘Conversion to flats / apartments outside the Flats Policy Area...’ Amend the middle sub-heading to: ‘The development or redevelopment as flats / apartments of a part or whole of an infill or development plot outside of the Flats Policy Area will not normally be permitted except where:’	<b>DfI directs the Council to modify Policy HOU 12, page 249 of the dPS, paragraph 16.102, page 250 of the dPS and paragraph 16.103, page 251 of the dPS in accordance with this PAC Recommended Amendment.</b>
			250	Para 16.102	In para 16.102, amend the start of line 3 to read: ‘... Flats Prevention Areas.’ Insert the same words in the middle of the penultimate line, to read: ‘... Additional Flats Prevention Areas will also be considered ...’	
			251	Para 16.103	Amend the 2 <sup>nd</sup> & 3 <sup>rd</sup> lines of para 16.103, as follows:	



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					<p>‘The conversion or development or redevelopment of flats / apartments will be managed through the HOU 12 Flats Policy and exceptions will apply. The Flats Zones in the Derry ...’</p>	
<b>MOD 73</b>	RA 117	FC 53	252	<p>Paras 16.106 &amp; 16.107</p>	<p>Replace paras. 16.106 &amp; 16.107 with:</p> <p>‘The percentages of HMOs within and outside a HMO Management Area will be assessed by counting total number of current / licenced and approved HMOs in the policy area divided by the total number of dwelling units in that area. Similarly, for assessments outside of the HMO Management Area, the percentage will be the total HMOs divided by the total relevant properties in that area. In either case, the numbers of HMOs in the immediately adjacent streets / terraces (that share the parking and other impacts) will be taken into account.</p> <p>A Supplementary Planning Guidance (SPG) document will be prepared, to provide guidance on the operation of the HMO Management Areas and the local Planning / Licensing system generally.’</p>	<p><b>DfI directs the Council to modify paragraphs 16.106 &amp; 16.107, page 252 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>

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		FC 53A		Para 16.108	Amend the 2 <sup>nd</sup> line of para 16.108, as follows: ' ... for further planning applications for additional HMOs.'	
<b>MOD 74</b>	RA 118	PC 147 FC 54  FC 54A	253	HOU 15	Amend first sentence in policy box HOU 15 to read: 'Planning permission will be granted for specialist residential accommodation such as sheltered accommodation, residential or nursing care accommodation, retirement and care-related facilities, which will meet a demonstrated local need, where the proposals.... '  Amend line 5, as follows: 'This will also include the extension and refurbishment ...'	<b>DfI directs the Council to amend Policy HOU 15 in accordance with this PAC Recommended Amendment</b>
<b>MOD 75</b>		PC127 & FC 55	253	Para 16.112	Insert the following new reworded sentence after the first sentence in J&A para 16.112: "This policy relates to specialist or specialised housing, and refers to supported housing, disability focused and otherwise as per the NIHE definition."	<b>DfI directs the Council to remove the last sentence of paragraph 16.24 of the draft Plan Strategy and insert a new (reworded) sentence after the first sentence in J&amp;A paragraph 16.112 on page 253 of the draft Plan Strategy as follows:</b>  'This policy relates to specialist or specialised housing, and refers to supported housing, disability focused and otherwise as per the NIHE definition.'  <b>Note</b> – This is reflective of FC55 as listed in the Council's document MA007 October 2023.

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<b>MOD 76</b>	RA 119	FC 56	255	Para 16.118	<p>Insert a new sentence, after the 1<sup>st</sup> sentence of para. 16.118:  ‘A Section 76 Agreement will be required, in order to ensure the ongoing responsible management of the accommodation, which will remain with the management company and not with the Council.’</p>	<b>Dfl directs the Council to modify paragraph 16.118, page 255 of the dPS, in accordance with this PAC Recommended Amendment.</b>
<b>MOD 77</b>		FC 57	299	CL 1	<p>In Policy CI 1, insert the correct word on the 3rd line, as follows:  ‘...development (see Section Chapter 7) and comply ...’</p> <p>Delete the 4th Bullet Point, referencing GDP 1</p> <p>On the last line, change to: ‘Chapter-35 34: Developer Contributions.’</p>	<p><b>Dfl directs the Council to modify the wording of the 3<sup>rd</sup> line of Policy CI 1 on page 299 of the draft Plan Strategy as follows:</b>  ‘...development (see Chapter 7) and comply with all the following criteria’.</p> <p><b>Dfl directs the Council to delete the 4th bullet point of Policy CI 1 on page 299 of the draft Plan Strategy referencing GDP 1</b></p> <p><b>Dfl directs the Council to modify the last line of Policy CI1 on page 299 of the draft Plan Strategy as follows:</b> ‘accordance with the guidance set out in Chapter 34: Developer Contributions and Community Benefits.’</p> <p><b>Note</b> – This is reflective of FC57 as listed in the Council’s document MA007 October 2023.</p>

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<b>MOD 78</b>	RA126	PC156	275	Para 16.181	Add text to Para 16.181 – ‘It is envisaged that adequate affordable housing provision can be found within Derry City or Strabane Town or within villages and small settlements within the Green Belt ... will not be permitted in the Green Belt.’	<p><b>Dfl directs the Council to modify paragraphs 16.180 and 16.181, page 275, of the dPS, and insert a new J&amp;A paragraph after paragraph 16.180 in accordance with this PAC Recommended Amendment.</b></p> <p><b>Furthermore, Dfl directs Council to modify paragraph 16.180 to update the reference ‘70%’ to ‘70-80%’ as updated by MOD 68 above.</b></p>
		PC157		Para 16.180	<p>Add text to the end of paragraph 16.180 – ‘The balanced community” 70% indicative tenure split (HOU 5) would not apply to schemes considered under Policy HOU 25.’</p> <p>Add extra J&amp;A para after 16.180 – ‘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. The design, layout and quantum of development should be as per guidance in paragraph 16.29 [informal groupings of 5 to 10 dwellings]’.</p>	
<b>MOD 79</b>	RA 127	PC 158	278	Para 17.3	<p>Before the bullet points in paragraph 17.3, amend the text to state: ‘The Council’s approach also adheres to the SPPS (Paragraph 6.201) whose key objectives...’</p> <p>Include additional second and third bullet points:</p> <ul style="list-style-type: none"> <li>• ‘ensure that areas of open space are provided as an integral part of new residential development and that appropriate arrangements are made for their management and maintenance in perpetuity;</li> <li>• Facilitate appropriate outdoor recreational</li> </ul>	<p><b>Dfl directs the Council to modify paragraph 17.3, page 278 of the dPS, and insert a new J&amp;A paragraph after paragraph 16.180 in accordance with this PAC Recommended Amendment.</b></p>

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					activities in the countryside that do not negatively impact on the amenity of existing residents.'	
<b>MOD 80</b>	RA128	PC159	280	Para 17.14	Add the following text after 'town cramming' in paragraph 17.14: 'In the case of either exception, the Council will consider the implications and permanence of any loss of open space.'	<p><b>DfI directs the Council to modify paragraph 17.14, page 281 and paragraphs 17.18 &amp; 17.19, page 282 of the dPS in accordance with this PAC Recommended Amendment.</b></p> <p><b>DfI also directs the Council not to delete the 3<sup>rd</sup> sentence of Policy OS 2, page 284 of the dPS .</b></p>
		PC160	282	Para 17.18	Add amended text to the end of J&A paragraph 17.18 to read- 'where an exchange is acceptable in principle the Council will secure this through the use of planning conditions and/ or a s76 Planning Agreement. This will tie redevelopment to the provision of the new facility and ensure that this is capable of being maintained adequately through appropriate management agreements.'	
		PC161		17.19	Add text to J&A paragraph 17.19 – 'any grant of planning permission will normally be reliant on the applicant entering into a s76 agreement tying the financial gain arising from redevelopment to the retention and enhancement of the open space facility.'	
			284	OS2	Delete the paragraph within Policy OS 2 starting with 'In smaller residential schemes...'	

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<b>MOD 81</b>	RA 129	PC 163	290	OS 4	<p>Criteria (i) and (iii) change the word ‘significant’ to ‘adverse’.</p> <p>Add the following to the start of criterion (ii) – ‘there is no loss of High Nature Value (HNV) land or of the Best and Most Versatile (BMV) agricultural land and no unacceptable...’</p>	<p><b>Dfl directs the Council to modify Criteria (i) and (iii) to change the word ‘significant detrimental’ to ‘adverse’ within Policy OS 4, page 290 of the dPS.</b></p> <p><b>Furthermore, Dfl direct Council to modify the start of criterion (ii) within Policy OS 4, page 290 of the dPS in accordance with this PAC Recommended Amendment.</b></p>
<b>MOD 82</b>	RA 131	FC 58	303	UT 1	Amend bullet point 3, to read: ‘The proposal does not have an unacceptable adverse impact on natural heritage features;	<b>Dfl directs the Council to modify Policy UT 1, page 303 of the dPS in accordance with this PAC Recommended Amendment.</b>
		PC 165	303	UT 1	Insert the following word in bullet point 5: ‘... upgrades do not adversely affect existing...’	
<b>MOD 83</b>	RA 132	FC 59	303 & 306	UT 1 & UT 3	Amend final bullet point of UT 1 to the following: ‘Proposals for development of power lines comply with 1998 International Commission on Non-ionizing Radiation Protection (ICNIRP) or any equivalent update.’ Also, add the same words to the similar sentence in Policy UT 3.	<p><b>Dfl directs the Council to modify the last bullet points of Policy UT 1, page 303 and UT 3, page 306 of the dPS in accordance with this PAC Recommended Amendment.</b></p> <p><b>Furthermore, Dfl directs Council to modify the first sentence of Policy UT 3, page 306 of the dPS to remove the word ‘pylons. For Clarity this sentence should read:</b></p> <p>‘Proposals for telecommunication masts and other high structures will be considered</p>
		FC 60				

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						having regard to .....’
<b>MOD 84</b>	RA 137	FC 62	310	Para 20.8	The first sentence of paragraph 20.8 reads as follows: ‘There are no current landfill sites within the District. Details of existing waste management sites can be found on the Council website i.e. recycling centres and bring sites.’	<b>DfI directs the Council to modify paragraph 20.8, page 310 of the dPS in accordance with this PAC Recommended Amendment.</b>
<b>MOD 85</b>	RA 140	FC 61	319	Para 20.24	Add in the following wording at the end of the penultimate sentence of Para 20.24: ‘... outside the LDP, unless it is demonstrated that the proposal would not cause harm to, or undermine the reason for, that designation, also being consistent with the respective policy in Chapter 1: Natural Environment.’  Delete the final sentence of Para 20.24.	<b>DfI directs the Council to modify paragraph 20.24, page 319 of the dPS in accordance with this PAC Recommended Amendment.</b>
<b>MOD 86</b>	RA 142	PC 177	324	Para 21.6	Amend end of para 21 to read: ‘...the Council, as the Planning authority, has an important role to ensure their protection from inappropriate development. The Council will apply the ‘precautionary principle’ and the ‘mitigation hierarchy’ across all relevant NE policies in this chapter.  The mitigation hierarchy requires, in order of preference, that, in terms of potential habitat damage, proposals should: • Avoid – where possible, habitat	<b>DfI directs the Council to modify paragraph 21.6, page 324 of the dPS in accordance with this PAC Recommended Amendment.</b>  <b>DfI also directs the Council to modify paragraph 21.10, page 325 of the dPS in accordance with this PAC Recommended Amendment.</b>

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		FC 63	325	Para. 21.10	<p>damage should be avoided;</p> <ul style="list-style-type: none"> <li>• Minimise – where possible, habitat damage and loss should be minimised;</li> <li>• Remediate – where possible, any damage or lost habitat should be restored;</li> <li>• Mitigation – as a last resort, damage or lost habitat should be compensated for’.</li> </ul> <p>Amend the 2<sup>nd</sup> last line of Para 21.10, as follows: ‘... impacts of a proposed development, particularly on national or ...’</p>	
<b>MOD 87</b>	RA 143	PC 178	326	NE 1	<p>Amend NE 1 policy text to read:</p> <ul style="list-style-type: none"> <li>- A European Site (Special Protection Area – SPA; proposed Special Protection Area – pSPA; Special Areas of Conservation – SAC; candidate Special Areas of Conservation – cSAC; &amp; Sites of Community Importance, or;</li> <li>- A listed or proposed Ramsar site:</li> </ul> <p>Amend the final line on p. 326 to: ‘- agreed in advance with the Department of Agriculture, Environment &amp; Rural Affairs (DAERA NI).’</p>	<p><b>Dfl directs the Council to modify Policy NE 1, page 326 of the dPS in accordance with this Recommended Amendment as follows:</b> <b>Amend NE 1 policy text to read:</b></p> <ul style="list-style-type: none"> <li>• A European Site (Special Protection Area – SPA; proposed Special Protection Area – pSPA; Special Areas of Conservation – SAC; candidate Special Areas of Conservation – cSAC; &amp; Sites of Community Importance); or</li> <li>• A listed or proposed Ramsar site:</li> </ul> <p><b>Amend the final line of Policy NE 1 on p. 326 to read:</b> ‘- agreed in advance with the Department of Agriculture, Environment &amp; Rural Affairs (DAERA NI).’</p> <p><b>Dfl also directs the Council to paragraph</b></p>
		FC64	326		<p>Amend opening sentence of para 21.13 to read: ‘The following formal designations will benefit from the highest level of statutory protection – Special Protection Area (SPA) &amp; proposed SPA; Special Areas of Conservation (SAC) &amp; candidate SAC; Sites of Community</p>	
			327	Para 21.13	<p>Amend opening sentence of para 21.13 to read: ‘The following formal designations will benefit from the highest level of statutory protection – Special Protection Area (SPA) &amp; proposed SPA; Special Areas of Conservation (SAC) &amp; candidate SAC; Sites of Community</p>	



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		PC178A	328	21.15	<p>Importance and Ramsar, so it is essential that the ...'</p> <p>Amend legislation responsibility in the last sentence in para 21.15 p328 to read as follows:          'The Council has the powers to declare Local Nature Reserves. Nature Reserves and Wildlife Refuges are declared by DAERA under the Nature &amp; Amenity Lands (NI) Order 1985 and the Wildlife (NI) Order 1985 respectively'.</p>	<p><b>21.13, page 327 of the dPS in accordance with this Recommended Amendment as follows:</b>  <b>Amend opening sentence of para 21.13 to read:</b>          'The following formal designations will benefit from the highest level of statutory protection – Special Protection Area (SPA) &amp; proposed SPA; Special Areas of Conservation (SAC) &amp; candidate SAC (cSAC); Sites of Community Importance and Ramsar, so it is essential that the ...'</p> <p><b>DfI also directs the Council to modify the last sentence of paragraph 21.15, page 328 of the dPS in accordance with this PAC Recommended Amendment as follows:</b>          'The Council has the powers to declare Local Nature Reserves. Nature Reserves and Wildlife Refuges are declared by DAERA under the Nature &amp; Amenity Lands (NI) Order 1985 and the Wildlife (NI) Order 1985 respectively'.</p>
<b>MOD 88</b>	RA 144	PC 180	325	Para 21.11	<p>Insert following new text onto end of Para 21.11:          'As lists of protected animals and plants are constantly being updated, it is recommended that applicants check the DAERA website for up-to-date information on species protection. As all fish are protected, no lists have been</p>	<p><b>DfI directs the Council to modify paragraph 21.11, page 325 of the dPS in accordance with this PAC Recommended Amendment.</b></p>

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					produced’.	
<b>MOD 89</b>	RA 145	PC 181	330	NE 3	<p>Insert new third indent in NE 3 policy text box (before ‘active peatland’) to read:</p> <ul style="list-style-type: none"> <li>- trees and hedgerows;</li> </ul> <p>Insert new paragraph in policy text before the last paragraph at end of Policy NE 3: ‘In order to protect the amenity value of trees and woodland, the Council will, where appropriate, make Tree Preservation Orders (TPOs) on woodlands, groups of trees and individual specimens which satisfy the TPO criteria and contribute to the visual amenity and character of the surrounding area’.</p> <p>Amend last paragraph at end of Policy NE 3 to read:</p> <p>‘Planning permission will only be granted in wholly exceptional circumstances for proposals likely to result in damage or direct loss of habitats, such as ancient or long-established woodland or active peatland, which cannot be mitigated or fully compensated for’.</p> <p>Put the following text below into a new J&amp;A paragraph 21.21 relevant to Policy NE3 (and subsequently renumber) p 330:</p> <p>‘Section 121 of the Planning Act (NI) 2011</p>	<p><b>DfI directs the Council to modify by inserting new third indent to Policy NE 3, page 330 of the dPS in accordance with the first part of this PAC Recommended Amendment.</b></p> <p><b>DfI also direct Council to modify the last paragraph at the end of Policy NE 3, as follows:</b></p> <p>‘Planning permission will only be granted in wholly exceptional circumstances for proposals likely to result in damage or direct loss of habitats, such as ancient or long-established woodland, which cannot be mitigated or fully compensated for’.</p> <p><b>Also, DfI directs the Council to modify the J&amp;A text on page 330 of the dPS by inserting 6 new paragraphs after paragraph 21.20 and renumber subsequent paragraphs in accordance with this PAC Recommended</b></p>

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					<p>places a duty on the Council when granting planning permission for any development, to make adequate provision, by the imposition of conditions, for the preservation or planting of trees; and, when considered appropriate, to make Tree Preservation Orders in connection with the grant of such permissions under Section 122 of the same Act. In order to meet this duty, development proposals will be expected to take account of existing trees and hedges which in the interests of visual amenity or wildlife habitat should be retained. The Council will seek to ensure the protection of such features through the inclusion of conditions in any permission granted, or permission will be refused if appropriate.</p> <p>All development proposals on sites which contain or are adjacent to trees or hedgerows, will be required to submit a survey and take account of them, protecting them where appropriate, during their design and any future construction stage. This is to ensure that such trees are not at risk to unacceptable adverse impacts as a result of development activities.</p> <p>Particularly important trees will be protected if they are of significant public amenity value by the making of a Tree Preservation Order. This prohibits the cutting down, topping, lopping or wilful destruction of protected</p>	<p><b>Amendment.</b></p>
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					<p>trees without the prior consent of the Council.</p> <p>Where the Council consents to the removal of protected trees, it will be a requirement that suitable replanting occurs.</p> <p>The Council will require that development proposals on sites containing, or adjacent to, protected trees will require the submission of a site survey accurately showing the positions, species, heights, canopies and health condition of all protected trees. Existing and finished site soil levels will also be required to be shown relevant to the protected trees.</p> <p>In considering development proposals, the Council will seek to achieve site layouts which avoid the root systems of existing trees and minimises future concerns over residential amenity. The Council will require developers to manage their sites and their responsibilities to protect trees in strict accordance with BS 5837 (2012) 'Trees in relation to Design, Demolition &amp; Construction' '.</p>	
<b>MOD 90</b>	RA 146	PC 182	331	NE 4	<p>Amend the second dashed point in the policy box for NE 4 to read:</p> <p>'The proposals meet the relevant requirements as set out in the Natural Environment Chapter and does not result in net biodiversity loss.'</p>	<b>DfI directs the Council to modify Policy NE 4, page 331 of the dPS in accordance with this PAC Recommended Amendment.</b>

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		FC 65			Insert word into the 2 <sup>nd</sup> last line of the policy, as follows: '... from the edge of the river should normally be provided ...'	
<b>MOD 91</b>	RA 147	FC65 B  PC 184  PC183	333	NE 5	<p>Amend second paragraph in NE 5 policy box to read: '...in order to positively enhance and / or complement our important AONB landscape'.</p> <p>Insert new text following text at end of middle paragraph in policy box for Policy NE 5 to read: 'Development proposals in the AONB must be sensitive to the intrinsic special character of the area and the quality of its landscape, heritage and wildlife'.</p> <p>Amend last paragraph of Policy NE 5 to read: 'The Council will promote the enjoyment by the public of the Sperrin AONB and provide</p>	<p><b>DfI directs the Council to modify Policy NE 5, page 333 of the dPS as follows, for clarity the Policy should read as follows:</b></p> <p>The Council will not permit development that will adversely impact or erode the distinctive special character of the Sperrin AONB, including its landscape character, heritage, wildlife and setting, when considered individually or cumulatively alongside existing or approved development.</p> <p>All proposals must demonstrate how they have considered siting, massing, shape, design, finishes and landscaping in order to positively enhance and/or complement our important AONB landscape. Development proposals in the AONB must be sensitive to the distinctive special character of the area and the quality of its landscape, heritage and wildlife.</p> <p>The Council will promote the enjoyment by the public of the Sperrin AONB and provide or maintain public access to it. It will be supportive of the provision of pathways and</p>

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		FC65 B		<p>Para 21.28 or maintain public access to it. It will be supportive of the provision of pathways...'</p> <p>Para 21.28 Insert the following new text at end of Para 21.28 to read: 'AONBs are designated by the Department of Infrastructure primarily for their high landscape quality, wildlife importance and rich cultural and architectural heritage under the Nature Conservation and Amenity Lands (NI) Order 1985 (NCALO)'.</p> <p>Para 21.29 Insert the following new text at end of para 21.29 to read: 'In assessing proposals, including cumulative impacts in such areas, account will also be taken of the Council's Landscape &amp; Seascape Character Review EVB 6b'.</p>	<p>informal recreational facilities of an appropriate scale and in a suitable location, subject to policy provisions contained elsewhere in the LDP.</p> <p><b>DfI directs the Council to modify paragraph 21.28, page 33 of the dPS as follows:</b></p> <p>'AONBs are designated by the Department of Agriculture, Environment and Rural Affairs primarily for their high landscape quality, wildlife importance and rich cultural and architectural heritage under the Nature Conservation and Amenity Lands (NI) Order 1985 (NCALO)'.</p> <p><b>DfI further directs the Council to modify paragraph 21.29, page 333 of the dPS in accordance with this PAC Recommended Amendment.</b></p>
<b>MOD 92</b>		FC 66	338	<p>Para 21.45 At the end of par. 21.45, insert the following: '... superseded by new LDP designations – see Paragraph 39.6.'</p>	<p><b>DfI directs the Council to modify paragraph 21.45, page 338 of the dPS as follows:</b> At the end of par. 21.45, insert the following:</p> <p>'... superseded by new LDP designations – see Paragraph 39.6.'</p> <p><b>Note</b> – This is reflective of FC66 as listed in the Council's document MA007 October 2023.</p>

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<b>MOD 93</b>	RA 150	PC 187 PC 188	341	CD 1	<p>Amend CD 1 Policy text with inserted new text to read: ‘The Council will require the protection or enhancement of the district’s coastal area and seascape. Development proposals must comply with NE 1 (Chapter 21) and FLD 1 (Chapter 25) and should not have an unacceptable effect, either directly, indirectly, or cumulatively, on the natural character &amp; landscape of the coastal area. Development will not normally be permitted in areas of the coast known to be at risk from flooding including areas which may become at risk from rising sea levels due to Climate Change, coastal erosion or land instability. Development proposals will also be assessed against the UK Marine Policy Statement (MPS) and any adopted Marine Plan’.</p> <p>Amend the end of sentence at the first bullet point for Undeveloped Coast in the CD 1 policy text box p 341 to read: ‘....archaeological / heritage assets, geological or landscape / seascape quality and character of the area’.</p> <p>Amend the end of the final sentence in the second paragraph for Developed Coast in the CD 1 policy text box p 342 to read: ‘....geological or landscape / seascape quality and character of the area’.</p>	<b>DfI directs the Council to modify Policy CD 1, page 341 of the dPS in accordance with this PAC Recommended Amendment.</b>
		PC 189				

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<b>MOD 94</b>	RA 154	PC 196	350-351	HE 2	See Annex 1 of this document.	<b>DfI directs the Council to modify Policy HE 2, page 350 of the dPS in accordance with this PAC Recommended Amendment. This is set out in Schedule 2 Annex 5 of this direction.</b>
<b>MOD 95</b>	RA 156	PC 198	353-355	HE 4	See Annex 1 of this document.	<b>DfI directs the Council to modify Policy HE 4, page 353 of the dPS in accordance with this PAC Recommended Amendment. This is set out in Schedule 2 Annex 5 of this direction.</b>
<b>MOD 96</b>	RA 157	PC 199  PC 200	356-357	HE5	<p>Insert a subheading ‘<b>(a) New Development</b>’ under Policy heading HE 5.</p> <p>Rather than add a new point, change the first bullet point of HE 5 to ‘- be sympathetic to the characteristic built form and open spaces within the Conservation Area.’</p> <p>Insert a comma in the second bullet point: ‘...scale, form, materials and detailing;’</p> <p>Delete the last bullet point relating to the demolition of the unlisted buildings.</p> <p>Insert a new second sentence into Policy HE 5 part (b): ‘The general presumption against demolition will only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest’.</p>	<b>DfI directs the Council to modify Policy HE 5 page 356 of the dPS in accordance with this PAC Recommended Amendment.</b>



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				Para 23.40	Amend text to first line of 23.40: 'Conservation Areas are areas of special architectural or historic interest. Under Section 104 of The Planning Act (NI), the Council or DfI may designate a Conservation Area where it is desirable to preserve or enhance the character or appearance of such areas'.	<b>DfI also directs the Council to modify paragraph 23.40, first sentence as follows:</b>  'Conservation Areas are areas of special architectural or historic interest under Section 104 of the Planning Act (NI), the Council, <u>or in exceptional circumstances DfC,</u> may designate a Conservation Area where it is desirable to preserve or enhance the character or appearance of such areas'.  <b>In addition, DfI directs the Council to add a footnote following the above sentence. This footnote should state:</b>  Schedule 5 Part 1 of The Departments (Transfer of Functions) Order (Northern Ireland) 2016 transferred Section 104 of the Planning Act (Northern Ireland) 2011 to the Department for Communities
			357	Para 23.41	Before Para 23.41, Insert a sub-heading <b>(a) New development Within or Affecting the Setting of a Conservation Area</b>  23.41 On the 4 <sup>th</sup> line, delete phrase 'In deploying the principles of preserve, conserve and enhance,..'	<b>Furthermore, DfI directs the Council to modify paragraphs 23.41-42, and insert two new paragraphs following these paragraphs and renumber accordingly, in accordance with these PAC Recommended Amendments.</b>
				Para 23.42	Before Para 23.42, Insert a sub-heading <b>(b) Demolition in a Conservation Area</b>	

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					<p>Amend text in paragraph 23.42 to read: ‘The Council will operate a presumption against the demolition of unlisted buildings of townscape quality which contribute to the character of an area. In determining proposals for the demolition of unlisted buildings, corroborating information will be required to demonstrate its part played in the architectural or historic interest of the area and the wider effects of the demolition on the buildings, surroundings and on the conservation area as a whole.</p> <p>New 23.43 The onus will be on the applicant to demonstrate and justify the need for demolition. Evidence will be required to indicate alternative options for stabilisation of the existing structure have been considered in efforts to retain the building. Reports submitted for consideration on the integrity of the building, including structural integrity, must be submitted by suitably experienced conservation engineers, architects, building surveyors, etc. In assessing proposals, the Council will have regard to the same broad criteria as Policy HE 4 for the demolition of listed buildings.</p> <p>New 23.44 The demolition of an unlisted building in a Conservation Area will not normally be considered in isolation from proposals for its subsequent redevelopment. Where demolition is deemed appropriate,</p>	
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					<p>for example where a building does not make any significant contribution to a conservation area, the Council will require detailed drawings illustrating the proposed redevelopment of the site. Where the Council decides to grant consent for the demolition of an unlisted building in a conservation area, it will be conditional on prohibiting demolition until planning permission has been granted and contracts signed for the approved redevelopment in order to prevent the streetscape from being marred by gap sites, and recording of the building if this is appropriate. (i.e. if the building is clearly of no value, no need to record it in any detail)'</p> <p>After 23.42, insert a new heading: <b>(c) The Control of Advertisements in a Conservation Area</b></p> <p>Insert new paragraph after the above: 'Applications for the display of advertisements will be assessed against this policy and the policy requirements of Chapter 14: Signs an Outdoor Advertising'.</p>	
<b>MOD 97</b>	RA159	PC202	359	HE8	<p>Change Text, as per Annex 1, including changing the Policy title to: <b>HE 8 Conversion and Re-Use of Non-Designated Heritage Assets</b></p> <p>(Also put a cross-reference to Policy HE 8, in</p>	<b>DfI directs the Council to modify Policy HE 8, page 359 of the dPS in accordance with this PAC Recommended Amendment. This is set out in Schedule 2 Annex 5 of this Direction.</b>

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					the several other related policies named i.e. TOU 4, AGR 3 / ODC 4, HOU 20 & HOU 21)	
<b>MOD 98</b>	RA 160	PC 203	362	HE 9	<p>See amended wording in Annex 1.</p> <p>Add Enabling Development Practice Note (referenced at the bottom of Para 23.58) to the list of SPG – see Chapter 38 and Appendix 6.</p> <p>Change definition (several references) to significant historic places. Also change from ‘planning authority’ to ‘the Council’.</p>	<b>DfI directs the Council to modify Policy HE 9, page 362 of the dPS in accordance with this PAC Recommended Amendment. This is set out in Schedule 2 Annex 5 of this Direction.</b>

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<b>MOD 99</b>  <b>(This column is all ONE MOD incs RA 162-179)</b>	RA 162	PC 206	368-375	RED 1	See Annex 1 of this document.	<b>Dfl directs the Council to modify all of the Policy text boxes and J&amp;A text on pages 368-375 of the dPS in accordance with Schedule 2 Annex 6 of this Direction which is attached at the end of this table.</b>  <b>For clarity all of the RAs 162-179 and associated PCs and FCs listed in columns 1 &amp; 2 of this MOD have been incorporated into Schedule 2 Annex 6 of this Direction.</b>
		PC208. 209, 210, 215 & PC221 (Sch 1B) and FC 66, 67,68, 69, 70, 70A.				
		PC 211				
		FC 69A				
	RA 163				Remove the paragraph on p 369 (re HRA & EIA) to J&A.	
	RA 164				Amend the 2 <sup>nd</sup> last paragraph on p. 368, as follows: ‘Proposals will be expected to be located at, or as close as possible to, the source of the resource needed for that particular technology (the proximity principle), unless it can be demonstrated that the benefits of the proposed siting of the scheme outweigh the need for an at- source location e.g. where it is close to the identified end-user.’ (Note that this paragraph is to be moved to the J&A section)	
		PC 209				

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MOD 99 continu'd (This column is all ONE MOD incs RA 162- 179)	RA 165	FC 71			<p>Reword final sentences in 2<sup>nd</sup> paragraph: ' (AONB) will be an important consideration as will the impact of proposals on designated natural and historic environment assets. ' Move this paragraph to J&amp;A.</p> <p>Correct the spelling typo on last word of the 5<sup>th</sup> paragraph to 'interest'</p>	<p><b>For clarity all of the RAs 162-179 and associated PCs and FCs listed in columns 1 &amp; 2 of this MOD have been incorporated into Schedule 2 Annex 6 of this Direction.</b></p>
	RA 166				<p>Amend the text to read: 'All proposals involving the production of renewable and low carbon energy (including repowering of existing wind farm development) must have regard to the LDP's 'Landscape &amp; Seascape Character Review', 'Wind Energy Development in Northern Ireland's Landscapes', 'Best Practice Guidance to PPS 18 Renewable Energy' and SPG to PPS 18 Renewable Energy - Anaerobic Digestion, as far as relevant to the proposal, and other relevant SPG documents as may be provided or updated.'</p>	

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<b>MOD 99</b> <b>continu'd</b> <b>(This</b> <b>column is</b> <b>all ONE</b> <b>MOD incs</b> <b>RA 162-</b> <b>179)</b>	RA 167			RED 1	Move and amend criterion (ii) of now Policy RED 2 to now Policy RED 1 policy box to state: 'Applications for renewable energy development will be required to demonstrate that the development has taken into consideration the cumulative impact of existing renewable energy development, those which have permissions and those that are currently the subject of valid but undetermined applications'.	<b>For clarity all of the RAs 162-179 and associated PCs and FCs listed in columns 1 &amp; 2 of this MOD have been incorporated into Schedule 2 Annex 6 of this Direction.</b>
	RA 168	PC 212		RED 2 Criterion vi	Add footnote: 'buildings which, with relatively little intervention, could be readily occupied'.	
		FC 72		RED 2	In the paragraph below the criteria on p. 370, amend the 2 <sup>nd</sup> line to: '...diameter to occupiable property will generally apply ...'	
	RA 169	PC 213		RED 2 After Criterion viii	Add a new criteria ix. on p 370: 'the development will not harm groundwater flow paths or aquifers'	
	RA 170	PC 214		RED 1 1 <sup>st</sup> Para after Criterion ix	Page 370 1st paragraph after criteria ix to read: 'Where the Council considers it necessary, a noise assessment report, and a landscape and visual impact assessment (including photomontages to aid assessment of visual impact) will be submitted upon	

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<p><b>MOD 99 continu'd (This column is all ONE MOD incs RA 162- 179)</b></p>				<p>EVB 24</p>	<p>request and prepared in accordance with best practice methodology.'</p> <p>Two best practice guidelines should be referenced in the EVB 24: Scottish Natural Heritage (2017) Visual Representation of Wind Farms: Good Practice Guidance (version 2.2) and Landscape Institute Technical Guidance Note 06/19 Visual Representation of Development Proposals (17/9/19)</p>	<p><b>For clarity all of the RAs 162-179 and associated PCs and FCs listed in columns 1 &amp; 2 of this MOD have been incorporated into Schedule 2 Annex 6 of this Direction.</b></p>
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**Schedule 2– Derry City & Strabane District Council – Departmental MODs (all new MODs, All FCs, any altered Commissioner RAs)**

<b>MOD 99 continu'd (This column is all ONE MOD incs RA 162- 179)</b>	RA 171	FC 73		Footnote 54	Change footnote 54: 'hub height plus the length of one blade'	<b>For clarity all of the RAs 162-179 and associated PCs and FCs listed in columns 1 &amp; 2 of this MOD have been incorporated into Schedule 2 Annex 6 of this Direction.</b>
	RA 172	PC 216		RED 4	On the 4 <sup>th</sup> line of p 371, put criterion iv on a new line and in it, insert the words: '... loss of High Nature Value (HNV) Land or Best and...'	
	RA 173	PC 217		Anaerobic Digesters section of policy box	Insert a new point (viii) into RED 4 to read: 'it will not result in damaging impacts on human health, as well as sensitive habitats, wider biodiversity and ecosystem resilience, through increased ammonia emissions.'  Delete criterion viii in its entirety.	
	RA 174	FC74A  PC 218 FC 75		Hydro- electric section of policy box	In the hydro section policy box, insert a new criterion iv, 'Any structures shall have no unacceptable impact on visual amenity or landscape character.'  Amend the wording of all three criteria to: 'ii. there is no unacceptable adverse impact on fish, water birds and other water dependent Wildlife; and iii. there is no unacceptable adverse impact on water quality as a result of the development. iv. any structures shall have no unacceptable adverse impact on visual amenity or landscape character.'	
	RA 175	PC 219		Para 24.13	After the final sentence of 24.13, insert additional sentence: 'This also includes	

**Schedule 2– Derry City & Strabane District Council – Departmental MODs (all new MODs, All FCs, any altered Commissioner RAs)**

<b>MOD 99 continu'd (This column is all ONE MOD incs RA 162- 179)</b>	RA 176	PC 220		Para 24.15	energy-related proposals such as Battery Energy Storage Systems (BESS).'  Amend the penultimate bullet point of paragraph 24.15 to read: 'changes to water flows and quantities within watercourses through abstraction;'	<b>For clarity all of the RAs 162-179 and associated PCs and FCs listed in columns 1 &amp; 2 of this MOD have been incorporated into Schedule 2 Annex 6 of this Direction.</b>
	RA177	PC221  FC75A		Para 24.18	Insert text to the end of paragraph 24.18: 'in accordance with the mitigation hierarchy , see Natural Environment chapter.' On the 3 <sup>rd</sup> line of para. 24.18 change the word 'significant' to unacceptable'	
	RA 178	PC 222		Para 24.20	In Para 24.20, insert in the middle, after 'bog burst' new text: 'therefore there is a presumption against development on active peat except for imperative reasons of overriding public interest. Whilst any development is unlikely to be acceptable on active peatland, where development is proposed on any peatland...' The subsequent text then ensures that hazards for landslide, bog burst and reduced capacity as a carbon sink are properly assessed.	
				Footnote 52	Amend footnote 52: 'An 'active' bog is one that supports a significant area of vegetation normally forming peat. A few groups of plants – especially Sphagnum bog mosses and cotton grasses dominate. Sphagnum sterilises the bog, preventing organic matter from decaying. Such areas deliver ecosystem	

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<p><b>MOD 99</b>  <b>continu'd</b>  <b>(This</b>  <b>column is</b>  <b>all ONE</b>  <b>MOD incs</b>  <b>RA 162-</b>  <b>179)</b></p>	<p>RA 179</p>	<p>PC 223</p>		<p>EVB 24</p>	<p>services such as carbon storage &amp; sequestration and water supply. 'Active' bogs include those that suffered temporary setbacks such as fire damage or drought, and areas which have been damaged but which are now showing significant signs of recovery, such as eroded bogs in which the gullies are re- vegetating.'</p> <p>Add definition to EVB 24: 'For wind farm development, it is likely that the duration of the planning permission will be linked to the expected operational life of the turbines. Proposals may be submitted to extend the life of the project by re- equipping or replacing the original turbines. While there are advantages in utilising established sites, such cases will be determined on their individual merit and in the light of the then-prevailing policy and other relevant considerations.'</p>	<p><b>For clarity all of the RAs 162-179 and associated PCs and FCs listed in columns 1 &amp; 2 of this MOD have been incorporated into Schedule 2 Annex 6 of this Direction.</b></p>
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**Schedule 2– Derry City & Strabane District Council – Departmental MODs (all new MODs, All FCs, any altered Commissioner RAs)**

<b>MOD 100</b>	RA 182	PC 227	379	FLD 1, Exception a)	Add 'plus climate change allowance' after the time limits for both fluvial and coastal flood protection in the exceptions (defended flood areas) section (a) of FLD1.	<p><b>DfI direct council to modify FLD 1 Exceptions, Defended Area, first paragraph of criteria a) as follows:</b></p> <p>a) 'Development of previously developed land protected by flood defences that are confirmed by DfI Rivers, as the competent authority, as structurally adequate and provide a minimum standard of 1 in 100 year <b><i>plus climate change allowance</i></b> fluvial flood protection or 1 in 200 year <b><i>plus climate change allowance</i></b> coastal flood protection'.</p>
			381	Paras 25.16 & 25.17	Also, similar changes to paragraphs 25.16 and 25.17 regarding the definition of a floodplain e.g. in Para 25.16 '1 in 100- year probability plus climate change allowance (or 1% AEP plus climate change allowance).'	<p><b>DfI also directs council to modify the bullet point within paragraph 25.16 of the J&amp;A as follows:</b></p> <ul style="list-style-type: none"> <li>• River (Fluvial) Flood Plain- the extent of a flood event with a 1 in 100 year probability <b><i>plus climate change allowance</i></b> (or 1% AEP <b><i>plus climate change allowance</i></b>)</li> </ul> <p><b>Furthermore, DfI directs the Council to modify the bullet point within paragraph 25.17 as follows:</b></p> <ul style="list-style-type: none"> <li>• Coastal (Tidal) Flood Plain- the extent of a flood event with a 1 in 200 year probability <b><i>plus climate change allowance</i></b> (or 0.5% AEP <b><i>plus climate change allowance</i></b>)</li> </ul>

**Schedule 2– Derry City & Strabane District Council – Departmental MODs (all new MODs, All FCs, any altered Commissioner RAs)**

<b>MOD 101</b>	RA 188		400	Para 26.5	Amend line 1 to read: PDOs and PDPs will be given weight alongside SDPs...	<p><b>DfI directs the Council to modify the first line of paragraph 26.5, page 400 of the dPS to read: ‘PDOs and PDPs will be given weight alongside SDPs...’ in accordance with this PAC Recommended Amendment.</b></p> <p><b>For clarity paragraph 26.5 should read:</b>  ‘26.5 PDOs and PDPs will be given weight alongside SDPs, as well as other policy in the LDP and in particular GDPOL 2: Design Policy in Settlements in Chapter 7; General Development Principles and Policies. Particular chapters within the LDP, such as Housing, City/ Town Centres and Retailing, Historic Environment and Transport may provide further detailed policy in relation to Place-making and Design.’</p>
<b>MOD 102</b>	RA189	PC244	402	Para 26.12	At the end of Para 26.12, insert a sentence: ‘An SPG on biodiversity net gain & ecological enhancements through development will be prepared. It will focus on housing and minerals development but also encompass other sectors.’	<p><b>DfI directs the Council to modify the dPS, by inserting the following sentence at the end of paragraph 26.12 in accordance with this PAC Recommended Amendment:</b>  ‘An SPG on biodiversity net gain &amp; ecological enhancements through development will be prepared. It will focus on housing and minerals development but also encompass other sectors.’</p> <p><b>NOTE:</b> PC 244 – reference change from Para 26.2 to 26.12 by Commissioner.</p>

**Schedule 2– Derry City & Strabane District Council – Departmental MODs (all new MODs, All FCs, any altered Commissioner RAs)**

<b>MOD 103</b>	RA 190	PC 245  FC 76	403	Para 26.18	<p>Delete the word 'hierarchy'. Re-title to 'incorporate sustainable transport into designs.'</p> <p>Remove the corresponding word 'hierarchy' from the paragraph itself, to read: 'This should be taken into full account in all decision making, from planning to investment.'</p>	<p><b>DfI directs the Council to modify paragraph 26.18, page 403 of the dPS in accordance with this PAC Recommended Amendment.</b></p> <p>For clarity paragraph 26.18 should read: <b>'26.18 Place-making &amp; Design Principle 7 (PDP 7) Incorporate sustainable transport into designs</b> - The needs of pedestrians, cyclists and public transport users must be increasingly prioritised over car-based development. This should be taken into full account in all decision making, from planning to investment.'</p>
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**Schedule 2– Derry City & Strabane District Council – Departmental MODs (all new MODs, All FCs, any altered Commissioner RAs)**

<b>MOD 104</b>	RA 191	PC 246	407	Para 26.32	<p>Add a new second sentence to paragraph 26.32: ‘The Council draws upon the DfC Ministerial Advisory Group (MAG) on the Built Environment during determination of planning applications for major new buildings.’ Add a sentence to the end of the paragraph: ‘local artists and community groups can be examples of stakeholders.’</p>	<p><b>DfI directs the Council to modify paragraph 26.32, page 407 of the dPS in accordance with this PAC Recommended Amendment.</b></p> <p>For clarity paragraph 26.32 should read: ‘26.32 <b>Place-making &amp; Design Principle 15 (PDP 15) Working Together</b>- Also key to successful place-making across the Derry City and Strabane District is a commitment to joined up thinking and collaborative working processes. The Council draws upon the DfC Ministerial Advisory Group (MAG) on the Built Environment during determination of planning applications for major new buildings. Boundaries - such as landownership, organisational responsibilities or professional disciplines - can prevent the right solutions for a place coming forward, requiring leadership, collaboration and strategic thinking to overcome. Furthermore, meaningful engagement with the public and key stakeholders will be essential to achieving the best outcomes. Local artists and community groups can be examples of stakeholders’</p> <p><b>NOTE</b> - The Council may wish to add captions to images throughout the draft Plan Strategy in accordance with PC 246. This can be dealt with under MOD 113.</p>
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**Schedule 2– Derry City & Strabane District Council – Departmental MODs (all new MODs, All FCs, any altered Commissioner RAs)**

<b>MOD 105</b>	RA192	FC77a	431	Para 29.2	<p>Insert a policy box:</p> <p><b>‘Local Town Strategic Design Policy - General (LSDP-GEN)</b></p> <p>Planning permission will be granted for development proposals within Local Towns provided their design is of a high standard and:</p> <ul style="list-style-type: none"> <li>- are sensitive to and make a positive contribution to the character of the settlement;</li> <li>- are in keeping with the size and character of the settlement;</li> <li>- do not lead either individually or cumulatively to a loss of amenity;</li> <li>- respect the opportunities and constraints of the specific site and have regard to the potential to create a new sense of place through sensitive design;</li> <li>- comply with all other relevant LDP policies and in particular GDPOL 2</li> </ul>	<p><b>DfI directs the Council to modify paragraph 29.2, page 431 of the dPS by reformatting the text as a policy box in accordance with this PAC Recommended Amendment.</b></p>
<b>MOD 106</b>	RA 193	FC 77b	438	Para 30.2	<p>Insert a policy box:</p> <p><b>‘Villages Strategic Design Policy - General (VSDP-GEN)</b></p> <p>Planning permission will be granted for development proposals within Villages provided their design is of a high standard and:</p> <ul style="list-style-type: none"> <li>- are sensitive to and make a positive contribution to the character of the settlement;</li> <li>- are in keeping with the size and character of the settlement;</li> <li>- do not lead either individually or</li> </ul>	<p><b>DfI directs the Council to modify paragraph 30.2, page 438 of the dPS by reformatting the text as a policy box in accordance with this PAC Recommended Amendment.</b></p>



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					<p>cumulatively to a loss of amenity;</p> <ul style="list-style-type: none"> <li>- respect the opportunities and constraints of the specific site and have regard to the potential to create a new sense of place through sensitive design;</li> <li>-comply with all other relevant LDP policies and in particular GDPOL 2</li> </ul>	
<b>MOD 107</b>	RA 194	FC 77c	440	Para 31.2	<p>Insert a policy box:</p> <p><b>‘Small Settlements Strategic Design Policy - General (SSSDP-GEN)</b></p> <p>Planning permission will be granted for development proposals within Small Settlements provided their design is of a high standard and:</p> <ul style="list-style-type: none"> <li>- are sensitive to and make a positive contribution to the character of the settlement;</li> <li>- are in keeping with the size and character of the settlement;</li> <li>- do not lead either individually or cumulatively to a loss of amenity;</li> <li>- respect the opportunities and constraints of the specific site and have regard to the potential to create a new sense of place through sensitive design;</li> <li>-comply with all other relevant LDP policies and in particular GDPOL 2</li> </ul>	<p><b>DfI directs the Council to modify paragraph 31.2, page 440 of the dPS by reformatting the text as a policy box in accordance with this PAC Recommended Amendment.</b></p>

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<b>MOD 108</b>	RA 196	PC 249	463	Para 37.5	After Para 37.5, insert a new para: 'The principles included in the CAA and other circulars / guidance on Control of Development in Airport Public Safety Zones will be a material consideration in appropriate circumstances. Issues regarding aviation noise will be considered against GDPOL 1, with the advice of Environmental Health and taking account of ICCAN guidance. Any issues regarding potential for major accidents is also dealt with in GDPOL 1 and Chapter 33'.	<b>DfI directs the Council to modify paragraph 37.5, page 463 of the dPS in accordance with this PAC Recommended Amendment.</b>
<b>MOD 109</b>	RA 197	FC 78	464	Para 38.1	Amend the 2 <sup>nd</sup> sentence of Para.38.1, to read: 'These adopted documents will continue to be treated as material considerations, as specified in Appendix 6, until such times as they are reviewed or replaced by the Council.'	<b>DfI directs the Council to modify paragraph 38.1, page 464 of the dPS in accordance with this PAC Recommended Amendment.</b>
<b>MOD 110</b>	RA 198		507	Appendix 6	The information contained within the identified sections of the PPSs should be replicated in the PS.	<p><b>DfI directs the Council to modify Appendix 6, page 507 of the dPS by replicating the identified sections of the PPS's as listed in Appendix 6, into Supplementary Planning Guidance (SPG) to accompany the PS at the time of adoption and add the new SPG titles to the Appendix 6 list.</b></p> <p><b>NOTE:</b> MOD 55 above requires further detail to be included in the SPG relating to adverts/signage.</p>

**Schedule 2– Derry City & Strabane District Council – Departmental MODs (all new MODs, All FCs, any altered Commissioner RAs)**

<b>MOD 111</b>	RA 199	FC 79	516	Appendix 6	<p>Insert at the end of the table in Appendix 6, 'Best Practice Guidance to PPS 23 – Assessing Enabling Development for the Conservation of Significant (Historic) Places. The guidance in this document is still considered to be relevant and useful.'</p>	<p><b>Dfl directs the Council to modify Appendix 6, page 516 of the dPS in accordance with this PAC Recommended Amendment.</b></p> <p><b>Furthermore, Dfl directs Council to modify Appendix 6 by deleting the following list of DOE documents which cease to have effect following adoption of the Plan strategy:</b></p> <p>DCAN 1: Amusement Centres  DCAN 3: Bookmaking Offices  DCAN 4: Restaurants, Cafes and Fast-Food Outlets  DCAN 5: Taxi Offices  DCAN 7: Public Houses  DCAN 8: Housing in Existing Urban Areas  DCAN 9: Residential and Nursing Homes  DCAN 11: Access for People with Disabilities  DCAN 11 (Draft): Access for all – Designing for an Accessible Environment  DCAN 13: Crèches, Day Nurseries and Pre-School Play Groups</p> <p>PPS 7 Quality Residential Development – 'Justification and Amplification' sections only.</p> <p>PPS 7 (Addendum) Residential Extensions and Alterations – Annex A only.</p> <p>PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas - 'Justification and Amplification' sections, Annex A: Space Standards, Annex C: Previously</p>
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**Schedule 2– Derry City & Strabane District Council – Departmental MODs (all new MODs, All FCs, any altered Commissioner RAs)**

						Developed Land and Annex E: Definition of an Established Residential Area, excluding 'Exceptions'.  PPS 17 Control of Outdoor Advertisements - Annex A only
<b>MOD 112</b>	RA 200		517	Appendix 7	Include in the glossary any definitions used within the plan	<b>DfI directs the Council to modify Appendix 7, page 517 of the dPS in accordance with this PAC Recommended Amendment.</b>
<b>MOD 113</b>						<b>As a result of the modifications contained within this direction, DfI directs the Council to ensure that any other presentational or factual amendments, typographical errors and grammatical errors are updated as necessary to the overall Plan Strategy upon adoption. These updates should not amend the nature and intent of the modifications.</b>

## Sch 2 Annex 1

### RP1-City / Town Centre-First

Derry City and Strabane District Council will adopt a City / Town centre-first approach for retail and other main town centre uses 25. A sequential test will be applied to all applications that are not within an existing centre. DCSDC will require proposals for retail and other main town centre uses to be considered sequentially in the following order of appropriate preference as applicable to the specific nature of the proposal and the centre(s) in question.

1 Primary Retail Core

2 Town Centres (including City Centre, Town Centre, District Centre and Local Centre)

3. Edge-of-Town Centre (including edge-of-City Centre, edge-of-Town Centre, edge-of-District Centre and edge-of-Local Centre)

4. Out-of-centre locations that are or can be made accessible by a choice of public transport modes.

The sequential test will direct development within centres before considering an edge-of-centre site. Preference will be given to edge-of-centre land before considering an out-of-centre site. Where more than one centre falls within the catchment area of a proposal, sequential preference should normally be given to the higher order centre, or its edge-of-centre where applicable.

Refer to Policies RP 2 – RP 6 for proposals in the specific centres, and to RP 9 for any out-of-centre proposal.

25 Includes cultural and community facilities, retail, leisure, entertainment and businesses. 'Town' centre also includes 'city' centre, as per SPPS 6.269

### Justification and Amplification

10.11 A key objective of the LDP is to strengthen Derry city centre and also Strabane town centre. This order of preference is also consistent with both the RDS and SPPS in terms of defining a network and hierarchy of centres. The RDS highlights the need to strengthen and secure the role of Derry as the principal city for the North West and a strong and vibrant city centre should be at the heart of this, in accordance with the *'town centre first'* approach in the SPPS. Prioritising the city centre is therefore a key objective of the LDP.

10.12 Derry City Centre is the main regional centre for shopping and a range of other uses. It is home to a range of cultural destinations, restaurants, pubs, as well as businesses and residential properties and it is important to maintain and improve its offer across all these areas. The policy is set out to ensure that any potential further out-of-centre retail and / or commercial leisure development does not undermine its role in the hierarchy.

10.13 Beyond Derry City Centre, Strabane is the dominant town within the District, with findings from our retail study underlining its important role as a main service centre and with cross-border retailing being a significant part of its overall role and function.

## Sch 2 Annex 1

10.14 Castlederg, Newtownstewart and Claudy all contain a broad mix of main town centre uses and are performing roles commensurate with a town centre. They provide a broad range of facilities and services which are found in the definition of *'main town centre uses'* in the SPPS and which function as a focus for the local community. The LDP will not be defining or designating 'village centres' in relation to the retail policies.

10.15 District Centres typically contain groups of shops that are separate from the town centre and are often anchored by a larger food-store offer, as well as providing other non-retail services and in some cases, community and business facilities. As set out in the SPPS, these centres should be complementary to the role and function of town centres. In this regard, the LDP identifies that centres which are performing this role and function are all found in Derry, specifically Lisnagelvin, Northside, Rath Mór and Springtown.

10.16 Local shopping centres serve an important role in Derry and typically contain a small grouping of shops and services catering for local day-to-day shopping needs. Village centres perform a similar role in the settlements.

10.17 Following City/Town Centres, preference will be given to edge-of-town centre land before considering out-of-centre sites. In line with SPPS para 6.287, to be considered as edge-of-centre, a site should either be adjacent or clearly associated with that boundary of that centre, taking account of physical or perceived barriers, with the proximity being proportionate to the scale of that settlement and the centre in question e.g. in a Derry City Centre context, 300 metres from the City Centre boundary could be reasonable, whereas for Strabane or a local Town Centre, it would be less. For District or Local centre contexts, it would need to be immediately adjacent.

10.18 For clarity, a higher order centre is one that is within a higher tier in the RP 1 Hierarchy or, within Tier 2 - Derry City Centre is higher order than its District Centres and the District Centres are higher order than the Local Centres. Similarly, elsewhere, a Town Centre is higher order than a Local Centre.

10.19 The network of centres for the District in terms of locations is set out in Designation NC 1: Proposed Network of Centres. The exact location and associated boundaries of the centres will be confirmed as part of the LPP. All policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment.

**Note - This Annex sets out changes to the Tourism Policy TOU 4 and Appendix 2**

**TOU 4 – Hotels, Guest Houses, B&B's & Tourist Hostels in the Countryside**

It is important that all proposals for tourist accommodation are of a high quality and that they meet an identified tourism need or market. They must therefore demonstrate how they make a positive and sustainable contribution to the tourism offer and visitor experience. All development must meet the requirements of GDPOL 1.

**(a) Expansion of Existing Hotels, Guest Houses, B&Bs and Tourist Hostels:**

A proposal for the expansion of an existing hotel, guest house, B&B or tourist hostel will be permitted subject to the following specific criteria:

- (i) new or replacement building(s) are subsidiary in terms of scale to the existing building(s) and will integrate as part of the overall development;
- (ii) any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have.

**(b) Conversion / Replacement or New-Build Tourist Accommodation**

Planning permission will be granted for a new hotel / guest house / tourist hostel in the countryside in the following circumstances and will be assessed under the specified criteria:

**1) Conversion or Replacement of an Existing Rural Building**

A proposal to convert or replace existing buildings in the countryside with a hotel, guest house or tourist hostel will be permitted subject to the following specific criteria:

- the existing building is of permanent construction;
- the existing building and its replacement are both of sufficient size to facilitate the proposed use;
- the existing building is not a listed building;
- where the existing building is a vernacular, or other building that is considered to make an important contribution to local heritage or character, replacement will only be approved where it is demonstrated that the building is not reasonably capable of being made structurally sound or otherwise improved;
- the redevelopment proposed will result in significant environmental benefit;
- overall size and scale of the new development, including car parking and ancillary facilities, will allow it to integrate into the surrounding landscape and will not have a visual impact significantly greater than the existing building;
- the design is of high quality, appropriate to the rural setting and has regard to local distinctiveness;
- access, car parking and other necessary services are available or can be provided without significant adverse impact on the environment, the appearance and character of the locality and road safety.

Refer to related policies ODC 4, HE 3 and HOU 21 regarding the conversion and re-use of existing buildings for other suitable rural uses.

**2) New-Build Hotel, Guest House, or Tourist Hostel on the Periphery of a Settlement.**

Where there is no suitable site within one of the nine tourism settlements, a new-build hotel, guest house, or tourist hostel may be appropriate on the periphery of that tourism settlement subject to meeting normal planning requirements.

A firm proposal to develop a hotel, guest house or tourist hostel on land at the periphery of a tourism settlement will be permitted if there is no suitable site or opportunities within that tourism settlement or other nearby settlement either through the conversion or replacement of a suitable building(s) and the development is close to the settlement, but will not dominate it, adversely affect landscape setting, or otherwise contribute to urban sprawl.

## Sch 2 Annex 2 (UPDATED JAN 2025)

Where the principle of a new building on the periphery of a settlement is established through meeting the above criteria, the Council will apply a sequential locational test, with preference being attributed to sites in the following order:

- land adjacent to the existing settlement limit, subject to amenity and environmental considerations;
- a site on the periphery of the settlement limit which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment;
- an undeveloped site close to the settlement where the development could be visually integrated into the landscape.

Any proposed change of use or replacement of a hotel, guest house or tourist hostel approved under this policy to a non-tourism use will be resisted, unless it is demonstrated that the facility is not viable in the long term and there is sufficient alternative provision in the locality to offset the loss of tourism benefit.

See TOU 2 for this type of accommodation within settlements.

### Justification and Amplification

**12.22 Replacement and/or extension or conversion of an Existing Rural Building:** The Council will encourage the sustainable and sympathetic reuse of non-designated heritage assets, such as vernacular buildings or historic buildings of local importance. The potential for the conversion and re-use of suitable rural buildings for tourism uses, including use as a hotel, guest house or tourist hostel, will be assessed under this Policy and Policy ODC 4, (The conversion change of use and re- use of existing buildings for agricultural and other suitable rural uses). Redevelopment of appropriate building(s) for such uses, will be favourably considered in circumstances where the environmental benefit of full or partial replacement will outweigh the retention and conversion of the building. The condition of the building and the economic feasibility of repairing and maintaining it will also be taken into account in assessing such proposals. Good design is of paramount importance and redevelopment proposals must be sensitive to the rural setting and local distinctiveness. Those supplying evidence in relation to the replacement of a non-designated locally important building should be from a suitably accredited and / or experienced conservation background. Reports should provide recommendations for conservation or stabilisation options alongside evidence that all options have been considered and exhausted to retain the structure.

**12.23 New Build Hotel, Guest House or Tourist Hostel on the periphery of a Settlement:** Where there is no suitable site within a tourism settlement, a new build hotel, guest house or tourist hostel may be appropriate on the periphery of that tourism settlement subject to meeting normal planning requirements. New Build Hotels, Guest Houses or Tourist Hostels should usually be located within settlements in order to take advantage of existing services and facilities, provide ready access for visitors and employees and to minimise the impact on rural amenity and character. However, it is important that firm proposals for such projects are not impeded due to a lack of suitable land within settlements. Where the case for a location outside a settlement in such an area can be clearly demonstrated, the selected site should be as close to the settlement as possible, subject to amenity and environmental considerations, as this is usually more sustainable than a more remote site.

**12.24** There can be tourist accommodation which is marketed under short-term-let tourist accommodation such as B&Bs and serviced/self-catering properties. Some B&B uses and some self-catering properties are not considered to be development requiring planning



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permission in urban and rural situations; however, where there is a new-build or material change of use, planning applications are required and countryside proposals will be assessed under this policy, TOU 6 and ODC 4 as relevant. Short-term-let tourist accommodation will be monitored and reviewed over the period of the LDP.

**12.25** A proposal must also respect the character of the settlement and its setting in the surrounding landscape. This in turn will require careful site selection, layout, design and landscaping. Proposals which are deemed to be acceptable in principle will be required to include sufficient mitigation measures, including landscaping and design, to ameliorate any negative impacts and secure higher quality development.

**12.26** All applications must provide sufficient evidence to indicate how firm or realistic the particular proposal is and what sources of finance are available (including any grant aid) to sustain the project including:

- detailed information to illustrate that there is no reasonable prospect of securing a suitable site within the limits of the particular settlement or other nearby tourism settlement;
- justification for the particular site chosen and illustrative details of the proposed design and site layout.

**12.27** It is important that all proposals for tourism accommodation in the countryside are of a high quality and that they meet an identified tourism need or market. Any new-build or substantial expansion proposals must therefore demonstrate how they make a positive and sustainable contribution to the tourism offer and visitor experience - see Appendix 2 for details of a Tourism Benefit Statement and a Sustainable Benefit Statement.

**12.28** The grant of planning permission will not in itself allow for inappropriate alternative uses if an approved scheme for some reason does not go ahead. While the Council cannot require business enterprises which become uneconomic to continue, alternative land uses will only be approved if there is sufficient alternative accommodation in the locality to provide for tourism benefit. The Council's Tourism Department is to be consulted with regard to such applications and Tourism NI will also be consulted for developments of a significant scale.

**Appendix 2 – Tourism Benefits and Definitions**

**Information on Tourism Benefit Statement & Sustainable Benefit Statement**

Developers are advised to engage with the Council at an early stage to ensure that all necessary information for any tourism development proposal, as considered necessary is provided. The Developer is advised to refer to the relevant General Development Principles and Policies in Chapter 7, as well as information that may be required for certain tourism development projects including the following:

**Tourism Benefit Statement:**

- (a) Environmental Impact Assessment (EIA). Certain tourism developments, depending on their nature, scale or location may be likely to require Environmental Impact Assessment (EIA) under the provisions of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. Schedule 2 of the Regulations lists a number of categories of development, including defined tourism and leisure related projects, which will be likely to require an EIA if they meet or exceed the thresholds specified in the Schedule. In addition, where such development is located within a “sensitive area”, EIA will also be required if it is likely to have a significant effect on the environment;
- (b) Transport Assessment. A Transport Assessment may be required in order to evaluate the transport implications of the development proposal, where it is likely to have significant travel generating uses. The DfI’s Transport Assessment Supplementary Planning Guidance for Development Proposals will provide detailed information on this process and should be considered;
- (c) Details on the viability of the proposal in terms of tourism revenue and employment and increased visitor numbers to the Region/NI and the District;
- (d) Sufficient evidence to demonstrate how realistic the particular proposal is and what sources of finance are available (including any grant aid) to sustain the project. Provide information on an identified tourism market and marketing plan;
- (e) Justification for the particular site chosen and illustrative details of the proposed design and site layout.

**Sustainable Benefit Statement:**

- (a) Details that the proposal will enhance the range and quality of tourism attractions and facilities in the local area;

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- (b) Details that the proposed development will extend the tourist season in the local area;
- (c) There will be significant utilisation of local goods and services, including trades and crafts;
- (d) That the proposal is an important element in farm or broader rural diversification;
- (e) That the proposed development will help to protect or improve an environmental asset associated with either the natural or built heritage;
- (f) That the proposed development will enhance biodiversity, for example through the creation or improvement of wetland or woodland habitat.

### Key Tourism Definitions / Information

<b>B&amp;B</b>	Overnight sleeping accommodation for visitors providing a cooked breakfast and the daily servicing of bedrooms. B&Bs should meet the requirements of the Tourism (NI) Order 1992 and the Tourism Categories of Tourist Establishment (Statutory Criteria) Regulations (NI) 1992 and hold a current Tourism Northern Ireland certificate in order to sell overnight accommodation.
<b>Guest House</b>	Overnight sleeping accommodation for visitors in separate rooms comprising not less than 3 double bedrooms, providing breakfast and an evening meal and the daily servicing of bedrooms. Guest Houses should meet the requirements of the Tourism (NI) Order 1992 and the Tourism Categories of Tourist Establishment (Statutory Criteria) Regulations (NI) 1992 and hold a current Tourism Northern Ireland certificate in order to sell overnight accommodation.
<b>Tourist accommodation</b>	Overnight sleeping accommodation for tourists provided by way of trade or business.
<b>Short-term Lets</b>	Definition and information to be provided by the Council at the time of adoption.
<b>Tourism Asset</b>	Any feature associated with the built or natural environment which is of intrinsic interest to tourists.

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### Indicative list of tourism assets within the District as referred to in Policy TOU 1 Safeguarding of Tourism Assets.

A fuller list of tourism assets is included in Evidence Base document EVB 12 Appendices 5 and 6 (Hyperlink to list to be added), provided by the Council's Tourism Department. Note that the following list not exhaustive (nor are the EVB 12 lists) but some examples of items considered to be tourism assets are set out below:

Asset type	Name	Address
<b>City</b>		
Visitor attraction / scheduled monument	Derry City Walls	Derry-Londonderry City centre
Visitor attraction / historic building	Guildhall	Guildhall Street
Visitor attraction	Murals such as at Free Derry Corner / Bogside, Derry Girls, Amelia Earhart, etc.	Various locations
Visitor attraction	City Cemetery, especially 'celebrity' graves	Lone Moor Road
Parks & gardens / iconic bridge	St. Columb's Park and Peace Bridge	City centre
<b>Elsewhere in District</b>		
Outdoor recreation / scenery	Scenic / angling rivers e.g. River Foyle / Mourne / Derg / Glenelly / Faughan	Across the District
Outdoor recreation / scenery	Sperrin AONB, specifically Sawel / Dart/ Moat / Bessy Bell Mountains, Glenelly Valley	Various, east of Strabane, south of Claudy
Historic site	Loughash Wedge Tombs	Loughash Road, Donamana
Historic building	President Wilson Ancestral Home	Spout Road, Dergalt, Strabane
Historic building	Gray's Printing Press & Tearooms	Main Street, Strabane
Historic demesnes / buildings	Derg Castle, Harry Avery's Castle, Baronscourt Estate, Prehen House	Castlederg, Newtownstewart, Baronscourt, Prehen-Derry

**Tourist amenity** An amenity, facility, or service provided primarily for tourists, but does not include tourist accommodation.

### Indicative list of tourist amenities within the District referred to in Policy TOU 3 Tourist Amenities in the Countryside and TOU 6 Self-catering Accommodation in the Countryside

An extensive list of tourism attractions and amenities is included in Evidence Base document EVB 12 Appendix 4 (Hyperlink to list to be added); note that this list is provided by the Council's Tourism Department and many of these do not constitute a 'tourist amenity' in Planning terms, that meets the above definition. The following list is not exhaustive, but some local examples of tourist amenities are set out below:

Amenity type	Name	Address
<b>City</b>		
Independent retail /artisan goods	Craft Village	Shipquay Street, Derry
Entertainment	Brunswick Moviebowl & Indoor Fun	Brunswick Lane, Pennyburn Ind Estate
Visitor attractions	Museum of Free Derry	55 Glenfada Park
Theatres	Millennium Forum	Newmarket St
Cultural	Tower Museum	Union Hall Place
<b>Elsewhere in District</b>		
Activity centres	Oakfire Adventures	227 Glenshane Road
Attraction - children	Sperrin Fun Farm	Banagher-Feeny
Outdoor recreation	Sperrin Giant's sculpture – Nowanois	Legcloughfin, Cranagh, Glenelly Valley

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Outdoor recreation	Golf clubs	Various
Leisure	Wild Atlantic Distillery & Gin School	Aghyaran, Castlederg
Arts and entertainment	Alley Theatre and Arts Centre	Railway Street, Strabane.
Multi activity - fishing, hunting, food.	Baronscourt Estate	Baronscourt, Newtownstewart

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### Chapter 15 Introduction and Policy ODC 1

#### 15.0 OTHER DEVELOPMENT IN THE COUNTRYSIDE

15.1 Similar to the Strategic Planning Policy Statement for NI (SPPS), this LDP defines the countryside as the land lying outside of the identified settlement limits. It recognises the countryside as one of our greatest assets, with its highly valued landscapes, an outstanding coastline, a complex variety of wildlife, rich built and cultural heritage, for the ecosystem services it provides, and for its sense of place and history. In addition to its role and function as a recreational and tourist asset, the countryside also supports our important agricultural industry, offers potential opportunities for sustainable growth in new sectors, and is home to a considerable rural population. Similar to the Regional Development Strategy (RDS 2035), the Council recognises that sustainable new development is required in order to maintain and enhance the attractiveness of the countryside as a place to invest, live and work.

15.2 Derry City and Strabane District Council also recognises that to sustain rural communities, new development and employment opportunities are required which respect our local, social and environmental circumstances. Facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape. Within this District, the countryside has a range of economic, social and environmental characteristics, with varying levels of development pressures and many different landscapes and varying environmental sensitivity. Some parts are particularly sensitive to change and other areas have lower sensitivities and thus provide opportunities to accommodate sustainable development. It is also important to take into account the role and function of rural settlements and accessibility to existing services and infrastructure.

15.3 As set out in Paragraph 2.4, the District's countryside accounts for approximately 1,200 km<sup>2</sup> with around 16% or 24,000 people living there. In 2018, 1,771 farms were registered in the District of which a majority (75%) were classified as 'very small'. The Council recognises that as agriculture and other development in the countryside continues to change, it is important that the Planning process continues to support the operational needs of farm families and other non-farm rural dwellers and businesses, as well as enhancing the attractiveness of the countryside as a place to grow, invest and work. Accordingly, the LDP's Vision and several of its spatial, economic, social and environmental Objectives in Chapter 4 relate directly to the countryside, seeking to 'to provide for vital and vibrant rural communities elsewhere, including in our small settlements, whilst protecting the countryside in which they live by accommodating appropriate development so as to sustain and service these rural communities'.

15.4 Chapter 6 sets out the District's Spatial Strategy, including a settlement hierarchy of 47 settlements and the remaining open countryside. Policy Sett 2 establishes that each settlement will have a defined development limit, beyond which

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there will be presumption against further urban development (subject to development in accordance with the other relevant policies). The chapter goes on to identify the rural Strategic Development Pressure Areas (GBs, DPAs and WECAAs) and Strategic Environmental Spatial Designations (SCAs and AHLIs), in addition to the Natural Environment designations referenced in Chapter 21. The various other topic-based Chapters contain the relevant policies for the assessment of proposals for those respective developments in the countryside. The General Development Principles and Policies of Chapter 7 also apply in the countryside, as well as the Place-Making & Design Vision / Policy for the countryside in Chapter 32.

15.5 Therefore, consistent with the SPPS and the RDS, the aim of this LDP with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining vibrant rural communities.

**The Council's LDP Strategy for Sustainable Development in the Countryside** is to identify the various types of developments that are acceptable in principle in the countryside, including agriculture / forestry, farm diversification and re-use of buildings as set out in this chapter, as well as the various development types set out in the respective topic chapters. 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, particularly protecting the Green Belt and other development pressure areas and designated areas. The general policy approach is to cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously used buildings. This sustainable approach facilitates essential new development, whilst simultaneously mitigating the potential adverse impacts upon rural amenity and scenic landscapes. All new development in the countryside must integrate, respect rural character and be appropriately designed.

### Policies for Other Development in the Countryside

15.6 This LDP intends to deliver its vision, objectives and strategy for Other Development in the Countryside through sustainable management of development through the following policies. All proposals will need to be particularly cognisant of the LDP principles to promote sustainable development and being resilient to climate change, as well as the respective LDP sections.

#### ODC 1 Other Development in the Countryside

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will help sustain rural communities and contribute to the aims of sustainable development. The main types of sustainable rural housing and non-residential developments are covered in the respective chapters of this LDP dPS.

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is

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otherwise allocated for development in this LDP. This presumption against such other developments will be particularly important within the defined Green Belt areas.

### Justification & Amplification

15.7 All proposals for development in the countryside must meet the requirements of Policy GDPOL 1 (General Development policy) and Chapter 32 (Design for the Countryside). In particular, they must be sited and designed to integrate sympathetically with their surroundings and to meet other sustainability and planning & environmental considerations including those for drainage, accessibility and road safety.

15.8 Where there are specifically designated areas of the countryside (see Chapter 6 and 21 designations and policies – SCA, AHLIs, Green Belts, DPAs, WECAs, AONB, LLPAs and Nature Conservation Sites), development should be in accordance with the policy requirements for that area.

15.9 Proposals for sustainable dwellings and their associated ancillary developments will be assessed against the respective policies set out in Chapter 16, particularly Policies 18 to 26.

15.10 The range of other types of sustainable non-residential development that may be acceptable in principle in the countryside will be considered in accordance with the respective relevant dPS chapter and GDPOL 1, including applicable:

- farm diversification proposals – in accordance with Policy ODC 2;
- agricultural / forestry development – in accordance with Policy ODC 3;
- re-use of existing buildings – in accordance with Policy ODC 4;
- tourism development – in accordance with Chapter 12 policies;
- industry and business uses – in accordance with Chapter 9 policies;
- retailing – in accordance with Policy RP 7;
- minerals development – in accordance with Chapter 13 policies;
- outdoor sport / recreational uses – in accordance with Chapter 17 policies;
- renewable energy projects – in accordance with Chapter 24 policies;
- a necessary community facility to serve the local rural population, essential infrastructure, pathways, utilities or telecommunications development – in accordance with their respective relevant chapters.

15.11 Other than the above types of sustainable residential and non-residential developments, any other use or development will need to demonstrate to the satisfaction of the Council why there are overriding reasons why that development is essential in this countryside location and could not be located in a settlement, or it is otherwise allocated for development in this LDP. Over development in the open countryside would have the potential to bring with it significant environmental, financial and social impacts. These can be manifest through for example suburban sprawl, habitat loss and adverse impact upon water quality particularly from the increased use of non-mains sewerage systems. It also has the potential to impact upon the sustainable growth of our city, towns, villages and small settlements.



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15.12 In cases where there is an overriding site-specific reason or other reason to justify the development in the countryside, a careful and sustainable siting will be essential in order to minimise its impact in the countryside. It may be desirable to locate immediately adjoining a settlement rather than a remote, less-sustainable location, whilst taking care to avoid the impression of urban sprawl.

## **Sch 2 Annex 4 (UPDATED JAN 2025)**

### **NOTE – This Annex sets out changes to HOU1, HOU2, HOU5 & Corrected Figures for Table 1 at Appendix 5 of LDP draft Plan Strategy**

#### **POLICIES FOR STRATEGIC HOUSING ALLOCATIONS**

- 16.18 The LDP will deliver its strategic supply of housing land through the following strategic policies. All proposals in relation to strategic housing development will need to be particularly cognisant of the LDP principles to promote sustainable development and being resilient to climate change, as well as the other relevant LDP sections.

#### **HOU 1 Strategic Allocation and Management of Housing Land – Zoned Housing Land and LUPAs.**

The LDP allocates land to deliver at least 9,000 new homes in the District as set out in Table 8 or Appendix 5 Tables 1 & 2. The quantum of existing commitments significantly exceeds the future housing requirements for the LDP period. The identification and release of land for housing will be managed as follows:

##### ***(a) City, Main Town and Local Towns***

To provide a managed release of housing land across the District, the Council will zone housing land within the City, Main Town and the Local Towns in three phases. Phase 1 sites will be developed first and should be sufficient to meet future housing needs over the LDP period. Small sites and brownfield sites will also provide housing opportunities (see Policy HOU2).

**LDP Phase 1 Zonings** – Phase 1 housing land will be zoned on sites (of 0.2 hectares or 10 or more dwelling units in the following circumstances:

- Existing commitments i.e. previously-zoned or unzoned land with live residential planning permission;
- Selected Urban Capacity Sites (City and Main Town) and Selected Whiteland Sites (Local Towns) identified at LPP;

**LDP Phase 2 Zonings** – Phase 2 housing land will be zoned and held in reserve in the following circumstances:

- Other appropriate Derry Area Plan (DAP) and Strabane Area Plan (SAP) housing zonings, without current residential planning permission; and
- Other Urban Capacity Sites (City and Main Town) and Other Whiteland Sites (Local Towns).

If during the LDP period, there is a need for Phase 2 housing zonings earlier than anticipated, the following will apply:

- Phase 2 can be re-zoned as Phase 1 as a consequence of an LDP amendment following an LDP Review and the re-appraisal of future housing requirements. Conversely, if certain Phase 1 land is not implemented, it can be re-zoned as Phase 2 or alternatively, either Phase 1 or Phase 2 lands can be rezoned for an alternative land-use, following an LDP Review;
- Phase 2 land can be approved through a planning application from a registered housing association for social / affordable housing where there is a localised housing stress / need. Such a need should be supported by NIHE.

## **Sch 2 Annex 4 (UPDATED JAN 2025)**

### **LDP Phase 3 Zonings – Strategic Housing Land Reserve**

A strategic reserve of Phase 3 Housing lands will be identified at the LPP stage, comprising a limited amount of land that previously lay just outside of the City / Town settlement development limits (SDL) and is located immediately adjacent to those areas identified (by NIHE) as having the most acute social housing need.

In exceptional circumstances, where there is extreme localised social / affordable housing stress / need and it is demonstrated to the Council that the need cannot be met through the above sequence of Phase 1, Phase 2 or other HOU 2 lands, then a planning application can come forward on a Phase 3 site for immediate development to address that need. Such a planning application, after the LPP adoption, shall be from NIHE or a registered housing association\*, primarily for affordable housing, and the development shall be part of a Balanced Community in accordance with Policy HOU 5. Such a need should be supported by NIHE.

### ***(b) Villages and Small Settlements***

Within the Villages and Small Settlements, the Council will identify Land Use Policy Areas (LUPAs) in the LPP. These will indicate where most new houses within settlements will be located and also their appropriate scale and form generally. Exceptions may be made for social housing where a Housing Association demonstrates a need within a settlement that cannot be met inside a LUPA.

Within all settlements, housing developments and associated residential facilities will be acceptable in principle on LDP Phase 1 zoned housing land, the exceptions and HOU 2 land and relevant LUPAs, subject to the following Housing policies and Chapter 7 General Development Principles and Policies. In order to ensure delivery of sustainable Housing, alternative uses will not normally be permitted on zoned Housing land.

### ***(c) Housing in the Countryside***

The LDP expects to deliver approx. 1,100 to 1,400 houses in the countryside over the LDP period; these will be strategically delivered via policies HOU 18 – 26.

\*A Registered Housing Association' (RHA) is a housing association registered and regulated by the Department for Communities as a provider of accommodation for special needs groups. RHAs are the main developers of new social housing for rent in Northern Ireland. The NIHE also has the power to build and provide social housing and as such this policy also applies to applications made by NIHE.

### **Justification and Amplification**

- 16.19 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. This is in accordance with the indicative numbers and breakdown in Table 8 in this chapter and as broken down further in Appendix 5, Tables 1 and 2. In many of our settlements, the number of existing commitments is sufficient to meet the housing requirement up to 2032 and even beyond. It will only be after these commitments are delivered that a requirement will emerge for the phased release of selected sites for housing. 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.

## **Sch 2 Annex 4 (UPDATED JAN 2025)**

- 16.20 A criteria-based approach to selecting sites for each phase will be undertaken in the Local Policies Plan (LPP). The selection criteria will take account of a number of factors including: Housing Monitor; Urban Capacity; Windfall and Housing Needs Assessment (HNA). Sites may be zoned at LPP with key site requirements to guide their development. Sites will only be selected where it can be shown that they can accommodate 5 or more dwellings.
- 16.21 As previously stated, 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. Any previously permitted site that has not made a material start or has development ongoing prior to their permission expiring may not have the permission renewed and will thus be considered as a Phase 2 site', unless it meets the criteria as a Selected Urban Capacity or a Selected Whiteland Site in accordance with Phase 1 (see the next paragraph). In addition, both Phase 1 and Phase 2 Lands may be considered for rezoning to alternative land uses, such as community open space, if residential development on such sites is not brought forward within a reasonable timescale. At the LDP Reviews, the Council will use this mechanism, to review the identified housing land and may rezone all or some of that land, so as to ensure commencement and delivery of housing, rather than contribute to delay and land-banking of the Housing lands that it has identified in the LDP.
- 16.22 Phase 1 sites will also include Selected Urban Capacity sites and Selected Whiteland sites. The process for selecting these sites will be outlined and completed at LPP stage A criteria-based approach to selecting the sites for each phase will be undertaken in the Local Policies Plan (LPP). The selection criteria will take account of a number of factors particularly Accessibility Analysis to ensure that the most central / sustainable sites come forward first. An initial analysis has been undertaken to establish the likely potential output of available sites as indicated in Appendix 5 Table 2, from which these further sites will be selected.
- 16.23 Phase 2 sites will be held as a reserve to meet future need. This approach provides a vision for the long-term management of our existing oversupply of housing land. Phase 2 housing zonings can be released at an earlier time as detailed in the policy, account will be taken of the latest housing requirements and housing stress / housing need as detailed by NIHE.
- 16.24 In addition to the Phase 1 and 2 approach, the Council has identified that there may be a very specific shortage of housing land, matched with a very high social housing need, in certain local areas. In these circumstances, if no alternatives can be identified after a sequential consideration, it may be necessary to exceptionally permit some additional housing lands. These Phase 3 Lands are being introduced to formalise the potential provision of additional land at the edge of the city or towns for social / affordable Housing, in exceptional circumstances, thus ensuring the orderly and consistent release and development of such lands by the Council through the LDP. The amount of Phase 3 land identified will be limited to that which is reasonably necessary and sustainable; it will be decided by the Council at LPP stage, dependent on the amount of Phase 1 & Phase 2 land that can be identified / Zoned in a local area (related to the NIHE-defined local housing areas) and dependent on the amount of Housing Need prevailing in that area at that time. Such lands, whether inside or outside of settlement development limits, should also be sequentially assessed, to be sustainable, accessible and as centrally located to services as far as possible.

## **Sch 2 Annex 4 (UPDATED JAN 2025)**

- 16.25 Development proposal for housing on unzoned 'greenfield sites'<sup>36</sup> that are within the settlement limits will not normally be approved as they would undermine the LDP strategy for housing allocation. This will also apply to development proposals for the renewal of existing and lapsed planning permissions (i.e. existing commitments) on 'greenfield sites'.
- 16.26 **Land Use Policy Areas (LUPAs)** in villages and small settlements will be designated for housing and certain other uses including community uses, open space and economic development, all appropriate to the scale of the settlement. These LUPAs will be designated based on a number of considerations at LPP stages. These will include, but is not restricted to, the settlement's indicative allocation, sewerage capacity, school capacity and Social Housing Need.
- 16.27 The LUPAs will be identified following a detailed analysis and character appraisal of the settlements, and will focus on providing housing in locations where it is most likely to integrate into the character of the settlement. The LUPAs will also be proportionate with the scale of, and the future housing requirement of, the individual settlement.
- 16.28 In recent decades, some of the villages and small settlements, especially those close to Derry and Strabane, have experienced unsustainable levels of housing development, often with no or low levels of nearby service provision. Such developments can be considered to be too large in relation to their position in the settlement hierarchy and the availability of services. Similarly, they are often out of character with the traditional pattern of growth. Conversely, some other villages and small settlements, especially those in remote rural locations have had very little housing growth within their settlement limits, thereby resulting in declining population numbers. Consequently, local services such as schools, shops, pubs, sports teams and other community facilities suffer through this gradual decline. The aim of the LDP is to sustain vibrant rural communities and small settlements, so it will be important to monitor to ensure that adequate amounts of new housing is being approved and built.
- 16.29 Therefore, assisted by the designation of LUPAs in the LDP Local Policies Plan, the LDP Plan Strategy will seek to deliver in the villages and small settlements over the LDP period, the appropriate scale and type of housing developments to reflect their settlement status and level of services so as to sustain them at the heart of vibrant rural communities. Housing developments in villages will be expected to restrict the number and size to reflect the above and the indicative housing requirement in Table 2. Typically, village housing development should be modest-scale of not more than 10 – 20 dwellings. Small settlements should have small-scale housing development of single dwellings, some infill and small groups of typically 5 – 10 dwellings. The layouts should be informal and house designs should also reflect the rural location - refer to Chapter 26, Place Making and Design Vision, Chapter 30, Strategic Vision and Design, and Chapter 31, Small Settlements: Strategic Vision and Design for more information. In the transition period until LPP adoption of LUPAs, these standards will be applied for planning applications. In this manner, the LDP will manage and deliver the appropriate housing to meet requirement of the villages/small settlements as part of the District Housing overall requirement.

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<sup>36</sup> 'Greenfield Sites' – Land that has not previously been developed.

## **Sch 2 Annex 4 (UPDATED JAN 2025)**

### **HOU 2 – Strategic Allocation of Housing in Settlements - other than Zoned Housing Land and LUPAs**

It is the LDP's intent that all new housing development within the city and towns of the area will be delivered on land zoned under Policy HOU 1 or elsewhere on appropriate sites within the Settlement Development Limits under this policy. This policy promotes the development of new housing on appropriate vacant and underutilised land at sustainable locations within the settlements.

Therefore, Planning permission will be granted for housing developments on brownfield sites<sup>37</sup>, small whiteland<sup>38</sup> or open space (if it accords with Policy OS1) within the settlement limits which are not zoned for housing or mixed use (to include an element of housing), where the following criteria are met:

- a. The site is suitable for housing development;
- b. The location is accessible by walking, cycling and public transport to key services and facilities.
- c. Provision is made for any additional infrastructure required as a result of the development, including its cumulative impact alongside committed and planned housing development.

Planning permission will be subject to proposals meeting all other policy requirements.

### **Justification and Amplification**

- 16.30 In addition to the lands identified under HOU 1, housing will also be permitted on brownfield sites, small whiteland sites or open space (in accordance with OS 1). Housing will not normally be permitted elsewhere, as such developments would undermine the LDP Housing Strategy. Development on 'brownfield' sites within settlements will be encouraged as it can assist in returning derelict sites to a productive use; help deliver more attractive environments; assist with economic renewal; reduce the need for development on existing underdeveloped or greenfield sites; and to contribute to the regional target for 60% of new housing to be located in appropriate brownfield sites.
- 16.31 Development on whiteland within settlements will be permitted where the proposal is less than 0.2ha or is for less than 10 units and meets the above HOU 2 criteria, to ensure that sustainable sites come forward. Exceptionally, development will be permitted on open space in accordance with the exception test of policy OS 1, Protection of Open Space. The Council will not accept proposals which seek to artificially divide larger sites and bring them forward in a succession of smaller sites to meet the size criteria as set out in Policy HOU 2.
- 16.32 This approach is in accordance with the sequential approach in the SPPS; however; the LDP will only identify brownfield sites as HOU 1 Phase 1 sites at LPP stage in local areas where there is an identified housing need. Otherwise, brownfield sites can come forward under this policy, with a presumption in favour of their permission, subject to meeting the other relevant LDP policies, including the ED 4 protection of Economic Development land.
- 16.33 Where suitable brownfield sites are identified, it is vital that any potential impact from such developments on the surrounding character and infrastructure provision, is minimised and that development is planned to contribute to sustainable development. It is essential that housing coming forward from windfall sites meets the same high level of sustainability as the sites identified and zoned in the LDP and that there is sufficient infrastructure capacity to support development.

<sup>37</sup> Brownfield sites are sites within a settlement limit, which are or were occupied by a permanent structure.

<sup>38</sup> Whiteland refers to undeveloped land that is included within a development limit but has not been zoned for a specific use.

## **Sch 2 Annex 4 (UPDATED JAN 2025)**

### **HOU 5 Affordable and Private Balanced-Tenure Housing in Settlements'**

In order to achieve the Council's stated objectives of delivering adequate numbers of affordable housing and also providing balanced / mixed communities, planning permission will be granted for a residential development scheme of, or including 10 or more residential units (or on a site of 0.5 ha or more), where a minimum of 20% of units are provided as affordable housing. Where there is an acute localised need as demonstrated by the NIHE, the proportion required may be uplifted on an individual site, and this will be indicated as a KSR at the LDP LPPstage.

All such housing schemes will be required to deliver balanced and mixed communities. All relevant proposed housing developments will be expected to provide a balance of suitable tenures, taking account of the proposed and existing mix in that local area. Applicants will be required to clearly demonstrate and submit underpinning evidence, supported by the NIHE, of how they intend to deliver an appropriate affordable / private housing mix to meet any identified acute localised need. Any exceptions to proportions of tenures will need to be specifically justified and evidenced by the applicant.

Where it can be demonstrated that the number of affordable housing units required by this policy would exceed the need, a lower number of units will be acceptable. Furthermore, where a developer is able to demonstrate that it would not be sustainable or viable for them to provide the number of units required by the policy, the Council will consider a suitable number on a fully-evidenced case-by-case basis. Where it can be demonstrated that there is no need in the area, then accordingly the requirements of this policy do not apply.

The agreed ratio of private to affordable housing will need to be implemented and maintained during, and for an agreed period after, the construction of the scheme.

In villages and small settlements, sites below the normal threshold of 10 dwellings may also need to provide affordable housing if there is an identified need; such a need in that settlement will be identified at the LPP stage, or may be sought directly with applicants on a case-by-case basis via the development management process at the planning application stage.

Planning permission will not be granted for development proposals containing less than 10 housing units where lands have been artificially divided for the purposes of circumventing these policy requirements. Where there is a phased approach to the development of a site, this should be discussed with the Council at the outset to ensure that the affordable housing requirement can be developed in a comprehensive way over the whole scheme.

Affordable housing will be secured as appropriate, depending on size of the development, by way of a condition or Section 76 Planning Agreement, which should be in place in advance of planning permission being granted. An off-site developer contribution may be required and will be considered on a case-by-case basis.

#### **Mixed Tenure / Tenure-Blindness**

The design and external appearance of the affordable housing in the development should reflect the character of the remainder of the site. These should be interspersed within the market housing so that they are not readily distinguishable in terms of external design, materials and finishes.

### **Justification and Amplification**

- 16.45 One of the main aims of the RDS is to promote development which improves the health and well-being of communities and that the provision of more affordable housing will also help to build strong balanced communities. Given the importance of affordable housing in the District, this policy will ensure that it is delivered as an integrated part of all new residential developments over a site size threshold.
- 16.46 The District has a higher proportion of social housing compared to Northern Ireland as a whole. The total new-build social housing need for Derry City and Strabane District Council for the period 2017 – 2032 is 4,750<sup>3</sup> units. Within this District, there is significant demand for affordable housing, especially in Derry City. It is anticipated that the significant majority (approximately 4,400) of the required Social Housing Need will be delivered through existing housing sites under construction or with current planning permission (commitments) or via remaining housing zonings. Therefore, the general requirement in this policy that 20% of all new housing units should be affordable housing, should be adequate to deliver the remaining number of dwellings to address ongoing Housing Need.
- 16.47 Affordable housing, while enabling the delivery of new homes to meet needs, should also ensure that growth contributes positively to the creation of mixed, inclusive and sustainable communities and delivers 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. Refer to Policy HOU 6, House Types, Size and Tenure.
- 16.48 Where an application is submitted and is subject to an affordable housing requirement, the Council will liaise with the NIHE to establish that affordable housing on that site is needed. Applicants are encouraged to seek advice from NIHE to discuss the exact mix of affordable housing required in each case. This should ensure that affordable housing takes account of the number of applicants in housing stress in a locality, according to the common housing selection scheme and that it meets recognised housing need as identified through an up-to-date Housing Needs Assessment (HNA). Advice from a Housing Association on the layout and design of the affordable housing units and the financial and technical regime within which Housing Associations work will assist the applicant in submitting a residential scheme that meets this policy.
- 16.49 Where the Council can demonstrate, supported by up-to-date evidence provided by NIHE, that an acute localised need for a higher proportion of affordable housing cannot be fully addressed by the minimum 20% requirement, the proportion of affordable housing required may be uplifted on an individual site. If this is the case, the LDP Local Policies Plan will vary the proportion of affordable housing through a Key Site Requirement (KSR) on zoned housingland.
- 16.50 If need, in the local area, has been met or has decreased, the affordable housing requirement may be lowered or removed. Under this policy, developers will need to provide the Council with robust evidence to justify raising, lowering or removing the affordable housing requirement on a site.
- 16.51 The Council has indicated that there should be no more than a 70 – 80% proportion of either private or affordable housing in an area in the interests of achieving balanced and sustainable communities. The Council will seek an indicative mix from proposed housing schemes of no more than a maximum of 80% of either private or affordable houses to deliver the Council objective of such balanced communities. The applicant will need to provide evidence and submit a statement which takes into account the existing tenure mix. This would include up-to-date NIHE information including supported private- rented accommodation evidence if required.

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<sup>3</sup> Northern Ireland Housing Executive (NIHE) - 15 Year Social Housing Need Assessment to 2032 (December 2018)



- 16.52 The Department for Communities issued a revised definition of affordable housing in April 2021. Affordable housing is now defined as:
- a) Social rented housing; or
  - b) Intermediate housing for sale; or
  - c) Intermediate housing for rent
- that is provided outside of the general market, for those whose needs are not met by the market. Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.
- 16.53 The SPSS recognises that the definition of intermediate housing ‘may change over time to incorporate other forms of housing tenure below market rates’. The NI definition of intermediate housing may be further expanded in the future to include these other products to support the SPSS aim of assisting eligible households into affordable housing. Where this is the case, such additional products will normally be considered suitable to meet the affordable housing obligations of this policy in the future.
- 16.54 Mixed tenure is residential development, which combines a range of tenure options, which can include owner-occupier housing, shared ownership housing and rental properties (social, intermediate and private). The focus of mixed-tenure development is fostering greater social, economic and community mix to support thriving and sustainable communities (see HOU 6, House types and Size).
- 16.55 To support mixed tenure development, the affordable housing units should be interspersed with the market housing. ‘Tenure Blindness’, as well as ‘pepper-potting’ is widely accepted as a key component of any successful mixed tenure development. In essence, it means there should be no distinction, particularly in the external specifications and standard of finishes between tenures and any external design finishes should be minimal. Research has shown that visible differences in tenure can contribute to a sense of difference and division between residents, which would be entirely counterintuitive to efforts to promote mixed tenure communities in which neighbourly relationships can thrive. Planning permission may be refused where schemes do not provide effective integration of affordable units in new developments.
- 16.56 This policy also states that developments cannot be artificially divided or phased to avoid housing obligations. Partial redevelopment of a site will only be considered acceptable where an overall concept masterplan demonstrating that all of the provisions of this policy can be met and future affordable housing provision can be ensured through a planning condition or Section 76 Planning Agreement, where appropriate.
- 16.57 There may be cases where, due to the nature, scale or locations of the proposed development, on-site provision for affordable housing may not be necessary or desirable.
- 16.58 Off-site provision will only be acceptable in exceptional circumstances. It will only be agreed where the approach contributes to the creation of mixed and balanced communities in the local area. It must be subject to robust justification based upon, for example, if the housing priorities could be better met in an alternative location, determined by the Council, in consultation with NIHE. Provision of affordable housing units on an alternative site will be in addition to any applicable affordable housing requirement arising from the development of any market housing on the alternative site. The Council

will require applicants to have secured planning permission for the required amount of off-site affordable housing before any occupation of the market housing development on site. An off-site Developer Contribution will also be considered on a case-by-case basis. (See Chapter 34 Developer Contributions and Community Benefits for further information). However, the preference is to have off-site affordable housing over a developer contribution where this is feasible.

# Appendix 5 – Housing Allocation Tables

Table 1 – Allocation of Housing over LDP Period 2017 – 2032, for DC&SDC's Settlements, based on crude Size

Settlement Tier	Settlement	Approx. No. of Households <sup>84</sup>	% Share of all Households	Population (150,497) <sup>85</sup>	% Share of Population	Share of Housing Requirement (9,000) by % Households	Share of Housing Requirement (9,000) by % Population	Approximate Current Housing Capacity <sup>86</sup>
District Total		61,302	100.00%	150,497	100.00%	9,000	9,000	n/a
Settlement Total		53,278	86.91%	126,194	83.85%	7,822	7,547	20,844
City	Derry City	35,501	57.91%	83,163	55.26%	5,212	4,973	12,600
Main Town	Strabane	5,661	9.23%	13,172	8.75%	831	788	1,600
Local Town	Castlederg	1,367	2.23%	2,976	1.98%	201	178	784
	Claudy	531	0.87%	1,340	0.89%	78	80	348
	Newtownstewart	689	1.12%	1,551	1.03%	101	93	519

- 84 The figures denoting the number of households in each settlement are based on the NISRA statistics. For those settlements that NISRA did not have data for, a count was carried out for individual settlements using Pointer data, the District Total for the Approx. No. of Households is rationalized in EVB 2, Figure 8.
- 85 Population data for settlements has been taken from NINIS where the information was available. Where settlement data was not available, a population was calculated based on the number of households (2017 Pointer) x 2.5 persons per house
- 86 'Approximate Current Housing Capacity' include planning approvals, land zoned in the DAP and SAP, plus Urban Capacity sites, Whiteland and Windfall Allocation.

Settlement Tier	Settlement	Approx. No. of Households <sup>84</sup>	% Share of all Households	Population (150,497) <sup>85</sup>	% Share of Population	Share of Housing Requirement (9,000) by % Households	Share of Housing Requirement (9,000) by % Population	Approximate Current Housing Capacity <sup>86</sup>
Villages	Ardstraw	87	0.14%	218	0.14%	13	13	148
	Artigarvan	310	0.51%	730	0.49%	46	44	300
	Ballymagorry	274	0.45%	608	0.40%	41	36	247
	Clady	242	0.39%	538	0.36%	36	32	185
	Cranagh	32	0.05%	80	0.05%	5	5	98
	Culmore	1,161	1.89%	3,465	2.30%	170	207	256
	Donemana	271	0.44%	586	0.39%	40	35	271
	Eglinton	1,365	2.23%	3,679	2.44%	201	220	187
	Erganagh	206	0.34%	515	0.34%	31	31	45
	Glebe	273	0.45%	734	0.49%	41	44	147
	Glenmornan	63	0.10%	158	0.10%	9	9	85
	Killea (part in NI)	53	0.09%	133	0.09%	8	8	2
	Killen	115	0.19%	288	0.19%	17	17	143
	Killeter	46	0.08%	115	0.08%	7	7	45
	Lettershendoney	186	0.30%	510	0.34%	27	30	67
	Magheramason	215	0.35%	538	0.36%	32	32	192
	Newbuildings	1,109	1.81%	2,611	1.73%	163	156	324
	Park	184	0.30%	460	0.31%	27	28	40
	Plumbridge	124	0.20%	310	0.21%	18	19	148
	Sion Mills	871	1.42%	1,907	1.27%	128	114	174
	Spamount	98	0.16%	245	0.16%	14	15	321
	Strathfoyle	988	1.61%	2,419	1.61%	145	145	104
	Victoria Bridge	152	0.25%	380	0.25%	23	23	445

Settlement Tier	Settlement	Approx. No. of Households <sup>24</sup>	% Share of all Households	Population (150,497) <sup>25</sup>	% Share of Population	Share of Housing Requirement (9,000) by % Households	Share of Housing Requirement (9,000) by % Population	Approximate Current Housing Capacity <sup>26</sup>
Small Settlements	Aghabrack	16	0.03%	40	0.03%	3	2	119
	Aghyaran	6	0.01%	15	0.01%	1	1	141
	Ardmore	165	0.27%	413	0.27%	24	25	85
	Ballyrory	31	0.05%	78	0.05%	5	5	43
	Bready	79	0.13%	198	0.13%	12	12	54
	Campsey	56	0.09%	140	0.09%	8	8	44
	Cloghcor	5	0.01%	13	0.01%	1	1	60
	Craigbane	7	0.01%	18	0.01%	1	1	41
	Donaghedy	50	0.08%	125	0.08%	7	7	35
	Douglas Bridge	60	0.10%	150	0.10%	9	9	96
	Drumlegagh	33	0.05%	83	0.06%	5	5	87
	Garvetagh	18	0.03%	45	0.03%	3	3	88
	Goshaden	32	0.05%	80	0.05%	5	5	0
	Killaloo	31	0.05%	78	0.05%	5	5	18
	Maydown	182	0.30%	455	0.30%	27	27	4
	Nixon's Corner	86	0.14%	215	0.14%	13	13	8
	Straidarren	169	0.28%	423	0.28%	25	25	9
	Tamnaherin	69	0.11%	173	0.11%	10	10	42
	Tullintrain	9	0.01%	23	0.02%	1	1	45

**Note - This Annex sets out changes to the Historic Environment Policy HE 2, 4, 8 & 9**

**HE 2a Archaeological Assessment and Evaluation**

**Planning Permission will not be granted where the impact of a development on important archaeological remains are unclear, or the relative importance of the remains is uncertain. The Council will require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not provided, a precautionary approach will be adopted and Planning Permission will be refused.**

**Justification and Amplification**

- 23.18 Developers need to take into account archaeological considerations and should deal with them from the beginning of the development management process. The needs of archaeology and development can often be reconciled, and potential conflict avoided or much reduced, if developers discuss their proposals with the Council and HED at an early stage.
- 23.19 It is therefore in the developers own interest to establish whether a site is known or likely to contain archaeological remains as part of their own assessment. The first step is to consult the Historic Environment Record of Northern Ireland which contains database information on all recorded heritage assets which is maintained by DfC. Informal discussion with HED will also help provide advice in relation to the archaeological sensitivity of a site.
- 23.20 In certain case, the Council may use its powers under the Planning Act (Northern Ireland) 2011 to request further information in the form of an archaeological assessment or evaluation. These can help determine the importance, character and extent of any archaeological remains that may exist in the area of a proposed development and indicate the weight which should be attached to their preservation. They will also provide information that may be useful in developing options for minimising or avoiding damage. Such information will enable the Council to make an informed and reasonable Planning decision.



## **HE 2b Archaeological Mitigation**

**Where Planning Permission is granted for development which will affect sites known or likely to contain archaeological remains, the Council will impose conditions to ensure preservation in situ, or licensed excavation, recording and archiving of the archaeology before development commences.**

### Justification and Amplification

23.21 The preferred approach to archaeological remains affected by development is:

- i) Preservation of remains in situ;
- ii) Licensed excavation<sup>1</sup> and recording examination and archiving of the archaeology before development commences.

23.22 In some circumstances, it will be possible to permit development proposals which affect archaeological remains to proceed provided that appropriate archaeological mitigation measures are in place which preserve the remains in the final development or ensure excavation recording prior to destruction.

23.23 Mitigation may require design alterations to development schemes which avoid disturbing the remains altogether or minimise the potential damage through measures such as careful siting of landscaped and open space areas. There are techniques available for sealing archaeological remains underneath buildings or landscaping, thus securing their preservation for the future, even though they remain inaccessible for the time being.

23.24 The excavation recording of remains is regarded as a second best option to their physical preservation. The science of archaeology is developing rapidly and excavation means the total destruction of evidence (apart from removable objects) from which future techniques could almost certainly extract more information than is currently possible. Excavation is also expensive and time-consuming, and discoveries may have to be evaluated in a hurry against an inadequate research framework. The preservation in-situ of important archaeological remains is always the preferred course of action.

23.25 There will be occasions where archaeological remains are of lesser importance, where the value of the remains is not sufficient when weighed against all other material considerations, including the importance of the development, to justify preservation in situ. In these cases, developers will be required to prepare and carry out a programme of archaeological works, working to a brief detailed in HED statutory consultation responses and advice.

23.26 Offers of facilitation of excavation by developers will not justify a grant of planning permission for a development which would damage or destroy archaeological remains whose physical preservation is desirable, because of their importance, and feasible.

### Areas of Archaeological Potential

23.27 Areas of Archaeological Potential (APP) are those areas within settlements where on the basis of current knowledge, it is likely that archaeology remains will be encountered in the course of continuing development and change.

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<sup>1</sup> Excavations are licensed by Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995

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Currently, the entirety of the Historic City Conservation Area, which includes the Walled City, and certain lands outside but immediately adjacent to the south and east of the Conservation Area boundary, are recognised as being an APP. Further AAPs will be identified in the Local Policies Plan. (see also paras, 23.10 and 23.61)

### **Discovery of Previously Unknown Archaeological Remains**

- 23.28 Discovery of previously unknown archaeological remains can result in a material change which could affect the nature of the development permitted. Occasionally archaeological remains are only discovered once development commences. In such circumstances it is a statutory requirement that these are reported to HED.
- 23.29 On rare occasions the importance of such remains may merit scheduling, in which case the developer would need to seek separate scheduled monument consent before they continue work. In most cases it should prove possible for differences to be resolved through voluntary discussion toward agreement of a migration strategy for a satisfactory compromise to be reached. Applicants should consider the potential need for a contingency plan to deal with unexpected archaeological discoveries.

**To note - Paragraph numbers in Policy HE 3 onwards will need to be renumbered.**



**HE4 Listed Building and their Settings**

**All proposals affecting a listed building must ensure the works protect, conserve and where possible, enhance the heritage asset. All proposals must be based on a clear understanding of the importance of the heritage asset and should support the best viable use that is compatible with the fabric, setting and essential character of the building.**

- (a) Change of Use of a Listed Building**  
Planning Permission will be granted, in consultation with the relevant statutory authority, where the change of use secures its upkeep and survival, and the essential character and special architectural or historic interest of the building.
- (b) Extensions and Alterations to a Listed Building**  
Planning permission will only be granted, in consultation with the relevant statutory authority for development proposals, for the extension and alteration of a listed building where the following criteria are met: - The essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired; - The works proposed make use of traditional and / or sympathetic building materials and techniques which match or are in keeping with those found on the building; and - The architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.
- (c) The Control of Advertisements on a Listed Building**  
Advertisement Consent will only be granted, in consultation with the relevant statutory authority, for advertisements and signs on a listed building where they are carefully designed and located to respect the architectural form and detailing of the building and meets the requirements of the strategic policy in the Signage & Outdoor Advertising chapter.
- (d) Demolition of a Listed Building**  
There will be a presumption in favour of retaining Listed Buildings. The Council, in consultation with the relevant statutory authority, will not permit the total demolition or any significant part of a listed building unless there are exceptional reasons why the building cannot be retained in its original or a reasonably modified form. Where, exceptionally, Listed Building Consent is granted for demolition, this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording before its demolition.
- e) Development Affecting the Setting of a Listed Building**  
Planning permission will only be granted for a development proposal which would not adversely affect the setting of a listed building, assessed in consultation with the relevant statutory authority. Development proposals will normally only be considered appropriate where all the following criteria is met:  
- The detailed design respects the listed building in terms of scale, height, massing and alignment.  
- The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and  
- The nature of the use proposed respects the character of the setting of the building.

Justification and Amplification

23.31 The District contains a wealth of listed buildings; the greatest concentration being within Derry's historic core within the vicinity of the City Walls. These buildings add to the quality of our lives and contribute to the local distinctiveness, character and appearance of the District's city, towns, villages and countryside. It is therefore important to conserve, protect and enhance these buildings, in accordance with the Historic Environment policy suite and GDP 8.

23.32 Listed buildings are designated by the Department for Communities, as being of 'special architectural or historic interest' under Section 80 of the Planning Act (NI) 2011. They are key elements of our historic environment and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are based on a clear understanding of the importance of the building, as well as the rarity of the type of structure and any other features of special architectural or historic interest which it possesses.

23.33 The Council will consult with the relevant statutory authority when determining Listed Building Consent and planning applications which impact on a listed building and/or its setting, in accordance with legislative requirements.<sup>2</sup>

(a) Change of Use of a Listed Building

23.34 The key to survival and upkeep of listed buildings is to keep them in active use and accessible to all, while the most appropriate use of an historic building will often be that for which it was designed. It is widely accepted that new compatible uses should be found for historic buildings where they can no longer reasonably be expected to serve their original use and where the integrity of their built fabric is under threat. Proposals for the conversion of a listed building to a new use should be based on a clear understanding of the special interest of the building, its historic fabric, setting and essential character. It should also be noted that this may not necessarily be the most profitable use. It is important to acknowledge that at times a building is so sensitive that it cannot sustain any alterations to keep it in viable economic use, but its future may nevertheless be secured by charitable or community ownership.

(b) Extensions and Alterations to a Listed Building

23.35 Many listed buildings can tolerate some degree of thoughtful alteration or extension to accommodate continuing or new uses. Extensions should be of a high quality design, subservient to, and in keeping with, the essential character of the listed building and its setting. Successive applications for alteration or extension, or minor works of indifferent quality, should be carefully considered, as such works can cumulatively reduce a listed buildings special interest.

23.36 In assessing the effect of any alteration or extension, including applications to provide inclusive access under DDA requirements, consideration will be given to

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<sup>2</sup> Schedule 3 of The Planning (General Development Procedure) Order (Northern Ireland) 2015 as amended 2016 and Regulation 6 (1) of The Planning (Listed Buildings) Regulations (Northern Ireland) 2015 as amended 2016.

the elements that make up the special interest of the listed building in question<sup>3</sup>. They may comprise not only of the obvious visual features such as decorative facades and its setting or, internally, staircases or decorative plaster ceilings but also the spatial layout of the building, the archaeological or technological interest of the surviving structure and the use of materials. Any intervention should also be based on a clear understanding of the structure of the listed building, because it is vitally important that new work does not weaken the structural integrity of the building. Applicants should justify their proposals, in an accompanying Design and Access Statement, demonstrating how decisions have been made and why the proposed change is desirable or necessary. All proposals should seek to conserve the maximum amount of historic fabric with minimum intervention. While British Standards are not statutory, the Council would commend the advice and guidance set out in BS 7913: 2013 'Guide to the conservation of historic buildings' when considering works of alteration or extension.

- 23.37 Where a building forms part of an architectural group, for example as part of a terrace, then it may not be possible to make even minor external alterations without disrupting the architectural unity of the group. Even painting or stone cleaning of one unit in a terrace can have this effect.

(c) The Control of Advertisement on a Listed Building

- 23.38 Many heritage assets are in commercial use and already display signs or advertisements of some sort. These in themselves may be of historic interest or of some artistic quality, and where this is the case, the council will not normally permit their removal or significant alteration. New signs and advertisements can have a major impact on the appearance and character of a listed building and its setting. The cumulative impact of new advertisements should not clutter or adversely impact on existing historic advertisements, and should enhance the listed building and its setting.

- 23.39 Where a proposal to display signs on a listed building is considered to be acceptable in principle, they should be of a high design standard and complement the age and architectural style of the building, carefully located not to obscure, overlap or cut into any architectural detailing or structural divisions. These considerations will to a large extent dictate the scale, size, proportions and position of any signage. Illuminated signs and advertisements will not normally be acceptable. Materials, detailing and finishes should also respect the essential character of the listed building and its setting contributing to a quality environment. Applications for the display of advertisements will be assessed against this policy and the policy requirements of Chapter 14: Signs and Outdoor Advertising.

(d) Demolition of a Listed Building

- 23.40 The demolition of a listed building should be wholly exceptional and will require the strongest justification. Consent will not be given for the total or substantial demolition of any listed building without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and where these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that

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<sup>3</sup> The published listing criteria can provide further amplification on the listing: - <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/dfc-hed-scheduling-of-historic-buildings.PDF>

redevelopment would produce substantial regional benefits which would decisively outweigh the loss resulting from demolition. While it is acknowledged that very occasionally demolition of a listed building will be unavoidable, Consent will not be given simply because redevelopment is economically more attractive to the developer. Where proposed works would result in total demolition of a listed building, or any significant part of it, consideration will be given to:

- (i) the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;
- (ii) the adequacy of efforts made to retain the building in use;
- (iii) the merits for alternative proposals for the site.

23.41 The onus will be on the applicant to demonstrate and justify the need for demolition. Evidence will be required to indicate alternative options for stabilisation of the existing structure have been considered in efforts to retain the listed building. Reports submitted for consideration on the integrity of the building, including structural integrity, must be submitted by suitably conservation experienced engineers, architects, building surveyors and so on. Structural issues will not be given substantive weight when making a case of demolition where these have arisen due to neglect of a listed building through lack of maintenance or failure to secure by current or previous owners. In the rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight will be given to the costs of repair.

23.42 Proposals for the demolition of a listed building will not be considered in isolation from proposals for subsequent redevelopment. Detailed drawings illustrating the proposed redevelopment of the site should therefore accompany a Listed Building Consent application for full or partial demolition. Where exceptionally, Consent is granted for the demolition of a listed building, conditions should normally include:

- A Section 76 Planning Agreement to ensure the site is subsequently redeveloped for the purpose granted and
- Appropriate recording of the building prior to its demolition, typically consisting of a drawn, photographic and written record

(e) Development Affecting the Setting of a Listed Building

23.43 The setting of a listed building is often an essential part of the building's character, as it enables the heritage asset to be understood, seen, experienced and enjoyed within its context. Any proposal for development, which by its character or location may have an adverse impact on the setting of a listed building, will require very careful consideration. The design of new buildings planned to stand alongside historic buildings must be of a high quality, designed to respect their settings and follow fundamental principles of scale, height, massing, proportion and alignment, with use of appropriate sustainable materials.

23.44 The extent to which proposals will be required to comply with the criteria will be influenced by a variety of factors: the character and quality of the listed building; the proximity of the proposal to it; the character and quality of the setting; and

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the extent to which the proposed development and the listed building will be experienced in juxtaposition.

23.45 Development proposals some distance from the site of a listed building can sometimes have an adverse effect on its setting e.g. where it would affect views of an historic skyline. Applications that may affect the setting of a listed building will therefore normally require the submission of detailed contextual drawings and visuals which illustrate the relationship between the proposal and the listed building and demonstrate how they will be seen in juxtaposition. In determining applications for development affecting the setting of a listed building, the Council will have regard to HED publication 'Guidance on Setting and the Historic Environment.

**HE 8 Conversion and Re-Use of Non-Designated Heritage Assets**

The Council will permit the sympathetic conversion and re-use of non-designated heritage assets (NDHAs), such as an unlisted vernacular building or historic building of local importance to other appropriate uses, where this would secure their upkeep and retention, while ensuring no harm or loss to the significance of the heritage asset.

Proposals for conversion will normally be required to meet all the following criteria:

- a) The building is of permanent construction, structurally sound and capable of conversion;
- b) The scheme of conversion will not have an adverse effect on the character or appearance of the locality and maintains or enhances the form, character and architectural features, design, materials and setting of the existing building. This will involve retention of existing door and window openings and minimising the number of new openings. Details such as door and window design, external surfaces, rainwater goods and means of enclosure should be of a traditional or sympathetic design and materials;
- c) The new use would not cause unacceptable adverse effects on the amenities of nearby residents or other land uses;
- d) Any new extensions are modest in size relative to the existing building, is visually subservient to it, does not harm the character or appearance of that building and uses sympathetic high quality design, details and materials; and
- e) Access and other necessary services are provided without adverse impact on the character of the locality.

Exceptionally, consideration may be given to the sympathetic conversion of a traditional non residential building to provide more than one dwelling where the building is of sufficient size; the scheme of conversion involves minimal intervention; and the overall scale of the proposal and intensity of use is considered appropriate to the locality.

**Green Belt Policy Area.**

Within the Green Belt, Planning permission will be granted for proposals seeking the conversion / reuse of other rural buildings, subject to the above criteria. In particular, criteria d (scale of new extensions) will be strictly applied.

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### Justification and Amplification

23.49 Changing patterns of life mean that some traditional vernacular or historic locally important buildings are no longer needed for their original use. These heritage assets can include former mill complexes, school houses, churches, former dwellings and traditional barns or outbuildings. Their vacancy puts them at risk of eventual dereliction. Such buildings represent a valuable historic resource which contributes to local distinctiveness and sense of place. Their appropriate re-use would contribute to sustainable development and may encourage the social and economic regeneration of particular areas.

23.50 The SPPS describes vernacular buildings as those which reflect the local 'folk tradition' and are typical of a common type of building in a particular locality, generally pre 1925. 'Building on Tradition' - A Sustainable Design Guide for the NI Countryside) published as Supplementary Planning Guidance to PPS 21 in 2012 states that the term vernacular architecture applies to building design that was not formalized but its form, plan and method of construction expresses local and regional traditions. Vernacular dwellings can largely be identified by:

- A simplicity of form;
- The linear plan, usually single room deep between the front and the rear walls;
- Linear extension or extensions with an extra storey;
- Hearths and chimneys expressed along the ridge lines;
- The use of local materials;
- Siting either fronting or gable end to the road.

A sense of loss - The survival of rural traditional buildings in Northern Ireland,' Chapter 2, provides a definition and complete list of the characteristics of rural vernacular dwellings.

23.51 A Historic Building of Local Importance is '...a building , structure or feature, whilst not statutory listed, has been identified by the council as an important part of their heritage, due to its local architectural or historic significance.' (SPPS 6.24). Such buildings can include more formally designed, churches, schools, community halls, etc.<sup>8</sup> As stated in paragraph 3.11, the Council has decided not to undertake a 'local list' at this time, of notable unlisted vernacular buildings or other historic buildings of local importance. Nevertheless, the Council will provide protection for these heritage assets through this Local Development Plan policy, enabling assessment of the asset on a case-by-case basis as it arises through a planning application.

23.52 The Council will encourage the re-use of such non-designated heritage assets by sympathetic renovation or conversion for a range of appropriate uses. This may include proposals for tourism or recreation use, small-scale employment uses or new rural enterprises. All development proposals for the conversion of

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a vernacular building or historic building of local importance should involve a minimum of work and should maintain or enhance the existing character of the building and its setting. Any such proposed uses should also comply with the requirements of their relevant subject policies in this LDP, particularly TOU 4, AGR 3, HOU 20 & HOU 21.

- 23.53 Approval will not normally be given to a scheme involving substantial demolition or dominant extensions which significantly alter the appearance or character of the building. Design therefore is particularly important and where extensions or external alterations are proposed, these must reflect the scale, massing, materials and detailing of the existing property. All proposals will therefore be critically assessed as to their contribution to the conservation of the building to be converted.
- 23.54 Reports to demonstrate that the building is structurally sound and capable of conversion must be submitted by suitably experienced conservation engineers, architects, building surveyors, etc. Where structural issues have been identified, such reports should provide sympathetic alternative options for stabilisation of the existing structure, to facilitate its retention and reuse.
- 23.55 In some instances, there will be archaeological interests with regard to a historic structure proposed for conversion and re-use and in these instances the relevant Historic Environment policies will apply.
- 23.56 **For proposals related to residential use**, this policy should be read in conjunction to LDP Policy HOU 21: The Conversion and Re-use of other Rural Buildings. Great care will be necessary in assessing proposals for conversion to residential use as this can be particularly detrimental to the fabric and character of certain buildings. In the countryside, and particularly in Green Belts and Areas of High Landscape Importance (AHLIs), the Council will normally only consider a relaxation of its normal planning policies for residential development, where:
- residential use is compatible with the conservation of a vernacular or historic building of local importance which comprises an important element of the landscape;
  - the conversion scheme involves minimal alteration or extension; and
  - the overall scale of the proposal and intensity of use is appropriate to the locality and would not prejudice the objectives behind Green Belt and AHLI designation.



**HE 9 Enabling Development**

**The Council will only permit proposals involving enabling development relating to the re-use, restoration or refurbishment of significant historic places where it is demonstrated by the applicant in a submitted Statement of Justification to accompany an application for Planning Permission, that all of the following criteria are met:**

- a. the significant historic place to be subsidised by the proposed enabling development will bring significant long-term benefits according to its scale and location;**
- b. the conservation of the significant historic place would otherwise be either operationally or financially unviable;**
- c. the impact of the enabling development is precisely defined at the outset;**
- d. the scale of the proposed enabling development does not exceed what is necessary to support the conservation of the significant historic place. The setting and any potential visual impact of the proposed enabling development will be important considerations;**
- e. sufficient subsidy is not available from any other source; and f. the public benefit decisively outweighs the dis-benefits of setting aside other Planning policy.**
- g. it will not materially harm the heritage interests of the significant historic place or its setting;**
- h. it avoids detrimental fragmentation of the management of the significant historic place;**
- i. it will secure the long term future of the significant historic place and, where applicable, through sympathetic schemes for their appropriate re-use; and**
- j. it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than circumstances of the present owner, or the purchase price paid.**

**In considering enabling development proposals, developers are encouraged to enter into preapplication discussions with the Council. The public benefit to be derived from the principal proposal will be secured either by conditional grant of Planning Permission or conditional grant accompanied by a Planning Agreement.**

**Justification and Amplification**

**23.56 ‘Enabling development’ is a development proposal that is contrary to established planning policy and in its own right would not be permitted. Such a proposal may however be allowed where it will secure a proposal for the long**

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term future of a significant historic place. For the purposes of this policy, a significant historic place means any part of the historic environment that has heritage value including scheduled monuments, archaeological remains, historic buildings (both statutorily listed or of more local significance) together with any historically related contents, industrial heritage, conservation areas or a historic park, garden or demesne.

- 23.57 It is intended that this policy will only be used where the long-term public benefit of securing a place of heritage significance decisively outweighs the disadvantages of setting aside normal policy presumptions. It allows for assessment of these proposals as a preliminary requirement and is not to be implemented if the Council is not convinced that the public benefit will be gained.
- 23.58 Enabling development will often be located close to the significant historic place. In some instances however it may be more appropriate for the enabling development to be located elsewhere in the locality or wider Council District, as long as cross-funding measures are secured by way of a Planning Agreement.
- 23.59 To fully address the requirement to provide a Statement of Justification as required by Policy HE 9, the Council will expect the developer to:
- be fully aware, through commissioning the necessary expert advice and an adequate assessment of the place, of the heritage value of the principal proposal in its context, and thus the opportunities and constraints of that particular heritage asset;
  - for significant historic places, explore a range of alternative options for its use;
  - set a realistic timescale for the proposed development, especially for preparing and submitting applications;
  - seek early, pre-application consultation with all who are likely to have a significant interest;
  - provide the Council with clear, comprehensive proposals, including sufficient detailed financial information supported by further relevant and adequate information on the likely impact of the proposal;
  - demonstrate where possible that the policy requirements have been met;
  - propose an appropriate mitigation strategy to address any unavoidable harm; and
  - be prepared to enter into any related legal agreements, such as an Section 76 agreement, necessary to tie the implementation of the proposals to securing the future of the place. Assessing Enabling Development' (published by Central Government - DOE April 2014) is the relevant Best Practice Guidance to Enabling Development.

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The information provided on the enabling development component should be sufficiently detailed to allow the Council to validate the need for, and assess the scale of the enabling development; and consider the impact on private concerns where this coincides with the public interest.

- 23.60 The information supplied by the developer should cover all the financial aspects of the proposed enabling development, in a sufficient degree of detail to enable scrutiny and validation by the Council. This applies both to the assessment of need and the assessment of the scale of the enabling development necessary to meet that need. The onus is on the developer to demonstrate that sufficient funds are not available from any other source, such as grant aid.
- 23.61 ‘Assessing Enabling Development’ (published by Central Government - DOE April 2014) is the relevant Best Practice Guidance to Enabling Development, and will be applied by the Council when determining enabling development applications, related to significant historic places.

### Pre-application Discussions

- 23.62 Developers are encouraged to enter into pre-application discussions with the Council to assess the impact of the enabling element of the proposed development; to establish the level of detail required; to discuss the need to submit a ‘full’ as opposed to ‘outline’ planning application; and to avoid unrealistic expectations.
- 23.63 In some instances, planning conditions attached to a permission will be sufficient to ensure that the public benefits are delivered. In other, more-complex cases, and where there is a need to secure the long-term management arrangements, a Planning Agreement will be required under Section 76 of the Planning Act (NI) 2011.

**Note - This Annex sets out changes to Renewable Energy Policies RED 1 – 5 and J&A**

**Re- ordering of Policy RED 1** (blue-highlighted moved to J&A)

**RED 1 All Renewable and Low Carbon Energy Development – General Criteria**

This policy applies to all renewable and low carbon energy development proposals. In the first instance, proposals for renewable energy must accord with the Chapter 21 designations / species / habitats, as well as Policy NE 1 and the relevant LDP landscape designations and their policies (Refer also to Chapter 6 Spatial Strategy and Chapter 21 Natural Environment):

- Wind Energy Capacity Area (WECA)
- Special Countryside Area (SCA)
- Area of High Landscape Importance (AHLI)
- Area of Outstanding Natural Beauty (AONB)

Subsequent to meeting the above, development proposals that generate energy from renewable resources will be permitted where the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- a) public safety, human health, or residential amenity;
- b) visual amenity, landscape character and designated / protected areas;
- c) biodiversity, natural and / or historic assets;
- d) local natural resources, such as air quality or water quality or quantity;
- e) public access to the countryside; or
- f) flood risk.

~~Proposals will be expected to be located at, or as close as possible to, the source of the resource needed for that particular technology (the proximity principle), unless it can be demonstrated that the benefits of the proposed siting of the scheme outweigh the need for an at-source location e.g. where it is close to the identified end-user.~~  
(Move to J&A by rewording paragraph 24.16 –inserted and clarified by DfI)

Where any project is likely to result in unavoidable damage to the site/ area during its installation, operation or decommissioning, the application will need to indicate how this will be minimised and mitigated, including details of any proposed compensatory measures, such as a habitat management plan or the creation of a new habitat. This matter will need to be agreed before planning permission is granted.

Applications for renewable energy development will be required to demonstrate that the development has taken into consideration the cumulative impact of existing renewable energy development, those which have permissions and those that are currently the subject of valid but undetermined applications.

Sufficient detail shall be provided, i.e. adequate to allow assessment of the overall impact, of all consequent electricity infrastructure (power lines, sub-stations, cabinets, batteries, etc.) required to service the development. This shall be provided at the outset of the submission of any planning application for renewable and low carbon energy development so that the overall impact of the project can be fully

assessed. Refer also to Policy UT 1, which seeks to protect the District's landscape, both urban and rural, from the potential of visual intrusion associated with electricity infrastructure.

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.

~~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 an important consideration as will the impact of proposals on designated natural and historic assets.~~ (Moved to J&A by rewording paragraph 24.17)

Any renewable or low carbon energy development on active peatland<sup>52</sup> will not be permitted unless there are imperative reasons of overriding public interest<sup>53</sup>.

~~All proposals involving the production of renewable and low carbon energy (including repowering of existing wind farm development) must have regard to the 'LDP's Landscape & Seascape Character Area Review' and 'Wind Energy Development in Northern Ireland's Landscapes' and have regard to the publication 'Best Practice Guidance to Planning Policy Statement 18 Renewable Energy' and SPG to PPS 18 Renewable Energy – Anaerobic Digestion, as far as relevant to the proposal, and other relevant SPG documents as may be provided or updated. Renewable energy development proposals require particular scrutiny through Environmental Impact Assessment (EIA) and Habitats Regulations Assessment where applicable.~~ (Move to J&A by rewording paragraph 24.18, inserted and clarified by DfI)

Depending on the specific type / technology being considered, a maximum time limit will normally be conditioned for its removal / site restoration. In relation to all such developments particularly wind farms and solar farms, applicants will be required to provide details on future decommissioning, including proposals for site restoration. In such cases, planning conditions (or a legal agreement, where appropriate) should be used and the arrangements for financial restoration bonds or other financial provision will be made, before planning permission is granted.

## RED 2 Wind Energy Development

Proposals for wind energy development, including proposals for repowering of existing developments, will (in addition to Policy RED 1) be required to meet all of the following criteria:

- i. the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;
- ii. it is demonstrated that development will not create a significant risk of landslide or bog burst; nor will it exacerbate any existing surface water flooding;

- iii. no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems;
- iv. no part of the development will have an unacceptable impact on roads, rail or aviation safety.
- v. turbines proximate to any public road, public right of way or railway line are set back a minimum distance of the fall-over distance [Footnote 54] plus 10% from the edge of same.
- vi. turbines proximate to any occupied or occupiable (insert footnote: '*buildings which, with relatively little intervention, could be readily occupied*'.) buildings are set back a minimum distance of the fall-over distance plus 10% from the curtilage of same;
- vii. the development will not cause significant harm to the safety or amenity of any sensitive receptors<sup>565</sup> (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light;
- viii. above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location. A time limit condition of 30 years will normally be attached; and
- ix. the development will not harm groundwater flow paths or aquifers.

For wind farms and single wind turbines, a separation distance of 10 times rotor diameter to occupiable property will generally apply. For wind farms, the separation distance should be a minimum of 500m. Where the Council considers it necessary, a noise assessment report, and a landscape and visual impact assessment (including photomontages to aid assessment of visual impact) will be submitted upon request and prepared in accordance with best practice methodology (DfI insert footnote below -RA170).

Within designated Wind Energy Capacity Areas (WECAs), any further wind energy development proposals, including re-powering, will need to be very carefully considered so that they do not unacceptably intensify existing adverse landscape impacts in these areas.

**Footnote (instead of EVB 24):** Scottish Natural Heritage (2017) Visual Representation of Wind Farms: Good Practice Guidance (version 2.2) and Landscape Institute Technical Guidance Note 06/19 Visual Representation of Development Proposals (17/9/19)

### RED 3 Solar Farms

Proposals for solar farms will (in addition to Policy RED 1) be required to meet all of the following specific criteria:

- i. there shall not be unacceptably adverse impacts of glint and glare, for public safety especially of drivers and for visual amenity;
- ii. there shall not be unacceptably adverse visual impacts or undue prominence within the landscape;
- iii. it is demonstrated that the associated means of enclosure and other ancillary structures and/or works integrate sufficiently;

- iv. there shall not be unacceptable loss of High Nature Value (HNV) land or Best and Most Versatile agricultural land (BMV);
- v. above-ground redundant plant, buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location. A time limit condition of 30 years will normally be attached.

The 'LDP Landscape Character Area Review' will be taken into account in assessing all solar farm energy proposals, as Supplementary Planning Guidance (SPG).

#### **RED 4 Anaerobic Digesters (AD)**

Proposals for anaerobic digesters will (in addition to Policy RED 1) be required to meet all of the following specific criteria:

- i. feedstock for the AD must be specified, including any waste products. Full 'waste codes' must be specified and agreed;
- ii. details of the source of all feedstock and transportation requirements and routes (in line with the proximity principle) must be provided;
- iii. details of appropriate arrangements must be provided for the storage, transport and end use of all digestate / waste outputs of the AD process, taking account of the 'proximity principle', likely transportation requirements, safety, amenity, environmental and visual impact;
- iv. appropriate provision for the pollution / spillage potential, bunding and other mitigation measures must be specified;
- v. public safety considerations must be adequately addressed;
- vi. relationship to other licensing regimes must be taken into account;
- vii. acceptable arrangements for access, turning and parking arrangements for vehicles, on and accessing the site must be demonstrated;
- viii. it will not result in damaging impacts on human health, as well as sensitive habitats, wider biodiversity and ecosystem resilience, through increased ammonia emissions;

Waste products are often used in or result from AD operations. Therefore, all such proposals shall also be assessed against Policy WP 1 in the Waste Planning Chapter.

#### **RED 5 Hydro-electric Schemes**

Hydro-electric Schemes will (in addition to Policy RED 1) be required to demonstrate all of the following specific criteria:

- i. the potential loss of water flow due to extraction / diversion, especially during various times of the year is adequately addressed;
- ii. there is no unacceptable adverse impact on fish, water birds and other water dependent Wildlife;
- iii. there is no unacceptable adverse impact on water quality as a result of the development; and
- iv. any structures shall have no unacceptable adverse impact on visual amenity or landscape character.

52An 'active' bog as one that supports a significant area of vegetation, which is normally forming peat. A few groups of plants – especially Sphagnum bog mosses and cotton grasses dominate this vegetation. Sphagnum effectively sterilises the bog, preventing organic matter deposited there from decaying. Such areas deliver ecosystem services such as carbon storage & sequestration and water supply. 'Active' bogs include those that suffered temporary setbacks such as fire damage or drought, and areas which have been damaged but which are now showing significant signs of recovery, such as eroded bogs in which the gullies are re-vegetating

53 As defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended

54 Fall over distance is hub height plus the length of one blade.

**55 (New Footnote as detailed under RED 2 (vi)) Buildings which, with relatively little intervention, could be readily occupied**

**56 For the purposes of this policy sensitive receptors are defined as habitable residential accommodation (although not necessarily occupied), hospitals, schools and churches**

### **Justification and Amplification (Inserted by DfI)**

**24.13** This policy relates to all renewable and low carbon energy developments including but not limited to that generated by wind, solar, tidal, biomass, hydroelectric, geothermal and anaerobic energy generation. It applies to proposals for new sites, extensions to existing sites or changes to apparatus, including their 're-powering', densification or otherwise upgrading. This policy relates to the totality of each renewable and/or low carbon energy project including: the generation site itself, the access arrangements, impacts on the surrounding area and any ancillary buildings or infrastructure. Full details of proposed ancillary development will be required to be submitted at the outset for comprehensive assessment purposes. Further guidance on the general principles criteria is provided in Chapter 7 - General Development Principles and Policies. As technologies are continually being researched and developed, proposals utilising other renewable technologies or which are not presently viable, will also be assessed against the requirements of Policy RED 1. **This also includes energy-related proposals such as Battery Energy Storage Systems (BESS).(Sch2 MOD99/RA175/PC219)**

**24.14** Northern Ireland has significant renewable and low carbon energy resources and a vibrant renewable energy industry that makes an important contribution towards achieving sustainable development, including providing employment and investment. Although development proposals for wind energy have dominated 'renewables', a diversity of technologies is required for a sustainable energy mix, such as solar, tidal, biomass, hydroelectric, geothermal and anaerobic energy generation. It is also important to have a fit-for purpose electricity transmission grid to enable future large scale and local level grid connections to ensure energy is supplied as efficiently as possible. For the 12 month period January 2018 to December 2018, 83.1% of renewable electricity generation within NI was generated by wind, whilst biomass, biogas and solar PV continue to show a steady increase over the past few years.

**24.15** Increased development of renewable and low carbon energy resources is vital to facilitating the delivery of international and national commitments on both greenhouse gas emissions and renewable and low carbon energy, which will also assist in greater diversity and security of energy supply. The Council will therefore support renewable and low carbon energy proposals unless they would have



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unacceptable adverse impacts which are not outweighed by the local and wider environmental, economic and social benefits of the development. Some of the more common potential adverse impacts are listed below but this list is by no means exhaustive:

- noise pollution during the construction phase for all types and when operational for certain technologies such as wind turbines;
- erosion of landscape character and / or loss of visual amenity;
- damage to the carbon sequestration function of peatland / forested areas;
- pollution of watercourses through unsuitable measures for managing run off and/or effluent leading to harm or destruction of biodiversity, including riverine ecology – particularly in relation to anaerobic digesters and from land spreading of digestate;
- increased associated vehicular traffic and thus increased air pollution etc. – particularly in relation to transporting waste to and from anaerobic digesters;
- changes to water flows and quantities of within watercourses through abstraction; (Sch 2 MOD 99/RA 176/PC220)
- disruption of bird flight paths.

Development proposals will be required therefore to demonstrate any environmental, economic and social benefits, as well as how any adverse impacts have been mitigated through careful consideration of location, scale, design and other measures.

**24.16** Proposals will be expected to be located at, or as close as possible to, the source of the resource needed for that particular technology (the proximity principle), unless it can be demonstrated that the benefits of the proposed siting of the scheme outweigh the need for an at-source location e.g. where it is close to the identified end-user. In all cases, careful consideration will be given to the scale, siting, design and layout of the proposal. The significance of environmental effects may depend on the type and scale of the renewable or low carbon energy development and the sensitivity of the location. As the sensitivity of location between and within different designated areas can vary, each proposal will be assessed against the specific reason for designation, taking into account uniqueness, beauty, character of landscape, habitat and species, physiographic, geological, value as a carbon sink, heritage and cultural features. Policy relating to these matters is set out in the Natural Environment and Historic Environment Chapters of the LDP.

**24.17** 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 an important consideration as will the impact of proposals on designated natural and historic assets. A cautious approach for renewable and low carbon energy development proposals will apply within our AONB and its wider setting, the designated landscapes which are of significant value and the setting of Derry and Strabane. In more sensitive landscapes, it may be difficult to accommodate proposals including wind turbines, without detriment to the District's natural and cultural assets. There has been a period of intensive renewable and low carbon energy development in this District,

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adjacent Council Districts and cross-boundary areas, especially in relation to wind. Therefore, in relation to locations which are considered to be approaching 'saturation point', especially from wind or solar energy development, considerable scrutiny will apply to future applications. The situation in such areas shall be continue to be monitored and subject to appropriate LDP review as necessary (see designation and policy for Wind Energy Capacity Areas, WECA's, in Chapter 2: Spatial Strategy and 21: Natural Environment, as well as in Appendix 1, Map 2).

**24.18** All proposals involving the production of renewable and low carbon energy (including repowering of existing wind farm development) must have regard to the LDP's Landscape & Seascape Character Area Review' and 'Wind Energy Development in Northern Ireland's Landscapes' and have regard to the publication Best Practice Guidance to Planning Policy Statement 18 Renewable Energy' and SPG to PPS 18 Renewable Energy - Anaerobic Digestion, as far as relevant to the proposal, and other relevant SPG documents as may be provided or updated. Renewable energy development proposals require particular scrutiny through Environmental Impact Assessment (EIA) and Habitats Regulations Assessment where applicable. Where a renewable or low carbon energy development is likely to have an adverse impact on the natural heritage or nature conservation interests, but this impact has been assessed by the Council to not be **(Sch 2 MOD99/RA 177/FC75A)** significant acceptable, developers will be required to bring forward mitigation measures, and where appropriate the scope for compensatory measures may be considered, in accordance with the mitigation hierarchy, see Natural Environment chapter. **(inserted by DfI to pull through PC 221 of schedule 1B)** For wind farm development, it is likely that the duration of the planning permission will be linked to the expected operational life of the turbines. Proposals may be submitted to extend the life of the project by re- equipping or replacing the original turbines. While there are advantages in utilising established sites, such cases will be determined on their individual merit and in the light of the then-prevailing policy and other relevant considerations. **(inserted by DfI to pull through RA179 into J&A as opposed to EVB24)**

**24.19** Active peatland, comprising blanket and raised bog, i.e. peatland on which peat is currently forming and accumulating, is identified as a priority habitat for Europe in Annex 1 of the EC Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora (the 'Habitats Directive').

**24.20** The cutting and drainage associated with the development of, in particular, wind turbines and their associated infrastructure / access arrangements, has the potential to severely impact on the hydrology of a large area of active bog. In addition, development in peatland involves a risk of a mass of peat or bog movement, resulting in landslide or bog burst. **Therefore, there is a presumption against development on active peat except for imperative reasons of overriding public interest. Whilst any development is unlikely to be acceptable on active peatland,(Sch2 MOD99/RA178 PC222)** where development is proposed on peatland, the onus will be on the developer to provide comprehensive information identifying existing, potential and construction induced peat landslide hazards, increased likelihood of localised surface water flooding and / or reduction of the peatland's ability to act as a carbon sink.

**24.21** Where complete avoidance of risk is not possible the proposed design should be modified to incorporate engineering options for mitigation of risk. Development consent may be declined due to the level of hazard identified or where engineering

solutions have the potential to significantly increase the level of disturbance or drying out of the peat and release of carbon.

**24.22** Where the hydrology of other peatland sites has been negatively impacted upon through previous interventions, measures may be taken to restore such areas to active peatland. In promoting mitigation / compensatory measures for renewable and low carbon energy developments, developers may be required to restore areas to active peatland that are within or adjacent to the development site.

**24.23** A renewable energy developer may wish to provide community benefits in support of a community affected by the installation of a renewable and/or low carbon energy project. Community benefits are entirely voluntary and are not a material consideration in the assessment of a planning application, in accordance with para. 5.71 of the SPPS. They can include the creation of local jobs and training opportunities, energy efficiency measures that help to address fuel poverty, payments to the affected community and contributions in kind to local assets and facilities; this list is not exhaustive. Further detail on community benefits and developer contributions (through a section 76 agreement) is in Chapter 34 – Developer Contributions and Community Benefits.

**24.24** In accordance with the requirements of the SPPS, the LDP Local Policies Plan (LPP) will identify the detailed boundaries of WECA's, AHLIs, AONBs and SCAs.

### **Monitoring and Review**

**24.25** Following adoption of the LDP, the Council will monitor the quantity, nature and location of renewable energy development with extant permissions or which have been implemented. Following which, an assessment can be made as to whether the LDP policies are effective in achieving the relevant LDP objectives or whether any constraining designations are required. Where necessary, adjustments can then be made at the LDP 5-yearly review and / or the LDP replacement.

**Note - This Annex sets out changes to the ‘Resilient form of Settlement’ Exemplar Project**

*‘Resilient form of Settlement’ Exemplar Project*

6.14 The idea for a feasibility study for a ‘Resilient form of Settlement’ as a one-off pilot project has been included within Chapter 7: General Development Principles and Policies, as an initiative to demonstrate best-practice in terms of ‘sustainable development’ and ‘adaptation to climate change’. The Council will explore opportunities to demonstrate / test climate-change- adaptation processes but any new form of settlement would be of modest scale and be based upon an existing cluster or settlement – if / when it is developed over the life of this LDP or possibly after 2032. Any such development would respect and enhance sustainable development patterns within existing settlements, be an ‘exceptional case’ and be considered on its individual merits. It would need to fit in the LDP’s settlement hierarchy and any new housing would be delivered within the confines of the LDP’s housing allocations. The location would need to accord with the sequential approach in the SPPS (para 6.139) i.e. it would preferably be accommodated on previously-developed and undeveloped land within the urban footprint and only after that, exceptionally, would an extension to the existing city / town or then the expansion of a village / small settlement be considered suitable.

*After Para 7.50 Implementation of General Development Principles*

The Council will deliver the development principles through the following measures:

- i the policies contained in the LDP;
- ii the Council leading by example through the application of best practice guidance;
- iii considering the feasibility of a pilot ‘form of resilient settlement’ to promote sustainable, climate-resilient settlement form; and
- iv significantly increasing tree-planting associated with development proposals (outside of landscaping requirements).

7.53 Furthermore, this LDP makes provision, on an exceptional basis, for developers to undertake, in conjunction with the Council, a feasibility study for an exciting and innovative, one-off pilot project for the development of a ‘resilient form of settlement’

## **Sch 2 Annex 7**

which would employ the most up-to-date best-practice of sustainable development and the other development principles, as a locally significant model for developers to aspire-to going forward.

7.54 The initiative is intended to demonstrate best practice in terms of adaptation to climate change as well as sustainable development. It would promote self-sufficiency. It is envisaged that the project would be mixed use. It would entail a number of residential and non-residential units and uses, as well as the associated ancillary development. This collaboration of uses would help to provide a development for working and living.

7.55 All buildings would be constructed to the highest environmental standards and energy efficiency designs and the subject area would include such sustainable features as a district heating system, renewable energy, sustainable drainage systems (SuDS), biodiversity, communal facilities, full spectrum re-cycling capabilities i.e. zero waste / circular economy, low water usage and bio-sewage disposal systems.

7.56 It would also feature high quality public open space, community facilities and allotments/green-living provision and excellent connectivity/accessibility for walking and cycling; all of which would perform the dual function of contributing to sustainability and improving health and well-being. The excellent connectivity and accessibility would also promote a high uptake of public transport. Electric vehicles will also be provided for.

7.57 This low-carbon, zero-emissions, eco-friendly development would be expected to be of a fairly modest scale, yet large enough and multi-faceted so as to have a certain degree of self-sufficiency / affordability. The project would also ideally be close to public transport nodes. This 'resilient form of development', subject to the feasibility study, would be an exceptional case and, in accordance with the sequential approach of the SPPS, would normally be expected to lie within an existing settlement and respect and enhance sustainable development patterns within the LDP's settlement hierarchy. Refer also to Chapter 6 of the LDP Spatial Strategy, Para 6.14.

Schedule 3 - Derry City & Strabane District Council – FCs that have not been pulled through by the PAC nor consulted on by Council. – FOR INFO ONLY

The following list contains those Further Changes (FCs) discussed at the Independent Examination (IE) which the PAC have considered and not recommended for amendment. See link attached for full details of the FCs:

[MA007 Further Changes\(FCs\) - Consolidated - to PAC-LDP IE 3rd Oct 2023.pdf \(pacni.gov.uk\)](#)

The Department has also considered these FCs and has made two lists below.

- 1) Those FCs that could potentially be dealt with under MOD115. Council should satisfy themselves that these FCs do not alter the nature or intent of the Policy;

FC 01	General Amendments
FC 02	Policy Context for the LDP
FC 03	Policy Context for the LDP
FC 04	Policy Context for the LDP
FC 05	Policy Context for the LDP
FC 06	Policy Context for the LDP
FC 07	LDP Vision and Objectives
FC 35	Transport and Movement
FC 37	Tourism Development

- 2) a list of those FCs that both the PAC and Department have reviewed and **do not consider** that these changes are required.

FC 13	General Development Principles & Policies
FC 65A	Natural Environment