

Regional Planning Policy & Casework

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5th 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

Dfl consider PC 21, PC 161, PC 160, PC 174, PC 202 are superseded by **MOD 16**, **MOD 80**, **MOD 84**, **MOD 97** respectively.

In addition, PC 75 is also superseded by corresponding **MOD 35**. Dfl 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**, Dfl 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

				7.57	Amend para 7.57, 3 rd 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	
MOD 28	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:	Dfl directs the Council to modify Policy RP 1 in accordance with Schedule 2 Annex 1 of this direction.
MOD 43	RA 71	PC 96	188	12.18 Appendix 2	Amend the 3 rd 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.	Dfl directs the Council to modify paragraph 12.18 as follows: 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 & Policies). Applications for such proposals in the Countryside will be dealt with in policy TOU 4, TOU 6 and policy ODC 4.</p>
MOD 88	RA 144	PC 108	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 produced'.</p>	<p>Dfl directs the Council to modify paragraph 21.11, page 325 of the dPS as follows:</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>