



Derry City & Strabane
District Council

Comhairle Chathair
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DERRY CITY & STRABANE DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032



DRAFT PLAN STRATEGY

Draft Habitats Regulation Assessment (HRA) of the LDP Draft Plan Strategy 2032
Addendum Report (dPS Proposed Changes) – November 2021

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Non-Technical Summary

Derry City and Strabane District Council is currently in the process of developing a new Local Development Plan (LDP) for the District. This will replace the existing Area Plans and will provide a revised policy framework to inform planning decision making and guide development in Derry City and Strabane District until 2032.

Derry City and Strabane District Council's LDP Draft Plan Strategy was published for public consultation in December 2019, with the initial consultation period ending in January 2020. A further period of re-consultation was also held from September to November 2020. In total, approximately 250 representations were received with a further seven counter representations received in response to 12 of the representations.

The Council now proposes to make a number of changes to the draft Plan Strategy, prior to submitting for Independent Examination. These amendments include changes to draft policy wording, the provision of additional text for clarification purposes, modification to other text outside of policy and other minor revisions to address editing issues, factual corrections or typographical errors.

This Addendum to the draft Habitats Regulations Assessment reports on the effects of the proposed changes in relation to the draft Habitats Regulations Assessment of the Draft Plan Strategy. All the proposed changes were reviewed to identify whether they are relevant to the draft Habitats Regulations Assessment. Those that are relevant were screened to identify whether any would have a likely significant effect on any international designated sites. It was found that the majority of proposed changes have no likely significant effect on any international sites and could be screened out of the need for appropriate assessment.

One proposed change introduces a new policy not previously considered in the draft HRA. A further proposed change will lead to the subdivision of the original policy into five policies. It was found that these proposed changes could have a likely significant effect on some international designated sites. The changes have therefore been screened in and the appropriate assessment in the draft HRA will be updated accordingly via this Addendum. For all six policies affected by these proposed changes, measures have already been incorporated which can be considered to be mitigation to avoid adverse effects on the integrity of international sites. Implementing the proposed change would therefore result in no adverse effect on the integrity of any international site.

The mitigation measures recommended in the draft Habitats Regulations Assessment have also been incorporated through proposed changes. Assuming that those changes are all accepted, and the Plan amended accordingly, it is possible to ascertain that the draft Plan Strategy will have no adverse effect on the integrity of any international sites.

The draft Habitats Regulations Assessment will be updated and finalised following public consultation and independent examination of the draft Plan Strategy. It will then be published alongside the Council's adopted Plan Strategy.

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1 Introduction

Consultation on the draft Plan Strategy

- 1.1 Derry City and Strabane District Council is currently in the process of developing a new Local Development Plan (LDP) for the District. This will replace the existing Area Plans and provide a revised policy framework to inform planning decision making and guide development in Derry City and Strabane District until 2032.
- 1.2 The LDP is made up of two documents, the first of which is the draft Plan Strategy, which will then be followed by the Local Policies Plan. The draft Plan Strategy was published on 2nd December 2019 and consulted upon, along with its supporting documents, for an eight-week period concluding on 27th January 2020. A further period of re-consultation was also held from September to November 2020. Approximately 250 individual representations were received during these consultations periods, with a further seven counter representations received during the subsequent period ending 22nd January when counter representations were invited.
- 1.3 All representations received during the consultation period, including those made on the draft Habitats Regulations Assessment (draft HRA), have been fully examined and considered. This process has been documented in a LDP 2032 Draft Plan Strategy Consultation Report, which will be submitted as part of the documentation required for Independent Examination (IE).
- 1.4 Following consideration of the draft Plan Strategy, the Sustainability Appraisal, draft HRA and the submissions received, the Council proposes to make a number of changes to the draft Plan Strategy prior to submitting for IE. These amendments include modifications to draft policy wording, the provision of additional text for clarification purposes, modification to other text outside of policy and other minor revisions to address editing issues, factual corrections or typographical errors. These include changes to implement mitigation recommended in the draft HRA.
- 1.5 For further information on the LDP, including the draft HRA, please visit the Council's web pages at <https://www.derrystrabane.com/Subsites/LDP/>

Next Steps

- 1.6 The proposed changes to the draft Plan Strategy will be subject to an 8-week public consultation from 9th December 2021 to 3rd February 2022. The purpose of the consultation is to inform interested parties of the Proposed changes to the draft Plan Strategy and afford them the opportunity to provide comment for further consideration by the Planning Appeals Commission (PAC) at Independent Examination (IE).
- 1.7 As soon as reasonably practicable after the expiry date of the 8-week consultation period, the Council will submit the draft Plan Strategy and all associated documents to the Department for Infrastructure (Dfi) for IE. All documents submitted to the Department, including those comments received on the proposed changes, will also be made available for public inspection on the Council's website.
- 1.8 Should further changes to the draft Plan Strategy arise out of the IE; the implications of these changes will also be considered in the context of the findings of the SA and HRA. It should be noted that the Dfi will ultimately be responsible for determining whether any changes to the Plan Strategy, as recommended by the PAC after IE, should be implemented.

2 Habitats Regulations Assessment

Statutory Requirements

- 2.1 The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (the Habitats Regulations), Regulation 43, requires an appropriate assessment to be undertaken of plans and projects which are likely to have a significant effect on an international site in Northern Ireland, either alone or in combination with other plans or projects. This is known as Habitats Regulations Assessment (HRA) and provides for assessment of the implications of a land use plan for international sites in view of their conservation objectives. International sites include designated and proposed Special Protection Areas, designated Special Areas of Conservation and Ramsar sites.
- 2.2 The Council's Draft Plan Strategy has the potential to have significant effects on some designated international sites. Therefore, as the Competent Authority, a draft HRA was undertaken to ensure the legal requirements of the Habitats Regulations were fully met. The draft HRA recommended mitigation to avoid adverse effects on international sites, which is intended to be incorporated through proposed changes. It therefore follows that proposed changes to the Draft Plan Strategy must also be assessed under the Habitats Regulations. This Addendum follows the guidance set out in the Habitats Regulations Assessment Handbook¹ (the HRA Handbook) and is also informed by the reference material in Appendix 1 of the draft HRA.

Current Stage

- 2.3 HRA is an iterative process that runs in parallel with the preparation of the LDP, including the draft Plan Strategy. The HRA for the Plan Strategy will be finalised prior to adoption of the Plan Strategy, to ensure that it is up to date at that time.
- 2.4 The draft HRA contains the findings of the assessment of the implementation of the draft Plan Strategy on international sites. It was published together with the draft Plan Strategy in December 2019 and was also subject to statutory and public consultation.
- 2.5 This document forms an Addendum to the September 2019 draft HRA. It identifies whether the outcomes of the draft HRA should be varied or revised from those originally published within that report. **This document should therefore be read in conjunction with the draft Habitats Regulations Assessment of the draft Plan Strategy² and the Local Development Plan 2032 Schedule of Proposed changes, ('the Schedule of Proposed Changes').**
- 2.6 This Addendum includes the following:
 - Review of proposed changes to identify those relevant to HRA.
 - Screening of the relevant proposed changes.
 - A record of those recommendations of the draft HRA which have been implemented through any proposed changes and review of the integrity test.
 - Conclusions on whether any proposed changes lead to a likely significant effect for any site selection features, whether further assessment is required and the outcome of the integrity test.
- 2.7 The draft HRA will be updated and finalised following public consultation and IE of the Draft Plan Strategy. It will then be published alongside the Council's adopted Plan Strategy.

¹ Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, July 2020 edition UK: DTA Publications Ltd.

² Shared Environmental Service (2019) *Local Development Plan – Draft Plan Strategy (LDP PS) Habitats Regulations Assessment (HRA or AA)* found at: http://www.derrystrabane.com/getmedia/a40848a4-d4e0-4675-b0d4-0eeb2a932ef7/MASTER-D-S-Draft-HRA-29_Nov_19-to-D-S_1.pdf [accessed 02/09/2021]

3 Assessment of the proposed changes to the Draft Plan Strategy

Review of relevant changes

- 3.1 The majority of proposed changes to the draft Plan Strategy, in the Schedule of Proposed changes, are minor changes to the draft Plan Strategy, for the purposes of clarification and as factual updates. They are logical and rational updates in response to representations and do not in practice change the direction or application of the policy. The majority of the proposed changes do not:
- fundamentally change a policy in a manner which may result in new potential effects not considered in the draft HRA; or
 - increase the overall quantum of development provided for.
- 3.2 The 250 proposed changes to the draft Plan Strategy were reviewed to identify whether they are relevant to the HRA. The changes that are not considered to be relevant to the HRA are those that:
- relate to policies that have no effect on designated sites or their features; or
 - have no effect on designated sites or their selection features, these include
 - typographical corrections,
 - altered terminology,
 - points of clarification,
 - amendments in the interests of consistency,
 - explanatory text, and
 - factual updates.
- 3.3 Such changes are of no consequence to and will have no conceivable effect on any international sites. This review found that 15 proposed changes relating to 14 policies are relevant to the draft HRA. Of these 15 proposed changes, two may introduce elements that were not considered in the draft HRA. Their consideration will therefore form part of this Addendum.

Screening of relevant changes

- 3.4 Those proposed changes found to be relevant to the draft HRA were screened to determine whether their effect would, be positive in strengthening protection of designated sites, be neutral, or have a potential negative effect. The screening assessed the effect of each proposed change on the policy, taking into account the effect of other modifications to the same policy or its Justification and Amplification (J&A).
- 3.5 The screening outcome is summarised in Appendix 1. The majority of the changes were found to have either a neutral effect or a positive effect in relation to designated sites and site selection features. These changes have no impact on the draft HRA screening, will have no conceivable effect on any international sites and are screened out of further assessment.
- 3.6 Some of the changes relate to implementing recommended mitigation in the draft HRA. These are discussed further in 3.9 to 3.11.
- 3.7 The proposed changes relating to policy RED 1 will result in the subdivision of policy RED 1 into five policies retitled RED 1 to RED 5. Policy RED 1 will retain the general criteria for all Renewable and Low Carbon Energy Development and the policy headings RED 2 - RED 5 will provide separate criteria for the main categories of renewable energy development (RED 2 wind energy, RED 3 solar farms, RED 4 anaerobic digesters and RED 5 hydro-electric schemes). The majority of the proposed changes to original policy RED 1 are to provide clarification and assist in the practical implementation of policy and do not fundamentally alter how the policy on Renewable and Low Carbon Energy Development is applied. However the separation of policies RED 2 - RED 5 from RED 1 means that these policies will

be detached from the mitigation that was included RED 1. As these policies concern development types that might impact upon international sites directly or indirectly, they have been screened in to the draft HRA to assess their significance. The proposed amendments to the draft HRA are included in Appendix 2 and the outcomes are summarised in Table 3.2.

- 3.8 One proposed change will result in the insertion of a new policy into the draft Plan Strategy. New policy ODC 1 has been proposed, to provide for the consideration of other use or development in the countryside that does not fall within the draft Plan Strategy’s main policy themes on development in the countryside. This policy has not previously been screened and is therefore relevant to the draft HRA. The proposed amendment to the draft HRA is included in Appendix 2 and the outcomes are summarised in Table 3.2.

Assessment of implementation of mitigation through changes

- 3.9 The draft HRA screened 10 of the operational policies in the draft Plan Strategy and one section of supplementary information as having a likely significant effect on a site alone. The appropriate assessment of these policies recommended that mitigation measures, in the form of suggested case-specific policy restrictions or caveats should be implemented. These recommendations could then be relied upon to avoid adverse effects on the integrity of the international sites identified as potentially at risk.
- 3.10 The opportunity has been taken to implement any outstanding mitigation measures through proposed changes. Table 3.1 details the recommended mitigation in the draft HRA, the effect of these proposed changes and the outcome of the integrity test. The outcome is that these proposed changes will ensure that the policies to which they apply, and related policies, can have no adverse effect on the integrity of any international site.
- 3.11 The revised screening categories are presented in Appendix 2. All categories change from I (policy or proposal which may have a likely significant effect on a site alone) screened in, to A (General statement of policy/general aspiration), or B (policy listing general criteria) and H (one which cannot undermine conservation objectives), all of which can be screened out. The policies can therefore now be screened out of the need for appropriate assessment.

Table 3.1 Review of the Implementation of draft HRA Recommended Mitigation Measures

Policy	Recommended mitigation measures	Integrity test conclusion
WP 2 Waste Collection and Treatment Facilities	<u>Amend ‘MIN 1’ to ‘WP 1’.</u> WP 2 will then be subject to WP 1 which includes criteria to avoid unacceptable adverse impacts on the natural environment. The J&A for WP 1 expands on potential risks and states that a precautionary approach will be taken.	<u>The text amendments are incorporated in full through proposed change PC 171.</u> The correction ensures that all development must avoid adverse effects on international sites. Policy NE 1 can then be relied upon to ensure that policy WP 2 will have no adverse effect on the integrity of any international site.
WP 3 Waste Disposal	<u>Amend ‘MIN 1’ to ‘WP 1’.</u> WP 3 will then be subject to WP 1 which includes criteria to avoid unacceptable adverse impacts on the natural environment. The J&A for WP 1 expands on potential risks and states that a precautionary approach will be taken.	<u>The text amendments are incorporated in full through proposed change PC 171.</u> The correction ensures that all development must avoid adverse effects on international sites. Policy NE 1 can then be relied upon to ensure that policy WP 3 will have no adverse effect on the integrity of any international site.
Appendix 6: Supplementary Planning Guidance	<u>Review and update the reference to the (Draft) Supplementary Planning Guidance: Anaerobic Digestion June 2013 before the Plan Strategy is adopted.</u> This will ensure that appropriate and up to date guidance is referred to.	<u>The (Draft) Supplementary Planning Guidance: Anaerobic Digestion June 2013 remains the current published guidance. The SPG has included the caveat that “more recent guidance,</u>

Policy	Recommended mitigation measures	Integrity test conclusion
		<p><i><u>including that published by DAERA, must also be taken into account and relied on where it is more up to date</u></i>.</p> <p><u>Updating this reference if new guidance is published before Plan Strategy adoption</u> will ensure that appropriate and up to date guidance on anaerobic digestion is referred to and will inform delivery of policy RED 1. Policy NE 1 can then be relied upon to ensure that policy RED 1 will have no adverse effect on the integrity of any international site.</p>

3.12 Policies ODC 1, RED 1, RED 2, RED 3, RED 4 and RED 5 have been examined in accordance with the steps set out in Section 4 the draft HRA and it is concluded that all six policies should be screened in to the draft HRA. A summary of the outcomes is presented in Table 3.2. The full assessment, which will update the relevant sections in Chapters 4 and 5 of the draft HRA, has been provided in Appendix 2.

Table 3.2 Summary of Proposed Changes Screened In to draft HRA

Policy	Status	Screening Conclusion	Mitigation Measures	Integrity test conclusion
ODC 1	New policy	Screened in to draft HRA as new policy.	In view of the policy caveat, further clarification in the J&A and other policies including NE 1 this policy cannot undermine the conservation objectives of any international sites. <u>No further policy amendments are required.</u>	The policy caveats will ensure that all development must avoid adverse effects on international sites. Policy NE 1 can then be relied upon to ensure that policy ODC 1 will have no adverse effect on the integrity of any international site.
RED 1	Original policy, with sections removed to form RED 2 - RED 5.	Previously assessed in dHRA as RED 1. Screened in and will be updated in draft HRA under precautionary principle. Policy is not spatially specific and could theoretically be relevant to schemes which might impact upon international sites directly or indirectly and therefore mitigation is required.	In view of the policy caveat, further clarification in the J&A and other policies including NE 1 this policy cannot undermine the conservation objectives of any international sites. <u>No further policy amendments are required.</u>	The policy caveats will ensure that all development must avoid adverse effects on international sites. Policy NE 1 can then be relied upon to ensure that policy RED 1 will have no adverse effect on the integrity of any international site.

Policy	Status	Screening Conclusion	Mitigation Measures	Integrity test conclusion
RED 2	Split from RED 1, minor amendments to wording for consistency.	Previously assessed in dHRA as RED 1. Screened in and will be updated in draft HRA under precautionary principle. Policy is not spatially specific and could theoretically be relevant to schemes which might impact upon international sites directly or indirectly and therefore mitigation is required.	In view of the policy caveat, further clarification in the J&A and other policies including NE 1 this policy cannot undermine the conservation objectives of any international sites. <u>No further policy amendments are required.</u>	This policy, which is subject to RED 1, states general criteria for testing the acceptability of proposals. The specific reference to NE 1 in RED 1 can then be relied upon to ensure that policy RED 2 will have no adverse effect on the integrity of any international site.
RED 3	Split from RED 1, minor amendments to wording for consistency.	Previously assessed in dHRA as RED 1. Screened in and will be updated in draft HRA under precautionary principle. Policy is not spatially specific and could theoretically be relevant to schemes which might impact upon international sites directly or indirectly and therefore mitigation is required.	In view of the caveats in RED 1, and of policy NE 1, it is unlikely that RED 3 could undermine the conservation objectives of any international sites. <u>No further policy amendments are required.</u>	This policy, which is subject to RED 1, states general criteria for testing the acceptability of proposals. The specific reference to NE 1 in RED 1 can then be relied upon to ensure that policy RED 3 will have no adverse effect on the integrity of any international site.
RED 4	Split from RED 1, minor amendments to wording for consistency.	Previously assessed in dHRA as RED 1. Screened in and will be updated in draft HRA under precautionary principle. Policy is not spatially specific and could theoretically be relevant to schemes which might impact upon international sites directly or indirectly and therefore mitigation is required.	In view of the caveats in this policy, those within RED 1, and of policy NE 1, it is unlikely that RED 4 could undermine the conservation objectives of any international sites. <u>No further policy amendments are required.</u>	This policy, which is subject to RED 1, states general criteria for testing the acceptability of proposals. The specific reference to NE 1 in RED 1 can then be relied upon to ensure that policy RED 4 will have no adverse effect on the integrity of any international site.
RED 5	Split from RED 1, minor amendments to wording for consistency.	Previously assessed in dHRA as RED 1. Screened in and will be updated in draft HRA under precautionary principle. Policy is not spatially specific and could theoretically be relevant to schemes which might impact upon international sites directly or indirectly and therefore mitigation is required.	In view of the caveats in this policy, those within RED 1, and of policy NE 1, it is unlikely that RED 5 could undermine the conservation objectives of any international sites. <u>No further policy amendments are required.</u>	This policy, which is subject to RED 1, states general criteria for testing the acceptability of proposals. The specific reference to NE 1 in RED 1 can then be relied upon to ensure that policy RED 5 will have no adverse effect on the integrity of any international site.

3.13 Assuming these proposed changes are all accepted, and the plan amended accordingly, it is possible to ascertain that the Plan Strategy will have no adverse effect on the integrity of any international

sites. The accepted changes will be reflected in the finalised HRA prior to adoption of the Plan Strategy.

4 Conclusion

- 4.1 All of the proposed changes listed in the Schedule of Proposed changes were reviewed in the context of the provisions of Regulation 43 of the Habitats Regulations. Fifteen proposed changes were found to be relevant to the draft HRA of the draft Plan Strategy.
- 4.2 The relevant sections or policies were screened under the Habitats Regulations. The majority of the proposed changes were found to have either a positive or a neutral effect and the sections and were able to be screened out of further assessment.
- 4.3 Two proposed changes relating to six policies (the sub-division of one policy into five policies is included in this figure) were screened in for further assessment. A summary of the conclusions of this exercise has been set out in Table 3.2. The full assessment is presented in Appendix 2 and this addendum accordingly provides an update to sections 4 and 5 of the draft HRA. None of the proposed changes would result in any likely significant effects on site selection features as a result of their implementation within the draft Plan Strategy.
- 4.4 The recommendations of the draft HRA are all incorporated through proposed changes. Those changes have been reviewed in detail. They increase awareness of potential effects on international sites, avoid any potential policy conflict and strengthen the protection of international sites within the Draft Plan Strategy.
- 4.5 All plan sections or policies subject to proposed changes can now be screened out as unlikely to have a significant effect either alone or in-combination. As such, no in-combination assessment is required.
- 4.6 On acceptance of the mitigation, implemented through proposed changes, it will then be possible to ascertain that the draft Plan Strategy will have no adverse effect on the integrity of any international sites. Following public consultation and independent examination of the draft Plan Strategy the HRA will be finalised and adopted by the Council and published alongside the adopted Plan Strategy.

Appendix 1 Summary of Proposed Changes Relevant to draft HRA

The following table records those proposed changes that are relevant to the draft HRA. For some of the sections and policies listed there are further proposed changes which, in accordance with Section 3.2, were not considered to be relevant.

PM	Policy or Section	Summary of Issue/Justification	Effect and Comment
PC 29	GDPOL 1	Various Reps requested that there should be a specific requirement for biodiversity net gain, within a policy, as well as in the GD Principles.	Positive: adopting a proactive approach to encouraging biodiversity net gain rather than retaining the status quo or preventing net loss can help to encourage the establishment of, or improve the quality of, supporting habitat.
PC 105	Paragraph 13.10 (MIN 1)	To clarify the meaning of Policy MIN 1 bullet point 1	Positive: While this was not identified as required mitigation in the draft HRA it reinforces the requirement for proposals to comply with NE 1.
PC 119	New Policy ODC 1	Insert new Policy ODC 1, with accompanying Justification & Amplification paragraphs – see Annex 2 Policies AGR 1 - AGR 3 to be relabelled ODC 2 - ODC 4.	ODC 1 is a new policy, a screening has therefore been included below in Appendix 2. (retitling of subsequent policies AGR 1-3 to ODC 2--4has no effect on HRA, policy titles will, however, be updated)
PC 126	HOU 1	Clarification and a typo. To address non development and land-banking to encourage land to come forward for house building and to clarify that ‘certain Phase 1 lands’ depends on whether or not they have legally implemented their planning permission. To Introduce ‘Phase 3 Zoning’ of additional land into HOU 1 to meet the Social Housing Need. This will formalise and manage the ‘exceptional circumstances’ provision and ensure that adequate and sustainable-as-possible lands can be brought forward for affordable housing primarily. To further clarify in the J&A that the LDP Plan Review will consider the rezoning of both Phase 1 & 2 Lands if not brought forward within a reasonable time	Neutral: this introduces the possibility of additional zonings for housing development, however it does not alter the original assessment of the policy. The LPP will be subject to HRA and zoning considerations will include sewerage capacity.

PM	Policy or Section	Summary of Issue/Justification	Effect and Comment
		To explain the rationale in the J&A as to the requirement of Phase 3 Lands.	
PC 166	Paragraph 19.3 (UT 2)	Additional wording to recognise the limitations of the sewerage 'network' as a potential constraint to development.	Positive: Highlights constraints in wastewater treatment and indicates that network constraints may lead to development being refused. This may influence discharges to Foyle and Tributaries SAC and Lough Foyle SPA.
PC 171	WP 2 WP 3	This typo was previously identified and corrected as an 'Erratum' in the dPS	Positive: draft HRA mitigation
PC 177	Paragraph 21.6 (NE 1)	To strengthen Natural Environment pre-amble with mitigation hierarchy text.	Positive: highlights the precautionary principle and mitigation hierarchy.
PC 182	NE 4	To provide amended text to make NE 4 more robust	Positive: While this was not identified as required mitigation in the draft HRA it reinforces the need to comply with NE 1 through the reference to Chapter 21 and adopting a proactive approach to encouraging biodiversity net gain.
PC 187	CD 1	To provide clarity on flooding text due to rising sea levels linked to climate change.	Positive: Strengthens policy by adding reference to land at risk of sea level rise, thus potentially avoiding the loss of natural habitats or deterioration of their quality arising from anthropogenic structures or actions preventing the landward transgression of those habitats that would otherwise naturally occur in response to sea level rise in conjunction with other coastal processes.
PC 206	RED 1	<p>Policy RED 1 is a single multi-dimensional policy with a very short J&A. Split into separate general, wind, solar, AD & hydro policies. Move non-policy text to the J&A to be consistent with other chapters in the dPS.</p> <p>New subdivided policies to be re-labelled in the draft Plan Strategy as RED 2 - RED 5.</p>	RED 2 - RED 5 are new policies. A screening has therefore been included below in Appendix 2.

PM	Policy or Section	Summary of Issue/Justification	Effect and Comment
PC 211	RED 1	Move references to HRA and EIA requirements to J&A as these have their own legislative requirements.	Neutral: referring to NE 1 rather than EIA and HRA improves consistency with the wording of other policies in the draft Plan Strategy, but does not change the implementation of this policy.
PC 213	After Criterion ix. (RED 2)	Add text to consider wind turbine impacts on ground water.	Positive: highlights potential groundwater pathways
PC 217	Anaerobic Digesters section of policy box (RED 4)	To address ammonia emission impacts for Anaerobic Digestion.	Positive: provides additional policy criteria which must be met in terms of ammonia emissions.
PC 225	Paragraph 25.5 (FLD 1)	Add text to further discourage development in climate change flood plains:	Positive: Strengthens policy by adding reference to land at risk of flooding in the future, giving greater scope for enabling natural morphological processes to take place and avoiding future need for flood defence works.
PC 226	Paragraph 25.12 (FLD 1)	Additional text to take into account climate change.	Positive: Strengthens policy by adding reference to land at risk of flooding in the future, giving greater scope for enabling natural morphological processes to take place and avoiding future need for flood defence works.

Appendix 2: Amendments to the draft HRA following implementation of proposed changes: New Inclusion of ODC 1 to draft HRA Screening Economy – Strategy, Designations & Policies (Part C)

15. *Other Development in the Countryside*

The LDP Strategy for Other Development in the Countryside is a general statement of policy which, in itself, cannot have any effect on an international site. It is a possible driver of potential effects but implications are assessed under the policies.

ODC 1 Other Development in the Countryside is a policy listing general criteria for testing the acceptability of proposals. It is not spatially specific and could theoretically be relevant to schemes which might impact upon international sites directly or indirectly. The J&A states that all proposals for other development in the countryside *'must meet the requirements of GDPOL 1'*. It also specifies that *'where there are specifically designated areas of the countryside (see Chapter 6 and 21 designations and policies -...[including]... Nature Conservation Sites), development should be in accordance with the policy requirements for that area.* ODC 1 is therefore screened in for further assessment.

Subsequent paragraphs beginning AGR 1, AGR 2 and AGR 3 will be updated to read ODC 2, ODC 3 and ODC 4.

Revision of RED 1 and New Inclusion of RED 2 - RED 5 to draft HRA Screening Economy – Strategy, Designations & Policies (Part C)

24. *Renewable and Low Carbon Energy Development*

The LDP Strategy for Renewable and Low Carbon Energy Development is a general statement of policy which, in itself, cannot have any effect on an international site.

RED 1 Renewable and Low Carbon Energy Development – General Criteria is a policy listing general criteria for testing the acceptability of proposals. Proposals under RED 2 - RED 5 must also accord with RED 1. RED 1 only permits minerals development *where 'it meets the requirements of NE 1'*. It further states *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: ...c) biodiversity, natural and / or historic assets; d) local natural resources, such as air quality or water quality or quantity...*

This policy is not spatially specific and could theoretically be relevant to schemes which might impact upon international sites directly or indirectly. RED 1 is therefore screened in for further assessment.

Revisions to draft HRA Chapter 5 Appropriate Assessment

Following the screening of plan proposals it has been found that there is potential for likely significant effects to arise from fifteen operational policies and supplementary information in one appendix:

- TAM 12 Transport Facilities
- MIN 1 Minerals Development
- MIN 4 Valuable Minerals
- ODC 1 Other Development in the Countryside
- ODC 2 Farm and Forestry Development
- UT 2 Water Infrastructure
- WP 2 Waste Collection and Treatment Facilities
- WP 3 Waste Disposal
- CD 1 Coastal Development

- RED 1 Renewable and Low Carbon Energy Development – General Criteria
- RED 2 Wind Energy
- RED 3 Solar Farms
- RED 4 Anaerobic Digesters
- RED 5 Hydro-Electric Schemes
- FLD 4 Artificial Modification of Watercourses
- Appendix 6: Supplementary Planning Guidance

ODC 1 inclusion under draft HRA 'mitigation' section, following MIN 1 & MIN 4)

ODC 1 applies to other use or development in the countryside that does not fall within the draft Plan Strategy's main policy themes on development in the countryside. There is uncertainty about the location, scale and nature of development that might be proposed under ODC 1 however proposals under this policy will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, and if they accord with GDPOL 1 and the policy requirements set out in Chapter 21.

In view of the policy caveat, further clarification in the J&A and other policies including NE 1 this policy cannot undermine the conservation objectives of any international sites. No further policy amendments are required.

ODC 1 inclusion under draft HRA 'integrity' test section, following MIN 1 & MIN 4

The policy caveats will ensure that all development must avoid adverse effects on international sites. Policy NE 1 can then be relied upon to ensure that policy ODC 1 will have **no adverse effect on the integrity of any international site.**

RED 1 revision of draft HRA 'mitigation' section

In view of the policy caveat, further clarification in the J&A and other policies including NE 1 this policy cannot undermine the conservation objectives of any international sites. No further policy amendments are required.

RED 1 revision of draft HRA 'integrity test' section

The policy caveats will ensure that all development must avoid adverse effects on international sites. Policy NE 1 can then be relied upon to ensure that policy RED 1 will have **no adverse effect on the integrity of any international site.**

RED 2 is a policy listing general criteria for testing the acceptability of proposals. All proposals under this policy are also subject to RED 1 which includes the requirement for proposals to meet NE 1 and not have an unacceptable adverse impact on the natural environment. There are additional requirements for wind energy including consideration of cumulative impact and risk of landslide or 'bog burst'. This policy is not spatially specific and could theoretically be relevant to schemes which might impact upon international sites directly or indirectly. RED 2 is therefore screened in for further assessment.

RED 2 inclusion under draft HRA 'mitigation' section, following RED 1

In view of the policy caveat, further clarification in the J&A and other policies including NE 1 this policy cannot undermine the conservation objectives of any international sites. No further policy amendments are required.

RED 2 inclusion under draft HRA 'integrity' test section, following RED 1

This policy, which is subject to RED 1, states general criteria for testing the acceptability of proposals. The specific reference to NE 1 in RED 1 can then be relied upon to ensure that policy RED 2 will have **no adverse effect on the integrity of any international site.**

RED 3 is a policy listing general criteria for testing the acceptability of proposals. All proposals under this policy are also subject to RED 1 which includes the requirement for proposals to meet NE 1 and not have an unacceptable adverse impact on the natural environment. This policy is not spatially specific and could theoretically be relevant to schemes which might impact upon international sites directly or indirectly. This policy is not spatially specific and could theoretically be relevant to schemes which might impact upon international sites directly or indirectly. RED 2 is therefore screened in for further assessment.

RED 3 Inclusion under draft HRA 'mitigation' section, following RED 2

In view of the caveats in RED 1, and of policy NE 1, it is unlikely that RED 3 could undermine the conservation objectives of any international sites. No further policy amendments are required.

RED 3 Inclusion under draft HRA 'integrity test' section, following RED 2

This policy, which is subject to RED 1, states general criteria for testing the acceptability of proposals. The specific reference to NE 1 in RED 1 can then be relied upon to ensure that policy RED 3 will have **no adverse effect on the integrity of any international site.**

RED 4 is a policy listing general criteria for testing the acceptability of proposals. All proposals under this policy are also subject to RED 1 which *includes the requirement for proposals to meet NE 1 and not have an unacceptable adverse impact on the natural environment. There are additional requirements for anaerobic digester proposals including consideration of the storage, transport and end use of all digestate / waste outputs of the AD process, pollution / spillage potential, damaging impacts on sensitive habitats, wider biodiversity and ecosystem resilience, through increased ammonia emissions for both the digester itself.* The policy also includes the requirement that ancillary structures or buildings shall have no significant adverse impact on biodiversity or nature conservation assets. This policy is not spatially specific and could theoretically be relevant to schemes that might impact upon international sites directly or indirectly. RED 4 is therefore screened in for further assessment.

RED 4 Inclusion under draft HRA 'mitigation' section, following RED 3

In view of the caveats in this policy, those within RED 1, and of policy NE 1, it is unlikely that RED 4 could undermine the conservation objectives of any international sites. No further policy amendments are required.

RED 4 Inclusion under draft HRA 'integrity test' section, following RED 3

This policy, which is subject to RED 1, states general criteria for testing the acceptability of proposals. The specific reference to NE 1 in RED 1 can then be relied upon to ensure that policy RED 4 will have **no adverse effect on the integrity of any international site.**

RED 5 is a policy listing general criteria for testing the acceptability of proposals. All proposals under this policy are also subject to RED 1 which includes the requirement for proposals to meet NE 1 and not have an unacceptable adverse impact on the natural environment. There are additional requirements for hydro-electric energy including no significant adverse impact on fish, water birds and other water dependent Wildlife; and no significant adverse impact on water quality as a result of the development. This policy is not spatially specific and could theoretically be relevant to schemes which might impact upon international sites directly or indirectly. RED 5 is therefore screened in for further assessment.

RED 5 Inclusion under draft HRA 'mitigation' section, following RED 4

In view of the caveats in this policy, those within RED 1, and of policy NE 1, it is unlikely that RED 5 could undermine the conservation objectives of any international sites. No further policy amendments are required.

RED 5 Inclusion under draft HRA 'integrity test' section, following RED 4

This policy, which is subject to RED 1, states general criteria for testing the acceptability of proposals. The specific reference to NE 1 in RED 1 can then be relied upon to ensure that policy RED 5 will have **no adverse effect on the integrity of any international site.**