

Save the Moat – Submission on DCSDC LDP Draft Plan Strategy (Post-Direction Update)

Save the Moat acknowledges the Department for Infrastructure (DfI) Direction Order issued on 17 December 2024 (updated March 2025) requiring Derry City and Strabane District Council to adopt the LDP Draft Plan Strategy with modifications. We note that while the Plan Strategy has been deemed 'SOUND' subject to the PAC-recommended amendments and DfI Modifications, new and significant issues remain unaddressed.

This submission responds to appraisal documents published in March 2025 and highlights serious concerns that have emerged or been reinforced since the original consultation stages. It focuses on legal compliance, rural needs, equality impacts, and recent appeal evidence relevant to the updated policy framework. We respectfully request that these matters be fully considered prior to final adoption of the Plan Strategy.

1. Introduction

Save the Moat is a grassroots group of residents and supporters working to protect the Sperrins Area of Outstanding Natural Beauty and surrounding rural communities from inappropriate industrial development.

We welcome the opportunity to submit comments on the appraisal documents published by Derry City and Strabane District Council in March 2025 in connection with the Local Development Plan (LDP) Draft Plan Strategy.

This submission highlights major concerns regarding the failure to properly consider rural needs, equality impacts, environmental risks, and public health, as required by law.

2. Failure to Comply with the Rural Needs Act (NI) 2016

The Rural Needs Act (NI) 2016 places a statutory duty on councils to have due regard to the social and economic needs of people in rural areas when developing or adopting policies.

The Second Addendum to the Rural Needs Impact Assessment (RNIA) heavily relies on earlier assessments from 2019 and 2021 without fresh analysis or engagement with new risks.

The High Court ruling in *Mid Ulster District Council v Department for Communities* (March 2025) confirmed that relying on previous decisions or formulas is insufficient. Authorities must actively and meaningfully reconsider rural needs. This has not been done.

There is no assessment of how cumulative energy infrastructure (including wind farms and grid expansions) will impact rural housing, tourism, farming, wellbeing, or amenity.

3. Failure to Comply with Section 75 Equality Duties

Section 75 of the Northern Ireland Act 1998 requires councils to have due regard to promoting equality of opportunity across protected categories, including age, disability, and socio-economic status.

The Second Addendum to the Equality Impact Assessment (EQIA):

- Screens out modifications without proper analysis of indirect or cumulative effects,
- Fails to examine how infrastructure pressures could disproportionately impact older, disabled, and low-income rural residents,
- Does not address potential rural isolation or health inequalities arising from increased development.

A fresh and detailed equality reassessment was required but is absent.

4. Failure to Protect Designated Landscapes and Habitats

The Habitats Regulations Assessment (HRA) and its Annex rely on outdated baseline data for sensitive sites within the district, including the Owenkillew River SAC, River Foyle SAC, and key upland peatland areas in the Sperrins. No serious cumulative assessment of hydrological impacts or habitat pressures has been undertaken, despite mounting pressures from energy, minerals, and infrastructure development.

There is no serious cumulative assessment of how policy changes could affect designated sites through increased pressure from renewable energy projects, land-use change, or altered hydrology.

The Sperrins AONB, a landscape of national importance, is insufficiently protected against cumulative industrialisation through poorly screened policies.

This contravenes the obligations under the SEA Directive and the Habitats Directive.

5. Failure to Address Cumulative Environmental and Social Impacts

The modifications to the LDP Plan Strategy encourage further energy infrastructure development but fail to assess cumulative effects on:

- Rural character and landscape,
- Mental health and quality of life,
- Rural recreation and tourism,
- Environmental degradation of sensitive upland ecosystems.

The cumulative burden on already heavily impacted rural areas has not been evaluated.

This breaches both Strategic Environmental Assessment (SEA) requirements and basic principles of sustainable development.

Furthermore, Save the Moat notes that emerging pressures from potential large-scale data centre developments have not been addressed in the Council's assessments. Data centres are highly energy-intensive, water-intensive, and infrastructure-intensive, and their siting in DCSDC area would create substantial cumulative pressures on energy systems, water security, landscape character, and rural community wellbeing. No Rural Needs Impact Assessment, Equality Impact Assessment, or Strategic Environmental Assessment has considered the rural cumulative impacts of data centre-driven infrastructure growth, nor the contradiction with Climate Change Act (NI) 2022 obligations to reduce overall energy

demand. The failure to assess the combined impact of data centres alongside windfarms, grid expansion, and minerals development represents a significant omission.

6. Failure to Assess Public Health Impacts and Acoustic Pollution

Emerging evidence, including new simulation tools like SoundSim360 and real-world case studies from Shetland (April 2025), highlights the serious health impacts of low-frequency noise and infrasound from wind turbines.

Wind farms generate significant acoustic emissions that can travel vast distances across rural landscapes, particularly in conditions typical of upland areas like the Sperrins.

Reported health impacts include:

- Barotrauma (inner ear damage),
- Balance disorders,
- Severe sleep disruption,
- Tinnitus, headaches, heart palpitations, and psychological stress.

Current noise regulations (ETSU-R-97) are outdated and do not protect rural residents against these risks.

The Council's assessments fail to consider:

- The cumulative health impacts of wind energy development,
- The disproportionate burden on rural vulnerable groups (elderly, disabled, low-income households),
- The requirement to apply a precautionary approach under public health and environmental law.

There is no assessment of equality impacts arising from acoustic pollution, despite evidence that rural communities are being unequally burdened, particularly in Derry and Strabane — one of just three council areas in Northern Ireland seeing concentrated wind farm expansion.

7. Failure to Protect the Sperrins AONB through Zoning Policies

The Plan Strategy proposes zoning designations that leave vast areas of the Sperrins Area of Outstanding Natural Beauty (AONB) inadequately protected.

Areas which should be protected for their landscape quality, biodiversity, and cultural significance are now left open to large-scale renewable energy development, mining exploration, and other industrial pressures.

This is despite:

- The designation of the Sperrins as an AONB requiring special consideration under regional planning policy,
- The increasing cumulative pressures already facing the Sperrins from wind energy projects and infrastructure development,

- The rural communities who rely on the Sperrins for farming, recreation, tourism, and cultural identity.

There is no evidence that:

- The Rural Needs Act duty was properly applied when deciding these zonings,
- The Equality Duty under Section 75 was considered in terms of the impacts on rural communities and protected groups,
- The SEA Directive requirement for assessment of significant environmental effects was fully met.

Given the national and international importance of the Sperrins landscape, this failure represents a serious breach of statutory and policy obligations.

We request that zoning designations are reviewed, and that stronger protective policies are put in place for the Sperrins AONB before the Plan Strategy is adopted.

8. Failure to Safeguard Peatlands, Private Water Supplies, and Rural Human Rights

Wind farm and infrastructure development in upland rural areas can seriously harm peatlands, which are essential carbon sinks and hydrological regulators.

Evidence from Scotland (e.g., Arecleoch, Sneddon Law windfarms) shows that:

- Construction disturbance can lead to E.coli and Trihalomethane (THM) contamination,
- Private wells and rural springs have been permanently lost,
- Communities have suffered from unsafe water and uninhabitable properties.

The Plan Strategy fails to assess:

- Hydrological disruption,
- Private water supply threats,
- Public health impacts from water contamination.

This breaches environmental justice principles and basic human rights to safe water.

9. Lessons from Recent Renewable Energy Appeal Hearings and the Need for Precautionary Policies

Recent renewable energy appeal hearings relating to proposed developments within the Sperrins AONB have highlighted important issues relevant to the Local Development Plan. Although we recognise the specific outcomes of ongoing appeals are yet to be determined, the evidence and arguments presented during these public hearings raise significant points for consideration:

- Strategic Site Selection and Protection of Sensitive Landscapes

Evidence presented at recent appeal hearings clearly illustrates the need for careful and strategic selection of sites for renewable energy projects, explicitly avoiding designated landscapes such as the Sperrins AONB. The LDP must prioritise policies that protect

landscape integrity, biodiversity, cultural heritage, rural amenity, tourism, and local community wellbeing from cumulative industrialisation.

- **Economic Evidence and Reliability of Assessments**

Appeal hearings have highlighted significant shortcomings in economic modelling used to support renewable energy developments, particularly where assessments rely on outdated data or speculative assumptions. The LDP should therefore include stringent requirements for updated, independently reviewed economic assessments that transparently demonstrate tangible local benefits.

- **Preventative Measures Rather Than Reactive Conditions**

Recent appeals have raised concerns about the inadequacy of reactive mitigation conditions, particularly concerning acoustic and visual impacts. Reactive measures, such as noise complaint conditions, do not prevent initial, irreversible harm. The LDP policies must therefore mandate strong, preventative conditions to avoid adverse impacts before approval, particularly protecting rural tranquility and amenity.

- **Tourism and Visitor Experience**

Appeal evidence highlights that even minor tourism displacement can significantly harm local rural economies, as seen in recent examples from Scotland. Policies should explicitly protect landscapes and heritage assets vital to tourism and recreation, recognising the disproportionate impacts on local economies from developments perceived as intrusive or industrialising.

- **Reducing Energy Demand and Encouraging Appropriate Renewable Solutions**

Given statutory obligations under the Climate Change Act (NI) 2022 to reduce overall energy consumption, the Council should promote policies aimed at demand reduction, energy efficiency, and decentralised, community-scale renewable energy schemes. This approach reduces pressure for large-scale infrastructure expansions and avoids unintended impacts such as the proliferation of pylons or unsuitable industrial-scale energy projects.

Embedding these considerations within the LDP is consistent with the Council's statutory duties under the Rural Needs Act (NI) 2016, Section 75 Equality Duties, SEA Directive, and the Habitats Directive. Such an approach is essential for truly sustainable and precautionary planning within the Sperrins AONB and the wider rural district.

10. Failure to Safeguard Turbary Rights and Rural Cultural Heritage

Turbary rights — the ancient right to cut peat for domestic fuel — remain part of rural cultural and property rights in Northern Ireland.

The Plan Strategy:

- Fails to assess impacts on turbary rights,
- Risks unlawfully extinguishing traditional rural land uses,
- Breaches cultural and property rights protections under human rights law.

No safeguards for turbary areas are proposed in the assessments.

11. Concern Over LDP Rigidity and Lack of Adaptive Capacity

Save the Moat notes with concern that feedback from elected members during recent consultations (e.g., regarding data centre projects) suggests the LDP process is now viewed as “largely complete” and inflexible.

Given accelerating climate change impacts and emerging rural threats, rigid inflexibility would:

- Breach the precautionary principle,
- Breach duties to rural communities under Section 75 and the Rural Needs Act 2016,
- Leave the district unable to adapt to urgent rural, environmental, or health crises.

The LDP must include built-in flexibility to review and adjust policies where serious new risks emerge.

Conclusion and Request for Action

Given the substantive deficiencies identified, Save the Moat respectfully requests that Derry City and Strabane District Council:

- Undertakes a full, fresh Rural Needs Impact Assessment (RNIA) that properly considers new and cumulative rural risks,
- Carries out a new Equality Impact Assessment (EQIA) assessing indirect and cumulative impacts on protected groups,
- Reviews and strengthens protections for designated landscapes, including the Sperrins AONB, against cumulative development pressures,
- Conducts a full cumulative environmental, social, and health impact assessment related to renewable energy infrastructure,
- Commissions an independent assessment of the public health risks associated with low-frequency noise and infrasound from wind farms,
- Applies a precautionary approach to further zoning or development approvals pending the outcome of these assessments,
- Ensures compliance with the Rural Needs Act (NI) 2016, Section 75 of the Northern Ireland Act 1998, the SEA Directive, and the Habitats Directive.

Rural communities have the right to live in a healthy environment, free from disproportionate industrialisation, environmental degradation, and health risks.

We request that these issues are fully addressed before the Plan Strategy proceeds to final adoption. Save the Moat welcomes the opportunity to discuss these concerns further and requests formal confirmation of how these issues will be addressed prior to Plan Strategy adoption.