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7<sup>th</sup> April 2025

## **Re: Consultation on Assessment Documents in advance of Adoption of the Derry City & Strabane District Council Local Development Plan (LDP) Plan Strategy**

The Department of Agriculture, Environment and Rural Affairs Northern Ireland (DAERA) has considered the consultation and associated documents, and our opinions are set out below.

### **General Comments**

DAERA are broadly content with Draft Final HRA Report and SA Addendum Report No.2 to the Sustainability Appraisal (SA, incorporating a Strategic Environmental Assessment, SEA).

We note the conclusions of the SA Addendum No.2 report are that implementing the recommended modifications within the Plan Strategy would not result in any new significant effects. All the recommended modifications can be made without impacting or changing in a significant manner how the Plan would perform against the Sustainability Objectives.

### **Natural Environment Division (NED) Comments**

NED note and are content with the conclusions of the SA Addendum that none of the modifications would 'materially' change what the SA initially assessed, or what it assumed about how the LDP would be implemented and that there will be no likely significant effects because of their implementation within the draft Plan Strategy. We acknowledge that the majority of the modifications to the draft Plan Strategy are changes to the document for the purposes of clarity, coherence and consistency.

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NED note and are content with the conclusion of the final Draft HRA that the Plan Strategy (with the modifications set out in the Direction made by the Department for Infrastructure) will not adversely affect the integrity of any European site, either alone or in combination with other plans and projects.

We welcome that the HRA will be revisited at LPP stage and when zoning land and that HRA will be considered and carried out as appropriate for lower tier plans including those at development management stage.

### **Land and Groundwater Team Comments**

With regards to the Assessment Documents in advance of Adoption of the Derry City & Strabane District Council Local Development Plan (LDP) Plan Strategy, Land and Groundwater have the following comment to make.

Within the draft Habitats Regulations Assessment (HRA) & Annex A, while there is reference to effects upon the aquatic environment, freshwater and marine sites, along with hydrological links, there is no specific mention of the groundwater environment or hydrogeological links. LGW would like to draw attention to the groundwater environment and recommend that Derry City & Strabane District Council consider this within the plans alongside the surface water and marine aquatic environments.

### **Drinking Water Inspectorate Comments**

Under Section 3, sub-section 'Water Supply' (pg 12 of Draft 'Final' HRA) it states "Any development that requires non-mains water could have a localised effect on hydrology or hydrogeology and will require an abstraction licence which will be subject to HRA". The Drinking Water Inspectorate (DWI) believe this statement is factually incorrect. DWI regulate the use of non-mains water supplies (i.e. private water supplies typically in the form of a borehole, well or spring) used for human consumption. An abstraction licence is not required in this circumstance. If the non-mains water supply serves two or more domestic properties, is used in a commercial manner or provided to the public, it is subject to registration and monitoring by DWI, regardless of the volume used.

Any development which intends to use a non-mains supply and its intended usage would abstract over 10m<sup>3</sup>/day then it will require further consultation with the NIEA Abstractions and Licencing Team as an abstraction and impoundment licence may be required - more information is available at: <https://www.daera-ni.gov.uk/articles/applying-abstract-or-impound-water>.

These points do not impact the concluding statement of this sub-section but we believe the previously identified statement should be amended appropriately.

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## Marine and Fisheries Division Comments

### Marine Conservation Response

Habitats Regulations Assessment (HRA)

We welcome the inclusion of marine sites in the HRA and appendix 3 – however, Rathlin SAC, Rathlin SPA and Rathlin MCZ should also be included in the assessment within DAERA Marine Mammal Screening distance (100km/50km).

MCR branch supports overall conclusion of the assessment from the Marine European sites perspective.

## Air Quality and Biodiversity Unit Comments

- NED AQBU welcomes the inclusion of objectives within the LDP to protect and enhance the natural environment to achieve biodiversity.
- All proposed new development plans/projects should undergo plan and project level HRAs/environmental assessment (ASSIs and priority habitats), which should include assessment of the potential impacts from aerial emissions, including agricultural, industrial, infrastructure and residential developments.
- Consideration should be given to construction and traffic related activities associated with the Plan and if they might trigger a significant air quality effect on nearby sensitive habitats or species. Activities within 200m of sensitive habitats to air pollution should be assessed for potential effects from NOx and dust.
- The Air Pollution Information System [Site Relevant Critical Loads and Source Attribution | Air Pollution Information System \(apis.ac.uk\)](https://apis.ac.uk) contains the modelled NOx, ammonia and Nitrogen deposition levels across the UK and Ireland and information on the impacts of aerial pollutants on sensitive habitats.
- For further information on the impacts of aerial pollutants on sensitive habitats, please contact [AQBU@daera-ni.gov.uk](mailto:AQBU@daera-ni.gov.uk)

Please contact the SEA Team at [seateam@daera-ni.gov.uk](mailto:seateam@daera-ni.gov.uk) should you have any queries or require clarification.

Yours sincerely,

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