

DERRY CITY AND STRABANE DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032



EVIDENCE BASE EVB 17

COASTAL DEVELOPMENT (Updated May 2017)

This Document is one in a series, which builds up to form the 'evidence base' that informs the preparation of the Local Development Plan (LDP).

It comprises initial Workshop Paper(s) on this Planning topic that were presented to Council Members during 2016 / 2017, which have been subject to Member discussion and input, before further discussion at the Planning Committee (LDP) and in turn feeding into the LDP Preferred Options Paper (POP) and then the Plan Strategy (PS) and eventually the Local Policies Plan (LPP) which together form the LDP.

The afore-mentioned evidence base will be continually updated, to additionally include the latest information, input from public engagement, statutory consultees, stakeholder groups, Sustainability Appraisal and from other Departments within the Council, including Community Planning.

The Evidence Base is published as a 'supporting document' in accordance with Article 10(a) and 15(a) of the Planning (LDP) Regulations (NI) 2015



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Paper 3: Coastal Development.

Purpose of Paper: The purpose of this paper is to advise Members on the following:

- An overview of the legislation / policy in relation to coastal development;
- The marine / coastal influence on our District;
- The overlap between marine and terrestrial planning; and
- How our LDP needs to take account of our coastal setting in terms of future coastal development.

Content: The paper provides information on:

- (i) Regional and Policy background;
- (ii) Current coastal & economic infrastructure development along our coast;
- (iii) Implications of future coastal development for our LDP;

Conclusion: Councillors should note the contents of this paper in relation to Coastal Development and provide input / feedback on how this aspect should contribute to our LDP.

1.0 Introduction

- 1.1 This paper is one in a series that will inform the preparation of the Local Development Plan (LDP). Its purpose is to inform Council of how future coastal development will be addressed in the LDP and the considered need for coastal protection in anticipation of future climate change.
- 1.2 It will also outline the overlapping responsibilities that exist in the intertidal area – that area between the mean high water and mean low water spring tides. Planning legislation extends down to the mean low water mark, whilst the relevant marine planning legislation applies up to the mean high water mark. Accordingly, for development located in the intertidal area or that could affect it, this paper stresses how development along our coast can be managed in an integrated manner and how potential impacts of onshore development on the marine environment can be avoided or mitigated through early engagement and collaborative working with all the relevant authorities.
- 1.3 Current policy thinking in terms of coastal protection to assist with adaptation to climate change is also considered.
- 1.4 It may, on an initial inspection, appear that our District does not possess a significant “coastline” or the usual tourist related infrastructure that is normally associated with it. Our District possess a short 7kms (approx.) section of coastal mud flats in Lough Foyle stretching between the mouth of the River Foyle and the Council boundary just to the East of the City of Derry Airport. The River Foyle itself is tidal along its 16kms length up to Strabane. However ‘coastal’ incorporates both the traditional land / sea interface, as well as the tidal element associated with it. The River Foyle is tidally influenced up to Strabane and in that regard, the river and Strabane Town can be considered ‘coastal’.
- 1.5 There is, as yet, no commonly accepted inland extent for what constitutes ‘a coastal settlement’. Various suggestions ranging between 1 to 5 kms inland have recently been put forward in recent national coastal studies. Taking an average of 3kms, this definition of ‘coastal’ can therefore apply to a number of our District settlements that lie adjacent to Lough Foyle and along the setting of the River Foyle. This has implications in terms of adding a marine consideration when progressing LDP preparation or determining planning applications. It may also open up previously unexplored additional funding possibilities for such settlements via the Coastal Community Fund (Big Lottery Fund).

2.0 Regional and Policy Background.

2.1 Regional Development Strategy (RDS)

- 2.1.1 The RDS 2035, published in 2010, states that the quality of the environment can make an important contribution towards achieving a better quality of life. Significant progress towards more sustainable settlements and the conservation and protection of our built and natural heritage cannot be achieved without a change in attitudes and lifestyles of individuals.
- 2.1.2 Regional Guidance (RG) 9 – ‘Reduce our carbon footprint and facilitate mitigation and adaptation to climate change whilst improving air quality’ stresses as a mitigation measure that we should minimise development in areas at risk from flooding from rivers, the sea and surface water. Recognising that flooding is a natural phenomenon, although often exacerbated by human activity, which cannot be entirely prevented, the RDS suggests a precautionary approach to development in areas of flood risk using the latest flood risk information that is available.
- 2.1.3 Similarly the RDS promotes that we should protect and extend the ecosystems and habitats that can reduce or buffer the effects of climate change. Relevant habitats include coastal salt marsh which may provide protection against some effects or allow for adaption to those changes – e.g. effects of sea-level rise. These areas should be protected and where possible extended.
- 2.1.4 RG11 – ‘Conserve, protect and, where possible, enhance our built heritage and our natural heritage’ emphasises that our environment is one of Northern Ireland’s most important assets. Effective care of the environment provides very real benefits in terms of improving health and wellbeing, promoting economic development and addressing social problems which result from a poor quality environment. It specifically references the need to protect, enhance and manage the coast, emphasising that coastal areas need to be protected from coastal squeeze, to safeguard against loss of distinctive habitats and to help adaptation to climate change. It also refers to the relevant direction provided in the UK Marine Policy Statement (2011) and the Marine Plan for NI (currently under preparation) stating they will provide spatial guidance and detailed policy where appropriate for the marine / terrestrial interface.
- 2.1.5 Within the Spatial Framework Guidance (SFG), relating to the 5 key components of the RDS 2035, SFG 6 – 9 focuses on various aspects of developing a strong North West. The Strategy recognises in SFG8 – ‘Manage the movement of people and goods within the North West’ that transport has a key role in developing competitive cities and regions. Mention is made of the need to enhance transport linkages and freight movement between Derry, Strabane and Donegal, including movements through our sea port at Lisahally. SFG9 – ‘Protect and enhance the quality of the setting of Derry City and the North West and its environmental assets’ makes specific reference to the significant natural setting of the North West region, including Lough Foyle and the need to protect the high scenic value of the undeveloped coast.

RDS – Flood Risk

- 2.1.6 RG12 – ‘Promote a more sustainable approach to the provision of water and sewerage services and flood risk management’ highlights the need for future integrated action to plan for future increased coastal flood events due to climate change and changes in population distribution and urban development.

2.2 Strategic Planning Policy Statement for Northern Ireland (SPPS)

Coastal Development

- 2.2.1 The SPPS, published in final form in September 2015, is the single most important document in guiding the requirements/content of the LDP. The SPPS is consistent with the RDS, in that its aim is to protect the undeveloped coast from inappropriate development; and to support the sensitive enhancement and regeneration of the developed coast largely within coastal settlements. The SPPS defines the developed coast as including existing settlements and major developments such as ports, isolated industrial units and power stations.
- 2.2.2 The SPPS also reiterates the importance of our coastline in terms of its landscape value, nature conservation importance and associated national and European designations. The economic importance is also stressed and the strategic economic links provided by the Derry’s coastal gateway position to Britain and Europe is recognised.
- 2.2.3 The SPPS identifies that the regional strategic objectives for coastal development are to:
- Conserve the natural character and landscape of the undeveloped coast and to protect it from excessive, inappropriate or obtrusive development; and
 - Facilitate appropriate development in coastal settlements and other parts of the developed coastline (subject to all other planning policies) that contributes to a sustainable economy and which is sensitive to its coastal location.
- 2.2.4 The SPPS outlines the following strategic policy that must be taken into account in the preparation of the LDP and in the determination of planning applications:
- The undeveloped coast will rarely be an appropriate location for new development. Where new development requires a coastal location, it must normally be directed into coastal settlements and other parts of the developed coast;
 - Development should only be permitted on the undeveloped coast where the proposal is of such national or regional importance as to outweigh any potential detrimental impact on the coastal environment and where there is no feasible alternative site within an existing urban area in the locality;
 - Within the developed coast, areas of amenity value and areas or features designated for their importance to archaeological, built or

natural heritage, should be protected from inappropriate development;

- Within the developed coast there will be a presumption in favour of development that promotes the enhancement and regeneration of urban waterfronts;
- In considering development proposals within the developed or undeveloped coast attention must be paid to the retention of existing public accesses and coastal walkways. Development which would result in the closure of existing access points or the severing of routes will normally only be acceptable where a suitable alternative is provided.
- Proposals to extend access to the coastline or for the provision of associated facilities such as pathways or picnic areas, should not impact adversely on the nature conservation, archaeological / built heritage, geological or landscape value of the area;
- Development will not be permitted in areas of the coast known to be at risk from flooding, coastal erosion or land instability.

2.2.5 The SPPS emphasises how the LDP and the forthcoming Marine Plan for Northern Ireland need to be compatible. Such compatibility addresses the fact that the terrestrial planning system and the marine planning and licencing system are legally and functionally separate but overlap, as previously referred to in this paper, in the intertidal area.

2.2.6 Of particular relevance to planning officials within Derry City and Strabane District is the current legislative requirement (Section 58 of the Marine and Coastal Access Act 2009 and Section 8 of the Marine Act (Northern Ireland) 2013) that all planning authorisation or enforcement decisions that affect or might affect the UK marine area must do so in *accordance* with the UK Marine Policy Statement (MPS 2011) or Marine Plan once adopted, unless relevant considerations indicate otherwise. If it is not an authorisation decision then planning officials must have *regard* to the MPS or Marine Plan once adopted.

2.2.7 The onus will be on planning officials to work closely with the relevant marine Department and neighbouring councils / authorities, and other relevant bodies to ensure that our LDP and the future marine plan are complimentary, particularly with regard to the intertidal area. This engagement will provide an opportunity to consider any terrestrial area development necessary to support development in the marine area.

2.2.6 The SPPS states how coastal development needs to be integrated into the preparation of the LDP. The LDP should identify areas within coastal settlements or other parts of the developed coast where opportunities exist for enhancement or the regeneration of urban waterfronts, through new developments.

2.2.7 Some developments require a coastal location. Examples include ports, marinas, port related industries and recreational projects. Where any part of the development is to take place below the mean high water spring tide, it is likely that a Marine Licence will be required from the DOE Marine Division

under the Marine and Coastal Access Act 2009. The LDP, where appropriate will identify land to be zoned for such uses within settlements.

- 2.2.8 The LDP will also identify areas where development should be restricted on account of some coastal areas possessing acknowledged interest in terms of amenity or landscape value, nature conservation interest or historical or archaeological importance. Areas of coast known to be at risk from flooding, coastal erosion, or land instability and therefore where new development should not be permitted will also be identified.
- 2.2.9 The use of appropriate planning conditions will be used when development is permitted in sensitive locations, particularly in the undeveloped coast, to mitigate any adverse impacts. Conditions will be used to minimise adverse visual impact through careful siting, design and landscaping of the proposal while ensuring that the building design is of a high quality and appropriate to the coastal setting. Conditions will be used to ensure that development proposals retain or enhance existing public access to the coast and significant public views of the coast.

SPPS – Flood Risk

- 2.2.10 The SPPS highlights that the European Union Floods Directive (transposed in NI legislation by the Water Environment (Floods Directive) Regulations (NI) 2009) confirms that development can exacerbate the consequences of flooding and identifies the important role of the planning system in managing development so as to reduce the risks and impacts of flooding. In this regard, the Directive highlights the fundamental importance of preventing or restricting new development in flood prone areas. In addition, the Directive recognises the role of the planning system in regulating new development in existing built up areas so as to afford greater protection to people and property, where this is considered appropriate and commensurate with the flood risk.
- 2.2.11 Relevant to coastal flooding, the aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere. From a planning perspective the relevant regional strategic objectives for the management of flood risk are to:
- prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere;
 - adopt a precautionary approach to the identification of land for development through the LDP process and the determination of development proposals, in those areas susceptible to flooding where there is a lack of precise information on present day flood risk or future uncertainties.
- 2.2.12 The following strategic policy, relevant to potential coastal flooding, must be taken into account in the preparation of our LDP and in the determination of planning applications:
- Flood plains store and convey flood water during flood events. These functions are important in the wider flood management system. Development in flood plains should be avoided where possible, not only because of the high flood risk and the increased

risk of flooding elsewhere, but also because piecemeal reduction of the flood plains will gradually undermine their functionality.

- Accordingly, built development must not be permitted within the flood plains of rivers or the sea unless the following circumstances apply:
 - the development proposal constitutes a valid exception to the general presumption against development in flood plains;
 - the development proposal is of overriding regional or sub-regional economic importance; and
 - the development proposal is considered as minor development in the context of flood risk.

2.2.13 Flood plains are defined within the SPPS as the *generally flat areas adjacent to a watercourse or the sea where water flows in a flood, or would flow in a flood, but for the presence of flood defences.*

2.2.14 Where the principle of development within the flood plain is accepted by the planning authority, the applicant is required to submit a Flood Risk Assessment (FRA). Planning permission will only be granted if the FRA demonstrates that all sources of flood risk to and from the proposed development have been identified and that there are adequate measures to manage and mitigate any increase in flood risk arising from the development.

2.3 Planning Policy Statements (PPS)

2.3.1 Existing policy contained within the suite of Planning Policy Statements will be retained under a transitional period until such times as the Plan Strategy document of the LDP for the Council area has been adopted. Until that time, policy direction is provided within Revised PPS15. The PPS defines the main sources of flooding, and in particular coastal flooding which it defines as when inundation of land takes place due to a combination of high tides, wave action and storm surge.

2.3.2 The primary aim of the revised PPS 15 remains: *to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.* Relevant amongst the main policy objectives is:

- seek to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere;
- ensure that the most up to date information on flood risk is taken into account when determining planning applications and zoning / designating land for development in development plans;
- manage development in ways that are proportionate and appropriate to the 4 main sources of flood risk present in Northern Ireland, ie fluvial, *coastal*, surface water and water impoundment (reservoir) breach or failure;

2.3.3 Revised PPS 15 states that development plans have a role to play in furthering a more sustainable approach to flood management. This includes a number of measures such as:-

- Flood avoidance through the careful selection of housing and economics zonings;
- identifying flood plains and safeguarding them from development likely to impact upon their flood storage and conveyancing capacity;
- identifying and safeguarding from development areas of storm exceedence; and
- promoting sustainable drainage schemes. (SuDS)

2.3.4 The document reiterates the need for consideration, as part of the Strategic Environmental Assessment process, of the likely significant effects of the draft plan on natural drainage and an evaluation of likely impacts that extend beyond the geographical boundaries of the plan. Similarly, the PPS draws attention to the requirement of the LDP to be subject to a Sustainability Appraisal which will incorporate consideration of the environmental effects of the LDP as identified by the SEA, and also its wider social and economic effects. Failure to address flood risk as outlined shall be viewed as resulting in negative social and economic impacts as well as environmental.

2.3.5 The revised PPS stresses there should also be consultation with Rivers Agency from an early stage on strategic issues relating to flood risk management throughout the Plan area and beyond. Ongoing consultation with Rivers Agency and other relevant agencies in regard to detailed Plan proposals, for example housing zonings, will also be necessary; particularly where flood risk is identified from the available information as a potential issue.

2.4 EU Floods Directive

2.4.1 The European Directive on the Assessment and Management of Flood Risks came into force in November 2007 and was transposed into local legislation by The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009. DARD has been identified as the Competent Authority for the delivery of the EU Floods Directive in Northern Ireland with the day to day functions expedited by River Agency.

2.4.2 A key milestones towards the implementation of the Floods Directive, was the publication of the Strategic Flood Maps for Northern Ireland in November 2008. In terms of coastal flooding, these maps identify the predicted fluvial and coastal floodplains for present day and as predicted to take account of anticipated climate change.



2.5 The interaction between marine planning and terrestrial planning

2.5.1 As stated previously in this paper, planning legislation extends to the mean low water mark and marine legislation extends to the corresponding mean high water mark. This results in an area of overlapping responsibilities in the intertidal area. Our District's Lough Foyle coastline is undeniably short - approximately 7kms. The remainder of our marine coastline comprises mostly of the tidal reaches of the River Foyle. The extensive intertidal mudflats at the mouth of the River Foyle comprise highly productive and biologically diverse ecosystems, with features which serve as critical natural defences against storms, floods and erosion.

2.5.2 Much of Northern Ireland's marine wildlife and habitats are recognised as internationally important and the majority of our beautiful coastline, including our District's is protected for its special interest. The historic use of our coast has also left evidence in the form of marine cultural heritage assets, including war time aircraft wrecks around the City of Derry Airport and the historic quays at Lisahally where the German U-boats surrendered in 1945. Our dynamic coastline supports tourism, recreation, mariculture, inshore fisheries, industry, commercial harbours and quays and power generation. All these activities and more occur in an area, which by nature, is continuously subject to change.

Marine Policy and Legislative Framework

2.5.3 The UK Marine Policy Statement, the UK Marine and Coastal Access Act 2009 and the Marine Act (Northern Ireland) 2013 provide the policy and legislative framework for the management of the marine area in Northern Ireland. EC Directives also govern the implementation of management measures in protecting all aspects of the marine area. These include Maritime Spatial Planning, Bathing Water, Water Framework, Marine Strategy Framework, Marine Cultural Heritage, Habitats and Birds Directives.

The UK Marine Policy Statement

2.5.4 The UK vision for the marine environment is the attainment of 'clean, healthy, safe, productive and biologically diverse oceans and seas'. This shared vision is set out in the UK Marine Policy Statement (MPS), which was jointly adopted by all UK administrations in 2011.

The UK Marine and Coastal Access Act 2009

2.5.5 The Marine and Coastal Access Act 2009 is a UK-wide Act which includes a number of provisions for the management of the UK's marine area. For Northern Ireland, key provisions within this Act include a licensing system for management of development within the marine area from the mean high water spring tide out to 12 nautical miles (the inshore region).

The Marine Act (Northern Ireland) 2013

2.5.6 The Marine Act (Northern Ireland) 2013 includes duties to protect and enhance the marine area. The main provisions of this Act include:

- Marine Planning - provisions to prepare and adopt a Marine Plan for the Northern Ireland inshore region; and

- Marine Conservation – an improved method of managing our rich natural heritage within the marine environment, while also protecting and maintaining areas of specific importance for our marine wildlife and habitats.

Marine Planning

2.5.7 The Marine and Coastal Access Act 2009 and the Marine Act (NI) 2013 provide for the introduction of a new system of marine planning for the Northern Ireland marine area. A Marine Plan for Northern Ireland, which is currently being drafted by DOE - Marine Division, will provide a regional reflection of the national policy objectives within the UK Marine Policy Statement. It will take account of the economic, social and environmental needs to provide policies and guidance for all decisions which affect or have the potential to affect Northern Ireland's marine area.

How does this affect us as the planning authority?

2.5.8 The MPS and, once adopted, the Marine Plan for NI, are the key documents for planning authorities to consider when undertaking their responsibilities in respect of :

- The Local Development Plan
- Development Management and
- Enforcement

Local Development Plan

2.5.9 Council planning officials must have regard to the MPS and the Marine Plan for NI (when adopted) in the preparation of community and local development plans. Early engagement with DAERA - Marine Division and other marine stakeholders will be necessary to ensure that any proposals in the marine area are supported by the appropriate infrastructure on land and are reflected in the LDP.

Development Management and Enforcement

2.5.10 The MPS and, once adopted, the Marine Plan for NI, are material considerations. All terrestrial planning authorisation and enforcement decisions that affect or might affect the marine area, must be in accordance with these marine policy documents unless relevant considerations indicate otherwise. Therefore as a planning authority, officials and Planning Committee Members making planning or enforcement decisions that affect or might affect the marine area, must be familiar with the MPS. It is the responsibility of the planning authority to assess whether an authorisation or enforcement decision is in accordance with the MPS.

Marine Licensing

2.5.11 The Marine and Coastal Access Act 2009 provides for a marine licensing system across England, Wales, Northern Ireland and Scotland's offshore region. In Northern Ireland, it applies to all our marine waters from the mean high water spring tide mark out to 12 nautical miles (the inshore region). This includes the waters of any sea lough, estuary, or river, so far as the tide flows at mean high water spring tide. Within our District this tidal influence is especially applicable as the Foyle Estuary extends as far as Strabane.



2.5.12 DAERA Marine Division has responsibility for licensing various activities such as construction works, deposits in the sea, removal of objects or aggregates from the seabed, dredging from the seabed, or use of explosives and incineration. This licensing system allows for a consistent approach to decision making around activities, while ensuring sustainable development and conservation of the marine environment.

2.5.13 There is therefore a shared responsibility between Marine Division and Council's planning officials for consenting or licensing projects in the intertidal area. The Planning Act extends from land down to the Mean Low Water Spring Tide Mark. The Marine Coastal Access Act 2009 and the Marine Act (NI) 2013 extend up to the Mean High Water Spring Tide Mark. This overlap means that certain activities or development along our coast or along the tidal stretches of the River Foyle may require a marine licence as well as planning permission.

2.5.14 In addition, some marine licensable activities may form part of a plan or project that requires an Environmental Impact Assessment under The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) or a Habitats Regulations Assessment under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). However, the same proposal may also require an Environmental Impact Assessment for the onshore development under The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 and/or a Habitat Regulations Assessment. In such cases, planning officials will work together with officials from DAERA Marine Division to ensure that only one Environmental Impact Assessment and/or Habitat Regulation Assessment is required from the applicant and unnecessary duplication is avoided.

Marine Wildlife

2.5.15 In the UK, certain marine species, including whales, dolphins, porpoises, seals and basking sharks, are protected throughout their natural range by International, European and National wildlife legislation. This includes protection from intentional or reckless disturbance, taking, harming and killing and in some cases possession or sale. A marine wildlife licence may be required for activities which are otherwise prohibited under nature conservation legislation, namely: The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended); and The Wildlife (Northern Ireland) Order 1985 (as amended). For some marine species, such as seals, this would require a shared responsibility between the planning authority and DAERA Marine Division within the intertidal area.

2.5.16 It is therefore essential that Council planning officials, Planning Committee Members, applicants and their agents are fully aware of their marine obligations and the impact or potential for impact arising from the land use development proposals.

2.5.17 Council's planning officials will liaise with DAERA Marine Division officials and agents and applicants to drive early engagement and co-ordination between relevant consenting authorities, to avoid duplication of effort and processes,

and ensure that all regulatory requirements are met. This ensures that any information requirements, for example specific environmental monitoring, and also any necessary mitigation measures, can be included in the application and associated documentation.

2.6 Strabane Area Plan & Derry Area Plan

2.6.1 With the relatively recent emergence of marine planning as a significant consideration, it is not surprising that the two extant development plans for our District, make little specific reference to marine matters and coastal development.

Strabane Area Plan (SAP) 1986-2001

2.6.2 The SAP makes no reference to the tidal influence of the River Foyle on Strabane but does identify the flooding risk and proposed town centre flood defences associated with the River Mourne.

Derry Area Plan (DAP) 2011

2.6.3 The more recently published DAP makes reference to the increasing awareness of the impacts of development on the natural environment. The DAP designated a Countryside Policy Area at the Foyle Estuary within which a *greater emphasis will be placed on the visual impact of proposals on the coastal zone.*

2.6.4 Section 4.0 Natural Environment highlights the need for the Plan to balance the need for economic growth with the requirement to protect, conserve and enhance our wildlife and natural beauty. It refers to PPS 2 - Planning & Nature Conservation for the practical implications and associated land use planning policies for protected sites – particularly those designated as Areas of Special Scientific Interest ASSI / European protection.

2.7. Other Plans of Relevance

2.7.1 **The Community Plan:** The District's Community Plan is expected in Spring 2017. The new style of LDP provides a unique opportunity for the Council to genuinely shape the district for local communities and will enable them to adopt a joined up approach, incorporating linkages to other functions such as regeneration, local economic development and community planning. The Local Government Act introduces a statutory link between the Community Plan (CP) and the LDP, in that the preparation of the LDP must 'take account of' the CP – which provides the higher-level strategic aspirations for economic development in the District.

2.7.2 It is intended that the LDP will be the spatial reflection of the CP and that the two should work in tandem towards the same vision for the Council area and our communities and set the long term social, economic and environmental objectives for the District. The LDP will extrapolate out any issues concerning coastal development / protection and reflect these in the LDP. This could reflect a range of issues including the perceived effects of noise or emitted pollution from coastal industry located close to settlements.

2.7.3 **The One Plan** published in 2011 by Ilex, was an extensive, strategic regeneration plan for Derry which set out a vision of the role of the public, private and community and voluntary sectors in delivering the 12,900 jobs which it believed to be required to reposition the city as an economic hub of the North West over the next 10 years. Although it contains no direct reference to coastal or marine matters, several of the transformational themes contained within it (Building Better Communities & Sustainable and Connected City Regions) would indirectly affect our tidal environment.

2.7.4 The Masterplan for Strabane Town Centre was published in 2010 and its regeneration proposals were developed in particular with regard to PPS15 and flood risk. The Report states on page 5:

The development of land adjacent to the river is important for the cultivation of an image of the town centre as a liveable space which utilises its natural assets. Development must however remain conscious of the flood risk posed by the river and consider innovative designs which minimise risk to occupants and improve the appearance of the existing waterside development.

2.7.5 The strategic design principles in relation to flood control which have been successfully implemented faced the challenge of remodelling the town centre's flood defences whilst ensuring adequate protection.

2.7.6 **Ebrington Development Framework.** Planning application A/2015/0001/O granted outline permission in February 2016 for the development of this former MOD site, thus giving effect to the Ebrington Development framework, as a basis for future detailed planning applications.

2.7.7 This Development Framework identifies Ebrington as a commercial gateway site, and seeks to achieve an integrated approach to the development of Ebrington, in line with the One Plan. It aims to provide the overall aspirations and guidance for Ebrington as an opportunity for mixed use development; a potential mix of commercial, office, leisure, cultural uses and tourism. The position of the site immediately adjacent to the tidal Foyle through which European protected species, such as Salmon and Otter, pass would make it relevant when considering 'coastal' development.

2.7.8 **Fort George Development Framework.** Planning Application A/2012/0335/O granted outline permission in December 2015 for the development of this former MOD site; it is located just within the Central Area. The proposal set out the development framework for the 6.2 ha site and provides for a significant mixed use development to include residential, office, employment and education uses, retail, cafes, bars and restaurants and associated multi story and surface car parking.

2.7.9 The Framework provides for up to 82,274 sqm of floor space. To date a portion of the site has been developed for office accommodation (the North West Regional Science Park, NWRSP) and the construction of the Hibernia Exchange Centre (Project Kelvin facility) to bring direct international connectivity to Fort George and the North West. Similarly, the position of the

Fort George site immediately adjacent to the tidal Foyle through which European protected species, such as Salmon and Otter, pass would make it relevant when considering 'coastal' development.

2.7.10 The Strategic Riverside Masterplan was prepared by the consultants *Strategic Planning* for Derry City Council, Ilex, DSD's North West Development Office, the Loughs Agency and Derry's Port & Harbour Commission. It has three principal purposes:

- To secure a spatial strategy for the river corridor in the wider study area.
- To stimulate leisure, recreation and tourism opportunities creating employment whilst preserving and enhancing the environmental value of the river asset.
- To secure a detailed framework to guide development along the urban waterfront between the Foyle and Craigavon Bridges setting standards that will help regenerate the city.

2.7.11 The Strategic Riverside Masterplan consists of two main parts – a River Strategy, which covers the entire study area from Culmore to Newbuildings and an Urban Waterfront Framework, focusing in more detail upon the Riverbanks between the Foyle and Craigavon Bridges.

2.7.12 The River Strategy stated that within Derry~Londonderry the major impact upon access to the riverside is created by having one of the city's main strategic arterial routes running directly adjacent to the river between the Craigavon and Foyle bridges on the Cityside. Such severance also exists on the Waterside as a result of the location of the railway line running along the eastern shoreline.

2.7.13 The Urban Waterfront Framework is a material consideration for the LDP. It focuses on the waterfront areas between the Foyle and Craigavon Bridge. Its purpose is: "to set out rules for future development such that:

- The intentions of the river strategy are protected in the city;
- A vision for the waterfront city centre is established to stimulate development; and
- A framework is established to guide development along the urban waterfront between the Foyle and Craigavon Bridges which can be relied upon for development management

3.0 Coastal Development within Derry City and Strabane District

- 3.1 While this District has certain key infrastructure projects located on the flat coastal plains adjoining our tidal Lough and River Foyle, we have not seen the traditional coastal settlement infrastructure more commonly associated with beaches and bays and those locations with a true marine setting. For the purposes of this paper, planning officials have restricted coastal development to those major infrastructural projects immediately to the tidal stretches of both Lough and River Foyle. This also includes Derry City and Strabane town
- 3.2 Our significant coastal development within the District is considered as follows:
- Our main rail link to Coleraine and beyond;
 - Coolkeerah Powerstation;
 - Invista plant at Maydown;
 - Londonderry Port;
 - City of Derry Airport; &
 - Settlements of Derry City and Strabane Town under the tidal influence of the River Foyle / River Mourne.
- 3.3 The main infrastructure and industrial sites mentioned above have historically developed on the flat coastal plains, on previously developed WW2 airfield sites – Maydown and Eglinton, or take advantage of the relatively deep water unloading facilities at the Port. Both the RDS and the SPPS recognise the economic importance of the coast to NI and its constituent Districts. Derry is identified as an important coastal gateway.
- 3.4 The Port is already a major employer owns a 100 acre estate at Lisahally. The estate comprises 22 acres located adjacent to the quay and approximately 80 acres of surrounding Port development land. There are currently 14 acres available for future development on Port lands. Foyle Port is the key marine gateway to the North West of Ireland for both commerce and tourism. The Port handles approximately two million tonnes of cargo per annum and offers a diverse range of services including towage, dredging, engineering and steel fabrication. Supporting in the region of 1000 jobs, the Port makes a vital contribution to the North West regional economy
- 3.5 Facilities for Cruise Ships are also available at three locations via the Foyle Port at the City Centre, Lisahally and Greencastle, depending on the size of the Cruise Ship. Foyle Port offers 680 metres of secure deep water pontoon right in the heart of Derry City. The Marina accommodates vessels up to 130metres long and 1,000 DWT.
- 3.6 The Airport is subject to significant investment from the executive including £2.5m in route development support and a further £4.5m capital investment. The possible expansion of the airport may mean that new services, typically associated with airports may start to develop around it, i.e. airplane catering, cleaning and servicing providers.



- 3.7 Current flooding studies undertaken by Rivers Agency have previously been presented in detail in the Public Services and Utilities paper. This included consideration of the likely coastal flooding implications arising from modelling of coastal Sea Level changes exacerbated with future climate change. These are forecast to bring more occurrences of extreme weather including pluvial (rain) and fluvial (river) flooding.
- 3.8 The Coolkeeragh Power Station has been identified in these studies as an area of further study. This is because the modelling does not recognise the adjoining railway embankment as a designated flood defense and therefore suggests the potential for future potential flooding of the Coolkeeragh site. However, in practice the railway embankment acts as a form of sea defense and the Power Station site is unlikely to flood from the sea. However, there is always a risk that the railway embankment could fail with catastrophic consequences. The further study will look at the likelihood of such an event taking place and the implications for power production should it occur. However, it is stressed in the Report that historically, Rivers Agency are not aware of any flooding hot spots recorded for this coastal stretch.
- 3.9 Rivers Agency published the North Western Flood Risk Management Plan (NWFRMP) in December 2015 and council should ensure that the LDP is compatible with this FRMP as it contains specific advice relating to the Derry and Strabane District. Following a Preliminary Flood Risk Assessment (PFRA) in 2009, twenty areas of potential significant flood risk were identified within Northern Ireland.
- 3.10 Three of the Significant Flood Risk Areas (SFRAs) are located in the North Western River Basin District and are as follows:-
- Derry
 - Strabane
 - Omagh
- 3.11 While the specific areas for Derry and Strabane relate to the future potential for extreme pluvio and fluvio events, there is the potential for these to be exacerbated by coastal flooding compounded by high tides. The areas identified on the west bank of the Foyle are as follows: Pennyburn Stream and Creggan Burn. The areas identified on the east bank of the Foyle are Woodburn Park Stream, Burngibbagh and Ardnabrocky Drain. Tides backfilling drains and exacerbating associated extreme pluvio / fluvio events are also likely to affect the low lying areas behind the quays on the west bank of the Foyle – for example, Foyle Street, Strand Road and Rossville Street.
- 3.12 There is a history of significant flooding the urban area of Strabane exacerbated by tidal influences. After the floods in 1987, flood defences were improved along the southern edge of the town centre. Rivers Agency records show that the improved walls have withstood all the flood flows to date. In Strabane, The NWFRMP identifies 3 models of potential flood risk areas in the Strabane area. These are locations are at Urney Road/Glenfinn Park Area, Park Road Drain/Lifford Road and Roundhill.



3.13 Coastal development needs to be balanced with environmental protection. Our coastal Lough and tidal river are protected by a hierarchy of the following designations:

- Lough Foyle Special Protection Area – classified 1999 (2204 ha);
- Lough Foyle ASSI – classified 1998 (2005 ha)
- Lough Foyle Ramsar – classified 1999 (2160 ha)

- River Foyle and Tributaries Special Area of Conservation 2007 (772 ha)
- River Foyle and Tributaries ASSI 2003 (770 ha)

4.0 Implications for future coastal development on our LDP

- 4.1 The Marine and Coastal Access Act 2009 and the Marine Act (NI) 2013 provide for the introduction of a new system of marine planning for the Northern Ireland marine area. A Marine Plan for Northern Ireland, which is currently being drafted by Marine Division within DAERA will provide a regional reflection of the national policy objectives within the UK Marine Policy Statement. It will take account of the economic, social and environmental needs to provide policies and guidance for all decisions which affect or have the potential to affect Northern Ireland's marine area, including the coastal stretches within our District.
- 4.1 Planning authorities must have regard to the MPS and the Marine Plan for NI (when adopted) in the preparation of community and local development plans. The MPS and, once adopted, the Marine Plan for NI, are **material considerations**. All terrestrial planning authorisation and enforcement decisions that affect or might affect the marine area, **must** be in accordance with these marine policy documents unless relevant considerations indicate otherwise.
- 4.2 Therefore planning authorities making planning or enforcement decisions that affect or might affect the marine area, must familiarise themselves with the MPS, available at <https://www.gov.uk/government/publications/uk-marine-policy-statement> and the Marine Plan for NI (when adopted). It is the responsibility of the planning authority to assess whether an authorisation or enforcement decision is in accordance with the MPS.
- 4.3 In operation, the recent emergence of marine legislation has presented key documents for this planning authority to consider when undertaking its LDP preparation. Early engagement with Marine Division and other marine stakeholders will be required to ensure that proposals in the marine area are supported by the appropriate infrastructure on land and reflected in local development plans. This may include, for example, protecting existing terrestrial sites which support marine industries, such as fisheries harbours. The economic and social potential of the marine area should also be reflected in our LDP; for instance where offshore energy is identified as a realistic opportunity, provision should be made in appropriate locations for supportive terrestrial infrastructure.
- 4.4 Although there is no fishing fleet per se within our District requiring a harbour or offshore renewable proposals in the pipeline, this gives an example of the joined up thinking required and shared responsibility that exists between DAERA Marine Division and this planning authority when determining consents / licences in the coastal and intertidal area.
- 4.5 The Marine and Coastal Access Act 2009 provides for a marine licensing system across England, Wales, Northern Ireland and Scotland's offshore region. In Northern Ireland, it applies to all our marine waters from the mean high water spring tide mark out to 12 nautical miles (the inshore region). This includes the waters of any sea lough, estuary, or river, so far as the tide flows



at mean high water spring tide. In this regard the Foyle extends its tidal influence as far as Strabane.

- 4.6 As stated previously, there is a shared responsibility between Marine Division and Planning Authorities for consenting or licensing projects in the intertidal area. This means that certain activities or development along our coastal / tidal fringe may require a marine licence as well as planning permission.
- 4.7 In addition, some marine licensable activities may form part of a plan or project that requires an Environmental Impact Assessment under The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) or a Habitats Regulations Assessment under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). However, the same proposal may also require an Environmental Impact Assessment for the onshore development under The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 and/or a Habitat Regulations Assessment.
- 4.8 Planning officials will work closely with DAERA Marine Division and Planning Authorities to ensure that only one Environmental Impact Assessment and/or Habitat Regulation Assessment is required from the applicant and unnecessary duplication is avoided.

LDP Potential – Do Councillors feel we should be seek renewable projects in the Lough / River Foyle to harness the tidal flow?

- 4.9 The LDP, where appropriate, may identify land for those developments which specifically require a coastal location – such as ports or port related industries. Similarly our LDP could identify those areas where coastal development should be restricted due to amenity; landscape value; nature conservation interest or historical or archaeological importance. The LDP will also seek to promote and protect public access to and along the coast where possible.

LDP Potential – Do Councillors feel there is a need for any further lands to cater for the future expansion of our coastal infrastructure and economy?

LDP Potential – Do Councillors feel there is a need to cater for enhanced Cruise ship berthing facilities?

LDP Potential – Do Councillors feel there are areas of our coast that need protected or enhanced access?

- 4.10 An important coastal issue for the LDP to consider is the concentration of general industrial activities - those that are likely to emit noise, fumes vibration and smell etc. around Maydown / Strathfoyle and Culmore area. Residents recently participated in a Derry City Council led Health Impact Assessment to examine the perceived impacts of such industry adjacent to residential areas.



LDP Potential – How do Councillors feel we should attempt to balance the co-location issue of coastal industry and residential areas?



5.0 Conclusion

- 5.1 The paper has highlighted the legislative dual responsibility that exists around our coastal and tidal areas within the Council District. It also outlines the small number of economically significant coastal activities taking place within it and any future flooding scenarios. It raises several issues in terms of the need for future expansion and the future compatibility of general industry to be located in close proximity to residential areas.
- 5.2 The discussion and input from Council Members at Workshop 9 is requested and will then feed into a forthcoming ‘options’ Paper on these matters to the Planning Committee (LDP) - for decision, which will in turn feed into the LDP Preferred Options Paper (POP) which is due out in March 2017. A suggested Option to take forward is set out below.
- 5.3 Further consultations are being held with the legislatively required consultation bodies relevant to Marine and coastal planning. This will feed into the evidence base, together with Members feedback, in support of the POP and Plan Strategy documents.

	Option 1
Coastal Development	Accommodate appropriate coastal development as per current UK Marine Policy Statement (MPS 2011) and forthcoming Marine Plan for NI.