



Derry City & Strabane  
District Council  
Comhairle  
Chathair Dhoire &  
Cheantar an tSratha Báin  
Derry Cittie & Strábane  
Destrict Cooncil

## Derry City & Strabane District Council



### Local Development Plan (LDP) 2032

### Draft Plan Strategy (dPS)

Schedule of Proposed Changes (PCs), as consulted upon between December 2021 and February 2022

**PLUS**

**the Further Changes (FCs),**

**to be made to the LDP dPS in Autumn 2023,**

**to PAC Commissioner as part of the Independent Examination (IE)**

**PART 2 – Chapter 16 to end, to PAC-LDP IE 25<sup>th</sup> September 2023**

(PART 1 (updated) – **Up to Chapter 15**, was issued in early-mid-September)

## **1. Introduction, to Proposed Changes Schedule - as consulted upon between December 2021 and February 2022 (ALL AMENDED TEXT IS IN DARK RED)**

**1.1** Derry City & Strabane District Council (the Council) is preparing a Local Development Plan (LDP) for the District up to 2032. This will replace both the existing Strabane Area Plan 2001 and the Derry Area Plan 2011, as well as most regional Planning Policy Statements (PPSs). The purpose of the LDP is to inform the general public, statutory authorities, developers and other interested parties of the policy framework and land use proposals that will guide development decisions within the District. The LDP will set out a clear vision of how the District should look in the future, by indicating what type and scale of development should be encouraged and where it should be located.

**1.2** The LDP Draft Plan Strategy (dPS) was published and subject to an 8-week statutory consultation period which ran from 2<sup>nd</sup> December 2019 and ended on 27<sup>th</sup> January 2020. 121 Representations (Reps) were received within the 8-week period, from the many statutory consultees, various organisations, landowners, developers and members of the public. 7 responses were received after the 27<sup>th</sup> January deadline.

**1.3** However, a procedural error was identified in relation to the timing of that original consultation period so a further re-consultation period was undertaken which ran from 11<sup>th</sup> September to 6<sup>th</sup> November 2020. All consultees and previous Rep respondents were re-consulted and advised to inform the Council:

- if they wished to have their previously submitted representation carried forward as it is;
- if they wished to revise or provide additional information in support of their previous representation
- or alternatively, if they wished to withdraw it or to submit a new representation.

**1.4** Counter Representations (or C-Reps) were then submitted between 27<sup>th</sup> November 2020 and 22<sup>nd</sup> January 2021. As a result of the overall consultations, a total of 243 Representations (and 5 Late Reps) and 6 Counter Reps (and 1 Late C-Rep) were received.

**1.5** Following detailed consideration by Planning officers and elected Members, of the Representations received, the Council is proposing a number of Changes to the LDP draft Plan Strategy.

**1.6** In considering representations received to the Draft Plan Strategy, and the extent and nature of any proposed change required, account has been taken of Development Plan Practice Note 10 'Submitting Development Plan Documents for Independent Examination' (DPPN 10).

**1.7** DPPN 10 provides for two main types of change: (1) Minor Changes: These are minor editing changes for factual correction which do not need public consultation, and which would not affect the soundness of the plan. (2) Focussed Changes: These are limited changes made only in exceptional circumstances in order to deal with unforeseen issues and address impacts upon the soundness of the plan. The DPPN advises that they must be consulted upon prior to the submission of the LDP dPS for examination.

**1.8** In addition to changes that would fit into these categories, the Council has identified a number of other changes which, in our view, are considered to represent logical and rational amendments to a policy or policy clarification in response to representations received during the consultation period. They are not minor changes and they are not in response to addressing 'soundness' issues.

**1.9** Overall, most of the proposed changes are considered to be important and worthwhile, but few are required to make the LDP sound. Taking account of the guidance in DPPN 10, and to ensure that those interested persons who made representations are not disadvantaged, the Council considers that **all of the proposed changes should be consulted upon**, as listed in the Schedule of Proposed Changes, at Appendix 1.

**1.10** Therefore, the Proposed Changes have been simply arranged in a single Schedule, in page order as they appear in the dPS document itself. In order to assist readers (and as a basis for the assessment of SA, EQIA and RNIA), officers have **yellow-highlighted 26** Changes that might be considered to be the most 'substantive', as well as **blue-highlighted 67** 'minor' Changes and **green-highlighted 160** 'intermediate' changes; however, this categorisation cannot be considered to be definitive.

## **2. Proposed Changes Consultation – December 2021 to February 2022**

**2.1** The consultation period will run for 8 weeks, commencing **9<sup>th</sup> December 2021 and running to the 3<sup>rd</sup> February 2022**. The purpose of the consultation is to inform the general public, consultation bodies and interested parties of the Proposed Changes and allow comments if they wish and to demonstrate for the Independent Examination (IE) by the Planning Appeals Commission (PAC) - that everyone affected has had an opportunity to comment before any recommended change is made to the LDP Draft Plan Strategy. ***It is important to note that ultimately it will be for the PAC to consider and for the Department for Infrastructure (DfI) to determine whether any amendments recommended by the Planning Appeals Commission should be made to the LDP Draft Plan Strategy.***

**2.2** **It is important to note that comments made at this stage can only address and relate to the soundness of Proposed Changes.** This consultation is not an opportunity to add to previous representations or to make new comments on parts of the original Draft Plan Strategy not subject to change, as the PAC may not consider any new representations. Further information on 'soundness' and the soundness tests can be found in DPPN 06.

**2.3** Comments on the Proposed Changes can be submitted in writing by emailing to [ldp@derrystrabane.com](mailto:ldp@derrystrabane.com) or by post to 98 Strand Road, Derry, BT48 7NN or 47 Derry Road, Strabane, Tyrone, BT82 8DY.

**2.4** It should be noted that comments received cannot be treated as confidential. All comments will be made available for public inspection and placed on the Council's website. However, all personal contact details (personal telephone numbers, email addresses, signatures and sensitive personal data) will remain confidential. A copy of comments will be supplied to the Department for Infrastructure and the Planning Appeals Commission as part of the Independent Examination process. Further details are available in the Council's privacy notice: [https://www.derrystrabane.com/getmedia/0ada4fb5-9b7c-4a21-8b16-5f3b39a2c389/LDP-Privacy-Notice\\_1.pdf](https://www.derrystrabane.com/getmedia/0ada4fb5-9b7c-4a21-8b16-5f3b39a2c389/LDP-Privacy-Notice_1.pdf)

**2.5** **The deadline for comments is 3<sup>rd</sup> February 2022. Comments received after the deadline will not be accepted.**

### **3. UPDATED Introduction, to the Further Changes (FCs), to be made to the LDP dPS in Autumn 2023, to PAC Commissioner as part of the Independent Examination (IE)**

**3.1** As a result of the public consultation detailed in Section 2 above, 26 PC Comments were received and these have been considered, summarised, and responses set out in the Council's Public Consultation Report (see DS-500, pages 243 to 266) as part of the formal Submission of documents to DfI Planning / PAC in May 2022. (see DS-500 & the PC Comments on the Council's LDP webpage at: [https://www.derrystrabane.com/subsites/ldp/viewing-the-ldp-dps-schedule-of-proposed-changes-\(pc\)-and-pc-comments/comments](https://www.derrystrabane.com/subsites/ldp/viewing-the-ldp-dps-schedule-of-proposed-changes-(pc)-and-pc-comments/comments)

<https://www.derrystrabane.com/getmedia/82a5edc4-4508-47f8-8c43-fdbfaa9f2fdc/67-DS-500-LDP-dPS-Consultation-Report.pdf>

**3.2** In preparation for the Independent Examination (IE), the Council has undertaken a thorough re-visit of the LDP draft Plan Strategy, including the Proposed Changes and the resultant PC Comments. This re-visit has involved a detailed review of the text itself, as well as Development Management assessment - to ensure that the final LDP Plan Strategy will be well-written / readable (spelling, punctuation, grammatically sound and factually correct) as well as professionally / technically robust and the policies will be 'implementable' following its Adoption - for the Council's elected Members and for Planning Officers for many years thereafter.

**3.3** This chapter-by-chapter review has resulted in the Council identifying a number of Further Changes (FCs) to be made to the LDP draft Plan Strategy. A similar approach has been taken for the presentation, within this updated report, of these Further Changes (FCs) as was taken for the Proposed Changes (PCs) – mostly as set out in paragraphs 1.6 to 1.10 above. In summary, the Further Changes (FCs) have been inserted into the same Schedule as the Proposed Changes (PCs), in page order as they appear in the dPS document itself. The FCs are in this 'dark red' font and they have again been colour-coded, in order to assist readers: **yellow-highlighted** Changes that might be considered to be the most 'substantive', as well as **blue-highlighted** 'minor' Changes and **green-highlighted** 'intermediate' Changes; however, this categorisation cannot be considered to be definitive.

**3.4** These Further Changes are being presented to the PAC Planning Commissioner as part of the Independent Examination (IE) process, of which the Public Hearing Sessions will take place in September- October 2023. Through the IE process, interested parties would have the opportunity to comment on the Further Changes – subject to the direction of the Commissioner. The Commissioner will be requested to consider these Further Changes (FCs), together with the previously-consulted Proposed Changes (PCs), and if satisfied, shall make a Recommendation to DfI Planning as to whether all or some of the Changes should be incorporated into the Adopted LDP Plan Strategy, as Modifications.

#### 4. Schedule of Proposed Changes and Further Changes

4.1 Appendix 1 of this report presents the Proposed Changes and Further Changes (in dark red text) which have been illustrated in the following two ways:

- In most cases, it is clear which new text is proposed e.g. where the Change is to 'insert a new sentence or paragraph.' However, in more complicated sections, where it is not clear which words are new or which are existing, the new text to be included is underlined:
- Where there has been a change to the wording of a policy or paragraph, a deletion is shown by a ~~strike-through~~

4.2 For each Proposed Change, the document sets out the following columns:

- *Proposed Change (PC) or Further Change (FC) Reference*: a reference number for the proposed change;
- *Draft Plan Strategy Page*: the page number of where the change is to occur;
- *Policy/ Paragraph/Table Number, etc*: the specific policy, paragraph or table;
- *Summary of Issue/Justification*: summarising the reasoning behind the change;
- *Proposed Change*: the change itself, presented in the manner identified in para.3.1;
- *Representation / Issue Reference*: the number that resulted in the change. Exceptionally, some changes have been made as a consequence of changes made elsewhere in the Draft Plan Strategy and these are denoted as n/a in the last column.

4.3 The Proposed Changes are also subject to Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA), Habitats Regulations Assessment (HRA); Rural Needs Impact Assessment (RNIA) and Equality Impact Assessment (EQIA). These have been considered within the relevant Addendums published alongside the Schedule of Proposed Changes. Comments were invited on these Addendums in addition to comments on the Proposed Changes.

4.4 The Further Changes (FCs) are being considered as part of the IE process so they will therefore be considered for inclusion in the final LDP Plan Strategy in the same manner as any other Adoption Modifications that the DfI would direct, in accordance with Section 12 of the Planning Act (NI) 2011. The Further Changes (FCs) do not involve any new policies or changes that fundamentally alter the existing policies / designations; therefore, none of the FCs are considered to affect the previous Assessments listed above.

4.5 It should be noted that the Council has considered every representation which provided a comment to the LDP draft Plan Strategy. The Council's responses to the issues raised in representations were presented as part of the LDP Draft Plan Strategy Consultation Report which will be published and submitted as part of the documentation required for Independent Examination.

## 5. What Happens Next? – text as at December 2021

5.1 Following the conclusion of the 8-week consultation period, the Draft Plan Strategy and all comments received will be submitted to the Department for Infrastructure who will consider whether the Draft Plan Strategy should proceed to Independent Examination. The IE will be conducted by the Planning Appeals Commission.

**5.2 It is important to note that ultimately it will only be for the Department for Infrastructure to determine whether any amendments recommended by the Planning Appeals Commission should be made to the LDP draft Plan Strategy.**

5.3 For further information regarding the preparation of the LDP, please contact the LDP Team by email: [ldp@derrystrabane.com](mailto:ldp@derrystrabane.com) or telephone 028 71 253 253

This Proposed Changes document is available, together with all other LDP documents, on the Council's website at

<http://www.derrystrabane.com/Subsites/LDP/Local-Development-Plan>

All LDP documents are also available to view, **by appointment only** (for reasons of public safety), during normal opening hours, at:

- Council Offices, 98 Strand Road, Derry, BT48 7NN
- Council Offices, 47 Derry Road, Strabane, BT82 8DY

Representations can also be submitted during the consultation period regarding the associated Addendum appraisal documents, namely the Addendum to the draft Sustainability Appraisal (incorporating the Strategic Environmental Assessment, SEA), Addendum to the draft Habitats Regulations Assessment (HRA or AA), Addendum to the draft Equality Impact Assessment (EQIA) and Addendum to the draft Rural Needs Impact Assessment (RNIA).

Your comments may be submitted by e-mail to: [LDP@DerryStrabane.com](mailto:LDP@DerryStrabane.com) Alternatively, you can write to the Planning LDP Team, 98 Strand Road, Derry BT48 7NN. (Please note that, under Freedom of Information and Council's policy of Transparency, all representations will normally be made publicly available. Any requests otherwise should be clearly stated and the request will be considered by the Council.)

This LDP dPS Proposed Changes Report, or the other consultation documents can be supplied in alternative formats; please submit your request and requirements to the above address.

**The Closing Date for Comments on the Proposed Changes to the LDP dPS is**

**Thursday 3<sup>rd</sup> February 2022**

Our other contacts are: Telephone - 028 71 253 253, Textphone – 028 71 376 646.

**The Proposed Changes and Further Changes will be submitted to and considered by the PAC Planning Appeals Commissioner at the LDP Independent Examination, in Autumn 2023**

## **Appendix 1**

### **Schedule of Proposed Changes - December 2021**

**together with the**

**Further Changes (FCs) - September 2023 (in dark red text)**



**DC & SDC LDP - Schedule of the Proposed Changes (PCs) plus the Further Changes (FCs), to be made to LDP dPS in Autumn 2023, to PAC Commissioner as part of the Independent Examination (IE)**

Proposed Change Ref: PC... Further Change Ref: FC...	Draft Plan Strategy Page	Policy/ Paragraph/ Table Number etc.	Summary of Issue / Justification	Proposed Change or Further Change	Rep (Issue Ref)
<p><b>KEY: (NOTE THAT THE FOLLOWING COLOUR-CODED CATEGORISATION OF THE PROPOSED &amp; FURTHER CHANGES IS FOR READER ASSISTANCE ONLY; IT IS NOT DEFINITIVE)</b></p> <p><b>Yellow-highlighted</b> = Changes considered by the Council to have a <u>substantive</u> effect on a policy/proposal.</p> <p><b>Blue-highlighted</b> = Changes considered to be <u>minor</u> e.g. spelling errors, layout changes, text re-organisation, lesser changes to Introductory or Justification &amp; Amplification (J&amp;A) text</p> <p><b>Green-highlighted</b> = Changes considered to be <u>intermediate</u> i.e. they are useful changes that clarify policies or provide significant J&amp;A or lesser policy adjustment</p> <p>If it is not clear, newly inserted wording is <u>underlined</u>. Where it is not clear, removed words are <del>struck through</del>. In the final column (Rep, Issue Ref) n/a indicates that the Change has not resulted directly from a specific representation, rather from internal Planning or other internal Council input.</p>					
<b>General Amendments</b>					
<b>FC 01</b>	1 - 528	Whole Document	Correction / improvement of spelling, grammar, punctuation, consistent-capitalisation, hyphens, presentation & accurate referencing / numbering, etc.	<p>General adjustments to enhance the readability, accuracy and tenses of the PS Document that do not change the substance of the text.</p> <p>Capitals e.g. Derry <u>C</u>ity, Strabane <u>T</u>own, City / Town <u>C</u>entre,</p> <p>Hyphens e.g. small_<u>s</u>cale, town_<u>c</u>entre_<u>f</u>irst, edge-of-centre, out-of-centre</p> <p>Remove the paragraph numbers from within the Designations boxes of Chapter 6 (p. 64-67), to be consistent, amending the subsequent numbering within that chapter.</p>	n/a

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<b>PART D- Social Development- Strategy, Designations &amp; Policies</b>					
<b>FURTHER CHANGES (FCs) UP TO PART D WERE CONSIDERED IN IE WEEKS 1 &amp; 2 – SEE PART 1 OF FC SCHEDULE</b>					
<b>16. Housing in Settlements and the Countryside</b>					
<b>PC 122</b>	219	Para 16.4	Add wording to better reflect the position with strategic Housing land – as set out later in the chapter.	Insert wording on 3 <sup>rd</sup> line of para 16.4 ‘... on ‘brownfield’ or <u>vacant and under-developed</u> sites within the built-up area.’	n/a
<b>FC 41</b>	220	Para. 16.7	To avoid confusion, remove the reference to land for 12,000 houses.	Remove the last sentence of dPS para. 16.7 and also replace the words in the penultimate sentence, to read as: ‘As per the SPPS <sup>31</sup> , it would be <b>important to maintain</b> a five-year land supply.’  Also amend the similar content of the last two lines of para. 16.15, to read: ‘... by 2032 and <b>maintain</b> a 5-year <b>land</b> supply.’	106 A DfI Strategic Planning Turley Reps 47, 48, 49, 51 & 57 MKA Reps 122, 123, 124, 126 68 BMRG
<b>FC 42</b>	221 & Appendix 5 Table 1	Para. 16.9 & Table 8	Arithmetic correction to some figures in Table 1, especially its	See corrected and strengthened Appendix 5 Table 1, at Annex 0 of this document. The settlement household numbers had been divided by the wrong houses total, thus giving slightly incorrect percentage	n/a

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			4 <sup>th</sup> column, so that it agrees with the correct figures that are in Table 8. The key output figures were also correct in Table 1.	figures so they did not add up to the same, correct figures that are in Table 8 of dPS p. 221. However, the other figures in Table 1 were correct, particularly the important figures in the 3 <sup>rd</sup> last column i.e. % house numbers. Two new 'totals' rows have been added at the top of the table, to make the subsequent figures transparent.	
PC 123	221	Para. 16.10	Two minor points of clarification.	On the 1 <sup>st</sup> line, clarify the reference to '...Table 1 of Appendix 5 provide...' On the 5 <sup>th</sup> line, insert a word '... As part of the LDP Evidence Base, <u>initial</u> Settlement Appraisals have been undertaken...'	n/a
PC 124	223	<b>STRATEGIC</b> Table 9: Summary of Land for Delivery of Housing, in District's Settlements.  Para 16.14	Amend a typo of the hectares of Urban Capacity land  To clarify that the LDP will be zoning additional lands but not peripheral / beyond the development limits generally.	In the 7 <sup>th</sup> column of Table 9, amend the hectares for the City from <del>125</del> to 61. This also changes the column total from <del>307</del> to 243. The other figures remain unchanged.  Insert word in criterion b. b. Not zoning additional <u>peripheral</u> land for housing generally;	n/a  36 JP McGinnis

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FC 41 – as above	224	Para. 16.15	To avoid confusion, remove the reference to land for 12,000 houses.	Remove the last sentence of dPS para. 16.7 and also replace the words in the penultimate sentence, to read as: <i>“As per the SPPS<sup>31</sup>, it would be <b>important to maintain</b> a five-year land supply.”</i>  Also amend the similar content of the last two lines of para. 16.15, to read: <i>“... by 2032 and <b>maintain</b> a 5-year <b>land</b> supply.”</i>	106 A Dfi Strategic Planning Turley Reps 47, 48, 49, 51 & 57 MKA Reps 122, 123, 124, 126 68 BMRG
PC 125	224	Para 16.16 Strategy box	To put the emphasis on accessibility when choosing sites for housing.	Amend last sentence (as per underlined text) of para 16.16 p224 to read as follows: The LDP aim is to deliver 9,000 new, quality homes by 2032 at sustainable locations that are <u>accessible, especially by walk, cycle and public transport</u> , to employment, shopping, community services, leisure, and recreational facilities.	106 B Dfi TPMU
FC 43	224	16.17	Additional wording to clarify the LDP PS designations etc. in the following chapter. To correct the sign-posting location.	Amend several pieces of wording, as follows: The LDP will <b>identify Housing Zonings and Land Use Policy Areas (LUPAs)</b> ; it will carry forward most of the Housing Zonings / designations from the Derry Area Plan 2011 and the Strabane Area Plan 2001, namely the (substantially) unimplemented Housing Zonings, Flats Policy <b>Area</b> (formerly the DAP designated Flat Zone FL	n/a

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Proposed Change Ref: PC... Further Change Ref: FC...	Draft Plan Strategy Page	Policy/ Paragraph/ Table Number etc.	Summary of Issue / Justification	Proposed Change or Further Change	Rep (Issue Ref)
				1) and the associated Flats Prevention Areas (formerly the DAP Flat Exemption Areas). These zonings / designations, together with a series of Houses in Multiple Occupancy (HMO) Management Areas, <b>are being designated in the LDP Plan Strategy and will be further</b> considered in the Local Policies Plan and detailed boundaries shown as appropriate. (A full list of the existing zonings / designations can be found in the <b>existing area plans</b> ).	
PC 126  FC 44	225	HOU 1, <b>several inserts.</b>	Clarification and a typo. <b>Include reference to Table 2.</b>  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	In policy HOU 1, amend reference on line 2: 'Table 4 8 or Appendix 5 Tables 1 & 2'  In HOU 1 Part (a) second sentence, amend as underlined to read as follows: ...housing land within the City, Main Town and the Local Towns in <del>two</del> <u>three</u> phases. Add an 's' to 'brownfield sites' on line 8  <b>Under the 'LDP Phase 1 Zonings' heading, add the following wording (as underlined) to the bullet points to read as follows:</b> <ul style="list-style-type: none"> <li>• Existing commitments i.e. <u>sites previously-zoned or unzoned land</u> with live residential planning permission;</li> <li>• Selected Urban Capacity Sites (City and Main Town) and <u>Selected</u> Whiteland Sites (Local Towns) identified at LPP;</li> </ul>	50 Turley (& similar), other Turley submissions



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Potential FC 45	225	HOU 1	<p>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.</p> <p>IE Question HOU 1 – Q4 queries the use of the term ‘extreme’ social housing need. If a change is recommended, see the potential FC 44A.</p> <p>To further clarify in the J&amp;A that the LDP Plan Review will</p>	<p>and is located immediately adjacent to those areas identified (by NIHE) as having the most acute social housing need.</p> <p><u>In exceptional circumstances, where there is extreme [or replace with ‘very significant’] localised social / affordable housing stress / need and it is demonstrated to the Council that the need cannot be met through the above sequence of Phase 1, Phase 2 or other HOU 2 lands, then a planning application can come forward on a Phase 3 site for immediate development to address that need. Such a planning application, after the LPP adoption, shall be from NIHE or a registered housing association*, primarily for affordable housing and the development shall be part of a Balanced Community in accordance with Policy HOU 5. Such a need should be supported by NIHE.</u></p> <p>* Insert a footnote to explain that where the term ‘registered housing association is used, this can generally also mean NIHE, who have recently changed status, to enable them to build houses, as a HA.</p> <p>Amend J&amp;A para 16 21 by inserting following sentences (as underlined) <del>after</del> at the end of the second sentence, to read as</p>	

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			<p>consider the rezoning of both Phase 1 &amp; 2 Lands if not brought forward within a reasonable time, <b>unless they are otherwise sustainable Selected sites.</b></p> <p>To explain the rationale in the J&amp;A as to the requirement of Phase 3 Lands.</p>	<p>follows: '... as a Phase 2 site, <u>unless it meets the criteria as a Selected Urban Capacity or a Selected Whiteland Site in accordance with Phase 1 (see the next paragraph)</u>. In addition, both Phase 1 and Phase 2 Lands may be considered for rezoning to alternative land uses, such as community open space, if residential development on such sites is not brought forward within a reasonable timescale. At the LDP Reviews, the Council will use this mechanism, to review the identified housing land and may rezone all or some of that land, so as to ensure commencement and delivery of housing, rather than contribute to delay and land-banking of the Housing lands that it has identified in the LDP.</p> <p>Amend J&amp;A Para 16.24 as follows: <del>'As an exception to</del> In addition to the Phase 1 and 2 approach, ...' Insert new sentence after end of 2<sup>nd</sup> sentence: '<u>These Phase 3 Lands are being introduced to formalise the potential provision of additional land at the edge of the city or towns for social / affordable Housing, in exceptional circumstances, thus ensuring the orderly and consistent release and development of such lands by the Council through the LDP. The amount of Phase 3 land identified will be limited to that which is reasonably necessary and sustainable; it</u></p>	



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				<u>will be decided by the Council at LPP stage, dependent on the amount of Phase 1 &amp; Phase 2 land that can be identified / Zoned in a local area (related to the NIHE-defined local housing areas) and dependent on the amount of Housing Need prevailing in that area at that time.'</u>	
FC 46	226	HOU 1	To provide a 'policy hook' for the LUPA design requirements that are in J & A para. 16.29.	In HOU 1 part '(b) Villages and Small Settlements', insert the underlined words below onto the end of the second sentence, to read as follows: '... will be located <u>and also their appropriate scale and form generally.'</u>	n/a
FC 47	226	16.19	To clarify and link the housing breakdown to the Appendix tables.	In J & A paragraph 16.19, insert the following sentence after the second sentence: <u>'This is in accordance with the indicative numbers and breakdown in Table 8 in this chapter and as broken down further in Appendix 5, Tables 1 and 2.'</u>	n/a
PC 127	227	16 24	To remove a sentence placed at this location in error	Remove final sentence from para 16 24 and insert as is, as a new sentence at end of first sentence in J&A Para 16.112 on page253.	n/a
PC 128	p 229 – 230	HOU 2	To provide clarity on perceived disparity	Amend the first para of HOU 2 policy text p 229 to read as follows: <u>It is the LDP's intent that all new housing development within the city</u>	106A Dfl Strat

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		Para. 16.30	<p>between policy intent and summarised LDP intent that all new housing development will be delivered on previously committed sites or within the existing settlement limit.</p> <p>To remove possible confusing reference to regional brownfield and inclusion of open space, as per RDS definition.</p>	<p><u>and towns of the area will be delivered on land zoned under Policy HOU 1 or elsewhere on appropriate sites within the Settlement Development Limits under this policy. This policy promotes the development of new housing on appropriate vacant and underutilised land at sustainable locations within the settlements.</u></p> <p>In addition, the following part of the last sentence in the first para of the policy text of HOU 2 ‘... to contribute to the regional target for 60% of new housing to be located in appropriate brownfield sites.’ Is to be removed and inserted at the end of para 16.30 p 229 so it reads as follows:  <u>Development on ‘brownfield’ sites within settlements will be encouraged as it can assist in returning derelict sites to a productive use; help deliver more attractive environments; assist with economic renewal; reduce the need for development on existing underdeveloped or greenfield sites; and to contribute to the regional target for 60% of new housing to be located in appropriate brownfield sites.</u></p>	Planning

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PC 129	229	HOU 2	Consistent use of supplied 'accessibility' wording requested.	Amend criteria b to read as follows: b. The location is accessible by walking, cycling and public transport to key services and facilities.	106 B DfI TPMU
PC 130	229	16.31	To clarify that the size thresholds cannot be side-stepped, consistent with the policy text as well as the SPSS.	Insert new sentence onto end of HOU 2 para 16. 31 p 229 to state: <u>The Council will not accept proposals which seek to artificially divide larger sites and bring them forward in a succession of smaller sites to meet the size criteria as set out in Policy HOU 2.</u>	17 John Black, 36 JP McGinnis
PC 131  FC 48	229  229	16.30  16.30	To provide clarity within the J&A text in relation to HOU 2 lands for Housing.  To provide further clarification, as the PC 131 wording was still considered to be confusing.	Amend the opening sentence of para 16.30 p 229 to read as follows: <del>In accordance with HOU 1, proposals on Brownfield sites, small whiteland sites; or open space (in accordance with OS 1) will be contrary to HOU 1 as they would undermine the LDP Housing Strategy.</del> <u>In addition to the lands identified under HOU 1, Housing will also be permitted on brownfield sites, small whiteland sites or open space (in accordance with OS 1). Housing will not normally be permitted elsewhere, as such developments would undermine the LDP Housing Strategy.</u>	MKA Reps: 122 MKA-James McLaughlin, 123A & B MKA - Millwell Properties Ltd, 124A - D MKA – Doherty (various), 126 MKA -

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		16.30  16.32	Move the 'brownfield' wording to here, from HOU 2.  To clarify the approach to brownfield sites	At end of 16.30, insert the text from PC 128 above.  Amend para 16.32, to read as follows: This approach is in accordance with the sequential approach in the SPPS; however, the LDP will only identify brownfield sites as <u>HOU 1</u> Phase 1 sites at LPP stage in local areas where there is an identified housing need. <u>Otherwise, brownfield sites can come forward under this policy, with a presumption in favour of their permission, subject to meeting the other relevant LDP policies, including the ED 4 protection of Economic Development land.</u>	Daniel Lusby, 136 - Diocese of Derry - MKA  PC COM-12 RSPB
PC 132	231	16.38	To clarify re policy application / density definition	Add text at end of HOU 3 para 16.38 p 231 to read as follows: <u>The Council acknowledges that particular care needs to be taken when increasing the density in established residential areas.</u>	106 A Dfl Strat Planning
PC 133	233	16.44	To further clarify the policy intent, including control of short-term residential lets.	Amend HOU 4 J&A with amended para 16.44 text (underlined) and insertion of a new para 16.45 as follow: Para 16.44 amendment: This policy therefore seeks to restrict the type of proposals for non-residential uses <u>or for non-permanently occupied dwellings</u> that are permitted in established residential areas and areas where higher density residential accommodation is appropriate. Where <u>such non-</u>	n/a

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				<p><u>residential uses or non-dwelling uses are permitted</u>, they should be complementary to the surrounding residential uses and protect established residential amenity. In such cases, all other policy requirements still apply to the proposal such as open space provision, density and sustainable transportation all of which are of critical importance in sustainable neighbourhoods.</p> <p>New para 16.45 text &amp; re-number accordingly:            16.45 <u>In protecting the existing housing stock, the Council recognises that some proposals for small-scale uses such as a local shop, community facility, small scale employment uses or an office and short-term residential lets may be acceptable. However, such proposals will be subject to careful consideration, on a case-by-case basis, to ensure the proposed use is compatible, subordinate to the existing residential use, complementary to the surrounding residential uses and does not result in unacceptable adverse effects on existing residential amenity.</u></p>	
PC 134	233	Policy box HOU 5	To amend the policy title to include Private	<p><b>For clarity, see Annex 4 for a full version of new Policy HOU 5 and its J&amp;A paragraphs</b></p> <p>Amend policy title to 'Affordable and Private Balanced-Tenure Housing in Settlements'</p>	106 A Dfl Strat

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			<p>and Affordable tenures.</p> <p>To put the onus on the developer to demonstrate the suitable private / affordable housing mix, with a minimum of 20% affordable being the norm.</p>	<p>Amend (new text is underlined) HOU 5 policy text to read as follows:  <del>Affordable housing should consist of social rented housing and/or intermediate housing. In determining the appropriate mix of affordable housing in terms of size, type and tenure, regard will be had to NIHE's up-to-date analysis of demand, including housing stress and prevailing housing need.</del>  <b>Amount of Affordable Housing</b></p> <p><u>'In order to achieve the Council's stated objectives of delivering adequate numbers of affordable housing and also providing balanced / mixed communities, Planning permission will be granted for a residential development scheme of, or including, 10 or more residential units (or on a site of 0.5 ha or more), where a minimum of 20% of units are provided as affordable housing. Where there is an acute localised need as demonstrated by the NIHE, the proportion required may be uplifted on an individual site, and this will be indicated as a KSR at the LDP LPP stage.</u></p> <p>All such housing schemes will be required to deliver <del>in order to achieve balanced and mixed communities. all housing schemes will</del></p>	Planning

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FC 49	234	HOU 5	Remove a line that no longer applies, now	<p><del>normally be expected to have no more than a maximum of 70% of either private or affordable houses. All relevant proposed housing developments will be expected to provide a balance of suitable tenures, taking account of the proposed and existing mix in that local area. Applicants will be required to clearly demonstrate and submit underpinning evidence, supported by the NIHE, of how they intend to deliver an appropriate affordable / private housing mix to meet any identified acute localised need. Any exceptions to proportions of tenures will need to be specifically justified and evidenced by the applicant.</del></p> <p>Where it can be demonstrated that there is <del>no</del> insufficient need and / or it is not sustainable or viable for a proposed development in the area to meet the full requirements of this policy, the Council will consider a suitable proportion on a fully-evidenced case-by-case basis.</p> <p>The agreed ratio of private to affordable housing will need to be implemented and maintained during, <u>and for an agreed period after,</u> the construction of the scheme.</p> <p>In rural-villages and small settlements, <del>the minimum viable number of affordable units will be 2 in a development of 10 or more. In such</del></p>	

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			that the norm is 20%.	<p><u>settlements</u>, sites below the normal threshold of 10 dwellings may also need to provide affordable housing if there is an identified need.</p> <p>Planning permission will not be granted for development proposals containing less than 10 housing units where lands have been artificially divided for the purposes of circumventing these policy requirements. Where there is a phased approach to the development of a site, this should be discussed with the Council at the outset to ensure that the affordable housing requirement can be developed in a comprehensive way over the whole scheme.</p> <p>Affordable housing will be secured as appropriate, depending on size of the development, by way of a condition or Section 76 Planning Agreement, which should be in place in advance of planning permission being granted. An off-site developer contribution may be required and will be considered on a case-by-case basis.</p> <p><b>Mixed Tenure / Tenure-Blindness</b> The design and external appearance of the affordable housing in the development should reflect the character of the remainder of the site. These should be interspersed within the market housing so that they are not readily distinguishable in terms of external design, materials and finishes’.</p>	



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PC 135	234	Para 16.46 & 16.49	To make it explicit that the Council believes that a minimum 20% affordable housing will be required to address the remaining social housing need	<p>Add the following new text as underlined, as a new sentence onto end of Para 16.46 (p 234):  <u>'Therefore, the general requirement in this policy that 20% of all new Housing units should be affordable housing should be adequate to deliver the remaining number of dwellings to address ongoing Housing Need.'</u></p> <p>Re-word Para 16.49, as follows:            'Where the <del>developer</del> Council can demonstrate, supported by up-to-date evidence provided by NIHE, that an acute localised need for a higher proportion of affordable housing cannot be fully addressed by the minimum <del>10%</del> 20% requirement, the proportion of affordable housing required may be uplifted on an individual site. If this is the case, the LDP Local Policies Plan will vary the proportion of affordable housing through a Key Site Requirement (KSR) on zoned housing land'.</p>	
PC 136	235	Para 16.51	To provide J&A clarity on the indicative private / affordable housing mix.	<p>Re-word Para 16.51 to read:  <u>'The <del>70% indicative</del> Council has indicated that there should be no more than a 70 – 80% proportion of either private or affordable housing in an area is in the interests of achieving balanced and sustainable communities. The Council will seek an indicative mix from proposed housing schemes of no more than a maximum of 80% of</u></p>	

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				<p><u>either private or affordable houses to deliver the Council objective of such balanced communities.</u> The applicant will need to provide evidence and submit a statement which takes into account the existing tenure mix. This would include up-to-date NIHE information <u>including</u> supported private-rented accommodation evidence if required’.</p>	
PC 137		16.52 – 16.55	Note amended DfC definition of Affordable Housing issued 19 <sup>th</sup> April 2021	<p>Remove paras 16.52 – 16.54 and replace with new para 16.52 to read as follows:                      16.52 ‘The Department for Communities issued a revised definition of affordable housing in April 2021. Affordable housing is now defined as:                      a) Social rented housing; or                      b) Intermediate housing for sale; or                      c) Intermediate housing for rent                      that is provided outside of the general market, for those whose needs are not met by the market. Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.’</p> <p>Additionally, amend / shorten the related Para 16.55, as follows, and remove Footnote 41 on page 236 - as it is now superseded:</p>	n/a.

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				16.55 'The SPPS recognises that the definition of intermediate housing 'may change over time to incorporate other forms of housing tenure below market rates'. The NI definition of intermediate housing may be further expanded in the future to include these other products to support the SPPS aim of assisting eligible households into affordable housing. Where this is the case, such additional products will be considered suitable to meet the affordable housing obligations of this policy in the future.'	
PC 138  FC 50	237  237  238	HOU 6  HOU 6  Para. 16.63	To clarify Tenure is dealt with by HOU 5 and not by HOU 6.  Remove this last sentence totally, as it is redundant in the amended policy. Minor factual correction of text. Remove reference to 'tenure'.	Remove reference to 'Tenure' from title of policy HOU 6. New title to read as follows: <u>HOU 6 House Types and Size.</u>  In HOU 6, remove references to Tenure in last sentence in middle policy paragraph to read as follows: <del>Delete sentence: An appropriate mix of house types and size will also be required.</del>  In J&A Para 16.63 (p 238), add in words to the 4 <sup>th</sup> line: '...disabled will require bungalows or ground-floor units.' Amend penultimate sentence to read as follows: A well-designed scheme can add visual interest through a variety of house types and allow households with different backgrounds and	45 Heron Bros, 48 Apex Housing, 49 PCI, 114 Turleys – Hamilton Bell 116, Turleys Howard Fulton, 128 Turleys – Apex

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				incomes to live together.	Housing
PC 139	241	HOU 8 16.73	To provide clarity on what a 'movement pattern' is and to provide enhanced reference to physical walking and cycling infrastructure and potentially new bus services.	<u>Amend HOU 8 J&amp;A para 16.73 by inserting new text (as underlined) as a new sentence to start after end of current para text as follows: The Council will require any submitted Movement Pattern to provide sufficient information as to how people will access the development – internally and externally. This will include all possible forms of internal physical access (walking / cycling) and internal / external connections from the site to the surrounding area – which should include physical access, public transport and private car. The appropriate information, commensurate to the scale of the development, can be provided by means of illustrated maps; Accessibility Analysis and site layout drawings etc.</u>	106B DfI TPMU
PC 140	241	HOU 8	To provide clarity in line with relevant heritage legislation.	Amend first sentence of HOU 8 policy text by inserting underlined text to read as follows: ...that the proposal will create a <u>high</u> quality and sustainable residential... Amend criteria (a) – (c) as follows text by inserting underlined text to read as follows: (a) The design and layout respects the landscape, local character, <u>historic</u> and natural environment (including trees)... (b) <u>In Conservation Areas, housing proposals will be required to enhance, or where the opportunity to enhance does not arise,</u>	79 DfC-HED

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				<u>preserve its character.</u> (c) <u>Heritage assets</u> are identified and where appropriate...	
PC 141	242	HOU 8	To provide enhanced text in reference to delivering biodiversity net gain.	Insert a new criteria 'm' to be inserted onto the end of the criteria list in the policy text box on p 242 to read as follows: <u>m) The proposal will result in no net loss of biodiversity and preferably contribute to biodiversity net gain, being incorporated into the design and layout as part of the development proposal.</u>	82 RSPB
PC 142	245  245	HOU 10  Para 16.86	To remove reference of other residential institutions from policy box to J&A.  To amend a typo - Para 16.86 refers to Chapter 25 SPG Annex A. Should be Appendix 6 SPG on p 516.	Amend policy box of HOU 10 by removing last paragraph of policy text and re-locating it to end of para 16.84 p 245.  In final policy sentence of HOU 10, amend italics typo to document title 'Guidance for Residential Extensions and Alterations.'  Amend last sentence of 16.86 p 245 by removing reference to Chapter 25 Supplementary Planning Guidance PG Annex A and replacing (as underlined) with the following: ...and decisions will be informed by the guidance provided in <u>Appendix 6 SPG of the LDP Plan Strategy.</u>	106 A Dfl Strat Planning  107 Paul McGarvey  <b>106 A</b> Dfl Strat Planning
PC 143	245	HOU 10 New criteria e) to be added to	To enhance Policy HOU 10, with an additional	Insert a new criterion e) into policy text of HOU 10 p 245 to read as follows: e) The proposal will result in no net loss of biodiversity and preferably	82 RSPB

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		policy box	requirement to achieve no net loss of biodiversity	contribute to biodiversity net gain.	
PC 144	246	HOU 10 – Para 16.87	Rep considers proposed wording is outdated / misleading.	Remove all text from para 16.87 and append on to end of para 16.84.	107 Paul McGarvey
PC 145	247	Para 16.95  Para 16.97	To provide for a suggested Building on Tradition reference to be inserted into Rural Design para 16.95 p247.  To remove reference to PPS6 and its Addendum which will cease to have effect once dPS is adopted.	Amend final sentence of para 16.95 to read: ...any relevant local design guidance, <u>including Building on Tradition.</u>  Amend text (as underlined) in para 16.97 to read as follows: ...the Council will also consider the relevant policies contained <u>within the Council’s own Historic Environment SPG.</u> together with any policy	107 Paul McGarvey  <b>106 A</b> Dfl Strat Planning
FC 51	248	HOU 11	Give correct title of HOU 8.	Amend the 4 <sup>th</sup> line to: ‘... set out in HOU 8 <u>Quality in</u> New Residential Developments and ...’	n/a

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FC 52	249  250  251	HOU 12  Para. 16.102  Par 16.103	<p>To clarify wording in the sub-headings, as to what this policy relates to. The 'development outside the Flats Policy Area' category does not relate to larger / mainstream Housing developments, as can be seen from the J&amp;A.</p> <p>To clarify that this para is referring to Flats Prevention Areas.</p> <p>To clarify which policy is referenced.</p>	<p>Amend the 7<sup>th</sup> line to: 'Conversion <del>of</del> to flats / apartments outside the Flats Policy Area...'</p> <p>Amend the middle sub-heading to: 'The development or redevelopment as flats / apartments of a part or whole of an infill or development plot outside of the Flats Policy Area will not normally be permitted except where:'</p> <p>In para 16.102, amend the start of line 3 to read: '... Flats <del>Protection</del> Prevention Areas.'</p> <p>Insert the same words in the middle of the penultimate line, to read: '... Additional Flats Prevention Areas will also be considered ... '</p> <p>Amend the 2<sup>nd</sup> &amp; 3<sup>rd</sup> lines of para 16.103, as follows: The conversion or development or redevelopment of flats / apartments will be managed through the HOU 12 Flats Policy and exceptions will apply. The Flats Zones <del>Plan as per</del> in the Derry ...'</p>	n/a

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PC 146	251 & 252	HOU 13 Para 16.104	To correct typos and provide policy clarity.	Amend text in Para 16.104 as follows: Correct typo – 3 <sup>rd</sup> line to read: ...rented by <u>at</u> least one.... Remove duplicated legislation reference in 4 <sup>th</sup> sentence to now read: Over-concentration of HMOs has the potential to place pressure..... Insert new text into final sentence to read: ...potential to detract from the amenity and supply of existing traditional family homes...	n/a
	252	16.106	<del>To correct typos and provide policy clarity.</del> Superseded by FC 52	<del>Amend text in Para 16.106 as follows. Amend 2<sup>nd</sup> bullet point by deleting word 'registered' to now read: ...for HMOs not yet licensed.</del>	
FC 53	252	Paras. 16.106 & 16.107	To provide a less-formulaic and more-workable calculation of the HMO percentages.	Replace paras. 16.106 & 16.107 with: 'The percentages of HMOs within and outside a HMO Management Area will be assessed by counting total number of current / licenced and approved HMOs in the policy area divided by the total number of dwelling units in that area. Similarly, for assessments outside of the HMO Management Area, the percentage will be the total HMOs divided by the total relevant properties in that area. In either case, the numbers of HMOs in the immediately nearby streets / terraces (that share the parking and other impacts) will be taken into account.  A Supplementary Planning Guidance (SPG) document will be	



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	252	Para 16.108	Insert the correct word.	<p>prepared, to provide guidance on the operation of the HMO Management Areas and the local Planning / Licensing system generally.'</p> <p>Amend the 2<sup>nd</sup> line of para 16.108, as follows: 16.104 '... for further planning <del>permission</del> applications for additional HMOs.'</p>	
<p>PC 147</p> <p>Potential FC 54</p> <p>FC 54A</p>	253  253	HOU 15 – second line of policy text  HOU 15	Clarification sought on terminology / definition of a retirement villages and how this differs from sheltered housing. Add in ... such as ...' to clarify that the types of accommodation are not exhaustive. To include the 'need' hook in the policy itself, as per J&A para 16.113.	Amend first sentence in policy box HOU 15 p 253 deleting a word, to read as follows: 'Planning permission will be granted for specialist residential accommodation such as sheltered accommodation, residential or nursing care accommodation, retirement villages and care-related facilities, which will meet a demonstrated local need, where the proposals.... '	<p>106 A Dfl Strat Planning Subject to IE Q1</p> <p>n/a</p>

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			To correct a typo / wrong word used.	Amend line 5, as follows: 'This will also include the <del>retention</del> extension and refurbishment ...'	n/a
PC 127 – as above  FC 55	227, moved to 253  253	16 24, moved to 16.112  16.112	To remove a sentence placed at this location in error. Amend wording slightly to fit in to this paragraph.	Remove final sentence from para 16 24 and insert as is, as a new sentence at end of first sentence in J&A <b>Para 16.112 on page253</b> . Amend wording to read: 'This policy relates to specialist or specialised housing, and refers to supported housing, disability-focused and otherwise as per the NIHE definition.'	n/a
FC 56	255	16.118	To clarify the responsibility for the ongoing management of the student accommodation.	Insert a new sentence, after the 1 <sup>st</sup> sentence of para. 16.118: 'A Section 76 Agreement will be required, in order to ensure the ongoing responsible management of the accommodation, which will remain with the management company and not with the Council.'	n/a
<b>CHAPTER 16 Housing; Rural p255 to 276</b>					
PC 148	256	16.121  16.122	To include reference to heritage assets. To cross-reference to the applicable Design policies.	Reword as follows (fourth line): 'while protecting the landscape, <u>heritage assets</u> and natural resources of the rural area' At the end of the final sentence add the words '... as well as Design Policies CY 1 to CY 4.' On the 3 <sup>rd</sup> last line at end of 16.122, insert the <u>underlined</u> words '...relevant LDP policies <u>particularly CY 1 –CY 4...</u> '	79 DFC HED  n/a

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PC 149	264	HOU 20 (Restoration/ Replacements)	Add text regarding the preference to conserve non-listed vernacular buildings.	Add text at the head of Policy HOU20: <i>'The retention and conservation of non-listed vernacular buildings will be encouraged in preference to their replacement.'</i>	79 DFC HED
PC 150	265	HOU 20 (listed dwellings paragraph)	Correct typo.	Correct typo – Policy HE4 not BH 4.	n/a
PC 151	266	HOU 20 16.150	Add text to clarify that restoration is an important element of rural housing renewal.	Add text to start of para 16.150: <i>'The restoration or replacement of existing dwellings is important to the renewal and upgrading of the rural housing stock...'</i>	79 DFC HED
PC 152	268	HOU 21 (Conversions) 16.160.	Require report to demonstrate that a building is structurally sound and capable of conversion.	Add text to para 16.160 – 'Where there are significant concerns about the structural condition of the building to be converted, a structural report shall be submitted, with the level of detail and the credentials of the author being commensurate with the condition of the building.'	79 (HED)
PC 153	<del>265</del> 266	HOU 20 Para 16.155	Request that the importance of old buildings & underused sites for biodiversity is recognised and to require no net loss of biodiversity.	Add a paragraph to J&A after 16.155 (change numbering accordingly) – <i>'Old buildings and homesteads in the countryside can have well-established boundaries, mature trees, hedges and low walls, as well as existing laneways. They can be of significant biodiversity value and visually anchor the dwelling to the surrounding countryside. Therefore, the restored or replacement dwelling should seek to retain those landscape features and achieve no net loss of biodiversity and</i>	82 RSPB

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	268	HOU 21 Para 16.164		<p><i>preferably contribute to biodiversity net gain. Planning conditions will be used to ensure the incorporation of biodiversity features into the design including the provision of sites for species that nest or roost in the built environment. See also Policies GDPOL 1 and NE 3.'</i></p> <p>Add a similar paragraph after paragraph 16.164 (renumber paragraphs accordingly) but opening as follows – <i>“Old buildings in the countryside can have well established boundaries...”</i></p>	
PC 154		Paragraph 16.165	Delete part of paragraph (not relevant here).	Delete final sentence in paragraph 16.165.	n/a
PC 155	271  264	HOU 23 (New Single Dwelling in a Small Gap in a Frontage)  HOU 19 16.149	J&A already provided for 'why it is important in the Green Belt' for HOU 18 (16.140) and HOU 22. Similar J&A text to be added to HOU 19, HOU 20, HOU 21 and HOU 23 (after 16.173) for completeness and consistency.	<p>Similar paragraphs to be added to J&amp;A for HOU19, HOU20, HOU21, HOU23. All will start with the following text – <i>‘Within the Green Belt, there is likely to be greater development pressure than in the countryside generally so it will be particularly important to carefully manage the numbers and locations of new dwellings.’</i> They will continue as follows –</p> <p>In new paragraph to replace 16.149 – <i>‘Therefore within the Green Belt, exception c will not apply and any planning permission granted under this policy will be subject to a condition restricting occupancy of the dwelling for the use of the business.’</i></p>	n/a

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	267	HOU 20 16.158		In new paragraph after 16.158 – ‘Therefore within the Green Belt, bullet point 2 (visual impact of the proposed dwelling) will be strictly applied’.	
	268	HOU 21 16.164		In new paragraph after paragraph 16.164 – ‘ <i>Therefore within the Green Belt, criteria c in particular (scale of new extensions) will be strictly applied.</i> ’	
	272	HOU 23 16.173		In new paragraph after 16.173 – ‘ <i>Therefore within the Green Belt, planning permission will not be granted for infill development in the countryside within such a built-up frontage.</i> ’	
PC 156	275	16.181  16.180	To explain why Policy HOU25 does not allow affordable housing adjacent to/ near small villages & settlements in the Green Belt. To expand on the exception to the rule that only one group of housing will be	Add text to paragraph 16.181 (new text underlined – ‘ <i>It is envisaged that adequate affordable housing provision can be found within <u>Derry City or Strabane Town</u> or within villages and small settlements within the Green Belt... will not be permitted <u>in the Green Belt.</u></i> ’  Add extra J&A para after 16.180 expanding on ‘generally’ (in the policy) – ‘ <i>If more than one development is required by exception, it must be justified by ongoing social housing need and should be reflective of the scale of the settlement. The design, layout and</i>	45 Heron Bros 44 NIFHA and 24 MKA

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			allowed on eligible countryside sites.	<i>quantum of development should be as per guidance in paragraph 16.29 [informal groupings of 5 to 10 dwellings]’.</i>	
PC 157	275	16.180	To clarify that HOU 5 (Affordable Housing), 70% threshold does not apply to Policy HOU 25.	Add text to the end of paragraph 16.180 – <i>‘The “balanced community” 70% indicative tenure split (HOU 5) would not apply to schemes considered under Policy HOU 25.’</i>	73 Co-Ownership
<b>17. Open Space, Sport &amp; Outdoor Recreation</b>					
PC 158	278	Para 17.3	Add SPPS objectives 2 and 3 from paragraph 6.201 of the SPPS which were omitted in error.	Amend paragraph 17.3 to include additional second and third bullet points: <ul style="list-style-type: none"> <li>• <i>‘ensure that areas of open space are provided as an integral part of new residential development and that appropriate arrangements are made for their management and maintenance in perpetuity;</i></li> <li>• <i>Facilitate appropriate outdoor recreational activities in the countryside that do not negatively impact on the amenity of existing residents.’</i></li> </ul> Also add a sentence to the end of the paragraph – <i>‘see SPPS paragraph 6.201’.</i>	106A DFI Strategic Planning
PC 159	280	OS 1 Protection of Open Space	Add text to acknowledge the	Add the following text after “town cramming” in paragraph 17.14: <i>‘In the case of either exception, the Council will consider the implications</i>	106A DFI Strategic

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		Para 17.14	implications and permanence of any open space loss.	<i>and permanence of any loss of open space.'</i>	Planning
PC 160	282	Para 17.18	Add text to require legal and maintenance agreements when replacement open space provision forms part of any scheme.	Add amended text to the end of J&A paragraph 17.18 to reflect the contents of PPS8 paragraph 5 - <i>'where an exchange is acceptable in principle the Council will secure this through the use of planning conditions and/ or a s76 Planning Agreement. This will tie redevelopment to the provision of the new facility and ensure that this is capable of being maintained adequately through appropriate management agreements.'</i>	106A DFI Strategic Planning
PC 161	282	Para 17.19	Explain that where playing fields in settlements are part redeveloped to retain and enhance the remaining facility, this will be set out in a legal agreement.	Add text from PPS 8 paragraph 5.10 to J&A paragraph 17.19 – <i>'any grant of planning permission will normally be reliant on the applicant entering into a s76 agreement tying the financial gain arising from redevelopment to the retention and enhancement of the open space facility.'</i>	106A DFI Strategic Planning
PC 162	284	OS 2 Public Open Space in New Developments	Make it clearer that for smaller schemes, the listed criteria will	Policy OS 2 to be reworded as follows – <i>'In smaller residential schemes, of less than 25 units, the need to provide public open space will be considered on its individual merits, bearing in mind the type of</i>	106A DFI Strategic Planning

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			be used to determine the need to provide public open space.	<i>the development...'</i>	
PC 163	290	OS 4 Outdoor Space & Recreation in Countryside	To correct typo where text from PPS 8 Policy OS3 and SPPS was omitted in error. Also to reference HNV land – to be consistent with this Proposed Change elsewhere in the dPS.	Add the following to the start of bullet point 2 (new text underlined) - <u><i>“there is no loss of High Nature Value (HNV) land or of the Best and Most Versatile (BMV) agricultural land and no unacceptable...”</i></u>	106A DFI Strategic Planning n/a
PC 164	292	OS 5 Intensive Sports Facilities.	Split bullet points as they had been run together in error.	Amend Policy OS 5 bullet point 5 to be reworded and split to read <ul style="list-style-type: none"> <li><i>‘The proposed facility takes into account the needs of people with disabilities;</i></li> <li><i>‘The development is located so as to be accessible to the catchment population by walking, cycling and public transport...’</i></li> </ul>	106B DFI TPMU
<b>18. Community Infrastructure</b>					
FC 57	299	CI 1	To remove the reference to GDP 1, as it is a ‘principle’ and it is already included	In Policy CI 1, insert the correct word on the 3 <sup>rd</sup> line, as follows: ‘...development (see <del>Section</del> Chapter 7) and comply ...’  Delete the 4th Bullet Point, referencing GDP 1	n/a



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			above. Two minor typos.	On the last line, change to: 'Chapter <del>35</del> 34: Developer Contributions.'	
<b>19. Utilities Development</b>					
FC 58	303	UT 1	Amend wording of policy test, to be same as SPPS 6.224.	Amend bullet point 3, to the following: 'The proposal does not have an <u>unacceptable</u> adverse <u>impact</u> on natural heritage features;	4 NIE
PC 165	303	UT 1	Additional wording to reflect that upgrades would affect existing electricity infrastructure, maybe beneficially.	Insert the following word in bullet point 5: '... upgrades do not <u>adversely</u> affect existing...'	
FC 59	303 & 306	UT 1 & UT 3	Add to end of ICNIRP guidelines re. updates.	Amend final bullet point of UT 1 to the following: 'Proposals for development of power lines comply with 1998 International Commission on Non-ionizing Radiation Protection (ICNIRP) <u>or any equivalent update.</u> '  Also, add the same words to the similar sentence in Policy UT 3.	
PC 166	305	UT 2 Water Infrastructure Para 19.3	Additional wording to recognise the limitations of the sewerage 'network' as	Para 19.3, 4th line: '...little or no sewerage 'headroom capacity' <u>and also network inadequacies</u> ; ...' At the end of the 5th line: '... Details of the specific <u>network and</u> WWTW capacity...'	69 NI Water

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			a potential constraint to development.	Update EVB 19, especially the table at Appendix 1 to reflect the latest information on WWTWs and network issues.	
FC 60	306	UT 3	Remove a word, to avoid confusion about the scope of this policy. It does not relate to Electricity infrastructure.	Delete the word 'pylons' from the 1 <sup>st</sup> line, as follows: 'Proposals for telecommunication masts, pylons and other high structures ...'	n/a
PC 167	306	UT 3 Telecoms J&A Para 19.23	Add text to refer to the approach to be taken in respect of this type of development in the vicinity of airports as per airport safeguarding set out on page 463, Para 37.5. Stipulate the requirement for technical spec and details of mast / apparatus to be	Insert new bullet point 5 in UT3: ' <u>It does not adversely affect the operation of the Airport or public safety</u> ' Replace text in Para 19.23 with the following: 'Applications for telecommunications development will need to include details of its location, any enabling works, the height of the antenna, the frequency / modulation characteristics and details of power output. Developments in proximity to City of Derry Airport should address any potential to affect safety of aircraft due to height / proximity / direction, lighting, radio interference, etc. (see also paragraph 37.5 on airport safeguarding.) An ICNIRP declaration will address compliance with guidelines on public exposure to electromagnetic fields or interference with existing broadcasting apparatus. All permissions shall include a condition requiring the removal of the	106A DFI Strategic

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			submitted, as in Policy TEL 1 in PPS 10.	mast / apparatus and the site restored, when it is no longer required for telecommunications purposes.'	
PC 168	306	UT 3 Telecoms 3rd bullet point	Clarify that a Statement is not just required in designated areas, and cross-reference to the respective designations in Ch.21 and 23.	Amend the 2 <sup>nd</sup> sentence of the 3 <sup>rd</sup> bullet point '... level of detail. For proposals in areas of... <del>or affecting</del> <u>designations relating to the</u> <del>or</del> <u>the Natural and/or Historic environment the Statements will need to address how the proposal meets the requirements of their respective policies (see Chapters 21 and 23).</u>	Council-Internal
PC 169	306	Para. 19.24	To correct typo.	Correct typo 'Statements to be submitted will need to... [and the final sentence should end] ... within such areas is a particularly important consideration.' [This was a typo, with the sentence being unfinished.]	n/a
<b>20. Waste Planning</b>					
PC 170	p310	EVB 20	The Northern Ireland Waste Management Strategy (NIWMS) 2013 is outdated. Refer instead to The Waste Prevention Programme for NI -	Insert at bottom of p310 a footnote defining 'circular economy':  'A circular economy produces no waste or pollution and uses fewer resources and energy. It keeps products, parts and materials at their highest use and value at all times. It offers a sustainable alternative to our current linear economy - one where we make, use and then dispose of products, parts and materials. This means there is less cost	72 Zero Waste

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			The Road to Zero Waste, 2014 in EVB. Include brief explanation on 'Circular' economy and 'Green' economy.	to the environment, precious resources will be saved and more jobs will be created. The dPS policies also support the concept of a 'green economy' which builds low carbon skills base through innovation and a focus on competitive strengths. It would 'do more with less', by setting targets, standards and regulations that encourage improvements in energy efficiency. Fossil fuels will be replaced by renewables, with a particular focus on wind and hydrogen. It will also create a digitised energy system integrating renewable energy across heat, power and transport sectors. This would increase the security of energy supply.'	
PC 171	p316 & p318	WP 2 WP 3	This typo was previously identified and corrected as an 'Erratum' in the dPS	On the 2 <sup>nd</sup> line of Policy WP 2, replace 'MIN 1' with 'WP 1' On the 2 <sup>nd</sup> line of Policy WP 3, replace 'MIN 1' with 'WP 1'	n/a
PC 172	p318	Policy WP 3 Waste Disposal Criteria ii	To clarify that certain developments may be appropriate rather than a blanket ban.	The following text should be inserted at the end of criteria ii, ' <u>unless it is demonstrated that the proposal would not cause harm to, or undermine the reason for, that designation;</u> '.	61Dalzell
FC 61	p319	Para 20.24	Add in similar wording in the J & A text.	Add in the following wording at the end of the penultimate sentence of Para 20.24: <i>"... outside the LDP, unless it is demonstrated that the proposal would not cause harm to, or undermine the reason for, that designation,</i>	n/a

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			Delete the final sentence of para 20.24, as it is not required.	<i>also being consistent with the respective policy in Chapter 1: Natural Environment.”</i>  Delete the final sentence of para 20.24, as it is a signpost to the following policy WP 4, which is actually outside the scope of Policy WP3 (as stated in para. 20.20). This sentence is therefore not required.	n/a
PC 173	P310	Para 20.6	To include ‘zero waste’ definition from Zero Waste International Alliance.	Definition of Zero Waste to be included as a footnote (bottom of p310) from zero waste reference in para 20.6: ‘The conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning and with no discharges to land, water, or air that threaten the environment or human health.’	72 Zero Waste
PC 174	310	Para 20.8	Rewording to reflect that there are no authorised landfill sites in the District.	Replace first sentence of paragraph 20.8 with the following text: ‘There are no <u>current</u> landfill sites... within the District. EVB 20 lists existing waste management sites i.e. recycling centres and bring sites.’	3E EYF
FC 62	310	Para 20.8	Reword sentence, as per IE Answer Q2, to remove reference to document EVB 20.	The first sentence of paragraph 20.8 reads as follows: <i>“There are no <u>current</u> landfill sites within the District. Details of existing waste management sites can be found on the Council website i.e. recycling centres and bring sites.”.</i>	n/a

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PC 175	P314	Para 20.15	Additional text to require wheel cleansing equipment.	Para 20.15 add another bullet point: 'where appropriate, the Council will attach conditions to approvals requiring the installation of wheel cleansing equipment and the cleaning of roads adjacent to the proposed site...'	106C Dfl Roads
PC 176	p321	20.31	Amend policy text - odour assessment encompasses worst-case scenarios of all wind directions.	In paragraph 20.31 remove reference to 'prevailing wind direction' Add reference as new 3 <sup>rd</sup> sentence in Para 20.31: 'Please refer to NIW Development Encroachment Procedures'.	69 NI Water

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<b>PART E- Environment - Strategy, Designations &amp; Policies</b>					
<b>21. Natural Environment</b>					
PC 177	p 324	para 21.6	To strengthen Natural Environment pre-amble with Mitigation hierarchy text.	Amend end of para 21.6 p 324 with inserted new text (as underlined) as follows: ..the Council, as the Planning authority, <u>has an important role to ensure</u> their protection from inappropriate development. <u>The Council will apply the 'precautionary principle' and the 'mitigation hierarchy' across all relevant NE policies in this chapter.</u>  <u>The mitigation hierarchy requires, in order of preference, that, in terms of potential habitat damage, proposals should:</u> <ul style="list-style-type: none"> <li>• <u>Avoid – where possible, habitat damage should be avoided;</u></li> <li>• <u>Minimise – where possible, habitat damage and loss should be minimised;</u></li> <li>• <u>Remediate – where possible, any damage or lost habitat should be restored;</u></li> <li>• <u>Mitigation – as a last resort, damage or lost habitat should be compensated for.</u></li> </ul>	82 RSPB
FC 63	325	Para. 21.10	To be consistent with the above change, clarify that the precautionary principle applies across all NE policies.	Amend the 2 <sup>nd</sup> last line of Para 21.10, as follows: '... impacts of a proposed development, <u>particularly</u> on national or ...'	

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PC 178	326  327	NE 1 – Nature Conservation Sites  Para 21.13	To Include “proposed Special Protection Area” and “Sites of Community Importance” within European sites, which are referred to in para 6.175-178 of the SPPS  Correct typo, to same as previous entry.	Amend NE 1 policy text to include those European designations (as underlined) that were accidentally omitted as follows: <ul style="list-style-type: none"> <li>- A European Site (Special Protection Area – SPA; <u>proposed Special Protection Area – pSPA</u>; Special Areas of Conservation – SAC; candidate Special Areas of Conservation – cSAC; &amp; <u>Sites of Community Importance, or</u>;</li> <li>- A listed or proposed Ramsar site:</li> </ul> Amend (as underlined) opening sentence of para 21.13 p 327 to read: <u>The following formal designations will benefit from the highest level of statutory protection – Special Protection Area (SPA) &amp; proposed SPA; Special Areas of Conservation (SAC) &amp; candidate SAC; Sites of Community Importance Interest</u> and Ramsar, so it is essential that the ...	106A DFI Strategic Planning  PC-COM-18
FC 64	326	NE 1	To update the legal requirement, post-Brexit.	Amend the final line on p. 326, to: ‘- agreed in advance with the <del>European Commission</del> Department of Agriculture, Environment & Rural Affairs (DAERA NI).’	n/a
PC 178A	327	NE 1  21.13	Typo – delete repeated sentence.  To correct the	(a) In NE1, delete replicated last sentence in last para under Local Designations / Sites heading on p 327.  (b) At start and end of para 21.13 p 327, amend the correct	78A NED 82 RSPB



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	328	21.15	abbreviated forms of European sites  To amend the correct legislation responsibility	abbreviation for candidate Special Areas of Conservation (as underlined) to read as follows: ...candidate Special Areas of Conservation ( <u>cSAC</u> )  (c) Amend (as underlined) legislation responsibility in the last sentence in para 21.15 p328 to read as follows: <u>The Council has the powers to declare Local Nature Reserves. Nature Reserves and Wildlife Refuges are declared by DAERA under the Nature &amp; Amenity Lands (NI) Order 1985 and the Wildlife (NI) Order 1985 respectively.</u>	
<b>PC 179</b>  This PC has now been moved up to page 87.	328	NE 2	To strengthen the LDP commitment in NE2 to avoid impacts on protected species and their habitats.	Amend (as underlined) last sentence of <del>para 7.47</del> p 87 to read as follows: ...are identified to enable effects to be considered, avoided or mitigated, <u>using the 'mitigation hierarchy'</u> . <u>The prospect of mitigation should not be used as a justification for the development's location in the first place. Developers must refer to the mitigation hierarchy and seek to avoid impacts as a first principle.'</u>	The following are all PARC Reps: 25A - L, 111  82 RSPB
<b>PC 180</b>	<del>328</del> 325	NE2	To provide clarity on where full lists of protected species of animals and plants can	Para 21.11 p325 contains reference to DAERA NE map viewer. P55 of EVB 21 contains a list of all protected sites in the District. Insert following new text onto end of Para 21.11 p325: <u>As lists of protected animals and plants are constantly being updated,</u>	

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			be found.	<u>it is recommended that applicants check the DAERA website for up to date information on species protection.</u>	
<b>PC 181</b>	330	NE 3	To provide a policy that clearly covers TPO protection & wider tree retention generally.  Correct typo, x 2	Insert new third indent in NE 3 policy text box (before 'active peatland') to read as follows:  - trees and hedgerows;  Insert new paragraph in policy text (as below) before the last paragraph at end of policy NE 3:  In order to protect the amenity value of trees and woodland, the Council will, where appropriate, make Tree Preservation Orders (TPOs) on woodlands, groups of trees and individual specimens which satisfy the TPO criteria and contribute to the visual amenity and character of the surrounding area.  Put the following text below into a new J&A paragraph 21.21 relevant to policy NE3 (and subsequently renumber) p 330.  21.?? <del>Article</del> Section 121 of the Planning Act (NI) 2011 places a duty on the Council when granting planning permission for any development, to make adequate provision, by the imposition of conditions, for the preservation or planting of trees; and, when	119 Prehen Historical & Environmental Society.

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				<p>considered appropriate, to make Tree Preservation Orders in connection with the grant of such permissions under <b>Article Section 122</b> of the same Act. In order to meet this duty, development proposals will be expected to take account of existing trees and hedges which in the interests of visual amenity or wildlife habitat should be retained. The Council will seek to ensure the protection of such features through the inclusion of conditions in any permission granted, or permission will be refused if appropriate.</p> <p>All development proposals on sites which contain or are adjacent to trees or hedgerows, will be required to submit a survey and take account of them, protecting them where appropriate, during their design and any future construction stage. This is to ensure that such trees are not at risk to unacceptable adverse impacts as a result of development activities.</p> <p>Particularly important trees will be protected if they are of significant public amenity value by the making of a Tree Preservation Order. This prohibits the cutting down, topping, lopping or wilful destruction of protected trees without the prior consent of the Council.</p> <p>Where the Council consents to the removal of protected trees, it will</p>	

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				<p>be a requirement that suitable replanting occurs.</p> <p>The Council will require that development proposals on sites containing, or adjacent to, protected trees will require the submission of a site survey accurately showing the positions, species, heights, canopies and health condition of all protected trees. Existing and finished site soil levels will also be required to be shown relevant to the protected trees.</p> <p>In considering development proposals, the Council will seek to achieve site layouts which avoid the root systems of existing trees and minimises future concerns over residential amenity. The Council will require developers to manage their sites and their responsibilities to protect trees in strict accordance with BS 5837 (2012) 'Trees in relation to Design, Demolition &amp; Construction'.</p>	
PC 182  Potential FC 65	331  331	NE4 Development adjacent to Main Rivers and Open Water Bodies.  NE 4	To provide amended text to make NE 4 more robust  IE Question 1. Without Prejudice, if	<p>Amend (as underlined) the second dashed point in the policy box for NE 4 p 331 to read as follows: <u>'The proposals meet the relevant requirements as set out in the Natural Environment Chapter and does not result in net biodiversity loss.'</u></p> <p>Insert word into the 2<sup>nd</sup> last line of the policy, as follows:</p>	82 RSPB  IE Question Q1

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			Recommendation is such, insert word 'normally'.	' ... from the edge of the river <del>must</del> should normally be provided ...'	
PC 183	333	NE 5 – Development within or affecting the setting of the Sperrin AONB.  21.28  21.29	To provide strengthened AONB reference within NE 5 in line with SPPS (para 6.186 – 188) & PPS 2.  To strengthen supporting AONB J&A text.	Insert new text (as underlined) following text at end of middle paragraph in policy box for NE 5, to read as follows: <u>Development proposals in the AONB must be sensitive to the intrinsic special character of the area and the quality of its landscape, heritage and wildlife.</u>  Insert the following new text (as underlined) at end of para 21.28 p 333 to read as follows: <u>AONBs are designated by the Department of Infrastructure primarily for their high landscape quality, wildlife importance and rich cultural and architectural heritage under the Nature Conservation and Amenity Lands (NI) Order 1985 (NCALO).</u>  Insert the following new text at end of para 21.29 p 333 to read as follows: <u>In assessing proposals, including cumulative impacts in such areas, account will also be taken of the Council's Landscape &amp; Seascape Character Review EVB 6b.</u>	106 Dfl Strat Planning            n/a
PC 184	333	NE 5 – amend second para in policy text box.	To enhance Landscape protection within the AONB.	Amend (as underlined) second para in NE 5 policy box to read as follows: ...in order to positively enhance <u>and / or complement</u> our important AONB landscape.	78A DAERA (NAT ENV)

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PC 185	334	NE 6 – Development within Special Countryside Areas	To provide policy clarity re finish of works within the AONB.	<p>Insert additional text (as underlined) at the end of the last dashed point within the NE 6 policy box to read as follows:  <u>All works including surfacing, edging, fencing, signage, and way-marking must visually integrate with their surroundings, taking account both of visual amenity and landscape character of the area.</u></p> <p>In addition, correct typo in para 21.34, end of 3rd sentence as follows: Replace ‘comprise’ with ‘compromise’</p>	78A DAERA (NED)
PC 186	336	NE 7	To provide clarity on the role, purpose and Planning benefit of policy NE 7.	<p>Amend the running order of the paragraphs in policy NE 7 text box. No text changes are proposed, just a reordering (as underlined) of the previously published text as follows.  <u>Proposals for development which would adversely affect or adversely change either the quality or character of the landscape, including its intrinsic nature conservation interest, within the Areas of High Landscape Importance will not normally be permitted. AHLIs are also identified as Areas of Constraint on Minerals Development (ACMDs) and will be subject to the requirements of Policy MIN 2.</u></p> <p><u>Within AHLIs, the Council will be supportive of the provision of pathways and informal recreational facilities of an appropriate scale and in a suitable location, subject to policy provisions contained elsewhere in the LDP.</u></p>	56 Foyle River Gardens (Turley)

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				<u>Where development is proposed within AHLIs, the proposals must clearly demonstrate special regard to siting, massing, shape, design, finishes and landscaping in order that it may be integrated into the landscape. In exceptional circumstances, significant proposals will only be permitted within AHLIs where their regional or District-wide importance is considered to outweigh any potential adverse impact on the intrinsic features of the AHLI.</u>	
FC 66	338	21.45	Include cross-reference to 'transition period' chapter.	At the end of par. 21.45, insert the following: '... superseded by new LDP designations – see Paragraph 39.6.'	n/a
<b>22. Coastal Development</b>					
PC 187	P 341	CD 1	To provide clarity on flooding text due to rising sea levels linked to climate change.	Amend CD 1 Policy text with inserted new text (as underlined) to read as follows: The Council will require the protection or enhancement of the District's coastal area and seascape. Development proposals must comply with NE 1 ( <u>Chapter 21</u> ) and FLD 1 ( <u>Chapter 25</u> ) and should not have an unacceptable effect, either directly, indirectly, or cumulatively, on the <u>natural character &amp; landscape of the coastal area</u> . Development will not normally be permitted in areas of the coast known to be at risk from flooding including areas <u>which may</u>	106E WDPD Dfl (Water & Drainage Policy Division)

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				become at risk from rising sea levels due to Climate Change, coastal erosion or land instability. Development proposals will also be assessed against the UK Marine Policy Statement (MPS) and any adopted Marine Plan.	
PC 188	P 341	CD1	To provide a relevant cross reference to policy FLD 1 within policy CD 1 text.	<p>Insert reference to FLD 1 in policy text box for policy CD 1 as underlined as follows:  <del>Development proposals must comply with NE 1 and FLD 1 and should not have .....</del> <b>Superseded, the Change is already included in PC 187.</b></p> <p>In addition, insert a new text reference (as underlined) in the J&amp;A text at the end of the last sentence in para 22.13 p 343 to read as follows:  <u>Proposals must accord with Chapter 25 Development &amp; Flooding and policy FLD 1 p 379.</u></p>	106D DfI Rivers (Planning Advisory & Modelling Unit - PAMU)
PC 189	P 341	CD1	To provide enhanced landscape reference within the Coastal chapter.	<p>(a) In line with 6.35 SPPS insert new text (as underlined) into the 2<sup>nd</sup> sentence of CD1 to read as follows:  <del>.....indirectly, or cumulatively, on the natural character &amp; landscape of the coastal area.</del> <b>Superseded, the Change already included in PC 187.</b></p> <p>(b) Amend the end of sentence at the first bullet point for <del>Under</del>developed Coast in the CD 1 policy text box p 341 with new</p>	



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				<p>text (as underlined) to read as follows:            ....archaeological / heritage assets, geological or <u>landscape / seascape quality and character of the area.</u></p> <p>(c) Amend the end of the final sentence in the second paragraph for Developed Coast in the CD 1 policy text box p 342, with new text (as underlined) to read as follows:            ....geological or <u>landscape / seascape quality and character of the area.</u></p>	
<b>23.Historic Environment</b> This Chapter has been amended and re-worded throughout - see below and Annex 3.5 of this document for detail.					
<b>PC 190</b>	346-348 Chapter 23 Context, Designations, General 23.1 to 23.12	23.1  23.4  23.5	To include amendments requested primarily by DfC Historic Environment Division (HED), as well as DfI Strategic Planning, in order to closely align	<p>23.1 Line 2 – insert ... <u>heritage assets</u><sup>1</sup> ...<i>in line 2</i></p> <p>Line 4, change <del>designated</del> to <u>identified</u></p> <p>Line 5, after ...Supplementary List. Insert <u>There is also an array of other heritage assets across the District, many of which are not yet recorded or even discovered. Full details of heritage assets recorded by HED can be found...</u></p>	DfC HED 79

<sup>1</sup> Heritage Asset can be defined as a ‘A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in Planning decisions, because of its heritage interest.’

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		23.7	with the wording, layout, definitions and strategic policies in the SPPS, as well as to mirror the existing policies in PPS 6. These are considered to reflect their technical expertise and to follow policies that are 'proven' and accepted widely. Therefore, these changes should assist the implementability of these HE policies.	Line 2, after ...settings, add a footnote to <a href="https://www.communities-ni.gov.uk/publications/guidance-setting-and-historic-environment">https://www.communities-ni.gov.uk/publications/guidance-setting-and-historic-environment</a> At the end of the para, insert additional text: '...architectural integrity, with a heritage-led design approach. (See also GDP 8, GDPOL 1, PDP 1-3 and various other heritage-related policies.)'	
		23.10		Lines 4-7, after ... State Care <u>and</u> Listed Buildings. Insert /replace sentence with: <u>Other heritage assets such as Areas of Significant Archaeological Interest Potential (ASAIs), Areas of Archaeological Potential (AAPs) and Historic Parks, Gardens and Demesnes (HGPDs) are designated and / or identified in the LDP, by the Council on the advice of HED.</u> Where appropriate, the LDP <u>Local Policies Plan</u> will show such <u>main statutory and other designations and areas</u> for information... After the final sentence of 23.10, insert the final sentence from Para 23.61.	
		23.11		<b>Typo corrected.</b>	(also add explanatory note to EVB 23)  After last sentence of 23.11, insert <u>Such buildings receive some protection through HE 8 and various other LDP policies / chapters, including General Development Principle GDP 8, AGR 3, HOU 20 &amp;21, TOU 4 and PDP 1. Should LDP Monitoring identify a need for further</u>

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				<u>protection, this will form part of the LDP Review.</u>	
PC 191	349	HE 1 Archaeology - Title	For clarification and clarity	Change the title of HE 1 to <u>HE 1 Archaeological Remains of Regional and Local Importance</u> . The term ‘... <del>and Upstanding Remains</del> ’ is considered to be unhelpful. Insert ‘a)’ before the sub-heading ‘Archaeological Remains of Regional Importance’ Insert ‘b)’ before the sub-heading ‘Archaeological Remains of Local Importance’	79 HED 106A DFI Strategic Planning
PC 192	349	HE 1	For clarification and clarity	<u>Insert into</u> part b) Archaeological Remains of Local Importance Planning permission will not be granted for a development proposal which would adversely affect archaeological remains of local importance or their settings unless the Council, <u>having consulted with Historic Environment Division</u> , considers that the need for the proposed development or other material considerations outweigh the value of the remains and / or their setting	79 HED 106A DFI Strategic Planning
PC 193	349	23.13	To clarify terminology, within the J&A, not in the policy.	insert / amend in J&A 23.13, as follows: ‘Archaeological Remains of Regional Importance’ include monuments in State Care, Scheduled Monuments, <u>sites that would merit scheduling</u> and Areas of Significant Archaeological Interest (ASAI). <u>Such sites, or constituent parts of them benefit from statutory protection.</u> <u>ASAI are</u> distinctive areas of the historic landscape which are likely to include a number of individual and related sites and	79 HED 106A DFI Strategic Planning

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				monuments and may be distinguished by their landscape character and setting.'	
PC 194	349	23.14	Insert text, (the same as PPS 6, 3.5.	Insert the requested sentence to the end of 23.14, as amplification. ...The Council will operate a presumption against proposals which would adversely affect such remains and their settings, <u>and exceptions to this policy are likely only to apply to proposals of overriding importance in the NI context.</u>	79 HED
PC 195	349	23.17	Change to start of 23.17, for accuracy	Amend, as follows: 23.17 <u>While they are not scheduled monuments</u> "Archaeological Remains of Local Importance" are capable of providing valuable evidence about our past.	79 HED
PC 196	350-351	HE 2	HED is critical of the policy wording and J&A of HE2 regarding archaeological assessment, evaluation and mitigation. They propose a re-ordering of this policy and J&A, with a few extra	To strengthen the policy and to assist its 'implementability', most of these HED-requested changes are made. It will be very similar to the existing PPS 6 and also similar in content to the existing dPS. See Annex 3 5 of this document.	79 HED

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			paragraphs inserted – so that it is nearly exactly the same as the existing policies and J&A of BH 3 and BH 4 of PPS6.		
PC 197	352	HE 3 Adjacent to the Walls  23.28	Whilst the Walls could be protected under HE 1, this revised , wording is provided to make the specific policy more-sound, and Derry-specific.	Change to start of 23.28, as follows: <u>As a historic monument in State Care</u> , no works can be carried out... At the end of this paragraph, insert the sentence: <u>In addition to the focussed protections of this policy, the general protection of Policy HE 1 also applies to these City Walls.</u>	79 HED
PC 198	353-355	HE 4 Listed Buildings	HED is critical of the policy wording and J&A of HE 4 regarding Listed Buildings. They propose a re-wording of this policy and J&A, with approx. 15 extra paragraphs or lines inserted (so that it	Change text, mostly as requested by HED. See Annex 3 5 of this document	79 HED

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			would be nearly exactly the same as the existing policies and J&A of BH 7 to BH 11 of PPS6.)		
PC 199	356-357	HE 5 Conservation Areas  23.40	Amend as requested by HED, for clarity and to aid its implementation.	<p>Insert a sub heading '<u>(a) New Development</u>' under Policy heading HE 5 to standardise with the structure of the remainder of the policy.</p> <p>Insert a comma in the second bullet point, to aid understanding of the text: '...scale, form, materials and detailing;'</p> <p>To avoid repetition, delete the last bullet point relating to the demolition of the unlisted buildings as this is already covered under the subsequent sub heading (b) Demolition in a Conservation area.</p> <p>Insert a new second sentence into Policy HE 5 part (b): <u>The general presumption against demolition will only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest.</u></p> <p>Amend / additional text to first line of 23.40. Conservation Areas are areas of special architectural or historic</p>	79 HED  106A DfI Strategic Planning

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	357	23.41		<p>interest. <u>Under Section 104 of The Planning Act (NI), the Council or DfI may designate a Conservation Area where it is desirable to preserve or enhance the character or appearance of such areas.</u></p> <p>Before Para 23.41, Insert a sub-heading (in bold) <u>(a) New development Within or Affecting the Setting of a Conservation Area</u></p> <p>23.41 On the 4<sup>th</sup> line, delete phrase '<del>in deploying the principles of preserve, conserve and enhance,..</del> The Council will encourage the sympathetic restoration of unlisted buildings...'</p>	
		23.42	DfI queries the reference in para 23.42 to there being 'occasions where demolition is justified'. They draw attention to the regional policy in para 6.18 of SPPS.	<p>Before Para 23.42, Insert a sub-heading (in bold) <u>(b) Demolition in a Conservation Area</u></p> <p>Amend/ additional text to 23.42: The Council will operate a presumption against the demolition of unlisted buildings of townscape quality which contribute to the character of an area. <u>In determining proposals for the demolition of unlisted buildings, corroborating information will be required to demonstrate its part played in the architectural or historic interest of the area and the wider effects of the demolition on the buildings surroundings and on the conservation area as a whole.</u></p> <p>New 23.43 <u>The onus will be on the applicant to demonstrate and</u></p>	

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				<p><u>justify the need for demolition. Evidence will be required to indicate alternative options for stabilisation of the existing structure have been considered in efforts to retain the building. Reports submitted for consideration on the integrity of the building, including structural integrity, must be submitted by suitably experienced conservation engineers, architects, building surveyors, etc. In assessing proposals, the Council will have regard to the same broad criteria as policy HE 4 for the demolition of listed buildings.</u></p> <p><u>New 23.44 The demolition of an unlisted building in a Conservation Area will not normally be considered in isolation from proposals for its subsequent redevelopment. Where demolition is deemed appropriate, for example where a building does not make any significant contribution to a conservation area, the Council will require detailed drawings illustrating the proposed redevelopment of the site.</u></p> <p><u>Where the Council decides to grant consent for the demolition of an unlisted building in a conservation area, it will be conditional on prohibiting demolition until planning permission has been granted and contracts signed for the approved redevelopment in order to prevent the streetscape from being marred by gap sites, and recording of the building if this is appropriate. (i.e. if the building is clearly of no value, no need to record it in any detail)</u></p>	



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			Even though there is nothing additional in this J&A, it looks like an omission to have none, so Insert new paragraph.	After 23.42, insert a new heading and a paragraph: <u>(c) The Control of Advertisements in a Conservation Area</u> Insert new para after the above: <u>Applications for the display of advertisements will be assessed against this policy and the policy requirements of Chapter 14: Signs and Outdoor Advertising.</u>	
PC 200	356	HE 5	To include a reference to 'open spaces in Conservation Areas.	Rather than add a new point, change the first bullet point of HE 5 to 'be sympathetic to the characteristic built form <u>and open spaces</u> within the Conservation Area.'	78 DAERA NED
PC 201	358	HE 6 ATCs / AVCs  HE 6 Policy Box	To re-order and amend layout and wording of the policy and J&A – as requested by HED, to aid clarity and to assist implementation.  To switch ordering in the policy box and in	HED is suggesting the addition of a few key paragraphs of J&A, as well as some re-ordering, to make the LDP 'more sound':  Re- order the subheadings (a) and (b) so that 'New Development...' reads first, and 'Demolition...' second.	79 HED

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		HE6 & various references throughout LDP dPS  HE 6 J&A 23.43  23.44	the J&A, to be consistent with SPPS and rest of this Chapter  To add in the reference to AVC and Village, equal to that of ATC and 'Townscape'.  Reword 23.43 in a positive style and wording, as per SPPS 6.21.	Insert 'Area of Village Character' or 'AVC' to all such references in this section, and elsewhere in the dPS. Specifically, these changes are required in: HE 6 at lines 4, 5, 11, 16 and 18. Also in 23.43 x 2, 23.44 x 2, 23.45, 23.61 and in 23.11 and Policy SETT 2  Replace existing Para 23.43 with: 23.43 <u>Areas of Townscape or Village Character (ATCs/AVCs) are designated through the LDP process, because they exhibit a distinct character normally based on their historic built form or layout. For the most part, this derives from the cumulative impact of the area's buildings, their setting, landscape and other locally important features.</u> There are currently four ATCs in the District, at Victoria Park, Bond's Hill, Eglinton and Culmore. Further ATC / AVC designations may be brought forward by the Council following assessment at the LDP Local Policies Plan stage.  Insert new sub heading <u>(a) New Development in an Area of Townscape or Village Character</u> , before existing para 23.44	

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		23.45		<p>Insert new subheading (b) Demolition in an Area of Townscape or Village Character</p> <p>New 23.45 In order to prevent demolition damaging the distinctive character and appearance of an ATC / AVC, the Council will operate a presumption in favour of retaining any building which makes a positive contribution to the character of the area. The onus will be on the applicant to demonstrate and justify the need for demolition as to why a building does not make a material contribution to the ATC / AVC. Where the Council decides to permit demolition of an unlisted building in an ATC / AVC, conditions will normally be imposed:</p> <ul style="list-style-type: none"> <li>• requiring the redevelopment of the site to be based on previously agreed detailed proposals; and</li> <li>• prohibiting demolition of the building until contracts have been signed for the approved redevelopment of the site.</li> </ul> <p>Insert new sub-heading (c) The Control of Advertisements in an Area of Townscape or Village Character</p> <p>New 23.46 Applications for the display of advertisements will be assessed against this policy and the policy requirements of Chapter 14: Signs and Outdoor Advertising.</p>	
PC 202	359	HE 8 Unlisted Vernacular Buildings	Additional / amended wording to the policy and the J&A, as	Change Text, as per Annex 3 5, including changing the Policy title to: <b>HE 8 Conversion and Re-Use of Non-Designated Heritage Assets</b>	79 HED

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			supplied by HED.	(Also put a cross-reference to HE 8, in the several other related policies named i.e. TOU 4, AGR 3 / ODC 4, HOU 20 & HOU 21)	
PC 203	362	HE 9 Enabling Development	Additional / amended wording to the policy and the J&A, as supplied by HED, so as to align with Para 6.25 of the SPPS and also with current PPS 23.	Change, mostly as HED recommended – see amended wording in Annex 3 5.  Also add Enabling Development Practice Note (referenced at the bottom of Para 23.58) to the list of SPG – see Chapter 38 and Appendix 6  Change definition (several references) to significant <u>historic</u> places – which is clearer English and less jargonistic. Also change from ‘planning authority’ to ‘the Council’	106A Dfl Strategic Planning  79 HED
PC 204	364	Para 23.61	To remove paragraph which is out-of-place here, and is covered elsewhere.	Delete the first sentence of 23.61 and cut the 2 <sup>nd</sup> sentence to Para 23.10, as detailed above. Therefore, 23.61 is removed.	79 HED
PC 205	364	Para 23.62 & Chapter 40 Monitoring &	To include suggested Monitoring Indicators.	Insert a new 2 <sup>nd</sup> sentence to Para 23.62: Monitoring Indicators may include: the number/type of demolitions, adverse consents, ‘exceptional circumstances’ and ‘regional’ proposals approved.	

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		Review		Also note / amend in Chapter 40 and the related Revised 'Monitor & Review Technical Paper'.	
<b>24. Renewable and Low Carbon Energy Development</b>					
PC 206	368	RED 1	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.	Break up policy. See amended ordering and text at Annex 4 of this document.	n/a
PC 207	365	Introductory Paragraphs  24.1	To emphasise the positive and leading role the District is already in, regarding RE production.	Insert a new sentence at the end of Para 24.1: 'Derry City and Strabane District Council has already embraced the potential and opportunities of these renewables resources, having approved many such developments across the District and supporting initiatives on low carbon, renewables innovation and energy efficiency e.g. through the NW Energy Strategy. Therefore, this is already considered to be a low-carbon District, which is at the forefront of Northern Ireland's	n/a

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	365	24.2	To correct a minor typo	renewable energy production’. In Para 24.2, on the 5 <sup>th</sup> line, insert missing words: ‘... generating approximately 27% <u>of the total</u> across Northern Ireland...’	
	366	24.5	To reference recent energy document	In Para 24.5, on the 2 <sup>nd</sup> line, insert words: ‘...Plan <u>and the NW Regional Energy Strategy</u> , ...’	
PC 208	368	RED 1	To clarify that renewables development must pay due regard to relevant designations.	Minor change to first sentence in policy (new text underlined): ‘In the first instance, proposals for renewable energy must accord with <u>NE 1 and the relevant landscape designations and their policies</u> (refer also to <u>Chapter 6 Spatial Strategy and Chapter 21 Natural Environment</u> )’	46 SSE Renewables 117 ABO Wind Turley’s
Potential FC 67	368	RED 1	Remove 2 phrases to clarify that this is not a ‘gateway test’. Without Prejudice, IE Question 1.	At the start of paragraphs 1 & 2 of Policy RED 1, remove words, as follows: <del>‘In the first instance, Proposals for renewable energy must accord ...’</del> <del>‘Subsequent to meeting the above, Development proposals that generate energy ...’</del>	Turley, Reps 46-SSE and 117 – ABO Wind
Potential FC 68	368	RED 1	Without Prejudice, IE Question 2, make a Further Change to PC	Amend the 1 <sup>st</sup> paragraph of RED 1, to read as follows: ‘In the first instance, proposals for renewable energy must accord with <u>the Chapter 21 designations / species / habitats, as well as the</u>	Turley, Reps 46-SSE and 117 – ABO

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			208, to clarify that all of NE chapter is included	relevant landscape designations and their policies (refer also to Chapter 6 Spatial Strategy and Chapter 21 Natural Environment):'	Wind
Potential FC 69	368	RED 1	Without Prejudice, IE Question 13. To clarify that any proposal, such as a BESS, could demonstrate the benefits of siting close to end-user, rather than proximity to source.	Amend the 2 <sup>nd</sup> last paragraph on p. 368, as follows: 'Proposals will be expected to be located at, or as close as possible to, the source of the resource needed for that particular technology (the proximity principle), unless, <del>in the case of a combined heat and power scheme or a biomass heating scheme,</del> it can be demonstrated that the benefits of the <del>scheme</del> siting outweigh the need for transportation e.g. where it is close to the identified <del>and an</del> end-user <del>is identified</del> . (Note that this paragraph is to be moved to the J&A section, as per PC 206)	PC-COM-14 ABO Wind
Potential FC 70	369  372	RED 1  Para. 24.13	Without Prejudice, IE Question 6. Change 2 words to clarify the level of assessment and details required, consistently.	On the 5 <sup>th</sup> line of page 369, replace the word 'fully' as follows: '... so that the overall impact of the project can be <del>fully</del> <b>comprehensively</b> assessed.' On the 8 <sup>th</sup> line of para 24.13, amend as follows: ' <del>Full</del> -Sufficient details of proposed ancillary development...'	Turley, Reps 46-SSE and 117 – ABO Wind
PC 209	369	RED 1	Clarify policy balance between renewable energy benefits and	Reword final sentences in 2 <sup>nd</sup> paragraph on p369: '(AONB) will be a <del>priority consideration</del> an <b>important consideration</b> as will the impact of proposals on designated natural and historic environment assets.'	106A DfI Strategic Planning

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			impacts.  To correct typo.	<del>will also be a priority consideration.</del> ' Move this paragraph to J&A.  Correct the spelling typo on last word of the 5 <sup>th</sup> paragraph to 'interest'	46 SSE Renewables 117 ABO Wind
PC 210	369	Para 6 of p 369	To move reference to Landscape Character Review and other guidance to J&A.	<del>Move the 6<sup>th</sup> paragraph of p 369, of RED 1, to J&amp;A.</del> FC 69 Would cancel out the above PC 210, leaving this paragraph in the RED 1 policy box, but Further Changing it as follows:  "All proposals involving the production of renewable and low carbon energy (including repowering of existing wind farm development) must have regard to the LDP's 'Landscape & Seascape Character Review', 'Wind Energy Development in Northern Ireland's Landscapes', 'Best Practice Guidance to PPS 18 Renewable Energy' and SPG to PPS 18 Renewable Energy - Anaerobic Digestion, as far as relevant to the proposal, and other relevant SPG documents as may be provided or updated."	117 ABO Wind
FC 71	369	Para 6 of p 369	Without Prejudice, IE Question 3. Restore the J&A paragraph to policy box, and amend its wording to include reference to AD SPG.		
PC 211	369	RED 1	Move references to HRA and EIA requirements to J&A as these have their own legislative requirements.	Remove the penultimate paragraph on p 269 (re HRA & EIA) to J&A, as this is not a policy requirement. See amended text at Annex 4.	46 SSE Renewables 117 ABO Wind



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PC 212  FC 72	370  370	Criterion vii  RED 1	To clarify meaning of "occupiable" buildings.  To be consistent with the above-mentioned wording. See IE Question 8.	Add footnote: 'buildings which, with relatively little intervention, could be readily occupied'.  In the paragraph below the criteria on p. 370, amend the 2 <sup>nd</sup> line to: '...diameter to <del>occupied</del> occupiable property will generally apply ...'	46 SSE Renewables 117 ABO Wind  n/a
PC 213	370	After Criterion ix.	Add text to consider wind turbine impacts on ground water.	Add a new criteria x. on p 370: 'the development will not harm groundwater flow paths or aquifers.'	78A NED
PC 214	370	RED 1 1 <sup>st</sup> Para after Criterion ix.  EVB 24	Amend J&A text to refer to photomontages in accordance with best practice.	Page 370 1st paragraph after criteria ix to read as follows (new text underlined) – ' <i>Where the Council considers it necessary, a noise assessment report, and <del>for a landscape and visual impact assessment (including photomontages to aid assessment of visual impact)</del> will be submitted upon request and prepared in accordance with best practice methodology.</i> '  Two best practice guidelines should be referenced in the EVB 24: Scottish Natural Heritage (2017) Visual Representation of Wind Farms: Good Practice Guidance (version 2.2) and Landscape Institute Technical Guidance Note 06/19 Visual Representation of Development Proposals (17/9/19)	78A NED

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PC 215  FC 73	370  370	Footnote 54  Footnote 54	Clarify definition of 'fall-over distance' to reflect that in the BPG for PPS 18.  IE Question 10. Minor clarification.	Change footnote 54 (new text underlined): <del>total</del> <u>hub height + turbine blades</u> for clarity.  Change the above-mentioned footnote 54 to read:  'hub height plus the length of one blade', for absolute clarity	117 ABO Wind
PC 216	371	RED 1	To include HNV, and be consistent with the same change in several other places in the dPS.	On the 4 <sup>th</sup> line of p 371, put criterion iv on a new line and in it, insert the words: '... loss of <u>High Nature Value (HNV) Land or Best and...</u> '	n/a
PC 217  FC 74	371  371	Anaerobic Digesters section of policy box  As above	To address ammonia emission impacts for Anaerobic Digestion.  IE Question 11. To clarify it applies to <u>all</u> structures and amend the 'test' to be consistent with the wording of the other tests in this chapter.	Insert a new point (viii) into RED 1 on p371: 'it will not result in damaging impacts on human health, as well as sensitive habitats, wider biodiversity and ecosystem resilience, through increased ammonia emissions.'  In viii) delete the second word 'ancillary' and amend the 'test' to 'unacceptable adverse impact'. To read as: 'viii) any <del>ancillary</del> structures or buildings shall have no <del>significant</del> unacceptable adverse impact on:'	DAERA  PC-COM-12 RSPB

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PC 218  Potential FC 75	372  372	Hydro-electric section of policy box  Hydro-electric section of policy box	Add policy text to address visual impact of hydro, for particular emphasis here, in addition to RED 1.  IE Question 11. To amend the 'test' to be consistent with the wording of the other tests in this chapter.	In the hydro section policy box, insert a new criterion iv, 'Any structures shall have no unacceptable impact on visual amenity or landscape character.'  Amend the wording of all three criteria to: 'ii. there is no <del>significant-unacceptable</del> adverse impact on fish, water birds and other water dependent Wildlife; and iii. there is no <del>significant-unacceptable</del> adverse impact on water quality as a result of the development. iv. any structures shall have no unacceptable <del>adverse</del> impact on visual amenity or landscape character.'	78A NED
PC 219	372	24.13	To clarify that BESS proposals would be assessed under this policy.	After the final sentence of 24.13, insert additional sentence: 'This also includes energy-related proposals such as Battery Energy Storage Systems (BESS).'	n/a
PC 220	373	24.15	J&A to acknowledge the impacts of renewables on water flows and quantities from abstraction as this is not set out elsewhere in the dPS.	Amend the penultimate bullet point of paragraph 24.15 (new text underlined): 'changes to <u>water flows and quantities</u> <del>of</del> <u>within</u> watercourses through abstraction;'	n/a

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PC 221	374	24.18	Refer to mitigation hierarchy which seeks to avoid impacts as a first principle.	Insert text to the end of paragraph 24.18. <i>'in accordance with the mitigation hierarchy, see Natural Environment chapter.'</i>	82 RSPB
PC 222	374  369	24.20  Footnote 52	To reiterate the policy presumption against renewable energy development on active peat in policy RED 1 (and the SPPS).	In Para 24.20, insert in the middle, after “bog burst” (new text underlined): <u>'therefore there is a presumption against development on active peat except for imperative reasons of overriding public interest. Whilst any development is unlikely to be acceptable on active peatland, where development is proposed on any peatland...'</u> The subsequent text then ensures that hazards for landslide, bog burst and reduced capacity as a carbon sink are properly assessed.  Amend footnote 52 on p 369: “An 'active' bog is one that supports a significant area of vegetation normally forming peat. A few groups of plants – especially Sphagnum bog mosses and cotton grasses dominate. Sphagnum sterilises the bog, preventing organic matter from decaying. Such areas deliver ecosystem services such as carbon storage & sequestration and water supply. 'Active' bogs include those that suffered temporary setbacks such as fire damage or drought, and areas which have been damaged but which are now showing significant signs of recovery, such as eroded bogs in which the gullies are re-vegetating.”	82 RSPB

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PC 223	N/A	EVB 24	Add reference to EVB regarding re-use, refurbishment, repair & repowering of renewables.	Add definition to EVB 24 based on PPS 18 paragraph 4.17: 'For wind farm development, it is likely that the duration of the planning permission will be linked to the expected operational life of the turbines. Proposals may be submitted to extend the life of the project by re-equipping or replacing the original turbines. While there are advantages in utilising established sites, such cases will be determined on their individual merit and in the light of the then-prevailing policy and other relevant considerations.'	n/a
<b>25. Development and Flooding</b>					
PC 224	376	Paragraph 25.2	Delete erroneous reference to DFI Rivers.	Delete the word "Rivers" from final sentence.	106E Dfl Water & Drainage Division (WDPD)
PC 225	377	25.5	Add text to further discourage development in climate change flood plains:	Add text to end of 25.5: ' <u>...and infrastructure outside the flood risk area and avoid zoning land for development that would be at risk of flooding now or which may become at risk due to climate change.</u> '	106E Dfl (WDPD)
PC 226	378	25.12	Additional text to take into account climate change.	Minor addition to text (new section underlined): 'The Council's LDP Strategy for Development and Flooding, in accordance with the above documents, is to have a precautionary approach to development within flood-prone areas <u>including those areas which may become at risk due to climate change.</u> '	106E WDPD Dfl

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PC 227	p379  p381	FLD 1, Exception a)  25.16 25.17	Additional text to take into account climate change.	Add 'plus climate change allowance' after the time limits for both fluvial and coastal flood protection in the exceptions (defended flood areas) section (a) of FLD1.  Also similar changes to paragraphs 25.16 and 25.17 regarding the definition of a floodplain for the sake of consistency e.g. in 25.16 ' <i>1 in 100-year probability plus climate change allowance (or 1% AEP plus climate change allowance).</i> '	106D Dfl Rivers 106E WDPD Dfl 80E
PC 228	p382	Defended Areas Para 25.27	Delete erroneous reference to climate change, for clarity.	Delete the words 'climate change' from paragraph 25.27 for clarity.	106E WDPD
PC 229	p382	25.27	Amend flood defence top level to accord with current advice.	Amend Para 25.27 second sentence: 'This is normally <del>between 300mm</del> – 600mm above the design flood level' (delete the range currently shown).	106D DFI Rivers
PC 230	p389	Paragraph 25.56	Update figures as per NI Flood Risk Assessment 2018	Amend text: ' <i>approximately 24,500 or 3% of the properties in Northern Ireland are sited in areas that are shown to be at risk of flooding from a medium probability 1 in 200-year (0.5% AEP) pluvial event with a depth greater than 300 mm deep...</i> '	106E WDPD
PC 231	p388 - 389	Policy FLD 3  Para 25.58	Add wording to policy FLD 3 and J&A to reflect requirement for SuDS in all development as also	Add text to FLD 3 at the end: 'For all developments, sustainable drainage systems (SuDS) will be incorporated. Where this preferred drainage method is not feasible, this must be demonstrated in any planning application.' Modify J&A paragraph 25.58 to read: 'In carrying out the drainage	82 RSPB

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	p390		expressed in Policy GDPOL1.  To insert correct reference location	assessment, the developer should use sustainable drainage systems (SuDS) as the preferred drainage solution. See GDPOL 1.'  On the 2 <sup>nd</sup> last line of 25.58, at top of p 390, amend wording: '... Annex A Part A of this Chapter <u>Appendix 4</u> and GDPOL 1...'	
PC 232	p393	Policy FLD 5 Development in Proximity to Controlled Reservoirs	Add text to policy tp include erroneous omissions from PPS 15 Policy FLD 5.	New text for second bullet point: <ul style="list-style-type: none"> <li>• 'the application is accompanied by a Flood Risk Assessment which demonstrates: <ol style="list-style-type: none"> <li>1 an assessment of the downstream flood risk in the event of a controlled release of water; an uncontrolled release of water due to reservoir failure; a change in flow paths as a result of the proposed development, and</li> <li>2 that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures.'</li> </ol> </li> </ul> <p>Text will then revert to the existing dPS policy text until the addition of a sentence after the bullet points at the end: 'and for any development located in areas where the Flood Risk Assessment indicates potential for an unacceptable combination of depth and velocity.'</p>	106D Dfi Rivers

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PC 233	p394	Para 25.80	Amend text to consider 'consequence' not 'probability' of reservoir failure in line with current guidance.	Amend paragraph 25.80 to change all references of 'risk' to 'consequence'.	106D Dfi Rivers
PC 234	p483	Appendix 4, Para A8	Factual correction to text.	Reword: ' <del>...sustainable drainage systems will provide more drainage capacity and will incorporate a design capacity considerably greater than traditional pipes. Accordingly, they offer greater flood protection</del> are preferable because they control surface water run off at source and confer environmental, economic and other benefits.'	106E WDPD
PC 235	p484	Para A11	Amend text to reflect the fact that 'hard' SuDS may have similar costs.	Add text: ' <i>developer costs associated with designing a 'soft' sustainable drainage system are invariably less than a traditional piped system.'</i>	106E WDPD
PC 236	p486	A14	Amend wording following new legislation.	Amend paragraph A14 to read as follows (shift in emphasis and wording following new legislation): 'The option of using sustainable drainage to help offset flooding risk and as a more sustainable option to traditional piped drainage is part of the planning process. New legislation allows NI Water to refuse a surface water connection if alternative means have not been considered, including landscaping or natural features.'	106E WDPD



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PC 237	p486	A18	Updates to text.	<p>Replace text with the following: <i>'In November 2015, representatives of the Stormwater Management Group (SMG) provided evidence on SuDS to the Committee for Regional Development in relation to the Water and Sewerage Services Bill. The Group was set up in 2011 to implement the recommendations of the strategy document. The Committee was supportive of the progress made. To facilitate further progress, participation in the group was extended to include representatives from local government and others. In 2015, the SMG refocused the priorities of the group to:</i></p> <ul style="list-style-type: none"> <li>• <i>Promote clear Planning Policy</i></li> <li>• <i>Consider and develop effective delivery mechanisms and approval processes</i></li> <li>• <i>Review how SuDS (both hard and soft components) are currently delivered in Northern Ireland</i></li> <li>• <i>Develop and promote consistent delivery mechanisms and approval processes.'</i></li> </ul>	106E WDPD
PC 238	P487	A19	Amend text to reflect current policy and legislative context.	<p>Amend text as follows (new text underlined): <del>'It is anticipated that the ultimate delivery of sustainable drainage in Northern Ireland along these lines will enable the planning authority to require the use of such systems as part of most development proposals. The Planning authority currently requires the consideration of such systems in line with 6.118 of the SPPS.</del> From the planning perspective, it is imperative that a responsible approval body mechanism is in place,</p>	106E WDPD

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				either to facilitate meaningful consultation on the sustainable drainage aspects of development proposals or to adjudicate on the merits of the suitability of submitted proposals, <u>designs and ongoing maintenance arrangements</u> . Also important <del>are the intended new service companies, as planning permission will not be granted without</del> <b>are</b> appropriate guarantees on the management and maintenance of sustainable drainage arrangements so as to ensure that they will function effectively over the life of the proposed development.'	
<a href="#">PC 239</a>	n/a	EVB 25	Amend text to reflect current legislative context	Para 2.17- replace 2nd sentence with ' <i>The Act provides a new power for NI Water to refuse a surface water connection if alternative means of dealing with surface water have not been considered.</i> '	106E WDPD
<a href="#">PC 240</a>	n/a	EVB 25	Update reference to former Rivers Agency.	Para 3.18, line 5: change reference to 'Rivers Agency' to 'former Rivers Agency'.	80E DFI Water & Drainage
<a href="#">PC 241</a>	n/a	EVB 25	Minor corrections.	Para 4.3 and 6.2 change to refer to Department for Infrastructure (the competent authority for Floods Directive implementation), not Dfi Rivers.	80E DFI Water & Drainage
<a href="#">PC 242</a>	n/a	EVB 25	Update reference to 2080 epoch.	On page 76 under the heading 'Dfi Guidance on Climate Change', it is stated that 'climate change flood maps will move from 2030 Epoch to 2080 Epoch.' This is outdated as guidance was published in 2019. Amend text to: 'Climate change flood mapping is based on allowances for 2080 epoch.'	80F DFI

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<b><i>PART F- Place-Making and Design Vision</i></b>					
<b>26. Place-making &amp; Design Vision for Development in the District</b>					
PC 243	401	Para 26.9	Provide cross reference to Historic Environment chapter.	Insert on the 4 <sup>th</sup> line of 26.9, after ‘... Conservation Areas and AVCs / ATCs but ordinary ...’ At the end of 26.9, insert ‘(See also Chapter 23: Historic Environment.)’	47 John Burns 57 Henry Craig et al 114 Mr Hamilton Bell 116 Mr Howard Fulton (all Turley)
PC 244	402	Para. 26.12	Proposed SPG.	At the end of Para 26.2, insert a sentence: ‘An SPG on biodiversity net gain & ecological enhancements through development will be prepared. It will focus on housing and minerals development but also encompass other sectors.’	82 RSPB
PC 245  FC 76	403  403	Para. 26.18  Para. 26.18	Change title of principle to better reflect its content and intention. <b>Minor consequential wording change.</b>	Delete the word ‘hierarchy’. Re-title to ‘incorporate sustainable transport into designs’.  <b>Also remove the corresponding word ‘hierarchy’</b> from the paragraph itself, to read: ‘This should be taken into full account in all decision making, from planning to investment.’	47 John Burns 57 Henry Craig <i>et al</i> , Mr Hamilton-Bell & Howard Fulton (all Turley).

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PC 246	p407	26.32	Add captions to images throughout the dPS. Refer to DfC Ministerial Advisory Group. Provide examples of stakeholders.	Add captions to images in the document. Add a new second sentence to paragraph 26.32: 'The Council draws upon the DfC Ministerial Advisory Group (MAG) on the Built Environment during determination of planning applications for major new buildings.' Add a sentence to the end of the paragraph: 'local artists and community groups can be examples of stakeholders'.	205L Shane Birney Architects
<b>27. Place-Making &amp; Design Vision/Policy for Derry-Londonderry</b>					
No Representations received resulting in Proposed Changes to this Chapter					
<b>28. Place-Making &amp; Design Vision/Policy for Strabane</b>					
No Representations received resulting in Proposed Changes to this Chapter					
<b>29. Place-Making &amp; Design Vision/Policy for Local Towns</b>					
No Representations received resulting in Proposed Changes to this Chapter					
FC 77a	431	Para 29.2	To formalise the content in the paragraph to a 'General Strategic Design' Policy box. A similar box to be added to 30.2 and 31.2, for consistency.	Insert a policy box, as follows: 'Local Town Strategic Design Policy - General (LSDP-GEN) Planning permission will be granted for development proposals within Local Towns provided <del>they are</del> their design is of a high standard and: - are sensitive to and make a positive contribution to the character of the settlement; - are in keeping with the size and character of the settlement; - do not lead either individually or cumulatively to a loss of amenity;	n/a

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				<ul style="list-style-type: none"> <li>- respect the opportunities and constraints of the specific site and have regard to the potential to create a new sense of place through sensitive design;</li> <li>-comply with all other relevant LDP policies and in particular GDPOL 2</li> </ul>	
<b>30. Place-Making &amp; Design Vision/Policy for Villages</b>					
<del>No Representations received resulting in Proposed Changes to this Chapter</del>					
FC 77b	438	Para 30.2	To formalise the content in the paragraph to a 'General Strategic Design' Policy box. A similar box to be added to 29.2 and 31.2, for consistency.	Insert a policy box, as follows: 'Villages Strategic Design Policy - General (VSDP-GEN) Planning permission will be granted for development proposals within Villages provided <del>they are their design</del> is of a high standard and: <ul style="list-style-type: none"> <li>- are sensitive to and make a positive contribution to the character of the settlement;</li> <li>- are in keeping with the size and character of the settlement;</li> <li>- do not lead either individually or cumulatively to a loss of amenity;</li> <li>- respect the opportunities and constraints of the specific site and have regard to the potential to create a new sense of place through sensitive design;</li> <li>-comply with all other relevant LDP policies and in particular GDPOL 2</li> </ul>	n/a

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<b>31. Place-Making &amp; Design Vision/Policy for Small Settlements</b>					
No Representations received resulting in Proposed Changes to this Chapter					
FC 77c	440	Para 31.2	To formalise the content in the paragraph to a 'General Strategic Design' Policy box. A similar box to be added to 29.2 and 30.2, for consistency.	Insert a policy box, as follows: 'Small Settlements Strategic Design Policy - General (SSSDP-GEN) Planning permission will be granted for development proposals within Small Settlements provided <del>they are</del> their design is of a high standard and: - are sensitive to and make a positive contribution to the character of the settlement; - are in keeping with the size and character of the settlement; - do not lead either individually or cumulatively to a loss of amenity; - respect the opportunities and constraints of the specific site and have regard to the potential to create a new sense of place through sensitive design; -comply with all other relevant LDP policies and in particular GDPOL 2	n/a
<b>32. Place-Making &amp; Design Vision/Policy for Countryside</b>					
No Representations received resulting in Proposed Changes to this Chapter					
<b>PART G- Specialised Requirements, Etc.</b>					
<b>33. Hazardous Substances, COMAH &amp; Major Accidents</b>					
PC 247	<del>453</del> 454	33.11	Cross-referenced and similar to GDPOL xiii,	Insert a new Para 33.11 to Chapter 33, on major accidents generally: 'Applicants must ensure that their developments do not increase the	All are MKA - 122, 123,

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			this widens the requirement to avoid accidents generally, as well as Comah-specific.	risk of accidents generally or increasing the severity of the consequences of such accidents. See also GDPOL 1.'	124A, 124B, 124C, 124D and 126 James Construction; Millwell Properties, PJD Construction Ltd & Porthall Enterprises Ltd
<b>34. Developer Contributions and Community Benefits</b>					
PC 248	456	New para 34.8	Informative to encourage social clauses as Community Benefits.	Insert new paragraph 34.8: "The Council encourages the use of social clauses (subject to compliance with laws on fair employment, anti-discrimination, procurement, etc.) as a community benefit of developments permitted in this District. Therefore, in issuing planning permissions, for all but householder or other small-scale developments, each planning permission will include an Informative to encourage, during construction and ongoing operation where applicable, of social clauses to help local employment, businesses, purchasing, the community, training, etc. The exact wording will be in line with the wider policy / practices of the Council, Community Plan,	11 NIHE

**DC & SDC LDP - Schedule of the Proposed Changes (PCs) plus the Further Changes (FCs), to be made to LDP dPS in Autumn 2023, to PAC Commissioner as part of the Independent Examination (IE)**

Proposed Change Ref: PC... Further Change Ref: FC...	Draft Plan Strategy Page	Policy/ Paragraph/ Table Number etc.	Summary of Issue / Justification	Proposed Change or Further Change	Rep (Issue Ref)
				Department of Finance guidance and subject to legal advice. This will be done at the time of issuing and will not be a material Planning consideration in determining the planning application".	
<b>35. Demolition and Redevelopment</b>					
No Representations received resulting in Proposed Changes to this Chapter					
<b>36. Regeneration and Comprehensive Redevelopment</b>					
No Representations received resulting in Proposed Changes to this Chapter					
<b>37. Other Specialist Requirements</b>					
PC 249	463	37.5	To reflect that there is an existing DOE Circular and the CAA issued a consultation in Nov 2020 on airport safety. There was also a new consultation/ report in March 2021 by ICCAN on Aviation Noise Management.	After Para 37.5, insert a new para: 'The principles included in the CAA and other circulars / guidance on Control of Development in Airport Public Safety Zones will be a material consideration in appropriate circumstances. Issues regarding aviation noise will be considered against GDPOL 1, with the advice of Environmental Health and taking account of ICCAN guidance. Any issues regarding potential for major accidents is also dealt with in GDPOL 1 and Chapter <del>23</del> 33'.	Recent Consultations n/a



**DC & SDC LDP - Schedule of the Proposed Changes (PCs) plus the Further Changes (FCs), to be made to LDP dPS in Autumn 2023, to PAC Commissioner as part of the Independent Examination (IE)**

Proposed Change Ref: PC... Further Change Ref: FC...	Draft Plan Strategy Page	Policy/ Paragraph/ Table Number etc.	Summary of Issue / Justification	Proposed Change or Further Change	Rep (Issue Ref)
<b>38. Supplementary Planning Guidance</b>					
No Representations received resulting in Proposed Changes to this Chapter					
<b>39. Transitional Arrangements</b>					
No Representations received resulting in Proposed Changes to this Chapter					
<b>PART H- LDP Monitoring and Review</b>					
<b>40. Monitoring Criteria &amp; Review Process</b>					
PC 250	472	40.8	Monitoring Criteria and Review table in EVB to be reviewed.	No change to dPS. The Monitoring Framework Technical Paper, with its indicators, targets and triggers, will be reviewed.	82 RSPB 79 HED 106A Dfl Strategic Planning
<b>41. Next Steps- From Draft Plan Strategy Onwards</b>					
This Chapter will be updated to mark the adoption stage of the LDP dPS					
<b>Appendices</b>					
Appendix 7: Glossary / Terms & Abbreviations	517		Provide definition of contaminated land.	Add text to paragraph 7.116 of General Development Principles & Policies: 'applicants should follow the guidance and Practice Note by DAERA Regulation Unit, Land & Groundwater Team (see DAERA website).'	n/a
			Glossary	New entry to distinguish between transport accessibility and accessibility for those with disabilities.	106B DFI TPMU

**DC & SDC LDP - Schedule of the Proposed Changes (PCs) plus the Further Changes (FCs), to be made to LDP dPS in Autumn 2023,  
to PAC Commissioner as part of the Independent Examination (IE)**

Proposed Change Ref: PC... Further Change Ref: FC...	Draft Plan Strategy Page	Policy/ Paragraph/ Table Number etc.	Summary of Issue / Justification	Proposed Change or Further Change	Rep (Issue Ref)

**Annex 0:**

**Corrected Figures for Table 1 at Appendix 5 of LDP draft Plan Strategy**

# Appendix 5 – Housing Allocation Tables

Table 1 – Allocation of Housing over LDP Period 2017 – 2032, for DC&SDC’s Settlements, based on crude Size

Settlement Tier	Settlement	Approx. No. of Households <sup>84</sup>	% Share of all Households	Population (150,497) <sup>85</sup>	% Share of Population	Share of Housing Requirement (9,000) by % Households	Share of Housing Requirement (9,000) by % Population	Approximate Current Housing Capacity <sup>86</sup>
<b>District Total</b>		61,302	100.00%	150,497	100.00%	9,000	9,000	n/a
<b>Settlement Total</b>		53,278	86.91%	126,194	83.85%	7,822	7,547	20,844
<b>City</b>	Derry City	35,501	57.91%	83,163	55.26%	5,212	4,973	12,600
<b>Main Town</b>	Strabane	5,661	9.23%	13,172	8.75%	831	788	1,600
<b>Local Town</b>	Castledearg	1,367	2.23%	2,976	1.98%	201	178	784
	Claudy	531	0.87%	1,340	0.89%	78	80	348
	Newtownstewart	689	1.12%	1,551	1.03%	101	93	519

84 The figures denoting the number of households in each settlement are based on the NISRA statistics. For those settlements that NISRA did not have data for, a count was carried out for individual settlements using Pointer data, the District Total for the Approx. No. of Households is rationalized in EVB 2, Figure 8.

85 Population data for settlements has been taken from NINIS where the information was available. Where settlement data was not available, a population was calculated based on the number of households (2017 Pointer) x 2.5 persons per house

86 'Approximate Current Housing Capacity' include planning approvals, land zoned in the DAP and SAP, plus Urban Capacity sites, Whiteland and Windfall Allocation.



Settlement Tier	Settlement	Approx. No. of Households <sup>84</sup>	% Share of all Households	Population (150,497) <sup>85</sup>	% Share of Population	Share of Housing Requirement (9,000) by % Households	Share of Housing Requirement (9,000) by % Population	Approximate Current Housing Capacity <sup>86</sup>
Villages	Ardstraw	87	0.14%	218	0.14%	13	13	148
	Artigarvan	310	0.51%	730	0.49%	46	44	300
	Ballymagorry	274	0.45%	608	0.40%	41	36	247
	Clady	242	0.39%	538	0.36%	36	32	185
	Cranagh	32	0.05%	80	0.05%	5	5	98
	Culmore	1,161	1.89%	3,465	2.30%	170	207	256
	Donemana	271	0.44%	586	0.39%	40	35	271
	Eglinton	1,365	2.23%	3,679	2.44%	201	220	187
	Erganagh	206	0.34%	515	0.34%	31	31	45
	Glebe	273	0.45%	734	0.49%	41	44	147
	Glenmoran	63	0.10%	158	0.10%	9	9	85
	Killea (part in NI)	53	0.09%	133	0.09%	8	8	2
	Killen	115	0.19%	288	0.19%	17	17	143
	Killeter	46	0.08%	115	0.08%	7	7	45
	Lettershendoney	186	0.30%	510	0.34%	27	30	67
	Magheramason	215	0.35%	538	0.36%	32	32	192
	Newbuildings	1,109	1.81%	2,611	1.73%	163	156	324
	Park	184	0.30%	460	0.31%	27	28	40
	Plumbridge	124	0.20%	310	0.21%	18	19	148
	Sion Mills	871	1.42%	1,907	1.27%	128	114	174
	Spamount	98	0.16%	245	0.16%	14	15	321
	Strathfoyle	988	1.61%	2,419	1.61%	145	145	104
	Victoria Bridge	152	0.25%	380	0.25%	23	23	445



Settlement Tier	Settlement	Approx. No. of Households <sup>84</sup>	% Share of all Households	Population (150,497) <sup>85</sup>	% Share of Population	Share of Housing Requirement (9,000) by % Households	Share of Housing Requirement (9,000) by % Population	Approximate Current Housing Capacity <sup>86</sup>
Small Settlements	Aghabrack	16	0.03%	40	0.03%	3	2	119
	Aghyaran	6	0.01%	15	0.01%	1	1	141
	Ardmore	165	0.27%	413	0.27%	24	25	85
	Ballyrory	31	0.05%	78	0.05%	5	5	43
	Bready	79	0.13%	198	0.13%	12	12	54
	Campsey	56	0.09%	140	0.09%	8	8	44
	Cloghcor	5	0.01%	13	0.01%	1	1	60
	Craigbane	7	0.01%	18	0.01%	1	1	41
	Donagheady	50	0.08%	125	0.08%	7	7	35
	Douglas Bridge	60	0.10%	150	0.10%	9	9	96
	Drumlegagh	33	0.05%	83	0.06%	5	5	87
	Garvetagh	18	0.03%	45	0.03%	3	3	88
	Goshaden	32	0.05%	80	0.05%	5	5	0
	Killaloo	31	0.05%	78	0.05%	5	5	18
	Maydown	182	0.30%	455	0.30%	27	27	4
	Nixon's Corner	86	0.14%	215	0.14%	13	13	8
	Straidarren	169	0.28%	423	0.28%	25	25	9
	Tamnaherin	69	0.11%	173	0.11%	10	10	42
	Tullintrain	9	0.01%	23	0.02%	1	1	45

## Annex 4: Proposed Wording for Housing Policies HOU 1 and HOU 5

### POLICIES FOR STRATEGIC HOUSING ALLOCATIONS

16.18 The LDP will deliver its strategic supply of housing land through the following strategic policies. All proposals in relation to strategic housing development will need to be particularly cognisant of the LDP principles to promote sustainable development and being resilient to climate change, as well as the other relevant LDP sections.

#### HOU 1 Strategic Allocation and Management of Housing Land – Zoned Housing Land and LUPAs.

The LDP allocates land to deliver at least 9,000 new homes in the District as set out in [Table 8 or Appendix 5 Tables 1 & 2](#). The quantum of existing commitments significantly exceeds the future housing requirements for the LDP period. The identification and release of land for housing will be managed as follows:

##### **(a) City, Main Town and Local Towns**

To provide a managed release of housing land across the District, the Council will zone housing land within the City, Main Town and the Local Towns in ~~two~~ three phases. Phase 1 sites will be developed first and should be sufficient to meet future housing needs over the LDP period. Small sites and brownfield sites will also provide housing opportunities (see Policy HOU 2).

**LDP Phase 1 Zonings** – Phase 1 housing land will be zoned on sites (of 0.2 hectares or 10 or more dwelling units in the following circumstances:

- Existing commitments i.e. [sites previously-zoned or unzoned land](#) with live residential planning permission;
- Selected Urban Capacity Sites (City and Main Town) and [Selected](#) Whiteland Sites (Local Towns) identified at LPP;

**LDP Phase 2 Zonings** – Phase 2 housing land will be zoned and held in reserve in the following circumstances:

- [Other appropriate](#) Derry Area Plan (DAP) and Strabane Area Plan (SAP) housing zonings, without current residential planning permission; and
- Other Urban Capacity Sites (City and Main Town) and [Other](#) Whiteland Sites (Local Towns).

If during the LDP period, there is a need for Phase 2 housing zonings earlier than anticipated, the following will apply:

- Phase 2 can be re-zoned as Phase 1 as a consequence of an LDP amendment following an ~~Plan~~ LDP Review and the re-appraisal of future housing requirements;
- Phase 2 land can be approved through a planning application from a registered housing association for social / affordable housing where there is a localised housing stress / need. Such a need should be supported by NIHE. Conversely, if certain Phase 1 land is not implemented, it can be re-zoned as Phase 2 or alternatively, either Phase 1 or Phase 2 lands can be rezoned for an alternative land-use, following an LDP Review;

~~In exceptional circumstances and where there is extreme localised social / affordable housing stress / need that cannot be met through the above sequential test, the following will be permitted:~~

- ~~• A site will be identified at LPP in the urban fringe or by extending the settlement limits;~~
- ~~• A planning application after LPP outside of the settlement limits from a registered housing~~

association for social / affordable housing where there is a localised housing stress / need. Such a need should be supported by NIHE.

### **LDP Phase 3 Zonings – Strategic Housing Land Reserve**

A strategic reserve of Phase 3 Housing lands will be identified at the LPP stage, comprising a limited amount of land that previously lay just outside of the City / Town settlement development limits (SDL) and is located immediately adjacent to those areas identified (by NIHE) as having the most acute social housing need.

In exceptional circumstances, where there is extreme [or very significant] localised social / affordable housing stress / need and it is demonstrated to the Council that the need cannot be met through the above sequence of Phase 1, Phase 2 or other HOU 2 lands, then a planning application can come forward on a Phase 3 site for immediate development to address that need. Such a planning application, after the LPP adoption, shall be from NIHE or a registered housing association\*, primarily for affordable housing, and the development shall be part of a Balanced Community in accordance with Policy HOU 5. Such a need should be supported by NIHE.

### ***(b) Villages and Small Settlements***

Within the Villages and Small Settlements, the Council will identify Land Use Policy Areas (LUPAs) in the LPP. These will indicate where most new houses within settlements will be located **and also their appropriate scale and form generally**. Exceptions may be made for social housing where a Housing Association demonstrates a need within a settlement that cannot be met inside a LUPA.

Within all settlements, housing developments and associated residential facilities will be acceptable in principle on LDP Phase 1 zoned housing land, the exceptions and HOU 2 land and relevant LUPAs, subject to the following Housing policies and Chapter 7 General Development Principles and Polices. In order to ensure delivery of sustainable Housing, alternative uses will not normally be permitted on zoned Housing land.

### ***(c) Housing in the Countryside***

The LDP expects to deliver approx. 1,100 to 1,400 houses in the countryside over the LDP period; these will be strategically delivered via policies HOU 18 – 26.

\* Insert a footnote to explain that where the term ‘registered housing association is used, this can generally also mean NIHE, who have recently changed status, to enable them to build houses, as a HA.

### **Justification and Amplification**

- 16.19 Housing provision in the District’s settlements will be reflective of the LDPs overall Strategic Growth Plan, Spatial Growth Plan and Settlement Hierarchy. The Council will strategically allocate and manage housing for 9,000 new homes for the LDP period. **This is in accordance with the indicative numbers and breakdown in Table 8 in this chapter and as broken down further in Appendix 5, Tables 1 and 2.** In many of our settlements, the number of existing commitments is sufficient to meet the housing requirement up to 2032 and even beyond. It will only be after these commitments are delivered that a requirement will emerge for the phased release of selected sites for housing. As such, the on-going monitoring of housing delivery will be vital to allow for the proper phased and managed release of selected Phase 2 sites.



- 16.20 A criteria-based approach to selecting sites for each phase will be undertaken in the Local Policies Plan (LPP). The selection criteria will take account of a number of factors including: Housing Monitor; Urban Capacity; Windfall and Housing Needs Assessment (HNA). Sites may be zoned at LPP with key site requirements to guide their development. Sites will only be selected where it can be shown that they can accommodate 5 or more dwellings.
- 16.21 As previously stated, Phase 1 sites that are considered as existing commitments are only those with a current planning permission or that have made a valid material start or where development is ongoing. Any previously permitted site that has not made a material start or has development ongoing prior to their permission expiring may not have the permission renewed and will thus be considered as a Phase 2 site', unless it meets the criteria as a Selected Urban Capacity or a Selected Whiteland Site in accordance with Phase 1 (see the next paragraph). In addition, both Phase 1 and Phase 2 Lands may be considered for rezoning to alternative land uses, such as community open space, if residential development on such sites is not brought forward within a reasonable timescale. At the LDP Reviews, the Council will use this mechanism, to review the identified housing land and may rezone all or some of that land, so as to ensure This will assist commencement and hopefully delivery of housing, rather than contribute to delay and land-banking of the Housing lands that it has identified in the LDP.
- 16.22 Phase 1 sites will also include Selected Urban Capacity sites and Selected Whiteland sites. The process for selecting these sites will be outlined and completed at LPP stage A criteria-based approach to selecting the sites for each phase will be undertaken in the Local Policies Plan (LPP). The selection criteria will take account of a number of factors particularly Accessibility Analysis to ensure that the most central / sustainable sites come forward first. An initial analysis has been undertaken to establish the likely potential output of available sites as indicated in Appendix 5 Table 2, from which these further sites will be selected.
- 16.23 Phase 2 sites will be held as a reserve to meet future need. This approach provides a vision for the long-term management of our existing oversupply of housing land. Phase 2 housing zonings can be released at an earlier time as detailed in the policy, account will be taken of the latest housing requirements and housing stress / housing need as detailed by NIHE.
- 16.24 ~~As an exception to~~ In addition to the Phase 1 and 2 approach, the Council has identified that there may be a very specific shortage of housing land, matched with a very high social housing need, in certain local areas. In these circumstances, if no alternatives can be identified after a sequential consideration, it may be necessary to exceptionally permit some additional housing lands. These Phase 3 Lands are being introduced to formalise the potential provision of additional land at the edge of the city or towns for social / affordable Housing, in exceptional circumstances, thus ensuring the orderly and consistent release and development of such lands by the Council through the LDP. The amount of Phase 3 land identified will be limited to that which is reasonably necessary and sustainable; it will be decided by the Council at LPP stage, dependent on the amount of Phase 1 & Phase 2 land that can be identified / Zoned in a local area (related to the NIHE-defined local housing areas) and dependent on the amount of Housing Need prevailing in that area at that time. Such lands, whether inside or outside of settlement development limits, should also be sequentially assessed, to be sustainable, accessible and as centrally located to services as far as possible.

~~The term 'specialised housing', refers to supported housing, disability focused and otherwise as per the NIHE definition. (moved to page 253)~~

- 16.25 Development proposal for housing on unzoned 'greenfield sites'<sup>2</sup> that are within the settlement limits will not normally be approved as they would undermine the LDP strategy for housing allocation. This will also apply to development proposals for the renewal of existing and lapsed planning permissions (i.e. existing commitments) on 'greenfield sites'.
- 16.26 **Land Use Policy Areas (LUPAs)** in villages and small settlements will be designated for housing and certain other uses including community uses, open space and economic development, all appropriate to the scale of the settlement. These LUPAs will be designated based on a number of considerations at LPP stages. These will include, but is not restricted to, the settlement's indicative allocation, sewerage capacity, school capacity and Social Housing Need.
- 16.27 The LUPAs will be identified following a detailed analysis and character appraisal of the settlements, and will focus on providing housing in locations where it is most likely to integrate into the character of the settlement. The LUPAs will also be proportionate with the scale of, and the future housing requirement of, the individual settlement.
- 16.28 In recent decades, some of the villages and small settlements, especially those close to Derry and Strabane, have experienced unsustainable levels of housing development, often with no or low levels of nearby service provision. Such developments can be considered to be too large in relation to their position in the settlement hierarchy and the availability of services. Similarly, they are often out of character with the traditional pattern of growth. Conversely, some other villages and small settlements, especially those in remote rural locations have had very little housing growth within their settlement limits, thereby resulting in declining population numbers. Consequently, local services such as schools, shops, pubs, sports teams and other community facilities suffer through this gradual decline. The aim of the LDP is to sustain vibrant rural communities and small settlements, so it will be important to monitor to ensure that adequate amounts of new housing is being approved and built.
- 16.29 Therefore, assisted by the designation of LUPA's in the LDP Local Policies Plan, the LDP Plan Strategy will seek to deliver in the villages and small settlements over the LDP period, the appropriate scale and type of housing developments to reflect their settlement status and level of services so as to sustain them at the heart of vibrant rural communities. Housing developments in villages will be expected to restrict the number and size to reflect the above and the indicative housing requirement in Table 2. Typically, village housing development should be modest-scale of not more than 10 – 20 dwellings. Small settlements should have small-scale housing development of single dwellings, some infill and small groups of typically 5 – 10 dwellings. The layouts should be informal and house designs should also reflect the rural location - refer to Chapter 26, Place Making and Design Vision, Chapter 30, Strategic Vision and Design, and Chapter 31, Small Settlements: Strategic Vision and Design for more information. In the transition period until LPP adoption of LUPAs, these standards will be applied for planning applications. In this manner, the LDP will manage and deliver the appropriate housing to meet requirement of the villages/small settlements as part of the District Housing overall requirement.

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<sup>2</sup> 'Greenfield Sites' – Land that has not previously been developed.

## **HOU 5 Affordable and Private Balanced-Tenure Housing in Settlements'**

~~Affordable housing should consist of social rented housing and/or intermediate housing. In determining the appropriate mix of affordable housing in terms of size, type and tenure, regard will be had to NIHE's up-to-date analysis of demand, including housing stress and prevailing housing need.~~

### **Amount of Affordable Housing**

In order to achieve the Council's stated objectives of delivering adequate numbers of affordable housing and also providing balanced / mixed communities, Planning permission will be granted for a residential development scheme of, or including 10 or more residential units (or on a site of 0.5 ha or more), where a minimum of 10% 20% of units are provided as affordable housing. Where there is an acute localised need as demonstrated by the NIHE, the proportion required may be uplifted on an individual site, and this will be indicated as a KSR at the LDP LPP stage.

All such housing schemes will be required to deliver ~~In order to achieve~~ balanced and mixed communities. ~~all housing schemes will normally be expected to have no more than a maximum of 70% of either private or affordable houses. All relevant proposed~~ housing developments will be expected to provide a balance of suitable tenures, taking account of the proposed and existing mix in that local area. Applicants will be required to clearly demonstrate and submit underpinning evidence, supported by the NIHE, of how they intend to deliver an appropriate affordable / private housing mix to meet any identified acute localised need. Any exceptions to proportions of tenures will need to be specifically justified and evidenced by the applicant.

Where it can be demonstrated that there is ~~no~~ insufficient need and / or it is not sustainable or viable for a proposed development in the area to meet the full requirements of this policy, the Council will consider a suitable proportion on a fully-evidenced case-by-case basis.

The agreed ratio of private to affordable housing will need to be implemented and maintained during, and for an agreed period after, the construction of the scheme.

In ~~rural~~ villages and small settlements, sites below the normal threshold of 10 dwellings may also need to provide affordable housing if there is an identified need.

Planning permission will not be granted for development proposals containing less than 10 housing units where lands have been artificially divided for the purposes of circumventing these policy requirements. Where there is a phased approach to the development of a site, this should be discussed with the Council at the outset to ensure that the affordable housing requirement can be developed in a comprehensive way over the whole scheme.

Affordable housing will be secured as appropriate, depending on size of the development, by way of a condition or Section 76 Planning Agreement, which should be in place in advance of planning permission being granted. An off-site developer contribution may be required and will be considered on a case-by-case basis.

### **Mixed Tenure / Tenure-Blindness**

The design and external appearance of the affordable housing in the development should reflect the character of the remainder of the site. These should be interspersed within the market housing so that they are not readily distinguishable in terms of external design, materials and finishes.

### Justification and Amplification

- 16.45 One of the main aims of the RDS is to promote development which improves the health and well-being of communities and that the provision of more affordable housing will also help to build strong balanced communities. Given the importance of affordable housing in the District, this policy will ensure that it is delivered as an integrated part of all new residential developments over a site size threshold.
- 16.46 The District has a higher proportion of social housing compared to Northern Ireland as a whole. The total new-build social housing need for Derry City and Strabane District Council for the period 2017 – 2032 is 4,750<sup>3</sup> units. Within this District, there is significant demand for affordable housing, especially in Derry City. It is anticipated that the significant majority (approximately 4,400) of the required Social Housing Need will be delivered through existing housing sites under construction or with current planning permission (commitments) or via remaining housing zonings. Therefore, the general requirement in this policy that 20% of all new Housing units should be affordable housing, should be adequate to deliver the remaining number of dwellings to address ongoing Housing Need.
- 16.47 Affordable housing, while enabling the delivery of new homes to meet needs, should also ensure that growth contributes positively to the creation of mixed, inclusive and sustainable communities and delivers high-quality, well-designed homes and neighbourhoods. A range of housing in terms of dwelling size, type, tenure and affordability is central to achieving mixed communities, and ensuring that areas are attractive to people of different ages, lifestyles and incomes. Refer to Policy HOU 6, House Types, Size and Tenure.
- 16.48 Where an application is submitted and is subject to an affordable housing requirement, the Council will liaise with the NIHE to establish that affordable housing on that site is needed. Applicants are encouraged to seek advice from NIHE to discuss the exact mix of affordable housing required in each case. This should ensure that affordable housing takes account of the number of applicants in housing stress in a locality, according to the common housing selection scheme and that it meets recognised housing need as identified through an up-to-date Housing Needs Assessment (HNA). Advice from a Housing Association on the layout and design of the affordable housing units and the financial and technical regime within which Housing Associations work will assist the applicant in submitting a residential scheme that meets this policy.
- 16.49 Where the ~~developer~~ Council can demonstrate, supported by up-to-date evidence provided by NIHE, that an acute localised need for a higher proportion of affordable housing cannot be fully addressed by the minimum ~~10%~~ 20% requirement, the proportion of affordable housing required may be uplifted on an individual site. If this is the case, This policy will not preclude the LDP Local Policies Plan will vary the proportion of affordable housing through a Key Site Requirement (KSR) on zoned housing land.
- 16.50 If need, in the local area, has been met or has decreased, the affordable housing requirement may be lowered or removed. Under this policy, developers will need to provide the Council with robust evidence to justify raising, lowering or removing the affordable housing requirement on a site.
- 16.51 The ~~70% indicative~~ Council has indicated that there it is desirable not to have an excessive proportion of either private or affordable housing in an area is in the interests of achieving balanced

<sup>3</sup> Northern Ireland Housing Executive (NIHE) - 15 Year Social Housing Need Assessment to 2032 (December 2018).

and sustainable communities. Therefore, the Council will seek an indicative mix from proposed housing schemes of no more than a maximum of 80% of either private or affordable houses, to deliver the Council objective of such balanced communities. The applicant will need to provide evidence and submit a statement which takes into account the existing tenure mix. This would include up-to-date NIHE information including supported private-rented accommodation evidence if required.

16.52 The Department for Communities issued a revised definition of affordable housing in April 2021. Affordable housing is now defined as:

a) Social rented housing; or

b) Intermediate housing for sale; or

c) Intermediate housing for rent

that is provided outside of the general market, for those whose needs are not met by the market.

Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.

For the purposes of the LDP (as per the SPPS), 'affordable housing' relates to social rented housing and intermediate housing. These are defined as follows:

~~16.53 **Social Rented Housing** is housing provided at an affordable rent by a Registered Housing Association; that is, one which is registered and regulated by the Department for Communities as a social housing provider. Social rented accommodation should be available to households in housing need and is offered in accordance with the Common Selection Scheme, administered by the NIHE, which prioritises households who are living in unsuitable or insecure accommodation.~~

~~16.54 **Intermediate Housing** consists of shared ownership housing provided through a Registered Housing Association and helps households who can afford a small mortgage, but that are not able to afford to buy a property outright. The property is split between part ownership by the householder and part social renting from the Registered Housing Association. The proportion of property ownership and renting can vary depending on householder circumstances and preferences.~~

16.53 The SPPS recognises that the definition of intermediate housing 'may change over time to incorporate other forms of housing tenure below market rates'. The NI definition of intermediate housing may be further expanded in the future to include these other products to support the SPPS aim of assisting eligible households into affordable housing. Where this is the case, such additional products will normally be considered suitable to meet the affordable housing obligations of this policy in the future. For e.g. Co-Ownership launched a Rent to Own product in April 2016 which is a product for people who aspire to buy a home, but aren't ready to do so, whereby they rent up to three years with an option to buy the home after one year.<sup>4</sup>

16.54 Mixed tenure is residential development, which combines a range of tenure options, which can include owner-occupier housing, shared ownership housing and rental properties (social, intermediate and private). The focus of mixed-tenure development is fostering greater social,

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<sup>4</sup> A public consultation is currently being undertaken about plans to introduce a new definition of Affordable Housing for NI by the Department for Communities, Housing Division.

economic and community mix to support thriving and sustainable communities (see also HOU 6, House Types and Size).

- 16.55 To support mixed tenure development, the affordable housing units should be interspersed with the market housing. 'Tenure Blindness', as well as 'pepper-potting' is widely accepted as a key component of any successful mixed tenure development. In essence, it means there should be no distinction, particularly in the external specifications and standard of finishes between tenures and any external design finishes should be minimal. Research has shown that visible differences in tenure can contribute to a sense of difference and division between residents, which would be entirely counterintuitive to efforts to promote mixed tenure communities in which neighbourly relationships can thrive. Planning permission may be refused where schemes do not provide effective integration of affordable units in new developments.
- 16.56 This policy also states that developments cannot be artificially divided or phased to avoid housing obligations. Partial redevelopment of a site will only be considered acceptable where an overall concept masterplan demonstrating that all of the provisions of this policy can be met and future affordable housing provision can be ensured through a planning condition or Section 76 Planning Agreement, where appropriate.
- 16.57 There may be cases where, due to the nature, scale or locations of the proposed development, on-site provision for affordable housing may not be necessary or desirable.
- 16.58 Off-site provision will only be acceptable in exceptional circumstances. It will only be agreed where the approach contributes to the creation of mixed and balanced communities in the local area. It must be subject to robust justification based upon, for example, if the housing priorities could be better met in an alternative location, determined by the Council, in consultation with NIHE. Provision of affordable housing units on an alternative site will be in addition to any applicable affordable housing requirement arising from the development of any market housing on the alternative site. The Council will require applicants to have secured planning permission for the required amount of off-site affordable housing before any occupation of the market housing development on site. An off-site Developer Contribution will also be considered on a case by case basis. (See Chapter 34 Developer Contributions and Community Benefits for further information.)

## Annex 5:

### Revised Wording of Policy HE 2 Archaeology, HE 4 Listed Buildings, HE 8 NDHAs & HE 9 Enabling Development

#### Revised Wording of Policy HE 2 Archaeology

##### HE 2a Archaeological Assessment and Evaluation

Planning Permission will not be granted where the impact of a development on important archaeological remains are unclear, or the relative importance of the remains is uncertain. The Council will require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not provided, a precautionary approach will be adopted and Planning Permission will be refused.

##### Justification and Amplification

**23.18** Developers need to take into account archaeological considerations and should deal with them from the beginning of the Development Management process. The needs of archaeology and development can often be reconciled, and potential conflict avoided or much reduced, if developers discuss their proposals with the Council and HED at an early stage.

**23.19** It is therefore in the developer's own interest to establish whether a site is known or likely to contain archaeological remains as part of their own assessment. The first step is to consult the Historic Environment Record of Northern Ireland which contains database information on recorded heritage assets and which is maintained by HED. Informal discussion with HED will also help provide advice in relation to the archaeological sensitivity of a site.

**23.20** In certain cases, the Council may use its powers under the Planning Act (NI) 2011 to request further information in the form of an archaeological assessment or evaluation. These can help determine the importance, character and extent of any archaeological remains that may exist in the area of a proposed development and indicate the weight which should be attached to their preservation. They will also provide information that may be useful in developing options for minimising or avoiding damage. Such information will enable the Council to make an informed and reasonable Planning decision.

##### HE 2b Archaeological Mitigation

Where Planning Permission is granted for development which will affect sites known or likely to contain archaeological remains, the Council will impose conditions to ensure preservation in situ, or licensed excavation, recording and archiving of the archaeology before development commences.

##### Justification and Amplification

**23.21** The preferred approach to archaeological remains affected by development is:

- i) Preservation of remains in situ;
- ii) Licensed excavation<sup>5</sup> and recording examination and archiving of the archaeology before development commences.

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<sup>5</sup> Excavations are licensed by Historic Environment Division under the Historic Monuments and Archaeological Objects (NI) Order 1995

**23.22** In some circumstances, it will be possible to permit development proposals which affect archaeological remains to proceed provided that appropriate archaeological mitigation measures are in place which preserve the remains in the final development or ensure excavation recording prior to destruction.

**23.23** Mitigation may require design alterations to development schemes which avoid disturbing the remains altogether or minimise the potential damage through measures such as careful siting of landscaped and open space areas. There are techniques available for sealing archaeological remains underneath buildings or landscaping, thus securing their preservation for the future, even though they remain inaccessible for the time being.

**23.24** The excavation and recording of remains is regarded as a second-best option to their physical preservation. The science of archaeology is developing rapidly and excavation means the total destruction of evidence (apart from removable objects) from which future techniques could almost certainly extract more information than is currently possible. Excavation is also expensive and time-consuming, and discoveries may have to be evaluated in a hurry against an inadequate research framework. The preservation in-situ of important archaeological remains is always the preferred course of action.

**23.25** There will be occasions where archaeological remains are of lesser importance, where the value of the remains is not sufficient when weighed against all other material considerations, including the importance of the development, to justify preservation in situ. In these cases, developers will be required to prepare and carry out a programme of archaeological works, working to a brief detailed in HED statutory consultation responses and advice.

**23.26** Offers of facilitation of excavation by developers will not justify a grant of planning permission for a development which would damage or destroy archaeological remains whose physical preservation is desirable, because of their importance, and feasible.

#### **Areas of Archaeological Potential (Heading)**

**23.27** Areas of Archaeological Potential (AAP) are those areas within settlements where on the basis of current knowledge, it is likely that archaeological remains will be encountered in the course of continuing development and change. Currently, the entirety of the Historic City Conservation Area, which includes the Walled City, and certain lands outside but immediately adjacent to the south and east of the Conservation Area boundary, are recognised as being an AAP. Further AAPs will be identified in the Local Policies Plan. (See also paras. 23.10 and 23.61)

#### **Discovery of Previously Unknown Archaeological Remains (Heading)**

**23.28** Discovery of previously unknown archaeological remains can result in a material change which could affect the nature of the development permitted. Occasionally archaeological remains are only discovered once development commences. In such circumstances it is a statutory requirement that these are reported to HED2.

**23.29** On rare occasions the importance of such remains may merit scheduling, in which case the developer would need to seek separate scheduled monument consent before they continue work. In most cases it should prove possible for differences to be resolved through voluntary discussion toward agreement of a mitigation strategy for a satisfactory compromise to be reached. Applicants should consider the potential need for a contingency plan to deal with unexpected archaeological discoveries.

[Re-number the following paragraphs, below]



## Revised Wording of Policy HE 4 Listed Buildings

### HE4 Listed Building and their Settings

All proposals affecting a listed building must ensure the works protect, conserve and where possible, enhance the heritage asset. All proposals must be based on a clear understanding of the importance of the heritage asset and should support the best viable use that is compatible with the fabric, setting and essential character of the building.

#### (a) Change of Use of a Listed Building

Planning Permission will be granted, in consultation with the relevant statutory authority, where the change of use secures its upkeep and survival, and the essential character and special architectural or historic interest of the building.

**(b) Extensions and Alterations to a Listed Building – .... no changes are requested.**

**(c) The Control of Advertisements on a Listed Building - .... needs to be aligned with Policy AD 2 on Advertisements and Heritage Assets? No or little change is required.**

**(d) Demolition of a Listed Building – .... no changes are requested.**

**(e) Development affecting the Setting of a Listed Building – amend the 1<sup>st</sup> sentence as follows:**

Planning Permission will only be granted for a development proposal which would not adversely affect the setting of a listed building, assessed in consultation with the relevant statutory authority.

...

### Justification and Amplification

**23.31** The District contains a wealth of listed buildings; the greatest concentration being within Derry's historic core within the vicinity of the City Walls. These buildings add to the quality of our lives and contribute to the local distinctiveness, character and appearance of the District's city, towns, villages and countryside. It is therefore important to conserve, protect and enhance these buildings, in accordance with the [Historic Environment policy suite](#) and GDP 8.

**23.32** Listed buildings are designated by the Department for Communities, as being of 'special architectural or historic interest' under Section 80 of the Planning Act (NI) 2011. They are key elements of our historic environment and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are based on a clear understanding of the importance of the building, as well as the rarity of the type of structure and any other features of special architectural or historic interest which it possesses.

**23.33** The Council will consult with the relevant statutory authority when determining Listed Building Consent and planning applications which impact on a listed building and/or its setting, in accordance with legislative requirements.<sup>6</sup>

#### (a) Change of Use of a Listed Building

**23.34** In second line, ~~omit the phrase 'sections of the community'~~. The punctuation after the word 'designed' in the second sentence should be replaced with a **comma**, in lieu of a full stop to read coherently.

**???:** Proposals for the conversion of a listed building to a new use should be based on a clear understanding of the special interest of the building, its historic fabric, setting and essential character. It should also be noted that this may not necessarily be the most profitable use. It is important to acknowledge that at times a building is so sensitive that it cannot sustain any

<sup>6</sup> *'Schedule 3 of The Planning (General Development Procedure) Order (NI) 2015 as amended 2016 and Regulation 6 (1) of The Planning (Listed Buildings) Regulations (Northern Ireland) 2015 as amended 2016.'*

alterations to keep it in viable economic use, but its future may nevertheless be secured by charitable or community ownership.

#### **(b) Extensions and Alterations to a Listed Building**

Many listed buildings can tolerate some degree of thoughtful alteration or extension to accommodate continuing or new uses. Extensions should be of a high-quality design, subservient to, and in keeping with, the essential character of the listed building and its setting. Successive applications for alteration or extension, or minor works of indifferent quality, should be carefully considered, as such works can cumulatively reduce a listed buildings special interest.

**23.35** In assessing the effect of any alteration or extension, including applications to provide inclusive access under DDA requirements, consideration will be given to the elements that make up the special interest of the listed building in question<sup>7</sup>. They may comprise not only of the obvious visual features such as decorative facades and its setting or, internally, staircases or decorative plaster ceilings but also the spatial layout of the building, the archaeological or technological interest of the surviving structure and the use of materials. Any intervention should also be based on a clear understanding of the structure of the listed building, because it is vitally important that new work does not weaken the structural integrity of the building. Applicants should justify their proposals, in an accompanying Design and Access Statement, demonstrating how decisions have been made and why the proposed change is desirable or necessary. All proposals should seek to conserve the maximum amount of historic fabric with minimum intervention. While British Standards are not statutory, the Council would commend the advice and guidance set out in BS 7913: 2013 'Guide to the conservation of historic buildings' when considering works of alteration or extension.

#### **23.36 Unchanged**

#### **(c) The Control of Advertisement on a Listed Building**

**HED-suggested corrections / additional text: (In lieu of first line)**

**27.37** Many heritage assets are in commercial use and already display signs or advertisements of some sort. These in themselves may be of historic interest or of some artistic quality, and where this is the case, the council will not normally permit their removal or significant alteration.

New signs and advertisements can have a major impact on the appearance and character of a listed building and its setting. The cumulative impact of new advertisements should not clutter or adversely impact on existing historic advertisements, and should enhance the listed building and its setting.

**27.38** Where a proposal to display signs on a listed building is considered to be acceptable in principle, they should be of a high design standard and complement the age and architectural style of the building, carefully located not to obscure, overlap or cut into any architectural detailing or structural divisions. These considerations will to a large extent dictate the scale, size, proportions and position of any signage. Illuminated signs and advertisements will not normally be acceptable. Materials, detailing and finishes should also respect the essential character of the listed building and its setting contributing to a quality environment. Applications for the display of advertisements will be assessed against this policy and the policy requirements of Chapter 14: Signs and Outdoor Advertising.

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<sup>7</sup> The published listing criteria can provide further amplification on the listing. <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/dfc-hed-scheduling-of-historic-buildings.PDF>

#### **(d) Demolition of a Listed Building**

**23.39** The demolition of a listed building should be wholly exceptional and will require the strongest justification. Consent will not be given for the total or substantial demolition of any listed building without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and where these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that redevelopment would produce substantial regional benefits which would decisively outweigh the loss resulting from demolition. While it is acknowledged that very occasionally demolition of a listed building will be unavoidable, Consent will not be given simply because redevelopment is economically more attractive to the developer. Where proposed works would result in total demolition of a listed building, or any significant part of it, consideration will be given to:

- (i) the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;*
- (ii) the adequacy of efforts made to retain the building in use;*
- (iii) the merits for alternative proposals for the site.*

**23.40** The onus will be on the applicant to demonstrate and justify the need for demolition. Evidence will be required to indicate alternative options for stabilisation of the existing structure have been considered in efforts to retain the listed building. Reports submitted for consideration on the integrity of the building, including structural integrity, must be submitted by suitably conservation experienced engineers, architects, building surveyors and so on. Structural issues will not be given substantive weight when making a case of demolition where these have arisen due to neglect of a listed building through lack of maintenance or failure to secure by current or previous owners. In the rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight will be given to the costs of repair

**23.41** Proposals for the demolition of a listed building will not be considered in isolation from proposals for subsequent redevelopment. Detailed drawings illustrating the proposed redevelopment of the site should therefore accompany a Listed Building Consent application for full or partial demolition. Where exceptionally, Consent is granted for the demolition of a listed building, conditions should normally include:

- A Section 76 Planning Agreement to ensure the site is subsequently redeveloped for the purpose granted and
- Appropriate recording of the building prior to its demolition, typically consisting of a drawn, photographic and written record

#### **(e) Development Affecting the Setting of a Listed Building**

**23.42** The setting of a listed building is often an essential part of the building's character, as it enables the heritage asset to be understood, seen, experienced and enjoyed within its context. Any proposal for development, which by its character or location may have an adverse impact on the setting of a listed building, will require very careful consideration. The design of new buildings planned to stand alongside historic buildings must be of a high quality, designed to respect their settings and follow fundamental principles of scale, height, massing, proportion and alignment, with use of appropriate sustainable materials.

**23.43** The extent to which proposals will be required to comply with the criteria will be influenced by a variety of factors: the character and quality of the listed building; the proximity of the proposal to it; the character and quality of the setting; and the extent to which the proposed development and the listed building will be experienced in juxtaposition.

**23.44** Development proposals some distance from the site of a listed building can sometimes have an adverse effect on its setting e.g. where it would affect views of an historic skyline. Applications that may affect the setting of a listed building will therefore normally require the submission of detailed contextual drawings and visuals which illustrate the relationship between the proposal and the listed building and demonstrate how they will be seen in juxtaposition. In determining applications for development affecting the setting of a listed building, the Council will have regard to HED publication 'Guidance on Setting and the Historic Environment'.

### **Revised Wording of HE 8 Conversion / Re-Use of Non-Designated Heritage Assets (NDHAs)**

#### **HE 8 Conversion and Re-Use of Non-Designated Heritage Assets**

The Council will permit the sympathetic conversion and re-use of non-designated heritage assets(NDHAs), such as an unlisted vernacular building or historic building of local importance to other appropriate uses, where this would secure their upkeep and retention, while ensuring no harm or loss to the significance of the heritage asset.

Proposals for conversion will normally be required to meet all the following criteria:

- a) The building is of permanent construction, structurally sound and capable of conversion;
- b) The scheme of conversion will not have an adverse effect on the character or appearance of the locality and maintains or enhances the form, character and architectural features, design, materials and setting of the existing building. This will involve retention of existing door and window openings and minimising the number of new openings. Details such as door and window design, external surfaces, rainwater goods and means of enclosure should be of a traditional or sympathetic design and materials;
- c) The new use would not cause unacceptable adverse effects on the amenities of nearby residents or other land uses;
- d) Any new extensions are modest in size relative to the existing building, is visually subservient to it, does not harm the character or appearance of that building and uses sympathetic high-quality design, details and materials; and
- e) Access and other necessary services are provided without adverse impact on the character of the locality

Exceptionally, consideration may be given to the sympathetic conversion of a traditional non-residential building to provide more than one dwelling where the building is of sufficient size; the scheme of conversion involves minimal intervention; and the overall scale of the proposal and intensity of use is considered appropriate to the locality.

#### **Green Belt Policy Area**

Within the Green Belt, Planning permission will be granted for proposals seeking the conversion / re-use of other rural buildings, subject to the above criteria. In particular, criteria d (scale of new extensions) will be strictly applied.

#### **Justification and Amplification**

23.49 Changing patterns of life mean that some traditional vernacular or historic locally important buildings are no longer needed for their original use. These heritage assets can include former mill complexes, school houses, churches, former dwellings and traditional barns or outbuildings. Their vacancy puts them at risk of eventual dereliction. Such buildings represent a valuable historic resource which contributes to local distinctiveness and sense of place. Their appropriate re-use would contribute to sustainable development and may encourage the social and economic regeneration of particular areas.

**23.50 Retain the existing paragraph and insert at the end:**

‘A sense of loss - The survival of rural traditional buildings in Northern Ireland,’ Chapter 2, provides a definition and complete list of the characteristics of rural vernacular dwellings.

Insert new paragraph: A Historic Building of Local Importance is ‘..a building, structure or feature, whilst not statutory listed, has been identified by the council as an important part of their heritage, due to its local architectural or historic significance.’ (SPPS 6.24). Such buildings can include more formally designed, churches, schools, community halls, etc.<sup>8</sup> As stated in paragraph 3.11, the Council has decided not to undertake a ‘local list’ at this time, of notable unlisted vernacular buildings or other historic buildings of local importance. Nevertheless, the Council will provide protection for these heritage assets through this Local Development Plan policy, enabling assessment of the asset on a case-by-case basis as it arises through a planning application

23.51 The Council will encourage the re-use of such non-designated heritage assets by sympathetic renovation or conversion for a range of appropriate uses. This may include proposals for tourism or recreation use, small-scale employment uses or new rural enterprises. All development proposals for the conversion of a vernacular building or historic building of local importance should involve a minimum of work and should maintain or enhance the existing character of the building and its setting. Any such proposed uses should also comply with the requirements of their relevant subject policies in this LDP, particularly TOU 4, AGR 3, HOU 20 & HOU 21.

**Retain existing paragraph 23.52 and add a new paragraph after:** Reports to demonstrate that the building is structurally sound and capable of conversion must be submitted by suitably experienced conservation engineers, architects, building surveyors, etc. Where structural issues have been identified, such reports should provide sympathetic alternative options for stabilisation of the existing structure, to facilitate its retention and reuse.

New paragraph after the above: In some instances, there will be archaeological interests with regard to a historic structure proposed for conversion and re-use and in these instances the relevant Historic Environment policies will apply.

23.53 For proposals related to residential use, this policy should be read in conjunction to LDP Policy HOU 21: The Conversion and Re-use of other Rural Buildings. Great care will be necessary in assessing proposals for conversion to residential use as this can be particularly detrimental to the fabric and character of certain buildings. In the countryside, and particularly in Green Belts and Areas of High Landscape Importance (AHLIs), the Council will normally only consider a relaxation of its normal planning policies for residential development, where:

- residential use is compatible with the conservation of a vernacular or historic building of local importance which comprises an important element of the landscape;
- the conversion scheme involves minimal alteration or extension; and
- the overall scale of the proposal and intensity of use is appropriate to the locality and would not prejudice the objectives behind Green Belt and AHLI designation.

### **Revised Wording of HE 9 Enabling Development**

#### **HE 9 Enabling Development**

The Council will only permit proposals involving enabling development relating to the re-use, restoration or refurbishment of significant historic places where it is demonstrated by the applicant in a submitted Statement of Justification to accompany an application for Planning Permission, that all of the following criteria are met:

<sup>8</sup> Refer to HED publication ‘Historic Buildings of Local Importance – A Guide to their identification and protection, Chapter 3)

a. the significant historic place to be subsidised by the proposed enabling development will bring significant long-term benefits according to its scale and location;

b. the conservation of the significant historic place would otherwise be either operationally or financially unviable;

c. the impact of the enabling development is precisely defined at the outset;

d. the scale of the proposed enabling development does not exceed what is necessary to support the conservation of the significant historic place. The setting and any potential visual impact of the proposed enabling development will be important considerations;

e. sufficient subsidy is not available from any other source; and

f. the public benefit decisively outweighs the dis-benefits of setting aside other Planning policy.

g. it will not materially harm the heritage interests of the significant historic place or its setting;

h. it avoids detrimental fragmentation of the management of the significant historic place;

i. it will secure the long term future of the significant historic place and, where applicable, through sympathetic schemes for their appropriate re-use; and

j. it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than circumstances of the present owner, or the purchase price paid.

In considering enabling development proposals, developers are encouraged to enter into pre-application discussions with the Council. The public benefit to be derived from the principal proposal will be secured either by conditional grant of Planning Permission or conditional grant accompanied by a Planning Agreement.

### **Justification and Amplification**

**New 23.56:** 'Enabling development' is a development proposal that is contrary to established planning policy and in its own right would not be permitted. Such a proposal may however be allowed where it will secure a proposal for the long-term future of a significant historic place. For the purposes of this policy, a significant historic place means any part of the historic environment that has heritage value including scheduled monuments, archaeological remains, historic buildings (both statutorily listed or of more local significance) together with any historically related contents, industrial heritage, conservation areas or a historic park, garden or demesne.

**Current 23.56:** On the 2<sup>nd</sup>/3<sup>rd</sup> line, omit the term '...scheme of significant regional or sub-regional benefit...'

**Para 23.57 Amend alternative text to 1<sup>st</sup> sentence:** Enabling development will often be located close to the significant historic place.

**Para 23.58 Amend to the following corrections / additional text:**

To fully address the requirement to provide a Statement of Justification as required by Policy HE 9, the Council will expect the developer to:

1st bullet point - Omit the word 'built', to read as 'heritage asset'.

2<sup>nd</sup> bullet point – Insert second word 'historic' to read as 'significant historic places'

5th bullet point - provide the Council with clear, comprehensive proposals, including sufficient, detailed financial information supported by further relevant and adequate information on the likely impact of the proposal;

**Insert new para under bullet points:** The information provided on the enabling development component should be sufficiently detailed to allow the Council to validate the need for, and assess the scale of the enabling development; and consider the impact on private concerns where this coincides with the public interest.

**Insert new para:** The information supplied by the developer should cover all the financial aspects of the proposed enabling development, in a sufficient degree of detail to enable scrutiny and validation by the Council. This applies both to the assessment of need and the assessment of the scale of the enabling development necessary to meet that need. The onus is on the developer to demonstrate that sufficient funds are not available from any other source, such as grant aid.

**Insert new para:** 'Assessing Enabling Development' (published by Central Government – DOE, April 2014) is the relevant Best Practice Guidance to Enabling Development, and will be applied by the Council when determining enabling development applications, related to significant historic places.'

**Delete Para 23.61** This para was out of place at this location in the chapter; it is now covered in the amended Para 23.10.

**Annex 6:**  
**Revised Wording of Renewable Energy Policies, splitting up Policy RED 1**

Proposed re-ordering of Policy RED 1 (blue-highlighted text to move to J&A)

**RED 1 All Renewable and Low Carbon Energy Development – General Criteria**

This policy applies to all renewable and low carbon energy development proposals.

[In the first instance,] proposals for renewable energy must accord with [the Chapter 21 designations / species / habitats, as well as] NE 1 and the relevant LDP landscape designations and their policies (Refer also to Chapter 6 Spatial Strategy and Chapter 21 Natural Environment):

- Wind Energy Capacity Area (WECA)
- Special Countryside Area (SCA)
- Area of High Landscape Importance (AHLI)
- Area of Outstanding Natural Beauty (AONB)

[Subsequent to meeting the above,] 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:

- a) public safety, human health, or residential amenity;
- b) visual amenity, landscape character and designated / protected areas;
- c) biodiversity, natural and / or historic assets;
- d) local natural resources, such as air quality or water quality or quantity;
- e) public access to the countryside; or
- f) flood risk;

Proposals will be expected to be located at, or as close as possible to, the source of the resource needed for that particular technology (the proximity principle), [unless, ~~in the case of a combined heat and power scheme or a biomass heating scheme,~~ it can be demonstrated that the benefits of the scheme siting outweigh the need for transportation e.g. where it is close to the identified ~~and an~~ end-user ~~is identified.~~]

[unless, in the case of a combined heat and power scheme or a biomass heating scheme, it can be demonstrated that the benefits of the scheme outweigh the need for transportation and an end-user is identified.]

Where any project is likely to result in unavoidable damage to the site/ area during its installation, operation or decommissioning, the application will need to indicate how this will be minimised and mitigated, including details of any proposed compensatory measures, such as a habitat management plan or the creation of a new habitat. This matter will need to be agreed before planning permission is granted.

Sufficient detail shall be provided, i.e. adequate to allow assessment of the overall impact, of all consequent electricity infrastructure (power lines, sub-stations, cabinets, batteries, etc.) required to service the development. This shall be provided at the outset of the submission of any planning application for renewable and low carbon energy development so that the overall impact of the project can be fully comprehensively assessed. Refer also to Policy UT 1, which seeks to protect the District's landscape, both urban and rural, from the potential of visual intrusion associated with electricity infrastructure.



The wider environmental, economic and social benefits of all proposals for renewable energy and low carbon projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted.

The potential for significant adverse impacts from renewable and low carbon energy development proposals on designated sites across the District, including Special Countryside Areas (SCA), Areas of High Landscape Importance (AHLIs) and Areas of Outstanding Natural Beauty (AONB) will be an important consideration. The impact of proposals on designated natural and historic environment assets will also be important. **Move to J&A by rewording paragraph 24.17)**

Any renewable or low carbon energy development on active peatland<sup>52</sup> will not be permitted unless there are imperative reasons of overriding public interest<sup>53</sup>.

All proposals involving the production of renewable and low carbon energy (including repowering of existing wind farm development) must have regard to the 'LDP's Landscape & Seascape Character Area Review' and 'Wind Energy Development in Northern Ireland's Landscapes' and have regard to the publication 'Best Practice Guidance to Planning Policy Statement 18 Renewable Energy' and **SPG to PPS 18 Renewable Energy - Anaerobic Digestion, as far as relevant to the proposal, and other relevant SPG documents as may be provided or updated.** ~~as Supplementary Planning Guidance (SPG).~~ **Renewable energy development proposals require particular scrutiny through Environmental Impact Assessment (EIA) and Habitats Regulations Assessment where applicable.**

Depending on the specific type / technology being considered, a maximum time limit will normally be conditioned for its removal / site restoration. In relation to all such developments particularly wind farms and solar farms, applicants will be required to provide details on future decommissioning, including proposals for site restoration. In such cases, planning conditions (or a legal agreement, where appropriate) should be used and the arrangements for financial restoration bonds or other financial provision will be made, before planning permission is granted.

## **RED 2 Wind Energy Development**

Proposals for wind energy development, including proposals for repowering of existing developments, will ~~also~~ **(in addition to Policy RED 1)** be required to meet all of the following criteria:

- i. the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;
- ii. the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications;
- iii. it is demonstrated that development will not create a significant risk of landslide or bog burst; nor will it exacerbate any existing surface water flooding;
- iv. no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems;
- v. no part of the development will have an unacceptable impact on roads, rail or aviation safety.
- vi. turbines proximate to any public road, public right of way or railway line are set back a minimum distance of the fall-over distance **[Footnote 54]** plus 10% from the edge of same.
- vii. turbines proximate to any occupied or occupiable **(insert footnote: ""buildings which, with relatively little intervention, could be readily occupied"")** buildings are set back a minimum distance of the fall-over distance plus 10% from the curtilage of same;
- viii. the development will not cause significant harm to the safety or amenity of any sensitive receptors<sup>55</sup> (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light;

- ix. above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location. A time limit condition of 30 years will normally be attached and
- x. the development will not harm groundwater flow paths or aquifers.

For wind farms and single wind turbines, a separation distance of 10 times rotor diameter to ~~occupied~~ occupiable property will generally apply. For wind farms, the separation distance should be a minimum of 500m. Where the Council considers it necessary, a noise assessment report, and/or a landscape and visual impact assessment (including photomontages to aid assessment of visual impact) will be submitted upon request and prepared in accordance with best practice methodology.

- xi. the development will not harm groundwater flow paths or aquifers.

Within designated Wind Energy Capacity Areas (WECAs), any further wind energy development proposals, including re-powering, will need to be very carefully considered so that they do not unacceptably intensify existing adverse landscape impacts in these areas.

### **RED 3 Solar Farms**

Proposals for solar farms will also (in addition to Policy RED 1) be required to meet all of the following specific criteria:

- i. there shall not be unacceptably adverse impacts of glint and glare, for public safety especially of drivers and for visual amenity;
- ii. there shall not be unacceptably adverse visual impacts or undue prominence within the landscape;
- iii. it is demonstrated that the associated means of enclosure and other ancillary structures and/or works integrate sufficiently;
- iv. there shall not be unacceptable loss of High Nature Value (HNV) land or Best and Most Versatile agricultural land (BMV);
- v. above-ground redundant plant, buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location. A time limit condition of 30 years will normally be attached.

The 'LDP Landscape Character Area Review' will be taken into account in assessing all solar farm energy proposals, as Supplementary Planning Guidance (SPG).

### **RED 4 Anaerobic Digesters (AD)**

Proposals for anaerobic digesters will also (in addition to Policy RED 1) be required to meet all of the following specific criteria:

- i. feedstock for the AD must be specified, including any waste products. Full 'waste codes' must be specified and agreed;
- ii. details of the source of all feedstock and transportation requirements and routes (in line with the proximity principle) must be provided
- iii. details of appropriate arrangements must be provided for the storage, transport and end use of all digestate / waste outputs of the AD process, taking account of the 'proximity principle', likely transportation requirements, safety, amenity, environmental and visual impact;
- iv. appropriate provision for the pollution / spillage potential, bunding and other mitigation measures must be specified;
- v. public safety considerations must be adequately addressed;
- vi. relationship to other licensing regimes must be taken into account;
- vii. acceptable arrangements for access, turning and parking arrangements for vehicles, on and accessing the site must be demonstrated;
- viii. it will not result in damaging impacts on human health, as well as sensitive habitats, wider biodiversity and ecosystem resilience, through increased ammonia emissions;
- ix. any ancillary structures or buildings shall have no ~~significant-unacceptable~~ adverse impact on:'

- a) public safety, human health, or residential amenity;
- b) visual amenity, landscape character and designated / protected areas;
- c) biodiversity, nature conservation or heritage assets;
- d) local natural resources, such as air quality or water quality or quantity;
- e) public access to the countryside; or
- f) flood risk.

Waste products are often used in or result from AD operations. Therefore, all such proposals shall also be assessed against Policy WP 1 in the Waste Planning Chapter.

#### **RED 5 Hydro-electric Schemes**

Hydro-electric Schemes will also ~~also~~ (in addition to Policy RED 1) be required to demonstrate all of the following specific criteria:

- i. the potential loss of water flow due to extraction / diversion, especially during various times of the year is adequately addressed;
- ii. there is no ~~significant-unacceptable~~ adverse impact on fish, water birds and other water dependent Wildlife; and
- iii. there is no ~~significant-unacceptable~~ adverse impact on water quality as a result of the development.
- iv. any structures shall have no unacceptable ~~adverse~~ impact on visual amenity or landscape character.'

<sup>52</sup>An 'active' bog as one that supports a significant area of vegetation, which is normally forming peat. A few groups of plants – especially Sphagnum bog mosses and cotton grasses dominate this vegetation. Sphagnum effectively sterilises the bog, preventing organic matter deposited there from decaying. Such areas deliver ecosystem services such as carbon storage & sequestration and water supply. 'Active' bogs include those that suffered temporary setbacks such as fire damage or drought, and areas which have been damaged but which are now showing significant signs of recovery, such as eroded bogs in which the gullies are re-vegetating

<sup>54</sup> Fall over distance is hub height + ~~turbine blades plus the length of one blade.~~