



Derry City & Strabane
District Council
Comhairle
Chathair Dhoire &
Cheantar an tSratha Báin
Derry Cittie & Strábane
Deistrick 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)

CONSOLIDATED VERSION

(including the Part 1 & Part 2 & the offered Changes at IE)

to PAC-LDP IE 3rd October 2023

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 2nd December 2019 and ended on 27th 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 27th 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 11th September to 6th 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 27th November 2020 and 22nd 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 **9th December 2021 and running to the 3rd 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 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

2.5 **The deadline for comments is 3rd 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 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 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 3rd 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>KEY: (NOTE THAT THE FOLLOWING COLOUR-CODED CATEGORISATION OF THE PROPOSED & FURTHER CHANGES IS FOR READER ASSISTANCE ONLY; IT IS NOT DEFINITIVE)</p> <p>Yellow-highlighted = Changes considered by the Council to have a <u>substantive</u> effect on a policy/proposal.</p> <p>Blue-highlighted = Changes considered to be <u>minor</u> e.g. spelling errors, layout changes, text re-organisation, lesser changes to Introductory or Justification & Amplification (J&A) text</p> <p>Green-highlighted = Changes considered to be <u>intermediate</u> i.e. they are useful changes that clarify policies or provide significant J&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 struck through. 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> | | | | | |
| General Amendments | | | | | |
| FC 01 | 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 |

| 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) |
| PART A - Contextual Chapters | | | | | |
| 1. Introduction to the LDP Plan Strategy (PS) | | | | | |
| PC 01 | 1-15 | All Pages | The dPS Consultation Stage wording should be updated, as it will be out of date, post-Adoption. | Replace with wording for Adopted LDP Plan Strategy. | n/a |
| PC 02 | 2 | Whole Page | Foreword for 2019-20 | Revise Foreword for Adopted LDP Plan Strategy, expected in 2023. | n/a |
| PC 03 | 9, and generally | Para 1.7 | For clarification and consistency on which plan is referred to. | Change 2 nd word from 'plan' to 'LDP' There are a number of similar occurrences throughout the document which would be better changed, for clarity. | n/a |
| 2. Survey & Profile of the Derry City and Strabane District | | | | | |
| PC 04 | 24 | Para 2.28 | Correct reference to Ramsar. This is a location not an acronym. | Correct reference to Ramsar (not RAMSAR). Rest of dPS is correct. Also amend any references in the supporting documents, if/when updated, especially the 4 references in EVB 21. | 82 RSPB |
| 3. Policy Context for the LDP | | | | | |
| FC 02 | 37 | Para 3.11 | To update tense and clarify the HRA status at PS Adoption stage. | Amend the final sentence of Para 3.11 as follows: A draft Habitats Regulations Assessment (HRA) was published for consultation with the Draft Plan Strategy, and subsequently finalised alongside this LDP Plan Strategy. | n/a |

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| PC 05 | 37 | Para 3.12 | To be consistent with SPPS and 8 (5) of the 2011 Planning Act | On the 8 th line, change 'be in general conformity with' to 'take account of' | 106A Dfl Strategic Planning |
| FC 03 | 38 | Para 3.18 | To clarify the legal position of PPS's – as per SPPS 1.9 – 1.11., and the status of its Supplementary Planning Guidance (SPG) post-Adoption of the PS | Re-word para 3.18 as follows: As per the SPPS, the existing suite of PPSs ceased to have effect in this District when the Council adopted the Plan Strategy for the whole of the District. A transitional period had operated until our LDP Plan Strategy was adopted. Any relevant supplementary and best practice guidance had also continued to apply during this time. Please refer to Chapter 38 of this LDP Plan Strategy, whereby much of this guidance is adopted by the LDP, until the documents are reviewed and/or replaced. | n/a |
| FC 04 | 39 | Para 3.19 | To clarify the legal position of the Planning Strategy for Rural NI – as per SPPS 1.9 – 1.11., post-Adoption of the PS | In para 3.19, replace the word 'cancelled' with 'ceased to have effect'. | n/a |
| FC 05 | 39 | Para 3.22 | Possible Adoption of Marine Plan for NI. | Should the NI Marine Plan be adopted, amend the 'Draft' Plan text, etc. in the title, 1 st and last lines of para 3.22. | n/a |

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|---|--------------------------|--------------------------------------|--|--|------------------------|
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| FC 06 | 40 | Para 3.23 | Update reference to relevant documents | Include the 2019 Waste Management Plan NI and updated document dates for Lifetime Opportunities 2015 Update and Thinking Rural (2015). | n/a |
| PC 06 | 42 | Para 3.29 | Update reference to relevant documents | Include the Council's Climate Adaptation Strategy and the NW Regional Energy Strategy. | n/a |
| PART B - Overall Strategy | | | | | |
| 4. LDP Vision and Objectives | | | | | |
| FC 07 | 44 | 4.1 | Clarify that the Council's Vision is in the LDP, rather than the SGP per se. | For accuracy, move the second word of para 4.1, 'Council's' to the 3 rd line, to read 'The Council's LDP...' | |
| PC 07 | 47 | Para c (iv) | In relation to Social Development Objective (c) (iv), it should include all Section 75 groups. | After 'equality of opportunity, add 'for all, including Section 75 groups' | 72 Zero Waste NW |
| PC 08 | 47 | Para d (i); | Add references that tree planting should be in the correct locations. (and type.) | Amend wording to Objective d (i) line 4, to '...more tree cover (in the correct locations ...' | 82 RSPB |
| Potential FC | 47 | Para d (i); | | OR DEPENDING ON IE QUESTION V/O 2, CHANGE TO: (in the correct locations and of an appropriate type) | |

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| 07A | (and p. 92) | (and Para 7.61) | | RELATED CHANGES elsewhere Also add a sentence at end of para 7.61, that 'It is also important to have a strategic approach to woodland expansion, one that is well integrated with the landscape features, peatland restoration, proximity to dwellings, rural communities and other land use planning considerations.' | |
| 5. Growth Strategy for the Derry City and Strabane District | | | | | |
| PC 09 | 52 | Table 6 | To clarify the Table heading, as per the preceding text, to avoid | Change the heading of table to 'Table 6: Overall Growth Strategy for District, as Proposed at following LDP POP Stage' | 106A DfI Strategic Planning |
| FC 08 | 52 | Para 5.7 | Misunderstanding. To clarify that the dPS figures are simply a refinement and update from those used at the POP stage. | In response to IE Question 1 of Topic 4, the above-highlighted Further Changes are suggested. The preceding introductory paragraph would also be amended as follows: '5.7 In the POP, three 'Growth Strategy' Options were identified regarding the scale of target growth for the Council's District to 2032. That Growth Strategy focused on three key aspects, namely population, jobs and houses; those options similar options (updated for dPS stage) are summarised in the table below and explained in the following text:' | |

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|---|--------------------------|---|---|--|-----------------|
| PC 10 | 54 | Para 5.15 | To reflect the intention of RG5 of the RDS in the Council's LDP Growth Strategy | At the end of bullet point 3, insert sentence 'Additionally, to have a sustainable and secure energy infrastructure to meet the needs of the District and Region' | 43 NIE Networks |
| 6. Spatial Strategy for the Derry City and Strabane District | | | | | |
| FC 09 | 63 88 | Para 6.14 Para 7.50, measure iii | To clarify that the idea of a 'resilient form of settlement' is to be considered rather than a 'new settlement' per se, and probably in the medium - longer term. | Amend the 2 nd & 3 rd sentences of para 6.14 to read as follows: 'The Council will explore opportunities to demonstrate / test climate-change / adaptation processes but any new form of settlement would be of modest scale and most-probably based upon an existing cluster or settlement – if / when it is developed over the life of this LDP or possibly after 2032 . Any such development would respect and enhance sustainable development patterns within existing settlements, be an 'exceptional case' , considered on its individual merits and it would need to fit in the appropriate tier within the LDP's settlement hierarchy.' RELATED CHANGES elsewhere Amend para 7.50 measure iii as follows: 'iii considering the feasibility of a pilot ' form of resilient settlement ' project at LPP stage to promote sustainable, climate-resilient settlement form ; and' | n/a |

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|---|--------------------------|--------------------------------------|---|---|-----------------|
| | 90 | Paras 7.53 & 7.57 | | Amend para 7.53, 3 rd line to ...‘resilient form of settlement’... Amend para 7.57, 3 rd sentence to: This ‘resilient form of development’, subject to the feasibility study, would be an exceptional case and would need to fit in the appropriate tier normally be expected to lie within an existing settlement and respect and enhance sustainable development patterns , within the LDP’s settlement hierarchy. Refer also to Chapter 6 of the LDP Spatial Strategy, Para 6.14 | |
| PC 11 | 64 | Para 6.18 | Amend LLPA text, to be consistent with SPPS wording. | Amend the first two sentences, inserting the underlined text, as follows: ‘Local Landscape Policy Areas (LLPAs) will be identified and defined at LPP Stage. <u>These consist of known features and areas of greatest amenity value, landscape quality or local significance, in terms of natural and historic environment, within or close to settlements. <u>New LLPAS identified at LPP stage will replace...</u></u> ’ | 79 HED |
| FC 10 | 64 | Para 6.18 | To clarify and add the correct content and policy reference for ATC’s / AVC’s | Amend the second last sentence, as follows: Areas of Townscape / Village Character (ATCs / AVCs) may also be defined, to protect areas of quality built-form and layout, as well as natural features (see Policy NE-8 HE 6). | n/a |

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|---|--------------------------|--------------------------------------|---|---|-----------------|
| FC 10A | 65 | Designation AHLI 1 | Add a word, that was implicit, so that this AHLI wording is same as Policy NE 7, for clarity. | Insert the word 'adversely' at the start of the 4 th line, to read: The LDP PS also designates Areas of High Landscape Importance (AHLIs). AHLIs will cover key coastal, river valley and settlement settings in our District (See PS Proposals Map 2). Proposals that would adversely affect or adversely change either the quality or character of the landscape within the AHLIs will not normally be permitted (see Policy NE 7). | n/a |
| PC 12 | 65 | Para 6.22 | Missing word | At end of 5 th line, insert the word 'and' | n/a |
| PC 13 | 67 | Para 6.30 | To clarify that this paragraph refers to all three types of Strategic Development Pressure Policy Areas; it is not just as part of the J&A for WECAs. | Move the text of Para 6.30 up to the end of Para 6.23 and insert at its end '... (see Para 39.6: Interim Measures).' | n/a |
| FC 11 | 72 | Para 6.46 | Change a few words to clarify / correct. | Amend the first sentence of para 6.46, as follows: Like Derry City , it is expected that the supply of housing and growth in Strabane Town during the plan LDP period will be substantially... | n/a |

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|---|--------------------------|--------------------------------------|---|---|--------------------------------------|
| 7. General Development Principles & Policies | | | | | |
| PC 14 | 73 | After Para 7.4 | Insert paragraph to clarify the role of the LDP and other policy documents in Development Management. To reference that all development should be in accordance with the UK MPS and Marine Plan for NI. | 'In accordance with Part 2, Section 6(4) of the 2011 Planning Act, this LDP will be the prime document to be used in deciding on Planning applications for this District, unless material considerations indicate otherwise. All development proposals will be assessed against the relevant policies in this LDP, which need to be read together 'in the round', including the relevant General Development Principles, Policies GDPOL 1 & 2 and the relevant topic or location-specific policies. Other material considerations to be taken into account include the Regional Development Strategy (RDS 2035), the SPPS and the UK Marine PS and Marine Plan for NI, where relevant.' | 78A DAERA (Natural Environment, NED) |
| FC 12 | 74 - 87 | GDP 1 -8 | Altered presentation of GDPs, to distinguish these 'Principles' from 'Policies'. | Change GDP 'principles' boxes to single textboxes, light blue with black text. Change ' Justification & Amplification ' titles to 'Rationale' to demonstrate a difference from 'policy' boxes. See also the related Changes PC 14, PC 25, PC 26 and FC 17. | n/a |
| PC 15 | 74 (and p 93) | GDP 1 (GDPOL 1) | To ensure that the marine / coastal area is explicitly referenced in GDP 1 (and in in the related GDPOL 1), and that it is not just the | Amend Part iv of GDP 1, 2 nd line to read ' <i>... net gain, protect the District's Natural, Coastal and Historic Environments and particularly their associated designations and protect...</i> ' RELATED CHANGES elsewhere Also insert corresponding reference into part vii of GDPOL 1 to | 78A DAERA (NED - Marine) |

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| | | | designations that are protected, in principle. | reference Coastal Development Chapter. ‘...as set out in the Natural Environment and Coastal Development Chapters’. | |
| PC 16 | 74 | GDP 1 | To be consistent in wording with the other GDPs (all others are ‘should’), and to reflect that these are ‘principles’ rather than ‘policies’. | On the 3 rd line, change the word ‘must’ to ‘should’ | n/a 78A DAERA (NED) 82 RSPB |
| PC 17 | 74 | GDP 1 | Include a requested reference to public transport | In part iii, 3 rd line, amend to ‘...including <u>public transport</u> , active travel and...’ | 106B Dfi TPMU |
| PC 18 | 74 | GDP 1 | Remove the word ‘significant’ so it does not lower the threshold for biodiversity protection and replicates SSPS / biodiversity strategies. | In part iv, line 1, amend by removing the word ‘significant’ | 82 RSPB |
| PC 19 | 74 | GDP 1 | To reference ‘working with nature’ and ‘biodiversity net gain’ | Amend part iv of GDP 1 to read ‘development to <u>work with natural environmental processes</u> to prevent the loss of biodiversity...’ | 82 RSPB |

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| | | | into GDP1, 2 and 6, as well as being in GDP7. | RELATED CHANGES elsewhere Amend part x of GDP2 to add the phrase ' <u>incorporating biodiversity net gain</u> ' after the text in brackets. In GDP 6 alter the final paragraph, 1 st line, to read 'Development proposals are required to <u>incorporate biodiversity net gain and to be sensitive to all protected species...</u> ' | |
| FC 13 | 75 | Para. 7.10 | Clarify that this is a re-stating of the SPPS Para 3.8 position rather than a new LDP policy. | Amend the first sentence of para 7.10, as follows: <i>In accordance with the SPPS (para 3.8), sustainable development will be permitted unless the proposed development will cause demonstrable harm to interests of acknowledged importance. This will mean that development that accords with the an up-to-date LDP should be approved...</i> | n/a |
| PC 20 | 76 | GDP 2 | Reword text, as requested in Rep. | Reword part iv, as: 'facilitating sustainable travel by improving active travel infrastructure and public transport options in preference to the private car.' | 106B DfI TPMU |
| FC 14 | 77 | GDP 2 | Add text to include in the Principles, the 'tree-planting' aspect that is proposed in Objective d(i) and p. 89-93 | Amend the start of part x, to the following: x working with natural environmental processes through promoting green infrastructure, <i>including enhanced tree-planting</i> , the use of ... | n/a |

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| PC 19 – see above | 77 | GDP 2 | To reference ‘working with nature’ and ‘biodiversity net gain’ into GDP1, 2 and 6, as well as being in GDP7. | Amend part iv of GDP 1 to read ‘development to <u>work with natural environmental processes</u> to prevent the loss of biodiversity...’ <u>Amend part x of GDP2</u> to add the phrase ‘ <u>incorporating biodiversity net gain</u> ’ after the text in brackets on the second line. In GDP 6 alter the final paragraph, 1 st line, to read ‘Development proposals are required to <u>incorporate biodiversity net gain and to be sensitive to all protected species...</u> ’ | 82 RSPB |
| FC 15 | 77 | Para 7.16 | Update the reference to the now-published document (see para 3.29) | Amend the final sentence, as follows: The Council is currently developing has prepared a Climate Change Adaptation Plan and this may... | |
| PC 19 – see above | 85 | GDP 6 | To reference ‘working with nature’ and ‘biodiversity net gain’ into GDP1, 2 and 6, as well as being in GDP7. | Amend part iv of GDP 1 to read ‘development to <u>work with natural environmental processes</u> to prevent the loss of biodiversity...’ Amend part x of GDP2 to add the phrase ‘ <u>incorporating biodiversity net gain</u> ’ after the text in brackets. <u>In GDP 6</u> , alter the final paragraph, 1 st line, to read ‘Development proposals are required to <u>incorporate biodiversity net gain and to be sensitive to all protected species...</u> ’ | 82 RSPB |
| FC 16 | 85-86 | Para 7.44 | Remove most of the paragraph text, which is a direct repetition of | Amend para 7.44 to the following: 7.44 The SPPS sets out strong regional policies for developments in relation to the protection of the natural environment. Development | n/a |

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| | | | the SPPS para 6.192, as it is an un-necessary duplication and appears as an LDP 'policy' rather than those in GDPOL 1 and Chapter 21, causing confusion. | proposals will be assessed against the detailed planning policy contained in Chapter 21: Natural Environment. | |
| PC 21 | 86 | Para 7.44 | Alternative word, to be consistent terminology with PPS 2 and dPS Policy NE3. | Amend the 7 th bullet point of Para 7.44 to ' <u>rare or threatened native species</u> '. This Proposed Change is now superseded by FC 16 above, which removes all of the previously amended text. | 82 RSPB |
| PC 22 | 86 | GDP 7 | Include the term HNV, as a more modern and relevant concept to protect. | Amend part ii to: 'avoidance of loss of High Nature Value (HNV) areas, as well as of Best and Most Versatile (BMV) agricultural land.' | 82 RSPB |
| PC 179 (Re-located). Was previously inserted in relation to NE 2 below, as it | 87 | Para 7.47 | To strengthen the LDP commitment in NE 2 to avoid impacts on protected species and their habitats. | Amend (as underlined) last sentence of para 7.47 p 87 to read as follows: <u>...are identified to enable effects to be considered, avoided or mitigated, using the 'mitigation hierarchy'. 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</u> | The following are all PARC Reps: 25A-L, 111 82 RSPB |

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| followed on from PC 177) | | | | <u>seek to avoid impacts as a first principle.</u> | |
| PC 23 | 87 | Para 7.47 | Insert cross-reference, related to Chapter 21 Proposed Change. | Amend the end of the paragraph to ‘...or mitigated, using the mitigation hierarchy (see Chapter 21).’ This Proposed Change was superseded by PC 179 above, which added further additional wording to this paragraph. | 82 RSPB |
| FC 09 – as above | 88 | Para 7.50, measure iii | Clarify ‘resilient form of settlement’ | See FC 09 above Amend para 7.50 measure iii as follows: ‘iii considering the feasibility of a pilot ‘form of resilient settlement’ project at LPP stage to promote sustainable, climate-resilient settlement form; and’ | n/a |
| PC 24 | 88 | Para 7.50, measure iv | Alternative wording, for clarification. | Amend the end of part iv to ‘(outside of <u>in addition to normal</u> landscaping requirements)’ | n/a |
| PC 25 | 89 | 7.51 | To provide explicit clarification about the implementation and applicability of the General Development Principles. | Add additional wording at the end of Para 7.51: For larger-scale development proposals, applicants will be required to submit a proportionate level of information to demonstrate compliance with the principles, and hence that it is an acceptable development proposal subject to their relevance to a given proposal. (The Council will provide implementation guidance for applicants / developers.) | 106B Dfi TPMU 3G Enagh YF |

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| FC 17 | 89 | New Paragraph after Para 7.51 | To further clarify the distinction between the GDPs and subsequent 'policies'. See also the related Changes PC 14, FC 12, PC 25 and PC 26. | Insert New Paragraph after para.7.51 explaining: <i>'For the avoidance of doubt, please note that the General Development Principles GDP 1 to GDP 8 are not formal planning policies against which development will be judged but they are the principles that underpin the policies in subsequent sections.'</i> | n/a |
| FC 09 – as above | 90 | Paras 7.53 & 7.57 | Clarify 'resilient form of settlement' | See FC 09 above Amend para 7.53, 3 rd line to ...'resilient form of settlement'... Amend para 7.57, 3 rd sentence to: This 'resilient form of development', subject to the feasibility study, would be an exceptional case and would need to fit in the appropriate tier normally be expected to lie within an existing settlement and respect and enhance sustainable development patterns, within the LDP's settlement hierarchy. Refer also to Chapter 6 of the LDP Spatial Strategy, Para 6.14 | n/a |
| PC 08 – as above | 92 | Para 7.61 | Add references that tree planting should be in the correct locations. | Amend wording to Objective d (i) line 4, to '...more tree cover (in the correct locations ...' RELATED CHANGES elsewhere Also add a sentence at end of para 7.61, that 'It is also important to have a strategic approach to woodland expansion, one that is well | 82 RSPB |

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| | | | | integrated with the landscape features, peatland restoration, proximity to dwellings, rural communities and other land use planning considerations.' | |
| PC 26 | 93 | 7.70 | To provide explicit clarification about the implementation and applicability of the General Development Principles and the Policies. | Amend the 4 th line to '... Therefore, in order to expressly implement the key aspects of the General Development Principles, Policies GDPOL 1 and GDPOL 2 will apply to all Planning applications. These policies should be taken as the essential criteria that must be met by all development proposals, subject to their relevance to a given proposal. All applicants will be required to submit a proportionate level of information to demonstrate compliance, and hence that it is an acceptable development proposal. (The Council will provide implementation guidance for applicants / developers.) | 106B Dfl TPMU n/a |
| PC 27 | 93 | GDPOL 1 | Delete a sentence, as it repeats the requirement stated in lines 2-3 above. | In part iv, delete the final sentence: Where it is not feasible to incorporate renewable energy measures, this must also be demonstrated. | n/a |
| PC 28 | 93 | GDPOL 1 | To clarify why and how much carbon off-setting is sought. | At the end of part v, insert wording: ' <u>... not feasible, aiming for the development to be carbon-neutral or carbon-negative as far as possible;</u> ' | n/a |
| PC 15 – as above | 93 | GDPOL 1 | To ensure that the marine / coastal area | Amend Part iv of GDP 1, 2 nd line to read ' <u>... net gain, protect the District's Natural, Coastal and Historic Environments and particularly</u> | 78A DAERA (NED - |

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| | | | is explicitly referenced in GDP 1 (and in the related GDPOL 1), and that it is not just the designations that are protected, in principle. | <i>their associated designations and protect..."</i> Also insert corresponding reference into part vii of GDPOL 1 to reference Coastal Development Chapter. '...as set out in the Natural Environment and Coastal Development Chapters'. | Marine) |
| PC 29 | 93 | GDPOL 1 | Various Reps requested that there should be a specific requirement for biodiversity net gain, within a policy, as well as in the GD Principles. | Add a new part xi: 'the development does not cause a net loss of biodiversity. Preferably, biodiversity net gain will be incorporated into the development in a manner that is proportionate to the type and scale of development and the presence of existing valuable habitats and species in the area.' | 82(7) RSPB |
| PC 30 | 93 | GDPOL 1 | An explicit mention of health and wellbeing was requested by a number of respondents, in policy. To include a general requirement to avoid risk of major accidents, in addition | Add a new part xii: 'the development does not have a significant adverse impact on human health and wellbeing, and preferably that it enhances it.' Insert a new point xiii of GDPOL 1 to read: 'there will be no significant adverse impact on human health or the environment by increasing the likelihood of a major accident or significantly increasing the consequences of such accidents (see also Chapter 33)'. | 3G Enagh YF All are MKA - 122, 123, 124A, 124B, 124C, 124D and 126 James |

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| | | | to COMAH-specific in Chapter 33. | | Construction; Millwell Properties, PJD Construction Ltd & Porthall Enterprise Ltd |
| PC 31 | 96 | Footnote No. 12 | Complete the footnote, typo. | Insert Published by 'DEFRA, with DOE (NI), etc.' | n/a |
| PC 32 FC 18 | 97 | 7.86 7.87 | To provide an update on named document. As at mid-2023, the CASNI is still at Discussion stage. | Amend line 1-2 of Para 7.86: ' an Air Quality Clean Air Strategy for Northern Ireland (AQCASNI)... It is anticipated that the strategy will be published for consultation in the latter half of 2019-2020. Delete the final sentence of this paragraph, as it is out of date. At the end of Para 7.87, insert new sentence: 'In 2020, Derry City and Strabane District Council adopted an Air Quality motion, by which its Departments will seek to work to phase out fossil fuel heating and stoves in new developments in the District.' | n/a |
| PC 33 | 104 | GDPOL 2 | Amended wording suggested in part iv. | Amend text at the start of part iv to read 'they have transport permeability and provide and / or link to a hierarchy of....' | 80B DFI TPMU |
| PC 34 | 105 | Para 7.125 | Additional text was suggested, as GDPOL 2 | Add a new sentence at the end of Para 7.125 to read: 'For all planning applications for any major* development that contributes towards a | 82 RSPB |

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| | | | was not considered sufficiently ambitious. | sense of place, developers should submit a Design Statement to take account of this broader description of design'. <i>* as per Footnote 2 on p 77</i> | |
| 8. Enforcement of Planning | | | | | |
| No Representations received resulting in Proposed Changes to Enforcement Chapter | | | | | |
| FC 19 | 109 | 8.5 | Priorities for enforcement are already identified in our enforcement strategy to which para 8.4 already refers. | Delete Paragraph 8.5. | n/a |
| PART C- Economy – Strategy, Designations & Policies | | | | | |
| 9. Economic Development | | | | | |
| FC 20 | 112-128 (Chapter 9) and a few other references throughout the dPS | Chapter 9 and a few other references throughout the dPS | To update the terminology, from use of the term 'industrial' to 'economic development' (ED). The definition of ED is that used on p. 1-2 of | Change the word 'industry' or 'industrial' to 'economic development' in numerous locations, except where it refers to an existing 'industrial process' etc, or previous 'Industry' zoning in the existing Area Plans, or the specific B2 & B3 'Industrial' Use Classes, etc. Specifically, change ED 3 (x 2 times), ED 4, in PC 52 on p. 125, ED 6, 9.40, ED 7 (x 3 times), 9.42 & 11.35. | n/a |

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| | | | PPS 4 Planning & Economic Development (2010), which had replaced PPS 4: Industrial Development (1997). | | |
| PC 35 | 112 | 9.1 | Insert missing word, a typo. | In the last line: ... ' <u>and</u> are centres of local commerce.' | n/a |
| PC 36 | 112 | 9.4 | A missing word / typo and a reference to emphasise transport-accessibility. | On the 1 st line, insert the word 'One of <u>the</u> Council's key objectives...' and on the last line add '... accessible to workers across the District, by all modes of transport.' | 106B DfI TPMU |
| PC 37 | 113 | After para 9.6 | A new paragraph to reference the sub-economies and their part in sustainable economic development for all. | Insert a new paragraph after para 9.6: 'There are also a number of sub-sector 'economies', all of which can be accommodated and indeed encouraged, within the ED policies and designations; these include the 'Green Economy', 'Circular Economy', as well as the 'Social Economy'. The requirement for SuDS, for renewable energy and the incorporation of sustainable design principles in all future proposals are some examples of how the dPS includes measures which would encourage the Green Economy. The Circular Economy is largely referenced and addressed within the 'Waste' Chapter 20 – see its footnote for definitions. Similarly, the | 72 Zero Waste – M. McGuigan |

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| | | | | Social Economy is accommodated through a range of aspects, such as considering disadvantage, city/town centre uses policies, locally-based business units and encouragement of social clauses. It is recognised that all of these 'economies' play an important part in achieving sustainable economic growth.' | |
| FC 21 | 114-117 | Tier 1 – Tier 5 Designation boxes | To remove the stated policies summarised in the boxes, because it is not possible or helpful to accurately and comprehensively state all the relevant policies here. | Remove the 'Relevant Planning Policies' from each of the Designation boxes. | n/a |
| PC 38 | 114 | Tier 1 Designation box, for Derry City Centre | For clarification | On the 2 nd line, amend '... as set out in the Retail Chapter 10 ...' On the final line, insert '... roundabout (see p 416 for further details.)' | n/a |
| PC 39 | 114 | Tier 1 Designation box, for Strabane Town Centre | For clarification | On the 2 nd line, insert words '... opportunities for <u>main town centre uses including</u> office accommodation...' | n/a |
| PC 40 | 116 | General Economic Development Areas (GEDAs) | To point to the explanation of LUPAs, which are designations | In the final para of p 116, in line 2 after '(LUPAs)', insert '(see Designation SETT 2)' | 106A DfI Strategic Planning |

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| | | Designation box | / allocations rather than zonings, in villages and small settlements. | | |
| PC 41A | 114 | Para 9.9 | To strengthen the introduction of the ED Land Supply section, to clarify that localised lands will be required, though there is enough ED land generally. | Insert additional sentence at the end of Para 9.9: '... as set out above. It is also important that there should be a range of sites and locations, to be transport-accessible and to meet local needs, including addressing disadvantage / social exclusion (TSN / PSI). Therefore, whilst there is generally an adequate quantity of Economic Development land across the District, some limited localised additional provision may be required, to be identified at LDP Local Policies Plan stage'. | 106A DfI Strategic Planning |
| PC 41B | 116 | GEDA Designation Box | To provide clarification of which policy applies, to clarify that there is a shortage in Strabane town (as stated in the Evidence Base EVB 9) which will justify a GEDA identification, and to mention accessibility of sites. | At the end of the 1 st paragraph, amend wording to '... under the retail policy Chapter 10 policies.' Amend the 1 st sentence of the 2 nd paragraph to 'The Economic Development Land Monitor and evidence base concludes that we have more than sufficient land in terms of quantity, <u>other than in Strabane town</u> . Strategically, it is...' At the end of the 2 nd paragraph, add the words '... taking advantage of key infrastructure, <u>including the main transport routes</u> .' Amend the 1 st sentence of the 3 rd paragraph to 'There is no <u>overall</u> strategic need <u>for additional or to expanded</u> GEDAs through the LDP;...' | n/a 106A DfI Strategic Planning 106B DfI TPMU |

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| PC 41C | 1 17 | NEDA Designation Box | Additional wording to justify designating a New ED Area, when there is enough ED land generally. | In the 1 st column, insert the sub-title 'Relevant Planning Policies', the same as for all the other boxes. This insertion is now superseded by FC 20. At the end of the main paragraph, insert '...section of the city. <u>Strategically, it should be located on the mid-outer area of the Buncrana Road, with its scale and nature and boundary to be decided at the LDP Local Policies Plan stage, taking account of the existing ED land supply in the area and adequate to meet local-specific and accessible-employment requirements.</u> ' Also, strengthen EVB 9 re this NEDA. | 106A Dfi Strategic Planning |
| PC 42 | 117 | ED 1 | To clarify that under Policy ED 1, that ED 2 to ED 7 also apply to any proposal. | In ED 1, line 1 - Insert '... in addition to <u>the relevant</u> policy provisions...' | 106B Dfi TPMU |
| PC 43 | 118 | ED1 | It was not clear what 'a movement pattern' is, so an alternative wording is provided. | Amend the start of part h to read ' <u>the site layout will be designed and landscaped</u> as far as possible, that supports ...' | 106B DFI TPMU |
| PC 44 | 118 | Para 9.13 | To clarify that there may be a need for a Transport Assessment (as noted in TAM 6, p168) | Insert words at end of Para 9.13: '... parking arrangements, including a transport assessment where appropriate (see Policy TAM 6 for details.)' | 106B DFI TPMU |

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| PC 45 | 118 | Para 9.13 | Clarify that this policy also applies to applications to extend existing ED uses. | At the start of para 9.13, insert words to read, 'In facilitating new <u>and extended</u> economic development uses,... | 106A DFI Strategic Planning |
| PC 46 | 119 | ED2 | To clarify that Use Class B1(c) should be included in draft Policy ED 2. | Amend 1 st line of ED 2 to read 'Proposals for Class B1(a) and B1(b) (business uses as offices and call centres <u>and also B1(c) (Research & Development) (where the main use is an office)</u> will be permitted...' | 59 Ebrington Holdings (via Turleys) |
| PC 47 | 119 | ED2 | To clarify terms and also that the sequential test includes 'edge of centre' sites, before 'elsewhere in the city and towns', as is already indicated by J&A para 9.20, and same as in current PPS 4 PED 1. | In the 5 th line, amend to 'Elsewhere in the cities -city and towns...' After bullet point (iii), insert a sentence: 'Where a development proposal for Class B1 business use satisfies the above criteria, applicants will be expected to demonstrate that an edge of town centre location is not available before a location elsewhere in the urban area is considered.' Amend the end of the final sentence of ED 2 to '...200 sq m <u>gross</u> .' | 106A DFI Strategic Planning |
| PC 48 | 119-120 | Para 9.20 | Additional J&A wording to clarify that ED 2 applies to all city / town centres, that | Amend the wording of paragraph 9.20, as follows: 'The development of Derry city centre is a key element of delivering the SGP and the LDP's economic strategy. Key to this is directing appropriate economic development proposals, such as office development, to the | 28 (WYG – various clients) |

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| | | | there is a sequential preference for appropriate offices, call centres and R&D businesses to be in the city / town centres, and also to explain "other location specified for such use in the LDP". | city / town centres and also ensuring there is provision to allow for a supply of such development over the plan LDP period. Derry and Strabane city / town centres (as well as the other town centres, proportionately) present the most sustainable locations for office development in the district. <u>Most small to medium-sized offices, call centres and office-type R&D businesses should be able to be accommodated within the existing or new buildings in these centres.</u> and Therefore, new business uses should locate within town centre boundaries first, or specific locations identified for business use. <u>(The LDP Local Policies Plan will identify certain other specific locations i.e. Economic Development Areas, or parts thereof, where these ED 2 offices will be acceptable.)</u> Outside of these areas, ...' | |
| FC 22 | 120 | Para 9.21 | Reword correctly, to clarify the definition of Class B uses. | Amend Para 9.21, to read as follows: For clarification, the Class B uses refers to those Part B Industrial & Business Uses as set out in the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015. | n/a |
| PC 49 | 121 | ED 3 | Additional J&A wording to clarify that small to medium-scale businesses should firstly be directed to town centres, but otherwise they will be | In ED 3, in sub-heading on the 5 th line of page 121, insert an 's' to end of '... Settlements' | 19 Invest NI |
| FC 23 | 121 | ED 3 | | In ED 3, under (b) Villages and Small Settlements, amend the end of criteria (i) as follows: (i) the land is identified as a Land Use Policy Area (LUPA) for economic development use. An exemption will apply to allow | n/a |

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| | | Para 9.23 | permitted in ED areas and other appropriate locations. Further Change to clarify the policy if there is no LUPA. | <p>economic development in smaller settlements with no relevant LUPA, provided it complies with (ii) and (iii) below.</p> <p>Insert wording at end of Para 9.23: ‘Consistent with Policy ED 2, if proposals for B1c (R&D) or B2 (Light) or even B3 (General) or B4 (S&D) are small to medium-scale, clean, compatible, etc., they are expected to locate in the city / town centres firstly, then edge-of-centres, or otherwise they can locate in an ED 3 area. These will be dealt with on a case-by-case basis and mindful of any potential unintended consequences from incompatible uses.’</p> | 106A Dfl Strategic Planning |
| PC 50 | 122-124 | ED 4 | Additional wording to emphasise that any non-compatible uses on ED land will only be approved in exceptional circumstances. | <p>Additional words to lines 2-3 of ED 4: ‘... an exception will only be permitted where <u>the proposed use has demonstrated an essential need</u> and the proposed use...’</p> <p>FC 24 – Amend the above Proposed Change to: ‘...where the proposed use can demonstrate it meets an essential need and the proposed use...’</p> <p>Amend the final lines of the opening paragraph of ED 4 as follows: ‘...diminution in the <u>industrial economic development</u> / employment resource both in the locality and the <u>Plan area District</u> generally.’</p> <p>Replace the opening paragraph of Policy ED 4, to read as follows:</p> | 19 Invest NI 106A, p Ax4 Dfl Strategic Planning |

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| FC 24 | 122 | ED 4 | Further Change to add an exception for sui generis uses on Zoned ED land, and for updated terminology. | <p>“Zoned Land in all Locations Development that would result in the loss of land or buildings zoned for economic development use in the LDP to other uses will not be permitted except:</p> <p>(a) where an essential need has been demonstrated and the proposed use is a small scale, complementary / ancillary use that meets the day-to-day needs of local employees and it meets other relevant planning policies; or</p> <p>(b) where an essential need has been demonstrated, for development of a compatible sui generis employment use that is of a scale, nature and form appropriate to the location.</p> <p>In the case of proposals under either (a) or (b), it must also be demonstrated that the approval of the proposal would not lead to a significant diminution of economic development / employment land either in the locality or in the District generally."</p> <p>There is adequate explanatory wording in the existing 'sui generis' sentence at J&A para 9.28.</p> <p>Within ED 4, within the section 'Unzoned Land in Settlements',</p> | |

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| | | Para 9.30 | To be consistent with the similar provision in the 'Zoned Land' section above. | <p>amend part (h) as follows: (h) where an essential need has been demonstrated, <u>it is</u> a small scale complementary / ancillary use that meets the day-to-day needs of local employees and it meets other relevant planning policies.</p> <p>Amend the opening of J&A paragraph 9.30 to read as follows: '<u>Exceptionally</u>, a small-scale complementary / ancillary use ...'</p> <p>At the end of 9.30, insert: '<u>Particular care is needed to avoid soft play areas, jump zones, care settings, etc. that can attract the public and vulnerable users such as children, those with disabilities, parent drop-offs, etc. that are incompatible with an Economic Development area. Therefore, to maintain the integrity of these areas, such non-compatible uses will only be approved in exceptional circumstances, where it can be clearly demonstrated that it is ancillary to the main use and would primarily meet the needs of the immediately nearby employees.</u>'</p> | |
| PC 51 | 122 | ED 4 Para 9.32 | Correct typos and clarify the role of existing / LDP-adopted Supplementary \Planning Guidance | <p>On the last 3 lines of ED 4, insert the word 'development' after the word 'economic' (3 occurrences).</p> <p>Insert clarification wording to the final 4 lines of Para 9.32 'Supplementary Planning Guidance to Planning Policy Statement 4 –</p> | 106A, p Ax4 Dfl Strategic Planning |

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| | | | (SPG). | Policy PED 8: 'Development Incompatible with Economic Development Uses' (as adopted or replaced by the Council – see Chapter 38 of this document) will be a material consideration in the assessment of proposals under this policy.' | |
| FC 25 | 124 | ED 5 | Policy ED-4 5 is mostly an amalgamation of rural ED opportunities in line with the existing policies in PPS 4 and the SPPS. Due to the potential complex nature of ED proposals in the countryside, it is necessary to slightly expand the ED 5 policy wording – to provide suitable 'policy hooks' and then to provide further detail in these revised and strengthened J&A paragraphs, in order to | FC 25 = Within Policy Box ED 5, amend the four categories as follows: (a) development of a small rural community enterprise / centre, that needs to be located outside of a village or small settlement where the use will be associated with the settlement. Where practicable, an appropriate edge-of-settlement location will be favoured; or (b) small-scale Class B2, B3 or B4 business use / building adjacent to the main dwelling of business owner, provided they are of appropriate nature and design and meet other normal Planning and Environmental requirements; or (c) re-development of an established economic development use or re-use of existing or redundant non-residential rural buildings, provided they meet the requirements set out in Paragraph 9.37 below; or [AS PER PARA. NUMBERING BELOW] (d) homeworking, provided they meet the requirements set out in Paragraph 9.38 below. [AS PER PARA. NUMBERING BELOW] | n/a |
| PC 52 | 124 | ED 5 | | Within ED 5, on the 1 st line of the final paragraph, replace a word: | 106A, p Ax5 |

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| | 124-125 | Paras 9.33-9.38 | aid the implementation of this policy. | <p>'Proposals for Criteria-Category b development ...'</p> <p>Amend the J&A paragraphs:</p> <p>9.33 In the interests of rural amenity and wider sustainability objectives, the extent of new buildings outside of settlement limits will be controlled <u>and the sympathetic extension or re-use of existing buildings will be preferred</u>. However, in some circumstances, it may be possible to justify a small-scale new build economic development use outside of a development limit, <u>particularly</u> where there is no suitable site within the settlement. Applicants will be required to demonstrate that they meet subject to meeting normal planning and other environmental considerations <u>as set out in other chapters of this LDP</u>.</p> <p>9.34 The guiding principle for policies and proposals for economic development in the countryside is to provide opportunities likely to benefit and sustain the rural community, while protecting or enhancing the character of the rural area. A number of economic development opportunities exist for small-scale economic development, home-working, appropriate re-development and re-use of rural buildings for a range of appropriate uses.</p> | DfI Strategic Planning |

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| <p>FC 20 – as above</p> <p>FC 26</p> | <p>125</p> <p>125</p> | | <p>Replace the old terminology, as FC 20.</p> <p>Update the paragraph numbering and to clarify the nature of</p> | <p>9.35 <u>Proposals to be assessed against Category a) should demonstrate that they would benefit the local economy or contribute to community regeneration, that there is no suitable site within the settlement and that the development is clearly associated with the settlement, but will not dominate it, adversely affect landscape setting or otherwise contribute to urban sprawl. In assessing the acceptability of sites, preference will be given to sites in the following order:</u></p> <p><u>(1) land adjacent to the existing settlement limit, subject to amenity and environmental considerations;</u></p> <p><u>(2) a site close to the settlement limit which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment; and</u></p> <p><u>(3) an undeveloped site in close proximity to the settlement where the development could be visually integrated into the landscape.</u></p> <p><u>Storage or distribution uses will only be permitted where these are clearly ancillary to a proposal for a community enterprise park/centre or an industrial economic development use.</u></p> <p>9.36 Criteria Category b) is intended to... [paragraph unchanged]</p> <p>FC 26 = other than to insert the following 3 words mid-paragraph: 'Proposals are expected to comply with the design and location</p> | |

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| | | | the policies that are to be referenced. | <p>requirements...'</p> <p>9.37 Opportunities may also exist for proposals <u>under Category c) relating to the re-development of an existing site or the conversion or re- use of existing buildings for certain industry and business uses. Applicants should demonstrate that the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a limited increase in the site area. There should be environmental benefits as a result of the redevelopment and the redevelopment scheme should deal comprehensively with the full extent of the existing site The overall visual impact of replacement buildings should not be significantly greater than that of the buildings to be replaced. The redevelopment of an established storage or distribution site for continuing storage or distribution use will also be permitted subject to the above criteria. However, the redevelopment of an established industrial or business site for storage or distribution purposes will only be permitted in exceptional circumstances. Proposals involving the conversion or re-use of listed or unlisted vernacular buildings or other historic buildings of local importance must also meet the requirements of Policies HE 4 and HE8.</u></p> <p>9.38 Homeworking does not necessarily require planning</p> | |

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| | | | | <p>permission. Permission is not normally required where the use of part of a dwelling house for business purposes does not change the overall scale, nature and character of the property's use as a single dwelling. Assessment of whether a material of change of use has taken place is matter of fact and degree. 9.38 Those considering working from home are advised to seek the advice of <u>the Council</u> at an early stage. <u>Homeworking businesses that do require planning permission, under category d), will be assessed on an individual basis, they should be of an appropriate scale and nature for its location and meet the requirements for amenity, transport and other relevant policies in the LDP.</u></p> | |
| 10. City/Town Centres, Retailing, Offices, Leisure and Other Uses | | | | | |
| PC 53 | 130 | Para 10.7 | To provide additional text to reference District and Local Centres in the Strategy. | On the 3 rd last line, insert a sentence '... within that centre. <u>Derry City and Strabane Town will also have a number of District and Local Centres identified, with an important role to play.</u> The local towns ...' | 92 (Lidl) |
| PC 54 | 131 | HC 1 (& Para 10.18 and in RP 9 on p 141) | To provide clarity for the sequential test and the hierarchy detailed at HC 1. | Rename Designation HC 1 (p 131) as 'Designation NC 1: Proposed Hierarchy -Network of Centres' (Change the same reference in Para 10.18 and in RP 9.) | 106A (DfI – Strat Planning) |

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| | | RP 1 | | Add in footnote at bottom of p 131 that phrase 'town' centre also include 'city' centre, as per SPPS 6.269. (Footnote 25 on the 2 nd line of RP 1 on p 131 is referenced on p 132. Move to bottom of p 131 to rectify.) | |
| PC 55 | 131 | RP 1 | To provide clarity to Policy RP 1 to reflect taking account of SPPS and sequential consideration of other main town centre uses. | See Annex 1 for the proposed re-wording of Policy RP 1, for clarity | 92 Lidl; 21 Inaltus; 106 Dfl – Strat Planning |
| FC 27 | 131 | RP 1 | FC 27 would add the word 'centre(s)' in order to further strengthen this sequential ordering, with the emphasis on the 'centres'. | Amend last policy sentence in first paragraph of RP 1 to read: " <u>DCSDC will require proposals for other main town centre uses to be considered sequentially in the following order of appropriate preference as applicable to the specific nature of the proposal and the settlement/ centre(s) in question:</u> ". | |
| | 133 | 10.18 | | RELATED CHANGES elsewhere Reference the SPPS para 6.279 in terms of vitality and viability in expanded J&A, by adding a Add new sentence to LDP para 10.18 p 133 as follows: " <u>All policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment</u> ". | |
| | 131 | RP 1, continued | To amend Retail hierarchy in line with | Number the sequential order & amend indent 2. Town Centres & 3. Edge of town centres to read as follows: | 92 Lidl |

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| | | | <p>SPPS, 'spelling out' each location.</p> <p>To clarify that, in a situation where a proposal falls within the catchment of two centres, sequential preference will be given to the higher order centre.</p> <p>To sign-post from RP 1 to the relevant operational policy.</p> <p>Add Justification & Amplification (J & A) paragraph to clarify the meaning of higher</p> | <ol style="list-style-type: none"> 1. Primary Retail Core 2. Town Centres (including City Centre, Town Centre, District Centre and Local Centre) 3. Edge-of-Town Centre (including edge-of-City Centre, edge-of-Town Centre, edge-of-District Centre and edge-of-Local Centre) 4. Out-of-centre locations that are or can be made accessible by a choice of public transport modes. <p>The sequential test will direct development within centres before considering an edge-of-centre site. Preference will be given to edge-of-centre land before considering an out-of-centre site. Where more than one centre falls within the catchment area of a proposal, sequential preference should normally be given to the higher order centre, or its edge-of-centre where applicable.</p> <p>Refer to Policies RP 2 – RP 6 for proposals in the specific centres, and to RP 9 for any out-of-centre proposal.</p> <p>Add J & A paragraph after paragraph 10.17, as follows: For clarity, a higher order centre is one that is within a higher tier in the RP 1 Hierarchy or, within Tier 2 - Derry City Centre is higher order than its District Centres and the District Centres are higher order than the Local Centres. Similarly, elsewhere, a Town Centre is higher order</p> | |

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| Potential FC 27A | 131 & various 132 | Various locations After Para 10.17 | <p>order centre.</p> <p>To provide reference to 'City' wording required alongside 'town' in all the dPS policy & J&A. 'Village centres' is removed from sequential test and non-designation text clarified in J&A.</p> <p>Possibly insert an explanatory paragraph as J& A - at this location.</p> | <p>than a Local Centre.</p> <p>Amend as follows:</p> <ul style="list-style-type: none"> • All relevant references to Town centres in policy or J&A will be amended to include City where appropriate. • Insert following line onto end of para 10.14 <u>'The LDP will not be defining or designating 'village centres' in relation to the retail policies.'</u> <p>As per DS-500 Consultation Report, p. 259, the IE may recommend that the explanatory paragraph should be included as J& A - at this location, to provide clarification in consideration of any unforeseen implications of the defined sequential approach. <u>However, the Council feels that this explanation should be part of a separate SPG document, not in the LDP PS itself. Await IE outcome.</u></p> | 92 Lidl |
| PC 56 | 132 | Para 10.17 | To clarify the extent of edge-of-centres and | Replace 2 nd sentence in para 10.17 with the following: <u>'In line with SPPS para 6.287, to be considered as edge-of-centre, a site should</u> | 21 Inaltus |

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| | | | the current '300m' reference. | <u>either be adjacent or clearly associated with that boundary of that centre, taking account of physical or perceived barriers, with the proximity being proportionate to the scale of that settlement and the centre in question e.g. in a Derry City Centre context, 300 metres from the City Centre boundary could be reasonable, whereas for Strabane or a local Town Centre, it would be less. For District, Local or village contexts, it would need to be immediately adjacent.'</u> | |
| PC 54 – as above | 131 133 | HC 1 (& Para 10.18 and in RP 9 on p 141) RP 1 | To provide clarity for the sequential test and the hierarchy detailed at HC 1. | Rename Designation HC 1 (p 131) as 'Designation NC 1: Proposed Hierarchy-Network of Centres' (Change the same reference in Para 10.18 and in RP 9.) Add in footnote at bottom of p 131 that phrase 'town' centre also include 'city' centre, as per SPPS 6.269. (Footnote 25 on the 2 nd line of RP 1 on p 131 is referenced on p 132. Move to bottom of p 131 to rectify.) | 106A (DfI – Strat Planning) |
| PC 55 – as above | 133 | Para 10.18 | As per PC 55 above, to reference the SPPS para 6.279 in terms of vitality and viability | Reference the SPPS para 6.279 in terms of vitality and viability in expanded J&A, by adding a Add new sentence to LDP para 10.18 p 133 as follows: <u>"All policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment"</u> . | 92 (Lidl) |

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| | | Town Centre. | the LDPs 'town centre first approach' for Strabane Town. | read just <i>a) & d)</i> . Amend criteria i) 'proposals demonstrate that <u>no suitable sites are available within the PRC and that they satisfactorily...</u> ' Amend last policy sentence of RP 3 to read: <u>...to the town centre if it is demonstrated that no suitable sites are available within the PRC, or the rest of the town centre, and subject to considerations i) & ii) above.</u> | Planning) |
| PC 59 | 136 | RP 4 | To avoid confusion of distant town centres and district centres within the same policy context. | Amend (<u>as underlined</u>) last line of policy RP 4 to read: <i>'... subject to the above considerations (a-c), <u>as it applies to that centre and other centres in its catchment.</u></i> | 106 (DfI – Strat Planning) |
| PC 60 | 137 | RP 5 Local Centres | To avoid any conflict between the policy and the regional strategic objectives as set out in the SPPS. | RP 5 p 137 Amend (<u>as underlined</u>) last criterion (3) in policy text to read: <i>on any other centre within the <u>hierarchy in that catchment.</u></i> | 106 (DfI – Strat Planning) |
| PC 61 | 137 | Para 10.33 | To provide further clarity as to which | Amend first sentence (<u>as underlined</u>) to read: <i><u>This policy applies to the existing Local Centres, as identified in Derry</u></i> | 106 (DfI – Strat |

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| | | | Local Centres this policy would apply. | <i>Area Plan 2011 and those which may be proposed in the LDP Local Policies Plan (LPP).</i> | Planning |
| PC 62 | 137 | Para 10.33 | To enhance J&A text with the details set out in previous para 10.16 identifying the function of a local centre. | Copy LDP para 10.16 p 132 onto end of paragraph 10.33. | 106 (Dfl – Strat Planning) |
| FC 28 | 137 | Para 10.35 | Insert a number of minor words that were omitted, for readability. | Amend Para 10.35, by inserting the missing words, as follows: This policy applies to villages and small settlements within the District, that do not have a defined Town Centre. It will ensure that rural areas have sustainable facilities, which will meet the day-to-day needs of the population and also serve as focal points in the community. | n/a |
| FC 29 | 139 | RP 7 | Remove a 'stray' word, that does not make sense. | Within RP 7, in the second section headed 'Fuel Filling Stations in the Countryside', at the end of the first line, delete the word 'needs'. | n/a |
| FC 30 | 139 | Para 10.40 | Remove a phrase that has been inserted twice, in error. | In the second line of para 10.40, delete the first occurrence of the phrase 'a main traffic route network along'. | n/a |

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| PC 54 – as above FC 31 | 131 141 141 | HC 1 (& Para 10.18 and in RP 9 on p 141) RP 9 | To provide clarity for the sequential test and the hierarchy detailed at HC 1. Replace a word that is potentially confusing, with clearer words. Also add in 'viability' word, as per SPPS 6.289. | Rename Designation HC 1 (p 131) as 'Designation NC 1: Proposed Hierarchy-Network of Centres' (Change the same reference in Para 10.18 and in RP 9, criterion 2.) Within RP 9, in criterion 2), change the last line to: 'can be discounted ruled out as unsuitable, unavailable or unviable. | 106A (Dfl – Strat Planning) |
| FC 32 | 141-142 | RP 9 & Para. 10.48 | Move the explanatory 'footnote' as it relates to the asterix* within RP 9, from the following page at the end of para 10.48. Amend words in Para 10.48 to clarify the meaning of the *. | Move the last 5 lines of Para 10.48, starting with 'Town centre*...', and insert them at the bottom of the RP 9 policy box. Within Para 10.48, amend the start of the second sentence to: 'For similar applications outside a City / Town Centre that are above...' | n/a |

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| 11. Transport and Movement | | | | | |
| PC 63 | This Chapter has an irregular format, is not quite in sequence and is unlike the style of others in the dPS. Ideally, the first half of this Chapter would be re-arranged: Start with paras 11.14-11.20 and then 11.36 and Maps 13 & 14, then the LTS of 11.1 to 11.7 and the Parking Study of 11.30 to 11.33, before setting out the other paras of the dPS proposals and Strategy, and then the Operational Roads policies of 11.43 onwards which may require re-ordering in terms of strategic importance. i.e. should TAM 1 on physical accessibility be first? THIS WILL BE A RE-ORDERING OF THE CHAPTER CONTENT, RATHER THAN NEW CONTENT. | | | | |
| PC 64 | 148 | Para 11.7 | To reference the use of Transport Accessibility Analysis and associated Best Practice as per SPPS (6.293) | Amend (as underlined) para 11.7 (p 148) to read: In line with the LTS, the LDP will also promote and seek to enable, through development-delivered infrastructure, more sustainable forms of transport such as walking, cycling and public transport. <u>The integration of land use and transport planning will be key to this. The Council will use Transport Accessibility Analysis (TAA) to assist this delivery. TAA is a long-established concept in integrating land-use and transport planning. Accessibility Analyses will be employed to assist in the identification of appropriate development sites where integration with public transport, cycling, walking and the responsible use of the private car can be best achieved.</u> Remainder of para 11.7 starting 'Regard has been had...' to be moved to new para and renumbered accordingly. | 106B Dfi TPMU |
| PC 65 | 148 | After Para 11.7 | Consistent defined use of 'accessibility' | Insert the following clarification into a new para 11.8 after 11.7 (p 148) as follows: | 106B Dfi TPMU |

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| | | | sought throughout chapter. | <i>'Accessibility', in this context, relates to the ease of access of essential services. Accessibility can be considered by different modes of transport – for example walking, cycling, public transport or car. Accessibility in this context differs from the consideration of the physical accessibility of the mode of transport or the design of access to a building or place, involved in making the mode, building or place usable by people with common impairments (visual, mobility etc).</i> | |
| PC 66 | 149 152 169 | 1 st bullet point p149 & para 11.26 p152 TAM 7 p169 also relevant. | Include reference to best practice policy approach on Active Travel Networks. | Replicate TPMU-provided text (in italics below) at: 1 st bullet point p149; Para 11.26 p152; & TAM 7 - J&A para 11.88 p169. <i>The LDP will seek to identify active travel networks and provide a range of infrastructure improvements to increase use of more sustainable modes. In particular, within urban areas, this could be providing enhanced priority to pedestrians, cyclists and public transport and an acceptable level of parking provision which is properly managed.</i> | 106B Dfi TPMU |
| PC 67 | 148/49 | Para 11.8 Para 11.9 | Slight re-ordering of page text required to create logical flow. | Remove sentence 11.8 p 149 and insert immediately after main heading <i>Main Transport Challenges for the City and District</i> at bottom of p 148. | 106B Dfi TPMU |

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|---|--------------------------|--|---|---|------------------|
| | | | | Delete para 11.9 as it is a repetition of the first 2 bullet points at the bottom of p 148. | |
| PC 68 | 151 | Para 11.20 | To amend text with enhanced reference to connectivity / access. | Add following sentence to end of 11.20 p 151: <i>...whilst also improving local connectivity and access to existing and new developments in the west of the city.</i> | 106B DfI TPMU |
| PC 66 – as above | 149 152 169 | 1 st bullet point p149 & para 11.26 p152 TAM 7 p169 also relevant. | Include reference to best practice policy approach on Active Travel Networks. | Replicate TPMU-provided text (in italics below) at: 1 st bullet point p149; Para 11.26 p152; & TAM 7 - J&A para 11.88 p169. <i>The LDP will seek to identify active travel networks and provide a range of infrastructure improvements to increase use of more sustainable modes. In particular, within urban areas, this could be providing enhanced priority to pedestrians, cyclists and public transport and an acceptable level of parking provision which is properly managed.</i> | 106B DfI TPMU |
| PC 69 | 154 | Para 11.34 | To provide clarity on whether public transport services have been taken into | Insert underlined new text to amend the last sentence of para 11.34 to read: “In such areas, <u>there is very limited public transport service</u> , so the use of the private car is almost a practical...” | 106B DfI TPMU |

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| | | | account when allocating rural uses. | | |
| PC 70 | 156 | Para 11.39 | Amended text sought for clarity purposes. | Amend last sentence (with the underlined text) of para 11.39 p156 to read: The NTWS, in tandem with the Car Parking Study, will <u>assess the previously mentioned orbital routes against economic, environmental and social objectives as these routes may be advantageous in facilitating the required transport change needed to implement such major urban re-modelling in these areas</u> | 106B DfI TPMU |
| FC 33 | 157 | Objectives Box | Replace the incorrect word 'SPG'. | In the first bullet point, amend the final line as follows: '...accordance with the SPG NWTP and wider NW Region.' | n/a |
| PC 71 | 157 | Objectives Box | New bullet point sought in the Objectives text box to strengthen reference to TAA. | Insert new bullet point in Objectives text box on p 157 to read: <u>The Council will undertake accessibility analyses by active travel modes and public transport to influence the choice of zonings and major developments at the LPP stage.</u> | 106B DfI TPMU |
| PC 72 | 157 | Objectives Box | Amended text sought for clarity purposes. | Amend last bullet in Objectives box p157 with underlined text below to read: means of travel – walking, cycling and <u>public transport, with appropriate infrastructure or support for services.</u> | 106B DfI TPMU |

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| PC 73 | 159 | TAM 1 (Creating an Accessible Environment) 11.52 | TAM 1 amended policy text sought for soundness purposes. | Replace 11.52 with suggested text to read: In the case of listed buildings, it <u>may</u> be possible to plan suitable access for <u>all without adversely impacting</u> on the building’s special <u>architectural or historic</u> interest. <u>All proposed changes to a historic or listed building should be based on a clear understanding of the significance of the building, be of high-quality design, and use sympathetic materials, details and finishes, in keeping with the building’s essential character.</u> | 79 DfC – HED |
| PC 74 | 160 | 11.55 | TAM 1 amended J&A policy text sought in relation to Built Heritage. | Amend text as follows in J&A para 11.55 to read: In the case of existing buildings, particularly historic buildings, such a statement would enable a designer / developer <u>to state why the proposed change is necessary</u> , identify the constraints posed by the existing structure and its immediate environment and to explain how these have been overcome, <u>through informed and high-quality design solutions. Design and Access Statements must accompany all Listed Building Consent applications.</u> | 79 DfC – HED |
| PC 75 | 160 | 11.56 | To clarify future use of referenced extant planning guidance. | Insert wording at the end of Para 11.56 ‘... Accessible Environment’ (as may be adopted / revised by the Council – see Chapter 38 on SPGs.)’ | 106A Dfl – Strategic Planning |

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| FC 34 | 163 | TAM 3 | To clarify that a Motorway Service Area does not necessarily need to be off a motorway (there are none in this District); it can also be a similarly high-level facility off a HSDC. | Amend the second paragraph of TAM 3 to the following: ‘Motorways and High Standard Dual Carriageways (HSDCs) – All Locations Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway or HSDC service areas.’ | 61 Individual |
| PC 76 | 163 | TAM 3 (Access to Protected Routes) | Amended wording sought within the Outside Settlements Limits section. Requested replicated use of word <i>direct</i> throughout the TAM 3 policy. | In the policy box for TAM 3, p 163 amend the wording in the first sentence under the Other Protected Routes - Outside Settlement Limits heading to read: Planning permission will only be granted for a development proposal involving <u>direct</u> access, <u>or the intensification of the use of an existing access</u> , onto this category of Protected Route in the following cases: Replicate use of <i>direct</i> (i.e. <i>involving direct access</i>) consistently throughout the TAM 3 policy where appropriate. | 106C Dfl Roads |
| PC 77 | 164 | TAM 3 (Access to Protected Routes) | Need for criterion (c) queried (for clarification.) | Remove criteria c) of TAM 3 (within the category ‘Other Protected Routes – Within Settlement Limits’) | 106A Dfl – Strategic Planning |

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| PC 78 | 165 | 11.74 | To insert correct Map reference. | Remove reference to 'Annex 1' in first sentence of para 11.74 and replace with 'Figure 15' | 106C Dfl Roads |
| PC 79 | 165 | 11.76 | To clarify the definition of terms, and the status of future P&R or P&S facilities. <i>(There are 2 such categories.)</i> | Insert wording at the start of Para 11.76: 'The categories in this policy refer to 'Outside / Within' the <u>Settlement Development Limits</u> as defined in the LDP. In the 'All locations' <i>categories</i> , the provision of a Dfl-approved [or LTP] Park & Ride or Park & Share facility would be considered to be of 'regional significance' (see also Paras 11.105 to 11.106). In all cases...' | 106C Dfl Roads |
| PC 80 | 166 | 11.77 (Protection for New Transport Schemes) | To include reference to future NWTP in TAM 4 text. | Amend (as underlined below) second sentence of para 11.77 of TAM 4 p 166 to read: <u>Such land will be identified in the LDP and the North West Transport Plan (NWTP) which is to be prepared in conjunction with the LDP Local Policies Plan.</u> | 106B Dfl TPMU |
| PC 81 | 167 | 11.78 | Clarification of issue of responsibilities & any future legal implications arising from such 'other schemes' | Insert wording at the end of Para 11.78: <u>'All future transport schemes shall be identified and progressed or approved by Dfl as the regional transport authority, primarily through the Regional Transport Plan and the North West Transport Plan (NWTP). Such schemes as are at a suitably advanced stage will then be identified and incorporated in the LDP, at LPP stage or at Review stage. However, as set out in Para 1.9, the inclusion or otherwise of a</u> | n/a |

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| | | | | <u>scheme does not mark a commitment by the Council or other public body to expenditure on a particular proposal, nor does it make the Council responsible or otherwise liable for compensation or other legal claims in relation to such schemes.'</u> | |
| PC 82 | 167 | TAM 5 (Disused Transport Routes) 11.79 | To provide enhanced text to reflect SPPS & LDP LPP requirement to identify and protect disused transport routes for transport or alternative purposes, consistent with the SPPS. | <p>Insert reference to 'nature conservation' in range of potentially acceptable re-uses in para 11.79 to read as follows: Many of these former transport routes have potential for re-use either for transportation purposes <u>or alternative purposes such as nature conservation, recreation or tourism-related.</u></p> <p>Amend the 1st sentence of para 11.81 to read: 'Disused railway lines, canal stretches <u>and roads, including any future abandoned stretches of the former A6 and A5 network</u>, within the District have the potential for greenway regeneration or for public access, <u>nature conservation, recreation and tourism.</u>'</p> <p>Amend the 1st sentence of para 11.82 to read: 'It is anticipated that the forthcoming North West Transport Study Plan, or other Dfl report, will assess the need ...'</p> <p>Amend para 11.83 to read: 'The LDP will identify <u>and safeguard</u> those disused transport routes, together with any associated facilities at the LPP stage <u>where there is</u></p> | 106B Dfl TPMU |

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| | | | | <p>a reasonable prospect of their re-use for future transport purposes. In addition, the LPP will also identify those disused routes of District-level importance which offer potential in the longer term for future transport use alternative purposes.'</p> | |
| PC 83 | 168 | TAM 6 (Transport Assessment) 11.84 | To provide enhanced text to fully reflect the role of <u>TA & TP</u> | <p>Amend new text (as underlined) as a new sentence at end of para 11.84 to read as follows: <i>A primary aim of the TA is firstly to assess accessibility by sustainable modes and to develop measures to maximise use of sustainable modes - only subsequently should the residual traffic be assessed and its impacts ameliorated.</i></p> <p>Delete J&A para 11.86. It is a direct copy of the sentence in the Policy box.</p> | 106B DfI TPMU |
| PC 66 – as above | 149 152 169 | 1 st bullet point p149 & para 11.26 p152 TAM 7 p169 also relevant. | Include reference to best practice policy approach on Active Travel Networks. | <p>Replicate TPMU-provided text (in italics below) at: 1st bullet point p149; Para 11.26 p152; & TAM 7 - J&A para 11.88 p169</p> <p><i>The LDP will seek to identify active travel networks and provide a range of infrastructure improvements to increase use of more sustainable modes. In particular, within urban areas, this could be providing enhanced priority to pedestrians, cyclists and public</i></p> | 106B DfI TPMU |

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| | | | | <i>transport and an acceptable level of parking provision which is properly managed.</i> | |
| FC 35 | 170 | Para. 11.92 | Add in a cross-reference to SPG Chapter. | Insert at the end of Para 11.92: ' (see Chapter 38: SPG and Appendix 6) ' | n/a |
| FC 36 | 171 | Para 11.96 | Add in a more-specific cross-reference to the cycle-parking policy. | Amend Para 11.96, as follows: 'Cycle parking provision in association with residential development is addressed in Policy HOU 8 (f & g) of the Housing Chapter 16 and the design guide 'Creating Places'. | n/a |
| PC 84 | 172 (& p 153) | TAM 8 (Provision of Public & Private Car Parking) Paras 11.102 to 11.106 | To re-order page text to create more logical flow. | Relocate paras 11.102 – 11.104 and insert after para 11.30 on p 153. Retain the 'Park and Ride...' heading, as a sub-heading (with a smaller font) within the J&A of TAM 4 (Car Parks), with 11.105 & 11.106 remaining here as J&A but re-numbered accordingly. | n/a |
| PC 85 | 172 | 11.100 | To amend sentence to include missing text. | Insert missing text (as underlined) at end of last sentence in 11.100 p 172 to read as follows: ...to ensure that long stay <u>car-parking in the long term becomes disincentivised.</u> | 106C Dfl Roads |
| PC 86 | 176 | TAM 9 (Car Parking) | Amended text sought in J&A in relation to | Amend J&A with underline text in para 11.116 to read: <i>In assessing developments affecting Conservation Areas, Areas of</i> | 79 DfC – HED |

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| | | 11.116 | Built Heritage. | <i>Townscape Character or the surroundings of listed buildings or other heritage assets and their settings, it may not always....</i> | |
| PC 87 | p 178-179 | TAM 10 (Design of Car Parking) | Standardise formatting to replicate LDP format consistency throughout. | Standardise use of sub-headings & font size on pages 178 – 179. | n/a |
| PC 88 | P180 | TAM 12 Para 11.138 | To make policy and J&A to read District specific. | Amend the title of Policy to 'TAM 12 <u>Strategic</u> Transport Facilities' Amend line 2 of TAM 12 to '... such as the Foyle Port and City of Derry Airport (CODA).' Amend Para 11.138 (line 1) to 'Development at the ports and airport...' Amend bullet point 3, 2 nd sentence to read 'General warehousing and economic developments are unlikely to be permitted in adjacent rural areas, but in accordance with their SEDA status and boundaries (see Para 9.11 and page 115). | n/a |
| 12.Tourism Development | | | | | |
| PC 89 | 183 | Para 12.4 | Correct the typo of a line missing. | Amend the 2 nd sentence to read: 'The Walled City is strategically located 'where the Wild Atlantic Way meets the Causeway Coastal Route', as noted in the Council's Tourism Strategy. | n/a |

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| PC 90 | 183 185 190 | Para 12.4, map on p 185, para 12.21 | To use the correct title 'the International Appalachian Trail'. | In Para 12.4, map on p 185 and Para 12.21, change to ' <u>International Appalachian Trail</u> ' | n/a |
| PC 91 | 183 187 | 12.5 12.15 | Clarify if there are to be 9 or 10 Tourism settlements. Amend text in 12.5 to make this explicitly clear. | Insert at start of 12.5: <u>Nine tourism settlements have been identified</u> – Tourism Hubs, Gateways and Historic Villages <u>that</u> are important... On the 3 rd line of para 12.15, delete the word ' ten ' | 106A Dfl Strategic Planning |
| PC 92 | 184 | 12.8 | Update to name of body | On the 3 rd -4 th line, amend '... with regard to the Future Search Sperrin Partnership and the Sperrins Forum...' | |
| PC 93 | 186 | TOU 1 (Safeguarding of Tourism Assets) Appendix 2 Para 12.11 | Include the indicative list of Tourism Assets as referenced in the Tourism EVB within the J&A at para 12.12. | <u>Add definitions to Appendix 2</u> - add a few lines of definition / examples of Tourism Assets and other terms, to ensure consistency with the J&A and in line with the Glossary of existing PPS 16 / SPPS and related to the definitions in the Tourism (NI) Order, where appropriate. In Para 12.11, add wording to end of 1 st sentence '... to tourists – see Appendix 2 for definition / examples.' Add note to EVB 12 appendix list, to clarify if necessary. | 106A Dfl Strategic Planning |

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| PC 94 | 186 | TOU 1 para 12.12 | new amplification text to be inserted to make more sound | Insert sentence at the end of para 12.12 p186. <i>Where development is being sought due to association with a heritage asset, the proposal must adopt a heritage-led design approach and be in line with the appropriate historic environment policy as set out in the LDP</i> | 79 DfC Historic Env Div |
| PC 95 | 187 | TOU 2 (Tourism Development in Settlements) | Made explicit that all the GDP & GDPOLs could be applicable to an application. Also details of the TBS & SBS. | Minor text change to 5 th line of TOU 2 to read ‘...Chapter 7, in terms of including Sustainable Development and also the normal operational Planning criteria... Insert wording at end of final sentence of TOU 2: ‘... visitor experience – see Appendix 2 for details of a Tourism Benefit Statement and a Sustainable Benefit Statement.’ | 106A DfI Strategic Planning |
| PC 96 | 188 | 12.18 Appendix 2 | To clarify terminology and to signpost to policy for rural short-term-let accommodation. | Amend the 3 rd line of para 12.18 to ‘Most B&Bs and S-C units are ‘permitted development’ <u>i.e. not requiring planning permission</u> , in urban...’ Amend the final sentence to read ‘Applications for such short-term let proposals in the countryside will be dealt with in Policy TOU 4 <u>and also Policy ODC 4.</u> ’ [This is currently Policy AGR 3 on page 216.] Also include definition / information on short-term-let accommodation (urban and rural) in Appendix 2. | |

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| PC 97 | 189 | TOU 3 (Tourism Amenities in the Countryside) Appendix 2 12.19 | To standardise the text on TBS&SBS across all policies. Ensure list of Tourism Amenities in the District as set out in the EVB 12: Tourism Development complies with stated definition as used in J&A 12.19. In point b), amend spelling typo of word 'location' | In TOU 3, move the middle paragraph to the bottom of this box and add words to its end '... Benefit Statement – see Appendix 2 for details.' In the existing Appendix 2, add a few lines of definition / examples of Tourism Amenities and other terms, to ensure consistency with the J&A and in line with the Glossary of existing PPS 16 / SPPS and related to the definitions in the Tourism (NI) Order, where appropriate. In Para 12.19, add wording to end of 1 st sentence '... tourist accommodation – see Appendix 2 for definition / examples.' Add note to EVB 12 appendix list, to clarify if necessary. amend spelling typo of word 'location' on the 5 th line | 106A DfI Strategic Planning |
| PC 98 | | TOU 4 (Hotels, Guest Houses, B&B's & Tourism Hostels in the Countryside) | To avoid potential confusion and achieve consistency of numbering, letters, etc. | Items (a & b) should be renumbered i & ii. NB. As part of general standardisation of numbering and lettering across the LDP dPS, this will be addressed for all categories, criteria and bullet points to ensure consistency of approach. | 79 DfC Historic Env Div |
| PC 99 | | | | For clarity, a new full-version of TOU 4 is included in Annex 1, incorporating all the changes below. | |

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| | 191 | TOU 4 | unintended consequences. | Also insert J&A clarification (after Para 12.26) for penultimate paragraph on policy re long-term viability of facility: 'It is important that all proposals for tourism accommodation in the countryside are of a high quality and that they meet an identified tourism need or market. Any new-build or substantial expansion proposals must therefore demonstrate how they make a positive and sustainable contribution to the tourism offer and visitor experience - see Appendix 2 for details of a Tourism Benefit Statement and a Sustainable Benefit Statement.' | |
| | (192) | (12.22) | Under subheading of 'Replacement of an Existing Rural Building' insert <i>B&B</i> and amend 4 th bullet point to include reference to <i>...historic building of local importance</i> . | Under sub-heading 1, of 'Conversion or Replacement of an Existing Rural Building' amend 4 th bullet point to: 'where the existing building is a vernacular building and is considered to make an important contribution to local heritage or character historic building of local importance, replacement will ...' (Also amend the related J&A., para 12.22 on p 192, 7 th line, replace ' vernacular ' with 'locally important') Immediately after these bullet points, amend the policy references, to: 'Refer to related policies ODC 4 {currently AGR 3}, HE 3 and HOU 21 regarding the conversion and re-use of existing buildings for other suitable rural uses.' | 79 DfC Historic Env Div |
| | | | | Under sub-heading of ' 2) New-Build Hotel, Guest House, or Tourist | |

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| FC 37 | 191 | TOU 4 | Direct the accommodation to a tourist settlement, consistent with TOU 2. | <p>Hostel on the Periphery of a Settlement, amend the 1st line to 'Where there is no suitable site within <u>one of the nine</u> tourist tourism settlements, a new-build hotel, guest house, or tourist hostel may be appropriate on the periphery of that settlement subject to meeting normal planning requirements.'</p> <p>Following this point, insert the word 'tourist tourism' before the word 'settlement' on the 2nd, 3rd and 7th lines thereafter. Also on the 1st and 3rd lines of Para 12.23.</p> <p>Amend para 12.24, as follows: 'There can be tourist accommodation which is marketed under short-term-let tourist accommodation such as B&Bs and serviced / self-catering apartments. Most S-C or B&Bs <u>are not considered to be development requiring planning permission</u> (permitted development) in urban and rural situations; however, where there is a new-build or material change of use, planning applications are required for S-C or B&Bs in the countryside and will be assessed under this policy, TOU 6 and ODC 4 as relevant. Short-term-let tourist accommodation will be monitored and reviewed over the period of the LDP.'</p> | n/a |
| | 191 & 192 | TOU 4 Para 12.23 | Change word from 'tourist' to 'tourism' settlement – same as Para 12.5. | | n/a |
| | 192 | 12.24 | To clarify that S-C and B&B short-term lets can be considered in this accommodation policy (and others), as it is already referenced in J&A 12.24 | | |
| PC 100 | 193 | TOU 5 (Major Tourism Development in | Amend a word in the policy so that it is the same as the | In the first line of TOU 5, change the word ' will ' to ' <u>may</u> be permitted...' | 106A Dfl Strategic Planning |

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| | | the Countryside) | SPPS and is more consistent with this type of proposal being 'an exception'. 'Will' could be considered to set a lower policy test than that set out in SPPS. There is no good evidence-based reason for deviation from the SPPS in this instance. | | |
| PC 101 | 193 | 12.28 | DfI seek clarification on whether <i>Region</i> apply to NW region or NI as a whole?? To make the policy 'more sound', HED recommends insertions/ amendments to the J&A text: | Amend text to 12.28, at the end of bullet point 1 '...and the District. The proposed scale / importance of the development will dictate whether it needs to be of District or Regional importance.' Amend 12.28 Bullet point 3 • Justification for the particular site chosen and illustrative details of the proposed design and site layout. <u>Design quality and sympathetic integration of the proposals within the existing context and setting, will be important considerations.</u> | 106A DfI Strategic Planning 79 DfC Historic Env Div |

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| PC 102 | 194 | TOU 6 Criteria c | Suggested inclusion of clachan-specific text in J&A para 12.32 | Change the start of criteria (c) to: (c) the restoration of an existing group of vernacular or historic buildings including a clachan, through... | 79 DfC Historic Env Div |
| FC 38 | 195 | para 12.32 | Incorrect word was used, did not make sense. | In para 12.32, change penultimate sentence to: <u>Policies Proposals</u> that relate to <u>the restoration of an existing historic building group or clachan, through conversion, reuse and / or replacement of existing buildings, will be assessed under this policy and policy HE 8 Conversion and Re-Use of Non-Designated Heritage Assets. Proposals relating to farm or forestry diversification may provide ...</u> | n/a |
| PC 103 | 196 | TOU 7 (New and Extended Holiday Parks | Policy TOU 7 is unsound and requires a minor wording amendment to make it sound. They suggest the addition of the text <i>heritage assets</i> to make policy sound. | Amend the final line of 4th para of policy TOU 7, to replace the words ' and designated built ' with 'heritage assets'. | 79 DfC Historic Env Division |

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| 13. Minerals Development | | | | | |
| PC 104 | 200 | 13.9 | Clarify that MIN 1 applies to all areas, including non-designated areas. | Insert a sentence at the end of paragraph 13.9 'Policy MIN 1 applies to consideration of minerals developments in all areas of the District, but particularly to the designated areas referred-to below.' | 16 (4) MPANI |
| PC 105 | 200 | 13.10 | Clarify J&A to support Policy MIN 1 bullet point 1. | Amend para 13.10: "The Natural Environment – An extension to an existing mineral working, which minimises <u>additional environmental impact</u> in the countryside will normally be preferred to new workings on green-field sites. Minerals development within <u>(or in close proximity to, or with a pathway to) potential to adversely affect</u> protected habitats or designated areas such as Areas of Special Scientific Interest (ASSIs), National Nature Reserves (NNRs) or Special Areas of Conservation (SACs) which have been declared or proposed for declaration on the basis of their scientific value in regard to flora and fauna, will not normally be given permission where they would prejudice the essential character of such areas (These habitats and areas are as defined in Policy NE 1 and NE 2 of Chapter 21 Natural Environment, particularly those that have European / International and National / Regional protection.) Earth science features, which underpin AONB designations, will also be protected from minerals development. In applying this policy, it is acknowledged that there can also be biodiversity enhancement as a result of minerals development". | 16 MPANI, 82 RSPB, 52 Dalradian & 106A Dfl Planning |
| Potential FC 38A | 200 | 13.10 | Subject to consideration of IE Question 2, Topic 11, the highlighted wording may be reinstated. | | |

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| PC 106 | 201 | 13.11 | To delete the reference to nature conservation sites in 13.11 as it is covered in 13.10. To clarify latter part of paragraph. | Amend final sentence of 13.11 to read 'Applicants must ensure that their proposals accord with the physical preservation of important nature conservation sites and historic buildings and ancient monuments <u>heritage assets</u> along with their settings.' Amend later part to read 'Minerals development within or in close proximity to areas which have been or are to be designated, scheduled or listed...' | 79 DfC Historic Env Division 52 Dalradian |
| PC 107 Potential FC 38B | 201 201 | 13.12 13.12 | To delete the reference to areas that are 'proposed for designation...' Subject to consideration of IE Question 2, Topic 11, the highlighted wording may be reinstated. | In paragraph 13.12, on second/ third line, delete '(or is proposed for designation)' | 52 Dalradian |
| PC 108 | 203 | 13.23 | To reinforce the importance of peatland for carbon storage. | Insert in Para 13.23, line 4, the words ' <u>... conservation interests and for carbon storage as well as</u> with the protection...' | 82 RSPB |

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| PC 109 | 203 | MIN 2 | Clarify the term 'expansive tracts of land', that it does not amount to a 'development opportunity' for planning applications stage. | Move middle paragraph of MIN 2 to the end of a new J&A para 13.24, to make it clear that this is not intended to be an exception for Development Management purposes; instead, it is intended to assist the Council's LDP team in deciding the extent of designations, at LDP LPP stage. | NED 78 A |
| FC 39 | 203 | Para. 13.25 & MIN 2 | To bring the 'exceptions' wording in Para. 13.25 to the Policy Box for MIN 2, as a clearer distinction between policy and J&A. | Inserted para. 13.25 text into Policy Box MIN 2 to form a third Paragraph. | n/a |
| PC 110 | 205 | 13.29 bullet point 8 | To clarify that <u>all</u> temporary permissions are not necessarily exempt. | Add a few words to clarify, paragraph 13.29 bullet point 8: 'Applications for temporary Planning Permission, <u>where this doesn't prejudice the mineral resource...</u> ' | 106A Dfl Planning |

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| PC 111 | 203 | | To correct typo. | MIN 2 second para, second line – typo: ‘considered’ should read “consider”. | 82 RSPB & 106A Dfl Planning |
| FC 40 | 205 | MIN 5 | Clearer wording in the 1 st paragraph of MIN 5. | Amend the start of Policy MIN 5, as follows: ‘Planning permission for all new minerals development will be conditional upon the approval of satisfactory restoration of proposals. All applications for minerals...’ | n/a |
| 14.Signs and Outdoor Advertising | | | | | |
| PC 112 | 207 | Policy AD 2 | Amend text for clarification. | Amend AD 2: Advertising Consent will only be granted, for the display of an advertisement on or adjacent to a Scheduled Monument, Listed Building, Conservation Area, or an Area of Townscape / Village Character where: <ul style="list-style-type: none"> The signage or advertising is in keeping with the historic and architectural form and detailing, does not detract from the character or setting of the monument, building or location, does not cause or add to clutter in the area, adequately controls illumination, is not detrimental to public safety and is in accordance with the relevant advertisement policies within Chapter 23: Historic Environment, where applicable. | HED 79 |

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| PC 113 | 208 | 14.8 | To make the policy more-sound. | Insert new paragraph after 14.8; 'In assessing the impact of an advertisement or sign on amenity, the Council will take into account all of the following matters: the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest;' | HED 79 |
| PC 114 | 209 | 14.9 | To clarify the named legislation. | At the end of bullet point 1 Article 87 & 21 are correctly referred to as part of the Roads (Northern Ireland) Order 1993, however Article 34 should be referred to as part of the Road Traffic Regulation (Northern Ireland) Order 1997. | 106C DfI Roads |
| PC 115 | 209 | 14.9 | To include additional text re LED signage – at an appropriate level of detail for inclusion in the dPS. | Insert a new J&A paragraph after the 2 nd (LED) bullet point on page 209. State that 'The detailed technical specifications will be as approved by DfI Roads Service, plus only the key text (underlined below) Full text to be inserted into EVB and possibly a relevant SPG. 'DfI Roads would recommend that the following guidance is included for LED signage — <u>"(Digital advertising screens should only display static images and should not contain moving images. The rate of change between successive displays should not be instantaneous and should not include the sequencing of images over more than one advert or a</u> | 106C DfI Roads |

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| | | | | <p><i>message sequence, where a message is spread across more than one screen image. "</i></p> <p><i>"The minimum duration any image shall be displayed shall be determined by the Council.) "</i></p> <p><i>"The minimum message display duration should ensure that the majority of approaching drivers do not see more than two messages. The minimum message display duration of each image shall be calculated by dividing the maximum sight distance to the digital advertisement (metres) by the speed limit (metres/second) of the road (30mph = 13.4m/s, 40mph = 17.9m/s, 50mph = 22.4m/s, 60mph = 26.8m/s, 70mph = 31.3m/s."</i></p> <p><i>"The luminance of the screen should be controlled by light sensors which automatically adjust screen brightness for ambient light levels, in order to avoid glare at night and facilitate legibility during daytime. The proposed advertising screen should generally comply with the Institute of Lighting Professionals' guidance PLG05, 'The Brightness of Illuminated Advertisements'. Maximum night time luminance of the digital screen must not exceed the appropriate value from Table 4 of PLG05, which must be considered in conjunction with the environmental zones as defined in Table 3 of PLG 05. Proposed luminance levels and control arrangements are to be agreed by the Department for Infrastructure — Roads.</i></p> <p><i>"Advertisements shall not resemble traffic signs or provide directional</i></p> | |

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| | | | | <p><i>advice.”</i> <i>"Road Traffic Regulation (M) Order 1997 makes it an offence to display any sign which resembles a traffic sign on or near a public road. ’</i> <i>"Telephone numbers and website addresses should not be displayed. ’</i></p> | |
| PC 116 | 210 | 14.13 | Amend text for clarification. | Amend J&A text at start of para 14.13 to read as follows: ‘The Council is aware that our Scheduled Monuments (including the City Walls & Star Fort walls at Ebrington Barracks)...’ | HED 79 |
| PC 117 | 210 | 14.15 | Add additional text for clarification | <p>Additional text (<u>underlined</u>) is required in para 14.15 1st sentence – Scheduled Monument Consent may be required for applications on <u>the Derry Walls and other scheduled monuments</u> under...</p> <p>Final sentence – However the Council may undertake consultation with HED for an <u>application</u> seeking.</p> <p>Requested new final sentence – <u>An application for advertisement consent on a Listed Building will be assessed against this policy and policy HE4 The Control of Advertisement on a Listed Building.</u></p> | HED 79 |

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| <p>15. Agriculture & Other Development in the Countryside</p> <p>The SPPS requires the Council to bring forward a ‘strategy for sustainable development in the countryside’ as part of the LDP; this amended chapter will consolidate the existing policies into the ‘strategy’ required by the SPPS.</p> <p>It is implicit throughout the LDP dPS that ‘sustainable development’ will accommodate those types of developments that are appropriate in the countryside and that other forms of development should be located in settlements. However, this is now made more-explicit, through this chapter and its policies.</p> <p>The SPPS requires the LDP to further sustainable development and this is currently done through the first 3 paragraphs, and final paragraph, of Policy CTY 1 of PPS 21, which set out the underlying approach, for the various types of developments that will be considered to be acceptable in the countryside, and there being a ‘presumption against’ other types of development. It is considered to be appropriate and necessary that this ‘default’ policy position is explicitly carried through to the LDP dPS, in the interests of ensuring sustainable development and to enable the Council to manage future development proposals in the countryside.</p> | | | | | |
| PC 118 | 211 | | Amend Chapter Title, Introduction & Policy References | <ul style="list-style-type: none"> - Change the Chapter title to ‘Other Development in the Countryside’ and the Initials of all these policies from AGR 1-3 to ODC 1-4. - On page 211, Several insertions are recommended to the introductory text of this Chapter, to move its emphasis away from agriculture / forestry towards the ‘other development’. - Reference Designations SETT 1 and SETT 2 on p 58/63 (Settlement Hierarchy & Settlement Limits) and para 6.12 on the open countryside outside of those settlements. <p>It will be made clearer that GDPOL 1 applies to developments in this section and hence the relevant requirements in the Transport Chapter apply including TAM 6 Transport Assessment and TAM 7</p> | <p>106 A Dfl Strategic Planning.</p> <p>80b Dfl TPMU</p> |

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| | | | | Walking & Cycling Provision. See Annex 3 for the proposed re-wording of the introductory paragraphs from page 211. | |

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| PC 119 | 212 | New Policy ODC 1 | Insert new Policy ODC 1, with accompanying Justification & Amplification paragraphs – see ANNEX 2 | <p>See Annex 2 for a full version of new Policy ODC 1 and its J&A paragraphs</p> <p>ODC 1 Other Development in the Countryside</p> <p>There are a range of types of development which in principle are considered to be acceptable in the countryside and that will help sustain rural communities and contribute to the aims of sustainable development. The main types of sustainable rural housing and non-residential developments are covered in the respective chapters of this LDP dPS.</p> <p>Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in this LDP. This presumption against such other developments will be particularly important within the defined Green Belt areas.</p> <p>Justification & Amplification – see Annex 2</p> | 106 A DfI Strategic Planning. |
| PC 120 | 216 | Current Policy AGR 3, becomes Policy ODC 4 | Insert new words in the policy and new J&A. | <p>Change title of ODC 4 to include The Conversion, <u>Change of Use</u> and Re-Use....</p> <p>Insert the word ‘use’ near the start of criteria (b) and (d).</p> | 106 A DfI Strategic Planning. |

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| | | | | <p>Amend criteria (h) to ...Natural Environment and Historic Environment chapters.</p> <p>The above amendment will include listed buildings as well as other historic assets, so delete the following 'Listed Buildings' paragraph.</p> <p>- Insert a new criteria (i) If it is for a tourism development, it must also submit a statement of why the use is site-specific and cannot be located in one of the named 'tourism settlements'.</p> | |
| PC 121 | | Policy ODC 2,3 & 4 | To clarify that developments should be located outside of the Green Belt or in a nearby settlement, if this is an option. | insert the words near the end of the Policy: '...cannot be located <u>outside of the Green Belt or</u> in a nearby settlement.' Also Insert an appropriate paragraph in J&A in this Chapter similar to para 16.140 p 262 to clarify GB avoidance where possible. For ODC 2 and same for ODC 3 and ODC 4. | 106 A Dfl Strategic Planning. |

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| PART D- Social Development- Strategy, Designations & Policies | | | | | |
| 16. Housing in Settlements and the Countryside | | | | | |
| PC 122 | 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 rd line of para 16.4 ‘... on ‘brownfield’ or vacant and under-developed sites within the built-up area.’ | n/a |
| FC 41 | 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 ³¹ , it would be important to maintain a five-year land supply.’ Also amend the similar content of the last two lines of para. 16.15, to read: ‘... by 2032 and maintain a 5-year land supply.’ | 106 A Dfl Strategic Planning Turley Reps 47, 48, 49, 51 & 57 MKA Reps 122, 123, 124, 126 68 BMRG |
| FC 42 | 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 th 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 rd 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 st line, clarify the reference to '...Table 1 of Appendix 5 provide...' On the 5 th line, insert a word '... As part of the LDP Evidence Base, <u>initial</u> Settlement Appraisals have been undertaken...' | n/a |
| PC 124 | 223 | STRATEGIC 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 th column of Table 9, amend the hectares for the City from 125 to 61. This also changes the column total from 307 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: “As per the SPPS ³¹ , it would be <i>important to maintain</i> a five-year land supply.” Also amend the similar content of the last two lines of para. 16.15, to read: “... by 2032 and <i>maintain</i> a 5-year <i>land</i> supply.” | 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 <i>identify Housing Zonings and Land Use Policy Areas (LUPAs); it will</i> 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 <i>Area</i> (formerly the DAP designated Flat Zone FL | n/a |

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| | | | | 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, are being designated in the LDP Plan Strategy and will be further 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 existing area plans). | |
| <p>PC 126</p> <p>FC 44</p> | 225 | HOU 1, several inserts. | <p>Clarification and a typo. Include reference to Table 2.</p> <p>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</p> | <p>In policy HOU 1, amend reference on line 2: ‘Table 4 8 or Appendix 5 Tables 1 & 2’</p> <p>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 two <u>three</u> phases. Add an ‘s’ to ‘brownfield sites’ on line 8</p> <p>Under the ‘LDP Phase 1 Zonings’ heading, add the following wording (as underlined) to the bullet points to read as follows:</p> <ul style="list-style-type: none"> Existing commitments i.e. <u>sites previously-zoned or unzoned land</u> with live residential planning permission; Selected Urban Capacity Sites (City and Main Town) and <u>Selected</u> Whiteland Sites (Local Towns) identified at LPP; | 50 Turley (& similar), other Turley submissions |

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| | | | <p>their planning permission. Clarificatory wording, on several points in the Policy and in J & A.</p> <p>To Introduce 'Phase 3 Zoning' of additional land into HOU 1 to meet the Social Housing Need. This</p> | <p>Under the 'LDP Phase 2 Zonings' heading, add the following words to the bullet points, to read as follows:</p> <ul style="list-style-type: none"> • <u>Other appropriate</u> 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 <u>Other</u> Whiteland Sites (Local Towns). <p>Add the following sentence (as underlined) to the end of the 3rd bullet point to read as follows: <u>Conversely, if certain Phase 1 land is not implemented, it can be rezoned as Phase 2 or alternatively, either Phase 1 or Phase 2 lands can be rezoned for an alternative land-use, following an LDP Review;</u></p> <p>In HOU 1, under the 'LDP Phase 2 Zonings' heading, remove the sentence under the 4th bullet point starting 'In exceptional circumstances....' and its associated two bullet points and replace with the following underlined text: <u>LDP Phase 3 Zonings – Strategic Housing Land Reserve</u> <u>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)</u></p> | |

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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 style="color: red;">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&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&A para 16 21 by inserting following sentences (as underlined) after at the end of the second sentence, to read as</p> | |

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| | | | <p>consider the rezoning of both Phase 1 & 2 Lands if not brought forward within a reasonable time, unless they are otherwise sustainable Selected sites.</p> <p>To explain the rationale in the J&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&A Para 16.24 as follows: 'As an exception to In addition to the Phase 1 and 2 approach, ...' Insert new sentence after end of 2nd 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 & 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 Dfl 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 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. Move the 'brownfield' | Amend the opening sentence of para 16.30 p 229 to read as follows: 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. <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> At end of 16.30, insert the text from PC 128 above. | MKA Reps: 122 MKA-James McLaughlin, 123A & B MKA - Millwell Properties Ltd, 124A - D MKA – Doherty (various), 126 MKA - Daniel Lusby, |

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| | | 16.32 | wording to here, from HOU 2. To clarify the approach to brownfield sites | 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> | 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-residential uses or non-dwelling uses are permitted</u> , they should be | n/a |

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| | | | | <p>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 & 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 and Affordable tenures. | <p>For clarity, see Annex 4 for a full version of new Policy HOU 5 and its J&A paragraphs</p> <p>Amend policy title to 'Affordable and Private Balanced-Tenure Housing in Settlements'</p> | 106 A Dfl Strat Planning |

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| | | | <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: 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 <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 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</p> | |

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| Potential FC 49A | 234 | HOU 5 | In response to the IE Question 4, the clarificatory wording is offered, Without Prejudice. | <p>developments will be expected to provide a balance of <u>suitable tenures</u>, taking account of the proposed and existing mix in that local area. <u>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.</u> Any exceptions to <u>proportions of tenures</u> will need to be specifically justified and evidenced by the applicant.</p> <p>Where it can be demonstrated that there is no <u>insufficient</u> 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. Where it can be demonstrated that there is no need in the area, then accordingly the requirements of this policy do not apply.</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> | |
| FC 49 | 234 | HOU 5 | Remove a line that no longer applies, now that the norm is 20%. | In rural -villages and small settlements, the minimum viable number of affordable units will be 2 in a development of 10 or more. In such settlements, sites below the normal threshold of 10 dwellings may | |

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| | | | | <p>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>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’.</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 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, 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 70% indicative Council has indicated that there should be no more than a 70 – 80% proportion of either private or affordable housing in an area</u> 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 either private or affordable houses to deliver the Council objective of</p> | |

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| | | | | 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’. | |
| PC 137 | | 16.52 – 16.55 | Note amended DfC definition of Affordable Housing issued 19 th April 2021 | 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.’ Additionally, amend / shorten the related Para 16.55, as follows, and remove Footnote 41 on page 236 - as it is now superseded: | 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 | 237 | HOU 6 | To clarify Tenure is dealt with by HOU 5 and not by HOU 6. | Remove reference to 'Tenure' from title of policy HOU 6. New title to read as follows: <u>HOU 6 House Types and Size.</u> | 45 Heron Bros, 48 Apex Housing, 49 PCI, 114 Turleys – Hamilton Bell 116, Turleys Howard Fulton, 128 Turleys – Apex Housing |
| FC 50 | 237 238 | HOU 6 Para. 16.63 | Remove this last sentence totally, as it is redundant in the amended policy. Minor factual correction of text. Remove reference to 'tenure'. | In HOU 6, remove references to Tenure in last sentence in middle policy paragraph to read as follows: Delete sentence: An appropriate mix of house types and size will also be required. In J&A Para 16.63 (p 238), add in words to the 4 th 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 incomes to live together. | |

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| 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&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, preserve its character.</u> | 79 DfC-HED |

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| | | | | (c)Heritage assets 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 | HOU 10 | To remove reference of other residential institutions from policy box to J&A. | 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.' | 106 A Dfl Strat Planning |
| | 245 | Para 16.86 | To amend a typo - Para 16.86 refers to Chapter 25 SPG Annex A. Should be Appendix 6 SPG on p 516. | 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> | 107 Paul McGarvey 106 A Dfl Strat Planning |
| PC 143 | 245 | HOU 10 New criteria e) to be added to policy box | To enhance Policy HOU 10, with an additional requirement to | 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 contribute to biodiversity net gain. | 82 RSPB |

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| | | | achieve no net loss of biodiversity | | |
| 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 106 A Dfl Strat Planning |
| FC 51 | 248 | HOU 11 | Give correct title of HOU 8. | Amend the 4 th 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 | 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&A. To clarify that this para is referring to Flats Prevention Areas. To clarify which policy is referenced. | Amend the 7 th line to: 'Conversion of to flats / apartments outside the Flats Policy Area...' 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:' In para 16.102, amend the start of line 3 to read: '... Flats Protection Prevention Areas.' Insert the same words in the middle of the penultimate line, to read: '... Additional Flats Prevention Areas will also be considered ... ' Amend the 2 nd & 3 rd 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 Plan as per in the Derry ...' | 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 rd line to read: ...rented by <u>at</u> least one.... Remove duplicated legislation reference in 4 th 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 | To correct typos and provide policy clarity. Superseded by FC 52 | Amend text in Para 16.106 as follows. Amend 2nd bullet point by deleting word 'registered' to now read: ...for HMOs not yet licensed. | |
| 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 adjacent streets / terraces (that share the parking and other impacts) will be taken into account. | |
| FC 53A | 252 | Paras. 16.106 & 16.107 | In response to the IE Question 2, the clarificatory wording is offered, Without Prejudice. | | |

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| | | | itself, as per J&A para 16.113. To correct a typo / wrong word used. | Amend line 5, as follows: 'This will also include the retention 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 Para 16.112 on page253 . 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 st 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 |
| CHAPTER 16 Housing; Rural p255 to 276 | | | | | |
| PC 148 | 256 | 16.121 | 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 rd last line at end of 16.122, insert the <u>underlined</u> words | 79 DFC HED |

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| | | 16.122 | | '...relevant LDP policies particularly CY 1 –CY 4...' | n/a |
| 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 | 265 266 | HOU 20 Para 16.155 | Request that the importance of old buildings & underused sites for biodiversity is recognised and to | 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.'</i> | 82 RSPB |

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| | 268 | HOU 21 Para 16.164 | require no net loss of biodiversity. | <p><i>Therefore, the restored or replacement dwelling should seek to retain those landscape features and achieve no net loss of biodiversity and 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 | <p>Similar paragraphs to be added to J&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 – ‘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</p> | n/a |

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| | | | that only one group of housing will be allowed on eligible countryside sites. | <i>must be justified by ongoing social housing need and should be reflective of the scale of the settlement. The design, layout and 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 – ‘The “balanced community” 70% indicative tenure split (HOU 5) would not apply to schemes considered under Policy HOU 25.’ | 73 Co-Ownership |
| 17. Open Space, Sport & Outdoor Recreation | | | | | |
| 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"> • ‘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; • Facilitate appropriate outdoor recreational activities in the countryside that do not negatively impact on the amenity of existing residents.’ Also add a sentence to the end of the paragraph – ‘see SPPS paragraph 6.201’. | 106A DFI Strategic Planning |

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| PC 159 | 280 | OS 1 Protection of Open Space Para 17.14 | Add text to acknowledge the implications and permanence of any open space loss. | Add the following text after “town cramming” in paragraph 17.14: <i>‘In the case of either exception, the Council will consider the implications and permanence of any loss of open space.’</i> | 106A DFI Strategic 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 |

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| PC 162 | 284 | OS 2 Public Open Space in New Developments | Make it clearer that for smaller schemes, the listed criteria will be used to determine the need to provide public open space. | 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 the development...’</i> | 106A DFI Strategic Planning |
| 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) - <i><u>“there is no loss of High Nature Value (HNV) land or of the Best and Most Versatile (BMV) agricultural land and no unacceptable...”</u></i> | 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"> • <i>‘The proposed facility takes into account the needs of people with disabilities;</i> • <i>The development is located so as to be accessible to the catchment population by walking, cycling and public transport...’</i> | 106B DFI TPMU |

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| 18. Community Infrastructure | | | | | |
| FC 57 | 299 | CI 1 | To remove the reference to GDP 1, as it is a 'principle' and it is already included above. Two minor typos. | In Policy CI 1, insert the correct word on the 3 rd line, as follows: '...development (see Section Chapter 7) and comply ...' Delete the 4th Bullet Point, referencing GDP 1 On the last line, change to: 'Chapter 35 34: Developer Contributions.' | n/a |
| 19. Utilities Development | | | | | |
| 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. | |

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| PC 166 | 305 | UT 2 Water Infrastructure Para 19.3 | Additional wording to recognise the limitations of the sewerage 'network' as a potential constraint to development. | Para 19.3, 4th line: ' <u>...little or no sewerage 'headroom capacity' and also network inadequacies; ...'</u> At the end of the 5th line: ' <u>... Details of the specific network and WWTW capacity...</u> Update EVB 19, especially the table at Appendix 1 to reflect the latest information on WWTWs and network issues. | 69 NI Water |
| 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 st 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 | 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 | 106A DFI Strategic |

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| | | | requirement for technical spec and details of mast / apparatus to be submitted, as in Policy TEL 1 in PPS 10. | 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 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 nd sentence of the 3 rd bullet point '... level of detail. For proposals in areas of... <u>or affecting designations relating to the</u> or on the Natural and/or Historic environment <u>the Statements will need to address how the proposal meets the requirements of their respective policies (see Chapters 21and 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 |
| 20. Waste Planning | | | | | |
| PC 170 | p310 | EVB 20 | The Northern Ireland Waste Management Strategy (NIWMS) | Insert at bottom of p310 a footnote defining 'circular economy': 'A circular economy produces no waste or pollution and uses fewer | 72 Zero Waste |

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| | | | 2013 is outdated. Refer instead to The Waste Prevention Programme for NI - The Road to Zero Waste, 2014 in EVB. Include brief explanation on 'Circular' economy and 'Green' economy. | 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 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 nd line of Policy WP 2, replace 'MIN 1' with 'WP 1' On the 2 nd 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 |

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| FC 61 | p319 | Para 20.24 | Add in similar wording in the J & A text. Delete the final sentence of para 20.24, as it is not required. | 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, 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 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. Reword sentence, as | Replace first sentence of paragraph 20.8 with the following text: 'There are no current landfill sites... within the District. EVB 20 lists existing waste management sites i.e. recycling centres and bring sites.' The first sentence of paragraph 20.8 reads as follows: | 3E EYF |

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| FC 62 | 310 | Para 20.8 | per IE Answer Q2, to remove reference to document EVB 20. | <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 |
| 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 rd sentence in Para 20.31: ‘Please refer to NIW Development Encroachment Procedures’. | 69 NI Water |

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| PART E- Environment - Strategy, Designations & Policies | | | | | |
| 21. Natural Environment | | | | | |
| PC 177 | p 324 | para 21.6 | To strengthen Natural Environment pre-amble with Mitigation hierarchy text. | <p>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></p> <p><u>The mitigation hierarchy requires, in order of preference, that, in terms of potential habitat damage, proposals should:</u></p> <ul style="list-style-type: none"> • <u>Avoid – where possible, habitat damage should be avoided;</u> • <u>Minimise – where possible, habitat damage and loss should be minimised;</u> • <u>Remediate – where possible, any damage or lost habitat should be restored;</u> • <u>Mitigation – as a last resort, damage or lost habitat should be compensated for.</u> | 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 nd 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"> - 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; & <u>Sites of Community Importance, or</u>; - A listed or proposed Ramsar site: 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) & proposed SPA; Special Areas of Conservation (SAC) & 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 European Commission 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 & Amenity Lands (NI) Order 1985 and the Wildlife (NI) Order 1985 respectively.</u> | |
| PC 179 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 para 7.47 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 |
| PC 180 | 328 325 | 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> | |
| PC 181 | 330 | NE 3 | To provide a policy that clearly covers TPO protection & wider tree retention generally. Correct typo, x 2 | <p>Insert new third indent in NE 3 policy text box (before 'active peatland') to read as follows:</p> <ul style="list-style-type: none"> - trees and hedgerows; <p>Insert new paragraph in policy text (as below) before the last paragraph at end of policy NE 3:</p> <p>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.</p> <p>Put the following text below into a new J&A paragraph 21.21 relevant to policy NE3 (and subsequently renumber) p 330.</p> <p>21.?? Article 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</p> | 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 Article Section 122 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 & 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 2nd 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 must should normally be provided ...' | |
| Potential FC 65A | 333 | NE 5 | Without prejudice, IE Q.1, to remove 3 references to 'Setting' of AONB. | Without prejudice, IE Q. 1, change the NE 5 policy and J&A, as follows: (i) Remove from the title of the policy "or affecting the setting of". (ii) Remove from the second line of the policy "and setting". (iii) Removing from the first line of paragraph 21.31 "or those which could affect its setting". | 47, 116, 52 (All Turley) |
| PC 183 | 333 | NE 5 | To provide strengthened AONB reference within NE 5 in line with SPPS (para 6.186 – 188) & PPS 2. | 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. [See Potential FC 65B below]</u> | 106 Dfl Strat Planning |
| Potential FC 65B | 333 | NE 5 | Without prejudice, IE Q.2, to replace 'intrinsic appeal' with 'special character'. | Without prejudice, IE Q.2, change the 1 st para of NE 5, to the following, incorporating / deleting the above PC 183 paragraph: "The Council will not permit development that will adversely impact or erode the intrinsic appeal special character of the Sperrin AONB, including its landscape character, heritage, wildlife and setting, when considered individually or cumulatively alongside existing or approved development." | 47, 116, 52 (All Turley) |

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| | | 21.28 21.29 | To strengthen supporting AONB J&A text. | 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 & Seascape Character Review EVB 6b.</u> | 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) |
| PC 185 | 334 | NE 6 – Development within Special Countryside Areas | To provide policy clarity re finish of works within the AONB. | 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> In addition, correct typo in para 21.34, end of 3rd sentence as follows: Replace ‘comprise’ with ‘compromise’ | 78A DAERA (NED) |

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| 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.</p> <p><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> <p><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></p> | 56 Foyle River Gardens (Turley) |

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| 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 |
| 22. Coastal Development | | | | | |
| 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 (Chapter 21) and FLD 1 (Chapter 25) and should not have an unacceptable effect, either directly, indirectly, or cumulatively, on the <u>natural character & 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 become at risk from rising sea levels due to Climate Change</u> , coastal erosion or land instability. Development proposals will also be assessed against the UK Marine Policy Statement (MPS) and any adopted Marine Plan. | 106E WDPD Dfl (Water & Drainage Policy Division) |
| PC 188 | P 341 | CD1 | To provide a relevant cross reference to policy FLD 1 within policy CD 1 text. | Insert reference to FLD 1 in policy text box for policy CD 1 as underlined as follows: Development proposals must comply with NE 1 and FLD 1 and should not have Superseded, the Change is already included in PC 187. | 106D Dfl Rivers (Planning Advisory & |

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| | | | | In addition, insert a new text reference (as underlined) in the J&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 & Flooding and policy FLD 1 p 379.</u> | Modelling Unit - PAMU) |
| PC 189 | P 341 | CD1 | To provide enhanced landscape reference within the Coastal chapter. | (a) In line with 6.35 SPPS insert new text (as underlined) into the 2 nd sentence of CD1 to read as follows:indirectly, or cumulatively, on the natural character & landscape of the coastal area. Superseded, the Change already included in PC 187. (b) Amend the end of sentence at the first bullet point for Underdeveloped Coast in the CD 1 policy text box p 341 with new text (as underlined) to read as follows:archaeological / heritage assets, geological or <u>landscape / seascape quality and character of the area.</u> (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> | |

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| 23. Historic Environment This Chapter has been amended and re-worded throughout - see below and Annex 3.5 of this document for detail. | | | | | |
| PC 190 | 346-348 Chapter 23 Context, Designations, General 23.1 to 23.12 | 23.1 23.4 23.5 23.7 23.10 | To include amendments requested primarily by DfC Historic Environment Division (HED), as well as DfI Strategic Planning, in order to closely align 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 | 23.1 Line 2 – insert ... <u>heritage assets</u> ¹ ...in line 2 Line 4, change designated to <u>identified</u> 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</u> . Full details of <u>heritage assets recorded by HED</u> can be found... Line 2, after ...settings, add a footnote to https://www.communities-ni.gov.uk/publications/guidance-setting-and-historic-environment 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.)' 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)</u> | DfC HED 79 |

¹ 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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| | | 23.11 | 'proven' and accepted widely. Therefore, these changes should assist the implementability of these HE policies. Typo corrected. | are designated and / or identified in the LDP, by the Council on the advice of HED. 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. (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 & 21, TOU 4 and PDP 1. Should LDP Monitoring identify a need for further 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 ' ... and Upstanding Remains ' 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 |

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| PC 192 | 349 | HE 1 | For clarification and clarity | Insert into 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 monuments and may be distinguished by their landscape character and setting.' | 79 HED 106A DFI Strategic Planning |
| 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 |

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| 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 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. | 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 |
| PC 197 | 352 | HE 3 Adjacent to the | Whilst the Walls could be protected under | Change to start of 23.28, as follows: <u>As a historic monument in State Care</u> , no works can be carried out... | 79 HED |

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| | | Walls 23.28 | HE 1, this revised wording is provided to make the specific policy more-sound, and Derry-specific. | 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> | |
| 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 would be nearly exactly the same as the existing policies and J&A of BH 7 to BH 11 of PPS6.) | Change text, mostly as requested by HED. See Annex 3 5 of this document | 79 HED |
| PC 199 | 356-357 | HE 5 Conservation Areas | Amend as requested by HED, for clarity and to aid its implementation. | 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. Insert a comma in the second bullet point, to aid understanding of | 79 HED 106A Dfl Strategic |

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| | 357 | 23.40 23.41 | | <p>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 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) (a) New development Within or Affecting the Setting of a Conservation Area 23.41 On the 4th line, delete phrase ‘in deploying the principles of preserve, conserve and enhance,.. The Council will encourage the sympathetic restoration of unlisted buildings...’</p> | Planning |

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| | | 23.42 | Dfl 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 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> | |

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| | | | <p>Even though there is nothing additional in this J&A, it looks like an omission to have none, so Insert new paragraph.</p> | <p>New 23.44 <u>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> <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> <p>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></p> | |

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| 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 HE6 & various references throughout LDP dPS | 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 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'. | 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. 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 | 79 HED |

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| | | HE 6 J&A 23.43 23.44 23.45 | Reword 23.43 in a positive style and wording, as per SPPS 6.21. | <p>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.</p> <p>Insert new sub heading <u>(a) New Development in an Area of Townscape or Village Character</u>, before existing para 23.44 Insert new subheading <u>(b) Demolition in an Area of Townscape or Village Character</u> New 23.45 <u>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:</u></p> | |

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| | | | | <ul style="list-style-type: none"> • requiring the redevelopment of the site to be based on previously agreed detailed proposals; and • prohibiting demolition of the building until contracts have been signed for the approved redevelopment of the site. <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 supplied by HED. | <p>Change Text, as per Annex 3 5, including changing the Policy title to: HE 8 Conversion and Re-Use of Non-Designated Heritage Assets</p> <p>(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)</p> | 79 HED |
| 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. | <p>Change, mostly as HED recommended – see amended wording in Annex 3 5.</p> <p>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</p> | 106A Dfl Strategic Planning 79 HED |

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| | | | | 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’ | |
| 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 nd sentence to Para 23.10, as detailed above. Therefore, 23.61 is removed. | 79 HED |
| PC 205 | 364 | Para 23.62 & Chapter 40 Monitoring & Review | To include suggested Monitoring Indicators. | Insert a new 2 nd sentence to Para 23.62: Monitoring Indicators may include: the number/type of demolitions, adverse consents, ‘exceptional circumstances’ and ‘regional’ proposals approved. Also note / amend in Chapter 40 and the related Revised ‘Monitor & Review Technical Paper’. | |
| 24. Renewable and Low Carbon Energy Development | | | | | |
| 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 & | Break up policy. See amended ordering and text at Annex 4 of this document. | n/a |

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| | | | hydro policies. Move non- policy text to the J&A to be consistent with other chapters in the dPS. | | |
| 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 renewable energy production’. | n/a |
| | 365 | 24.2 | To correct a minor typo | In Para 24.2, on the 5 th 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 nd line, insert words: ‘...Plan <u>and the NW Regional Energy Strategy, ...</u> ’ | |
| PC 208 | 368 | RED 1 | To clarify that renewables development must | Minor change to first sentence in policy (new text underlined): ‘In the first instance, proposals for renewable energy must accord with <u>NE 1</u> and the relevant landscape designations and their policies (refer also | 46 SSE Renewables 117 ABO Wind |

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| | | | pay due regard to relevant designations. | to Chapter 6 Spatial Strategy and Chapter 21 Natural Environment) | 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: 'In the first instance, Proposals for renewable energy must accord ...' 'Subsequent to meeting the above, Development proposals that generate energy ...' | 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 208, to clarify that all of NE chapter is included | Amend the 1 st paragraph of RED 1, to read as follows: 'In the first instance, proposals for renewable energy must accord with Policy NE 1 and the Chapter 21 designations / species / habitats, as well as the relevant landscape designations and their policies (refer also to Chapter 6 Spatial Strategy and Chapter 21 Natural Environment):' | Turley, Reps 46-SSE and 117 – ABO Wind |
| Potential FC 69 FC 69A | 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 nd 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, in the case of a combined heat and power scheme or a biomass heating scheme, it can be demonstrated that the benefits of the proposed siting of the scheme outweigh the need for an at-source location transportation e.g. where it is close to the identified and an end-user is identified .' (Note that this paragraph is to be moved to the J&A section, as per PC 206) | PC-COM-14 ABO Wind |

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| 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. | “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.” | |
| 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 |
| PC 212 | 370 | Criterion vii | To clarify meaning of “occupiable” buildings. | Add footnote: ‘buildings which, with relatively little intervention, could be readily occupied’. | 46 SSE Renewables 117 ABO Wind |
| FC 72 | 370 | RED 1 | To be consistent with the above-mentioned wording. See IE Question 8. | In the paragraph below the criteria on p. 370, amend the 2 nd line to: ‘...diameter to occupied occupiable property will generally apply ...’ | n/a |

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| 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 st 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 for 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.'</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 |
| PC 215 | 370 | Footnote 54 | Clarify definition of 'fall-over distance' to reflect that in the BPG for PPS 18. | Change footnote 54 (new text underlined): total <u>hub height + turbine blades</u> for clarity. | 117 ABO Wind |
| FC 73 | 370 | Footnote 54 | IE Question 10. Minor clarification. | Change the above-mentioned footnote 54 to read: 'hub height plus the length of one blade', for absolute clarity | |

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| 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 th 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 | 371 | Anaerobic Digesters section of policy box | To address ammonia emission impacts for Anaerobic Digestion. | 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.' | DAERA |
| FC 74 – see below | 371 | As above | IE Question 11. To clarify it applies to all structures and amend the 'test' to be consistent with the wording of the other tests in this chapter. | In viii) delete the second word 'ancillary' and amend the 'test' to 'unacceptable adverse impact'. To read as: 'viii) any ancillary structures or buildings shall have no significant unacceptable adverse impact on.' | PC-COM-12 RSPB |
| Amended FC 74A | 371 | As above | Delete criterion viii, as it is an un-necessary duplication of the general criteria a) to f) from RED 1 on p. 368. | Delete criterion viii in its entirety. | |
| PC 218 | 372 | Hydro-electric section of policy | Add policy text to address visual impact | In the hydro section policy box, insert a new criterion iv, 'Any structures shall have no unacceptable impact on visual amenity or | 78A NED |

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| Potential FC 75 | 372 | box Hydro-electric section of policy box | of hydro, for particular emphasis here, in addition to RED 1. IE Question 12. To amend the 'test' to be consistent with the wording of the other tests in this chapter. | landscape character.' Amend the wording of all three criteria to: '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.' | |
| 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): ' <u>changes to water flows and quantities of within</u> watercourses through abstraction;' | n/a |
| PC 221 | 374 | 24.18 | Refer to mitigation hierarchy which seeks to avoid impacts as a | Insert text to the end of paragraph 24.18. ' <i>in accordance with the mitigation hierarchy, see Natural Environment chapter.</i> ' | 82 RSPB |

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| | | | | are re-vegetating.” | |
| 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 |
| 25. Development and Flooding | | | | | |
| PC 224 | 376 | Paragraph 25.2 | Delete erroneous reference to DFI Rivers. | Delete the word “Rivers” from final sentence. | 106E Dfi 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: ‘...and infrastructure outside the flood risk area and avoid zoning land for development that would be at risk of flooding <u>now or which may become at risk due to climate change.</u> ’ | 106E Dfi (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</u> | 106E WDPD Dfi |

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| | | | | <u>may become at risk due to climate change.'</u> | |
| 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 between 300mm 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: 'approximately <u>24,500</u> or <u>3%</u> 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...' | 106E WDPD |
| PC 231 | p388 - 389 | Policy FLD 3 | Add wording to policy FLD 3 and J&A to | Add text to FLD 3 at the end: 'For all developments, sustainable drainage systems (SuDS) will be incorporated. Where this preferred | 82 RSPB |

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| | p390 | Para 25.58 | <p>reflect requirement for SuDS in all development as also expressed in Policy GDPOL1.</p> <p>To insert correct reference location</p> | <p>drainage method is not feasible, this must be demonstrated in any planning application.'</p> <p>Modify J&A paragraph 25.58 to read: 'In carrying out the drainage assessment, the developer should use sustainable drainage systems (SuDS) as the preferred drainage solution. See GDPOL 1.'</p> <p>On the 2nd 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...'</p> | |
| PC 232 | p393 | Policy FLD 5 Development in Proximity to Controlled Reservoirs | Add text to policy to include erroneous omissions from PPS 15 Policy FLD 5. | <p>New text for second bullet point:</p> <ul style="list-style-type: none"> • 'the application is accompanied by a Flood Risk Assessment which demonstrates: <ol style="list-style-type: none"> 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 2 that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures.' <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</p> | 106D Dfi Rivers |

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| | | | | indicates potential for an unacceptable combination of depth and velocity.' | |
| 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: '...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 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 | 106E WDPD |

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| | | | | legislation allows NI Water to refuse a surface water connection if alternative means have not been considered, including landscaping or natural features.' | |
| 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"> • <i>Promote clear Planning Policy</i> • <i>Consider and develop effective delivery mechanisms and approval processes</i> • <i>Review how SuDS (both hard and soft components) are currently delivered in Northern Ireland</i> • <i>Develop and promote consistent delivery mechanisms and approval processes.'</i> | 106E WDPD |
| PC 238 | P487 | A19 | Amend text to reflect current policy and legislative context. | Amend text as follows (new text underlined): '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 | 106E WDPD |

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| | | | | authority currently requires the consideration of such systems in line with 6.118 of the SPPS. From the planning perspective, it is imperative that a responsible approval body mechanism is in place, 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 are the intended new service companies, as planning permission will not be granted without are 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.' | |
| PC 239 | 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 |
| PC 240 | 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 |
| PC 241 | 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 |
| PC 242 | n/a | EVB 25 | Update reference to | On page 76 under the heading 'DfI Guidance on Climate Change', it is | 80F DFI |

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| | | | 2080 epoch. | 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.' | |
| <i>PART F- Place-Making and Design Vision</i> | | | | | |
| <i>26. Place-making & Design Vision for Development in the District</i> | | | | | |
| PC 243 | 401 | Para 26.9 | Provide cross reference to Historic Environment chapter. | Insert on the 4 th 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 | 403 | Para. 26.18 | Change title of principle to better reflect its content and | Delete the word 'hierarchy'. Re-title to 'incorporate sustainable transport into designs'. | 47 John Burns 57 Henry Craig <i>et al</i> , |

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| FC 76 | 403 | Para. 26.18 | intention. Minor consequential wording change. | Also remove the corresponding word 'hierarchy' from the paragraph itself, to read: 'This should be taken into full account in all decision making, from planning to investment.' | Mr Hamilton-Bell & Howard Fulton (all Turley). |
| 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 |
| 27. Place-Making & Design Vision/Policy for Derry-Londonderry | | | | | |
| No Representations received resulting in Proposed Changes to this Chapter | | | | | |
| 28. Place-Making & Design Vision/Policy for Strabane | | | | | |
| No Representations received resulting in Proposed Changes to this Chapter | | | | | |
| 29. Place-Making & Design Vision/Policy for Local Towns | | | | | |
| 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 | 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 they are their design is of a high | n/a |

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| | | | Design' Policy box. A similar box to be added to 30.2 and 31.2, for consistency. | 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 | |
| 30. Place-Making & Design Vision/Policy for Villages | | | | | |
| No Representations received resulting in Proposed Changes to this Chapter | | | | | |
| 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 they are 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 | n/a |

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| | | | | sensitive design; -comply with all other relevant LDP policies and in particular GDPOL 2 | |
| 31. Place-Making & Design Vision/Policy for Small Settlements | | | | | |
| 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 they are 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 |
| 32. Place-Making & Design Vision/Policy for Countryside | | | | | |
| No Representations received resulting in Proposed Changes to this Chapter | | | | | |
| PART G- Specialised Requirements, Etc. | | | | | |

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| 33. Hazardous Substances, COMAH & Major Accidents | | | | | |
| PC 247 | 453 454 | 33.11 | Cross-referenced and similar to GDPOL xiii, this widens the requirement to avoid accidents generally, as well as Comah-specific. | Insert a new Para 33.11 to Chapter 33, on major accidents generally: 'Applicants must ensure that their developments do not increase the risk of accidents generally or increasing the severity of the consequences of such accidents. See also GDPOL 1.' | All are MKA - 122, 123, 124A, 124B, 124C, 124D and 126 James Construction; Millwell Properties, PJD Construction Ltd & Porthall Enterprises Ltd |
| 34. Developer Contributions and Community Benefits | | | | | |
| 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 | 11 NIHE |

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| | | | | line with the wider policy / practices of the Council, Community Plan, 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". | |
| 35. Demolition and Redevelopment | | | | | |
| No Representations received resulting in Proposed Changes to this Chapter | | | | | |
| 36. Regeneration and Comprehensive Redevelopment | | | | | |
| No Representations received resulting in Proposed Changes to this Chapter | | | | | |
| 37. Other Specialist Requirements | | | | | |
| 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 23 33'. | Recent Consultations n/a |

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| 38. Supplementary Planning Guidance | | | | | |
| No Representations received resulting in Proposed Changes to this Chapter | | | | | |
| FC 78 | 464 | 38.1 | To clarify that the LDP-adopted SPG documents will remain in place unless revised / replaced by the Council. | Amend the 2 nd sentence of Para.38.1, to now read as: "These adopted documents will continue to be treated as material considerations, as specified in Appendix 6, until such times as they are reviewed or replaced by the Council". During the transitional interim period (or as the case may be, after the expiry of the transitional period) and are listed in Appendix 6. | n/a |
| 39. Transitional Arrangements | | | | | |
| No Representations received resulting in Proposed Changes to this Chapter | | | | | |
| PART H- LDP Monitoring and Review | | | | | |
| 40. Monitoring Criteria & Review Process | | | | | |
| 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 DfI Strategic Planning |
| 41. Next Steps- From Draft Plan Strategy Onwards | | | | | |
| This Chapter will be updated to mark the adoption stage of the LDP dPS | | | | | |

| 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) |
| Appendices | | | | | |
| Appendix 6: Supplementary Planning Guidance FC 79 | 516 | | To add reference to an existing (omitted) SPG that is to be carried forward. | Insert at the end of the table in Appendix 6, “Best Practice Guidance to PPS 23 – Assessing Enabling Development for the Conservation of Significant (Historic) Places. The guidance in this document is still considered to be relevant and useful.” | n/a |
| 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 |
| | | | Glossary | Include definitions of several other useful terms, taken from the SPPS, PPS’s or other existing documents / legislation e.g. SAC, Travellers serviced / transit sites – see dPS para 16.115. | n/a |

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 ⁸⁴ | % Share of all Households | Population (150,497) ⁸⁵ | % Share of Population | Share of Housing Requirement (9,000) by % Households | Share of Housing Requirement (9,000) by % Population | Approximate Current Housing Capacity ⁸⁶ |
|-------------------------|----------------|---|---------------------------|------------------------------------|-----------------------|--|--|--|
| District Total | | 61,302 | 100.00% | 150,497 | 100.00% | 9,000 | 9,000 | n/a |
| Settlement Total | | 53,278 | 86.91% | 126,194 | 83.85% | 7,822 | 7,547 | 20,844 |
| City | Derry City | 35,501 | 57.91% | 83,163 | 55.26% | 5,212 | 4,973 | 12,600 |
| Main Town | Strabane | 5,661 | 9.23% | 13,172 | 8.75% | 831 | 788 | 1,600 |
| Local Town | 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 ⁸⁴ | % Share of all Households | Population (150,497) ⁸⁵ | % Share of Population | Share of Housing Requirement (9,000) by % Households | Share of Housing Requirement (9,000) by % Population | Approximate Current Housing Capacity ⁸⁶ |
|-----------------|---------------------|---|---------------------------|------------------------------------|-----------------------|--|--|--|
| 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 ⁸⁴ | % Share of all Households | Population (150,497) ⁸⁵ | % Share of Population | Share of Housing Requirement (9,000) by % Households | Share of Housing Requirement (9,000) by % Population | Approximate Current Housing Capacity ⁸⁶ |
|-------------------|----------------|---|---------------------------|------------------------------------|-----------------------|--|--|--|
| 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 1:

Revised wording for Policy RP1 – City/Town Centre First

RP1-City / Town Centre-First

Derry City and Strabane District Council will adopt a City / Town centre-first approach for retail and other main town centre uses ²⁵. A sequential test will be applied to all applications that are not within an existing centre. DCSDC will require proposals for retail and other main town centre uses to be considered sequentially in the following order of appropriate preference as applicable to the specific nature of the proposal and the centre(s) in question.

- 1 Primary Retail Core
- 2 Town Centres (including City Centre, Town Centre, District Centre and Local Centre)
3. Edge-of-Town Centre (including edge-of-City Centre, edge-of-Town Centre, edge-of-District Centre and edge-of-Local Centre)
4. Out-of-centre locations that are or can be made accessible by a choice of public transport modes.

The sequential test will direct development within centres before considering an edge-of-centre site. Preference will be given to edge-of-centre land before considering an out-of-centre site. Where more than one centre falls within the catchment area of a proposal, sequential preference should normally be given to the higher order centre, or its edge-of-centre where applicable.

Refer to Policies RP 2 – RP 6 for proposals in the specific centres, and to RP 9 for any out-of-centre proposal.

²⁵ Includes cultural and community facilities, retail, leisure, entertainment and businesses. ‘town’ centre also includes ‘city’ centre, as per SPPS 6.269

Justification and Amplification

10.11 A key objective of the LDP is to strengthen Derry city centre and also Strabane town centre. This order of preference is also consistent with both the RDS and SPPS in terms of defining a network and hierarchy of centres. The RDS highlights the need to strengthen and secure the role of Derry as the principal city for the North West and a strong and vibrant city centre should be at the heart of this, in accordance with the *‘town centre first’* approach in the SPPS. Prioritising the city centre is therefore a key objective of the LDP.

10.12 Derry City Centre is the main regional centre for shopping and a range of other uses. It is home to a range of cultural destinations, restaurants, pubs, as well as businesses and residential properties and it is important to maintain and improve its offer across all these areas. The policy is set out to ensure that any potential further out-of-centre retail and / or commercial leisure development does not undermine its role in the hierarchy.

10.13 Beyond Derry City Centre, Strabane is the dominant town within the District, with findings from our retail study underlining its important role as a main service centre and with cross-border retailing being a significant part of its overall role and function.

10.14 Castledearg, Newtownstewart and Claudy all contain a broad mix of main town centre uses and are performing roles commensurate with a town centre. They provide a broad range of facilities and services which are found in the definition of *‘main town centre uses’* in the SPPS and which function

as a focus for the local community. The LDP will not be defining or designating 'village centres' in relation to the retail policies.

10.15 District Centres typically contain groups of shops that are separate from the town centre and are often anchored by a larger food-store offer, as well as providing other non-retail services and in some cases, community and business facilities. As set out in the SPPS, these centres should be complementary to the role and function of town centres. In this regard, the LDP identifies that centres which are performing this role and function are all found in Derry, specifically Lisnagelvin, Northside, Rath Mór and Springtown.

10.16 Local shopping centres serve an important role in Derry and typically contain a small grouping of shops and services catering for local day-to-day shopping needs. Village centres perform a similar role in the settlements.

10.17 Following City / Town Centres, preference will be given to edge-of-town centre land before considering out-of-centre sites. In line with SPPS para 6.287, to be considered as edge-of-centre, a site should either be adjacent or clearly associated with that boundary of that centre, taking account of physical or perceived barriers, with the proximity being proportionate to the scale of that settlement and the centre in question e.g. in a Derry City Centre context, 300 metres from the City Centre boundary could be reasonable, whereas for Strabane or a local Town Centre, it would be less. For District or Local centre contexts, it would need to be immediately adjacent.

10.18 For clarity, a higher order centre is one that is within a higher tier in the RP 1 Hierarchy or, within Tier 2 - Derry City Centre is higher order than its District Centres and the District Centres are higher order than the Local Centres. Similarly, elsewhere, a Town Centre is higher order than a Local Centre in that catchment.

10.19 The network of centres for the District in terms of locations is set out in Designation NC 1: Proposed Network of Centres. The exact location and associated boundaries of the centres will be confirmed as part of the LPP. All policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment.

Annex 2: Revised Wording of Policy TOU 4

TOU 4 – Hotels, Guest Houses, B&B's & Tourist Hostels in the Countryside

It is important that all proposals for tourist accommodation are of a high quality and that they meet an identified tourism need or market. They must therefore demonstrate how they make a positive and sustainable contribution to the tourism offer and visitor experience. All development must meet the requirements of GDPOL 1.

(a) Expansion of Existing Hotels, Guest Houses, B&Bs and Tourist Hostels:

A proposal for the expansion of an existing hotel, guest house, B&B or tourist hostel will be permitted subject to the following specific criteria:

- (i) new or replacement building(s) are subsidiary in terms of scale to the existing building(s) and will integrate as part of the overall development;
- (ii) any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have.

(b) Conversion / Replacement or New-Build Tourist Accommodation

Planning permission will be granted for a new hotel / guest house / tourist hostel in the countryside in the following circumstances and will be assessed under the specified criteria:

(1) Conversion or Replacement of an Existing Rural Building

A proposal to convert or replace existing buildings in the countryside with a hotel, guest house or tourist hostel will be permitted subject to the following specific criteria:

- the existing building is of permanent construction;
- the existing building and its replacement are both of sufficient size to facilitate the proposed use.
- the existing building is not a listed building;
- where the existing building is a historic building of local importance, replacement will only be approved where it is demonstrated that the building is not reasonably capable of being made structurally sound or otherwise improved;
- the redevelopment proposed will result in significant environmental benefit;
- overall size and scale of the new development, including car parking and ancillary facilities, will allow it to integrate into the surrounding landscape and will not have a visual impact significantly greater than the existing building;
- the design is of high quality, appropriate to the rural setting and has regard to local distinctiveness;
- access, car parking and other necessary services are available or can be provided without significant adverse impact on the environment, the appearance and character of the locality and road safety.

Refer to related policies ODC 4, HE 3 and HOU 21 regarding the conversion and re-use of existing buildings for other suitable rural uses.

(2) New-Build Hotel, Guest House, or Tourist Hostel on the Periphery of a Settlement.

Where there is no suitable site within one of the nine tourism settlements, a new - build hotel, guest house, or tourist hostel may be appropriate on the periphery of a tourism settlement subject to meeting normal planning requirements.

A firm proposal to develop a hotel, guest house or tourist hostel on land at the periphery of a tourism settlement will be permitted if there is no suitable site or opportunities within that tourism settlement or other nearby settlement either through the conversion or replacement of a suitable building(s) and the development is close to the settlement, but will not dominate it, adversely affect landscape setting, or otherwise contribute to urban sprawl.

Where the principle of a new building on the periphery of a settlement is established through meeting the above criteria, the Council will apply a sequential locational test, with preference being attributed to sites in the following order:

- land adjacent to the existing settlement limit, subject to amenity and environmental considerations;
- a site on the periphery of the settlement limit which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment;
- an undeveloped site close to the settlement where the development could be visually integrated into the landscape.

Any proposed change of use or replacement of a hotel, guest house or tourist hostel approved under this policy to a non-tourism use will be resisted, unless it is demonstrated that the facility is not viable in the long term and there is sufficient alternative provision in the locality to offset the loss of tourism benefit.

See TOU 2 for this type of accommodation within settlements.

Justification and Amplification

12.22 *Replacement and / or extension or conversion of an Existing Rural Building:* The potential for the conversion and re-use of suitable rural buildings for tourism uses, including use as a hotel, guest house or tourist hostel, will be assessed under this Policy and Policy ODC 4, (The conversion change of use and re- use of existing buildings for agricultural and other suitable rural uses).

Redevelopment of appropriate building(s) for such uses, will be favourably considered in circumstances where the environmental benefit of full or partial replacement will outweigh the retention and conversion of the building. The condition of the building and the economic feasibility of repairing and maintaining it will also be taken into account in assessing such proposals. Good design is of paramount importance and redevelopment proposals must be sensitive to the rural setting and local distinctiveness. Those supplying evidence in relation to the replacement of a non-designated locally important building should be from a suitably accredited and/or experienced conservation background. Reports should provide recommendations for conservation or stabilisation options alongside evidence that all options have been considered and exhausted to retain the structure.

12.23 *New Build Hotel, Guest House or Tourist Hostel on the periphery of a Settlement:* Where there is no suitable site within a tourism settlement, a new build hotel, guest house or tourist hostel may be appropriate on the periphery of that tourism settlement subject to meeting normal planning requirements. New Build Hotels, Guest Houses or Tourist Hostels should usually be located within settlements in order to take advantage of existing services and facilities, provide ready access for visitors and employees and to minimise the impact on rural amenity and character. However, it is important that firm proposals for such projects are not impeded due to

a lack of suitable land within settlements. Where the case for a location outside a settlement in such an area can be clearly demonstrated, the selected site should be as close to the settlement as possible, subject to amenity and environmental considerations, as this is usually more sustainable than a more remote site.

12.24 There can be tourist accommodation which is marketed under short-term-let tourist accommodation such as B&Bs and serviced / self-catering apartments. Most self-catering or B&Bs are not considered to be development requiring planning permission (permitted development) in urban and rural situations; however, where there is a new-build or material change of use, planning applications for self-catering or B&Bs in the countryside will be assessed under this policy, TOU 6 and ODC 4 as relevant. Short-term-let tourist accommodation will be monitored and reviewed over the period of the LDP.

12.25 A proposal must also respect the character of the settlement and its setting in the surrounding landscape. This in turn will require careful site selection, layout, design and landscaping. Proposals which are deemed to be acceptable in principle will be required to include sufficient mitigation measures, including landscaping and design, to ameliorate any negative impacts and secure higher quality development.

12.26 All applications must provide sufficient evidence to indicate how firm or realistic the particular proposal is and what sources of finance are available (including any grant aid) to sustain the project including:

- detailed information to illustrate that there is no reasonable prospect of securing a suitable site within the limits of the particular settlement or other nearby tourism settlement;
- justification for the particular site chosen and illustrative details of the proposed design and site layout.

12.27 It is important that all proposals for tourism accommodation in the countryside are of a high quality and that they meet an identified tourism need or market. Any new-build or substantial expansion proposals must therefore demonstrate how they make a positive and sustainable contribution to the tourism offer and visitor experience - see Appendix 2 for details of a Tourism Benefit Statement and a Sustainable Benefit Statement.

12.28 The grant of planning permission will not in itself allow for inappropriate alternative uses if an approved scheme for some reason does not go ahead. While the Council cannot require business enterprises which become uneconomic to continue, alternative land uses will only be approved if there is sufficient alternative accommodation in the locality to provide for tourism benefit. The Council's Tourism Department is to be consulted with regard to such applications and Tourism NI will also be consulted for developments of a significant scale.

Annex 3: Proposed Wording for Chapter 15 Introduction and Policy ODC 1

15.0 AGRICULTURE & OTHER DEVELOPMENT IN THE COUNTRYSIDE

- 15.1 Similar to the Strategic Planning Policy Statement for NI (SPPS), this LDP defines the countryside as the land lying outside of the identified settlement limits. It recognises the countryside as one of our greatest assets, with its highly valued landscapes, an outstanding coastline, a complex variety of wildlife, rich built and cultural heritage, for the ecosystem services it provides, and for its sense of place and history. In addition to its role and function as a recreational and tourist asset, the countryside also supports our important agricultural industry, offers potential opportunities for sustainable growth in new sectors, and is home to a considerable rural population. Similar to the Regional Development Strategy (RDS 2035), the Council recognises that sustainable new development is required in order to maintain and enhance the attractiveness of the countryside as a place to invest, live and work.
- 15.2 Derry City and Strabane District Council also recognises that to sustain rural communities, new development and employment opportunities are required which respect our local, social and environmental circumstances. Facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape. Within this District, the countryside has a range of economic, social and environmental characteristics, with varying levels of development pressures and many different landscapes and varying environmental sensitivity. Some parts are particularly sensitive to change and other areas have lower sensitivities and thus provide opportunities to accommodate sustainable development. It is also important to take into account the role and function of rural settlements and accessibility to existing services and infrastructure.
- 15.3 As set out in Paragraph 2.4, the District's countryside accounts for approximately 1,200 km² with around 16% or 24,000 people living there. In 2018, 1,771 farms were registered in the District of which a majority (75%) were classified as 'very small'. The Council recognises that as agriculture and other development in the countryside continues to change, it is important that the Planning process continues to support the operational needs of farm families and other non-farm rural dwellers and businesses, as well as enhancing the attractiveness of the countryside as a place to grow, invest and work. Accordingly, the LDP's Vision and several of its spatial, economic, social and environmental Objectives in Chapter 4 relate directly to the countryside, seeking to 'to provide for vital and vibrant rural communities elsewhere, including in our small settlements, whilst protecting the countryside in which they live by accommodating appropriate development so as to sustain and service these rural communities'.
- 15.4 Chapter 6 sets out the District's Spatial Strategy, including a settlement hierarchy of 47 settlements and the remaining open countryside. Policy Sett 2 establishes that each settlement will have a defined development limit, beyond which there will be presumption against further urban development (subject to development in accordance with the other relevant policies). The chapter goes on to identify the rural Strategic Development Pressure Areas (GBs, DPAs and WECAs) and Strategic Environmental Spatial Designations (SCAs and AHLIs), in addition to the Natural Environment designations referenced in Chapter 21. The various other topic-based Chapters contain the relevant policies for the assessment of proposals for those respective developments in the countryside. The General Development Principles and Policies of Chapter 7 also apply in the countryside, as well as the Place-Making & Design Vision / Policy for the countryside in Chapter 32.

15.5 Therefore, consistent with the SPPS and the RDS, the aim of this LDP with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining vibrant rural communities.

The Council's LDP Strategy for Sustainable Development in the Countryside is to identify the various types of developments that are acceptable in principle in the countryside, including agriculture / forestry, farm diversification and re-use of buildings as set out in this chapter, as well as the various development types set out in the respective topic chapters. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, particularly protecting the Green Belt and other development pressure areas and designated areas. The general policy approach is to cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously used buildings. This sustainable approach facilitates essential new development, whilst simultaneously mitigating the potential adverse impacts upon rural amenity and scenic landscapes. All new development in the countryside must integrate, respect rural character and be appropriately designed.

~~15.1 In Derry City and Strabane District, there is a long established link to agriculture and other development in the countryside. In 2018, there were 24,895 active farms in Northern Ireland; of these, 1,771 farms were registered in Derry City and Strabane District Council of which a majority (75%) were classified as very small.~~

~~15.2 The Council recognises that as agriculture and development in the countryside continues to change, it is important that the Planning process continues to support the operational need of these enterprises to enhance the attractiveness of the countryside as a place to grow, invest and work consistent with the Regional Development Strategy (RDS) 2035.~~

~~15.3 The aim of the SPPS with regard to the countryside is to manage development in a manner, which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS. The SPPS adopts a policy approach based on clustering, consolidating and grouping new development, with existing established buildings and the re-use of previously used buildings. It also states that all new development in the countryside must integrate, respect rural character and be appropriately designed.~~

~~15.4 **The Council's LDP Strategy for Agriculture & Other Development in the Countryside** aims to promote agricultural development in sustainable locations. The Council will focus on providing opportunities through farm diversification, agriculture and forestry development and the conversion and re-use of existing buildings for agricultural and other suitable rural development uses.~~

Policies for Agriculture and Other Development in the Countryside

15.6 This LDP intends to deliver its vision, objectives and strategy for Agriculture & Other Development in the Countryside through sustainable management of development through the following policies. All proposals in relation to Agriculture & Other Development in the Countryside will need to be particularly cognisant of the LDP principles to promote sustainable development and being resilient to climate change, as well as the respective LDP sections.

ODC 1 Other Development in the Countryside

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will help sustain rural communities and contribute to the aims of sustainable

development. The main types of sustainable rural housing and non-residential developments are covered in the respective chapters of this LDP dPS.

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in this LDP. This presumption against such other developments will be particularly important within the defined Green Belt areas.

Justification & Amplification

- 15.7 All proposals for development in the countryside must meet the requirements of Policy GDPOL 1 (General Development policy) and Chapter 32 (Design for the Countryside). In particular, they must be sited and designed to integrate sympathetically with their surroundings and to meet other sustainability and planning & environmental considerations including those for drainage, accessibility and road safety.
- 15.8 Where there are specifically designated areas of the countryside (see Chapter 6 and 21 designations and policies – SCA, AHLIs, Green Belts, DPAs, WECAs, AONB, LLPAs and Nature Conservation Sites), development should be in accordance with the policy requirements for that area.
- 15.9 Proposals for sustainable dwellings and their associated ancillary developments will be assessed against the respective policies set out in Chapter 16, particularly Policies 18 to 26.
- 15.10 The range of other types of sustainable non-residential development that may be acceptable in principle in the countryside will be considered in accordance with the respective relevant dPS chapter and GDPOL 1, including applicable:
- farm diversification proposals – in accordance with Policy ODC 2;
 - agricultural / forestry development – in accordance with Policy ODC 3;
 - re-use of existing buildings – in accordance with Policy ODC 4;
 - tourism development – in accordance with Chapter 12 policies;
 - industry and business uses – in accordance with Chapter 9 policies;
 - retailing – in accordance with Policy RP 7;
 - minerals development – in accordance with Chapter 13 policies;
 - outdoor sport / recreational uses – in accordance with Chapter 17 policies;
 - renewable energy projects – in accordance with Chapter 24 policies;
 - a necessary community facility to serve the local rural population, essential infrastructure, pathways, utilities or telecommunications development – in accordance with their respective relevant chapters.
- 15.11 Other than the above types of sustainable residential and non-residential developments, any other use or development will need to demonstrate to the satisfaction of the Council why there are overriding reasons why that development is essential in this countryside location and could not be located in a settlement, or it is otherwise allocated for development in this LDP. Over development in the open countryside would have the potential to bring with it significant environmental, financial and social impacts. These can be manifest through for example suburban sprawl, habitat loss and adverse impact upon water quality particularly from the increased use of non-mains sewerage systems. It also has the potential to impact upon the sustainable growth of our city, towns, villages and small settlements.

15.12 In cases where there is an overriding site-specific reason or other reason to justify the development in the countryside, a careful and sustainable siting will be essential in order to minimise its impact in the countryside. It may be desirable to locate immediately adjoining a settlement rather than a remote, less-sustainable location, whilst taking care to avoid the impression of urban sprawl.

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'² 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.

² '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 4,750³ 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

³ 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.~~⁴

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,

⁴ 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 excavation⁵ and recording examination and archiving of the archaeology before development commences.

⁵ 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 1st 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.⁶

(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

⁶ '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 question⁷. 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.

⁷ 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.⁸ 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:

⁸ 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 2nd/3rd line, omit the term** '...scheme of significant regional or sub-regional benefit...'

Para 23.57 Amend alternative text to 1st 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'.

2nd 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 proposed siting of the scheme outweigh the need for an at-source location 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 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 peatland⁵² will not be permitted unless there are imperative reasons of overriding public interest⁵³.

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 receptors⁵⁵ (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 ~~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 ~~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 (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.'

⁵²An '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

⁵³ As defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended

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