Derry & Strabane Local Development Plan
Draft Plan Strategy 2032
MATTERS ARISING

Week 1 – 5th – 8th September 2023

Date - Tuesday 5th September 2023

Topic 1: Legal and Procedural Matters

Matter arising (MA001)

Derry City & Strabane District Council to provide Case Law documentation referred to in their response to Question 1.

Response:

Please see attached list of case law references and also cases attached:

- List of Legal Authorities (CoF); [*Commission reference MA001.A*]

- *R (Friends of the Earth England, Wales and Northern Ireland Limited) v The Welsh Ministers* [2015] EWHC 776 (Admin) (paragraphs 88(iv), (v), (vi), (xiii) [*Commission reference MA001.B*]
- Ashdown Forest Economic Development v Wealdon District Council [2015] EWCA Civ 681 (paragraph 42); [*Commission reference MA001.C*]
- Ashdown Forest Economic Development v Wealdon District Council [2014] EWHC 406 (Admin) (paragraph 90); [*Commission reference MA001.D*]
- R. (RLT Built Environment Ltd) v Cornwall Council [2016] EWHC 2817(Admin) (paragraph 46); [*Commission reference MA001.E*]

- *Heard v Broadland District Council* [2012] EWHC 344 (Admin) (paragraph 12, 66, and 67) [*Commission reference MA001.F*]

- *Save Historic Newmarket Limited v Forest Heath DC* [2011] EWHC 606 (Admin) (paragraph 16); and [*Commission reference MA001.G*]

- *R (Friends of the Earth) v Heathrow Airport* [2020] UKSC 52 (paragraphs 66, and 141 – 147) [*Commission reference MA001.H*]

Matter arising (MA002)

Derry City & Strabane District Council asked at the end of today's session if they could furnish the Commission with Further Changes (FCs) to be made to the LDP dPS in Autumn 2023. The Commissioner was agreeable and the document is published below in advance of any relevant discussion that arises in further sessions.

Response:

Further changes to be made to the Schedule of Proposed Changes as consulted upon between December 2021 and February 2022; [*Commission reference MA002*]