

Independent Examination
Derry City and Strabane District Council Local Development Plan
2032

Draft Plan Strategy
Questions for weeks 1 and 2

TUESDAY 5TH SEPTEMBER 2023

Topic 1: Legal and Procedural Matters

Issue: Sustainability Appraisal

Participants:

- Derry City and Strabane District Council
- SSE Renewables
- ABO Wind
- Apex Housing Association
- Radius Housing Association
- Mr John Burns
- Dalradian Gold

Issue: Timetable and duration of the plan

Participants:

- Derry City and Strabane District Council
- Heron Bros
- Apex Housing Association
- PCI Consulting Ltd
- Radius Housing Association
- Mr Martin Sheeran
- Mr Patrick Doherty
- Mr Daniel Lusby
- Mr Howard Fulton
- Mr Craig et al.
- Mr Daniel McAteer
- Mr James McLaughlin
- Clanmil Housing Association

Questions

Sustainability Appraisal

1. Has the Council met the requirements of the Environmental Assessment of Plans and Programmes Regulations NI 2004 (EAPP Regulations) with respect to the identification, appraisal and selection/rejection of reasonable alternatives to the draft policies presented within the dPS?
2. Why does the draft SA not assess reasonable alternatives to Policy RED 1 Renewable and Low Carbon Energy Development-General Criteria, Policy NE 6 Development within Special Countryside Areas (SCAs), Designation WECA 1 Wind Energy Capacity Areas and the draft minerals policies?
3. Is it possible for the SA to properly assess Policy NE 6 Development within SCAs, Designation WECA 1, Mineral Safeguarding Areas (MSAs) and Areas of Constraint on Minerals Development (ACMDs) if their exact locations are not identified at this stage in the plan making process? Is it reasonable for this assessment to occur at the local policies plan stage?

Timetable and duration of the plan

1. Is the revised timetable realistic and achievable? What is the latest version?
2. Given the delays in the plan making process and that the plan is to provide a 15-year framework to support the economic and social needs of the Council's district, is it feasible to extend the lifetime of the plan?

Topic 2: Vision and Objectives

Issues

- Economic Development Objectives
- Social Development Objectives
- Environment-Focused Objectives

Participants:

- Derry City and Strabane District Council
- NIE Networks

Questions

1. Do the draft objectives (Economic Development, Social Development, Environment-Focused) for the LDP incorporate sufficient regard to improve and secure electricity infrastructure? Do they incorporate adequate flexibility to enable the Strategy to adapt to the changing policy context regarding energy sources?

2. Should Environment-Focused Objective (d)(i) refer to achieving significantly more tree-cover in appropriate locations and of an appropriate type?

Topic 3: Place Making and Design Vision

Issues

- **Place-making and design objectives (PDOs) and Place-making and design principles (PDPs)**

Participants:

- Derry City and Strabane District Council
- Mr John Burns
- Apex Housing
- PCI Consulting Ltd
- Mr Henry Craig et al
- Mr Hamilton Bell
- Mr Howard Fulton

Question

1. Do the place-making and design objectives (PDOs) and the place-making and design principles (PDPs) provide certainty? Given that they are not policies but are to be treated as material considerations, do they duplicate or cause confusion with policies within the dPS?

Topic 4: Growth Strategy

Participants:

- Derry City and Strabane District Council
- Foyle Port
- Apex Housing Association
- NIHE
- Heron Bros
- Radius Housing Association
- JP McGinnis
- Mr John Burns
- Clanmill Housing Association
- Mr Henry Craig et al.
- NIE Networks
- Mr Daniel McAteer
- Mr John Black

Questions

1. Proposed Change 09 (PC09) seeks to change the heading of Table 6 on page 52 of the dPS to 'Overall Growth Strategy for District as Proposed at LDP POP Stage'. However, Paragraph 5.4 of the POP states that the Council's Preferred Option 2 would have planned growth of +7-12k homes as opposed to +8-10k stated in Table 6. Would this proposed change avoid misunderstanding?
2. Should the dPS's Growth Strategy be based on 'planned growth' (Table 6, page 52 of the dPS) as opposed to 'potential growth'? Is this required to align with other Council growth strategy documents as claimed by representors?
3. Will the proposed provision of 9k new homes support the ambition to deliver 15k more jobs and the projected population growth of approximately 10k people?
4. Will it be possible to provide the approximate 4-5k new social housing homes whilst supporting the creation of sustainable and mixed communities?

Topic 5: Spatial Strategy for the Derry City and Strabane District

Issues

- **Settlement Hierarchy (Designation SETT 1)**
- **Development within settlement development limits (Designation SETT 2)**

Participants

- Derry City and Strabane District Council
- Apex Housing Association
- Mr Henry Craig & Others
- Mr John Burns
- JP McGinnis
- Mr John Black

Questions

1. Should Eglinton be included as a 'local town' rather than as a village?
2. Should Claudy have 'local town' status?
3. Is Designation SETT 2 sound given the arguments that the vast majority of housing zonings are either developed, already have planning permission where there is no requirement to provide social housing, have infrastructure difficulties or that owners are not interested in developing the land?
4. Will Designation SETT 2 be detrimental in the long term to the small towns, villages and small settlements due to it focusing growth mostly in the larger towns and cities?

Topic 5: Spatial Strategy for the Derry City and Strabane District

Issues

- **Special Countryside Area (SCA) (Designation SCA 1)**
- **Wind Energy Capacity Areas (WECAs) (Designation WECA 1)**
- **Areas of High Landscape Importance (Designation AHLI 1)**
- **Strategic Development Pressure Policy Areas (Designation GB 1)**

Participants

Special Countryside Area (SCA) (Designation SCA 1)

- Derry City and Strabane District Council
- SSE Renewables
- ABO Wind
- Dalradian Gold

Wind Energy Capacity Areas (WECAs) (Designation WECA 1)

- Derry City and Strabane District Council
- SSE Renewables
- ABO Wind

Areas of High Landscape Importance (Designation AHLI 1)

- Derry City and Strabane District Council
- SSE Renewables
- ABO Wind
- Mr David Dalzell
- Dalradian Gold

Strategic Development Pressure Policy Areas (Designation GB 1)

- Derry City and Strabane District Council
- Mr David Dalzell

Questions

1. Is Designation SCA 1 (Special Countryside Area) supported by a robust evidence base? Is it already afforded appropriate protection as an AONB?
2. Does Designation WECA (Wind Energy Capacity Areas) conflict with RES and regional planning policy?
3. Do existing policy provisions provide sufficient protection for the landscape?
4. Has account been taken of the potential removal of some turbines/wind farms during the plan period, the repowering of existing wind farms and potential advances in technology allowing fewer or smaller more efficient turbines?

5. Does the Council's evidence justify the designation of Areas of High Landscape Importance (AHLI)?
6. Is Designation GB 1 sufficiently flexible to deal with changing circumstances?

Topic 6: Waste Planning

Issues

- **Environmental Impact of a Waste Management Facility (WP 1)**
- **Waste Disposal (WP 3)**

Participants:

- Derry City and Strabane District Council
- Mr David Dalzell

Questions

1. Proposed change 172 (PC 172) seeks to clarify that certain developments may be appropriate within designated sites provided it is demonstrated that the proposal would not cause harm to or undermine the reason for that designation. Is such a proposed change appropriate?
2. Is it appropriate for Proposed Change 174 (PC 174), which relates to Paragraph 20.8 of the dPS, to make specific reference to Document EVB 20 listing the existing waste management sites? Would this information continue to be available for reference should the plan be adopted?

Topic 7: Economic Development

Issues

- **General Criteria for Economic Development (ED 1)**
- **Office Development (ED 2)**
- **Economic Development in Settlements (ED 3)**
- **Protection of zoned and established economic development land and uses (ED 4)**

Participants:

- Derry City and Strabane District Council
- WYG Planning
- Heron Bros

Questions

1. Does the identification of Ebrington as a Special Economic Development Area (SEDA) within the dPS constrain its future development and could it limit the site's ability to accommodate certain proposals?
2. The dPS (page 116) states that there is sufficient economic land in terms of quantity and that the General Development Areas (GEDAs) provide different types of existing economic areas throughout the District, with there being no strategic need to expand GEDAs through the LDP. Has consideration been given to the individual site assessments? Does the uptake of zoned land within DAP 2011 demonstrate a lack of market interest in the zoned lands?
3. Numerous concerns have been raised by the community in relation to industrial land adjacent to Strathfoyle. Is this the 48.9ha of industrial land at Maydown identified in Document DS-213 EVB 9-Economic Development Land Evaluation Report December 2019 and will it be re-assessed at the LPP stage for other purposes?
4. Does Policy ED 2 Office Development take account of Policy PED 1 in terms of Class B1(b) use?
5. Does Policy ED 3 Economic Development in Settlements take account of Policy PED 1 in terms of Class B2 and B3 uses?
6. Given the claimed oversupply of economic development land in the plan area, is Policy ED 4 sufficiently flexible in terms of alternative proposals? In terms of unzoned land in settlements, has account been taken of Paragraph 6.89 of the SPSS?
7. Whilst Paragraph 7.27 of the PS states that at the local policies plan stage the type and range of economic development that will be acceptable within specific zoned sites and other key strategic sites and locations will be specified, does

Policy ED 4 Protection of Zoned and Established Economic Development Land and Uses take account of PPS 4 Policy PED 7 Retention of Zoned Land and Economic Development Uses in terms of sui generis employment use?

8. Is it clear what the policy criteria would be for assessing the small scale complementary/ancillary use referred to in Policy ED4(h) and paragraphs 9.29 and 9.30 of the Justification and Amplification text?

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Topic 8: City/Town Centres, Retailing, Offices, Leisure and Other Uses

Issue

- **Designation HC 1: Proposed Hierarchy of Centres**
- **Town Centre First (RP 1)**

Participants:

Designation HC 1: Proposed Hierarchy of Centres

- Derry City and Strabane District Council
- Inaltus

Town Centre First (Policy RP 1)

- Derry City and Strabane District Council
- Inaltus
- Lidl

Questions

Designation HC 1: Proposed Hierarchy of Centres

1. Paragraph 6.277 of the SPPS states that the LDP should define a network and hierarchy of centres-town, district and local centres, acknowledging the role and function of rural centres. Given that there is no District Centre identified outside Derry, has the Council taken account of Paragraph 6.277 of the SPPS and should the Kennedy Centre in Strabane be identified as a District Centre? Is the Kennedy Centre distinguishable from Springtown in Derry?
2. Document DS-214 (paragraph 6.12) states that principally due to existing commitments at Artnz and Springtown in Derry and the Three Rivers in Strabane that it is anticipated that there is no capacity for convenience floorspace over the entire plan period up to 2032. What is the planning status of the Three Rivers project in Strabane? Have the Springtown planning permissions expired?

Town Centre First (RP 1)

3. Does Paragraph 10.15 of the dPS go beyond the scope of the SPPS?
4. Does Policy RP 1 take account of the SPPS in terms of its advocated sequential approach? Whilst not perhaps the Council's intention, does it and Proposed Change 55 (PC 55) appear to consider district and local centres on the same tier as town centres?
5. Should the sequential approach be applied to district and local centres?

Topic 9: Transport and Movement

Issue

- **Access to Protected Routes (TAM 3)**

Participants:

- Derry City and Strabane District Council
- Mr David Dalzell

Question

1. Is Policy TAM 3 realistic given the argument that not all existing filling stations provide a comprehensive range of services which travellers may expect? Does the policy take account of policy and guidance issued by the Department? Does the 12 miles figure within Policy TAM 3 originate from Policy IC 15 Roadside Service Facilities in PSRNI and is this figure still appropriate?

Topic 10: Utilities Development

Issues

- **Electricity & Gas Infrastructure (UT 1)**
- **Telecommunications & Connectivity, including Broadband (UT 3)**

Participants:

Electricity & Gas Infrastructure (UT 1)

- Derry City and Strabane District Council
- NIE Networks

Telecommunications & Connectivity, including Broadband (UT 3)

- Derry City and Strabane District Council
- SSE Renewables
- Dalradian Gold
- ABO Wind

Questions

1. Should the third criterion of Policy UT 1 Electricity and Gas Infrastructure state that a proposal should not result in unacceptable adverse impacts on significant natural heritage features?
2. Does Policy UT 3 Telecommunications and Connectivity, including Broadband take account of the SPPS? Is the policy feasible if the provision of electricity infrastructure, the determination of the network availability and the route for network connections is often outside the control of the applicant e.g. a renewable energy provider?

Topic 11: Minerals Development

Issues

- **Minerals Development (MIN 1)**
- **Restoration (MIN 5)**

Participants:

Minerals Development (MIN 1)

Restoration (MIN 5)

- Derry City and Strabane District Council
- Dalradian Gold

Questions

1. Proposed change 105 (PC 105) proposes to state that in applying Policy MIN 1 that it is acknowledges that there can also be biodiversity enhancement as a result of minerals development. Does this take account of Paragraphs 6.150 and 6.151 of the SPPS which state that such proposals can have significant and irreversible adverse impacts on the environment?
2. Proposed changes 105 and 107 (PC 105 and PC 107) proposed to remove the reference to sites proposed for declaration and designation. Does this take account of Paragraph 6.158 of the SPPS? Would this proposed deletion contradict proposed change 178 (PC 178)?
3. Document DS-500 Public Consultation Report (March 2022, page 98) states that the Council will prepare a SPG with guidance on the implementation and requirements of restoration bonds. At what stage in the process is it anticipated that such guidance will be produced?