

Meeting Pack

Derry City and Strabane District Council

Dear Member of Planning Committee – Local Development Plan (LDP)

You are hereby summoned to attend the **Reconvened Meeting of the Planning Committee – LDP** to be held in the Guildhall, Derry, on Monday 16 May 2016 at 4.00pm

Yours faithfully



**John Kelpie
Chief Executive**

AGENDA

- 1 Notice and Summons of Meeting**
- 2 Apologies**
- 3 Declarations of Member's Interests**

Open for Information

- 4 Deputations (None)**
- 5 Chairperson's Business**
- 6 Confirmation of the Open Minutes of Planning Committee - LDP held on Monday 18 April 2016 (Pages 1 - 2)**
- 7 Overview of LDP Process and Structures for Delivery (Pages 3 - 12)**
- 8 Draft LDP Workplan (Pages 13 - 18)**
- 9 Draft Timetable for LDP (Pages 19 - 28)**
- 10 Sustainability Appraisal and other Technical Assessments of the LDP (Pages 29 - 38)**

11 DOE Update on Status of current Strabane Area Plan 1986 - 2001 (Pages 39 - 42)

9 May 2016

Derry City and Strabane District Council

Open Minutes of Planning Committee – Local Development Plan (LDP) held in the Chamber, Derry Road, Strabane on Monday 18 April 2016 at 4.00pm.

Present:- Councillor McGuire (Chairperson): Councillors Hassan, Hastings, Jackson, D Kelly and Logue.

In Attendance:- Head of Planning (Ms M Fox), Principal Planning Officer (Mr P McCaughey), Lead Legal Services Officer (Mr P Kingston), Senior Planning Officer for Development Plan (Mr J McNee) and Committee Services Assistant (Mrs J Short).

PLDP1/16 Notice and Summons for Meeting

The Notice and Summons for the Meeting was taken as read.

PLDP2/16 Apologies

Apologies were received from Alderman M Hamilton and Councillor R McHugh.

PLDP3/16 Adjournment of Meeting

The Head of Planning advised that the Meeting would be adjourned as it was inquorate and would reconvene on Monday 16 May 2016 at 4.00pm in the Chamber, Guildhall, Derry.

The Meeting adjourned at 4.15pm.

Chairperson: _____

Date: _____

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Title of Report: Overview of LDP Process and Structures for Delivery	Officer presenting: Principal Planning Officer
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1 Purpose of Report/Recommendations

- 1.1 The purpose of this Paper is to advise Members about the process of preparing the new Local Development Plan 2030 (LDP) for Derry City and Strabane District, as well as to set out the structures to be established to deliver the Plan. The Paper will also summarise the main component elements involved in preparing the Plan, together with an indication of the required work commitment and key milestones for Members' input.
- 1.2 There have previously been a number of presentations and Papers to the Shadow Planning Committee, as well as to the Environment and Regeneration Committee, the Governance and Strategic Planning Committee and to full Council. Now that the LDP is to be progressed primarily through the Planning Committee, this Paper brings together the key content of those earlier documents so as to ensure that Members are aware of the LDP process, delivery structures, progress to-date and next-steps.

2 Background

- 2.1 Members will be aware of the priority that the Council is placing on the early delivery of a new Local Development Plan (LDP). Accordingly, the new Local Development Plan 2030 for Derry City and Strabane District will replace the Derry Area Plan 2011 (adopted in May 2000) and the Strabane Area Plan 2001 (adopted in April 1991).
- 2.2 Members will also be aware that a 'Structures for Delivery' Paper was agreed by the Governance and Strategic Planning Committee on 2nd February 2016 and ratified by full Council on 25th February 2016. It was agreed that the Local Development Plan (LDP) will be progressed through the Council's Planning Committee, requiring the appropriate capacity building, protocols put in place, an additional special meeting each month along with two-monthly workshops open to all Council Members on key specific Plan topics.
- 2.3 It is believed that it will be more practical to operate, more professionally effective and be of sounder governance for the Planning Committee to take responsibility for the progression of the LDP, for the following reasons:

- It is likely to benefit the creation of more applicable and quality strategic and local policies if they are drafted by the same committee that will eventually have to implement and use them when determining applications.
- Members of Planning Committee already have a specific planning focus and are gaining specialist knowledge and understanding of issues, having initially benefited from planning training.
- Planning Committee Members have already signed up to and operate under a planning (Development Management) Code of Conduct for determining planning applications. Propriety for LDP preparation will be also vital and it is considered beneficial to develop such a LDP protocol with the Committee already operating under a similar code.
- All except one of the other NI Councils are progressing or intending to progress their LDPs through their Planning Committee for similar reasons.
- The currently diverse and significant workload covered monthly by the E&R Committee would be put under extreme pressure in attempting to accord the appropriate time necessary for the steady progression of the LDP.
- To ensure wide and active participation in the LDP process, all Councillors will be encouraged to attend the topic-based Plan-making workshops.

2.4 In light of the above decision, the Planning Committee is now embarking on its role of taking the lead in progressing the preparation of the new LDP, though the previous arrangement will continue, whereby it is necessary that key stages of the plan preparation will be presented to Full Council for ratification. This Paper will assist the Committee in commencing this new role.

3 Key Issues

- 3.1 At the outset, it is important that Members understand the overall process of LDP preparation, including the key component stages involved. This is a new plan-making system, designed by DOE prior to transfer of Planning powers in 2015. Whilst most Councils continue to have reservations about certain aspects of its practical implementation (especially indicative timescales), this process is now set out in legislation through Part 2 of the Planning (Northern Ireland) Act 2011, as well as the Planning (Local Development Plan) Regulations (NI) 2015 and a series of nine DOE Development Plan Practice Notes <http://www.planningni.gov.uk/index/advice/practice-notes/common-newpage-9.htm> .
- 3.2 Therefore, a summary is attached at Appendix 1 which summarises and explains each stage the LDP-making process.
- 3.3 We are currently at Stage One in the process, having completed a considerable amount of the 'evidence' base in the form of:

- Drafts prepared of eighteen topic-based baseline reports that will cover the key components of the LDP content (further detail in Para 3.5 below).
- The Statement of Community Involvement (SCI) has been drafted, subjected to public consultation, presented to Environment & Regeneration and Planning Committee (2nd March 2016, Item 13), ratified by Full Council and has recently been submitted to DOE for final clearance, in accordance with the Regulations.
- A draft of the formal LDP Timetable has been prepared (see Committee Item 8), ready for comment from the Planning Committee and consultation with the Planning Appeals Commission (PAC), TransportNI, NIEA and other key consultees / stakeholders.

3.4 The formal structures are now being established to oversee and implement the LDP, so that the workplan and timescales can be agreed by all parties, with a view to progressing towards the Preferred Options Paper within a reasonable and achievable time period:

- the governance arrangements have been established, whereby this Planning Committee will lead the LDP preparation, with input from all Councillors and reporting to Full Council of key stages / decisions in the LDP .
- a LDP Steering Group is being established, to comprise of agreed Members of the Planning Committee, the Chief Executive / Director of Environment & Regeneration and the Head of Planning, as the high level co-ordinating body that will ensure oversight and strategic input on behalf of the whole community, as well as from planning professionals.
- An LDP Project Management Team will be established comprising of the LDP PPTO and other senior Council Officers (including Community Planning) and representatives from the key Statutory / Government Departments, as well as a representative from the adjoining Councils. The purpose of the team will be to ensure key consultees co-operate in the plan making process.
- The LDP Project Management Team will also be established so that it can be iteratively consulted on and act as the Screening and Scoping Group for the Sustainability Appraisal of the Plan.
- The necessary Protocols will be put in place (starting from the Workshop on the matter on 26th April 2016) in order to ensure appropriate propriety for Members of the Planning Committee and the other Councillors who will be involved in the LDP decision-making process.
- The 'capacity' and knowledge of the Committee and wider Council will be developed over the coming months, beginning with these Papers, future topic-based Papers to Committee and participatory Workshops.

3.5 In terms of the substantive content of the LDP itself, it is proposed to work closely with the elected Members via up to twenty topic-based Discussion Papers, delivered via regular Workshops (open to all Councillors, from May 2016, with papers issued in advance, over the 8 to 9 months prior to the publication of the Preferred Options Paper, see Item 7) on the following Topics:

- LDP Context
- Policy Review
- Population & Growth Strategy
- Housing in the Settlement Hierarchy
- Built and Natural Environment
- Economic Development
- Retailing and City / Town Centres, incl. Regeneration
- Urban Design & Townscape
- Open Space & Recreation
- Countryside / Landscape Assessment
- Coastal Development & Protection
- Tourism
- Transport & Movement
- Renewable Energy
- Waste Management
- Minerals
- Public Utilities & Community Infrastructure
- Settlement Evaluation and Strategic Allocation
- Options and Preferred Options

3.6 Following on from the discussion at the above-mentioned Councillor Workshops during 2016, the outcomes will be brought together at occasional Meetings of the Planning Committee every two to three months in order to allow decisions to be made on the various LDP topic directions, moving towards the options, alternatives and then preferred options - for publication in the Preferred Options Paper and then Draft Plan Strategy.

3.7 A Baseline study of the current state of the environment (to set the context and framework for the Sustainability Appraisal and provide the basis for the preparation of a Scoping Report) will also be presented to the Committee.

- 3.8 In addition to the above-mentioned input from Councillors, there will need to be a Sustainability Assessment (including SEA), an Appropriate Assessment, an EQIA, Rural Proofing, Health Impact Assessment (HIA) and Promoting Social Inclusion (PSI) assessment – all progressed throughout the LDP process.
- 3.9 It will be necessary to commission a Retail Capacity Study as well as studies on Transport / Accessibility and on Urban Design / Place-making (prior to preparation of the Draft Plan Strategy). At this stage, it is hoped to undertake the Sustainability Appraisal (and other assessments) largely in-house with support from Shared Environmental Services (SES); whilst this would save considerable cost, it should be noted that this will require training and additional time for officers throughout the LDP process.
- 3.10 It is also proposed to organise a number of Stakeholder Engagement Groups, for consultation / engagement, organised around the main Plan topic areas, for environmental stakeholders, urban centres, rural development and commerce.
- 3.11 Based upon the Statement of Community Involvement, it will be necessary to undertake considerable public consultation / engagement / involvement throughout the LDP preparation, particularly with Section 75 Groups and at formal consultation periods. Detailed proposals will be discussed with Members at a later date.
- 3.12 As can be seen from the foregoing, the LDP preparation is indeed ‘challenging’ for officers, Members, key stakeholders and the public. At this stage, it is anticipated that the Preferred Options Paper (and associated documents) can aim to be Drafted for publication in Spring of 2017. This timescale would then aim to have the Draft Plan Strategy published in late 2017, followed by the Local Policies Plan, with the overall LDP adopted by end of 2020. These timescales will be discussed with Members in the Draft Workplan and Timetable Papers at Items 7 and 8.

4 Financial, Equality, Legal, HR and Other Implications

- 4.1 As stated for Item 6, there are financial, legal and HR implications associated with this report. The DOE has agreed to finance a notional cost of the first LDP (at £26k p.a. over 15 years, plus staff costs for the initial years). An LDP Risk Assessment will be prepared in order to identify any factors that are currently unpredictable, especially in terms of potential to significantly affect the timescales or budget. Planning officials will continue to liaise with Council HR officers to ensure adequate staffing levels and with Finance officers to quantify and minimise any uncertainty, thus to ensure appropriate budget cover and value for money.
- 4.2 The preparation of the LDP is a statutory requirement, subject to scrutiny and sanction from the DOE. There is also potential for legal challenges throughout the LDP process.

5 Recommendations

5.1 Members are requested to note the contents of this Paper, in relation to the LDP preparation process, LDP content and delivery structures to administer the LPD. Members are asked to consider the indicative timescales and particularly to comment on the implications for their time commitment.

Background Papers

Appendix 1 - Summary of LDP Preparation Process

Item 6 Appendix 1 - Key Stages in the Local Development Plan Preparation

- 1.1 To set in context the work described in this paper, the key stages in the Local Development Plan process are summarised below (see also Figure 1). Members will note from Figure 1 that preparing the Local Development Plan is considered to be a 40 month process. However, this timeframe is considered to be aspirational and is not considered to be realistically achievable by any Council's LDP team, requiring practically all of the topic-based background preparatory work and Member / stakeholder involvement to have been undertaken in advance of the Plan Timetable being published.

Stage 1: Initial Plan Preparation

- 1.2 This stage includes the development of the evidence base described earlier in this paper, preparation of the Statement of Community Involvement (SCI) and Timetable and the production of the Preferred Options Paper (POP). The Timetable will set out the Council's programme for the production of the Plan Strategy and Local Policies Plan including key milestones and timelines for plan production through to adoption. The SCI will promote a more meaningful and effective approach to enable interested parties and the local community to engage early in the plan process and throughout its preparation. Before a Council can consult on its Preferred Options Paper, it must have an agreed SCI in place in order to inform the general public and all stakeholders of how, where and when they can become involved in the Local Development Plan preparation process and the timescale for doing so.
- 1.3 In preparing a POP, a Council must undertake the initial stages of Sustainability Appraisal (SA). As illustrated in Figure 1, the SA is a continual process which runs parallel with the preparation of the POP and Local Development Plan (LDP). An SA Interim Report (consisting of SA Scoping Report and assessment of alternatives) will be published with the POP. The POP will indicate the Council's preferred options for growth and development in the area and will be the basis for consulting with the public and stakeholders. At this stage in the process, the public and stakeholders will have an opportunity to formally put forward views and influence the Local Development Plan.

Stage 2: Preparation and Adoption of Plan Strategy

- 1.4 This stage of the Local Development Plan preparation process consists of the preparation and publication of the draft Plan Strategy which will be independently examined prior to adoption. A Council will prepare a draft Plan Strategy based on both the information gathered and also the public and stakeholders responses to the Preferred Options Paper. As part of this process, the Council will also carry out a range of assessments including Sustainability Appraisal (SA), Equality Impact Assessment (EQIA), Habitats Regulations Assessment (HRA) and Rural Proofing. The Council will then publish our draft Plan Strategy, SA and other assessments for public consultation.
- 1.5 The Department will appoint the PAC or other independent examiners to hold the Independent Examination (IE). The IE will examine the Draft Plan Strategy against 'soundness' tests which will relate to how the Plan Strategy has been

produced, and how it has taken account of central government plans, policy and guidance, and also its coherence, consistency and effectiveness. Following the IE, the examiner will issue a report of its findings to the Department which will in turn consider this and issue a binding report to the Council. On this basis, the Council must incorporate any changes outlined in the binding report and subsequently adopt the Plan Strategy.

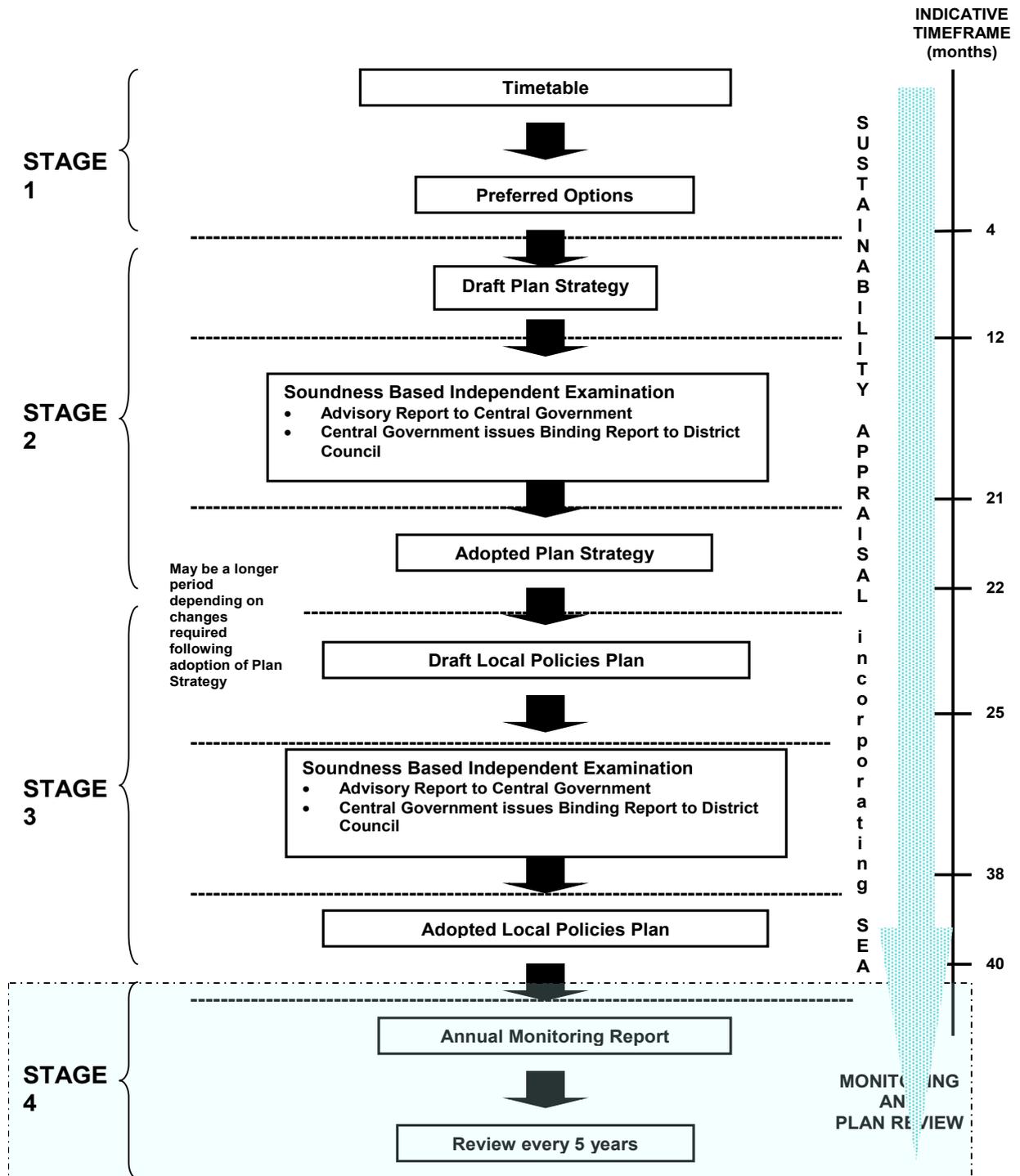
Stage 3: Preparation and Adoption of Local Policies Plan

- 1.6 The Local Policies Plan must be consistent with the adopted Plan Strategy and incorporate detailed site specific proposals for the plan area. The Plan Strategy must be adopted before the draft Local Policies Plan is published for consultation, subjected to IE and adopted. The process for the preparation of the Local Policies Plan is largely similar to that of the Plan Strategy outlined above. The draft Local Policies Plan and associated assessments will also be published for public consultation. Following this, the process for IE and adoption of the Local Policies Plan will be similar to that of the Plan Strategy.

Stage 4: Monitoring and Review

- 1.7 The final stage in the Local Development Plan preparation process is monitoring and review which are essential in establishing how the objectives in the Local Development Plan are being achieved and whether any changes are required. Regular monitoring of the implementation of the Local Development Plan is required and this will include the preparation of an Annual Monitoring Report which specifies the amount of housing and economic land, the number of housing completions and any other relevant information regarding the implementation of the Local Development Plan. The Annual Monitoring Report must also be submitted to the Department. A Council will also be required to undertake regular reviews of their Local Development Plan at least every 5 years from the date of adoption of the Local Policies Plan and submit its findings to the Department.

Figure 1:
Proposed local development plan process



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Title of Report: Draft LDP Workplan	Officer presenting: Principal Planning Officer
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1 Purpose of Report/Recommendations

- 1.1 The purpose of this Paper is to provide Members with a potential Workplan for officials to work with Members and the public / stakeholders to deliver the initial stages of the new Local Development Plan 2030 (LDP) for Derry City and Strabane District.
- 1.2 This Paper is to be read in conjunction with Items 6, 8 and 9 on this Agenda.

2 Background

- 2.1 The Papers at Items 6 and 9 on this Agenda set out the key tasks and structures involved in preparation of the new Local Development Plan 2030 for Derry City and Strabane District.

3 Key Issues

- 3.1 A summary is attached at Appendix 2 of the proposed Overview of the LDP Workplan, as well as the proposals for the immediate programme of Discussion Papers and Workshops up to Preferred Options Paper Stage. These are for Member consideration and input before 'finalising' in line with the formal LDP Timetable to be published (Item 8)

4 Financial, Equality, Legal, HR and Other Implications

- 4.1 As stated for Item 6, there are financial, legal and HR implications associated with this report. The DOE has agreed to finance a notional cost of the first LDP (at £26k p.a. over 15 years, plus staff costs for the initial years). An LDP Risk Assessment will be prepared in order to identify any factors that are currently unpredictable, especially in terms of potential to significantly affect the timescales or budget. Planning officials will continue to liaise with Council HR officers to ensure adequate staffing levels and with Finance officers to quantify and minimise any uncertainty, thus to ensure appropriate budget cover and value for money.
- 4.2 The preparation of the LDP is a statutory requirement, subject to scrutiny and sanction from the DOE. There is also potential for legal challenges throughout the LDP process.

5 Recommendations

- 5.1 Members are requested to consider the contents of this Paper, for discussion with Planning officials.

Background Papers

Appendix 2 - DRAFT LDP Workplan

**Local Development Plan 2015-2030 (LDP)
OVERVIEW of LDP WORKPLAN – DRAFT April 2016**

Date	LDP Stage	Sustainability Appraisal (SA) Stage
April 2016	Revised Workplan / Structures Finalise SCI Finalise Timetable	Environmental Baseline Decide Structures
May - July 2016	SCI and Timetable Launch	Finalise Draft Scoping Report
December 2016	1st Draft Preferred Options Paper (POP)	1st Draft SA Interim Report
March 2017	Launch POP	Launch SA Interim Report Stage A (1) & A(2)
December 2017	Draft Plan Strategy (PS)	SA Report (PS)
2018	Hold Independent Examination (IE) Finalisation of Plan Strategy	SA Adoption Statement (PS) Stage E
2019	Issue Draft Local Policies Plan (LPP)	Monitoring of PS - Stage F SA Report (LPP)
2020	Hold Independent Examination (IE) Finalisation of Local Policies Plan	SA Adoption Statement (LPP) Stage E
MONITORING & REVIEW		

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	LDP Session 1	LDP Session 2	Other Requirement
April 2016	18 th Inquorate Committee Meeting		
May 2016	16 th Re-convened Committee <ul style="list-style-type: none"> LDP Process / Structures 	31 st ? Workshop <ul style="list-style-type: none"> Population Growth Strategy 	LDP Steering Group
June 2016	20 th Workshop <ul style="list-style-type: none"> LDP Context Policy Evaluation 	27 th ? Workshop <ul style="list-style-type: none"> Built & Natural Environment Countryside & Landscape Assessment SA Scoping 	LDP Project Management Team / Sustainability Appraisal Group (PM / SA Group)
July 2016	TBC Workshop <ul style="list-style-type: none"> Housing in Settlement Hierarchy 		Launch SCI and Timetable
August 2016			
September 2016	19 th Committee <ul style="list-style-type: none"> Growth Strategy Policy Review Built & Natural Environment Countryside 	Workshop <ul style="list-style-type: none"> Economic Development City & Town Centres Retailing 	LDP Steering Group PM / SA Group
October 2016	17 th Workshop <ul style="list-style-type: none"> Urban Design & Townscape Transport & Movement 	Workshop <ul style="list-style-type: none"> Open Spaces & Recreation Tourism Renewable Energy SA Update 	
November 2016	14 th Committee <ul style="list-style-type: none"> Housing in Settlement Hierarchy Economic Development City & Town Centres 	Workshop <ul style="list-style-type: none"> Settlement Evaluation Broad Land Allocations 	PM / SA Group
December	12 th Workshop		LDP Steering Group

<p>2016</p>	<ul style="list-style-type: none"> • Public Utilities • Community Infrastructure • Coastal Development • Waste Management • Minerals 		
<p>January 2017</p>	<p>16th Committee</p> <ul style="list-style-type: none"> • Design/Townscape • Transport & Movement • Open Space/Recreation • Tourism • Renewable Energy • Settlement Evaluation • Land Use Allocations • Public Utilities & Infrastructure • Coastal Development • Waste Management • Minerals 	<p>Workshop</p> <ul style="list-style-type: none"> • Options Emerging <ul style="list-style-type: none"> - Options/Alternatives - Preferred Options • SA Interim 	<p>PM / SA Group</p>
<p>February 2017</p>	<p>14th Committee</p> <ul style="list-style-type: none"> • Draft POP • Draft SA Interim Report 	<p>? Committee Agree Draft POP</p>	<p>PM / SA Group</p>
<p>March 2017</p>	<ul style="list-style-type: none"> • Launch Preferred Options Paper (POP) • SA Interim Report 		<p>LDP Steering Group</p>

Title of Report: Draft Timetable for LDP	Officer presenting: Senior Planning Officer
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1 Purpose of Report/Recommendations

- 1.1 The purpose of this report is to present Members with a draft Timetable document in relation to the production of the Local Development Plan (LDP) and seek their ratification for it to be submitted to the Department of the Environment (DOE) for their agreement prior to the Timetable being published, along with the previously ratified Statement of Community Involvement (SCI), in May / June of this year.
- 1.2 The publication of the Timetable will be the formal commencement of the LDP preparation process.

2 Background

- 2.1 This draft Timetable document (Appendix 3) sets out an indicative timescale along with the associated key stages for the production of the Derry City and Strabane District LDP 2030. It will be a public statement of our programme for the delivery of the LDP which will subsequently replace both the Strabane Area Plan 2001 and the Derry Area Plan 2011. The timetable will help ensure that the plan process is efficiently managed and that all involved in its preparation are kept informed and can manage their own resources to facilitate their involvement in the LDP process.

3 Key Issues

- 3.1 The Timetable needs to be approved by resolution of the Council prior to being submitted to and agreed by the DOE in accordance with Regulation 7 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.
- 3.2 Planning officials will liaise with the Planning Appeals Commission (PAC) officials to ensure that there is scope and capacity within the PAC for them to undertake the two required Independent Examinations for our LDP at the proposed likely times in 2018 and 2020. Planning officials will also discuss the proposed timescales with the other key stakeholders, especially TransportNI and NIEA, to ensure that their inputs can meet with these timescales.
- 3.3 The Timetable meets the requirements of the Planning Act (Northern Ireland) 2011 and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 which require Council to prepare and keep under review a Timetable for the preparation and adoption of its LDP.

4 Financial, Equality, Legal, HR and Other Implications

- 4.1 Meeting the Timetable is dependent upon Member support and effective involvement, adequate resourcing and risk management. The proposed Timetable is an extremely challenging one, especially as we are seeking to produce a completely new style of plan based on significant levels of public engagement. Intertwined with the LDP preparation, Planning officials will have to simultaneously subject the LDP process to a significant number of legislatively-required and extremely complex Appraisals and Assessments such as SEA.
- 4.2 In the event that the LDP Timetable slips and requires amendment, Council has the power under the Planning Act 2011 to publish a revised Timetable. This will require the prior agreement of the DOE. Any amendments will need to be publicised and made available on the Council's website.

5 Recommendations

- 5.1 That Members broadly agree the text of the proposed Timetable document and agree to Planning officials liaising with PAC officials and other key stakeholders prior to submitting the document to DOE for agreement and publication in May / June 2016.

Background Papers

Appendix 3 - Draft Timetable document.

**TIMETABLE for Derry City and Strabane Local Development Plan 2030 (LDP)
(DRAFT Text - Final Version to be properly formatted and presented in an attractive manner), To
Planning Committee – LDP, 18th April 2016**

1.0 INTRODUCTION

1.1 This Timetable document sets out an indicative timescale along with the associated key stages for the production of the Derry City and Strabane District Local Development Plan 2030 (LDP). It is a public statement of our programme for the delivery of the LDP which will subsequently replace both the Strabane Area Plan 2001 and the Derry Area Plan 2011. The timetable will help ensure that the plan process is efficiently managed and that all involved in its preparation are kept informed and can manage their own resources to facilitate their involvement in the LDP process.

1.2 The Timetable was approved by resolution of Derry City and Strabane District Council prior to being submitted to and agreed by the Department of the Environment in accordance with Regulation 7 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

1.3 The Timetable meets the requirements of the Planning Act (Northern Ireland) 2011 and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, which requires Council to prepare and keep under review a Timetable for the preparation and adoption of its LDP. The Timetable has also been developed within the context of the Council's Corporate Plan.

2.0 PURPOSE OF THE LOCAL DEVELOPMENT PLAN

2.1 The purpose of the Local Development Plan 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 up to 2030.

2.2 Our new LDP will be prepared within the context of the Council's Corporate Plan and will integrate with the Community Planning process to assist us in planning to deliver the future vision sought by all those who live in this District. It will ensure that lands are appropriately and sustainably zoned and that our infrastructure is enhanced to meet the need of future generations.

2.3 The LDP must also take account of the regional policy context set by the Northern Ireland Executive and Central Government Departments. This includes, amongst others, the Sustainable Development Strategy, the Regional Development Strategy, the Strategic Planning Policy Statement and Planning Policy Statements.

2.4 The LDP, when adopted, will replace both the Strabane Area Plan 2001 and the Derry Area Plan 2011 and their associated operational planning policies that were produced by the Department of the Environment. The LDP will be produced in two stages consisting of first, a Plan Strategy (PS), and later followed by a Local Policies Plan (LPP).

2.5 The PS will set the broad aims, objectives and the overall growth strategy and associated generic planning policies applicable across the District. In contrast, the LPP will deal with the site specific policies and proposals associated with our settlements, such as their settlement development limits, land use zonings and environmental designations. The land use zonings will

articulate the vision, objectives, spatial strategy and strategic policies contained within the PS, reinforcing the integrated connection between both documents.

2.6 To inform the preparation of these plan documents, a key next step is to identify the most significant planning issues currently affecting our District, as well as those likely to become relevant in the future. We will define a range of options for addressing these issues and subsequently publish these for consultation in a Preferred Options Paper (POP). The POP and the consultation response to it will significantly shape the content of the resulting Draft PS.

2.7 Throughout the preparation of the LDP, we will undertake a parallel process of Sustainability Appraisal (SA). The SA process aims to ensure that social, economic and environmental considerations are put at the heart of the policy and proposal development process to ensure the resulting decisions, and ultimately the plan, is sustainably sound.

2.8 Relevant SA reports will be published at each of the key stages of the plan making process. This will include consultation on the scope of the appraisal at the Preferred Options Paper stage.

3.0 THE TIMETABLE

3.1 The Timetable which sets out indicative dates for the key stages in the preparation of the LDP is set out in Figure 1. A brief explanation of the key stages is set out below:

Statement of Community Involvement – This will set out how the Council intends to engage with the local community during the preparation of the LDP.

Preferred Options Paper - The POP is a public consultation document which will set out the most significant planning issues currently affecting our District, as well as those likely to become relevant in the future. It will include the Council's preferred options to address them.

Draft Plan Strategy - The draft PS is a public consultation document which will set out in draft terms the proposed broad aims, objectives and the overall future growth strategy and associated generic planning policies applicable across the District.

Independent Examination - An IE will be held to determine the soundness of the draft PS, taking into account a consideration of the representations and counter representations received during the draft PS consultation period. After the IE, an Advisory Report of its findings will be issued to Central Government.

Binding Report – following consideration of the Advisory Report, Central Government will issue a Binding Report to Council directing it to adopt the draft PS as originally prepared or with modifications. Alternatively, Council may be directed to withdraw the draft PS. Council must incorporate any changes outlined in the Binding Report into the final PS.

Adoption of Plan Strategy- Following the IE and any relevant direction from Central Government, the Council will formally adopt the PS.

Draft Local Policies Plan - The LPP is the second plan document within the LDP process. The draft LPP is a public consultation document and will contain Council's detailed land use proposals for the District. The land use zonings will articulate the vision, objectives, spatial strategy and strategic policies contained within the PS.

Independent Examination - An IE will be held to determine the soundness of the draft Local Policies Plan, taking into account any representations or counter representations. Following the IE, an Advisory Report of its findings will be issued to Central Government.

Binding Report – following consideration of the Advisory Report, Central Government will issue a Binding Report to Council directing it to adopt the draft LPP as originally prepared or with modifications. Alternatively, Council may be directed to withdraw the draft LPP. Council must incorporate any changes outlined in the Binding Report into the final LPP.

Adoption of Local Policies Plan - Following the IE and any relevant direction from Central Government, the Council will formally adopt the LPP.

3.2 The Timetable does not just relate to the actual preparation of the plan documents. Council is also required to carry out a number of assessments in parallel with the preparation of the LDP documents. These assessments are essential for informing various aspects of Plan production and their undertaking and findings will contribute towards the LDP's test of soundness at the IE.

3.3 As indicated above, a Sustainability Appraisal (SA) will be undertaken. This will assist the Council to assess the sustainability or otherwise of the LDP proposals and how they will combine and interact in the LDP to contribute to the achievement of sustainable development. An integral part of the SA process will be the requirement on the Council to undertake a screening to determine if the LDP requires a Strategic Environmental Assessment (SEA) – which will in turn examine purely the environmental effects of the LDP proposals.

3.4 Habitats Regulation screening will also be required to determine if a Habitats Regulation Assessment is required for the LDP. This will consider the potential impact of LDP policies and proposals on European nature conservation sites.

3.5 An Equality Impact Screening will be required to assess if the LDP is likely to have an impact on different sections of the community. If so, an Equality Impact Assessment, as well as a Rural Proofing Health Impact and Deprivation impact reports will be undertaken in relation to the LDP.

4.0 DELIVERING ON TIME!

4.1 Meeting the timetable is dependent upon Councillor involvement, adequate resourcing and risk management. The Timetable is an extremely challenging one, especially as we are seeking to produce a completely new style of plan based on significant levels of public engagement whilst simultaneously subjecting the process to a number of legislatively required Appraisals and Assessments.

Councillor Involvement

4.2 Progress on the Derry City and Strabane District Local Development Plan will be reported to the Council on a regular, normally monthly, basis. In addition to the attached Timetable Summary, there are a number of critical dates for Councillors' involvement:

- The Preferred Options Paper will be presented for Councillors' agreement in (Date) to allow for (Date) publication.
- The findings from the public consultation exercise, the Sustainability Appraisal and Draft Plan Strategy will be presented for Councillors' agreement in (Date) to allow for publication in (Date).
- Councillors' authorisation will be sought in (Date) to forward the Plan with any representations to the Department of the Environment to request an Independent Examination. Any counter representations will be forwarded eight weeks later.
- Councillors' authorisation will be sought in (Date) on whether to accept or rebut the representations and submissions made to the Independent Examination by the date set.
- The binding report from Department of the Environment will be presented to Councillors' to allow adoption in (Date).
- The Draft Local Policies Plan will be presented to Councillors' in (Date) for authorisation of publication.
- Councillors' authorisation will be sought in (Date) to forward the Plan with any representations to the Department of the Environment to request an Independent Examination. Any counter representations will be forwarded eight weeks later.
- Councillors' authorisation will be sought in (Date) on whether to accept or rebut the representations and submissions made to the Independent Examination by the date set.
- The binding report from Department of the Environment will be presented to Councillors to allow adoption in (Date).

4.3 To further assist with the effective management of the Timetable, it is essential that relevant steps and safeguards are put in place to manage the LDP decision-making process and provide early warning of potential time slippage. Such steps include:

- A work programme will be presented to Council Members for each key stage of the plan process.
- Papers will be presented to Council Members on a regular basis regarding local development plan matters, including key planning topics and findings as they emerge.
- Web based interaction will allow people to input their thoughts into the decision making process on various planning topics as we seek to develop our POP
- A Steering Group will be established comprising of nominated Members of the Planning Committee, the Chief Executive / Director of Environment & Regeneration (or authorised replacement) and the Head of Planning. This is the high level co-ordinating body that will ensure oversight and strategic input on behalf of the whole community, as well as from planning professionals.
- A Project Management Team will be established comprising of Senior Council Officers and representatives from the key Statutory/Government Departments. The purpose of the team will be to ensure key consultees cooperate in the plan making process. The Project Management team will be consulted on and act as the screening and scoping group for the Sustainability Appraisal of the Plan.

- An annual monitoring report will be produced to inform Council Members and Central Government on progress in meeting the Timetable.
- Progress Reports on the LDP will be submitted on a quarterly basis to the Planning Committee.

Adequate Resourcing

4.4 The staff considered necessary to undertake the LDP is as follows:

- 1 x Head of Planning: 25% of time;
- 1 x Principal Planning Officer: 80 – 100% of time;
- 1 x Senior Planning Officer
- 3 x Higher Planning Officers
- 2 x Planning Officers

4.5 It is also foreseen that at key stages in the Plan process, the team will require the services of both a GIS officer to assist with strategic and settlement mapping and administration support to oversee the representation and counter representation databases.

4.6 The use of suitably experienced consultants will also be required to bring forward studies related to both retailing and transport within the District. Consultants will also be required for the initial stages of the SA process.

Risk Management

4.7 As already stated, the timetable is extremely challenging and there are a variety of risks that could slow down the LDP programme e.g. ranging from financial, judicial reviews, competing plans seeking similar IE dates to staffing resources. A Risk Management Log will be adopted to assess a variety of risks, identify their likelihood and potential impact and plan countermeasures to mitigate delays.

5.0 ANNUAL MONITORING AND REVIEW

5.1 An annual monitoring report will be produced by Council to inform Members and the Department of the Environment on progress in meeting the timetable. If progress on plan production has slipped, the timetable will need to be revised and agreed with the Department in accordance with the Development Plan Regulations. In the event that the Plan Timetable requires amendment, Council has the power under the Planning Act 2011 to publish a revised Timetable. Any amendments will be publicised and made available on the Council's website

<http://www.derrystrabane.com>

Getting in Touch [TO GO INSIDE FRONT COVER]

Should you have a planning query, you can contact the Council's Planning Section in the following ways:

By email to: planning@derrystrabane.com

By post to: Planning Section,
Local Development Plan
Derry City and Strabane District Council
98 Strand Road
Derry
BT48 7NN

By telephone on: (+44) 28 7125 3253

By text phone on: (+44)28 7137 6646

Should you require a copy of this Timetable in an alternative format, it can be made available on request in large print, audio format, DAISY or Braille. It may also be made available in minority languages to meet the needs of those for whom English is not their first language.

Keeping you Informed

Derry City and Strabane Council - Planning Section is developing new methods of actively communicating and effectively engaging with the residents of the District about LDP progress and planning issues in general.

As part of a European funded project, the Planning Section has created a LDP website via which you can input your thoughts and comments on a regularly basis on the planning topics that are important to you. Your feedback will form part of the decision making process for that particular planning topic and ultimately will help shape the content of the POP. We will also regularly update the website to keep you informed of LDP progress.

To visit this LDP website, please go to: <http://www.derrystrabane.com/ldp>

Derry City & Strabane District LDP – Timetable Summary

LDP KEY STAGES (with associated engagement / consultation periods)	KEY STAGES FOR SUSTAINABILITY ASSESSMENT & OTHER ASSESSMENTS	ESTIMATED TIMESCALE
Statement of Community Involvement (SCI) (Informal draft Community Engagement – 6 weeks)		November 2015
Publication of SCI and LDP Timetable (Statutory Stakeholder engagement. Informal Public and Member engagement on key issues)	Invite comment from Consultation Body (NIEA) on draft Sustainability Appraisal -SA (incorporating Strategic Environmental Assessment - SEA) Scoping Report.	May - June 2016
Publication of Preferred Options Paper (POP) (Statutory Public Consultation 8-12 weeks)	Publication of SA Interim Report comprising Scoping Report and appraisal of alternatives. Screening for Habitats Regulation Assessment - HRA & Equality Impact Assessment – EQIA	March 2017
Publication of draft Plan Strategy (PS) (Statutory Public Consultation: 8 weeks for Representations; 8 weeks for Counter representations)	Publication of SA Report (incorporating SEA) Publication of HRA and EQIA where relevant	December 2017
Independent Examination		2018
Adoption of Plan Strategy	Publication of SA Adoption Report (incorporating SEA) Publication of HRA and EQIA where relevant	2019
Commence preparation of draft Local Policies Plan (LPP) (Statutory Stakeholder engagement. Informal Public and Member engagement on key issues)	Invite comment from Consultation Body (NIEA) on draft Sustainability Appraisal -SA (incorporating Strategic Environmental Assessment - SEA) Scoping Report. Publication of SA Interim Report comprising Scoping Report and appraisal of alternatives. Screening for Habitats Regulation Assessment - HRA & Equality Impact Assessment – EQIA	Mid 2019
Publication of draft LPP (Statutory Public Consultation: 8 weeks for Representations; 8 weeks for Counter representations)	Publication of SA Report (incorporating SEA) Publication of HRA and EQIA where relevant	Late 2019
Independent Examination		2020
Adoption of LPP	Publication of SA Adoption Report (incorporating SEA) Publication of HRA and EQIA where relevant	Late 2020
Monitoring and Review of LDP incorporating Public Engagement: <ul style="list-style-type: none"> • Annual Monitor • 5 and 10 year Review 	Monitoring of SA and other associated Assessments	Ongoing

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Title of Report: Sustainability Appraisal and Other Technical Assessments of the LDP	Officer presenting: Senior Planning Officer
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1 Purpose of Report/Recommendations

1.1 The purpose of this report is to provide members with an overview to the main Assessments and Appraisals required to be produced in association with preparation of the Local Development Plan (LDP). The report primarily focuses on the important Sustainability Appraisal (SA), which incorporates the legislatively required Strategic Environmental Assessment (SEA). An outline of the other required assessments: Habitats Regulation Assessment; Equality Impact Assessment; and Rural Proofing is also provided. Other assessments are related to the SA but are not specifically covered in this Paper; they include Health Impact Assessment (HIA) and Promoting Social Inclusion (PSI, formerly TSN).

2 Background

- 2.1 The above Appraisals / Assessments, taken together, are required to ensure the promotion of social, environmental and economic considerations, the protection of designated sites of European importance and all relevant S75 obligations, including urban / rural balance are taken into account when preparing the LDP.
- 2.2 The NI Executive's Sustainable Development Strategy (May 2010) 'Everyone's Involved' aims to put in place economic, social and environmental measures to ensure that we can continue to grow the economy, improve our society and communities and utilise our natural resources in an environmentally sustainable manner. Accordingly, it is important to integrate the principles of sustainable development into the LDP process. Section 25 of the NI (Miscellaneous Provisions) Act 2006 requires a Council in exercising their functions to act in the way they best calculate contributes to the achievement of sustainable development.
- 2.3 Section 5 of the Planning Act (NI) 2011 copper fastens this duty by requiring those who exercise any function in relation to LDP's to do so with the objective of furthering sustainable development.

- 2.4 Sections 8(6) and 9(7) of the 2011 Act requires an appraisal of sustainability to be carried out for both the Plan Strategy (PS) and the Local Policies Plan (LPP). As the sustainability appraisal (SA) for each of these development plan documents will incorporate an assessment of environmental effects, it must also comply with the requirements of the European Directive 2001/42/EC on the assessment of effects of certain plans and programmes on the environment (the SEA Directive).
- 2.5 The SEA Directive was transposed into NI legislation through the Environmental Assessment of Plan of Plans and Programmes Regulations (NI) 2004 (the EAPP (NI) Regulations).
- 2.6 The Habitats (Directive 92/43/EEC on the conservation of natural habitats and of wild fauna & flora) and Birds (Directive 3009/147/EC of the European Parliament on the conservation of wild birds) Directives aim to maintain or restore the favourable conservation status of habitats and species of community interest. Special Areas of Conservation (SAC's) and Special Protection Areas (SPA's) are designated to afford protection to habitats and species that are listed in the Habitats and Birds Directives. These designations form a suite of sites which are collectively known as the Natura 2000 network. Our District contains 5 SAC'S – River Foyle & Tributaries; River Faughan & Tributaries; Owenkillew River, Moneygal Bog and the Fairy Water Bogs; and 1 SPA – Lough Foyle. International sites designated under the Ramsar Convention are also included within a HRA. Lough Foyle is a designated Ramsar site.
- 2.7 The Habitats Regulation Assessment (HRA) is required by The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). It aims to assess possible adverse effects on Natura 2000 sites (Special Areas of Conservation, Special Protection Areas) and Ramsar Sites as a result of the implementation of policies and proposals contained within our LDP documents. The process of HRA may be undertaken in parallel with SA and planning officials intend to liaise with Shared Environmental Services to ensure that it meets all legislative requirements.
- 2.8 The primary function of an Equality Impact Assessment (EQIA) is to determine the extent of any impact of a policy upon the Section 75 categories and to determine if the impact is an adverse one. It is also an opportunity to demonstrate the likely positive outcomes of a policy and to seek ways to more effectively promote equality of opportunity and good relations.
- 2.9 Section 75 of the Northern Ireland Act 1998, Equality of Opportunity places a statutory requirement on the Council to carry out their functions with due regard to the need to promote equality of opportunity:
- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
 - between men and women generally;

- between persons with a disability and persons without; and
 - between persons with dependents and persons without.
- 2.10 In addition and without prejudice to its obligation above at 2.9, the Council shall, in carrying out its functions, have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.
- 2.11 The Council is therefore required to ensure that the LDP is prepared in accordance with Section 75 statutory obligations. Consequently, the Council will have to undertake an Equality Impact Assessment (EQIA) to determine if there will be any potential impacts upon Section 75 groups as a result of the policies and proposals contained in their local development.
- 2.12 The concept of Rural Proofing was introduced in the NI Executive's second Programme for Government in 2002 to ensure that the rural dimension was routinely considered as part of the making and implementation of policy. A Rural Needs Bill (DARD) introduced in November 2015 is the first legislative mechanism to deal with what could be broadly defined as rural proofing activity within NI.
- 2.13 Rural proofing is the process by which all major policies within the LDP will be assessed to determine whether they have a differential impact on rural areas and, where appropriate, policy adjustments are made to take account of particular rural circumstances. In essence, the Rural Proofing process will
- identify the potential direct or indirect impact a new or revised policy might have on a rural area (This may require data analysis on a rural-urban basis);
 - make a proper assessment of those impacts, if they are likely to be significant; and finally
 - make the consequent adjustment to that policy (where appropriate) to ensure that the policy meets the needs of rural areas.

3 Key Issues

Sustainability Appraisal (SA) & Strategic Environmental Assessment (SEA)

- 3.1 The purpose of SA is to promote sustainable development through the integration of social, environmental and economic consideration into the preparation of our LDP. The main difference between SA and Strategic Environmental Assessment (SEA) is that SA is wider in scope as it covers the social and economic effects of plans, as well as the more environmentally focused considerations of SEA as required by the SEA Directive.
- 3.2 The objective of the SEA Directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with the view to promoting sustainable development.
- 3.3 Similar to SEA, SA must be carried out from the outset and in parallel with the local development plan preparation process. In doing so it will help ensure that decisions that are made will help contribute to the achievement of sustainable development. Whilst the requirement to carry out a SA and SEA are distinct, it is possible to satisfy both these requirements through a combined appraisal process.
- 3.4 SA should help to improve the quality of the plan making process by:
- raising awareness of the social, economic and environmental impacts of the plan;
 - facilitating the identification and assessment of reasonable alternatives for the plan;
 - demonstrating that the plan is the most appropriate given the reasonable alternatives;
 - providing transparency in the decision making process and facilitating public participation;
 - facilitating the effective monitoring of implementation of the plan.
- 3.5 The SA process, incorporating SEA must be an integral part of our LDP preparation process. It will perform a key role in providing a sound evidence base for the plan which will play an important part in demonstrating if our LDP documents are 'sound'. This will be thoroughly examined and tested at the Independent Examination and will ultimately determine whether each LDP document can proceed to be adopted.
- 3.6 The SEA Directive requires authorities with environmental responsibilities to be consulted at specific stages in the SEA process. The EAPP (NI) Regulations refer to these authorities as the 'consultation body'. The consultation body must be consulted by responsible authorities who in terms of the Regulations are the bodies which prepare plans and programmes subject to the Directive. In this case, our Council, in preparing a LDP is a 'responsible authority' under the legislation.

3.7 Regulation 4 of the EAPP (NI) Regulations designates the Department for the Environment as the 'consultation body' and delivery of this function is led by The Northern Ireland Environment Agency (NIEA). Our Council will be expected to contact the consultation body at four stages during SEA:

- Screening: When determining if a plan or programme requires a SEA (Article 3(6) of the SEA Directive);
- Scoping: When deciding on the scope and level of detail of the information which must be included in the Environmental Report (Article 5(4));
- Public consultation: When consulting the public on the draft plan or programme and the accompanying Environmental Report (Article 6(2));
- Decision to adopt: When making information available on the Plan adopted, consultations, decisions made, and monitoring measures (Article 9(1)).

3.8 As our Council must undertake a SA which incorporates the legislative requirements of SEA, it must also consult the consultation body as part of the combined SA and SEA process. Similarly, whilst our Council must consult the consultation body in relation to environmental issues, it may also consult other bodies, adjoining Member States / other Councils and/or the public depending upon the nature of the information required e.g. social and economic objectives/issues relating to SA. Accordingly, we should therefore exercise judgement in relation to the level of consultation required to ensure that the SA framework used to appraise our LDP is sufficiently robust and justified.

3.9 As previously mentioned, the SA process will need to be fully integrated into the LDP process. The SA should be started at the same time as our LDP and should inform each stage where decisions are taken. It should also be used for developing arrangements for monitoring the implementation of the plan, in order to identify problems and inform the review of the LDP. The SA process involves the following key stages;

- Stage A(1): SA Scoping Report - preparation of the evidence base to inform the appraisal, establishing the SA framework / objectives for undertaking the appraisal and seeking agreement with Consultation Body;
- Stage A(2): SA Interim Report: consists of SA Scoping Report, assessment of reasonable alternatives against agreed SA framework and undertaking public consultation along with the Preferred Options Paper;
- Stage B: Assessment of alternatives and any likely significant effects of the draft plan against SA framework, taking into account the evidence base and where necessary, proposing mitigation measures for alleviating any adverse effects;
- Stage C: SA Report to document the appraisal process and findings;

- Stage D: Consultation with the public, environmental authorities and any EU member state affected on the sustainability appraisal report and draft plan;
 - Stage E: SA Statement to show how the SA and opinions / consultations have been taken into account, the reasons for choosing the plan as adopted and the proposed measures to monitor the plan;
 - Stage F: Monitoring: establishing arrangements to monitor the significant effects of the implementation of the plan, to identify unforeseen adverse effects and undertake appropriate remedial action.
- 3.10 It is important to stress that the preparation of the LDP and SA should be an iterative process whereby findings at each stage should be taken into account to inform subsequent stages of the plan preparation or appraisal process. This may also involve reviewing the previous stage and where necessary, revising alternatives to enhance positive effects of the draft plan. This will be particularly relevant to the new style of LDP preparation which consists of two separate but related development plan documents i.e. the Plan Strategy and Local Policies Plan.

Habitats Regulation Assessment (HRA)

- 3.11 Habitats Regulations Assessment (HRA) will be required to determine whether our LDP, either alone or in combination with other plans or projects, is likely to have a significant effect on designated International and European sites – Ramsars, SPA's and SAC's. It will be required for both the Plan Strategy and the Local Policies Plan stages. At the Local Policies Plan stage, the HRA format required is more akin to a 'review and update' process. This will demonstrate that this stage has similarly been appropriately developed within the parameters of the Plan Strategy and its associated HRA process with the intended result that the Local Policies Plan will also be found not likely to cause any adverse effects on European site integrity.
- 3.12 The requirement to undertake a Habitats Regulations Assessment stems from Article 6, paragraphs (3) and (4) of the Habitats Directive (92/43/EEC), transposed into Northern Ireland legislation by Articles 43 and 44 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995.
- 3.13 The Habitats Regulations Assessment is a staged procedure, entailing up to four possible sequential stages and will be undertaken by the Shared Environmental Service (SES) which was set up to assist Councils to fulfil their obligations under the Conservation (Natural Habitats) Regulations.

Stage 1 - Screening

3.14 Stage 1 (also known as a Test of Likely Significance) is a Screening process, which will identify the likely impacts upon the Natura 2000 / International site from the LDP, either alone or in combination with other projects or plans. It will then consider whether these impacts are likely to be significant. In relation to LDP production, this will be an academic process, as all LDP's, following the precautionary principle, will be subject to a Stage 2 Appropriate Assessment.

Stage 2 - Appropriate Assessment

3.15 Stage 2 entails undertaking what is termed an 'Appropriate Assessment' (AA), which is the consideration of the impact on the integrity of the Natura 2000 / International site of the LDP, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives.

3.16 SES will undertake the Stage 2 (AA) taking account of in combination impacts. They will advise whether there will be (a) no adverse effects on any European site integrity or (b) the LDP in its current form may have adverse effect on European site integrity and will require the necessary amendment to avoid such effects. However, if the HRA consideration has been iteratively integrated with the LDP preparation, it is expected (although by no means guaranteed) that at this Stage 2, SES will be reporting no adverse effects on any European site integrity.

Stage 3 - Assessment of Alternative Solutions

3.17 Stage 3 is the Assessment of Alternative Solutions which examines alternative ways of achieving the objectives of the LDP that avoid adverse impacts on the integrity of a Natura 2000 site.

Stage 4 – Imperative Reasons of Overriding Public Interest

3.18 In exceptional circumstances where Council proceeds to adopt the LDP despite a negative Stage 2 (AA) assessment, it must be demonstrated that this is for 'Imperative Reasons of Overriding Public Interest'. In such rare cases, compensatory measures would be required to ensure the overall coherence of the network of European sites is protected.

Equality Impact Assessment (EQIA)

- 3.19 The primary function of an EQIA is to determine the extent of any impact of a policy upon the Section 75 categories and to determine if the impact is an adverse one. It is also an opportunity to demonstrate the likely positive outcomes of a policy and to seek ways to more effectively promote equality of opportunity and good relations.
- 3.20 If a policy shows a possible 'adverse impact' on any group, Council must consider how this might be reduced. This would include how an alternative policy might lessen this effect and serve to promote equality of opportunity and good relations.
- 3.21 An EQIA will be required to be undertaken for both the PS and the LPP. Like the HRA process, the EQIA process for the LPP will also take the form of a 'review and update' undertaking. A period of consultation (8 – 12 weeks maximum) will be allowed at each stage for the public to comment on the EQIA. This will help to raise awareness of issues and problems that policies may pose for various groups within the District which otherwise may not have been discovered.
- 3.22 Council must take into account the EQIA and its consultation response prior to moving to adopt the LDP. Council is required by law to publish a report on the results of the EQIA, detailing how consideration was given to the mitigation of any impacts raised during consultations.
- 3.23 A system will be established to monitor the impact of a particular policy in order to find out its effect on relevant groups. The results of ongoing monitoring must be reviewed on an annual basis. The Council is required to publish the results of this monitoring and these results must be included in the Council's annual review on progress to the Equality Commission.

Rural Proofing (RP)

- 3.24 Our significant rural areas differ from our urban areas due to their greater geographical isolation, population dispersal, longer distances from key services like health, education or leisure facilities and limited local employment opportunities. Accordingly, when developing policy, we will need to think about the potential differential impacts our policy may have on rural areas, particularly those specific new policies that Council brings forward in relation to service provision; economics; infrastructure; social well-being / cohesion and environmental concerns.
- 3.25 Like the other assessments / appraisals referenced in this paper, RP will be an iterative process intertwined with the development of the LDP. If at the outset of the policy development or review Council does not believe there will be direct or indirect impact on rural areas then it must state that it has screened out rural proofing on its Rural Issues Statement. You must also provide the reasons why you have screened out rural proofing and issue this statement with your public consultation pack.

- 3.26 Similar to the other appraisals / assessments, ongoing monitoring will be a key part of the rural proofing process. Within the Rural Issues Statement, we will be required to detail any rural specific indicators that have been set to monitor our policy implementation. This will include monitoring of relevant data on a rural-urban basis.

4 Financial, Equality, Legal, HR and Other Implications

- 4.1 It is considered that there will be significant financial implications associated with the undertaking of the legislatively required SA (incorporating SEA) processes. Shared Environmental Service have offered a costed package to assist local Councils with the preparation of parts or all of their SA process.
- 4.2 Given the complex nature of the SA process, its iterative role on judging the 'soundness' of the LDP and the potential judicial implications of any alleged deviation from the legislative process, it is considered prudent in the first instance to avail of this limited package of SES support. It is estimated that £20k will be required in the financial year 2016/17 to progress the LDP towards the POP stage and the publication of the first major SA / SEA related reports. It is likely that there may be associated costs in subsequent years.
- 4.3 It is stressed that the undertaking of all of these assessments / appraisals is intertwined with the preparation of the LDP itself. Assessments and reviews / updates are required at both stages of the LDP production. Their undertaking will have significant resource implications on the LDP team.

5 Recommendations

- 5.1 It is recommended that the LDP Planning Committee notes the content of this paper, and the importance of the referenced assessments / appraisals in ensuring a fit for purpose and sound LDP, for information purposes.

Background Papers

None

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Title of Report: DOE Update on Status of current Strabane Area Plan 1986 - 2001	Officer presenting: Principal Planning Officer
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1 Purpose of Report/Recommendations

- 1.1 The purpose of this paper is to update Members to an amendment made by the DOE (Planning Policy Division) to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015. The amendment was required to legislate for the inclusion of four DOE produced Development Plans, including the Strabane Area Plan 1986-2001, which were prepared under the Planning (NI) Order 1972.
- 1.2 The revision, in the form of the Planning (Local Development Plan) (Amendment) Regulations (Northern Ireland) 2016 which came into operation on the 29th February 2016, now clarifies that those DOE produced Plans prepared under both the 1972 (Strabane Area Plan) and the 1991 (Derry Area Plan) Orders will be treated as the local Development Plans for their respective areas until such times as the Council adopts its own Local Development Plan (LDP).

2 Background

- 2.1 The situation arose because under the transitional arrangements set out in the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the DOE had inadvertently sought to ensure that only the extant development plans, prepared under the Planning (NI) Order 1991 were retained as the council development plans until such times as the Council had prepared and adopted its plan strategy and local policies plan. In effect this left four DOE produced plans, including the Strabane Area Plan, potentially in 'legislative limbo', as they were produced under the earlier 1972 Order.

3 Key Issues

- 3.1 Members were therefore concerned that the existing Transitional arrangements left, in effect, the former Strabane District without an extant development plan to be referred to when determining planning applications. The amendment, which is now in force, ensures that the Strabane Area Plan 1986-2001 is now legislatively included within the Transition provisions contained within the 2015 Regulations.

4 Financial, Equality, Legal, HR and Other Implications

- 4.1 The amendment now legally ensures that the Strabane Area Plan will be treated as the Development Plan for the former Strabane area until the Council adopts its own LDP for the Derry City and Strabane District in due course.

5 Recommendations

- 5.1 It is recommended that Members note the amendment made by DOE (Planning Policy Division) that came into force on 29th February 2016 and which now ensures that the Strabane Area Plan will be treated as the extant Development Plan for the former Strabane area until such times as the Council adopts its own LDP for the Derry City and Strabane District.

Background Papers

Appendix 4 - Letter from DOE Planning Policy Division.

Angus Kerr BA(Hons) Msc PgDip MRTPI
Director
Planning Policy Division

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julie.maroadi@doeni.gov.uk

All Chief Executives

24 February 2016

Dear Chief Executive

**RE: PLANNING (LOCAL DEVELOPMENT PLAN) (AMENDMENT) REGULATIONS
(NORTHERN IRELAND) 2016**

The Department has made a minor amendment to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

In accordance with Part 3 of the Planning Act (Northern Ireland) 2011 councils must prepare local development plans for their areas. Until such time as the council has prepared and adopted its plan strategy and local policies plan the Department had made transitional arrangements to ensure that extant Departmental development plans made under the Planning (Northern Ireland) Order 1991 are retained as council local development plan. The transitional arrangements are contained in the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

Since making the 2015 Regulations it has transpired that the transitional arrangements did not cover four older Departmental development plans prepared under the Planning (Northern Ireland) Order 1972. The four Departmental development plans are:-

- Ballymena Area Plan 1986-2001;
- Antrim Area Plan 1984-2001;
- Larne Area Plan 2010; and
- Strabane Area Plan 1986-2001.

Therefore, [the Planning \(Local Development Plan\) \(Amendment\) Regulations \(Northern Ireland\) 2016](#) which comes in to operation on 29 February 2016, makes a

minor amendment to the transitional provisions in the 2015 Regulations to ensure that those Departmental development plans prepared under both the 1972 and 1991 Orders will be treated as the local development plan for their respective areas until the relevant council adopts its own local development plan.

Yours sincerely



ANGUS KERR
Director of Planning Policy Division

cc. All Planning Managers