


DAERA Response - Fermanagh and Omagh Local Development Plan (LDP) Draft Plan Strategy Reconsultation

DAERA Development Plan Team <DevelopmentPlanTeam@daera-ni.gov.uk>

Thu 03/12/2020 13:38

To: Development Plan <developmentplan@fermanaghomagh.com>

Cc: [REDACTED]@daera-ni.gov.uk; DAERA Development Plan Team
<DevelopmentPlanTeam@daera-ni.gov.uk>

 1 attachments (596 KB)

DAERA - FODC LDP Response.pdf;

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Good afternoon,

Please find attached the DAERA response to the reconsultation of the Fermanagh and Omagh Local Development Plan (LDP) Draft Plan Strategy.

Kind regards

[REDACTED]
Development Plan Officer

 DAERA Signature Strip New 2020 Green

From: Development Plan [mailto:developmentplan@fermanaghomagh.com]

Sent: 01 October 2020 10:29

To: DAERA Development Plan Team <DevelopmentPlanTeam@daera-ni.gov.uk>

Subject: Notification Letter - Fermanagh and Omagh Local Development Plan (LDP) Draft Plan Strategy - Consultation on Proposed Changes

Your Ref 

Our Ref: ES13 LDP2030 Re Consultation Proposed
Changes

Date: 1st October 2020

Email: developmentplan@fermanaghomagh.com

Alison McCullagh
Chief Executive

Planning Department

Dear Sir/Madam,

RE: The Fermanagh and Omagh Local Development Plan (LDP) Draft Plan Strategy - Consultation on Proposed Changes.

As a statutory 'consultation body' as defined in Regulation 2 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015, I write to you to advise that Fermanagh and Omagh District Council has cancelled and is re-running its consultation on the proposed changes to the Local Development Plan draft Plan Strategy.

The original Schedule of Proposed Changes did not accurately reflect the agreed position of the Council, particularly in relation to policies MIN04 - Unconventional Hydrocarbon Extraction, FLD03 – Sustainable Drainage Systems, RE01 – Renewable and Low Carbon Energy Generation and HOU17 – Affordable Housing in the Countryside. The Schedule has now been updated to reflect all the changes agreed with Councillors. The Council apologises for any concern which the publication of the inaccurate information has caused.

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) that everyone affected has had an opportunity to comment before any recommended change is made to the Draft Plan Strategy by the Planning Appeals Commission (PAC). Ultimately, it will be for the Department for Infrastructure to determine whether any amendments recommended by the Planning Appeals Commission should be made to the Draft Plan Strategy.

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).

The Schedule of Proposed Changes is accompanied by Addendums to the Sustainability Appraisal, Habitats Regulations Assessment, Rural Needs Impact Assessment and Equality Impact Screening Report.

The consultation period will run for 8 weeks, commencing on Thursday 8th October 2020 and ending on Thursday 3rd December 2020.

The documents will be available to view online (at: www.fermanaghomagh.com) and in paper format from Wednesday 7th October 2020.

The Schedule of Proposed Changes and supporting assessments can be inspected **by appointment only** between the hours of 9.00am and 5.00pm from Wednesday 7th October 2020 at the Connect Centres: Strule House, 16 High Street, Omagh, Co Tyrone, BT78 1BQ and County Buildings, 15 East Bridge Street, Enniskillen, Co Fermanagh, BT74 7BW. Telephone 0300 303 1777 for an appointment. Social distancing measures will apply to anyone visiting these offices.

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 will not consider any new representations. Further information on 'soundness' and the soundness tests can be found in DPPN 06.

Comments on the Proposed Changes can be submitted in writing by either:

- Emailing developmentplan@fermanaghomagh.com or:
- Posting to:
Local Development Plan
Planning Department
Strule House
16 High Street
Omagh
Co Tyrone
BT78 1BQ

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www.fermanaghomagh.com/your-council/privacy-statement/

The deadline for comments is **Thursday 3rd December 2020**. Comments received after the deadline will not be accepted.

Should you have any queries regarding this notification, please contact the Local Development Plan Team at the telephone number above, or email developmentplan@fermanaghomagh.com.

Please confirm, by return, that you have received this e-mail and that you are the correct contact person or department/section in your organisation to deal with this consultation. Please also co-ordinate with any of your other departments/sections that are considered relevant.

Yours faithfully



Hilda Clements

Principal Planning Officer (Development Plan)

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DevelopmentPlanTeam@daera-ni.gov.uk

Fermanagh & Omagh District Council
Planning Department
Strule House
16 High Street
Omagh
Co Tyrone
BT78 1BQ

3rd December 2020

Re: The Fermanagh and Omagh Local Development Plan (LDP) Draft Plan Strategy - Consultation on Proposed Changes.

Dear Sir / Madam,

DAERA welcome the opportunity to comment on the proposed changes to the Fermanagh and Omagh Local Development Plan (LDP) Draft Plan Strategy. DAERA is of the opinion that the Plan is in general conformity with Regional Policy SPPS in respect of Natural Heritage policies.

Draft Policy MIN01: Minerals Development

DAERA welcomes the rewording of commercial peat extraction to include proposals for new, extended or renewal of extant permissions shall not be permitted.

Section 5.0 – Environment

Draft Policy NE01: Nature Conservation

DAERA welcomes the amending of this policy wording to reflect Planning Policy Statement 2, the Strategic Planning Policy Statement and the hierarchy of protected sites.



However for paragraph (a) it is felt it would be beneficial to include the final paragraph of PPS2 NH1 *“As part of the consideration of exceptional circumstances, where a European or Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:*

- *it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment”*

For paragraph (b) nationally important sites, it is suggested the opening line includes *“Earth Science Conservation Review site”* so it reads ‘Development affecting an ASSI, Earth Science Conservation Review site, National Nature Reserve, Nature Reserve...’

This is to take account of the fact that not all Earth Science Conservation Review sites that meet the ASSI criteria of at least national level importance have been designated. Many may already be included in ACMDs and SLNCIs so will have a measure of protection in the planning process, but this may not fully reflect their level of scientific importance.

DAERA is content that the remainder of proposed policy NE01 follows the existing policies of NH 3 and NH 4 in Planning Policy Statement 2.

Draft Policy NE02: Protected Species and their Habitats

This policy is unsound with respect to Consistency Test C3, *“Did the council take account of policy and guidance issued by the department”*. In section 6.180 on page 82 of the Strategic Planning Policy Statement it states *“Planning permission will only be granted for a development proposal that is not likely to harm a European protected species”*. The SPPS uses the word *“harm”* instead of *“adverse effects”* when referring to impacts on European protected species. It could be argued which of these words are stronger, however to keep the wording in line with the SPPS, DAERA would prefer the wording to match the SPPS.

Draft Policy NE03: Other Habitats, Species or Features of Natural Heritage Importance

DAERA is content with this policy, and that it follows the SPPS and PPS2 NH5. An addition for consideration to the Justification and Amplification for this policy is ensuring it applies to peatland which is considered degraded. Degraded peatland does have the possibility of regeneration. Interpretation Manual of European Habitats (European Commission DG Environment 1999), defines degraded raised bogs as those which are *“capable of natural regeneration”* i.e. *“where the hydrology can be repaired and where, with appropriate rehabilitation management, there is a reasonable expectation of re-establishing vegetation with peat forming capability within 30 years”*. This definition relates to raised bogs, but given that blanket bog complexes can encompass raised bogs, this definition could be reasonably extended to include blanket bog also.



Draft Policy L01: Development within the Sperrin AONB

DAERA are reasonably content with the rewording of this policy, however the inclusion of part "C" from Policy NH 6 in PPS2 could be considered in the justification and amplification of this policy, to encourage developers to retain the traditions of the area.

Marine and Fisheries Response

It is not clear from the documentation attached if the advice provided on 21 December 2018 from the Marine Plan Team has been taken into account as part of the revised LDP.

The inclusion of the reference to the UK MPS within the Schedule of Proposed Changes to the LDP within the Legal Status and Policy Context of the Plan, is welcomed.

In finalising the LDP, Fermanagh and Omagh District Council is advised to ensure they are content that sufficient regard has been given to the UK Marine Policy Statement and the draft Marine Plan for Northern Ireland within the LDP to enable the Council to meet its legal responsibilities with regard to decisions affected by these marine policy documents as described under Section 8 of the Marine Act (Northern Ireland) 2013 and Section 53 of the Marine and Coastal Access Act (2009).

Other Comments

The Draft Plan Strategy does not appear to have any strategic policies and/or topic based policies in relation to contaminated land.

Even in absence of Part III of the Waste and Contaminated Land Order 1997 Fermanagh and Omagh can still have a position statement and/or policy within their LDP in relation to land contamination and how this will aim to protect environmental and/or human health receptors.

Yours sincerely



Senior Scientific Officer
NIEA, DAERA




DAERA Response - Fermanagh and Omagh Local Development Plan (LDP) Draft Plan Strategy Reconsultation SA & HRA Addendums

DAERA SEA Team <SEATeam@daera-ni.gov.uk>

Thu 03/12/2020 13:41

To: Development Plan <developmentplan@fermanaghomagh.com>

Cc: DAERA SEA Team <SEATeam@daera-ni.gov.uk>

 1 attachments (498 KB)

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Good afternoon,

Please find attached the DAERA Response to the Fermanagh and Omagh Local Development Plan (LDP) Draft Plan Strategy Reconsultation Sustainability Appraisal & Habitat Regulations Assessment addendums.

Kind Regards


Development Plan Officer


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Yours faithfully



Hilda Clements

Principal Planning Officer (Development Plan)

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SEATeam@daera-ni.gov.uk

Fermanagh & Omagh District Council
Planning Department
Strule House
16 High Street
Omagh
Co Tyrone
BT78 1BQ

3rd December 2020

Re: The Fermanagh and Omagh Local Development Plan (LDP) Draft Plan Strategy Addendums to the Sustainability Appraisal and Habitats Regulation Assessment - Consultation on Proposed Changes.

Dear Sir / Madam,

DAERA welcome the opportunity to comment on the addendums to the Sustainability Appraisal and Habitats Regulation Assessment for proposed changes to the Fermanagh and Omagh Local Development Plan (LDP) Draft Plan Strategy. The opinion of the various units within DAERA are set out below.

Natural Environment Division:

The Natural Environment Division is largely content with the addendum changes, however looks forward to seeing the completed Sustainability Appraisal and Habitat Regulation Assessment.

Marine and Fisheries Response; Marine Plan Team:

It is not clear from the addendum documentation if the advice provided on 21 December 2018 from the Marine Plan Team has been taken into account as part of the attached Sustainability Appraisal Addendum or drawn into the revised LDP.



The inclusion of the reference to the UK MPS within the Schedule of Proposed Changes to the LDP within the Legal Status and Policy Context of the Plan, is welcomed.

In finalising the LDP, Fermanagh and Omagh District Council is advised to ensure they are content that sufficient regard has been given to the UK Marine Policy Statement and the draft Marine Plan for Northern Ireland within the LDP to enable the Council to meet its legal responsibilities with regard to decisions affected by these marine policy documents as described under Section 8 of the Marine Act (Northern Ireland) 2013 and Section 53 of the Marine and Coastal Access Act (2009).

Yours sincerely

[Redacted signature block]

