

Dfl response to FERMANAGH AND OMAGH DISTRICT COUNCIL – Draft Plan Strategy 2030 Consultation on Schedule of Proposed Changes

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on behalf of
Beggs, Alistair <Alistair.Beggs@infrastructure-ni.gov.uk>

Thu 03/12/2020 17:49

To: Hilda Clements <hilda.clements@fermanaghmagh.com>; Sinead McEvoy <Sinead.McEvoy@fermanaghmagh.com>;
Development Plan <developmentplan@fermanaghmagh.com>

📎 6 attachments (2 MB)

Letter to Hilda Clements re Fermanagh & Omagh DC Draft Plan Strategy 203....pdf; Dfl comments on FODC Proposed Changes Consultation.pdf; TPMU Response to FODC Schedule of Proposed Changes.pdf; Roads (Western Division) Response to FODC Schedule of Proposed Changes.pdf; Dfl Rivers response dated December 2020 to Fermanagh and Omagh DC Propo....pdf; WDPD Response to FODC Schedule of Proposed Changes.pdf;

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Hilda

Please see attached letter from Alistair Beggs, Director of Strategic Planning Directorate, Dfl along with inputs from:-

- Planning
- TPMU
- Roads
- Rivers
- WPDD

Kind regards



[Redacted] – On behalf of the Personal Secretary for Alistair Beggs, Director of Strategic Planning
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Your Reference:
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03 December 2020

Dear Hilda

**Re: FERMANAGH AND OMAGH DISTRICT COUNCIL – DRAFT PLAN STRATEGY
RE-CONSULTATION**

Fermanagh and Omagh District Council published and consulted a draft Plan Strategy between 26 October and 21 December 2018. Following consideration of the representations received, the Council have consulted on a schedule of proposed changes to the Draft Plan Strategy which were issued for a further non-statutory 8 week consultation period on 8 October.

Please see the attached response from the Department for Infrastructure in respect of the proposed changes. This response comprises comments from:

- DfI Planning
- Transport Planning Modelling Unit;
- Roads;
- Rivers; and
- Water and Drainage Policy Division.

The Department thanks the Council for the opportunity to comment on these proposed changes.

Yours sincerely

[REDACTED]

ALISTAIR BEGGS
Director

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Introduction

1. The Department for Infrastructure would like to thank the Council for the opportunity to comment on the Fermanagh and Omagh Local Development Plan Proposed Changes consultation.
2. In addition to our representation on to draft Plan Strategy (PS) in 2018, and in keeping with its oversight role, the Department offers this representation in the interest of good practice and to assist the Council to minimise the risk of submitting an unsound Development Plan Document (DPD). In developing this response the Department has looked for clear evidence that the tests set out in Development Plan Practice Note (DPPN) 06 'Soundness' have been addressed. All comments are offered without prejudice to the Minister's discretion to intervene later in the plan process or to the IE of the draft Plan Strategy.
3. We acknowledge the consideration the Council development plan team have given to the Department's Development Plan Practice Note (DPPN) 10 '**Submitting Development Plan Documents for Independent Examination**' which was published in December 2019. This focuses on the key legislative requirements for the submission of a Development Plan Document by a council to the Department for it to cause an Independent Examination (IE). DPPN 10 was written for councils to consider the period prior to the submission of a DPS to the Department to cause IE. It provides guidance for councils while they are considering the issues raised in representations or in light of other changes that may have occurred and provides a process to bring forward focussed changes (and in some cases minor changes) which would then be subject to public consultation prior to submission and IE.
4. If the Council is bringing forward minor changes only, they should be satisfied that these fall within the description provided in DPPN 10. It will be the remit of the Planning Appeals Commission (PAC) to consider if it is appropriate for these to be discussed at IE.
5. It is noted the Council state, that in taking *account of* DPPN 10 in relation to minor

and focussed changes, *'In addition to these, the Council has identified a number of other changes which, in their view, are considered to represent logical and rational amendments to a policy or policy clarification in response to representations received during the consultation period'*. The Council advises that the changes are neither minor, nor are they a response to address soundness issues. It is also acknowledged that the council have included minor editing changes within Appendix 2.

6. As with the publication of the Council's draft Plan Strategy, the Department would urge the Council to seek legal advice to ensure that all the procedural requirements have been met, including Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA). Responsibility for these matters rests with the Council. Furthermore in undertaking a further consultation regarding changes to the draft PS, the council should also be satisfied that they have met the requirements of DPPN 10 in particular paragraphs 4.9 and 6.10, in relation to the updating or supporting evidence for the changes.

Covid-19 recovery and the climate emergency

7. Since the Council have published and consulted upon their draft PS, local, regional and global circumstances have been impacted by the Covid-19 pandemic. The pandemic has had a profound social and economic impact here in the North as elsewhere. While there remains some uncertainty in relation to the medium and long term implications, the immediate impacts upon the retail, hospitality and tourism sectors of our economy have been significant and are well documented. Other impacts include a widespread increase in home-working; greater use of telecommunications technology; a substantial reduction in commuter traffic and a corresponding increasing in active travel including walking and cycling.
8. The planning system has a key role to play in supporting sustainable economic recovery from these effects. The Local Development Plan in particular is an important document that aims to provide certainty for the public and developers and

will play a vital role in guiding investment decisions as part of a longer term recovery. The Chief Planners Updates of March and May 2020 acknowledged this by stressing the importance of continuing to liaise with statutory consultees as well as continuing to undertake any necessary technical work in order to progress plans.

9. As set out above, some of the impacts of the pandemic have also created new ways of working and going about our daily lives. Some of these changes have been positive. For example the reduction in commuting by private car and the corresponding increase in active travel can, if encouraged and maintained, contribute to tackling the Climate Emergency as part of an accelerated green recovery from the pandemic.
10. Therefore the impacts of the pandemic and the need to secure a green recovery serve to reiterate the importance of appropriate LDP policies and allocations which take account of the SPPS and in particular the 5 Core Planning Principles that are fundamental to the achievement of sustainable development.

Dfl comments in relation to Proposed Changes

Please see comments set out below in relation to the proposed changes consultation issued by the Council for 8 weeks on 8 October 2020.

If the Council have made proposed changes in respect of the Department's original representation, and the proposed change now satisfies the original concerns then no comment will be provided below. However if the Department still has issues in relation to the Proposed Changes it will offer additional comment and or refer to our original representation in December 2018, and therefore should be read in conjunction with it.

6 - Strategic Allocation of Land for Housing

The Department notes the allocation has been adjusted to reflect the revised HGI published September 2019. The Department would refer back to paragraphs 16 – 20 of its original consultation response which remain relevant.

The Department would also highlight the report that accompanied the release of the revised HGI which states “these estimates are purely for guidance & should not be considered a cap or a target on development, they present a robust starting point which can subsequently be adjusted taking account of the full range of factors that may influence housing requirements over the plan period” (page 3).

<https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/Housing%20Growth%20Indicators%20-%202016%20based%201.pdf>

The Department would also highlight the letter to Heads of Planning dated 25 September 2019 which accompanied the release of the revised HGI which provides additional advice on the application of the HGI, in particular page 2, paragraph 2.

As the Council has chosen not to depart from the HGI a full understanding and reasoning should be available to justify the approach through the supporting evidence.

7 – Strategic Allocation of Land for Housing

Please refer to comments in respect of section 06 Strategic Allocation of land for Housing. above.

8 - Draft Policy SP03: Strategic Allocation and Management of Housing Supply

Please see comments in respect of section 6 above The Department notes that revised Table 4 takes account of the updated HGI and completions from 2015 – 2019. In the absence of an updated housing paper at this time it is not clear if the methodology for taking account of completions is the same as that in the Housing paper dated October 2018.

As the Council have not amended the pie chart at Figure 5 of the dPS it is assumed that the allocation for 2019 – 2030 (set out in amended table 4) will support the distribution of housing growth indicated in Figure 5. This might have been addressed through an updated housing paper showing in greater detail the methodology for deducting completions and allocating residual growth.

The Council will be aware that the HGI applies to the whole of the district and cross reference to the allowance made for residential development in the countryside would have been useful here

9 - Draft Policy SP03: Strategic Allocation and Management of Housing Supply

The amended wording is noted, however, the Council will be aware of the requirements of Section 9(5) of the Planning Act 2011 which state that the LPP is to be consistent with the Plan Strategy. Later adjustment to a housing allocation made in a dPS is likely to require further adjustment to the dPS in order to ensure the two documents are consistent. Adjustment to the housing requirement or allocation is however, different to building in sufficient flexibility to the housing allocation in order to account for unforeseen issues or other factors that may impact upon delivery (such as infrastructure constraints). DPPN 07 'Plan Strategy' paragraph 5.5 is relevant and states "in order to allow for unforeseen circumstances e.g. withdrawal of funding or infrastructure proposals, a council should aim to incorporate a degree of flexibility within its PS to ensure that its objectives and strategic policies for its area can still be delivered". Planning policy and guidance is not prescriptive in relation to how flexibility may be provided however. The Department acknowledges that flexibility may be introduced in different ways, including through the allocation of housing land at LPP stage.

10 - Draft Policy SP03: Strategic Allocation and Management of Housing Supply

The Department notes the proposed amendments to Policy SP03 and welcomes the clarification that it applies to land supply within settlements. Also noted is the statement that "once committed housing sites with extant planning permissions or sites which are under development have been taken into account, Phase 1 sites will be identified". This wording would seem to indicate that Phase 1 sites will be distinct from housing sites with extant commitments. This would be a change in approach from the draft Plan Strategy where Phase 1 sites were to include committed housing sites with extant permissions. If this is not the intention then the wording should clarify that committed housing sites with extant permissions will be included in Phase 1. This would accord with the advice set out in PPS12 'Housing in Settlements' (page 53).

15 - Draft Policy DE01: General Amenity Requirements

Draft Policy DE01: General Amenity Requirements - The Department notes the rewording of the proposed policy, however, it is unclear if both criteria (1) and (2) need to be fulfilled in order for the Council not to support a proposal. Furthermore, an explanation of what constitutes a 'Sensitive receptor' would provide some additional clarity.

20 - Draft Policy DE08: Advertisements and the Historic Environment

The Department's comment from original representation remains applicable. Clarification would be welcomed regarding advertisements within ATCs.

21 & 22 – Draft Policy HOU01 – Housing in Settlements

In respect of Policy HOU1 the Department welcomes the clarification provided through the amendments. Council may wish to consider providing clarification within the J&A of how it might be demonstrated 'there is no evidence of housing need being met through sites zoned for housing'.

The Council confirm that, after adoption of the LPP, 'sites zoned for housing' include Phase 1 and 2 land. Clarification would therefore be welcomed of the effect of HOU1 following the adoption of the LPP. It would seem that HOU1 as amended permits housing on unzoned greenfield land within the settlement limit only where future housing need exceeds commitments *and* 'there is no evidence of housing need being met through sites zoned for housing'.

Since sites zoned for housing have been confirmed as including Phase 2 land, it is unclear if Phase 2 land can form part of this consideration even though it may not have been released for development.

SP03 indicates that Phase 2 land will only be released at an earlier time within the plan period (i.e. before 2030) where it is evident through either monitoring or the re-appraisal of future housing need that these housing sites will be required to meet housing need within the plan period. The practical application of the policy would be assisted by setting out the criteria for the release of Phase 2 land within the Plan

Strategy. Council should be satisfied that the approach is coherent when read alongside SP03.

26 – Draft Policy HOU06 – Public Open Space in New Residential Developments

In respect of policy HOU6 the decision to introduce a general ‘exceptional circumstances’ criterion is noted however an example of the type of exceptional circumstance that would justify a lower level of provision at a rate less than 10% would assist in understanding how this policy is to be implemented. The previous policy set specific exceptions and in the Department’s opinion provided more certainty in relation to the circumstances when a lower level of provision would be acceptable.

27/28 – Draft Policy HOU08: Annex Living - Note that this policy and J& A has been deleted on the basis that the policy is adequately covered by other policies within the plan strategy. The Council must be satisfied that proposals for such applications can be adequately assessed within the proposed policies of the draft PS.

30 – Draft Policy HOU10 – Replacement of Other Rural Buildings

The proposed amendment is noted. The Department would refer to paragraph 32 of its strategic response where it identified that HOU10 provides an additional development opportunity for residential development in the countryside that is not presently provided for in regional policy. Currently the SPPS provides for the re-use of non-residential buildings. The Department would refer to its previous comments at paragraphs 34 – 37 of its strategic response. Council should be satisfied that the plan evidence base supports the departure from the SPPS and with the other objectives of the plan.

31 – Draft Policy HOU14 – Rounding Off and Infilling

In respect of policy HOU14 the Department welcomes the amendment to four, as the minimum number of buildings and the clarification that it shall include 3 dwellings with their own defined curtilage. It is noted that the policy has not been amended to reflect the Department’s previous comment regarding the wording ‘the existing group appears as a focal point at a junction of roads’ which was identified as a looser policy test than that in the SPPS which states that the cluster of development should be ‘associated with a focal point’ (which is not defined by the SPPS).

The Department notes that the infilling policy has been adjusted to increase the size of the gap within an otherwise substantial and continuously built up frontage. Although reflecting the provisions of retained policy PPS21 this amendment is likely to increase further the potential for residential development in the countryside. In view of these comments the Department would refer to paragraphs 34 – 37 of its original consultation response which remain relevant. The Council should be satisfied that the plan evidence supports the departure from the SPPS in these regards and is otherwise consistent with the other objectives of the plan.

36 – Draft Policy OSR02 – Intensive Sports Facilities

The Department notes the deletion of the third paragraph of the policy in relation to 'large scale intensive sports facility'. As highlighted in the SPPS (para 6.207) it is clear, intensive sports facilities should be located within settlements limits. The only exception is sports stadium which may be allowed outside of a settlement, but only where clear criteria is established. The Department the proposed changes to this policy however the same comments from the original representation still apply. There is however no provision within the SPPS for other intensive sports facilities to be permitted outside of settlements. The wording of the policy still appears to permit intensive sports facilities outside settlements subject now to 3 criteria. The deletion of the third paragraph does not therefore align the policy with the SPPS.

Furthermore no specific criteria are identified for intensive sports facilities within settlements. Council will be aware that retained PPS08 Policy OS4 presently includes criteria that intensive sporting facilities should meet in all cases (within settlements and, in the case of sports stadia, outside). This will cease to have effect upon adoption of the draft plan strategy. Council should be satisfied that the policy approach provides a sufficient basis for controlling the effects of such proposals following adoption of the PS. If the Council consider that these matters are addressed by other policies of the plan this approach should be explained particularly in the context of SPPS paragraph 6.207 which identifies that intensive sports facilities give rise to complex planning considerations.

38 - Draft Policy OSR03: Outdoor Recreation in the Countryside

The Department note the proposal to delete this policy. The Council should consider the provisions of the SPPS (6.212) as it advises LDPs should contain policy for the consideration of development proposals for outdoor recreation.

Consideration of development proposals for outdoor recreation in the countryside. In so doing councils should have regard to visual and residential amenity; public safety, including road safety; any impact on nature conservation, landscape character, archaeology or built heritage. The Council must be satisfied that proposals for such applications can be adequately assessed within the proposed policies of the draft PS.

42 – Draft Policy RCA01 – Rural Community Areas

The Department notes the proposed change however comments from original representation remain applicable.

49 - Draft Policy TCR05: Petrol Filling Stations

The proposed change is welcomed, as it now aligns with the threshold stated in Draft Policy TCR01. However clarification would still be welcomed on how proposals at or below a stated threshold will be assessed. The Department's comment from original representation remains applicable.

55 Draft Policy TOU02: Tourism Development in Settlements

The deletion of criterion (a) from the policy addresses previous concerns where the Council suggested that tourism facilities and self-catering accommodation were considered to be major tourism development. However, it still remains that the policy gives favourable treatment for such tourism facilities and self-catering accommodation in the countryside in the instances where the specified criteria are met.

The proposed wording is more generous than Paragraph 6.260 of the SPPS which states '*Other acceptable tourism development in the countryside **may include** appropriate self-catering accommodation, particularly in areas where tourist amenities and accommodation have become established or likely to be provided as a result of tourism initiatives*'

As referred to in the original dPS response, criterion (b) as it is now proposed, requires demonstration that the proposed development is to be run in association with the tourist amenity or asset and in light of this the Council is reminded that the safeguarding of assets from unnecessary, inappropriate or excessive development is a strategic objective of the SPPS.

The wording of the new paragraph in relation to major development appears to be incomplete as proposed.

60 & 62 - Draft Policy MIN01: Minerals Development

It is noted that additional criterion (vii) goes further than the requirements set out in the SPPS, in that the cumulative effect will be considered. The Council should ensure that this is supported by robust evidence.

The SPPS (para 6.157) states 'There *will not* be a presumption against their exploitation *in any area, however* in considering a proposal where a site is within a statutory policy area, due weight will be given to the reason for the statutory zoning.'

The Department notes the proposed addition to draft MIN01 in relation to Valuable minerals including metalliferous minerals, where the site is within a designated area, due weight will be given to the reason for the statutory zoning in considering such proposals which would align with the SPPS. However it is noted the Council go further to state 'There will be a presumption against their exploitation within designated Special Countryside Areas.' Council should be satisfied that this deviation from regional policy is supported by a robust evidence base.

The Department's comments from original representation still apply, in relation to commercial peat extraction and the Council should ensure that robust evidence is supportive of such an approach.

70 – Draft Policy HE02: Archaeology

For clarity it may be useful to provide a definition of a "Statement of Significance" within the J&A.

75 - Draft Policy HE03: Listed Buildings and their Settings

The Department's comments in original representation are still applicable.

83 – HE05 – Areas of Townscape Character/Village

The proposed changes are noted, however the Department's comments in original representation still remain.

91 & 92 - Draft Policy HE08: Enabling Development

The Department's comments in original representation are still applicable.

96 - Draft Policy NE02: Protected Species and their Habitats

Paragraph 6.180 of the SPPS states that "Planning permission will only be granted for a development proposal that is not likely to harm a European protected species". Council should satisfy themselves that the opening paragraph remains in line with the SPPS.

99 & 100 - Draft Policy L01: Development within the Sperrin AONB

The proposed changes are welcomed however the Council may wish to consider guidance which is specific to the Sperrins AONB.

103 - Draft Policy L03: Areas of High Scenic Value (AoHSV)

The Department's comments in original representation are still applicable.

116 - Draft Policy RE01 Renewable and Low Carbon Energy Generation

The Department notes the additional text proposed within draft Policy RE 01 in relation to the status of the Council's Wind Energy Strategy. It is noted that the wording of paragraph 6.38 of the draft Plan Strategy remains unchanged, in that the Wind Energy Strategy is identified as the principal material consideration. The Wind Energy Strategy in Appendix 7 of the draft Plan Strategy is an important material consideration for such proposals which must be read together with RE01 to determine wind energy proposals. Therefore both the policy together with the guidance are important material considerations here. As written the policy appears to elevate the status of the guidance to a higher material consideration than Policy RE01 itself.

119 - Paragraph 6.29 Proposed change to confirm the role and the status of the wind energy strategy.

The Department notes the proposed change. Please refer to comments under 116 above.

126 & 127 - Draft Policy TR02: Car Parks and Service Provision

Whilst this amendment introduces consideration for temporary car parking, it still remains that there is a lack of clarity on how any impact of a proposal on the vitality and viability of a town centre will be determined.

It still remains that 'Accessibility for All' as referred to at para. 6.297 of the SPPS has not been addressed, particularly in relation to the provision of adequate provision for car parking within new developments – Including spaces for people with disabilities, and parent and child parking spaces (para. 3.301 of the SPPS). The Department's comments from the original representation still apply.

132 - Draft Policy WM01: Waste Management Facilities

The small proposed changes do not address the comments raised in the Departments original representation, and therefore still remain valid.

**Transport Planning and Modelling Unit
/ Transport Policy Directorate**

Thank you for the opportunity to comment on the schedule of changes to your draft Plan Strategy.

The Transport Planning and Modelling Unit have considered these changes and has concluded that our original comments and concerns within the Department's response dated 21 December 2018 (Annex A) remain and that the plan is at risk of being found unsound.

In addition to our previous response, we would comment on the following specific changes:

- Change 17: The inclusion of '*within our settlements*' is out of alignment with the SPPS. While there may be increased opportunities for enhanced priority of pedestrians, cyclists and public transport in urban areas, there is an overarching need, in both urban and rural areas, to promote sustainable patterns of development which reduce the need for motorised transport, encourage active travel and facilitate travel by public transport in preference to the private car. This will impact the soundness of the plan (test C3).
- Change 36: Deletion of criterion (d). Accessibility not adequately addressed in other parts of the draft Plan Strategy. The policy is therefore out of alignment with the SPPS. This will impact the soundness of the plan (test C3).
- Change 124: The addition of text to policy TR01 does not fulfil the requirements of the SPPS in that it will not promote active travel or sustainable patterns of development which reduce the need for motorised transport, encourage active travel and facilitate travel by public transport in preference to the private car. This requirement is not sufficiently addressed in any other policy of the plan (including Policy DES02). This will impact the soundness of the plan (test C3).
- Change 134. We note the removal of indicators 1, 3, 14 and 30. The absence of these indicators (noting the comments in our original response) or the provision of alternatives risks the soundness of the plan (test CE3). This particularly relates to Strategic Objective 10.

It is also important to acknowledge that the Local Development Plan is being produced in the context of the severe impacts related to COVID-19. These have been deep and far reaching for all aspects of our society. As we look towards the future the Minister has stated her commitment to seize the opportunities to enable a greener, cleaner, recovery towards a new and better normal for all. Furthermore the Minister has also stated her drive to deliver sustainable infrastructure that will transform communities across Northern Ireland. We would urge the Council to consider our comments on the draft Plan Strategy and the Ministers commitment to greener, cleaner recovery

opportunities to ensure that the Local Development Plan reflects the policies set in the SPPS, RDS and A New Approach to Regional Transportation.

Yours faithfully



Planning Officer
Transport Planning and Modelling Unit

ANNEX A – ORIGINAL TPMU CONSULTATION RESPONSE TO FODC dPS

Response to Fermanagh and Omagh LDP Plan Strategy

Transport Planning and Modelling Unit welcomes the opportunity to formally respond to the Fermanagh and Omagh Local Development Plan – Plan Strategy. We have taken time to review the Plan Strategy and have chosen to respond, in this ‘free’ format, highlighting the strategic areas of the strategy that we consider currently present a risk to the ‘soundness’ of the plan.

We have presented the key strategic issues identified under what we consider to be the relevant ‘soundness’ test. Where an issue is identified we have endeavoured to highlight what modification the council should consider in order to remedy this. We would also wish to stress our desire to work collaboratively with the Council so as to resolve as many issues as possible in advance of the Independent Examination process.

Soundness Test: P2 Has the Council prepared its Preferred Option Paper and taken into account any representations made

It is not clear to TPMU that the Council has considered the formal feedback submitted by the Department at the POP stage. A number of issues raised by TPMU/ Roads in November 2016 (such as the Spatial Growth Strategy, Development in the Countryside and the importance of Accessibility Analyses) have not been addressed or do not appear to have been fully considered.

In addition, significant TPMU/ Roads effort went into extensive engagement with the LDP team (replying on batches of emerging policy between September 2017 and February 2018, and providing officials with a comprehensive review of their draft ‘Transport and Accessibility’ document and guidance on the departments expectations in regard to this area) – it is disappointing to note that this has largely not been reflected in the Plan Strategy.

It has been, and continues to be the Departments position that the spatial growth strategy (which directs a substantial proportion of housing to the Countryside (where there is generally limited or no public transport) does not apply the principles of integrated land-use and transport. Furthermore the Council appears to have neglected to apply/ make use of the Accessibility Analyses tools made available to them (it is noted that Draft Strategic Policy SP03 makes reference to the use of Accessibility Analyses, however this only relates to ‘main towns and local towns’). The Accessibility Analyses identifies where public transport services operate currently and therefore where access to essential services may be possible without private car. It is the Department’s view that this approach should be a key element of selecting which areas are identified for growth within the Councils Settlement Strategy. It appears that Plan Strategy attempts to maintain the prevalent settlement pattern of the area – rather than attempt to ‘shape the district’.

Modifications

Council need to demonstrate that the principle of the integration of land use and transport is given appropriate consideration in the identification of their settlement strategy and housing allocations.

C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

It is noted that Part One sections 6.29-6.33 of the Spatial Growth Strategy relate to Transport and make reference to the Local Transport Strategy (LTS) being prepared by the Department in close consultation with the Council. TPMU acknowledge the fact that the Plan Strategy has been published in advance of the LTS and this has clearly presented a difficulty for the Council. However it is the view of TPMU that due to the collaborative way in which the LTS has been developed the Council have had knowledge of the key messages and objectives within the LTS and therefore should have been able to more fully 'have regard' to this.

Paragraph 6.32 lists the Plan Strategy's approach to transportation, which bears some resemblance to the objectives contained in the Local Transport Strategy – however the following point is noted as not being consistent with the LTS:

'Reduce travel times and improve public transport services between our main centres and elsewhere in the region' – the phrase "and elsewhere in the region" is too imprecise and presents the problem. We would suggest that consideration be given to amending this to 'Reduce travel times and improve public transport services between our main centres. This will benefit direct travel between the centres but also residents and businesses in the rural hinterland who will join part way along the route, potentially using Park and Ride or Park & Share'.

The LTS contains an objective to 'enhance accessibility by road and public transport from the centres of Enniskillen and Omagh to Belfast, Londonderry, gateways and hubs'. Improved journey times on Key Transport Corridors is a key PfG outcome for the Department. Although subtle it is important that the commitment as outlined in the LTS is properly reflected in the Plan Strategy – which focuses on linkage between Enniskillen, Omagh and other hubs and gateways (as outlined in the RDS).

The absence of a strategic policy in relation to transport is noted.

Part Two

There appears to be a disconnect between paragraph 6.34 and 6.35 – the implication being that the 'fundamentals' of the RDS and the New Approach are not relevant to Fermanagh and Omagh area due to the 'heavy reliance of motorised transport' in the area. The LTS acknowledges the rural nature of the Council area and the high proportion of car use – however the need to 'turn the curve' to achieve PfG outcomes is also noted and should be reflected in the LDP Plan Strategy.

Paragraph 6.35 refers to an 'overall objective' "to improve physical connectivity and accessibility between and within settlements and their rural hinterland" – this appears

to be an additional objective from what is listed in Part One of the Plan Strategy document.

Paragraph 6.36 – “The retention of parking in town centres is also important in the interests of providing accessible and convenient town centres for shoppers and visitors. The effective management of off street parking will be addressed through the Council’s Parking Strategy and Action Plan (March 2018)”. The LTS identifies a measure in relation to Town Centre Parking Strategies. These strategies are a necessary part of the LDP process and should be consistent with the aspects of car parking as detailed in the SPPS. It is considered that the Fermanagh and Omagh Council Parking Strategy is not sufficient in this regard and does not sufficiently tie in with the LTS. The Department has communicated with the council in this regard previously (June 2017).

Paragraph 6.37 – “Whilst transportation within the district is primarily associated with the road network” – it is unclear what is meant by this. The LTS clearly sets out the transportation context for the Fermanagh and Omagh Council area which is made up of pedestrian networks, cycling networks, bus based public transport networks in addition to the road network.

Paragraph 6.46 – “The provision of suitable car parking facilities and to meet a range of users (e.g. short and long-term visitors) is essential to support the needs of our businesses, residents and visitors. The loss of car parking may therefore have economic impacts as the effect on the viability or vitality of our town centre or result in circumstances where displaced parking would be detrimental to highway or pedestrian safety” - This paragraph appears to be at odds with the LTS. The effective management of car parking has a key role to play in improving how urban transport networks operate. The location of public car parking and its designation as long or short-stay is an important element of the LTS and should be appropriately reflected in the LDP Plan Strategy. In addition the Department would expect that the LDP would acknowledge that urban car parking strategies will have a direct impact on the potential to provide high quality public realm and contribute to positive place making.

Paragraph 6.53 – “The Regional Transportation Strategy (RTS) will be the main source of identifying and prioritising future major road schemes”. This sentence is incorrect. Road schemes which have been identified for delivery within the plan period for the Fermanagh and Omagh area will be identified in either the Regional Strategic Transport Network Transport Plan (RSTNTP) or the LTS/ LTP.

Modifications

- The LDP Plan Strategy should be consistent with the objectives and measures contained in the LTS.
- Paragraph 6.33 – third sentence, which has been lifted from the Fermanagh and Omagh
- Local Transport Strategy is out of context and should be prefixed with “The purpose of the LTS is to set out the transport measures that DfI expect to deliver during the LDP period to 2030 in the Fermanagh and Omagh area.

- A strategic policy in relation to transport in the Fermanagh and Omagh area should be developed in conjunction with the Department for Infrastructure and should be added to the LDP Plan Strategy

CE3 There are clear mechanisms for implementation and monitoring

The inclusion of monitoring indicators is welcomed, however comments are offered on the following indicators:

1. Length of new footpaths and cycle paths created – this indicator does not address the purpose for which it is attributed to. Ultimately the Council should consider observed levels of walking and cycling in the geographic area as the ‘measure’ for policy. If council wish to identify whether ‘development has resulted in improved accessibility by non-car modes’ accessibility analyses should be undertaken, using tools such as those previously provided to the Council by the department. In addition to this the pedestrian and cycle GIS database (as provided to Council in the LTS Evidence Base) should be used to measure length and quality of new facilities.

29. Number of new or extended Park and Ride/ Park and Share facilities created – the definition does not recognise the role of Park and Ride/ Park and Share in the mode choice for inter urban travel

30. Length of disused transport routes re-used for transport, recreation, nature conservation or tourism use – it is unclear how this indicator provides a measure of ‘the effectiveness of policy to safeguard disused transport routes’.

Modifications

1. Length of new footpaths and cycle paths created – indicator to be amended to acknowledge the need to also measure behaviour change, or undertake Accessibility Analyses (walking and cycling network overlaid with census data to chart the catchment of infrastructure). Reference could be made to updating the GIS data base (provided to Council in the LTS Evidence Base) to facilitate an assessment of the length and quality of the walk and cycle network.

29. Number of new or extended park and ride/ park and share facilities created – the definition should also acknowledge the role of Park and Ride/ Park and Share in the mode choice for inter urban travel and surveys should be undertaken of their use.

30. Length of disused transport routes re-used for transport, recreation, nature conservation or tourism use – indicator to be amended to ‘length of disused transport routes developed for uses other than ‘transport, recreation, nature conservation or tourism use.

It is suggested that an additional monitoring indicator should be included in relation to car parking. Data in relation to the turnover of town centre short stay and long stay should be reviewed to confirm the accessibility of Enniskillen and Omagh town centres to confirm their continued vitality.



Roads Western Division

DfI Roads Western Division would like to thank Fermanagh and Omagh District Council for publishing their Schedule of Proposed Changes to the Local Development Plan 2030 Draft Plan Strategy. We appreciate having the opportunity to respond to this document and acknowledge the areas that the Council are proposing to change after considering our comments within our response to the Draft Plan Strategy.

In other areas where no changes have been proposed we have reemphasised our comments that were submitted on the 21st December 2018.

In the interests of clarity, DfI Roads response to the Schedule of Proposed Changes follows the same order and format as our submission to the Draft Plan Strategy on the 21st December 2018.

Proposed Change Ref: 124 – Appendix 1 Page 32 – Draft Policy TR01 – Land Use, Transport and Accessibility -

DfI Roads would query why 'Accessibility' has been removed from the proposed policy TR01. Accessibility covers two main themes as below:

- Connectivity to walking/cycling/public transport &
- Creating an accessible environment for all - with the needs of people with disabilities and others whose mobility is impaired given particular consideration.

It is important that these have sufficient policy coverage and we would refer back to the guidance document issued by the Department in February 2019. Without appropriate planning policy protection on this matter, the Department would have concerns about the soundness of this policy approach.

We would also point out that the other comments on accessibility contained within our response to the Draft Plan Strategy in December 2018 are still applicable.

DfI Roads recognise 'council parking standards' has been amended to 'published parking standards'. We are satisfied with this approach.

The additional bullet point 'd' i.e. 'appropriate safe, convenient and secure facilities for cycle parking and cyclists are provided' is welcomed however DfI Roads consider the policy wording still doesn't provide sufficient detail to ensure development provides for and promotes more people to walk or cycle.



We would refer the Council back to our comments contained within our response to the Draft Plan Strategy on the 21st December 2018 and our Dfl Guidance on the preparation of LDP policies for transport issued in February 2019.

The reference to Transport Assessments guidance is recognised. We are satisfied with this approach.

All other comments on Draft Policy TRO1 that were issued in response to the Draft Plan Strategy consultation in December 2018 are still considered applicable.

Proposed Change Ref: 125 – Appendix 1 Page 33 – Paragraph 6.38 – Land Use, Transport and Accessibility -

Dfl Roads recognise the change of wording from “traffic, particularly on our local roads” to “people and goods on all our roads” We are satisfied with this approach.

Proposed Change Ref: 126 – Appendix 1 Page 33 – Draft Policy TR02 – Car Parks and Service Provision -

Dfl Roads recognise the changes made in terms of Temporary Car Parks within the proposed policy wording. We are satisfied with this approach.

The comments provided in respect of design of car parks and their extension still remain valid as mentioned in our submission to Draft Policy TRO2 of the Draft Plan Strategy in December 2018.

Proposed Change Ref: 127 – Appendix 1 Page 33 – Paragraph 6.46 – Car Parks and Service Provision -

Dfl Roads recognise the amendment to time limit planning permission for Temporary Car Parks and the rewording/additional wording under Policy Clarification. We are satisfied with this approach.

Proposed Change Ref: 128 – Appendix 1 Page 33 – Draft Policy TR04 – Protected Routes -

Dfl Roads recognise the changes to this policy to take account of:

- motorways and high standard dual carriageways,



- other dual carriageways and ring roads &
- Protected Routes within settlement limits.

We are therefore satisfied with the approach.

Proposed Change Ref: 25 – Appendix 1 Page 11 – Draft Policy HOU5 – Shaping our Houses and Homes -

In terms of the proposed changes associated with HOU5, We would refer to the comments in our response to the Draft Plan Strategy in December 2018 and confirm that these are still applicable.

Particular attention should be paid to our comment “All housing/dwelling policies should take proper account of adequate roads infrastructure or the capability to provide this, accessible means of transport i.e. walking, cycling and public transport and the need to ensure accessibility for all”.

Proposed Change Ref: 36 – Appendix 1 Page 13 – Draft Policy OSR02 – Intensive Sports Facilities -

DfI Roads are of the opinion that bullet point ‘d’ of the draft policy should remain as it will give protection and safeguard issues which arise under accessibility. It is also consistent with ‘accessibility’ within the SPPS.

We would also refer to the comments in our response to the Draft Plan Strategy in December 2018 and confirm that these are still applicable.

Proposed Change Ref: 55 – Appendix 1 Page 18 – Draft Policy TOU02 – Tourism Development -

In terms of the proposed changes to TOU02, we would refer to the comments in our response to the Draft Plan Strategy in December 2018 and confirm that these are still applicable.

Particular attention should be paid to our comments in relation to “meeting the needs of people whose mobility is impaired” and “consider if the existing road network can safely handle any extra vehicular traffic that any proposal will generate and if not infrastructure improvements would be required”.

Proposed Change Ref: 116 – Appendix 1 Page 30 – Draft Policy RE01 – Renewable and Low Carbon Energy Generation -

DfI Roads recognise the changes to this policy to take account of:



- All wind turbines should be set back at least fall distance plus 10% from the edge of any public road or public right of way’,
- Proposed entrances and the local road network for the construction and operation phases of ground mounted solar PV installations.

We are satisfied with the approach taken on these aspects, but would still consider our comments provided in December 2018 under ‘Policy Clarification’ of the Draft Policy applicable.

Proposed Change Ref: 132 – Appendix 1 Page 34 – Draft Policy WM01 – Waste Management Facilities -

DfI Roads recognise the proposed rewording within the Schedule of Proposed Changes “additionally, where a waste management facility is of a regional scale its location should relate closely to and benefit from easy access to a key transport corridor and not have an unacceptable adverse impact upon road safety and convenience of road users” to that reflected within the SPPS. We are satisfied with this approach.

All other comments on Draft Policy WM01 that were submitted on the Draft Plan Strategy in December 2018 are still applicable.

Proposed Change Ref: 49 – Appendix 1 Page 16 – Draft Policy TCR05 – Petrol Filling Stations -

In terms of the proposed changes there is still an inconsistency of approach to policy for the provision of petrol filling stations within settlement limits compared with outside settlement limits. A clear and compelling need and indeed the issue of road safety should apply to both locations not just outside settlement limits.

All other comments on Draft Policy TCR05 - Petrol Filling Stations that we submitted in December 2018 are still applicable.

Proposed Change Ref: 14 – Appendix 1 Page 9 – Development and Design – Context and Justification –

DfI Roads recognise the proposed reference to Design & Access Statements within the Schedule of Proposed Changes and have no issues with this approach.



Proposed Change Ref: 17 – Appendix 1 Page 10 – Draft Policy DE02 – Design Quality – Policy Clarification para 2.11 -

Dfl Roads recognise the additional wording provided in the policy clarification “cycling and walking routes as well as providing facilities such as cycle parking and shower facilities to facilitate those using sustainable modes of transport”. We are content with this approach.

We note the additional wording “within our settlement limits” but would question why outside of settlement limits have not been included, is it not better to recognise all development proposals both within and outside development limits should be well connected to public transport, cycling and walking facilities?

Proposed Change Ref: 18 – Appendix 1 Page 10 – Draft Policy DE03 – Sustaining Rural Communities -

Dfl Roads recognise the inclusion of Park & Ride and Park & Share car parks within the proposed draft policy wording. We have no issues with this addition but would refer to the comments in our response to the Draft Plan Strategy in December 2018 and confirm that these are still applicable.

Proposed Change Ref: 136 – Appendix 1 Page 35 – Appendix 1 of the Draft Plan Strategy – Appendices -

Dfl Roads recognise the inclusion of all our suggested guidance on LED Advertising. We are satisfied with this approach.

Further Comments

In our December 2018 response to the Draft Plan Strategy, a number of other issues were raised in relation to soundness of the draft policies, these have not been covered by the Schedule of Proposed Changes document. Comments were also offered in respect of the context & justification and policy clarification sections. Dfl Roads would like to advise the Council that these are still relevant and remain valid.



FERMANAGH AND OMAGH DISTRICT COUNCIL
LOCAL DEVELOPMENT PLAN 2030 DRAFT PLAN STRATEGY
SCHEDULE OF PROPOSED CHANGES OCTOBER 2020

Comments provided by Department for Infrastructure, Rivers.

December 2020

The Department for Infrastructure, Rivers has reviewed the contents of the Fermanagh and Omagh District Council Draft Plan Strategy, Schedule of Proposed Changes, dated October 2020, and comments as follows.

Department for Infrastructure, Rivers, considers a number of issues detailed below which the Council will wish to consider with their Proposed Changes to Draft Plan Strategy.

Draft Policy OSR05 Development proposals adjacent to Main River

Proposed Change 41 – Delete criterion ‘c’ and ‘e’ as covered under other policies.

Point ‘e’ is the only criterion relevant to flood risk management.

‘e) the proposal should not compromise or impact upon the natural flooding regime of the main river, nor interfere with water quality.’

DfI Rivers comment – Agreed Policy ‘FLD01 Development in Floodplains’ covers this.

Flood Risk Management Context and Justification

Proposed Change 104 - Reference to role of DfI Rivers as statutory consultee.

In relation to Flood Maps NI and DfI Rivers *‘...as consultees, can provide advice prior to the submission of documents such as Drainage assessments or Flood Risk Assessments’*

DfI Rivers comment – Agreed in respect of DfI Rivers role as a Statutory Consultee.

Draft Policy FLD01 Development in Floodplains

Proposed Change 105 - Amendment to policy to improve structure.

Amendment is to remove *‘d) Minor development’* and replace it with *‘or is minor development’*. This retains the application of the section on the need to demonstrate all sources of flood risk, mitigation and proofing to all the Exceptions.

DfI Rivers comment – Agreed

Draft Policy FLD01 Development in Floodplains

Proposed Change 106 - Amendment to policy to clarify essential infrastructure or bespoke accommodation for vulnerable groups or that involve significant intensification of use will not be acceptable.

Amendment is - *'Proposals that include essential infrastructure or bespoke accommodation for vulnerable groups or that involve significant intensification of use will not be acceptable;'*

DfI Rivers comment – Agreed

Draft Policy FLD01 Development in Floodplains

Proposed Change 107 - Additional clarification to reflect DfI Rivers representation and DfI Water and Drainage Policy Division 'Technical Flood Risk Guidance in relation to Allowances for Climate Change in Northern Ireland.

DfI Rivers comment – The text is still considered ambiguous, a recommended definition for flood plains with climate change included, is given in the paragraphs in italics below. This was circulated to the Planning Managers on 2nd October 2019.

'For planning purposes, taking into account climate change predictions based on the latest available scientific evidence, fluvial and coastal flood plains are as defined below.

Fluvial flood plain - the extent of a modelled flood event with a 1 in 100 year probability (AEP of 1%), plus the latest climate change prediction.

Coastal flood plain - the extent of a modelled tidal event with a 1 in 200 year probability (AEP of 0.5%), plus the latest climate change prediction.'

Flood plains, so defined, are depicted on the latest version of Flood Maps NI on the DfI Rivers website. A recommendation is given that, for design purposes, all finished floor levels (including gardens, roads, driveways and paths) should be placed at a minimum of 600mm above the flood plains so defined above.'

Draft Policy FLD02 Development affected by Surface Water Flooding outside Floodplains.

Proposed Change 108 - Movement of text from policy clarification into policy so as to reflect the SPPS.

DfI Rivers recommends the changes below as this embodies a more precautionary approach to flood risk management in terms of the policy's default position.

'The Council will not support new development at risk from surface water flooding or which would increase the risk of flooding elsewhere unless ~~where~~ it is demonstrated through the drainage assessment that adequate drainage measures will be put in place so as to effectively mitigate the flood risk to the proposed development ~~or to~~ and from the development elsewhere.'

DfI Recommends the change below to ensure flood risk is considered at an early stage in the planning process.

'A drainage assessment ~~will be required~~ must accompany applications for the following types of development...'

Dfl Rivers comment – The policy does not address a previously suggested modification that where a Drainage Assessment is not required under policy, but there is potential for surface water flooding, as indicated on Flood Maps NI, that it is the developers responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impact beyond the site.

Draft Policy FLD03 Sustainable Drainage Systems

Proposed Change 109 Amendment to policy to increase its application to all types of development given the benefits of this type of drainage solution.

The proposed changes are :- *'All development proposals ~~for major applications and/or for development on land which is identified as being at risk to surface water flooding must, where practicable, include proposals for Sustainable Drainage Systems.'~~*

Dfl Rivers comment – Agreed

Draft Policy FLD04 Protection of Flood Defences and Drainage Infrastructure

Proposed Change 110 - Amendment to policy to more closely reflect the SPPS.

Dfl Rivers comment – Change to wording does not address the previously suggested modification that this policy should apply to all watercourses not just those which are designated under terms of Drainage (Northern Ireland) Order 1973.

To adopt the Council's proposed policy would be weakening of the current policy framework and would not be compliant with paragraph 6.123 of the Strategic Planning Policy Statement for Northern Ireland. All watercourses and culverts (designated or otherwise) and flood defence and drainage infrastructure require regular maintenance and/or repairs to prevent drainage problems and flooding. Such problems arising from inadequate maintenance of flood defence and drainage infrastructure can put lives and property at risk if there is a flood.

Access for maintenance can't be guaranteed unless the ground within the working strip is level Dfl Rivers recommends that this should be reflected in the policy.

Draft Policy FLD05 Artificial Modification of Watercourses

Proposed Change 111 - Amendment to policy to more closely reflect the SPPS.

Inclusion of

- *'it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons ~~unconnected with any development proposal~~ and that there are no reasonable or practicable alternative courses of action.'*

Dfl Rivers comment – Agreed

Draft Policy FLD06 Development in Proximity to Controlled Reservoirs

Proposed Change 112 - Movement of text from policy clarification to policy so as to reflect the SPPS and that policy applies to Controlled Reservoirs.

Dfl Rivers comment – Agrees that text should move from Policy Clarification to Policy, the Planning Authority should also consider the detail in the Technical Guidance Note 25 (TGN 25) Revised, January 2020 which explains the general approach Dfl Rivers will follow when providing advice to Planning Authorities on all relevant applications for development within the potential flood

inundation areas of controlled reservoirs as shown on Flood Maps (NI). The TGN25 Revised can be accessed on the Department's website at the web link below:-

<https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/tgn-25-practical-application-strategic-planning-policy-development-in-proximity-to-reservoirs-june20.PDF>"

Council may wish to consider the following wording.

"New development will only be permitted within the potential flood inundation area of a "controlled reservoir", as shown on Flood Maps NI, if:

It is demonstrated that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety, so as to enable the development to proceed; or

Where assurance on the condition, management and maintenance regime of the relevant reservoir/s is not demonstrated, the application is accompanied by a Flood Risk Assessment, or other analysis, which assesses the downstream flood risk in the event of an uncontrolled release of water due to reservoir failure as being acceptable to enable the development to proceed.

There will be a presumption against development within the potential flood inundation area of a controlled reservoir for proposals that include:

- essential infrastructure;
- storage of hazardous substances; and
- bespoke accommodation for vulnerable groups.

Replacement Building(s):- Where assurance on the condition, management and maintenance regime of the relevant reservoir/s is not demonstrated, planning approval will be granted for the replacement of an existing building(s) within a potential flood inundation area of a controlled reservoir provided demonstrated that there is no material increase in the flood risk to the development or elsewhere".

Draft Policy FLD06 Development in Proximity to Controlled Reservoirs

Proposed Change 113 - Amendment to ensure correct reference to legislation.

Dfl Rivers comment – Agreed

Draft Policy FLD06 Development in Proximity to Controlled Reservoirs

Proposed Change 114 - Clarification of 'suitably qualified engineer'

Dfl Rivers comment – Agreed

Department for Infrastructure, Rivers

Planning Advisory and Modelling Unit

3rd December 2020

FERMANAGH AND OMAGH DISTRICT COUNCIL

Revised proposed changes to Draft Plan Strategy

Comments provided by the Department for Infrastructure's

Water and Drainage Policy Division

December 2020

The Department for Infrastructure's Water & Drainage Policy Division (WDPD) has reviewed the Council's revised proposed changes to the Draft Plan Strategy and has a number of comments to make, which are set out below.

5.0 The Council's Vision and Strategic Growth Objectives

Draft Policy SP03: Strategic Allocation and Management of Housing Supply

PCR 11 (page 41) - we welcome the inclusion of the need to consider flooding implications and other constraints to development including waste water network and treatment capacity, when selecting development sites.

6.0 INFRASTRUCTURE

Flood Risk Management – Context and Justification

PCR 101 (Page 151, Para 6.3) Reference to role of DfI Rivers as statutory consultee - see proposed change below.

One of the main purposes of the flood maps is to highlight the areas that are prone to flooding and to inform anyone applying for planning permission if flooding is likely to be an important consideration. DfI Rivers ~~Agency and Water and Drainage Policy Division~~, as a consultees, can provide advice prior to the submission of documents such as Drainage assessments or Flood Risk Assessments.

Draft Policy FLD03: Development Using Sustainable Drainage Systems (SuDS)

PCR 109 (page 155) – we welcome that the Council has strengthened this policy, however, we suggest a slight amendment to the proposed policy wording (see text below).

“All development proposals should consider Sustainable Drainage Systems (SuDS), as the preferred means of dealing with surface water management and other methods of dealing with drainage should only be used where it is demonstrated that SuDS would not be appropriate”.

Draft Policy WM03: Development in the vicinity of Waste Management Facilities

PCR 133 (page 175, para 6.71) – we welcome that Odour Consultation Zones may be identified when considering development near WWTWs.