

Regional Planning Policy & Casework

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Dear Mr. McDermott

PLANNING ACT (NORTHERN IRELAND) 2011 THE PLANNING (LOCAL DEVELOPMENT PLAN) DIRECTION 2023

ADOPTION OF THE FERMANAGH AND OMAGH DISTRICT COUNCIL PLAN STRATEGY UNDER SECTION 12 OF THE PLANNING ACT (NORTHERN IRELAND) 2011

Thank you for your correspondence of 18 January 2023, in response to the Department's letter of 5 January 2023 regarding the fact checking exercise of the Planning Appeals Commission (PAC) Independent Examination (IE) report.

On completion of the fact checking exercise, this correspondence now encloses a formal direction from the Department for Infrastructure in relation to the adoption of the Fermanagh and Omagh District Council Plan Strategy development plan document.

As you are aware, the Department received the PAC report on the IE of the draft Plan Strategy (dPS) on 14 October 2022. In summary, the IE report, which is attached as Annex A, concludes that, subject to no.132 recommended amendments, the dPS satisfies all the legislative requirements as well as the procedural, consistency, coherence and effectiveness tests of soundness set out in Development Plan Practice Note 6 (DPPN 6) and that the dPS is sound on that basis.

The Department's direction

The Department has considered the IE report and accepts the reasoning for the no132 recommended amendments (RAs) contained therein. The dPS is sound subject only to the required modifications being made as set out in the Department's direction. Your attention is therefore drawn to the enclosed direction made by the Department under the powers conferred upon it by Section 12 of the Planning Act (Northern Ireland) 2011 (the Act).

The Department has separated the PAC RAs into two separate schedules.

Schedule 1 of the direction contains the Council's proposed changes (October 2020) that have not been subject to any change throughout the IE process but have been given a RA reference by the Commissioner.

Schedule 2 of the direction sets out the modifications that are required for the adoption of the Plan Strategy.

The Department therefore directs the Council to adopt their Plan Strategy with the no. **50** modifications as set out Schedule 2 of the direction and also commends the Council to reflect Schedule 1 as part of the adoption of the development plan document.

The Council will note that of the no.132 RAs set out in the IE Report, a significant number of these constituted proposed changes which were taken forward by the Council prior to the submission of the draft Plan Strategy to the Department. It is the Department's position that as these proposed changes were publicly consulted on in October 2020, in line with the provisions of Development Plan Practice Note (DPPN) 10 'Submitting Development Plan Documents for Independent Examination' they form an addendum to the Plan Strategy. These are contained in Schedule 1.

Additional matters

In addition to the direction and accompanying Schedules, the Department would like to draw the Council's attention to an aspect of the IE report regarding those remaining proposed changes (October 2020) that have not been included as RAs by the Commissioner.

As with the proposed changes in Schedule 1, these changes have been through public consultation and are in line with DPPN 10 and constitute an addendum to the draft Plan Strategy which has been through IE. As these form part of the draft Plan Strategy the Department commends the Council to include these as part of the adoption of the document.

As set out in the direction, the Council should ensure that any other presentational or factual amendments, typographical and grammatical errors, within the Plan Strategy, are updated as a result of all modifications and minor editing changes. These updates should not amend the nature and intent of the modifications as directed.

Publicity

The Department considers that the publicity of the IE report is for the Council to undertake, in conjunction with the publication of the direction as set out in regulation 24 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015. The Council should however provide notification of the adoption of the draft Plan Strategy by resolution of the Council, to the Department.

Supplementary Planning Guidance (SPG)

The Council indicates the intention to produce SPG to supplement the Plan Strategy. The Department would highlight that SPG is intrinsically complementary to policy and should assist in its interpretation and implementation but should not explain the scope of that policy or introduce more onerous obligations or undertakings.

Monitoring and Review

The IE report acknowledges the important role that monitoring plays as part of the wider plan, monitor and manage approach. It is acknowledged that the main device for reporting on the performance of the plan will be the Annual Monitoring Report (AMR). It concludes that the Monitoring Indicators proposed, which have been updated by the Council in their Indicative Monitoring Framework should be used to monitor the plan.

The report accepts that not all policies need or require associated indicators within the monitoring framework. The Council will be aware that the plan should be reviewed, or partially reviewed, to take account of changing conditions. This is also a statutory duty in accordance with Section 13 of the Planning Act (NI) 2011. As a matter of good practice, it is the Department's view that monitoring of the policies of the PS should commence once the development plan document is adopted as this will assist in informing the preparation of the Local Policies Plan.

Finally, the Department wish to acknowledge the significant amount of work undertaken by Fermanagh and Omagh District Council in the preparation of the draft Plan Strategy to this point. In particular, the Department wishes to extend its appreciation for the positive engagement between the teams in the final stages in undertaking the fact checking process. The Department considers that the professional approach of Council officials, the PAC and all other stakeholders

involved in the process has contributed to the successful conclusion of the IE process.

The Department acknowledges the desire of the Council to progress toward adoption of the Plan Strategy as soon as possible. In this regard we wish to express appreciation for your patience during the Department's consideration of the recommendations within the IE report and the in preparation of the direction.

I would be grateful if you could arrange for any documentation pertaining to the direction, to be sent to Susan Wilkin.

Yours sincerely

A handwritten signature in cursive script that reads "Alistair Beggs".

Alistair Beggs

Chief Planner &

Director Regional Planning Policy & Casework

Encls

- DFI Direction – Adoption of FODC Plan Strategy with modifications including Schedule 1 and Schedule 2.
- Annex A – PAC IE Report and annexes

Section 12 Direction - Planning Act (Northern Ireland) 2011 and Planning (LDP) Regulations (NI) 2015

The Department for Infrastructure (Dfi) has considered the recommendations made under section (10)(8) of the Planning Act (Northern Ireland) 2011. The Department agrees with the reasons outlined in the Planning Appeals Commission report and therefore in exercise of the powers conferred on it by section 12(1)(b) of the Act, hereby directs that Fermanagh and Omagh District Council adopts the draft Plan Strategy with such modifications as specified in this direction.

This direction may be cited as the:-

Department for Infrastructure Planning Act (Northern Ireland) 2011, Adoption of Fermanagh and Omagh District Council Plan Strategy, (s12) Direction 2023.

1.0 Commencement

1.1 This direction comes into operation on 20th January 2023.

2.0 Interpretation

2.1 In this direction:

"the 2011 Act" means the Planning Act (Northern Ireland) 2011;

"council" means Fermanagh and Omagh District Council;

"the Department" means the Department for Infrastructure;

"modifications" means changes required and included as part of this direction

"recommendations" and "recommended amendments" means those as set out in the Planning Appeals Commission Independent Examination report attached at Annex A, under which section 10(8) refers.

"the report" means the Planning Appeals Commission report on the Independent Examination of the Fermanagh and Omagh District Council draft Plan Strategy.

"proposed changes" means the schedule of Proposed Changes as consulted on by the council in October 2020.

3.0 Modifications to the draft Plan Strategy

3.1 The Planning Appeals Commission has made recommendations under s10(8) of the Act and set out these as recommended amendments as part of its report on the Independent Examination (IE) of the Fermanagh and Omagh District Council draft Plan Strategy. The Department has considered the recommendations made under s10(8) of the Act and accepts the majority of these recommended amendments.

The Direction sets out the PAC's Recommended Amendments (RAs) into 2 separate schedules as follows:-

(i) *Schedule 1* of the direction identifies the recommendations within the PAC table which are proposed changes that the council consulted upon in October 2020, with no further amendments, which the PAC has reported on as a requirement needed to make the plan sound. The Department acknowledges that these proposed changes form an addendum to the Plan and commends their inclusion as the council proceed to adoption.

(ii) *Schedule 2* of the direction identifies **50** modifications that are required to make the plan sound. These modifications are a combination of amended proposed changes along with new commissioner changes following the conclusion of the independent examination process. In-line with the PAC report, the Department has specified wording, where necessary, to address the PAC recommendations within this schedule.

3.2 It should be noted that there are a small number of modifications that the Department has updated for clarity and consistency. However, the council should ensure that any other presentational or factual amendments, typographical and grammatical errors, within the draft Plan Strategy, are updated as a result of all modifications and minor editing changes. These updates should not amend the nature and intent of the modifications as directed.

- 3.3 For clarity, those proposed changes that have not been identified by the Commissioner, as well as the appendix of minor editing changes, as consulted upon in October 2020 – Schedule of Proposed Changes (FODC 110), are commended by the Department as an addendum to the Plan.
- 3.4 Therefore, the Department, in exercise of its powers conferred on it by section 12 (1) (b), of the Planning Act (Northern Ireland) 2011, hereby directs that Fermanagh and Omagh District Council modify the draft Plan Strategy to include all 50 modifications detailed in *Schedule 2* of this direction, and update/take account of those proposed changes set out in Schedule 1. These should be read in conjunction with the Independent Examination report (attached at Annex A).
- 3.5 The Council should ensure, in light of the modifications required to proceed to adoption, that updates to the sustainability appraisal and any other statutory assessments as necessary should be undertaken.
- 4.0 **Department's Powers**
- 4.1 If for any reason, the council do not comply with this direction in its entirety, the Department, if required, may also consider its intervention or default powers under sections 15 or 16 of the Act. The Department will take these steps only if it thinks the plan is unsatisfactory, or if it thinks the council is failing or omitting to do anything necessary for it to do in connection with the preparation of the draft Plan Strategy.
- 5.0 **Adoption of the document**
- 5.1 DFI directs the council to provide notification of the adoption of the draft Plan Strategy by resolution of the council unless the Department exercises its powers under sections 15 or 16 of the Act.
- 5.2 Under section 12 of the Act and provisions set out in regulation 24, the Council must comply with the direction and the modifications hereby given and adopt the draft Plan Strategy as soon as reasonably practicable.



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Schedule 1 - Table of Council proposed changes addressed by Commission with no further amendments at Independent Examination

PAC Recommended Amendment no.	Council Proposed change no.	Draft policy, paragraph or section within the draft Plan Strategy	Page no.	PAC Recommended Amendment	Council to note
VISION AND STRATEGIC OBJECTIVES					
RA01	3	Table 1 and footnote	27	Table 1: Provide for 4,300 ² new homes by 2030 across a range of housing types and tenures... Footnote: ² The Revised Housing Growth Indicator for FODC for the period 2016- 2030 is 4,300 (calendar year). This translates to 4,300 dwellings for the plan period - 1 st April 2015 to 31 st March 2030 (financial year).	
RA02	4	Table 1	29	Sustainably manage and safeguard where appropriate our natural resources including minerals and water, protecting the environment and public health, and providing sustainable services including effective and sustainable waste management to meet population needs.	
RA03	5	Strategic Policy SP01	30	The Council will permit development proposals which further sustainable development and promote measures to mitigate and adapt to climate change, and which have regard to the Local Development Plan and other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In such cases, planning permission should be refused.	
SPATIAL GROWTH STRATEGY					
RA06	9	Insert after Table 4	40	It should be noted that Table 4 is currently an indicative strategic allocation for our settlements. At the LPP stage more detailed analysis of current growth rates and any short-term infrastructure capacity limitations (including the forward programme for wastewater treatment works) will be accounted for and adjustments may be made to the allocation.	
RA07	10	Strategic Policy SP03 Policy Title	41	Draft Strategic Policy SP03 – Strategic Allocation and Management of Housing Supply in our Settlements.	
RA09	13	Paragraph 1.3 Part Two	47	The Planning Act 2011 establishes a plan-led system which gives primacy to the Local Development Plan in the determination of planning applications unless other material considerations indicate otherwise. In determining planning applications, planning authorities will also be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest. Our draft Plan Strategy provides...	
DEVELOPMENT AND DESIGN					
RA10	15	Policy DE01	49	The Council will not support development proposals where they would unacceptably affect: 1) the amenities of the area or the residential amenity of nearby properties or sensitive receptors; and 2) the existing use of land and	

				buildings, public safety (including road safety) and visual amenity ought to be protected in the public interest. These include: (i) Overlooking and/or loss of privacy; (ii) Dominance or overshadowing; (iii) Odour, noise, vibration or other forms of disturbance; (iv) Forms of pollution; and (v) General disturbance.	
RA11	16	Para 2.5	49	In assessing planning applications, the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposals would unacceptably affect amenities and the existing use of land and buildings, public safety or visual amenity, that ought to be protected in the public interest. Public safety is considered to include matters such as roads safety and land stability.	
RA12	17	Para 2.11	51	The Council recognises that the importance of ensuring that all new developments within our settlements are well connected to existing public transport, cycling and walking routes, as well as providing facilities such as cycle parking and shower facilities to facilitate those using sustainable modes of transport.	Note: Council's Appendix – Minor Editing Changes (Oct 2020) page 1 highlights missing text at end of paragraph 2.11 for inclusion ' <i>and walking and cycling routes.</i> ' This update will be covered under Schedule 2- MOD 50.
RA13	18	Policy DE03	53	Non-Residential Development Planning permission will be granted for non-residential development in the countryside in the following cases: <ul style="list-style-type: none"> Outdoor sport and recreational uses in accordance with Draft Policy OSR07 Park and Ride and Park and Share car parks in accordance with Draft Policy TR03	Note: Only aspect changed by Commission was inserting the word "draft" however proceeding to adoption of the Plan Strategy, the terminology will not be accurate. This update will be covered under Schedule 2- MOD 50.
RA14	19	Para 2.28	58	The Council will seek to ensure that the display of outdoor advertisements does not prejudice public safety, including road safety....	
RA16	136	Appendix 1	229	Digital advertising screens should only display static images and should not contain moving images. The rate of change between successive displays should not be instantaneous and should not include the sequencing of images over more than one advert or a message sequence, where a message is spread across more than one screen image. The minimum duration any image shall be displayed shall be determined by the Council. The minimum message display duration should ensure that the majority of approaching drivers do not see more than two messages. The minimum message display duration of each image shall be calculated by dividing the maximum sight distance to the digital advertisement (metres) by the speed limit (metres/second) of the road (30mph = 13.4m/s, 40mph = 17.9m/s, 50mph = 22.4m/s, 60mph = 26.8m/s , 70mph = 31.3m/s." The luminance of the screen should be controlled by light sensors which automatically adjust screen brightness for ambient light levels, in order to avoid glare at night and facilitate legibility during daytime. The proposed advertising screen should generally comply with the Institute of Lighting Professionals' guidance PLG05, 'The Brightness of Illuminated Advertisements'. Maximum night-time luminance of the digital screen must not exceed the appropriate value from Table 4 of PLG05, which must be considered in conjunction with the environmental zones as defined in Table 3 of PLG 05. Proposed luminance levels and control	

				arrangements are to be agreed by the Department for Infrastructure – Roads. Advertisements shall not resemble traffic signs or provide directional advice. Road Traffic Regulation (NI) Order 1997 makes it an offence to display any sign which resembles a traffic sign on or near a public road. Telephone numbers and website addresses should not be displayed.	
RA17	137	Appendix 5	245-246	Delete all	
PEOPLE AND PLACES					
RA18	21	Policy HOU01	61	<p>Draft Policy HOU01 – Housing in Settlements and Windfall Sites</p> <p>(a) Main and Local Towns The Council will support proposals for housing on sites zoned for housing within the towns and on brownfield land within the urban footprint of towns. The Council will only permit housing on unzoned greenfield land within the settlement limits of a main or local town where either:</p> <ul style="list-style-type: none"> (i) the future housing need exceeds the number of existing commitments and there is no evidence of this housing need being met through sites zoned for housing; or (ii) it is demonstrated within the Housing Need Assessment that there is an unmet need for Affordable Housing which cannot be met through any existing commitments or on sites zoned for housing. <p>(b) Villages and Small Settlements Within villages and small settlements, housing will be permitted within Housing Policy Areas and on brownfield land and where it is of a size and scale which is in-keeping with the size and scale of the settlement. The Council will only permit housing on unzoned greenfield land within the settlement limits of a village or small settlement where either:</p> <ul style="list-style-type: none"> (i) The future housing need exceeds the number of existing commitments and there is no evidence of this housing need being met on sites within any Housing Policy Areas; or, (ii) it is demonstrated within the Housing Need Assessment that there is an unmet need for Affordable Housing which cannot be met through any existing commitments or on sites within any Housing Policy Areas. 	
RA21	24	Para 3.14	64	The delivery of affordable housing will be secured by planning conditions or by legal planning agreement.	
RA22	25	Policy HOU05	65	<ul style="list-style-type: none"> h) they demonstrate that secure-by-design principles have been applied; - i) they provide reasonable separation distances from overhead power lines and sub-stations; and j) where either: (i) for a development of 20 units or more, or (ii) where the development is within a smaller settlement, a development of 10 units or more; at least 10% of all units are wheelchair standard units. 	
RA23	29	Para 3.37	73	Where the replacement of an unlisted vernacular dwelling is considered acceptable in principle, the encouragement provided in this policy is to retain and incorporate the existing structure into the overall layout of the development scheme and is intended to promote imaginative design solutions that will help retain a visual link with the past.	

RA25	30	Policy HOU10	74	The Council will support the replacement of an intact redundant, non- residential building with a dwelling where all the following criteria are met:	
RA26	31	Policy HOU14	78	The development of a new dwelling as a rounding off will be permitted where all the following criteria are met: ... The proposed dwelling is visually linked with an existing group of buildings constituting a minimum number of 4 buildings, 3 of which must be dwellings each within their own defined curtilage; Infilling will be permitted within a line of buildings where the proposed site is a small gap suitable to accommodate only two dwellings within an otherwise substantial and continuously built-up frontage which will not detract from the rural character.	
RA27	32	Policy HOU17	81,82	Development proposals for a group of no more than 8 dwellings adjacent to or near..... • the application is made by a registered Housing Association; and ...	
RA28	33	Policy CF01	83	Development of new or enhanced community facilities will be permitted within a settlement or, in association with a Rural Community Area, where there is a clear community need for such a facility and they are appropriate in scale to the needs of the local community and reflect the character of the location. In the case of a facility in association with an RCA, the use will be limited to a community hall only. Protection of community facilities Proposals involving a change of use or redevelopment of an existing community facility for a non-community use will only be supported where it can be demonstrated that: (a) the building is no longer needed and is not economically viable for an alternative community use, and (b) the alternative use is compatible with surrounding uses. In the countryside, acceptable alternative uses will be limited to those where the nature and scale of the proposed use is non-residential and would be appropriate to its countryside location in accordance with other policies in the Plan.	
RA29	34	Policy OSR01	86	The Council will only support the loss of existing or future open space, irrespective of its physical condition and appearance, to alternative uses in the following circumstances:	
RA30	35	New paras	86	In relation to playing fields and sports pitches in urban areas, there may be exceptional circumstances where it is demonstrated that the retention and enhancement of the facility can only be achieved by the redevelopment of a part of the area. This can, however, be detrimental to the quality and value of such facilities and call into question their overall viability. Consideration will therefore only be given to redevelopment proposals that are judged to have no adverse effect on the sporting potential or overall amenity value of the open space and which are restricted to an area no greater than 10% of the total site. This exception will be applied only once to guard against the piecemeal erosion of playing fields	

				and sports pitches by a succession of small developments, possibly over a long period of time.	
RA31	36	Policy OSR02	87	Delete criterion (d) and the third paragraph	
RA32	37	Para 3.75	87	An intensive sport facility is a purpose built indoor or outdoor resource which facilitates one or more activity fundamental to maintaining individual health and fitness. This may include, stadia, sports halls, leisure centres, swimming pools, and other indoor (and outdoor) sports facilities.	
RA33	38	Policy OSR03, Paras 3.76 and 3.77	88	Delete policy and clarification.	
RA34	39	Policy OSR04	88	a) there is no adverse impact on the natural environment, including biodiversity and landscape character;	
RA35	40	Para 3.78	89	It is evident that the lough shores are often, by their nature, unspoilt areas and some are European or Ramsar sites. It is important to conserve the environmental quality and character of the lough shores as well as the inland water bodies. For the purposes of this policy, lough shore is the area set back from the fringes of the shoreline of the lough. It will contain both areas of undisturbed woodland and wetland as well as existing access points associated with recreational activities such as fishing, boating, sailing, canoeing and marinas and it will also include existing walking and cycling trails. The site selection features for designated sites could be impacted directly by development or indirectly through the proliferation of access points and increase in recreation.	
RA37	41	Policy OSR05	89	The Council will only support development proposals on sites adjacent to a main river where the following criteria are met: a) a biodiversity strip of at least 10 metres from the edge of the river is provided and accompanied with an appropriate landscape management proposal; b) public access and recreation provision is provided where appropriate; where a future riverside walk has been identified, the development incorporates its provision into the design or sets aside a sufficient area to accommodate its future provision;	
RA38	42	Para 3.89	92	Examples of such types of development include and are not limited to: i) workspace/business start-up units, which include agricultural based, food production and machinery repairs.	
ECONOMY					
RA39	43	Policy IB02 and Para 4.10	95	(a) Zoned Land Alternative uses on land zoned for industry and business uses will not be permitted. The reallocation of land zoned for industry and business should only occur through the Local Development Plan process. (b) Unzoned Land Development proposals which result in the loss of land and floorspace used, or last used, for industry or business use will only be permitted where: i) it is from industry to a business use (excluding offices) or other comparable employment-generating use; or ii) redevelopment for a mixed-use development which retains or incorporates	Note: Following the fact check with the council, typos were identified. Council may wish to update the following paragraph 4.10 to rectify the errors. This update will be covered under Schedule 2- MOD 50. Para. 4.10 Industry and business uses across the district, both on zoned and unzoned sites, should be protected and so sufficient land for employment uses is maintained.

				<p>into the scheme a significant element of the industry or business use, and which will otherwise result in community or environmental benefits; or</p> <p>iii) it is demonstrated that the present use is unsuitable for modern industry or business purposes and there is no market interest in the site following one year of continuous active marketing.</p> <p>Para. 4.10 Industry and business uses across the district, both on zoned and unzoned sites, should be protected and so sufficient land for employment uses in maintained.</p>	
RA40	44	New paragraph after Para 4.13	96	To demonstrate 'continuous active marketing' the following may be required: (a) how long has the site been vacant, (b) who has marketed the site (c) what the marketing exercise entailed including evidence that it was carried out; and (d) a summary and analysis of the response/s to the marketing exercise.	
RA41	45	New paragraph after Para 4.14	96	Where it is clearly demonstrated that a proposal for new or expanded development would prejudice the future operation of an established or approved economic development use, then it will normally be appropriate to refuse the application. However, it is incumbent on the planning authority to explore all means of mitigation with the developer and the established enterprise prior to determining the application.	
RA42	47	Policy IB06 and insert new	100	<p>Development proposals for intensive farming or animal husbandry must demonstrate that it does not result in any significant adverse environmental effects, particularly through increased ammonia emissions.</p> <p>Ammonia (NH₃) is a gas emitted into the air as a result of many farming activities such as the housing of livestock, the storage and spreading of animal manures and slurries and the use of chemical fertiliser. Air pollution related to ammonia, and the associated nitrogen deposition, is known to have a damaging impact on sensitive habitats, wider biodiversity and ecosystem resilience, as well as human health. As such, applicants are recommended to make contact with DAERA for further information and advice prior to submission of a planning application.</p>	
RA43	48	Policy TCR04	112	<ul style="list-style-type: none"> • it is to meet a local need and which sustains rural communities; • it is keeping with the size and character of the settlement; and • it would not have an adverse impact on town centres within the catchment. 	
RA44	49	Policy TCR05	112	<p>The Council will support a proposal for a petrol filling station which is inside the settlement limits and outside town centres and where any proposed shop is:</p> <ul style="list-style-type: none"> • limited to a single shop ancillary to the use as a petrol filling station; and • not in excess of 200m² gross retail floorspace. <p>Outside settlement limits, a proposal for a petrol filling station will only be supported in the following circumstances:</p> <ul style="list-style-type: none"> • it is located along a dual carriageway route which is not currently served by existing petrol filling stations; • a clear and compelling need and safety case can be demonstrated; • there is no adverse impact on town centres within the catchment; • any shop ancillary to a petrol filling station will be limited to 200m² gross retail floorspace; 	

				<ul style="list-style-type: none"> • and where it has been demonstrated to the satisfaction of the Council that there exists a need for a petrol filling station outside settlement limits and the proposal has been accompanied by a full assessment of retail impact as well as need in relation to existing settlements within its catchment. Shops ancillary to a petrol filling station outside settlements will be limited to 200m² gross retail floorspace; and • proposals would be permitted provided it has been demonstrated there is no adverse impact on town centres within the catchment. 	
RA45	50	Para 4.42	113	Therefore, the Council considers that proposals up to 200m ² gross retail floorspace are of such a scale and nature so as not to cause a significant impact on other centres.	
RA46	51	Policy TOU01	115	<p>A Tourism Assets The Council will not permit any form of development that would, in itself or in combination with existing or approved development, have an adverse impact on the intrinsic character or quality of a tourism asset or any part thereof, or diminish its tourism value, or part thereof.</p> <p>B Tourism Development The Council will only permit the loss of any tourism amenity, or any development intrinsically linked to tourism, where it has been demonstrated that there is a sufficient supply of amenities within the area to satisfy demand and /or the facility has been marketed and proven to be no longer viable.</p>	
RA47	52	Policy TOU01	115	Planning permission will not be granted for the change of use of tourist accommodation into a dwelling unless it can be demonstrated that the building is no longer viable for a tourism use.	
RA48	53	Para 4.57	116	<p>Applicants should demonstrate that the facility has been marketed and that it is no longer economically viable. This should be in the form of a marketing statement and include the following information:</p> <p>Independent valuation;</p> <ul style="list-style-type: none"> • Sales marketing materials and responses; • Use/number of visitors/achieved room rate data; • Business plans; • Marketing plan, schedule and brochures; • Investment schedule and plans; • Details of plans to up-grade/re-position with full costing; • It is demonstrated that it cannot be used for an alternative tourism use <p>Appropriate marketing should be undertaken for a reasonable period of time before a planning application for a change of use or redevelopment of an existing tourism/leisure facility is considered. The Council considers that a period of 12 months is an appropriate period, and applicants are advised to submit their planning application within 3 months of completing the marketing exercise to avoid outdated evidence.</p>	
RA51	56 and 57	Policy TOU03 and Para 4.66	119	<p>Policy TOU03: The Council will only support a proposal for a hotel, guest house or tourist hostel in the countryside in the following circumstances: ...</p> <p>Paragraph 4.66: New hotels, guest houses and tourist hostels should normally be</p>	Note: Two proposed changes from Oct 2020 have been merged by Commission into 1 RA but no amendment to the wording. Therefore, no further modification is required.

				located within settlements boundaries. However, where a firm proposal exists, and it is demonstrated that there is a lack of suitable land within the settlement, a site in the periphery may be considered. The periphery is defined as the outer limits or edge of a defined settlement.	
RA52	58	Policy TOU04	120	c) exceptionally, where it has been demonstrated through submitted information that existing buildings are unsuitable for adaption and re use, a new building which is similar in size and scale to the existing buildings may be permitted;	
RA54	61	Para 4.80	124	However, if during the extraction phase, a mineral resource is found to be more extensive than originally indicated, the Council will consider a new planning application to extend the life of the quarry/mine. This will be subject to the policy criteria set out above including viii) to xii), and the provision of the necessary supporting evidence and environmental information.	
ENVIRONMENT					
RA57	65	Policy HE01	129	Delete policy	
RA58	66 and 67	Paras 5.5 and 5.6	129	Delete paragraphs	
RA61	69	Para 5.9	130	ASAls are areas of particularly distinctive historic landscape. They are likely to contain a number of individual and related sites and monuments and may be distinguished by their landscape character and topography. In order to protect and preserve their integrity it is important that they and their settings are protected.	
RA62	71	Para 5.13	131	These can include sites and monuments that are not scheduled, buildings and structures of Industrial Heritage or Defence Heritage, as well as battle sites.	
RA63	72	Para 5.14	131	The factors below may be included as indicators to aid in assessing the local significance in a wider judgement based on the individual circumstances of a case:	
RA70	79	Policy HE04(a)	133	important views within, into and out of the area are protected and retained.	
RA71	80	Policy HE04(b)	133	Development proposals involving the demolition of an Unlisted Building in a Conservation Area will only be permitted in exceptional circumstances where it is demonstrated that the building makes no material contribution to the character or appearance of the area.	
RA73	81	Para 5.19	134	Delete the second and third sentence	
RA74	82	Enniskillen Conservation Area Map	135	Amend the incorrect CA boundary to reflect the boundary shown in the Enniskillen Conservation Area Design Guide (March 1988)	
RA75	83	Policy HE05	138	The Council will only permit development proposals within An Area of Townscape Character or Village Character where the following criteria are met...	
RA76	84	Policy HE05(a)	138	Amend to read: <ul style="list-style-type: none"> any trees or other landscape features are protected and satisfactorily integrated into the design and layout of the development. 	
RA77	85	Policy HE05(b)	138	The demolition of an Unlisted Building in an Area of Townscape Character or Village Character will only be permitted where the building makes no material contribution to the distinctive character or appearance of the area and appropriate arrangements are put in place for the redevelopment of the site.	
RA78	86	Para 5.21	138	For this reason it is important that the design, scale, massing and finishes of any development proposal maintain or enhance the unique character of the ATC/AVC.	
RA79	87	Para 5.22	138	In such cases, in order to maintain or enhance the existing unique identity of the ATC/AVC the proposed redevelopment must be sympathetic in scale, massing and design to the remainder of the ATC/AVC.	
RA80	88	Policy HE06	139	the development would not adversely impact on the integrity and overall quality,	

				understanding, experience and enjoyment of the Historic Park, Garden or Demesne.	
RA81	89	Policy HE07	139	The Council will only permit development proposals within or adjoining an LLPA where it is demonstrated that they do not adversely impact on their intrinsic landscape quality, amenity value, and environmental value and character.	
RA82	90	Para 5.25	140	Sometimes LLPAs can also assist in creating 'buffers' between...	
RA85	93	Policy HE09	142	<p>The change of use, sympathetic conversion or re-use of an unlisted locally important building or unlisted vernacular building will be encouraged. Proposals will be required to secure its upkeep and retention and ensure that no significant harm or loss is caused to the appearance or character of the building and its setting. The following criteria must be met:</p> <ul style="list-style-type: none"> i) Maintain or enhance the form, character, architectural features and setting of the existing building and not have an adverse effect on the character or appearance of the locality; and ii) Any new extensions, alterations or adaptations are sympathetic to the scale, massing and architectural style of the building and should not significantly alter the appearance or character of the building. 	
RA86	94	Para 5.33	142	However, outside of these areas, retention of these types of buildings is encouraged as these heritage assets represent a continued understanding of the history of our district at a local level. As such, all development proposals for the sympathetic conversion of a locally important and/or vernacular building should involve the minimum of work and should maintain or enhance the existing character of the building and its setting.	
RA88	95	Policy NE01	144	<p>(a) Internationally Important Sites</p> <p>The Council will only support development that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on an existing or proposed SPA, existing or candidate SAC, Sites of Community Importance, or a listed or proposed RAMSAR site.</p> <p>Where a development proposal is likely to have a significant effect (either alone or in combination) or a reasonable scientific doubt remains, the Council shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the Council agree to the development and impose appropriate mitigation measures in the form of planning conditions or a planning agreement.</p> <p>A development proposal which could adversely affect the integrity of an international site may only be permitted in exceptional circumstances and where:</p> <ul style="list-style-type: none"> (i) there are no alternative solutions; and (ii) the proposed development is required for imperative reasons of overriding public interest; and (iii) compensatory measures are agreed and fully secured through conditions or a planning agreement. <p>(b) Nationally Important Sites</p> <p>Development affecting an ASSI, National Nature Reserve or Nature Reserve will only be permitted where:</p> <ul style="list-style-type: none"> (i) it is not likely to adversely affect the integrity of the area, including the value 	

				<p>of the site to the habitat network or the features for which it has been designated; or</p> <p>(ii) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance. In such cases, appropriate mitigation and/or compensatory measures will be required.</p> <p>(c) Locally Important Sites The Council will only support development likely to have a significant adverse impact on areas or features of local importance for nature conservation including Wildlife Refuges and Local Nature Reserves where local public benefits clearly outweigh the nature conservation value of the site and there is a specific locational requirement for the development. In such cases, appropriate mitigation and/or compensatory measures will be required.</p>	
RA93	99	Policy L01	148	<p>Development proposals which adversely affect or work to erode the distinctive special character including landscape character, visual amenity, natural, historic or cultural heritage of the Sperrin AONB, its views or setting, when considered individually or cumulatively alongside existing or approved development, will not be permitted.</p> <p>Account must be taken of the Landscape Character Assessments and any other relevant guidance including an AONB Management Plan and local design guides.</p> <p>Development proposals must be accompanied by a Landscape and Visual Impact Assessment.</p>	
RA94	100	Para 5.53	148	Delete paragraph	
RA95	101	L02	149	<p>Within Special Countryside Areas, planning permission will not be granted for development proposals unless they do not threaten the landscape character and unique amenity value of the area and, exceptionally, are:</p> <ul style="list-style-type: none"> • of such national or regional importance, as to outweigh any potential detrimental impact on the unique qualities of the upland, outstanding vistas, or island environment; or • minor works or improvements to infrastructure such as walking and cycleways, fishing and canoe stands; or • providing tourism accommodation or facilities through the re-use of existing vernacular buildings whilst being sympathetic to the landscape and nature conservation interests. <p>Development proposals must be accompanied by a Landscape and Visual Impact Assessment.</p>	
RA96	102	Para 5.54	149	<p>Cuilcagh Mountain, the high summits of the Sperrins, and the islands of Lough Erne, Lough Macnean and Lough Melvin are particular examples of relatively unspoilt, unique areas which would be preserved in order to retain both their special environmental benefits and their aesthetic qualities thus development should be limited to those exceptional circumstances listed above. Recognition should be given to the interdependency between special qualities of the landscape and the natural functioning of the environment, taking into account internationally and nationally important nature conservation sites and associated ecosystems, species and habitats.</p>	

INFRASTRUCTURE					
RA99	105	Policy FLD01	152	<p>The Council will not permit development within the floodplain unless it falls within one of the following exceptions (a) to c)</p> <p>a) Defended Areas – defined as previously developed land protected by flood defences but which excludes the following:...</p> <p>Where a proposal falls within one of the exceptions (a-c) or is minor development, it must be demonstrated that:...</p>	
RA100	106	Policy FLD01	152	<p>The Council will not permit development within the floodplain unless it falls within one of the following exceptions (a) to (c):</p> <p>b) Undefended Areas:</p> <ul style="list-style-type: none"> • replacement buildings (subject to provision of flood proofing measures). Proposals that include essential infrastructure or bespoke accommodation for vulnerable groups or that involve significant intensification of use will not be acceptable; 	
RA105	108	Policy FLD02	154	<p>The Council will support new development at risk from surface water flooding or which would increase the risk of flooding elsewhere where it is demonstrated 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.</p> <p>All new development proposals for new building(s) and the change of use of buildings within an area at risk from surface water flooding must incorporate flood proofing measures.</p> <p>A Drainage Assessment will be required for the following types of development as these have the potential to create surface flooding elsewhere:</p> <ul style="list-style-type: none"> • a residential development comprising of 10 or more dwelling units; • a development site in excess of 1 hectare; • a change of use, new buildings and/or hard surfacing exceeding 1000 square metres in area; • where a proposed development (excluding minor development) is located in an area where there is evidence of a history of surface water flooding; • where surface water run-off from the development may adversely impact upon other development or features of the Natural and Historic Environment (unless it falls within one of the categories (a) to (c) of Draft Policy FLD01). 	
RA106	109	Policy FLD03	155	All development proposals must, where practicable, include proposals for Sustainable Drainage Systems.	
RA112	114	Para 6.21	158	Footnote to be added: 'Suitably qualified engineer' is an All Reservoirs Panel Engineer.	
RA114	118	New paragraph after Para 6.28	161	Active peatland is of particular importance to Northern Ireland for its biodiversity, water and carbon storage qualities. Any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural habitats, etc.) Regulations (Northern Ireland) 1995 as amended'.	
RA115	120	Para 6.32	162	The landscape and visual effects of wind energy developments, solar PV farms and other renewable energy developments will vary on a case by case basis according to the type of development, its location and the landscape setting of the proposed	

				development. Some of the effects may be minimised through appropriate siting, design and landscape schemes, depending on the size and type of development proposed. In relation to wind energy development the number, scale, size and siting of turbines may have an unacceptable impact on visual amenity or landscape character.	
RA116	121	Text box	161	The areas identified as:...	
RA118	124	Policy TR01	163	Land Use and Transport The Council will permit development proposals where it is demonstrated that: a) there is the capacity to accommodate the type and amount of traffic generated, or where the impact can be suitably mitigated, taking into account the cumulative impact of developments; b) access arrangements do not prejudice road safety or significantly inconvenience the flow of traffic; c) adequate parking facilities are provided in accordance with the published parking standards; d) appropriate safe, convenient and secure facilities for cycle parking and cyclists are provided. Transport Assessment ¹ will be required where a development proposal is likely to have a significant impact on highway conditions. ¹ See guide to Transport Assessment (published by DoE and DRD, 2006).	
RA119	125	Para 6.38	164	The aim of the policy is to promote road safety and to ensure that there is a safe and efficient movement of people and goods on all our roads.	
RA120	126	Policy TR02	165	Proposals for new, extended or temporary car parks within the town centres will only be permitted where they do not impact on the viability or vitality of the town centre. The loss of existing car parking or space for servicing within the town centre will not be permitted where it impacts on current or existing arrangements. There will be a presumption against temporary car parks where it is considered unnecessary and it is not linked to firm proposals for the development for the site.	
RA121	127	Para 6.46	165	The provision of suitable car parking for all users including people with disabilities, parents and child parking spaces and short and long-term visitors is essential to support the needs of our businesses, residents and visitors. While planning applications for temporary car parks will be assessed in the light of all relevant factors, there will be a presumption against such development where it is considered unnecessary and is not linked to firm proposals for the development of the site. Planning permission for a temporary car park, if granted, will be subject to a time limit of 1 year.	
RA122	128	Policy TR04	166	A development proposal involving direct access, or the intensification of the use of an existing access, will only be permitted where: a) in the case of motorways and high standard dual carriageways an exception may be considered for motorway service areas where there is demonstrable need; b) in the case of other dual carriageways, ring roads, Through-Pass or By-Pass, the development is of regional significance; or	

				<ul style="list-style-type: none"> c) in the case of a Protected Route within settlement limits: <ul style="list-style-type: none"> i) the development cannot be accessed from an adjacent minor road; or ii) in the case of residential developments, where it will significantly assist in the creation of a quality environment without compromising road safety or result in an excessive number of access points. d) in the case of a Protected Route outside settlement limits where the development is for: <ul style="list-style-type: none"> i) a replacement dwelling, where there is an existing vehicular access onto the protected route, or; 	
RA124	130	Para 6.53	167	The Regional Strategic Transport Network Transport Plan (RSTNTP) will be the main source of identifying and prioritising future major road schemes and these will be identified on the Proposals Map. In addition, applicants are advised that details of New Transport Schemes, and any updates are available from the Department for Infrastructure.	
RA125	131	Para 6.54	168	The Council recognises the need to identify and safeguard disused transport routes such as former railway lines and canals where there is a reasonable prospect of re-use for future transport purposes.	
RA128	132	Policy WM01	173	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.	

Schedule 2 - Table of amended Council proposed changes and new Commissioner changes – DFI Modifications

Dfi modification no.	PAC Recommended Amendment no.	Council Proposed Change no.	Draft policy, paragraph or section within the draft Plan Strategy	Page no.	PAC Recommended Amendment	Dfi Modification (Text highlighted in yellow reflects updates made following the Department's consideration of the recommended amendments under Section 12 of the 2011 Act)																													
VISION AND STRATEGIC OBJECTIVES																																			
SPATIAL GROWTH STRATEGY																																			
MOD 01	RA04	7	Para 6.25	40	The scale, type, uses and form of development in settlements will reflect their role as employment, retail and service centres, their level of accessibility, and environmental and infrastructure constraints. Table 4 (below) indicates the overall strategic allocation of land for housing within our settlements to meet our housing need. Taking into account completions since 2015, this leaves a balance as of April 2019 of 2,608 of the 4,300 new homes provision by 2030.	Dfi directs the Council to modify paragraph 6.25 in accordance with this PAC Recommended Amendment.																													
MOD 02	RA05	8	Table 4	40	<table border="1"> <thead> <tr> <th></th> <th></th> <th>Housing Need (2019-2030)</th> </tr> <tr> <th>Status</th> <th>Settlement</th> <th>Dwellings</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Main Towns</td> <td>Enniskillen</td> <td>693</td> </tr> <tr> <td>Omagh</td> <td>939</td> </tr> <tr> <td>Total</td> <td>1,632</td> </tr> <tr> <td rowspan="6">Local Towns</td> <td>Carrickmore</td> <td>15</td> </tr> <tr> <td>Dromore</td> <td>61</td> </tr> <tr> <td>Fintona</td> <td>58</td> </tr> <tr> <td>Irvinestown</td> <td>70</td> </tr> <tr> <td>Lisnaskea</td> <td>117</td> </tr> <tr> <td>Total</td> <td>321</td> </tr> <tr> <td>Villages and Small Settlements</td> <td>Total</td> <td>655</td> </tr> </tbody> </table>			Housing Need (2019-2030)	Status	Settlement	Dwellings	Main Towns	Enniskillen	693	Omagh	939	Total	1,632	Local Towns	Carrickmore	15	Dromore	61	Fintona	58	Irvinestown	70	Lisnaskea	117	Total	321	Villages and Small Settlements	Total	655	Dfi directs the Council to modify Table 4 in accordance with this PAC Recommended Amendment.
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MOD 03	RA08	11	Strategic Policy SP03	41	<p>The Plan Strategy will make provision for 2,660 new homes within our settlements in the period 2019-2030.</p> <p>(a) Main and Local Towns To manage the housing supply over the plan period, zoned housing land within the main towns and local towns will be released in two phases. A criteria-based approach to selecting sites for each phase will be undertaken. The selection criteria will take account of several factors including: Accessibility Analysis; the prioritisation of brownfield land within the Urban Footprint; the ability to deliver affordable housing where a need exists; topography; flooding and other constraints to development including wastewater network and treatment capacity. Sites will only be allocated where it can be shown that they can accommodate at least 10 dwellings.</p>	<p>Dfi directs the Council to modify Strategic Policy SP03 in accordance with this PAC Recommended Amendment and update the amended figure from MOD 01 above (highlighted in yellow), for clarity the policy should read as follows:</p> <p>The Plan Strategy will make provision for 2,608 new homes within our settlements in the period 2019-2030.</p> <p>(a) Main and Local Towns To manage the housing supply over the plan period, zoned housing land within the main towns and local towns will be released in two phases. A criteria-based approach to selecting sites for each phase will be undertaken. The selection criteria will take account of several factors including: Accessibility Analysis; the prioritisation of brownfield land within the Urban Footprint; the ability to deliver</p>																													

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DEVELOPMENT AND DESIGN						
MOD 04	RA15	20	Policy DE08	58	<p>The Council will only give consent for the display of advertisements or signs on heritage assets or affecting the setting of heritage assets when the following criteria are met:</p> <ul style="list-style-type: none"> signage to a listed building must be carefully designed and located to respect the architectural form and detailing of the building; signage in a conservation area will not adversely affect the overall character, appearance or setting of the area; signage in an area of townscape character must maintain the overall character and built form of the area; where it is physically affixed to an asset, it does not cause irreparable damage to the asset and is reversible. <p>Amend the clarification text to reflect Policy DE08 as amended above</p>	<p>DfI directs the Council to modify Policy DE08 in accordance with the PAC recommendation and also to include further wording (highlighted in yellow) as follows:</p> <p>insert the words “or close to” after the word “in” on the second bullet point as this aligns with the SPPS para 6.20.</p> <p>insert the words “and appearance” into bullet point 3 after the words “overall character”</p> <ul style="list-style-type: none"> signage to a listed building must be carefully designed and located to respect the architectural form and detailing of the building; signage in or close to a conservation area will not adversely affect the

						<p>overall character, appearance or setting of the area;</p> <ul style="list-style-type: none"> signage in an area of townscape character must maintain the overall character and appearance and built form of the area; where it is physically affixed to an asset, it does not cause irreparable damage to the asset and is reversible. <p>Dfl directs the Council to include the following wording as part of the clarification text at para 2.29:</p> <p><i>“Outdoor advertisements can have a significant impact on the integrity of the historic environment and particular consideration will be given to their design, scale, material and method of illumination. Outdoor advertisements for standard corporate shop fronts; internal illumination, plastic signs /fascia boxes; will not normally be supported where they are affixed or within the setting of a listed building or within the protected area of a scheduled monument or State Care monument. Additional guidance on the display of Advertisements on Listed Buildings and/or State Care Monuments and Scheduled Monuments can be obtained from HED</i></p> <p><i>Many heritage assets are in commercial use and already display signs or advertisements of some sort. These in themselves may be of historic interest or of some artistic quality, and where this is the case the council will not normally permit their removal or significant alteration</i></p> <p><i>Advertisements and/or signage should be designed to complement the age and architectural style of the building. They should also be carefully located and should not obscure, overlap or cut into any architectural detailing or structural divisions of the building. Projecting signs can often adversely affect the appearance and character of heritage assets and will therefore require very careful consideration. Where their presence is considered acceptable, particular attention will be paid to size, design and materials. Signage on upper floors of buildings will not normally be acceptable.</i></p> <p><i>In most situations signs and advertisements displayed on listed buildings should not be illuminated. Where illumination is justified it should be achieved unobtrusively. Proposals for large advertisement hoardings or which would result in a proliferation of signs can seriously harm the character and appearance of a conservation area and will therefore normally be refused consent. Additional guidance for the display of advertisements in particular conservation areas is available within the relevant Conservation Area booklets/design guides”.</i></p>
PEOPLE AND PLACES						
MOD 05	RA19	22	New paragraphs after Para 3.7	61	<p>For the purposes of this policy ‘existing commitments’ means the total of any extant planning permissions or sites which are currently under development as recorded in the most recent Annual Monitoring Report. ‘Sites zoned for housing’ means, prior to the adoption of the LLP, sites zoned in the Area Plans, and after the adoption of the LLP, Phase 1 and Phase 2 sites.</p> <p>The Annual Monitoring Report will provide an update on any sites zoned for</p>	<p>Dfl directs the Council to modify in accordance with this PAC Recommended Amendment, incorporating the following typographical correction (highlighted in yellow).</p> <p>For the purposes of this policy ‘existing commitments’ means the total of any extant planning permissions or sites which are currently under development as recorded in the most recent Annual Monitoring Report. ‘Sites zoned for housing’</p>

					housing (including HPAs) to provide an indication of likelihood of development progressing. The policy will also apply to lapsed permission. Therefore, any lapsed permission on unzoned greenfield land within settlements limits will need to comply with points (i) or (ii).	means, prior to the adoption of the LLP-LPP , sites zoned in the Area Plans, and after the adoption of the LLP-LPP , Phase 1 and Phase 2 sites. The Annual Monitoring Report will provide an update on any sites zoned for housing (including HPAs) to provide an indication of likelihood of development progressing. The policy will also apply to lapsed permission. Therefore, any lapsed permission on unzoned greenfield land within settlements limits will need to comply with points (i) or (ii).
MOD 06	RA20	23	Policy HOU03	63	Add into policy box: Where it is demonstrated that a development is not viable a reduced or alternative provision of affordable housing may be acceptable.	DfI directs the Council to modify Policy HOU03 in accordance with this PAC Recommended Amendment. DfI also directs the Council to modify the clarification text as follows: The remaining policy clarification text under proposed change 23 (PC23) of October 2020 -Schedule of Proposed Changes FODC 110 is not inserted. NB – This is also reflective of Matters Arising -MA003.B
MOD 07	RA24		Policy HOU09	72-73	A criterion should be added to Draft Policy HOU09 stating that the existing building is not suitable for conversion under Draft Policy HE09.	DfI directs the Council to include the following wording after criterion c) within policy HOU09 (highlighted yellow): <i>“(b) It is located within the curtilage surrounding the original dwelling. Exceptionally an alternative location in a position nearby may be acceptable where there is demonstrable benefit in doing so; and</i> <i>(c) The replacement dwelling must not have a visual impact significantly greater than the existing building; and</i> <i>d) The existing building is not suitable for conversion under HE09.”</i>
MOD 08	RA36		Policy OSR04	88-89	An additional criterion should be added that it be demonstrated that there is no conflict with the provisions of any local management plan.	DfI directs the Council to modify Policy OSR04 in accordance with this PAC Recommended Amendment (highlighted in yellow): <i>“(b) the proposal either individually or cumulatively when considered with other existing and proposed development in the area, will not adversely impact on the character and visual amenity of the area when viewed from public vantage points such as public roads, loughs and islands; and</i> <i>(c) it does not result in a proliferation of access points along the shoreline; and</i> <i>d) it will be demonstrated that there is no conflict with the provisions of any local management plan”.</i>
ECONOMY						
MOD 09	RA49	54	Policy T OU02 and Para 4.51	114 and 116	Change title of Draft Policy T OU02 to Tourism Development Paragraph 4.51: Outside of settlements, tourism development will be directed towards tourism hubs. A Tourism Hub is located at a recognised significant tourism attraction which clusters with other related or complementary forms of sustainable tourism development which work together to provide an overall tourism product and/or experience. Examples of Tourism Hubs within the Fermanagh and Omagh District Council area: South of Lisnaskea to Crom Estate; Belleek/Castle Caldwell; An- Creagán; Gortin Glens; Marble Arch	DfI directs the Council to modify the title of Policy T OU02 and para 4.51 in accordance with this PAC Recommended Amendment.

						<p><i>NB</i> The Councils proposed Change 40 (PC40) in relation to policy OSR04 provides a definition of a lough shore for clarity and highlights how designated sites may be impacted upon in response to a representation received. The Commissioner has accepted this proposed change and has included it verbatim in the list of recommended amendments under RA35 (Schedule 1). The definition as set out above should be included at the end of para 4.63.</p>
MOD 11	RA53	60	Policy MIN01	123	<p>The Council will support proposals for minerals development where it is demonstrated that they do not have an unacceptable adverse impact upon:</p> <ul style="list-style-type: none"> i) the natural environment; ii) the landscape and visual amenity; iii) the historic environment; iv) the water environment; v) public safety, human health and amenity of people living or working nearby; vi) road safety and convenience of road users; AND vii) In all cases, the cumulative effects of such proposals on i) to vi) have been assessed for all minerals development regardless whether those developments are classed as permitted or temporary development. <p>In considering a proposal for the extraction of valuable minerals including metalliferous minerals, where the site is within a designated area in the Local Development Plan, due weight will be given to the reason for the statutory zoning. There will be a presumption against all mineral development within designated Special Countryside Areas.</p> <p>Within Areas of Constraint on Mineral Development, there is a presumption against mineral development unless one or more of the following criteria can be met in addition to i) to vii):</p> <ul style="list-style-type: none"> viii) the proposal involves an extension to an existing minerals development; or ix) the minerals development will provide building materials that are substantially for the restoration and repair of built conservation interest in the local area; or x) the mineral is valuable; or xi) the mineral is of limited occurrence and there is no reasonable alternative source outside the ACMD; AND xii) the development is for less than 15 years duration <p>Commercial Peat Extraction Commercial peat extraction, including proposals for new or extended sites or renewal of extant permissions, shall not be permitted.</p> <p>All minerals development applications must include the proposed details of restoration and aftercare of the site in accordance with Policy MIN02. Applications for new and extended quarries within ACMDs must be accompanied by a landscape and visual impact assessment.</p>	<p>Dfi directs the Council to modify Policy MIN01 in accordance with this PAC Recommended Amendment.</p>

MOD 12	RA55	62	Additional paragraph	125	<p>Valuable minerals refer to high value metalliferous minerals such as gold, silver, lead, copper and diamonds. Exploitation may create environmental effects which are particular to the methods of extraction or treatment of that mineral. In considering a proposal where the site is within a designated site or in close proximity to an area that has been designated or is proposed for designation, due weight will be given to the reason for the designation.</p> <p>There will not be a presumption against their exploitation in any area apart from within designated Special Countryside Areas. Exploration for such high value metalliferous minerals can usually be carried out under the current permitted development legislation. However, where planning permission is required, full consideration will be given to the potential environmental impacts and any risks posed to safety or human health.</p>	DfI directs the Council to modify in accordance with this PAC Recommended Amendment.
MOD 13	RA56		Para 4.84	126	To ensure that restoration and aftercare proposals are carried out, the Council will require developers to provide a financial guarantee bond or make other financial provision.	DfI directs the Council to modify paragraph 4.84 in accordance with this PAC Recommended Amendment.
ENVIRONMENT						
MOD 14	RA59	70	Policy HE02 (inserting text from Paras 5.12 and 5.15)	130	<p>(a) Archaeological remains of Regional Importance and their settings. Development proposals which would adversely affect archaeological remains of regional importance or the integrity of their settings, including those that would merit scheduling and candidate ASAs, will only be permitted in exceptional circumstances and where the proposal is of overriding importance in Northern Ireland. Such proposals must be accompanied by sufficient and robust information to allow an assessment and evaluation of the extent of the remains and their significance.</p> <p>(b) Archaeological remains of Local Importance and their setting. Development proposals which would adversely affect archaeological remains of local importance or their settings will only be permitted where it is adequately demonstrated that the need for the proposed development clearly outweighs the value of the remains and/or their settings.</p> <p>Within the LPP, specific policies will be developed for each of the ASAs within the Council Area which will recognise and respond to their unique characteristics. The policies for specific ASAs will build on the Statement of Significance, which will themselves be a material consideration in assessing the impacts of development proposals on these landscapes.</p> <p>The Council will review existing and identify new Areas of Archaeological Potential (AAP) in the district in the Local Policies Plan.</p>	DfI directs the Council to modify Policy HE02 in accordance with this PAC Recommended Amendment.
MOD 15	RA60	68	Para 5.8	130	...Scheduled Monuments and Areas of Significant Archaeological Interest (ASAs). Such sites (or constituent parts of them) are statutorily protected.	DfI directs the Council to modify paragraph 5.8 in accordance with this PAC Recommended Amendment.
MOD 16	RA64	73	Add to Draft Policy HE02 and insert new paragraphs after Para 5.14	131	<u>Add to Draft Policy HE02:</u> The Council will seek all necessary information from applicants to allow well informed planning judgements, particularly where the impact of a development proposal on archaeological remains is unclear, or the relative significance of such remains is uncertain. Should an applicant fail to provide a suitable assessment or evaluation on request, the Council will adopt a	<p>DfI directs the Council to add text to Policy HE02 in accordance with this PAC Recommended Amendment as criteria (c):</p> <p><i>(c) The Council will seek all necessary information from applicants to allow well informed planning judgements, particularly where the impact of a development</i></p>

				<p>precautionary approach and refuse planning permission.</p> <p><u>New paragraphs after Paragraph 5.14:</u> Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, it will ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development. The preferred treatment of archaeological remains affected by development will be considered in the following order:</p> <ul style="list-style-type: none"> • preservation of remains in situ; • licensed excavation; • recording, examination and archiving of archaeology by way of condition <p>The Council will review existing and identify new Areas of Archaeological Potential (AAP) in the district in the Local Policies Plan. These are areas within the settlement limits, where, based on current knowledge, it is likely that archaeological remains will be encountered during development and change.</p>	<p><i>proposal on archaeological remains is unclear, or the relative significance of such remains is uncertain. Should an applicant fail to provide a suitable assessment or evaluation on request, the Council will adopt a precautionary approach and refuse planning permission.</i></p> <p>DfI also directs the Council that the following text should be within policy HE02 as criteria (d):</p> <p><i>“ (d) Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, it will ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development. The preferred treatment of archaeological remains affected by development will be considered in the following order:</i></p> <ul style="list-style-type: none"> • <i>preservation of remains in situ;</i> • <i>licensed excavation, recording, examination and archiving of archaeology by way of condition</i> <p>For Clarity, the completed policy should read as follows, to include the new insertions at MOD 14 and MOD 16 (highlighted yellow):</p> <p><u>HE02-Archaeology</u></p> <p>(a) Archaeological Remains of Regional Importance and their settings. Development proposals which would adversely affect archaeological remains of regional importance or the integrity of their settings, including those that would merit scheduling and candidate ASAs, will only be permitted in exceptional circumstances and where the proposal is of overriding importance in Northern Ireland. Such proposals must be accompanied by sufficient and robust information to allow an assessment and evaluation of the extent of the remains and their significance.</p> <p>(b) Archaeological Remains of Local Importance and their settings. Development proposals which would adversely affect the archaeological remains of local importance, or their settings will only be permitted where it is adequately demonstrated that the need for the proposed development clearly outweighs the value of the remains and/or their settings.</p> <p><i>Within the LPP, specific policies will be developed for each of the ASAs within the Council Area which will recognise and respond to their unique characteristics. The policies for specific ASAs will build on the Statement of Significance, which will themselves be a material consideration in assessing the impacts of development proposals on these landscapes.</i></p> <p><i>The Council will review existing and identify new Areas of Archaeological Potential (AAP) in the district in the Local Policies Plan.</i></p> <p><i>(c) The Council will seek all necessary information from applicants to allow</i></p>
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						<p><i>well informed planning judgements, particularly where the impact of a development proposal on archaeological remains is unclear, or the relative significance of such remains is uncertain. Should an applicant fail to provide a suitable assessment or evaluation on request, the Council will adopt a precautionary approach and refuse planning permission.</i></p> <p><i>(d) Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, it will ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development. The preferred treatment of archaeological remains affected by development will be considered in the following order:</i></p> <ul style="list-style-type: none"> <i>• preservation of remains in situ;</i> <i>• licensed excavation, recording, examination and archiving of archaeology by way of condition.</i> <p>DFI directs the council to modify the clarification text to include a new paragraph after Paragraph 5.14, in line with the remaining PAC recommendation as follows:</p> <p><i>Areas of Archaeological Potential (AAP) which have been reviewed or identified as new, will be in areas within the settlement limits, where, based on current knowledge, it is likely that archaeological remains will be encountered during development and change.</i></p>
MOD 17	RA65	74	Policy HE03(a)	132	<p>a) Alterations and Extensions to a Listed Building and development in the setting of a Listed Building</p> <p>The Council will only permit development proposals that affect listed buildings and their settings where it can be demonstrated that all of the following criteria are met:</p> <ul style="list-style-type: none"> • the essential character, its special architectural and/or historical interest, integrity and setting of the listed building will be protected, conserved and enhanced; • the proposal makes use of quality materials and techniques (traditional and/or sympathetic) in-keeping with architectural details of the listed building; • the detailed design respects the character and appearance of the listed building and its setting in terms of scale, height, massing, proportion and alignment; and • where a change of use is proposed, the use is compatible with the fabric, appearance, setting and character of the building; and • the alteration is desirable or necessary. 	<p>DFI directs the Council to modify policy HE03(a) in accordance with this PAC Recommended Amendment, incorporating the following typographical correction (highlighted in yellow)</p> <p>a) Alterations and Extensions to a Listed Building and development in the setting of a Listed Building</p> <p>The Council will only permit development proposals that affect listed buildings and their settings where it can be demonstrated that all of the following criteria are met:</p> <ul style="list-style-type: none"> • the essential character, its special architectural and/or historical interest, integrity and setting of the listed building will be protected, conserved and enhanced; • the proposal makes use of quality materials and techniques (traditional and/or sympathetic) in-keeping with architectural details of the listed building; • the detailed design respects the character and appearance of the listed building and its setting in terms of scale, height, massing, proportion and alignment; and • where a change of use is proposed, the use is compatible with the fabric, appearance, setting and character of the building; and • the alteration is desirable or necessary.

MOD 18	RA66		Policy HE03	132	Draft Policy HE03's title should include reference to change of use.	DFI directs the Council to modify the sub-title of HE03(a) as follows: "a) Change of Use , Alterations and Extensions to a Listed Building and development in the setting of a Listed Building"
MOD 19	RA67		Policy HE03	132	Fourth bullet of Draft Policy HE03(a) should state that the change of use secures its ongoing viability and upkeep.	DFI directs the Council to modify the 4th bullet point of HE03(a) as follows (highlighted in yellow): The Council will only permit development proposals that affect listed buildings and their settings where it can be demonstrated that all of the following criteria are met: <ul style="list-style-type: none"> • the essential character, its special architectural and/or historical interest, integrity and setting of the listed building will be protected, conserved and enhanced; • the proposal makes use of quality materials and techniques (traditional and/or sympathetic) in-keeping with architectural details of the listed building; • the detailed design respects the character and appearance of the listed building and its setting in terms of scale, height, massing, proportion and alignment; • where a change of use is proposed, the use is compatible with the fabric, appearance, setting and character of the building and it secures the ongoing viability and upkeep of the listed building; and • the alteration is desirable or necessary.
MOD 20	RA68	75 and 77	Policy HE03(b)	132	The policy should be amended to state the presumption in favour of the retention of listed buildings. The first sentence of the second bullet point should be amended as this could be misinterpreted. The second sentence of the second bullet point should also be amended to read 'In such cases, appropriate arrangements must be in place for recording the building prior to demolition. Where consent for the total demolition of a listed building, or any significant part of it, is granted, this will be conditional on prior agreement for the redevelopment of the site'.	DFI directs the Council to modify HE03(b) in accordance with this PAC Recommended Amendment to also include the words (highlighted in yellow) as follows: b) Demolition of a Listed Building There will be a presumption in favour of retaining listed buildings. The total or part demolition of a listed building will only be permitted in exceptional circumstances where it is demonstrated that: <ul style="list-style-type: none"> • It cannot be retained in its original or reasonably modified form; and • demolition is necessary, justified by clear and convincing evidence with conservation expertise <p>In such cases, appropriate arrangements must be in place for recording the building prior to demolition and for the timely redevelopment of the site. Where consent for the total demolition of a listed building, or any significant part of it, is granted, this will be conditional on prior agreement for the redevelopment of the site.</p> <p>This modification will result in paragraph 5.16 being deleted.</p>
MOD 21	RA69		Policy HE04(a)	133	Add 'in the interests of enhancing or preserving the character of a Conservation Area...'	Dfi directs the Council to modify Policy HE04(a) in accordance with this PAC Recommended Amendment.
MOD 22	RA72		Policy HE04(b)	133	Draft Policy HE04(b) should require that it be demonstrated that the new building enhances the character or appearance of the area.	DFI directs the Council to modify HE04(b) as follows (highlighted in yellow): (b) Demolition of an Unlisted Building in a Conservation Area

						Development proposals involving the demolition of an Unlisted Building in a Conservation Area will only be permitted in exceptional circumstances where it is demonstrated that the building makes no material contribution to the character or appearance of the area; and where it is demonstrated that the new building enhances the character or appearance of the area.
MOD 23	RA83	91	Policy HE08	140	The Council will only permit 'Enabling Development' relating to the conservation, refurbishment and re-use of a Heritage Asset in exceptional circumstances where it will not materially harm its heritage value or setting. It must be demonstrated through a Statement of Justification that all of the following criteria will be met'.	Dfl directs the Council to modify Policy HE08 in accordance with this PAC Recommended Amendment
MOD 24	RA84	92	Policy HE08	140	<p>The criteria that an enabling development proposal will need to demonstrate in the Statement of Justification should be amended as include:</p> <ul style="list-style-type: none"> • It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests; • The impact of the enabling development is precisely defined at the outset; <p>The criteria should be contained within the policy headnote of Draft Policy HE08 rather than in the clarification text of paragraph 5.28.</p>	<p>Dfl directs the Council to modify Policy HE08 in accordance with this PAC Recommended Amendment.</p> <p>For Clarity, the completed policy should read as follows, to include the new insertions at MOD 23 and MOD 24:</p> <p>Policy HE08 – Enabling Development</p> <p>The Council will only permit 'Enabling Development' relating to the conservation, refurbishment and re-use of a Heritage Asset in exceptional circumstances where it will not materially harm its heritage value or setting. It must be demonstrated through a Statement of Justification that all of the following criteria will be met:</p> <ul style="list-style-type: none"> • It will not materially harm the heritage values of the place or its setting; • It avoids detrimental fragmentation of management of the place; • It will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose; • It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid; • Sufficient subsidy is not available from any other source; • It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests; • The impact of the enabling development is precisely defined at the outset; and • The public benefit of securing the future of the heritage asset through such enabling development decisively outweighs the dis-benefits of departing from the normal policy presumption of the local development plan. <p>For clarity the revised policy clarification text at para 5.28 should end with:</p> <p>'Where a preliminary assessment indicates that the development proposals would not result in public benefit this policy should not be applied'.</p> <p>This takes into account the criteria that has been moved out of policy clarification and inserted into the policy headnote HE08.</p>

MOD 25	RA87		Policy HE09	142	<p>Include consideration of the effect of an application on the significance of a non-designated heritage asset, such as an unlisted vernacular building or historic building of local importance, when determining a planning application.</p>	<p>DFI directs the Council to modify HE09 to include the following paragraph (highlighted in yellow). Council to note this policy has been previously modified by RA85 of Schedule 1:</p> <p>For clarity the completed policy should read as follows, to include the new changes within RA85 and RA87:</p> <p>HE09 – Change of Use, conversion or re-use of an unlisted locally important building of vernacular building</p> <p>The change of use, sympathetic conversion or re-use of an unlisted locally important building or unlisted vernacular building will be encouraged. Proposals will be required to secure its upkeep and retention and ensure that no significant harm or loss is caused to the appearance or character of the building and its setting. The following criteria must be met:</p> <ol style="list-style-type: none"> I. Maintain or enhance the form, character, architectural features and setting of the existing building and not have an adverse effect on the character or appearance of the locality; and II. Any new extensions, alterations or adaptations are sympathetic to the scale, massing and architectural style of the building and should not significantly alter the appearance or character of the building. <p><i>The effect of an application on the significance of a non-designated heritage asset such as an unlisted vernacular building or historic building of local importance should be taken into account in determining the application</i></p>
MOD 26	RA89	96	Policy NE02	145	<p>European Protected Species Development that is likely to harm a European Protected species will not be permitted unless it can be demonstrated that:</p> <ol style="list-style-type: none"> (a) there is no satisfactory alternative; (b) the development is required in the interest of public health or public safety, or for other imperative reasons of over-riding public interest, including those of a social and economic nature and beneficial consequences of primary importance to the environment; (c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and (d) mitigation and compensatory measures are agreed and their delivery secured. <p>Other Protected Species The Council will only permit development that is not likely to harm any statutorily protected species and where any impact arising can be adequately mitigated or compensated against.</p>	<p>Dfi directs the Council to modify Policy NE02 in accordance with this PAC Recommended Amendment.</p>
MOD 27	RA90	97	Policy NE03	146	<p>Other Habitats, Species or Features of Natural Heritage importance The Council will only permit development likely to result in an unacceptable adverse impact on, or damage to, habitats, species or the features listed below, where the benefits of the development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.</p>	<p>Dfi directs the Council to modify Policy NE03 in accordance with this PAC Recommended Amendment, incorporating the following typographical correction (highlighted in yellow):</p> <p>“Other Habitats, Species or Features of Natural Heritage importance The Council will only permit development likely to result in an unacceptable adverse impact on, or damage to, habitats, species or the features listed below, where the</p>

					<ul style="list-style-type: none"> • priority habitats; • priority species; • active peatland; • ancient and long established woodland; • features of earth science conservation importance; • features of the landscape which are of major importance for wild flora and fauna; • rare or threatened native species; • wetlands (including river corridors); or • other natural heritage features worthy of protection, including trees and woodland; <p>Where there is potential that a habitat, species or other feature of natural heritage importance exists on a site or is likely to be impacted by development, the developer will be required to carry out an appropriate survey of the site's interests and undertake a suitable ecological appraisal.</p>	<p>benefits of the development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.</p> <ul style="list-style-type: none"> • priority habitats; • priority species; • active peatland; • ancient and long established woodland; • features of earth science conservation importance; • features of the landscape which are of major importance for wild flora and fauna; • rare or threatened native species; • wetlands (including river corridors); or • other natural heritage features worthy of protection, including trees and woodland; <p>Where there is potential that a habitat, species or other feature of natural heritage importance exists on a site or is likely to be impacted by development, the developer will be required to carry out an appropriate survey of the site's interests and undertake a suitable ecological appraisal."</p>
MOD 28	RA91	98	Para 5.44	146	<p>Priority habitats and species may fall within and beyond designated sites. They include both European (as identified under Annex I and II of the Habitats Directive and Annex I of the Birds Directive) and Northern Ireland priority habitats and species identified through the Northern Ireland Biodiversity Strategy (NIBS) (to achieve the statutory duties under the Wildlife and Natural Environment (NI) Act 2011).</p>	<p>DfI directs the Council to modify paragraph 5.44 in accordance with this PAC Recommended Amendment, incorporating the following typographical correction (highlighted in yellow):</p> <p>Priority habitats and species may fall within and beyond designated sites. They include both European (as identified under Annex I and II of the Habitats Directive and Annex I of the Birds Directive) and Northern Ireland priority habitats and species identified through the Northern Ireland Biodiversity Strategy (NIBS) (to achieve the statutory duties under the Wildlife and Natural Environment (NI) Act 2011).</p>
MOD 29	RA92		Para 5.49	147	<p>The Council undertook a Landscape Character Review for Fermanagh and Omagh as part of its evidence base. It also undertook a Landscape Designation Review for Fermanagh and Omagh. These documents informed the designations made in this part of the plan strategy. The Council has designated three Special Countryside Areas (SCAs). These are exceptional landscapes, wherein the quality of the landscape and unique amenity value is such that they require protection from inappropriate development. They are:</p> <ul style="list-style-type: none"> (i) Cuilcagh Mountain; (ii) The High Summits of the Sperrins; and (iii) The Islands of Lough Erne, Lough Macnean and Lough Melvin. <p>Additionally, the Council has designated three Areas of High Scenic Value (AoHSVs). These are those parts of the countryside that are of a relatively unspoilt nature, and which provide an attractive setting of local importance. They are:</p> <ul style="list-style-type: none"> (i) Cuilcagh, Marlbank and Lower Lough Macnean; (ii) Upper Lough Erne; and (iii) Lower Lough Erne. 	<p>DfI directs the Council to modify paragraph 5.49 in accordance with this PAC Recommended Amendment.</p>

					Further details are found in L02 (SCAs) and L03 (AoHSV).	
MOD 30	RA97	103	L03	150	Proposals for development within Areas of High Scenic Value will only be permitted where it is demonstrated that they would not adversely affect or change either the quality or character of the landscape or the settings of the loughs. All proposals must have regard to siting, massing, shape, design, finishes and landscaping in order that they may be integrated into the landscape. Exceptional consideration will be given to the provision of pathways and informal recreational facilities of an appropriate scale and in a suitable location. Within these areas, a site-specific landscape and visual impact assessment (LVIA) will be required for all large- scale development as part of a planning application.	DfI directs the Council to modify Policy L03 in accordance with this PAC Recommended Amendment.
MOD 31	RA98		Para 5.56	150	Development proposals should take into account the findings of the Fermanagh and Omagh Landscape Character Assessment (LCA) (2018), in particular the statement of importance which outlines the significance of each area and opportunities for change. Any analysis to assess the potential landscape and visual effects of the sensitivity of the landscape, should include consideration of the sensitivity of the landscape, the cumulative impacts of development and the capacity of the Area of High Scenic value to absorb the development proposal.	DfI directs the Council to modify paragraph 5.56 in accordance with this PAC Recommended Amendment.
INFRASTRUCTURE						
MOD 32	RA101	107	Para 6.4	153	Define the limits of the floodplain as the extent of a modelled flood event with a 1 in 100 year probability (Annual Exceedance Probability (AEP)) of 1% plus the latest climate change addition, in accordance with the latest guidance published by DfI.	DfI directs the Council to modify para 6.4 in accordance with this PAC Recommended Amendment to include an additional change (highlighted yellow) as follows: <i>"6.4. A flood plain is an area that stores and conveys water during times of flood from a watercourse. They are generally flat areas adjacent to a watercourse where water flows in a flood, or would flow, but for the presence of flood defences. The limits of the floodplain are defined by the peak water level of an appropriate return period event defined as being with a 1 in 100-year probability (Annual Exceedance Probability (AEP)) of 1% plus an up-to-date climate change prediction, in accordance with the latest guidance published by DfI".</i>
MOD 33	RA102		Para 6.5	153	Policy clarification to state within paragraph 6.5 that DfI Rivers, as the competent authority, need to confirm that flood defences are structurally adequate and provide the minimum standard of 1% Annual Exceedance Probability fluvial flood protection.	DfI directs the Council to modify para 6.5 as follows (highlighted yellow): <i>"6.5. A defended area is an area of the flood plain where flooding would normally occur except for the presence of flood defences which usually consist of new hard engineered or earthen bank flood defences. The location of the flood defences and the areas benefiting from their protection are shown on the Flood maps NI. DfI Rivers, as the competent authority, need to confirm that flood defences are structurally adequate and provide the minimum standard of 1% Annual Exceedance Probability fluvial flood protection.</i>
MOD 34	RA103		Policy FL02	154	An amendment should be made to changing the emphasis of the policy so that it is expressed in negative terms; this would reflect the precautionary approach to development in areas of flood risk.	DfI directs the Council to modify policy FLD02 as follows (highlighted in yellow): <i>'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 a drainage assessment that adequate drainage measures will be put in place so as to effectively mitigate the flood risk to the proposed</i>

						<p>development or to and from the development elsewhere.’</p> <p>All new development proposals for new building(s) and the change of use of buildings within an area at risk from surface water flooding must incorporate flood proofing measures.</p> <p>A drainage assessment will be required must accompany applications for the following types of development...’</p> <ul style="list-style-type: none"> • a residential development comprising of 10 or more dwelling units; • a development site in excess of 1 hectare; • a change of use, new buildings and/or hard surfacing exceeding 1000 square metres in area; • where a proposed development (excluding minor development) is located in an area where there is evidence of a history of surface water flooding; • where surface water run-off from the development may adversely impact upon other development or features of the Natural and Historic Environment (unless it falls within one of the categories (a) to (c) of draft Policy FLD01).”
MOD 35	RA104		Para 6.10	154-155	Policy clarification text to provide direction in relation to the instances when a Drainage Assessment is required under the policy so that a developer is aware that it is their responsibility to assess the flood risk, drainage impact, to mitigate the risk to the development and any impact beyond the site.	<p>DFI directs the Council to modify paragraph 6.10 in accordance with this PAC Recommended Amendment. This text should be added to the end of the first paragraph at top of page 155 of the DPS:</p> <p><i>‘In some areas there may be potential for surface water flooding, as opposed to a known history of this type of flooding. Where there is potential for surface water flooding, for example as indicated by the surface water layer of the Flood maps NI, the onus should rest upon the developer to assess the flood risk and drainage impact and to mitigate the risk to the development and any adverse impacts beyond the site.’</i></p> <p>Note: For clarity, RA 105 of Schedule 1 of this direction has already moved the clarification text at the top of page 155 into the policy headnote, which has been further modified as detailed in MOD34 above.</p>
MOD 36	RA107	110	Policy FLD04	156	Draft Policy FLD04 should relate to all watercourses	<p>DFI directs the Council to amend FLD04 as follows (highlighted in yellow):</p> <p><i>“Development proposals located beside a flood defence, control structure or any watercourse.....”</i></p> <p>DFI directs council to modify Footnote 14 as follows:</p> <p><i>“ designated A Watercourse - is a river, stream, canal, ditch or culvert managed and maintained by DfI river as defined in Drainage (Northern Ireland) Order 1973</i></p>
MOD 37	RA108	110	Para 6.17	156	‘These working strips (areas in which mechanical equipment can operate easily) may be up to 10m in width....	Dfi directs the Council to modify paragraph 6.17 in accordance with this PAC Recommended Amendment.

MOD 38	RA109	111	Policy FLD05	157	Amend the wording of Draft Policy FLD05 to state that it will only be permitted in exceptional circumstances.	<p>DfI directs the Council to amend FLD05 as follows (highlighted in yellow):</p> <p><i>"The Council will only permit the artificial modification of a watercourse in exceptional circumstances where:"</i></p>
MOD 39	RA110	112	Policy FLD06	158	<p>Development in Proximity to Controlled Reservoirs</p> <ul style="list-style-type: none"> Where a proposal for new development lies within the flood inundation area of a Controlled reservoir, the Council will grant permission where it can be demonstrated that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance, provided by a suitably qualified engineer regarding reservoir safety. Where assurance on the condition, management and maintenance regime of the relevant reservoir/s is not demonstrated, the application must be 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. <p>There will be a presumption against development within the potential flood inundation area for proposals that include:</p> <ul style="list-style-type: none"> essential infrastructure; storage of hazardous substances; accommodation for vulnerable groups; and for any development located in areas where the FRA indicates potential for an unacceptable combination of depth and velocity. 	<p>DfI directs the Council to modify in accordance with this PAC Recommended Amendment, incorporating the following typographical correction (highlighted in yellow):</p> <p>Policy FLD 06: Development in Proximity to Controlled Reservoirs</p> <ul style="list-style-type: none"> Where a proposal for new development lies within the flood inundation area of a controlled reservoir, the Council will grant permission where it can be demonstrated that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance, provided by a suitably qualified engineer regarding reservoir safety. Where assurance on the condition, management and maintenance regime of the relevant reservoir/s is not demonstrated, the application must be 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. <p>There will be a presumption against development within the potential flood inundation area for proposals that include:</p> <ul style="list-style-type: none"> essential infrastructure; storage of hazardous substances; accommodation for vulnerable groups; and for any development located in areas where the FRA indicates potential for an unacceptable combination of depth and velocity.
MOD 40	RA111	113	Para 6.21	158	Controlled reservoirs (or dams as they are often referred to) have a potential risk of flooding as they are capable of holding 10,000m ³ or more of water above the natural level of any part of the surrounding land (as defined in the Reservoirs Act 2015). It is therefore necessary that proposals within the inundation area are accompanied by an assessment of reservoir safety and assurance from a suitably qualified engineer. Where assurance is not demonstrated there is a requirement for a FRA which demonstrates an assessment of the downstream flood risk in the event of:	<p>DfI directs the Council to modify paragraph 6.21 in accordance with this PAC Recommended Amendment to include a grammar error and the full title of the Act, for clarity, (highlighted in yellow).</p> <p><i>'Controlled reservoirs (or dams as they are often referred to) have a potential risk of flooding as they are capable of holding 10,000m³ or more of water above the natural level of any part of the surrounding land (as defined in the Reservoirs Act (Northern Ireland) 2015). It is therefore necessary that proposals within the inundation area are accompanied by an assessment of reservoir safety and assurance from a suitably qualified engineer. Where assurance is not demonstrated there is a requirement for a FRA which demonstrates an assessment of the downstream flood risk in the event of:</i></p>
MOD 41	RA113	116 and 117	Policy RE01 and para 6.27	159	<p>The Council will permit proposals for the generation of energy from renewable or low carbon sources and any associated buildings and infrastructure, where it can be demonstrated that there will be no unacceptable adverse impact upon:</p> <ol style="list-style-type: none"> public safety, human health, or residential amenity; visual amenity and landscape character; 	<p>DfI directs the Council to modify Policy RE01 and paragraph 6.27 in accordance with this PAC Recommended Amendment</p> <p>In relation to wording regarding "temporary unoccupied" DfI directs the Council to include the following text at para 6.27 (highlighted yellow) in line with the</p>

				<p>c) biodiversity, nature conservation or historic environment and their settings; d) local natural resources, such as air quality or water quality and quantity; e) the safety of public footpaths, highways; f) aviation interests, broadcasting installations and all other telecommunications. g) public access to the countryside and/or recreational/tourist use of the area; h) flood risk; i) any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding public interest' ; <u>And</u> j) they do not create unacceptable cumulative impacts when viewed in conjunction with other operational and approved, and those which are currently the subject of valid but undetermined applications for renewable and low carbon energy generation developments.</p> <p>Wind Energy Proposals In addition to criteria (a) - (j) above, all proposals for wind energy development including single turbines and wind farms, extensions and repowering will be required to comply with the Fermanagh and Omagh Landscape Wind Energy Strategy (Appendix 7) and demonstrate that:</p> <p>k) they do not result in unacceptable impacts on nearby residential properties and/or any sensitive receptors in terms of noise, visual dominance, shadow flicker, ice throw or reflective light; l) the development will not create a significant risk of landslide or bog burst; m) the proposed entrance is adequate for both the construction and operation phase of the development along with the local access road network to facilitate construction of the proposal and transportation of large machinery and turbine parts to site; n) a separation distance of 10 times rotor diameter to an occupied, temporarily unoccupied or approved property can be achieved, with a minimum distance not less than 500m will generally apply to wind farms with single turbine proposals assessed on a case by case basis; and o) the above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored as per the agreed Decommissioning and final Restoration Plan which should include details of the final restoration scheme and proposed future land use. The Plan should include the following;</p> <ul style="list-style-type: none"> • timescales for completion of individual phases of restoration where a progressive scheme is proposed; • aftercare arrangements once restoration is complete. <p>p) 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.</p> <p>Ground Mounted Solar PV installations Ground mounted solar PV installations i.e. solar farms will not be permitted within the Sperrin AONB, Special Countryside Areas (SCAs) and Areas of High Scenic Value (AoHSV). Outside the Sperrin AONB, Special Countryside Areas (SCAs) and Areas of High Scenic Value (AoHSV), we will support proposals for large scale solar farms which</p>	<p>councils proposed change 117 (document FODC 110)</p> <p>6.27. Sensitive receptors are defined as habitable residential accommodation (although not necessarily occupied, can include temporarily unoccupied dwellings capable of immediate occupation), hospitals, schools and churches. With regards to the future decommissioning and proposals for site restoration in the event that the site becomes redundant and is no longer generating energy, the Council will use planning conditions (or a legal agreement where appropriate) to ensure the works necessary to restore the site to an agreed standard are undertaken.</p> <p>For information PC 117 says: Sensitive receptors are defined as habitable residential accommodation (although not necessarily occupied), hospitals, schools and churches. Temporarily unoccupied refers to a dwelling capable of immediate occupation.</p>
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					<p>meet criteria (a) – (j) above and the following criteria:</p> <p>q) they do not result in unacceptable impacts on nearby residential properties and/or any sensitive receptors.</p> <p>r) The proposed entrance is adequate for both the construction and operation phase of the development along with the local access road network to facilitate construction of the proposal and transportation of machinery and part to the site.</p> <p>Additional clarification should be added to paragraph 6.27 to state that temporary unoccupied refers to a dwelling capable of immediate occupation.</p>	
MOD 42	RA117		Part Two Para 6.28 and Para 1.3 Appendix 7	161 and 249	The reference to the Landscape Wind Energy Strategy being the principal material consideration for wind energy proposals should be removed from the Draft Plan Strategy.	DfI directs the Council to modify Part 2 paragraph 6.28 and paragraph 1.3 Appendix 7 in accordance with this PAC Recommended Amendment.
MOD 43	RA123		Policy TR04 criterion (d)(ii)	166	d) (ii) a farm dwelling, a dwelling that serves the needs of an established commercial or industrial enterprise, or is for other development that would meet the criteria for development in the countryside and where access cannot be reasonably obtained from an adjacent minor road, use of an existing vehicular access onto a protected route will be permitted.	DfI directs the Council to modify Policy TR04 (d)(ii) in accordance with this PAC Recommended Amendment.
MOD 44	RA126	13	Part Two, Paragraph 1.3	47	Paragraph 1.3 of Part Two, Section 1.0 Introduction should state that in determining planning applications the Council will be guided by the precautionary approach that where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest.	<p>DFI directs the Council to amend Part 2, paragraph 1.3 as follows (highlighted in yellow):</p> <p>The Planning Act 2011 establishes a plan-led system which gives primacy to the Local development Plan in the determination of planning applications unless other material consideration indicates otherwise. The council will be guided by the precautionary approach and where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest. Our draft Plan Strategy provides the plan-led policy framework for day-to-day decisions to help realise the Councils Vision and Objectives and deliver sustainable development including future housing, employment, retail and infrastructure provision across the Council area</p>
MOD 45	RA127		Policy WM01	173	Draft Policy WM01 should be amended to ensure that waste management facilities do not cause damage to habitats or heritage.	<p>DFI directs the Council to amend policy WM01 as follows (highlighted yellow):</p> <p>The Council will support a development proposal for the expansion of or creation of a waste management facility where it has been demonstrated that there is a need and where it meets one or more of the following locational criteria:</p> <ul style="list-style-type: none"> i) An existing industrial area of a character appropriate to the development; ii) An active or existing worked out hard rock quarry; iii) An existing or former waste management site including a land fill site; iv) A site adjacent to existing waste management facilities; v) A rural location where it involves the reuse of existing building(s) or on land within or adjacent to an existing non-residential building group; vi) The re-use of previously developed derelict or contaminated land or where existing or redundant buildings can be utilised. <p>And also meets all of the following environmental criteria:</p> <p>i) it will not have a detrimental impact on the operations of neighbouring land uses or prejudice the development of neighbouring land which is zoned within the Ldp</p>

						<p>for a specified use (e.g. housing);</p> <p>ii) it will not cause demonstrable harm to human health;</p> <p>iii) it will not cause damage to habitats or heritage;</p> <p>iv) it will not pose a risk to the environment from pollution including to air, water or soil resources; and</p> <p>v) in the case of waste disposal, there will be practical restoration and aftercare arrangements</p>
MOD 46	RA129	133	Para 6.70	175	<p>Due to their nature and scale, many WWTWs have the potential to have a significant impact on the environment and on the amenity of local communities. Odour Consultation Zones may be identified for WWTWs. Many existing WWTWs are located close to or within settlements limits...</p>	<p>DfI directs the Council to modify and include this text (highlighted yellow) at para 6.70 as follows (Note PC 133 of Oct 2020 referred incorrectly to paragraph -6.71):</p> <p>6.70. Due to their nature and scale, many WWTWs have the potential to have a significant impact on the environment and on the amenity of local communities. Odour Consultation Zones may be identified for WWTWs. Many existing WWTWs are located close to or within settlements limits, however, on occasions they are located in the countryside away from residential development. Upgrades to existing WWTWs may be necessary to better treat waste waters but these will need to be carried out sensitively, taking into account the environmental criteria of draft policy WM01.</p>
MONITORING AND REVIEW						
MOD 47	RA130	134	Tables 7 and 8	178-212	<p>Indicative Monitoring Framework should replace the monitoring indicators however given that Draft Policy HE03 states that the total or part demolition of a listed building must not be permitted unless there are exceptional circumstances, it is appropriate that the trigger for all listed buildings is 5% (Indicator 16). The number of applications for the demolition of any significant part of a listed buildings should also be monitored and therefore Indicator 16 should also include these planning applications.</p>	<p>DfI directs the Council to modify Tables 7 and 8 (pages 178-212) in accordance with proposed change 134 of the October 2020 -Schedule of Proposed Changes (FODC 110). Further to this proposed change 134, DfI directs the council to modify indicator 16 in accordance with the PAC recommendation (which replaces the previous target and trigger) as follows:</p> <p>Target: Less than 5% of Listed Building application approvals involving the total or part demolition of a listed building granted over a 5 year period.</p> <p>Trigger: More than 5% of Listed Building application approvals involving the total or part demolition of a listed building granted over a 5 year period.</p> <p>DfI directs the Council to further modify the Indicative Monitoring Framework to include a column of relevant SA objectives, expanded list of relevant policy references and additional indicator 29 as detailed in Appendix 3 of the updated March 2022 Schedule of Proposed Changes.</p>
MOD 48	RA131	135	Glossary	216	<p>Update the definition of intermediate housing to reflect that used by the Department for Communities.</p>	<p>DfI considers that the definition used should be updated to reflect the definition used by DfC below:</p> <p>Intermediate housing</p> <p>Shared ownership housing is provided through a Registered Housing Association (e.g. the Co Ownership Housing Association) and helps households who can afford a small mortgage, but that are not able to afford to buy a property outright. The property is split between part ownership by the householder and part social renting from the Registered Housing Association. The proportion of property ownership and renting can vary depending on householder circumstances and</p>

						preferences.
MOD 49	RA132	138	Appendix 7	248	Amended the title to The Landscape Wind Energy Strategy for Fermanagh and Omagh District Council	DfI directs the Council to modify all references to the 'Wind Energy Strategy for Fermanagh and Omagh' be amended to 'The Landscape Wind Energy Strategy for Fermanagh and Omagh' in order to cover all instances within the Plan Strategy.
MOD 50						As a result of the modifications contained within this direction, DfI directs the Council to ensure that any other presentational or factual amendments, typographical errors and grammatical errors are updated as necessary to the overall Plan Strategy upon adoption. These updates should not amend the nature and intent of the modifications.