



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

Local Development Plan 2030

Further Addendum to Equality Screening Report (EqIA) of the LDP Draft Plan Strategy

Screening of modifications as directed by the
Department under section 12(1)(b) of the Planning Act
(Northern Ireland) 2011

March 2023

Executive Summary

This document comprises of a further Addendum to the Draft Plan Strategy Equality Screening Report October 2018 (FODC102) and the Equality Impact Screening Report Addendum October 2020 (FODC111). These had been prepared as part of the plan documents for Fermanagh and Omagh District Council's Local Development Plan (LDP) 2015-2030.

The Department for Infrastructure appointed the Planning Appeals Commission to conduct an Independent Examination (IE) of the Fermanagh & Omagh District Council Local Development Plan Strategy. The draft Plan Strategy was subject to Independent Examination by Planning Appeals Commission from 18th January 2022 – 23rd March 2022. During those hearing sessions a number of additional proposed changes were put forward by the Council. The PAC concluded that, subject to recommended amendments and modifications, the draft Plan Strategy met the tests of soundness as required.

In January 2023, the Department for Infrastructure issued a direction to the Council to adopt the Plan Strategy with modifications. The Department's Direction included two schedules. The first Schedule contains Recommended Amendments which reflect the Council's proposed changes (October 2020). The Council has already screened these proposed changes in FODC111 – the EQIA Addendum.

The second schedule in the Direction included for screening purposes below as Appendix 1 are those modifications which DfI have directed as being necessary for the adoption of the Plan Strategy. It should be noted of the 50 proposed modifications directed by DfI, many of these consist of minor edits to Proposed Changes previously suggested by Fermanagh & Omagh District Council. Therefore, this further EQIA addendum should be read in conjunction with the EQIA FODC102 and EQIA Addendum FODC111.

This report assesses the modifications as presented in the Direction from the Department for Infrastructure. There are a number of policies that are to be deleted from the Plan Strategy which will result in the renumbering of some policies within the Plan Strategy, the renumbering has not been reflected in this assessment which assesses the modifications as presented in the Direction.

This report assesses the modifications within schedule 2 through the EqIA process comprising:

- Screening all the modification to policies to identify whether there are any changes to the original screening process; and
- If necessary, to undertake an assessment of the changes that have not been screened out.

The findings are set out in this document in Table 1.

Consultation

The Council undertook a public consultation exercise to afford interested parties an opportunity to comment on the assessment outcomes. The suite of documents subject to the consultation exercise includes: the Equality Impact Assessment (further Addendum), the draft Habitats Regulation Assessment (HRA), the Sustainability Appraisal Report (Further Addendum) and the Rural Needs Impact Assessment Report (Further Addendum).

The consultation period ran 03rd February – 02nd March 2023. Notification was presented in the Belfast Gazette and local papers as well as on the FODC website. Details were included informing the public how to make representation and where to do so.

Consultation summary

A total of 18 representations were received in response to the consultation exercise. A number of responses related directly to the assessments presented, none of which expressed any objection to the scoring or findings of any of the Council's assessments.

The remaining representations related to requests to have correspondence details updated, consultees having no infrastructure in the district or members of the public enquiring about having land included within settlement limits (local policies plan stage).

Two further representations were received after the consultation period ended. No issues were raised in relation to the EqIA.

1. Introduction

- 1.1 The modifications set out in schedule 2 require consideration in order to check if they alter the outcome of the screening process in the published EqIA Report and addendum. In particular, the screening process is to identify if any of the changes to policies are likely to have a negative impact on equality of opportunity and/or good relations on any Section 75 Group.
- 1.2 This document forms a further Addendum to the October 2020 EqIA and identifies whether the outcomes of that report should be varied from those originally reported as a result of the Direction. As such, this addendum should be read in conjunction with the EqIA and EqIA Addendum which accompanied the published Draft Plan Strategy.
- 1.3 This Addendum includes the following:
 - Screening of the modifications to see if they ‘materially’ change the conclusions of the EqIA; and
 - Conclusions to clarify why a full EqIA is not required.

2. Statutory Requirements

- 2.1 Section 75 of the Northern Ireland Act 1998, requires all public authorities in carrying out their functions relating to Northern Ireland to have due regard to the need to promote equality of opportunity between :
 - persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
 - men and women generally;
 - persons with a disability and persons without; and
 - persons with dependants and persons without.
- 2.2 In addition, without prejudice to the above obligation, public authorities must, in carrying out their functions relating to Northern Ireland, have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.
- 2.3 The Disability Discrimination (NI) Order 2006 introduced new duties requiring all public authorities in carrying out their functions relating to Northern Ireland, to have due regard to the need to –
 - promote positive attitudes towards disabled people; and
 - encourage participation by disabled people in public life.
- 2.4 By screening the modifications to policies, helps us identify any planning issues relating to our Local Development Plan and planning policy contained

within it that are likely to have an impact on equality of opportunity and/or good relations.

3. Screening of the Modifications

- 3.1 The modifications have been screened to identify whether any Section 75 groups had likely potential to be impacted (positively or negatively) upon by the amended policy and if there was a different outcome to the assumptions made in the original EqlA screening process. Table 1 refers to the modification number that apply to the draft Plan Strategy.

Table 1 EqIA Screening of modifications to the Plan Strategy

The following are modifications made by the Department (DFI) following the Department's consideration of the recommended amendments under Section 12 of the 2011 Act.

Dfl Modification Reference	Draft Plan Strategy Location	Will the proposed change impact on the aim of the Policy Group/Type or Policy?	Comments on likely impacts of the modification
PART ONE			
MOD01	Para 6.25	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups.
MOD02	Table 4	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups.
MOD03	Strategic Policy SP03 – Strategic Allocation and management of housing Supply	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
PART TWO			
MOD04	Policy DE08 - Advertisements and the Historic Environment	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD05	New paragraphs after Para 3.7	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups

DfI Modification Reference	Draft Plan Strategy Location	Will the proposed change impact on the aim of the Policy Group/Type or Policy?	Comments on likely impacts of the modification
MOD06	Policy HOU03 - Affordable Housing in Settlements	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD07	Policy HOU09 - Rural Replacement Dwellings	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD08	Policy OSR04 - Protection of Lough Shores	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD09	Policy TOU02 – Tourism Development and para 4.51	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD10	Policy TOU02 – Tourism Development and clarificatory text	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD11	Policy MIN01 – Minerals Development	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD12	Additional paragraph	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups

DfI Modification Reference	Draft Plan Strategy Location	Will the proposed change impact on the aim of the Policy Group/Type or Policy?	Comments on likely impacts of the modification
MOD13	Para 4.84	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD14	Policy HE02 – Archaeology (inserting text from paras 5.12 and 5.15)	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD15	Para 5.8	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD16	Policy HE02 - Archaeology and insert new paragraphs after Para 5.14	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD17	Policy HE03(a) – Change of Use, Alterations and Extensions to a Listed Building and development in the setting of a Listed Building	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD18	Policy HE03 – Listed Buildings and their settings	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups

Dfl Modification Reference	Draft Plan Strategy Location	Will the proposed change impact on the aim of the Policy Group/Type or Policy?	Comments on likely impacts of the modification
MOD19	Policy HE03 Listed Buildings and their settings	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD20	Policy HE03(b) Demolition of a Listed Building	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD21	Policy HE04(a) Development within or adjoining a Conservation Area	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD22	Policy HE04(b) Demolition of an Unlisted Building in a Conservation Area	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD23	Policy HE08 – Enabling Development	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD24	Policy HE08 – Enabling Development	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups

Dfl Modification Reference	Draft Plan Strategy Location	Will the proposed change impact on the aim of the Policy Group/Type or Policy?	Comments on likely impacts of the modification
MOD25	Policy HE09 – Rural Replacement Dwellings	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD26	Policy NE02 – Protected Species and their Habitats	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD27	Policy NE03 - Other Habitats, Species or Features of Natural Heritage Importance	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD28	Para 5.44	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD29	Para 5.49	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD30	Policy L03 - Areas of High Scenic Value (AoHSV)	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD31	Para 5.56	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups

Dfl Modification Reference	Draft Plan Strategy Location	Will the proposed change impact on the aim of the Policy Group/Type or Policy?	Comments on likely impacts of the modification
MOD32	Para 6.4	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD33	Para 6.5	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD34	Policy FLD02 - Development affected by Surface Water Flooding outside Floodplains	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD35	Para 6.10	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD36	Policy FLD04 - Protection of Flood Defences and Drainage Infrastructure	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD37	Para 6.17	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD38	Policy FLD05 - Artificial Modification of Watercourses	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups

Dfl Modification Reference	Draft Plan Strategy Location	Will the proposed change impact on the aim of the Policy Group/Type or Policy?	Comments on likely impacts of the modification
MOD39	Policy FLD06 - Development in Proximity to Controlled Reservoirs	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD40	Para 6.21	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD41	Policy RE01 - Renewable and Low Carbon Energy Generation and para 6.27	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD42	Part Two para 6.28 and para 1.3 Appendix 7	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD43	Policy TR04 - Protected Routes criterion (d)(ii)	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD44	Part Two, Paragraph 1.3	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups

Dfl Modification Reference	Draft Plan Strategy Location	Will the proposed change impact on the aim of the Policy Group/Type or Policy?	Comments on likely impacts of the modification
MOD45	Policy WM01 – Waste Management Facilities	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD46	Para 6.70	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD47	Tables 7 and 8	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD48	Glossary	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
PART THREE			
MOD49	Appendix 7	No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups
MOD50		No	The recommended modification will have no different impact than the original policy in terms of impact on Section 75 Groups

4. Conclusions

- 4.1 The modifications do not introduce any new policies, rather they represent logical and rational amendments to ensure coherence and consistency.
- 4.2 The aims and influence of the policies are unaltered either by or due to the modifications; nor is the overall 'Vision' for the District as set out in the PS, affected.
- 4.3 In reassessing the amended policies against the EqIA screening process, the outcomes are unchanged from that originally identified and considered. The conclusions therefore remain unchanged from the original EqIA in that it is anticipated that the Plan Strategy will have no adverse impact with regards to equality and is likely to have a positive impact on all Section 75 groups, both directly and indirectly, by contributing to economic growth and social progress.