



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

## Local Development Plan 2030

# Further Addendum to Rural Needs Impact Assessment (RNIA) of the LDP Draft Plan Strategy

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

March 2023

## Executive Summary

This document comprises a further Addendum to the Draft Plan Strategy Rural Need Impact Assessment (RNIA) Oct 2018 and the addendum dated 2020. 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 18<sup>th</sup> January – 23<sup>rd</sup> March 2022. During those hearing sessions a number of additional proposed changes were put forward by the Council. The PAC concluded that, subject to 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 the RNIA Appraisal Addendum FODC114.

The second schedule in the Direction included for screening purposes below as Table 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 RNIA addendum should be read in conjunction with the RNIA FODC105 and the RNIA Appraisal Addendum FODC114.

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 modification through the RNIA process comprising:

- Screening all the modifications to policies to identify whether there are any changes to the original screening processes; 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 included: 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 from 03<sup>rd</sup> February – 02<sup>nd</sup> 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 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 RNIA.

## **1. Introduction**

- 1.1 The modifications to policies and related policy clarification require consideration in order to check if they alter the outcome of the screening process in the published RNIA Report. In particular, the screening process is to identify if any of the changes to policies are likely to have a negative impact on rural needs.
- 1.2 This document forms a further Addendum to the October 2020 RNIA 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 RNIA and RNIA Addendum which accompanied the published Draft Plan Strategy.
- 1.3 This Addendum includes the following:
  - Screening of all the Proposed Changes and modifications as set out in the Planning Appeals Commission Independent Examination report to see if they 'materially' change the conclusions of the RNIA; and
  - Conclusions to clarify why an updated RNIA is not required.

## **2. Statutory Requirements**

- 2.1 The Rural Needs Act 2016 came into operation on 1 June 2017 and requires district councils and other public authorities to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and when designing and delivering public services. The principles of rural proofing are incorporated in the RNIA process.
- 2.2 The purpose of the Act is to ensure that public authorities have due regard to the social and economic needs (i.e. rural needs) of people in rural areas when carrying out certain activities and to provide a mechanism for ensuring transparency in relation to how public authorities consider rural needs when undertaking these activities.
- 2.3 Most strategies and policies developed and implemented across government have a rural dimension and it is recognised that they can have a different impact in rural areas than urban areas due to issues relating to, for example, geographical isolation and lower population densities. It is recognised that as a result of rural circumstances people in rural areas may have different needs and therefore a policy or public service that works well in urban areas may not be as effective in rural areas.

### **3. Screening of the Modifications**

3.1 The Modifications have been screened to identify whether there were any changes to the assumptions made regarding rural impact and the assessment of how individual policies have been influenced by rural needs which would change the final outcome of the RNIA. Each of the Modifications to the policies were compared against the original RNIA in terms of the aim of the policy, the rural impact and influence of rural needs on the policy.

**Table 1**

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.

<b>Recommended amendment/ modification Ref no</b>	<b>Council proposed change no</b>	<b>Draft Policy, para or section within the plan strategy</b>	<b>Page no</b>	<b>Summary of Change/Justification</b>	<b>Has the aim of the policy changed? Yes/No</b>	<b>Reconsideration of Rural Impact</b>
MOD01	7	Para 6.25	40	Amended date and figures to reflect new HGI (Sept 2019) and to reflect updated completions (between 2015 and 2019)	No	Unchanged
MOD02	8	Table 4	40	Updated Table 4 provides the housing need for the main and local towns, together with an overall figure for villages and small settlements.  Changes are limited to an update of the housing need to reflect new HGI (Sept 2019) and deletion of land (hectares) and housing commitments.	No	Unchanged
MOD03	11	Strategic Policy SP03	41	The text in relation to Phase 1 sites has been amended for clarification purposes. This is a further amendment to wording, though for the same purposes, as was set out under proposed change 11 of the Proposed Changes (October 2020).	No	Unchanged
MOD04	20	Policy DE08	58	Amendment to the policy text and additional policy clarification to para 2.29.	No	Unchanged

				MOD04 sets aside Proposed Change 20 of the Proposed Changes consulted upon in October 2020.		
MOD05	22	New paragraphs after Para 3.7	61	This modification seeks to correct a typographical error. LLP is amended to LPP.	No	Unchanged
MOD06	23	Policy HOU03	63	Dfl have directed that the Council modify HOU03 in accordance with an amendment to Proposed Change 23.  Dfl have also directed that the remaining policy clarification proposed to move to policy under Proposed Change 23 of October is not inserted.	No	Unchanged
MOD07		Policy HOU09	72-73	Additional criteria for HOU09 in order to support the intent of the policy and to be consistent with HOU10 and HE09. Cross referencing to existing policy.	No	Unchanged
MOD08		Policy OSR04	88-89	Requires the inclusion of additional criterion d) 'it will be demonstrated that there is no conflict with the provisions of any local management plan.'	No	Unchanged
MOD09	54	Policy TOU02 and para 4.51	114 & 116	Two parts, Part 1 changes the title of TOU02 from 'Tourism Development in Settlements' to 'Tourism Development' as per proposed change 54 as consulted upon in October 2020  Part 2, adds additional text to para 4.51, p114 as detailed in Proposed Change 54 in the Schedule of Proposed Changes Updated as Part of Independent Examination in March 2022.	No	Unchanged
MOD10	55	Policy TOU02 and	116	Two parts, Part 1 brings forward proposed changed 55, which was consulted upon in October	No	Unchanged

		clarificatory text		<p>2020 and additionally inserts further clarification of 'lough shore' into para 4.63.</p> <p>Part 2 - Proposed Change 40 in relation to 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. DFI amended this change and removed the sentence. This is the same definition that is to be included at the end of para 4.63</p>		
MOD11	60	Policy MIN01	123	MOD 11 brings forward proposed change 60 as consulted upon in October 2020. In addition, it brings forward a further amendment to proposed change 60 which was proposed at IE. This requires the removal of words 'their exploitation' and add wording 'all minerals development'	No	Unchanged
MOD12	62	Additional paragraph	125	Brings forward a variation of Proposed Change 62 on clarification in respect of MIN01. The modified text expands upon that proposed under PC62 and moves to 2 separate paragraphs. The text additional to PC62: is 'or in close proximity to an area where that has been designated or is proposed for designation'. The two new paragraphs follow paragraph 4.84 of the published draft Plan Strategy.	No	Unchanged
MOD13		Para 4.84	126	Relates to the policy clarification for MIN02 – Restoration and Aftercare and brings forward a Proposed Change arising from IE and requires the deletion of the word 'normally'.	No	Unchanged
MOD14	70	Policy HE02 (inserting text)	130	Relates to and amends Proposed Change arising from IE to move text from the policy clarification at paragraphs 5.12 and 5.15 of HE02 into the policy	No	Unchanged



		from paras 5.12 and 5.15		box. It should be noted that this relates to Proposed Change 70 consulted in October 2020.		
MOD15	68	Para 5.8	130	Relates to Proposed Change 68 (October 2020) as amended at IE and further Modified by Commissioner. This change amends the wording of HE02 – Archaeology – Policy Clarification para 5.8	No	Unchanged
MOD16	73	Add to Policy HE02 and insert new paragraphs after Para 5.14	131	Brings forward additional text for inclusion in HE02 policy box at criterion c) and d) with additional Policy Clarification for HE02 to be inserted in a new paragraph after paragraph 5.14.	No	Unchanged
MOD17	74	Policy HE03(a)	132	DFI directs the Council to modify policy HE03(a). Brings forward Proposed Change 74 with the deletion of the word 'and' at the end of the third bullet point. .	No	Unchanged
MOD18		Policy HE03	132	Modifies the title to part a) to include 'Change of Use' i.e. ' <i>Change of Use, Alterations and Extensions to a Listed Building and development in the setting of a Listed Building</i> '	No	Unchanged
MOD19		Policy HE03	132	Modifies the 4 <sup>th</sup> bullet point of HE03(a) with the inclusion of 'and it secures the ongoing viability and upkeep of the listed building; and'	No	Unchanged
MOD20	75 & 77	Policy HE03(b)	132	DFI directs the Council to modify HE03(b). Inserts 'There will be a presumption on favour of retaining listed buildings' into HE03(b) and expands 2 <sup>nd</sup> bullet point of HE03(b) to include 'justified by clear and convincing evidence with conservation expertise', with a further sentence added to the paragraph at the bottom of b) adding 'Where consent for the total demolition of a listed building, or any significant part of it, is granted, this will be	No	Unchanged

				conditional on prior agreement for the redevelopment of the site.'		
MOD21		PolicyHE04(a) )	133	DFI directs the Council to amend HE04(a) to read 'in the interest of enhancing or preserving the character of a Conservation Area'	No	Unchanged
MOD22		PolicyHE04 (b)	133	DFI directs the Council to modify HE04(b) to include deletion of the last sentence and inserts 'and where it is demonstrated that the new building enhances the character or appearance of the area'	No	Unchanged
MOD23	91	Policy HE08	140	DFI directs the Council to modify Policy HE08 with the inclusion of additional wording to enhance intent of policy.	No	Unchanged
MOD24	92	Policy HE08	140	Direction modifies Policy HE08 by bringing an additional criterion from Policy Clarification into policy box.	No	Unchanged
MOD25		Policy HE09	142	DFI directs that the Council to modify HE09 by bringing forward PC93 in conjunction with the inclusion of an additional paragraph	No	Unchanged
MOD26	96	Policy NE02	145	DFI directs the Council to modify NE02 which brings forward Proposed Change 96, in relation to NE02, with an amendment to replace the phrase 'have an adverse affect on' with 'harm'. .	No	Unchanged
MOD27	97	Policy NE03	146	DFI directs the Council to modify NE03 in accordance with the PAC Recommended Amendment incorporating a typographical correction.	No	Unchanged
MOD28	98	Para 5.44	146	Dfl have directed that Proposed Change 98, which relates to NE03 policy clarification, be modified-in order to correct 'habits' to 'habitats' in Para 5.44	No	Unchanged
MOD29		Para 5.49	147	DFI directs the Council to modify paragraph 5.49 to reflect factual wording of Landscape Hierarchy	No	Unchanged

MOD30	103	L03	150	DFI directs the Council to modify Policy L03 by inserting text from paragraph 5.56 to L03 policy box.	No	Unchanged
MOD31		Para 5.56	150	Brings forward a new Proposed Change arising from Independent Examination which deletes the highlighted text from policy clarification in Para 5.56 as it has been inserted into L03 policy box (MOD30).	No	Unchanged
MOD32	107	Para 6.4	153	DFI directs the Council to modify paragraph 6.4 to provide greater clarity in policy clarification.	No	Unchanged
MOD33		Para 6.5	153	Inserts further clarification into paragraph 6.5 in relation to FLD01	No	Unchanged
MOD34		Policy FLD02	154	Brings forward an amendment to the policy to change the emphasis of the policy so that it is expressed in negative terms; to reflect the precautionary approach to development in areas of flood risk.	No	Unchanged
MOD35		Para 6.10	154-155	Brings forward the inclusion of additional text into para 6.10 of the Plan Strategy as published. This should be considered in conjunction with PC108 of October 2020.	No	Unchanged
MOD36	110	Policy FLD04	156	Directs the modification of footnote 14 to read as follows: 'A Watercourse – is a river, stream, canal, ditch or culvert as defined in Drainage (Northern Ireland) Order 1973. Policy FLD04 should relate to all watercourses "Development proposals located beside a flood defence, control structure or any watercourse..'	No	Unchanged
MOD37	110	Para 6.17	156	Provides additional clarification in respect of FLD04 and para 6.17	No	Unchanged

MOD38	111	Policy FLD05	157	DFI directs the Council to amend FLD05 as follows: “The Council will only permit the artificial modification of a watercourse in exceptional circumstances where:”	No	Unchanged
MOD39	112	Policy FLD06	158	Directs the Council to modify Policy FLD06 and make a typographical correction.	No	Unchanged
MOD40	113	Para 6.21	158	Expands upon Proposed Change 113 following an amendment to PC 113 arising from IE. Additional text is included in Para 6.21 and also includes a grammar error and the full title of the Act, for clarify.	No	Unchanged
MOD41	116 &117	Policy RE01 & para 6.27	159	Brings forward Proposed Changes 116. Proposed Change 117 is brought forward with amended wording in para 6.27, as directed by DFI.	No	Unchanged
MOD42		Part two para 6.28 & para 1.3 Appendix 7	161 and 249	Modification to remove reference to the Landscape Wind Energy Capacity Study as principal material consideration of wind energy proposals.	No	Unchanged
MOD43		Policy TR04 criterion (d)(ii)	166	Modifies Policy TR04 Criterion (d) (ii) bringing forward an amendment of the published policy of additional text.	No	Unchanged
MOD44	13	Part two, para 1.3	47	DFI directs the Council to amend Part 2, paragraph 1.3, with additional text.	No	Unchanged
MOD45		Policy WM01	173	Draft Policy WM01 should be amended to ensure that waste management facilities do not cause damage to habitats or heritage.	No	Unchanged
MOD46	133	Para 6.70	175	Brings forward Proposed Change 133	No	Unchanged
MOD47	134	Tables 7 & 8	178-212	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	No	Unchanged

				<p>Proposed Changes (FODC110). 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) with additional text.</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>		
MOD48	135	Glossary	216	Dfl have directed that the definition, within the Glossary, for intermediate housing is updated to reflect that used by Department for Communities.	No	Unchanged
MOD49	138	Appendix 7	248	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.	No	Unchanged
MOD50				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.	No	Unchanged

## **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. In reassessing the Rural Needs Impact of the amended policy, the outcomes are unchanged from that originally identified and considered.
- 4.3 In reassessing the amended policies against the RNIA screening process, the outcomes are unchanged from that originally identified and considered. The conclusions therefore remain unchanged from the original RNIA in that it is anticipated that the Plan Strategy will have no adverse impact with regards to rural needs either directly or indirectly. Consequently, the modifications do not affect the Plan Strategy Rural Impact any differently than previously identified and considered.