



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

FODC113

Local Development Plan 2030

Addendum to HRA Report: Habitats Regulations Assessment of the LDP Draft Plan Strategy

October 2020

Executive Summary

This document comprises an Addendum to the Draft Habitats Regulations Assessment (draft HRA) Report, October 2018, prepared in support of the Draft Plan Strategy and is one of the plan documents prepared for Fermanagh and Omagh District Council's Local Development Plan (LDP) 2015 -2030.

All Representations, including those regarding the HRA, received during the public consultation exercise held between 26 October and 21 December 2018, and the Council's response to them, are dealt with in the LDP Draft Plan Strategy Consultation Report.

Following consideration of the Representations received, the Council has recommended a number of 'Proposed Changes' to the published Draft Plan Strategy. These can be found in the Schedule of Proposed Changes, published alongside this document. Some of these changes specifically address the recommendations of the draft HRA.

This report assesses these changes through the HRA process by firstly screening all the Proposed Changes to identify whether any would have a likely significant effect on any International sites. Where a likely significant effect is identified the need for appropriate assessment is considered. The findings are set out in Table 1.

It was found that the majority of changes proposed will have no conceivable effect on any international sites. On the contrary, some increase awareness of potential effects on International sites or otherwise strengthen the draft Plan Strategy in respect of protection of international sites. In reviewing those policies subject to change some were identified as requiring appropriate assessment to test and ensure that appropriate mitigation is incorporated to avoid adverse effects on site integrity of International sites.

This addendum highlights the effects that the Proposed Changes to the LDP Draft Plan Strategy have had in regard to the Draft HRA of the Draft Plan Strategy. The HRA will be added to and finalised following public consultation and independent examination of the draft Plan Strategy, then published alongside the adopted Plan Strategy.

1. Introduction

- 1.1 Fermanagh and Omagh District Council (The Council) is preparing a new local development plan for the District, referred to as the Local Development Plan 2030 (LDP). This will replace the existing plans and provide a revised framework to inform planning decision making and guide development. This report is an addendum to the draft Habitats Regulations Assessment (hereafter referred to as 'the draft HRA') which has already been carried out in respect of the draft Plan Strategy, as required under Regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).
- 1.2 This document forms an Addendum to the October 2018 HRA Report and identifies whether the outcomes of that report should be varied from those originally reported as a result of the Schedule of Proposed Changes (hereafter referred to as 'the Proposed Changes'). It focuses on the Proposed Changes and effects of those changes. As an addendum to the draft HRA, this report should be read and interpreted alongside that document.
- 1.3 The public consultation on Draft Plan Strategy took place in October-December 2018 and as a result of that exercise the Council wishes to make certain changes to the LDP. All the changes proposed can be found in the 'Schedule of Proposed Changes' Report. The changes include some minor and some focussed changes as defined in DPPN 10 Submitting Development Plan Documents for Independent Examination. However, the majority of the changes do not fall within either of those categories but are changes which are considered to represent logical and rational amendments to a policy or policy clarification in response to representations received during the consultation period.
- 1.4 All Proposed Changes require consideration by the Habitats Regulations Assessment (HRA) in order to check if they alter the 'likely significant effects' predicted in the published HRA Report or may lead to any adverse effects on site integrity.
- 1.5 This Addendum includes the following:
 - Screening of the Proposed Changes;
 - A record of those recommendations of the HRA which have been implemented through the Proposed Changes.
 - Conclusions on whether the Proposed Changes represent a likely significant effect for any site selection features and whether further assessment is required.
- 1.6 The HRA will be added to and finalised following public consultation and independent examination of the draft Plan Strategy, then published alongside the adopted Plan Strategy.

2. Statutory Requirements

- 2.1 Regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), requires an appropriate assessment to be undertaken of plans and projects which are likely to have a significant effect on an International site in Northern Ireland, either alone or in combination with other plans or projects. This is known as Habitats Regulations Assessment (HRA) and provides for assessment of the implications of a land use plan for International sites in view of their conservation objectives. It is accepted practice to also carry out HRA for International sites in adjoining jurisdictions where there is potential for a transboundary effect.
- 2.2 Given that the nature of the draft Plan Strategy has potential to have a significant effect on some International sites, a draft HRA was undertaken in our role as a competent authority to ensure the legal requirements of the Habitats Regulations are fully met. It therefore follows that any Proposed Changes to the draft Plan Strategy must also be assessed under the Habitats Regulations.

3. Findings of the main HRA

- 3.1 The main HRA of the published Draft Plan Strategy identified a potential for likely significant effects in respect of:
- **Habitat Loss:** Direct habitat loss in an International site or loss of supporting habitat such as salmon spawning areas.
 - **Direct Disturbance:** This includes noise, vibration or light disturbance during construction or operation, or the presence of people on land developed for recreational use.
 - **Indirect Disturbance:** Disturbance beyond development sites arising from increased levels of recreation including watersports.
 - **Introduced Species:** The introduction of invasive species, non-native, competitive or predatory species.
 - **Aerial Emissions:** Aerial emissions primarily arise from industry and transport but domestic fuel and agricultural intensification are also sources.
 - **Water Pollution:** Deterioration of or failure to improve water quality due to direct runoff of pollutants, including fuel, chemicals and sediments, from development during construction or operation or indirect pollution due to inadequacy of wastewater treatment infrastructure.
 - **Hydrological Change:** Alteration of the hydrology of sensitive habitats and species by either increasing or decreasing runoff or water percolation into aquifers.
- 3.2 The HRA made some recommendations to enhance the protection for International sites under the LDP, and further reduce the risks of adverse effects on site integrity. These recommendations are set out in chapter 7 Outcomes and Recommendations of the HRA report. Given that all individual

projects will be subject to HRA, these recommendations are not essential to ensuring that the Plan Strategy is compliant with the Habitats Regulations. They would, however, enhance the protection for International sites under the LDP and further reduce the risks of adverse effects on site integrity, including from cumulative effects. A few of these recommendations have already been incorporated in the draft Plan Strategy, whilst others have been incorporated in the Proposed Changes. Some are to be implemented at later stages.

4. Approach to screening of Proposed Changes identified as relevant to the HRA

- 4.1 During the Draft Plan Strategy consultation exercise held between 26 October and 21 December 2018, a total of 322 individual Representations raising 659 issues, were made in relation to the Draft Plan Strategy and associated assessments. Of the 322 representations received, 6 raised 26 issues related specifically to the content of the HRA Report with a further 76 (duplicate copies of the same representation) seeking clarification on a copy of the HRA and Terms of Reference. A copy of all representations received and the Council's response to them are dealt with in the LDP Draft Plan Strategy Consultation Report.
- 4.2 As a result of analysis and consideration of the representations received, the Council has recommended a number of Proposed Changes to the published Draft Plan Strategy. A list of these can be found in the Schedule of Proposed Changes.
- 4.3 The Proposed Changes to the draft Plan Strategy are extensive but the majority of the changes are irrelevant to the HRA work which has already been completed. Some for example relate to introductory text, administrative text or to appendices that do not have any relationship to international sites. A number of the changes have affected the wording of policies and corresponding policy clarification paragraphs whilst others relate only to updates/changes to clarification paragraphs. The majority of these are not considered to have any effect on International sites. They are however recorded in Table 1 to provide a record that they have been considered. The minor editing changes are all corrections or minor amendments in the interests of consistency and are not considered further in this addendum. Those policies for which no changes are proposed have not been reviewed at this time.
- 4.4 Table 1 refers to the change or changes that apply to Draft Policies or other parts of the draft Plan Strategy. The details of those Proposed Changes are found in the 'Schedule of Proposed Changes' Report. The HRA screening category is presented in Table 1 followed by the justification for that category. In screening the Proposed Changes the categories identified in Section 4 of the draft HRA have been applied. These are copied below for ease of reference and explanations can be found in the draft HRA.

1. General Policy Statements

2. Plans or projects referred to but not proposed
3. No likely significant effect
4. Proposals too general to assess
5. Potential minor effects
6. Potential significant effects

Where a Proposed Change addresses a recommendation from the draft Plan Strategy the recommendation is indicated in brackets.

Table 1 HRA Screening of Proposed Changes to draft Plan Strategy

Change	Location of Change	Category	Justification
PART ONE			
1	2.0 Legal Status and Policy Context	3	The changes proposed will have no conceivable effect on any international sites.
2	3.0 Preparation Process, Consultation and Assessments	3	The changes proposed will have no conceivable effect on any international sites. They highlight that international sites also occur outside the council area. (REC03)
3,4	5.0 The Council's Vision and Strategic Growth Objectives	3	Previously screened out. The overall number of homes is reduced from that originally subject to HRA.
5	Draft Policy SP01: Furthering Sustainable Development	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites
6,7	Strategic Allocation of Land for Housing	3	The changes proposed will have no conceivable effect on any international sites.
8-12	Draft Policy SP03: Strategic Allocation and Management of Housing Supply	3	The changes proposed will have no conceivable effect on any international sites. They highlight that constraints on wastewater network and treatment capacity are an important consideration. (REC01)
PART TWO			
13	1.0 Introduction	3	The changes proposed will have no conceivable effect on any international sites.
14	Development and Design – Context and Justification	3	The changes proposed will have no conceivable effect on any international sites.
15,16	Draft Policy DE01: General Amenity Requirements	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
17	Draft Policy DE02: Design Quality	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.

Change	Location of Change	Category	Justification
18	Draft Policy DE03: Sustaining Rural Communities	1	On review this is considered to be a general statement of policy. The changes proposed will have no conceivable effect on any international sites.
19	Draft Policy DE07: Advertisements	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites
20	Draft Policy DE08: Advertisements and the Historic Environment	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
21,22	Draft Policy HOU01: Housing in Settlements Towns	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals. The changes proposed will have no conceivable effect on any international sites.
23,24	Draft Policy HOU03: Affordable Housing in Settlements	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
25	Draft Policy HOU05: Shaping Our Houses and Homes	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals. The changes proposed will have no conceivable effect on any international sites.
26	Draft Policy HOU06: Public Open Space in New Residential Developments	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals. The changes proposed will have no conceivable effect on any international sites.
27,28	Draft Policy HOU08: Annex Living	3	Previously screened out. The deletion proposed will have no conceivable effect on any international sites.
29	Draft Policy HOU09: Rural Replacement Dwellings	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals. The changes proposed will have no conceivable effect on any international sites.
30	Draft Policy HOU10: Replacement of Other Rural Buildings	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals. The changes proposed will have no conceivable effect on any international sites.
31	Draft Policy HOU14: Rounding Off and Infilling	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals. The changes proposed will have no conceivable effect on any international sites.
32	Draft Policy HOU17: Affordable Housing	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals. The changes proposed will have no conceivable effect on any international sites.

Change	Location of Change	Category	Justification
33	Draft Policy CF01: Community Facilities	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals. The changes proposed will have no conceivable effect on any international sites.
34,35	Draft Policy OSR01: Protection of Open Space	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites
36,37	Draft Policy OSR02: Intensive Sports Facilities	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals. The changes proposed will have no conceivable effect on any international sites.
38	Draft Policy OSR03: Outdoor Recreation in the Countryside	3	The deletion proposed will have no conceivable effect on any international sites.
39,40	Draft Policy OSR04: Protection of Lough Shores	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals. The changes proposed will have no conceivable effect on any international sites. On the contrary the amendments highlight the sensitivity of lough shores as international sites and place more weight on protection of the natural environment.
41	Draft Policy OSR05: Development Adjacent to a Main River	3	On review this is considered to be a general plan-wide environmental safeguarding policy. The changes proposed will have no conceivable effect on any international sites.
42	Draft Policy RCA01: Rural Community Areas	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals. The changes proposed will have no conceivable effect on any international sites.
43,44	Draft Policy IB02: Loss of Industry and Business Uses	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
45	Draft Policy IB03: Development incompatible with Economic Development Uses	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
46	Draft Policy IB05: Farm Diversification	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals which enables limited re-use/adaptation for farm diversification. The changes proposed will have no conceivable effect on any international sites.

Change	Location of Change	Category	Justification
47	Draft Policy IB06: Agricultural and Forestry Development	4	This is a policy listing general criteria for testing the acceptability of proposals. It enables agricultural development which could include development that increases ammonia emissions that may have an adverse effect on International sites. The policy and policy clarification highlight that ammonia emissions and nitrogen deposition are important considerations for planning decisions. These might be construed to be mitigation as they address an impact known to significantly affect international sites. Therefore, in finalising the HRA, they will be considered further through appropriate assessment.
48	Draft Policy TCR04: Villages and Small Settlements	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals. The changes proposed will have no conceivable effect on any international sites.
49	Draft Policy TCR05: Petrol Filling Stations	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals. The changes proposed will have no conceivable effect on any international sites.
51,52	Draft Policy TOU01: Protection of Tourism Assets and Tourism Development	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
54,55	Draft Policy TOU02: Tourism Development in Settlements	3	The changes proposed will have no conceivable effect on any international sites.
56	Draft Policy TOU03: New Build Hotel, Guest House and Tourist Hostels outside Settlement Boundaries	3	The changes proposed will have no conceivable effect on any international sites.
58,59	Draft Policy TOU04: Holiday Parks, Touring Caravan and Camping Sites	3	The changes proposed will have no conceivable effect on any international sites.
60-62	Draft Policy MIN01: Minerals Development	4	Likely significant effects could arise if this policy change is applied without reference to NE01. There could be a perceived policy conflict although it is made clear that no policy should be read in isolation and all relevant policies will apply. In finalising the HRA this will be considered further through appropriate assessment and consideration will be given to highlighting the need to comply with NE01 in this policy or its policy clarification.

Change	Location of Change	Category	Justification
63	Draft Policy MIN04: Unconventional Hydrocarbon Extraction – Policy Clarification	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
64	Historic Environment – Context and Justification	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
65-67	Draft Policy HE01: Historic Environment Overarching	3	Previously screened out. The deletion proposed will have no conceivable effect on any international sites.
68-73	Draft Policy HE02: Archaeology	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
74-78	Draft Policy HE03: Listed Buildings and their Settings	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
79-82	Draft Policy HE04: Conservation Areas	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
83-87	Draft Policy HE05: Areas of Townscape Character (ATCs: and Areas of Village Character (AVCs)	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
88	Draft Policy HE06: Historic Parks, Gardens and Demesnes	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
89,90	Draft Policy HE07: Local Landscape Policy Areas (LLPAs)	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
91,92	Draft Policy HE08: Enabling Development	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
93,94	Draft Policy HE09: Change of Use, Conversion or Re-use of an Unlisted Locally Important Building or Vernacular building	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
95	Draft NE01: Nature Conservation	3	Previously screened out. There are significant changes to wording to better reflect the SPPS and legislation. The changes proposed clarify and strengthen NE01 and will have no conceivable effect on any international sites. (REC10)
96	Draft Policy NE02: Protected Species and their Habitats	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.

Change	Location of Change	Category	Justification
97,98	Draft Policy NE03: Other Habitats, Species or Features of Natural Heritage Importance	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
99,100	Draft Policy L01: Development within the Sperrin AONB	3	On review this is considered to be a general plan-wide environmental safeguarding policy. The changes proposed will have no conceivable effect on any international sites.
101,102	Draft Policy L02: Special Countryside Areas	3	On review this is considered to be a general plan-wide environmental safeguarding policy. The changes proposed will have no conceivable effect on any international sites.
103	Draft Policy L03: Areas of High Scenic Value (AoHSV)	3	On review this is considered to be a general plan-wide environmental safeguarding policy. The changes proposed will have no conceivable effect on any international sites.
104	Flood Risk Management – Context and Justification	3	The changes proposed will have no conceivable effect on any international sites.
105-07	Draft Policy FLD01: Development in Floodplains	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals. The changes proposed will have no conceivable effect on any international sites.
108	Draft Policy FLD02: Development affected by Surface Water Flooding	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals. The changes proposed will have no conceivable effect on any international sites.
109	Draft Policy FLD03: Development Using Sustainable Drainage Systems (SuDs)	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
110	Draft Policy FLD04: Protection of Flood Defences and Drainage Infrastructure	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
111	Draft Policy FLD05: Artificial Modifications of Watercourses	4	On review it is considered that there is a risk of likely significant effects in the event that culverting, albeit limited to 10m, obstructs the passage of salmon. This will be considered further in finalising the HRA and mitigation implemented if necessary.
112-114	Draft Policy FLD06: Development in Proximity to Controlled Reservoirs	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.

Change	Location of Change	Category	Justification
115	Renewable Energy – Context and Justification	3	The changes proposed will have no conceivable effect on any international sites. They clarify that the Wind Energy Capacity Study did not consider environmental considerations.
116-122	Draft Policy RE01: Renewable and Low Carbon Energy Generation	3	The changes proposed will have no conceivable effect on any international sites. On the contrary they highlight the potential for renewable energy to affect international sites or supporting habitat and that proposals need to be subject to appropriate assessment where necessary. (REC04)
123	Transportation – Context and Justification	3	The changes proposed will have no conceivable effect on any international sites.
124	Draft Policy TR01: Land Use, Transport and Accessibility	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
126,127	Draft Policy TR02: Car Parks and Service Provision	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
128,129	Draft Policy TR04: Protected Routes	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
130	Draft Policy TR05: Safeguarding New Transport Schemes	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
131	Draft Policy TR06: Disused Transport Routes	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
132	Draft Policy WM01: Waste Management Facilities	3	On review this is considered to be a policy listing general criteria for testing the acceptability of proposals. The changes proposed will have no conceivable effect on any international sites.
133	Draft Policy WM03: Development in the vicinity of Waste Management Facilities	3	Previously screened out. The changes proposed will have no conceivable effect on any international sites.
134	7.0 MONITORING AND REVIEW	3	The changes proposed will have no conceivable effect on any international sites.
135	Glossary	3	The changes proposed will have no conceivable effect on any international sites.
PART THREE – APPENDICES			
136	Appendix 1	3	The changes proposed will have no conceivable effect on any international sites.

Change	Location of Change	Category	Justification
137	Appendix 5	3	The changes proposed will have no conceivable effect on any international sites.
138	Appendix 7	3	The changes proposed will have no conceivable effect on any international sites. This amendment clarifies that this appendix is based on landscape considerations rather than all environmental issues.

5. Overall Conclusion

5.1 This addendum highlights the effects that the Proposed Changes to the LDP Draft Plan Strategy have had in regard to the Draft HRA of the Draft Plan Strategy. The Council has identified a schedule of changes. Those changes were assessed. Some of the changes implement recommendations 1, 3, 4 and 10 of the draft HRA. All the recommendations will be reviewed when finalizing the HRA to ensure that those that require implementation in the Plan Strategy have been addressed.

5.2 The relevant policies have been subject to screening under the Habitats Regulations and all but IB06, MIN01 and FLD05 have been screened out of further assessment according to the categories referred to above. For those policies screened out of further assessment they have been assigned to a screening category which allows them to be screened out as unlikely to have a significant effects either alone or in-combination. As such, no further assessment 'in combination' is required and there is no requirement to progress to an appropriate assessment for those policies.

However Draft Policy MIN01: Minerals Development introduces text relating to designated sites which could be a perceived policy conflict, although it is made clear elsewhere in the draft Plan Strategy that no policy should be read in isolation and all relevant policies will apply. Therefore, in finalising the HRA, the changes will be considered further through appropriate assessment and mitigation implemented if necessary.

5.3 In reviewing those policies subject to Proposed Changes it was considered that the changes to Draft Policy IB06: Agricultural and Forestry Development might be construed to be mitigation as they address an impact known to significantly affect international sites. Therefore, in finalising the HRA, the changes will be considered further through appropriate assessment to fully test the mitigation.

5.4 On review of Draft Policy FLD05: Artificial Modifications of Watercourses it is considered that there is a risk of likely significant effects in the event that culverting, albeit limited to 10m, obstructs the passage of salmon. This will be considered further in finalising the HRA and mitigation implemented if necessary.

5.5 IB06, MIN01 and FLD05 will be subject to further assessment to include consideration of the need for and effectiveness of mitigation. The HRA will be added to and finalised following public consultation and independent examination of the draft Plan Strategy, then published alongside the adopted Plan Strategy.