

Public Consultation for Counter Representations

In accordance with Regulation 17 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, all representations received during the public consultation on the Antrim and Newtownabbey Local Development Plan 2030 - draft Plan Strategy, which ran from 26 July to 20 September 2019, have now been made available for inspection.

Hard copies of the representations received are available for inspection Monday to Friday from 8:30am – 5pm at the Council Offices at Antrim Civic Centre, Antrim and Mossley Mill, Newtownabbey. They can also be viewed online at www.antrimandnewtownabbey.gov.uk/draftplanstrategy.

In accordance with Regulation 18 of the aforementioned Regulations, any person may make representations about a site specific policy representation (referred to as counter representations).

The period of public consultation for counter representations is 8 weeks beginning on Friday 11 October 2019 and closing at 5pm on Friday 6 December 2019. Any submissions received after this time will not be considered.

Soundness Testing

A key feature of Northern Ireland's new Planning System is 'soundness' which requires the draft Plan Strategy document to be tested at Independent Examination (IE) in terms of content, conformity and the process by which it has been prepared. It is considered that 'soundness' testing will provide a more effective basis for examining Local Development Plans and consequently contribute towards a shorter IE process.

The purpose of the IE is to determine if the draft Plan Strategy satisfies statutory requirements and is 'sound'. The presumption will be that the draft Plan Strategy is 'sound' unless it is shown to be otherwise as a result of evidence considered at the IE stage.

As the main purpose of the IE is to determine whether the draft Plan Strategy is 'sound', any person(s) wishing to make a counter representation should do so on the grounds of soundness.

The tests of soundness are based upon three categories which relate to; (a) how the draft Plan Strategy has been produced; (b) the alignment of the document with central government regional plans, policy and guidance; and (c) the coherence, consistency and effectiveness of the content of the draft Plan Strategy. The tests of soundness are set out below:



Procedural Tests	
P1	Has the DPD* been prepared in accordance with the Council's timetable and the Statement of Community Involvement?
P2	Has the Council prepared its Preferred Options Paper and taken into account any representations made?
P3	Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?
P4	Did the Council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?
Consistency Tests	
C1	Did the Council take account of the Regional Development Strategy?
C2	Did the Council take account of its Community Plan?
C3	Did the Council take account of policy and guidance issued by the Department?
C4	Has the Plan had regard to other relevant plans, policies and strategies relating to the Council's district or to any adjoining Council's district?
Coherence and Effectiveness Tests	
CE1	The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross-boundary issues are relevant it is not in conflict with the DPDs of neighbouring Councils.
CE2	The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.
CE3	There are clear mechanisms for implementation and monitoring.
CE4	It is reasonably flexible to enable it to deal with changing circumstances.
*Development Plan Document (DPD) – Comprises of the draft Plan Strategy	

Further information on soundness can be found in Development Plan Practice Notes published by the Department for Infrastructure (DfI). Of particular relevance is Practice Note 6 'Soundness' (Version 2) and Practice Note 9 'Submission and Handling of Representations', both are available to view at <https://www.infrastructure-ni.gov.uk/publications/development-plan-practice-notes>.

In addition, the Planning Appeals Commission has also produced guidance entitled 'Procedures for Independent Examination of Local Development Plans' available at <https://www.pacni.gov.uk/procedural-guides>.



What is a Counter Representation?

A counter representation provides an opportunity for interested parties to respond to **'site specific policy representations'** received to the draft Plan Strategy and to respond if they so wish.

A 'site specific policy' means a policy in the draft Plan Strategy which identifies a site for a particular use or development.

A 'site specific policy representation' means any representation which is seeking to change the draft Plan Strategy by:

- (a) adding a site specific policy to the draft Plan Strategy: or
- (b) altering or deleting any site specific policy in the draft Plan Strategy.

A counter representation should therefore be specifically related to and identify the relevant draft Plan Strategy 'site specific representation' and indicate the reasons for doing so in terms of the soundness and sustainability of the draft Plan Strategy.

A counter representation is **not** an opportunity to raise new issues regarding the draft Plan Strategy, rather it allows interested parties to consider and respond to potential changes proposed by representations previously submitted during the public consultation on the draft Plan Strategy which ran from 26 July to 20 September 2019. As a consequence, a counter representation must relate to a previously submitted site specific policy representation and must not propose any further changes to the draft Plan Strategy. A counter representation should indicate the reasons for doing so in terms of soundness and sustainability of the draft Plan Strategy.

Further information on counter representations, including site specific policy representations, can be found in the Department for Infrastructure's published [Development Plan Practice Note 9 'Submission and Handling of Representations'](#).

How to Make a Counter Representation

Counter representations will be treated as a formal representation and considered at the Independent Examination (IE). The focus at the IE will be on the soundness of the draft Plan Strategy, and counter representations should therefore be based on soundness.

You must clearly state the reference number of the representation to which your counter representation relates so that we, and the Independent Examiner, can ensure that your counter representation is considered as fully as possible.

Counter representations should be made in writing and we would encourage you to use the methods set out below:-

Online

- Via our online consultation hub at:
www.antrimandnewtownabbey.gov.uk/consultations



- Downloading a copy of the response form from our website and forwarding it to the Forward Planning Team; or
- Requesting a copy of our response form to be posted to you or you may collect a hard copy from Mossley Mill or Antrim Civic Centre and return it to the Forward Planning Team.

By Mail

- Email us at planning@antrimandnewtownabbey.gov.uk
- In writing at the following postal address

Forward Planning Team
Mossley Mill
Carnmoney Road North
Newtownabbey
BT36 5QA

Counter representations must be received by 5pm on Friday 6 December 2019. Any submissions received after this time will not be considered.

Points to Remember:

- You must clearly state the reference number of the representation to which your counter representation relates so that we, and the Independent Examiner, can ensure that your counter representation is considered as fully as possible;
- If you wish to submit several counter representations relating to several separate representations, we would encourage you to fill out separate forms, in order to keep your comments clear and concise;
- Counter representations should only be related to site specific representations that were made in response to the draft Plan Strategy;
- Site specific representations are those that seek change to the draft Plan Strategy by adding a site specific policy, or altering or deleting any site specific policy;
- Counter representations must not propose any changes to the draft Plan Strategy;
- There will be no further opportunity to submit information once the public consultation period closes unless the Commissioner requests it.
- Counter representations should be supported, succinctly, by all the evidence thought necessary to justify the proposed change; and
- Counter representations will be made publicly available for inspection after the 8 week formal public consultation period at the Council offices and on the Councils website.



Next Steps

Counter representations received during the statutory 8 week consultation period will in due course be published online and made available for inspection at Mossley Mill and Antrim Civic Centre.

Representations and Counter Representations will be submitted to the Department for Infrastructure in due course, where they will be considered as part of the Independent Examination process. All published data will comply with our Local Development Plan Privacy Notice, which is available on our Council website at:
www.antrimandnewtownabbey.gov.uk/gdpr/planning-gdpr.

Contact Us

For further assistance, please contact the Forward Planning Team :

By Post – Forward Planning Team

Mossley Mill

Carnmoney Road North, Newtownabbey

BT36 5QA

By Email – planning@antrimandnewtownabbey.gov.uk

By Telephone – 0300 123 6677



SECTION A – DATA PROTECTION AND CONSENT

Antrim and Newtownabbey Borough Council complies with the General Data Protection Regulation (GDPR) by producing a specific Local Development Plan Privacy Notice, which lets you know how we manage any personal information we receive from you. It contains the standards you can expect when we ask for, or hold, your personal information and an explanation of our information management security policy.

The Local Development Plan Privacy Notice can be found on our website at www.antrimandnewtownabbey.gov.uk/gdpr/planning-gdpr/.

Please note that when you make a counter-representation to the Local Development Plan your personal information (with the exception of personal telephone numbers, signatures, email addresses or sensitive personal data) will be made publicly available on the Council's website.

Copies of all representations will be provided to the DfI and an Independent Examiner (a third party) as part of the submission of the Local Development Plan for Independent Examination. A Programme Officer will also have access to this information during the IE stages of the Plan preparation.

DfI, the Programme Officer and the Independent Examiner(s) will, upon receipt, be responsible for the processing of your data in line with prevailing legislation.

1. Please tick to confirm that you have read and understood the Council's Local Development Plan Privacy Notice.

☒ I confirm that I have read and understood the Local Development Plan privacy notice and I give my consent for Antrim and Newtownabbey Borough Council to hold my personal data for the purposes outlined.

You can contact the Council's Data Protection Officer via:

Post - Antrim Civic Centre, 50 Styles Way, Antrim BT41 2UB

Email - DPO@antrimandnewtownabbey.gov.uk

Phone - 028 9446 3113



SECTION B – YOUR DETAILS

2. Please specify if you are responding as an individual, as an organisation, or as an agent acting on behalf of an individual, group or organisation?

If you are responding as an agent or representing an organisation you will be the main point of contact for your client/organisation.

(Please select only one item)

- ☐ Individual
☐ Organisation
☒ Agent

	Personal Details	Agent Details (If Applicable)
Title	Mr	Mr
First Name	Nigel	Michael
Last Name	Herdman	Graham
Job Title (where relevant)		Director
Organisation (where relevant)	Nutts Corner Market c/o WYG Planning	WYG Planning
Client Name (where relevant)		
Address	Mr Nigel Herdman c/o Michael Graham, WYG Planning, 1 Locksley Business Park, Montgomery Road, Belfast	Michael Graham, WYG Planning, 1 Locksley Business Park, Montgomery Road, Belfast
Post Code	BT6 9UP	BT6 9UP
Telephone Number		02890706000
Email Address		michael.graham@wyg.com



SECTION C – COUNTER REPRESENTATION

Your comments should be set out in full. This will help the Independent Examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. Have you submitted a representation to the Council regarding the draft Plan Strategy?

Yes ☒

No ☐

4. If yes, please provide your reference number and a summary of the main issue(s) raised in your representation below.

Representation No. LA03/DPS/0100

Representation to Antrim and Newtownabbey Borough Council Local Development Plan 2030 - Draft Plan Strategy on behalf of Mr Nigel Herdman in respect of Nutts Corner – Strategic Employment Location ('SEL').

Representation No. LA03/DPS/0100 related to the following parts of the Draft Plan Strategy Document ('DPSD'):

- ***Section 2: Setting the Context (Paragraphs 2.58 to 2.70, Pages 45 to 47);***
- ***Section 3: Plan Vision & Strategic Objectives (Paragraphs 3.1 -3.15, Pages 53-60);***
- ***Section 4: Sustainable Development Strategic Policy 1: Sustainable Development (Page 62);***
- ***Section 4: Sustainable Development Strategic Policy 1: Sustainable Development Spatial Growth Strategy (Paragraphs SP 1.6 – SP 1.7, Pages 63 - 66);***
- ***Section 5: Employment Strategic Policy 2: Employment (Page Nos.76 to 78);***
- ***Section 5: Employment Policy DM 1: Economic Development – Zoned Sites and Settlements (Pages 88 to 89);***
- ***Section 5: Employment Policy DM 2: Economic Development – Countryside (Pages 90-92);***
and
- ***Section 6: transportation and infrastructure Policy DM 11: Access to Protected Routes (Page 120 to 121).***

In summary, **representation No. LA03/DPS/0100** was broadly in support of a number of aspects of the DPSD. However, it also identified a number of areas of the DPSD which are considered to be unsound and proposed modifications. These included:

- **Policy DM 1.1** is too restrictive in relation to the the types of uses which are acceptable at the Nutts Corner SEL. As such, **Policy DM 1.1** should be amended to specify all uses under Part B Industrial and Business Uses of The Planning (Use Classes) Order (Northern Ireland) 2015 as being acceptable at Nutts Corner SEL and therefore be consistent with the SPPS.
- **Policy DM 2.8** should be amended to provide wider guidance and options for redevelopment of established economic development uses in the countryside similar to current operational planning policy in order to provide a greater degree of flexibility and choice.

(Continue on a separate sheet if necessary)



Any person can make a counter representation in relation to a site specific representation. The purpose of a counter representation is to provide an opportunity to respond to proposed changes to the draft Plan Strategy as a result of representations submitted under the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

5. Please provide the reference number of the representation to which your counter representation relates to:

(if you wish to submit several counter representations relating to several separate representations we would encourage you to fill out separate forms, in order to keep your comments clear and concise.)

Representation No. LA03/DPS/0075.

6. Please give reasons for your counter representation. You are advised that your counter representation should be based on the soundness test(s) identified in the above-referenced representation and the sustainability of the draft Plan Strategy.

Please note: Your counter representation must not propose any new changes of the draft Plan Strategy. Your counter representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to

Reason for Counter Representation

This counter representation is made in respect of **representation No. LA03/DPS/0075** which seeks, amongst other matters, to make modifications to alter/delete the proposed site specific **Policy DM 1.1** and propose a new distinct policy in relation to the Nutts Corner SEL.

It also seeks to address infrastructure requirements for the Nutts Corner SEL through preparation of a masterplan for the area as opposed to Key Site Requirements ('KSRs') at the Local Policies Plan ('LPP') stage of the Local Development Plan ('LDP') process.

It also seeks to make modifications in relation to the omission of business uses and research and development ('R&D') uses from the list of acceptable uses at the Nutts Corner SEL.

We believe these suggested modifications to be unsound due to being inflexible and unsustainable (failure to meet **CE4 - Coherence and Effectiveness**).

Consideration

Representation No. LA03/DPS/0075 submitted by **One2One Planning Ltd** on behalf of **Nutts Corner Enterprise Park** relates to Nutt's Corner SEL and its associated policies.

Distinct Policy

Within **representation No. LA03/DPS/0075** it suggests that the DPSD be modified through provision of a distinct policy for Nutts corner SEL separate from that currently proposed to be provided under **Policy DM 1** and **Policy DM 1.1** and **Policy DM 1.2** which relate to SELs.

The representation states in it's proposed modifications that:

"Nutts Corner SEL should have a distinct policy commensurate with the importance of the site in the delivery of the boroughs job creation potential".

support/justify your submission. This representation will be considered during the Independent Examination and there will be no further opportunity to submit information unless the Commissioner requests it.



In justifying this proposed modification on the basis that:

"1) DM1 references settlements in the policy title. The supporting text at Paras 5.26-5.28 clearly focuses on the sustainability aspect of settlements. Nutts Corner would appear to be misplaced in this policy at DM 1.1 given it is in a countryside location without a current designated boundary (noted at Table 3 as within locations outside of settlements i.e. in the countryside). It would therefore be more accurate for it to have a separate policy for clarity".

It is noted from the header of **Policy DM1** that it refers to economic development on zoned sites and in settlements. It therefore does not only reference settlements as **representation No. LA03/DPS/0075** suggests. Furthermore the supporting text at paragraphs 5.26-5.28 of the DPSD, whilst referring to settlements, also refer to 'zoned employment sites' and 'well-located zoned land'.

It is noted that **SP 2.5 Strategic Employment Locations** (page 77) of the DPSD identifies in relation to SELs that:

"...their precise boundaries will be brought forward in the Local Policies Plan".

Given the above it is envisaged that SELs will become 'zoned sites' as part of the LPP stage of the LDP once boundaries are defined, including for the Nutts Corner SEL. Therefore the reference to 'zoned sites' within **Policy DM 1** indicates that the Nutts Corner SEL is not misplaced in relation to this policy as suggested by **representation No. LA03/DPS/0075**.

It is also noted that **representation No. LA03/DPS/0075** does not propose an example or model of a distinct policy for Nutts Corner SEL as an alternative to what is currently proposed under **Policy DM 1**, **Policy DM 1.1** and **Policy DM 1.2**. What is suggested is that any distinct policy should address matters including: delivery of traffic and roads infrastructure; enhanced public transport stops and services; data infrastructure; and how these affect the deliverability of the zoning.

It is our opinion that such matters are 'site specific matters' which relate solely to the Nutts Corner SEL and the most appropriate way of dealing with and addressing such is by way of appropriately defined KSRs at the LPP stage of the LDP. Such an approach is consistent with that envisaged within the LDP's **Evidence Paper 3 – Economic Growth** and the DPSD.

Whilst we acknowledge and support the importance of the Nutts Corner SEL, in our opinion and in light of the above, we believe there is no requirement for a distinct policy.

Policy DM 1, **Policy DM 1.1** and **Policy DM 1.2** relate to SELs such as Nutts Corner and therefore are considered to provide an appropriate policy context for same.

This conclusion is however subject to the caveat that the restriction of acceptable uses as detailed within **Policy DM 1.1** in relation to Nutts Corner SEL should be amended to include all Part B Industrial and Business Uses of The Planning (Use Classes) Order (Northern Ireland) 2015 or, that this restriction is removed, as detailed in our **representation No. LA03/DPS/0100**.

Masterplan Approach

Representation No. LA03/DPS/0075 also suggests that strategic infrastructure requirements should be addressed not by way of KSRs at the LPP stage of the LDP but by preparation of a masterplan for the area by Council.

Representation No. LA03/DPS/0075 states specifically:

"Rather than leaving all strategic infrastructure requirements to the key site requirements in the local policies paper a more sensible approach would be for Council to commit to undertake a masterplan for the SEL given the varying land ownership and variation in ability of access to the road network and water/sewerage network. This could also outline any requirement for data connections and the required hard landscaping structure that is necessary to form a visually attractive gateway. In that way developers would have more certainty in respect of the level of contributions that may be necessary in their site selection process, bringing more certainty that the job creation anticipated can be delivered".

We do not agree with the suggested modification to take a masterplan approach to addressing such issues.

As previously stated, we believe, that such matters are site specific issues which relate solely to the Nutts Corner SEL and which can be dealt with and addressed by way of appropriately defined KSRs at the LPP stage of the LDP as envisaged within the LDP's **Evidence Paper 3 – Economic Growth** and DPSD.

Furthermore **representation No. LA03/DPS/0075** does not specify the mechanics of how such a masterplan exercise would be undertaken or if it would form part of the LDP process or otherwise.

We believe that Council's proposed approach to deal with such matters by way of KSRs at the LPP stage of the LDP process is the most appropriate and method of addressing this matter and should be retained.

(Continue on a separate sheet if necessary)



Restriction on Uses

Representation No. LA03/DPS/0075 acknowledges the restrictive nature of the latter part of **Policy DM 1.1** (restriction of acceptable uses to Nutts Corner SEL). It states:

"The policy does not include for business uses or for research and development uses with little explanation provided in the evidence paper for their omission strategic policy specifically for Nutts Corner would have assisted in the promotion of a greater range of uses including B1 and B2 use classes".

Whilst we support the representation in relation to its desire to provide more flexibility in respect of acceptable uses at the Nutts Corner SEL, we do not believe a specific policy is required to address this as set out above.

The representation goes on to suggest further modifications to address this restriction on uses by stating:

"The balance towards industrial and storage and distribution uses can still be maintained by references to the business uses or research and development uses being ancillary to the permissible uses in DM 1.1 or a percentage cap could be included to control the areas in use by non storage and distribution, transportation or industrial users".

In proposing business uses or R&D uses as ancillary to those permitted uses within **Policy DM 1.1** or making them subject to a % cap this, in our opinion, is still too restrictive and inflexible and would continue to unduly restrict the type of acceptable uses at the Nutts Corner SEL.

It is our opinion that if **Policy DM 1.1** is amended as suggested under **representation No. LA03/DPS/0075** or in the alternative, a distinct policy was provided which offered similar amendments, it would still restrict and stifle the role and future growth and investment potential of the Nutts Corner SEL going forward.

It is therefore our opinion that the proposed modifications suggested under **representation No. LA03/DPS/0075** in respect of acceptable uses fail to satisfy the tests of **CE4 (Coherence and Effectiveness)** and are unsound. This is due to a failure to incorporate an appropriate degree of flexibility for the potential uses that would be acceptable at the Nutts Corner SEL.

In terms of potential uses, it would be preferable, as set out in our representation **No. LA03/DPS/0100** to specify within **Policy DM 1.1** that all uses under Part B Industrial and Business Uses of The Planning (Use Classes) Order (Northern Ireland) 2015 are acceptable thus being consistent with the SPPS. That way the greatest opportunity to avail of future job creation potential will result.

A wider range of uses as per those for other SELs should be deemed acceptable for the Nutts Corner SEL. Such provision of a wider range of uses will not lead to a significant diminution of the role of this SEL. Indeed given its established nature and character, Nutts Corner will still remain a key area for industrial, transport, logistics and storage and distribution users. A wider range of acceptable use will not weaken this but instead, will strengthen and consolidate Nutts Corner's position as a SEL whilst ensuring there is flexibility to adapt to potential future economic changes and in doing so protect its future vitality and viability.

On behalf of our client we reserve the right to comment further on the above aspects at any Independent Examination in relation to the DPSD and in relation to the subsequent Local Policies Plan stage.



Signature:

Date:

6th December 2019

Thank you for your response.

