

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

This Direction is issued pursuant to s12 of the Planning Act (Northern Ireland) 2011. The Department for Infrastructure (DfI) has considered the recommendations made under section (10)(8) of the Planning Act (Northern Ireland) 2011. The Department agrees with the majority of the concluding findings outlined in the Planning Appeals Commission report. Therefore in exercise of the powers conferred on it by section 12(1)(b) of the Act, hereby directs that Antrim Newtownabbey Borough Council adopts the draft Plan Strategy with such modifications as specified in this direction.

This direction may be cited as the:-

### **Department for Infrastructure Planning Act (Northern Ireland) 2011, Adoption of Antrim and Newtownabbey Borough Council Plan Strategy, (s12) Direction 2024.**

#### **1.0 Commencement**

1.1 This direction comes into operation on 27 September 2024.

#### **2.0 Interpretation**

2.1 In this direction:

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

"council" means Antrim and Newtownabbey Borough Council;

"regulations" means the Planning (Local Development Plan) Regulations (Northern Ireland) 2015;

"the Department" means the Department for Infrastructure;

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

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

"report" means the Planning Appeals Commission report on the Independent

Examination of the Antrim and Newtownabbey Borough Council draft Plan Strategy.

### 3.0 **Modifications to the draft Plan Strategy**

3.1 The PAC has made recommendations under s10(8) of the Act and set these out as recommended amendments as part of its report on the Independent Examination (IE) of the Antrim and Newtownabbey Borough Council draft Plan Strategy. The Department has considered the recommendations made under s10(8) of the Act and accepts the majority of the findings reached by the PAC.

3.2 The Department has, however, concluded that the designation of the Abbey Centre as a Large Town Centre has not met the necessary requirements in relation to regional strategic objectives for town centres and retailing. The Department notes the PAC's findings however considers that to ensure that regional strategic planning objectives are not undermined, the Department directs the Council to excise the proposed Abbey Centre designation from the Plan Strategy in accordance with the modifications that are part of this direction. The explanatory note which accompanies this direction, sets out a full explanation of the Department's consideration on this matter and other new modifications.

3.3 The Direction sets out the PAC's Recommended Amendments (RAs) as follows:-

(i) *Schedule 1* of the direction identifies **93** modifications that are required to make the plan sound. These modifications are a combination of:

- amended proposed minor changes (taken from the Draft Plan Strategy Public Consultation Report - Chapter 7 Schedule of suggested Minor changes (March 2021);
- Schedule of Suggested Minor Changes of the dPS (updated as part of the Independent Examination) (June 2022);
- new changes recommended following the conclusion of the IE process; and
- new modifications directed by the Department following

consideration of the IE Report.

In line with the IE report, the Department has specified wording, where necessary, to address the recommendations within this schedule.

- 3.4 It should be noted that there are a small number of modifications that the Department has updated for clarity and consistency. An additional modification (**MOD93**) has also been included to direct the Council to ensure that any other presentational or factual amendments, typographical or grammatical errors, or consequential changes within the draft Plan Strategy, are updated as a result of all modifications and minor editing changes. This modification provides scope to address any amendments that are required as the draft Plan Strategy is brought forward for adoption under Section 12. The Council should satisfy itself that any updates or errors brought forward fall within the scope of **MOD93** and do not amend the nature and intent of the modifications or any other aspect of the plan, this includes those changes in the Draft Plan Strategy Public Consultation Report - Chapter 6 and 7 Schedule of suggested Minor changes (March 2021) and Schedule of Suggested Minor Changes of the dPS (updated as part of the independent Examination) (June 2022) which were not brought forward by the PAC.
- 3.5 Therefore, the Department, in exercise of its powers conferred on it by section 12(1)(b), of the Planning Act (Northern Ireland) 2011, hereby directs that Antrim and Newtownabbey Borough Council modifies the draft Plan Strategy to include all **93** modifications detailed in *Schedule 1* of this direction. These should be read in conjunction with the IE report (attached at Annex A).
- 3.6 The Council should ensure, in light of the modifications required to proceed to adoption, that updates to the Sustainability Appraisal and any other statutory assessments as necessary should be undertaken.

#### **4.0 Information to the Department**

- 4.1 If for any reason, the Council does not comply with this direction in its entirety, the Department, if required, may also consider its intervention or default powers

under sections 15 or 16 of the Act. The Department will take these steps only if it thinks the plan is unsatisfactory, or if it thinks the Council is failing or omitting to do anything necessary for it to do in connection with the preparation of the draft Plan Strategy.

4.2 The Department wishes to highlight provisions set out in section 14 of the Act, in that the Department has the power to direct the Council to prepare a revision of the Plan Strategy, once adopted, where necessary.

#### 5.0 **Adoption of the document**

5.1 DfI directs the Council to provide notification of the adoption of the draft Plan Strategy by resolution of the Council unless the Department exercises its powers under sections 15 or 16 of the Act.

5.2 Under section 12 of the Act and provisions set out in regulation 24, the Council must comply with the direction and the modifications hereby given and adopt the draft Plan Strategy as soon as reasonably practicable.



**Alistair Beggs**  
Chief Planner & Director of  
Regional Planning Policy &  
Casework  
Department for Infrastructure  
James House  
3<sup>rd</sup> Floor  
2-4 Cromac Avenue  
The Gasworks  
Belfast BT7 2JB

DfI Modification no.	Recommended Amendment no.	Policy, section or paragraph number of dPS or document	Page no. of the DPS	Recommended Amendment	DfI Modifications made following the Department's consideration of the recommended amendments under Section 12 of the 2011 Act.
MOD01	RA01	Paragraph 1.15	20	"Once the Plan Strategy is adopted it will replace the regional operational policies that are currently retained by the Strategic Planning Policy Statement..."	<p><b>DfI directs the Council to modify the first sentence of paragraph 1.15, page 20 of the dPS, in accordance with this PAC recommendation, as follows:</b></p> <p>"Once the Plan Strategy is adopted it will replace the regional operational policies that are currently retained by the Strategic Planning Policy Statement (comprised of the existing suite of Planning Policy Statements and the remaining extant provisions Planning Strategy for Rural Northern Ireland)."</p>
MOD02	RA02	Paragraph 2.5	26	"In addition, there are a large number of other Government Strategies and Plans, such as the Biodiversity Strategy for Northern Ireland and 'Lifetime Opportunities', the Government's Anti- Poverty and Social Inclusion Strategy that,	<p><b>DfI directs the Council to modify paragraph 2.5, page 26 of the dPS, in accordance with this PAC recommendation, as follows:</b></p> <p>"In addition, there are a large number of other Government Strategies and Plans, such as the</p>

				whilst not specifically referenced in this Section, have been taken into account in preparation of the Plan Strategy.	Biodiversity Strategy for Northern Ireland and 'Lifetime Opportunities', the Government's Anti- Poverty and Social Inclusion Strategy that, whilst not specifically referenced in this Section, have been taken into account in preparation of the Plan Strategy."
MOD03	RA03	After Para 2.20	30/31	<p>"UK Marine Policy Statement</p> <p>2.21 The UK Marine Policy Statement (MPS) was published in September 2011 and was prepared and adopted under the Marine and Coastal Access Act 2009. The statement provides the policy framework for the Marine Planning system and for taking decisions that have the potential to impact on the marine environment. The policy framework will contribute to the achievement of sustainable development in the UK's marine area which includes both offshore and inshore regions including all tidal rivers and sea loughs. As our Borough abuts Belfast Lough, the Plan Strategy has had regard to the provisions of the MPS.</p> <p>Draft Marine Plan for Northern Ireland</p>	<b>Dfl directs the Council to modify by inserting new paragraphs after paragraph 2.20, page 30-31 of the dPS, and renumber subsequent paragraphs as necessary, in accordance with this PAC Recommended Amendment.</b>

				<p>The draft Marine Plan for Northern Ireland was published in April 2018 by the Department of Agriculture, Environment and Rural Affairs (DAERA). The draft Marine Plan has been developed within the framework of the UK Marine Policy Statement (MPS) in order to protect and sustainably manage the marine environment in Northern Ireland and facilitate sustainable development including coastal areas. The draft Marine Plan will inform and guide the regulation, management, use and protection of our marine area, both the offshore and inshore regions. The draft Marine Plan was taken into account in preparing the draft Plan Strategy and will continue to inform the LDP process until such time as it is adopted.</p> <p>Under Section 8 of the Marine Act (NI) 2013 the Council must take any authorisation or enforcement decision in accordance with any appropriate marine plan unless relevant considerations indicate otherwise”. (remaining paragraphs renumbered)</p>	
MOD04	RA04	Strategic Objective 1	58	<p>“• Promote sustainable growth by managing development and securing new infrastructure provision in our settlements, countryside and coast to meet the needs of all our citizens”.</p>	<p><b>Dfl directs the Council to modify Strategic Objective 1, page 58 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>

MOD05	RA05	Strategic Objective 3	58	<p>“• Provide a range and quality of land and premises to facilitate business growth, promote economic diversification and protect our strategically important employment locations including the Regional Gateway at Belfast International Airport”.</p>	<p><b>Dfl directs the Council to modify Strategic Objective 3, page 58 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>
MOD06	RA06	Strategic Objective 11	59	<p>“• Promote biodiversity, and conserve the natural assets of our countryside, coast and loughs”.</p>	<p><b>Dfl directs the Council to modify Strategic Objective 11, page 59 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>
MOD07	RA07	SP 1.3	62	<p>Insertion of new paragraph,</p> <p>“SP 1.3 In addition any development proposal which affects or might affect the whole or any part of the marine area of Belfast Lough must accord with the provisions of the UK Marine Policy Statement and the Draft Marine Plan for NI once adopted unless relevant considerations indicate otherwise.”</p> <p>(remaining paragraphs renumbered).</p>	<p><b>Dfl directs the Council to modify by inserting a new paragraph after paragraph SP 1.2, page 62 of the dPS, and renumber the subsequent paragraphs, in accordance with this PAC Recommended Amendment.</b></p>
MOD08	RA08	SP 1.4	63	<p>“...to allow proper consideration of the impacts of the development (to include where relevant impacts on the marine area) and any mitigation measures proposed.”</p>	<p><b>Dfl directs the Council to modify the first sentence of SP1.4, page 63 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b></p> <p>“To assist the delivery of sustainable development, the Council will require developers to provide impact assessments in association with planning applications where this is necessary to allow proper consideration of the impacts of the development (to include where</p>



					relevant impacts on the marine area) and any mitigation measures proposed.”
MOD09	RA09	SP 1.6	65	“(g) Afford suitable protection to our Borough’s natural and historic environment, including the adjacent marine environment, in accommodating growth...”	<b>Dfl directs the Council to modify criterion (g) of the Spatial Growth Strategy, page 65 of the dPS, in accordance with this PAC Recommended Amendment.</b>
MOD10	RA10	SP 1.11	67	Replace term 'brownfield land' to 'previously developed land'	<p><b>Dfl directs the Council to modify Policy SP1.11 of page 67 of the dPS, by retaining the term “brownfield land” and inserting a footnote at “brownfield land”, to read:</b></p> <p>“RDS 2035 (page 106) definition of brownfield land: This is sometimes referred to as previously developed land that is, or was occupied by a permanent structure within a defined Settlement limit”.</p> <p><b>Furthermore, Dfl directs the council to insert the phrase “within settlements”, after “In all locations”. For clarity this policy should read;</b></p> <p>“In all locations, within settlements, proposals that reuse or make better use of vacant, derelict or underused brownfield land (footnote number) or buildings will be supported where they are in accordance with the relevant policies of the LDP”.</p>
MOD11	RA11	Paragraph 4.2	68	“...the careful management of our historic environment and natural heritage, including the adjacent marine area. The Plan...”	<p><b>Dfl directs the Council to modify the first sentence of paragraph 4.2, page 68 of the dPS, in accordance with this PAC Recommended Amendment. For clarity this should read:</b></p> <p>“As such, the LDP seeks to further sustainable</p>

					development through its policies and designations which balance the social and economic priorities of our Borough alongside the careful management of our historic environment and natural heritage, including the adjacent marine area.”
MOD12	RA12	Paragraph 4.7	70	Insert (villages and hamlets) after the term ‘smaller settlements’	<p><b>Dfl directs the Council to modify by inserting “(villages and hamlets)” after the term “smaller settlements” in the last sentence of paragraph 4.7, page 70 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b></p> <p>“Our Strategic Growth Strategy also recognises the importance of sustaining our Borough’s rural community and seeks to allow appropriate growth in our smaller settlements (villages and hamlets) and the countryside.”</p>
MOD13	RA13	Paragraph 4.11	71	<p>MA0018</p> <p>Additional paragraph:</p> <p>“4.11 The sustainability of development schemes will also be improved through the use of an appropriate balance of new construction materials and recycled materials wherever feasible.”</p>	<p><b>Dfl directs the Council to modify by inserting an additional paragraph after paragraph 4.10, page 71 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>

MOD14		SP2.8	78		<p><b>Dfl directs the Council to modify by inserting an additional sentence (highlighted below) at end of SP2.8, page 78, of the dPS. For clarity this will read as follows:</b></p> <p>“Until such times as the boundary of the SEL is identified at BIA, the Council will operate a presumption in favour of a wide range of industrial, business, airport related, and other complementary employment and service uses on the lands currently zoned at this location for airport related uses. In addition, the Council will in principle, support development at BIA that accords with or complements the published Airport Masterplan 2030. Proposals for retail and other town centre uses at this location must comply with all relevant retail policies set out elsewhere in the plan strategy including policies SP2.12 and DM7.”</p>
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MOD15		Paragraph 5.18 & 5.19	84		<p><b>Dfl directs the Council to modify paragraph 5.18, page 84 of the dPS, as follows:</b></p> <p>“Based on the Retail and Commercial Leisure Study undertaken in support of the Plan Strategy, the Council has identified a retail hierarchy that recognises the traditional town centres of Antrim, Ballyclare, Crumlin and Randalstown, with a town centre also identified at Glengormley in Metropolitan Newtownabbey. These are complemented by district centres at Northcott and Whiteabbey Village.”</p> <p><b>Furthermore, Dfl directs the Council to modify the first sentence of paragraph 5.19, page 84 of the dPS, as follows:</b></p> <p>“Whilst the five town centres vary greatly in size and the level of provision of services afforded, they all perform an important function in meeting the needs of residents within their surrounding catchment areas.”</p> <p><b>Also, Dfl directs the Council to modify the map entitled “Figure 5: Hierarchy of Centres in our Borough” by removing the reference to “Abbey Centre” under “Large Town Centre”. Dfl directs the Council to renumber the titles and reflect this in the map accordingly.</b></p>
		Fig. 5 map	87		

MOD16	RA14	SP 2.12	78-79	<p>Table 4 amended to read:</p> <table border="1" data-bbox="712 229 1335 880"> <thead> <tr> <th>Tier</th> <th>Title</th> <th>Role and Function</th> <th>Centres</th> </tr> </thead> <tbody> <tr> <td>1</td> <td><b>Large Town Centres</b></td> <td>Provides (or has the potential to provide) a range of shops, services, businesses and community facilities to a significant hinterland which includes smaller neighbouring towns or a number of suburbs.</td> <td>Abbey Centre and Antrim</td> </tr> <tr> <td>2</td> <td><b>Town Centres</b></td> <td>Provides (or has the potential to provide) a range of shops, services, businesses and community facilities to a hinterland which includes neighbouring villages or a few surrounding suburbs.</td> <td>Ballyclare, Crumlin, Glengormley, and Randalstown</td> </tr> <tr> <td>3</td> <td><b>District Centres</b></td> <td>Provides (or has the potential to provide) a range of shops, services, businesses and community facilities to a suburban community.</td> <td>Northcott and Whiteabbey Village</td> </tr> <tr> <td>4</td> <td><b>Local Centres</b></td> <td>Provides (or has the potential to provide) a range of shops and services to a surrounding community.</td> <td> <p><b>Urban</b></p> <p><u>Metropolitan Newtownabbey</u></p> <p>Abbot's Cross, Ballyduff, Beverley Road, Cammonee, Cloughfern, The Diamond (Rathcoole), Jennings Park, Kingspark/Kings Crescent, Malusk, Mayfield, Merville Garden Village, Monkstown, Mossley West and Richmond.</p> <p><u>Antrim</u></p> <p>Greystone and Parkhall</p> <p><b>Rural</b></p> <p>Ballynure, Doagh, Parkgate, Templepatrick, and Toome</p> </td> </tr> </tbody> </table>	Tier	Title	Role and Function	Centres	1	<b>Large Town Centres</b>	Provides (or has the potential to provide) a range of shops, services, businesses and community facilities to a significant hinterland which includes smaller neighbouring towns or a number of suburbs.	Abbey Centre and Antrim	2	<b>Town Centres</b>	Provides (or has the potential to provide) a range of shops, services, businesses and community facilities to a hinterland which includes neighbouring villages or a few surrounding suburbs.	Ballyclare, Crumlin, Glengormley, and Randalstown	3	<b>District Centres</b>	Provides (or has the potential to provide) a range of shops, services, businesses and community facilities to a suburban community.	Northcott and Whiteabbey Village	4	<b>Local Centres</b>	Provides (or has the potential to provide) a range of shops and services to a surrounding community.	<p><b>Urban</b></p> <p><u>Metropolitan Newtownabbey</u></p> <p>Abbot's Cross, Ballyduff, Beverley Road, Cammonee, Cloughfern, The Diamond (Rathcoole), Jennings Park, Kingspark/Kings Crescent, Malusk, Mayfield, Merville Garden Village, Monkstown, Mossley West and Richmond.</p> <p><u>Antrim</u></p> <p>Greystone and Parkhall</p> <p><b>Rural</b></p> <p>Ballynure, Doagh, Parkgate, Templepatrick, and Toome</p>	<p><b>Dfl directs the council to modify Table 4 within Policy SP2.12, page 79 of the dPS, in accordance with the PAC recommended Table 4. Dfl further directs Council to modify this amended Table 4, to remove Abbey Centre from Tier 1, Large Town Centres.</b></p>
Tier	Title	Role and Function	Centres																						
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MOD17	RA15	SP 2.12	78	<p>See MA001</p> <p>Change to heading:</p> <p>“Retail Centres and the Retail Hierarchy”</p>	<p><b>Dfl directs the Council to modify by replacing the heading “Town Centres and Retailing” with the heading “Retail Centres and the Retail Hierarchy” at SP2.12, page 78 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>																				

MOD18	RA16	DM 1.4	89	“(c) The alternative use proposed would not result in conflict or be incompatible with the remaining businesses at the site or be materially detrimental to the specific character and amenity of the immediate area.”	<b>Dfl directs the Council to modify by replacing criterion (c), page 89 of the dPS, in accordance with this PAC Recommended Amendment.</b>
MOD19	RA17	DM4	94	Inclusion of Forestry development in Policy DM4	<p><b>Dfl directs the Council to modify the title of policy DM4, page 94 of the dPS, to include the word “forestry”. For clarity, the title should read:</b></p> <p>“Policy DM4: Agricultural and Forestry Development”</p> <p><b>Dfl also directs the Council to modify the following sections of Policy DM4, page 94-95, of the dPS, to include forestry development. For clarity this should read as follows:</b></p> <p><b>The first sentence of DM4.1 to be modified as:</b></p> <p>“The Council will support proposals for a new agricultural building(s), forestry development or other development ancillary.....”</p> <p><b>The second sentence of DM4.2 to be modified as:</b></p> <p>“Exceptionally, a lesser period may be acceptable, but only where the applicant is actively engaged in farming or forestry, and it is demonstrated that the proposal is necessary to meet the needs of a farm or forestry business that has been in operation for at least 12 months.”</p>

					<p><b>Policy DM 4.3 (a) should be modified as:</b></p> <p>“(a) It is essential for the efficient functioning of the farm or forestry business;”</p> <p><b>Policy DM 4.4 should be modified as:</b></p> <p>“Development proposals involving intensive farming, forestry or animal husbandry must demonstrate that they will not result in any significant adverse health or environmental effects, particularly in relation to ammonia production.”</p> <p><b>Furthermore, Dfl directs the Council to modify the Policy section heading above paragraph 5.34 and paragraphs 5.34 -5.36, pages 93-94, of the dPS to include forestry.</b></p> <p><b>For clarity, the title should read:</b></p> <p>“Agricultural and Forestry Development”.</p> <p><b>The second line of paragraph 5.34 should be modified as follows:</b></p> <p>“The aim of this policy is to ensure that the operational development needs of farm and forestry businesses are managed in an appropriate way...”</p> <p><b>Paragraph 5.35 should be modified as follows:</b></p> <p>“Our Borough has a well-established agricultural and forestry community and business sector which</p>
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					<p>contributes significantly to the local economy and is vital in maintaining a vibrant rural community. As agricultural and forestry business needs change and in order to ensure the longevity of a farm or forestry enterprise and maintain employment in the agricultural and forestry sector, new or extended buildings may be required.”</p> <p><b>Finally, paragraph 5.36 should be modified as follows:</b></p> <p>“In bringing forward proposals, the applicant will be required to demonstrate a need for any new or extended agricultural or forestry buildings and that these are sensitively integrated into the landscape and will not cause any significant adverse impacts on amenity, human health or the environment.”</p>
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MOD20	RA18	DM 6.1	98	<p>“The Council will encourage and support a diverse range of retail and Complementary town centre uses* within our Borough’s identified centres provided these support rather than detract from the successful functioning of the centres and their ability to meet local needs. All development proposals should contribute positively to the vitality and viability of the centre, and will be required to demonstrate that they will maintain or enhance the visual amenity of the area by providing an active and attractive frontage appropriate to the location”.</p> <p>Footnote *Complementary town centre uses include cultural and community facilities, leisure, entertainment and business uses, including offices.”</p>	<p><b>Dfl directs the Council to modify the introductory text of DM 6.1, delete criterion (c) and add footnote to the term “complimentary town centre uses”, page 98 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>
MOD21	RA19	DM 6.2	98	<p>MA003</p> <p>“Proposals that would result in the loss of retail units will only be permitted where it is demonstrated that the retail use of the unit is no longer viable (e.g. evidence to show that despite marketing of the unit/building for at least 6 months there has been no interest shown) and this will not result in a concentration of non-retail uses that would be harmful to the shopping function of the centre.”</p>	<p><b>Dfl directs the Council to modify Policy DM 6.2 to replace “12 months” with “6 months” at page 98 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>

MOD22	RA20	DM 6	98	<p>Additional paragraph to be added after DM 6.4,</p> <p>“District and Local Centres</p> <p>A Retail Assessment will be required for any development proposal that involves an increase of more than 1,000 m2 (gross) of retail floor space in District and Local Centres. The Retail Assessment should provide a proportionate response to the proposal being sought and incorporate an assessment of need, impact and the sequential test. This includes applications for an extension/s which would result in the overall development exceeding 1000 square metre gross external area.”</p>	<p><b>Dfl directs the Council to modify Policy DM 6 by inserting an additional paragraph after current DM 6.4 to the policy box at page 98 of the dPS in accordance with this PAC Recommended Amendment.</b></p>
MOD23	RA21	Paragraph 5.42	99	<p>MA004A</p> <p>“The aim of this policy is to protect the role, viability and vitality of town centres from the adverse impacts ...”</p>	<p><b>Dfl directs the Council to modify the first sentence of paragraph 5.42, page 99 of the dPS, in accordance with this PAC Recommended Amendment.</b></p> <p><b>It is noted that the correct reference is ‘MA004.A’.</b></p>

MOD24	RA22	DM 7.1 & 7.2	100	<p>See MA005A</p> <p>“In considering development proposals for retail use (including extensions) and other main town centre uses outside our Borough’s centres, the Council will apply the following sequential test which requires that locations for new development be considered in the following order of preference:</p> <ul style="list-style-type: none"> <li>Centre sites;</li> <li>Edge of Centre sites; and</li> </ul> <p>Out of Centre locations that are, or can be made, accessible by walking, cycling and public transport.”</p>	<p><b>Dfl directs the Council to modify Policy 7.1, page 100 of the dPS, to remove “which generate significant footfall” and “town” in accordance with this PAC Recommended Amendment. For clarity this should read:</b></p> <p>“In considering development proposals for retail use (including extensions) and other main town centre uses outside our Borough’s centres, the Council will apply the following sequential test which requires that locations for new development be considered in the following order of preference:</p> <ul style="list-style-type: none"> <li>• Centre sites*;</li> <li>• Edge of Centre sites; and</li> <li>• Out of Centre locations that are, or can be made, accessible by walking, cycling and public transport.”</li> </ul> <p><b>Dfl also directs the Council to insert an asterix at Centre sites in the first bullet point to read:</b></p> <p>*“To be applied in the following order of Large Town Centres, Town Centres, and then District Centres.”</p> <p><b>It is noted that the correct reference is ‘MA005.A’.</b></p>
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MOD25	RA23	DM 7.2	100	<p>See MA005B</p> <p>“Proposals for retail use and other main town centre uses in out of centre locations will only be acceptable where, having regard to the expected catchment of the development, all of the following criteria are demonstrated:  All centre and edge of centre options have been assessed and discounted as unsuitable, unviable or unavailable. Where there are multiple centres within the defined catchment area, the order of preference should be to develop in the higher order centre;  The scale of development proposed is appropriate to its location, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;  There will be no significant individual or cumulative adverse effect on the vitality and</p> <ul style="list-style-type: none"> <li>□</li> <li>□</li> </ul>	<p><b>Dfl directs the Council to modify Policy 7.2, page 100 of the dPS, to delete “which generate significant footfall” and “town” in accordance with this PAC Recommended Amendment.</b></p> <p><b>It is noted that the correct reference is ‘MA005.B’.</b></p> <p><b>For clarity, this should read as follows:</b></p> <p>“Proposals for retail use and other main town centre uses in out of centre locations will only be acceptable where, having regard to the expected catchment of the development, all of the following criteria are demonstrated:</p> <ul style="list-style-type: none"> <li>(a) All centre and edge of centre options have been assessed and discounted as unsuitable, unviable or unavailable. Where there are multiple centres within the defined catchment area, the order of preference should be to develop in the higher order centre;</li> <li>(b) The scale of development proposed is appropriate to its location, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;</li> <li>(c) There will be no significant individual or cumulative adverse effect on the vitality and viability of existing centres within the catchment;</li> <li>(d) The proposal will help to meet qualitative or quantitative deficiencies; and</li> <li>(e) The site can be easily accessed by a range of transport modes.”</li> </ul>
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				<p>viability of existing centres within the catchment;  The proposal will help to meet qualitative or quantitative deficiencies; and  The site can be easily accessed by a range of transport modes.”</p>	
MOD26	RA24	DM 7.5	101	<p>See MA005C</p> <p>“A Retail Assessment will be required for any development proposal that involves an increase of more than 1,000 m2 (gross) of retail floor space outside any of our Borough’s centres. This includes applications for an extension(s) which would result in the overall development exceeding 1,000 m2 gross external area. The Retail Assessment should provide a proportionate response to the proposal being sought and incorporate an assessment of need, impact and the sequential test.”</p>	<p><b>Dfl directs the Council to modify Policy DM 7.5, page 101 of the dPS in accordance with this PAC Recommended Amendment.</b></p> <p><b>It is noted that the correct reference is ‘MA005.C’.</b></p>
MOD27	RA25	DM 9.4	104	<p>“For new hotels and guesthouses, preference will be given to developments that are physically associated with existing settlements or which involve the sympathetic conversion of a locally important building. In other cases where a guesthouse or hotel accommodation is proposed in a countryside location a specific locational need must be demonstrated.”</p>	<p><b>Dfl directs the Council to amend the second sentence of DM9.4, page 104 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>

MOD28	RA26	DM 9.10	105	<p>“... (d) Satisfactory information is submitted for proposals in the countryside to demonstrate a robust business case for the development; The extent to which the proposal will promote a sustainable form of development and complement the Council’s Tourism Strategy; and existing or planned public access to tourism assets, including landscape features and the coast, are safeguarded or enhanced.”</p>	<p><b>Dfl directs the Council to modify by inserting an additional criterion (f) at DM9.10, page 105 of the dPS, in accordance with this PAC Recommended Amendment.</b></p> <p><b>For clarity, this should read as follows:</b></p> <p>“DM 9.10 Developers will be required to submit a supporting statement to accompany all proposals for tourism development that demonstrates how the proposal meets the following criteria:</p> <ul style="list-style-type: none"> <li>(a) The development is compatible with policies to safeguard and enhance the historic environment and natural heritage assets;</li> <li>(b) There is a high quality of design and the scale and nature of the development will allow for its integration into the receiving environment;</li> <li>(c) The development is proposed at an accessible location and adequate infrastructure arrangements can be provided (e.g. roads, parking, drainage);</li> <li>(d) Satisfactory information is submitted for proposals in the countryside to demonstrate a robust business case for the development;</li> <li>(e) The extent to which the proposal will promote a sustainable form of development and complement the Council’s Tourism Strategy; and</li> <li>(f) Existing or planned public access to tourism assets, including landscape features and the coast, are safeguarded or enhanced.” </li></ul>
MOD29	RA27	SP 3.9	112	<p>“...complementary measures for the overall delivery of more sustainable travel patterns and to reduce the level of private car use.”</p>	<p><b>Dfl directs the Council to modify by inserting this additional text at the end of the second sentence of SP3.9, page 112 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>

MOD30	RA28	Paragraph 6.15	115	“The LDP will be supported by a Local Transport Study (LTS) prepared by Dfl...”	<b>Dfl directs the Council to modify by replacing the phrase “Transport Strategy” with the phrase “Transport Study”, in the first sentence of paragraph 6.15, page 115 of the dPS, in accordance with this PAC Recommended Amendment.</b>
MOD31	RA29	DM 10.1	118	“...(a) There is the capacity on the road network to accommodate the type and amount of traffic likely to be generated, or where any adverse impact can be suitably	<b>Dfl directs the Council to modify by amending criteria (a) and (b) of DM10.1, page 118 of the dPS, in accordance with this PAC Recommended Amendment.</b>

				mitigated, taking into account the cumulative impacts of development; (b) Access arrangements do not prejudice road safety or significantly inconvenience the flow of people or goods; and....”	
MOD32	RA30	Paragraph 6.21	119	<p>“A properly located and well-designed access* is essential for the safety and convenience...”</p> <p>Insert the following footnote, *For the purposes of DM 10 and DM 11 a field gate does not constitute an access.</p>	<b>Dfl directs the Council to modify by inserting an asterisk after “access” in the first sentence of 6.21 and a corresponding footnote, at page 119 of the dPS, in accordance with this PAC Recommended Amendment.</b>
MOD33	RA31	DM 11.3(b)	120	the prefix ‘sub’ to be deleted	<b>Dfl directs the Council to modify by deleting the prefix “sub” in the first sentence of DM11.3(b), at page 120 of the dPS, in accordance with this PAC Recommended Amendment.</b>
MOD34	RA32	11.4(b)	121	The Plan should refer to road safety	<p><b>Dfl directs the Council to modify DM11.4(b) of page 121 of the dPS, in accordance with this PAC Recommended Amendment. This wording has been established in paragraph 5.81 of the PAC Report on the Independent Examination and for clarity, should read:</b></p> <p>“A residential proposal, which assists in the creation of a high quality urban design without compromising standards of road safety and does not result in an excessive number of additional access points onto the Protected Route.”</p>
MOD35	RA33	DM 12.1(b)	121	“... (b) Safe, convenient and attractive walking and cycle linkages to existing or programmed networks nearby;...”	<b>Dfl directs the Council to modify DM12.1(b), at page 121 of the dPS, in accordance with this PAC Recommended Amendment.</b>



MOD36	RA34	DM 14.1(c)	126	<p>See MA006</p> <p>“...(c) The proposal will not have an unacceptable adverse impact on local amenity or the environment.”</p>	<p><b>Dfl directs the Council to modify DM14.1(c), at page 126 of the dPS, in accordance with this PAC Recommended Amendment.</b></p> <p><b>Please note, the reference to MA006 is incorrect. MA006 is dealt with under RA36 below.</b></p>
MOD37	RA35	DM 14.2	126	<p>Insert the word 'unacceptable' before 'adverse impacts'</p>	<p><b>Dfl directs the Council to modify DM14.2, at page 126 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>
MOD38	RA36	DM 14.3(a)	126	<p>“...(a) They avoid areas identified for their landscape importance as set out in SP 8 except where it is demonstrated to the satisfaction of the Council that this is not feasible”</p>	<p><b>Dfl directs the Council to modify DM14.3(a), at page 126 of the dPS, in accordance with this PAC Recommended Amendment.</b></p> <p><b>Please note that this is MA006.</b></p>
MOD39	RA37	DM 14.4	127	<p>Amended paragraph 14.4, new paragraph 14.5 &amp; new footnote:</p> <p>“DM 14.4 Proposals involving development within the vicinity of a wastewater treatment works* will only...”</p> <p>“DM 14.5 In assessing proposals the Council will also take into account the provisions of any relevant policy or guidance produced by Northern Ireland Water.”</p> <p>*For the purposes of this policy a Waste Water Treatment Work (WWTW) includes a Waste Water Pumping Station (WWPS).”</p>	<p><b>Dfl directs the Council to modify DM14.4, insert a new paragraph after 14.4 and insert a corresponding footnote at page 126 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>

MOD40	RA38	DM 16.4	128	<p>New footnote inserted:  “DM 14.6 Applications for telecommunications development by Code System Operators* or broadcasters will need to include:  information about the purpose and need for the particular development including a description of how it fits into the operator`s or broadcaster`s wider network;  details of the consideration given to measures to mitigate the visual and environmental impact of the proposal; and where the proposal relates to the development of a mobile telecommunications base station, a statement indicating the following:  Its location, the height of the antenna, the frequency and modulation characteristics and details of power output;  Declaring that the base station when operational will meet the ICNIRP guidelines for public exposure to electromagnetic fields; and That the development shall not cause undue interference to other radio spectrum users.</p> <p>* As defined under The Communications Act 2003.”</p>	<p><b>Dfl directs the Council to modify by inserting an asterisk after the term “Code System Operators” at DM16.4 and a corresponding footnote, at page 128 of the dPS, in accordance with this PAC Recommended Amendment.</b></p> <p><b>Please note, reference to DM 14.6 within RA 38 is incorrect, this RA relates to DM16.4.</b></p> <p><b>For clarity, this should read as follows:</b></p> <p>“DM 16.4 Applications for telecommunications development by Code System Operators* or broadcasters will need to include:</p> <ol style="list-style-type: none"> <li>(a) information about the purpose and need for the particular development including a description of how it fits into the operator`s or broadcaster`s wider network;</li> <li>(b) details of the consideration given to measures to mitigate the visual and environmental impact of the proposal; and</li> <li>(c) where the proposal relates to the development of a mobile telecommunications base station, a statement indicating the following: <ul style="list-style-type: none"> <li>• Its location, the height of the antenna, the frequency and modulation characteristics and details of power output;</li> <li>• Declaring that the base station when operational will meet the ICNIRP guidelines for public exposure to electromagnetic fields; and</li> <li>• That the development shall not cause undue interference to other radio spectrum users.</li> </ul> </li> </ol>
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						* As defined under The Communications Act 2003."
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MOD41	RA39	Paragraph 7.24	139 & 140	<p>See MA021</p> <p>Additional paragraph and subsequent renumbering of relevant paragraphs:</p> <p>“7.24 For the purposes of the Plan, the definition of Affordable Housing is the same as the definition used in the Strategic Planning Policy Statement.</p> <p>7.25 In order...”</p>	<p><b>Dfl directs the Council to modify by inserting a new paragraph after 7.23, at page 140 of the dPS as follows:</b></p> <p>“7.24 The current definition of affordable housing, which is provided by the Department for Communities is contained in Planning policy, specifically the Strategic Planning Policy Statement – SPPS.</p> <p>7.25 In order...”</p>
MOD42	RA40	DM 17.1(d)	143	<p>“(d) For proposals of 20 units or more, a minimum of 20% must demonstrate how the ‘Lifetime Homes’ approach has been taken account of, to ensure that new developments are accessible to all and will assist in the creation of a more balanced community; ....”</p>	<p><b>Dfl directs the Council to modify DM17.1(d), page 143 of the dPS, in accordance with this PAC Recommended Amendment.</b></p> <p><b>Note: this is MA026</b></p>
MOD43	RA41	DM 17.5	144	<p>See MA027</p> <p>Additional paragraph and subsequent renumbering:</p> <p>“DM 17.5 Where it is demonstrated that a development is not viable, a reduced or</p>	<p><b>Dfl directs the Council to modify by inserting a new first paragraph at DM17.5 and renumber subsequent paragraphs as necessary, page 144 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>

				alternative provision of affordable housing may be acceptable.”	
MOD44	RA42	Paragraph 7.34	145	<p>See MA025A</p> <p>Additional paragraph and renumbering of successive paragraphs:</p> <p>“7.34 Details of the requirements of the Lifetime Homes standards can be obtained from the Department for Communities website at: <a href="https://www.communities-ni.gov.uk/articles/housing-association-guide">https://www.communities-ni.gov.uk/articles/housing-association-guide</a>“</p>	<p><b>Dfl directs the Council to modify by inserting a new paragraph after 7.33 and renumber subsequent paragraphs as necessary, page 145/146 of the dPS, in accordance with this PAC Recommended Amendment.</b></p> <p><b>It is noted that the correct reference is ‘MA025.A’.</b></p>
MOD45	RA43	DM 18.3(b)	148	<p>See MA029</p> <p>“No dwellings or residential development opportunities have been sold off or transferred from the farm holding within a period of 10 years from the date of the application and no previous permissions have been granted for a farm dwelling during the same period; and.....”</p>	<p><b>Dfl directs the Council to modify DM18.3(b), page 148 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>
MOD46	RA44	DM 18.4	149	<p>“Exceptionally, where it is demonstrated that it is not possible to sensitively cluster with an established group of buildings as per DM 18.3(c), consideration may be given ... where this would have a limited impact on the character and appearance of the countryside”</p>	<p><b>Dfl directs the Council to modify DM18.4, page 149 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b></p> <p>“Exceptionally, where it is demonstrated that it is not possible to sensitively cluster with an established group of buildings as per DM 18.3(c), consideration may be given to locating the new farm dwelling on a well-defined site on the holding that is enclosed by</p>

					significant, long established boundary planting, where this would have a limited impact on the character and appearance of the countryside.”
MOD47		DM18.8	150 & 157		<p><b>Dfl directs council to modify by deleting Policy DM18.8 and figure 9, page 150 of the dPS.</b></p> <p><b>Furthermore, Dfl directs council to modify by deleting the last sentence of paragraph 7.50, page 157, of the DPS</b></p>
MOD48	RA45	DM18.10	150	<p>See MA032</p> <p>“However in all cases, buildings designed and used for agricultural purposes, such as sheds, and temporary buildings, will not be eligible for replacement under this policy.”</p>	<p><b>Dfl directs the Council to modify Policy DM18.10, page 150 of the dPS, for clarity this should read as follows:</b></p> <p>“However, in all cases, temporary buildings and buildings designed and used for agricultural purposes (such as sheds), will not be eligible for replacement under this policy.”</p> <p><b>Note: Dfl have reworded MA032 for clarity.</b></p> <p><b>Furthermore, Dfl also direct council to modify the last sentence of paragraph 7.51, page 157 of the dPS, as follows:</b></p> <p>“However, it should be noted that temporary buildings (such as caravans and mobile homes) and agricultural buildings (such as sheds) are not eligible for replacement under this policy.”</p>

MOD49		DM18G	154		<p><b>Dfl directs the Council to modify policy DM18G, paragraph DM18.29, page 154, of the dPS by inserting a footnote after the phrase “small group of dwellings in the countryside”. The corresponding footnote should read:</b></p> <p>“*No more than 14 dwellings”</p>
MOD50	RA46	DM20.2	161	<p>See MA034</p> <p>“Where a need is identified for a transit site or a serviced site which cannot readily be met within an existing settlement in the locality, proposals will also be required to meet the provision of Policy DM 18.31”.</p>	<p><b>Dfl directs the Council to modify DM20.2, page 161 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>
MOD51	RA47	DM 22	164	<p>the information contained in Annex A of the Addendum to PPS7 – Residential Extensions and Alterations should be replicated in the PS</p>	<p><b>Dfl directs the Council to modify Policy DM 22.2, page164, of the dPS, as follows:</b></p> <p>“The Council will take account of the guidance set out in Appendix B of the Plan Strategy, which replicates the details included in Annex A of the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (DoE 2008)”.</p> <p><b>Dfl are content this raises no issues of copyright.</b></p> <p><b>It is noted relevant content will be from page 10 - 20 of this document. References to “The Department” should be changed to “The Council” where appropriate, as well as references to PPS7, which will be superseded by the PS. These changes would be covered under MOD93.</b></p>

MOD52	RA48	Paragraph 8.18	175	"Examples of significant ... may include the provision of affordable housing where a demonstrable local need....."	<p><b>Dfl directs the Council to modify the first sentence of paragraph 8.18, page 175 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read as follows:</b></p> <p>"Examples of significant community benefit acceptable under the policy may include the provision of affordable housing where a demonstrable local need is identified or the development of a local facility which has the support of the wider community"</p>
MOD53	RA49	DM 24.2	178	Relocate DM 24.2 under the heading 'Development in the Countryside'	<p><b>Dfl directs the Council to relocate DM24.2 under the heading "Development in the Countryside", page 178 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>
MOD54	RA50	DM 24.4(b)	178-179	<p>See MA017A</p> <p>"(b) There would be an overall community benefit from a development and the particular loss of land and facilities will have no significant effect on the overall provision of facilities in the locality; or....."</p>	<p><b>Dfl directs the Council to modify DM24.4(b), page 179 of the dPS, to change the word "gain" to "benefit" in accordance with the PAC Recommended Amendment.</b></p> <p><b>It should be noted that the correct reference is 'MA017.A'.</b></p>
MOD55	RA51	DM 24.5	179	<p>See MA017B</p> <p>DM 24.5 to sit under a new sub-heading entitled: "Community Facilities within Residential Developments"</p>	<p><b>Dfl directs the Council to insert a new sub-heading "Community Facilities within Residential Developments" above DM24.5, page 179 of the dPS, in accordance with the PAC Recommended Amendment.</b></p> <p><b>It should be noted that the correct reference is 'MA017.B'.</b></p>



MOD56		DM 24	178- 179		<p><b>Further to the changes above within RA49-51, Dfl also directs council to modify DM24.2, DM24.3 and DM24.6, page 178-179, of the dPS, as detailed below. For clarity Policy DM24: Community facilities has been written out in full to include the changes at RA49-51 (above) and the further changes directed by Dfl within this modification.</b></p> <p><b>Policy DM24:</b></p> <p><b>Community Facilities Development within Settlements</b></p> <p>DM 24.1 - The Council will support proposals that provide new or enhanced community facilities and services. New facilities should be located within or adjacent to town, district or local centres or other locations that are easily accessible by public transport, walking and cycling.</p> <p><b>Development in the Countryside</b></p> <p><b>Edge of Settlement</b></p> <p>DM 24.2 – In exceptional circumstances, where it is demonstrated that there is no alternative site within a settlement, the Council will support a community facility, including intensive sports facilities, at an accessible location on the edge of a settlement where the proposal:</p>
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					<p>(a) Represents a logical extension to the built- up area;</p> <p>(b) Is of an appropriate scale in relation to the size of the settlement; and</p> <p>(c) Will not cause any significant adverse effect on the landscape setting or character of the settlement.</p> <p><b>Other countryside locations</b></p> <p>DM 24.3 – With the exception of Intensive Sports Facilities, the Council will sympathetically view proposals for new community buildings and facilities, including appropriate outdoor recreational, sporting and play facilities at accessible locations in the countryside. All proposals will be required to demonstrate an identified local need and accord with the other policies of this plan.</p> <p><b>Reuse of Existing Community Facilities</b></p> <p>DM24.4 - The Council will not support development that may be detrimental to or result in the loss of community services and facilities. In exceptional circumstances, the Council will support development, which seeks to reuse or redevelop an existing community facility for another purpose whereby:</p> <p>(a) The facility is surplus to the needs of the community;</p>
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					<p>(b) There would be an overall community benefit from a development and the particular loss of land and facilities will have no significant effect on the overall provision of facilities in the locality; or</p> <p>(c) Alternative provision or equivalent community recreational benefit is made available at a suitable location within the local area.</p> <p><b>Community Facilities within Residential Developments</b></p> <p>DM 24.5 - New residential development should be designed to ensure good accessibility to existing services and facilities intended to serve future residents and where appropriate developers may be required to provide or contribute towards new and/or enhanced community infrastructure arising as a result of the development.</p> <p>DM 24.6 - For the purposes of this policy, community facilities includes sports and recreation facilities (including intensive sports facilities) as well as a range of community and public buildings.</p> <p><b>Furthermore, Dfl directs council to modify the amplification text on page 179 of the dPS, by inserting new wording within paragraph 8.25, a new paragraph at 8.26 and subsequent re-numbering of remaining paragraphs.</b></p> <p><b>Amplification</b></p>
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					<p>8.25 New community facilities should be located in places that promote accessibility for the communities they are intended to serve. Whilst the majority of facilities will be located within or, exceptionally, adjacent to our Borough's settlements. It is also recognised that certain facilities at an appropriate scale may also be acceptable at accessible locations in the countryside where a demonstrable case of need can be made.</p> <p>8.26 An intensive sports facility is a purpose built or outdoor resource which facilitates one or more activity fundamental to maintaining individual health and fitness. This may include stadia, sports halls, leisure centres, swimming pools, and other indoor (and outdoor) sports facilities. The precise location of such facilities can be contentious, and by their very nature and scale can give rise to particularly complex planning considerations such as impact on sustainability issues and amenity, for example, through floodlighting. Such facilities shall be located within settlements in order to maximise the use of existing infrastructure. Where it is demonstrated that there is no suitable site in a settlement such facilities may be permitted in an edge of settlement location subject to the criteria at DM 24.2.</p> <p>8.27 Where a proposal involves a change of use or redevelopment of an existing community</p>
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					<p>facility to a non-community use, the developer will be required to demonstrate that the facility is surplus to the needs of the community and that it is no longer needed or viable for an alternative community use. This will normally entail evidence that the property has been marketed for a meaningful period for community use with no interest shown.</p> <p>8.28 The Council also considers that it is reasonable for developers to contribute towards the demand arising for new or enhanced community infrastructure as a result of their development. In such cases, the Council may seek to secure the provision or improvement of community facilities, or improved access to such facilities, by way of a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011. This may include provision for agreed works to be carried out by the developer or a financial contribution in lieu of such works.</p>
MOD57	RA52	SP 6.2	184	" ... unique Places of the Borough and assist in the promotion of biodiversity."	<b>Dfl directs the Council to modify the SP6.2, page 184 of the dPS, in accordance with this PAC Recommended Amendment.</b>

MOD58	RA53	SP 6.4	185	<p>See MA007</p> <p>“ ...all proposals for 10 dwellings or more and all non-residential development of 500m2 internal floorspace or greater to be accompanied by a Design and Access Statement....”</p>	<p><b>Dfl directs the Council to modify the second sentence of SP6.4, page 185 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b></p> <p>“The Council will therefore require all proposals for 10 dwellings or more and all non-residential development of 500m2 internal floorspace or greater to be accompanied by a Design and Access Statement.”</p>
MOD59	RA54	Paragraph 9.20	192	<p>“...integrate into their surroundings, assist the promotion of biodiversity and to protect the amenity...”</p>	<p><b>Dfl directs the Council to modify the first sentence of paragraph 9.20, page 192 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b></p> <p>“The aim of this policy is to promote high quality forms of development which are designed to sympathetically integrate into their surroundings, assist the promotion of biodiversity and to protect the amenity and character of our countryside.”</p>
MOD60	RA55	DM 27.5	194	<p>“All proposals for development in the countryside will be expected to address biodiversity impact and be accompanied...”</p>	<p><b>Dfl directs the Council to modify the first sentence of DM27.5, page 194 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b></p> <p>“All proposals for development in the countryside will be expected to address biodiversity impact and be accompanied by a detailed landscaping scheme, which retains or reinstates traditional boundaries and augments existing planting.”</p>

MOD61	RA56	DM27.6	194	<p>New text</p> <p>“The Council will take account of the supplementary guidance document ‘Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside’ (Dfl, 2012) in assessing the design of all development proposals for new buildings in the countryside.”</p>	<p><b>Dfl directs the Council to modify DM27.6, page 194 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>
MOD62	RA57	DM 29.2	198	<p>“An advertisement proposed to be attached to, or within the curtilage of, a Listed Building should be carefully designed and located and special regard must be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Advertisements in Conservation Areas and Areas of Townscape Character should not have an adverse effect on the specific character, appearance and setting of the area”.</p>	<p><b>Dfl directs the Council to modify DM29.2, page 198 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>
MOD63	RA58	DM 32.4	216	<p>Change ‘Statement of Justification’ to ‘Statement of Significance’.</p>	<p><b>Dfl directs the Council to modify DM32.4, page 216 of the dPS, in accordance with this PAC Recommended Amendment.</b></p> <p><b>Furthermore, Dfl directs the council to modify the amplification text at paragraph 10.34 on page 217 of the dPS, in accordance with this PAC Recommended Amendment.</b></p>

MOD64		DM33.1	221		<p><b>Dfl directs the Council to modify DM33.1, page 221 of the dPS as follows:</b></p> <p>The Council will only support development within or adjacent to a Conservation Area that enhances the character or appearance of the area where an opportunity to do so arises, or otherwise to preserve its character or appearance and that is consistent with any relevant conservation area guidance.”</p>
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MOD65	RA59	DM 33.3(a)	221	“The proposal accords with the Guiding Principle of Policy paragraph DM 33.2 through the appropriate design, use of materials, detailing, scale, form & massing & arrangement of such development”	<b>Dfl directs the Council to modify DM33.3(a), page 221 of the dPS, in accordance with this PAC Recommended Amendment.</b>
MOD66		DM33.5	221		<b>Dfl directs Council to modify the second sentence of Policy DM33.5, page 221, of the dPS, as follows:</b>  “In such cases it must clearly be demonstrated that any redevelopment of the site will enhance the character or appearance of the area where an opportunity to do so arises, or otherwise preserve its character or appearance”.
MOD67	RA60	SP 8.2(b)	236	“....adverse impact of development, including consideration of potential cumulative effects.”	<b>Dfl directs the Council to modify the end of SP8.2(b) page 236 of the dPS, in accordance with this PAC Recommended Amendment. For clarity this should read as follows:</b>  “(b) Applying policies DM37 to DM42 and other relevant policies of the Local Development Plan (LDP) to protect our Borough’s natural heritage assets from the adverse impact of development, including consideration of potential cumulative effects.”

MOD68	RA61	SP 8.4	237	"...the overall landscape character, seascape character and specific..."	<p><b>Dfl directs the Council to modify SP8.4 page 237 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b></p> <p>"The Council will operate a presumption in favour of development that protects, and where appropriate enhances, the overall landscape character, seascape character and specific landscape features of our Borough, including its coastline with Belfast Lough."</p>
MOD69	RA62	DM 38.2	245	<p>See MA013</p> <p>"The Council will support development that is not likely to harm or have an adverse effect on any other statutorily protected species and where any impact arising, can be adequately mitigated or compensated against."</p>	<p><b>Dfl direct the Council to modify Policy DM38.2, page 245, of the dPS, for clarity this should read as follows:</b></p> <p>"The Council will support development that is not likely to have an adverse effect on any other statutorily protected species and where any impact arising, can be adequately mitigated or compensated against."</p> <p><b>Note: Dfl have amended MA013 in line with the PAC IE report at paragraph 7.16.</b></p>

MOD70	RA63	DM38.4	245	<p>See MA011</p> <p>Additional paragraph</p> <p>“DM 38.4 Where there is potential or evidence to suggest, that a protected species exists on the site or is likely to be impacted by a development proposal, the developer will be required to undertake a suitable ecological appraisal, including where necessary, surveys for protected species.”</p>	<b>Dfl directs the Council to modify DM38.4 page 245 of the dPS, in accordance with this PAC Recommended Amendment.</b>
MOD71	RA64	Paragraph 11.27	246	"Developers will be required to undertake an ecological appraisal, including where necessary surveys for protected species, where there is potential, or evidence to suggest, that they are present on site or..."	<b>Dfl directs the Council to modify paragraph 11.27 page 246 of the dPS, in accordance with this PAC Recommended Amendment.</b>
MOD72	RA65	DM 39.1	247	"The Council will only permit development likely to result in an unacceptable adverse impact on, or damage to, the features listed below ..."	<b>Dfl directs the Council to modify the first sentence of DM39.1, page 247 of the dPS, in accordance with this PAC Recommended Amendment.</b>
MOD73	RA66	DM 39.2	247	"Where there is potential or evidence to suggest, that a habitat..."	<b>Dfl directs the Council to modify DM39.2, page 247 of the dPS, in accordance with this PAC Recommended Amendment.</b>
MOD74	RA67	Paragraph 11.35	250	"...as well as being important economic, recreational and cultural assets."	<b>Dfl directs the Council to modify paragraph 11.35, page 250 of the dPS, in accordance with this PAC Recommended Amendment.</b>

MOD75	RA68	DM 40.2	251	".....assessment of landscape impacts a Landscape and Visual Impact Assessment proportionate to the development..... ”	<b>Dfl directs the Council to modify the first sentence of DM40.2, page 251 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b>  “To inform the council’s assessment of landscape impacts, a Landscape and Visual Impact Assessment, proportionate to the development in question, will be required to accompany planning applications in the following cases:”
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MOD76	RA69	DM 40.5(b)	251	"Low intensity recreational uses or low intensity tourism proposals;"	<b>Dfl directs the Council to modify DM40.5(b) page 251 of the dPS, in accordance with this PAC Recommended Amendment.</b>
MOD77	RA70	DM 40.6(b)	252	See MA014  "Low intensity recreational uses or low intensity tourism proposals;"	<b>Dfl directs the Council to modify DM40.6(b) page 252 of the dPS, in accordance with this PAC Recommended Amendment.</b>
MOD78	RA71	DM 41.1(b)	253	"...the qualities of the coastal landscape (including seascape character) while still protecting...".	<b>Dfl directs the Council to modify DM41.1(b) page 253 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b>  "Other development where it can be demonstrated that the proposal will not harm the qualities of the coastal landscape (including seascape character) while still protecting its nature conservation value."
MOD79	RA72	Paragraph 11.43	255	"...Coastal Policy Area should consider their impact on seascape character and how they can enhance the area ".	<b>Dfl directs the Council to modify the first paragraph of 11.43 page 255 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b>  "All development proposals along or adjacent to the Belfast Lough Coastal Policy Area should consider their impact on seascape character and how they can enhance the area, including its nature conservation and amenity value."

MOD80	RA73	Paragraph 11.44	255	“...policy provisions set out in this policy, all development proposals which affect or might affect the whole or any part of the marine area (which includes the Belfast Lough Coastal Policy Area) will also be assessed against the provisions within the UK Marine Policy Statement and the ...”	<p><b>Dfl directs the Council to modify paragraph 11.44 page 255 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b></p> <p>“It should be noted that in addition to the policy provisions set out in this policy, all development proposals which affect or might affect the whole or any part of the marine area (which includes the Belfast Lough Coastal Policy Area) will also be assessed against the provisions within the UK Marine Policy Statement and the Northern Ireland Marine Plan, once adopted.”</p>
MOD81	RA74	DM 42.1(a)	256	“...native species planting and that seek to incorporate tree-lined streets within new developments.”	<b>Dfl directs the Council to modify DM42.1(a), page 256 of the dPS, in accordance with this PAC Recommended Amendment.</b>
MOD82	RA75	SP 9.1	262	"Development will be supported ... will not have an unacceptable adverse impact on the environment, amenity or public safety..."	<b>Dfl directs the Council to modify the second sentence of SP9.1, page 262 of the dPS, in accordance with this PAC Recommended Amendment.</b>

MOD83	RA76	Paragraph 12.11	264-265	<p>MA018</p> <p>Additional paragraph,</p> <p>“4.11 The sustainability of development schemes will also be improved through the use of an appropriate balance of new construction materials and recycled materials wherever feasible.”</p>	<p><b>Dfl directs council to modify by inserting an additional paragraph after paragraph 12.11, page 264-265 of the dPS, in accordance with the Council’s schedule of Minor Changes June 2022.</b></p> <p><b>For clarity this should read as follows:</b></p> <p>“Positive Planning Note – Adding Value: Our Borough has good potential to accommodate further renewable energy schemes in appropriate locations harnessing natural resources such as the sun and wind. The potential also exists across the Borough, and in particular around Antrim and to the north west of Mallusk, for the use of both shallow and deep geothermal energy resources for the production of heat, and possibly electrical power, including at a commercial scale. To promote greater sustainability in new development, the Council encourages developers to examine the potential for renewable energy to be incorporated into their schemes, for example through the use of solar panels or ground source heat pumps.”</p>
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MOD84	RA77	DM 45.2(e)	272	<p>See MA009</p> <p>“...avoids or adequately resolves any unacceptable adverse impacts including on the...”</p>	<p><b>Dfl directs the Council to modify DM45.2(e), page 272 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b></p> <p>“The proposal avoids or adequately resolves any other unacceptable adverse impacts including on the historic and natural environment, cultural heritage, biodiversity, woodlands and tourism and recreational interests; and”</p>
MOD85	RA78	Paragraph 12.28	275	<p>“...will be required to provide detail on decommissioning and site restoration...”</p>	<p><b>Dfl directs the Council to modify the first sentence of paragraph 12.28, page 275 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b></p> <p>“Where renewable energy development will eventually become redundant, such as wind</p>



					and solar farms, applicants will be required to provide detail on decommissioning and site restoration.”
MOD86	RA79	Paragraph 12.28	275	<p>“...the site to its former or enhanced condition. Where proposals come forward for the re-use, refurbishment, repair or repowering of existing renewable energy development in order to prolong their life span these will be considered on their individual merits in light of the then prevailing policy. The provisions of The Conservation (Natural Habitats, etc.) Regulations (NI) 1995 as amended will also apply to all such proposals”.</p>	<p><b>Dfl directs the Council to modify the second sentence of paragraph 12.28, page 275 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b></p> <p>“This is to include the removal of all above- ground infrastructure and return the site to its former or enhanced condition. Where proposals come forward for the re-use, refurbishment, repair or repowering of existing renewable energy development in order to prolong their life span these will be considered on their individual merits in light of the then prevailing policy. The provisions of The Conservation (Natural Habitats, etc.) Regulations (NI) 1995 as amended will also apply to all such proposals”.</p>
MOD87	RA80	Paragraph 13.21	288	<p>Additional text to paragraph 13.21</p> <p>" It should demonstrate that: (a) all sources of flood risk to and from the proposed development have been identified; and (b) there are adequate measures to manage and mitigate any increase in flood risk arising from the development.”</p>	<p><b>Dfl directs the Council to modify Policy DM46.2, page 287 of the dPS, by inserting the text detailed in the PAC recommended amended into policy rather than J&amp;A. For clarity the last sentence of Policy DM46.2 should read:</b></p> <p>“These should be set out in the accompanying FRA (flood risk assessment) and should demonstrate that:</p> <p>(a) All sources of flood risk to and from the proposed development have been identified; and</p>

					(b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development”.
MOD88	RA81	DM 47.5	291	“...use of the following measures to assist in minimising flood risk: ‘soft’ SuDS measures e.g. green roofs; swales; soakaways; basins; ponds; wetlands; and rainwater recycling, ‘hard’ SuDS measures e.g. oversized storm water pipes with flow control attenuation tanks and permeable paving.”	<p><b>Dfl directs the Council to modify DM47.5, page 291 of the dPS, in accordance with this PAC Recommended Amendment. For clarity this should read as follows:</b></p> <p>“ In the case of development accompanied by a DA, the Council will expect applicants to demonstrate that they have considered use of the following measures to assist in minimising flood risk: ‘soft’ SuDS measures e.g. green roofs; swales; soakaways; basins; ponds; wetlands; and rainwater recycling, and ‘hard’ SuDS measures e.g. oversized storm water pipes with flow control attenuation tanks and permeable paving.”</p>
MOD89	RA82	Paragraph 13.30	292	“ .... Green roofs, permeable surfaces, oversized storm pipes, water storage...”	<p><b>Dfl directs the Council to modify paragraph 13.30, page 292 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b></p> <p>“Developers should consider the incorporation of SuDS as early as possible in the design process, whilst appropriate techniques may include such solutions as green roofs, permeable surfaces, oversized storm pipes, water storage (e.g. ponds), swales (shallow drainage channels), wetlands and ground water infiltration or a combination of such solutions.”</p>

MOD90	RA83	Paragraph 13.35	295	<p>Delete paragraph 13.35 and renumber subsequent paragraphs.</p> <p>Amend paragraph 13.36 to:</p> <p>“Details of Controlled Reservoirs in the Borough are available on Reservoir Flood Maps produced by Dfl (Rivers) and are available to view on its website. These provide...”</p>	<p><b>Dfl directs the Council to delete paragraph 13.35 and modify paragraph 13.36, page 295 of the dPS, and renumber subsequent paragraphs as necessary, in accordance with this PAC Recommended Amendment.</b></p>
MOD91	RA84	DM 50.1	298	<p>“...the development will not have an unacceptable adverse impact on local amenity or the environment...”</p>	<p><b>Dfl directs the council to modify the second sentence of DM50.1, page 298 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b></p> <p>“The report must demonstrate that the development will not have an unacceptable adverse impact on local amenity or the environment and detail how any pollution arising will be appropriately mitigated.”</p>
MOD92	RA85	DM53.2	302	<p>See MA008</p> <p>“...having a likely unacceptable adverse effect...”</p>	<p><b>Dfl directs the Council to modify the first sentence of DM53.2, page 302 of the dPS, in accordance with this PAC Recommended Amendment. For clarity, this should read:</b></p> <p>“It must be demonstrated that the proposal will bring an overall net social, environmental and economic benefit without having a likely unacceptable adverse effect:”</p>

MOD93					<b>As a result of the modifications contained within this direction, Dfl 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.</b>
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**Department for Infrastructure Planning Act (Northern Ireland) 2011, adoption of  
Antrim and Newtownabbey Borough Council Plan Strategy, (s12) Direction 2024 -  
Explanatory Note**

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## **1.0 Context**

- 1.1 As part of the two-tier planning system, which commenced in April 2015 along with the transfer of planning powers to Councils, the Department holds a dual role in the Local Development Plan process. This dual role includes that of statutory consultee, as well as providing for oversight responsibilities.
- 1.2 At this point in the Council's Local Development Plan (LDP) process, the Department is undertaking its oversight responsibility as required by legislation.
- 1.3 The Department must consider the Planning Appeals Commission (PAC) Independent Examination (IE) report under Section 12 (s.12) of the Planning (Northern Ireland) Act 2011 (the Act) and as a result whether to direct adoption with or without modifications or to direct withdrawal of the plan document. In doing so, the Department must exercise the following powers in relation to the adoption of local development plan documents:
- Section 1 (s.1) of the Planning Act, the Department's legal duty to formulate and co-ordinate policy ensuring the orderly and consistent development of land and the planning of that development; and
  - the application of regional policy and objectives of the Regional Development Strategy 2035 (RDS 2035) and the Strategic Planning Policy Statement (SPPS).
- 1.4 This Explanatory Note accompanies the direction for Antrim and Newtownabbey Borough Council to adopt the draft Plan Strategy with modifications as required by s.12 of the Act. The intention of this Note is to set out reasoning of how the Department has reached certain conclusions in respect of some of the Commissioner's recommendations. In that respect, this reasoning is not exhaustive and does not cover all aspects of the Department's consideration under s.12.



## **2.0 Planning Appeal Commission Independent Examination Report**

2.1 The IE for the Antrim and Newtownabbey Borough Council draft Plan Strategy was held by the PAC from 03 May to 13 May and 20 June to 29 June 2022. The IE report was subsequently received by the Department on 4 October 2023.

2.2 A total of 85 Recommended Amendments (RAs) that were required to make the Plan Strategy sound were appended to the main report (Appendix 4). Schedule 1 of the direction identifies 93 modifications that the Department is directing the Council to take forward. These modifications are a combination of:

- amended proposed minor changes (taken from Draft Plan Strategy Public Consultation Report - Chapter 7 Schedule of suggested Minor changes (March 2021);
- Schedule of Suggested Minor Changes of the dPS (updated as part of the IE (June 2022);
- new changes recommended following the conclusion of the IE process; and
- new modifications directed by the Department.

2.3 In line with the IE report, the Department has specified wording, where necessary, to address the recommendations within this Schedule.

## **3.0 Consideration of the PAC IE Recommendations**

3.1 Following consideration of the IE report and Commission's recommendations, the Department concludes that the findings of the report are broadly acceptable. The Department proposes to direct adoption of the plan with a number of modifications to individual policies, as permitted by s.12. This is more consistent with an acceptance of the overall PAC determination of soundness.

3.2 This Note addresses instances where the Department considers further explanation is required or where it has reached a conclusion that is at variance to that of the IE report in terms of recommendations and resulting modifications.

### **Modifications/Changes to dPS**

- 3.3 There are 85 RAs set out in the IE report and a significant number of these constitute minor changes which were taken forward by the PAC from the Draft Plan Strategy Public Consultation Report - Chapter 7 Schedule of suggested Minor changes (March 2021) and Schedule of Suggested Minor Changes of the dPS (updated as part of the IE) (June 2022).
- 3.4 The Council did not undertake a 'Focussed Change' exercise and hence did not publicly consult on these changes. It is the Department's position, that the Council should ensure that any other changes which have not been taken forward by the PAC, including the list of typographical errors in Chapter 6 of the March 2021 document and any further presentational or factual amendments, typographical and grammatical errors, within the Plan Strategy, should fall within the scope of **MOD93**. These updates should not amend the nature and intent of the modifications as directed.
- 3.5 Of the 85 RAs the Department accept 77 RAs in full and these have been incorporated as Departmental Modifications (MODS) without any further adjustment. The remaining 8 PAC RAs were also accepted by the Department subject to some further change to ensure the final modification takes account of the regional planning policy context. In addition to the 85 RAs made by the PAC, a further 8 MODS have been introduced by the Department following consideration of the draft PS and the IE report.

## 4.0 Abbey Centre as a Large Town centre

### The Department's legal duty

- 4.1 As highlighted above, the Department's consideration of the IE report under s.12 has been guided by the Department's overarching legal duty to consider the requirements under s.1 of the Act. The overall effect of the legislation is that the Department's consideration is not confined to the issues of procedural compliance and 'Soundness' that the Commissioner has considered. Instead, its role is to consider both the response to the report and whether it is appropriate to exercise Ministerial powers of intervention.
- 4.2 The Department's interpretation of s.1 is entirely consistent with the different roles of the Councils and the Department under the two-tier planning system. The power to prepare and adopt a development plan document is now split between the Council and the Department. This is consistent with the SPPS para 5.15 which states 'plans are a fundamental tool in the implementation of central government policies and strategic objectives particularly those set out in the RDS 2035.

### RDS 2035 Context

- 4.3 The RDS identifies Metropolitan Newtownabbey as part of the Metropolitan area centred on Belfast. Strategic Framework Guidance 3 (SFG3) of the RDS seeks to *'Enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities'*. A central aspect of this is to *'Support and strengthen the distinctive role of Belfast City Centre as the primary retail location in Northern Ireland.'* (paragraph 3.46). The proposal to designate Abbey Centre as a Large Town Centre therefore needs to consider the spatial framework of the RDS and any potential impact on Belfast City Centre in particular.
- 4.4 The RDS identifies Antrim as a main hub with accessibility to Belfast International Airport. It also has the potential to cluster with Ballymena and Larne due to the short drive time between them, although it is acknowledged that these towns are

in a different Council area. The Department has always encouraged cross boundary working between councils, particularly in relation to securing regional planning objectives.

- 4.5 In the context of plan making, it is important that the status of the various settlements are considered in relation to any settlement hierarchy. In a similar way, it is important that centres within a retail hierarchy are determined according to their current role, function and impacts. To understand why, it is necessary to consider the purpose of a retail hierarchy.
- 4.6 The hierarchy provides a framework to ensure development proposals are commensurate with a centre's size and function within the network. It is therefore a key tool in managing the impact of retail development by guiding it to the most sustainable, accessible and appropriate locations within the hierarchy. It therefore should support the vitality and viability of existing town and city centres by promoting of established town and city centres, within the catchment as the first choice for retail and other complementary uses. It is this aspect of the retail hierarchy that is vital to successful implementation of the 'town centre first' policy in the SPPS.
- 4.7 The impact on Belfast's role as the primary retail location in Northern Ireland is a particular area of concern for the Department. RDS SFG3 aims to '*enhance Belfast's role as the regional capital and focus of administration, commerce, specialised services and cultural amenities*'. It also recognises that a precautionary approach needs to be continued in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area.
- 4.8 For these reasons and further explanation below, the Department has considered the current status of the Abbey Centre and remains of the view that it is appropriate to adopt a precautionary approach by excising the large town centre designation from the adopted Plan Strategy.

## Consideration of the IE Report

- 4.9 Strategic Planning Policy Statement (SPPS), Para 6.270 states: *“The aim of the SPPS is to support and sustain vibrant town centres across N. Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions consistent with the RDS”.*
- 4.10 The emphasis in the above policy is on *“established town centres”* rather than identifying new or candidate town centres. Ordinarily this would happen from the promotion of a village to a small town or from a regional town to a principal town and this is informed by the hierarchy of settlements and related infrastructure wheel in the RDS (diagram 2.2 page 24).
- 4.11 Para 6.277 (Bullet point 3) of the SPPS states: *“LDPs should also set out appropriate policies that make clear which uses will be permitted in the hierarchy of centres and other locations, and the factors that will be taken into account for decision making”.*
- 4.12 The Abbey Centre encompasses the Abbey Centre Shopping Centre, and a number of other retail parks that users drive between. The centre is very distinct from the role of town centres which occupy the top tier of retail hierarchies which are more than just shops. Historically a town centre’s purpose and success were based on its efficient connectivity, cultural and retail offer, concentration of civic functions, and location of education and health facilities. The diversity of uses, combined with high levels of accessibility by all modes, and a pedestrian friendly public realm, characterised by walkable streets and public spaces, means that established town centres provide a vital role as gathering places at the heart of the community. They therefore play a key role in fostering and maintaining a sense of community, identity and place.
- 4.13 In the context of Abbey Centre, the effect would be to apply the presumption for retail and other complementary uses afforded to established town centres under the town centre first approach, to a location that is not an established town centre. In fact, while designated a draft District Centre, Abbey Centre has many of the characteristics of an out of centre shopping location/retail park. The

Shopping Centre follows a traditional indoor mall format, and the retail parks are characterised by big box units and large areas of surface car parking. As a consequence of the proposed designation Abbey Centre would, however, become the joint first-choice location for retail and complementary development in the district. The policy controls on retail development in out of centre and district centre locations will also no longer be available. This was never the intention of the town centre first approach.

- 4.14 This is significant because Abbey Centre already enjoys relative advantages over established town centres in the district and beyond. These include land availability, less complex land ownership, and available, free parking. These factors significantly enhance the attractiveness of Abbey Centre to both retailers and consumers when compared with established town centres. Coupled with a new policy presumption in favour of Abbey Centre as the first-choice location for retail development, this poses a significant risk of unlimited retail expansion at Abbey Centre. Any retail expansion is also likely to reflect the existing character and format of retail at Abbey Centre as outlined above which is the type of development which the RDS 2035 SFG3 was seeking to protect Belfast from. This has significant potential to further undermine the vitality and viability of existing town centres in the district and of Belfast City centre. The argument for a precautionary approach is further strengthened by the proximity of Abbey Centre to Belfast. This is identified by the Council in paragraph 5.3 (page 74) of the dPS as the “*largest retail shopping area in N.Ireland, outside Belfast City Centre*”.
- 4.15 As an example of the Department’s concerns with the adequacy of the evidence regarding the impact on Belfast City Centre, the Nexus study comments at para 6.68 that : “ *Whilst Abbey Centre is close to the Belfast border, and attracts a proportion of existing trade from Belfast, we do not consider that its elevation from tier 2 to tier 1 is likely to conflict with the primary objectives of the Belfast Plan. Indeed there is a significant volume of permitted and proposed retail development in Belfast, which, under its Draft Plan would exert pulls in the opposite direction. Ultimately the existing status quo is likely to remain. We would though recommend monitoring this into the future*”. This statement is not supported by any specific evidence gathering by the Council on the likely impacts

of their proposed designation on Belfast City Centre. The Department considers that such further analysis would be relevant given the circumstances of this case, in particular the characteristics of Abbey Centre, including its location in proximity to Belfast and evidence in relation to how well Abbey Centre is performing including its size and market share.

- 4.16 The EP4 Retail and Commercial Leisure Study recommends that to ensure Abbey Centre should remain sub-servient to Belfast in the retail hierarchy it should be contained to a spatial area within which the envisaged range of town centre uses shall be met. It therefore expresses caution in recommending any extension of this existing draft BMAP district centre boundary. The Department does not accept that its concerns can be adequately addressed by retaining the existing draft District Centre boundary. The specific planning history of the Abbey Centre creates challenges in containing new retail development within this boundary in the way the Nexus paper envisages. This is because any proposed boundary would have to take into account the conclusions of the public inquiry to draft BMAP on this issue. Furthermore, confining the spatial extent of the centre will not prevent expansion through approval of retail proposals at edge of centre locations by reason of the sequential approach set out at paragraph 6.281 of the SPPS. The proposed approach may also not preclude retail sale expansion in other ways such as through the development of mezzanine floors for example or other changes in the type of retailing that may take place at the centre.
- 4.17 The Department is therefore not satisfied that the evidence presented by the council has adequately established that the proposed large town centre designation will not impact adversely on established city and town centres.
- 4.18 The lack of a Town Centre or District Centre designation in an adopted development plan has not prevented Abbey Centre from growing to become the successful retail centre it is today. There is already a very significant comparison goods offer at Abbey Centre which would continue to meet the needs of local shoppers. Furthermore, there are other town centres in the Council district and wider metropolitan area that meet, or have the potential to meet, local retail needs in the absence of a large town centre designation for Abbey Centre.

4.19 Paragraph 6.269 of the SPPS reinforces the importance of planning in supporting the role of town centres and contributing to their success. It outlines how the SPPS, *“seeks to encourage development at an appropriate scale in order to enhance the attractiveness of town centres, helping to reduce travel demand.”* It is important to note that retail policy cannot be considered in isolation, and to be mindful of the wider Climate Change Agenda. Cognisance should be had for the recent Call for Evidence exercise undertaken by the Department when considering the new Town Centre designation and any potential impact thereof on the goal to reduce travel demand.

4.20 The Council’s evidence paper EP4 Retail and Commercial Study (page 60) states:

*“The Abbey Centre is unlike all other centres in the Borough. It serves a very wide catchment, beyond its immediate population. Notwithstanding apparent issues with parking, and a lower external environmental quality, it is clearly a commercial success for the most part. The indoor mall element appears to be thriving, with very low vacancies and evidence of recent investment to units such as Dunnes and Next. The Centre does though lack a significant provision of community facilities, and as we discuss further in Section 6, the Council will carefully need to consider whether this would be desirable as part of any move to recognise the centre in an enhanced role in the retail hierarchy”.*

4.21 The Department would generally agree with the Council and the PAC’s observation in respect of the commercial success of Abbey Centre and accepts that it has been operating like this for some time. The Council’s own evidence indicates that Abbey Centre already draws trade from a wider than local area. As mentioned above, there is a significant risk that Large Town Centre status would result in unlimited retail expansion and increase the trade draw from a wider catchment. The Council’s own evidence indicates that most visitors to Abbey Centre access it by private car. This increased trade draw therefore carries with it a significant risk of increased environmental impact from additional car journeys. The council’s evidence does not sufficiently consider the potential impacts of this significant policy change on other city and town centres in terms of a new Large



Town Centre designation drawing trade from established town/city centres and the consequential sustainability impacts in addition to the health of these centres and their retail offer.

4.22 In addition, due to the absence of the detailed outworkings of the policy at this stage of the Plan process, the Department foresees fundamental problems with the designation of a new Large Town Centre to sit alongside Antrim Town Centre at the top tier of the Retail Hierarchy and Council have not provided the appropriate clarity required as to how any policy would be implemented.

4.23 The Planning Appeals Commission's IE report para 5.15-5.16 states:  
"EP4 Retail and Commercial Leisure Study sets out the rationale for the classification of Abbey Centre as a Large Town Centre, as outlined in Table 4 'Antrim and Newtownabbey Retail Hierarchy'. Whilst EP 4 acknowledges that the Abbey Centre is not a Town Centre in the traditional sense, it supports its designation as a tier 1 centre for sound planning and sustainability reasons, one of which is the important role of Abbey Centre as the physical heart of Metropolitan Newtownabbey. It further highlights that such a designation will assist in diversifying its future role and function and suggests preparation of a Masterplan to assist this approach, a matter the Council would intend taking forward at the LPP stage. I am not persuaded that the identification of the Abbey Centre as a tier 1 town centre renders the Plan unsound, nor that there is insufficient evidence to justify doing so".

4.24 Paragraph 6.16 of EP4 indicates that Abbey Centre "*does not have the look or feel of a town centre in the traditional sense*" and that Large Town Centre status is "less clear cut". It however identifies existing qualities that it believes support designation including the convenience and comparison goods market share, the existence of two major food stores and a large hinterland population. It also states there are good planning reasons to define Abbey Centre as a town centre, chiefly the fact that Metropolitan Newtownabbey does not otherwise have a town centre. While the study indicates the Council should use its planning powers to diversify uses and enhance Abbey Centre's appeal as a place to meet and socialise, other than designating it as a Large Town Centre, the dPS has no

policy provisions to assist the enhancement of the centre in this way.

- 4.25 The character of Abbey Centre is dealt with in the ‘Representations by Respondent Report’ (March 2021) and in the Representations by Issue Report’ (March 2021). These indicate designation is chiefly proposed based on the current qualities of the centre. The Council’s response to various representations cites the evidence from the EP4 study stating “whilst this acknowledged that the Abbey Centre is not a Town Centre in the traditional sense, it nevertheless supports designation as a Tier 1 centre as there are sound planning and sustainability reasons to do so, not least the role currently played by the centre as the physical heart of metropolitan Newtownabbey”. It is therefore clear that the decision to designate Abbey Centre as a Large Town Centre is considered justified by the Council based on the role currently played by the centre.
- 4.26 As discussed above under paras 4.12 – 4.14 while the centre is identified as a District Centre in the draft BMAP, the physical form of the Abbey Centre is more characteristic of an out of centre shopping mall/ retail park comprising the Abbey Centre and other ‘box box retail’ units and large areas of surface car parking. To then designate this area as a Large Town Centre based upon a future aspiration, would be to artificially elevate its status to that of a higher order town centre which would present fundamental challenges to the successful implementation of a town centre first approach to established town centres. As a consequence, the retail hierarchy could not be relied upon to effectively promote established town and city centres and help secure the vitality and viability of existing centres by managing the impacts of inappropriate development elsewhere.
- 4.27 Whilst the Commissioner’s assessment above is in relation to the preparation and agreement of a Masterplan, this is in the context of Large Town Centre designation. The Department has outlined why the evidence to support such a designation is unconvincing. However, the Department concurs that there are benefits in developing the Abbey Centre as a place beyond that of an indoor mall/retail park character. Any future policy for the Abbey Centre should, however, be guided by a clear policy framework and brought forward within the context of the regional policy objectives for town centres and retailing. An

appropriate policy framework is required within the Plan Strategy to provide certainty and clarity for stakeholders and to guide the appropriate development of Abbey Centre by promoting diversity of land for uses and other place-making interventions.

4.28 It is noted, the Commissioner observes (para 5.15) *'The Council advised the main mechanism to support the provision of community facilities at Abbey Centre would involve engagement with relevant bodies in the preparation of the LPP stage, in order to identify any lands required to deliver any specific community needs identified.'* It is the view of the Department that this engagement is required at the Plan Strategy stage and that a revision under s.14 will provide an opportunity for further exploration on these issues.

4.29 As also stated in the IE report (para 5.15):

*"The Council is also engaging directly with BCC through the Statement of Common Ground (SoCG) between ANBC and Belfast City Council. BCC felt that a managed masterplan approach or development framework would be necessary to secure the objective for the transition of Abbey Centre to a more traditional town centre function".*

4.30 It is the view of the Department that, taking account of the Council's own evidence base, there is little quantitative rationale for a new Large Town Centre designation. There is no capacity to grow comparison goods in the plan period taking account of expenditure available in the catchment and developments already committed. Figure 5.13 of EP 4 shows that there is negative capacity for comparison goods in 2022 and this is still the case at the end of the plan period in 2030 when commitments and extant approvals are deducted from the surplus available expenditure. Therefore, the figures contained in the supporting evidence paper indicate that additional comparison growth could only be facilitated at the expense of other Town Centres outside the Borough. The Department welcomes the engagement with BCC through the SOCG and contends that this should continue while any future policy framework is prepared.

4.31 The Department is also mindful of the wider consequences of the Council's approach to the Abbey Centre on retail planning in Northern Ireland. Conferring Large Town Centre status on a location that doesn't exhibit the characteristics of a Large Town Centre, creates an undesirable precedent whereby other locations, with similar characteristics to Abbey Centre (as set out above), may also seek to attain Town Centre status. This has the potential to fundamentally undermine the aims and objectives of the Town Centre First approach, namely to promote established town centres as the first choice for retail development in order to sustain their viability and vitality.

### **High Street Task Force (HSTF)**

4.32 The Department is a member of the Executive led HSTF which acknowledges the importance of the Town Centre First policy for established town centres and which considers the challenges and issues being faced by our city, town and village centres. The HSTF report 'Creating a 21st Century High Street', published March 2022, contains a number of recommendations, including one to review the operation and implementation of the existing Town Centre First retail planning policy to ensure that it is working, and where it is not, identify appropriate measures to fix it. This recommendation applies to councils and the Department. This important work is also consistent with the duty of s.1 of the Act as mentioned above and has been taken into account by the Department in its response to the IE report.

### **Decision making following excision of the Abbey Centre**

4.33 It is fully acknowledged that in a plan led system, the local development plan is a key part of the decision-making framework, however, both s.6 and s.45 of the Act recognise that other material considerations may be taken into account. Upon adoption of the PS, for the assessment of applications proposed at the Abbey Centre during this interim period, it will be necessary to consider other material considerations.

4.34 Paragraph 1.13 of the draft Strategy identifies dBMAP as a 'legacy development plan' that applies within the borough. Paragraph 1.16 also makes clear that, until such times as the Council's local policies plan identifies the boundaries of

settlement limits and zonings, *'the provisions of the current 'legacy plans' will continue to apply in the decision-making process'*. By reason of paragraph 1.13 this includes the dBMAP. In this interim period, and with a draft district centre status, the Abbey Centre will retain the important policy controls requiring an assessment of retail impacts of proposals on other 'higher order' centres

#### **Section 14**

- 4.35 Following adoption of the Plan Strategy, the Department will issue a subsequent direction (under s.14 of the 2011 Act) which will require the Council to prepare a revision to the adopted Plan Strategy to provide new planning policy for Abbey Centre. This revision will be subject to the same plan preparation process that applies to all development plan documents and would therefore be the subject of further IE. The Department considers this to be the most appropriate way to manage the future development of the Abbey Centre. It is anticipated that the s.14 direction will establish appropriate parameters to ensure any new policy respects the Town Centre First approach. In establishing an appropriate designation, the review provides an opportunity for the Council to explore how it can advance placemaking principles and promote a greater diversity of uses at Abbey Centre, while respecting the Town Centre First approach.

#### **Conclusion**

- 4.36 Taking account of the above, the Department considers that the Council's evidence has failed to substantiate "Large Town Centre" status for Abbey Centre. Furthermore, the Department does not agree with the conclusions of the PAC in their assessment of this issue and for these reasons has reached a conclusion that is at variance to that of the PAC findings and recommendations' resulting in modifications (MOD15 & 16, and MOD24) which are further explained below.

## 5.0 Other Strategic Issues

- 5.1 Although the IE report adjudicates on a range of issues which result in recommended amendments, there are several RAs that have required further policy prescription. In these instances, the RAs do not detail the final wording required for adoption. To ensure that the direction is clear and the Council understand what is required prior to proceeding to adoption, the Department have prescribed policy wording where necessary.

### Schedule 1

- 5.2 Schedule 1 of the direction sets out the modifications that are required for the Council to undertake for the adoption of the Plan Strategy. The following issues have been identified as requiring further explanation to assist Council in their understanding of the change to the PAC recommended amendment and also to explain the reasoning for any new modifications by the Department.

#### **MOD10: (Amendment to RA10)**

Spatial Growth Strategy - SP 1.11 page 67 of the dPS

- 5.3 SP1.11 refers to *"In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with the relevant policies of the LDP"*.
- 5.4 At paragraph 4.22 of the report the Commissioner acknowledges that the approach is intended to apply to all parts of the borough, not just in settlements. The Commissioner also states that because proposals would have to comply with other relevant plan policies, the paragraph does not represent 'carte blanche' to develop previously used land in the countryside. The Commissioner refers to a concern raised by Dfl around the definition of 'brownfield' and he recommends that **RA10** is required to delete the reference to 'brownfield' and replace with the term 'previously developed' to ensure consistency and coherence as the paragraph relates to the redevelopment of brownfield land in all locations. In making this recommended amendment it appears as though the Commissioner considers the terms brownfield and previously developed land to have different meanings.

5.5 **RA10 - Replace term 'brownfield land' to 'previously developed land'**

Therefore, if DfI replicate in modification it would read ***"In all locations, proposals that re-use or make better use of vacant, derelict or under-used previously developed land or buildings will be supported where they are in accordance with the relevant policies of the LDP"***.

5.6 The Department understands the terms to be interchangeable in that both brownfield and previously developed land relate to land within settlements. The definition of Brownfield Land in the RDS at page 106 states that it "is sometimes referred to as Previously Developed Land being land that is, or was occupied by a permanent structure within a defined settlement limit". This is also referred to in the footnote on page 71 of the SPPS which also makes clear that brownfield and previously development land are the same thing.

5.7 *RDS 2035 page 106 – "Brownfield Land - This is sometimes referred to as Previously Developed Land being land that is, or was occupied by a permanent structure within a defined settlement limit. The term may encompass vacant or derelict lands, infill sites, land occupied by redundant or underused buildings, a piece of industrial or commercial property that is abandoned or underused and often environmentally contaminated. The following are excluded from the definition of previously development land: open space of public value as defined in Planning Policy Statement 8 'Open Space, Sport and Outdoor Recreation'; and the gardens of dwellings and apartments (broadly defined as those areas within the curtilage of a dwelling not containing buildings)."*

5.8 It is therefore unclear how **RA10** can address the consistency and coherence issues referred to by the Commissioner. This is because the amended paragraph will still reference support for the redevelopment of previously developed land in all locations when, by reason of the definition in the RDS, brownfield/previously developed land as defined relates only to **land within a settlement limit**. This approach conflicts with the definition of brownfield in the RDS/SPPS.

5.9 Therefore, in light of the reasons as set out above, RA10 will not be brought forward as stipulated in accordance with the PAC recommendations but instead Dfl direct council to retain the term “brownfield land” and to insert a footnote at “brownfield land” regarding the RDS definition of brownfield land (i.e previously developed land) to explain that the terms are interchangeable. Dfl also directs council to insert the words “within settlements” after the phrase “In all locations”. These changes are required for to ensure there is no conflict with the RDS and SPPS.

**MOD14: (New Dfl Modification)**

5.10 The Department considers a new modification is required to insert an additional sentence at the end of SP2.8: *“Proposals for retail and other town centre uses at this location must comply with all relevant retail policies set out elsewhere in the plan strategy including policies SP2.12 and DM7.”*

5.11 While the Department understands that it is not the Council’s intention to encourage retail uses at BIA and we accept, like the Commissioner that the policy should not explicitly support retail uses at that location, the outworkings of the policy could be very different in practice. Therefore, additional clarificatory text has been added to make clear that under policy SP 2.8, retail proposals will only be permitted where they are deemed to comply with **all** relevant retail policies set out in the Plan Strategy including SP2.12 and DM7.

**MOD15: (New Dfl Modification)**

5.12 As detailed in the Department’s rational above under the consideration regarding the Abbey centre, Dfl directs the Council to modify paragraph 5.18, page 84 of the dPS, as follows:

*“Based on the Retail and Commercial Leisure Study undertaken in support of the Plan Strategy, the Council has identified a retail hierarchy that recognises the traditional town centres of Antrim, Ballyclare, Crumlin and Randalstown, with a town centre also identified at Glengormley in Metropolitan Newtownabbey. These are complemented by district centres at Northcott and Whiteabbey Village.”*



- 5.13 Furthermore, Dfl directs the Council to modify the first sentence of paragraph 5.19, page 84 of the dPS, as follows:

*“Whilst the five town centres vary greatly in size and the level of provision of services afforded, they all perform an important function in meeting the needs of residents within their surrounding catchment areas.”*

- 5.14 Also, Dfl directs the Council to modify the map entitled “Figure 5: Hierarchy of Centres in our Borough” by removing the reference to “Abbey Centre” under “Large Town Centre”. Dfl directs the Council to renumber the titles and reflect this in the map accordingly.

Note: The Department notes the reference to Abbey Centre in the first sentence of paragraph 5.3 (page 74) and is content that it does not amend the nature and intent of the modifications as directed. Planning policy for the Abbey Centre will be provided as a result of the subsequent revision under Section 14.

**MOD16: (Amendment to RA14)**

- 5.15 As detailed in the Department’s rationale above regarding the Abbey centre, the Department directs the Council to modify Table 4 Retail hierarchy in accordance with the PACs Recommended Amendment (RA14) but with a further modification to remove the Abbey Centre as a large Town Centre.

**MOD24: (Amendment to RA22)**

- 5.16 The Department considers it is necessary to insert an asterisk after ‘Centre sites’ (first bullet point of within MA005) to insert a footnote to say, “to be applied in the following order, Large Town Centres, Town Centres and District Centres”. This is to ensure that Policy DM 7.1 aligns with the Town Centre First approach required by the SPPS in the strictest sense and also to align with Policy DM 7.2.

**MOD47: (New Dfl Modification)**

DM 18B – Replacement Dwellings -Policy DM 18.8, page 150 of the dPS.

- 5.17 Paragraph 6.40 of IE report indicates: *“The Council claims it developed DM18.8 with sustainability in mind, given that wall steads may have services in place.*

*However, given the age of many of these wall steads, I consider that the benefits are not likely to be significant”, and that the Commissioner was advised that “applications involving such sites have been rare, in the Council’s experience”.*

- 5.18 Paragraph 6.40 continues, *“Whilst Council members were in support of the policy, as they wished to widen opportunity for housing in the countryside, I have concerns that (a) the number of sites with wall steads suitable for replacement is unknown, and (b) there is no basis for DM 18.8 in Regional Policy. However, I acknowledge that the Council is entitled to add to policy, and I have been advised that the number of suitable wall steads is likely to be limited.”*
- 5.19 In addition, the Commissioner points to the comfort of the Council indicating at IE that the *“uptake of wall steads as replacement opportunities will be monitored”* and concludes that it is satisfied that soundness issue C3 is not engaged.
- 5.20 The Department wish to highlight that the Commissioner’s analysis centres around the number of these opportunities being ‘unknown’ but accepts the evidence of the Council that they are ‘likely to be limited’ in number. The Department would expect that in the context of the new LDP process, which is based on robust evidence, this evidence should be quantifiable.
- 5.21 Furthermore, the Commissioner attributes comfort to the monitoring of such applications, but yet does not recommend a RA in the absence of any indicator set out in the existing monitoring framework.
- 5.22 **Therefore, in light of the PAC’s concerns regarding the numbers of sites with wall steads suitable for replacement that are unknown and in the absence of any qualitative evidence around monitoring, which are not supported by robust evidence, the Department directs the Council to delete Policy 18.8, figure 9 and the reference to wall stead developments in the last sentence of paragraph 7.50. This is to ensure that policy is aligned with regional policy objectives.**

#### **MOD49: (New Dfl Modification)**

##### DM 18G - Affordable Housing in the Countryside

- 5.23 DM18G of the draft Plan Strategy sets out policy in relation to Affordable Housing in the Countryside. The policy permits a group of dwellings in the countryside adjacent to or near a village or hamlet where need has been identified. Paragraph 18.30 states that the precise number of dwellings considered appropriate will depend upon the need identified having regard to the size of the settlement in question.
- 5.24 The Commissioner notes that no figure is cited in the SPPS but PPS21 Policy CTY 5 refers to a figure of 14 units. The Commissioner indicates that ANBC advised that it will monitor applications under DM 18G and took the view that the term 'small group' can be interpreted at DM stage. The PAC also note that ANBC referred to Policy paragraph SP 1.10, which requires development to be of a scale and nature appropriate to the location (in respect of the rural location) and this would again be a matter for consideration at DM stage. The Commissioner indicates that he has *“some misgivings at the failure to define what constitutes a “small’ group”* however he does not consider that it renders the Plan unsound.
- 5.25 **Whilst the Commissioner concludes this policy is not unsound, he nonetheless has “some misgivings at the failure to define what constitutes a “small’ group”. Therefore, to provide coherence and certainty to the plan, the Department introduces a new modification to insert a footnote after the phrase “small group of dwellings in the countryside” to read “\*No more than 14 dwellings”, as cited in Policy CTY 5 of PPS21.**

#### **MOD51: (Amendment to RA47)**

##### DM22 – Residential Extensions and Alterations

- 5.26 It was the Council’s opinion that, even if regional guidance is withdrawn, the ANBC LDP can still refer to it until SPG on any particular topic has been produced by the Council. The Commissioner indicates that it was advised that some Councils had copied regional guidance and included it in their Draft PS.

5.27 The IE report concludes that “the Council is not prohibited from referring to it in the DPS until it is formally replaced by SPG. The SPPS refers only to Policy being replaced on adoption of the PS.” In this case, the Commissioner highlights that the subject representation refers to guidance contained within a PPS, which will be replaced by the Plan Strategy.RA47 – “the information contained in Annex A of the Addendum to PPS7 – Residential Extensions and Alterations should be replicated in the PS.” The Commissioner indicated that it leaves “the form and position of the additional text to be agreed between the Council and Dfl”.

5.28 The Department, for the reasons as set out above, introduce a new modification (MOD51) to direct the Council to modify Policy DM 22.2, page 164, of the dPS, as follows:

*“The Council will take account of the guidance set out in Appendix B of the Plan Strategy, which replicates the details included in Annex A of the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (DoE 2008)”*

Dfl are content this raises no issues of copyright.

5.29 It is noted relevant content will be from page10 -20 of this document. References to “The Department” should be changed to “The Council”. where appropriate, as well as references to PPS7, which will be superseded by the PS. These changes would be covered under MOD93.

#### **MOD56: (New Dfl Modification)**

DM24 - Community Facilities, page 178-179 of the dPS.

5.30 Following consideration of the IE Report, The Department remains concerned with Policy DM 24 in respect of its compatibility with the regional strategic policy for intensive sports facilities contained in the SPPS.

***SPPS para 6.207 - “The precise location of intensive sports facilities can be contentious, and by their very nature and scale can give rise to particularly complex planning considerations such as impact on amenity and sustainability issues. Such facilities should be located within settlements in order to maximise the use of existing infrastructure. As an exception a***

***sport stadium may be allowed outside a settlement but only where clear criteria are established which can justify a departure from this approach”***

5.31 The Commissioner’s consideration of the policy is set out at pages 68-70 (para 6.65 – 6.72) with 3 recommended amendments being put forward (**RA49-51**), colour coded as set out on the following page

**Policy DM 24:  
Community Facilities**

**Development within Settlements**

**DM 24.1** The Council will support proposals that provide new or enhanced community facilities and services. New facilities should be located within or adjacent to town, district or local centres or other locations that are easily accessible by public transport, walking and cycling.

**DM 24.2** In exceptional circumstances, the Council will support siting a community facility at an accessible location on the edge of a settlement where the proposal:

- (a) Represents a logical extension to the built-up area;
- (b) Is of an appropriate scale in relation to the size of the settlement; and
- (c) Will not cause any significant adverse effect on the landscape setting or character of the settlement.

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**Development in the Countryside**

**DM 24.3** The Council will sympathetically view proposals for new community buildings and facilities, including outdoor recreational activities and play facilities at accessible locations in the countryside, where it is demonstrated these are necessary to serve the local rural population.

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**Reuse of Existing Community Facilities**

**DM 24.4** The Council will not support development that may be detrimental to, or result in the loss of community services and facilities. In exceptional circumstances, the Council will support development, which seeks to reuse or redevelop an existing community facility for another purpose whereby:

- (a) The facility is surplus to the needs of the community;
- (b) There would be an overall community gain from a development and the particular loss of land or facilities will have no significant effect on the overall provision of facilities in the locality; or
- (c) Alternative provision or equivalent community recreational benefit is made available at a suitable location within the local area.

**DM 24.5** New residential development should be designed to ensure good accessibility to existing services and facilities intended to serve future residents and where appropriate developers may be required to provide or contribute towards new and/or enhanced community infrastructure arising as a result of the development.

**DM 24.6** For the purposes of this policy, community facilities includes sports and recreation facilities as well as a range of community and public buildings.

**RA49** - Relocate DM 24.2 under the heading 'Development in the Countryside'

**RA50** - See MA017A - "(b) There would be an overall community benefit from a development and the particular loss of land and facilities will have no significant effect on the overall provision of facilities in the locality; or....."

**RA51** - See MA017B - DM 24.5 to sit under a new sub-heading entitled "Community Facilities within Residential Developments"

5.32 The IE Report recommends **RA49** is incorporated into the adopted plan in the interests of consistency and coherence. This is a PAC led change and comprises the relocation of DM24.2 to under the heading "Development in the Countryside" or a new heading 'Development at the Edge of a Settlement' as this paragraph relates to development outside development limits. Additionally, for

coherence the IE Report recommends **RA50** is incorporated into the adopted plan. This refers to DM 24.4(b) (page 178 of the Draft PS) and originates from a Matters Arising Change MA017A. It recommends that DM 24.2(b) is amended to read as follows: “(b) *There would be an overall community benefit from a development and the particular loss of land and facilities will have no significant effect on the overall provision of facilities in the locality; or.....*”

- 5.33 Although **RA49** seeks to address an inconsistency, it does not fully resolve the concerns regarding the coherence of the policy, instead it creates a further tension within the policy as edge of settlement locations are also locations within the countryside. The re-ordered policy indicates proposals in the countryside will be viewed sympathetically while edge of settlement locations should be approved only exceptionally, despite also being countryside locations.
- 5.34 The IE Report recommends a further amendment, **RA51**, is incorporated into the adopted plan in the interests of coherence. This refers to DM 24.5 (page 179 of the Draft PS) and originates from a Matters Arising Change MA017B which moves DM 24.5 to sit under a new sub-heading entitled “*Community Facilities within Residential Developments*”.
- 5.35 Notwithstanding the above consideration by the PAC, and the proposed recommended amendments, Council’s decision to define intensive sports facility developments as ‘community facilities’ alongside other buildings/facilities designed for community use such as libraries, schools and GP surgeries and community halls, is still an issue. This approach poses challenges in developing a single policy to address the different planning impacts of these very diverse land uses. The approach also conflicts with The Planning (Use Classes) Order (NI) 2015 which clearly distinguishes between Community Recreation and Culture uses and indoor/outdoor sports and recreation uses. Class D1 ‘Community and Cultural Uses’ makes no reference to indoor or outdoor sports facilities or intensive sport facilities. It is also not included in Class D2: Assembly and Leisure. Indoor and Outdoor sports and recreation, gymnasiums, swimming baths and skating rinks are however identified as belonging to no class in the order (sui generis criterion [k]).

- 5.36 Therefore, the Use Classes Order 2015 intends that indoor or outdoor sports or recreations are to be considered on their own merits. This is a strong indication that there are good planning reasons for classifying these uses separately for the purposes of the Order. In the Department's view this strongly indicates that these sui generis uses should be treated separately from a planning policy perspective too. The Department considers that the policy could permit the full range of intensive sports facilities in the countryside. This approach is contrary to that set out in the SPPS at paragraph 6.207 (see above).
- 5.37 The Commissioner indicates at 6.70 of the IE report that "*the Council advised that justification for deviation from the SPPS, in allowing new community buildings/facilities and outdoor recreational activities and play facilities at accessible locations in the countryside, is based on the need to sustain the rural population of the Borough*". With reference to deviation from regional policy the IE Report states that "*deviation from the SPPS is not prohibited where justification exists for same*".
- 5.38 The IE Report restates the Council's position that DM 24.2 '*clearly sets out an exceptions test for community facilities at accessible locations on the edge of a settlement*'.
- 5.39 The Commissioner goes on to state that "assessment of proposals for intensive sports facilities would be a matter for consideration under normal DM process taking account for the provisions of the DPS, relevant guidance and other material considerations. However, the policy does not presently provide clarity that sports and recreation facilities includes, for the purposes of the policy, Intensive Sports Facilities. This creates uncertainty in relation to whether the provisions of this policy would apply to such proposals.
- 5.40 The IE Report recaps the Council's rationale for deviating from regional policy as including that "*there is no good reason for the SPPS to single out sports stadia the way it does*".

- 5.41 The Department strongly disagrees with this statement as there are clear planning impacts arising from the scale of stadia development that may warrant location outside settlements as per paragraph 6.207 of the SPPS. Furthermore, the statement at 6.67 of the IE Report that it is '*considered very unlikely that a proposal for a stadium will come forward during the plan*' is an assumption and, in any case, is not the primary issue of concern because regional policy has always permitted an exception for stadium proposals to locate outside of settlements. The concern of the Department is that the policy approach of the council at DM 24.3 would view sympathetically the full range of other intensive sports facilities (apart from stadia) at accessible locations in the countryside.
- 5.42 The Commissioner observes DM 24.3 requires a demonstrable need in terms of serving a local rural population and this would '*in all likelihood*' exclude a sports stadium. The IE report fails to address the issue of concern which is that DM 24.3 permits the full range of intensive sports facilities (including stadia) at accessible locations in the countryside of the council. By reason of the definition in the SPPS this would include sports halls, leisure centres and other indoor and outdoor sports facilities. The requirement to show a demonstrable need in terms of a local rural population, while it may exclude a stadium proposal, in all likelihood would not exclude these other intensive sports facilities, despite the fact that regional policy states such facilities should be located within settlements. It also appears to ignore the fact that DM 24 provides no policy in respect of Intensive Sports Facilities. In summary therefore the Commissioners report fails to properly consider the substance of the issue of concern.
- 5.43 At 6.71 of the IE report the Commissioner refers to PPS21 CTY 1 and states that the concept of approving needed community facilities in the rural area is long-established in regional policy as an exception to a general presumption against development. However, CTY1 must be read in context with other regional policy including policy in the SPPS and PPS8 OS4 which separately defines 'Intensive Sports Facilities'. Therefore, the term necessary 'community facilities' has never been understood to include intensive sports facilities (the subject of a separate policy in PPS 08, reflecting the unique planning issues raised by such developments).



5.44 The Department, for the reasons as set out above, introduces a new modification (MOD56) to direct the Council to modify DM24 accordingly to address the significant deviation from regional policy, which undermines the regional application of this type of development, without satisfactory and robust evidence from the Council. It should be noted that this will ensure greater consistency with the approach adopted in Plan Strategy documents to date (including those that have been through IE) which all include a specific policy for Intensive Sports facilities and in all cases accord much more closely with the approach set out in the SPPS and in PPS8.

**MOD64 & MOD66: (New Dfl Modifications)**

DM33 - Conservation Areas (CAs) (Pages 81-82) (DM 33.1 and 33.5)

- 5.45 The matter relates to how the terms ‘enhancing’ and ‘preserve’ are used. Concerns regarding the wording emphasis of DM33 were considered at the hearing as it is contended that it did not align with paragraph 6.18 of the SPPS - this policy test for enhancement, in the first instance, and where this is not possible, preservation.
- 5.46 DM 33.2 refers to the guiding principle orientated around enhancement in first instance then preservation. However this is not the case in paragraph DM33.1 or DM33.5. The Commissioner concluded that DM33.1 was based on SPPS 6.18 and there was no discernible conflict with wording of DM33.2.
- 5.47 HED raised concerns over DM33.3 and a conflict with DM33.2 as the order of preserve or enhance has been changed. The Council argued that the policies in DM33 should be read together and HED had put forward wording highlighting guiding principal as per DM33.2. The Commissioner agrees with HED view and in **RA 59** puts forward an amendment 33.3(a) as follows:

***RA 59 - “The proposal accords with the guiding principle of policy paragraph 33.2 through the appropriate design, use of materials, detailing, scale, form and massing and arrangement of such development”.***

5.48 The change is therefore made in DM33.3 by the Commissioner but not in DM33.1 or DM33.5. The Department considers that it would be prudent rephrase the policy to align with the order of presentation in the SPPS and Section 104(11) of the 2011 Act. **The Department, for the reasons as set out above, introduces two new modifications (MOD64 & MOD66) to direct the Council to modify DM33.1 and 33.5, for consistency and coherence reasons.**

**MOD83: (Amendment to RA76)**

SP9: Strategic Natural Resource Policy , page 262-264, of the dPS

5.49 The IE report (para 7.48) sets out:

*“The Council’s initial response to a representation on renewables and recycling, elicited a suggestion for a new Positive Planning Note. After discussion at IE it was suggested that a new paragraph after paragraph 4.11 of the Plan (MA018) was the preferable way to deal with the matters raised. I concur and recommend the inclusion of the new text in the interests of consistency (RA76).”*

**RA76 (MA018):**

**Matter Arising - MA019**

5.50 *“4.11 The sustainability of development schemes will also be improved through the use of an appropriate balance of new construction materials and recycled materials wherever feasible.”*

5.51 The Department notes although this has been considered under SP9 it in fact relates to SP1-Sustainable Development. It is also noted that the MA018 link attached is incorrectly titled (MA019) however the content of the MA is accurate. As a new paragraph (4.11) is already proposed to follow paragraph 4.10 (page 71 of the draft PS) under **RA13**, the Department previously considered that RA76 contained a typographical error, in that paragraph 4.11 should actually read paragraph 12.11. Dfl now considers that this is an error.

5.52 RA76 relates to the inclusion of an additional paragraph as suggested by the Council (MA018). This refers to the sustainability of development schemes through the use of an appropriate balance of new construction materials and recycled materials wherever feasible.

- 5.53 The Council suggested a minor change in response to a representation from the Minerals and Petroleum Branch and Geological Survey Northern Ireland (MAPB/GSNI) within the Department for the Economy. The addition of a Positive Planning Note (PPN) was proposed for insertion after paragraph 12.11 (page 264) of the DPS, and this made reference to the use of renewable energy sources and recycled materials within development schemes.
- 5.54 Question 3 in relation to Topic 10 – Growth Strategy (IE Week 3) queried whether the reference to recycled materials within the suggested change was misplaced in that part of the Plan, and whether it might be appropriately inserted into Section 4: Sustainable Development. MA018 was developed in response to this PAC question and discussion at IE. The IE report indicates that MA018 was the preferred means by which to deal with matters raised, and it is noted that no further reference is made to the suggested PPN within the IE Report.
- 5.55 The incorporation of MA018 text was addressed by the PAC's RA13 and the Department's MOD13. However, it is the case that the PPN (as amended to omit text contained within MA018) is still required and should be the subject of this MOD.
- 5.56 The intention of the Council at IE was that a PPN be inserted at para. 12.11, but that the last para. of the original suggested minor change as per change 47 (March 21) relating to recycled materials, instead be inserted at 4.11. Therefore Dfl directs Council to modify by inserting an additional paragraph after paragraph 12.11, page 264-265 of the dPS in accordance with the Council's schedule of Minor Changes June 2022. As follows:

*“Positive Planning Note – Adding Value:*

*Our Borough has good potential to accommodate further renewable energy schemes in appropriate locations harnessing natural resources such as the sun and wind. The potential also exists across the Borough, and in particular around Antrim and to the north west of Mallusk, for the use of both shallow and deep geothermal energy resources for the production of heat, and possibly electrical*

*power, including at a commercial scale. To promote greater sustainability in new development, the Council encourages developers to examine the potential for renewable energy to be incorporated into their schemes, for example through the use of solar panels or ground source heat pumps.”*

**MOD87: (Amendment to RA80)**

5.57 Paragraph 7.75 of the IE report states that:

*“DfI Rivers considered that Policy DM46 is broadly aligned with PPS15 (FLD 1-5) and the SPPS; however it was suggested that a minor addition to the policy wording DM46.2 would provide greater clarity that is:*

*“These should be set out in the accompanying FRA (flood risk assessment) and should demonstrate that:*

*(a) All sources of flood risk to and from the proposed development have been identified; and*

*(b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development”.*

5.58 Council accepted that the suggested additional wording should be appended to para 13.21, as the amendment does not introduce a new policy concept and the principle of the requirement for an FRA is already established in DM46. The PAC state that the clarification text serves to provide factual information in relation to the requirements of a FRA.

5.59 **The Department has considered the commentary of the Commissioner on this matter and does not agree with the conclusion reached. This wording should be appended to Policy DM46.2 rather than in J&A. Points (a) and (b) are fundamental to the preparation of an effective FRA which demonstrates flood risk is being managed and mitigated effectively and it is necessary that these requirements have the weight of policy rather than risk of dilution in the J&A. This would also align with other regional plan strategies that have been adopted and a consistent approach is considered necessary and appropriate to the application of planning policy for development in proximity to controlled reservoirs.**

## 6.0 Further matters

6.1 This section addressed further issues identified by the Department within the PAC report in relation to renewable energy, publicity, SPG, Monitoring & Review and Transitional Arrangements.

### **DM45 - Renewable Energy**

6.2 Paragraph 7.57 evaluates Policy DM45.6 which specifically relates to the Wind Energy Development. The IE report sets out that *‘Any shortcomings in the use of the regional PPS18 Best Practice guidance which retains noise standard ETSU-R-97 is a matter outwith the LDP Process’*.

6.3 The IE report then continues at paragraph 7.64 to observe that the Council indicated within policy wording that it will retain operational planning guidance where relevant and until such times as it brings forward its own supplementary planning guidance, which it is assumed relates to the SPG cited at Policy DM 45.4.

6.4 **The Department accepts that ‘Best Practice Guidance to PPS18 ‘Renewable Energy’ is regional in focus and will be retained unless and until replaced by the Department. However, the Council will be aware of the forthcoming new strategic planning policy regarding renewables. The Department consider that if there is reliance as stipulated at DM 45.4 on this guidance to support the application of the Council’s policy, then any new Council SPG should align with the PS policy.**

### **Publicity**

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

### **Supplementary Planning Guidance (SPG)**

- 6.6 The Department acknowledges the Council's intention to publish SPG to supplement the Plan Strategy where they consider necessary in the future. The Department would highlight that SPG is intrinsically complementary to policy and should assist in its interpretation and implementation but should not expand the scope of that policy or introduce more onerous obligations or undertakings.

### **Monitoring and Review**

- 6.7 The IE report acknowledges the essential role that monitoring plays as part of the wider plan, monitor and manage approach. It is acknowledged that the main device for reporting on the performance of the plan will be the Annual Monitoring Report (AMR). The Commissioner considered representations regarding the Monitoring Framework and considered the Plan was sound.
- 6.8 The report accepts that not all policies require associated indicators within the Monitoring Framework. The Council will be aware that the plan should be reviewed, or partially reviewed, to take account of changing conditions as this is a statutory duty in accordance with Section 13 of the Planning Act (NI) 2011. As a matter of good practice, it is the Department's view that monitoring of the policies of the Plan Strategy should commence once the development plan document is adopted as this will assist in informing the preparation of the Local Policies Plan and in demonstrating that policies within the Plan Strategy remain fit for purpose.

### **Transitional Arrangements**

- 6.9 In accordance with the transitional arrangements set out at paragraph 1.11 of the Strategic Planning Policy Statement (SPPS), policy retained by the Department, and detailed on the DfI website ([www.infrastructure-ni.gov.uk/publications/retained-planning-policy](http://www.infrastructure-ni.gov.uk/publications/retained-planning-policy)) will cease to have effect upon adoption, in the Antrim, Newtownabbey Borough Council area. The retained policy shall therefore no longer be material in the consideration of applications or appeals from the date of adoption, regardless of whether a planning application has been received before or after the date of adoption. The SPPS shall continue to be a material consideration in the determination of planning applications following adoption of the Plan Strategy.

**This Explanatory Note should be read in conjunction with the DfI Direction Department for Infrastructure Planning Act (Northern Ireland) 2011 Modification of Antrim, Newtownabbey Borough Council Plan Strategy (s12) Direction 2024.**