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20th September 2019

Dear Sir, Madam

Re: Sustainability Appraisal and Draft Habitats Regulations Assessment (June 2019) for Antrim & Newtownabbey Borough Council Development Plan 2030, Draft Plan Strategy – DAERA Response

DAERA welcome the opportunity to comment on the Antrim & Newtownabbey Borough Council Local Development Plan 2030, Draft Plan Strategy (dPS), Draft Habitats Regulations Assessment (June 2019) and Sustainability Appraisal. DAERA has considered both documents and our opinion is set out below.

Sustainability Appraisal

In general, the document is well laid out and easy to follow.

In respect of Policy DM 4, Agricultural Development, DAERA notes and commends Policy DM 4.4 in relation to ammonia production which is a policy that will help ensure that the impact of a proposal is fully assessed and any necessary mitigation clearly identified before the granting of planning permission, which will help reduce the risk of adverse impacts.

In respect of the assessment of Policy DM 9: Tourism Development, page 33 notwithstanding the admission that the natural resources that are tourism assets require protection, DAERA would question whether the scoring of Option 1 on page 33 against sustainability objectives 11 and 12 as neutral/ no effect accurately reflects the potential of tourism development at sites of landscape and natural heritage and suggests that consideration should be given to an 'uncertain' score. DAERA notes protective policies DM 9.1 and DM 9.10.



In respect of Strategic Policy 4: Homes (Housing Allocation), DAERA notes significant negative impacts are identified on water resources for Option 2 as there could be exceedance of WWTW capacity. Preferred Option 3 scores minor negative effect on sustainability objective 12. If this is in part also due to exceedance of WWTW capacity, has the phasing of housing development to meet WWTW improvement been considered? How do these negative impacts relate to the Habitats Regulation Assessment?

Measures to reduce negative effects on page 44 include the use of Key Site Requirements (KSRs). In the case of prospective development of 'brownfield' sites, KSRs could be used to mitigate adverse impacts to Northern Ireland priority Habitat: Open Mosaic Habitats on previously developed land.

In respect of assessment of Policy DM 18: Homes in the Countryside, page 46, DAERA would question whether the scoring of sustainability objective 12 as 'neutral/ no effect' accurately reflects the potential of housing in the wider countryside to negatively impact natural heritage and whether an 'uncertain' score may be more accurate.

On page 63, DM 37.1 to DM 37.5 relate to International designations, National and local designations/reserves. DAERA agree with the sustainability assessment.

DM 38. The requirement for 'evidence' of protected species to determine the need for the developer to carry out protected species surveys as suggested in the amplification 11.27 is not in the spirit of PPS2 or SPPS in that the potential for protected species should be enough to require protected species surveys to be carried out. The use of the word evidence may suggest that the council should provide the 'evidence' before asking for surveys when in effect the surveys are the 'evidence'. As such DAERA would not agree with sustainability assessment. However should this be rectified and 'evidence' changed to 'potential' then DAERA would be content with the sustainability assessment for DM38.

With respect to DM39.1, the omission of the words "or damage" have the effect of weakening the regional policy PPS 2 Policy NH 5 – "unacceptable adverse impact or damage" is a stronger test.

With respect to DM39.2, the comments in relation to DM 38.1 regarding the use of the word 'evidence' again apply. DAERA considers that this weakens the policy and is not in the spirit of PPS2 and SPPS. DAERA therefore cannot agree with the sustainability assessment however if this were changed to 'potential' DAERA would be content.

In respect of the assessment of Strategic Policy 9: Natural Resources, page 67, SP 9.2 (c) articulates a presumption against minerals development unless it can be demonstrated that there is a 'regional need that outweighs the importance of sites of nature conservation importance. The policy specifically includes



'international' sites. The Policy 9.2c is somewhat misleading as the Habitats Regulations would supersede this policy. DAERA would be of the opinion that the policy as is may therefore require a negative scoring against sustainability objective 12.

On page 71, assessment of DM 45: Renewable Energy, the Policy states that the Council will support proposals where they "avoid or address" any unacceptable adverse impacts. The words "or address" are contrary to SPSS 6.224 which states "Development that generates energy from renewable resources will be permitted where the proposal and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on the following planning considerations: Biodiversity, nature conservation or built heritage interests".

Issues affecting the marine environment

There is limited reference to effects on the marine area and marine aspects within the appraisal. Whilst there is some reference to seascape, coastal waters, Belfast Lough and a proposed marine SPA is acknowledged, it is concerning that only limited effects on the marine area have been identified, including those in relation to the potential secondary, cumulative and synergistic effects.

Effects on the marine area and marine aspects could have been drawn out more had there been an explicit Sustainability Objective for the marine area. The effects on the marine area are lost in the appraisal due to a lack of specific signposting for marine effects at objective level. It is noted that the Sustainability Objectives make no reference to the marine area or marine aspects.

In addition, whilst the appraisal refers numerous times to the coast, coastline etc. it is not clear if this includes effects on the marine area beyond the low water mark.

Furthermore, there is no reference to the consideration of policy within the UK MPS (or the Draft Marine Plan) in assessing the policy options or reasonable alternatives or the need to align policies with these marine policy documents. It appears that only terrestrial planning policy documents have been considered at these stages.

In addition to addressing the points above and to further improve integration it is suggested that more prominence could be given to the UK MPS, as the current marine policy document, within the appraisal, its introduction and strategic context of the Sustainability Appraisal report.

Given the wide range of topics under the remit of Local Development Plans, they have the potential to have a significant impact on the environment. Appendix A contains a list of suggested measures which could be used to monitor both the positive and the negative impacts of the Local Development Plan on the environment. Note that this is a generic list; some may not be relevant given the lack of coastline within the council boundary.



Draft Habitats Regulations Assessment (dHRA)

DAERA appreciates the effort made to proof the Plan against likely significant effects on designated European sites. The Draft HRA is well laid out and it is relatively easy to follow the steps undertaken through the HRA process.

DAERA is content that the criteria used to screen in European sites for likely significant effects and Test of Likely Significance is sound and that the type of likely potential impacts have been sufficiently covered. DAERA notes the sites screened in for further assessment.

DAERA notes the Recommendations and protective measures identified and the Conclusion of the draft HRA that "subject to included mitigation and the recommendations, the implementation of the draft Plan Strategy will not adversely affect the integrity of the sites listed".

On page 8 of the dHRA, it is stated that "The view could be taken that Policy DM 37 is included to meet the requirements of the SPPS, and that all planning applications must comply with the requirements of the Habitats Regulations, then the draft Plan Strategy cannot result in an adverse effect on the integrity of any international site". This view or opinion not only subverts the legal process, but would absolve the Plan from the necessary scrutiny to ensure protection of European sites and soundness of the Plan. You cannot use Policy DM 37 to defer the assessment to further down the permitting process. DAERA is of the opinion that this sentence should be removed.

Strategic Policy 9 is referred to on page 24 of the dHRA. On page 262 of the dPS, Strategic Policy 9, SP9.2 (c) articulates a presumption against minerals development unless it can be demonstrated that there is a 'regional need that outweighs the importance of sites of nature conservation importance. This includes 'international' sites. The Policy 9.2c is somewhat misleading as the Habitats Regulations would supersede this policy.

On page 27 of the dHRA, Water Pollution is discussed and DAERA welcomes the DM 15.2 in respect of development relying on Non-Mains Sewerage. However, the dHRA does not appear to address the issue of existing provision of Waste water Treatment Works (WWTW) in the Borough.

In the dPS, page 51, it is stated that NI Water have identified that Cranfield and Moneyglass WWTWs have no remaining capacity and that Whitehouse WWTW will reach capacity with a 10% growth rate in population. In terms of identification of new land for housing (pages 138-139 dPS), there does not appear to have been an assessment of housing allocation against WWTW capacity.

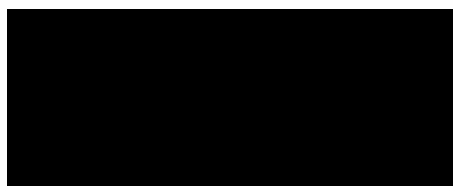
On page 60 of the dHRA, a number of bird species are identified as having "no pathway to the plan area". It is unclear what this signifies as these species occur at several coastal SPAs and have the capacity to fly between sites.



In terms of the Outcome and Recommendations of the HRA, pages 98 – 103, DAERA would request that these are incorporated into the Draft Plan Strategy to make it compliant with the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

Please contact the SEA Team at seateam@daera-ni.gov.uk should you have any queries or require clarification.

Yours sincerely



Senior Scientific Officer
NIEA, DAERA



Appendix A: List of suggested measures which could be used to monitor both the positive and the negative impacts of the Local Development Plan on the environment

- Condition of natural heritage designated sites (both marine and terrestrial) within the LDP area (information provided from DAERA)
- Number and extent of developments approved and refused within or adjacent to designated sites (both marine and terrestrial)
- Number and extent of developments approved and refused in relation to priority habitats and species
- Number and extent of developments approved and refused in relation to protected habitats and species. (both marine and terrestrial)
- Number and extent of developments approved and refused on active peatland
- Number and extent of developments approved and refused on features of earth science importance
- Number and extent of developments approved and refused within ancient and long-established woodland
- Number and extent of developments approved and refused within AONBs, LLPAs, AoHSVs and SCAs
- Extent of blue-green infrastructure within the LDP area
- Number and extent of developments with "key site requirements" which include measures to protect and integrate species, habitats and natural heritage features (both marine and terrestrial)
- The percentage of waterbodies at High, Good, Moderate, Poor or Bad status, as defined by the Water Framework Directive, in the LDP area using the publication date of the LDP as the baseline (information provided from DAERA)
- Number and extent of developments approved and refused for culverting of watercourses and sea defences
- Condition of marine (transitional and coastal) surface waters identified under the Water Framework Directive within the LDP area (information provided from DAERA)
- Number and extent of developments approved and refused in the inter-tidal area
- Number and extent of developments approved and refused in the developed and undeveloped coast (Coastal development)
- Number and extent of developments approved and refused that considered marine policy documents (UK MPS / Marine Plan)
- Number and extent of developments approved and refused that considered land and sea interactions
- Number and extent of developments approved and refused that considered impacts on the marine area
- Number and extent of developments approved and refused that also require a marine licence or other marine consents.

