



**Independent Examination Report on
Antrim and Newtownabbey Borough Council Local
Development Plan 2030: Draft Plan Strategy**

**Report by
Commissioner A Speirs**

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List of abbreviations

Main abbreviations used in the report

A&N	Antrim and Newtownabbey
AAP	Antrim Area Plan 1984-2001
AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
ASSI	Area of Special Scientific Interest
ATC	Area of Townscape Character
BCC	Belfast City Council
BIA	Belfast International Airport
BMA	Belfast Metropolitan Area
CA	Conservation Area
COMAH	Control of Major Accident Hazards
dBMAP	Draft Belfast Metropolitan Area Plan 2015
DAERA	Department of Agriculture Environment and Rural Affairs
DAS	Design and Access Statement
DfC	Department for Communities
DfI	Department for Infrastructure
DM	Development Management
DPPN	Development Plan Practice Note
DPS	Draft Plan Strategy
ELER	Employment Land Evaluation Report
EP	Evidence Paper
GDPO	Planning (General Development Procedure) Order (Northern Ireland) 2015
HGI	Housing Growth Indicator
HMA	Housing Market Analysis
HNA	Housing Needs Analysis
HRA	Habitats Regulation Assessment
IE	Independent Examination
IMF	Indicative Monitoring Framework
KSR	Key Site Requirements
LB	Listed Building
LCCC	Lisburn and Castlereagh City Council
LDP	Local Development Plan
LPP	Local Policies Plan

MRPA	Mineral Reserve Policy Area
MUA	Metropolitan Urban Area
NI	Northern Ireland
NIEA	Northern Ireland Environment Agency
NIHE	Northern Ireland Housing Executive
NISRA	Northern Ireland Statistic and Research Agency
NIW	Northern Ireland Water
PAC	Planning Appeals Commission
PfG	Planning for Government
POP	Preferred Options Paper
PPS	Planning Policy Statement
PS	Plan Strategy
PSRNI	Planning Strategy for Rural Northern Ireland
RA	Recommended Amendment
RDS	Regional Development Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SEL	Strategic Employment Location
SES	Shared Environmental Services
SGS	Strategic Growth Strategy
SLNCI	Site of Local Nature Conservation Importance
SPA	Special Protection Area
SPG	Supplementary Planning Guidance
SPPS	Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development
TP	Topic Paper
TPMU	Department for Infrastructures Transport Modelling & Planning Unit
WWTW	Wastewater Treatment Works

Chapter 1 - Introduction

- 1.1 Under the terms of Section 10 (6) of The Planning Act (Northern Ireland) 2011 as amended (the Act), the purpose of the independent examination (IE) of a Local Development Plan (LDP) is to determine: (a) whether it satisfies the requirements of Sections 7 and 8 of the Act and of Regulations under Section 22; and (b) whether it is sound. The tests of soundness are set out in Development Plan Practice Note 6 “Soundness” (DPPN 6).
- 1.2 Section 6 (2) of the 2011 Act states that the development plan documents comprise (a) the plan strategy; and (b) the local policies plan. This report relates to the former element of the LDP. The Plan Strategy (PS) provides a strategic policy framework for the plan area over various topics. It is not for the Commission to question the nature or merits of the plan-making process.
- 1.3 This report considers whether the Antrim and Newtownabbey LDP satisfies the legal requirements of Section 7 and 8 of the 2011 Act and any regulations under Section 22 thereof relating to the preparation of development plans; and whether the PS is sound. Having assessed those matters, I make recommendations and give reasons for them in accordance with Section 10 (8) of the 2011 Act.
- 1.4 The starting point for the IE is an assumption that the local planning authority (LPA) has submitted what it considers to be a sound plan. The draft Plan was submitted to the Department for Infrastructure (DfI) for IE on 8th March 2021. On 1st June 2021 DfI appointed the Planning Appeals Commission (PAC) to cause an IE.
- 1.5 In discharging my role as defined at Section 10 (6) (b) of the Planning Act, I have considered matters that could be pertinent to the soundness of the DPS, even where there were no representations in respect of same. It does not respond to every individual issue raised nor does it refer to every part of the DPS. The report layout generally reflects the structure of the DPS. I do not comment on the many site-specific issues raised in representations or counter representations, which will be dealt with at the Local Policies Plan (LPP) stage. It is important to note also, that it is not my role to improve the Plan.
- 1.6 In March 2021, the Council produced a DPS Public Consultation Report (Council document DPS-S-001) and a Representations by Issue Report (DPS-S-002). These contain lists of typographical errors/changes and suggested Minor Changes. During the IE hearing sessions, further changes were discussed in respect of various matters and these were listed on the PAC website as Matters Arising (MA). In June 2022 the Council published a Schedule of Suggested Minor Changes of [sic] the DPS (Updated as part of Independent Examination). This contained an updated and comprehensive list of all the Council’s suggested changes to the DPS. These are *not* formal changes to the DPS as submitted for IE; rather they are suggested amendments for consideration at IE. It is for me to judge whether they are needed to make the DPS sound.

- 1.7 It is important to note that the Council's evidence base includes all of the written submissions and documentation received throughout the entire IE process and is not solely confined to the issues considered in the oral presentation of evidence during hearing sessions.
- 1.8 Development Plan Practice Note 10: "Submitting Development Plan Documents for Independent Examination" (DPPN 10) in January 2020 preceded submission of the DPS to DfI for IE. Section 4 of the DPPN refers to changes to the DPS following receipt of representations. The Council considered that all of the changes suggested in Public Consultation Report to be 'minor' in nature. I consider these changes and make recommendations on each. Where I consider the change is needed in the interests of soundness, I have listed these as 'Recommended Amendments' **(RA)**.

Assessment of Legal and Procedural Compliance and other issues

- 1.9 In May 2021 the Council produced a Soundness Report (Council document reference DPS-S-007A1). This provides an assessment of compliance with the requirements of the 2011 Act and The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 as amended [the Regulations].
- 1.10 In accordance with Sections 8(1) and 8(2) of the 2011 Act, the submitted DPS sets out (a) the Council's objectives in relation to the development and use of land in the district; and (b) its strategic policies for the implementation of those objectives.
- 1.11 Section 8 (4) of the Act states the PS must be prepared in accordance with: (a) the timetable set out in section 7(1); and (b) the Council's Statement of Community Involvement (SCI).

The Timetable

- 1.12 The Council's timetable was first published in January 2016. Revisions to the timetable were subsequently published in July 2018 and October 2020. The terms of each of the revised timetables were agreed with DfI and copies provided to the PAC. The Council indicated that it has kept the timetable under review and would provide another update after September 2022. Regulation 5 of the Regulations has been met.
- 1.13 The content of the timetable includes the indicative dates for: (a) each stage of the preparation of the LDP including the Preferred Options Paper (POP); publication of the PS and LPP; and adoption of the PS and LPP. The requirements of Regulation 6(2)(a) have been complied with. All versions of the timetable were agreed by Council committee and approved by DfI. This accords with Regulation 7.
- 1.14 The original timetable was made available for inspection by the Council at two locations between 1st February 2016 and 31st March 2016. A press notice was

placed in 2 local newspapers in early 2016, giving details of the locations and times the timetable could be inspected. The timetable was also posted on the Council's website. The same procedures were also undertaken in respect of the revised timetables. The availability of the timetable complies with Regulation 8.

- 1.15 The Council has prepared and kept its timetable under review. This is a continuous process that extends beyond the DPS stage of the LDP. The Council has met the requirements set out in Section 7 of the 2011 Act and associated Regulations in the preparation of the timetable. The requirements of Section 8(4)(a) of the 2011 Act have also been met. Given the unforeseen delay in the delivery of this report, the Council may wish to update the timetable.

Statement of Community Involvement (SCI)

- 1.16 The Council published its SCI on 28th January 2016, having agreed its terms with DfI on 23rd December 2015. It was the subject of a public display during February and March 2016. It has complied with Section 4 (1) to (3) of the 2011 Act. The SCI was prepared in accordance with the process set out in the Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015. The Plan Strategy has been prepared in accordance with the Council's SCI and the requirements of Section 8(4)(b) of the Act have been complied with, as have the relevant SCI Regulations.

Preferred Options Paper (POP)

- 1.17 Section 3 of the 2011 Act requires any council to keep under review the matters which may be expected to affect the development of its district or the planning of that development. As the Council has stated, the POP is supported by a comprehensive evidence base which has been prepared and reviewed throughout the preparation of the Preferred Options. This included the preparation of social, economic and environmental baseline data in the Borough and a number of appraisals, including a Sustainability Appraisal (SA) Scoping Report, a SA Interim Report incorporating Strategic Environmental Appraisal (SEA) and Habitat Regulations Appraisal (HRA) and an Equality Screening Interim Assessment Report. These papers and assessments were used to inform the Council's POP along with the approach to planning policy. In addition, the Council published the 2015 Housing Monitor.
- 1.18 The Council's POP was published in January 2017, following consultation with statutory consultees in accordance with the Regulations. Soundness test P2 requires that the Council prepare a POP and take into account representations made in respect of it. Criticism that the Council did not take fully take into account POP submissions are misplaced as there is no statutory requirement for such submissions to be incorporated into the draft Plan; merely that they be

taken into account. The Council considered representations made to the POP in accordance with Regulation 11(2) of the LDP Regulations.

- 1.19 Table 9 of the Council's Soundness Report sets out in detail how it has complied with relevant legislation in respect of the POP, including Part 3 of the LDP Regulations. I am satisfied that such compliance has been achieved.

Form and Content of a development plan document

- 1.20 Regulation 12 of the LDP Regulations sets out the matters that a development plan document must contain. I am satisfied that Regulations 12(1)(a), (2) and (3) have been complied with.
- 1.21 Regulation 13(1) of the LDP Regulations states that "a development plan document must contain a map or maps, (to be known as "the proposals map"), describing the policies and proposals set out in the development plan document so far as practicable to illustrate such policies or proposals spatially". Regulation 13(2) advises that the proposals map is to be sufficiently detailed so as to enable the location of proposals for the development and use of land to be identified. Section 23.0 of Development Plan Practice Note 7: "Plan Strategy" (DPPN7) says that the PS should contain maps which provide clarity on strategic policies and proposals where the proposals for development of land can be expressed spatially. It is also recommended that the PS should contain an Overview Map to show the plan area boundary and strategic proposals as well as any environmental designations to show specific areas of environmental protection which have been designated. The PS may also contain other maps, diagrams, illustrations or other descriptive matter that the Council considers appropriate.
- 1.22 The Council took the view that it is not possible at the DPS stage to provide definitive lines for Plan designations on a map; figure 12 of the DPS was seen as appropriate, given that it was not practicable to produce more detailed plans and the LDP Regulations are thus not offended. I have sympathies for the Council's position, given the inconsistencies between DPPN 7 and DPPN 8 where the latter advises that detailed maps will be produced at LPP stage. It is inevitable that the two-stage process may create some difficulties for Development Management (DM) until the LPP is adopted but this is unavoidable in the legislative circumstances and does not render the DPS unsound. The Council advised that the dotted shading representing the extent of environmental designations in figure 12 on page 240 of the DPS seeks to illustrate this diagrammatically; it was stated that the shading used to identify these would be clarified when bringing forward the adopted PS. The plans and diagrams within the DPS fulfil the statutory requirement. The DPS will not provide the degree of clarity and certainty that the plan-led system aims to provide, only adoption of the LPP will resolve this issue.
- 1.23 Notwithstanding the above, I am satisfied that the maps included in the DPS, including figure 12, are in accordance with Regulation 13 of the Regulations.

Additional Matters to be taken into Account

- 1.24 Regulation 14 of the Regulations requires that other specified matters are taken into account. In the context of Regulation 14 (a), the plan has taken into account objectives of preventing major accidents and limiting the consequences of such accidents. The Council's Soundness Report indicates that it liaised with the Health and Safety Executive NI (HSENI) in relation to the Control of Major Accident Sites (COMAHs) and the Northern Ireland Gas Pipeline operator in the development of the DPS. The DPS also contains Policy DM 51: Major Hazards (including Major Hazard Sites and Major Accident Hazard Pipelines as well as Mineral Sites). At present, there are no COMAH sites located within the Borough, however this could change over the Plan period. The Council has stated that it will continue to consult with HSENI and any other relevant authorities on all development proposed in close proximity to these facilities and sites; and in the preparation of the LPP. I consider that the requirements of Regulation 14 are met.
- 1.25 Regulation 15 of the LDP Regulations makes provisions for the availability of a DPD. The Council's DPS, Sustainability Appraisal and other supporting documents were made publicly available for inspection at the two main Council offices at Mossley Mill and Antrim Civic Centre for a 4 week pre-consultation period between 28th June and Friday 25th July 2019, and for the formal consultation period between 26th July and 20th September 2019. Public notices for the formal consultation period were placed on display at Mossley Mill and Antrim Civic Centre and in the local press in July and August 2019. Each public notice contained a statement indicating the period within which representations on the DPS could be made and the address to send them to.
- 1.26 Regulation 15(c) requires that the Council send the abovementioned documents to consultation bodies. The latter were notified by letter on 24th June 2019 in respect of the publication of the DPS. Consultation bodies were directed to the Council's website where they could download relevant documents and hard copies were made available upon request. The DPS and all associated documents were made available to view and download on the Council's website. The availability of the DPS complied with the requirements of Regulation 15.
- 1.27 Representations to the DPS and associated documents were formally invited over an 8 week period, between 26th July 2019 and 20th September 2019. The Council published notices stating the duration of the consultation period and address to which representations should be sent. The notices were also placed in the local press. Regulation 16(1) is satisfied.
- 1.28 Representations received in respect of the DPS and associated documents were made publicly available for inspection from Friday 11th October 2019 at principal Council buildings at Mossley Mill, Newtownabbey and Antrim Civic Centre, Antrim. A public notice was also on display at those offices; this set out the period during which counter-representations could be submitted, as well as the address to which they should be sent. The public notice and all

representations were published on the Council's website. The public notice was placed in the Belfast Gazette, Newtownabbey Times and the Antrim Guardian, advising of the availability of the representations for viewing, including locations and times at which they could be inspected. Consultation bodies were notified on 7th October 2019 of the availability of representations for viewing, including locations and times at which they could be inspected. Persons who made representations were notified on 7th October 2019. The requirements of Regulation 17 were met.

- 1.29 The submission of counter representations to the specified address was invited during the statutory 8 week period from 11th October 2019 to 6th December 2019. Hard copies of those representations received in response to the DPS counter representation consultation exercise were made available for inspection at the two principal Council buildings on Monday 27th January 2020. Electronic copies were also made available to view on the Council's website. The requirements of Regulations 18 and 19 are met.
- 1.30 The Council has submitted all the specified documents for the Independent Examination and made them available in accordance with the Regulations 20 and 21.

Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA)

- 1.31 Section 5(1) of the 2011 Act requires that any person who exercises any function under this Part (of the Act) must exercise that function with the objective of furthering sustainable development. Section 5(2) indicates that "for the purposes of subsection (1) the person must take account of - (a) policies and guidance issued by - (i) the Office of the First Minister and deputy First Minister, (ii) the Department, (iii) the Department for Regional Development, and (b) any matters which appear to that person to be relevant. The Council's Soundness Report advises that it took account of published guidance from the Office of the First and deputy First Minister, the Department (now DfI) and the Department for Regional Development - DRD (now DfI) in preparation of the Plan including the Programme for Government 2016-2021, the SDS, the RDS 2030 and the SPPS. In addition, the Council took account of a range of guidance produced, including that relating to LDP preparation such as the Development Plan Practice Notes. I am satisfied that Section 5 of the Act has been complied with.
- 1.32 Section 8 (6) of the 2011 Act requires that the Council must: (a) carry out an appraisal of the sustainability of the plan strategy; and (b) prepare the report of the findings of the appraisal. In the preparation of its POP, the Council prepared a SA Interim Report Incorporating SEA and Habitats Regulations Assessment (HRA) Screening and a SA Scoping Report. At the DPS stage, the Council undertook a SA incorporating a SEA of the DPS. The Council also published a SA Scoping Report and a SA Non-Technical Summary.
- 1.33 Following the publication of the POP in January 2017, a copy of the POP and the SA Scoping Report and SA Interim Report incorporating SEA and HRA for

the POP were sent to the consultation body on 27 January 2017 seeking comment on these documents. Documents were also made publicly available. Subsequent to the launch of the DPS on 28th June 2019, copies of the DPS, the SA Scoping Report, SA Report and SA Non-Technical Summary were sent to the consultation body seeking comments. Documents were made publicly available for comment. Regulation 12 of the LDP Regulations have been complied with, as have the requirements of the Environmental Assessment of Plans and Programmes Regulations (NI) 2004. The requirements of Section 8 (6) of the 2011 Act have also been satisfied. I note that the POP considered various options in respect of the allocation of dwellings for the Council area. The Council indicated that a further SA would be undertaken at adoption stage.

Habitats Regulations Assessment (HRA)

- 1.34 The Habitats Regulations Assessment is required by the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended [the 2015 Habitat Regulations]. The draft HRA Report, published in June 2019, provided an Appropriate Assessment of DPS policies. The Council's approach to HRA is detailed in Part 2 of the Report. Shared Environmental Service (SES) provided support to the Council in preparing the draft HRA for the DPS to ensure the legal requirements of the Habitats Regulations were met. As the Council's Report states, the HRA will be finalised following public consultation and independent examination of the draft Plan Strategy and published alongside the adopted Plan Strategy. I am satisfied that the relevant legal requirements have been met at this stage of the LDP process.
- 1.35 I am satisfied that soundness tests P1 to P4 (as outlined in DPPN 6) have been met.

Equality Impact Assessment and Rural Needs Impact Assessment

- 1.36 Section 75 of the Northern Ireland Act 1998 requires all public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, sex, race/ethnicity, disability, age, sexual orientation, marital status and dependency, and to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial grouping.
- 1.37 The Rural Needs Act (Northern Ireland) 2016 requires district councils and other public authorities to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans and when designing and delivering public services.
- 1.38 A council is required to ensure that its DPD is prepared in accordance with Section 75 of the Northern Ireland Act 1998. The Council produced an 'Equality (Section 75) Screening and Rural Needs Impact Assessment Report' in June

2019. This document set out the Section 75 Screening Assessment and the Rural Needs Impact Assessment (RNIA) for Antrim and Newtownabbey Borough. The Council combined both assessments into one document due to the commonality of the procedures undertaken to engage with both Section 75 groups and the rural community.

- 1.39 The Report noted that, at this stage of the LDP preparation, no adverse impacts had been identified in relation to Section 75 groups. It was considered that a full Equality Impact Assessment is not required for the DPS. This position is to be kept under review and further screening and assessment will be undertaken at the LPP stage. The Rural Needs Impact Assessment element of the Report highlights how the rural needs of the Borough were identified and considered in the drafting of the DPS.

Approach to consideration of soundness

- 1.40 Section 8 (5) of the Planning (Northern Ireland) Act sets out what a council must take account of in preparing its PS. These include: Regional Development Strategy (RDS); the Council's Community Plan; any policy or advice contained in documents issued by the Department; and such other matters as the Department may prescribe or, in a particular case direct. Section 8(5)(c) also states that the council may have regard to such other information and considerations as appear to the council to be relevant. I recognise that the term 'take account of' is not defined in the Act's Interpretation at Section 250 thereof.
- 1.41 Many submissions were made that parts of the DPS were unsound as they did not reproduce the wording and provisions of Regional policy and guidance. Paragraph 5.23 of the SPPS advises that the overarching purpose of the PS is to provide the strategic policy framework for the Plan area and to bring forward a local growth strategy. In doing so, councils are required to address the range of policy matters set out in the SPPS; there is no requirement to copy Regional policy and guidance verbatim.
- 1.42 Paragraph 6.3 of DPPN7 allows a council discretion and flexibility in the LDP process; the final sentence is of note as it states "therefore, whilst a council must consider the following topic areas, it may only decide to include strategic policies and proposals to supplement the requirements of the RDS and SPPS on those topic areas which it considers to be relevant and help achieve its objectives for the local area".
- 1.43 Various representation called for cross-referencing within the Plan to ensure all necessary considerations are made when a planning proposal comes forward. This ignores the fact that the Plan must be considered as a whole by decision makers. In almost all cases I have rejected calls for cross-references.

Covid 19 pandemic

- 1.44 An issue became apparent during discussions at IE that the DPS had not taken into account the ramification of the pandemic in respect of economic activity in the Borough, including house building. I note that the DPS was published before the pandemic struck. The Council published a Statement on Covid (see DPS-S-0071A1) in May 2021. The Council clearly could not have foreseen the issue arising and at this point in time no one can predict the pandemic's long-term implications. To take into account the impacts of Covid would involve the Council having to revisit a large proportion of its evidence base; this would knock back the LDP timetable by a considerable length of time. Given the need for the Council to prepare an Annual Monitoring Report to DfI, an opportunity exists to address the effects of the pandemic after the PS has been adopted. In addition, Section 13 (1) of the 2011 Act requires that a council must carry out a review of its LDP at times as the Department may prescribe. Section 14 thereof also enables the Council to instigate revision of its PS.
- 1.45 On that basis, the pandemic does not render the Plan unsound, provide justification for changing the PS or for preventing its adoption. The appropriate response to this issue will be through the legally prescribed annual monitoring process and, if considered appropriate, by early review of the PS. The approach would be wholly consistent with the provisions of paragraphs 5.36 to 5.39 of the SPPS.

Plan Period

- 1.46 Various arguments were forthcoming in respect of extending the Plan period by up to 5 years. In many instances this was related to submissions regarding increased housing allocations and the slow pace at which the LDP was progressing. To extend the Plan period would involve considerable additional analysis and updating of the evidence base. In all likelihood it would involve withdrawal of the current DPS and publication of a new document, which would require to be publicly scrutinised. Given the need to progress adoption of the LDP, I consider that the optimum way of dealing with any shortfalls in housing or employment land provision that occur can best be addressed through monitoring and Plan review. The DPS is not unsound in respect of the Plan period.

Transitional Arrangements

- 1.47 As the DPS states "Under the Planning (Local Development Plan) Regulations (NI) 2015, a transitional period applies where provisions contained in the legacy development plans prepared by the former Department of the Environment will continue to apply until such time as the Council's Local Development Plan is adopted.

- 1.48 The Council suggested amending the text of the first sentence of paragraph 1.15 to clarify matters: “Once the Plan Strategy is adopted it will replace the regional operational policies that are currently retained by the Strategic Planning Policy Statement...”. This reflects the Council’s intentions to continue to rely on some Regional guidance until replaced by SPG. I recommend the change in the interests of consistency and coherence **(RA01 – see Appendix 4)**.

Chapter 2 – Setting the Context

- 2.1 The Plan contains a section entitled ‘Setting the Context’. This lists the various regional and local strategic, policy and other documents relevant to the Borough. It also contains a brief summary of the Borough’s profile in terms of the environment, infrastructure, the economy, health, community assets, education, population and society.
- 2.2 Few of the representations referring to the ‘Setting the Context’ section of the Plan suggested any modifications to the document. However, one submission suggested that the Plan should highlight the importance of, and the Council’s responsibilities in terms of, the marine environment; another representation suggested that the Plan should refer to ‘Lifetime Opportunities - Central Government’s Anti-Poverty and Social Inclusion Strategy for Northern Ireland’.
- 2.3 The Council suggested inclusion of additional paragraphs to make its legal responsibility under Section 8 of the Marine Act (NI) 2013 explicitly clear. It was further advanced that minor modifications should be made to clarify that the Lifetime Opportunities document had been considered when drafting the Plan. The suggested changes, which the Council considered to be minor in nature, beneficial, and merely for explanatory and clarificatory purposes, are listed in the Council’s document DPS-S-002 at page 2 and at Section 7 of DPS-S-001. The suggested changes would be beneficial in making clear the Council’s position and obligations. I recommend that the changes are incorporated into the adopted Plan in the interests of consistency **(RA02 and RA03)**.
- 2.4 None of the representations submitted specified how the ‘Setting the Context’ section of the Plan fails to meet the tests of soundness set out in DPPN 6. I consider that Section 2 of the DPS, as written, is sound, subject to the above amendments.

Chapter 3 - Plan Vision and Strategic Objectives

Plan Vision

- 3.1 This section of the Plan sets out the 'Plan Vision', the essence of which is to ensure that Antrim and Newtownabbey Borough will be: a place of economic opportunity, a vibrant and liveable place, and a place with a sustainable future. It also, at pages 58 and 59 of the DPS, sets out the 14 Strategic Objectives which seek to achieve the aforementioned.
- 3.2 A number of representations referred to this section of the Plan; few of these sought specified modifications or cited how the Plan was unsound, as written.
- 3.3 Two representations criticised the Plan for stating that the "... built and natural environment will continue to be high quality and well looked after ...". It was argued that the words 'continue to be' should be deleted. No suggestion is made that the inclusion of these words renders the Plan unsound and I cannot discern any conflict between the wording used in the Plan and the 12 tests of soundness in DPPN 6. Ultimately, it is a subjective matter of opinion whether the built and natural environments in the Borough are well looked after and of high quality at present.
- 3.4 Several representations sought an extension to the Plan period. These are dealt with above (see paragraph 1.46).

Strategic Objectives

- 3.5 Whilst expressing general support for the Strategic Objectives, a representation sought a reference to affordable housing in a mixed tenure environment. The Council pointed to section 3 of the DPS, which sets out the context in which objectives were prepared. It was argued that a diverse choice of housing and the strengthening of community cohesion covers the approach to affordable housing and that this is carried forward in the DPS with policies in the 'Homes' part of the Plan. I do not consider that the change sought in the representation raises a soundness issue.
- 3.6 The Council proposed a minor change to Strategic Objective 1 by including the word 'coast'. This is required in the interests of consistency and I recommend its inclusion in the adopted Plan (**RA04**). A representation sought to have a key objective specifically regarding Belfast International Airport. It was suggested that the wording be amended to: "To provide for, safeguard and encourage the continued growth of business at Belfast International Airport and its safe and efficient operation in meeting the needs of the travelling public and freight". The Council suggested a minor change for the purposes of clarification and in recognition of the acknowledged important role and regional gateway designation of Belfast International Airport. The Council pointed to its existing

references in various documents to the important strategic role of the airport in terms of transportation and employment and considered that the matter could be addressed by amending Strategic Objective 3 as follows: "...employment locations including the Regional Gateway at Belfast International Airport". I consider that the suggested amendment be included in the Plan in the interests of consistency **(RA05)**.

- 3.7 Another representation criticised the Plan for lacking vision, without explaining how this is the case. In the round, I consider that the Strategic Objections, as drafted, are appropriate and reasonable and have taken account of the provisions of the RDS and SPPS. I do not consider that failure to specifically refer to rivers and streams renders the plan unsound; Strategic Objective 11 refers to biodiversity and the Council has suggested a minor punctuation amendment involving the insertion of a comma after the word biodiversity. This will clarify that the Plan seeks to promote biodiversity in all locations, and not just apply only in the countryside areas, coastal areas, and loughs. This amendment is needed in the interests of coherence and consistency and I recommend its inclusion **(RA06)**. The failure of Strategic Objective 12 to specifically refer to trees does not raise a soundness issue. Neither do Strategic Objectives 13 and 14, as drafted.
- 3.8 A representation posited that the Strategic Objectives are not sufficiently ambitious in that Strategic Objective 3 only allows for a 'range' and 'quality of land and premises to facilitate business growth', whereas SPPS paragraph 6.92 advises that "a fundamental role for LDPs is to ensure that there is ample supply of suitable land available to meet economic development needs within the plan area". I agree with the Council that the wording of Strategic Objective 3 as drafted adequately reflects the content of this aspect of the SPPS. As stated elsewhere in this report, the exact wording of the SPPS does not require to be slavishly repeated in the Plan for it to have taken account of the document.
- 3.9 Other representors considered that Strategic Objective 8 should be re-worded to 'ensure a generous supply...' of land, in light of the Borough's underperformance in housing delivery. I agree with the Council that Strategic Objective 8 as drafted takes account of the SPPS, which, at paragraph 6.136, indicates that the Regional Strategic Policy approach must be to facilitate an adequate and available supply of housing to meet the needs of everyone.

Chapter 4 - Sustainable Development

Strategic Policy 1: Sustainable Development

- 4.1 Paragraphs 4.1 to 4.10 of the Plan explain the Council's approach to sustainable development, which has emanated from the RDS and various Regional Policy documents. As paragraph 4.2 of the Plan states "... the LDP seeks to further sustainable 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".
- 4.2 Policy SP 1 Policy paragraphs SP 1.1 – 1.3 fall under the heading 'Sustainable Development' and set out the overarching approach to the matter. SP 1.1 outlines the Council's "positive approach", adopting a presumption in favour of sustainable development as expressed in the SPPS. Policy paragraph SP 1.2 reflects Section 45 of the 2011 Planning Act. Policy paragraph SP 1.3 advises that the Council will be guided by the precautionary principle, as advised so to do in paragraph 6.174 of the SPPS. The social, economic and environmental impacts of a development proposal, together with consideration of the public interest and any mitigation measures, are matters to be determined through the application of the planning policies set out in the LDP through the normal Development Management (DM) process.
- 4.3 In response to a concern raised by NIEA (NED), the Council suggested inclusion of an additional paragraph "for the purposes of clarification to make the Council's legal responsibility under Section 8 of the Marine Act (NI) 2013 explicitly clear". The amendment involves insertion of a new paragraph after Policy paragraph SP 1.2 and renumbering of subsequent paragraphs. The new paragraph to read as follows:- "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". The Council considered this a 'minor change' and submitted that the new text "... does not introduce any new policy concept, rather it is factually based. It is clear when the DPS and its evidence base are read together that the DPS took account of the marine area (e.g. paragraph 2.5 of the DPS, the SA Scoping Report and Appraisal as well as the Draft Habitats Regulation Assessment). In addition, the policy concept already exists in existing policy (which is a material planning consideration) including regional marine policy (UK Marine Policy Statement/draft Marine Plan for Northern Ireland) and the SPPS (paragraph 6.50 in particular)". I consider that the amendment is required in the interests of consistency and recommend that it is incorporated into the adopted PS **(RA07)**.

Development Impact Assessments

- 4.4 Policy paragraphs SP 1.4 and 1.5 of policy SP 1 are set out under the heading 'Development Impact Assessments'. Policy paragraph SP 1.4 requires development proposals to be accompanied by impact assessments where it is necessary to allow proper consideration of potential impacts of development and any mitigation measures associated with such. It provides a non-exhaustive list of situations where impact assessments are commonly required. Policy paragraph SP 1.5 indicates that the Council will take into account best practice guidance documents. The Council considered that reference to the Marine Area should be included in SP 1.4 and I concur in the interests of consistency **(RA08)**.
- 4.5 It was posited by a representor that Health Impact Assessments (HIAs) should be required for major development proposals. Paragraph 4.6 of the SPPS says that taking account of health issues and the needs of local communities may include consideration of potential health and health equity impacts, expected future changes and any information about relevant barriers to improving health and well-being. However, there is no policy requirement to require HIAs. The Council took the view that the application of the policies of the LDP as a whole, through the DM process, would contribute to improving human health; health impacts would also fall to be assessed for development that required the submission of an ES. In my view, if any health impacts were likely in respect of a major application, the DM system would respond as appropriate, including consultation with the Council's EHO and any other relevant bodies. The Council is empowered by legislation to require any information needed to properly assess a proposal. SP 1.4 of the Plan does not purport to provide a complete list of scenarios and it does refer to matters that could impact on health, such as noise, air quality, and contamination of land. I am not persuaded that SP 1.4 of the Plan, as written, raises any issue of soundness.

Spatial Growth Strategy

- 4.6 SP 1 Policy paragraphs 1.6 – 1.12 relate to the heading 'Spatial Growth Strategy and the Places of our Borough'. The Spatial Growth Strategy (SGS) is set out at page 65 of the Plan and contains 7 elements, (a) to (g). These set out strategy in relation to the settlements and countryside of the Borough [(a) to (e)], the role of BIA as a Regional Gateway[(f)], and the importance of Nutts Corner as a strategic location for employment [(f)]. Protection for the natural and historic environment, inter alia, is also cited as an element of the SGS [(g)].
- 4.7 Table 1 on page 66 of the DPS sets out the 'Places of our Borough' and identifies 7 of such. The Metropolitan Urban Area is at Tier 1; the 'Major Hub Town' of Antrim is at Tier 2; Ballyclare is identified as a 'Large Town' at Tier 3; Crumlin and Randalstown are listed as 'Towns' at Tier 4; the 'Villages' of Ballynure, Ballyrobert, Burnside (Cogry/Kilbride), Doagh, Dunadry, Parkgate, Templepatrick, Toome and Straid sit within Tier 5; and 29 'Hamlets' make up

Tier 6. The 'Countryside' is the 7th Tier identified. In respect of the settlements, Table 1 mirrors Option 3, the Council's preferred option, in its POP.

- 4.8 EP 2: Settlement Evaluation, at paragraph 7.1, advises that "in addition to considering the Regional and Local context in developing the settlement hierarchy, this section sets out the additional matters that have been taken into account. This includes: a strategic analysis of the role and function of settlements; a review of the Statistical Classification and Delineation of Settlements published by Northern Ireland Statistics and Research Agency (NISRA); a review of the classification of settlements in legacy development plans; and, changed circumstances since the Antrim Area Plan 1984-2001 and its Alterations.
- 4.9 The EP indicates that strategic settlement analyses were undertaken, including site visits, and were used to appraise each settlement in line with the RDS 'Hierarchy of Settlements and Related Infrastructure Wheel'. The larger settlements were appraised against the six tests of the RDS 'Housing Evaluation Framework', which "... essentially analyse the services, facilities, physical infrastructure including a strategic assessment of transport and environmental characteristics of each settlement and the capacities of the settlements as locations to accept additional development. A qualitative analysis of each settlement in terms of their strengths, weaknesses, opportunities and constraints was also undertaken".
- 4.10 The outcome of the appraisals for the existing settlements and proposed new hamlets including accompanying maps are contained in Appendix 2 of EP 2. With regard to the physical infrastructure of the settlements, consultation was undertaken with Northern Ireland Water (NI Water) regarding the capacity of Wastewater Treatment Works and concluded that, apart from Creggan/Cranfield and Moneyglass, where full capacity has been reached, there are no sewerage constraints in the Borough. However, upgrading of the Moneyglass works is being progressed through the Rural Wastewater Improvement Programme.
- 4.11 A representation considered that soundness tests had not been met by policy SP 1 or the text in various paragraphs under the Plan's heading on page 68 'why we have taken this approach'; however, no explanation was provided to support the assertion. Another submission argued that the SGS should be based on the RDS Spatial Framework, rather than existing housing commitments and that it should refer to the RDS 60% brownfield target. The Council pointed out that the SGS as drafted has taken account of the provisions of the RDS and SPPS, in particular paragraph 6.139 of the latter, which sets out the processes of allocating housing land, including "allowance for existing housing commitments". Paragraphs 4.1 to 4.10 of the DPS set out the rationale for Policy SP 1 and the SGS. With specific regard to housing, paragraph 7.4, and subsequent paragraphs set out the Council's justification in relation to the approach taken in respect of housing growth and allocations to settlements and the Countryside as well as the identification of land for housing. The Council also stated that whilst existing development commitments based on legacy Development Plans and extant planning permissions have been an important factor for the SGS, the Council's approach to the identification of new housing

land is set out in paragraph 7.17 of the DPS and refers to a 60% brownfield target within settlements with a population greater than 5000.

- 4.12 A representation argued that DPS Policy paragraph SP 1.6(a) is potentially compromised through SP 1.6(e) by allowing disproportionate growth in the smaller settlements /countryside, whereas the focus should remain on urban centres. I agree with the Council that the SGS is not compromised, as the approach directs core growth to top tier settlements, whilst the rural area will be sustained and maintained through small scale housing and employment opportunities in the smaller settlements and countryside. I judge this to be a sound approach, that has taken account of Regional policy.
- 4.13 A representor considered that the SGS should be amended to include Crumlin alongside Ballyclare as a Tier 2 town and Policy paragraph SP 1.6 (b) changed accordingly. The Council's justification for the Plan's proposed designation of Crumlin as a Tier 4 'Town' is set out in supporting Evidence Paper 2: Settlement Evaluation including paras. 8.23 - 8.30 and pages 51-53. Another representor raised a question as to why Antrim has been included with Metropolitan Newtownabbey as a top tier settlement town in the SGS at SP 1.6(a), whereas Table 1 and the housing allocation appear to distinguish the two settlements. It was argued that there is no guidance within the RDS as to the role and function of Newtownabbey and therefore there is no justification to include it in a higher tier of settlement above Antrim, which is clearly defined in the RDS as a Main Hub.
- 4.14 The Council considered NISRA settlement classifications in arriving at its SGS but was not bound by those. The classifications were only one factor taken into account. It is notable that the BMUA (which includes Metropolitan Newtownabbey) is in a different settlement band from Antrim in Table A1 of the RDS at page 96. The Council took the view that there is no ambiguity in the SGS or in Table 1; Metropolitan Newtownabbey is the largest settlement in the Borough with a wide range of services and infrastructure and is defined in the top tier of the settlement hierarchy as part of the Metropolitan Urban Area (MUA); it is identified as part of the BMUA in the RDS. Antrim has the next largest population, has a wide range of services and infrastructure and is defined in the second tier of the settlement hierarchy as a Major Hub Town; it is identified as a Main Hub in the RDS and the Council indicated that it seeks to reinforce Antrim's role as such.
- 4.15 Another representation considered that Policy paragraph SP 1.6(c) is unduly restrictive in the use of terminology such as 'consolidation' rather than the 'strengthen' and 'growth emphasis for the larger towns. Given this, Randalstown would not be afforded an opportunity to accommodate firm economic development opportunities. The Council argued that, if all policies in the Plan are read together, it is clear that the PS will facilitate economic growth in settlements. The Council took the view that 'consolidate' means to strengthen. I note that paragraph 4.7 of the DPS refers to "consolidated growth" in Crumlin and Randalstown, whilst SP 1.6(c) refers to "consolidating the role of Crumlin and Randalstown". There is no conflict as the terms have different meanings and I do not interpret SP 1.6(c) as a prohibition on growth (in its widest sense) in Randalstown or Crumlin.

- 4.16 With regard to Crumlin, justification for the Plan's proposed designation of the settlement as a Tier 4 'Town' is set out in EP 2 at paragraphs 8.23 - 8.30 and pages 51-53. I note that the expansion of Crumlin is not advocated in the RDS 2035. Various arguments were put forward for 'promoting' Crumlin within the Settlement Classification. These included high demand for new homes, and need for improved healthcare and community facilities. The demand for new homes may be a reflection of the settlement's location in the Belfast Travel To Work Area, but this is not sufficient reason to allow unchecked or unsustainable growth that would conflict with the Council's SGS and Hierarchy of settlements. An argument for North/South 'balance' within the Borough was also put forward. However, I am unaware of any support in regional policy or the RDS for evenly spreading growth across a borough if this pays no heed to sustainability. I deal with the issue of social housing need in Crumlin subsequently. In respect of an argument that Crumlin should be 'raised' to the status of a large town, similar to Ballyclare, I note that these settlements are significantly different in terms of population size, physical extent, and provision of public services and facilities. It would not be sustainable to permit Crumlin to grow in terms of population, simply to create circumstances where additional services/facilities are provided. Fears that Ballyclare may fail to provide adequate housing to meet the Council's anticipated delivery of new homes could be addressed by a Plan Review. I am satisfied that there has been no manipulation of population figures in formulating the hierarchy of settlements.
- 4.17 A representation posited that the text relating to villages under Policy paragraph SP 1.6(d) of the SGS should reflect the text set out for villages in the POP regarding accessibility. The Council advised that, following publication of and consultation on the POP, it reconsidered the overall housing growth allocation across the Borough and this resulted in a 25% reduction. As a consequence, it was necessary to reduce the housing growth allocation across settlements. This is discussed subsequently. The rationale for identification of villages is set out in EP 2. A number of factors were considered in determining placement on the settlement hierarchy and these included accessibility. I do not perceive any soundness issue in the wording of SP 1.6(d), which seeks to sustain and maintain the role of villages. I do not consider that accessibility is a factor that should outweigh others and the representation raises no issue of soundness. The content of the RDS 2025 cannot be relied upon by representations arguing for changes to the SGS, given that it was superseded by the RDS 2035.
- 4.18 A concern was raised around the use of certain wording in part (e) of the SGS with reference to the words 'suitable' and 'small-scale'; it was submitted that that subjective language could be open to wide interpretation. As the Council has stated, the PS is a strategic document that needs to be read as a whole and following adoption will need to be read together with the LPP, which will set out in greater detail the Council's proposals for individual parts of the Borough. The terms 'small scale' and 'suitable' are commonly used terms in planning policy and I do not detect any soundness issue in their use.
- 4.19 BIA fully supported point (f) of the SGS in Policy SP 1.6 to strengthen BIA's Gateway status as Northern Ireland's principal airport. However, I do not consider that any change to SP 1.6(f) is required in the interests of soundness. The DPS sets out a range of Strategic Policies and Detailed Management

Policies to implement the Growth Strategy which will provide for, strengthen, safeguard and protect the Regional Gateway status of the Airport.

- 4.20 Criticism was levelled at the wording of part (g) of the SGS, as being less 'spatial' in nature than could be the case and wording might be more appropriately expressed as promotion of development patterns that do not have an adverse impact on environmental resources and built heritage. The submission suggested that the wording of Policy paragraph SP 1.11 may be more appropriate for inclusion; also, criterion (g) should emphasise the need to locate development to make best use of existing infrastructure and promote sustainable access to existing services. In my opinion, SGS part (g) is clearly worded and refers to accommodating growth whilst protecting the natural and historic environment. However, I recommend that it should also refer to the Marine Area in the interests of coherence **(RA09)**.
- 4.21 It was submitted that, with regard to Policy paragraph SP 1.10, consideration should be given to clarifying the circumstances when overriding reasons would justify approval. The Council considered that overriding reasons would be a matter for consideration during the normal DM process, where the policies contained within the LDP, and other material considerations, would be assessed. The onus would be on an applicant to demonstrate overriding reasons why the development was essential in the countryside. I agree with this analysis and consider the wording of Policy paragraph SP 1.10 to be clear, logical, sound and appropriately flexible.
- 4.22 With regard to the wording of Policy paragraph SP 1.11, it is clear that it is intended to apply to all parts of the Borough, not just within settlements. However, any proposal would also have to accord with other relevant Plan policies. Given that, the policy does not represent carte blanche for developing previously used land in the countryside. I detect no issue of soundness in respect of that paragraph. DfI raised a concern with regard to use of the term 'brownfield land' in SP 1.11. I note that the term is defined in the RDS as "... Previously Developed land being land that is, or was occupied by a permanent structure within a defined settlement limit". In order to avoid confusion, and in the interests of consistency and coherence, I recommend the deletion of the word 'brownfield' and its replacement with the term 'previously developed' **(RA10)**.
- 4.23 A representor submitted that Toome should be recognised as a rural gateway, given that it has direct links to the cities of Derry / Londonderry and Belfast, and provides an ideal location of settlement along the A6 commuter belt. I note that the rationale for Toome's position in the settlement hierarchy is set out in EP 2 at paragraphs 8.31- 8.37 and pages 105-108. In my view the submission raises no soundness issue.
- 4.24 It was posited that, in order to be consistent, paragraph 4.2 of the Plan should be amended as follows: "... the careful management of our historic environment and natural heritage, including the adjacent marine area". To my mind this is a logical amendment, is minor in nature, and should be included in the adopted Plan in the interests of coherence **(RA11)**.
- 4.25 Paragraph 4.7 of the DPS explains how the SGS will be implemented in respect of the Tiers of places identified. It advises that core growth will be focused on

the largest settlements of Metropolitan Newtownabbey and Antrim "... where the infrastructure, population, services and facilities mean these places can accommodate further growth in a sustainable fashion". It goes on to state that "in recognition of the level of infrastructure, population and facilities available, the large town of Ballyclare is identified for a consolidated and strengthened growth role, whilst the smaller towns of Crumlin and Randalstown are highlighted for consolidated growth. In order to sustain rural communities, the SGS "... seeks to allow appropriate growth in our smaller settlements and the countryside". At the IE hearing the Council advised me that the former includes both villages and hamlets. However, given that the SGS differentiates between villages [group (d)] and hamlets and the countryside [group (e)] this is unclear. I consider that paragraph 4.7 should be clarified in the interests of coherence by inserting '(villages and hamlets)' after the term 'smaller settlements' in the last sentence (**RA12**). The Council has developed its hierarchy of places based on carefully considered evidence and taking into account the RDS and SPPS.

- 4.26 The Council suggested the insertion of supporting text, in the form of a paragraph 4.11, after paragraph 4.10 of the Plan as follows: "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". The Council took the view that this was a 'minor' change. I agree with the latter, given that the additional text is purely advisory. I recommend its inclusion in the adopted Plan in the interests of coherence and effectiveness (**RA13**).
- 4.27 A representor indicated that the DPS does not appear to have taken account of the neighbouring settlement of Greenisland, which abuts the eastern boundary of Antrim and Newtownabbey Borough. I note that a part of the settlement of Greenisland lies within the Council's boundary (around 20.3 Hectares). The Council took the view that additional growth in Greenisland is a matter for Mid and East Antrim Borough Council (M&EABC). I was advised that the Local Government Boundary Commission report dated 27/7/2012 included a recommendation that the entirety of Greenisland should be located in the M&EABC area. In the circumstances it would not be logical for the subject PS to include Greenisland in its settlement classification. A&NBC has stated it would liaise with the neighbouring authority to consider what the potential implications would be for its Borough. No soundness issue arises.
- 4.28 The content of the various Tiers in Table 1 of the DPS is logical, and based on robust and detailed evidence and I do not consider that the Council's SGS raises any issue of soundness.

Delivering Sustainable Outcomes

- 4.29 On page 67 of the DPS, under the heading of 'Delivering Sustainable Outcomes', Policy paragraphs SP 1.13 to SP 1.17 deal with the issue of developer contributions and how these will be delivered. The Plan advises that "developers will be expected to provide and meet the costs of infrastructure and other works required to facilitate and sustain their proposals". I see no need to

change the wording of this sentence, which is clear. The words 'in appropriate cases' permits the Council to exercise discretion in the application of the policy. The Plan states that Supplementary Planning Guidance (SPG) will be produced in respect of the mechanisms and implementation of the policy in relation to the matter. Paragraph 5.69 – 5.71 of the SPPS provides justification for inclusion of the matter in LDPs. The Council has indicated that it will bring forward SPG in respect of the issue and I commend this approach. Guidance can provide information as to how bonds and financial guarantees can be implemented.

Chapter 5 – A Place of Economic Opportunity

Employment

Strategic Policy SP 2 - Employment

- 5.1 Strategic policy SP 2 emanates from Strategic Objective 2, which seeks to establish Antrim and Newtownabbey as premier business locations where both existing and new, innovative, cultural and creative enterprise can prosper. EP3: Economic Growth, sets out the basis for the approach taken in the DPS.
- 5.2 It was suggested by a representation that a sequential approach should be used to identify employment land, which directs employment to the hubs and local towns first. The Council considered that Policy paragraphs SP 2.2 and 2.3 as drafted set out a sequential test which refers to a 'Two-Tier' approach to the identification of land and premises for industry/employment activity and its subsequent retention and protection from alternative use. The approach is based on Strategic Employment Locations (SELs) in Metropolitan Newtownabbey, Antrim, Ballyclare, and at BIA and Nutts Corner, as well as at Local Employment Sites throughout the MUA and towns, which will be identified at the LPP stage. Policy paragraph SP 2.4 is explicit in stating that the Plan will not "...identify sites for employment-related developments in the smaller settlements of the Borough".
- 5.3 Submissions were made that the number of new jobs to be created over the plan period should be increased from 9,000 (see Policy paragraph SP 2.1) in order to accommodate an increase in housing allocation for the Borough that has been advocated by various representations. I note that paragraph 5.8 of the DPS states that the figure of 9,000 jobs is derived from the Council's published Economic Strategy. EP3 Economic Growth provides an explanation for the figure and contains a copy of the Employment Land Evaluation Report undertaken by consultants for the Council. I do not consider the Council's approach to be unsound. Should a shortage of employment land develop, this could be identified and addressed through the monitoring and review process.
- 5.4 A representor argued that reference to a 'range' of sites within Policy paragraph SP 2.2 is not consistent with, or takes proper account of, the SPPS at paragraph 6.92, where the latter refers to an 'ample' supply of land. Consistency test C3 requires the DPS to 'take account of' the SPPS; it does not require repetition of the wording of the SPPS. Paragraph 6.92 of the SPPS refers to LDPs offering "... a range and choice of sites in terms of size and location...". With regard to the LDP, sites will be identified at the LPP stage, presumably based on a careful analysis of need. I do not consider that Policy paragraph SP 2.2 raises a soundness issue as drafted.
- 5.5 A representation from Lisburn and Castlereagh City Council (LCCC) raised concern that there may be no need for two additional SELs at Antrim and Ballyclare and posited that there would be an ample supply of employment land

without these. LCCC referred to paragraphs 5.13 and 5.15 of the Employment Land Evaluation Report contained in EP 3, and considered that in the absence of an appropriate evidence base, this proposal has the potential to adversely impact on the economic growth strategy of a neighbouring council. Concern was also raised, in respect of the latter point, regarding the proposed SELs at Nutts Corner and BIA. The Council's took the view that EP 3 represents the main evidence base for the Plan's employment policies, and that that document is robust, providing an ample supply of land for economic uses. Boundaries for the SELs will be identified at the LPP stage and LCCC has not provided any evidence to demonstrate that the ANBC area's economic policies would adversely affect those of LCCC. I do not consider that the LCCC representation raises a soundness issue.

- 5.6 An argument was put forward for deletion of the SEL at Church Road, Newtownabbey. It was posited that, "... due to environmental constraints and the changing nature of the surrounding area , the lands identified at Church Road, Newtownabbey do not function as a SEL". It was argued that the policy does not provide flexibility to enable the Strategy to deal with changing circumstances. The Council advised that, in conjunction with the Council's Economic Strategy, an Employment Land Evaluation Report (ELER) was undertaken, as set out in Evidence Paper 3: Economic Growth. The Council's view was that EP 3 provides a sound evidence base in respect of the Borough's employment land portfolio and supports the identification of a range of existing Strategic Employment Locations. It was pointed out that Church Road, Newtownabbey is already home to established businesses and has been therefore identified as an 'Existing Strategic Employment Location'. The LPP stage will identify the precise boundaries of the SEL and can address any site-specific issues that require to be taken into account.
- 5.7 A submission was made that the proposed Global Point Strategic Employment Location and land to the north (on the opposite side of the railway line) offer one of the most accessible locations in Northern Ireland being adjacent to a key transport corridor, and having excellent public transport and active travel connections. Additionally, the site is in close proximity to key civic and recreational uses including Mossley Mill and Ballyearl Golf and Leisure Centre. It was posited that an opportunity exists here for high density, mixed use development that will take advantage of these local characteristics. The question to be considered is whether the absence of the aforementioned proposal renders the Plan unsound; I judge that it does not and that the rationale for the SELs and retail centres is soundly based.
- 5.8 A representor noted the intention of the Council to ensure an adequate supply of suitable employment land and that strategically important employment locations are to be safeguarded; it was suggested that protection should be afforded to all employment lands unless, there is a compelling case for a change of use and that any change would not result in an overall significant diminution of employment lands. The Council pointed to the protection for Local Employment Sites as set out in policies SP 2 and DM 1. The proposal by the Council regarding non-zoned sites, whereby proposals for non-employment related uses will be assessed on their own merits through the DM process raises no issue of soundness.

- 5.9 A representation took the view that the DPS needs to recognise that BIA and its hinterland are inextricably linked, and that the DPS is overly prescriptive and presumes in the favour of BIA Ltd. Concern was raised regarding BIA's 'monopoly' in the area. The Council pointed out that the exact boundaries of the land to be included in the BIA SEL is a matter to be dealt with at LPP stage, at which time representations can be made. The planning system, and this Plan, cannot take into account arguments regarding potential monopolies, nor should land be unsustainably zoned simply to favour one party or another. I do not consider the Plan's approach in this matter to be unsound.
- 5.10 The boundaries of SELs will be brought forward at the Local Policies Plan stage of the process, which will consider settlement limits, site specific designations/boundaries and the zoning of land. At that stage, submissions can be put forward regarding the extent of the BIA SEL.
- 5.11 A submission was made that Policy paragraph SP 2.8 will permit business and other complementary employment and service uses at the proposed BIA SEL. This could allow uses that should normally be directed to a town centre or a mixed-use service centre location; the policy should thus be reworded to restrict typical town centre uses thereat. The Council's view was that, given the huge importance of BIA as a Regional Gateway, the DPS seeks to strengthen its role as such and identifies it as a SEL. Given its strategic importance to the Borough and indeed Northern Ireland, the Council saw it as reasonable for the DPS to support a wide range of employment uses, including continuing business use, at this location. As the Council also states, any retail development proposed will be required to fulfil the relevant retail policy provisions of the DPS which incorporate the town centre first approach. I do not consider the Council's approach in respect of the BIA SEL raises a soundness issue. I consider the Plan to be sufficiently flexible to deal with proposals that come forward in respect of the airport lands. I do not consider that the DPS should explicitly support retail uses at BIA, given the 'Centre first' approach that the Plan advocates.
- 5.12 A representation submitted that it is unclear what status the proposed draft centre boundaries as defined in Appendix F of Evidence Paper 4 have. It was considered that the proposed draft town centre boundaries are too restrictive. It was also posited that Centre boundaries should be formally identified at the Plan Strategy stage. The Council considered that the comments raised have no impact on the soundness of the DPS document; rather, they seek minor textual changes and updating to one of the accompanying EPs. The Council advised that it will give consideration to the need to include this information as evidence at the LPP stage. Paragraph 1.16 of the DPS clearly states, "until such times as the Council's Local Policies Plan identifies the boundaries of settlement limits, local designations and zonings, the provisions of the current legacy plans will continue to apply in the decision making process". I note that EP 4 refers to the plans as being purely for illustrative purposes.
- 5.13 A representation suggested that the Plan adopt an embargo on out-of-centre retail development until all necessary studies have been undertaken by. The Plan advocates a 'town centre first' approach in considering the development of retail and other main town centre uses across the Borough. The Retail Hierarchy is set out in table 4 of the DPS and is complemented by a number of

DM Policies. I agree with the Council that a blanket ban on all out-of-centre retail development across the Borough would be inappropriate; the merits of individual proposals would be assessed at DM stage, taking account of the policies in the LDP, and any other material considerations. I do not consider that an issue of soundness arises in respect of the Plan's approach to town centres and retailing under Policy paragraphs SP 2.12 to SP 2.14. The Plan is based on sound evidence contained in EP 4.

- 5.14 A representation argued that Antrim would be more appropriately classified as a Tier 2 'Town Centre' within the retail hierarchy, rather than as a Tier 1 'Large Town Centre'. Evidence was presented in an attempt to support a proposition that Antrim Town Centre is considerably less robust than the Abbey Centre and is not significantly larger than Ballyclare Town Centre which is characterised as a Tier 2 Town Centre. It cannot be ignored that the RDS identifies Antrim as a Hub town. I was advised that funding for Town Centre improvements had been forthcoming, in part from DfC. The Council directed me to EP 4 and pages 31-36 thereof, which sets out existing health check indicators and an analysis of Antrim Town Centre in support of its classification in the Retail Hierarchy. I consider that the basis for the Council's approach is sound; Plan monitoring will enable performance of Antrim and the Abbey Centre to be assessed during the life of the Plan.
- 5.15 DfI (Strategic Planning) considered that, whilst it has a large retail offer and a doctor's surgery, the Abbey Centre does not comprise the typical range of uses found in town centre as set out in the RDS Diagram 2.2 and paragraph 2.71, footnote 58 of the SPPS. The Department pointed to the fact that, apart from Abbey Centre, Metropolitan Newtownabbey does not have a town centre. Belfast City Council (BCC) raised concern regarding the impact on Belfast City Centre of the 'elevation' of the Abbey Centre to a Large Town Centre. The Council pointed to EP 4: Retail and Commercial Leisure Study, which identifies a community facility within the centre at Figure 6.2 on page 99 of the document. The Council stated that it has drafted policy at the DPS stage to support further community facilities in line with the role and function of a town centre; Policy paragraph SP 2.12 indicates that the Borough's town centres will be the preferred location for a number of uses including community facilities. The Council has also proposed a minor change to Policy DM 6 to reinforce and clarify that complementary uses includes community facilities. The Council advised that 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. 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. I agree with the Council that this is a matter for the LPP stage of the LDP. Another representation argued that the Abbey Centre being classified as a Large Town Centre is not sufficiently supported by evidence and that the approach taken does not sufficiently align with the SPPS. The representation submitted that the privately owned Abbey Centre is actually an out of town shopping centre; as a consequence, its designation as a Town Centre could have negative

implications for existing, established town centres across the Borough. Another representation, referring to the proposed tier 3 District Centre at Whiteabbey Village, considered that this appears to be based on a qualitative assessment relating primarily to the number of retail units, and that, despite having more units than the other centres outlined in tier 4 of the Retail Hierarchy, further quantitative evidence/analysis needs to be provided in support of this designation.

- 5.16 The purpose of designating Town Centres is to enable the direction of commercial and other town centre-type development to appropriate areas. Whilst I recognise that much of the Abbey Centre is in private control, this would be common in town centres, generally, albeit that the proportions in the Abbey Centre are different. The performance of the new town centre can be monitored during the Plan review process and should the Abbey Centre be seen to be performing unexpectedly, this can be addressed. EP 4 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. The evidence paper also provides the rationale for the proposed designation of Whiteabbey Village as a District Centre, highlighting that it is clearly distinguishable from the lower order Local Centres proposed.
- 5.17 DfI Strategic Planning raised concern regarding the absence of further detail in the amplification text, on the desired role and function of centres within each tier of the Retail Hierarchy. Application of the retail policy, in the context of the DPS may raise a coherence and effectiveness issue. The Council responded by stating that the assessment of proposals for retail development and main town centre uses across the Borough is a matter for consideration under the normal DM process, taking account of the policy provisions of the DPS. However, the Council acknowledged that, in response to the representation, the inclusion of an additional column in Table 4 of the DPS based on the information already set out in the published retail study would be beneficial at this stage. It was suggested that an amendment to Table 4 on page 79 of the PS would address the concern and the Council proposed the incorporation of text from Figure 6.2 on page 104 of EP 4; I consider the proposed amendment is necessary in the interests of coherence and consistency and recommend its inclusion in the adopted Plan. **(RA14)**
- 5.18 In order to reflect the Council's approach to retail policy, it was suggested that the heading 'Town Centres and Retailing' should be changed to 'Retail Centres and the Retail Hierarchy'. This amendment is required in the interest of coherence **(RA15)**.

- 5.19 A representation sought the inclusion of Dunadry as a Local Centre. It was submitted that retail units exist at the Dunadry Hotel, however these are limited to a beauty salon, an artisan food outlet and a bespoke wooden pen shop. There is also a public house and a church. The Council stated that the villages identified with a Local Centre (Ballynure, Doagh, Parkgate, Templepatrick and Toome) currently exhibit a level of local service provision that merit the designation of a Local Centre. EP 4 actively considered Dunadry for possible inclusion as a Village Centre but it was excluded for reasons stated in EP 4 paragraph 2.10. EP 4 sets out supporting information for the identification of centres across the Borough. The Council considers that Policy DM 7 (Policy paragraph DM 7.8) makes adequate provision for retail development in those villages where no Local Centre is defined. I agree with the latter. Given the very limited provision of services, and their positions (access to the public house is across a main A class Road from the majority of the settlement and units at the hotel are within private grounds), I am not persuaded that the Council's conclusions in respect of Dunadry are flawed or unreasonable. I note the EP 4 recognises the existence of the hotel itself. As the evidence base in EP 4 has formed the rationale for the various Village Centre designations, no soundness issue arises in respect of the representation.

Sustainable Tourism

- 5.20 A representation suggested that an indication should be provided as to what will be deemed as an 'appropriate' farm diversification scheme. In Policy paragraph SP 2.16; the latter could refer to support for the establishment of new or extended high quality holiday chalet, cabins, caravans and camping sites in appropriate locations. The assessment of proposals for farm diversification is a matter for consideration under the normal DM process, taking account of all material considerations. I do not consider that the wording of Policy paragraph SP 2.15(c) is unduly negative, even where the word 'control' is used. The Council's response indicated its view that all policies within the LDP should be read together as stated in Policy SP 1, the Positive Planning Note on page 11 and paragraph 1.5 of the DPS. If read alongside Policy paragraphs DM 2.4 (c) 'Tourism Development' and DM 9 'Tourism Development', the wording of SP 2.15(c), which refers not just to control, but to 'appropriate control', the representation does not raise any issue of soundness, when taken in the context of the DPS as a whole.

Economic Development – Zoned Sites and Settlements

- 5.21 Policy DM 1 has its basis in the SPPS. Paragraph 6.85 of that document refers to Class B1 uses being appropriately located within larger settlements. This is echoed in paragraph 6.95. Paragraph 6.86 refers to villages and small settlements and indicates that specific zonings for economic development purposes will normally not be identified within these.

- 5.22 Representors argued that the range of uses permitted within the proposed SEL at Nutts Corner should not be restricted and pointed to an approved office development in the area. I note that Policy paragraph DM 1.1 of the PS restricts uses at Nutts Corner to industrial development, transport and logistics, and storage and distribution proposals. The Justification for the designation of the SEL at Nutts Corner is set out in EP 3, which also contains a copy of the Employment Land Evaluation Report (ELER). The Council pointed out that Nutts Corner is already home to a number of large-scale businesses that are focused on storage and distribution, as well as industry, and which require accessible and central locations with easy access to the Regional Strategic Transport Network and gateways. It was decided that Class B1 business uses should be directed towards settlements and gateways in order to promote sustainable development and deliver the Council's Spatial Growth Strategy, which is consistent with the RDS. I note that public transport linkages serving Nutts Corner are poor. The circumstances at Nutts Corner differ considerably when compared with other proposed SELs. I consider the Council's approach to be logical and in the interests of sustainability. With regard to flexibility, should material considerations outweigh the Plan's policies, approval of uses other than those listed at PS Policy paragraph DM 1.1 could be permissible. As the Council has stated, small scale ancillary development or complementary uses can be considered on their individual merits through the normal DM process. The extent of the Nutts Corner SEL will be identified at LPP stage, when the issue of previously used or brownfield land in the area can be taken into consideration. I do not consider that the representations raise a tenable soundness argument in respect of the PS. I am content that the wording of policy DM 1 is sufficiently precise, when read together with Policy paragraph SP 2.12 of the Plan, to clarify the Council's approach to the Nutts Corner SEL.
- 5.23 Concern was raised that there are omissions in the DPS regarding strategic requirements related to delivery at the Nutts Corner SEL, including spine road and data connection and that, if infrastructure is to be developer funded, this should be set out within the overarching policy for the area. As the Council has pointed out, the LDP is a two stage process and the Council carried out a strategic transport assessment at the DPS stage in order to assess traffic issues and potential mitigation measures in relation to the proposed SEL at Nutts Corner. The Council has also committed to work with stakeholders to identify Key Site Requirements for the proposed SEL at Nutts Corner at the LPP stage.
- 5.24 With regard to the SEL at BIA, a representor argued that the list of acceptable uses therein should be expanded and 19 identified acceptable uses explicitly cited in the PS. Policy SP 2 sets out the strategic policy for SELs. Policy paragraph SP 2.8 states that until such times as the boundary of the SEL at BIA is identified, 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 use. In my view, such an approach provides more flexibility than specifying particular uses. The Council has also referred to the PS which indicates that, in principle, development at BIA that accords with or complements the published Airport Masterplan 2030, will be supported. I agree with the Council that the aforementioned approach will allow proper

consideration of relevant proposals coming forward at BIA until the boundary of the proposed SEL is identified at LPP stage. The Council has also stated that it may produce Supplementary Planning Guidance for the designation. I note that the title of Policy DM 1 refers to Zoned Sites and Settlements and do not consider that the proposed SEL at Nutts Corner represents an anomaly, being located in the countryside.

- 5.25 DfI (Strategic Planning) raised a concern that the wording of Policy paragraph DM 1.4 could be open to interpretation and I agree that the wording of DM 1.4(c), where it refers to alternative uses 'not creating problems' for other businesses, is ambiguous. The Council suggested a change to the wording to: "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". I consider this amendment to be necessary in the interests of coherence and recommend that it be incorporated in the adopted PS **(RA16)**. I take no issue with the wording of Policy paragraph DM 1.5 where it refers to "firm" proposals as this term is commonly used in town planning and has appeared in previous regional policy documents.
- 5.26 The DfI (Strategic Planning) representation argued that Policy paragraph DM 1.6 offers no suggestion as to how business or employment related proposals would be dealt with sequentially in line with paragraph 6.85 of the SPPS. I agree with the Council that paragraph 6.85 of the SPPS does not contain a 'sequential' test – it merely states how class B1 business uses should be assessed in larger settlements; DM 1.6 indicates that proposals should accord with other relevant Plan policies and I do not discern a failure to take the SPPS into account.
- 5.27 With regard to a contention that the PS should be more prescriptive in respect of acceptable uses in each economic development designation/zoning, I consider that the PS is sufficiently detailed. Provision of further guidance on appropriate uses for specific economic development sites can be dealt with at the LPP stage.
- 5.28 Concern was raised that the provisions of Policy paragraphs DM 1.3 to DM 1.5 could represent a departure or a relaxation of the protection afforded to Local Employment Sites by way of Policy PED 7 of PPS 4 and paragraph 6.89 of the SPPS. The Council stated that the policy seeks to provide reasonable flexibility for alternative uses on economic development lands that are considered as no longer used or have demonstrated potential for beneficial reuse in accordance with the policy provisions of DM 1. Paragraph 6.89 of the SPPS states that "... councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use. The Council has taken the SPPS into account and is entitled to deviate from previous regional policy if it is appropriate to the Borough's circumstances.
- 5.29 A representation considered the 12-month timeframe stipulated in Policy paragraph DM 1.4 (a) as being too short as it would not allow sufficient time for a property to be marketed. It was argued that a 36-month timeframe would be more appropriate. In addition, the term 'marketing of the site' in DM 1.4(b) does

not provide sufficient detail on the evidence required to meet the terms of the policy, and there is no policy mechanism to facilitate the review of the loss of Local Employment Site land. The Council referred to the need for all 3 criteria in DM 1.4 to be met for alternative uses on LES sites and that the onus will be on the applicant to demonstrate marketing attempts which can be considered through the normal Development Management process. In addition, the Council will monitor the amount of employment land in the Borough on a yearly basis through the Annual Monitoring Report, to ensure there is a supply of sufficient land and a threshold is not required as remaining capacity will be assessed in each main settlement. I do not consider that the representation raises an issue of soundness.

- 5.30 Representations sought inclusion of lands within SELs or for new SELs to be identified. No rationale was provided to justify the submission in terms of the Plan's soundness. Employment land zonings will be brought forward at the Local Policies Plan stage.
- 5.31 A concern was raised that Policy DM 1 would allow town centre uses such as offices and call centres in SELs and other zoned employment sites; Policy DM 1 should therefore explicitly indicate that town centres are an appropriate and preferred location for office and call centre development. The Council pointed to Policy paragraph SP 2.12, which states that "The Council will operate a town centre first approach in considering the development of retail and other main town centre uses across our Borough". The Plan requires to be read as a whole and no soundness issue arises.
- 5.32 With regard to a representation calling for additional land in Randalstown to permit expansion of an existing business, such proposals would be considered under the normal DM process, taking account of the policy provisions of the DPS, relevant guidance and other material considerations.

Economic Development in the Countryside

- 5.33 Concern was raised that policy DM 2 as drafted would not be sufficiently flexible to permit the re-use of concrete hard standings, runways and buildings associated with previous aviation uses in the countryside. The Council took the opposite view. Amended wording for Policy paragraph DM 2.6 was suggested by the representation to state that the Council would support proposals for the expansion or redevelopment of an established rural enterprise or the redevelopment of vacant buildings and bunkers within the brownfield sites previously used as WW2 airfields for industrial or business use within the confines of the existing site subject to normal planning and environmental criteria. I consider that such a change is unnecessary and agree with the Council that the policy would not preclude consideration of proposals involving the use of such previously developed land. The sustainability of such development, and impact on rural amenity and character would clearly require to be examined in the context of the PS as a whole. I agree with the Council that disused runways are located where they are for operational reasons linked to WW2, rather than because the sites were sustainable. It is clear that the

content of policy DM 2 has taken account of both the SPPS and PPS4 which presume against economic development in the rural area, with specified exceptions. I am not persuaded that a soundness issue arises such as is posited by the representation.

- 5.34 Another representation submitted that Policy paragraph DM 2.8 of the DPS provides only a limited number of areas where redevelopment proposals will be considered and is more restrictive than PPS 4 Policy PED 4. I note that Policy paragraph DM 2.8 largely appears to mirror the wording of PED 4 which states that “on occasion, proposals may come forward for the alternative use of economic development sites in the countryside. Proposals for the redevelopment of sites for tourism, outdoor sport and recreation or local community facilities will be viewed sympathetically where all the above criteria can be met and where the proposal does not involve land forming all or part of an existing industrial estate”. DM 2.8 also appears to accord with paragraph 6.89 of the SPPS. I do not consider Policy paragraph DM 2.8 to be unsound, as written. I do not accept that the term ‘significant contribution to the local economy’ in Policy paragraph DM 2.7(b) to be ambiguous; this type of judgement frequently needs to be exercised during the DM process. I conclude similarly in respect of the term ‘significant contribution’ is used in Policy paragraph DM 2.9 of the PS.
- 5.35 It was argued that Policy paragraph DM 2.8 does not refer to potential social and affordable housing developments on former business/industry sites in the countryside. PPS 4 policy PED 4 states that “exceptionally, proposals for social and affordable housing may be permitted on former industrial sites that cannot realistically be redeveloped for industry, provided they meet the policy provisions of PPS 21”. The Council indicated that there is no similar provision in the SPPS and that it had never received any planning applications for affordable housing on such sites, notwithstanding the provisions of PPS 4. The Council pointed to DPS policy DM 18G, which “will assist in the delivery of affordable housing in the countryside”.

Economic Development – Incompatible Uses

- 5.36 DfI Roads sought clarification with regard to Policy paragraph DM 3.2 and the reference to supplementary planning guidance contained within PPS 4; in particular, whether existing planning policies/guidance referenced would remain valid when the Plan is adopted. The Council indicated that, by including references to existing documents within the Policies of the DPS, it makes clear that the documents referenced will continue to apply following the adoption of the DPS and until such times as the Council brings forward SPG in relation to these matters. It was suggested in another representation that it would be clearer if the content of SPPS paragraph 1.14, regarding policy PED 8 of PPS 4. I note that paragraph 1.5 of the DPS clearly states, “for all assessments, the Council will take into account published Best Practice Guidance documents. No issue of soundness arises in respect of these representations.

Agricultural Development

- 5.37 Representations considered that the issue of visual amenity in the countryside is not comprehensively dealt with by the subject policy. It was argued that there should be a requirement to protect the agricultural landscape, with specific regard to protection of river, streams, ditches, hedges, trees and woodlands. As the Council states, the majority of farm buildings are erected through Permitted Development rights. Buildings that require planning permission would be subject to the policies contained within the DPS which govern visual and environmental impacts, since these will apply. This is made clear in Policy SP 1, the Positive Planning Note on page 11, and paragraph 1.5 of the DPS.
- 5.38 Another submission considered that the policy is too intertwined with Permitted Development legislation, and overly restrictive in terms of providing sufficient flexibility for new agricultural development on a farm or outlier farm holding with no existing farm buildings. The representation also advocated recognition that some 'infant businesses' may not have established groups of buildings to cluster new development with. With regard to development on outlier farms, or separate parcels of land, there should be flexibility where a new agricultural building is considered reasonably necessary and there is no effect upon rural character or residential amenity. The use of the term 'exceptionally' in paragraph was also criticised. Policy paragraph DM 4.3 allows for the circumstances cited above. The DM system also allows for all material considerations to be taken into account at planning application stage. I do not consider that the policy is unduly restrictive; it clearly emanates from PPS 21 and the SPPS. I do not accept that a CE4 issue arises and the policy, as written is sound.
- 5.39 The absence of a policy in respect of forestry development, such as is referred to in the SPPS at page 54, was queried by DfI Strategic Planning. The Council's response was that only one proposal for a forestry scheme has come forward in the last 10 years. I note that forestry development is specifically mentioned at Policy paragraphs DM 40.5(c) and DM 40.6(c) of the DPS. The SPPS at paragraph 6.73 also points out that buildings related to forestry uses should be located beside existing buildings, which is an important direction in the SPPS policy. Some forestry schemes could potentially have a significant environmental impact and I disagree with the Council that Policy paragraph SP 1.2 of the Plan is sufficiently detailed to direct consideration at DM stage. In my opinion the Plan should refer to forestry under policy DM 4 and I consider that the SPPS has not been adequately taken into account in respect of this matter. The issue was discussed at IE. No suggested wording to Policy was presented to me; if DfI are content with this recommendation I leave it to the Department and Council to agree same. **(RA17)**.

Farm Diversification

- 5.40 A submission was made that Policy paragraph DM 5.1 of policy DM 5 is inflexible, and that this could be rectified by removal of the need for continuous operation of the farm business for at least 6 years. This would allow for temporary periods of dormancy to be set aside during the critical 6 years. I note that neither the SPPS, nor PPS 21 policy CTY 11 refer to 'continuous use' over a 6 year period and the Council has obviously 'tweaked' the wording in the DPS to reflect issues that it has encountered during consideration of planning applications for farm diversification and dwellings on farms (see Policy DM 18A, which also requires continuous farm business use for 6 years to pertain). It is entitled to do so. To my mind, the DPS is clear in its requirements and I agree with the Council that the word 'continuous' is not inappropriate. Exceptional circumstances may exist in particular cases where a proposal does not fulfil all elements of relevant policy and the DM process allows for this. It would include consideration of non-critical periods of dormancy. The nature of the farm business, even if just maintaining land in good condition, is a matter for DM stage. The policy, as worded, does not raise a soundness issue.
- 5.41 Another representation argued that farm diversification should not be limited to the re-use of existing buildings only, given that sometimes new buildings will be required. A suggested new policy, Policy paragraph DM 5.4 could be included to allow for this. As the Council has pointed out, Policy DM 5.2 relates to new buildings for farm diversification projects and the DM process allows for all material considerations to be taken into account; these could potentially allow for a deviation from Plan policy. No issue of soundness arises as a result of the representation.

Development within Centres

- 5.42 This policy refers to development within all of the centres identified in Table 4 of the DPS, which sets out the hierarchy of same (table 4 is subject to **RA14**). The Council stated that it had decided that policy DM 6 should apply to all centres within the Borough, as identified in Table 4. It was posited that this would not conflict with the SPPS at pages 102 and 103 thereof, given that a town centre first approach is implemented by Policy paragraph SP 2.12 of the DPS. I concur that this approach takes account of the SPPS and is not unsound. The Council did not consider that there is need for a separate policy for each tier of the Retail Hierarchy, rather it considered that the suggested minor change proposed to Table 4 adequately addresses the matter.
- 5.43 DfI Strategic Planning submitted that that, since Policy DM 6 applies to development proposals in all centres, irrespective of their positions in the Retail Hierarchy, the policy has not fully taken account of para. 6.277 of the SPPS which requires Councils to 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 in decision making. It was argued that,

since the DPS does not refer specifically to district and local centres, the provisions of SPPS paragraph 6.283 are not met. That paragraph requires all applications for retail or town centre type developments which are not proposed in a town centre and are not in accordance with the LDP to undertake a full assessment of retail impact as well as need. Clarification should also be provided as to whether Policy paragraph DM 6.4 would imply uses would be encouraged on the upper floors of the Abbey Centre. I have discussed the Abbey Centre at paragraph 5.15, above. Assessment of any proposals for residential development on upper floors at Abbey Centre (if designated a Large Town Centre) would be a matter for consideration under the normal DM process taking account of the policy provisions of the adopted PS, relevant guidance and material considerations. I consider the approach of the Council regarding the Abbey Centre as soundly based.

- 5.44 Concern was expressed in representations that Policy DM 6, Policy paragraph DM 6.1 requires retail proposals to demonstrate how they will contribute to vitality and viability, maintain visual amenity and support footfall; this was considered to be a 'blunt' approach, as retail uses in town centres should be acceptable in principle. It was posited that the Council's approach provides an unnecessary hurdle and will not encourage investment in town centres. It was suggested that the thrust of DM 6.1 should relate only to non-retail proposals. The Council suggested a number of textual changes to address the concern expressed; these involve deletion of DM 6.1(c) and amending the remaining wording as follows: "the Council 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." A footnote was also suggested to provide information as to what constitutes a complementary town centre use. In my view the suggested changes imply that a test would be applied, against which proposals would be judged in terms of their impact on vitality and viability of the Town or other Centre. This would be a low hurdle for retail uses. Deletion of the reference to footfall is needed as this would introduce a test where compliance would be difficult to demonstrate. I recommend that the Council's suggested amendments should be incorporated into the adopted Plan in the interests of coherence and effectiveness **(RA18)**.
- 5.45 Another representation pointed to the changing role of town centres beyond solely retail uses and their role as important hubs for a range of land uses and activities. It was submitted that Policy paragraph DM 6.2 conflicts with Policy paragraph DM 6.1 as, instead of promoting diversity of use, it seeks to retain units as retail use across all tiers of centres. It was also argued that the policy requirement for an applicant to provide evidence that, despite marketing of a retail unit/building for at least 12 months there has been no interest shown, is excessive. It was suggested that paragraph 6.2 should be reworded to: "proposals that would result in the loss of retail units will only be permitted where it is demonstrated that the proposal will not harm the vitality and viability of the centre or its environmental quality". Having considered the representation, the Council took the view that the policy should refer to a period of 6 months, rather than 12; this was ratified by the Council at Committee in June 2022. In view of the decision of the Council Committee, I recommend

incorporation of the amendment into the adopted Plan in the interest of coherence and effectiveness **(RA19)**. The amendment is included in the Council's 'Schedule of Suggested Minor Changes of the DPS (Updated as part of Independent Examination) June 2022 at page 35. I do not discern a conflict between paragraphs DM 6.1 and 6.2; the two are logical and reasonable when read together.

- 5.46 In response to concerns raised in respect of the information required to accompany larger scale retail proposals in a District or Local Centre, the Council suggested a new Policy paragraph DM 6.5 as follows: "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 extension/s which would result in the overall development exceeding 1000 square metre gross external area". Inclusion of this new paragraph is recommended in the interests of consistency **(RA20)**.
- 5.47 Paragraph 5.42 of the DPS states that the aim of the Plan is to protect the role, viability and vitality of existing town centres. I agree that this could cause confusion, particularly in respect of the Abbey Centre which, before publication of the DPS, has not been an identified Town Centre. I therefore recommend the amendment suggested by the Council in removing the word 'existing' (MA004.A), in the interests of coherence **(RA21)**.
- 5.48 A representation suggested that consolidation of District and Local Centres, as referred to in paragraph 6.276 of the SPPS, would not be possible as a result of the application of Policy DM 6. The Council pointed to Policy paragraph SP 2.12 (b), where it refers to the complementary role of District and Local Centres to Town Centres. I agree that consolidate does not mean 'zero growth' and the Plan clearly has to deal with proposals for these designations, which will be identified at LPP stage. I do not detect an issue of soundness in the relationship between policies SP 2 and DM 6.
- 5.49 The Council considered that Policy DM 6 as drafted is appropriate and reasonable and has taken account of the provisions of the RDS and SPPS. The intentions of the Plan are made clear in paragraphs 5.39 and 5.40 in respect of all the identified 'centres' in the Borough (as set out in table 4 of the DPS). The Council is entitled to develop a policy that relates to all centres. The Council indicated that it would continue to liaise with BCC to ensure that development at the Abbey Centre does not have any adverse effect on the vitality and viability of Belfast City Centre.

Development Outside Centres

- 5.51 Paragraph 7.1 of policy DM 7 applies a sequential test in respect of proposals for retail and other town centre uses outside the Borough's identified Centres. It was submitted by DfI that this approach is not reflective of the Policy

paragraph SP 2.12. The Council argued that Policy paragraph DM 7.1 as drafted is appropriate and reasonable and has taken account of the provisions of the RDS and SPPS. As the Council pointed out, paragraph 5.42 of the DPS states, the aim of the policy is to "... protect the role, viability and vitality of existing town centres from the adverse impacts that can arise from competing development proposals for retail and other town centre uses in other locations. A sequential test must therefore be undertaken for relevant proposals on sites located outside our Borough's centres...". My reading of the Plan as written is that proposals for retail or other town centre uses outside *any* identified centre, will be considered in order of preference with Town Centres sites, edge of Town Centre sites and accessible out of Centre locations, in that order. Whilst this may mirror the wording of paragraph 6.281 of the SPPS, it may lead to some confusion, given that the terms 'Town Centre' and 'Centre' could be interpreted differently and could lead to a soundness issue in respect of consistency, coherence and effectiveness. The Council has stated that its intention is to apply a sequential test to all development proposals for retail use (including extensions) and other main town centre uses outside of Borough's identified centres. A change was suggested (MA005.A), involving the removal of the word 'Town' from the first two bullet points of DM 7.1 and I recommend that this is incorporated into the adopted plan in the interests of the consistency, coherence, and effectiveness soundness tests **(RA22)**. I also recommend the removal of the reference to footfall in Policy paragraph DM 7.1 see (MA005.A) as this is a matter that could be open to misinterpretation or unhelpful debate at DM stage.

- 5.52 During discussion at the IE, the Council put forward changes to DM 7.2 in order to render it consistent with the Council's intentions (MA005.B). I recommend that these amendments are incorporated into the adopted PS for reasons of coherence and consistency **(RA23)**.
- 5.53 I do not consider that Policy paragraph DM 7.5 contains permissive wording, as argued in a representation; it does, however, fail to explicitly refer to extensions to existing retail units, such as is contained in paragraph 6.283 of the SPPS. At the IE the Council suggested changes to the wording to Policy paragraph DM 7.5 (MA005.C). I recommend the inclusion of this amendment in the interests of coherence **(RA24)**. As the Council has stated, the assessment of proposals for applications to vary or delete restrictive conditions applying to existing out of centre premises under the 1,000 m2 (gross) threshold would remain a matter for consideration under the normal DM process taking account of the policy provisions of the DPS, relevant guidance and other material considerations.
- 5.54 DfI (Strategic Planning) queried whether Policy paragraph DM 7.7 applies in Local Centres. The Council confirmed that it did not. Given that the policy refers to "... out of centre locations ...", I do not consider that clarification is needed. Policy paragraphs DM 7.8 and DM 7.9 are, to my mind, clear in their intent and emanate from the SPPS at paragraphs 6.278 and 6.279. I agree with the Council that the term small-scale in Policy paragraphs DM 7.8 and DM 7.9 is a matter for judgement at DM stage and the Council indicated that there had been no difficulties previously in applying the SPPS policies. As the Council has stated, "proposals for retail facilities in the countryside are subject to the sequential test set out under Policy DM 7 and it is considered that the thrust of

para. 6.279 of the SPPS is already incorporated within Policy DM 7.2 (c)". Representations in respect of these paragraphs do not raise a critical soundness issue.

Development at The Junction, Antrim

- 5.55 A representation queried Policy paragraph SP2.12(e), which applies the rigours of Policy DM 8 to the Junction development. It was posited that the range of restrictions applied is unnecessary. It was suggested that the Junction and Antrim Town Centre have complementary, rather than competitive roles, and that Antrim Town Centre is not strong enough on its own to compete against the appeal of nearby Ballymena. It was submitted that Policies DM 6 and DM 7 of the Plan provide adequate policy to assess the potential impacts of out-of-centre development, including proposals at the Junction. It was suggested that SP 2.12 (e) Policy DM 8 should be deleted.
- 5.56 The Junction is not identified as a Centre in Table 4 of the DPS; policy DM 7 would therefore apply, as would the 'Town Centre first' approach advocated by the SPPS. The Council considered that the need for a specific policy relating to future development at the Junction takes account of local circumstances. I agree with the Council and recognise that, whilst the retail offer at the Junction can complement the role of Antrim Town Centre, there is a need to ensure it remains distinguishable from same, which should remain the first-choice location for a range of town centre uses. The DPS evidence base for the Borough's centres is set out in Evidence Paper 4: Retail and Commercial Leisure. Policy paragraph DM 8.1 refers to the approved Masterplan for the Junction and there is no need to reiterate its content in the DPS, given that the document is publicly accessible.
- 5.57 With regard to Policy paragraph DM 8.2, and the link with Policy paragraph DM 7.5, DfI queried the effectiveness of the Plan policy requiring a Retail Assessment only where a unit would exceed 1000m², given that some retail units in the Junction are smaller than that figure; it is unclear how a proposal below this threshold would be assessed. The Council indicated that development proposals at the Junction under the 1,000m² would be a matter for the normal DM process, taking account of the policy provisions of the DPS, relevant guidance and other material considerations (which could include exceptional circumstances). Legislation also permits the Council to request a RIA if it considers such to be necessary to allow proper consideration of the impacts of a specific proposal. The rigours of DM 7.5 will apply to The Junction as it lies outside a designated Centre. The representation does not identify a critical soundness issue.
- 5.58 Another representor argued that Policy paragraph DM 8.2 is not explicit enough to restrict development of the full range of uses that should be directed to Antrim Town Centre and suggested expansion of the list of restricted uses by addition of 5 categories. The Council considered that EP 4 provided a sound evidence base and it addresses the question of the relationship between the Junction and Antrim Town Centre. The EP provided the basis for the criteria listed in DM

8.2, which is not exhaustive, nor does it require to be, since proposals will be considered on their individual merits through the normal DM process.

Tourism Development

- 5.59 The Council's evidence base for the DPSs' tourism policies is, inter alia, EP 5: Tourism. A representation considered that policy DM 9 should refer to extensions to existing tourist amenities. To my mind, the word 'enhanced' in Policy paragraph DM 9.1 could be taken to include extensions. In any event, the policy does not preclude applications for an extension to existing facilities. Such applications would be dealt with through the DM process. It was also argued that Policy paragraph DM 9.2 is unclear as to whether all 4 listed criteria require to be met by a proposal. The Council stated that the word 'or' at the end of DM 9.2(c), is indicative of the need for only 1 of the 4 criteria to be met. I agree with the Council and do not consider Policy DM 9 to be unsound.
- 5.60 A representation considered that new hotels and guesthouses could be located in many locations in the rural area and should not be tied to a specific locational need. An alternative wording for Policy paragraph DM 9.4 was suggested to support such development new or refurbished buildings and associated parking and access, can be integrated into the surrounding landscape, with design of high quality. The RDS focusses on sustainable tourism development in the Countryside. The SPPS reiterates the need for sustainability. In my view, permitting development of new hotels and guest houses in the open countryside, unassociated with any existing facilities or buildings, would not be sustainable. The DPS allows for such development where a locational need can be demonstrated. I do not consider this to be an unsound approach, particularly in a Borough easily accessible to the BMA. Policy paragraph DM 9.4 complements Policy paragraph DM 9.2.
- 5.61 A representor considered that Policy paragraph DM 9.6 is self-contradictory, as it will not be possible to create a 'new' caravan site if it must form an extension to an existing tourist accommodation site. I do not concur with this, given the use of the word 'or' after criterion (c), which indicates that a proposal would require to meet only 1 of the criteria. The Council advised that the wording of Policy paragraph DM 9.6 emanates from paragraph 6.260 of the SPPS and PPS 16: Tourism, Policy TSM 6. As well as extensions to existing tourist accommodation, physical association with an existing hotel, or development in support of an existing tourist attraction or recreational facility, the Council has added an additional criterion involving situations within established woodland. I consider that the policy promotes sustainable development and do not discern an issue of soundness in the wording of DM 9.6. I consider that Policy paragraph DM 9.8 is necessary in order to prevent holiday accommodation becoming permanent residential accommodation.
- 5.62 It is clear from the wording of Policy DM 9 that it relates to both the urban and rural parts of the Borough. In order to reflect the wording of paragraph 6.260 of the SPPS, the Council has suggested a change to the wording of DM 9.4 by amending the second sentence to: "in other cases where a guesthouse or hotel

accommodation is proposed in a countryside location a specific...". I recommend this amendment in the interests of consistency (**RA25**). With regard to the reference to 'exceptional circumstances' in paragraph 6.261 of the SPPS, Policy paragraph DM 9.9 of the DPS uses the term 'exceptional benefit' and has taken account of Regional Policy. A representation criticised policy DM 9 for the use of terms such as 'physically associated', 'easily accessible', 'satisfactory information' and 'appropriate locations'. These are matters for consideration at the DM stage and, in my opinion, do not raise a soundness issue. I note that the Council has proposed to produce SPG in respect of Tourism development, which will provide an opportunity to clarify terms used in the LDP. I also note that the Council's Tourism Strategy is publicly available.

- 5.63 Another representation considered that the PS should direct tourism development away from sensitive environments and that SPPS paragraph 6.266 should be reiterated in full. An additional criterion DM 9.10 (f) was suggested as follows: "the safeguarding or enhancement of an existing or planned public access to the coastline or other tourism access will be a particular consideration when assessing proposals for tourism development". The Council proposed a minor change to support the importance of pedestrian and cycle access/linkages referred to in Policy paragraphs SP 3.5, SP 3.6, and policies DM 12 and DM 25. In addition, the Council has duties under Article 3 of the Access to the Countryside (NI) order 1983 in relation to public rights of way. The amendment would involve an additional criterion: "(f) existing or planned public access to tourism assets, including landscape features and the coast, are safeguarded or enhanced". I consider this amendment to be in the interests of coherence and effectiveness and recommend its inclusion in the adopted PS (**RA26**). I agree with the Council that the terms 'easily accessible' and 'appropriate locations' to be matters for consideration at DM stage, and their use does not render the Plan unsound.

Transportation and Infrastructure

Strategic Policy 3 - Transportation and Infrastructure

- 5.64 Translink made a submission that the Plan omit specific Transportation Schemes within Policy SP 3.2; in particular, the provision of additional railway halts in the Borough at Merville Garden Village and Ballymartin Park and Ride, Templepatrick. The Council acknowledged that the detail of future transportation schemes will be set out in the forthcoming Transport Plan being prepared by DfI and that these will subsequently feature in the Council's LPP.
- 5.65 Other representations were made in respect of the list of Transportation Schemes in Table 5 at page 110 of the DPS. It was suggested that additional schemes be added to the list. The Council considered the transport priorities as defined in Policy SP 3.2 to be appropriate and reasonable. The Regional Transportation Strategy for Northern Ireland 2002-2012, the Belfast Metropolitan Transport Plan 2004, the Regional Strategic Transport Network Transport Plan 2005, and the Sub-Regional Transport Plan 2007 were all taken into account in drafting the Transportation policies of the DPS. New projects are a matter for the Council, involving liaison with the transport authorities and DfI in order to ascertain their viability and I do not recommend any amendment to Table 5 at this time. This would also apply to suggested rail links to Crumlin and BIA.
- 5.66 In response to a representation in respect of Policy paragraphs SP 3.10 and SP 3.11 to SP 3.14, the Council advised that its approach to parking, including pricing and management of off-street car parking, will be addressed through the Council's forthcoming Parking Strategy and forthcoming DfI Transport Plan(s). The Council has also published a Council Car Parking Strategy Statement for the purposes of clarification as to what the Strategy will contain.
- 5.67 The absence of greenway policy in the DPS was queried. The Council acknowledged that it does not have a specific Greenway Policy, however, it was considered that the issue is adequately covered through Policies SP 3 (SP 3.2) and SP 5, and that the site specific outworkings of these policies will be considered at the LPP stage. The Council pointed to the absence of a requirement in the SPPS to provide Greenways in an LDP. Given the reference to Greenway links in Policy SP 3, I am satisfied that, through application of other protective policies in the DPS, to which the Council directed me at the IE, the absence of a specific policy does not render the Plan unsound. The Plan does make various references to Greenways and green links and clearly has taken the matter into account.
- 5.68 A representation suggested that a sequential test should apply in Policy 3.12 with land in or adjacent to the identified area of airport uses being given priority over lands more remote areas from Belfast International Airport. The Council took the view that the provisions of Policy paragraph SP 3.12 would provide for adequate control of airport related car parking at this time and that the preparation of the LPP will provide the appropriate opportunity for all those with

an interest in this matter to put forward sites for consideration for additional airport parking or other airport related uses. The suggested amendment is not required in the interests of soundness. Neither does the Plan require to contain broadband-specific policies, given the content of Policy paragraphs SP 3.16, DM 16 and DM 25. The Council advised that it will consider the need for SPG as the LDP process progresses.

- 5.69 A representation suggested that the policy should be amended to promote cycling. As the Council pointed out, the DPS actively supports the promotion of Active Travel, to include the promotion of cycling. In addition, the DfI Transport Study for the Borough (December 2020) sets out ways to promote increased walking and cycling across the Borough. The Council advised that, as the LDP process progresses, it will continue to work with the Department and statutory partners to promote active travel across the Borough and Active Travel Networks will be identified at the LPP stage. My attention was drawn to various parts of the Plan referring to active travel. No amendment to the Plan is warranted on the foot of the representation.

- 5.70 BIA sought provision of a policy that would ensure that all car parking serving the Airport is located within the Airport Operational area. Policy paragraph SP 3.12 states that proposals for the provision of airport related parking at any other location outside of lands allocated for airport related uses will only be supported where a robust analysis is provided by the developer that confirms there is a demonstrable need, and that the proposal accords with other relevant policies of the LDP. I note that the wording broadly mirrors the current operational policy as outlined in PPS 3. Amendment of the policy would reduce flexibility where a demonstrable need existed. The extent of the BIA area will be subject to debate at the LPP stage and no change to the wording of the DPS is required.

- 5.71 Another representor considered that Policy paragraph SP 3.12 is inconsistent with the RDS and the SPPS as it is not in the public interest. Soundness requires that the RDS and SPPS are taken into account, rather than the PS being consistent with the wording of same. The planning system does not exist to promote the interests of one party over another. It is reasonable for the PS to promote airport parking within the area identified for airport related uses and I find the Council's approach to be sound. The Plan does not completely rule out parking elsewhere and is thus flexible in its approach. No amendment is required as a result of the representation and no coherence or consistency issues exist. The Council has indicated that planning history will be considered at the LPP stage when the boundary of BIA SEL will be determined.

- 5.72 DfI Strategic Planning raised a concern that Policy paragraphs SP 3.7 to SP 3.9 are not inconsistent with paragraph 6.303 of the SPPS, which refers to reducing the level of private car traffic generated. The Council suggested a minor change in response to the representation to clarify that the measures to be included in travel plans are intended to promote more sustainable travel patterns and thereby reduce the level of private car use. I note that this principle is espoused in paragraph 6.4 of the DPS on page 108. The change, at Policy paragraph SP 3.9, involves the addition of the following words at the end of the second sentence: "... and to reduce the level of private car use". I recommend this amendment in the interests of coherence and effectiveness **(RA27)**.

- 5.73 DfI Roads suggested that the Plan should include 'legacy' road schemes. The Council stated that any new road scheme identified in the LPP or DfI Transport Plan would be afforded adequate protection under Policy SP 3.3. The locations of legacy road schemes are identified in DfI's Antrim and Newtownabbey Borough Council Local Transport Study. As the Plan progresses the implications of these will be considered in conjunction with statutory partners and reflected in the Local Policies Plan as required. DfI (TPMU) suggested that the explanatory text at paragraph 6.15 on page 115 of the PS should be reworded in view of the change in terminology from 'Transport Strategy' to 'Transport Study'. The Council agreed and suggested a minor change to address the point. This amendment is required in the interests of consistency and I recommend its inclusion in the adopted Plan **(RA28)**. I consider that the Plan is clear in its promotion of active travel (walking, cycling etc). I note that a Transport Study has been published by DfI (TPMU), which contains a broad range of measures for walking, cycling, public transport, roads and parking over the Plan period. The detailed implications of such measures and any specific schemes proposed will be considered at the LPP stage when land use zonings are identified.

Access and Parking

- 5.74 It was argued that the DPS makes no attempt to provide specific DM policies to deal with the issue of car parking; and that no consideration appears to have been given to demand management measures to influence a modal shift away from the reliance on the car to more sustainable travel in line with paragraph 6.301 of the SPPS. I note that Policy paragraphs SP 3.10 'Access and Parking', SP 3.11 'Car Parks' and Policy DM 10 'Access and Parking'. Are included within the DPS. In addition, car parking and demand management measures will be addressed in the Council's forthcoming draft Car Parking Strategy and DfI's Transport Plan. No soundness issue arises.
- 5.75 It was suggested that there should be flexibility in the application of parking standards in affordable housing schemes due to lower car ownership levels. I agree with the Council that flexibility in the application of car parking standards contained in guidance for affordable housing schemes is a matter for consideration within the normal DM process.
- 5.76 DfI Strategic Planning suggested that the Council amend the wording of Policy paragraph DM 10.1 (b) to bring the DPS into line with Planning For Government outcomes and wider sustainability objectives; the term 'flow of traffic' should be amended to 'the flow of people or goods'. The Council agreed that the change was minor and would not introduce a new policy concept as the principle of access is already established in the policy. I recommend this amendment in the interests of consistency **(RA29)**. In addition, the Council also suggested amendment to DM 10.1 (a) to remove the word 'local', at the request of DfI Roads. I agree that this amendment is required in the interests of coherence and effectiveness since problems with roads capacity can extend well beyond the 'local' situation **(also RA29)**.

- 5.77 I do not consider that Policy paragraph DM 10.1 needs to cross reference with DM 11, given that the Plan needs to be read as a whole. With regard to Policy paragraph DM 10.2, I do not consider that the words 'take account of' require to be modified, given that the documents to which the paragraph refers are not cast in stone, and circumstances could exist to justify deviation from published guidance. I agree with the Council's suggested addition of a footnote on page 119, referenced at paragraph 6.21, to read: "For the purposes of DM 10 and DM 11 a field gate does not constitute an access". This is required in the interests of consistency **(RA30)**.

Access to Protected Routes

- 5.78 A representation advocated permitting direct access to Protected Routes for public transport interchanges which, by their nature, help to encourage the use of safer and more sustainable transport. Ballymartin Park and Ride was cited as an example. The Council considers that any proposal for a public transport interchange that entails access onto a Protected Route is a matter that can be dealt with at planning application stage through the normal DM process. I concur.
- 5.79 Criticism was levelled at Policy paragraph DM 11.1, which states that new accesses to Motorways and High Standard Dual Carriageways will not be permitted. It was argued that this did not reflect the wording of Bullet point 7 of paragraph 6.301 of the SPPS. The Council considered the wording of DM 11.1 to be necessary given the existing provision of the two motorway service areas approved along the M2 section within the Borough and no further provision is considered necessary. I do not consider that deviation from the wording of the SPPS raises a soundness issue.
- 5.80 DfI Roads took the view that Policy paragraph DM 11.3(b) should be restricted to proposals of regional significance and that the prefix 'sub' should be removed from the wording. I note that the SPPS refers to "... exceptional circumstances where the proposal is of regional significance". This is clearly intended to keep new accesses on such roads to an absolute minimum. I find the term 'sub-regional' to be ambiguous and open to debate and disagree with the Council's view that no change is required. I recommend that the prefix 'sub' be deleted from the DPS in the interests of consistency and coherence **(RA31)**.
- 5.81 It was posited that road safety should be referred to in Policy paragraph DM 11.4 (b); also that the word 'excessive' should be defined. I note that the word 'excessive' is used in the SPPS, without a definition of the term, and I judge that interpretation of the term can be left to the DM process. However, the relevant policy in the SPPS, and in PPS3 Clarification of Policy AMP 3: Access to Protected Routes, reference is made to road safety. I consider that DM 11.4(b) should also refer to road safety in the interests of consistency and coherence. The wording should be amended to: "A residential proposal, which assists in the creation of a high quality urban design without compromising standards of road safety and does not result...." **(RA32)**.

Active Travel (Walking and Cycling)

- 5.82 On the foot of a representation, the Council proffered a change to the wording of Policy paragraph DM 12.1 (b), to reference walking as well as cycling. Given the title of the policy this is required in the interests of consistency and coherence **(RA33)**. The amendment involves rewording to: "... and attractive walking and cycling linkages to ...". The word 'nearby' is a matter for interpretation during the DM process and raises no soundness issue.
- 5.83 DfI Roads took the view that the provision of shower and changing facilities should not be restricted to 'major' employment generating development only. It was argued that the word 'major' in the policy could be confused with the use of the same word in planning legislation. The Council submitted that 'major' is intended to relate to larger-scale employment uses and that this matter will be for the normal DM process and would be interpreted in line with Transport Assessments. This may be clarified in due course with SPG. 'Cumulative' is another term to be considered through Development Management. No amendment to the Plan is required in respect of the representation.

Belfast International Airport – Operations.

- 5.84 A representation argued that the criteria set out for acceptable operational development at the Airport should be refined. I do not consider that reference in Policy paragraph DM 13.2 to environmental impact requires to be incorporated into the Plan as this matter will always be a consideration and the DPS contains policy to address the issue. Policy paragraph DM 13.2 (b) should be retained as impact on neighbouring land uses is an important issue, particularly in respect of airport operations. There is no need for additional wording to refer to Design and Access Statements as these are dealt with elsewhere in the Plan, which should be read as a whole.

Public Utilities and Infrastructure

- 5.85 DM 14.1 (c) refers to the term 'significant adverse impact' and a representation submitted that this sets an unreasonable test for any proposal. It was suggested that the test should be 'not have an impact on local amenity or the environment'. In response, the Council suggested a change to clarify that the assessment of impacts that may arise in association with Public Utilities and Infrastructure proposals requires consideration of whether these are deemed to be acceptable or not having regard to the overall degree of impact arising and any mitigation measures proposed. The change involves changing the wording to "The Proposal will not have an unacceptable adverse impact on local amenity or the environment". This mirrors similar wording throughout the PS and

recognises that some degree of harm may result from a proposal, provided that it is not of an unacceptable level. The wording suggested in the representation would be inflexible and unrealistic. I recommend that the Council's suggested amendment is incorporated in the adopted Plan in the interests of coherence **(RA34)**.

- 5.86 It was argued that the wording of Policy paragraph DM 14.2 is unsound and should be amended to: "The Council will require the submission of sufficient information to enable consideration of these matters and ensure that any unacceptable adverse impacts are adequately mitigated". The amendment involves the inclusion of the word 'unacceptable' before the term 'adverse impacts'. The suggested amendment reflects the change to the recommended rewording of DM 14.1(c), is thus logical, and I consider it should be adopted by Council in the interests of consistency **(RA35)**. I do not discern any conflict between DM 14 and EIA legislation or the Habitats Regulations.
- 5.87 NI Electricity Networks considered Policy paragraph DM 14.3 (a) to be unsound as it is unclear and does not provide a clear definition of what an area identified for its landscape importance actually is. It was also advocated that EP16: Landscape Character Assessment does not sufficiently define such areas. It was argued that the Policy is overly restrictive and places limitations on the ability to achieve other government targets; it also limits NI Electricity Network's ability to meet RG5 of the RDS (To deliver a sustainable and secure energy supply). The Council pointed out that Strategic Policy SP8 identifies the areas in question and suggested a change to Policy paragraph DM 14.3(a), adding the words "... as set out in Policy SP8" at the end of the existing DM 14.3(a). Following debate at the IE, this suggested change was further modified, following endorsement by the Council Planning Committee, to state: "... as set out in SP 8 except where it is demonstrated to the satisfaction of the Council that this is not feasible". This amendment (see MA006) is required in the interests of coherence and effectiveness and I recommend its incorporation **(RA36)**. I take no issue with the term 'sufficient information' in DM 14.2 as it does not raise a soundness concern.
- 5.88 It was suggested that policy paragraph DM 14.4 should not refer to a 300m cordon sanitaire; rather, an amendment should be made to fully align with NIW policy regarding development encroachment in respect of Odour Assessment. NIW advised that, through consultation with NIW in the DM process, an odour dispersion model and report will determine the area of restraint and what, if any, mitigation measures are required. The Council suggested several changes to ensure that the PS is consistent with NIW guidance; firstly, the wording of DM 14.4 should be changed to: "proposals involving development within the vicinity of a wastewater treatment works will only be permitted ...". Secondly, a new paragraph should be inserted after DM 14.4 (as DM 14.5) as follows: "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".. A foot note was also suggested by NIW to state that "For the purposes of this policy a Waste Water Treatment Work includes a Waste Water Pumping Station". These amendments are minor and should be included in the adopted Plan for reasons of coherence and effectiveness **(RA37)**.

Development Relying on Non-Mains Sewerage

- 5.89 The Council pointed out that the adoption of public streets is a matter outwith the LDP. The Council considers the onus is on the applicant/developer to ensure sewerage relating to development proposals is to the required standards. No change to the PS is needed with regard to compliance with the NI Water publication 'Sewers for Adoption, Northern Ireland' (2010).

Telecommunication Facilities and Digital Services

- 5.90 A concern was raised that the term 'indicating' in Policy paragraph DM 16.4 (c) is ambiguous. I disagree with the analysis. I note that the wording appears to be reflective of paragraph 6.244 of the SPPS. Whilst the wording of bullet point 2 of DM 16.4 (c) could be more clearly stated, I consider that it does not raise a soundness issue.
- 5.91 With regard to the first sentence of Policy paragraph DM 16.4, it was posited that the term 'Code System Operators and Broadcasters' should be clarified. The Council proffered a footnote to indicate where the definition of a Code Systems Operator can be found as follows: after Code Systems Operators insert a footnote to read "As defined under The Communications Act 2003". This is a point of clarification which is required in the interests of coherence **(RA38)**.

Chapter 6 - A Vibrant and Liveable Place

Homes

Strategic Policy 4 - Homes

- 6.1 Strategic Policy 4 – Homes, at paragraph SP 4.1, sets out a presumption in favour of proposals for new homes, where the requirements of the Plan’s policies are met. Policy paragraphs SP 4.2 and 4.3 fall under the heading ‘Housing Growth and Allocation’ and set out the overall quantum of residential units the Plan seeks to provide by 2030, and the allocations to the settlements and countryside (Table 6, p135).
- 6.2 Policy paragraphs SP 4.4 – SP 4.6 are headed ‘Identification of Land for Housing’. The Plan states that “a critical consideration in bringing forward future housing zonings will be those committed housing sites in Metropolitan Newtownabbey, Antrim, Ballyclare, Crumlin and Randalstown; and where appropriate within the villages of the Borough”. EP 6: Housing forms part of the evidence base for the Plan’s housing policy. Topic Paper 1: Housing Growth was produced in March 2021, following the public consultation exercise. EP2 forms the basis for identifying the Borough’s settlements. As part of the evidence base, the Council took into account the then most up to date, 2012-based Housing Growth Indicator (HGI) figures as published by the Department for Infrastructure (DfI) in 2016. The TP provides the Council’s position on the Revised Housing Growth Indicators 2016-2030, published by DfI in September 2019. The DPS sets out a housing growth figure of 9,750 new homes across the Borough over the plan period 2015 – 2030.
- 6.3 As Topic Paper 1 indicates, the housing growth figure identified in the DPS represented a reduction in the figure of 13000 units, over the Plan period, as had been cited in the POP. That figure had been calculated on the same basis as the DPS figure, but included an additional 5 year housing supply of 3250 units. During the public consultation exercise, several representations were submitted, seeking an increase in the published housing growth figure; however, DfI Strategic Planning was critical of the inclusion of the additional 5 year housing supply within the overall housing growth figure for 3 reasons:-
- (i) the deviation of 13000 units from the Housing Growth Indicator (HGI) evidence base in identifying the level of housing growth; (ii) the inclusion of the additional 5 year housing supply within the overall housing growth figure; and (iii) concerns relating to the allocations, which favoured the local towns of Crumlin and Randalstown and several villages.
- 6.4 Considering the DfI response, the Council remained of the view that its methodology was correct, but accepted that an additional figure for a 5 year supply was not required. This resulted in a reduction of the overall allocation to the Borough of 9750 units. In bringing forward this reduced figure, the Council required to reconsider the growth allocations to the various settlements

identified in the Settlement Hierarchy. The Council considered 3 options based on the proposed reduction in the overall housing growth figure to 9750 units and subsequently agreed to reduce the proportion of growth to all settlements whilst allocating a higher proportion to Metropolitan Newtownabbey and Antrim as the major settlements, with the remaining allocation reflecting the current size and role of the other towns, villages and smaller settlements. The revised options for both the level of housing growth and its allocation were agreed by the Council and were subsequently included within the DPS.

- 6.5 Following the public consultation on the DPS, the DfI advised that the Council required to take account of the upcoming revised 2016-based HGIs. The revised HGI figures were subsequently published on 25 September 2019. On the same date DfI wrote to the Council and advised that the revised figure for the Borough had been substantially reduced to 4,200 units for the Plan period. This equates to an average build rate of 280 dwellings per year.
- 6.6 Early in 2020 the Council commissioned consultants to review its approach to housing growth as published in the DPS and to consider and assess the robustness of the evidence base used, in light of the recent changes to the HGI figures as published by DfI in September 2019. In a letter dated 25th September 2019, from DfI to Heads of Planning, it was indicated that the HGI is a policy neutral estimate based on recent trends and assumes that these will continue into the future and for these reasons should not be considered as a cap or target for housing. The letter states that, “rather than accepting the HGI estimate as a target to be planned for, Council’s should first consider its applicability to local circumstances... and other relevant local evidence”.
- 6.7 The review undertaken by consultants concluded that the approach taken by the Council in its DPS is robust and reasonable but that the HGI published in 2019 is low, considering the Borough’s circumstances, with an average annual build rate well in excess of the 280 units per year required to meet the HGI ‘target’ of 4200 new dwellings during the Plan period. The consultant’s report identified an average of 544 dwellings per annum had been built in the 4-year period between 2015 and 2019; this was reflected in the conclusions from the Council’s Annual Housing Monitors, which showed a steadily rising build rate across the Borough. Following production of EP6, the Council updated its evidence base and incorporated figures from the most recent Annual Housing Monitors.
- 6.8 Being of the opinion that the build rate would continue to exceed the figure of 280 derived from the 2019 HGI, the Council took the view that there will be a need to monitor the situation in light of the potential long-term impacts of Covid-19. However, based on current trends, the 2016-based HGI annual would not reflect the reality of the situation on the ground. The SPPS directs that Councils must take into account the level of housing supply remaining within existing settlements as a consequence of allowance for committed housing units and those units which could be provided by windfall. When the figures for committed, uncommitted existing zonings/housing land use policy areas and windfall are taken into account, the Council calculated that the actual potential yield from settlements was estimated to be around 13,084 units. As TP1 notes, when this is added to the estimated yield from the rural area this equates to a total potential yield for the Borough in the region of 13,834 units.

- 6.9 Further, beyond existing commitments and windfall, paragraph 6.139 of the SPPS indicates that Urban Capacity Studies should be used to assess the likely provision of housing within urban footprints, adopting a sequential approach by using the steps in Diagram 3 of the SPPS, and taking into account Housing Needs Assessment/Housing Market Analysis. The Council estimated that potential yield from urban capacity sites could be around 1,694 units, with potential for a further 1,438 units on uncommitted greenfield sites and 503 units on Development Opportunity Sites. When all potential sources of housing land were taken into account, the Council estimated that roughly 17,469 units could be provided in the Plan period. This greatly exceeds HGI figures and allows for an additional 5 year supply without any substantial greenfield lands being required. Table 12 of EP 6 presents Total Potential Housing Yield in the Borough 2015 to 2030. TP1 updates this table (see Annex 5 thereof).
- 6.10 Some representations provided detailed analysis of housing potential for the Borough, with arguments supporting increased allocations. The issue is not whether these analyses are to be preferred, but whether the Council's approach has been sound.
- 6.11 It was submitted that the evidence base for the Strategic Housing Allocations was flawed, and that the proposed level of housing growth is unrealistic as it did not include a Housing Market Area assessment and a robust urban capacity analysis. I note that the Council's evidence base contains a Housing Market Analysis Update produced in January 2018 (DPS-S-014). The DPS, at paragraph 7.21 refers to the Housing Needs Analysis for the Borough, produced by NIHE in January 2018. Subsequent to the Plan's publication the NIHE produced a Strategic Housing Market Analysis for the BMA in December 2020, partly in response to the changes in Local Government boundaries in NI. The SHMA included A&N Borough and concluded that between 2020 and 2035 5810 residential units would require to be provided. Taking the Plan period into account, this equates to 3873 units, well below the potential number of units estimated in the Plan. Table B on page 14 of the SHMA shows that the figure of 5810 relates to all tenure types, including social housing. The Council took account of the available analyses by the NIHE during preparation of the DPS and the most recent SHMA demonstrates that the provision of dwellings is more than likely to exceed the need identified in the SHMA, even if uncommitted estimates do not come forward. I consider that the representation does not raise an issue of soundness.
- 6.12 The wording of Policy paragraph SP 4.2 was queried in respect of the reference to "at least" 9750 dwellings being provided for the Plan period. It was submitted that the figure should be stated to be a maximum. Given the potential delivery of well over the 9750 as a result of factors stated above, the suggested change would be illogical. Paragraphs 7.6 to 7.15 of the Draft Plan Strategy, as well as EP 2 and EP 6 identify the approach undertaken by the Council regarding the allocation of housing growth. Paragraph 7.14 does not raise a soundness issue and merely reflects the reality of the housing figures for the entire Borough; it is not necessary for the paragraph to refer to specific settlements.

- 6.13 Several representations called for the housing figures in the POP to be carried through into the PS. It was alleged that the Plan is inflexible, should proposals for unforeseen residential development come forward. The purpose of a LDP is to provide a deal of certainty for developers and the public. No soundness issue arises, and, given the estimated potential for housing in the Borough, no additional allocations are justified. Housing need and demand are not to be confused. I consider that the Council's Strategic Homes policy and allocations are based on sound evidence and have taken account of all necessary factors. Flexibility and changes in circumstances will be addressed through Plan reviews, which should be undertaken every 5 years at least. The obligation of the Council to prepare an Annual Monitoring Report will help inform whether change is required to deal with any unexpected shortfall in housing supply. This could take into account factors such as rising build rates and the diminishing plan period. Should the Borough's ambitious economic growth targets result in additional need for housing, this could also be dealt with by a review of the Plan. In any event, given the projected delivery of residential units, I consider it very unlikely that a lack of homes would result in any potential labour shortage.
- 6.14 It is not for this PS to address any shortfalls in housing in the Belfast City Council area. However, any knock-on effects of economic growth in Belfast, in the form of additional housing need in A&N can be addressed through monitoring and review, as could unexpected uptake of homes in A&N due to shortages of housing in North and West Belfast. In its response to the DPS public consultation exercise Belfast City Council acknowledges that the potential number of housing units provided in Antrim and Newtownabbey Borough greatly exceeds the HGI figure and BCC does not call for any change or additional allocation to deal with the City's need.
- 6.15 With regard to submissions that most growth in housing provision should be in Antrim town and Metropolitan Newtownabbey, I note that these 2 settlements already have the greatest proportions of the Borough's allocations with 28.2% and 40%, respectively. Any increase to these settlements at the expense of others would undermine the SGS and I reject the submissions made. Criticism was levelled at the Council for carrying through sites from legacy Plans into the DPS allocations; however, this was in large part predicated on the fact that the majority of such zonings are currently the subject of extant or commenced permissions and this remains the case. TP1 includes an updated position on the status of legacy housing zonings across the Borough. I note that the Council has not considered a phased approach to the release of housing land at this stage. The reasons given were that (i) most of the sites zoned in legacy Plans are either built out, under construction or approved for development and any attempt at phasing would be pointless, (ii) the vast majority of uncommitted sites are well within the urban fabric, (iii) uncommitted sites at the urban edges are the subject of current planning applications, pre-application discussions or application notices, and (iv) the Plan will take a sequential approach in respect of unzoned land, with brownfield sites first, urban sites next and then greenfield lands. These are convincing reasons to avoid any attempt at phasing and the Council's approach is sound.
- 6.16 There were calls for the allocation for Crumlin to be increased in order to maximise the town's future potential for sustainable growth based on the RDS

Housing Evaluation Framework, to take account of the need identified in the HNA/Housing Market Analysis, maintain the role of the settlement, and give a degree of flexibility over the choice of sites. I note that 392 committed units are identified in Annex 5 of TP1, and an additional uncommitted figure of 25, as against the Town's allocation of 350 units. An argument was put forward that the proposed housing allocation to Crumlin is much too low to incentivise the private sector to provide social and affordable homes, and that, it should be treated similarly to Ballyclare in terms of allocation. This ignores the positioning of Ballyclare as a Large Town in the Settlement Hierarchy as opposed to Crumlin, which is designated a Town (the justification for which is outlined in EP2). Actual identification of housing land is a site-specific issue which will be dealt with as part of the preparation of the LPP; a full and detailed analysis of housing land supply and deliverability will be undertaken as part of the process. The Council advised that 'location specific need' referred to in paragraph 7.14 of the DPS is intended to refer to circumstances where a significant housing need may exist, e.g. affordable housing, that it may not be possible to deliver through the existing housing land supply. This is a matter that the Council has indicated will be considered in detail at the LPP stage.

- 6.17 A submission from NIHE advised that affordable housing need in Crumlin is around 50% of the housing growth allocated and should the level of affordable housing be delivered, it would involve a concentration of such housing in one particular area, undermining the aim of mixed tenure housing and balanced communities. An increased allocation to Crumlin was sought to address the point. The Council took the view that any increase in the 350 units allocated to Crumlin would be at odds with the DPS Settlement Hierarchy and allocations stratagem. The Council indicated that the NIHE Housing Needs Assessment has been taken into account and it recognises that the LDP is the primary process to facilitate delivery of affordable housing through zonings and KSRs; however, it is not the role of LDP to facilitate the delivery of 100% of the affordable housing need. I concur on this point. The NIHE identified a need for 179 social housing units in Crumlin during the Plan period. Should the Plan fail to accommodate this need, the issue should be identifiable through annual monitoring, and a review of the Plan could be undertaken earlier than 5 years, if necessary. Plan Policy DM 18G allows for small groups of affordable housing on the edges of settlements where a need has been identified by NIHE provided it is demonstrated this cannot readily be met within an existing settlement in the locality; this may help address social housing need. Purchase of property by social housing providers and unforeseen sites for redevelopment within the urban limit of the town may also come forward for social housing during the Plan period. This cannot be estimated or predicted at the current time. The use of previously developed NIHE estate for new housing is a site-specific matter for DM stage and does not require a specific PS policy; the NIHE advised that most of this has been transferred to Housing Associations for development. To my mind the issue of social and affordable housing need in the Borough, zonings thereof and KSRs related to same, is a matter for the Council to closely examine at LPP stage in conjunction with the interested bodies. The Council acknowledged this. I note the Council's statement at IE that additional zoning of land may take place at LPP stage. In that context I do not find the DPS unsound in respect of the allocation to Crumlin.

- 6.18 Another argument presented in representations was that the needs of individual settlements were not taken into account in distributing the Borough's allocation. In determining the settlement hierarchy, EP 2 provided a basis for consideration of housing allocations. The latter took into account the SGS, with most growth allocated to Antrim and Metropolitan Newtownabbey. Crumlin and Randalstown were identified as towns where consolidation of the settlement was judged to be appropriate. With the constraints including committed sites from legacy plans, it would not have been sustainable to allocate on the basis of demand or to allow all settlements to grow at similar rates, when many of these lack a full range of services, mainly due to the size of the respective populations. The RDS does not support unconstrained or unsustainable growth and I judge that, with the Council's settlement hierarchy being soundly based, the allocations to Crumlin and Randalstown do not raise a soundness issue. Monitoring and review can deal with any identified needs or unforeseen circumstances that require action to be taken.
- 6.19 There were various, sometimes competing, representations that the allocations to villages and hamlets is inadequate to meet housing need in the borough. The level of growth anticipated/planned for the villages of Ballyrobert, Burnside, Doagh, Templepatrick, Parkgate, Dunadry, Templepatrick and Toome and the hamlets of Moneyglass, Roughfort and Straid was also queried. I note that, with the exception of Ballynure and Straid, the number of committed units exceeds the allocation for each village and I do not consider that any increased allocations are justified, having found the Council's methodology to be soundly based. Development limits for Ballynure and Straid can be drawn at LPP stage to accommodate the allocated units. Development limits for the 29 hamlets identified in EP 2 will be identified at LPP stage, when the Council can consider the spread of the 150 units referred to in Table 6 of the DPS. With regard to the need for new infrastructure in the smaller settlements, this would be a matter for the DM process to address.
- 6.20 Argument was forthcoming in respect of the allocation of residential units to the countryside. It was submitted that such development is less sustainable than urban development (within villages and hamlets). I note that the allocation to the open countryside (750 units) over the plan period is based on an analysis of recent build rates as a consequence of the regional policy direction identified within the SPPS and PPS21, and broadly carried forward through the provisions of DPS Policy DM 18. It is not an allocation, as such, but relies on planning permissions granted in the rural area; it is thus an estimate of the number of units likely to be provided, based on the Council's analysis of the effect of the PS policies for homes in the countryside. The Council took the view that constraining some types of residential development in the countryside will 'balance out' with the additional opportunities such as replacement of wall steads on well enclosed sites, and I judge that this is a reasonable conclusion. No issue of unsoundness results from the representation and the 'allocation' to the countryside is soundly based.
- 6.21 Policy paragraph SP 4.8 states that the Council has taken account of the Housing Needs Assessment undertaken by the Northern Ireland Housing Executive which identifies the overall social housing need within the Borough. To assist in the delivery of affordable homes over the Plan period, the Council

will require proposals for residential development in settlements to meet the provisions of Policy DM 17 and will also consider the need to zone land in the LPP specifically for affordable housing.

- 6.22 It was posited that the PS should provide a definition of Affordable Housing. MA021 was discussed at IE and addresses the point by inserting the following wording at paragraph 7.24 of the PS: “For the purposes of the Plan, the definition of Affordable Housing is the same as the definition used in the Strategic Planning Policy Statement”. Subsequent paragraphs require to be renumbered. I recommend this amendment in the interests of coherence and effectiveness **(RA39)**.
- 6.23 With regard to the form that provision of affordable housing takes, i.e. whether ‘pepper-potting’ or clustering of affordable/social housing should take place, I agree with the Council that this could be done during the DM process, when the use of Section 76 of the Planning Act 2011 can also be considered. As indicated in SP 1.17 the Council intends to bring forward Supplementary Planning Guidance to explain in greater detail how developer contributions will be implemented through the planning process. This will include consideration of and more information on the provision of Affordable Housing. I also note that TP2, Affordable Housing has been published by the Council.

Homes in Settlements

- 6.24 A representation suggested that the policy threshold for Lifetime Homes, requiring developments of 20 units or greater to provide 20% as Lifetime Homes, was inadequate. It was also argued that the policy confuses the provision of Lifetime Homes with wheelchair units. The Council took the view that the 16 design criteria for Lifetime Homes, include measures to improve the level of wheelchair accessibility within new housing units. The Council advised that it had taken into account competing representations in respect of the threshold triggering the policy and was of the view that 20 units is an appropriate and reasonable threshold. The basis for the threshold emanates from, inter alia, the SPPS, The Council’s Community Plan, EP1 Population, and the HMA update (DPS014). The Council has also published (March 2021) TP 2 Affordable Housing, which takes into account representations received during public consultation. DM experience led the Council to conclude that smaller developers may struggle to provide Lifetime Homes in schemes of less than 20 units. I note that all social housing provision includes the Lifetime Homes standard, which would greatly assist in providing homes for wheelchair users, given that 10% will be constructed for such residents. I consider that the Council’s approach is sound. A minor amendment was suggested the inclusion of wording at Policy paragraph DM 17.1(d) as follows: “(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” (MA026). I recommend this change in the interests of coherence **(RA40)**. It was posited that the Lifetime Homes standards should be applied through building control but I reject this assertion, given that the planning system is the first ‘port

of call' for developers and the PS is intended to provide clarity on what is expected in respect of residential provision.

- 6.25 There were objections to the threshold identified for Affordable Housing at DM 17.3. It was argued that this should be increased to 50 units to align with 'major' residential development proposals. Also, proposals should only be required to deliver affordable housing units where there is an established need identified within the settlement or locality. The Council stated that it recognised from the NIHE Housing Needs Assessment that there is an affordable housing need across the entire Borough. If Policy DM 17.3 was only to be applied to those settlements or geographical locations where a need has been identified, this could significantly undermine the potential of the policy to meet the overall needs of the Borough. The threshold of 40 units was agreed by Council members, who were presented with a number of options to inform the PS policy formulation. There is no need for an affordable homes policy to align with the statutory definition of a 'major' development.
- 6.26 It was submitted that Policy paragraphs 17.3 and 17.4 should be deleted and zoning or Key Site Requirements (KSRs) used to provide affordable homes. I agree with the Council that the inclusion of a development management policy, as well as the potential to consider KSRs and zonings at LPP stage is a reasonable and balanced approach to the delivery of affordable housing units. Indeed, unforeseen proposals on previously developed sites would not be subject to KSRs. The latter can deal with issues such as density and design within zoned sites.
- 6.27 The Council indicated that information on the cost implications of the delivery of affordable housing units is available from NIHE and Housing Associations and it should also be noted that the delivery of affordable housing units by private developers will be subject to subsidy in line with current funding levels. As identified under paragraph 7.38 of the DPS the Council intends to bring forward SPG to explain in greater detail how affordable housing provision will be implemented in practice.
- 6.28 TP 2 sets out the Council's rationale for DM 17.3 and I consider the evidential basis to be sound. I note that, despite a lack of regional planning policy requiring provision of affordable homes, the rate of provision in A&N has been healthy in past years. I do not consider that the policy requires to address circumstances where the policy could be set aside. However, the Council suggested an additional paragraph of text at DM 17.5 to indicate that "Where it is demonstrated that a development is not viable, a reduced or alternative provision of affordable housing may be acceptable." This recognises that exceptions to the policy are not prohibited. I recommend this amendment in the interests of coherence and effectiveness **(RA41)**.
- 6.29 The Council suggested inclusion of additional wording to the explanatory text at paragraph 7.34 of the DPS to refer to Lifetime Homes standards produced by DfC (see MA025A). This would involve renumbering of successive paragraphs. I recommend the amendment for reasons of coherence **(RA42)**.

Homes in the Countryside

- 6.30 Policy DM 18 sets out the policy for dwellings in the countryside and states that there will be support, in principle, for new dwellings in the rural area, subject to the other policies of the LDP. The policy also sets out the need for proposals to have an acceptable visual impact. There is no need for DM 18 to explicitly cite cross references with other Plan policies, for example those relating to natural heritage, as the PS should be read as a whole.

Farm Dwellings

- 6.31 Whilst criticism was forthcoming in relation to the process for determining if a land owner is actively engaged in farming, no explanation was provided to demonstrate how the policy is unsound. The policy tests take into account the SPPS and PPS21. There has never been an embargo on a farmer selling off an approved dwelling on a farm; however, the policy ensures that this could not happen more than once every 10 years. Nowhere in the policy does it state that a farm dwelling may be permitted to 'group' with buildings outside the subject farm holding.
- 6.32 Following discussion at IE, the Council suggested amended wording to Policy paragraph DM 18.3(b), in order to clarify the intention of the policy (MA 029). I recommend that this amendment is adopted, in the interests of coherence **(RA43)**.
- 6.33 It was argued that the policy lacks flexibility in respect of long-established farm businesses, where there has been a break in operations in the last 6 years prior to a planning application being made. Approval of only one dwelling per 10 years was also submitted to be inflexible. The period of 10 years is set out in both PPS 21 and the SPPS. Its reiteration in the subject PS is not unreasonable and meets the tests of soundness. The addition of the word 'continuous' by the Council clarifies the requirements of policy and DM 18A and the Council is entitled to deviate from policy as previously applied. The Council recognised that exceptional circumstances may exist in particular cases where a proposal does not fulfil all elements of relevant policy. However, the Council considered that such a matter can be dealt with at planning application stage through the normal DM process which will require the use of judgement.
- 6.34 A representation pointed to the absence of a visual linkage test in Policy paragraph DM 18.3, whereas such a test appears in Regional Policy. In addition, Policy paragraph DM 18.4, which allows clustering with existing buildings to be set aside in exceptional circumstances, does not refer to the wording of Policy CTY10 of PPS1 where demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group(s), pertain.
- 6.35 As already stated, the Council does not need to slavishly adhere to the wording of Regional Policy. The Council does not consider the exception provided for in

the policy undermines the approach advocated in the SPPS to cluster development in the countryside (see paragraphs 4.30 and 6.69). A reference to visual linkage test can be open to interpretation and previous policy has given rise to dwellings that have not been physically associated with existing dwellings; the Council's wording would increase clarity in the policy and would help to encourage sharing of services in a sustainable way.

- 6.36 The exception set out in Policy paragraph DM 18.4 acknowledges that there may be occasions when a well-defined site may be superior in terms of integrating a new farm dwelling than siting to visually link with existing buildings on a farm. I have some concerns regarding this approach in that it ignores the benefits of physical clustering with existing farm buildings and raises the issue of visual impact above that of encouraging physical grouping. I recommend that Policy paragraph DM 18.4 is amended to the following: - "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". This amendment is recommended in the interests of coherence and consistency **(RA44)**. Removal of exceptions on health and safety or operational grounds, as found in policy CTY10 is not repeated in the DPS but this does not render it unsound; such matters can be material considerations to which the Council may afford significant weight.
- 6.37 With regard to the query in relation to the impact of DM 18.4 on the estimated housing allowance for dwellings in the countryside, the Council rightly pointed to the 10 year 'rule' and the exception would not result in any additional dwellings beyond what is currently envisaged.

Replacement Dwellings

- 6.38 Policy DM 18B relates to replacement dwellings. The Council indicated that previous dwellings that had been subject to a change of use to non-residential would be eligible under the policy. This mirrors the first paragraph of policy CTY3 of PPS21.
- 6.39 Concern was raised that DM 18.8 deviates from the SPPS in providing exceptional circumstances for a replacement dwelling where only a wall stead remains. HED argued that wall steads should be considered as unrecorded heritage assets that the policy has the potential to remove, along with any potential associated archaeological remains. To my mind, such matters can be dealt with at DM stage, when potential archaeological value could be assessed prior to any approval.
- 6.40 The Council claims it developed DM 18.8 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. I was advised that applications involving such sites have been rare, in the Council's experience, however the low figure may reflect the absence of provision for replacement of same in existing Regional Policy. 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. In addition, uptake of wall steads as replacement opportunities will be monitored. In the context of the foregoing, I am satisfied that soundness issue C3 is not engaged. With regard to Policy paragraph DM 18.9, I am satisfied that the term 'significant environmental benefits' is a matter that involves judgement, and can be dealt with at DM stage. Policy paragraph DM 18.11 deals with dwellings previously destroyed by accident or fire.

- 6.41 A representation called for Policy paragraph DM 18.10 to be deleted from the Plan and that replacement of agricultural buildings, and temporary dwellings (park homes, caravans) should be allowed. I note that Regional policy has always resisted replacement of buildings of temporary construction and that that Policy DM 18F allows for replacement of vernacular and locally important buildings with dwellings. There would be no basis in Regional policy to extend the ambit of that policy to include all farm buildings or replacement of caravans and mobile homes, even where these have immunity from enforcement action. Such a change could have immense repercussions for rural amenity. The Council suggested a change to clarify DM 18.10 by inserting a comma after the word 'sheds'. This punctuation is required in the interests of coherence and I recommend its inclusion in the adopted Plan **(RA45)**.

Dwellings Within a Built-Up Frontage

- 6.42 Concern was raised that Policy DM 18C of the DPS will be more stringent than similar policies in other LDPs. The requirement for a line of 5 substantial buildings to exist in a built-up frontage was seen as excessive, as was the exclusion of ancillary buildings. Another representor argued that restricting sites for 2 dwellings to a gap of not greater than 60m width may not respect the pattern of development in the area. The Council considered that, in making provision for infill dwellings in the countryside, the detailed definition provided in the policy of a substantial and closely built up frontage (five or more substantial buildings including at least three dwellings) to be both reasonable and appropriate, particularly given the pressures arising for infill development across the Council's rural area much of which historically formed part of the Belfast Urban Area Green Belt. The Council has identified deficiencies in the current operational policy (Policy CTY 8 of PPS 21) which the Planning Appeals Commission has previously indicated was both confusing and contradictory. EP 18 has identified areas under pressure, with ribbons of development having been created by the existing policy provisions. I note that Policy paragraph DM 18.17(c) commences with "as a general rule ...", and this will provide for some flexibility where circumstances are appropriate. The Council is entitled to incorporate changes to regional policy where these are justified and I do not consider that Policy DM 18C is unsound.

Dwellings within an Existing Cluster

- 6.43 A representation submitted that Policy DM 18D was more onerous than policies in other Districts. The Council posited that the Policy as drafted is both reasonable and appropriate, particularly given the pressures arising for such development across the Council's rural area much of which historically formed part of the Belfast Urban Area Green Belt. The Council identified the difficulties inherent in the existing policy in the SPPS and PPS21 and indicated that the new policy seeks to address deficiencies it has encountered with the current operational policy (Policy CTY 2a of PPS 21). Identifying the number of substantial buildings/dwellings that must exist for a development opportunity to exist creates clarity for applicants. I consider that the Council's approach is sound.

Dwellings in Exceptional Circumstances

- 6.44 This policy clearly emanates from both PPS21 and the SPPS. It was suggested that the PS should make it clear that, in relation to dwellings for non-agricultural businesses, the need to provide improved security is unlikely to warrant a site-specific need for the purposes of the policy. I agree with the Council that since Policy DM 18E clearly identifies those exceptional circumstances whereby the development of a dwelling *would* be considered appropriate, it is not necessary to list circumstances that would not be considered as exceptional under the policy. The Council's approach is sound.

Conversion of Vernacular and Locally Important Buildings to Dwellings

- 6.45 HED considered that the reference to Listed Buildings in the policy could be omitted as these are covered within the Historic Environment policy suite; in addition, Policy paragraph DM 18.28 could be removed. The Council acknowledged that there is some duplication with text in the Historic Environment section, however, given that the Plan needs to be read as a whole, there is no need for deletion of policy in DM 18F. I agree on this point.
- 6.46 Another representation argued that provision for 'barn conversions' is unduly restrictive insofar as it is restricted to 'locally important' buildings. The representation goes on to state that DM 18F is consistent with the SPPS. I do not detect a soundness issue.

Affordable Housing in the Countryside

- 6.47 Concern was raised that this Policy does not cite an upper limit to the potential number of dwelling units that would be acceptable. Whilst I note that no figure is cited in the SPPS, PPS21 Policy CTY 5 refers to a figure of 14 units. The Council advised that it would monitor applications under DM 18G; it also took the view that the term ‘small group’ can be interpreted at DM stage. The Council 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); again, this would be a matter for consideration at DM stage. Whilst I have some misgivings at the failure to define what constitutes a ‘small’ group, I do not consider that it renders the Plan unsound. I agree that the absence of an upper limit does permit a degree of flexibility in the policy, which may be beneficial in certain circumstances, for example in Crumlin (see earlier comments in this report).

Traveller Accommodation

- 6.48 A representation raised a concern that Policy DM 20 requires a need to be demonstrated and considered that the Council should give consideration to the desirability of reflecting the terms of PPS12 (Housing in Settlements) Policy HS3 (Amended) - Travellers Accommodation which states that “exceptionally, and without a requirement to demonstrate need, a single family traveller transit site or serviced site may be permitted in the countryside. Such proposals will be assessed on their merits”. The Council pointed out that Policy DM 20 relates to both urban and rural areas and considers it reasonable that such needs would be identified within the local housing needs assessment, undertaken by NIHE. It was also posited that an application for a single traveller family can still be considered on its individual merits under the normal DM process taking account of the provisions of Policies SP 1.2 and DM 18E of the DPS. The latter allows for a dwelling where exceptional personal or domestic circumstances exist. Policy HS 3 (Amended) also refers to exceptionality, even though it does not require need to be proven. The Council considered that an amendment to the wording of Policy paragraph DM 20.2 would address inconsistencies and amendment MA034 was suggested. I recommend this be incorporated into the adopted Plan **(RA46)**.

Specialist Residential Accommodation

- 6.49 A representation suggested that supported housing schemes should be prioritised within the DM process and flexibility applied in the application of residential design standards due to the specific nature of supported accommodation. The Council submitted that all planning applications should be processed on an equal basis; in terms of design, this is a matter for

consideration under the normal DM process, taking account of the policy provisions of the DPS, relevant guidance and other material considerations I concur with this analysis. No soundness issue arises.

Residential Extensions and Alterations

- 6.50 Concern was raised that Policy DM 22 intends to take account of guidance set out in Annex A of the Addendum to PPS7 'Creating Quality Residential Developments'. There was also a query whether the Plan could refer to Regional guidance that had been withdrawn by the Department. It was the Council's opinion that, even if Regional guidance is withdrawn, the A&N LDP can still refer to it until SPG on any particular topic had been produced by the Council. I was advised that some Councils had copied Regional guidance and included it in their DPS. In my opinion, 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 subject representation refers to guidance contained within a PPS, which *will* be replaced by the Plan Strategy. I therefore recommend that the information contained in Annex A of the Addendum to PPS7 – Residential Extensions and Alterations is replicated in the PS. I leave the form and position of the additional text to be agreed between the Council and DfI **(RA47)**.

Community Infrastructure

Strategic Policy 5 – Community Infrastructure

- 6.51 Page 169 of the Plan sets out the Strategic Objectives in relation to the issue of Community Infrastructure, as well as the linkages to the Council's Community Plan. Strategic Policy 5 outlines the Council's overarching policies in respect of the matter. Policy paragraphs SP 5.1 to 5.5 address the Council's strategic approach to provision of community infrastructure to ensure that communities in the Borough have access to health, education, community and recreational facilities, parks and other open spaces that meet the needs of the population. Policy paragraph SP 5.2 indicates that the Council will operate a presumption against the loss of existing community infrastructure, including open space of public value, to other uses.
- 6.52 One representation submitted that new development should conserve wildlife habitats, existing trees and quality vegetation and promote biodiversity by providing open space with uncultivated areas and green corridors. It was also posited that the Plan should address the creation of allotments and community gardens, planting of native species in housing developments, and the promotion of tree-lined streets. The representation did not suggest a modified wording for the Plan.
- 6.53 The Council considered that the existing policy is appropriate and reasonable and has actively sought to promote biodiversity. It referred to criteria (l) and (m) of Policy paragraph DM 25.1, strategic policy SP 8.2 (e), and Policy paragraphs DM 37 – 42 of the Plan. I consider that the plan has adequately dealt with the issues raised in the submission and do not consider the Plan to be unsound in respect thereof.
- 6.54 None of the representations in relation to policy SP 5 argued that the Plan was unsound in respect of the way it deals with the issue of Community Infrastructure. In fact, the majority of representations supported the Plan's approach. The Plan has drawn together elements of regional strategic policy and PPSs (including PPS 8), in relation to the matter. It has taken account of the RDS, the SPPS and other relevant policy and guidance in drafting the policy. I do not discern any soundness issue in terms of the Consistency or Coherence and Effectiveness tests.

Protection of Open Space

- 6.55 Development management Policy DM 23 clearly has taken account of the content of the SPPS, which in itself post-dated PPS 8 – Open Space, Sport, and Outdoor Recreation. Policy paragraph DM 23.1 presumes against "... development that would result in the loss of, or have a significant adverse

impact on, an area of open space irrespective of ownership, physical condition or appearance". Policy paragraph DM 23.2 sets out an exception to DM 23.1, where it can be demonstrated that loss of the open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and (a) The proposed development would bring significant community benefits that clearly outweigh the loss of the open space; or (b) The proposed development is ancillary to the principle use and will enhance use of the site for sport and recreation.

- 6.56 A representation pointed out that Policy DM 23, at Policy paragraph DM 23.2, introduces an exception at (b), which is not included in the SPPS, and that this constitutes a new matter that is not contained in regional policy. The Council considered that the policy has taken into account the provisions of the RDS and SPPS; it was submitted that the wording of DM 23.2 provides "... a degree of flexibility to reasonably address proposed development that is ancillary, whilst supporting the principle (sic) use of a site for sport and recreation" (see DPS-S-002 p 81). The use of the word 'principle' in Policy paragraph DM23.2(b) of the DPS is clearly a typographical error and should be amended to the word 'principal'. In terms of the deviation from the SPPS, the Council is entitled to do so if the evidence base supports same. Council acknowledged that the policy extends beyond the remit of policy OS 1 of PPS 8. However, it argued that its reasons for doing so were justified for 4 reasons:

(i) the exception in DM 23.2 (b) would ensure that the objectives listed on p 169 of the DPS, and Policy paragraph 6.201 of the SPPS, would not be jeopardised, given that facilities should be accessible to all of the public; ancillary development is often required for open space, for example changing facilities, disabled-friendly toilets etc. (ii) The exception in DM23.2(b) applies only to development ancillary to the principal use of the land and in instances where it would enhance the use of the land for sport and recreation. The development could not eclipse the principal use. (iii) The development management experience of Council planners demonstrates that potential loss of open space would be likely to be small. If the exception in DM 23.2(b) did not exist, proposals for ancillary development on open space would otherwise be contrary to policy. Paragraph 5.25 of PPS 8 recognises the need for ancillary development. (iv) The Council is committed to its monitoring framework and any shortcomings or 'failure' of the exception policy would be identified and addressed.

- 6.57 Having considered the Council's submissions, I agree that there are good reasons for inclusion of DM 23.2(b) in the DPS and I consider that the deviation from the wording of the SPPS and PPS 8, is justified. The inclusion of this 'tailored' policy does not raise an issue of soundness.
- 6.58 A representation referred to the retention/adoption of the NIHE and DoE Joint Protocol for the operation of the open space exception policy in PPS 8, to provide guidance for in terms of the application of Policy paragraph DM 23.2. The Council considered that this is unnecessary, since assessment of proposals for affordable housing on NIHE lands would continue to be taken forward through the normal Development Management process. The Council stated that it would engage with NIHE regarding possible supplementary guidance in relation to Policy DM 23 insofar as it relates to the NIHE estate.

The latter is a matter for the Council to address post adoption of the DPS and I am not persuaded that the matter has any bearing on the soundness of the Plan as drafted.

- 6.59 The abovementioned representation also submitted that paragraph 8.18 of the amplification text should be amended to refer to affordable housing, rather than social housing; it was posited that this was required in the interests of consistency with the rest of the Plan. It was argued that the SPPS definition of affordable housing refers to social and intermediate housing. The Council suggested a minor change in response to the representation to clarify that affordable housing (which includes social housing) would generally be viewed as providing significant community benefit where a demonstrable need is established. I agree with the Council that the suggested amendment does not introduce a new policy concept as the principle of affordable housing is already established in the Plan and the role of social housing is already referenced as a community benefit. I acknowledge that the amended text would clarify that social housing is an element of affordable housing in the context of this part of the Plan and that affordable housing is defined in regional policy. I consider that the amendment would be minor, and beneficial in terms of clarification and consistency. I recommend that the amendment is incorporated into the adopted plan **(RA48)**.
- 6.60 Concern was raised that the policy did not include reference to trees and woodlands and their importance in terms of climate change, improving the environment and public health. I note that the DPS includes policy provision dealing with climate change in policy SP 10 Environmental Resilience and Protection, and trees and development in policy SP 8 Natural Heritage - in particular in policy DM 42 Trees and Woodland. I am not persuaded that lack of reference to the above matters in open space policy renders the Plan unsound.
- 6.61 Paragraph 8.20 does not purport to provide a comprehensive list of all types of open space and I am not convinced that any issue of soundness arises from the wording of paragraph 8.20 as drafted. The Council stated that it recognises the important function of Local Nature Reserves, including their value as an open space, but considered that they are more appropriately recognised within the Natural Heritage section of the DPS; to this end, Local Nature Reserves are afforded policy protection by the DPS in Policies SP8 and Policy paragraph DM 37.5. I am not persuaded that Local Nature Reserves (LNRs) should be referred to at the amplification text in paragraph 8.20; no submission was made that the Plan is unsound as a result of the omission.
- 6.62 A representation requested inclusion of wording to include protection of playing field facilities and the accommodation of ancillary changing room facilities. No issue of soundness was raised in the submission. The Council pointed out that the policy applies to all open space of public value, which includes outdoor sports facilities and playing fields. It referenced Policy paragraph DM 24.4 of the Plan, which presumes against loss of community services and facilities. The Plan also makes provision for development ancillary to open space use, such as changing facilities, that will enhance its use. The Council pointed out that neither the SPPS, nor policy OS 1 of PPS 8, contain policy specifically relating to retention of facilities ancillary to open space. A blanket approach to protecting

all ancillary buildings would not be appropriate, in the Council's opinion. I agree with the Council's comments and do not consider the Plan to be unsound as drafted. The draft Plan open space policy has taken account of regional policy.

Community Facilities

- 6.63 'Community Facilities' include buildings and other development designed for community use. They include schools, health facilities, libraries, civic buildings, community halls, leisure centres, recreational facilities, and public service buildings, amongst others. Evidence paper 8 (DPS 014) examined the distribution of these through the Borough. Policy DM 24 of the DPS provides relevant policy under the headings of 'Development within Settlements', 'Development in the Countryside', and 'Reuse of Existing Community Facilities'. Policy paragraph DM 24.2 is listed under the first of these headings; however, since it appears to relate to development outside development limits [see DM 24.2 (a)], the paragraph should fall under the heading 'Development in the Countryside' or under a new heading of 'Development at the Edge of a Settlement'. I recommend this amendment in the interests of consistency and coherence **(RA49)**.
- 6.64 The Council also pointed to minor changes it suggested be made as follows:-
(i) Policy paragraph DM 24.4 (b), the word 'gain' should be replaced with the word 'benefit' (ii) Policy paragraph DM 24.5 would sit under a new sub-heading entitled 'Community Facilities within Residential Developments'. Both of these changes are minor, do not involve any change to the focus or substance of the policy and I recommend they should be included in the adopted Plan in the interests of coherence (MA017B) **(RA50 and RA51)**.
- 6.65 The issue of the soundness of policy DM 24 was raised, in particular the CE4 test, due to inflexibility in respect of facilitating community needs in rural areas. It was submitted that the policy introduces a needs test for the local rural population and does not allow for community schemes that, due to their nature or scale, have to be located in the rural area, but are not specific to the local rural population. A suggested modification to Policy paragraph DM 24.3 was put forward. The Council argued that the assessment of proposals for community facilities in the countryside is a matter for consideration under the normal DM process, taking account of the policy provisions of the DPS, relevant guidance and other material considerations. In my opinion, the suggested amendment to the wording of Policy paragraph DM 24.3 would change the focus of the policy from one that is designed to meet the needs of the rural population, to one that meets the needs of the entire population of the borough. There is no support for such an approach in the SPPS or PPS 21. The amended policy would presume in favour of development that the current draft Plan does not seek to support. This would run counter to the Plan's emphasis on sustainability and focussing development within settlements, as is the case with the SPPS. I do not consider that the policy in the draft plan is inflexible and changing circumstances are matters that can be taken into account during the assessment of a proposal at the planning application stage. I do not consider

that Policy paragraph DM 24.3 as written fails the coherence and effectiveness test.

- 6.66 It was submitted that Policy paragraph DM 24.3 should be cross-referenced with the need to comply with Policy paragraph DM 27 Rural Design and Character. The Council took the view that additional wording is unnecessary "... given that all relevant policies of the Plan should be read together. This is made clear in Policy SP 1, Positive Planning Note on page 11 and para 1.5". I agree with the Council that the Plan needs to be read as a whole. Cross-referencing of policy would lead to 'clutter' in an already weighty document and is unnecessary. Planning practitioners will be aware that a LDP may contain many policies in respect of any individual proposal. The suggested amendment is not necessary in the interests of soundness.
- 6.67 The definition of Community Facilities at Policy paragraph DM 24.6 of the Plan was queried and reference was made to paragraphs 6.207 and 6.208 of the SPPS, where sports and recreational facilities are included within the definition of an 'intensive sports facility'. It was argued that regional policy for Intensive Sports Facilities is clear at para 6.207 - that they should be located within settlements - the exception being sports stadia, which "...may be allowed outside of a settlement, but only where clear criteria is established, which can justify a departure from this approach'. It was mooted that the Council's approach in supporting this type of development within the countryside is not in line with regional policy and, when coupled with Policy DM 24, undermines the Council's own Growth Strategy at Policy SP 1.12; this would fail soundness tests in terms of consistency and coherence. The Council pointed to Policy paragraph DM 24.6 where "... community facilities includes sports and recreation facilities". The Council's view was that this includes the definition of 'intensive sports facilities' as set out on page 87 of the SPPS. The Council clearly states in paragraph 8.25 of the DPS, that "whilst the majority of facilities will be located within or adjacent to our Borough's settlements, it is recognised that certain facilities may be acceptable at accessible locations in the countryside where a demonstrable case of need can be made." The Council's response goes on to indicate that Policy paragraph DM 24.2 clearly sets out an exceptions test for community facilities at accessible locations on the edge of a settlement; similarly, Policy paragraph DM 24.3 places an onus on the applicant to demonstrate that a new community facility is necessary to serve the local rural population. In view of this, Policy DM 24 supports development within settlements and introduces an exceptions test for proposals that are not. Assessment of proposals for intensive sports facilities would be a matter for consideration under the normal Development Management process taking account of the policy provisions of the DPS, relevant guidance and other material considerations. The Council stated that it did take into account paragraph 6.207 of the SPPS but took a decision to deviate from the regional policy for various reasons. Firstly, there is no good reason for the SPPS to 'single out' sports stadia the way it does. The Council wished to provide flexibility for the needs of the Borough, so Policy paragraphs DM 24.2 and DM 24.3 were drafted in order to do so. It is considered very unlikely that a proposal for a stadium will come forward during the Plan period, given the characteristics of the Borough.

- 6.68 The SPPS deals with Open Space, Sport and Outdoor Recreation at pages 86-89. It does not refer to the breadth of land uses that is dealt with in part 8 of the DPS. Solely in respect of Open Space, Sport and Outdoor Recreation the SPPS, at paragraph 6.204 states that “Councils should generally focus on open spaces within or adjoining urban areas, but may also consider outdoor recreational facilities in the countryside”. Paragraph 6.207 advises that “The precise location of intensive sports facilities can be contentious, such facilities shall be located within settlements in order to maximise the use of existing infrastructure. As an exception a sports stadium may be allowed outside of a settlement, but only where clear criteria is (sic) established, which can justify a departure from this approach”. Intensive sports facilities are defined by the SPPS as “... a purpose built indoor 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. They can also serve as a focus for the community”. The SPPS therefore allows only for sports stadia to be located outside settlement limits, and then, only in exceptional circumstances.
- 6.69 Policy paragraph DM 24.3 of the DPS does allow for more than just sports stadia to be located in the rural area; however, there requires to be a demonstrable need in terms of serving the local rural population. This would, in all likelihood, exclude a sports stadium; however, as the Council has stated, such a proposal is not anticipated in the Borough and could be dealt with by the normal DM process in any event.
- 6.70 The Council’s 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.
- 6.71 Deviation from the SPPS is not prohibited where justification exists for same. There is no policy in the SPPS dealing specifically with community facilities such as are required for health, educational, security, or other community-based needs. These would, presumably, be dealt with as non-residential development in the countryside such as is referred to in PPS 21 policy CTY 1 (“a necessary community facility to serve the local rural population”). The concept of approving needed community facilities in the rural area is thus long-established in regional policy as an exception to a general presumption against development. The inclusion of this category of development as such an exception implies that it is sustainable development. The Council’s approach in the DPS is that community facilities will only be approved in rural areas at accessible locations and only where there is a demonstrable local rural need. This does not render the Plan unsound.
- 6.72 The LPP for the Borough should identify land needed for community facilities, open space and recreational uses and include these lands as zonings, within the urban areas. The SPPS advocates this approach at paragraph 6.204, and the DPS at Policy paragraph SP 5.4. Necessary community facilities coming forward post-LPP can be dealt with by the DM system, applying the policies of the DPS. I consider that the Community Infrastructure section of the DPS is sound.

Placemaking and Good Design

Strategic Policy 6 – Placemaking and Good Design

- 6.73 A representation argued that the requirement in Policy paragraph SP 6.4 for the submission of Design and Access Statements (DAS) should be applied to all residential development proposals, rather than those for 10 dwellings or more. It was submitted that this would help to encourage the submission of high quality, well-designed proposals. The Council took the view that the threshold outlined in Policy SP 6 for submission of a DAS for larger scale proposals is reasonable having regard to local circumstances and taking account of the current legislative requirements of Article 6 of The Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO). Article 6 (1) states that “subject to paragraph (4), this Article applies to an application for planning permission which is for — (a) development which is major development; (b) where any part of the development is in a designated area, development consisting of — (i) the provision of one or more dwelling houses, or (ii) the provision of a building or buildings where the floor space created by the development is 100 square metres or more.
- 6.74 The Council considered that a ‘blanket’ approach, where a DAS was required for all housing development, was disproportionate and I agree on this point. The Council’s assessment took account of the requirements of the GDPO, together with the content of paragraphs 4.23 – 4.36 of the SPPS and then looked at a number of other factors in arriving at the threshold of 10 units in Policy paragraph SP 6.4. These included local DM experience; I was advised that many of the larger housing schemes in the Borough have not met the statutory thresholds for requiring a DAS, which prompted the Council to go beyond the thresholds in the GDPO. Given the content of Policy paragraph SP 6.1 of the Plan, and the strategic objectives set out at page 183 thereof, a judgement was made that a figure of 10 units was appropriate. This is not an unreasonable approach and I find that SP 6.4, as written, does not raise an issue of soundness.
- 6.75 One representation sought to have Landscape Architects added to the list of professions in Policy paragraph SP 6.1 of the DPS. The Council considered that, in the interests of clarification and in recognition of the role that members of that profession have in placemaking, Landscape Architects should be added to the list. The amended wording is provided in the ‘Schedule of Suggested Minor Changes of the DPS (Updated as part of Independent Examination) June 2022’. I accept that this would be a minor change; however, failure to refer to Landscape Architects does not render the Plan unsound. I judge that the suggested change is unnecessary.
- 6.76 Whilst no soundness issue was raised, a representor suggested that further details on how to increase biodiversity within developments should be

contained within Supplementary Planning Guidance (SPG). Ultimately it is for the Council to determine if SPG is required in this respect. The representation also suggested that the LDP should be more ambitious in furthering biodiversity, consistent with the RDS, SPPS, Section 1 of the Wildlife and Natural Environment Act (NI) 2011 (WANE Act), and the NI and EU Biodiversity Strategy. In response to a representation, the Council suggested adding the words "... and assist in the promotion of biodiversity" at the end of Policy paragraph SP 6.2. This reflects one of the Plan's objectives and the change will assist with the Plan's coherence, I recommend the inclusion **(RA52)**.

- 6.77 A submission was made which considered that policies DM 10, DM 11 and DM 12 should be referenced within policy SP 6 – it was argued that amendment and clarification of the Positive Planning Note should address the matter. The Council took the view that there is no need for the cross-referencing suggested, as all policies within the LDP should be read together. As stated earlier in this report, I do not consider that cross referencing is necessary, given that the Plan should be read as a whole. Another representor suggested that explicit reference to seascape is made within relevant placemaking and design policies and accompanying amplifications, in order to ensure seascape will be considered within the decision-making process, as required under the UK MPS and marine legislation. As the Council has pointed out, seascape is addressed in the Natural Heritage part of the Plan and I do not consider that an absence of reference to same in the placemaking/design section raises any soundness issue.
- 6.78 A submission requested that consideration be given to the inclusion and embedding of designing out crime in the principles and guidance which support the implementation of infrastructure projects, architecture and building environment issues. The Council made reference to policy DM 25 (k), which addresses the issue of design to reduce the fear of crime and antisocial behaviour. Policy paragraph DM 25.2 refers to guidance in the 'Living Places Urban Stewardship and Design Guide', which incorporates an understanding of how good design and successful places can meet the challenges of making places safe. The Council also indicated that designing to reduce crime may also be a matter for inclusion within further Supplementary Planning Guidance to be prepared by the Council. I do not consider that the representation in question raises any issue of soundness.
- 6.79 A representor recommended a 'fabric-first' approach to energy efficiency in new developments and suggested that new homes be designed to be energy efficient, low carbon, water efficient and climate resilient. The Council pointed to the Positive Planning Note on page 283 of the Plan and to policies DM 25, and DM 47, which deal with the issues. I am not persuaded that the Plan is unsound in respect of the matters raised.
- 6.80 The Council suggested a minor change to the text of Policy paragraph SP 6.4; it was submitted that the words 'internal floorspace' be added after the reference to 500m². I agree that this would be beneficial and would improve clarity. The amendment is required in the interests of coherence and

effectiveness and I recommend it be incorporated into the adopted Plan (RA53).

Urban Design

- 6.81 Policy DM 25 sets out 16 criteria that, where relevant, should be met by a development proposal. The stated aim of the policy is to promote high quality design that is responsive to the local character and distinctiveness of the urban places of the Borough and which is based on the principles of positive placemaking. As the Council has indicated, this aim has taken account of and is consistent with various provisions of the SPPS.
- 6.82 A representation suggested that developers should be expected to demonstrate that measures to reduce energy consumption and incorporate sustainable design solutions have been considered and incorporated into their proposals. No soundness issue was raised in the submission. The Council's view was that policy DM 25.1 criteria (n) to (p) seek a range of measures to promote greater environmental resilience including the appropriate integration of sustainable energy measures. The Council considered that greater energy efficiency and climate resilience, are matters that are relevant to NI as a whole and should ideally be an issue for the NI statutory building control regime. The Council cited its EP 21, which refers to the 'Living Places Urban Stewardship and Design Guide', supplementary planning guidance. The guidance incorporates an understanding of how good design and successful places can address the challenges of climate change; Policy paragraph DM 25.2 requires all proposals to demonstrate how the guidance has been taken into account. I cannot discern any soundness issue in relation to the matter raised in the representation.
- 6.83 Whilst no modification was suggested, nor a soundness issue specifically raised, another representor argued that river corridors be taken into account in terms of movement and connectivity. In my view, Policy paragraph DM 25.1 (g) deals adequately with the matter, given the urban context of the policy. It is clear that the DPS seeks to promote good urban design in an holistic way. Policy DM 25 follows from the strategic objectives listed at page 183 of the Plan and takes account of the SPPS.
- 6.84 Representations suggested that Policy paragraph DM 17 (a), DM 10, DM 11, and DM 12 should be cross referenced with policy DM 25. As I have already stated, there is no need for the cross-referencing suggested, as all policies within the LDP should be read together.

Shopfront Design

- 6.85 Policy DM 26 sets out, in Policy paragraph DM 26.1, the DPS approach to shop frontage design. The stated aim of the policy is to promote high quality

shopfront design within the Borough. The Plan states that the policy has taken account of, and is consistent with the provisions of, the SPPS.

- 6.86 Two representors suggested that the use of plastics in signage should be reduced. No modification was specified. The Council responded by stating that policy DM 29 advises that an advertisement should be sympathetic to its location in terms of the style of sign and finishes to be used. In terms of advertisements, the Plan has taken account of SPPS paragraphs 6.57 to 6.59. I agree with the Council that the matter raised by the representors can be dealt with through the normal development management process and no soundness issue arises.

Rural Design and Character

- 6.87 Policy DM 27 deals with rural design and the impact of development on rural character. The Plan states that the policy seeks to promote "... high quality forms of development which are designed to sympathetically integrate into their surroundings and to protect the amenity and character of our countryside". This is consistent with paragraph 6.77 of the SPPS.
- 6.88 A representation advanced a suggestion that policy DM 27 should include a requirement to achieve no net loss of biodiversity and should reference biodiversity features which could be incorporated into the design and layout of development and refer to the use of planning conditions. Wording to these ends was put forward: - 'planning conditions will be used to require both extensions to existing properties and all new developments to provide sites for species that nest or roost in the built environment'. The Council was open to a minor change to recognise the important role of rural design in promoting biodiversity, and in light of the statutory duties of, inter alia, the WANE Act. The changes suggested involve the addition of the words 'assist the promotion of biodiversity' at paragraph 9.20, page 192, and rewording the first sentence of Policy paragraph DM 27.5, page 194 to read "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". I accept the Council's assertion that the changes are minor, and do not introduce any new policy concept, given that the DPS already seeks to promote biodiversity through policies SP1, SP6, SP8, DM 25 and DM 39. I consider that the amendments should be incorporated into the adopted Plan, in the interests of coherence and consistency (**RA54 and RA55**). The Council also suggested a change to DM 27.6, to incorporate the words 'the design of' where it refers to assessment of proposals for new buildings in the countryside. This change would be in the interest of coherence and I recommend its inclusion (**RA56**).
- 6.89 A representation considered that policy should make clear that it relates to development permissible in accordance with policies for homes and economic development in the countryside. No specified modification was advanced. The Council pointed to Policy paragraph DM 27.1, which relates to all development

proposals in the countryside and not just those relating to homes and economic development. I consider that the Plan, as drafted, already deals with the matter raised.

Amenity Impact

- 6.90 The DPS states that the aim of policy DM 28 is to ensure that new development is compatible with its surroundings and that it will not have a negative impact on the amenity of those living, working or visiting nearby. A representation recommended that the Council should consider the need for consistency in referring to amenity impacts. From a reading of policy DM 28, it is clear that the word 'amenity' in the context of this policy refers to the impact of proposals on the occupants of adjoining or neighbouring properties, rather than impact on visual amenity or the general character of an area. Reading the policy clarifies its purpose and intentions and I am not convinced that the policy heading is problematic. The representation also suggested that the Council give consideration to other impacts arising from the nature of certain developments and the example of shadow flicker from wind turbines was cited. The Council's view was that reference to amenity impacts needs to be considered in the context of the relevant policy under which a proposal is being assessed and that all policies of the plan should be read together. I agree that Policy paragraph DM 28.1 is relevant to all types of development, including wind turbines, the principle of which needs to be considered under policy DM 45 – Renewable Energy Development (which also refers to 'impact on local communities and residential interests'). I do not consider that any change to policy DM 28 is required in the interests of soundness.

Advertisements

- 6.91 The Plan indicates that the aim of policy DM 29 is to ensure that advertisements are designed and displayed in a manner that respects the character of the area where they are proposed and that they will not harm local amenity or prejudice public safety. The latter matters are requirements of statute (Regulation 3 of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015). The Plan has also taken account of the SPPS section on 'Control of Outdoor Advertisements'.
- 6.92 A representation considered that Policy paragraph DM 29.2 does not fully acknowledge paragraphs 6.14, 6.20 and 6.23 of the SPPS, which sets out a clear hierarchical approach with regard to the application of signage around heritage assets – in particular between Conservation Areas and Areas of Townscape Character. It was submitted that this would have potential to create confusion in the protection of heritage assets. Amended wording to Policy paragraph DM 29.2 was suggested as follows: - " (a) an advertisement proposed to be attached to or within the curtilage of a listed building must be carefully designed and located to respect the special architectural or historic

interest of the building; (b) advertisements in Conservation Areas must not adversely affect the special character, appearance and setting of the area; (c) advertisement in an Area of Townscape Character must maintain the overall character and appearance of the area”.

- 6.93 The Council’s response to the above was that the policy did not conflict with statutory requirements; the relevant sections of the 2011 Act were cited as Section 91(2) with regard to listed buildings (LBs) and Section 104(11) in respect of conservation areas (CAs). Section 91 (2) of the Act advises that “in considering whether to grant planning permission for development which affects a listed building or its setting, and in considering whether to grant listed building consent for any works, a council or, as the case may be, the Department must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Section 104(11) states “where any area is for the time being designated as a conservation area, special regard must be had, in the exercise, with respect to any buildings or other land in that area, of any powers under this Act, to the desirability of – (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise”. The respective statutory requirements ‘bite’ when a proposal comes forward that impacts on a LB or for development in a CA. DM 29.2 indicates that an advertisement proposed to be attached to or within the curtilage of a LB should be “... carefully designed and located to respect the special architectural or historic interest of the building”.
- 6.94 Paragraph 6.58 of the SPPS advises that “where appropriate councils should bring forward appropriate policies within Local Development Plans (LDPs) for the control of outdoor advertisements, tailored to local circumstances. Local policies may also be brought forward for the control of advertisements which affect Listed Buildings, Conservation Areas and Areas of Townscape Character, and must be compatible with other policies set out within the SPPS”. The Council referred to Plan policies DM 32 to DM 34 and reiterated the view that all Plan policies should be read together; taken together, it was posited that the Plan was consistent with the aforementioned statutory requirements.
- 6.95 To my mind it is important, in the interests of coherence, for the Plan to be consistent with legislative provisions and to avoid any confusing inconsistencies in what should be complementary policies. I note that Policy paragraph DM 29.2 repeats wording from paragraph 6.14 of the SPPS, which relates to advertisements affecting LBs; it also uses adapted wording utilised in paragraph 6.20 of the SPPS in respect of advertisements impacting on CAs and Areas of Townscape Character (ATCs) where it states that “advertisements in Conservation Areas and Areas of Townscape Character should respect the specific character, appearance and setting of the area”. In this regard, a marginally higher test is set in respect of ATCs, given that paragraph 6.23 of the SPPS does not refer to setting. This represents a ‘tailoring’ of SPPS policy, as is advocated by paragraph 6.58 of the SPPS. The Council was of the opinion

that the heritage assets represented by ATCs warranted the approach taken and I judge that no soundness issue results from this.

- 6.96 I note that policy in the 'Historic Environment' section of the Plan accords with legislation. I recognise that all parts of the Plan need to be read together. The Council felt that the term 'to have respect for' means the same as 'having no adverse effect on'; however, I have concerns that the difference in wording may lead to confusion at the DM stage. In the interests of coherence, I therefore recommend an amendment to the first sentence of DM 29.2 so that it reads "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". Whilst this differs from the wording of paragraph 6.14 of the SPPS, it does reflect the statutory duty in Section 91(2) of the 2011 Planning Act. I also consider that the second sentence of DM 29.2 should be amended to: "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" **(RA57)**.
- 6.97 Policies SP 6, DM 25, DM 26 and DM 27 demonstrate the Council's commitment to promoting good standards of design, layout and landscaping in both the urban and rural areas. I find the Plan sound in respect of these policies.

Historic Environment

Strategic Policy 7 – Historic Environment

- 6.98 The LDP chapter on Historic Environment sets out the related Strategic Objectives and linkages to the Council's Community Plan.
- 6.99 SP 7 sets out strategic policy in relation to the borough's historic environment and assets. A concern was expressed that the spread of historic monuments throughout the district may impact on minerals development; however, as the Council has stated, proposals affecting such designations, including mineral development, will be addressed through the normal development management process on a case by case basis.
- 6.100 Reference was made to the importance of the built and natural environment of the Six Mile Water valley and its potential to become an outstanding area for the enjoyment of inhabitants and visitors. As the Council has indicated, the current policies as set out in the Historic Environment and Natural Heritage sections of the DPS will effectively protect the elements of the Six Mile Water Valley identified in the representation.
- 6.101 It was suggested that the protection and refurbishment of a heritage asset, particularly if its listed, should be considered sufficient public benefit to outweigh a departure from normal planning policy; to that end, a more robust definition of 'Public Benefit', and how it can be objectively measured, should be provided. I note the Council's view that enabling development is a matter best assessed through the normal Development Management process. I also recognise that the Plan contains a policy DM 35 – 'Enabling Development', dealing specifically with the subject issue. Policy SP 7 clearly emanates from the content of the SPPS. I consider that SP 7 is sound in the context of the DPPN 6 consistency, coherence and effectiveness tests, as drafted.

Archaeology

- 6.102 Policy DM 30 is entitled 'Archaeology'. A single representation was received from the body statutorily responsible for archaeological matters, which advised that the amplification text for Policy DM 30 makes no reference to Areas of Archaeological Potential (AAPs), whereas paragraph 6.29 of the SPPS does. The representation recognised that AAPs will be identified at LPP stage, but considered that "... mention of these at this stage would make the plan more sound and provide clarity to those reading the plan as to the meaning, purpose and the evaluative and mitigation policies that may apply". It was submitted that an additional paragraph of explanatory text should be inserted after paragraph 10.16 to advise that "Areas of Archaeological Potential, identified in the Local

Policies Plan highlight those areas within settlements where on the basis of current knowledge there is a likelihood that archaeological remains may be encountered during development”. I agree with the Council’s response that the matter is adequately addressed by the text relating to Areas of Archaeological Potential, set out in Policy paragraph SP 7.2(e); no amendment to the Plan is required in the interests of soundness.

Historic Parks, Gardens and Demesnes

- 6.103 Policy DM 31 deals with Historic Parks, Gardens and Demesnes (HPGDs). Policy paragraph DM 31.1 (a) is consistent with paragraph 6.16 of the SPPS. Policy paragraph DM 31.1(b) refers to adverse effects. HED considered Policy DM 31 to be unsound due to inclusion of DM 31.1(b) in that it fails to take sufficient account of SPPS, and soundness test CE2, in that there is no evidence to support the Council’s position. It was posited that DM 31.1(b) introduces a lesser policy test whereby an exemption from the presumption against adverse impacts would be permissible, there being no such provision in the SPPS. It was also submitted that Policy paragraph DM 31.1(b) conflicts with policy SP 9 (paragraph SP 9.2(c)) in relation to Registered HPGDs where there is a presumption that development would only be permissible in cases where proposals are of regional importance in NI.
- 6.104 The Council took the view that Policy paragraph DM 31.1(b) should be retained since it recognises the inherent balancing exercise that is commonplace in the planning system; for instance, where a decision is taken to permit development based on strategic benefits to the Borough, that might result in certain adverse impacts on an Historic Park, it would be considered both reasonable and necessary to seek appropriate mitigation measures. The Council did not consider there is a contradiction between DM 31.1(b) and SP 9.2 (c).
- 6.105 The Council accepted that DM 31.1(b) goes beyond what is stated in paragraphs 6.16 and 6.17 of the SPPS. However, it was stated that deviation from regional policy is permissible if there are justified reasons for doing so. It was argued that paragraph 6.17 of the SPPS refers to planning permission being granted in the last sentence, which refers to “... features that will be lost ...”. In addition, PPS 6 policy BH 6 contains wording indicative of there being exceptions. The SPPS at paragraph 6.18 allows, in exceptional cases, for development that could harm a CA, where benefits outweigh harm; such should also be the case for HPAGs. The Council also felt that paragraph 6.18 of the SPPS is inflexible as it does not appear to allow for any exceptional cases; this engages soundness test CE4. It was argued that a blanket prohibition on development is inappropriate and would elevate the importance of HPAGs above other heritage designations. The Council referred to EP 7 pages 24 and 25, which list the properties on the DfC Register of Parks Gardens and Demesnes of Special Historic Interest, and to the geographical extent of these;

it would be inappropriate to prohibit development over such large areas. I was provided the example of planning approval reference LA03/2016/1141/F, where a caravan park was approved in the grounds of Shane's Castle where the harm to the historic asset was outweighed by the economic benefit of the development.

- 6.106 There is frequently a need to balance the benefits of development against harm to assets of public interest. Even where a policy exception is not explicitly mentioned in a policy document, material considerations can outweigh a stated presumption against development. Section 45(1) of the 2011 Act refers to the decision maker having "... regard to the local development plan, so far as material to the application, and to any other material considerations ...". The Council is entitled to 'tailor' policy and there has clearly been at least one instance where, in the existing (SPPS and PPS 6) policy context an approval has been granted with some impact on an HPAG at Shanes Castle. Policy paragraph DM 31.1(b) allows for cases where adverse impacts may be acceptable if there is a strategically important economic benefit and where mitigation of harm can be satisfactorily achieved at the developer's expense. The policy does not represent a carte blanche for development harmful to a HPAG. For the reasons given by the Council, I find that Policy paragraph DM 31.1(b) does not render the Plan unsound as drafted.
- 6.107 With regard to policy SP 9.2(c), I do not consider there to be a conflict with Policy paragraph DM 31.1 (b). All the policies of the DPS must be read together. Both Policy paragraphs DM 31.1(b) and SP 9.2(c) would apply. Mineral development in a HPAG would only be acceptable where it met both policies.
- 6.108 A change was suggested to Policy paragraph DM 31.2(b), consisting of the addition of the words "the Council will support high quality, sympathetic development within HPGD that will not harm the overall setting". As the Council has responded, the policy indicates that evidence should be submitted to accompany proposals that will allow for an assessment against a range of matters that include the most important features contributing to the importance of a HPGD. The process would not preclude information being submitted regarding the impact of change over time to the original design concept or layout. The suggested amendment focusses on harm not arising to the overall setting when, in actual fact, consideration is needed of all impacts on such planned landscapes. No amendment to the Plan is necessary as a result of the matters raised and I do not accept that a CE4 soundness issue arises.

Listed Buildings (LBs)

- 6.109 Policy DM 32 relates to LBs. HED indicated that, in the interests of consistency, the reference to a 'Statement of Justification' in Policy paragraph DM 32.4 should be changed to 'Statement of Significance' given that this will be the title of new guidance that is currently being drafted. The Council acknowledged that

HED are currently preparing additional guidance but "... does not consider this will differ in any significant way from the 'Statement of Justification' set out in Policy DM 32.4, which should demonstrate a full and proper understanding of the essential character and special architectural or historical interest of a listed building and its setting". Difference in wording can lead to confusion at DM stage and I consider that the amendment suggested by HED would be beneficial in the context of soundness test C3. **(RA58)**. HED also queried the location of text in paragraph 10.33 of the amplification which begins "in judging the effect of works to a Listed Building ...". HED took the view that the text in question should be moved from its current location to a standalone position and amended to align with current legislation and regulations as follows – "In judging the effect of works to a Listed Building, the Council will determine the application, after consultation with the relevant Department i.e. HED". Such consultation would occur as part of the normal DM process and does not need to be explicitly stated in the Plan. The suggested modification is unnecessary in the interests of soundness.

- 6.110 I do not consider that criticism of the wording of Policy DM 32, with regard to the importance to biodiversity of old buildings and underused sites, raises a soundness issue; such matters are dealt with adequately elsewhere in the Plan, which must be read as a whole.

Conservation Areas (CAs)

- 6.111 Policy DM 33 relates to CAs. Paragraph 10.41 of the Plan states "The aim of this policy is to support development which preserves or where possible, enhances the character and appearance of our Borough's Conservation Areas and their settings. This aim has taken account of and is consistent with the provisions of the SPPS. It is also consistent with the legislative tests in the 2011 Act.
- 6.112 The wording of Policy paragraphs DM 33.1 and DM 33.2 was queried and it was argued that differences in emphasis could lead to misinterpretation or lack of clarity. It was also submitted that DM 33.1 is not in alignment with SPPS 6.18 and contains a weaker policy test than the SPPS. Alternative wording was put forward to state that the Council will only support development within or adjacent to a Conservation Area where the Guiding Principle is met and that is consistent with any relevant conservation area guidance. To my mind Policy paragraph DM 33.1 is clearly based on paragraph 6.18 of the SPPS and I do not consider that there is any discernible conflict with the wording of Policy paragraph DM 33.2 that would raise a soundness issue.
- 6.113 The wording of Policy paragraph DM 33.3 was also criticised as being out of alignment with SPPS paragraph 6.18 and in conflict with Policy paragraph DM 33.2 in terms of the order of wording and the policy test regarding preservation and enhancement. I note that Policy paragraph DM 33.3(a) refers to

preservation or enhancement but does not prioritise one over the other. I consider that there is merit in the suggested change, which would reiterate the guiding principle that where an opportunity to enhance character or appearance exists, it should take precedence over preservation. The Council argued that if DM 33.3(a) is read together with DM 33.2, the need for enhancement (if such opportunity exists) will be paramount. However, in the interests of consistency, I recommend a change to the wording of DM 33.3(a), as follows: "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". I consider this amendment to be minor as it merely reiterates policy already advanced by Policy paragraph DM 33.2. The amendment would also prevent confusion at the DM stage and is thus in the interests of coherence and effectiveness. **(RA59)**.

- 6.114 I do not consider that the wording of Policy paragraph DM 33.3(b) is at odds with paragraph 6.18 of the SPPS as I discern no significant difference between the terms 'to maintain' and 'to preserve'. There is no obligation on the Council to utilise the exact wording of the SPPS if another form of words would achieve the same end. I consider the wording of Policy paragraph DM 33.5 to be sound and logical in the context of the preceding paragraphs of policy DM 33, which advocate enhancement, if possible, and preservation where it is not.
- 6.115 With regard to the amplification text in paragraph 10.46 of the Plan, I do not consider that this should be included within the policy text. The Guiding Principle for development in a Conservation Area is made clear in Policy DM 33.2 and I agree with the council that the policy wording largely accords with the legislative obligations for CAs, and the text of the SPPS. The amplification text, which must be read along with the policy itself, would assist developers in arriving at appropriate and acceptable design.

Areas of Townscape Character (ATCs)

- 6.116 Policy DM 34 applies in respect of ATCs and the Plan advises that "the aim of this policy is to ensure that development proposals respect the appearance and qualities of our Borough's townscape areas and maintain or enhance their distinctive character. This aim has taken account of and is consistent with the provisions of the SPPS". The wording of DM 34 clearly emanates from paragraphs 6.21 and 6.22 of the SPPS and I discern no soundness issue with the policy, as drafted.

Enabling Development

6.117 Policy DM 35 refers to enabling development; the Plan indicates that the aim of this policy is to secure the future of an important heritage asset, through restoration, conservation or repair, by means of cross financing Enabling Development. This policy clearly originates in paragraphs 6.25 to 6.27 of the SPPS and policy ED 1 of PPS23 – ‘Enabling Development for the Conservation of Significant Places’. Paragraph 6.27 of the SPPS advises that councils may bring forward local plan policies to provide the flexibility to accommodate such unforeseen imaginative proposals which are clearly in the public interest. I do not consider that DM 35 raises any issue of soundness, as drafted, and note that the Plan refers to departmental Best Practice Guidance (BPG) ‘Assessing Enabling Development for the Conservation of Significant Places’.

Vernacular and Locally Important Buildings

6.118 Policy DM 36 is entitled ‘Vernacular and Locally Important Buildings’. The policy was criticised in one representation for not having regard to the importance of old buildings and underused sites for biodiversity. I do not discern a soundness issue, given that the Plan, which must be read as a whole, deals with biodiversity elsewhere. Criticism was also levelled at Policy paragraph DM 36.1(b) for failing to take sufficient account of SPPS paragraph 6.24 and the requirement to ensure no significance harm or loss is caused to the non-designated heritage asset. I do not perceive such a test in the SPPS, which actually refers to “... having regard to the scale of any harm or loss and the significance of the heritage asset”. The latter clearly envisages situations where some harm or loss might occur, and implies that this would be weighed against other relevant factors. Paragraph 6.24 of the SPPS advises that Councils may wish to bring forward bespoke local policies for such buildings and the Council has done this in policy DM 36. I attach no significance to the use of the word ‘maintain’ in DM 36.1(b); as I have already stated, I consider that the word is readily interchangeable with ‘preserve’. Neither do I read any significance into the word ‘renovation’ in DM 36.1; it is a term commonly used with reference to the refurbishment of buildings. I do not consider that policy DM 36 raises any issue of soundness.

Chapter 7 – A place with a Sustainable Future

Natural Heritage

Strategic Policy 8 – Natural Heritage

- 7.1 Paragraph 11.1 of the DPS states that “Natural heritage can be defined as habitats, species, landscapes and earth science features ...”. Policy SP 8 sets out the Plan’s strategic policy on natural heritage. Paragraph 4.3 of PPS2 - Natural Heritage advises that heritage features will normally be identified as part of the process of Countryside Assessment carried out in association with plan preparation. Local designations arising from the plan should be identified and policies brought forward for their protection and, where possible their enhancement, such as those for Sites of Local Nature Conservation Importance (SLNCIs). Paragraph 6.75 of the SPPS advises that “some areas of the countryside exhibit exceptional landscapes, such as mountains, stretches of the coast or lough shores, and certain views or vistas, wherein the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances. Where appropriate these areas should be designated as Special Countryside Areas in LDPs, and appropriate policies brought forward to ensure their protection from unnecessary and inappropriate development. Local policies may also be brought forward to maintain the landscape quality and character of Areas of High Scenic Value”.
- 7.2 The Council suggested a minor change to Policy paragraph SP 8.2(b) to read as follows:- “....adverse impact of development, including consideration of potential cumulative effects”. This change, I was advised, was in recognition of the SPPS at paras 6.188 and 6.198, where it refers to cumulative impact. I consider that such an amendment is required in the interests of soundness; test C3 being relevant (**RA60**). I note that paragraph 11.38 of the DPS also refers to cumulative impact of development.
- 7.3 I do not consider that policy SP 8 is unsound in respect of its references to natural heritage assets. Whilst specific rivers may not be named, the rivers of the Borough are referred to in other parts of the Plan, for example paragraph 2.76, and in Figure 12 – ‘Natural Heritage Assets within our Borough’. Whilst it was posited that the Six Mile Water Valley should be identified as a Strategic Landscape Policy Area (SLPA), I am satisfied that the methodology used by the Council in identifying SLPAs was robust; EP 16 outlines this at page 5 and at part 8 from page 19 onwards (DPS-022). The Six Mile Water Valley was clearly considered as part of the exercise of identifying SLPAs. The Council advised me that the Six Mile Water Valley did not meet the criteria for designation and representors, whilst querying this, did not present any persuasive evidence that the Council’s approach was flawed.

- 7.4 NIEA (NED) pointed to a number of policies in Policy SP 8, which refer to landscape, its protection and integration with landscape; it was suggested that explicit reference to seascape should be made within relevant policies and accompanying amplifications, especially where a coastal element is acknowledged. The Council was open to a minor change to clarify that the references to landscape character and coast in Policy paragraphs SP 8.4 and DM 41.1(b) are intended to include consideration of seascape character. Specific changes are:- (i) Policy paragraph SP 8.4, page 237, should be amended to read "...the overall landscape character, seascape character and specific...". (ii) Policy paragraph DM 41.1(b), page 253, changed to read "...the qualities of the coastal landscape (including seascape character) while still protecting...". (iii) Paragraph 11.43, page 255, altered to read "...Coastal Policy Area should consider their impact on seascape character and how they can enhance the area...". The Council's view was that the changes do not introduce a new policy concept as it is clear when the DPS and its evidence base are read together that the Council is seeking to protect the coastal character of that part of the Borough adjacent to Belfast Lough. The Council referred to paragraph 3.3 of the SPPS which advises that protection and enhancement of the natural environment includes landscape and seascape character. I agree with the Council's analysis that the changes are minor in nature, and beneficial to an understanding of the Plan's scope. In the interests of coherence, I recommend that they are included in the adopted Plan (**RA61, RA71 and RA72**).
- 7.5 Concern was raised that policy in relation to Strategic Landscape Policy Areas (SLPAs) could be overly restrictive since many areas in the Borough are already well-protected by extant SAC/ASSI/RAMSAR designations. It was argued that access to Lough Neagh for tourist activity should be promoted by rewording Policy paragraphs SP 8.5 and SP 8.6. As the Council pointed out, the Plan's approach to tourism development is set out in Policy paragraphs SP 2.15, DM 9.2 and DM 9.10; Policy paragraph DM 40.6 also sets out policy on tourism proposals in Lough Neagh and Lough Beg SLPA. Policy paragraphs SP 8.5 and SP 8.6 relate only to the identification of SLPAs and there is no soundness issue engaged in respect of DPPN 6 tests Soundness tests C4, CE2, CE3, or CE4.
- 7.6 Criticism was levelled at Policy paragraph SP 8.7 of the DPS (Local Landscape Policy Areas [LLPAs]) where it refers to 'river banks'. Whilst representations suggested that river buffer strips and corridors should be provided for, the absence of such requirements does not render the Plan unsound. The relationship between development and rivers is a matter for the DM stage and it is clear, when the Plan is read as a whole, that the impact of development on the natural environment would be an important consideration. I do not accept claims that Policy paragraph SP 8.7(e) is inadequate for failing to refer to individual trees, given the Council's powers to apply Tree Preservation Orders in respect of such. LLPAs themselves will be identified in the LPP and could include, inter alia, areas important for their tree cover, rivers, and river banks. I

do not discern an issue of soundness in the Council's approach to LLPAs, which clearly emanates from paragraph 6.29 of the SPPS.

- 7.7 It was advocated that DPS should designate Areas of High Scenic Value (AHSV). I note that the Council's approach is to identify those areas of the Borough exhibiting the greatest scenic quality and environmental value as SLPAs. There is no prohibition on the Council adopting different nomenclature for environmental designations and no issue of soundness arises.
- 7.8 In terms of transitional arrangements, concern was aired that the Plan's intended environmental designations would lack policy protection before they are formally identified. The Council stated that its position is consistent with DPPN 8 and thus sound. This document at paragraph 5.6 advises that identifying existing areas of protection and designating site specific policy areas, for example sites of local nature conversation, is a matter for the LPP. This is a consequence of the two-stage process originating in the 2011 Act. The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (the LDP Regulations), at regulation 32, advises that the transitional arrangements set out in the Schedule (to those regulations) shall have effect. Part 3 of the Schedule states that "where a plan strategy is adopted by a council or approved by the Department in accordance with Part 2 of the 2011 Act — (a) a reference to the local development plan in the 2011 Act or any enactment relating to planning is a reference to the departmental development plan and the plan strategy read together; and (b) any conflict between a policy contained in a departmental development plan and those of the plan strategy must be resolved in favour of the plan strategy. Whilst there will be no 'lines on maps', figure 12 on page 240 of the DPS will be the basis for DM decisions; in addition, the DM policies of the LDP will apply once it is adopted. Information from Evidence Papers would also be taken into account, some of which provides a degree of clarity, albeit limited in some instances. Three of the LDP's SLPAs are identified as AHSVs in draft BMAP.
- 7.9 DPPN 7 table 1 indicates that maps can be included to show the plan area boundary, strategic countryside proposals / environmental designations ...". Paragraph 23.1 of the DPPN advises that "Regulation 13 of the LDP Regulations states that a development plan document must contain a map or maps (known as "the proposals map"), describing the policies and proposals set out in the development plan document *so far as practicable* (my emphasis) to illustrate such policies or proposals spatially". It goes on to say that "the proposals map is to be sufficiently detailed so as to enable the location of proposals for the development and use of land to be identified". Paragraph 23.2 goes on to indicate that "the PS should contain maps which provide clarity on the council's strategic policies and proposals where the proposals for development of land can be expressed spatially. It is recommended that the PS should contain an Overview Map to show the plan area boundary and strategic proposals as well as any environmental designations to show specific areas of environmental protection which have been designated by DOE".

- 7.10 The Council took the view that it is not possible at the DPS stage to provide definitive lines for Plan designations on a map. Figure 12 of the DPS was seen as appropriate, given that it was not practicable to produce more detailed plans and the LDP Regulations are thus not offended. I have sympathies for the Council's position, given the inconsistencies between DPPN 7 and DPPN 8. It is inevitable that the two-stage process may create some difficulties at DM stage until the LPP is adopted but this is unavoidable in the legislative circumstances and does not render the DPS unsound. The Council advised that the dotted shading representing the extent of SLPAs in figure 12 on page 240 of the DPS seeks to illustrate this diagrammatically; it was stated that the shading used to identify SLPAs would be clarified when bringing forward the adopted PS. LLPAs are not identified anywhere in the DPS but I acknowledge that the Council cannot define their boundaries at this stage.
- 7.11 I do not consider that there is a soundness issue in the failure of policy SP 8 to refer to the 'precautionary principle'; the latter is referenced in policy SP 1, the PPN on page 11, and paragraph 1.5 of the DPS. A representation suggested that the Plan have regard to the principles emanating from the 'Lawton Review' - Making Space for Nature. I agree with the Council's view that this document was produced in a different jurisdiction; in any event, the Plan contains a suite of policy that broadly reflects the principles espoused therein. I do not consider that the matter raises any soundness issue.

Designated Sites of Nature Conservation Importance

- 7.12 Policy DM 37 is entitled Designated Sites of Nature Conservation Importance and contains policy on international, national and local nature conservation designations. The policy has taken account of the SPPS and this is clear from the wording of its tests. I note that Policy paragraph DM 37.5 applies an additional test of a specific locational requirement for development that meets the policy tests for development adversely impacting on a local nature conservation designation. This is an example of the Council 'tailoring' regional policy. I do not detect any conflict or contradiction in the wording of the amplification text that would raise an issue of soundness.

Protected Species

- 7.13 Policy DM 38 relates to European and other protected species. The wording of Policy paragraphs DM 38.1 to DM 38.3 clearly takes account of paragraphs 6.179 to 6.182 of the SPPS.
- 7.14 I note that Policy paragraph DM 38.1(b) differs in wording from paragraph 6.180 of the SPPS by making reference to public health or public safety. The Council

pointed to regulation 39(2)(e) of the 2015 Habitat Regulations, which refers to “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”. The Council accepted that the policy wording in the DPS widens the exceptions listed in the SPPS but would adopt a precautionary approach when considering the potential impacts of development on important natural resources and ecosystem services. The Council advised that it is guided by the fact that in Northern Ireland, the protection for European Protected Species is provided by The Conservation (Natural Habitats, etc) Regulations (NI) 1995, as amended. There is no prohibition on altering the wording of regional policy in the context of a LDP. I recognise that legislation refers to public health and safety; these matters could, arguably, fall into the category of ‘imperative reasons of overriding public interest’ in any event. Policy paragraph DM 38.1 has taken account of the 2015 Habitat Regulations and the SPPS and I do not consider that the wording raises an issue of soundness.

- 7.15 I acknowledge that the policy test applying to development affecting European protected species in paragraph 6.180 of the SPPS, and in policy NH 2 of PPS 6 is ‘not likely to harm’. Policy paragraph DM 38.1 applies a test of ‘likely to have an adverse effect on’. As a representor pointed out, the EU Habitats Directive refers to ‘harm’ to protected species.
- 7.16 The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 at regulation 3(1) states: “These Regulations make provision for the purpose of implementing, for Northern Ireland, Council Directive 92/43/EEC(1) on the conservation of natural habitats and of wild fauna and flora (referred to in these Regulations as “the Habitats Directive”)”. Regulation 3(2) goes on to advise that “The Department shall exercise its functions under the enactments relating to nature conservation so as to secure compliance with the requirements of the Habitats Directive”. Regulation 43(1) states that “a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which — (a) is likely to have a significant effect on a European site in Northern Ireland ...”. Regulation 43(5) advises that “...the authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site”. Regulation 43(6) also uses the term ‘adversely affect’. The Council referred to the judgement in *Regina (Morge) v Hampshire County Council [2011] UKSC 2* and paragraph 44 thereof where Lady Hale uses the words “... adverse effect on species or habitats...” in the context of the rigours of the Habitats Directive. It is debatable whether the terms ‘harm’ and ‘adverse effect’ have exactly the same meaning, however, I consider them to be of sufficient similarity to reject criticism of the DPS as submitted by the representor. In the interests of consistency, I recommend that the Council’s suggested minor change to Policy paragraph DM 38.2 is also included in the adopted Plan; this would involve replacing the word ‘harm’ with the words ‘have an adverse effect on’ (**RA62**) (MA013). This is justified in the interests of consistency. As I have opined that there is no

significant difference in the two terms, I agree with the Council that this is a minor change.

- 7.17 MA011, as cited in the Council's document 'Schedule of Suggested Minor Changes of the DPS (Updated as part of Independent Examination) June 2022' suggested inclusion of a new Policy paragraph DM 38.4. This would read:- "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". Whilst this wording reflects paragraph 11.27, it includes a new policy provision, albeit one originating in policy SP 1. I recommend that it be included in the interests of clarity and consistency **(RA63)**.
- 7.18 It was argued in one representation that the requirement for evidence of the existence of protected species, referred to in amplification text paragraph 11.27, is not in the spirit of PPS 2 or the SPPS; it was submitted that the potential for presence of protected species should be sufficient to trigger surveys to be carried out. The representor's concern was that the wording of the DPS may suggest that the onus is on the Council to provide evidence on the presence of protected species before asking a developer for surveys. In response to this, the Council suggested a minor change to clarify the nature of the information required to establish the presence of protected species in association with a development proposal. The Council referred to a range of legislation that promotes the protection and conservation of the environment, including the Conservation (Natural Habitats, etc.) Regulations (NI) 1995, the Wildlife and Natural Environment Act (NI) 2011, the Wildlife (NI) Order 1985. Document DPS-S-002 contained suggested wording for the first sentence of paragraph 11.27 and I recommend that this be incorporated into the adopted Plan; the Council argued this change was minor, and referred to policy SP 1 of the Plan, which indicates the need for ecological assessment/appraisal in connection with some development proposals. I accept that it is a minor clarificatory amendment, justified in the interests of consistency and coherence **(RA64)**.

Habitats, Species and Features of Natural Heritage Importance

- 7.19 Policy DM 39 clearly has its origins in paragraphs 6.191 to 6.193 of the SPPS. A representation expressed concern that Policy paragraph DM 39.1 omits the words 'or damage' that appear in SPPS paragraph 6.192 and in PPS 2 policy NH 5. The Council took the view that the term 'damage' is superfluous as any damage would fall within the category of unacceptable adverse impact. To my mind, reference to unacceptable adverse impact implies that there could be an *acceptable* adverse impact. The word 'damage' makes the SPPS policy more robust. In the interests of consistency and coherence I consider that the wording of the SPPS should be repeated and DM 39.1 should be reworded to "The

Council will only permit development likely to result in an unacceptable adverse impact on, or damage to, the features listed below ...” (**RA65**). I do not consider that the test should refer to ‘major impact’, as was submitted by a representor as the term has no regional policy basis.

- 7.20 In response to concerns raised by NIEA NED, the Council suggested a minor change to clarify when survey information or an ecological appraisal will be required in association with a development proposal. The change involves the following amendment to Policy paragraph DM 39.2: - "Where there is potential, or evidence to suggest, that a habitat...". The Council took the view that the change is for purposes of clarification and referred to policy SP 1, which indicates the need for ecological assessment/appraisal in connection with some development proposals. I recommend that the amendment should be included in the adopted Plan in the interests of consistency (**RA66**).
- 7.21 A representation suggested insertion of additional text in policy DM 39 to refer to damage to or loss of an irreplaceable habitat (such as ancient and long established woodland) being permitted only in the most exceptional circumstances, where compensatory measures will be secured to minimise net loss of biodiversity. It was also argued that policy should refer to restoration of plantations on ancient woodland sites. As the Council has pointed out, Policy paragraph DM 39.1 already references ancient and long established woodland and introduces a presumption against development likely to result in an unacceptable adverse impact on such areas. I also agree with the Council that restoration of plantations on ancient woodland sites outwith development proposals would be a matter beyond the development management process. I do not consider that the suggested changes are necessary in the interests of soundness.

Landscape Protection

- 7.22 On the foot of a suggestion by NIEA, the Council suggested a minor change to the wording of paragraph 11.35 of the Plan to refer to the recreational value of the landscape. The change is shown in DPS-S-002. The amendment would be beneficial in terms of consistency and coherence and I recommend its inclusion in the adopted Plan (**RA67**). I do not consider that amendment to paragraph 11.37 of the Plan is necessary in the interests of soundness; the text as drafted merely points to the need to properly assess proposals and to protect distinctive and vulnerable landscapes. Neither do I discern any soundness issue in Policy paragraph DM 40.1 criteria (a) and (c).
- 7.23 Policy DM 40 relates to protection of the Borough’s landscapes including SLPAs and LLPAs. The rationale for designation of important landscapes is contained in EP16 – Landscape Character Assessment. Paragraph 6.75 of the SPPS advises that some areas of the countryside exhibit exceptional landscapes where the quality of the landscape and unique amenity value is

such that development should only be permitted in exceptional circumstances. The SPPS goes on to state that “where appropriate these areas should be designated as Special Countryside Areas in LDPs, and appropriate policies brought forward to ensure their protection from unnecessary and inappropriate development. Local policies may also be brought forward to maintain the landscape quality and character of Areas of High Scenic Value”.

- 7.24 The Council confirmed that policy DM 40 should be read in its entirety and as a consequence all relevant aspects of the policy apply to the proposed Lough Neagh and Lough Beg SLPA. It is for the Council to determine if supplementary planning guidance is required in respect of the policy and the requirements thereof.
- 7.25 NIEA NED advised that normally landscape analysis forms part of a Landscape and Visual Impact Assessment (LVIA) and the Council may consequently wish to amend the wording; it was suggested that reference should be made to best practice set out in the publication 'Guidelines for Landscape and Visual Impact Assessment' (3rd edition: 2013). The Council proffered a minor change, in recognition of the formal professional terminology, at Policy paragraph DM 40.2 as follows:- "...assessment of landscape impacts a Landscape and Visual Impact Assessment proportionate to the development ...". I accept that the suggested amendment does not introduce a new policy concept and is solely for clarification purposes. It should be incorporated into the adopted Plan in the interests of coherence (**RA68**). I do not consider that the term 'countryside' in Policy paragraph DM 40.2(b) is confusing; in planning parlance, countryside is a term applying to all land outside settlements.
- 7.26 Concern was raised that there may be a potential ambiguity in relation to the provisions of Policy paragraphs DM 40.4 and DM 40.6 of the Plan. Policy paragraph DM 40.6 states that mineral development in the Lough Neagh/Lough Beg SLPA will be strictly limited to the sustainable development of regionally important minerals that will not impact adversely on the features or environmental assets of the Loughs or their environs. Policy paragraph DM 40.4 indicates a presumption against minerals development in SLPAs, unless it can be demonstrated that there is a regional need for the proposed mineral that outweighs the importance of the site and appropriate restoration/mitigation measures accompany the proposal. The Council considered that there is no ambiguity between the policy provisions, given that the Plan should be read as a whole. Policy paragraph DM 40.4 applies to all SLPAs and requires that a regional need be established for minerals development that outweighs the importance of the site. Specific policy in respect of the proposed Lough Neagh and Lough Beg SLPA is then contained in Policy paragraph DM 40.6. I agree with the Council that, read together, the two paragraphs are complementary. A proposal in the subject SLPA must meet the tests of DM 40.4 as well as DM 40.6. I am not persuaded that there is an issue of soundness on coherence or consistency grounds.

- 7.27 Policy paragraph DM 40.2 refers to the need for a visual impact assessment and landscape analysis proportionate to the development being considered. In practice, Policy paragraph DM 40.2(a) is very wide in scope and would be likely to 'capture' most development affecting SLPAs and LLPAs, including developments that do not 'trigger' criteria (b) and (c) of DM 40.2.
- 7.28 A representation raised concern that strict control in landscape designations could prevent sympathetic new developments that would enhance visitor experience and improve access to Lough Neagh/Lough Beg. In addition, the meaning of the term 'low intensity' in Policy paragraph DM 40.6(b) needs to be clarified.
- 7.29 Policy DM 40 does not place an embargo on development in SLPAs or LLPAs; the aim of the policy is to protect these landscape designations by resisting development deemed unsuitable, based on the factors detailed in the Plan Strategy. This is a sound approach and takes account of regional policy. The Council has proposed a minor change to Policy paragraph DM 40.6(b) to refer to "low intensity recreational use or low intensity tourism proposals" **(RA70)**. I consider this change to be necessary in the interests of clarity and consistency and recommend that it be included in the adopted Plan. It is for DfI to consider the nature of the amendment, given that a representor raised a concern that it would make the policy more restrictive. A similar amendment should also be applied in respect of Policy paragraph DM 40.5(b) in the interests of consistency **(RA69)**. I consider that the term 'low intensity' is a matter for interpretation at the DM stage and leave it to the Council whether it seeks to provide SPG on the subject matter.
- 7.30 NIEA (NED) advised that the Antrim Coast and Glens AONB lies within 1km of the Council area. It was suggested that the A&N Plan should reference this since it is possible that a development proposal within the Council area could impact on the AONB. NIEA also indicated that it is also possible that the boundary of the existing AONB could be redefined to include land within the Borough. I agree with the Council that this is a matter for the DM process to take into account. Any proposed future extension of the AONB would be a matter outside this LDP process.
- 7.31 It was pointed out that commercial forestry could have a negative impact on the Carnmoney Hill and Lough Neagh/Lough Beg SLPAs and should be resisted by policy. Given that forestry is excluded from the definition of development in Section 23(3)(d) of the 2011 Act, I do not concur with the submission. A representation argued that the Lough Neagh SLPA should include additional 'buffer' lands; however, the exact boundaries of the SLPA are a matter for the LPP stage of the Plan. Concern was raised that there is a lack of clarity as to how new landscape designations will operate in the absence of defined boundaries in the PS. I have already dealt with this point. With reference to minerals development, each council area will address the matter in their respective LDPs. As the Council has stated, it is part of DfE Minerals and

Petroleum Branch Minerals Working Group, a cross boundary group, and platform to engage with other councils.

- 7.32 Paragraph 6.30 of the SPPS advises that LDPs should, where appropriate, designate LLPAs and bring forward local policies and guidance to maintain the intrinsic landscape, environmental value and character of such areas. Policy paragraph DM 40.7 of the dPS has taken account of the SPPS and resists development that would have an unacceptable adverse impact on LLPAs.

Coastal Protection

- 7.33 Policy DM 41 relates to protection of the coast. The Borough has a short stretch of coast that is all developed; however the Council has advised that it will continue to engage with adjoining authorities on coastal issues of mutual concern through the LDP process and the DAERA-DfI Coastal Forum groups. The Council suggested a change to DM 41.1(b) to include reference to seascape and I recommend same in order for the policy to be consistent with the rest of the Plan **(RA71)**. I judge that the suggested change to paragraph 11.43 should also be adopted to reflect the content of DM 41.1(b) **(RA72)**.
- 7.34 NIEA raised a concern that policy DM 41 appears only to apply to the inter-tidal area, whereas the scope of the marine legislation and its application is much wider than the inter-tidal area. The Council's response was to suggest a minor change for the purposes of clarification and to make the Council's legal responsibility under Section 8 of the Marine Act (NI) 2013 explicitly clear. The modification involves amendment to the amplification text at paragraph 11.44 of the Plan such that it would read as follows:- "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". I acknowledge the Council's comment that when the DPS and its evidence base are read together that the DPS took account of the marine area (e.g. paragraph 2.5 of the DPS, the SA Scoping Report and Appraisal as well as the Draft Habitats Regulation Assessment). The amendment is reflective of paragraph 6.50 of the SPPS and I advocate its inclusion in the adopted plan in the interests of consistency **(RA73)**.

Trees and Development

- 7.35 Policy DM 42 relates to trees and development. The DPS states that "the aim of this policy is to protect existing trees, woodland and hedgerows which are considered to be of amenity value, promote well considered landscape

schemes in new developments and enhance tree cover”. The Council’s view was that the policy has taken account of and is consistent with the provisions of the SPPS and the statutory duty on the Council under the 2011 Act to ensure adequate provision is made for the protection of existing trees or planting of new trees in considering development proposals.

- 7.36 In response to a representation seeking inclusion in the Plan of policy to encourage tree lined streets within new developments, the Council suggested modification of Policy paragraph DM 42.1(a) by adding the following wording at the end of the criterion:- “... and that seek to incorporate tree-lined streets in the layout”. The Council opined that this acknowledges a key way that new tree planting can be integrated into developments and does not introduce a new policy concept as the importance of trees and development is already established in a number of policies. I acknowledge that the additional text has a basis in regional policy, and would be beneficial in the interests of consistency; however, it modifies the requirements of DM 42 and I am not persuaded that it involves a minor change. I do, however, recommend it’s inclusion in the adopted Plan **(RA74)**.
- 7.37 A representation referred to the removal of trees by developers prior to the submission of planning applications and suggested that the Plan seek the use of conditions to require supplementary tree planting. Concern for trees at risk was reiterated in other representations. Legislation provides for the protection of trees, groups of trees and woodlands through TPOs. As the Council has stated, removal of trees that are not protected by a TPO or by planning conditions lies outside the control of the Planning System (unless within a Conservation Area – see Section 127 of the 2011 Act). The Plan supports use of conditions for new or supplementary tree planting in association with development proposals and I do not consider that any amendment to the DPS is necessary in respect of the matter, which can be dealt with by the development management process.
- 7.38 NIEA (NED) sought additional text in the Plan at Policy paragraph DM 42.1, to refer to compliance with BS5837: 2012 ‘Trees in Relation to Design, Demolition and Construction - Recommendations’; however, I do not consider that this amendment is necessary in the interests of soundness. The Council’s list of typographical changes deals with the correction to the formal title of BS 5837 at Policy paragraph DM 42.4.
- 7.39 Concerns were expressed that Policy paragraph DM 42.3 is unrealistic, inflexible and an impractical requirement in the context of NIE Networks’ legal obligations and current working practices. It was argued that the policy is unsound in respect of coherence and effectiveness test CE2 and a suggested modification was for the wording to be amended to:- “If it is demonstrated to the satisfaction of the Council, that it is not possible to retain existing trees/or hedgerows then an appropriate replacement planting scheme may, where appropriate, be required. Any such replacement planting scheme should normally be located within the site and introduce a net gain in tree numbers”. I

acknowledge that the replacement of trees and hedgerows can be restricted by overhead cables and underground lines. However, I agree with the Council that there is no material difference between the wording of DM 42.3 and the revised wording suggested, given that the policy indicates that a replacement planting scheme will be required, 'where appropriate'. This recognises that there may be occasions where replanting in situ may not be appropriate, and is thus flexible. I do not consider that Policy paragraph DM 42.3 raises a CE2 issue of soundness as it is expressed in the DPS.

- 7.40 A representation suggested the insertion of an additional paragraph relating to the protection of 'veteran' trees and was of the opinion that the DPS could be enhanced in respect of the particular benefits of greater tree and canopy cover. It was also posited that reference should be made to BS 8545:2014 'Trees: from nursery to independence in the landscape' and additional text be added to secure protection for older trees by requiring greater root protection areas. The Council took the view that the matter would be best addressed through SPG, which it will in due course bring forward, where appropriate. I do not consider that the policy, as written, is unsound and it will be for the normal DM process to assess potential impacts on important 'veteran' trees. The latter can be protected by TPO, should there be a risk of damage, and planning conditions attached to development consents can refer to the relevant British Standards. SPG can be provided, should this be deemed necessary or advantageous.

Natural Resources

Strategic Natural Resources Policy – SP9

- 7.41 Policy SP 9 essentially deals with minerals and renewable energy development. The Council's approach is to ensure the sustainable use of natural resources and the Plan indicates that development will be supported where it is demonstrated that a proposal will not have an adverse impact on the environment, amenity or public safety and otherwise accords with the requirements of the LDP.
- 7.42 The DPS states that, insofar as they relate to minerals development, extant operational planning policy is contained within: A Planning Strategy for Rural Northern Ireland (PSRNI); Planning Policy Statement (PPS) 2: Natural Heritage; PPS 6: Planning, Archaeology and the Built Heritage; PPS 11: Planning and Waste Management; PPS 15 (Revised): Planning and Flood Risk; and PPS 21: Sustainable Development in the Countryside. In its EP 12, paragraph 3.23 advises that the aforementioned planning policies, as well as the SPPS, have been taken into consideration in the formulation of the detailed development management policies, which are contained within the DPS. In my view the Plan is clear that exploitation of natural resources is an important source of economic benefits.
- 7.43 A Department for the Economy representation pointed out that mineral extraction, by its very nature, will have some adverse impact and it was suggested that the reference to adverse impact in Policy paragraph SP 9.1 should be qualified as 'significant' adverse impact. In recognition of this, the Council suggested a minor change in order to clarify that the assessment of impacts associated with proposals to develop natural resources requires consideration of whether these are considered acceptable or not having regard to the overall degree of impact arising and any mitigation measures proposed. The Council's modification would involve insertion of the word 'unacceptable' before 'adverse impact' in Policy paragraph SP 9.1. Paragraph 6.224 of the SPPS uses the term 'unacceptable adverse impact'. The term also appears in several policies in the DPS. Insertion of the word 'unacceptable' renders the policy more flexible and less onerous than that drafted in the DPS, which refers only to adverse impact. In the interests of consistency, coherence and flexibility I recommend the modification proffered by the Council (**RA75**). Given the use of the suggested wording throughout the DPS, I accept that the amendment merely mirrors the approach set out in the DPS and regional policy and does not introduce a new policy concept.
- 7.44 Policy paragraph SP 9.2, under the heading 'Minerals' sets out a presumption against minerals development that would affect Strategic Landscape Policy Areas, the Coastal Policy Area, Registered Historic Parks, Gardens and Demesnes, and Sites of Nature Conservation Importance, unless it can be

demonstrated, that there is a regional need for the proposed mineral that outweighs the importance of the site. This is a sound approach in line with paragraph 6.224 of the SPPS.

- 7.45 Various representations suggested that the DPS should provide information on what constitute 'appropriate locations' for renewable energy technologies. To my mind it would be very difficult to identify a suitably exhaustive list of such as part of the LDP preparation exercise. Compliance with Plan policies will determine if a location is suitable, as part of the DM process, and I do not consider that failure to pro-actively identify suitable areas raises any issue of soundness in the Plan Strategy as drafted.
- 7.46 A suggestion was made that policy SP9 should presume against new or extended planning permission for peat extraction and that Policy paragraph SP 9.2 should be modified accordingly. The Council pointed to policy DM 39, which deals with development impacting on active peatland, and to Policy paragraph SP 9.2(c), which contains a presumption against minerals development on sites of local nature conservation importance (that will be identified at the LPP stage, and which will include consideration of all the Borough's peatland sites). Restoration of peatland sites can be dealt with through planning conditions of Section 76 agreements at DM stage. With regard to peatland outside an environmental designation, proposals for minerals development on any areas not identified at LPP stage will stand to be assessed on their individual merits. I do not consider that an issue of soundness arises in respect of the Plan's approach to peatland.
- 7.47 Policy paragraph SP 9.3 of the Plan advises that a Mineral Reserve Policy Area (MRPA) has been identified for the lignite reserve to the south west of Crumlin, and that the precise boundary of this will be brought forward in the LPP, together with the details of any other local mineral reserves that merit protection. Whilst the current government position on the need to reduce use of fossil fuels and the DfE position on the granting of Mineral Prospecting Licences for lignite exploration (see appendix 4 of evidence paper 12) may imply that these reserves will not be utilised, I accept that they should be preserved and protected from surface development as it is not possible to predict what may occur in future, e.g. with carbon capture technology. This is in line with policy MIN5 of the PSRNI. The matter is dealt with in EP 12 and whilst DfE accepts that the reserves will not be developed during the life of the Plan, it would be inappropriate for the DPS to allow them to be sterilised. I consider the Plan's approach to be sound and consistent with regional policy. Should the reserves be deemed unworthy of protection at some future stage, the matter could be dealt with by a Plan review.
- 7.48 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 interest of consistency **(RA76)**.

Minerals Development

- 7.49 Policy DM 43 deals with the assessment of proposals for minerals development. As stated in Section 250 of the 2011 Act, 'minerals' includes "... all minerals and substances in or under land of a kind ordinarily worked for removal by underground or surface working, except that it does not include turf cut for purposes other than sale". The SPPS indicates that the policy approach for minerals development must be to balance the need for mineral resources against the need to protect and conserve the environment.
- 7.50 A suggestion was made that the Plan should include a planning policy to support the sympathetic redevelopment of redundant quarry sites and land fill development for mixed use development. I agree with the Council that the assessment of proposals for the development of such sites is a matter for consideration under the normal DM process taking account of the policy provisions of the DPS, relevant guidance and other material considerations. The DPS clearly seeks to encourage biodiversity and this is clear from, inter alia, paragraph 12.14 of the DPS and policy DM 39. The Plan's policy on minerals partially derives from paragraph 6.161 of the SPPS, which itself refers to "... the needs of the local community and potential for nature conservation on the site". In my view the Plan's approach to restoration and aftercare of minerals development sites is soundly based. I do not discern any issues in respect of consistency, coherence or effectiveness in Policy paragraph policy DM 43. Site-specific references to restoration are matters for the LPP stage.
- 7.51 The Council considered it reasonable to highlight that particular attention will be paid to the issue of cumulative impact of mineral extraction sites where proposals are proximate to centres of population, given that more of the population is likely to be affected by the impacts of such schemes. I note that SPPS paragraph 6.198 advocates that the cumulative impacts of development on the natural heritage should be taken into account. Cumulative impact is also referred to elsewhere in the SPPS. The Council stated that, from its DM experience, it was often found that cumulative impacts of minerals development required to be considered as several small schemes could have a significant environmental impact when considered together. In addition, the concept of cumulative impact is well established in the field of Environmental Impact Assessment (EIA). I detect no issue of soundness in the inclusion in the PS of Policy paragraph DM 43.6, criterion (f), which represents a 'tailoring' of regional policy to reflect the Borough's circumstances.

Mineral Reserve Policy Areas

- 7.52 One representor considered Policy DM 44 to be unsound as it seeks only to safeguard mineral reserves rather than reserves *and* mineral processing sites.

As the Council has pointed out, Policy DM 44 is intended solely to address Mineral Reserves Policy Areas. Policy DM 3 introduces a presumption against development near to an existing economic development use, that would be incompatible with, or prejudice its future use. For this reason, the policy does not need to refer to processing sites. I consider that Policy DM 44 is sound, as written.

- 7.53 With regard to an argument that Policy DM 44 would stifle potential farm diversification and tourism projects, I refer to my earlier comments on the matter. Policy paragraph DM 44.1 does not entirely preclude development, and lists 2 instances where development would be deemed acceptable. Other proposals could be considered on their individual merits as part of the normal DM process, and it may be possible that other forms of development could have no prejudicial impact on the future exploitation of the mineral. I consider the approach in the plan to be sound.
- 7.54 DfI questioned how Policy paragraph DM 44.2 will be applied prior to the LPP stage of the LDP process, in the absence of a defined boundary for the MRPA. This general matter is already addressed earlier in this report. In addition, I note that the Antrim Area Plan 1984-2001 contains a map depicting the Lignite Policy Area. This is in addition to figure 13 of the DPS. Appendix 2 and 4 of EP 12 contain correspondence from DfE GSNi which identifies that, other than the Lignite Reserve Policy Area, there are currently no other mineral reserve considerations within the Borough.

Renewable Energy Development

- 7.55 A representor pointed to the Plan's failure to recognise that wind turbines need to be placed where there is access to the best wind resource in order to be viable. It was suggested that policy should take account of the pace of technological development in the wind energy sector and that larger, more efficient turbines may negate the need for high numbers of turbines in any particular area. The Council stated that it has recognised the need to balance benefits associated with wind energy development against potential adverse effects, and in bringing forward the Spatial Framework for wind energy it highlights that particular consideration and protection should be provided to certain areas. Whilst some areas are identified where wind turbines will not be acceptable, other areas (Group 2 – see p 273 of the DPS) are identified where there is no prohibition on wind energy proposals, provided that environmental impacts are acceptable. The policy has taken account of the SPPS and SPG and clearly advocates the weighing of proposals against the potential for environmental impacts. The identification of particularly 'sensitive' landscapes in the Plan's Spatial Framework for wind energy is sound and based on a Landscape Character Assessment undertaken for the Borough in 2018, which identified landscapes that are sensitive to the impact of development, such as

wind turbines and major lines from power stations. It has also taken account of regional policy.

- 7.56 A concern was raised that the use of the term 'avoid or address any unacceptable adverse impacts' could weaken other policy protections in the DPS and that it articulates a weakening of the position set out in SPPS 6.224; the term 'or address' should be removed from Policy paragraph DM 45.1. As the policy is worded, it advises that renewable energy development should be compatible with safeguarding and enhancing natural heritage and the historic environment as well as protecting against adverse impact on other relevant matters, including those listed at criteria (a) to (h). As the Council states, all policies within the LDP should be read together, and given this, protection is afforded to the historic environment through section 10 of the DPS. I do not detect a soundness issue in policy DM 45. The word 'address' is clearly relevant in circumstances where adverse impacts occur, but can be made acceptable through mitigation measures and I consider that the word should be retained in the policy in the interests of flexibility (soundness test CE 4 applies). I note that paragraph 6.231 of the SPPS refers to unavoidable damage and mitigation of same and that paragraph 6.219 refers to impacts being 'adequately addressed'.
- 7.57 A representation referred to the potential adverse impacts on wildlife of river-based hydroelectric schemes. I note that the Plan refers to ecological impact at DM 45.1(e). The Spatial Framework for Wind Energy Development at DM 45.5 indicates that wind turbines will not be acceptable within Strategic Landscape Policy Areas (SLPAs). As previously indicated the proposed SLPAs in the DPS recognise the most sensitive landscapes of the Borough and include those areas previously proposed as Areas of High Scenic Value (AHSV) in draft BMAP. I note that Policy paragraph DM 45.6 of the DPS takes account of paragraph 6.227 of the SPPS but the Plan policy applies only to turbines with a hub height of over 25m. The Council pointed out that the policy set out in the SPPS requires a 500 m separation distance for wind *farm* development, whereas Policy DM 45.6 seeks to apply this to all wind turbine developments, including individual proposals, where these are above 25 m hub height. This clarifies the impact of DM 45.6. I note that Policy paragraph DM 40.2 of the DPS requires visual impact assessment and analysis for development including any structure in excess of 15m in height. Any shortcomings in the use of the regional PPS 18 Best Practice Guidance, which retains noise standard ETSU-R-97, is a matter outwith the LDP process.
- 7.58 Concern was raised that the Plan places an embargo on wind development on active peatland, whereas the SPPS, at paragraph 6.224, refers to *all* renewable energy development. The Council felt that this was not an unsound approach, given that the impact of development on identified features of natural heritage, including active peatland, is covered by the introductory text of Policy DM 45.1 (which applies to all renewables development) and the policies set out in the Natural Heritage section of the DPS, in particular Policy DM 37. I also note that Policy paragraph DM 39.1 refers to active peatland. I agree with the council's

analysis and do not consider that the Plan has failed to take account of the SPPS.

- 7.59 It was argued that paragraph 6.231 of the SPPS had not been taken into account in the drafting of the DPS. To my mind, reference to the term 'address' in Policy paragraph DM 45.1 is sufficient to trigger the need for submission of information in respect of mitigation of any unacceptable adverse impact. This deals with the issue raised in paragraph 6.231 of the SPPS. The matter does not raise an issue of soundness.
- 7.60 A representation pointed out that Policy paragraph DM 45.2 (e), which cites the test as 'significant effect', does not mirror SPPS paragraph 6.224, which states 'not result in an unacceptable adverse impact'. In the interests of consistency, I agree with the Council that a change is required to replace the term 'significant effects' with the words 'unacceptable adverse impacts' (MA009). I acknowledge that this is a minor change, which aligns criterion (e) with the first sentence of Policy paragraph DM 45.2. I recommend the suggested rewording (**RA77**). The use of the word 'resolve' in Policy paragraph DM 42.5(e), whilst it may not appear in the SPPS, makes sense in the context of the policy and does not raise a soundness issue.
- 7.61 The Plan was criticised as it does not contain detail on how repowering or decommissioning and restoration will be assessed. It was suggested that the provisions of PPS 18 paragraph 4.17 should be copied across. I note that paragraph 12.28 of the amplification to Policy DM 45 refers to the matter. A representor suggested wording: - 'Applications for the re-use, refurbishment, repair and repowering of existing renewable energy development in order to prolong the life span of developments such as wind farms and solar farms will have to be determined on their individual merit and in light of the then prevailing policy and other relevant factors including not resulting in unacceptable impacts on the environment or residential / visual amenity' This wording presupposes that applications for such re-use/refurbishment/repair/repowering will come forward, in which case the rigours of DM 45 and other relevant LDP policies will apply. Decommissioning is a matter that would require to be dealt with at an earlier stage, such as prior to planning permission being granted. In order to clarify matters, the Council suggested minor changes "... to address a textual error in the amplification text under para.12.28 which refers to both repowering and decommissioning in the same sentence". The change would involve the deletion of the word 'repowering' from paragraph 12.28 and insertion of a new sentence at end of same: - "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". I agree with the Council that the amendments suggested do not introduce a new policy concept. They are, in my opinion, necessary in the interests of coherence and I recommend they be included in the adopted Plan (**RA78 and RA79**). The amended text includes reference to the Habitats

Regulations, in recognition that repowering/decommission may take place after the lifetime of the plan.

- 7.62 A representor considered that a map depicting the geographical extent of each group in the Spatial Framework for wind energy would have been advantageous in the understanding of its application. As has already been stated in this report, the boundaries of Plan Strategy designations will be identified at the LPP stage. In addition, it was argued that 'Group 2' in Policy DM 45.5 as currently worded, represents a significant weakening of existing policy, and, as a minimum, internationally designated sites should be included in Group 1. The Council pointed out that International Sites of Nature Conservation Importance are included in 'Areas of Protection' and, whilst wind turbine proposals are not ruled out, all such proposals would nevertheless be required to meet with the provisions of Policy DM 37 including the undertaking of an appropriate assessment where relevant. Respect would also have to be paid to the Habitat Regulations. I note that there is no total prohibition of wind energy development in the SPPS or other regional policy. I consider that the Spatial Framework on page 273 of the DPS is soundly based.
- 7.63 DfI pointed to the absence of reference in DM 45.1(b) to 'human health', which is included in paragraph 6.224 of the SPPS. In addition, concern was raised that Policy DM 45.1(g) fails to include 'water quantity' which is also referred to in paragraph 6.224. The Council was of the opinion that Policy paragraph DM 45.2 of the PS deals with the concerns as it states that, "the proposal will be determined through assessment of the details of the development and the extent to which it avoids or mitigates any unacceptable adverse impact". The Council considers this to be a 'catch all', which would include both human health and water quantity. The list of considerations in DM 45.1 does not purport to be exhaustive and there is no need for the PS to slavishly adhere to the exact wording of the SPPS. I agree with the Council's analysis.
- 7.64 In response to a representation querying the status of SPG referred to in Policy paragraph DM 45.6, the Council pointed out that once the Plan Strategy is adopted, its policies will replace regional operational planning policies comprised of the existing suites of Planning Policy Statements and the remaining extant provisions of the Planning Strategy for Rural Northern Ireland. The Department is also retaining a range of supplementary planning guidance. The Council has indicated in policy wording that it will retain operational planning guidance where relevant and until such times as it brings forward its own supplementary planning guidance.
- 7.65 A query was raised in respect of the 1km buffer referred to in Group 2 of the Wind Energy Spatial Framework. I note that the evidence in support of the Spatial Framework for Wind Energy, set out in Policy paragraph DM 45.5 is provided in EP 13, which advises that "the use of natural resources as a source of renewable energy can cause adverse impacts if not developed and managed sustainably. These impacts can be on the amenity and wellbeing of people living and working in proximity to the development, as well as on the very

environment that is supplying the resource." In bringing forward the Spatial Framework it highlights that particular consideration and protection should be provided to certain areas, including proposals that would impact on the setting of a settlement. A 1km buffer for settlements is indicated as appropriate for this purpose. Importantly, the Spatial Framework does not rule out wind energy proposals in Group 2; rather it advises that proposals will generally only be appropriate in circumstances where any significant effects on the amenity and qualities of these areas can be substantially overcome by siting, design and other forms of mitigation.

- 7.66 One representor considered that Policy paragraph DM 45.7 is too restrictive and should be revised to take into account both the document 'Wind Energy - Development in NI's Landscapes' or other more up to date publication(s). I agree with the Council that, should further guidance on the landscape impact of wind energy development become available during the life of the Plan, this would be a material consideration to be taken account of by the Council through the normal DM process.

Environmental Resilience and Protection

Strategic Policy 10 - Environmental Resilience and Protection

- 7.67 Policy SP 10 deals with the issues of environmental resilience, flood risk, environmental protection, and management of waste. The policy draws on the content of, inter alia, the SPPS, PPS 15 and PPS 11.
- 7.68 A representation suggested a 'fabric-first' approach to energy efficiency in new development, requested more detail in the related Positive Planning Note, and for it to be included within policy wording. The Council pointed out that the assessment of proposals incorporating sustainable design solutions is a matter for consideration under the normal DM process. Whilst the Plan seeks to encourage the incorporation of sustainable design solutions in new developments, many of the suggestions made e.g. the need for greater energy efficiency and climate resilience, are matters that would apply across the region and should preferably come forward through amendments to the statutory building control regime. I agree with this analysis.
- 7.69 It was suggested by a representor that rivers and streams should be included in the list in the text at 13.9 Environmental Protection. The paragraph refers to potential for pollution and impacts on human health and safety. The paragraph applies to all parts of the Borough, including rivers and streams. I do not consider that failure to specifically mention these features causes a soundness issue to arise. Another representation considered that the Plan should contain policy to help reduce littering. I note that Strategic Objective 14 of the DPS refers to ensuring the responsible management of waste and supporting measures to increase recycling. EP 15: Waste, section 7 sets out the Council's approach to waste management in the Borough and informs the DPS with regards to Waste. I agree with the Council that the DPS takes an active and robust approach to Environmental and Climate issues in the Borough. Strategic Objective 12 of the DPS states that the Plan will 'Ensure the responsible use of land and natural resources and promote sustainable energy production to mitigate and adapt to climate change'. Policy SP 10 advises that the Council will scrutinise development proposals with the potential to create pollution to ensure there is no unacceptable impact on people or the environment; this would any public safety impacts arising from wind energy development.
- 7.70 A representor suggested a specific 'Rivers Policy' to be included in the forthcoming draft LPP. This is an issue that should be raised at the LPP stage of the LDP process.
- 7.71 NIEA raised a concern that no consideration appears to have been given to risks from potential groundwater flooding – the Plan seems to deal only with flooding from surface waters or Belfast Lough. The Council took the view that if

further information becomes available in relation to groundwater flooding this matter can be addressed through the normal Development Management process, including consultation with DfI Rivers. I note that Policy paragraph SP 10.2 refers to minimisation of "... all forms of flooding in the Borough". I do not discern a soundness issue in respect of the matter raised.

- 7.72 A representation considered that policy SP 10 fails to recognise the adoption of the 'precautionary' or 'polluter pays' principle and suggested that Policy paragraph SP 10.7 and policy DM 53 should be amended to refer to the matter. The Plan's approach to the precautionary principle is set out in Policy paragraph SP 1.3 and proposals would be considered under that policy in addition to Policies SP 10 and DM 53. I note that Policy paragraphs SP 10.1 and SP 10.5 refer to a 'precautionary approach' in terms of flood risk. The Council considered that the matter of the polluter pays principle does not require to be iterated in the LDP as "... this normally relates to the prosecution of pollution incidences and responsibility lies with DAERA under the Environmental Liability Regulations 2009". I do not consider that the absence of reference to the 'polluter pays' principle raises a soundness issue.
- 7.73 A representation suggested that the Plan should contain further detail on the importance of trees in relation to flood risk, air quality, urban heat islands, climate change and health. The Council acknowledged the importance of trees to such matters; however, it considered that the amount of detail suggested would be inappropriate for inclusion within the DPS. The Council was of the opinion that the matter would be more appropriately addressed through SPG supplementary planning guidance. As the DPS indicates, the Council will in due course bring forward supplementary planning guidance where appropriate, and this could include further information on the importance of trees in relation to flood risk and dealing with climate change. In conclusion, I find that policy SP 10 is sound, as drafted.

Control of Development in Flood Plains

- 7.74 Policy DM 46 sets out operational policy in respect of development on fluvial flood plains and at the coast. Policy paragraph DM 46.1 deals with control of development in flood plains and sets out those types of development that will be exceptions to a general presumption against development thereon. The policy clearly draws on the wording from the 'Flood Risk' section of the SPPS.
- 7.75 DfI (Rivers) considered that Policy DM 46 is broadly in alignment with to broadly align with PPS 15 (FLD 1-5) and the SPPS; however, it was suggested that a minor addition to the policy wording at Policy DM 46.2 would provide greater clarity. Requests that in respect of Policy DM 46.2 that the last line of policy be amended to read, "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". The Council accepted that the suggested additional wording should be appended to paragraph 13.21 in order to clarify the requirements of a FRA. This amendment does not introduce a new policy concept and the principle of the requirement for an FRA is already established in Policy DM 46. The clarification text serves to provide factual information in relation to the requirements of an FRA and I recommend it be included in the adopted Plan in the interests of consistency **(RA80)**. DfI Rivers took the view that the amendment deals with the concern raised.

Surface Water Drainage and Sustainable Drainage Systems (SuDS)

- 7.76 Policy DM 47 deals with surface water drainage from new development. A representation suggested that the policy should include requirements for:- slow drainage driveways in housing developments and other forms of sustainable development, other natural forms of storage of water such as reservoirs, ditches and dams to be retained, and, a preference for natural open and meandering ditches as opposed to concrete/plastic culverts and pipes. The Council considered that the suggested policy wording changes are unnecessary since the matters are dealt with through the existing wording of Policies DM 47 and SP 10.
- 7.77 In response to comments by NI Water, the Council suggested a minor change to Policy paragraph DM 47.5 to acknowledge that SuDs can incorporate hard engineered options as well as 'soft' engineered solutions. The amended paragraph would read: "...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." I agree with the Council that the suggested change does not introduce a new policy concept as the principle of SuDs is already established in Policy DM 47. I recommend adoption of the amendment in the interests of coherence and effectiveness, as it clarifies the requirements of the policy **(RA81)**. The addition of reference to oversize storm pipes at paragraph 13.30 is also recommended for the same reason **(RA82)**.

Reservoir Flood Risk

- 7.78 Policy DM 48 deals with flood risk from reservoirs. The Plan states that the aim of this policy is to minimise potential flood risk for developments in close proximity to controlled reservoirs. This aim has taken account of and is consistent with the provisions of the SPPS.

- 7.79 NI Water advised that the references to 12 controlled reservoirs in the Borough, at page 295 of the DPS requires to be amended to include the large service reservoir at Hyde Park Road, Newtownabbey. As the location and number of controlled reservoirs could change in the Plan period, rather than add to the list, the Council took the view that paragraph 13.35 should be deleted and subsequent paragraphs renumbered. The Council also suggested that the new paragraph 13.35 (previously 13.36) should be amended to read " Details of Controlled Reservoirs in the Borough are available on Reservoir Flood Maps produced by DfI (Rivers) and are available to view on its website. These provide...". I agree that the suggested changes do not introduce a new policy concept, since the policy for controlled reservoirs remains unchanged. The amplification text can provide information on where to find the details of these reservoirs in the Borough. The amendments are logical and required in the interests of consistency and coherence and I recommend their inclusion in the adopted PS **(RA83)**.
- 7.80 A representation considered that the onus should be on the owner/operator of a controlled reservoir to ensure it is safe and duly maintained, rather than sterilising development down slope. For reservoirs without Condition Assurance it is unclear as to the extent to which the policy applies in or around such reservoirs. In cases where Condition Assurance has already been given, this should be material when considering applications from other applicants who are unable to provide assurance owing to having no control over the reservoir/dam. In response, and given that reservoirs are an acknowledged source of flood risk with the potential for rapid inundation downstream should the structure fail or be overtopped, the Council argued that, in line with the broad thrust of regional policy as set out in the SPPS, Policy DM 48 introduces a broad presumption against development within the flood plain of a controlled reservoir which is not accompanied by condition assurance. In my view this is a logical approach and I discern no consistency or coherence soundness issue. The policy forms part of the precautionary approach adopted by the Council to the consideration of flood risk from all potential sources of flooding. I also agree with the Council that it is not the role of the LDP to monitor or enforce the need for Condition Assurance of controlled reservoirs, rather this is a matter that rests with the Department for Infrastructure Rivers who are responsible for regulating these structures under the provisions of the Reservoirs Act (Northern Ireland) 2015.

Pollution

- 7.81 Policy DM 50 indicates that support for development proposals with the potential to cause significant pollution in terms of noise, air, water and light emissions will only be forthcoming where a detailed assessment demonstrates that the development will not have a significant adverse impact on local amenity or the environment and detail how any pollution arising will be appropriately

mitigated. It is implicit in the policy that DM 50 is 'triggered' when a proposal has the potential to cause pollution and I do not consider that it is necessary for the PS to list instances where this might occur.

- 7.82 DfI Strategic Planning suggested that the Plan should cross reference DM 50 to Policy DM 28 for the sake of clarity, and that DM 50 should have regard to the need for consistency with the wording of DM 28, which refers to unacceptable adverse impact on amenity; the Council should also give consideration of how LDP policy can have regard to any declared local Air Quality Management Areas. As already stated, all policies within the LDP require to be should be read together and I consider that cross referencing, except where justifiable, would only render the Plan more cumbersome. As the Council has pointed out, Policy paragraph DM 28.2 already includes a cross reference to Policy DM 50. Notwithstanding the above, the Council suggested a minor change for the purposes of clarification and consistency. The change would involve changing the term 'significant adverse impact' with 'unacceptable adverse impact'. Similar changes are recommended elsewhere in this report, in the interests of consistency and I recommend the amended wording be incorporated into the adopted PS (**RA84**). With regard to Air Quality Management Areas, the Council would advise that it undertakes consultation with its Environmental Health Section for development proposals within or close to any such designated areas and these are assessed as part of the normal DM process.
- 7.83 A representation considered that additional policy wording should be provided to include a requirement for a Water Quality Impact Assessment to accompany all planning applications; control should also be applied to commercial storage of chemicals and disposal of washings. The representor did not explain how the policy renders the Plan unsound. As the Council has stated, proposals would be considered on their individual merits through the DM process, taking account of the relevant policies in the Local Development Plan, including policy DM 50. The representor also argued that the Plan does little to address pollution including air, land and water (including litter) and questioned whether air pollution is monitored in the Borough. The submission raised the issue of pollution of rivers and streams due to poor sewage disposal, industrial discharges and agricultural impacts. It is the case that the Plan can be proactive only in controlling pollution from new development proposals, which will be considered under the DM process, taking policy DM 50 into account. The Council's EHO exists to deal with other pollution and legislation exists to control same. The wording of the DPS policy is clear and robustly worded and I do not consider that it raises a soundness issue. Air pollution is currently monitored by the Department of Agriculture, Environment and Rural Affairs (DAERA) - Air Information Resource. Water pollution management is also the responsibility of DAERA.

Contaminated Land

- 7.84 Policy DM 52 advises that support will only be forthcoming on contaminated land it is determined that where it can be demonstrated that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment, and, where necessary, effective remediation measures are agreed to ensure the site is made suitable for the development. Paragraphs 3.6 and 6.93 of the SPPS refer to the issue of land contamination.
- 7.85 NIEA (NED) took the view that Policy DM 52 only refers to risks to human health and that the scope of the policy should be 'widened'; the Plan should highlight the need for Remediation Strategies and associated Verification Reports as pre-requisites, to be agreed before a site is deemed suitable for use. It was pointed out that the policy only references 'ground' contamination and there is no mention of 'groundwater' contamination. Risks to environmental receptors should be reflected i.e. groundwater, rivers, lakes etc. and the engagement process should include Council EHO and DAERA/NIEA. The policy is entitled 'Contaminated Land' and would implicitly include groundwater. In my view the policy as drafted is logical. Policy paragraph DM 52.1(a) refers to "pollution of the environment", which would encompass human health considerations and impacts on flora, fauna and the fluvial environment. Requirement for a Remediation Strategy and associated Verification Report are matters for the DM process. The policy as drafted in the DPS is sound.

Waste Management and Disposal Facilities

- 7.86 The aim of Policy DM 53 is to support the development of sustainable waste management, recycling and disposal facilities in appropriate locations to ensure the reduction, reuse, and recycling of waste. The policy clearly emanates from the SPPS section on Waste Management commencing at page 111. The Policy refers to the Council's Waste Management Plan (WMP) as part of the ARC21 group of councils.
- 7.87 A representation argued that Policy paragraph DM 53.2 fails to deal with the everyday requirement to meet the World Health Organisation Guidelines on Air Quality which the Council should adopt before all other considerations; detailed monitoring of air quality in the Borough should also take place. The current situation begs the question that, in the absence of current air quality levels, how could a determination of adverse effect of any proposal be measured? Also, the term 'adverse effect' should be defined. I disagree with the representor that the first sentence of Policy paragraph DM 53.2 should state that no proposal will be approved based on social and economic grounds if it is detrimental to the subsequent criteria. The Plan should be read as a whole and the need for relevant assessments to allow proper consideration of development schemes,

including an air Quality Assessment, is set out in Policy paragraph SP 1.4. I agree with the Council that proposals for waste management or disposal facilities would be assessed on their individual merits against the relevant policies of the LDP taking account of other material considerations which must include the benefits associated with the scheme, be these of a social, economic or environmental nature. These will be weighed against potential harm. As the Council has indicated, consultation is undertaken with relevant expert bodies, including where necessary, the Council's EHO, which is statutorily required to monitor air quality in the Borough.

- 7.88 Concern was raised that Policy paragraph DM 53.1, where it states that proposed waste facilities need to demonstrate that there is a local need for the project, given that some existing and future facilities would potentially need to address regional waste management requirements. In addition, DM 53.7 states that all waste processing must be within a building unless it is 'necessary' for the works to be out in the open; currently, scrap yards and metal recycling facilities conduct most waste processing operations in the open and it is important that the policy does not restrict these types of operations. In my view, Policy DM 53 is not restricted solely to proposals where there is an established local need but also supports for proposals that would meet a need established through the Council's Waste Management Plan. This could be a regional facility. In relation to Policy DM 53.7, the policy does not preclude waste processing operations in the open where it can be demonstrated that this is necessary.
- 7.89 DfI (Strategic Planning) indicated support for DM 53 but that the Council should consider the need for consistency between paragraph DM 53.2, which refers to "... likely significant impact on character and amenity", and Policy DM 28 which refers to 'unacceptable adverse impact'. The Council suggested that the wording be changed to "... having a likely unacceptable adverse effect:". I recommend the amendment for reasons of consistency **(RA85)** (see MA008). It was also posited that paragraph DM 53.9 should refer to decommissioning. I do not consider that to be necessary as this would form part of any restoration measures. The wording of the DPS mirrors that of the SPPS.

Protection of Existing Waste Management Facilities

- 7.90 Policy DM 54 seeks to safeguard existing waste management (WM) facilities to ensure that they meet long-term waste management needs. It also presumes against new development that could compromise or unduly restrict activities at a WM facility. Given the difficulties often associated with WM (odours, litter, noise, inter alia) I consider it logical that the Plan seeks to protect existing facilities, both from loss of these as a necessary resource, and from adjacent or proximate new development that could prejudice the operation of the facility.

The DPS policy is logically worded and I cannot discern a soundness issue therein.

Chapter 8 – Monitoring and Review

- 8.1 As is mentioned many times in my report, monitoring and review of the LDP is part of the plan making process. Section 13 of the 2011 Planning Act requires that a Council carry out a review of its LDP and Part 6 of the Planning (Local Development Plan) Regulations NI 2015 requires the Council to submit an Annual Monitoring Report to DfI to indicate the extent to which the objectives set out in the LDP are being achieved.
- 8.2 As the DPS states, monitoring will be a critical element in assessing delivery of the LDP after adoption. Monitoring will assist the Council in determining whether changes need to be made to specific policies and proposals and the overall need for a review of any part of the Plan. The Council has, and indicates that it will continue to, engage with its 'partners' in other bodies and authorities to ensure elements of the Plan outside of its control are effectively reviewed, monitored and implemented.
- 8.3 The Planning (Local Development Plan) Regulations (NI) 2015 (as amended) require the Council to prepare an Annual Monitoring Report (AMR) following the adoption of its LDP, to be submitted each year to the DfI. As a minimum the AMR needs to address issues of housing land supply; the number of net additional housing units built; the supply of land for economic development purposes; and such other issues as appear to the Council to be relevant to the implementation of the LDP.
- 8.4 The DPS states that "the AMR will be prepared by applying a series of LDP indicators building upon those outlined in legislation. It is intended that key policy areas linked to delivery of the Plan's Strategic Objectives will be monitored to allow trends to be analysed. Where possible, use will also be made of existing information already being collated by the Council or other recognised sources. Not all of the policies within the Plan translate into measurable indicators, so not all policies have an associated indicator. The AMR will be flexible and will introduce new indicators to improve monitoring where new data and/or information becomes available. In addition to the AMR indicators, the Council will also be bringing forward indicators in relation to monitoring of the LDP's Sustainability Appraisal and wherever possible will seek to align these".
- 8.5 The Council intends to provide an Indicative Monitoring Framework. This will continue to develop as progress is made on the LDP and will be completed to accompany publication of the LPP stage of the LDP. The AMR would include of the information gathered in each financial year in respect of a number of Indicators. These are detailed on pages 313 to 318 of the DPS.
- 8.6 It was suggested that the Indicative Monitoring Framework should include housing approvals in the open countryside as an indicator, to ensure they do

not exceed 40%. The Council pointed out that the IMF refers to the Countryside in terms of monitoring of Policy SP 4. It was also suggested that the NIHE HNA should be included as an Indicator. The Council advised that the indicators provided for homes, the policies for which have taken account of the RDS and SPPS, will have regard to other information sources, such as the NIHE Housing Needs Assessment, in assessing the information derived from the indicators. This can also include information on the number of 'wheelchair' units provided. I note that SP 4 references an indicator for developments over 20 residential units that are classed as Lifetime Homes. No change to the Plan is warranted by the representation.

- 8.7 A submission was made that the Indicators in respect of sustainable development need to be carefully considered. As paragraph 14.10 of the DPS advises, given that the IMF is indicative it will continue to develop over time and it will be reviewed as the Council moves towards preparation of the LPP. In addition, the Council has stated that it will monitor the sustainability effects of the plan through its Sustainability Appraisal monitoring framework. No change to the Plan is necessary in this respect.
- 8.8 A number of representations called for uplifting of the relevant IMF factors to be to reflect changes in the numbers of jobs and homes that the Plan seeks to provide until 2030. As I have rejected these submissions, there is no need for amendments to the IMF. A representation queried how Nutts Corner SEL Employment Location delivery would be monitored to show if the intended job creation is being achieved. As the IMF refers to job creation, the matter does not need to be further addressed.
- 8.9 There was an argument that the IMF could be greatly enhance by giving each indicator a target or trigger (as a basis for measurement). It was also submitted that an additional indicator is required to measure natural heritage aspects. Should it become apparent that the IMF requires to be expanded, this can be addressed as the LDP process progresses. No soundness issue is raised as a result of the submission.
- 8.10 DfI Roads raised a concern that the Indicators in respect of Policy SP 3, refer to a number of strategic transport schemes/improvements delivered by DfI and are thus inappropriate, given that they are outwith the Council's control. I note that the LDP itself acknowledges in para 14.3 that the Council cannot deliver all the outcomes by itself. The Plan recognises that many key functions associated with infrastructure are within the purview of other statutory authorities and service providers. I see no reason why provision of road schemes should not be monitored by the Council. No soundness issue arises.

Chapter 9 – Other Matters

Typographical errors and changes

- 9.1 The Council's document entitled 'Schedule of Suggested Minor Changes of the DPS (Updated as part of Independent Examination)', published in June 2022, contains a list of identified typographical errors. I recommend that these be incorporated into the Adopted PS for reasons of consistency, coherence and effectiveness. This document is attached at Appendix 2.

Chapter 10 - Overall Conclusion

10.1 The concept of 'soundness' is relatively new in the context of the NI development planning system. I have written this report in what, I hope, is a format that is 'user friendly' for all readers. It follows the format of the DPS for the most part. I have not explicitly dealt with every single representation or counter representation but rather have concentrated on suggested changes and matters pertaining to soundness. Where I have judged the Plan content to be sound, I do not consider suggestions that might 'improve' it. I have examined all of the representations and valid counter representations to the DPS. In the introduction to this report, I concluded that the DPS complies with legal and procedural soundness tests. Having considered the plan policies in the preceding chapters, I judge that the Council's evidence base demonstrates that:

- The DPS has taken account of the RDS; the current Community Plan; any policy or advice contained in guidance issued by the Department; and other matters prescribed by the Department such as the applicable DPPNs and the most up to date available HGIs.
- The DPS has had regard to such other information and considerations as appeared to the Council to be relevant. In all, I am satisfied that Section 8 of the Act has been complied with; and
- Subject to the recommended amendments (RAs) identified in this report and as set out in Appendix 4, the DPS also satisfies the requirements of Section 10 (6) of the 2011 Planning Act.

10.2 Subject to my RAs, the DPS satisfies all the legislative requirements and the procedural, consistency and coherence and effectiveness tests of soundness set out in DPPN 6. On that basis, the DPS for Antrim and Newtownabbey Borough Council is sound.

Appendix 1

Development Plan Practice Note 6: Tests for Soundness

Procedural tests

P1 Has the DPD been prepared in accordance with the council's timetable and the Statement of

Community Involvement?

P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?

P3 Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?

P4 Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?

Consistency tests

C1 Did the council take account of the Regional Development Strategy?

C2 Did the council take account of its Community Plan?

C3 Did the council take account of policy and guidance issued by the Department?

C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Coherence and effectiveness tests

CE1 The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils

CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base

CE3 There are clear mechanisms for implementation and monitoring

CE4 It is reasonably flexible to enable it to deal with changing circumstances.

Appendix 2

Schedule of Suggested Minor Changes of the DPS

(Updated as part of Independent Examination)

June 2022

[Link to updated schedule](#)

Appendix 3

Schedule of Matters Arising from public hearing sessions of IE

- MA001 [ANBC suggested change to Policy SP 2.12 Heading](#)
- MA002 [Statement of Common Ground \(SoCG\) between Antrim & Newtownabbey Borough Council and Belfast City Council](#)
- MA003 [Potential minor change to policy DM 6.2](#)
- MA004.A [ANBC suggested change to paragraph 5.42](#)
- MA004.B [ANBC Corporate Recovery and Improvement Plan 2022-23](#)
- MA005.A [ANBC suggested a modification to the text for Policy DM 7.1](#)
- MA005.B [ANBC suggested a modification to the text for Policy DM 7.2](#)
- MA005.C [ANBC suggested a modification to the text for Policy DM 7.5](#)
- MA006 [Potential minor change to policy DM 14.3\(a\)](#)
- MA007 [ANBC suggested change to policy SP 6.4](#)
- MA008 [ANBC suggested change to policy DM 53.2](#)
- MA009 [ANBC suggested change to policy DM 45.2 \(e\)](#)
- MA010 [Guidelines for Landscape and Visual Assessments - 3rd Edition](#)
- MA011 [ANBC suggested new policy DM 38.4](#)
- MA012 [Supreme Court Judgement - Regina \(Morge\) v Hampshire County Council \[2011\] UKSC 2](#)
- MA013 [ANBC suggested change to policy DM 38.2](#)
- MA014 [ANBC suggested change to policy DM 40.6 \(b\)](#)
- MA015.A [Planning approval at Antrim Castle Estate - **Decision Notice** - Council reference LA03/2016/1141/F](#)
- MA015.B [Planning approval at Antrim Castle Estate - **Site location plan** - Council reference LA03/2016/1141/F](#)
- MA016 [Supreme Court Judgement - Tesco Stores Ltd v Dundee City Council \[2012\] UKSC 13](#)
- MA017.A [ANBC suggested change to policy DM 24.4\(b\)](#)
- MA017.B [ANBC suggested heading for policy DM 24.5](#)

- MA018 [ANBC suggested the insertion of a new paragraph \(4.11\) after paragraph 4.10 of the dPS.](#)
- MA019 [Local Government Boundaries Commissioner - Provisional Recommendations 2021-2022 Review](#)
- MA020 [Map of Greenisland with council boundaries.](#)
- MA021 [ANBC suggested the insertion of a new paragraph \(7.24\) after paragraph 7.23 of the dPS](#)
- MA022 [Belfast City Councils LDP document - Technical Supplement 2 Housing.](#)
- MA023 [Northern Ireland Housing Executive Strategic Housing Market Analysis: Belfast Metropolitan Area Report \(December 2020\).](#)
- MA024 [Department for Communities - Housing Supply Strategy 2022 - 2037 document \(December 2021\).](#)
- MA025.A [ANBC suggested the insertion of a new paragraph \(7.34\) after paragraph 7.33 of the dPS](#)
- MA025.B [Department for Communities - Housing Association Guide webpage.](#)
- MA026 [ANBC suggested change to DM17.1\(d\)](#)
- MA027 [ANBC suggested change for new paragraph 17.5 of the dPS](#)
- MA028 [Department for Communities & Northern Ireland Federation of Housing Associations - Mainstreaming Mixed-Tenure in Northern Ireland](#)
- MA029 [ANBC suggested change to DM 18.3 \(b\)](#)
- MA030 [PAC decision - 2018/A0163](#)
- MA031 [PAC decision - 2018/A0019](#)
- MA032 [ANBC suggested change to DM 18.10](#)
- MA033 [PAC decision - 2011/A0277](#)
- MA034 [ANBC suggested change to DM 20.2](#)

Appendix 4

Schedule of Recommended Amendments Antrim and Newtownabbey Plan Strategy

Recommended Amendment number	Draft policy, paragraph or section within the Draft Plan Strategy	DPS Page Number	Recommended amendment / new text
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..."
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, whilst not specifically referenced in this Section, have been taken into account in preparation of the Plan Strategy.
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>

			<p>2.22 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>2.23 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>
RA04	Strategic Objective 1	58	“• 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”.
RA05	Strategic Objective 3	58	“• 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”.
RA06	Strategic Objective 11	59	“• Promote biodiversity, and conserve the natural assets of our countryside, coast and loughs”.
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>

			(remaining paragraphs renumbered).																				
RA08	SP 1.4	63	“...to allow proper consideration of the impacts of the development (to include where relevant impacts on the marine area) and any mitigation measures proposed.”																				
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...”																				
RA10	SP 1.11	67	Replace term ‘brownfield land’ to ‘previously developed land’																				
RA11	Paragraph 4.2	68	“...the careful management of our historic environment and natural heritage, including the adjacent marine area. The Plan...”																				
RA12	Paragraph 4.7	70	Insert (villages and hamlets) after the term ‘smaller settlements’																				
RA13	Paragraph 4.11	71	MA0018 Additional paragraph: “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.”																				
RA14	SP 2.12	78-79	Table 4 amended to read: <table border="1"> <thead> <tr> <th>Tier</th><th>Title</th><th>Role and Function</th><th>Centres</th></tr> </thead> <tbody> <tr> <td>1</td><td>Large Town Centres</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>Town Centres</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>District Centres</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>Local Centres</td><td>Provides (or has the potential to provide) a range of shops and services to a surrounding community.</td><td> Urban Metropolitan Newtownabbey Abbot's Cross, Ballyduff, Beverley Road, Cammoney, Cloughfern, The Diamond (Rathcoole), Jennings Park, Kingspark/Kings Crescent, Mallusk, Mayfield, Merville Garden Village, Monkstown, Mossley West and Richmond. Antrim Greystone and Parkhall Rural Ballynure, Doagh, Parkgate, Templepatrick, and Toome </td></tr> </tbody> </table>	Tier	Title	Role and Function	Centres	1	Large Town Centres	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	Town Centres	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	District Centres	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	Local Centres	Provides (or has the potential to provide) a range of shops and services to a surrounding community.	Urban Metropolitan Newtownabbey Abbot's Cross, Ballyduff, Beverley Road, Cammoney, Cloughfern, The Diamond (Rathcoole), Jennings Park, Kingspark/Kings Crescent, Mallusk, Mayfield, Merville Garden Village, Monkstown, Mossley West and Richmond. Antrim Greystone and Parkhall Rural Ballynure, Doagh, Parkgate, Templepatrick, and Toome
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RA15	SP 2.12	78	See MA001 Change to heading: “Retail Centres and the Retail Hierarchy”																				

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.”
RA17	DM4	94	Inclusion of Forestry development in Policy DM4
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>
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>
RA20	DM 6	98	<p>Additional paragraph to be added after DM 6.4,</p> <p>“District and Local Centres</p> <p>DM 6.5 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</p>

			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.”
RA21	Paragraph 5.42	99	MA004A “The aim of this policy is to protect the role, viability and vitality of town centres from the adverse impacts ...”
RA22	DM 7.1 & 7.2	100	See MA005A “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: <input type="checkbox"/> Centre sites; <input type="checkbox"/> Edge of Centre sites; and Out of Centre locations that are, or can be made, accessible by walking, cycling and public transport.”
RA23	DM 7.2	100	See MA005B “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: (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; (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; (c) There will be no significant individual or cumulative adverse effect on the vitality and

			<p>viability of existing centres within the catchment;</p> <p>(d) The proposal will help to meet qualitative or quantitative deficiencies; and</p> <p>(e) The site can be easily accessed by a range of transport modes.”</p>
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>
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>
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;</p> <p>(e) The extent to which the proposal will promote a sustainable form of development and complement the Council’s Tourism Strategy; and</p> <p>(f) existing or planned public access to tourism assets, including landscape features and the coast, are safeguarded or enhanced.”</p>
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>
RA28	Paragraph 6.15	115	<p>“The LDP will be supported by a Local Transport Study (LTS) prepared by Dfl...”</p>
RA29	DM 10.1	118	<p>“...(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</p>

			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....”
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>
RA31	DM 11.3(b)	120	the prefix ‘sub’ to be deleted
RA32	11.4(b)	121	The Plan should refer to road safety
RA33	DM 12.1(b)	121	“... (b) Safe, convenient and attractive walking and cycle linkages to existing or programmed networks nearby;...”
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>
RA35	DM 14.2	126	Insert the word ‘unacceptable’ before ‘adverse impacts’
RA36	DM 14.3(a)	126	“...(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”
RA37	DM 14.4	127	<p>Amended paragraph 14.4, new paragraph 14.5 & 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>
RA38	DM 16.4	128	<p>New footnote inserted:</p> <p>“DM 14.6 Applications for telecommunications development by Code System Operators* or broadcasters will need to include:</p>

			<p>(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;</p> <p>(b) details of the consideration given to measures to mitigate the visual and environmental impact of the proposal; and</p> <p>(c) where the proposal relates to the development of a mobile telecommunications base station, a statement indicating the following:</p> <ul style="list-style-type: none"> • 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>* As defined under The Communications Act 2003."</p>
RA39	Paragraph 7.24	139	<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>
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>
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>

			alternative provision of affordable housing may be acceptable.”
RA42	Paragraph 7.34	145	See MA025A Additional paragraph and renumbering of successive paragraphs: “7.34 Details of the requirements of the Lifetime Homes standards can be obtained from the Department for Communities website at https://www.communities-ni.gov.uk/articles/housing-association-guide “
RA43	DM 18.3(b)	148	See MA029 “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.....”
RA44	DM 18.4	149	“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”
RA45	DM18.10	150	See MA032 “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.”
RA46	DM20.2	161	See MA034 “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”.
RA47	DM 22	164	the information contained in Annex A of the Addendum to PPS7 – Residential Extensions and Alterations should be replicated in the PS

RA48	Paragraph 8.18	175	"Examples of significant ... may include the provision of affordable housing where a demonstrable local need....."
RA49	DM 24.2	178	Relocate DM 24.2 under the heading 'Development in the Countryside'
RA50	DM 24.4(b)	178	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	DM 24.5	179	See MA017B DM 24.5 to sit under a new sub-heading entitled “Community Facilities within Residential Developments”
RA52	SP 6.2	184	“ ... unique Places of the Borough and assist in the promotion of biodiversity.”
RA53	SP 6.4	185	See MA007 “ ...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....”
RA54	Paragraph 9.20	192	“...integrate into their surroundings, assist the promotion of biodiversity and to protect the amenity...”
RA55	DM 27.5	194	“All proposals for development in the countryside will be expected to address biodiversity impact and be accompanied...”
RA56	DM27.6	194	New text “The Council will take account of the supplementary guidance document ‘Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside’ (DfI, 2012) in assessing the design of all development proposals for new buildings in the countryside.”
RA57	DM 29.2	198	“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".
RA58	DM 32.4	216	Change 'Statement of Justification' to 'Statement of Significance'.
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"
RA60	SP 8.2(b)	236	"....adverse impact of development, including consideration of potential cumulative effects."
RA61	SP 8.4	237	"...the overall landscape character, seascape character and specific..."
RA62	DM 38.2	245	See MA013 "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."
RA63	DM38.4	245	See MA011 Additional paragraph "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."
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..."
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 ..."
RA66	DM 39.2	247	"Where there is potential or evidence to suggest, that a habitat..."

RA67	Paragraph 11.35	250	"....as well as being important economic, recreational and cultural assets."
RA68	DM 40.2	251	".....assessment of landscape impacts a Landscape and Visual Impact Assessment proportionate to the development"
RA69	DM 40.5(b)	251	"Low intensity recreational uses or low intensity tourism proposals;"
RA70	DM 40.6(b)	252	See MA014 "Low intensity recreational uses or low intensity tourism proposals;"
RA71	DM 41.1(b)	253	"...the qualities of the coastal landscape (including seascape character) while still protecting..."
RA72	Paragraph 11.43	255	"...Coastal Policy Area should consider their impact on seascape character and how they can enhance the area....."
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 ..."
RA74	DM 42.1(a)	256	"...native species planting and that seek to incorporate tree-lined streets within new developments."
RA75	SP 9.1	262	"Development will be supported ... will not have an unacceptable adverse impact on the environment, amenity or public safety..."
RA76	Paragraph 12.11	264	MA018 Additional paragraph, "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."
RA77	DM 45.2(e)	272	See MA009 "...avoids or adequately resolves any unacceptable adverse impacts including on the..."
RA78	Paragraph 12.28	275	"...will be required to provide detail on decommissioning and site restoration..."
RA79	Paragraph 12.28	275	"...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”.
RA80	Paragraph 13.21	288	Additional text to paragraph 13.21 " 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."
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."
RA82	Paragraph 13.30	292	" Green roofs, permeable surfaces, oversized storm pipes, water storage..."
RA83	Paragraph 13.35	295	Delete paragraph 13.35 and renumber subsequent paragraphs. Amend paragraph 13.36 to: "Details of Controlled Reservoirs in the Borough are available on Reservoir Flood Maps produced by DfI (Rivers) and are available to view on its website. These provide..."
RA84	DM 50.1	298	"...the development will not have an unacceptable adverse impact on local amenity or the environment..."
RA85	DM53.2	302	See MA008 "...having a likely unacceptable adverse effect..."

Appendix 5

List of Documents Submitted for Examination by Council

<https://antrimandnewtownabbey.gov.uk/getmedia/81e26c4e-b2cf-467c-9de5-c837595ea2a0/Annex-A1-Submission-Inventory-of-Docs-to-Dfl-V-3-updated-27-05-21.pdf.aspx>