

Development Plan Team
Northern Ireland Environment Agency
Klondyke Building
Gasworks Business Park
Belfast
BT7 2JA

Local Development Plan Team
Civic Headquarters
Lagan Valley Island
Lisburn
BT27 4RL

12th March 2021

Re: Lisburn and Castlereagh City Council Local Development Plan 2032 Draft Plan Strategy Consultation on Focused Changes, including SA and HRA Addendums.

Dear Sir/Madam

DAERA welcome the opportunity to comment on the Lisburn and Castlereagh City Council Local Development Plan 2032 consultation on focused changes.

DAERA is of the opinion that the Plan is in general conformity with Regional Policy the Strategic Planning Policy Statement in respect of Natural Heritage policies.

DAERA is content with the incorporation of many of the 'text' changes recommended in our response from January 2020. However we refer the council to our previous comments and wish to add the following.

Natural Environment Division (NED) Comments

NED is aware that the Natural Heritage Policies will have to be considered as part of any development application, however it is felt that to state the requirement of the Natural Heritage Policies will ensure developers consider Natural Heritage at every stage and would have hoped a sentence as such could have been applied to the majority of policies. Such reminders throughout the Plan Strategy would ensure that the reader is directed to the relevant parts of the document and do not lose sight of the fact that the policies and topics are often interdependent.



DAERA is concerned with the addition of the wording 'where possible' in relation to Utilities Policy UT1 (b). This weakens the policy and creates ambiguity to the appliance of the Natural Heritage policies and indeed the rest of the plan policies. This is not consistent with SPPS in particular paragraphs 6.250, 6.239, 6.238, which aim to minimize environmental impacts. DAERA are of the opinion that this makes the policy unsound.

MC24A – the reference to preservation of soil quality should not solely be restricted to that good for agriculture purposes and we recommend this is given as an example rather than the only circumstance.

In relation to MC24B we advise that the council refer to 'having regard to all relevant legislation and assessments' and go on to say either in particular or including those listed. We advise that The Wildlife (NI) Order 1985 (as amended) is also be included. In addition, instead of HRA the text should read The Conservation (Natural Habitats etc.) Regulations (NI) 1995 (as amended) commonly referred to as the Habitat Regulations as this is the actual legislation with needs consideration and will determine the requirement for a HRA. The council may also wish to list the relevant assessments including for example EIA and HRA. We also are of the opinion that the Natural Heritage Policies (as per our previous response) are also included as considerations.

NED supports the amendments to Policies NH1 – NH6. However we note an error with regard to MC43 policy NH1 in that the final paragraph: *'As part of the consideration of exceptional circumstances, where a European or a listed or proposed Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:*

- a) it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary important to the environment; **and**,*
- b) agreed in advance with the European Commission'.*

The '**and**' should be replaced with '**or**' as per the legislation and PPS2.

It is also noted the absence of a policy for local level designations, such as Local Nature Reserves which can be designated by the council and Wildlife Refuges, which can be designated by the Department under the Wildlife (NI) Order 1985 (as amended). This would be an opportunity for the council to designate such sites and develop policy for the protection and conservation of such sites.

**NED Comments on Sustainability Appraisal and Habitat Regulations
Assessment Addendums**

NED is content with the addendums to the Sustainability Appraisal and Habitat Regulations Assessment.

Should you have any queries regarding to the content of our response please do not hesitate to contact us.

Yours faithfully



Michael Gillespie

P.p. Ms Donna Whelan
Senior Scientific Officer
NIEA, DAERA

