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10<sup>th</sup> January 2020

Dear Sir/Madam,

**Re: Sustainability Appraisal and Habitats Regulations Assessment for Lisburn and Castlereagh Borough Council Local Development Plan Draft Plan Strategy – DAERA Response**

DAERA Strategic Environmental Assessment (SEA) Team welcome the opportunity to comment on the Lisburn and Castlereagh City Council Local Development Plan 2032, Draft Plan Strategy Habitats Regulations Assessment and Sustainability Appraisal. DAERA has considered both documents and our opinion is set out below.

**Sustainability Appraisal**

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

**3.2.9 Strategic Policy SP08 Housing in Settlements**, the policy has scored a positive effect with regard to objective 12 biodiversity and natural resources. However DAERA notes that there is a lack of Wastewater Treatment Works (WwTW) capacity in a number of settlements within the council area and Water Framework Directive (WFD) objectives for waterbodies in the plan area are currently not being met. There is no mention within the Sustainability Appraisal how this will be dealt in relation to this policy. Any increase in housing without suitable WwTW infrastructure will have a negative effect on biodiversity and natural resources, DAERA is of the opinion that the policy may require a negative scoring against sustainability objective 12 and appropriate measures included to reduce negative effects.

**33.3.1 HOU1 New Residential Development**, similar to the above policy this policy has also scored a positive effect with regard to objective 12 biodiversity and natural resources. DAERA is of the opinion that the policy may require a



negative scoring against sustainability objective 12 and appropriate measures included to reduce negative effects due to lack of WwTW capacity within the council area.

**3.2.26 Strategic Policy SMU01 West Lisburn/Blaris**, this policy has scored a significant positive effect against sustainability objective 12 protect natural resources and enhance biodiversity. We welcome the inclusion of a linear riverside park and other open space and public realm works including green and blue infrastructure. However a development of this size and scale may have an adverse effect on the natural environment with the loss of undeveloped greenfield land and biodiversity unless measures are included within the Masterplan to retain natural features. Taking these points into account DAERA would be of the opinion that the policy may require a negative scoring against sustainability objective 12 protect natural resources and enhance biodiversity.

**3.2.27 Strategic Policy SMU02 Purdysburn/Knockbracken**, this policy has scored a positive effect against sustainability objective 12 protect natural resources and enhance biodiversity. The the size and scale of the development may lead to a loss of biodiversity unless measures are included within the Concept Masterplan to retain natural features on the site. The sustainability appraisal has noted that the plan will allow for wooded areas and parkland to be retained and biodiversity surveys and map resources will help to inform the Masterplan

DAERA are of the opinion that this strategic policy may require an uncertain scoring against sustainability objective 12 protect natural resources and enhance biodiversity until the Concept Masterplan has been finalised.

**Strategic Policy 13 Minerals**, this policy has scored positively against sustainability objective 12 Protect natural resources and enhance biodiversity. The sustainability appraisal acknowledges the risk to the natural environment from mineral extraction and notes a regional approach will respect the natural environment unless in exceptional circumstances. DAERA is concerned that the wording of the policy suggests any part of the natural environment including designated sites could be at risk from mineral development in 'exceptional circumstances' which conflicts with the Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 (known as the "Habitats Regulations"). We believe that the policy may require a negative scoring against sustainability objective 12 and appropriate measures included to reduce negative effects.

#### General Comments on Air Quality/Noise

Northern Ireland district councils prepare annual Review and Assessment Progress Reports on air quality; as such, the Environmental Health Department of the relevant district council will be able to give you details of the latest Assessment, and offer views on any potential impacts which the proposed development may have on local air quality.



For your information, please note that air quality information recorded on the Northern Ireland monitoring network is available on the Department's website: [www.airqualityni.co.uk](http://www.airqualityni.co.uk)

Please also note that up-to-date information regarding Northern Ireland air quality legislation and local air quality management policy guidance is available at this site.

For your information, some general principles on the assessment of noise are given below.

Noise sensitive receptors and the current ambient noise levels must be identified from a noise survey using Lmax, LA10, LAeq and LA90 measurements. Such assessment should be carried out for a normal working day and be repeated over a period of time. If applicable, traffic noise levels should be predicted using the procedure set out in Calculation of Road Traffic Noise (HMSO 1988). Any increase in noise during the construction phase must be considered using BS5228:Part 1: 2009 and any industrial noise considered using BS 4142: 2014 – Methods for rating and assessing industrial and commercial sound areas.

District Councils also have power to control the hours and methods of work pursuant to the Pollution Control and Local Government (Northern Ireland) Order 1978.

The Strategic planning Policy Statement for NI (available at <http://www.planningni.gov.uk/index/policy/spps.htm>), the Noise Policy Statement for Northern Ireland 2014 (available at <https://www.daera-ni.gov.uk/publications/noise-policy-statement-northern-ireland>) as well as the World Health Organisation Guidelines for Community Noise may also be referred to for general guidance.

Noise maps for Northern Ireland together with information on the Environmental Noise Directive are available on the Department's website: <https://www.daera-ni.gov.uk/services/noise-maps>

### **Draft Habitats Regulations Assessment (dHRA)**

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

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



DAERA notes on page 42 of the LDP 2032 that "strategic policies underpin the Spatial Strategy of the Plan and must be read together and in conjunction with other planning policy, including the RDS 2035, SPPS, and Operational Policy in Part 2 of this Plan Strategy".

Page 83 – The wording says 'Mitigate and adapt to climate change by minimising greenhouse gas emissions'. Minimising greenhouse gases is not 'adapting' to climate change.

#### Draft Habitats Regulations Assessment October 2019 Mitigation Measures

DAERA notes the Conclusions and protective measures identified and that "assuming the recommended mitigation measures are all accepted and the plan amended accordingly, it is possible to ascertain that the Plan Strategy will have no adverse effect on the integrity of any international sites".

**DAERA notes, under heading 'Mitigation Measures' of the Draft Habitats Regulations Assessment Report, pages 21 – 25, the recommended changes to 'Policy' and 'Justification & Amplification' and fully support the incorporation of these changes into the Plan prior to adoption to ensure that the Plan is compliant with the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).**

#### Lack of Capacity at Wastewater Treatment Works

The dHRA states on page 9 that it "is generally considered unlikely that proposals and policies ..... will result in effects on the aquatic and marine environment however these will be reviewed at LPP".

Neither Strategic Policy 08 Housing in Settlements (Part 1 LDP) nor Policies HOU1 – HOU12 identify nor explain how lack of capacity at Wastewater Treatment Works within the City Council area will be dealt with.

The identification of further development land/housing, within settlements with hydrological linkage to European sites should acknowledge the need for adequate wastewater treatment infrastructure and treatment capability. Given that such infrastructure in the Plan area is already under pressure in certain locations in the LDP area, any further development/housing before infrastructure has been put in place or upgraded will exacerbate the difficulties in achieving the WFD Objectives.

The Strategic Housing Allocation for settlements in Table 3, page 64 of the Local Development Plan 2032, creates a certain presumption that houses will be built within settlements where currently there may not be sufficient wastewater infrastructure capacity.



The zoning of land and the timing of the release of that land for development should be aligned with the availability of suitable waste water networks and treatment infrastructure to service the developments to ensure there is adequate protection for the water environment and water dependent European sites. Rather than defer detection of an issue to LPP stage, a general acknowledgement at strategy level of how insufficient WWTW capacity will be dealt with would ensure proofing the Plan Strategy from non-compliance with the Habitats Directive.

Notwithstanding an onus on government licensing authorities to ensure a standard of discharge, DAERA would strongly advise that Management of Housing Supply should clearly require 'phasing of housing' until WWTW infrastructure capacity is sufficient to meet projected discharge.

### **Sustainability Appraisal Scoping Report Comments**

It may be better to use the word 'adaptation' as opposed to 'adaption' in relation to 'Climate Change Adaptation'.

Page 87 - NI National Adaptation Programme (NAP) is an incorrect term and should not be used within the plan. The correct term is Northern Ireland's Climate Change Adaptation Programme. Remove any references to NI National Adaptation Programme.

Page 88: international context section contains information which is quite dated: there has been a more updated report issued by Intergovernmental Panel on Climate Change (IPCC) called "The Special Report on Global Warming of 1.5 °C (SR15)" was published by the IPCC on 8 October 2018. The content of this report is significant, and its recommended that it is referred to in the plan.

Page 89 of the plan point on 'new pests/diseases and non-natives' should read 'new pests/diseases and invasive non-natives'

Page 90 - Text within the document which refers to UKCP18 should be amended to reflect the following text which is more accurate: UKCP18 projects greater chance of hotter, drier summers and warmer, wetter winters with more extreme weather and rising sea levels. The high emission scenario for Northern Ireland shows that by: 2070 winters could be up to 3.9 °C warmer and summers could be up to 4.9°C hotter; 2070 winters could be 25 per cent wetter and summers 38 per cent drier; and 2100 sea levels in Belfast could rise by up to 94cms.

Page 87 and 90 – Footnote 3 should quote year of Programme being 2014-2019

Page 93 – Footnote 9 should be DAERA: Northern Ireland Climate Change Adaptation Programme 2014-2019



The tables within the plan's appendix 4 will be required to be reviewed and updated in light of the above- some of these amendments required are listed below- however they are not exclusive:

Page 162- table is required to be updated for row 'Climate Change Act 2008'- to reflect zero net emissions targets

Page 162 - row on the appropriateness of a Northern Ireland Climate Change Act – December 2015 should be deleted.

Page 163 - row on the Discussion Paper – Proposals for Taking Forward NI Climate Change Legislation - DOE on 1 December 2015 should be deleted.

Page 198 – 'A second NI Climate Change Adaptation Programme is currently being developed to address the identified risks and is due to be published in 2019' should be replaced by 'A second NI Climate Change Adaptation Programme (NICCAP2) was published in September 2019 and responds to the risks identified in this Risk Assessment.

Please contact the SEA Team at [seateam@daera-ni.gov.uk](mailto:seateam@daera-ni.gov.uk) should you have any queries or require clarification.

Yours sincerely

[REDACTED]  
NIEA, DAERA  
[REDACTED]



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

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



