



Planning Appeals  
Commission

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**Independent Examination Report of  
Lisburn & Castlereagh City Council's Local Development Plan  
2032: Plan Strategy**

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**Report by  
Commissioner J de-Courcey**

**Reference:** LDP2021/LC/PS

**Hearing session dates:** 28<sup>th</sup> March to 6<sup>th</sup> April & 16<sup>th</sup> May to 26<sup>th</sup> May 2022

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## **Main abbreviations used in the report**

<b>AMR</b>	Annual Monitoring Report
<b>AQMA</b>	Air Quality Management Area
<b>ATC</b>	Area of Townscape Character
<b>BCC</b>	Belfast City Council
<b>dBMAP</b>	Draft Belfast Metropolitan Area Plan 2015
<b>BMUA</b>	Belfast Metropolitan Urban Area
<b>CA</b>	Conservation Area
<b>CP</b>	Community Plan
<b>DAERA</b>	Department of Agriculture, Environment and Rural Affairs
<b>Dfi</b>	Department for Infrastructure
<b>dpa</b>	Dwellings per annum
<b>dph</b>	Dwellings per hectare
<b>DPD</b>	Development Plan Document
<b>DPPN</b>	Development Plan Practice Note
<b>dPS</b>	Draft Plan Strategy
<b>EqIA</b>	Equality Impact Assessment
<b>FC</b>	Focussed Change
<b>GBI</b>	Green & Blue Infrastructure
<b>ha</b>	Hectare
<b>HEF</b>	Housing Evaluation Framework
<b>HNA</b>	Housing Needs Assessment
<b>HGI</b>	Housing Growth Indicator
<b>HGS</b>	Housing Growth Study
<b>HRA</b>	Habitats Regulation Assessment
<b>IE</b>	Independent Examination
<b>J&amp;A</b>	Justification & Amplification
<b>KSR</b>	Key Site Requirements
<b>LB</b>	Listed building
<b>LCA</b>	Landscape Character Assessment
<b>LCCC</b>	Lisburn & Castlereagh City Council
<b>LDP</b>	Local Development Plan
<b>LPP</b>	Local Policies Plan

<b>MASWG</b>	Metropolitan Area Spatial Working Group
<b>MC</b>	Minor Change
<b>NI</b>	Northern Ireland
<b>NIEA</b>	Northern Ireland Environment Agency
<b>NIHE</b>	Northern Ireland Housing Executive
<b>PAC</b>	Planning Appeals Commission
<b>PCR</b>	Public Consultation Report
<b>POP</b>	Preferred Options Paper
<b>PPS</b>	Planning Policy Statement
<b>RA</b>	Recommended Amendment
<b>RCS</b>	Retail Capacity Study
<b>RDS</b>	Regional Development Strategy 2035: <i>“Building a Better Future”</i> .
<b>RNIA</b>	Rural Needs Impact Assessment
<b>SA</b>	Sustainability Appraisal
<b>SEA</b>	Strategic Environmental Assessment
<b>SHA</b>	Strategic Housing Allocation
<b>SPG</b>	Supplementary Planning Guidance
<b>SPPS</b>	Strategic Planning Policy Statement for Northern Ireland (SPPS): <i>“Planning for Sustainable Development”</i>
<b>SRSC</b>	Sprucefield Regional Shopping Centre
<b>TPMU</b>	Department for Infrastructure’s Transport Modelling & Planning Unit
<b>TS</b>	Technical Supplement
<b>UCS</b>	Urban Capacity Study
<b>WWTWs</b>	Wastewater Treatment Works

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3. List of Lisburn & Castlereagh City Council’s Local Development Plan Draft Plan Strategy documents available to view on LCCC’s website
4. Lisburn & Castlereagh City Council’s “*Consultations on Focussed Changes Addendum including Minor Changes Schedule*” January 2021 (SUBDOC-016)
5. Lisburn & Castlereagh City Council’s “*Typographical Errors*” (SUBDOC-032)
6. Commissioner’s Schedule of Recommended Amendments<sup>1</sup>

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<sup>1</sup> Document should be read alongside main report.

## 1.0 INTRODUCTION

- 1.1 In accordance with 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). For ease of reference these are included as Appendix 1 of this report.
- 1.2 Section 6 (2) of the Act states that the development plan documents are: (a) the plan strategy; and (b) the local policies plan. Accordingly, the LDP for the Lisburn & Castlereagh City Council (LCCC) area will comprise two individual documents namely the Plan Strategy (PS) and the Local Policies Plan (LLP). The PS is the first stage of the two stage LDP process. It provides the strategic policy framework for the plan area, across a range of topics. As the Act clearly defines the two-stage process, I have no jurisdiction to consider its merits or perceived short-comings.
- 1.3 This report considers: if the plan satisfies the legal requirements of Section 7 and 8 of the Act and any regulations under Section 22 thereof relating to the preparation of development plan document; and whether the plan is sound. Having assessed those matters, I make recommendations and give reasons for them in accordance with Section 10 (8) of the Act.
- 1.4 In accordance with Section 10 (2) of the Act, the starting point for the IE is the assumption that the local planning authority has submitted what it considers to be a sound plan. The plan was submitted to the Department for Infrastructure (DfI) for IE on 22 March 2021. On 6 July 2021, DfI appointed the Planning Appeals Commission (PAC) to cause an IE. The document that was submitted is the same document that was published for consultation in August 2018 but subject to proposed focused changes, minor changes and corrections of typographical errors. LCCC published these after the dPS.
- 1.5 During the public hearing sessions, clarification of the evidence base was provided by LCCC at my invitation. These “Matters Arising” were regularly updated in the Examination Library of the PAC’s website and a schedule thereof is included as Appendix 2. The evidence base comprises all the written submissions and documentation received throughout the entire IE process; it is not confined to the issues discussed during the public hearing sessions.
- 1.6 Where documents forming part of LCCC’s evidence base are referred to throughout this report, the cited reference numbers are those in its Submission Documents Library published on LCCC’s website under the heading “*Submission of documents to DfI*”. A copy of this list is included as Appendix 3 of this report.

- 1.7 All representations have been considered where they specify that the plan is unsound and how it should be amended to achieve soundness. Account has also been taken of issues discussed at the public hearing sessions. The focus of the IE and this report is on the soundness of the plan, not on individual representations or site-specific matters. Furthermore, it is not the purpose of the IE to make the plan better or more sound. Changes to the plan sought by representors are the subject of recommended amendments (RAS) only where I have concluded, based on evidence, that these are necessary for soundness.
- 1.8 Section 4 of Development Practice Note 10 *“Submitting Development Plan Documents for Independent Examination”* (DPPN 10) makes provision for changes to the dPS following receipt of representations as part of guidance on how a “development plan document” (DPD) progresses from the representation stage to submission to Department for Infrastructure (Dfi). In its Public Consultation Report (PCR) of December 2020 [SUBDOC-009], in response to representations, LCCC suggested changes to the dPS. These were published as a separate document *“Consultations on Focussed Changes Addendum including Minor Changes Schedule”* January 2021 (SUBDOC-016); in the format prescribed by DPPN 10. As required by paragraph 4.10 thereof, that Addendum together with Addenda to the following draft documents were published for public consultation: Sustainability Appraisal Report; Habitats Regulations Assessment Report; Equality Impact Assessment Screening Report; and Rural Needs Impact Assessment Report [SUBDOC-016(a) – (d) inclusive].
- 1.9 The consultation period ran from Thursday 14<sup>th</sup> January 2021 to Friday 12<sup>th</sup> March 2021. The relevant public notice is included in LCCC’s Submission Documents Library (SUBDOC-017). DPPN 10 says that minor changes do not require public consultation. However, LCCC published the schedule for information and to allow the reader to understand how it differentiated between a minor and focussed change. The public notice advised that *“A minor changes schedule is also provided for information and reference”*. Nevertheless, some representors commented on the proposed minor changes (MCs) in addition to suggested focussed changes (FCs). These comments have been considered in assessing whether the proposed *“minor changes”* are needed in the interests of soundness. As required by paragraph 4.10 of DPPN 10, LCCC published an index of comments received to the focussed changes consultation (SUBDOC-018) together with comments on focussed changes consultation (SUBDOC-019). As the consultation period ended on 12<sup>th</sup> March 2021 and the plan was submitted to Dfi for IE on 22 March 2021, this was done in the timely fashion advocated by paragraph 4.10 of DPPN 10.
- 1.10 Many of the proposed changes were raised at the public hearing sessions. Throughout of this report, those proposed changes are addressed on an topic-specific basis with separate assessment of their cumulative impact in chapter 12.
- 1.11 The statutory purpose of the IE is set out at paragraph 1.1 above. In carrying out the duty imposed by Section 10 (6) thereof, I am required to make recommendations and give reasons for them in accordance with Section 10 (8). To that end, where

reference is made in the text of this report to recommended amendments (RA), I am carrying out that statutory duty. **RA001 – RA141** are recommended amendments that I consider to be necessary to make the plan sound. The full details of those RAs are set out in Appendix 6, which should be read alongside this report.

- 1.12 As the proposed changes referred to as “Typographical Errors” are so minor, these were not raised in discussion as they are unlikely to cause prejudice to any interested party. Therefore, they are not considered individually within the body of the report. In SUBDOC-032, TY25 that relates to Policy HE9 Development affecting the Setting of a Listed Building describes the “Typo” as relating to the first sentence of the associated Justification and Amplification (J&A) text. However, it properly relates to the first sentence of the policy itself. On that basis, save for TY25, it is recommended that Typographical Errors TY1 – TY34 inclusive are incorporated within the plan as **RA001**. The first sentence of Policy HE9 should refer to “*Proposals which would adversely...*” and is the subject of **RA002**.

### **Assessment of Legal and Procedural Compliance and other issues**

- 1.13 LCCC provided a “*Self-Assessment of Soundness*” (SUBDOC-034) which included an assessment of compliance with the requirements of the Act and The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 as amended [the Regulations]. Although paragraph 1.1 of DPPN 6 says that the concept of testing soundness is based upon established practice in England and Wales, LCCC’s approach to doing so is not found wanting in that it did not ostensibly use guidance from those jurisdictions to satisfy itself that the dPS was ready for submission for IE.
- 1.14 The submitted dPS sets out: LCCC’s objectives in relation to the development and use of land in the district; and its strategic policies for the implementation of those objectives. Accordingly, it complies with Section 8 of the Act.
- 1.15 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) LCCC’s Statement of Community Involvement (SCI).

#### *Timetable*

- 1.16 Section 3.0 of LCCC’s “*Self-Assessment of Soundness*” (SUBDOC-034), supplemented by cited Appendices, sets out: the chronology for publication and update of its timetable; and how it has been complied with to date. It was approved by DfI and the PAC was consulted on each occasion when adjustments were made to the timetable. The latest version is dated December 2020 (SUBDOC-042). At the public hearing sessions, LCCC said it would review and update the timetable as required. However, as timescales are largely out of its control at this stage, that would most likely be done when DfI has considered this report and made a Direction as to how LCCC should proceed. To date, Regulations 5 and 7 of the Regulations have been met.



- 1.17 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.
- 1.18 The public notices associated with publication and update of the timetable are found in SUBDOC-043. LCCC gave notice of this by local advertisement, published the timetable on its web site and made it available for public inspection at its offices. The same measures were undertaken in respect of subsequent adjustments to the timetable. The availability of the timetable complies with Regulation 8.
- 1.19 LCCC has prepared and kept its timetable under review. This is a continuous process that extends beyond the dPS stage of the LDP. LCCC has met the legal requirements prescribed by Section 7 of the Act and associated Regulations in the preparation of the timetable. The requirements of Section 8 (4) (a) have also been met.

#### *Statement of Community Involvement*

- 1.20 There were three iterations of LCCC's Statement of Community Involvement (SCI) published in April 2016, December 2019 and January 2021 [SUBDOC-039]. The SCIs were prepared as required by Section 4 of the Act and observed the requirements of The Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015 and guidance in Development Plan Practice Note 2 "*Statement of Community Involvement (SCI)*". LCCC's "*Draft Plan Strategy Self-Assessment of Soundness*" (page 7) set out the reasons for the different versions of the SCI and details of when DfI agreed those documents. "*Compliance with the Statement of Community Involvement (SCI)*" [SUBDOC-041] reviewed how LCCC fulfilled the LDP requirements of the SCI regarding Stage 2 Preparation and Adoption of the Plan Strategy (pages 12-15 of the SCI) up to its submission to DfI for IE. The report details how consultation was carried out at the key stages of plan preparation having regard to the SCI Regulations and the Regulations. LCCC has complied with all the requirements of the SCI in the preparation of and consultation on its LDP and discharged the duty imposed on it by Section 8 (4) (b) of the Act.

#### *Preferred Options Paper*

- 1.21 LCCC engaged extensively with various statutory and non-statutory consultation bodies in preparation of its POP. Details are set out at page 13 and Appendices 17, 18 and 27 of its Self-Assessment. It took account of the representations arising from the pre-POP engagement. Accordingly, Regulation 9 of the Regulations has been satisfied.
- 1.22 LCCC's POP identified 30 Key Issues grouped under 6 Strategic Objectives accompanied by a suite of supporting documents that are listed on its website under the headings "*Preferred Options Paper (POP)*" and "*POP Position Papers*". Section 3 of LCCC's "*Preferred Options Paper Public Consultation Report*" (SUBDOC-049) details the scope of the POP consultation process. At pages 13 and 14 of SUBDOC-034, it

sets out how each requirement of Regulation 10 of the Regulations was complied with. This statutory duty is satisfied.

- 1.23 LCCC's PCR includes Appendix B: Statement on how POP Representations have been taken into account (pages 405 – 417 inclusive). Details of how it observed the obligations imposed by Regulations 11 (1), (2) and (3) are set out at pages 14 and 15 and Appendices 10 and 20 of its Self-Assessment. All were satisfied.
- 1.24 LCCC's SUBDOC-049 included comprehensive consideration of the 181 formal consultation responses associated with the POP and a further 5 concerning the draft Sustainability Appraisal (SA). It also took account of feed-back from POP "drop-in sessions". As set out at page 15 of its Self-Assessment, LCCC considered all representations made on the POP. Soundness test P2 requires that LCCC prepares a POP and takes account of representations made in respect of it. Some representors said that they consider the dPS to fail this test as associated policies run counter to their POP consultation response. However, the test requires that such submissions are taken into account and not that the dPS incorporates them. At pages 7 and 8 of its Self-Assessment, LCCC explained why it considers that soundness test P2 has been complied with; I agree with its reasoning and conclusion. Accordingly, the dPS evidence base demonstrates that LCCC has prepared its POP and taken account of any representations made in accordance with Regulation 11 (4) of the LDP Regulations.

#### *Form and Content of a development plan document*

- 1.25 The dPS accords with the stipulated form and content for a DPD. Accordingly, Regulation 12 of the Regulations is satisfied. Whether the "reasoned justification of the policies in it" satisfies the soundness tests for consistency, coherence and effectiveness is a separate issue to legislative compliance.

#### *Proposals Map*

- 1.26 Regulation 13 of the Regulations states that a DPD must contain a map or maps (known as "the proposals map"), describing the policies and proposals set out in the therein so far as practicable to illustrate such policies or proposals spatially. The proposals map is to be sufficiently detailed 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" (DPPN 7) says that the PS should contain maps which provide clarity on LCCC'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 the Department. The PS may also contain other maps, diagrams, illustrations or other descriptive matter that LCCC thinks appropriate.

- 1.27 In addition to the 13 maps contained within Part 1 of the dPS, page 12 thereof refers to a Map Viewer available on the LCCC website (SUBDOC-082) that combines 3 proposals maps namely: spatial strategy; settlement hierarchy; and environmental designations in an interactive format. Considered in their totality, the suite of maps and figures within the dPS fulfil the statutory requirement.
- 1.28 6 existing DPDs cover the current plan area. These are listed at page 24 of Part 1 of the DPS. Although passed their end date, where stated, they remain the DPDs as defined in the Schedule to the Regulations. Page 16 of Part 1 of the dPS identifies “*Transitional Arrangements*”. Therein LCCC identifies the draft Belfast Metropolitan Area Plan (November 2004) in its pre-inquiry form in conjunction with recommendations of the PAC Public Local Inquiry Reports and the post-inquiry draft (dBMAP 2015) as material considerations. It will be for LCCC to consider what weight should be given to the dBMAP 2015 designations in implementing the PS policies when adopted. As they are not part of this dPS they cannot be adopted as part of it. This will not afford interested parties the degree of clarity and certainty that the plan-led system aims to provide. However, with the two-stage plan process, one of the statutory plans being almost 30 years beyond its stated end date and no indication that dBMAP 2015 will be legally adopted, only adoption of the LPP will resolve this issue.
- 1.29 Notwithstanding the above, I am satisfied that the proposal maps included in the dPS are in accordance with Regulation 13 of the Regulations.

*Additional Matters to be taken into Account*

- 1.30 Regulation 14 (a) of the Regulations requires that the plan must take into account the objectives of preventing major accidents and limiting their consequences. LCCC addressed the requirement in its Self-Assessment paper at pages 15 and 16 and “*Clarification to DfI*” June 2021 (SUBDOC-083) at pages 4-6 inclusive. Regarding the single COMAH (Control of Major Accident Hazards) site in the plan area there is no need to include specific policy for it at this strategic stage of the LDP process to satisfy the legislative requirement. LCCC considered the requirements of Regulation 14 (b) at page 15 of its Self-Assessment paper and pages 4 and 5 of SUBDOC-083. Its provisions for these legislative considerations are satisfactory and the dPS is consistent with Regulation 14.
- 1.31 Regulation 15 makes provisions for the availability of a DPD. In its Self-Assessment paper, LCCC listed how it considered that it met each of the associated statutory requirements. Regulation 15 (a) refers to “*the places referred to in paragraph (b)*”. Section 37 (2) of the Interpretation Act (Northern Ireland) 1954 directs that in an enactment, words in the plural shall include the singular. In addition, Regulation 15 (b) (ii) confers discretion on LCCC where it refers to such places within the council district as it considers appropriate. Considering the size of the council area and the availability of other appropriate places during office hours, making the required documents available at only its principal office is sufficient. All were available on-line. There was no request for physical inspection of the documents set out in

Regulation 15 (a) (i) – (iii). The availability of the dPS complied with the requirements of Regulation 15.

- 1.32 At pages 16 and 17 of its Self-Assessment, LCCC set out how it complied with the requirements of Regulation 16 regarding public consultation on a DPD document. This is satisfied.
- 1.33 Regarding the availability of representations on a DPD, Regulation 17 (b), for the same reasons as considered in respect of Regulation 15, that the representations were only made available at the council’s principal offices does not weigh against it. This consideration together with the evidence at pages 17 and 18 of LCCC’s Self-Assessment is persuasive that it complied with Regulation 17.
- 1.34 The legislative obligations of Regulations 18 and 19 relating to the submission of and publicity for counter-representations are considered at page 18 of LCCC’s Self-Assessment. Regarding the availability of representations on site-specific policy representations, LCCC was not in breach of Regulation 19 (a) (ii), for the same reasons as considered in respect of Regulation 15, whereby the representations were only made available at its principal offices. The requirements of Regulations 18 and 19 were met.
- 1.35 Regulations 20 and 21 are concerned with the submission of documents for IE and their availability for inspection. Regulation 21 (b) (ii) raised the same issue as previously considered regarding the documents only being made available at LCCC’s principal offices. However, for the reasons already set out, that does not weigh against it. Based on this conclusion and coupled with LCCC’s evidence at pages 18 – 20 inclusive of its Self-Assessment, Regulations 20 and 21 were complied with.
- 1.36 Taking account of: commitments set out in the SCI; the Self-Assessment and SUBDOC-083; and legislative requirements, LCCC has facilitated public consultation in the preparation of the dPS as statutorily required.

*Sustainability Appraisal/Strategic Environmental Assessment*

- 1.37 Section 8 (6) of the Act requires that LCCC must: (a) carry out an appraisal of the sustainability of the plan strategy; and (b) prepare the report of the findings of the appraisal.
- 1.38 The LDP is informed by an iterative SA that runs in parallel to preparation of the POP, PS and LPP. The role of the SA is succinctly set out at section 1.1 of the dPS draft Sustainability Appraisal Report (SUBDOC-005), which was supplemented by SUBDOC-006 & 007. The Report built upon the SA that accompanied the POP (SUBDOC-047 & 048) and consideration of associated representations at section 7 of the POP Public Consultation Report (SUBDOC-049). Section 3.9.1 of the draft SA Report specifically identified how it influenced the dPS.

- 1.39 The role of Strategic Environmental Assessment (SEA) is set out at Section 1.3.1 of the SA Report. Its Appendix 1: Compliance Checklist for SEA is a record of how The Environment Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 as amended have been complied with.
- 1.40 At section 5 of its PCR, LCCC considered representations received in relation to the draft SA and those that commented on it within the main body of their representation. Where I required clarification over and above what LCCC included at pages 378-389 thereof, this was provided at the public hearing sessions of the IE when LCCC helpfully pointed to where its evidence base addressed my queries. In keeping with the iterative nature of SA, Matter Arising (MA001) proposed two corrections to SUBDOC-005; **RA003** and **RA004** are needed for clarity.
- 1.41 An addendum to the draft SA [SUBDOC-016(a)] was published for public consultation in January 2021 to accompany the “*Consultations on Focussed Changes Addendum including Minor Changes Schedule*” January 2021 (SUBDOC-016). LCCC concluded that, following consideration of the proposed changes to the dPS, that they can be screened out of requiring further SA incorporating SEA based on having no potential for significant negative impacts on the Sustainability Objectives. There were no representations to the contrary. I agree with it.
- 1.42 The requirements of Section 8 (6) of the Planning Act and Article 15 (a) (ii) of the Regulations have been satisfied. As LCCC undertook a SA and prepared a report on its findings, Regulation 6 (2) (b) of the Regulations has been complied with.

#### *Habitats Regulation Assessment*

- 1.43 The Habitats Regulations Assessment is required by the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended. The Regulations require assessment of possible adverse effects on the integrity of European sites (Special Areas of Conservation and Special Protection Areas) as a result of plans and policies in the LDP. An assessment was also carried out for Ramsar sites. A total of 15 International sites that have a theoretical connection to the plan area were identified and it was found that 13 might be affected by the implementation of policy in the dPS. The draft Habitats Regulations Assessment (dHRA) Report (SUBDOC-029) included an Appropriate Assessment (AA) of dPS policies on environmentally sensitive sites within and connected to the plan area, either alone or in combination with, other plans and projects. This comprehensive assessment concluded that, subject to mitigation, the dPS would not have any adverse effect on the integrity of the European Sites connected to the plan area either alone or in combination with other plans and projects. The mitigation measures largely required that identified policies be amended to say that they must meet the requirements of Policy NH1 European and Ramsar Sites - International.
- 1.44 In its Public Consultation Report (SUBDOC-009) LCCC addressed comments received on the dHRA within the main body of representations. Save for the issue of

amending selected policies to cross-reference it to Policy NH1, I agree with its assessment of and conclusions in respect of those comments.

- 1.45 An addendum to the draft HRA [SUBDOC-016(b)] was published for public consultation in January 2021 to accompany the “*Consultations on Focussed Changes Addendum including Minor Changes Schedule*” (SUBDOC-016). LCCC concluded that assuming that the mitigation measures, implemented through the proposed minor changes are all accepted, and the plan amended accordingly, then the dPS would have no adverse effect on the integrity of International sites. On that basis, the need for AA was screened out. There were no representations to the contrary. By virtue of the third paragraph of the Preamble to Part 2 of the dPS, operational policies must not be read in isolation from one another. On foot of that statement, the identified mitigation measures in the dHRA can be affected without the proposed associated minor changes that cross-reference to Policy NH1 in individual policies. This is not essential to ensure avoidance of a likely significant effect on international sites; the provisions of Policy NH1 will have to be complied with regardless.
- 1.46 The dHRA is an on-going process that will be updated and finalised following IE and published alongside the adopted PS. In the interim, the relevant legal requirements have been observed to date.

#### *Interim Conclusion on Legal and Procedural Compliance*

- 1.47 I am satisfied that:
- The dPS has been prepared in accordance with LCCC’s timetable and SCI. Therefore, Section 7 of the Act has been complied with and procedural soundness test P1 has been met;
  - LCCC has prepared its POP and taken into account any representations made; thereby procedural soundness test P2 has been satisfied;
  - The dPS has been subject to a SA and SEA in accordance with Section 8 (6) of the Act and procedural soundness test P3; and
  - LCCC has complied with the Regulations on the form and content of the DPD and procedure for its preparation; thereby procedural soundness test P4 has been complied with.

#### *Equality Impact Assessment*

- 1.48 A council is required to ensure that its DPD is prepared in accordance with Section 75 of the Northern Ireland Act 1998. That requires that all public bodies, in carrying out their functions, have due regard to: the need for equal opportunities between identified groups of people; and the desirability of promoting good relations between persons of different religious belief, political opinion or racial grouping. Consequently, an Equality Impact Assessment (EqIA) must be carried out to determine the potential impacts upon Section 75 groups because of the policies and proposals contained in the DPD.

- 1.49 Both the POP and dPS were subject to EqIA screening. Account was also taken of the Disability Discrimination (NI) Order 2006 that introduced new duties requiring all public authorities, in carrying out their functions, to have regard to the need to: promote positive attitudes towards disabled people; and encourage participation of disabled people in public life. On foot of that, no need for amendments or alternative policy were identified. LCCC's draft EqIA (SUBDOC-028) was issued for consultation purposes to accompany the dPS. No responses were received that specifically commented on the EqIA Screening Report.
- 1.50 An addendum to the draft EqIA Screening Report [SUBDOC-016(c)] was published in January 2021 to accompany the "*Consultations on Focussed Changes Addendum including Minor Changes Schedule*" January 2021. Following consideration of the proposed focussed changes, LCCC concluded that as the aims and objectives of the affected policies are unaltered, the outcomes are unchanged from those originally identified and considered in the initial EqIA Screening Report. The Addendum was published for public consultation for a period of 8 weeks. This course of action accords with guidance set out in paragraph 4.9 of DPPN 10. No associated implications for the EqIA were identified.

#### *Rural Needs Impact Assessment*

- 1.51 Section 1 (1) of the Rural Needs Act (Northern Ireland) 2016 requires that LCCC must have due regard to rural needs when developing or implementing policies. Section 6 thereof defines "*rural needs*" as the social and economic needs of persons in rural areas. LCCC observed this statutory duty in its Rural Needs Impact Assessment – Draft Plan Strategy document (SUBDOC-030). It was undertaken in accordance with the Department of Agriculture, Environment and Rural Affairs' Rural Needs Act (NI) guidance and template. There was no indication of any likely significant adverse impacts on rural needs because of the implementation of dPS policy or from any differential effects on people in rural and urban areas. When the Rural Needs Impact Assessment (RNIA) was made available for public consultation alongside the dPS no representations were received that specifically commented on it.
- 1.52 As with the EqIA, an addendum was issued for public comments following consideration of the proposed focussed changes {SUBDOC-016(d)}. No associated implications for the RNIA were identified.

#### **Approach to consideration of soundness**

- 1.53 Section 8 (5) of the Act sets out what a council must take account of in preparing its PS. These include: (a) the Regional Development Strategy (RDS); (aa) LCCC's current community plan (as amended by Section 77 of the Local Government Act (Northern Ireland) 2014); (b) any policy or advice contained in guidance issued by the Department; and (c) 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 it to be relevant. The phrase "*take account of*" is not defined in in the Act's Interpretation at Section 250 thereof.

Consistency tests C1, C2 and C3 of Development Plan Practice Note 6: “Soundness” (DPPN 6) mirror these legal requirements. Again, the phrase is not defined.

- 1.54 Section 6 (4) of the Planning Act directs that in making any determination under its provisions, regard is to be had to the LDP and that determination must be made in accordance with the plan unless material considerations indicate otherwise. This establishes the primacy of the LDP in the plan-led system as acknowledged by paragraph 5.11 of the SPPS. In accordance with Sections 6 (4) and 45 (1) of the Planning Act, extant regional policy will remain a material consideration in decision-making. Therefore, if an LDP is silent on a particular issue but regional policy addresses it, then the latter will have to be taken into account by the decision-maker albeit that the LDP has primacy. The plan-led system does not mean that the provisions of the SPPS are no longer a material consideration in decision-making.
- 1.55 Many representations considered that elements of the dPS were unsound as they did not replicate provisions and the exact wording of policy and guidance issued by the Department; or could be made “*more sound*” by so doing. Paragraph 5.23 of the SPPS says 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*”; this is not a requirement to reproduce them in their entirety. Paragraph 6.3 of DPPN 7 also affords councils discretion and flexibility. The final sentence thereof is particularly pertinent: “*Therefore, whilst a council must consider the following topic areas, it may only decide to include strategic policies and proposals to supplement (my emphasis) 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*”. This policy and guidance supports LCCC’s stance that its dPS should align with the core principles and aims of regional policy but, in responding to circumstances in the plan area, are not to be rigidly constrained by it.
- 1.56 In the absence of a legal or other definition for “*take account of*” and persuasive evidence to the contrary, I agree with LCCC’s position that the requirement does not mean that every provision of current regional planning policy must be included within the PS to comply with Sections 8 (5) (a) and (b) of the Planning Act.
- 1.57 At page 11 of Part 1 of the dPS is a section titled “*How to use the plan*”. This sets out what Parts 1 and 2 of the plan comprise, lists the (additional) supporting documents and refers the reader to LCCC’s website for access to all supporting documents. When read together, these represent the strategic policy framework for the area as a whole, across a range of topics. The dPS must be read holistically and the entirety of its provisions taken into account when considering whether development proposals are in accordance with it. This is clearly sign-posted at:
- Page 42 of Part 1 of the plan that contains the following statement: “*These 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*”; and



- The 3<sup>rd</sup> paragraph of Page 03 of Part 2 of the plan that reads: “*For the purposes of ensuring sustainable development these operational policies must not be read in isolation from one another. Proposals must comply with all other policy requirements contained in the operational policies, where relevant to the development*”.
- 1.58 As the dPS must be read in the round, there is no need to replicate elements of policies relating to one topic in identifying those for another. Such exhaustive cross-referencing and wholly unnecessary repetition of policy would make the dPS unwieldy, confusing and lacking in clarity. Therefore, I have considered the plan “in the round” and this has guided my assessment of whether individual policies within the dPS meet the soundness tests.
- 1.59 Section 8 (5) (b) of the Act requires that in preparing the PS, account must be taken of any policy or advice contained within guidance issued by the Department. Paragraph 5.4.13 of DPPN 6 acknowledges that a DPD, or its constituent parts, may have implications beyond its area and requires that regard be had to relevant plans, policies and strategies in adjoining areas. Paragraph 5.4 of Development Plan Practice Note 7: “*The Plan Strategy*” (DPPN 7) says that, amongst other things, the objectives of the PS should aim to identify interdependencies and relationships between places both within and across administrative boundaries. Therefore, soundness test C4 requires that the dPS has regard to other relevant plans, policies and strategies relating not only to LCCC’s district but also to any adjoining council’s district. That said, there is no statutory duty that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in individual LDPs. The procedural tests do not require that Councils’ policies dovetail and align with one another and/or with strategies, policy or plans of government departments or infrastructure providers.
- 1.60 LCCC published a “*Consultation and Engagement Strategy with Neighbouring Councils*” (SUBDOC-033). Section 3 gave particulars of the current approach to consultation and engagement with its five neighbouring councils (shown on Map 2 of Part 1 of the plan). This includes Working Groups, the Metropolitan Area Spatial Working Group (MASWG), Neighbouring Councils Spatial Working Group, Lough Neagh Forum and Minerals Working Group. The following section set out, in detail and on a topic basis, LCCC’s proposed approach to consultation including an Action Plan in Table 2: Areas of Mutual Interest at Appendix 8. How LCCC considers to have complied with soundness test C4 is also addressed at pages 30 & 31 and Appendices 17 and 29 of its Self-Assessment.
- 1.61 The constituent councils of MASWG are at different stages in their LDP programmes. Therefore, it would be unreasonable to expect that LCCC would have clear alignment with or agreement on all matters of a cross boundary strategic nature within the Metropolitan Area. However, the MASWG provides a forum for discussion of issues pertaining to relevant plans, policies and strategies in adjoining areas considering the legal duty imposed by Section 8 (5) (b) of the Act. At this stage no overarching issues

are apparent regarding compliance with soundness test C4. However, it remains to be considered when it comes to individual policies and strategies.

#### *Plan Period*

- 1.62 The Act does not set out a prescribed period that the plan should cover. The SPPS requires, at paragraph 5.7, that LDPs should set out a “*long-term spatial strategy*”. Amongst other things, paragraph 2.6 of Development Plan Practice Note 1: “*Introduction: Context for Local Development Plans*” (DPPN 1) says that the LDP should provide a 15-year plan framework to support the economic and social needs of a council’s district in line with regional strategies and policies, while providing for the delivery of sustainable development. There is no suggestion therein that the 15-year plan period commences upon adoption of the plan. With one qualification, paragraph 22 of the English National Policy Planning Framework says that strategic policies should look ahead over a minimum 15-year period from adoption to anticipate and respond to long-term requirements and opportunities. However, with no such equivalent policy in this jurisdiction, regardless of the perceived merits of the English approach, the dPS is consistent with NI policy and guidance.
- 1.63 Belfast City Council’s (BCC) LDP’s stated end date is 2035. Notwithstanding this, the Foreword to its dPS (published in August 2018) referred to a “*15-year planning framework*”. At that juncture, its revised LDP timetable of March 2018 indicated that the PS would be adopted in late 2019 thus equating to a plan period of at least 15 years post-adoption. BCC’s evidence base also extended to the year 2035.
- 1.64 The Local Government Act (Northern Ireland) 2014 does not prescribe a period that the community plan (CP) should cover. Thus, Belfast City Council was at liberty to have its Community Plan “*The Belfast Agenda*” cover the 18 years from 2017 – 2035 to tally with its PS. The Lisburn & Castlereagh Community Plan covers the period 2017 – 2032. Another function of the LDP, as identified by paragraph 2.6 of DPPN 1, is that it should deliver the spatial aspects of a council’s current CP. Paragraph 2.8 of DPPN 7 says that the PS and CP should work in tandem towards the same vision for a council area. Soundness test C2 of DPPN 6 requires that the Council take account of its CP. Considering those cited statements in DPPN 1 and 7 and in the absence of persuasive evidence to the contrary, it is difficult to reconcile how LCCC could be adjudged to have taken account of its CP in preparing its dPS if the two covered different time periods.
- 1.65 The CP aside, there was no impediment to LCCC opting for an end date of later than 2032 for its dPS. However, that is the period that its evidence base covers. Had it attempted to extrapolate that evidence base post-publication to cover the extended period sought by representors, such action would have given rise to fundamental concerns about how compliance with soundness test CE2 could be achieved as its robustness would be called into question. In addition, there could be implications for the supporting documents, notably the SA/SEA and the SCI. There would also be ramifications for further public consultation. For all the above reasons, whilst LCCC

could have opted for a longer plan period, recommending its extension at IE stage would raise fundamental concerns with legislative compliance and soundness.

- 1.66 At pages 62 - 63, 77, 84 - 85, 86 - 87 and 398 of PCR and paragraphs 2.48 – 2.57 of its “*Housing and Employment Topic Paper*” of January 2021 (SUBDOC-031) LCCC addressed additional associated matters raised by representors in respect of the plan period. I concur with its assessment and conclusions in respect of both issues that I have already considered and additional points addressed therein. The plan’s notional end date shall remain as 2032.

*Focussed and minor changes*

- 1.67 DPPN 10 provides for both focussed and minor changes to the plan and the purpose and scope of each are explained at paragraphs 4.5 – 4.7 inclusive thereof. LCCC published “*Consultations on Focussed Changes Addendum including Minor Changes Schedule*” January 2021 together with consequent addenda to the Draft SA, dHRA, EqIA and RNIA as required by paragraphs 4.9 and 4.10 of DPPN 10. The 15 proposed focussed changes are small in number by comparison to the number of policies in the dPS and do not go to the heart of the DPD, affecting only limited parts of it in accordance with paragraph 4.8 of DPPN 10.

- 1.67 LCCC’s steer was sought on how it considered that policies subject of proposed FCs should be dealt with at the public hearing sessions. Helpful reference was made to *Compton Parish Council & Ors v Guildford Borough Council & Anor [2019] EWHC 3242 (Admin)* – see MA002 & MA002A. Although the English statutory regime for the LDPs differs to that in this jurisdiction, as the proposed FCs have been published for consultation and the addenda to supporting documentation updated, notably the SA/SEA, they will be considered as part of the submitted dPS. This approach does not fetter the discretion afforded to the examiner by paragraph 4.11 of DPPN 10 whereby those proposed changes are without prejudice to their final recommendations following consideration of issues through the IE.

- 1.68 DPPN 10 is clear on how the examiner should deal with MCs and MCs for factual consideration (SUBDOC-032). Where clarification was needed on the former or, despite advice that MCs were published for information only, that representations were made on them, LCCC was asked for its response to those comments.

- 1.69 In respect of both FCs and MCs, each is addressed individually in this report. Where they are considered necessary for soundness, have been included in the Commissioner’s Schedule of Recommended Amendments (RAs) at Appendix 6.

*Supplementary Planning Guidance*

- 1.70 LCCC prepared supplementary planning guidance (SPG) to accompany the PS and support its operational policies at Part 2 thereof. This was provided in a separate document (Part 3) that it was available for public consultation and comment.

- 1.71 Appendix E – Monitoring Framework of Part 1 of the plan says that monitoring indicators may suggest the need for further guidance to be provided. Whilst it is realistic to expect that issues with interpretation may arise when the dPS policies are put into practice, the published SPG is comprehensive. In due course it will be accompanied by the Section 76 Framework document that is considered later in this report.

*Covid 19 pandemic*

- 1.72 The public hearing sessions of the IE into the dPS took place during the Covid-19 pandemic. The published IE agenda included questions about its potential implications housing growth, demand for employment and retail floor space.
- 1.73 The plan covers a 15-year period where changes in patterns of how people live, work and shop would be likely regardless of the pandemic. Section 21 of the Act requires that LCCC must make an annual monitoring report (AMR) to the Department. This must contain such information as is prescribed as to the extent to which the objectives set out in the LDP are being achieved. Furthermore, section 13 (1) of the Act requires that a council must carry out a review of its LDP at times as the Department may prescribe. Section 14 thereof enables LCCC to instigate revision of its PS. Accordingly, there are statutory provisions to require monitoring and review the plan. Implications of the Covid pandemic could either trigger or be included within any review of the plan. Any revised documents would be subject to the same scrutiny as if the PS were made in the first place in accordance with Section 14 (2) of the Act. Chapter 5 of the dPS specifically deals with monitoring and review.
- 1.74 Section 6 of LCCC's "*Housing and Employment Topic Paper*" (January 2021) addressed the impact of Covid-19 in relation to housing delivery and economic impact. This evidence is considered in chapters 5 and 6 of this report. The issue was also discussed with parties to the public hearing sessions concerned with Town Centres, Retailing and other uses (including The Retail Hierarchy) and Sprucefield Regional Shopping Centre. Save for Retail NI, all said that other than the sharp shock caused by lockdowns that it is too early to say if the pandemic's legacy will have lasting implications for retail trends. Retail NI gave a cogent and reasoned explanation for its position that "in-person" comparison retail is declining and why it is considered reasonable, rational and logical that the trend will continue especially in light of the cost-of-living crisis, hybrid working patterns and the popularity of "*shop local*" for both comparison and convenience goods. It drew on its members' experience of market change and said that unspecified, recognised publications in that field corroborated that feedback. The experience and foresight of Retail NI's members is evidence to which substantial weight is attached. However, at this point, no one can predict the pandemic's lasting implications on shopping habits especially coupled with current challenging economic conditions and the pressures on consumers' disposable income. On balance, there is insufficient persuasive evidence to prompt the conclusion that the plan's provisions for retailing are unsound in respect of those overarching considerations and need to be revised now.

- 1.75 The Covid 19 pandemic does not provide justification for changing the dPS or halting 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 – 5.39 inclusive of the SPPS and the suite of soundness tests concerned with coherence and effectiveness.

#### *Assessment of Soundness*

- 1.76 This report deals with the main issues raised by the representors in respect of the tests of soundness. It does not: respond to every point or issue raised by them; document the answer to every question raised with parties at the public hearing sessions; or refer to every policy in the dPS, only those that representors have said are unsound. The report generally reflects the layout of the dPS save for where:
- Consideration of each of the six Plan Objectives is found at the start and finish of associated chapters. For example, Objective D: An Attractive Place and its six associated actions is examined at the start and finish of chapter 8 that deals with the strategic and operational policies for firstly tourism and then open space, sport and outdoor recreation;
  - Some of the Strategic Policies have been considered on a topic basis together with their operational policy. For example, examination of Strategic Policy 19 Protecting and Enhancing Natural Heritage immediately precedes the six operational Natural Heritage policies;
  - Appendix E of Part 1 of the plan provides the proposed Monitoring Framework. Rather than address this in a separate chapter, where specific representations have been made, they have been considered in association with the topic that they relate to; and
  - Appendix 6 is a schedule of RAs to the plan and should be read alongside this report. The RAs are numbered sequentially, reflecting the order in which they arise in the report.

## 2.0 Policy and Spatial Context

- 2.1 LCCC proposed a focussed change (FC1A) to text under the “*Housing*” heading on page 28 of Part 1 of the dPS. Having considered associated representations, LCCC acknowledged that it was mistaken in its quantification of affordable housing need. **RA005** is necessary for coherence and effectiveness. **RA005** is not endorsing LCCC’s approach to affordable housing need nor the provision that has been made for it in the Strategic Housing Allocation; it is merely setting out what LCCC sees to be the context for further consideration of the issue. The entirety of this sub-section of the plan needs to be read in the context of chapter 5 of this report.
- 2.2 At page 15 of its Public Consultation Report (SUBDOC-009) [PCR] LCCC addressed a representation relating to the Living With Water Programme. I concur with its assessment and conclusion. No associated amendment is needed for the sake of soundness.
- 2.3 At page 16 of LCCC’s PCR it responded to a representation asserting that the plan is at odds with soundness tests C1 and C3. The representor did not specify how the document needed to be amended to be “*sufficiently supportive*” of cited RDS policy or “*properly enact*” specific SPPS policy. Taking account of LCCC’s response and conclusions that are reached in chapters 4 and 5 of this report, account has been taken of the RDS and regional policy and no issues about soundness arise regarding associated consistency tests.
- 2.4 Other than **RA005**, Chapter 2 of Part 1 of the plan is sound as written.

### 3.0 Vision and Plan Objectives

- 3.1 The LDP Vision on page 32 of Part 1 of the dPS reflects the three pillars of sustainable development identified in paragraph 3.3 of the SPPS.
- 3.2 Six Plan Objectives have been developed to deliver the vision for the LDP. They set out the aims of the LDP and what it seeks to achieve from 2017 – 2032. Each will be considered in the context of the strategic and operational policies that are designed to achieve the Plan Objectives and deliver the spatial aspects of the Community Plan.
- 3.3 LCCC proposed a “*minor change*” (MC1) to Plan Objective C on page 36 of Part 1 of the dPS. A new 4<sup>th</sup> aim is to be inserted and the succeeding aims renumbered accordingly. **RA006** is needed to reflect District and Local Centres’
- 3.4 place and status within The Retail Hierarchy at Figure 5, page 97 of Part 1 of the plan and to comply with soundness tests C3 and CE3.
- 3.5 Proposals would have to comply with the requirements of the Water Framework Directive irrespective of whether it is included within the Plan Objectives or strategic policy. No consequent amendment of the PS is required in respect of soundness.
- 3.6 Other than **RA006**, Chapter 3 of Part 1 of the plan is sound as written.

## 4.0 Strategic Policies and Spatial Strategy

- 4.1 Section 8 of the Planning Act says that a council must set out its objectives in relation to the development and use of land in its district and its strategic policies for their implementation. The strategic policies aim to reflect the longer-term aspirations for the plan area. They are overarching and cross-cutting, applicable to all development and relate to the topic-based, operational policies in the plan.
- 4.2 The strategic policies embody the LDP Vision and Plan Objectives and embrace core planning principles such as: sustainable development; improving health and well-being; community cohesion and good relations; positive placemaking; environmental resilience; connectivity; and blue and green infrastructure that flow from the regional planning framework provided by the RDS and SPPS.

### Strategic Policies 01 – 07 inclusive

- 4.3 At pages 34 – 36 inclusive of its PCR, LCCC addressed representations in respect of Strategic Policy 01 Sustainable Development. Save for the perceived need of proposed “*minor change*” MC7A to Strategic Policy 19 Protecting and Enhancing Natural Heritage, which is dealt with in chapter 9 of this report, I concur with LCCC’s assessment and conclusions. Accordingly, there is no need to amend the policy in the interests of soundness.
- 4.4 A representor said that they would like to see Strategic Policy 02 Improving Health and Well-Being (SP 02) amended whereby Health Impact Assessment (HIAs) are required for major development. Paragraphs 4.3 – 4.12 of the SPPS specifically deal with “*Improving Health and Well-Being*” in addition to that objective being a material consideration in various subject policies throughout. Its Diagram 1: The determinants of health and well-being in our neighbourhoods and the associated commentary identify the myriad of issues that can influence and determine health outcomes. At the public hearing sessions, LCCC painstakingly identified the various elements of its strategic and operational policy that comprehensively and persuasively address those determinants.
- 4.5 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 imperative to require HIAs. On the other hand, paragraph 5.23 thereof would enable LCCC to introduce such a stipulation provided it took account of the relevant tests for soundness; it chose not to. Nevertheless, its oral audit was persuasive that the associated provisions of the SPPS have been taken on board and that its dPS can assist in achieving the Community Plan [CP] Theme 3 and its associated Outcomes (SUBDOC-065). Therefore, SP 02 does not need to include HIAs to satisfy the tests for soundness.



- 4.6 The two Air Quality Management Areas (AQMAs) within the plan area include strategic Park & Ride/Park & Share sites at Dundonald Park and Sprucefield. The reasons for their designation are directly linked to traffic volumes. Policies in the dPS and the Local Transport Plan, being produced in parallel, that are concerned with achieving a modal shift, promoting active travel and the use of renewable technology will assist in addressing the issues affecting AQMAs and achieving the CP's vision for healthy communities set out at page 19 thereof.
- 4.7 Annex A: Managing Noise and Improving Air Quality of the SPPS sets out how the planning system can positively contribute to the improvement of air quality and in minimising its harmful impacts on health and well-being. LCCC provided a comprehensive oral overview of where associated facets of regional policy had been taken account of in the dPS in respect of those concerns. The use of associated Key Site Requirements (KSRs) at LPP stage when sites are zoned for specific development could assist in achieving those policy objectives including supplementing the role and aim of AQMA action plans.
- 4.8 The wording of SP 02 is consistent with the first sentence of paragraph 4.11 of the SPPS in requiring that noise and air quality be taken into account in managing development. In the context of the 2-stage plan process, the dPS satisfies soundness tests in respect of its provision for improving air quality and reducing or managing noise.
- 4.9 The CP refers to one of the challenges facing the well-being of the Lisburn and Castlereagh as small pockets of rural deprivation throughout the area that can go largely unnoticed. Deprivation was an issue taken into account in the economic overview of the plan area that informed the Employment Land Review within Technical Supplement 3 (paragraphs 3.24 & 3.25). That evidence set the issue in context whereby "*Lisburn & Castlereagh is characterised by relatively low levels of deprivation*". Nevertheless, LCCC identified dPS policies that are concerned with the promotion of strong and sustainable economic growth. Map 4 of Part 1 of the dPS shows the spatial strategy for the plan area and illustrates its relatively compact nature but with a spread of settlements that, in tandem with dPS policy, should provide access to jobs, schools, further education and local services. These measures will operate in tandem with LCCC's Community Services Unit that provides a range of support and development functions to assist local community/voluntary groups. LCCC's proactive measures in this respect satisfy associated soundness tests.
- 4.10 For the above reasons, when considered with LCCC's response to other associated concerns at pages 37 & 38 of its PCR, SP 02 is sound as written.
- 4.11 Outcome 7 of the draft Programme for Government Framework is that everyone feels safe. To this end, LCCC suggested a proposed "*minor change*" (MC2) whereby the J&A text to Strategic Policy 05 be amended so that its final paragraph refers to the requirement that new development considers deterring crime and promoting personal safety. This would be consistent with Theme 5f of LCCC's CP and its supporting outcome f. It would also provide linkage between this strategic policy

and criterion I) of Policy HOU4 Design in New Residential Development. **RA007** is needed to satisfy soundness tests C2, C4 and CE1.

- 4.12 LCCC responded to representations concerning: Strategic Policy 03 Creating and Enhancing Shared Space and Quality Places; Strategic Policy 04 Supporting Sustainable Economic Growth; Strategic Policy 05 Good Design and Positive Place-Making (SP 05); and Strategic Policy 06 Protecting and Enhancing the Environment at pages 39 – 46 inclusive of its PCR. LCCC’s consideration of representors’ associated concerns with these policies is robust and its conclusions persuasive. The policies relate to what paragraph 4.2 of the SPPS deems core planning principles of the two-tier planning system that are fundamental to achieving sustainable development. Subject to **RA007**, they take on board what is said in respect of each at paragraphs 4.13 – 4.40 inclusive of the SPPS. No soundness issues arise.
- 4.13 At the public hearing sessions, LCCC gave a full explanation of why its Section 76 Planning Agreements Framework was still at the preparatory stage and why it would be specific to the plan area and not, as indicated at footnote <sup>17</sup> on page 46 of Part 1 of the dPS, a collaborative framework to be developed in conjunction with other Council areas. On that basis, **RA008** is needed whereby footnote <sup>17</sup> is deleted.
- 4.14 Section 6 of Development Management Practice Note 21: “*Section 76 Planning Agreements*” (DMPN 21) does not prescribe when such associated guidance should be published. In line with the final sentence of paragraph 6.2 thereof, Strategic Policy 07 Section 76 Planning Agreements (SP 07) sets out broad principles, including the items for which contributions will be sought and the occasions when they will be sought; and there have been attendant opportunities for scrutiny and examination.
- 4.15 LCCC said that the draft Section 76 Planning Agreements/Developer Contributions Framework would be subject to public consultation and normal governance procedures including consideration by the Planning Committee and full Council. Thus, providing further opportunity for scrutiny. When adopted as Council policy, the Framework will provide supplementary planning guidance to the PS.
- 4.16 SP 07 does not need to be amended to refer to “*highway infrastructure*” given that criterion a) refers to “*improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*”. A change to the policy was also sought on the basis that it should refer to developers contributing to the on-going maintenance of that infrastructure. Paragraph 5.5 of DMPN 21 says that in some cases where no binding successor in title is required, an associated agreement under The Roads (NI) Order 1993 “*may be more appropriate, quicker and easier to agree*”. This is best considered on a case-by-case basis as only with the circumstances of a development in mind could LCCC be sure that: the Act is the best vehicle for delivering what DfI Roads is seeking to achieve; and inclusion of such an obligation within the legal agreement is not stepping beyond the bounds of what is permissible on foot of Section 76 of the Act

- 4.17 In its PCR at pages 47 – 51 inclusive, LCCC addressed representors’ additional concerns. I agree with its consideration and conclusions and, subject to **RA008**, find SP 07 sound as written.

### **Spatial Strategy**

- 4.18 The spatial strategy (SS) is set out at page 47 of Part 1 of the dPS. 8 of its 9 elements rely on strategic and operational policies within the dPS to achieve its aims. KSRs are a matter for the LPP stage of the overall LDP process. Subject to RAs as necessary, the associated strategic and operational policy is sound either for preceding reasons or those set out in succeeding chapters of this report. Therefore, the SS is sufficiently robust to achieve the key aim set out in the first paragraph on page 47.

### **Settlement Hierarchy**

- 4.19 The proposed Settlement Hierarchy (SH) reflects the outcome of the POP stage of the plan process in respect of this Key Issue 1 that was considered at pages 35 and 36 of SUBDOC-044. The associated Consultation Report (SUBDOC-049), pages 20-23 inclusive, explains why the chosen option (1A) was carried forward into the dPS. At the public hearing sessions LCCC explained the evidential relationship between the Settlement Appraisals in Technical Supplement 6: “*Countryside Assessment*” [TS 6] (SUBDOC-025) and Appendix D – Evaluation of Settlement Characteristics at Part 1 of the plan (pages 170 – 174 inclusive). Its exposition included references to account that had been taken of the RDS and supplemented responses to representors’ concerns about the SH in this strategic context that are included in LCCC’s PCR at various junctures on pages 55-90 inclusive. Reference was also made to the Rural Needs Impact Assessment (SUBDOC-030) that identified and considered the social and economic needs of people in rural areas. Whilst Appendix D helped inform the SH it is distilled from TS 6 and is not the totality of the supporting evidence.
- 4.20 LCCC’s proposed “*minor change*” MC3B entails amendment of Table 1 on page 49 of Part 1 of the plan not only to correct figures showing the proportion of the plan area’s population residing in each tier of the designated SH but to include a percentage in respect of the countryside. This factual change **RA009** is needed for the sake of coherence and effectiveness.
- 4.21 Moira is designated as a Small Town in dBMAP (Designation SETT 1) and is retained as such in the dPS having been specifically considered as part of the evidence base identified in paragraph 4.19 above.
- 4.22 Representors were concerned with Moira’s capacity to cope with additional traffic. DFI’s Transport Modelling & Planning Unit (TPMU) had no objection to Moira’s status within the proposed SH. It said that congestion within the town is due to the volume of through-traffic on the A3 and not just because of journeys originating in Moira. This is a feature of many towns in NI, not only attributable to the number of journeys but to the current dependence on private vehicles. Technical Supplement 8: Local Transport Plan Transport Study (SUBDOC-028) considers accessibility and the dPS

contains policies aimed at achieving modal shift. TPMU will work with LCCC in developing the Belfast Metropolitan Transport Plan 2035, identifying transport measures to promote sustainable travel and, where possible, alleviate associated issues in Moira including consideration of a by-pass. Meanwhile, Table 3 of the PS shows that over 70% of the SHA for the town would potentially come from committed sites, whose impact on the roads network have already been considered and deemed acceptable. LCCC advised that further accessibility analysis would be required at LPP stage in considering the associated impact of potential dwelling units on urban capacity sites together with windfall potential; possibly giving rise to associated KSRs to address roads/transport issues.

- 4.23 Building on the Settlement Appraisal in TS 6, Position Paper 14 Education, Health, Community & Cultural Facilities (SUBDOC-064) did not identify any attendant deficiencies that would suggest that Moira should not be retained as a town within the proposed SH. In all, there is no persuasive evidence that LCCC's consideration of the issue has been deficient and at odds with coherence and effectiveness tests for soundness.
- 4.24 The distinct issue of designation of a Town Centre for Moira is dealt with in Chapter 7 of this report.
- 4.25 Specific provision was not made for Dundonald in SETT I of dBMAP; it was part of the Belfast City (Contiguous Development Zone). That was defined as the continuous built-up area centred on Belfast and which extends in an arc from Jordanstown and includes Metropolitan Newtonabbey, Belfast City, Metropolitan Lisburn, Metropolitan Castlereagh and Metropolitan North Down. The dPS includes it within the Greater Urban Areas (GUA) tier of the SH, whose extent is shown on Map 4. This strategic issue was considered in the POP and appraised as part of the evidence base identified in paragraph 4.19 above.
- 4.26 Paragraph 5.7 of the SPPS says that LDPs should set out a long-term spatial strategy, provide robust operational policies that provide certainty and transparency for all users of the planning system and be evidence based. Paragraph 5.4 of Development Plan Practice Note 7: *"The Plan Strategy"* (DPPN 7) says at paragraph 5.4 that the objectives of the PS should aim to (*my emphasis*), amongst other things, provide a SH that identifies settlements and their role within the hierarchy in accordance with the RDS 2035 Spatial Framework Guidance and any policy or advice issued by the Department such as the SPPS and current CP.
- 4.27 The Regional Spatial Framework of the RDS 2035 includes Diagram No. 2.2 The Hierarchy of Settlements and Related Infrastructure Wheel. This is reproduced at page 67 of the dPS. Paragraphs 2.15 and 2.16 of the RDS explain the rationale for this approach. In the context of the RDS Infrastructure Wheel a representor identified the range and type of uses found in Dundonald and concluded that it merits designation as a Regional Town. In Appendix D of part 1 of the dPS, at page 171, LCCC acknowledged that: *"Dundonald has a good range of services including a hospital, ice bowl and cinema providing leisure and recreation opportunities"*.

However, Level 3 of the Infrastructure Wheel includes Clusters as well as Regional Towns. In defining the GUA as the second tier of the SH, LCCC has arguably adopted the clustering approach advocated by the RDS. As set out in the opening chapter of this report, soundness test C1 does not require that the dPS slavishly adhere to the provisions of the RDS.

- 4.28 The representor also set out the case for disaggregating Dundonald from the GUA, outlining the perceived material change in circumstances that underpinned the dBMAP approach and adding that a landscape wedge separates it from those parts of Belfast that are close to it so that it is a free-standing entity. Perceived accessibility issues were also raised. LCCC was not opposed to this suggestion in principle. Its stance was unsurprising given that the Appendix D went on to acknowledge that to the north-west and east/south-east of Dundonald are Urban/ Rural Landscape Wedges and to the north and south are Areas of High Scenic Value. Nevertheless, it considered that its evidence base was sufficiently robust to satisfy the soundness tests of coherence and effectiveness as they should be applied to the dPS in the context of the two-stage plan process. It added that the extent of site appraisal and field work needed to properly review maintenance of the *status quo* that the SH advocated in respect of Dundonald will not be available until the LPP stage of the binary plan process.
- 4.29 The provisions of paragraph 5.7 of the SPPS apply to the two-part LDP. Albeit that the spatial strategy and SH are not at odds with regional policy or the CP, paragraph 5.4 of DPPN 7 is aspirational and not mandatory. The issues of disaggregation and considering whether Dundonald should be designated as a town and moved down a tier of the SH is one the merits further consideration. However, at this juncture, the evidence base to date for the SH is realistic and appropriate considering the two-stage LDP process.
- 4.30 Dundonald's place in The Retail Hierarchy is a distinct issue that is considered Chapter 7 of this report.
- 4.31 Paragraph 4.32 of the SPPS says that key to successful place-making is identifying the assets of a particular place as well as developing a vision for its future potential. SP 05 provides strategic direction that LPP policies can build on in respect of specific settlements and sites. That the SH has not assessed the assets of specific settlements, areas of settlements and/or constituent parts of the GUA does not undermine it. If at the LPP stage that level of detail is considered necessary to give site/area-specific effect to the objectives of SP 05 then the adequacy of those provisions can be assessed at that stage of the overall LDP process.
- 4.32 LCCC's evidence base took account of paragraph 13.4 of DPPN 7 in establishing the SH. It considered associated representations at pages 176 – 183 inclusive of its PCR. It is not the examiner's role to consider the different approaches that could be taken to identifying a spatial strategy and designating a SH; the task is to apply the soundness tests to the option that LCCC chose to pursue. In that light I find its assessment of representations and conclusions thereon to be persuasive. LCCC's

evidence base demonstrates that the proposed approach satisfies soundness tests for consistency, coherence and effectiveness in the context of the two-stage LDP process. Therefore, subject to **RA009**, the SH is sound.

## 5.0 A Quality Place – Enabling Sustainable Communities and Delivery of New Homes

- 5.1 Plan Objective A: A Quality Place seeks to enable sustainable communities and delivery of new homes. Eight associated aims to be achieved over the plan period are set out at page 34 of Part 1 thereof. These are to be realised through associated strategic and operational policy. At Figure 2 on page 33 and page 54 of Part 1 of the dPS, LCCC has set out how its PS will contribute to specific themes and outcomes identified in its CP. Appendix C – Statutory Link with Community Plan of Part 1 of the plan illustrates the synergy between Community Plan Themes and Outcomes and Plan Objectives (pages 166 – 169 inclusive).

### Housing in Settlements

- 5.2 Chapter 2 of LCCC’s Technical Supplement 1: Housing Growth Study (HGS) [SUBDOC-020] identifies the policy context for consideration of housing in settlements. Section 13 of Development Plan Practice Note 7: “*The Plan Strategy*” (DPPN 7) sets out the key requirements for preparation of a PS in respect of this issue.
- 5.3 In addition to Technical Supplement 1 (TS 1), LCCC’s evidence base underpinning Strategic Policy 08 Housing in Settlements (SP 08) was informed by the sources identified in paragraph 6.139 of the SPPS including: Technical Supplement 2: Urban Capacity Study [TS 2] (SUBDOC-021); Settlement Appraisals found at Section 7.0 of Technical Supplement 6: Countryside Assessment (SUBDOC0025), which took account of the Housing Evaluation Framework (HEF) set out in Table 3.2 of the RDS; Housing and Employment Topic Paper (SUBDOC-031); and “*Clarification to DfI*” (SUBDOC-083). The Topic Paper addresses and updates responses LCCC made to representations on SP 08 at pages 55-90 inclusive.

### Housing Need

- 5.4 The HGS examined the robustness of the Housing Growth Indicator (HGI) for the plan area by testing 5 growth scenarios to consider their demographic, housing and economic implications. Details of the scenario modelling, their summary and implications were considered in paragraphs 6.11 – 6.29 inclusive of the HGS and illustrated in Figure 6.1 Summary of Scenarios. Whilst two of the scenarios were employment-led, that was not the sole consideration of the PopGroup suite of demographic software used to consider the implications of achieving alignment between housing and employment growth. Footnote <sup>1</sup> to page 1 of the HGS explains the remit of the software, which takes account of multiple parameters. Whilst modelling was employed as a basis to inform LCCC’s consideration of housing need, the scope of its evidence base shows that tool was only one element used to inform its decision-making. Demographic implications for housing and meeting specific needs have not been ignored, they are addressed in operational housing policy.

- 5.5 HGI's are issued by DfI and are based on sound evidence prepared by the NI Statistics and Research Agency. They provide an estimate of future housing need within NI's 11 local council areas. After publication of the dPS, the 2016 HGI [2012-based] was superseded by that for 2019 [2016-based]. The revised HGI's, published in September 2019, cover the period from 2016 to 2030 and identified a total need of 10,700 dwellings for LCCC over those 15 years. This equates to 713 dwellings per annum (dpa).
- 5.6 This material change in circumstances was fundamental to proposed focussed change FC1B, which was subject of public consultation in January 2021 (SUBDOC-016). FC1B proposes to amend Table 3 of the dPS (page 64) and related text on pages 58-63 relating to the SHA to reflect the 2019 HGI. As set out in Chapter 1 of this report, the proposed FC1B will be the focus of my consideration as to whether the SHA is sound. It supersedes many of the representations made on the issue when the dPS was published for consultation.
- 5.7 Proposed FC1B read in tandem with the Addendum to the HGS and paragraphs 2.5 – 2.13 and 2.58 and 2.59 of the Topic Paper explains how, based on the 2019 HGI, the baseline SHA figure of 11,250 dwellings for the plan period or 750 dpa was devised. This was supplemented by explanation at the public hearing sessions in response to representations on FC1B. LCCC's rationale for considering employment-led growth scenarios is to ensure that lack of housing will not present an impediment to employment opportunities and conversely that job creation would reduce the need to commute outwith the plan area. In that context, there is no persuasive reason as to why it should have chosen the lower of the two scenarios. It is noted that this is the approach that Belfast City Council (BCC) took in its employment-led growth strategy. In seeking to manage housing growth to achieve sustainable patterns of residential development, RG8 of the RDS 2035 does not preclude LCCC's methodology. Soundness test C1 requires that it take account of the RDS and considered in tandem with test CE2, LCCC's evidence base in this respect is sufficiently robust to render the allocation realistic and appropriate. The examiner's task is not to consider the relative merits of different approaches to modelling housing need but to deliberate on whether the chosen approach satisfies the tests for soundness.
- 5.8 The Topic Paper (paragraphs 2.14 – 2.18) includes consideration of representations made on the issue of use of past trends to indicate future housing need. This was supplemented by evidence in "*Clarification to DfI*" on pages 9 – 11 inclusive and the Briefing Note in Appendix 14 thereof. Regardless of whether the 3<sup>rd</sup> bullet point of paragraph 6.139 of the SPPS provides a policy basis for consideration of this issue, it is a material consideration that LCCC took account of. Despite its submission that past trends cannot be relied on solely as a robust indicator of future housing needs, for the reasons set out in paragraph 2.16 of the Topic Paper, LCCC said that such a review can be a useful means by which to undertake a sense check of the figures derived from other sources in terms of their consistency with past trends or the extent to which a step-change in delivery would be necessary to meet identified requirement levels. This is a reasonable approach. Discussion of Figure 2.1 Housing



completions in Lisburn and Castlereagh, 2004/5 - 2018/19 supplemented that evidence with completion figures for the last 2 years, which showed that market demand remained strong despite the Covid-19 pandemic. Taking account of the further debate at the public hearing sessions, LCCC's analysis and conclusions are persuasive that the chosen methodology for identifying housing need is founded on a robust evidence base, consistent with the RDS HEF and the other criteria set out at paragraph 6.139 of the SPPS. There is no guidance on what weight should be attached to those criteria. However, it is evident that LCCC took account of them and it gave cogent reasons for its decisions based on their evaluation, but not limited to them. It adopted a holistic approach, of which consideration of past trends is only a single element, in harmony with RG8 of the RDS 2035.

- 5.9 The RDS refers to HGIs as a “*guide for those preparing development plans*” (page 101) and “*baselines or starting points*” (page 103). The first bullet point of paragraph 6.139 of the SPPS says that HGIs have been incorporated within the RDS as a guide (*my emphasis*) to councils in preparing development plans. They are described as providing an estimate for new dwellings and a guide for allocating housing distribution across the plan area. DfI Planning (CFC-020 (a)) said that HGIs should not be considered a cap or target rather a robust starting point that can be adjusted taking account of the full range of factors that may influence housing requirements over the plan period. On that basis, that the baseline figure exceeds the 2019 HGI is not fatal to the SHA.
- 5.10 LCCC set out its evidence for application of a 10% flexibility margin to the HGI baseline figure at page 58 of the dPS, section 9 of TS 1 and section 4 of the Addendum to the HGS. The issue was revisited in the Topic Paper (paragraphs 2.19 – 2.27 inclusive). This supplemented: LCCC's response to associated representations at various junctures between pages 55 – 90 inclusive of its PCR; and debate at the public hearing sessions when consideration was also given as to whether the 10% margin is too low. Again, there is no indication that the factors that should inform housing supply set out in paragraph 6.139 of the SPPS are exhaustive nor am I persuaded that LCCC is in breach of soundness test C3 regarding this issue. Soundness test CE1 does not require that LCCC's approach to its SHA mirrors that of other councils who have published draft plans. As required by soundness test CE2, this element of the SHA is founded on a robust evidence base. In this evidential context, it is not at odds with regional policy aimed at furthering sustainable development, Plan Objective A or Strategic Policy 01 Sustainable Development of this plan. Nor is it a derogation from the 'plan, monitor and manage' approach to housing land supply advocated by the SPPS. The proposed uplift is consistent with soundness test CE4. This yields a figure of 12,335 units or 825 dpa over the plan period from 2017 to 2032 and provides the overall SHA.
- 5.11 Representors said that an extra allowance should be made to address predicted growth over the plan period plus a 5-year supply, prior to the application of a 10% flexibility margin. Reference was made to English case law that appeared to be *Compton Parish Council & others v Guildford Borough Council & others [2019] EWHC*

*3242 Admin.* That decision was taken in the context of what the National Planning Policy Framework says about maintaining supply and delivery. As NI has its own strategic policy that must be taken account of, little weight attaches to that case.

- 5.12 The first sentence of paragraph 6.140 of the SPPS cannot reasonably be considered in isolation from the entirety of the section headed “*Monitoring and Review*”. In that overall context, I do not read it as requiring LDPs to provide for identified housing need over the plan period plus a 5-year supply beyond the notional end date; this would be at odds with the ‘plan, monitor and manage’ approach. That Departmental DPDs have almost invariably been in use beyond their end date does not justify an approach that would be contrary to principles of sustainable development. Soundness test CE4 requires a DPD to be “*reasonably* (my emphasis) *flexible to enable it to deal with changing circumstances*”. However, the issue must be considered in the round together with soundness test CE2. LCCC addressed representors’ associated concerns both in its PCR (pages 62, 63, 69, 73 & 87) and Topic Paper (paragraphs 2.29 – 2.31). This was supplemented by debate at the public hearing session. Its evidence was comprehensive and robust; no associated change is needed for the sake of soundness.
- 5.13 LCCC supplemented its response to representations on the issue of further uplift to the SHA in its PCR with paragraphs 2.32 and 2.33 of its Topic Paper. Its evidence is robust and persuasive and no associated adjustment to the SHA of 12,335 units over the plan period is needed in the interests of soundness.
- 5.14 Representations that housing need in neighbouring council areas should be factored into LCCC’s SHA were addressed in both its PCR and paragraphs 2.32 and 2.33 of its Topic Paper. LCCC made the point that BCC has made no approach to it on foot of paragraph 3.27 of the Commissioners’ report into IE of that LDP. BCC responded on foot of public consultation on the proposed focussed changes to this PS. Therein it specifically commented on proposed FC1B and said that BCC’s LDP is seeking to accommodate the housing growth associated with its baseline economic growth within its own boundaries and urges LCCC to reduce its SHA to reduce commuting (SUBDOC-019). Like BCC, LCCC’s employment-led growth scenario is predicated on the co-location of jobs and housing within its own area and not on commuting. There is no persuasive evidence of conflict between the twin aims of growing the population of the city of Belfast in accordance with SFG2 of the RDS and achieving a strong, healthy, vibrant and sustainable LCCC area, both on foot of an employment-led growth strategy
- 5.15 As required by regional policy and consistent with soundness test C4, in quantifying affordable housing need, LCCC had regard to: NI Housing Executive’s (NIHE) Housing Market Analysis Update for the plan area (SUBDOC-020(a)); the Lisburn and Castlereagh Housing Investment Plan 2019 – 2023 (SUBDOC-020(b)); and the Lisburn and Castlereagh Housing Investment Plan Annual Update 2020 (SUBDOC-020(c)). Its most up to date evidence on the issue is set out at paragraphs 3.99 – 3.113 of the Topic Paper, which relied on the latest available data at the time that document was

being prepared. Table 3.11 Supply of Affordable Housing (AH) in Lisburn & Castlereagh indicates a residual requirement for 1,272 social units and a total of 3,192 affordable (social and intermediate units). This corrected and supplemented evidence set out in the PCR in response to representations on the issue at pages 56, 64, 70, 73, 78, 89 and 90. There was no persuasive evidence that LCCC had misunderstood bullet point 7 of paragraph 6.139 of the SPPS.

- 5.16 Having already endorsed **RA005**, **RA010** is necessary for the same reasons whereby the total AH requirement for the plan period needs to be revised to 4,320 units on page 61 of Part 1 under the heading 6. Housing needs Assessment/Housing Market Analysis.
- 5.17 A “*minor change*” (MC3A) was also proposed whereby a paragraph would be added to the J&A text of Strategic Policy 08 referring to the current definition of AH. This **RA011** is needed to satisfy soundness tests CE3 and CE4.
- 5.18 The rationale for the threshold incorporated in Policy HOU10 Affordable Housing in Settlements is considered later in this chapter. Given that the policy can only be applied to sites that do not currently benefit from planning permission, the 20% contribution would result in a total of 1,006 – 1,024 affordable dwellings over the remainder of the plan period (paragraph 3.112 of the Topic Paper). Added to the known supply of 1,128 units, this totals 2,134 – 2,152 affordable dwellings to 2032 (plus delivery from windfall sites). To reduce this shortfall, paragraph 3.113 of the Topic Paper says that an allocations policy setting out KSRs and the zoning of land for AH may come forward through the LPP. If monitoring were to show that delivery was not addressing need, this would be consistent with what paragraph 6.143 of the SPPS and paragraph 13.3 of DPPN 7 see as the complementary role of LPPs.
- 5.19 Taking account of the proportionate contribution of committed sites to the SHA and subject to **RA012** that is considered later in this chapter, in the context of the two-stage plan process, representations that the SHA needs to be elevated above 12,375 units to satisfy the residual AH need are not persuasive. Such an amendment is not needed to satisfy soundness test CE2.

### **Housing Supply**

- 5.20 Key Issue 2 of the POP was facilitating Future Housing Growth (Settlements) when 3 Preferred Options were identified. Consultation responses are considered at pages 24- 27 inclusive of the POP PCR. Soundness test CE2 requires the consideration of relevant alternatives; that LCCC did not assess every possible approach to achieving the SHA, including increasing density, does not mean that its approach is unsound.
- 5.21 On foot of response made to a representation at page 182 of its PCR about the relationship of its evidence base with its SHA and an apparent disconnect between the two, at the public hearing sessions LCCC gave a very comprehensive and persuasive overview of how it considered to have complied with soundness test CE2 in this respect. Many of the evidential sources it cited are considered below.

- 5.22 Section 3.0 Housing Supply of the Topic Paper comprehensively sets out LCCC's latest evidence on that issue. Paragraphs 3.18 – 3.27 inclusive thereof explain the rationale for applying a 10% discount to housing supply and specifically refer to some of the representations previously commented on in the PCR at various junctures between pages 55 – 90 inclusive. This was supplemented by verbal evidence at the hearing session, which was not rebutted. On this evidential basis, LCCC's stance is persuasive: this element of the SHA accords with soundness test CE4.
- 5.23 The approach taken to identifying housing supply in proposed FC1B is predicated upon paragraph 6.139 of the SPPS. Read together with paragraphs 3.5 – 3.10 of the Topic Paper, proposed FC1B explains that the number of units committed (with planning permission), those remaining on zoned land not committed within the urban settlement limits and allowing for the potential in villages, small settlements and the open countryside gives an overall total of 10,072 units. Applying the 10% discount due to the possibility of non-deliverability of sites over the plan period, results in an assumed capacity of 9,064 units.
- 5.24 These extensive commitments, by comparison to identified housing need, are an unavoidably substantial component of housing supply. Most of the committed sites have extant planning permission. Therefore, there is a reasonable prospect of their development. LCCC tabled evidence that there are only 6 committed sites where it does not know the potential developers' intentions as they did not respond to its enquiries (paragraph 3.8 of Topic Paper). These would yield 250 units of the discounted allowance of 9,064 for committed dwellings. LCCC commented on the implications of this consideration at paragraph 3.9 of the Topic Paper and its conclusion is reasonable. The issue of zonings in DPDs and land-banking of such sites was raised with LCCC at the public hearing sessions. It provided comprehensive and cogent oral evidence to allay these concerns; this was unrebutted. Paragraph 6.139 of the SPPS says that an allowance for existing housing commitments should inform LDPs. LCCC's approach is therefore consistent with this facet of regional policy and is logical given the legal and financial implications of revoking planning permission. Whilst the scale of the commitment is influential in the SHA, this is not commensurate with the contention that it lacks a robust evidence base.
- 5.25 The mixed-use development of proposed Designation SMU01 West Lisburn/Blaris is acceptable in principle for reasons set out below. The persuasive rationale for the allotted yield of 1,350 dwellings in Table 3 (as amended by FC1B) was set out at page 70 of the PCR. The resultant running total is 10,414 units.
- 5.26 The conclusions of the Urban Capacity Study (UCS) [TS 2] were updated in the Topic Paper at paragraph 3.11. The potential yield, minus 10% for non-deliverability, was estimated at 813 units for the remainder of plan period. This increases potential yield to 11,227 units. This has been critically considered in light of representors' UCS reviews, which are a useful counterbalance to LCCC's submission on the issue. Notwithstanding possible constraints on delivery, on balance, there is a realistic prospect of urban capacity sites making the forecast contribution. By comparison to the number of units required over the remainder of the plan period, they have a

proportionately small role to play in realising the SHA. If the forecast yield were not forthcoming, this would be picked up in annual monitoring provisions and remedial action could be taken. This element of the SHA does not render it unsound.

- 5.27 Density is considered in the context of Policy HOU4 Design in New Residential Development. However, at the strategic level, density was assessed as part of the site assessment process component of the UCS (paragraph 3.2.8.1). Criterion (a) of Policy HOU3 Site Context and Characteristics of New Residential Development requires that the surrounding context be respected. Given that the density bands at criterion d) of Policy HOU4 (subject to **RA020**) were based on density analysis, there is no persuasive evidence that those elements of operational policy will frustrate housing yield and undermine the soundness of the SHA. Neither am I persuaded that there is insufficient range in the density bands that application of Lifetime Homes standards and the Building Regulations Nearly Net-Zero Energy requirements for New Buildings will undermine the SHA and frustrate the aims of SP 08.
- 5.28 The 4<sup>th</sup> bullet point of paragraph 6.139 of the SPPS says that Councils should assess the potential for future housing growth within the urban footprint as defined by the RDS. The RDS Glossary of Terms defines the urban footprint in respect of towns and cities. The 5<sup>th</sup> bullet point of paragraph 6.139 of the SPPS refers to windfall potential within the urban (*my emphasis*) footprint. Read holistically, it is a reasonable interpretation of policy that the 5<sup>th</sup> bullet point refers only to urban footprints. That LCCC's evidence does not take account of possible windfall in villages, small settlements and the open countryside does not undermine the robustness of its evidence in this respect.
- 5.29 The conversion of upper floors of shops or commercial premises to residential use would have been factored into consideration of historic windfall delivery at Chapter 5.3 of the UCS thereby informing the evidence base; it is not deficient in this respect.
- 5.30 LCCC defined windfall supply as "*lumpy*" whereby unforeseen circumstances might arise during the plan period e.g., where a factory closes and the site is redeveloped for housing. It would be inappropriate to extrapolate from such a one-off situation; it does not equate to a trend and form a reliable basis for forecasting supply based on past trends. I agree with its position.
- 5.31 Reference was made to conclusions on windfall allowance in the Commissioners' report into the dBMAP public inquiry (paragraphs 3.2.28 – 3.2.32). It was suggested that their recommendation that windfall estimates should be reassessed is one that I should follow. Their conclusion was based on evidence before them between April 2007 and May 2008. My task of adjudicating on the soundness of this PS must be based on the evidence currently before me. Such a recommendation would only be appropriate if I considered that evidence not to be robust.
- 5.32 The evidence on windfall at chapter 5 of the UCS, as it relates to housing, must be considered in the round rather than cherry-picking individual elements in support of a specific point. When that comprehensive evidence is considered holistically and

together with the complementary submission in the Topic Paper and its responses to representations in the PCR (pages 55 – 90 inclusive), LCCC’s methodological approach to this element of housing supply is robust and is consistent with soundness tests C1 and C3 in respect of both the SPPS and Planning Policy Statement 12: “*Housing in Settlements*”. Therefore, its position that the discounted contribution that windfall sites might make (1,108 units) [paragraphs 3.12 – 3.15 of the Topic Paper] is sound.

- 5.33 In all, the committed and potential sources have a potential yield 12,335 units. As the plan period started in 2017, the figures were adjusted to take account of the 1,559 dwellings completed between April 2017 and March 2019 equating to a need for 10,816 units (832 dpa) for the remainder of the plan period 2019 to 2032.

### **SMU01 Strategic Mixed Use Designation West Lisburn/Blaris – Principle**

- 5.34 A key element of the SHA is proposed SMU01 Strategic Mixed Use Designation West Lisburn/Blaris. The site was subject of Key Issue 6 in the POP when 3 Preferred Options were identified (page 79). A “*do nothing*” option was not a relevant alternative given that the site is zoned as a Major Employment Location (MEL) in dBMAP. Comments in respect of the Preferred Option were considered at pages 36-38 inclusive of the POP PCR.
- 5.35 The Metropolitan Area Centred on Belfast is one of the 5 key components of the Spatial Framework of the RDS 2035. In respect of Lisburn, paragraph 3.36 thereof says that potential exists to provide a range of flexible commercial accommodation and business parks at development locations such as Blaris and the Maze/Long Kesh. SFG1 seeks to promote urban economic development at key locations throughout the Belfast Metropolitan Urban Area (BMUA) and ensure that sufficient land is available for jobs. Paragraph 3.41 says that one of the drivers for achieving that aim is to identify and protect key locations for economic growth. West Lisburn/Blaris is cited as a major employment/industrial location that will support the drive to promote a range of opportunities for job creation.
- 5.36 Allocation EMP1 of dBMAP 2015 identifies 119 hectares (ha) at West/Lisburn Blaris as a MEL. The associated J&A text says that MELs’ location at regional gateways and within major transportation corridors facilitates the creation of new employment opportunities in sustainable locations which are accessible to all sections of the community. That plan’s BMA Office Strategy comprised limited dispersal of major office development to MELs including West Lisburn/Blaris. Allied to this, Policy OF 4 Office Development at Major Employment Locations provided for up to 5,000m<sup>2</sup> of gross floorspace for business use. Map 2/001 Lisburn City showed the extent of the proposed MEL and proposed Designation SMU01 mirrors it. A slightly smaller MEL of 105 ha at West Lisburn/Blaris was proposed in the original dBMAP published in 2004 (Zoning LC 07). Construction of the 1.6 km long Knockmore Link Road between Junction 8 of the M1 and the junction of Knockmore Road with Moira Road was a KSR for development of the proposed MEL in both versions of dBMAP.

- 5.37 Proposed Designation SMU01 extends to approximately 100 ha of developable land. Criterion b) of the overall Concept Masterplan required by Designation SMU01 West Lisburn/Blaris says that approximately half of the developable area would accommodate employment uses and the remainder housing. Criterion j) identifies the acceptable uses.
- 5.38 Considering its purpose and status, set out in Chapter 1 of the RDS, SFG1 does not stipulate the quantum of land required within the MELs identified at the first bullet point of paragraph 3.41 to achieve the associated strategic aim. The dPS proposes to retain approximately half the site for employment use. Chapter 6 of this report concludes that there is a legacy surplus of employment land for the plan area even with proposed mixed use of Designation SMU01. However, as the RDS is concerned with regional planning, the local surplus must be considered in that wider context. In the decade since its publication, which post-dated the public inquiry into dBMAP, there is no evidence of the quantum of employment land required across the BMUA to fulfil the associated regional strategic aims of the RDS.
- 5.39 The RDS also identifies Belfast Harbour Area (including Titanic Quarter) as a MEL yet it has been developed for mixed use. Given that the first bullet point of SFG1 identifies this site as a key location to be protected (*my emphasis*) for economic growth, its inclusion in bullet 4 is not persuasive that proposed Designation SMU01 would prejudice the overarching strategic aim. The final sentence of that 4<sup>th</sup> bullet point recognises the synergy between mixed use development with industry and trade. There is nothing explicit in SFG1 that would diminish the value of the site for urban economic development were Designation SMU01 endorsed and its potential yield halved by comparison to the extent of the MEL in dBMAP 2015. It would still be at a key location within the BMUA and would maximise the use of existing and planned infrastructure, including key transport. However, securing the Knockmore link road is vital to realising its strategic value.
- 5.40 LCCC's Topic Paper (paragraph 4.13) set out the potential of mixed-use development of proposed Designation SMU01 to support the creation of 3,500 jobs. Albeit that not all would likely be forthcoming within the plan period, they would represent a significant proportion of the employment growth forecast in LCCC's Technical Supplement 3: Employment Land Review (TS 3) [SUBDOC-022]. Its unrebutted evidence suggested that additional spending by new residents at West Lisburn/Blaris would generate 1,300 jobs across the LCCC area together with a further 1,600 indirect and induced jobs. When SFG1 is considered in the context of paragraph 3.2 of the RDS, the proposed protection of land at this key location for economic growth is not concerned with the economic multiplier effect that might accrue from employment/industrial development at West Lisburn/Blaris. Nevertheless, that does not rule it out as a material consideration in assessing whether the allocation is part of a coherent approach to achieving the LDP Vision and Plan Objectives.
- 5.41 TS 3 assessed the West Lisburn/Blaris site as "*poor*" with one of the determining factors being its reliance on the Knockmore link road that is critical to unlocking the site. In contrast, a mixed-use development thereon that could cross-subsidise the

road and incorporation of pedestrian, cycle and public transport links, would significantly improve its rating making it the highest scoring of all 20 assessed by the Employment Land Review (ELR) in TS 2. This is illustrated at Table 4.1 of the Topic Paper. Identification of this consideration as material in assessing whether Designation SMU01 would prejudice the plan's overall soundness is not indicative that all employment sites rated as "poor" in the ELR should or could be released for housing. Reference to the ELR is made to highlight the essential nature of the link road in delivering employment land at this location. It is a consideration particular to this site that distinguishes it from others with the same ELR ranking.

- 5.42 Invest NI is the regional business development agency; its role is to grow the local economy, delivering the government's economic development strategies. Despite its support for retaining the dBMAP 2015 policy provision in relation to employment use of the site, INI has not identified West Lisburn/Blaris as one that would be added to its portfolio of serviced sites or benefit from any direct investment.
- 5.43 The Topic Paper, at paragraphs 4.14 to 4.28, addressed the issue of cross-subsidy of the M1-Knockmore Link Road whose cost has been estimated at £13 million. Scenarios for its delivery were considered in respect of: residential development only; the overall site's employment use; and mixed use. The evidence shows how the value generated by housing development, as envisaged by the proposed mixed-use Designation SMU01, could cross-subsidise the link road that is essential to the delivery of any development at this location, including strategic employment land. In contrast, there would be a funding gap in respect of the link road under the employment only scenario and no evidence of public sector support to fill it. There was no persuasive rebuttal of this cogent evidence.
- 5.44 There are two current planning applications for development of proposed Designation SMU 01 involving: construction of a 1.6km long link road connecting the existing M1 junction 8/A101 roundabout to the existing Moira/Knockmore Road junction; and, amongst other things, 1,300 dwellings and 754,000 square feet of commercial floorspace. DfI used its "call in" powers in April 2001 before LCCC issued approvals on both. It gave the IE no indication of the basis for its concerns or progress on the applications' consideration. Their determination is a separate issue from this examination of whether the dps plan is sound. However, material to that consideration is that there is a developer who would accept a negative condition of precedent on any forthcoming planning permission to provide the link road prior to occupation of any of the proposed dwellings that it would serve. This verbal evidence supported LCCC's position about cross-subsidy of M1-Knockmore link road.
- 5.45 The 2<sup>nd</sup> bullet point of the RDS SFG1 refers to Lisburn being strategically located at the meeting of key transport corridors and its high development potential and scope to generate additional jobs. Paragraph 4.27 of the Topic Paper and the J&A to proposed Designation SMU01 identified undisputed added value to the area in terms of accessibility and sustainability that would accrue from its delivery, including the requisite link road. Those considerations are entirely consistent with that facet of SFG1 and would enhance the locational benefits of Lisburn and associated



employment opportunities identified at paragraph 3.36 of the RDS. They are as follows:

- Completion of the “missing link” in Lisburn’s transport infrastructure;
- Enhanced access to the new Knockmore Road rail halt;
- Improved access to the Park & Ride/Park & Share facility at Junction 8 of the M1;
- Potential to facilitate improved public transport access around Lisburn;
- Capacity to reduce congestion with Lisburn city centre by diverting traffic around the city;
- Provision of an alternative link to Belfast to ease congestion if the M1 were blocked; and
- The provision of the Knockmore Link Road has the potential to realise the development potential of the Maze Lands.

5.46 There was no evidence, in the 17+ years since it was first published, of any proposal to realise the dBMAP zoning for development of the proposed MEL at West Lisburn/Blaris or of its ability to fund delivery of the enabling link road. The current iteration of the RDS covers the period to 2035. If the link road were to be in place to enable release of the lands for employment use by that date, it is reasonable to assert that any allocation of associated public funds would be known of at this stage. The contention that a developer or means of funding for that essential infrastructure might emerge between now and 2035 was aspirational rather than rooted in evidence. Setting aside the wording of soundness test C1, if one subscribes to the suggested interpretation of SFG1 that the entirety of the dBMAP zoning should be retained solely for employment use, it is unreasonable, indeed arguably irrational, that such a course of action would be compatible with realising the overarching aspirations for this site in the context of SFG1 of the RDS. At any rate, the dPS must merely take account of the RDS, which the evidence base has indisputably done; it is not required to slavishly adhere to its provisions.

5.47 The Topic Paper looks at the proposed designation in light of the RDS HEF at sections 4.35 - 4.38 inclusive. Account has been taken of this regional policy and the evidence is persuasive that the proposed designation is consistent with it.

5.48 LCCC’s PCR (page 105) addressed the issue of the proposed Designation’s relationship with the provisions of paragraph 6.297 of the SPPS and Strategic Policy 20 Transportation Infrastructure. Although dBMAP remains unadopted, weight is given to the fact that implications of its use as a MEL on the transport network was considered as part of that plan-making process. The issue of the site’s sustainability was the subject of further discussion at the public hearing session when extensive verbal evidence was given on: how the proposed co-location of housing and employment has the potential to reduce dependency on the private car; various transport schemes in the vicinity that would encourage and facilitate a modal shift and afford sustainable access to Belfast via public transport; linkage to Lisburn City Centre via an orbital bus route; how criteria g) and h) of the proposed Designation

would facilitate active travel and modal shift; improvements to connectivity that the requisite link road would yield locally and more widely on the Trunk Road network; how that link would facilitate future development of The Maze lands; and how development of the proposed Designation would be consistent with measures in the Belfast Metropolitan Transport Study. That further oral evidence reinforced LCCC's position in its PCR that the site's development, as envisaged by the Masterplan, would be wholly consistent with associated strategic policy aims. In that context, I am not persuaded that transport implications of the proposed designation and its potential impact on the BCC area were not considered or that they give rise to concerns about soundness.

- 5.49 Appendix C of Part 1 of the dPS sets out linkage between its Objectives and the CP. In response to criticism that proper account has not been taken of the CP in promoting Designation SMU01, LCCC gave extensive oral evidence as to how they are perceived to be consistent. Reference was made to Supporting Outcomes 3C, 3D, 4B, 4D, 4E and 5D. This complemented evidence at paragraphs 4.39 – 4.42 of the Topic Paper. In addressing concerns about delivery of the provision that criterion j) of the Designation makes for small-scale and local needs convenience retailing and healthcare facilities, LCCC referred to criterion c) of Policy HOU4 Design in New Residential Development. This would also apply and would secure local services. The totality of the evidence is persuasive that development of the site would be sustainable and consistent with aims of the CP.
- 5.50 LCCC's evidence, supplemented by that of the representor who proposes to develop the site, points to proposed Designation SMU01 being deliverable and having the potential to yield significant direct and indirect economic benefits. Whilst not bound by the Commission's recommendation in respect of this site on foot of the public inquiry into dBMAP, the robustness of the evidence base in support of proposed Designation SMU01 is a vital distinguishing factor. Account has been taken of the RDS and, in principle, the proposed Designation is realistic and appropriate.
- 5.51 Calling in of the current planning applications for construction of the link road and the mixed-use development that it would facilitate is a material change in circumstances, outside LCCC's control, since the dPS was published for consultation. LCCC and the site's promoter differed as to whether the link road would take 18 months or two years to build. The latter said that had the associated planning applications not been called in, the road scheme had been ready to go to tender and the necessary infrastructure could have been in place in 2023. However, this could reportedly be reactivated within weeks, if not days, if planning permission were forthcoming. Even if fresh applications had to be made on foot of an agreed Concept Masterplan, if the Designation were confirmed in this PS, both parties agreed that they could be progressed swiftly given that: roads issues had been resolved to the satisfaction of DfI Roads; and that the mixed-use scheme already broadly addressed the component requirements of the Masterplan. Paragraphs 4.43 – 4.52 of the Topic Paper addressed the issue of delivery of housing on this site. Note has been taken of what the concluding paragraph said. This was supplemented

by discussion at the public hearing sessions where differing views were expressed as to the robustness of the evidence on deliverability.

- 5.52 There is no certainty that the entirety of this element of the SHA could be delivered by 2032 even if the current planning applications are approved and/or DfI directs LCCC to adopt the PS based on my recommendation. Whilst deliverability is not a test for soundness it is instrumental in achieving the duty imposed by Section 1 (1) of the Planning Act. This endorses the proposed 10% flexibility margin and discounting of supply built into the SHA. With the ‘plan, monitor and manage’ approach advocated by the SPPS to be implemented by the PS’s provisions for monitoring and review, uncertainty about the contribution of this site to the SHA is not so profound as to render this element of the plan incoherent and ineffective.

### **Deliverability**

- 5.53 Looking at the issue of deliverability more generally, MA016 is the up to date (March 2022) version of the NI Water’s Wastewater Treatment Works’ (WWTW) headroom information. NI Water’s witness gave extensive oral evidence on: whether WWTWs’ capacity would have implications for the SHA and deliverability of housing. Based on that robust and comprehensive submission, there would be no associated infrastructural impediments.
- 5.54 This evidence on deliverability that was specifically tabled in respect of proposed Designation SMU01 is generally applicable across the entirety of the SHA. The flexibility margin will help in driving continuity of supply even when lead-in times are taken account of, especially when considered against the backdrop of the number of commitments with extant planning permission.

### **Phasing**

- 5.55 The issue of phasing of housing land supply was comprehensively considered at paragraphs 3.28 – 3.57 of the Topic Paper. This supplemented associated evidence in LCCC’s PCR (pages 79, 83, 91, 172, 198 and 395). Whilst NI Water said that phasing would be beneficial, there was no suggestion that it was necessary to address specific constraints. Taken in the round, LCCC’s evidence base is persuasive that provision for the phasing of housing land is not needed to satisfy the requirements of Section 1 (1) of the Act or the soundness tests concerned with coherence and effectiveness.

### **Transport Assessments**

- 5.56 The 7th bullet point of paragraph 6.139 of the SPPS says that Transport Assessments should inform housing allocations in the LDP. The role of transport planning in the supply of new housing was the subject of extensive consideration at paragraphs 3.76 – 3.94 inclusive of the Topic Paper in addition to Technical Supplement 8: Local Transport Study (SUBDOC-027). Discussion at the public hearing sessions

supplemented this evidence. It is robust and persuasive that no associated adjustment to the SHA is needed in the interests of soundness on foot of associated comments raised in respect of proposed FC1B. Policy TRA6 Transport Assessment provides operational policy in respect of this consideration.

### **Distribution**

- 5.57 It is not the examiner's role to consider the different approaches that could be taken to distribution of the SHA such as affording a percentage of the overall SHA to villages, proportionate to their population. My task is to apply the soundness tests to the option that LCCC chose to pursue. In this instance, and considering paragraph 6.139 of the SPPS, LCCC's starting point was dictated by existing commitments and where the UCS identified opportunities for housing growth within the urban footprint and windfall sites.
- 5.58 The 2<sup>nd</sup> column of Table 3 as revised by FC1B, shows that villages, small settlements and the countryside could yield a total of 1,636 dwellings after the 10% non-delivery discount is applied. This is 15.1% of the SHA for the plan area over the plan period. The yield for villages and small settlements (1,004) is more than that for the towns of Moira, Hillsborough and Culcavy (896). In terms of distribution, there is also a spread of housing commitments between the villages and small settlements. TS 6 provided a detailed assessment of all settlements against the RDS HEF criteria together with two additional that relate to social equity and development constraints. The results are given in Appendix 2 of TS 6 and paragraphs 3.60 to 3.75 deal comprehensively with issues raised in representations in addition to responses in the PCR.
- 5.59 Albeit that they are legacy commitments rather than new allocations, provision has been made for the needs of the rural community living in smaller settlements and the countryside in pursuit of the complementary urban/rural balance required by SFG13, paragraph 3.21 and contributing to the aims of paragraph 3.101 of the RDS. Taking account of LCCC's robust evidence base and the RNIA, soundness test CE2 is satisfied in respect of the SHA distribution; there is no conflict between Plan Objectives A4 and A5.
- 5.60 When the discounted yield from committed, urban capacity and windfall sites (10,985) are subtracted from identified housing need over the plan period (12,335), this leaves 1,350 dwellings that LCCC chose to direct to proposed Designation SMU01 at West Lisburn/Blaris. Issues regarding connectivity, accessibility and sustainability have already been considered in respect of proposed Designation SMU01; none weigh against it. The strategic benefits of the associated Knockmore Link Road have also been identified. The 4<sup>th</sup> bullet point of paragraph 6.139 of the SPPS advocated application of a sequential approach and identification of suitable sites for settlements of over 5,000 population. LCCC's proposed approach sits on step 2 of Diagram 3 – extensions to cities and towns. Its latest evidence on this issue is set out in paragraphs 4.36 to 4.38 of its Topic Paper. This complements paragraphs 4.24 to

4.30 inclusive of TS 1 and foregoing evidence about account taken of the SPPS HEF. LCCC also took account of regional policy as required by soundness test C3.

### **Conclusion on SHA and Strategic Policy 08**

- 5.61 For reasons already considered, proposed FC1B (**RA012**) is needed to satisfy soundness tests C3 and CE2.
- 5.62 The SHA exceeds the HGI figure and both a flexibility margin and discounting of supply have been factored into the former to maximise flexibility and deliverability. On that basis, there is no need to amend criterion a) of Strategic Policy 08 by inclusion of “*broadly*”. Representors’ additional issues not specifically mentioned above are addressed at pages 55 – 90 of the PCR. I agree with LCCC’s analysis and other than **RA010 – RA012** inclusive, no further amendments are required in the interests of making the SHA and/or Strategic Policy SPO8 sound. It provides strategic policy for the management of housing land within settlements. Together with Strategic Policies 02, 03 and 05, they address RG8: Strengthen community cohesion of the RDS. There is no policy lacuna in this respect.

### **Monitoring and Review of SHA and Strategic Policy 08**

- 5.63 The next stage of the LDP process would provide the opportunity to allocate housing sites if monitoring showed components of the SHA to be under-performing and its overall delivery to be jeopardised. Otherwise on foot of the Annual Monitoring Report (AMR), a review of the LDP would provide for adjustment of the SHA.
- 5.64 LCCC requested (MA011) that the 2<sup>nd</sup> bullet point of the 1<sup>st</sup> column on page 158 of part 1 of the PS be amended to read: “*The number of net additional housing units built in the period since the LPP was first adopted*”. This **RA013** is required in compliance with Regulation 25 (2) (b) (ii) of the Regulations and soundness test CE3.
- 5.65 On page 175 of Part 1 of the PS, the Monitoring Target in the first row relates to figures superseded by the 2019 (2016-based HGI) and FC1B. **RA014** is needed to update both and to satisfy soundness test CE4.
- 5.66 LCCC requested (MA012) that the Trigger Point for the first Indicator at page 175 of Part 1 of the dPS be amended to read “*Building more than 750 housing units per year or less than 700 housing units per year in the Council Area*”. The 750 dpa figure comes from the SHA of 12,375 (825 dpa) minus 10% for non-delivery. If the 750 dpa was consistently exceeded, in accordance with the ‘plan, monitor and manage’ approach advocated by the SPPS (paragraphs 5.26, 5.36 – 5.38 inclusive, 6.140 & 6.141), a review could be undertaken to ensure continuity of supply over the plan period. The lower figure is needed to ensure that the SHA remains on course to be met. **RA015** is needed to satisfy soundness tests CE3 and CE4.

- 5.67 Some of the representations submitted in respect of Chapter 5 Monitoring and Review and Appendix E – Monitoring Framework (both Part 1) raised issues relating to housing supply/delivery. LCCC addressed these at pages 165 – 173 of its PCR. Chapter 5 and Appendix E as it relates to Plan Objective A need to be considered together and taking account of **RA013 – RA015** inclusive. In that context and read in conjunction with Part 6 of the Regulations, I concur with LCCC’s consideration of those representations. Other than **RA013 - RA015** inclusive no further amendments are required in respect of monitoring and review of Plan Objective A when considering soundness test CE3.

#### **SMU01 Strategic Mixed Use Designation West Lisburn/Blaris – Detail**

- 5.68 There was extensive discussion at the public hearing sessions about evolution of delineation of the site at West Lisburn/Blaris through various iterations of the associated Framework document (MA017 & SUBDOC-070) and dBMAP. This built on what was said on the issue at pages 104 and 105 of the PCR. LCCC satisfied soundness test C4 as it had regard to other relevant plans, policies and strategies; it is not bound by them. Having found the SHA to be sound and recommended that the legacy of surplus employment land is considered critically at LPP stage, there is no persuasive evidential basis of the strategic need to extend the site to the west of the proposed link road in the interests of coherence and effectiveness. Whilst the road is not an existing feature, it is integral to development of the lands and would form a strong physical and visual boundary to the edge of the city. In written evidence, the promoter of the current applications said that securing a mix of land uses at Blaris, which includes lands to the west of the road, is vital to realise the necessary value in the land and contribute towards funding the link road. Their later oral evidence did not suggest that delivery of the road was predicated on anything other than mixed use development of proposed Designation SMU01. LCCC’s evidence in the Topic Paper is also persuasive that mixed use development as proposed by SMU01 could fund this vital infrastructure. On that overall basis, there is no need to amend the extent of the proposed Designation shown on Map 7 of Part 1 of the PS in the interests of soundness.
- 5.69 The boundary of the proposed Designation on Map 7 (purple line) does not include the extensive area coloured green and denoted in the Key as “LLPA/Linear Park”. Its extent will be a matter for the LPP stage of the plan process. Criterion e) of SMU01 says that the Masterplan shall outline a linear riverside park and other appropriate open space. The wording provides flexibility, consistent with soundness test CE4, as it does not prescribe that the entirety of the green-coloured area is required in conjunction with criterion e). On that basis, there is no need for Map 7 to be changed in the interests of soundness.
- 5.70 That the current planning application for mixed use development of the site includes uses other than those prescribed by criterion j) of proposed designation SMU01, carries little weight in the context of my task in determining whether the dPS is sound. That LCCC found leisure uses acceptable in that context is not binding in my consideration of this issue. In its response to the representor’s concerns at page 104

of its PCR and oral evidence, LCCC's focus was on the site's proximity to proposed SMU03 Sprucefield Regional Shopping Centre and the range of uses that would, in principle, be accepted there; with no justification for their duplication here. For reasons set out in chapter 7 of this report, I have recommended that Designation SMU03 be deleted from the PS. Nevertheless, LCCC's consideration of what the Concept Masterplan should contain satisfies soundness test CE2 given: the contribution that the site is expected to make to the SHA; the need for small-scale local needs convenience retailing and healthcare facilities so that these vital services are provided locally in the interests of sustainability; and notwithstanding the surplus of legacy employment land, the strategic policy importance of retaining half of the developable area as a MEL. In this overall evidential context, that other uses have not been provided for does not go to the issue of soundness.

- 5.71 Criterion j) must be read holistically with the remainder of the requirements for the Masterplan. The issue of securing Use Classes A1 and D1(a) was resolved earlier in this chapter. When criterion j) is considered in conjunction with criterion b), there is no need to amend the former's wording from "*will only be acceptable*" to "*must include*".
- 5.72 Notwithstanding the current planning applications relating to the proposed Designation, the prospective developers' intent to provide the link road and there being no evidence of the availability of any public funds for this infrastructure, criterion l) provides flexibility given the possibility that those circumstances might change during the lifetime of the plan. If the current proposals do not come to fruition, albeit that there is no evidence of the prospect being other than aspirational, public monies might be forthcoming if the road were needed in association with development of the Maze Lands. Retention of the criterion as worded is consistent with soundness test CE4.
- 5.73 LCCC addressed concerns that I had raised with some of the criteria for what the Masterplan should include and other issues that might need to be addressed. Having considered its verbal submissions, no associated amendments are needed.
- 5.74 Proposed Designation SMU01 and Map 7 do not need to be changed to make the PS sound.
- 5.75 In addition to consistency with the Concept Masterplan for the site, as the PS must be read in the round, a proposal on this site would also have to comply with associated operational policy including those relating to natural heritage, the use of green and blue infrastructure and Policy ED9 General Criteria for Economic Development. In addition, it is noted that the equivalent Zoning LC 05 in dBMAP 2015 does not require the level of detail suggested by a representor. The Concept Masterplan is the appropriate vehicle for considering: the relationship of proposed employment use to existing land uses in the vicinity and housing within the site (criterion b)); the precise extent of landscaping and its maintenance (criteria e) and f)); and a retail floorspace cap to control the scale of convenience retailing (criterion

j)). As an appropriate balance is struck between soundness test C4, CE3 and CE4, there is no need to amend the policy in these respects to make it sound.

### **Housing in Settlements – Operational Policy**

- 5.76 The reference to “*mixed use development*” in criterion d) of Policy HOU1 New Residential Development and “*mixed use development schemes*” in the final sentence of the policy’s J&A text relates to city and town centres. SMU01 Strategic Mixed Use Designation West Lisburn/Blaris criterion b) refers to “*approximately half of the developable area for employment uses and half of the developable area for residential dwellings*”. Criterion a) of SP 08 says that the plan will support development proposals that are in accordance with the SHA as amended by **RA012**. Therefore, it is inconsistent that associated operational policy does not provided for housing as part of mixed-use developments outside designated city and town centres. LCCC proposed a focussed change (FC4) whereby criterion b) of Policy HOU1 would be amended by the addition of “*or as part of mixed-use development*”. **RA016** is vital to ensure that the plan’s overall provisions for new residential development are coherent and effective.
- 5.77 LCCC’s proposed “*minor change*” MC12 proposes to expand the remit of criterion c) of Policy HOU1 by including housing development within the settlement development limits of the city, towns and greater urban areas. **RA017** is needed for consistency with criterion a) of SP08 and its Table 3 as amended by **RA012**.
- 5.78 LCCC considered representors’ additional comments at pages 186 - 188 inclusive of its PCR. I agree with its analysis and conclusions and, subject to **RA016** and **RA017**, Policy HOU1 is sound.
- 5.79 Policy HOU2 Protection of Land Zoned for Housing, in the second paragraph of its J&A text, cross-references the need for proposed alternative uses on such sites to comply with Policy HOU4 Design in New Residential Development. By way of context, LCCC referred to paragraph 4.19 of the J&A text to Policy QD1 Quality in New Residential Development of Planning Policy Statement 7: “*Quality Residential Developments*” (PPS 7). Looking at Policy HOU4, some of the criteria explicitly relate to residential development. However, others are concerned with issues that could apply to alternative uses on land zoned for housing such as criteria a), b), g) – j) inclusive and l). If the alternative use is to respect and be compatible with its context, it is appropriate that it comply with those considerations. For the sake of soundness test CE3, the second paragraph of the J&A text to Policy HOU2 should be amended to refer to those criteria only. Therefore, **RA018** is necessary to avoid any ambiguity and Policy HOU2 is sound subject to its incorporation.
- 5.80 LCCC proposed a consequential focussed change (FC5A) to Policy HOU4 whereby a second sentence would be added to the first paragraph of its J&A text to say that it would apply to alternative uses deemed to be acceptable under Policy HOU2. However, as criteria c), d), e), f) and k) apply to residential development, that amendment would be irrational. In SUBDOC-019 the reason given for the proposed



FC5A is in response to Dfl's representation. However, in its response to the proposed focussed and minor changes, Dfl said that FC5A does not address its concern; which I agree with. On foot of **RA018**, there is no need to include a cross-reference to Policy HOU2 in HOU4; it addresses the ambiguity with which Dfl was concerned. There is no justification or need for FC5A, it would be at odds with soundness test CE3.

- 5.81 Annex A of the Addendum to PPS 7: "*Safeguarding the Character of Established Residential Areas*" prescribes space standards for dwellings, extracted from the Departmental Housing Association Design Guide 2009: Design Standards. Criterion (c) of its Policy LC 1 – Protecting Local Character, Environmental Quality and Residential Amenity says that all dwelling units and apartments are to be built at a size not less than those set out in Annex A. LCCC confirmed that it does not intend to depart from those standards that are referred to in the final paragraph of Policy HOU3 Site Context and Characteristics of New Residential Development and associated Footnote <sup>1</sup>. However, the way it is written suggests that the standards will only apply in aforementioned designated areas and not in all instances. Therefore, **RA019** (MA013) is necessary in the interests of soundness test CE3.
- 5.82 LCCC considered representors' additional comments at pages 190 – 192 inclusive of its PCR. Its response to the representation seeking an amendment to criterion b) was discussed at the public hearing sessions. Statutory consultees would have the chance to comment during the development management process and the decision maker would have to take on board and weigh their comments when exercising their professional judgement. Therefore, as written, criterion b) strikes an appropriate balance between soundness tests CE3 and CE4 and no amendment is needed.
- 5.83 LCCC's comments on the suggested reference to "*landscape character*" rather than "*local character*" in the second sentence of Policy HOU3 are noted. "*Local character*" is the concern of: the 1<sup>st</sup> bullet point of paragraph 6.137 of the SPPS; the second point of the second bullet point of paragraph 2.1 of PPS 7; the second paragraph of Policy QD 1 Quality in New Residential Development of PPS 7; and the Preamble to the Addendum to PPS 7, its paragraph 1.6 and Policy LC 1. The wording is consistent with soundness test C3 and LCCC's rationale for its retention is persuasive. In respect of LCCC's other responses, I agree with its consideration and conclusions and subject to **RA019**, Policy HOU3 is sound.
- 5.84 LCCC proposed a "*focussed change*" (FC5B) to amend the 2<sup>nd</sup> and 3<sup>rd</sup> bullet points of criterion d) of Policy HOU4 Design in New Residential Development so that they correctly reflect the range of areas to which the correspondent density bands would apply. **RA020** is necessary as it clarifies the scope of policy. Whether the density band for within settlement development limits of the City, towns and Greater Urban Areas is appropriate is a separate issue.
- 5.85 The existing density in settlements was assessed using the housing monitor and a recommended density was then applied as set out in paragraph 4.19 and Table 7 of TS 1. The issue was informed by the UCS. Considering the extent of the UCS study

area, as set out in paragraph 3.1.1 thereof, Lisburn City Centre aside, paragraph 3.1.3 concluded that the remainder is considered to have a similar residential typology and character for the purposes of considering density of development. The density analysis at paragraph 3.2.8.1 and Table 2 of the UCS bears this out. The average (*my emphasis*) density in the remaining area was found to be 25 dph. Considering the recommendation at page 42 of the UCS that LCCC give further consideration to the issue of density, the evidence in TS 1 acts as a check and balance that bolsters the robustness of the basis for the density bands prescribed in criterion d) of Policy HOU4 as amended by **RA020**.

- 5.86 The 1<sup>st</sup> bullet point of paragraph 6.137 of the SPPS says that higher density housing developments should be promoted in town and city centres and in other locations that benefit from high accessibility to public transport facilities. This echoes Planning Control Principle 1 Increased Housing Density without Town Cramming of Planning Policy Statement 12: “*Housing in Settlements*” (PPS 12). Whilst the 1<sup>st</sup> bullet point of criterion d) of HOU4 requires higher density development within the City Centre boundary, the 2<sup>nd</sup> bullet point, as amended by **RA020**, does not differentiate between the area within the settlement development limit of a town and its Town Centre Boundary. No provision is made for “*other locations that benefit from high accessibility to public transport facilities*”.
- 5.87 Paragraph 3.2.8.1 of the UCS says that the correspondent range of 25-35 dph in Policy HOU4 “*takes account of the aspiration to increase densities as set out in the RDS and SPPS*”. Whilst that may be true of densities across the remainder of the UCS study area outwith Lisburn City Centre, the prescribed range based on average densities may be at odds with paragraph 6.137 of the SPPS that requires planning authorities to deliver increased housing density without town cramming. Account was taken of LCCC’s evidence that the SHA set out in Table 3, as amended by **RA009**, can be achieved at the densities prescribed in the revised criterion e). Nevertheless, for the sake of soundness tests C1 and C3, **RA021** is necessary whereby LCCC sets out in criterion d) of Policy HOU4 what density bands will be applied to town centres and other locations that benefit from high accessibility to public transport facilities bearing in mind the requirements of regional policy in those respects. This may have implications for the SHA and would need to be reviewed in the AMR.
- 5.88 That consideration aside, TS 1 and the UCS provide a robust evidence base for the density bands set out in criterion d) as amended by **RA020**. Soundness test C4 does not require that density bands for localities within the plan area that are contiguous with and/or adjoin the Belfast City Council area are raised in cognisance of its PS’s correspondent range of 25-125 dph within the outer city. Whilst increasing densities in such areas to bolster their contribution to the SHA is one approach that LCCC might and/or could have considered, the examiner is tasked with applying the soundness tests in DPPN 6. This element of Policy HOU4 is not at odds with soundness test CE2. That LCCC, based on its TS 1 and UCS, took a different approach to density bands in the Greater Urban Areas to its neighbouring authority does not equate to this element of Policy HOU4 being at odds with soundness test CE1. Other than **RA020** and **RA021**, no further changes to criterion d) are necessary.

- 5.89 LCCC proposed a “*minor change*” (MC13) to criterion e) so that it correctly reflects its intent whereby all dwellings should be accessible for wheelchair users as opposed to being capable of modification for their occupation.
- 5.90 Paragraph 3.15 of the RDS says that the varied requirements of the whole community need to be met including the availability of affordable and special needs housing. Policies HOU10 Affordable Housing in Settlements and HOU11 Specialist Accommodation are aimed at meeting those needs and the NIHE Housing Needs Assessment/Housing Market Analysis has been taken account of in the SHA. Paragraph 6.137 of the SPPS, 4<sup>th</sup> bullet point, says that planning authorities should aim to use the range of planning powers they possess to create environments that are accessible (*my emphasis*) to all. Planning Control Principle 4 of PPS 12 says that a mix of house types and sizes should be provided to promote choice and assist in meeting community needs; its Policy HS 4 House Type and Sizes provides the associated policy for achieving that aspiration. Grant-aided housing will have to comply with ‘Lifetime Homes’ standards as a condition of funding. General housing will have to comply with current standards of accessibility imposed by Building Regulations. However, there is no regional policy requiring that all new homes are wheelchair useable/adaptable ‘Lifetime Homes’. When considered in the broader context of Policies HOU10 and HOU11, the change proposed by MC13 would not frustrate the delivery of plan Objective A.5. or Supporting Outcome 4.c. of the CP. Whilst adjoining councils may have more ambitious policies in this respect, soundness test C4 does not require LCCC to follow their lead. The proposed change is not at odds with the soundness tests concerned with consistency.
- 5.91 MC13 does not go far enough in clarifying the scope of Policy HOU4. Reading the proposed change in the overall context of criterion e) suggests that its first sentence does not require all new dwellings to be ‘Lifetime Homes’. Yet the reference to “*Adaptable Accommodation*” in the J&A text could be read as requiring just that This is at odds with evidence in LCCC’s PCR: on page 194, supplemented by discussion at the public hearing sessions, whereby if monitoring and the HNA/HMA showed that a range of dwellings that are accessible and adaptable are not being delivered then associated KSRs could be introduced on individual sites at the LPP stage of the plan process; and at page 196 where it refers to “... *the relevant policy and appropriate standards contained within existing Building Control Regulations*”. **RA022** is essential to address this apparent ambiguity and provide clarity. Potential developers need to know precisely what is expected of them in this respect given that there is no statutory requirement for all new housing to be ‘Lifetime Homes’.
- 5.92 At page 194 of its PCR LCCC addressed the contention that a criterion should be added to Policy HOU4 to increase biodiversity within new residential developments. Bearing in mind that the plan must be read in the round, at the public hearing sessions LCCC expanded upon that response pointing to strategic and operational policies that concern biodiversity. Where applicable, its “*Local Biodiversity Action Plan*” (SUBDOC-078) would also be a material consideration in decision-making. In this respect the dPS provisions are consistent with the: 3<sup>rd</sup> bullet point of RG7 of the

RDS; Theme 4a of the CP; and the 2<sup>nd</sup> bullet point of paragraph 6.137 of the SPPS. There is no inconsistency between Strategic Policy 06 and Policy HOU4 in this respect as the former refers to enhancing diversity where possible (*my emphasis*). Nevertheless, the suite of policy provisions could secure enhancement and not just maintain the *status quo*. There is no need to amend Policy HOU4.

- 5.93 Pages 193 – 199 inclusive of LCCC’s PCR addresses representors’ additional concerns in respect of Policy HOU4. Subject to further discussion of some of these issues at the public hearing sessions together with its response to some points that I alone raised, I am satisfied with its analysis and conclusions. Subject to **RA020 – RA022** inclusive, the policy is sound as written
- 5.94 Planning Policy Statement 8: “*Open Space, Sport and Outdoor Recreation*” (PPS 8), published in February 2004, makes no mention of green and blue infrastructure (G&BI). The third bullet point of RG7 of the RDS 2035 (published in 2010) says that plans should make provision for adequate (*my emphasis*) G&BI. The third bullet point to paragraph 3.31 under the heading of RG11 refers to the protection and encouragement of G&BI within urban areas in mitigating against absorption and storage of heat energy in urban areas. Paragraph 4.5 of the SPPS (published September 2015) says that when plan-making, planning authorities should contribute positively to health and well-being by, amongst other things, facilitating the protection and provision of G&BI. At paragraph 6.196 it says that LDPs should seek to identify and promote G&BI where this will add value to the provision, enhancement and connection of open space and habitats in and around settlements. Albeit in the context of Open Space, Sport and Outdoor Recreation as opposed to Housing in Settlements, paragraph 6.210 of the SPPS advocates that zonings for future open space needs should take into account, amongst other things, making adequate provision of G&BI. However, as Policy HOU5 Public Open Space in New Residential Development is concerned with providing for future open space needs, albeit in the context of new residential development, paragraph 6.210 of the SPPS is material in that context.
- 5.95 Strategic Policy 02 Improving Health and Well-being engages with paragraph 4.5 of the SPPS by expressing support for development proposals that contribute positively to the provision of G&BI. LCCC referred to Strategic Policy 19 Protecting and Enhancing Natural Heritage at the third paragraph, second sentence of its J&A text in respect of the requirements of RG11 of the RDS and paragraph 6.196 of the SPPS. However, Policy HOU5 Public Open Space in New Residential Development puts a different slant on the provisions of RG7 of the RDS and paragraph 6.210 of the SPPS in requiring that adequate provision be made for open space that links with G&BI where possible. The thrust of regional policy is to add to existing G&BI whereas Policy HOU5 seeks to link existing provision. Whilst soundness tests C1 and C3 do not require the dPS to mirror regional policy, no persuasive explanation has been given for this departure from it.

- 5.96 LCCC proposed a “*minor change*” (MC14) to Policy HOU5 whereby the second sentence of the first paragraph of the J&A text would be amended to include reference to G&BI. The stated rationale in its SUBDOC-106 is in response to a representation that seeks that the wording of the first sentence of Policy HOU5 is changed to require that adequate provision for G&BI be made in public open space. As MC14 does not address the concern, that I share, is not needed for soundness and is not justified. Instead, **RA023** is needed to satisfy soundness tests C1 and C3. Whilst “*adequate*” would have to be assessed in light of a site’s characteristics, location, context etc, relying on the exercise of professional judgement in the development management system strikes an appropriate balance between soundness tests CE3 and CE4.
- 5.97 LCCC addressed representors’ other concerns at pages 200 and 201 of its PCR. I concur with its analysis and conclusions. Subject to **RA023**, Policy HOU5 is sound.
- 5.98 LCCC proposed a “*minor change*” (MC15) to the first paragraph Policy HOU6 Design Concept Statements, Concept Masterplans and Comprehensive Planning. This would explain that: its requirements would apply whether the application for residential development is in outline, full or for reserved matters; identify the purpose of the requirement; and refer to the statutory basis for it. **RA024** is needed to comply with soundness test CE3.
- 5.99 Paragraph 6.137 of the SPPS (second bullet point, second paragraph) relates to design concepts; it does not set a threshold for the scale of development where one would be required. Although Policy QD2 Design Concept Statements, Concept Masterplans and Comprehensive Planning of PPS 7 does just that, its paragraph 3.4 sets out the rationale for concept master plans without reference to a threshold but refers to “*major development sites*”. Compliance with soundness test C3 is not dependent on the provision of regional policy being replicated in the LDP. LCCC is free to lower the thresholds imposed by Policy QD 2 in consideration of local circumstances. Its response to associated concerns at page 203 of its PCR is persuasive that it has not mistakenly conflated legislative requirements with policy. Its aim in aligning the thresholds in Policy HOU6 with those set out in the Schedule of The Planning (Development Management) Regulations (Northern Ireland) 2015 and associated legislation was to provide clarity and set a defensible ceiling. Policy HOU6 does not need to be amended to align with Policy QD 2 to be sound.
- 5.100 LCCC addressed representors’ other concerns at pages 202 – 204 inclusive of its PCR. I concur with its analysis and, subject to further discussion at the public hearing sessions, also its conclusions. Subject to **RA024**, Policy HOU6 is sound.
- 5.101 Turning to Policy HOU7 Residential Extensions and Alterations. There is no definition for “*local landscape features*” (LLF) in the Glossary. Trees subject of a Tree Preservation Order are cited as an example in the first sentence of paragraph 6 of the J&A text. However, the second sentence starts “*In other cases...*” and refers to “*compensatory planting*”, making it clear that the policy is concerned with more than

trees subject of Footnote 8 on page 23. This element of the J&A text should not be read in isolation from the policy itself and criterion c) specifically cites trees; a wider remit than “*mature trees*” that the representor refers to. Criterion c) requires LLFs to “*contribute significantly to local environmental quality*” and amending the J&A text to refer to “*other boundary vegetation*” could be overly prescriptive and fetter the decision-maker’s discretion. When the policy and J&A text are considered together, there are clear mechanisms for implementation but with reasonable flexibility to allow professional judgement to be exercised on a case-by-case basis; balancing soundness tests CE3 and CE4. No associated amendment is required in the interests of soundness.

- 5.102 LCCC proposed a “*minor change*” (MC16) whereby the final paragraph of the J&A text to Policy HOU9 The Conversion or Change of Use of Existing Buildings to Flats or Apartments would be deleted. The persuasive explanation for the proposed change is addressed at length at page 207 of its PCR. **RA025** is needed for clarity.
- 5.103 In accordance with the definition of “*building*” at Section 250 (1) of the Act, Policy HOU 9 would provide for the consideration of planning applications for the conversion of part of existing buildings to residential use e.g., upper floors of commercial or retail premises. Criterion d) of Policy HOU 1 is permissive in respect of living over the shop schemes within designated town and city centres. This potential source of housing has not been overlooked.
- 5.104 Paragraphs 6.73, 6.139 and 6.143 of the SPPS all refer to NIHE’s role in identifying need. LCCC proposed a “*minor change*” (MC17) to criterion b) of Policy HOU10 Affordable Housing in Settlements whereby a proposal would have to demonstrate that the application is made by a registered Housing Association or NIHE. **RA026** is needed to satisfy soundness tests C3 and CE3.
- 5.105 In accordance with paragraph 6.139 of the SPPS, one of the considerations that should inform housing allocations in LDPs is a Housing Needs Assessment/Housing Market Analysis (HNA/HMA) carried out by NIHE. The HNA will influence how LDPs facilitate the right mix of housing tenures and types. Paragraph 6.142 thereof states that LDPs should, amongst other things, identify settlements where the HNA has found there to be an affordability pressure.
- 5.106 NIHE produced “*Housing Market Analysis Update*” Lisburn & Castlereagh City Council Area April 2018 [SUBDOC-020(a)]. At page 84 it concluded that housing need has remained at a consistently high level in Lisburn & Castlereagh and is focused in the main urban settlements with projected need over the next 15 years at approximately 2,500 units. This is broken down by settlement in Table 11: Social/Affordable Housing Requirements of Technical Supplement 1: Housing Growth Study October 2019 (SUBDOC-020) [TS 1]. Affordable Housing Needs are also assessed at Section 8 of the Lichfields Housing Growth Study of September 2019 that forms Chapter 6 of TS 1. Paragraphs 4.34 – 4.37 inclusive and Table 12: Social/Affordable Housing Delivery of TS 1 set out how LCCC developed a policy-led approach to enable the delivery of affordable housing (AH). In addition to addressing submissions on Policy

HOU10 in its PCR, LCCC supplemented its evidence base at paragraphs 3.95 – 3.129 of the Topic Paper. This included consideration of estimated AH delivery under different policy scenarios and the justification of thresholds.

- 5.107 The thresholds identified in the first paragraph of Policy HOU10 were informed by analysis of a number of development plans in England and Wales. Soundness test CE2 refers to a “*robust evidence base*”; it does not impose geographical or jurisdictional limits on what can be taken into account in establishing whether a council’s approach is sufficiently vigorous; the issue of the weight to be attached to them is a different matter. Were the threshold approach advocated by Policy HOU10 well-established in this jurisdiction, lesser weight would be given to evidence from outside NI. However, in this evidential context, it is reasonable for LCCC to have considered approaches adopted by LDPs in other jurisdictions in considering whether its policy approach to AH is coherent and effective.
- 5.108 The Topic Paper satisfactorily addressed the issue of perceived weakness in the robustness of LCCC’s evidence base regarding the issues of viability and the weight to be given to the DSD publication “*Developer Contributions for Affordable Housing in Northern Ireland - Report of Study*”, Three Dragons Report, 2015 in setting thresholds for AH. Soundness test CE2 does not require consideration of the merits of different thresholds and percentage provision that have been proposed by representors to address what they perceive to be unsoundness. The alternatives that LCCC considered are relevant to the robust evidence base and those elements of Policy HOU10 are realistic and appropriate.
- 5.109 Paragraph 6.143 of the SPPS says that the development plan process will be the primary vehicle to facilitate any identified need by zoning land or by indicating, through KSRs, where a proportion of a site may be required for social/affordable housing. In this instance with the legacy of committed housing sites making up the SHA, the chosen threshold/proportionate approach is realistic and appropriate in pursuit of criterion c) of Strategic Policy SP 08.
- 5.110 Paragraphs 3.126 and 3.127 of the Topic Paper specifically engage with concerns about delivery and paragraph 3.128 identifies how these will and could be addressed if they materialise. These concessions do not call into question the policy’s compliance with soundness test CE2; rather LCCC has struck a workable balance between it and soundness test CE3 at this initial stage of the binary LDP process. Identifying possible issues with implementation of the policy and associated mitigation measures shows that LCCC has critically considered its likely effectiveness. This is consistent with the plan, monitor and manage approach to housing land supply; supplemented by monitoring arrangements at page 175 of Part 1 of the plan in Appendix E – Monitoring Framework. It does not undermine the robustness of LCCC’s evidence base or contradict the conclusions reached at paragraph 3.117 of the Topic Paper.
- 5.111 The Commissioners’ report on IE of the Banbridge, Newry and Mourne Area Plan 2015 expressed misgivings about the proportionate approach to achieving the

provision of AH that Policy HOU10 advocates. Those comments were made in that evidential context in March 2012 whereas LCCC's approach has been informed by an HNA for the plan area and its own evidence base, tailored to local circumstances. At any rate, the third paragraph of Policy HOU10 makes provision for consideration of "exceptional circumstances" that might merit an alternative approach being taken to that set out in its opening paragraph. The phrase "exceptional circumstances" is commonly used in planning policy and its deployment in Policy HOU10 makes it unequivocally clear that the onus is on the developer to demonstrate that the AH requirement cannot be met. A reasonable equilibrium between soundness tests CE3 and CE4 has been reached in this respect.

- 5.112 At page 216 of its PCR LCCC addressed concerns about the provisions of the first paragraph of Policy HOU10 where it refers to "a minimum 20% of all units to be affordable". It needs to explain in the J&A text when a 20% AH provision might not be deemed sufficient to offer developers a measure of certainty in making investment decisions. For example, in considering the need to provide for AH as part of the SHA, LCCC referred to: car park sites that had been considered in the UCS and that a higher AH requirement might be appropriate in those highly sustainable locations; legacy industrial sites that might be re-zoned or earmarked for housing at LPP stage to boost delivery of AH; and with changes in the housing market and AH product, committed sites might come forward offering either a higher proportion or entirely AH. Whilst LCCC would have to give reasons as to why more than 20% was being sought in any such instance, leaving the issue of the required proportion until negotiation of a legal agreement would not be compatible with the statutory objective of the planning system in securing the orderly and consistent development of land. The policy is not unsound provided that clarity, at least in the form of guidance, is provided in this respect. Therefore, **RA027** is vital to satisfy soundness test CE3.
- 5.113 The second paragraph of Policy HOU10, supplemented by the 3<sup>rd</sup> paragraph of its J&A text, is aimed at securing "tenure blind" developments and addressing any residual stigma associated with AH. This approach is consistent with: paragraphs 4.16, 6.136 and 6.147 of the SPPS; aligned with the associated provisions of RG8 of the RDS; and the aspirations of the CP in developing and delivering proposals for mixed tenure housing. The plan can only address these regional policy provisions for sustainable residential development; housing providers will have a role to play in managing their properties to ensure that different tenures can co-exist harmoniously. In these respects, Policy HOU10 is consistent with soundness tests C1, C2 and C3.
- 5.114 At the public hearing sessions LCCC outlined how it had engaged with neighbouring councils in terms of comparative policy requirements for AH and consideration of the impact these might have on supply and demand across the wider housing market. On that basis I am satisfied that soundness test C4 has been complied with.



- 5.115 Pages 208 - 217 inclusive of LCCC's PCR addresses representors' additional concerns in respect of Policy HOU10. Paragraph 3.129 of the Topic Paper is also noted where NIHE's approach to the issue of AH is supported by NIHE. Subject to further discussion of some of these issues at the public hearing sessions together with its response to some points that I alone raised, I am satisfied with its analysis and conclusions. Subject to **RA026** and **RA027**, the policy is sound as written.
- 5.116 LCCC proposed a "*minor change*" (MC18) to the J&A text of Policy HOU11 Specialist Accommodation to define the term "*Specialist Residential Accommodation*". **RA028** is essential for the sake of clarity and to satisfy soundness test CE3.
- 5.117 Criterion a) of Policy HOU11 is not prescriptive in the detail to be included in the statement of specialist housing need or the format it should adhere to. Where need for specialist residential accommodation has been identified by NIHE and/or the scheme is grant-funded, criterion a) would set a low hurdle as there would be no practical requirement for a lengthy statement. Accordingly, there is no persuasive case for exempting such schemes from this requirement; criterion a) strikes an appropriate balance between soundness tests CE3 and CE4.
- 5.118 Representors' additional concerns are addressed in LCCC's PCR at pages 218 & 219. Taking account of further discussion of one of these points at the public hearing sessions, I agree with its consideration and conclusions. Subject to **RA028**, Policy HOU11 is sound.
- 5.119 Three "*minor changes*" are proposed to Policy HOU12 Accommodation for the Travelling Community. They are as follows:
- MC19A – Criterion a) would be expanded by the addition of "*to visually integrate the proposal*". The first bullet point of paragraph 6.144 of the SPPS and Policy HS 3 Travellers Accommodation (Amended) of the Addendum to Planning Policy Statement 12: "*Housing in Settlements*" refer to adequate landscaping being provided in association with traveller's specific accommodation. Nevertheless, **RA029** is necessary in the interests of soundness test CE3 as it qualifies the purpose of the required landscaping and the standard to be achieved;
  - MC19B – Would amend the final paragraph of policy by reference to the sequential requirements of Policy COU5 Affordable Housing in respect of a single family traveller transit site or serviced site. The penultimate paragraph of Policy HS3 of PPS 12 says 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*". Paragraph 6.146 of the SPPS says that where need is identified for a transit site or a serviced site, which cannot be readily met within an existing settlement in the locality, proposals will be required to meet the policy requirements in respect of rural planning policy for social and affordable housing. It is noted that the SPPS does not specify whether this provision applies to a site for a single

family and/or a site for more than one family, it is reasonable to presume that it relates to all such sites. There is tension between the provisions of the SPPS and retained policy. Therefore, in accordance with the transitional arrangements set out at paragraph 1.12 of the SPPS, the provisions of the SPPS prevail.

The proposed “*minor change*” does not address the representors’ concern that is given in SUBDOC-016 as the rationale for the amendment. However, having found that element of Policy HOU12 consistent with prevailing regional policy, **RA030** is needed for clarity. Although the previous paragraph refers to the sequential requirements of Policy COU5 Affordable Housing, the proposed amendment would clarify what “*sequential test*” applies to such proposals; and

- MC19C – Would amend the final paragraph of the J&A text by referring to (then) draft guidance issued by the Department for Communities. Whilst there may be some utility in signposting associated guidance, its provisions would apply regardless and soundness test CE3 would not be offended without the reference. This “*minor change*” is not essential.

5.120 Paragraph 1 of the DfI draft Model Licence Conditions differentiates between the responsibilities of the planning system and those that rest with councils in licensing sites. As the publication relates to the Caravans Act (Northern Ireland) 1963 and Section 5 that enables councils to set licence conditions, it relates to a separate legislative regime that applicants will have to comply with independent of the development management system. The tests for soundness do not require reference to this document in the J&A text of Policy HOU12.

5.121 An additional representation is addressed in LCCC’s PCR at page 220. I agree with its consideration and LCCC’S conclusion. Subject to **RA029** and **RA030**, Policy HOU12 is sound.

### **Housing in the Countryside**

5.122 LCCC responded to representations about Strategic Policy 09 Housing in the Countryside at pages 91-94 inclusive of its PCR. There was further discussion at the public hearing sessions about a representor’s contention that the policy could (*my emphasis*) be amended “*to refer to the specific ambition to achieve rural regeneration where necessary*”. The discussion emphasised LCCC’s position in its PCR that the plan policies must be considered holistically especially those operational policies relating to development in the countryside and economic development in villages, small settlements and the countryside. It advised that the final sentence of the first row on the right-hand column on page 93 of its PCR, referring to a “*minor change*” could be disregarded. Subject to that clarification, I concur with LCCC’s assessment of the issues considered therein and consider the policy sound as written.

## Education, Health Community and Culture

- 5.123 At Pages 95 and 95 of its PCR LCCC considered representations made in respect of Strategic Policy 10 Education, Health, Community and Culture. I concur with its analysis and conclusions. The policy is sound as written.
- 5.124 Pages 222 - 224 of its PCR LCCC addressed representors' concerns in respect of Policies CF01 Necessary Community Facilities and CF02 Protection of a Local Community Facility. Its consideration of those points is persuasive. Those policies, as written, satisfy the soundness tests.

## Development in the Countryside

- 5.125 LCCC proposed that Policy COU1 Development in the Countryside be amended by adding to the 4<sup>th</sup> paragraph to provide clarity on its stance on retailing in the countryside (MC29). Notwithstanding the provisions of the 3<sup>rd</sup> paragraph of the Preamble to Part 2 of the dPS (page 3) and even when reading the plan in the round, it is not readily apparent what provision has been made for retail proposals outside settlement development limits. Mindful of soundness test CE3, **RA031** is therefore necessary. Subject to this proposed change, Policy COU1 is otherwise sound.
- 5.126 LCCC's proposed insertion of the sub-heading "*Non-listed vernacular dwellings*" above the third paragraph of Policy COU3 Replacement Dwellings would be consistent with the use of a sub-heading later on in the policy and make it easier for the reader to identify what the policy provisions are for such buildings. However, the paragraph that it would precede specifically refers to "*non-listed vernacular dwellings*" in its text. Accordingly, the careful reader would not reasonably be left in any doubt as to what the policy is for those buildings. Whilst the suggested change would make it more readily apparent, the change is not needed for soundness reasons. MC20A is not justified.
- 5.127 LCCC proposed a second "*minor change*" (MC20B) to Policy COU3 whereby its 3<sup>rd</sup> paragraph would finish "*in accordance with Planning Policies COU4 and HE13*". Account has been taken of the provisions of the 3<sup>rd</sup> paragraph of the Preamble to Part 2 of the dPS (page 3) and that the plan must be read in the round. However, the additional wording (**RA032**) is necessary in respect of soundness test CE3 as it would signpost enabling policies in pursuit of achieving sustainable forms of development as opposed to cross-referencing the need to comply with other operational policies.
- 5.128 LCCC's proposed focussed change FC6 would amend the last paragraph of Policy COU5 Affordable Housing by stipulating that generally only one group (of affordable housing) will be permitted in close proximity to any particular settlement in the rural area and should demonstrate that the need cannot be met within the identified settlement.

- 5.129 Paragraph 6.73 of the SPPS sets out strategic policy for residential development in the countryside that should be taken into account in the preparation of LDPs. The final bullet point relates to social and affordable housing and expresses qualified support for the development of a small group of dwellings adjacent to or near a small settlement. There is no stipulation for the developer to demonstrate that the need cannot be met within the adjoining settlement. Policy CTY 5 – Social and Affordable Housing of Planning Policy Statement 21: “*Sustainable Development in the Countryside*” (PPS 21) says that planning permission will only be granted, amongst other things, where a demonstrable need cannot readily be met within an existing settlement in the locality. LCCC’s stated reason (SUBDOC-019) for FC6 is by way of response to Dfl concerning clarity of the policy wording. The Department’s submission suggests that the policy (COU5) wording should refer for the requirement to demonstrate that the need cannot be readily met “*within an existing settlement in the locality*”. The second paragraph of the J&A text to Policy COU5 says that such proposals will need to be accompanied by information demonstrating that the potential to locate the necessary housing within settlement limits has been explored and that no suitable sites are available. This wording does not, as FC6 proposes, limit the availability of sites within settlements to the one that the application site is adjacent to or near. For all the foregoing reasons, there is no need or justification for FC6 for Policy COU5 to be sound.
- 5.130 LCCC’s proposed “*minor change*” MC21A would amend the end of the first paragraph of Policy COU5 so that it would read: “*...which meets a need identified by the NIHE within that settlement*”. For the same reasons that **RA026** is required, stipulating that need is identified by NIHE is consistent with regional policy; the proposed minor change is testament to the fact that LCCC does not propose to depart from it in that respect.
- 5.131 If, having taken account of regional policy, LCCC decided to tailor the provisions of that strategic policy to local circumstances, it should give reasons for doing so. It has not persuasively done so in respect of the wording “*within that settlement*”. That element of proposed MC21A is inconsistent with regional policy; it is not justified or necessary. The reason given in the PCR for doing so is in response to three representations. Whilst all say that need should be identified by NIHE in line with regional policy, none said that the qualification by adding “*within that settlement*” is necessary for soundness. Accordingly, for the sake of consistency and coherence, **RA033** is necessary but not the entirety of proposed MC21A.
- 5.132 LCCC proposed a “*minor change*” (MC21B) to the final paragraph of the associated J&A text whereby planning permission will only be granted where the application is made by a registered Housing Association or the NIHE. Mention of NIHE is needed for the same reasons as **RA026** and **RA033**. However, no persuasive explanation was given as to why this regional policy stipulation, contained within the main body of Policy CTY 5 of PPS 21, is only referred to in the J&A text to Policy COU5. The amended 4<sup>th</sup> paragraph of the J&A text should be included within the body of Policy COU5 (bold text) for the sake of consistency – **RA034**.

- 5.133 The first sentence of Policy COU8 infill/Ribbon Development reads that planning permission will be refused for a building which extends (*my emphasis*) or adds to a ribbon of development. Both the 5<sup>th</sup> bullet point of paragraph 6.73 of the SPPS and the first sentence of Policy CTY 8 – Ribbon Development of PPS 21 refer to “*creates or adds to a ribbon of development*”. Soundness test C3 does not require that the wording of Policy COU8 mirror that of regional policy. However, having taken account of it, if the Council decides to tailor the provisions of that strategic policy to local circumstances, it should give reasons for doing so. In this instance it has not. Indeed, it tabled a “*minor change*” (MC22) so that the wording replicates that of regional policy. On this evidential basis, **RA035** is necessary to ensure the policy’s coherence and effectiveness.
- 5.134 LCCC proposed a “*minor change*” (MC23) to Policy COU15 Integration and Design of Buildings in the Countryside by adding a sentence to the J&A text under the sub-heading “*Integration*” that would read: “*All landscape features which are required to be retained will be appropriately conditioned to be protected prior to the commencement of any other site works including site clearance*”. It is to be added “*for clarity*”. Paragraph 5.65 of the SPPS sets out policy on the use of planning conditions. As the proposed addition to the J&A text would not conflict with it, those provisions would still apply after adoption of the PS. The suggested wording relates to operation of the development management process as opposed to setting policy for the retention of landscape features and their protection in the interests of sustainable development. The proposed change is not justified based on the coherence and effectiveness tests for soundness; the policy is sound as written.
- 5.135 LCCC considered representors’ additional points in its PCR at pages 226 – 245 inclusive. Having taken account of discussion at the public hearing sessions, I concur with its analysis and conclusions. Subject to **RA031– RA035** inclusive, Policies COU1 – COU16 inclusive are sound.

### **Monitoring and review**

- 5.136 Appendix E – Monitoring Framework of the dPS sets out the mechanisms for monitoring the extent to which the Plan Objectives are being achieved, as required by Section 21 (2) of the Act. Regulation 25 of the Regulations sets out what the AMR must specify. Taking account of those legislative requirements, paragraphs 5.36 to 5.39 inclusive of the SPPS and paragraphs 5.5.14 – 5.5.17 inclusive of DPPN 6 neither statute, policy nor guidance are prescriptive on how this issue and the associated actions of Plan Objective A.5 should be monitored in order that soundness test CE3 is satisfied. There is a plethora of alternative ways in which that could be done and myriad indicators, monitoring targets and trigger points that could be specified. However, whether those would be helpful, efficacious and/or preferential is not the task that the examiner is statutorily required to perform.
- 5.137 Regarding representations on the monitoring and review of implementation of policies associated with achieving Plan Objective A.5, LCCC set out its position on the issue at pages 165 and 166 of its PCR. This was supplemented by discussion at the

public hearing sessions, which did not alter its approach to and conclusions on the issues raised. It sees monitoring is an iterative process that will be further developed and refined with experience of compiling the AMR and considering the outcomes of scrutiny and review. In this context and even though the number of wheelchair properties and 'Lifetime Homes' and the number of planning consents issued for dwellings with integrated renewable technology are not included as indicators with monitoring targets and trigger points, this element of the plan does not raise fundamental issues of unsoundness in respect of test CE3.

### **Conclusion – Plan Objective A**

5.138 LCCC's response to representations in respect of Plan Objective A are addressed at pages 20 & 21 of its PCR. For reasons already addressed in the entirety of this chapter, there is no persuasive evidence that the suite of policies and plan provisions aimed at achieving Plan Objective A, subject to the identified RAs, will not contribute to a quality place. Therefore, I concur with its analysis and conclusions in respect of those representations. Neither is there persuasive evidence that account has not been taken of the CP, as required by soundness test C2, in the measures proposed to realise Plan Objective A. No further amendments are required in the interests of soundness.

## 6.0 A Thriving Place – Driving Sustainable Economic Growth

- 6.1 Plan Objective B: A thriving place is concerned with driving sustainable economic growth. Seven associated actions are identified at page 35 of Part 1 of the dPS. These are to be achieved through associated strategic and operational policy. At Figure 2 on pages 33 and 70 of Part 1 of the dPS, LCCC has set out how its PS will contribute to specific themes and outcomes identified in its CP (SUBDOC-065). Appendix C – Statutory Link with Community Plan of Part 1 of the plan illustrates the synergy between CP Themes and Outcomes and Plan Objectives (pages 166 – 169 inclusive).
- 6.2 As well as the plans and policies identified at pages 71 – 75 of Part 1 of the dPS, paragraphs 5.2 and 5.3 of the “*Housing and Employment Topic Paper*” of January 2021 (SUBDOC-031) sets out a succinct commentary on how Objective B accords with the main associated requirements of regional planning policy.

### Economic development

- 6.3 In addition to the dPS strategic policies specifically concerned with sustainable development, there are two that relate to economic development namely: Strategic Policy 11 Economic Development in Settlements; and Strategic Policy 12 Economic Development in the Countryside.
- 6.4 RG1 of the RDS 2035 seeks to ensure an adequate supply of land to facilitate sustainable economic growth. The rationale for the three stage Employment Land Evaluation Framework at Table 3.1 thereof is set out in the preceding bullet point in paragraph 3.3. The RDS 2035 was published in March 2012 and, at paragraph 1.8, referred to the review of public administration and the transfer of planning powers to new councils that subsequently occurred in 2015. Other than that, there is no reference to the current two stage LDP process.
- 6.5 The Framework is concerned with assessing the quality and viability of sites zoned for economic development uses in the area plans (*my emphasis*). The plan’s strategic employment allocation is set out at page 77 of Part 1 thereof. Considering it in the context of each of the 3 evaluation stages set out in Table 3.1:

#### Stage 1 – Taking Stock of the Existing Situation

- 6.6 The Sustainability Appraisal Interim Report for the POP (SUBDOC-047) considered three options in respect of safeguarding existing employment land. Appraised against 14 sustainability objectives the option of maintaining the current provision of land zoned for employment (Option 5A) scored most favourably. In summary it said that: “*Option 5A had many positive impacts and given than (sic) the area is determined, and the use as employment land is decided, it is possible to more accurately determine these impacts*”. On that basis, as LCCC considered the policy approach founded on Option 5A to be consistent with regional policy in its SA Report

(SUBDOC-005). it said that no reasonable alternatives were identified after the POP stage of the plan process.

- 6.7 Having further considered the issue in Technical Supplement 2: Urban Capacity Study, the baseline for LCCC's Employment Land Review [ELR] in Technical Supplement 3 (TS 3) consisted of land zoned for economic development uses in dBMAP 2015 comprising both developed and undeveloped land of 0.5 hectares (ha) and over. There are 30 key employment sites across the plan area. Details of these sites are set out at Table 5 of Part 1 of the plan with further supplementary information at TS 3 and the Topic Paper (paragraphs 5.4 – 5.17 inclusive). The initial assessment showed that approximately 220 ha of employment land remains undeveloped. This includes 52.49 ha identified at West Lisburn/Blaris, subject of proposed Strategic Mixed Use designation SMU01, rather than the full 120 ha that was zoned for employment in dBMAP.
- 6.8 The environmental implications of the existing land portfolio and its accessibility were assessed during the preparation of dBMAP and during the subsequent public inquiry. The dPS evidence base included detailed assessments of the 30 sites zoned in dBMAP. The scoring for the matrices used in the site assessment is explained at Appendix 3 of TS 3 and the pro forma in respect of the 30 sites are included at its Appendix 4 and Appendix 2 of the Topic Paper. The assessment took account of 12 criteria including landscape and environmental designations and Tree Preservation Orders. The first 3 criteria specifically refer to access (road, public transport and pedestrian/cycle). Those such as proximity to residential areas, community facilities, infrastructure and the site's relationship with adjoining uses are also pertinent to consideration of accessibility. The public transport access criteria would have taken account of changes in that element of the transport infrastructure since its consideration during the dBMAP process. Stage 1 of the RDS Employment Land Evaluation does not specify that accessibility analyses be carried out as part of the initial assessment of the "fitness for purpose" of the existing (*my emphasis*) employment land portfolio. In the context of reliance on "legacy" sites from dBMAP that have previously been subject to that two-stage scrutiny, that LCCC did not use the software-reliant accessibility analysis that DfI TMAPU advocated in assessing the "fitness for purpose" of the zonings as part of its evidence base, is not fatal to its strategic employment allocation.
- 6.9 As detailed in section 5.14 of the Topic Paper, a mixed-use development would significantly improve the rating of the West Lisburn/Blaris site, with improved accessibility moving it from the poor to high quality category. This would yield 15 high quality sites (104.68 ha), 10 average quality sites (89.03 ha) and 5 poor quality sites (27.97 ha).
- 6.10 Paragraph 4.28 of the RDS describes the Maze/Long Kesh regeneration site as an example of a site of regional importance. The Maze Lands, that encompass an area of approximately 141 ha, are designated as a Strategic Land Reserve of Regional importance in dBMAP 2015 (Designation LN 09). The Designation says that they are safeguarded from any development that would prejudice their potential as a reserve



for any future major development of regional significance. The associated J&A text notes that the Lands are in the ownership of the Office of the First Minister and the Deputy First Minister (OFMDFM) and “*present considerable potential for future development and form a significant land reserve, which could at some future point be developed in the wider public interest*”. It added that the facilitation of proposals for the regeneration of this substantial site are being taken forward by the OFMDFM and that the plan safeguards the site from development that could undermine its strategic significance. Policy EMP 1 Employment/Industry of dBMAP did not include The Maze Lands as part of its zoning for employment/industrial use.

- 6.11 At page 77 of Part 1 of the dPS is an explanation as to why that site has not been considered as part of the overall quantum of employment land. In its PCR, LCCC responded to representors’ submissions on exclusion of these lands from the strategic employment allocation at pages 23 and 394 – 398 inclusive. The issue was the subject of further discussion at the public hearing session of the IE but LCCC did not resile from the position set out in its written evidence base. I concur with its reasoning and conclusions. To that end, LCCC’s proposed “*minor change*” (MC67) whereby removal of reference to the Maze Lands from the Urban Capacity Study (SUBDOC-021) is necessary as **RA036** and **RA037** in the interests of clarity, consistency and coherence.

#### Stage 2 – Understanding Future Requirements

- 6.12 An overview of the employment and economic land baseline was initially set out in LCCC’s POP Position Paper 3: Employment and Economic Development (SUBDOC-053). Its subsequent TS 3 and Technical Supplement 4: Office Capacity Study (TS 4) [SUBDOC-022 & 023 respectively] updated those considerations. An independent evidence-based employment land review was undertaken by Lichfields and its report formed part of TS 3. Having reviewed the context and identified the report’s scope and methodology, the main issues were considered were:

- The plan area’s spatial and economic context including workforce jobs per sector, employment past trends and Class B job change. Class B being industrial and business uses, as defined by The Planning (Use Classes) Order (Northern Ireland) 2015;
- Existing employment sites and development trends, taking on board associated market feedback;
- The future need for employment space to accommodate Class B uses; and
- Assessment of employment sites.

It culminated in overall conclusions drawn from the preceding sections and outlined the key implications in relation to planning for future employment land needs in the LCCC area. The evidence base that accompanied submission of the dPS was updated and supplemented by the Topic Paper that:

- Reviewed and responded to representations made in respect of Strategic Policy 11 Economic Development in Settlements;

- Updated the Employment Land Review (ELR);
- Advised on any consequential changes that should be made to the dPS; and
- Considered the economic impact of Covid-19.

- 6.13 Lichfields developed six potential economic scenarios to provide a framework for considering future economic development growth needs and B class employment space requirements (Table 6.12 of TS 3). As with any such forecast there may be a variety of methodologies that could be employed. However, there is no persuasive evidence to suggest that the chosen approach is not robust. The scenarios produced a series of Class B floorspace requirements that ranged from 12.64 hectares (ha) under the baseline scenario to 44.85 ha under the past completions scenario over the period 2017 – 2032. At page 77 of Part 1 of the dPS under the heading “*Strategic Employment Allocation*” LCCC considered the scenarios from the ELR and set out why Scenario 5: Past Completions was deemed the most appropriate and likely outcome. It forecast a need for 48.85 ha of employment land need over the plan period. The evidence base in this respect is comprehensive and robust having considered the relevant alternatives and a provided cogent explanation of why Scenario 5 was chosen.
- 6.14 The evidence base did not go as far as “*identifying sites that should clearly be released for other uses*”. Together with outstanding matters highlighted in consideration of Stage 3 below, these are issues that can be dealt with during preparation of the LPP. As the RDS pre-dates the two stage LDP process, the timing of that site-specific review is not fatal to the plan’s strategic employment allocation.
- 6.15 Regarding the impact of the Covid-19 pandemic: paragraphs 6.1 – 6.5 inclusive of the Topic Paper identified the role of the planning system in promoting economic growth; and paragraphs 6.6 – 6.14 inclusive went on to consider its economic impact. Based on that evidence the report concluded that when looking at the LDP period as a whole, that pre-Covid forecasts are not expected to over-state the long-term growth levels. It sets out the reasons for firmly rebutting any suggestion that the level of growth that is anticipated by the dPS should be adjusted downwards. The paper’s assessment of likely effects is cogent and coherent. In that context, its conclusions are as robust as forecasting can be.

#### Stage 3 – Identifying a “new” portfolio of sites

- 6.16 Identification of a “new” portfolio of sites as required by stage 3 of Table 3.1 is squarely a matter for the LPP stage of overall LDP process. This is evidenced in Development Plan Practice Note 8: “*The Local Policies Plan*” at paragraphs 1.1, 1.3, 5.3, 5.6 and 5.9.
- 6.17 Regarding future employment land needs, the ELR in TS 3 concludes that in order to ensure a flexible and responsive framework it will be necessary not just to concentrate on meeting the forecast quantitative requirements for office and industrial space, that will fluctuate over time, but to reflect on the opportunities and risks that flow from particular policy approaches. Notwithstanding considerations

about choice and flexibility in respect of the range of factors that will determine whether a particular site will meet the needs of a specific business, there is a significant mismatch between the quantum of “legacy” employment and economic development land carried over from dBMAP 2015 (220 ha) and the forecast of the amount required over the plan period (44.85 ha). This suggests that there will be no need to identify additional lands in the LPP, brownfield included.

- 6.18 The dPS is consistent with paragraph 6.94 of the SPPS in respect of its Strategic Mixed Use sites (SMUs). Together SMU01 and SMU02 comprise a total of 96.32 ha of developable land for employment. Local employment sites make up the balance of the strategic employment allocation of 220 ha. Accordingly, there is no persuasive evidence that the dPS promotes the SMUs over other employment zonings. The evidence base, notably paragraph 8.18 – 8.35 inclusive of the ELR and Figure 7.1 in TS 3, demonstrates that the existing portfolio of employment land provides a range of good and average quality sites across Lisburn and Castlereagh, not limited to a particular geographic area. It also includes two rural employment sites with a total developable area of almost 12ha. In these respects, the strategic employment allocation is consistent with the 3<sup>rd</sup> sentence of paragraph 6.92 of the SPPS where the role of LDPs is identified in achieving the regional strategic objectives for economic development, industry and commerce. Neither of these considerations currently point to the need for additional sites to be zoned at LPP stage.
- 6.19 When LCCC completes the evaluation exercise set out in Stage 1 and carries out that at Stage 3 of RDS Table 3.1 in preparing its LPP, it is strongly urged to consider:
- Whether in the interests of sustainable development, there is merit in and/or a need to de-zone some of the “existing” zoned sites either in whole or in part. This is especially pertinent in light of: the finding at paragraph 4.13 of TS 3 that the zoned sites comprise a higher proportion of greenfield than brownfield land - the site-by-site breakdown is set out at Appendix 5 of TS 3; point 4 at paragraph 4.7 of TS 3 that notes a market preference for existing properties that are cheaper to refurbish than new builds on undeveloped sites; and the provisions of paragraph 6.93 of the SPPS. Consideration should be given to the balance to be achieved between strategic policies concerned with sustainable development and the case for retaining zoned greenfield land in order to reduce the cost of development, thereby removing barriers to inward investment;
  - At paragraphs 5.15 – 5.17 of the Topic Paper, LCCC set out its approach to the zoned employment sites identified as “poor”. Account has also been taken of its oral evidence that not all businesses need and/or could afford to establish on or move to the better quality sites; they broaden choice and flexibility for the range of B class uses. Nevertheless, scrutiny should be given to these sites’ retention considering the factors that have led to them being identified as “poor” and the objectives of the plan’s strategic policies concerned with sustainable development; and

- It is noted that the ELR took account of market demand (paragraph 4.14 of TS 3). Nevertheless, considering the comments at 8.17 of the Lichfields paper at Section 5 of TS 3, LCCC is also urged to re-visit the points raised therein when zoning sites as the LPP stage. Although deliverability of policy objectives is not a test for soundness, from the perspective of achieving orderly and sustainable development it is a pertinent consideration in the context of law, policy and guidance.
- 6.20 When these factors are considered in the round, additional sites might need to be allocated at LPP stage if it were considered that some dBMAP zonings' retention would not be in the best interests of achieving Plan Objective B. However, at this initial stage of the binary plan process, when the Employment Land Evaluation Framework at Table 3.1 of the RDS relates to the former unitary area plan, the strategic employment allocation does not give rise to such fundamental misgivings about coherence and effectiveness as to render it unsound. Therefore, whilst LCCC is urged to take on board the considerations in the preceding paragraph when preparing its LPP, they cannot be subject of a recommended amendment as they do not go to soundness of the dPS.
- 6.21 The full extent of evaluation required by the RDS in respect of the former unitary plan system has not yet been carried out. However, at this juncture, the evidence base to date is realistic and appropriate considering the two-stage LDP process. Only site-specific evaluation at the LPP stage can fully address concerns about the scale of the quantitative oversupply and whether it is inconsistent with Strategic Policy 01 Sustainable Development and Strategic Policy 04 Supporting Sustainable Economic Growth. At that juncture, consideration could be given to when sites would start to make a meaningful contribution to supporting Class B jobs in the plan area. Pending adoption of the LPP, operational Policies ED4 Redevelopment of an Established Economic Development Use in the Countryside and ED7 Retention of Zoned Land and Economic Development will provide the framework for consideration of individual planning applications for the re-use of existing and zoned economic development land comprising the "legacy" sites. These should prevent the blight of the zoned "legacy" sites retained from dBMAP as part of the strategic employment allocation.
- 6.22 The monitoring mechanism for review of strategic and operational policies concerned with economic development is found in the first row of the table in Appendix E – Monitoring Framework, page 176, of Part 1 of the plan. The outcome of that element of the statutorily required AMR will assist in informing associated policies at the LPP stage of the overall plan process. When the LPP is adopted, after the aforementioned site-specific work has been carried out during its preparation, if monitoring showed there to be a mismatch between what is available on the ground and the identified strategic need for additional employment floorspace, LCCC could opt for an early review of the plan. This is consistent with paragraphs 5.36 – 5.39 of the SPPS and the legal and policy framework identified therein. However, in the context of the two stage LDP process with the legal and policy emphasis on plan,

monitor and review, the strategic employment allocation complies with the soundness tests that are concerned with coherence and effectiveness.

- 6.23 At paragraphs 5.18 – 5.24 of the Topic Paper, LCCC set out its approach to unzoned employment sites and their relationship with the strategic employment allocation. Its evidence in this respect is coherent and robust. Policy ED7 will provide the basis for considering development proposals that would result in the loss of Class B1, B2, B3 and B4 uses. Thereby flexibility is afforded to enable alternative uses to come forward where their benefits would outweigh the loss of the land for economic development use. This accords with paragraph 6.89 of the SPPS. Pending the LPP stage of the binary LDP process, this approach is realistic and appropriate.

### **Economic Development in Settlements**

- 6.24 Not all the sites that make up the strategic employment location are located within settlements; the last two entries on Table 5 of the dPS appear under the heading “Rural Employment Sites”. These are Local Employment Sites as defined on page 77 of Part 1 of the dPS. Criterion b) of Strategic Policy 11 Economic Development in Settlements relates specifically to such sites. Despite being raised by a representor, this is a matter that only came to my attention after the public hearing sessions so that a form of wording was not discussed with the parties. However, for the sake of clarity **RA038** is necessary whereby this discrepancy is addressed so that it is made clear that despite the policy header, it applies to sites outwith settlements.
- 6.25 Criterion c) of Policy SP11 encourages mixed use schemes supporting regeneration on sites previously used for economic purposes to help tackle inequality and deprivation. As set out in the Introduction to this report, the PS must be read in the round. Operational Policy ED7 Retention of Zoned Land and Economic Development presumes against the loss of zoned employment land and unzoned employment land in settlements. The type of scheme envisaged by criterion c) of Policy SP11 would have to qualify as an exception to the presumption against the loss of employment land clearly articulated in Policy ED 7. Therefore, there is no conflict between the dPS when considered holistically and Policy PED 7 Retention of Zoned Land and Economic Development Uses of Planning Policy Statement 4: “*Planning and Economic Development*” (PPS 4). Soundness test C3 is not offended in this respect.
- 6.26 LCCC considered additional representations in respect of Strategic Policy 11 at pages 97 – 101 inclusive of its PCR. I concur with its assessment and conclusions and there is no need to amend the policy or its J&A in the interests of soundness.

### **SMU02 Purdysburn/Knockbracken**

- 6.27 The Strategic Mixed Use site subject of SMU02 Purdysburn/Knockbracken extends to 85.54 ha and, of that, a total of 44.03 is developable (Table 5, Part 1). Talking account of that context, the nature and mix of uses already on the site are likely to be influential in determining where the uses permitted by criterion h) would be located. It is noted that when zoned in dBMAP 2015 (Zoning MCH 13) that the

associated comprehensive masterplan/development framework for the site was to indicate an *“appropriate mix of specific uses”*. This language is consistent with criterion h) of Policy SMU02, which requires that the associated concept masterplan shall outline *“an appropriate mix of the following uses”*. Although dBMAP 2015 remains a draft DPD, it has been through public inquiry and weight attaches to it. In considering clarity, given the site characteristics and context, the phrase strikes an appropriate balance between soundness tests C4 and CE4.

- 6.28 At page 108 of its PCR, LCCC engaged with a representation in respect of SMU02 concerned with natural heritage and the use of green and blue infrastructure. In addition to the required Concept Masterplan for the site, as the PS must be read in the round, a proposal thereon would also have to comply with associated operational policy. In oral evidence LCCC cross-referenced a number of operational policies that would address the representor’s concerns. In addition, the equivalent Zoning MCH 15 in dBMAP 2015 does not require that level of detail in the comprehensive masterplan/development framework for the site. As an appropriate balance is struck between soundness test C4, CE3 and CE4, there is no need to amend the policy in these respects in the interests of soundness.
- 6.29 At Pages 107 – 109 inclusive of its PCR, LCCC engaged with representations in respect of SMU02. Over and above the issues already considered, I concur with its assessment and conclusions and there is no need to amend the policy or its J&A in the interests of soundness.

### **Economic Development in the Countryside**

- 6.30 At pages 110 and 111 of its PCR LCCC addressed representations in respect of Strategic Policy 12 Economic Development in the Countryside. I concur with its assessment and conclusions and there is no need to amend the policy in the interests of soundness.

### **Economic Development – Operational policies**

- 6.31 The final paragraph of Policy PED 4 Redevelopment of an Established Economic Development Use in the Countryside of PPS 4 says 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 provisions of PPS 21. Outside of a Dispersed Rural Community, Policy CTY 5 Social and Affordable Housing of Planning Policy 21: *“Sustainable Development in the Countryside”* (PPS 21) sets a sequential locational test for the acceptability of sites for such development outside a small settlement where the need for it cannot readily be met within an existing settlement in the locality. Criterion (b) of the 3 associated criteria relates to a site close to the settlement limits which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment. Policy COU5 Affordable Housing of the dPS mirrors the sequential locational test in CTY 5 of PPS 21.

However, Policy ED4 Redevelopment of an Established Economic Development Use in the Countryside does not reproduce the final paragraph of Policy PED 4 of PPS 4.

- 6.32 LCCC pointed to three provisions of the SPPS that it said to show that Policy ED4 is not at odds with those elements of regional policy:
- The policy objectives for development in the countryside at paragraph 6.66 that are concerned with different facets of sustainable development;
  - The policy approach of paragraph 6.69 to cluster, consolidate and group new development with existing established buildings and promote the re-use of previously used buildings; and
  - Paragraph 6.73 directs that strategic policy for residential development in the countryside that should be taken into account in the preparation of LDPs. The 9<sup>th</sup> bullet point relates to social and affordable housing development. It allows for an identified need for such development adjacent to or near a small settlement.
- 6.33 Policy COU5 of the dPS is consistent with paragraph 6.73 of the SPPS. However, the latter does not specify that such development should be limited to greenfield sites. Where an established economic use is located just outside a settlement, its redevelopment for social and affordable housing would, in principle, be consistent with paragraph 6.69 and would not offend any of the regional strategic policy objectives at paragraph 6.66 of the SPPS.
- 6.34 Soundness test C3 does not require that the provisions of the dPS replicate existing regional policy. The planning authority is at liberty to tailor its provisions to address local circumstances provided there is a persuasive explanation for doing so. In this instance, LCCC's rationale for omitting the final paragraph of Policy PED 4 of PPS 4 is not persuasive considering the SPPS provisions that it relied on lend support to the need to change the policy. Therefore, **RA039** is necessary whereby a final paragraph should be added to Policy ED4 to make the same exception for social and affordable housing provided they meet the provisions of Policy COU5.
- 6.35 Paragraph 6.89 of the SPPS sets a presumption against the loss on unzoned lands in settlements in current economic development use (or land last used for those purposes). Policy ED7 Retention of Zoned Land and Economic Development initially omitted the reference to land last used for economic development use. Whilst soundness test C3 does not require LCCC to replicate this provision provided its evidence base explains why it chose to take a different approach, the associated proposed focussed change (FC7) shows that was not its intention. In that context, **RA040** is needed for soundness.
- 6.36 LCCC proposed to add an additional criterion to Policy ED9 General Criteria for Economic Development that would require associated proposals to accord with the provisions of Policy NH1 European and Ramsar Sites – International. Its omission would not waive or undermine the statutory obligations imposed on a developer by virtue of the Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995

(as amended). Whether or not this criterion is added, LCCC confirmed that any proposal potentially affecting such sites would have to comply with Policy NH1 by virtue of the third paragraph to the Preamble in Part 2 of the plan. Therefore, its omission would not undermine either the integrity of the draft HRA or securing associated mitigation measures included therein. Accordingly, MC62 is not needed for soundness.

- 6.37 LCCC addressed additional points raised by representors in respect of its suite of operational policies relating to economic development at pages 247 to 260 inclusive of its PCR. Save for its response to the representation concerned with Policy ED4 that gave rise to **RA039**, I concur with its analysis and conclusions. Subject to **RA039** and **RA040**, those policies are sound as written.

### **Minerals Development**

- 6.38 Paragraphs 6.153 – 6.161 of the SPPS identify considerations to be taken on board in when preparing a LDP. There is no indication that any of the considerations must be addressed at dPS stage as opposed to when the LPP is prepared. Section 14.0 “*Minerals*” of DPPN 7 provides guidance as to what consideration should be given to minerals development in LDPs. Over and above the suite of associated strategic and operational policy, it is difficult to envisage how a council could address all the considerations specified by policy and guidance without a regional overview of minerals resources, supply and demand. LCCC grappled with this point at page 89 of the dPS in the J&A text to Strategic Policy 13 Mineral Development setting out details of consultation with the Department for the Economy’s Geological Survey of NI and referred to commencement of a data gathering exercise by that Department to enable a regional evidence-based approach to be developed. LCCC acknowledged in the J&A text that further work in respect of the mineral resource is needed at the LPP stage of the plan process. Whilst the dPS does not address all the issues that the SPPS and DPPN 7 identify, given the lack of a regional evidence-base to underpin local policies, this is not fatal to its soundness. To hold the dPS back pending collation of the regional evidence base would be contrary to Section 1 of the Act.
- 6.39 LCCC’s evidence base includes a “*Landscape Character Review for Lisburn and Castlereagh*” as part of its Countryside Assessment (SUBDOC-025). Its Section 7 comprises a geological characteristics review. Consideration of each of the plan area’s Landscape Character Areas includes landscape management and planning guidelines for minerals.
- 6.40 At pages 112 – 115 inclusive of its dPS, LCCC responded to representations about Strategic Policy 13. I am persuaded by its consideration of them and agree with the conclusions reached. The policy is sound as written.
- 6.41 Policy MD1 Environmental Protection is the subject of 2 focussed changes (FC8A and FC8B). At the public hearing sessions LCCC proposed omitting a superfluous word and correcting punctuation so that the second sentence would read: “*Minerals development within or in close proximity to an area that has been designated, or is*



*proposed for designation to protect its landscape, scientific, natural or built heritage significance will not normally be granted permissions where this would prejudice the essential character of the area and the rationale for its designation".* FC8B proposes removal of an exception to the presumption against development in or in close proximity to such designated areas in respect of valuable minerals subject of Policy MD4 Valuable Minerals.

- 6.42 Policy MD4 is clear in its intent where it states in respect of valuable minerals that: *"There will not be a presumption against their exploitation in any area, however, in considering a proposal where the site is within a designated area in the Local Development Plan, due weight will be given to the reason for the statutory zoning"*. The wording is consistent with both the third sentence of paragraph 6.157 of the SPPS and Policy MIN 4 Valuable Minerals, and its accompanying text, of *"A Planning Strategy for Rural Northern Ireland"* (PSRNI). Read on its own, its retention suggests that proposals for the extraction of valuable minerals would not be subject of the qualified presumption in favour of minerals development. However, Policy MIN4 makes it clear that the lack of presumption against their exploitation in any area is itself qualified. In terms of interpretation and implementation, removing the bracketed text from Policy MD1 would have few implications for the application of Policy MD4. If it were retained, the only difference would be that there would be a presumption against such proposals in close proximity to a designated area or one that is proposed for designation. If the designated area were a natural heritage site subject to separate legislative provisions that would apply irrespective of policy, such as a Ramsar Site, the proposal's implications for that area would be a material consideration whether it is located within or without that area. Omitting the bracketed text from Policy MD1 would not be inconsistent with regional policy. **RA041** is necessary for clarity and in acknowledgement of statutory obligations in respect of certain designations; it would not give rise to inconsistency between policies MD1 and MD4.
- 6.43 LCCC proposed a *"minor change"* (MC24C) whereby the second paragraph of the J&A text of Policy MD1 would become the second paragraph of the policy itself (in bold text). The proposed change was made at the suggestion of DfI Planning. On foot of public consultation on the proposed focussed and minor changes, as detailed in the opening chapter of this report, the Department welcomed the amendment but considered that it would constitute more than a minor change as envisaged by DPPN 10. It was the only party to comment on the proposed revision. As set out in the introductory chapter, although minor changes were not formally put out to consultation many parties, including DfI Planning, availed of the opportunity to comment on them in addition to focussed changes. Comparing and contrasting the definition of *"minor changes"* and *"focussed changes"* at paragraphs 4.5 & 4.6 and 4.7 of DPPN 10 and given the opportunity for public comment, the proposed insertion of the paragraph from J&A to policy is acceptable, in principle, as a minor change. However, ultimately this is a matter for DfI to adjudicate on.
- 6.44 That LCCC has sought the change is testament to the fact that it is not proposing to depart from regional policy. Paragraphs 6.154 and 6.158 of the SPPS permit the

principle of the extraction of peat notwithstanding that mitigating and adapting to climate change is dealt with at paragraphs 3.10 to 3.13 thereof. In that context, it would be inappropriate to import policy from the English National Planning Policy Framework. In addition, Section 250 (1) of the Act excludes turf cut for purposes other than sale from its definition of “*minerals*”. LCCC’s provisions for peat extraction, subject to MC24C, are consistent with regional planning policy. **RA042** is necessary for the sake of soundness test C3 so that the provisions for the extraction of peat for sale contained within paragraph 6.158 of the SPPS are included in policy and, in the plan-led system, not seen to be accorded lesser weight.

6.45 Policy MD1 is subject to three additional suggested “*minor changes*” as follows:

- MC24A proposes to align the wording with that of paragraph 6.163 of the SPPS and **RA043A** is required for the sake of consistency;
- MC24B, as amended by MA008, would cross-reference to environmental legislation and refer to balancing a proposal for mineral development with preservation and conservation of the environment. For the reasons set out when considering the dHRA in chapter 1 of this report, reference to legislation is extraneous as not only would a proposal have to be consistent with the plan’s suite of Natural Heritage policies, including NH1 European and Ramsar Sites – International, but it would also have to take on board statutory requirements. The suggested reference to the balancing exercise is included in the test of MD1 itself and there is no justification for its repetition in the J&A. MC24B, as amended by MA008, is not necessary; and
- MC63 proposes to add two additional sentences to the end of paragraph 1 of the J&A. Reference to the Special Protection Area and Ramsar Site is needed for clarity - **RA043B**. However, for reason set out when considering the dHRA, there is no need to add that proposals that may affect a European or Ramsar Site must meet the requirements of Policy NH1.

6.46 Policy MD1 sets a qualified presumption in respect of mineral development whereas Policy MD3 Areas of Mineral Constraint sets a general presumption against such development save for two exceptions. Policy MD1 is largely consistent with both Policy MIN 1 Environmental Protection of the PSRNI and its accompanying text, and paragraph 6.154 of the SPPS. Policy MD3 echoes Policy MIN 3 Areas of Constraint, and its accompany text of the PSRNI and the third bullet point of paragraph 6.155 of the SPPS. The policies have the common aim of conserving and protecting the natural and historic environment. However, Policy MD3 will apply only to Areas of Mineral Constraint, defined at the LPP stage of the overall plan process; whilst Policy MD1 will apply to the remainder of the plan area outwith such designations. Both are clear in their intent.

6.47 Policy MD4 Valuable Minerals does not specify what resources are considered to come within its ambit. The J&A text of Policy MIN 4 Valuable Minerals of the PSRNI cites oil, gas and lignite as examples. Paragraph 6.157 of the SPPS nor its Glossary do

not define the term. Section 250 (1) of the Act defines “*minerals*” but does not otherwise assist. In that context: mindful that what is considered valuable may evolve and change over the plan period; LCCC’s evidence that such applications are few in number; and that the first sentence of policy provides a broad definition, consideration on a case-by-case basis and in consultation with the Department for the Economy does not mean the policy fails soundness test CE3.

6.48 Two “*minor changes*” are proposed to Policy MD4 as follows:

- MC25 would cross-reference to the suggested J&A text in Policy MD1 subject of MC24B as amended by MA008. The reasons why the latter is considered unnecessary are set out above in paragraph 6.45 and apply equally to MC25, which is not required for soundness; and
- MC64 would stipulate that proposal affecting a European or Ramsar Site must meet the requirements of Policy NH1. As with the second part of MC63, this is not necessary.

6.49 LCCC considered additional representations over and above those already discussed at pages 261 – 276 inclusive of its PCR. I agree with its consideration and assessment. Subject to **RA040 – RA043B** inclusive, the suite of policies relating to minerals development are sound as written.

#### **Conclusion – Plan Objective B**

6.50 LCCC’s response to representations in respect of Plan Objective B are addressed at pages 23 & 24 of its PCR. For reasons already addressed in the entirety of this chapter, there is no persuasive evidence that the suite of policies and plan provisions aimed at achieving Plan Objective B, subject to the identified RAs, will not contribute to a thriving place. Therefore, I concur with its analysis and conclusions in respect of those representations. Neither is there persuasive evidence that account has not been taken of the CP, as required by soundness test C2, in the measures proposed to realise Plan Objective B. No further amendments are required in the interests of soundness.

## 7.0 A Vibrant Place

- 7.1 Plan Objective C: A Vibrant Place aims to grow Lisburn City, town centres, retailing and other uses as defined by Footnote <sup>34</sup> on page 92 of Part 1 of the plan. Six associated aims to be achieved over the plan period are set out at page 36 of Part 1 thereof. LCCC suggested a “*minor change*” (MC1) whereby a new 4<sup>th</sup> aim would be introduced and the remaining 3 aims re-numbered accordingly. District and Local Centres are included in Figure 5 The Retail Hierarchy at page 97 of Part 1 of the dPS. Aims 2 and 3 on page 36 relate to the other 4 tiers of the hierarchy and the proposed change would set out the plan’s ambitions in respect of District and Local Centres and provide a context for associated policy. The aims are repeated on page 92 of Part 1 at the start of the portion of Chapter 4 Strategic Policies and Spatial Strategy that considers Objective C. MC1 proposes to make the same revision as **RA006**. **RA044** is necessary for coherence and effectiveness. The aims, as amended, are to be realised through associated strategic and operational policy.
- 7.2 At Figure 2 on page 33 and page 92 of Part 1 of the dPS, LCCC has set out how its PS will contribute to specific themes and outcomes identified in its CP. Appendix C – Statutory Link with Community Plan of Part 1 of the plan illustrates the synergy between Community Plan Themes and Outcomes and Plan Objectives (pages 166 – 169 inclusive).

### Town Centres, Retailing and Other Uses including The Retail Hierarchy

- 7.3 Section 2.0 of Technical Supplement 5: Retail Capacity Study (TS 5) [SUBDOC-024] provides a comprehensive overview of the regional and local policy context, both statutory and non-statutory, for retail development within the plan area. It also sets out the relevant provisions of LCCC’s CP. This is supplemented by Sections 2 - 4 inclusive of Position Paper 4: Retailing, Town Centres and Other Uses (SUBDOC-054).
- 7.4 Sections 5.0 and 6.0 of TS 5 accord with the requirements of paragraph 6.274 of the SPPS. Section 5 comprises the Lisburn & Castlereagh Retail Capacity Study (February 2018) that: contains forecasts of spare retail expenditure capacity from 2017-27, which could support new retail development in Lisburn and the rest of the Council area; and informed LCCC’s preferred options on retail and town centres (TCs) further to its POP PCR of September 2017 (SUBDOC-049). Section 6 sets out TC Health Checks 2018 for Lisburn City Centre, Carryduff, Hillsborough and Moira TCs and Dundonald Local Centre (LC) to assess their vitality and viability. The research was specifically aimed at assisting LCCC in providing the evidence base to support its preferred options, having considered the alternatives under each option on retailing and town centres in the SUBDOC-049.
- 7.5 LCCC proposed a “*focussed change*” (FC2) involving the deletion of the current criterion b) from Strategic Policy 14 Town Centres, Retailing and Other Uses (SP 14). Figure 5 The Retail Hierarchy of Part 1 of the plan (page 97) does not include Sprucefield Regional Shopping Centre (SRSC) that is subject of Strategic Designation SMU03. As Sprucefield sits outwith The Retail Hierarchy, for the sake of clarity, LCCC

proposed to delete mention of it from SP 14. As this change is needed to give effect to LCCC's intentions and provides clarity in respect of how it sees Sprucefield's relationship with The Retail Hierarchy, **RA045** is necessary considering soundness tests CE2 and CE3.

- 7.6 The penultimate paragraph of the associated J&A text says that SP 14 acknowledges the importance of SRSC as a destination. Given that **RA045** would delete mention of SRSC from SP 14, this paragraph should also be omitted to ensure consistency between the policy and its J&A. **RA046** is essential for coherence and effectiveness.
- 7.7 LCCC's proposed "*minor change*" MC4 would add a replacement criterion b) to Policy SP 14 expressing support for District and Local Centres. **RA047** is necessary for the same reasons as **RA044**.
- 7.8 The term "*Metropolitan District Centre*" is not included in regional planning policy or guidance, LCCC's CP nor is there evidence that such a definition/designation is included in other plans, policies or strategies relating to this council's district or that of an adjoining authority. Accordingly, the plan is not at odds with any of the soundness tests in not including such a tier on The Retail Hierarchy. In that context, to introduce a tier that has no foundation in policy or guidance could jar with soundness tests concerned with coherence and effectiveness.
- 7.9 The extent of Forestside District Centre (FDC) in dBMAP 2015 is shown on its Plan Amendment No. 1 Map No. 19 – Belfast/Castlereagh and its was subject of Designation MCH 19/01. The rationale for the boundary at page 43 of the District Proposals for Castlereagh (Part 4, Volume 5) said that many of the district centres (DCs) in the BMA (Belfast Metropolitan Area) are over-trading and are attracting trade away from the town centres. To help redress this perceived imbalance, a boundary for FDC was delineated.
- 7.10 The Preferred Option (14A) for FDC that emerged from the POP and consideration of associated representations refers to expansion of its dBMAP 2015 boundary to include Drumkeen Retail Park and Homebase (pages 61 – 64 inclusive of SUBDOC-049). The "*Potential Extension to the District Centre*" is shown on Map 14 of Appendix H to the POP (SUBDOC-045). This Preferred Option was considered in the Lisburn & Castlereagh Retail Capacity Study (RCS) within TS 5. The conclusions drawn in its Section 8.8.2 and the evidence underpinning them were challenged, allied with the contention that the PS should designate the physical extent of the FDC.
- 7.11 Paragraph 6.227 of the SPPS is silent on at what stage of the plan process the spatial extent of retail designations should be defined. Paragraph 6.288 thereof cannot be read in isolation from the context of the "*Implementation*" section that spans paragraphs 6.284 – 6.292 inclusive of the SPPS. In that context, where reference is made in that specific paragraph to "*during the plan period*" that suggests the LDP as a whole; otherwise, the PS would be required to take on board all those considerations, which is not the intent of the two-stage process.

- 7.12 Table 1 of Development Plan Practice Note 7: *“The Plan Strategy”* sets out a suggested (*my emphasis*) structure for the content of the PS. Row 6 refers to maps and there is nothing therein that suggests that specific designations need be included in the PS. Paragraph 20.3 says that a hierarchy of town, district and local centres should be identified - this is done in Figure 5 and the accompanying text on pages 97 and 98 of Part 1 of the plan. Paragraphs 5.7 and 6.4 also suggest that LCCC’s approach is not unsound in this respect. Row 4 of the correspondent Table 1 in Development Plan Practice Note 8: *“Local Policies Plan”* (DPPN 8) refers to maps to show local site-specific proposals, zonings etc. Paragraph 20.3 thereof says that a council may build upon and update the work already undertaken for the preparation of the PS in order to determine the most appropriate sites for town centre (TC) and retail development. Paragraph 20.4 directs that the LPP should define the spatial extent of TCs, and primary retail cores/frontages. Whilst not specifically identified, it is not unreasonable to suggest that the guidance could equally apply to other designations such as DCs. On the other hand, it does not preclude designations being included in the PS. However, the plan is not unsound because the matter has been reserved for consideration at the next stage of the binary LDP process.
- 7.13 Extension of the boundary emerged as the Council’s Preferred Option for FDC suggesting that designation of its physical extent would happen at PS stage notwithstanding conclusions drawn above based on Departmental guidance. Appendix H to the POP (SUBDOC-045) showed: a proposed extension to Lisburn City Centre (Map 10); Potential Town Centre Boundaries for Moira and Hillsborough (Maps 12 and 13); and Potential Extension to Local Centre Boundary – Dundonald (Map 15). None have been carried through as designations in the dPS despite the associated POP PCR saying that all these options received majority support. Implementing only one of these designations or extensions of designations in this PS might have ramifications for the remaining tiers of The Retail Hierarchy.
- 7.14 Soundness test P2 requires consideration of whether the council prepared its POP and took into account any representations made. SUBDOC-044 and 049 show that LCCC performed both these tasks. The third paragraph under the heading *“District Centre – Forestside”* on page 98 of Part 1 thereof makes the commitment to consider *“a possible extension to the District Centre boundary to consolidate and strengthen its role”*. The final paragraph of the J&A text to operational Policy TC4 District and Local Centres says that it is intended to assess the boundaries for both as part of the LPP. In the context of the two stage LDP process, reserving this matter for further consideration is not at odds with soundness test P2.
- 7.15 Concerns about the robustness of the evidence in the RCS in TS 5 include its implications for: the extent of the DC to be designated at Forestside; the status of Drumkeen Retail Park; and the extent of the TC to be defined in Carryduff and its relationship with/implications for FDC. These are matters that are more appropriately dealt with in preparation of the LPP when, as paragraph 20.3 of DPPN 8 says, the evidence base in TS 5 can be updated and built upon including consideration of matters arising from IE of the PS.

- 7.16 Subject to the required **RA047**, SP 14 and The Retail Hierarchy are consistent with paragraph 6.281 of the SPPS as regards DCs. The language of the associated operational Policy TC4 District and Local Centres is permissive and aligns with the SPPS. The plan makes provision for managing development associated with FDC pending preparation of the LPP. In these respects, it is consistent with the guidance at paragraph 1.2 of DPPN 7. Therefore, points of contention about the robustness of the evidence base regarding considerations such as its catchment, function and potential for extended trading at both Forestside and Drumkeen Retail Park are not matters that I need to engage further with at this stage of the overall LDP process in order to adjudicate on soundness. Other than **RA047**, no further amendment is needed in respect of the provisions of SP 14 for DCs.
- 7.17 The Retail Hierarchy includes Moira as a TC. Representors expressed misgivings about the town's capacity to absorb additional development given existing issues with congestion. LCCC's starting point was dBMAP where Moira was designated as a town but without a designated town centre boundary (TCB). The POP included 2 Key Issues relating to TCs. Key Issue 12B to maintain the dBMAP 2015 *status quo* with Carryduff as the only TC or also designate TCBs in Hillsborough and Moira to align with their existing Conservation Areas as Key Issue 12A. The rationale for both options was set out at page 107 of the POP. Key Issue 12: Strengthening TCs was considered at pages 53 – 56 inclusive of the POP PCR. The Potential TCB was shown on Map 12 of Appendix H of the POP. Key Issue 12A was carried forward for consideration in the RCS and subject to a TC health check in TS 5. One of the key indicators considered in the health check was accessibility as defined in paragraph 5.2.5 of TS 5. The subsequent SWOT (strengths, weaknesses, opportunities and threats) analysis flagged up issues with parking availability and traffic congestion as weaknesses. These informed definition of a TCB for the reasons set out in paragraphs 5.12.1 and 5.12.2 of Section 6 of TS 5.
- 7.18 Technical Supplement 8: Local Transport Study (TS 8) [SUBDOC-025] identified draft Transport Study objectives. No. 5 is to enhance accessibility by sustainable modes of transport to the centres of, amongst other places, Moira to safeguard its viability. The Local Transport Study (LTS) considered urban sustainable transport infrastructure in the town (Section 5.4) and parking provision (Section 5.8). The LTS will inform the LPP with a joined-up approach to the issues such as the development of the Park & Ride/Park & Share facility at Moira Railway Station.
- 7.19 The designation of a TC in Moira is founded on a robust evidence base where relevant alternatives were considered; it is consistent with soundness test CE2. Representors' concerns are also addressed by Criterion a) of Policy TC3 Town Centres, which requires that development proposals for retail and other TC uses in Moira will be suitable in terms of, amongst other things, scale and size. This will require consideration of their impact on the local roads network and parking provision. Designation of the TCB is a matter for the LPP.

- 7.20 In dBMAP 2015 a LC was designated at Dundonald (Designation MCH 17). The POP relied on this “existing” development plan as part of its evidence base; its Map 17 showed Dundonald LC. Preferred Option 14A was to extend its boundary to include the Park & Ride site as shown in Appendix H, Map 15 Potential Extension to Local Centre Boundary - Dundonald (SUBDOC-045). Key Issue 14: Strengthening District & Local Centres was considered at pages 61-64 of the POP PCR. Representations for Dundonald to be designated as a TC rather than a LC were to be considered in greater detail through a RCS. Section 5.7 of that document (TS 5) reported on the Dundonald LC health check (pages 32 – 35 inclusive). It considered 12 key indicators and carried out a SWOT analysis. Section 5.8.2 said that the findings of the accompanying RCS “indicate forecast spare capacity to support only small increases in convenience and comparison floorspace in Dundonald”. There was no persuasive evidence to: cast doubt on the evidence base supporting Dundonald’s designation as a LC; suggest that LCCC’s approach in this respect was contrary to soundness test CE2; or that the designation would impact on the application of SP 14.
- 7.21 Page 90 of Part 1 of the plan says that consideration of Dundonald’s status as a possible TC and its associated designation, will be considered at the LPP stage. LCCC referred to paragraphs 5.7, 5.8 and 6.4 of DPPN 7 in support of its contention that the PS only need set out the policy for TCs and LCs and does not preclude such a review. The LC tier on The Retail Hierarchy does not refer to specific designations thereby affording flexibility in that respect. In all, soundness test C3 is satisfied.
- 7.22 Paragraph 6.277 of the SPPS lists 5 tasks for LDPs to fulfil. In accordance with the 3<sup>rd</sup> bullet point, operational policies TC1 – TC5 inclusive in Section 6 of Part 2 of the dPS make clear what uses will be permitted in the hierarchy of centres and the factors that will be taken into account for decision making. However, in addition to the hierarchy of centres that are shown in Figure 5, that bullet point also refers to “other locations”.
- 7.23 Policy TC6 Petrol Filling Stations and Roadside Service Facilities, which provides for associated retail units, and Policy SMU03 Sprucefield Regional Shopping Centre are “other locations” that the plan provides for as required by paragraph 6.277 of the SPPS. Both sit outside the dPS Retail Hierarchy. The countryside is not included on The Retail Hierarchy. The final paragraph of the J&A text to SP 14 says that retailing in the countryside will be by exception based on identified need only. LCCC addresses the issue of policy for retail development in such locations at page 290 of its PCR. I concur with its conclusion that Policy COU1 Development in the Countryside, subject to **RA031**, addresses representors’ concerns. No further amendment is required in that respect.
- 7.24 In its PCR (page 120), LCCC says that “neighbourhood centres” are a feature of the development management process that sit outside The Retail Hierarchy. However, the wording of the 3<sup>rd</sup> bullet point of paragraph 6.277 of the SPPS indicates that its provisions also apply to “other locations” such as local, neighbourhood shops within Lisburn City, Lisburn and Castlereagh Greater Urban Areas and towns other than within designations included in The Retail Hierarchy. Provision could be considered



under Policy HOU6 Design Concept Statements, Concept Masterplans and Comprehensive Planning, Policy HOU2 Protection of Land Zoned for Housing where retail provision is sought on such sites and in accordance with KSRs at LPP stage. However, there is no specific PS policy to inform developers wanting to promote local or neighbourhood shops in settlements other than those to which Policy TC5 Villages and Small Settlements applies. That the defined Retail Hierarchy does not include all types of retailing within the plan area is not at odds with soundness tests concerned with consistency, coherence or effectiveness. However, the lack of specific policy for these forms of retailing raises concerns in respect of tests CE2 and CE3 and the statutory duty imposed by Section 1(1) of the Act.

- 7.25 At the public hearing sessions LCCC said that it would not apply the sequential test set out in paragraph 6.280 of the SPPS in respect of local, neighbourhood shops. However, the PS does not include such discretion. There is no persuasive evidence as to why the plan does not include policy that makes clear which uses will be permitted in these “*other locations*”. Mindful of soundness tests CE2 and CE3, **RA048** is necessary.
- 7.26 At pages 117 – 121 inclusive of its PCR, LCCC addresses other points raised by representors in respect of The Retail Hierarchy and SP 14. I concur with its analysis and conclusions. Subject to **RA045 - RA048**, both are sound.
- 7.27 The RDS 2035 (paragraph 3.41) says that Sprucefield will continue to retain its status as a regional out-of-town shopping centre. No indication is given of its role nor is the term defined. Sprucefield is not specifically mentioned in the SPPS. LCCC’s RCS refers to the GL Hearn research paper on TCs and retailing that the Department commissioned prior to publication of the SPPS. However, as LCCC acknowledges at paragraph 2.20 of TS 5, there is no indication that the report was used to inform regional policy on TCs and retailing. No policy provision is made for this sole regional out-of-town shopping centre in terms of: what, if any, provision LDPs should make for it; how it is to fit into the required network and hierarchy of centres; or how associated proposals are to be considered.
- 7.28 dBMAP BMA Retail Strategy comprises 4 elements, one of which is the expansion of Sprucefield Regional Shopping Centre (SRSC) for bulky comparison goods only. Policy R3 Sprucefield Regional Shopping Centre thereof made qualified provision for retail development within SRSC as indicated on Map No. 2/001 – Lisburn City. Designation LC16 Sprucefield Regional Shopping Centre, shown on Map No. 2/002, included the defined SRSC and an Area of Development Potential subject to the associated KSR. The status of dBMAP 2004 and 2015 is set out at page 16 of Part 1 of this plan.
- 7.29 There were challenges as to the appropriateness of policy for a Regional (*my emphasis*) Shopping Centre being made in a LDP. LCCC said that legal advice had been sought on the matter. It did not elaborate on what the remit/parameters for the advice had been or give any further details on the opinion received. Nevertheless, taking account of that advice, it decided to make provision for SRSC in the PS. It also referred to Section 8 (2) of the Planning Act, paragraph 5.23 of the

SPPS, paragraph 6.4 of DPPN 7 and responses made to representations on this point at pages 125 – 140 inclusive of its PCR as supporting its decision to make specific provision for SRSC. Paragraph 6.277 of the SPPS lists what LDPs should do in respect of TCs and retailing and the 3<sup>rd</sup> bullet point reads: *“set out appropriate policies that make clear which uses will be permitted in the hierarchy of centres and other locations (my emphasis), and the factors that will be taken into account for decision taking”*. These all lend credence to LCCC’s approach. Failure to make policy provision for the site, considering the RDS designation, and no review of regional policy provisions for it in the intervening years since introduction of the new system of local government in 2015, would be at odds with the cited law, policy and guidance. The Department had no issue with the principle of the PS making provision for SRSC.

- 7.30 Representors referred to the Commissioners’ report on the Strategic Plan Framework (March 2011) following the Public Local Inquiry into objections to the dBMAP. I am not bound by those recommendations but, having been referred to it, it is appropriate to consider the reasoning behind them. Section 6.4 of the report traces the evolution of retail planning policy for SRSC. This provides a useful context but must be viewed in light of the SPPS having been published in the intervening 11 years and being silent on Sprucefield. The Commissioners also had to consider the argument that policy for a regional centre serving (in theory) all of NI cannot be included in an Area Plan (paragraph 6.4.6). They did not *“entirely accept this argument”*. It was the evidence before them, including the provisions of the BMA Retail Strategy and the wording of the operational policy specific to Sprucefield, that informed their recommendation that mention of it should be deleted from the Retail Strategy together with the specific operational policy.
- 7.31 In its BMAP Adoption Statement in 2014, the Department explained at Section 10 (pages 6 and 7) its reasoning for retaining provision for Sprucefield within the plan, subject to amendment, contrary to the Commissioners’ recommendation. That the SPPS, published the following year, did not make provision for Sprucefield suggests that DfI considered dBMAP 2015 the appropriate vehicle for managing its development.
- 7.32 Other than the statement in the RDS, published in March 2012, regional policy for Sprucefield has not been forthcoming. Consideration has been given to the following factors: the contentious nature of dBMAP’s provision for SRSC; disagreement about associated policy within the Executive; its consideration by the courts; and the fact that dBMAP has not yet been adopted. However, considered either individually or cumulatively, these factors do not preclude the principle of this PS including operational policy for Sprucefield. Account has also been taken of the Commissioners’ unequivocal conclusion at paragraph 6.4.8 of the aforementioned report: *“We consider that the Department should decide at a regional level what the future status and role of Sprucefield should be and devise clear and unambiguous policy to enable to fulfil that role. The introduction of regional policy in a development plan is unacceptable and cannot be supported.”* That report was dated

31 March 2011 and notwithstanding that both the RDS 2035 and SPPS were published in the intervening period, no such policy has been forthcoming.

- 7.33 As things stand, a potential developer would have to make investment decisions based on that statement in the RDS, interpreted in light of the regional strategic objectives for TCs and retailing set out in the SPPS and subject to the weight that the decision-maker might give to the provisions of dBMAP 2004 and 2015. If I were to recommend that provision for SRSC be deleted from the PS in favour of being addressed by the regional planning authority, this would not leave a policy lacuna. However, in the context that DfI has no apparent plans to review the SPPS to make provision for SRSC or otherwise introduce regional policy for it, consideration needs to be given to whether that course of action would be observant of the statutory duty to formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development. Having specific policy for SRSC that is in keeping with the SPPS Regional Strategic Objectives for Town Centres and Retailing would be consistent with that legal obligation.
- 7.34 Account has been taken of the contention that development at SRSC would be of regional significance in accordance with section 26 (4) of the Planning Act. That legislative provision is concerned with development management under Part 3 of the Act "*Planning Control*" and not Part 2 "*Local Development Plans*". Therefore, it is inappropriate to apply its provisions in considering whether the LDP is sound in this respect. At any rate, in exercising powers under Section 26, it would be of assistance if there were sound and up to date planning policy for Sprucefield.
- 7.35 The introductory chapter of this report dealt with the issue of the dPS not making provision for The Maze. In contrast, SRSC and adjoining lands are not in public ownership, they have an existing use recognised by regional policy and are subject to the development management provisions set out in the Planning Act that introduced the plan-led system and gives primacy to the LDP in decision-making. Therefore, the approach taken by LCCC to The Maze does not set a precedent for the plan, in principle, not making provision for SRSC.
- 7.36 The RDS describes Sprucefield as "*regional out-of-town shopping centre*" and the PS as a "*regional shopping centre*". Both physically and in planning policy terms, it is out of town. That "*out-of-town*" has been omitted from how the PS terms Sprucefield is not persuasive that LCCC is seeking to elevate its status in policy terms. There is no persuasive evidence that use of the word "*retain*" in the RDS suggests only intervention to ensure that the centre functions at the level it did when the RDS 2035 was published and does not envisage expansion and/or growth. LCCC said it is the purpose of the plan to define the role and function of Sprucefield as a RSC; I agree with that. The contention that Sprucefield is not operating as such must be considered in the context of the RDS where it says that it will continue to retain its status as a regional out-of-town shopping centre. It is not for the examiner to consider whether this element of regional policy is outdated and/or needs to be changed. The task at hand is to consider: whether the plan's provision for SRSC are consistent, coherent and effective and whether Policy SMU03 would achieve

regional policy objectives for Belfast City Centre and be compatible with the “*town centre first*” approach.

- 7.37 SFG3 of the RDS 2035 seeks to enhance the role of Belfast City Centre as the regional capital and the first bullet point of paragraph 3.46 thereof reads “*Support and strengthen the distinctive role of Belfast City Centre as the primary retail location in Northern Ireland*”. It adds that Belfast City Centre has developed its regional shopping offer and that a precautionary approach needs to be continued in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area. The SPPS refers to those provisions at paragraph 6.268. At its paragraph 6.270, it describes established TCs as the appropriate first choice location for retailing. This is echoed in its following paragraph. In that context it is reasonable for the PS to make provision for SRSC that takes account of regional policy. To that end, it is necessary to consider whether the provisions of this plan would facilitate the thorough consideration of the potential impact of development at Sprucefield in the context of regional policy for TCs and retailing.
- 7.38 LCCC acknowledged that the figure given for gross external retail floor space at the top of page 104 of part 1 of the PS is wrong. For reasons given in SUBDOC-016 at page 13, it is 44,750 square metres.
- 7.39 “On-street” shopper surveys were conducted at Sprucefield (details at paragraph 1.2.5 of the RCS) to identify the proportion of shoppers coming from outside the LCCC area and their contribution to the turnover of the centre (expenditure inflow). They revealed that around 50% of Sprucefield’s turnover is generated by customers from beyond the Council area. Based on those surveys, Appendix 7 of the RCS considers comparison expenditure inflows and outflows from the Council area including data specific to Sprucefield. On that basis, the RCS concluded that Sprucefield functions as a RSC (paragraph 6.5.3).
- 7.40 Appendix 2 of the RCS includes information on the location of the 200 interviews at Sprucefield and the main questions asked. Appendix 4 expands on this evidence and shows some the visitors were from the Republic of Ireland and other countries. No indication was given of the time of year and/or day that the surveys were carried out and whether they were carried out over several days and, if so, which one(s). It is reasonable to suggest that during school holidays, weekends, during the middle of the day, evening “*rush hour*”, public holidays or coming up to Xmas that visitor numbers from outside the Council area would likely be higher than at other times. In these respects, the survey might not have been truly representative of Sprucefield’s catchment area and convenience and comparison inflows. Whilst recognised as a regional out-of-town shopping centre in the RDS, I am not persuaded that the survey evidence, of itself, is sufficiently robust to definitively conclude that Sprucefield is trading as a RSC.
- 7.41 Having assessed expenditure capacity, two hypothetical development scenarios were considered: the addition of 50,000 sq.m. gross of mainly comparison retail floorspace

anchored by a major department store and other retailers; and an additional 50,000 sq.m. gross floorspace divided between retailing and leisure. LCCC found the 2<sup>nd</sup> scenario to be more realistic saying that leisure is of fundamental importance to support very large retail developments (paragraph 7.4.5). Nevertheless, the implications of both for comparison expenditure patterns were considered in paragraphs 7.5 – 7.7 inclusive. Paragraph 8.7 addressed the preferred option based on the aforementioned research.

- 7.42 In defining SRSC's role, the RCS reviewed: Planning Policy Statement 5: "*Retailing and Town Centres*", which was the prevailing regional policy when the RDS 2035 was published; the equivalent English policy document at that time; and the aforementioned GL Hearn Report. At paragraph 2.10 of the RCS, it concluded that several common themes extracted from these documents are specific and relevant to understanding the role and status of Sprucefield as a regional out-of-town shopping centre in that it occupies a unique geographical location capable of exerting a regional attraction and serving a wide catchment. In the context of English policy, it added that typically these centres comprise more than 50,000 sq.m. However, paragraph 2.23 of the RCS says that reference is made in the GL Hearn report to Sprucefield not being like other regional out-of-town shopping centres but did not explain why it is differentiated from other comparative examples. The RCS added that what they have in common with Sprucefield is they are at major motorway junctions and comprise shopping malls with one or more anchor tenants. They exceed 50,000 sq.m. of floor space, offering mainly comparison goods and have associated leisure facilities.
- 7.43 LCCC's comments at pages 129 and 130 of its PCR are noted in response to claims that like for like comparisons with Sprucefield are too simplistic and associated discussion at the public hearing sessions. However, the criticism was levelled that the comparison of those shopping centres to Sprucefield takes no account of the higher population density of catchments in those parts of GB, which are said to be better able to sustain the size of regional centres cited. The representor said that population density in England and Scotland (in which the examples are sited) is roughly 3 times higher than in NI. They added that the brochure for Bluewater states that there is a catchment population of 11 million people within a 1-hour drive of the centre. This is in stark contrast to around 1.25 million people living within a 1-hour drive of Sprucefield. A representor presented comparative analysis reducing the floorspace of the 3 English centres on a pro rata basis to reflect the lower population density in NI, their size would be expected to be on a par with the existing quantum of floorspace at Sprucefield. It is not persuasive that these considerations can be taken account of by the application of criteria b) and c) of SMU03; they raise fundamental concerns as to the robustness of the evidence base underpinning the strategic designation. That those GB centres already have leisure facilities does not put them on a comparative footing with Sprucefield. It is too simplistic to say that as they can support leisure offers that Sprucefield can do the same without detriment to city and TCs.

- 7.44 Such comparisons should be considered in the geographical context of NI and the provisions of the RDS 2035 that are tailored to “ensure that all places benefit from economic growth....and the importance of promoting co-operation between places” (Ministerial Foreword). In addition to its aspirations for Belfast City Centre in the first bullet point of paragraph 3.46 in pursuit of SFG3, the implications of SFG10 and SFG13 of the RDS for the role of SRSC were the subject of representation. They recognise that NI is a comparatively small region with a wide range of settlements many of which contain a TC and they make provision for achieving the aims of the RDS set out at paragraph 2.10 thereof.
- 7.45 Weight is also attached to the contention that the cited examples of regional shopping centres in England and Scotland have more sophisticated public transport links than Sprucefield. Note is taken of LCCC’s submission about the site’s location on the regional strategic road network, both north-south and east-west. However, there are no rail links to the site. Representors did not submit evidence to corroborate this contention, but LCCC did not specifically rebut the point.
- 7.46 When English policy and the cited GB examples of regional shopping centres are considered in the NI context, their implications for conclusions about whether Sprucefield is functioning as a regional out-of-town shopping centre are not clear-cut and cast doubt on the sustainability of its potential expansion.
- 7.47 LCCC’s evidence base has taken account of paragraph 6.274 of the SPPS in so far as that publication is silent on Sprucefield. In its PCR (page 129) LCCC refers to the “regional catchment” that Sprucefield serves. However, the potential impact on town and city centres outwith the plan area has not been the subject of specific consideration as part of the evidence base; it is to be dealt with by the development management process on a case-by-case basis. LCCC said that the nature and scale of impact from development proposals at SRSC on TCs and retailing throughout the region would depend on the particulars of what is put forward: therefore, hypothetical assessments are difficult. Weight is attached to this submission. However, when coupled with concerns about the robustness of LCCC’s contention that Sprucefield is functioning as a regional shopping centre, I have significant misgivings about the coherence and effectiveness of the plan’s provisions.
- 7.48 Consequent short-comings in including policy for SRSC in a LDP is exemplified by, but not confined to, my concerns about criterion a) of SMU03 that provides for a maximum of 25,000 sq.m. gross external floor space for leisure and recreation uses, including café/restaurant or tourism-related uses as defined by the Planning (Use Classes) Order 2015. Footnote <sup>58</sup> of the SPPS defines city/town centre uses as including cultural and community facilities, retail, leisure, entertainment and business. The J&A text at page 104 of the plan says of leisure and recreation development that this would include uses such as a hotel or concert venue, which would serve in their own right as a regional attraction. A “regional out-of-town shopping centre” would reasonably be expected to have ancillary services that would complement the main retail use. However, the range of uses proposed would largely mirror those that regional policy defines as city/TC uses. The potential quantum of

such uses would be more than half the existing retail floorspace. Page 104 of the plan says that this mix of uses recognises the shift in retailing preferences, patterns and trends requiring a more holistic approach to benefit from Sprucefield's unique position within the region as a destination. This would ostensibly be at odds with the J&A text at page 103 of Part 1 of the plan, which says that SRSC cannot be seen as a TC nor does it fulfil any of the wider functions of a TC. These concerns would not be overcome by either: inserting the requirement into the opening sentence of SMU03 that development proposals would have to accord operational policy and "all of" the following KSRs; or proposed addition of a third sentence to this second paragraph of the J&A text reading that: "*The sequential approach applies*" (as proposed by MA003).

- 7.49 It is acknowledged that such proposals would be subject to the needs assessment in accordance with regional policy that is proposed by criterion c) of SMU03. However, there is nothing in the J&A that explains how this requirement would be implemented to achieve the objectives of SFG3 of the RDS, that are subject of the Retail Strategy of BCC's dPS, and paragraphs 6.270 and 6.281 of the SPPS. Accordingly, I am not persuaded by the final paragraph of the J&A text, which says that it will ensure the site develops in a manner that best serves the region as a whole. The second strand of criterion a) of SMU03, when read in the context of criterion c), is at odds with soundness tests CE1 and CE3.
- 7.50 The same strategic concerns apply to the first point of criterion a) of SMU03 even when read with b) and c).
- 7.51 For reasons already set out, both individually and cumulatively, I have grave concerns about: the robustness of the evidence base; potential conflict with the precautionary approach advocated by the first bullet point of paragraph 3.46 of the RDS; and the implementation of Designation SMU03 in light of regional policy objectives and potential implications for city centres and TCs outwith the plan area. The dPS provisions for Sprucefield regional out-of-town shopping centre would not secure its orderly and consistent development vis-à-vis these other centres. In light of these fundamental misgivings, engaging with representors' specific concerns including: quantitative analysis of expenditure and associated conclusions in the RCS; implications for the transportation network of the proposed magnitude of development; the weight to be given to dBMAP as a material consideration; and the amendment or deletion of some of the KSRs of SMU03, would not alter my overall conclusion that this element of the dPS is not coherent and effective and is therefore unsound. Associated RAs are required whereby the following are deleted:
- **RA049** - Action 7 (see **RA044**) of Plan Objective C: A Vibrant Place on pages 36 and 92 of Part 1 of the plan;
  - **RA050** - Bullet point 3 of the final paragraph on page 92 of Part 1 of the plan;
  - **RA051** - SMU03 Sprucefield Regional Shopping Centre and its associated Justification and Amplification; and
  - **RA052** - Map 10 Strategic Designation Sprucefield Regional Shopping Centre.

- 7.52 **RA053** is needed for the sake of clarity whereby Footnote <sup>37</sup> on page 97 of Part 1 of the plan would read: “*Excludes the Regional Shopping Centre at Sprucefield*”.
- 7.53 Considering **RA051 & RA052** there is no purpose in retaining the text on page 102 of Part 1 of the plan. However, its omission is not vital in the interests of soundness subject to **RA054** necessitating deletion of the final paragraph on that page.
- 7.54 Having fulfilled the duty imposed on me by Section 10 (6) (b) of the Act in respect of this Strategic Designation, it is not my place to adjudicate on which planning authority should provide additional strategic and/or operational policy for Sprucefield that would not have the potential to undermine regional policy on TCs and retailing.
- 7.55 As the issue of Sprucefield is independent of the plan’s Retail Hierarchy, **RA045 – RA047** inclusive and **RA049 – RA054** inclusive have no associated implications for its provisions for TCs, retailing and other uses.
- 7.56 At pages 122 and 123 of its PCR, LCCC addressed representations in respect of Strategic Policy SP 15 Evening/Night-time Economy. I agree with its analysis and conclusions. The policy is sound as written.

### **Operational policy**

- 7.57 LCCC proposed two “*minor changes*” to Policy TC1 Town Centres (as amended by TY19), Retailing and Other Uses. MC26A would make four revisions all of which are needed to satisfy soundness tests C3 and CE3.
- **RA055** - Amend criterion c) to include edge of city centres in order to provide for Lisburn;
  - **RA056** - Change criterion d) so it refers to “*out of centre locations*” so that it mirrors the 4<sup>th</sup> bullet point of paragraph 6.281 of the SPPS;
  - **RA057** - Revise the 1<sup>st</sup> sentence of the 2<sup>nd</sup> paragraph of the J&A so it refers to “*sequential approach*” instead of “*retail hierarchy*”. The policy sets out the Sequential Approach to be applied to the designations/sites listed in criteria a) – d) inclusive whereas the Retail Hierarchy in Figure 5 includes other locations and designations;
  - **RA058** - Delete “*in the hierarchy*” from the first sentence of the third paragraph of the J&A text for the same reason as the preceding bullet point.
- 7.58 MC26B Would add a 4<sup>th</sup> sentence to the 2<sup>nd</sup> paragraph of the J&A defining a threshold for what constitutes an edge of centre location consistent with paragraph 6.287 of the SPPS. Whilst inclusion of the word “*default*” may not be necessary and could be arguably be deleted without changing the intent of policy, the suggested wording follows the provisions of the SPPS. **RA059** is essential to meet the requirements of soundness tests C3 and CE3.



- 7.59 Footnote <sup>21</sup> on page 56 of Part 2 of the plan refers to SRSC. Mindful of **RA052**, it needs to be deleted as requested by LCCC (MA003); **RA060**.
- 7.60 LCCC's PCR addressed representor's other concerns at pages 278 – 281 inclusive. Having taken account of further discussion at the public hearing sessions regarding several of those matters, I agree with its analysis and conclusions therein. Subject to **RA055 -RA060** inclusive, Policy TC1 is sound.
- 7.61 There is no policy provision for primary retail frontages (PRFs) in the SPPS. Policy R1 Retailing in City and Town Centres of dBMAP 2015 says that non-retail development will be restricted in designated Primary Retail Cores (and Primary Retail Frontages) so no more than 25% of the frontage of the shopping street(s) to which it relates is in retail use and no more than 3 adjacent units are in non-retail use (Part 3, Volume 1, page 55). The accompanying test (page 56) says that PRFs are designated within the Primary Retail Cores (PRCs) of Belfast and Lisburn City Centres and Bangor Town Centre and comprise those parts of city and town centres which should predominantly be retained in retail use. It adds that proposals for non-retail uses at ground floor level within PRCs (and PRFs) will be limited to retain the focus of retail uses and ensure the maintenance of a compact shopping environment. Proposal LC43 designated the Lisburn PRF and Designation LC44 its Primary Frontage. Both are defined on Map 2/003 Lisburn City Centre.
- 7.62 Section 6.0 of TS 5 includes a review of the retail and leisure market in Lisburn. LCCC referred to Tables 3.1 and 3.2 together with Figure 3.2 in respect of vacant (retail) floorspace within the City Centre. Attention was drawn to the 19% increase in floorspace vacancy rates between 2012-2017 shown in Table 3.3 but with correspondent growth rates of 2% for comparison retail and 5% for convenience shopping. At the same time, floorspace occupied by restaurants, cafes, pubs and takeaways increased by 42%. There was no evidence specific to the proposed PRF in either dBMAP 2004 or 2015. The accompanying City Centre health check commented on distribution of floorspace by activity in paragraph 5.3.5 and retailer representation and demand in paragraph 5.3.12.
- 7.63 The PRF designated in dBMAP 2015 is delineated on Map 10: Proposed Extension to Lisburn City Centre and included within the health check in paragraph 5.3 of Section 6 of TS 5. Otherwise, there is nothing specific to the PRF and no indication as to why Policy TC2 Lisburn City Centre Primary Retail Core and Retail Frontage includes the threshold in the second paragraph relating to non-retail development within the PRF being restricted to no more than 40%. LCCC referred to a desk-top study as informing that position but other than verbal reference to it, this does not appear to form part of its evidence base submitted for IE. At page 282 of its PCR, LCCC refers to the current baseline of just under 40% non-retail developments in the PRF. Again, other than this reference, there is no indication of where this survey is found in the evidence base.
- 7.64 The empirical evidence from the review of the city's retail and leisure market shows single figure growth in comparison and convenience shopping over the 5-year survey

period together with growing vacancy rates but also significant expansion of the food and leisure offer. Whilst the RDS notes that leisure provision is one of the elements of the city centre's vibrancy, it identified potential to grow the retail offer. Whilst mindful that publication of the RDS 2035 pre-dates the health check survey work, the aspirations of regional policy in this respect are consistent with the J&A text to Policy TC2. It identifies the purpose of the PRC and PRF to ensure the continuation of a compact, lively and attractive shopping environment in order to maintain the long-term sustainability of retailing in the City Centre. The evidential basis for the 40% threshold is not sufficiently robust as to be persuasive that it will realise the stated rationale for designation of the PRF.

- 7.65 Designation of the PRF has properly been left to the LPP stage of the overall plan process. In contrast, the 40% threshold included within Policy TC2 is a strategic issue that is a matter for the PS. As that element of policy does not meet the requirements of soundness test CE2, it could harm the vitality and viability of the PRF rather than the stated intention of sustaining and enhancing it. dBMAP 2015 remains unadopted but, as LCCC says on page 16 of Part 1 of the plan, "*was at an advanced stage and therefore remains a material consideration*". On that basis, as the 40% threshold is not coherent and an alternative was not tabled, the 25% proportion stipulated in dBMAP 2015 is a figure that has been subject of public local inquiry. Therefore, **RA061** is needed to satisfy soundness test CE2. Nevertheless, LCCC is urged to consider whether this threshold needs to be revised when it has undertaken survey work and an updated health check when preparing its evidence base for designation of the PRC and PRF at the LPP stage of the plan process.
- 7.66 LCCC addressed an additional issue at page 282 of its PCR and I agree with its reasoning that, other than **RA061**, Policy TC2 is sound as written.
- 7.67 LCCC proposed a "*minor change*" (MC 27) to Policy TC3 Town Centres in that text would be omitted from the 2<sup>nd</sup> paragraph meaning that beyond TCBs, TC uses would only be granted planning permission in accordance with the Sequential Approach of Policy TC 1 and there would be no adverse impact on adjacent land uses. The amendment was suggested in response to a representation that the policy comments on proposals outside TCs is potentially confusing in respect of what has already been set out in Policy TC1. In its PCR (page 284), LCCC said that the purpose of this policy is simply to set out suitable criteria for proposals within TCs and not to reiterate the Sequential Approach identified in Policy TC1. As amended, Policy TC1 gives effect to the provisions of paragraph 6.280 of the SPPS. The plan must be read in the round. In that context, the proposed change would not dilute policy provisions for TCs as the Sequential Approach in Policy TC1 would still apply. The change would address ambiguity and provide clarity. On that basis, taking account of Section 4.0 of DPPN 10 and that comments made in respect of proposed minor changes as part of the public consultation on focussed changes have been taken account of, the deletion constitutes a minor change as it: simply clarifies policy; does not make a substantive change; and does not raise issues about consistency. **RA062** is needed to satisfy soundness test CE3.

- 7.68 LCCC addressed representors' other concerns at pages 283 and 284 of its PCR and I agree with its reasoning that, other than **RA062**, Policy TC3 is sound as written.
- 7.69 Paragraph 6.276 of the SPPS says that planning authorities should retain and consolidate existing district and local centres as a focus for local everyday shopping and ensure their role is complementary to the role and function of the TC. There is no differentiation between their function and role. Figure 5 The Retail Hierarchy shows Local Centres (LCs) on a lower tier than District centres (DCs) and a definition of each is contained in the Glossary to part 1 of the plan at pages 120 and 121. LCCC's proposed "*minor change*" MC 28 would define their function and role as an opening sentence to the J&A text of Policy TC4 District and Local Centres.
- 7.70 LCCC referred to dBMAP 2015 (Part 3, Volume 1, page 58) as its reference for the definition of a LC: "*Local shopping areas provide accessible convenience and non-bulky comparison retailing, so that people can shop close by to where they live*". The preceding page said that DCs fulfil an important role in providing consumers with convenience and choice in locations outside city and town centres. Although publication of dBMAP 2015 preceded that of the SPPS, the PS would not be at odds with soundness test C3 just because it does not replicate the provisions of Departmental policy; it is simply required to take account of it. At any rate, the application of criterion b) of Policy TC4 would realise the complementary role envisaged for LCs in paragraph 6.277 of the SPPS.
- 7.71 In placing DCs and LCs on different tiers of The Retail Hierarchy and defining their function and role in the Glossary, differentiation is made between them and highlighting this in the J&A text to Policy TC4 would provide clarity. The wording of MC28, in respect of DCs, departs slightly from that in the Glossary. If MC28 were amended to reflect that definition, it would remove ambiguity in respect of the relationship of Policies TC4, TC1 and TC3 as regards Town Centres. **RA063** is needed for the sake of soundness tests CE1 and CE3.
- 7.72 There is nothing in paragraph 6.276 of the SPPS that requires provision for leisure uses to be made in DCs. The first paragraph of the J&A text to Policy TC4 does not preclude other TC uses therein, as defined by Footnote <sup>20</sup> on page 56 of Part 2 of the plan. On that basis, the introductory sentence of Policy TC4 is not at odds with regional policy and there is no persuasive need to amend it.
- 7.73 In specifying that proposals within DCs and LCs should meet a local need, criterion a) of Policy TC4 is consistent with paragraph 6.276 of the SPPS that identifies them as a "*focus for local everyday shopping*". The following sentence of that paragraph sets out how proposed extensions to DCs should be assessed. As there is no conflict with regional policy in this respect, its provisions would still apply. Whilst specific guidance on the quantification of "*local need*" might be helpful, in that regional policy context, criterion a) is not at odds with soundness test CE3. On this basis and having considered LCCC's responses to associated representations at page 285 – 289 inclusive of its PCR, criterion a) is consistent with regional policy.

- 7.74 The rationale for criteria b) and c) of Policy TC4 is found in the SPPS provisions for TCs and retailing and the plan's Retail Hierarchy; they do not need to be changed to be sound.
- 7.75 Paragraphs 4.11 and 4.12 of Technical Supplement 4: Office Capacity Study (TS 4) [SUDBOC-023] conclude on supply and potential future office need and demand across the plan area. At Section 5.0 of TS 4 is an Office Capacity Study (OCS) and the first paragraph of its Chapter 6.4 says that from the consultants' discussions and background research, the size of modern, flexible office space and starter units in particular, tends to be in the 250-500m<sup>2</sup> range, large enough to accommodate a range of workspaces, meeting spaces and social/support spaces. Chapter 9.2 says that the Newtownbreda office space (within FDC) is neither practical nor flexible and several of the larger office buildings in the locale are of poor quality and unsuited to new ways of working. On the other hand, section 4.9 of TS 4 says that the accompanying OCS advises that the "*current provision*" (i.e., the 400m<sup>2</sup> ceiling included in dBMAP 2015) for the size of office space at Forestside is appropriate, with potential to replace existing offices.
- 7.76 Spatial Framework Guidance within the RDS 2035, paragraph 3.36, says of Lisburn that potential exists for a high quality office offer through the creation of employment in business services. In cities and towns, paragraph 6.85 of the SPPS states that appropriate proposals for Class B1 business uses should be permitted in locations other than city and TCs if specified for such use in an LDP such as DCs and LCs. Other than specifying that proposals be "*appropriate*" no ceiling is placed on the quantum of floorspace in such locations. Policy OF2 of dBMAP 2015 (Part 3, Volume 1, page 61) said that planning permission would be granted for office development in DCs and LCs provided that: proposals do not exceed 400m<sup>2</sup> gross floorspace; and the office use falls within Class A2 (Financial, professional and other services) and Class B1 (Business) of the Planning (Use Classes) Order (NI) 2004. Whilst the evidence base for dBMAP 2015 pre-dates that of this PS, the ceiling on office floorspace in DCs and LCs is within the range identified in TS 4 as suitable for modern business needs.
- 7.77 The PS must be read in the round and criterion d) of Policy TC4 considered in the context of Policy ED1 Economic Development in Cities and Towns that applies a sequential test to Class B1 Business uses. That its criterion a) does not differentiate between city and TCs, DCs and LCs as the first choice for such development, is consistent with paragraph 6.85 of the SPPS. Paragraph 4.13 of TS 4 broadly advocates a sequential approach to new office development and a floorspace cap is consequently needed. The rationale for the proposed floorspace ceiling is to ensure that DCs and LCs complement the city and TCs in the business space offer, informed by LCCC's evidence base. This is set out in the J&A to Policy TC4 at page 58 of Part 2 of the plan. In this evidential context, albeit subject to a needs assessment, I am not persuaded that the ceiling needs to be raised to 1,000m<sup>2</sup> for Policy TC4 to be consistent, coherent and effective.

- 7.78 Appendix A.12 “*Department for Communities Information*” of Section 5.0 of TS 4 showed that the net average office floorspace for Belfast, based on 2,034 properties, was 418.6m<sup>2</sup>. In the context of the aforementioned SFG for Lisburn, there is no persuasive evidence that the ceiling imposed by criterion d) of Policy TC4 is too high and would undermine SFG3 of the RDS and its aspirations for the role of Belfast City Centre.
- 7.79 At page 95 of Part 1 of the PS, Castlereagh Urban Integrated Development Framework, 2014 (SUBDOC-071) is included as informing the policy context for TCs, retailing and other uses. The precis includes reference to Forestside and says that the Framework identifies Forestside, and in particular Galwally House, as an area which could support office development. No. 4 of the Forestside Proposals at page 27 of the Framework says Galwally House is to be retained and small-scale business units proposed to replace the building used by the UK Border Agency. The 2014 document was superseded in September 2021 by the Castlereagh Urban Framework (MA005). Section 5.4.2 (page 60) Forestside Proposals proposes a study to evaluate redevelopment options for Galwally House. That property is not currently part of FDC but within the area identified as a potential extension. The 2014 Framework was proposing to retain Galwally House and redevelop existing office space. If those aspirations are the recommended outcome of the forthcoming study and the site is included within the DC, given that the current or seemingly last use of the site was as office space, criterion d) of Policy TC4 is unlikely to frustrate such aims.
- 7.80 The OCS, at page 34, says that several large public sector offices adjacent to FSC do not meet the criteria for high quality, modern office accommodation and that the potential for future development on existing sites at Forestside is further investigated in developing the LPP. The floorspace ceiling in criterion d) of Policy TC4 might have implications for site-specific proposals for FDC and any extension to it. If that is the case, consequent revision of that element of strategic policy may be required. Similarly, if FDC boundary is extended at the LPP stage and the provisions of Policy TC4 are too stringent given the nature and characteristics of uses within the extended area, then LCCC might need to consider its amendment, subject to due process. Notwithstanding the issue of the POP regarding the extension of FDC, to find the policy unsound on the basis of what might happen at LPP stage is not justified on the basis of the soundness tests. In the context of production of the first LDP for the plan area, that such revisions might be needed after site-specific evidence gathering in preparation of the LPP is an inherent feature of the two stage LDP process; not an indication that Policy TC4 is unsound. Accordingly, criterion d) of Policy TC4 is consistent with soundness test CE2 at this stage of the overall process; no amendment is required.
- 7.81 Page 27 of the SPG at Volume 3 of the plan provides guidance on the assessment of proposals in DCs and LCs and specific mention is made of the change of use of retail/non-retail premises to restaurants, cafes or hot food outlets. Read with Policy TC4 this SPG would give prospective developers a sound basis for informing investment decisions. Greater prescription would make the SPG cumbersome and potentially miss out on material considerations that might apply to individual

proposal that must be considered on their own merits. This element of the plan balances the requirements of soundness test CE3 with CE4.

- 7.82 LCCC considered other representations at pages 285 – 289 inclusive of its PCR. Having considered further discussion of some of them at the public hearing sessions, I agree with its analysis of them and conclusions thereon. Other than **RA063**, Policy TC4 is sound as written.
- 7.83 Guidance that DfI said Policy TC6 Petrol Filling Stations and Roadside Service Facilities should take account of was published after the dPS was referred to it for IE. The issue is dealt with in paragraph 10.3 of this report and, on that basis, LCCC's evidence is not deficient in this respect and soundness test CE4 is satisfied.
- 7.84 At the public hearing session, after extensive discussion on the difference between the Trunk Road and Protected Routes networks and the need for criterion a), LCCC (MA006) asked that it be deleted and two consequent amendments made to policy: that the exceptions in the penultimate paragraph of policy include proposals on the Trunk Road network; and a footnote added to define it. After close of the public hearing sessions, DfI advised it had no objection subject to the wording of the footnote being altered to take account of soundness tests CE3 and CE4. **RA064 - RA066** inclusive are needed to satisfy both those tests.
- 7.85 One of the Regional Strategic Objectives for transportation and land-use planning, set out at paragraph 6.297 of the SPPS, is to restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes. Paragraph 6.301 requires that one of the transportation issues to be addressed in the LDP is Protected Routes. In accordance with paragraph 1.13 of the SPPS, Policy IC 15 Roadside Service Facilities of the PSRNI is also extant regional policy. It says that proposals for new facilities within 12 miles of those existing will not normally be acceptable. Soundness test CE3 does not require that facet of extant policy is replicated in this PS. Both the first bullet point of Policy IC 15 and criterion c) of Policy TC6 are concerned with need and the second sentence of the J&A text to the latter stipulates how that would be assessed. The strategic rationale for both policies is grounded in the safety of road users. Whilst they differ in the specifics of how that is to be achieved, there is no substantive difference between them. No amendment is needed to satisfy soundness tests C3 or CE3.
- 7.86 The facilities subject of Policy TC6 are *sui generis* in terms of the Use Classes Order [Regulation 3 (4) (g)]. However, in principle, the policy provides for an associated retail unit of under 1,000 square metres (gross area). Taking account of paragraph 6.271 of the SPPS, the required assessment of need in the 2<sup>nd</sup> paragraph of policy is justified and necessary.
- 7.87 Criterion d) of Policy TC6 addresses a representor's contention that there are no size restrictions for such proposals the countryside. No associated amendment is needed.
- 7.88 Subject to **RA064 - RA066** inclusive, Policy TC6 is sound.

## **Monitoring & Review**

- 7.89 The criticism was levelled that monitoring baselines for retailing, town centre and night-time economy are missing from Chapter 5 Monitoring and Review. On page 158 of Part 1 of the dPS an indicative list identifies key elements included in the Monitoring Framework in Appendix E. The next paragraph says: *“This list is not exhaustive and will be subject to review at Local Plan Policies stage”*. Page 177 of Part 1 provides the Monitoring Framework for Plan Objective C and this includes the matters of concern to the representor. Accordingly, the policies aimed at achieving Plan Objective C are consistent with soundness test CE3.

## **Conclusion – Plan Objective C**

- 7.90 LCCC considered other issues arising from representations at pages 25 – 27 inclusive of its PCR. Other than issues already addressed in this chapter, I agree with its analysis of them and conclusions thereon. There is no persuasive evidence that the suite of policies and plan provisions aimed at achieving Plan Objective C, subject to the identified RAs, will not contribute to a vibrant place. Neither is there persuasive evidence that account has not been taken of the CP, as required by soundness test C2, in the measures proposed to realise Plan Objective C. No further amendments are required in the interests of soundness.

## 8.0 An Attractive Place – Promoting Sustainable Tourism, Open Space, Sport and Outdoor Recreation

8.1 Plan Objective D seeks to achieve an attractive place by the promotion of sustainable tourism, open space, sport and outdoor recreation. Six associated aims to be achieved over the plan period are set out at page 37 of Part 1 thereof. At Figure 2 on page 33 and at pages 33, 108 and 109 of Part 1 of the dPS, LCCC has set out how its Plan Strategy will contribute to specific themes and outcomes identified in its CP. Appendix C – Statutory Link with Community Plan of Part 1 of the plan illustrates the synergy between Community Plan Themes and Outcomes and Plan Objectives (pages 166 – 169 inclusive).

### Tourism

8.2 LCCC's Position Paper 11: "*Tourism*" (SUBDOC-061) followed on from the original Position Paper of December 2015, updating the baseline information regarding tourism development within its area and examining the need for further growth. Amongst other things, it looked at: the role of the LDP in realising strategic planning and other policy guidance on the development of sustainable tourism, including the requirements of paragraph 6.263 of the SPPS; the plan area's tourism profile; and opportunities for further tourism growth.

8.3 The Lisburn & Castlereagh Tourism Strategy 2018-2022 (SUBDOC-073) acknowledged that the area has many natural and man-made attractions, which when added together and made more accessible and marketable, can develop it into a key tourism destination. That philosophy underpins the Strategy. It looked at the context in which tourism growth may take place and examined the external strategies and approaches that will influence the way forward. The product within the area is examined and critically assessed while identifying strengths, weaknesses, opportunities and threats. A vision for growth of tourism in the area is developed and an analysis undertaken of the factors influencing it. This is followed by plans for development of product, marketing and communication, visitor services and providing a 3-year Action Plan and a broader approach thereafter. The Strategy took account of the POP (SUBDOC-044) and resultant POP Public Consultation Report (SUBDOC-049). LCCC's "*Vision for Tourism*" 2018-2022 (SUBDOC-074) appears to be a companion publication arising from Section 6 of the Strategy.

8.4 The Policy Context set out in Chapter 4 of Part 1 of the plan, in addition to Position Paper 11, shows that LCCC has: taken account of policy and guidance issued by the Department in developing its strategy; and had regard to other relevant plans, policies and strategies relating its own district and further afield. This includes the corporate Tourism Strategy in developing the dPS strategy and policies for tourism, with the aim of supporting sustainable growth. Its associated policies are founded on a robust evidence base as required by soundness test CE2.

8.5 LCCC proposed a "*minor change*" (MC30) to the J&A text of Policy TOU1 Tourism Development in Settlements whereby its 4<sup>th</sup> paragraph would be expanded to refer



to other protective designations. The sentence says “*such as*”, which clearly indicates that the designations cited thereafter are only indicative and not exhaustive. Adding the text would not change the weight to be given to other applicable operational policies and is not necessary to satisfy soundness test CE3.

- 8.6 The positive approach to proposals for tourism development advocated in paragraph 6.265 of the SPPS mirrors that of the first paragraph of Policy TSM 2 Tourist Amenities in the Countryside of Planning Policy Statement 16: “*Tourism*” (PPS 16) under its sub-heading “*Extension of an Existing Tourist Amenity*”. That it is not LCCC’s intention to diverge from regional policy in this respect is evidenced by its proposed “*minor change*” MC31B whereby the word “*only*” would be deleted from the 4<sup>th</sup> paragraph of Policy TOU2 Proposals for Tourism Amenity in the Countryside. **RA067** is needed to satisfy soundness test C3.
- 8.7 LCCC’s proposed “*minor change*” MC31A involves the insertion of text in the third paragraph of the J&A of Policy TOU2 whereby more complete information would be provided as to the role of the tourism benefit statement and sustainable benefit statement referred to in the policy’s second paragraph. Taking account of soundness test CE3, this differentiation is essential; and the cross-reference to the SPG, that **RA068** would provide, is necessary for clarity. MA007 arose from associated discussion at the public hearing sessions and, save for one further change from plural to singular, the proposed changes to page 33 of the SPG at Part 3 of the plan would allay any uncertainty or ambiguity: **RA069** is required to satisfy soundness test CE3.
- 8.8 Policy TOU3 Proposals for Tourist Accommodation in the Countryside includes the sub-heading “*Tourist Accommodation on the Periphery of a Settlement*”. There is no need to define what is meant by “*periphery*” over and above its ordinary meaning i.e., on the edge of a settlement but beyond its defined limits. As the word strikes a balance between the requirements of soundness tests CE3 and CE4, there is no need to set a spatial distance beyond the development limits of a settlement. On that basis, retention of the words “*in the locality*” in criterion b) under that sub-heading would be at odds with it, creating tension and ambiguity. To resolve these issues with implementation of the policy, those words should be deleted as suggested by LCCC’s MC32D. For the foregoing reasons, **RA070** is necessary.
- 8.9 Draft PS Policies COU4 The Conversion and Reuse of Buildings for Residential Use, COU14 The Conversion and Reuse of Buildings for Non-Residential Use and HE13 The Conversion and Reuse of Non-Listed Buildings all refer to a vernacular building or a suitable locally important building. For the sake of clarity and consistency it is necessary that the J&A text to Policy TOU3 does the same and cites those policies given that a proposal for the use of such buildings for tourist accommodation in the countryside would be assessed on that basis as opposed to them being a material consideration. The other grammatical changes and restructuring subject of LCCC’s MC32A and **RA071** are also needed to satisfy soundness test CE3.

- 8.10 The final sentence of the 1<sup>st</sup> paragraph of the J&A text for Policy TOU3 refers to the assessment of a building's condition and the economic feasibility of repairing and maintaining it as material considerations. In the interests of soundness test CE3, the J&A text needs to make it clear what evidence is required to assess such proposals. LCCC's proposed MC32B refers only to reports to ascertain structural soundness and **RA072** is needed in the interests of soundness test CE3.
- 8.11 LCCC proposed three amendments (MC32C) to the 3<sup>rd</sup> paragraph of the J&A text to Policy TOU3. **RA073** is needed to provide clarity, remove ambiguity and satisfy soundness test CE3.
- 8.12 Criterion a) of Policy TOU6 Proposals for Major Tourism Development in the Countryside refers to the "*demonstration of exceptional benefit to the tourism industry*": there is no explicit definition of what that means. The phrase is used: at paragraph 6.261 of the SPPS and Policy TSM 4 Major Tourism Development in the Countryside – Exceptional Circumstances in PPS 16 without definition. However, in the latter, the J&A text gives general guidance on what proposals might be considered to benefit from the policy and paragraph 7.18 identifies 4 pieces of evidence that would be expected to accompany any such scheme. The J&A text to Policy TOU6 replicates these requirements and much of the J&A text of Policy TSM 4. Subject to **RA068** and **RA069**, pages 33 and 34 of the SPG at Part 3 of the plan provides detailed guidance on the scope of supporting evidence; and that relating to economic sustainability indicates the type and scale of proposal that would be considered to come within the ambit of Policy TOU6. The policy, as written, does not raise fundamental soundness issues.
- 8.13 As set out in paragraph 1.45 of this report, there is no justification for LCCC's proposed MC65A in respect of Policy TOU7 General Criteria for Tourism Development. Criterion i) of that policy requires that such development does not adversely affect features of the natural environment. For the sake of clarity, **RA074** (proposed MC65B) is required to alert developers to the criterion's potential scope.
- 8.14 Consideration has been given to LCCC's response to additional concerns about its policies for tourism at pages 141 – 143 inclusive and 294 – 304 of its PCR. Bearing in mind that the plan must be read in the round, I agree with its analysis and conclusions. Further to discussion at the public hearing session and subject to **RA067** – **RA074** inclusive, Strategic Policy 16 Tourism and Policies TOU1 – TOU8 inclusive satisfy the tests for soundness and are consistent with achieving Plan Objective D.

### **Open Space, Sport and Outdoor Recreation**

- 8.15 LCCC's Position Paper 12: "*Open Space, Sport and Outdoor Recreation*" published in November 2019 (SUBDOC-062) updated the Position Paper published in 2015 as part of the preparation of the POP. In addition to planning policy, it outlined other key documents that provide guidance on the topic. LCCC's Technical Supplement 7: "*Open Space, Sport & Outdoor Recreation*" (SUBDOC-026) included: a review of associated regional planning policy; draft and extant development plans; its CP; and

a comprehensive Open Space Audit Technical Report taking account of the considerations set out in paragraphs 6.204 and 6.209 of the SPPS. This approach accords with soundness tests C3, C4 and CE2; associated policies are founded on a robust evidence base.

- 8.16 The Audit was carried out as part of an Open Space Strategy for LCCC (SUBDOC-072) whose publication for consultation was delayed due to the pandemic. It was published in December 2021 with a 12-week public consultation period. LCCC hopes to publish the document in final form later this year subject to its review of consultation responses.
- 8.17 Paragraph 6.205 of the SPPS expresses a presumption against the loss of open space but sets out exceptions to it. Unlike Policy OS 1 Protection of Open Space of Planning Policy Statement 8: “*Open Space, Sport and Outdoor Recreation*” (PPS 8), it does not set a proportionate ceiling on the area that can be developed in exceptional circumstances or stipulate that this can be relied on only once. Soundness test C3 does not require that the provisions of regional policy be transposed into the dPS. LCCC has taken account of its provisions but opted for the approach in the SPPS that focuses on balancing substantial community benefits with the loss of open space and avoiding significant detriment to interests of acknowledged importance. As written, Policy OS1 strikes an appropriate balance between soundness tests CE3 and CE4. There is no need for its amendment.
- 8.18 A representor suggested ways in which the role that open space can play in reducing flood risk might be expanded upon. There is a raft of dPS strategic and operational policies and their accompanying J&A text that address the suggested considerations such as: Strategic Policy 01 Sustainable Development; Strategic Policy 17 Open Space, Sport & Outdoor Recreation; Strategic Policy 24 Flooding; Policy HOU 5 Public Open Space in New Residential Development; and Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains. In accordance with the third paragraph of the Preamble to Part 2 of the plan, these must be read in the round. In addition, pages 64 – 66 inclusive of the SPG at Part 3 of the plan are relevant as is the draft Open Space Strategy (OSS) where one of its six guiding strategic principles identifies open space as a way of helping mitigate and adapt to climate change (page v). As the concern is already addressed when reading the plan documents holistically and supplemented by the OSS, there is no need to amend the J&A text.
- 8.19 LCCC’s proposed “*minor change*” MC33 involves the third paragraph of the J&A text to Policy OS1 Protection of Open Space and mention of the NIHE, in addition to a Housing Association, as an affordable housing provider. **RA075** is required to correct this factual omission and satisfy soundness test CE3.
- 8.20 Page 309 of LCCC’s PCR addressed a concern raised in respect of Policy OS4 Facilities ancillary to Water Sports. Public bodies’ duty to conserve biodiversity in accordance with Section 1 of the Wildlife and Natural Environment Act (Northern Ireland) 2011 applies regardless of the wording of policy. In addition to the first line of policy specifying that all 7 associated criteria must be met when considering such facilities

adjacent to inland lakes, reservoirs and waterways, the third paragraph of the Preamble to Part 2 of the plan requires that it must be read in the round. If applicable, such a proposal would also have to comply with policies concerned with natural heritage. Moreover, the 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs of the J&A text to Policy OS4 say that: it is the intention to conserve the environmental quality and character of inland bodies of water and to protect them and their surroundings (*my emphasis*) from harmful development; and proposals for such facilities must demonstrate that they will not damage either the waterbody or its wider environment (*my emphasis*). Soundness test C3 does not require the provisions of criterion (vii) of Policy OS 6 Development of Facilities ancillary to Water Sports of PPS 8 or other regional policy to be replicated in the dPS. As there is no inconsistency with regional policy, Policy OS4 satisfies the tests for soundness.

- 8.21 The provisions of criterion (ii) of Policy OS 3 Outdoor Recreation in the Countryside of PPS 8 have not been wholly transposed into dPS Policy OS6 Outdoor Recreation in the Countryside. Criterion e) of the latter requires that such development is compatible with other countryside uses, which is consistent with the second requirement of criterion (ii) of the former whereby such proposals should have no unacceptable impact on nearby agricultural activities. The dPS does not include the PPS 8 provision to avoid permanent loss of the best and most versatile agricultural land. The only mention of that consideration in the SPPS relates to waste management facilities (paragraph 6.321); it is not required in the context of open space, sport and outdoor recreation. Soundness test C3 requires that account is taken of the provisions of regional policy. LCCC has done so but explained its reasons for departing from the provisions of PPS 8 at page 311 of its PCR. The representor's other material considerations, together with those cited in paragraph 6.213 of the SPPS, are addressed by other dPS strategic and operational policies. When the plan is read in the round, there is no inconsistency between paragraph 6.208 of the SPPS and Policy OS6. Therefore, Policy OS6 satisfies the tests for soundness.
- 8.22 Consideration has been given to LCCC's response to additional concerns associated with its policies for open space, sport and recreation at pages 114, 305 and 306 of its PCR and I agree with its analysis and conclusions. Subject to **RA075**, Strategic Policy 17 and Policies OS1 – OS6 inclusive satisfy the tests for soundness and are consistent with achieving Plan Objective D.

#### **Conclusion – Plan Objective D**

- 8.23 LCCC's response to representations in respect of Plan Objective D are addressed at page 29 of its PCR. For reasons already addressed in the entirety of this chapter, there is no persuasive evidence that the suite of policies and plan provisions aimed at achieving Plan Objective D, subject to the identified RAs, will not contribute to an attractive place. Therefore, I concur with its analysis and conclusions in respect of those representations. Neither is there persuasive evidence that account has not been taken of the CP, as required by soundness test C2, in the measures proposed to realise Plan Objective D. No further amendments are required in the interests of soundness.

## 9.0 A Green Place – Protecting and Enhancing the Historic and Natural Environment

9.1 Plan Objective E seeks to protect and enhance the historic and natural environment within the plan area. Seven associated aims to be achieved over the plan period are set out at page 38 of Part 1 thereof. These are to be achieved through associated strategic and operational policy. At Figure 2 on page 33 and page 122 of Part 1 of the dPS, LCCC has set out how its PS will contribute to specific themes and outcomes identified in its CP. Appendix C – Statutory Link with Community Plan of Part 1 of the plan illustrates the synergy between Community Plan Themes and Outcomes and Plan Objectives (pages 166 – 169 inclusive).

### Historic Environment and Archaeology

9.2 LCCC proposes several “*minor changes*” to Strategic Policy 18 Protecting and Enhancing the Historic Environment and Archaeological Remains. MC6A proposed that reference in its J&A and associated footnote <sup>51</sup> to “*Scheduled sites*” be changed to “*Scheduled monuments*”. This terminology would be consistent with both paragraphs 6.8 and 6.29 of the SPPS, that used in operational policy HE1 The Preservation of Archaeological Remains of Regional Importance and their Settings and in the following paragraph of the J&A dealing with archaeological remains. On that basis, **RA076** is necessary for coherence and clarity

9.3 A representor suggested that the paragraph of the J&A text that deals with listed buildings and scheduled sites should be disaggregated and the latter conjoined with the following one on archaeological remains. Whilst this would seem a more logical approach, such change is not needed to satisfy the coherence and effectiveness tests for soundness.

9.4 LCCC’s proposed “*minor change*” MC6B would amend and extend the J&A text relating to archaeological remains. The change would address a factual inconsistency and accord with the second sentence of paragraph 6.8 of the SPPS. The additional text would provide clarity in the application of operational policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings. Accordingly, **RA077** is necessary.

9.5 The proposed amendment (MC6C) to the J&A text addressing areas of archaeological potential flags up the requirement at paragraph 6.29 of the SPPS that LDPs should highlight such sites. Making it clear that the presently identified areas may be added to at the LPP stage of the LDP process provides clarity and flexibility in the application of policy. Therefore, **RA078** is necessary.

9.6 In its PCR, LCCC dealt with respondents’ additional concerns at pages 145 - 147 inclusive and its reasoning and conclusions are robust. No further amendments are required to Strategic Policy 18 other than **RA076 – RA078** inclusive.

- 9.7 LCCC proposed two “*minor changes*” to the J&A text associated with Policy HE1 The Preservation of Archaeological Remains of Regional Importance and their Settings. The first (MC34A) involves deletion of the final sentence of the third paragraph. Paragraph 6.8 of the SPPS says that development which would adversely affect such, sites, or the integrity of their settings, must only be permitted in exceptional circumstances. This is consistent with the provisions of Policy BH 1 The Preservation of Archaeological Remains of Regional Importance and their Settings of Planning Policy Statement 6; “*Planning, Archaeology and the Built Heritage*” (PPS 6). Its first sentence sets a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. Let alone the implications of separate, associated legislative provisions for such sites, in this regional policy context there is no evidential justification for the sentence. **RA079** is required to satisfy soundness test C3.
- 9.8 MC34B proposes that the first bullet point of the J&A text is extended by the addition of “*including the protection of its setting*”. Considering the title of Policy HE1 and the provisions of regional policy in respect of sites’ settings, this **RA080** is also necessary in complying with soundness test C3.
- 9.9 Subject to **RA079** and **RA080**, Policy HE1 is sound.
- 9.10 LCCC’s published focussed change FC9 would amend the first sentence of Policy HE6 Change of Use and/or Extensions or Alterations to a Listed Building by substitution of the word “*will*” by “*may*”. This is change would be consistent with the opening sentence of paragraph 6.13 of the SPPS and is needed to comply with soundness test C3. Therefore, proposed FC9 should be incorporated as **RA081**.
- 9.11 LCCC proposed three “*minor changes*” to Policy HE6. Section 80 (1) of the Act refers to the compilation of lists of buildings of special (*my emphasis*) architectural or historic interest. For the sake of consistency with legislation it is necessary to prefix the word “*architectural*” in the second sentence of the headnote of Policy HE6 with “*special*”. Thus, MC35A is justified and **RA082** is required.
- 9.12 MA35B proposes that the first paragraph of the J&A text associated with Policy HE6 says that the works and architectural details of alterations to listed buildings should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building. In addition to statutory provision for listed buildings, the 2<sup>nd</sup> and 3<sup>rd</sup> sentences of the policy headnote set out the approach to development proposals relating to them. However, the use of “*quality materials*” is referred to in the J&A text to Policy HE7 Control of Advertisements on a Listed Building and criterion b) of Policy HE9 Development affecting the Setting of a Listed Building makes similar provision. In this context, **RA083** is needed to address any perceived conflict between these policies, in the interests of soundness test CE3.
- 9.13 Proposed MC35C relates to the 5<sup>th</sup> paragraph of the policy’s J&A text and would delete the second half of its final sentence. The statutory definition of a listed building encompasses more than just its structural integrity as acknowledged by

paragraph 6.12 of the SPPS and PPS 6's Policy BH 7 Change of Use of a Listed Building and Policy BH 8 Extension or Alteration of a Listed Building. Therefore, **RA084** is necessary for the sake of consistency.

- 9.14 In its PCR, LCCC dealt with a respondent's additional concern at page 318 and its reasoning and conclusion is robust. No further amendments are required to Policy HE6 other than **RA081 – RA084** inclusive.
- 9.15 Paragraph 6.14 of the SPPS says that consent for the display of advertisements or signs on a listed building should only (*my emphasis*) be forthcoming subject to identified material considerations. This wording is consistent with Policy BH 9 The Control of Advertisements on a Listed Building of PPS 6. In this context, **RA085** is needed for the sake of consistency whereby the word "*only*" would be inserted into the second sentence of Policy HE7 Control of Advertisements on a Listed Building as proposed by LCCC's MC36.
- 9.16 LCCC proposed a "*minor change*" (MC37) to the J&A text of Policy HE8 Demolition or Partial Demolition of a Listed Building by inserting a sentence before its final paragraph. The proposed amendment would involve repetition of the final sentence of the policy itself and is not needed in the interests of soundness.
- 9.17 In its PCR, LCCC dealt with a respondent's additional concerns at pages 320 and 321. I concur with its conclusions and Policy HE8 is sound as written.
- 9.18 LCCC's proposed MC38 would ensure consistency in the approach to development affecting listed buildings and their settings between Policies HE6, HE7 and Policy HE9 Development affecting the Setting of a Listed Building whereby the wording of the latter's criterion b) would be amended. **RA086** is needed to ensure that soundness test CE3 is met.
- 9.19 LCCC addressed a respondent's additional concerns at pages 322 and 323 of its PCR. I concur with its conclusions and find Policy HE9 sound subject to **RA086**.
- 9.20 LCCC proposed two "*minor changes*" (MC39A & B) to Policy HE10 New Development in a Conservation Area or Area of Townscape Character/Area of Village Character. The first entailed moving the 1<sup>st</sup> and 3<sup>rd</sup> paragraphs of policy to the associated J&A text, where they would be the 1<sup>st</sup> and 2<sup>nd</sup> paragraphs thereof. This **RA087** is necessary to satisfy soundness test CE3 as the paragraphs simply inform on the designation of the areas subject of the policy.
- 9.21 Suggested "*minor change*" MC39B relates to the first paragraph of the associated J&A text and would remove wording that is not in keeping with the legislative (Section 104 of the Act) and policy context (Paragraph 6.18 of the SPPS) for Conservation Areas. **RA088** is needed for the sake of consistency and, in setting the context for the general criteria for development in such designated areas, is cognisant of soundness test CE3.

- 9.22 LCCC addressed respondents' additional concerns at pages 322 and 323 of its PCR. I concur with its conclusions. Policy HE10 is sound subject to **RA087** and **RA088**.
- 9.23 Given the provisions of the 3<sup>rd</sup> paragraph of the Preamble to Part 2 of the dPS (page 3) and that the plan must be read in the round, there is no need for Policy HE11 The Control of Advertisements in a Conservation Area or Area of Townscape Character/Area of Village Character to cross-reference it to Policy AD1 Amenity and Public Safety. However, LCCC chose to do so in the 2<sup>nd</sup> paragraph of Policy HE11 but the way it is written suggests that Policy AD1 does not apply to such proposals in Conservation Areas despite express reference to them in the former's first paragraph. Proposed "*minor change*" MC40 would address this discrepancy by clarifying that Policy AD1 will apply to proposals in all the designated areas subject of Policy HE11. **RA089A** and **RA089B** are required to satisfy soundness test CE3; subject to it, the policy is otherwise sound.
- 9.24 The first paragraph of Policy HE12 Demolition or Partial Demolition in a Conservation Area or Area of Townscape Character/Area of Village Character is consistent with the final bullet point of paragraph 6.19 of the SPPS and the first sentence of Policy BH 14 Demolition in a Conservation Area of PPS 6. The first sentence of the J&A text of Policy HE12 refers to justification of the need for demolition. This is inconsistent with regional policy and the wording of the policy it is meant to support. "*Minor change*" MC41 is proposed so that the J&A texts correctly reflects both those considerations. This **RA090** is needed in the interests of soundness tests C3 and CE3.
- 9.25 LCCC addressed respondents' additional concerns at page 328 of its PCR. I endorse its conclusions. Policy HE12 is sound subject to **RA090**.
- 9.26 Paragraph 6.24 of the SPPS provides policy on non-designated heritage assets and the associated footnote <sup>11</sup> defines what is meant by a historic building of local importance. Whilst, for ease of reference, it might be convenient to have that definition added to the first paragraph of the J&A text of Policy HE13 The Conversion and Reuse of Non-Listed Buildings as suggested by LCCC's "*minor change*" MC42, it is not needed for soundness. There is no conflict with the provisions of the SPPS so they will continue to apply when the plan is adopted. MC42 also suggested insertion of the words "*are those that*" after 'Vernacular Buildings' in the first sentence of the J&A text. Whilst their addition might be more grammatically precise, their inclusion is not needed for the policy to be sound. MC42 is not justified.
- 9.27 LCCC addressed respondents' additional concerns at page 329 of its PCR. I agree with its conclusions. Policy HE13 is sound as written.
- 9.28 A Focussed Change (FC10) to the 5<sup>th</sup> paragraph of the J&A text to Policy HE14 Enabling Development was proposed by LCCC. Paragraph 6.25 of the SPPS does not specify the evidence required to accompany such a proposal. The paragraph of the J&A text that FC10 seeks to amend mirrors paragraph 4.6 of Planning Policy Statement 23: "*Enabling Development for the Conservation of Significant Places*". Whilst soundness test C3 does not require that the plan replicate the provisions of



regional policy, other than FC10 being proposed at the behest of a representor and “for clarification” there is no explanation of why the plan’s provisions for enabling development are unsound without this amendment. Policy HE14 is sound as written and there is no need for FC10.

- 9.29 Amendments to associated appendices were suggested but these are not required for soundness. Subject to **RA076 – RA090** inclusive, the policies relating to historic environment and archaeology are sound.

### **Natural Heritage**

- 9.30 Criterion a) of Strategic Policy 19 Protecting and Enhancing Natural Heritage (SP 19) refers to enhancing and restoring our natural heritage “where possible”. The first bullet point of paragraph 6.172 of the SPPS, amongst other things, identifies one of the regional strategic objectives for natural heritage as to “enhance and restore the abundance, quality, diversity and distinctiveness of the region’s natural heritage”. Criterion a) is consistent with RG11 of the RDS that seeks to conserve, protect and, where possible, enhance built heritage and natural environment. Notwithstanding the wording of paragraph 6.172 of the SPPS, paragraph 6.195 thereof says that in plan-making councils should “where appropriate” bring policies forward for the protection and/or enhancement of natural features and designated site. Set in this wider regional policy context and mindful of the fact that soundness test C3 requires that account be taken of regional policy rather than its duplication, the wording of criterion a) of Strategic Policy is not fatal to its soundness.
- 9.31 Outcome a of Theme 4 of the CP reads: “The built and natural environment is protected and enhanced”. When the suite of operational policies in Part 2 of the plan that supplement SP 19 are applied to development proposals as appropriate, there is no persuasive evidence that the difference in wording identified in the preceding paragraph would undermine the aspiration of the CP in this respect or that soundness test C2 is offended.
- 9.32 Criterion b) of SP 19 requires that landscape quality and the distinctiveness and attractiveness of the area is maintained. In contrast, the provision of the CP seeks to protect and enhance. That Outcome sets a higher requirement than just to maintain. Whilst there are elements of associated operational policy that could achieve this aspiration such as provisions for landscaping associated with development, page 17 of Part 1 of the dPS says that it is the spatial representation of LCCC’s Community Plan. There was no explanation for this divergence between the two documents. Moreover, Plan Objective E outlines those actions that LCCC will adopt to protect and enhance (my emphasis) the historic and natural environment within its area. In that context and for the sake of consistency, **RA091** is necessary whereby criterion b) should refer to: “Maintain and, where possible, enhance landscape quality...”

- 9.33 International (including European), national and local legal responsibilities and obligations in the protection and enhancement of national heritage will have to be met regardless that the third bullet point of paragraph 6.172 of the SPPS is not replicated in SP 19. In addition, operational policies NH1-NH5 inclusive of Part 2 of the dPS set out policy for development management therein in pursuit of both legal responsibilities and achieving Plan Objective E. The dPS contains policies concerned with the other material considerations included in paragraph 6.172 that have not been transposed into SP 19. There are repeated references in this report to the requirement to consider the policies of the entirety of the dPS in the round. Applied as such and subject to **RA092**, the wording of SP 19 will not: conflict with paragraph 6.172 of the SPPS; give rise to a policy lacuna in respect of those considerations; or be at odds with soundness test C4 in respect of the Programme for Government.
- 9.34 The second paragraph on page 42 of Part 1 of the plan says that its strategic policies must be read together and in conjunction with other planning policy including the SPPS and operational policy in Part 2 of the dPS. Not only is the precautionary principle a well-established concept in planning policy but paragraph 3.9 of the SPPS defines the “*precautionary approach*”. As there is no conflict between the dPS and SPPS in this respect, the provisions of the latter will continue to apply. Therefore, the definition does not need to be replicated in SP 19 as proposed by LCCC’s “*minor change*” MC7A, to satisfy soundness test C3.
- 9.35 The J&A text of SP 19 identifies the plan area’s single International Designation at Lough Neagh but omitted reference to Portmore Lough that also forms part of the site. This element of LCCC’s MC7B is necessary to correct this factual omission in the interests of soundness test CE3 – **RA092**. However, taking account of the statement at page 42 of Part 1 of the plan, the proposed cross-reference to Policy NH1 European and Ramsar Site – International is not necessary; it would apply regardless.
- 9.36 LCCC addressed representors’ other concerns with SP 19 at pages 149 – 151 of its PCR. Subject to further discussion of some of the issues at the public hearing sessions, I agree with its analysis and conclusions and subject to **RA091** and **RA092** no further amendments are required to this policy in the interests of soundness.
- 9.37 Although soundness test C3 requires that account be taken of regional policy as opposed to replicating it, LCCC’s proposed “*minor change*” (MC43) indicates that it was not its intention to diverge from the text of the 3<sup>rd</sup> paragraph of Policy NH 1 – European and Ramsar Sites – International of Planning Policy Statement 2: “*Natural Heritage*” (PPS 2). The three bullet points apply a conjunctive test and, for the sake of clarity, LCCC proposed to add the word “*and*” after criteria a) and b) of the 3<sup>rd</sup> paragraph of its Policy NH1 European and Ramsar Sites – International. MC43 also proposed adding “*and*” between criteria a) and b) of the policy’s final paragraph. However, LCCC confirmed that it was not its intention to depart from the wording of the final paragraph of Policy NH 1 of PPS 2 and that the word “*or*” should be added instead. **RA093** is needed to comply with soundness tests C3 and CE3.

- 9.38 LCCC's proposed "*minor change*" (MC44) indicates that it was not its intention to diverge from the text of neither the 2<sup>nd</sup> paragraph of Policy NH 2 – Species Protected by Law of (PPS 2 nor paragraph 6.180 of the SPPS. Its bullet points apply a conjunctive test and, for the sake of clarity, LCCC proposed that its 3 criteria be split into 4 and conjoined by the word "*and*". **RA094** is needed to comply with soundness tests C3 and CE3.
- 9.39 The J&A text of Policy NH3 – Sites of Nature Conservation Importance – National refers to a proposal's impact on a Marine Conservation Zone. However, the policy itself omits that designation. At page 334 of its PCR, LCCC sets out its rationale for "*minor change*" MC45 whereby criterion d) a Marine Conservation Zone would be added to Policy NH3. **RA095** is necessary in the interests of soundness tests C3 and CE3.
- 9.40 The "*Implementation*" section of the SPPS provisions for natural heritage does not make any specific reference of the need for policy to protect existing trees or woodland, promote additional planting or their replacement when lost to development. Paragraph 6.195 makes general reference to the protection and enhancement of natural heritage features. The first sentence of paragraph 6.196 refers to the use of KSRs in protecting and integrating certain features of the natural heritage when zoning sites for development; this would be done at the LPP stage of the binary plan process. LCCC verbally cited over a dozen separate policies, supplemented by their J&A and SPG, where provision is made for the protection of trees and the provision of further planting. When read it the round, the plan makes adequate provision for this consideration. LCCC also referred to Section 121 of the Planning Act entitled "*Planning permission to include appropriate provision for trees*" and sub-section (a) says It shall be the duty of a council to ensure, wherever it is appropriate that in granting planning permission for any development, adequate provision is made, by the imposition of conditions. In addition to operation of the development management process in the plan-led system, LCCC referred to examples of initiatives by its Departments, other than Planning, that have managed its estate to contribute to addressing the area's comparatively low woodland resource as identified at page 14 of the CP. Reference was also made to Forest Service initiatives, in line with its corporate plan, that would also enhance these natural heritage resources.
- 9.41 At the public hearing session LCCC listed the provisions of five strategic and nine operational policies of its dPS that it considered to contribute to implementing its corporate responsibility under the Wildlife and Natural Environment Act (NI) 2011 as set out at pages 14 and 15 the Lisburn & Castlereagh Local Biodiversity Action Plan (SUBDOC-078). Its witnesses also gave persuasive specific evidence as to how account was taken of provisions of the Programme for Government that relate to trees, woodland and biodiversity concerns.
- 9.42 Save for one specific issue that I will return to, bearing in mind the foregoing considerations, the dPS complies with all the consistency tests in respect of this issue. The disparate provisions for trees and woodland would be more "*user*

*friendly*” if subject of a dedicated policy that drew all those individual strands together. However, the examiner’s task is not to make the plan “*more sound*”, which that alternative approach would do. Mindful of that statutory duty and soundness tests CE2 and CE3, in those respects, the dPS is not deficient in terms of the issues of trees, woodland and biodiversity subject to **RA096**.

- 9.43 Criterion i) of Policy NH5 Habitats, Species or Features of Natural Heritage Importance refers to other natural heritage features worthy of protection. This mirrors the final bullet point of Policy NH 5 Habitats, Species or Features of Natural Heritage Importance of PPS 2. However, the corresponding bullet point of paragraph 6.192 of the SPPS includes trees and woodland. Having concluded that the lack of a dedicated policy for trees and woodland does not raise fundamental soundness issues, for the sake of providing clarity in implementing Policy NH5 and when read in the round with other associated provisions of the dPS, **RA096** is necessary whereby criterion i) of Policy NH5 is amended to reflect the SPPS in this respect.
- 9.44 At page 334 of its PCR, LCCC sets out its rationale for its “*minor change*” MC46 whereby the first paragraph of Policy NH6 Areas of Outstanding Natural Beauty would be amended. I agree with its stance and **RA097** is necessary in the interests of soundness tests C3.
- 9.45 At pages 337 and 338 of its PCR, LCCC responds to additional concerns raised by representors in respect of Policy NH6. I agree with its analysis and conclusions. Other than **RA097**, the policy is sound as written.
- 9.46 Amendments to associated appendices were suggested but these are not required for soundness. Subject to **RA091** – **RA097** inclusive, the suite of policies concerned with natural heritage are sound.

### **Monitoring**

- 9.47 Appendix E – Monitoring Framework of the dPS sets out the mechanisms for monitoring the extent to which the Plan Objectives are being achieved, as required by Section 21 (2) of the Act. Regulation 25 of the Regulations sets out what the AMR must specify. Taking account of those legislative requirements, paragraphs 5.36 to 5.39 inclusive of the SPPS and paragraphs 5.5.14 – 5.5.17 inclusive of DPPN 6 neither statute, policy nor guidance are prescriptive on how this issue and the associated actions of Plan Objective E should be monitored in order that soundness test CE3 is satisfied. There is a plethora of alternative ways in which that could be done and myriad indicators, monitoring targets and trigger points that could be specified. However, whether those would be helpful, efficacious and/or preferential is not the judgement that the examiner is statutorily required to exercise. The issue is whether they satisfy soundness test CE3.
- 9.48 Regarding representations on the monitoring and review of implementation of policies associated with achieving Plan Objective E, LCCC set out its position at pages 166 and 167 and 170 – 173 of its PCR. This was supplemented by discussion at the

public hearing sessions but that did not alter its approach to and conclusions on the issues raised. It sees monitoring is an iterative process that will be further developed and refined with experience of compiling the AMR and considering the outcomes of scrutiny and review. In this context, and despite that not all the policies relevant to protecting and enhancing the historic and natural environment have associated indicators, monitoring targets and trigger points, this element of the plan does not raise fundamental issues of unsoundness in respect of test CE3.

### **Conclusion – Plan Objective E**

- 9.49 LCCC’s response to representations in respect of Plan Objective E are addressed at page 31 of its PCR. For reasons set out in the entirety of this chapter, there is no persuasive evidence that the suite of policies and plan provisions aimed at achieving Plan Objective E, subject to the identified RAs, will not contribute to a green place. Therefore, I concur with its analysis and conclusions in respect of those representations. Neither is there persuasive evidence that account has not been taken of the CP, as required by soundness test C2, in the measures proposed to realise Plan Objective E. No further amendments are required in the interests of soundness.

## 10.0 A Connected Place

- 10.1 Plan Objective F seeks to support sustainable transport and other infrastructure within the plan area. Ten associated aims to be achieved over the plan period are set out at page 39 of Part 1 thereof. These are to be realised through strategic and operational policy. At Figure 2 on page 33 and page 132 of Part 1 of the dPS, LCCC has set out how its PS will contribute to specific themes and outcomes identified in its CP. Appendix C – Statutory Link with Community Plan of Part 1 of the plan illustrates the synergy between Community Plan Themes and Outcomes and Plan Objectives (pages 166 – 169 inclusive).
- 10.2 The baseline position and key transport issues to be addressed by the LDP were set out in LCCC's POP Position Paper 5: Transportation [SUBDOC-055]. Its subsequent Technical Supplement 8: Local Transport Study (TS 8) [SUBDOC-027] updated those. It took account of how planning policies would help deliver the themes and actions in the CP that link to Outcomes 1 to 5 thereof. LCCC reviewed the policy context for the Local Transport Study (LTS) and at paragraphs 3.1 – 3.5 inclusive it considered DfI's "*Guidance on the preparation of LDP policies for Transport*" (February 2019). The LTS forms part of that document, which was prepared by DfI in consultation with LCCC. Amongst other things, it contemplated the implications for transport of LCCC's proposed growth strategy. Rather than propose identified schemes, the LTS introduced a framework against which future proposals would be delivered. The 7 Objectives to support the PS are set out on page 139 of Part 1 of the plan; followed by 10 outcome-based confirmed measures.
- 10.3 DfI referred to the Guidance cited above as "*version 1*" of the 2021 publication that post-dated referral of the dPS for IE. It advised there was little substantive difference between the 2019 and 2021 publications. LCCC's evidence base is not deficient in respect of that Guidance and soundness test CE4 is not offended.
- 10.4 LCCC reviewed the policy context for transportation infrastructure at pages 134 – 138 inclusive of Part 1 of the dPS. The J&A text to Strategic Policy 20 Transportation Infrastructure (SP 20) shows that its assessment of access and transport has not been limited to the plan area but has been considered in the wider physical and policy context.
- 10.5 TS 8 and the dPS were published in October 2019. A year later DfI published "*The Belfast Metropolitan Transport Plan – Transport Study*" (BMTP TS); its Annex G comprised the Lisburn & Castlereagh City Council Local Transport Study. Its paragraph 1.1.4 says that throughout the development of the study, DfI shared its evidence and drafts at the earliest possible opportunity so that consideration of the emerging study could inform this dPS. That LCCC took on board the provisions of the emergent BMTP TS is evidenced by reference to it at pages 140 – 143 inclusive of Part 1 of the dPS. The dPS commentary on the Belfast Metropolitan Transport Study (BMTS) refers to the Belfast Strategic Transport Model as investigating to what degree the levels of growth proposed by the Councils within the study area can be accommodated and what blend of measures may be needed to deliver on the

outcomes set by them and DfI. Paragraph 1.1.9 of Annex G is reflected in the paragraphs in italic text at the bottom of page 140 and top of page 141 of Part 1 of the dPS.

- 10.6 DfI Transport Planning and Modelling Unit (TPMU) was critical of LCCC's context-setting in that there was no specific mention of: "...the heavy commuting flow to Belfast and the capacity of the transport networks"; or "Belfast City Council proposals to add substantial employment which is likely to generate additional commuting flows". Similar concerns were considered in the context of the cross-boundary implications of the plan's SHA in chapter 5 of this report. The aforementioned evidence shows that LCCC is alert to the implications of its policies on transport and access within the Belfast Metropolitan Urban Area (BMUA) and conversely factors outside the plan area that might have implications for its transportation infrastructure. It has made specific mention of the BMTS where DfI TPMU said these issues were raised. However, it cannot address these concerns in isolation. In the absence of the finalised BMTS, SP 20 has taken a proactive approach to managing demand on the transportation infrastructure and delivering sustainable patterns of development. Considering this approach to the strategic issues, relating not only transportation infrastructure within the plan area but also the wider BMUA, against the soundness tests concerned with consistency, coherence and effectiveness, SP 20 is not unsound.
- 10.7 The second paragraph at page 42 of Part 1 of the plan states that the strategic policies underpin and must be read together and in conjunction with other planning policy including the RDS 2035, SPPS and operational policy in part 2 of the PS. Therefore, in addition to associated criteria included for development of each, SP 20 will also apply to the three proposed Strategic Mixed Use sites. As the plan already makes this clear, no amendment is needed to reinforce the point.
- 10.8 LCCC proposed an amendment (MA014) to the Policy Context for SP 20 in respect of "Strategic Road Schemes" as it relates to what was described as M1 to A1 Link. The revised wording updates and explains the extent of the scheme and **RA098** is needed for clarity and coherence.
- 10.9 Criteria b), c) and d) of SP 20, when read in conjunction with its J&A text under the heading "Meeting Future Transportation Needs", and operational policy TRA8 Active Travel Networks and Infrastructure Provision, are consistent with the requirements of paragraph 6.300 of the SPPS.
- 10.10 At page 154 of its PCR, LCCC responded to the concern that there should be a statement encouraging the development of additional local paths, cycle and walkways. The provision of strategic greenways was a focus of discussion at the public hearing sessions when consideration was given to whether the word "facilitate" in criterion d) of Strategic Policy 20 would be secure their delivery rather than encourage their development. The accompanying J&A text refers to delivery of sustainable transport and integration with land use. DfI TPMU explained that the emerging BMTP and the two part LDP would provide a complete overview of policy

support for further development of active travel networks across the BMUA. Reference was made to Plan Objectives, Strategic Policies (accompanied by Maps 12 & 13) and operational policy, including Policy TRA5 Strategic Greenways and Disused Transport Routes and Policy TRA8, that would support such initiatives. The J&A text to SP 20 under the headings “Active Travel” and “Strategic Greenways and Disused Transport Routes” is especially pertinent. The draft Open Space Strategy (SUDDOC-072) had regard to DfI’s “Exercise Explore Enjoy: A Strategic Plan for Greenways” and one of its strategic principles is to promote opportunities for sustainable travel through greater connectivity of open spaces with mention of strategic greenways. At this stage in the overall plan process, the totality of the provision within the dPS for active travel, including strategic greenways, is consistent, coherent and effective without amendment.

10.11 With regard to the Park & Ride (P&R) site proposed by dBMAP at Millmount, LCCC explained the material change in circumstances in the intervening period since publication of various iterations of that document whereby the site was effectively “de-zoned” by construction of the Dunlady Road P&R facility. Therefore, its evidence base is not deficient in this respect and soundness test C4 is not offended. Accordingly, there is no need to amend the information on page 137 of part 1 of the plan under the heading “Post Publication of BTMP” to refer to that specific site moreover as the “replacement” facility at Dunlady Road is cited.

10.12 LCCC proposed 3 “minor changes” to the J&A text of SP 20 in respect of:

- MC8A - Under the heading “Key Transportation Infrastructure Schemes”, an expanded reference to the Local Transport Study, its role and iterative nature aligned with DfI’s work in tandem as set out in paragraph 10.2. LCCC has no control over the publication of the emerging BMTP but reference to it in the dPS clearly illustrates that it has had regard to its associated Transport Study. Comparing DfI TPMU’s suggested wording for MC8A and that proposed by LCCC, I do not see how the latter offends soundness tests concerned with consistency, coherence and effectiveness or that this element of the plan would be unsound unless it incorporates the alternative wording that focuses on the emerging BMTP. **RA099** is needed in light of soundness tests C3 and CE4;
- Its provisions for “Park & Ride/Park & Share” – MC8B. **RA100** is necessary in the interests of future-proofing the plan on foot of soundness test CE4; and
- Reference to proposed Areas of Parking Constraint under the “Car Parking” heading – MC8C. **RA101** is needed for clarity.

10.13 At pages 152 - 155 inclusive of LCCC’s PCR it addresses representors’ additional concerns. With the benefit of clarification from discussion at the public hearing sessions, I agree with its analysis and conclusions and, subject to **RA098** to **RA101**, SP 20 is sound.



- 10.14 Policy TRA1 Creating an Accessible Environment is subject of a proposed focussed change (FC11) whereby its criterion c) would be amended to refer to cycling in addition to pedestrian movement. Given the recurrent commitment to active travel throughout the plan, **RA102** is vital for clarity and coherence.
- 10.15 LCCC proposed a “*minor change*” (MC46) to the J&A text of Policy TRA1 whereby mention of two withdrawn documents would be deleted, leaving reference to only “*Creating Places*”. In response DfI said that the remaining J&A should be reviewed to ensure it provides policy on accessibility to cover all types of development. However, it did not suggest a form of wording that it considered would remedy the perceived omission. The policy, as amended, is clear in its intent. Associated guidance, where applicable, would be a material consideration regardless of whether it is cited in the J&A text. In this evidential context, **RA103** is necessary for clarity.
- 10.16 The penultimate paragraph of the J&A text of Policy TRA2 Access to Public Roads mistakenly refers to the Department rather than the Council whose responsibility it is for dealing with planning applications for replacement dwellings. LCCC proposed “*minor change*” MC48 to correct this mistake and **RA104** is necessary in the interests of soundness test CE3.
- 10.17 LCCC proposed a focussed change (FC12) in respect of Policy TRA3 Access to Protected Routes under the sub-heading “*Other Protected Routes- Outside Settlement Limits*”. This was the subject of MA015 as DfI had outstanding concerns about consistency with cited policy and guidance. Regional policy is set out at paragraphs 6.297 (bullet point 5) and 6.301 (bullet point 7) of the SPPS together with Annex 1 – Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking of PPS 21. There is nothing in LCCC’s evidence base to suggest that it intended to depart from regional policy. However, the suggested wording of MA015 (submitted after the public hearing session as agreed) could be interpreted as doing just that. This would be at odds with Policy AMP 3 – Access to Protected Routes (Consequential Revision) whereby if access from an adjacent minor road cannot reasonably be obtained, proposals would be required to make use of an existing vehicular access onto the Protected Route. It appears that the inconsistency stems from LCCC’s attempt to abbreviate the provisions of Policy AMP 3 rather than depart from them. At any rate, I cannot endorse either FC12 or MA015: **RA105** is needed in order to eradicate ambiguity and satisfy soundness tests C3 and CE3.
- 10.18 Paragraph 6.301 of the SPPS says, in respect of Protected Routes, that the regional policy is to restrict the number of new accesses and control the level of use of existing access onto them. It adds that, where appropriate, the LDP may contain additional local policies to apply further restrictions; there is no latitude for relaxing requirements. At page 108, the SPPS acknowledges the role of car parking in influencing modal choice between private car and public transport. Regional policy does not support Park & Ride/Park & Share car parks taking access off a Protected Route unless the arrangements comply with either Policy AMP 3 Access to Protected Routes of Planning Policy Statement 3: “*Access, Movement & Parking*” (PPS 3) or the consequential revision to the policy set out in PPS 21 in respect of Protected Routes

outside settlement limits. A representor said that precedents exist elsewhere in NI but did not cite specific examples. An associated amendment to either Policies TRA3 or TRA9 Park and Ride/Park and Share Car Parks is not justified or necessary.

- 10.19 LCCC proposed a “*minor change*” (MC49) to Policy TRA6 Transport Assessment whereby a new first paragraph would be added to the associated J&A text explaining when a Transport Assessment would be required and its primary aim. The wording would be broadly consistent with that contained in paragraph 6.303 of the SPPS. **RA106** is needed considering soundness tests C3 and CE3.
- 10.20 Based on discussion at the public hearing session DfI said that further issues that it had raised were by way of improving the policy and did not go to the issue of its soundness. I agree and, other than **RA106**, no further amendment is necessary.
- 10.21 LCCC proposed a “*minor change*” (MC50) to footnote <sup>34</sup> in respect of Policy TRA7 Car Parking and Servicing Arrangements in New Developments. **RA107** is necessary for clarity as it omits reference to documents that have been withdrawn.
- 10.22 Policy TRA7 provides flexibility and discretion in applying published car parking standards taking account of the specific characteristics of a development and its location. The policy accords with soundness tests CE3 and CE4 without making specific reduced provision for housing tenures where car ownership rates are currently lower than the NI average.
- 10.23 The Local Transport Plan (LTP) may not take account of all potential sites for park & ride/park and share car parks; many come about due to emerging demands and opportunity sites that are not included in the LTP. In that context, retaining footnote <sup>36</sup> to Policy TRA9 Park and Ride/Park and Share Car Parks could be at odds with soundness test CE4. As the policy requires that proposals for such facilities must meet an identified need agreed with DfI, the footnote’s deletion would not undermine its regional, strategic role in this respect. Therefore, **RA108** is necessary in the interests of striking a balance between soundness tests CE3 and CE4.
- 10.24 The correspondent provisions of PPS 3 (paragraph 5.76) and Planning Policy Statement 13: “*Transportation and Land Use*” use the words “*preferably*” and “*preferred*” to a site within settlement development limits for park & ride/park & share facilities. Albeit that the 2<sup>nd</sup> paragraph of the J&A text to Policy TRA9 refers to “*ideally*” within settlement limits, it acknowledges that there “*may be occasions where a countryside location is needed for such development*”. If such facilities are to take car-based trips by the urban population out of the road network at the earliest available opportunity and effect a modal shift, then the “*ideal*” location for them is within a settlement. The text is sufficiently flexible to take account of an instance where the identified need for the facility would be best served outside a settlement if to locate it within would exacerbate rather than relieve congestion. As written, that paragraph of the J&A text satisfies both soundness tests C3 and CE4.

10.25 Policy ED7 Retention of Zoned Land and Economic Development seeks to support the aims of Strategic Policy 11 Economic Development in Settlements in implementing the actions aimed at achieving Plan Objective B and driving sustainable economic growth. LCCC has been urged to review the need for retention of all “legacy” zoned employment lands at LPP stage of the overall plan process. In the interim it is noted that:

- Strategic Mixed Use Designation West Lisburn/Blaris (SMU01) includes the extended Park & Ride site at “Sprucefield”;
- Cairnshill Park & Ride lies just to the north of SMU02 Purdysburn/Knockbracken and criteria f) and g) would require the Concept Masterplan for the site to address connectivity to it;
- The approved railway halt at Knockmore, West Lisburn, with associated parking, would be accessible from 7 employment zonings; and
- As already discussed, the first sentence of the second paragraph of Policy TRA9 indicates where park and ride/park and share car parks should be located and although this is not synonymous with all existing employment zonings, in the main, they benefit from good transport links.

The dPS does not need to be altered to permit the development of such facilities and public transport interchanges on land currently zoned for employment; this consideration does not go to the heart of its soundness.

10.26 The issue of Sustainable Urban Drainage Systems (SuDS) is considered in paragraph 10.74 of this report. In that context, reference to “*where appropriate*” in relation to the use of permeable materials and sustainable drainage solutions in the J&A text to Policy TRA9 is not incoherent or ineffective: at present, presumption in favour of their use would be premature. No attendant revision of the J&A is required.

10.27 LCCC proposed a “*minor change*” (MC51) to Policy TRA10 Provision of Public and Private Car Parks whereby criterion a) would extend the qualified presumption in favour of public or private car parks where need is identified by a comprehensive car parking strategy prepared jointly with the Department. **RA0109** is necessary in the interests of soundness tests CE3 and CE4.

10.28 At pages 340 – 351 inclusive of its PCR LCCC addressed additional issues raised by representors in respect of its operational policies relating to access and transportation. Having considered them, I concur with LCCC’s reasoning and conclusions. Subject to **RA102 – RA109** inclusive, Policies TRA1 to TRAN11 are sound.

10.29 Appendix E – Monitoring Framework of the dPS sets out the mechanisms for monitoring the extent to which the Plan Objectives are being achieved, as required by Section 21 (2) of the Act. Monitoring arrangements for Plan Objective F are found at pages 180 and 181 of Part 1 of the plan; 3 relate to transport and access. A representor said that “*more meaningful*” targets and indicators should be identified that would assist in monitoring and determining the impact of land use on the

transportation network, ultimately influencing its sustainability. Other than this generalised comment, no examples were given as to how this element of the plan might be amended to address perceived issues with its soundness. In that context, LCCC responded to the concern at page 165 of its PCR. Regulation 25 of the Regulations sets out what the AMR must specify. Taking account of those legislative requirements, paragraphs 5.36 to 5.39 inclusive of the SPPS and paragraphs 5.5.14 – 5.5.17 inclusive of DPPN 6 neither statute, policy nor guidance are prescriptive on how this issue and the associated actions of Plan Objective F should be monitored in order that soundness test CE3 is satisfied. Accordingly, this element of the plan does not raise fundamental issues about soundness.

### **Renewable Energy**

- 10.30 In the draft Sustainability Appraisal (SA) [SUBDOC-005] the potential impact of Strategic Policy 21 (SP 21) was considered regarding both the potential effect on natural resources/biodiversity and the historic environment. A rating of 0 neutral/no effect is given for both in the SA Matrix. As opposed to being short-term and temporary, the impact of underground construction works, for example the foundations for wind turbines, would have the potential to be permanent and irreversible. Therefore, the potential impact is more appropriately considered to be uncertain. Whilst this does not undermine the integrity of the SA, LCCC suggested a “*minor change*” (MC60) so that criterion b) of the SP 21 would specifically mention the natural and historic environment. On this basis, it is appropriate to flag up those considerations that are subject of other operational policy; and **RA110** is necessary for coherence and effectiveness.
- 10.31 LCCC proposed a focused change (FC3) to SP 21 so that its provisions for Areas of Outstanding Natural Beauty (AONBs) would mirror those of paragraph 6.223 of the SPPS. Whilst soundness test C3 does not require that the wording of this policy should replicate that of regional policy provided the evidence base sets out the local circumstances that justify such a departure, that LCCC has proposed FC3 shows that was not its intention. On that basis, **RA111** is required.
- 10.32 At pages 156 - 158 inclusive of its PCR, LCCC addresses additional concerns raised by representors. I concur with its reasoning and conclusions and subject to **RA110** and **RA111**, SP 21 is sound.
- 10.33 LCCC proposed a focused change (FC13) to Policy RE1 Renewable Energy Development whereby an additional paragraph would be added to it to cross-reference to the presumption against development on active peatland set out in paragraph 6.226 of the SPPS. Whilst criterion c) of Policy RE1 would ensure that there would be no adverse impact on biodiversity or the natural environment, this would afford less protection for the priority habitat than the SPPS and Policy RE1 Renewable Energy Development of Planning Policy Statement 18: “*Renewable Energy*” (PPS 18). Given the primacy of the development plan in the plan-led system, this **RA112** is necessary to ensure that: there is no conflict with regional policy;

appropriate protection is given to the priority habitat: and to comply with soundness tests C3 and CE3.

- 10.34 LCCC proposes five “*minor changes*” to Policy RE1 and its J&A text (MC52A-E inclusive). Criterion d) of Policy RE1, amongst other things, refers to water quality. However, both the third bullet point of paragraph 6.224 of the SPPS and Policy RE1 of PPS 18 also include water quality. LCCC’s proposed MC52B would add this resource as a material consideration. In the plan-led system and mindful of soundness tests C3 and CE3, **RA113** is necessary.
- 10.35 LCCC’s proposed MC52E illustrates that it is not its intention that the 5<sup>th</sup> paragraph of Policy RE1 diverges from the provisions of paragraph 6.227 of the SPPS or the penultimate paragraph of Policy RE 1 of PPS 18. This being the case, in the plan-led system, **RA114** is required to avoid ambiguity and satisfy soundness test CE3.
- 10.36 Both the SPPS and Policy RE1 of PPS 18 refer to “*Development that generates energy from renewable resources*”. As there is no separate policy provision for the re-powering of existing sites used for renewable energy generation, it is implicit that the provisions of this plan and the SPPS would apply. However, specific reference in the J&A text of Policy RE1 to proposals to reutilise established sites, subject of “*minor change*” MC52A, would make it unequivocally clear that it applies to such proposals. Therefore, **RA115** is required to satisfy soundness test CE3.
- 10.37 LCCC’s MC52C proposes to add a new penultimate paragraph to the J&A text of Policy RE1 setting out further material considerations in determining associated proposals including the inter-relationship between them. Bearing in mind: the third paragraph of the Preamble to Part 2 of the plan: the need to read it in the round; the specific reference to the Best Practice Guidance to PPS18; and that the inter-relationship between material considerations is an intrinsic part of decision-making, this change is not necessary in the interests of soundness. It is noted that proposed MC52C would replicate part of paragraph 6.229 of the SPPS but its omission would not create conflict with the provisions of regional policy such that the weight to be given to those additional considerations would be diminished in the plan-led system.
- 10.38 LCCC’s MC52D related to the final paragraph of the J&A text and involves a grammatical correction, deletion of an extraneous reference to the former Department of the Environment, inclusion of publication dates for two cited pieces of guidance and indicating that one is in draft form. As the latter is titled “*Draft Supplementary Guidance to PPS 18 ‘Renewable Energy’ Anaerobic Digestion*”, that this is a draft document and its year of publication, needs to be included in the J&A text in the interests of soundness test CE3 as **RA115**. Notwithstanding that the publication date is cited for the Best Practice Guidance to PPS18, the other changes proposed “*for clarity*” are not so critical that they would offend soundness test CE3 and are not justified.
- 10.39 Explicit reference is not needed to environmental legislation and its implications for the information to be submitted with planning applications for renewable energy

development including the statutory provisions for Appropriate Assessment. These legal requirements will apply irrespective of reference to them in the plan. Omitting mention of them therein is not fundamental to soundness.

10.40 At pages 353 – 357 inclusive of its PCR, LCCC addressed additional concerns raised by representors. I concur with its reasoning and conclusions and having taken account of further discussion at the public hearing sessions, find that Policy RE1 is sound subject to **RA112 – RA115** inclusive.

10.41 It was suggested that the first paragraph of the J&A text to Policy RE2 Integrated Renewable Energy be strengthened by expecting rather than encouraging greater integration of such technologies into the design of new buildings and retrofitting of existing ones. There was no evidence that this is consistent with current Building Regulations. It would not be appropriate for planning policy to go beyond the current legal requirement. On that basis, Policy RE2 is sound as written.

### **Telecommunications and Other Utilities**

10.42 In the draft SA the potential impact of Strategic Policy 22 Telecommunications and Other Utilities is considered regarding both the potential effect on natural resources/biodiversity and the historic environment. A rating of 0 neutral/no effect is given for both in the SA Matrix. As opposed to being short-term and temporary, the impact of associated excavation has the potential to be permanent and irreversible. Therefore, the potential impact is more appropriately considered to be uncertain. Whilst this does not undermine the integrity of the SA, LCCC suggested a “*minor change*” (MC61) so that criterion b) of the Policy would specifically mention the natural and historic environment. On this basis, it is appropriate to flag up those considerations that are subject of other operational policy: **RA116** is necessary for coherence and effectiveness.

10.43 Policy UT1 relates to more than overhead electricity lines (OHLs). However, in considering whether the policy satisfies the soundness tests, it is that development that shall be the focus of consideration given NIE Networks’ representation.

10.44 In support of its approach, LCCC referred to various policies and guidance:

- Amongst other things, Policy PSU 11 Overhead Cables of the PSRNI says that when considering a development proposal for the siting of electricity power lines and other overhead cables, lines should be planned to: minimise visual intrusion; and ensure wirescape in urban areas is kept to a minimum with preference being given to undergrounding services where appropriate;
- Paragraph 6.238 of the SPPS says that the aim is to facilitate the development of utilities in an efficient and effective manner whilst keeping the environmental impact to a minimum. The second bullet point of its paragraph 6.239 echoes this in that one of the associated regional strategic

objectives is to ensure that the visual and environmental impact of utility development is kept to a minimum;

- Paragraph 6.250 of the SPPS says that any proposal for the development of new power lines will be considered having regard to potential impact on amenity and should avoid areas of landscape sensitivity;
- Guidance in “*Creating Places*” at pages 99 – 101 inclusive, in providing for services, deals with the location of services underground. Paragraph 7 of the guide sets out its scope and status whereby it applies to proposals for residential development from small-scale infill housing schemes to major projects on large sites; and
- “*Living Paces – An Urban Stewardship and Design Guide for Northern Ireland*” deals with “*Serviceability*” at its page 51 and says that “*Successful urban places are serviced well without detracting from the quality experienced by the general public*”.

10.45 LCCC’s Technical Supplement 6 Countryside Assessment [TS 6] (SUBDOC-025) looked at each of the plan area’s nine Landscape Character Types and Areas. It considered: landscape condition and sensitivity to change; and landscape management and planning guidelines. Therein tall structures were included as one of the forces for change. Only in the Lough Fringe Farmland Landscape Character Type and Area are they ruled out. The remainder have varying degrees of sensitivity but do not preclude OHLs subject to considerations such as scale, siting and cumulative impact.

10.46 LCCC proposed two focussed changes (FC14A and FC14B) to Policy UT1 Utilities. They would see the first paragraph of the policy amended to read: “*To ensure that the visual and environmental impact of utility development is kept to a minimum, the provision of utility services such as water, wastewater, electricity and gas to new development proposals should be laid underground where considered feasible and viable*”. The second would be deleted.

10.47 Outwith urban areas and housing developments, the policy that LCCC relied on in support of Policy UT1 is concerned with minimising utilities’ visual, environmental and amenity impact. In that context, FC14A takes account of regional policy and guidance. Whilst LCCC said that it is not its intention to express a presumption in favour of undergrounding services, that would be the effect of Policy UT1. As its second paragraph set out an exception to undergrounding of utility services to new development if it were not feasible and viable to do so, a presumption in favour of undergrounding is implicit in the opening paragraph when the two are read together. FC14B, as it relates to the policy’s first two paragraphs, would delete reference in the second to an exception being made to the first. FC14B would see Policy UT1 require that utility services to new development should be laid underground where considered feasible and viable.

- 10.48 LCCC's evidence base in support of Policy UT1 does not include a cost-benefit analysis of undergrounding OHLs, a review of the technical constraints that may be associated with such engineering or the policy's implications for new connections for development in the plan area. The issues of feasibility and viability of undergrounding would be assessed on a case-by-case basis with, at this stage other than criterion b) of Policy UT1, no SPG to inform the developer of what evidence is required to persuade LCCC that undergrounding is not feasible and viable.
- 10.49 On the other hand, NIE Networks representation set out legal, financial and technical issues that it has to grapple with in providing electricity infrastructure for new development. Amongst other considerations, it has an obligation in accordance with the Electricity (NI) Order 1992 to offer the customer the "*least cost, technically acceptable*" solution for a new connection or alteration to the electricity network to facilitate development. NIE advised that in the majority of rural and suburban areas, this will always be the OHL connection. This contention was supported by associated evidence. The penultimate paragraph on page 51 of SONI's "*Draft Transmission Development Plan Northern Ireland 2012-2030*" (MA009) acknowledges underground cables' advantage in terms of the potential for reduced visual impact compared with OHLs subject to account being taken of the considerations set out in criterion b), as amended by FC14B, of Policy UT1. However, this must be set in the context of what is said on the next page that in most cases, OHL technology remains the most reliable and least expensive option for developing new circuits. These considerations are set against the background of RDS RG5: Deliver a sustainable and secure energy supply.
- 10.50 The Ministerial Foreword to the NI Executive's Energy Strategy "*The Path to Net Energy Zero*" says that: "*Affordability is front and centre of this strategy. Rising energy bills....will have a devastating impact on the affordability of energy for consumers*". Transmission improvements will be needed to facilitate maximisation of electricity generated from increased reliability on renewable sources of energy. The cost of infrastructural alterations to the electricity transmission network is passed onto NI electricity consumer through the Distribution Use of System Tariff. NIE's unchallenged evidence gave the cost of undergrounding electricity lines as 2-3 times higher than OHLs. Reading Policy UT1, either as published or if subject to FC14A and the first element of FC14B, in the round with Strategic Policy 21 Renewable Energy as LCCC suggested, amplifies my concerns that the former is not compatible with regional policy.
- 10.51 The decision-maker would be entitled to bring their own professional judgement to bear in weighing the considerations of the visual and environmental impact of electricity utility services against the feasibility and viability of undergrounding them. However, without clarification either in the J&A text or SPG, Policy UT1 would not strike the appropriate balance between regional policy and guidance considering LCCC's associated evidence base. In that overall context, even if subject to FC14A and the first two elements of FC14B, concerns remain in respect of soundness tests C1, C3, C4, CE2 and CE3. In reaching this conclusion I am mindful that the proposed focussed changes to Policy UT1 sought to address NIE Networks concerns.



Nevertheless, if NIE is to fulfil its statutory role and play its part in achieving the aims of RDS RG5 and the NI Executive's Energy Strategy, **RA117** is essential whereby LCCC reconsiders its position and undertakes some or all of either: amending the policy; amplifying J&A text or introducing SPG to accompany the PS at the time of adoption. I appreciate that such changes would also have to satisfy soundness test CE4 and could not be prescriptive in the context of various material considerations that might arise regarding individual schemes. In this context, I cannot conclude that FC14A and the first element of FC14B would address concerns about soundness.

- 10.52 The second element of LCCC's proposed FC14B relates to criterion b) of Policy UT1 and would introduce the qualification "*where possible*". Paragraph 6.250 of the SPPS says that any proposal for the development of new power lines should have regard to potential impact on amenity and should avoid areas of landscape (*my emphasis*) sensitivity, citing AONBs as an example. The language of this element of policy does not directly relate to the considerations subject of criterion b). The flexibility that the amendment would afford, as required by soundness test CE4, would not trump statutory protections afforded to the considerations subject of criterion b). It would also be tempered by other associated operational policy interpreted and applied with the benefit of statutory consultees' input.
- 10.53 The dHRA was updated to take account of the proposed focussed and minor changes and, subject to mitigation, it was considered that they would have no adverse effect on the integrity of International sites [SUBDOC-016(b)]. Table 1: Summary of Screening Focussed Changes, by virtue of columns 1 & 2 considered proposed FC14A & FC14B in respect of Policy UT1. The screening comment does not mention the particulars of the proposed change to criterion b) but both focussed changes were screened out of further consideration. The dHRA is an iterative document. The conclusion that **RA118** is necessary in light of soundness test CE4 will be subject to the qualification that it does not have the potential for likely significant effects upon any International site, either alone or in combination with other plans and projects. This is a matter that LCCC needs to clarify.
- 10.54 Criterion b) of Policy UT1 applies only to OHLs and associated infrastructure. When the dPS is read in the round, the suite of policy associated with nature conservation, the historic and environment and archaeological interest provides a comprehensive basis for protection of those assets when considering proposals for utility services other than electricity. The policy is sound without any associated amendment.
- 10.55 The third element of proposed focussed change FC14B, would see criterion e) of Policy UT1 become its penultimate paragraph. Paragraph 6.244 of the SPPS flags up this consideration. As its application is not subject to judgement, **RA119** would properly reflect its origin and status and provide clarity in the context of soundness test CE3.
- 10.56 LCCC proposed a "*minor change*" (MC66) to the policy's J&A by adding a penultimate paragraph: "*The potential of overhead lines to disrupt the flight path of birds including the site selection features of Lough Neagh and Lough Beg Special Protection*

*Area and Ramsar Site, is also a consideration*". The dHRA (SUBDOC-029) found that Policy UT1 could have a likely significant effect on those Natura 2000 sites as it does not make it clear that the site selection features may occur outside these International sites. MC66 is suggested by way of mitigation. On this basis, it is appropriate to flag up this consideration that is the subject of other operational policy and **RA120** is necessary for coherence and effectiveness.

## **Waste Management**

- 10.57 LCCC's proposed "*minor change*" MC9A would see the final sentence of the J&A text to Strategic Policy 23 Waste Management amended to more closely reflect the wording of the second bullet point of paragraph 6.310 of the SPPS. The phraseology in the dPS could be interpreted as attaching lesser weight to these considerations than afforded to them by the SPPS. Whilst soundness test C3 requires that account be taken of regional policy as opposed to replicating it, that LCCC is proposing to revise its associated wording shows it does not intend to diverge from the SPPS. In this evidential context and in the plan-led system, **RA121** is needed for the sake of consistency and to satisfy soundness test CE3.
- 10.58 Paragraphs 1.19 and 1.20 of the Introduction to Planning Policy Statement 11: "*Waste Management*" (PPS 11) cites the precautionary principle as a material consideration in considering the development of waste management facilities (WMFs) or assessing other development in the vicinity of such facilities. This was carried through into paragraph 6.322 of the SPPS. As there is no conflict between the SPPS and dPS in respect of the precautionary principle, proposals for WMFs would have to observe it. Therefore, there is no need to cross-reference the provisions of the SPPS in the final paragraph of the J&A text to Strategic Policy 23 as proposed by the LCCC's "*minor change*" MC9B.
- 10.59 LCCC addresses a further representation at page 160 of its PCR. Paragraph 6.316 of the SPPS sets out how need for waste disposal and waste collection and treatment facilities must be demonstrated. Paragraph 6.312 thereof does not specify at what stage of the LDP process that specific sites for the development of WMFs should be identified together with KSRs. Taking account of the provisions of regional policy, I concur with LCCC's assessment and conclusion. Subject to **RA121**, Strategic Policy 23 is sound.
- 10.60 The first paragraph of the J&A text of Policy WM1 Waste Management Facilities explains what is meant by "*Waste Management Facilities*". Accordingly, the policy is consistent with soundness test CE3 in this respect.
- 10.61 The five alternatives for WMFs identified in criteria a) – e) inclusive of Policy WM1 are consistent with paragraph 6.313 of the SPPS and criterion c) of Policy WM2 Waste Collection and Treatment Facilities of Planning Policy Statement 11: "*Planning & Waste Management*" (PPS 11). These adopted policies were subject to public consultation. LCCC's Preferred Option 28A was to consider the existing policy-led approach in relation to waste management within the Council area (SUBDOC-044). It

considered public consultation responses on this Key Issue 28 at pages 105 and 106 of SUBDOC-049. Page 102 of the draft SA said: “*No reasonable alternatives have been considered – Consistent with regional policy*”. A cogent explanation was given as to why no alternatives were considered; and LCCC’s reasoning in this respect is not at odds with either Regulation (11) (2) (d) of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 [EIA Regulations] or soundness test CE2. At any rate, criteria a) to e) inclusive, of themselves, provide alternative options for the siting of WMFs; they are not just to be located in an existing or worked out hard quarry. Proposals for any such facilities in any of those five possible locations would have to comply with the 12 criteria set out in the next part of policy; these include the concerns raised by the representor positing the deletion of criterion b). That there have been reported unresolved pollution issues stemming from the use of worked out hard quarries as WMFs is an issue of enforcement and does not provide persuasive justification to set aside regional planning policy. There is no need to remove criterion b) of Policy WM1 for reasons of soundness.

- 10.62 Policy WM1 has not omitted consideration of the permanent loss of the best and most versatile agricultural land; it is included within criterion e). Whilst the J&A text does not refer to other WMFs that deal with incineration and thermal processes, the penultimate bullet point of Policy WM1 requires that proposals for WMFs shall maximise energy recovery in the form of heat or electricity. As the representor did not specify how the policy and/or J&A text should be amended to address their concern, there is no persuasive need to revise either in this respect.
- 10.63 The first of the 12 bullet points of Policy WM1 that proposals for WMFs would be subject to requires that such a facility “*will not cause demonstrable harm to human health*”. How this is to be considered is set out in the accompanying J&A text under the heading “*Health Considerations*”. The bullet point also requires that there would be no “*unacceptable adverse visual or environmental impacts, including surface or groundwater*”. The tests in respect of human health and environmental impacts are not the same. That mention of “*detrimental impact*” on surface or groundwater is made under the J&A heading “*Health Considerations*” cannot alter the wording of the first bullet point in respect of the standard to be used to measure the impact on those separate considerations. The policy does not fail soundness test CE3 in this respect.
- 10.64 Paragraph 3.9 of the SPPS sets out the precautionary approach that would underpin application of Policy WM1; it does not require no harm but refers to significant risks of damage. By virtue of Regulation 5 of the EIA Regulations, an EIA is required to describe and assess the direct and indirect significant (*my emphasis*) of the proposed development on a list of factors that include the concerns cited in bullet point 1 of Policy WM1. Paragraph 6.310 of the SPPS sets out the Regional Strategic Objectives for waste management and the second bullet point, that applies to the aforementioned considerations, requires that associated detrimental effects are “*avoided or minimised*”. The J&A text sets out measures to be employed to meet the requirements of policy in respect of pollution. Pages 57 – 59 inclusive of Part 3 of the plan set out legislative measures for waste management and identify possible

waste management planning conditions. Considering the legislative and regional policy context, the wording of bullet point 1 is consistent with soundness tests C3 and CE2.

- 10.65 Having considered the policy basis for establishing need for WMFs when examining Strategic Policy 23, LCCC's proposed addition of a further sentence to the 1<sup>st</sup> paragraph of the J&A text to Policy WM1 would provide clarity for the purposes of soundness test CE3. This **RA122**, proposed as MA010, would read: "*A need for the facility is established through the WMS and the relevant WMP*".
- 10.66 LCCC also proposed to make a "*minor change*" (MC53) to Policy WM1 so that cross-reference to paragraph 6.322 of the SPPS and the precautionary principle would be included in the J&A text. Despite having concluded that change was unnecessary in respect of Strategic Policy 23, reference to it in this context is required for the sake of clarity and to satisfy soundness test CE3. The paragraph proposed to be amended refers to the proximity principle and cross-references to paragraph 6.308 of the SPPS. In that context, if reference to the precautionary principle is not included, there could be doubt if it is to be applied notwithstanding that the provisions of the SPPS would remain a material consideration after adoption of the plan. Accordingly, **RA123** is necessary.
- 10.67 The second sentence in the first paragraph of the J&A text on page 107 of the dPS refers to "*....should maximise energy recovering*"; for the sake of clarity **RA124** is needed whereby the wording would be "*...should maximise energy recovery*".
- 10.68 Subject to **RA122** – **RA124** inclusive, Policy WM1 is sound as written.
- 10.69 Dfl's Living with Water Programme (LWWP) was published in November 2021 after the dPS had been submitted to Dfl and referred to the Commission for IE. Notwithstanding the timing of its publication, there was no suggestion that omission of reference to it raises fundamental soundness issues or that associated strategic or operational policy within the dPS would conflict with its provisions. In this evidential context an associated amendment is not needed to make the plan sound.
- 10.70 Although a representor did not say that Policy WM2 is unsound or make any suggestion of alternative wording to address the perceived omissions, they pointed out that it makes no reference to the need for connection to the existing mains sewerage network or river network for storm drainage. The capacity of the latter was considered in chapter 5 of this report. Despite neither matter being the subject of a dedicated policy, they will be material considerations in the second stage of the LDP process and in considering planning applications on sites not the subject of extant planning permission. With regard to the latter, Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains is particularly pertinent together with criterion j) of Policy HOU4 Design in New Residential Development. However, the whole suite of the dPS policies regarding flooding, together with SPG at pages 61 – 72 inclusive of Part 3 of the plan, will be material considerations in the capacity of storm water discharge. Consultation with NI Water based on its annual

WWTW Headroom document (the latest being March 2022 and included as MA016) and the application of those operational policies will provide a framework for consideration of the representor's concerns. Policy WM2 does not need to be amended.

- 10.71 LCCC proposed two "*minor changes*" to the second paragraph of the body of Policy WM2 Treatment of Waste Water. The first (MC54A) would see reference to the discharge of treated effluent to a watercourse rather than effluent. This qualification would be consistent with the remainder of the sentence that aims to avoid creating or adding to a pollution problem. This facet of **RA125** is vital in the interests of coherence and effectiveness. The second (MC54B) would refer to the avoidance of adding to or creating an additional flood risk. This element of **RA125** is necessary in order to be consistent with the suite of policies on flooding, paragraphs 6.103 and 6.321 of the SPPS and the Policy Objectives of Revised Planning Policy Statement 15: "*Planning and Flood Risk*" (PPS 15). Subject to **RA125**, Policy WM2 is sound.
- 10.72 Having concluded that the first bullet point of Policy WM1 is sound, there is no justification for deletion of criterion b) of Policy WM3 Waste Disposal that cross-references to the requirements of the former. The wording of Policy WM3 raises no soundness issues.
- 10.73 A "*minor change*" (MC55) is proposed to Policy WM5 Development in the Vicinity of Waste Management Facilities or Wastewater Treatment Works to include a new paragraph in the J&A text that would refer to the possible need for a Development Encroachment/Odour Assessment in accordance with NI Water policy. Although developers would have to take on board the requirements of that policy regardless of mention of it with the dPS, as it is so closely allied to the objectives of Policy WM5, reference to it would provide clear a clear mechanism for its implementation. **RA126** is therefore necessary.
- 10.74 Although acknowledging that there are many references to it throughout the dPS, a representor suggested that there should be a dedicated policy to influence developers to use SuDS as the preferred drainage solution, albeit that the dPS is not unsound without it. The technology is subject of: criterion b) of Strategic Policy 24 Flooding; the final sentence of the second paragraph of its associated J&A text; and Policies HOU4, FLD3 and SPG as discussed in consideration of Policy WM2. DfI's "*Water, Flooding and Sustainable Drainage: Improving how we manage water*", sub-titled consultation on a range of policy options being considered for inclusion in future primary legislation relating to water, flooding and sustainable drainage, was published for consultation on 11 March 2022 with a closing date of 3 June 2022. One of the issues on which views were sought is provision of an enabling power for the Department to introduce arrangements to encourage developers to use SuDS as the preferred drainage solution in new developments. Page 4 of the document expands on this and covers the points that the representor would like to see addressed in the LDP. Pending the outcome of this consultation, review of regional policy, provision of an enabling mechanism for NI Water to adopt "soft" SuDS and references to SuDS

in the dPS policy and guidance, the lack of a dedicated policy does not raise concerns about soundness

- 10.75 Subject to **RA121** – **RA126** inclusive, the suite of waste management policies is sound.

### **Flooding**

- 10.76 Paragraph 10.74 of this report identifies references to SuDS throughout the plan, illustrating that the technology's use is encouraged beyond the remit of criterion b) of Strategic Policy 24 Flooding (SP 24) in relation to alleviating issues around surface water flooding. As the plan must be read in the round, no amendment is needed to SP 24 to encourage the use of SuDS even in areas with no historic flood risk; that consideration is addressed elsewhere in the dPS.
- 10.77 LCCC's proposed "*minor change*" MC10 relates to the 4<sup>th</sup> paragraph of the J&A of SP 24 and is proposed to correct a factual mistake so that the corporate identity of DfI Rivers is properly denoted. **RA127** is necessary for the purposes of soundness test CE3.
- 10.78 A further issue is addressed at page 163 of LCCC's PCR. I concur with its consideration and conclusion. Subject to **RA127**, there are no soundness concerns with SP 24.
- 10.79 LCCC's "*minor change*" MC56A proposed to move the second paragraph of Policy FLD1 Development in Fluvial (River) Flood Plains to above the heading "*Minor Development*" and omit the word "*above*" from its text. The two sub-sections preceding "*Minor Development*" set out exemptions to the presumption against development in a flood plain and the paragraph would read better in the position suggested as it would draw a line under the issue of exceptions before moving onto that of minor development. However, that it would flow more logically in that position does not mean that it is at odds with the requirements of soundness test CE3 or would otherwise be incoherent or ineffective. Retention of the word "*above*" raises no soundness issue. Accordingly, there is no justification for MC56A.
- 10.80 When referring to the 1 in 100-year flood event Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains of Revised Planning Policy Statement 15: "*Planning and Flood Risk*" (PPS 15) includes the term "*(AEP of 1%)*". That MC56B proposes to insert that term within the first sentence of Policy FLD1 shows that it is not LCCC's intention to diverge from regional policy in this respect. Accordingly, **RA128** is needed for the sake of consistency and clarity.
- 10.81 LCCC's proposed "*minor change*" MC56C involves a factual change whereby the bracketed reference in the second paragraph of Policy FLD1 to "*confirmed by DfI Rivers*" would be changed to "*as shown on DfI Flood Maps NI*". As this would more accurately direct the reader to where the information can be found, **RA129** is needed considering soundness test CE3.

- 10.82 **RA127** and **RA128** have implications for the second paragraph of the policy's J&A text. LCCC's proposed "*minor change*" MC56D and the second element of MC56B would tie in with both, providing necessary clarity. Paragraph 6.128 of the SPPS says that the strategic flood risk will take account of the predictive flood risk in the future associated with climate change. There are various other references to links between the two considerations in the RDS and SPPS. Theme 4 of LCCC's CP says that it will help tackle climate change. **RA130** is needed to satisfy soundness tests C2 and C3.
- 10.83 LCCC addresses other issues raised about Policy FLD1 at pages 367 – 369 of its PCR; some of which were aired at the public hearing sessions, but discussion did not alter or add to its position. I concur with its consideration and conclusions. Subject to **RA128 – RA130** inclusive there are no soundness concerns with Policy FLD1.
- 10.84 Paragraph 6.117 of the SPPS sets out when a developer's responsibility engages to assess flood risk and drainage impact and to mitigate the risk to the development and any adverse impacts beyond the site. This responsibility is also included in the policy box of Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains of PPS 15. Whilst compliance with soundness test C3 does not require that regional policy is replicated in the dPS, LCCC's proposed "*minor change*" (MC57) indicates that it was not its intention to depart from it. For the sake of clarity and soundness test CE3, **RA131** is necessary.
- 10.85 DfI's Technical Guidance Note (TGN) 25 "*The Practical Application of Strategic Planning Policy for 'Development in Proximity to Reservoirs'*" is dated August 2018. In June 2019 the Department sent a letter to Councils' Heads of Planning suggesting wording that might be "*useful*" to include in LDPs. Taking account of this guidance, LCCC proposed extensive changes to the wording of Policy FLD5 Development in Proximity to Reservoirs as a focussed change (FC15) that was published for public comment in January 2021. The only party who commented on proposed FC15 was DfI Rivers who suggested amended wording in light of TCN25 Revised, dated June 2020. TGN25 Revised was not subject to public consultation but it is publicly available on DfI's website "*for information*".
- 10.86 For the purposes of soundness CE3, references to Strategic Flood Maps within the dPS should be changed to DfI Flood Maps NI as they are now known. Whilst FC15 is necessary as **RA132** in light of soundness test C3, the other suggested changes in DfI Rivers' submission on FC15 are not fundamental to soundness as there is no major difference between the June 2019 and June 2020 guidance. Indeed, providing a cross-reference to TGN25 Revised might run contrary to the aims of soundness tests CE3 and CE4 if the June 2020 publication were superseded during the plan period. Subject to **RA132**, Policy FLD5 is sound.

### **Advertisements**

- 10.87 Criterion b) of Policy AD1 Amenity and Public Safety provides that consent will be granted for the display of an advertisement where it does not prejudice public safety. Paragraph 6.57 of the SPPS says that public safety includes road safety. At

the suggestion of the statutory roads authority, LCCC tabled proposed “*minor change*” MC58A to the J&A text of Policy AD1 whereby point 3 on page 118 of Part 2 of the plan would refer to not just the effectiveness of traffic lights but also traffic signs. This **RA133** is needed for consistency and effectiveness.

10.88 The final paragraph of the policy’s J&A text, amongst other things, refers to Areas of Townscape Character (ATCs) and cross-references Policy HE11 that refers to both ATCs and Areas of Village Character (AVCs). LCCC proposed to address this discrepancy by making a “*minor change*” (MC58B) to include AVCs in the J&A text. This **RA134** is needed for the sake of soundness test CE3.

10.89 Subject to **RA133** and **RA134** Policy AD1 is sound.

### **Conclusion**

10.90 LCCC considered other issues arising from representations about Plan Objective F at page 33 of its PCR. Other than issues already addressed in this chapter, I agree with its analysis of them and conclusions thereon. There is no persuasive evidence that the suite of policies and plan provisions aimed at achieving Plan Objective F, subject to the identified RAs, will not contribute to a connected place. Neither is there persuasive evidence that account has not been taken of the CP, as required by soundness test C2, in the measures proposed to realise Plan Objective F. No further amendments are required in the interests of soundness.



## 11.0 Glossary

- 11.1 The Glossary to Part 1 of the PS (pages 160 - 162 inclusive thereof) provides definitions of terms used therein. The Glossary to Part 2 is found at pages 119 – 122 inclusive thereof.
- 11.2 LCCC’s “*minor changes*” MC3A, MC11A, MC11B and MC59 propose to add definitions to the glossaries in Parts 1 & 2 of the plan and to amend definitions already included therein. As all will assist in implementation of the plan’s policies, **RA135 – RA141** inclusive are necessary to satisfy soundness test CE3.
- 11.3 LCCC responded to other representations about the Glossary to Part 2 of the plan at pages 376 and 377 of its PCR. I concur with its comments and conclusions that no further amendments to the glossaries are needed other than those identified above.

## **12.0 Recommended Amendments**

- 12.1 LCCC's raft of focussed and minor changes included in SUBDOC-016 (see Appendix 4) and those emerging as Matters Arising during the public hearing sessions (see Appendix 2) have been considered on an individual basis throughout this report. The Recommended Amendments (RAs) that I consider are required to make the plan sound are included as Appendix 6.
- 12.2 The examiner's role in the IE process is set out in the opening chapter of this report. There is nothing in the associated legislative compliance or soundness tests that requires or enables me to deal with the issue of any opportunity for public comment on RAs needed to make the plan sound. On this basis, it is for the Department to consider whether these need to be subject of (further) public consultation and, if so, how that is to be accommodated within the IE process. It is also outwith my remit to conclude on whether they have implications for the HRA, SA/SEA, EqIA, RNIA or their Addenda.

## 13.0 Overall Conclusion

13.1 In paragraph 1.47 of this report, an interim conclusion was reached on legal and procedural compliance. Having considered the plan policies in the preceding chapters, LCCC's evidence base demonstrates that:

- The dPS has taken account of the RDS; the current Community Plan "*Lisburn & Castlereagh Community Plan 2017/2032*"; 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 latest HGIs. Furthermore, the dPS has had regard to such other information and considerations as appear 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 set out in Appendix 6 thereof, the dPS also satisfies the requirements of Section 10 (6) of the Act.

13.2 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 is sound subject to those RAs.

**Planning Appeals Commission**

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## **Appendix 1 – Tests of soundness for development plan documents (DPPN6)**

### 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; and
- CE4** It is reasonably flexible to enable it to deal with changing circumstances.

## Appendix 2 – Matters arising documents\*

MA001	LCCC correction to Draft Plan Strategy Sustainability Appraisal Report (SUBDOC-005)
MA002	LCCC cited case law
MA002.A	Compton Parish Council & Ors v Guildford Borough Council & Anor [2019] EWHC 3242 (Admin)
MA003	LCCC seeks amendments to Policies TC1 & SMU03
MA004	Annotated version of Map 10
MA005	Castlereagh Urban Integrated Development Framework
MA006	LCCC seek consideration of a modification in respect of Policy TC6 - (Council & DFI response)
MA007	LCCC seek consideration of modifications in respect of Supplementary Planning Guidance
MA008	LCCC seek consideration of a modification in respect of MC24B
MA009	SONI Draft Transmission Development Plan Northern Ireland 2021-2030.
MA010	LCCC seek consideration of a modification in respect of Policy WM1
MA011	LCCC seek consideration of a modification in respect of Chapter 5 Monitoring and Review
MA012	LCCC seek consideration of a modification in respect of Appendix E – Monitoring Framework
MA013	LCCC seek consideration of a modification in respect of Policy HOU3
MA014	LCCC seek consideration of a modification in respect of Strategic Road Schemes - (Council & DFI response)
MA015	LCCC seek consideration of a modification in respect of Policy TRA 3 - (Council & DFI response)
MA016	Waste Water Treatment Works Headroom document – March 2022
MA017	West Lisburn Development Framework (2015)

\* Hyperlinks to all documents available at [www.pacni.gov.uk](http://www.pacni.gov.uk), Local Development Plans, Lisburn & Castlereagh, LC Matters Arising

## Appendix 3 - LCCC Draft Plan Strategy Submission Documents

<b>Document Reference</b>	<b>Document Title</b>
<b>Draft Plan Strategy and Sustainability Appraisal</b>	
SUBDOC-001	Draft Plan Strategy Part 1
SUBDOC-002	Draft Plan Strategy Part 2
SUBDOC-003	Draft Plan Strategy Supplementary Planning Guidance
SUBDOC-004	Draft Plan Strategy Summary Leaflet
SUBDOC-005	Draft Plan Strategy Draft Sustainability Appraisal Report
SUBDOC-006	Draft Plan Strategy Draft Sustainability Appraisal Scoping Report
SUBDOC-007	Draft Plan Strategy Draft Sustainability Appraisal Non-Technical Summary
SUBDOC-008	Draft Plan Strategy Public Notices (Pre-consultation; Formal consultation and additional Draft Plan Strategy Public Notice)

<b>Draft Plan Strategy Public Consultation Reports</b>	
SUBDOC-009	Draft Plan Strategy Public Consultation Report
SUBDOC-010	Draft Plan Strategy Counter Representations Public Consultation Report
SUBDOC-011	Index of Representations
SUBDOC-012	Copies of Representations to Draft Plan Strategy
SUBDOC-013	Index of Counter Representations
SUBDOC-014	Copies of Counter Representations to Draft Plan Strategy
SUBDOC-015	Publication of Representations and Counter Representation Period Public Notice
SUBDOC-016	Focussed and Minor Changes Consultation Document
SUBDOC-16(a)	Addendum to Draft Sustainability Appraisal Report
SUBDOC-16(b)	Addendum to Draft Habitats Regulations Assessment Report
SUBDOC-16(c)	Addendum to Draft Equality Impact Assessment Screening Report
SUBDOC-16(d)	Addendum to Rural Needs Impact Assessment Report
SUBDOC-017	Focussed Changes Public Notice
SUBDOC-018	Index of Comments Received to Focussed Changes Consultation
SUBDOC-019	Copies of Comments to Focussed Changes Consultation

<b>Draft Plan Strategy Supporting Documents</b>	
SUBDOC-020	Technical Supplement 1 Housing Growth Study
SUBDOC-020(a)	Housing Market Analysis NIHE April 2018
SUBDOC-020(b)	Lisburn and Castlereagh Housing Investment Plan 2019-2023
SUBDOC-020(c)	Lisburn and Castlereagh Housing Investment Plan Annual Update 2020
SUBDOC-021	Technical Supplement 2 Urban Capacity Study
SUBDOC-022	Technical Supplement 3 Employment Land Review
SUBDOC-023	Technical Supplement 4 Office Capacity Study
SUBDOC-024	Technical Supplement 5 Retail Capacity Study
SUBDOC-025	Technical Supplement 6 Countryside Assessment
SUBDOC-026	Technical Supplement 7 Open Space, Sport & Outdoor Recreation
SUBDOC-027	Technical Supplement 8 Local Transport Study
SUBDOC-028	Draft Equality Impact Assessment Screening Report
SUBDOC-029	Draft Habitats Regulations Assessment
SUBDOC-030	Rural Needs Impact Assessment
SUBDOC-031	Topic Paper – Housing & Employment
SUBDOC-032	Typographical Errors List
SUBDOC-033	Consultation and Engagement Strategy
SUBDOC-034	Self-Assessment of Soundness Report

### Housing Monitor Reports

SUBDOC-035	LCCC Housing Monitor Report 2015-16
SUBDOC-036	LCCC Housing Monitor Report 2016-17
SUBDOC-037	LCCC Housing Monitor Report 2017-18
SUBDOC-038	LCCC Housing Monitor Report 2018-19

### Statement of Community Involvement and Timetable

SUBDOC-039	Statement of Community Involvement (December 2020)
SUBDOC-040	SCI Public Notices
SUBDOC-041	Compliance with SCI Report
SUBDOC-042	Local Development Plan Timetable (December 2020)
SUBDOC-042(a)	Local Development Plan Timetable (November 2018)
SUBDOC-042(b)	LDP Timetable (June 2016)
SUBDOC-043	Timetable Public Notices

### Preferred Options Paper (POP)

SUBDOC-044	Preferred Options Paper (POP)
SUBDOC-045	POP Appendices
SUBDOC-046	POP Summary Document
SUBDOC-047	POP Sustainability Appraisal Interim Report
SUBDOC-048	POP Sustainability Appraisal Scoping Report
SUBDOC-049	POP Public Consultation Report
SUBDOC-050	POP Public Notice

### POP Position Papers

SUBDOC-051	Position Paper 1 Population and Growth
SUBDOC-052	Position Paper 2 Housing and Settlements
SUBDOC-053	Position Paper 3 Employment and Economic Development
SUBDOC-054	Position Paper 4 Retailing, Offices and Town Centres
SUBDOC-055	Position Paper 5 Transport
SUBDOC-056	Position Paper 6 Telecommunications, Public Services and Utilities
SUBDOC-057	Position Paper 7 Historic Environment
SUBDOC-058	Position Paper 8 Natural Heritage
SUBDOC-059	Position Paper 9 Countryside Assessment
SUBDOC-060	Position Paper 10 Development Constraints (Flood Risk, Drainage and Minerals)
SUBDOC-061	Position Paper 11 Tourism
SUBDOC-062	Position Paper 12 Open Space, Sport and Outdoor Recreation
SUBDOC-063	Position Paper 13 Waste Management
SUBDOC-064	Position Paper 14 Education, Health, Community & Cultural Facilities

### Council-Related Supporting Documents

SUBDOC-065	LCCC Community Plan
SUBDOC-066	Community Action Plan 2019-2024
SUBDOC-067	LCCC 'Connect, Invest, Transform' -10 Year Investment Plan Proposition 2019
SUBDOC-068	Lisburn City Centre Masterplan Review 2019 (Draft)
SUBDOC-069	LCCC Car Park Strategy 2019 (Draft)
SUBDOC-070	West Lisburn Development Framework Review 2018
SUBDOC-071	Castlereagh Urban Integrated Development Framework
SUBDOC-072	LCCC Open Space Strategy 2019 (Draft)
SUBDOC-073	LCCC Tourism Strategy 2018
SUBDOC-074	LCCC Vision for Tourism 2018-2022
SUBDOC-075	Laganbank Quarter Comprehensive Development Scheme 2015 (Draft)
SUBDOC-076	Lisburn's Lagan Corridor 2003
SUBDOC-077	LCCC Playability Audit of Existing Fixed Play Provision



SUBDOC-078	Lisburn & Castlereagh Local Biodiversity Action Plan
SUBDOC-079	Lagan Valley Regional Park Five Year Management Plan 2017-2022
SUBDOC-080	Oxford Economics Socio-Economic Profile and Forecast LCCC September 2018
SUBDOC-081	LCCC Corporate Plan 2018-2022 and Beyond

**Other**

SUBDOC-082	LDP Map Viewer (Weblink only)
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**Additional Documents**

SUBDOC-083	Clarification to DfI, June 2021
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**Local Development Plan 2032**  
**Draft Plan Strategy**  
**Consultation on Focussed Changes**  
**Addendum including Minor Changes**  
**Schedule**  
**January 2021**

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## 1.0 Background

- 1.1 Lisburn & Castlereagh City Council is responsible for the preparation of its Local Development Plan. This consists of a two stage process, commencing with publication and consultation on the draft Plan Strategy, and following its adoption, the Local Policies Plan. Together these will constitute the Council's new Local Development Plan (LDP).
- 1.2 The draft Plan Strategy was published for public consultation with a pre-consultation period which ran from Friday 11<sup>th</sup> October to Thursday 7<sup>th</sup> November 2019; and formal consultation commencing on Friday 8<sup>th</sup> November 2019 for an extended nine week period up to Friday 10<sup>th</sup> January 2020.
- 1.3 The Council received 128 representations during this consultation process. Regulation 20(2)(g) of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, requires the Council to prepare a statement outlining the number and summary of main issues raised in relation to representations received to the draft Plan Strategy, submitted in accordance with regulation 16(2) of the LDP regulations.
- 1.4 The Council has prepared a Public Consultation Report (PCR) which takes account of the main issues raised and this will be published on submission of all documents to the Department for Infrastructure in order to cause an Independent Examination.
- 1.5 After due consideration of all representations received, the Council is proposing a number of changes to the published draft Plan Strategy. This takes full account of Development Plan Practice Note 10 'Submitting Development Plan Documents for Independent Examination (DPPN 10) December 2019 which outlines the administrative procedures for any proposed change to the draft Plan Strategy.
- 1.6 The purpose of this consultation is to bring to the attention of the general public, consultation bodies and any other interested parties the proposed changes that the Council intends to make to the published draft Plan Strategy.
- 1.7 Paragraph 4.3 of DPPN 10 states *"Following receipt of representations to the DPD, the council will consider the issues raised...and determine whether there will be:*
- **NO CHANGE** - *Determines that the DPD as prepared is sound and does not need to be changed.*
  - **MINOR CHANGES** - *Notes the issues and whilst determines that the DPD as prepared is sound, proposes minor changes that could be acceptable, which would not impact upon the soundness of the DPD.*
  - **FOCUSSED CHANGES** - *Identifies that an unforeseen issue has arisen and considers that changes are required to ensure that any impact upon the soundness of the DPD is addressed.*
  - **FUNDAMENTAL CHANGES** - *Agrees that an issue is fundamental and goes to the heart of the DPD and withdraws the DPD."*
- 1.8 The Council has identified the need to make both focussed and minor changes to its draft Plan Strategy.
- 1.9 The focussed changes are presented in the form of a 'Focussed Change' Addendum as indicated in paragraph 4.7 of DPPN 10 and the public consultation process follows the guidance set out at paragraph 4.10 of DPPN 10. All other statutory assessments, including a Sustainability Appraisal (SA) Addendum, a Habitats Regulations Assessment (HRA) Addendum, an Equality Impact Addendum and a Rural Needs Impact Addendum are also published as required.
- 1.10 Minor changes are provided as a separate schedule in accordance with paragraph 4.5 of DPPN 10. Whilst this states that *"Necessary minor editing changes for factual correction do*

*not require public consultation*” the Council is publishing the schedule for information and to allow the reader to understand how the Council differentiated between what it considered to be a minor and focussed change.

- 1.11** Any comments made on focussed changes **can only** address and relate to the soundness of proposed focussed changes as outlined at paragraph 4.10 of DPPN 10. This consultation **is not** an opportunity to add to the previous representations or to make new comments on parts of the original draft Plan Strategy.
- 1.12** Any proposed focussed changes are published without prejudice to the Examiner’s final recommendations following consideration of issues through the Independent Examination (IE).
- 1.13** It is important to note that it is the Department for Infrastructure that determine if any amendments recommended as a result of the IE report should be incorporated into the final Plan Strategy.

## **2.0 Consultation Period and Process**

- 2.1** The consultation period will run for a period of eight weeks from **9am on Thursday 14<sup>th</sup> January 2021 to 5pm on Friday 12<sup>th</sup> March 2021**. Please note comments received after the closing date will not be considered.
- 2.2** The Council will publish comments to focussed changes as soon as reasonably practicable after the expiry of the consultation period. It should be noted that any comments received will be made available for public inspection and placed on the Council’s website after the consultation period has closed.
- 2.3** Comments received on the focussed changes will be collated and submitted as part of the Council’s submission to the Department. All personal contact details will remain confidential (please refer to the Council’s privacy notice for further information). All comments will be supplied to the Department for Infrastructure and the examining body as part of the Independent Examination process.
- 2.4** You can make comment on the focussed changes in the following ways:

By email: [LDP@lisburncastlereagh.gov.uk](mailto:LDP@lisburncastlereagh.gov.uk)

Write to us at:

Local Development Plan Team

Civic Headquarters

Lagan Valley Island

Lisburn

BT27 4RL

## Appendix A Focussed Changes Addendum

PART ONE PLAN STRATEGY				
Focussed Change Reference	Chapter/Policy of draft Plan Strategy	Proposed Focussed Change	Reason	Justification (assessed against DPPN 10)
<b>A: A QUALITY PLACE – ENABLING SUSTAINABLE COMMUNITIES AND DELIVERY OF NEW HOMES</b>				
FC1A	SP08 Housing in Settlements	<p>The Council has considered the figures for affordable housing need and acknowledges that an error has occurred. The Council proposes for clarity, as a focussed change, to amend this figure as follows:</p> <p><u>Page 28</u>: “Extrapolating this figure over the Plan period from 2017-2032 equates to an estimated figure of approximately 2,400 <i>social housing dwelling</i> units. An additional need is also indicated for intermediate housing which equates to an additional projected need for <del>3,840</del> <i>1,920</i> units over the Plan period.”</p> <p><u>Page 61</u>: “The total affordable housing requirement for the Plan period is <del>6,240</del> <i>4,320</i> units of which 2,400 are social housing units.”</p>	In response to NIHE (DPS-012) and Turleys on behalf of NIFHA (DPS-032); Clanmil Housing Association (DPS-048); Plantation Landowners Group; two individuals; JH Price and Sons; Lagan Homes Ltd; Viewpoint Developments Ltd; Chambers Homes Ltd; Turley; and Glengard Farm questioning the Housing Needs Assessment of 6,240 affordable units required over the Plan period	Does not impact upon the soundness of the Plan – whilst this is a focussed change to the supporting text of the Strategic Housing Allocation, it does not affect Strategic Policy 08 and it is necessary for clarification
FC1B	SP08 Housing in Settlements	The Council proposes for clarity, as a focussed change, to amend Table 3 of the draft Plan Strategy (dPS) page 64, and relating text on pages 58-63 under the Strategic Housing Allocation, to reflect the most up-to-date HGI data provided at time of publication of the draft Plan Strategy. A minor adjustment (equivalent to 3% of the HGI figure) was made to reflect the mid-point between the two employment-led scenarios that were included in the Housing Growth Study (as updated). An Addendum to Technical Supplement 1 Housing Growth Study has also been provided to reflect the HGI update.	In response to a number of representations relating to the updated HGI figures published in September 2019	The Council has identified that the HGI update (provided at time of publication of the draft Plan Strategy) is an unforeseen issue and considers that changes are required to ensure that any impact upon

		<i>See Annex 1 for amended Table 3 (page 64) and relating text (pages 58-63, Part 1) and Addendum to Technical Supplement 1.</i>		the soundness of the DPD is addressed
<b>B: A THRIVING PLACE – DRIVING SUSTAINABLE ECONOMIC GROWTH</b>				
n/a				
<b>C: A VIBRANT PLACE – GROWING OUR CITY, TOWN CENTRES, RETAILING AND OTHER USES</b>				
FC2	SP14 Town Centres, Retailing and Other Uses	The Council proposes for clarity, as a focussed change, to remove criteria b) from Strategic Policy 14, page 96, as follows: <i>“b) support Sprucefield Regional Shopping Centre in recognition of its regional status in accordance with key site requirements.”</i>	In response to representations from Belfast City Council (DPS-041) and Fleming Mounstephen Planning on behalf of Central Craigavon Ltd (DPS-061) suggestions that SP14 stance is incompatible and contradictory in seeking to promote retailing and other uses in City/Town Centres	Does not impact upon the soundness of the Plan – whilst this is a focussed change to policy, as Sprucefield Regional Shopping Centre is dealt with under its own policy SMU03, it is necessary for clarification
<b>D: AN ATTRACTIVE PLACE – PROMOTING SUSTAINABLE TOURISM, OPEN SPACE, SPORT AND OUTDOOR RECREATION</b>				
n/a				
<b>E: A GREEN PLACE – PROTECTING AND ENHANCING THE HISTORIC AND NATURAL ENVIRONMENT</b>				
n/a				
<b>F: A CONNECTED PLACE – SUPPORTING SUSTAINABLE TRANSPORT AND OTHER INFRASTRUCTURE</b>				
FC3	SP21 Renewable Energy	The Council proposes for clarity, as a focussed change, to amend paragraph 3 of the J&A, page 146, as follows: <i>“A <del>precautionary</del> cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty and their wider settings. In such sensitive landscapes, it may <del>also</del> be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region’s cultural and natural heritage assets.”</i>	In response to representation from RSPB NI (DPS-093) noting that SP21 has effectively narrowed the application of the 'cautious approach' advocated by paragraph 6.223 of the SPPS	Does not impact upon the soundness of the Plan – whilst this is a focussed change to J&A, it is considered necessary for clarification
<b>CHAPTER 5 MONITORING AND REVIEW</b>				
n/a				
<b>GLOSSARY</b>				
n/a				

PART TWO OPERATIONAL POLICIES				
Focussed Change Reference	Chapter/Policy of draft Plan Strategy	Proposed Focussed Change	Reason	Justification (Assessed against DPPN10)
<b>A: A QUALITY PLACE – ENABLING SUSTAINABLE COMMUNITIES AND DELIVERY OF NEW HOMES</b>				
FC4	HOU1 New Residential Development	The Council proposes for clarity, as a focussed change, to amend Policy HOU1 criteria b), page 12, as follows: “b) on previously developed land (brownfield sites) <i>or as part of mixed-use development</i> ”	In response to representation from Dfl (DPS-109) asking the Council to consider the relationship between this policy and SMU01 and any other strategic mixed-use zonings	Does not impact upon the soundness of the Plan – whilst this is a focussed change to policy, it is necessary for clarification
FC5A	HOU4 Design in New Residential Development	The Council proposes for clarity as, a focussed change, to amend the first paragraph of the J&A of Policy HOU4, page 15, by inclusion of a second sentence, as follows: <i>“This Policy will apply to those alternative uses which are deemed to be acceptable under Policy HOU2.”</i>	In response to representation from Dfl (DPS-109) asking the Council to consider the relationship between HOU2 and HOU4	Does not impact upon the soundness of the Plan – whilst this is a focussed change to J&A, it is considered necessary for clarification
FC5B	HOU4 Design in New Residential Development	The Council proposes for clarity as a focussed change to amend criteria d) of Policy HOU4, page 15, as follows: “d) residential development should be brought forward in line with the following density bands: <ul style="list-style-type: none"> <li>• City Centre boundary 120-160 dwellings per hectare</li> <li>• <i>Settlement Development Limits of the City, TownsCentres and Greater Urban Areas</i> 25-35 dwellings per hectare</li> <li>• <i>Settlement Development Limits of Villages and Small Settlements</i> 20-25 dwellings per hectare”</li> </ul>	In response to representation from a planning agent (DPS-083) regarding clarity of the policy wording	Does not impact upon the soundness of the Plan – whilst this is a focussed change to policy, it is considered necessary for clarification
FC6	COU5 Affordable Housing	The Council proposes for clarity, as a focussed change, to amend the last paragraph of Policy COU5, page 34, as follows:	In response to representation from Dfl (DPS-109) concerning clarity of the policy wording	Does not impact upon the soundness of the Plan – whilst this is a focussed change to



		“Generally only one group will be permitted in close proximity to any particular settlement in the rural area <i>and should demonstrate that the need cannot be met within the identified settlement.</i> ”		policy, it is considered necessary for clarification
<b>B: A THRIVING PLACE – DRIVING SUSTAINABLE ECONOMIC GROWTH</b>				
FC7	ED7 Retention of Zoned Land and Economic Development	The Council proposes for clarity, as a focussed change, to amend Policy ED7, page 48, as follows: <b>“Unzoned Land in Settlements</b> On unzoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, <i>or land last used for these purposes</i> , will only be permitted where it is demonstrated that:...”	In response to representation from DfI (DPS-109) concerning aligning the policy wording with the SPPS	Does not impact upon the soundness of the Plan – whilst this is a focussed change to policy, it is considered necessary for clarification
FC8A	MD1 Environmental Protection	The Council proposes for clarity, as a focussed change, to amend Policy MD1, page 51, as follows: “...Minerals development within or in close proximity to an area that has been designated, or is proposed for designation to protect its landscape, scientific, natural <i>or built</i> heritage significance will not normally be granted permission...”	In response to representation from HED (DPS-030) concerning aligning the policy wording with paragraph 6.152 of the SPPS	Does not impact upon the soundness of the Plan – whilst this is a focussed change to policy, it is considered necessary for clarification
FC8B	MD1 Environmental Protection	The Council proposes for clarity, as a focussed change, to amend the last sentence of Policy MD1, page 51, as follows: “Minerals development within or in close proximity to an area that has been designated, or is proposed for designation to protect its landscape, scientific of natural <i>or built</i> heritage significance will not normally be granted permission <del>(with the exception of valuable minerals as set out in policy MD4)</del> where this would prejudice the essential character of the area and the rationale for its designation.”	In response to representation from NIEA (DPS-060) regarding concern over policy wording conflicting with the HRA regulations	Does not impact upon the soundness of the Plan – whilst this is a focussed change to policy, it is considered necessary for clarification
<b>C: A VIBRANT PLACE – GROWING OUR CITY, TOWN CENTRES, RETAILING AND OTHER USES</b>				
n/a				
<b>D: AN ATTRACTIVE PLACE – PROMOTING SUSTAINABLE TOURISM, OPEN SPACE, SPORT AND OUTDOOR RECREATION</b>				
n/a				
<b>E: A GREEN PLACE – PROTECTING AND ENHANCING THE HISTORIC AND NATURAL ENVIRONMENT</b>				

FC9	HE6 Change of Use and/or Extensions or Alterations to a Listed Building	The Council proposes for clarity, as a focussed change, to amend the first sentence of Policy HE6, page 77, as follows: “The Council <del>will</del> <i>may</i> permit the change of use...”	In response to representation from HED (DPS-030) and Dfl (DPS-109) concerning clarity of the policy	Does not impact upon the soundness of the Plan – whilst this is a focussed change to policy, it is considered necessary for clarification
FC10	HE14 Enabling Development	The Council proposes for clarity, as a focussed change, to amend paragraph 5 of the J&A of HE14, page 84, as follows: “This statement should include <i>a conservation statement or plans and</i> sufficient, detailed financial information as is necessary to allow the Council, and or its consultees to make an informed decision upon the application.”	In response to representation from HED (DPS-030) concerning the clarity of the wording in the J&A	Does not impact upon the soundness of the Plan – whilst this is a focussed change to J&A, it is considered necessary for clarification
<b>F: A CONNECTED PLACE – SUPPORTING SUSTAINABLE TRANSPORT AND OTHER INFRASTRUCTURE</b>				
FC11	TRA1 Creating an Accessible Environment	The Council proposes for clarity, as a focussed change, to amend bullet point c) of Policy TRA1, page 92, as follows: “c) priority pedestrian <i>and cycling</i> movement within and between land uses”	In response to representation from Dfl (DPS-109) regarding insertion of cycling into the policy	Does not impact upon the soundness of the Plan – whilst this is a focussed change to policy, it is considered necessary for clarification
FC12	TRA3 Access to Protected Routes	The Council proposes for clarity, as a focussed change, to amend Policy TRA3, under subheading ‘Other Protected Routes – Outside Settlement Limits’ page 94, as follows: “Other Protected Routes – Outside Settlement Limits Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access <del>where it is demonstrated that access cannot reasonably be taken from an adjacent minor road in the following circumstances: An exception will apply</del> For a replacement dwelling in accordance with Policy COU3 where the dwelling to be replaced is served by an existing vehicular access onto the protected route;	In response to representation from Dfl (DPS-109) concerning clarity of the policy wording	Does not impact upon the soundness of the Plan – whilst this is a focussed change to policy, it is considered necessary for clarification

		<i>for a farm dwelling or a dwelling serving an established commercial or industrial enterprise where access cannot be reasonably obtained from an adjacent minor road; and, for other developments which would meet the criteria for development in the countryside, where access cannot be reasonably obtained from an adjacent minor road. In all cases the proposed access must be in compliance with the requirements of Policy TRA2.”</i>		
FC13	RE1 Renewable Energy Development	The Council proposes for clarity, as a focussed change, to insert an additional paragraph of text to Policy RE1, after paragraph 4, page 100, as follows: <i>“Any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 as amended.”</i>	In response to representation from RSPB NI (DPS-093) concerning clarity of the policy wording	Does not impact upon the soundness of the Plan – whilst this is a focussed change to policy, it is considered necessary for clarification
FC14A	UT1 Utilities	The Council proposes for clarity, as a focussed change, to amend the first sentence of Policy UT1, page 104, as follows: <i>“To ensure that the visual and environmental impact of utility development is kept to a minimum, the provision of utility services...”</i>	In response to representation NIEA (DPS-060) concerning clarity of the policy wording	Does not impact upon the soundness of the Plan – whilst this is a focussed change to policy, it is considered necessary for clarification
FC14B	UT1 Utilities	The Council proposes for clarity, as a focussed change, to amend Policy UT1, page 104, as follows: <i>“To ensure that the visual and environmental impact of utility development is kept to a minimum, the provision of utility services such as water, wastewater, electricity and gas to new development proposals should be laid underground where considered feasible and viable. <del>An exception will be permitted for overhead electricity lines and poles serving new development, where underground provision is not feasible or viable.</del></i>	In response to representation from NIE Networks (DPS-096) concerning clarity of the policy wording	Does not impact upon the soundness of the Plan – whilst this is a focussed change to policy, it is considered necessary for clarification

		<p><i>Proposals for all overhead electricity lines and associated infrastructure, either regional transmission or local distribution networks, will be subject to the following:</i></p> <ul style="list-style-type: none"> <li><i>a) pylons, poles and overhead lines should follow natural features of the environment, having regard to designated areas of landscape or townscape sensitivity, to minimise visual intrusion;</i></li> <li><i>b) Avoidance of areas of nature conservation, historic environment or archaeological interest, <b>where possible</b>;</i></li> <li><i>c) Wirescape should be kept to a minimum;</i></li> <li><i>d) Associated infrastructure works should be visually integrated, making use of existing and proposed landscaping;</i></li> </ul> <p><i><del>(e)</del>Proposed power lines should comply with the 1998 International Commission on Non-Ionizing Radiation Protection (ICNIRP)."</i></p>		
FC15	FLD5 Development in Proximity to Reservoirs	<p>The Council proposes for clarity, as a focussed change, to amend Policy FLD5, page 116, in accordance with the advice issued in June 2019 by DfI Rivers as follows:</p> <p>"New development will only be permitted within the potential flood inundation area of a "controlled reservoir" as shown on the Strategic Flood Maps, if:</p> <ul style="list-style-type: none"> <li><i>a) <del>it can be demonstrated</del> <b>the applicant can demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding its reservoir safety, so as to enable the development to proceed;</b>or</i></li> <li><i>b) <b>where assurance on the condition, management and maintenance regime of the relevant reservoir(s) is not demonstrated,</b> the application is accompanied by a Flood Risk Assessment, <b>or other analysis,</b> which <del>demonstrates: 1 an assessment of the downstream flood risk in the event of: a controlled release of water; an uncontrolled release of water due to reservoir failure; a change in flow paths as a result of the proposed development, and 2. That there are suitable measures to manage</del></i></li> </ul>	In response to representation from DfI (DPS-109) concerning clarity of the policy wording	Does not impact upon the soundness of the Plan – whilst this is a focussed change to policy, it is considered necessary for clarification

		<p><i>and mitigate the identified flood risk including details of emergency evacuation procedures assesses the downstream flood risk in the event of an uncontrolled release of water due to reservoir failure as being acceptable to enable the development to proceed.</i></p> <p><i>Replacement buildings within the potential flood inundation area downstream of a controlled reservoir must be accompanied by a Flood Risk Assessment.</i></p> <p><i>With all development proposals</i> There will be a presumption against development within the potential flood inundation area for proposals that include:</p> <ul style="list-style-type: none"> <li>• essential infrastructure;</li> <li>• storage of hazardous substances; and</li> <li>• bespoke accommodation for vulnerable groups. <i>and for any development located in areas where the Flood Risk Assessment indicates potential for an unacceptable combination of depth and velocity (See Policy FLD1)</i></li> </ul> <p><i>Replacement Building(s):- Where assurance on the condition, management and maintenance regime of the relevant reservoir/s is not demonstrated, planning approval will be granted for the replacement of an existing building(s) within the potential flood inundation area of a controlled reservoir provided it is demonstrated that there is no material increase in the flood risk to the proposed development or elsewhere.”</i></p>		
<b>GLOSSARY</b>				
n/a				

## Appendix B Minor Changes Schedule

PART ONE PLAN STRATEGY				
Minor Change Reference	Chapter/Policy of draft Plan Strategy	Proposed Minor Change	Reason	Justification (assessed against DPPN 10)
<b>CHAPTER 3 VISION AND PLAN OBJECTIVES A-F</b>				
MC1	Plan Objective C: A Vibrant Place	The Council proposes for clarity, as a minor change, to amend Plan Objective C, pages 36 and 92, by insertion of the following: <i>"4) Support the role of District and Local Centres in accordance with the retail hierarchy (Figure 5, page 97)."</i>  <i>*Renumber remaining three points as 5), 6) and 7)</i>	In response to representation from One2One Planning on behalf of Forestside Acquisitions Ltd (DPS-066) regarding the recognition of the role of District Centres	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
<b>CHAPTER 4 STRATEGIC POLICIES AND SPATIAL STRATEGY</b>				
MC2	SP05 Good Design and Positive Place-Making	The Council proposes for clarity, as a minor change, to amend the J&A of Strategic Policy 05, page 44, final paragraph, end of second sentence as follows: <i>"...and its positive contribution to place-making including deterring crime and promoting personal safety."</i>	In response to representation from DoJ (DPS-009) on designing out crime	Does not impact upon the soundness of the Plan
<b>A: A QUALITY PLACE – ENABLING SUSTAINABLE COMMUNITIES AND DELIVERY OF NEW HOMES</b>				
MC3A	SP08 Housing in Settlements	The Council proposes for clarity, as a minor change, to include the definition of affordable housing within the J&A of Strategic Policy 08, page 57 and also place this in the glossary for Part 1 of the DPS, page 160, as follows: <i>"For the purpose of this Plan Strategy, the current definition of affordable housing accords with the SPPS definition provided in its glossary (page 114)."</i>	In response to representations from NIHE (DPS-012) and Co-Ownership (DPS-031) on the inclusion of the definition of affordable housing within the policy and glossary, acknowledging that it may change in the future	Does not impact upon the soundness of the Plan
MC3B	SP08 Housing in Settlements	The Council proposes for clarity, as a minor change, to amend Table 1 of the dPS, page 49, as follows: <i>See Annex for amended Table 1 to include a percentage for the population residing in the countryside</i>	In response to representation from Clyde Shanks on behalf of individual (DPS-065)	Does not impact upon the soundness of the Plan

<b>B: A THRIVING PLACE – DRIVING SUSTAINABLE ECONOMIC GROWTH</b>				
n/a				
<b>C: A VIBRANT PLACE – GROWING OUR CITY, TOWN CENTRES, RETAILING AND OTHER USES</b>				
MC4	SP14 Town Centres, Retailing and Other Uses	The Council proposes for clarity, as a minor change, to amend criteria b) of Strategic Policy 14, page 96, as follows: <i>“b) support the role of District and Local Centres.”</i>	In response to representations from Dfl (DPS-109); One2One Planning on behalf of Forestside Acquisitions Ltd (DPS-066); Fleming Mounstephen on behalf of Henderson Group (DPS-081) that the DPS and SP14 fail to recognise/promote the District Centre of Forestside	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC5	SMU03 Sprucefield Regional Shopping Centre	The Council has considered the figure for existing floor space and acknowledges that an error has occurred. The Council proposes for clarity, as a minor change, to amend the figure (based on accurate figures presented in Table 4.8 and Table 6.8 of Technical Supplement 5 Retail Capacity Study) in the J&A, page 104, as follows: <i>“Sprucefield has approximately <del>65,000</del> 44,750 square metres of existing gross external retail floorspace...”</i>	In response to Inaltus Limited on behalf of LCC group (DPS-037) and Limo Properties Ltd (DPS-038) and Belfast City Council (DPS-041) questioning the floorspace requirements	Does not impact upon the soundness of the Plan
<b>D: AN ATTRACTIVE PLACE – PROMOTING SUSTAINABLE TOURISM, OPEN SPACE, SPORT AND OUTDOOR RECREATION</b>				
n/a				
<b>E: A GREEN PLACE – PROTECTING AND ENHANCING THE HISTORIC AND NATURAL ENVIRONMENT</b>				
MC6A	SP18 Protecting and Enhancing the Historic Environment and Archaeological Remains	The Council proposes for clarity, as a minor change, to amend the J&A, page 125, as follows: <i>“Listed Buildings/Scheduled <u>Sites Monuments</u>”</i> and the corresponding footnote 51.	In response to representation from Historic Environment Division, HED (DPS-030) noting the term “scheduled monument” and not “scheduled site” be used for accuracy and consistency	Does not impact upon the soundness of the Plan

MC6B	SP18 Protecting and Enhancing the Historic Environment and Archaeological Remains	The Council proposes for clarity, as a minor change, to amend the J&A, page 125, as follows: “Archaeological remains of regional importance include monuments in State Care, scheduled monuments and Areas of Significant Archaeological Interest (ASAI) <i>Such sites benefit from statutory protection and sites that would merit scheduling. Archaeological remains of local importance include other sites recorded on the Sites and Monuments Record, the Industrial Heritage Record and the Defence Heritage Record.</i> ”	In response to representation from Historic Environment Division, HED (DPS-030) regarding the accuracy of wording of paragraph on archaeological remains	Does not impact upon the soundness of the Plan
MC6C	SP18 Protecting and Enhancing the Historic Environment and Archaeological Remains	The Council proposes for clarity, as a minor change, to amend the J&A, page 125, as follows: “There are <i>presently</i> six areas of Archaeological Potential in Dundonald, Dromara, Hillsborough, Lisburn, Drumbo and Glenavy, <i>which are also afforded protection through this Local Development Plan and more may be identified at Local Policies Stage.</i> ”	In response to representation from Historic Environment Division, HED (DPS-030) that the paragraph on Areas of Archaeological Potential needs flexibility to provide for the inclusion of new sites	Does not impact upon the soundness of the Plan
MC7A	SP19 Protecting and Enhancing Natural Heritage	The Council proposes for clarity, as a minor change, to amend the J&A, page 127, by insertion after the fourth paragraph, as follows: “ <i>The Council, when determining the impacts of a proposed development on international or national designations, will consider the precautionary principle as set out in the Rio Declaration on Environment and Development 1992 that states; Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as reasons for postponing cost effective measures to prevent environmental degradation.</i> ”	In response to representation from RSBP NI (DPS-093) stating that the precautionary principle has not been included in SP19	Does not impact upon the soundness of the Plan
MC7B	SP19 Protecting and Enhancing Natural Heritage	The Council proposes for clarity, as a minor change, to amend the J&A under International Designations, page 127, as follows: “Within the Council area there is one Special Protection Area (SPA) and Ramsar Site at Lough Neagh <i>including the water body of Portmore Lough. All proposals that may affect a European or Ramsar site must meet the requirements of NH1.</i> ”	In response to representation from DAERA SEA Team (DPS-058) regarding proposed mitigation measures set out in the draft Habitats Regulation Assessment Report and RSBP NI (DPS-093) making reference to SPA and Ramsar site, and	Does not impact upon the soundness of the Plan



			importance of including reference to Portmore Lough.	
<b>F: A CONNECTED PLACE – SUPPORTING SUSTAINABLE TRANSPORT AND OTHER INFRASTRUCTURE</b>				
MC8A	SP20 Transportation Infrastructure	The Council proposes for clarity, as a minor change, to amend the J&A, page 141, (under Key Transportation Infrastructure Schemes, last sentence) as follows: “In addition the Local Transport Study will <i>seek to adopt a range of measures to reduce the need for reliance on the private car through the allocation of residential zonings in proximity to services consider the strengths and weaknesses of various modes of transport, including walking, cycling, public transport and roads. This will provide clarity on the transport measures that DfI expect to deliver during the LDP period to 2032 and which will become evident at Local Policies Plan stage.</i> ”	In response to representation from DfI Transport NI, Eastern Division (DPS-109) suggesting additional wording to clarify position of Local Transport Study	Does not impact upon the soundness of the Plan
MC8B	SP20 Transportation Infrastructure	The Council proposes for clarity, as a minor change, to amend the J&A, page 141, (under Park & Ride/Park & Share, last sentence paragraph 2) as follows: “The Council recognises the value of the existing Park & Ride sites in supporting a modal shift between private car and public transport usage and supports the proposed schemes at West Lisburn adjacent to the proposed new rail halt; Moira, adjacent to the railway station; and the extension of <i>other the Sprucefield</i> Park & Ride sites which benefits from planning approval <i>providing 132 additional car parking spaces.</i> ”	In response to representation from DfI Transport NI, Eastern Division (DPS-109) suggesting the Council may wish to include reference to proposed expansion of Cairnshill P&R site	Does not impact upon the soundness of the Plan
MC8C	SP20 Transportation Infrastructure	The Council proposes for clarity, as a minor change, to amend the J&A, page 143, (under Car Parking, last sentence) as follows: “ <i>Areas of parking restraint along with</i> other measures to reduce the impact of car parking across the Council area will require further detailed assessment at the Local Policies Plan stage.”	In response to representation from DfI Transport NI, Eastern Division (DPS-109) suggesting that the Council should consider review of existing areas of parking restraint at LPP	Does not impact upon the soundness of the Plan

MC9A	SP23 Waste Management	The Council proposes for clarity, as a minor change, to amend the J&A, page 154, last paragraph, as follows: <i>"This policy will ensure that <del>Proposals for waste management facilities should avoid or minimise any</del> detrimental effects on people, the environment, and local amenity associated with waste management facilities are avoided or minimised in accordance with operational policy set out in Part 2 of the Plan Strategy."</i>	In response to representation from Whitemountain & District Community Association (DPS-016) suggesting rewording and for consistency between the SPPS (paragraph 6.310, page 111)	Does not impact upon the soundness of the Plan
MC9B	SP23 Waste Management	The Council proposes for clarity, as a minor change, to amend the J&A, page 154, through inclusion of the following sentence to the end of last paragraph, as follows: <i>"In assessing all proposals the Council will be guided by the precautionary approach in accordance with paragraph 6.322 of the SPPS."</i>	In response to representation from RSPB NI (DPS-093) suggesting that paragraph 4 does not go far enough to state application of the 'precautionary principle' on proposals for waste management facilities and for consistency with the SPPS (paragraph 6.322, page 113)	Does not impact upon the soundness of the Plan
MC10	SP24 Flooding	The Council proposes for clarity, as a minor change, to amend the J&A, page 156, fourth paragraph, as follows: <i>"DfI Rivers, within the Department for Infrastructure, <del>an Agency within the Department of Agriculture, Environment and Rural Affairs (DAERA)</del> is the statutory drainage and flood defence authority for Northern Ireland"</i>	In response to representation from DfI (DPS-109) pointing out that responsibility for Rivers has moved from DAERA to DfI	Does not impact upon the soundness of the Plan
<b>CHAPTER 5 MONITORING AND REVIEW</b>				
n/a				
<b>GLOSSARY<sup>1</sup></b>				
MC11A	Glossary	The Council proposes for clarity, as a minor change, to include the definition of National Nature Reserve in the glossary, page 161, as follows: <i>"National Nature Reserve – as defined under the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985."</i>	In response to representation from Whitemountain & District Community Association (DPS-016) asking that the Glossary should	Does not impact upon the soundness of the Plan

<sup>1</sup> See also MC3 re definition of Affordable Housing

			include a definition of a National Nature Reserve	
MC11B	Glossary	<p>The Council proposes for clarity, as a minor change, to include the following definitions in the glossary:</p> <p>Part 1, page 161, Heritage Asset:  <i>"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest."</i></p> <p>Part 1, page 161, Listed Building:  <i>"A listed building is a structure which the Department for Communities has included in a statutory list of buildings of special architectural and/or historic interest."</i></p> <p>Part 1, page 161, Historic Park, Garden or Demesne of Special Historic Interest:  <i>"An identified site of international or regional importance within Northern Ireland, included in the Register of Parks, Gardens and Demesnes of special historic interest, maintained by the Department for Communities."</i></p> <p>Part 1, page 160, Design and Access Statement:  <i>"A Design and Access Statement [D&amp;AS] is a single document that explains the design thinking behind a planning application. It provides a framework for applicants to explain and to justify how a proposed development is a suitable response to the site and its setting."</i></p> <p>Part 1, page 162, Scheduled Monuments:  <i>"Statutory designations of archaeological sites or other heritage assets of national importance protecting them from damage or disturbance."</i></p>	<p>In response to representation from Historic Environment Division, HED (DPS-030) recommending including definition for a 'Heritage Asset' and amendments to the definitions for Listed Building; Historic Park, Garden or Demesne of Special Historic Interest; Design and Access Statement; and, Scheduled Monuments</p>	<p>Does not impact upon the soundness of the Plan</p>

PART TWO OPERATIONAL POLICIES				
Minor Change Reference	Chapter/Policy of draft Plan Strategy	Proposed Minor Change	Reason	Justification (Assessed against DPPN10)
<b>A: A QUALITY PLACE – ENABLING SUSTAINABLE COMMUNITIES AND DELIVERY OF NEW HOMES</b>				
MC12	HOU1 New Residential Development	The Council proposes for clarity, as a minor change, to amend criteria c) of Policy HOU1, page 12, as follows: “c) in designated city and town centres, <i>and within settlement development limits of the city, towns, greater urban areas</i> , villages and small settlements.”	In response to representations from a number of Planning Agents (DPS-039; DPS-073; DPS-077; DPS-087; DPS-088; DPS-089) stating that Policy HOU1 is currently too restrictive and provides three overly prescriptive criteria for future housing lands	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC13	HOU4 Design in New Residential Development	The Council proposes for clarity, as a minor change, to amend the second sentence of criteria e) of Policy HOU4, page 15, as follows: “The design of dwellings should ensure they are capable of adaption to provide accommodation that is wheelchair <i>useable accessible</i> for those in society who are mobility impaired.”	In response to representation from Dfl (DPS-109) seeking clarification if criteria (e) relates solely to access or requires dwellings to be capable of modification for occupation by wheelchair users	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC14	HOU5 Public Open Space in New Residential Development	The Council proposes for clarity, as a minor change, to amend paragraph 1 of the J&A of Policy HOU5, page 20, as follows: “Public open space can be provided in a variety of forms ranging from village greens and small parks through to equipped play areas and sports pitches. In addition, the creation or retention of <i>blue/green infrastructure</i> , woodland areas, other natural or semi-natural areas of open space can provide valuable habitats for wildlife, promote biodiversity.”	In response to representation from Dfl (DPS-109), Water and Drainage Policy Division reference to Blue and Green Infrastructure	Does not impact upon the soundness of the Plan

MC15	HOU6 Design Concept Statements, Concept Masterplans and Comprehensive Planning	The Council proposes for clarity, as a minor change, to amend paragraph 1 of the J&A of Policy HOU6, page 21, including a third sentence as follows: <i>“A Design and Access Statement, may also be required for residential development in accordance with Section 6(1) of the Planning (General Development Procedure) Order (Northern Ireland) 2015.”</i>	In response to representations from Turley on behalf of Johncorp (No.1) Ltd. (DPS-072) regarding additional legislative requirements re Design and Access Statements	Does not impact upon the soundness of the Plan
MC16	HOU9 The Conversion or Change of Use of Existing Buildings to Flats or Apartments	It is necessary to remove reference to Development Control Advice Note (DCAN) 8 – Housing in Existing Urban Areas. The Council proposes for clarity, as a minor change, to delete the last paragraph of the J&A of Policy HOU9, page 25	As a result of DfI notification of 18 <sup>th</sup> October 2019 that this DCAN will cease to have effect once the Council adopts its Plan Strategy	Does not impact upon the soundness of the Plan
MC17	HOU10 Affordable Housing in Settlements	The Council proposes for clarity, as a minor change, to amend part b), paragraph 6 of Policy HOU10, page 26, as follows: <i>“b) the application is made by a registered Housing Association or the Northern Ireland Housing Executive.”</i>	In response to representation from NIHE (DPS-12) in relation to the policies COU5 and OS1 and to ensure consistency of wording across all 3 of these policies	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC18	HOU11 Specialist Accommodation	The Council proposes for clarity, as a minor change, to amend the first sentence of the J&A of Policy HOU11, page 27, as follows: <i>“Specialist residential accommodation is purpose-built or converted residential accommodation designed to provide opportunity for individuals to access accommodation that is more suitable for their needs, such as retirement villages sheltered housing and care-related facilities.”</i>	In response to representations from NIHE (DPS-12) and DfI (DPS-109) concerning clarity of the policy wording	Does not impact upon the soundness of the Plan
MC19A	HOU12 Accommodation for the Travelling Community	The Council proposes for clarity, as a minor change, to amend criteria a) of Policy HOU12, page 27, as follows; <i>“a) adequate landscaping is provided to visually integrate the proposal.”</i>	In response to representation from NIEA (DPS-060) to clarify policy intention	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only

MC19B	HOU12 Accommodation for the Travelling Community	The Council proposes for clarity, as a minor change, to amend paragraph 3 of Policy HOU12, page 27, as follows: “Exceptionally, a single traveller transit site or serviced site may be permitted in the countryside. Such proposals will be assessed on their merits, having regard to the above criteria and <i>the sequential <del>test</del> requirements of Policy COU5.</i> ”	In response to representation from DfI (DPS-109) concerning clarity of the policy wording	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC19C	HOU12 Accommodation for the Travelling Community	The Council proposes for clarity, as a minor change, to insert the following sentence at the end of the J&A of Policy HOU12, page 28: “ <i>Further information is available in the Design Guide for Travellers’ Sites NI (draft 2019), published by DfC.</i> ”	In response to representation from NIHE (DPS-060) regarding relevant additional information	Does not impact upon the soundness of the Plan
MC20A	COU3 Replacement Dwellings	The Council proposes for clarity, as a minor change, to insert the following sub-heading before paragraph 3 of Policy COU3, page 32: “ <i>Non-Listed Vernacular Dwellings</i> ”	In response to representation from HED (DPS-030) to draw attention to policy heading	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC20B	COU3 Replacement Dwellings	The Council proposes for clarity, as a minor change, to amend paragraph 3 of Policy COU3, page 32, as follows: “The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement <i>in accordance with Planning Policies COU4 and HE13.</i> ”	In response to representation from HED (DPS-030) to provide cross-referencing to relevant policies	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC21A	COU5 Affordable Housing	The Council proposes for clarity, as a minor change, to amend the first sentence of Policy COU5, page 34, as follows: “Planning permission will be granted by exception for a small group of no more than 14 dwellings adjacent to or near a village or small settlement to provide affordable housing which meets a <del>identified</del> need <i>identified by the Northern Ireland Housing Executive within that settlement.</i> ”	In response to representations from NIHE (DPS-012); Turley on behalf of NIFHA (DPS-032) and Clanmil Housing Association (DPS-048) concerning clarity of the wording in J&A	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only

MC21B	COU5 Affordable Housing	The Council proposes for clarity, as a minor change, to amend the last paragraph in the J&A of Policy COU5, page 35, as follows: “Planning permission will only be granted where the application is made by a registered Housing Association <i>or the Northern Ireland Housing Executive</i> ”.	In response to representations from NIHE (DPS-012); Turley on behalf of NIFHA (DPS-032) and Clanmil Housing Association (DPS-048) concerning clarity of the wording in J&A	Does not impact upon the soundness of the Plan
MC22	COU8 Infill/Ribbon Development	The Council proposes for clarity, as a minor change, to amend paragraph 1 of Policy COU8, page 36, to reflect the wording of the SPPS as follows: “Planning permission will be refused for a building which <i>creates extends</i> or adds to a ribbon of development.”	In response to representation from RSPB NI (DPS-093), to bring the Policy into line with the wording of the SPPS/PPS21	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC23	COU15 Integration and Design of Buildings in the Countryside	The Council proposes for clarity, as a minor change, to insert a sentence at the end of the J&A of Policy COU15 under subheading ‘Integration’ page 41, as follows: <i>“All landscape features which are required to be retained will be appropriately conditioned to be protected prior to the commencement of any other site works including site clearance.”</i>	In response to representation by NIEA (DPS-060) to clarify the policy intention	Does not impact upon the soundness of the Plan
<b>B: A THRIVING PLACE – DRIVING SUSTAINABLE ECONOMIC GROWTH</b>				
MC24A	MD1 Environmental Protection	The Council proposes for clarity, as a minor change, to amend paragraph 1 of the J&A of Policy MD1, page 51, as follows: “In all <i>areas-circumstances</i> decisions on mineral applications will be made with regard to the preservation of <i>good-quality agricultural-land soil quality (where this is particularly suitable for agriculture), water quality</i> , tree and vegetation cover, wildlife habitats, natural features of interest in the landscape and sites of archaeological and historic interest.”	In response to representations from Minerals Products Association Northern Ireland (DPS-029) and Conexpo (N.I.) Ltd. (DPS-042) concerning aligning the wording with paragraph 6.163 of the SPPS	Does not impact upon the soundness of the Plan

MC24B	MD1 Environmental Protection	The Council proposes for clarity, as a minor change, to insert the following sentence to the final paragraph of the J&A of Policy MD1, page 51, as follows: <i>“The Council, having regard to Environmental Impact Assessment (EIA), Habitats Regulations Assessment (HRA) and the Wildlife and Natural Environment Act (NI) 2011 (WANE), where necessary, will balance the case for a particular mineral working proposal against the need to protect and conserve the environment.”</i>	In response to representation from NIEA (DPS-060) regarding reference to other key legislation	Does not impact upon the soundness of the Plan
MC24C	MD1 Environmental Protection	The Council proposes for clarity, as a minor change, to amend Policy MD1, page 51, by removing the second paragraph of the J&A and placing it in the Policy (last paragraph) as follows: <i>“Permission for the extraction of peat for sale will only be granted where the proposals are consistent with the protection of boglands valuable to nature conservation interests, and with the protection of landscape quality particularly in AONBs.”</i>	In response to representation from DfI (DPS-109) concerning aligning the policy with the SPPS	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC25	MD4 Valuable Minerals	The Council proposes for clarity, as a minor change, to amend the last sentence of the J&A of Policy MD4, page 52, as follows: “Applications are likely to be subject to assessment under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, <i>and other assessments as outlined in the Justification and Amplification of Policy MD1.</i> ”	In response to representation from NIEA (DPS-060) concerning relevant assessments	Does not impact upon the soundness of the Plan



C: A VIBRANT PLACE – GROWING OUR CITY, TOWN CENTRES, RETAILING AND OTHER USES				
MC26A	TC1 Town Centres, Retailing and Other Uses	<p>The Council proposes for clarity, as a minor change, to amend Policy TC1, page 56, as follows:  “c) edge of <i>city or</i> town centres  d) out of <del>town</del> centre locations – only where sites are accessible by a choice of good public transport.”</p> <p>The Council proposes for clarity, as a minor change, to amend the J&amp;A of Policy TC1, page 56 (paragraph 2 and 3 respectively):  “The provision of a <i>retail hierarchy sequential approach</i> enables a range of retailing opportunities appropriate to the needs of the community.’  Business uses are encouraged as appropriate <i>in the hierarchy</i> to assist with urban regeneration, increase footfall and job creation.”</p>	In response to representations from Inaltus on behalf of Drumkeen Holdings Ltd (DPS-036) and One2One Planning on behalf of Forestside Acquisitions Ltd.(DPS-066) concerning clarity of the policy	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC26B	TC1 Town Centres, Retailing and Other Uses	<p>The Council proposes for clarity, as a minor change, to insert the following sentence into paragraph 2 of the J&amp;A of Policy TC1, page 56, as follows:  “...Preference will then be given to an edge of centre location before considering an out of centre location. <i>For a site to be considered as edge-of-centre a default distance threshold of 300 metres from the town centre boundary will apply.</i>”</p>	In response to representation from DfI (DPS-109) concerning the default distance specified within the SPPS	Does not impact upon the soundness of the Plan
MC27	TC3 Town Centres	<p>The Council proposes for clarity, as a minor change, to amend paragraph 2 of Policy TC3, page 57, as follows:  “Beyond a designated town centre boundary, proposals for town centre uses will only be granted planning permission in accordance with the sequential approach of Policy TC1 <del><i>Where it is demonstrated no suitable sites exist within the town centre, no adverse impact on the role and function of the town centre will occur as a result of the proposal</i></del> and there would be no adverse impact on adjacent land uses.”</p>	In response to representation from One2One Planning on behalf of Forestside Acquisitions Ltd. (DPS-066) concerning clarity of the policy	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only

MC28	TC4 District and Local Centres	The Council proposes for clarity, as a minor change, to include the following opening sentence to the J&A of Policy TC4, page 57, as follows: <i>“The role and function of a District Centre is to perform a complementary role for retailing and services to existing city and town centres; the role and function of a Local Centre is to provide a local level of retailing and services to cater for a local population.”</i>	In response to representation from Dfl (DPS-109) concerning the role and function of District and Local Centres	Does not impact upon the soundness of the Plan
MC29	TC5 Villages and Small Settlements	The Council proposes for clarity, as a minor change, to amend paragraph 4 of Policy COU1, page 31, as follows: “There are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development. <i>Development of inappropriate retailing in the countryside will be resisted. Retailing opportunities in the countryside will only be considered in relation to Policies COU11 and COU14 and, in exceptional cases Policy TC6.”</i>	In response to representation from Dfl (DPS-109) concerning clarity in respect of retailing in the countryside	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
<b>D: AN ATTRACTIVE PLACE – PROMOTING SUSTAINABLE TOURISM, OPEN SPACE, SPORT AND OUTDOOR RECREATION</b>				
MC30	TOU1 Tourism Development in Settlements	The Council proposes for clarity, as a minor change, to amend paragraph 4 of the J&A, page 62, as follows: “There is a requirement for high quality design and high quality service provision in areas with other relevant designations such as Conservation Areas, Areas of Townscape or Village Character, <i>Scheduled Monuments, Listed Buildings and Historic Parks, Gardens and Demesnes.</i> ”	In response to representation from HED (DPS-030) concerning additional reference to designations in the J&A	Does not impact upon the soundness of the Plan
MC31A	TOU2 Proposals for Tourism Amenity in the Countryside	The Council proposes for clarity, as a minor change, to amend paragraph 3 of the J&A of Policy TOU2, page 63, as follows: “A tourism benefit statement <i>and sustainable benefit statement must demonstrate benefit to the region and locality taking account of the considerations set out in Supplementary Planning Guidance, Part D, Tourism, Page 33. A tourism benefit statement must demonstrate the value of the proposal...</i> ”	In response to representation from Dfl (DPS-109) concerning clarity between the two statements identified in the J&A	Does not impact upon the soundness of the Plan

MC31B	TOU2 Proposals for Tourism Amenity in the Countryside	The Council proposes for clarity, as a minor change, to amend paragraph 4 of Policy TOU2, page 62, as follows: “An extension of any existing tourist amenity will <i>only</i> be permitted where its scale and nature does not harm the rural character, amenity, landscape quality or environmental integrity of its locality.”	In response to representation from Dfl (DPS-10) concerning unnecessary addition of the word ‘only’ in the policy	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC32A	TOU3 Proposals for Tourist Accommodation in the Countryside	The Council proposes for clarity, as a minor change, to amend paragraph 1 of the J&A of Policy TOU3, page 64, as follows: “The <del>retention and</del> conversion <i>and reuse</i> of a vernacular building <i>or a suitable locally important building</i> for such uses, will be favourably considered <i>and assessed under HE13, COU4 and COU14 as appropriate</i> . Where <i>it is demonstrated</i> the environmental benefit of the full or partial replacement will outweigh the retention and conversion of the building <del>The retention of vernacular buildings are therefore encouraged a report on</del> the condition of the building and the economic feasibility of repairing and maintaining it will be assessed for such proposals.”	In response to representations from HED (DPS-030) and Dfl (DPS-109) suggesting clarification of the J&A	Does not impact upon the soundness of the Plan
MC32B	TOU3 Proposals for Tourist Accommodation in the Countryside	The Council proposes for clarity, as a minor change, to insert the following paragraph under paragraph 3 of the J&A of Policy TOU3, page 64, (which repeats the J&A under Policy HE8) as follows: “ <i>In the case of replacement of a vernacular building or a suitable locally important building in the countryside, a proposal must be accompanied by evidence reports to ascertain structural soundness. Such reports must be submitted by suitably experienced and accredited engineers, architects or building surveyors in the conservation field.</i> ”	In response to representation from Dfl (DPS-109) concerning clarity of the J&A	Does not impact upon the soundness of the Plan
MC32C	TOU3 Proposals for Tourist Accommodation in the Countryside	The Council proposes for clarity, as a minor change, to amend paragraph 3 of the J&A, page 64, as follows:- “Applications made under this policy will be <i>required expected</i> to be accompanied with the following information:	In response to representation from Dfl (DPS-109) concerning clarity of the J&A	Does not impact upon the soundness of the Plan

		<ul style="list-style-type: none"> <li>• <i>Sufficient</i> evidence to indicate how firm or realistic the particular proposal is and what sources of finance are available (including any grant aid) to sustain the project</li> <li>• <i>Detailed</i> evidence that there is no reasonable prospect of securing a suitable site within the limits of the particular settlement or other nearby settlement</li> <li>• justification for the particular site chosen and illustrative details of the proposed design and site layout.”</li> </ul>		
MC32D	TOU3 Proposals for Tourist Accommodation in the Countryside	<p>The Council proposes for clarity, as a minor change, to amend Policy TOU3, page 63, under the sub-heading ‘Tourist Accommodation on the Periphery of a Settlement’ as follows:</p> <p>“b) there are no suitable opportunities <i>in the locality</i> by means of;</p> <ul style="list-style-type: none"> <li>• the conversion and reuse of a suitable building(s) or</li> <li>• The replacement of a suitable building(s)”</li> </ul>	In response to representation from One2One Planning (DPS-124) concerning ambiguity of the policy	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC33	OS1 Protection of Open Space	<p>The Council proposes for clarity, as a minor change, to amend the third sentence of paragraph 3 of the J&amp;A, page 68, as follows:</p> <p>“Any exception to this policy approach will only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of open space, for example the provision of affordable housing by a Housing Association <i>or the Northern Ireland Housing Executive</i> in accordance with Policy HOU10; or where it is demonstrated that the loss of open space will have no significant detrimental impact.”</p>	In response to a representation from NIHE (DPS-012) seeking their inclusion as an affordable housing applicant/provider	Does not impact upon the soundness of the Plan
<b>E: A GREEN PLACE – PROTECTING AND ENHANCING THE HISTORIC AND NATURAL ENVIRONMENT</b>				
MC34A	HE1 The Preservation of Archaeological Remains of Regional Importance and their Settings	<p>The Council proposes for clarity, as a minor change, to remove the last sentence in third paragraph of the J&amp;A, page 74, as follows:</p> <p><i>“In the majority of cases it should prove possible for differences to be resolved through voluntary discussion and for a satisfactory compromise to be reached.”</i></p>	In response to representation from HED (DPS-030) concerning the clarity of the J&A	Does not impact upon the soundness of the Plan

MC34B	HE1 The Preservation of Archaeological Remains of Regional Importance and their Settings	The Council proposes for clarity, as a minor change, to amend the first bullet point of the J&A, page 74, as follows: <i>"The critical views of, and from the site or monument including the protection of its setting"</i>	In response to representation from HED (DPS-030) concerning clarity of the J&A	Does not impact upon the soundness of the Plan
MC35A	HE6 Change of Use and/or Extensions or Alterations to a Listed Building	The Council proposes for clarity, as a minor change, to amend the second sentence of Policy HE6, page 77, as follows: "Such development should respect the essential character, <i>special</i> architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired."	In response to representation from HED (DPS-030) concerning clarity of the policy	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC35B	HE6 Change of Use and/or Extensions or Alterations to a Listed Building	The Council proposes for clarity, as a minor change, to amend paragraph 1 of the J&A of HE6, page 77, including a third sentence as follows: <i>"The works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building."</i>	In response to representation from HED (DPS-030) concerning clarity of the wording in J&A	Does not impact upon the soundness of the Plan
MC35C	HE6 Change of Use and/or Extensions or Alterations to a Listed Building	The Council proposes for clarity, as a minor change, to amend paragraph 5 of the J&A, page 77, as follows: "All proposals for alteration should also be based on a proper understanding of the significance of the listed building. <del>because it is vitally important that new work does not weaken the structural integrity of the building.</del> "	In response to representation from HED (DPS-030) concerning clarity of the wording in J&A	Does not impact upon the soundness of the Plan
MC36	HE7 Control of Advertisements on a Listed Building	The Council proposes for clarity, as a minor change, to amend the first sentence of Policy HE7, page 78, to include the word 'only', to read consistently with the wording of paragraph 6.14 of the SPPS as follows: "The Council will grant the consents necessary for advertisements or signs on a listed building <i>only</i> where these are carefully designed and located to respect the architectural form and	In response to representation from HED (DPS-030) noting its omission	Does not impact upon the soundness of the Plan– whilst this is a change to policy it is considered a minor/factual correction for clarification only

		detailing of the building, amenity of the locality and which are not detrimental to public safety.”		
MC37	HE8 Demolition or Partial Demolition of a Listed Building	The Council proposes for clarity, as a minor change, to amend the J&A of Policy HE8 as follows: <i>“Where consent to demolish a listed building is granted, this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building prior to its demolition.”</i> (This sentence should be inserted before the last paragraph of the J&A on page 79).	In response to representation from HED (DPS-030) concerning clarity of the wording in J&A	Does not impact upon the soundness of the Plan
MC38	HE9 Development Affecting the Setting of a Listed Building	The Council proposes for clarity, as a minor change, to amend criteria (b) of Policy HE9, page 79, as follows: <i>“(b) the works <del>proposed make use of traditional or sympathetic building materials and techniques and architectural details should use quality materials and techniques (traditional and/or sympathetic) which respect those found on-in</del> keeping with the listed building.”</i>	In response to representation from HED (DPS-030) concerning clarity of the policy	Does not impact upon the soundness of the Plan– whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC39A	HE10 New Development in a Conservation Area or Area of Townscape Character/Area of Village Character	The Council proposes for clarity, as a minor change, to remove the following paragraphs from Policy HE10 and place in the J&A, page 80, as first and second paragraphs, as follows: <i>Remove the first paragraph that deals with CA designation and place as first paragraph of J&amp;A; and</i> <i>Remove the third paragraph that deals with ATC and AVC designation and place as second paragraph of J&amp;A</i>	In response to representation from HED (DPS-030) stating that these sentences are best placed in the J&A	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC39B	HE10 New Development in a Conservation Area or Area of Townscape Character/Area of Village Character	The Council proposes for clarity, as a minor change, to amend the first paragraph of the J&A of Policy HE10, page 80, as follows: “Designation as a Conservation Area or ATC/AVC puts and onus on prospective developers to produce a very high standard of design <i>in accordance with the following criteria.”</i> <del>which preserves or enhances the particular qualities of the area in question.”</del>	In response to representations from HED (DPS-030) and NIEA (DPS-060) concerning clarity of the wording used	Does not impact upon the soundness of the Plan

MC40	HE11 The Control of Advertisements in a Conservation Area or Area of Townscape Character/Area of Village Character	The Council proposes for clarity, as a minor change, to amend Policy HE11 (and include as a separate paragraph), page 82, as follows: <i>“and the All proposals must also meets the requirements of operational Policy AD1 on the Control of Outdoor Advertisements.”</i>	In response to representation from HED (DPS-030) concerning clarity of the policy	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC41	HE12 Demolition or Partial Demolition in a Conservation Area or Area of Townscape Character/Area of Village Character	The Council proposes for clarity, as a minor change, to amend paragraph 2 of the J&A of Policy HE12, page 82, as follows: <i>“The onus will be on the applicant to demonstrate and justify why the building makes no material contribution and the need for demolition.”</i>	In response to representation from HED (DPS-030) concerning the clarity of the wording in the J&A	Does not impact upon the soundness of the Plan
MC42	HE13 The Conversion and Reuse of Non-Listed Buildings	The Council proposes for clarity, as a minor change, to amend paragraph 1 of the J&A of HE13, page 83, as follows: <i>“For the purposes of this policy ‘Vernacular Buildings’ are those that reflect the local ‘folk tradition’ and are typical of a common type of building in a particular locality, generally pre 1925. For more detail refer to ‘A Sense of Loss – the Survival of Rural Traditional Buildings in Northern Ireland’ published by the Department, March 1998. A ‘Locally Important Building’ is a building, structure or feature, whilst not statutory listed, that has been identified by the Council as an important part of their heritage, due to its local architectural or historic significance.”</i>	In response to representation from HED (DPS-030) concerning the clarity of the wording in the J&A	Does not impact upon the soundness of the Plan
MC43	NH1 European and Ramsar Sites – International	The Council proposes for clarity, as a minor change, to insert the word ‘and’ into Policy NH1 at paragraphs 3 and 4, page 85, as follows: “In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar site may only be permitted where: a) there are no alternative solutions; <i>and</i>	In response to representation from NIEA (DPS-060) suggesting that it would be good practice to copy across the equivalent policy from PPS2, including the word ‘and’ following each requirement in exceptional circumstances	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only

		<p>b) the proposed development is required for imperative reasons of overriding public interest; <i>and</i></p> <p>c) compensatory measures are agreed and fully secured.</p> <p>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:</p> <p>a) it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment; <i>and</i>,</p> <p>b) agreed in advance with the European Commission.”</p>		
MC44	NH2 Species Protected by Law	<p>The Council notes the comment and also notes that an error occurred under part b), which should have consisted of two separate points. The Council proposes for clarity, as a minor change, to insert the word ‘and’ into Policy NH2 at paragraph 2, page 86 and to split criteria b) as follows:</p> <p>“In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:</p> <p>a) there are no alternative solutions; <i>and</i>,</p> <p>b) it is required for imperative reasons of overriding public interest; <i>and</i>,</p> <p>c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; <i>and</i>,</p> <p>d) compensatory measures are agreed and fully secured.”</p>	In response to representation from NIEA suggesting that it would be good practice to copy across the equivalent policy from PPS2, including the word ‘and’ following each requirement in exceptional circumstances	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only



MC45	NH3 Sites of Nature Conservation Importance - National	The Council proposes for clarity, as a minor change, to insert reference to Marine Conservation Zone to paragraph 1 of Policy NH3, page 86, as follows: a) an Area of Special Scientific Interest b) a National Nature Reserve c) a Nature Reserve d) <i>a Marine Conservation Zone<sup>2</sup></i>	In response to representation from RSPB NI (DPS-093) in respect of marine conservation zones	Does not impact upon the soundness of the Plan
MC46	NH6 Areas of Outstanding Natural Beauty	The Council proposes for clarity, as a minor change, to amend paragraph 1 of Policy NH6, page 88, as follows: “Planning permission for new development of an appropriate design, size and scale for its locality within an Area of Outstanding Natural Beauty (AONB) will only be granted where it is of an appropriate design, <i>size and scale for the locality is sensitive to the distinctive special character of the area and the quality of its landscape, heritage and wildlife, and</i> where all the following criteria are met.”	In response to representation from DfI (DPS-109) concerning clarity of the policy	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
<b>F: A CONNECTED PLACE – SUPPORTING SUSTAINABLE TRANSPORT AND OTHER INFRASTRUCTURE</b>				
MC47	TRA1 Creating an Accessible Environment	It is necessary to remove reference to Development Control Advice Note (DCAN) 11 and draft DCAN11. The Council proposes for clarity, as a minor change, to amend the last paragraph of the J&A of policy TRA1, page 92, as follows: “Further information on designing for a more accessible environment is set out in the Department’s <i>Development Control Advice Note (DCAN) 11 ‘Access for People with Disabilities’, draft DCAN11 ‘Access for All’ and ‘Creating Places – Achieving Quality in Residential Developments’ (May 2000) documents.</i> ”	As a result of DfI notification of 18 <sup>th</sup> October 2019 that it had withdrawn DCAN11 and draft DCAN11	Does not impact upon the soundness of the Plan
MC48	TRA2 Access to Public Roads	The Council proposes for clarity, as a minor change, to amend the second last paragraph of J&A, page 93, to replace the word ‘Department’ with the word <i>‘Council’</i>	In response to DfI noting this as a typographical error	Does not impact upon the soundness of the Plan

<sup>2</sup> Paragraph 215 of the Draft Marine Plan for Northern Ireland, April 2018

MC49	TRA6 Transport Assessment	The Council proposes for clarity, as a minor change, to include the following paragraph in the J&A of Policy TRA6 (first paragraph), page 95, as follows: <i>“Transport Assessment applies to all forms of development with a significant travel generation impact. A primary aim of the Transport Assessment is to assess accessibility by sustainable modes and to develop measures to maximise use of sustainable modes; only subsequently should the residual traffic be assessed and its impacts ameliorated.”</i>	In response to representation from Dfl (DPS-109) concerning clarification of the role of a Transport Assessment	Does not impact upon the soundness of the Plan
MC50	TRA7 Car Parking and Servicing Arrangements in New Developments	It is necessary to remove reference to Development Control Advice Note (DCAN) 11 and draft DCAN11. The Council proposes for clarity, as a minor change, to amend footnote 34, page 96, as follows: <i>“Department’s <del>Development Control Advice Note 11 ‘Access for People with Disabilities’ (1991), draft DCAN11 ‘Access for All’ (July 2003 and</del> ‘Creating Places – Achieving Quality in Residential Developments’ (May 2000) documents”</i>	As a result of Dfl notification of 18 <sup>th</sup> October 2019 that it had withdrawn DCAN11 and draft DCAN11	Does not impact upon the soundness of the Plan
MC51	TRA10 Provision of Public and Private Car Parks	The Council proposes for clarity, as a minor change, to amend bullet point a) of Policy TRA10, page 98, as follows: <i>“a) they meet a need identified by the Department’s Local Transport Plan or <b>a comprehensive Car Parking Strategy prepared jointly with the Department, where applicable.</b>”</i>	In response to representation from Dfl (DPS-109)	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC52A	RE1 Renewable Energy Development	The Council proposes for clarity, as a minor change, to amend paragraph 3 of the J&A of Policy RE1, page 100, as follows: <i>“All renewable energy proposals, <b>including proposals to reutilise established sites,</b> will be assessed against this planning policy, having regard to the Department publication Best Practice Guidance to Renewable Energy...”</i>	In response to representation from RSPB NI (DPS-093) concerning clarity of the wording in J&A	Does not impact upon the soundness of the Plan

MC52B	RE1 Renewable Energy Development	The Council proposes for clarity, as a minor change, to amend paragraph 1, part d) of Policy RE1, page 100, as follows: “d) local natural resources, such as air quality or water quality <i>or quantity</i> ”	In response to representation from DfI (DPS-109) concerning the correlation of text to that in paragraph 6.224 of the SPPS	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC52C	RE1 Renewable Energy Development	The Council proposes for clarity, as a minor change, to include the following paragraph in the J&A of Policy RE1 (before the final paragraph), page 100, as follows: “ <i>All renewable energy proposals will be assessed in accordance with normal planning criteria including such considerations as access arrangements, road safety, good design, noise and shadow flicker, separation distance, cumulative impact, communications interference and the inter-relationship between these considerations.</i> ”	In response to representation from RSPB NI (DPS-093) concerning clarity of the wording in J&A and correlation of text to that in paragraph 6.229 of the SPPS	Does not impact upon the soundness of the Plan
MC52D	RE1 Renewable Energy Development	The Council proposes for clarity, as a minor change, to amend paragraph 3 of the J&A, page 100, as follows: “All renewable energy proposals will be assessed against this planning policy having regard to the <i>following</i> Department publications: Best Practice Guidance to Renewable Energy (published <i>by the former Department of Environment</i> 2009), <i>Draft Supplementary Planning Guidance Anaerobic Digestion (published 2013)</i> ; and Wind Energy Development in Northern Ireland’s Landscapes’ ( <i>published 2009</i> ) in assessing all wind turbine proposals.”	In response to representation from RSPB NI (DPS-093) concerning clarity of the wording in J&A	Does not impact upon the soundness of the Plan
MC52E	RE1 Renewable Energy Development	The Council proposes for clarity, as a minor change, to amend the 5 <sup>th</sup> paragraph of Policy RE1, page 100, as follows: “ <del>Wind turbines must have</del> <i>For wind farm development</i> a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m <del>for wind farm proposals, will generally apply.</del> ”	In response to representation from DfI (DPS-109) concerning ambiguity between the proposed policy wording and that within the SPPS and regional guidance	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only

MC53	WM1 Waste Management Facilities	The Council proposes for clarity, as a minor change, to amend the J&A of Policy WM1, page 106, through inclusion of the following sentence to the end of the fifth paragraph, as follows: <i>"In assessing all proposals the Council will be guided by the precautionary approach in accordance with paragraph 6.322 of the SPPS."</i>	In response to representation from RSPB NI (DPS-093) suggesting that SP23 is not consistent with the SPPS in terms of the 'precautionary approach' (See MC9C above)	Does not impact upon the soundness of the Plan
MC54A	WM2 Treatment of Waste Water	The Council proposes for clarity, as a minor change, to insert the word 'treated' into paragraph 2 of Policy WM2, page 107, as follows: "Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge <i>treated</i> effluent to a watercourse..."	In response to representation from DfI (DPS-109) concerning clarity of the policy wording	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC54B	WM2 Treatment of Waste Water	The Council proposes for clarity, as a minor change, to amend paragraph 2 of Policy WM2, page 107, as follows; "Development relying on non mains sewerage treatment... and that this will not create or add to a pollution problem <i>or add to or create additional flood risk.</i> "	In response to representation from DfI (DPS-109) concerning clarity of the policy wording	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC55	WM5 Development in the Vicinity of Waste Management Facilities or Wastewater Treatment Works	The Council proposes for clarity, as a minor change, to amend the J&A of Policy WM5, page 109, by inserting an additional final paragraph as follows: <i>"Where development is to be located in close proximity to an existing or approved NI Water WwTW facility developers should discuss their proposals with NI Water, and may be required to undertake a Development Encroachment/Odour Assessment. Further details are available at: <a href="http://www.niwater.com">www.niwater.com</a>"</i>	In response to representation from NI Water (DPS-046) concerning clarity of the J&A	Does not impact upon the soundness of the Plan
MC56A	FLD1 Development in Fluvial (River) Flood Plains	The Council proposes for clarity, as a minor change, to move paragraph 2 of Policy FLD1, page 111, to become the second paragraph of Policy FLD1, page 110, as follows:	In response to representation from RSPB NI (DPS-093) concerning the presentational layout of the policy	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/

		“Where the principle of development is accepted by the Council through meeting any of the <i>above</i> ‘Exceptions Tests’ the applicant is required to submit a Flood Risk Assessment (FRA)...”		factual correction for clarification only
MC56B	FLD1 Development in Fluvial (River) Flood Plains	The Council proposes for clarity, as a minor change, to amend the first line of Policy FLD1, page 110, as follows: “New development will not be permitted within the 1 in 100 year fluvial flood plain ( <i>AEP of 1%</i> ) unless the applicant can demonstrate that the proposal constitutes an exception to the policy in the following cases:” Additionally, the Council proposes to amend the J&A on page 111 to include the following: “For planning purposes, taking into account climate change predictions based on available scientific evidence a fluvial flood plain is defined as the extent of a flood event within a 1 in 100 year probability (or 1% annual <i>exceedance</i> probability ( <i>AEP</i> )) of exceeding the peak floodwater level.”	In response to representation from DfI (DPS-109) concerning clarity of the policy wording	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC56C	FLD1 Development in Fluvial (River) Flood Plains	The Council proposes for clarity, as a minor change, to amend paragraph 2 of Policy FLD1 under subheading ‘Exceptions in Defended Areas’, page 110, as follows: “On previously developed land protected by flood defences ( <i>confirmed by DfI Rivers as shown on DfI Flood Maps NI</i> ) that are structurally adequate and provide a minimum standard of 1 in 100 year fluvial flood protection.”	In response to representation from DfI (DPS-109) concerning clarity of the policy wording	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC56D	FLD1 Development in Fluvial (River) Flood Plains	The Council proposes for clarity, as a minor change, to amend paragraph 2 of the J&A, page 111, as follows: “For planning purposes, taking into account climate change predictions based on available scientific evidence a fluvial flood plain is defined as the extent of a 1 in 100 year flood event (or 1% annual <i>exceedance</i> probability ( <i>AEP</i> )) of exceeding the peak floodwater level, <i>taking into account climate change allowance as represented on DfI Flood Maps NI.</i> ”	In response to representation from DfI (DPS-109) concerning clarity of the wording in J&A	Does not impact upon the soundness of the Plan

MC57	FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains	The Council proposes for clarity, as a minor change, to amend paragraph 3 of Policy FLD3, page 114, as follows: “If a DA is not required, <i>but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI</i> , it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.”	In response to representation from DfI (DPS-109) concerning clarity of the policy wording	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC58A	AD1 Amenity and Public Safety	The Council proposes for clarity, as a minor change, to amend the J&A of Policy AD1 Point 3, page 118, as follows: “3. which because of their size or brightness, could reduce the effectiveness of traffic lights/ <i>signs</i> , or result in glare or dazzle, or otherwise distract road users especially in wet or misty weather.”	In response to representation from DfI (DPS-109) regarding insertion of traffic signs	Does not impact upon the soundness of the Plan
MC58B	AD1 Amenity and Public Safety	The Council proposes for clarity, as a minor change, to amend the heading of the final paragraph of the J&A to Policy AD1, page 118, as follows: “Listed Buildings, Conservation Areas and Areas of Townscape/ <i>Village</i> Character” The first sentence of the paragraph should then read: “Policies and guidance for the control of advertisements affecting Listed Buildings, Conservation Areas <i>and Areas of Townscape/Village Character</i> are set out in Operational Policies HE7 and HE11.”	In response to representation from HED (DPS-030) concerning the inconsistency of wording between the headline and policy text of Policy HE11 and consequently this same issue occurs within Policy AD1	Does not impact upon the soundness of the Plan
<b>GLOSSARY AND APPENDICES</b>				
MC59	Glossary	The Council proposes for clarity, as a minor change, to include the following definition in the glossary of Part 2, page 120: “ <i>Heritage Asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.</i> ” The Council proposes for clarity, as a minor change, to amend the following definitions in the glossary: Page 121 Listed Building:	In response to representation from HED (DPS-030) regarding inclusion of definitions within the glossary	Does not impact upon the soundness of the Plan

		<p><i>“A listed building is a structure which the Department for Communities has included in a statutory list of buildings of special architectural and/or historic interest.”</i></p> <p>Page 120 Historic Park, Garden or Demesne of Special Historic Interest:  <i>“An identified site of international or regional importance within Northern Ireland, included in the Register of Parks, Gardens and Demesnes of special historic interest, maintained by the Department for Communities.”</i></p> <p>Page 120 Design and Access Statement:  <i>“A Design and Access Statement [D&amp;AS] is a single document that explains the design thinking behind a planning application. It provides a framework for applicants to explain and to justify how a proposed development is a suitable response to the site and its setting.”</i></p> <p>Page 121 Scheduled Monuments:  <i>“Statutory designations of archaeological sites or other heritage assets of national importance protecting them from damage or disturbance.”</i></p>		
<b>SUSTAINABILITY APPRAISAL REPORT SUMMARY AND ANALYSIS OF REPRESENTATIONS TO SUPPORTING DOCUMENTS</b>				
MC60	Sustainability Appraisal Report	The Council proposes for clarity, as a minor change, to amend criteria b) of Strategic Policy 21, Part 1, page 146, as follows: <i>“b) minimise any potential visual intrusion and environmental impacts to protect both the rural and urban landscape, and natural and historic environment.”</i>	In response to representation from HED (DPS-030) concerning clarity of the policy	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC61	Sustainability Appraisal Report	The Council proposes for clarity, as a minor change, to amend criteria b) of Strategic Policy 22, Part 1, page 149, as follows: <i>“b) minimise any potential visual intrusion and environmental impacts to protect both the rural and urban landscape, and natural and historic environment.”</i>	In response to representation from HED (DPS-030) concerning clarity of the policy	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/

				factual correction for clarification only
<b>HABITATS REGULATIONS ASSESSMENT REPORT SUMMARY AND ANALYSIS OF REPRESENTATIONS TO SUPPORTING DOCUMENTS</b>				
MC62	ED9 General Criteria for Economic Development	The Council proposes for clarity, as a minor change, to add an additional criterion o) to the end of policy ED9, page 50, as follows: <i>“o) it meets the requirements of Policy NH1”.</i>	In response to representation from DAERA SEA Team (DPS-058) welcoming inclusion of mitigation measures set out in the draft HRA Report to ensure compliance with Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended)	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC63	MD1 Environmental Protection	The Council proposes for clarity, as a minor change, to add an additional sentence to the end of paragraph 1 of the J&A to policy MD1, page 51, as follows: <i>“Within the Council area there is one Special Protection Area (SPA) and Ramsar Site at Lough Neagh including the water body of Portmore Lough. All proposals that may affect a European or Ramsar site must meet the requirements of NH1.”</i>	In response to representation from DAERA SEA Team (DPS-058) welcoming inclusion of mitigation measures set out in the draft HRA Report to ensure compliance with Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended)	Does not impact upon the soundness of the Plan
MC64	MD4 Valuable Minerals	The Council proposes for clarity, as a minor change, to add an additional sentence to the end of policy MD4, page 52, as follows: <i>“All proposals that may affect a European or Ramsar site must meet the requirements of NH1.”</i>	In response to representation from DAERA SEA Team (DPS-058) welcoming inclusion of mitigation measures set out in the draft HRA Report to ensure compliance with Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended)	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only



MC65A	TOU7 General Criteria for Tourism Development	The Council proposes for clarity, as a minor change, to add an additional criterion k) to policy TOU7, page 67, as follows: <i>“k) all proposals that may affect a European or Ramsar site must meet the requirements of NH1”.</i>	In response to representation from DAERA SEA Team (DPS-058) welcoming inclusion of mitigation measures set out in the draft HRA Report to ensure compliance with Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended)	Does not impact upon the soundness of the Plan – whilst this is a change to policy it is considered a minor/factual correction for clarification only
MC65B	TOU7 General Criteria for Tourism Development	The Council proposes for clarity, as a minor change, to add a second paragraph to the J&A of policy TOU7, page 67, as follows: <i>“Within the Council area there is one Special Protection Area (SPA) and Ramsar Site at Lough Neagh including the water body of Portmore Lough which could be adversely affected by cumulative disturbance effects. Such disturbance could arise directly from a tourism development or indirectly through increasing visitor pressures beyond the development”.</i>	In response to representation from DAERA SEA Team (DPS-058) welcoming inclusion of mitigation measures set out in the draft HRA Report to ensure compliance with Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended)	Does not impact upon the soundness of the Plan
MC66	UT1 Utilities	The Council proposes for clarity, as a minor change, to add an additional paragraph to the J&A of policy UT1, after paragraph 5, page 104, as follows: <i>“The potential of overhead lines to disrupt the flight paths of birds, including site selection features of Lough Neagh and Lough Beg Special Protection Area and Ramsar Site, is also a consideration”.</i>	In response to representation from DAERA SEA Team (DPS-058) welcoming inclusion of mitigation measures set out in the draft HRA Report to ensure compliance with Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended)	Does not impact upon the soundness of the Plan

OTHER MATTERS RAISED				
MC67	Maze Lands	The Council proposes for clarity, as a minor change, to remove references to the Maze lands from the Urban Capacity Study (page 44 and page 49) as follows: “There is a slight shortfall in land available to meet the emerging LDP requirement.”; <i>however the figures above do not include the Maze Strategic Land Reserve which has the potential for an additional 141 hectares of employment land.</i>	In response to representation Belfast City Council (DPS-041)	Does not impact upon the soundness of the Plan

## Annex 1: See FC1B Strategic Housing Allocation

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The allocation of housing growth across the Council area has been informed by the following eight indicators provided in the SPPS.

**1. RDS Housing Growth Indicators (HGI):** The HGI provides a guide for the provision of residential accommodation within the Council area in the future. The Council was provided with a 2012 based Housing Growth Indicator (HGI)<sup>1</sup> of 9,600 covering the period 2012-2025. Annually this equated to 738 dwellings.

The 2012-based HGI includes provision for both housing in settlements and housing in the countryside. Projecting this figure annually from 2017 to 2032 would provide an allocation of 11,070 dwellings over the lifetime of the Local Development Plan.

Given the importance of the HGI which sets the baseline level of future growth across all eleven council areas, the Council commissioned a Housing Growth Study<sup>2</sup> which examined the robustness of the RDS Housing Growth Indicators (HGI). ~~The study sought to update the 2012 based HGI through the use of 2016-based household projections data together with adjustments set out within the 2012 HGI methodology.~~ DfI published revised HGI figures in September 2019 covering the period 2016-2030 and identified a total need of 10,700 for LCCC (713dpa) for a 15 year time period. The Council commissioned a review of these published figures<sup>3</sup>. The period covered by the latest HGIs do not coincide with the period of the emerging LDP (2017-2032).

~~Taking account of adjustments, the review this identified a new baseline future growth of 10,380 households over the Plan period (692-723 dwellings per annum).~~ An adjustment was made to reflect the mid-point between the two employment-led scenarios that were included in the Housing Growth Study (as updated). This resulted in a dwelling requirement of 746 dwellings per annum.

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<sup>1</sup> HGI provided by the former Department for Regional Development now Department for Infrastructure

This has been rounded up to ~~700~~ 750 dwellings per annum equating to ~~10,500~~ 11,250 dwellings for the Plan period. This baseline figure is used in Table 3.

There is a requirement for the Council to ensure that the identified HGI figure can be met. A buffer of 10% over-supply has been applied to the HGI baseline figure which takes into consideration the possibility that an element of the identified potential might not come forward during the plan period. This gives a resultant figure of ~~11,550~~ 12,375 units (825 dwellings per annum) over the Plan period from 2017 to 2032 and provides the overall strategic housing allocation figure (SHA). A total of 1,559 dwellings were completed between April 2017 and March 2019. As such, the remaining housing need that is to be met over the remainder of the Plan period (2019 to 2032) equates to 10,816 dwellings (832 dwellings per annum). ~~This SHA falls just under over the potential units remaining of 11,578 (Table 3).~~

The council is mindful of its responsibility to ensure housing growth aligns with the requirements for sustainable balanced regional growth identified through the RDS. In order to facilitate the Council's strategic economic ambition at West Lisburn up to 50 hectares of land is identified for residential use which could accommodate approximately 1,500 units (based on an average density of 30 units per hectare). This strategic location is also considered to be the most sustainable for future residential expansion taking account of environmental, social and economic factors. This level of housing growth in the future would help support the associated economic growth details of which are provided in the Employment Land Review, Technical Supplement 3.

**2. Use of the RDS housing evaluation framework:** The existing settlements in the Council area have been assessed against the RDS Housing Evaluation Framework using the six tests set out under Table 2.

The existing settlements are considered to provide a strong framework for the urban and rural areas. At the top of the hierarchy, sits Lisburn City; followed by the two Greater Urban Areas of Lisburn and Castlereagh; the three towns of

<sup>2</sup> See Technical Supplement 1 Housing Growth Study

<sup>3</sup> See Addendum to Technical Supplement 1 Housing Growth Study, November 2020

Hillsborough & Culcavy, Moira and Carryduff; thirteen villages; and thirty-three small settlements.

**Table 2 RDS Housing Evaluation Framework**

<b>Resource Test</b>	<b>Studies should be carried out to assess and detail the existence of community assets and physical infrastructure such as water, waste and sewage, including spare capacity.</b>
<b>Environmental Capacity Test</b>	<b>An assessment of the environmental assets of the settlement, the potential of flooding from rivers, the sea or surface water run-off and its potential to accommodate future outward growth without significant environmental degradation should be made.</b>
<b>Transport Test</b>	<b>Studies should be carried out to assess the potential for integrating land use and public transport and walking and cycling routes to help reduce reliance on the car.</b>
<b>Economic Development Test</b>	<b>The potential to facilitate an appropriate housing and jobs balance and to unlock any major strategic development opportunities should be assessed and detailed.</b>
<b>Urban and Rural Character Test</b>	<b>Assessment should be made of the potential to maintain a sense of place, and to integrate new</b>

<sup>4</sup>Published annually on the Council’s website

	<b>development in a way that does not detract from the character and identity of the settlement.</b>
<b>Community Services Test</b>	<b>The potential to underpin and, where necessary, reinforce the community service role and function of the settlement should be assessed and detailed.</b>

Details of the outcomes of the above settlement assessment are provided in the strategic Settlement Appraisal which forms part of the Countryside Assessment Technical Supplement 6.

**3. Allowance for existing housing commitments:** The assessment of existing commitments takes account of information provided through the Council’s Housing Monitor<sup>4</sup>. Monitored sites consists of existing housing zonings and committed sites (with planning permission). The Housing Monitor also assesses the available potential of land and dwellings that remain undeveloped within settlements in the Council Area.

The Housing Monitor (using the baseline of 31st March ~~2017~~2019) identified that in total ~~8,081~~ 7,311 units are committed (with planning permission) with a further ~~1,108~~ 943 potential units remaining on zoned land not committed **within the urban settlement limits**. This gives an overall total of ~~9,189~~ 8,254 units<sup>5</sup>.

When taken together and allowing for the potential in villages, small settlements and the open countryside this figure rises to ~~11,376~~ 10,072 units. These figures have been reduced by 10% due to the possibility of non-deliverability of sites over the Plan period, **resulting in an assumed capacity of 9,064 units** (See Table 3).

The Housing Growth Study (Technical Supplement 1) provides further detail regarding the proposed housing growth within the Council area. It identifies West Lisburn/Blaris as a key area of future strategic growth which is a priority for

<sup>5</sup>Includes adjustment for lapsed sites

the Council over the Plan period. The future development of the area is supported by the West Lisburn Development Framework Review 2018, which recognises the need for investment in the transport infrastructure to secure its future potential.

It is recommended that future development is proposed to be a mix of housing and employment use. West Lisburn has the capability of delivering a significant number of new homes which would contribute to ensuring the future economic aspirations are aligned with housing growth. This is important in addressing the wider strategic objectives to address the ageing population and help retain and attract younger people to the area and is in addition to the HGI figure provided above.

Based on an assessment of the developable land available at West Lisburn/Blaris, this could provide for additional growth of up to 1,500 dwellings at this location as part of a Strategic Mixed Use Site. Further details are provided under Chapter 4B – SMU01 West Lisburn/Blaris and associated designation. [For the purposes of Table 3, an allowance of 1,350 units has been made for this site.](#)

**4. Urban capacity studies:** It is a requirement of the SPPS that an Urban Capacity Study (UCS)<sup>6</sup> informs the LDP. To assist with the identification of land required for new housing over the plan period, an UCS was carried out for the settlements in excess of 5,000 population and identified land that would be suitable for housing and employment within the Urban Footprint.<sup>7</sup> The study included the urban footprint of Lisburn City, the Castlereagh Greater Urban Area and for completeness the three towns of Carryduff, Moira and Hillsborough & Culcavy.

The UCS identifies that within the Council area approximately 68% of the population reside in the urban areas.

It identifies that approximately 40% of the growth requirement can be accommodated within the urban footprint of settlements. This is less than the RDS requirement to locate 60% of future housing growth within the urban

footprints of settlements in excess of 5,000 population. The reason for this not being met is that the previous Development Plan (BMAP) already zoned a significant number of urban capacity sites for housing. The current definition of the urban footprint does not include committed units on zonings inside the settlement development limits. It should be noted when these are taken into account that over 80% of housing growth can be accommodated within the existing settlements.

The UCS identifies an additional [41-35](#) sites (after applying absolute constraints) equating to a further [975-901](#) units over the Plan period [from 2019](#). This figure has been reduced by 10% due to the possibility of non-deliverability of sites over the Plan period, [resulting in an assumed capacity of 813 units](#) (See Table 3).

It was indicated that higher density development would be appropriate within Lisburn City Centre in the range of 120-160 dwellings per hectare. Beyond the city centre within the existing urban footprint (including the Greater Urban areas and towns) a range of 25-35 dwellings per hectare is considered appropriate, having regard to the existing densities and local character.

It concluded that for the Plan period there was sufficient supply of housing land to accommodate the growth ambitions of the Council.

**5. Allowance for windfall housing:** Windfall potential is a key element of the UCS. It consists of housing sites that were neither zoned nor anticipated but which could become available over the lifetime of the Plan. An analysis of projected windfall based on historical trends (over a five year period from 2012-2017) identified on average a potential of between 243 units (sites under 5 units) and 1,605 units (sites of more than 5 units) depending on the type, size and density of units proposed. [In order to avoid potential double counting with sites that already benefit from planning permission or urban capacity sites, a windfall allowance is only applied for a ten-year period between 2022 and 2032.](#)

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<sup>6</sup> See Technical Supplement 2 Urban Capacity Study

<sup>7</sup> The continuous built-up area of the settlement (2012 urban footprint used to align with the RDS HGI figure)

The UCS recommended that a discount rate be applied to both the delivery of identified sites and housing allocations to allow for uncertainty within the market. Based on best practice within other parts of the United Kingdom, this is usually around 10%. Applying this rate suggests that **a total of 1,108 dwellings would be expected to come forward on windfall sites** over the remaining Plan period. **This figure would comprise 145 dwellings on small windfall sites and 963 units on large windfall sites. would be on average between 218 and 1,444 units. These figures have been further revised to ensure there is no double counting of these windfall units during the first 3 years of the Plan.**

#### **6. Housing Needs Assessment/Housing Market Analysis:**

The Northern Ireland Housing Executive (NIHE) are responsible for carrying out a Housing Needs Assessment (HNA) to assist the Council in the preparation of the Local Development Plan. The HNA seeks to provide a reasonable mix and balance of housing types to cater for a range of housing needs. The total affordable housing requirement for the plan period is ~~6,240~~ **4,320** units of which 2,400 are social housing units. The deliverability of affordable housing and in particular the social housing element will largely depend on the zoned sites remaining to be developed and other sites lying outside these zonings (urban capacity and windfall). The projected units on these sites over the plan period will facilitate the deliverability of more affordable housing beyond the Council's current housing commitments. Any future identified shortfall may be addressed at LPP Stage through the zoning of land for affordable housing. This will be done in consultation with the NIHE as the statutory housing authority.

The purpose of a Housing Market Analysis (HMA) is to provide evidence in order to develop integrated housing policies and approaches. The HMA identifies Housing Market Areas, defined as a geographical area, where most people live and work. The Housing Growth Study provides a review of the existing housing market for the Lisburn and Castlereagh area. It acknowledges that the Council forms part of the wider Belfast Metropolitan Housing Market Area, and therefore cognisance must be given to housing growth in this market area, and how it could impact on the Council area. In terms of the Housing Market Area, the Council area has a strong housing market with high house prices compared to

other local government districts in Northern Ireland. There is also evidence of affordability concerns.

Providing jobs aligned with future housing is an important consideration for the Council area, to enable future residents to live and work in Lisburn and Castlereagh.

**7. Application of a sequential approach and identification of suitable sites for settlements of over 5,000 population:** The SPPS identifies a sequential approach for site selection. The first step of the process focuses on land within the existing urban footprint (as informed by the urban capacity study). This includes those sites that are committed within the settlement limits and opportunity for windfall. If housing cannot be accommodated within settlement limits, only then would an extension to a city or town be considered.

The settlement hierarchy has been identified and as such residential development is mainly directed to those settlements. The findings of both the Housing Growth Study and Urban Capacity Study indicate that given the extent of the existing settlement limits (which were zoned through the previous Development Plan) sufficient land remains for housing to be delivered across the Council area within settlements whilst allowing for additional strategic housing growth at West Lisburn/Blaris to support the projected economic growth (see SMU01 West Lisburn/Blaris). The Strategic Housing Allocation presented in Table 3 negates the need to provide any greenfield extension to allow for future housing growth.

**8. Transport Assessments:** The successful integration of transport and land use is essential to the objective of furthering sustainable development. In determining a development proposal likely to generate traffic, the Council may require the developer to submit a Transport Assessment to facilitate the assessment of transport impacts. This may include a Travel Plan that sets out a package of complementary measures to secure the overall delivery of more sustainable travel.<sup>8</sup>

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<sup>8</sup> See Operational Policies Part 2 for details

The allocations provided in the Plan Strategy and subsequent Local Policies Plan will take full account of the integration of land use and transportation. Further detail on the transport measures to be considered in the LDP are set out in Chapter 4F Infrastructure and the accompanying Local Transport Study (DfI) provided in Technical Supplement 8.

### Meeting Future Housing Need

The Housing Growth Study states that in order to identify the appropriate level of housing growth in the emerging LDP, the Council should consider whether an adjustment is required to:

- address the housing market conditions in the Council area
- meet a particular identified strategic economic ambition, such as supporting the strategic proposals at West Lisburn/Blaris, particularly given the need to ensure there is alignment between future economic and housing needs
- help address the impact of an ageing population through the provision of a diverse choice of homes in the right location which will attract and retain younger households
- support net in-migration, particularly of a younger economically-active population.

The evidence base concludes that future housing growth for the Plan period identifies affordability as a particular issue, and supporting the need for a percentage-based mixed tenure policy approach will be important for the wider Belfast Housing Market Area.

Jobs led scenarios tested within the Study, indicate that the HGI is largely aligned with the long term past jobs growth. ~~This gives confidence that the level of future growth identified through the updated HGI is appropriate.~~

In terms of housing delivery completions ~~since 2005/6 between 2004/5 and 2018/19~~ have averaged at ~~618-705~~ dwellings per annum. The level of housing growth aligned with the updated revised published HGI would be broadly aligned with the level of past housing delivery and would also support a level of future

jobs growth aligned with past trends. Analysis of the demographic characteristics highlight that the area is projected to experience strong population growth going forward over the Plan period. It is important that the future housing supply meets the needs of the younger working age population to ensure there is a sufficient labour force to support future jobs growth and rebalance the impact of an ageing population, resulting in the need to uplift beyond the demographic baseline.

In terms of housing land supply, when measured against the updated ~~HGI residual requirement~~ figure of ~~10,500~~ 10,816 dwellings between 2019 and 2032 and set against the latest available evidence (as of 31 March ~~2017~~ 2019) there appears to be a healthy supply of housing across the Council area ~~which would cover the Plan period 2017-2032.~~

West Lisburn is a key area of future growth and remains a significant priority for the Council area. Future development of this area is proposed to be a mix of housing and employment uses, which would contribute to ensuring future needs can be met within the Council area and support job growth. The provision for housing at West Lisburn forms part of the supply to meet the identified need over the Plan period. This will be important in addressing the wider strategic objectives to address the aging population and help and retain younger people to the area.

In conclusion ~~after review~~, there is an identified future need for ~~10,500~~ 12,375 dwelling units across the Council area ~~over the LDP period from 2017 to 2032.~~ Taking account of completions between April 2017 and March 2019, the residual requirement is 10,816 dwellings between 2019 and 2032. Currently, when taking account of existing commitments and allowing for strategic housing growth to support the economic proposals at West Lisburn, there is a future potential of ~~11,578~~ 10,414 dwelling units<sup>9</sup> which ~~closely reflects the overall strategic housing allocation (SHA) of 11,550~~ falls just under the residual housing requirement of 10,816 dwelling units. This level of supply is dependent on the West Lisburn/Blaris strategic site coming forward to ensure deliverability in the longer term. Given the direction of regional policy and guidance to focus housing within

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<sup>9</sup> This figure is net of the 10% non-implementation discount.

existing urban areas, it is acknowledged that it will be important as the LDP moves forward to Local Policies Plan, to consider the future deliverability on all housing sites across the Plan period. [Taking account of urban capacity sites and windfall releases, the expected supply over the remainder of the Plan period is 12,335 dwellings<sup>10</sup>.](#)

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<sup>10</sup>This figure is net of the 10% non-implementation discount.



**Table 3: Strategic Housing Allocation over remainder of Plan Period (2019-2032)**

Settlement	Potential Units Remaining	Potential Units on Urban Capacity Sites	Windfall Potential 1-4 Units Projected over 10 year period	Windfall Potential 5+ Units Projected over 10 year period	Total Potential
Lisburn City	<del>4,079 (38.8%)</del> 3,757 (34.7%)	<del>607 (5.8%)</del> 553 (5.1%)	<del>97 (1%)</del> 81 (0.7%)	<del>420 (4%)</del> 350 (3.2%)	<del>5,203 (49.6%)</del> 4,741 (43.8%)
Lisburn Greater Urban Area	<del>188 (1.8%)</del> 60 (0.6%)	0	2 (0.01%)	<del>216 (2%)</del> 180 (1.7%)	<del>406 (3.8%)</del> 242 (2.2%)
Castlereagh Greater Urban Area	<del>1,628 (15.5%)</del> 1,359 (12.6%)	<del>103 (1%)</del> 104 (1%)	<del>43 (0.4%)</del> 36 (0.3%)	<del>248 (2.4%)</del> 207 (1.9%)	<del>2,022 (19.3%)</del> 1,706 (15.8%)
Carryduff	<del>1,407 (13.4%)</del> 1,356 (12.5%)	<del>119 (1.1%)</del> 120 (1.1%)	<del>10 (0.09%)</del> 8 (0.1%)	<del>76 (0.8%)</del> 63 (0.6%)	<del>1,612 (15.4%)</del> 1,547 (14.3%)
Hillsborough & Culcavy	<del>421 (4%)</del> 432 (4.0%)	<del>25 (0.2%)</del> 14 (0.1%)	<del>22 (0.2%)</del> 18 (0.2%)	<del>44 (0.4%)</del> 37 (0.3%)	<del>512 (4.9%)</del> 501 (4.6%)
Moira	<del>545 (5.2%)</del> 464 (4.3%)	<del>21 (0.2%)</del> 22 (0.2%)	0	<del>151 (1.4%)</del> 126 (1.2%)	<del>717 (6.8%)</del> 612 (5.7%)
<b>Urban Settlement Total</b>	<del>8,268 (78.7%)</del> <b>7,428 (68.7%)</b>	<b>813 (7.5%)</b>	<b>145 (1.3%)</b>	<b>963 (8.9%)</b>	<del>10,472 (99.8%)</del> <b>9,349 (86.4%)</b>
Villages & Small Settlements	<del>1,231 (11.7%)</del> 1,004 (9.3%)				<del>1,231 (11.7%)</del> 1,004 (9.3%)
Countryside	<del>729 (6.9%)</del> 632 (5.8%)				<del>729 (6.9%)</del> 632 (5.8%)
<b>Total Units</b>	<del>10,228 (97.4%)</del> <b>9,064 (83.8%)</b>	<del>875 (8.3%)</del> <b>813 (7.5%)</b>	<del>174 (1.7%)</del> <b>145 (1.3%)</b>	<del>1,155 (11%)</del> <b>963 (8.9%)</b>	<del>12,432 (118.4%)</del> <b>10,985 (101.6%)</b>
<b>Strategic Mixed Use site West Lisburn/Blaris</b>	1,350 ( <del>12.9%</del> ) (12.5%)				1,350 ( <del>14.2%</del> ) (12.5%)
<b>Total no of units</b>	<del>11,578</del> <b>10,414</b>	<del>12,453</del> <b>11,227</b>	<del>12,627</del> <b>11,372</b>	<del>13,782</del> <b>12,335</b>	<del>13,782</del> <b>12,335</b>
<b>Total % of HGI-residual housing requirement (10,816)</b>	<del>110.3%</del> <b>96.3%</b>	<del>118.6%</del> <b>103.8%</b>	<del>120.3%</del> <b>105.1%</b>	<del>131.3%</del> <b>114%</b>	<del>131.3%</del> <b>114%</b>

Figures in brackets taken as a percentage of 10,500 HGI figure taken from Housing Growth Study-residual housing requirement (10,816). Note that some percentages may not sum due to rounding.

Villages and small settlements based on Housing Policy Areas and committed sites with planning permission.

Countryside based on building control completion notices ~~over 5 years between 2012/13 and 2016/17~~ at an average of 54 dwellings per annum projected (excludes replacement dwellings).

All figures have been reduced by 10% to take account of the potential non deliverability during plan period.

**Lisburn and Castlereagh City  
Council LDP 2032  
Addendum to Housing Growth  
Study**

Lisburn and Castlereagh City Council

November 2020

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## 1.0 Introduction

- 1.1 This Addendum to Technical Supplement 1 Housing Growth Study addresses the issues associated with the housing need figure contained in the draft Plan Strategy. Strategic Policy SP08 identifies a baseline future growth figure of 692dpa over the Plan period from 2017 to 2032. This has been rounded to 700dpa and equates to 10,500 dwellings over the 15-year period.
- 1.2 This housing requirement figure was based on the Housing Growth Study (HGS) which was prepared by Lichfields and published with the draft Plan Strategy (dated September 2019). Whilst the HGS drew on the latest 2016-based NISRA population and household projections, it was prepared prior to the publication of the latest (2016-based) Housing Growth Indicators (HGIs). It sought to update the HGI, taking account of the 2016-based house projections but retaining the adjustments for second homes, vacant stock and conversions, closures and demolitions, as identified in the HGI 2012 methodology note.
- 1.3 Using the PopGroup suite of software, the HGS considered a number of alternative scenarios. The housing requirement figures arising from each scenario is set out below:

Table 1.1 Summary of scenarios tested by the HGS

Scenario	Household change 2017-32	Dwelling requirement 2017-32)
A: 2016-baseline	8,720 (581pa)	9,100 (605dpa)
B: Updated HGI	-	10,380 (692dpa)
C: OE baseline (307 jobs pa)	6,230 (451pa)	6,490 (433dpa)
D: Jobs-led long term past trends (651 jobs pa)	10,345 (690pa)	10,775 (718dpa)
E: Jobs-led short term past trends (442 jobs pa)	8,602 (573pa)	8,960 (597dpa)

Source: LCCC Housing Growth Study

- 1.4 The HGS recommended that the amended HGI figure of 692dpa represented a robust housing requirement for the emerging LDP period to 2032.

## 2.0 Updated HGIs

2.1 The Department for Infrastructure published the revised HGIs in September 2019. These covered the period from 2016 to 2030 and identified a total need of 10,700 for LCCC (713dpa) over this 15-year period<sup>1</sup>.

2.2 The period covered by the latest HGIs do not coincide with the period of the emerging LDP (2017-2032). It has therefore been necessary to update the publicised HGIs to take account of the projected number of households in 2032 and the housing stock in 2017. In adjusting the figures for second homes and vacant stock, we have retained the same proportionate share of expected dwellings at the end of the period as per the latest HGIs:

- 1 Second homes: HGIs anticipate 400 second homes in 2030; this equates to 0.59% of the total number of dwellings in 2030 (2030 household plus second homes plus vacant dwellings = 67,400).
- 2 Vacant dwellings: HGIs anticipate 3,700 vacant homes in 2030; this equates to 5.5% of the total number of dwellings in 2030 (2030 household plus second homes plus vacant dwellings = 67,400).

2.3 As detailed in Table 2, the implication of this adjustment is a requirement for 10,845 dwellings over the LDP Period from 2017 to 2032, equivalent to 723dpa.

2.4 This slightly lower figure than the official HGI requirement of 10,700 dwellings can be understood by reference to the following:

- 1 A difference of 946 in the dwelling stock figure for the first year for which data is available (2016: 58,000; 2017: 58,946).
- 2 A difference of 1,091 in the dwelling stock estimate for at the end of the assessment period (2030: 68,700; 2032: 69,791), based on:
  - A difference of 1,008 in the household projection for the final year of assessment (2030: 63,500; 2032: 64,508); and,
  - A difference of 83 in the total adjustment applied for second homes and vacant stock.
- 3 Resulting in a difference of 145 in the projected dwelling requirement over the study period (10dpa).

2.5 It should also be noted that the 2016 HGI figures are rounded to the nearest 100 and so some further differences might have arisen as a result of rounding.

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<sup>1</sup> The Department for Infrastructure has confirmed that the HGIs relate to the period from 1 January 2016 to 31 December 2030 – a full 15 years.

Table 2.1 Adjustment to 2016-based HGI to reflect LCCC LDP period

	1	2	3	4	5	6	7
	No h'holds at end of period	2nd homes	Vacant stock	Conversions etc	New stock est at end of period	Housing stock at start of period	New dwg req
2016-30	63,500	400	3,700	1,100	68,700	58,000	10,700 (713dpa)
Source/ Calculation	2016-based NISRA h'hold projections	See above		73.3 per annum	1 + 2 + 3 + 4	LPS NI Housing Stock publication	5 - 6
2017-32	64,508	405	3,778	1,100	69,791	58,946	10,845 (723dpa)

Source: 2016-based HGIs / Lichfields analysis



## 3.0 Updates to other scenarios

- 3.1 The PopGroup analysis that informed the alternative scenarios in the HGS has also been updated to reflect the latest data in respect of the conversion from households to dwellings. The results of this analysis are set out below in respect of Scenarios D and E:

Table 3.1 Updated employment-led dwelling requirement

Scenario	PopGroup output		Net dwelling requirement (2017-32)
	Household change (2017-32)	Gross dwelling requirement (2017-32)	
D: Jobs-led long term past trends (651 jobs pa)	10,345 (690pa)	11,016 (734dpa)	12,116 (808dpa)
E: Jobs-led short term past trends (442 jobs pa)	8,602 (573pa)	9,160 (610dpa)	10,260 (684dpa)

Source: Lichfields analysis

- 3.2 These are gross figures and so do not align with the HGI figure which take account of net conversions, closures and demolitions. Adding an allowance of 73dpa (1,100 over the Plan period) to the figures above result in a net figure of 684dpa for the short-term scenario and 808dpa for the long-term scenario. The mid-point between these figures (746dpa) is very closely aligned with the revised HGI figure (a difference of 3.2%). The mid-point between the two past trend job figures is 547 per annum. This is closely aligned with the average level of employment growth between 1997 and 2017 (554 jobs per annum).
- 3.3 It is important to ensure that a shortage of future housing delivery does not act as a constraint to economic growth. To this end, the alignment of housing and employment growth will play a significant role in contributing to balanced growth and balanced communities.

## 4.0 **Adjustments to baseline housing requirement**

4.1 Having recommended a baseline housing requirement figure of 692dpa, the HGS stated at paragraphs 9.2 and 9.3:

*“It is appropriate to consider whether the actual housing need going forward is higher than the minimum figure identified by the household projections.*

*“In order to identify the appropriate level of future housing growth in the emerging Local Development Plan, LCCC should give consideration to whether an upward adjustment is required...”*

### **Flexibility margin**

4.2 In response to this, the draft Plan Strategy states at page 58 that:

*“There is a requirement for the Council to ensure that the identified HGI figure can be met. A buffer of 10% over-supply has been applied to the HGI baseline figure which takes into consideration the possibility that an element of the identified potential might not come forward during the plan period.”*

4.3 The inclusion of a flexibility margin is an important planning tool that will ensure that the housing requirement can be met even in the event that some sites do not come forward at the expected rate. This will protect the Council against proposals for development on sites that do not accord with the Plan strategy and will ensure that its vision for growth can be achieved.

4.4 Although other Local Government Districts in Northern Ireland are not currently proposing any such flexibility margin, this approach is widely used elsewhere in the UK. Most notably, Scottish Planning Policy (2014) requires the inclusion of a flexibility margin within housing policies contained in all development plans. Paragraph 116 states:

*“Within the overall housing supply target, plans should indicate the number of new homes to be built over the plan period. This figure should be increased by a margin of 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan.”*

4.5 In Wales, the Local Development Plan Manual (2020) also requires the inclusion of a flexibility margin. Paragraph 5.59 states:

*“It will be extremely rare that all sites identified in a plan will come forward in the timescale anticipated. Whilst there is a need to improve certainty through frontloading, as described earlier in the Manual, there may be instances where site specific circumstances, unknown at the plan making stage, delay the delivery of sites. A development plan will not be effective if it cannot accommodate changing circumstances. **This means that a flexibility allowance must be embedded into the plan.** The plan will need to evidence there is sufficient flexibility above the requirement to account for non-delivery and unforeseen issues ... The level of flexibility will be for each LPA to determine based on local issues; the starting point for such considerations could be 10% flexibility with any variation robustly evidenced. The policy framework in the plan should be clear regarding the housing requirement, provision, and flexibility allowance. The level of flexibility chosen by the LPA when the plan goes on deposit is broadly maintained upon adoption of the plan.”*

4.6

We also identified the following sample of local authorities in England and Wales that have included a flexibility margin. Whilst not seeking to provide a comprehensive overview of the housing policies contained within all English and Welsh development plans, it does demonstrate how this approach has been widely used by local authorities.

Table 4.1 Review of flexibility margin applied by local authorities in England and Wales

Local authority area	Housing requirement	Housing provision	Uplift	Margin
Babergh	5,975	6,570	595	10.0%
Bolton	8,670	10,410	1,740	20.0%
Blaenau Gwent	3,500	3,907	407	11.6%
Caerphilly	8,625	10,269	1,644	19.0%
Calderdale (at examination)	4,200	5,040	840	20.0%
Cardiff	41,415	45,415	4,000	9.6%
Carlisle	9,606	11,460	1,854	19.3%
Conwy	6,520	7,170	650	10.0%
Cotswold	8,400	9,614	1,214	14.5%
Cheltenham, Gloucester and Tewkesbury (Joint Core Strategy)	33,500	35,175	1,675	5.0%
Chichester	6,879	7,282	403	5.9%
Guildford	10,678	14,602	3,924	36.7%
Havant	6,300	6,974	674	10.7%
Kirklees	31,140	32,739	1599	5.1%
Melton	6,125	7,316	1191	19.4%
Merthyr Tydfil	2,250	2,821	571	25.4%
Milton Keynes	26,500	28,182	1682	6.3%
Monmouthshire	4,500	4,950	450	10.0%
Neath Port Talbot	7,800	8,760	960	12.3%
Newport	10,350	11,623	1,273	12.3%
Pembrokeshire	5,700	7,300	1,600	28.1%
Powys	4,500	5,588	1,088	24.2%
Swansea	15,600	17,645	2,045	13.1%
Torfaen	4,700	5,740	1,040	22.1%
Vale of Glamorgan	9,460	10,408	948	10.0%

Source: Lichfields analysis

- 4.7 The average margin applied in these 25 development plan examples is 12.0%.
- 4.8 We also note that the English government's proposed changes to the Standard Methodology for Assessing Local Housing Need identifies a total requirement for 338,000dpa across England. This represents a 12.7% margin over the government's stated target of 300,000dpa.
- 4.9 This evidence demonstrates the extent to which a flexibility margin represents a valuable and widely used tool that contributes towards the effective planning for future housing development in order to ensure that identified needs can be met. It will similarly play an important role in ensuring that the identified housing requirement for Lisburn and Castlereagh can be delivered over the LDP period. It will also ensure that the Plan will be sufficiently flexible to respond to changing circumstances that may occur over time, as required by the Test of Soundness CE4 (coherence and effectiveness test).

## 5.0 Conclusion

- 5.1 This analysis has identified a clear alignment between the 2016-based HGIs (as amended to reflect the LDP period), the updated employment-led scenarios, and past housing completions between 2005 and 2019. This alignment is important. It adds to the weight that can be placed on the recommended housing requirement figure and avoids undue reliance from being placed on any single source. The reliance on the multiple sources of data and modelling is also important given that HGIs are policy neutral indicators of what might happen if recent trends continue in the future.
- 5.2 Drawing on this updated analysis, we recommend that housing requirement for the LDP period should be increased to 11,250 (750dpa<sup>2</sup>). A 10% flexibility margin should be applied to this figure, resulting in a requirement for 12,375 dwellings over the LDP period from 2017 to 2032.
- 5.3 A total of 1,559 dwellings were completed between April 2017 and March 2019. As such, the remaining housing need that is to be met over the remainder of the Plan period to 2032 equates to 10,816 dwellings.

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<sup>2</sup> Rounded from 746dpa



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## Appendix 5 - Lisburn & Castlereagh City Council's "Typographical Errors" (SUBDOC-032)

### Typographical Errors Local Development Plan 2032, draft Plan Strategy

#### Part 1

Ref No.	Page Number	Policy/Section	Typo	Reason
TY1	3	Contents Page	F: A Connected Place – should read 'Supporting Sustainable Transport and Other Infrastructure'	Identified by Council
TY2	27/73	Chapter 2 and Plan Objective B	Reference to Super Output Areas (SOAs) should read 67 (not 68)	Identified by Council
TY3	27	Chapter 2	Remove inverted commas at end of last sentence under Subtitle Housing, i.e. Chapter 4A"	Identified by Council
TY4	66	SP09	Second paragraph of J&A the word 'minimising' should be changed to 'minimise' as follows: '...appropriate siting and integration in order to minimise the impact...'	Identified by Council
TY5	85	Table 5	For site reference CR01 under the column heading 'Location' the word 'Country' should be changed to Countryside as follows 'Castlereagh Countryside'	Identified by Council
TY6	94/99	SP14	Reference to the Laganbank Quarter Comprehensive Development Scheme to be amended to 'draft' as follows: "Laganbank Quarter Comprehensive Development Scheme 2015 (Draft)"	In response to representation from Department for Communities (DPS-057). Wording accepted
TY7	103	SMU03	First paragraph of SMU03 – reference to Transport assessment - Assessment should have a capital 'A'	Identified by Council
TY8	103	SMU03	Fourth paragraph of J&A, 5 <sup>th</sup> line, remove 'the' as follows: 'The published National Planning Policy Framework in the England'	Identified by Council
TY9	125	SP18	Footnote 51 – requires the following insertion '...are designated or identified by Historic Environment Division...' Footnote reference to be moved to end of this paragraph and preceding paragraph	In response to HED representation (DPS-030). Change accepted
TY10	128	SP19	Figure 6 indicates under International Designations "RAMSAR" – this should be in lower case, i.e. 'Ramsar'	In response to representation by RSPB NI the capitalisation of the name 'Ramsar' (DPS-093). Change accepted



TY11	139	SP20	Point (d) of SP20 remove the word 'to' as follows: '... <del>to</del> towards more sustainable modes...'	Identified by Council
TY12	171	Appendix D	Under column heading 'Existing Infrastructure Provision (Roads, Rail, Sewage)' in the first paragraph the place Tullnacross is missing a 'y' and should read 'Tullynacross'	Identified by Council

## Part 2 of Draft Plan Strategy

Ref No.	Page Number	Policy/Section	Typo	Reason
TY13	05	Contents Page	F: A Connected Place – should read 'Supporting Sustainable Transport and Other Infrastructure'	Identified by Council
TY14	12	HOU1	Third paragraph of J&A, the word 'and' should be removed and replaced with a comma as follows: '...as such schemes can contribute to regeneration, and vitality and viability'	Identified by Council
TY15	21	HOU6	First paragraph under Concept Masterplans the word 'statement' should be removed as follows: '... relevant matters set out in this policy <del>statement</del> and its associated...'	Identified by Council
TY16	38	COU10	Last paragraph of the J&A, the word 'local' should be removed as follows: '...Environmental Health Department of the <del>local</del> Council...'	Identified by Council
TY17	44	ED1	Fourth paragraph of J&A the word 'centre' should be removed as follows: '...where opportunity does not exist within an existing city or town centre, or elsewhere within a city or town <del>centre...</del> '	Identified by Council
TY18	51	MD2	First sentence of J&A, the word 'exiting' is missing the letter 's' and should read 'existing'	Identified by Council
TY19	56	TC1	Policy title (subheading in bold black font) the word 'Centre' is missing the letter 's' and should read 'Town Centres'	Identified by Council
TY20	57	TC3	First sentence of the J&A, the word 'centre' is missing the letter 's' and should read 'centres'	Identified by Council
TY21	58	TC4	Last line of J&A – the word 'centre' should have a capital 'C' and should read 'Local Centre'	Identified by Council

TY22	62	TOU1	Fourth paragraph of J&A – capital ‘A’ needed in Conservation areas and should read ‘Conservation Areas’	Identified by Council
TY23	63	TOU3	Criteria (c) under subheading Tourist Accommodation on the Periphery of a Settlement, the word ‘settlement’ is missing the letter ‘t’ and should read ‘...settlement’; a full stop is required after the word ‘sprawl.’	Identified by Council
TY24	72	OS6	Third paragraph of J&A reference to Policies HE1-HE15 should be changed to ‘HE1-HE14’	Identified by Council
TY25	79	HE9	First sentence of J&A, the word ‘Proposal’ is missing the letter ‘s’ and should read ‘Proposals’	In response to representation from HED (DPS-030). Change accepted
TY26	80	HE10	First sentence of the fourth paragraph of the policy text should include the word ‘will’, to read consistently with the wording of paragraph 2 as follows: ‘The Council <u>will</u> require new development within an ATC/AVC to:’	Identified by Council
TY27	86	NH2	Policy heading, the word ‘Proected’ is missing the letter ‘t’ and should read ‘Protected’	Identified by Council
TY28	96	TRA7	Remove full stop after 4 <sup>th</sup> bullet point in right hand column	Identified by Council
TY29	106	WM1	Last sentence under ‘Other Matters’ should read “against those applicable policies contained with this <u>Planning statement Strategy...</u> ’	Identified by Council
TY30	107	WM2	Fourth paragraph of J&A, incorrect spelling of DAERA, should read follows: the Department <u>of for</u> Agriculture, <u>Environment</u> and Rural Affairs (DAERA)	In response to representation from DfI (DPS-109). Change accepted
TY31	108	WM4	Hyphen to be removed from word ‘bio-diversity’ and should read ‘...biodiversity’	Identified by Council
TY32	116	FLD5	Third paragraph of J&A, ‘Dfi’ has a lower case ‘i’, which should be capitalised as follows: ‘DfI’	Identified by Council
TY33	120	Glossary	Convenience goods – the word ‘newspapers’ is missing the letter ‘s’ and should read ‘news <u>p</u> apers’	Identified by Council
TY34	120	Glossary	Remove apostrophe appearing after Developments	

**Appendix 6: Lisburn & Castlereagh City Council - Local Development Plan 2032: Draft Plan Strategy  
Schedule of Commissioner's Recommended Amendments, November 2022.**

Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA001	Various	Various, Parts 1 & 2	Save for TY25, incorporate "Typographical Errors Local Development Plan 2032, draft Plan Strategy" (SUBDOC-032) into the plan where appropriate.
RA002	Policy HE9	Page 79, Part 2	First sentence of the policy, the word " <i>Proposal</i> " is missing the letter "s" and should read " <i>Proposals</i> ".
RA003	Draft Sustainability Appraisal SUBDOC-005	Page 47	2 <sup>nd</sup> last line – <del>Option 6B to re-designate the area</del> to be replaced by <b>Option 6A to re-designate the area.</b>
RA004	Draft Sustainability Appraisal SUBDOC-005	Page 235	Top left hand corner of first row – replace <del>6B</del> -with <b>6A</b> .
RA005	Chapter 2 Policy and Spatial Context	Page 28, Part 1	Under <b>Housing</b> heading, 2 <sup>nd</sup> paragraph on page 28, last 2 sentences to read: "Extrapolating this figure over the Plan period from 2017-2032 equates to an estimated figure of approximately 2,400 <b>social housing dwelling</b> units. An additional need is also indicated for intermediate housing, which equates to an additional projected need for <del>3,840</del> <b>1,920 dwelling</b> units over the Plan period".
RA006	Chapter 3 Vision and Plan Objectives	Page 36, Part 1	Add new 4 <sup>th</sup> point and renumber existing 4., 5. and 6. as 5., 6. and 7. respectively.  New 4 <sup>th</sup> point to read: " <b>Support the role of the District and Local Centres in accordance with The Retail Hierarchy (Figure 5, page 97).</b> "
RA007	Strategic Policy 05	Page 44, Part 1	Amend penultimate sentence of the J&A text to read: "...and its positive contribution to place-making <b>including deterring crime and promoting personal safety</b> ".
RA008	Strategic Policy 07	Page 46, Part 1	Delete footnote 17.

**Appendix 6: Lisburn & Castlereagh City Council - Local Development Plan 2032: Draft Plan Strategy  
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Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA009	Table 1 Designated Settlement Hierarchy	Page 49, Part 1	Replace Table 1 with Table 1 Settlement Hierarchy and Population Lisburn & Castlereagh City Council included at page 445 of LCCC's Public Consultation Report (SUBDOC-009)
RA010	Strategic Policy 08	Page 61, Part 1	Under heading 6. Housing Needs Assessment/Housing Market Analysis, the third sentence should refer to: "The total affordable housing requirement for the plan period is <del>6,240</del> <b>4,320</b> units of which 2,400 are social housing units."
RA011	Strategic Policy 08	Page 57, Part 1	An additional paragraph to be added to the J&A text of Strategic Policy 08 to read: " <b>For the purpose of this Plan Strategy, the current definition of affordable housing accords with the SPPS definition provided in its Glossary (page 114).</b> "
RA012	Strategic Policy 08 & Table 3	Pages 58 – 64 inclusive, Part 1	Incorporate all the amendments in Annex 1 in respect of Table 3 (page 64) and relating text (pages 58-63 inclusive of Part 1 and Addendum to Technical Supplement 1 – attached as Appendix 4 of this report
RA013	Chapter 5 Monitoring and Review	Page 158, Part 1	2 <sup>nd</sup> bullet point to read: "The number of net additional housing units built <b>in the period since the LPP was first adopted.</b> "
RA014	Appendix E – Monitoring Framework	Page 175, Part 1	The 1 <sup>st</sup> row under the heading "Monitoring Target" to read: "(HGI) figure of <b>(10,700</b> housing units <b>2016-2030</b> ) and projection in Plan Strategy for <b>12,335</b> housing units 2017-2032 (Strategic Housing Allocation)."
RA015	Appendix E – Monitoring Framework	Page 175, Part 1	The 1 <sup>st</sup> row under the heading "Trigger Point" to read: "Building more than <b>750 housing units per year or less than</b> 700 housing units per year in the Council Area".

**Appendix 6: Lisburn & Castlereagh City Council - Local Development Plan 2032: Draft Plan Strategy  
Schedule of Commissioner's Recommended Amendments, November 2022.**

Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA016	Policy HOU1	Page 12, Part 2	Criterion b) to read: "on previously developed land (brownfield sites) <b>or as part of mixed-use development.</b> "
RA017	Policy HOU1	Page 12, Part 2	Criterion c) to read: "in designated city <b>and</b> town centres <b>and within settlement development limits of the city, towns, greater urban areas,</b> villages and small settlements".
RA018	Policy HOU2	Page 12, Part 2	Second paragraph of J&A text to read: "In all cases proposed alternative uses must comply with <del>the requirements</del> <b>criteria a), b), g), h), i), j) and l)</b> of Policy HOU4 to ensure..."
RA019	Policy HOU3	Page 13, Part 2	Final paragraph of the policy to read: "For new residential development in areas of distinctive townscape character, including Conservation Areas and Areas of Townscape or Village Character, an increased residential density will only be allowed in exceptional circumstances. <b>All development should be in accordance with available published</b> <del>and</del> space standards <del>should be in accordance with published Department guidance.</del> <sup>1</sup> "
RA020	Policy HOU4	Page 15, Part 2	The 2 <sup>nd</sup> & 3 <sup>rd</sup> bullet points of criterion d) to read: <ul style="list-style-type: none"> <li>• <b>Settlement Development Limits of the City,</b> Towns and Greater Urban Areas 25-35 dwellings per hectare</li> <li>• <b>Settlement Development Limits of</b> Villages and small settlements 20-25 dwellings per hectare</li> </ul>
RA021	Policy HOU4	Page 15, Part 2	An additional bullet point to be added to criterion d) prescribing what density bands will apply in Town Centres and other locations that benefit from high accessibility to public transport facilities.
RA022	Policy HOU4	Page 15, Part 2	LCCC to review criterion e) and its proposed " <i>minor change</i> " MC13 in light of comments at paragraphs 5.89 – 5.91 inclusive of the associated report.

**Appendix 6: Lisburn & Castlereagh City Council - Local Development Plan 2032: Draft Plan Strategy  
Schedule of Commissioner's Recommended Amendments, November 2022.**

Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA023	Policy HOU5	Page 20, Part 2	1 <sup>st</sup> sentence pf policy to read: "Adequate provision <b>must be made for green and blue infrastructure in public open space and</b> for open space that links with green and blue infrastructure where possible...."
RA024	Policy HOU6	Page 21, Part 2	Add 3 <sup>rd</sup> sentence to 1 <sup>st</sup> paragraph of J&A text to read: " <b>A Design and Access Statement may also be required for residential development in accordance with Section 6(1) of the Planning (General Development Procedure) Order (Northern Ireland) 2015.</b> "
RA025	Policy HOU9	Page 25, Part 2	Delete final paragraph of J&A text.
RA026	Policy HOU10	Page 26, part 2	Amend criterion b) to read: "the application is made by a registered Housing Association <b>or the Northern Ireland Housing Executive</b> "
RA027	Policy HOU10	Page 25, Part 2	The J&A text needs to explain when a developer might be required to provide more than 20% affordable housing within a development proposal – see paragraph 5.112 of the associated report.
RA028	Policy HOU11	Page 27, Part 2	The amended 1 <sup>st</sup> sentence of the J&A text shall read: " <b>Specialist residential accommodation is purpose-built or converted residential accommodation designed to provide opportunities for individuals to access accommodation that is more suitable for their needs such as sheltered housing and care-related facilities</b> ".
RA029	Policy HOU12	Page 27, Part 2	Amend criterion a) so that it reads: "adequate landscaping is provided <b>to visually integrate the proposal</b> ".
RA030	Policy HOU12	Page 27, Part 2	Final line of policy to read: "Such proposals will be assessed on their merits, having regard to the above criteria and <b>the</b> sequential <del>test</del> requirements of Policy COU5."
RA031	Policy COU1	Page 31, Part 2	3 <sup>rd</sup> sentence to be added to the 4 <sup>th</sup> paragraph of policy that reads: " <b>Development of inappropriate retailing in the countryside will be resisted. Retailing opportunities in the countryside will only be considered in relation to Policies COU11, COU14 and, in exceptional cases, Policy TC6.</b> "

**Appendix 6: Lisburn & Castlereagh City Council - Local Development Plan 2032: Draft Plan Strategy  
Schedule of Commissioner's Recommended Amendments, November 2022.**

Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA032	Policy COU3	Page 32, Part 2	Amend 3 <sup>rd</sup> paragraph of policy so that it reads: "...will be encouraged in preference to their replacement <b>in accordance with Policies COU4 and HE13.</b> "
RA033	Policy COU5	Page 34, Part 2	Amend the wording of the 1 <sup>st</sup> paragraph of policy so that it reads: "...provide affordable housing which meets <del>a an-identified</del> need <b>identified by the North Ireland Housing Executive.</b> "
RA034	Policy COU5	Page 34, Part 2	Amend the wording of what is currently the final paragraph of the J&A text and move it up so that it becomes the new 2 <sup>nd</sup> paragraph of policy and reads: "...by a registered Housing Association <b>or the Northern Ireland Housing Executive.</b> "
RA035	Policy COU8	Page 36, Part 2	1 <sup>st</sup> paragraph of policy to read: "Planning permission will be refused for a building which <del>extends creates</del> or adds to a ribbon of development."
RA036	Technical Supplement 2: Urban Capacity Study, Section 5.6.2	Page 40	There is a slight shortfall in land available to meet the emerging LDP requirement, <del>however the figures do not include the Maze Strategic Land Reserve which has the potential for an additional 141 hectares of employment land.</del>
RA037	Technical Supplement 2: Urban Capacity Study, Section 6	Page 44	8. <b>Employment Land.</b> There is a slight shortfall in land available to meet the emerging LDP requirement <sup>38</sup> , <del>however the figures do not include the Maze Strategic Land Reserve which has the potential for an additional 141 hectares of employment land.</del>
RA038	Strategic Policy 11 & Table 5 Strategic Employment Allocation over Plan period	Pages 76 & 85, Part 1	Not all the sites that make up the strategic employment location are located within settlements; the last two entries on Table 5 of the dPS appear under the heading "Rural Employment Sites". These are Local Employment Sites as defined on page 77 of Part 1 of the dPS. Criterion b) of Strategic Policy 11 Economic Development in Settlements relates specifically to such sites. LCCC needs to provide a form of wording that will reconcile this discrepancy.

**Appendix 6: Lisburn & Castlereagh City Council - Local Development Plan 2032: Draft Plan Strategy  
Schedule of Commissioner's Recommended Amendments, November 2022.**

Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA039	Policy ED4	Page 47, Part 2	Add a final paragraph to the policy that reads: <b>“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 Policy COU5 Affordable Housing”.</b>
RA040	Policy ED7	Page 48, Part 2	Amend text under sub-heading <i>“Unzoned Land in Settlements”</i> to read: “On unzoned land in a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, <b>or land last used for these purposes,</b> will only be permitted where it is demonstrated that:”
RA041	Policy MD1	Page 51, Part 1	<i>Amend second sentence of policy to read:</i> <b>“Minerals development within or in close proximity to an area that has been designated, or is proposed for designation to protect its landscape, scientific, natural or built heritage significance will not normally be granted permission where this would prejudice the essential character of the area and the rationale for its designation”.</b>
RA042	Policy MD1	Page 51, Part 1	The 2nd paragraph of the J&A text is to be moved up to become the 2nd paragraph of Policy MD1.
RA043A	Policy MD1	Page 51, Part 1	The second sentence of the J&A to read: “In all <del>areas</del> <b>circumstances</b> decisions on mineral applications will be made with regard to the preservation of <del>good quality agricultural land</del> <b>soil quality (where this is particularly suitable for agriculture), water quality,</b> tree and vegetation cover, wildlife habitats, natural features of interest in the landscape and sites of archaeological and historic interest”.
RA043B	Policy MD1	Page 51, Part 1	Final sentence of first paragraph of J&A text to read: <b>“Within the Council area there is one Special Protection Area (SPA) and Ramsar Site at Lough Neagh including the water body of Portmore Lough.”</b>
RA044	Plan Objective C	Pages 36 & 92, Part 1	Insert replacement point 4. To read: <b>“Support the role of District and Local Centres in accordance with the retail hierarchy (Figure 5, page 97)”</b>  Renummer 3 remaining points as 5. 6. and 7.



**Appendix 6: Lisburn & Castlereagh City Council - Local Development Plan 2032: Draft Plan Strategy  
Schedule of Commissioner's Recommended Amendments, November 2022.**

Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA045	Strategic Policy 14	Page 96, Part 1	Delete criterion b) <del>support Sprucefield Regional Shopping Centre in recognition of its regional status in accordance with key site requirements.</del>
RA046	Strategic Policy 14	Page 96, Part 1	Delete penultimate paragraph of J&A: <del>It acknowledges the importance of Sprucefield Regional Shopping Centre as a designation (see SMU03 Sprucefield Regional Shopping Centre).</del>
RA047	Strategic Policy 14	Page 96, Part 1	Insert replacement criterion b) <b>support the role of District and Local Centres.</b>
RA048	The Retail Hierarchy	Pages 97 & 98, Part 1	As set out in paragraphs 7.24 and 7.25 of the report, provision needs to be made in strategic and/or operational policy for local neighbourhood shops within settlement development boundaries but outwith retail designations, villages and small settlements.
RA049	Plan Objective C	Pages 36 & 92, Part 1	Delete Action 7 (see RA044): <del>Support the role of Sprucefield as a regional retail destination at a key strategic location within Northern Ireland</del>
RA050	C: A Vibrant Place	Page 92, Part 1	Under heading "Lisburn & Castlereagh Community Plan 2017 – 2032" delete 3 <sup>rd</sup> bullet point: <del>Sprucefield Regional Shopping Centre</del>
RA051	SMU03 Sprucefield Regional Shopping Centre	Pages 103 & 104, Part 1	Delete policy/Strategic Designation and its justification and amplification text.
RA052	SMU03 Sprucefield Regional Shopping Centre	Page 105, Part 1	Delete Map 10 Strategic Designation Sprucefield Regional Shopping Centre
RA053	The Retail Hierarchy	Page 97, Part 1	Amend Footnote 37 to read: "Excludes the Regional Shopping Centre at Sprucefield <del>which is subject to a separate policy.</del> "

**Appendix 6: Lisburn & Castlereagh City Council - Local Development Plan 2032: Draft Plan Strategy  
Schedule of Commissioner's Recommended Amendments, November 2022.**

Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA054	Sprucefield Regional Shopping Centre	Page 102, Part 1	Delete final paragraph on page 102.
RA055	Policy TC1	Page 56, Part 2	Amend criterion c) of policy so that it reads: " <del>edge of town centre</del> <b>edge of city or town centres</b> "
RA056	Policy TC1	Page 56, Part 2	Change criterion d) of policy so that it reads: "Out of <del>town</del> centre locations – only where..."
RA057	Policy TC1	Page 56, Part 2	Revise the 1 <sup>st</sup> sentence of the 2 <sup>nd</sup> paragraph of the J&A text so that it reads: "The provision of a <del>retail hierarchy</del> <b>sequential approach</b> enables a range of retailing ..."
RA058	Policy TC1	Page 56, Part 2	Amend the 1 <sup>st</sup> sentence of the 3 <sup>rd</sup> paragraph of the J&A text to read: "Business uses are encouraged as appropriate <del>in the hierarchy</del> to assist with urban regeneration..."
RA059	Policy TC1	Page 56, Part 2	Add a 4 <sup>th</sup> sentence to the 2 <sup>nd</sup> paragraph of the J&A text as follows: " <b>For a site to be considered as edge-of-centre a default distance threshold of 300 metres from the town centre boundary will apply</b> ".
RA060	Policy TC1	Page 56, Part 2	Delete Footnote <sup>21</sup> .
RA061	Policy TC2	Page 56, Part 2	Amend 1 <sup>st</sup> sentence of 2 <sup>nd</sup> paragraph of policy as follows: "Non-retail development will be restricted within the primary retail frontage so that no more than <del>40%</del> <b>25%</b> of the frontage of the street to which it relates is in non-retail uses..."

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Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA062	Policy TC3	Page 57, Part 2	Amend 2 <sup>nd</sup> paragraph of policy as follows: "Beyond a designated town centre boundary proposals for town centre uses will only be granted planning permission in accordance with the sequential approach of Policy TC1, <del>where it is demonstrated no suitable sites exist within the town centre, no adverse impact on the role and function of the town centre will occur as a result of the proposal</del> and <b>where</b> there would be no adverse impact on adjacent land uses".
RA063	Policy TC4	Page 57, Part 2	Insert an opening sentence into the 1 <sup>st</sup> paragraph of policy to read: " <b>The role and function of a District Centre is to perform a complementary role in providing consumers with convenience and choice in locations outside of, and coexisting with, city and town centres: the role and function of a Local Centre, comprising small groups of shops and offices, is to provide commerce and community services to a local population</b> ".
RA064	Policy TC6	Page 58, Part 2	Delete criterion a) of Policy TC6.  Criteria b), c) and d) shall become a), b) and c) respectively.
RA065	Policy TC6	Page 58, Part 2	Amend penultimate paragraph of policy to read: "An exception may be permitted for proposals <b>on the trunk road network*</b> in the countryside, subject to compliance with the above policy criteria and where it is demonstrated a clear need for the facility exists that cannot be provided within a defined settlement limit."
RA066	Policy TC6	Page 58, Part 2	Add associated footnote to read: " <b>*As designated by Article 14 of The Roads (Northern Ireland) Order 1993. Details of Trunk Roads can be obtained from the Department for Infrastructure – Eastern Roads Division.</b> "
RA067	Policy TOU2	Page 62, Part 2	1 <sup>st</sup> paragraph of policy under the heading "Extension <sup>22</sup> of an Existing Tourist Amenity" to read: "An extension of any existing tourist amenity will <del>only</del> be permitted where its scale and nature does not harm the rural character, amenity, landscape quality or environmental integrity of its locality".

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Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA068	Policy TOU2	Page 63, Part 2	Amend paragraph 3 of the J&A text to read: "A tourism benefit statement <b>and sustainable benefit statement must demonstrate benefit to the region and locality taking account of the considerations set out in Supplementary Planning Guidance, Part D, Tourism, Page 33.</b> A tourism benefit statement must demonstrate the value of the proposal.."
RA069	Supplementary Planning Guidance SUBDOC-003	Page 33, Part 3	Under the heading "Tourism Benefit Statement" amend the second sentence to read: "Where such proposals are of regional significance, or significant in terms of a new build or the scale of engineering operations, a planning application must be accompanied by <b>a</b> tourism benefit <b>statement</b> and <b>a</b> sustainable benefit statement to demonstrate the benefits of the proposal <b>to the locality.</b> <del>Benefit statements should detail the following:</del>  A new heading " <b>Sustainable Benefit Statement</b> " should then be inserted together with associated text – " <b>A sustainable benefit statement should detail the following:</b> "
RA070	Policy TOU3	Page 63, Part 2	Under the sub-heading "Tourist Accommodation on the Periphery of a Settlement" amend criterion b) to read: "there are no suitable opportunities <del>in the locality</del> by means of:"
RA071	Policy TOU3	Page 64, Part 2	First paragraph of the J&A text to read: "The <del>retention and</del> conversion <b>and reuse</b> of a vernacular building <b>or a suitable locally important building</b> for such uses, will be favourably considered <b>and assessed under policies HE13, COU4 and COU14 as appropriate.</b> Where <b>it is demonstrated that</b> the environmental benefit of the full or partial replacement will outweigh the retention and conversion of the building <del>The retention of vernacular buildings is therefore encouraged</del> <b>a report on</b> the condition of the building and the economic feasibility of repairing and maintaining it will be assessed for such proposals".

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Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA072	Policy TOU3	Page 64, Part 2	The following to be inserted as the new 4 <sup>th</sup> paragraph of the J&A text; <b>“In the case of replacement of a vernacular building or a suitable locally important building in the countryside, a proposal must be accompanied by reports to ascertain its structural soundness and the economic feasibility of repairing and maintaining it. Such reports must be submitted by suitably experienced and accredited engineers, architects or building surveyors in the conservation field.”</b>
RA073	Policy TOU3	Page 63, Part 2	Amend the third paragraph of the J&A text as follows:  Applications made under this policy will be <del>expected</del> <b>required</b> to be accompanied...”;  Delete <b>“Sufficient”</b> from the start of the first bullet point; and  Delete <b>“Detailed”</b> from the start of the second bullet point.
RA074	Policy TOU7	Page 67, Part 2	Add a second paragraph to the J&A text to read: <b>“Within the Council area there is one Special Protection Area (SPA) and the Ramsar site at Lough Neagh including the water body of Portmore Lough which could be adversely affected by cumulative disturbance effects. Such disturbance could arise directly from a tourism development or indirectly through increasing visitor pressures beyond the development”</b> .
RA075	Policy OS1	Page 68, Part 2	Amend the final sentence of the 4 <sup>th</sup> paragraph of the J&A text so that it reads: <b>“..by a Housing Association or the Northern Ireland Housing Executive</b> in accordance with Policy HOU10: or where...”
RA076	Strategic Policy 18	Page 125, Part 1	2 <sup>nd</sup> sub-heading to read: <b>“Listed Buildings/Scheduled Monuments Sites”</b> .

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Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA077	Strategic Policy 18	Page 125, Part 1	Delete second sentence of sub-heading "Archaeological Remains", add text to the first and insert a new second sentence: "...Areas of Significant Archaeological Interest (ASAI) <b>and sites that would merit scheduling. Archaeological remains of local importance include other sites recorded on the Sites and Monuments record, the Industrial Heritage Record and the Defence Heritage Record.</b> "
RA078	Strategic Policy 18	Page 125, Part 1	Amend the text under the sub-heading Areas of Archaeological Potential to read: "There are <b>presently</b> six areas of Archaeological Potential in Dundonald, Dromara, Hillsborough, Lisburn, Drumbo and Glenavy <del>which are also afforded protection through this Local Development Plan</del> <b>and more may be identified at Local Policies stage.</b> "
RA079	Policy HE1	Page 74, Part 2	Delete the third and final sentence of the 3 <sup>rd</sup> paragraph of the J&A text.
RA080	Policy HE1	Page 74, Part 2	Amend the 1 <sup>st</sup> bullet point of the J&A text as follows: "the critical views of, and from the site or monument <b>including the protection of its setting.</b> "
RA081	Policy HE6	Page 77, Part 2	The first sentence of Policy HE6: "The Council <del>will</del> <b>may</b> permit the change of use..."
RA082	Policy HE6	Page 77, Part 2	The second sentence of Policy HE6 will start: "Such development should respect the essential character, <b>special</b> architectural or historic interest..."
RA083	Policy HE6	Page 77, Part 2	Add a 3 <sup>rd</sup> sentence to the first paragraph of the J&A text as follows: " <b>The works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building</b> ".

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Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA084	Policy HE6	Page 77, Part 2	The second sentence of the 5 <sup>th</sup> paragraph of the J&A shall read: "All proposals for alteration should also be based on a proper understanding of the significance of the listed building." <del>because it is vitally important that new work does not weaken the structural integrity of the building</del>
RA085	Policy HE7	Page 78, Part 2	Policy HE7 to read: "The Council will grant the consents necessary for advertisements or signs on a listed building <b>only</b> where these are carefully designed..."
RA086	Policy HE9	Page 79, Part 2	Criterion b) to read: "The works <del>proposed make use of traditional or sympathetic building materials and techniques and architectural details should use quality materials and techniques (traditional and/or sympathetic)</del> <b>which respect those found on in keeping with the listed building</b> ".
RA087	Policy HE10	Page 80, Part 2	Two paragraphs are to be removed from the policy and relocated to the J&A text:  The first paragraph of policy, that deals with the designation of Conservation Areas, would become the first paragraph of the J&A; and  The third paragraph of policy, that deals with the designation of Areas of Townscape Character or Areas of Village Character, would become the second paragraph of the J&A.
RA088	Policy HE10	Page 80, Part 2	What is currently the first paragraph of the J&A text but, subject to <b>RA087</b> would become the third paragraph to read: "Designation as a Conservation Area or ATC/AVC puts an onus on prospective developers to produce a very high standard of design <b>in accordance with the following criteria</b> ". <del>which preserves or enhances the particular qualities of the area in question.</del>
RA089A	Policy HE11	Page 82, Part 2	The second paragraph of policy will end: "...where the overall character and appearance of the area will be maintained".

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Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA089B	Policy HE11	Page 82, Part 2	A new third paragraph will read: <b>"All proposals must also meet the requirements of operational policy AD1 Amenity and Public Safety"</b> .
RA090	Policy HE12	Page 82, Part 2	The first sentence of the second paragraph of the J&A to be amended as follows: "The onus will be on the applicant to demonstrate and justify <b>why the building makes no material contribution and</b> the need for demolition".
RA091	Strategic Policy 19	Page 127, Part 1	Criterion b) to read: "Maintain <b>and, where possible, enhance</b> landscape quality...."
RA092	Strategic Policy 19	Page 127, Part 1	Text under the "International Designations" sub-heading to read: "Within the Council area there is one Special Protection Area (SPA) and Ramsar site at Lough Neagh <b>including the water body of Portmore Lough</b> ".
RA093	Policy NH1	Page 85, Part 2	The third paragraph of policy refers to "exceptional circumstances" and lists three associated criteria. <b>;" and"</b> should be inserted after each of criterion a) and criterion b).  In the final paragraph of policy, criteria a) should read"...of primary importance to the environment; <b>or</b>
RA094	Policy NH2	Page 86, Part 2	The policy's 2 <sup>nd</sup> paragraph refers to 'exceptional circumstances' and associated criteria should read:  a) there are no alternative solutions; <b>and</b> b) it is required for imperative reasons of overriding public interest; and c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; <b>and</b> d) compensatory measures are agreed and fully secured.



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Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <del>Red text to be deleted</del> Purple text to be added
RA095	Policy NH3	Page 86, Part 2	Additional criterion to be added: <b>d) A Marine Conservation Zone</b>
RA096	Policy NH5	Page 88, Part 2	Amend criterion i) other natural heritage features worthy of protection <b>including trees and woodland.</b>
RA097	Policy NH6	Page 88, Part 2	The text of policy is to be amended: “...where it is of an appropriate design, <del>size and scale for the locality is sensitive to the distinctive special character of the area and the quality of its landscape, heritage and wildlife</del> and where all the following criteria are met:”
RA098	Policy SP 20	Page 136, part 1	Sub-heading <b>M1 to A1 Link</b> to be amended to refer to <b>M1/A1 Bypass and Widening of the M1 between Blacks Road and Sprucefield (Lisburn) – These schemes involve the widening of the M1 between Blacks Road and the Sprucefield Regional Shopping Centre; and the provision of a new road scheme between the M1 and A1 at Sprucefield (Lisburn) to improve connectivity. The M1/A1 (A101) Link Road is now constructed.</b>
RA099	Policy SP20	Page 141, Part 1	The last paragraph of the J&A text under the sub-heading <b>Key Transportation Infrastructure Schemes</b> to read: “In addition, the Local Transport Strategy will <del>seek to adopt a range of measures to reduce the need for reliance on the private car through the allocation of residential zonings in proximity to services</del> <b>consider the strengths and weaknesses of various modes of transport, including walking, cycling, public transport and roads. This will provide clarity on the transport measures that DfI expect to deliver during the LDP period to 2032 and which will become evident at Local Policies Plan stage.</b> ”
RA100	Policy SP20	Page 141, Part 1	2 <sup>nd</sup> sentence of 2 <sup>nd</sup> paragraph of J&A text under the sub-heading <b>Park &amp; Ride/Park &amp; Share</b> to read: “The Council recognises the value of the existing Park & Ride sites in supporting a modal shift between private car and public transport usage and supports the proposed schemes at West Lisburn adjacent to the proposed new rail halt; Moira, adjacent to the railway station; and the extension of <del>other the Sprucefield</del> <b>Park and Rides sites which benefits from planning approval providing 132 additional car parking spaces.</b> ”

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Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA101	Policy SP20	Page 143, Part 1	Final sentence of the J&A text under the sub-heading <b>Car Parking</b> to read: “ <b>Areas of parking restraint along</b> with other measures to reduce ....”.
RA102	Policy TRA1	Page 92, Part 2	Criterion c) to read: “priority pedestrian <b>and cycling</b> movement within and between land uses.”
RA103	Policy TRA1	Page 92, Part 2	Final sentence of J&A text to read: “Further information on designing for a more accessible environment is set out in the Department’s <del>Development Control Advice Note (DCAN) 11 ‘Access for People with Disabilities’, draft DCAN11 ‘Access for All’ and</del> “Creating Places – Achieving Quality in Residential Developments” (May 2000) <del>documents.</del> ”
RA104	Policy TRA2	Page 93, Part 2	Penultimate paragraph of J&A text, replace the word “ <del>Department</del> ” with “ <b>Council</b> ”.
RA105	Policy TRA3	Page 94, Part 2	<p><b>Text under sub-heading “Other Protected Routes – Outside Settlement Limits” to read:</b></p> <p><b>Planning permission will only be granted for a development proposal in the following circumstances:</b></p> <ul style="list-style-type: none"> <li><b>i. For a replacement dwelling in accordance with Policy COU3 where the dwelling to be replaces is served by an existing vehicular access onto the Protected Route;</b></li> <li><b>ii. For a farm dwelling or a dwelling serving an established commercial or industrial enterprise where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route; and</b></li> <li><b>iii. For other developments which would meet the criteria for development in the countryside where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route.</b></li> </ul> <p><b>In all cases the proposed access must be in compliance with the requirements of Policy TRA2.</b></p>

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Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA106	Policy TRA6	Page 95, Part 2	New 1 <sup>st</sup> paragraph to be inserted into J&A text as follows: <b>“Transport Assessment applies to all forms of development with a significant travel generation impact. A primary aim of the Transport Assessment is to assess accessibility by sustainable modes and to develop measures to maximise use of sustainable modes; only subsequently should the residual traffic be assessed and its impacts ameliorated.”</b>
RA107	Policy TRA7	Page 96, Part 2	Footnote 34 to read: “Department’s <del>Development Control Advice Note (DCAN) 11 ‘Access for People with Disabilities’, draft DCAN11 ‘Access for All’ and</del> “Creating Places – Achieving Quality in Residential Developments” (May 2000).”
RA108	Policy TRA9	Page 98, Part 2	Delete footnote 36.
RA109	Policy TRA10	Page 98, Part 2	Amend criterion a) to read: “they meet a need identified by the Department’s Local Transport Plan <b>or a comprehensive Car Parking Strategy prepared jointly with the Department, where applicable</b> ”
RA110	Policy SP21	Page 146, part 1	Criterion b) to read: “minimise any potential visual intrusion and environmental impacts to protect both the rural and urban landscape, <b>and natural and historic environment</b> ”
RA111	Policy SP21	Page 146, part 1	Third sentence of J&A text to read: “A <del>precautionary cautious</del> approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding natural beauty <b>and their wider settings. In such sensitive landscapes,</b> it may <del>also</del> be difficult to accommodate...”
RA112	Policy RE1	Page 100, Part 2	New penultimate paragraph to policy to read: <b>“Any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 as amended.”</b>

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RA113	Policy RE1	Page 100, Part 2	Criterion d) to read: "local natural resources, such as air quality or water quality <b>or quantity</b> ".
RA114	Policy RE1	Page 100, Part 2	Paragraph under <b>Wind Energy Development</b> sub-heading of policy to read: " <del>Wind turbines must have</del> <b>For wind farm development</b> a separation distance of 10 times rotor diameter to occupied property, with a minimum distance of not less than 500m <del>for wind farm proposals will generally apply.</del> "
RA115	Policy RE1	Page 100, Part 2	Amend the third paragraph of the J&A text to read: "All renewable energy proposals, <b>including proposals to reutilise established sites</b> , will be assessed against this planning policy having regard to the Departmental publications: Best Practice Guide to Renewable Energy (published by the former Department of Environment 2009), <b>Draft</b> Supplementary Planning Guidance Anaerobic Digestion <b>(published 2013)</b> ; and..."
RA116	Strategic Policy SP22	Page 149, Part 1	Criterion b) to read: "minimise any potential visual intrusion and environmental impacts to protect both the rural and urban landscape, <b>and natural and historic environment</b> "
RA117	Policy UT1	Page 104, Part 1	In addition to RA118-120 inclusive, in order to address concerns set out in paragraphs 10.47 – 10.51 inclusive LCCC needs to undertake some or all of either: amending the policy; amplifying J&A text or introducing SPG to accompany the PS at the time of adoption.
RA118	Policy UT1	Page 104, Part 1	Criterion b) to read: "Avoidance of areas of nature conservation, historic environment or archaeological interest, <b>where possible</b> "  LCCC needs to make it clear that criterion b) relates to the potential for likely significant effects upon any International site, either alone or in combination with other plans and projects.
RA119	Policy UT1	Page 104, Part 1	Criterion e) to be included as a free-standing, new penultimate paragraph to policy, succeeded by criteria a) – d) inclusive.

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RA120	Policy UT1	Page 104, Part 1	Add new penultimate paragraph to J&A text to read: <b>“The potential of overhead lines to disrupt the flight paths of birds, including site selection features of Lough Neagh and Lough Beg Special Protection Area and Ramsar Site is also a consideration.”</b>
RA121	Strategic Policy SP23	Page 154, Part 1	Final paragraph of J&A text to read: <b>“The policy will ensure that <del>Proposals for waste management facilities should avoid or minimise any</del> detrimental effects on people, the environment and local amenity associated with waste management facilities are avoided or minimised</b> in accordance with operation policy set out in Part 2 of the Plan Strategy.”
RA122	Policy WM1	Page 105, Part 2	Add final sentence to 1 <sup>st</sup> paragraph of J&A text to read: <b>“A need for the facility is established through the WMS and the relevant WMP.”</b>
RA123	Policy WM1	Page 106, Part 2	Add final sentence to 5 <sup>th</sup> paragraph of J&A text to read: <b>“In assessing all proposal the Council will be guided by the precautionary principle in accordance with paragraph 6.322 of the SPPS.”</b>
RA124	Policy WM1	Page 107, Part 2	2 <sup>nd</sup> sentence of 1 <sup>st</sup> paragraph of J&A text on page 107 to read: “..and gasification, should maximise energy <del>recovering</del> <b>recovery</b> in the form of...”
RA125	Policy WM2	Page 107, Part 2	2 <sup>nd</sup> paragraph of policy to read: “..that there is sufficient capacity to discharge <b>treated</b> effluent to a watercourse and that this will not create or add to a pollution problem <b>or create or add to flood risk.</b> ”
RA126	Policy WM5	Page 109, Part 2	Additional paragraph to be added to J&A text that reads: <b>“Where development is to be located in close proximity to an existing or approved NI Water WwTW facility, developers should discuss their proposals with Ni Water and may be required to undertake a development Encroachment/Odour Assessment. Further details are available at <a href="http://www.niwater.com">www.niwater.com</a>”</b>

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Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA127	Strategic Policy SP24	Page 156, Part 1	Amend 1 <sup>st</sup> sentence of 4 <sup>th</sup> paragraph of the J&A text to read: "DfI Rivers, <b>within the Department for Infrastructure, an Agency within the Department of Agriculture, Environment and Rural Affairs (DAERA)</b> is the statutory drainage and flood defence authority for Northern Ireland."
RA128	Policy FLD1	Page 110, Part 2	First sentence of policy to read: "New development will not be permitted within the 1 in 100 year fluvial flood plain ( <b>AEP of 1%</b> ) unless the applicant..."
RA129	Policy FLD1	Page 110, Part 2	Amend 1 <sup>st</sup> sentence under sub-heading <b>Exceptions in Defended Areas</b> to read: "On previously developed land protected by flood defences ( <del>confirmed by DfI Rivers as shown on DfI Flood Maps NI</del> ) that are structurally adequate..."
RA130	Policy FLD1	Page 110, Part 2	Amend 2 <sup>nd</sup> paragraph of J&A text so that it reads: "For planning purposes, taking into account climate change predictions based on available scientific evidence, a fluvial flood plain is defined as the extent of a 1 in 100 year flood event (or 1% annual <b>exceedance</b> probability ( <b>AEP</b> )) of exceeding the peak floodwater level, <b>taking into account climate change allowance as rep[resented on DfI Flood Maps NI.</b>
RA131	Policy FLD3	Page 114, Part 2	2 <sup>nd</sup> sentence of 3 <sup>rd</sup> paragraph of policy to be amended to read: "If a DA is not required, <b>but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI,</b> it remains the responsibility..."
RA132	Policy FLD5	Page 116, Part 2	Policy to read:  "new development will only be permitted within the potential flood inundation area of a "controlled reservoir" as shown on <del>the Strategic Flood Maps</del> <b>DfI Flood Maps NI</b> if:  a) <del>It can be demonstrated</del> <b>The applicant can demonstrate</b> that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding <del>its</del> <b>reservoir</b> safety, so as to enable the development to proceed; <b>or</b>

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Continued RA132	Policy FLD5	Page 116, Part 2	<p>b) <b>where assurance on the condition, management and maintenance regime of the relevant reservoir(s) is not demonstrated</b>, the application is accompanied by a Flood Risk Assessment, or other analysis, which <b>demonstrates:</b></p> <ol style="list-style-type: none"> <li><del>1. an assessment of the downstream flood risk in the event of:</del> <ul style="list-style-type: none"> <li><del>— a controlled release of water</del></li> <li><del>— an uncontrolled release of water due to reservoir failure</del></li> <li><del>— a change in flow paths as a result of the proposed development and,</del></li> </ul> </li> <li><b>2. that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures assesses the downstream flood risk in the event of an uncontrolled release of water due to reservoir failure as being acceptable to enable the development to proceed.</b></li> </ol> <p><del>Replacement buildings within the potential flood inundation area downstream of a controlled reservoir must be accompanied by a Flood Risk Assessment.</del></p> <p>Planning permission will be granted provided it is demonstrated that there is no material increase in the flood risk to the development or elsewhere.</p> <p><del>With all development proposals</del> There will be a presumption against development within the potential flood inundation area for proposals that include:</p> <ul style="list-style-type: none"> <li>• Essential infrastructure;</li> <li>• Storage of hazardous substances; and</li> <li>• <b>Bespoke accommodation for vulnerable groups. and for any development located in areas where the Flood Risk Assessment indicates potential for an unacceptable combination of depth and velocity (See Policy FLD1).</b></li> </ul>

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<b>Continued RA132</b>	Policy FLD5	Page 116, Part 2	<b>Replacement Building(s): Where assurance on the condition, management and maintenance of the relevant reservoir(s) is not demonstrated, planning approval will be granted for the replacement of an existing building(s) within the potential flood inundation area of a controlled reservoir provided it is demonstrated that there is no material increase in the flood risk to the proposed development or elsewhere."</b>
<b>RA133</b>	Policy AD1	Page 118, Part 2	Amend point 3 of the J&A text so that it reads: "which, because of the size or brightness, could reduce the effectiveness of traffic lights/ <b>signs</b> or result in glare..."
<b>RA134</b>	Policy AD1	Page 118, Part 2	Amend the sub-heading of the final paragraph of the J&A text as follows: <b>Listed Buildings, Conservation Areas and Areas of Townscape/Village Character</b>  The paragraph's 1 <sup>st</sup> sentence should read: "Policies and guidance for the control of advertisements affecting Listed Buildings, <del>and</del> Conservation Areas <b>and Areas of Townscape/Village Character</b> are set out in operational Policies HE7 and HE11".
<b>RA135</b>	Glossary	Page 160, Part 1	Include the following definition: " <b>Affordable Housing – For the purpose of this Plan Strategy, the current definition of affordable housing accords with the SPPS definition provided in its Glossary (page 114).</b> "
<b>RA136</b>	Glossary	Page 160, Part 1 & Page 120, Part 2	The existing definition of Design and Access Statement to be replaced with: " <b>A Design &amp; Access Statement [D&amp;AS] is a single document that explains the design thinking behind a planning application. It provides a framework for applicants to explain and to justify how a proposed development is a suitable response to the site and its setting.</b> "



**Appendix 6: Lisburn & Castlereagh City Council - Local Development Plan 2032: Draft Plan Strategy  
Schedule of Commissioner's Recommended Amendments, November 2022.**

Recommended Amendment Number	Policy, section or paragraph number of dPS or document	Page Number	Recommended Amendment <b>Red text to be deleted</b> <b>Purple text to be added</b>
RA137	Glossary	Page 161, Part 1 & Page 120, Part 2	Include the following definition: <b>"Heritage Asset – a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest."</b>
RA138	Glossary	Page 161, Part 1 & Page 120, Part 2	The existing definition of Historic Parks, Gardens and Demenses to be replaced with: <b>"An identified site of international or regional importance within Northern Ireland, included in the Register of Parks, Gardens and Demenses of special historic interest, maintained by the department for Communities."</b>
RA139	Glossary	Page 161, Part 1 & Page 121, Part 2	The existing definition of Listed Buildings to be replaced with: <b>"A listed building is a structure which the Department for Communities has included in a statutory list of buildings of special architectural and/or historic interest."</b>
RA140	Glossary	Page 161, Part 1	Include the following definition: <b>"National Nature Reserve – as defined under the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985."</b>
RA141	Glossary	Page 162, Part 1 & Page 121, Part 2	The existing definition of Scheduled Monuments to be replaced with: <b>"Statutory designations of archaeological sites or other heritage assets of national importance protecting them from damage or disturbance."</b>