

Independent Examination
Mid and East Antrim Borough Council
Local Development Plan Draft Plan 2030
Draft Plan Strategy
Questions for Weeks 3 - 4
2nd August to 12th August 2022 (Version 2. 7th July 2022)
Topics 16 – 29

Update

- This hearing programme relates to the final two weeks of the IE hearing sessions. There is no requirement to run hearing sessions for this IE, as previously anticipated, on 5th and 6th of September 2022.
- Amendments to the timetable published on 1st July have been underlined for ease of reference.

Notes:

- This Hearing Programme should be read in conjunction with the guidance notes for participants, that were published on 8th April 2022 on the PAC website: <https://www.pacni.gov.uk/mid-east-antrim-examination-library>.
- The discussion will concern the soundness and legal compliance of the submitted plan. The tests of soundness are set out in Development Plan Practice Note 6 “Soundness”.
- It is not the purpose of the Independent Examination to make the plan more sound.
- Participants’ contributions should focus on the questions in this agenda.
- When referring to submitted evidence (including your own representation), legislation, policy or guidance **please** identify the page, paragraph, section etc as appropriate.
- It will be noted that there are no questions listed against policies if the Commissioners do not have questions on that topic.

- Equal weight will be given to oral and written evidence. Therefore, there is *no need to participate in the public hearings unless you intend to elaborate on points already made in writing or you wish to respond to points made by others.*

Glossary

dips	Draft Plan Strategy
IE	Independent Examination
RDS	Regional Development Strategy
SPPS	Strategic Planning Statement for Northern Ireland
DFI	Department for Infrastructure
DAERA	Department for Agriculture, Environment and Rural Affairs
DFC	Department for Communities
HNA	Housing Needs Assessment
NIHE	Northern Ireland Housing Executive

Day 8– Tuesday 2nd August 2022

Topic 16: Settlement Hierarchy (RD)

1. For the purposes of understanding the settlement hierarchy as presented in SGS2 Settlement Hierarchy:
 - a. Can the Council refer us to the evidence base and broadly outline how the settlement evaluations were undertaken to inform the proposed settlement hierarchy? and
 - b. DPS 117 & DPS 524 provides the strategic settlement evaluation for the Plan Area. In the context of this evidence or any other evidence including document DPS 507 can the Council explain the rationale for placing Greenisland, with a population of over 5,000, into the category of a small town?
 - c. How was this evaluation used in the identification of the small towns, villages and small settlements informing the designation of 8 new settlements and de-designated existing 12 small settlements in the plan area?
2. How does the Council propose to undertake a review of the settlement hierarchy through the plan period to take account of changing circumstances? What measures would inform such reviews?

Topic 17 - Strategic Allocation of Housing to Settlements (RD)

3. DPS 508 relates to Population and Growth for the plan area. Is there any update to an analysis for the population growth for the Council Area relating to the plan area? DPS 118 Technical Supplement 3 refers to a projection for a 2.2% population increase for the plan area do we know if this projection is on track? Can the Council explain what is considered to be the basis for the projected population increase?
4. SGS3 Strategic Allocation for Settlements sets makes provision for some 4,256 dwellings in the settlements for the period 2018 to 2030 and 350-400 (c4,500) new dwellings in the countryside over the same period.
 - a. For clarification how does this figure take account of the revised (2012 based household projections) HGI of 5,400 dwellings for the plan area for the period 2012-2030?
 - b. The plan period is for 15 years (2015 to 2030). The plan makes provisions for dwellings from the period 2018 to 2023. What account is given to the intervening 3-year period from 2015-2018 in the consideration of the housing provision for the plan area over the entire plan period?

- c. How is the figure of 7,477 (Table A2) or the pro rata equivalent, as referred to in the Technical Supplement 3 and Appendix A of the dPS is transposed to the housing provision stated in SGS3 and Appendix A (Table A3) and the Technical Supplement?
 - d. PM005 adds a footnote to provide clarity for the time period used in SGS3. Is this footnote necessary for soundness and does it sufficiently clarify the differences in the figures presented at SGS3 and Appendix A?
5. What regard was given by the Council to the Chief Planner's covering letter that accompanied the publication of the updated HGI's for the region?
6. Is the Council satisfied that the proposed housing allocation figure as presented in the dPS sufficient to realise the Council's aspiration for population growth and economic development across the plan area? Does the Council consider there to be sufficient flexibility in the stated figures for each settlement to ensure that there is, at a minimum, a 5-year supply of land for housing maintained through the plan period?
7. What considerations has the Council given to other factors in the delivery of housing such as historic build rates in accordance with past and predicted performance of the housing market? What allowance has been given to existing housing commitments in the allocation for the settlements?
8. In the absence of reference to villages and small settlements in the Urban Capacity Study (DPS 119) can the Council direct us to the evidence base or rationale for the housing allocation for these settlements?
9. How does the Council consider that the LDP will address long standing housing zonings, particularly in the Main Towns and Small towns, that remain undeveloped when aiming to deliver the proposed housing allocations for each settlement? Likewise, what about long standing undeveloped industrial zonings that would be suitable for housing?
10. Can the Council broadly explain how the housing figures proposed, especially for the main towns, have had regard to other neighbouring council areas? In the interests of the tests of soundness is does the Council consider there to be a distinction between adjoining (C4) Council's and neighbouring Councils (CE1)? In light of this do you consider Belfast City Council to be a neighbouring Council?
11. What considerations have been given to the provisions of infrastructure (roads, WWTW etc) in the consideration of the housing allocations per settlement?

12. Can the Council refer to where in the evidence base considers how the allocations reflect social and affordable housing (housing need) in the various settlements, including Portglenone?

Topic 18 – Management of Housing Supply (RD)

13. Proposed modifications PM006 & PM007 are presented in respect of ‘Main Towns and Greenisland’. What is the rationale for these proposed modifications and are they necessary for soundness? What is the justification for Greenisland over and above the other small towns in respect of SGS5?
14. Proposed modification PM008 is presented in respect of remaining small towns to insert a new heading ‘Villages and Small Settlements’ and additional text. What is the rationale for this proposed modification and is this necessary for soundness?
15. In broad terms can the Council explain the rationale for the proposed phasing as set out in SGS5? In this respect, how will the LDP actively manage the release of this legacy of housing zonings and white land outside the urban footprint of main towns and Greenisland through holding it in reserve as phase 2 housing land at Local Policies Plan stage?
16. How does the approach to phasing as stated in SGS5 facilitate or accommodate potential for new sites (both new residential zonings and currently unzoned land within the settlement development limits) that maybe more viable and attractive to come forward in the plan area over the plan period? Is such land likely to be left to phase 2 only when and if required? How does this allow for reasonable flexibility to enable for changing circumstances?

Day 9 – Wednesday 3rd August 2022

Topic 18 - Management of Housing Supply (Continued if necessary from Tuesday) (RD)

Topic 19 – Building Sustainable Communities: Housing Policies

Quality of Housing in New Developments

1. PM100 amends and adds to the first sentence of paragraph 8.1.15 of the Justification and Amplification of Policy HOU1. For clarification in respect of the policy modification the proposed sentence (stated on page 54 of document DPS 143), is to be inserted and/or does this require wording from this paragraph to be removed? What is the rationale for this modification and is it necessary to make the dPS sound?
2. Policy HOU1 promotes the creation of a high quality, sustainable and safe residential environment. As noted by the NIHE as the 'Home Energy Conservation Authority for NI' what consideration has the dPS given to the effect of energy efficiency and climate change in buildings including new homes? and does a lack of reference to such consideration in Policy HOU1 give rise to concerns of soundness?
3. The Council have stated that where there is a need identified for adequate provision for local neighbourhood facilities to be provided and that this will be done through the LLP. However, in order for such policy to logically flow should some clarification or indication of when such a need for local neighbourhood facilities arise be provided within the justification and amplification of Policy HOU1 at this stage in the plan process?
4. Can the Council clarify how a lower threshold for the requirement of a concept masterplan (200 dwellings) than that stated in Planning Policy Statement 7 Quality Residential Environments Policy QD1 (300 dwellings) has been considered and where is this provided within the Council's evidence base?
5. Article 6(3) of The Planning (General Development Procedure) Order 2015 prescribes what a design and access statement shall explain the design principles and concepts that have been applied to the development and how issues relating to the access of the development have been dealt with. What does the Council consider to be the differences between a 'design concept statement' and a 'design and access statement'? In this context what account has the dPS given to the legislative requirements and does this policy duplicate such legislative requirements?
6. The dPS contains policies to protect existing town centre housing (HOU4) and enable conversion or change of use to flats or apartments (HOU2). Is this sufficient to

promote higher density housing in town centres as stated at paragraph 6.137 (page 69) of the SPPS? Has the dPS taken account of paragraph 6.271 of the SPPS which seeks to protect and enhance diversity in town centre uses including housing? Should housing be promoted in town centres as part of mixed use developments?

Affordable Housing in Settlements

7. Policy HOU 5, Affordable Housing in Settlements, applies to all sites above a threshold where a need is identified through a Housing Needs Assessment. How has this approach taken account of Paragraph 6.143 of the SPPS (Page 74) which states that the development plan process will be the primary vehicle to facilitate any identified need by zoning land or by indicating, through key site requirements, where a proportion of a site may be required for social affordable housing?
8. In respect of Policy HOU5 representatives consider Section 76 Agreements are the optimum manner in which to deliver affordable housing. What is the Council view on this and would S76 agreements provide the only and clear mechanism for the delivery of affordable housing in a plan led system? Does this have implications as a mechanism for deliverability for affordable housing in settlements in the plan area?
9. What is the basis for the thresholds set out in HOU5 in respect of 10 dwellings or on a site of 0.2 hectares? Should tiered thresholds be utilised, or should they align with the legislative provisions of the Planning Act (NI) 2011 for 'major residential development' or where there is a significant level of need as identified in the HNA?
10. Has any regard been had to the outcome of the DOE June 2014 consultation document titled Draft Planning Policy Statement 22 Affordable Housing in respect of the selected thresholds impact on viability?
11. What implications does the level of committed residential development in the plan area have on the delivery of affordable housing?
12. What consideration does Policy HOU5 allow for the viability of sites coming forward? Is there a need to permit applicants an opportunity to provide viability assessments for sites in order to deliver affordable housing? When would a reduction in the thresholds stated in Policy HOU5 be acceptable? Is it consistent to provide for an increase (para 8.1.38 of dPS) on standard in the absence of provision for a reduction of affordable housing?

13. Is it necessary in order for the dPS to be sound that it should have a specific policy to consider supported/specialist accommodation e.g. accommodation to facilitate a caring need or elderly accommodation? Or are there sufficient policies contained within section 8.1 or other parts of the dPS to address such considerations?
14. As a general point is there any update on the Housing Needs Assessment for the plan area?

Housing Mix

15. How do the housing policies take into account the regional objective in the SPPS (Paragraph 6.137 Page 70-71) to enhance opportunities for shared communities and maximised shared space?
16. Is Policy HOU6 Housing Mix, sufficiently flexible to respond to market demand and address the viability of schemes in respect of housing types and size? Can the Council explain, with reference to the evidence base, how the dPS takes this into account?
17. Proposed modification PM103 revises the wording of Policy HOU6 as it relates to small homes. Is a further definition needed in terms of size, occupation limits or number of bedrooms? Can the policy as drafted be clearly implemented? Is the PM required for soundness?

Day 10 – Thursday 4th August 2022

Topic 19: Building Sustainable Communities: Housing Policies Continued (RD)

Adaptable and Accessible Homes

1. Proposed modification PM104 responds to DFI's request that Policy HOU7 Adaptable and Accessible Homes includes flats and apartments within its scope. Is the proposed modification necessary for soundness?
2. Representors suggest that Policy HOU7 set out onerous design standards including the requirement to comply with lifetime home standards for private dwellings. Are such standards necessary especially for all new and private residential properties? What engagement was there with housing providers/organisation to gain an understanding of such requirements prescribed in Policy HOU7?
3. Can the Council explain the linkage between Policy HOU7 and the minimum space standards set out at 'Appendix F – Residential Space Standards'? How has this informed criteria requirements of Policy HOU7 (specifically Criteria b), c) and e)? How does paragraph 8.1.47 of the justification and amplification text sit with the implementation of the stated criteria of Policy HOU7?
4. Does criterion c) of Policy HOU7 restrict/limit the options the design and variety of homes especially those with there are site constraints or relate to developments where there is more than one residential unit (apartments)?
5. How does the Council envisage Policy HOU7 will impact on the deliver and viability of new homes on both new sites and brownfield sites? Can the Council refer us to the evidence base?

Travellers Accommodation

6. In respect of Policy HOU8 Travellers Accommodation can the Council explain the rationale for exceeding the provisions stated in the regional policy (PPS12 Policy HS3) in respect of the need for single family traveller accommodation? Does the Housing Needs Assessment inform these figures?

Rural Dwellings

7. Policy HOU13 Ribbon/Infill Development differs to regional policy as it provides for one dwelling and amongst other things requires three 'substantial buildings' each with their own defined curtilage and excludes ancillary buildings. What account has been given to regional policy that deals with Ribbon Development? And what are the local circumstances which give rise to the deviation from the regional policy for Ribbon Development?

Affordable Housing in the Countryside

8. Proposed modifications PM106 and PM107 relate to the role of the NIHE in applications for affordable housing. PM 158 relates to the definition of intermediate housing. Are the modifications required for soundness?
9. Has the application of Policy HOU16 Affordable Housing in the Countryside to the village settlement tier had regard to regional policy in paragraph 6.73 of the SPPS and Policy CTY 5 of PPS21? Can the Council expand on the local circumstances which justify the variations in permissible unit numbers to different settlement tiers? And is Policy HOU16 more permissible for affordable housing in the countryside than existing regional policy?

Topic 20 – Transportation (CMcD) (2pm)

Transport Strategy

10. Proposed modification PM013 amends the section on Transport Strategy at paragraph 5.7.3 to reflect the wording in the updated Mid and East Antrim Borough Council Draft Transport Study. For clarification is that provided within Technical Supplement 9 – Appendix A (DPS 131) (Version 4.0 Revised 16/10/19)? And is this amendment necessary for soundness?
11. Pages 13&14 of DPS 131, Technical Supplement 9 – Appendix A – Draft Mid and East Antrim Borough Council Draft Local Transport Study provides an account of the plan context for the wider Belfast Metropolitan Area transportation network. Within DPS

142 Public Consultation the Council state that they continue to sit on the BMTP Project Board in relation to rail capacity and the wider BMTdP. To what extent has recent consultation taken place with Belfast City Council in respect of future optimisation of access to its transport network given parts of the borough are within the City's travel to work area?

12. Can the Council explain the rationale for their adoption of an "outcome approach" and how the legacy schemes which were considered 'strategic' in extant plans are now to be considered as 'non-strategic' schemes to be delivered by those developers whose developments may have an impact on future traffic flow and road capacity? Is this approach founded on a robust evidence base? Is it irrational that the dPS defers the strategic benefits of long-standing schemes to the Local Policies Plan?

Access to Public Roads

13. The SPPS at pages 107 & 108 requires that 'appropriate consideration is given to transportation issues in the allocation of land for future development, including appropriate integration between transport modes and land use'. How has the dPS taken account of regional policy including improving connectivity, reducing the need to travel and reducing dependency on the private car?
14. In response to TPMU the Councils position within DPS 142 is that Travel Time Accessibility Assessments are not necessary within Policy TR1 Access to Public Roads. Guidance on accessibility analyses and planning policies for transport was published by DFI in June 2021. Is there any update to the Councils position on Travel Time Accessibility Assessments?

New Transport Schemes

15. Policy TR3 New Transport Schemes aims to ensure that land needed to facilitate new transport schemes designated in the extant plans are protected from development likely to jeopardise its implementation. All the existing road schemes in the Borough would be developer led if retained. In the absence of a published developer contribution framework how does the Council envisage that one of legal agreements, negotiated on a case-by-case basis would afford developers clarity, consistency and

certainty in making investment decisions? Is this approach consistent with the plan led system?

Active Travel

16. To assist in rebalancing towards walking and cycling is the promotion of traffic free routes necessary for soundness within Policy TR5 Active Travel?

Parking and Servicing

17. Policy TR6 Parking and Servicing refers to a reduced level of parking in five circumstances including a highly accessible location as identified at criterion b). Can the Council explain the rationale for excluding areas of parking restraint as a mechanism to control parking?
18. Does the Council consider occupier/market requirements and project/development viability is suitably covered within the term '*specific characteristics of the proposed development and its location having regard to DFI published standards*'? In terms of soundness is there reasonable flexibility within Policy TR6 to consider these factors?
19. Paragraph 9.1.38 of Policy TR6 and Paragraph 9.1.43 of Policy TR7 refers to inclusion of '*an appropriate amount of electric charging points*'. What guidance is currently available to applicants relating to 'an appropriate amount'? Should this requirement be within the policy headnotes in order to be consistent with the government drive to encourage electric car use in the context of climate change predictions?

Provision of Car Parks

20. Given the dPS focus on tourism growth (in the coastal areas in particular) what consideration has been given to the parking of coaches and overnight provision within Policy TR7 Provision of Car Parks? Does this raise any issues in terms of consistency and coherence?

Day 11– Monday 8th August 2022

Topic 21: Flood Risk and Drainage (CMcD)

Flood Risk and Drainage

1. Are any updates to the flood risk policies necessary as a result of the Climate Change Act which received Royal Assent on 6th June 2022?
2. Within Technical Supplement 12, - Public Utilities DPS 140, an updated Northern Ireland Flood Risk Assessment is referred to at Paragraphs 5.2.23 & 5.2.24. The associated figures at table 5.3 (page 65 DPS 140) show the Annual Average Damages (AAAD). It refers to Ballymena, Carrickfergus, Larne and Ahoghill being classified as flood risk areas. Is it necessary for soundness that the dPS is updated:
 - a. At Paragraph 9.2.3 to reflect the status of the four settlements including Larne and Ahoghill?
 - b. To include detail of future planned investment flood alleviation works by DFI to provide for more certainty for future development?
 - c. To reflect the Flood Risk Management Plans for the period 2021-2027 which were published for consultation after the dPS in December 2020.
3. Flooding is part of the environmental capacity test within the RDS's Housing Evaluation Framework. How has flood risk been taken into account in the decision to elevate the role of Ahoghill in the settlement hierarchy at SGS2 (proposed as a small town)?

Sustainable Drainage

4. Regional direction in the SPPS Paragraph 3.13 promotes the use of sustainable drainage systems (SuDs) to reduce flood risk and improve water quality. Paragraph 6.118 also refers to '*should encourage developers to use sustainable drainage systems as the preferred drainage systems*'. The first sentence in Policy FRD4 (Page 232) refers to 'will be required'.
 - a. Does the wording of Policy FRD4 exceed the 'promotion of a SuDS first approach' and

- b. Does it provide reasonable flexibility, in particular, for proposals involving a change of use or in areas where there is evidence of a history of surface water flooding?
5. Policy GP1 refers to SuDS specifically at Criterion e) relating to sustainable development criterion) iii. Policy FRD4 only requires SuDs for the management of surface water run off where a proposal triggers the need for a drainage assessment. Is there an ambiguity between Policy FRD4 and Policy GP1 in respect of the threshold for a SuDs solution?

Artificial Modification of Watercourses

6. What regard does Policy FR5, Artificial Modification of Watercourses, give to the impacts on marine ecology and species, notably endangered native wild species such as Atlantic Salmon and European Eel?

Development in Proximity to Controlled Reservoirs

7. Technical Supplement 12 (dPS 140 paragraph 5.1.12) refers to the August 2018 Technical Advice Note in relation to reservoir flood risk. Representors refer to the June 2020 DFI Guidance TGN25 on Development in Proximity to Reservoirs. Is this document material to Policy FRD6 Development in Proximity to Controlled Reservoirs?
8. Within PMC17 DFI Rivers seek changes to Policy FRD6, Development in Proximity to Controlled Reservoirs including the removal of the reference to 'other than minor development'. Are any of the requested changes necessary for soundness?
9. PM118 reflects DFI Water and drainage team seeking the removal of a controlled reservoir that has been abandoned bringing the total to 21. DFI Rivers subsequently advised within PMC17 that there are 23 controlled reservoirs in the plan area and this is likely to increase to 24 in the near future. Is PM118 accurate and required for soundness?

Topic 22 –Waste and Waste Water (Sewerage) Infrastructure and Waste Management

Development Relying on Non-Mains Waste Water

10. Should the detail including timings for capital works programs for the plan area be included within paragraph 9.5.4 so developers can understand if there is sufficient capacity programmed for their development? and how can developers make informed decisions without associated costings for their proposals including the potential for Section 76 Agreements?
11. Is Policy WWI1 - Development relying on non mains wastewater infrastructure consistent with Policy GP1, Criterion e) sustainable development criterion ii) which requires that essential infrastructure to facilitate the development must be available or, if lacking, there must be a firm commitment in regard to its timely provision?

Waste Management

12. Policy WMT2 Waste Collection and Treatment Facilities provides the policy context for proposals for the development of waste water treatment works (including extensions to existing facilities) as per paragraph 9.6.16 of the dPS. Can the Council clarify if an extension to a WWTW would be considered under criterion c)?
13. How has Policy WMT2 taken account of the regional context for anaerobic digestion proposals? Is the policy reasonably flexible to allow for new on farm anaerobic digestion proposals? Does this raise an issue for soundness?
14. In response to the representation from the Department for Communities proposed modification (PM138) seeks to amend the justification and amplification paragraph 9.6.25 of Policy WMT3, Waste Disposal Sites (Page 257). Is the reference to 'natural' environment a minor beneficial change or is it necessary for soundness?
15. Proposed modification (PM139) relates to Policy WMT4, Development in the vicinity of a waste management facility (page 258). Is the reference to the 'NI Water Development Encroachment-Odour Assessment Policy and Procedure' a minor beneficial change or is it required for soundness?

Day 12 - Tuesday 9th August 2022

Topic 23: Telecommunications and Overhead Cables (CMcD)

Telecommunications Development and Overhead Cables

1. Proposed modification PM132 revises the title of Policy TOC1 to TEC1 Telecommunications and Electricity Infrastructure to make it clear that other types of electricity infrastructure are also covered. PM134 and PM137 make associated changes. Proposed modifications PM133 and PM135 are proposed to remove reference to the SCA and to CS3 for consistency reasons. The references to each within DPS 142 and DPS 143 are noted. Are the modifications required for soundness?
2. PM136 relates to the 'dig once principle' for telecommunications. Is there a regional policy context for future proofing of commercial proposals for connection or upgrade to future communications including broadband and media services? Is the modification required for soundness?
3. Policy TEC1 criterion a) requires that there is a need for the proposed development at that location. In respect of electricity infrastructure and overhead lines has this taken account of regional policy for overhead cables?
4. What is the evidence basis for a site specific need test outside of sensitive locations in the plan area?
5. What is rationale/evidence base for requiring undergrounding of electricity lines in urban areas rather than a preference for undergrounding where appropriate? Is this approach consistent with regional policy as presented in the Planning Strategy for Rural Northern Ireland (PSU11) and the SPPS? What are the implications for the viability of schemes requiring electricity cables?
6. Is paragraph 9.4.15 of the justification and amplification of Policy TEC1 which refers to a 'preference for undergrounding services in sensitive locations...' consistent with the policy headnote?
7. In respect of proposals for telecom infrastructure and upgrades including roll out of fibre telecoms is Policy TEC1 reasonably flexible to deal with any operational

requirements throughout the plan period? Does this have any implications for soundness?

Topic 24: - Renewable Energy Development (CMcD)

Renewable Energy Development

8. Proposed modifications PM120 and PM121 updates the regional figures for renewable energy delivery. Are these modifications necessary for soundness?
9. Following the IE public hearing sessions on the Countryside Strategy Matter Arising MEAM019 was submitted by Turley. This information related to the availability of land for wind energy development and shows that taking account of current and proposed new renewable energy restrictions combined, only 0.6% of the Council is available for wind development. Is this figure accepted by Council?
10. Can the dPS deliver on the regional renewable energy targets for the plan area within the combined policy context of the countryside strategy and Policy RE1? Is it necessary that such targets should be specified in the dPS?
11. Representors refer to renewable assets starting to come to an end of the life by 2030. How has the dPS and in particular, Policy RE1 taken account of security of supply towards the end of the plan period?
12. The Council seeks to remove the reference the special countryside areas within PM122 and PM129 for consistency with CS2 and remove policy wording on solar within PM127 and PM128. Are the modifications necessary for soundness?
13. PM125 adds the words 'and their wider settings' into Policy RE1. Does this reflect the SPPS at paragraph 6.223 and is the proposed modification necessary for soundness?
14. Policy RE1 criterion i) is modified by PM126 and refers to a separation distance of 10 times rotor diameter to any residential property (including extant permissions) outside of the applicants' control. How has the application of the rotor diameter test to extant residential permissions taken account of regional policy at paragraph 6.227 of the SPPS?

15. PM130 sets out details of the co-location of energy generation or energy storage on or adjacent to wind farms. Should this also be promoted within the Policy RE1 headnote?
16. Policy RE1 (f) requires that renewable energy development 'avoids active peatland unless it is demonstrated that there are imperative reasons of overriding public interest as defined under the Conservation (Natural Habitats etc)..'. (Page 237). Does the word 'avoid' provide the same level of protection envisaged by the SPPS at paragraph 6.226 which states 'will not be permitted....'? Is the dPS less prohibitive than policy in the SPPS?
17. Does the detail on solar farms within paragraph 9.3.14 of the dPS in respect of the use of previously developed land being encouraged and allowing for the continued agricultural use of greenfield land exceed the requirements of the Policy RE1 headnote? Has this taken account of regional policy?
18. Should cumulative impacts be extended to include all types of renewable energy development rather than just wind as per criterion i). Has Policy RE1 taken account of the regional context to cumulative impact within the SPPS at paragraph 6.229?
19. Policy RE1 criterion h) refers to 'operational effectiveness'. Is paragraph 9.3.15 sufficiently clear what this means and where is the evidence base for this requirement?
20. Is there sufficient flexibility within paragraph 5 of Policy RE1 to reflect the circumstances of emerging technologies that are not tied into an extension of their lifespan such as research and development options? How will the dPS deal with emerging renewable energy technologies such as hydrogen and battery storage?
21. Proposed modification PM162 relates to the Technical Supplement 1 Monitoring and Review Environmental Objective g) measures. It includes the amount of energy (MW) by technology (indicator 31). The Climate Change Act provides for reporting and statements against its targets and budgets and confers powers to impose climate change reporting duties on public bodies. Is it necessary that PM162 and the dPS monitoring mechanisms demonstrate a contribution of the planning system to climate change mitigation?

Day 13 - Wednesday 10th August 2022

Topic 25: Historic Environment (CMcD)

Archaeological Remains and Their Settings

1. Proposed modification (PM141) adds a paragraph for the discovery of archaeological remains during construction. Is the modification necessary for soundness?
2. In respect of Policy HE1 Archaeological Remains and their Setting, is it necessary for the supporting evidence to relate to the proposed extension of the Knockdhu ASAI? Is a visual appraisal of the proposed extension boundary necessary for soundness?
3. Representors seek a revision from 'are likely to adversely impact on the distinctive landscape character' to 'could have' within paragraph 10.1.15. Page 217 and 218 of DPS 142 sets out in response why Council considers masts, pylons, wind turbines and associated infrastructure are likely to have an adverse impact. Does this predetermine the consideration of proposals which could involve mitigation measures and more detailed site assessments which would be in line with the SPPS at paragraph 6.10?

Change of Use or Extension/Alteration or Conversion of a Listed Building

4. Has the section of Policy HE3 that relates to the Extension/Alteration of a listed building taken account of the SPPS paragraph 6.13 in terms of the viability and upkeep of the building? and does criteria a) to d) cover the regional direction?
5. The title and third paragraph of Policy HE3 relates to 'Extension, Alteration or Conversion of a listed building'. What is the regional policy context for 'conversion of a listed building'? Is the policy coherent on how to differentiate between 'change of use' and 'conversion' given both are considered separately under Policy HE3?

Demolition of a Listed Building

6. Department of Communities HED consider that the reference to Policy HE4 within Policy HOU9 relating to replacement dwellings should be removed. Are the circumstances of Policy HOU9 as they relate to listed buildings fully reflected within Policy HE4?

Conservation Areas

7. Proposed modifications PM142 and PM143 relate to Policy HE6. They respond to the Department for Communities, HED requests to remove text and revise wording to ensure consistent policy tests in respect of preservation and enhancement. PM145 responds to the DFI request for changes to criterion a) of HED 6 to ensure consistency. Are these changes necessary in the interests of soundness?
8. Within Policy HE6, section on 'Alterations, Extensions and Change of Use' additional criteria a-d are also required 'unless the applicant can demonstrate why they are inappropriate with regard to the character and appearance of the Conservation Area'. DFI consider this to be an exception which weakens the intent of the policy. Is there a regional policy basis for this exception? Does this raise any issues for soundness?

Unlisted Locally Important or Vernacular Buildings

9. Proposed Modifications (PM065, PM066, PM068, PM099, PM140, PM144, PM145, PM146, PM147) refers to 'unlisted' buildings. Is the replacement of the words 'non-listed buildings' throughout the dPS policies required for soundness?
10. HED consider there is a need to align the policy remit of SPPS para 6.24 'Non-Designated Heritage Assets' and HED 8. Has policy HED 8 had regard to the definition within footnote 11 of Page 41 of the SPPS which refers to structures and features in addition to buildings?
11. PPS21 Policy CTY 3 'encourages' the retention and sympathetic refurbishment of non-listed vernacular dwellings whereas the section in Policy HE8 which relates to replacement of vernacular dwellings states they 'must be' retained. The dependence on whether they make an important contribution to the heritage, appearance or character of the locality is also omitted. Can the Council expand on the local circumstances behind this approach? Does this have any implications for soundness?

Enabling Development for the Conservation of Heritage Assets

12. In response to changes sought by DAERA, HED Proposed modifications PM148 and PM149 to Policy HE9, Enabling Development for the Conservation of Heritage Assets.

They seek to ensure consistency of terminology and clarity on what information is required as part of any submission. Are these modifications necessary for soundness?

Monitoring

13. Within PMC 16 Department of Communities, Historic Monuments seek monitoring objectives for Policies HE2, HE3 and HE5. Within DPS 008 they consider that monitoring indicator reference 28 should extend beyond Areas of Significant Archaeological Interest (ASAI) to monuments in state care, scheduled monuments and those which merit scheduling as assessed under Policy HE1. Is it necessary to monitor the impacts of development on all aspects of the historic environment via the review trigger ‘planning decisions determined against statutory advice or recommendations throughout the plan period’?
14. Proposed modification PM161 amends the targets and review trigger for demolition of all listed buildings to ensure appropriate monitoring of the objective 26. Is this modification necessary for soundness?

Topic 26: Place Making (CMcD)

15. Is it a coherent strategy to have a policy which is not capable of being implemented upon adoption of the dPS because it relies on the subsequent identification, at LPP stage, of each SFA and its objectives? Does it raise an issue for soundness?

Topic 27: Safeguarding our Natural Environment (CMcD)

Species Protected by Law

16. To have regard to Paragraphs 6.179 to 6.182 of the SPPS in respect of protected species should the dPS provide for buffers to prevent development, in particular, around priority species of concern? Does this raise a matter of soundness?
17. Proposed modification PM154 adds additional text to Policy NAT2 Species Protected by Law paragraph 11.1.11 to include the DEARA list of NI priority species and refer to all fish being protected. Is this modification necessary for soundness?

Sites of Nature Conservation Importance

18. In respect of Policy NAT4 Sites of Nature Conservation Importance – Local, proposed modification PM155 adds an additional paragraph after 11.1.13. Within PMC002 DEARA referred to the modification stating that there is an inaccuracy with regard to wildlife refuges. Do the Council agree they are designated by the Department rather than the Council? Does the proposed modification PM155 require revision?

Habitats, Species or Features of Natural Heritage

19. The Larne Area Plan 2010 (LAP page.25) contained a policy to promote measures which will protect and enhance existing tree cover and hedgerows. Policy NAT 5, Habitats, Species or Features of Natural Heritage Importance also protects trees and woodland. Is there a policy laguna for the promotion of new tree planting and if so, does this raise an issue for soundness?
20. How has the suite of natural environment policies taken account of the responsibilities set out within Paragraph 6.195 of the SPPS relating to the identification and promotion of the design of ecological networks throughout the plan area? Is this a matter for soundness?

Day 14 - Thursday 11 August 2022

Topic 28: Advertisements (CMcD)

1. DFI Roads accept within PMC17 that the proposed modification PM150 addresses their concern in respect of Policy AD1, The Control of Advertisements. Is the application of the assessment criteria listed as (a) to (f) to both the policy sub-sections necessary for soundness and does PM150 fall within the Councils classification as a minor beneficial change?
2. Policy AD1 sets out how digital advertising screens 'will not be granted' in any of five listed circumstances including criterion (m). Given some of the heritage assets it defines are in commercial areas/town centres can the Council direct the Commissioners to the consideration within Technical Supplement 13 or the evidence base to the consideration of the impact of a prohibition on digital advertising signage on those commercial centres?
3. The SPPS Paragraph 6.58 provides the overarching regional context for advertisements within heritage areas and allows for control tailored to local circumstances. Is the prohibition on digital screen advertising within criterion (m) which is located 'adjacent to a conservation area' and 'within the setting of a listed building' consistent with the SPPS? What are the local circumstances requiring the prohibition to extend beyond these designations?
4. How has the dPS had regard to regional policy within Planning Policy Statement 6, Addendum in the drafting of Policy AD1 criterion (m), in particular, Policy ATC 3?
5. Is there a need for further guidance in respect of bus shelter digital advertisements in particular, within those locations set out in criterion (m) of Policy AD1?
6. Conservation area design guides are referred to at Paragraph 10.2.16.? Is there a need to reflect this existing guidance within the headnote of Policy AD1?
7. Proposed Modification (PM151) related to Appendix K: Advertisements on Page 354. It removes the reference to proposals above ground level being resisted as a general rule. Is the modification required for soundness?

Topic 29: Round Up of Proposed Modifications, Corrections and Other General Issues

8. A number of the proposed modifications appear to relate to typographical errors, matters of fact or reference from other documents or minor corrections. As such the following have not been referred to in a specific question (PM004, PM009, PM010, PM014, PM016, PM017, PM029, PM031, PM036, PM041, PM052, PM059, PM080, PM081, PM083, PM084, PM085, PM090, PM091, PM092, PM093, PM101, PM102, PM114, PM115, PM116, PM117, PM123, PM124m PM131, PM152, PM153, PM156, PM157, PM159 and PM160). In the interests of clarify do we to view these as minor changes to the dPS or is there any specific proposed modification considered to be a focused change in reference to DPPN10 that the Councils wish to draw our attention to?

Close of IE Hearing Sessions