

Independent Examination
Mid and East Antrim Borough Council
Local Development Plan Draft Plan 2023
Draft Plan Strategy
Questions for weeks 1 & 2 – June 2022 (Version 1)
Topics 1 – 15

Notes:

- This agenda should be read in conjunction with the Hearing Programme and 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

dPS	Draft Plan Strategy
IE	Independent Examination
RDS	Regional Development Strategy
DFI	Department for Infrastructure
DAERA	Department for Agriculture, Environment and Rural Affairs

Day 1 – Monday 6th June

Topic 1 – Legal and Procedural Matters (RD)

Compliance with Local Development Plan Regulations

1. Monitoring and review of the Local Development Plan (LDP) is an integral part of the plan making process. The Planning Act (Northern Ireland) 2011 requires the Council to submit an annual monitoring report to the DFI as to the extent the objectives of the local development plan are being achieved. Technical Supplement 1 (DPS 116) sets out the Council's framework for Monitoring and Review. Can the Council indicate how this framework is demonstrated within the dPS document? Are clear mechanisms for implementation and monitoring set out within the dPS? Should Appendix A of Technical Supplement 1 be included within the dPS document? Does this have implications for soundness?
2. Without going into specific policy issues can the Council explain the process of how the representations submitted at the POP stage were taken into account in the preparation of the dPS?
3. Regulation 14 (1) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 sets out other matters that the Council must take into account in preparing a local development plan. This includes (a) the objectives of preventing major accidents and limiting the consequence of such accidents; and (b) in the case of existing establishments, for additional technical measures in accordance with Article 5 of the Directive so as not to increase risks to people. How has the dPS complied with the requirements of Regulation 14? Can the Council signpost us to the evidence base and where this has been reflected in the dPS?
4. DPS-110 provides a copy of the draft Habitats Regulations Assessment (dHRA). This document found that there was potential for likely significant effects arising from 14 policies in the plan. These were screened in for Appropriate Assessment. The dHRA identified mitigation measures through amendments to the policies in the dPS and clarification in the justification and amplification. We also note the addendum – report 1 (DPS-111). Without going into the specifics of each policy can the Council explain:
 - a. How the recommendations from the dHRA and addendum have been incorporated into the dPS? Have all these recommendations been incorporated into the proposed modifications as identified in DPS-143? Or will such changes be addressed in finalising the HRA before adoption of the dPS?
 - b. It is necessary that all the recommended changes are accepted in full to achieve conformity and meet legal requirements of the Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amendment). Does failure to meet these legal requirements have implications for soundness?

Timetable/Plan Period

5. The PAC were notified in February 2022 that the Council are revising the LDP timetable. Is there any update and if so, does the updated timetable reconcile slippage in the plan process reflecting the date of IE sessions? What implications does this have in respect of soundness?
6. The plan period is set out until 2030. Does the council view this to be a realistic time period taking account of that necessary to formulate the plan? Representors have suggested that the plan time period should be extended until 2035. What is the Council's view? Is the time period inconsistent with the advice provided in DPPN01? Do these time periods go to the matter of the plan's soundness?

Status of minor/focussed changes

7. Development Plan Practice Note 10 "Submitting Development Plan Documents for Independent Examination" (DPPN 10) provides a definition of focussed changes, set out in paragraphs 4.3 and 4.7 that document. This provides for instances where, following consideration of representations, the Council identifies an unforeseen soundness issue and wishes to make changes to the development plan document to ensure that issues impacting upon its soundness are addressed. Development plan document DPS-143 provides a schedule of proposed modifications and DPS-144 provides a schedule of proposed corrections. In the context of DPPN 10 are these proposed modifications/corrections considered to be minor changes and/or focussed changes? Would a schedule identifying which of the proposed modifications are focussed changes and which are minor changes be helpful?
8. In the context of the IE what jurisdiction do we as the examiners have to consider such proposed modifications? Is there an expectation that the IE will consider the dPS as published along with the proposed modifications or do the proposed modifications now supersede/update the text in the dPS?

Status of previous development plans and other plans relevant to the plan area

9. Paragraph 2.2.3 of the dPS refers to the draft Belfast Metropolitan Area Plan (dBMAP) in respect of designations relating to the Carrickfergus Area. The dBMAP is not an adopted local development plan as defined by Section 6 of The Planning Act (Northern Ireland) 2011. What statutory justification does the Council have for the reliance placed on that document and the policies and designations therein?
10. Paragraph 2.2.4 at page 30 of the dPS indicates that only the strategic elements of existing development plans relevant to Mid and East Antrim will be replaced and that local designations and associated policies will remain in place until superseded by the adopted Local Policies Plan. How does this take account of the provisions of paragraph

1.11 of the SPPS which makes no distinction between strategic and local designations and policies?

11. Can the Council explain what engagement the Council had with the Marine Plan Authority in the formulation of the dPS? In this context:
 - a. What is the current status of the Marine Plan for Northern Ireland?
 - b. What regard has the dPS had in respect of this document or other published documents in respect of the Marine Environment?
 - c. In order for the plan to be sound is it necessary that the plan should specifically include reference to the applicable marine legislative requirements with respect to the determination of development proposals in the plan area?

Sustainability Appraisal (SA)

12. Is the Council satisfied that the content of the SA is accurate? Does the SA support the schedule of proposed modifications to the dPS published in March 2021?
13. Without getting into the specifics of Policies SGS1/SGS2/SGS3 can the Council explain their scoring in the SA in respect of those policies? Does such scoring result in a soundness issue?
14. NIEA have identified that SGS5 Management of Housing Supply has noted a lack of capacity at wastewater treatment works specifically in Larne. How has this been considered should the overall score in SA Options 1 & 2 against sustainability objectives be reviewed? Would such a review result in a soundness issue?
15. Would an/any amendment to CS1 Sustainable Development in the Countryside caused by any other policy in the plan such as Policy RE1 require that CS1 is rescreened for appraisal within the SA? If so, does this result in an issue of soundness?
16. What consideration of reasonable alternatives were given to CS2 Special Countryside Areas in the SA? Does this give rise to an issue of soundness?
17. In the SA how are the economic impacts of development weighted in the Special Countryside Areas? Would the restriction of this policy give rise to a negative impact on the economy rather than minor positive impact as indicated in the SA? Does this give rise to an issue of soundness?
18. Without getting into discussion on CS3 Areas of Constraint of High Structures (proposed modification 'and Obtrusive Development') why did the Council consider there were no reasonable alternatives for this policy? Should more than one alternative have been considered? Would the Council like to explain the scoring of this policy against the SA objectives?
19. Again, without getting into discussion on Policy RE1 Renewable Energy Developments what reasonable alternatives did the Council consider in relation to this policy? Was

more than one alternative considered? Would the Council like to explain the scoring of this policy against the SA objectives?

20. How did the Council consider the scoring in SA in respect of Policy TOC1 Telecommunications Development and Overhead Cables (proposed modification TEI1 – Telecommunications and Electricity Infrastructure). Should the scoring be amended to a significant negative impact upon SA objective 10? Does this result in a soundness issue?
21. In the SA what value is placed on the economic importance of the minerals industry in the plan area? What implications does this have for the baseline information in the SA? How does this impact on the soundness of the plan?
22. In the consideration of alternatives for mineral development what consideration did the Council give to the option of reviewing and amending existing designations? Does a failure to consider this alternative mean that the SA and subsequent minerals policies are unsound? Is it necessary that the Council considers every possible alternative in the consideration of the SA?
23. What consideration has the SA given to the promotion of Secondary Aggregate Protocol (construction waste), if there is an absence of this consideration what implications does this present for the SA and the soundness of the dPS?
24. Again, how did the Council consider the scoring in SA in respect of Policy HE1 Archaeological Remains and their Settings. Should the scoring be amended to a significant minor impact upon SA objective 10? Does this result in a soundness issue?
25. What account has the SA taken to recognise the potential to use brownfield sites and apply mitigation to avoid impacts on biodiversity? NIEA have noted this is not mentioned in “measures to reduce negative effects or promote positive effects” on page 28 of the SA nor in the plan document. Does such scoring as presented result in a soundness issue?
26. Does the proposed Tourism Opportunity Zones (SGS9 & Policy TOU2) require that the review of the minor negative score against the sustainability Objective 9? Does such scoring as presented result in a soundness issue?
27. NIEA have noted that the Policy ECD1 Economic Development in Settlements has identified a negative effect for Objective 12. Have mitigation measures been identified to reduce the identified negative effect? If so, what are they and where are they stated in the SA?

Topic 2 – Introduction

Introduction and Setting the Context

28. Proposed modification (PM 001) amends paragraph 1.7.8 at page 23 of the dPS to add additional text. What is the justification for PM 001? Is it necessary to make the dPS document sound?
29. Proposed modification (PM 002) adds additional text to paragraph 2.1.11 at page 28 of the dPS. What is the justification for this proposed modification? Is it necessary to make the dPS document sound?
30. Proposed modification (PM 003) adds additional text to paragraph 2.1.18 at page 29 of the dPS to include a reference to the Northern Ireland Regional Landscape Character Assessment 2016. What is the justification for this proposed modification? Is it necessary to make the dPS document sound?

District Profile/Vision and Strategic Objectives

31. The RDS recognises that Larne is situated in a strategic coastal location with a natural harbour and is the second largest port in Northern Ireland. How has the dPS taken this into account and how does dPS consider the role of the port within the context of the plans district profile or any other part of the dPS?
32. For the dPS to be sound should it include specific strategic policy or refer to the two power stations in Kilroot and Ballylumford within the plan area within the District Profile?
33. In respect of the strategic objectives as stated in section 4.2 of the dPS, should the core environmental planning principles outlined on page 46 specifically principle (b), refer to all landscapes within the plan area? Does a lack of reference to landscapes other than the AONB impact on the soundness of the plan?
34. Within the same section (page 46 of the dPS) environmental objective (f) refers to significant risk. Has this taken account of regional policy in respect of coastal erosion and flooding? Does this give rise to an issue of soundness?
35. In respect of the strategic objectives – social objective (c) refers to a housing need of around 7,500 dwellings for the period 2012 to 2030. PM 004 adds an additional footnote to clarify the time period. In order for the plan to be sound is it necessary that the period referred to in this objective reflects the same time period as the plan (2015 to 2030)?

Day 2 –Tuesday 7th June

Topic 3 – Spatial Growth Strategy

1. What regard has the dPS had to the Water Framework Directive (WFD)? Can the Council signpost to where this is considered in the dPS?
2. How does the dPS address concerns in respect of the capacity of the waste and treatment capability in the plan, specifically when aware of concerns raised in respect of capacity of the WWTW in Larne and Carrickfergus?
3. At paragraphs 2.2.15, 2.2.16, 2.54, and Appendix C of Technical Supplement 12: Public Utilities (dPS 140), the Council referred to the status of the capacity of existing Waste Water Treatment Works. Is there any update on the position in respect the issues stated in Technical Supplement 12?
4. In order for the Spatial Growth Strategy (SGS1), as set out in the dPS, to be sound should it make specific reference to conventional and renewable energy sources in the plan? What is the view on the suggested wording for such provision as has been presented in the representation MEA-DPS-026?

Topic 4 - General Policy for All Development

5. Proposed modifications (PM 038 & PM 040) seek to amend the wording of Policy GP1 and the justification and amplification as they relate to issues of contaminated land. Are these proposed modifications necessary to make the dPS sound? Should there be a standalone policy to consider contamination land issues for the plan area?
6. Proposed modification (PM 039) amends the justification and amplification text at paragraph 6.1.8 to remove reference to the Development Control Advice Notes and opts for a more general approach referring to the “latest supplementary planning guidance including..” Is this amendment necessary to make the plan sound?
7. As a general policy that is applicable to all forms of development how does Policy GP1 deliver on all three pillars (social, economic and environmental factors) of sustainable development as referred to in the SPPS? How does Policy GP1 facilitate a balanced approach for assessing all forms of development?
8. What regard has Policy GP1 in respect of fulfilling the biodiversity duty and does failure to specifically refer to this duty give rise to a soundness issue?

Topic 5 – Economic Development Strategy

Strategic Allocation of Land for Economic Development

9. Can the Council summarise the rationale and the source for the figures presented in SGS6 Allocations of Land for Economic Development for each of the main towns?
10. We note that Council recognise that new economic land is required for Ballymena. Have the figures presented in the strategic allocation SGS6 provided for a range and choice of sites sufficient to meet the requirements for economic land for the largest town (Ballymena)?
11. The CBRE report 'Mid and East Antrim Availability and Supply Report' (DPS-123), Section 6 commented on the suitability of undeveloped industrial land in the three extant plans (Carrickfergus Area Plan 2001, Larne Area Plan 2010 and Ballymena Area Plan 2001). It referred to some zonings across the main towns as not suitable for modern industrial development. Is it coherent and logical that the allocation SGS6 carries forward zonings which have been identified more suited for alternative uses? Does this have implications of the soundness of the plan, in particular the coherence and effectiveness tests CE1 and CE2?
12. Do the specific figures as presented at Table 5.5 at page 73 of the dPS provide a level of reasonable flexibility to enable the dPS to deal with changing circumstances? Would a range provide flexibility for Local Plan Policy stage?
13. Technical Supplement 1, Monitoring and Review (DPS 116) provides details on the monitoring and review mechanisms for the quantity of land zoned/allocated for economic development:
 - a. Can the Council explain the rationale for the review trigger of more than 5% of the site area for a specific employment zoning (Indicator 13)?
 - b. Is a review trigger timescale necessary for the soundness of the plan?
14. The UUPEC report, Assessing Employment Space Requirements 2017, (DPS-124 Page 13 and 14) predicts a baseline decline in the need for employment space. This ranges between minus 37,796sqm and minus 47,246sqm. Does the Report on Covid 19 Response (DPS 313) give any direction on the implications of the Covid Pandemic or the factors relating to the provision and uptake of land allocated for economic development? Is the dPS reasonably flexible to deal with changing circumstances as any consequences of the pandemic become clear? Should such an issue be factored into the implementation and monitoring mechanisms?

15. How does the dPS reflect the evidence provided in 'Mid and East Antrim Availability and Supply Report' (DPS-123) in respect of office provision for the plan area? Does a lack of a specific office policy have implications for the soundness of the plan? Is there a policy tension for offices between Policy RET1 and Policy ECD1?

Topic 6 – Sustainable Economic Growth

Economic Development in Settlements

16. Does paragraph 7.1.11 of the dPS satisfactorily deal with B1 Use Classes users which may need a facility such as clean rooms or Research and Development areas which may not be suitable for a town, or local centre location? Does lack of such provision in the dPS raise an issue of soundness?
17. A proposed modification (PM 042) has been made to Policy ECD1 Economic Development in Settlements to clarify the scope of the term 'industrial uses'. Can the Council explain the rationale for this modification in respect to the change to economic development within the villages and Small Settlements tier? Is it necessary to make the dPS document sound?
18. Does Policy ECD1 accurately reflect the four settlement locations identified at Table 5.3 of SGS2 Settlement Hierarchy? Can the Council clarify the applicable paragraphs for the consideration of proposals within the small town tier? Does the justification and amplification clearly support the policy rationale for each type of settlement?
19. The justification and amplification for Policy ECD1 at Paragraph 71.10 states "Where there is no town centre boundary defined within a town, new business will be directed to within the built-up footprint". How is the built-up footprint defined? Does the lack of such boundaries for the small town tier have implications for the soundness of the plan?
20. In respect of Business Uses in Policy ECD1, criterion c) requires that proposals would make a substantial contribution to the economy of the town. How will this be measured in the dPS?

Retention of Economic Development Land

21. Policy ECD2, Retention of Economic Development Land sets out policy for zoned and unzoned land. How does the policy reconcile with the Council's evidence that some existing employment land is no longer considered suitable for economic development? What implications does this have for soundness?
22. Criterion c) the policy applicable to zoned land requires that proposals will not lead to a significant diminution of economic development land resource in the town or the Borough generally. How will a significant diminution in the Borough be assessed? Is the policy reasonably flexible to deal with changing circumstances?
23. In respect of ECD2, Unzoned Land in Settlements Criterion c) refers to market interest in a site after one year of continuous active marketing. Can the Council explain the rationale for this timeframe? Is it reasonably flexible to deal with changing circumstances?
24. What provision does Policy ECD2 allow for mixed used development in employment areas? What account has been taken of paragraph 6.94 of the SPPS relating to the identification of opportunities for mixed use development? Is this an issue for soundness?

Economic Development in the Countryside

25. A series of proposed modifications (PM 043-PM 049) have been made to Policy ECD4 Economic Development in the Countryside. PM 044 relates to a locational need. Is this modification necessary for the plan to be sound? How does this address representations (MEA DPS PMC17) raised in respect of an economic locational need?
26. Policy ECD4 Economic Development in the Countryside, Agriculture and Forestry Development provides policy for intensive farming and animal husbandry. How does this policy propose to consider issues in respect of ammonia emissions from farms? What guidance should the plan have regard to in considering this issue? At criterion f) how does the policy envisage the word 'significant' would be evaluated?

Day 3- Wednesday 8th June

Topic 7- Retail Strategy

Retail Hierarchy

1. The Retail Hierarchy, SGS7, is set out in Table 5.6 at page 76 of the dPS. This table does not identify 'District Centres' can the Council explain why? Should circumstances change over the plan period would this prevent the development of a 'District centre' in the plan area?
2. Table 5.6 Retail Hierarchy differentiates between Town Centres and Small Town Centres. How will Policy RET1 Retail in Town Centres and Policy RET2 Retail Impact Assessment be applied to those settlements that do not have a defined town centre boundary (such as the small-town centres identified within SGS7)?
3. For clarification is it the intention that the 'commercial core' designations within the Ballymena Area Plan 2001 would operate as the 'small town centre' boundaries for the relevant small towns in the meantime?
4. What considerations do the retail policies as a whole provide for 'mixed used' provisions within town centres? How do the retail policies generally take account of paragraph 6.271 of the SPPS, and representations made to the POP in respect of mixed use development in town centres?
5. Paragraph 6.274 of the SPPS requires that Councils undertake an assessment of the need and capacity for retail. Can the Council summarise how they have had regard to this evidence as presented in the Nexus Report (DPS127) in respect of surrounding Council areas?
6. How does the dPS redress the outflow of expenditure? What are the mechanisms in place for implementation and monitoring? Should paragraph 7.2.15 of the dPS reflect the evidence prepared in accordance with paragraph 6.274 of the SPPS?
7. Is the proposed modification (PM 011), in respect of the role of Portglenone in the settlement hierarchy, necessary to make the plan sound?

Topic 8 - Retailing and Town Centres

Retail and Town Centres

8. What areas does the Council envisage when considering 'outside of these locations' as stated in Policy RET1? Is it clear the locations to which criteria (a-c) will apply? Is the justification and amplification at paragraph 7.2.14 consistent with the policy? How does this take account of the approach in the SPPS?
9. Proposed modification PM 050 to Policy RET1 allows for the criteria related to significant adverse impact to be applied to any centre in the whole catchment. In

respect of criteria c), is it necessary for the dPS to define how impact is to be tested for those proposals which fall below the thresholds set out in Policy RET2 - Retail Impact Assessment? Is the modification required for soundness?

10. Proposed modification PM 051 introduces the word 'normally' to Policy RET1 Retail in Town Centres a) to clarify sequential matters relevant to the edge of centre town boundary. Has the modification fully taken account of paragraph 6.287 of the SPPS? Does a lack of reference in the policy headnote to the matters stated in paragraph 7.2.16 of the dPS (in respect of local circumstances) give rise to an issue of soundness?
11. Paragraph 7.2.17 of Policy RET1 refers to 'suitability'. In order for the dPS to be sound should operational requirements relating to suitability such as servicing and parking be referred to?

Retail Impact Assessment

12. Proposed modifications (PM 053 and PM 054) have been made to Policy RET2 at page 136 of the dPS to include clarify matters related to position in the content of the retail hierarchy. Can the council set out the rationale for this proposed modification? Is Policy RET2 along with the proposed modification PM 053 consistent with the first paragraph of SGS7 Retail Hierarchy (page 76) which contains policy stating 'retail activity elsewhere should be focussed within lower tier centres'? Are the modifications necessary to make the dPS document sound?
13. Proposed modification PM 055 adds additional text to paragraph 7.2.19 of the justification and amplification of Policy RET2. Is this necessary to make the plan sound?
14. Does Policy RET2 including the proposed modifications contain sufficient direction for proposals for retail warehousing including subdivision within existing out of centre retail warehouses? Does this raise matters of soundness?
15. Proposed modifications (PM 056 and PM 057) add additional text to Policy RET2 to reflect paragraphs 6.290 and 6.291 of the SPPS in respect of retail impact and assessment of need. Does this PM57 give rise to the justification and amplification of this policy having a higher test than the policy headnote?

Retail in Villages, Small Settlements and Local Centres

16. Proposed modification PM 058 relates to various aspects of Policy RET3 Retail in Villages, Small Settlements and Local Centres. They include further criterion for local centres in respect of no adverse impact on town centres. How will adverse impact be considered/measured? Is the modification necessary for soundness?
17. In their response to the proposed modification PM 058, DFI consider further change to Policy RET3 is needed to be consistent with the SPPS and retain and consolidate local centres. What account have the Council taken of paragraph 6.276 of the SPPS? Is this a matter of soundness?

18. Is Policy RET3 Retail in Villages, Small Settlements and Local Centres consistent with the order of the Retail Hierarchy provided within Table 5.6 of SGS7? Does the order in which settlements appear within policy raise an issue of soundness?

Rural Shops and Roadside Service Facilities

19. Policy RET4 Rural Shops and Roadside Service Facilities refers to 'modest' floorspace within criterion a) for rural shop proposals; and in criterion d) for roadside service facilities. Does failure to define 'modest' raise any issue of soundness?
20. Paragraph 7.2.23 of the justification and amplification for Policy RET4 states 'there must be no unacceptable adverse impact on the viability and vitality of an existing centre within the catchment'. Does this give rise to the justification and amplification of this policy having a higher test than the policy headnote?

Day 4 - Thursday 9th June 2022

Topic 9 - Tourism Strategy

1. SGS8 Tourism Strategy (page 80 of the dPS) contains five elements. The third element relates to the identification of potential tourism growth areas and refers to two opportunity zones (Carnfunnock Country Park and the former Maghermorne Quarry). In order to have regard to the Council's tourism strategy should the Causeway Coastal Route be included within Table 5.7?
2. Should SGS8 contain another element to '*to support the planning and implementation of appropriate infrastructure in relation to Mid and East Antrim's tourist assets*'. Is such an amendment necessary for soundness?
3. Can the Council explain the rationale for the proposed modifications (PM 001, PM 012, PM 060 – PM 063)? Are these changes required to ensure soundness of the DPS?
4. Is the relationship between Policy TOU1 and the associated table 5.7 coherent?

Topic 10 - Tourism

Tourist Amenities in the Countryside

5. On the foot of the representation from DFI, PM 064 proposes a footnote for Policy TOU4 to read '*Prior to the publication of the regional or Council tourism strategy, a tourism benefit statement is still required and should demonstrate the value of the proposal in terms of tourism revenue and employment opportunity*'. Is the modification necessary for soundness?
6. The Justification and Amplification of Policy TOU4 at paragraph 7.3.18 relates to a sustainable benefit statement. Are the relevant considerations as set out in Appendix B -Tourist Amenities in the Countryside – Sustainability Assessment' coherent and reasonably flexible to deal with changing circumstances?

Hotels, Guest Houses and Tourist Hostels in the Countryside

7. On the foot of representation MEA DPS 008 to Policy TOU5, Hotels, Guest Houses and Tourist Hostels in the Countryside (page 146), proposed modification (PM 067) involves an additional footnote and text within paragraph 7.3.20 in respect of vernacular buildings. Is the modification necessary for soundness?
8. Policy TOU5 criterion c) states 'A new build proposal on the periphery of a settlement'. Is there ambiguity in the use of the wording 'close to the settlement' rather than 'periphery of the settlement'? Does this duplicate the three bullets at the top of page 147 which detail a sequential locational test? Does this raise issues for soundness?

Major Tourism Development in the Countryside

9. Policy TOU8 Major Development in the Countryside (Page 152) at paragraph 7.3.36 refers to the impact of proposals on rural character, landscape and natural/historic heritage assets, particularly within areas designated for such qualities. Should the text refer to areas which are adjacent to, proximate or linked in some way e.g. hydrologically to designated areas?
10. Indicator 17 as stated in Technical Supplement 1, Monitoring and Review (DPS 116) aims to support tourism as a key growth sector. It does not provide a target or trigger. What is the rationale for this to monitor and implement tourism growth with a target or trigger? Does this raise an issue for soundness?

Week 2 -Day 6 - Monday 13th June 2022.

Topic 11 - Minerals Development

1. As a result of engagement to date in the Cross Council Minerals Working Group Initiative can Council advise:
 - a. If there is agreement that the figures in PM 069 and PM 070 are the most accurate reflection of the value of the minerals industry?
 - b. If so, are the specific figures in the modifications necessary for soundness?
 - c. Are further additions to the evidence base likely to assess supply and demand and if so, how will they be dealt with in the plan process?
2. Proposed modification, PM 071, seeks to add additional text to paragraph 7.4.7 to the review of existing Areas of Constraint on Minerals Development. Is this modification necessary for soundness?
3. Representors request the designation of Mineral Reserve Areas (MRAs) and buffer zones around existing quarries to protect operators and ensure continued supply.
 - a. What is Council view on this?
 - b. Is the lack of a provision for MRA at the dPS stage consistent with the SPPS objective to 'facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment'?
 - c. Does this raise an issue of soundness?
4. How will LDP address and consider issues relating to MRA over the plan period?
5. Planning legislation for the removal of Permitted Development Rights for the drilling of boreholes for petroleum exploration came into operation after the publication of the dPS on the 21 December 2020. Are any changes necessary to the dPS to reflect this?

Minerals Development – Extraction and Processing of Hard Rock and Aggregates

6. Proposed modifications (PM 072-PM 079) have been made to Policy MIN1 Extraction and Processing of Hard Rock and Aggregates (Page 156). Can the Council explain the rationale for these modifications in respect of Paragraph 6.155 of the SPPS? Are the changes necessary for soundness?
7. Policy MIN1 paragraph 2 states 'There will be a presumption against this form of minerals development in special countryside areas and areas of constraint on mineral development'. Given landscape is in part the reason for both designations is there a tension with the Justification and Amplification paragraph 7.4.16 which states that

that there is not a general presumption against mineral development in areas designated for their landscape quality?

8. In referencing the 'cautious approach' at Paragraph 7.4.16 has Policy MIN1 had regard to the SPPS at paragraph 6.155 which requires that plans should bring forward policies to ensure sufficient supplies of construction aggregates while also ensuring appropriate protection for designated areas. Is a cautious approach more onerous than the SPPS which refers to '*carefully consider the scope for some minerals development that avoids key sites and that would not unduly compromise the integrity of the area as a whole or threaten to undermine the rationale for the designation*'?
9. Paragraph 6.29 of the SPPS relates to the requirements for the LDP to bring forward appropriate policies for their protection, conservation and enhancement of built and archaeological heritage features. Does Policy MIN 1 criterion d) provide for the enhancement of the features of archaeological and built heritage and their setting as per the regional strategic objectives at paragraph 6.4 of the SPPS?

Valuable Minerals

10. Proposed modifications (PM 082 & PM 086) to Policy MIN2, Valuable Minerals (Page 158) are proposed. What account has been taken in Policy MIN2 of Paragraph 6.157 of the SPPS in particular the justification and amplification reference '*there will not be presumption against their exploitation in any area of the borough, except for special countryside areas*? Is the text in paragraph 7.4.20 reflected in the Policy MIN2 headnote?
11. Minerals and Petroleum Branch, Department for the Economy consider that the definition of valuable minerals in respect of Policy MIN2 should include industrial minerals as well as metalliferous minerals. Can Council confirm why it is not appropriate to consider industrial minerals, in particular those licensed by Department for Economy within the definition of valuable minerals? Does this create an issue of soundness?

Hydrocarbons

12. Paragraph 6.157 of the SPPS refers to unconventional hydrocarbon extraction requiring a presumption against their exploitation until there is sufficient and robust evidence on all environmental impacts. Proposed modification PM 087 includes unconventional methods within Policy MIN3 – Hydrocarbons (Page 159). PM 088 proposes gas is excluded. The Minister has announced a review of the policy and issued The Planning (Notification of Applications – Petroleum) Direction 2021 on the 27th September 2021 requiring notification of Petroleum applications. Is Policy MIN3

and in particular paragraph 7.4.24 reasonably flexible to deal with any emerging changes to the regional direction? How will such changes be managed through the plan period?

Areas of Constraint on Mineral Development

13. In light of the comments from RSPB (PMC 10) is the proposed modification PM 089 to Policy MIN4 Areas of Constraint on Minerals Development (ACMD) Paragraph 7.4.28 (Page 160) required for soundness? Should the need to comply with the GP1 General Policy (or other provisions of the LDP be included within Policy MIN4 (Page 160)?
14. Policy MIN4 identifies ACMD on the district proposals map 2 (DPS-103). After the corrections related to Capanagh Wood and Ballybolley Forest PC 001- PC 004 (DPS-144) one ACMD remains. Are the corrections required for soundness?
15. In respect of the ACMD:
 - a. Can Council explain the rationale for carrying through the ACMD designation from the Larne Area Plan 2010 while omitting those in the Carrickfergus Area Plan 2001 (Page 55, M1 of that plan)?
 - b. Can the Council explain the evidence in respect of the ACMD given the lack of up to date information? Within the public consultation report (DPS-142 page 131) the Council refer to the supply and demand evidence being anticipated by first plan review stage. What is the anticipated timeframe in the context of LPP stage? How will this be considered through the lifetime of the plan?
 - c. What account has been taken of paragraph 6.156 of the SPPS?
16. The Councils response to representations seeking the inclusion of an additional exception provision for short term extraction within Policy MIN4 is set out in DPS-142 Public Consultation Report (page 137). Does the omission of this exception leave sufficient flexibility given the ACMD's have to be designated at some point in the future when the evidence is available?

Areas of Potential Subsidence

17. Two of the areas designated as areas of potential subsidence are within the existing development limit of Carrickfergus, a focus of major population growth and economic development in the growth strategy. On this basis, does Map 7.1 Areas of Potential Subsidence (Page 163) reflect the most up to date area of potential subsidence and ensures that urban land is not unnecessary excluded from development. Is Map 7.1 reasonably flexible to deal with changing circumstances?

18. Is the reference within the Justification and Amplification text at paragraph 7.4.31 to human habitation consistent with the headnote of Policy MIN6 which excludes any new built development?

Peat Extraction

19. DEARA consider the reference to 'not reasonably capable of restoration' needs further explanation within Policy MIN7 Peat Extraction (Page 164). Is it necessary in the interests of soundness to repeat the text at paragraph 7.4.36 in the policy headnote? Is this required for soundness?
20. Paragraph 6.158 the SPPS states that '*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*'. What account has Policy MIN7 taken of the SPPS? Is there a need to differentiate sites within AONBs within Policy MIN7 Peat Extraction?
21. Proposed modification PM 162 within Technical Supplement 1, Monitoring and Review relates to Policy MIN7. What is the mechanism for implementation and monitoring for the other minerals policies?

Restoration and Management of Mineral Sites

22. Proposed modifications (PM 094 - PM 098) relate to Policy MIN8 Restoration and Management of Mineral Sites (page 166). Are they necessary for soundness? Is it necessary for Policy MIN8 to cross refer to Policy MIN2 – Valuable Minerals?

Day 7- Tuesday 14th June

Topic 12 - Countryside Strategy

Special Countryside Policy Areas

1. The dPS identifies four Special Countryside Area's (SCA's) as set out in CS2 on page 93 and on the District Proposals Maps 1 and 2 (DPS-102 and DPS-103). How has the Council identified these areas in terms of their physical boundary on the ground? Has the Council had regard to other relevant plans, policies and strategies relating to any adjoining council districts in terms of the boundary consistency and coherence?
2. Policy GP1 - General Policy at criterion f) (page 116) provides criteria relating to development in the countryside. The first sentence requires that development proposals in the countryside should not have a significant adverse impact. CS2 Special Countryside Areas requires that proposals do not result in an adverse impact. Are these requirements consistent when considering the impact of development in the countryside? Do the requirements of CS2 sit above those of Policy GP1? Does this give rise to an issue of soundness?
3. How does CS2 afford protection of the landscape character and setting of the seascape? Is this a matter of soundness?
4. The final paragraph of CS2 states "*In the case of the two coastal SCA, development proposals must have regard to the Marine Policy Statement and Draft Marine Plan for NI*". Is it a reasonably flexible approach for CS2 Special Countryside Areas to refer to a draft document?
5. How does the dPS address development proposals which may affect the whole or any part of the marine area outside of a designated SCA?
6. Exception a) of CS2 refers to development of national or regional importance. To be coherent does the dPS need to specifically define what is considered as national or regional significance? Is this a matter of soundness?
7. Is the extraction of Ulster White Limestone (UWL) deposits of regional importance and acceptable in principle within a SCA? If so, should the extraction of these deposits be a separate exception? Does this raise an issue for soundness?
8. How would a renewable energy proposal be considered in the context of exception a) of CS2? Does the dPS provide sufficient direction or guidance relating to how this would be assessed?
9. How would the designation of the Special Countryside Areas as identified by CS2 in the dPS impact individually and cumulatively on the availability of land to accommodate renewable energy and other infrastructure development in the plan area?

10. Three of the proposed SCA are located within the Antrim Coast and Glens Outstanding Natural Beauty (AONB). Does the identification of these SCA apply a higher tier designation than the AONB designation in these areas? Can the Council provide/signpost us to the evidence base to support this approach in the dPS? How does this provision in CS2 relate to the provisions of CS5 in respect of the AONB designation?
11. On the foot of MEA DPS 006 the Council have proposed PM 018 to add the reference 'and character' into paragraph 5.9.12 in respect of the required assessments. Is this required for soundness?

Area of Constraint on High Structures and Obstructive Development

12. We note there are 15 proposed modifications to CS3 Areas of Constraint on High Structure (including the title) (Pages 96-98). How does this combined number of modifications sit within the parameters set out within section 4 of DPPN 10, Submitting Development Plan Documents for IE? Has CS3 fundamentally changed from that presented in the draft plan through the number of proposed modifications? Does this have implications for soundness?
13. Proposed modifications PM 019 and PM 020 amend the title of CS3 Areas of Constraint on High Structures to incorporate 'obtrusive development' (ACHSOD). PM 021 proposes additional text to paragraph 5.9.20. This includes the definition of obtrusive development as visual prominence or adverse impact on landscape character, key views or visual quality of the distinctive landscape features and their settings. Does this definition predetermine the assessment of key views, visual prominence and integration which are to be assessed at criteria a-c? How does the dPS take account of the RDS and paragraphs 6.223 and 6.230 of the SPPS in respect of the proposed modifications? Are these changes required for soundness?
14. Proposed modifications PM 022, PM 023, PM 026 and PM 030 remove references to energy infrastructure within CS3. PM 026 amends the associated justification and amplification text at paragraph 5.9.21 to clarify that other types of development could be assessed under this category including reference to solar energy infrastructure. DFI within proposed modification consultation 17 (PMC 17) raise several issues in this respect. Can the Council confirm:
 - a. What is the rationale or evidence base to demonstrate it is necessary to restrict solar within ACHSOD?
 - b. Are these proposed modifications reasonably flexible to enable CS3 to deal with changing circumstances and further development of renewable technologies?
and
 - c. How does the CS3 seek to address large scale solar farm developments?

15. Proposed modification PM 022 also refers to criterion a) to c) of CS3. DEARA seeks a further criterion d) to read '*are in keeping with the landscape character of the area*'. Is there a distinction between landscape character and criteria b) and c) related to prominence and integration? Is this change required for soundness?
16. Proposed modification PM 026 amends paragraph 5.9.21 of CS3 highlighting the presumption against development that exceeds 15m in height. This includes pylons and overhead electricity cables. Can the Council confirm:
 - a. Has a review and analysis of heights for this type of energy infrastructure been undertaken, within the evidence base, including how such infrastructure is harmful within the areas identified through CS3?
 - b. If undertaken, can the Council direct me to this within the evidence base?
 - c. What are the implications of the restriction as stated by CS3 for the replacement/ or upgrade for infrastructure already in place in the plan area?
17. Proposed modification PM 027 amends the wording in CS3 in respect of structures over 25m in height and now refers to regional importance rather than regional significance. PM 029 relates to the associated justification and amplification at 5.9.26. Can the Council explain what is meant by the term regional importance? Is this change required for soundness?
18. Proposed modification PM 028 includes the removal of criterion ii) for structures above 25m in height. Is this change required for soundness?
19. What is the rationale/evidence base to support the respective 15 metre and 25 metre height thresholds as stated in CS3? What alternatives were considered?
20. CS3 refers to 'detrimental impact' in respect of structures over 25m in height. What account has been taken of the SPPS? Can the terms 'adverse' as included at criterion f) of GP1 and 'detrimental' be used interchangeably?
21. Proposed modifications (PM 032 – PM 034) to CS3 reflect the proposed modification to the title change for Policy TOC1. Are these modifications required for soundness?
22. What consideration has the evidence base within the dPS given to the presented height restrictions for high structures in respect of energy generation and supply in the proposed ACHSOD? How does this approach reflect regional guidance in the RDS? How does this impact on the delivery of a sustainable and secure energy supply for the plan area and the regional as a whole? Is the policy reasonably flexible to deal with changing circumstances in respect of climate change?
23. Do the provisions within CS2 and CS5 already provide coherent policy to assess each proposal in a sensitive area on their own merits and the cumulative impact on these

areas? Is it necessary for CS3 to be so definitive in terms of height for the dPS to be sound?

24. What consideration were the protected habitats and species in the plan area, including Curlews, given in the identification and formulation of CS3? Can you sign post us to this in the evidence base to demonstrate such considerations for the dPS? Will the proposed restrictions presented in CS3 have a knock-on impact for the habitats of other areas not identified by C3 in the plan area?

Development within Antrim Coast and Glens AONB

25. Proposed modification PM 035 amends Criterion f) of CS5 Antrim Coast and Glens Area of Outstanding Natural Beauty (Page 100) to read '*proposals that are outside of but have a visual link with the AONB must have regard to the sensitivity of the setting and the visual relationship with the designated area*'. Does PM 035 and CS5 seek to apply the requirements of the AONB to areas that sit outside the designation? What account has this taken of Paragraphs 6.186 and 6.187 of the SPPS? Does this criterion have implications for soundness?
26. What account does CS5 give to the consideration of economic and social benefits of proposed development in an AONB? How have Section 2 and paragraph 3.3 of the SPPS been taken into account in respect of such considerations?

Protection of Main River Corridors

27. CS8 Protection of Main River Corridors (Page 106) refers to four main river corridors that will be designated through the LPP process. Criterion a) refers to a 10m biodiversity strip. For the dPS to be sound does CS8 need to make provision for this biodiversity strip at all river corridors as opposed to just the four main river corridors?
28. Should the justification and amplification text at paragraph 5.9.50 of the dPS in respect of access for pedestrians and cyclists be reflected in the headnote of CS8? Does this omission raise any issues for soundness?

Day 8 - Wednesday 15th June 2022

Topic 13 - Development at Risk from Land Instability or Coastal Erosion

1. CS9 Development at Risk from Land Stability or Coastal Erosion (Page 109 of dPS) relates to coastal areas and areas where Geological Survey of Northern Ireland have provided evidence of known areas of land instability in locations away from the coast. Has this taken account of the SPPS which only refers to coastal areas? What is the rationale for applying such requirements to inland areas in the plan area?
2. Is CS9 consistent with environmental objective f) at Page 46 of the dPS with regard to the reference to 'significant risk'? Does this raise an issue with soundness?
3. Proposed Modification PM 037 adds additional text to the final line of CS9 to clarify the relationship with Marine Policy documents. DEARA in response to this modification (PMC 02) have advised this wording is inaccurate. Can Council expand on the concerns raised by DAERA Marine Plan Team? Is this change necessary for soundness?

Topic 14 - Open Space Strategy

Open Space Strategy SGS9

4. Proposed Modification PM 015 seeks to widen the scope of the Open Space Strategy at SGS9 (page 86) to beyond the Council's playing pitch strategy and enable proposals where other public bodies identify a need. Is the modification necessary for soundness?
5. SGS9 refers to greenways within settlements and potential connections to the regional network beyond settlements being identified within the Local Policies Plan. Does the lack of support from Antrim and Newtownabbey Council in respect of the disused railway between Greenisland and Mossley/Monkstown create issues for soundness in terms of the coherence and effectiveness tests, in particular soundness test CE1?
6. Facilitating the development of regional and local community greenways as part of a green and blue infrastructure network is one of the elements of SGS9 Open Space Strategy. What is the mechanism for delivery of future blue infrastructure provision in the plan area? What regard has the open space strategy had to the draft/Marine Plan Policies?

Topic 15 - Open Space, Sport and Leisure Policies

Greenways

7. Representors seek additional policies to link existing walking facilities and promote the coastal resource for recreation purposes. In order for the plan to be sound should the Policy OSL2 facilitate the provision of greenways by the private sector in association with the preparation of master plans for development sites?
8. The justification and amplification text of Policy OSL2 Greenways at paragraph 8.2.5 sets out the opportunities for use of disused transport route for greenways. Is it necessary for the plan to be sound that the headnote of Policy OSL2 highlights the heritage led approach to the protection of rail beds?

Public Open Space in New Residential Developments

9. Policy OSL4, Public Open Space in New Residential Developments (Page 198) includes criterion a) a normal expectation of delivery of 15% open space where a site is 10ha or more. What is the evidence base to support this level of normal provision having regard to the differences with the regional policy context? Has consideration been given to the impact of Policy OSL4 on viability and delivery?
10. Policy OSL4 criterion b) refers to unobstructed access. Can the Council explain if they have taken account of the criteria within (iii) of PPS 8 Open Space, Sport and Outdoor Recreation which refers to ease of access? Has Policy OSL4 had regard to equality of access? Is this a matter for soundness?
11. The fourth paragraph of Policy OSL4 refers to negotiation taking account of the specific characteristics of the development. The Justification and Amplification at Page 200 includes detail on planning agreements, developer contributions and alternative approaches. How has the Council had regard to regional policy when considering alternative approaches for delivery of open space? Does this include options such as off site provision?

Sport and Outdoor Recreation Facilities

12. Proposed modifications PM 108-110 and PM 112 to Policy OSL5 Sport and Outdoor Recreation Facilities introduces references to Policy NAT1 (page 202 and 203). PM 113 seeks to insert a new paragraph before paragraph 8.2.22 of the associated justification and amplification. Can the Council expand on why cross reference to Policy NAT1 is required within Policy OSL5 and is not required within the remaining policies of section 8.2? Are the modifications necessary to make the dPS document sound?

13. Proposed Modification PM 111 to Policy OSL5 seeks to insert the word 'inland' at Page 202. Are the paragraphs related to Sport and Outdoor Recreation in Settlements and Sport and Outdoor Recreation in the Countryside sufficient for assessing water sports proposals at the coast? Is PM 111 necessary to make the dPS document sound?
14. Bullet 3 of paragraph 6.201 in the SPPS refer to the amenity of existing residents. Whilst the need to comply with Policy GP1 and other provisions within the LDP are referenced in the second paragraph of Policy OSL5, residential amenity is omitted. Does this make the criteria within OSL4 appear elevated above residential amenity? Does this raise an issue of soundness?